

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH AT KOLKATA**

I.A. NO. 56 OF 2024

IN

O.A. NO. 145 OF 2023

IN THE MATTER OF:

Tribunal on its Own Motion

...Applicant

Versus

State of Jharkhand & Ors.

...Respondents

AND IN THE MATTER OF:

Indranagar, Kalyan Nagar Basti Bachao Sangharh Samiti,

Through Santosh Gupta, Chairman,

H. No. 713, Hume Pipe, Indranagar,

Near Karihar Lane PO Agrico, Jamshedpur,

East Singhbhum, Jharkhand- 831009

+91- 9931714500

.... Applicant /Intervenor

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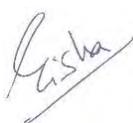
NDoH: 23.08.2024

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Date: 22.08.2024

Place: Kolkata

DRAWN & FILED BY:



Eisha Krishn, Mansi Bachani and Abhishek Darmora

Advocates for the Applicant/Intervenor

29, LGF, Presidential Estate,

Nizamuddin East, New Delhi – 110013

Email: eldflegal@gmail.com +91- 9717725306

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.... Applicant /Intervenor

I.A. NO. _____ OF 2024 FILED BY THE APPLICANT/INTERVENORS

FOR IMPLEADMENT BEING AGGRIEVED BY THE ORDER DATED

08.07.2024 PASSED BY THIS HON'BLE TRIBUNAL IN OA No. 145/2023

(EZ)

MOST RESPECTFULLY SHEWETH:

1. That this Impleadment Application is being filed on behalf of the residents of the Indranagar, Kalyan Nagar Basti Bachao Sangharsh Samiti, Jamshedpur through a Resolution authorizing the Chairman of the Indranagar, Kalyan Nagar Basti Bachao Sangharsh Samiti, Jamshedpur.
2. The Applicants are aggrieved by the press reports of demolition of their houses as well as certain Notices issued by the Office of the Circle Officer, Jamshedpur allegedly for encroachments in the Notified Area Jamshedpur, which is public land as defined in the Jharkhand Public Land Encroachment Act, 1956 (Bihar

Act XV of 1956). True copy of such press Report dated 14.07.2024 and Notice Dated 06.08.2024 stating the fact that the Applicants/Intervenors are faced with Demolition are marked and annexed collectively as **ANNEXURE A/1 [Colly]**.

3. That such notices are being issued purportedly due to this Hon'ble Tribunal's suo motu Original Application No. 145/2023 which raises the issue of rampant and indiscriminate construction of high-rise buildings on the river bed of Subarnarekha river in violation of the environmental guidelines and that the construction activities by private individuals have started in foothills of Dalma Range which is a protected area. This Hon'ble Tribunal was pleased to constitute a Joint Committee with the District Magistrate of East Singhbhum was the Nodal agency for ascertaining the factual situation in respect of violation of environmental norms and submit a report.
4. That accordingly, a Report was submitted before this Hon'ble Tribunal on 14.03.2024 which laid down the distance criteria for ascertaining as to what constructions would classify as encroachments. It is pertinent to note that the Joint Committee relies on the Jharkhand Building Bye-Laws of 2016 since admittedly; the flood plain zoning of the Subarnarekha River has not been designated. The Report (in para 2.3.1 on pg 13 of the Report dated 14.03.2024) has reproduced Section 23.2 and 23.3 (mentioned incorrectly as 23.1 and 23.2) of the said Jharkhand Building Bye-Laws of 2016, which at the outset lays down the distance criteria of 10-15 m from the outer boundary of the river as no construction zone, for rivers other than the Ganges. It is the submission of the Applicants/Intervenors herein that the houses of the said Applicants/Intervenors are much beyond the restrictions of even 10-15 m. This may be evidenced by the house of the Chairman of the Applicants/Intervenors whose house is actually situated at a distance of 160m from the outer boundary of the River. Similarly, there are a lot of houses belonging to the Applicants/Intervenors which are way

beyond the stipulated limit of 10-15 m who are now facing demolition related notices.

5. That it is the submission of the Applicant/Intervenor that such Notices do not even satisfy the criteria as laid down in the Report of the Committee dated 14.03.2024 submitted before this Hon'ble Tribunal and are arbitrary and owing to the failure of the State Machinery in designating the flood plain. The Applicants/Intervenors submit that this failure by the State is proving detrimental to the lives and livelihoods of the Applicants/Intervenors who will be rendered homeless for no fault of their own.
6. It is also pertinent to mention here that the committee failed to factor the aspect that many of the houses have been built before the enactment of Jharkhand Building Bye-laws, 2016 and therefore, any application of such a regulation retrospectively would amount to violation of the established principles of law with regard to retrospective applicability.
7. That the Applicants/Intervenors are therefore seeking permission of this Hon'ble Tribunal to be impleaded as a necessary party in the present case so as to be able to make their submissions and place on record evidence to corroborate the fact that the Applicants/Intervenors are not encroachers but valid residents and protect their houses which is the basis for their lives and livelihoods. The Applicants/Intervenors are faced with the possibility of demolition owing to an arbitrary and ad hoc exercise that has been carried out by the State Government, and thus seek refuge of this Hon'ble Tribunal.
8. That the Applicants/Intervenors submit that no harm would be caused to any party if the Application for Impleadment is allowed by this Hon'ble Tribunal.
9. That the Application is being made bonafidely and in the interest of justice.

PRAYER

That in the light of the facts and circumstances as mentioned above, this Hon'ble Tribunal may be pleased to:

1. Allow the present IA No. _____ of 2024 for impleadment of the Applicants/Intervenors.
2. Direct the Respondent Authorities, especially Respondent No.2, District Magistrate, East Singhbhum to carry out a resurvey and not carry out any demolition activities till the adjudication of the present dispute.
3. Pass any other Order/(s) that this Hon'ble Tribunal may deem fit and proper.

Date: 22.08.2024

Place: Kolkata

DRAWN & FILED BY:



Eisha Krishn, Mansi Bachani and Abhishek Darmora

Advocates for the Applicant/Intervenor

29, LGF, Presidential Estate,

Nizamuddin East, New Delhi – 110013

Email: eldflegal@gmail.com +91- 9717725306

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

L.A. NO. OF 2024

IN

O.A. NO. 145 OF 2023

IN THE MATTER OF:

Tribunal on its Own Motion

...Applicant

Versus

State of Jharkhand & Ors.

...Respondent (s)

AFFIDAVIT

I, Santosh Gupta, S/o Shri Laxman Prasad Gupta, aged about 47 years, resident of House No. 713, Hume Pipe, Indranagar, Near Karihar Lane, PO-Agrico, Jamshedpur, East Singhbhum, Jharkhand- 831009, do hereby solemnly affirms and declares as under:

1. That I am fully conversant of the facts and circumstances of the matter and am competent to swear this affidavit.
2. The contents of the accompanying Interlocutory Application are true and correct to the best of my knowledge and have been drafted by the counsel on my instructions and nothing material has been concealed therefrom.
3. That the Annexures in the accompanying Interlocutory Application are true and correct to the best of my knowledge.

Sl. No. 04
Date 22 AUG 2024
Reg No. 13561/18

सन्तोष गुप्ता
DEPONENT

VERIFICATION:

Verified at.....on this.....day of....., 2024 that the contents of the above affidavit are true and correct to my knowledge and belief and nothing material has been concealed there from.

सन्तोष गुप्ता
DEPONENT



22 AUG 2024

22 AUG 2024
AJIT KR. SINGH
NOTARY PUBLIC
Regn. No. 13561/18
Govt. of India
ISR East Singhbhum

IDENTIFIED BY ME AND SIGNED
P IT / LI IN MY PRESENCE

Advocate

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150 unauthorised houses in Steel City face demolition

b sridhar / Jul 14, 2024, 04:55 IST

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Jamshedpur: Around 150 unauthorised houses located near the Subarnarekha river in Bhuyadih area of Sidhgora are facing the threat of demolition. The Jamshedpur circle office has issued notices to the occupants on July 6, asking them to respond by July 20. Based on the reply, the administration will take appropriate action.

Circle officer Manoj Kumar said a case was filed against the homeowners under the Jharkhand

Public Land Encroachment Act, following the National Green Tribunal's (NGT) order issued in August 2023 to remove illegal structures located near the river.

ALSO WATCHED [VIRAL VIDEOS](#)



JPLE-75/TL/2024-25

OFFICE OF THE CIRCLE OFFICER, JAMSHEDPUR
FORM OF NOTICE UNDER SECTION - 3 OF THE JHARKHAND PUBLIC
LAND ENCROACHMENT ACT 1956

2nd Notice

Shri / Shrimati संतोष गुप्ता, पिता- अज्ञात resident of village सा0-साकची, P.S सीतारमाडेरा,
District पूर्वी सिंहभूम

Whereas you have made or are responsible for the continuance of encroachment upon Khata No. 245, Plot no 110, Area 12'X16' of Notified Area Jamshedpur, Ward No. 7, P.S.-Sitaramdera, District East Singhbhum, which is public land as defined in Sub-Section(2) of Section 2 of Jharkhand Public Land Encroachment Act, 1956 (Bihar Act. XV of 1956) You are hereby called upon to appear before me on 20.08.24 3 to 5 pm and show cause why such encroachment shall not be removed.

2. Take notice that if you fail to appear at the time and place mentioned above, the matter will be decided in your absence.

3. Earlier a notice has been served to you regarding this on dated 06.07.2024.



[Signature]
06/08/24
Collector
(under the Act)

OPPO Reno2 Z · ©prince

2024/08/17 16:45

Date: 06.08.24

IN THE NATIONAL GREEN TRIBUNAL

ORIGINAL APPLICATION NO. 145 of 2023 (EZ)

IN THE MATTER OF:

Tribunal on Its Motion

Petitioner (s)
Appellant (s)

-VERSUS -

State of Jharkhand & Ors.

Respondent(s)
Defendant (s)

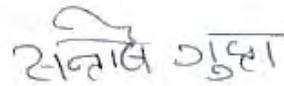
VAKALATNAMA

I, Santosh Gupta, S/o Shri Laxman Prasad Gupta, aged about 47 years, resident of House No. 713, Hume Pipe, Indranagar, Near Karihar Lane, PO-Agrico, Jamshedpur, East Singhbhum, Jharkhand-831009, am the Chairman and the Authorized Signatory for the Indranagar, Kalyan Nagar, Basti Bachao Sangharsh Samiti, DEFENDANT / RESPONDENT/ PETITIONER /OPPOSITE PARTY, in the above application/ suit/appeal/petition/ reference do hereby appoint and return **Mansi Bachani/ Eisha Krishn/ Dr. B.P. Nilratna/ Saumitra Jaiswal/ / Shubham Upadhyay/ Gitanjali Sanyal/ Surya Gupta** Advocates of the National Green Tribunal, to act and appear for me/us in the above application/ suit/petition/appeal reference and on my/our behalf to conduct and prosecute or defend or with draw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for Review to file and obtain return of documents and to deposit and receive money on my / our behalf in the Application/Suit/Petition/Appeal reference and application for Review, and to represent me/us and to take all necessary steps on my/our behalf in the above matter. I/We agree to ratify all acts done by the aforesaid advocate, in pursuance of this authority.



Dated this the 21st day of August, 2024

Accepted Identified By



Advocate,

(Petitioner (s) / Appellant (s)
Respondent (s) / Defendant(s) / Opposite Party

MEMO OF APPEARANCE

To,

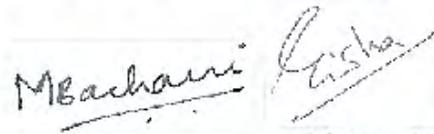
The Registrar,
National Green Tribunal
Eastern Bench, Kolkata

Sir,



Kindly enter my appearance in the above matter on behalf of the Petitioner / Appellant / Respondent.

Dated: 21.08.2024



Advocate for the
Petitioner(s)/Appellant(s)/Respondent(s)

29, Nizamuddin East, Presidential Estate, (Lower Ground Floor), New Delhi-110013
Tel.: +91-11-40573181E-mail: eldflegal@gmail.com

इन्द्रानगर, कल्याणनगर बस्ती बचाओ संघर्ष समिति जमशेदपुर

दिनांक :

प्रस्ताव

आज दिनांक 20 अगस्त, 2024 दिन-मंगलवार को मुईयाँडीह क्षेत्र के अंतर्गत इन्द्रानगर, कल्याणनगर के बस्तीवासियों की बैठक बस्ती के अंदर सार्वजनिक स्थल पर हुई। बैठक की अध्यक्षता श्री संतोष गुप्ता ने किया।

बैठक में मुख्य रूप से सार्वजनिक भूमि अधिग्रहण 1956 की धारा 3 के अंतर्गत बस्तीवासियों को दी गई नोटिस के संबंध में चर्चा की गई और निर्णय लिया गया कि इस नोटिस में व्याप्त विसंगतियों के विरोध में राष्ट्रीय हरित अधिकार (एनजीटी) के समक्ष चल रहे मुकदमे में बस्तीवासी अपना पक्ष प्रस्तुत करे। यह निर्णय लिया गया कि बस्तीवासियों की ओर से इस संबंध में आवश्यक कार्रवाई हेतु श्री संतोष गुप्ता को अधिकृत किया जाए। श्री संतोष गुप्ता बस्तीवासियों की ओर से एनजीटी में चल रहे मुकदमे में बस्तीवासियों का पक्ष प्रस्तुत करने के लिए योग्य अधिवक्ता का चयन करने तथा बस्तीवासियों की ओर से हलफनामा दायर करने हेतु अधिकृत किया। बैठक में निम्नांकित बस्ती वासी उपस्थित हुये :

क्र०	नाम	पता	मोबाईल	हस्ताक्षर
1	श्री सत्येन्द्र सिंह	इन्द्रानगर	8789297846	Satyendra Singh
2	श्री अजीत सिंह	इन्द्रानगर	7261828371	अजीत सिंह
3	श्री दीपक कालिन्दी	इन्द्रानगर	7542938122	दीपक कालिन्दी
4	श्री भोला नाथ पाल	इन्द्रानगर	8757734703	भोला नाथ पाल
5	श्रीमती दुलारी देवी रजक	इन्द्रानगर	8936853336	दुलारी देवी
6	श्री सुबल विश्वास	इन्द्रानगर	7667027931	Subal Biswas
7	श्री अरुण साहु	इन्द्रानगर	7071464143	अरुण साहु
8	श्री गाजी महतो	इन्द्रानगर	9304600621	गाजी महतो
9	श्री अशोक गोप	इन्द्रानगर	6299297079	अशोक गोप
10	श्री शत्रुघ्न रजक	इन्द्रानगर	9304138036	शत्रुघ्न रजक
11	श्री समीर चन्द्र पोद्दार	इन्द्रानगर	6205995321	Samir
12	श्री प्रभु साव	इन्द्रानगर	6204827896	प्रभु साव
13	श्री आनंद साहु	इन्द्रानगर	9229096395	आनंद साहु
14	श्री रंजीत सिंह	इन्द्रानगर	8092420739	Ranjit kr Singh
15	श्री रामु दत्ता	इन्द्रानगर	9608244091	रामु दत्ता

संतोष गुप्ता

संतोष गुप्ता

अध्यक्ष

मोबाईल नं. 9931714500