

BEFORE THE NATIONAL GREEN TRIBUNAL AT

KOLKATA BENCH.

OA No OF 2024

IN THE MATTER OF:

MR SANTOSH KUMAR GUPTA

APPLICANT

VERSUS

BIHAR POLLUTION CONTROL BOARD (BPCB) & ANR  
RESPONDENTS

INDEX

S. NO.	PARTICULARS	PAGES
	<i>Compilation - I</i>	
1.	Brief Synopsis and List of dates and events.	A- B
2.	Memo of Parties	C-D
3.	Original <i>Application with Affidavit</i>	01-20
4.	Vakalatnama	21
	<i>Compilation II</i>	
5.	<u>Annexure A1 (Colly)</u> True Photo copy of impugned order dated 23.08.2024 & Representation	22-31


7	<u>Annexure A9 (Colly)</u> pond site/pokhar Colour Photographs.	32-36

NEW DELHI

APPLICANT

DATE: 10.11.2024

THROUGH

  
**NEERAJ KUMAR SHARMA**  
ADVOCATES  
116 KAUTILYA APARTMENT  
SECTOR 14, DWARKA  
NEW DELHI-110078  
Mobile No. 08860051899  
adv.nk15@gmail.com

A

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
KOLKATA BENCH

O.A NO.

OF 2024

IN THE MATTER OF:

MR. SANTOSH KUMAR GUPTA

APPLICANT

VERSUS

BIHAR POLLUTION CONTROL BOARD (BPCB)  
& ORS.

RESPONDENTS

**BRIEF SYNOPSIS**

The present Original Application being filed by the Social activist and resident of near by area Mr Santosh Kumar Gupta on the grievances to remove garbage/~~wastage~~ from the POKHAR which is an old pond / Mansarover located near to the applicant residence area Moti Pur Nagar Panchayat, Ward No. 7 since this pond being used illegally as garbage dumping, and encroachment by goons and garbage also dumped by people . Hence old pond has been polluted but respondent neither taken any action nor want to take action even complaint and representation filed by applicant . Applicant also filed apprehend to Hon'ble high court Patna but still issue not solved hence this petition. Moreover, due to dumping of garbage the pond reuaged of its natural beauty, purity and foul smell is spreading around and air. Due to polluted water in pond mosquitoes, flies others harmful insects and bacteria are prevailing in area



causes many infection disease of the local people staying in same vicinity with applicant. Therefore applicant humble request authority for residing direct to the competent authority the purity of pond for pollution free excrement for good health of people.

**LIST OF DATES AND EVENTS:**

**23-08-2024** The honourable high court passed an order in writ petition no - 12323 of 2024

But no relief provided .

**24.04-2024**: Applicant filed representation to the secretary urban development department in the light of order passed by honourable Patna High Court MJC NO-2178 of 2021 arising out of C.W.J.C- 7525 of 2020 and to take urgent and necessary steps for the restoration of the ancient Mansarovar pond to its original character whose original nature and character is being disturbed/ is currently being changed by persons .

Hence this **O.A Being filed in tribunal.**

C

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
KOLKATA BENCH.**

O.A NO. OF 2024

IN THE MATTER OF:

MR.SANTOSH KUMAR GUPTA.

Applicant

**VERSUS**

Bihar Pollution Control Board ( BPCB) & Ors.  
..Respondents

**MEMO OF PARTIES**

Mr. SANTOSH KUMAR GUPTA R/O BARA BAZAR  
MOTIPUR, FANYA PATTI, NAGAR PARISHAD MOTIPUR,  
WARD NO 7, BAKHRI, MUZAFFARPUR, MOTIPUR BIHAR  
PIN 843111

VERSUS

1. BIHAR STATE POLLUTION CONTROL BOARD ( THROUGH  
MEMBER SECRETARY )  
OFFICE: BELTRON BHAWAN,  
SHASTRI NAGAR , JAWAHARLAL NEHRU MARG PATNA , BIHAR  
PIN 800023  
EMAIL: [msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in)

D

2. DIRECTOR, REGIONAL OFFICE ,BIHAR STATE  
POLLUTION CONTROL BOARD, MUZAFFARPUR.  
SRAI SYED ALI CHOWK, TECHNICAL CHOWK, MUZAFFARPUR  
8420001

Email id: [bspccb@yahoo.com](mailto:bspccb@yahoo.com)

3. CIRCLE OFFICER ( C.O )  
CIRCLE OFFICE, MOTIPUR, DISTRICT-  
MUZAFFARPUR, BIHAR-843111  
[co.mot-muz-bih@gov@gov.in](mailto:co.mot-muz-bih@gov@gov.in)

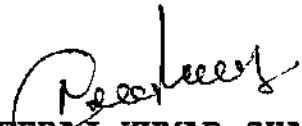
RESPONDENTS.

PLACE : New Delhi

सन्नेहा कुमार सन्नेहा कुमार शुभा  
APPLICANT

DATE: 15/12/2024

THROUGH

  
NEERAJ KUMAR SHARMA

ADVOCATE  
116 KAUTILYA APARTMENT  
SECTOR 14, DWARKA  
NEW DELHI-110078  
Mobile No. 08860051899  
e-MAIL: [adv.nk123@gmail.com](mailto:adv.nk123@gmail.com)

61

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
KOLKATA BENCH

O.A NO.

OF 2024

IN THE MATTER OF:

MR. SANTOSH KUMAR GUPTA

APPLICANT

VERSUS

BIHAR POLLUTION CONTROL BOARD (BPCB)  
& ORS.

RESPONDENTS

**MOST RESPECTFULLY SHOWETH:**

1. That the present O.A. Original Application under section 14 & 15 of National Green Tribunal Act 2010 being filed by the Social worker / activist Mr. Santosh Kumar Gupta on the because the sorrounding area of residential calony an old pond has been using as dumping garbage due to this reason there are grave and highly pollution in pond and near by area . Foul smells , insects ,bacteria & virus and other harmful bacteria increasing day by day . Applicant

filed complaints to respondents and competent authority but no action was taken. Thereafter applicant also approach and filed Writ petition in Patna High court. Moreover, Nagar vikas Awas department Govt. of Bihar by letter dated 31.12.2019 clearly directed to Nagar Nigam Commissioner / Executive officer of respondent regarding encroachment free well, Rain water Harvesting, Pyaon, , Stand post and pokher restoration and renovation / reconstruction but no any guideline was complied by respondents.

2. That after complaints to competent authority applicant filed writ petition and by the order dated 13.08.2024 high court neither renovated nor did restored pond / pokher in its natural beauty. Also respondent BPCB not removed Dump waste materials from the pollutants pond. Also

not took any action or not given any orser  
direction to concern authority . ( True  
photo copy of letters/ Directions / orders  
etc annexed herewith As Annexure A- 1  
COLLEY)

3. That it is important to point out here  
that due to garbage stored and this old  
pond/Pokher is very much polluted. This  
polluted POKHAR is old Mansarover located  
near to the applicant residence area Moti  
Pur Nagar Panchayat, Ward No. 7 since this  
pond has been used as garbage dumping area  
by the respondent competent authority i.e  
other authority like Nagar Panchayat  
Motipur , district Muzaffarpur. Bihar  
.Further, due to dumping of garbage the  
pond rouged of its natural beauty and  
purity. Moreover foul dirty smell is  
spreding around in air of sorrpunding area  
.Mosquitoes flies & others harmful insects

and bacteria are prevailing in area causes many infection disease of the local people staying in same vicinity with applicant. Therefore applicant humble request authority for residing direct to the competent authority the purity of pond for pollution free excrement for good health of people.

4. That respondent in arbitrary manner fixed vegetable market near by the pond in question and allotted to the public for opening the vegetable market. Therefore, the vegetable market near and pond in question also itself spread the pollution of pond as the ~~rotten~~ rotten vegetables, polythene which are thrown in the pond resulting the high pollution.

05

5. That It is pertinent to mention here that the area of pond in address book as R.S. Khata Number 266, R.S.P.No. 202 Measuring Area 0.68 dec. The Natural pond is situated in revenue book as thana No. 222 circle office Motipur, Muzaffarpur Bihar. This property in question in record in book is in the name of Motipur Zamidar Company. Moreover, In survey record of right this piece of land are under the provisions of Bihar land Reform (Fixation of creating area and acquisition of surplus land, act 1961 and Rule 1962 vide Section 4(b). As such the land are comes under the use of General public but the property of State of Bihar vide Letter No. 169 dated 21.03.2016 issued by the office of civil Surgeon Cum Chief Medical Officer.

6. That the respondent not compiling the guide lines and orders, directions passed time to time by the Hon'ble NGT given in O.A. No. 325/2015 dated 25.02.2020 in the matter of Lt. Col. L.T. Kale, Sarodaman Oberio Vs/ Union of India & others and also respondent did not compile the guidelines to the Member Secretary and Chief Secretary on dated 06.03.2020.

7. That it is not a question that the concern pond are coming is Govt. Property or Private property there are various judgment in which respondent Central pollution control board (CPCB) directed to restore pond in its natural form to save water body and for protection of environment under various act like water pollution act & Air pollution act 1981 etc. Therefore it is humble request to this Hon'ble tribunal

that direct to respondents & competent authority that both type water resources/reservoir should be restore .

Moreover, according to the CPCB letters / orders the pond in question should be restore for protection of encumbering and protection of public health.

6. Applicant also filed Writ petitiin no C.W.J.C no 7525 of 2020 Title as Santosh Kumar @ Santosh Kumar Gupta vs The State of Bihar & ors with prayer that direct respondent to remove garbage, pollutants articles and waste materials from the Pokher old pond/ Mansarover which used as garbage dumping zone by Nagar panchayat Motipur due to this pond ravaged its purity & beauty.( True photocopy of relevant Document are Annexes herwith as Annexure A-2 COLLY).

8. That After all efforts being done by applicant but no remedies and relief got . Also respondent Bihar pollution control board

never took action against wrong doer and there were no necessary steps were taken to restore pond also .

9. That In this regard the Govt. Of Bihar, Office of Nagar parishad Motipur Nagar Vikas and Awas Department sent a letter dated 08.02.2022 & 31.12.2022 . That the present application being filed with in limitation according to limitation act as well NGT acts and rules hence should be entertain in the interest of justice & welfare of society.

10. That applicant also residing near by area and suffering various health threats due to pollution in residential area of applucant. ( Photographs Attched ).

11. That there are various Guidelines, Judgements of Hon'ble National Green Tribunal, Hon'ble Apex Court & Hon' ble High Courts and various Orders, Direction on same facts and issue. Therefore with the

consideration of same facts or circumstances and Judgements/ orders applicant also entitled to get relief. Applicant will submit and argue whenever this Hon'ble Tribunal will direct to applicant.

**GROUND :-**

a. Because the present O.A. Original Application under section 14 & 15 of National Green Tribunal Act 2010 being filed by the Social worker / activist Mr. Santosh Kumar Gupta on the because the surrounding area of residential colony an old pond has been using as dumping garbage due to this reason there are grave and highly pollution in pond and near by area . Foul smells , insects ,bacteria & virus and other harmful bacteria are increasing day by day . Applicant filed complaints to respondents and competent authority but no action was taken . Thereafter the applicant also approached and filed Writ petition in Patna High court. Moreover, Nagar vikas Awas

department Govt. of Bihar by letter dated 31.12.2019 clearly directed to Nagar Nigam Commissioner / Executive officer of respondent regarding encroachment free well, Rain water Harvesting, Pyaon, , Stand post and pokher restoration and renovation / reconstruction but no any guideline was complied by respondents.

**B.** Because that after complaints to competent authority applicant filed writ petition and by the order dated 13.08.2024 high court neither renovated nor did restored pond / pokher in its natural beauty. Also respondent BPCB not removed Dump waste materials from the pollutants pond. Also not took any action or not given any orser direction to concern authority.

**C.** Because it is important to point out here that due to garbage stored and this old pond/Pokher is very much pollutant. This pollutant POKHAR is old Mansarover located near to the applicant residence area Moti Pur Nagar Panchayat, Ward No.

7 since this pond has been used as garbage dumping area by the respondent competent authority i.e other authority like Nagar Panchayat Motipur , district Muzaffarpur. Bihar .Further, due to dumping of garbage the pond rouged of its natural beauty and purity. Moreover foul dirty smell is spreading around in air of surrounding area .Mosquitoes flies & others harmful insects and bacteria are prevailing in area causes many infection disease of the local people staying in same vicinity with applicant. Therefore applicant humble request authority for residing directly to the competent authority the purity of pond for pollution free excrement for good health of people.

**D.**Because respondent in arbitrary manner fixed the vegetable market near by the pond in question and allotted it to the public for opening the vegetable market. Therefore, the vegetable market near and pond in question also itself spread the

pollution of pond as the ratter vegetable, its residues which are thrown in the pond resulting the high pollution.

**E.** Because It is pertinent to mention here that the area of the pond in the address book as R.S. Khata Number 266, R.S.P.No. 202 Measuring Area 0.68 dec. The Natural pond is situated in revenue book as thana No. 222 circle office Motipur, Muzaffarpur Bihar. This property in question in record in book is in the name of Motipur Zamidar Company. Moreover, In survey record of right this piece of land are under the provisions of Bihar land Reform (Fixation of creating area and acquisition of surplus land, act 1961 and Rule 1962 vide Section 4(b). As such the land are comes under the use of General public but the property of State of Bihar vide Letter No. 169 dated 21.03.2016 issued by the office of civil Surgeon Cum Chief Medical Officer.

F. Because the respondent not compiling the guide lines and orders, directions passed time to time by the Hon'ble NGT given in O.A. No. 325/2015 dated 25.02.2020 in the matter of Lt. Col. L.T. Kale, Sarodaman Oberio Vs/ Union of India & others and also respondent did not compile the guidelines to the Member Secretary and Chief Secretary on dated 06.03.2020.

G. Because it is not a question that the concern pond are coming is Govt. Property or Private property there are various judgment in which respondent Central pollution control board (CPCB) directed to restore pond in its natural form to save water body and for protection of the environment under various act like water pollution act & Air pollution act 1981 etc. Therefore it is a humble request to this Hon'ble tribunal that direct to respondents & competent authority that both type water resources/reservoirs should be restore .

Moreover, according to the CPCB letters / orders the pond in question should be restore for protection of encumbering and protection of public health.

H. Because Applicant also filed Writ petition no C.W.J.C no 7525 of 2020 Title as Santosh Kumar @ Santosh Kumar Gupta vs The State of Bihar & ors with prayer that direct respondent to remove garbage, pollutants articles and waste materials from the Pokher old pond/ Mansarover which used as garbage dumping zone by Nagar panchayat Motipur due to this pond ravaged its purity & beauty.

I. Because After all efforts being done by the applicant but no remedies and relief got . Also respondent Bihar pollution control board never took action against wrong doer and there were no necessary steps were taken to restore pond also .

J. Because in this regard the Govt. Of Bihar, Office of Nagar parishad Motipur Nagar Vikas and

Awas Department sent a letter dated 08.02.2022 & 31.12.2022 .true photocopy .

K. Because the present application being filed with in limitation according to limitation act as well NGT acts and rules hence should be entertain in the interest of justice & welfare of society.

PRAYER:

It is, therefore, most respectfully prayed that:

- a) Direct to respondent/competent authority to restore pond/ Pokher in its natural beauty and natural form after removal pollutants material.
- b) To direct to respondent no 1 Bihar Pollution Control Board( BPCB) to remove all waste materials, dumped materials in pond
- c) To direct ~~to~~ respondent competent authority to shift vegetable Market to somewhere or atleast 300 metre away from pond and its surrounding areas

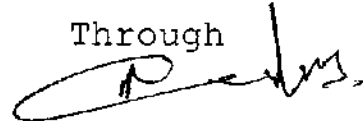
- d) To direct ~~to~~ respondents to renovate pokher/ pond and its path goes towards temple situated at the site of tomb/Pokher.
- e) To direct respondents competent to remove encroachment and vacate the place of pond / Pokher/ / Reservoir/ old Mansarover and its nearby area after removing all encroachments activities.
- f) Pass any other order / directions which this Hon'ble tribunal may deem fit & proper in the interest of justice

New Delhi

Dated: 06. 11.2024

शतोष कुमार 12 @ शतोष कुमार 12  
APPLICANT

Through



**NEERAJ KUMAR SHARMA & ASSOCIATES**

ADVOCATES

116 KAUTILYA APARTMENT

SECTOR 14, DWARKA

NEW DELHI-110078

Mobile No. 08860051899

adv.nk15@gmail.com

17



# INDIA JUDICIAL Government of Bihar

## e-Court Fee

e-Court Fee Receipt No. : BRECR039C240800122438  
Date & Time : 31-Aug-2024 07:44 AM  
Name of the ACC/ Registered User : District Co-operative Central Bank, Motihari  
Location : Civil Court Motihari  
Name of Applicant : DEPONENT  
e-Court Fee Amount : 100 (One Hundred Rupees Only)

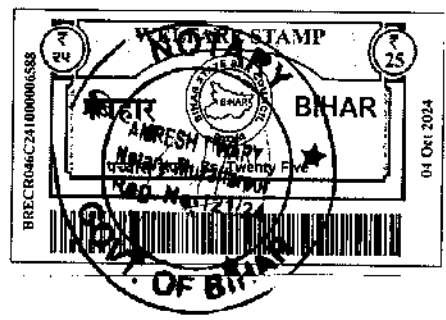


IN 2401729634

### Statutory Alert:

1. The authenticity of this Stamp certificate should be verified at <https://enibandhan.bihar.gov.in> or using enibandhan Mobile App. Any discrepancy in the details on this Certificate and as available on the website/Mobile App renders it invalid.
2. The onus of checking the legitimacy is on the users of the certificate.
3. In case of any discrepancy please inform the Competent Authority.

18



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
KOLKATA BENCH

O.A NO OF 2024

IN THE MATTER OF:

MR. SANTOSH KUMAR GUPTA

APPLICANT

VERSUS

BIHAR POLLUTION CONTROL BOARD (BPCB) & ORS.  
RESPONDENTS

**AFFIDAVIT**

I, MR. SANTOSH KUMAR GUPTA S/O SURENDRA PRASAD R/O  
BARA BAZAR MOTIPUR, FANYA PATTI, NAGAR PANCHAYAT  
MOTIPUR, WARD NO 07, BAKHRI, MUZAFFARPUR, MOTIPUR  
BIHAR PIN- 843111 (aged 55 Years), do hereby  
solemnly affirm and declare as under :-

1. That the deponent is the applicant in above  
noted Original Application and is fully  
conversant with the facts and circumstance of  
this Original Application (O.A) and is  
competent to swear this affidavit before this  
Hon'ble Tribunal.

2. That the accompanying Application has been drafted by my counsel at my instance, the contents of which have been read over and explained to me in my vernacular language and I admit there correctness after having been understood the same and say that they are in accordance to my instructions, briefing and narration.

3. That the accompanying Original Application(O.A) is part and parcel of this affidavit, the contents of which have been avoided repetition here for the sake of brevity only and be read as constituent body, part and parcel of this affidavit.

The Deponent Identified By Advocate  
Solemnly Affirmed & Declared Before me  
[Signature]  
ANRASH TUNAHV  
NOTARY PUBLIC  
Civil Court, Muzaffarpur

[Signature]  
DEPONENT

VERIFICATION :

Verified at Muz. on \_\_\_\_\_ day of 04 OCT, 2024, that the contents of my above affidavit are true and

20

correct to my knowledge and nothing material has been concealed therefrom.

सिद्धि करार सत्य प्रमाण  
DEPONENT

Hemendra Singh  
Advocate  
04/10/2024

The Deponent Identified by Advocate  
Solemnly Affirmed & Declared Before Me  
4/10/24  
AMRESH TIWARI  
NOTARY PUBLIC  
Civil Court, Muzaffarpur

21



C.C. No. ....  
FIR No. ....  
U/S .....  
P.S. ....

IN THE COURT OF NATIONAL GREEN TRIBUNAL (NGT), EASTERN BENCH  
KOLKATA  
Sult / Appeal No. \_\_\_\_\_ JURISDICTION OF 202

In re :-  
MR. SANTOSH KUMAR GUPTA

Plaintiff(s) Or Petitioner(s)  
Appellant(s) Or Complainant(s)

VERSUS

BIHAR POLLUTION CONTROL BOARD (B PCB) & ORS  
Defendant(s) / Respondent(s) / Accused

KNOW ALL to whom these present shall come that I/ We Santosh Kumar Gupta s/o Surendra Prasad  
R/O - Bora Bazar Motipur, ward NO-07, Balchhi, Muzaffarpur, Bihar 843111

The above named Neeraj Kumar Sharma do hereby appoint  
N.K. Sharma Law Associates

Advocates  
116, Kautilya Apartment, Sec-14, Dwarka, New Delhi-78  
Mob. No. 9870362478  
E-mail id: adv.nk15@gmail.com

Adv. Neeraj Kumar Sharma  
D/26 29/12  
2 Adv. Renu Rana  
14811/2023 Advocate

(herein after called the advocate/s) to be my/our Advocate in the above-noted case authorize him:-  
To act, appear and plead in the above-noted case in this court or in any other court in which the same may be tried or heard and also in the appellate court including High court subject to payment of fees separately for each court by me/us.  
To sign file, verify and present pleadings, appeals cross-objections or petitions for executions review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.  
To file and take back documents, to admit and/or deny the documents or opposite party.  
To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.  
To take execution proceedings on paying separate fee.  
To deposit, draw and receive money, cheques, case and grant receipts hereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution on the said case.



To appoint and instruct any other Legal Practitioner authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.  
And I/ We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own facts, as if done by me/us to all intents and purpose.  
And I/ We undertake that I/ We or my/our duly authorised agent would appear in court and all hearings and attend in the Advocate for appearance when the case is called.

And I/ We the undersigned do hereby agree not to hold the advocate of his substitute responsible for the result of the said case. The courtment costs whenever ordered by the court shall be of the Advocate which he shall receive and retain for himself.  
And I/ We the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee is only for the above case and above Court. I/ We hereby agree that once the fee is paid, I/ We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

THE DEPONENT IDENTIFIED BY ADVOCATE  
I/ We do hereunto set my/our hand to these presents the contents of which have been read and explained to me/us on this \_\_\_\_\_ day of oct 2024.  
Accepted subject to the terms of the above.

AMRESH TIWARY  
Advocate  
Notary Public  
Civil Court, Muzaffarpur

संतोष कुमार Client  
संतोष कुमार Client  
Signature/Thumb Impression of the Below Mentioned Person,  
Who Has been Signed in my presence. The Client.

Accepted  
On 25/11/24  
Renu

~~Page~~



**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
Civil Writ Jurisdiction Case No.12323 of 2024

Santosh Kumar @ Santosh Kumar Gupta Son of Surendra Prasad, R/o - Bara Bazaar, Motipur, Faris Patti Nagar Parishad Motipur, Ward No. 13, Bakhri, P.S. Motipur, P.O.- Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate(D.M), Collectorate, District- Muzaffarpur, Bihar, Pin Code- 842001.
2. The Circle Officer (C.O), Circle Office- Motipur, District- Muzaffarpur, Pin Code- 843111.
3. The Principal Secretary, Urban Development Department, Government of Bihar, Vikas Bhawan, Bailey Road, Patna (Bihar) Pin Code- 800015.
4. The Executive Officer, Nagar Parishad, Motipur, District- Muzaffarpur, Bihar, Pin Code- 843111.

... .. Respondent/s

Appearance :  
 For the Petitioner/s : Mr. Rajiv Ranjan Singh, Advocate  
 For the Respondent/s : Mr. P.K. Shaha, Advocate General

**CORAM: HONOURABLE THE CHIEF JUSTICE**  
 and  
**HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

- 2 23-08-2024 1. Heard learned counsel for the petitioner and learned counsel for the respondent.
2. The petitioner has filed the instant application in the nature of public interest litigation for a direction to the



*Handwritten signature/initials*

29



respondents to take urgent steps for restoration of the ancient Mansarovar pond located in the Motipur Nagar Parishad, Ward no.13 to its original nature and character, to complete the restoration of the said pond and for other reliefs.

3. It is the case of the petitioner that he filed CWIC no.7525 of 2020 for similar reliefs and the same was disposed of by an order dated 12.7.2021 with liberty to the petitioner to approach the authority concerned by filing a representation for redressal of his grievances and which was to be disposed of by a reasoned speaking order within the time fixed. The petitioner accordingly filed a representation. The same not having been disposed of, a contempt application (MJC no.2178 of 2021) was filed, however, during pendency of the same, the representation of the petitioner was disposed of by order dated 8.2.2022. Accordingly, by order dated 29.8.2023 the contempt application was dropped reserving liberty to the petitioner to assail the order dated 8.2.2022 in accordance with law.

4. Learned counsel for the petitioner further refers to the different orders passed by the Principal Bench at New Delhi of the National Green Tribunal and other orders of the Hon'ble Supreme Court as also order dated 21.7.2023 by this Court in CWIC no. 9692 of 2013 to submit that the grievance of



Edit



Annotate



Fill & Sign



Convert



All



T.C  
Adv. [Signature]

24



Fatha High Court CWIC No.12523 of 2024(2) dt.23-08-2024  
3/5

the petitioner as raised in his representation have not been redressed and the pond has not been restored to its original position.

5. Learned counsel for the respondents referring to the order dated 8.2.2022 passed by the Executive Officer of the Motipur Nagar Parishad submits that there is compliance of the directions of this Court as contained in order dated 12.7.2021 passed in CWIC no.7525 of 2020.

6. Having heard learned counsel for the parties and having perused the material on record, it transpires from the contents of the order dated 8.2.2022 passed by the Executive Officer, Nagar Parishad, Motipur that so far as the allegation of the pond having been converted into a dumping ground for garbage is concerned, the same is absolutely incorrect and it has never been used for such purpose. In fact, while the Mansarovar pond is in Ward no.7, the Motipur Nagar Parishad has demarcated an area in Ward no.14 for separation of different types of garbage and its resultant conversion to fertilizer. Specific steps have been taken so that no garbage should be dumped near the pond and a board with warning has been put up that in case any garbage is dumped, penalty will be imposed.

7. It further transpires from the stand of the



T.C  
P.K.S

25



Patan High Court CWIC No. 12323 of 2024(2) dt. 21-08-2024  
4/5

respondents as borne out from the order dated 8.2.2022 read with the counter affidavit filed in the connected writ application that the land in question is recorded in the name of Motipur Jamindar Company in the Revisional Survey Records of Rights. Steps for renovation could only be done of those ponds of which the Nagar Panchayat Motipur has title. It is further stated that so far as sale of articles by footpath vendors are concerned, at a distance of about 50 meters from the pond, a vending zone is being constructed and the foot path vendors would be shifted to this area marked as vending zone.

8. In view of the facts and circumstances of the case, this Court finds that several directions have already been given by this Court in various orders including the order dated 21.7.2023 passed in CWIC no.9692 of 2015. Further steps having been taken by the respondent authorities is also borne out from the order dated 8.2.2022 disposing of the petitioners representation and repeated directions on similar lines is not required to be given in the facts and circumstances of the case as the Court is satisfied that the respondents have taken steps in the matter.

9. In the opinion of the Court no further order is required to be passed in the instant application. The application



Edit



Annotate



Fill & Sign



Convert



All

T-C  
P. K. Adv.

26

From High Court CWC No. 12323 of 2024(2) dt. 23-08-2024

5/5

stands disposed of 100

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Bibhash/-

U



P.C  
Adv

(27)

Df. 24.4.2024

To,

The secretary,

Urban Development Department, Government of Bihar, Patna

From

Santosh Kumar Gupta, Address-----

Subject- Fresh representation in light of the Order passed by Hon'ble Patna High Court in MJC No- 2178 of 2021 arising out Of C.W.J.C No- 7525 of 2020 and to take urgent and necessary Steps for the restoration of the ancient Mansarovar pond to Its original character whose original nature and character is being disturbed/ is currently being changed by persons of vested interest by soil filing unauthorisedly.

Sir,

Through this representation, it is humbly submitted

The following few points for your kind perusal as-

1. That a contempt application was filed by the petitioner in MJC NO- 2178 of 2021 was dropped against the respondents in light Of the compliance order dated 8/2/2022.

T.C  
A.K. Gupta

2. That the concerned respondents in their compliance order have stated and relied upon the letter issued by the Urban Development department, Bihar vide letter no- 6810 dated 31/12/19 Cl.3 (i) that the Nagar Panchayat, Motipur can restore only those ponds coming under Corporation ownership while the pond in question comes under Motipur Zamindari Company. Hence, it was not possible to restore them.
3. It is further submitted that the Hon'ble Court in Contempt case No- 2175 of 2021 had given liberty to the petitioner to assail the Order dated 8/2/22 in accordance with law.( Annexure-1)
4. That in light of the above order of Hon'ble Patna High Court, the petitioner begs to draw your kind attention to the following few points-
- a) the District Magistrate, Muzaffarpur in Para-4 of his counter affidavit filed in CWJC No- 7525 of 2020 had stated that the pond in question is the property of the State Government but in use of the general public
- b) the Principal Bench, National Green Tribunal, New Delhi in MA NO- 26/2019 had extended the scope of the identification,

← P-C  
Adv. Pankaj

protection and restoration of water bodies to the entire country in the interest of protection of environment. ( Annexure-2)

c) pond in question should be maintained properly and no step should be allowed to be taken by any person to change the nature and character of a pond in any manner

laid down in Binan Kumar Ghosh v/s the State of West Bengal ( Annexure-3 )

d) Hon'ble Supreme Court had also directed to restore the original character of a pond in case law of Hiralal Tiwary V/s Kamla Devi in Civil Appeal 4787 of 2001 ( Annexure-4 )

e) Similar in the case of Jagpal Singh V/s State of Punjab in Civil Appeal No- 1132 of 2011 in Cl. 11, 17, 18, 19 , Hon'ble Supreme Court had ordered for the restoration of a pond of its original character.

f) Hon'ble Jharkhand High Court in Citizens's case had also passed for the restoration of a pond.

g) section 23 (1) of Bihar Tenancy Act also provides for the protection of the original character of any land.

5. That above all the present pond in question i.e Mansarovar pond situated at Ward No- \_\_\_\_\_, Nagar Panchayat, Motipur had been

T.C  
Adv.  
R.V.

30

registered as a water body in 'Rajaswa Abhilekh" of the government.

It is therefore requested to immediately stop the Soil filling which is being unauthorisedly by some Persons of vested interest and take urgent and necessary steps for the restoration of the above pond in question in light of the submission given above.

T.C  
M.W.  


31

Dt:- 24/4/24

To.

The Circle Officer ( C.O),  
Circle Office, Motipur , District- Muzaffarpur.

From

Santosh Kumar @ Santosh Kumar Gupta, S/o - Surendra Prasad,  
R/o- Bara Bazaar, Motipur, Faria Patti, Nagar Parishad - Motipur,  
Ward No-13, Bakhri, P.S- Motipur, P.O- Motipur, Distt- Muzaffarpur

Subject- Fresh representation in light of the Order passed by  
Hon'ble Patna High Court in MJC No - 2178 of 2021 arising out  
Of C.W.J.C No- 7525 of 2020 and to take urgent and necessary  
steps for the restoration in its original shape of the ancient  
Mansarovar pond situated at Ward No-13 of Motipur Nagar Pari-  
Ahad whose original nature and character is being disturbed/ is  
currently being changed by persons of vested interest by soil filli-  
ng illegally.

Sir,

Through this representation, it is humbly submitted

The following few points for your kind perusal as-

1. That a contempt application was filed by the petitioner in MJC

 TC -

- b) the Principal Bench, National Green Tribunal, New Delhi in MA NO- 26/2019 had extended the scope of the identification, protection and restoration of water bodies to the entire country in the interest of protection of environment. ( Annexure-3)
- c) pond in question should be maintained properly and no step should be allowed to be taken by any person to change the nature and character of a pond in any manner laid down in Binan Kumar Ghosh v/s the State of West Bengal
- d) Hon'ble Supreme Court had also directed to restore the original character of a pond in case law of Hinchlal Tiwary V/s Kamla Devi in Civil Appeal 4787 of-2001
- e) Similar in the case of Jagpal Singh V/s State of Punjab in Civil Appeal No- 1132 of 2011 in Cl. 11, 17,18, 19 , Hon'ble Supreme Court had ordered for the restoration of a pond of its original character.
- f) Hon'ble Jharkhand High Court in Citizens's case had also passed for the restoration of a pond.
- g) section 23 (1) of Bihar Tenancy Act also provides for the protect-

T. C  
NO →

NO- 2178 of 2021 was dropped against the respondents in light of the compliance order dated 8/2/2022.

2. That the concerned respondents in their compliance order have stated and relied upon the letter issued by the Urban Development department, Bihar vide letter no- 6810 dated 31/12/19 Cl.3 (i) that the Nagar Panchayat, Motipur can renovate only those ponds coming under Corporation ownership while the pond in question comes under Motipur Zamindari Company. Hence, it was not possible to renovate them.
3. It is further submitted that the Hon'ble Court in Contempt case No- 2175 of 2021 had given liberty to the petitioner to assail the Order dated 8/2/22 in accordance with law. ( Annexure-1)
4. That in light of the above order of Hon'ble Patna High Court, the petitioner begs to draw your kind attention to the following few points-
  - a) the District Magistrate, Muzaffarpur in Para-4 of his counter affidavit filed in CWJC No-7525 of 2020 had stated that the pond in question is the property of the State Government but in use of the general public . ( Annexure-2 )

T.C  
ne

34

tion of the original character of any land.

h) Rampunit Chaudhary versus The State of Bihar.

5. That above all the present pond in question i.e Mansarovar pond situated at Ward No - 13, Nagar Parishad, Motipur had been registered as a water body in 'Rajaswa Abhilekh' of the government.

It is therefore requested to immediately stop the soil filling which is being unauthorisedly by some persons of vested interest and take urgent and necessary steps for the restoration of the above pond in question in light of the submission given above.

Copy to -

1. The District Magistrate  
( D.M), Muzaffarpur,

संतोष कुमार व संतोष कुमार गुप्ता

TK  
ms

35



RF357573154IN IVR:8270357573154  
 RL GULZARBAGH SO (800007)  
 Counter No:1, 29/04/2024, 13:51  
 To: DR. D. N. BIKAR  
 PIN:842001, Mirzapur SO  
 From: SANTOSH KR GUPTA, NOTIPUR  
 Wt: 38gms, REG-17.0  
 Amt: 31.86 (Cash) Tax: 4.86

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 <Dial 18002666868> <Wear Masks>



RF357573242IN IVR:8270357573242  
 RL GULZARBAGH SO (800007)  
 Counter No:1, 29/04/2024, 13:51  
 To: THE EX OFFICE, NOTIPUR  
 PIN:843111, Notipur SO  
 From: SANTOSH KR GUPTA, NOTIPUR  
 Wt: 38gms, REG-17.0  
 Amt: 31.86 (Cash) Tax: 4.86

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 <Dial 18002666868> <Wear Masks>



✓ RF357573361IN IVR:8270357573361  
 RL GULZARBAGH SO (800007)  
 Counter No:1, 29/04/2024, 13:51  
 To: THE CO, NOTIPUR  
 PIN:843111, Notipur SO  
 From: SANTOSH KR GUPTA, NOTIPUR  
 Wt: 38gms, REG-17.0  
 Amt: 31.86 (Cash) Tax: 4.86

<Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 <Dial 18002666868> <Wear Masks>



✓ RF357573239IN IVR:8270357573239  
 RL GULZARBAGH SO (800007)  
 Counter No:1, 29/04/2024, 13:51  
 To: THE SECRETAR, VIKASH BHAWAN  
 PIN:800015, Patna Sectt SO  
 From: SANTOSH KR GUPTA, NOTIPUR  
 Wt: 38gms, REG-17.0  
 Amt: 31.86 (Cash) Tax: 4.86

T.C  
 [Signature]

(ANNEXURE  
A-2)

36

COLOR PHOTOGRAPHS



TE  
A-2

2021-7-17 12:19



37



2021-7-17 12:1



Tic  
Aelo  
A

38



PIC  
Aew.

39



TIC  
A.W.  
10

2021-7-17 12:17

401



TR  
New  
10

2021-7-17 12:1