

**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****IN THE MATTER OF:****Original Application No. 184/2024/EZ****Jay Kumar****...Applicant****-Versus-****State of Jharkhand & Ors.****...Respondents****INDEX**

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**AISHWARYA RAJYASHREE****Advocate****Bar Association Room No. 5,****High Court, Calcutta****Chamber: 8/1, K.S. Roy Road,****Kolkata: 700001.****(M)9874995669****Email: [advaish.hc@gmail.com](mailto:advaish.hc@gmail.com)**

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA



O.A. No. 184 of 2024 (EZ)

JAY KUMAR..... APPLICANT

VS

STATE OF JHARKHAND & Ors. .... Respondents



AFFIDAVIT ON BEHALF OF RESPONDENT NO-2 IN COMPLIANCE OF THE ORDER DATED 26.09.2024

S.No. 3 Date 31 DEC 2024

I, NAMAN PRIYESH LAKRA.....aged about 36 years son of.....SUNIL LAKRA..... presently posted as DEPUTY COMMISSIONER, GIRIDIH and as such , I am well acquainted with all the facts and circumstances of this case.

1. That, I have gone through the order dated 26-09-2024 passed by the Hon'ble National Green Tribunal and have understood the contents therein.
2. That the instant Original Application registered on the basis of a letter petition filed by the Applicant, Jay Kumar dated 02.07.2024. It has been alleged by the applicant that a river passing through the land belonging to Jamdiha Forest Department in Gram Panchayat- Pandedih, Block/Circle- Jamua, District- Giridih, Jharkhand has been diverted and land adjacent to the river which otherwise belongs to the Shamshaan-Ghat has been encroached and converted into an agricultural land by





certain land mafias. It has also been stated that the said Shamshaan-Ghat to be used by the residents of about 10-12 villages and also worshipped their kuldevta.

3. That , it is humbly stated and submitted that in view of substantial issue, the Bench of Hon'ble Tribunal, Eastern Bench, Kolkata vide Order dated 26.09.2024, constituted a committee comprising of the following members.

(i) Senior Scientist, Jharkhand State Pollution Control Board, Ranchi

(ii) Divisional Forest Officer, Giridih or his representative of senior rank

(iii) District Magistrate or his representative of Senior rank not below the rank of Additional District Magistrate (ADM).

It has been directed that the above mentioned Committee shall visit the site in question and submit a fact finding report with regard to the allegations made in the original application. If the allegations are validated, the committee shall identify the violators and disclose their names with address in the affidavit so that the said person(s) may be impleaded in the present proceedings and given an opportunity of being heard.

4. That , it is humbly stated and submitted that in compliance of the said order of Bench of Hon'ble Tribunal, Eastern Bench, Kolkata, the Deputy Commissioner, Giridih in response to the said letter and in reference of the letter no. 1966 dated 01.11.2024, issued an order vide Memo No. 1722/vidhi, dated 04-11-2024 nominating Additional Collector, Giridih as the representative of him and Van kshetra padadhikari(Forest officer), Jamua vanropan Kshetra as representative of

Divisional Forest Officer, Giridih western Division and directed them to enquire into the matter and submit an enquiry report.

Photocopy of Memo No. 1722/vidhi, dated 04-11-2024 of Deputy Commissioner, Giridih is annexed and marked as **Annexure- A**

5. That , it is humbly stated and submitted that in compliance of the order of the Deputy Commissioner, Giridih, the three member committee enquired the matter after visiting the site and submitted their report vide letter No. 2295/Ra. Dated 28-12-2024 of Additional Collector, Giridih. It has been mentioned in the report that during the physical inspection of the site, the Shmashan Ghat along with drain was observed. It was clear from the map of the forest department of Mauja Jamdiha, thana-Kharagdiha, thana no. 264 that there is a natural drain next to the Shamashan Ghat due to which the forest land is not getting affected. The natural drain starts at a distance of 20 meter from the forest land. Its demarcated boundary pillar is located and photo of which is attached in annexure 01 of the said report. It has also been submitted in the report that there is no encroachment on the Shmashan Ghat and the villagers present there also denied any kind of encroachment on it. Photograph with the villagers has been attached as annexure 2 of the said report. It has been further submitted in the said report that the Applicant Jay Kumar was also present during the site inspection who said that at that very time some people had dumped mud in the drain and the case was filed to prevent encroachment of the drain and according to him presently the drain is in good condition and he has no grievances. Photograph of drain has been annexed as annexure 03 of the report. Further, it has been submitted that a Shmashan Shed was constructed on Shmashan Ghat situated in plot no. 581 of Mauja Jamdiha whose photograph is annexed as Annexure 04 of the report.





Photocopy of letter No. 2295/Ra. Dated 28-12-2024 of Additional Collector, Giridih along with all annexures (photographs) is annexed and marked as **Annexure-B** series.

- 6. That, it is humbly stated and submitted that the Hon'ble Tribunal may be pleased to accept the Enquiry Report Submitted by Additional Collector, Giridih, and /or pass order as the Hon'ble Tribunal may deem fit and proper for adjudication of the matter.
- 7. . That the answering respondent craves leave of this Hon'ble Tribunal to file further affidavit if required or directed by the Tribunal.
- 8. That this Affidavits is filed bonafide and in the interest of justice.
- 9. That the statement made in forgoing paragraphs are true to my knowledge and annexures are true copies of its originals.



*[Signature]*  
 DEPONENT  
 Deputy Commissioner  
 -cum-  
 Dist. Magistrate  
 Giridih

*Naman Prakash Lakshy*  
*Anil K. Sahay*  
 ...ri/Smt. ....  
 who his indentified by Advocate.....  
 Sc:emntly affirmed and declared before me

*Ajit*  
**AJIT KR. SAHAY**  
 NOTARY, GIRIDIH  
 Reg. No. 755.

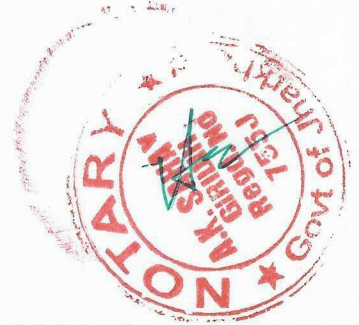
**31 DEC 2024**

Identified the deponent who has  
 put his/her signature  
 (T/RT) in my presence

*[Signature]*  
**Advocate**  
 Giridih  
 31/12/24

**VERIFICATION:**

Verified at Giridih on this the day of ..... <sup>31</sup> December, 2024 that the averments & facts stated herein above are true and correct to my knowledge and belief and nothing material has been concealed therefrom.



*[Handwritten Signature]*

DEPONENT

*Namen Prayash Kumar*  
sri/Smt. *Prayash Kumar*  
who his indentified by Advocate *Prayash Kumar*  
Solemnly affirmed and declared before me

*[Signature]*  
AJIT KR. SAHAY  
NOTARY, GIRIDIH  
Reg. No. 755 J



Identified the deponent who has  
put his/her signature  
LIT/RTI in my presence

*[Signature]*  
Advocate  
Giridih

*31/12/24*

31 DEC 2024

## ANNEXURE - A



उपायुक्त-सह-जिला दण्डाधिकारी का कार्यालय, गिरिडीह।  
(विधि शाखा)

Email-legal.grd@gmail.com

—:आदेश:—

माननीय NGT, Eastern Zone Bench, Kolkata द्वारा दिनांक 26.09.2024 को OA No. 184/2024/EZ Jay Kumar Vs State of Jharkhand में पारित आदेश के आलोक में वादगत स्थल के भौतिक निरीक्षण कर Fact Finding Report तैयार करने के निमित्त Jharkhand State Pollution Control Board, Ranchi के पत्रांक B-2301 दिनांक 29.10.2024 तथा वन प्रमण्डल पदाधिकारी, गिरिडीह पश्चिमी वन प्रमण्डल, गिरिडीह के पत्रांक 1966 दिनांक 01.11.2024 के आलोक में जाँच समिति का गठन निम्नवत किया जाता है:—

1. Sri Jitendra Kumar Singh, Regional Officer, JSPCB Regional office-Cum-Laboratory, Hazaribagh
2. Additional Collector, Giridih
3. वन क्षेत्र पदाधिकारी, जमुआ वनरोपन प्रक्षेत्र

उक्त के आलोक में Jharkhand State Pollution Control Board, Ranchi के पत्रांक B-2301 दिनांक 29.10.2024 की प्रति अनुलग्नक सहित संलग्न करते हुए निदेश है कि इसमें वर्णित तथ्यों के आधार पर जाँच करते हुए जाँच प्रतिवेदन Jharkhand State Pollution Control Board, Ranchi एवं इस कार्यालय को दिनांक 10.11.2024 तक उपलब्ध कराया जाय ताकि माननीय NGT में निर्धारित तिथि 14.11.2024 के पूर्व प्रतिशपथ पत्र दायर की जा सके।

इसे अत्यावश्यक समझा जाय।

04/11/24

उपायुक्त-सह-जिला दण्डाधिकारी  
गिरिडीह।

ज्ञापांक 1722 / विधि, दिनांक 04/11/2024

- प्रतिलिपि:— Sri Jitendra Kumar Singh, Regional Officer, JSPCB Regional Office -Cum-Laboratory, Hazaribagh को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।
- प्रतिलिपि:— Additional Collector, Giridih को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।
- प्रतिलिपि:— वन क्षेत्र पदाधिकारी, जमुआ वनरोपन प्रक्षेत्र को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।
- प्रतिलिपि:— Divisional Forest Officer, Giridih (West) को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

04/11/24

उपायुक्त-सह-जिला दण्डाधिकारी  
गिरिडीह।





# उपायुक्त-सह-जिला दण्डाधिकारी का कार्यालय, गिरिडीह।

(जिला राजस्व शाखा)

ई-मेल: [ac-giridih@jhakhandmail.com](mailto:ac-giridih@jhakhandmail.com)

पत्रांक...2295/रा0, दिनांक 28/12/2024

प्रेषक,

अपर समाहर्ता,  
गिरिडीह।

सेवा में,

उपायुक्त-सह-जिला दण्डाधिकारी,  
गिरिडीह।

विषय:-

माननीय NGT Eastern Zone द्वारा O.A No. 184/2024 EZ Jay Kumar Vs State of Jharkhand में दिनांक 26.09.2024 को पारित आदेश के आलोक में जाँच प्रतिवेदन का प्रेषण।

प्रसंग:-

भवदीय आदेश ज्ञापांक 1722, दिनांक 04.11.2024

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में संयुक्त जाँच प्रतिवेदन संलग्न कर भेजी जाती है।

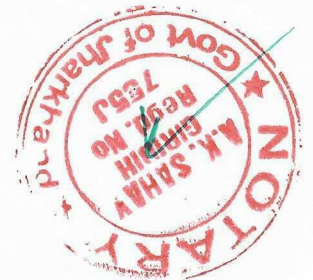
कृपया प्राप्ति स्वीकार की जाय।

अनुलग्नक :- यथोक्त।

अनुलग्नक :- यथोक्त।

विश्वासभाजन

28-12-2024  
अपर समाहर्ता  
गिरिडीह।



माननीय NGT Eastern Zone Bench, Kolkata द्वारा दिनांक 26.09.2024 को O.A No. 184/2024 EZ Jay Kumar vs State Of Jharkhand में पारित आदेश के आलोक में स्थल का भौतिक निरीक्षण हेतु एक कमिटी का गठन किया गया तदनुसार उपायुक्त गिरिडीह के पत्रांक 1722 दिनांक 04.11.2024 तीन सदस्यीय कमिटी का गठन किया गया जो निम्नवत् है :-

- (1) वन प्रमण्डल पदाधिकारी, गिरिडीह पश्चिमी वन प्रमण्डल
- (2) अपर समाहर्ता, गिरिडीह।
- (3) Jitendra Prasad Singh Regional Officer JSPCB Regional Office cum Laboratory Hazaribagh

वन प्रमण्डल पदाधिकारी, गिरिडीह पश्चिमी वन प्रमण्डल के पत्रांक 1979 दिनांक 06.11.2024 के द्वारा सुरेश प्रसाद रजक, वन क्षेत्र पदाधिकारी, जमुआ वनरोपण प्रक्षेत्र को कमिटी में जाँच हेतु अधिकृत किया गया।

आज दिनांक 04.12.2024 को स्थल का भौतिक निरीक्षण किया गया स्थल निरीक्षण के दौरान निम्न ग्रामीण भी उपस्थित हुए (1) श्री राजकुमार सिंह पिता स्व० मैनेजर सिंह, ग्राम जमडीहा (2) बिरेन्द्र प्र० यादव पिता स्व० गणपत यादव ग्राम सिहोडीह (3) बिनोद कुमार सिंह पिता स्व० मैनेजर सिंह, ग्राम जमडीहा।

स्थल का भौतिक निरीक्षण के दौरान शमशान घाट नाला का अवलोकन किया गया। मौजा जमडीहा, थाना खरगडीहा थाना नं० 264 वन विभाग के मानचीत्र से स्पष्ट हुआ कि शमशान घाट के बगल में प्राकृतिक नाला है जिससे वन भूमि प्रभावित नहीं हो रहा है। वन भूमि से प्राकृतिक नाला 20 मी० के दूरी से आरंभ होती है। जिसका सिमांकित सीमा स्तंभ अवस्थित है। जिसका फोटो अनु 01 में संलग्न है।

शमशान घाट के मुआयना से स्पष्ट हुआ कि शमशान घाट का कोई अतिक्रमण नहीं हुआ है। स्थल निरीक्षण के दौरान उपस्थित ग्रामिणों द्वारा शमशान घाट का किसी भी प्रकार का अतिक्रमण से इंकार किया गया जिसका फोटो अनु 02 में संलग्न है।

उक्त जाँच के क्रम में जय कुमार भी उपस्थित हुए, उन्होंने बताया कि उस समय नाला में कुछ लोगों के द्वारा मिट्टी डाल दिया गया था। नाला अतिक्रमण न हो जाय उस मकसद से केस किया था, वर्तमान में प्राकृतिक नाला सही है। जिसका फोटो अनु 03 में संलग्न है।

शमशान घाट के स्थल का भौतिक निरीक्षण से स्पष्ट हुआ कि शमशान घाट का कोई अतिक्रमण नहीं हुआ है, जो मौजा जमडीहा के प्लॉट नं० 581 में है शमशान घाट का एक शेड भी बना हुआ है। जिसका फोटो अनु 04 में संलग्न है।

कमिटी के सदस्यों द्वारा एक मत से विचार था कि यहाँ पर किसी प्रकार का अतिक्रमण नहीं है।

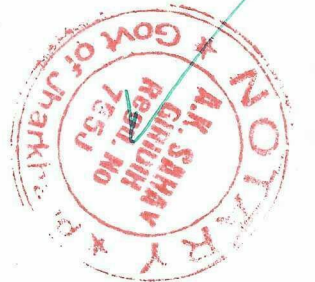
*[Signature]*

वन क्षेत्र पदाधिकारी  
जमुआ वनरोपण प्रक्षेत्र

*[Signature]*

Jitendra Prasad Singh  
Regional Officer JSPCB

*[Signature]*  
04.12.2024  
अपर समाहर्ता  
गिरिडीह।

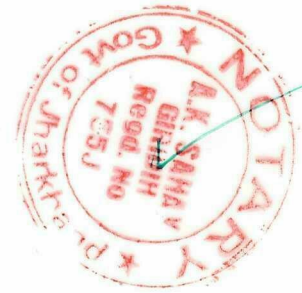




सत्राहूर नाम:- जमडीहा  
 चाना नम्बर:- 264  
 चाना:- हिरडीहा (खरगडीहा)  
 जिला:- गिरडीहा  
 पैमाना व हिसाब फी भील = 16 इंच



संकेत	
वन सीमा रेखा :-	
नाला :-	
शमसान सैड :-	
शमसान घाट :-	
शमसान कार्य स्थल :-	



*Syahr*  
 R.F.0

*Prudhvir Sharma*  
*P. Anand*

