

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

O.A NO. 14 OF 2025

In the matter of:

Talab Bachao Abhiyan (TBA) & Anr. ...Applicants

Versus

Govt. of Bihar & Ors. ...Respondents

INDEX

Sl. No.	Particulars	Page No.
1.	INDEX	1-4
2.	MEMO OF PARTIES	5-8
3.	SYNOPSIS & LIST OF DATES	9-35
4.	APPLICATION UNDER SECTIONS 14 & 15 READ WITH SECTION 18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 WITH REGARD TO ISSUE OF ILLEGAL ENCROACHMENT AT "MOIN POKHAR/ MON POKHAR" WHICH IS A NATURALLY CREATED POND/LAKE BY THE BAGHMATI RIVER IN THE DARBHANGA DISTRICT OF BIHAR AND FOR OTHER DIRECTIONS.	36-114

5.	ANNEXURE P-1 True copy of the photographs and satellite view Map of the Man/ Moin Pokhar Situated in the city of Darbhanga Bihar.	115-119
6.	ANNEXURE P-2 True copy of communication dated 20.11.2010 made to the Senior Superintendent of Police, Darbhanga	120- <u>124</u>
7.	ANNEXURE P-3 True copy of the communication made by the office of Senior Superintendent dated 08.12.2010.	125-129
8.	ANNEXURE P-4 True copy of representation dated 20.09.2021 made to the District Magistrate.	130-131
9.	ANNEXURE P-5 True copy of the complaint made to the District officer Darbhanga dated 12.12.2023.	132-135
10.	ANNEXURE P-6 True copy of the representation dated 08.01.2024 made to the District Officer, Darbhanga	136-139
11.	ANNEXURE P-7 True copy of the complaint dated 11.01.2024 made by Md. Tasim.	140-143

12.	ANNEXURE P-8 True copy of FIR dated 13.01.2024 having FIR No. 5106043240019 along with true type copy of FIR	144-151
13.	ANNEXURE P-9 True copy of the complaint dated 15.01.2024	152-162
14.	ANNEXURE P-10 True copy of the complaint dated 29.01.2024 made to the Senior Superintendent of Police, Darbhanga	163-169
15.	ANNEXURE P-11 True copy of the representation dated 28.02.2024 made to the Deputy Inspector General	170-173
16.	ANNEXURE P-12 True copy of the communication dated 06.04.2024 made to the Deputy Collector of Land Reforms	174-180
17.	ANNEXURE P-13 True copy of the representation made by the applicant dated 02.12.2024	181-195
18.	ANNEXURE P-14 True copy of the newspaper reports published in various newspapers	196-207

19.	ANNEXURE P-15 A list of the 28 ponds which have been encroached	208-209
20.	ANNEXURE P-16 True copy of the office memorandum dated 8 th March 2022	210
21.	ANNEXURE P-17 True copy of the Judgment passed by the Hon'ble Supreme Court in Intellectuals Forum v. State of A.P., (2006) 3 SCC 549	211-242
22.	Vakalatnama	243-244

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DATED: 07.01.2024
 PLACE: NEW DELHI

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MEMO OF PARTIES

1. TALAB BACHAO ABHIYAN (TBA),
Through its Convenor Narayan Jee Choudhary
C/o Maithili Sahitya Praishad, Professor Colony,
Dighi West, Near Primary School
Darbhanga-846004 ...Applicant No.1

2. Md. Taseem Nawab
S/o Nawab Ali,
age about 74 years
R/o Ward No. 31, Jamalpura Bhigo,
Near Masjid, Post- lalbag,
Darbhanga, Bihar 846004 ...Applicant No.2

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Versus

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...Respondent No. 1

2. District Magistrate, Darbhanga District,
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3. Environment, Forest and Climate Change Department
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5. Darbhanga Municipal Corporation,
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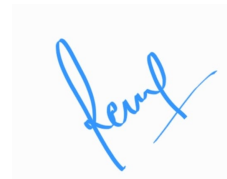
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DATED: 07.01.2024
PLACE: NEW DELHI

SYNOPSIS

That the present Application pertains to the water body i.e Pond namely Moin Pokhar/Man Pokhar is a naturally created pond/Lake by the Baghmata River in the Darbhanga District of Bihar. The area of the pond is about 100 Acres and it reaches deep into the Maujas of Maheshpatti, Kajipura, Belwaganj, Chak Johra and Yakubpura. The Southern most corner of this pond is called Dhobiya Man and the central part is called Koyla Man Pokhar. In the old Khatiyani (Land Records) the Man Pokhar is recorded as River and Land ownership is in the name of Kaiser-e-Hind. The area of this Pond falls in ward number 31 & 32 of the Darbhanga Town and also in the village area of the Bahadurpur Block. Therefore, this pond comes within multiple jurisdictions i.e that of Circle office 'Sadar' and Circle officer 'Bahadurpur'.

That there has been a recent encroachment in the area of about 5-6 Bighas of land by way of filling it up with the Soil and thereafter selling it at the rate of Rs. 30-35 lacs per katha. The entire encroachment would have a financial value of more than 50 crores but its cost on the environment is immeasurable.



That several complaints in this regard have been made by the authorities however no action till date appears to have been taken and encouraged by the inaction of the Authorities the Land Mafias have rather started attacking the complainants and have also made open attempts to threaten

the life of the complainants one such complainant in this case is one Md. Tasim Nawab who has filed complaints with regard to the encroachment.

Furthermore It is crucial to bring to the attention of this Hon'ble Court that the Ministry of Environment, Forest & Climate Change (Welfare Division), through its office memorandum, has explicitly clarified that wetlands larger than 2.25 hectares, as identified in the National Wetland Inventory and Assessment (NWIA), 2011, are to be afforded protection under Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection applies regardless of the applicability of notifications under the said rules, in this context, it is pertinent to highlight that Moin/Mon/ Moin Pokhar, a wetland spanning approximately 100 hectares, falls squarely within the ambit of this protection framework. Despite its ecological significance and legal safeguards, the pond has become a victim of extensive encroachment, reportedly amounting to approximately 6 acres. This encroachment has been facilitated by the inaction and negligence of the authorities tasked with safeguarding such critical ecological resources. The land mafias have exploited this lack of enforcement, threatening not only the wetland's integrity but also its crucial role in sustaining biodiversity, groundwater recharge, and local climate regulation.

There are several issues to be addressed in the present petition and the same may be underlined in the following paras:

Sl. No.	Issues raised in the present Application
1.	Encroachment on large scale by a gang of land Mafia, who control over the land of Mon/ Moin Pokhar by fabricating false documents of ownership, and then selling it illegally.
2.	Storm/rainwater drainage of Mon/ Moin Pokhar has connected with several municipal sewage to flow waste & polluted water into it Mon/ Moin Pokhar.
3.	Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon/ Moin Pokhar.
4.	Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon/ Moin Pokhar.
5.	For maintaining transparency, opportunity to be given to local people/community for participation in the process of inspection, record preparation, development plan for rejuvenation, if any taken place.

The above issues and their solutions are being proposed with one by one:

I. Encroachment on large scale by a gang of land Mafia, who controls over the land of Mon/ Moin Pokhar by fabricating false documents of ownership, and then selling it illegally.

As stated above, the land known as Mon/ Moin Pokhar is categorized as Kaisar-i-Hind, which is public land owned by the Government of India.

However, a gang of land mafias has unlawfully manipulated government offices, including the Circle Offices of Darbhanga Sadar and Bahadurpur, to forge false ownership documents. These fraudulent documents have subsequently been used to sell the land through the District Land Registry Office, The gang is reportedly led by Amanullah Khan, also known as 'Allan Khan,' and includes other members such as Tarik Ekbal Khan, alias 'Jhabban,' Khalid Husain, alias 'Laddan,' and Md. Laddu. Below are the brief details concerning the location and extent of the encroachments on Mon/ Moin Pokhar's land

SN	Details of Location of Encroachment of Mon/ Moin Pokhar's Land	Approx Area of Encroachment
A.	In Darbhanga Sadar Circle	
1.	Towards eastern & northern side of the Mon/ Moin Pokhar, near Kilkhana, in ward no. 31 & 32, Mohalla Kajipura, Mauja Maheshpatti	Approx. 3 Acres
2.	Towards western side in ward no. 31, Mohalla Mirgyas Chak, MaujaMaheshpatti	Approx. 6 Acres
3.	Towards Eastern side, Mohalla Dumduma, Mauja Belvaganj,	Approx. 5 acres
	B. In Bahadurpur Circle	
1.	Mohalla Maharaj Ganj, Mauja Maheshpatti & Yakubpur	Approx. 2 Acres
2.	Mohalla Saray, Mauja Saray	Approx. 3 acres

3.	Say, Total Encroachment Area Approx.	15 to 20 Acres
4.	Illegal Earning/business from selling Man Pokhar land become Approx.	Rs. 90 to 100 crores

It is estimated that approximately 15 to 20 acres of the Mon/ Moin Pokhar land have been unlawfully encroached upon by a notorious gang of land mafias. This gang is actively involved in selling parcels of Mon/ Moin Pokhar land at rates ranging from ₹30 lakhs to ₹35 lakhs per kattha, with the exact price varying based on the location of the land.

By considering the minimum rate of ₹30 lakhs per kattha, the illegal revenue generated from the sale of just one acre of Mon/ Moin Pokhar land amounts to ₹6 crore. Given the scale of the encroachment, which spans 15 to 20 acres, the estimated value of the illegal transactions is between ₹90 crore and ₹100 crore.

The sheer magnitude of this illegal operation suggests that the land mafia has secured protection and patronage from influential authorities, both at the local and state levels, to continue their activities without interference. This nexus between the mafia and powerful individuals underscores the urgent need for immediate and stringent action to reclaim the public land and dismantle the criminal network profiting from such unlawful activities.

The western side of Mon/ Moin Pokhar, near Karamganj Main Road, shows clear signs of encroachment. Despite the illegal activities, some old trees along the pond's bund remain intact, standing as remnants of the original landscape amidst the ongoing encroachment.



The pond/Mon/ Moin Pokhar has become overgrown with water lilies and weeds, indicating neglect and lack of maintenance, even as encroachment activities persist in the surrounding area.



Mon/ Moin Pokhar is an ancient lake formed by the Darbhanga Bagmati River, carrying immense historical and environmental significance. However, retrieving comprehensive information and an accurate map of this lake from official records has proven to be exceedingly difficult. Despite its importance, no significant effort has been made thus far to systematically document the lake's various features, including its water area, pond-bund area, inlet, and outlet points, in the form of a detailed and complete map.

To ensure the protection and proper management of Mon/ Moin Pokhar, it is essential to create a block-wise and Mauja-wise record of its area, with a precise map indicating key features such as the waterbody, pond-bund, inlet, and outlet. Such a record would serve as a critical tool for

identifying and vacating existing encroachments and preventing any future illegal occupation of the land.

The petitioner, utilizing personal resources, has managed to collect some old maps and information related to Mon/ Moin Pokhar. However, this information remains incomplete and requires thorough cross-verification to establish its authenticity and accuracy. A coordinated effort involving relevant authorities is crucial to creating a reliable and comprehensive record of Mon/ Moin Pokhar, ensuring its preservation and rightful restoration.

Solution

Therefore, it is most humbly prayed that the Respondents (More particularly Respondent No. 1 State of Bihar, Respondent No 2. District Magistrate Darbhanga, Respondent No 7, MoEFCC, GoI) be directed to demarcate the land of Man pokhar and prepare a complete Map of the Man Pokhar with indication of water area, pond-bund area, inlet & outlet area, details of encroachment and same to be produce before this Hon'ble Tribunal. This record with map should be available in the office of Bihar State Wetland Authority, Darbhanga Municipal Corporation and local circle offices. This record will help to vacate the encroachment and prevent future encroachment.

II. Storm/rainwater drainage of Mon/ Moin Pokhar has connected with several municipal sewage to flow waste & polluted water into it/ Mon/ Moin Pokhar.

The rainwater drainage system connected to Mon/ Moin Pokhar is a kachcha (unpaved) drainage channel that plays a vital role in the hydrology of Darbhanga city. This natural drainage extends from the east to the west, covering areas such as Rasoolpur, Alalpatti, Khan Chowk, Rahamganj, and Maheshpatti Mohalla, before ultimately discharging into Mon/ Moin Pokhar. Spanning a length of approximately 3 to 4 kilometres and a width of about 20 to 25 feet, this drainage system historically provided fresh rainwater to Mon/ Moin Pokhar during the rainy season, ensuring its replenishment and ecological balance.

Additionally, the drainage acted as a critical mechanism to prevent waterlogging in Darbhanga city during heavy rains, thereby contributing significantly to urban water management. However, this vital drainage has been severely compromised in recent years due to encroachment and mismanagement.

The Darbhanga Municipal Corporation has diverted several municipal sewage lines into this rainwater drainage, causing the continuous flow of polluted and untreated wastewater into Mon/ Moin Pokhar. This has led to the contamination of its waters, rendering them unfit for any beneficial use and significantly harming the lake's ecosystem. Moreover, at several points along the drainage, municipal waste has been recklessly dumped, further obstructing the flow of water and exacerbating the pollution problem.

The degradation of this drainage system has not only polluted Mon/ Moin Pokhar but also diminished its capacity to handle rainwater effectively, increasing the risk of urban waterlogging during Mon/ Moinsoons. Urgent

corrective actions, including clearing encroachments, restoring the drainage's natural flow, and halting the discharge of sewage and waste, are imperative to preserve Mon/ Moin Pokhar and its associated drainage system.

Dumping of Municipal Solid Waste in Mon/ Moin Pokhar & Encroachment



SOLUTION:

In light of the aforementioned circumstances, it is most humbly prayed that this Hon'ble Court may kindly direct the Respondents—more specifically, Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—to take the following actions:

Vacate Encroachments:

Direct the removal of all encroachments from the storm/rainwater drainage connected to Mon/ Moin Pokhar to restore its original capacity and functionality.

Establish Separate Drainage and Sewage Treatment Facilities:

Instruct the creation of a separate drainage system for municipal sewage, preventing the discharge of polluted sewage water into Mon/ Moin Pokhar. Further, mandate the installation of a Sewage Treatment Plant (STP) to ensure proper treatment of sewage before it is released into the environment.

Stop Dumping Solid Waste and Pollution:

Prohibit the dumping of solid waste and other pollutants into Mon/ Moin Pokhar or its surrounding areas. Direct the authorities to take strict action against any individual or entity responsible for polluting the pond or its environment.

Implement Scientific Waste Management:

Ensure the disposal of solid waste through proper scientific methods and processes, rather than using Mon/ Moin Pokhar as a dumping ground. Effective waste management practices must be employed to protect the pond and its ecosystem.

III. Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon/ Moin Pokhar.

The water in Mon/ Moin Pokhar has become severely contaminated due to widespread pollution. Approximately 70% of the pond's area is overrun by water lilies and wild grass, which decay and significantly degrade the water quality. This contamination not only diminishes the aesthetic and environmental value of the pond but also deprives the community of the opportunity to enjoy its natural beauty. Furthermore, the pollution adversely impacts the livelihoods of local fishermen who depend on the pond's resources. This situation is clearly depicted from below photograph.

Wild Grass Covered water surface of Mon/ Moin Pokhar



Solution:

Dredging is a crucial process that involves the removal of sediments, debris, and accumulated pollutants from the bottom of lakes, rivers,

harbors, and other water bodies. This process is essential for maintaining the health and functionality of water bodies worldwide. In the case of Mon/ Moin Pokhar, dredging, along with water treatment, is necessary to restore the lake's ecological balance and improve its water quality.

Therefore, it is most humbly prayed that the Respondents—specifically Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), Respondent No. 4 (Principal Secretary, Urban Development and Housing Department, Government of Bihar), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—be directed to take immediate action for the cleaning, dredging, and treatment of Mon/ Moin Pokhar's water and its surrounding areas to ensure the rejuvenation of the pond.

IV. Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon/ Moin Pokhar.

Md. Taseem Nawab, son of the late Nawab Ali, aged about 54 years, residing at Ward No. 31, Jamalpura Bhigo, Near Masjid, Post-Lalbag, Darbhanga, Bihar. is a dedicated whistle-blower in the case of Mon/ Moin Pokhar. Over the years, through his tireless efforts, he has continuously raised his voice and lodged numerous complaints against the illegal encroachments occurring at the site of "Mon/ Moin Pokhar, Md. Taseem Nawab has brought to light the illegal activities of certain land mafias who, in collusion with corrupt officials, have been systematically filling the ponds at "Mon/ Moin Pokhar" to convert the area into land for unauthorized development. These mafias are selling the land for

substantial financial gain by constructing residential buildings and commercial shops on the encroached land. This activity not only violates environmental laws but also destroys a crucial natural resource in the community.

What makes the situation even more alarming is that this group of land mafias has resorted to extreme measures such as murder, physical assault, and issuing death threats to anyone who dares to oppose their illegal activities. The Applicant No. 2, Md. Taseem Nawab alongside other concerned citizens, has filed numerous complaints with the authorities, against the encroachment, despite their consistent efforts, no meaningful action has been taken against the culprits. This inaction on the part of the authorities has emboldened the land mafias to continue their illegal activities unchecked, further endangering the lives of the whistle-blowers and activists involved in the preservation of the ponds.

The danger of the life of the whistle-blower as well as courage of the criminal gang of land mafia can be understood by the following cases and examples:

A) A group of goons of land mafia of Mon/ Moin Pokhar reached to the house of Md. Taseem on 10 January 2024 at 8 PM and attacked to his life. While a delegate of Talab Bachao Abhiyan led by Prof Vidya Nath Jha met DM, Darbhanga on 8 January, 2024 and requested him for protection of life of activists from the Mafia of Mon/ Moin Pokhar. **(Annexure 8)**

B) In last 20-25 years, the land mafia of Mon/ Moin pokhar has filled more than 28 ponds in Darbhanga town. Several complain has been lodged so far against the land mafia but no action has been taken so far. **(Annexure P-15)**

C) More surprisingly, IG, Darbhanga expressed shocking and pain by writing a letter dated 20.11.2010 to SSP, Darbhanga said that Laheriasarai Thana is under controlled of the land mafia.

D) Similarly, the SSP, Darbhanga wrote a letter, dated 08.12.2010 to to the Deputy Superintendent of Police and In this communication, the Deputy Superintendent of Police was instructed to ensure the registration of a case and to take effective action against the land mafia. Additionally, it emphasized prioritizing action under the Bihar Crime Act against such land mafia in relation to cases registered within the last two years.

The above-mentioned cases serve as stark examples of the resilience, power, and protection enjoyed by the land mafia operating around Mon/ Moin Pokhar. Over the past two decades, despite several judicial orders from the Hon'ble Supreme Court, Hon'ble High Court, as also by this Hon'ble National Green Tribunal (NGT) aimed at safeguarding water bodies, the criminal gang associated with Mon/ Moin Pokhar has consistently managed to encroach upon and fill in ponds and other water bodies within the town for unlawful profit and criminal activities.

These directives from higher courts were intended to preserve and protect the natural water resources that play a crucial role in the local ecosystem and community well-being. However, the encroachers have, with the assistance of powerful networks, ignored these judicial mandates, continuing to fill the ponds for purposes of illegal land reclamation, construction, and selling of plots at inflated prices.

The persistence of these unlawful activities highlights a deeply entrenched nexus between the land mafia and influential figures at various levels, making it exceedingly difficult for authorities to enforce the law and

protect the town's water bodies. Despite the clear legal framework protecting such resources, the systematic encroachment and degradation of Mon/ Moin Pokhar and surrounding water bodies have continued unabated, undermining the rule of law and jeopardizing the environment. This situation calls for urgent and decisive action to dismantle the mafia network and ensure the protection of Mon/ Moin Pokhar and other critical water bodies in the region.

LIST OF DATES

Dates	Events
	<p>That the present Application has been preferred by the Applicant organization "Talab Bachao Abhiyan" and Mohammad Tasim, Applicant No.1 (TBA) preferred this petition through its convenor Narayan ji Chaudhary who first decided to work to save ponds, by creating awareness in his home region of north Bihar, he didn't think that one day, it will be his passion. At that time, as he witnessed handpumps going dry and ponds disappearing, Choudhary was pained but also driven to study the causes. He spoke to local experts and residents who informed him that illegal encroachment by the powerful land mafia in the region was significantly contributing to the disappearance of ponds. In Darbhanga city, the headquarters of Darbhanga district and the cultural capital of Mithilanchal region, where Choudhary currently lives, he started his campaign to save ponds, the Talab Bachao Abhiyan (TBA)</p> <p>whereas Md. Taseem Nawab, son of the late Nawab Ali, aged about 54 years, residing at Ward No. 31, Jamalpura Bhigo, Near Masjid, Post-Lalbag, Darbhanga, Bihar 846004, is a dedicated whistle-blower in the case of "Mon Pokhar," also known as "Moin Pokhar." Over the years, through his tireless efforts, he has continuously raised his voice and lodged numerous complaints against the illegal encroachments occurring at the site of "Mon Pokhar, Md.</p>

	<p>Taseem Nawab has brought to light the illegal activities of certain land mafias who, in collusion with corrupt officials, have been systematically filling the ponds at "Mon Pokhar" to convert the area into land for unauthorized development. These mafias are selling the land for substantial financial gain by constructing residential buildings and commercial shops on the encroached land. This activity not only violates environmental laws but also destroys a crucial natural resource in the community.</p> <p>The Applicant has taken a stand against this blatant misuse of public land, despite facing significant personal threats and risks to his life. His persistence in exposing these illegal activities has made him a key figure in the movement to protect "Mon Pokhar" from further degradation.</p>
	<p>The cause of the aforementioned situation is the concern of the Applicant which he has shown by making complaints with regard to rampant encroachment of the public pond namely "Mon/Moin Pokhar" (Mann/Moin Pond) situated in Darbandha, Sadar and Bahadurpur, and the extent of which touches about 5-6 sub-localities of the district.</p>
	<p>That it is the case of the Applicant that a group of land mafias, including but not limited to individuals such as Allan, Laddan, Jhabbaan, and others, have been systematically encroaching upon and illegally selling off land designated as ponds for their personal financial gain. These actions not only violate property and environmental</p>

	<p>laws but also constitute a serious threat to the ecological balance and the rights of the community that depend on these water bodies.</p> <p>What makes the situation even more alarming is that this group of land mafias has resorted to extreme measures such as murder, physical assault, and issuing death threats to anyone who dares to oppose their illegal activities. Those who have raised their voices against the encroachment, including the Applicant and other members of the "Talab Bachao Abhiyan" (TBA), have faced brutal retaliation. These mafia members have created an atmosphere of fear and intimidation, using violence to silence those who seek to protect public land.</p>
	<p>The Applicant, alongside other concerned citizens, has filed numerous complaints with the authorities, against the encroachment, despite their consistent efforts, no meaningful action has been taken against the culprits. This inaction on the part of the authorities has emboldened the land mafias to continue their illegal activities unchecked, further endangering the lives of the whistle-blowers and activists involved in the preservation of these ponds</p>
20.11.2010	<p>Inspector general of Police made a communication to the Senior Superintendent of Police, Darbhanga with respect to the complaint received from Rajiullah Khan, whose land has been forcibly occupied by notorious land mafia/gangsters/ namely Allan, Laddan, Jhabbaan, etc.,</p>

	<p>from Darbhanga city, it was further directed to submit a compliance report within three days on whether a case of extortion was registered in that matter. If not, why was it has not been registered? If it was registered, what was the outcome?</p>
08.12.2010	<p>The Office of the Senior Superintendent of Police, Darbhanga, Laheriasarai, issued another communication to the Deputy Superintendent of Police, Headquarters, regarding a received complaint. In this communication, the Deputy Superintendent of Police was instructed to ensure the registration of a case and to take effective action against the land mafia. Additionally, it emphasized prioritizing action under the Bihar Crime Act against such land mafia in relation to cases registered within the last two years.</p>
20.09.2021	<p>Representation was made by the Applicant to the District Magistrate whereby the Applicant draws attention to the ongoing encroachments in Darbhanga. The Applicant highlighted that individuals are encroaching on the main road and canal areas by constructing shops and residential buildings. This has resulted in the narrowing of the roads, leading to traffic congestion and frequent accidents.</p>
14.02.2023	<p>The applicant made a representation to the senior superintendent of police, Darbhanga regarding the unlawful detention of both the Applicant and his son in connection with a land dispute between Mohammad Mosim</p>

	<p>and his nephew, Mohammad Owais. Despite the fact that the Applicant had no involvement or connection with this personal land dispute, the police officers failed to acknowledge this and subjected them to unjust treatment, furthermore the police officer, disregarding petitioner's innocence, coerced both the Applicant and his son into signing blank papers under the threat of being imprisoned if they refused. This act of intimidation and harassment was carried out without any legal basis, therefore the Applicant requested thorough investigation into the matter, emphasizing that such unlawful behaviour by the police not only violates his legal rights but is a great misuse of authority of Law.</p>
12.12.2023	<p>Complaint was made to the district officer, Darbhanga and Municipal commissioner of Municipal Corporation Darbhanga regarding the illegal construction of roads and canals on privately owned land without obtaining any prior permission from the landowner. It further emphasizes that construction activities were carried out without consent or approval, from the landowner.</p>
08.01.2024	<p>The Applicant made a representation to the District Officer, Darbhanga, calling for an urgent investigation into the activities of the land mafia involved in encroachment and sale of ponds. The complaint further emphasized that these ponds are being encroached upon and transformed</p>

	<p>into residential plots for financial gain, in blatant violation of land and environmental laws.</p> <p>In addition, the Applicant highlighted the pressing need to safeguard the lives and liberties of those actively engaged in the "Talab Bachao Abhiyan" and further highlight the previous incidents of violence, such as the case of Mohd. Parvez Khan, who was a whistleblower and murdered for the pond situated at Fakhira Khan, Rajtoli Ward 30, and the tragic murder of Mohammad Mounuddin, who was killed for his efforts to protect Rehmganj Khangah Pokhar, located in Kazipur Ward No. 33.</p>
10.01.2024	<p>on 10.01.2024 at about 8:00 Pm in the night, when Md. Tasim (Whiseblower of Moin Pokhar) was holding a community meeting at his home someone called out, for him, at that moment, Saira Khatoon, a neighbor, informed the Applicant that Muzaffar Abid's son from Chakrahmat was calling for him. Upon stepping out of the house, he saw four or five young men armed with steel rods and pistols. They immediately started attacking him, one of them attacked him with a steel rod, striking him near the left knee. Two others attempted to shoot him, but when he raised an alarm, neighbors quickly gathered, causing all the assailants to flee on 10 to 12 motorcycles that were parked nearby. In their haste, the criminals left behind two motorcycles. With the help of neighbors, these motorcycles were moved to the road in front of the Md. Tasim's House.</p>

	The registration numbers of those motorcycles are: (1) BR07C 3047, and (2) BR07BA 0945.
11.01.2024	Thereafter on 11.01.2024 when no FIR was registered pursuant to the incident dated 10.01.2024 complaint was made to the Station House Officer of Lehriyasarai Police Station, Darbhanga, requesting registration of FIR against the land mafia and their associates. The complaint detailed a grave incident in which armed goons, who was riding 10-12 motorcycles arrived at the petitioner's residence with the intent to murder him. This attack is believed to be a direct result of the petitioner's active involvement in efforts to safeguard local ponds and public land from illegal encroachment. Applicant further emphasized that the land mafia, are known for their history of violence and intimidation.
13.01.2024	Thereafter an FIR was registered at Police Station Lehriyasarai with respect to the incident which took place on 10.01.2024 having FIR No. 5106043240019.
15.01.2024	Another Complaint was made to the Station-in-Charge of Laheriasarai Police Station, Darbhanga, requesting a thorough investigation and prompt action against the land mafia responsible for orchestrating a deadly attack on the petitioner. The petitioner, who is an active member of the committee dedicated to preserving the land surrounding "Mon Pokhar," particularly its western part, and other

	<p>ponds in Darbhanga has become a target due to his efforts in preventing illegal encroachments.</p> <p>Further the complaint emphasizes that the land mafia unlawfully seize and sell portions of "Mon Pokhar" for their own gain.</p>
29.01.2024	<p>Thereafter again a complaint was made to the Senior Superintendent of Police, Darbhanga, concerning threats to the lives of the members of the Pond Preservation Committee and their families by the land mafia of Darbhanga, in that complaint Applicant highlighted the incidents which occurred on 10.01.2024 & 14.01.2024, when attempts were made to assassinate the petitioner. These attacks were allegedly a direct result of the petitioner's active efforts to combat illegal encroachments on ponds located in Darbhanga.</p>
28.02.2024	<p>Later another Representation was made to the Deputy Inspector General, Darbhanga with respect to initiate investigation into the incident that occurred on 10.01.2024, and urging the immediate arrest of the suspects involved. Additionally, the Applicant requested protection for his family, citing the continued harassment and threats from the same group of individuals.</p>
06.04.2024	<p>Communication was made to the Deputy Collector of Land Reforms, with respect to a comprehensive investigation into the encroachment that has occurred at "Moin Pokhar." The Applicant raised concerns not only about this specific</p>

	<p>case of Moin Pokhar but also about 15 other ponds that have been illegally encroached upon by the land mafia over the past 20-22 years. These water bodies, including "Moin Pokhar," have been systematically encroached upon, with the land mafia illegally selling the pond areas for their own financial gain. This long-standing issue has led to the disappearance of public ponds that once served vital environmental and community functions.</p>
02.12.2024	<p>The petitioner made a representation to the Chief Secretary, Govt. of Bihar, Secretary Revenue and Land Reforms Department, Principal Secretary Forest and Environment Department, member Secretary Wetland Authority, Divisional Commissioner, Darbhanga, District officer Darbhanga with regard to encroachment at Moin/ Mon Pokhar which is a naturally created pond/Lake by the Baghmati Rive in the Darbhanga District of Bihar, the said representation further highlighted recent encroachments spanning approximately 5-6 bighas of land, which were being filled with soil and subsequently sold at a rate of ₹30-35 lakhs per katha. While the financial impact of this encroachment exceeds Rs. 50 crores, its environmental cost is incalculable.</p>

	Hence the present original Application.
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IN THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****O.A NO. OF 2025****In the matter of:**

Talab Bachao Abhiyan (TBA) & Anr. ...Applicants

Versus

Govt. of Bihar & Ors. ...Respondents

APPLICATION UNDER SECTIONS 14 & 15 READ WITH SECTION 18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 FOR CONSERVATION, PRESERVATION AND DEMARCATION OF "MOIN POKHAR/ MON POKHAR" (POND, WATER BODY) WHICH IS AN ANCIENT AND NATURALLY CREATED POND/LAKE ALONG THE BAGHMATI RIVER IN THE DARBHANGA DISTRICT OF BIHAR AND FOR REMOVAL OF BLATANT ENCROACHMENT BEING DONE IN THE WATER BODY AND FOR OTHER DIRECTIONS.

MOST RESPECTFULLY SHOWETH: -

1. The present Application is filed under sections 14 & 15 read with Section 18 of the National Green Tribunal Act, 2010 for conservation, preservation and demarcation of "Moin Pokhar/ Mon Pokhar" (pond, water body) which is an ancient and naturally created pond/lake along the Baghmati river in the Darbhanga district of Bihar and for

removal of blatant encroachment being done in the water body and for other directions.

2. That the present Application pertains to the water body i.e Pond namely Moin Pokhar/Mon Pokhar is a naturally created pond/Lake by the Baghmata Rive in the Darbhanga District of Bihar. The area of the pond is about 100 Acres and it reaches deep into the Maujas of Maheshpatti, Kajipura, Belwaganj, Chak Johra and Yakubpura. The Southern most corner of this pond is called Dhobiya Man and the central part is called Koyla Mon Pokhar. In the old Khatiyana (Land Records) the Mon Pokhar is recorded as River and Land ownership is in the name of Kaiser-e-Hind. The area of this Pond falls into ward number 31 & 32 of the Darbhanga Town and also in the village area of the Bahadurpur Block. Therefore, this pond comes within multiple jurisdictions i.e that of Circle office 'Sadar' and Circle officer 'Bahadurpur'. The said waterbody in absence of efforts of its preservation, conservation and demarcation by the authorities concerned is being encroached upon by the land mafia who are filling up the pond with soil and selling the said plots and the authorities have turned a blind eye to the said encroachments being done in the broad day light. The complaints and representations being made in this regard is not being acted upon and rather the

complainants in the said cases are being harassed and threatened not only by the goons and mafias but also by the police who are acting as if they were the agents of the mafias. The applicant organization being concerned with the preservation of the natural lakes and water bodies has made several representations in this regard, however upon no action being undertaken by the authorities is constrained to approach this Hon'ble Authority.



True copy of the satellite view of the Mon Pokhar Situated in the city of Darbhanga Bihar is annexed herewith as **ANNEXURE P-1**

3. That there has been recent encroachment spanning approximately 5-6 bighas of land, which were being filled with soil and subsequently sold at a rate of ₹30-35 lakhs per katha. While the financial impact of this encroachment exceeds Rs. 50 crores, and its environmental cost is incalculable.
4. That several complaints in this regard have been made by the authorities however no action till date appears to have been taken and encouraged by the inaction of the Authorities the Land Mafias have rather started attacking the complainants and have also made open attempts to threaten the life of the complainants one such complainant in this case is one Md. Tasim Nawab who has filed complaints with regard to the encroachment.

BRIEF FACTS OF THE CASE

5. There are several issues to be addressed in the present petition and the same may be underlined in the following paras:
 - I. Encroachment on large scale by a gang of land Mafia, who controls over the land of Mon Pokhar by fabricating false documents of ownership, and then selling it illegally.

II. Storm/rainwater drainage of Mon Pokhar has connected with several municipal sewage to flow waste & polluted water into it/ Mon Pokhar.

III. Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon Pokhar.

IV. Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon Pokhar.

V. For maintaining transparency, opportunity to be given to local people/community for participation in the process of inspection, record preparation, development plan for rejuvenation, if any taken place.

The above issues and their solutions are being proposed with one by one: -

I. Encroachment on large scale by a gang of land Mafia, who controls over the land of Mon Pokhar by fabricating false documents of ownership, and then selling it illegally.

As stated above, the land known as Mon Pokhar is categorized as Kaisar-i-Hind, which is public land owned by the Government of India. However, a gang of land mafias has unlawfully manipulated government offices, including the Circle Offices of Darbhanga Sadar and Bahadurpur, to forge false ownership documents. These fraudulent documents have

subsequently been used to sell the land through the District Land Registry Office, The gang is reportedly led by Amanullah Khan, also known as 'Allan Khan,' and includes other members such as Tarik Ekbal Khan, alias 'Jhabban,' Khalid Husain, alias 'Laddan,' and Md. Laddu. Below are the brief details concerning the location and extent of the encroachments on Mon Pokhar's land

SN	Details of Location of Encroachment of Mon Pokhar's Land	Approx Area of Encroachment
A.	In Darbhanga Sadar Circle	
4.	Towards eastern & northern side of the Mon Pokhar, near Kilkhana, in ward no. 31 & 32, Mohalla Kajipura, Mauja Maheshpatti	Approx. 3 Acres
5.	Towards western side in ward no. 31, Mohalla Mirgyas Chak, MaujaMaheshpatti	Approx. 6 Acres
6.	Towards Eastern side, Mohalla Dumduma, Mauja Belvaganj,	Approx. 5 acres
	B. In Bahadurpur Circle	
5.	Mohalla Maharaj Ganj, Mauja Maheshpatti & Yakubpur	Approx. 2 Acres
6.	Mohalla Saray, Mauja Saray	Approx. 3 acres
7.	Say, Total Encroachment Area Approx.	15 to 20 Acres

8.	Illegal Earning/business from selling Man Pokhar land become Approx.	Rs. 90 to 100 crores
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It is estimated that approximately 15 to 20 acres of the Mon Pokhar land have been unlawfully encroached upon by a notorious gang of land mafias. This gang is actively involved in selling parcels of Mon Pokhar land at rates ranging from ₹30 lakhs to ₹35 lakhs per kattha, with the exact price varying based on the location of the land.

By considering the minimum rate of ₹30 lakhs per kattha, the illegal revenue generated from the sale of just one acre of Mon Pokhar land amounts to ₹6 crore. Given the scale of the encroachment, which spans 15 to 20 acres, the estimated value of the illegal transactions is between ₹90 crore and ₹100 crore.

The sheer magnitude of this illegal operation suggests that the land mafia has secured protection and patronage from influential authorities, both at the local and state levels, to continue their activities without interference. This nexus between the mafia and powerful individuals underscores the urgent need for immediate and stringent action to reclaim the public land and dismantle the criminal network profiting from such unlawful activities.

The western side of Mon Pokhar, near Karamganj Main Road, shows clear signs of encroachment. Despite the illegal activities, some old trees along the pond's bund remain intact, standing as remnants of the original landscape amidst the ongoing encroachment.



The pond/Mon Pokhar has become overgrown with water lilies and weeds, indicating neglect and lack of maintenance, even as encroachment activities persist in the surrounding area.



Mon Pokhar is an ancient lake formed by the Darbhanga Bagmati River, carrying immense historical and environmental significance. However, retrieving comprehensive information and an accurate map of this lake from official records has proven to be exceedingly difficult. Despite its importance, no significant effort has been made thus far to systematically document the lake's various features, including its water area, pond-bund area, inlet, and outlet points, in the form of a detailed and complete map.

To ensure the protection and proper management of Mon Pokhar, it is essential to create a block-wise and Mauja-wise record of its area, with a precise map indicating key features such as the waterbody, pond-bund, inlet, and outlet. Such a record would serve as a critical tool for identifying and vacating existing encroachments and preventing any future illegal occupation of the land.

The petitioner, utilizing personal resources, has managed to collect some old maps and information related to Mon Pokhar. However, this information remains incomplete and requires thorough cross-verification to establish its authenticity and accuracy. A coordinated effort involving relevant authorities is crucial to creating a reliable and comprehensive record of Mon Pokhar, ensuring its preservation and rightful restoration.

Solution

Therefore, it is most humbly prayed that the Respondents (More particularly Respondent No. 1 State of Bihar, Respondent No 2. District Magistrate Darbhanga, Respondent No 7, MoEFCC, GoI) be directed to demarcate the land of Man pokhar and prepare a complete Map of the Man Pokhar with indication of water area, pond-bund area, inlet & outlet area, details of encroachment and same to be produce before this Hon'ble

Tribunal. This record with map should be available in the office of Bihar State Wetland Authority, Darbhanga Municipal Corporation and local circle offices. This record will help to vacate the encroachment and prevent future encroachment.

II. Storm/rainwater drainage of Mon Pokhar has connected with several municipal sewage to flow waste & polluted water into it/ Mon Pokhar.

ISSUE:

The rainwater drainage system connected to Mon Pokhar is a kachcha (unpaved) drainage channel that plays a vital role in the hydrology of Darbhanga city. This natural drainage extends from the east to the west, covering areas such as Rasoolpur, Alalpatti, Khan Chowk, Rahamganj, and Maheshpatti Mohalla, before ultimately discharging into Mon Pokhar. Spanning a length of approximately 3 to 4 kilometres and a width of about 20 to 25 feet, this drainage system historically provided fresh rainwater to Mon Pokhar during the rainy season, ensuring its replenishment and ecological balance.

Additionally, the drainage acted as a critical mechanism to prevent waterlogging in Darbhanga city during heavy rains, thereby contributing significantly to urban water management. However, this vital drainage has been severely compromised in recent years due to encroachment and mismanagement.

The Darbhanga Municipal Corporation has diverted several municipal sewage lines into this rainwater drainage, causing the continuous flow of polluted and untreated wastewater into Mon Pokhar. This has led to the contamination of its waters, rendering them unfit for any beneficial use and significantly harming the lake's ecosystem. Moreover, at several points along the drainage, municipal waste has been recklessly dumped, further obstructing the flow of water and exacerbating the pollution problem.

The degradation of this drainage system has not only polluted Mon Pokhar but also diminished its capacity to handle rainwater effectively, increasing the risk of urban waterlogging during monsoons. Urgent corrective actions, including clearing encroachments, restoring the drainage's natural flow, and halting the discharge of sewage and waste, are imperative to preserve Mon Pokhar and its associated drainage system.

Dumping of Municipal Solid Waste in Mon Pokhar & Encroachment



SOLUTION:

In light of the aforementioned circumstances, it is most humbly prayed that this Hon'ble Court may kindly direct the Respondents—more specifically, Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—to take the following actions:

Vacate Encroachments:

Direct the removal of all encroachments from the storm/rainwater drainage connected to Mon Pokhar to restore its original capacity and functionality.

Establish Separate Drainage and Sewage Treatment Facilities:

Instruct the creation of a separate drainage system for municipal sewage, preventing the discharge of polluted sewage water into Mon Pokhar. Further, mandate the installation of a Sewage Treatment Plant (STP) to ensure proper treatment of sewage before it is released into the environment.

Stop Dumping Solid Waste and Pollution:

Prohibit the dumping of solid waste and other pollutants into Mon Pokhar or its surrounding areas. Direct the authorities to take strict action against any individual or entity responsible for polluting the pond or its environment.

Implement Scientific Waste Management:

Ensure the disposal of solid waste through proper scientific methods and processes, rather than using Mon Pokhar as a dumping ground. Effective waste management practices must be employed to protect the pond and its ecosystem.

III. Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon Pokhar.

Issue:

The water in Mon Pokhar has become severely contaminated due to widespread pollution. Approximately 70% of the pond's area is overrun by water lilies and wild grass, which decay and significantly degrade the water quality. This contamination not only diminishes the aesthetic and environmental value of the pond but also deprives the community of the opportunity to enjoy its natural beauty. Furthermore, the pollution adversely impacts the livelihoods of local fishermen who depend on the pond's resources. This situation is clearly depicted from below photograph.

Wild Grass Covered water surface of Mon Pokhar

**Solution:**

Dredging is a crucial process that involves the removal of sediments, debris, and accumulated pollutants from the bottom of lakes, rivers, harbors, and other water bodies. This process is essential for maintaining the health and functionality of water bodies worldwide. In the case of Mon Pokhar, dredging, along with water treatment, is necessary to restore the lake's ecological balance and improve its water quality.

Therefore, it is most humbly prayed that the Respondents—specifically Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), Respondent No. 4 (Principal Secretary, Urban Development and Housing Department, Government of Bihar), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—be directed to take immediate action for the cleaning, dredging, and treatment of Mon

Pokhar's water and its surrounding areas to ensure the rejuvenation of the pond.

IV. Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon Pokhar.

ISSUE:

Md. Taseem Nawab, son of the late Nawab Ali, aged about 54 years, residing at Ward No. 31, Jamalpura Bhigo, Near Masjid, Post-Lalbag, Darbhanga, Bihar. is a dedicated whistle-blower in the case of Mon Pokhar. Over the years, through his tireless efforts, he has continuously raised his voice and lodged numerous complaints against the illegal encroachments occurring at the site of "Mon Pokhar, Md. Taseem Nawab has brought to light the illegal activities of certain land mafias who, in collusion with corrupt officials, have been systematically filling the ponds at "Mon Pokhar" to convert the area into land for unauthorized development. These mafias are selling the land for substantial financial gain by constructing residential buildings and commercial shops on the encroached land. This activity not only violates environmental laws but also destroys a crucial natural resource in the community.

What makes the situation even more alarming is that this group of land mafias has resorted to extreme measures such as murder, physical assault, and issuing death threats to anyone who dares to oppose their illegal activities. The Applicant No. 2, Md. Taseem Nawab alongside other concerned citizens, has filed numerous complaints with the authorities, against the encroachment, despite their consistent efforts, no meaningful

action has been taken against the culprits. This inaction on the part of the authorities has emboldened the land mafias to continue their illegal activities unchecked, further endangering the lives of the whistle-blowers and activists involved in the preservation of the ponds.

The danger of the life of the whistle-blower as well as courage of the criminal gang of land mafia can be understood by the following cases and examples:

E) A group of goons of land mafia of Mon Pokhar reached to the house of Md. Taseem on 10 January 2024 at 8 PM and attacked to his life. While a delegate of Talab Bachao Abhiyan led by Prof Vidya Nath Jha met DM, Darbhanga on 8 January, 2024 and requested him for protection of life of activists from the Mafia of Mon Pokhar. **(Annexure 8)**

F) In last 20-25 years, the land mafia of Mon pokhar has filled more than 28 ponds in Darbhanga town. Several complain has been lodged so far against the land mafia but no action has been taken so far. **(Annexure P-15)**

G) More surprisingly, IG, Darbhanga expressed shocking and pain by writing a letter dated 20.11.2010 to SSP, Darbhanga said that Laheriasarai Thana is under controlled of the land mafia.

H) Similarly, the SSP, Darbhanga wrote a letter, dated 08.12.2010 to to the Deputy Superintendent of Police and In this communication, the Deputy Superintendent of Police was instructed to ensure the registration of a case and to take effective action against the land mafia. Additionally, it emphasized prioritizing action under the Bihar Crime Act against such land mafia in relation to cases registered within the last two years.

The above-mentioned cases serve as stark examples of the resilience, power, and protection enjoyed by the land mafia operating around Mon Pokhar. Over the past two decades, despite several judicial orders from the Hon'ble Supreme Court, Hon'ble High Court, as also by this Hon'ble National Green Tribunal (NGT) aimed at safeguarding water bodies, the criminal gang associated with Mon Pokhar has consistently managed to encroach upon and fill in ponds and other water bodies within the town for unlawful profit and criminal activities.

These directives from higher courts were intended to preserve and protect the natural water resources that play a crucial role in the local ecosystem and community well-being. However, the encroachers have, with the assistance of powerful networks, ignored these judicial mandates, continuing to fill the ponds for purposes of illegal land reclamation, construction, and selling of plots at inflated prices.

The persistence of these unlawful activities highlights a deeply entrenched nexus between the land mafia and influential figures at various levels, making it exceedingly difficult for authorities to enforce the law and protect the town's water bodies. Despite the clear legal framework protecting such resources, the systematic encroachment and degradation of Mon Pokhar and surrounding water bodies have continued unabated, undermining the rule of law and jeopardizing the environment. This situation calls for urgent and decisive action to dismantle the mafia network and ensure the protection of Mon Pokhar and other critical water bodies in the region. There are several issues to

be addressed in the present petition and the same may be underlined in the following paras:

Sl. No.	Issues raised in the present Application
6.	Encroachment on large scale by a gang of land Mafia, who control over the land of Mon/ Moin Pokhar by fabricating false documents of ownership, and then selling it illegally.
7.	Storm/rainwater drainage of Mon/ Moin Pokhar has connected with several municipal sewage to flow waste & polluted water into it Mon/ Moin Pokhar.
8.	Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon/ Moin Pokhar.
9.	Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon/ Moin Pokhar.
10.	For maintaining transparency, opportunity to be given to local people/community for participation in the process of inspection, record preparation, development plan for rejuvenation, if any taken place.

The above issues and their solutions are being proposed with one by one: -

I. Encroachment on large scale by a gang of land Mafia, who controls over the land of Mon/ Moin Pokhar by fabricating false documents of ownership, and then selling it illegally.

ISSUE

As stated above, the land known as Mon/ Moin Pokhar is categorized as Kaisar-i-Hind, which is public land owned by the Government of India. However, a gang of land mafias has unlawfully manipulated government offices, including the Circle Offices of Darbhanga Sadar and Bahadurpur, to forge false ownership documents. These fraudulent documents have subsequently been used to sell the land through the District Land Registry Office, The gang is reportedly led by Amanullah Khan, also known as 'Allan Khan,' and includes other members such as Tarik Ekbal Khan, alias 'Jhabban,' Khalid Husain, alias 'Laddan,' and Md. Laddu. Below are the brief details concerning the location and extent of the encroachments on Mon/ Moin Pokhar's land

SN	Details of Location of Encroachment of Mon/ Moin Pokhar's Land	Approx Area of Encroachment
A.	In Darbhanga Sadar Circle	
7.	Towards eastern & northern side of the Mon/ Moin Pokhar, near Kilkhana, in ward no. 31 & 32, Mohalla Kajipura, Mauja Maheshpatti	Approx. 3 Acres
8.	Towards western side in ward no. 31, Mohalla Mirgyas Chak, MaujaMaheshpatti	Approx. 6 Acres
9.	Towards Eastern side, Mohalla Dumduma, Mauja Belvaganj,	Approx. 5 acres
	B. In Bahadurpur Circle	
9.	Mohalla Maharaj Ganj, Mauja Maheshpatti & Yakubpur	Approx. 2 Acres

10.	Mohalla Saray, Mauja Saray	Approx. 3 acres
11.	Say, Total Encroachment Area Approx.	15 to 20 Acres
12.	Illegal Earning/business from selling Man Pokhar land become Approx.	Rs. 90 to 100 crores

It is estimated that approximately 15 to 20 acres of the Mon/ Moin Pokhar land have been unlawfully encroached upon by a notorious gang of land mafias. This gang is actively involved in selling parcels of Mon/ Moin Pokhar land at rates ranging from ₹30 lakhs to ₹35 lakhs per kattha, with the exact price varying based on the location of the land.

By considering the minimum rate of ₹30 lakhs per kattha, the illegal revenue generated from the sale of just one acre of Mon/ Moin Pokhar land amounts to ₹6 crore. Given the scale of the encroachment, which spans 15 to 20 acres, the estimated value of the illegal transactions is between ₹90 crore and ₹100 crore.

The sheer magnitude of this illegal operation suggests that the land mafia has secured protection and patronage from influential authorities, both at the local and state levels, to continue their activities without interference. This nexus between the mafia and powerful individuals underscores the urgent need for immediate and stringent action to reclaim the public land and dismantle the criminal network profiting from such unlawful activities.

The western side of Mon/ Moin Pokhar, near Karamganj Main Road, shows clear signs of encroachment. Despite the illegal

activities, some old trees along the pond's bund remain intact, standing as remnants of the original landscape amidst the ongoing encroachment.



The pond/Mon/ Moin Pokhar has become overgrown with water lilies and weeds, indicating neglect and lack of maintenance, even as encroachment activities persist in the surrounding area.



Mon/ Moin Pokhar is an ancient lake formed by the Darbhanga Bagmati River, carrying immense historical and environmental significance. However, retrieving comprehensive information and an accurate map of this lake from official records has proven to be exceedingly difficult. Despite its importance, no significant effort has been made thus far to systematically document the lake's various features, including its water area, pond-bund area, inlet, and outlet points, in the form of a detailed and complete map.

To ensure the protection and proper management of Mon/ Moin Pokhar, it is essential to create a block-wise and Mauja-wise record of its area, with a precise map indicating key features such as the waterbody, pond-bund, inlet, and outlet. Such a record would serve as a critical tool for

identifying and vacating existing encroachments and preventing any future illegal occupation of the land.

The petitioner, utilizing personal resources, has managed to collect some old maps and information related to Mon/ Moin Pokhar. However, this information remains incomplete and requires thorough cross-verification to establish its authenticity and accuracy. A coordinated effort involving relevant authorities is crucial to creating a reliable and comprehensive record of Mon/ Moin Pokhar, ensuring its preservation and rightful restoration.

Solution

Therefore, it is most humbly prayed that the Respondents (More particularly Respondent No. 1 State of Bihar, Respondent No 2. District Magistrate Darbhanga, Respondent No 7, MoEFCC, GoI) be directed to demarcate the land of Man pokhar and prepare a complete Map of the Man Pokhar with indication of water area, pond-bund area, inlet & outlet area, details of encroachment and same to be produce before this Hon'ble Tribunal. This record with map should be available in the office of Bihar State Wetland Authority, Darbhanga Municipal Corporation and local circle offices. This record will help to vacate the encroachment and prevent future encroachment.

II. Storm/rainwater drainage of Mon/ Moin Pokhar has connected with several municipal sewage to flow waste & polluted water into it/ Mon/ Moin Pokhar.

ISSUE:

The rainwater drainage system connected to Mon/ Moin Pokhar is a kachcha (unpaved) drainage channel that plays a vital role in the hydrology of Darbhanga city. This natural drainage extends from the east to the west, covering areas such as Rasoolpur, Alalpatti, Khan Chowk, Rahamganj, and Maheshpatti Mohalla, before ultimately discharging into Mon/ Moin Pokhar. Spanning a length of approximately 3 to 4 kilometres and a width of about 20 to 25 feet, this drainage system historically provided fresh rainwater to Mon/ Moin Pokhar during the rainy season, ensuring its replenishment and ecological balance.

Additionally, the drainage acted as a critical mechanism to prevent waterlogging in Darbhanga city during heavy rains, thereby contributing significantly to urban water management. However, this vital drainage has been severely compromised in recent years due to encroachment and mismanagement.

The Darbhanga Municipal Corporation has diverted several municipal sewage lines into this rainwater drainage, causing the continuous flow of polluted and untreated wastewater into Mon/ Moin Pokhar. This has led to the contamination of its waters, rendering them unfit for any beneficial use and significantly harming the lake's ecosystem. Moreover, at several points along the drainage, municipal waste has been recklessly dumped, further obstructing the flow of water and exacerbating the pollution problem.

The degradation of this drainage system has not only polluted Mon/ Moin Pokhar but also diminished its capacity to handle rainwater effectively,

increasing the risk of urban waterlogging during Mon/ Moinsoons. Urgent corrective actions, including clearing encroachments, restoring the drainage's natural flow, and halting the discharge of sewage and waste, are imperative to preserve Mon/ Moin Pokhar and its associated drainage system.

Photo 5: Dumping of Municipal Solid Waste in Mon/ Moin Pokhar & Encroachment



SOLUTION:

In light of the aforementioned circumstances, it is most humbly prayed that this Hon'ble Court may kindly direct the Respondents—more specifically, Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—to take the following actions:

Vacate Encroachments:

Direct the removal of all encroachments from the storm/rainwater drainage connected to Mon/ Moin Pokhar to restore its original capacity and functionality.

Establish Separate Drainage and Sewage Treatment Facilities:

Instruct the creation of a separate drainage system for municipal sewage, preventing the discharge of polluted sewage water into Mon/ Moin Pokhar. Further, mandate the installation of a Sewage Treatment Plant (STP) to ensure proper treatment of sewage before it is released into the environment.

Stop Dumping Solid Waste and Pollution:

Prohibit the dumping of solid waste and other pollutants into Mon/ Moin Pokhar or its surrounding areas. Direct the authorities to take strict action against any individual or entity responsible for polluting the pond or its environment.

Implement Scientific Waste Management:

Ensure the disposal of solid waste through proper scientific methods and processes, rather than using Mon/ Moin Pokhar as a dumping ground. Effective waste management practices must be employed to protect the pond and its ecosystem.

III. Cleaning, Dredging and Treatment of the wild grass and silt including restoration & rejuvenation the lake/ Mon/ Moin Pokhar.

Issue:

The water in Mon/ Moin Pokhar has become severely contaminated due to widespread pollution. Approximately 70% of the pond's area is overrun by water lilies and wild grass, which decay and significantly degrade the water quality. This contamination not only diminishes the aesthetic and environmental value of the pond but also deprives the community of the opportunity to enjoy its natural beauty. Furthermore, the pollution adversely impacts the livelihoods of local fishermen who depend on the pond's resources. This situation is clearly depicted from below photograph.

Wild Grass Covered water surface of Mon/ Moin Pokhar



Solution:

Dredging is a crucial process that involves the removal of sediments, debris, and accumulated pollutants from the bottom of lakes, rivers, harbors, and other water bodies. This process is essential for maintaining the health and functionality of water bodies worldwide. In the case of

Mon/ Moin Pokhar, dredging, along with water treatment, is necessary to restore the lake's ecological balance and improve its water quality.

Therefore, it is most humbly prayed that the Respondents—specifically Respondent No. 1 (State of Bihar), Respondent No. 2 (District Magistrate, Darbhanga), Respondent No. 4 (Principal Secretary, Urban Development and Housing Department, Government of Bihar), and Respondent No. 5 (Town Commissioner, Darbhanga Municipal Corporation)—be directed to take immediate action for the cleaning, dredging, and treatment of Mon/ Moin Pokhar's water and its surrounding areas to ensure the rejuvenation of the pond.

IV. Life threats given to the whistle-blowers, Md. Tasim Nawab & other social workers, from gang of land mafia of Mon/ Moin Pokhar.

ISSUE:

Md. Taseem Nawab, son of the late Nawab Ali, aged about 54 years, residing at Ward No. 31, Jamalpura Bhigo, Near Masjid, Post-Lalbag, Darbhanga, Bihar. is a dedicated whistle-blower in the case of Mon/ Moin Pokhar. Over the years, through his tireless efforts, he has continuously raised his voice and lodged numerous complaints against the illegal encroachments occurring at the site of "Mon/ Moin Pokhar, Md. Taseem Nawab has brought to light the illegal activities of certain land mafias who, in collusion with corrupt officials, have been systematically filling the ponds at "Mon/ Moin Pokhar" to convert the area into land for unauthorized development. These mafias are selling the land for

substantial financial gain by constructing residential buildings and commercial shops on the encroached land. This activity not only violates environmental laws but also destroys a crucial natural resource in the community.

What makes the situation even more alarming is that this group of land mafias has resorted to extreme measures such as murder, physical assault, and issuing death threats to anyone who dares to oppose their illegal activities. The Applicant No. 2, Md. Taseem Nawab alongside other concerned citizens, has filed numerous complaints with the authorities, against the encroachment, despite their consistent efforts, no meaningful action has been taken against the culprits. This inaction on the part of the authorities has emboldened the land mafias to continue their illegal activities unchecked, further endangering the lives of the whistle-blowers and activists involved in the preservation of the ponds.

The danger of the life of the whistle-blower as well as courage of the criminal gang of land mafia can be understood by the following cases and examples:

I) A group of goons of land mafia of Mon/ Moin Pokhar reached to the house of Md. Taseem on 10 January 2024 at 8 PM and attacked to his life. While a delegate of Talab Bachao Abhiyan led by Prof Vidya Nath Jha met DM, Darbhanga on 8 January, 2024 and requested him for protection of life of activists from the Mafia of Mon/ Moin Pokhar. **(Annexure 8)**

J) In last 20-25 years, the land mafia of Mon/ Moin pokhar has filled more than 28 ponds in Darbhanga town. Several complain has been lodged so far against the land mafia but no action has been taken so far. **(Annexure P-15)**

K) More surprisingly, IG, Darbhanga expressed shocking and pain by writing a letter dated 20.11.2010 to SSP, Darbhanga said that Laheriasarai Thana is under controlled of the land mafia.

L) Similarly, the SSP, Darbhanga wrote a letter, dated 08.12.2010 to to the Deputy Superintendent of Police and In this communication, the Deputy Superintendent of Police was instructed to ensure the registration of a case and to take effective action against the land mafia. Additionally, it emphasized prioritizing action under the Bihar Crime Act against such land mafia in relation to cases registered within the last two years.

The above-mentioned cases serve as stark examples of the resilience, power, and protection enjoyed by the land mafia operating around Mon/ Moin Pokhar. Over the past two decades, despite several judicial orders from the Hon'ble Supreme Court, Hon'ble High Court, as also by this Hon'ble National Green Tribunal (NGT) aimed at safeguarding water bodies, the criminal gang associated with Mon/ Moin Pokhar has consistently managed to encroach upon and fill in ponds and other water bodies within the town for unlawful profit and criminal activities.

These directives from higher courts were intended to preserve and protect the natural water resources that play a crucial role in the local ecosystem and community well-being. However, the encroachers have, with the assistance of powerful networks, ignored these judicial mandates, continuing to fill the ponds for purposes of illegal land reclamation, construction, and selling of plots at inflated prices.

The persistence of these unlawful activities highlights a deeply entrenched nexus between the land mafia and influential figures at various levels, making it exceedingly difficult for authorities to enforce the law and

protect the town's water bodies. Despite the clear legal framework protecting such resources, the systematic encroachment and degradation of Mon/ Moin Pokhar and surrounding water bodies have continued unabated, undermining the rule of law and jeopardizing the environment. This situation calls for urgent and decisive action to dismantle the mafia network and ensure the protection of Mon/ Moin Pokhar and other critical water bodies in the region.

LEADING FACTS OF THE PRESENT CASE

6. That the present Application has been preferred by the Applicant organization "Talab Bachao Abhiyan" and Mohammad Tasim, Applicant No.1 (TBA) preferred this petition through its convenor Narayan ji Chaudhary who first decided to work to save ponds, by creating awareness in his home region of north Bihar, he didn't think that one day, it will be his passion. At that time, as he witnessed handpumps going dry and ponds disappearing, Choudhary was pained but also driven to study the causes. He spoke to local experts and residents who informed him that illegal encroachment by the powerful land mafia in the region was significantly contributing to the disappearance of ponds. In Darbhanga city, the headquarters of Darbhanga district and the cultural capital of Mithilanchal region, where Choudhary currently lives, he started his campaign to save ponds, the Talab Bachao Abhiyan (TBA)

whereas Md. Taseem Nawab, Applicant No.2 is a dedicated whistleblower in the case of "Mon Pokhar," also known as "Moin Pokhar." Over the years, through his tireless efforts, he has continuously raised his voice and lodged numerous complaints against the illegal encroachments occurring at the site of "Mon Pokhar, Md. Taseem Nawab has brought to light the illegal activities of certain land mafias who, in collusion with corrupt officials, have been systematically filling the ponds at "Mon Pokhar" to convert the area into land for unauthorized development. These mafias are selling the land for substantial financial gain by constructing residential buildings and commercial shops on the encroached land. This activity not only violates environmental laws but also destroys a crucial natural resource in the community.

7. That the Applicant No.1 Talab Bachao Abhiyan through its convenor has filed cases before this Hon'ble court for prevention of ponds situated at Darbhanga, Bihar details of which are as under;

Sl.	Details of Cases	Pertains to Pond/ water reservoir	Status of case
1.	Talab Bachao Abhiyan versus State of Bihar O.A No. 88 of 2021	LNMU Pokhar/ Pond	Disposed off with Directions to the respondents for removal of fire bricks and further beautification of the Pond.
2.	Talab Bachao Abhiyan versus State of Bihar O.A No. 155 of 2022	Digghi, Harahi and Ganga Sagar	Disposed off with the direction to the respondents to remove encroachment and prevent future

			encroachment, furthermore directed the respondent to beautify the three ponds.
3.	Talab Bachao Abhiyan versus State of Bihar M.A No. 37 of 2023 IN O.A No. 88 of 2021	LNMU Pokhar/ Pond	Pending
4.	Talab Bachao Abhiyan versus State of Bihar MA No. 18 of 2024 IN O.A No. 155 of 2022	Digghi, Harahi and Ganga Sagar	Pending

8. That the Applicant has taken a stand against this blatant misuse of public land, despite facing significant personal threats and risks to his life. His persistence in exposing these illegal activities has made him a key figure in the movement to protect "Mon Pokhar" from further degradation.
9. That the cause of the aforementioned situation is the concern of the Applicant which he has shown by making complaints with regard to rampant encroachment of the public pond namely "Man/Moin Pokhar" (Man/Moin Pond) situated in Darbandha, Sadar and

Bahadurpur, and the extent of which touches about 4-5 sub-localities of the district.

10. That it is the case of the Applicant that a group of land mafias, including but not limited to individuals such as Allan, Laddan, Jhabbaan, and others, have been systematically encroaching upon and illegally selling off land designated as ponds for their personal financial gain. These actions not only violate property and environmental laws but also constitute a serious threat to the ecological balance and the rights of the community that depend on these water bodies. What makes the situation even more alarming is that this group of land mafias has resorted to extreme measures such as murder, physical assault, and issuing death threats to anyone who dares to oppose their illegal activities. Those who have raised their voices against the encroachment, including the Applicant and other members of the "Talab Bachao Abhiyan" (TBA), have faced brutal retaliation. These mafia members have created an atmosphere of fear and intimidation, using violence to silence those who seek to protect public land.
11. The Applicant, alongside other concerned citizens, has filed numerous complaints with the authorities, against the encroachment, Despite their consistent efforts, no meaningful

action has been taken against the culprits. This inaction on the part of the authorities has emboldened the land mafias to continue their illegal activities unchecked, further endangering the lives of the whistle-blowers and activists involved in the preservation of these ponds.

12. That on 20.11.2010 Inspector general of Police made a communication to the Senior Superintendent of Police, Darbhanga with respect to the complaint received from Rajiullah Khan, whose land has been forcibly occupied by notorious land mafia/gangsters/ namely Allan, Laddan, Jhabbaan, etc., from Darbhanga city, it was further directed to submit a compliance report within three days on whether a case of extortion was registered in that matter. If not, why was it has not been registered? If it was registered, what was the outcome?

True copy of communication dated 20.11.2010 made to the Senior Superintendent of Police, Darbhanga is annexed herewith as

ANNEXURE P-2

13. That on 08.12.2010 the Office of the Senior Superintendent of Police, Darbhanga, Laheriasarai, issued another communication to the Deputy Superintendent of Police, Headquarters, regarding a received complaint. In this communication, the Deputy

Superintendent of Police was instructed to ensure the registration of a case and to take effective action against the land mafia. Additionally, it emphasized prioritizing action under the Bihar Crime Act against such land mafia in relation to cases registered within the last two years.

True copy of the communication made by the office of Senior Superintendent dated 08.12.2010 is annexed herewith as

ANNEXURE P-3

14. That on 20.09.2021 Communication was made by the CMO to the District Magistrate which draws attention to the ongoing encroachments in Darbhanga. It is highlighted that individuals are encroaching on the main road and canal areas by constructing shops and residential buildings. This has resulted in the narrowing of the roads, leading to traffic congestion and frequent accidents.

True copy of representation dated 20.09.2021 made to the District Magistrate is annexed herewith as **ANNEXURE P-4**

15. That on 12.12.2023 Complaint was made to the district officer, Darbhanga and Municipal commissioner of Municipal Corporation Darbhanga regarding the illegal construction of roads and canals on privately owned land without obtaining any prior

permission from the landowner. It further emphasizes that construction activities were carried out without consent or approval, from the landowner. it is further pertinent to mention that the proof of service of the complaint is not available to the applicant at present

True copy of the complaint made to the District officer Darbhanga dated 12.12.2023 is annexed herewith as **ANNXURE P-5**

16. That on 08.01.2024 The Applicant made a representation to the District Officer, Darbhanga, calling for an urgent investigation into the activities of the land mafia involved in encroachment and sale of ponds. The complaint further emphasized that these ponds are being encroached upon and transformed into residential plots for financial gain, in blatant violation of land and environmental laws. In addition, the Applicant highlighted the pressing need to safeguard the lives and liberties of those actively engaged in the "Talab Bachao Abhiyan" and further highlight the previous incidents of violence, such as the case of Mohd. Parvez Khan, who was a whistleblower and murdered for the pond situated at Fakhira Khan, Rajtoli Ward 30, and the tragic murder of Mohammad Mounuddin, who was killed for his efforts to protect Rehmganj Khangah Pokhar, located in Kazipur Ward No. 33. it is further pertinent to mention that the proof of service of the representation is not available to the applicant at present

True copy of the representation dated 08.01.2024 made to the District Officer, Darbhanga is annexed herewith as **ANNEXURE P-6**

17. That on 10.01.2024 at about 8:00 Pm in the night, when Md. Tasim (Whistleblower of Moin Pokhar) was holding a community meeting at his home someone called out, for him, at that moment, Saira Khatoon, a neighbor, informed the Applicant that Muzaffar Abid's son from Chakrahmat was calling for him. Upon stepping out of the house, he saw four or five young men armed with steel rods and pistols. They immediately started attacking him, one of them attacked him with a steel rod, striking him near the left knee. Two others attempted to shoot him, but when he raised an alarm, neighbors quickly gathered, causing all the assailants to flee on 10 to 12 motorcycles that were parked nearby. In their haste, the criminals left behind two motorcycles. With the help of neighbors, these motorcycles were moved to the road in front of the Md. Tasim's House. The registration numbers of those motorcycles are: (1) BR07C 3047, and (2) BR07BA 0945.
18. Thereafter on 11.01.2024 when no FIR was registered pursuant to the incident dated 10.01.2024 a complaint was made to the Station House Officer of Lehriyasarai Police Station, Darbhanga,

requesting registration of FIR against the land mafia and their associates. The complaint detailed a grave incident in which armed goons, who was riding 10-12 motorcycles arrived at the petitioner's residence with the intent to murder him. This attack is believed to be a direct result of the active involvement of the applicant and Md. Tasim in safeguarding local ponds and public land from illegal encroachment. It was further emphasized that the land mafia, are known for their history of violence and intimidation. it is further pertinent to mention that the proof of service of the complaint is not available to the applicant at present True copy of the complaint dated 11.01.2024 made by Md. Tasim is annexed herewith as **ANNEXURE P-7**

19. That Thereafter on 13.01.2024 an FIR was registered at Police Station Lehriyasarai with respect to the incident which took place on 10.01.2024 having FIR No. 5106043240019. True copy of FIR dated 13.01.2024 having FIR No. 5106043240019 is annexed herewith as **ANNEXURE P-8**

20. That on 15.01.2024 Another Complaint was made to the Station-in-Charge of Laheriasarai Police Station, Darbhanga, requesting a thorough investigation and prompt action against the land mafia responsible for orchestrating a deadly attack on the petitioner. The petitioner, who is an active member of the committee dedicated to preserving the land surrounding "Mon Pokhar,"

particularly its western part, and other ponds in Darbhanga has become a target due to his efforts in preventing illegal encroachments. Further the complaint emphasizes that the land mafia unlawfully seize and sell portions of "Mon Pokhar" for their own gain.

True copy of the complaint dated 15.01.2024 is annexed herewith as **ANNEXURE P-9**

21. That Thereafter on 29.01.2024 another complaint was made to the Senior Superintendent of Police, Darbhanga, concerning threats to the lives of the members of the Pond Preservation Committee and their families by the land mafia of Darbhanga, in that complaint Applicant highlighted the incidents which occurred on 10.01.2024 & 14.01.2024, when attempts were made to assassinate the petitioner. These attacks were allegedly a direct result of the petitioner's active efforts to combat illegal encroachments on ponds located in Darbhanga.

True copy of the complaint dated 29.01.2024 made to the Senior Superintendent of Police, Darbhanga is annexed herewith as **ANNEXURE P-10**

22. That Later another Representation was made on 28.02.2024 to the Deputy Inspector General, Darbhanga with respect to initiate

investigation into the incident that occurred on 10.01.2024, and urging the immediate arrest of the suspects involved. Additionally, the Applicant requested protection for his family, citing the continued harassment and threats from the same group of individuals.

True copy of the representation dated 28.02.2024 made to the Deputy Inspector General is annexed herewith as **ANNEXURE P-11**

23. That on 06.04.2024 Communication was made to the Deputy Collector of Land Reforms, with respect to a comprehensive investigation into the encroachment that has occurred at "Moin Pokhar." The Applicant raised concerns not only about this specific case of Moin Pokhar but also about 15 other ponds that have been illegally encroached upon by the land mafia over the past 20-22 years. These water bodies, including "Moin Pokhar," have been systematically encroached upon, with the land mafia illegally selling the pond areas for their own financial gain. This long-standing issue has led to the disappearance of public ponds that once served vital environmental and community functions.

True copy of the communication dated 06.04.2024 made to the Deputy Collector of Land Reforms is annexed herewith as

ANNEXURE P-12

24. That on The petitioner made a representation to the Chief Secretary, Govt. of Bihar, Secretary Revenue and Land Reforms Department, Principal Secretary Forest and Environment Department, member Secretary Wetland Authority, Divisional Commissioner, Darbhanga, District officer Darbhanga with regard to encroachment at Moin/ Mon Pokhar which is a naturally created pond/Lake by the Baghmata Rive in the Darbhanga District of Bihar, the said representation further highlighted recent encroachments spanning approximately 5-6 bighas of land, which were being filled with soil and subsequently sold at a rate of ₹30-35 lakhs per katha. While the financial impact of this encroachment exceeds Rs. 50 crores, its environmental cost is incalculable.

True copy of the representation made by the applicant dated 02.12.2024 is annexed herewith as **ANNEXURE P-13**

25. That Numerous newspapers have reported the alarming issue of large-scale encroachment on ponds in Bihar, particularly in the Darbhanga district. These reports reveal a disturbing trend where natural water bodies, essential for ecological balance and

groundwater recharge, are being systematically encroached upon. The encroached lands are then illegally sold for commercial purposes, including the construction of multistorey buildings. This blatant disregard for environmental and legal norms has raised serious concerns among environmentalists, local residents, and civil society. Ponds, which have historically played a vital role in maintaining the region's biodiversity and supporting agricultural activities, are being irreversibly altered. The construction of high-rise buildings on these sites not only destroys the natural ecosystem but also exacerbates urban flooding, disrupts groundwater levels, and contributes to long-term environmental degradation. These reports underscore the urgent need for stringent action by the authorities to protect these critical water bodies, enforce existing environmental and land laws, and penalize those responsible for such violations. Failure to address this issue could result in irreversible environmental harm and a significant loss of natural heritage in the region.

मुजफ्फरपुर, 01 फरवरी, 2024

दरभंगा जागरण

भू-माफियाओं ने बेच दी मोइन पोखर की छह एकड़ भूमि, अधिकारी मौन

1.2.24

संवाद सहयोगी, दरभंगा : शहर के 50 से अधिक तालाब को भरकर बेच दिया गया है। अब तक किसी भी भू-माफियाओं पर प्रशासनिक कार्रवाई नहीं की गई है। अब तो मोइन पोखर (प्राकृतिक झील) को भी बेचा जा रहा है। जबकि, पर्यावरण को दृष्टि से मोइन पोखरों का संरक्षण जरूरी है। उक्त बातें बुधवार को तालाब बचाओ अभियान समिति के संयोजक नारायणजी चौधरी ने समाहरणालय स्थित अराजक कर्मचारी महासंघ कार्यालय परिसर में आयोजित बैठक में कही। उन्होंने कहा कि शहर के वाई नंबर 30

तालाब बचाओ अभियान समिति की हुई बैठक, अतिक्रमण मोइन पोखर को बचाने के लिए उठाई गई जोरदार आवाज

और 31 स्थित मोइन पोखर की करीब छह एकड़ जमीन को भरकर बेच दिया गया है। बावजूद अधिकारी मौन हैं। अतिक्रमण की चपेट में 16 पोखर शामिल हैं। बैठक में समिति सदस्य मो. तारीम के घर में घुसकर 10 जनवरी को किरा गए जानलेवा हमले पर भी चर्चा की गई। हमलावरों की गिरफ्तारी नहीं होने की लेकर



बैठक करते तालाब बचाओ अभियान समिति के सदस्य

सदस्यों ने चिंता जताई। पर्यावरणविद प्रो. विद्यानाथ झा की अध्यक्षता में संपन्न बैठक में सर्वसम्मति से मोइन पोखर के अतिक्रमण को उच्च स्तरीय जांच कराने की मांग की गई। इसे लेकर

वरीय अधिकारियों को एक आवेदन देने का निर्णय लिया गया। इसमें शहर के अतिक्रमण 16 तालाबों का भी उल्लेख किया गया है। साथ ही तालाब बचाओ अभियान समिति से जुड़े सदस्यों को सुरक्षा की मांग

अधिकारियों से की गई। बैठक में निर्णय लिया गया कि इससे संबंधित आवेदन मुख्य सचिव, राजस्व एवं भूमि सुधार विभाग के प्रधान सचिव वन एवं पर्यावरण विभाग के प्रधान सचिव सहित प्रमुख अधिकारियों, डीएम और एसएसपी के टिप्पण करवाया जाये। इसे लेकर एक लिफ्टमैटल बनाया गया। बैठक में शहर प्रमुख चौधरी, उमेश राम खोसला, रामेश, मुकेश कुमार झा, मनोज यादव, डा. नदीम, अशोक कुमार मिश्र, डा. रघुनाथ झा, प्रकाश बंधु, दिलीप कुमार झा, डा. अशोक कुमार सिंह, शिवाजी कुमार आदि मौजूद थे।

19/3/24

दिनपुस्तान

अभियान | तालाब बचाओ अभियान के बैनर तले गणमान्य लोगों ने पोलो मैदान स्थित धरना स्थल पर दिया धरना

शहर के 50 से अधिक तालाबों को भरकर बेच दिया

29.2.24

दरभंगा, एक प्रतिनिधि। 'तालाबों की बढ़ती हत्या और तालाब हत्याओं का फैलाता आतंक' विषय पर बुधवार को गणमान्य लोगों ने तालाब बचाओ अभियान के बैनर तले पोलो मैदान स्थित धरना स्थल पर धरना दिया। उन्होंने कहा कि पिछले 20-22 वर्षों में दरभंगा शहर के 50 से अधिक तालाबों को मिट्टी से भरकर बेच दिया गया है, लेकिन अभी तक एक भी तालाब माफिया पकड़ा नहीं गया है। अपवादस्वरूप 2023 में डीएम ने ऐतिहासिक आदेश देकर वाई चार में भर दिये गए तालाब से मिट्टी हटाकर उसे पूर्ववत स्वरूप में लाने की दिशा में पहल की। इससे तालाब बचाओ अभियान को बल मिला है और पर्यावरण कार्यकर्ताओं में उत्साह बढ़ा है। धरनास्थलों ने कहा

- पर्यावरण कार्यकर्ता पर हो चुका है हमला
- अतिक्रमणकारियों पर कार्रवाई की मांग

कि मोइन पोखर के अतिक्रमणकारियों ने पर्यावरण कार्यकर्ता मो. तारीम प्रवाब पर गत 10 जनवरी को जानलेवा हमला किया था, लेकिन अब तक अपराधियों की गिरफ्तारी नहीं की गयी है। धरने के बाद प्रमुख स्थानीय आयुक्त, डीएम, डीआईजी और एसएसपी को ज्ञापन सौंपा गया। इसमें मोइन पोखर का सीमांकन करके उसे पुनर्जीवित करने, अपराधियों पर दंडात्मक कार्रवाई करने, सनर सीओ की ओर से 118 व बहादुरपुर सीओ की ओर से 30 तालाबों को



पोलो मैदान में बुधवार को धरने पर बैठे तालाब बचाओ अभियान के सदस्य

अतिक्रमणमुक्त करने की जो सूची हाईकोर्ट में समर्पित की गयी है, उसकी सत्यता को जांच कर सार्वजनिक करने व उसे जिला एवं स्टेट वेबसाइट पर देने, मोइन पोखर के अतिक्रमण के संबंध में दोनों

सीओ में जो गलत जानकारी हाईकोर्ट को दी है उसके बारे में न्यायोचित कार्रवाई करने व इसके बारे में कोर्ट को जानकारी देने की मांग की गयी है। इसके साथ ही सरकार के आदेश के आलापक में मोइन पोखर के संबंध

में अपर समाज (राजस्व) के अनुभव एवं समीक्षा में की गयी उपेक्षा की भी जांच व तालाब बचाओ अभियान से जुड़े कार्यकर्ताओं को सुरक्षा की भी मांग की गयी है। धरने पर पर्यावरणविद प्रो. विद्यानाथ झा, जलदात नारायण जी चौधरी, निशाविंद प्रो. वन, नैदात शहर के प्रख्यात हस्तशिल्पी विष्णुप्रसाद झा, राम बाबू खोसला, डॉ. विनय कुमार मिश्र, प्रो. शारदा नंद चौधरी डॉ. जगदीश ओमप्रकाश, शिवाजी कुमार, राजेश, अशोक कुमार मिश्र, उमेश राय, मनोज, तारीम आंधिक कुमार झा, जय शंकर प्रसाद गुप्ता, शिवान यादव, शिव दिलीप कुमार, राम लोहित चौधरी, प्रकाश बंधु, सुधांशु झा, मो. आदि थे।

दिनपुस्तान



True copy of the newspaper reports published in various newspapers is annexed herewith as **ANNEXURE P-14**

26. The applicant, through the present application, respectfully seeks to bring to the attention of this Hon'ble Court the alarming issue of encroachment that has already occurred on 28 ponds. These ponds, which once served as vital ecological resources, have either ceased to exist or been significantly degraded due to the unlawful actions of land mafias. Despite multiple complaints being filed with the relevant authorities, no effective measures have been taken to curb this encroachment. The land mafias have blatantly disregarded legal prohibitions and sold the land belonging to these

ponds for commercial and residential purposes, further aggravating the environmental degradation and impacting the surrounding communities. The applicant emphasizes that the disappearance of these ponds is not merely a matter of land misuse but a grave threat to the ecological balance, groundwater recharge, and biodiversity of the region. The lack of timely intervention has emboldened these unlawful activities, leading to an irreparable loss of natural resources. Furthermore the list annexed with the present application is divided into three categories wherein from serial No. 1-16 are those ponds which has been encroached completely and from serial No. 17-23 are those ponds which has been encroached approximately 40-90% and rest others are in process of encroachment.

27. In light of the above, the applicant prays for this Hon'ble Court to take cognizance of the matter and direct the appropriate authorities to take stringent action against the encroachers/ Polluters, restore the affected ponds to their natural state, and ensure the protection of remaining water bodies from further encroachment.

A list of the 28 ponds which have been encroached is annexed herewith as **ANNEXURE P-15**

28. It is crucial to bring to the attention of this Hon'ble Court that the Ministry of Environment, Forest & Climate Change (Welfare Division), through its office memorandum, has explicitly clarified that wetlands larger than 2.25 hectares, as identified in the National Wetland Inventory and Assessment (NWIA), 2011, are to be afforded protection under Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection applies regardless of the applicability of notifications under the said rules, in this context, it is pertinent to highlight that Moin/Mon Pokhar, a wetland spanning approximately 100 hectares, falls squarely within the ambit of this protection framework. Despite its ecological significance and legal safeguards, the pond has become a victim of extensive encroachment, reportedly amounting to approximately 6 acres. This encroachment has been facilitated by the inaction and negligence of the authorities tasked with safeguarding such critical ecological resources. The land mafias have exploited this lack of enforcement, threatening not only the wetland's integrity but also its crucial role in sustaining biodiversity, groundwater recharge, and local climate regulation.

True copy of the office memorandum dated 8th March 2022 is annexed herewith as **ANNEXURE P-16**

29. The applicant humbly requests this Hon'ble Court to take cognizance of this matter and issue appropriate directions to ensure the protection and restoration of Moin/Mon Pokhar, while holding the responsible parties accountable for their failure to uphold the provisions of the Wetlands (Conservation and Management) Rules, 2017.

30. Hence the present Petition.

GROUND

That in the above-mentioned facts and circumstances, the present petition is being filed based on the following grounds, amongst other, without prejudice to, and independent of others:

A. Because The importance of pokhar/ pond in small villages of Bihar is significant, not only for addressing current water needs but also for ensuring sustainable access to water for future generations. Here are the key aspects of their importance and the need for preservation;

Importance of Pond:

The pond has cultural, economical, environmental and ecological importance including flood and drought mitigation, which can be underlined under the following heads:

Recharging Groundwater:

Pond helps in recharging of ground water. Growing depletion of ground water is a serious concern everywhere including Bihar and Darbhanga. It is utilized for harvesting of rain water, and to promoting the use of surface water. Pond fulfills this objective adequately.

Common Need of Community:

Pond is a place of bathing and washing clothes for the community. Its water is used for irrigation of agricultural land during non-monsoon seasons, and for meeting needs of cattle. Therefore, pond must be protected to reduce over exploitation of ground water and the quality of its water must be ensured so as to prevent health hazards of common people.

Livelihood & Nutrition:

It provides livelihood to weaker section (fishermen, locally called Mallah or Sahani or Mukhiya) of the society and nutritional food to human beings in the form of fish, snail and crab. Farming of fish and makhana (*Eurela ferox*) are two major crops of the pond. Besides them, snail, crab and other produces also provide livelihood.

Aquatic Life:

Water area of a pond provides space to live and survive a wide variety of fishes, crabs, snails, insects, tortoise, snakes and frogs, besides,

water-weed and grass. They work as a food chain system and help in maintaining cleanliness of pond water.

Birds:

More than 70 to 80 varieties of birds feed on small fishes and insects provided by the pond. More than hundred varieties of fish species including crabs, snails and insects are on the verge of extinction due to poisoning of pond for cleaning the pond from unwanted fish and its harvesting, and pollution of water.

Shelter for Wild Animals:

Pond's Mahar/Bhind/Bhir (high raised earth wall around a pond/ pond bund) covered with trees, grass, bush and shrub provides natural habitation/shelter belt for small and regional wild animals and birds in rural areas.

Cultural & Festival Place & Common Heritage of Culture:

Pond is a common cultural and festival place of all castes and sects, no matter who excavated it. Excavation of pond is a religious act like building of a temple/ mosque/church, but with secular approach. For instance, Mirja Khan Talab/Pond in Darbhanga town was built/excavated by a Muslim, but Hindus perform all kinds of religious festivals there. Similarly, Harahi pond was excavated by a Hindu king, but Muslims immerse their Tiziya in this pond.

Flood & Drought Mitigation:

Pond bund provides safe place for shelter during flood period. In 1987 flood, more than 10,000 people took shelter on pond bund/Mahar of Badh Pond in Kyoti and people of Nesta Gram Panchayat took shelter on pond bund of Holiya Pond. In 2004 flood, Dighi pond of Darbhanga took about 3 to 4 hours to fill with water and thereby provided sufficient time(3 to 4 hours) for people to shift to safe place or to take safety measures.

B. Because United Nations Conference on the Human Environment, Stockholm, 1972 was the first United Nation convention on environmental issues. It is the foundation of environmental law around the whole world, wherein 25 principles were elucidated concerning the environment. The most notable principles were

1. It recognized human rights as a part of environmental protection and therefore the right to quality environment is a fundamental right of a human.
2. Promotion of sustainable development, Non-renewable resources must be used in such a manner as to guard these resources from exhaustion in the future.
3. Man has the fundamental duty to protect the wildlife and its habitat.

4. States have the duty to protect and preserve the environment and to develop such laws which promote sustainable development.

C. Because in the case of *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 at page 604 the Hon'ble Supreme Court of India held that right to pollution free water and air is a fundamental right protected under article 21 of the constitution of India, the relevant portion of the Judgement is as under;

"7. Article 32 is designed for the enforcement of Fundamental Rights of a citizen by the Apex Court. It provides for an extraordinary procedure to safeguard the Fundamental Rights of a citizen. Right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life. If anything endangers or impairs that quality of life in derogation of laws, a citizen has right to have recourse to Article 32 of the Constitution for removing the pollution of water or air which may be detrimental to the quality of life. A petition under Article 32 for the prevention of pollution is maintainable at the instance of affected persons or even by a group of social

workers or journalists. But recourse to proceeding under Article 32 of the Constitution should be taken by a person genuinely interested in the protection of society on behalf of the community. Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32, are entertained it would amount to abuse of process of the court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is duty of this Court to discourage such petitions and to ensure that the course of justice is not

obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation see Bandhua Mukti Morcha v. Union of India [(1984) 3 SCC 161 : 1984 SCC (L&S) 389 : (1984) 2 SCR 67] ; Sachindanand Pandey v. State of W. B. [(1987) 2 SCC 295, 331] ; Ramsharan Autyanuprasi v. Union of India [1989 Supp (1) SCC 251] and Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P. [(1990) 4 SCC 449]"

D. Because it is the fundamental duty of every citizen to protect and improve the natural environment including forest, lakes, rivers and wildlife and the same is provided under Article 51 A (g) of the Constitution of India, the relevant portion of the same is as under;

“(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;”

E. Because in **Intellectuals Forum v. State of A.P., (2006) 3 SCC 549** : 2006 SCC OnLine SC 210 at page 577 the Hon'ble Supreme Court while asserting the need for environmental protection and conservation of natural resources. has observed that the environmental protection and conservation of natural resources has been given a status of a

fundamental right and brought under Article 21 of the Constitution. This apart, the directive principles of State policy as also the fundamental duties enshrined in Part IV and Part IV-A of the Constitution respectively also stress the need to protect and improve the natural environment including the forests, lakes, rivers and wildlife and to have compassion for living creatures, the relevant portion of the said Judgement is as under;

"88. However, some of the environmental activists, as noted in The Environmental Activities Handbook authored by Gayatri Singh, Kerban Ankleswaria and Colins Gonsalves, that the Judges are carried away by the money spent on projects and that mega projects, that harm the environment, are not condemned. However, this criticism seems to be baseless since in Virender Gaur v. State of Haryana [(1995) 2 SCC 577] this Court insisted on the demolition of structure which have been constructed on the lands reserved for common purposes and that this Court did not allow its decision to be frustrated by the actions of a party. This Court followed the said decision in several cases issuing directions and ensuring its enforcement by nothing short of demolition

or restoration of status quo ante. The fact that crores of rupees were spent already on development projects did not convince this Court while being in a zeal to jealously safeguarding the environment and in preventing the abuse of the environment by a group of humans or the authorities under the State for that matter.

84. The world has reached a level of growth in the 21st century as never before envisaged. While the crisis of economic growth is still on, the key question which often arises and the courts are asked to adjudicate upon is whether economic growth can supersede the concern for environmental protection and whether sustainable development which can be achieved only by way of protecting the environment and conserving the natural resources for the benefit of humanity and future generations could be ignored in the garb of economic growth or compelling human necessity. The growth and development process are terms without any content, without an inkling as to the substance of their end results. This inevitably leads us to the conception of growth and development which sustains from one generation to the

next in order to secure "our common future". In pursuit of development, focus has to be on sustainability of development and policies towards that end have to be earnestly formulated and sincerely observed. As Prof. Weiss puts it, "conservation, however, always takes a back seat in times of economic stress". It is now an accepted social principle that all human beings have a fundamental right to a healthy environment, commensurate with their well-being, coupled with a corresponding duty of ensuring that resources are conserved and preserved in such a way that present as well as the future generations are aware of them equally."

True copy of the Judgment passed by the Hon'ble Supreme Court in **Intellectuals Forum v. State of A.P., (2006) 3 SCC 549** is annexed herewith as **ANNEXURE P-17**

F. Because the Bihar Municipal Act, 2007 provides for Maintenance of pond & water body, pollution free pond, health & environment, safe disposal of sewage, garbage and medical waste, maintenance of greenery etc are highlighted under the Section 47, Section 248, Section 249, Section 276, & 273 the relevant provisions are as follows;

“Section 47: Other functions - A Municipality may, having regard to the satisfactory performance of its core functions, which shall constitute the first charge on the Municipal Fund, and subject to its managerial, technical and financial capabilities, undertake or perform, or promote the performance of, any of the following functions: -

(1) in the sphere of town planning, urban development, and development of commercial infrastructure, -

(a) planned development of new areas for human settlement,

(b) measures for beautification of the municipal area by setting up parks and fountains, providing recreational areas, improving river, banks, and landscaping,

(c) collection of statistics and data, significant to the community, and

(d) integration of the development plans and schemes of the municipal area with the district or regional development plan, if any.

(2) In the sphere of protection environment, - of

(a) reclamation of waste lands, promotion of social forestry and maintenance of open spaces,

(b) establishment and maintenance of nurseries for plants, vegetables, and promotion of greenery trees through and mass participation,

(c) organization of flower-shows and promotion of flower-growing as a civic culture, and

(d) promotion of measures for abatement of all forms of pollution.

“Section 248: Duties of the Municipality - Subject to the provisions of section 10, and having

regard to the linkages with Urban economy, infrastructure, productivity, poverty and environmental health in the municipal area, the Municipality shall take adequate measures.”

“Section 249:

- e) preservation of wetland.
- k.) promotion of urban agriculture and urban forestry.
- l.) development of parks, gardens, and open spaces

“Section 264: Polluters to pay – The Municipality may, by regulations, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter.”

Chapter XXXII, Urban Forestry, Parks, Gardens, Trees and Playground

Section 273: Municipality to implement schemes –

- (1) The Municipality shall take necessary steps for-
 - (a) Promotion of urban forestry
 - (b) Creation of Public parks and gardens, and planning of trees,
 - (c) Provision of parks and playgrounds for children and youths”

G. The Other Major Legal Provisions, which have bearing on lakes/ponds/tanks and environment, are:

a) The National Environment Policy (NEP) 2006 recognizes the services rendered by the water bodies like lakes & wetlands.

b) The Environment (Protection) Act, 1986 empowers the Central Government to take measures to protect and improve environment which include water, air, and land and the inter relationship which exists among and between water, air and land and human beings, other living creatures, plants, macro-organism and property.

c) Ministry of Environment, Forest, and Climate Change Government of India (MOEFCC) implemented **National Plan for Conservation of Aquatic Ecosystems (NPCA)** in April 2019.

d) **The Water (Prevention & Control of Pollution) Act, 1974** and amendments. It empowers the Government to maintain the wholesomeness of water bodies. The Act also provides for prohibition on use of streams, (includes inland water whether natural and artificial) or wells for disposal of polluting matters, etc. It enables the Government through Central and State Pollution Control Boards to prescribe the standard and has provision of monitoring & compliances and penal provisions against the violators of the Act.

e) **The Forest (Conservation) Act, 1980**, amended in 1988. **The Wildlife (Protection), Act 1972**, amended in 1983, 1986 and 1991. **New Biodiversity Bill- 2000**. In rural area, pond bund/Mahar provides space for the growth and protection of different varieties of trees, plants and shrub/bush, grasses, many of which have values of biodiversity and medicinal; and works as a shelterbelt of wild animals Selected Mahar can be used for protection biodiversity.

H. The Other Major Legal Provisions, which have bearing on lakes/ponds/tanks and environment, are:

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which have values of biodiversity and medicinal; and works as a shelterbelt of wild animals. Selected Mahar can be used for protection of biodiversity.

I. Because in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government makes the rules for conservation and management of wetlands, the relevant portion of the same is as under;

4. Restrictions of activities in wetlands.—(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.

(2) The following activities shall be prohibited within the wetlands, namely,-

(i) conversion for non-wetland uses including encroachment of any kind;

(ii) setting up of any industry and expansion of existing industries;

(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;

(iv) solid waste dumping;

(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;

(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level observed in the past ten years calculated from the date of commencement of these rules; and,

(vii) poaching.

Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority”

- J.** Because in furtherance of Rule 4 of the **Wetlands (Conservation & Management) Rules 2017** the Ministry of Environment, Forest & Climate Change, Government of India (Wetlands Division) through its office memorandum dated 08.03.2022, it was clarified/reiterated that wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017.
- K.** Because this is a case where the land mafia and people associated with them have committed public nuisance which is a punishable offence under section 270 of Bhartiya Nyaya Sanhita, 2023, the relevant portion of the same is as under;

"270. Public nuisance

A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common injury, danger or annoyance to the public or to the people in general who dwell or occupy property in the vicinity, or which must necessarily cause injury, obstruction, danger or annoyance to persons who may have occasion to use any public right but a common nuisance is not excused

on the ground that it causes some convenience or advantage”

L. Because The Hon'ble Supreme Court has also been watching with anguish the terrible state of affairs in protecting lakes and other public commons across India. The Hon'ble Supreme Court has consistently held that lakes and such other commons must be protected for the benefit of current and future generations, to build water security for all and also for supporting traditional livelihoods and the conservation of biodiversity.

M. *Hinch Lal Tiwari Vs. Kamala Devi and Ors. (Appeal (civil) 4787 of 2001)*: The Hon'ble Court ordered 'It is important to notice that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large'.

N. Jagpal Singh and Ors. vs. State of Punjab and Ors. (Civil Appeal No. 1132/2011):- the Hon'ble Court has laid down fundamentally the interpretation of law and practice with regard to management and conservation of lakes/ponds as public commons. Further, considering the task of protecting such water bodies for the benefit of current and future generations, the Hon'ble Supreme Court has directed as follows: "Let a copy of this order be sent to all Chief Secretaries of all States and Union Territories in India who will ensure strict and prompt compliance of this order and submit compliance reports to this Court from time to time." The Court clarifying its intent to ensure no dereliction of its orders has further directed that the matter "...be listed before this Court from time to time (on dates fixed by us), so that we can monitor implementation of our directions herein. List again before us on 3.5.2011 on which date all Chief Secretaries in India will submit their reports."

O. The Hon'ble Patna High Court's Order:

Regarding demolition, road widening, removal of encroachment etc., in the case of Arun Kumar Mukherjee VS. State of Bihar (CWJC No. 2290 of 1996):-

The Hon'ble Patna high Court has repeatedly given orders and directions to the Bihar Government and all District Magistrates and other

concern authorities for demolition and removing of encroachments from public lands, roads and flanks of the road, parks and green zones (Emphasis added). On dated 19/5/1998, the Hon'ble Court has ordered:-

"Vide order dated 12/7/1996 we have directed the Registrar General of this Court to prepare photo copies of the entire orders sheet of this case and to send one copy to the Chief Secretary, Government of Bihar, for communication to all the District magistrates who in turn were required to communicate the orders to the concerned district authorities, who were commanded to comply with the orders and directions as soon as possible. It was further emphasized that encroachment from the public land, road and flanks of the road must be removed in the first instance followed by the removal of unauthorized structures wherever they are by the competent authorities. This was to be followed by cleaning up of the drainage system and sewage system. We had also directed all district Magistrate to submit a report as to the action taken by them on or before 26th August, 1996."

On 16/10/1998, the Hon'ble High Court Ordered:-

"8. We are left no option but to issue this last warning to the district authorities and to the State Government. We hereby direct that:-

(1) Within two weeks from today all encroachment from public roads, flanks, and public lands such as parks, green zone etc. should be removed.

(9) Let a copy of this ordered be given to learned A.A.G., who shall communicate the same to the concerned authorities of the State of Bihar who in turn will communicate to all the District Magistrate, Superintendent of Police and other officers of the State to implement this order within two weeks from today. Except in cases where judicial orders have been passed the courts, the order shall be implemented against all other encroachments."

P. Hon'ble National Green Tribunal, Principal Bench Order:

Lt. Col. Sarvadaman Singh Oberoi vs Union of India & Ors. (M.A. No. 26/2019): The principal bench of Hon'ble Nation Green Tribunal held

"To give effect to 'Precautionary principle and Sustainable Development' principle, we direct all the States and UTs to review the existing framework of restoration all the water bodies by preparing an appropriate action plan. Such action plans may be prepared within three months and a report furnished to the CPCB. The CPCB may examine all such plans and furnish its comments to this Tribunal within two months thereafter. The Chief Secretaries of all the

States/UTS in the course of undertaking monitoring exercise in pursuance of the order of this Tribunal in O.A No. 606/2018, Compliance of MSW Rules, 2016, may also include restoration of water bodies as one of the items as the same is also incidental to waste management which are covered by orders in O.A No. 606/2018, Compliance of MSW Rules, 2016. The CPCB may prepare and place on its website guidelines in the matter of restoration of water bodies in the light of above order within one month."

Q. Because the Hon'ble Patna High Court in CWJC 9682/2015, in its judgment, established a mechanism to address such problems. Relevant portion of the order is as under;

"...Having perused the material on record, the affidavits filed and the progress in removal of the encroachment as is evident from the affidavits filed by the District Magistrates, in the opinion of this Court, considerable steps have been taken and efforts made in removal of the encroachment. This Court hopes and expects that steps taken by the authorities will be taken to its logical conclusion and

thus the instant application is being disposed of with the following directions:-

- i) The Circle Officers will prepare a chart every three months in the format prescribed by this Court in this case giving the total number of water bodies and the total number of water bodies from which encroachments are required to be removed and shall submit the same to their respective District Magistrates on 1st of January, 1st of April, 1st of July and 1st of October respectively.
- ii) The District Magistrate shall personally look into and monitor the matter and take all possible steps in accordance with law for removal of the encroachments from the water bodies.
- iii) The Senior Superintendent of Police/Superintendent of Police of the respective districts shall provide adequate police force as and when requisitioned by the

authorities/Circle Officers for the above purpose.

- iv) It shall be the duty of the Circle Officers to keep a watch that none of the water bodies are once again encroached upon.”

R. Because the High Court vide order dated 21.07.2023 in CWJC No. 9692 of 2015 directed as under;

“6. Having perused the material on record, the affidavits filed and the progress in removal of the encroachment as is evident from the affidavits filed by the District Magistrates, in the opinion of this Court, considerable steps have been taken and efforts made in removal of the encroachment. This Court hopes and expects that steps taken by the authorities will be taken to its logical conclusion and thus the instant application is being disposed of with the following directions:-

- (i) The Circle Officers will prepare a chart every three months in the format prescribed by this Court in this case giving the total number of water bodies and the total number of water bodies from which encroachments are required to be removed and shall submit the same to their respective District Magistrates on 1st of January, 1st of April, 1st of July and 1st of October respectively.
- (ii) The District Magistrate shall personally look into and monitor the matter and take all possible steps in accordance with law for removal of the encroachments from the water bodies.

(iii) The Senior Superintendent of Police/Superintendent of Police of the respective districts shall provide adequate police force as and when requisitioned by the authorities/Circle Officers for the above purpose.

(iv) It shall be the duty of the Circle Officers to keep a watch that none of the water bodies are once again encroached upon.

7. Let a copy of this order be communicated to the District Magistrates of all districts for its onward communication to the Circle Officers for its due compliance.

8. The writ application stands disposed of.

S. Because already 28 ponds have been encroached upon and these ponds, which once served as vital ecological resources, have either ceased to exist or been significantly degraded due to the unlawful actions of land mafias. Despite multiple complaints being filed with the relevant authorities, no effective measures have been taken to curb this encroachment. The land mafias have blatantly disregarded legal prohibitions and sold the land belonging to these ponds for commercial and residential purposes, further aggravating the environmental degradation and impacting the surrounding communities. The applicant emphasizes that the disappearance of these ponds is not merely a matter of land misuse but a grave threat to the ecological balance, groundwater recharge, and biodiversity of the region. The lack

of timely intervention has emboldened these unlawful activities, leading to an irreparable loss of natural resources.

LIMITATION

- T. That the present Application is being filed within the limitation as cause of action is subsisting and petitioners are making efforts to halt the illegal encroachment on ponds and there is no delay in filing the case.

PRAYER

It is therefore, prayed that this Hon'ble court may be pleased to:

- I. Pass an order directing Respondent No. 2 the District Magistrate of Darbhanga to immediately produce before this Hon'ble Tribunal Land Records Pertaining to the Moin/ Mon Pokhar immediately and get the said area demarcated and ensure that no illegal construction/encroachment takes place in the said area and illegal construction and encroachment if any be immediately removed.
- II. Pass an order for the formation of a high-powered committee comprising of the Senior officials of the Respondent Departments and other expert members to investigate the issues raised and prayers sought in the present application.
- III. Pass an order/ direction to comply with and also to maintain status quo ante as held in Intellectuals Forum v. State of A.P., (2006) 3 SCC 549 : 2006 SCC OnLine SC 210 at page 577

- IV. Pass an order directing the Respondents to remove the illegal construction and punish the illegal encroachers. Further, they must be directed to fix the boundary around the waterbody to prevent further encroachment.
- V. Pass an order/ direction to the respondent authorities to take stringent action against the Encroachers/ polluters to restore the affected ponds details of which have been mentioned in Annexure P-15 to their natural state, and ensure the protection of remaining water bodies from further encroachment.
- VI. Pass an order of imposing exemplary cost on the Polluters/ respondents, and further to ensure that steps are taken to immediately stop the encroachment on Public land.
- VII. Pass an order imposing heavy cost on the concerned authorities for polluting the water reservoir as well as the environment around the same and further costs for allowing the encroachment in and around the water body.
- VIII. Pass an order granting cost of the present application by way of imposing costs on the respondents in favor of the applicants.

IX. Pass such other and further Order(s) as this Hon'ble Court may deem fit and proper on the facts and circumstances of the case.

FILED BY:



KAMLESH KUMAR MISHRA AND RENU
ADVOCATE FOR THE APPLICANT(S)
FOR CORPUS JURIS INDIA
346A, Lawyers Chamber Block I,
Delhi High Court, Delhi 110003
Kamlesh.legalaid@gmail.com
+91 9582388509

DATED: 07.01.2024
PLACE: NEW DELHI

₹10

₹10

₹25



RECR004C241200019993

06 Dec 2024



BRECR004C241200019990

06 Dec 2024



RECR004C241200019996

06 Dec 2024

बिहार



BIHAR

पचास रुपये /Rs. Twenty Five

06 Dec 2024

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****O.A NO. OF 2024***10
06/12/2024***In the matter of:**

Talab Bachao Abhiyan (TPA) S/ App

...Applicants

Versus

Govt. of Bihar & Ors.

...Respondents

AFFIDAVIT

I, Md. Taseem Nawab S/o Nawab Ali, age about 74 years R/o Ward No. 31, Jamalpura Bhigo, Near Masjid, Post- lalbag, Darbhanga, Bihar 846004, do hereby, solemnly affirm and declare as under;

1. That I am the Applicant in the above captioned Application and I am conversant with the facts and circumstances of the present case hence competent to swear this affidavit in such capacity.
2. That the accompanying application has been prepared at my instance and under my instructions.
3. That the contents of the same application paras to are true and correct to the best of my knowledge and belief and nothing material has been suppressed therefrom.



4. I further state that no petition/ application has been filed before any other Court or tribunal seeking similar relief by the Petitioner.

Md. Taseem Nawab ✓

DEPONENT

Verification

Verified at Delhi on the .06.12.. day of 2024 that the contents of the Affidavit are true and correct to the best of my knowledge and nothing material has been concealed thereupon.

Md. Taseem Nawab

DEPONENT

I identify for the deponent who has signed in my presence.

Qudus Qudus 56055
6.12.24



Md. Taseem Nawab
Shah Abbas
is identified by Sri/Smt. ...
ocate Solemnly Affirmed and Declared
re me

Md. ZAKIAHMAD
Notary Public, Darbh
06/12/2024

4. I further state that no petition/ application has been filed before any other Court or tribunal seeking similar relief by the Petitioner.


DEPONENT

Verification

Verified at Delhi on the **04 DEC 2024** day of 2024 that the contents of the Affidavit are true and correct to the best of my knowledge and nothing material has been concealed thereupon.



Sd/- xxxxx 4553
I identified the deponent who has signed in my presence


DEPONENT



ATTESTED


NOTARY PUBLIC, DELHI (INDIA)

Entry No. **407/24** Notary Public

04 DEC 2024

The western side of Mon Pokhar, near Karamganj Main Road, shows clear signs of encroachment. Despite the illegal activities, some old trees along the pond's bund remain intact, standing as remnants of the original landscape amidst the ongoing encroachment.





Dumping of Municipal Solid Waste in Mon Pokhar & Encroachment



Wild Grass Covered water surface of Mon Pokhar

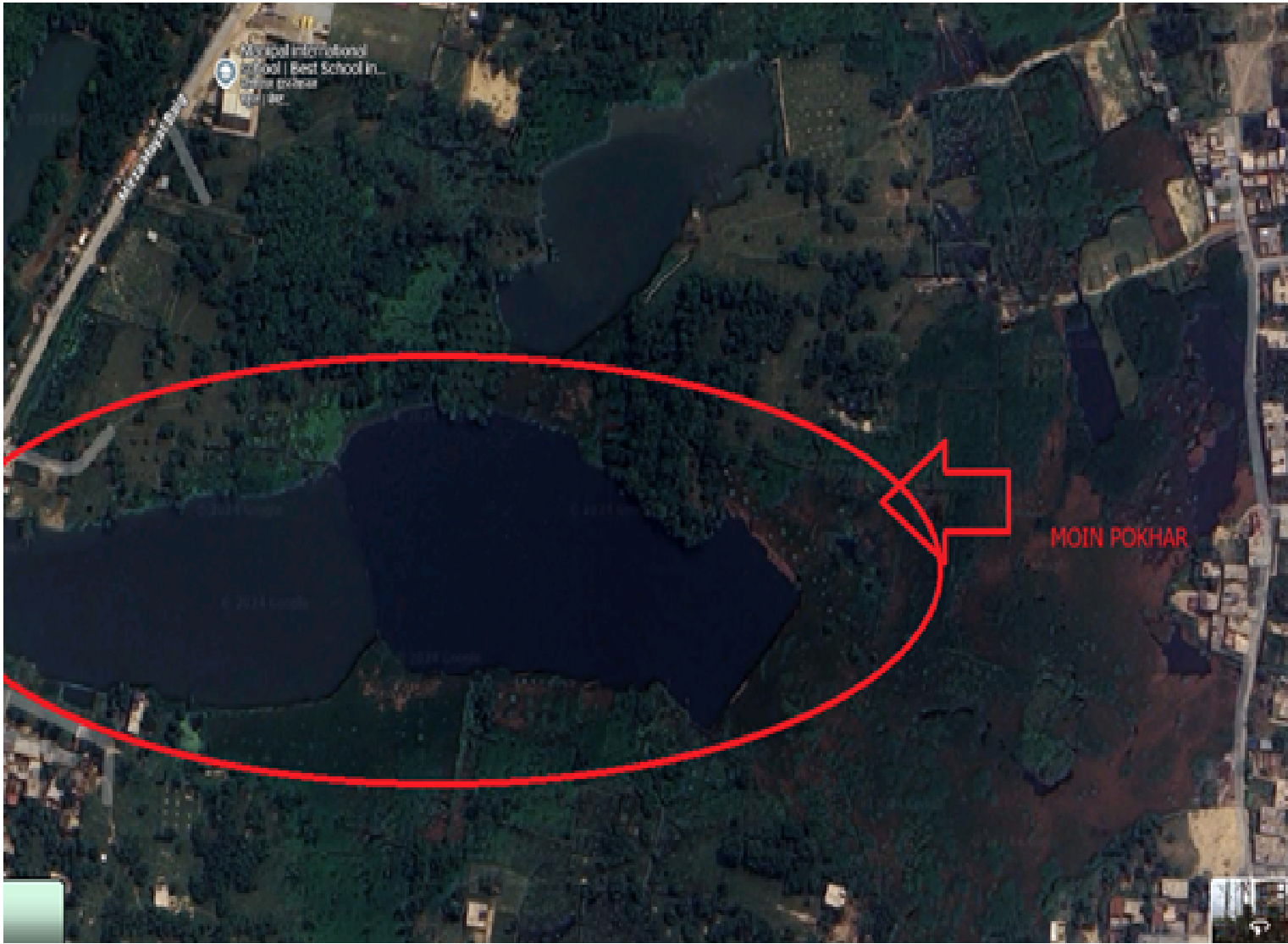
Moin Pokhar, Darbhanga

<https://maps.app.goo.gl/91MnfykC7DF7U7at6>

26.129783, 85.883975

Yakubpur, Bihar 846003





ANNEXURE P-2

ज्ञापांक...2738 / अप0शा0

120

पुलिस महानिरीक्षक का कार्यालय,
दरभंगा प्रक्षेत्र, दरभंगा।

दिनांक १० नवम्बर, 2010

सेवा में,

वरीय पुलिस अधीक्षक,
दरभंगा।

विषय:- रजीउल्लाह खां से प्राप्त आवेदन के संबंध में।

उपरोक्त विषय के संबंध में सूचित करना है कि आवेदक की जमीन पर दरभंगा नगर के चर्चित भूमाफिया/रंगदार/असमाजिक तत्व अल्लन, लड्डन, झब्बन आदि के द्वारा जबरन कब्जा किये जाने का प्रयास पूर्व में किया गया है। इन असमाजिक तत्वों द्वारा आवेदक की जमीन को कौड़ी के भाव खरीदने का प्रयास किया जा रहा है या नहीं तो दो लाख रूपया प्रति कठ्ठा की रंगदारी की मांग की जा रही है।

2. इस संबंध में मैंने अपने पुलिस उप-महानिरीक्षक काल में पुलिस उप-महानिरीक्षक दरभंगा क्षेत्र कार्यालय के ज्ञापांक 1846/सी0आर0 दिनांक 23.8.2008 के माध्यम से रंगदारी का काण्ड दर्ज कर अनुसंधान करने का आदेश दिया था। तीन दिनों के अन्दर अनुपालन प्रतिवेदन दें कि इस संबंध में रंगदारी का काण्ड दर्ज हुआ था या नहीं? यदि नहीं दर्ज हुआ तो क्यों नहीं दर्ज हुआ? और यदि दर्ज हुआ तो उसका क्या फलाफल रहा। काण्ड नहीं दर्ज करने के लिए जिम्मेवारी सुनिश्चित करते हुए प्रतिवेदन दें।

3. आलोच्य भूमि के संबंध में आवेदक का कहना है कि जिला पदाधिकारी-सह-बन्दोबस्त पदाधिकारी, आयुक्त दरभंगा प्रमण्डल तथा माननीय उच्च न्यायालय, पटना के फैसले आवेदक के हक की सम्पुष्टि किये हैं फिर भी भू-बन्दोबस्ती से जुड़े निम्न स्तरीय पदाधिकारियों तथा कर्मचारियों तथा भूमाफिया तथा असमाजिक तत्वों के गठजोड़ के कारण आवेदक को लगतार जमीन से बेदखल होने तथा अपने जानमाल की असुरक्षा का भी खतरा बना रहता है।

4. दिनांक 28.10.10 को असमाजिक तत्वों द्वारा उक्त जमीन पर अवैध निर्माण की प्रक्रिया प्रारम्भ की गयी है। सूचना प्राप्त होने पर अनुमण्डल पदाधिकारी द्वारा पूर्व की स्थिति कायम रखने का आदेश दिया गया। मामले की जांच करने थाना के जमादार दिनांक 30.10.10 को सुबह पहुंचे थे। आवेदक द्वारा अपना पक्ष रखा गया उसके बाद असमाजिक तत्वों द्वारा आवेदक, उसके साले तथा उसके पुत्र को घर से निकाल कर मारपीट किया गया तथा उक्त जमीन को कौड़ी के भाव बेचने के लिए दबाव डाला गया। नहीं तो जी0पी0 मोईउद्दीन की तरह जान और जमीन से हाथ धोने के लिए तैयार रहने को कहा गया।

Attested
M. Singh
08/11/10

प्रशाखा पदाधिकारी
पुलिस महानिरीक्षक का कार्यालय
दरभंगा प्रक्षेत्र, दरभंगा

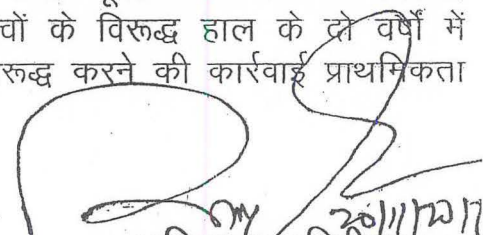
5. उपरोक्त घटना के तुरंत बाद थानाध्यक्ष लहेरियासराय के द्वारा आवेदक के विरुद्ध काण्ड संख्या-502/10 अंकित किया गया तथा आवेदक को उनके साले एवं पुत्र के सहित गिरफ्तार कर थाना पर लाया गया। शहर के प्रबुद्ध लोगों के हस्तक्षेप से पुलिस जमानत पर मुक्त किया गया। आवेदक के आवेदन को दर्जनों बाद फारकर मजमून बदलने पर मजबूर किया गया।

6. उपरोक्त परिस्थितियों से यह स्पष्ट है कि लहेरियासराय थानाध्यक्ष सम्पूर्ण रूप से भूमाफिया के इशारे पर कार्य कर रहे हैं। असमाजिक तत्वों पर पुलिस पुलिस का नियंत्रण कमजोर ही नहीं है बल्कि असमाजिक तत्वों के इशारे पर ही पुलिस इस मामले में कार्रवाई कर रही है। यह अत्यंत ही खेद का विषय है।

7. मैंने आलोच्य मामले में आयुक्त दरभंगा प्रमण्डल के द्वारा दिनांक 10.9.07 को पारित आदेश का अवलोकन किया। आयुक्त दरभंगा प्रमण्डल के आदेश को देखने से भूमि बन्दोबस्त से जुड़े कर्मचारी तथा बन्दोबस्त पदाधिकारी की भूमिका लापरवाहीपूर्ण तथा उदासीन ही नहीं बल्कि आपराधिक कोटि का होने का स्पष्ट प्रमाण मिलता है। आवेदक के खाता संख्या-588 में कुल 19 प्लॉटों का विवरण अंकित था। दिनांक 06.01.02 को लिप्त लेखन कर प्रविष्टियों को विलोपित किया गया है। 19 प्लॉटों में से 15 प्लॉटों को बिना किसी आदेश के विलोपित किया गया था जिसे आयुक्त ने आश्चर्यजनक बताया। संबंधित पदाधिकारियों के विरुद्ध विभागीय कार्यवाही प्रारम्भ करने का उल्लेख है। विभागीय कार्यवाही में क्या आदेश पारित हुआ इसकी जानकारी प्राप्त की जाय तथा इसके लिए आवेदक के बयान पर इन कर्मचारियों के विरुद्ध अलग से प्राथमिकी दर्ज कर प्राथमिकी संख्या से एक सप्ताह के अन्दर अवगत करायें।

8. इस प्रकार के गंभीर भूविवाद में थानाध्यक्ष का स्वयं नहीं जाना तथा जमादार स्तर के किसी पदाधिकारी को भेज देना यह स्पष्ट रूप से दर्शाता है कि थानाध्यक्ष मामले में प्रभावकारी हस्तक्षेप कानूनी रूप से नहीं करना चाहते हैं बल्कि मामले को उलझा कर पीड़ित पक्ष को किसी भी प्रकार का कानूनी सहयोग नहीं प्रदान करना चाहते हैं।

9. वरीय पुलिस अधीक्षक दरभंगा मामले से संबंधित सभी काण्डों की संयुक्त समीक्षा करें। उपरोक्त निर्देशों के आलोक में अपेक्षित काण्ड दर्ज करवायें तथा भूमाफिया तत्वों के विरुद्ध प्रभावकारी एवं कारगर कार्रवाई सुनिश्चित करें ऐसे भूमाफिया तत्वों के विरुद्ध हाल के दो वर्षों में दर्ज दर्ज काण्डों के संबंध में बिहार अपराध अधिनियम के तहत निरुद्ध करने की कार्रवाई प्राथमिकता के आधार पर सुनिश्चित करें।


पुलिस महानिरीक्षक,
दरभंगा प्रक्षेत्र, दरभंगा।

Attended
V. Singh
30/10/17
पुलिस महानिरीक्षक, दरभंगा
पुलिस महानिरीक्षक का कार्यालय
दरभंगा प्रक्षेत्र, दरभंगा

पुलिस महानिरीक्षक, दरभंगा क्षेत्र, को अनुपालन सुनिश्चित कराने हेतु प्रेषित।

TRUE TRANSLATED COPY OF ANNEXURE P-2

Memo No: 2738/Ap.Sha.

Office of the Inspector General of Police,
Darbhanga Range, Darbhanga.

Date: 20th November 2010

To,

Senior Superintendent of Police, Darbhanga.

Subject: Regarding the application received from Raziullah Khan.

In relation to the aforementioned subject, it is to inform you that there has been a prior attempt by the notorious land mafia/rackets/anti-social elements of Darbhanga city, such as Allan, Laddan, Jhaban, etc., to forcibly seize the land of the applicant. These anti-social elements have either tried to purchase the applicant's land at a very low price or have demanded an extortion amount of two lakhs per katha.

In this regard, during my tenure as the Deputy Inspector General of Police, I had issued orders through memo number 1846/CR dated 23.8.2008 from the Darbhanga Range Office to register an extortion case and to conduct an investigation. Kindly submit a compliance report within three days, stating whether an extortion case was registered or not. If not registered, explain why. If registered, provide the outcome of the case. Also, hold accountable those responsible for not registering the case and submit a report.

The applicant claims that despite favorable orders from the District Magistrate-cum-Settlement Officer, Darbhanga Division, and the Hon'ble High Court, Patna, confirming his rights, the applicant continues to face threats of eviction from the land and fears for his safety due to the collusion between low-level officers and staff involved in land settlement, land mafia, and anti-social elements.

On 28.10.10, these anti-social elements initiated illegal construction on the said land. Upon receiving information, the Sub-Divisional Officer ordered to maintain the status quo. The Station House Officer visited the site on 30.10.10 in the

morning, where the applicant presented his case. However, after the officer's departure, the anti-social elements assaulted the applicant, his brother-in-law, and his son, and pressured him to sell the land at a low price. They threatened that if he did not comply, he would meet the same fate as GP Moiuddin and lose both his life and property.

Immediately after this incident, the Station House Officer of Laheria Sarai registered case number 502/10 against the applicant and arrested him, along with his brother-in-law and son. They were taken to the police station but were released on bail following the intervention of prominent citizens. The applicant was forced to repeatedly alter his application.

The above circumstances clearly indicate that the Station House Officer of Laheria Sarai is entirely acting under the influence of the land mafia. Not only is the police control over these anti-social elements weak, but it also appears that the police are acting at the behest of these elements, which is highly regrettable.

I have reviewed the order passed by the Commissioner of Darbhanga Division on 10.9.07. The Commissioner's order reveals that the actions of the employees and officers involved in land settlement are not just negligent and indifferent but of a criminal nature. The applicant's account number 588 contained details of 19 plots, of which 15 plots were deleted without any order on 06.01.02, which the Commissioner found surprising. There is mention of initiating departmental proceedings against the concerned officers. Obtain details of the orders passed in these departmental proceedings, and based on the applicant's statement, register separate FIRs against these employees and inform me of the FIR numbers within a week.

The fact that the Station House Officer did not visit the site himself in such a serious land dispute and instead sent a subordinate officer clearly shows that the Station House Officer does not want to intervene effectively in the case legally, and instead, wishes to complicate the matter, denying the aggrieved party any legal support.

The Senior Superintendent of Police, Darbhanga, should conduct a joint review of all cases related to this matter. Ensure the registration of the required cases in light of the above instructions and ensure effective and decisive action against the land mafia. Also, prioritize action under the Bihar Crime Act against such land mafia elements involved in cases registered in the last two years.

Inspector General of Police
Darbhanga Range, Darbhanga.

ज्ञापांक.. 8028/गो0

वरीय पुलिस अधीक्षक का कार्यालय, दरभंगा,

ल0सराय, दिनांक-

8/12/10

सेवा में,

पुलिस उपाधीक्षक,

मुख्यालय ।

प्रसंग :- पुलिस महानिरीक्षक, दरभंगा पक्षत्र, दरभंगा का ज्ञा0 2738/अप0शाखा, दि0 20.11.10

विषय :- रजीउल्लाह खॉ से प्राप्त आवेदन पत्र के संबंध में।

1. उपरोक्त प्रासंगिक विषय के माध्यम से सूचित किया गया है कि आवेदक की जमीन पर दरभंगा नगर के चर्चित भू-माफिया/रंगदार/असमाजिक तत्व अल्लन, लड्डन, झब्बन आदि के द्वारा जबरन कब्जा किये जाने का प्रयास पूर्व में किया गया है। इन असमाजिक तत्वों द्वारा आवेदक की जमीन को कौड़ी के भाव खरीदने का प्रयास किया जा रहा है या नहीं तो दो लाख रूपया प्रति कट्टा की रंगदारी की मांग की जा रही है।
2. इस संबंध में मैंने अपने पुलिस उप-महानिरीक्षक काल में पुलिस उप-महानिरीक्षक, दरभंगा क्षेत्र, दरभंगा के कार्यालय का ज्ञा0 1846/सी0आर0, दि0 23.08.2008 के माध्यम से रंगदारी का काण्ड दर्ज कर अनुसंधान करने का आदेश दिया था। तीन दिनों के अन्दर अनुपालन प्रतिवेदन दें कि इस संबंध में रंगदारी का काण्ड दर्ज हुआ था या नहीं ? यदि नहीं दर्ज हुआ तो क्यों नहीं दर्ज हुआ ? और यदि दर्ज हुआ तो उसका फलाफल रहा। काण्ड नहीं दर्ज करने के लिये जिम्मेवारी सुनिश्चित करते हुए प्रतिवेदन दें।
3. आलोच्य भूमि के संबंध में आवेदक का कहना है कि जिला पदाधिकारी-सह-बन्दोबस्त पदाधिकारी, आयुक्त दरभंगा प्रमण्डल तथा माननीय उच्च न्यायालय, पटना के फैसले आवेदक के हक की सम्पुष्टि किये है फिर भी भू-बन्दोबस्ती से जुड़े निम्नस्तरीय पदाधिकारियों तथा कर्मचारियों तथा भू-माफिया तथा असमाजिक तत्वों के गठजोड़ के कारण आवेदक को लगातार जमीन से बेदखल होने तथा अपने जानमाल की असुरक्षा का भी खतरा बना रहता है।
4. दि0 28.10.10 को असमाजिक तत्वों द्वारा उक्त जमीन पर अवैध निर्माण की प्रक्रिया प्रारम्भ की गयी है। सूचना प्राप्त होने पर अनुमण्डल पदाधिकारी द्वारा पूर्व की स्थिति कायम रखने का आदेश दिया गया है। मामले की जाँच करने थाना के जमादार दि0 30.10.10 को सुबह पहुँचे थे। आवेदक द्वारा अपना पक्ष रखा गया उसके बाद असमाजिक तत्वों द्वारा आवेदक, उसके साले तथा उसके पुत्र को घर से निकाल कर मारपीट किया गया तथा उक्त जमीन को कौड़ी के भाव बेचने के लिये दबाव डाला गया नहीं तो जी0पी0 मोईउद्दीन की तरह जान और जमीन से हाथ धोने के लिये तैयार रहने को कहा गया।

5. उपरोक्त घटना के तुरन्त बाद थानाध्यक्ष लहेरियासराय के द्वारा आवेदक के विरुद्ध काण्ड सं० 502/10 अंकित किया गया तथा आवेदक को उनके साले एवं पुत्र के सहित गिरफ्तार कर थाना लाया गया। शहर के प्रबुद्ध लोगों के हस्तक्षेप से पुलिस जमानत पर मुक्त किया गया। आवेदक के आवेदन को दर्जनों बार फाड़कर मजमून बदलने पर मजबूर किया गया।

6. उपरोक्त परिस्थितियों से यह स्पष्ट है कि लहेरियासराय थानाध्यक्ष सम्पूर्ण रूप से भू-माफिया के इशारे पर कार्य कर रहे हैं। असमाजिक तत्वों पर पुलिस का नियंत्रण कमजोर ही नहीं बल्कि असमाजिक तत्वों के इशारे पर ही पुलिस इस मामले में कार्रवाई कर रही है। यह अत्यन्त ही खेद का विषय है।

7. मैने आलोच्य मामले में आयुक्त दरभंगा प्रमण्डल के द्वारा दि० 10.09.07 को पारित आदेश का अवलोकन किया। आयुक्त दरभंगा प्रमण्डल के आदेश को देखने से भूमि बन्दोबस्त से जुड़े कर्मचारी तथा बन्दोबस्त पदाधिकारी की भूमिका लापरवाही तथा उदासीन ही नहीं बल्कि आपराधिक कोटि का होने का स्पष्ट प्रमाण मिलता है। आवेदक के खाता सं० 588 में कूल 19 प्लॉटों का विवरण अंकित था। दि० 06.01.02 को लिप्त लेखन कर प्रविष्टियों को विलोपित किया गया है। 19 प्लॉटों में से 15 प्लॉटों को बिना किसी आदेश के विलोपित किया गया था जिसे आयुक्त ने आश्चर्यजनक बताया। संबंधित पदाधिकारियों के विरुद्ध विभागीय कार्यवाही प्रारम्भ करने का उल्लेख है। विभागीय कार्यवाही में क्या आदेश पारित हुआ इसकी जानकारी प्राप्त की जाय तथा इसके लिए आवेदक के बयान पर इन कर्मचारियों के विरुद्ध अलग से प्राथमिकी दर्ज कर प्राथमिकी संख्या से एक सप्ताह के अन्दर अवगत करायें।

8. इस प्रकार के गंभीर भू-विवाद में थानाध्यक्ष का स्वयं नहीं जाना तथा जमादार स्तर के किसी पदाधिकारी को भेज देना यह स्पष्ट रूप से दर्शाता है कि थानाध्यक्ष मामले में प्रभावकारी हस्तक्षेप कानूनी रूप से नहीं करना चाहते हैं बल्कि मामलों को उलझा कर पीड़ित पक्ष को किसी भी प्रकार का कानूनी सहयोग नहीं प्रदान करना चाहते हैं।

9. उपरोक्त निर्देशों के आलोक में अपेक्षित कांड दर्ज करवायें तथा भूमाफिया तत्वों के विरुद्ध प्रभावकारी एवं कारगर कार्रवाई सुनिश्चित करें। ऐसे भूमाफिया तत्वों के विरुद्ध हाल के दो वर्षों में दर्ज कांडों के संबंध में बिहार अपराध अधिनियम के तहत निरुद्ध करने की कार्रवाई प्राथमिकता के आधार पर सुनिश्चित करें।

अतः आपको आदेश दिया जाता है कि उपरोक्त तथ्यों के संबंध में जांच पड़ताल कर जांच प्रतिवेदन पत्र प्राप्ति के दो दिनों के अन्दर समर्पित करें।

५०

वरीय पुलिस अधीक्षक,
दरभंगा।

Darbhanga

Office of the Senior Superintendent of Police, Darbhanga, Laheriasarai

Date: 08/12/2010

To,

Deputy Superintendent of Police, Headquarters

Subject: Regarding the application received from Rajiullah Khan.

Reference: Memorandum No. 2738/Crime Branch, dated 20.11.2010, from the Inspector General of Police, Darbhanga Division, Darbhanga.

It has been brought to attention through the above-mentioned reference that an attempt was made in the past to forcibly occupy the applicant's land by notorious land mafia/gangsters/anti-social elements, namely Allan, Laddan, Jhabbaan, etc., from Darbhanga city. These anti-social elements are either trying to purchase the applicant's land at a very low price or are demanding extortion money of Rs. 2 lakhs per Katha.

In this regard, during my tenure as Deputy Inspector General of Police, an order was issued through Memorandum No. 1846/CR, dated 23.08.2008, from the office of the Deputy Inspector General of Police, Darbhanga Division, to register a case of extortion and conduct an investigation. You are directed to submit a compliance report within three days on whether a case of extortion was registered in this matter. If not, why was it not registered? If it was registered, what was the outcome? You are also directed to establish accountability for not registering the case and submit a report.

Regarding the disputed land, the applicant claims that the District Magistrate-cum-Settlement Officer, Commissioner of Darbhanga Division, and the Hon'ble High Court, Patna, have all confirmed the applicant's rights. Despite this, due to the collusion of lower-level officials and employees involved in land settlement with the land mafia and anti-social elements, the applicant constantly faces the threat of being dispossessed of his land and concerns for his life and property.

On 28.10.2010, the anti-social elements started illegal construction on the said land. Upon receiving the information, the Sub-Divisional Officer issued an order to maintain the status quo. The police station's Jamadar visited the site on the morning of 30.10.2010 for investigation. The applicant presented his case, but later, the anti-social elements dragged the applicant, his brother-in-law, and his son out of their house, assaulted them, and pressured them to sell the land at a meagre price. They were also threatened to be prepared to face the same fate as G.P. Moiuddin if they refused.

Immediately after the above incident, the Station House Officer (SHO) of Laheriasarai registered Case No. 502/10 against the applicant and arrested him along with his brother-in-law and son. They were taken to the police station and were released on bail due to the intervention of the city's prominent citizens. The applicant was forced to tear up his application multiple times and rewrite it under coercion.

The above circumstances clearly indicate that the SHO of Laheriasarai is acting entirely at the behest of the land mafia. Not only is there a weak control over these anti-social elements by the police, but the police are also acting under the instructions of these elements in this matter. This is a matter of great regret.

I have reviewed the order passed by the Commissioner of Darbhanga Division on 10.09.2007 regarding this case. The Commissioner's order reveals that the role of the employees and settlement officer involved in land settlement was not just negligent and indifferent but criminal. The applicant's Khata No. 588 contained details of a total of 19 plots. On 06.01.2002, the entries were tampered with, and 15 out of 19 plots were deleted without any order, which the Commissioner found astonishing. There is a mention of initiating departmental action against the concerned officials. You are directed to obtain information on what orders were passed in the departmental action and, based on the applicant's statement, register a separate FIR against these employees and inform the FIR number within a week.

The SHO's failure to personally visit the site in such a serious land dispute and sending a junior officer like Jamadar instead clearly indicates that the SHO does not wish to intervene effectively in the matter legally. Instead, he wants to

complicate the matter and avoid providing any legal assistance to the aggrieved party.

In light of the above instructions, ensure that a case is registered and effective action is taken against the land mafia. Also, prioritize action under the Bihar Crime Act against such land mafia elements concerning the cases registered in the last two years.

Therefore, you are ordered to investigate the above facts and submit a report within two days of receiving this letter.

Senior Superintendent of Police, Darbhanga

ANNEXURE-P4

130



मुख्यमंत्री सचिवालय

*** बिहार ***

पत्रांक - D 20210971
29/09/21

2021060903



Date :- 20-Sep-2021

सेवा में :-

DM
Darbhanga
Government of Bihar, Patna

विषय :-

अतिक्रमण से संबन्धित मामला का 2015 से लोक शिकायत निवारण
आदेश का पालन नहीं करने के संबंध में।

महाशय,

निदेशानुसार कहना है की मुख्यमंत्री सचिवालय में प्राप्त आवेदन पत्र को
नियमानुसार जांच कर आवश्यक कारवाई हेतु मूल रूप में संलग्न कर भेजा जा रहा है।अतः अनुरोध है की कृत कारवाई से आवेदक एवं मुख्यमंत्री सचिवालय को
यथाशीघ्र अवगत कराने की कृपा की जाय।

अनुलग्नक-यथा संलग्न विवरणी।

Authorized Signatory
CM Secretariat, Patna, Bihar

प्रतिलिपि:-

Md. Tasim, Darbhanga को सूचनार्थ प्रेषित।

SI.NO	Sender Name	Address	District	QR Code No
1	Md. Tasim	Darbhanga	Darbhanga	2021060903

यह पत्र आपको (www.dashboard.bihar.gov.in) पोर्टल पर प्राप्त है

4, देशरत्न मार्ग, पटना, बिहार 800001 +91-612-2215047 F +91-612-2205800 E cm-secretariat-bih@gov.in W cms.bih.nic.in

Date: 20-Sep-2021

To:

DM Darbhanga,
Government of Bihar, Patna

Subject: Non-compliance with the Public Grievance Redressal Order Related to Encroachment since 2015.

Respected Sir,

As per the instructions, I am writing to inform you that the application received at the Chief Minister's Secretariat is being forwarded to you in its original form for necessary action and investigation, in accordance with the rules.

Therefore, I request you to kindly inform the applicant and the Chief Minister's Secretariat of the actions taken as soon as possible.

Enclosures: As per attached details.

Authorised Signatory

CM Secretariat, Patna, Bihar

ANNEXURE-P5

सेवा में,

1. श्रीमान् जिला पदाधिकारी महोदय,
दरभंगा।

12.12.23

2. नगर आयुक्त, नगर निगम, दरभंगा।

विषय :- वार्ड नं० 31 में मु० जमालपुरा में नगर निगम दरभंगा के द्वारा भूमाफिया को मेल में लेकर निजी जमीन पर कानून की धज्जियाँ उरा कर नाला रोड वगैर जमीन मालिक से लिखित लिए हुए बनवाने के संबंध में।

महाशय,

निवेदन पूर्वक कहना है कि नगर निगम दरभंगा के प्रशासन एवं वरीय पदाधिकारी सउद आलम की मिलीभगत से वार्ड नं०-30 एवं 31 में बगैर सरकारी ठेकेदारी से भूमाफिया एवं दबंग अपराधकर्मी अपनी मर्जी से उक्त वार्डों में रोड व नाला का अवैध निर्माण करते हैं और नगर निगम की मिलीभगत से अपना भुगतान करवा लेते हैं। वार्ड 31 मु० जमालपुरा में खेसरा 58 वो खेसरा 24 रास्ते का गैर मजरूआ आम जमीन है जिस पर लोग मकान दुकान बनाकर इस्तेमाल कर रहा है और भूमि माफिया दबंग लोग ठेकेदार मो० कैश खाँ और पार्षद को मेल में लेकर दबंगई से निजी जमीन मालिक से वगैर लिखित बीच उसकी जमीन पर नाला रोड बनाया जा रहा है और मस्जिद की भी जमीन पर नाला रोड बनाया जा रहा है। जाफर खाँ के जमीन के पास से सफी आलम नजीबुर रहमान अंगुरी दुलारे अली राजा सदरे आलम नुर आलम सब्बीर आलम बदरे आलम मुन्नी

जामालपुरा नगर निगम


6534

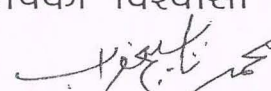
13/12/23

12/12/23

खातुन सकीना खातुन रहीला खातुन होते हुये मस्जिद के पास मिलाया जा रहा है। खेसरा-58 वो 24 पुराना खाली करने का लोक सेवा निवारण पदाधिकारी का आदेश सं०-2017 में नगर निगम दरभंगा को पत्रांक-43 दिनांक-26.06.2017 में भी भेजा गया था। उस पर आज तक कोई कार्य नहीं हुआ।

इसी लिए आपसे प्रार्थना है उक्त नाला के काम अविलंब बंद कराकर जाँच कराने की कृपा की जाए अन्यथा कोई भी अप्रिय घटना घट सकती है। इसलिए की काम में हाथ लगा हुआ है। इसके लिए हम आपके सदा आभारी रहेंगे।


5/3/24

आपका विश्वासी

12/12/23
मो० तासिम नवाब
पिता-स्व० नवाब अली
मु०-जमालपुरा, वार्ड-31
थाना-लहेरियासराय
जिला-दरभंगा
मो०-87972800626

Date: 12-12-2023

To,
The District Magistrate,
Darbhanga.
And,
The Municipal Commissioner,
Municipal Corporation, Darbhanga.

Subject: Regarding the Construction of Drainage and Road on Private Land by the Darbhanga Municipal Corporation in Collusion with Land Mafias in Ward No. 31, Mohalla Jamalpura, without the Consent of the Landowners.

Respected Sir,

I respectfully bring to your attention that with the collusion of the Darbhanga Municipal Corporation administration and senior officer Saud Alam, illegal construction of roads and drains is being carried out in Ward No. 30 and 31 without any official contract. These constructions are being done at the behest of land mafias and criminal elements, who later get the payments processed with the help of the Municipal Corporation.

In Ward No. 31, Mohalla Jamalpura, the plots bearing Khesra No. 58 and Khesra No. 24 are non-transferable common lands. However, some people have illegally built houses and shops on this land, and now the land mafias and influential people, with the help of contractor Mohammad Kaish Khan and the local councillor, are forcibly constructing drains and roads on private land without obtaining written consent from the landowners. The construction is also being extended onto the land belonging to the mosque.

The construction of the drain and road is passing through the land near Jafar Khan, affecting the properties of Safi Alam, Najibur Rahman, Anguri Dulare Ali, Raja Sadre Alam, Bur Alam, Sabbir Alam, Badre Alam, Munni Khatoon, Sakina

Khatoon, and Raheela Khatoon, and is being connected to the land near the mosque. The Municipal Corporation of Darbhanga was also instructed to vacate Khasra No. 58 and 24 by the Public Grievance Redressal Officer in 2017 through order No. 43 dated 26-06-2017. However, no action has been taken on this order to date.

Therefore, I request you to kindly halt the ongoing construction of the drain immediately and initiate an investigation. If this is not done, it could lead to an unfortunate incident, as work is already underway. I will be forever grateful to you for taking appropriate action.

Yours faithfully,

Mohammad Tasim Nawab

Son of Late Nawab Ali

Mohalla: Jamalpura, Ward No. 31

Police Station: Laheriasarai

District: Darbhanga

Mobile: 8797280626

सेवा में,

श्रीमान् जिला पदाधिकारी दरभंगा महोदय,
दरभंगा।

विषय :- दरभंगा जिला में तालाब भू-माफिया से बचाने के संदर्भ में।

महाशय,

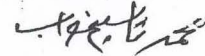
निवेदन है कि मैं दरभंगा जिला में तालाब बचाव अभियान का एक कार्य करता हूँ, बिहार सरकार राजस्व एवं भूमि सुधार विभाग प्रमंडलीय आयुक्त एवं डी० एम० को लिखे दिनांक-23.06.2016 पत्रांक-981 विवेक कुमार सिंह प्रधान सचिव ने भेजा लेकिन भू-माफिया अंचल अधिकारी अंचल कर्मचारी की मिलीभगत से इस आदेश का पालन नहीं की जाती है। यहाँ तक की किसी भी बड़े पदाधिकारी के किसी भी आदेश का पालन अंचल अधिकारी नहीं करते है। शहरी क्षेत्रों के तालाब जिसे भर दिया गया है और जिसे भरा जा रहा है या अतिक्रमण किया जा चुका है। (1) करवला (2) दिग्धी (3) गंगासागर, (4) मिर्जा खाँ तालाब (5) लाल पोखर का (6) हजमा चौक पुलिस लाईन पोखर)चारो तरफ से अतिक्रमण किया हुआ है मु० सेनापत में तीन पोखर टेढ़ी बाजार पुरानी मुंसफी में दो पोखर उर्दू बाजार में दो पोखर फकीरा खाँ राज टोली वार्ड नं० 30 भीगो में तीन पोखर चकरहमत गुदर राय पोखर वार्ड 31 में एक पोखर यह सब पोखर भरा जा चुका है। फकीरा खाँ राजटोली वार्ड 30 का पोखर भरने का विरोध करने पर मो० प्रवेज का मडर कर दिया गया। इसी तरह दुमदुमा का पोखर भरने का विरोध करने पर जी० पी० मोनीउद्दीन साहब का मडर कर दिया गया। रहमगंज खानकाह पोखर काजीपुरा वार्ड नं० 33 का पोखर सोगरा गल्स हाई स्कूल फकीरा खाँ पोखर मिल्लत

कॉलेज नुरी मस्जिद के सामने का पोखर कैसरे हिंद कील खाना से उत्तर वो पश्चिम मशहुर नाम मनपोखर महेशंपट्टी से दुमदुमा होते गीदरगुंज नदी को अंचल अधिकारी बहादुरपुर वो सदर वो थाना की मिलीभगत से भू-माफिया भर कर बेच रहा है।

यह कि जो भी भू-माफिया के खिलाफ तालाब बचाव करता है उसे मरवा दिया जाता है या थाना की मेल से किसी तरह के केस में फंसा कर जेल भेजा दिया जाता है या काउन्टर करा दिया जाता है। इसलिए आपसे प्रार्थना है कि इस पर संज्ञान लेते हुए कानूनी कारवाई की जाय ताकि तालाबों का इंसानों की हत्या होने से बचाया जा सके। आपका अपने जिला का भला चाहने वाला एक सच्चा नागरिक।

इसके लिए हम दरभंगा वासी आपके सदा आभारी रहेंगे

आपका विश्वासी



8/11/24

मो० तासिम नवाब

पिता-स्व० नवाब अली

मु०-जमालपुरा

वार्ड नं०-31

थाना-लहेरियासराय

जिला-दरभंगा

मो०-8797280626

Date: 08/01/24

To,
The District Magistrate,
Darbhanga.

Subject: Regarding the Protection of Ponds in Darbhanga District from Land Mafia.

Respected Sir,

I would like to bring to your attention that I am actively involved in a campaign to protect ponds in Darbhanga district. Despite a letter dated 23.06.2016 (Letter No. 981) sent by the Principal Secretary, Mr. Bibek Kumar Singh, of the Bihar Government's Revenue and Land Reforms Department to the Divisional Commissioner and the District Magistrate, the orders are not being enforced due to the collusion between land mafias and the Circle Officer along with other Circle employees. In fact, the Circle Officer fails to comply with any orders from higher authorities. Several ponds in urban areas have been filled or encroached upon, including the following:

Karbala

Dighhi

Gangasagar

Mirza Khan Pond

Lal Pokhar

Hazma Chowk Police Line Pond

In Mu. Senapat, three ponds have been filled; in Tedhi Bazaar, two; in Purani Munasafi, two; in Urdu Bazaar, two; in Fakira Khan Raj Toli, Ward No. 30, three; in Bhigo, three; and in Chakrahat Gudar Rai Pokhar, Ward 31, one pond has been filled. All these ponds have already been filled. When Fakira Khan Raj Toli Ward 30's pond was being filled, Md. Parvez was murdered for protesting against

it. Similarly, when the Dumduma pond was being filled, Mr. G.P. Moiuddin was murdered for protesting.

The ponds in Rahmganj Khanqah, Kajiura Ward No. 33, Sogra Girls High School, Fakira Khan Pond, Millat College, and the pond in front of Buri Mosque have also been encroached upon. The famous Manpokhar, located north and west of Kaiser-e-Hind Kilkhana and extending from Maheshpatti to Dumduma along the Geedar Gunj river, is being filled and sold by the land mafia with the collaboration of the Circle Officer of Bahadurpur and Sadar, as well as the local police.

Anyone who tries to protect these ponds from the land mafia faces severe consequences, such as being murdered or being falsely implicated in cases with the help of the police and sent to jail. Therefore, I humbly request you to take cognizance of this issue and take strict legal action to protect the ponds and prevent further loss of lives. I am a true citizen who desires the well-being of our district.

The residents of Darbhanga will always be grateful to you.

Sincerely,

Mohammad Tasim Nawab

Father: Late Nawab Ali

Mouza: Jamalpura

Ward No: 31

Police Station: Laheriasarai

District: Darbhanga

Mobile: 8797280626

ANNEXURE-P7

सेवा में,

श्रीमान् थानाध्यक्ष महोदय

थाना-लहेरियासराय, दरभंगा।

विषय:- प्राथमिकी दर्ज करने के संबंध में।

महाशय,

निवेदन है कि मैं मो० तासिम पिता-स्व० नवाब अली मुहल्ला-जमालपुरा, वार्ड नं०-31, थाना-लहेरियासराय, जिला-दरभंगा का सम्मानित सदस्य व निवासी हूँ।

यह कि मैं दिनांक-10.01.2024 को रात्री 8 बजे अपने घर पर एक पंचायत कर रहे थे कि उसी समय हमारे घर पर एक सदस्य ने आवाज दी तासीम चाचा है तब मोहल्ले की सायरा खातून ने कहा कि मुजप्फर आबिद भैया का बेटा चकरहमत वाला बुला रहा है जब मैं घर से निकला तो देखा कि चार-पाँच लड़के हाथ में स्टील का रॉड व पिस्टल लिए हुए थे कि अचानक उसमें से एक व्यक्ति ने हम पर स्टील के रॉड से हमला कर दिया जो बचने के क्रम में मेरे बाँए पैर के ठेहुने के पास लगा और दो व्यक्ति ने हमपर पिस्टल चलाना चाहा की हमारे हल्ला करने पर मुहल्लावासी जमा हुए तब सारे अपराधी व्यक्ति हमारे घर के सामने वाली बासवारी में लगी 10, 12 मोटर साइकिल पर सवार होकर भाग गए और दो मोटर साइकिल छोड़ दिया जिसे हम अवपे मोहल्ले के लोगो के सहयोग से अपने घर के सामने रोड पर ले आए मोटर साइकिल का नं०-(1) BR07C 3047 (2) BR07BA 0945 है। यह सारे अपराधी मोटर साइकिल से मेरी हत्या करने के लिए आए थे। मैंने इसकी सूचना लहेरियासराय थाना को दिया पुलिस आई और बगैर हमसे कुछ पूछे व मुहल्ले वाले से कुछ पूछा हमारे घर के बाहर से उपरोक्त अपराधियों की दो मोटर साइकिल उठाकर ले गई।

उक्त घटना का कारण है कि मैं मनपोखर किलखाना से पश्चिम की उगाही की कमिटी का सकरिये सदस्य हूँ। चूकि भू-माफिया किलखाना मनपोखर की जमीन को कब्जा कर बेचने का प्रयास करना चाहते है मनपोखर को उगाही कर बचाने के प्रयाय कर रहे है। इसी कारण दरभंगा में भू-माफियाओं ने हमारे उपर जानलेवा हमला करवाया है और भविष्य में भी मेरी व मेरे परिवार के सदस्यों की हत्या कर जानमाल का खतरा पहुँचा सकते है।

अतः श्रीमान् से अनुरोध है कि उपरोक्त घटना की छानबीन कर अपराधियों के खिलाफ सख्त से सख्त कानूनी कार्यवाही करने की कृपा की जाय। ताकि भविष्य में आवेदक के परिवार के जान माल की सुरक्षा हो सकें।

आपका विश्वासी



11/01/24

मो० तासिम

पिता-स्व० नवाब अली

मुहल्ला-जमालपुरा

वार्ड नं०-31

थाना-लहेरियासराय

जिला-दरभंगा

मो०-8797280626

Date: 11.01.2024

To,
The Station In-Charge,
Laheriasarai Police Station,
Darbhanga.

Subject: Request for Filing an FIR.

Respected Sir,

I, Mohammad Tasim, son of Late Nawab Ali, a respected member and resident of Mohalla-Jamalपुरa, Ward No. 31, Police Station: Laheriasarai, District: Darbhanga, would like to bring the following to your notice.

On 10.01.2024, at around 8:00 PM, I was holding a community meeting at my home when someone called out, "Is Tasim Uncle here?" At that moment, Saira Khatoon from the neighborhood informed me that Muzaffar Abid's son from Chakrahat was calling for me. When I stepped out of my house, I saw four or five young men armed with steel rods and pistols. Suddenly, one of them attacked me with a steel rod, hitting me near my left knee. Two others attempted to shoot me, but as I raised an alarm, neighbours gathered, and all the criminals fled on 10 to 12 motorcycles parked near the bamboo grove in front of my house, leaving behind two motorcycles. With the help of my neighbors, we moved the motorcycles to the road in front of my house. The registration numbers of the motorcycles are: (1) BR07C 3047, (2) BR07BA 0945. These criminals had come with the intent to murder me.

I reported this incident to the Laheriasarai Police Station, but the police, without asking me or any of the neighbours anything, took away the two motorcycles left by the criminals from outside my house.

The reason for this incident is my active involvement as a member of the Ughai Committee for the western side of "Manpokhar Kilkhana". The land mafia is trying to encroach upon and sell the land of "Manpokhar Kilkhana", and we are trying to protect and preserve Manpokhar. As a result, the land mafia in Darbhanga has orchestrated a life-threatening attack on me, and there is a continued threat to the lives and property of my family and me in the future.

Therefore, I request you to thoroughly investigate the above incident and take strict legal action against the culprits to ensure the safety and security of my family and me in the future.

Yours faithfully,

Mohammad Tasim

Son of Late Nawab Ali

Mohalla: Jamalpura, Ward No. 31

Police Station: Laheriasarai

District: Darbhanga

Mobile: 8797280626

FIR No- 5106043240019 31/12/24

FIRST INFORMATION REPORT

प्रथम सूचना रिपोर्ट

Gst-146/24

15/1/24
25/1/24

(Under Section 154 Cr.P.C.)

(के तहत धारा 154 Cr.P.C.)

- 1 District दरभंगा Police Station लहेरिअ सराई थाना (पुलिस स्टेशन)
- Year 2024 FIR No. 5106043240019 Date 13/01/2024 (साल) (एफआईआर नंबर) (दिनांक)
- 2 (i) Act (अधिनियम) भा द सं 1860 Sections 147, 149, 341, 323, 504, 506 (धारा)
- 3 (a) Occurrence of offence : (अपराध की घटना:)
- Day बुधवार Date from 10/01/2024 (दिन) (तारीख से) (तारीख तक)
- Time Period (समय सीमा) Time from 08:00 (समय से) (समय तक)
- (b) Information received at Date 13/01/2024 Time 20:00 (पुलिस स्टेशन पर सूचना प्राप्त हुई: (दिनांक) (समय)
- (c) General Diary Reference : 0401/13012024 Time 20:30 (समय)
- (c) Entry No. (सामान्य डायरी संदर्भ : प्रविष्टि नं०)

4 Type of Information : (सूचना का प्रकार :)

5 Place of Occurrence : (घटना का स्थान:)

- (a) Direction and distance from P. उत्तर, 3.00 Beat No 1 (दिशा) (किलोमीटर) (बीट नं.)
- (a) S. (पुलिस स्टेशन से दूरी और दिशा)
- (b) Address VADI KA GHAR JAMALPURA WARD NO- 31 THANA L SARAI JILA DARBHANGA (पता)
- (b) VADI KA GHAR JAMALPURA WARD NO- 31 THANA L SARAI JILA DARBHANGA लहेरिअ सराई थाना, दरभंगा बिहार, भारत

- (c) In case, outside the limit of this Police Station, then (अगर इस पुलिस स्टेशन की सीमा के बाहर का मामला है तब)

Name of P.S. District (पुलिस स्टेशन का (जिला)

पुलिस थानाध्यक्ष
सह थानाध्यक्ष
अदरियासराय (दरभंगा)



नाम)

6 Complainant / Informant :
(शिकायतकर्ता / सूचक :)

(a) Name मो0 तासीम (b) Father's / स्व0 नवाब अली
(a) (नाम) (b) Husband's
Name
(पिता /
पति का
नाम)

(c) Date / Year of (d) Nationality भारतीय
(c) Birth (d) (राष्ट्रीयता)
(जन्म की तारीख /
वर्ष)

(e) UID No.
(e) (यु आईडी सं.)

(f) Passport No. Date of issue xxxxxxxxxxxx Place of issue xxxxxxxxxxxxxxxx
(f) (पासपोर्ट संख्या) (जारी करने की तारीख) (जारी करने का स्थान)

Id Details (Passport, Driving License, Ration Card, Arms License, Voter Card, Income Tax (PAN) Card, Any Other, AADHAR CARD (UIDAI), Photo Proof)
आईडी विवरण (पासपोर्ट, चालक अनुज्ञति, राशन कार्ड, शस्त्र अनुज्ञति, मतदाता कार्ड, आयकर (पैन कार्ड), कोई अन्य, आधार कार्ड (भा वि प प्रा), फोटो प्रमाण)

(g) Not Available . xxxxxxxxxxxxxxxx Date of issue xxxxxxxxxxxx Place of issue xxxxxxxxxxxxxxxx
(g) (उपलब्ध नहीं है) (जारी करने की तारीख) (जारी करने का स्थान)

(h) Present Address (h) (वर्तमान पता) JAMALPURA WARD NO- 31 THANA L SARAI JILA DARBHANGA Permanent Address (स्थायी पता) JAMALPURA WARD NO- 31 THANA L SARAI JILA DARBHANGA JAMALPURA WARD NO- 31 THANA L SARAI JILA DARBHANGA लहेरिअ सराई थाना दरभंगा बिहार, भारत लहेरिअ सराई थाना दरभंगा बिहार, भारत

(i) Occupation
(i) (व्यवसाय)

पुलिस विरिधक
सह थानाध्यक्ष
रुद्रगियासराय (दरभंगा)



(I) Phone number
(II) (दूरभाष स.):

Mobile
(मोबाइल स
.):

- 7 Details of known/suspected/unknown accused with full particulars :
(Attach separate sheet, if necessary)
(पूर्ण विवरण के साथ ज्ञात / संदिग्ध / अज्ञात आरोपी का विवरण:)
(यदि आवश्यक हो तो अलग शीट संलग्न करें)

Accused Name (आरोपी का नाम)	Father's/Husband's Name (पिता / पति का नाम)	Age (Approx.) (उम्र) (लगभग)	Address (पता)
(1) BR07BA 0945 का चालक			ANKIT NHI ANKIT NHI लहेरिअ सराई थाना दरभंगा बिहार, भारत
(2) BRO7C 3047 का चालक			ANKIT NHI ANKIT NHI लहेरिअ सराई थाना दरभंगा बिहार, भारत
(3) मुजफर आबिद भैया का बेटा			CHAKRAHMAT CHAKRAHMAT लहेरिअ सराई थाना दरभंगा बिहार, भारत

- 8 Reasons for delay in reporting by the complainant /Informant
(शिकायतकर्ता / सूचक द्वारा रिपोर्टिंग में देरी के कारण)

- 9 Particulars of properties stolen (Attach separate sheet, if necessary)
(चुराई गई संपत्तियों का विवरण (अलग शीट संलग्न करें, यदि सफल हो तो))

- 10 Total value of property stolen
(चुराई गई संपत्ति का कुल मूल्य)

- 11 Inquest Report/U.D. case No. if any
(पूछताछ रिपोर्ट / यू.डी. केस नं. यदि कोई हो)

- 12 First Information contents (Attach separate sheet, if required)
(पहली सूचना सामग्री (यदि आवश्यक हो तो अलग शीट संलग्न करें))

विविध

1 19(1).pdf

Complaint (शिकायत)

सेवा में,

श्रीमान् थानाध्यक्ष महोदय

थाना लहेरियासराय दरभंगा।

विषय प्राथमिकी दर्ज करने के संबंध में।

महाशय,

निवेदन है कि मैं मो० तामिम पिता स्व० नवाब अली मुहल्ला जमालपुरा बार्ड नं० 31 थाना लहेरियासराय जिला-



10/11/24
पुलिस निरीक्षक
सह थानाध्यक्ष
रुद्रगियासराय (दरभंगा)

दरभंगा का सम्मानित सदस्य ब निवासी हूँ।

यह कि मैं दिनांक 10.01.2024 को रात्री 8 बजे अपने घर पर एक पंचायत कर रहे थे कि उसी समय हमारे घर पर एक सदस्य ने आधाज दी तालीम चाचा है तब मोहल्ले की सायरा खातून ने कहा कि मुजफ्फर आविद भैया को बेटा चकरहमत बाला बुला रहा है जब मैं घर से निकला तो देखा कि चार-पाँच लड़के हाथ में स्टील का रॉड व पिस्टल लिए हुए थे कि अबानक उममें से एक व्यक्ति ने हम पर स्टील के रॉड से हमला कर दिया जो बचने के क्रम में मेरे बाँए पैर के ठेहने के पास लगा और दो व्यक्ति ने हमपर पिस्टल चलाना चाहा की हमारे हल्ला करने पर मुहल्लावासी जमा हुए तब सारे अपराधी व्यक्ति हमारे घर के सामने वाली बासवारी में लगी 10, 12 मोटर साइकिल पर सवार होकर भाग गए और दो मोटर साइकिल छोड़ दिया जिसे हम अबपे मोहल्ले के लोगो के सहयोग से अपने घर के सामने रोड़ पर ले आए मोटर साइकिल का नं० (1) BR07C 3047 (2) BR07BA 0945 है। यह सारे अपराधी मोटर साइकिल मे मेरी हत्या करने के लिए आए थे। मैंने इसकी सूचना लहेरियामराय थाना को दिया पुलिस आई और वगैर हमसे कुछ पूछे व मुहल्ले वाले से कुछ पूछा हमारे घर के बाहर से उपरोक्त अपराधियों की दो मोटर साइकिल उठाकर ले गई।

उक्त घटना का कारण है कि मैं मनपोखर किलखाना से पश्चिम की उगाही की कमिटी का सकारिये सदस्य हूँ। चूकि भू माफिया किलखाना मनपोखर की जमीन को कब्जा कर बेचने का प्रयास करना चाहते है मनपोखर को उगाही कर बचाने के प्रयास कर रहे है। इसी कारण दरभंगा में भू-माफियाओं ने हमारे उपर जानलेवा हमला करवाया है और भविष्य में भी मेरी व मेरे परिवार के सदस्यों की हत्या कर जानमाल का खतरा पहुँचा सकते है।

अतः श्रीमान् से अनुरोध है कि उपरोक्त घटना की छानबीन कर अपराधियों के खिलाफ सख्त से सख्त कानूनी कार्यवाही करने की कृपा की जाय। ताकि भविष्य में आवेदक के परिवार के जान माल की सुरक्षा हो सके।

- 13 Action Taken : Since the above information reveals commission of offence (s) u/s as mentioned at Item No. 2:

(कार्रवाई की गई: चूकि उपरोक्त जानकारी अपराध u / s जैसा कि आइटम नंबर 2 में उल्लिखित है कमीशन का चुनाव करती है :)

(2) Directed (Name of I.O.) निर्देशित (I.O का नाम) :- विषय कुमार सिंह Rank(रैंक):- उपनिरीक्षक/अवर निरीक्षक

No.:- vj080570 to take up the Investigation जांच करने के लिए

F.I.R. read over to the complainant /informant , admitted to be correctly recorded and a copy given to the complainant /informant , free of cost.

(शिकायतकर्ता / सूचक द्वारा एफ.आई.आर पढ़ा गया बताया गया की सही ढंग से दर्ज है और शिकायतकर्ता सूचक को एक प्रति सुपत्त में दी जानी है)

R.O.A.C.

(R.O.A.C.)

Signature of Officer in Charge,
Police Station 13.01.2024
(थानाध्यक्ष के हस्ताक्षर)

- 14 Signature /Thumb Impression of the complainant / Name Informant . कुमार कीर्ति (नाम)

(शिकायतकर्ता / सूचक के हस्ताक्षर / अंगुठे का निशान।)

Rank निरीक्षक क्रमांक cum070172 (रैंक)

101
पुलिस निरीक्षक
सह थानाध्यक्ष
रुद्रगियासराय (दरभंगा)



1646F 20.1.24 | 24.1.24, 24.1.24, 24.1.24 148
20.1.24

Seem
Willy
begin

15 Date and time of dispatch to the court. 13/01/2024 20:30
(कोर्ट में प्रेषण की तारीख और समय।)

पुलिस निरीक्षक
सह थानाध्यक्ष
रुद्रियासराय (दरभंगा)



प्रतिलिपि प्रेषणित.
सिरिलकार
1872 की धारा 76 के अधीन

Completed by
C.C.
C.C. 4.06.24

प्रतिलिपि शुल्क देय.....

₹ 0 लिपिक 24/11

रु०	पं०
प्रतिलिपि आवेदन शुल्क	₹ 0
वर्ग	₹ 0
उपस्थान शुल्क	₹ 0
शिक्षण शुल्क	₹ 0
आवृत्त शुल्क	₹ 0
₹	₹

S 3 प्रतिलिपि
₹ 0
24.1.24

Six sheets



First Information Report
(Under Section 154 Cr.P.C.)

1. District: Darbhanga

Police Station: Lehrasaraye

Year: 2024

2. FIR No. 5106043240019

Date: 13.01.2024

Act: IPC

Sections: 147,149,341,323,504,506

3. Occurrence of Offence

Day: Wednesday

Date From:

Date to: 10.01.2024

Time Period:

Time From:

Time to: 08:00

Information received at

Date: 13.01.2024

Time: 20:00

PS:

General Diary Reference: 0401/13012024

Time: 20:30

Entry No.:

4. Type of Information

5. Place of Occurrence:

Direction and distance from P, North.3.00

Beat No.1

Address: VADI KA GHAR JAMALPURA WARD NO-31 THANA L
SARAI JILA DARBHANGA

In case, outside the limit of this Police Station, then

Name of P.S.

District:

6. Complainant/ Informant:

7.

On the night of January 10, 2024, at around 8:00 PM, I was holding a meeting at my home when a gentleman called out to me, saying, 'Tasim Chacha, are you there?' At that moment, Ms. Naira Katoon from the neighbourhood mentioned that son of Muzaffar Abid, is calling. When I stepped out of my house, I saw four or five boys holding steel rods and pistols in their hands. Suddenly, one of them attacked me with a steel rod, which struck near my left knee as I tried to save myself. Two other individuals attempted to shoot me with pistols, but when I raised an alarm, people from the neighborhood gathered. At that point, all the criminals fled on 10-12 motorcycles that were parked in front of my house, leaving behind two motorcycles. With the help of the people in my neighborhood, we moved the two motorcycles onto the road in front of my house. The motorcycle numbers are (1) BR07C 3047 and (2) BR07BA 0945. These criminals had come on motorcycles with the intent to kill me. I informed the Laheriasarai police station, and the police came but took away the two motorcycles belonging to the criminals without questioning me or any of the neighbourhood residents.

The reason behind this incident is that I am an active member of the collection committee from "Man pokhar" Kilkha west. The land mafia in Kilkhana and Manpokhar want to encroach and sell the land, while I am working to protect Man pokhar through our efforts. Because of this, the land mafia in Darbhanga orchestrated this deadly attack on me, and in the future, they could harm or kill me and my family members. Therefore, I request you to investigate this incident and take strict legal action against the criminals so that my family and I can be protected from any future harm.

सेवा में,

श्रीमान् थानाध्यक्ष महोदय

थाना-लहेरियासराय, दरभंगा।

विषय:- प्राथमिकी दर्ज करने के संबंध में।

महाशय,

निवेदन है कि मैं मो० तासिम पिता-स्व० नवाब अली मुहल्ला-जमालपुरा, वार्ड नं०-31, थाना-लहेरियासराय, जिला-दरभंगा का सम्मानित सदस्य व निवासी हूँ।

यह कि मैं दिनांक-10.01.2024 को रात्री 8 बजे अपने घर पर एक पंचायत कर रहे थे कि उसी समय हमारे घर पर एक सदस्य ने आवाज दी तासीम चाचा है तब मोहल्ले की सायरा खातून ने कहा कि मुजफ्फर आबिद भैया का बेटा चकरहमत वाला बुला रहा है जब मैं घर से निकला तो देखा कि चार-पाँच लड़के हाथ में स्टील का रॉड व पिस्टल लिए हुए थे कि अचानक उसमें से एक व्यक्ति ने हम पर स्टील के रॉड से हमला कर दिया जो बचने के क्रम में मेरे बाँए पैर के ठेहुने के पास लगा और दो व्यक्ति ने हमपर पिस्टल चलाना चाहा की हमारे हल्ला करने पर मुहल्लावासी जमा हुए तब सारे अपराधी व्यक्ति हमारे घर के सामने वाली बासवारी में लगी 10, 12 मोटर साइकिल पर सवार होकर भाग गए और दो मोटर साइकिल छोड़ दिया जिसे हम अवपे मोहल्ले के लोगो के सहयोग से अपने घर के सामने रोड पर ले आए मोटर साइकिल का नं०-(1) BR07C 3047 (2) BR07BA 0945 है। यह सारे अपराधी मोटर साइकिल से मेरी हत्या करने के लिए आए थे। मैंने इसकी सूचना लहेरियासराय थाना को दिया पुलिस आई और बगैर हमसे कुछ पूछे व मुहल्ले वाले से कुछ पूछा हमारे घर के बाहर से उपरोक्त अपराधियों की दो मोटर साइकिल उठाकर ले गई।

Seen
15/1/24
usm

Registered Laheria Sarai PS Case No. 19/2024
dt-13.01.2024 U/S-147/149/34/1323/504/506 TPZ
SI Nitay Kumar Sarai with Investigation File Case. 184

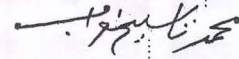
13.01.2024
Addl STH
Laheria PS



उक्त घटना का कारण है कि मैं मनपोखर किलखाना से पश्चिम की उगाही की कमिटी का सकरिये सदस्य हूँ। चूँकि भू-माफिया किलखाना मनपोखर की जमीन को कब्जा कर बेचने का प्रयास करना चाहते हैं मनपोखर को उगाही कर बचाने के प्रयास कर रहे हैं। इसी कारण दरभंगा में भू-माफियाओं ने हमारे उपर जानलेवा हमला करवाया है और भविष्य में भी मेरी व मेरे परिवार के सदस्यों की हत्या कर जानमाल का खतरा पहुँचा सकते हैं।

अतः श्रीमान् से अनुरोध है कि उपरोक्त घटना की छानबीन कर अपराधियों के खिलाफ सख्त से सख्त कानूनी कार्यवाही करने की कृपा की जाय। ताकि भविष्य में आवेदक के परिवार के जान माल की सुरक्षा हो सकें।

आपका विश्वासी



11/01/24

मो० तासिम

पिता-स्व० मयाब अली

मुहल्ला-जमालपुरा

वार्ड नं०-31

थाना-लहेरियासराय

जिला-दरभंगा

मो०-8797280626



To,

15.01.2024

The Station In-Charge,

Bama-Laheriasarai, Darbhanga.

Subject: Regarding the filing of an FIR.

Sir,

I, Md. Tasim, son of the late Md. Nawab Ali, a respected member and resident of Mohalla-Jamalpur, Ward No. 31, P.S. Laheriasarai, District Darbhanga, would like to bring the following to your attention:

On 10.01.2024, at around 8 PM, I was holding a meeting at my house when a member of our gathering called out, "Tasim Uncle, are you there?" At that time, Sayra Khatun from the neighborhood mentioned that the son of Muzaffar Abid Bhaiya from Chakrahat was calling for me. When I stepped out of the house, I saw four to five boys holding steel rods and pistols. Suddenly, one of them attacked me with a steel rod, and as I tried to defend myself, I was hit near my left leg. Two other individuals attempted to shoot me with their pistols, but as I raised an alarm, the local residents gathered, and all the criminals fled on 10 to 12 motorcycles parked in front of my house. However, they left behind two motorcycles, which, with the help of local people, we moved to the road in front of my house. The motorcycle numbers are (1) BR07C 3047 and (2) BR07BA 0945. These criminals had come on motorcycles with the intent to kill me. I informed the Laheriasarai police station, and although the police arrived, they took away the two motorcycles left by the criminals without asking me or the locals any questions.

The reason for this incident is that I am an active member of the committee formed to preserve the land of Man Pokhar, particularly its western part. The land mafia wants to illegally seize and sell the land of Man Pokhar, and our committee is making efforts to protect and preserve it. Because of this, the land mafia in

Darbhanga has orchestrated this deadly attack on me, and they may attempt to harm or kill me or my family members in the future.

Therefore, I request you to investigate the above incident thoroughly and take strict legal action against the criminals involved so that the safety and security of my family and myself can be ensured in the future.

Yours faithfully,

Md. Tasim

Son of the late Md. Nawab Ali

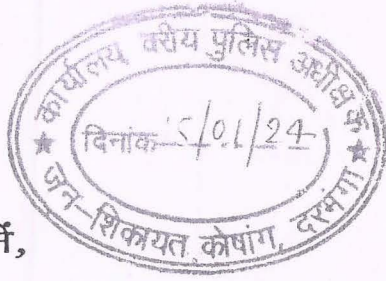
Mohalla-Jamalpura

Ward No. 31

P.S. Laheriasarai

District Darbhanga

Mobile: 8797280626



सेवा में,

श्रीमान् वरीय पुलिस अधीक्षक महोदय

15.1.24

दरभंगा।

विषय:-दरभंगा शहर के भूमाफिया अपराधी द्वारा पोखर (तालाब) बचाव कमिटी के सदस्यों व उनके परिवारों के सदस्यों की हत्या के सम्बन्ध में।

महाशय,

निवेदन पूर्वक कहना है कि मैं मो० तासीम, पिता-स्व० मो० नवाब अली, मुहल्ला-जमालपुरा, वार्ड नं०- 31, थाना-लहेरियासराय, जिला-दरभंगा भारतीय कानून को मानकर चलने वाला एक शांतिप्रिय व सम्मानित निवासी हूँ। यह कि इससे पूर्व भी मैंने कई आवेदन दरभंगा के भूमाफिया व अपराधियों के खिलाफ दरभंगा प्रशासन, बिहार सरकार (पटना) व भारत सरकार की गोपनीय व गृह मंत्रालय को दे चुका हूँ। भारत सरकार के गृह मंत्रालय द्वारा हमारे आवेदन पर लहेरियासराय थाना के (S.I) शाहिद खाँ को जाँच सौंपी गयी है।

यह कि मैंने भूमाफिया (1) मो० अमानुल्लाह खाँ उर्फ अल्लन (2) खालिद हुसैन खान उर्फ लड्डन दोनों पिता-स्व० हुसैन खान (3) एवान खान पिता-वसीम खान व उनके पालतू अपराधियों के अपराध के खिलाफ दरभंगा जिला के शांतिप्रिय जनता का साथ देता हूँ तो उपरोक्त भूमाफिया, अपराधी अपने पालतू गुण्डे शुटर द्वारा हमको जान से मारने के लिए हमपर जानलेवा हमला पूर्व में

R/100
15/01/24

करवा चुका है। जिसकी लिखित सूचना लहेरियासराय थाना को दे चुका हूँ।

यह कि वर्तमान में समाहर्ता दरभंगा को एक आवेदन दिया कि जिला में तालाब व पोखर को भूमाफिया मिट्टी भरकर सरकारी कर्मचरियों की मिलीभगत से दरभंगा जिले के तालाब व पोखर की जमीन को अवैध रूप से भरकर मोटी रकम में बेचने का अवैध काम कर रहे है। जिसकी सूचना श्रीमान् को पूर्व के आवेदन में दी जा चुकी है।

ज्ञात हो कि वर्तमान में जिला समाहर्ता द्वारा दरभंगा जिला को पोखर (तालाब) को बचाने के लिए एक कमिटी बनाई है जिसका मैं एक सक्रिय सदस्य हूँ। इसी क्रम में मैं एक मन पोखर है जिसको उक्त भूमाफिया मिट्टी करण कर मोटी रकम में बेचने का षडयंत्र कर रहे थे कि तालाब (पोखर) बचाव कमिटी को पता चला कि उक्त भूमाफिया अपने पालतू अपराधियों के बल पर मनपोखर को भरकर उसकी जमीन बेचा है तो इसका कमिटी के सदस्यों ने विरोध किया और मनपोखर सरकारी जमीन को बेचने से भूमाफिया को रोक दिया। जिस कारण दिनांक-10.01.2024 को रात्री 8 बजे हमारे घर पर भूमाफिया उक्त अपराधी भेजकर हमको बाहर बुलाकर हमपर स्टील के रॉड से, पिस्टल से जान से मारने का प्रयास किया गया कि हल्ला पर मुहल्ला के लोगों के आ जाने पर हमारी जान बची।

यह कि मुहल्ले के मो० कासिम नाम के व्यक्ति मुहल्ले की मो० अली की चाय की दुकान पर बैठकर

उपस्थित लोगों (1) मो० अली (2) सायरा खातुन व अन्य के सामने बोल रहे थे कि वह सभी लड़का जो कल मो० तासीम के घर पर आया था वह तासिम को मारने के लिए नहीं आया था वह तासिम के हाथ पैर तोड़ने के लिए आया था। इससे पता चलता है कि हमपर जानलेवा हमला करने में मुहल्लावासी मो० कासिम व अन्य का भी हाथ है। हमको कुछ दिन पहले रिटायर्ड प्रोफेसर मो० इशान के फोन से भी जान से मारने की धमकी दी गयी है।

यह कि पूर्व के आवेदन के दिए हुए पर जाँचोंपरान्त (1) मो० सादिक खान (2) मो० रेयाज पिता कलिमुल्लाह रहमानी मुहल्ला-मिरग्यास चक व मो० वसी पिता-अलीमुल होदा मुहल्ला-जमालपुरा के द्वारा कई मरतबा हमको उपरोक्त लोगों के द्वारा अपने घर पर बुलाया लेकिन मैंने जाने से इन्कार कर दिया।

यह कि उपरोक्त एक भूमाफिया अपराधियों का एक गिरोह (ग्रुप) नये जवानों को पैसा का प्रलोभन देकर बना रहे है जिससे भविष्य में उपरोक्त भूमाफिया इन नये जवानों को गैर कानूनी अपराध करने के इस्तेमाल कर सकते है।

यह कि उपरोक्त सभी भूमाफिया अपराधी अपने गैर कानूनी अपराध को जारी रखने के लिए हमारी व हमारे परिवार के सदस्यों की हत्या व जान माल का खतरा पहुँचा सकते है। इसलिए श्रीमान् से अनुरोध है कि उक्त भूमाफिया अपराधी व उनके पालतू गुण्डों पर सख्त कानूनी कारवाई की जाय ताकि तालाब व पोखर की

जमीन सुरक्षित हो सके और हमलोगों के जान माल की सुरक्षा हो सके।

इस पुण्य कार्य हेतू आवेदक श्रीमान् का सदा आभारी रहेगा।

आपका विश्वासी



15/11/24

मो० तासीम

पिता-स्व० मो० नवाब अली

मुहल्ला-जामलपुरा

वार्ड नं०- 31

थाना-लहेरियासराय

जिला-दरभंगा

मो०-8797280626

प्रतिलिपि:-

1. श्रीमान् पुलिस उप महानिरीक्षक, दरभंगा।
2. वरीय पुलिस अधिक्षक, नगर, दरभंगा।
3. थाना अध्यक्ष, लहेरियासराय, दरभंगा।

Date: 15-01-2024

To,
The Senior Superintendent of Police,
Darbhanga.

Subject: Regarding the Threat of Murder to the Members of the Pond Protection Committee and Their Families by Land Mafia Criminals in Darbhanga City.

Respected Sir,

I, Mohammad Tasim, son of Late Mohammad Nawab Ali, a resident of Mohalla Jamalpura, Ward No. 31, Police Station Laheriasarai, District Darbhanga, am a law-abiding and peaceful resident who adheres to Indian law. I have previously submitted several applications to the Darbhanga administration, the Government of Bihar (Patna), and the Ministry of Home Affairs of the Government of India against the land mafia and criminals in Darbhanga. The Ministry of Home Affairs has assigned the investigation of my application to SI Shahid Khan of Laheriasarai Police Station.

I have been actively supporting the peace-loving public of Darbhanga District against the crimes of the land mafia, namely (1) Mohammad Amanullah Khan alias Allam, (2) Khalid Hussain Khan alias Laddan, both sons of Late Hussain Khan, and (3) Awan Khan, son of Wasim Khan, and their criminal associates. These land mafia criminals had previously orchestrated a life-threatening attack on me through their hired goons and shooters. A written report of this incident has already been submitted to Laheriasarai Police Station.

Recently, I submitted an application to the Darbhanga Collector stating that land mafia, with the connivance of government officials, are illegally filling ponds and selling the land at high prices. This matter has been previously reported to you through an earlier application.

Currently, the District Collector has formed a committee to save the ponds in Darbhanga, and I am an active member of this committee. In this regard, I was informed that the aforementioned land mafias were conspiring to illegally fill a pond known as Man Pokhar and sell the land for a large sum. When the Pond Protection Committee learned of this, we opposed the mafia's actions and prevented them from selling the government land of Man Pokhar. As a result, on 10.01.2024 at around 8 PM, the land mafia sent criminals to my house, who called me outside and attempted to kill me with steel rods and a pistol. My life was saved only because the people of the locality gathered after hearing the commotion.

Moreover, a local person named Mohammad Qasim was sitting at Mohammad Ali's tea shop and was heard telling people present, including (1) Mohammad Ali and (2) Saira Khatoon, that the boys who came to my house the previous day did not come to kill me but to break my hands and legs. This indicates that Mohammad Qasim and others from the locality were also involved in the life-threatening attack on me. Additionally, I received death threats over the phone from retired Professor Mohammad Ishaan a few days ago.

Furthermore, after investigations into previous applications, Mohammad Sadiq Khan, Mohammad Reyaz, son of Kalimullah Rahmani, from Mirgyas Chak, and Mohammad Wasi, son of Alimul Hoda, from Jamalpura, have invited me to their homes several times on behalf of the above-mentioned people, but I have refused to go.

It is also to be noted that the aforementioned land mafia criminals are forming a gang (group) of young men by luring them with money, which could be used by the land mafia to carry out illegal activities in the future.

These land mafia criminals may threaten the lives and property of me and my family to continue their illegal activities. Therefore, I request that strict legal action be taken against these land mafia criminals and their hired goons so that the land of the ponds can be preserved and our lives and property can be protected.

The applicant will always remain grateful to you for this noble deed.

Yours faithfully,

Mohammad Tasim

Son of Late Mohammad Nawab Ali

Mohalla: Jamalpura, Ward No. 31

Police Station: Laheriasarai

District: Darbhanga

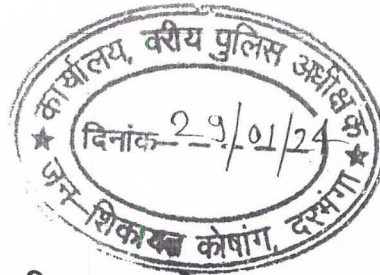
Mobile: 8797280626

Copy to:

The Deputy Inspector General of Police, Darbhanga.

Senior Superintendent of Police, Darbhanga.

Station House Officer, Laheriasarai, Darbhanga.



सेवा में,

श्रीमान् वरीय पुलिस अधीक्षक महोदय

दरभंगा।

29.1.24

विषय:-दरभंगा शहर के भूमाफिया अपराधी द्वारा पोखर (तालाब) बचाव कमिटी के सदस्यों व उनके परिवारों के सदस्यों की हत्या के सम्बन्ध में।

महाशय,

निवेदन पूर्वक कहना है कि मैं मो० तासीम, पिता-स्व० मो० नवाब अली, मुहल्ला-जमालपुरा, वार्ड नं०-31, थाना-लहेरियासराय, जिला-दरभंगा भारतीय कानून को मानकर चलने वाला एक शांतिप्रिय व सम्मानित निवासी हूँ। यह कि इससे पूर्व भी मैंने कई आवेदन दरभंगा के भूमाफिया व अपराधियों के खिलाफ दरभंगा प्रशासन, बिहार सरकार (पटना) व भारत सरकार की गोपनीय व गृह मंत्रालय को दे चुका हूँ। भारत सरकार के गृह मंत्रालय द्वारा हमारे आवेदन पर लहेरियासराय थाना के (S.I) शाहिद खाँ को जाँच सौंपी गयी है।

यह कि मैंने भूमाफिया (1) मो० अमानुल्लाह खाँ उर्फ अल्लन (2) खालिद हुसैन खान उर्फ लड्डन दोनों पिता-स्व० हुसैन खान (3) एवान खान पिता-वसीम खान व उनके पालतू अपराधियों के अपराध के खिलाफ दरभंगा जिला के शांतिप्रिय जनता का साथ देता हूँ तो उपरोक्त भूमाफिया, अपराधी अपने पालतू गुण्डे शुटर द्वारा हमको जान से मारने के लिए हमपर जानलेवा हमला पूर्व में करवा चुका है। जिसकी लिखित सूचना लहेरियासराय थाना को दे चुका हूँ।

यह कि दिनांक-140.01.2024 को अमानुल्लाह खान उर्फ अल्लन, खालिद हुसैन खान उर्फ लड्डल^{श्रीबख्त} वसीम खान के घर पर हमको मारने का प्लान बनाया गया इसलिए भाग कर सभी अपराधीगण कामरान खान पिता वसीम खान के घर पर मीरग्यास चक में पनाह लिया।

यह कि (1) कामरान खान (2) एवान खान (3) जीसान खान (4) ईसान खान (5) रेहान खान सभी पिता वसीस खान (6) फुरकान खान (7) ईकान खान दोनों पिता कामरान खान यह सभी अपने साथी के साथ अपने भाई बहनोई, मामा, चाचा के आदेश का पालन कर हमे जान से मारने आये थे।

यह कि वर्तमान में समाहर्ता दरभंगा को एक आवेदन दिया कि जिला में तालाब व पोखर को भूमाफिया मिट्टी भरकर सरकारी कर्मचरियों की मिलीभगत से दरभंगा जिले के तालाब व पोखर की जमीन को अवैध रूप से भरकर मोटी रकम में बेचने का अवैध काम कर रहे है। जिसकी सूचना श्रीमान् को पूर्व के आवेदन में दी जा चुकी है।

ज्ञात हो कि वर्तमान में जिला समाहर्ता द्वारा दरभंगा जिला को पोखर (तालाब) को बचाने के लिए एक कमिटी बनाई है जिसका मैं एक सक्रिय सदस्य हूँ। इसी क्रम में मैं एक मन पोखर है जिसको उक्त भूमाफिसा मिट्टी करण कर मोटी रकम में बेचने का षडयंत्र कर रहे थे कि तालाब (पोखर) बचाव कमिटी को पता चला कि उक्त भूमाफिया अपने पालतू अपराधियों के बल पर मनपोखर को भरकर उसकी जमीन बेचा है तो इसका कमिटी के सदस्यों ने विरोध किया और मनपोखर सरकारी जमीन को बेचने से भूमाफिया को रोक दिया। जिस कारण दिनांक-10.01.2024

को रात्री 8 बजे हमारे घर पर भूमाफिया उक्त अपराधी भेजकर हमको बाहर बुलाकर हमपर स्टील के रॉड से, पिस्टल से जान से मारने का प्रयास किया गया कि हल्ला पर मुहल्ला के लोगों के आ जाने पर हमारी जान बची।

यह कि मुहल्ले के मो० कासिम नाम के व्यक्ति मुहल्ले की मो० अली की चाय की दुकान पर बैठकर उपस्थित लोगों (1) मो० अली (2) सायरा खातुन व अन्य के सामने बोल रहे थे कि वह सभी लड़का जो कल मो० तासीम के घर पर आया था वह तासिम को मारने के लिए नहीं आया था वह तासिम के हाथ पैर तोड़ने के लिए आया था। इससे पता चलता है कि हमपर जानलेवा हमला करने में मुहल्लावासी मो० कासिम व अन्य का भी हाथ है। हमको कुछ दिन पहले रिटायर्ड प्रोफेसर मो० इशान के फोन से भी जान से मारने की धमकी दी गयी है।

यह कि पूर्व के आवेदन के दिए हुए पर जाँचोंपरान्त (1) मो० सादिक खान (2) मो० रेयाज पिता कलिमुल्लाह रहमानी मुहल्ला-मिरग्यास चक व मो० वसी पिता-अलीमुल होदा मुहल्ला-जमालपुरा के द्वारा कई मरतबा हमको उपरोक्त लोगों के द्वारा अपने घर पर बुलाया लेकिन मैंने जाने से इन्कार कर दिया।

यह कि उपरोक्त एक भूमाफिया अपराधियों का एक गिरोह (ग्रुप) नये जवानों को पैसा का प्रलोभन देकर बना रहे है जिससे भविष्य में उपरोक्त भूमाफिया इन नये जवानों को गैर कानूनी अपराध करने के इस्तेमाल कर सकते है।

यह कि उपरोक्त सभी भूमाफिया अपराधी अपने गैर कानूनी अपराध को जारी रखने के लिए हमारी व हमारे परिवार के सदस्यों की हत्या व जान माल का खतरा पहुँचा

सकते हैं। इसलिए श्रीमान् से अनुरोध है कि उक्त भूमाफिया अपराधी व उनके पालतू गुण्डों पर सख्त कानूनी कारवाई की जाय ताकि तालाब व पोखर की जमीन सुरक्षित हो सके और हमलोगों के जान माल की सुरक्षा हो सके।

इस पुण्य कार्य हेतू आवेदक श्रीमान् का सदा आभारी रहेगा।

आपका विश्वासी

२९/०५/२५

मो० तासीम

पिता-स्व० मो० नवाब अली

मुहल्ला-जामलपुरा

वार्ड नं०- ३१

थाना-लहेरियासराय

जिला-दरभंगा

मो०-८७९७२८०६२६

प्रतिलिपि:-

१. श्रीमान् पुलिस उप महानिरीक्षक, दरभंगा।
२. वरीय पुलिस अधिक्षक, नगर, दरभंगा।
३. थाना अध्यक्ष, लहेरियासराय, दरभंगा।

Date: 29.01.2024

To,
The Senior Superintendent of Police,
Darbhanga.

Subject: Regarding the threat to life of the members of the Pond Preservation Committee and their families by the land mafia criminals in Darbhanga city.

Respected Sir,

I respectfully state that I, Md. Tasim, son of the late Md. Nawab Ali, resident of Jamalpura, Ward No. 31, P.S. Laheriasarai, District Darbhanga, is a law-abiding and peaceful resident. I have previously submitted several applications to the Darbhanga administration, Bihar government (Patna), and the Ministry of Home Affairs of the Government of India against the land mafia and criminals in Darbhanga. The Ministry of Home Affairs has assigned the investigation of our application to the SI Shahid Khan of Laheriasarai police station.

I have been supporting the peaceful citizens of Darbhanga district against the crimes of the land mafia (1) Md. Amanullah Khan alias Allan, (2) Khalid Hussain Khan alias Laddan, both sons of the late Hussain Khan, (3) Ewan Khan, son of Wasim Khan, and their hired criminals. These land mafia criminals have previously attempted to kill me through hired shooters. I have already submitted a written report to the Laheriasarai police station.

On 14.01.2024, a plan to kill me was made at the house of Amanullah Khan alias Allan and Khalid Hussain Khan alias Laddan, but they fled to Kamran Khan's house in Miranyas Chak.

The following individuals, (1) Kamran Khan, (2) Ewan Khan, (3) Jisan Khan, (4) Isan Khan, (5) Rehan Khan, all sons of Wasim Khan, (6) Furqan Khan, (7) Ikan Khan, both sons of Kamran Khan, along with their accomplices, came to kill me on the orders of their relatives.

I have submitted an application to the District Magistrate of Darbhanga, stating that the land mafia is illegally filling and selling the land of ponds in the district with the collusion of government officials. This has been mentioned in my previous applications.

It is known that the District Magistrate of Darbhanga has formed a committee to save the ponds in the district, of which I am an active member. In this regard, there is a pond called 'Man Pokhar,' which the land mafia was conspiring to fill with soil and sell. When the Pond Preservation Committee learned of this, they opposed the mafia's actions and prevented the illegal sale of the land. As a result, on 10.01.2024, at 8 PM, the land mafia sent their criminals to attack me at my house with steel rods and pistols. Fortunately, I was saved by the intervention of local residents.

A person named Md. Qasim from the neighborhood was heard at Md. Ali's tea shop in the presence of (1) Md. Ali (2) Sayra Khatun and others, saying that the boys who came to my house were not there to kill me but to break my limbs. This indicates that Md. Qasim and others were also involved in the deadly attack on me. I was also threatened with death a few days ago through a phone call from retired Professor Md. Ishaan.

Based on previous applications, investigations have revealed that (1) Md. Sadiq Khan (2) Md. Reyaz, son of Kalimullah Rahmani, resident of Miranyas Chak, and Md. Wasi, son of Aleemul Hoda, resident of Jamalpura, had called me to their house several times through the above-mentioned people, but I refused to go.

This land mafia gang is recruiting new youths by luring them with money, and these youths could be used for illegal activities in the future.

Therefore, I request you to take strict legal action against these land mafia criminals and their hired goons so that the land of the ponds remains safe and our lives and property are protected.

I shall always be grateful to you for this noble cause.

Yours faithfully,

Md. Tasim

Son of the late Md. Nawab Ali

Jamalpara, Ward No. 31

P.S. Laheriasarai

District Darbhanga

Mobile: 8797280626

Copies to:

Deputy Inspector General of Police, Darbhanga.

Senior Superintendent of Police, Darbhanga.

Officer-in-Charge, Laheriasarai Police Station, Darbhanga.

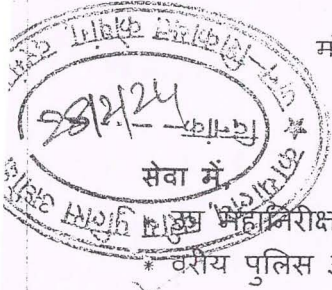
तालाब र माफिया पर नु अरुयम नु हेरिया रा रा रा

प्रेषक: मो. तसिम नवाब, पिता: स्व. नवाब अली

मोहल्ला: जमालपुर, वार्ड न. 31, थाना: लहेरियासराय, जिला: दरभंगा, बिहार |

मोबाइल न. 8797280626

तारीख:



बिहार साहसरीरुक्षक, दरभंगा |

* वरीय पुलिस अधीक्षक, दरभंगा |

विषय: तालाब माफिया के गुंडों, जिसने 10 जनवरी, 2024 को हमारे ऊपर जानलेवा हमला किया थे, को गिरफ्तार करने एवं हमारे परिवार की जान-माल की सुरक्षा के संबंध में |

महोदय,

विदित हो कि मोईन पोखर के माफिया के गुंडों ने रात के समय हमारे घर पर पहुंच कर हमारे ऊपर जानलेवा हमला 10 जनवरी, 2024 को किया था | इस हमला का FIR (नं. 319/24) 11 जनवरी को दर्ज हुई है | हमलावरों की दो मोटर साइकिल भी जब्त हुई है जिसका नम्बर BR07C-3047 और BR07BA-0945 है | एक हमलावर, जिसका नाम मो. मुजफ्फर खान पिता स्व. आविद हुसेन खान है, को हमने पहचान भी लिया था | लेकिन अभी तक एक भी अपराधी की गिरफ्तारी नहीं हुई है |

महोदय, दुःख के साथ कहना पड़ता है कि हमें जानकारी मिली है कि हमला के दिन जिन दो मोटर साइकिल को पुलिस ने जब्त किया, उन मोटर साइकिल को पुलिस अब 10 जनवरी से पहले के तारीख में चोरी का केस बनाकर एफ.आई.आर दर्ज किया है ताकि मुख्य अपराधी और उसके गिरोह के गुंडों को बचाया जा सके |

महोदय, पुनः आपके स्मरण में लाना चाहता हूँ कि दरभंगा शहर में 50 से अधिक तालाब को मिट्टी से भरकर बेच दिया गया है | अभी तक एक भी तालाब माफिया (तालाब हत्यारा) को नहीं पकड़ा गया है | अनुरोध है कि अभियान चलाकर तालाब माफियाओं (तालाब हत्यारा) को पकड़ा जाय और उस पर कठोर दंडात्मक कारवाई की जाय ताकि भविष्य में किसी जलाशय का अतिक्रमण न हो और न ही इसे अवैध कमाई का धंधा बनाया जाय |

धन्यवाद |

मो. तसिम नवाब

मोबाइल नं.

9931512964

9877691970

7782057586

9470404531

9431219069

9472234913

9931463352

क्र.सं.	नाम
1.	Sharda stand chowky
2.	मनीष कुमार
3.	लुलुवी
4.	गणेश कुमार साहू
5.	S/O रात 919 किशन
6.	Prof. M. Nehal
7.	विद्युयानाथ मा

8. अजीत कुमार सिंह - 9491448532
9. दिलीप कुमार (व्यवसाय) - 7282005656
10. राम लाल चौधरी - 7295090687
11. शिवन राव
12. प्रियंका राव (व्यवसाय) - 9471064134
9430057107
13. व. च. जे. जे. लाल - 9931746402
14. अशोक कुमार शर्मा - 9570800301
15. Prakash Bandhu - 7992300984
16. श्री. जे. जे.
17. Anil Kumar - 799121954
18. Sushant Singh - 7488185093
19. Anil Kumar - 9431438549
20. Dr. Vinaya K. Mishra - 9431080450
21. Umesh Ray - 7992384337

Mohammad Tasim Nawab, Father: Late Nawab Ali,
Mohalla: Jagwalpur, Ward No: 31, Police Station: Laheriasarai,
District: Darbhanga, Bihar.
Mobile No.: 8797280026

Date: 28.02.2024

To,
The Deputy Inspector General,
Darbhanga.
The Senior Superintendent of Police,
Darbhanga.

Subject: Request for Arrest of the Goen Pond Mafia's Goons Who Attempted to Murder Me on January 10, 2024, and Ensuring the Safety of My Family.

Respected Sir,

It is to inform you that on the night of January 10, 2024, goons associated with the Goen Pond mafia attacked me with the intent to kill at my residence. This attack has been recorded as an FIR. Two motorcycles belonging to the attackers, with registration numbers BR07C-3047 and BR07BA-0945, have also been seized. I was able to identify one of the attackers as Mohammad Muzaffar Wan, son of the late Abid Hussain Khan. However, despite this, not a single criminal has been arrested so far.

With deep regret, I must inform you that I have learned that the police have now registered a theft case for these two motorcycles with a backdated FIR, dated before January 10, in an attempt to protect the main culprit and his gang.

Furthermore, I would like to remind you that more than 50 ponds in Darbhanga city have been filled with soil and sold illegally. To date, not a single pond mafia (pond murderer) has been apprehended. I request that a campaign be launched to arrest these pond mafias (pond murderers) and that strict punitive action be taken against them. This will ensure that no further encroachments on water bodies occur, and that they are not exploited for illegal gains in the future.

Thank you.

Yours sincerely,

Mohammad Tasim Nawab

Sl. No.	Name	Mobile No.
1.	Sharda Nand Chauby	9931512964
2.	Manish Kumar	9877691970
3.	Rajeev	7782057586
4.	Ganom Kumar	9470404531
5.	Ram Babu	9431219069
6.	Prof. M. Nehal	9472134913
7.	Vidhyanath	9931463352
8.	Ajeet Kumar Mishra	9491448532
9.	Dileep Kumar	7282005656
10.	Ram Chaudhary	7295090687
11.	Shivan Bhargav	9471064134
12.	Prince Raj (A.I.S.A)	9430057107
13.	Bachanekhar	9931746402
14.	Jayshakar Prasad	9570800301
15.	Prakash	7992300984
16.	Mohammad Raja	
17.	Abhishek Kumar Jha	7991121954
18.	Sudhanshu Jha	7488185093
19.	Dr. Vinay Kumar Mishra	9431080450
20.	Umesh Raj	7992384337

प्रेषक: मो. तासिम नवाब, पिता: स्व. नवाब अली

मोहल्ला: जमालपुरा वार्ड न. 31, थाना: लहेरियासराय, जिला: दरभंगा, बिहार |

मोबाइल न. 8797280626, 8651181260

तारीख: 6/4/2024

सेवा में,

डी.सी.एल.आर.

लहेरियासराय,

दरभंगा, बिहार |

विषय: मन पोखर के अतिक्रमण की जांच करने के विषय/प्रक्रिया के संबंध में सुझाव |

सन्दर्भ: माननीय सर्वोच्च न्यायालय, माननीय उच्च न्यायलय पटना और बिहार सरकार के आदेश एवं निर्देश के आलोक में जांच करने के लिए अनुरोध |

महोदय,

तालाब का अतिक्रमण करना और तालाब का अतिक्रमण करके अवैध कमाई का करोड़ों में धंधा करना, दोनों अलग-अलग अपराध हैं | मोईन या मन पोखर के अपराधी गिरोह ने पिछले 20-22 वर्षों में 15 से ज्यादा तालाबों को भरकर बेच दिया है | कई हत्याएं कर चुका है | लोगों के पुस्तैने जमीन को जबरन कब्जा कर लिया है | इसीलिए, मोईन पोखर का केस की जांच जल, जीवन और जनहित के लिए एक खास महत्व रखता है |

यू-ट्यूब समाचार, सिटिजन आवाज, के माध्यम से कल पता चला की आप मोईन/मन पोखर के अतिक्रमण की जांच कर रहे हैं | इस संबंध में, माननीय सर्वोच्च न्यायालय, माननीय उच्च न्यायलय पटना और बिहार सरकार के आदेश एवं निर्देश के आलोक में हम अनुरोधपूर्वक निम्नलिखित सुझाव आपके विचारणार्थ रखना चाहते हैं:

1. मन/मोईन पोखर के रकबा के संबंध में :

मन/मोईन पोखर दरभंगा सदर और बहादुरपुर के 4-5 मौजा में फैला हुआ है | मौजावार सी.एस. सर्वे के आधार पर सीमांकन करने से इस तालाब का अतिक्रमण का रकबा पता चल जाएगा और सीमांकन के बाद इसे सुरक्षित क्षेत्र घोषित किया जाय |

2. सदर और बहादुरपुर अंचलाधिकारियों के संबंध में:

2.1 मोईन पोखर के प्रसंग में अंचलाधिकारी सदर और अंचलाधिकारी बहादुरपुर द्वारा माननीय उच्च न्यायलय पटना को शपथ पत्र के साथ तारीख 16/11/2022 को गलत जानकारी दी गयी या सही तथ्य को छुपाकर माननीय न्यायलय को गुमराह किया गया |

2.2 अंचलाधिकारी सदर और अंचलाधिकारी बहादुरपुर द्वारा मोईन पोखर के प्रसंग में बिहार सरकार के आदेश और दिशा-निदेश की पूर्णतः उपेक्षा की गयी है | इसीलिए इन दोनों अंचलाधिकारियों का मन/मोईन के भूमाफिया को मदद करने से इंकार नहीं किया जा



5/4/24

सकता है | मन/मोड़न पोखर को मिट्टी से भरकर अवैध कमाई की धंधा अनुमानतः 25 से 30 करोड़ का है |

3. अपर समाहर्ता (राजस्व) की भूमिका:

मोड़न पोखर के अतिक्रमण में अपर समाहर्ता (राजस्व) ने भी तालाब माफियाओं को मदद किया है, जो माननीय सर्वोच्च न्यायालय (Civil Appeal No. 1132/2011) और माननीय उच्च न्यायालय के आदेश (CWJC 9692/2015) की अवमानना है |

सार्वजनिक जलाशय/पब्लिक लैंड को अतिक्रममुक्त करने के लिए अंचलाधिकारी को समाहर्ता का शक्ति प्रदत्त | राजस्व एवं भूमि सुधार विभाग, बिहार सरकार के आदेशानुसार अपर समाहर्ता (राजस्व) स्थानीय स्तर पर अनुश्रवण और समीक्षा करते हैं |

विदित हो की रामपुनित चौधरी वनाम बिहार सरकार (सी.डब्लू.जे.सी. 9692/2015) केस की सुनवाई 2015 से 2023 के बीच माननीय उच्च न्यायालय में 49 बार 'क अभियान की तरह हुई है | इसीलिए मोड़न पोखर के अवैध धंधा में उनके संलिप्तता के संसय से इंकार नहीं किया जा सकता है | अतः अपर समाहर्ता भूमिका की भी जांच हो |

4. भूमाफिया के प्रति लहेरियासराय थाना की उदारता और सहयोग:

मोड़न पोखर के जमीन में 7-8 एकड़ में मिट्टी भर देना, गलत जमावंदी करवा देना, ग्राहक खोजना, उस जमीन को बेच देना और उस पर अवैध निर्माण का कार्य होना, ये सब पुलिस और स्थानीय थाना के सहयोग और सुरक्षा के बिना नहीं हो सकता है |

मोड़न पोखर भरने वाला गिरोह द्वारा हमारे ऊपर जानलेवा हमला 10/1/2024 को रात 8 बजे के आस-पास किया गया था, जिसके बारे में एक एफ.आई.आर. 11/1/2024 को दर्ज (एफ.आई.आर. न. 19/24) हो चुका है | हमलावरों की दो मोटर साइकिल भी जब्त हुई है जिसका नम्बर BR07C-3047 और BR07BA-0945 है | एक हमलावर, जिसका नाम मो. मुजप्फर खान पिता स्व. आविद हुसेन खान है, को पहचान भी लिया गया था |

महोदय, आपको फिर स्मरण दिलाना चाहता हूँ कि मन/मोड़न पोखर का मामला माननीय सर्वोच्च न्यायालय और माननीय उच्च न्यायालय के अवमानना का केस है | इस केस में जो सरकारी पदाधिकारी, सरकारी कर्मचारी और पुलिस भूमाफिया को साथ दे रही है, वे सब माननीय न्यायालय और सरकार के आदेश का अवमानना करने में भागिदार हैं | इसीलिए एफ.आई.आर. (न. 19/24) में अभी तक जो जांच प्रगति हुई है और जांच का जो तरीका रहा है, उसकी भी जांच किया जाय, खासकर निम्न बिन्दुओं को:

i. 11/1/2024 के बाद किस पदाधिकारी ने किस तारीख को जाँच की गयी है |

ii. जिन पदाधिकारियों द्वारा जांच की गयी है, उनके रिपोर्ट क्या है |

- iii. हमलावरों की जब्त दो मोटर साइकिल (जिसका नम्बर BR07C-3047 और BR07BA-0945) के मालिकों का नाम और उन पर क्या कारवाई अभी तक हुई है |
- iv. एक हमलावर, मो. मुजफ्फर खान, पिता स्व. आविद हुसेन खान है, के ऊपर क्या कारवाई की गयी |
- v. हमलावरों को अभी तक गिरफ्तार क्यों नहीं किया गया |

महोदय, पुनः आपके स्मरण में लाना चाहता हूँ कि दरभंगा शहर में 50 से अधिक तालाब को मिट्टी से भरकर बेच दिया गया है | आज तक एक भी तालाब माफिया (तालाब हत्यारा) को नहीं पकड़ा गया है | यह अपने आप में पर्याप्त प्रमाण है कि भूमाफिया को सुरक्षा प्रदान है | विदित हो कि मोईन पोखर को मिट्टी से भरकर बेचने के अवैध धंधा करने वाला भूमाफिया का गिरोह ने 2000 के बाद से अभी तक 15 से ज्यादा तालाब को भरकर बेच दिया है |

अनुरोध है कि उपर्युक्त बिन्दुओं को ध्यान में रखकर मोईन पोखर की जांच किया जाय और इस जनविरोधी और मानवता विरोधी कार्य में लिप्त भूमाफिया (तालाब हत्यारा) को साथ देने वाले सरकारी पदाधिकारी, पुलिस व अन्य कर्मचारी पर कठोर दंडात्मक कारवाई की जाय ताकि भविष्य में किसी और जलाशय का अतिक्रमण न हो और न ही इसे अवैध कमाई का धंधा बनाया जाय |

धन्यवाद |



मो. तासिम नवाब

सूचनार्थ एवं आवश्यक कार्यवाही हेतु अनुरोध:

- * प्रमंडलीय आयुक्त, लहेरियासराय, दरभंगा |
- * डी.एम/कलेक्टर, लहेरियासराय, दरभंगा |

06.04.24

06.04.2024

To,
The Deputy Collector Land Reforms (DCLR),
Laheriasarai,
Darbhanga, Bihar.

Subject: Suggestions regarding the investigation process of the encroachment of Man Pokhar.

Reference: Request for investigation in light of the orders and directives of the Hon'ble Supreme Court, Hon'ble High Court of Patna, and the Government of Bihar.

Sir,

Encroaching on a pond and making illegal profits by encroaching on it are two different crimes. The criminal gang associated with Moen or Man Pokhar has filled and sold more than 15 ponds over the last 20-22 years. They have committed several murders and forcibly occupied ancestral lands of people. Therefore, the investigation of the Moen Pokhar case holds special significance for the preservation of water bodies, life, and public interest.

Through YouTube news and Citizen Voice, it was learned yesterday that you are investigating the encroachment of Moen/Man Pokhar. In this regard, we respectfully submit the following suggestions for your consideration in light of the orders and directives of the Hon'ble Supreme Court, Hon'ble High Court of Patna, and the Government of Bihar:

Regarding the area of Man/Moen Pokhar:

Man/Moen Pokhar spans across 4-5 villages of Darbhanga Sadar and Bahadurpur. Delimiting this pond based on the Cadastral Survey (CS) of each village will reveal the extent of the encroachment. After delimitation, it should be declared a protected area.

Regarding the Circle Officers of Sadar and Bahadurpur:

2.1 In the case of Moen Pokhar, the Circle Officers of Sadar and Bahadurpur provided misleading information or concealed the correct facts in their affidavit dated 16/11/2022 submitted to the Hon'ble High Court of Patna.

2.2 The Circle Officers of Sadar and Bahadurpur have completely disregarded the orders and directives of the Government of Bihar concerning Moen Pokhar. Therefore, it cannot be denied that these Circle Officers might have helped the land mafia involved in Moen Pokhar. The estimated illegal profit from filling Moen Pokhar with soil and selling it could be around 25 to 30 crores.

Role of the Additional Collector (Revenue):

The Additional Collector (Revenue) has also assisted the pond mafia in the encroachment of Moen Pokhar, which is a contempt of the orders of the Hon'ble Supreme Court (Civil Appeal No. 1132/2011) and the Hon'ble High Court (CWJC 9692/2015).

To make public water bodies/public land encroachment-free, the Circle Officers are empowered by the District Collector. As per the orders of the Revenue and Land Reforms Department, Government of Bihar, the Additional Collector (Revenue) oversees and reviews matters at the local level.

It should be noted that in the case of Rampunit Chaudhary vs. Government of Bihar (CWJC 9692/2015), hearings were held 49 times in the Hon'ble High Court between 2015 and 2023 as part of a campaign. Therefore, it cannot be denied that the Additional Collector may have been involved in the illegal activities related

to Moen Pokhar. Hence, the role of the Additional Collector should also be investigated.

Leniency and cooperation of Laheriasarai Police Station towards the land mafia:

Filling 7-8 acres of Moen Pokhar's land with soil, getting it illegally registered, finding buyers, selling the land, and starting illegal construction work cannot happen without the cooperation and protection of the police and the local police station.

A deadly attack was carried out on me by the gang involved in filling Moen Pokhar on 10/01/2024 around 8 PM, about which an FIR (FIR No. 19/24) was registered on 11/01/2024. Two motorcycles used by the attackers were also seized, bearing the numbers BR07C-3047 and BR07BA-0945. One of the attackers, whose name is Md. Muzaffar Khan, son of the late Abid Hussain Khan, was identified.

Sir, I would like to remind you again that the Moen/Man Pokhar case involves contempt of the orders of the Hon'ble Supreme Court and the Hon'ble High Court. The government officials, employees, and police who are supporting the land mafia in this case are also participants in the contempt of the court's and government's orders. Therefore, the progress and methods of the investigation into FIR (No. 19/24) should also be reviewed, especially regarding the following points:

- i. After 11/01/2024, on what dates and by which officials was the investigation carried out?
- ii. What reports have been submitted by the officials who conducted the investigation?

iii. What is the name of the owners of the two seized motorcycles (bearing the numbers BR07C-3047 and BR07BA-0945), and what actions have been taken against them so far?

iv. What actions have been taken against one of the attackers, Md. Muzaffar Khan, son of the late Abid Hussain Khan?

v. Why have the attackers not been arrested yet?

Sir, I would like to remind you once again that more than 50 ponds in Darbhanga city have been filled with soil and sold. To date, not a single pond mafia (pond murderer) has been caught. This in itself is enough proof that the land mafia is being protected. It should be noted that the gang involved in filling and selling Moen Pokhar has filled and sold more than 15 ponds since 2000.

We request that the investigation of Moen Pokhar be conducted with the above points in mind, and strict punitive action be taken against the government officials, police, and other employees who are involved in this anti-public and anti-humanity activity along with the land mafia (pond murderers) so that no other water body is encroached upon or used for illegal profit in the future.

Thank you.

Md. Tasim Nawab

For information and necessary action:

Divisional Commissioner, Laheriasarai, Darbhanga.

DM Collector, Laheriasarai, Darbhanga.

प्रेषक: मो. तासिम नवाब, पिता: स्व. नवाब अली

मोहल्ला: जमालपुर, वार्ड न. 31, थाना: लहेरियासराय, जिला: दरभंगा, बिहार।

मोबाइल न. 8797280626, 8651181260

तारीख: 02/12/2024

सेवा में

- * मुख्य सचिव, बिहार सरकार, पुराना सचिवालय, पटना-800015।
- * अति. मुख्य सचिव, राजस्व एवं भूमि सुधार विभाग, पुराना सचिवालय, पटना-15।
- * प्रधान सचिव, वन एवं पर्यावरण विभाग, पुराना सचिवालय, पटना-800015।
- * सदस्य सचिव, बि.स्टे. वेटलैंड आथरिटी, आरण्य भवन, पटना-800015।

प्रमंडलीय आयुक्त, दरभंगा।

जिला पदाधिकारी, दरभंगा।

वरिय पुलिस अधीक्षक, दरभंगा।

विषय:

मन पोखर, जो लगभग 100 एकड़ से ऊपर एक प्राकृतिक झील है, के अतिक्रमण के संबंध में।

2. मन पोखर के अतिक्रमणकारी एवं उसके गिरोह ने दरभंगा शहर के 28 से ज्यादा तालाबों को मिट्टी से भरकर बेच दिया है, पर सख्त कारवाई करने हेतु एक उच्च स्तरीय जांच समिति गठन करने के संबंध में अनुरोध।

3. भूमाफियाओं से हमारे परिवार को जान-माल की सुरक्षा हो, के लिए अनुरोध।

महोदय,

उपर्युक्त विषय के संबंध में, निवेदनपूर्वक आपका ध्यान निम्नलिखित बिन्दुओं की ओर आकर्षित करना चाहता हूँ।

मोईन या मन पोखर नदी निर्मित एक प्राकृतिक नदीनुमा विशाल झील है। इसका रकबा लगभग 75-80 एकड़ है। पुराना खतियान में मोईन पोखर का नाम नदी है और जमीन कैसरे हिन्द है। इसका रकबा दरभंगा शहर (वार्ड न. 31 और 32) एवं बहादुरपुर प्रखंड के ग्रामीण क्षेत्र में पड़ता है। इस प्राकृतिक पोखर/झील के शहरी क्षेत्र में लगभग 6 से 7 बीघा क्षेत्र में अभी मिट्टी भर दिया गया है, जिसे 30 से 35 लाख रुपया कट्टा अवैध तरीका से बेचा जा रहा है, जिससे 20 से 25 करोड़ के अवैध कमाई की संभावना है।

जो तालाब माफिया का गिरोह मोईन पोखर भरकर बेच रहा है, वहीं गिरोह पीछे 20-22 वर्षों में 28 से ज्यादा तालाबों का अतिक्रमण किया है जिसमें से 16 तालाबों का

अब नामो-निशान नहीं है। इस संबंध में, नाम गुप्त रखने के शर्त पर लोगों ने जिन 28 तालाबों की जानकारी दी है, उनका विवरण अनुलग्नक-1 में है, कृपया देखें।

महोदय, आपसे विनमतापूर्वक निम्नलिखित अनुरोध और सुझाव है :

Polluters to Pay:

मोईन पोखर का सीमांकन करके उसे रेस्टोर/पुनर्जीवित किया जाय। साथ ही अपराधियों के ऊपर नगर निगम के कानून Section 261 "Polluters to Pay" के तहत दंडात्मक कारवाई हो, जिसके अनुसार:

"The Municipality may, by regulation, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for

causing pollution of any kind referred to in this chapter."(XXIX-Environmental Sanitation and Community Health).

2. अंचलाधिकारियों ने माननीय उच्च न्यायालय को गुमराह किये:

दरभंगा सदर के अंचलाधिकारी श्री इन्द्राशन साह और बहादुरपुर अंचलाधिकारी श्री अभय प्रसाद दास ने माननीय उच्च न्यायालय पटना (CWJC 9692/2015) में 16/11/2022 को शपथ-पत्र के साथ अतिक्रमित और अतिक्रमणमुक्त तालाबों की सूची समर्पित किये, जिसके अनुसार दरभंगा सदर में कुल 118 अतिक्रमित तालाब थे जिसमें से 109 को अतिक्रमणमुक्त कर लिया गया था एवं शेष 9 को अतिक्रमणमुक्त करने के लिए 8 सप्ताह का समय मांगा गया था।

इसी प्रकार बहादुरपुर के अंचलाधिकारी श्री अभय प्रसाद दास ने कुल 30 अतिक्रमित तालाबों में से 28 तालाबों को अतिक्रमणमुक्त दिखाते हुए शेष 2 तालाबों को अतिक्रमणमुक्त करने के लिए 8 सप्ताह की समय की मांग किये थे।

दरभंगा सदर के अंचलाधिकारी श्री इन्द्राशन साह और बहादुरपुर अंचलाधिकारी श्री अभय प्रसाद दास के पटना उच्च न्यायालय में समर्पित शपथ पत्र के अनुसार जनवरी 2023 तक सभी तालाब उनके-उनके कार्यक्षेत्र में अतिक्रमणमुक्त हो जानी चाहिए थी। लेकिन दोनों अंचलाधिकारियों ने मोईन पोखर के अतिक्रमण बारे में माननीय न्यायालय को गलत जानकारी दी है या सही तथ्यों को छुपाया है, जो न्यायालय और सरकार के आदेश का अवहेलना किया गया है। इसके बारे में माननीय उच्च न्यायालय पटना को जानकारी दी जाय ताकि न्यायोचित कारवाई हो सके।

अपर समाहर्ता (राजस्व) ने न्यायिक प्रक्रिया को बाधित किये :

इसके साथ ही, सरकार के आदेश के आलोक में मोईन पोखर के संबंध में अपर समाहर्ता (राजस्व) के द्वारा की गयी अनुश्रवण (monitoring) में उपेक्षा की जांच हो एवं न्यायोचित कारवाई हो। अपर समाहर्ता (राजस्व) और दरभंगा सदर के अंचलाधिकारी श्री इन्द्राशन साह और बहादुरपुर अंचलाधिकारी श्री अभय प्रसाद दास ने मन पोखर के जमीन का अतिक्रमणकारियों पर कोई दंडात्मक कारवाई नहीं किये।

जिन 28 तालाबों की सूची इस आवेदन के साथ संलग्न है, उन सभी तालाबों की जांच एक उच्च स्तरीय कमिटी बनाकर किया जाय, ताकि तालाब माफियाओं को उचित दंड मिल सके और भविष्य में तालाब का अतिक्रमण न हो एवं अतिक्रमण करने वालों में भय हो। जांच समिति में तालाब बचाओ अभियान के दो सदस्यों की भागीदारी हो हो। जांच के संभावित विषय निम्न हो सकते हैं:

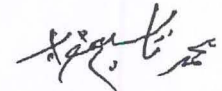
4.1 जिन 28 तालाबों की खरीद-बिक्री हुई है, उसका जमावंदी किस आधार पर, किस वर्ष में और किस पदाधिकारी या कर्मचारी के द्वारा की गयी।

4.2 जिन 28 तालाबों की खरीद-बिक्री हुई है, उसके खरीददार एवं बेचने वाले का विवरण। जिसने जमीन बेचा है, क्या जमीन का मुआवजा उसने प्राप्त किया या कोई अन्य व्यक्ति ने प्राप्त किया।

हमारे और हमारे परिवार के सदस्यों के जान-माल की सुरक्षा की जाय। मोईन पोखर भरने वाला गिरोह ने हमारे ऊपर 10/1/2024 को जानलेवा हमला किया था, जिसके बारे में एक एफ.आई.आर. 11/1/2024 को दर्ज हो चुका है। हमलावरों का दो मोटरसाईकिल भी जब्त हुआ है। दुःख है कि हमलावरों को अभी तक नहीं पकड़ा गया है। इस हमला से पूर्व, एक झूठे केस में भी मुझे फंसाया गया है।

महोदय, आप जानते ही हैं कि सार्वजनिक जलाशय को बचाने के लिए माननीय सर्वोच्च न्यायालय, माननीय उच्च न्यायालय पटना, माननीय नेशनल ग्रीन ट्रिब्यूनल और बिहार सरकार ने समय-समय पर कई आदेश एवं दिशा निर्देश दिए हैं। इसीलिए अनुरोध है कि दरभंगा शहर के जलाशय को बचाने के लिए एक उच्च स्तरीय जांच समिति का गठन की जाय एवं इस अपराधी गिरोह के अपराध को गंभीरता पूर्वक जांच की जाय।

धन्यवाद।



मो. तासिम नवाब

मोबाइल न. 8797280626, 8651181260

संलग्न: तालाब माफिया मो. अमानुल्लाह खाँ उर्फ अल्लन और इसके गिरोह के सदस्यों का नाम के लिए अनेक्सर -1 देखें।

सूचनार्थ: तालाब बचाओ अभियान, दरभंगा।

अनुलग्न-1

दरभंगा शहर के कुख्यात भूमाफिया जिसने 16 तालाबों की हत्या की है एवं अन्य 12 तालाबों पर तालाबों पर अतिक्रमण किया है, की सूची

शहर के कुख्यात भूमाफिया मो. अमानुल्लाह खाँ उर्फ अल्लन एवं इसके अपराधी गिरोह ने दरभंगा शहर में 28 से ज्यादा तालाब को मिट्टी से भरकर सैंकड़ों करोड़ का अवैध कमाई की है। नाम गुप्त रखने के शर्त पर लोगों ने निम्न तालाबों के बारे में जानकारी दी:

अ. उन तालाबों का नाम जो अब नक्शा पर ही बचा है, जिसे मिट्टी से भरकर पूरा बेच दिया :

- i. फकीरा खां पोखर (वार्ड न. 30), 100% में मिट्टी से भरकर बेच दिया।
- ii. दुमदुमा पोखर (वार्ड न. 32), 100% में मिट्टी से भरकर बेच दिया।
- iii. जलील बाबू तालाब (वार्ड न. 22), 100% में मिट्टी से भरकर बेच दिया।
- iv. जलील बाबू तालाब (वार्ड न. 21), 100% में मिट्टी से भरकर बेच दिया।

- v. टुलू खां पोखर (वार्ड न. 29, पुराना अंचल के पीछे), 100% में मिट्टी से भरकर बेच दिया ।
- vi. डॉ जुबेर साहब पोखर (वार्ड न. 30), 100% में मिट्टी से भरकर बेच दिया ।
- vii. गुदर राय का पोखर (वार्ड न. 30, पहला पोखर), 100% में मिट्टी से भरकर बेच दिया ।
- viii. गुदर राय का पोखर (वार्ड न. 31, दूसरा पोखर), 100% में मिट्टी से भरकर बेच दिया ।
- ix. डॉ अब्दुल बहाव के पूरब वाला पोखर (वार्ड न. 29) 100% में मिट्टी से भरकर बेच दिया ।
- x. दल पोखर (वार्ड न. 24), 100% में मिट्टी भरकर बेच दिया ।
- xi. मिल्लत कॉलेज छात्रावास के उत्तर के तालाब, वार्ड 31, 100% में मिट्टी से भरकर बेच दिया ।
- xii. इमामबाड़ी, विनोद साह घर के पूरब के तालाब, 100% में मिट्टी से भरकर बेच दिया ।
- xiii. दुमदुमा में इमामबाड़ी के पास के तालाब, 100% में मिट्टी से भरकर बेच दिया ।
- xiv. वार्ड 33, नका 6 से करमगंज वाले में रोड से उत्तर के तालाब, 100% बेच दिया।
- xv. बाबा सागर दास पोखर, नका 6 के पास, शेखर नेत्रालय के पूरब, 100% बेच दिया ।
- xvi. मीरग्यास चक, वार्ड न. 31, हैदर खां घर के उत्तर, 100% भरकर बेचा दिया ।

आ. उन तालाबों की संख्या जिसके 40% से 90% रकबा में मिट्टी भरकर बेचा गया:

- xvii. उर्दू कब्रिस्तान के पास का पोखर, वार्ड न. 30, लगभग 75% बेच दिया ।
- xviii. कमस्तरी पोखर, वार्ड न. 25, पुरानी मुन्सफी के पास, 50 बेच दिया ।
- xix. पूर्व नेशनल इंग्लिश स्कूल से पश्चिम का पोखर, 75% बेच दिया ।
- xx. वार्ड 33, पूर्व विधायक सुलतान अंसारी के घर के पूरब का तालाब, 50% बेच दिया ।
- xxi. बल्लोपुर पोखर, बहादुरपुर प्रखंड, ग्रामीण क्षेत्र, 60% भरकर बेचा जा रहा है ।
- xxii. मीरग्यास चक, मस्जिद के पीछे, वार्ड न. 31, 90% में मिटटी भर दिया ।
- xxiii. नूरी मस्जिद के सामने का पोखर, वार्ड न. 31, मिल्लत कॉलेज के पास, लगभग 75%

इ. उन तालाबों की संख्या जिसके जमीन पर लगभग एक एकड़ से सात एकड़ रकबा में अतिक्रमण कर बेच दिया गया या अभी बेचा जा रहा है:

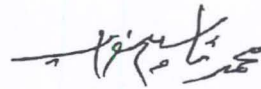
- xxiv. लाल पोखर, नाका 5 के पास, लगभग 2 से 3 एकड़ अतिक्रमण ।
- xxv. मिर्जा खां तालाब, लगभग 3 से 4 एकड़ अतिक्रमण ।
- xxvi. गंगा सागर पोखर, लगभग 3 से 4 एकड़ अतिक्रमण ।
- xxvii. दिग्धी पोखर, लगभग 3 से 4 एकड़ अतिक्रमण ।
- xxviii. मन या मोईन पोखर, इसका रकबा 70-75 एकड़ है, जिसके शहरी क्षेत्र में 6 से 7 एकड़ में मिटटी भर कर बेचा जा रहा है । इस पोखर के ग्रामीण (बहादुरपुर) क्षेत्र में भी लगभग 2 एकड़ बेचा जा रहा है ।

तालाब माफिया मो. अमानुल्लाह खाँ उर्फ अल्लन और इसके गिरोह के सदस्यों का नाम:

मो. अमानुल्लाह खॉ उर्फ अल्लन (2) मो. खालिद हुसेन खॉ उर्फ लइडन (3) मो. इकबाल तारिक उर्फ झब्बन, सभी पेसरान स्व. हुसैन खॉ (4) मो. कामरान खॉ (5) मो. ऐबान खॉ, सभी पिता वसीम खॉ, सभी (1 से 5) मोहल्ला मीरग्यास चक, वार्ड 31 के

(6) पुट्टू खॉ पिता स्व. काली खॉ, मोहल्ला - शेर मोहम्मद भीगो, वार्ड 30, (7) मार्सल अंसारी, पिता मो. नेसार अंसारी, मोहल्ला युसुफगंज, मनहर रोड, वार्ड 32 के निवासी हैं, (8) मो. जाकिर हुसैन, पिता स्व. कमरे आलम, मोहल्ला - जमालपुरा, वार्ड 31 (9) केश खॉ, पिता मुसतुफा खॉ, मोहल्ला- शेर मोहम्मद भीगो, वार्ड 30 (10) डॉ अहमद नसीम आरजू, पिता डॉ कटर अब्दुल बहाव मोहल्ला रहमखां। इसके अलावे भी कई लोग इसके गिरोह में शामिल हैं।

महोदय, आप जानते ही हैं कि सार्वजनिक जलाशय को बचाने के लिए माननीय सर्वोच्च न्यायलय, माननीय उच्च न्यायलय पटना, माननीय नेशनल ग्रीन ट्रिब्यूनल और बिहार सरकार ने समय-समय पर कई आदेश एवं दिशा निर्देश दिए हैं। इसीलिए अनुरोध है कि दरभंगा शहर के जलाशय को बचाने के लिए एक उच्च स्तरीय जांच समिति का गठन की जाय एवं इस अपराधी गिरोह के अपराध को गंभीरता पूर्वक जांच की जाय।



मो. तासीम नवाब

सामाजिक कार्यकर्ता

2/12/2024

Sender: Mohd. Tasim Nawab, father of Late. Nawab Ali
Mohalla Jamalpur, Ward no. 31, probably won: Darbhanga, Bihar.
Mobile No. 8797280626. 8651181260

To,

Date: 02/12/2024

- Chief Secretary, Government of Bihar, Old Secretariat, Patna-800015 |
- Extreme. Chief Secretary, Revenue and Land Reforms Department, Old Secretariat, Patna-15.
- Principal Secretary, Forest and Environment Department, Old Secretariat, Patna-800015
- Member Secretary, B.S. Wetland Authority, Aranya Bhawan, Patna-800015.
- Divisional Commissioner, Darbhanga.
- District Magistrate, Darbhanga
- Senior Superintendent of Police, Darbhanga.

Subject:

1. Regarding encroachment of Man Pokhar which is a natural lake covering an area of about 100 acres.
2. The encroacher of Man Pokhar and his gang have sold more than 28 ponds in Darbhanga city by filling them with soil, request for the formation of a high-level investigation committee to take strict action against them.
3. Request for protection of life and property of our family from land mafias.

Sir,

In connection with the above subject, I would like to request your attention to the following points.

Moin or Man Pokhar is a huge natural river-like lake created by the river. Its area is about 75-80 acres. In the old Khatian, the name of Man Pokhar is river and the land is Kaiser-e-Hind. Its area falls in the rural area of Darbhanga city (ward no. 31 and 32) and Bahadurpur block. In the urban area of this natural pond/lake, about 6 to 7 bigha area has been filled with soil, which is being sold illegally for 30 to 35 lakh rupees per acre, which has the possibility of illegal earnings of 20 to 25 crores.

The same pond mafia gang that is filling up and selling Moin Pokhar has encroached upon more than 28 ponds in the last 20-22 years, out of which 16 ponds have been encroached upon.

Now there is no trace of them. In this regard, the details of 28 ponds which people have given information about on the condition of anonymity are given in Annexure-1, please see.

Sir, I humbly request and suggest you the following:

Polluters to Pay:

Moin Pokhar should be demarcated and restored/revived. Also, punitive action should be taken against the offenders under Municipal Corporation Act Section 261 "Polluters to Pay", according to which:

"The Municipality may, by regulation, provide for recovery of charges and imposition of penalty on those persons who are directly responsible for causing pollution of any kind referred to in this chapter. "(XXIX-Environmental Sanitation and Community Health).

2. The Circle Officers misled the Hon'ble High Court:

Darbhanga Sadar Circle Officer Mr. Indrashan Sah and Bahadurpur Circle Officer Mr. Abhay Prasad Das submitted the list of encroached and encroachment-free ponds along with affidavit in the Hon'ble High Court Patna (CWJC 9692/2015) on 16/11/2022, according to which there were a total of 118 encroached ponds in Darbhanga Sadar, out of which 109 were freed from encroachment and 8 weeks' time was sought to free the remaining 9 from encroachment.

Similarly, Bahadurpur's Circle Officer Mr. Abhay Prasad Das had shown 28 out of 30 encroached ponds as encroachment-free and had demanded 8 weeks' time to free the remaining 2 ponds from encroachment.

According to the affidavits submitted in Patna High Court by Darbhanga Sadar's Circle Officer Mr. Indrashan Sah and Bahadurpur Circle Officer Mr. Abhay Prasad Das, all the ponds in their respective jurisdictions should have been freed from encroachment by January 2023. But both the Circle Officers have given wrong information to the Hon'ble Court about the encroachment of Moin Pokhar or have hidden the true facts, which is a violation of the orders of the court and the government. The Hon'ble High Court of Patna should be informed about this so that appropriate action can be taken.

Additional Collector (Revenue) obstructed the judicial process:

Along with this, in the light of the government's order, the negligence in monitoring done by the Additional Collector (Revenue) in relation to Moin Pokhar should be investigated and appropriate action should be taken. Additional Collector (Revenue) and Darbhanga Sadar's Circle Officer Mr. Indrashan Sah and Bahadurpur Circle Officer Mr. Abhay Prasad Das did not take any punitive action against the encroachers. The land of Man Pokhar was not encroached upon.

The list of 28 ponds attached with this application should be investigated by forming a high-level committee so that the pond mafias get appropriate punishment, and the ponds are not encroached in future and the encroachers are afraid. Two members of the Save Ponds campaign should be included in the investigation committee. The possible subjects of investigation can be the following:

4.1 On what basis, in which year and by which officer or employee was the registration of the 28 ponds which were bought and sold done?

4.2 Details of the buyer and seller of the 28 ponds that were bought and sold. The person who sold the land, did he receive compensation for the land or did someone else receive it?

Our lives and property and those of our family members should be protected. The Man Pokhar Bhare wala gang attacked us on 10/1/2024, regarding which an FIR has been registered on 11/1/2024. Two motorcycles of the attackers have also been seized. It is sad that the attackers have not been caught yet. Before this attack, I have also been implicated in a false case.

Sir, you know that to save the public reservoir, the honourable Supreme Court, Hon'ble High Court of Patna, Hon'ble National Green Tribunal and Bihar government has issued many orders and guidelines from time to time. That is why it is requested that a high-level inquiry committee was formed to save the reservoir of Darbhanga city, and the crimes of this criminal gang should be investigated seriously.

Thank you.

Md. Taseem Nawab

Mobile No. 8797280626, 8651181260

Enclosed: For name of pond mafia Mohd. Amanullah Khan alias Allan and his gang members see Annexure-1.

For information: Save Pond Campaign, Darbhanga.
Annexure-1

Notorious land mafia of Darbhanga city who has killed 16 ponds and list of 12 other ponds which have been encroached upon the city's notorious land mafia Md. Amanullah Khan alias Allan and his criminal gang have earned illegal money worth hundreds of crores by filling more than 28 ponds in Darbhanga city with soil. On the condition of keeping their names secret, people gave information about the following ponds:

A. Names of those ponds which are now only left on the map, which were filled with soil and sold completely:

1. Fakira Khan Pond (Ward No. 30), sold after filling it with soil at 100%.
2. Dumduma Pond (Ward No. 32), sold after filling it with soil for 100%.
3. Jalil Babu Talab (Ward No. 22), sold after filling it with soil for 100%.
4. Jalil Babu Talab (Ward No. 21), sold after filling it with soil at 100%.
5. Tulu Khan Pond (Ward No. 29, behind Purana Anchal), filled with soil and sold for 100%.
6. Dr. Zuber Saheb Pond (Ward No. 30), sold after filling it with soil at 100%.
7. Gudar Rai's pond (ward no. 30, first pond), filled with soil and sold for 100%
8. Gudar Rai's pond (ward no. 31, second pond), filled with soil and sold for 100%
9. The pond east of Dr. Abdul Bahawal (Ward No. 29) was filled with soil and sold for 100%.

10. Dal Pokhar (Ward No. 24), sold after filling it with soil for 100%.
11. Pond to the north of Millat College Hostel, Ward 31, 100% filled with soil and sold.
12. Imambadi, pond to the east of Vinod Shah's house, sold for 100% after filling it with soil.
13. The ponds near Imambara in Dumduma were filled with soil and sold for 100%.
14. Pond north of road in Ward 33, Naka 6 to Karamganj Wale, 100% sold.
15. Baba Sagar Das Pokhar, Near Naka 6, East of Shekhar Netralaya, 100% Sold.
16. Mirgyas Chak, Ward No. 31, North of Haider Khan house, sold on 100% payment.
B. Number of ponds whose 40% to 90% area was filled with soil and sold:
17. Pond near Urdu cemetery, Ward No. 30. About 75% sold.
18. Kamastari Pokhar, Ward No. 25, near Old Munski, sold for Rs. 50.
19. West Pond from former National English School, 75% sold.
20. Ward 33, pond east of ex-MLA Sultan Ansari's house, 50% sold.
21. Ballapur Pokhar, Bahadurpur Block, Rural Area, 60% filled and being sold.
22. Mirgyas Chak, Behind Mosque, Ward No. 31, 90% filled with soil.
23. Pond in front of Noori Masjid, Ward No. 31, near Millat College, about 75%
24. Number of ponds whose land measuring approximately one acre to seven acres has been encroached and sold or is being sold:
25. Lal Pokhar, near Naka 5, about 2 to 3 acres encroachment.
26. Mirza Khan tank, encroachment about 3 to 4 acres.
27. Ganga Sagar pond, about 3 to 4 acres encroachment.

28. Digghi pond, about 3 to 4 acres encroachment.

Man or Moin Pokhar, its area is 70-75 acres, of which 6 to 7 acres in the urban area is being sold by filling up the soil. About 2 acres in the rural (Bahadurpur) area of this pond is also being sold.

Name of pond mafia Mohd. Amanullah Khan alias Allan and his gang members:

(1) Mohd. Amanullah Khan alias Allan (2) Mohd. Khalid Hussain Khan alias Laddan (3) Mohd. Iqbal Tariq alias Jhabban, all sons of late Hussain Khan (4) Mohd. Kamran Khan (5) Mohd. Aiban Khan, all son of Wasim Khan, all (1 to 5) of Mohalla Mirgyas Chak, Ward 31 (6) Puttu Khan, father late Kali Khan, Mohalla Sher Mohammad Bhigo, Ward 30, (7) Marsal Ansari, father Md. Nisar Ansari, resident of Mohalla Yusufganj, Manhar Road, Ward 32, (8) Md. Zakir Hussain, father late Kamre Alam, Mohalla Jamalpura, Ward 31 (9) Qaish Khan, father Mustufa Khan, Mohalla- Sher Mohammad Bhigo, Ward 30 (10) Dr. Ahmed Naseem Arzoo, father Dr. Katar Abdul Bahaw, Mohalla Rehmkan. Apart from these, many other people are also involved in his gang.

Sir, you know that the Hon'ble Supreme Court, Hon'ble High Court Patna, Hon'ble National Green Tribunal and Bihar Government have issued several orders and guidelines from time to time to save the public water reservoir. That is why it is requested that a high-level investigation committee be formed to save the water reservoir of Darbhanga city and the crime of this criminal gang should be investigated seriously.

दि ०५ २०२४

अभियान

तालाब बचाओ अभियान के बैनर तले गणमान्य लोगों ने पोलो मैदान स्थित धरना स्थल पर दिया धरना

शहर के 50 से अधिक तालाबों को भरकर बेच दिया

२९-२-२४

दरभंगा, एक प्रतिनिधि। 'तालाबों की बढ़ती हत्या और तालाब हत्याओं का फैलता आतंक' विषय पर बुधवार को गणमान्य लोगों ने तालाब बचाओ अभियान के बैनर तले पोलो मैदान स्थित धरना स्थल पर धरना दिया। उन्होंने कहा कि पिछले 20-22 वर्षों में दरभंगा शहर के 50 से अधिक तालाबों को मिट्टी से भरकर बेच दिया गया है, लेकिन अभी तक एक भी तालाब माफिया पकड़ा नहीं गया है। अपवादस्वरूप 2023 में डीएम ने ऐतिहासिक आदेश देकर वार्ड चार में भर दिये गए तालाब से मिट्टी हटाकर उसे पूर्ववत स्वरूप में लाने की दिशा में पहल की। इससे तालाब बचाओ अभियान को बल मिला है और पर्यावरण कार्यकर्ताओं में उत्साह बढ़ा है। धरनाधियों ने कहा

■ पर्यावरण कार्यकर्ता पर हो चुका है हमला
■ अतिक्रमणकारियों पर कार्रवाई की मांग

कि मोईन पोखर के अतिक्रमणकारियों ने पर्यावरण कार्यकर्ता मो. तसिम नवाब पर गत 10 जनवरी को जानलेवा हमला किया था, लेकिन अब तक अपराधियों की गिरफ्तारी नहीं की गयी है। धरने के बाद प्रमंडलीय आयुक्त, डीएम, डीआईजी और एसएसपी को ज्ञापन सौंपा गया। इसमें मोईन पोखर का सीमांकन करके उसे पुनर्जीवित करने, अपराधियों पर दंडात्मक कार्रवाई करने, सदर सीओ की ओर से 118 बहादुरपुर सीओ की ओर से 30 तालाबों को



पोलो मैदान में बुधवार को धरने पर बैठे तालाब बचाओ अभियान के सदस्य।

अतिक्रमणमुक्त करने की जो सूची हाईकोर्ट में समर्पित की गयी है, उसकी सत्यता की जांच कर सार्वजनिक करने व उसे जिला एवं स्टेट वेबसाइट पर देने, मोईन पोखर के अतिक्रमण के संबंध में दोनों

सीओ ने जो गलत जानकारी हाईकोर्ट को दी है उसके बारे में न्यायोचित कार्रवाई करने व इसके बारे में कोर्ट को जानकारी देने की मांग की गयी है। इसके साथ ही सरकार के आदेश के आलोक में मोईन पोखर के संबंध

में अपर समाहर्ता (राजस्व) के अनुश्रवण एवं समीक्षा में की गयी उपेक्षा की भी जांच व तालाब बचाओ अभियान से जुड़े कार्यकर्ताओं की सुरक्षा की भी मांग की गयी है। धरने पर पर्यावरणविद प्रो. विद्या नाथ झा, जलदूत नारायण जी चौधरी, शिक्षाविद प्रो.एम. नेहाल, शहर के प्रख्यात हड्डी रोग विशेषज्ञ डॉ. राम बाबू खेतान, डॉ. विनय कुमार मिश्र, प्रो. शारदा नंद चौधरी, डॉ. जगदीश ओबेदुल्लाह, इंदिरा कुमारी, रणजीव, अजित कुमार मिश्र, उमेश राय, मनीष, तारिसम, अभिषेक कुमार झा, जय शंकर प्रसाद गुप्ता, शिवन यादव, प्रिंस राज, दिलीप कुमार, राम लोभित चौधरी, प्रकाश बंसु, सुधांशु झा, मो. रजी आदि थे।

दि ०५ २०२४

29.02.2024

Under the banner of Talab Bachao Abhiyan, eminent people staged a sit-in protest at the protest site in Polo Maidan

MORE THAN 50 PONDS IN THE CITY WERE FILLED AND SOLD

Darbhanga, a representative: On the issue of 'increasing murder of ponds and spreading terror by pond killers,' dignitaries on Wednesday staged a sit-in at the protest site in Polo Maidan under the banner of Talab Bachao Abhiyan. He said that in the last 20-22 years, more than 50 ponds in Darbhanga city have been filled with soil and sold, but not a single pond mafia has been caught yet. As an exception, in 2023, the DM gave a historic order and took the initiative to restore the pond filled in Ward 4 by removing the soil from it. This has strengthened the Talab Bachao Abhiyan and increased enthusiasm among environmental activists. The protesters said the encroachers had attacked environment activist Mohd. Taseem Nawab on 10th January, but the criminals have not been arrested till now. After the protest, a memorandum was submitted to the Divisional Commissioner, DM, DIG and SSP. It demanded to revive Moin Pokhar by demarcating it, to take punitive action against the criminals, and to demarcate 118 ponds by Sadar CO and 30 ponds by Bahadurpur CO.

दरभंगा शहर के तालाबों पर अतिक्रमण, किनारों को भरकर तेजी से बनाए जा रहे हैं भवन

16/4/24

तालाब की चोरी... इमारतों की गवाही

बुकेश कुमार श्रीवास्तव • जागरण

दरभंगा : मिथिला की जिस धरती ने जल संरक्षण का संदेश दिया था। तालाब-पोखर को खोदेवाकर फ्लड वाटर हार्वैस्टिंग सिस्टम (बाढ़ संचय प्रणाली) को धरातल पर उतारा था, आज वहां से तालाब गायब हो रहे। ये

यूं ही नहीं लापता हो रहे, बल्कि सुनियोजित तरीके से इनकी 'चोरी' हो रही है। तालाबों की 'चोरी' थोड़ी अटपटी लगती है, लेकिन शत-प्रतिशत सत्य है। अगर, ऐसा नहीं होता तो चार दशक पूर्व शहर में 364 तालाब थे, आज 164 का अता-पता नहीं है, 200 ही नजर आते हैं। जिस तरह तालाबों की 'चोरी' हो रही, उसमें ये कितने दिन नजर आएंगे, कहना मुश्किल है। विश्वविद्यालय थाना क्षेत्र के नीम पोखर, स्थित कादिराबाद मौजा की खेसरा नंबर 131 और 132 के तालाब की देखते ही देखते चोरी हो गई। सरकारी करीब 36 डिस्मिल तालाब को भूमाफिया ने रातोंरात भरकर समतल बना दिया। विरोध और हो-हंगामा हुआ तो जिला प्रशासन ने पुराने स्वरूप में लाने के लिए खोबाई कराई, पर बहुत सफलता नहीं मिली।

कहीं बन गई इमारत तो कहीं हो रहा काम : लापता तालाबों की जमीन पर इमारतें नजर आती हैं। कहीं बन चुकी हैं तो कहीं काम हो रहा है। जेतयाही पोखर, कबराघाट, सुंदरपुर नासी, काजीपुर तालाब, दुमडुमा तालाब, दीवाने तकिया तालाब, भटवा पोखर, बरल्लो पोखर, पटवा पोखर, जलील पोखर, नाका छह स्थित बाबा सागर दास तालाब, दो गामी तालाब, फूलबाबू पोखर, दल पोखर सहित कई छोटे-बड़े तालाब गायब हो चुके

40%

लगभग सरकारी तालाब बीते चार दशक में विलुप्त हो गए जिले में

364 तालाब थे शहर में चार दशक पहले, 164 का अता-पता नहीं, कई अन्य तालाबों पर भी भूमाफिया की है नजर

3,924 थी जिले में सरकारी तालाबों की संख्या, अब 2,355 ही बचे, नहीं हुआ नियंत्रण तो लुप्त होंगे तालाब



दरभंगा शहर के बलभद्रपुर में बंदहाल पोखर • जागरण

तालाब से वार्षिक एक करोड़, 75 लाख की आमदनी, फिर भी नहीं है किसी का ध्यान

जिले में तालाब मिटते जा रहे हैं, जो बचे हैं उनपर अतिक्रमणकारियों की नजर है। तालाब के किनारे-किनारे दर्जनों लोगों ने घर बना लिया है। तालाब में गंदगी और कचरा डालकर मछलीपालन कार्य में बाधा डाल रहे हैं। तालाब के शेष भाग में जलकुंभी भरी रहती है, इसकी सफाई होती नहीं है।

हैं। जिनके ऊपर इनकी सुरक्षा की जिम्मेदारी थी, वे निभा नहीं पाए। अब इनकी खोज-खबर लेने में भी रुचि नहीं दिखा रहे। अरे, मिर्जा खां, हराही, दिग्घी और गंगासागर जैसे ऐतिहासिक तालाब गायब हो गए और किसी ने आश्चर्य तक व्यक्त नहीं किया, जैसे उन्हें पता था कि एक न

धीरे-धीरे इसपर कब्जा कर लिया जाता है। जिले के 1675 सरकारी तालाबों में मछलीपालन होता है, जबकि 711 तालाबों में मखाने की खेती होती है। एक करोड़, 75 लाख रुपये के वार्षिक राजस्व की प्राप्ति होती है। ब्रावजूद न तो तालाब को अतिक्रमणमुक्त कराया जाता है और ना ही इनके जीर्णोद्धार को

एक दिन इनकी भी चोरी होनी ही है। गामी पोखर, दिग्घी तालाब, राधाकृष्ण तालाब, मिल्लत कालेज तालाब, साह सुपन तालाब, मखनाही पोखर आदि पर भी भूमाफिया की नजर है। महीने दो महीने में ये गायब हो जाएं तो पहले और अब में काफी अंतर : कभी

लेकर कोई कार्य। प्रखंड स्तर पर सभी तालाबों की बंदोबस्ती एक साथ मछुआ सोसाइटी के साथ की जाती है, इससे कई तालाब सिर्फ कागज पर ही जिंदा हैं। तालाब बचाओ अभियान समिति के अजित कुमार मिश्रा बताते हैं कि सिर्फ दरभंगा शहर में 50 से अधिक तालाबों को भरकर प्रकृति को बदल दिया गया

दरभंगा में 12 हजार, 141 हेक्टेयर में मोइन और तालाब होते थे। जमीन माफिया की नजर पड़ी तो क्षेत्रफल घटता चला गया। चार दशक पहले तक जिले में तालाबों की संख्या तीन हजार 924 थी। इनमें दो हजार, 355 सरकारी तालाब बचे हैं, जिनका क्षेत्रफल चार हजार, 546 हेक्टेयर

सरकारी तालाबों का भीतिक सत्यापन करने का निर्देश दिया गया है। इसमें जानकारी जुटाई जा रही है कि कितने तालाब अतिक्रमित हैं। तालाब अतिक्रमित मिलते हैं तो उन्हें शीघ्र मुक्त कराया जाएगा।

अनुपम कुमार, जिला मत्स्य पदाधिकारी, दरभंगा

जहां तालाबों की समझ नहीं, वहां शहनाई को कौन समझेगा...

दरभंगा राज शोधार्थी कुमुद सिंह का कहना है कि शहनाई वादक बिस्मिल्लाह खां का दरभंगा से गहरा रिश्ता था। वे अपने ननिहाल शहर के दीवान-ए-तकिया मोहल्ले में रहते थे। यहीं उनका बचपन बीता और ननिहाल के बगल स्थित तालाब में स्नान किया करते थे। शहर के कुछ लोग दरभंगा में कार्यक्रम के लिए उन्हें निमंत्रण देने गए। दरभंगा का नाम सुनते ही सहर्ष स्वीकार कर लिया। बातचीत के दौर में उन्होंने कहा कि दरभंगा आएंगे तो बचपन के दिनों को याद करेंगे और उस तालाब में जरूर स्नान करेंगे। लोगों ने कहा, माफ करिएगा अब वह तालाब नहीं रहा। उस जगह पर आज बड़ी-बड़ी इमारतें खड़ी हैं। यह सुनकर वे उदास हो गए थे और कार्यक्रम करने से मना कर दिया। उन्होंने कहा था, जहां लोगों को तालाबों की समझ नहीं, वहां शहनाई को कौन समझेगा...

है। शेष तालाबों पर अतिक्रमण किया जा रहा है। इसमें अतिक्रमणकारी काफी हद तक सफल भी हो गए हैं। इनके खिलाफ आंदोलन और कानूनी लड़ाई जारी है। कई तालाबों को बचाया गया है। हालांकि, पूर्ण सफलता अब तक नहीं मिल पाई है। अब तो आंदोलनकारियों को ही भूमाफिया समकी देने लगे हैं।

वर्ष 1964 की दस्तावेज में शहर में 364 तालाब थे। 29 नदियों की धारा इस क्षेत्र गुजरती थी। अब मात्र 13 नदियों की धारा बहती है। कमला, बलान, सुगरवै, सुपैन, गेहुमा, बछराजा, जीबछ आदि कई नदियां या तो मृत हो गई या नाले की शक्ल में रह गई हैं।

16.04.2024

Encroachment on the ponds of Darbanga city, buildings are being constructed rapidly by filling the banks: Danik Jagran

THEFT OF THE POND..... TESTIMONY OF BUILDINGS

Darbhangha: The land of Mithila which gave the message of water conservation.

Ponds were dug and flood water harvesting system was brought to the ground. Today ponds are disappearing from there. They are not disappearing just like that. They are being 'stolen' in a planned manner. The 'theft' of ponds seems a bit strange, but it is 100% true. If this was not the case, then four decades ago there were 364 ponds in the city, today 164 are not known, only 200 are visible. The way ponds are being 'stolen', it is difficult to say how long these will be visible. The ponds of Khasra number 131 and 132 of Kadiravad Mauja located in Neem Pokhar of University Police Station area were stolen in no time. Land mafia filled up and levelled nearly 36 dismal government ponds overnight. When there was protest and uproar, the district administration got the ponds dug to restore them to their original form, but did not achieve much success.

The district is nowhere to be found, but life is still lost, somewhere buildings have been built, somewhere work is going on: Buildings can be seen on the land of the missing ponds. Some have been built, somewhere work is going on. Jethayahi pond, Kabraghat, Sundarpur Nasi, Hain Qazipur pond, Dumduma pond, Diwane Takiya pond, Bhatwa pond, Ballo pond, Patwa pond, Jalil pond, Baba Sagar Das pond at Nakon Six, Do Gami pond, Phoolambabu pond, Dal pond and many other small and big ponds have disappeared.

Those who were responsible for their safety could not fulfil their responsibility. Now, no one is even showing interest in searching for them. Historical ponds like Mirza Khan, Bar Harahi, Digdhi and Gangasagar have disappeared, and no one has even expressed surprise, as if they knew that one day they will also be stolen. Gami Pokhar, Digdhi pond, Radhakrishna Pond, Millat College pond, Sah Supan pond, Makhanahi pond etc. are also under the eyes of land mafia. It is not surprising if these

disappear in a month or two. There is a lot of difference between before and now.

There used to be ponds and lakes in 12 thousand, 141 hectares in Darbhanga. When the land mafia set its eyes on them, the area kept decreasing. Till four decades ago, the number of ponds in the district was 3 thousand, 924. Out of these, 2 thousand, 355 government ponds are left, whose area is 4 thousand, 546 hectares. In the document of 1964, there were 364 ponds in the city. 29 rivers flowed through this area. Now only 13 rivers flow through this area. Many rivers like Kamla, Balan, Sugarvai, Supain, Gehuma, Bachhraj, Jeevchha etc. have either died or have become drains.

The Pond generates an annual income of Rs. 1 crore, 75 lakhs, yet no one pays attention.

Ponds in the district are vanishing, those that are left are being eyed by encroachers. Dozens of people have built those houses along the bank of ponds. They are obstructing fish farming by dumping dirt and garbage in the ponds. The remaining part of the pond is filled with water hyacinth, which is not cleaned. Gradually, it is encroached upon. The fish farming is done in 1675 government ponds of the district, while water chestnut are cultivated in 711 ponds. Annual revenue of 1 crore, 75 lakh rupees is received. Despite this neither the ponds are made encroachment free nor their renovation is done. No work is done on this. At the block level, all ponds are settled with the fishermen's society, due to which many ponds are alive on the paper. Ajit Kumar Mishra of the Talab Bachao Abhiyan says that in Darbhanga city alone, more than 50 ponds have been filled up and nature has been changed. The remaining ponds are being encroached upon. The encroachers have been successful to a large extent. Agitations and legal battles are going on against them. Many ponds have been saved. However, complete success has not been achieved yet. Now this land mafia has started threatening the agitators.

प्रधानाचार्य प्रो. पुराण चरण

1.5.24

22 अतिक्रमित सरकारी तालाबों को कराएं मुक्त

संवाददाता, जागरण दरभंगा: प्रमंडलीय आयुक्त मनोष कुमार ने 22 चिह्नित अतिक्रमित सरकारी तालाबों को मुक्त करने का निर्देश दिया है। बताया गया कि आठ अप्रैल आयोजित विधिव्यवस्था से संबंधित शांति समिति की बैठक आयोजित की गई थी। जिसमें प्रमंडल सचिव ने कहा कि दरभंगा प्रमंडल अंतर्गत जेल की जमीन में ट्रैफिक थाना का निर्माण को जेल की सुरक्षा एवं संवेदनशील स्थल होने के कारण जेल की जमीन, जहां तालाब है, पर ट्रैफिक थाना का निर्माण नहीं कराया जा सकता है। आयुक्त ने बिहार जेल प्रशासन से अनुमति बिना, जो जिला पदाधिकारी द्वारा अनापत्ति प्रमाण पत्र दिया गया गया। उसे वापस लेने का निर्देश समाहर्ता को दिया। अन्य पांच स्थलों को चिह्नित करते हुए पुनः प्रस्ताव देने के लिए कहा गया। राजस्व विशेष अतिक्रमण खाद और अतिक्रमित सरकारी जमीन से संबंधित राष्ट्रीय हरित न्यायाधिकरण में विचाराधीन के लिविंग हेरिटेज (बूनेरकी हेरीटेज) 66 तालाबों में से 22 तालाब जो अतिक्रमित को अतिक्रमण मुक्त कराने का निर्देश दिया।

23 24-6-24 दिसंबर 2024 तालाब के लिए संघर्ष करने वाले को नोटिस का विरोध

संवाददाता, जागरण दरभंगा: तालाब बचाओ अभियान ने भूमाफिया से संघर्ष करने वाले मो. तासिम नवाब को ही धारा-107 के तहत सदर एसडीओ की ओर से नोटिस जारी करने का विरोध किया है। अभियान के संयोजक नारायणजी चौधरी ने प्रमंडलीय आयुक्त, डीएम, डीआइजी और एसएसपी को ज्ञापन सौंपा है। संगठन ने इस नोटिस को प्रशासन की ओर से चुप कसाने की कोशिश के

तौर पर लिया है। बताते हैं कि इस नोटिस के बाद से मोईन पोखर की अतिक्रमित जमीन पर अवैध निर्माण का कार्य युद्ध स्तर पर शुरू कर दिया गया है। इसके लिए उन्होंने सदर अंचलाधिकारी, डीएसपी (नगर) और लहेरियासराय थाने की भूमिका की जांच की मांग भी की है। ताकि इस जांच रिपोर्ट से पटना हाई कोर्ट को जल्द से जल्द अवगत कराया जा सके। हाई कोर्ट ने इसके लिए आदेश

दिया हुआ है। बताते हैं कि प्रशासन की सह पर शहर में 50 से ज्यादा तालाबों को भरकर भूमाफिया ने बेच दिया है। अभी हराही, दिग्घी और गंगा सागर सहित दर्जनों तालाबों पर अतिक्रमण किया जा रहा है। यहां तालाबों को अतिक्रमण से बचाने वाले सामाजिक कार्यकर्ता और वकील की हत्या हुई है। ऐसे में सदर एसडीओ की ओर से धारा 107 के तहत नोटिस जारी करना दुर्भाग्यपूर्ण है।

नारायण सूची क

9/11/24 तालाबों को अतिक्रमण मुक्त करने की मांग

संवाद सहयोगी, दरभंगा: तालाब बचाओ अभियान के सदस्य सोमवार को जिलाधिकारी राजीव रौशन से मिलकर दरभंगा शहर के वार्ड चार के जलाशय को पुनर्जीवित करने के त्वरित कार्रवाई करने के संबंध में प्रो. विद्य नाथ झा ने आभार व्यक्त किया साथ ही उनके इस महत्वपूर्ण आदेश के लिए उन्हें नागरिक अभिनंदन करने के लिए प्रस्ताव रखा और इसके लिए उनसे समय देने के लिए आग्रह किया। जिलाधिकारी ने प्रस्ताव स्वीकार करते हुए फरवरी में नागरिक अभिनंदन करने के लिए सुझाव दिया। इसके साथ ही जिलाधिकारी ने जल, पर्यावरण और प्रकृति की रक्षा में आम लोगों को भागीदारी बढ़ाने के लिए व्यापक स्तर पर जागरूकता कार्यक्रम करने के लिए सुझाव दिया। उन्होंने कहा कि जल-जीवन-हरियाली, जिसे राष्ट्रीय और अंतरराष्ट्रीय स्तर पर सराहा गया है।

23.06.2024**PROTEST NOTICE ISSUED TO THOSE FIGHTING FOR THE POND**

Correspondent, Jagran Darbhanga Talab Bachao Abhiyan has protested against the notice issued by Sadar SDO under Section 107 to Mohammad Tasim Nawab, who is fighting against land mafia. Campaign convenor Narayanji Chaudhary has submitted a memorandum to the Divisional Commissioner, DM, DIG and SSP. The organization has accused the administration of trying to silence them by issuing the notice. It is said that after this notice, illegal construction work on the encroached land of Moin Pokhar has been started on a war footing. For this, he has also demanded an investigation into the role of Sadar Circle Officer, DSP (City) and Laheriasarai police station. So that this investigation report can be informed to Patna High Court as soon as possible. The High Court has ordered for this. It is said that with the connivance of the administration, more than 50 ponds in the city have been filled and sold by the land mafia. Currently, dozens of ponds including Harahi, Digidhi and Ganga Sagar are being encroached upon. Here, a social worker and lawyer who saved the pond from encroachment have been murdered. In such a situation, it is unfortunate that the Sadar SDO has issued a notice under Section 107.

09.01.2024**DEMAND TO FREE THE PONDS FROM ENCROACHMENT**

Correspondent, Darbhanga: Members of Talab Bachao Abhiyan met District Magistrate Rajiv Roshan on Monday and Prof. Vidya Nath Jha expressed their gratitude for taking prompt action to revive the water reservoir of Ward 4 of Darbhanga city. Also, put forward a proposal to felicitate him with citizens for this important order and requested him to give time for this. The District Magistrate accepted the proposal and suggested to do the felicitation with citizens in February. Along with this, the District Magistrate suggested to organize awareness programmes on a wide scale to increase the participation of common people in protecting water, environment and nature. He said that Water-Life-Greenery, which has been appreciated at the national and international level.

01.02.2024

**LAND MAFIA SOLD SIX ACRES OF LAND OF MOIN POKHAR,
OFFICIALS SILENT**

More than 50 ponds in the city have been filled and sold. So far, no administrative action has been taken against any land mafia. Now even Moin Pokhar (natural lake) is being sold. Whereas conservation of Moin ponds is necessary from the environmental point of view. The above things were said by Narayanji Chaudhary, convener of Talab Bachao Abhiyan Samiti, in a meeting held at the premises of the Non-Gazetted Employees Federation office located at the Collectorate on Wednesday. He said that in ward number 30 of the city. Meeting of Talab Bachao Abhiyan Samiti held, strong voice raised to save encroached Moin Pokhar and about six acres of land of Moin Pokhar located at 31 has been filled and sold. Despite this, the officials are silent. 16 ponds are included in the grip of encroachment. Committee member Mohd. in the meeting. The deadly attack on Taseem's house on 10th January was also discussed. The members of Talab Bachao Abhiyan Samiti expressed concern over the attackers not being arrested. In the meeting held under the chairmanship of environmentalist Prof. Vidyanath Jha, a demand was unanimously made for a high-level investigation of the encroachment of Moin Pokhar. Regarding this, it was decided that the members will apply to the senior officials. In this, 16 encroached ponds of the city have also been mentioned. Along with this, the demand for security to the members of Talab Bachao Abhiyan Samiti was made from the officials. It was decided in the meeting that the application related to this will be given to the Chief Secretary, Principal Secretary of Revenue and Land Reforms Department, Principal Secretary of Forest and Environment Department, Divisional Commissioner, DM and SSP. A delegation was formed regarding this. The meeting was chaired by Prof. Shardanand Chaudhary, Umesh Rai Yogendra Yadav, Mukesh Kumar Manoj Yadav, Dr. Nadeem, Aji Kumar Mishra, Dr. Shyamanand Jha Prakash Bandhu, Rajiv Kumar Jha. Ashok Kumar Singh, Indira Kum etc. were present.

मुजफ्फरपुर, 01 फरवरी, 2024

दरभंगा जागरण

भू-माफियाओं ने बेच दी मोड़न पोखर की छह एकड़ भूमि, अधिकारी मौन

1.2.24

संवाद सहयोगी, दरभंगा : शहर के 50 से अधिक तालाब को भरकर बेच दिया गया है। अबतक किसी भी भू-माफियाओं पर प्रशासनिक कार्रवाई नहीं की गई है। अब तो मोड़न पोखर (प्राकृतिक झील) को भी बेचा जा रहा है। जबकि, पर्यावरण की दृष्टि से मोड़न पोखरों का संरक्षण जरूरी है। उक्त बातें बुधवार को तालाब बचाओ अभियान समिति के संयोजक नारायणजी चौधरी ने समाहरणालय स्थित अराजपत्रित कर्मचारी महासंघ कार्यालय परिसर में आयोजित बैठक में कही। उन्होंने कहा कि शहर के वार्ड नंबर 30

तालाब बचाओ अभियान समिति की हुई बैठक, अतिक्रमित मोड़न पोखर को बचाने के लिए उठाई गई जोरदार आवाज

और 31 स्थित मोड़न पोखर की करीब छह एकड़ जमीन को भरकर बेच दिया गया है। बावजूद अधिकारी मौन हैं। अतिक्रमण की चपेट में 16 पोखर शामिल हैं। बैठक में समिति सदस्य मो. तासीम के घर में घुसकर 10 जनवरी को किए गए जानलेवा हमले पर भी चर्चा की गई। हमलावरों की गिरफ्तारी नहीं होने को लेकर



बैठक करते तालाब बचाओ अभियान समिति के सदस्य जागरण

सदस्यों ने चिंता जताई। पर्यावरणविद प्रो. विद्यानाथ झा की अध्यक्षता में संपन्न बैठक में सर्वसम्मति से मोड़न पोखर के अतिक्रमण की उच्च स्तरीय जांच कराने की मांग की गई। इसे लेकर

वरीय अधिकारियों को एक आवेदन देने का निर्णय लिया गया। इसमें शहर के अतिक्रमित 16 तालाबों का भी उल्लेख किया गया है। साथ ही तालाब बचाओ अभियान समिति से जुड़े सदस्यों की सुरक्षा की मांग

अधिकारियों से की गई। बैठक में निर्णय लिया गया कि इससे संबंधित आवेदन मुख्य सचिव, राजस्व एवं भूमि सुधार विभाग के प्रधान सचिव, वन एवं पर्यावरण विभाग के प्रधान सचिव सहित प्रमंडलीय आयुक्त, डीएम और एसएसपी को दिया जाएगा। इसे लेकर एम शिष्टमंडल बनाया गया। बैठक में प्रो. शारदानंद चौधरी, उमेश राय योगेन्द्र यादव, मुकेश कुमार झा मनोज यादव, डा. नदीम, अजीत कुमार मिश्र, डा. श्यामानंद झा, प्रकाश बंधु, राजीव कुमार झा, डा. अशोक कुमार सिंह, इंदिरा कुमार आदि मौजूद थे।



बैठक में मौजूद तालाब बचाओ अभियान समिति के सदस्य जागरण

पोखर और तालाबों को संरक्षित करने का किया जा रहा दिखावा

संवाद सहयोगी, दरभंगा : शहर के मन-तालाबों को संरक्षित करने का दिखावा किया जा रहा है। न्यायालय में भी अधिकारियों ने गलत तथ्य प्रस्तुत कर रखा है। सच्चाई तो यह है कि प्रशासन की मिलीभगत से 20 पोखरों को भू-माफिया ने भरकर बेच दिया है। इससे शहर में जलसंकट, पर्यावरण संकट के साथ ही सामाजिक समस्या भी उत्पन्न हो रही है। उक्त बातें तालाब बचाओ अभियान समिति संयोजक नारायणजी चौधरी ने कही। उन्होंने दिग्घोषि पश्चिमी में मैथिली साहित्य परिसर आयोजित बैठक में बताया कि तालाब भरने का विरोध करनेवाले सामाजिक कार्यकर्ताओं पर हमला किया जा रहा है। वार्ड 31 एवं 32 के मध्य स्थित मन-पोखर को मिट्टी से भरने के विरोध में जब तालाब बचाओ अभियान समिति ने आवाज उठाई तो स्थानीय सदस्य मो. तासीम नवाब पर जानलेवा हमला किया गया। सूचना पर पहुंची पुलिस ने मामला तो दर्ज कर लिया पर आगे कोई कार्रवाई नहीं की जा रही है। उल्टे आरोपियों को बचाने का प्रयास किया जा रहा है। नारायण जी चौधरी

तालाब बचाओ अभियान समिति ने शहरी क्षेत्र के 20 अतिक्रमित मन-पोखरों की दी जानकारी अविनाश पहल करने की मांग

ने बताया कि वर्ष 2001 से लेकर अबतक दरभंगा शहर के वार्ड नंबर 21, 22, 25, 29, 30, 31, 32 एवं 33 के 12 तालाबों को मिट्टी से भरकर बेच दिया गया है। फिर 16 नवंबर 2022 को दरभंगा के अंचल अधिकारियों ने शपथपत्र प्रस्तुत कर न्यायालय में बताया है कि शहरी क्षेत्र के 118 तालाबों में से 109 को अतिक्रमण मुक्त कराकर संरक्षित किया गया है। कार्यक्रम की अध्यक्षता करते हुए पर्यावरणविद डा. विद्यानाथ झा ने कहा कि तालाब-मन भूगर्भीय जल को सीधे तौर पर रिचार्ज करते हैं। इसलिए तालाबों का संरक्षण जरूरी है और यह तभी संभव है जब प्रशासनिक स्तर पर व्यापक पहल की जाएगी। बैठक में डा. आरबी खेतान, इंदिरा कुमारी, रणजीव कुमार, प्रकाश बंधु, डा. शारदानंद चौधरी आदि मौजूद थे।

19.02.2024**A PRETENSE IS BEING MADE TO PRESERVE PONDS AND LAKES**

Correspondent, Darbhanga: All of the city's ponds are being shown to be preserved. Even in the court, the officials have presented wrong facts. The truth is that with the connivance of the administration, 20 ponds have been filled and sold by the land mafia. This is causing water crisis, environmental crisis as well as social problems in the city. The above was said by the Talab Bachao Abhiyan Committee Coordinator, Narayanji Chaudhary. He told in a meeting organized at Maithili Literary Complex in Digdhi West that social workers who oppose filling up of ponds are being attacked. When the Talab Bachao Abhiyan Committee raised its voice against filling up of all the ponds situated between Ward 31 and 32 with soil, a deadly attack was made on local member Mohd. Taseem Nawab. On receiving the information, the police registered the case but no further action is being taken. On the contrary, efforts are being made to save the accused. Narayanji Chaudhary said that from the year 2001 till now, 12 ponds of Ward No. 21, 22, 25, 29, 30, 31, 32 and 33 of Darbhanga city have been filled with soil and sold. Then on 16 November 2022, the zonal officers of Darbhanga submitted an affidavit and told the court that out of 118 ponds in the urban area, 109 have been preserved by making them encroachment free. Presiding over the program, environmentalist Dr. Vidyantath Jha said that ponds directly recharge groundwater. Therefore, conservation of ponds is necessary and this is possible only when comprehensive initiatives are taken at the administrative level. Dr. RB Khetan, Indira Kumari, Ranjeev Kumar, Prakash Bandhu, Dr. Shardanand Chaudhary etc. were present in the meeting.

01.05.2024**FREE 22 ENCROACHED GOVERNMENT PONDS**

Correspondent, Jagran Darbhanga: Divisional Commissioner Manish Kumar has directed to free 22 identified encroached government ponds. It was told that a peace committee meeting related to law and order was organized on April 8. In which the Chief Secretary said that due to the construction of a traffic police station in the jail land under Darbhanga division due to the security of the jail and it being a sensitive place, the traffic police station cannot be constructed on the jail land where there is a pond. The Commissioner did this without permission from the Bihar Jail Administration, for which the No Objection Certificate was given by the District Magistrate. Instructed the Collector to take it back. Marking the other five sites, they were asked to submit proposals again. Out of the 66 Living Heritage (UNESCO Heritage) ponds under consideration in the National Green Tribunal related to revenue special encroachment and encroached government land, 22 ponds which were encroached were directed to be freed from encroachment.

Names of those ponds which are now only left on the map, which were filled with soil and sold completely:

1. Fakira Khan Pond (Ward No. 30), sold after filling it with soil at 100%.
2. Dumduma Pond (Ward No. 32), sold after filling it with soil for 100%.
3. Jalil Babu Talab (Ward No. 22), sold after filling it with soil for 100%.
4. Jalil Babu Talab (Ward No. 21), sold after filling it with soil at 100%.
5. Tulu Khan Pond (Ward No. 29, behind Purana Anchal), filled with soil and sold for 100%.
6. Dr. Zuber Saheb Pond (Ward No. 30), sold after filling it with soil at 100%.
7. Gudar Rai's pond (ward no. 30, first pond), filled with soil and sold for 100%
8. Gudar Rai's pond (ward no. 31, second pond), filled with soil and sold for 100%
9. The pond east of Dr. Abdul Bahawal (Ward No. 29) was filled with soil and sold for 100%.
10. Dal Pokhar (Ward No. 24), sold after filling it with soil for 100%.
11. Pond to the north of Millat College Hostel, Ward 31, 100% filled with soil and sold.
12. Imambadi, pond to the east of Vinod Shah's house, sold for 100% after filling it with soil.
13. The ponds near Imambara in Dumduma were filled with soil and sold for 100%.
14. Pond north of road in Ward 33, Naka 6 to Karamganj Wale, 100% sold.
15. Baba Sagar Das Pokhar, Near Naka 6, East of Shekhar Netralaya, 100% Sold.
16. Mirgyas Chak, Ward No. 31, North of Haider Khan house, sold on 100% payment.

B. Number of ponds whose 40% to 90% area was filled with soil and sold:

17. Pond near Urdu cemetery, Ward No. 30. About 75% sold.
18. Kamastari Pokhar, Ward No. 25, near Old Munski, sold for Rs. 50.
19. West Pond from former National English School, 75% sold.
20. Ward 33, pond east of ex-MLA Sultan Ansari's house, 50% sold.
21. Ballapur Pokhar, Bahadurpur Block, Rural Area, 60% filled and being sold.
22. Mirgyas Chak, Behind Mosque, Ward No. 31, 90% filled with soil.
23. Pond in front of Noori Masjid, Ward No. 31, near Nillat College, about 75%
24. Number of ponds whose land measuring approximately one acre to seven acres has been encroached and sold or is being sold:
 25. Lal Pokhar, near Naka 5, about 2 to 3 acres encroachment.
 26. Mirza Khan tank, encroachment about 3 to 4 acres.
 27. Ganga Sagar pond, about 3 to 4 acres encroachment.

Digghi pond, about 3 to 4 acres encroachment.

F. No. W-4/4/2022-WTL
Government of India
Ministry of Environment, Forest & Climate Change
(Wetlands Division)

Indira Paryavaran Bhawan
Jor Bagh Road, New Delhi -110003

Dated 8th March, 2022

OFFICE MEMORANDUM

Subject: Protection of Wetlands as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017

The Hon'ble Supreme Court vide Order dated 4th October, 2017 in W.P. (C) No. 230 of 2001 has inter-alia, directed that, *"We make it clear and reiterate that in terms of our order dated 8th February, 2017, 2,01,503 wetlands that have been mapped by the Union of India should continue to remain protected on the same principles as were formulated in Rule 4 of the Wetlands (Conservation and Management) Rules, 2010"*.

2. The same has been communicated by this Ministry to all the States and UTs in November, 2017. Hon'ble NGT has also reiterated the same in various recent cases.

3. In view of above, it is once again clarified/reiterated that the 2,01,503 wetlands (>2.25 ha) as per the National Wetland Inventory and Assessment (NWIA), 2011 should be protected as per Rule 4 of the Wetlands (Conservation and Management) Rules, 2017. This protection is irrespective of the applicability of/notification as per the said Rules.


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To
The Member Secretaries of State and UT Wetlands Authorities

INTELLECTUALS FORUM v. STATE OF A.P.

549

(2006) 3 Supreme Court Cases 549

(BEFORE RUMA PAL AND DR. AR. LAKSHMANAN, JJ.)

a INTELLECTUALS FORUM, TIRUPATHI .. Appellant;
Versus
STATE OF A.P. AND OTHERS .. Respondents.

Civil Appeal No. 1251 of 2006[†], decided on February 23, 2006

b **A. Constitution of India — Arts. 21, 48-A & 51-A(g) — Conservation of natural resources — Water and land resources (public water tanks in this case) — Right to conservation of, vis-à-vis urban developmental needs — Necessity of balancing of — Alienation of tank bed land by State to government agencies for construction of houses — Challenge to — Competing claims of environment and housing — Right to shelter — Principles of “sustainable development” and “inter-generational equity” —**
c **Application of — Held, these principles should be followed in adjudicating the matter — Merely asserting an intention for development will not be enough to sanction the destruction of local ecological resources — Balance is to be maintained between developmental needs asserted and environmental degradation alleged — Duty to protect environment and preserve and conserve natural resources for present and future generations, indicated —**
d **Considering the need for housing and shelter, held on facts, right to shelter did not seem to be so pressing so as to outweigh all environmental considerations — Direction made for no further constructions on the land in question — However, in the peculiar facts and circumstances, there could not be complete restoration and revival of the tanks — Much of the natural resources of lakes lost and considered irreparable — Considerable developmental activities already carried out at huge expenses involving crores of rupees — The only option left was to ensure that the report of the Expert Committee appointed by Supreme Court, was implemented in its letter and spirit — In pursuance thereof, directions issued regarding (i) complete ban on abstraction of groundwater, (ii) each house already constructed to provide structure for rooftop rainwater harvesting, and (iii) steps to be taken for revival of tanks with artificial recharge**

f **B. Constitution of India — Arts. 48-A & 51-A — Use of — Held, duty of State to apply these articles in making laws — The two articles must be kept in mind in understanding the scope and purport of the fundamental rights and various laws enacted by Parliament and State Legislatures**

g **C. Town Planning — National housing and habitat policy — Need and object of — Held, its need emerges from growing requirements of shelter and related infrastructure — It intends to promote sustainable development of habitat in the country, with a view to ensure equitable supply of land, shelter and services at affordable prices**

h **D. Environment Protection and Pollution Control — Ecology — Projects harming environment — Challenge to — Adjudication in case of — Investments made in these projects — Consideration of — Value of — Held,**

[†] Arising out of SLPs (C) Nos. 7196-97 of 2001. From the Final Common Judgment and Order dated 28-9-2000 of the Andhra Pradesh High Court in WPs Nos. 7955 and 8650 of 1994 : AIR 2001 AP 118

550

SUPREME COURT CASES

(2006) 3 SCC

court's decision cannot be based solely upon such investments — Criticism of some environmental activists that the said projects are not condemned by court as Judges are carried away by money spent on such projects, held, baseless — Supreme Court in several cases issued directions and ensured their enforcement by nothing short of demolition or restoration of status quo ante, without being convinced by the fact that crores of rupees were already spent on development projects — Constitution of India, Arts. 21, 48-A & 51-A(g) (Paras 93 and 88)

The present matter raised two kinds of questions. Firstly, at a jurisprudential level, it was required to lay down the law regarding the use of public lands or natural resources, which have a direct link to the environment of a particular area, by the Government. Secondly, the court should decide, on the facts of the present case, the order to be passed with respect to two tanks in question. These tanks were Avilala tank and Peruru tank which were situated in the suburbs of Tirupathi town, a world renowned popular pilgrim centre. The instant case involved preservation of and restoration of status quo ante of these tanks which were historical in nature, being in existence since 1500 AD.

The grievance of the appellant Society was in respect of alienation of tank bed lands of these two tanks by the Government concerned in favour of some governmental agencies for construction of houses. The Avilala tank bed land was alienated to Tirupathi Urban Development Authority (in short TUDA) and A.P. Housing Board under GOMs No. 84 Rev. dated 28-1-1994 and the Peruru tank bed land was alienated to Tirumala Tirupathi Devasthanam (in short TTD) under GOMs No. 181 Rev. dated 15-3-1991. As such, the grievance was regarding destruction of percolation, irrigation and drinking water tanks in the town in question. The appellant and other citizens had written letters to various authorities of the Government requesting the said authorities including the Chief Minister not to alienate the tank bed areas of both the tanks for housing or for any other activity except for the purpose for which they were meant. Since there was no response to the said representations, the appellant filed two writ petitions in the High Court challenging the said government orders. The High Court dismissed the writ petitions. Hence, the present appeals.

According to the appellant, the cry of socially spirited citizens calling for judicial remedy was not considered in the right perspective by the High Court despite there being overwhelming evidence of the tanks being in existence and were being put to use not only for irrigation purpose but also as lakes which were furthering percolation to improve the groundwater table, thus serving the needs of the people in and around these tanks. It was submitted that the High Court had given precedence to the economic growth by completely ignoring the importance and primacy attached to the protection of environment and protection of valuable and most cherished freshwater resources. It was further submitted that since Tirupathi was draught prone region, there was always shortage of water and the district machinery was constantly put on alert for devising schemes for the purpose of improving the existing water resources. An engineering team which was assigned such task suggested that improvement of feeder channels (Vagus) for Peruru tank and Avilala tank would improve the percolation of all the surrounding areas and that there was enough potential for the tanks to get enough water if the feeder channels were improved. The High Court failed to notice the fact that the need for sustainable development cannot be ignored, could not do away with and could not cause harm to the environment in the name of urban

INTELLECTUALS FORUM v. STATE OF A.P.

551

a development. Certain acts of omissions and commissions on the part of the respondents in not taking proper measures for the preservation of the Peruru tank, the flow of water into the tank was reduced every year as most of its feeder channels were either spoiled or closed by unauthorised encroachers. Thus, on account of reduction in the water catchment area, the quantity of water collected in the tank was getting drastically depleted year by year and that the water table in the neighbouring area of the tank was going down and even the groundwater available was becoming more and more saline with high fluoride content every year and becoming unfit for drinking purposes. It was submitted that the respondents were under constitutional obligation to protect the environment. The tanks in question were public property. The communal property could not be diverted for the purpose of construction of houses to a section of the people.

c The contentions of the respondents were that in 1984 itself the tank bed became barren and there was no water supply to the tank. The agricultural lands which were dependent on the tank water which was used only for agricultural purposes, therefore, became housing colonies. The tanks in question could not anymore be maintained as a tank in its original form. Public notices were issued inviting objections against the abandonment of the tanks but no objections were filed by anyone. Thereafter a technical opinion was given by the Executive Engineer of the Irrigation Department in favour of the alienation of the land in question. It was submitted that the population of the Tirupathi town was going up constantly demanding more and more house sites and housing accommodation d for the growing town population. The pilgrim inflow was also steadily growing requiring more facilities. Thus, the Urban Development Authorities were bound to regulate the massive urban growth and migration of people with appropriate development plans to prevent formation of slums and consequent urban decay.

e On 5-12-2003, the Supreme Court directed the Government to constitute a committee of experts for the purpose of submitting a report on the question whether the two tanks in question could be utilised for water harvesting. The said Expert Committee submitted its detailed inspection report on 21-1-2004. The Committee had gone into various technical and cost aspects about the feasibility of reviving the tanks. Only after the Committee found that the tanks could not be revived in its original form, it suggested in its report for construction of percolation tank and rooftop rainwater harvesting and artificial recharge for increasing the groundwater level.

f Disposing of the appeals, the Supreme Court

Held :

g The responsibility of the State to protect the environment is now a well-accepted notion in all countries. It is this notion that, in international law, gave rise to the principle of “State responsibility” for pollution emanating within one’s own territories. This responsibility is clearly enunciated in the *United Nations Conference on the Human Environment*, Stockholm 1972 (Stockholm Convention), to which India was a party. (Para 67)

Corfu Channel case, ICJ Rep (1949) 4, referred to

h Article 48-A of the Constitution mandates that the State shall endeavour to protect and improve the environment to safeguard the forests and wildlife of the country. Article 51-A of the Constitution enjoins that it shall be the duty of every citizen of India, inter alia, to protect and improve the national environment including forests, lakes, rivers, wildlife and to have compassion for living

552

SUPREME COURT CASES

(2006) 3 SCC

creatures. These two articles are not only fundamental in the governance of the country but also it shall be the duty of the State to apply these principles in making laws and further these two articles are to be kept in mind in understanding the scope and purport of the fundamental rights guaranteed by the Constitution including Articles 14, 19 and 21 and also the various laws enacted by Parliament and the State Legislatures. (Para 82)

It is now an accepted social principle that all human beings have a fundamental right to a healthy environment, commensurate with their well-being, coupled with a corresponding duty of ensuring that resources are conserved and preserved in such a way that present as well as the future generations are aware of them equally. Parliament has considerably responded to the call of the nations for conservation of environment and natural resources and enacted suitable laws. The judicial wing of the country, more particularly the Supreme Court, has laid down a plethora of decisions asserting the need for environmental protection and conservation of natural resources. The environmental protection and conservation of natural resources has been given a status of a fundamental right and brought under Article 21 of the Constitution. (Paras 84 to 86)

The debate between the developmental and economic needs and that of the environment is an enduring one, since if the environment is destroyed for any purpose without a compelling developmental cause, it will most probably run foul of the executive and judicial safeguards. In response to this difficulty, policy makers and judicial bodies across the world have produced the concept of “sustainable development”. (Paras 68 and 69)

Hence merely asserting an intention for development will not be enough to sanction the destruction of local ecological resources. The Court has to follow the principle of sustainable development and find a balance between the developmental needs which the respondents assert, and the environmental degradation, that the appellant alleges. (Para 73)

M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388; *Essar Oil Ltd. v. Halar Utkarsh Samiti*, (2004) 2 SCC 392; *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 5 SCC 281; *M.C. Mehta v. Union of India*, (1997) 2 SCC 353; *State of H.P. v. Ganesh Wood Products*, (1995) 6 SCC 363; *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664; *Dahanu Taluka Environment Protection Group v. Bombay Suburban Electricity Supply Co. Ltd.*, (1991) 2 SCC 539, *relied on*

Further, the principle of “Inter-Generational Equity” has also been adopted while determining cases involving environmental issues. Several international conventions and treaties have recognised Principles 1 and 2 of the 1972 Stockholm Declaration which refers to the principle of inter-generational equity and, in fact, several imaginative proposals have been submitted including the locus standi of individuals or groups to take out actions as representatives of future generations, or appointing an ombudsman to take care of the rights of the future against the present. (Paras 79 and 80)

A.P. Pollution Control Board v. Prof. M.V. Nayudu, (1999) 2 SCC 718, *relied on*

The principles mentioned above wholly apply for adjudicating matters concerning environment and ecology. These principles must, therefore, be applied in full force for protecting the natural resources of this country. The growth and development process are terms without any content, without an inkling as to the substance of their end results. This inevitably leads us to the conception of growth and development which sustains from one generation to the

INTELLECTUALS FORUM v. STATE OF A.P.

553

a next in order to secure “our common future”. In pursuit of development, focus has to be on sustainability of development and policies towards that end have to be earnestly formulated and sincerely observed. (Paras 81 and 84)

There is no doubt about the fact that there is a responsibility bestowed upon the Government to protect and preserve the tanks, which are an important part of the environment of the area. (Para 67)

b On the other hand, shelter is one of the basic human needs just next to food and clothing. Need for a national housing and habitat policy emerges from the growing requirements of shelter and related infrastructure. These requirements are growing in the context of rapid pace of urbanisation, increasing migration from rural to urban centres in search of livelihood, mismatch between demand and supply of sites and services at affordable cost and inability of most new and poorer urban settlers to access formal land markets in urban areas due to high costs and their own lower incomes, leading to a non-sustainable situation. This policy intends to promote sustainable development of habitat in the country, with a view to ensure equitable supply of land, shelter and services at affordable prices. (Para 83)

c No doubt, the wishful thinking and the desire of the appellant Forum, that the tanks should be there, and the old glory of the tanks should be continued, is laudable. But the ground realities are otherwise. The ground realities as pointed out by the Government of Andhra Pradesh, TUDA and TTD in their reply to the civil appeals by furnishing details, datas and particulars, have been considered. Nowadays because of poverty and lack of employment avenues, migration of people from rural areas to urban areas is a common phenomenon. Because of the limited infrastructure of the towns, the towns are becoming slums. The submissions made by the appellant in regard to the complete restoration and revival of two tanks in the peculiar facts and circumstances of this case cannot be countenanced. (Para 90)

d At the same time the decision of the Court cannot be based solely upon the investments made by any party. Since, otherwise, it would seem that once any party makes certain investment in a project, it would be a *fait accompli* and this Court will not have any option but to deem it legal. (Para 93)

Virender Gaur v. State of Haryana, (1995) 2 SCC 577, *relied on*

f Singh Gayatri, Ankleswaria Kerban and Gonsalves Colins: *The Environmental Activities Handbook*, *referred to*

g Taking into account all the principles of law and considering the competing claims of environment and the need for housing if the proposed constructions are not carried on it seems unlikely that anyone will be left homeless or without their basic need for shelter. Therefore, one feels that the right to shelter does not seem to be so pressing under the present circumstances so as to outweigh all environmental considerations. In the circumstances of the case, the Court should do the most it can to safeguard the two tanks in question. However, due to the persistent developmental activities over a long time, much of the natural resources of the lakes have been lost, and considered irreparable. This, though regrettable, is beyond the power of this Court to rectify. (Paras 92 and 94)

h The two government orders which are impugned have been issued long before and pursuant to the issuance of the government orders, several other developments have taken place. Constructions and improvements have been

554

SUPREME COURT CASES

(2006) 3 SCC

made in a vast measure. Because of spending crores and crores of rupees by various authorities, the only option now left to the appellant and the respondents is to see that the report submitted by the Expert Committee is implemented in its letter and spirit. It would be best, therefore, if reliance is placed on the findings of the Expert Committee which has considered the factual situation and the feasibility of revival of the two tanks. The orders (detailed in para 96) being passed herein are in pursuance of the study of that Committee.

(Paras 90, 95 and 96)

E. Constitution of India — Arts. 21, 48-A & 51-A(g) — Environmental protection and conservation of natural resources — Doctrine of Public Trust — Applicability — Held, the said doctrine, which existed in Roman and English law, has been incorporated in Indian law — As per this doctrine, natural resources are held by State as “trustee” of the public — Natural resources can be disposed of only in a manner that is consistent with the nature of such a trust — A high degree of judicial scrutiny is provided on any action of government that attempts to restrict the use of natural resources freely available for the public — To properly scrutinise such actions of government, courts to make distinction between government’s general obligation to act for the public benefit, and the special obligation which it may have as a trustee of certain public resources — The three restrictions on governmental authority imposed by the said doctrine, restated — In the present case of abandonment of public water tanks and alienation of tank bed land by State to some governmental agencies for construction of houses, there was violation of two of the aforesaid restrictions

The Doctrine of Public Trust, though in existence from Roman times, was enunciated in its modern form by the US courts. The doctrine, in its present form, was incorporated as a part of Indian law in *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388 and *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu*, (1999) 6 SCC 464. What this doctrine says is that natural resources, which include lakes, are held by the State as a “trustee” of the public, and can be disposed of only in a manner that is consistent with the nature of such a trust. (Para 74)

M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388; *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu*, (1999) 6 SCC 464; *National Audubon Society v. Superior Court of Alpine Country*, 33 Cal 419; *Illinois Central Railroad Co. v. People of the State of Illinois*, 146 US 387 : 36 L Ed 1018 (1892), *relied on*

Formulated from a negatory angle, the doctrine does not exactly *prohibit* the alienation of the property held as a public trust. However, when the State holds a resource that is freely available for the use of the public, it provides for a high degree of judicial scrutiny on any action of the Government, no matter how consistent with the existing legislations, that attempts to restrict such free use. To properly scrutinise such actions of the Government the courts must make a distinction between the Government’s general obligation to act for the public benefit, and the special, more demanding obligation which it may have as a trustee of certain public resources. According to Prof. Sax, whose article on this subject is considered to be an authority, three types of restrictions on governmental authority are often thought to be imposed by the public trust doctrine:

1. the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;
2. the property may not be sold, even for fair cash equivalent;

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*) 555

3. the property must be maintained for particular types of use (i) either traditional uses, or (ii) some uses particular to that form of resources.

a (Para 76)
Joseph L. Sax: “The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention”; *Michigan Law Review*, Vol. 68, No. 3 (Jan. 1970) pp. 471-566, *relied on*

It is true that the water tank in question is a communal property and the State authorities are trustees to hold and manage such properties for the benefit of the community and they cannot be allowed to commit any act or omission which will infringe the right of the community and alienate the property to any other person or body. It seems, that the government orders, as they stand now, are violative of the aforesaid Principles 1 and 3, even if Principle 2 is overlooked on the basis of the fact that the Government is itself developing the land in question rather than transferring it to a third party for value.

(Paras 91 and 77)
W-M/ATJ/33865/C

Advocates who appeared in this case :

c G. Ramakrishna Prasad, Mohd. W. Khan, K.P. Kylashanatha Pillai and S. Byrapaneni, Advocates, for the Appellant;
V.R. Reddy, P.P. Rao, Jaideep Gupta and Anoop G. Chaudhari, Senior Advocates [Ms I. Madhavi, B. Sridhar, Ms Anjani Aiyagari, K. Ram Kumar, Suman Jyoti Khaitan, P.S. Sudhir, Ms A. Mathew, Ms D. Vijan, N.K. Verma, D. Rama Krishna Reddy, Ms D. Bharathi Reddy, Ch. L. Sarveswar, Ms Sudha Gupta, V. Sridhar Reddy, R. Nedumaran, P.S. Narasimha, A.K. Lala (for P.S.N. & Co.), Ms June Chaudhari, Manoj Saxena, A. Meharia, Mohan Prasad Meharia, S. Muralidhar, S. Potaraju, N. Rohit and John Mathew, Advocates, with them] for the Respondents.

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2. (2000) 10 SCC 664, *Narmada Bachao Andolan v. Union of India* 574a
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- e 4. (1999) 2 SCC 718, *A.P. Pollution Control Board v. Prof. M.V. Nayudu* 575g-h
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7. (1996) 5 SCC 281, *Indian Council for Enviro-Legal Action v. Union of India* 573f
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- f 9. (1995) 2 SCC 577, *Virender Gaur v. State of Haryana* 578b
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12. 146 US 387, 36 L Ed 1018 (1892), *Illinois Central Railroad Co. v. People of the State of Illinois* 574c
13. 33 Cali 419, *National Audubon Society v. Superior Court of Alpine Country* 575a

g The Judgment of the Court was delivered by

DR. AR. LAKSHMANAN, J.— Leave granted.

2. The present matter raises two kinds of questions. Firstly, at a jurisprudential level, it falls on this Court to lay down the law regarding the use of public lands or natural resources, which have a direct link to the environment of a particular area, by the Government. Secondly, this Court should decide, on the facts of the present case, the order to be passed with respect to two tanks in the Tirupathi area—Peruru and Avilala.

556

SUPREME COURT CASES

(2006) 3 SCC

3. The above two appeals were filed by a registered society called the Intellectuals Forum against the respondents herein. The contesting parties are the State of Andhra Pradesh represented by its Chief Secretary, Tirupathi Urban Development Authority represented by its Vice-Chairman and the A.P. Housing Board represented by its Vice-Chairman and Housing Commissioner.

4. The present case relates to the preservation of and restoration of status quo ante of two tanks, historical in nature, being in existence since the time of Srikrishnadevaraya, 1500 A.D.

5. The tanks are called “Avilala tank” and “Peruru tank” which are situated in the suburbs of Tirupathi town which is a world renowned popular pilgrim centre having everyday inflow of tourists between one lakh to two lakhs.

Grievance

6. Systematic destruction of percolation, irrigation and drinking water tanks in Tirupathi town, namely, Avilala and Peruru tanks and alienation of the Avilala tank bed land to the Tirupathi Urban Development Authority (in short TUDA) and the A.P. Housing Board under GOMs No. 84 Rev. dated 28-1-1994 and Peruru tank bed land to Tirumala Tirupathi Devasthanam (in short TTD) for housing purposes under GOMs No. 181 Rev. dated 15-3-1991, which are impugned in Writ Petitions Nos. 8650 and 7955 of 1994 respectively.

7. According to the appellant, the cry of socially spirited citizens calling for judicial remedy was not considered in the right perspective by the Division Bench of the High Court of Andhra Pradesh despite there being overwhelming evidence of the tanks being in existence and were being put to use not only for irrigation purpose but also as lakes which were furthering percolation to improve the groundwater table, thus serving the needs of the people in and around these tanks. It was submitted that the High Court has given precedence to the economic growth by completely ignoring the importance and primacy attached to the protection of environment and protection of valuable and most cherished freshwater resources. The Government without considering the well-planned development of Tirupathi town alienated the tank bed lands in favour of some governmental agencies for valuable consideration. It was further submitted that since Tirupathi is in the draught prone region called Rayala Seema, there is always shortage of water and the district machinery is constantly put on alert for devising schemes for the purpose of improving the existing water resources. An engineering team which is assigned such a task had visited in and around the foothills of Tirupathi and Tirumala for the purpose of identifying sources of freshwater and suggestions to be given for their improvement. Apart from suggestions, the team of engineers, in the minutes of the meeting held on 26-5-1990, suggested that improvement of feeder channels (Vagus) for Peruru tank and Avilala tank would improve the percolation of all the surrounding areas and that there is enough potential for the tanks to get

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

557

enough water if the feeder channels are improved. It was also submitted by representation that the Commissioner of Land Revenue to retain Peruru tank and Avilala tank, since retention of water in the said tanks would improve the water table which is already very low in the surrounding wells and also to the east of the tanks before of gradients. In the meantime, the Government passed GOMs No. 181 Revenue dated 15-3-1991 alienating an extent of 150 acres of land which belongs to the tank bed area of Peruru tank to Tirumala Tirupathi Devasthanam (in short TTD). The members of the appellant's forum as also the various other socially spirited citizens have written letters to various authorities of the Government requesting the said authorities including the Chief Minister not to alienate the tank bed areas of both the tanks for housing or for any other activity except for the purpose for which they are meant. However, the Government issued GOMs No. 84 Revenue dated 28-1-1994 authorising the District Collector, Chittoor to alienate 90 acres of land belonging to Avilala tank bed area to the A.P. Housing Board. This government order further directed that TUDA should provide a master plan for the entire area of 170 acres so as to ensure integrated development of Avilala tank area.

8. Since there was no response to the representations made, the appellant filed two writ petitions in the High Court challenging the government orders passed by the Government of Andhra Pradesh by which the District Collector, Chittoor was directed to hand over the tank bed areas of Avilala tank and Peruru tank to the A.P. Housing Board and to TTD respectively.

9. Writ Petition No. 7955 of 1994 was filed assailing GOMs No. 181 dated 15-3-1991, in respect of alienation of Peruru tank bed land to TTD and Writ Petition No. 8650 of 1994 was filed assailing GOMs No. 84 dated 28-1-1994 alienating Avilala tank bed area land to the A.P. Housing Board. The respondents filed their counter-affidavits opposing the writ petitions. The Indian Medical Association also made a similar plea that the Government should immediately withdraw its GOs alienating Avilala tank and Peruru tank and restore them urgently as percolation tanks, to improve the groundwater table. This prayer was made by the Indian Medical Association due to alarming increase of toxic contents like fluorides and other salts in the underground water due to steep fall in the underground water table level. A feasibility report on Peruru tank was prepared by Sri Venkateswara University College of Engineering, Department of Civil Engineering, Tirupathi. Several other individuals filed affidavits supporting the cause of the appellant.

10. A counter-affidavit was filed by the Government, Revenue Department in Writ Petition No. 8650 of 1994 whereby the said respondent justified the issuance of GOMs No. 84 Revenue Department dated 28-1-1994 stating that the same was in public interest. A counter-affidavit was also filed by Respondent 3, the Law Officer of the Housing Board stating that the Housing Board has invested Rs 88.43 lakhs towards development of land and thus the Board has invested in all a sum of Rs 1,78,43,000 and prayed for dismissal of the writ petition. An additional counter-affidavit was also filed

558

SUPREME COURT CASES

(2006) 3 SCC

by Respondent 3 stating that the area is fully developed. Likewise, Shri P. Krishnaiah, the Executive Officer of TTD filed affidavit stating that a number of dwellings have come up in the entire area and the prayer in the writ petition could not be granted and prayed for dismissal of the writ petition. a

11. By the impugned and common judgment dated 28-9-2000, the Division Bench of the High Court finding no illegality or irregularity in the action of the respondents dismissed both the writ petitions. Aggrieved by the dismissal of the writ petitions, the appellant has filed these appeals by way of special leave petitions. b

12. We heard Mr G. Ramakrishna Prasad, learned counsel appearing for the appellant Forum, Mr V.R. Reddy, learned Senior Counsel appearing for TTD, Mr P.P. Rao, learned Senior Counsel, Mr Jaideep Gupta, Mr D. Ramakrishna Reddy, Mr P.S. Narasimha, learned counsel and Mr Anoop G. Chaudhari, learned Senior Counsel for the respective parties. c

13. Elaborate arguments were advanced by the respective counsel appearing for the parties to this action. We have been taken through the entire pleadings, documents and annexures filed along with the appeals and also the report submitted by the Expert Committee and the objections filed by the parties to the said report. d

14. Mr G. Ramakrishna Prasad, learned counsel appearing for the appellant made the following submissions: e

1. The High Court has failed to appreciate that in the light of overwhelming evidence with regard to the tank beds being put in use for irrigation, drinking purpose, and being used as percolation tanks to improve the groundwater table and quality of underground water in the neighbouring areas and many villages including Tirupathi town, the High Court committed error in holding that the water tanks in issue are now non-existent. f

2. The High Court committed an error in coming to the conclusion that the urban development could be given primacy over and above the need to protect the environment and valuable freshwater resources. g

3. The High Court is not correct in holding that if the Government is not permitted to use the lands in question properly it will ultimately go into the hands of landgrabbers and anti-social elements and they will be converted into slums and that such lands will be used as dumping grounds. h

4. The High Court has failed to notice the fact that the need for sustainable development cannot be ignored, could not do away with and could not cause harm to the environment in the name of urban development and that certain acts of omissions and commissions on the part of the respondents in not taking proper measures for the preservation of the Peruru tank, the flow of water into the tank is reduced every year as most of its feeder channels are either spoiled or closed by unauthorised encroachers. i

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

559

5. The respondents have failed to take necessary measures to remove the encroachments and repair the feeder channels and as a result, the natural flow of water into the tank during the rainy season is reduced. On account of reduction in the water catchment area due to encroachments, the quantity of water collected in the tank is getting drastically depleted year by year and that the water table in the neighbouring area of the tank including a colony is going down and even the groundwater available is becoming more and more saline with high fluoride content every year and becoming unfit for drinking purposes.

6. It was submitted that the respondents are under constitutional obligation to protect the environment. The tanks in question are public property in which each and every ayacutdar has got a property right and this right cannot be taken away by the Government to their detriment and that the communal property cannot be diverted for the purpose of construction of houses for a section of people.

15. Mr V.R. Reddy, learned Senior Counsel, appearing for TTD submitted that TTD gave its own land to Sri Padmavathi Mahila Viswavidyalayam and in lieu of the land so given by it, the State Government under GOMs No. 181 Revenue dated 15-3-1991 has given Ac 150 m Peruru tank to TTD. TTD took possession of the said land on 19-3-1993. In 1984 itself, the tank bed became barren and there is no water supply to the tank. The agricultural lands which were dependent on the tank water which was used only for agricultural purposes, therefore, became housing colonies. There is no source of water now to the tank and it is not possible to store water in the tank. Tirupathi is a growing town whose population is going up constantly demanding more and more house sites and housing accommodation for the growing town population. The pilgrim inflow is also steadily growing requiring more facilities. An agricultural tank which had become dry by 1984 itself and which is no longer capable of being used for agricultural irrigation purposes as it does not get water any more being surrounded by the expanding town, roads and built-up areas cannot anymore be maintained as a tank in its original form. There are other tanks and dams and water supply schemes being undertaken in Tirupathi having regard to their feasibility. The High Court has considered these aspects also, he submitted.

16. TTD is one of the well-known Devasthanams in the country which is undertaking projects of general public welfare consistent with its policy. It is doing everything possible in Tirupathi and in Tirumala where the world famous Sri Venkateswara Swami Temple is situated, to preserve and improve the natural environment. The tank in question i.e. Peruru tank cannot be maintained as a tank in the present situation and it has ceased to be a tank long ago except in name. It has been obtained by it in lieu of its own land it has given for a public purpose of a women's university and requires it for its own optimum use. The objection sought to be taken by the appellant as a public interest objection is without any merit or substance as far as Peruru tank is concerned on the facts and circumstances of the case.

560

SUPREME COURT CASES

(2006) 3 SCC

17. Mr P.S. Narasimha, learned counsel appearing for the A.P. Housing Board, submitted that S. No. 18/1 of Avilala village is on the outskirts of Tirupathi town measuring about 187 acres was classified as Avilala tank poramboke. The said tank was abandoned as far back as in the year 1992. The tank area was bulldozed and the entire land was levelled. The cultivation particulars of the ayacut in this tank reveal that no lands were being irrigated from the water derived from this tank right from the year 1395 F i.e. the year 1984 A.D. The feeder source for Avilala tank, namely, (i) Ramayapalli Kasarkaluwa, (ii) Kasarkaluwa of Vedantapuram Agraharam, and (iii) drainage water of Timlagunta wet fields, (iv) Nadinvaka—all these sources got defaced and there has been no scope for accumulation of water in the tank. It was also observed that even after sinking that well to a depth of about 60 feet, the land was not receiving any water from any ground resources after construction of Kalyani Reservoir. Therefore, proposal for abandonment of tank was submitted by the Revenue Divisional Officer, Tirupathi to the District Collector in the years 1988 and 1992. Thereafter, public notices were issued inviting objections but no objections were filed by anyone. Thereafter, a technical opinion was given by the Executive Engineer of the Irrigation Department in favour of the alienation of the said land to an extent of 98 acres. Even the Gram Panchayat had passed resolution on 14-8-1988 proposing to alienate 98 acres in S. No. 18/3 carved out from S. No. 18/1 of Avilala village in favour of the A.P. Housing Board. The Government have issued orders in GOMs No. 691 dated 18-7-1989 alienating 98 acres of land for the purpose of construction of houses under the rental housing scheme for the government employees. The said land had been levelled in the year 1992 after taking possession. The Housing Board has undertaken infrastructural facilities by laying of B.T. Roads, electrical lines, digging bore wells apart from levelling and plotting the land and a sub-station of 33 K.V. capacity has been established by the A.P. Electricity Board.

18. It was submitted that the A.P. Housing Board paid Rs 90 lakhs towards the cost of the land @ Rs 1 lakh for each acre to the Government and also spent a sum of Rs 88.43 lakhs towards development of the land so far. Thus, in all the A.P. Housing Board has invested a sum of Rs 1,78,43,000 and the further development was stopped in view of the pendency of the writ petition.

19. The A.P. Dairy Development Corporation has established Balaji Dairy in a portion of the land under reference by spending over Rs 8 crores. All these amounts were spent by the Government from its own expenditure out of public funds. Apart from the above, the land acquisition proceedings were initiated for laying of approach road and compensation thereafter has been paid by the Revenue Department.

20. Mr P.S. Narasimha further submitted that the laudable objective of maintenance of ecology, environment and preservation of water resources are subject to the vagaries of nature and, in the realm of technical matter, there cannot be judicially manageable standard for granting any relief.

21. Arguing further, he submitted that there are many factors and reasons attributing to depletion of groundwater table due to the expanding urbanisation and increasing non-agricultural activities. All such activities have not the sanction of the law supported by legislative mandate under the A.P. Urban Areas Development Act. The administration has been entrusted with the responsibility of ensuring equitable urban growth by balancing ecological and environmental interest and, in the instant case, the administration has taken all the proceedings and attending precautions to act in larger public interest in general for which the appellant cannot have any grievance.

22. Mr Jaideep Gupta, learned Senior Counsel, appearing for TUDA filed a detailed reply to the appeal. He invited our attention to the elaborate and detailed reply-affidavit filed by them. It is seen from the affidavit that the proposals for abandonment of the erstwhile tank were submitted by the Revenue Divisional Officer, Tirupathi with reference to the Collector's Letter No. B-1/7089/88 dated 17-9-1988. A notice for public response to the said proposal was published in the village but no objections were received. As the land was in the past classified as a tank poramboke, technical opinion had already been obtained and the Irrigation Department opined that there was no objection for alienation of the said land. As per the report of the Revenue Divisional Officer, Tirupathi submitted in his Letter No. Roc. No. G/2016/88 dated 6-9-1988 that the Avilala Gram Panchayat in its resolution dated 14-8-1988 had resolved to alienate an extent of 90.00 acres in S. No. 18/3 (carved out from 18/1) of Avilala village in favour of the A.P. Housing Board.

23. In the above circumstances, the Government have alienated 90 acres of land in S. No. 18/3 carved out from S. No. 18/1 in favour of the A.P. Housing Board for construction of houses under rental housing scheme for government employees vide GOMs No. 691 dated 10-7-1989 of the Revenue (Assn. IV) Department. The District Collector, Chittoor in his Letter No. B-1/15246/90 dated 14-7-1992 addressed to the Secretary to the Government, Revenue Department has informed that the ayacutdars have also given their consent for abandonment of the erstwhile tank and to treat the ayacut as dry land since the tank does not have any water source.

24. After the Government had alienated an extent of 90 acres of land to the A.P. Housing Board and 1.12 acres to A.P. SEB and 5 acres towards compensation for private lands acquired for approach road, there remains a balance of 96 acres of land. Accordingly the Revenue Divisional Officer, Tirupathi in his Letter No. G/5234/92 dated 16-9-1992 addressed the District Collector that the balance land available can be better utilised by handing it over to various agencies for developmental purposes, because of its proximity to Tirupathi town and adjoining residential colonies like Vaikuntapuram, Bairagipatteda, etc. There has been a substantial growth in population of Tirupathi town coupled with physical expansion of the town and consequent conversion of agricultural lands into pucca residential area and layouts. The population of Tirupathi is growing day by day and to cater to the growing demand for housing this authority had requested the

562

SUPREME COURT CASES

(2006) 3 SCC

Government for alienation of 90 acres of land for sites and services programmes. Accordingly, the Government in GOMs No. 84 Revenue (Assn. IV) Department dated 28-1-1994 alienated 90 acres of land in S. No. 17/1 of Avilala in favour of this authority. Based on the government orders and proceedings of the District Collector, Chittoor in DO Toc. No. B/1/15246/92 dated 3-3-1994, the Mandal Revenue Officer, Tirupathi Rural Mandal has handed over the possession of 65.19 acres of land on 18-4-1994 to this authority.

25. Mr Gupta further submitted that the Urban Development Authorities are bound to regulate the massive urban growth and migration of people with appropriate development plans to prevent formation of slums and consequent urban decay. Accordingly, TUDA has taken up development of new satellite townships around Tirupathi to relieve congestion of the existing township and one such satellite town is Rajiv Nagar being developed in the land many years back was under the then existing Avilala tank in S. No. 18/1.

26. As it is evident from the joint inspection of the Joint Collector, Chittoor, Superintending Engineer, Irrigation, Chittoor, etc. dated 4-4-1992, there has been no source of the supply channel for maintenance of the Avilala tank and it has not been practicable either to restore it as irrigation tank or even as a percolation tank any longer. However, as a part of the development of a satellite township, it is proposed to provide lung spaces, water harvesting structures in an extent of 18 acres of land benefiting the people in S. No. 18/1 of Avilala village and Rajiv Nagar area by TUDA and the A.P. Housing Board.

27. After obtaining approval from the State Government, TUDA announced the scheme to the public on 18-3-2001, 26-3-2001 and 30-3-2001 by giving wide publicity in the newspaper and inviting applications for participating in the auction. The plots were allotted to the public in a public auction as per the orders of the Government vide GOMs No. 84 Revenue (Assn. IV) Department dated 28-1-1994. The auction was conducted on 13-4-2001, 14-4-2001 and 15-4-2001 and plots were allotted to the successful bidders immediately i.e. before the issue of status quo order of this Court. TUDA has already taken up plans of action to provide in the new township partly with the amounts received from open auction.

28. It is also seen from the reply-affidavit filed by TUDA that a comprehensive scheme named "HARITA" has been jointly promoted by the Forest Department, TTD and TUDA at a cost of Rs 24.83 crores to be implemented in five years from 2000 to 2005.

29. The scheme had already commenced and massive plantation programme was taken up by planting 16 lakhs trees during the year 2000-2001 apart from other schemes that have been envisaged in the plan.

30. The National Remote Sensing Agency, Department of Space, Government of India in their report titled "Land use land cover monitoring in TUDA area with special reference to Avilala tank and environs Tirupathi, Andhra Pradesh" has conducted detailed study with the help of satellite

a imageries on Avilala tank over a period of time. In its report, it is stated that the tank in earlier days i.e. earlier to 1970 was drained mostly by natural springs located in the head of the region of the catchment. Over a period of time, the spring got dried up due to various geological factors with no source of surface flow. Also the small streams which were draining into the tank were disturbed and occupied, with the result the tank remained dry with part of it covered with scrub since 1976 onwards.

b **31.** It is also stated in the report that as per the satellite image of February 2001 there are about 232 tanks identified in TUDA area. Most of the tanks are located along the foothills of Tirumala hills and plains of Swarnamukhi river. Kalyani reservoir is the major one in the area. Considering the location as well as distribution about 20 tanks are identified for conservation and future development to meet the urban water requirement. However, other existing tanks may also be fenced and preserved to meet the future requirement.

c **32.** TUDA along with the support of other government departments has been making conscious efforts for conserving and preserving potential tanks in TUDA region as per the recommendations of National Remote Sensing Agency and other experts in the field. In this direction, TUDA has already initiated action in developing Tiruchanoor tank in S. No. 253 of Tiruchanoor at a cost of Rs 30 lakhs under Phase I Scheme which includes desilting, strengthening of bunds, landscaping of bunds and tree plantation. However, there is no possibility at all of restoring the abandoned Avilala tank as per the scientific data available with TUDA which can be at best developed as a satellite township with all facilities thus contributing to the planned urban growth of Tirupathi and decongesting the main township.

d **33.** Mr Anoop G. Chaudhari, learned Senior Counsel appearing for the State of Andhra Pradesh drew our attention to the detailed counter-affidavit filed by the State of A.P. through its Joint Secretary to the Government, Revenue Department wherein the Government has explained to this Court as to how the impugned GOs alienating the lands in favour of TTD, TUDA and the Andhra Pradesh Housing Board for public purposes were issued. According to Mr Anoop Chaudhari, there is nothing illegal in issuing of GOs. It is not violating anybody's fundamental rights. An extent of 180 acres of land was tank bed land of Avilala tank. This tank was an abandoned tank ever since 1984 as the channel source of this tank was closed due to construction of Kalyani dam and because of lack of water this tank was no longer used for storage of water. As it was an abandoned tank and was no longer in existence and the land became plain and considering the matter and report of the District Collector, the Government issued orders in GOMs No. 691 Revenue Department dated 10-7-1989 for alienating an extent of 90 acres of land to the A.P. Housing Board for the purpose of rental housing scheme for government employees on payment of Rs 1 lakh per acre by the Housing Board and before this land was alienated a notice was published in the village calling for objections by the Revenue Authorities and no objections were received in pursuance of the said notice. The ayacutdars have also consented

564

SUPREME COURT CASES

(2006) 3 SCC

for the alienation of the land. Thereafter, after obtaining the opinion of the Executive Engineer concerned of the Irrigation Department and the report of the District Collector, the above government order was issued.

34. Concluding his arguments, he submitted that there is ample material on record showing that these tanks were abandoned long back and they were no longer serving as water storage tanks, more particularly as their supply channels have been dried up.

35. On 5-12-2003, this Court passed the following order:

“The Secretary, Ministry of Water Resources, Government of India is directed to constitute a committee of experts for the purpose of submitting a report on the question whether the two tanks, namely, the Peruru and Avilala or either of them can be utilised for water harvesting. The report shall be submitted to this Court within a period of six weeks from the date of the communication of this order. The Registry is directed to forward a set of documents, which have been filed before this Court to the Secretary for being placed before and considered by such Committee. The Committee will hold local inspection. Before it does so it shall give notice to the Advocate-on-Record concerned. The respondent State will provide such documents as may be required by the Committee for the purpose of submitting the report.

List the matter thereafter.”

36. The Government of India constituted a committee for the purpose of submitting its report to this Court.

37. The term of reference of the Committee was to submit a report on the question whether the two tanks, namely, the Peruru and Avilala or either of them can be utilised for water harvesting. Pursuant to this, the Committee visited Tirupathi on 19-1-2004 and 20-1-2004 for local inspection and necessary investigations. During the visit, a detailed discussion was held with the representatives of TUDA, TTD and members of the Intellectuals Forum.

38. The Committee submitted its detailed inspection report on 21-1-2004.

39. The appellant submitted its objections to the report of the Committee and the respondents supported the inspection report.

40. In the above background, the following questions of law arise for consideration by this Court:

1. Whether the urban development could be given primacy over and above the need to protect the environment and valuable fresh water resources?

2. Whether the action of A.P. State in issuing the impugned GOs could be permitted in derogation of Articles 14 and 21 of the Constitution as also the directive principles of State policy and fundamental duties enshrined in the Constitution?

3. Whether the need for sustainable development can be ignored, do away with and cause harm to the environment in the name of urban development?

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

565

4. Whether there are any competing public interests and if so how the conflict is to be adjudicated/reconciled?

a **41.** We have already referred to the directions issued to the Government of India to constitute a Committee of Experts for the purpose of submitting a report on the question whether the two tanks, namely, Peruru and Avilala or either of them can be utilised for water harvesting. The Expert Committee took into account the factors that had led to the depletion of influx of water to Peruru tank in the report and observed in paras 3 and 4 of the report.

b **42.** According to the learned counsel appearing for TTD, Peruru tank as a water body had three main sources of influx of water which were as follows:

c *1.* Overflow of water through feeder channel from the combined Kalyani river—Swarnamukhi river—the Kalyani river joins Swarnamukhi river near Agasteeswara temple. At that point, the overflow of water in the combined rivers as going to Peruru tank through a feeder channel of about 1.6 km length. After the construction of the Kalyani dam on Kalyani river in the year 1974, the flow of water from Kalyani river into Swarnamukhi river considerably reduced. As a result, there was no overflow of water going to the feeder channel, which over the years has become defunct due to its bed level being at a higher level than the riverbed. Since the feeder channel has become defunct and abandoned, a road has been constructed for the temple by filling up the channel.

d [The Expert Committee, after observing the above, in para 3 of its report under Peruru tank has opined as follows:

e “The revival of old feeder channel which involves deepening of the existing channel and restoring the channel in the initial reaches is not considered cost effective in view of the meagre quantity of river water availability for a very short period.”]

f *2.* Catchment area of 42.9 sq km. TTD under “Neeru Meeru” programme, constructed 22 check dams, 9 percolation tanks, 437 rock fill dams and contour trench on a length of 1.22 km for improving the water table and water conservation and efficient use of rainwater without wastage in the catchment area falling under S.V. Zoological Park.

g [The Expert Committee, after observing the above in para 4 of its report has stated that the inflow of water into Peruru tank has been reduced considerably due to the construction of check dams, etc. While it is so, it is also to be noted in this context, that on account of Kalyani dam a water body has come into existence in the form of reservoir spread over an area of 31,065 acres and holds 910 mc ft water when filled to capacity. Similarly, Dalavai tank, which is created in the catchment area, is also a water body occupying 66.70 acres and holds 15.79 mc ft of water when full.

h It is pertinent to submit in this context that under the “Neeru Meeru” programme vigorously pursued by the Government in the entire State, construction of such check dams, percolation tanks, etc. was conceived

566

SUPREME COURT CASES

(2006) 3 SCC

and executed for improving the water table and water conservation and efficient use of rainwater without wastage at considerable cost.]

3. Nakkala vanka and Bodeddulu vanka: prior to the construction of Dalavai tank in the catchment area, water used to flow downstream to Peruru tank through Nakkala vanka and Bodeddulu vanka. After the construction of Dalavai tank, the flow of water through Nakkala vanka and Bodeddulu vanka has considerably reduced.

43. The Expert Committee after observing the above facts in paras 4 and 5 of its report opined that the flow of water through Bodeddulu vanka to the Peruru tank can be restored by removing a small check dam at Malapalli which it is submitted might be considered a retrograde step affecting other projects for water conservation. Learned counsel further submitted that in view of the aforesaid recommendation of the Expert Committee that instead of 20 acres as presently assigned a minimum of 50 acres may be utilised for a water body in the tank area may not be a practicable proposal. However, TTD would willingly and earnestly endeavour to implement the proposal if this Court accepts and approves the report of the Expert Committee. In our opinion, the Expert Committee's report should be accepted by TTD. Learned counsel appearing for TTD at the time of argument, has also brought to our notice some of the programmes launched by TTD for sustainable improvement of the living environment.

44. Mr P.S. Narasimha, learned counsel, submitted that no competing or conflicting public interests arise in this case inasmuch as the very subject of the environment issue has ceased to be a resource as it were.

45. The enquiry is, therefore, upon the very basic question i.e. whether there exists at all a natural resource. The research is empirical and not adjudication or prioritisation of conflicting public interest. A further question can also be raised i.e. even if the said resource has deteriorated, is it possible to revive its resource. The adjudication in both the appeals is confined to an empirical enquiry based on scientific data. The enquiry as indicated above has already been done in this case. It is in two stages.

Stage One—Till the judgment of the High Court of Andhra Pradesh, which dismissed the writ petitions.

Stage Two—Enquiry at the instance of this Court pending disposal of the special leave petitions.

Stage One

46. Our attention was drawn to the counter-affidavit dated 7-9-1994 of TUDA in WP No. 8650 of 1994 which reads as under:

“The tank in question as could be seen from the permanent ‘A’ Register (Resettlement Register) was to be fed by (1) Ramayapalli Kasam Kalva, (2) Kasam Kalva of Vedan Thapuram Agraharam, (3) Drainage water of Thummalapetta wetfields, and (4) by Nadim Kalva which are almost defaced and as such there is no scope for accumulation of water in the tank. It is also observed from a well about 60 feet deep

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

567

located on south-west corner of the land that no water exists in the well. The foreshore of the tank is almost plain. It is an abandoned tank and the tank is also not receiving any supply of water due to closure of supply channels after the construction of Kalyani Dam Reservoir.”

Stage Two

47. The inspection report of the Committee constituted under the directions of this Court considered various issues. It is stated in the report as follows:

1. There is no tank existing in the area at present. Remains of the original demolished bund were seen. The area upstream was plain with no indications of any water storage.

2. Reported feeder channels to the tank are in fact localised drainage lines which do not have any direct source of surface water from the nearby Tirumala hills. The tank might have received water as overflow from Peruru tank located on the west of Avilala tank.

48. As per the respondents' contention, the tank in dispute has been shown in Resettlement Register 'A'. For the purpose of change of classification from tank poramboke to ayan, 'A' notice was published in Avilala village displaying the said notices at the conspicuous places which is statutory and no objections were received and as stated already, consent letters were given by the individual ayacutdars for the abandonment of the tank.

49. Proposals for abandonment of the erstwhile tank were submitted by the Revenue Divisional Officer, Tirupathi with reference to the Collector's Letter No. B-1/7089/88 dated 17-9-1988. A notice for public response to the said proposal was published in the village but no objections were received. As the land was in the past classified as a tank poramboke, technical opinion had already been obtained and the Irrigation Department opined that there was no objection for alienation of the said land. The opinion is in Collectorate Reference No. B-1/14157/85. As per the report of the Revenue Divisional Officer, Tirupathi submitted in his Letter No. Roc. No. G/2016/88 dated 6-9-1988 that the Avilala Gram Panchayat in its resolution dated 14-8-1988 had resolved to alienate an extent of 90 acres in S. No. 18/3 of Avilala village in favour of the Andhra Pradesh Housing Board. The materials placed before us and the report of the Expert Committee and the stand taken by the public bodies and the rapid change in the demographic feature of Tirupathi town and its surrounding suburbs have necessitated the process of urbanisation.

50. TUDA in its additional counter-affidavit filed on 21-2-2002 stated that the Tirupathi urban agglomeration as notified consists of 849 sq km with one municipality and 89 villages. The total population of TUDA area is 4,88,248 according to 2001 census and the projected population by 2021 is 9,60,000. 49% of the urban agglomeration is covered by Tirumala hills and

568

SUPREME COURT CASES

(2006) 3 SCC

forest area and the remaining area is going to be developed into a metropolis over the next 20 years, according to the present decadal population growth of 32% for TUDA region, compared to 13% of A.P. population growth rate as per 2001 census. The growth of population of Tirupathi municipal area was highest during the decades of 1971 (83.68%) and in 1981 (75.10%) but now stabilised at nearly 30% (2001). But in respect of the suburbs surrounding Tirupathi, which are fast growing recording very high population growth rates, are an indication that TUDA area is one of the very fast developing urban agglomerations in the country. Akkarampale (v) one of the suburbs with a population of 20,325 recorded 250% of decadal growth between 1991-2001. Similarly Avilala (v) another suburb of Tirupathi, where "Rajiv Nagar", the land in question in the present appeals, is situated, the decadal growth rate between 1991 and 2001 was above 150%. The population of Avilala (v) which was 1141 in 1971, has grown to 12,058 by the year 2001, while converting most of the agricultural lands into residential plots. According to the report of NRSA, Hyderabad in July 2001 on "Land Use-Land Cover Monitoring in TUDA area with special reference to Avilala Tank and Environs, Tirupathi, A.P." Avilala (v) along with the tank area which has a total extent of 942.47 hectares of which residential area was 32.91 hectares in 1976-77 has now increased to 349.28 hectares in the year 2001, which also includes institutional and industrial areas. In respect of agricultural lands, which was 677.78 hectares in 1976-77 has been diminished to 204.22 hectares in 2001. The high population growth rates of Avilala (v) combined with increase in the residential area (961%) is a clear indication that the original purpose of Avilala tank as irrigation tank is no more relevant in the present scenario of fast urban development in this area.

51. It has been further stated in the additional affidavit filed by TUDA on 21-2-2002 that TUDA has taken up revision of its master plan with digitisation of land use along with a comprehensive development plan of the urban agglomeration up to 2021, with public participation. According to the said master plan prepared by TUDA in 1981, the said lands of Avilala (v) are earmarked under residential zone and development of satellite township to ease the congestion on the main city and the purpose of retaining irrigation tank in an extent of 150 acres at Avilala near Tirupathi is no longer useful to the public under the circumstances explained.

52. In the counter-affidavit filed by the A.P. Housing Board on 26-6-2000, it is submitted that the A.P. Housing Board paid Rs 90 lakhs towards the cost of the land @ Rs 1-lakh for each acre to the Government and also spent a sum of Rs 88.43 lakhs towards development of the land so far. Thus, in all A.P. HB has invested a sum of Rs 1,78,43,000 and the further development was stopped in view of the pendency of the writ petition.

53. The area around the property in question is fully developed. There is a weavers' colony, PR Engineers' Colony, Judicial Employees' Plots and Colony and Balai Dairy (in 10 acres of land—A.P. DDCF). Thus, the area

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

569

around the land in question is already developed and several colonies have come up and in any event the land cannot be used as reservoir.

- a **54.** As per the notification, A.P. HB has proposed about 342 HIG design, 497 MIG-2 design and 283 MIG-1 design houses with the details mentioned therein totalling about 1126 houses in the said proposed colony. The details of number of houses to be allotted under different categories and modes like outright sale, allotment on payment of 50%, 30% amount, etc., are also mentioned in the said notification. It also provided reservation for various categories like 5% of houses to legislators, 5% to defence people, 14% for SC, 4% for ST, 9% for OBC, 10% for retired government employees, 1% for physically handicapped, 1% for freedom fighters and 51% for other categories.

- c **55.** The applicants under the above referred notifications are the persons having no plot or no house for their residence in Tirupathi or nearby places and as such they are in dire need of a place of residence which is sought to be fulfilled under the above scheme by A.P. HB.

- d **56.** It is also seen from the additional counter-affidavit dated 21-2-2002 filed by TUDA that they have taken up revision of its master plan with digitisation of land use along with a comprehensive development plan of the urban agglomeration up to 2021, with public participation. According to the master plan prepared by TUDA in 1981, the said lands of Avilala (v) are earmarked under residential zone and development of satellite township to ease the congestion in the main city.

- e **57.** It was also submitted that subsequent to the filing of the present appeals, substantial developments have taken place which can be summed up here. As stated in the counter-affidavit filed by TUDA dated 29-11-2001, after the dismissal of Writ Petition No. 8650 of 1994 by the High Court dated 28-9-2000, TUDA submitted the entire scheme of sites and services to be taken up at Rajiv Nagar at a cost of Rs 600 lakhs to the State Government for approval vide its Letter No. 2148/G1/99 dated 3-12-1999. The State Government vide G. Rt. No. 124 M.A. dated 15-2-2001 had approved the proposal of TUDA.

f **58.** Mr Jaideep Gupta, learned Senior Counsel appearing for TUDA, has placed before us a report on land use-land cover monitoring in TUDA area with special reference to Avilala tank and environs, Tirupathi. The main objective of this study was:

- g **1.** To map and estimate the water bodies and drainage pattern within TUDA limits and to suggest the water conservation plan, on a scale of 1:50,000 using satellite and other collateral data.
- 2.** To monitor the changes in and around the Avilala tank over a period from 1976-2001 and carry out the change analysis.

- h **59.** The report contains all meticulous details about the study area, database, advantages and limitations of satellite data, methodology, analysis and observations, water resources analysis of TUDA area, land use/land cover

570

SUPREME COURT CASES

(2006) 3 SCC

analysis of Avilala tank and its environs. The report has been prepared in a meticulous manner with reference to various plans. Another report was also submitted with regard to the revitalisation of lakes in TUDA region which also contains many details about the land use of TUDA region and the conservation and preservation of water bodies and the identification of potential tanks for conservation and the salient proposals for revitalisation of identified tanks. The salient proposals for revitalisation of tanks are as under:

On realising the importance of restoration of tank basins towards conservation of water and recharging of groundwater, to increase the storage capacity of tanks, renovating the tank bunds as well as feeder channels, TUDA has taken over 30 tanks in its operational area for taking up the improvements. Proposals include removal or eviction of encroachments, desilting of tank basins, clearing of jungle, strengthening of tank bunds, excavation of boundary trenches, widening and excavation of feeder channels, construction of boundary pillars and compound walls along the tank boundary. Block plantation, programmes for development as landscaped parks and water based entertainment units for the benefit of the public in offshore areas of the tanks have been proposed wherever feasible and viable. Towards protection of environment, provision for treatment system is also made in the project to take care of entry of drainage/sullage into the tank storages. Block plantations on all onshore areas of tank have been taken up as a part of Neeru Meeru programme to prevent erosion of soils and entry of encroachments which will have long-term positive environment results.

60. As per the estimates prepared, the total cost of the scheme works out to Rs 993.64 lakhs for taking up the above programmes in 32 tanks spread over 32 settlements around Tirupathi town and in TUDA region. The abstract statement showing the details of tanks proposed for revitalisation and the cost of development is given below:

<i>(Rs in lakhs)</i>					
Sl. No.	Mandal	No. of tanks	Cost of development	Cost of greening/landscaping programme	Total
1.	Tirupathi (U) Mandal	10	387.84	82.50	470.34
2.	Tirupathi (R) Mandal	10	203.10	64.90	268.00
3.	Reninguntala Mandal	9	129.50	47.60	177.10
4.	Chandragir Mandal	3	71.70	6.50	78.20
	Total	32	792.14	201.50	993.64

61. As already noticed, the Expert Committee in its inspection report has gone into various technical details about the cause for gradual reduction of

- a inflow of water to the Peruru tank, which is a rain-fed tank, over the last 50 years. The Committee has observed in its report that the reduction in the inflow of water to the tank was due to the construction of 22 check dams, 8 percolation tanks, 437 rock fill dams and contour trench on a length of 1.22 km for water conservation and efficient use of rainwater without wastage. The Committee has also observed in its report that the main supply channel to the Peruru tank was affected due to the revival of Dalavai tank situated at a distance of about 2 km upstream in the catchment area.
- b **62.** The Expert Committee in its report has suggested some additional measures for rainwater harvesting by providing for a percolation tank in an area of 50 acres instead of 20 acres already earmarked for the said purpose by the Revenue Authorities with rooftop rainwater harvesting and artificial recharge.
- c **63.** The Expert Committee has gone into various technical and cost aspects about the feasibility of reviving the Peruru tank. Only after the Committee found that the tank could not be revived in its original form, it suggested in its report for construction of percolation tank and rooftop rainwater harvesting and artificial recharge for increasing the groundwater level.
- d **64.** A careful perusal of the report would clearly reveal that the Committee has given its suggestions only after taking into account various possibilities in recharging the groundwater level. It is not proper in doubting the correctness of the Committee's report as contended by the appellants. The Committee, in our view, has gone into the details about the revival of the feeder channel to the Peruru tank from Swarnamukhi river and having regard to the impracticability of restoring the same as feeder channel, had suggested an alternative which, in their view, is feasible and beneficial.
- e **65.** It is evident from the report of the Expert Committee that the members of the Expert Committee have taken technical aspects as contained therein and the objections of the appellant in this regard are untenable. The Government of Andhra Pradesh has also taken various steps pursuant to the directions given by this Court which could be seen from the additional affidavit dated 25-3-2005 filed by the State of Andhra Pradesh.
- f **66.** We have given our thoughtful and careful consideration to the sensitive issues raised in the appeals by the appellant and countered by the respective respondents with reference to the pleadings, the documents, annexures filed and judgment of the High Court. We have also carefully perused the report submitted by the Expert Committee and also considered the rival submissions made by the respective counsel. In our opinion, the nature of the question in this case is twofold. Firstly, the jurisprudential issues. In the event of conflict between the competing interests of protecting the environment and social development, this Court in *M.C. Mehta v. Kamal Nath*¹ in para 35 held as under: (SCC p. 413)
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572

SUPREME COURT CASES

(2006) 3 SCC

“[T]he issues presented in this case illustrate the classic struggle between those members of the public who would preserve our rivers, forests, parks and open lands in their pristine purity and those charged with administrative responsibilities who, under the pressures of the changing needs of an increasingly complex society, find it necessary to encroach to some extent upon open lands heretofore considered inviolate to change. The resolution of this conflict in any given case is for the legislature and not the courts. If there is a law made by Parliament or the State Legislatures the courts can serve as an instrument of determining legislative intent in the exercise of their powers of judicial review under the Constitution. But in the absence of any legislation, the executive acting under the doctrine of public trust cannot abdicate the natural resources and convert them into private ownership, or for commercial use. The aesthetic use and the pristine glory of the natural resources, the environment and the ecosystems of our country cannot be permitted to be eroded for private, commercial or any other use unless the courts find it necessary, in good faith, for the public good and in public interest to encroach upon the said resources.”

67. The responsibility of the State to protect the environment is now a well-accepted notion in all countries. It is this notion that, in international law, gave rise to the principle of “State responsibility” for pollution emanating within one’s own territories (*Corfu Channel case*²). This responsibility is clearly enunciated in the *United Nations Conference on the Human Environment*, Stockholm 1972 (Stockholm Convention), to which India was a party. The relevant clause of this declaration in the present context is para 2, which states:

“The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.”

Thus, there is no doubt about the fact that there is a responsibility bestowed upon the Government to protect and preserve the tanks, which are an important part of the environment of the area.

Sustainable development

68. The respondents, however, have taken the plea that the actions taken by the Government were in pursuance of urgent needs of development. The debate between the developmental and economic needs and that of the environment is an enduring one, since if the environment is destroyed for any purpose without a compelling developmental cause, it will most probably run foul of the executive and judicial safeguards. However, this Court has often faced situations where the needs of environmental protection have been pitched against the demands of economic development. In response to this difficulty, policy-makers and judicial bodies across the world have produced the concept of “sustainable development”. This concept, as defined in the

² ICJ Rep (1949) 4

a 1987 report of the *World Commission on Environment and Development* (Brundtland Report) defines it as “Development that meets the needs of the present without compromising the ability of the future generations to meet their own needs.” Returning to the Stockholm Convention, a support of such a notion can be found in para 13, which states:

b “In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.”

69. Subsequently the *Rio Declaration on Environment and Development*, passed during the Earth Summit in 1992, to which also India is a party, adopted the notion of sustainable development. Principle 4 of the declaration states:

c “In order to achieve sustainable development, environmental protection shall constitute an integral part of the development process and cannot be considered in isolation from it.”

70. This Court in *Essar Oil Ltd. v. Halar Utkarsh Samiti*³ was pleased to expound on this. Their Lordships held: (SCC p. 406, para 27)

d “27. This, therefore, is the [sole] aim, namely, to balance economic and social needs on the one hand with environmental considerations on the other. But in a sense all development is an environmental threat. Indeed, the very existence of humanity and the rapid increase in the population together with consequential demands to sustain the population has resulted in the concreting of open lands, cutting down of forests, the filling up of lakes and pollution of water resources and the very air which we breathe. However, there need not necessarily be a deadlock between development on the one hand and the environment on the other. The objective of all laws on environment should be to create harmony between the two since neither one can be sacrificed at the altar of the other.”

f 71. A similar view was taken by this Court in *Indian Council for Environmental Action v. Union of India*⁴ (SCC p. 296, para 31) where Their Lordships said:

g “While economic development should not be allowed to take place at the cost of ecology or by causing widespread environment destruction and violation; at the same time, the necessity to preserve ecology and environment should not hamper economic and other developments. Both development and environment must go hand in hand, in other words, there should not be development at the cost of environment and vice versa, but there should be development while taking due care and ensuring the protection of environment.”

h ³ (2004) 2 SCC 392

⁴ (1996) 5 SCC 281

574

SUPREME COURT CASES

(2006) 3 SCC

72. The concept of sustainable development also finds support in the decisions of this Court in *M.C. Mehta v. Union of India*⁵ (*Taj Trapezium case*), *State of H.P. v. Ganesh Wood Products*⁶ and *Narmada Bachao Andolan v. Union of India*⁷.

73. In the light of the above discussions, it seems fit to hold that merely asserting an intention for development will not be enough to sanction the destruction of local ecological resources. What this Court should follow is a principle of sustainable development and find a balance between the developmental needs which the respondents assert, and the environmental degradation, that the appellant alleges.

Public trust doctrine

74. Another legal doctrine that is relevant to this matter is the Doctrine of Public Trust. This doctrine, though in existence from Roman times, was enunciated in its modern form by the US Supreme Court in *Illinois Central Railroad Co. v. People of the State of Illinois*⁸ where the Court held:

“The bed or soil of navigable waters is held by the people of the State in their character as sovereign in trust for public uses for which they are adapted. (L Ed p. 1018)

* * *

The State holds title to the bed of navigable waters upon a public trust, and no alienation or disposition of such property by the State which does not recognise and is not in execution of this trust, is permissible. (L Ed p. 1033)”

What this doctrine says therefore is that natural resources, which include lakes, are held by the State as a “trustee” of the public, and can be disposed of only in a manner that is consistent with the nature of such a trust. Though this doctrine existed in the Roman and English law, it related to specific types of resources. The US courts have expanded and given the doctrine its contemporary shape whereby it encompasses the entire spectrum of the environment.

75. The doctrine, in its present form, was incorporated as a part of Indian law by this Court in *M.C. Mehta v. Kamal Nath*¹ and also in *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu*⁹. In *M.C. Mehta*¹, Kuldeep Singh, J., writing for the majority held: (SCC p. 413, para 34)

“34. Our legal system ... includes the public trust doctrine as part of its jurisprudence. The State is the trustee of all natural resources which are by nature meant for public use and enjoyment. ... The State as a trustee is under a legal duty to protect the natural resources.”

⁵ (1997) 2 SCC 353

⁶ (1995) 6 SCC 363

⁷ (2000) 10 SCC 664

⁸ 146 US 387 : 36 L Ed 1018 (1892)

¹ (1997) 1 SCC 388

⁹ (1999) 6 SCC 464

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

575

76. The Supreme Court of California, in *National Audubon Society v. Superior Court of Alpine Country*¹⁰ also known as *Mono Lake case*¹⁰.

a summed up the substance of the doctrine. The Court said:

“Thus the public trust is more than an affirmation of State power to use public property for public purposes. It is an affirmation of the duty of the State to protect the people’s common heritage of streams, lakes, marshlands and tidelands, surrendering the right only in those rare cases when the abandonment of the right is consistent with the purposes of the trust.”

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This is an articulation of the doctrine from the angle of the affirmative duties of the State with regard to public trust. Formulated from a negatory angle, the doctrine does not exactly *prohibit* the alienation of the property held as a public trust. However, when the State holds a resource that is freely available for the use of the public, it provides for a high degree of judicial scrutiny on any action of the Government, no matter how consistent with the existing legislations, that attempts to restrict such free use. To properly scrutinise such actions of the Government, the courts must make a distinction between the Government’s general obligation to act for the public benefit, and the special, more demanding obligation which it may have as a trustee of certain public resources [Joseph L. Sax “The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention”, *Michigan Law Review*, Vol. 68, No. 3 (Jan. 1970) pp. 471-566]. According to Prof. Sax, whose article on this subject is considered to be an authority, three types of restrictions on governmental authority are often thought to be imposed by the public trust doctrine [ibid]:

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1. the property subject to the trust must not only be used for a public purpose, but it must be held available for use by the general public;
2. the property may not be sold, even for fair cash equivalent;
3. the property must be maintained for particular types of use (*i*) either traditional uses, or (*ii*) some uses particular to that form of resources.

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77. In the instant case, it seems, that the government orders, as they stand now, are violative of Principles 1 and 3, even if we overlook Principle 2 on the basis of the fact that the Government is itself developing it rather than transferring it to a third party for value.

78. Therefore, our order should try to rectify these defects along with following the principle of sustainable development as discussed above.

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79. Further the principle of “Inter-Generational Equity” has also been adopted while determining cases involving environmental issues. This Court in *A.P. Pollution Control Board v. Prof. M.V. Nayudu*¹¹ in para 53 held as under: (SCC p. 739)

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¹⁰ 33 Cali 419

¹¹ (1999) 2 SCC 718

576

SUPREME COURT CASES

(2006) 3 SCC

“53. The principle of inter-generational equity is of recent origin. The 1972 Stockholm Declaration refers to it in Principles 1 and 2. In this context, the environment is viewed more as a resource basis for the survival of the present and future generations. a

‘Principle 1.—Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for the present and future generations.... b

Principle 2.—The natural resources of the earth, including the air, water, lands, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of the present and future generations through careful planning or management, as appropriate.’” (emphasis in original) c

80. Several international conventions and treaties have recognised the above principles and, in fact, several imaginative proposals have been submitted including the locus standi of individuals or groups to take out actions as representatives of future generations, or appointing an ombudsman to take care of the rights of the future against the present (proposals of Sands and Brown Weiss referred to by Dr. Sreenivas Rao Permmaraju, Special Rapporteur, paras 97 and 98 of his report). d

81. The principles mentioned above wholly apply for adjudicating matters concerning environment and ecology. These principles must, therefore, be applied in full force for protecting the natural resources of this country.

82. Article 48-A of the Constitution mandates that the State shall endeavour to protect and improve the environment to safeguard the forests and wildlife of the country. Article 51-A of the Constitution enjoins that it shall be the duty of every citizen of India, inter alia, to protect and improve the national environment including forests, lakes, rivers, wildlife and to have compassion for living creatures. These two articles are not only fundamental in the governance of the country but also it shall be the duty of the State to apply these principles in making laws and further these two articles are to be kept in mind in understanding the scope and purport of the fundamental rights guaranteed by the Constitution including Articles 14, 19 and 21 of the Constitution and also the various laws enacted by Parliament and the State Legislatures. e f

83. On the other hand, we cannot also shut our eyes that shelter is one of the basic human needs just next to food and clothing. Need for a national housing and habitat policy emerges from the growing requirements of shelter and related infrastructure. These requirements are growing in the context of rapid pace of urbanisation, increasing migration from rural to urban centres in search of livelihood, mismatch between demand and supply of sites and services at affordable cost and inability of most new and poorer urban settlers to access formal land markets in urban areas due to high costs and their own g h

a lower incomes, leading to a non-sustainable situation. This policy intends to promote sustainable development of habitat in the country, with a view to ensure equitable supply of land, shelter and services at affordable prices.

b **84.** The world has reached a level of growth in the 21st century as never before envisaged. While the crisis of economic growth is still on, the key question which often arises and the courts are asked to adjudicate upon is whether economic growth can supersede the concern for environmental protection and whether sustainable development which can be achieved only by way of protecting the environment and conserving the natural resources for the benefit of humanity and future generations could be ignored in the garb of economic growth or compelling human necessity. The growth and development process are terms without any content, without an inkling as to the substance of their end results. This inevitably leads us to the conception of growth and development which sustains from one generation to the next in order to secure “our common future”. In pursuit of development, focus has to be on sustainability of development and policies towards that end have to be earnestly formulated and sincerely observed. As Prof. Weiss puts it, “conservation, however, always takes a back seat in times of economic stress”. It is now an accepted social principle that all human beings have a fundamental right to a healthy environment, commensurate with their well-being, coupled with a corresponding duty of ensuring that resources are conserved and preserved in such a way that present as well as the future generations are aware of them equally.

c **85.** Parliament has considerably responded to the call of the nations for conservation of environment and natural resources and enacted suitable laws.

d **86.** The judicial wing of the country, more particularly this Court, has laid down a plethora of decisions asserting the need for environmental protection and conservation of natural resources. The environmental protection and conservation of natural resources has been given a status of a fundamental right and brought under Article 21 of the Constitution. This apart, the directive principles of State policy as also the fundamental duties enshrined in Part IV and Part IV-A of the Constitution respectively also stress the need to protect and improve the natural environment including the forests, lakes, rivers and wildlife and to have compassion for living creatures.

e **87.** This Court in *Dahanu Taluka Environment Protection Group v. Bombay Suburban Electricity Supply Co. Ltd.*¹² held (at SCC p. 541, para 2) that the Government concerned should

f “consider the importance of public projects for the betterment of the conditions of living of the people on the one hand and the necessity for preservation of social and ecological balances, avoidance of deforestation and maintenance of purity of the atmosphere and water free from pollution on the other in the light of various factual, technical and other aspects that may be brought to its notice by various bodies of laymen,

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12 (1991) 2 SCC 539

578

SUPREME COURT CASES

(2006) 3 SCC

experts and public workers and strike a just balance between these two conflicting objectives”.

88. However, some of the environmental activists, as noted in *The Environmental Activities Handbook* authored by Gayatri Singh, Kerban Ankleswaria and Colins Gonsalves, that the Judges are carried away by the money spent on projects and that mega projects, that harm the environment, are not condemned. However, this criticism seems to be baseless since in *Virender Gaur v. State of Haryana*¹³ this Court insisted on the demolition of structure which have been constructed on the lands reserved for common purposes and that this Court did not allow its decision to be frustrated by the actions of a party. This Court followed the said decision in several cases issuing directions and ensuring its enforcement by nothing short of demolition or restoration of status quo ante. The fact that crores of rupees were spent already on development projects did not convince this Court while being in a zeal to jealously safeguarding the environment and in preventing the abuse of the environment by a group of humans or the authorities under the State for that matter.

89. The set of facts in the present case relates to the preservation of and restoration of status quo ante of two tanks, historical in nature being in existence since the time of Shrikrishnadevaraya, The Great, 1500 A.D., where the cry of socially spirited citizens calling for judicial remedy was not considered in the right perspective by the Division Bench of the High Court of Andhra Pradesh despite there being overwhelming evidence of the tanks being in existence and were being put to use not only for irrigation purpose but also as lakes which were furthering percolation to improve the groundwater table, thus serving the needs of the people in and around these tanks. The Division Bench of the High Court, in the impugned order, has given precedence to the economic growth by completely ignoring the importance and primacy attached to the protection of environment and protection of valuable and most cherished freshwater resources.

90. No doubt, the wishful thinking and the desire of the appellant Forum, that the tanks should be there, and the old glory of the tanks should be continued, is laudable. But the ground realities are otherwise. We have already noticed the ground realities as pointed out by the Government of Andhra Pradesh, TUDA and TTD in their reply to the civil appeals by furnishing details, datas and particulars. Nowadays because of poverty and lack of employment avenues, migration of people from rural areas to urban areas is a common phenomenon. Because of the limited infrastructure of the towns, the towns are becoming slums. We, therefore, cannot countenance the submissions made by the appellant in regard to the complete restoration and revival of two tanks in the peculiar facts and circumstances of this case. We cannot, at the same time, prevent the Government from proceeding with the proper development of Tirupathi town. The two government orders which are impugned have been issued long before and pursuant to the issuance of the

INTELLECTUALS FORUM v. STATE OF A.P. (*Lakshmanan, J.*)

579

a government orders, several other developments have taken place. Constructions and improvements have been made in a vast measure. Because of spending crores and crores of rupees by various authorities, the only option now left to the appellant and the respondents is to see that the report submitted by the Expert Committee is implemented in its letter and spirit and all the respondents shall cooperate in giving effect to the Committee's report.

b **91.** It is true that the tank is a communal property and the State authorities are trustees to hold and manage such properties for the benefits of the community and they cannot be allowed to commit any act or omission which will infringe the right of the Community and alienate the property to any other person or body.

c **92.** Taking into account all these principles of law, and after considering the competing claims of environment and the need for housing, this Court holds the following as per the facts of this case:

d The respondents have claimed that the valuable right to shelter will be violated if the impugned government orders are revoked. On the facts of the present case, it seems that the respondents intend to build residential blocks of flats for high and middle income families, institutions as well as infrastructure for TTD. If the proposed constructions are not carried on, it seems unlikely that anyone will be left homeless or without their basic need for shelter. Therefore, one feels that the right to shelter does not seem to be so pressing under the present circumstances so as to outweigh all environmental considerations.

e **93.** Another plea repeatedly taken by the respondents corresponds to the money already spent on developing the land. However, the decision of this case cannot be based solely upon the investments committed by any party. Since, otherwise, it would seem that once any party makes certain investment in a project, it would be a *fait accompli* and this Court will not have any option but to deem it legal.

f **94.** Therefore, under the present circumstances, the Court should do the most it can, to safeguard the two tanks in question. However, due to the persistent developmental activities over a long time, much of the natural resources of the lakes have been lost, and considered irreparable. This, though regrettable, is beyond the power of this Court to rectify.

g **95.** One particular feature of this case was the competing nature of claims by both the parties on the present state of the two tanks and the feasibility of their revival. We thought that it would be best, therefore, if we place reliance on the findings of the Expert Committee appointed by us which has considered the factual situation and the feasibility of revival of the two tanks. Thus in pursuance of a study of that Committee, this Court passes the following orders.

h **96.** The appeals are disposed of with the following directions:

With regard to Peruru tank

(i) No further constructions to be made.

580

SUPREME COURT CASES

(2006) 3 SCC

(ii) The supply channel of Bodeddulu vanka needs to be cleared and revitalised. A small check dam at Malapalli to be removed to ensure the free flow and supply to the tank. a

(iii) Percolation tank to be constructed and artificial recharge to be done to ensure the revival of the tank, keeping in mind its advantage at being situated at the foothills. b

(iv) The area allotted by the Mandal Revenue Office for construction of the tank to be increased to a minimum of 50 acres. Percolation tank with sufficient number of recharge shafts to be developed to recharge the unsaturated horizons up to 20 m. The design of the shafts, etc. to be prepared in consultation with CGWB. The proposed percolation tank to be suitably located along the bund keeping in view the inlets, irrigation sluices and surplus water. c

(v) Feasibility and cost estimation for the revival of the old feeder channel for Swarnamukhi river should be carried and a report to be submitted to the Court. d

(vi) Each house already constructed by TTD must provide for rooftop rainwater harvesting. Abstraction from groundwater to be completely banned. No borewell/tubewell for any purpose to be allowed in the area. e

(vii) Piezometers to be set up at selected locations, in consultation with CGWB to observe the impact of rainwater harvesting in the area on groundwater regime. f

With regard to Avilala tank

(i) No further construction to be allowed in the area.

(ii) Each house already constructed by A.P. HB/TUDA must provide structure for rooftop rainwater harvesting. All the storm water in the already built colonies to be recharged to groundwater. Structures for such purposes to be designed in consultation with CGWB. g

(iii) No borewell/tubewell for any purpose to be allowed in the area.

(iv) An area of 40 acres presently reserved for the Government should not be developed in any way that may lead to concretisation of the ground surface. Recharge structures to be constructed for rainwater harvesting. h

(v) Piezometers to be set up at selected locations, in consultation with CGWB to observe the impact of rainwater harvesting in the area on groundwater regime.

97. We place on record our deep appreciation for the valuable assistance rendered by all the counsel appearing in this case which made our job easier. g

98. The appeals are disposed of accordingly—no costs.

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BEFORE

In The Hon'ble National Green Tribunal
Eastern Zone Bench, Kolkata
O.D.No. of

IN THE MATTER OF:

Talab Bachao Abhiyan (TBA) & Anr

...Complainant/Applicants

Versus

Govt. of Bihar & Ors.

...RESPONDENT

VAKALATNAMA

Know all to whom these presents shall come that I, Md. Taseem Nawab & to Nawab Ali, age 74 years R/o Ward No. 31, Jamalpura Bhigo, Near Masjid, Post-lalbag, Darbanga, Bihar 846004

The above-named Applicants do hereby appoint

CORPUS JURIS INDIA

MR. KAMLESH KUMAR MISHRA D/3242/2013, MR. ANURAG OJHA D/2191/2013; MR. KRISHNA MOHAN THAKUR D/1630/2013, MR. NITIN KUMAR NAYAK 2988/2013, MS. SAMISHTI SOLOMON CG/428/2008, MR. RAJEEV KUMAR DUBEY D/1210/2013, MS. SNIGDHA ANAND D/2710/2013, MR. VIKAS TRIPATHI, D/3037/2014, , MS. RENU D/9604/2022; MS. SHIVANI VERMA D/10281/22, MS. CHANDANA DEBNATH D/12870/2022, MR. DIPAK RAJ D/5789/23, MR. FAREED UDDIN D/8307/2021, MR. PREM SHANKAR JHA D/6625/2022.

Ch. 346A, Block 1, Lawyers Chamber, Delhi High Court, New Delhi 110013, +91 9562368569, 0826540210, corpusjurisindia@gmail.com; kamlesh.icgaiaia@gmail.com; www.corpusjurisindia.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

- 1.To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
- 2.To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
- 3.To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
- 4.To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
- 5.To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby

Date: 06/12/2024

[Handwritten signature]
Advocate Signature

[Handwritten signatures and dates: Naitin Kumar Nayak 2/2988/2013, Chandana Debnath 12870/22, Fareed Uddin 8307/2021]

[Handwritten signature]
Client's Signature

[Handwritten note: Identified, Date: 06/12/2024]

BEFORE

In The Honble National Green Tribunal
Eastern Zone Bench, Kolkata
O.A.No. of 2024

244

IN THE MATTER OF:

Talab Bachao Abhiyan (TBA) & ANR.

...Complainant/Applicant S

Versus

Govt. of Bihar & Ors.

...RESPONDENT

VAKALATNAMA

Know all to whom these presents shall come that I, Narayan Tej Choudhary, Convener of Talab Bachao Abhiyan - TBA Clo Maithili Sahitya Parishad, Professor Colony, Dighi West, Near Bimmary School Darbhanga - 846004 Bihar
The above-named Applicants do hereby appoint

CORPUS JURIS INDIA

MR. KAMLESH KUMAR MISHRA D/3242/2013, MR. ANURAG OJHA D/2191/2013; MR. KRISHNA MOHAN THAKUR D/1630/2013, MR. NITIN KUMAR NAYAK 2988/2013, MS. SAMISHTI SOLOMON CG/428/2008, MR. RAJEEV KUMAR DUBEY D/1210/2013, MS. SNIGDHA ANAND D/2710/2013, MR. VIKAS TRIPATHI, D/3037/2014, MS. RENU D/9604/2022; MS. SHIVANI VERMA D/10281/22, MS. CHANDANA DEBNATH D/12870/2022, MR. DIPAK RAJ D/5789/23, MR. FAREED UDDIN D/8307/2021, MR. PREM SHANKAR JHA D/6625/2022.

Ch. 346A, Block 1, Lawyers Chamber, Delhi High Court, New Delhi 110013, +91 9582388509, 08285469010, corpusjrisindia@gmail.com; kamlesh.legalaid@gmail.com; www.corpusjrisindia.com

Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

- 1.To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
- 2.To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1st instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
- 3.To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
- 4.To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
- 5.To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby.

Date: 30.12.24

Advocate Signature

Signature of Advocate
30/12/24



Client's Signature