

IN THE HON'BLE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****O.A NO. OF 2025**

APPLICATION UNDER SECTIONS 14, 15, 18 AND 19 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010 READ WITH RULE 8 OF THE NATIONAL GREEN TRIBUNAL (PRACTICE AND PROCEDURE) RULES, 2011.

In the matter of:

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

Versus

Govt. of Bihar & Ors. ...Respondents

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F-1296/2016

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ADVOCATE FOR THE APPLICANT(S)

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

O.A NO. OF 2025

In the matter of:

Talab Bachao Abhiyan (TBA) & Ors. ...Applicant

Versus

Govt. of Bihar & Ors. ...Respondents

AN APPLICATION UNDER SECTION 14, 15, 19 and under
Section 18 OF THE NATIONAL GREEN TRIBUNAL ACT,
2010.

MEMO OF PARTIES

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

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

Versus

1. Government of Bihar, Through its Chief Secretary,
Main Secretariat, 4-Deshratna Marg,
Patna Bihar-800001
cs-bihar@nic.in; ...Respondent No. 1

2. District Magistrate/DM,
District Collectorate,

- Darbhanga, Bihar-846001.
Email: dm-darbhanga.bih@nic.in; ...Respondent No. 2
3. Darbhanga Municipal Corporation,
Through its Municipal Commissioner,
PO: Lal Bagh, Darbhanga, Bihar-846004
Email: darbhanga.ulb@gmail.com; ...Respondent No. 3
4. Urban Development and Housing Department,
Government of Bihar, Patna,
Through its Principal Secretary,
Vikas Bhawan, Patna, Bihar-800015.
Email: urbansec-bih@nic.in ...Respondent No. 4
5. Water Resource Department, Govt of Bihar,
Through its Principal Secretary,
Sinchai Bhawan, Patna, Bihar-800001.
Email: wrd-bih@nic.in ...Respondent No. 5
6. BUIDCO (Bihar Urban Infrastructure
Development Corporation Ltd),
Through its Chairman,
2nd Floor, Khadya Bhawan, Road No.-2,
Daroga Rai Path, R- Block, Patna,
Bihar, PIN 800001.
contact@buidco.in ...Respondent No. 6
7. Bihar State Pollution Control Board,
Parivesh Bhawan, Patna Mall Rod,
Patliputra Industrial Area,
Digha, Patna, Bihar-800010
msbspcb-bih@gov.in; bspcb@yahoo.com; ...Respondent No. 7

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SYNOPSIS

This application challenges the ongoing implementation of the Storm Water Drainage Project and Canal Lining Project in Darbhanga city, initiated by the Urban Development & Housing Department (UD&HD) and executed through the Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO) and the Water Resources Department (WRD), Government of Bihar. The applicant, Talab Bachao Abhiyan (TBA), a Darbhanga-based NGO engaged in the protection and conservation of water bodies across Bihar, brings this application in light of extensive environmental violations, unscientific planning, and the continued disregard for binding judicial directions.

LIST OF DATES

S.No.	Date / Period	Event Description
1	1995 — 1996	Beginning of the documented water crisis in Darbhanga city.
2	2000 onward	Start of widespread boring of Electrical Submersible Pumps in Darbhanga due to falling groundwater levels.
3	16/05/2013	Patna High Court judgment in CWJC No. 1664/2012 (Prashant Kr. & Ors. v. State of Bihar) regarding road elevation and urban drainage.

6

4	21/08/2018	NGT direction to all SPCBs & PCCs (File No. A-14011/1/2015-Mon 9250-9292) referencing OA No. 454/2018 (Subhash Gupta v. Union of India).
5	08/12/2022	NGT (Eastern Zone) interim order in O.A. No. 155/2022 staying construction activities around Harahi, Digghi, and Ganga Sagar ponds.
6	13/05/2022	NGT (Principal Bench) order on construction legality in bed/buffer zones, referencing environmental norms and the Water Act, 1974.

7	23/03/2023	NGT (Eastern Zone) final order in O.A. No. 155/2022 directing removal of encroachments from ponds within 3 months.
8	09/01/2024	Patna High Court order in CWJC No. 17517/2023 (Pramod Kumar Seksaria v. State of Bihar) regarding construction violations.
9	10/06/2025	Representation made by Talab Bachao Abhiyan to various government authorities regarding court and NGT compliance on drainage and elevated roads.
10	18/06/2025	Summary of Representation sent via email by Talab Bachao Abhiyan to various state-level authorities.

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL
APPLICATION UNDER SECTIONS 14, 15, 18 AND 19 OF THE NATIONAL GREEN
TRIBUNAL ACT, 2010 READ WITH RULE 8 OF THE NATIONAL GREEN TRIBUNAL
(PRACTICE AND PROCEDURE) RULES, 2011.**

To,

**The Hon'ble Chairperson and His Companion
Members of this Hon'ble Tribunal.**

Most respectfully sheweth:-

FACTS OF THE CASE

- 1.** The applicant's address stated above shall serve as the designated address for service of all notices relating to this application.

- 2.** The Respondents address as stated above shall serve as the designated address for service of all notices relating to this application.

- 3.** The instant application is being filed challenging the '**Storm Water Drain Project**' and '**Canal Lining Project**' in **Darbhanga city**, The Storm Water Drainage Scheme has been launched by the Urban Development & Housing Department (UD&HD), Government of Bihar, and is being executed by the Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO), a state-owned enterprise. The implementation of two major infrastructure initiatives in Darbhanga City, Bihar, namely, the *Storm*

Water Drainage Project and the *Canal Lining Project*. The grounds for challenge include lack of scientific assessment, environmental concerns, procedural lapses, and failure to adhere to planning norms.

4. The applicant (Talab Bachao Abhiyan) TBA is the Non Governmental Organization primarily engaged in protection and conservation of ponds in the State of Bihar, with its base in Darbhanga city. It has consistently brought to the notice of the concerned government authorities various violations of environmental norms that are adversely affecting the eco system at large, particularly the aquatic ecology, biodiversity, and livelihoods dependent on this natural waterbodies.

5. That the Storm Water Drainage Project (SWDS) has been launched by the Urban Development & Housing Department (UD&HD), Govt. of Bihar (GoB) through, Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO). The BUIDCO is state- owned company of the Govt. of Bihar (GoB), which is implementing the Scheme of Storm Water Drainage (SWDS) in Darbhanga city and 19 other cities/towns of Bihar, without proper scientific study & preparation, which are evident at the ground level at Darbhanga. Copy of the photograph

reflecting the ongoing illegal construction by Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) and Urban Development & Housing Department (UD&HD) is annexed hereto and marked as ***Annexure "3"***.

- 6.** It is submitted that in Darbhanga city and similarly across several towns in Bihar the municipal sewage systems have been arbitrarily linked with the Newly Constructed Storm Water Drainage System (NCSWD). This drainage system, which was originally intended to manage and discharge only fresh rainwater, is now being misused to carry untreated domestic and municipal sewage, thereby polluting the environment and rendering the entire infrastructure scientifically unsound and environmentally hazardous. This flawed design is particularly alarming in light of Darbhanga's ongoing drinking water crisis, which has persisted since 1995–96. Instead of preserving and channeling fresh rainwater for groundwater recharge and replenishment of urban water bodies such as ponds, lakes, and wetlands, the water is being wasted through indiscriminate drainage. This not only worsens the water scarcity but also undermines efforts toward sustainable urban water management.

- 7.** It is respectfully submitted that both the

old and newly constructed storm water drainage systems (OSWD and SWD) in Darbhanga are being concretized and converted into closed drains. This action is in direct violation of the binding directions issued by the Hon'ble National Green Tribunal (NGT) in *Sri Hazi Ariff vs. Government of U.P.*, M.A. No. 63/2022 in O.A. No. 16/2024, wherein it was explicitly ordered that:

- Storm water drains must not be concretized to allow natural groundwater recharge.
- Drains should remain open to facilitate regular cleaning and maintenance.
- Drains must not be connected to sewage lines and must be kept free from encroachment.

The ongoing construction in Darbhanga disregards these environmental safeguards.

8. That the Water Resources Department (WRD), Government of Bihar (GoB), has initiated a "Canal Lining Project" involving the concretization of a historically significant storm water canal that stretches from Housing Board Colony to Harpatti via Chatti Chowk. This canal, commonly referred to as the Housing Board and Laheriasarai Canal, is approximately 30 to 40 feet in width and spans a length of 7 to 8 kilometers. It is hydrologically connected at its western and eastern ends to the Bagmati

and Kamla rivers, respectively. Despite its ecological significance and vital role in urban hydrology, the canal is presently being cemented and lined with concrete, in direct contravention of the guidelines and directions issued by the Hon'ble National Green Tribunal (NGT), which expressly prohibit the concretization of natural drainage channels in order to preserve groundwater recharge capacity and ecological balance. A copy of the photograph showing the construction as "Canal Lining Project" involving the concretization is annexed hereto and marked as Annexure- "4".

9. It is further submitted that Darbhanga city has been grappling with an acute drinking water crisis since as early as 1995–96. The execution of both the Storm Water Drainage Project and the Canal Lining Project, without proper environmental assessment or compliance with NGT directives, is likely to have catastrophic consequences. These include: exacerbation of the water scarcity crisis, increased urban flooding and waterlogging, disruption of monsoon-dependent pond and lake replenishment, rising ambient temperatures due to reduced natural water flow, and heightened public health risks.

10. It is pertinent to mentioned that According to a report published in daily newspaper (*Prabhat Khabar*),

the Storm Water Drainage Scheme has been launched by the Urban Development and Housing Department (UD&HD), Government of Bihar, and is being implemented by the Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO) in at least 20 districts across the state, including Patna, Gaya, Samastipur, Mokama, Badh, and Darbhanga. It is submitted with grave concern that the implementation of this scheme is being carried out in violation of the binding orders and directions issued by the Hon'ble National Green Tribunal (NGT), particularly regarding the prohibition against concretization, closure, and sewage linkage of storm water drains. These violations are not limited to Darbhanga alone, but extend uniformly across all the aforementioned districts.

11. Given the widespread nature of these violations and their direct impact on groundwater recharge, the ecological integrity of water bodies, and the broader environmental health of the state, this application raises matters of significant public importance. It therefore warrants urgent and comprehensive consideration as a state-level environmental issue. A copy of the order of the Hon'ble National Green Tribunal (NGT), in *Sri Hazi Ariff vs. Government of U.P.*, M.A. No. 63/2022 in O.A. No. 16/2024 is annexed hereto and marked as **annexure "2"**.

GROUNDS

1. That Darbhanga city has, in recent years, witnessed a consistent and alarming rise in ambient temperatures, temperatures have routinely soared between 36°C to 40°C, as recorded in multiple meteorological observations such as Weather Spark, Accu Weather,
As reported in a recent edition of *Prabhat Khabar*, daily local newspaper, this year 2025 has seen a significant escalation in heat-related health impacts, with a notable surge in hospital admissions during the months of May and June. This sharp increase in cases of heatstroke, dehydration, and related ailments underscores the severe public health consequences of rising urban temperatures.
The continued concretization of natural drainage systems and water bodies contrary to environmental norms and the Hon'ble National Green Tribunal's directions not only impedes groundwater recharge but also contributes to the urban heat island effect. These infrastructural decisions have direct and adverse implications on public health and environmental sustainability therefore the environmental

mismanagement contributing to extreme heat conditions and their resulting health crises must be urgently addressed in the interest of public safety and ecological preservation, copy of newspaper report as published in the daily news paper (Dainik Bhaskar, The Hindustan and Dainik jagarana) is annexed hereto and marked as ***Annexure-“8”***

2. That Darbhanga city has been experiencing an acute and worsening drinking water crisis since as early as 1995–96. In response to the depleting groundwater levels, residents with financial means began installing electrical submersible pumps from around the year 2000. However, this unregulated extraction has further accelerated the decline of the water level.

At present, the groundwater level in Darbhanga has dropped to such an extent that all municipal wards rely on water tankers for supply throughout the year. The situation has been exacerbated by the widespread encroachment and illegal filling of natural water bodies. More than a hundred ponds have reportedly been leveled by land mafias, with little to no recorded action taken by the district administration against these violations over the past 25 years.

This unchecked destruction of critical ecological assets and the failure to enforce legal protections have severely compromised the city's water security. In light of the binding directives of the Hon'ble National Green Tribunal (NGT), it is imperative that both natural and artificial storm water drainage systems be preserved and safeguarded to ensure long-term water sustainability and environmental protection.

- 3.** That Darbhanga city has more than 11 old canals and drainage for flowing of storm water; and to keep the city free from the water logging. The old canals and drainages were linked to ponds, lakes and wetland. They are spreading from west to east. From southward to northward, the first canal is in Pandasarai, the second is located near Housing Board Colony, the third is in Daru-Bhatti, the fourth one is near Rahamganj, the fifth is near Khanqah Chowk, the sixth canal is near Income Tax Chowk, seventh canal is behind Indra Bhawan and 8th canal is in Rajkumar Ganj. In addition to these, there are more than 4-5 canals in between Darbhanga Tower and Bazaar Samiti. Encroachments of the old storm water canals leads to water- logging in almost all wards of the city during the monsoon period. Thus they need restoration and encroachment free for prevention of water logging in the city.

4. The construction of Storm Water Drainage Project by BUIDCO, which is a scheme of Urban Development & Housing Department (UD&HD), Govt of Bihar; and construction of 'Canal Lining Project' by Water Resource Department (WRD) of Bihar Govt. both projects defy orders and directions of Hon'ble National Green Tribunal and Bihar Municipal Acts.
5. That, despite the grave environmental violations and adverse public implications of the Storm Water Drainage and Canal Lining Projects, several written representations have been submitted by the Convener of Talab Bachao Abhiyan to the concerned authorities on multiple occasions, urging immediate intervention and corrective measures. However, these repeated appeals have failed to evoke any meaningful response or action. The authorities, including the executing departments, have consistently remained indifferent, demonstrating administrative apathy and a complete disregard for environmental concerns and public interest. Copy of the representations is annexed hereto and marked as ***Annexure-6 & 7***.

6. DMC Ignores the Bihar Municipal Act, 2007:

- **Section 198 of Bihar Municipal Act clearly directs:**

“Sewerage and rain water to be separated - For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Chief Municipal Officer, or any other agency authorized by him in this behalf, to require that there should be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places.”

The Town Commissioner of Darbhanga Municipal Corporation should not allow the Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) to mix polluted water of the sewages with drainages of storm water. The both drainages should be maintained separately as per the Section 198 of the Bihar Municipal Act.

- **Section 249, directs for management of urban environment and sub-Section 249(f) directs for conservation of wetland:**

Functions in relation to urban environment management and submission of report on environmental status of municipal area--

- (1) Subject to the provision of section 10 and without prejudice to the generality of the provisions of section 277, the Municipality shall, either by itself or through any agency, undertake functions relating to the following matters:

(a) supply of safe water

(b) preservation of wetland,

(c) development of parks, gardens and open spaces

(d) Such other matter as the Municipality may consider necessary.”

That the ongoing construction of storm water drainage aims to drain all rain-water out of the city to keep the city free from the water logging during the monsoon period. Water bodies like ponds, lakes, and wetlands need rain water for refreshing their water and conservation & protection of their aquatic ecosystem. Darbhanga city has 8 huge size lakes and a wetland of 100 acres. Besides them, it has hundreds of ponds in the city. It reveals that the Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) plan of Storm Water Drainage Systems SWD is quite unscientific and insensitive to the water and environment.

It will be very hard to protect and conserve the water bodies (pond, lake, wetlands, natural drains etc) of the 20

cities, if all fresh rain water will be drained out of the city. Further, it will be also prevent the recharge of ground water of the city. Therefore, rain water of the city should be store in Ponds, lakes and wetlands because Darbhanga city has 8 lakes size pond having 30 acres to 60 acres water area, 1 wetland of 100 acres and hundreds of ponds having 5 acres to 2 acres water area.

7. That the Hon'ble (National Green Tribunal) NGT's orders as stated below are quoted from the letter of the Member Secretary, NGT, which were communicated to all (State Pollution Control Board) SPCB/PCC (Pollution Control Committee) on 21/08/2018 (File No. A- 14011/1/2015-Mon 9250-9292, dated 21/08/2018): A copy of letter the member secretary is annexed hereto and marked as **Annexure "1"**.

Further The Hon'ble NGT (National Green Tribunal), Principal Bench, New Delhi in the matter of O.A. No. 454/2018 (Subhash Gupta Vs. Union of India & Ors) passed orders on 23/07/2018 which highlights the following issues with respect to storm water drains more or less common to all cities or urban areas of India:

- "Storm water drain ought to be kept open. However,

most of these drains are covered thereby causing flooding and pollutions”.

- “Untreated sewage continues to flow in most of the these drains and finally same goes into the rivers”.
- “De-silting and urban drain cleaning works get adversely affected when storm water drains are covered”.
- “No sewage, solid waste and Construction and Demolition (C&D) waste should be put in the storm water drains. These drains should be encroachment free”.
- “Step should be taken so that storm water drains are not covered, but are de-silted and kept clean”.

The Hon’ble (National Green Tribunal) NGT directed (Central Pollution Control Board) CPCB to issue necessary directions throughout India to avoid unnecessary litigation on this aspect; and The Hon’ble NGT issued the following directions under sections 18 (1) (b) of the water (Prevention and control of pollution) Act, 1974 for ensuring compliances.

- “(State Pollution Control Board) SPCB/PCC (Pollution Control Committee) shall take all necessary steps so that storm water drains under its jurisdiction are not covered, but are de-silted and kept clean and that the orders of the Hon’ble NGT in the Matter of OA No. 454/2022 (Subhash Gupta & Ors vs. Union of India & Ors) are strictly complied with”.

- "(State Pollution Control Board) SPCB/PCC (Pollution Control Committee) shall coordinate with and direct relevant Authorities/Department like town and country planning department, State Municipal Corporation for ensuring compliance.
- "(State Pollution Control Board) SPCB/PCC (Pollution Control Committee) shall acknowledge the receipt of these directions within 07 days and action taken report shall be submitted to (Central Pollution Control Board) CPCB within 30 days from the date of receipt of these directions".

From 2009 to 2024, the Hon'ble NGT has issued several orders to prevent the hindrance of natural flow of water due to road construction and other development projects, particularly in urban areas where water logging is a concern and has addressed the issue of concretization of storm water drains, roadsides, open spaces and soft landscapes as this hinders groundwater recharge and contributes to surface runoff, water logging, and urban flooding. But, the ongoing construction of storm water drains in Darbhanga city and in other 19 towns of Bihar by the Urban Development & Housing Department (UD&HD), Bihar Urban Infrastructure Development Corporation Ltd (BUIDCO) and Nagar Nigam avoids and ignores all orders and directions of the Hon'ble NGT.

- 8.** That the ongoing construction of storm water drains in Darbhanga city and in other towns of Bihar by the UD&HD, BUIDCO and Nagar Nigam is being raised from 1 feet to 2 feet high from the level of the existing nearby road, which will aggravate the water logging in urban areas all defying the Order of the Hon'ble High Court at Patna. It seems that raising of height of the newly constructed storm water drains from the level of its nearby road cannot be justified by scientifically by considering issues of water, environment and people's health. From 2013 to 2024, the Hon'ble High Court Patna repeatedly issued several orders to prevent the raising of road levels in urban areas to avoid flooding/water logging and hardship for residents of nearby buildings. The court has directed that road construction departments and other agencies adhere to guidelines from the Urban Development Department, ensuring that roads are not raised above their previous level.
- 9.** That despite the pendency of M.A. No. 18/2024 in O.A. No. 155/2022 before the Hon'ble National Green Tribunal, Eastern Zone Bench (NGT-EZ), concerning the protection of Harahi, Digghi, and Ganga Sagar ponds, the Darbhanga Municipal Corporation (DMC) has permitted the construction of storm water drains within a mere 10 to 15 feet from the edge of Harahi Lake. This action is in direct

contravention of multiple orders passed by the Hon'ble NGT, which expressly prohibit any RCC construction or concretization within the designated buffer zones surrounding ecologically sensitive water bodies. Copies of the photograph depicting the ongoing construction along the buffer zone is **annexed as Annexure-"5"**

On 08.12.2022, the Hon'ble NGT (EZ) directed an immediate stay on all construction activities constituting encroachment upon the three ponds in question. Furthermore, in its final order dated 23.03.2023, while disposing of the matter, the Tribunal unequivocally directed that all illegal constructions and encroachments around the ponds must be removed within three months, save for those constructions protected under an interim order of the Hon'ble High Court of Patna, which shall remain subject to its final determination.

However, it appears that senior officers and authorities involved in the planning, execution, and oversight of the Storm Water Drainage (SWD) Scheme under the Government of Bihar have shown continued disregard for these binding judicial directives. Their persistent neglect of public concerns, formal representations, and warnings regarding environmental and climatic risks reflects an alarming insensitivity toward issues of water conservation, ecological balance, and climate change. This disregard not

only undermines the sanctity of the Hon'ble NGT's orders and the authority of the Hon'ble High Court but also threatens the constitutional rights of the residents of Darbhanga to a clean and sustainable environment.

LIMITATION

That the cause of action in the present case is of a continuing nature, as the environmental violations, unauthorized construction activities, and implementation of the Storm Water Drainage and Canal Lining Projects in contravention of the orders of the Hon'ble National Green Tribunal are ongoing and persistent.

The construction works and related activities that form the subject matter of this application are currently in progress, and the resulting environmental damage is continuing. Therefore, the limitation period is being computed from the date of continued cause and not from a single isolated event. Hence, this application is well within the statutory period of limitation as per law.

INTERIM PRAYER

Pass an interim order restraining the Urban Development & Housing Department (UD&HD), BUIDCO, and the Water Resources Department (WRD), Government of Bihar, from carrying out any further construction under the Storm Water Drainage Project and Canal Lining Project in Darbhanga and other districts, pending final adjudication of this application.

PRAYER

In light of the foregoing facts and circumstances, and in view of the ongoing and continued violations of environmental norms, groundwater protection principles, and binding judicial directions of this Hon'ble Tribunal, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to:

- a)** Pass an interim order restraining the Urban Development & Housing Department (UD&HD), Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO), and Water Resources Department (WRD), Government of Bihar, from undertaking any further construction

activities under the Storm Water Drainage Project and Canal Lining Project in Darbhanga city, and other districts where the scheme is operational, pending final adjudication of this application.

- b)** Direct a status quo to be maintained at the project sites, especially with respect to the concretization of natural drains, closure of storm water channels, and illegal integration of sewage lines with storm water infrastructure.
- c)** Pass an appropriate order directing the District Magistrate (Respondent No. 2) and the Town Commissioner (Respondent No. 3) of Darbhanga to conduct a comprehensive and updated survey for the identification and demarcation of all old storm water canals and drainage pathways within Darbhanga city. Further, they may be directed to take immediate steps for the removal of encroachments from these natural

drainage systems in accordance with law. It is also respectfully prayed that similar directions be issued for all other cities and towns across the State of Bihar where such encroachments have compromised urban water flow, environmental integrity, and public safety

- d)** Appoint or direct an appropriate independent expert committee, including officials from the Central Pollution Control Board (CPCB), State Pollution Control Board (SPCB), and an environmental hydrologist, to inspect the project areas in Darbhanga and file a detailed report on the environmental impacts, procedural violations, and compliance with NGT's prior orders, within a specified time frame.

- e)** Direct the concerned authorities to furnish complete records of environmental clearances, feasibility studies, and groundwater impact assessments, if any, undertaken prior to the

commencement of these projects.

- f)** Pass an order imposing an environmental compensation on the Darbhanga Municipal Corporation (Respondent No. 3) under the 'Polluter Pays Principle' for permitting construction activities by Bihar Urban Infrastructure Development Corporation Ltd. (BUIDCO) and other agencies within the designated buffer zones of Harahi and Digghi Lakes, in violation of environmental norms and binding orders of this Hon'ble Tribunal.
- g)** Pass an order imposing an appropriate fine on the Urban Development and Housing Department, Government of Bihar (Respondent No. 4) and BUIDCO – Bihar Urban Infrastructure Development Corporation Ltd. (Respondent No. 6) under the 'Polluter Pays Principle' for willfully disobeying the directions of the Hon'ble NGT, as communicated through the Member Secretary's

letter (File No. A-14011/1/2015-Mon 9250-9292 dated 21/08/2018), resulting in the misuse of public funds and violation of established environmental safeguards. A copy of the letter through member secretary as communicated is annexed hereto and marked as Annexure "2".

- h)** Pass an order imposing an environmental compensation on the Water Resources Department, Government of Bihar (Respondent No. 5) to cover the restoration cost of the Housing Board–Laheriasarai Canal, which has been ecologically damaged due to illegal concretization. The said respondent may also be held liable for the wastage of public funds resulting from the willful disregard of the Hon'ble NGT's binding directions, as communicated through the Member Secretary's letter (File No. A-14011/1/2015-Mon 9250-9292

dated 21/08/2018), a copy of which is annexed herein as *Annexure 2*.

- i) Pass such further order or orders as may be deemed just and proper and your applicant as in duty bound shall ever pray.

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ADVOCATE FOR THE APPLICANT(S)

In the matter of:

Talab Bachao Abhiyan (TBA) & Ors.

...Applicants

Versus

Govt. of Bihar & Ors.

...Respondents

AFFIDAVIT

BY TALAB BACHAO ABHIYAN-TBA

For Petition of *Storm water Drain*

I, Narayan Jee Choudhary, S/o Late Baidya Nath Choudhary, age about 64 years, presently work as Convenor of TALAB BACHAO ABHIYAN -TBA, C/o Maithili Sahitya Parishad, Professor Colony, Dighi West, Near Primary School, Darbhanga -846004 Bihar, Ph: +91 9955344811 is authorized representative of the organization/TBA herein, do hereby, solemnly affirm and declare as under:

1. That I am the Applicant and I am well conversant with the facts and circumstances of the case and hence authorized to swear the present affidavit.
2. That the accompanying petition/applications has been drafted by me and I have carefully read over and gone through the content of the petition/applications, which are true and correct to the best of my knowledge and information derived from records.
3. That the facts sated in the affidavit are true to my knowledge. No part of the same is false and nothing material has been kept concealed there from.



4. That the averments made in the petition/applications and in this affidavit are true to best of my knowledge and belief and nothing has been concealed therefrom.

[Signature]
DEPONENT

Aadhaar No. 2472 3856 4553.

VERIFICATION



Verified at Delhi, on this 8 JUL day of 2025 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed there from.

[Signature]
DEPONENT

Aadhaar No. 2472 3856 4553.

In presence
I identified the deponent who has signed in my presence

[Signature]
ID 247238564553



Entry No. 27 Notary Public

CERTIFIED THAT THE DEPONENT
Shri/Smt/Mr. Narayan Tee Choudhary
S/o W/o D. Bete Baidya Nath Choudhary
R/o Rambag, PO: Bal bag, Barhanga, Dist: Belas
Identified by Shri/Smt.....
has solemnly affirmed before me at
New Delhi on 8/7/25 at Sl. No. 27
that the contents of the affidavit which have
been read & explained to him are true and
correct to this knowledge.

[Signature]
KANTA RANA
NOTARY PUBLIC DELHI

KANTA RANA
E. No D/395/88 Notary/Avocate
Ch. No 408A Lawyers Chamber
Dwarka Court New Delhi 110075

08 JUL 2025

Annexure-1

Speed Post

File No. A-14011/1/2015-Mon 9250-9292

21/08/2018

To,

**The Chairman
All SPCBs/PCCs**

Sub: Direction Under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 regarding taking steps so that storm water drains are not covered, but are de-silted and kept clean.

WHEREAS, amongst others, under Section 16 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the Central Pollution Control Board (CPCB) constituted under the Water (Prevention and Control of Pollution) Act, 1974 is to coordinate activities of the State Pollution Control Boards (SPCBs)/ Pollution Control Committees (PCCs) and to provide technical assistance and guidance to SPCBs/PCCs; and

WHEREAS, amongst others, under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974, one of the functions of the State Pollution Control Boards (SPCBs) and Pollution Control Committees (PCCs) is to plan a comprehensive programme for prevention, control or abatement of pollution of streams and wells in the State and to secure the execution thereof; and

WHEREAS, the State Pollution Control Boards under Section 17 of the Water (Prevention and Control of Pollution) Act, 1974 has been mandated with the following functions which inter-alia including;

- A) to inspect sewage or trade effluents, works and plants for the treatment of sewage and trade effluents and to review plans, specifications or other data relating to plants set up for the treatment of water, works for the purification thereof and the system for the disposal of sewage or trade effluents or in connection with the grant of any consent as required by the Water Act;
- B) lay down, modify or annul effluent standards for the sewage and trade effluents and for the quality of receiving waters (not being water in an inter-state stream) resulting from the discharge of effluents and to classify waters of the State;
- C) to evolve economical and reliable methods of treatment of sewage and trade effluents, having regard to the peculiar conditions of soils, climate and water resources of different regions and more especially the

prevailing flow characteristics of water in streams and wells which render it impossible to attain even the minimum degree of dilution;

- D) to evolve methods of utilization of sewage and suitable trade effluents in agriculture;
- E) to evolve efficient methods of disposal of sewage and trade effluents on land, as are necessary on account of the predominant conditions of scant stream flows that do not provide for major part of the year the minimum degree of dilution;
- F) to lay down standards of treatment of sewage and trade effluents to be discharged into any particular stream taking into account the minimum fair weather dilution available in that stream and the tolerance limits of pollution permissible in the water of the stream, after the discharge of such effluents;
- G) to lay down effluent standards to be complied with by persons while causing discharge of sewage or sullage or both and to lay down, modify or annul effluent standards for the sewage and trade effluents;

WHEREAS, water quality monitoring carried out by CPCB at 1275 locations covering 445 rivers revealed that 718 locations are not meeting the water quality criteria with respect to BOD and Fecal Coliform bacteria. The water quality assessment has further indicated that there are 302 polluted river stretches on 275 rivers which are along the 35 metropolitan cities and 615 other urban centers. Sewage and domestic waste released through storm water drains has been identified to be one of the contributing factors leading to exceedance of criteria pollutants in the downstream stretches of rivers passing through the urban centers;

WHEREAS, the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi in the matter of O.A. no. 454/2018 (Subhash Gupta & Ors. Vs. Union of India & Ors.) passed orders on 23/07/2018 which highlight the following issues w.r.t. storm water drains more or less common to all cities/urban areas of India (copy of NGT order enclosed herewith):

- Storm water drains ought to be kept open. However, most of these drains are covered thereby causing flooding and pollution.
- Untreated sewage continues to flow in most of the drains and finally the same goes into the rivers.
- De-silting and drain cleaning works get adversely affected when storm water drains are covered.
- No sewage, solid waste and C&D waste should be put in the storm water drains. These drains should be encroachment free.
- Steps should be taken so that storm water drains are not covered, but are de-silted and kept clean.

WHEREAS, through the aforementioned order, the Hon'ble National Green Tribunal (NGT) has also directed CPCB to issue necessary directions throughout India to avoid unnecessary litigation on this aspect; and

NOW THEREFORE, taking note of the aforementioned NGT order and realizing the urgency for keeping all storm water drains de-silted, clean and free from encroachments throughout the country, following directions under Section 18 (1) (b) of the Water (Prevention and Control of Pollution) Act, 1974 are hereby issued for ensuring compliance:

- SPCB/PCC shall take all necessary steps so that storm water drains under its jurisdiction are not covered, but are de-silted and kept clean and that the orders of the Hon'ble NGT in the matter of O.A. no. 454/2018 (Subhash Gupta & Ors. Vs. Union of India & Ors.) are strictly complied with.
- SPCB/PCC shall coordinate and direct relevant Local Authorities/Departments like Town & Country Planning Department, State Municipal Corporation, etc. for ensuring compliance.
- SPCB/PCC shall acknowledge the receipt of these directions within 07 days and action taken report shall be submitted to CPCB within 30 days from the date of receipt of these directions.

(S. P. Singh Parihar)
Chairman

Copy to:

1. **PPS to Secretary,**
Ministry of Environment, Forests & Climate Change
Indira Bhawan, Aliganj, Jorbagh Road,
New Delhi-110003
2. **Joint Secretary (CP Division),**
Ministry of Environment, Forests & Climate Change
Indira Bhawan, Aliganj, Jorbagh Road,
New Delhi 110013
3. **The All Regional Directorates**
Central Pollution Control Board
4. **The DH- IT Division**
CPCB, Delhi


(Prashant Gargava)
Member Secretary



Item No. 02

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 16/2014

Shri Hazi Ariff

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

Date of hearing: 13.05.2022

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Applicant: Mr. R. Venkataraman, Advocate for Applicant

Respondent(s): Mr. Raj Kumar, Advocate for CPCB
Mr. Pradeep Misra, Advocate for UPPCB
Mr. Rachit Mittal, Advocate for GDA
Mr. Rajesh Raina, Advocate for UPSIDA
Mr. Gopal Jain, Senior Advocate with Mr. Akshat Hansaria,
Advocates for M/s Tata Steel Limited (R - 14)
Ms. Jagrati Singh, Advocate for Stonex India Pvt. Ltd. (R - 10) &
Cloud 9 Builders (R - 15)
Mr. Pawan R. Upadhyay, Advocate for M/s Country Inn & Suites
(R - 13)**ORDER****The issue:**

1. The issue for consideration is legality of construction in the bed and within the buffer zone (12 meters from the edge of the drain¹) of Sahibabad Drain No. 1 in Ghaziabad and prevention of pollution thereof. This involves consideration of applicable environmental norms, including the Water (Prevention and Control of Pollution) Act, 1974 (Water Act). The matter was earlier considered inter alia by orders dated 7.10.2016 and 26.2.2020. The Hon'ble Supreme Court vide order dated 22.10.2021 set aside the said

¹In terms of Functional Plan on Drainage for National Capital Region

orders and remanded the matter for fresh consideration, giving further opportunity to the alleged encroachers/violators. The Tribunal is to consider the matter from the stage of consideration of report dated 12.4.2014 by a Committee constituted by the Tribunal. This order is being passed, after such consideration, in continuation of order dated 16.12.2021.

Earlier order of the Tribunal dated 07.10.2016

2. The matter was earlier dealt with by this Tribunal vide order dated 07.10.2016. The Tribunal considered the factual position emerging inter alia from report dated 12.04.2014 of joint Committee (appointed by the Tribunal) comprising Ms. Parul Gupta, Advocate, Mr. N.K. Gupta, Sr. Environmental Engineer, CPCB, Mr. Parasnath, Regional Officer of UPPCB, Ghaziabad and Mr. Amit Mishra, IFS, MoEF, Regional Office, Ghaziabad, after visit to the site. It was found that the drain in question carried storm water and waste water. Large number of establishments had covered the drain in front of their respective premises or otherwise encroached it. Many of such coverings/constructions were with the permission of the Nagar Nigam which was not valid. Many establishments had encroached the land adjacent to the drain. Permanent constructions were made in green belt area. Constructions in and around the drain obstructed the flow of water. Precise finding in the said order is reproduced below:

*“72. On the other hand, the applicant has produced photographs of the localities in proximity of Sahibabad drain showing massive inundation with flood water entering the premises of the local citizens. It is an admitted fact that the drain carries hazardous mixture of storm water, sewage and such other contaminants which find way to Sahibabad drain no. 1. Photographs also reveal that the constructions have been carried out in the bed of Sahibabad drain. Logically, therefore, **the volume of the Sahibabad drain which promises carrying of flood waters stand reduced to that extent.** Impediment to the flow of water in the said drain which falls within*

*the meaning of stream as defined under Section 2 (j) of Water Act, 1974 is therefore, obvious. As observed above the dirt filth, sewerage and the trade effluent in the drain have further compounded the problem. In absence of any study revealing the Environmental impacts of such constructions, a prudent man has necessarily to hold that such impediment to the proper flow of the water in the said drain is likely to lead to a substantial aggravation of pollution by itself or due to other causes or of its consequences such as water remaining stagnant in pools as a aftermath of the inundation giving rise to unhealthy conditions. In our view, therefore, the **constructions carried out in and over the Sahibabad Drain No.1 violate the provisions of Section 24 (1)(b) of the Water Act, 1974.** The issue is, therefore, answered affirmatively.”*

3. In the light of above finding, it was directed that no construction should be allowed in the drain without Impact Assessment Study and constructions already raised be removed. In respect of constructions, with permission granted by the Nagar Nigam, further study be carried out by an Expert Committee comprising Professor C.R. Babu, Centre for Environment Management of degraded ecosystem, Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi, to ascertain whether such constructions can be allowed with or without modifications.

Order of Tribunal dated 26.02.2020

4. In pursuance of above order, report of the Committee was filed which was taken on record vide order dated 12.10.2017, recommending removal of all covers and encroachments, including those with the permission of Nagar Nigam was also recommended that the drain should be duly restored and effluents be not allowed to flow in the drain, the matter was further considered on 26.02.2020. The Tribunal directed the Nagar Nigam to take further action in the light of recommendations of the Committee.

Order of Hon'ble Supreme Court dated 22.10.2021

5. The alleged encroachers/violators preferred appeals before Hon'ble Supreme Court with the plea that they did not have adequate opportunity

before the Tribunal, which plea has been allowed and matter remitted back to this Tribunal to be dealt with from the stage of submission of report dated 23.04.2014. The affected parties were given liberty to file objections to the report. The order of the Hon'ble Supreme Court is reproduced below:-

“The challenge in the present appeals is to an order passed by the National Green Tribunal (in short, “the NGT”) on 26.02.2020. The learned NGT held that in execution proceedings, the order passed by the Tribunal on 07.10.2016 cannot be disputed.

*The NGT has appointed an Expert Committee on 03.03.2014 under the Chairmanship of Ms. Parul Gupta, Advocate. The said committee submitted report on 23.4.2014. The NGT passed an order on 7.10.2016 whereby the Respondent Ghaziabad Development Authority was directed to remove all such encroachments on green belt area as per GMPD 2021 in Vaishalli Zone -5 in accordance with law. **The order dated 7.10.2016 is being treated as final order though the report of Committee of Ms. Parul Gupta was accepted by NGT after giving an opportunity of hearing to the affected parties.***

Another Expert Committee was ordered to be constituted comprising of Professor C.R. Babu Centre, Professor for Environment Management of degraded ecosystem, School of Environment study University of Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi to carry out study of Sahibabad drain No. 1 Ghaziabad. The said Committee had given its report on 09.10.2017.

*The appellant and other affected parties filed applications for impleadment in the Original Application pending before the NGT before it passed an order on 7.10.2016. Objections to the Report were also submitted. **However, the NGT, in the impugned order, held that “as an executing court, the jurisdiction of the Court is limited as it cannot go behind the original order passed in respect of which execution proceedings have been initiated.”***

We find that the entire basis of the order of the NGT is the Report of the Expert Committee dated 23.4.2014 leading to the alleged executable order dated 7.10.2016. Such Report was never accepted on the basis of which any executable order was passed by the NGT. The argument raised that such report was taken on record does not mean acceptance of report. Still further none of the affected parties, such as the appellants were before the NGT and no order could be passed without hearing the affected parties.

*Consequently, we set aside all proceedings subsequent to the submission of the Report dated 23.4.2014. **The affected parties are given liberty to file objections to the report so submitted. It is***

only thereafter, an order can be said to have been passed by the NGT, which can be said to be an executable order.

*Consequently, the appeals are allowed. The order passed by the NGT on 26.02.2020 is set aside. **The matter is remitted back to the NGT from the stage of submission of the Report dated 23.4.2014. The NGT shall decide all questions of law and fact after hearing the affected parties in accordance with law.***

Order of the Tribunal dated 16.12.2021

6. The matter was then considered in the light of the order of the Hon'ble Supreme Court vide order dated 16.12.2021. Since no submissions/objections, as permitted in the order of the Hon'ble Supreme Court had been filed, further time was granted for doing so. Operative part of the order is reproduced below:-

"1to3...xxx.....xxx.....xxx"

4. *Learned Counsel for the applicant submitted that inspite of liberty given by the Hon'ble Supreme Court no objection has been filed to the reports and violations have been found, supported by tangible material. Accordingly, the report be accepted and directions issued for protection of environment under Section 15 of the NGT Act, 2010.*

5. *Learned Counsel for the alleged encroachers/violators seek further opportunity to file their objections.*

6. *In view of order of Hon'ble Supreme Court, we permit filing of any further objections/submissions/documents by 05.01.2022.*

List for final hearing on 11.01.2022.

Since, the matter is to be dealt with from the stage of 23.04.2014 report, and execution application is for execution of order dated 7.10.2016, which no longer survives, O.A. be listed for consideration and final disposal. Execution application be treated as closed in the light of order of Hon'ble Supreme Court. I.A. No. 172/2021 also stands disposed of."

Objections filed by the alleged encroachers/violators - M/s. Stonex India Pvt. Ltd., M/s Tata Steel Limited and Cloud 9 Builders (Aadi Best Consortium Pvt. Ltd.)

7. In pursuance of the above, submissions/objections have been filed by the R- 10, 14 and 15 - M/s. Stonex India Pvt. Ltd., M/s Tata Steel

Limited (M/s Tata Steel BSL Ltd. has now amalgamated into and with Tata Steel Limited) and Cloud 9 Builders (Aadi Best Consortium Pvt. Ltd.) which are being considered hereby.

Consideration in today's hearing and final order

8. To consider the matter further, we may first refer to the earlier proceedings upto the stage of report dated 23.04.2014. OA was filed with the grievance against the encroachments and constructions, obstructing water drainage and also damaging the green belt. Prayer was to remedy and prevent pollution of the storm water drain and restoring the green belt. Averments in the application are that there is a drainage system between Sahid Nagar Colony to Khora Colony ending at Kalindhi Kunj, NCT Delhi through Ghaziabad. Illegal encroachments are next to Vaishali Metro Station. Encroachments are in the form of parking and private business establishments including marriage hall, marble units on stretch between Kaushambi and Mohan Nagar, Ghaziabad. The encroachments had disrupted the recharge of ground water, caused water depletion and diseases, affecting humans and animals. In terms of ground water, area is categorized as over exploited and critical zone. The drain starts from Loni area, Ghaziabad District and serves localities ending at Kalindhi Kunj, NCT Delhi. The obstruction causes stagnation in the entire drain canal and contaminated water enters residential premises in rainy season. The flow of the water is towards residential areas due to encroachments, illegal constructions, construction of illegal parking lots at commercial complexes affecting the water flow. The Ghaziabad Development Authority itself has destroyed the green belt beginning just next from the Vaishali Metro Station, uprooted and felled trees for parking, although the Metro Station itself has a huge parking lot within the station complex itself. The encroachments by commercial vested interests both on green belt and on

the drain in the entire stretch from Anandvihar-Kaushambi Metro via Dabur–Vaishali Metro up to the stretch of Mohan Nagar on one side and on the other from the site-IV industrial area Sahibabad PS Link Road up to NH-24. Many private commercial establishments make huge profit at the cost of environment, endangering public health thereby. The applicant has given following list of encroachers:-

1. Paras Milk Pvt. Ltd.
2. Country Inn Star Hotel
3. @Home (home appliances)
4. Bekaneer Wala (Eatery Food Joint)
5. Shiva Scooter Agency
6. Jain Marbles
7. Dabur India Pvt. Ltd.
8. Bhushan Steel
9. Euro Park Multiplex
10. Galaxy Multiplex
11. Pacific business Mall
12. Fast Track Car Mechanic Workshop
13. Coronation Service Station
14. Swagat Banquet Hall
15. Shivam Banquet Hall
16. Kumar Car World
17. Huyndai Show Room
18. Car Trade
19. Surya Marbles
20. R.K. Marbles

9. It was further stated that many other similar establishments are also mindlessly destroying the green belt as well as encroaching drainages for their own selfish motive of profiteering. The owner of P.T.C. Moulding Pvt Ltd plot no-54/18 site-4 industrial area had covered the small industrial waste drain, passing opposite the industry and concretized the green belt beyond the drain which choked ground water recharge and which will cause the water depletion. Owner of a private company at plot no-60/1/1/4, in Site IV Industrial Area, Sahibabad has covered the main drain of site-4, industrial area Sahibabad in connivance with the Ghaziabad Nagar Nigam, in violation of the Uttar Pradesh Municipal Act

1959. The owner has constructed a wall inside the sewage drain which was actually handed over to Ghaziabad Nagar Nigam by Uttar Pradesh State Industrial Development Corporation Ltd. (UPSIDC) for maintenance, cleaning and upkeep.

10. We now refer to the proceedings on the Application. On 05.02.2014, the Tribunal issued notice and also granted injunction against discharge of industrial waste in Sahibabad drain No. 1. It was further directed that no construction be put up to prevent flow of drainage. No unauthorized covering be put up on the drainage. On 03.03.2014, the Tribunal constituted a fact-finding Committee to inspect the area and to give its report. The composition of the Committee was :-

1. Ms. Parul Gupta, Learned Advocate
2. Mr. N.K. Gupta, Sr, Environmental Engineer, CPCB
3. Regional Officer of UPPCB, Ghaziabad.
4. One of the Forest Experts to be nominate by the MoEF&CC, Govt. of India

11. The terms of reference for the Committee were:-

- “1. *The Committee shall visit the entire area of Zonc-5 in so far as it relates to the maintenance of drainage system by the Municipal Corporation of Ghaziabad and find out the real physical position including the slabs, whether they are put up permanently or are removable, etc.*
2. *The Committee shall also find out the extent of the drainage in the area, which are covered and proposed to be covered and shall also indicate the places where constructions are made and also used as parking area, including encroachments.*
3. *The Committee shall also in its report state as to whether untreated waste, either from the industry or otherwise, are discharged into the drainage System.*
4. *The Committee shall also find out the green belt area in the Zonc-5, Vaishali and whether they are preserved or being destroyed by the Municipal Corporation of Ghaziabad and shall furnish proposal for preservation of the green belt area.*
5. *We make it clear that the MoEF, Government of India shall nominate the Forest Expert as its representative, within a period of one week from today. The learned Advocate who is*

heading the Committee shall be paid an initial remuneration of Rs. 20,000/- by the Municipal Corporation of Ghaziabad.

6. *The Municipal Corporation as well as GDA shall extend all assistance to the Committee Members so as to enable them to complete their work and file their report.*
7. *It will be open to the Applicant as also the Respondents to be present and express their views to the Committee at the time of inspection.”*

12. On 23.04.2014, the Tribunal noted that the Committee filed its report on which response of the Authority was required. Vide order dated 09.12.2014, the Tribunal impleaded some of the establishments who were reported to have made encroachments, including M/s VRS Foods (Paras Dairy), M/s Country Inn & Suits, M/s Bhushan Steels, M/s Cloud 9 Builders, M/s Swagat Banquet Halls, M/s Shivam Banquet Halls, M/s R.K. Marbles, M/s Kumar Car World and M/s Surya Marbles. Notice was directed to be issued to them. Some of them filed their replies.

13. Finally, order dated 07.10.2016 was passed by the Tribunal considering the report dated 23.04.2014 filed by the Committee constituted by this Tribunal and stand of the concerned parties. The said order considered following “points for determination”:-

“Points for determination:

1. *Whether this Tribunal has jurisdiction to entertain the present application;*
2. *Whether the present application is beyond the period of limitation as prescribed under the Provisions of NGT Act, 2010;*
3. *Whether construction carried out in and over the Nala/Sahibabad Drain no.1 violate Provisions of Water (Prevention and Control of Pollution) Act, 1974 in any manner whatsoever;*
4. *Whether construction on the green belt area Vaishali zone-5 offend environment;*
5. *What order?”*

14. It was held that since there were substantial questions relating to environment, particularly violation of Section 24 of the Water Act, the Tribunal had jurisdiction to deal with the application. The encroachments were ongoing since November, 2013. The application was within limitation. The encroachments in question impeded the flow of the water in the drain, resulting in stagnation of polluted water, giving rise to unhealthy conditions. All illegal and unauthorized constructions on the Sahibabad Drain No. 1 were liable to be removed. However, study was required to be carried out with regard to constructions raised with the permission/license granted by the Ghaziabad Nagar Nigam (GNN) for which a Committee comprising of Professor C.R. Babu, Centre for Environment Management of degraded ecosystem, School of Environment study, University of Delhi, Dr. Brij Gopal, Professor JNU, Professor A.K. Gosain Professor of Civil Engineering IIT, Delhi was constituted with reference to the following points:-

“

1. *Whether construction carried on Sahibabad drain No. 1 in pursuance to the permission/license granted by respondent no. 3- GNN namely the constructions carried out by respondent nos. 10 to 15, must be removed in environmental interest or can be tolerated with modification as required so as to beneficially integrate the same with the total scheme of Sahibabad drain No. 1 to carry the storm water.*
2. *The committee shall also make recommendations as they feel necessary in the interest of environment.*
3. *The expert Committee shall furnish its report with the recommendations to respondent nos. 2, 3, 4 and 5.*
4. *If the Expert Committee comes to the conclusion that the aforesaid constructions must be removed, the respondent no. 3- Ghaziabad Nagar Nigam shall take all such measures to remove the said construction/s at the expense of the concerned respondent.*
5. *If the Expert Committee recommends that such construction shall be allowed to be tolerated with modification as suggested, the concerned persons responsible for such construction namely, respondent nos. 10 to 15 shall carry out such modifications at their own cost and expenses within a period of three months from the date of submission of such report by the Expert Committee and the requisition made by the Respondent no.3- Ghaziabad Nagar Nigam in that regard to do so.*

6. *On submission of the report by the Expert Committee the respondent no. 3- Ghaziabad Nagar Nigam shall consider such report and make necessary requisition as suggested therein to the concerned persons. In the event of the failure to carry out such modifications as requisition the concerned structure shall be removed either by the concerned respondent or by the respondent no. 3 Ghaziabad Nagar Nigam at the expense of the concerned respondent.*
7. *The Respondent nos. 2, 3, 4 and 5 shall take all such measures for removal of all illegal and unauthorised constructions carried on Sahibabad drain No. 1 in accordance with law.*
8. *Respondent no. 3- Ghaziabad Nagar Nigam shall initially bear the cost and expense of the Expert Committee appointed for Study of Sahibabad drain No. 1 and recover the same from the respondent nos. 10 to 15.*
9. *Respondent nos. 10, 12 to 15 shall deposit an amount of Rs. two lakhs each with Respondent no. 3- Ghaziabad Nagar Nigam towards costs and expenses of the Expert Committee.*
10. *Respondent no. 3- Ghaziabad Nagar Nigam and Respondent no. 4 UPPCB are directed to take all such lawful measures, both preventive and punitive for stopping flow of discharge of untreated sewage/industrial effluent in Sahibabad drain No. 1. No discharge of untreated sewage/industrial effluents, dumping of MSW or any other waste shall be allowed in Sahibabad drain No. 1.*
11. *Respondent no. 3- Ghaziabad Nagar Nigam shall pay cost of Rs three lakhs to the applicant and respondents shall bear their own costs.*
12. *O.A No. 16 of 2014 stands disposed of accordingly. M.A Nos. M.A. No.102/2014, M.A. Nos. 451, 741, 1353, 1354, 1355 and 1356 of 2015 and M.A. No. 208/2016 also stand disposed of.”*

15. The Committee gave its report which was taken on record vide order dated 12.10.2017. Vide order dated 26.02.2020, the Tribunal directed the Ghaziabad Nagar Nigam to execute order dated 7.10.2016 in terms of the recommendations of the Committee in the report submitted in October, 2017.

16. Report taken on record on 12.10.2017 is as follows:-

“3. The overall observations are as follows:

a. Drainage System of Sahibabad Drain No. 1 & its Maintenance

- i. *Around 10 km stretch of the Sahibabad drain no. 1 starting from upstream to downstream, was visited. The points covered include starting from Shyam Enclave - Shaheed Nagar (GT Road), then to Block C (Brij Vihar),*

Block B (Brij Vihar), Block A (Brij Vihar) BEL Staff Quarters, Fly-over to railway crossing, M/s Paras Dairy (Sahibabad Industrial Area Site IV), M/s IP Engineering College (SIA Site IV), M/s Country Inn (SIA Site IV), M/s Bikanervala (Delhi Hardwar Highway), M/s Bhushan Steels (D-H Highway), M/s Cloud 9 Builders and tapping point over the drain for diverting the flow to Indirapuram STP.

- ii. It is a natural storm water drain and the average width of the drain in the Sahibabad Industrial Area Site IV is around 50-60 feet*
- iii. It is observed that various types of discharges are made into the drain which are as follows:*
 - o Discharge of storm water during rainy season.*
 - o Daily and continuous discharge of sewage from the residential areas located on both the sides of the drain. Near Shaheed Nagar, a pumping station is also made which is pumping the waste-water into the drain.*
 - o Rearing of buffaloes /other pet animals are being practiced along the banks of the drain in the Brij Vihar & some other locations and discharges of such activities along with animal dung etc. are also made into the drain.*
 - o The drainage network of Sahibabad Industrial Area is connected with Sahibabad drain and as a result entire waste waters from the industrial area is ultimately reaching to this drain at various locations.*
 - o The municipal (household) solid wastes (hundreds of tonnes) are thrown into the drain by the nearby residents at various points.*
 - o Large number of Marriage Halls / Banquet Halls are in operation in and around the drain. During discussion, it was also intimated by the local people that significant quantities of kitchen wastes, food wastes etc. are thrown into the drain on regular basis.*
- iv. The overall maintenance of the drain is very poor. It is observed that hundreds of tons of garbage is deposited at various points in the drain which is imparting very ugly look to the drain and stagnating its flow. In a similar way, deposition of silt and growth of undesirable vegetation in the drain are also observed. As a result, foul smell & odour are generating which are creating unhygienic conditions in the entire area. In addition,*

these foul gases in the presence of moisture are adversely affecting the functioning of the house-hold appliances like refrigerators, air-conditioners, utensils etc of the population living in the neighborhood of the drains.

b. Status of construction over the Sahibabad drain:

- i. It is observed that a large number of establishments/ industries have covered the drain in front of their respective premises. The average extent of covering is varying from 100- 150 metres and average width of the drain at these locations is. around 15-20 metres. The covered portion is being used purely for commercial usages i.e. for getting the access into their premises as well as for parking of the vehicles of the employees and visitors of these establishments. These covering of drain is made-up of reinforced cement concrete (RCC) and purely permanent in nature.
- ii. In almost all the cases, the covering of drain is undertaken with due permission of the Municipal Corporation of Ghaziabad (Nagar Nigam, Ghaziabad) and agreements are made. The unit-wise details of the permission granted by Nagar Nigam, Ghaziabad is attached as Annexure 2.
- iii. It is also observed that in many cases, the actual covering / construction over the drain is much more than the permission granted by Nagar Nigam, Ghaziabad.
- iv. Nagar Nigam, Ghaziabad is charging significant amount of annual fee but hardly monitoring the compliance of the Agreement Conditions. One of the major conditions is to develop/ maintain the green belt over the covered portion which is largely violated in almost all the cases. In a similar way, provision for cleaning & ventilation of the covered drain are also not adequate in many of the cases. Even in some cases, septic and highly unhygienic conditions are developed.
- v. At plot no. 60/1 (SIA , Site IV) , the work pertaining to construction for covering of the drain has been initiated and around 60-70% of the natural flow of the drain is stopped by putting sand-bags to facilitate construction. As a result, the conditions of the u/s has further worsened.

c. Status of construction/ encroachments on the land adjacent to Sahibabad drain:

Many of the establishments have encroached the land also adjacent to the drain purely for commercial purposes. These lands are initially earmarked for widening of the roads and development of green belts. The construction over these

encroached portions are permanent and used for parking of vehicles and putting the raw materials and finished products.

d. Major Defaulters in respect of covering of drain, improper cleaning facilities and encroachment of adjacent land

- i. Plot No. 60/1 (SIA, Site IV)
- ii. M/s VRS Foods (Paras Dairy)
- iii. M/s Country Inn & Suits
- iv. M/s Bhushan Steels
- v. M/s Cloud 9 Builders

The unit-wise inspection report is attached as Annexure 3.

e. Status of discharge of Untreated Industrial Waste water into Sahibabad drain

It is communicated by UPPCB that inspection & monitoring of industries are conducted on regular basis. Earlier some of the industries were discharging untreated industrial waste waters and their names were communicated to NGT. After joint inspection by CPCB& UPPCB and regular follow-ups such industries have rectified their pollution control practices. Recently it is observed during routine inspection by UPPCB that the ETP of M/s Shri Krishna Prints Pvt Ltd. A-47, Site IV SIA, is not being operated properly and observed as non-complying. Accordingly action has been initiated by UPPCB.

f. Status of construction in the green belt area of Vaishali Zone V

- i. It is observed that at many places permanent constructions are made in the green belt area of Vaishali Zone V and commercial activities are going on at such places. Some of such establishments are as follows:
 - o M/s Swagat Banquet Halls
 - o M/s Shivam Banquet Halls
 - o M/s R.K. Marbles
 - o M/s Kumar Car World
 - o M/s Surya Marbles and many others
- ii. It is said by GDA that notices have been issued to these parties for winding-up of such unauthorized/ illegal activities from the green belt area.
- iii. On the issue of construction of multi level car parking near Vaishali metro station, it is said by GDA that this construction work is although in the green belt area but is as per the provisions of the Ghaziabad Master Plan, 2021. GDA is ready to provide further clarification/ details of this project to NGT. During inspection, the work was observed in progress

- iv. *The Eucalyptus trees along the road (in front of Vaishali Merto Station) belong to UP Forest Department. So, the remaining earthen road strip is also covered under the legal status of Forest Land. Most of this forest strip along this road is either under encroachment or has been used in unauthorized access by commercial organizations (including Vaishali Metro Station) in violation of Forest Conservation Act 1980.*

4. Suggestions:

- i. *Discharge of MSW, animal waste and wastes generated from the activities of banquet halls / marriage halls, into the Sahibabad drain & its tributaries, should be stopped immediately. Proper system for disposal of such wastes needs to be developed by GDA and Nagar Nigam, Ghaziabad.*
- ii. *Its thorough cleaning should be made so as to re-store the natural flow. For this purpose a special drive needs to be launched by GDA and Nagar Nigam, Ghaziabad.*
- iii. *Major penalty needs to be imposed on the establishments, who have violated the conditions of the 'Agreement' and permission for covering of the drain be cancelled immediately.*
- iv. *Separate systems for collection & conveyance of the following types of waste-waters/ waters need to be laid in a time bound manner sewage in the area –*
 - a. *For sewage from the nearby colonies - a trunk sewer. This will avoid discharge of sewage into Sahibabad drain.*
 - b. *Separate drainage network for industrial waste waters. This will carry the treated industrial waste waters to final disposal point subject to testing & compliance of the standards.*
 - c. *The storm water (rain water) will flow through Sahibabad drain.*
- v. *Encroachments from the land earmarked for green-belt need to removed in a time bound manner.*
- vi. *Since the multi-level parking near Vaishali metro station is being constructed within the Green Belt, it may only be permitted after GDA provides a complete information as to whether permission for conversion of the land use has been obtained by the Department. Further, the department shall provide the plan for compensatory afforestation giving specific details of the number and species of trees intended to be planted in lieu of the trees*

which have already been felled or would be felled in the process of the construction. The department should also take care that the construction should involve felling of minimum number of trees.

- vii. Presently only a part of the waste-water is tapped from the Sahibabad drain for further conveyance to 74 MLD STP at Indirapuram although adequate capacity is available and entire drain can be tapped. Compliance of this action point can significantly reduce the pollution load on Yamuna.*
- viii. The encroachment/unauthorized access through forest strip along the road (in front of Vaishali Metro Station) should be removed/regulated under the guidelines of Forest Conservation Act 1980.”*

17. 2nd report dated 12.10.2017 is as follows:-

“OBSERVATIONS:

Each of the five sites was visited. After interaction with the representatives of the respondents, following observations have been made.

Respondent no. 10: Stonex (Chawla) plot 60/1

The drain had been covered by laying steel girders and concrete slabs over the entire width of the drain and about 50 m length. Part of it has been demolished now. There seems to be no construction yet on the plot as visible from the road along the drain.

Respondent no. 12: VRS Foods (Paras Dairy) plots B-56 and B-33

Half of the width of the drain adjacent to the main road has been covered for about 50 m length, besides full coverage of the drain along one of the plots. The covered area is used for parking of vehicles.

Respondent no. 13: Country Inn & Suites

The drain on the south and the east of the plot has been covered fully, over the entire length and width, between the Country Inn building and the roads on two sides. A 4-5 m wide strip of road on both sides has also been encroached upon. A couple of manholes (covered with steel plates) have been provided over the drain.

A steel screen with large mesh has been installed at the point of entrance of the drain adjacent to the northwest corner of the plot to prevent large floating wastes from passage through the drain. Thus a huge amount of solid waste has accumulated in the upstream part of the drain. It is probably removed once in a while. At any time, there is a waste accumulation on the land between the drain and the road

Respondent no. 14: Bhushan Steels

The entire stretch of the drain (about 250 m) passing between the main road and the plot has been fully covered and the covered area extends right on to the road. In two rows along the length of the drain small openings have been provided. The covered area is used mainly for parking of a very large number of vehicles and a few plants have been planted there.

Respondent no. 15: Cloud 9 Builders (Adhibest)

The entire drain in front of the building complex and along the road has been covered. Three large (about 2x3 m) areas, presumably for access for desiltation, have been marked as openings with about 2 feet high RCC boundary. The openings themselves are covered with thick RCC slabs. Some of the covered area is being planted with seasonal plants and grass.

General Observations

1. *Almost the entire drain through the industrial area has been covered. Only few, small stretches are open to sky particularly where the plots have not yet been fully developed. The entire area is filled with foul smell caused by high load of sewage and organic wastes that is releasing both ammonia and H₂S due to highly anaerobic conditions. Huge amounts of sludge have accumulated in the drain as can be seen in open stretches. The areas are also loaded with all kinds of solid wastes and near the Express Building, rag pickers are at work. These wastes are a direct health hazard to the people living the area, workers in different establishments and also those doing petty business along the roads. All the people passing through the area are exposed to foul smelling gases. The natural vegetation is practically non-existent. The industrial effluents appear to be toxic and interfering with the degradation of the organic waste.*
2. *The natural stormwater channel of Sahibabad has been turned into a sewage drain carrying the waste from the entire area first to Hindon river and then into the river Yamuna. Only a small fraction of the wastewater from the drain is diverted to the STP in Indirapuram. Thus the drain is a major cause of pollution in River Hindon and downstream Yamuna.*
3. *The natural drain should have not been allowed to carry sewage and industrial wastewater in the first place. After the development of the Industrial area by the UPSIDC, the GNN allowed the industries to cover the drain after entering into a formal agreements and asking them to pay certain charges in lieu thereof. This act itself motivated by raising revenue is against the environment and the relevant provisions of the EPA. The industries on their part, extended the covered area to suit their needs- far beyond the permissions by the GNN. In our opinion, the GNN is to be faulted for entering into agreements for covering the drain and then turning a blind eye to the extensions and violations in the covered area.*

4. *It is practically impossible to clean the drain in the absence of adequate access through large openings at reasonable intervals.*

RECOMMENDATIONS

We recommend the following actions to be taken.

1. *All covers and encroachments of the drain including those of the five specific respondents (no. 10, 12, 13, 14,15) should be removed/demolished. The entire Sahibabad drain should be restored as a natural storm water drain and no sewage or industrial effluent should be allowed to be discharged into it.*
2. *As a first step to restoration all concrete covers over the drain and other constructions, if any should be removed/demolished. Then, the entire stretch of the drain should be thoroughly desilted with proper sloping banks to its natural cross sections. The banks of the drain should be protected by developing green cover with trees and tall grasses. All encroachments on to the road or the drain should be completely removed.*
3. *All sewage and industrial effluents should be segregated and not allowed to flow into the natural drain. We understand that the GNN is planning to implement a sewerage network in the unsewered areas of the Gaziabad also. As far as the industrial effluents are concerned, the industrial area should be provided a separate common effluent treatment plant as per CPCB norms.*
4. *After the restoration of the natural drain, a single access of appropriate width may be provided over the drain from the main road to each of the respective plots. The width of the access over the drain should not exceed 6 meters that shall permit proper maintenance of the drain below it*
5. *While the construction of a sewerage network in the area may take some time, the demolition of the cover over the drains should be undertaken immediately and the free flow in the entire drain should be restored along with desiltation and removal of all solid wastes. This demolition of the covering will help regular cleaning of the drain and unrestricted flow of storm water.*
6. *We take this view of restoration of the drain as a natural storm water drain in the interest of the ecology and the environment of the entire region.*
 - a. *The flow of storm water from its catchment will allow the natural drain to recharge ground water, mitigate urban flooding and support rich bio-diversity.*

- b. *The green cover along the drain will also help improve the micro-climate, reduce levels of pollutants especially particulate matter and dust and toxic gases in the atmosphere. It will improve the aesthetics and serve as the lungs of the city.*
- c. *The clean water flowing through the natural drain will also enrich the aquatic biodiversity particularly the birds.*

Additional Suggestions

- A. *We note from the order of the NGT dated 7th October 2016, that the removal of the cover over certain parts of the Sahibabad drain was objected in light of an earlier judgement of the Hon'ble NGT that had spared some of the covered natural drains within Delhi. We observe that the Sahibabad drain no.1 passes through an industrial area and had been allowed to be covered by the GNN only recently and that too on a long lease against the consideration of the certain amounts to be paid annually by the lessee. Such a permission to cover the drain was against the considerations for the protection of the environment and the ecology of the area. In our view, a wrong decision on the part of the GNN is not justified under the present circumstances where almost the entire drain has been covered and getting choked with silt, sludge and solid waste creating nuisance and toxic gases in the air.*
- B. *We suggest in view of similar situation prevailing in almost every city of the country that the Honourable NGT may issue necessary directions in this regard to all local urban bodies not to allow covering of the natural storm water drains and not to permit the entry of any kind of sewage or industrial effluent into the natural drains. Wherever, the storm water drains are covered and a receiving sewage or effluents should be restored to the extent possible.”*

Consideration of Objections of the some of the alleged encroachers

18. We now consider the objections filed. Submission filed on behalf of R-10, Stonex India Pvt. Ltd. is that the drain has to be covered to make approach road for use of property of the said party. It is not discharging any effluent in the drain. The Ghaziabad Nagar Nigam (GNN) has granted necessary permission. The Delhi High Court in *W.P. (C) No. 2385/2011, IFS Co-operative Group Housing Society & Ors. v. GNCTD & Ors.*, permitted covering of a drain. Drain in question, is a man made drain to carry industrial discharge and storm runoff. Now it is carrying sewage also. Land for drain was acquired by the UPSIDC in 1970. It carries waste water from

Delhi Border to Hindon and to Kalindi Kunj drain. Waste of animal husbandry and MSW is also dumped into the drain, apart illegal sewage outlets by encroachers. There is no sewerage network in unauthorized area. It is an open sewer and poses a threat to the health and safety. Only a part of the drain has been covered. Total length of the drain is 13 Kms. 13% of the drain has been covered which includes bridge maintained by PWD over the GT Road, Link Road, Railway Line and metro Line, which covers the major part of the drain. Box Method use to cover the drain was suggested by IIT Roorkee. The PP was allotted land and after necessary approvals, approach roads has been constructed by covering the drain. There is, thus, no unauthorized construction.

19. Objection/submission of R-14, M/s Tata Steel Limited with reference to the report of the Committee dated 23.04.2014 is that it has taken over the project from Bhushan Steel Limited in pursuance of Insolvency and Bankruptcy proceedings before the NCLT. With reference to report with regard to maintaining the Sahibabad Drain No. 1, the said Project Proponent (PP) has submitted that it has installed its own ETP. Waste water is used within the premises and its samples are compliant with the norms. With regard to covering of the drain, it is stated that same is after approval of the Municipal Corporation on 20.08.2000. The PP undertakes cleaning of the drain after removing the covers from time to time. License for covering the drain has been granted on 18.01.2010 for use as car parking outside the premises for which payment has been made. The terms of the agreement are being followed. The extent of covering is as permitted. The drain is not a natural storm water drain but a manmade drain.

20. Submission/objection of R-5, M/s Cloud 9 Builders, is that covering of the drain is required in the interest of public health and safety. It has been undertaken in consultation with the IIT, Roorkee and after approval of the GNN. It is a man made drain. With regard to the report of the Committee, it is stated that only 14.75% of the drain has been covered which does not cause any difficulty in cleaning of the drain. Even in past covering of drain has been allowed by this Tribunal in various orders.

21. Though no written submission has been filed, an oral submission has been made on behalf of the R-13, M/s Country Inn & Suites to the effect that the PP can make modification in the covering of the drain and use removalable slabs so that cleaning of the drain is not obstructed.

Finding & directions

22. From the above narrative, it is clear that part of the drain has been covered and constructions raised within the buffer zone from the edge of the drain. This obstructs flow and maintenance of the drain against statutory mandate of section 24 of the Water Act as well as plan of the NCR Board. Further, the drain is polluted. Some of the Respondents have claimed permission for such covering while many coverings/constructions are without such permission. The objections do not in any manner show how such constructions/covering of drain is legally sustainable in view of Water Act, NCR Act and other environmental consideration which cannot be overridden merely on the basis of any permission of the Nagar Nigam or property rights of such violators. There is no proposal for remedial action. Recommendations of the fact finding/expert Committees have thus to be accepted.

23. We find that covering of a drain obstructs flow of the river and is not environmentally permissible with or without permission of a Nagar Nigam.

Not only drain, but reasonable buffer area from its edge has to be left free as held in *Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors.* (2019) 18 SCC 494 (Para 21). Preferably such buffer zone should be covered by dense forest. Section 24(1)(b) of the Water Act prohibits any obstruction of the flow of water of a stream which may add to pollution. 'Stream' is defined under Section 2(j) to include a water course, whether flowing or dry. It is, thus, clear that storm water drain falls in the definition of 'stream', whether man made or natural. Covering of the drain and constructions affect the flow and drainage. In *Mantri Techzone*, supra, the Hon'ble Supreme Court upheld the directions of this Tribunal to maintain buffer zone on all drains - primary, secondary and tertiary. Some of the observations therein are:

“xxxxxx.....xxx

21. It is evident from the above orders that the Tribunal had granted opportunity to the parties to address it "limited question", as aforementioned. The Tribunal after hearing the parties passed an order dated 04.05.2016 as under:

" General Conditions or directions:

1. In view of our discussion in the main Judgment, we are of the considered view that the fixation of distance from water bodies (lakes and Rajkulewas) suffers from the inbuilt contradiction, legal infirmity and is without any scientific justification. The RMP - 2015 provides 50m from middle of the Rajkulewas as buffer zone in the case of primary Rajkulewas, 25m in the case of secondary Rajkulewas and 15m in the tertiary Rajkulewas in contradiction to the 30m in the case of lake which is certainly much bigger water body and its utility as a water body/wetland is well known certainly part of wet land. Thus, we direct that the distance in the case of Respondents Nos. 9 and 10 from Rajkulewas, Waterbodies and wetlands shall be maintained as below:-

(i) In the case of Lakes, 75m from the periphery of water body to be maintained as green belt and buffer zone for all the existing water bodies i.e. lakes/wetlands.

(ii) 50m from the edge of the primary Rajkulewas.

(iii) 35m from the edges in the case of secondary Rajkulewas

(iv) 25m from the edges in the case of tertiary Rajkulewas

This buffer/green zone would be treated as no construction zone for all intent and purposes. This is absolutely essential for the purposes of sustainable development particularly keeping in mind the ecology and environment of the areas in question.

All the offending constructions raised by Respondents Nos. 9 and 10 of any kind including boundary wall shall be demolished which falls within such areas. Wherever necessary dredging operations are required, the same should be carried out to restore the original capacity of the water spread area and/or wetlands. Not only the existing construction would be removed but also none of these Respondents - Project Proponent would be permitted to raise any construction in this zone.

All authorities particularly Lake development Authority shall carry out this operation in respect of all the water bodies/lakes of Bangalore.

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24. It was also argued that buffer zone laid down by the NGT is substantially higher as compared to buffer zone which is required to be maintained as per the Revised Master Plan, 2015 issued on 22.06.2007. This is contrary to the Karnataka Town and Country Planning Act, 1961 (for short 'the Planning Act').

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47. Section 33 of the Act provides an overriding effect to the provisions of the Act over anything inconsistent contained in any other law or in any instrument having effect by virtue of law other than this Act. This gives the Tribunal overriding powers over anything inconsistent contained in the KIAD Act, Planning Act, Karnataka Municipal Corporations Act, 1976 ("KMC Act"); and the Revised Master Plan of Bengaluru, 2015 ("RMP"). A Central legislation enacted under Entry 13 of List I Schedule VII of the Constitution of India will have the overriding effect over State legislations. The corollary is that the Tribunal while providing for restoration of environment in an area, can specify buffer zones around specific lakes & water bodies in contradiction with zoning regulations under these statutes or the RMP."

24. Mere fact that the permission has been granted by the GNN cannot be of any consequence to remedy such illegality. It is well settled that protecting and maintaining drains is covered by the doctrine of public trust under which certain environmental assets vest in the people. The State has to act as a trustee. Storm water drain has important ecological

functions in augmenting water supply. Discharge of untreated sewage in such drains is prohibited under the Water Act. So is obstructing its flow. The Nagar Nigam is thus not only under an obligation to prevent discharge of any pollutant into the drains (whether natural or manmade) but also prevent impeding its flow. In view of section 24 of the Water Act, it is not possible to accept that the Nagar Nigam can, in exercise of its contract making power or authority responsible for maintaining the drain, allow either impeding of flow or polluting of the drain. The Nagar Nigam is to act as a trustee in respect of the drain. The powers of the Nagar Nigam are not unlimited so as to either by itself or through anyone else violate the mandate of the Water Act. Reference may inter-alia be made to *M.I. Builders (P) Ltd. v. Radhey Shyam Sahu* (1999) 6 SCC 464 (Paras 45 to 50). Relevant observations are:

“xxxxxx.....xxx

50. *The Mahapalika is the trustee for the proper management of the park. When the true nature of the park, as it existed, is destroyed it would be violative of the doctrine of public trust as expounded by this Court in Span Resort case². Public trust doctrine is part of Indian law. In that case the respondent who had constructed a motel located at the bank of River Beas interfered with the natural flow of the river. This Court said (at SCC p. 413, para 35) that the issue presented in that case illustrated “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 in violate to change”.*

51. *In the treatise Environmental Law and Policy: Nature, Law, and Society by Plater Abrams Goldfarb (American Casebook Series, 1992) under the Chapter on Fundamental Environmental Rights, in Section 1 [The Modern Rediscovery of the Public Trust Doctrine] it has been noticed that “long ago there developed in the law of the Roman Empire a legal theory known as the ‘doctrine of the public trust’ ”. In America public trust doctrine was applied to public properties, such as shore lands and parks. As to how that doctrine works it was stated:*

² M.C. Mehta v. Kamal nath, (1997) 1 SCC 388

“The scattered evidence, taken together, suggests that the idea of a public trusteeship rests upon three related principles. First, that certain interests ‘like the air and the sea’ have such importance to the citizenry as a whole that it would be unwise to make them the subject of private ownership. Second, that they partake so much of the bounty of nature, rather than of individual enterprise, that they should be made freely available to the entire citizenry without regard to economic status. And, finally, that it is the principal purpose of a Government to promote the interests of the general public rather than to redistribute public goods from broad public uses to restricted private benefit....”

With reference to a decision in Illinois Central Railroad Co. v. Illinois³ it was stated that

“the Court articulated in that case the principle that has become the central substantive thought in public trust litigation. When a State holds a resource which is available for the free use of the general public, a court will look with considerable scepticism upon any governmental conduct which is calculated either to reallocate the resource to more restricted uses or to subject public uses to the self-interest of private parties”.

This public trust doctrine in our country, it would appear, has grown from Article 21 of the Constitution.”

25. Accordingly, on admitted facts and even after considering all objections of the PP, we conclude that constructions on the drain and its buffer zone either with or without permission of the Nagar Nigam are illegal. Buffer zone has to be fixed either by the authorities or may be determined by the Tribunal. In the present case, buffer zone stands defined by the NCR Planning Board, Ministry of Urban Development, Govt. of India, which applies to the present case.

Functional Plan on Drainage for National Capital Region

26. NCR Planning Board, Ministry of Urban Development, Govt. of India in its meeting held on 28.04.2016 approved Functional Plan on Drainage for National Capital Region (NCR)⁴. The issues considered in the said plan include protection of natural drainage system and allied issues. The plan has been prepared in the light of recommendations of a study group under

³ 146 US 387: 36 Led 1018 (1892)

⁴ http://ncrpb.nic.in/pdf_files/FunctionalPlanondriangeforNCR.pdf

the chairmanship of Engineer-in-Chief, Department of Irrigation, Govt. of Haryana with the Chief Regional Planner, NCRPB as the co-chairman. Other members of the Study Group includes Director, Central Water Commission (CWC), Govt. of India; Chief Engineers of Deptt. of Irrigation of the NCR participating States, U.P. Jal Nigam, Delhi Jal Board; Chief Town Planners/Chief Co-ordinator Planners of the NCR participating States, etc. The plan has examined various aspects having impact on the drainage system of an area, such as geology, geomorphology, physical features, hydro-meteorology as well as the existing drainage system of various subregions, pollution, etc., besides studying various norms & standards e.g. design criteria of drainage system in the participating States, CPHEEO norms, recommendations by National Disaster Management Authority (NDMA) on Drainage, etc. In order to ensure an efficient drainage system in NCR, the Functional Plan has given important recommendations on protection of natural drainage system; promotion of recreational use along drainage channels; preparation of Master Plan of inter-state regional drainage and for individual cities/towns; segregation of sewage and drainage, etc. Some of the discussion in the report is quoted below:

“xxxxxx.....xxx

8.2.4 Encroachment on Natural Drainage Channels in Urban Areas

Natural streams and watercourses have formed over thousands of years due to the forces of flowing water in the respective watersheds. Habitations started growing into towns and cities alongside rivers and watercourses. As a result of this, the flow of water has increased in proportion to the urbanization of the watersheds. Ideally, the natural drains should have been widened (similar to road widening for increased traffic) to accommodate the higher flows of storm water. But on the contrary, there have been large scale encroachments on the natural drains and the river flood plains. Consequently the capacity of the natural drains has decreased, resulting in flooding.

Generally the drains and linear patch of land on either side of the drain are neglected due to foul smell and filthy look due to drain.

Because of this reason the land value along drain is lower compared to other lands in the city. Local authorities also neglect the nallah land and its surroundings because this land does not provide any source of income to them. The negligence by local authorities provides an opportunity for the encroachers to carry out construction activities on the lands along the nallahs. The encroachment also reduces the effective width of the drain, which further aggravates the problem in monsoon.

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iv) Covering of Drains/Construction over the Drainage Channels

A new phenomenon has been observed that in urban areas drains and natural nallahs are covered for urban activities use mainly for transportation and commercial activities due to scarcity of land in the cities. The covering of drains poses difficulty in cleaning and leads to reduction in the carrying capacity of the drains.”

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vi) Silting of Drains

During the rain the velocity of water is high. This high speed flowing water washes the earth and carries with it soil, leaves, wood logs, dead bodies etc. The soil carrying capacity of water decreases with the reduction in velocity of water. After reduction in velocity of water, floodwater leaves behind this material in the drain. This reduces the carrying capacity of Drain. And to carry the same quantity of water wider drain is required. Otherwise the water spread (flooding) takes place. To maintain the same carrying capacity in a limited width, the drain need to be cleaned periodically.

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(i) Mixing of Sewage and Drainage

Storm water drainage is meant to carry storm water (rain water) or any other clean surface water. It is fundamentally neither suitable nor designed for carrying sewage or industrial wastewater or even septic tank effluent. Even the effluent from the sewage treatment plant cannot be discharged into drain unless it meets the norms set by the Bureau of Indian Standards (BIS) code and the Central Pollution Control Board. In urban areas it is desirable to have separate system for carrying the sewage and storm water. In accordance with this principle in cities, the drainage and sewerage systems are provided separately. The problem arises due to blockage in sewerage system resulting the back flow in houses and in nearby areas. In order to avoid back flow and immediate relief is given by puncturing the sewerage line and diverting the sewage to nearby drains. Thus in urban areas the drains also serves as a substitute to sewerage system, for which the drains are not designed. The raw sewage mixed with storm water directly flow to the major drains and ultimately to the rivers cause serious water pollution in rivers which are the major source of drinking water of supply effects the aquatic life. There is a need to plan and construct separate sewerage and drainage system

and necessary measures may be taken so that sewage are not punctured during floods and drained into the drains.

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“8.3.4 Buffer Along/Around Water Bodies

Expert Committee constituted by Ministry of Home Affairs, GOI had proposed amendments to Rules and Bylaws, relating to Layout approvals and Building Permissions, to address disaster management issues. The following recommendations of the Expert Committee relating to restrictions of building activity in the vicinity of areas may be adopted which will help in conservation of water bodies and prevent them from pollution:

The water bodies and watercourses be maintained as recreational/green buffer zone and no building activity other than recreational use be carried out within;

- i) 100 m from the river edge outside Municipal Corporation /Municipal limits and 50 m within Municipal Corporation /Municipal limits. No permanent construction be permitted within the buffer zone.*
- ii) 50 m. from the boundary of lakes of surface area for 10 ha. and above,*
- iii) 30 m. from the boundary of lakes of an area of less than 10 ha/ponds/tank bed lands*
- iv) 12 m. from boundary of major canal, streams nallahs, canals, etc.”*

xxxxxx.....xxx

8.3.10 Regulation for Covering of Drain

In urban areas drains run along the roads and public is allowed to cover drains in front of their entrances for access from roads. It has been observed that the drains are covered along the property boundary especially in the commercial property. This results into covering of drains for a longer distance and cleaning becomes difficult which ultimately leads to blockage of drain and flooding on roads. A standard design for the drain for removable cover at regular interval should be incorporated in building byelaws so that the above problem can be avoided. It should be checked by the agency while granting building permission or at the time of providing occupancy certificate. A provision for recovering the demolition costs from the property owners, if any, should be integral part of Bye laws.

It is recommended that the practice of covering the drains for construction of roads should be stopped. Even the bridge/elevated road running over the drain along the alignment of the drain should also be discouraged as pillars obstruct the flow and movement of cleaning machines/ equipment’s.”

27. Even though the Hon'ble Supreme Court in Mantri Techzone, supra, has approved larger buffer zones ranging from 25 meters to 50 meters from the edge of the drain (depending upon size of the drain), the buffer zone laid down by the NCR Planning Board which is lesser area, must be followed in the NCR, which includes Ghaziabad. Thus, all constructions within the buffer zone of 12 meters from the edge of any drain have to be held illegal and liable to be removed. This will include constructions raised by the project proponents who have filed objections before this Tribunal. No further construction can be allowed in the buffer zone. Preferably, it should be covered by forest. There can be no estoppel against law and mere fact of construction having already been made can be no defence to need for protection of environment in the larger interest of the society.

28. However, in the peculiar facts and circumstances, we are not averse to exploring viable alternative such as laying of a proper sewer line, enabling pollution and obstruction free flow of the storm water drain. If any such plan is found viable and prepared with cost being recovered entirely or partly from the PPs or any other violators /beneficiaries within a period of one year, the demolition can be reconsidered, though not an ideal situation. Thus, while holding and directing demolition of illegal constructions, we leave it open to consider a viable alternative by a Joint Committee headed by the Member Secretary, NCR Planning Board, Ministry of Urban Development, GoI with nominee of Ministry of Jal Shakti (MoJS) not below the rank of Joint Secretary, Additional Chief Secretary, Urban Development, UP Commissioner, GNN, District Magistrate, Ghaziabad and UP PCB as members, with Additional Chief Secretary, Urban Development, UP being the nodal agency for coordination and compliance. Meeting of the Committee may be held within one month and its interim report prepared within two months thereafter. In case it is

found that a sewer line can be duly constructed, enabling pollution and obstruction free flow of storm water drain, with or without contribution or such private parties, a report be filed within four months. The affected parties are free to represent to concerned authorities for such consideration offering the full or part of the cost involved. The Committee is free to meet online or otherwise and associate any other individual/department/expert.

29. In case option suggested is not found workable, all coverings of drain and constructions within buffer zone of the drain may be demolished after four months and drain with buffer zones maintained free of pollution and covering/encroachments. This will be the responsibility of the Commissioner, GNN, District Magistrate, Ghaziabad and SSP, Ghaziabad. Needless to say, that in case if an alternative is found viable, the Tribunal may pass further order considering the report of the committee.

Directions

30. To sum-up, our directions are:

- (i) All constructions/encroachments in the bed and 12 meter buffer zone from the edge of Sahibabad Drain No. 1 in Ghaziabad and all its coverings are per se illegal and are liable to be demolished, irrespective of any permission by the Nagar Nigam. The drain is liable to be restored and allowed to flow without obstruction and pollution which will be the responsibility of the Nagar Nigam with oversight of higher authorities and regulators.
- (ii) Demolition of above illegal constructions may be carried out unless viable and acceptable alternative to restore environment and Drain by a suitable sewer line enabling free flow and unpolluted storm water open drain is worked out upto 01.10.2022

- (iii) In case of representation in terms of direction (ii), a Joint Committee headed by the Member Secretary, NCR Planning Board, Ministry of Urban Development, GoI, with nominee of Secretary, MoJS, GoI, Additional Chief Secretary, Urban Development, UP, Commissioner, Ghaziabad Nagar Nigam, District Magistrate, Ghaziabad, and UP PCB as members may consider the matter and give its report to the Tribunal by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF on or before 15.09.2022 about a viable alternative for sewer line being laid and simultaneously storm water drain being allowed to flow unpolluted and uninterrupted. This may be with full or partial financial contribution of affected/benefited parties, to be executed within the outer limit of one year from today.
- (iv) If any such report is filed, the same may be simultaneously placed on the website of the UP PCB for being accessed by any of the affected parties.
- (v) The report, if filed, be placed before the Tribunal on 28.09.2022 for consideration.

Subject to above, the application is disposed of.

A copy of this order be forwarded to NCR Planning Board, Ministry of Urban Development, GoI, MoJS, GoI, Additional Chief Secretary, Urban Development, UP, Commissioner, Ghaziabad Nagar Nigam, District Magistrate, Ghaziabad, SSP, Ghaziabad and UP PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

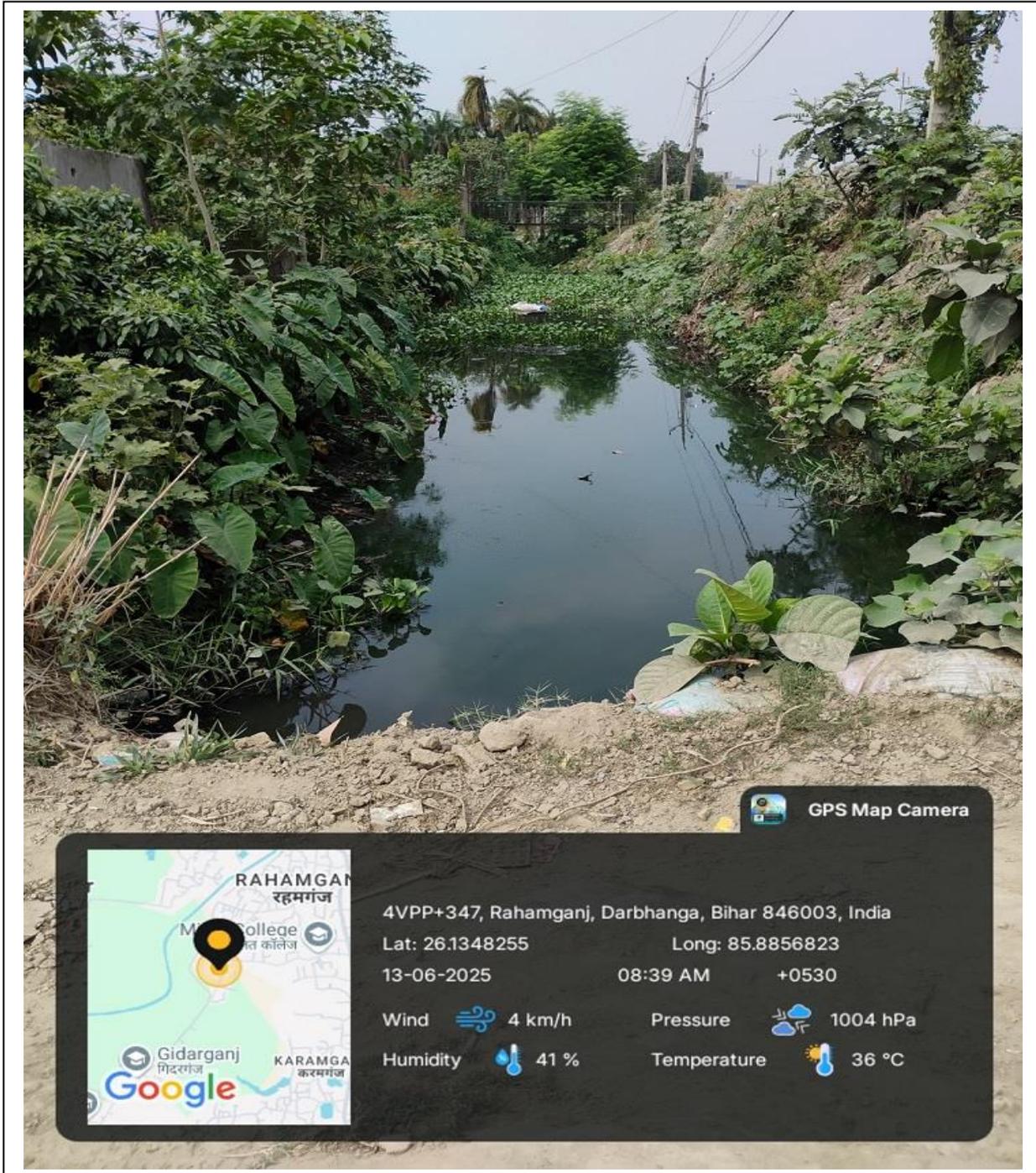
Prof. A. Senthil Vel, EM

May 13, 2022
Original Application No. 16/2014
A + DV

ANNEXURE-3

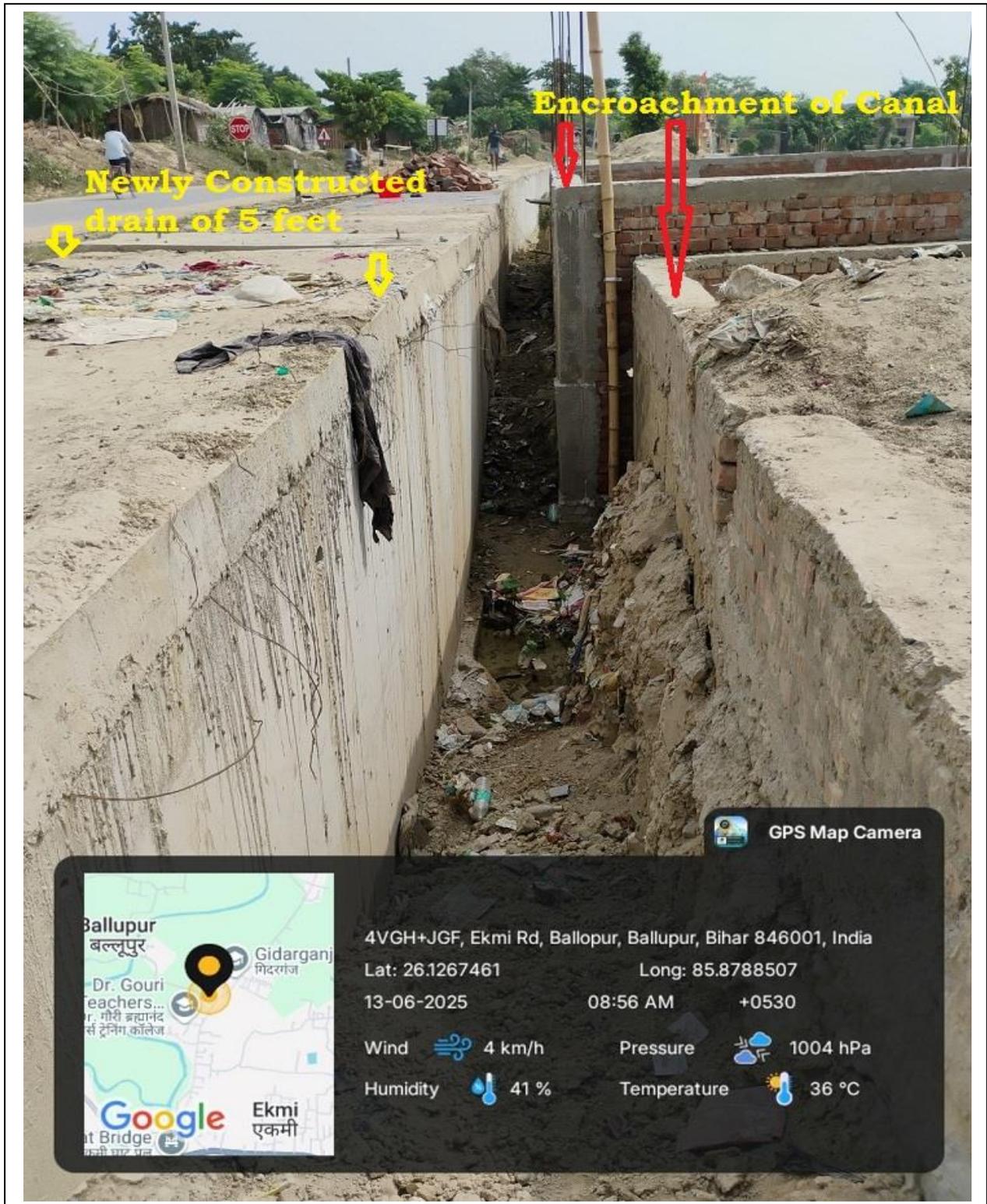
Photographs of Annexure-3 reflects plan to spent Rs. 30 thousand crores to construct SWD in 20 cities of Bihar, quite insensitively to water, environment, aesthetic value and court orders.

Photo No. 1-: Old Canal between Kilaghat & Ekmi, Length about 2 Km & Width 20 feet, is to be reduced to 5 feet width by closed-concretetization drain by BUIDCO, a scheme of UD&HD, Govt of Bihar. Wild Grasses looks as a green-belt, soon be disappear.



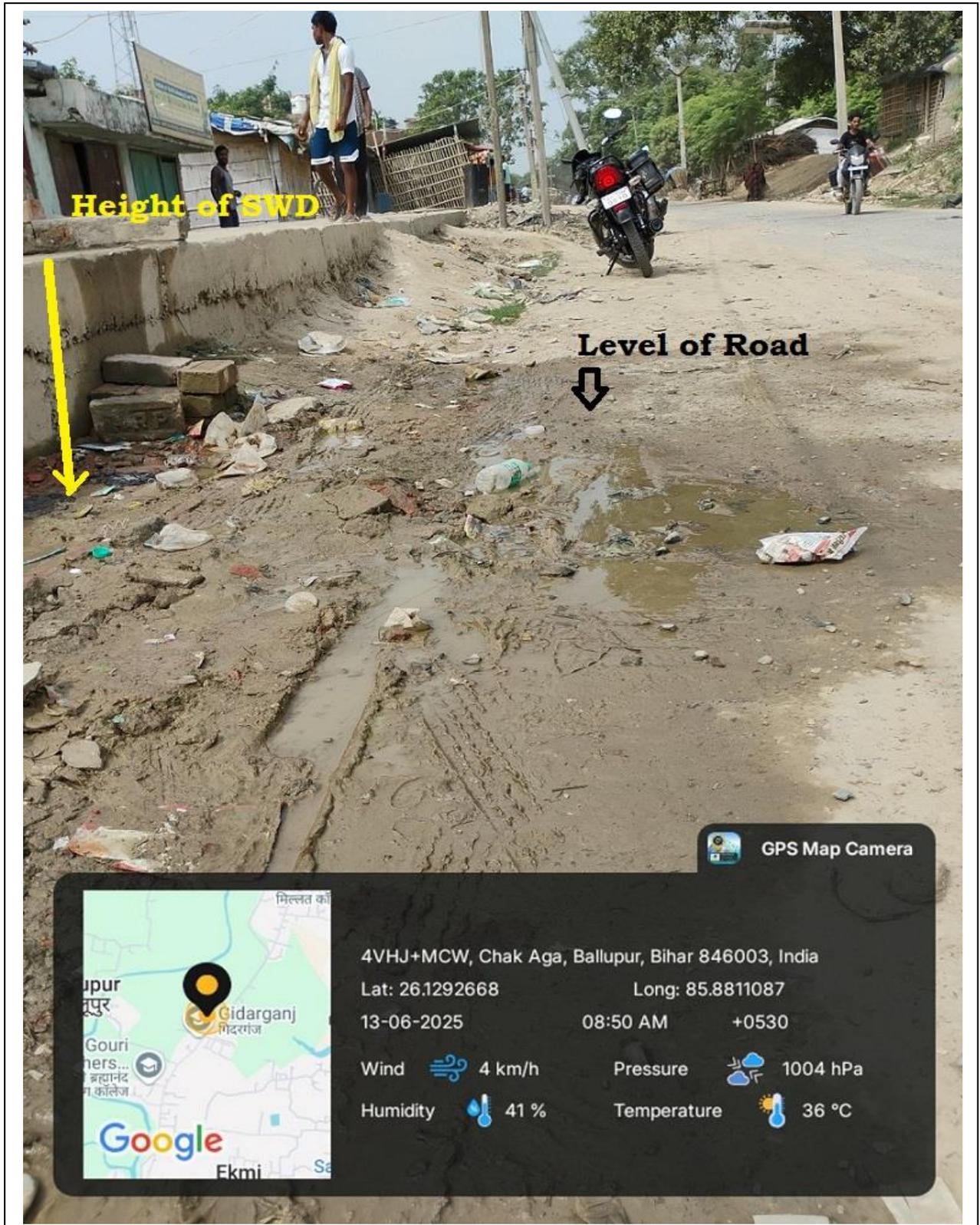
ANNEXURE-3

Photo No. 2:- Old Canal between Kilaghat & Ekmi, Length about 2 Km & Width 20 feet, is being reduced to 5 feet width by closed-concretization drain by BUIDCO. More than 10 feet in width has been encroached by individuals. Wild Grasses of canal disappeared after construction



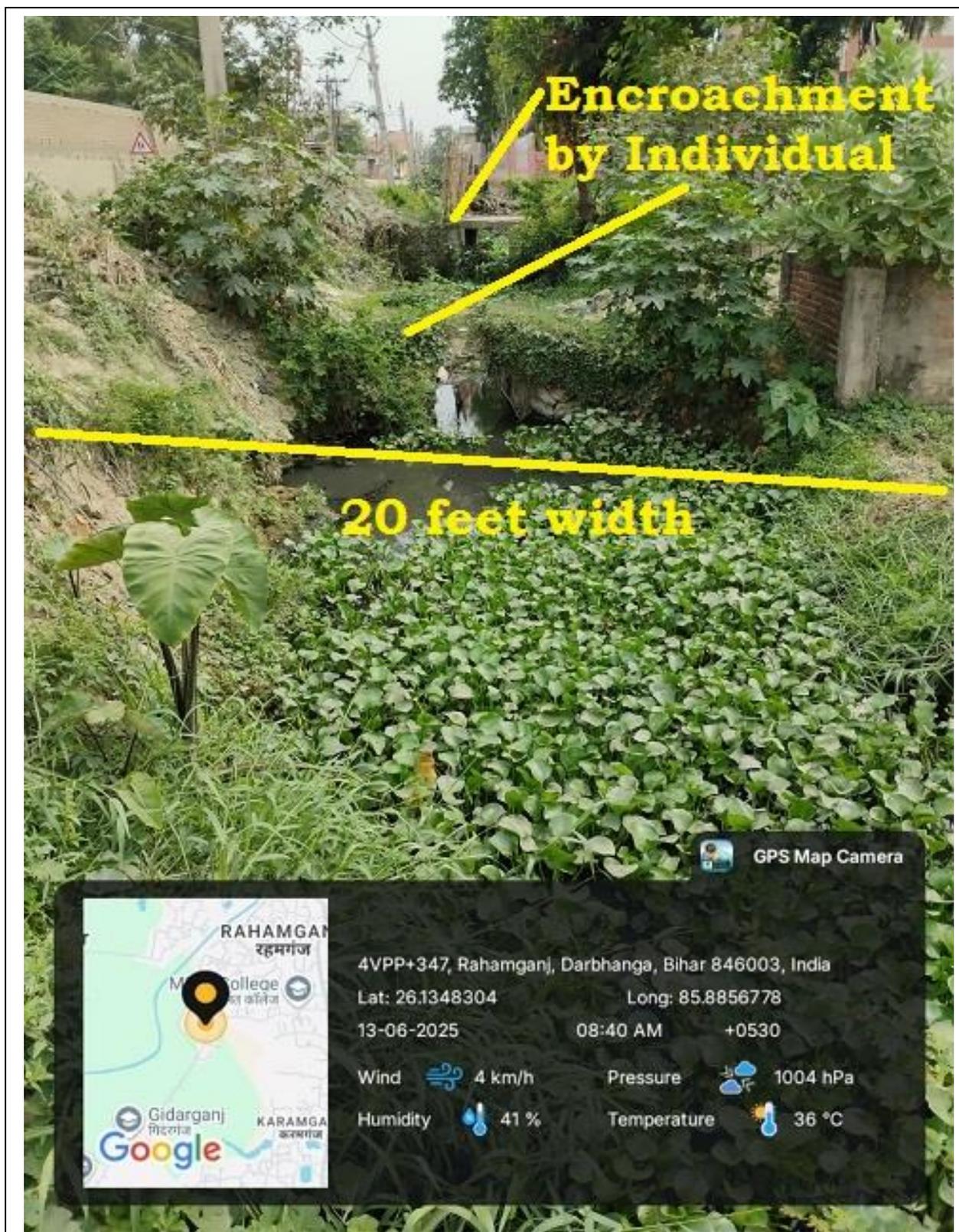
ANNEXURE-3

Photo No. 3-: Old Canal between Kilaghat & Ekmi, Length about 2 Km & Width 20 feet. Height of SWD has raised about 2 feet from the road level. This construction violates the orders of the Hon'ble High Court a & NGT.



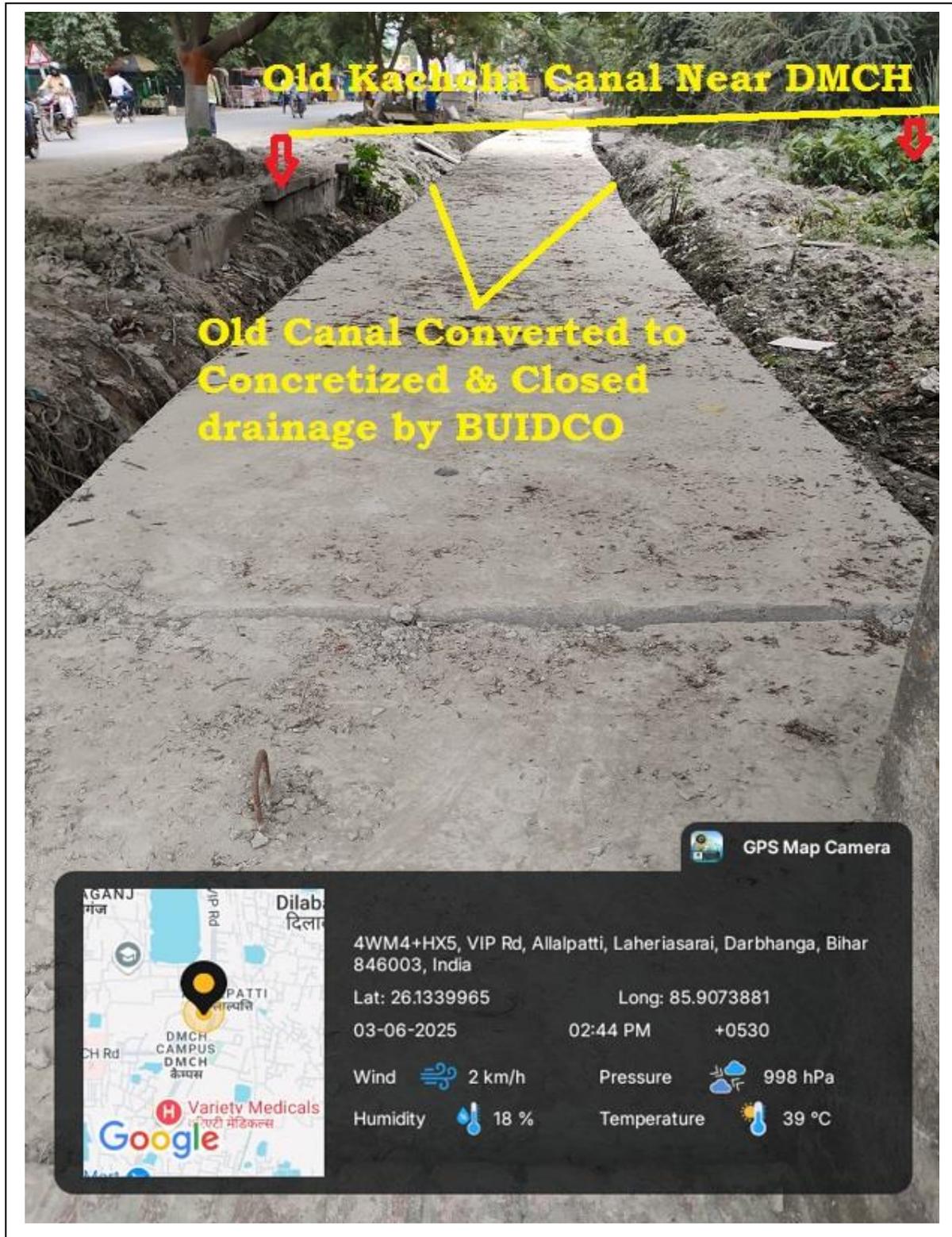
ANNEXURE-3

Photo No. 4-: A scene of some part of old Canal between Kilaghat & Ekmi, Length 2 KM & Width 20 feet. BUIDCO's plan to close & concretized it, will be contempt of the orders of Hon'ble NGT Dated 21/08/2018 to all SPCB/PCC.



ANNEXURE-3

Photo No. 5:- An storm water old canal, which was open & kachha nala near DMCH has concretized. It indicates our insensitivity towards water environment and climate change. It is a case of contempt of the orders of Hon'ble NGT Dated 21/08/2018 to all SPCB/PCC.



ANNEXURE-3

Photo No. 6-: An storm water old canal, 20 to 25 feet width, which is open & kachha nala near DMCH, will be concretized soon by BUIDCO. DMC sewage was built over the old kachcha canal will be removed to construct SWD by BUIDCO, as looks above in photo no. 7.



Annexure-4,

Project Name: Canal Lining

Project Supported By: Water Resource Department , Govt of Bihar.

This old canal is 7 to 8 KM in Length and 30 to 40 feet in width.

Photo No. 1, Construction & concretization of an Old Storm Canal, namely 'Housing Board Colony & Laheriasarai Canal' under 'Canal Lining Project' by Water Resource Department (WRD), Govt of Bihar.



Annexure-4,

Photo No. 2, Construction & concretization of the 'Housing Board Colony & Laheriasarai Canal' under 'Canal Lining Project' by Water Resource Department (WRD), Govt of Bihar

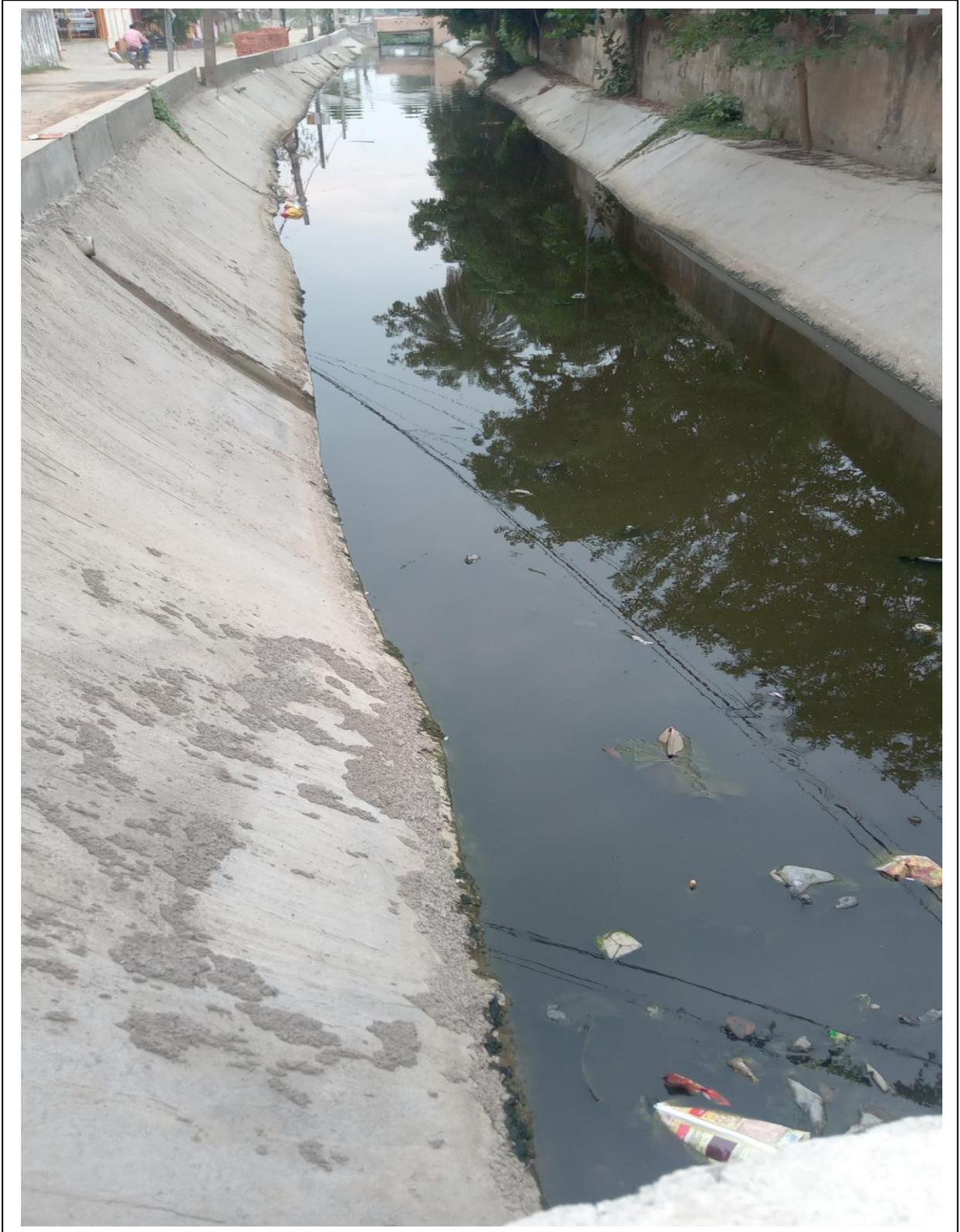


Photo No. 3, View of Encroachment of Housing Board Colony & Laheriasarai Canal between Housing Board Colony and Berheta Village.



Photo N. 4 & 5: Western End of Housing Board Canal
Links to Bagmati River Through Sluice Gate



The Canal Linked to Bagmati River, View of Bagmati River ↓



Photo N. 6: View of Eastern End of Housing Board Canal Links to Kamla Palieo Channel



ANNEXURE-5

Photo No. 1-: Progress of Construction in Buffer Zone of Harahi Lake by BUIDCO. Its case is pending in Hon'ble NGT's Court, M.A. No. 18/2024 in OA No. 155/2022.



ANNEXURE-5

Photo No. 2-: Progress of Construction in Buffer Zone of Harahi Lake by BUIDCO. Its case is pending in Hon'ble NGT's Court, M.A. No. 18/2024 in OA No. 155/2022.



ANNEXURE-5

Harahi Lake, Photo No. 3:- No Safety Preparation at construction site,
Construction in Buffer Zone of Harahi Lake by BUIDCO.

Its case is pending in Hon'ble NGT's Court,
M.A. No. 18/2024 in OA No. 155/2022.



ANNEXURE-5

Digghi Lake, Photo N. 4 &5:- No Safety Preparation at construction site,
Construction in Buffer Zone of Lake by BUIDCO.

Its case is pending in Hon'ble NGT's Court,
M.A. No. 18/2024 in OA No. 155/2022.



Talab Bachao Abhiyan, Darbhanga

Add: Professor Colony, Digghi West, Darbhanga-4, Bihar.

Summary of Representations

1. Representation No. 18 June 2025,

Through E-mail on 18/06/2025

To

- * Hon'ble Minister, Urban Development & Housing Dept., GoB, Patna,
- * The Chief Secretary, Govt of Bihar, Patna,
- * The Secretary, Urban Development & Housing Dept., GoB, Patna,
- * The Chairman, BUIDCO, Patna.
- * The Managing Director, BUIDCO, Patna.

Subject: Inadequate Preparation & unscientific way of construction of storm water drainage can lead to environmental disasters.

The representation stated the following issues:

1. Bihar Municipal Act related to storm water, polluted sewage water and wetlands:

1.1 "Section 198' deals with maintaining separate drain for polluted water of sewerage and fresh/rain water:

"Section 198: Sewerage and rain water to be separated - For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Chief Municipal Officer, or any other agency authorized by him in this behalf, to require that there should be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places."

1.2 "Section 249: Functions in relation to urban environment management and submission of report on environmental status of municipal area, and Sub-section 249(f) is about preserving the wetlands.

"Section 249: Functions in relation to urban environment management and submission of report on environmental status of municipal area--- (1) Subject to the provision of section 10 and without prejudice to the generality of the provisions of section 277, the Municipality shall , either by itself or through any agency, undertake functions relating to the following matters:

(a) supply of safe water,

(f) preservation of wetland,

(l) development of parks, gardens and open spaces

(n) Such other matter as the Municipality may consider necessary.”

2. The representation highlighted the Hon’ble NGT orders passed in Sri Hazi Arif Vs. The State of U.P., in OA No. 16/2014, the following orders & directions:

2.1 There should not be concretization in & around the storm water drainage to ensure recharge of ground water.

2.2 There should not be covering of the storm water drainage to ensure smooth cleaning and maintaining.

2.3 The storm water drainage should not be connected to sewage/polluted drain water.

2.4 The storm water drainage should be free from encroachment.

3. The representation further drew attention to the raising 1 feet to 2 feet height of the SWD from the level of its nearby road, which can create problems of water logging.

Submission:

The representation made the following submissions:

i) To halt the ongoing construction at state level.

ii) To form a high level committee by involving 4-5 professors of IITs, to review & evaluate the project of SWD for correction purposes.

iii) to punish the erring officers, who are responsible for wasting public money and failed to obey the court orders.

iv) To take all essential measure to prevent repetition of such a faulty engineering work in future.

v) To take action for removal of encroachments from the old canal or and drainage of storm water of Darbhanga nd Laheriasarai.

Thanks

Narayan Jee Choudhary

Convener.

**2. Representation No. 12 June 2025,
Through E-mail on 12/06/2025**

To

* The DM, Darbhanga.

* The Town Commissioner, DMC, Darbhanga.

The representation was submitted with references of the following court orders:

i) Pending case in Hon'ble NGT's court, M.A. No. 18/2024 In O.A. No. 155/2022.

ii) Orders of in Hon'ble NGT in M.A. No. 26/2019 (O A No. 325/2015.

ii) Section 198, Section 229, Section 230, Section 248, Section 249, Section 273 of Bihar Municipal Act. Related to water, water-body, park etc.

iv) Letter of Principal Secretary, Revenue & Land reform, Govt of Bihar for protection of pond.

The DM and Town commissioner were requested

>to take action on encroachment and illegal sale & purchase of park place identified as 'controlled area' by DMC for beautification of the 3 ponds.

> to prepare an action plan for inter-linking and restoration of the 3 ponds, and avoid any construction activities in & around the 3 lakes without having an action plan in totality. So, halt the ongoing construction of SWD near about and in buffer zone of Harahi, Digghi and Ganga Sagar ponds of darbhanga.

Submissions:

i) To restore old canals and draianage of the darbhanga city.

ii) To ensure fresh rain water for Harahi, Digghi and Ganga Sagar during monsoon period.

iii) Revival of old drainage of Harahi, Digghi and Ganga Sagar, which were connected to Kamla river and Bagmati River.

Thanks

Narayan Jee Choudhary

Convener.

3. Representation No. 10 June 2025

Submitted by email on 10/6/2025

To,

The

- * The Chief Secretary, Govt of Bihar, Patna,
- * Additional Chief Secretary, Road Construction Dept., GoB, Patna.
- * The Secretary, Urban Development & Housing Dept., GoB, Patna,
- * The Chief Engineer, Road Construction Dept., GoB, Patna.
- * The Chairman, BUIDCO, Patna.
- * Div. Commissioner, Laheriasarai, Darbhanga.
- * The DM, Darbhanga.
- * The Town Commissioner, DMC, Darbhanga.

The representation made references of the following orders of the Hon'ble Hogh Court and Hon'ble NGT:

- * Deepak Mukharjee Vs. Govt of Bihar (CWJC No. 4849/2010)
- * Prashant Kumar Vs. Govt of Bihar (CWJC No. 1664/2012)
- * Pramod Kumar Sekseria Vs. Govt of Bihar (CWJC No. 17517/2017)
- * Sri Hazi Arif Vs. The State of U.P., in OA No. 16/2014,

The road construction department has been requested to follow the order of the Hon'ble High Court Patna and take corrective measures regarding elevated road and drainage constructed in darbhanga city.

Regarding storm water drainage, the concern authorities were requested to obey the orders and directions of the Hon'ble NGT.

Thanks

Narayan Jee Choudhary

Convener.

Letter sent by TBA through email on 18/06/2025

fr **Talab Bachao
Abhiyan** <tbadarbhanga@gmail.com>
minister.udhd@gmail.com,
urbansec-bih@nic.in,
mdbuidco@gmail.com,
cgmbuidco@gmail.com,
cs-bihar@nic.in

d Jun 18, 2025, 9:30 AM

sub. स्टॉर्म वाटर ड्रेनेज के अवैज्ञानिक तैयारी और निर्माण से होने वाले विनाशकारी परिणाम के संबंध में

तालाब बचाओ अभियान, दरभंगा रिप्रजेंटेशन न. 18 जून 2025

सेवा में,
माननीय मंत्री महोदय, शहरी विकास एवं आवास विभाग, बिहार सरकार, पटना ।
मुख्य सचिव महोदय, बिहार सरकार, पटना, बिहार ।
सचिव महोदय, शहरी विकास एवं आवास विभाग, बिहार सरकार, पटना ।
अध्यक्ष महोदय, बुडको, पटना, बिहार ।
मैनेजिंग डायरेक्टर महोदय, बुडको, पटना, बिहार ।

विषय: स्टॉर्म वाटर ड्रेनेज के अवैज्ञानिक तैयारी और निर्माण से होने वाले विनाशकारी परिणाम के संबंध में ।

महोदय,
स्टॉर्म वाटर ड्रेनेज से पूर्व, हम बाढ़ नियंत्रण के निम्न आंकड़ा आपसे साझा करना चाहते हैं:

बिहार में 1954 में जब तटबंध की कुल लम्बाई 160 की.मी. थी तब कुल बाढ़ प्रभावित क्षेत्र 25 लाख हेक्टेयर जमीन थी । उस बाढ़ प्रभावित 25 लाख हेक्टेयर जमीन को बाढ़ से मुक्त करने के लिए बिहार सरकार ने 1954-55 के बाद से तटबंध निर्माण शुरू किया, जो 160 की.मी. से बढ़कर 3400 की.मी. से भी ज्यादा हो गया । दूसरी तरफ, बाढ़ प्रभावित क्षेत्र 25 लाख हेक्टेयर से बढ़कर 68 लाख हेक्टेयर हो गया । पहले मात्र 25 लाख हेक्टेयर जमीन केवल बाढ़ प्रभावित था, अर्थात दो-तीन दिनों में ही बाढ़ का पानी निकल जाता था । लेकिन अब 68 लाख हेक्टेयर जमीन बाढ़ के साथ-साथ 3-4 महीना जल-जमाव से भी प्रभावित हो गया, अर्थात 68 लाख हेक्टेयर जमीन में जल-जमाव के कारण इकोलॉजिकल डिजास्टर भी हो गया और हो रहा है ।

अखबार के समाचार से पता चला की बिहार के 20 शहरों में स्टॉर्म वाटर ड्रेनेज निर्माण करने की स्कीम शुरू किया गया है । जिस तरह जल संसाधन विभाग के अभियंताओं और ठेकेदारों ने बाढ़ मुक्त के नाम पर पूरे उत्तरी बिहार के कृषि, कृषि आधारित उद्योग एवं रोजगार को बर्बाद किया है, उसी तरह आपका स्टॉर्म वाटर ड्रेनेज भी बिहार के 20 शहरों को उसके स्वरूप को विकृत करते हुए उन्हें सत्यानाश कर देगा और उन्हें तीन-चार महीनों तक जल-जमाव में रखेगा ।

महोदय, आप सभी को मेरी यह बात कटु और अप्रिय लग सकती है, लेकिन यह लोभ और लालच से बनाई गयी स्कीम है जो निष्पूरतापूर्वक रहस्यमय तरीका से जनता के ऊपर थोपी जा रही है। हम अपने बात के पक्ष में निम्न प्रमाण/तर्क/उदाहरण दे रहे हैं:

1. नगर निगम के कानून के अनुसार:

अभी दरभंगा नगर निगम के क्षेत्र में गंदा पानी के नाला और बरसाती पानी के नाला को एक में मिलाकर स्टॉर्म वाटर ड्रेनेज का निर्माण किया जा रहा है, जो नगर निगम के धारा 198 का उल्लंघन हो रहा है। इस धारा के अनुसार, गंदा पानी के नाला और बरसाती पानी के नाला पृथक-पृथक हो, और इन्हें एक में नहीं मिलाना चाहिए। कृपया नगर निगम के धारा 198 को देखा जाए:

"Section 198: Sewerage and rain water to be separated - For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Chief Municipal Officer, or any other agency authorized by him in this behalf, to require that there should be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places."

पुनः शहरी पर्यावरणीय प्रबंधन के अंतर्गत धारा 249(f) के अनुसार, वेटलैंड अर्थात् पोखर, झील और अन्य जलाशयों का संरक्षण करना, नगर निगम का एक महत्वपूर्ण कार्य है। वर्तमान स्टॉर्म वाटर ड्रेनेज के स्कीम में शहर के समस्त वर्षा जल को शहर से बाहर निकालने का प्रावधान है ताकि शहर को जल-जमाव से मुक्त किया जा सके। अगर हम वर्षा के जल को शहर के पोखर, झील और अन्य जलाशयों में नहीं जाने देंगे तो इन जलाशयों का संरक्षण कैसे होगा और इससे शहर में उत्पन्न जल-संकट का समाधान कैसे होगा। कृपया नगर निगम के धारा 249 को देखा जाए:

"Section 249: Functions in relation to urban environment management and submission of report on environmental status of municipal area--
- (1) Subject to the provision of section 10 and without prejudice to the generality of the provisions of section 277, the Municipality shall, either by itself or through any agency, undertake functions relating to the following matters:
(a) supply of safe water,
(f) preservation of wetland,
(l) development of parks, gardens and open spaces
(n) Such other matter as the Municipality may consider necessary."

2. श्री हाजी आरीफ बनाम यू.पी. सरकार, ओ.ए. न. 16/2014, एम्.ए. न. 63/2022 एवं अन्य वादों में माननीय नेशनल ग्रीन ट्रिब्यूनल के द्वारा दिए गये आदेश के अनुसार-:

- i) स्टॉर्म वाटर ड्रेनेज के अन्दर और बाहर पक्कीकरण नहीं हो ताकि भूजल का भरण में बाधा न हो।
- ii) स्टॉर्म वाटर ड्रेनेज को बंद नाला में परिवर्तित न हो ताकि इसके साफ़-सफाई आसानी से हो सके।
- iii) स्टॉर्म वाटर ड्रेनेज को नगर निगम के गंदा पानी बहने वाले नाला से नहीं जोड़ा जाय।
- iv) स्टॉर्म वाटर ड्रेनेज को अतिक्रमण मुक्त हो, लेकिन दरभंगा शहर में कहीं नहीं हो रहा है।

दरभंगा शहर में निर्माणाधीन स्टॉर्म वाटर ड्रेनेज में उपर्युक्त चरों बिन्दुओं पर माननीय एन.जी.टी.के आदेश और निदेश का खुला उल्लंघन हो रहा है। इसके अलावा जो सबसे बड़ी चिंता की बात यह है कि लहेरियासराय और दरभंगा के बीच नहरनुमा 11 से भी ज्यादा बरसाती नालाएं/स्टॉर्म

वाटर ड्रेनेज हैं, जो अतिक्रमित है, का रेस्टोरेशन स्टॉर्म वाटर ड्रेनेज स्कीम के अंतर्गत नहीं किया जा रहा है।

3. दरभंगा शहर में स्टॉर्म वाटर ड्रेनेज का निर्माण सड़क के सतह से 1 से 2 फिट उंचा किया जा रहा है, जो अपने आप में अवैज्ञानिक और संवेदनहीनता का ठोस प्रमाण है। इससे शहर में जल-जमाव बढ़ेगा ही, जो तीन-चार महिना तक रह सकता है।

महोदय, आप सभी से निम्नलिखित अनुरोध है:

- i) पूरे राज्य में स्टॉर्म वाटर ड्रेनेज के निर्माण पर तत्काल रोक लगाया जाय।
 - ii) एक उच्च स्तरीय कमिटी से इसका जांच कराया जाय, जिसमें 4-5 आई.आई.टी के प्रोफेसर हों।
 - iii) दोषी पदाधिकारियों और कर्मचारियों पर न्यायालय के आदेश के अवमानना का केस किया जाय।
 - iv) जहाँ कहीं भी निर्माण कार्य हुआ है, उन्हें सुधार कर पूर्व के स्थिति में लाया जाय।
 - v) भविष्य में इस तरह से अवैज्ञानिक और दोषपूर्ण निर्माण कार्य न हो, उसे सुनिश्चित किया जाय।
 - vi) दरभंगा और लहेरियासराय के सभी पुराने स्टॉर्म वाटर ड्रेनेज को अतिक्रमणमुक्त करके उन्हें रिस्टोर किया जाय।
- धन्यवाद।
नारायण जी चौधरी,
संयोजक

2. Letter sent by TBA through email on 12/06/2025

fr **Talab Bachao**
Abhiyan <tbadarbhanga@gmail.com>
dm-darbhanga.bih@nic.in,
darbhanga.ulb@gmail.com

d Jun 12, 2025, 1:20 AM

sub. पार्क स्थल और स्टॉर्म वाटर ड्रेनेज के
में

mai gmail.com

तालाब बचाओ अभियान, दरभंगा
रिप्रजेंटेशन न. 12 जून 2025

सेवा में,

* जिलाधिकारी महोदय, दरभंगा।

* नगर आयुक्त महोदय, दरभंगा नगर निगम।

विषय - :

1. हराही, दिग्धी और गंगासागर तालाबों को सौन्दर्यीकरण के लिए दरभंगा नगर निगम द्वारा चिह्नित किये गए पार्क और तालाबों को जोड़ने वाले स्थलों को अतिक्रमण और खरीद बिक्री से बचाने के संबंध में ।
2. हराही, दिग्धी और गंगासागर तालाब में या इनके आस-पास किसी तरह का संरचनात्मक हस्तक्षेप न हो जबतक इन तीनों तालाबों के लिए एक समग्रता में इंटर-लिंगिंग और रेस्टोरेशन प्लान नहीं बनाया जाता है । इसीलिए स्टॉर्म water ड्रेनेज पर अविलम्ब रोक लगाया जाय ।

सन्दर्भ:

- * माननीय एन.जी.टी. में चल रहे केस M.A. No. 18/2024 In O.A. No. 155/2022. ।
- * माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेश M.A. No. 26/2019 (O A No. 325/2015) ।
- * जल, तालाब, पार्क आदि से जुड़े बिहार म्युनिसिपल एक्ट, 2008 के धाराएं (Section 198, Section 229, Section 230, Section 248, Section 249, Section 273) ।
- * तालाब के संबंध में प्रधानसचिव, राजस्व एवं भूमि सुधार विभाग, बिहार सरकार का पत्र ।

महोदय,

विदित हो कि डिस्ट्रिक्ट टाउन प्लानिंग एंड डेवलपमेंट कमिटी ने 1960में तीनों तालाबों को जोड़ने एवं सौन्दर्यीकरण करने के लिए योजना बनायी थी,जिसे नगर बोर्ड (अब नगर निगम) ने 19जुलाई1960 को क्रियान्वयन के लिए अडॉप्ट किया था |इसी योजना की चर्चा समय-समय पर शहर के लोगों, निगम के महापौर, राज्य के मंत्री और मुख्य मंत्री द्वारा किया जाता रहा है ।

इन तालाबों के एकीकरण और सौन्दर्यीकरण के लिए जो नक्शा नगर बोर्ड द्वारा तैयार किया उसमें इन तीनों तालाबों के चारो तरफ के अंगनाई (garden & Pleasure place) के क्षेत्र और पार्क बनाने के स्थल को कंट्रोल्ल एरिया (Controlled Area) चिन्हित किया,अर्थात नक्शा पर चिन्हित कंट्रोल एरिया का अतिक्रमण या खरीद-बिक्री नहीं हो सकता है|,कृपया नगर निगम का नक्शा देखे

महोदय, शास्त्री चौक के पास के पार्क स्थल की जमीन पर पिछले 2-3सालों से निजी माकन और होटल बनाए जा रहे हैं |जबकि माननीय एन.जी.टी. ने अपने प्रथम सुनवाई 2022 में ही इन तीनों तालाबों के आस-पास सभी तरह के निर्माण कार्य पर रोक लगाया था । कृपया, इस संबंध में निम्न जानकारी देने का कष्ट करें:

i) दिग्धी के पश्चिम, शास्त्री चौक के पास के पार्क स्थल, जिसे नगर निगम ने कंट्रोल्ल एरिया घोषित कर चुका है, को अतिक्रमण या खरीद-बिक्री या दोनों से बचाने/रोकने की जिम्मेदारी किस विभाग और पदाधिकारी की है ।

ii) अगर यह जिम्मेदारी नगर निगम की है, तो कृपया जानकारी देने का कष्ट करें की अभी तक नगर निगम ने इस पार्क-स्थल का अतिक्रमण और खरीद-बिक्री रोकने के लिए क्या-क्या कारवाई की है ।

2. हराही, दिग्धी और गंगासागर तालाब के लिए स्टॉर्म वाटर ड्रेनेज का निर्माण कैसे हो:

महोदय, इन तीनों तालाबों के पास अभी जो स्टॉर्म वाटर ड्रेनेज बनाया जा रहा है उसका मुख्य उद्देश्य होना चाहिए कि इन तीनों तालाबों को वर्षा का फ्रेश पानी मिले, जिसके लिए जरुरी है कि स्टॉर्म वाटर ड्रेनेज का कैचमेंट क्षेत्र क्या होगा और कहां होगा । लेकिन निर्माणाधीन स्टॉर्म वाटर ड्रेनेज में सीवेज वाटर को भी जोड़ा जा रहा है, जिससे स्पष्ट है कि यह ड्रेनेज इन तीन तालाबों को वर्षा का फ्रेश जल से भरने के लिए नहीं बनाया जा रहा है ।

महोदय, आपसे विनम्र अनुरोध है कि । इन तीनों तालाबों के लिए जबतक समग्रता में इनके इंटर-लिंगिंग, रेस्टोरेशन और सौन्दर्यीकरण की योजना नहीं बनाई जाती है तबतक इन तालाबों में या इनके आस-पास किसी भी तरह के संरचनात्मक हस्तक्षेप न हो । और इसीलिए इन तालाबों के आस-पास निर्माणाधीन स्टॉर्म वाटर ड्रेनेज को अविलम्ब रोका जाय और माननीय एन.जी.टी. का O.A. No. 155/2022 में दिए गये आदेशों का पालन किया जाय ।

अनुरोध/सुझाव:

इन तीनों तालाबों के लिए स्टॉर्म वाटर ड्रेनेज का निर्माण के लिए निम्नलिखित संभावनाएं हैं:

2.1 पहला, पुराने स्टॉर्म वाटर ड्रेनेज (बरसाती नाला) को उड़ाही और रेस्टोर करके। इसके अंतर्गत इन्द्रभवन के दक्षिण के बरसाती नाला, हसन चौक और भोगेन्द्र झा चौक के पास के बरसाती नाला, हराही के उत्तर के नाला जो एम्.एल.एस.एम. कॉलेज के पूरब से होकर कठलबारी निकलकर कमला धार से लिंक था, राजकुमार गंज के बरसाती नाला और दिग्घी पोखर के लिए डॉ शुक्ल क्लिनिक के दक्षिण के नाला जो बागमती नदी से जुड़ा हुआ था एवं।

2.2 विश्विद्यालय और इन्द्रभवन के परिसर के अतिरिक्त वर्षा जल का संग्रह कर उसे श्यामा माई पोखर से होते हुए डेनबी रोड स्थित जलाशय से निकलते हुए हराही में गिराया जाय ताकि यह पानी इन तीनों तालाबों को भरेगा।

2.3 हमें वर्षा जल के अलावे, बागमती नदी और कमला नदी से इन तालाबों को जोड़ना चाहिए ताकि वर्षा के मौषम में इन तालाबों को फ्रेश जल से भरा जा सके। ये तीनों तालाब पहले भी इन दो नदीयों से जुड़ा हुआ था।

धन्यवाद

विश्वासभाजन

नारायण जी चौधरी

संयोजक

संलग्न: 1. तीनों तालाबों के एकीकरण और पार्क के लिए नगर निगम द्वारा बनाया गया 2 नक्शा।

2. 1860 से 2024-25 के बीच तीनों तालाबों के सौन्दर्यीकरण के प्रयास का संक्षिप्त ब्यौरा

|

3 Attachments • Scanned by Gmail

3. Letter sent by TBA through email on 10/06/2025

fr **Talab Bachao**
Abhiyan <tbadarbhanga@gmail.com>
 cs-bihar@nic.in,
 dm-darbhanga.bih@nic.in,
 darbhanga.ulb@gmail.com,
 com-darbhanga.bih@nic.in,
 secyrcd-bih@nic.in,
 enc-rcd-bih@nic.in,
 urbansec-bih@nic.in,
 contact@buidco.in,
 mdbuidco@gmail.com,
 wrd-bih@nic.in

d Jun 10, 2025, 7:00 PM
 sub. दरभंगा शहर में निर्माणाधीन सड़क का
 नाला में जल संसाधन विभाग, बुडको
 पथ निर्माण विभाग द्वारा न्यायालय के
 का उल्लंघन

तालाब बचाओ अभियान, दरभंगा

रिप्रजेंटेशन न. 10 मई 2025

सेवा में

- * मुख्य सचिव, बिहार सरकार, पटना ।
- * अतिरिक्त मुख्य सचिव, पथ निर्माण विभाग, बिहार सरकार, पटना ।
- * सचिव, शहरी विकास एवं आवास विभाग, बिहार सरकार, पटना ।
- * अभियंता प्रमुख, पथ निर्माण विभाग, बिहार सरकार, पटना ।
- * कार्यपालक अभियन्ता, पथ प्रमंडल, पथ निर्माण विभाग, लहेरियासराय, दरभंगा ।
- * अधीक्षक अभियंता, पथ अंचल, पथ निर्माण विभाग, लहेरियासराय, दरभंगा ।
- * अध्यक्ष, बुडको, पटना, बिहार ।
- * प्रमंडलीय आयुक्त, लहेरियासराय, दरभंगा ।
- * जिला पदाधिकारी, दरभंगा ।
- * नगर आयुक्त, दरभंगा नगर निगम, दरभंगा ।

विषय: दरभंगा शहर में निम्न निर्माणाधीन सड़क और नाला में माननीय उच्च न्यायालय पटना और माननीय नेशनल ग्रीन ट्रिब्यूनल के आदेशों का उल्लंघन किया जा रहा है:

1. पथ निर्माण विभाग, बिहार सरकार द्वारा निर्माणाधीन सड़क और नाला के निर्माण कार्य में ।
2. बुडको द्वारा निर्माणाधीन स्टॉर्म वाटर ड्रेनेज के निर्माण कार्य में ।
3. जल संसाधन विभाग, बिहार सरकार द्वारा हाउसिंग बोर्ड कॉलोनी के स्टॉर्म वाटर ड्रेनेज को पक्कीकरण और संकीर्ण करने में

सन्दर्भ:

पथ निर्माण के संबंध में माननीय उच्च न्यायालय पटना के आदेश का सन्दर्भ:

- * दीपक मुखर्जी एवं अन्य बनाम बिहार सरकार एवं अन्य (सी.डब्लू.जे.सी. न. 4849/2010),
- * प्रशांत कुमार एवं अन्य बनाम बिहार सरकार एवं अन्य (सी.डब्लू.जे.सी. न. 1664/2012),
- * प्रमोद कुमार सेकसरिया बनाम बिहार सरकार एवं अन्य (सी.डब्लू.जे.सी. न. 17517/2017),

* स्टॉर्म वाटर ड्रेनेज के संबंध में माननीय नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) -: श्री हाजी आरीफ बनाम यू.पी. सरकार, ओ.ए. न. 16/2014, एम्.ए. न. 63/2022 ।

महोदय,

माननीय उच्च न्यायालय पटना और माननीय नेशनल ग्रीन ट्रिब्यूनल के उपर्युक्त वादों में दिए गये आदेशों और निदेशों का खुला उल्लंघन दरभंगा शहर में निर्माणाधीन निम्न सड़क और नाला में किया जा रहा है:

1. पथ निर्माण के संबंध में:

पथ निर्माण विभाग, पथ प्रमंडल, दरभंगा के क्षेत्राधीन सड़क दरभंगा टावर से एम्.आर.एम्. कॉलेज होते हुए भोगेन्द्र झा चौक सहित शहर के अन्य भाग में निर्माणाधीन, जे.पी.चौक से ज्ञान भारती विद्यालय होकर जाने वाली सड़क और महात्मा गाँधी कॉलेज के निकट सड़क आदि, में मनमाने तरीका से लगभग एक से डेढ़ फिट की ऊँचाई में पुराने सड़क के ऊपर ढलाई कर पी.क्यू.सी. सड़क का निर्माण एवं सड़क के किनारे में अवस्थित पूर्व के नाला को भी लगभग डेढ़ फिट की ऊँचाई में ढलान कर निर्माण किया जा रहा है । इस प्रकार सड़क और नाला की

ऊँचाई बढ़ाने से भविष्य में इस शहर के कई हिस्सों में जलजमाव होगा और उससे जनित दूषित वातावरण उत्पन्न होने से इनकार नहीं किया जा सकता है ।

उल्लेखनीय है कि माननीय उच्च न्यायालय पटना के उपर्युक्त वादों तथा अन्य वादों में सड़क के मूल स्तर (ओरिजिनल रोड क्रस्ट) से ऊपर नहीं उठाने के स्पष्ट आदेश पारित हैं तथा संबंधित अभियंता सहित जिलापदाधिकारी को न्यायादेश का अनुपालन हेतु निदेश भी सत्रिहित है । सी.डब्लू.जे.सी. न. 17517/2023 में माननीय उच्च न्यायालय पटना के आदेश को एक माह के अन्दर अनुपालन नहीं करने को अवमानना भी घोषित किया गया है । इसी तरह, सी.डब्लू.जे.सी. न. 1664/2012 में माननीय उच्च न्यायालय ने 13/05/2013 को स्पष्ट और शक्त निदेश दिया है कि भविष्य में सड़क की ऊँचाई को बढ़ाने के सवाल को लेकर यदि कोई नागरीक इस न्यायालय में आएगा तो उस केस को न्यायालय अपने पूर्व के आदेशों का अवमानना का केस मानेगा ।

2. स्टॉर्म वाटर ड्रेनेज (बरसाती नहर या नाला) के संबंध में:

अखबार से प्राप्त खबर के अनुसार, दरभंगा शहर में बुडको द्वारा स्टॉर्म वाटर ड्रेनेज का निर्माण किया जा रहा है । माननीय नेशनल ग्रीन ट्रिब्यूनल ने स्टॉर्म वाटर ड्रेनेज के संबंध में अपने कई आदेशों में निम्नलिखित निदेश दिए हैं:

- i) स्टॉर्म वाटर ड्रेनेज को पक्कीकरण नहीं किया जाय ताकि भूजल भरण में बाधा न हो ।
- ii) स्टॉर्म वाटर ड्रेनेज को बंद नहीं किया जाय ताकि उसकी साफ़-सफाई आसानी से हो सके ।
- iii) स्टॉर्म वाटर ड्रेनेज को नगर निगम के गंदा पानी बहने वाले सीवेज/नालों से न जोड़ा जाय ।
- iv) स्टॉर्म वाटर ड्रेनेज को अतिक्रमण मुक्त किया जाय ।
- v) स्टॉर्म वाटर ड्रेनेज को सड़क से उंचा करना भी पटना उच्च न्यायालय और एन.जी.टी. के आदेश का उल्लंघन है ।
- v) शहर में जहाँ-तहाँ नाला निर्माण स्थल के आस-पास मिट्टी का ढेर कर दिया गया है, जिससे पूरे शहर के वातावरण में धूल-कण की मात्रा बढ़ गयी है और इसके कारण लोगों के स्वास्थ्य पर प्रतिकूल प्रभाव पड़ सकता है । अभी जिस तरीका से बुडको द्वारा स्टॉर्म वाटर ड्रेनेज का निर्माण किया जा रहा है वह माननीय नेशनल ग्रीन ट्रिब्यूनल के गाइडलाइन्स का उल्लंघन है ।
- vi) दरभंगा शहर में पंडासरय से बाजार समिति के बीच लगभग 11 पुराने स्टॉर्म वाटर ड्रेनेज (बरसाती नहर या नाला) हैं, जिस पर अतिक्रमण हो चुका है । दरभंगा नगर निगम और बुडको द्वारा इन 11 पुराने ड्रेनेज को वर्तमान स्कीम में उपेक्षा किया जा रहा है और उन्हें रेस्टोर नहीं किया जा रहा है, जो चिंता की बात है ।

3. जल संसाधन विभाग द्वारा स्टॉर्म वाटर ड्रेनेज का दोषपूर्ण पक्कीकरण:

जल संसाधन विभाग, बिहार सरकार द्वारा हाउसिंग बोर्ड कॉलोनी से चट्टी चौक होते हुए हरपट्टी तक नहर लाइनिंग परियोजना (पक्कीकरण) शुरू किया गया है । जिस नहर में अभी पक्कीकरण किया जा रहा है उसका निर्माण अंगरेज के शासन काल में किया गया था ताकि लहेरियासराय स्थित प्रशासनिक कार्यालय और पदाधिकारियों के आवास को बाढ़ और जल-जमाव से मुक्त रखा जा सके । इस नहर की लम्बाई लगभग 7-8 की.मी. है और चौड़ाई लगभग 35 से 40 फिट है, जो पश्चिम में बागमती नदी और पूरब में कमला नदी के कुसोथर घाट से मिलती है । जल संसाधन विभाग द्वारा इस नहर का पक्कीकरण किया जा रहा है और कई जगहों पर इसकी चौड़ाई को 30 फिट से घटाकर 5-6 फिट कर दिया गया है, जिससे निम्न क़ानून और आदेश का उल्लंघन हो रहा है:

- i) जल (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1974 की धारा 24(1) (b) के अनुसार, कोई भी निर्माण कार्य या हस्तक्षेप ऐसा न हो जिससे उस नदी या नहर या नाला के पानी का प्रवाह बाधित या अवरुद्ध हो और उससे प्रदूषण में होने की संभावना हो ।
- ii) एम्. सी. मेहता बनाम कमल नाथ (1997) के केस में पारित माननीय सर्वोच्च न्यायालय के आदेश का उल्लंघन है ।
- iii) माननीय नेशनल ग्रें ट्रिब्यूनल के आदेश और निर्देश का उल्लंघन हो रहा है । पक्कीकरण से भूजल के भरण बाधित होगा । विदित हो की दरभंगा शहर के लोग 1995-96 से जल-संकट का सामना कर रहे हैं ।
- iv) चट्टी चौक, लहेरियासराय के पास इस नहर की चौड़ाई को घटाकर लगभग 4-5 फिट कर दिया जिससे शहर में जल-जमाव होने के संभावना हो गयी है ।

4. अनुरोध:

महोदय, दरभंगा के नागरीक पिछले कई महीनों से उपर्युक्त विषयों पर अपना असंतोष और शिकायत स्थानीय और जिला स्तरीय पदाधिकारियों से करते रहे हैं, लेकिन अभी तक कोई ठोस कारवाई नहीं हुई है । इसीलिए आपसे विनम्र अनुरोध है कि:

- i) उपर्युक्त निर्माणाधीन सड़क और नालाओं पर तत्काल रोक लगाया जाय ।
- ii) दोषी पदाधिकारियों और कर्मचारियों पर न्यायालय के आदेश के अवमानना का केस किया जाय ।
- iii) जहाँ कहीं भी निर्माण कार्य हुआ है, उन्हें दुरुस्त कर पूर्व के स्थिति में लाया जाय ।
- iv) भविष्य में इस तरह से अवैज्ञानिक और दोषपूर्ण निर्माण कार्य न हो, उसे सुनिश्चित किया जाय।
- v) दरभंगा और लहेरियासराय के पुराने स्टॉर्म वाटर ड्रेनेज को रेस्टोर किया जाय ।

महोदय, पिछले 6 महीना से इस शहर के लोग परेशान हैं । अगर आप तत्काल समुचित कारवाई नहीं करेंगे तो हमें अपने शहर को विनाश से बचाने के लिए न्यायालय के शरण में जाना पडेगा ।

धन्यवाद ।

विश्वासभाजन
नारायण जी चौधरी
संयोजक,

संलग्न: * माननीय उच्च न्यायालय पटना के तीन आदेश ।
* माननीय एन. जी. टी. के दो आदेश ।
* सड़क और नाला निर्माण से संबंधित कुछ फोटो ।

English Translation of Annexure-7

Translation of TBA's representation from Hindi to English

Talab Bachao Abhiyan, Darbhanga

Add: Professor Colony, Digghi West, Darbhanga-4, Bihar.

1. Representation No. 18 June 2025, through E-mail to:

Talab Bachao
Abhiyan <tbadarbhanga@gmail.com>
minister.udhd@gmail.com,
urbansec-bih@nic.in,
mdbuidco@gmail.com,
cgmbuidco@gmail.com,
cs-bihar@nic.in

Jun 18, 2025, 9:30 AM

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lc8mP8j: .j^8h A ûfûb □

To

- * Hon'ble Minister, Urban Development & Housing Dept., GoB, Patna,
- * The Chief Secretary, Govt of Bihar, Patna,
- * The Secretary, Urban Development & Housing Dept., GoB, Patna,
- * The Chairman, BUIDCO, Patna.
- * The Managing Director, BUIDCO, Patna.

Subject: Inadequate Preparation & unscientific way of construction of storm water drainage can lead to environmental disasters.

Sir,

We would like to highlight a brief details of success and progress of flood control by Govt of Bihar, before Storm Water Drainage. In Bihar, total length of embankments was 160 KM and flood affected area was 25 lakhs hectares land in 1954. Bihar government plan to free 25 lakhs hectares land from flood by constructing embankments. Thus, more than 3400 KM embankments were constructed by Bihar Government to get 25 lakhs hectares land free from flood. But flood affected area increased from 25 lakhs hectares to 68 lakhs hectares. Now Bihar is facing serious and greatest ecological disaster in India. In last 70 years, Bihar Government has not felt need to set up an 'Evaluation Committee' to assess the impact of flood control.

We came to know from media reports that Town Development & Housing Department, Government of Bihar, has launched to construct Storm Water Drainage (SWD) in 20 cities/towns of Bihar with a cost of Rs. 30 thousand with a view to free them from water-logging. The SWD will prove very disastrous like 'Flood Control Project' of Bihar Government, which has severely damaged agriculture, animal husbandry, agro-based industry and employments.

Sir, You will not like my letter, but it is true that the Storm Water Drainage Project has been prepared to earn money at the cost of irreparable damage of environment and water. This project is forcefully imposed on the people. Further, we would like to draw your kind attention to:

1. Bihar Municipal Act, 2008 related to storm water, polluted sewage water and wetlands:

1.1 "Section 198' deals with maintaining separate drain for polluted water of sewerage and fresh/rain water:

"Section 198: Sewerage and rain water to be separated - For the purpose of effectual drainage of any premises in accordance with the provisions of this chapter, it shall be competent for the Chief Municipal Officer, or any other agency authorized by him in this behalf, to require that there should be one drain for sewage, offensive matter and polluted water and an entirely separate drain for rain water or unpolluted sub-soil water or both rain water and unpolluted sub-soil water, each emptying into separate municipal drains or other suitable places."

1.2 "Section 249: Functions in relation to urban environment management and submission of report on environmental status of municipal area, and Sub-section 249(f) is about preserving the wetlands.

"Section 249: Functions in relation to urban environment management and submission of report on environmental status of municipal area--- (1) Subject to the provision of section 10 and without prejudice to the generality of the provisions of section 277, the Municipality shall , either by itself or through any agency, undertake functions relating to the following matters:

- (a) supply of safe water,
- (f) preservation of wetland,
- (l) development of parks, gardens and open spaces
- (n) Such other matter as the Municipality may consider necessary."

2. The representation made references of the Hon'ble NGT orders passed in Sri Hazi Arif Vs. The State of U.P., in OA No. 16/2014, the following orders & directions:

2.1 There should not be concretization in & around the storm water drainage to ensure recharge of ground water.

2.2 There should not be covering of the storm water drainage to ensure smooth cleaning and maintaining.

2.3 The storm water drainage should not be connected to sewage/polluted drain water.

2.4 The storm water drainage should be free from encroachment.

3. The representation further drew attention to the raising 1 feet to 2 feet height of the SWD from the level of its nearby road, which can create problems of water logging.

Submission:

The representation made the following submissions:

- i) To halt the ongoing construction at state level.
- ii) To form a high level committee by involving 4-5 professors of IITs, to review & evaluate the project of SWD for correction purposes.
- iii) to punish the erring officers, who are responsible for wasting public money and failed to obey the court orders.

iv) To take all essential measure to prevent repetition of such a faulty engineering work in future.

v) To take action for removal of encroachments from the old canal or and drainage of storm water of Darbhanga nd Laheriasarai.

Thanks.

Narayan Jee Choudhary

Convener.

2. Representation No. 12 June 2025, Through E-mail to:

fr **Talab Bachao**
Abhiyan <tbadarbhanga@gmail.com>
 dm-darbhanga.bih@nic.in,
 darbhanga.ulb@gmail.com

d Jun 12, 2025, 1:20 AM

subj पार्क स्थल और स्टॉर्म वाटर
 ड्रेनेज के संबंध में

mai gmail.com

To

* The DM, Darbhanga.

* The Town Commissioner, DMC, Darbhanga.

Subject:

1. To protect the 'Controlled Area' as demarcated by Darbhanga Municipal Corporation for park and joining drains of Harahi, Digghi and Ganaga Sagar Lakes from sale & purchase and encroachments.
2. To halt construction of Storm Water Drainage in & around and in buffer zone of Harahi, Digghi and Ganga Sagar lakes

as long as a complete plan for their restoration and rejuvenation is not finalised.

References of :

- Pending Case in the court of Hon'ble NGT, M.A. No. 18/2024 In O.A. No. 155/2022.
- Orders of Hon'ble NGT in M.A. No. 26/2019 (O.A. No. 325/2015).
- Bihar Municipal Act, 2008 related to water, pond, park etc. (Section 198, Section 229, Section 230, Section 248, Section 249, Section 273).
- Letter of Principal Secretary, Revenue & Land Reform Department, Govt of Bihar related to ponds& water-bodies.

Sir,

District Town Planning & Development Committee prepared a plan for amalgamation and beautification of Harahi, Digghi and Ganga Sagar Lakes in 1960, which was adopted by Municipal Board (now Municipal Corporation) on 19 July 1960. Since 1960, people of Darbhanga, local leaders, Mayors and Chief Minister of Bihar were discussing for its implementation.

The plan and map prepared by Darbhanga Municipal Board in 1960, clearly demarcated controlled area on the map, which cannot be encroached or sold & purchased. But, it is pain say that Park place in between Harahi and Digghi is being encroached, sold & purchased to construct a Hotel and personal house. Please see the map of DMB. You are requested to give the following information:

- i) Which office or authorities are accountable to protect the demarcated land for park in between Harahi & Digghi lakes, just near the Shashtri Chowk.
- ii) If it is responsibility of Darbhanga Municipal Corporation, then please give us information about the measures and steps have been taken by DMC for protection of park place and places of 'Controlled Area'.

The DM and Town commissioner were requested

> to take action on encroachment and illegal sale & purchase of park place identified as 'controlled area' by DMC for beautification of the 3 ponds.

> to prepare an action plan for inter-linking and restoration of the 3 ponds, and avoid any construction activities in & around the 3 lakes without having an action plan in totality. So, you are requested to halt the ongoing construction of SWD near about and in buffer zone of Harahi, Digghi and Ganga Sagar ponds of darbhanga.

Submissions:

- i) To restore old canals and drainage of the darbhanga city.
- ii) To ensure fresh rain water for Harahi, Digghi and Ganga Sagar during monsoon period.
- iii) Revival of old drainage of Harahi, Digghi and Ganga Sagar, which were connected to Kamla river and Bagmati River.

Thanks

Narayan Jee Choudhary

Convener.

3. Representation No. 10 June 2025 Submitted by email to:

fr **Talab Bachao
Abhiyan** <tbadarbhanga@gmail.com>
 cs-bihar@nic.in,
 dm-darbhanga.bih@nic.in,
 darbhanga.ulb@gmail.com,
 com-darbhanga.bih@nic.in,
 secyracd-bih@nic.in,
 enc-racd-bih@nic.in,
 urbansec-bih@nic.in,
 contact@buidco.in,
 mdbuidco@gmail.com,
 wrd-bih@nic.in

d Jun 10, 2025, 7:00 PM

subj दरभंगे गा शहर में नरि माणाधीन
 और नाला में जल संसाधन वभि
 बुडको और पथ नरि माण वभिाग द
 न् यायालय के आदेश का उल्

To,

The

- * The Chief Secretary, Govt of Bihar, Patna,
- * Additional Chief Secretary, Road Construction Dept., GoB, Patna.
- * The Secretary, Urban Development & Housing Dept., GoB, Patna,
- * The Chief Engineer, Road Construction Dept., GoB, Patna.
- * The Chairman, BUIDCO, Patna.
- * Div. Commissioner, Laheriasarai, Darbhanga.
- * The DM, Darbhanga.
- * The Town Commissioner, DMC, Darbhanga.

Subject: The following ongoing construction works, r in Darbhanga city is violating the orders of the Hon'ble High Court Patna and Hon' NGT.

1. Road & sewage construction by Road Construction Department.
2. Construction of storm water drainage by BUIDCO.
3. Housing board canal is being concretized and reduced by Water Resource Department.

References: The representation made references of the following orders of the Hon'ble High Court and Hon'ble NGT:

- * Deepak Mukharjee Vs. Govt of Bihar (CWJC No. 4849/2010)
- * Prashant Kumar Vs. Govt of Bihar (CWJC No. 1664/2012)
- * Pramod Kumar Sekseria Vs. Govt of Bihar (CWJC No. 17517/2017)
- * Sri Hazi Arif Vs. The State of U.P., in OA No. 16/2014.

Sir,

The ongoing construction in Darbhanga city is a complete violation of orders of the Hon'ble High Court Ptana and Hon'ble National Green Tribunal passed in the above mentioned cases.

1. About Road Construction:

The Road Construction Department is constructing about 1 feet to 1.5 feet elevated concretized road from Darbhanga Tower to Bhogendra Jha Chowk. Similarly, raised road concretised road is being constructed from JP Chowk to Gyan Bharti, nrea Mahatma Gandhi College and in other parts of

the Darbhanga city. The raised concretised road will aggravate water-logging, unhygienic environment and other problems born out of water-logging.

It is noted that the Hon'ble High Court Patna has clearly directed the engineers and concern District Magistrate to follow the orders and direction passed in CWJC No. 1664/2013. The Hon'ble Court ordered that if a person come to this court against the elevated road construction, the court will consider it as a contempt of court orders given previously.

2. About Storm water Drainage (SWD):

According to the news published in local Hindi print media, the Prabhat Khabar dated 10 July 2025, Bihar Urban Infrastructure Development Corporation (BUIDCO) has been authorised to construct 'Storm Water Drainage' in Darbhanga city. The Hon'ble National Green Tribunal has passed several directions for construction of SWD, which has been summarised in the paras:

- i). There should not be concretization in & around the storm water drainage to ensure recharge of ground water.
- ii). There should not be covering of the storm water drainage to ensure smooth cleaning and maintaining.
- iii). The storm water drainage should not be connected to sewage/polluted drain water.
- iv). The storm water drainage should be free from encroachment.
- v) It should not be raised from the level of road.

vi) The BUIDCO does not follow the construction norms as per direction of the Hon'ble court because at several places in Darbhanga city earth (dug soil) has been deposited, which has increased dust particle in the environment and it can be harmful to the people living in the city.

vi) There are 11 old storm water canal in between laheriasarai and Darbhanga, which are encroached and Darbhanga Municipal Corporation does not make any effort to vacate the encroachment from them and restoring them.

3. Canal Lining Project by Water Resource Department:

Water Resource Department, GoB has launched 'Canal Lining Project' from Housing Board Colony to Harpatti through Chatty Chowk. The canal is about 8 KM in length and 35 to 40 feet in width. This canal was made during the British period, when they shifted administrative office from Muzaffarpur to Laheriyasara in Darbhanga to keep the administrative area free from water logging. The western end of this canal is connected to Bagmati River and the eastern end is connected with Kamla river. The Water Resource Department has undertaken 'Canal Lining Project' which involves concretization of the canal and at some places it has reduced the width of the canal from 30-35 feet to 5-6 feet, which is clear violation of:

i). Section 24(1)(b) of The Water (Prevention and Control of Pollution) Act, 1974, prohibits the discharge of any substance into a stream that could impede the proper flow of water,

potentially worsening existing pollution. This section aims to prevent the creation of obstructions that could lead to a substantial aggravation of pollution.

ii). Orders of the Hon'ble Supreme Court passed in M.C. Mehta Vs Kamal Nath (1997) case.

iii). Orders of the Hon'be NGT because concretization will prevent recharge of ground water. People of Darbhanga is facing crisis of drinking water since 1995-96.

iv). The canal's width has reduced to 4-5 feet in between Chatti Chowk and Laheriasarai.

Submission:

Sir, local and district administration has failed to take any concrete action against the ongoing construction for which people of Darbhanga has lodged several petitions. So, uou are requested:

- i) To halt the ongoing construction immediately.
- ii) To file case against the erring officers and staff involved in this construction works for violation of court's orders.
- iii) To take restoration works where damaged has been done by the construction.
- iv) To ensure that such a unscientific construction does not take place in future.
- v) To restore old canal of housing board colony & Laheriasarai.

Sir, people of Darbhanga is under depressing environment due to th ongoing construction. We will force to go to the court, if you do not take proper response.

Thanks

Narayan Jee Choudhary

Convener.

June 10, 2025.

Plan to Construct Concretized & Closed Storm Water Drainages in 20 cities of Bihar with a cost of Rs. 30 Thousands Crores.

As per the news published in The Prabhat Khabar, A Hindi News Paper of Bihar, on 10 June 2025.

आधुनिक बनायी जायेगी जलनिकासी व्यवस्था, कैचमेंट एरिया में होंगे काम 20 शहरों को जलजमाव से मिलेगी राहत, खर्च होंगे ₹30 हजार करोड़

संवाददाता, पटना

बिहार के 20 शहरों को हर मानसून में जलजमाव की त्रासदी नहीं झेलनी पड़ेगी. यह अब बीते दिनों की बात हो जायेगी. नगर विकास एवं आवास विभाग ने जलनिकासी व्यवस्था को आधुनिक और टिकाऊ बनाने की दिशा में ऐतिहासिक कदम उठाते हुए 20 प्रमुख शहरों के लिए 30,185.68 करोड़ रुपये की स्टॉर्म वाटर ड्रेनेज परियोजनाओं को स्वीकृति दी है. यह योजना मुख्यमंत्री नीतीश कुमार के 'सात निश्चय-2' कार्यक्रम के तहत लागू हो रही है. इन परियोजनाओं का उद्देश्य मानसून के समय होने वाले जलजमाव से स्थायी छुटकारा दिलाना है. इससे न केवल आम जनजीवन को राहत मिलेगी, बल्कि डेंगू, मलेरिया जैसे जलजनित रोगों पर भी प्रभावी नियंत्रण संभव होगा. नगर विकास एवं आवास विभाग के मुताबिक, वित्तीय वर्ष 2025-26 में 353.49 करोड़ रुपये का बजटीय प्रावधान किया गया है और चरणबद्ध तरीके से परियोजनाओं को धरातल पर उतारा जायेगा.

ये 20 शहर मॉडल

पटना
गया
दरभंगा
मुजफ्फरपुर
भागलपुर
पूर्णिया
बेगूसराय
हाजीपुर
बेतिया
सीतामढ़ी
सहरसा
मधेपुरा
नवादा
राजीली
जहानाबाद
आरा
मधुबनी
कटिहार
समस्तीपुर
मोकामा
बाढ़

डिजिटल मॉनिटरिंग और समयबद्ध क्रियान्वयन

सरकार इन परियोजनाओं की डिजिटल ट्रैकिंग और चरणबद्ध मॉनिटरिंग की व्यवस्था भी कर रही है. विभागीय सूत्रों के अनुसार, पीपीपी मॉडल, ई-टेंडरिंग, और भौगोलिक सूचना प्रणाली (जीआइएस) जैसी तकनीकों के जरिये पारदर्शिता और गुणवत्ता सुनिश्चित की जायेगी.

स्वास्थ्य, यातायात और जीवनस्तर पर होगा सकारात्मक असर

विशेषज्ञों के अनुसार, इन योजनाओं के लागू होने से मानसून के दौरान सड़कों पर पानी भरने के मामले में कमी आयेगी, जिससे यातायात की सुगमता, बाजारों की सुलभता और दैनिक जनजीवन में सुधार होगा. साथ ही जलजमाव से उपजने वाली बीमारियों पर अकुशल लगेगा और स्वास्थ्य सेवाओं पर पड़ने वाला बोझ घटेगा.

पटना को लेकर विशेष रणनीति

राजधानी पटना के लिए अलग से विस्तृत कार्य योजना बनायी गयी है. यहां कैचमेंट एरिया आकारित ड्रेनेज प्लान तैयार किया गया है, जिसमें सैदपुर नाला और अन्य प्राकृतिक जल स्रोतों को जोड़कर वाटर लॉगिंग की समस्या को तकनीकी रूप से सुलझाया जायेगा. यह पहला मौका होगा जब राज्य सरकार किसी ड्रेनेज प्रोजेक्ट में प्राकृतिक वाटर बॉडीज और आधुनिक इंजीनियरिंग तकनीक को एकीकृत कर रही है.

सात जिलों में पारा 40 डिग्री पार, मॉनसून अब भी स्थिर

संवाददाता, पटना

राज्य में अगले 48 घंटे गर्मी बढ़ने के आसार हैं. नौ और 10 जून को राज्य के पश्चिम और मध्य बिहार में आद्र गर्म दिनों के आसार हैं. इस दौरान दो से चार डिग्री सेल्सियस तापमान बढ़ने की आशंका है. इसके बाद 11 जून से 14 जून तक आंधी-पानी की स्थिति बनने की आशंका है. इस बीच रविवार को राज्य के उच्चतम तापमान में जबरदस्त बढ़ोतरी दर्ज की गयी है. सात जिलों में पारा 40 डिग्री सेल्सियस या इससे अधिक दर्ज हुआ है.

आइएमडी पटना की आधिकारिक रिपोर्ट के अनुसार पटना, गया, गोपालगंज, बक्सर, भोजपुर, औरंगाबाद और रोहतास के डेहरी व विक्रमगंज में पारा करीब 40 डिग्री या इससे अधिक दर्ज किया गया है. बिहार में सर्वाधिक अधिकतम उच्चतम तापमान 40.8 डिग्री गोपालगंज और डेहरी में दर्ज किया गया है. राज्य में औसतन एक से चार डिग्री तक उच्चतम तापमान में इजाफा दर्ज किया गया है. हालांकि लू का पूर्वानुमान अभी नहीं है. दरअसल पारा अभी भी सामान्य से कम चल रहा है. हालांकि राज्य में रविवार को कहीं आंधी पानी की घटना देखने को नहीं मिली है. बिहार में अभी तक जून में सामान्य से 19 फीसदी कम बारिश दर्ज हुई है.

मॉनसून के लिए उपयुक्त दशाएं भी नहीं

बिहार में मॉनसून के प्रवेश द्वार कहे जाने वाले किशनगंज इलाके के ठीक ऊपर पश्चिम बंगाल में रुका हुआ है. मॉनसून को वहां रुके हुए लगातार 11 दिन हो चुके हैं. मॉनसून के आगे बढ़ने के लिए अभी तक किसी भी तरह की उपयुक्त परिस्थितियां दिखाई नहीं दे रही हैं. मौसम विज्ञानियों के अनुसार ऐसी स्थिति में मॉनसून परंपरागत समय से भी विलंब हो सकता है. सूँके राज्य में शक्तिशाली पछुआ चल रही है. कभी कभी उत्तरी हवा भी चल रही है. इसकी वजह से मॉनसून में अभी विलंब की स्थिति बन सकती है. यह सूचना किसान के लिए डराने वाली सूचना हो सकती है. अगर मॉनसून में विलंब हुआ तो बिहार में धान की खेती प्रभावित हो सकती है.

सुडोकू नवताल **पहेली नंबर 6**

सुडोकू नवताल - 6

4	7	1		3
3	5	4	1	
2		8		
4	3			
8		2		1
			8	6
	2		3	
9	8	2	4	
1	4	6	9	

● प्रत्येक पंक्ति में 1 से 9 तक के अंक भरे जाने हैं. इनका क्रमवार होना आवश्यक नहीं है.
● आड़ी और खड़ी पंक्ति में एव 3x3 के वर्ग में किसी भी अंक की पुनरावृत्ति न हो इसका रखा है.
● पहले से मौजूद अंक नहीं सकते.
● पहेली का केवल 1

The Dainik Jagran, Daily Hindi New Paper, Date: 5 June 2025
On World Environment Day, TBA Members' Appealed
to People & All Political Parties.



जल व पर्यावरणीय संकट को व्यापक
स्तर पर बनाया जाए राजनीतिक मुद्दा

The Dainik Bhashkar, 5 June 2025

नेशनल ग्रीन ट्रिब्यूनल में दायर होगा केस

दरभंगा, प्रमुख संवाददाता।
नेशनल ग्रीन ट्रिब्यूनल व उच्च
न्यायालय, कोलकाता के अधिवक्ता
चन्दन चौधरी मंगलवार को दरभंगा
पहुंचे। उन्होंने स्टॉर्म वाटर ड्रेनेज निर्माण
और इससे होने वाली समस्याओं को
समझने के लिए हराही, दिग्घी,
गंगासागर और मन पोखर का निरीक्षण
किया।

इस क्रम में दरभंगा शहर के पुराने
स्टॉर्म वाटर ड्रेनेज की दयनीय हालत,
नये स्टॉर्म वाटर ड्रेनेज के डिजाईन और
तरीका, तालाब, झील और चेतलैंड के
बफर जोन की जगह, हराही, दिग्घी
और गंगासागर तालाबों की संरचना एवं
इसके अतिक्रमण, इन तालाबों के जल
प्रदूषण एवं नगर निगम के कचरा प्रबंधन
आदि बिन्दुओं पर चर्चा की। स्थल



हराही तालाब का निरीक्षण करते अधिवक्ता चन्दन चौधरी व अन्य।

निरीक्षण के बाद उन्होंने सिविल
सोसाइटी के प्रतिनिधियों के साथ बैठक
की।

इस बैठक में लोगों ने जानकारी दी
कि इस शहर में 1995-96 से जल
संकट शुरू हुआ, लेकिन भूगर्भ जल के
भंडारण के लिए अभी तक कुछ नहीं

किया जा रहा है। अब सालोंभर शहर में
टैंकर से पानी की सप्लाई होती है। इसके
अलावा शहर में सड़कों की ऊंचाई
पिछले 20-25 वर्षों में दो से चार फीट
तक बढ़ा दी गई। इस कारण जलजमाव
गंभीर समस्या के रूप में बढ़ी है। इसके
साथ ही मौसम परिवर्तन, वर्षा जल में

■ स्टॉर्म वाटर ड्रेनेज
निर्माण का मामला
■ एनजीटी के अधिवक्ता
ने किया निरीक्षण

कमी, बाढ़, सुखाड़, दूषित पेयजल,
नदी प्रबंधन आदि विषयों पर भी चर्चा
की गयी।

अधिवक्ता चन्दन चौधरी ने जल
और पर्यावरण से जुड़े सवालों पर
एनजीटी में केस करने में सहयोग का
आश्वासन दिया। फिलहाल स्टॉर्म
वाटर ड्रेनेज और सड़क ऊंचीकरण
आदि पर केस दायर करने का निर्णय
लिया गया। बैठक में डॉ. अविनन्द
कुमार झा, मो. तसीम नवाब, अविनाश
भास्कर, इंदिरा कुमारी, मालती देवी,
अभिषेक कुमार झा आदि थे।



शहर में इन दिनों स्टॉर्म वाटर ड्रेनेज का काम चल रहा है। शहर के बुद्धिजीवी इसमें कई तरह की गड़बड़ियां बता रहे हैं। उनका कहना है कि अनियंत्रित शहरीकरण से जलजमाव, पर्यावरण प्रदूषण, पेपजल किल्लत आदि जैसी समस्याएं पहले से मौजूद हैं जो स्टॉर्म वाटर ड्रेनेज व अन्य नाले, सबकों के बड़ेगा निर्माण से और बढ़ेंगी। बुद्धिजीवियों ने बताया कि नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) की गाइडलाइन के विपरीत स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर का ईको सिस्टम तौबता से बिगड़ेगा और लोगों की परेशानियों में इजाफा होगा। वे बताते हैं कि पंढासराय, चट्टी चौक, बेला मोड़ व कगवा रेल गुमटी पर आरओवी निर्माण के बाद शहरीकरण घरम पर पहुंच जाएगा।



शहर के बुद्धिजीवियों ने स्टॉर्म वाटर ड्रेनेज का काम चल रहा है। शहर के बुद्धिजीवी इसमें कई तरह की गड़बड़ियां बता रहे हैं। उनका कहना है कि अनियंत्रित शहरीकरण से जलजमाव, पर्यावरण प्रदूषण, पेपजल किल्लत आदि जैसी समस्याएं पहले से मौजूद हैं जो स्टॉर्म वाटर ड्रेनेज व अन्य नाले, सबकों के बड़ेगा निर्माण से और बढ़ेंगी। बुद्धिजीवियों ने बताया कि नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) की गाइडलाइन के विपरीत स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर का ईको सिस्टम तौबता से बिगड़ेगा और लोगों की परेशानियों में इजाफा होगा। वे बताते हैं कि पंढासराय, चट्टी चौक, बेला मोड़ व कगवा रेल गुमटी पर आरओवी निर्माण के बाद शहरीकरण घरम पर पहुंच जाएगा।

स्टॉर्म वाटर ड्रेनेज के निर्माण में गड़बड़ी का खामियाजा भुगतेंगा शहर, बड़ी चिंता

शहर में इन दिनों स्टॉर्म वाटर ड्रेनेज का काम चल रहा है। शहर के बुद्धिजीवी इसमें कई तरह की गड़बड़ियां बता रहे हैं। उनका कहना है कि अनियंत्रित शहरीकरण से जलजमाव, पर्यावरण प्रदूषण, पेपजल किल्लत आदि जैसी समस्याएं पहले से मौजूद हैं जो स्टॉर्म वाटर ड्रेनेज व अन्य नाले, सबकों के बड़ेगा निर्माण से और बढ़ेंगी। बुद्धिजीवियों ने बताया कि नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) की गाइडलाइन के विपरीत स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर का ईको सिस्टम तौबता से बिगड़ेगा और लोगों की परेशानियों में इजाफा होगा। वे बताते हैं कि पंढासराय, चट्टी चौक, बेला मोड़ व कगवा रेल गुमटी पर आरओवी निर्माण के बाद शहरीकरण घरम पर पहुंच जाएगा।

शिकायतें और सुझाव

1. शहर में स्टॉर्म वाटर ड्रेनेज का निर्माण कई जगहों से हो रहा है। इसके दौरान शहर की सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है। इससे सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है। इससे सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है।
2. शहरीकरण बढ़ रहा है। इससे शहर की सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है। इससे सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है।
3. अधिकांश बुद्धिजीवियों का कहना है कि स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर की सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है।
4. स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर की सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है।
5. स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर की सड़कें चूने से बचाने के लिए बाल्टा सिमेंट का इस्तेमाल हो रहा है।

बोले जिम्मेदार

शहर के बुद्धिजीवियों ने स्टॉर्म वाटर ड्रेनेज का निर्माण में गड़बड़ी का खामियाजा भुगतेंगा शहर, बड़ी चिंता

पहल नहीं हुई तो बढ़ेगी बीमारी व समस्या

शहर के बुद्धिजीवियों ने स्टॉर्म वाटर ड्रेनेज का निर्माण में गड़बड़ी का खामियाजा भुगतेंगा शहर, बड़ी चिंता

सुनिश्चि हमारी पीढ़ी

शहर में इन दिनों स्टॉर्म वाटर ड्रेनेज का काम चल रहा है। शहर के बुद्धिजीवी इसमें कई तरह की गड़बड़ियां बता रहे हैं। उनका कहना है कि अनियंत्रित शहरीकरण से जलजमाव, पर्यावरण प्रदूषण, पेपजल किल्लत आदि जैसी समस्याएं पहले से मौजूद हैं जो स्टॉर्म वाटर ड्रेनेज व अन्य नाले, सबकों के बड़ेगा निर्माण से और बढ़ेंगी। बुद्धिजीवियों ने बताया कि नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) की गाइडलाइन के विपरीत स्टॉर्म वाटर ड्रेनेज का निर्माण हो रहा है। इससे शहर का ईको सिस्टम तौबता से बिगड़ेगा और लोगों की परेशानियों में इजाफा होगा। वे बताते हैं कि पंढासराय, चट्टी चौक, बेला मोड़ व कगवा रेल गुमटी पर आरओवी निर्माण के बाद शहरीकरण घरम पर पहुंच जाएगा।

News Published in The Dainik Bhaskar, 25/06/2025

Advocate Chandan Choudhary Meeting with
Members of TBA Regarding Construction of SWD
& Visited Site of Encroached Area of Mon Pokhar

बैठक • समस्याओं को समझने के लिए हराही, दिग्घी, गंगा सागर और मन पोखर का निरीक्षण किया स्टॉर्म वाटर ड्रेनेज सिस्टम और सड़कों की ऊंचाई बढ़ाने के विरोध में कोर्ट जाएंगे तालाब बचाओ अभियान के सदस्य

भारत न्यूज | दरभंगा

तालाब बचाओ अभियान ने दरभंगा शहर में स्टॉर्म वाटर ड्रेनेज सिस्टम और सड़कों की ऊंचाई बढ़ाने के मुद्दे को कोर्ट जाने का निर्णय लिया है। इसको लेकर शहर के एक होटल में अभियान की बैठक हुई, जिसमें नेशनल ग्रीन ट्रिब्यूनल और कोलकाता हाईकोर्ट में प्रैक्टिस करने वाले अधिवक्ता चन्दन चौधरी आदि थे। चौधरी ने शहर में बन रहे स्टॉर्म वाटर ड्रेनेज से हो रही समस्याओं को समझने के लिए हराही, दिग्घी, गंगा सागर और मन पोखर का निरीक्षण किया। निरीक्षण के दौरान पुराने ड्रेनेज की खराब हालत, नए ड्रेनेज का डिजाइन और तरीका, तालाबों के बफर जोन पर अतिक्रमण, जल प्रदूषण और नगर निगम के कचरा प्रबंधन पर ध्यान दिया गया। निरीक्षण के बाद सीतायन में सिविल सोसाइटी के प्रतिनिधियों के साथ



तालाब बचाओ अभियान के सदस्यों के बीच इंजीनियर।

बैठक हुई। लोगों ने बताया कि 1995-96 से शहर में जल संकट शुरू हुआ। अब तक भूगर्भ जल के भंडारण के लिए कोई ठोस कदम नहीं उठाया गया। परे साल टैंकर से

पानी की सप्लाई होती है। बीते 20-25 वर्षों में सड़कों की ऊंचाई 2 से 4 फीट तक बढ़ा दी गई, जिससे जल-जमाव की समस्या गंभीर हो गई है।

नदी प्रबंधन पर चर्चा

बैठक में मौसम परिवर्तन, वर्षा में कमी, बाढ़, सूखा, दूषित पेयजल और नदी प्रबंधन जैसे मुद्दों पर भी चर्चा हुई। अधिवक्ता चन्दन चौधरी ने जल और पर्यावरण से जुड़े सवालों को एनजेटी में उठाने का भरोसा दिया। स्टॉर्म वाटर ड्रेनेज और सड़कों की ऊंचाई बढ़ाने के मुद्दे पर केस दायर करने का निर्णय लिया गया। बैठक में डॉ. अविनाश कुमार झा, विनय कुमार झा उर्फ संतोष जी, मो. तसीम नवाब, अविनाश भास्कर, इंद्रा कुमारी, भालती देवी और अभिषेक कुमार झा मौजूद रहे। संयोजन नारायण जी चौधरी ने किया। मालूम हो कि शहर में बेतरतीब तरीके से नालों का निर्माण हो रहा है। बारिश के समय नाला निर्माण से शहर में नारकीय स्थिति बनी हुई है। लोगों को आवागमन में काफी परेशानी हो रही है।

TRANSLATION OF NEWS

Case to be filed in National Green Tribunal

Darbhanga,
(Chief Correspondent):

Advocate Chandan Chaudhary, visited Darbhanga on Tuesday. His visit aimed to assess the issues related to stormwater drainage construction in the city. He inspected the areas around Harahi, Dighi, Gangasagar, and Man Pokhar to understand the situation firsthand.

During his visit, Chaudhary reviewed the dilapidated condition of the old stormwater drainage system, the design and methodology of the new drainage project, encroachments on buffer zones of ponds, lakes, and wetlands, as well as the structural condition of Harahi, Dighi, and Gangasagar ponds. He also examined the issues of water pollution in these ponds and the municipal corporation's waste management practices.

Following the site inspection, he held a meeting with representatives of the civil society. Residents shared that the city has been facing a water crisis since 1995-96, but no steps have been taken to conserve groundwater. Currently, the city depends on water tankers throughout the year. Additionally, over the past 20-25 years, the elevation of roads in Darbhanga has increased by 2 to 4 feet, worsening the problem of waterlogging.

Other topics discussed during the meeting included climate change, declining rainfall, floods, droughts, contaminated drinking water, and river management.

Advocate Chandan Chaudhary assured the participants of his support in filing a case with the NGT concerning water and environmental issues. It was decided to initially file a case focusing on stormwater drainage and the road elevation projects.

Those present at the meeting included Dr. Avanindra Kumar Jha, Md. Tasim Nawab, Avinash Bhaskar, Indira Kumari, Malti Devi, and Abhishek Kumar Jha.

Meeting Held •

Inspection of Harahi, Dighi, Ganga Sagar, and Man Pokhar to Understand Issues

Storm Water Drainage System and Raised Road Levels to Be Challenged in Court by ‘Talab Bachao Abhiyan’ Members

Bhaskar News | Darbhanga

Talab Bachao Abhiyan (Save the Ponds campaign) has decided to approach the court over the issue of the storm water drainage system and the increasing height of roads in Darbhanga city. A meeting regarding this was held at a local hotel, attended by Chandan Chaudhary, an advocate practicing in the National Green Tribunal and Kolkata High Court, among others.

To understand the problems arising from the construction of the storm water drainage system in the city, advocate Chaudhary inspected Harahi, Dighi, Ganga Sagar, and Moin Pokhar ponds. During the inspection, he reviewed the poor condition of old drainage lines, the design and method of new drainage work, encroachments on pond buffer zones, water pollution, and the municipal corporation’s waste management.

Following the inspection, a meeting was held at Sitayan with representatives from civil society. Locals shared that the water crisis in the city began around 1995-96, and no concrete steps have been taken since then to ensure groundwater recharge. Water is now supplied through tankers throughout the year. Over the past 20–25 years, roads have been elevated by 2 to 4 feet, worsening the issue of waterlogging.

The meeting also discussed issues such as climate change, reduced rainfall, floods, droughts, contaminated drinking water, and river management. Advocate Chandan Chaudhary assured participants that he would raise these water and environmental

concerns before the NGT. It was decided to file a case against the storm water drainage system and the elevation of roads.

Present at the meeting were Dr. Avanindra Kumar Jha, Vinay Kumar Jha alias Santosh Ji, Md. Tasim Nawab, Avinash Bhaskar, Indira Kumari, Malti Devi, and Abhishek Kumar Jha. The meeting was coordinated by Narayan Ji Chaudhary.

It is noteworthy that unplanned construction of drains is taking place across the city. During the monsoon, the ongoing drainage work creates a hellish situation, causing severe inconvenience to residents in their daily movement.

20 Cities in Bihar to Get Relief from Monsoon Waterlogging: Drainage Projects Worth ₹30,185 Crore Approved

The recurring nightmare of waterlogging during every monsoon in 20 cities of Bihar will soon be a thing of the past. Taking a historic step towards creating a modern and sustainable drainage system, the Urban Development and Housing Department has approved stormwater drainage projects worth ₹30,185.68 crore for 20 major cities. These projects are being implemented under Chief Minister Nitish Kumar's flagship programme 'Saat Nischay-2'.

The primary aim is to provide a permanent solution to the problem of waterlogging during monsoons. This will not only bring relief to residents but also help in effectively controlling waterborne diseases such as dengue and malaria. According to the department, ₹353.49 crore has been allocated in the 2025-26 financial year budget, and the projects will be rolled out in a phased manner.

The 20 Model Cities Are:

Patna

Gaya

Darbhanga

Muzaffarpur

Bhagalpur

Purnia

Begusarai

Hajipur

Bettiah

Sitamarhi

Saharsa

Madhepura

Nawada

Rajauli

Jehanabad

Ara

Madhubani

Katihar

Samastipur

Mokama

Positive Impact on Health, Transportation, and Living Standards

Experts believe that these projects will significantly reduce water accumulation on roads during the monsoon, resulting in smoother traffic flow, easier access to markets, and improvement in daily life. Additionally, the control of waterlogging will curb the spread of diseases and reduce pressure on healthcare services.

Special Strategy for Patna

A separate, detailed action plan has been prepared for the capital city, Patna. A catchment area-based drainage plan has been designed, integrating the Saidpur drain and other natural water bodies to address waterlogging through technical solutions.

This marks the first time the state government is integrating natural water bodies with modern engineering techniques in a drainage project.

IN THE COURT OF BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

Original Application No.-----/2025 JURISDICTION

In the Matter of:

TALAB BACHAO ABHIYAN/TBA ----- Plaintiff /Applicant/Petitioner/ Complainant

V E R S U S

State Of Bihar & Ors

----- Defendant/Respondent/Accused

KNOW ALL to whom these present shall come that I/We Narayan Jee Choudhary, Convener of Talab Bachao Abhiyan C/o Maithili Sahitya Parishad, Professor Colony, Dighi West, Near Primary School Darbhanga -846004.

The above named/ Applicant do hereby appoint

PANTHU RAI
ADVOCATE

F-1296/2016

Email: panthu92@gmail.com

Contact: +91- 9163300923

(hereinafter called the advocate/s) to be my/our Advocate in the above noted case authorized him :-

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes. And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 01st day of May 2025.

Advocate

Panthu Rai :

PANTHU RAI, Advocate
High Court At Calcutta
11, Old Post Office Street, Kol-1
4th Floor, Right Wing

NJ 8.7.2025

Client

Narayan Jee Choudhary
Convener, TBA, Darbhanga