

BEFORE THE LD. NATIONAL GREEN TRIBUNAL, EASTERN ZONE
KOLKATA BENCH
O.A. NO. 14 OF 2025/EZ

In the matter of:

TALAB BACHAO ABHIYAN (TBA) &
ANR.

...APPLICANT

-Versus-

Government of Bihar & Ors.

...RESPONDENTS

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Date: 27/01/2026

Place: Darbhanga, Bihar.

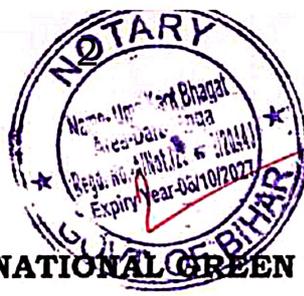
Filed by:



Ghanshyam Pandey,
Advocate

E: ghanshyamlegal@gmail.com

M: 9686750386



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

Original Application No. 14/2025/EZ

IN THE MATTER OF:

TALAB BACHAO ABHIYAN (TBA) & ANR.

...APPLICANTS

-VERSUS-

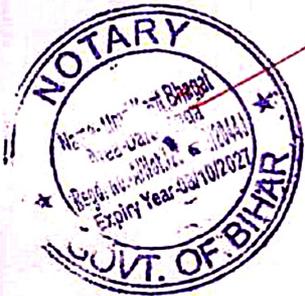
GOVERNMENT OF BIHAR AND ORS.

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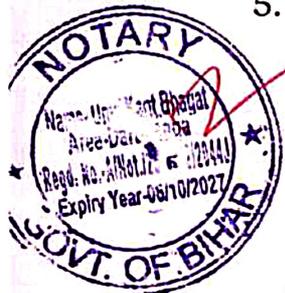
**ADDITIONAL COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT
NO. 5 (DARBHANGA MUNICIPAL CORPORATION)**

I, Ravi Amar Nath s/o Pradeep Kumar aged about 40 years, by occupation- Government Service, presently posted as City Manager under the Darbhanga Nagar Nigam, Bihar working for gain at the working for gain at the Office of Darbhanga Municipal Corporation, Darbhanga, Bihar, Pin- 846004, do hereby solemnly affirm and state as followed:

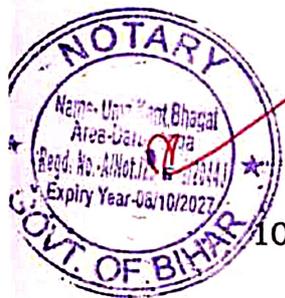
1. That I have made myself acquainted with the facts and circumstances of the Original Application filed by the applicant and I have thoroughly gone through all the documents pertaining to the subject matter of this instant case and I am competent vide an authorization to file the instant Affidavit before this Hon'ble Tribunal.



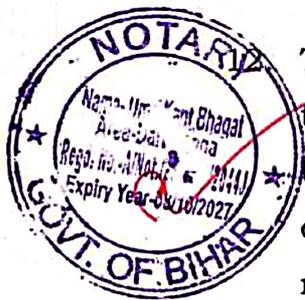
2. That the present Additional Counter Affidavit is being filed on behalf of Respondent No. 5 (Darbhanga Municipal Corporation, hereinafter referred to as "DMC") in response to the Rejoinder/Reply filed by the Applicants dated 27.08.2025 to the Counter Affidavit filed by the DMC.
3. That at the very outset, it is most respectfully submitted that the Applicants have deliberately and systematically ignored the most crucial and fundamental fact regarding the legal status and ownership of the land/water body in question, namely "Mon Pokhar" or "Moin Pokhar", which has been categorically established and documented in the Counter Affidavit filed by the DMC.
4. That it is most respectfully submitted that the entire case of the Applicants is based on a false and misconceived premise that the said Mon Pokhar is a public water body under the ownership and control of Kaisre-e-Hind or the State Government, whereas the factual and legal position, as clearly established through revenue records, is entirely different.
5. That it is most respectfully submitted that the land comprising Mon Pokhar, bearing Old Khesra No. 95, Municipal Khesra No. 10³¹⁴³~~31443~~, located in Mauja Kajipura, Thana No. ⁴⁸⁴~~404~~, Circle - Sadar, District - Darbhanga, is PRIVATE LAND owned by private individuals and not by Kaisre-e-Hind or the Government.
6. That pursuant to the Hon'ble Tribunal's directions, a Fact Finding Committee comprising the District Magistrate, Darbhanga (or his representative not below the rank of Additional District Magistrate) and Senior Scientist, Bihar State Pollution Control Board, conducted a joint inspection on 21.06.2025.



7. That the joint committee report establishes that the Moin Pokhar is a natural oxbow lake formed due to the shifting of River Bagmati, which originates from Shivapuri hills of Nepal and flows through several districts in Bihar covering approximately 15 kilometers in a zig-zag manner along the western side of Darbhanga town.
8. That based on expert inspection by the joint committee members and information gathered from local residents, it has been established that the area has undergone natural succession accelerated by anthropogenic activities.
9. That the respondent most respectfully submits that the property in question, though historically recorded as water body in portions of the revenue documents, has undergone significant natural transformation over several decades and has lost a part of its characteristics as a functional water body. The area originally classified as pond, various portion of the said property has been naturally filled through siltation, accumulation of organic matter, and natural geological processes over an extended period of time spanning several decades.
10. That the DMC, in its Counter Affidavit dated 16.06.2025, had specifically brought to the notice of this Hon'ble Tribunal the following crucial facts with supporting documentary evidence:
 - a. The Khatian (land ownership record) of the said Khesra clearly establishes that the land is owned by private parties, namely Raiyat Mohammad Yasin and others;
 - b. Copy of the verified Khatian and revenue records were duly annexed to the Counter Affidavit filed by the DMC;

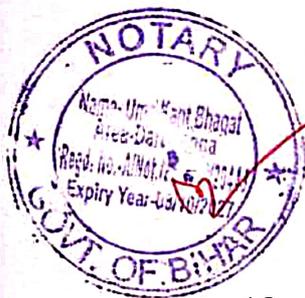


- c. The Joint Inspection Committee Report dated 21.06.2025, constituted as per the directions of this Hon'ble Tribunal, also confirmed the private ownership status of the said land;
- d. The Circle Officer, Sadar Darbhanga, in his letter dated 12.04.2025, specifically mentioned that "as per the report of the Revenue Officer, Moin Pokhar, the Khatian of the Khesra in question is mentioned as Raiyat Mohammad Yasin Po, etc.".
11. That despite the above factual and documentary evidence being placed on record, the Applicants have completely failed to address this fundamental issue in their Rejoinder. The Applicants have not disputed the authenticity of the revenue records nor have they produced any contrary evidence to establish that the land is owned by Kaisre-e-Hind or the Government.



- That the deliberate silence and non-rebuttal by the Applicants on this crucial aspect of private ownership clearly demonstrates that the Applicants have no answer to the documentary evidence placed on record and are attempting to mislead this Hon'ble Tribunal by repeatedly making vague and unsubstantiated allegations.
13. That it is most respectfully submitted that since the land in question is private property owned by identifiable individuals as per revenue records, the said private landowners are necessary and proper parties to the present proceedings.
14. That the relief sought by the Applicants, including demarcation, removal of encroachments, and restoration of the water body, directly affects the rights of the private landowners and now the persons or individuals who have purchased the said plots.

15. That it is well-settled principle of law that all persons whose rights may be affected by the proceedings must be made parties to the case. The Applicants cannot seek relief against private property without impleading the owners as parties.
16. That the allegations made by the Applicants that the DMC has “turned a blind eye” or has been “complicit” in encroachments are wholly unfounded and denied. That the DMC's role is limited to municipal administration within its jurisdictional area. The DMC cannot be held responsible for private land transactions between private parties or for alleged encroachments on private property.
17. That the identification and reporting of encroachments by the Circle Officer, Sadar Darbhanga, pursuant to the directions of this Hon'ble Tribunal, was an administrative exercise to ascertain the factual position on the ground. The said report clearly established that 88 persons have constructed houses and boundary walls on the said private land after acquiring the said land vide a registered instrument.
18. That the allegations made by the Applicants in paragraphs J, K, L and M of their Rejoinder are completely denied and disputed as the same are incorprrect further it is denied that the slaughterhouse near Mon Pokhar are categorically denied as false, misleading, and exaggerated. It is denied that blood and waste of slaughtered animals directly flow into the storm water drains or the pond.
19. That it is respectfully submitted that the DMC has been regularly conducting cleaning operations in and around the slaughterhouse area. The following steps have been and are being taken on a regular basis:
- a) Daily cleaning of the slaughterhouse premises;



- b) Regular removal of solid waste and disposal at designated sites;
- c) Periodic inspection by municipal health officers;
- d) Maintenance of hygiene standards as per municipal regulations.

Copies of the coloured photographs of the on-going cleaning by the workers of DMC are attached herewith and marked as Letter R/1 Collectively.

20. That the DMC has maintained photographic evidence of the cleaning operations conducted in and around the slaughterhouse area. That the Applicants in their Rejoinder showing blood, waste, and filth are selective, taken at specific times, and do not represent the regular condition of the area. The slaughterhouse, by its very nature, involves the slaughtering of animals, and during such operations, there is bound to be blood and waste. However, the same is cleaned on a daily basis by the DMC.

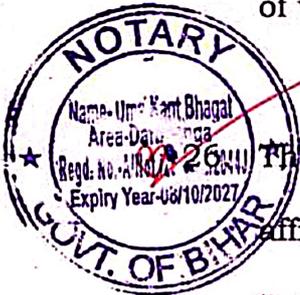
21. That the allegations made by the Applicants in paragraph K of their Rejoinder that DMC sewage is connected to the storm water drain flowing to Mon Pokhar are vehemently denied.

22. That as categorically stated in paragraph 5 of the Counter Affidavit filed by the DMC, that the storm/rainwater drainage systems are being constructed but the same has also been challenged by the applicant in another proceeding before this Hon'ble Tribunal and again here they raise a different point.

23. That if there is any discharge of household sewage from adjacent houses into the storm water drain, the same is the unauthorized act of private individuals/residents and if the details are provided DMC shall take stringent action against any such unauthorized connections made by private individuals.



24. That the DMC has taken and continues to take action against unauthorized sewage connections as and when they are detected. However, given the large number of households in the area, complete elimination of all unauthorized connections is a continuous process.
25. That the DMC has conducted extensive public awareness campaigns through various announcements, informing residents to keep the area clean and to hand over their daily garbage to the garbage collecting employees deployed by the DMC. These efforts are aimed at promoting proper waste disposal and maintaining the cleanliness of the area.

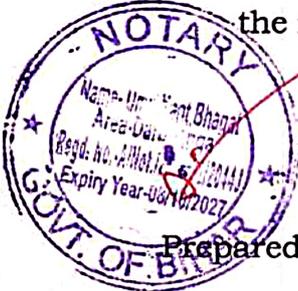


That I have thoroughly gone through the contents of this counter affidavit and I have fully understood the same and I am competent to file and sign the instant Affidavit before this Hon'ble Tribunal.

27. That the answering respondent (i.e. Commissioner, Darbhanga Municipal Corporation) states and submits that they are ready and willing to abide by the order/s direction/s made by this Hon'ble Tribunal and has taken all possible steps to comply with the directions of the Hon'ble Tribunal and the Inspection Committee.

X

28. I state that the statements contained in Paragraphs no. 1 to 27 are true to the best of my knowledge and belief, based on records and the rest are my humble submissions before this Hon'ble Tribunal.



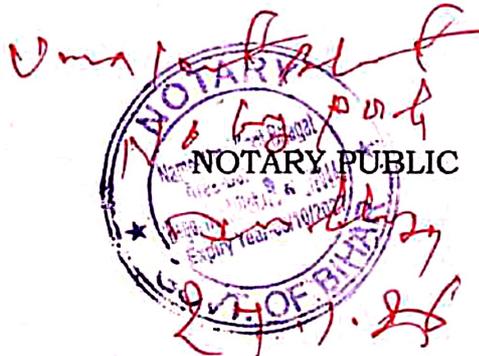
Prepared in my office.

Ravi Amar Nath

27/01/26 DEPONENT

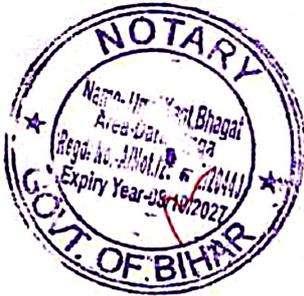
Ghanshyam Pandey,
Advocate

BEFORE ME



Identify to the deponent who has signed in my presence

Deonard Prasad
Advocate
27-01-26



VERIFICATION

Verified at Darbhanga, Bihar by the deponent above named on this the 27 day of January, 2026, and say that the contents of this affidavit made in paragraph nos. 1 to 28 are true to my knowledge, information derived from records which I verily believe to be true and the rest are my respectful submissions before this Hon'ble Tribunal.

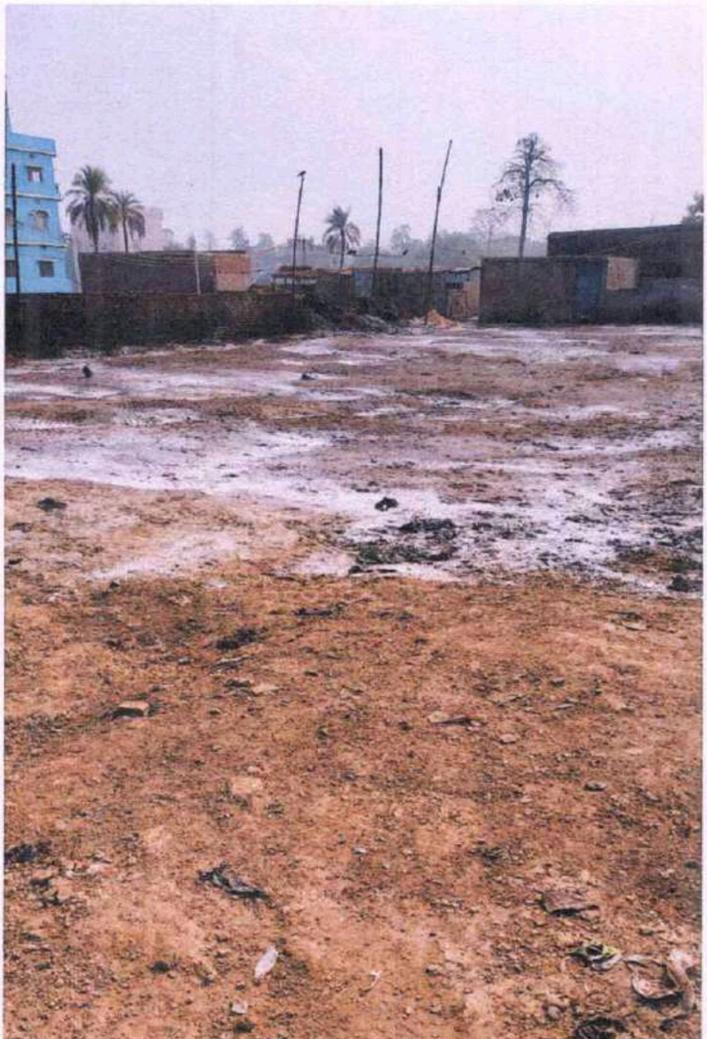
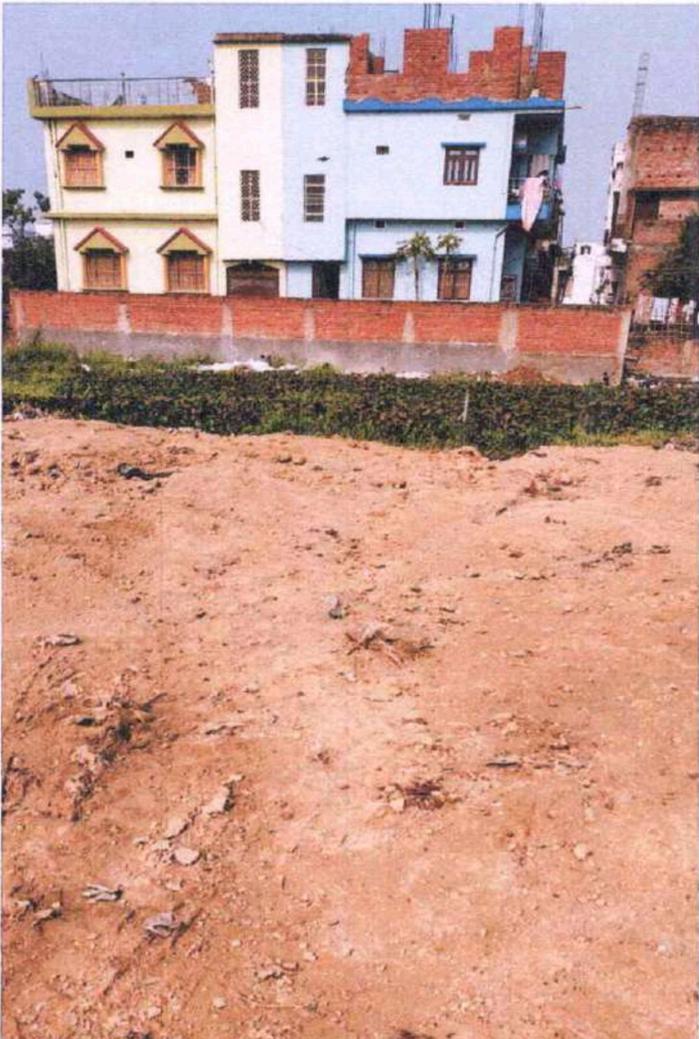
Ravi Amar Nath
 DEPONENT
 27/01/26

Identified by Sri. Ravi Amar Nath
 Advocate Solemnly Affirmed & Declared Before me

U. K. B.
 UMA KANT BHAGAT
 Notary Public, Darbhanga

27.1.26

Identify to the deponent who has signed in my presence
Deend
 Advoc
 21-7-26



KARAMGANJ
हुमगंज

4VPR+56V, Karamganj, Darbhanga, Bihar 846001, India

Deori Rd

Karamganj Main Rd

**Darbhanga
Bihar
India**

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हुमगंज

4VPR+56V, Karamganj, Darbhanga, Bihar 846001, India

Deori Rd

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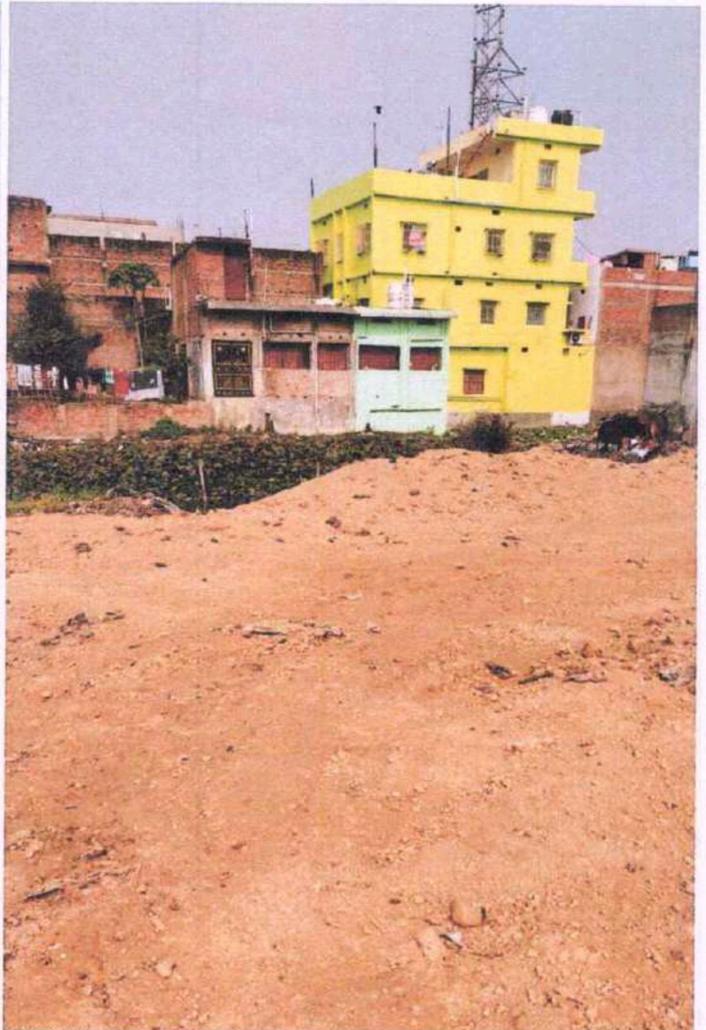
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Bihar
India**

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ATTESTED

Uma Kamal Biswas
UMA KAMAL BISWAS
Notary Public, Darbhanga



KARAMGANJ हरमगंज

4VPR+56V, Karamganj, Darbhanga Bihar 846001, India

Darbhanga
Bihar
India

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KARAMGANJ हरमगंज

4VPR+56V, Karamganj, Darbhanga, Bihar 846001, India

Darbhanga
Bihar
India

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ATTESTED

UMA KANT BHAGAT
Notary Public, Darbhanga

X

भारत सरकार
GOVERNMENT OF INDIA



रवि अमर नाथ
 Ravi Amar Nath

जन्म वर्ष / Year of Birth : 1985
 पुरुष / Male



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आधार — आम आदमी का अधिकार

भारतीय विशिष्ट पहचान प्राधिकरण
UNIQUE IDENTIFICATION AUTHORITY OF INDIA



पता: S/O: प्रदीप कुमार, वार्ड 14/187, Address: S/O: Pradeep Kumar,
 श्रीपाली कोर्ट रोड जामतारा, जामतारा, WARD 14/187, SRIPALLI COURT
 जामतारा, जामतारा, झारखण्ड, 815351 ROAD JAMTARA, JAMTARA,
 Jamtara, JAMTARA, Jharkhand.
 815351

1947 1800 180 1947 help@uidai.gov.in www.uidai.gov.in P.O. Box No. 1947, Bengaluru-560 001



ATTESTED

Uma Kant Bhagat

UMA KANT BHAGAT
 Notary Public, Darbhanga