

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**O.A NO. 136 OF 2026**

**In the matter of:**

Centre for Holistic Development -CHD

...Applicant

Versus

Govt. of Bihar & Ors.

...Respondents

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DATED: 14.05.2026  
PLACE: NEW DELHI

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

APPLICATION UNDER SECTIONS 14 &amp; 15 READ WITH SECTION 18 OF

THE NATIONAL GREEN TRIBUNAL ACT, 2010

**O.A NO. OF 2026****In the matter of:**

Centre for Holistic Development -CHD ...Applicant

Versus

Govt. of Bihar &amp; Ors. ...Respondents

**MEMO OF PARTIES**

## 1. Centre for Holistic Development -CHD

Through its General Secretary Sunil Kumar Aledia

S/o Gyan Chand Aledia

R/o 1D Shahpur Jat;

II Floor

New Delhi 110049

...Applicant No.1

Versus

## 1. State of Bihar

Through its Chief Secretary,

Main Secretariate,

4, Deshratna Marg,

Patna Bihar-800001

[cs-bihar@nic.in](mailto:cs-bihar@nic.in);

...Respondent No.1

## 2. District Magistrate, Darbhanga

District,

Collectorate, Darbhanga,

Bihar-846001

Email: [dm-darbhanga.bih@nic.in](mailto:dm-darbhanga.bih@nic.in)

...Respondent No.2

3. Bihar State Pollution Control Board,  
Through Member Secretary  
Parivesh Bhawan, Patna Mall  
Rod,

Patliputra Industrial Area,

Digha, Patna, Bihar-800010

Email: [msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in)

...Respondent No.3

4. Bihar State Wetland Authority,  
Through its Member Secretary,  
Shaheed Peer Ali Khan Marg,  
Aranya Bhawan,

Patna, Bihar, PIN-800014.

[ccfcc.bih@gmail.com](mailto:ccfcc.bih@gmail.com)

...Respondent No.4

5. Ministry of Environment, Forest  
and Climate Change,  
Through its Joint Secretary  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-  
110003

[efd-bih@nic.in](mailto:efd-bih@nic.in)

...Respondent No.5

6. Urban Development and  
Housing Department,  
Through its Principal Secretary  
Government of Bihar, Patna,

1st Floor, Vikas Bhawan, New  
Secretariat,

Patna-800015

[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)

...Respondent No.6

7. Bihar Urban Infrastructure  
Development Corporation  
(BUIDCO),  
Through its Managing Director  
303, Third Floor, Maurya Lok  
Complex, Maurya Tower, Budha  
Marg, New Dak Bunglow Rd,  
Patna, Bihar 800001

...Respondent No. 7

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DATED: 14.05.2026

PLACE: NEW DELHI

## SYNOPSIS

*"Every part of earth is sacred to my people, Every Shining pine needle, every sandy shore, every mist in the dark woods, every meadow, every humming insect. All are holy in the memory and experience of my people....*

*This we know; the earth does not belong to man; man belong to earth. All things are connected like the blood that unties us all. Man did not weave the web of life; he is merely a strand in it. Whatever he does to the web, he does to himself."*

This statement was made by the Tribal chief of a Seattle, way back in the year 1854, in his response to the offer of George Washington, the first President of the United States of America, to buy their land. This had a deep meaning to exemplify the fact that human beings are part of the ecosystem and environment, not the other way around.

The present Application is being filed under Sections 14, 15 and 18 of the National Green Tribunal Act, 2010 seeking urgent intervention of this Hon'ble Tribunal against the ongoing illegal filling, dumping of soil, encroachment and alteration of three historic ponds namely Ganga Sagar Pond, Dighi Pond and Harahi Pond situated at Darbhanga, State of Bihar.

The abovesaid ponds are nearly 800–900 years old water bodies of immense ecological, historical and cultural importance, stated to have been constructed during the reign of the erstwhile rulers of the Mithila region. The ponds together form an interconnected freshwater ecosystem extending approximately 1.8 kilometres and have historically served as important public commons, groundwater recharge zones, flood buffers and centres of social and cultural life.

Over a period of time, however, the ponds came under severe stress due to unchecked encroachments, discharge of untreated sewage, dumping of solid waste, obstruction of feeder channels and shrinking of their natural water spread area. Owing to such degradation, an Original Application being O.A. No. 155/2022/EZ titled Talab Bachao Abhiyan v. Government

of Bihar & Ors. was filed before this Hon'ble Tribunal seeking protection and restoration of the ponds.

This Hon'ble Tribunal, vide orders passed in the said proceedings, constituted a Joint Committee and thereafter by final judgment dated 23.03.2023 directed removal of illegal encroachments, restoration of the ponds, strengthening of embankments and ecological rejuvenation of the three ponds.

Despite the aforesaid binding directions, the Applicant has recently observed that under the guise of redevelopment and beautification, large scale earth filling, land reclamation, physical alteration and fresh encroachments are continuing in and around the ponds. Activities presently being undertaken appear to adversely affect the original character, hydrology, embankments and ecological balance of the water bodies.

The redevelopment proposal displayed at site indicates infrastructure-centric works such as ghats, jetties, lighting, restaurants, open gym areas, toilets and allied constructions, but does not disclose any scientific plan for desiltation, revival of inlets and outlets, sewage diversion, catchment restoration or preservation of wetland ecology.

The Applicant has already submitted representations before the concerned authorities including Bihar Urban Infrastructure Development Corporation Ltd., the Urban Development Department, District Administration Darbhanga, Bihar State Pollution Control Board and Bihar State Wetland Authority requesting immediate intervention, removal of encroachments and prevention of sewage discharge, but no effective remedial action has been taken.

Hence the present petition.

### LIST OF DATES

| Dates      | Events  |
|------------|---|
|            | <p>The three ponds namely Ganga Sagar, Dighi, and Harai in Darbhanga, Bihar are 800-900 years old historical ponds that were constructed by the King Gang Singh Dev (1136-1148 AD), Shakr Singh Dev (1288-1303) and Hari Singh Dev (1304-1324) respectively. These ponds are precious, historical, and cultural heritage not only for Darbhanga but also for the state of Bihar. These 3 ponds together cover a length of 1.8 kilometres from north to south direction and are present in the list of Bihar State Wetland Authority for their protection</p>  |
| 1868       | <p>According to the book published in 1868, titled Riaz-e-Trihut, authored by Ayodhya Prasad Bahar, the Assistant Collector Mr. G.E.Grahm had constructed roads around the 3 lakes so that people of the town can enjoy walking and recreational activities. The road around the 3 lakes are called 'Chakkar'. This chakkar (street) was built as advised by the local Haji Mohammad Wahid Ali Khan, who was the Rais of the city.</p>  |
| 15.11.2022 | <p>That owing to the rapid encroachment, unchecked pollution and continued degradation of the three historic ponds namely Harahi, Dighi and Ganga Sagar, wherein untreated sewage, garbage, debris and waste water from multiple drains were being discharged directly into the ponds, and illegal constructions had further obstructed the natural channels interlinking the said water bodies, the association namely Talab Bachao Abhiyan was constrained to approach this Hon'ble Tribunal in the year 2022 by filing an Original Application, which came to be registered as O.A. No. 155/2022/EZ titled Talab Bachao Abhiyan (TBA) v. Government of Bihar &amp; Ors., seeking protection, restoration and removal of encroachments from the said ponds.</p> |

|            |  |
|------------|--|
| 08.12.2022 | That vide order dated 08.12.2022, the Hon'ble National Green Tribunal, Eastern Zone Bench, in O.A. No. 155/2022/EZ, titled Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors., after considering the status of the three ponds, issued notice to the Respondents and deemed it appropriate to constitute a Committee (details of members are below). The Hon'ble Tribunal further directed the District Magistrate, Darbhanga, to act as the Nodal Authority for all logistical purposes, and directed the Bihar State Pollution Control Board to file the report of the said Committee by way of an affidavit.            |
| 23.03.2023 | That vide final order/ Judgment dated 23.03.2023 this Hon'ble Tribunal directed to remove the illegal encroachments from three ponds namely, Dighi, Harai, and Ganga Sagar, in Darbhanga District of Bihar, and it shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation with certain other directions.   |
| May 2026   | That it has recently been noticed by the Applicant herein that the three ponds have been subjected to rapid and alarming encroachment, large-scale earth-filling activity and physical alteration, whereby under the guise of beautification and development, activities appear to have been commenced which are adversely affecting, and continue to adversely affect, the original character, natural water spread area, embankments and ecological balance of the historic ponds namely Harahi, Dighi and Ganga Sagar, situated at Darbhanga, which are water bodies of immense ecological, cultural and historical significance. |
|            | Hence the present petition.  |



Parivesh Bhawan, Patna Mall  
Rod,

Patliputra Industrial Area,

Digha, Patna, Bihar-800010

Email: msbspcb-bih@gov.in

...Respondent No.3

4. Bihar State Wetland Authority,  
Through its Member Secretary,  
Shaheed Peer Ali Khan Marg,  
Aranya Bhawan,  
Patna, Bihar, PIN-800014.

...Respondent No.4

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5. Ministry of Environment, Forest  
and Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-  
110003

...Respondent No.5

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6. Urban Development and  
Housing Department,  
Government of Bihar, Patna,  
Through its Principal Secretary,  
1st Floor, Vikas Bhawan, New  
Secretariat,

Patna-800015

...Respondent No.6

[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)

7. Bihar Urban Infrastructure  
Development Corporation  
(BUIDCO),  
  
303, Third Floor, Maurya Lok  
Complex, Maurya Tower, Budha  
Marg, New Dak Bunglow Rd,  
Patna, Bihar 800001

...Respondent No. 7

**ORIGINAL APPLICATION UNDER SECTIONS 14 & 15 READ WITH  
SECTION 18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010  
SEEKING DIRECTIONS FOR RESPONDENTS TO IMMEDIATELY  
CEASE AND STOP THE ILLEGAL FILLING, DUMPING OF SOIL, AND  
FILLING UP OF THE POND AND ALL CONSTRUCTION ACTIVITIES  
BEING CARRIED OUT AT THE THREE HISTORIC PONDS NAMELY  
GANGA SAGAR, DIGHI AND HARAHI, SITUATED AT DARBHANGA,  
BIHAR, AT THE BEHEST OF THE RESPONDENT BUIDCO OR STATE  
OF BIHAR**

**MOST RESPECTFULLY SHOWETH:**

1. The present Application is filed under sections 14 & 15 read with  
Section 18 of the National Green Tribunal Act, 2010 seeking

directions to the respondents to immediately cease and stop the illegal filling, dumping of soil, and filling up of the pond and all construction activities being carried out at the three historic ponds namely Ganga Sagar, Dighi and Harahi, situated at Darbhanga, Bihar, at the behest of the Respondent BUIDCO or State of Bihar, and for other directions.

True copy of the photographs showing illegal filling, dumping of soil, and filling up of the pond and all construction activities being carried out at the three historic ponds namely Ganga Sagar, Dighi and Harahi, situated at Darbhanga is annexed herewith as

**ANNEXURE P- 1**

2. That the Applicant is registered as Non-Government Organization and working for the welfare of the Homeless Population and to service them.
3. That The Applicant organization namely Centre for Holistic Development has immensely contributed in the field of Social work and it has relentlessly worked for the marginalized persons of the society. The work of the organization for homeless people has been recognized worldwide so also by several state organizations. The functionaries of the organization have been awarded by the Chief Electoral Officer, Delhi and NHFDC. That the Applicant organization

has also raised the voice of the marginalized persons through various petitions filed in the high Court of Delhi as well as other forums, an illustrative list of the same is as under;

| Sl. | Details of the petition  | Present Status                                 |
|-----|--|--|
| 1.  | SUNIL KUMAR ALEDIA<br>Vs. GOVERNMENT OF NCT OF DELHI & ORS.<br>Advocate : KAMLESH KUMAR MISHRA & VISHAL KALRA<br>W.P.(C) 7756/2017<br>[DISPOSED OFF] | Court No. : 1<br>DISPOSED OFF<br>on 06/09/2017 |
| 2.  | SUNIL KUMAR ALEDIA<br>Vs. GOVT. OF NCT OF DELHI & ORS<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 7638/2017<br>[DISPOSED OFF]                      | Court No. : 1<br>DISPOSED OFF<br>on 12/09/2017 |
| 3.  | SUNIL KUMAR ALEDIA<br>Vs. GOVT OF NCT OF DELHI AND ORS<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 4417/2017<br>[DISPOSED OFF]                     | Court No. : 1<br>DISPOSED OFF<br>on 02/08/2019 |
| 4.  | SUNIL KUMAR ALEDIA<br>Vs. COMMISSIONER OF POLICE AND ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 5464/2018<br>[PENDING]                       | Court No. : 1<br>Next Date:<br>15/01/2019      |
| 5.  | SUNIL KUMAR ALEDIA<br>Vs. GOVT. OF NCT OF DELHI AND ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 4173/2018<br>[DISPOSED OFF]                   | Court No. : 1<br>DISPOSED OFF<br>on 10/09/2018 |

|     |  |  |
|-----|--|--|
| 6.  | SUNIL KUMAR ALEDIA<br>Vs. DELHI URBAN SHELTER<br>IMPROVEMENT BOARD.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 2528/2018<br>[DISPOSED OFF]  | Court No. : 1<br>DISPOSED OFF<br>on 21/08/2018 |
| 7.  | SUNIL KUMAR ALEDIA<br>Vs. CHAIRMAN DUSIB & ORS<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 2085/2018<br>[DISPOSED OFF]   | Court No. : 1<br>DISPOSED OFF<br>on 18/02/2020 |
| 8.  | SUNIL KUMAR ALEDIA<br>Vs. DELHI URBAN SHELTER<br>INPROVEMENT BOARD AND ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 11702/2018<br>[DISPOSED OFF]   | Court No. : 1<br>DISPOSED OFF<br>on 24/10/2019 |
| 9.  | CENTRE FOR HOLISTIC DEVELOPMENT-<br>CHD & ANR<br>Vs. DELHI DEVELOPMENT AUTHORITY<br>& ORS<br>Advocate : KAMLESH KUMAR MISHRA &<br>CHOUDHARY ALI ZIA KABIR<br>W.P.(C) 9663/2017<br>[DISPOSED OFF] | Court No. : 0<br>DISPOSED OFF<br>on 27/01/2020 |
| 10. | SUNIL KUMAR ALEDIA<br>Vs. GOVT OF NCT OF DELHI & ANR<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 2978/2020<br>[DISPOSED OFF]   | Court No. : 0<br>DISPOSED OFF<br>on 20/04/2020 |
| 11. | SUNIL KUMAR ALEDIA<br>Vs. GOVT. OF NCT OF DELHI & ORS<br>Advocate : SHIVEN VARMA   | [PENDING]                                      |

|     |   |                                      |
|-----|---|--------------------------------------|
|     | W.P.(C) 2991/2020<br>[PENDING]  |                                      |
| 12. | <u>CENTRE FOR HOLISTIC DEVELOPMENT-<br/>CHD VS GOVT. OF NCT DELHI</u> V/s Govt.<br>of NCT of Delhi<br><b>Original Application No. 50/2021in<br/>NGT Principal Bench New Delhi</b> | <b>DISPOSED</b><br><b>03-03-2021</b> |
| 13. | SUNIL KUMAR ALEDIA<br>Vs. GOVT. OF NCT OF DELHI & ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br><b>W.P.(C) 5573/2021</b>   | <b>[DISPOSED<br/>OFF]</b>            |
| 14. | SUNIL KUMAR ALEDIA<br>Vs. GOVERNMENT OF NCT OF DELHI &<br>ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 10898/2021   | [DISPOSED<br>OFF]                    |
| 15. | SUNIL KUMAR ALEDIA<br>Vs. DELHI URBAN SHELTER<br>IMPROVEMENT BOARD & ORS.<br>Advocate : KAMLESH KUMAR MISHRA<br>W.P.(C) 7010/2022   | [DISPOSED<br>OFF]                    |
| 16. | Centre for Holistic Development -CHD<br>(Rishikesh Nallah)<br>Versus<br>Govt. of Uttarakhand & Ors.<br>O.A 133/2025 (NGT, DELHI)  | DISPOSED<br>06.112025                |

1. That the three water bodies namely Ganga Sagar, Dighi, and Harai in Darbhanga, Bihar are 800-900 years old historical ponds that were constructed by the King Gang Singh Dev (1136-1148 AD), Shagr

Singh Dev (1288-1303) and Hari Singh Dev (1304-1324) respectively. These ponds are precious, historical, and cultural heritage not only for Darbhanga but also for the state of Bihar. These 3 ponds together cover a length of 1.8 kilometres from north to south direction and are present in the list of Bihar State Wetland Authority for their protection

2. That According to the book published in 1868, titled Riaz-e-Trihut, authored by Ayodhya Prasad Bahar, the Assistant Collector Mr. G.E.Grahm had constructed roads around the 3 lakes so that people of the town can enjoy walking and recreational activities. The road around the 3 lakes are called 'Chakkar'. This chakkar (street) was built as advised by the local Haji Mohammad Wahid Ali Khan, who was the Rais of the city.

True copy of the map of the three ponds as published in the book titled 'Riaz-e-Tirhut' (1868) showing the ponds and trees arounds them at Page 160 of the book published in the year 1868 is annexed herewith as **ANNEXURE P-2**

3. That Drabhanga Town planning & Development Committee (DTP&DC) prepared a plan for beautification of the three ponds including developing parks and connecting the three ponds with two wide channels. This plan was adopted by the Darbhanga Municipal

Board (now Corporation) on 19<sup>th</sup> July 1960. The plan identified 220 Bigha land and declared it as Controlled area on its Map.

4. As per information available to the public, newspaper reports, and the relevant maps, the following measures were proposed and undertaken for the beautification and integration of the said ponds.
  - a) Provision was made to connect Harahi Pond with the northern portion of Dighi Pond, and Gangasagar Pond with the southern portion of Dighi Pond, through designated channels.
  - b) Provision was further made for the development of public parks on both sides of the locations identified for connecting the said ponds.
  - c) In the map prepared by the Municipal Corporation for the integration and beautification of the said ponds, the areas surrounding all three ponds, as well as the land earmarked for development of parks, were declared as "Controlled Area." The designation of such Controlled Area expressly prohibited any encroachment, transfer, purchase, or sale of the land so marked

True copy of the Map prepared by Darbhanga Municipal Board (now Corporation) (1960) is annexed herewith as **ANNEXURE P-3**

4. That owing to the rapid encroachment, unchecked pollution and continued degradation of the three historic ponds namely Harahi, Dighi and Ganga Sagar, wherein untreated sewage, garbage, debris and waste water from multiple drains were being discharged directly into the ponds, and illegal constructions had further obstructed the natural channels interlinking the said water bodies, the association namely Talab Bachao Abhiyan was constrained to approach this Hon'ble Tribunal in the year 2022 by filing an Original Application, which came to be registered as O.A. No. 155/2022/EZ titled Talab Bachao Abhiyan (TBA) v. Government of Bihar & Ors., seeking protection, restoration and removal of encroachments from the said ponds.
5. That vide order dated 08.12.2022, the Hon'ble National Green Tribunal, Eastern Zone Bench, in O.A. No. 155/2022/EZ, titled Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors., after considering the status of the three ponds, issued notice to the Respondents and deemed it appropriate to constitute a Committee (details of members are below). The Hon'ble Tribunal further directed the District Magistrate, Darbhanga, to act as the Nodal Authority for all logistical purposes, and directed the Bihar State

Pollution Control Board to file the report of the said Committee by way of an affidavit.

True copy of order dated 08.12.2022, passed by this Hon'ble Trinunal, in O.A. No. 155/2022/EZ, titled Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors., is annexed herewith as

**ANNEXURE P-4**

6. That vide final order/ Judgment dated 23.03.2023 this Hon'ble Tribunal directed to remove the illegal encroachments from three ponds namely, Dighi, Harai, and Ganga Sagar, in Darbhanga District of Bihar, and it shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation with certain other directions.

True copy of final order/ Judgment dated 23.03.2023 passed by this Hon'ble Trinunal, in O.A. No. 155/2022/EZ, titled Talab Bachao Abhiyan (TBA) versus Government of Bihar & Ors., is annexed herewith as **ANNEXURE P-5**

7. That it has recently been noticed by the Applicant herein that the three ponds have been subjected to rapid and alarming encroachment, large-scale earth-filling activity and physical alteration, whereby under the guise of beautification and

development, activities appear to have been commenced which are adversely affecting, and continue to adversely affect, the original character, natural water spread area, embankments and ecological balance of the historic ponds namely Harahi, Dighi and Ganga Sagar, situated at Darbhanga, which are water bodies of immense ecological, cultural and historical significance.

8. That thereafter, the Applicant submitted a detailed representation before this Hon'ble Tribunal, the Managing Director, BUIDCO, the Principal Secretary, Urban Development and Housing Department, Bihar, the District Magistrate, Darbhanga, the Bihar State Pollution Control Board, and the Bihar State Wetland Authority, highlighting the ongoing encroachment and requesting immediate removal of the illegal encroachments as well as prevention of discharge of untreated sewage into the three ponds, the relevant portion of the representation is as under;

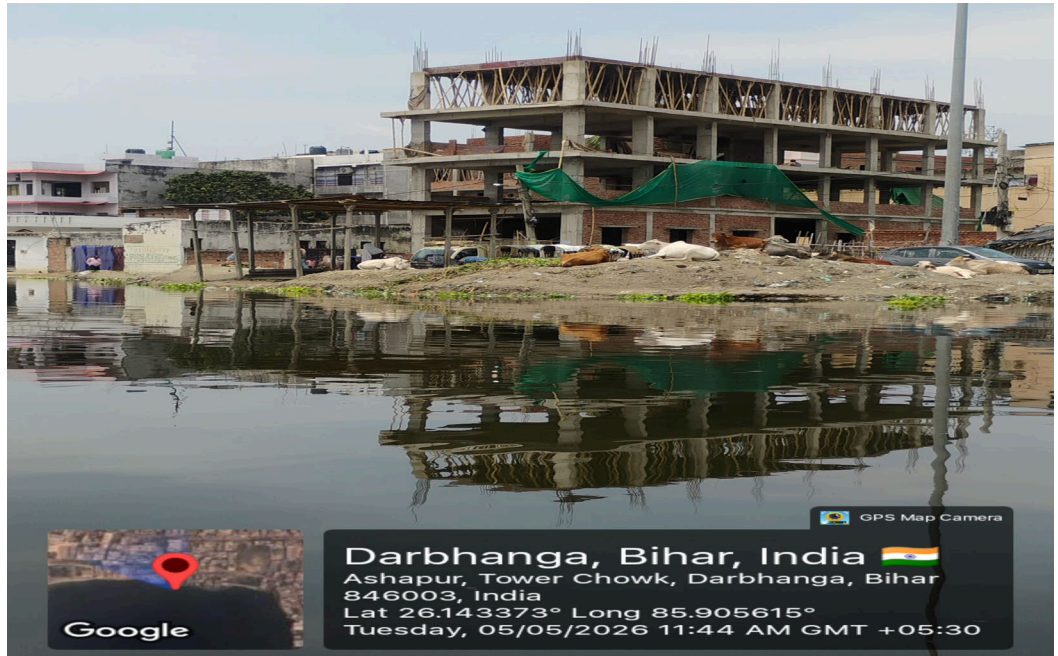
**"SUBJECT: REPRESENTATION CONCERNING ENCROACHMENT OF THE HISTORIC PONDS HARAHI, DIGHI AND GANGA SAGAR AT DARBHANGA, REMOVAL OF ILLEGAL ENCROACHMENTS, PREVENTION OF DISCHARGE OF UNTREATED SEWAGE.**

**Reference:**

1. Final Order and Judgment dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ.
2. Final Order and Judgment dated 28.01.2011 passed by the Hon'ble Supreme Court of India in Jagpal Singh v. State of Punjab, (2011) 11 SCC 396.
3. Order dated 19.02.2025 passed by the Hon'ble Supreme Court of India in Civil Appeal No(s). 7607/2023.

**Respected Madam/ Sir,**

That the present representation is made to your esteemed office with regard to the rapid and alarming encroachment, earth-filling activity, and alteration of the historic ponds namely Harahi, Dighi and Ganga Sagar, situated at Darbhanga, which are water bodies of immense ecological, cultural and historical significance. It has further been noticed that under the guise of beautification and development, activities appear to have commenced which may adversely affect the original character, water spread area, embankments, and ecological balance of the said ponds, the photographs of the said encroachment is as under;



That the aforesaid developments have caused serious concern amongst local residents and environmental stakeholders, particularly in view of the Final Order dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ, wherein specific directions were issued for restoration, protection and preservation of the said ponds.

**The relevant portion of the order dated 23.03.2023;**

*"Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-*

*A....*

*B...*

*C. The Committee shall also take steps to remove the encroachments expeditiously.*

*D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.*

*E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.*

*F....*

*G....*

*H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of*

*the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court..."*

That despite the aforesaid directions, it appears that instead of ecological restoration and scientific conservation, certain activities involving dumping of soil, use of heavy machinery, land filling, and construction-oriented intervention are being undertaken in and around the ponds, which may irreversibly damage the water bodies and defeat the purpose of the Tribunal's order.

That it is further worth highlighting herein that the Hon'ble Supreme Court of India in Jagpal Singh v. State of Punjab (2011) 11 SCC 396 has categorically held that ponds, lakes and common lands are public commons which must be protected and restored, and illegal occupation or conversion thereof cannot be permitted.

That further, in Anand Arya v. Union of India, the Hon'ble Supreme Court reiterated the mandatory requirement of scientific identification, ground-truthing, demarcation of boundaries, and protection of wetlands prior to undertaking developmental or beautification activities.

That the Hon'ble Supreme Court has also recently observed, while dealing with encroachment over wetland areas, that urban development cannot come at the cost of destruction of lakes, ponds and wetlands, and protection of water bodies is an essential component of sustainable governance.

In these circumstances, the applicant organisation most respectfully requests that the concerned authorities may kindly:

It is, therefore, most respectfully prayed that the concerned authorities may immediately inspect the sites of the historic ponds namely Harahi, Dighi and Ganga Sagar situated at Darbhanga; forthwith halt all activity involving soil dumping, filling, construction or any alteration of the natural water spread area; remove all illegal encroachments; ensure diversion of drains and prevent discharge of untreated sewage into the said ponds; conduct proper demarcation of boundaries and maintain updated status records of the ponds; and take all further necessary and effective steps for preservation, protection and revival of these historic water bodies for the benefit of present and future generations.

The applicant organization hopes that immediate remedial measures shall be taken in public interest, environmental interest, and in faithful compliance with the judicial directions governing protection of water bodies.

This representation is submitted without prejudice to all other legal rights and remedies available in accordance with law.”

True copy of the representation dated 14.05.2026 made to the Managing Director, BUIDCO, the Principal Secretary, Urban Development and Housing Department, Bihar, the District

Magistrate, Darbhanga, the Bihar State Pollution Control Board, and the Bihar State Wetland Authority is annexed herewith as

**ANNEXURE P-6**

9. The present situation of the ponds is deeply concerning, as the surrounding areas have been encroached upon from all sides. The parks and designated green spaces around the lakes have gradually been taken over and built upon by both private individuals and public authorities.
10. That the orders passed by the Hon'ble Supreme Court in Anand Arya v. Union of India in W.P (C) 304/2018 are directly and squarely applicable to the present case, as it was reiterated that it is mandatory for the States and their instrumentalities to strictly comply with the Wetlands (Conservation and Management) Rules, 2017, particularly with respect to scientific identification, ground-truthing, boundary demarcation, and protection of wetlands prior to undertaking any developmental or beautification activity. The Court has categorically emphasized that wetland boundaries must be demarcated in accordance with Rule 7 and that any action taken in deviation thereof is impermissible, the relevant portion of the same is as under;

“4. In that view of the matter, we direct these States to expedite the ground truthing and boundary demarcation expeditiously and at any rate within an outer limit of two months from today, failing which, the Secretaries of the concerned States of the Department of Environment and Ecology will have to personally remain present before this Court on next date of hearing. It is also made clear that inaction on the part of these State Wetland Authorities would compel this Court to pass coercive orders against such of those States which has failed to comply with the direction issued earlier as well as the direction issued by this order.

5. In the light of the wetlands having been identified, it is incumbent upon the State Wetland Authorities to publish the same in the respective State Governments’ website indicating such of those Wetland which have been identified together with the areas, where ground truthing and demarcation of boundaries have been undertaken by distinctly and separately indicating the same, which exercise shall be undertaken before next date of hearing.”

True copy of the order dated 19.08.2025 passed by the Hon’ble Supreme Court in Anand Arya v. Union of India in W.P (C) 304/2018 is annexed herewith as **ANNEXURE P-7**

11. In the present case, although a project for “beautification” of the historic Harahi, Dighi, and Gangasagar ponds has been proposed, the actual beautification works have not yet commenced. In such circumstances, the directions issued by the Hon’ble Supreme Court in Anand Arya v. Union of India assume critical significance, as it mandates that prior to initiation of any development or

beautification activity, wetlands must first be scientifically identified, demarcated, and protected from encroachments, with due assessment of their ecological character. The absence of prior demarcation of pond boundaries, water spread areas, and buffer zones renders any proposed intervention legally impermissible.

12. That the poster displayed at the site sets out a proposed "Redevelopment Plan" for the historic Gangasagar, Digghi and Harahi Ponds, listing features such as construction of ghats (steps leading to water), plantation, an open gym area, Restaurants, street lights, jetties, lighting arrangements, and toilets. However, a plain reading of the plan indicates that it is primarily infrastructure-oriented and cosmetic in nature, rather than focused on the ecological restoration and preservation of these nearly 1000-year-old water bodies.

True copy of the poster of Redevelopment Plan" for the historic Gangasagar, Digghi and Harahi Ponds dated NIL is annexed herewith as **ANNEXURE P-8**

13. That a pond, particularly one of historical and ecological significance, does not fundamentally require commercial or recreational installations such as open gyms, jetties, or food courts; rather, it requires scientific desiltation (locally understood as "gadh

ka nikaasi’”), restoration of natural inlets and outlets, protection of its catchment area, prevention of encroachments, strengthening of embankments using eco-friendly measures, and maintenance of its natural hydrology. The poster conspicuously does not mention how fresh water will flow into the ponds, how stormwater channels will be revived, or how accumulated silt will be removed to restore original depth and water-holding capacity. Without addressing the source of inflow and the removal of sludge, any beautification effort would remain superficial and potentially harmful. Further, introduction of commercial elements such as food courts in the vicinity of the ponds poses a serious risk of solid waste generation, plastic pollution, and wastewater discharge, thereby aggravating water contamination rather than preventing it. There is also no indication on the poster whether the proposed plan has been subjected to environmental impact assessment or has obtained requisite approvals from the Bihar State Pollution Control Board. In the absence of such safeguards and statutory clearances, the so-called beautification risks undermining the ecological character, water quality, and heritage value of these ancient ponds, which ought to be conserved as living ecosystems and public commons for present and future generations

14. Hence the present Application.

### **GROUNDNS**

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

- A. Because the historic ponds of Harahi, Dighi and Ganga Sagar are not merely water bodies but are protected cultural and ecological heritage, dating back nearly 800–900 years, and their destruction violates the public trust doctrine.
- B. Because these ponds, constructed by the rulers of the Mithila region and documented in historical records such as Riaz-e-Tirhut (1868), constitute invaluable heritage assets. The State, as trustee of natural resources, is constitutionally bound to protect them for present and future generations.
- C. Because The importance of pokhar/ pond in small villages of Bihar is significant, not only for addressing current water needs but also for ensuring sustainable access to water for future generations. Here are the key aspects of their importance and the need for preservation;

#### **Importance of Pond:**

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

**Recharging Groundwater:**

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

**Common Need of Community:**

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

**Livelihood & Nutrition:**

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

pond. Besides them, snail, crab and other produces also provide livelihood.

### **Aquatic Life:**

Water area of a pond provides space to live and survive a wide variety of fishes, crabs, snails, insects, tortoise, snakes and frogs, besides, water-weed and grass. They work as a food chain system and help in maintaining cleanliness of pond water.

### **Birds:**

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

### **Shelter for Wild Animals:**

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

### **Cultural & Festival Place & Common Heritage of Culture:**

Pond is a common cultural and festival place of all castes and sects, no matter who excavated it. Excavation of pond is a

religious act like building of a temple/ mosque/church, but with secular approach. For instance, Mirja Khan Talab/Pond in Darbhanga town was built/excavated by a Muslim, but Hindus perform all kinds of religious festivals there. Similarly, Harahi pond was excavated by a Hindu king, but Muslims immerse their Tiziya in this pond.

### **Flood & Drought Mitigation:**

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

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

1. It recognized human rights as a part of environmental protection and therefore the right to quality environment is a fundamental right of a human.

2. Promotion of sustainable development, Non-renewable resources must be used in such a manner as to guard these resources from exhaustion in the future.

3. Man has the fundamental duty to protect the wildlife and its habitat.

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

E. Because this act of the respondents is completely illegal and is destruction of the ponds in terms of the following;

- i. Final order and judgement of the NGT dated 23.03.2023 titled as Talab Bachao Abhiyan (TBA) V/s Govt. of Bihar & Ors. In OA No. 155 of 2022 whereby all construction activities in the vicinity of the three ponds were banned and all encroachments were directed to be removed within 3 months.
- ii. In complete violation of the Rules Of Wetlands (Conservation And Management) Rules, 2017

| Sl. | Rule | Relevant portion   |
|-----|------|--|
| 1.  | 2(g) | " <b>wetland</b> " means an area of marsh, fen, peatland or water; whether natural or artificial, permanent or |

|    |   |  |
|----|---|--|
|    |   | <p>temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters, but does not include river channels, paddy fields, human-made water bodies/tanks specifically constructed for drinking water purposes and structure specifically constructed for aquaculture, salt production, recreation and irrigation purposes;</p>   |
| 2. | 4 | <p><b>Restrictions of activities in wetlands.—</b></p> <p>(1) The wetlands shall be conserved and managed in accordance with the principle of 'wise use' as determined by the Wetlands Authority.</p> <p>(2) The following activities shall be prohibited within the wetlands, namely,-</p> <p>(i) conversion for non-wetland uses including encroachment of any kind;</p> <p>(ii) setting up of any industry and expansion of existing industries;</p> <p>(iii) manufacture or handling or storage or disposal of construction and demolition waste covered under the Construction and Demolition Waste Management Rules, 2016; hazardous substances covered under the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 or the Rules for Manufacture, Use, Import, Export and Storage of Hazardous Micro-organisms Genetically engineered organisms or cells, 1989 or the Hazardous Wastes (Management, Handling and Transboundary Movement) Rules, 2008; electronic waste covered under the E-Waste (Management) Rules, 2016;</p> <p>(iv) solid waste dumping;</p> <p>(v) discharge of untreated wastes and effluents from industries, cities, towns, villages and other human settlements;</p> <p>(vi) any construction of a permanent nature except for boat jetties within fifty metres from the mean high flood level</p> |

|  |  |  |
|--|--|--|
|  |  | <p>observed in the past ten years calculated from the date of commencement of these rules; and,<br/>(vii) poaching</p> <p>Provided that the Central Government may consider proposals from the State Government or Union Territory Administration for omitting any of the activities on the recommendation of the Authority.</p> |
|--|--|--|

- iii. In complete violation of the Judgement of this Hon'ble court in Jagpal Singh V/s State of Punjab (2011) 11 SCC 396 whereby it has been directed all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/poramboke/ shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession.
- iv. In complete Contravention of the Spirit of the Judgement of this Hon'ble Court in CIVIL APPEAL NO(S). 7607/2023 dated

19.02.2025 whereby this Hon'ble Court directed removal of similar activity in the Anasagar Lake in Rajasthan

"We wonder how a city can become smart without protecting the water bodies/wetlands in the city and how cities will become smarter by making encroachments on the water bodies/wetlands.

In view of non-compliance with the order dated 1st December, 2023, before we consider of initiating action under the Contempt of Courts Act, 1971, we direct the Chief Secretary of State of Rajasthan to appear before the Court through video conferencing on Monday 17th March, 2025"

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

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

*genuinely interested in the protection of society on behalf of the community. Public interest litigation cannot be invoked by a person or body of persons to satisfy his or its personal grudge and enmity. If such petitions under Article 32, are entertained it would amount to abuse of process of the court, preventing speedy remedy to other genuine petitioners from this Court. Personal interest cannot be enforced through the process of this Court under Article 32 of the Constitution in the garb of a public interest litigation. Public interest litigation contemplates legal proceeding for vindication or enforcement of fundamental rights of a group of persons or community which are not able to enforce their fundamental rights on account of their incapacity, poverty or ignorance of law. A person invoking the jurisdiction of this Court under Article 32 must approach this Court for the vindication of the fundamental rights of affected persons and not for the purpose of vindication of his personal grudge or enmity. It is duty of this Court to discourage such petitions and to ensure that the course of justice is not obstructed or polluted by unscrupulous litigants by invoking the extraordinary jurisdiction of this Court for personal matters under the garb of the public interest litigation see Bandhua Mukti Morcha v. Union of India [(1984) 3 SCC 161 : 1984 SCC (L&S) 389 : (1984) 2 SCR 67] ; Sachindanand Pandey v. State of W. B. [(1987) 2 SCC 295, 331] ; Ramsharan Autyanuprasi v. Union of India [1989 Supp (1) SCC 251] and Chhetriya Pardushan Mukti Sangharsh Samiti v. State of U.P. [(1990) 4 SCC 449]"*

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

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

- H. Because the right to a clean and healthy environment, including access to unpolluted water bodies, forms an integral part of the right to life under Article 21. Despite categorical, time-bound and mandatory directions issued by the NGT, the Respondent authorities have failed to restore the historic ponds of Harahi, Dighi and Ganga Sagar, thereby infringing the fundamental environmental rights of the residents of Darbhanga.
- I. Because in the case of *M.C. Mehta v. Union of India*, (2004) 12 SCC 118 : 2004 SCC OnLine SC 349 at page 166, the Hon’ble Supreme Court of India held that The natural sources of air, water and soil cannot be utilised if the utilisation results in irreversible damage to environment. There has been accelerated degradation of the environment primarily on account of lack of effective enforcement of environmental laws and non-compliance with the statutory norms. It has been repeatedly held by the Supreme Court that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to enjoyment of pollution-free

water and air for full enjoyment of life, the relevant portion of the Judgement is as under;

*"45. The natural sources of air, water and soil cannot be utilised if the utilisation results in irreversible damage to environment. There has been accelerated degradation of environment primarily on account of lack of effective enforcement of environmental laws and non-compliance of the statutory norms. This Court has repeatedly said that the right to live is a fundamental right under Article 21 of the Constitution and it includes the right to enjoyment of pollution-free water and air for full enjoyment of life. (See Subhash Kumar v. State of Bihar [(1991) 1 SCC 598 : AIR 1991 SC 420] .)*

*46. Further, by the Forty-second Constitutional Amendment, Article 48-A was inserted in the Constitution in Part IV stipulating that the State shall endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country. Article 51-A, inter alia, provides that it shall be the duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wildlife and to have compassion for living creatures. Article 47 which provides that it shall be the duty of the State to raise the level of nutrition and the standard of living and to improve public health is also relevant in this connection. The most vital necessities, namely, air, water and soil, having regard to right to life under Article 21 cannot be permitted to be misused and polluted so as to reduce the quality of life of others. Having regard to the right of the community at large it is permissible to encourage the participation of amicus curiae, the appointment of experts and the appointments of Monitory Committees. The approach of the Court has to be liberal towards ensuring social justice and protection of human*

*rights. In M.C. Mehta v. Union of India [(1987) 4 SCC 463] this Court held that life, public health and ecology has priority over unemployment and loss of revenue. The definition of "sustainable development" which Brundtland gave more than 3 decades back still holds good. The phrase covers the development that meets the needs of the present without compromising the ability of the future generation to meet their own needs. In Narmada Bachao Andolan v. Union of India [(2000) 10 SCC 664] this Court observed that sustainable development means the type or extent of development that can take place and which can be sustained by nature/ecology with or without mitigation. In these matters, the required standard now is that the risk of harm to the environment or to human health is to be decided in public interest, according to a "reasonable person's" test. [See Chairman Barton: The Status of the Precautionary Principle in Australia (Vol. 22, 1998, Harv. Envtt. Law Review, p. 509 at p. 549-A) as referred to in para 28 in A.P. Pollution Control Board v. Prof. M.V. Nayudu [(1999) 2 SCC 718].]*

- J. Because in *Intellectuals Forum v. State of A.P., (2006) 3 SCC 549 : 2006 SCC OnLine SC 210 at page 577* this Hon'ble Court while asserting the need for environmental protection and conservation of natural resources has observed that the environmental protection and conservation of natural resources has been given a status of a fundamental right and brought under Article 21 of the Constitution. This apart, the directive principles of State policy as also the fundamental duties enshrined in Part IV and Part IV-A of the Constitution respectively also stress the need to protect and

improve the natural environment including the forests, lakes, rivers and wildlife and to have compassion for living creatures, the relevant portion of the said Judgement is as under;

*"88. However, some of the environmental activists, as noted in The Environmental Activities Handbook authored by Gayatri Singh, Kerban Ankleswaria and Colins Gonsalves, that the Judges are carried away by the money spent on projects and that mega projects, that harm the environment, are not condemned. However, this criticism seems to be baseless since in Virender Gaur v. State of Haryana [(1995) 2 SCC 577] this Court insisted on the demolition of structure which have been constructed on the lands reserved for common purposes and that this Court did not allow its decision to be frustrated by the actions of a party. This Court followed the said decision in several cases issuing directions and ensuring its enforcement by nothing short of demolition or restoration of status quo ante. The fact that crores of rupees were spent already on development projects did not convince this Court while being in a zeal to jealously safeguarding the environment and in preventing the abuse of the environment by a group of humans or the authorities under the State for that matter.*

*84. The world has reached a level of growth in the 21st century as never before envisaged. While the crisis of economic growth is still on, the key question which often arises and the courts are asked to adjudicate upon is whether economic growth can supersede the concern for environmental protection and whether sustainable development which can be*

*achieved only by way of protecting the environment and conserving the natural resources for the benefit of humanity and future generations could be ignored in the garb of economic growth or compelling human necessity. The growth and development process are terms without any content, without an inkling as to the substance of their end results. This inevitably leads us to the conception of growth and development which sustains from one generation to the next in order to secure "our common future". In pursuit of development, focus has to be on sustainability of development and policies towards that end have to be earnestly formulated and sincerely observed. As Prof. Weiss puts it, "conservation, however, always takes a back seat in times of economic stress". It is now an accepted social principle that all human beings have a fundamental right to a healthy environment, commensurate with their well-being, coupled with a corresponding duty of ensuring that resources are conserved and preserved in such a way that present as well as the future generations are aware of them equally."*

K. Because In **Hinch Lal Tiwari v. Kamala Devi, (2001) 6 SCC 496**, this Court settled that 'ponds' were a public utility meant for common use and held that they could not be allotted or commercialised, the relevant portion of the judgment is as under;

**"13.** It is important to notice that the material resources of the community like forests, tanks, ponds, hillock,

mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution. The Government, including the Revenue Authorities i.e. Respondents 11 to 13, having noticed that a pond is falling in disuse, should have bestowed their attention to develop the same which would, on one hand, have prevented ecological disaster and on the other provided better environment for the benefit of the public at large. Such vigil is the best protection against knavish attempts to seek allotment in non-abadi sites."

L. Because in **Jagpal Singh v. State of Punjab, (2011) 11 SCC**

**396** this hon'ble court has laid down laid down the fundamental principles governing the interpretation of law and practice relating to the management and conservation of lakes and ponds as public commons. Recognising the paramount duty to protect such water bodies for the benefit of present and future generations, the Hon'ble Supreme Court has, inter alia, observed as under;

"**20.** Over the last few decades, however, most of these ponds in our country have been filled with earth and built upon by greedy people, thus destroying their original character. This has contributed to the water shortages in the country. Also, many ponds are auctioned off at throw away prices to businessmen for fisheries in collusion with authorities/Gram Panchayat officials, and even this money collected from these so-called auctions is not used for the common benefit of

the villagers but misappropriated by certain individuals. The time has come when these malpractices must stop.

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**23.** Before parting with this case we give directions to all the State Governments in the country that they should prepare schemes for eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/poramboke/shamlat land and these must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. For this purpose the Chief Secretaries of all State Governments/Union Territories in India are directed to do the needful, taking the help of other senior officers of the Governments. The said scheme should provide for the speedy eviction of such illegal occupant, after giving him a show-cause notice and a brief hearing. Long duration of such illegal occupation or huge expenditure in making constructions thereon or political connections must not be treated as a justification for condoning this illegal act or for regularising the illegal possession. Regularisation should only be permitted in exceptional cases e.g. where lease has been granted under some government notification to landless labourers or members of the Scheduled Castes/Scheduled Tribes, or where there is already a school, dispensary or other public utility on the land.

**24.** Let a copy of this order be sent to all the Chief Secretaries of all States and Union Territories in India who will ensure strict and prompt compliance with this order and submit compliance reports to this Court from time to time.

M. Because the proposed "Redevelopment Plan" is contrary to the principles laid down by the Hon'ble Supreme Court in M.C. Mehta

v. Kamal Nath, wherein it was held that natural resources are held in public trust and any interference with their ecological character attracts the "polluter pays" principle and liability for restoration. The impugned plan, being cosmetic and infrastructure-oriented, without ensuring scientific restoration of hydrology, desiltation, and protection of catchment areas, violates the mandate of preservation and ecological restoration as affirmed by this Hon'ble Court, the relevant portion of the same is as under;

" **7.** This Court, on the earlier occasions, after adverting to the pleadings, relevant documents and the technical report of the Central Pollution Control Board, enumerated the various activities of Span Motels considered to be illegal and constituting "callous interference with the natural flow of River Beas" resulting in the degradation of the environment and for that purpose indicted them with having "interfered with the natural flow of the river by trying to block the natural relief/spill channel of the river". We do not want to burden this judgment once again by repeating them *in extenso*. Equally, the Himachal Pradesh Government also was held to have committed patent breach of public trust by leasing the ecologically fragile land to the Motel. It is only on such findings, the "polluter-pays" principle as interpreted by this Court with liability for harm to compensate not only the

victims but also the cost of restoring the environmental degradation and reversing the damaged ecology was held applicable to this case. ...”

- N. Because the failure of the Respondents to remove illegal encroachments from the said ponds and their surrounding “Controlled Areas” is arbitrary, illegal and violative of the rule of law.
- O. Because the 1960 Town Planning and Development Scheme, adopted by the Darbhanga Municipal Board, expressly declared the areas around the three ponds as “Controlled Area,” prohibiting encroachment, transfer, sale or construction. Allowing continued and fresh encroachments, even after repeated representations and judicial directions, reflects abdication of statutory and constitutional duties.
- P. Because untreated sewage and solid waste continue to be discharged into all three ponds, in blatant violation of the Water (Prevention and Control of Pollution) Act, 1974, the Environment (Protection) Act, 1986 and the Wetlands (Conservation and Management) Rules, 2017.
- Q. Because the continued discharge of untreated sewage and solid waste into Harahi, Dighi and Ganga Sagar ponds constitutes a clear and continuing violation of Sections 24, 25 and 26 of the Water

(Prevention and Control of Pollution) Act, 1974. Though the Bihar State Pollution Control Board has taken limited action under Section 33A of the Act against the Divisional Railway Manager, Samastipur Division, and has imposed environmental compensation upon the Railways, such action has proved to be wholly inadequate and ineffective. Notwithstanding the said directions, untreated wastewater and sewage emanating from the railway premises as well as from the adjoining vicinity, particularly from hotels, guest houses and other commercial establishments operating in and around the Railway Station area, continue to be discharged into Harahi Pond. The Respondents have thus failed to ensure complete stoppage and diversion of polluting effluents, and have not exercised their statutory emergency and preventive powers under Sections 32 and 33A in a comprehensive and effective manner, thereby permitting a continuing offence punishable under Sections 41 and 43 of the Act. Such sustained inaction and piecemeal enforcement squarely attract Section 48 of the Act, fixing vicarious liability upon the heads of the concerned government departments and authorities

- R. Because the Respondents have failed to comply with the binding directions of the Hon'ble NGT within the stipulated timelines, rendering the judgment dated 23.03.2023 illusory and ineffective.
- S. Because the Bihar State Wetland Authority and other Respondents have failed to discharge their statutory obligations under the Wetlands (Conservation and Management) Rules, 2017, despite the ponds being notified and recognized wetlands.
- T. Because the continued discharge of untreated sewage and solid waste into Harahi, Dighi and Ganga Sagar ponds constitutes a clear and continuing violation of Sections 24, 25 and 26 of the Water (Prevention and Control of Pollution) Act, 1974.

### **PRAYER**

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

- I. Direct the Respondents to forthwith cease and desist from any further illegal filling, dumping of soil, earthwork, reclamation, construction, redevelopment, beautification or any other activity altering the natural character, water spread area, embankments, catchment or ecology of the three historic ponds namely Ganga Sagar Pond, Dighi Pond and Harahi Pond situated at Darbhanga;
- II. Direct the Respondents to remove all fresh encroachments, illegal fillings, obstructions and unauthorized structures raised within or around the said ponds and their surrounding controlled/buffer areas, and restore the land to its original status;

- III. Direct the Respondents to implement in letter and spirit the final judgment/order dated 23.03.2023 passed by this Hon'ble Tribunal in O.A. No. 155/2022/EZ titled Talab Bachao Abhiyan v. Government of Bihar & Ors., within a fixed and time-bound schedule;
- IV. Pass an order/ direction thereby Constitute an independent Joint Committee comprising representatives of Central Pollution Control Board, Bihar State Pollution Control Board, Bihar State Wetland Authority, District Administration Darbhanga and a reputed wetland/ecology expert institution, to inspect the site and submit a factual and action taken report before this Hon'ble Tribunal;
- V. Direct demarcation and geo-referencing of the original boundaries, water spread areas, feeder channels, embankments, parks, controlled areas and buffer zones of the three ponds in accordance with the Wetlands (Conservation and Management) Rules, 2017 and applicable law;
- VI. Assess and recover environmental compensation from all persons/agencies responsible for encroachment, pollution, illegal filling or ecological degradation of the said ponds, in accordance with the "polluter pays" principle, and utilize the same exclusively for restoration of the ponds;
- VII. Direct the Respondent authorities to preserve the heritage character of the said nearly 800–900 year old historic ponds and ensure that no commercial/recreational infrastructure inconsistent with ecological conservation is permitted therein;
- VIII. Direct periodic monitoring and compliance reporting before this Hon'ble Tribunal at such intervals as this Hon'ble Tribunal may deem fit;

IX. Pass any other order(s) as this Hon'ble Tribunal may deem fit and proper in the interest of environmental justice and the protection of the right to a healthy environment.

FILED BY:



SWAGATA GUPTA  
D/6268/2024  
ADVOCATE FOR THE APPLICANT(S)  
51A/9 KISHANGARH,  
NEW DELHI - 110070  
[SWAGATAGUPTA.00@GMAIL.COM](mailto:SWAGATAGUPTA.00@GMAIL.COM)  
+91 8013313825

DATED: 14.05.2026  
PLACE: NEW DELHI

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****O.A NO. OF 2026****In the matter of:**

Centre for Holistic Development -CHD ...Applicant

Versus

Govt. of Bihar &amp; Ors. ...Respondents

**AFFIDAVIT**

I, Sunil Kumar Aledia, S/o Gyan Chand Aledia, aged about 44 Years, resident of 1D Shahpur Jat, II Floor, New Delhi, 110049 do hereby solemnly state and affirm as under:-

1. That I am the Applicant in the above captioned Application and I am authorised to institute and sign the present petition.
2. That I have been read over the contents of the petition and accompanying application I have understood the contents of this Original Application. I further say that the contents thereof are true and correct to the best of my knowledge and belief.
3. I further state that no petition/ application have been filed before any other Court or tribunal seeking similar relief by the Applicant.



4. That the contents of the Application as well as the contents of the present affidavit has been read over to me in vernacular hindi and that I have understood the same and state the same to be true and correct to the best of my knowledge and beleif.

*Sunil*

DEPONENT

*Sunil*  
I Identify the Deponent who has Signed / put T.I. in my Presence

**VERIFICATION**

Verified at New Delhi, this the 14 day of MAY 2026 2026 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.

VERIFIED THAT THE DEPONENT  
..... Km. *Sunil Kumar Arora*  
S/o, W/o, D/o, S/o *Sunil Kumar Arora*  
identified by Shri/Smt. ....  
has solemnly Attested before me at Delhi  
14 MAY 2026 Sl. No. ....  
that the contents of the affidavit which have been read  
Over & explained to him/her are true & correct to  
his/her knowledge

*Sunil*

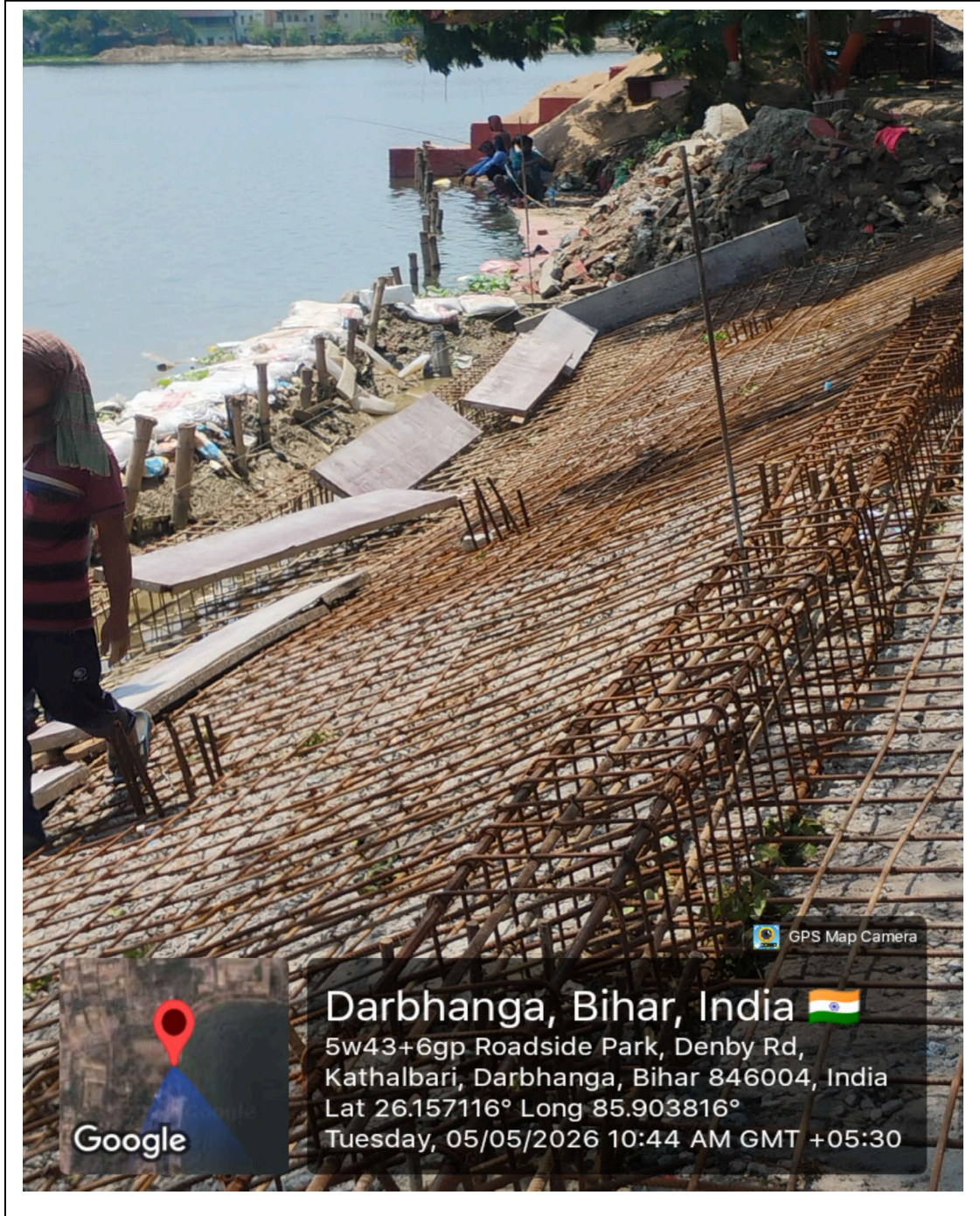
DEPONENT



*Bh*  
NOTARY

**Steel Framing & Preparation to Construct RCC Structures  
in Buffer Zone of Harahi Pond by BUIDCO  
Photo Taken on 05.05.2026.**

**Photo No. 1**



**Steel Framing & Preparation to Construct RCC Structures  
in Buffer Zone of Harahi Pond by BUIDCO  
Photo Taken on 05.05.2026.**

**Photo No. 2**



**Construction of RCC Bathing Ghat in Buffer Zone  
of Harahi Pond, Photo Taken on 5.5.2026**

Harahi Pond has already 3 Old Bathing Ghats. Besides them,  
BUIDCO has plan to add 6 New Bathing Ghats in Harahi Pond .

**Photo No. 3**



**Construction of RCC Bathing Ghat in Buffer Zone  
of Harahi Pond, Photo Taken on 5.5.2026**

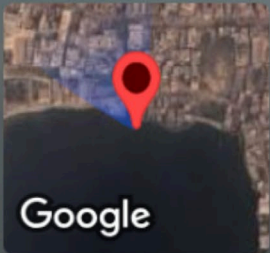
Harahi Pond has already 3 Old Bathing Ghats. Besides them,  
BUIDCO has plan to add 6 New Bathing Ghats in Harahi Pond .

**Photo No. 4**





GPS Map Camera



Darbhanga, Bihar, India 

Ashapur, Tower Chowk, Darbhanga, Bihar  
846003, India

Lat 26.143373° Long 85.905615°

Tuesday, 05/05/2026 11:44 AM GMT +05:30





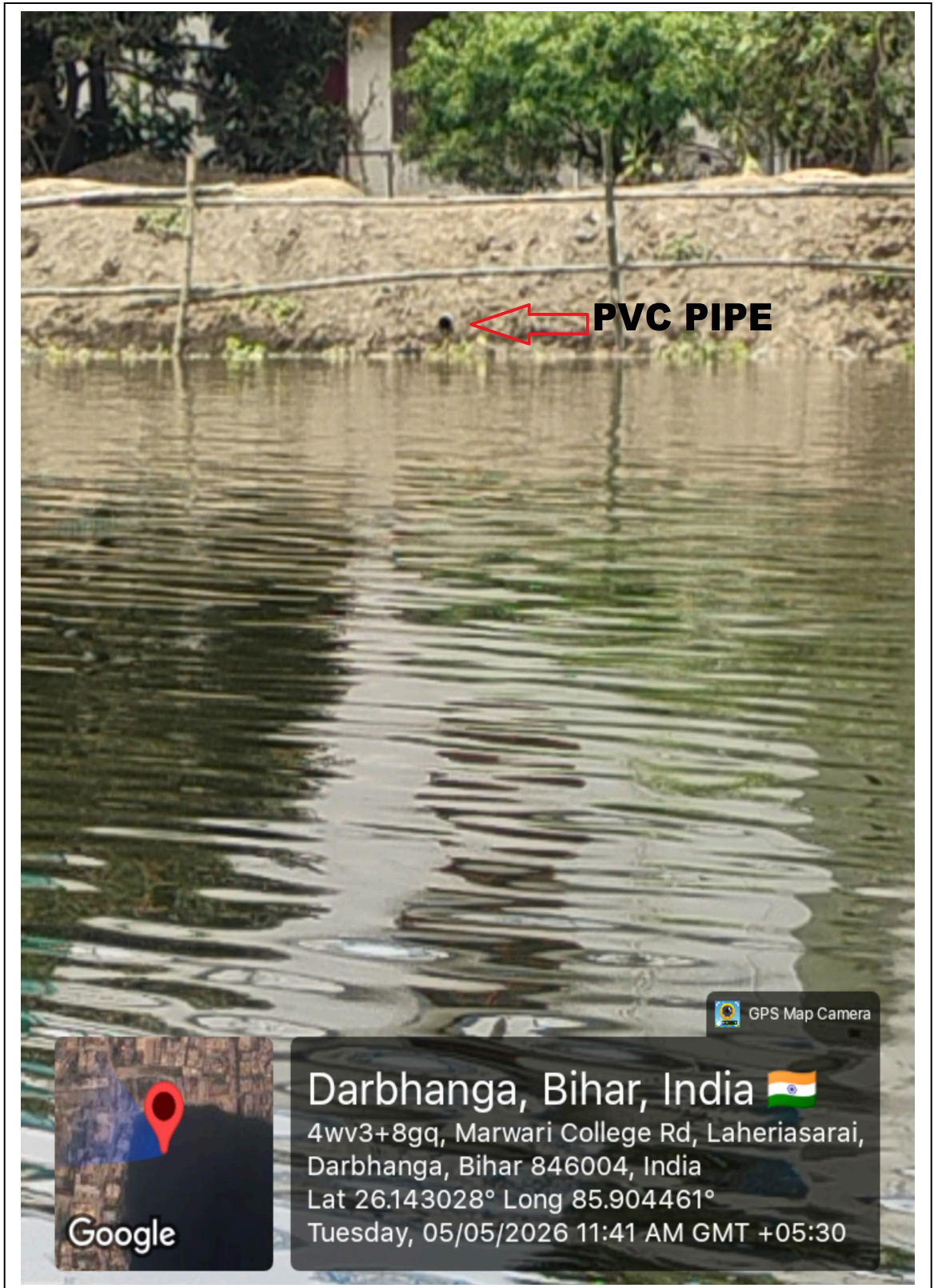


## Beautifying & Polluting at the Same Time By BUIDCO

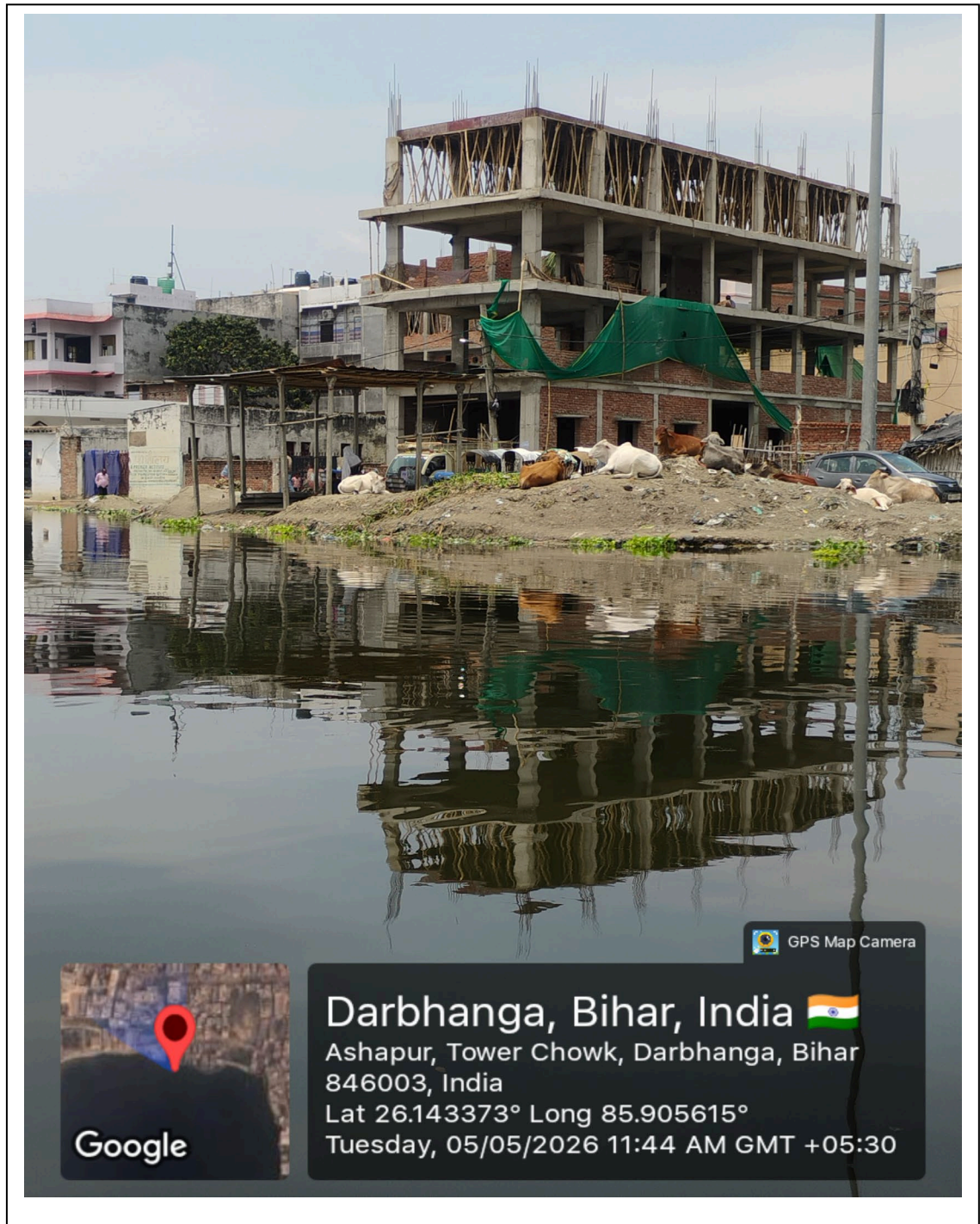
The following photograph reveals the extreme insensitivity and moral failure of BUIDCO. On one hand, BUIDCO is beautifying the pond by filling it with soil on a war footing; on the other, it secretly connects the dirty water (bathrooms, toilets, kitchens) from encroaching houses to Ganga Sagar pond by using PVC pipes.



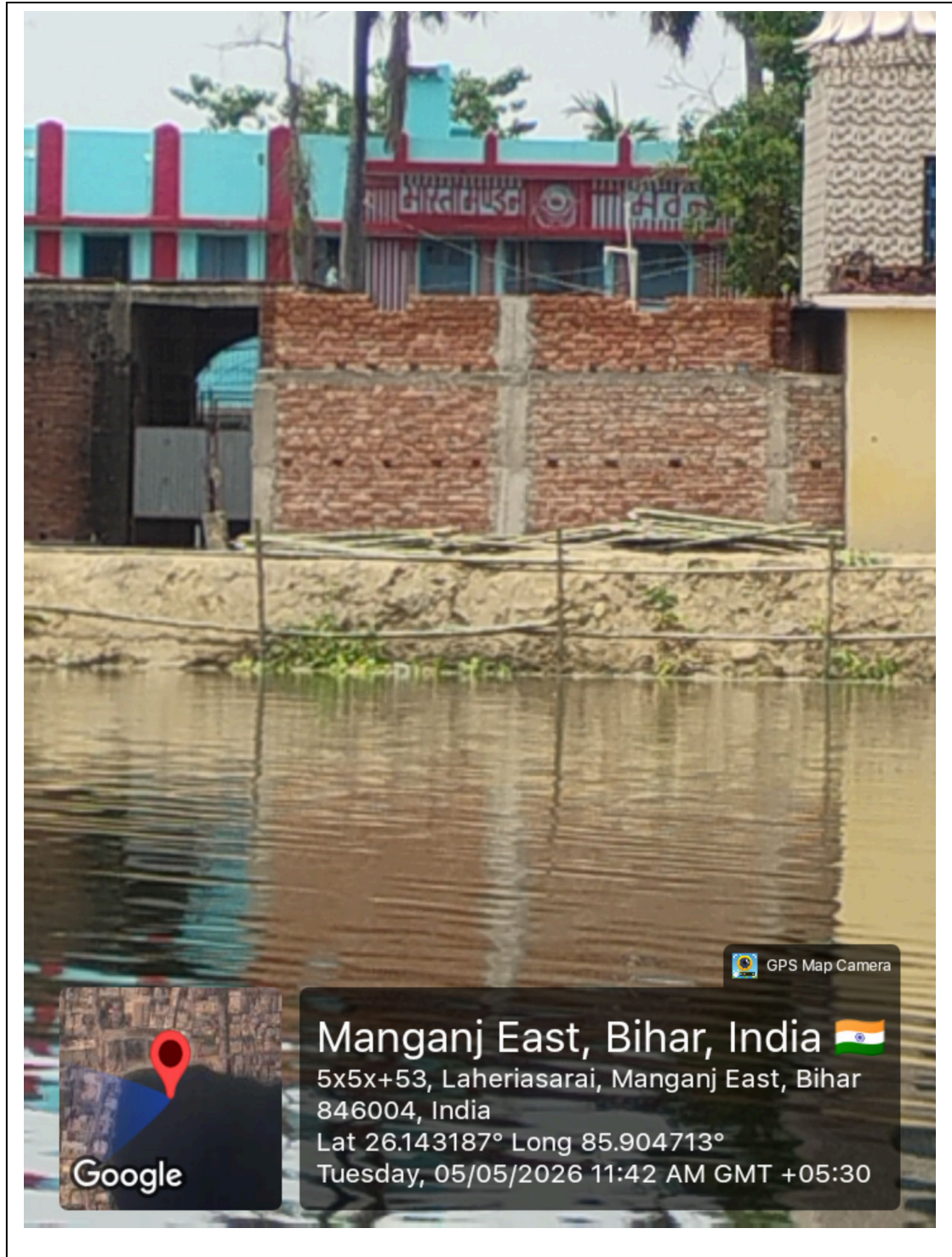
Beautifying & Polluting at the Same Time By BUIDCO



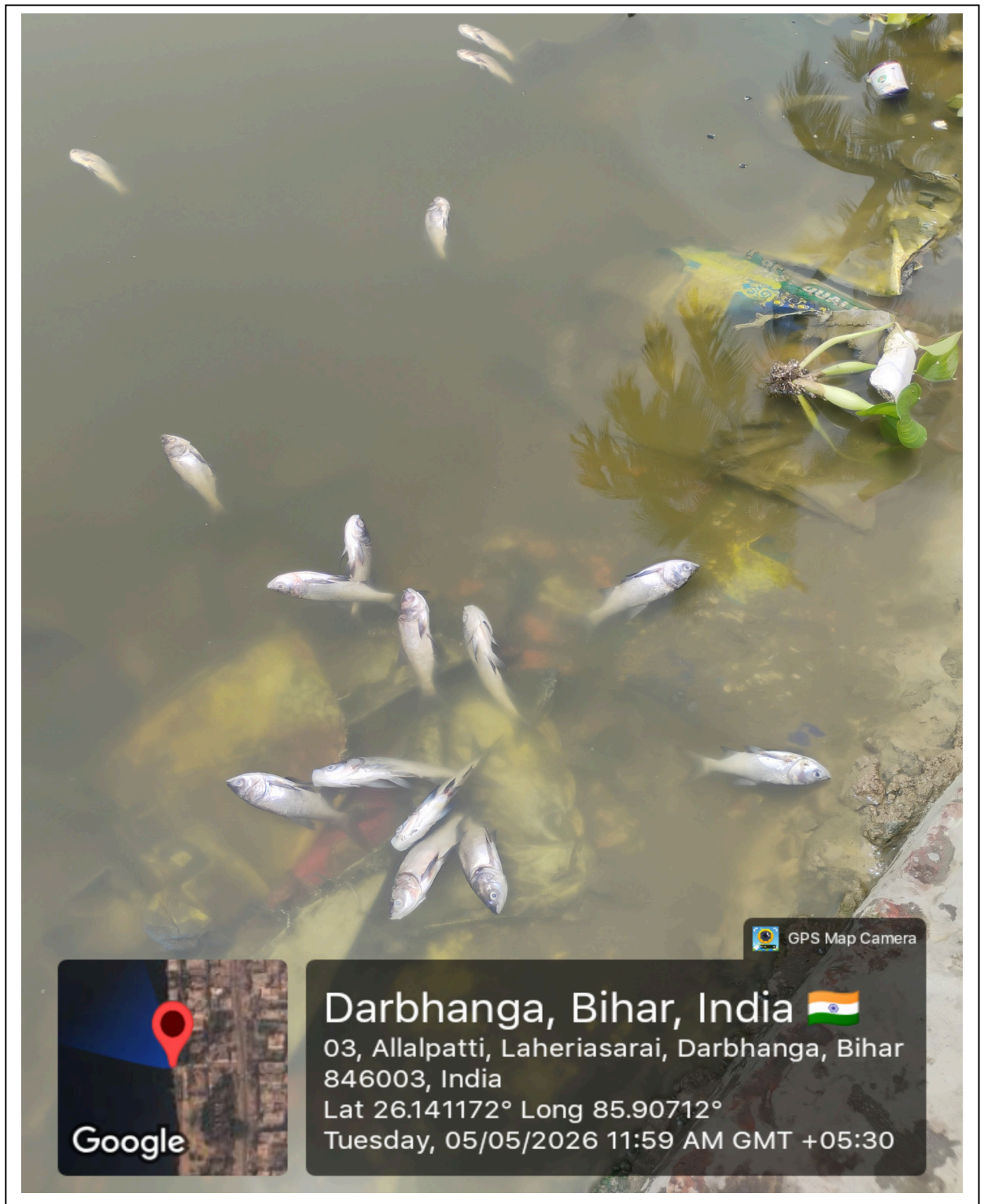
Ganga Sagar pond is being beautified by BUIDCO, while New illegal construction is also progressing side by side.



Ganga Sagar pond is being beautified by BUIDCO, while new illegal construction is also occurring simultaneously.

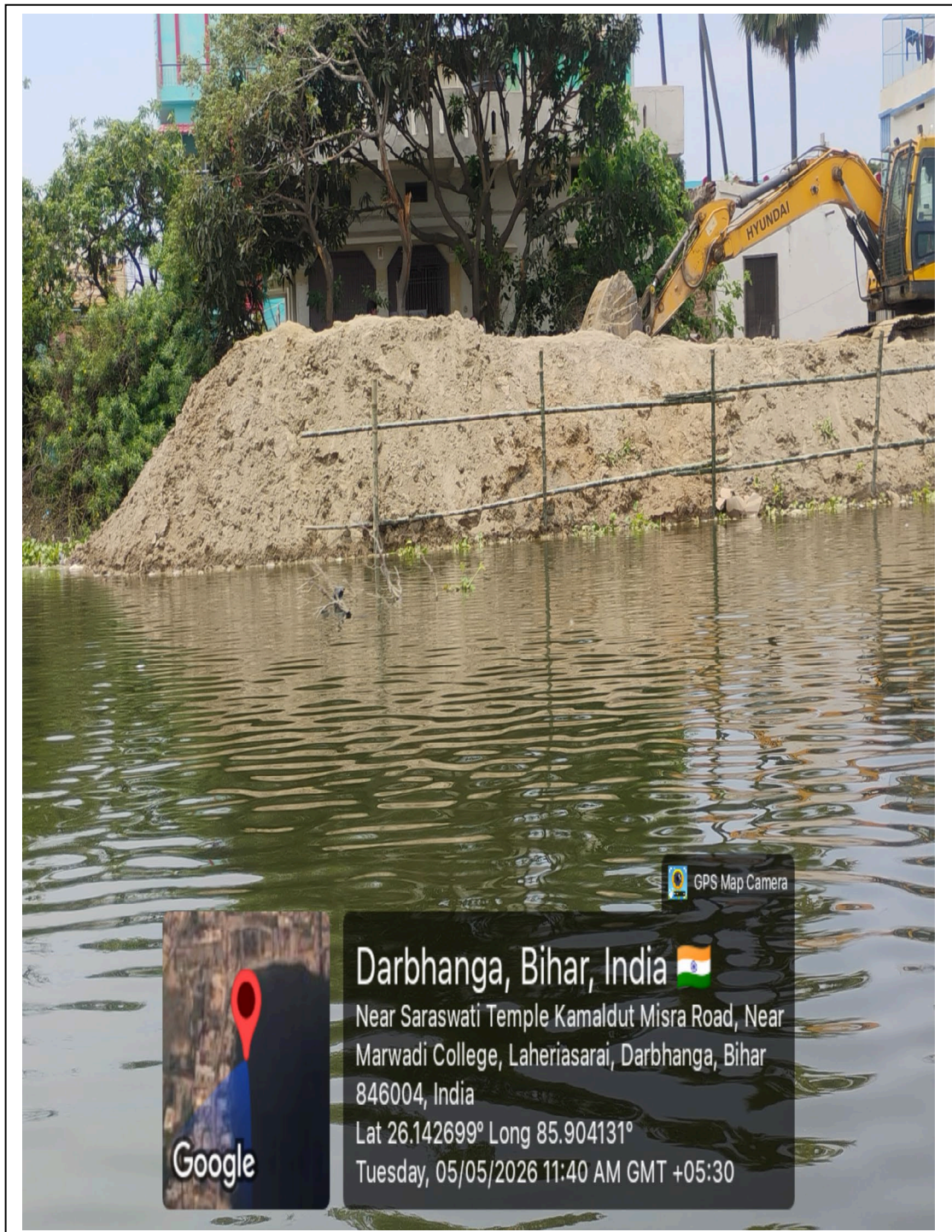


Poisonous water in Ganga Sagar pond is killing the fish.



## Soil Filling By BUIDCO In Ganga Sagar Pond For Beautification

The photo shows BUIDCO filling the Ganga Sagar pond with soil. This has two major impacts: the water body's size will reduce, and unauthorized occupants will be legitimized.



## Soil Filling By BUIDCO In Ganga Sagar Pond For Beautification

The photo shows BUIDCO filling the Ganga Sagar pond with soil. This has two major impacts: the water body's size will reduce, and unauthorized occupants will be legitimized.



**Concretization Around Trunk of Trees at Harahi Pond.  
In O.A. No. 82 of 2013, the Hon'ble NGT vide its order dated  
23.04.2013 directed that:**

- (i) All the sign boards, names, advertisements, any kinds of boards or signage, electric wires and high tension cables or other damaging elements are removed from the tress forthwith.
- (ii) The concrete surrounding the trees within one meter of the trees are removed forthwith and due to precaution taken in future so that no concrete or construction or repairing work is done at least one meter radius of the trunk of trees.

The BUIDCO has violated the above order of the Hon'ble NGT, as is clear from the following 5 photographs:

**Photo No. 1**



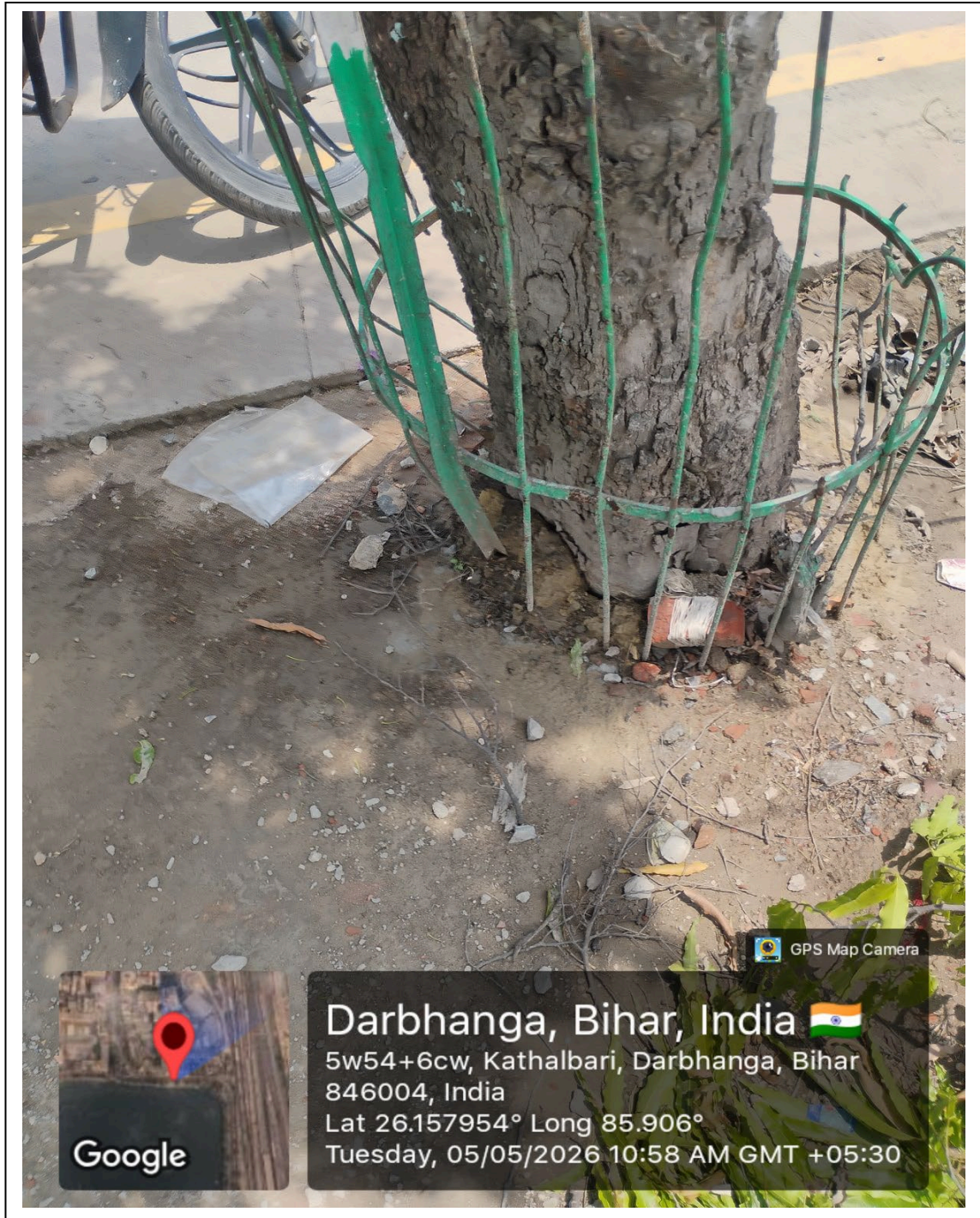
**Concretization Around Trunks of Several Trees  
at Harahi Pond Has Threatened Their Life.**

**Photo No. 2**



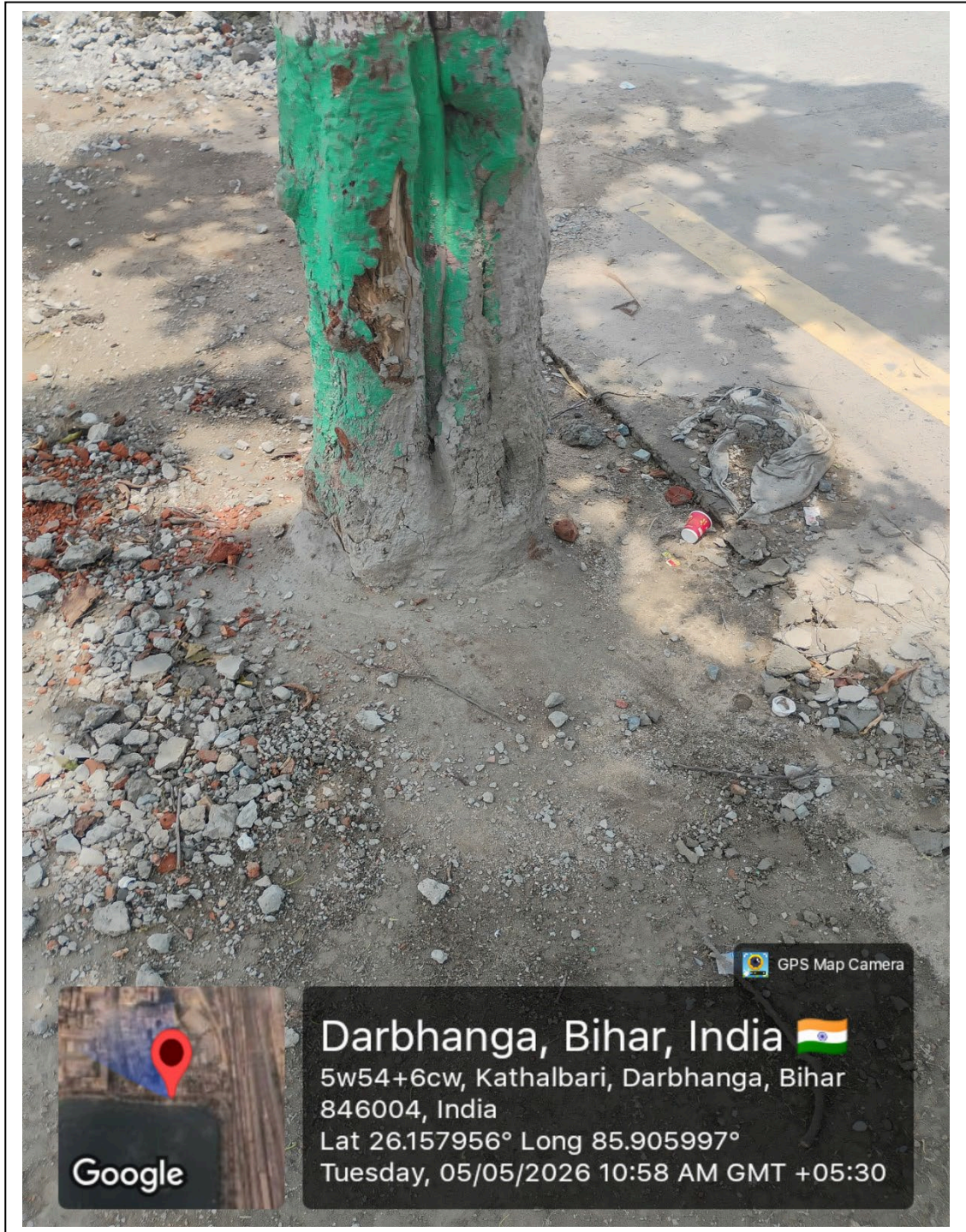
**Concretization Around Trunks of Several Trees  
at Harahi Pond Has Threatened Their Life.**

**Photo No. 3**



**Concretization Around Trunks of Several Trees  
at Harahi Pond Has Threatened Their Life.**

**Photo No. 4**



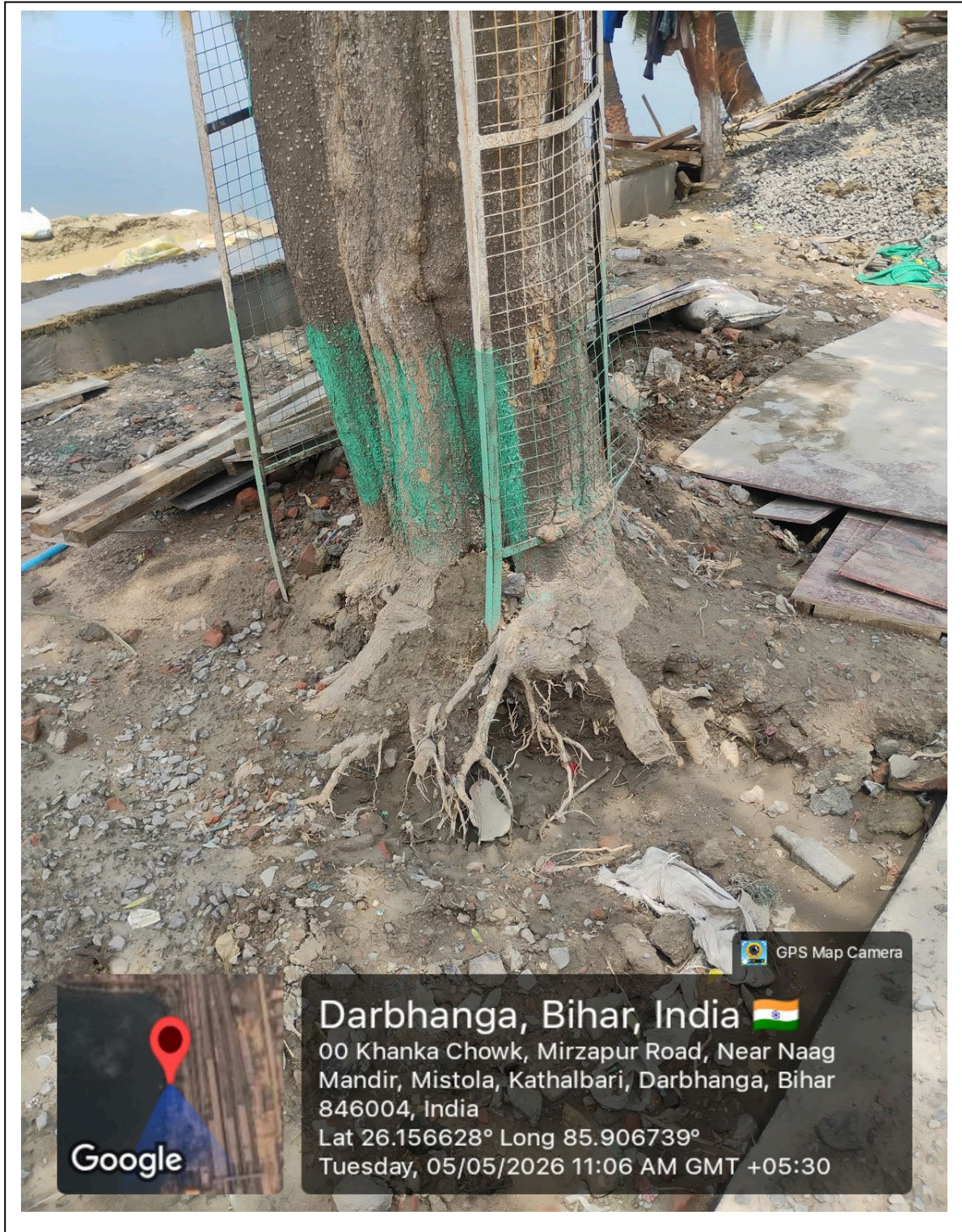
**Concretization Around Trunks of Several Trees  
at Harahi Pond Has Threatened Their Life.**

**Photo No. 5**



**Concretization Around Trunks of Several Trees  
at Harahi Pond Has Threatened Their Life.**

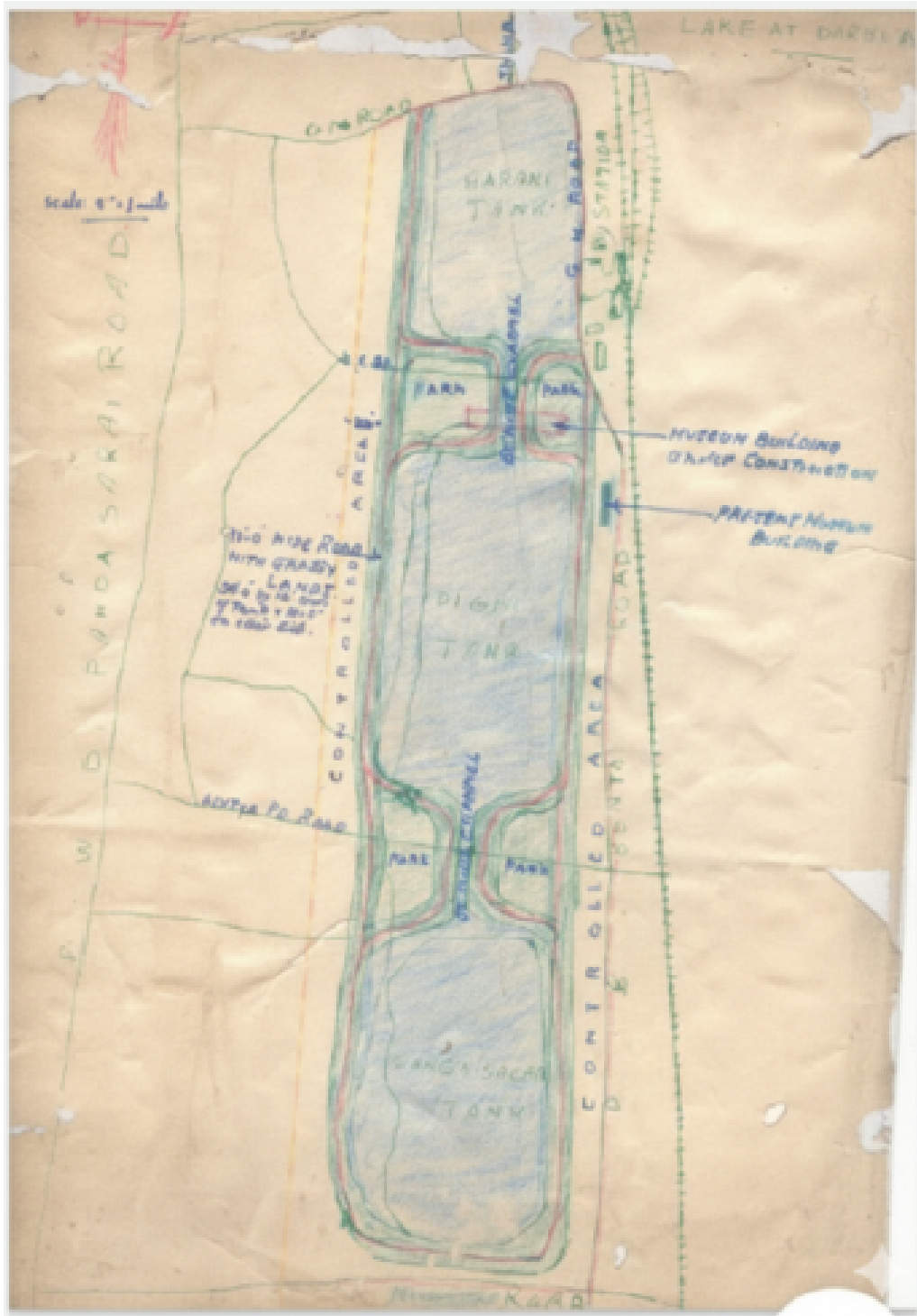
**Photo No. 6**





Annexure

Map prepared by Darbhanga Municipal Board (Now Corporation) for Beautification of the 3 ponds, indicates 'Controlled Area' which means that the land of 'controlled area' cannot be sold & purchased. The map also indicates provision of 4 parks and 50 foot wide channel for linkage the ponds



## ANNEXURE P-4

Item No.01

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No. 155/2022/EZ  
(I.A. No.239/2022/EZ, I.A. No.240/2022/EZ)

Talab Bachhao Abhiyan (TBA)

Applicant(s)

Versus

Government of Bihar &amp; Ors.

Respondent(s)

Date of hearing: 08.12.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Kamlesh Kumar Mishra, Advocate (in Virtual Mode) a/w  
Ms. Shivani Verma, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Ashok Prasad, Advocate for R-6.

**ORDER**

1. Mr. Kamlesh Kumar Mishra, learned Counsel assisted by Ms. Shivani Verma, learned Counsel is present (in Virtual Mode) for the Applicant.
2. The present Original Application has been filed by the Applicant alleging therein that three ponds known as 'Ganga Sagar, Dighi and Harai' in Darbhanga, Bihar are being encroached upon and illegal dumping of garbage and sewage is taking place in these three ponds. It is stated that these three ponds together cover a length of 1.8 kilometres from north to south direction and are present in the list of Bihar State Wetland Development Authority and therefore, in any case, needs to be protected in the Darbhanga District of the Mithila Region of Bihar.
3. Photographs have been filed to show encroachment in the pond (at page 13 of the Original Application) and also showing dumping of solid waste including animal carcasses (at page 15 of the Original Application).

4. The allegation further is that through an open drain, sewage is being drained into the Dighi pond from the Darbhanga Railway Junction in respect of which a complaint was also made by Mr. Shiv Kumar Mishra, the Head of the Chandradhari Museum through a letter No.22/2022 dated 12.02.2022 to the Darbhanga Railway Station. Photographs have been filed at page 17 to that effect. Photographs have also been filed at page 18 and 19 to show the sewage and other garbage being dumped in the Ganga Sagar Pond.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. We direct the respondents to file their para-wise counter affidavits to the allegations made in the Original Application.
8. Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
  - i. District Magistrate, Darbhanga or his representative not below the rank of Additional District Magistrate (ADM).
  - ii. Municipal Commissioner, Darbhanga Municipal Corporation or a Senior representative, as may be appointed by him, in this regard.
  - iii. Senior Scientist, Bihar State Pollution Control Board.
  - iv. Divisional Railway Manager, Samastipur Division or a Senior Representative as may be appointed by him, in this regard.
  - v. Bihar State Wetland Authority through its Member Secretary or a Senior representative as may be nominated by him, in this regard.

The District Magistrate, Darbhanga shall be the Nodal Body for all logistic purposes. The Bihar State Pollution Control Board shall file the Report of the Committee on affidavit.

9. We also direct the Applicant to implead Bihar State Wetland Authority through its Member Secretary, Patna, in the array of Respondents as Respondent No. 12.
10. Mr. Ashok Prasad is present on behalf of Respondent No. 6, Ministry of Jal Shakti. Let him file counter affidavit within four weeks.
11. Mr. Kamlesh Kumar Mishra, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Ashok Prasad in the course of the day.
12. In the meantime, we direct that there shall be a stay on all construction activities by way of encroachment on the three ponds in question.
13. List on 10.01.2023.

.....  
B. Amit Sthalekar, JM

.....  
Dr. Afroz Ahmad, EM

December 08, 2022  
Original Application No. 155/2022/EZ  
(I.A. No. 239/2022/EZ, I.A. No. 240/2022/EZ)  
SKB

*( True Copy )*

**ANNEXURE P5**

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

**ORIGINAL APPLICATION NO.155/2022/EZ  
(I.A. No. 239/2022/EZ & I.A. No. 240/2022/EZ)**

**IN THE MATTER OF:**

**TALAB BACHAO ABHIYAN (TBA),**  
Through its Convenor Narayan Jee Choudhary  
C/o Maithili Sahitya Praishad, Professor Colony,  
Dighi West, Near Primary School  
Darbhanga-846004

.....Applicant(s)

Versus

1. **Government of Bihar,**  
Through its Chief Secretary,  
Main Secretariate,  
4, Deshratna marg, Patna,  
Bihar-800001
2. **District Magistrate, Darbhanga District,**  
Collectorate, Darbhanga,  
Bihar-846001
3. **Environment, Forest and Climate Change Department,**  
Govt. of Bihar, Patna,  
Through its Principal Secretary,  
J4G8+GWG, Van Vibhag Rd, Nehru Nagar,  
Patliputra Colony, Patna,  
Bihar-800013
4. **Urban Development and Housing Department,**  
Government of Bihar, Patna,  
Through its Principal Secretary,  
1<sup>st</sup> Floor, Vikas Bhawan, New Secretariat,  
Patna-800015
5. **Darbhanga Municipal Corporation,**  
Through its Municipal Commissioner,  
Darbhanga Municipal Corporation Office,  
Mirzapur, Lal Bagh, Darbhanga,  
Bihar-846004
6. **Ministry of Jal Shakti,**  
Through its secretary,  
2, Rafi Marg, Sansad Marg Area,  
New Delhi-110001,
7. **Ministry of Environment, Forest and Climate Change,**  
Through its Secretary,  
Indira Paryavaran Bhawan,  
Jor-Bagh Road,  
New Delhi-110003,

8. **Bihar State Pollution Control Board,**  
Parivesh Bhawan, Patna Mall Rod, Patliputra Industrial Area,  
Digha, Patna, Bihar-800010,
9. **State Environment Impact Assessment Authority, Bihar,**  
Through Member Secretary,  
2<sup>nd</sup> Floor, Beltron,  
Baldev Bhawan Rd,  
Shastri Nagar,  
Patna, Bihar-80023
10. **Ministry of Railways,**  
Through its Chairman and Chief Executive Officer, Railway  
Board, 256-A, Raisina Road, Central Secretariat, New Delhi-110001,
11. **Divisional Railway Manager,**  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101,
12. **Bihar State Wetland Authority,**  
Through its Member Secretary,
13. **Directorate of Fisheries,**  
Animal & Fisheries Resources Department,  
Government of Bihar,  
2<sup>nd</sup> Floor, vikas Bhawan, Bailey Road,  
Patna-800015,

.... Respondent(s)

Date of hearing: 23.03.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER**  
**HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Kamlesh Kumar Mishra, Adv. (in Virtual Mode)

For Respondent(s): Mr. Surendra Kumar, Adv. for R-1 to 4,  
Mr. Ghanshyam Pandey, Adv. for R-5 (in Virtual Mode),  
Mr. Ashok Prasad, Adv. for R-6, 10 & 11 (in Virtual Mode),  
Ms. Rashmi Singhee, Adv. for R-7 (in Virtual Mode),  
Ms. Amrita Pandey, Adv. for R-8 & 12 (in Virtual Mode),  
Ms. Anamika Pandey, Adv. for R-9 (in Virtual Mode)

### **ORDER**

1. We have heard the learned Counsel for the parties and perused the documents on record.
2. The present Original Application has been filed by the Applicant, alleging therein that three ponds known as 'Ganga Sagar', Dighi and

Harai' in Darbhanga District of Bihar are being encroached upon and illegal dumping of garbage and sewage is taking place. It is stated that these three ponds together cover a length of 1.8 kilometers from north to south direction and are present in the list of Bihar State Wetland Development Authority and, therefore, these ponds need to be protected in the Darbhanga District of the Mithila Region, Bihar.

3. Photographs have been filed to show encroachment in the pond (at page 13 of the Original Application) and also showing dumping of solid waste including animal carcasses (at page 15 of the Original Application).
4. The allegation further is that through an open drain sewage is being drained into the Dighi Pond from the Darbhanga Railway Junction in respect of which a complaint was also made by Mr. Shiv Kumar Mishra, the Head of the Chandradhari Museum, through a letter No:22/2022 dated 12.02.2022 to the Darbhanga Railway Station. Photographs have been filed at page 17 to that effect. Photographs have also been filed at page 18 and 19 to show the sewage and other garbage being dumped in the Ganga Sagar Pond.
5. Considering the allegations made out in the Original Application, The Tribunal constituted a Committee comprising of the following Members:-
  - i. District Magistrate, Darbhanga or his representative not below the rank of Additional District Magistrate (ADM);
  - ii. Municipal Commissioner, Darbhanga Municipal Corporation or a Senior representative, as may be appointed by him in this regard;

- iii. *Senior Scientist, Bihar State Pollution Control Board;*
  - iv. *Divisional Railway Manager, Samastipur Division or a Senior Representative as may be appointed by him in this regard;*  
and
  - v. *Bihar State Wetland Authority through its Member Secretary or a Senior representative as may be nominated by him in this regard.*
6. The District Magistrate, Darbhanga was directed to be the Nodal Body for all logistic purposes. The Bihar State Pollution Control Board was directed to file the Report of the Committee on affidavit.
  7. In the meantime, the Tribunal directed that there shall be a stay on all construction activities by way of encroachment on the three ponds in question.
  8. The Ministry of Jal Shakti, Respondent No.6, has filed its counter-affidavit dated 05.01.2023, stating therein that the ponds in question are not included in the list of Surface Minor Irrigation (SMI) and Repair, Renovation and Restoration of Water Bodies (RRR of WB) Projects for State of Bihar under the Central Funding for implementation of Pradhan Mantri Krishi Sinchayee Yojana - Har Khet Ko Pani (PMKSY-HKPP) which is a Centrally Sponsored Scheme of the Ministry of Jal Shakti.
  9. The State Environment Impact Assessment Authority (SEIAA), Bihar, Respondent No.9, has filed its counter-affidavit dated 03.02.2023, stating therein that the controversy in the present case does not fall within the domain of SEIAA.
  10. A counter-affidavit dated 08.02.2023 has been filed on behalf of the Respondent No.3 & 12, Environment, Forests and Climate Change Department, Government of Bihar, and Bihar State Wetland

Authority respectively, stating therein that the plots in question, namely, Dighi, Harai and Ganga Sagar located in Darbhanga District of Bihar are not notified as Wetlands under the Wetland (Conservation and Management) Rules, 2017.

11. The Committee constituted by the Tribunal has submitted its report dated 10.02.2023. The Detailed Observations and Recommendations in the Report read as under:-

*"Inspection report of the Committee constituted by the Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata in O.A. No.155/2022/EZ for the three ponds located in Darbhanga City, Darbhanga."*

.....  
 Detailed observations of the committee with respect to each of the pond is given below:-

**1. Harai Pond:** Situated at GPS location 26.155885, 85.905420. Harai pond is having a total area of 30.70 acres. It receives waste water from 03 drains excluding one drain located at GPS location 26.157886, 85.906373 near Chandradhari Bhojnalya which was found dry. The details of drains meeting with harai pond are as follows:-

- a) **Drain from Darbhanga Railway Station:** It receives waste water from Darbhanga Railway Station's platform and circulatory area of railway station and also from ward no.12(P) & 16 of Darbhanga Municipal Corporation area. It joins Harai pond at GPS location: 26.157533, 85.906706. Solid waste were found dumped in and around the railway station drain. Sample of drain water was collected for analysis.
- b) **Drain near Akashwani Road/Bahnuddeshiya Bhawan:** This drain is joining Harai pond at GPS location 26.157533, 85.903927. It receives waste water from ward no.12 (P) & other wards of Darbhanga Municipal Corporation area. Sample of drain water was collected for analysis.
- c) **Drain near Law College:** This drain joins the pond at GPS location: 24.154253, 85.903780; it receives waste

water from ward no.12(P) & 19 (P) of Darbhanga Municipal Corporation area. Solid waste was found dumped near south-west of the pond. Sample of drain water was collected for analysis.

Near Sankat Mochan Hanuman Mandir no drain was observed, so it may be considered as representative sample of the pond. A sample was collected at GPS location 26.156599, 85.903904.

In addition to above a link Channel between Harai and Dighi was observed. It is located at 26.153589, 85.905243. The canal was found filled with solid waste obstructing the free flow of water between the two ponds.

The outlet of Harai pond is located at GPS 26.157935, 85.905134, leading to Kangwa Gumti and finally meeting with Kamla River, originating from Nepal, at a distance of about 12Km.

Encroachments were observed towards South and part of Eastern side of the pond. It was observed that pucca houses have been constructed by the encroachers and are being used for residential and/or commercial purposes.

- 2. Dighi Pond:** Dighi pond is located at GPS 26.148890, 85.905585 near Darbhanga Railway Station at Darbhanga. Its area is about 53.69 acres. It receives waste water from ward no.10, 11, 17,18, 19,20,21,26 and part of the Darbhanga Railway Station. Its outlet passes through Donar and Chaprar Ghat and ultimately meets with the Kamla river.

This pond is drained through 5 drains and extended from South to North. The outlet of the pond is located at South-East corner. The link channel between Harai and Dighi pond was found filled with solid waste and soil etc. Solid waste was also observed in the link channel between Dighi and Ganga Sagar Ponds.

Catchment area of Dighi pond is ward no.10,11,17,18 (P), 19(P), 20, 21, 26 of the Darbhanga Municipal Corporation area and part of the Darbhanga Railway Station. The detail of the drains meeting Dighi pond are mentioned below:-

- a) **Drain at Chandradhari Museum:** This drain passes through the museum (GPS location: 26.152212, 85.906969). It receives waste water from ward no. 18 (P), 19 (P) of Darbhanga Municipal Corporation area and the Darbhanga Railway Station (P). Water hyacinth was were found at the confluence of the drain and the Dighi pond toward north-East corner. Sample of drain water was collected for analysis.
- b) **Shastri Chowk Drain:** This drain crosses the Shastri Chowk and meets with Dighi Pond. Drain sample was collected at GPS location 26.152942, 85.905292. Its catchment areas are ward No.-18 (P) & 19 (P) of Darbhanga Municipal Corporation area. Solid wastes were also found dumped in and around this rain.
- c) **Drain Near Professor Colony:** This drain joins with Dighi Pond and its catchment area is ward no.18 (P). Drain water sample was collected at 26.150856, 85.903562.
- d) **Drain Near Geeta Bhuwan:** This drain joins with Dighi Pond. Its catchment area is Ward No.18 (P) of Darbhanga Municipal Corporation area. Drain sample was collected at 26.148695, 85.903548.
- e) **Drain Near Bhikha Shah Sailani Dargah (White House):** This drain joins with Dighi Pond, its catchment area is Ward No.10 (P), 11 (P), 17 (P), 18 (P), 20 (P), 21 (P) & 26 (P) of Darbhanga Municipal Corporation area. Drain water sample was taken at GPS location 26.146092, 85.903205.

Water sample from the outlet of Dighi Pond was also collected at GPS location 26.145532, 85.906893.

Encroachments were observed towards North-West, West, South and part of East side of the Dighi pond. Pucca houses are made and being used for residential and/or commercial purposes.

3. **Ganga Sagar Pond:** Ganga Sagar pond is located at GPS location 26.140496, 85.905569 towards South of Dighi pond. Its area is 44.44 acres. It receives waste water from ward No.36,27 & 28 through 3 drains of Darbhanga Municipal Corporation area. It is also extended from South to North. A link drain was observed between Ganga Sagar

pond and Dighi pond. It is the outlet of Ganga Sagar pond. The detail of drains are mentioned below:-

- a) **Drain near Mata Janki/Mahadeo Mandir:** this drain joins with Ganga Sagar pond towards North West corner. Its catchment area is ward no.26 & 26 of Darbhanga Municipal Corporation area. The drain water sample was collected at GPS location 26.143332, 85.903981.
- b) **Drain near Marwari College:** This drain joins with Ganga Sagar Pond from the Western side of the pond. Its catchment area is ward no.26 (P), 27 (P), 28 (P) of Darbhanga Municipal Corporation area. The drain water sample was collected at GPS location 26.142362, 85.903543.
- c) **Drain near Kali Mandir:** This drain joins with Ganga Sagar pond toward West. Its catchment area is part of ward no.26 (P), 27 (P) & 28 (P) of Darbhanga Municipal Corporation area. The sample was collected at GPS location 26.140714, 85.903723.

There is a Alapatti Ghat at Ganga Sagar. It is a cemented ghat and well developed but poorly maintained. There is no drain meeting nearby. A representative sample of the Ganga Sagar pond was collected at this site at GPS location 26.140014, 85.907205.

Encroachments were observed towards North-East, West and South of the Ganga Sagar lake. Pucca houses are constructed and being used for residential and/or commercial purposes.

The two link channels were made between these three ponds to maintain natural water flow as per the natural gradient.

#### 4. Analysis results of water samples of the drains & Ponds: Drain and pond samples were analyzed at the Central Laboratory of Bihar State Pollution Control board, Patna.

- a) **Harai Pond:** The Analysis reports of drains of Harai pond shows that BOD of the drain water sample ranged between 35-65 mg/L which is more than the 'General Standards for discharge of

environmental pollutants' Part-A of schedule-VI of the Environment (Protection) Rules, 1986 in the surface water. (BOD<30mg/L). The Total Coliform ranges between  $24 \times 10^8$  MPN/100 ml and  $92 \times 10^7$  MNP/100 ml whereas, Faecal Coliform ranges between  $54 \times 10^7$  MPN/100 ml and  $13 \times 10^8$  MNP/100 ml.

The Analysis reports of Harai pond shows that BOD of the pond water was 08mg/L which is more than the 'Primary Water Quality Criteria for bathing water' notified vide notification no. GSR 742(E), Dated 25.09.2000 of the Ministry of Environment & Forests, Govt. of India (BOD <3 mg/L). The Total Coliform concentration was found 17000 MPN/100 ml whereas, Faecal Coliform concentration was found 11000 MPN/100 ml which are also beyond the prescribed limit of 'Primary Water Quality Criteria for bathing water' (Fecal Coliform: Desirable 500 MNP/100 ml or Maximum Permissible 2500 MNP/100ml).

The Analysis reports of Harai outlet shows that BOD of the outlet water was found 07 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (BOD<3 mg/L) the Total Coliform population was found 13000 MPN/100 ml whereas, Faecal Coliform population was found 4900 MPN/100 ml.

It is observed that the concentration of BOD and population of coliforms at the outlet of the pond is reduced to a significant level.

b) **Dighi Pond:** The Analysis reports of the drains discharging into the Dighi pond shows that BOD of the drain water sample ranged between 11-45 mg/L, among which drains at Shastri Chowk and Professor Colony are more than the 'General Standards for discharge of environmental pollutants' in the surface water (<30 mg/L). The Total Coliform ranges between  $35 \times 10^5$  MPN/100 ml and  $24 \times 10^8$  MNP/100 ml whereas,

Faecal Coliform ranges between  $21 \times 10^5$  MPN/100 ml and  $13 \times 10^6$  MNP/100 ml.

The Analysis reports of the Dighi outlet of the pond shows that BOD of the outlet water was 37 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (<3 mg/L). The Total Coliform concentration was found 920000 MPN/100 ml whereas, Faecal Coliform concentration was found 350000 MPN/100 ml.

It is observed that the BOD load and concentration of coliforms received by the pond is reduced but not to a significant level.

- c) **Ganga Sagar Pond:** The Analysis reports of the drains discharging into the Gang Sagar pond shows that BOD of the drain water sample ranged between 45-94 mg/L which is more than the 'General Standards for discharge of environmental pollutants' in the surface water (<30 mg/L). The Total Coliform ranges between  $35 \times 10^7$  MPN/100 ml and  $160 \times 10^7$  MNP/100 ml whereas, Faecal Coliform ranges between  $5.4 \times 10^5$  MPN/100 ml and  $92 \times 10^7$  MNP/100 ml.

The Analysis reports of the Ganga Sagar pond shows that BOD level in the pond water was 36 mg/L which is more than the 'Primary Water Quality Criteria for bathing water' (<3 mg/L).

The Total Coliform population was found  $16 \times 10^6$  MPN/100 ml whereas, Faecal Coliform population was found 92000 MPN/100 ml.

Outlet of Gang Sagar pond leads into the Dighi pond through a linked channel.

It is observed that the BOD load and concentration of coliforms received by the Ganga Sagar Pond is reduced but not to a significant level. It may be due to the higher inflow of waste water in the pond.

##### 5. Observations:-

- a) Untreated sewage drains are leading to all the three ponds under reference.

- b) According to the analysis reports, the water of Ganga Sagar Pond is most polluted among the three ponds, the Dighi Pond comes next and then the Harai Pond.
- c) During the joint inspection, it was found that the government land around the three ponds are illegally encroached by the residential and commercial establishments, which are adding pollution load on the three ponds under reference.
- d) It was also reported by the representatives of the Darbhanga Municipal Corporation, Darbhanga that the concerned authority issued the notices to the concerned encroachers and thereafter issued order to evict the encroached land around all the three ponds under reference.
- e) The encroachment around the Ganga Sagar Pond is maximum followed by the Dighi and Harai Pond.
- f) The domestic waste water from the encroachments are directly leading to the respective ponds.
- g) The link canal between Harai and Dighi Pond is choked by the dumping of solid waste.
- h) The Municipal solid wastes were found dumped at different places, around all the three ponds in patches.
- i) Sources of water for all the three ponds are waste water.

**6. Recommendations:**

- a) Encroachments around all the three ponds should be removed.
- b) Solid waste dumped in the drains and adjoining areas should be removed with immediate effect and the ULB (DMC) shall ensure that no solid waste is dumped in these drains.
- c) Flow of water through drains should be made hindrance free.
- d) Following short term measures may be taken up for the conservation of these three ponds:-
  - i. In-situ remediation of ponds should be adopted by having aeration facility using microorganisms to degrade the pollutants and to increase the dissolved oxygen.

- ii. Using aquatic plants, aquatic animals and other biological techniques for In-situ remediation of the ponds can be undertaken.
- iii. Management of drainages especially from the nearby sources (from residential and commercial establishments around the ponds) may be ensured.
- e) The waste water flowing through the drains should be treated through adequate Sewage Treatment Plant of required capacity. Accordingly sewerage network and STP should be constructed to ensure proper treatment of sewage and restricting the waste water flow into ponds.
- f) An action plan should be developed for rejuvenation of these ponds as per Indicative guidelines for restoration of water bodies published by Central Pollution Control Board.
- g) Re-demarcation of ponds should be carried out by the Land Revenue Department, Govt. of Bihar to verify the encroachment status taking note of previous demarcation survey conducted during 2014.
- h) The East Central Railway, Indian Railway Samastipur Division, Samastipur shall ensure the proper management of sewage/domestic waste water and solid waste, plastic waste generated from the Darbhanga Railway Station.

7. Photographs captured during the joint Inspection are enclosed as Annexure-9.

12. The Darbhanga Municipal Corporation, Respondent No.5, has filed its affidavit dated 13.02.2023, stating therein that it has already initiated regular cleaning process of the three ponds and drains adjacent thereto and have removed garbage and solid waste from there.
13. The Ministry of Environment, Forests and Climate Change, Respondent No.7, has filed its counter-affidavit dated 13.03.2023, explaining the Environment (Protection) Act, 1986, and National Environment Policy, 2006, and also steps taken by it for

conservation of wetlands. It is also stated that the ponds in question, namely, Dighi, Harai and Ganga Sagar, located in Darbhanga District of Bihar, have not been notified as Wetlands under the Wetlands (Conservation and Management) Rules, 2017.

14. Counter-affidavit dated 21.03.2023 has been filed on behalf of the Respondent No.2, Collector-cum-District Magistrate, Darbhanga, wherein it is stated that the status of the encroachments on the ponds in question was called for from the Circle Officer, Darbhanga, by the District Magistrate vide his letter dated 06.03.2023 and the Circle Officer, Darbhanga, vide his report dated 07.03.2023 has stated that steps have been taken for removal of encroachments but in some cases encroachment has been kept in abeyance in view of interim order granted by the Hon'ble High Court, Patna. Two such orders dated 20.12.2019 and 18.06.2019 passed in CWJC No. 21009 of 2019 (*Patwari Mishra Vs. State of Bihar*) and CWJC No. 24638 of 2018 (*Sangita Devi & Ors. Vs. The State of Bihar & Ors.*), have been filed at page no. 406 and 408 of the paper book respectively. It is stated that the said cases are still pending before the Hon'ble High Court, Patna. Along with the affidavit, certain photographs have been filed to show cleaning works being carried out.
15. No counter-affidavit has been filed by the Respondent No.11, Railway Respondent, though he was a Member of the Committee constituted by the Tribunal.
16. The photographs filed with the Original Application at page no. 13 show that a building which is stated to be a Primary School is literally jutting out of the Dighi Pond itself. There is a photograph of Prathmik Vidyalaya Mishtola Dighi Paschim at page no.14 of the

paper book. Thereafter, there are photographs at page nos. 15, 17, 18, 19, 22 and 23 of the paper book which have not been specifically dealt with by the Respondents in their counter-affidavits.

17. The Inspection Report paints a dismal picture of the three ponds. So far as Dighi Pond is concerned, it is mentioned that the link channel between Harai and Dighi Ponds was found filled with solid waste and soil etc. Solid waste was also observed in the link channel between Dighi and Ganga Sagar ponds. Solid waste was also found dumped in and around the Shastri Chowk Drain. The drain at Chandradhari Museum was also found completely covered with water hyacinth. The drain near the Kali Mandir joins with Ganga Sagar Pond towards the west. There is a Alapatti Ghat at Ganga Sagar which is a cemented ghat and well developed but poorly maintained. There is no drain meeting nearby. Encroachments were observed towards north-east, west and south of the Ganga Sagar Lake. Pucca houses have been constructed and are being used for residential and commercial purposes.
18. The Water Analysis Report shows the concentration of Total Coliform at Harai Pond was found 17000 MPN/100 ml whereas Faecal Coliform was found 11000 MPN/100 ml which are beyond the primary water quality criteria for bathing water. The Biological Oxygen Demand (BOD) of the Harai Pond drain water ranged between 35-65 mg/l which is also more than the general standards for discharge of environmental pollutants, Part-A of Schedule-VI of the Environment (Protection) Act, 1986. In Dighi Pond the concentration of Total Coliform was found 920000 MPN/100 ml whereas the Faecal Coliform was found 350000 MPN/100 ml which

are more than the primary water quality criteria for bathing water. The Biological Oxygen Demand (BOD) of the Pond water ranged between 14-45 mg/l which is also more than the general standards for discharge of environmental pollutants. For Ganga Sagar Pond the concentration of Biological Oxygen Demand (BOD) was found 36 mg/l which is more than the primary water quality criteria for bathing water. The concentration of Total Coliform was  $16 \times 10^6$  MPN/100 ml whereas Faecal Coliform was found 92000 MPN/100 ml.

19. The Committee reported that domestic waste water from the encroachments are directly leading into the respective ponds. The canal between Harai and Dighi ponds is choked by dumping of solid waste.
20. Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-

- A. We constitute a Committee under the Chairmanship of Additional Chief Secretary, Department of Environment, Government of Bihar. The other Members of the Committee shall be; the Principal Secretary, Urban Development Housing Department, Government of Bihar, Municipal Commissioner, Darbhanga Municipal Corporation, Member Secretary, Bihar State Pollution Control Board, Divisional Railway Manager, Samastipur Division, and the District Magistrate, Darbhanga.
- B. The above Committee shall address itself to the observations and the recommendations made in the Inspection Report of the Committee constituted by the Tribunal and take expeditious remedial measures.

- C. The Committee shall also take steps to remove the encroachments expeditiously.
- D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.
- E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.
- F. The Committee shall hold its first meeting within fifteen days hereof and thereafter hold meetings regularly in every four months for appraisal of the remedial actions, proposed and taken from time to time.
- G. The Bihar State Pollution Control Board shall take water samples six monthly from the three ponds and if the water samples are found to be higher than the prescribed standard parameters, appropriate directions shall be issued to the concerned authorities for taking effective remedial actions forthwith.
- H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court.

21. I.As., if any, also stand disposed of accordingly.

22. There shall be no order as to costs.

.....  
B. Amit Sthalekar, JM

.....  
Prof. A. Senthil Vel, EM

March 23, 2023,  
Original Application No.155/2022/EZ  
(I.A. No: 239/2022/EZ & I.A. No.:240/2022/EZ)  
AK

<sup>2</sup>  
(T. G.)



Centre for Holistic Development (CHD)

**CENTRE FOR HOLISTIC DEVELOPMENT (CHD)**

96

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Society Registration No. S/00280-NE/2011

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Contact: +91 11 41084099 +91 9811327037

Ref:FED/CHD2026

Date 14.05.2026

To,

National green Tribunal

Eastern Zone Bench,

Finance Centre, 3rd Floor, Block III B

New Town Kolkata- 700 157

[registrarngt-kolkata@gov.in](mailto:registrarngt-kolkata@gov.in);

To,

Managing Director

Bihar Urban Infrastructure Development Corporation

(BUIDCO),

303, Third Floor,

Maurya Lok Complex, Maurya Tower,

Budha Marg, New Dak Bungalow Rd,

Patna, Bihar 800001

To,

Principal Secretary

Urban Development and Housing Department,

Government of Bihar, Patna,

Through its Principal Secretary,

1st Floor, Vikas Bhawan, New Secretariat,

Patna-800015

[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)

To,

State of Bihar

Through its Chief Secretary,

Main Secretariate,

4, Deshratna Marg,

Patna Bihar-800001

[cs-bihar@nic.in](mailto:cs-bihar@nic.in);

To,

District Magistrate, Darbhanga District,

Collectorate, Darbhanga,

Bihar-846001

Email: [dm-darbhanga.bih@nic.in](mailto:dm-darbhanga.bih@nic.in)

To,

Bihar State Pollution Control Board,

Parivesh Bhawan, Patna Mall Rod,

Patliputra Industrial Area,

Digha, Patna, Bihar-800010

Email: [msbspceb-bih@gov.in](mailto:msbspceb-bih@gov.in);

To,  
Ministry of Railways,  
Through its Chairman and Chief Executive Officer,  
Railway, Board, 256-A,  
Raisina Road, Central Secretariat,  
New Delhi-110001  
[crb@rb.railnet.gov.in](mailto:crb@rb.railnet.gov.in);

To,  
Divisional Railway Manager,  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101  
[drm@spj.railnet.gov.in](mailto:drm@spj.railnet.gov.in);

To,  
Bihar State Wetland Authority,  
Through its Member Secretary,  
Shaheed Peer Ali Khan Marg, Aranya Bhawan,  
Patna, Bihar, PIN-800014.  
[ccfcc.bih@gmail.com](mailto:ccfcc.bih@gmail.com)

To,  
Ministry of Environment, Forest and Climate Change,

Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-110003  
[efd-bih@nic.in](mailto:efd-bih@nic.in)

**Subject REPRESENTATION CONCERNING ENCROACHMENT OF  
THE HISTORIC PONDS HARAHI, DIGHI AND GANGA SAGAR AT  
DARBHANGA, REMOVAL OF ILLEGAL ENCROACHMENTS,  
PREVENTION OF DISCHARGE OF UNTREATED SEWAGE.**

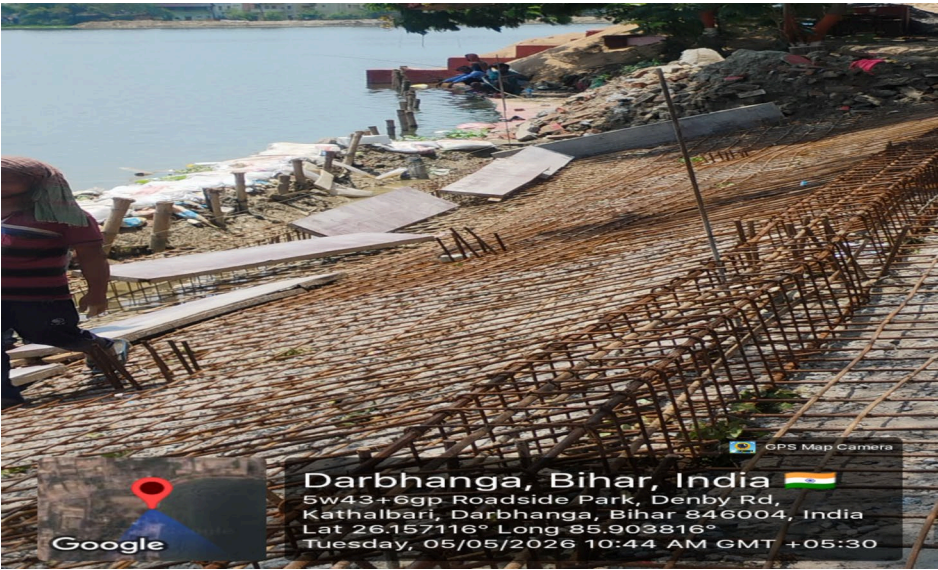
**Reference:**

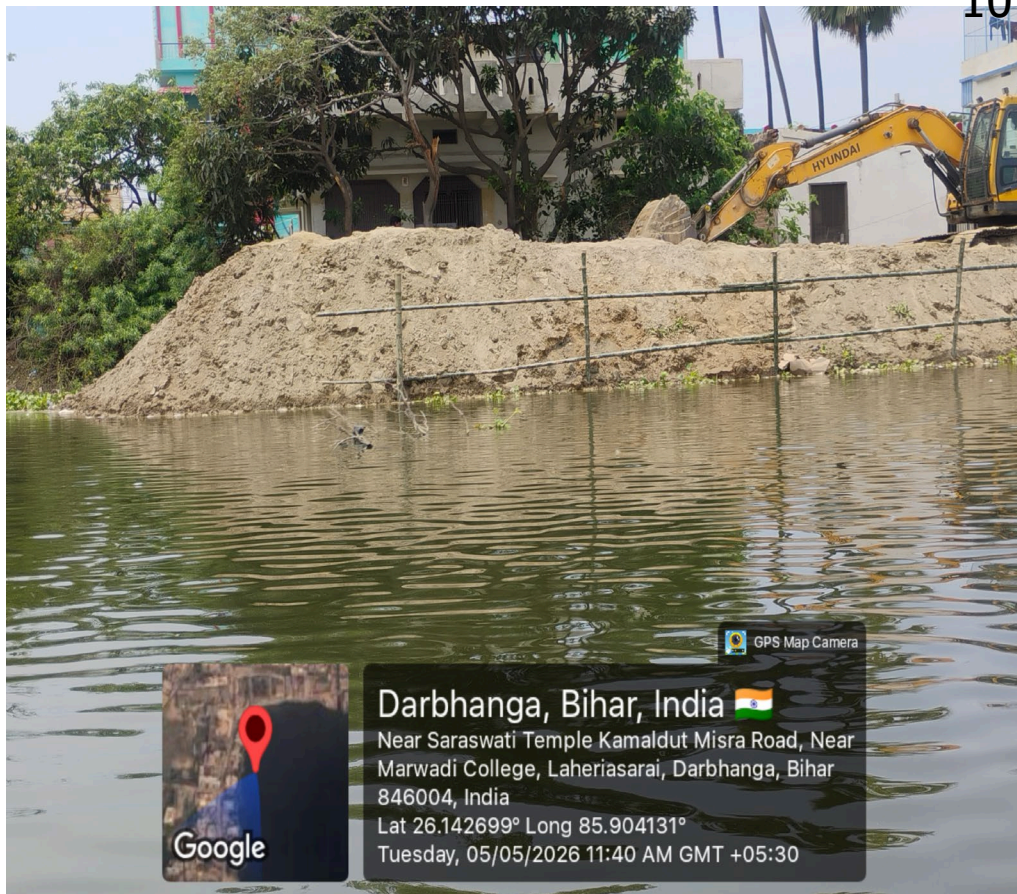
1. Final Order and Judgment dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ.
2. Final Order and Judgment dated 28.01.2011 passed by the Hon'ble Supreme Court of India in Jagpal Singh v. State of Punjab, (2011) 11 SCC 396.
3. Order dated 19.02.2025 passed by the Hon'ble Supreme Court of India in Civil Appeal No(s). 7607/2023.

**Respected Madam/ Sir,**

That the present representation is made to your esteemed office with regard to the rapid and alarming encroachment, earth-filling activity, and alteration of the historic ponds namely Harahi, Dighi and Ganga Sagar, situated at Darbhanga, which are water bodies of immense ecological, cultural and historical significance. It has further been noticed that under the guise of beautification and development, activities appear to have commenced which may

adversely affect the original character, water spread area, embankments, and ecological balance of the said ponds, the photographs of the said encroachment is as under;





That the aforesaid developments have caused serious concern amongst local residents and environmental stakeholders, particularly in view of the Final Order dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ, wherein specific directions were issued for restoration, protection and preservation of the said ponds.

**The relevant portion of the order dated 23.03.2023;**

*“Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-*

A....

B...

*C. The Committee shall also take steps to remove the encroachments expeditiously.*

*D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.*

*E. The Committee shall also ensure that drains leading into the three Ponds/Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.*

*F....*

*G....*

*H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court..."*

That despite the aforesaid directions, it appears that instead of ecological restoration and scientific conservation, certain activities involving dumping of soil, use of heavy machinery, land filling, and construction-oriented intervention are being undertaken in and around the ponds, which may irreversibly damage the water bodies and defeat the purpose of the Tribunal's order.

That it is further worth highlighting herein that the Hon'ble Supreme Court of India in *Jagpal Singh v. State of Punjab* (2011) 11 SCC 396 has categorically held that ponds, lakes and common lands

are public commons which must be protected and restored, and illegal occupation or conversion thereof cannot be permitted.

That further, in *Anand Arya v. Union of India*, the Hon'ble Supreme Court reiterated the mandatory requirement of scientific identification, ground-truthing, demarcation of boundaries, and protection of wetlands prior to undertaking developmental or beautification activities.

That the Hon'ble Supreme Court has also recently observed, while dealing with encroachment over wetland areas, that urban development cannot come at the cost of destruction of lakes, ponds and wetlands, and protection of water bodies is an essential component of sustainable governance.

In these circumstances, the applicant organisation most respectfully requests that the concerned authorities may kindly:

It is, therefore, most respectfully prayed that the concerned authorities may immediately inspect the sites of the historic ponds namely Harahi, Dighi and Ganga Sagar situated at Darbhanga; forthwith halt all activity involving soil dumping, filling, construction or any alteration of the natural water spread area; remove all illegal encroachments; ensure diversion of drains and prevent discharge of untreated sewage into the said ponds; conduct proper demarcation of boundaries and maintain updated status records of the ponds; and take all further necessary and effective steps for preservation, protection and revival of these historic water bodies for the benefit of present and future generations.

The applicant organization hopes that immediate remedial measures shall be taken in public interest, environmental interest,

and in faithful compliance with the judicial directions governing protection of water bodies.

This representation is submitted without prejudice to all other legal rights and remedies available in accordance with law.

Thank you.



**Sunil Kumar Aledia**  
**General Secretary**

Phone: +919811327037



CHDIndia &lt;centreforholisticdevelopment@gmail.com&gt;

**REPRESENTATION CONCERNING ENCROACHMENT OF THE HISTORIC PONDS HARAHI, DIGHI AND GANGA SAGAR AT DARBHANGA, REMOVAL OF ILLEGAL ENCROACHMENTS, PREVENTION OF DISCHARGE OF UNTREATED SEWAGE.**

1 message

CHD India &lt;centreforholisticdevelopment@gmail.com&gt;

14 May 2026 at 17:56

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Cc: Sunil Kumar Aledia <[sunilkumaraledia@gmail.com](mailto:sunilkumaraledia@gmail.com)>, [rg.ngt@nic.in](mailto:rg.ngt@nic.in), [dr.ngt@nic.in](mailto:dr.ngt@nic.in), [admn.ngt@nic.in](mailto:admn.ngt@nic.in), [msukpcb@yahoo.com](mailto:msukpcb@yahoo.com), [secy-eve-ua@nic.in](mailto:secy-eve-ua@nic.in), [secy-home-ua@nic.in](mailto:secy-home-ua@nic.in), [mefcc@gov.in](mailto:mefcc@gov.in), [psmki007@gmail.com](mailto:psmki007@gmail.com), "Cc:" <[info@chdindia.org.in](mailto:info@chdindia.org.in)>

To,  
National green Tribunal  
Eastern Zone Bench,  
Finance Centre, 3rd Floor, Block III B  
New Town Kolkata- 700 157  
[registrarngt-kolkata@gov.in](mailto:registrarngt-kolkata@gov.in);

To,  
Managing Director  
Bihar Urban Infrastructure Development Corporation  
(BUIDCO),  
303, Third Floor,  
Maurya Lok Complex, Maurya Tower,  
Budha Marg, New Dak Bunglow Rd,  
Patna, Bihar 800001

To,  
Principal Secretary  
Urban Development and Housing Department,  
Government of Bihar, Patna,  
Through its Principal Secretary,  
1st Floor, Vikas Bhawan, New Secretariat,  
Patna-800015  
[urbansec-bih@nic.in](mailto:urbansec-bih@nic.in)

To,  
State of Bihar  
Through its Chief Secretary,  
Main Secretariate,  
4, Deshratna Marg,  
Patna Bihar-800001

[cs-bihar@nic.in](mailto:cs-bihar@nic.in);

To,  
District Magistrate, Darbhanga District,  
Collectorate, Darbhanga,  
Bihar-846001  
Email: [dm-darbhanga.bih@nic.in](mailto:dm-darbhanga.bih@nic.in)

To,  
Bihar State Pollution Control Board,  
Parivesh Bhawan, Patna Mall Rod,  
Patliputra Industrial Area,  
Digha, Patna, Bihar-800010  
Email: [msbspcb-bih@gov.in](mailto:msbspcb-bih@gov.in);

To,  
Ministry of Railways,  
Through its Chairman and Chief Executive Officer,  
Railway, Board, 256-A,  
Raisina Road, Central Secretariat,  
New Delhi-110001  
[crb@rb.railnet.gov.in](mailto:crb@rb.railnet.gov.in);

To,  
Divisional Railway Manager,  
Samastipur Division,  
East Central Railway,  
Railway Colony, Samastipur,  
Bihar-848101  
[drm@spj.railnet.gov.in](mailto:drm@spj.railnet.gov.in);

To,  
Bihar State Wetland Authority,  
Through its Member Secretary,  
Shaheed Peer Ali Khan Marg, Aranya Bhawan,  
Patna, Bihar, PIN-800014.  
[ccfcc.bih@gmail.com](mailto:ccfcc.bih@gmail.com)

To,  
Ministry of Environment, Forest and Climate Change,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, New Delhi-110003  
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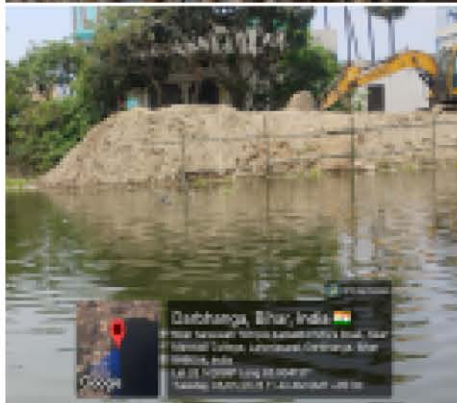
**Subject REPRESENTATION CONCERNING ENCROACHMENT OF THE HISTORIC PONDS HARAHI, DIGHI AND GANGA SAGAR AT DARBHANGA, REMOVAL OF ILLEGAL ENCROACHMENTS, PREVENTION OF DISCHARGE OF UNTREATED SEWAGE.**

**Reference:**

1. Final Order and Judgment dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ.
2. Final Order and Judgment dated 28.01.2011 passed by the Hon'ble Supreme Court of India in Jagpal Singh v. State of Punjab, (2011) 11 SCC 396.
3. Order dated 19.02.2025 passed by the Hon'ble Supreme Court of India in Civil Appeal No(s). 7607/2023.

**Respected Madam/ Sir,**

That the present representation is made to your esteemed office with regard to the rapid and alarming encroachment, earth-filling activity, and alteration of the historic ponds namely Harahi, Dighi and Ganga Sagar, situated at Darbhanga, which are water bodies of immense ecological, cultural and historical significance. It has further been noticed that under the guise of beautification and development, activities appear to have commenced which may adversely affect the original character, water spread area, embankments, and ecological balance of the said ponds, the photographs of the said encroachment is as under;



That the aforesaid developments have caused serious concern amongst local residents and environmental stakeholders, particularly in view of the Final Order dated 23.03.2023 passed by the Hon'ble National Green Tribunal in O.A. No. 155/2022/EZ, wherein specific directions were issued for restoration, protection and preservation of the said ponds.

### **The relevant portion of the order dated 23.03.2023;**

*"Considering the conditions of the three ponds and the recommendations made by the Committee, we dispose of this Original Application with the following directions:-*

*A....*

*B...*

*C. The Committee shall also take steps to remove the encroachments expeditiously.*

*D. The three ponds, namely, Dighi, Harai and Ganga Sagar, in Darbhanga District of Bihar, shall be restored to their pristine glory and their embankments shall be strengthened by planting grass and natural shrubs and trees to provide an eco-friendly landscape which can be used by the public for recreation.*

*E. The Committee shall also ensure that drains leading into the three Ponds/ Water Bodies are completely diverted from the said water bodies. Effective sewage management shall be put in place to ensure that no municipal waste is allowed to flow into the three ponds.*

*F....*

*G....*

*H. All illegal constructions leading into to three ponds and encroachments shall be removed within three months and those constructions which are governed by interim order of the Hon'ble High Court, Patna, shall be subject to any final order which may be passed by the Hon'ble High Court..."*

That despite the aforesaid directions, it appears that instead of ecological restoration and scientific conservation, certain activities involving dumping of soil, use of heavy machinery, land filling, and construction-oriented intervention are being undertaken in and around the ponds, which may irreversibly damage the water bodies and defeat the purpose of the Tribunal's order.

That it is further worth highlighting herein that the Hon'ble Supreme Court of India in *Jagpal Singh v. State of Punjab* (2011) 11 SCC 396 has categorically held that ponds, lakes and common lands are public commons which must be protected and restored, and illegal occupation or conversion thereof cannot be permitted.

That further, in *Anand Arya v. Union of India*, the Hon'ble Supreme Court reiterated the mandatory requirement of scientific identification, ground-truthing, demarcation of boundaries, and protection of wetlands prior to undertaking developmental or beautification activities.

That the Hon'ble Supreme Court has also recently observed, while dealing with encroachment over wetland areas, that urban development cannot come at the cost of destruction of lakes, ponds and wetlands, and protection of water bodies is an essential component of sustainable governance.

In these circumstances, the applicant organisation most respectfully requests that the concerned authorities may kindly:

It is, therefore, most respectfully prayed that the concerned authorities may immediately inspect the sites of the historic ponds namely Harahi, Dighi and Ganga Sagar situated at Darbhanga; forthwith halt all activity involving soil dumping, filling, construction or any alteration of the natural water spread

area; remove all illegal encroachments; ensure diversion of drains and prevent discharge of untreated sewage into the said ponds; conduct proper demarcation of boundaries and maintain updated status records of the ponds; and take all further necessary and effective steps for preservation, protection and revival of these historic water bodies for the benefit of present and future generations.

The applicant organization hopes that immediate remedial measures shall be taken in public interest, environmental interest, and in faithful compliance with the judicial directions governing protection of water bodies.

This representation is submitted without prejudice to all other legal rights and remedies available in accordance with law.

Thank you.



**Sunil Kumar Aledia**  
**General Secretary**  
Phone:+919811327037

--

Sunil Kumar Aledia  
Executive Director

सेंटर फॉर होलिस्टिक डेवेलपमेंट-सीएचडी | Centre For Holistic Development-CHD

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*"Realistically, we aren't going to be able to completely end homelessness. But we certainly can do a much better job that we're doing right now !!!"*

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 **11.05.2026 Letter to NGT.pdf**  
685K

ITEM NO.34

COURT NO.15

SECTION PIL-W

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Writ Petition (Civil) No.304/2018

ANAND ARYA

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

IA No. 131361/2018 - INTERVENTION APPLICATION

WITH

W.P.(C) No. 230/2001 (PIL-W)

I.A.NO.203606/2022 IN W.P.(C)NO.230/2001

IA No. 203606/2022 - INTERVENTION APPLICATION

W.P.(C) No. 302/2020 (PIL-W)

IA No. 172737/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 172736/2024 - INTERVENTION/IMPLEADMENT

Date : 19-08-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR  
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Mr. Shishir Pinaki, AOR

Mr. Jayant Bhushan, Sr. Adv.  
Mr. Rohit Kumar Singh, AOR  
Mr. Amartya Bhushan, Adv.  
Ms. Rajlakshmi Singh, Adv.  
Ms. Vidushi Srivastava, Adv.  
Ms. Rambha Singh, Adv.Ms. Anitha Shenoy, Sr. Adv.  
Ms. Shibani Ghosh, AOR  
Ms. Sadhana Madhavan, Adv.  
Ms. Kavana Rao, Adv.Mr. Shovan Mishra, AOR  
Bipasa Tripathy, Adv.  
Shlok Luthra, Adv.For Respondent(s) : Mr. Anil Shrivastav, AOR  
Mr. Ashok Kumar Singh, AOR  
Mr. Kunal Verma, AORSignature Not Verified  
Date: 20/08/25  
Reason: —

Ms. Aishwarya Bhati, A.S.G.

Ms. Swarupma Chaturvedi, Sr. Adv.  
Mr. Gurmeet Singh Makker, AOR  
Mr. Bhuvan Mishra, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. Aman Sharma, Adv.  
Mr. Pratyush Srivastava, Adv.  
Mr. Rohan Gupta, Adv.

Mr. P. V. Yogeswaran, AOR  
Ms. Sumita Hazarika, AOR

Ms. Aakanksha Tiwari, Adv.  
Mrs. Priyanka Dwivedi, Adv.  
Mrs. Monika, Adv.  
Ms. Nazish Fatima, Adv.  
Mahipal Singh, Adv.  
Ravinder Pal Singh, Adv.  
Dilip Kumar, Adv.  
Mr. Supriya, Adv.  
Kanchan Kumari, Adv.  
Javed Raza, Adv.  
Mr. Shiv Sagar Tiwari, AOR

Mr. Manish Kumar, AOR  
Mr. Divyansh Mishra, Adv.

Mr. Milind Kumar, AOR

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Ms. Prerna Singh, Adv.  
Mr. Dhruv Yadav, Adv.

Mr. Shuvodeep Roy, AOR

Ms. Eliza Barr, Adv.  
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Mrs. Aishwarya Bhati, A.S.G.  
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Mrs. Ruchi Kohli, Sr. Adv.  
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Ms. Swati Ghildiyal, AOR

Ms. Supriya Juneja, AOR

Mr. Alok Sangwan, Sr. A.A.G.  
Mr. Akshay Amritanshu, AOR  
Mr. Sumit Kumar Sharma, Adv.  
Mr. Rajat Sangwan, Adv.

Mr. Shikhar Narwal, Adv.  
 Ms. Drishti Rawal, Adv.  
 Ms. Drishti Saraf, Adv.  
 Mr. Mayur Goyal, Adv.

Mr. Vishwanathan Iyer, Adv.  
 Mrs. Shimpy Sharma, Adv.  
 Ms. Pooja Sharma, Adv.  
 Mr. Sandeep Jindal, AOR

Mr. Parth Awasthi, Adv.  
 Mr. Pashupathi Nath Razdan, AOR

Mr. Muhammad Ali Khan, A.A.G.  
 Mr. Sanchit Garga, AOR  
 Mr. Shashwat Jaiswal, Adv.  
 Mr. Kunal Rana, Adv.  
 Mr. Bhanu Pratap Singh, Adv.

Mr. Nishe Rajen Shonker, AOR  
 Mrs. Anu K Joy, Adv.  
 Mr. Alim Anvar, Adv.  
 Mr. Santhosh K, Adv.  
 Mrs. Devika A.L., Adv.

Mr. Sunny Choudhary, AOR

Mr. Adarsh Dubey, Adv.  
 Mr. Siddharth Dharmadhikari, Adv.  
 Mr. Aaditya Aniruddha Pandey, AOR  
 Mr. Shrirang B. Varma, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR  
 Mr. Karun Sharma, Adv.  
 Ms. Rajkumari Divyasana, Adv.  
 Ms. Anupama Ngangom, Adv.

Mr. Avijit Mani Tripathi, AOR  
 Mr. T.K. Nayak, Adv.

Mr. Anando Mukherjee, AOR

Ms. K. Enatoli Sema, AOR  
 Mr. Amit Kumar Singh, Adv.  
 Ms. Chubalemela Chang, Adv.  
 Mr. Prang Newmai, Adv.  
 Ms. Yanmi Phazng, Adv.

Mr. Gaurav Khanna, AOR  
 Ms. Natasha Sahrawat, Adv.  
 Mr. Gautam Barnwal, Adv.  
 Mr. Rudraksh Pandey, Adv.

Ms. Deepali Bhanot, Adv.

Mr. Siddhant Sharma, AOR

Mr. Shiv Mangal Sharma, A.A.G.

Ms. Abhinandini Sharma, Adv.

Mr. Amogh Bansal, Adv.

Ms. Nidhi Jaswal, AOR

Mr. Sameer Abhyankar, AOR

Ms. Yashika Sharma, Adv.

Mr. Aryan Srivastava, Adv.

Mr. R. Ayyam Perumal, AOR

Ms. Purnima Krishna, AOR

Mr. M.F. Philip, Adv.

Mr. Karamveer Singh Yadav, Adv.

Mr. Togin M. Babichen, Adv.

Mr. Sudeep Kumar, AOR

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Mr. Ashok Kumar Panda, Adv.

Ms. Ruchi Kohli, Adv.

Ms. Sunita Sharma, Adv.

Mr. Gautam Kumar, Adv.

Mr. N Visakamurthy, aor, Adv.

Mr. Varun Chugh, Adv.

Mr. Krishna Kant Dubey, Adv.

Mr. Bhuvan Kapoor, Adv.

Mr. Neeraj Kumar Sharma, Adv.

Ms. Indira Bhakar, Adv.

Neeraj Kumar Sharma, Adv.

Diksha Verma, Adv.

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Ms. Suveni Bhagat, AOR

Mr. Gopal Prasad, AOR

Mr. Rishi Sehgal, AOR

Mr. Akash Vashishtha, Adv.

Mr. Sravan Kumar Karanam, AOR

Mr. Kumar Abhishek, Adv.

Mr. Kumar Nikhil, Adv.

Mr. P. Venkatraju, Adv.

Mr. Sanjai Kumar Pathak, AOR

Mrs. Shashi Pathak, Adv.

Mr. Arvind Kumar Tripathi, Adv.

Ms. Shweta Jayshankar Dwivedi, Adv.

Ms. Smriti Singh, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Sharma, Adv.

Ms. Rajkumari Divyasana, Adv.

Ms. Anupama Ngangom, Adv.

Ms. Srishti Agnihotri, AOR

Mr. D.P. Singh, Adv.

Mr. Shishir Pinaki, AOR

Mr. Abhimanyu Singh, GA

Mr. Sarad Kr. Singhania, AOR

Ms. Rashmi Singhania, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. This Court by order dated 11.12.2024 had taken note of the fact that prior to 2017, the figures given by ISRO regarding the number of wetlands in India having an area of more than 2.25 Hectares was 2,01,503 and the latest ISRO data of the year 2021 reflected the figure having increased to 2,31,195. Hence, this Court was of the view that said figures will have to be checked at the ground level. The manner, method and mode in which this evaluation has to be undertaken has been traced to the Wetlands (Conservation of Management) Rules, 2017 namely identification of

such wetlands, which is described as 'Ground truthing'. This exercise ought to be undertaken by the respective States, same have been neglected by most of the States, except the State of Punjab to some extent and nothing have been done in that regard. Hence, Court vide order dated 11.12.2024 directed each of the State / Union Territory Wetland Authorities to complete ground truthing as well as demarcation of wetland boundaries of each of the wetland which have been identified by Space Application Center Atlas (SAC Atlas), 2021. A specific direction was issued by this Court that above said task was required to be expeditiously completed and at any rate within a period of three months from the date of the order.

2. Ms. Aishwarya Bhati, learned Additional Solicitor General assured that Union of India had undertaken the task of monitoring with each of the State and a detailed affidavit was agreed to be filed before the next date. Accordingly, an affidavit has been filed on 24.03.2025 and today, a brief note has also been furnished enclosing therewith a chart, which reflects the ground truthing and boundary demarcation undertaking by respective State Wetland Authorities. The comparative statement *via-a-vis* with reference to the ground truthing carried out as on 22.03.2025 and 21.07.2025 as well as the boundary demarcation carried out by the authorities would reflect the sorry state of affairs.

3. Mr. Jayant Bhushan, learned Senior Counsel appearing for the petitioner(s) would draw the attention of the Court that seven States namely, Andaman & Nicobar Islands, Arunachal Pradesh, Dadra Nagar Haveli & Daman and Diu, Haryana, Goa, Jharkhand, Puducherry, Sikkim, Karnataka and Ladakh have achieved less than 50% and the

States of Delhi, Haryana and Himachal Pradesh have achieved less than 40%. This would clearly indicate that the respective States Wetland Authorities seem to be moving at a snail's pace and the direction issued by this Court has not yielded positive results.

4. In that view of the matter, we direct these States to expedite the ground truthing and boundary demarcation expeditiously and at any rate within an outer limit of two months from today, failing which, the Secretaries of the concerned States of the Department of Environment and Ecology will have to personally remain present before this Court on next date of hearing. It is also made clear that inaction on the part of these State Wetland Authorities would compel this Court to pass coercive orders against such of those States which has failed to comply with the direction issued earlier as well as the direction issued by this order.

5. In the light of the wetlands having been identified, it is incumbent upon the State Wetland Authorities to publish the same in the respective State Governments' website indicating such of those Wetland which have been identified together with the areas, where ground truthing and demarcation of boundaries have been undertaken by distinctly and separately indicating the same, which exercise shall be undertaken before next date of hearing.

6. Let the affidavit of compliance be filed immediately after such an exercise being undertaken and at any rate before the next date of hearing.

7. Union of India shall coordinate with the State Level Wetland Authorities and expedite the issuance of notifications for which the draft notifications are already in place which would reflect

the pro-active action undertaken by such authorities and a meeting in this regard shall be conveyed by Union of India of all the State Level Wetland Authorities and make them aware of the situation and expedite the works which are required to be undertaken by them.

8. The statistics furnished today would also reflect that wetlands which are less than 2.25 Hectares are required to be identified as prescribed under the extant Rules and the affidavits of the State Governments of Wetland Authorities shall also dwell upon as to the manner and method in which steps have been taken or being taken to protect these wetlands which are less than 2.25 Hectares which according to the statistics is around 5,55,557 as mentioned in the Wetland Atlas.

9. List on 07.10.2025.

IA No. 203606/2022 in W.P. (C) No. 230/2001:

Issue notice to the respondents in W.P. (C) No. 230/2001, returnable on 07.10.2025. The petitioner(s) shall furnish requisite number of copies in the Registry for issuance of notice.

(NEHA GUPTA)  
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)  
COURT MASTER (NSH)

(Tsu 97)



"Redevelopment of Gang Sagar, Digghi and Harahi Pokhar"

"Beautification of Gang Sagar, Digghi, and Harahi Pokhar"

**Project Highlights:**

- Ghat
- Restaurant
- Toilets
- Open gym
- Solar lighting system
- Boating site
- Oxidation plant

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

IN THE MATTER OF:

CENTRE FOR HOLISTIC DEVELOPMENT- CHD

...Complainant/Applicant

Versus

GOVT. OF BIHAR & ORS.

...Respondent

VAKALATNAMA

Know all to whom these presents shall come that I,  
Suniti Kumari Aledia, S/O Gyan Chand Aledia aged about 44 years, resident of  
1D Shahpur Jat, 2<sup>nd</sup> Floor, New Delhi - 110049  
The above-named do hereby appoint

MR. SWAGATA GUPTA D/6268/2024;



Advocate(s), to be my/ our true and lawful attorney (s), in the matter noted above, to do all the following acts, deeds and things, or any of them, (jointly and severally) and also ratify anything already done on our behalf that is to say: -

1. To sign, verify and present and send notices, replies rejoinders, pleadings, appeals, cross-objections or petitions for execution, review, revision, other petitions or affidavit or other documents as shall be deemed necessary or advisable for the prosecution of the case or in relation thereto in all its stages.
2. To appear, act, and plead in the above-mentioned case in any court or tribunal etc, in which the same be heard or tried in the 1<sup>st</sup> instance or in appeal or review or revision or execution or in any other stage of its progress until its final decision.
3. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise to or in any manner relating to the said case.
4. To receive documents, papers, records, orders etc. and to do all other acts all things, which may be necessary or proper to be done for the progress and in all course of the prosecution of the said case.
5. To employ any other legal practitioner, advocate or consultant authorizing him to exercise the power and authority hereby.

Date: 14.05.2024.

Swagata Gupta  
D/6268/24  
Advocate Signature

Suniti Identified.  
Client's Signature