

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(EAST ZONE BENCH KOLKATA)**

**ORIGINAL APPLICATION NO. 178 of 2017/EZ**

**IN THE MATTER OF:**

Mahanoy River Safety Society .....APPLICANT

VERSUS

State of Bihar & Ors. ...RESPONDENTS

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**NDOH:15.09.2020**

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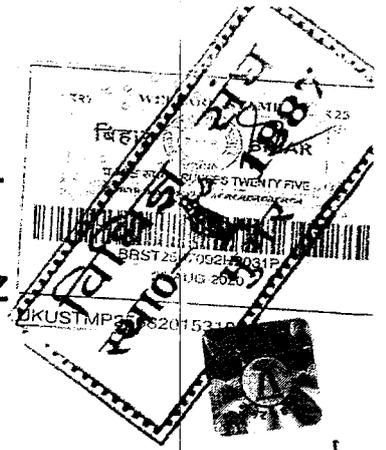
DATED: 29.08.2019



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BEFORE THE NATIONAL GREEN TRIBUNAL  
(EASTERN ZONE BENCH KOLKATA)  
ORIGINAL APPLICATION NO.178 OF 2017/EZ

Att No - 1876/20



IN THE MATTER OF:

Mahanoy River Safety Society

..... Applicant

Vs.

State of Bihar & Ors.

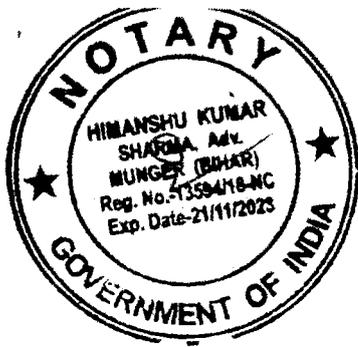
..... Respondents

1782  
2881

**AFFIDAVIT ON BEHALF OF THE RESPONDENT NO.1 STATE OF BIHAR  
IN COMPLIANCE OF THE ORDER DATED 03.02.2020 AND 31.07.2020  
PASSED BY THIS HON'BLE TRIBUNAL.**

I **Rajesh Meena**, aged about **33 years**, son of **ShriKrishan Meena**, working as **District Magistrate, Munger**, do hereby solemnly affirm and declare as under:

1. At the outset, it is submitted that this Hon'ble Tribunal vide its Order dated 03.02.2020 was *inter alia* pleased to allow the Respondent No.1, State of Bihar to file a better affidavit explaining the issue that whether the constructions in question have been raised on a land which was earlier the course of river Mahanoy, as it required further consideration by this Hon'ble Tribunal. However, due to outbreak of Covid 19 pandemic in the Country and the subsequent nationwide lockdown the said order could not be complied with. It is submitted that the said non compliance was neither intentional nor deliberate but for the reasons beyond the control of the Respondent herein.

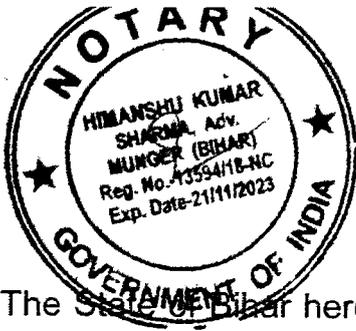


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2. It is further submitted on behalf of the Respondent No.1 that the unintentional non compliance of the order dated 03.02.2020 passed by this Hon'ble Tribunal is not an attempt on the part of the State of Bihar to subvert the course of proceeding before this Hon'ble Tribunal in any manner whatsoever.
3. Subsequently, this Hon'ble Tribunal was pleased to grant a final opportunity to the State of Bihar to file the affidavit in terms of the aforesaid Order dated 03.02.2020 before the next date of hearing.
4. Therefore, in due compliance of the aforesaid orders of this Hon'ble Tribunal the State of Bihar i.e. the Respondent No.1 is filing the instant Affidavit.

**Issues before this Hon'ble Tribunal in the instant OA:**

5. This Hon'ble Tribunal is considering *inter alia* the following issues in the instant OA:
  1. *Whether the Administrative building at 'Tetiya Bamber Block' in District Munger, Bihar has been constructed on River Bed ?*
  2. *Whether the construction of the said Administrative Building is an encroachment on the said river forcing change in river course?*
  3. *Whether the Administrative building at 'Tetiya Bamber Block' in District Munger, Bihar has been constructed in violation of any existing building bye laws, regulation etc.?*



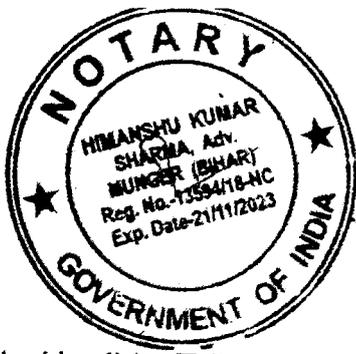
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6. The State of Bihar herein seeks liberty of this Hon'ble Tribunal to deal with the aforesaid issues and place on record and or reiterate and rely upon the earlier documents/affidavits filed by the State of Bihar in the instant matter comprehensively both for the sake of convenience of this Hon'ble Tribunal and which would also establish that the said construction is neither in violation of any existing building laws, bye laws and or building regulation and further the said construction is neither on river bed nor encroaches upon the said Mahanoy river forcing it to change its course and therefore, does not call for any coercive action on the part of this Hon'ble Tribunal either on facts and or on law point.

**Issue No.1:**

***Whether the Administrative building at 'Tetiya Bamber Block' in District Munger, Bihar has been constructed on River Bed?***

7. It is submitted that before dealing with the aforesaid issue, the background and the nature of the land upon which the said administrative building i.e. the Block cum Circle office along with residential Quarters has been constructed is necessary to be examined by this Hon'ble Tribunal.
8. It is submitted that prior to filing of the instant affidavit, two affidavits have already been filed by the then D.M. Munger, respectively, on 26.02.2018 and 23.08.2018 and further additional affidavits were also filed on 06.05.2019 and 16.11.19 by the Executive Engineer, Building Division Munger, explaining in detail the facts of the instant case. The aforesaid affidavits clearly disclose the following facts.



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9. This Hon'ble Tribunal vide its Order dated 11.01.2018 directed D.M. Munger to make enquiry by visiting the spot and file an report on Inspection and action taken thereafter. Accordingly, the then D.M., Munger, filed an affidavit on 26-02-2018 in detail after inspection of the spot on 23.02.2018 disclosing therein that: -

(a). The initial proposal for acquisition of land for construction of Block cum Circle office along with residential Quarters was submitted by the Circle Officer. Thereafter, the District Spot Selection Committee, held its meeting on 21.05.2012 and recommended acquiring the land measuring an area of 5.28 Acres for the aforesaid construction of Block cum Circle office Quarter/Building etc. However, vide letter no.-160022 dated 16-08-2013, the Additional Secretary of Government of Bihar has stopped the acquisition of the said land for the said purpose till the further information from the Department and sought a report from the Collector, Munger on two points mentioned herein below:

- (i). Whether Govt. land is available under block Tetia Bamber?
- (ii). If the Govt. land is available whether the said land is under notified headquarter of the block or not?

The Circle Officer, of Tetia Bamber submitted his recommendation on 18.01.2014 with details of 'Gair Mazaura Aam' land of an area of 6.40 Acre for construction

of the said Block building and sent the same to the S.D.O, Haveli Kharghpur for further action.

**The details of above said lands are as follows:-**

Village (Gram)	Thana	Khata No.	Plot no.(Khesra)	Area
Tetia	364	330	1217	2.25 Acre
Tetia	364	330	898	2.30 Acre
Lagma	352	37	118	1.85 Acre
Total	-	-	-	6.40 Acre

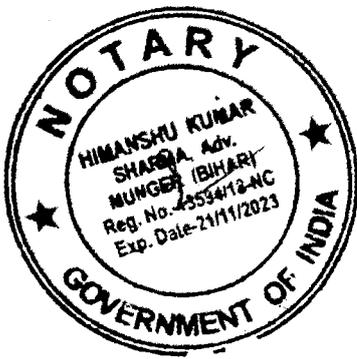


The D.C.L.R, (Deputy Collector Land Reforms) Haveli Kharagpur and S.D.O, Haveli Kharghpur, vide order dated 30.01.2014 also recommended for inter departmental transfer of the proposed lands. The affidavit dated 26.02.2018 of the D.M Munger, also reveals that a committee was constituted to ascertain the position of such types of Land. **The said committee found that the nature of the land has been changed in due course of time and its basic character is plain field** and then recommended for inter-departmental transfer of the said land.

The Divisional Commissioner, Munger, also recommended for inter-departmental transfer vide his letter no. 3937/Rev dated 31.12.2014. Upon further inquiry and clarifications by the department, the D.M., Munger vide his letter no-1005/Rev. dated 01-12-2016 finally intimated the Special

Secretary, Rural Development Department, Bihar regarding request for transfer of the Govt. Lands.

The affidavit dated 26.02.2018 of the D.M., Munger further mentions that the then A.D.M. and the D.M., Munger, on vide 08.03.2014 recommended for inter-departmental transfer of the concerning Lands of Gair Mazarua Aam after considering the report submitted by Circle Officer through SDM Haveli Kharagpur and getting it verified by a team headed by ADM, Munger.



Spot inspection/verification was also made by a team consisting of the Circle Officer, Tetia Bamber, D.C.L.R, Haveli Kharagpur, S.D.O, Haveli Kharghpur and Executive Engineer, Water Resource Department, headed by the A.D.M, Munger and the said committee also found that the use of the present land has been changed in due course of time. The *chharan (movement)* of the said river has given way to plain field, and the passage (*Rasta*) has also changed into open field. Para 5 to the said affidavit dated 26.02.2018, further mentions that the construction of the said Block Building was almost completed.

In Para-6 of the said affidavit, it is stated that the D.M, Munger, has inspected the spot on 23.02.2018 and has found that the said building has been constructed at a **distance of about more than 250 feet of the said bed of Mahanoy River**. The said inspection of the D.M Munger specifically clarifies that **the said river is rainy river and the bed of the river is average 25 to 35 feet wide only.**

In February 2018, at the time of field inspection, the said River was dry and there was no water. The flow of the River was not found to be affected by the said construction of the Block building.



It is pertinent to mention here that all the above referred letters, report etc. has been filed along with the above said affidavit dated 26.02.2018 and 23.08.2018.

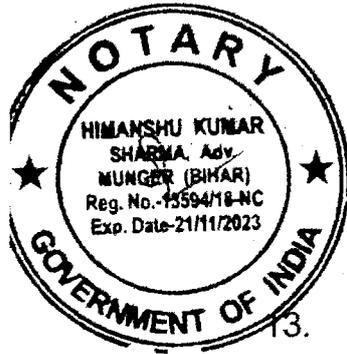
In the interregnum, the Applicant herein without any just basis for collateral reasons, filed an application for execution of the order date 11.01.2018, passed by this Hon'ble Court U/s 25 of the NGT Act 2010.

This Hon'ble Tribunal vide its Order dated 25.04.2018 passed in the said execution application and called for a Show Cause from the respondents. Thereafter, the then D.M., Munger, in compliance of the said order date 25.04.2018 submitted its response to the said Show Cause by filing affidavit on 23.08.2018 reiterating in pars 1, 2 and 3 the facts of the earlier affidavit dated 26.02.2018 filed by the then D.M., Munger. However, in the said Affidavit, it was clarified that the execution petition of the applicant is not maintainable in view of the fact that the order dated 11.01.2018 was not a final Order.

11. The said Affidavit further stated that since the inspection report of the then D.M. Munger on 23.02.2018 mentions that there was no water in the said river, therefore the claim of the Applicant that the water of the river has been used by the pets of eight villages and they are completely dependent on this river for their drinking and other needs are incorrect and concocted. It further mentions

that said construction of the Block building is far away from the bed of the river.

12. It is most respectfully submitted that the record of rights of the concerning lands of plot no. 1217, 898 and 118 of the said Circle, reflects that the nature of the lands as Gair- Mazarua Aam river Muhana and path (*rasta*). The said record of rights was prepared decades ago and at that point in time the nature of the land was also used as a *rasta*.



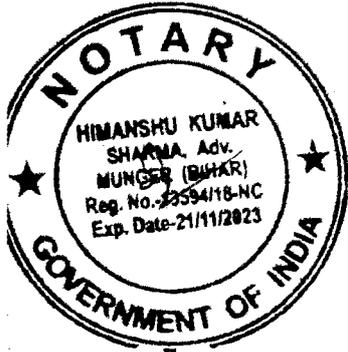
13. In this regard, it is apposite to mention here that the A.D.M. Munger and the D.M. Munger on 08.03.2014 recommended for interdepartmental transfer of the lands of plot nos. 1217, 898 and 898 of an area of 6.40 Acre.

**Copy of the letters dated 08.03.2014 of the ADM Munger and the DM Munger is enclosed herewith and marked as Annexure G/1.**

14. From the aforesaid, factual averments and on the basis of the official documents, it is clearly established that the said construction of Block cum Circle office Quarter/Building is on government land i.e. Gair Mazarua Aam land and not on river bed. Moreover, the said building has been constructed at a distance of about more than 250 feet of the said bed of Mahanoy River. The said inspection of the D.M. Munger duly clarifies that the said river is rainy river and the bed of the river is average 25 to 35 feet wide only. In February 2018, at the time of field inspection, the said River was dry and there was no water. The flow of the River was not found to be affected by the said construction of the Block building.

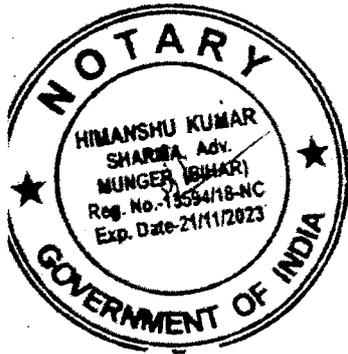
**Issue No.2****Whether the construction of the said Administrative Building is an encroachment on the said river forcing change in river course?**

15. It is submitted that the Applicant in its reply to the affidavit dated 23.08.2018 filed by the Respondent No.1 has *inter alia* falsely alleged and frivolously raised the issue of encroachment of the Mahanoy river malafidely mentioning particularly at para-06 of the said reply that the respondent no.1 has encroached upon a river and candidly admits the encroachment. The said submission on the part of the Applicant is completely baseless, devoid of any merit, concocted, hence denied. It is submitted that the respondent no.1 never admitted that the said Block building cum Circle office cum residential building has been constructed by encroaching upon the bed of the river.
16. It is already mentioned in the inspection report of the then D.M. Munger on 23.02.2018 that there was no water in the said river, therefore, the claim of the Applicant that the water of the river has been used by the pets of eight villages and they are completely dependent on this river for their drinking and other needs are incorrect and concocted. It further mentions that said construction of the Block building is away from the bed of the river.
17. It is pertinent to mention here that there is no evidence on record before this Hon'ble Tribunal to establish in any manner whatsoever that the said Block Building of Tetia Bamber Block has been constructed on bed of the River. Rather, the aforesaid submissions along with relevant documents filed on behalf of the



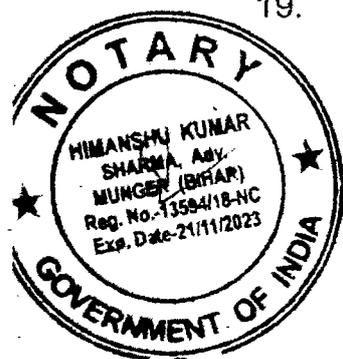
Respondent State of Bihar, clearly establishes that the construction of the said building is on 'Gair- Mazarua Aam' land, away from the said river.

18. It is apposite to mention here that the Executive Engineer, Flood Control Division, Bhaglapur, Bihar has submitted a physical spot verification report to D.M. Munger vide its letter bearing no. 397, dated 02.05.2019, clearly mentioning that the said Block building etc. is situated on the right flank of the Mahanoy River. The Mahonay river is small river and it has enough water way available that even the maximum water flow can pass through mid of both flanks of the river. The minimum distance of the main building from the river is 60m. There is one village, Mojura, upstream of the river about 1km and another village, Barsanda, downstream about 1 km. Both are situated on the banks of the river at a distance of about 40m. Both villages are safely existing. The report of Executive Engineer, Flood Control Division, Bhagalpur, further provides that Mahanoy river during its course of length, flows in a width of about 15m to 45m. The flanks of the river are made of Hard Soil, hence are resistant to erosion. Even if there is unprecedented or unseen flood situation, the water will easily spill in open areas, hence there will be no change in river course. Hence the construction or existence of Block cum Circle office, which is situated at a sufficient distance from the river, doesn't have any adverse impact on environment.



Further, it is not out of place to mention here that there are innumerable village settlements along the river when one traverses its course, which indicates about the nature of the river.

Copy of the letter bearing No. 397, dated 02.05.2019 of the Executive Engineer, Flood Control Div., Bhagalpur is enclosed herewith and marked as Annexure-G/2.



19. The State of Bihar would like to submit that from downstream of the river, at about 1.5km, (near old Block office), it meanders into a small check dam, which is used for irrigation purposes by the local farmers when water is available in the river. The construction of the Block cum Circle office building does not pose any kind of threat or problem to the river flow. This has been pointed out in the report of Executive Engineer, Minor Irrigation, Div. Munger, vide its letter bearing no. 361/Minor Irrigation, department Munger dated 18.08.2020 that there is no adverse affect upon the flow of the said river due to construction of the Block Office of the Tetia Bamber.

Copy of the letter bearing no. 361, dated 18.08.2020 of the Executive Engineer Minor Irrigation Div. Munger is enclosed herewith and marked as Annexure-G/3.

20. It is pertinent to mention here that the said Mahanoy River, is rainy river and a report has been sought from BDO Tetia Bamber to assess its flow during the monsoon season of 2020. The B.D.O, Tetia Bamber reported vide its letter bearing no. 561/ dated 17.08.2020 stated that the river is generally dry in Pre-Monsoon and Post-Monsoon seasons. During the Monsoon season, it has a discharge of about 1 to 2 feet deep and only occasionally, when it rains heavily in the catchment area, it flows to the depth of 3 to 4 feet. The report also reiterates that average width of the river is 25 to 35 feet. The report

further mentions that the people of the villages situated in upper and lower part of the Mahanoy River have never suffered any loss. The BDO Tetia Bamber has further submitted in its aforesaid report the Peak Monsoon pictures of actual flow of the river for better analysis of the situation. The picture clearly shows the location of New building, which is at height and away from the existing river. Along with that, Satellite images of the entire area are also being submitted for perusal and better understanding of this Hon'ble Tribunal and holistically assess the ground realities.



Copy of the Letter of the B.D.O Tetia Bamber, bearing no. 561, dated.17.08.2020 is enclosed herewith and marked as Annexure-G/4.

Peak Monsoon photographs and satellite photographs are enclosed herewith and marked as Annexure - 31/5 (colly)

21. From the aforesaid submissions, documents and photographs, it is established beyond any doubt that the construction of the said Administrative Building is not at all an encroachment on the said river forcing change in the river course and as a matter of fact, there is no adverse affect upon the flow of the said river due to construction of the Block Office of the Tetia Bamber.

### Issue No.3

***Whether the Administrative building at 'Tetiya Bamber Block' in District Munger, Bihar has been constructed in violation of any existing building bye laws, regulation etc.?***

22. It is submitted that the Applicant in its reply to the aforesaid Affidavit dated 23.08.2018 filed by the Respondent No.1

particularly in paras 7,8,9,10,11,13,14,15,16 and 17 has raised highly misconceived and irrelevant issues regarding the alleged violation of the Building Bye laws in the aforesaid construction.

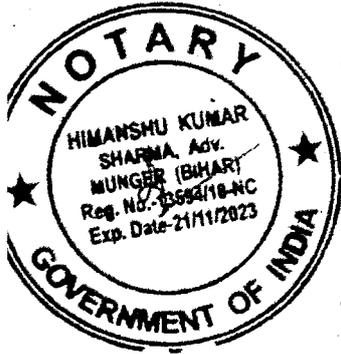
23. In this regard, it is submitted that the minimum distance for construction of any Government building etc. **in case of river other than Ganga has not been fixed by the Govt. of Bihar.**

Therefore, it is highly erroneous and wrong to state and consider that the construction of the said Block cum Circle Office, is an encroachment of the said river as **the distance of the boundary of the campus is about 100 feet away from the river and the Main Building is about 250 feet away from the river bed.**

24. It is further submitted that the National Water Policy 2012 nowhere provides and or mandates any restrictions as regard the said construction of the Block Building etc. as falsely narrated by the Applicant in its aforesaid reply.

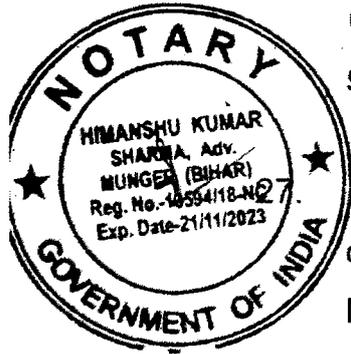
25. Further another affidavit on behalf of the Executive Engineer, Building Division Munger, has been filed before this Hon'ble Tribunal on 06.05.2019, wherein, it is specifically asserted in para-2 of the said affidavit that as per requirement of Bihar Building Bye- Laws 2014 and Rule 22(3), **the list of rivers, other than Ganga has not been notified in the State as yet,** hence, **the restriction of no construction of Boundary within a strip land of 100 meters of the bank of the river is not applicable in the instant case.**

26. It is, further submitted that this Hon'ble Tribunal vide its order dated 26.08.19 *inter alia* observed that:



"....our attention has been drawn to Rule 22(2) of the Bihar Building Bye-laws, 2014 which clearly stipulated as follows:

2. In case of rivers other than the Ganges, no construction or re-construction of any building shall be allowed, within a strip of land of 100 meters, or such distances as prescribed by the State Government, from outer boundary of the riverfront of any river (as prescribed by the Irrigation department). The state government shall notify a list of such rivers"



In this regard, it is submitted that an additional affidavit was filed on 16.11.2019 by the Executive Engineer, Building Division, Munger. The said affidavit @ paras 1, 2 and 3 clearly mentions the applicability of the Bihar Building Byelaws-2014. Para 3 of the said affidavit clearly mentions that **'Tetia Bamber Block' area, where the construction of the new Block cum Circle office is completed, is situated in rural areas which is not covered under or affected by the Bihar Building Bye-Laws 2014.**

28. It is most respectfully submitted that the Bihar Building Bye-Laws 2014, was notified by Urban Development Department, Government of Bihar, vide Notification no. 577 on 08.02.2014. This Building Bye laws was notified by the Urban Development Department in terms of Section 321 of the Bihar Municipality Act, 2007 and Section 81(2) of Bihar Urban Planning and Development Act, 2012. Most importantly, Rule1 (2), Chapter -I of the said Bihar Building Bye-Laws clearly mentions about the applicability of the said building bye laws. Rule1 (2), Chapter -I of the said Bihar Building Bye-Laws is reproduced herein in below for the convenience of this Hon'ble Tribunal:-

"(2) These byelaws shall apply to all building activities in the areas falling in:

- i. All Municipal Corporations
- ii. All Municipal Councils
- iii. All Nagar Panchayats
- iv. All Metropolitan Area(s) after declaration by the Government
- v. All Planning Areas, after notification of implementation of these byelaws, by the Government.
- vi. Gram Panchayat areas covered under concerned Development Plan/Planning Authorities or any Planning schemes notified under Bihar Urban Planning and Development Act-2012 after notification of these byelaws, by the Government."

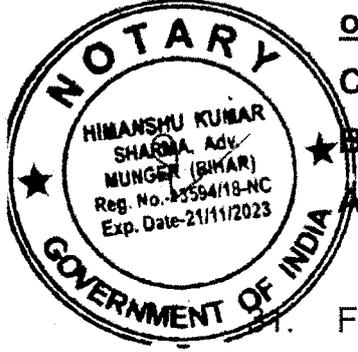


29. A perusal of the aforesaid provision of the Bihar Building Bye laws-2014 clearly establishes that Rule 22(2) of the said building bye laws will be applicable on different municipal areas and/or special development/planning areas notified by the Urban Department. **Since Tetia Bamber is a completely Rural block, the said Rules and byelaws are not applicable on any building activity in that area. Hence there is no violation of any existing rules by the respondents.**

A copy of Rule 1(1) of Bihar Building Bye-Laws, 2014 is enclosed herewith and marked as Annexure - **6/6**

30. It is further submitted that the Chief Architect, Building Construction Department, Government of Bihar has written a letter bearing no 401, dated 03.05.2019 to the Principle

Secretary, Forest and Environmental Change department,  
Secretary, Rural Development Department, Bihar, Patna  
referring to the provisions of the Section 22(2) of the Bihar  
Building Bye-laws 2014 and has specifically pointed out that the  
**said referred River is not notified river hence the provisions  
of section 22(2) is not applicable in the instant case.**



Copy of the Letter no 401 dated 03.05.19 of Chief Architect,  
Building Department is enclosed herewith and marked as  
Annexure- 6/7.

From the aforesaid deliberation, it is established that there is no violation of any existing building bye laws, regulation etc. by the Respondent No.1, State of Bihar in construction of the aforesaid administrative building.

32. The State of Bihar further seeks liberty of this Hon'ble Tribunal to apprise that the construction of Block cum Circle building is beneficial to the common people of the Block and nearby villages as minimum 58,000 people of the locality will be benefitted from the said Government offices. Since the building is complete, but the people of the area are not able to enjoy the benefit of the new office as the present office is running in a dilapidated building in old location. Hence, the instant OA is liable to be dismissed so that the official work can start in the new building and people of that area can be benefitted of various government schemes in a better and speedy way.
33. In the light of the above facts and circumstances and the provisions of the Bihar Building Bye Laws, the application ought to be dismissed with costs for filing frivolous petition without any

basis and research and it is not a fit case for demolition of the impugned construction.

*[Signature]*  
27/08/20  
DEPONENT

**Verification:**

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct and derived from the official records of the case



Verified on ...27<sup>th</sup>...day of ...August..., 2020 at Munger (Bihar)

*[Signature]*  
27/08/20  
DEPONENT

I, identify the deponent who has signed in my presence  
✓ Amit Kumar Sinha  
U.P. Munger  
Enrolment No- 677/89  
27.08.2020

The deponent Sri. Rajesh meena  
Identified by Sri. Amit Kumar sinha Adv  
Has Solemnly affirmed this affidavit  
before me on this 27/08/2020

*[Signature]*  
Himanshu Kumar Sharma  
NOTARY 27/08/20  
Munger (Bihar) India

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर ही नवी  
कार्रवाई के बारे में  
टिप्पणी; तारीख के साथ

अभिलेख उपस्थापित। खड़गपुर अनुमंडल अन्तर्गत प्रखंड -सह- अंचल कार्यालय के नाम से गैरमजरूआ आम भूमि के स्थायी अन्तर्विभागीय हस्तांतरण/बंदोबस्ती का अभिलेख अनुमंडल पदाधिकारी, खड़गपुर के पत्रांक 98 दिनांक 30.01.2014 के माध्यम से प्राप्त हुआ है, अंचल अधिकारी, टेटियाबम्बर के द्वारा प्रस्तावित भूमि का ब्यौरा निम्नवत् है :-

अंचल	मौजा	थाना नं०	खाता नं०	खेसरा नं०	हस्तांतरण हेतु प्रस्तावित भूमि का रकबा (एकड़ में)	किस्म जमीन
1	2	3	4	5	6	8
टेटियाबम्बर	टेटिया	364	330	1217	2.25 ए०	गैरमजरूआ आम नदी मुहाना एवं रास्ता
			330	898	2.30 ए०	
					कुल - 4.55 एकड़	
टेटियाबम्बर	लगमा	352	37	118	1.85 एकड़	गैरमजरूआ आम नदी मुहाना
कुल योग					06.40 एकड़	

प्राप्त अभिलेख के अवलोकन से स्पष्ट होता है कि प्रस्तावित भूमि गैरमजरूआ आम नदी मुहाना एवं रास्ता किस्म है। अंचल अधिकारी, टेटियाबम्बर एवं अनुमंडल पदाधिकारी, खड़गपुर ने स्थलीय जाँच में पाया है कि वर्तमान में प्रस्तावित भूमि का स्वरूप बदलकर मैदान के रूप में है। अंचल अधिकारी, टेटियाबम्बर के द्वारा अभिलेख के साथ चेक स्लीप, प्रस्तावित भूखण्ड का नजरी नक्शा, सर्वे खतियान की सच्ची प्रतिलिपि, जाँच पत्रक एवं आम सभा का अनापत्ति प्रमाण पत्र संलग्न कर भेजा गया है। साथ ही प्रतिकेदित किया गया है कि उक्त भूमि अतिक्रमण से मुक्त है, सैरात, श्मशान, कब्रिस्तान की भूमि नहीं है और न ही किसी न्यायालयीय आदेश/विवाद से ग्रस्त है। प्रस्तावित भूमि पर विभागीय निदेश के आलोक में अपर समाहर्ता की अध्यक्षता में अंचल अधिकारी, टेटियाबम्बर/भूमि सुधार उपसमाहर्ता, खड़गपुर, अनुमंडल पदाधिकारी, खड़गपुर एवं कार्यपालक अभियंता जल संसाधन विभाग द्वारा स्थलीय निरीक्षण कर प्रतिवेदित किया गया है कि भूमि का वर्तमान में स्वरूप बदल गया है। नदी का छाड़न समतल मैदान के रूप में परिवर्तित हो गया है। रास्ता का स्वरूप भी बदल कर मैदान का रूप ले लिया है। जाँच प्रतिवेदन अभिलेखबद्ध है।

अतः अंचल अधिकारी, टेटियाबम्बर/भूमि सुधार उपसमाहर्ता, खड़गपुर, अनुमंडल पदाधिकारी, खड़गपुर एवं कार्यपालक अभियंता जल संसाधन विभाग के अनुशंसा के आलोक में मौजा - टेटिया, थाना नं०- 364, खाता नं० - 330, खेसरा नं० - 1217 एवं 898, रकबा - 04.55 एकड़ गैरमजरूआ आम नदी मुहाना एवं रास्ता एवं मौजा -लगमा, थाना नं० - 352, खाता नं० - 37, खेसरा नं० - 118, रकबा - 01.85 एकड़ यानि कुल रकबा 06.40 एकड़ भूमि गैरमजरूआ आम नदी मुहाना की भूमि की अन्तर्विभागीय हस्तांतरण हेतु अनुशंसा की जाती है।

अभिलेख आयुक्त, मुंगेर प्रमंडल, मुंगेर को अग्रोत्तर कार्रवाई हेतु भेजें।

अपर समाहर्ता,  
मुंगेर।

समाहर्ता,  
मुंगेर।

# ANNEXURE-6-1

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## ORDER AND SIGNATURES OF OFFICER

Records were put up. Under the Khadagpur Sub-Division, the records of the permanent inter-departmental transfer/ settlement of Gair-Majarua Aam Land in the name of Block-cum- Circle Office, has been received vide Letter No. 98 dated 30.01.2014 of the Sub-Divisional Officer, Khadagpur. The details of land proposed by Circle Officer, Tetiyabambar, are as under:-

Circle	Mauja	Thana No.	Khata No.	Khasra No.	Rakba of land proposed for transfer (in Acres)	Type of Land
1	2	3	4	5	6	8
Tetiyabambar	Tetiya	364	330 330	1217 898	2.25 Acres 2.25	Gaur Majarua Aam,

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					Acres Total: 4.55 Acres	River Estuary and Road
Tetiabambar	Lagma	352	37	118	1.85 Acres	Gair Majarua Aam, River Estuary

On perusal of the records received, it is clear that the type of proposed land is Gair Majarua Aam, River Estuary and Road. During spot inspection, the Circle Officer, Tetiabambar and Sub-Divisional Officer, Khadagpur have found that at present the nature of proposed land has been changed and same is in the form of ground. Alongwith the records, the check slip, Site Plan of the proposed plot, true copy of Survey Numbers, Enquiry Report and the NOC of General Assembly, by the Circle Officer, Tetiabambar. Moreover, it has been proposed that aforesaid land is free from encroachment and same is not the land of Sairat, Cremation or Kabristan and nor is

disputed in any Court. In pursuance of the directions of Department, a team of the Circle Officer, Tetiyabambar/ Land Reforms Deputy Collector, Khadagpur, Sub-Divisional Officer, Khadagpur and Executive Engineer, Water Resources Department, headed by the Additional Collector, by conducting on the spot inspection, has reported that at present, the form of land has been changed. The river banks have been changed in the form of plain ground and the form of road has also been changed and has changed into the form of ground. Enquiry Report is enclosed herewith.

Therefore, in light of the recommendations of Circle Officer, Tetiyabambar/ Land Reforms Deputy Collector, Khadagpur, Sub-Divisional Officer, Khadagpur and Executive Engineer, Water Resources Department, it is hereby recommended for inter-departmental transfer of land bearing Khasra No. 1217 and 898 Rakba 04.55 Acres, Gaur Majarua Aam Nadi Muhana and Rasta situated in Mauja – Tetiya, Thana No. 364, Khata No. 330, and land bearing Khasra No. 118 RAKba 01.18 Acre situated in Mauja – Lagma, Thana No. 352, Khata No. 37, i.e. total land measuring 6.40 Acres.

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Send the records to Commissioner, Munger Division, Munger for further proceedings.

Sd/-

Additional Collector

Munger

Sd/-

Collector  
Munger

08-03-2014

//True translated copy //

(True translated copy at pg. 149)

कार्यपालक अभियंता का कार्यालय  
बाढ़ नियंत्रण प्रमंडल, भागलपुर।

ANNEXURE-67-2

147

Email:

पत्रांक 397 भागलपुर दिनांक 02.05.2019

सेवा में,

जिला पदाधिकारी,  
मुंगेर।

विषय: खड़गपुर अनुमंडल अंतर्गत अवस्थित टेटियाबंवर नव निर्मित प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय भवन एवं मोहाने नदी का भौतिक सत्यापन प्रतिवेदन मंतव्य के साथ भेजने के संबंध में।

प्रसंग: भवदीय पत्रांक 01/पू०/विधि दिनांक 02.03.2019

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के आलोक में वांछित प्रतिवेदन संलग्न किया जाता है।

दिनांक : 02.05.2019।

विश्वासभाजन

*Ramesh*

(रमेश कुमार)

कार्यपालक अभियंता

बाढ़ नियंत्रण प्रमंडल, भागलपुर।

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खड़गपुर अनुमंडल अंतर्गत अवस्थित टेटियाबंबर नव निर्मित प्रखण्ड -  
सह - अंचल कार्यालय - सह - आवासीय भवन एवं मोहाने नदी का  
भौतिक सत्यापन प्रतिवेदन

जिला पदाधिकारी, मुंगेर के पत्रांक 01/पू/विधि दिनांक 02.03.2019 के अनुपालन के आलोक में खड़गपुर अनुमंडल अंतर्गत अवस्थित टेटियाबंबर नव निर्मित प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय भवन स्थल, जो मोहाने नदी के किनारे बना है का स्थल निरीक्षण दिनांक 28.04.2019 को किया गया ।

टेटियाबंबर नव निर्मित प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय भवन परिसर जितवारपुर एवं लगमा मौजे में अक्षांश 25.053303 से 25.050793 एवं देशांतर 86.571523 एवं 86.573489 के बीच निर्मित है । यह परिसर मोहाने नदी के दायें तट की ओर स्थित है । मोहाने नदी एक छोटी नदी है, तथा इस स्थल पर नदी का water way इतना है कि नदी का अधिकतम जलसाव इसके दोनों किनारों के बीच से गुजर सकती है । मोहाने नदी से प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय परिसर के सबसे नजदीक कार्यालय भवन की न्यूनतम दूरी 60 मीटर मापी गई । इस स्थल से लगभग 1 किलोमीटर डाउन स्ट्रीम में बरसंडा ग्राम एवं लगभग 1 किलोमीटर अप स्ट्रीम में मौजुरा ग्राम नदी तट पर अवस्थित है । ये दोनों गावों की दूरी नदी के तट से लगभग 40 मीटर है । ये गाँव सुरक्षित रूप से अवस्थित हैं । अतः यह नदी अपने लंबाई के अधिकतम भाग में 15 मीटर से 45 मीटर की चौड़ाई में बहती है । नदी के किनारे Hard Soil से बने हैं, अतः ये कटाव ग्रस्त नहीं हैं । यदि भविष्य में किसी वजह से अप्रत्यासित बाढ़ की स्थिति उत्पन्न होती है, तो भी इस नदी के दोनों तरफ आवश्यकता से अधिक स्पेस खाली रहने के कारण नदी के जल का फैलाव चारों ओर हो जाएगा । इस कारण से नदी के मार्ग के परिवर्तन नहीं होगा । अतः टेटियाबंबर नव निर्मित प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय भवन परिसर के कारण पर्यावरण में कोई प्रतिकूल परिवर्तन दृष्टिगोचर नहीं हो रहा है ।

मंतव्य: टेटियाबंबर नव निर्मित प्रखण्ड - सह - अंचल कार्यालय - सह - आवासीय भवन परिसर नदी से पर्याप्त दूरी पर स्थित है, तथा इसके कारण पर्यावरण पर कोई प्रतिकूल असर होने की कोई संभावना नहीं है ।

दिनांक 02.05.2019

*Ramesh Kumar*

(रमेश कुमार)  
कार्यपालक अभियंता  
बाढ़ नियंत्रण प्रमंडल, भागलपुर

ANNEXURE-01/2

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OFFICE OF EXECUTIVE ENGINEER

Flood Control Division, Bhagalpur

Letter No. 397, Bhagalpur dated 02.05.2019

To,

The District Collector

Munger.

Subject: Regarding sending Physical Inspection Report of newly constructed Block-Cum-Circile Office-cum-Residential Quarters and the River Estuary situated in Tetiyabambar, Khadagpur Sub-Division, alongwith the Recommendations.

Ref.: Your letter No. 01/Pu./Vidhi dated 02.03.2019.

Sir,

In reference to the above subject matter, the required Report is being enclosed herewith.

Date: 02.05.2019

Faithfully,

Sd/-

(Ramesh Kumar)

Executive Engineer

Flood Control Division, Bhagalpur.

PHYSICAL INSPECTION REPORT OF NEWLY  
CONSTRUCTION BLOCK-CUM-CIRCLE OFFICE-CUM-  
RESIDENTIAL BUILDING AND RIVER ESTUARY SITUATED  
IN TETIYABAMBAR, KHADAGPUR SUB-DIVISION.

In compliance of the Letter No. 01/Pu./Vidhi dated 02.03.2019 of the District Collector, Munger, the spot Inspection of newly constructed Block-cum-Circle Office- cum – Residential Building situated in Tetiyabambar, Khadgpur Sub-Division, was conducted on 28.04.2019.

Tetiyabambar newly constructed Block-cum-Circle Office- cum – Residential Building is situated in Mauja – Jitwarpur and Lagma between the Latitude 25.053303 to 25.050793 and Longitude 86.571523 and 86.573489. These premises are situated on the right bank of Mohane River. Mohane river is a small river, and the water way of this river on the spot is large to such extent that, it's water floor can flow between both it's banks. The nearest distance of Block-cum-Circle Office- cum – Residential Building from Mohane River, has been measured to the tune of 60 mtrs. At a distance of approx.. 1 Kms. From this land, Village – Barsanda is situated in

downstream, and village- Maujura is situated in upstream. The distance of both these villages from the river bank is approximately 40 mtrs. These villages are safely situated. Therefore, this river flows in the maximum width of 15 to 45 mtrs. in it's length. The edges of river are made of hard soil, therefore, same are not suffering from erosion. In future, if any situation of unprecedented flood arises due to any reason, even then, due to having more than sufficient space on both the banks of river, the river would spread all around. Due to this reason, there will be no change in the route of river. Therefore, no adverse change in environment is appearing as a result of newly constructed Block-cum-Circle Office- cum – Residential Building in Tetiyabambar.

Recommendation ; Tetiyabambar newly constructed Block-cum-Circle Office- cum – Residential Building premises are situated at sufficient distance from the river and there is no possibility affecting the environment adversely due to it.

Date: 02.05.2019

Sd/-  
(Ramesh Kumar)  
**Executive Engineer**  
**Flood Control Div., Bhagalpur**

// true translated copy //

(True translation copy at Pg. no. 153)

Annexure - 6/3  
**ANNEXURE-6-3**

कार्यालय :- कार्यपालक अभियंता, लघु सिंचाई प्रमंडल, मुंगेर ।

पत्रांक 361 / ल0 सि0 प्र0, मुंगेर दिनांक 18/08/20/

विधि 152

कार्यपालक अभियंता,  
लघु सिंचाई प्रमंडल, मुंगेर ।

सेवा में,

जिला पदाधिकारी,  
मुंगेर ।

विषय :- माननीय N.G.T.कोलकाता में दायर O.A.No- 178/2017 एवं M.A.No.- 01/2018 मोहाने रिभर सेप्टी सोसाईटी बनाम् बिहार राज्य एवं अन्य से संबंधि तमामले में मोहाने नदी में निर्मित बाँध की भौतिक स्थिति एवं पड़ने वाले प्रभाव से संबंध में ।  
प्रसंग :- भवदीय पत्रांक 983 / विधि दिनांक 17.08.2020

महाशय,

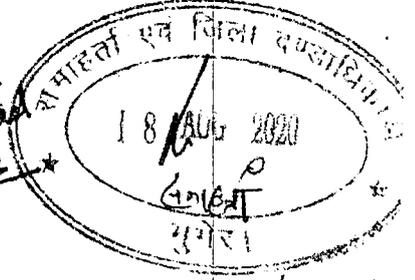
उपर्युक्त विषयक प्रासंगिक पत्र के अनुपालन में कहना है कि महाने नदी पर पुराने ब्लाक ऑफिस के निकट निर्मित चेक डैम से किसानों को सिंचाई सुविधा प्राप्त होता है, तथा ग्राउण्ड वाटर भी रिचार्ज होता है। निर्मित चेक डैम एवं नया ब्लाक आफिस से नदी के प्रवाह पर किसी प्रकार का प्रतिकूल प्रभाव नहीं पड़ता है ।

सादर सूचनार्थ एवं आवश्यक कार्रवाई हेतु समर्पित ।

विश्वासभाजन

18/08/2020  
कार्यपालक अभियंता,  
लघु सिंचाई प्रमंडल, मुंगेर ।

imp  
is related  
file\*



2382

19/08/2020

OFFICE : EXECUTIVE ENGINEER, MINOR IRRIGATION  
DIVISION, MUNGER

Letter No. 361/La. Si.Pra. Munger dated 18.08.20

From

Executive Engineer

Minor Irrigation Division, Munger.

To,

The District Collector

Munger.

Subject: Regarding Physical Inspection of Dam constructed in Mohane River and it's possible adverse effect, in the matter related to O.A. No. 178/2017 and M.A. No. 01/2018, Mohane River Safety Society Vs. State of Bihar & Ors. Pending before the Hon'ble NGT, Kolkata.

Ref.: Your Letter No. 983/Vidhi dated 17.08.2000.

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Sir,

In compliance of the above referred letter, this is to inform you that from the Check Dam constructed on Mohane River situated near the old Block Office, farmers gets irrigation facilities and ground water is also recharged. Due to the aforesaid Check Dam and the new Block Office, no adverse effect lies on the flow of river.

For your information and necessary action.

Faithfully,

Sd/- 18.08.2020

Executive Engineer

Minor Irrigation Division, Munger.

*// true translated copy //*

ANNEXURE-7-4

(True translated copy of 156)

कार्यालय, प्रखण्ड विकास पदाधिकारी, टेटियाबम्बर, मुंगेर।

पत्रांक...561..... / दिनांक...17/08/20

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प्रेषक,

प्रखण्ड विकास पदाधिकारी,  
टेटियाबम्बर।

सेवा में,

जिला पदाधिकारी,  
मुंगेर।

विषय:-

नये प्रखण्ड भवन के नजदीक से बहने वाली महाने नदी के संबंध में।

महाशय,

उपर्युक्त विषय के संबंध में सूचित करना है कि नये प्रखण्ड भवन के नजदीक से बहने वाली महाने नदी मौनसून के पूर्व एवं बाद में सूखी रहती है। मौनसून के समय सामान्य वर्षा में 01 से 02 फीट तथा अत्यधिक मूलाधार वर्षा होने पर 03 से 04 फीट पानी का बहाव रहता है। महाने नदी की उपरी और एवं निचली भाग में बसे गाँव में आजतक किसी भी प्रकार का क्षति नहीं हुयी है और इससे संबंधित कोई प्रतिवेदन प्राप्त नहीं है। नदी की चौड़ाई लगभग 25 से 35 फीट तक है। इस पत्र के साथ उक्त नदी का फोटोग्राफ एवं विडियोग्राफी संलग्न कर भेजी जा रही है।

सादर सूचनार्थ समर्पित।

अनुलग्नक:- यथोक्त।

विश्वासभाजन,

17.8.20

प्रखण्ड विकास पदाधिकारी,  
टेटियाबम्बर।

17/8/20

ANNEXURE-67-4

156

OFFICE OF BLOCK DEVELOPMENT OFFICER,  
TETIYABAMBAR, MUNGER

Letter No. 561/

Dated 17.08.20

From,

Block Development Officer

Tetiyabambar.

To,

The District Magistrate

Munger.

Subject: Regarding the Mohane River flowing near the new  
Block Office.

Sir,

In reference to above subject matter, this is to inform you that the Mohane river flowing near the new Block Office, remains dry before and after the Monsoon. During Monsoon in normal rains, there remains flow of around 01 to 02 ft. water and in case of heavy rain,

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there remains flow of around 03 to 04 ft. The villages situated in the upstream and down stream of the Mohane River have never faced any loss and no report related to it has been received. The width of the river is around 25 to 35 fts. Alongwith this letter, the photograph and videography of aforesaid river are enclosed.

For your kind information.

Encl: As above

Faithfully,

Sd/- 17.08.2020

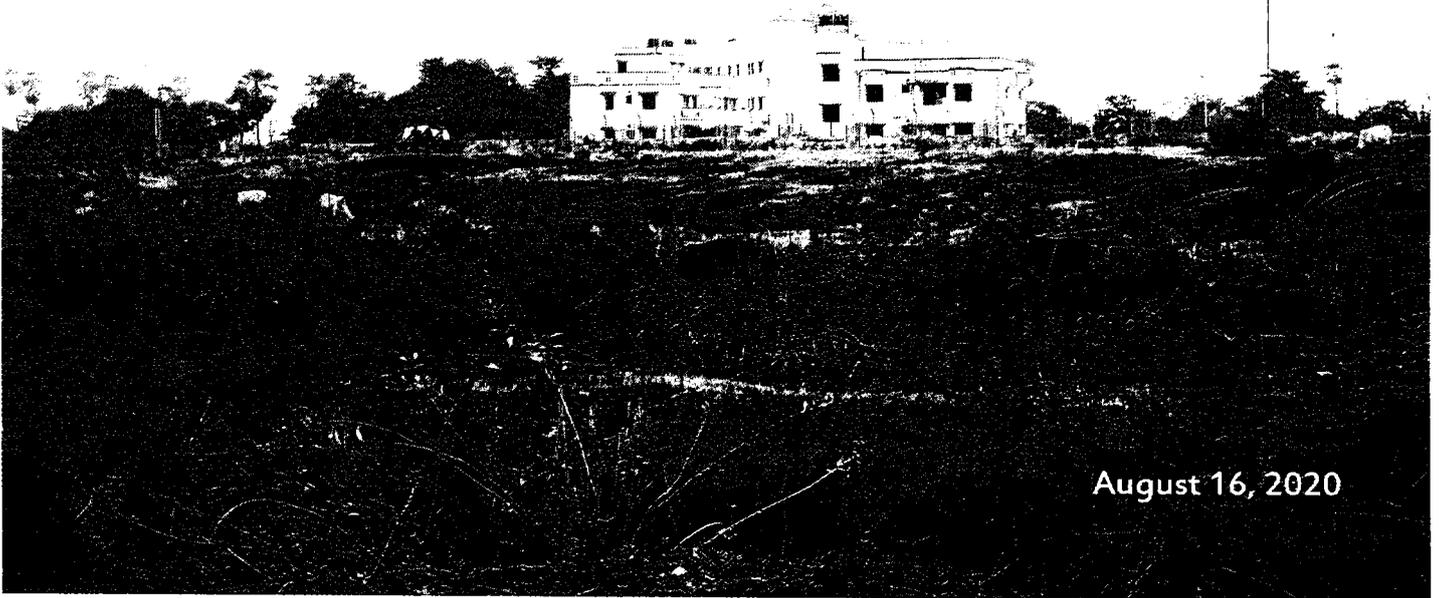
Block Development Officer

Tetiyabambar

// true transmitted copy //

**ANNEXURE- G-5(colly)**

158



This Photograph has been taken from a distance and shows that the impugned construction/new block cum circle office building situated at Tetiya Bamber Block, District Munger, is situated at distance of more than **250 feet i.e. 76.2** meters from River Mahanoy.

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This photograph has been taken from close range and shows that the impugned construction/ new block cum circle office building situated at Tetiya Bamber Block, District Munger, is fully compounded three storey building, complete in all respects and it is not situated or even close to the river bed.



This photograph shows that the boundary wall of the aforesaid impugned construction/ new block cum circle office building situated at Tetiya Bamber Block, District Munger is also at a distance of 100 feet i.e. 30.48 meters from River Mahanoy and even during the peak monsoon season it has enough water way available on both flanks of the river Mahanoy. This photo also shows the view of the river from the impugned construction.



These photographs show the width, depth and flow of the river Mahanoy during peak monsoon season. These photos clearly show that river Mahanoy has a maximum width of 25 to 30 feet (7 to 9 meters) and maximum depth of 3 to 4 feet (around 1 meter only).



These photographs show the width, depth and flow of the river Mahanoy during peak monsoon season. These photos clearly show that river Mahanoy has a maximum width of 25 to 30 feet (7 to 9 meters) and maximum depth of 3 to 4 feet (around 1 meter only).



These photographs show the flow of the river during peak monsoon season at a nearby location from the aforesaid impugned construction/ new block cum circle office building situated at Tetiya Bamber Block, District Munger.

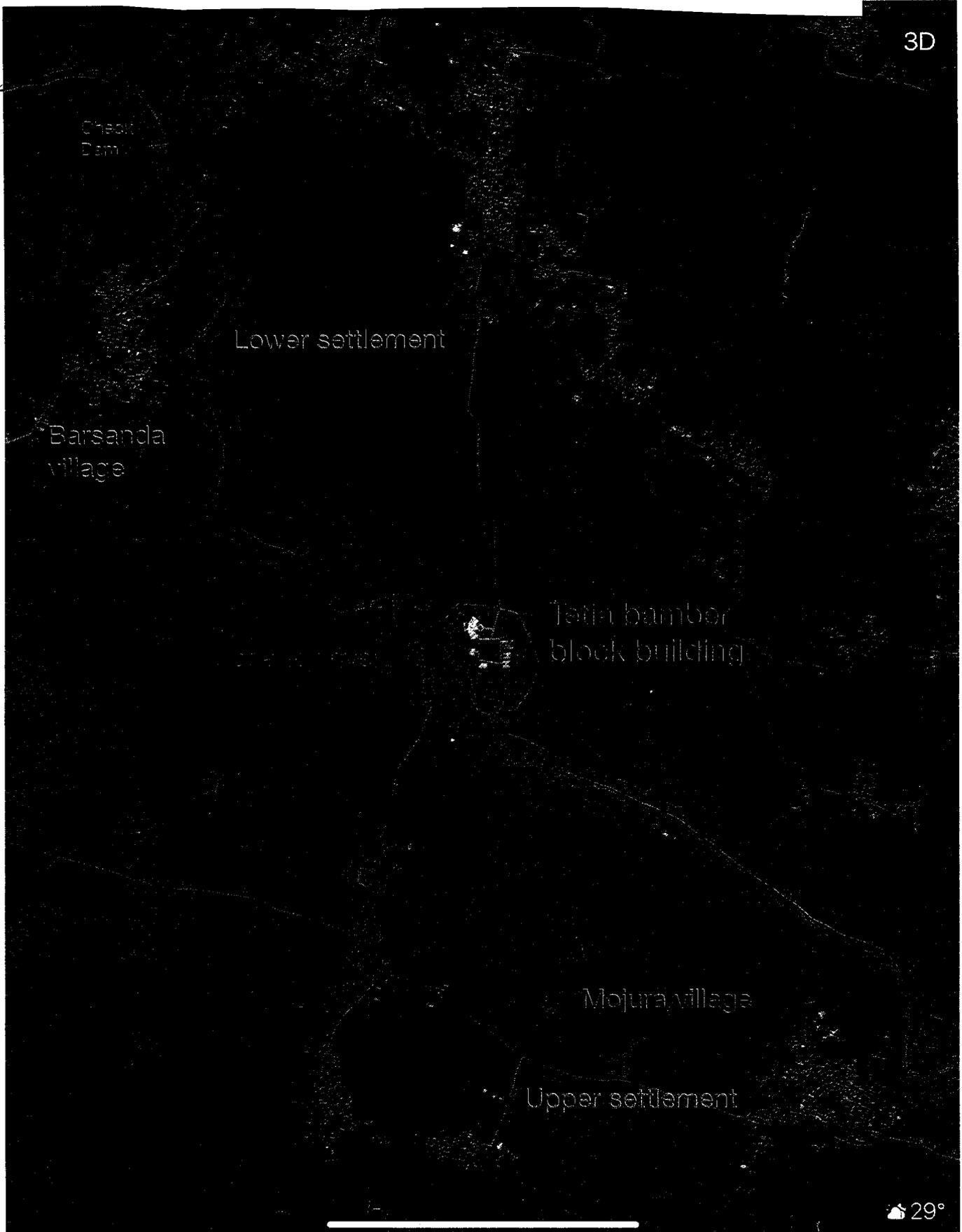


These photographs show the flow of the river during peak monsoon season at a nearby location from the aforesaid impugned construction/ new block cum circle office building situated at Tetiya Bamber Block, District Munger.



This Photograph shows the view of the impugned construction from river side and the flow of the water in Mahanoy River and the flow of the river/water has not been affected in any manner from the impugned construction .

This satellite image shows that the impugned construction/new block cum circle office building is situated at a distance of more than 60 meters from River Mahanoy.



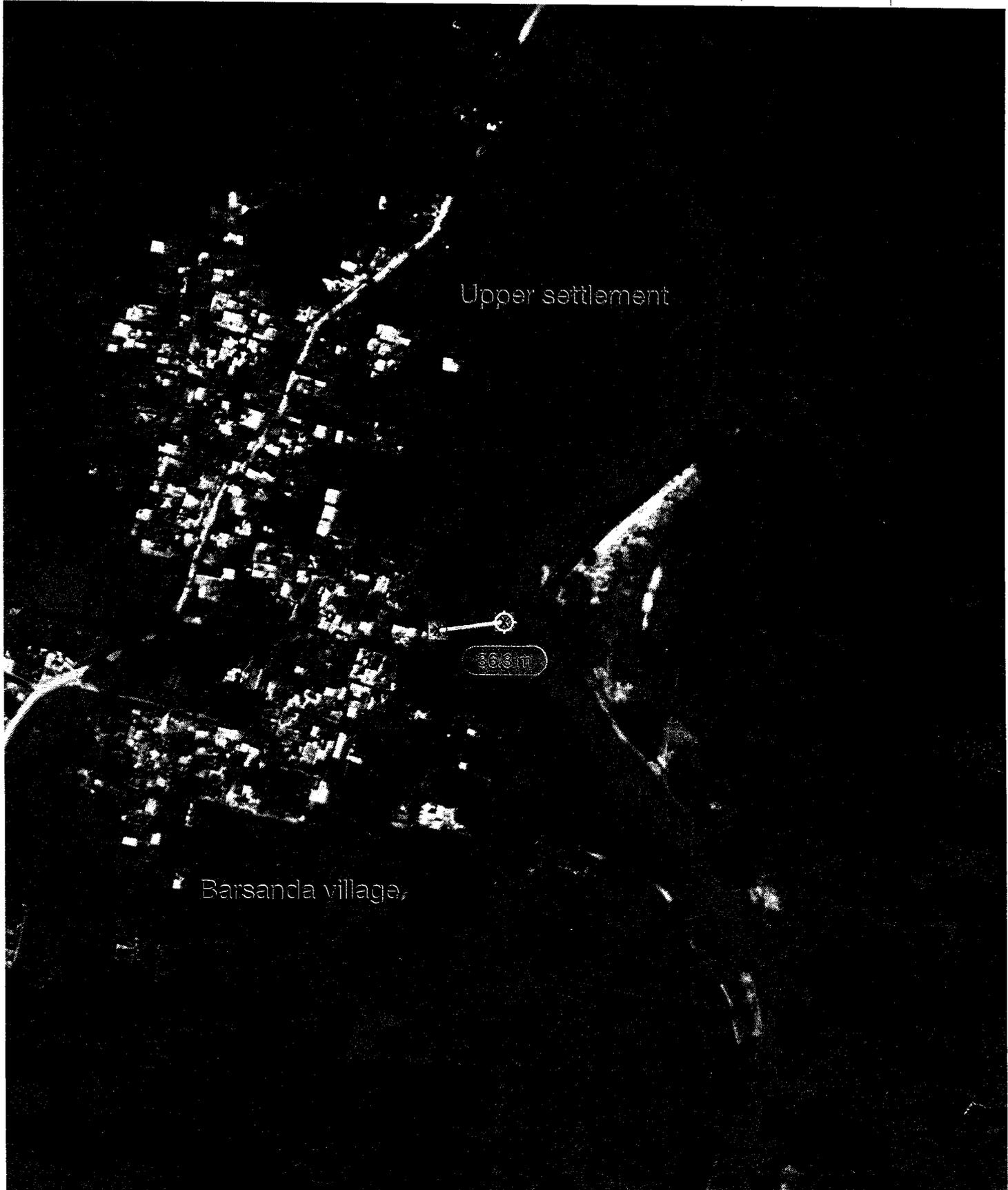


Distance ?

+ Add Point

36.3 m ▾

This satellite image shows that the Upper Settlement of River Mahanoy and the Mojura Village is situated at a distance of only about 36.3 meters from River Mahanoy.



Distance ?

+ Add Point

36.3 m

This satellite image shows the Lower Settlement of the river Mahanoy and the Barsanda village is situated at a distance of 36.3 meters from River Mahanoy.

[true typed copy at pg. 174]

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ANNEXURE-07-6

बिहार सरकार  
नगर विकास एवं आवास विभाग

अधिसूचना

सं०-11न०वि०(मा०)-06/2013 अधिसूचना सं०-577 दिनांक 8/12/14 का  
निम्नलिखित अनुवाद बिहार राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है  
जो भारतीय संविधान के अनुच्छेद-348 के खण्ड (3) के अधीन अंग्रेजी भाषा में उसका  
प्राधिकृत पाठ समझा जायेगा।

बिहार राज्यपाल के आदेश से

*Rajendra*  
4.12.2014  
(डॉ० बी० राजेन्द्र)  
सरकार के सचिव  
नगर विकास एवं आवास विभाग

Government of Bihar  
Urban Development and Housing Department

NOTIFICATION

No. 578, UD&HD, -In exercise of the powers conferred under section-  
321 of the Bihar Municipal Act, 2007 and section - 81 (2)(w) of the Bihar Urban  
Planning and Development Act, 2012 and in supersession and modification of  
the all the existing rules on the subject, the Government of Bihar do here by  
notify the Bihar Building Bye laws, 2014, which shall be enforceable to all the  
Municipal Areas, since the date of publication and to Gram Panchayat Areas  
lying within a Planning Area (s), Metropolitan Area (after declaration) in the  
manner prescribed in these Bye Laws.

CHAPTER - I

DEFINITIONS

1. Short title, Extent and commencement.-(1) These byelaws may be called the Bihar Building Byelaws 2014.  
(2) These byelaws shall apply to all building activities in the areas falling in;
  - i. All Municipal Corporations
  - ii. All Municipal Councils

24/10/12

- iii. All Nagar Panchayats
  - iv. All Metropolitan area(s) after declaration by the Government
  - v. All Planning Areas, after notification of implementation of these byelaws, by the Government.
  - vi. ~~Gram Panchayat areas covered under concerned, Development Plan/ Planning Authorities or any Planning Scheme notified under Bihar Urban Planning and Development Act 2012 after notification of implementation of these bye laws, by the Government.~~
  - vii. All existing rules, regulations, byelaws, orders that are in conflict or inconsistent with these bye laws shall stand modified to the extent of the provision of these bye laws.
- (3) The State Government may notify certain areas on its own or on the recommendation of the Planning Authority or Municipalities, where these bye-laws shall not apply.
  - (4) In case Master Plan/Development Plans/Zonal Plans are notified by the authority subsequent to the publication of these bye laws, the corresponding provisions made in the master plan/development plans/zonal plans shall override the provisions made in these bye laws.
  - (5) These bye laws shall come into force on the date of their publication in the Bihar Gazette.

2. Definitions

- (1) In these bye laws, unless the context otherwise requires:
  - (1) "Act" means the Bihar Urban Planning and Development Act 2012;
  - (2) "Municipal Act" means Bihar Municipal Act 2007;
  - (3) "Advertising Sign" means any surface or structure with characters, letters or illustrations applied there to and displayed in any manner whatsoever outdoors for the purpose of advertising or giving information or to attract the public to any place, person, public performance, article, or merchandise, and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to the ground or to any pole, screen, fence or hoarding or displayed in space, or in or over any water body included in the jurisdiction of the Authority;
  - (4) "Agricultural use" means use of land for the purpose of agriculture, horticulture, sericulture, animal husbandry, poultry farming, plant nursery, piggery, dairy farming, vegetable farming and any activity related to agriculture or milk chilling plant;
  - (5) "Air-Conditioning" means the process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of conditioned space;

*[Signature]*

*[Signature]*  
4.12.12

*[Signature]*

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24/1/70

- (6) "Air Port Reference Point" means a designated point, which is established in the horizontal plane at or near the geometric center of the landing area as defined by the concerned airport authority;
- (7) "Amenity" means roads, street, open spaces, parks, recreational grounds, play grounds, gardens, water supply, electric supply, streetlighting, sewerage, drainage, public works and other utilities, services and conveniences;
- (8) "Annexure" means an Annexure appended to these bye laws;
- (9) "Apartment" means a part of the property, provided by the promoter/developer in a multi-storied building intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors or any part for the practice of any profession or for the carrying on of any occupation, trade or for business or such other type of independent use as may be prescribed, and with a direct exit to a public street, road or highway or to a Common area or room (whether or not adjacent to the multi-storied building in which such Apartment is located) Provided by the promoter for use by the owner of such Apartment for parking any vehicle or as the case may be for the residence of any domestic aide employed in such an Apartment.
- (10) "Addition/ Alteration" means structural change, such as addition to the covered area or height or the removal of part of a building or construction or cutting into or removal of any wall, partition, column, beam, joist, floor or other support, or a change to the fixture of equipment of the building;
- (11) "Applicant" means the person who is the owner of the land or building or has title to a land or building and includes :
- A. A trustee who is entrusted with or is concerned with any building;
  - B. a receiver, executor or administrator or a manager appointed by any Court of competent jurisdiction to have the charge of or to exercise the rights of the owner; and
  - C. a mortgagee in possession;
- (12) "Art Commission" means The Bihar Urban Arts and Heritage Commission constituted under Section 77 of the Bihar Urban Planning and Development Act 2012;
- (13) "Authority" means the Designated Officer of the respective Planning Authority. In case of areas not covered under the Planning Authority, it shall be the Chief Municipal Officer of the respective Municipalities;

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sp/ln.

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172  
24/10

- (14) "Balcony" means a projection to serve as passage or sit out place including a hand rail or balustrade;
- (15) "Barsati" means a covered space of the roof used as a shelter during rain. It will have at least one side open and will not cover more than 20 % of the area of the roof and in no case such covered area will not exceed more than 20 sq m. Barsati shall be a common area of the building and shall not be sold out as a separate unit. In case construction is made in violation of the norms mentioned the barsati shall be treated and accounted for as a separate floor under these byelaws.
- (16) "Basement or cellar" means lower storeys of a building, below or partly below the ground level;
- (17) "Builder" means an applicant, land owner, contractor, holder of power of attorney of the land owner, partnership, trust or company which has responsibility for construction, leasing, selling or disposing otherwise of a building for residential and other purposes and duly registered by the Authority;
- (18) "Building" means any structure or erection or part of a structure or erection which is intended to be used for residential, commercial, industrial or any other purpose whether in actual use or not, and in particular. The building shall be classified as below :
  - A. "Assembly Building" refers to a building or part of a building where group of people congregate or gather for amusement, recreation, social, religious, patriotic and similar purposes and includes theaters, assembly halls, auditoria, exhibition halls, museum, skating rinks, gymnasium, dance hall, clubrooms recreation piers and stadia;
  - B. "Commercial Building" refers to a building or part of a building, which is used for transaction of business, keeping of accounts and records or for similar purposes and includes Banks and Commercial Offices and Corporate offices. It shall include mercantile buildings like shops, stores, market display and sale of merchandise either in wholesale or retail, or offices, storage or services facilities incidental to the sale of merchandise and includes Cinema Halls, Petrol Pumps, Hotels, Restaurants, Clinics, Pathology Labs, Nursing Homes, Lodge-cum-guesthouses & Dharma Kantas, etc.;
  - C. "Educational Building" refers to a building used for school, college or daycare purpose for more than 8 hours per week involving assembly, instructions, education or recreation;
  - D. "Hazardous Building" refers to a building or part of a building which is used for the storage, handling, manufacture or

Ref

Bihar Building Bye-Laws

*[Handwritten signatures and dates]*  
4/12/14

*[Handwritten mark]*

173  
239/10

processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes, or the storage, handling, manufacturing or processing of which involves highly corrosive, toxic, obnoxious alkalis, acids or other liquids, gases or chemicals, producing flame, fumes and explosion, poisonous irritant or corrosive gasses and for the storage, handling or processing of any material producing explosive mixture of dust or which result in the division of matter into fine particles subject to spontaneous ignition. This shall include petrol filling stations;

- E. "Industrial Building" refers to a building or part of a building in which products or materials of all kind and properties are fabricated, assembled or processed such as assembly plants, laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies or factories;
- F. "Institutional Building" refers to a building or part of a building which is used for purposes such as Research and Training Centre, Public/Semi Public offices, Hospitals, Dispensaries and Health Centers;
- G. Mercantile Buildings. - These shall include any building or part of a building which is used as shops, stores, market, for display and sale of merchandise, either wholesale or retail, office, stores, and service facilities incidental to the sale of merchandise and located in the same building shall be included under this group.
- H. "Residential Building" refers to a building in which sleeping accommodation is provided for normal residential purpose with or without cooking or dining or both facilities and includes one or two or multi-family dwelling dormitories, apartment houses, flats and hostels;
- I. "Public Utility Building" means and includes Post Office, Police Station, Fire Station, Hospital, Dispensary, and Telephone Exchange, sub-station, water works, Taxi Stands, Bus Terminals, etc.;
- J. "Storage Building" refers to a building or part of building used primarily for the storage or sheltering of goods, storehouses, hangers, terminal depot, grain elevators, barn or stables;
- K. "Multi-Level Car Parking Building" means a building partly below ground level having two or more basements or above ground level, primarily to be used for parking of cars, scooters or any other type of light motorized vehicles;

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4.12.14  
4/12/14  
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ANNEXURE-01-6

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GOVERNMENT OF BIHAR

URBAN DEVELOPMENT & HOUSING DEPARTMENT

NOTIFICATION

No. 11 Na.Vi. (ma.)-06/2013 Notification No. 577 dated 08.12.2014.

The following translation is being published by the authority of Governor of Bihar, which shall be read as it's authorized contents in English under Article 348 Part(3) of the Constitution of India.

By the orders of Governor of Bihar

Sd/-

(Dr. B. Rajender)

Secretary to the Government

Urban Development & Housing Department

Government of Bihar

Urban Development & Housing Department

No. 578 UD & HD – In exercise of powers conferred under Section 321 of the Bihar Municipal Act, 2007 and Section 81 (2)(2) of the Bihar Urban Planning & Development Act, 2012, and in suppression and modification of all the existing rules on the subject, the Government of Bihar do hereby notify the Bihar Building Bye Laws, 2014, which shall be enforceable to all the Municipal Areas, since the date of publication and to Gram Panchayat Areas lying within a Planning Area (s), Metropolitan Area (after declaration) in the manner prescribed in these Bye Laws.

CHAPTER-I

DEFINITIONS

1. Short title, Extent and commencement : (1) These byelaws may be called the Bihar Building Byelaws 2014.  
  
(2) These bylaws shall apply to all building activities in the areas falling in :-

- i. All Municipal Corporations
- ii. All Municipal Councils
- iii. All Nagar Panchayats
- iv. All Metropolitan area(s) after declaration by the Government.
- v. All Planning Areas, after notification of implementation of these bylaws, by the Government.
- vi. Gram Panchayat areas covered under concerned, Development Plan/ Planning Authorities or any Planning scheme notified under Bihar Urban Planning and Development Act, 2012 after notification of implementation of these bye laws, by the Government.
- vii. All existing rules, regulations, byelaws, orders that are in conflict or inconsistent with these bye laws shall stand modified to the extent of the provision of these bye laws.

- (3) The State Government may notify certain areas on its own or on the recommendation of the Planning Authority or Municipalities, where these bye-laws shall not apply.
- (4) In case Master Plan/ Development Plans/ Zonal Plans are notified by the authority subsequent to the publication of these bye laws, the corresponding provisions made in the master plan/ development plans/ zonal plans shall override the provisions made in these bye laws.
- (5) These bye laws shall come into force on the date of their publication in the Bihar Gazette.

2. Definitions:

- (I) In these byelaws, unless the context otherwise requires:
  - (1) "Act" means the Bihar Urban Planning & Development Act, 2012 :
  - (2) "Municipal Act" means Bihar Municipal Act, 2007;

- (3) "Advertising Sign" means any surface or structure with characters, letters or illustrations applied there to and displayed in any manner whatsoever outdoors for the purpose of advertising or giving information or to attract the public to any place, person, public performance, article, or merchandise and which surface or structure is attached to, forms part of, or is connected with any building, or is fixed to the ground or to any pole, screen, fence or hoarding or displayed in space, or in or over any water body included in the jurisdiction of the Authority;
- (4) "Agricultural use" means use of land for the purpose of agriculture, horticulture, sericulture, animal husbandry, poultry farming, plan nursery, piggery, diary farming, vegetable farming and any activity related to agriculture or milk chilling plant;

- (5) "Air-Conditioning" means the process of treating air so as to control simultaneously its temperature, humidity, cleanliness and distribution to meet the requirement of conditioned space;
- (6) "Air Port Reference Point" means a designated point, which is established in the horizontal plane at or near the geometric center of the landing area as defined by the concerned airport authority;
- (7) "Amenity" means roads, street, open spaces, parks, recreational grounds, play grounds, gardens, water supply, electricity supply, streetlighting, sewerage, drainage, public works and other utilities, services and conveniences;
- (8) "Annexure" means an Annexure appended to these bye laws;
- (9) "Apartment" means a part of the property, provided by the promoter/developer in a multi-

storied building intended for any type of independent use, including one or more rooms or enclosed spaces located on one or more floors or any part for the practice of any profession or for carrying on of any occupation, trade or for business or such other type of independent use as may be prescribed, and with a direct exit to a public street, road or highway or to a Common area or room (whether or not adjacent to the multi-storied building in which such Apartment is located) Provided by the promoter for use by the owner of such Apartment for parking any vehicle or as the case may be for the residence of any domestic aide employed in such an Apartment.

- (10) "Addition/Alteration" means structural change, such as addition to the covered area or height or the removal of the part of building or construction or cutting into or removal of any wall, partition, column, beam, joint, floor or other

support, or a change to the fixture of equipment of the building;

(11) "Applicant" means the person who is the owner of the land or building or has title to a land or building and includes :

A. A trustee who is entrusted with or is concerned with any building;

B. a receiver, executor or administrator or a manager appointed by any Court of competent jurisdiction to have the charge of or to exercise the rights of the owner; and

C. a mortgagee in possession;

(12) "Art Commission" means The Bihar Urban Arts and Heritage Commission constituted under Section 77 of the Bihar Urban Planning and Development Act, 2012;

- (13) "Authority" means the Designated Officer of the respective Planning Authority. In case of areas not covered under the Planning Authority, it shall be the Chief Municipal Officer of the respective Municipalities;
- (14) "Balcony" means a projection to serve as passage or sit out place including a hand rail or balustrade;
- (15) "Barsati" means a covered space of the roof used as shelter during rain. It will have at least one side open and will not cover more than 20% of the area of the roof and in no case such covered area will not exceed more than 20 sq. m. Barsati shall be a common area of the building and shall not be sold out as a separate unit. In case construction is made in violation of the norms mentioned in the barsati shall be treated and accounted for as a separate floor under these bye laws.

- (16) "basement or Celler" means lower storyes of a building, below or partly below the ground level;
- (17) "Builder" means an applicant, land owner, contractor, holder of power of attorney of the land owner, partnership, trust or company which has responsibility for construction, leasing, selling or disposing otherwise of a builder for residential and other purposes and duly registered by the Authority;
- (18) "Building" means any structure or erection or part of a structure or erection which is intended to be used for residential, commercial, industrial or any other purpose whether in actual use or not, and in particular. The building shall be classified as below:-
- A. "Assembly Building" refers to a building or part of a building where group of people congregate or gather for amusement,

recreation, social, religious, patriotic and similar purposes and includes theaters, assembly halls, auditorium, exhibition halls, museum, skating rinks, gymnasium, dance hall, clubrooms recreation peirs and stadia;

- B. "Commercial Building" refers to a building or part of a building, which is used for the transaction of business, keeping of accounts and records or for similar purposes and includes Banks and Commercial Offices and Corporate Offices. It shall include mercantile buildings like shops, stores, market display and sale of merchandise either in wholesale or retail, or offices, storage or services facilities incidental to the sale of merchandise and includes Cinema Halls, Petrol Pumps, Hotels, Restaurants, Clinics,

Pathology Labs, Nursing Homes, Lodge-cum-guesthouses 7 Dharma Kantas etc.

C. "Educational Building:" refers to a building used for school, college or daycare purpose for more than 8 hours per week involving assembly, instructions, education or recreation;

D. "Hazardous Building" refers to a building or part of a building which is used for the storage, handling, manufacture or processing of highly combustible or explosive materials or products which are liable to burn with extreme rapidity and/or producing poisonous fumes, or the storage, handling, manufacturing or processing of which involves highly corrosive, toxic, obnoxious alkalis, acids or other liquids, gages or chemicals, producing flame, fumes and explosion, poisonous irritant or

corrosive gasses and for the storage, handling or processing of any material producing explosive mixture of dust or which result in the division of matter into fine particles subject to spontaneous ignition. This shall include petrol filling stations;

E. "Industrial Building" refers to a building or part of a building in which products or material of all kind and properties are fabricated, assembled or processed such as assembly plants, laboratories, power plants, smoke houses, refineries, gas plants, mills, dairies or factories;

F. "Institutional Building" refers to a building or part of a building which is used for purposes such as Research and Training Centre, Public/Semi-Public Offices,

Hospitals, Dispensaries and Health Centers;

- G. Mercantile Buildings – These shall include any building or part of a building which is used as shops, stores, market, for display and sale of merchandise, either wholesale or retail, office, stores, and service facilities incidental to the sale of merchandise and located in the same building shall be included under this group.
- H. Residential Building refers to a building in which sleeping accommodation is provided for normal residential purpose which or without cooking or dining or both facilities and includes one or two or multi-family dwelling dormitories, apartment houses, flats and hostels;

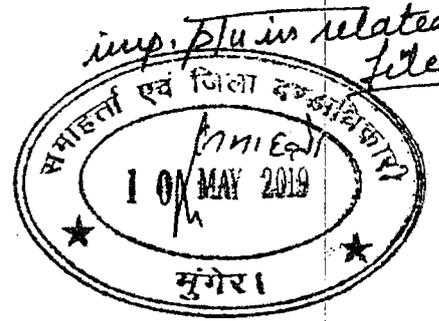
- I. "Public Utility Building" means and includes Post Office, Police Station, Hospital, Dispensary, and Telephone Exchange, sub-station, water works, Taxi Stands, Bus Terminals etc.;
- J. "Storage Building" refers to a building or part of building used primarily for the storage or sheltering of goods, storehouses, hangers, terminal depot, grain elevators, barn or stables;
- K. "Multi-Level Car Parking Building" means a building partly below ground level having two or more basements or above ground level, primarily to be used for parking of cars, scooters or any other type of light motorized vehicles;

// true typed copy //

# ANNEXURE-G-7

भवन निर्माण विभाग, बिहार, पटना।

16/5/19



106  
10-3-19  
T/S/S

प्रेषक,

अनिल कुमार  
मुख्य वास्तुविद्.

सेवा में,

प्रधान सचिव,  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार, पटना।  
सचिव,  
ग्रामीण विकास विभाग, बिहार, पटना।  
परामर्शी,  
पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार, पटना।

पटना, दिनांक..... मई, 2019

विषय:- माननीय NGT, कोलकाता में डायर O.A No- 173/2017/EZ Mahanoy River Safety Society बनाम बिहार राज्य एवं अन्य के संबंध में।

प्रसंग:- परामर्शी पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, बिहार, पटना का पत्रांक- 475 (ई) 29.04. 2019।

महाशय,

उपर्युक्त विषयक प्रासंगिक पत्र के संलग्न माननीय NGT कोलकाता द्वारा विषयाधीन मामले में दिनांक 11.03.2019 को पारित आदेश के अनुपालन में निदेशानुसार कहना है कि-

1. बिहार भवन उपविधि 2014 के अन्तर्गत उपविधि 22 (प्रति संलग्न) में नदी के सामने की भूमि के निकट के निर्माण पर प्रतिबंध का प्रावधान किया गया है जो निम्न है-

"(I) विरासत वाले भवनों की मरम्मत तथा नवीकरण के कार्य के सिवाय, गंगा के सामने वाली भूमि की बाहरी चाहरदीवारी (सिंचाई विभाग द्वारा यथा विहित) से 200 मीटर का भूमि पट्टी या राज्य सरकार द्वारा समय समय पर यथा विहित इससे अधिक दूरी के अन्तर्गत किसी भवन के निर्माण या पुनर्निर्माण की अनुमति नहीं दी जाएगी।

(II) गंगा से भिन्न नदियों के मामले में, किसी नदी के सामने वाली भूमि की बाहरी चाहरदीवारी (सिंचाई विभाग द्वारा यथा विहित) से 100 मीटर की भूमि पट्टी या राज्य सरकार द्वारा समय समय पर यथा विहित इससे अधिक दूरी के अन्तर्गत किसी भवन के निर्माण या पुनर्निर्माण की अनुमति नहीं दी जाएगी। राज्य सरकार ऐसी नदियों की सूची अधिसूचित करेगी।

(III) नदी की परिसीमा के अन्तर्गत किसी निर्माण की अनुमति नहीं दी जाएगी।

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(IV) उपर्युक्त उपखंड के अंतर्गत भी, कोई आयोजना प्राधिकरण या सरकार/निकास विभाग के अनुमोदन नदी के सामने की भूमि, घाटों, का विकास और सौंदर्यीकरण या पुनरुद्धार की गई भूमि पर कोई अन्य योजनाबद्ध विकास कार्य करने में समर्थ होगा।"

विषयांकित नदी के अधिसूचित नहीं होने के कारण भवन उपविधि की कंडिका -22 (II) इस निर्माण पर प्रभावी नहीं है।

2. (I) मुँगेर जिला के अंतर्गत टेटियाबम्बर प्रखंड कार्यालय के निर्माण का निर्णय, ग्रामीण विकास विभाग, बिहार, पटना द्वारा लिया गया एवम् उनके पत्रांक- 736 दिनांक 22.01.2008 द्वारा इस कार्य के लिए कंसलटेंट का चयन किया गया।

(II) दिनांक 21.05.2012 को समाहर्ता की अध्यक्षता में प्रखंड-सह-अंचल कार्यालय-सह- आवासीय भवन टेटियाबम्बर के भवन निर्माण हेतु भू-अधिग्रहण की अनुशंसा जिला स्तर चयन समिति द्वारा की गयी।

(III) समाहरणालय, मुँगेर (जिला राजस्व शाखा) के पत्रांक- 80 दिनांक 07.02.2012 द्वारा विषयांकित कार्यालय एवम् आवासीय भवनके निर्माण हेतु भू-अर्जन के लिए सैद्धांतिक सहमति तथा इस पर होने वाले व्यय के लिए राशि उपलब्ध कराने का अनुरोध ग्रामीण विकास विभाग से किया गया।

(IV) ग्रामीण कार्य विभाग के पत्रांक- 160022 दिनांक 16.08.2013 के द्वारा समाहर्ता, मुँगेर को सूचित किया गया कि टेटियाबम्बर प्रखंड सह अंचल के कार्यालय सह आवासीय भवन निर्माण हेतु विभागीय पत्रांक- 151589 दिनांक 11.06.2013 के द्वारा 5.28 एकड़ भूमि के अर्जन की प्रशासनिक स्वीकृति एवम् पत्रांक- 155148 दिनांक 10.07.2013 के द्वारा उक्त के लिए राशि का आवंटन दिया गया है। उक्त पत्र में वर्णित बिन्दुओं पर प्रतिवेदन की अपेक्षा समाहर्ता, मुँगेर से की गयी।

(V) प्रखंड-सह-अंचल कार्यालय -सह- आवास, टेटियाबम्बर के लिए प्रस्तावित भूमि पर विभागीय निदेश के आलोक में अपर समाहर्ता की अध्यक्षता में अंचल अधिकारी, टेटियाबम्बर, भूमि सुधार उपसमाहर्ता, खड़गपुर, अनुमंडल पदाधिकारी, खड़गपुर एवम् कार्यपालक अभियंता जल संसाधन विभाग द्वारा स्थलीय निरीक्षण कर प्रतिवेदित किया गया कि भूमि का वर्तमान में स्वरूप बदल गया है। नदी का छाड़न समतल मैदान के रूप में परिवर्तित हो गया है। रास्ता का स्वरूप बदल कर मैदान का रूप ले लिया गया है। अंचल अधिकारी, टेटियाबम्बर, भूमि सुधार उपसमाहर्ता, खड़गपुर, अनुमंडल पदाधिकारी, खड़गपुर एवम् कार्यपालक अभियंता जल संसाधन विभाग की अनुशंसा के आलोक में मौजा-टेटिया, थाना नं०- 364, खाता नं०- 330 खेसरा नं०- 1217 एवम् 898, रकवा- 04.55 एकड़ गैरमजरूआ आम नदी मुहाना एवम् रास्ता एवम् मौजा-लगामा, थाना नं०- 352, खाता नं०- 37, खेसरा नं०- 118 रकवा - 01.85 एकड़ यानि कुल रकवा- 06.40 एकड़ भूमि गैरमजरूआ आम नदी मुहाना की भूमि की अन्तर विभागीय हस्तांतरण हेतु दिनांक 08.03.2014 को समाहर्ता, मुँगेर द्वारा अनुशंसा की गयी।

(VI) उक्त परियोजना के लिए ग्रामीण विकास विभाग के द्वारा भूमि उपलब्ध कराने तथा उनके पत्रांक- 173358, दिनांक 08.10.2014 के द्वारा दी गयी प्रशासनिक स्वीकृति के आलोक में चयनित कंसलटेंट द्वारा

समर्पित नक्शों के आधार पर प्रस्ताव का निर्माण किया गया है। जो हस्तांतरित एवम् दिनांक 16.01.2019 को उद्घाटित है।

3. "दिनांक 11.01.2018 को विषयाधीन वाद में माननीय NGT, Kolkata द्वारा पारित आदेश के अनुपालन में जिला पदाधिकारी मुँगेर द्वारा अपर समाहर्ता, अनुमंडल पदाधिकारी, खडगपुर एवम् अंचल अधिकारी टेटियाबम्बर के साथ प्रश्नगत भूमि की स्थानीय जाँच की गयी एवम् निरीक्षण टिप्पणी अनुलग्नक- R-13 के रूप में दिनांक 26.02.2018 को माननीय NGT के समक्ष दायर प्रतिशपथ पत्र के साथ संलग्न किया गया। उक्त निरीक्षण टिप्पणी का निम्नअंश अवलोकनीय है- "प्रश्नगत भूमि के अंश भाग पर निर्माणाधीन प्रखंड-सह-अंचल कार्यालय का निर्माण कार्य चहादरीवारी सहित लगभग पूर्ण है। सिर्फ फिनिशिंग बाकी है। जाँच के क्रम में पाया गया कि प्रश्नगत भूमि मुहाने नदी के छाड़न वर्तमान में समतल मैदान के रूप में बदल गया है। मुहाने नदी एक बरसाती नदी है, जिसकी चौड़ाई औसतन 25 से 35 फीट है एवम् वर्तमान में नदी सूखी हुई है। सिर्फ बरसात के दिनों में पानी रहता है। निर्माणाधीन प्रखंड-सह-अंचल कार्यालय के चहारदीवारी से वर्तमान में नदी 100 फीट से अधिक दूरी पर है तथा निर्माणाधीन प्रखंड-सह-अंचल कार्यालय के मुख्य भवन से (लगभग) 250 फीट की दूरी पर नदी है। प्रखंड-सह-अंचल कार्यालय भवन निर्माण होने से नदी के बहाव अथवा फ्लैंग, पर्यावरण एवम् प्रदूषण की दृष्टि से नदी पर कोई प्रतिकूल असर नहीं पड़ रहा है। उपरोक्त तथ्यों से स्पष्ट है कि प्रखंड-सह-अंचल कार्यालय का निर्माण जनहित में की जा रही है, जिसमें प्रखंड के लगभग 58000 लोग लाभान्वित होंगे। चूँकि कार्य जनहित में हो रहा है तथा नदी के वर्तमान स्वरूप पर कोई प्रतिकूल प्रभाव नहीं पड़ता है। वर्तमान में प्रखंड कार्यालय सामुदायिक भवन एवम् सूचना भवन में कार्यरत है।" (निरीक्षण टिप्पणी की प्रति संलग्न है।)
4. जिला पदाधिकारी, मुँगेर के निदेश के आलोक में कार्यपालक अभियंता, बाढ़ नियंत्रण प्रमंडल, भागलपुर के पत्रांक- 397 दिनांक 02.05.2019 द्वारा प्रतिवेदित किया गया है कि "टेटियाबम्बर नव निर्मित प्रखण्ड-सह-अंचल कार्यालय-सह-आवासीय भवन परिसर जितवारपुर एवम् लगमा मौजा में अक्षांश 25.053303 से 25.050793 एवम् देशांतर 86.571523 एवम् 86.573489 के बीच निर्मित है। यह परिसर मोहने नदी के दायें तट की ओर स्थित है। मोहने नदी एक छोटी नदी है, तथा इस स्थल पर नदी का Water Way इतना है कि नदी का अधिकतम जलस्त्राव इसके दोनो किनारों के बीच से गुजर सकती है। मोहने नदी से प्रखण्ड-सह-अंचल कार्यालय -सह-आवासीय परिसर के सबसे नजदीक कार्यालय भवन की न्यूनतम दूरी 60 मीटर मापी गई। इस स्थल से लगभग 1 किलोमीटर डाउन स्ट्रीम में बरसांडा ग्राम एवम् लगभग 1 किलोमीटर अप स्ट्रीम में मौजुरा ग्राम नदी तट पर अवस्थित है। ये दोनों गावों की दूरी नदी के तट से लगभग 40 मीटर है। ये गाँव सुरक्षित रूप से अवस्थित है। अतः यह नदी अपने लंबाई के अधिकतम भाग में 15 मीटर से 45 मीटर की चौड़ाई में बहती है। नदी के किनारे Hard Soil से बने है अतः ये कटाव ग्रस्त नहीं है। यदि भविष्य में किसी वजह से अप्रत्याशित बाढ़ की स्थिति उत्पन्न होती है, तो भी इस नदी के दोनों तरफ आवश्यकता से अधिक स्पेस खाली रहने के कारण नदी के जल का फैलाव चारों ओर हो जाएगा। इस कारण से नदी के

5. मार्ग के परिवर्तन नहीं होगा। अतः टेटियाबम्बर नव निर्मित प्रखण्ड-सह-अंचल कार्यालय-सह-आवसीय भवन परिसर के कारण पर्यावरण में कोई प्रतिकूल परिवर्तन दृष्टिगोचर नहीं हो रहा है।

उक्त प्रतिवेदन के आधार पर कार्यपालक अभियंता द्वारा दिया गया भंतव्य निम्न प्रकार है-  
 "टेटियाबम्बर नव निर्मित प्रखण्ड-सह-अंचल कार्यालय-सह-आवासीय भवन परिसर नदी से पर्याप्त दूरी पर स्थित है, तथा इसके कारण पर्यावरण पर कोई प्रतिकूल असर होने की कोई संभावना नहीं है।" (प्रतिवेदन की छाया प्रति संलग्न)

उपरोक्त के आलोक में प्रतिशपथ दायर करने की कार्रवाई कृपया की जा सकती है।

अनु:-यथोक्त।

विश्वासभाजन

ह0/-  
 (अनिल कुमार)  
 मुख्य वास्तुविद्।

ज्ञापांक.....401 (वास्तु)..... पटना, दिनांक.....03 मई, 2019  
 प्रतिलिपि:-प्रधान सचिव के प्रधान आसत सचिव, भवन निर्माण विभाग, बिहार, पटना/जिलाधिकारी मुंगेर/मुख्य अभियंता (दक्षिण)/कार्यपालक अभियंता, भवन प्रमंडल, मुंगेर को सूचनार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

  
 030519  
 (अनिल कुमार)  
 मुख्य वास्तुविद्।

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ANNEXURE-6-7

Letter No. 401 (Arch.)

OFFICE OF CHIEF ARCHITECT

Building Construction Department, Bihar, Patna

From,

Anil Kumar

Chief Architect

To,

The Principal Secretary

Environment, Forest & Climate Change Department, Bihar, Patna.

Secretary

Rural Development Department, Bihar, Patna.

Advisor

Environment, Forest & Climate Change Department, Bihar, Patna.

Patna, dated .....May, 2019

Subject: Regarding O.A. No. 178/2916/EZ Mohanoy River Safety Society Vs. State of Bihar & Ors. filed in Hon'ble NGT, Kolkata.

Ref.: Letter No. 475 (E) dated 29.04.2019 of Advisor,  
Environment, Forest & Climate Change Department,  
Bihar, Patna.

Sir,

As per the directions, in compliance of the order dated 11.03.2019 passed by the Hon'ble NGT, Kolkata in the above subject matter enclosed with the above referred letter, it is to say that :-

1. In Clause 22 of the Bihar Building Byelaws, 2014 (copy enclosed), it has been provided to restrict the construction near the land situated in riverfront, which is as under :-

- (1) No construction or re-construction of any building, within a strip of land of 200 meters, or such other higher distance as may be prescribed from time to time by the State Government, from the outer boundary of the river of Ganges (as prescribed by the Irrigation Department), shall be permitted except for repair and renovation of work of heritage buildings.

- (2) In case of rivers other than the Ganges, no construction or re-construction of any building shall be allowed, within a strip of land of 100 meters, or such distances as prescribed by the State Government, from the outer boundary of the riverfront of any river (as prescribed by the Irrigation Department). The State Government shall notify a list of such rivers.
- (3) No construction shall be allowed within the boundary of the river.
- (4) Notwithstanding the above provisions, any Planning Authority or Government Body shall be able to undertake development and beautification work of riverfront, ghats or any other planned development on reclaimed lands with the approval of the Government.

As the above subject river is not notified, therefore, Clause 22(ii) of Building Byelaws does not apply on this construction.

2. (I) The decision for construction of Tetiyabambar Block Office in District – Munger was taken by the Rural

Development Department, Bihar, and vide his Letter No. 736 dated 22.01.2008, consultant was selected for this purpose.

(II) On 21.05.2012, the District Level Select Committee headed by the Collector, recommended for acquisition of land for the construction of Block-cum-Circle Office - cum - Residential Building.

(III) Vide Letter No. 80 dated 07.02.2012 of Collectorate, Munger (District Revenue Branch), the Rural Development Department was requested to grant in-principle consent for acquisition of land for the construction of above subject Office and Residential Building and to provide funds for the expenditures to be incurred in this regard.

(IV) Vide Letter No. 160022 dated 16.08.2013 of Rural Works Department, the Collector, Munger was informed that vide Departmental Letter No. 151589 dated 11.06.2013 the administrative approval for the acquisition of 5.28 acres land has been granted for the construction of Office-cum-Residential Building and vide Letter No. 155148 dated 10.07.2013, the funds have been allocated for the aforesaid

purpose. On the points mentioned in the aforesaid letter, report was sought from the Collector, Munger.

(V) In pursuance of the departmental instructions for construction of Block-cum-Circle Office-cum – Residential Building on the proposed land, a team of Circle Officer, Tetiyabambar, Land Reforms Deputy Collector, Khadagpur, Sub-Divisional Officer, Khadagpur and Executive Engineer, Water Resources Department headed by the Additional Collector, conducted on the spot inspection and thereby submitted Report that the at present, the nature of land has been changed. The riverfront has been changed as plain ground. The nature of path has been changed and it has taken the form of ground. In the light of recommendations of Circle Officer, Tetiyabambar, Land Reforms Deputy Collector, Khadagpur, Sub-Divisional Officer, Khadagpur and Executive Engineer, Water Resources Department, on 08.03.2014, the Collector, Munger recommended for inter departmental transfer of land bearing Khasra No. 1217 and 898 Rakba 04.55 Acres Gair Majorua Aam Land, River Mohana situated

in Mauja – Tetiya, Thana No. 364, Khata No. 330 and land bearing Khasra No. 118 Rakba 01.85 Acres Gaur Majarua Aam River Mohana situated in Mauja – Lagma, Thana No. 352, Khata No. 37.

(VI) In the light of providing land by the Rural Development Department for the aforesaid Project and in the light of administrative approval granted vide his Letter No. 173358 dated 08.10.2014, the construction of building has been carried out on the basis of Lay Outs submitted by the consultant selected for this purpose, which has been transferred and has been inaugurated on 16.01.2019.

3. On 11.01.2018, in compliance of the order passed by the Hon'ble NGT, Kolkata in the above subject matter, the District Collector, Munger alongwith Additional Collector, Sub-Divisional Officer, Khadagpur and Circle Officer, Tetiyabambar, conducted spot inspection of the land in question and the Inspection Report was annexed with the Counter Affidavit as Annexure R-13, filed before the Hon'ble NGT on 26.02.2018. The following para of aforesaid

Inspection Report is perusable here – “The construction work of under construction Block-cum-Circle Office on the part of the land in question, is almost complete alongwith the boundary wall. Only finishing is left. In continuation of inspection, it was found that the plains of Mohane river has been changed in to the plain ground. Mohane river is a Barsati river, whose’ width is around 25 to 35 f. and at present river is lying dry. It remains filled with water only during rainy season. At present, the river is situated at a distance of more than 100 ft. from the boundary wall of the under-construction Block-cum-Circle Office and around 250 ft. from the main building of under construction Block-cum-Circle Office. Due to the construction of Block-cum-Circle Office, no adverse effect is lying on the flow or flang of the river in view of environment and pollution. From the aforementioned facts, it is clear that the construction of Block-cum-Circle Office in the public interest, in which, around 58000 people of Block would be benefited. Since the work is being carried out in public interest and no adverse effect lies on the existing form

of river. At present, the Block Office is being operated from Community Hall and Suchna Bhawan. (Inspection Note is enclosed herewith).

4. In the light of instructions of District Collector, Munger, the Executive Engineer, Flood Control Division, Bhagalpur vide his letter No. 397 dated 02.05.2019 has reported that :-  
“Tetiyabambar newly constructed Block-cum-Circle Office-cum – Residential Building is situated in Mauja – Jitwarpur and Lagma between the Latitude 25.053303 to 25.050793 and Longitude 86.571523 and 86.573489. These premises are situated on the right bank of Mohane River. Mohane river is a small river, and the water way of this river on the spot is large to such extent that, it’s water floor can flow between both it’s banks. The nearest distance of Block-cum-Circle Office- cum – Residential Building from Mohane River, has been measured to the tune of 60 mtrs. At a distance of approx.. 1 Kms. From this land, Village – Barsanda is situated in downstream, and village- Maujura is situated in upstream. The distance of both these villages from the river bank is

approximately 40 mtrs. These villages are safely situated. Therefore, this river flows in the maximum width of 15 to 45 mtrs. in it's length. The edges of river are made of hard soil, therefore, same are not suffering from erosion. In future, if any situation of unprecedented flood arises due to any reason, even then, due to having more than sufficient space on both the banks of river, the river would spread all around. Due to this reason, there will be no change in the route of river. Therefore, no adverse change in environment is appearing as a result of newly constructed Block-cum-Circle Office- cum – Residential Building in Tetiyabambar.

On the basis of aforesaid Report, the recommendations made by the Executive Engineer are as under : "Tetiyabambar newly constructed Block-cum-Circle Office- cum – Residential Building premises are situated at sufficient distance from the river and there is no possibility affecting the environment adversely due to it."

In the light of above, the proceedings for filing counter affidavit may be conducted.

Encl: As above

Faithfully

(Anil Kumar)

Chief Architect

Memo No. 401 (Arch.)

Patna, dated 03<sup>rd</sup> May, 2019

Copy to: Personal Secretary to the Principal Secretary, Building Construction Department, Bihar, Patna, Bihar, Patna/ Collector, MMunger/ Chief Engineer (South)/ Executive Engineer, Building Division, Munger for information and necessary action.

Sd/- 03.05.2019

(Anil Kumar)

Chief Architect

//true translated copy//



**PROOF OF SERVICE**

Nabi Hasan <nabihasan48@gmail.com>

**203**

**Compliance Affidavti/ Mahanoy river safety society Vs State of bihar IN O No. 178 of 2017**

1 message

Nabi Hasan <nabihasan48@gmail.com>  
To: sachetanghosh@gmail.com

Sat, Aug 29, 2020 at 4:31 PM

Dear sir,

Please find attached the advance copy of the Compliance Affidavit filed before the Hon'ble Tribunals court of delhi on behalf the Respondent

the matter is likely to be listed on 15.09.2020

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--Regards

Nabi Hasan  
Office of Keshav Mohan, Advocate  
D-306, Third Floor, Defence Colony  
NEW DELHI-110024  
(M) +91-8527606415  
nabihasan48@gmail.com

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