

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

Original Application No.187/2023/EZ

Rakesh Kapoor

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

Date of hearing: 09.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Rakesh Kapoor, in person (in Virtual Mode)

For Respondent(s): Mr. Surendra Kumar, Advocate for R-1&3 (in Virtual Mode),
Ms. Amirta Pandey, Advocate for R-2 (in Virtual Mode),
Mr. Tathagata Majumdar, Advocate a/w
Mr. Souvik Mukherjee, Advocate for R-5

ORDER

1. Counter-affidavit dated 05.04.2024 has been filed by Respondent No.5; the same is taken on record.
2. Affidavit dated 12.03.2024 has been filed by Respondent No.3 stating therein that the old heritage at Kanganghat (new Gurudwara) is situated in the Active Flood Plain of River Ganga and the Tourist Facilitation Centre can be said to be “not” situated in Active Flood Plain Zone of River Ganga, as the height of the plinth of the Tourist Facilitation Centre is 50.20 meters and the High Flood Level is 49.82 meters. It is also stated that a matter relating to 213 unauthorized constructions adjacent to River Ganga in and around Patna is under consideration before the Hon’ble Supreme Court in Civil Appeal No.3367 of 2020 and the Hon’ble Court has directed the Union of India to verify the claims of unauthorized constructions on the floodplain of River Ganga in Patna. It is also stated that the Hon’ble Supreme Court has directed the State of Bihar to give an assessment on the survey map giving the ground

level situation as regards particulars of existing constructions on the floodplains of River Ganga in Patna and to file a Report disclosing therein how the floodplains have been described in the revenue records and if there is any construction within the zone of the floodplains of the River Ganga.

3. In view of the facts stated in the affidavit, we are of the view that this matter should be taken up only after decision of the Hon'ble Supreme Court in Civil Appeal No.3367 of 2020.
4. We accordingly adjourn the matter.
5. **List on 22.05.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

April 09, 2024,
Original Application No.187/2023/EZ
MN