

**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: 10.01.2024

**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)

ORDER

1. Heard Mr. Rakesh Kapoor, the Applicant, present in person (in Virtual Mode).
2. This Original Application is being taken up *suo-motu* on a letter complaint dated 07.11.2023 submitted by Mr. Rakesh Kapoor, claiming to be the Mahasachiv of Patna Zila Sudhar Samiti, Mirchai Gali Chowk, Patna City - 80008 (Bihar).
3. The allegation in the complaint is that a Gurudwara situated on the banks of the river Ganga is making construction of a Langar Hall, School, Yatri Niwas and other constructions in the floodplain of the river Ganga by filling-up of earth in the Chimney Ghat (Kanganghat) to Jhauganj Ghat. It is stated that construction material and debri of old buildings is being used to fill-up the area on the right hand side of the Chimney Ghat towards Madarsa.
4. It is also alleged that on Guru Govind Singh Maharaj Prakash Parva, a tent city is set-up on the banks of the Ganga for pilgrims where langar/toilet facilities are organised.

5. Photographs have also been filed along with the complaint letter and the order of the Hon'ble High Court of Patna dated 14.11.2017 passed in Civil Writ Jurisdiction Case No. 12888 of 2017 (*Patna Zila Sudhar Samittee Vs. State of Bihar & Ors.*) has also been filed, showing that the Applicant had previously approached the Hon'ble Patna High Court with respect to the grievance in the present Original Application. The said Writ Petition was dismissed by the Hon'ble High Court with liberty to the writ petitioner (Applicant herein), to take recourse to the remedy permissible under the law. It was observed by the Hon'ble High Court that the issue involved in the writ petition is cognizable by the National Green Tribunal.
6. In our opinion, matter requires consideration.
7. We, therefore, direct the following parties be impleaded as Respondents in the present Original Application:-
 1. State of Bihar, through its Chief Secretary, Patna,
 2. Bihar State Pollution Control Board, through its Member Secretary, Patna,
 3. District Magistrate, Patna,
 4. Commissioner, Patna Municipal Corporation, Patna,
 5. Harimandir Sahibji Gurudwara Samiti, through its Prabandhak, Patna,
8. Issue notice to the Respondents.
9. Mr. Surendra Kumar, learned Counsel who is present in Court, accepts notice on behalf of the Respondent Nos.1&3, State Respondents, Government of Bihar.
10. Ms. Amirta Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.2, Bihar State Pollution Control Board.

11. Issue notice to the Respondent Nos.4 & 5, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:
- (i) Senior Scientist, Bihar State Pollution Control Board,
 - (ii) District Magistrate, Patna, or his representative not below the rank of Additional District Magistrate, and
 - (iii) Commissioner, Patna Municipal Corporation, or his senior representative,
14. The Committee shall visit the site in question and submit its report within four weeks with regard to the allegations made.
15. The District Magistrate, Patna, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
16. The Applicant shall serve copy of the complaint along with all its annexures upon Mr. Surendra Kumar and Ms. Amrita Pandey, learned Counsel for the Respondents within 48 hours.
17. **List on 12.02.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

January 10, 2024,
Original Application No.187/2023/EZ
AK