

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

**OA 126/2017/EZ
With
M.A. NO. 227/2017/EZ**

**MANJHI PARGANAS ABHEN BAISI
Vs
ALIGARH MUSLIM UNIVERSITY
KISHANGANJ, BIHAR & ORS.**

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicant : Mr. Ritwick Dutta, Advocate
Ms. Sreeja Chakraborty, Advocate
Respondents : None

Date & Remarks	Orders of the Tribunal
Items No. 2 & 3 21 st July, 2017.	<p style="text-align: center;">O.A. 127/2017/EZ :</p> <p>Heard.</p> <p>The question raised in this OA is on the proposed construction of a centre of Aligarh Muslim University on the bank of river Mahananda in Kishanganj district in the State of Bihar. It is alleged that out of 224.02 acres of land transferred to the University for the purpose by the Govt., most of it falls on the river bed and flood plains of Mahananda river. It is further alleged that the University authority, the respondent No. 1, has commenced with the work of constructing boundary wall as well as embankment on the river bed and the flood plains of the river which is likely to or has already changed its course. It is stated that such action</p>

of the respondent No. 1 is in gross violation of the River Ganga (Rejuvenation, Protection and Management) Authorities' order, 2016 issued by Notification No. SO 3187 (E) dated 7th October, 2016, more particularly, clause (3) of Para 6 thereof. It is stated that Mahananda river falls within the meaning of "tributary" of river Ganga in terms of clause 3(ze) of the said order.

It is also alleged that for the use in the ongoing construction, respondent No. 1, has been extracting minor minerals like sand and stone from the river bed and the bank, in clear violation of the direction issued by the Hon'ble Supreme Court in Deepak Kumar's case as well as the Sustainable Sand Mining Management Guidelines, 2016, issued by MOEF.

Apart from these, there are a host of other issues raised by the applicant in the OA with which we shall deal later but, for the moment suffice it to observe that those are quite grave.

Upon hearing Mr. Ritwick Dutta, Ld. advocate for the applicant and on perusal of the pleadings and documents as well as the notification No. 3187(E) dated 7th October, 2016 issued by the Ministry of Water Resources, River Development and Ganga Rejuvenation, we are satisfied that substantial question relating environment has been raised in this OA.

Issue notice upon the respondents returnable within three weeks.

Let requisites be filed within a week as prayed for.

M.A. 227/2017/EZ :

In view of our finding recorded in the order passed in the OA we find prima facie that a case of violation of the River Ganga (Rejuvenation, Protection and Management) Authorities' Notification, 2016 and the guidelines issued by the MOEF prohibiting mining of sand from the river bed, has been made out by the applicant for us to issue an interim order.

We accordingly direct the District Magistrate, Kishanganj, Govt, of Bihar, respondent No. 3, to inspect the area in question and verify on the allegations contained in the OA and if it is found that the allegations are correct to the extent of construction of embankment as well boundary wall or any other work relating thereto are being undertaken on the river bed and on the flood plains of river Mahananada and, that the respondent No. 1, or their agent or subordinates are excavating sand from the river bed, immediate action be taken to prohibit the respondent No. 1 from continuing with the work.

Similarly, we also direct the respondent No. 5, National Ganga River Conservation Authority, to examine the matter in the light of the notification dated 7th October, 2016 and forthwith undertake an inspection of the area where the respondent No. 1 is constructing embankment and boundary wall as alleged

in the OA. If they are satisfied that there are violations, they shall issue such directions as may be deemed proper in the circumstance of the case in exercise of the powers vested in them under para 8 of the River Ganga (Rejuvenation, Protection and Management) Authorities' Notification, 2016.

They shall file their respective reports on the next date with advance copies on the other side.

List both the OA and the MA on 21.8.2017.

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Justice S.P.Wangdi, JM

21-7-2017

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Prof. (Dr.) P. C. Mishra, EM

21-7-2017

