

Item No. 01

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 99/2016(EZ)
(M.A. No. 02/2017)

Savita Kumari

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 10.06.2020

**CORAM: HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

For Applicant(s): Ms. Paushali Banerjee, Advocate

For Respondent(s): Ms. Aishwarya Rajyashree, Advocate for
Respondents No. 1, 4 and 5.
Mr. Surendar Kumar, Advocate for
Respondent No. 3.
Mr. Imran Siddiqui, Advocate for
Respondent No. 6.
Mr. Gorachand Roy Chowdhury,
Advocate for MoEF&CC.

ORDER

1. Case taken up by video conference on *Vidyo App*.
2. The Applicant has brought this case against alleged illegal obstruction of natural flow and characteristics of Jhinharia stream with its outfall into the Dhobia talab, a lake in Hazaribagh, District Hazaribagh, Jharkhand. It is *inter alia*

alleged that the stream which is of about 5 km in length and 30 feet in width is on the verge of extinction due to unauthorized and illegal constructions. The Dhobia talab (a lake/water body) which was originally 12 acres in size has now shrunk to only 5 to 6 acres. The Jhinharia stream is stated to flow through Hazaribagh to join Konar river in the periphery of Hazaribagh town. It is stated that the sewage of the entire residential area is discharged into the stream grossly polluting and contaminating it. Dhobia talab which is situated in the vicinity of Anandpuri colony, a residential colony, gets severely polluted by the sewage discharged from the colony in addition to the heavily polluted water of the Jhinharia stream. The Applicant contends that this has proved to be deleterious to the aquatic animals and natural vegetation as well as threat to the very existence of the Talab. River Konar which is the main source of water for the Hazaribagh town consequently also gets polluted due to the water of the Jhinharia stream.

3. Question has also been raised with regard to disposal of municipal solid waste as well as construction waste into the Dhobia talab and the Jhinharia stream. We need not go into the details of the events transpiring during the course

of the proceedings but will be sufficient to note that reports had been called for from the State PCB and the Deputy Commissioner, Hazaribagh on the quality of water and revenue detail of the talab by order dated 06.12.2016. When the reports revealed conflicting facts, the Tribunal appointed one Mr. Anil Kumar Singh, Range Officer under the Department of Forest, Government of Jharkhand, as Court Commissioner to examine the facts and circumstances pertaining to Dhobia talab and Jhinjaria stream in the light of the factual aspects set out in the Application and file a report.

4. Report was filed on 11.08.2017 by the Commissioner which is yet to be considered and appropriate order be passed in view of other intervening events .
5. Today Ms. Paushali Banerjee, learned Counsel for the Applicant, submits that the situation of Jhinjaria stream and Dhobia Talab has worsened as there is rampant encroachment all around the lake and severe pollution being caused to the Jhinjaria stream and the Dhobia Talab.

6. It may be noted that after having perused and considered the Commissioner's report filed on 11.08.2017, we do not find any reason as to why we should not accept although various objections have been raised. The situation in our view requires urgent intervention. In such view of the matter, we direct constitution of a Committee comprising of (i) the Regional Office, MoEF&CC; (ii) the Regional Office, CPCB; (iii) the Jharkhand Pollution Control Board (State PCB) and, (iv) the District Collector, Harazibagh District. The Committee shall jointly visit the site in question and assess the situation in the light of the facts stated in the application and those set out in the report of the Commissioner.

The Committee shall thereafter propose action to be taken for the mitigation of the situation indicating the appropriate authorities to deal with it.

The State PCB shall be the nodal agency for coordination and for providing logistic support.

7. Let the inspection be conducted within 15 days from hence.
8. The report shall be filed within six weeks thereafter with advance copy on the other side.

9. The Applicant shall furnish a complete set of papers including the report of the Commissioner and copy of this order to each of the Members of the Committee for convenient transaction of the exercise within a period of one week from hence.

10. We also permit the Applicant or her representative to be present during the inspection for which purpose notice shall be issued to her intimating the date, time and venue.

11. In the meanwhile, we prohibit further construction being undertaken in the area by encroaching the water body and the stream and, from disposing off solid waste and discharging sewage in the water bodies. *Status Quo* shall be maintained strictly.

12. List on 06.08.2020.

S.P. Wangdi, JM

Dr. Nagin Nanda, EM

Siddhanta Das, EM

10th June, 2020
O.A. No. 99/2016 (EZ)
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