

Item No. 07

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

O.A. No. 178/2017 (EZ)
(M.A. No. 01/2018)
WITH
E.A. No. 02/2018 (EZ)
IN
O.A. No. 178/2017 (EZ)

Mahanoy River Safety Society

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

Date of hearing: 26.08.2019

**CORAM : HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

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

For Respondent (s): Mr. Surendra Kumar, Advocate for Respondent No. 1.

Ms. Amrita Pandey and Ms. Anamika Pandey, Advocates
for Respondent No.2.

ORDER

1. The only question that requires consideration in this case is as to whether the construction of block Head Quarter Administrative building in Khasra no. 118 falls within the prohibited area and, therefore, is liable to be demolished.
2. Although, it was categorically submitted by the Mr. Surendra Kumar, learned Counsel for the State that no rule has been framed by the State prescribed in the distance criteria, 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 metres, 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. It is not disputed that the construction falls within the prohibited area of the 100 meters as prescribed in the above provision.

4. At this stage, Mr. Surendra Kumar, learned Government Counsel prays for time. Prayer is considered and allowed.

5. List on 16.09.2019 for hearing. It is made clear that no adjournment shall be granted on that date or any ground whatsoever.

S. P. Wangdi, JM

Dr. Satyawan Singh Garbyal, EM

26th August, 2019

O.A. No. 178/2017

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