

**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. Rahul Chowdhury, Advocate	
	Ms. Sreeja Chakraborty, Advocate	
Respondent No. 1	: Mr. Mrinmoy Sardar, Advocate proxy for	
	Mr. A.Pramanick, Advocate	
Respondents No. 2,3,7 & 8	: Mr. Sibojyoti Chakraborti, Advocate proxy for	
	Mr. Surendra Kumar, Advocate	
Respondents No. 5 & 6	: Mr. Ashok Prasad, Advocate	

Date & Remarks	Orders of the Tribunal
Item No. 7 21st August, 2017.	<p style="text-align: center;">Affidavit of service filed by Mrs. Sreeja Chakraborty, Ld. advocate for the applicant, be taken on record.</p> <p>Mr. Mrinmoy Sardar, Ld. Advocate for the respondent No. 1, Aligarh Muslim University, Mr. Ashok Prasad, Ld. Advocate for the respondents No. 5 and 6, National Ganga River Conservation Authority and Ministry of Water Resources, and Mr. Sibojyoti Chakraborti, Ld. Advocate appearing on behalf of Mr. Surendra Kumar, advocate for the State respondents No. 2, State of Bihar, 3, District Magistrate, Kishanganj,</p>

7, Deptt. of Revenue & Land Reforms and 8, Water Resources Deptt, Bihar respectively, pray for time to file affidavits-in-opposition.

The prayers are allowed. Let them do so before the next date with advance copies on the other side.

Mr. Ashok Prasad submits that the direction issued by us on 21.7.2017 directing the respondent No. 5 and 6, National Ganga River conservation Authority and Ministry of Water Resources respectively, could not be complied with as the river Mahananda is in spates and flooded.

While observing that we are not averse to granting the prayer for time, we may observe that as stated by the applicant, the fact that no inspection could be carried out due to the flooded condition of the river, the allegations pertaining to the illegal works of construction of embankment and boundary wall on the river bed and the flood plains as well as illegal mining of minor minerals appear to be true. Anyway, this shall be subject to what shall transpire after the respondents file their returns.

The District Magistrate, Kishanganj, who had been directed to inspect the area in question and verify as to whether the allegations contained in the OA were correct or not and, if found to be true, the construction of embankment and boundary wall on the river bed and the flood plains as well as extraction of minor

minerals shall be prohibited, has failed to file any action taken report as directed.

Let him file the action taken report in terms of the order dated 21.7.2017 without fail before the next date.

It is submitted by the Ld. Advocate for the respondent No. 1, Aligarh Muslim University, that no construction work is being carried out at the moment. Let him file an affidavit affirming this fact, amongst others, before the next date.

List on 5.10.2017.

Justice S.P.Wangdi, JM
21-8-2017

Prof. (Dr.) P. C. Mishra, EM
21-8-2017

