

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.145/2023/EZ
(Earlier OA No.567/2023/PB)

Tribunal on its Own Motion

Applicant(s)

Versus

State of Jharkhand & Ors.

Respondent(s)

Date of hearing: 23.08.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*

For Respondent(s) : Ms. Aishwarya Rajyashree, Adv. for State,
Mr. Dipanjan Ghosh, Adv. for R-5 (in Virtual Mode),
Mr. Surendra Kumar, Adv. for R-6 (in Virtual Mode),
Mr. Apurba Ghosh, Adv. for R-7 (in Virtual Mode),
Mr. Sanjay Upadhyay, Sr. Adv. a/w
Ms. Eisha Krishn, Adv. and
Ms. Mansi Bachani, Adv. for Applicant in I.A. No.56/2024
(in Virtual Mode)

ORDER

I.A. No.56/2024

1. This Interlocutory Application has been filed by the Applicant with the prayer that the Respondent No.2, District Magistrate, East Singhbhum be directed to carry out a re-survey and not to carry out any demolition activities till the adjudication of the present dispute.
2. In the application it is stated that the Applicants, Indranagar, Kalyan Nagar Basti Bachao Sangharh Samiti, Jamshedpur, are aggrieved by the press reports of demolition of their houses as well as certain notices issued by the Office of the Circle Officer, Jamshedpur allegedly for encroachments in the Notified Area,

Jamshedpur which is public land as defined in the Jharkhand Public Land Encroachment Act, 1956 (Bihar Act XV of 1956).

3. It is also stated that the notices were also issued purportedly due to the proceedings in the present Original Application No. 145/2023/EZ which raises the issue of rampant and indiscriminate construction of high-rise buildings on the river bed of Subarnarekha river in violation of the environmental guidelines and that the construction activities by the private individuals have started in the foothills of Dalma Range which is a protected area. It is stated that the Inspection Report which has been submitted before the Tribunal laid down distance criteria for ascertaining as to what constructions would classify as encroachments. The Applicants have sought to explain the distance criteria.
4. However, we find that the first Annexure A/1 at page 7 which has been filed with the Application is a Report published in the Times of India which mentions 'around 150 unauthorised houses in the Steel City faced demolition'.
5. The second Annexure at page 8 of the Application, is a Notice issued to one Shri Santosh Gupta under Section 3 of the Jharkhand Public Land Encroachment Act 1956 to show cause as to why the encroachments should not be removed.
6. Mr. Sanjay Upadhyay, learned Senior Counsel assisted by Ms. Eisha Krishn and Ms. Mansi Bachani, learned Counsel submits that these notices have been issued in view of the Inspection Report filed in the present Original Application proceedings and therefore a re-survey should be ordered. The show cause notice however, does not even remotely refer to the Original Application

proceedings in the present Original Application. The learned Senior Counsel was also not able to show from the Joint Committee Inspection Report that encroachments alleged in the show cause notice or mentioned by him are included in the Inspection Report

7. We are of the view that this **I.A. No. 56/2024** is not maintainable and the same is accordingly rejected.

8. There shall be no order as to costs.

In O.A. 145/2023/EZ

1. Ms. Aishwarya Rajyashree, learned Counsel appearing for the State Respondents, Government of Jharkhand states that affidavit dated 20.08.2024 has been filed but the same has been marked as defective by the office of the Tribunal. We direct her to re-file the affidavit positively within one week.

2. Let the affidavit be filed within one week.

3. If the Ministry of Environment, Forests and Climate Change (MoEF&CC) desires to file its affidavit, it may do so by the next date of listing since direction to that effect was issued as far back as 26.04.2024 and even after four months no counter affidavit has been filed.

4. **List on 02.09.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

August 23, 2024,
Original Application No.145/2023/EZ
(Earlier OA No.567/2023/PB)
SKB