

ITEM NO.39

COURT NO.5

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).3367/2020

ASHOK KUMAR SINHA

Appellant(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 54518/2024 - CLARIFICATION/DIRECTION
IA No. 28766/2024 - EXEMPTION FROM FILING O.T.
IA No. 247125/2023 - EXEMPTION FROM FILING O.T.
IA No. 184904/2023 - EXEMPTION FROM FILING O.T.
IA No. 73609/2023 - EXEMPTION FROM FILING O.T.
IA No. 100859/2020 - STAY APPLICATION)

Date : 02-08-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Appellant(s) Mr. Akash Vashishtha, Adv.
Ms. Nidhi Agarwal, Adv.
Mr. Neeraj Kumar Sharma, AOR

For Respondent(s) Mr. Arvind Kumar Sharma, AOR
Mrs. Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Adv.
Ms. Swarupama Chaturvedi, Adv.
Mr. Santosh Kumar, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Annirudh Sharma-(ii), Adv.
Dr. N. Visakamurthy, Aor, Adv.

Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Swarupama Chaturvedi, Adv.
Ms. Ruchi Kohli, Adv.
Mr. Navanjay Mahapatra, Adv.
Mr. Santosh Kumar, Adv.
Mr. Annirudh Sharma-ii, Adv.

Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.
Mr. Adnan Saifi, Adv.
Ms. Srutisma Hazarika, Adv.

Mr. Kartik Jain, Adv.
Mr. Naseem Ahmad, Adv.
Ms. Anushka Thakur, Adv.
Mr. Zeeshan Khan, Adv.

Mr. Manish Kumar, AOR

Mr. Chandrika Prasad Mishra, AOR
Ms. Prashasti Singh, Adv.
Ms. Swati Surbhi, Adv.
Mr. Ankit Pandey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 54518/2024

Heard Mr. Azmat Hayat Amanullah, learned counsel appearing for the State of Bihar. Ms. Aishwarya Bhati, learned Additional Solicitor General appears for the Union of India and National Mission for Clean Ganga (NMCG). Mr. Akash Vashishtha, learned counsel appears for the appellant.

2. This court's attention is drawn to the order passed by this Court on 01.12.2023. The order reads as under:-

"When the matter is called on for hearing, learned counsel for the State of Bihar submits that the State has identified 213 unauthorized constructions adjacent to the river Ganga in and around Patna and steps have been taken to remove these encroachments/constructions.

List on 05.02.2024.

On that date the State shall report to this Court the progress in getting these unauthorized structures removed by filing an affidavit. Such affidavit shall be filed by the Chief Secretary of the State of Bihar. The State shall also ensure no further construction takes place adjacent to the river Ganga particularly in and around the city of Patna"

3. It is submitted by the applicant(s) that the last sentence in the said order is capable of being mis-contrued and therefore the Court should clarify that the order has reference to only illegal

construction and unauthorized encroachment in and around the areas adjacent to the river Ganga in Patna City.

4. On reading of the order and the nature of the appeal that is under consideration, it is quite apparent that appellant is concerned about the illegal construction and unauthorized encroachment on the bank of river Ganga.

5. This is also the submission of the counsel for the State of Bihar and also the learned ASG, appearing for the Union of India.

6. Considering the above, we deem it appropriate to clarify that the last sentence in this Court's order dated 01.12.2023 in the Civil Appeal No.3367/2020 should be read as "the State shall also ensure no further illegal construction or unauthorized encroachment takes place adjacent to the river Ganga particularly in and around the City of Patna."

7. The IA is ordered accordingly.

8. In course of deliberation in this matter, it came to light that there is wide spread use of plastic in the areas which are to be kept free from such pollution potential products. The dumping of plastic is causing serious environment degradation and also impacting aquatic life in the river banks and the water bodies in the country. Unless concerted effort is made by the responsible authorities with people's cooperation, irrespective of the efforts to target illegal/unauthorized constructions, the desired improvement of the quality of the water in river Ganga/all other rivers and water bodies in the country will remain illusory.

9. In the above circumstances, while permitting the learned ASG to file an affidavit in four weeks on the issues raised in the

appeal, the response should also take into account the environment concerns raised in the present order. Affidavit in response be also filed by the State of Bihar within the same time line.

(DEEPAK JOSHI)
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)
ASSISTANT REGISTRAR