

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

Original Application No.131/2024/EZ

Subhas Datta

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

Date of hearing: 08.07.2024

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

For Applicant(s) : Subhas Datta, in person

ORDER

1. This Original Application has been filed by the Applicant appearing in person, seeking a direction to the Respondents to take steps for proper upkeep and preservation of Oxbow Wetland named as 'Kabartal' in Bihar as well as the green cover of the Bird Sanctuary and the Water Catchment Zone for Begusarai District of Bihar.
2. It is stated that the Kabartal Wetland in District Begusarai, Bihar, is a part of an extensive floodplain wetland complex formed in the lower part of Gandak-Kasi interfan in North of Bihar about 21 kilometers from Begusarai town. It is stated that the said Wetland is claimed to be the largest Oxbow Lake in India and in Asia and is the first Ramsar Site of Bihar.
3. It is also stated that the site was notified as Bird Sanctuary by the Government of Bihar vide Notification dated 20.06.1989. The Wetland is stated to contain a cluster of 16-17 water bodies in total and is a catchment area for rainwater but the same has been

encroached over a period of time and its area has been allowed to be reduced.

4. It is also stated that the said Ramsar Site spans 2620 hectares of open water and marshes intersperses with plantation and as per the 2019 post monsoon report nearly 82% of the site was a marsh (of which 25% cultivated) and 16% is open water and the rest is plantation or borrow land.
5. Photographs have been filed by way of illustration with the Original Application.
6. Matter requires consideration.
7. Issue notice to the Respondents, returnable within four weeks.
8. Mr. Surendra Kumar, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.1, 2, 3 & 5, State Respondents, Government of Bihar.
9. Ms. Amrita Pandey, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.4, Bihar State Pollution Control Board.
10. All the Respondents shall file their counter-affidavits within four weeks.
11. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
 - (i) Senior Scientist, Bihar State Pollution Control Board,
 - (ii) Senior Officer, Bihar State Wetland Authority,
 - (iii) Divisional Forest Officer, Begusarai, and
 - (iv) District Magistrate, Begusarai, or his representative not below the rank of Additional District Magistrate,

12. The Committee shall inspect the site in question and submit its Report within four weeks on affidavit with regard to the allegations made.
13. The District Magistrate, Begusarai, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.
14. The District Magistrate, Begusarai, and the Divisional Forest Officer, Begusarai, have not been impleaded in the present Original Application.
15. The Applicant is directed to implead the District Magistrate, Begusarai, as well as the Divisional Forest Officer, Begusarai, in the array of Respondents as Respondent Nos.6 & 7 respectively, today itself.
16. Mr. Surendra Kumar, learned Counsel also accepts notice on behalf of the newly added Respondent Nos.6 & 7. The Respondent Nos.6 & 7 are also granted four weeks time for filing their counter-affidavits.
17. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Surendra Kumar and Ms. Amrita Pandey, Counsel for the Respondents, within 48 hours.
18. **List on 21.08.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 08, 2024,
Original Application No.131/2024/EZ
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