

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (PIL) No. 1463 of 2020

Khushboo Kataruka Petitioner
Versus
The State of Jharkhand & ors ... Respondents
with

W.P. (PIL) No. 1325 of 2011

Court on its own motion
Versus
State of Jharkhand & Ors.... Respondents
with

W.P. (PIL) No. 7498 of 2016

Surendra Kumar Paswan Petitioner
Versus
The State of Jharkhand & Ors Respondents
with

W.P. (PIL) No. 1911 of 2019

Rajiv Kumar Singh Petitioner
Versus
The State of Jharkhand & Ors Respondents
with

Cont. Case (Civil) No. 580 of 2020

Rajiv Kumar Singh Petitioner
Versus
Vinay Chaubey, the Secretary, Department of Urban
Development and others Opp. parties
with

W.P. (PIL) No. 2116 of 2020

Rajiv Kumar Singh Petitioner
Versus
The State of Jharkhand & Ors Respondents

CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners:	Ms. Khushboo Kataruka (In person)
	Mr. Rajeev Kumar, Advocate.
	Mr. Ram Subhag Singh, Advocate
<i>Amicus Curiae</i>	: Mr. Indrajit Sinha, Advocate
For the State	: Mr. Sachin Kumar, AAG-II
	Mr. P.A.S. Pati, G.A. -II
For the UOI	: Mr. Rajiv Sinha, ASGI
For the RMC	: Mr. L.C.N. Shahdeo, Advocate
For the JSHB	: Dr. Ashok Kumar Singh, Advocate
For the JSPCB.	: Ms. Richa Sanchita, Advocate

Oral Order

23/Dated : 4th February, 2022

1. With the consent of the parties hearing of the matter has been done through video conferencing. They have no complaint whatsoever about audio and video quality.
2. Mr. Indrajit Sinha, learned *Amicus Curiae*, at the outset has submitted that earlier orders passed by this have not been complied with in its letter and spirit.
3. Mr. Sachin Kumar, learned A.A.G. II appearing for the respondents-State of Jharkhand and Mr. L.C.N. Shahdeo, learned counsel for the respondents-Ranchi Municipal Corporation (R.M.C.) have jointly submitted that since various affidavits have been filed by them in compliance of orders passed by this Court in order to meet out the query put forth by this Court, as such, at present they are not in a position to point out as to exactly in which affidavit, particular query has been replied or the direction passed by this Court has been complied with.

Therefore, they have sought for adjournment for a week so that they may apprise this Court about due compliance of the orders passed by this Court. They have further submitted that if required they will come out with affidavit giving reference of the due affidavits which have

been filed in pursuance to the orders passed by this Court on the next date of hearing.

4. Let such affidavit(s) be filed by them separately on or before the next date of hearing.
5. No affidavit has not been filed by the State in compliance of the order dated 10.12.2021 passed by this Court, as such respondents-State of Jharkhand is directed to file affidavit in compliance of the order passed by this Court.
6. Though affidavit has been filed on behalf of Ranchi Municipal Corporation in pursuance to order dated 10.12.2021 but we, after going through the averments made in the aforesaid affidavit, have found that following queries have not been properly replied:-

“Let an affidavit be filed by the Ranchi Municipal Corporation and the Deputy Commissioner, Ranchi appraising this Court about the actual position of encroachment over the ‘Bhusur River’, as has been pointed out hereinabove, right from its origin till it merges with the Harmu River as also to apprise about the total length and width of the river.

Let the Municipal Commissioner, Ranchi also file his personal affidavit with respect to query No. 6, made vide order dated 06.03.2020 as to how much running feet of the boundary wall was demarcated and what was the extent of demolition.

Therefore, the respondent-RMC is also directed to file fresh affidavit in compliance of order dated 10.12.2021.

- 7.** Besides, R.M.C will also file affidavit about the status of sewerage plant, which is stated to be under process of its installation since September, 2021 and as such up-to-date progress about the same be brought to the knowledge of this Court.
- 8.** The R.M.C. and the Deputy Commissioner, Ranchi shall conduct a joint measurement of width and river-bed/catchment area of Hinoo river at the place where boundary wall has been constructed.
- 9.** The Deputy Commissioner and the R.M.C are further directed to give details of the areas of the water bodies/rivers like Kanke Dam, Bada Talab, Getal Sud Dam, Dhurwa Dam, Hinoo river and Harmu river on or before the next date of hearing, giving details in tabular chart about its actual width/river-bed/catchment area and its existing area as on date.
- 10.** Besides, they are directed to apprise this Court by way of filing affidavit as to whether orders passed by this Court, including orders dated 07.08.2020, 18.03.2021 and 08.04.2021 have been complied with or not and if yes then to what extent and if no as to why it has not been complied with.
- 11.** Let Director, Geological Survey of India, the Director, Geology, State of Jharkhand and the Officer-in-Charge-

cum-Scientist, Central Ground Water appear in person through on-line mode on the next date of hearing.

12. Let such affidavits be filed separately by the Deputy Commissioner, Ranchi and Ranchi Municipal Corporation on or before the next date of hearing.

13. Put up these cases on **11.02.2022**.

14. Mr. Rajiv Sinha, learned A.S.G.I. is directed to communicate the copy of this order to the officers concerned.

(Dr. Ravi Ranjan, C.J.)

(Sujit Narayan Prasad, J.)

Alankar/-