

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
W.P.(PIL) No. 1325 of 2011

Court On Its Own Motion  
-Versus-  
State of Jharkhand and others      ....Respondents  
.....

**CORAM :**            **HON'BLE THE CHIEF JUSTICE**  
                              **HON'BLE MRS JUSTICE JAYA ROY**

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For the Court            :Mr.Indrajit Sinha (Amicus Curiae)  
For Respondents        :JC to G.P.II, Mr.R.R. Nath, Advocate,  
                                      Mr.A.K. Pandey, Adv. Dr.S.N.Pathak, Sr.Adv.  
                                      & M/s G.M..Mishra, & Umesh Mishra, Adv.

Order no.33

Dated 16<sup>th</sup> April, 2013

1. Heard learned counsel for the parties and perused the affidavit filed by the State on 6<sup>th</sup> March, 2013.
2. This Court passed an order on 16<sup>th</sup> January, 2013, wherein four actions have been proposed. In view of the above, notice was issued to Adityapur, Jugsalai, Mango and Jamshedpur Notified Area Committee. The issue is with respect to creating pollution in the river Subernarekha and Kharkai .
3. From the affidavit filed by the State, it appears that pursuant to the order dated 16<sup>th</sup> January, 2013, a meeting was convened under the Chairmanship of the Chief Secretary of the State of Jharkhand. The result of the meeting, as stated in affidavit, indicates that:

**For direction no.1-** The Jharkhand Pollution Control Board has been directed to examine the road map and submit report to the Chief Secretary;

**For direction no.2-** The Principal Secretary, Forest & Environment Department has been directed to review the action taken by the Jharkhand Pollution Control Board ;

2.

**For direction no.3-** The State Pollution Control Board has submitted a report to the Chief Secretary and in the report it has been stated that the river water is being polluted due to flow of municipal waste. Therefore, Secretary, Urban Development Department has been directed to ensure effective measure to protect flow of municipal waste to the river;

**For direction no.4-** It is stated that the Deputy Commissioner, East Singhbhum, Jamshedpur has informed that river banks of Subernarekha and Kharkai have been made free from encroachment;

**For direction no.5-** It is stated that boundary walls have been constructed to protect waste materials from being mixed in river water at Jamshedpur;

**For direction no.6-** Water Resources Department has requested Central Water Commission to examine the matter of disturbance of hydrology of Subernarekha and Kharkai rivers due to slag dumping by Tata Steel Company and as per information received from Central water Commission, this matter will be examined by Hydrology Directorate in consultation with Mahanadi & Eastern River Organization, C.W.C. Bhuwaneshwar and they have been requested to examine the issue and submit their report;

**For direction no.7-** The Chief Secretary directed the Jharkhand Pollution Control Board and the concerned Deputy Commissioner to make the rivers free from encroachment and pollution;

**For direction no.8-** The Pollution Control Board has been directed to examine the level of pollution in different places of Damodar river; and

3.

**For direction no.9-** The Urban Development Department has been directed to prepare an Action Plan to conserve the rivers of Jharkhand State.

4. Therefore, it is clear from the affidavit of the State that nothing has been done in the matter of prevention of pollution in two rivers , namely, Subernarekha and Kharkai, except some paper orders, whereby some further reports have been sought for from the Departments.

5. It appears that neither Municipal authority nor Pollution Control Board, nor the State Government as well the concerned Companies are serious in preventing the pollution in the rivers in question.

6. In view of above reasons, we direct the Chief Secretary of the State to look into the matter again and submit a report about the actual step taken for removal of encroachment near the rivers in question , reclamation of the area of the rivers which may have been damaged due to illegal activities near the bank of rivers and future line of action and steps for continuous monitoring of the steps taken and steps to be taken in this regard.

7. The status report be submitted by or before 14<sup>th</sup> May, 2013 and post this matter again on **14<sup>th</sup> May, 2013.**

Let a copy of this order be given to the counsel for the State.

**(Prakash Tatia, C.J. )**

**( Jaya Roy, J )**