

ORDER passed in Original Application No. 21/2024

From : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Wed, Feb 28, 2024 11:07 AM
Subject : ORDER passed in Original Application No. 21/2024 2 attachments
To : Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>, Judicial Section <ngtjudicial-kolkata@gov.in>
Reply To : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 19/02/2024 passed in Original Application No. 21/2024 Shailesh Sahoo ...Applicant Versus State of Odisha & Ors. ...Respondents** . for your kind perusal & necessary action.

REGARDS
CONSULTANT (Judicial)
⌘ (N.G.T.)(P.B.) ⌘ New Delhi ⌘



OA NO 21 of 2024.pdf
417 KB

Shailesh Sahoo.pdf
99 KB

To
The Hon'ble MEMBER, NATIONAL GREEN TRIBUNAL (NGT)
Kadampukur Village, Newtown, New Town,
Ghuni, West Bengal 700156

E2B
27

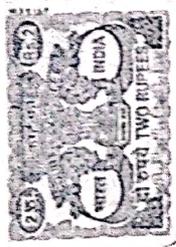
Sub : ' Submission of a Complaint PETITION to take SUO_MOTTU COGNISANCE'.

Hon'ble Sir,

1776/LP/2023
05/08/23

The Complaint Petition of the Matter, which are serious in Nature says as Follows :

1. That the RIVER MAHANADI is the LIFE LINE of ODISHA & in Cuttack City it has ordained a Divine Importance & Significance like that of the HOLY GANGA in its whole Stretch.
2. That, the RIVER MAHANADI CATCHMENTS/Corridors, BARRAGE WALL, BOUNDARY WALLs are grossly OBSTRUCTED/ENCROACHED upon & ILLEGALLY CONSTRUCTED WITH Series of illegal constructions & boundaries after NAYA BAZAR areas under CHAULIAGANJ POLICE STATIONS & this has more provocatively violated by many Local People under CRR I Police Statio under NAYA BAZAR BLOCK of Cuttack City under the Twin City Commissionerate Jurisdictions by series of local Persons who are taking advantage of the Govt Complacency and LACs of Corruptions/Bribes to the Local PS, to the Tahsildar, to the BDO, the SUB_REGISTRAR Office, Cuttack resulting which they are just enjoying over MAHANDI RIVER BED which will take an ugly TURN if not SAVED from now
3. That, the Situation in this STRETCH will turn into this Year's DELHI_PUNJAB_HIMACHAL & UTTARAKHAND FLOOD type situation unless until all illegal constructions & illegal VENDING/SELLING of MAHANADI RIVER LANDs are totally DECLARED AS NGT AREAs with a Direction that no RESIDENTIAL & Commercial activity is allowed in this stretch of MAHANDI because only due to series of Encroachments, illegal constructions on and over the RIVER BED, WATER BODIES & by making destruction of the WATER STREAMs the situations are getting ALARMING like that of DELHI_PUNJAB_HIMACHAL & UTTARAKHAND.
4. That, the COMMISSIONER CUTTACK MUNICIPAL CORPORATION (CUTTACK), CHAIRMAN (CUTTACK DEVELOPMENT AUTHORITY, CDA) are totally Deaf & Dumb over the issue as they are getting sizable income from those areas as the areas is little illiterate & village & Panchayat level areas; resulting which the GOVT AUTHORITIES are having hand in gloves with the LAND MAFIAS of the areas and they are also falsely Implicating many local people of the areas by which the locals are also taking law into their own hands and are taking advantage of series of illegal constructions with the impression of getting lacs of income but the



35/11/23 (A.A.)
05/08/2023

R.G.
L.P.

For needful
R.G.
labors

GOD_FATHERs are the Kings who are Exploiting the poor locals, SC STs & Brahmins. (98)

5. That, the the areas of KANHEIPUR, BHOGAMBA, BHADIMULA, CRRI, GATI ROUT PATNA, DIHA SAHI upto BIRIBATI under NAYA BAZAR BLOCK & under CRRI Police Stations of Cuttack District are grossly affected by this Illegal constructions/Encroachments and the Local MLA of BIJU JANTA DAL (BJD) Mr Souvik Biswal is also supporting People to encroach MAHANDI RIVERS and take LANDs Into their own hands as they Wish because this is his Assembly Constituency under Cuttack-Choudwar MLA Seat.

PRAYER

Therefore Mylord, this is sincerely requested that as the BJD Govt in Odisha and all the Govt officials are just run their Office on DAILY CORRUPTIONs & FALSE CASES, it is very difficult to get Justice in Open Courts, therefore We sincerely Wish yours esteemed offices to to take SUO_MOTTU cognizance of the Issue on urgent basis & kindly made an ON SPOT VISIT by the NGT CENTRAL TEAM and issue Notices to the

- (1) **BOGUS COMMISSIONER of CMC, Cuttack, 753001**
- (2) **The BOGUS COLLECTOR-cum-DM, Cuttack 753002**
- (3) **The Corrupt CDA Chairman, 753012**
- (4) **The BDO, NAYA BAZAR BLOCK, Cuttack 753004**
- (5) **The Corrupt SUB_REGISTRAR, Cuttack-753002** to give a FACT FINDING REPORT within 7 days apart from the NGT's OWN REPORT.

Sir, The majority of the People of the above mentioned areas will be greatly obliged and will get a shy of relief if NGT BANS all sorts of illegal constructions in the MAHANADI RIVER BED_BOUNDARY Areas and by TERMINATING some of the TOP Officials out of these Departments & Offices, which will give a good precedent that People of Cuttack's KANHEIPUR_NAYABAZAR_CRRI_BHADIMULA etc got a respite from TENSIONS and with the INTERVENTION of NGT, the MAHANADI got SAVED from EROSION/MIS_UTILISATION & POLLUTION as the level of Corruption & MUSCLE POWER has increased to such extent in Odisha that it is very difficult to say any thing against the Ruling BJD State Govt of Odisha.

KINDLY take Actions on PRIORITY

With Earnest Regards

Cuttack

Date 21.07.2023

Yours Faithfully

Convenor, Public Forum, Odisha, Cuttack-753004

Item No.3

(Court No. 2)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.**

(Through Physical Hearing with Hybrid V.C. Option)

Original Application No. 21/2024

Shailesh Sahoo

...Applicant

Versus

State of Odisha & Ors.

...Respondents

Date of hearing: 19.02.2024

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER.
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER.**

Applicant: None for the Applicant.

Application is registered based on a letter petition received by email.

ORDER

1. Mr. Shailesh Sahoo has sent by email the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 21/2024.
2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

X

X

X

X

**1. That the RIVER MAHANADI is the LIFE LINE of ODISHA & in Cuttack City it has ordained a Divine Importance & Significance like that of the HOLY GANGA in its whole Stretch.*

2. That, the RIVER MAHANADI CATCHMENTS/Corridors, BARRAGE WALL, BOUNDARY WALLs are grossly OBSTRUCTED/ENCROACHED upon & ILLEGALLY CONSTRUCTED WITH Series of illegal constructions & boundaries after NAYA BAZAR areas under CHAULIAGANJ POLICE STATIONS & this has more provocatively violated by many Local People under CRRJ Police Statios under NAYA BAZAR BLOCK of Cuttack City under the Twin City Commissionerate Jurisdictions by series of local Persons who are taking advantage of the Govt Complacency and LACs



-2-

of Corruptions/Bribes to the Local PS, to the Tahsildar, to the BDO, the SUB_REGISTRAR Office, Cuttack resulting which they are just enjoying over MAHANDI RIVER BED which will take an ugly TURN if not SAVED from now

3. That, the Situation in this STRETCH will turn into this Year's DELHI_PUNJAB_HIMACHAL & UTTARAKHAND FLOOD type situation unless until all illegal constructions & illegal VENDING/SELLING of MAHANADI RIVER LANDS are totally DECLARED AS NGT AREAS with a Direction that no RESIDENTIAL & Commercial activity is allowed in this stretch of MAHANDI because only due to series of Encroachments, illegal constructions on and over the RIVER BED, WATER BODIES & by making destruction of the WATER STREAMS the situations are getting ALARMING like that of DELHI_PUNJAB_HIMACHAL & UTTARAKHAND.

4. That, the COMMISSIONER CUTTACK MUNICIPAL CORPORATION(CUTTACK), CHAIRMAN (CUTTACK DEVELOPMENT AUTHORITY, CDA) are totally Deaf & Dumb over the issue as they are getting sizable income from those areas as the areas is little illiterate & village & Panchayat level areas; resulting which the GOVT AUTHORITIES are having hand in gloves with the LAND MAFIAs of the areas and they are also falsely implicating many local people of the areas by which the locals are also taking law into their own hands and are taking advantage of series of illegal constructions with the impression of getting lacs of income but the GOD FATHERS are the Kings who are Exploiting the poor locals/ SC STs 7 Brahmins.

5. That, the the areas of KANHEIPUR, BHOGAMBA, BHADIMULA, CRRIGATI ROUT PATNA, DIHA SAHI upto BIRIBATI under NAYA BAZAR BLOCK & under CRRIGATI Police Stations of Cuttack District are grossly affected by this Illegal constructions/Encroachments and the Local MLA of BIJU JANTA DAL (BJD) Mr Souvik Biswal is also supporting People to encroach MAHANDI RIVERS and take LANDS into their own hands as they Wish because this is his Assembly Constituency under Cuttack-Choudwar MLA Seat.

PRAYER

Therefore Mylord, this is sincerely requested that as the BJD Govt in Odisha and all the Govt officials are just run their Office on DAILY CORRUPTIONS & FALSE CASES, it is very difficult to get Justice in Open Courts, therefore We sincerely Wish yours esteemed offices to take SUO_MOTTU cognizance of the issue on urgent basis & kindly made an ON SPOT VISIT by the NGT CENTRAL TEAM and issue Notices to the

1. BOGUS COMMISSIONER of CMC, Cuttack, 753001
2. The BOGUS COLLECTOR-cum-DM, Cuttack 753002
3. The Corrupt CDA Chairman, 753012
4. The BDO, NAYA BAZAR BLOCK, Cuttack 753004
5. The Corrupt SUB_REGISTRAR, Cuttack-753002 to give a FACT FINDING REPORT within 7 days apart from the NGT's OWN REPORT.

Sir, The majority of the People of the above mentioned areas will be greatly obliged and will get a shy of relief if NGT BANs all sorts of illegal constructions in the MAHANADI RIVER BED_BOUNDARY Areas and by TERMINATING some of the TOP Officials out of these

Departments & Offices, which will give a good precedent that People of Cuttack's KANHEIPUR_NAYABAZAR_CRRJ_BHADIMULA etc got a respite from TENSIONs and with the INTERVENTION of NGT,the MAHANADI got SAVED from EROSION/MIS_UTILISATION & POLLUTION as the level of Corruption & MUSCLE POWER has increased to such extent in Odisha that it is very difficult to say any thing against the Ruling BJD State Govt of Odisha.

X X X X"

3. *Prima facie* the averments made in the application raise substantial questions relating to environment arising out of the implementation of the enactments specified in Schedule-I to the National Green Tribunal Act, 2010.

4. In view of the averments made in the application, we also consider it appropriate that a Joint Committee be constituted to verify the factual position and suggest appropriate remedial action. Accordingly, we constitute a Joint Committee comprising of representatives of Central Pollution Control Board, Integrated Regional Office MoEF&CC, Bhubaneswar, Odisha, Principal Secretary, Water Resource Department, Odisha, Odisha State Pollution Control Board and the District Magistrate, Cuttack and direct the same to meet **within two weeks**, undertake visits to the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponents, verify the factual position and suggest appropriate remedial action to the concerned Authorities. The Odisha State Pollution Control Board will be the nodal agency for coordination and compliance.

5. Even though in the present case cognizance has been taken by this Bench on the basis of letter petition received by post with approval and assignment under order of Hon'ble Chairperson, but in view of the facts and circumstances of the case including the fact that the place of accrual of cause of action lies within jurisdiction of the Eastern Zone Bench of this Tribunal at Kolkata, we are of the considered view that it will be appropriate

-4-

if the case is further heard by the Eastern Zone Bench of this Tribunal at Kolkata.

6. Accordingly, the Registry is directed to list the matter before the Eastern Zone Bench of this Tribunal at Kolkata on 23.04.2024 after obtaining orders from Hon'ble the Chairperson for transfer of the case.

7. Factual and Action taken Report by the Joint Committee and reply/response by the respondents be filed before the Eastern Zone Bench of this Tribunal at Kolkata by email judicial-ngtez@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

8. A copy of this order be sent to the Member Secretary, Central Pollution Control Board, Regional Officer, Integrated Regional Office MoEF&CC, Bhubaneswar, Odisha, Principal Secretary, Water Resource Department, Odisha, Member Secretary, Odisha State Pollution Control Board and the District Magistrate, Cuttack by email for requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 19th, 2024
N