

Email

OA-66/2024/EZ

Judicial Section

Re: ORDER passed in Original Application No. 20/2024

From : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in> Thu, Feb 29, 2024 03:33 PM
Subject : Re: ORDER passed in Original Application No. 20/2024 2 attachments
To : Judicial Section <ngtjudicial-kolkata@gov.in>
Reply To : Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Respected Sir/Madam,

Consolidated email attached herewith copy of the **Petition**
& Order dated 19/02/2024. for your kind perusal & necessary action.

REGARDS

CONSULTANT (Judicial)

⌘ (N.G.T.)(P.B.) ⌘ New Delhi ⌘

From: "Judicial Section" <ngtjudicial-kolkata@gov.in> Feb 29, 2024 03:33 PM
To: "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in> 2 attachments
Sent: Thursday, February 29, 2024 3:13:57 PM
Subject: Re: ORDER passed in Original Application No. 20/2024

Sir,

We are in receipt three number of email containing the case records of OA No. 20/2024/PB. All three emails appears to be incomplete. You are requested to send one consolidated email attaching all relevant documents.

From: "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>
To: "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "Judicial Section" <ngtjudicial-kolkata@gov.in>
Sent: Monday, February 26, 2024 1:21:35 PM
Subject: ORDER passed in Original Application No. 20/2024

Respected Sir/Madam,

I am directed to forward a copy of the **Petition**
& Order dated 19/02/2024 passed in Original Application No. 20/2024
Pooja Philo & Ors. ...Applicants Versus State of Odisha & Ors. ...
Respondents. for your kind perusal & necessary action.

REGARDS

CONSULTANT (Judicial)

⌘ (N.G.T.)(P.B.) ⌘ New Delhi ⌘



—
Regards

Judicial Section,
National Green Tribunal,
Eastern Zone Bench,
New Town, Kolkata - 700161
Ph. 033-2324 0089
Email: ngtjudicial-kolkata@gov.in

 **OA NO 20 of 2024_removed.pdf**
2 MB

 **Pooja Phillo & Ors (1).pdf**
91 KB



**OFFICE OF THE GRAMPANCHAYAT PANTHLUNG,
BLOCK-NANDAPUR, KORAPUT, ODISHA, 764038**

19

Letter No: 674/23

JWO

Dated: 12/07/23

To

The Prime Minister of India,

South Block, Raisina Hills, New Delhi-110011

Dated:-

17/8/2023
21/7/23

NATIONAL GREEN TRIBUNAL
Principal Bench, New Delhi
Receipt & Issue Branch
Received
18 JUL 2023
Dairy No. 3563
Signature

ESB

Subject:- Complaining against the Tahsildar Nandapur Tahsil for ignoring his duty.

Respected Sir,

It is to be noted that the Tahsildar of Nandapur Tahsil Office, District-Koraput have been ignoring our demands when we approached for an explanation regarding Sobhaput Bridge construction which is towards Andhra Pradesh upto an extension of 400 meters it's construction have been done by RD Sunabeda, District-Koraput, Odisha.

But the Bridge and road both side are now in the capture of Andhra Pradesh, which is being claimed by the authorities of Andhra Pradesh basing on which Andhra Pradesh is constructing Mobile towers, schools and other institutions.

Instead of identifying the boundaries of the state the revenue officials of Nandapur Tahsil are also face shaving from their duties that the Sobhaput Bridge river is the natural boundary of Odisha border. When several people of Panthlung Grampanchayat informed this matter to the Tahsildar Nandapur he in a horrible way responded to the demands of the Grampanchayat Panthlung.

More importantly the Tahsildar Nandapur without any fail have shaken his hands with the Sand mafias of Andhra Pradesh who have been illegally mining sand from Sudu, Sariapalli, Mariput, Ratulput, Pradhaniput, Sobhaput and several other places.

A.R.G.
1-7-2023
LP

A special shed have been constructed near Padwa Badadebta Temple by the Mafias for entertaining the Tahsildar Nandapur with Booze and other favours. More importantly the Tahsildar Nandapur is not issuing "R n Y" form for the legal sand miners of Odisha.

Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs. Due to ilegal sand lifting from the river by using JCP machine day by day the river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming.

Thus we request you to kindly take stringent necessary action over this Tahsildar and immediately he should be removed from such important position. He is not treating his position as a Public Servant but a Public Monarch.

Thanking you

Yours faithfully

Grampanchayat Panthlung, Nandapur, Koraput, Odisha

Donkhillo
Sarapanch
Panthlung G.P. 13/04/2023

CC to

ଶ୍ରୀମତୀ ସୁଜାତା ପ୍ରଧାନ
C. Sumanthi Jadhav, Panthlung G.P.

1. The Collector, Office of the District Collector, Koraput-764020, Odisha

✓ 2. The National Green Tribunal, Faridkot House, Copernicus Marg, New Delhi-110001

3. The Chief Minister of Odisha, Lok Seva Bhawan, Sachiwalaya Marg, Bhubaneswar-751001, Odisha

4. The Superintendent of Police, Office of the Superintendent of Police Koraput, Koraput-764020, Odisha

5. The Southern Revenue Divisional Commissioner, RDC Southern Division Odisha, Courtpetta, Forest Colony, Berhampur-760004, Odisha

Item No.2

(Court No. 2)

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

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

Original Application No. 20/2024

Pooja Phillo & Ors.

...Applicants

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.**

Applicants: None for the Applicants.

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

ORDER

1. Ms. Pooja Phillo and others have sent by post the present letter petition to this Tribunal, which has been treated and registered as O.A. No. 20/2024.

JUDICIAL MEMBER
P. M. K. S. S.

2. The relevant part of the letter petition enumerating grievances of the applicant is reproduced as follows:-

X

X

X

X post.

"It is to be noted that the Tahsildar of Nandapur Tahsil Office, District-Koraput have been ignoring our demands when we approached for an explanation regarding Sobhaput Bridge construction which is towards Andhra Pradesh upto an extension of 400 meters it's construction have been done by RD Sunabeda, District-Koraput, Odisha.

But the Bridge and road both side are now in the capture of Andhra Pradesh. which is being claimed by the authorities of Andhra Pradesh basing on which Andhra Pradesh is constructing Mobile towers, schools and other institutions.

Instead of identifying the boundaries of the state the revenue officials of Nandapur Tahsil are also face shaving from their duties that the Sobhaput Bridge river is the natural boundary of Odisha border. When several people of Panthlung Grampanchayat informed this matter to the Tahsildar Nandapur he in a horrible way responded to the demands of the Grampanchayat Panthlung.

More importantly the Tahsildar Nandapur without any fail have shaken his hands with the Sand mafias of Andhra Pradesh who have been illegally mining sand from Sudu, Sariapall, Mariput, Ratulput, Pradhaniput, Sobhaput and several other places.

A special shed have been constructed near Padwa Badadebta Temple by the Mafias for entertaining the Tahsildar Nandapur with Booze and other favours. More importantly the Tahsildar Nandapur is not issuing "R n Y" form for the legal sand miners of Odisha.

Galganda- Duruba sand sairat, though the lease holder completed his quota of sand lifting the lease has been extended to one year more. Rather the Nandapur Tahsildar is charging the legal sand miners of Odisha with hefty fine of Rs 30000/- per trip to fulfil his own financial needs. Due to illegal sand lifting from the river by using JCP machine day by day the river is going to dipper from the previous, by which the flowing of water going dipper and side by farmers not able to use the river water for their farming.

Thus we request you to kindly take stringent necessary action over this Tahsildar and immediately he should be removed from such important position. He is not treating his position as a Public Servant but a Public Monarch.

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 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, Odisha State Pollution Control Board, Andhra Pradesh Pollution Control Board, Collector, Koraput, Orissa, Integrated Regional Office of MoEF&CC, Bhubaneswar, Odisha, Directorate Geology, Odisha and

Department of Mines and Geology, Andhra Pradesh and direct the same to 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 to the concerned Authorities appropriate remedial action. The Central 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 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, Member Secretary Odisha State Pollution Control Board, Member Secretary, Andhra Pradesh Pollution Control Board, Collector, Koraput, Orissa, Regional Officer, Integrated Regional Office of MoEF&CC,

O.A. No.20/2024

Pooja Philo & Ors Vs. State of Odisha &
Ors.

-4-

Bhubaneswar, Odisha, Secretary, Directorate Geology, Odisha and Secretary,
Department of Mines and Geology, Andhra Pradesh by email for requisite
compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM
vs. State of Odisha &

February 19th, 2024
N

Secretary

for requisite

Afroz Ahmad, EM