

**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION NO. 101 OF 2023****IN THE MATTER OF**

Gobardhan Prasad Dalai

...Applicants

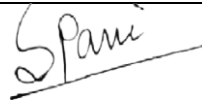
Versus

STATE OF ODISHA &amp; ORS

...Respondents

**INDEX**

<b>SI NO</b>	<b>PARTICULARS OF DOCCUMENTS</b>	<b>PAGE NO</b>
<b>1</b>	<b>Rejoinder Affidavit</b>	<b>1-4</b>



SANKAR PRASAD PANI

ADVOCATE

PLOT NO 2132/4814, NAGESWAR TANGI,

BHUBANESWAR, 751002, Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

PLACE: BHUBANESWAR

DATE: 06/03/2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO 101 OF 2023**

**IN THE MATTER OF:**

**GOBARDHAN PRASAD DALAI**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND OTHERS ...**

**RESPONDENTS**

**REJOINDER AFFIDAVIT ON BEHALF OF APPLICANT**

**I, GOBARDHAN PRASAD DALAI, S/O LATE SRIPATI CHARAN DALAI, AGED ABOUT 68YEARS AT- BARAMADHIA, PO/PS-BASTA, DIST-Balasore PIN-756029 ODISHA, hereby solemnly affirm, and declare as under:**

1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit. That I have read over the contents of the accompanying rejoinder affidavit and the same is true and correct and is drafted on my instruction.
2. That the para 8,9 and 10 of the affidavit filed by Tahasildar Basta suggests that plot no 124, 377, 379, Khata No 328, Kisam Nayanjori are being illegally encroached by the unauthorized occupants by constructing buildings, shops and structures on these plots . Para 15 of the affidavit

states that the state authorities undertakes to take prompt steps to demarcate the land in question and remove encroachments once the requisition is filed by the NHAI.

3. It is submitted that when there is unauthorised construction on land meant for passage of water, naturally the flow of the water will be obstructed and hence the reply of Tahasildar, water course is not obstructed is incorrect. As such Tahasildar being the custodian of all government land has a duty to ensure the land remains free from encroachment.
4. That the NHAI in para 9 of its affidavit referring to a circular dated 30/11/1977, states that the abandoned length will cease to be part of the National Highway and will no longer vest in Government of India.. The same paragraph also states that the completed portion of road area automatically transferred to the state government..
5. That in view of the affidavit of NHAI, the applicant prays for a direction to Tahasildar Basta and DM Balasore for time bound eviction of unauthorised structures from nayanjori Land kism in Baramadia Mouza of Basta Tahasil, Balsore.

For this act of kindness the applicant will obliged for ever.

APPLICANT THROUGH



ADVOCATE

S. MISHRA  
NOTARY, BASTA  
GOVT OF ODISHA  
REGD. NO-20/2005



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO 101 OF 2023

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**AFFIDAVIT**

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1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and competent to swear this affidavit.
2. That I have read over the contents of the accompanying rejoinder affidavit and the same is true and correct and is drafted on my instruction.

ATTESTED  
S. MISHRA  
NOTARY, BASTA

Gobardhan Prasad Dalai  
DEPONENT

**VERIFICATION**

Verified on -6th March 2024 at Basta, Balasore that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
Advocate

Solemnly affirm & Declari  
before me on identified by  
Sri... Advocate, Bis  
Dt. on... 2024... at... AM/PM

Gobardhan Prasad Dalai  
DEPONENT

S. MISHRA  
NOTARY  
BASTA

Identified by  
6/3/24  
Adv

NO. 101/2023 VOL. 1  
DATE 6/3/24



Sankar Pani <sankarprasadpani@gmail.com>

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## rejoinder in Govardhan Dalai

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Thu, Mar 7, 2024 at 4:22 PM

To: kolkata@chaudharyandchaudhary.com, Anand Prakash Das <adv.anand.das@gmail.com>

Dear Sir

please find the attachment

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 **AFFIDAVIT GOBARDHAN\_merged.pdf**  
428K