

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 81 OF 2024 / EZ**

Sachin Kumar Jena ...Applicant

VERSUS

State of Odisha & Others ...Respondents

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3.	Photocopy of the joint committee report carried out on dtd.08.05.2024. (ANNEXURE – R2/2 Colly)	

SPCB Odisha, R.No.2

Through

Sri Dipanjan Ghosh,
Advocates for the Respondent No.2
(State Pollution Control Board, Odisha)
e-mail: dpnjnghsh0@gmail.com
Phone No.:9903080977

Kolkata
Date:

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 81 OF 2024 / EZ

21 MAY 2024

Sachin Kumar Jena ...Applicant

VERSUS

State of Odisha & Others ...Respondents

AFFIDAVIT ON BEHALF OF THE STATE
POLLUTION CONTROL BOARD, ODISHA,
RESPONDENT NO.2 IN COMPLIANCE TO
ORDER DTD.21.03.2024 OF THIS HON'BLE
TRIBUNAL.



I, Dr. Kailasam Murugesan, IFS, son of late Paramasivam Kailasam aged around 56 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

- 1. That I am the Member Secretary of the Respondent No.2 Board and, as such, am well-acquainted with the facts



and circumstances with the case and competent to swear this affidavit.

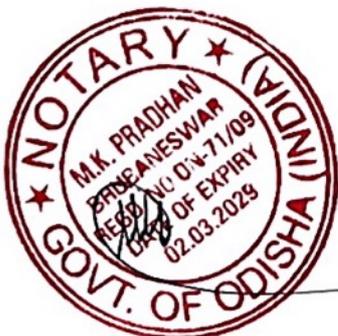
2. That the Hon'ble NGT, Principal Bench, New Delhi suo-motu on a letter petition dtd.15.08.2023 submitted by the Applicant alleging inaction by the illegal kabaddi business of Sri Harihara Mahapatra at Agasti Bagicha under Japur Municipality vide their order dtd.21.03.2024 passed in OA No.72/2024 has been pleased to constitute a joint committee comprising of representatives of Odisha Pollution Control Board and District Magistrate, Jajpur and direct the committee to undertake the visits of the site, look into the grievances of the applicant, associate the applicant and representative of the concerned project proponent, verify the factual position and suggest appropriate remedial action. The R.No.2 Board has been declared as the Nodal Agency for coordination and compliance.

3. That after receipt of the copy of order dtd.21.03.2024 of the Hon'ble NGT, PB, New Delhi from the Consultant Judicial vide his e-mail dtd.02.04.2024, the R.No.2 Board



nominated Sri Pramod Kumar Behera, Sr.Env. Engineer and Regional Officer, Kalinga Nagar and requested to coordinate the matter with the Collector & DM, Jajpur and ensure that the order of the Hon'ble Tribunal is complied with. Copy of the letter No.5124 dtd.05.04.2024 addressed to the Regional Officer, Kalinga Nagar with copy to Collector & DM, Jajpur is annexed to this affidavit and marked as **ANNEXURE-R2/1**.

4. That in the meantime, the R.No.2 Board has also received e-mail dtd.18.04.2024 from the Judicial Section, NGT, EZB, Kolkata indicating therein that the OA No.72/2024 initiated by the Principal Bench has been transferred and renumbered as OA No.81/2024/EZ.
5. That in compliance to the direction dtd.21.03.2024 of the Hon'ble NGT, PB, New Delhi passed in OA No.72/2024, the joint committee constituted by the Hon'ble Tribunal has carried out the inspection on dtd.08.05.2024 at 10 AM. As per direction of Hon'ble Tribunal, both the applicant as well as the project proponent have been requested vide letter No.1918 dtd.02.05.2024 issued by



the Regional Officer, Kalinga Nagar of the R.No.2 Board to remain present during inspection of the site. Copy of the said letter dtd.02.05.2024 has already been annexed as Annexure-1 in the report of the joint committee. The joint committee after inspection of the site has submitted a detail report with some recommendations:

- a. The project proponent cum scrap dealer shall abide by the provisions of Trade License Certificate issued U/s-617 of OMC & U/s 337 of OM Act by Jajpur Municipality.
- b. The unit shall abide by the guidelines issued from the local authority for transportation and handling of scrap materials in order to avoid public nuisance of the local people.

A photocopy of the joint committee report along with its enclosures is annexed to this affidavit and marked as **ANNEXURE – R2/2 Colly** for kind perusal of the Hon'ble Tribunal.

6. That this affidavit is filed in order to bring the Joint Committee Report at Annexure-R2/2 Colly on record before the Hon'ble Tribunal in compliance to order dtd.21.03.2024 of the Hon'ble NGT, PB, New Delhi.



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2009
PH:-9437627119 (M)

Handwritten signature

- 7. That the Respondent No.2 Board craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for effective adjudication of this case.
- 8. That the annexures annexed to the present affidavit are true and correct copies of their originals.
- 9. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

Handwritten signature
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 21st day of May, 2024.

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD.NO.ON-71/2009
PH:-9437627119 (M)

Handwritten signature

Handwritten signature
DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



EPABX: 2561909/2562847

Tel: 2562822, 2560955

Email: Paribesh1@ospcboard.orgWebsite: www.ospcboard.org**STATE POLLUTION CONTROL BOARD, ODISHA**

[DEPARTMENT OF FOREST AND ENVIRONMENT, GOVERNMENT OF ODISHA]

Paribesh Bhawan, A/118, Nilakanthanagar, Unit - VIII,

Bhubaneswar - 751 012, INDIA

No. 5124

VII - L - Misc - 1088

Date: 05/04/2024.

E-mail / Speed Post

To

The Regional Officer
SPC Board, Kalinga Nagar.

Sub: OA No.72/2024/PB - Sachin Kumar Jena v. State of Odisha & Others.

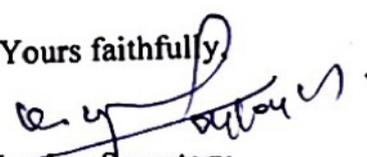
Sir,

The Hon'ble NGT, PB, New Delhi on the basis of a letter petition received by post from the aforesaid applicant has been pleased to register the same as OA No.72/2024 and vide their order dtd.21.03.2024 has been pleased to constitute a joint committee comprising of representative of State Pollution Control Board and District Magistrate, Jajpur and directed to meet within two weeks and submit the report along with appropriate remedial action after inspection of the site. It has been decided to nominate you to represent the Board in the joint committee constituted by the Hon'ble Tribunal and also to act as the Nodal Officer.

Hence, you are requested to coordinate the matter with the Collector & DM, Jajpur and ensure that the inspection is carried out within two weeks. You are also requested to associate the applicant and representative of the concerned project proponent during the visit to the site. It is also requested to send the report of the joint committee much before the date fixed for hearing of this case i.e. 30.05.2024 so that step will be taken by the Board for production of the said report before the Hon'ble NGT, EZB, Kolkata. Copy of e-mail dtd.01.04.2024 received from the Consultant (Judicial), NGT, PB, New Delhi along with copy of complaint dtd.16.08.2023 of the applicant and copy of order dtd.21.03.2024 are enclosed for your ready reference.

Encl: As above.

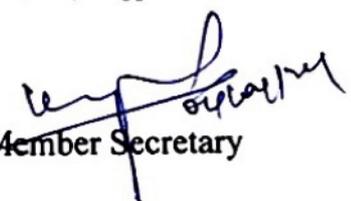
Yours faithfully,


Member SecretaryMemo No. 5125 / Date: 05/04/2024

E-mail / Speed Post

Copy along with copy of enclosure forwarded to the Collector & DM, Jajpur for information and necessary action.

Encl: As above.


Member Secretary

Annexure - R2 / 2 Colly

Joint Inspection report in the matter OA No. 72/2024/PB-Sachin Kumar Jena vs. State of Odisha & Others.

The Hon'ble NGT, Principal Branch, New Delhi has been pleased to register a case on the basis of a letter petition received by post from the applicant Sachin Kumar Jena alleging against the operation of illegal Kabadi business of Sri Harihara Mohapatra at Agastibagicha under Jajpur Municipality. It was also alleged that huge quantities of hard wastes are being collected every day and kept on both sides of the Road and behind the old house of the kabadi shop owner as well as the defunct rice mill which are close to his present residence. In connection to this, the Hon'ble NGT in the order dated 21.03.2024 constituted a joint committee comprising of representative of Odisha State Pollution Control Board and Collector & District Magistrate, Jajpur to undertake visit to the alleged site in order to verify the grievances of the applicant in association with the applicant and representative of concerned project proponent. Further Hon'ble, NGT in its Order also directed to verify the factual position and suggest appropriate remedial action as mentioned by the applicant in the aforesaid O.A.

In this connection, the both the applicant and the project proponent were requested vide SPCB letter no.1918 dtd. 02.05.2024 (**Copy attached as Annexure-I**) to remain present at the site on 08.05.2024 at 10.00 a.m. to carry out enquiry in their presence. However the applicant i. e. Sri Sachin Kumar Jena was absent during the day of visit on scheduled date and time. Accordingly, the committee jointly inspected the alleged site on the 08.05.2024 to verify the factual aspects in the light of the allegations contained in the application to submit a report. Following persons were present at site during inspection.

1. Mr. Suvendra Kumar Samal, Additional District Magistrate, (Revenue), Jajpur representative of the Collector & District Magistrate, Jajpur.
2. Mr. Pramod Kumar Behera, Senior Environmental Engineer cum Regional Officer, Kalinganagar, representative of OSPCB,
3. Mr. Harihara Mahapatra, Project Proponent cum Scrap dealer of Kabadi Business.

Surrounding Detail:

Kabadi business area of Sri Harihara Mahapatra is situated at unit no. 7 Sitaleswar Mouza under Jajpur Municipality in the district of Jajpur.

Surroundings of the site include residential building of Sri Ananta Charan Patra in West direction, residential building of Sri Subas Samal in South direction, approach road to residential building of Sri Subas Samal in East direction and Municipality Road in North direction.

Inspection of the site:

During inspection the project proponent cum scrap dealer of kabadi business Sri Hariharahara Mohapatra informed that he collects scrap materials from the local vendors and stores in an area of Ac. 0.125 dec. These scrap items includes rejected steel, rod, used plastic pet bottles and rejected/used corrugated box paper items and sold to authorized scrap dealer. For handling of these scrap items, he has obtained Trade License certificate from the Jajpur Municipality for installation Kabadi shop and submitted the required documents to the committee. (**Copy of land document and Trade license is attached as Annexure-II**).




Observations.

Following observations are made during inspection:

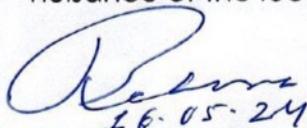
1. The project proponent has stored mainly scrap items i.e. approximately 90% of steel scrap and approx. 10% of plastic and rejected corrugated box paper items inside the area of Ac. 0.125 dec. at unit no. 7 Sitaleswar Mouza under Jajpur Municipality.
2. All the scrap items are stored inside the boundary area and no items are found to be stored at the outside.
3. No plant and machineries have been installed inside the scrap handling area for further processing of scrap materials.
4. No Hazardous waste materials are found to be stored inside scrap handling area.
5. Steel Scrap items found to be stored openly inside the premises of scrap handling area.
6. Rejected corrugated box paper has been kept under covered shed with concrete platform.
7. No rice mill exist inside the scrap handling area, the rice mill which was operated fifty years back has already been dismantled as informed.
8. Municipality drain exists at the north side of site to discharge of rain water.
9. No water logging area found inside scrap handling area and no discharge of any waste water to outside was found.
10. As informed all the scrap materials are sold to authorized scrap dealer without any further processing.
11. No significant environmental pollution observed at the site of Khabadi business area.

Conclusion & Recommendations:

From the observations it was found that project proponent cum scrap dealer, Sri Harihara Mohapatra has obtained trade license from the Jajpur Municipality and handling the scrap items without any processing. Further establishment and operation of khabadi business type of industry has not been included in the industrial lists classified under Red, Orange, Green and White categories as per the orders issued by the State Pollution Control Board from time to time. Hence such type of unit is not coming under the purview of consent administration of the State Pollution Control Board.

In view of the above following recommendations are made.

1. The project proponent cum scrap dealer shall abide by the provisions of Trade license Certificate issued U/S 617 of OMC & U/S 337 of OM Act by Jajpur Municipality.
2. The unit shall abide by the guidelines issued from the local authority for transportation and handling of scrap materials in order to avoid public nuisance of the local people.


16.05.24

Er. P.K. Behera
Regional Officer, Kalinganagar
Representative of OSPCB


16.05.24
Suvendra Kumar Samal
ADM, Representative of the Collector
& District Magistrate, Jajpur



Annexure-I

10

Email-rospcb.kalinganagar@ospcbboard.org

www.ospcbboard.org

REGIONAL OFFICE, KALINAGANAGAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
AT- Dhabalagiri, P.O.: FC Project, Jajpur Road
Dist- Jajpur-755020, Odisha, India.

No. 1918 /Legal-112

Dt. 02.05.24
Speed Post

From,

Er. P.K. Behera
Regional Officer

To,

Sachin Kumar Jena
At-Qr.-92/6, Sailesri Vihar, Bhubaneswar
Odisha, 751021

&

Sri Harihara Mohapatra
At-Agastibagicha, Jajpur Town,
Dist-Jajpur, Odisha.

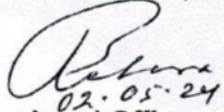
Sub: O.A. No.72/2024/PB-Sachin Kumar Jena vs. State of Odisha & Others.

Sir,

In pursuance to the order dtd. 21.03.2024 of the Hon'ble NGT, Principal Bench, New Delhi in the matter of O.A. No.72/2024/PB-Sachin Kumar Jena vs. State of Odisha & Others, a joint enquiry is scheduled to be conducted on 08.05.2024 at 10.00 A.M at the alleged site. Further as per Para-6 of said Order, Hon'ble NGT has directed to associate the applicant and representative of the concerned project proponent during visit to site.

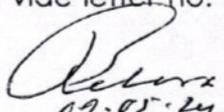
In view of the above, you are asked to remain present at the site as per the above scheduled date and time to carry out the visit. This is for your information and necessary action.

Yours faithfully,


02.05.24
Regional Officer

Memo No. 1919 /dt. 02.05.2024 (E-dispatch/e-mail)

Copy forwarded to the Additional District Magistrate (Revenue), Jajpur for kind information and necessary action in pursuance to the letter of Collector, Jajpur vide letter no. 4468 dtd. 18.04.2024.


02.05.24
Regional Officer

ଖତିୟାନ

Annexure-II

ମୌକା : ସୁ.ନଂ-7 ଶିତଳେଶ୍ଵର

ଥାନା : ଯାଜପୁର

ଆଳା ନମ୍ବର : 210

ତହସିଲ : ଯାଜପୁର

ତହସିଲ ନମ୍ବର: 210

: ଯାଜପୁର



କମିସନର ନାମ
ଓ ଖେଟାଟ ବା ଖତିୟାନର
ନମ୍ବର

ଖତିୟାନ ସରକାର ଖେଟାଟ ନଂ 1

୧) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର

503/426

ହରିହର ମହାପାତ୍ର . ନରେନ୍ଦ୍ର ମହାପାତ୍ର ପି.ନାରାୟଣ ଚନ୍ଦ୍ର ମହାପାତ୍ର ଜା.ଭ୍ରାହ୍ମଣ ବା:ନିକର୍ଣୀ

୨) ପ୍ରକାର ନାମ,
ପିକାର ନାମ,
କାଚି ଓ କାସପ୍ତାନ

୩) ସ୍ଵତ୍ଵ

ସ୍ଥିତିବାନ

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ସବି କିଛି ଥାଏ

ବା. ଖା. କେସ ନଂ 951/16 ହୁ. ମୁ. ସୁଟ 672/1645 ଖା. ଖା. 503/403 ରୁ ।

D.E.O.
Jajpur Tahasil

Amin
Jajpur Tahasil

Record Keeper
Jajpur Tahasil

Addl. Tahasildar
JAJPUR

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ଜମିଦାରଙ୍କ ନାମ
ଓ
ବିଶେଷତା ବା ଖତିଆନର ନମ୍ବର

ଓଡ଼ିଶା ସରକାର ଚୋଷାଟ ନମ୍ବର-୪

୧। ଖତିଆନର ଜମିକ ନମ୍ବର

୩୧୪

୨। ପ୍ରକାର ନାମ, ପିତାଙ୍କ ନାମ,
ଜାତି ଓ ବାସସ୍ଥାନ

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୩। ସ୍ୱତ୍ୱ

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୬। ବିଶେଷ ଅନୁସଙ୍ଗ ରହି କିଛି ଥାଏ



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Stamp dated & published under the provisions of the Act, 1958 & 5 & 6 of 1959.

31 MAR 1999

The returned out mail takes effect from the year beginning with 1 APR 1999.

15 DEC 1999

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Jajpur Municipality



NON-TRANSFERABLE

Trade License Certificate

This License is Issued U/S 617 of OMC & U/S 337 of OM Act

License No.:- TL/JJP/2023-10-31/038666

Application No.:- TL-JJP-2023-10-11-079056

Valid from:- 10/12/2023

Valid up to:- 10/12/2028

Particulars of License

Trade Name	Biraja Traders
Trader Owner	HARIHAR MOHAPATRA
Trade Premises (Address): -	UNIT-7, SITALESWAR, UNIT-7, SITALESWAR, UNIT-7 SITALESWAR, Akhandaleswar, Jajpur
Trade Type	Scrap Dealer
Trade Purpose	Kabadi Shop
License Fee	Rs 10000 received on 11/10/2023, Receipt No - 10/2023-24/1766723
License Issue Date	31/10/2023

DISCLAIMER

1. This license is granted solemnly on basis of documents submitted and self-certification. If any of the statements of undertaking/self-declaration are subsequently found otherwise, the License is liable to be cancelled/ revoked for all intents and purposes forthwith while forfeiting the fee.
2. Applicant shall be liable for legal and penal action for obtaining license fraudulently by making false averments and further in this regard will not amount to permission for change of land use of premises in question.



By Order of Suryamani Pattjoshi

Authorized Officer

Jajpur Municipality

Signature valid

Digitally Signed
Name: Suryamani Pattjoshi
Date: 31-Oct-2023 16:22:29
Location: Odisha

KHATIYANA / ROR

Schedule I Form No 39-A

Record of Rights
(It means same as Property card)

Revenue Village: Unit No-7, Sitaleswar

Tehsil: Jajpur

Police Station: Jajpur

Tehsil No: 210

Police Station No: 210

District: Jajpur

Name of Land Lord & Kheyat No or Records of Rights Serial No:		GOVERNMENT OF ODISHA Khevat No-1				
1) Serial No of RoR		503/426				
2) Name of Tenant/ RoR Holder with Father Name, Caste and Residential Address		Harihar Mohapatra, Narendra Mohapatra, Son of Narayan Mohapatra, Caste- Brahmin, Village- Nijgaon.				
3) Type of Rights	Stitiban					
4) Payment	Water tax	Rent	Cess	Nistar Cess & Other Cess if any	Total	5) Details of Cumulative Rent
		39/-			39.00	
6) Special Description (if Any)	Mutation Case No- 951/16, Plot No- 672/1645 from Khatiyan No-503/403.					
BLANK SPACE FOR STAMPING						
Date of Final Publication: Scheduled Date of Rent:						
National Informatics Centre, Odisha					30/06/2016	

SI No of RoR:	Revenue Village:					District:
Plot No & Name of Chaka	Land Type & Plot Rent	Details of Land Type & Boundary	Area			Remarks
			Acre	Decimal	Hectare	
7	8	9	1	0	11	12
672/1645	Homestead-1	Residential Building and Shop	0	065	0.0263	
1 Plot			0	065	0.0263	

KHATIYANA / ROR

Schedule I Form No 39-A

Record of Rights
(It means same as Property card)

Revenue Village: Unit No-7, Sitaleswar

Tehsil: Jajpur

Police Station: Jajpur

Tehsil No: 210

Police Station No: 210

District: Jajpur

Name of Land Lord & Kheyat No or Records of Rights Serial No:		GOVERNMENT OF ODISHA Khewat No-1				
1) Serial No of RoR		315				
2) Name of Tenant/ RoR Holder with Father Name, Caste and Residential Address		Shree Agasteswara Mahadev Bije, Nijgaon, Marfat- Bijaya Mohapatra, Wife of Narayan Chandra Mohapatra, Caste- Brahmin, Village- Nijgaon.				
3) Type of Rights	Stitiban					
4) Payment	Water tax	Rent	Cess	Nistar Cess & Other Cess if any	Total	5) Details of Cumulative Rent
		6.90			6.90 Or 7.00 only	
6) Special Description (if Any)						
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Date of Final Publication: Scheduled Date of Rent:						
National Informatics Centre, Odisha					15/12/1999	

SI No of RoR:	Revenue Village:					District:
Plot No & Name of Chaka	Land Type & Plot Rent	Details of Land Type & Boundary	Area			Remarks
			Acre	Decimal	Hectare	
7	8	9	1	0	11	12
673	Homestead-2	Homestead	0	060		
1 Plot			0	060		