

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

IA No. _____ 2024

Original Application No. 122/2023/EZ

In the matter of :

Ajay Kumar Behera ...Applicant

-Vrs.-

State of Odisha and Ors. ...Respondents

I N D E X

Sl.No.	Description of Documents (s)	Page (s)
1	Application for a direction to implead of new parties to the O.A.	1-7

CUTTACK

DATE:- 25/04/2024

By the Respondent 13 through Counsel



Akhand, Advocate

B.C.E. No.O-269/2023. Ph:7008816891

Plot No. 6F-1030, CDA, Sector-9,

Cuttack, Odisha - 753014

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

IA No. _____ 2024

Original Application No. 122/2023/EZ

In the matter of:

Ajay Kumar Behera, S/o Kishore Behera, aged about 24 years, At-
Mundaamba, Po- Jankia, Dist - Khurdha ...Applicant

-Vrs.-

1. State of Odisha represented by Chief Secretary, Government of Odisha, Lokseva Bhawan, Bhubaneswar, csori@nic.in
2. Principal Secretary, Revenue and Dissaster Management Government of Odisha, Lokseva Bhawan, Bhubaneswar, revsec.od@nic.in
3. Additional Chief Secretary Forest and Environment Dept Govt. of Odisha, Lokseva Bhawan, Bhubaneswar, fesec.or@nic.in
4. Collector & Dist. Magistrate Khordha, AT/Po/Dist – Khurdha, dm-khordha@nic.in
5. Superintendent of Police Khordha, AT/Po/Dist – Khurdha, spkda.orpol@nic.in
6. Divisional Forest Officer Khordha, AT/Po/Dist – Khurdha, dfokhordha@gmail.com
7. Member Secretary Odisha State Pollution Control Board, A/118, Unit – VII, Nilakantha Nagar, Bhubaneswar, PIN-751012.
member.secy@ospcboard.org
8. Regional Officer State Pollution Control Board, Bhubaneswar.
rospcb.bhubaneswar@ospcboard.org
9. Member Secretary State Environment Impact Assessment Authority (SEIAA) Odisha Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit -IX, Pin-751022. seiaaorissa@gmail.com

10. Director of Mines and Geology, Bhubigyan Bhawan, Bhubaneswar, Khordha, PIN- 751001. dirmines_odisha@rediffmail.com

11. Tahasildar, Tangi, At/Po/Ps- Tangi, Dist – Khurdha. tah.tangikhod@nic.in

12. Deputy Director General of Forests (C) Ministry of Environment Forest and Climate Change, Integrated Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar -751023. roez.bsr-mef@nic.in

13. Prahallad Biswal, S/o Purna Chandra Biswal, At – Kaithapalla, Po- Biribadi, Dist- Khordha, State – Odisha, Lessee of Damanbhuin Laterite Stone Quarry

...Respondents

Application by the Respondent No. 13 for a direction for addition of new Parties in the O.A. and take sou-moto action against such parties

1. That the Applicant have filed the above Original Application alleging excess mining by the lease Holder/Respondent No. 13 of Stone quarry in Mouza – Damanabhuin, Tahasil – Tangi, and District- Khordha, Odisha and sought appropriate directions from the Hon’ble National Green Tribunal.
2. That, the Respondent has filed this I.A. for a direction by this Hon’ble Tribubal for a direction to the Petitioner to implead the following persons as parties and take sou-moto action against them, who are involved in the illegal mining in the saidlaterite quarry as per the inquiry report of the local authorities:

i)Yudhistir Udaysingh

S/o Kulamani Udaysingh

Village – Jankia, Dist – Khurdha, Odisha

ii)Biswanath Behera

S/o Bula Behera

Village – Jankia, Dist – Khurdha, Odisha

iii) Sachi Guman Singh

Village – Jankia, Dist – Khurdha, Odisha

iv) Kuna Jena

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

v) Bisia Behera

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

vi) Nagen Jena

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

vii) Sanjay Udaysingh

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

viii) Deepak Behera

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

ix) Sipu Harichandan

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

x) The Supervisor, Cashew Development Corporation,

Village – Jankia, Dist – Khurdha, Odisha

xi) Rakesh Champati

S/o Ashok Champati

Village – Mundambo, Jankia, Dist – Khurdha, Odisha

3. That, these persons are involved in illegal mining from Damanbhuin Laterite Stone Quarry –‘A’ and adjoining area. Even after the lease of the said quarry in favour of the present Respondent, they are forcefully and illegally extracting the

minor minerals from the said quarry and adjoining area. Even they threatened the present Respondent and his attorney holder not to come to the mining area.

4. That the Tahasildar, Tangi lodge a complaint against both Yudhistir Udaysingh and Biswanath Behera in Jankia Police Station, Khordha on 24.06.2022 and request for stringent action them. The calculation of the demands for illegal minor minerals is Rs. 18,89,047/-(Rupees Eighteen Lakh Eighty-nine thousand forty-seven) as per the complaint of the Tahasildar, Tangi to the local police station.

5. That, atleast two FIR have been lodged against these persons for illegal mining from the particular stone quarry. The F.I.R No. 237, dated 25.06.2022 was lodged against him in Jankia Police Station U/s 21 of Mines and Minerals (Regulation of Development) Act 1957 and Sections 34 and 379 of IPC . In 2021, FIR No. 127 was registered against most of these persons U/s 186,379,411 of IPC and section 12 of Orissa Minerals (Prevention of theft, Smuggling and other Unlawful Activities) Act 1989. Again another FIR is also lodged recently on 09.09.2023 vide FIR No. 301 in Jankia Police Station U/s 68 of Orissa Minor Minerals Concession Rules, 2004 and Sections 34, 379, 447 of IPC against these persons.

6. That, the Respondent in his Counter affidavit date 21.02.2024 has mentioned the illegal mining by these persons along with the inquiry reports and F.I.R. against them. For the sake of brevity, it is not repeated again.

7. That these persons need to be impleaded as parties for proper adjudication of the dispute and bringing the matter to a logical conclusion. If these persons are not impleaded as parties then the illegal mining activities will keep going on .

It is, therefore, prayed that the Hon'ble tribunal may direct the Petitioner to implead above named persons as parties those are involved in illegal mining at the said quarry.

PRAYER

In the view of the above circumstances the Respondent Prays before Hon'ble Tribunal to allow the IA for a direction to implead following persons as parties to the present O.A. No. 122/2023.

i)Yudhistir Udaysingh

S/o Kulamani Udaysingh

Village – Jankia, Dist – Khurdha, Odisha

ii)Biswanath Behera

S/o Bula Behera

Village – Jankia, Dist – Khurdha, Odisha

iii)Sachi Guman Singh

Village – Jankia, Dist – Khurdha, Odisha

iv)Kuna Jena

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

v)Bisia Behera

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

vi)Nagen Jena

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

vii)Sanjay Udaysingh

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viii)Deepak Behera

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

ix) Sipu Harichandan

Village – Baligadia, Jankia, Dist – Khurdha, Odisha

x) The Supervisor, Cashew Development Corporation,

Village – Jankia, Dist – Khurdha, Odisha

xi) Rakesh Champati

S/o Ashok Champati

Village – Mundambo, Jankia, Dist – Khurdha, Odisha

and take suo moto action against above mentioned persons who are involved in the illegal mining in the said laterite quarry and adjoining areas. The Hon'ble Tribunal may pass such other orders or further orders as deemed just and proper.

And for this act of kindness, the Respondent shall, as in duty bound, ever pray.

CUTTACK

By the Respondent -13 through Counsel

DATE:- 25/04/2024



Akhand, Advocate

B.C.E. No.O-269/2023. Ph:7008816891

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

ORIGINAL APPLICATION NO. 122 /2023/EZ

IN THE MATTER OF: -

Ajay Behera

.... Applicant

-VERSUS-

State of Odisha & Ors.

.... Respondents

AFFIDAVIT

I, Sri Prahallad Biswal, S/o- Purna Chandra Biswal At- Kaithapalla, Po-
Biribadi, Dist- Khordha, State- Odisha, do hereby solemnly affirm and
state as follows:-

1. That I am the Respondent No. 13 in the above mentioned application and competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same are true to the best of my knowledge and belief and is drafted on my instruction.

Prahallad Biswal
DEPONENT

VERIFICATION

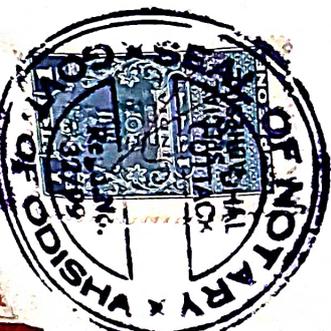
Verified on this the 25th day of April 2024 at Cuttack that
the contents of the above counter affidavit are true and correct. No part of it
is false and nothing material has been concealed there from.

Identified by;

Achard
Advocate

The above named Deponent *Prahallad Biswal*
Solemnly affirm on 25th April 2024 DEPONENT
Being identified by *Achard*

Surenara Prasad Mishra
Advocate
NOTARY, CUTTACK



Proof of Service

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IA for impaled new parties in O.A. No. 122/2023/EZ 📄 🗑️

 **Akhand.** <akhand111@gmail.com> 4:11PM (0 minutes ago) ☆ 😊 ↶ ⋮
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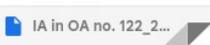
Dear Sir/ madam,

I hereby serve the copy of IA for impleading new parties in O.A. No. 122/2023/EZ

Thanks and regards

Mr. Akhand
Advocate for R-13
M- 7008816891

One attachment • Scanned by Gmail 🗑️


 IA in OA no. 122_2...

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