

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH, KOLKATA.

OA No. 68 of 2024

(Earlier OA No.26/2024/PB)

In the matter of:

Dr. Laxmidhar Biswal

...

Applicant

-Versus-

Member, Secretary, OSPCB and Ors

...

Respondents

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CUTTACK.

DATE:- 18.07.2024

  
ADDL. STANDING COUNSEL



1

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
BENCH, KOLKATA.

OA No. 68 of 2024

(Earlier OA No.26/2024/PB)

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Dr. Laxmidhar Biswal ... Applicant

-Versus-

Member, Secretary, OSPCB and Ors ... Respondents

AFFIDAVIT

ON BEHALF OF COLLECTOR PURI

I, Sri Sidhartha Shankar Swain, aged about 34 years, S/o Subash Chandra Swain, at present working as Collector, Puri At/PO: Puri, Dist. Puri, do hereby solemnly affirm and state as follows:-

Siddharth S. Swain  
COLLECTOR, PURI

1. That I am the Respondent No. 2 in the present petition and duly authorized to swear the present affidavit on its behalf.

That the present affidavit is being filed in compliance of the order dated 18.04.2024 passed by this Hon'ble Tribunal.

That, pursuant to the order dated 16.02.2024 passed by the Principal Bench, Hon'ble Tribunal, a committee was formed comprising of Member Secretary, OSPCB, representative of



*[Handwritten signature]*  
18/04/24

CPCB and District Magistrate, Puri to enquire into the allegations made in the letter written by the Applicant to the Hon'ble Tribunal.

4. That the Joint Committee comprising of Collector, Puri, Dr. S.Giri, OSPCB and Toufic Aslam Scientist "C", CPCB, Regional Directorate, Kolkata inspected the spot in question on 14.05.2024 in presence of other state officials. Briefly stated, the said Committee has come to the following conclusions;

a. River Prachi is approximately 100 meters away from the bus stand and the general public use the river Prachi during the month of Shravana.

b. No encroachment has been caused on the River Prachi.

c. No adverse impact has been caused on the said river due to the construction of the bus stand.

d. Bus stand has been constructed over Plot No. 3733/4633 admeasuring an area of Ac. 1.00 decimals (Kissam Patita) after the said plot land has been de-reserved vide De-reservation Case No. 21/2005 since the plot of land had lost its original characteristics.

Siddharth S. Swain  
COLLECTOR, PURI

*[Handwritten signature]*  
14/05/2024



Copy of the report of the joint inquiry committee dated 21.05.2024 is annexed and marked as **Annexure-A**.

5. That the deponent craves leave of this Hon'ble Tribunal to add, alter or amend the affidavit if necessary.
6. That the facts stated in this counter affidavit are true to the best of my knowledge and based on records.

Date: 18.07.2024

*Siddharth S. Srauli*  
**DEPONENT**  
**COLLECTOR, PURI**

Certified that the above-named deponent is personally known to me. The facts stated above in this affidavit are true to the best of his knowledge and based on official records. I signed this affidavit today on dated 18<sup>th</sup> July, 2024 being present in my office chamber.

*[Signature]*  
**EXECUTIVE MAGISTRATE, PURI**



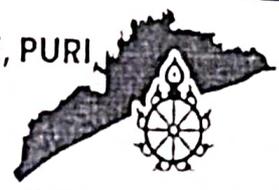
Sl. No. 2

dt. 18.07.2024

ଜିଲ୍ଲାପାଳ ଏବଂ ଜିଲ୍ଲା ମାଜିଷ୍ଟ୍ରେଟ୍ କାର୍ଯ୍ୟାଳୟ, ପୁରୀ

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, PURI

Tel: 06752- 222033 (R) 222034 (O) Fax No : 223939  
Website: www.puri.nic.in, E-Mail: dm-puri@nic.in



ENQUIRY REPORT OF THE JOINT COMMITTEE ON DATED 14.05.2024 AS PER THE DIRECTION OF THE HON'BLE N.G.T. PRINCIPAL BENCH, NEW-DELHI VIDE ORDR DATED 16.02.2024 PASSED IN O.A NO. 68 OF 2024 (EARLIER OA NO. 26 OF 2024) FILED BY Dr. LAXMIDHAR BISWAL-Vrs- STATE OF ODISHA & OTHERS.

That, one Sri Dr. Laxmidhar Biswal has filed a complaint case before the Hon'ble N.G.T. Principal Bench, New- Delhi against the State of Odisha & others alleging that, the Contractor namely Sri Bidyadhar Swain, JE Er. Sushanta Kumar Pradhan of OSPH & WC Bhubaneswar Division have encroached upon Prachi River unauthorizedly and caused irreparable loss to the River in the process of implementing the on-going project at Kakatpur i.e. construction of the Model Bus Stand at Kakatpur. It has been alleged that the project proponent and the named official have encroached upon the Prachi River.

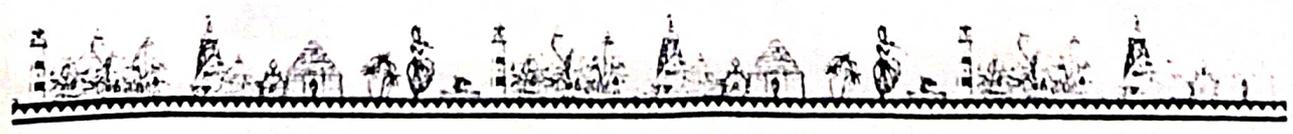
The Hon'ble N.G.T. Principal Bench, New-Delhi after hearing the matter on 16.02.2024 have been pleased to pass the following order in paragraph No. 5 & 6 as detailed below.

XXX XXX XXX

- 5. *Considering the nature of complaint made in the letter petition, we also deem it proper to form a joint committee comprising of the representative of CPCB, Member Secretary OSPCB and District Magistrate, Puri. The District Magistrate, Puri will act as nodal agency for coordination and compliance.*

*The Joint Committee will visit the site; ascertain the truthfulness of the allegations made in the letter petition, suggest remedial measures and*

*True Copy  
attached  
[Signature]  
Deputy Collector,  
Judicial, Collectorate, Puri*



*Hslam*

*Ans*



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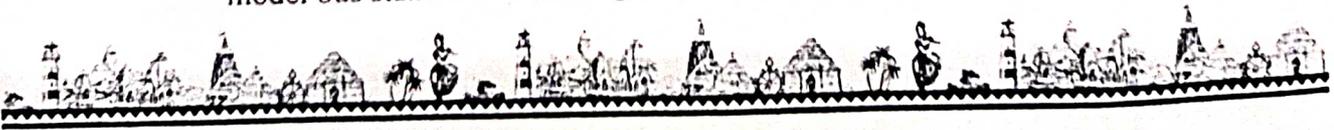


*submit report within two months before Eastern  
Zonal Bench, Kolkata.*  
XXX XXX XXX

In compliance to the above order, the Joint Committee comprising of Collector Puri, Dr S. Giri (OSPCB), and Toufic Aslam Scientist "C", CPCB, Regional Directorate, Kolkata made an inquiry into the matter on the spot at Kakatpur on dated 14.05.2024 in the presence of the Additional Tahasildar, Kakatpur, Revenue Supervisor, Kakatpur and Revenue Inspector, Kantapada.

**The following points are noticed by the above Joint inquiry committee.**

1. Bus stand is constructed and fully functioning over the Plot No. 3733/4633 with an area of Ac. 1.00 (kissam Patita) under the Khata No - 1193 (Abada Jogya Anabadi) of Mouza Balara of Kakatpur Tahasil. But this plot was previously recorded as Plot No- 3733 with an area of Ac. 1.84 decimal (kissam Prachi Nadi) under the Khata No- 1194 (Abada Ajogya Anabadi) of Mouza Balara as per the final R.O.R. published on Dated 31.03.1992.
2. As per the De-reservation Case No- 21/2005, an area of Ac. 1.00 out of plot No. 3733 Ac. 1.84 dec. of khata No- 1194(AAA) has been de-reserved for the purpose of Bus Stand as the River Prachi had lost its rights such as irrigation, drinking and bathing facilities of the localities and shall not make any obstruction to the drainage facility. Beside it is free from all encumbrance and litigation.
3. After finalization of the De-reservation Case No. 21/2005, the above land schedule has been changed and recorded in Khata No. -1193 (AJA), plot No- 3733/4633 with an area of Ac. 1.00 Kisam Patita. Now the model bus stand is functioning over this plot No- 3733/4633.



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True copy attested

Deputy Collector,

Judicial, Collectorate, Puri



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4. Now the River Prachi is flowing approximately 100 mts away from the bus stand and the people use Prachi water during the month of Shraavan and in any other purpose for Biswamita Ashram, Kkaktpur which is approximately 200 mts away from the Bus stand.
5. Boundary wall of 6 feet height has been constructed at around the Bus Stand area with two numbers of gate i.e. in and out gate.
6. In the Bus Stand separate toilet facility for the gents and ladies passengers has been provided. For the treatment of the toilet, black water, septic tank, and soak pit has been provided and similarly for treatment of general wash water soak pit has been provided inside the Bus Stand campus. No wash water was observed to be discharged outside the Bus Stand premises.
7. It was also observed that, for discharge of rain water to be generated during monsoon period, the unit has provided separate storm water drain inside the premises and provision has been made to discharge the same to outside lowland area.
8. The solid waste generated is collected in 4 numbers of plastic containers provided inside the Bus Stand premises. It was reported that the same will be disposed in the solid waste management facility of the Panchayat Samiti, Kakatpur.

As such it is evident from the spot visit by the joint committee that there is neither any encroachment upon the Prachi river nor any adverse impact to the Prachi river due to construction of model Bus stand at Kakatpur.

*Alam*  
21.05.2024  
Scientist "C", CPCB,  
Regional Directorate, Kolkata

*Indira*  
21.5.2024  
Regional officer, SPCB,  
Member Secretary  
OSPCB, Bhubaneswar

*SD*  
District Magistrate, Puri.



True copy attested  
*Pradyumn*  
Deputy Collector,  
Judicial, Collectorate, Puri