

**IN THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE KOLKATA**

MA _____/2024

Arising Out of

O.A. NO. 16 OF 2023

Madanmohan Rout ... Petitioner

V e r s u s

State of Odisha and other ... Opp.Party

INDEX

SL No.	PARTICULARS	PAGE No.
1	Synopsis	1
2	Date Chart/	2
3	Miscellaneous Application	3-13
4	Annexure 1. True copy of enquiry report in OA 16/2023	14-40

5	Annexure 2 True copy of ORDER DATED 4/07/2023 in OA 16/2023	41-59
	Vakalatnama	

KOLKATA

Date: 5/8/24


Advocate for the Petitioner

SYNOPSIS

That the present miscellaneous application has been filed by one of the applicants in Original Application 16/2023 with a prayer to implement the order dated 4/7/2023 passed by this Hon'ble Tribunal in Original Application 16/2023. The Hon'ble Tribunal has given set of directions to the Opp. Parties. One of the directions was that the Opp. Parties should complete drainage work within period of six months of passage of the order. Nearly one year has elapsed and not a single direction of this Hon'ble Tribunal has been implemented yet. Water logging situation is still at large and in rainy season it aggravates very badly.



DATE	LIST OF EVENTS
9/02/2023	Notice was issued to all the Opp. Parties in Original Application 16/2023
28/02/2023	Date of inspection by committee in OA 16/2023
4/07/2023	Date of passing of final order in OA 16/2023



**IN THE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA**

MISCELLANEOUS APPLICATION No _____/2024

Arising Out of

ORIGINAL APPLICATION No. 16/2023

In the Matter of:-

1. Madanmohan Rout S/o Late Laxmidhar Rout At/PO-
Gopinathpur PS- Puri Sadar Puri-752002 email- [email-
afraazsuhail2@gmail.com](mailto:afraazsuhail2@gmail.com)

Versus

1. State of Odisha, Represented through Addl. Chief
Secretary of Department of Forest, Environment and
Climate Change, At – Sachivalaya Marg, Bhubaneswar,
Pin – 751001 email- fesec.or@nic.in
2. State of Odisha, Represented through Principal Secretary
of Department of Water Resource, At – Keshari Nagar,
Bhubaneswar, Pin – 751001 email- wrsec@ori.nic.in

3. State of Odisha, Represented through Principal Secretary of Housing and Urban Development, At – Sachivalaya Marg, Bhubaneswar, Pin – 751001 email- email-hudsec.or@nic.in
4. Collector and District Magistrate, Puri, At – Collector Office, Governor House Road Puri – 752002 email- dm-puri@nic.in
5. Odisha State Pollution Control Board, Represented through Member Secretary, At – Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - 8, Bhubaneswar – 751012 email- member.secy@ospcboard.org
6. Block Development Officer Puri Sadar AT- Srikhetra Road Puri-752002 EMAIL-ori-bpuri@nic.in
7. Engineer in Chief of Water Resource Department, Odisha, Unit-V, Keshari Nagar, Bhubaneswar-751001 email- cehhgiscem@gmail.com
8. Tehsildar Puri At- Governor House Road Puri-752002 Email- tah.puri-puri@nic.in



9. Superintending Engineer of Drainage Division, At-
Shreevihar, Puri-752003 email-eeddpuri@gmail.com

10. Superintending Engineer of Irrigation Division, At-
Penthakanta , Puri-752003 Email- Not Avbl

..... Respondents

Humble petition of

Applicant above

named

Most Respectfully Shweth

1. This Original Application has been filed by the Applicant on the allegation that illegal constructions and encroachment that are made over water bodies in Plot No. 390 and Plot No. 417 of Khatiyani No. 125, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, Plot No. 192, 4, 24, 286/624 and 435 of Khatiyani No.209, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, and Plot Nos. 181, 235, 261/628, 172/623, 172, 564, 370, 193, 260, 438, 262, 368, 172/622, 559 of Khatiyani No. 126,



Mouza-Gopinathpur @ Routrapur in Tahasil Puri which belonged to local deity. The land records to that effect have also been filed along with the Original Application.

It is also alleged that rain water of Villages –

Gopinathpur, Tala Nuasahi, Samantra Nagar, Bhoi Sahi,

Mallick Sahi, Maitree Vihar, Viswanath Vihar and

Mukunda Mishra Nagar, gets accumulated in the said

water bodies and passes through Bharaput and becomes

source of water for Musa River.

2. That it is worthwhile to mention here that some of the land in question belongs to local deity
3. At the time of admission, the Tribunal constituted a Committee comprising of the following Members: -
 - (i) Senior Scientist from the Central Pollution Control Board;
 - (ii) Senior Scientist from the Odisha State Pollution Control Board;
 - (iii) Collector & District Magistrate, Puri; and

(iv) Engineer-in-Chief, Water Resource Department,
Odisha.

4. That the committee in its inspection report gave several responses and in one response it was that There is no clear drainage system to allow clear flow of rain water during torrential rainfall and, therefore, overflow of rain water to nearby area cannot be ruled out. True copy of committee report has been annexed here as **Annexure 1**
5. The Additional District Magistrate, Puri, has also directed the Engineer-in-Chief, Drainage Division, Bhubaneswar, to prepare alternative Master Plan for a concrete drainage network starting from the area of Mukunda Mishra Nagar up to Musa River and final discharge to Mangala River to be prepared so that during rainfall the rain water will get a clear passage without causing waterlogging so that demolition of large number of residential buildings may be avoided.
6. That it is worthwhile to mention here that the officials of the Irrigation Department who were also present during



the meeting, highlighted raising of the height of embankment of Dhedua River flowing near the Mukunda Mishra Nagar area so that flow of rain water into the area in question may be avoided.

7. That it is worthwhile to mention the Committee in its Report has also noted the proposal for construction of four drainage channels of approximately 7.11 kilometer of length;

- (i) Drain No.1 - 2.75 kilometer (approx.),
- (ii) (ii) Drain No.2 - 1.66 kilometer (approx.),
- (iii) (iii) Drain No.3 - 1.20 kilometer (approx) and
- (iv) (iv) Drain No.4 - 1.50 kilometer (approx).

8. That it is worthwhile to mention here that pursuant to inspection report the Hon'ble Tribunal vide order dated 4/07/2023 passed following order

".....22. In view of above, we dispose of this Original Application with a direction to the State Respondents to ensure that proper drainage system as proposed in the Committee Report and brought on record in their



affidavits, is completed within a period of six months since monsoon season has already commenced and the possibility of water logging in the area in question cannot be overlooked. We also direct the State Respondents that the land records in question be placed before the Revenue Divisional Commissioner for appropriate orders in terms of the directions given by the Hon'ble High Court in Tapan Kumar Das (Supra) and Batakrushna Das (Supra)." True copy of order dated 4/07/2023 has been annexed here as **Annexure 2**

9. That in the above order the Hon'ble Tribunal has specifically directed the Opp. Parties to construct and complete the drainage work within six months of passing of order and file an affidavit in this regard. Despite specific direction by Hon'ble Tribunal the Opp. Parties has not taken any positive steps towards the compliance of this order.



10. That more than six months has elapsed and not a single step has been taken by Opp. Parties for compliance of order dated 4/07/2023 passed in OA 16/2023.
11. That the water logging issue that has been pointed out in the Original Application still exists at large and people of above-mentioned locality are still suffering from water logging and other issues.

PRAYER

It is therefore prayed that this Hon'ble Tribunal may graciously please to:

1. Direct Opp. Parties to complete drainage work in the affected area within stipulated time, in accordance to enquiry report and as it has been directed by Hon'ble Tribunal vide order dated 4/07/2023 in Original Application 16/2023.
2. Direction may be given to Opp. Parties to implement the suggestion of Irrigation Department who highlighted



raising of the height of embankment of Dhedua River flowing near the Mukunda Mishra Nagar area so that flow of rain water into the area in question may be avoided as suggested in enquiry report

3. Direction may be given to implement order dated 4/07/2023 of Hon'ble Tribunal
4. Or any other order(s), direction(s) may be passed as deemed fit and proper

And for this act of kindness the applicant shall in duty bound shall ever pray.

Kolkata

By the applicant

Date 5/8/20



Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

MISC. APPLICATION _____/2024

ORIGINAL APPLICATION No. 16 of 2024

Madanmohan RoutApplicant

Versus

State of Odisha and othersRespondents

VERIFICATION

I Madanmohan Rout S/o Late Laxmidhar Rout At/PO-
Gopinathpur PS- Puri Sadar Puri-752002 do hereby verify
and state that the contents of the original application and the
facts stated are true to best of my belief. And no material
facts which are available to me are being suppressed by me in
any manner whatsoever.

Identified by


Advocate


Verificant



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

MISC. APPLICATION _____/2024

ORIGINAL APPLICATION No. 16 of 2024

Madanmohan RoutApplicant

Versus

State of Odisha and othersRespondents

AFFIDAVIT

I Madanmohan Rout S/o Late Laxmidhar Rout At/PO-
Gopinathpur PS- Puri Sadar Puri-752002 herby solemnly
affirm and state as follows that,

1. That I am the applicant in this case
2. That the facts stated are true to the best of my knowledge and no materials facts which are available to me are being suppressed by me in any manner whatsoever.

Identified By

[Signature]
Advocate

[Signature]
Deponent



solemnly affirm on in Oath by the Deponent
at Cuttack on... being identified
by
Advocate/.....'s office/Notary
personally, stated above are
true to the best of my knowledge.

[Signature]
RAMA CHANDRA MISRA, NOTARY
CUTTACK TOWN, REGD. No-11/85

14

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 16 OF 2023 / EZ

IN THE MATTER OF:

Saroj Mishra

...Appellant

VERSUS

State of Odisha & Others

... Respondents

INDEX

Sl. No.	Description of the documents	Page Nos.
1.	Affidavit.	
2.	Photocopy of the Inspection Report of the Committee. (ANNEXURE – R7/1 Colly)	

By the Respondent No.7

Through

Kolkata

Date:

Sri Papiya Banerjee Bihani,
Advocates for the Respondent No. 7
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

TRUE COPY


ATTESTED

15

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 16 OF 2023 / EZ

IN THE MATTER OF:

Saroj Mishra

...Appellant

VERSUS

State of Odisha & Others

... Respondents

71 APR 2023

M.K. Pradhan
Notary BBSR

AFFIDAVIT ON BEHALF OF THE
STATE PCB, ODISHA, R.NO.7 IN COMPLIANCE
WITH ORDER OF THIS HON'BLE TRIBUNAL
DTD.09.02.2023.



I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 54 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:



16
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-711/2009
PH:-9497627119 (M)

1. That I am the Member Secretary of the Respondent No.7 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal in their order dtd.09.02.2023 at para-12 directed all the respondents to file their counter affidavit within four weeks. Further in para-13, a joint committee has also been constituted by this Hon'ble Tribunal to visit the site in question and submit their report inspection report with regard to the allegations made in the OA. The State PCB has also been declared as the Nodal Officer in this case.
3. That in compliance to the said order the R.No.7 Board has sought for some time to file its response in this case and accordingly, the Hon'ble Tribunal vide order dtd.24.03.2023 has granted two weeks more time for filing counter affidavit.



[Handwritten signature]

17
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)

11/02/23

4. That the Regional Officer of this R.No.7 Board at Bhubaneswar has been declared as the Nodal Officer by the Member Secretary of the R.No.7 Board. And accordingly, the Regional Officer, Bhubaneswar alongwith other members of the committee constituted by the Hon'ble Tribunal vide order dtd.09.02.2023 has visited the alleged site on 28.02.2023 under the chairmanship of the Addl. District Magistrate, Puri (representative of R.No.5 in this OA).

5. The said committee after their joint field visit has provided its Inspection Report carried out on dtd.28.02.2023 with certain remarks. Copy of the said report is enclosed to this present affidavit and marked as ANNEXURE-R7/1 Colly.

6. That the Respondent No. 7 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.

That the annexure annexed to the present affidavit is true and correct copy of its original.



18
MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)
11/04/23

8. 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.


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 11th day of April, 2023.

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (M)
11/04/23


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar



Inspection Report of the committee that was constituted as per the direction of Hon'ble NGT, Kolkata w.r.t. O.A. No.16/2023/EZ - Saroj Mishra -Vrs- State of Odisha & Others

The above cited O.A. case has been filed by Sri Saroj Mishra Vrs. State of Odisha and others before Hon'ble NGT w.r.t restoration of water bodies/Jalasaya etc. over the alleged plots those have been cited in the case matter where the drainage system has been completely squeezed due to illegal encroachment.

Basing upon the direction of Hon'ble NGT over the above cited OA a committee had been constituted vide order dtd.09.02.2023 with the following members.

- a) Collector & District Magistrate, Puri.
- b) Engineer-in Chief, Water Resources Department, Odisha.
- c) Sr. Scientist from CPCB.
- d) Sr. Scientist from Odisha State Pollution Control Board.

Over the above cited case matter, the Hon'ble NGT has directed on the date of hearing i.e. on dtd. 09.02.2023 that State Pollution Control Board will act as Nodal Office for filing the report of the committee for all logistic purposes.

As per order of Ho'ble NGT, The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar had communicated through his letter vide No.2217, dtd.15.02.2023, to all the Committee Head i.e. to The Collector & District Magistrate, Puri, Regional Director (Eastern Regional Directorate) CPCB, Kolkata, Engineer In Chief Department of Water Resources, Govt. of Odisha, Bhubaneswar & had requested for inspection to the alleged sites w.r.t. allegation raised to submit the inspection report within the 6 weeks, so as to file the report to the Hon'ble Tribunal within stipulated time period. Copy of the letter dtd.15.02.2023 is enclosed herewith as Annexure-1.

Also in the above cited letter, the Member Secretary had nominated Dr. Sohan Giri, Regional Officer, SPC Board, Odisha, Bhubaneswar to represent the Committee and to act as Nodal Officer on behalf of Board vide Memo No.2218 dtd.15.02.2023..

In that capacity Dr. Sohan Giri, Regional Officer, SPC Board, Odisha, Bhubaneswar had communicated a letter vide No.405, dtd.24.02.2023 all the above cited committee Members to have a meeting on dtd.28.02.2023 at Special Circuit House, Puri for holding detail discussion over the above case matter and to conduct the site visit. (Copy of letter enclosed). Subsequently on behalf of Collector & District Magistrate, Puri, the Additional District Magistrate, Puri had communicated his letter vide No.629, dtd.27.02.2023 to The Superintendent Engineer (P.W.D) & (R&B), Puri, SE(IRR) Division, Puri, SE, Drainage Division, Puri, Tahasildar, Puri, BDO, Puri Sadar Block to be remain present in the meeting & to participate in the discussion so as to put forth their suggestion and views over the cited cases and also had directed the Tahasildar, Puri to be present with the concerned Revenue Inspector of the said area, on 28.02.2023 at 3.00 P.M. at special circuit house at Puri. In that meeting Addl. District, Magistrate, Puri had requested Sub-Collector, Puri to be present in the said meeting and to participate over the issues. (Copy of the letter enclosed). A copy of letter No.405 dtd.24.02.2023 and a copy of letter No.629 dtd.27.02.2023 is enclosed herewith as Annexure-2 and Annexure-3 respectively.

Accordingly on dtd.28.02.2023 at 3.00 P.M. all the Constituted committee members along with the other invited Officials / Members of different Departments as has been cited above (along with Sr. Scientist, CPCB, Kolkata, Dr. Sandeep Roy & Dr. Sohan Giri (Nodal Officer) designated -cum- Regional Officer, SPC Board, Bhubaneswar) met at the Special Circuit House, Puri and discussed the alleged highlighted issues raised in the O.A.

The meeting was Chaired by Additional District Magistrate, Puri, representative of Collector & DM, Puri. In the joint committee of said meeting ADM, Puri had discussed with the officials present from different Departments, Sr. scientist of CPCB, Zonal Office, Kolkata in details to prepare a inspection report accordingly. Also ADM, Puri had requested all the participated officers to have a site visit over the alleged area along with Tahasildar, Puri and the concerned Revenue Inspector.(Copy of attendance sheet is enclosed as Annexure-4).

As per the direction of Hon'ble NGT, Kolkata all the joint committee members had visited alleged sites and it was decided there that Tahasildar, Puri with the help of Revenue Inspector of that area will provide a clear picture & status of the alleged plots those have been cited in the O.A to the committee so that the same

21

can be communicated to the Hon'ble NGT well before the date of hearing . In that connection Nodal Officer- cum-Regional Officer, SPCB, BBSR had communicated a letter to the Tahasildar, Puri vide his letter No.600, dtd.09.03.2023 to provide real time Land/Plot status (i.e. Plot No., Khata No., Kisam of those plot both past & present) & possession holder at present so as to file an affidavit by The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar well before 24.03.2023 (Letter copy enclosed). A copy of letter No.600 dtd.09.03.2023 is enclosed as Annexure-5.

In response to the letter dtd.09.03.2023 of the Nodal Officer –cum- Regional Officer, SPC Board, Bhubaneswar, the Tahasildar, Puri vide his letter No.2199 dtd.15.03.2023 has submitted the land status of those alleged areas/ plots cited in the O.A basing upon the report furnished by Revenue Inspector, Biraharekrishnapur, Puri after the field enquiry conducted with Asst. Engineer, Drainage Division, Puri. Also in his letter Tahasildar, Puri has mentioned that there are lots of changes seen in respect of the characteristics of that land on those particular areas since last settlement (1977). Those plots are recorded in private khatas and detail real time possessioner is not ascertainable at present for which further detail survey is required. Copy of the report and letter No.2199 dtd.15.03.2023 of Tahasildar is enclosed as Annexure-6.

As decided in the joint committee meeting held on dtd.28.02.2023, Er. Debidutta R.R. Pattnaik, Chief Engineer, HH, GIS & CEM (O/o) Engineer -in- Chief (Water Resources) Odisha has submitted a compiled statement of the sheet containing particulars ROR w.r.t the Govt. record of the alleged plots with the drainage map vide his letter No.7842 dtd.22.03.2023. A copy of the said letter dtd.22.03.2023 is enclosed as Annexure-7.

However, on 10th April, 2023 at late evening hour, the Tahasildar, Puri vide his letter No.3065 dtd.10.04.2023 has submitted the Real Time Possessioners of the alleged plots basing upon the report submitted by the Revenue Inspector, Biraharekrushnapur, Dist – Puri, showing the present status of land record and real time possession. A copy of letter No.3065 dtd.10.04.2023 along with its enclosure is enclosed as Annexure-8.

Remarks:-

- a) However the committee Members when visited those alleged plots and observed that all the plots of those areas have been fully developed with human habitation like houses, buildings, gardens, Temple and colonies along with stagnant water bodies, full of floating species. No clear drainage system exists physically so as to allow the clear flow of rainfall water during torrential rainfall. So there might be every chances of over flow of rain water to the nearby area, which cannot be ruled out
- b) The committee observed that the information provided by the Tahasildar with respect to the present status of land record and the real time possession data does not clarify the conversion status of the alleged plot and required further verification and the same has to be approved by the concerned Revenue Authority as well as to verify with the documents provided by the Chief Engineer, Water Resources Deptt, Govt. of Odisha, for which further 2 months of time is required to revisit the alleged sites and submit the final report.



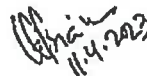
**Nodal Officer-cum- Regional Officer
SPCB, Odisha, Bhubaneswar**



**Additional District Magistrate
Puri, Odisha.**



**Sr. Scientist
CPCB, Kolkata**



**Chief Engineer, HH, GIS & CEM
Water Resources Deptt.
Govt. of Odisha**





ANNEXURE-1

23

EPABX: 2561909/2562847
Tel: 2562822, 2560955
Email: Paribesh1@ospboard.org
Website: www.ospboard.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. 2217

Date: 15-02-2023

VII – L – Misc – 985

E-mail / Speed Post

To

The Regional Director
Eastern Regional Directorate
Central Pollution Control Board
502, Southend Conclave,
1582, Rajdanga Main Road
Kolkata – 700107
E-mail: zokolkatta.cpcb@nic.in

The Collector & District Magistrate
Puri, E-mail: dm-puri@nic.in

The Engineer – in – Chief
Department of Water Resources
Govt. of Odisha,
Unit- V, Keshari Nagar
Bhubaneswar – 751001
E-mail: eic-wr.od@nic.in

Sub: OA No.16/2023/EZ – Saroj Mishra v. State of Odisha & Others.

Sir,

The Hon'ble NGT, EZB, Kolkata vide their order dtd.09.02.2023 while adjudicating the aforesaid OA has been pleased to constitute a committee comprising of (i) Sr. Scientist from Central Pollution Control Board, (ii) Sr. Scientist from the Odisha State Pollution Control Board, (iii) Collector & District Magistrate, Puri and (iv) Engineer-in-Chief, Water Resources Deptt., Govt. of Odisha and directed for inspection of the site in question and submit the inspection report with regard to the allegation made in the original application within 6 weeks. The SPC Board, Odisha has been declared as the Nodal Office for filing the report of the committee and for all logistic purposes.

Dr. Sohan Giri, Sr. Env. Scientist and Regional Officer, SPC Board, Bhubaneswar (Mob-9437278633) has been nominated on behalf of the Board to represent the committee and act as Nodal Officer. Copy of the OA and order dtd.09.02.2023 are enclosed for your reference. You are requested to take appropriate action for compliance of the direction of the Hon'ble Tribunal in terms of order dtd.09.02.2023 so that the inspection report can be filed within the stipulated time of 6 weeks fixed by the Hon'ble Tribunal. The case is posted to 24.03.2023 for hearing.

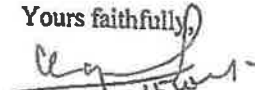
Encl: As above.

Memo No. 2218 / Date: 15-02-2023

Copy along with copy of enclosure forwarded to the Regional Officer, SPC Board, Bhubaneswar for information and necessary action.

Encl: As above.

Yours faithfully,


Member Secretary


Member Secretary

O/C



ANNEXURE-2

24

181: 0674-2973126

E-mail: ospcb.bhubaneswar@ospboard.org

Website: www.ospboard.org



OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
[DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA]
Plot No. B-59/2 & B-59/3, Chandaka Industrial Estate, Patla, Po- KIIT, Bhubaneswar - 751024

No. 405

R.O.- Misc.- 346

DL 24/02/2023

By E-mail/Speed Post

From:

Nodal Officer- cum-Regional Officer
SPC Board, Bhubaneswar

To,

The Collector & District Magistrate, Puri
District Collectorate
Puri
E-mail: dm-puri@nic.in

The Regional Directorate
Eastern Regional Directorate
Central Pollution Control Board, 502, Southend Conclave
1582, Rajdanga Main Road, Kolkata-700107
E-mail: zokolkata.cpcb@nic.in

The Engineer-in-Chief,
Department of Water Resources
Govt. of Odisha
Unit-V, Keshari Nagar, Bhubaneswar
E-mail: efc-wr.od@nic.in

Sub: Hon'ble NGT OA No. 16/2023/EZ- Saroj Mishra vs. State of Odisha & Others; Hon'ble NGT OA No. 17/2023/EZ- Srikant Pradhan vs. State of Odisha & Others and Hon'ble NGT OA No. 18/2023/EZ- Madanmohan Rout vs. State of Odisha & Others - reg.

Ref: Hon'ble NGT Order DL 9.2.2023 and SPCB, Bhubaneswar letter No. 2217, dl. 15.2.2023; Hon'ble NGT Order DL 9.2.2023 and SPCB, Bhubaneswar letter No. 2215, dl. 15.2.2023 and Hon'ble NGT Order DL 9.2.2023 and SPCB, Bhubaneswar letter No. 2209, dl. 15.2.2023.

Sir,

In inviting to above cited subject and reference, it is to inform you that three (03) numbers of NGT of Cases have been filed by various Applicants in the Hon'ble NGT, Eastern Zone Bench, Kolkata and the Hon'ble Court has formed a Committee with members as cited above and directed this Board to be the Nodal Office and to communicate further course of action. As per the direction of the Hon'ble NGT, DL 9.2.2023, it has asked the Committee to visit the site in question and submit its inspection report with regard to the allegation made in the Original application within six weeks. The next date of hearing is fixed on DL 24.3.2023.

In order to submit the inspection report a meeting of the Committee members along with site visit has being proposed. The committee members will meet in the Circuit House, Puri on Dated 28.2.2023 (Tuesday) at 3.00 PM, positively for compliance discussion and then proceed for field visit.

It is therefore requested to be present on the scheduled date and venue for undertaking the field visit and submit the compliance report to the Hon'ble NGT before the stipulated time period.

This may be treated as URGENT.

Encl: (1) Hon'ble NGT Order DL 9.2.2023.

Yours faithfully

[Signature]
24/2/2023

Nodal Officer- cum-Regional Officer

Memo No. 406/24/02/23 Date:

Copy forwarded to Member Secretary, S.P.C. Board, Odisha, Bhubaneswar for kind information.

[Signature]
24/2/2023

Nodal Officer- cum-Regional Officer

Memo No. 407/24/02/23 Date:

Copy forwarded to Tahasildar, Puri with a request to be present at the meeting with concerned Revenue Inspector (RI) for field visit and identification of the alleged area.

[Signature]
24/2/2023

Nodal Officer- cum-Regional Officer

[Signature]



25
ANNEXURE-3

OFFICE OF THE DISTRICT MAGISTRATE & COLLECTOR, PURI
(JUDICIAL SECTION)

Letter No. 629 / Judl. dt- 27-02-23

To

The Superintending Engineer, P.W.D. (R&B) Puri.
Superintending Engineer, Irrigation, Division, Puri.
Superintending Engineer, Drainage, Division, Puri.
Block Development Officer, Puri Sadar, Block.
Tahsildar, Puri.

Sub-: O.A. No. 16 of 2023, 17 of 2023 and 18 of 2023/E.Z. in the Court of the National Green Tribunal, E.Z. Bench, Kolkata filed by different persons against the State of Odisha & others.


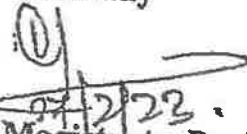
Sir,

In inviting a reference to the subject cited above, I am to say that, some different persons have filed O.A. No. 16 of 2023, 17 of 2023 and 18 of 2023/E.Z. in the Court of the National Green Tribunal, E.Z. Bench, Kolkata against the State of Odisha & others. The Hon'ble N.G.T. have been pleased to construct a committee and directed the State Pollution Control Board to be the Nodal Officer. The Hon'ble N.G.T. vide its order dated 09.02.2023 and 10.02.2023 have been pleased to direct the committee to visit the site in question and submit the inspection report with regard to the allegation made in the O.A. within six weeks. For compliance of the order of the Hon'ble National Green Tribunal, the Nodal Officer-Cum- Regional Officer, State Pollution Control Board, Odisha has been pleased to call for a meeting of the above members on 28.02.2023 at 3.00 P.M. at conference hall of the Circuit House, Puri. (Copy enclosed)

Therefore, I would request you to please attend the meeting on the date, time and place mentioned positively without fail. The Tahsildar, Puri is requested to come with the concerned R.I to the meeting as desired by the Nodal Officer-Cum- Regional Officer, State Pollution Control Board, Odisha.

This may please be treated as Extremely Urgent.

Yours faithfully




27/2/23
Addl. District Magistrate, Puri.

Memo No. 630 /Judl. . dt. 27-02-23

26

Copy along with the enclosure forwarded to the Sub-Collector, Puri for information & necessary action.

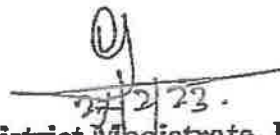
He is requested to please attend the meeting as per the scheduled date and venue.


Addl. District Magistrate, Puri.

Memo No. 631 /Judl. . dt. 27-02-23

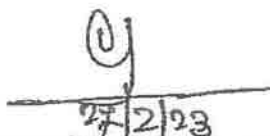
Copy along with the enclosure forwarded to the Manager Circuit House, Puri / Deputy Collector, Nizarat, Puri for information & necessary action.

They are requested to reserve the conference Hall of the Circuit House, Puri on 28.02.2023 for meeting to be held on 28.02.2023 at 3.00 P.M and provide the logistic support.


Addl. District Magistrate, Puri.

Memo No. 632 /Judl. . dt. 27-02-23

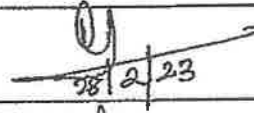
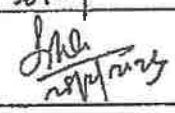
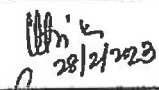
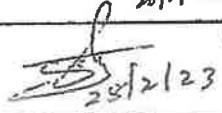
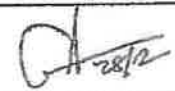
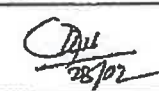
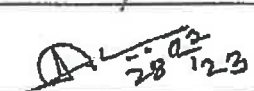
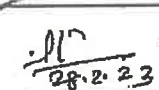
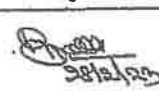

Copy forwarded to the Nodal Officer-Cum- Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar for information & necessary action with reference to his letter No. 405 dtd. 24.02.2023.


Addl. District Magistrate, Puri.


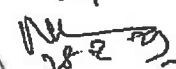

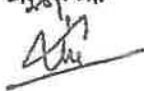


Attendance sheet of the Committee Meeting held w.r.t
direction of Hon'ble NGT on OA. NO.16/2023/EZ - Saroj Mishra V.
State of Odisha & Others, OA. NO 17/2023/EZ- Srikant Pradhan &
Anr v. State of Odisha & Others- & OA. NO 18/2023/EZ -
Madanmohan Rout & Anr. V. State of Odisha & Others, At- Circuit
House, Puri, Dist- Puri

Date: 28.02.2023, 03:00 P:M

Sl. No	Name and Designation of the Person attended the personal hearing (P.H)	Contact No and Email ID	Signature
1.	Collector and District Magistrate, Puri		
2.	Additional District Magistrate, Puri	9437333823	
3.	Dr. Sohan Giri, Regional Officer Cum Nodal Officer, RO SPCB, Bhubaneswar	9437278633	
4.	EIC (W. R) Govt. Of Odisha Debi datta PR Pattnaik, CE, H&H GIS&CEM for EIC, WR	8895724291	
5.	Sr. Scientist, CPCB, Kolkatta SANDEEP ROY	9903816939	
6.	Khirad Ku. Mishra Tahasildar, Puri	9437230795	
7.	Ajit Prasad Mohapatra S.E. - Puri (R&B) Divn.	9936746509	
8.	Ashis Kumar Mishra SE, Drainage Divn, Puri	9853426725	
9.	Sulendra Kumar Pattnaik P.O.D Drainage Divn, Puri	8964762475	
10.	Bhagabati Mishra Asst. Executive Engineer Puri Engineering Division, Puri	9556496825	
11.	Himansu Sekhar Mandhata Asst. Engineer Puri Ho. Letm	70086 80146	

- 12. B. R. Purohit, Addl. CE. 8895296277
- 13. Bhabataraon Sahu. 9437234023
- 14. A.K. Sahu, Addl. District CEM (WR) 9437125081
- 15. R. Datta. SE, PID, 9438183772



28

Tel: 0674-2973126

E-mail: rospcb.bhubaneswar@ospboard.org

Website: www.ospboard.org

ANNEXURE - 5



OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR
STATE POLLUTION CONTROL BOARD, ODISHA
 [FOREST, ENVIRONMENT AND CLIMATE CHANGE DEPARTMENT, GOVERNMENT OF ODISHA]
 Plot No. B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po- KIIT, Bhubaneswar - 751024

No. 600 /

RO-Misc.- 346

Dt 09/03/2023 /
By Regd. Post/ E-Mail

To,

The Tahasildar,
 Puri Town, Puri,
 Dist: - Puri, Odisha.

Sub: Regarding Revenue/ Present land status of alleged cited plots-Reg...

Ref: O.A. No.16/2023/EZ- Saroj Mishra & Another - Vs- Sate Of Odisha & Others.

Sir,

In inviting to the subject reference cited above and discussion during site visit with joint committee Officials to the alleged sites w.r.t. illegal encroachment to the natural drain, you are requested to provide the real time land / Plot status to the undersigned so as to enable to submit the report to Hon'ble NGT within the stipulated time period for submitting the affidavit by the Member Secretary, State pollution Control Board, Odisha, Bhubaneswar i.e. well before 24.03.2023.

It is inform you that Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar is acting as Nodal Officer as per the direction of Hon'ble NGT and he has to submit the compiled report to the Member Secretary, State Pollution Control Board.

Therefore you are requested to provide the detail of alleged Plot No. /Khata No. with their real time possession (as cited in Hon'ble NGT order dtd: - 09.02.2023) within 7days (i.e. by dtd: 17.03.2023) so as to enable to submit the report to Hon'ble NGT within the time scheduled.

Yours faithfully,

Encl: (Hon'ble NGT OA No. 16/2023/EZ)

REGIONAL OFFICER

Memo No. 601 / Dtd. 09/03/2023 /

Copy forwarded to Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar/ Sr. Law Officer (L-II) of State Pollution Control Board, Odisha, Bhubaneswar for kind information.

REGIONAL OFFICER



29
ANNEXURE-6

OFFICE OF THE TAHASILDAR, PURI

(Encroachment Section)

e-mail: tah.puri-od@nic.in

Letter No. 2199 Dt. 15.03 2023

To

The Regional Officer,
State Pollution Control Board, Odisha, Bhubaneswar
[Forest, Environment and climate change Department Govt. of Odisha]
Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia, PO-KIT,
Bhubaneswar-751024

Sub:- Regarding Revenue / Present land status of alleged cited plots-Reg...

Ref:- O.A.16/2023/EZ-Saroj Mishra & Another - Vs- State of Odisha & Others.

Sir,

In inviting to the above reference cited subject, we would like to state that the R.I, Biraharekrushnapur conducted field enquiry over the plots in question mentioned in OA No.16/2023/EZ-Saroj Mishra & another-Vs-State of Odisha & others alongwith A.E drainage Division, Puri and submitted plot wise present status of land characteristics which is enclosed herewith. There are lots of changes seen in respect of the characteristics of the land in that particular area since last settlement (1977). These plots are recorded in private khata and details of real time possessioner is not ascertainable at present. A team is required to conduct detail survey of the area comprising members from pollution Central Board, Drainage Division etc.

This is for favour of your information and necessary action.

Encl:- Plot wise land status report.

Yours faithfully


15/3/2023
Tahasildar, Puri

Memo No. 2200 dt. 15.03.2023

Copy submitted to the Sub-Collector, Puri/the Additional District Magistrate, Puri for favour of kind information and necessary action.


15/3/2023
Tahasildar, Puri



30

1300
15/3/23

15/3

OFFICE OF THE REVENUE INSPECTOR, BIRAHAREKRUSHNAPUR

Latter No- 105 Date- 14-03-2023

To,

The Tahasildar, Puri

Sub:- Submission of inquiry report regarding present land status of alleged plots. Reg...

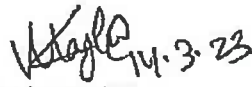
Ref:- Tahasil office Puri letter no- 2101 dt- 10.03.2023, and O.A. No-16/2023/EZ- Saroj Mishra & Another- Vs- State Of Odisha & Others..

Sir,

With reference to the subject cited above , on dt- 13.03.2023 , I have proceeded to alleged plots of revenue village- Gopinathpur oraf Routarapur along with Ratiranjan Mishra , A.E , Drainage,Puri . During field verification we have visited plot no- 181, 235, 261/628, 172/623, 172, 564,370, 193, 260, 438, 262, 368, 172/622, 559, 192, 4, 24, 286/624, 435, 390 and 417. The present land status of above said plot given in Annexure-1.

This is for favor of your kind information and necessary action.

Yours faithfully


Revenue Inspector
Biraharekrushnapur



32

ANNEXURE - 7**COURT MATTER
URGENT**Office of the Engineer-in-Chief, Water Resources, Odisha
Secha Sadan, Bhubaneswar - 751001, E-mail: cehngiscem@gmail.com

No. HH, GIS & CEM-CEM-I-09/23

7842/14E

Dt. 22/03/23

From

Er. Debidutta R.R. Pattnaik,
Chief Engineer, HH, GIS & CEM

To

The Nodal Officer-cum-Regional Officer
State Pollution Control Board,
Odisha, BhubaneswarSub: Hon'ble NGT OA No. 16/2023/EZ- Saroj Mishra vs State of Odisha & others;
Hon'ble NGT OA No. 17/2023/EZ- Srikant Pradhan vs State of Odisha & others and Hon'ble
NGT OA No. 18/2023/EZ- Madanmohan Rout vs State of Odisha & others- reg.

Ref: SPCB letter No. 405/R.O.-Misc.-346 dtd.24.02.2023

Sir,

In inviting a reference to the subject and letter cited above, it is to inform that the undersigned, on behalf of the Engineer-in-Chief, Water Resources, attended the 1st meeting of the committee constituted for the purpose, in the Circuit House, Puri on 28.02.2023 and made site visit of Gopinathpur and Mukunda Mishra Nagar. In the meantime, a letter has been received from Sri Tarun Patnaik, Addl. Standing Counsel, O/o the Advocate General, Odisha, Cuttack to file counter affidavit on NGT OA No.16/2023/EZ and OA No.17/2023/EZ. Accordingly, S.E., Drainage Division, Puri has been authorized to file counter affidavit on behalf of DoWR and EIC, Water Resources, Odisha. Further, S.E., Drainage Division, Puri has discussed the matter with Sri Tarun Patnaik, Addl. Standing Counsel over the matter and submitted the present status of the plots under allegation.

I am, therefore, submitting herewith the sheets containing particulars of RoR and the drainage map of the concerned area, as received from the S.E., Drainage Division, Puri, for appraisal of the committee and further necessary action.

Yours faithfully,

Encl: i) Present Status Report of Land (1no.)
ii) Drainage Map (2nos.)

Chief Engineer, HH, GIS & CEM

Memo No. 7843

Dt. 22/03/23

Copy submitted to the Engineer-in-Chief, Water Resources, Odisha, Bhubaneswar for favour of kind information.

Chief Engineer, HH, GIS & CEM

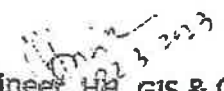
P.T.O.

33

Memo No. 7844

Dt. 22/03/23

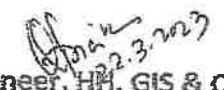
Copy submitted to the Additional Secretary to Govt., Department of Water Resources, Odisha, Rajiv Bhawan, Bhubaneswar for favour of information and necessary action with reference to EIC, WR letter no. 5871/WE and memo no. 5874 dtd 03.03.2023 and DoWR letter no. WR-FCDR-CASEOP-0001-2023 7765/WR dtd. 20.03.2022 addressed to EIC, WR, Odisha.


Chief Engineer, HR, GIS & CEM

Memo No. 7845

Dt. 22/03/23

Copy forwarded to the SE, Drainage Division, Puri for information with reference to his memo no. 531 dtd. 06.03.203 addressed to EIC, WR.


Chief Engineer, HR, GIS & CEM

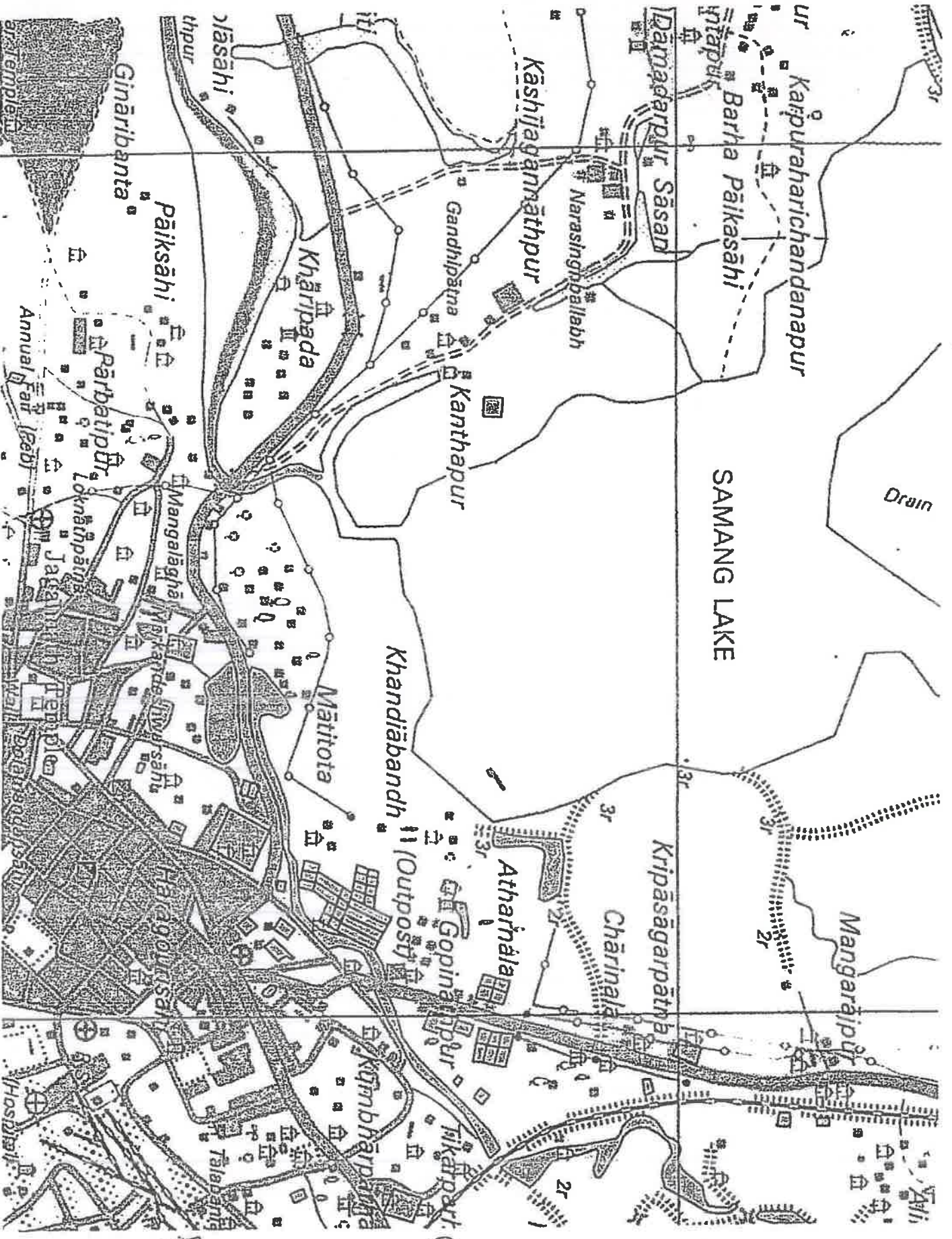


39

PRESENT STATUS REPORT OF LAND IN CONNECTION WITH O.A NO.- 16/2023, 17/2023, 18/2023

Sl. No	MOUZA	KHATA	STATUS	NGT. CASE NO	PLOT	AREA	KISAM	RECORDED TENANT	AS PER ROR REMARKS	PRESENT STATUS
1										
2		139	Sutiban	O.A NO-16/2023	327	0.03	Jalaseya-II	Ungaraj Mishra S/O-Ananta Mishra, Caste-Brahmin, Residence-Nilgagan		Road House, Road
3		165/1903	Sutiban	O.A NO-17/2023	123	1.58		1. Jagadananda Mishra, S/O-Mukunda Mishra, Caste-Brahmin, Residence-Haregohitsahi, Mukunda Mishra Neger, P.S-Puri Sadr 2, Bhaskarananda Mishra, S/O-Mukunda Mishra, Caste-Brahmin, Residence-Haregohitsahi, P.S-Kumbharpada		Pond, Road
4				O.A NO-16/2023	181	0.15	Jalaseya-II	Shri Nilakanthaswar Dev, Shri Gopinath Dev, Shri Durgadevi, Thakurani, Bije-Nilgagan, C/O-All the Mahajan		Road, Nallah
5				O.A NO-16/2024	235	0.28	Nallah(Panmahali)	Ramachandra Hota, S/O-Dasarathi Hota, Ramachandra Mishra, S/O-Bhubaneswar Mishra, Jagannath Nanda, S/O-Madhaba Nandi, Krishna Chandra Mishra, S/O-Dipranchu Mishra, Ginnashyam Mishra, S/O-Harshikrish Mishra, Gobinda Chandra Mohapatra, S/O-Sudarsan Mohapatra, Purnachandra Mishra, Nilakanth Mishra, Sachidananda Mishra, Bijayananda Mishra, S/O-Basudeba Mishra, Caste-Brahmin, Residence-Nilgagan		Road, Nallah House Road
6				O.A NO-16/2025	261/628	0.10	Nallah(Panmahali)		Jabur dakhal- Khandia Bandha Grambasal, Sna 1972 tharu Mudabek plot number-172	Pond, Road
7				O.A NO-16/2026	172/623	0.45	Jora			Pond, Road
8				O.A NO-16/2027	172	2.98	Jora		Abi joranu khandia bandha, Gopinathpur grambasal, Jab byabhar karbura, adhar aochi, Misayveda sutra, khandia bandha grambasal, Chandra swain S/O- thagaban Swain, Caste-Khandayal, Ba, Yearly Deposit, Rs. 5000	Pond, Road
9		126	Sutiban	O.A NO-16/2028	564	0.97	Jalaseya-I			Pond, House
10				O.A NO-16/2029	370	2.50	Jalaseya-I, Pond			Pond
11				O.A NO-16/2030	193	0.85	Jalaseya-I, Jora			TEMPLE, DOUBLED
12				O.A NO-16/2031	260	0.13	Jalaseya-I, Pond			Nallah
13				O.A NO-16/2032	438	0.10	Jalaseya-I, Jora			Pond
14				O.A NO-16/2033	262	0.32	Jalaseya-I, Jora			Nallah
15				O.A NO-16/2034	368	0.13	Jalaseya-II, Gadia			Pond
16				O.A NO-16/2035	172/622	0.62	Jalaseya-II, Pond		Jabur dakhal- Khandia Bandha Grambasal, Sna 1973 tharu mudabek plot number-172	Pond
17				O.A NO-16/2036	559	0.13	Jalaseya-II, Gadia			House
18				O.A NO-16/2023	192	1.7	Nallah(Panmahali)	Shri Nilakanthaswar Dev, Shri Gopinath Dev, Shri Durgadevi, Thakurani, Bije-Nilgagan, C/O-All the Mahajan		Road, Nallah
19				O.A NO-16/2023	4	0.26	Nallah(Panmahali)	Ramachandra Hota, S/O-Dasarathi Hota, Ramachandra Mishra, S/O-Bhubaneswar Mishra, Jagannath Nanda, S/O-Madhaba Nandi, Krishna Chandra Mishra, S/O-Dipranchu Mishra, Ginnashyam Mishra, S/O-Harshikrish Mishra, Gobinda Chandra Mohapatra, S/O-Sudarsan Mohapatra, Purnachandra Mishra, Nilakanth Mishra, Sachidananda Mishra, Bijayananda Mishra, S/O-Basudeba Mishra, Caste-Brahmin, Residence-Nilgagan		Road, Nallah
20				O.A NO-16/2023	286/624	0.02	Nallah (Jora)			Nallah, Road
21				O.A NO-16/2023	286/624	0.02	Nallah (Jora)			Nallah
22		209	Babandubasta		435	0.30	Jalaseya-II			Nallah
23				O.A NO-16/2023			Nallah(Panmahali)	Shri Nilakanthaswar Dev, Shri Gopinath Dev, Shri Durgadevi, Thakurani, Bije-Nilgagan, C/O-Gopinathpur : All the Mahajan : Ramachandra Hota, S/O-Dasarathi Hota, Ramachandra Mishra, S/O-Bhubaneswar Mishra, Jagannath Nanda, S/O-Madhaba Nandi, Krishna Chandra Mishra, S/O-Sudarsan Mohapatra, Purnachandra Mishra, Nilakanth Mishra, Sachidananda Mishra, Bijayananda Mishra, S/O-Mohapatra, Caste-Brahmin, Residence-Nilgagan		Nallah
24		125	Sutiban	O.A NO-16/2023	417	0.21	Nallah(Panmahali)			Nallah
25		44	Sutiban	O.A NO-16/2023	326	0.05	Jalaseya-II, Gadia	Dobrasih Bahinipati, Shivkishis Bahinipati, Ananaki Bahinipati, Ramasis Bahinipati, S/O-Chandrasekhar Bahinipati, Caste-Brahmin, Residence-Nilgagan		Road

AS PER ROR REMARKS



1952

1952

[Handwritten signature]



37

ANNEXURE - 3

OFFICE OF THE TAHASILDAR, PURI

(Encroachment Section)

e-mail:-tah.puri-od@nic.in

Letter No. 3065 Dt. 10.04.2023

To

The Regional Officer,

State Pollution Control Board, Odisha, Bhubaneswar

[Forest, Environment and climate change Department Govt. of Odisha]

Plot No.B-59/2 & 59/3, Chandaka Industrial Estate,Patia,Po-KIIT
Bhubaneswar- 751024

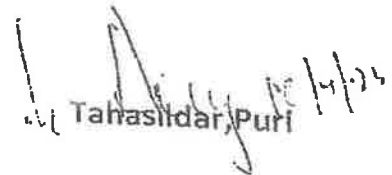
Sub: - Regarding submission of details of real time possessioner of each plot in connection with O.A No.16/2023/EZ-Saroj Mishra & another-Vs-State of Odisha & others.

Sir,

In inviting a reference to the subject cited above, I am to state that the RI Biraharekrushnapur conducted field enquiry on 10.04.2023 over the plots in question mentioned in O.A No. 16/2023/EZ-Saroj Mishra & another-Vs-State of Odisha & others and submitted the real time possessioner report which is enclosed herewith.

This is for favour of your kind information and necessary action.

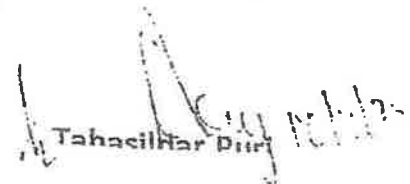
Yours faithfully


Tahasildar, Puri

Memo No 3066 dt. 10.04.2023

Copy submitted to the Sub-Collector, Puri/the Additional District Magistrate, Puri for favour of kind information and necessary action.




Tahasildar, Puri

38

OFFICE OF THE REVENUE INSPECTOR, BIRAHAREKRUSHNAPUR, PURI

LETTER NO- 148 DATE- 10.4.2023

To,

The Tahasildar, Puri

Sub: Submission of enquiry report regarding Real Time Possessioner report of alleged plots.

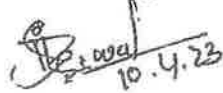
Rel: As per Tahasildar, Puri Letter No-3040 Dt-5.4.2023 and O.A.No-16/2023/EZ-Saroj Mishra & Another Vs State of Odisha and others and also Office Letter No-2101 Dt-10.03.2023 and R.I. Office Letter No-105 Dt-14.03.2023

Sir,

With reference to subject cited above, on Dt-10.4.2023, I have proceeded to the alleged plot of Village-Gopinathpur alias Routarapur. During field verification I have visited to Plot No - 181, 235, 261/628, 172/623, 172, 564, 370, 193, 260, 438, 262, 368, 172/622, 559, 192, 4, 24, 286/624, 435, 390, 417, 326. The Real Time Possessioner of mentioned plot given in Annexure-1

This is in favor of your kind information and necessary action.

Yours Faithfully


10.4.23

The Revenue Inspector
Biraharekrushnapur

R. I. Biraharekrushnapur



41

ANNEXURE - 2

Item No.04

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.16/2023/EZ

- 1. Saroj Mishra**
Aged 56 years
S/o N. Mishra,
At Nuacolony,
Gopinathpur,
Puri-752002
- 2. Madanmohan Rout**
Aged 49 years
S/o Late Laxmidhar Rout,
At/P.O.-Gopinathpur,
P.S. PuriSadar,
Puri-752002

.....Applicant(s)

Versus

- 1. State of Odisha,**
Represented through Additional Chief Secretary of
Department of Forest,
Environment and Climate Change,
At-Sachivalaya Marg,
Bhubaneswar-751001
- 2. State of Odisha,**
Represented through Principal Secretary of
Water Resource,
At-Keshari Nagar,
Bhubaneswar-751001
- 3. State of Odisha,**
Represented through Principal Secretary of
Revenue and Disaster Management Department,
At-Sachivalaya Marg,
Bhubaneswar-751001
- 4. State of Odisha,**
Represented through Principal Secretary of
Housing and Urban Development,
At-Sachivalaya Marg,
Bhubaneswar-751001
- 5. Collector and District Magistrate, Puri,**
At-Governor House Road,
Puri-752002
- 6. Central Pollution Control Board,**
Represented through Member Secretary,
At-Parivesh Bhawan, East Arjun Nagar,
Delhi-110032

TRUE COPY
[Signature]
ATTESTED

42

7. **Odisha State Pollution Control Board,**
Represented through its Member Secretary,
At-Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-8, Bhubaneswar-751012
8. **Odisha State Environment Impact Assessment Authority,**
Represented through Member Secretary,
At-Acharya Vihar, Unit-IX, OPTCL Colony,
Bhoi Naga, Bhubaneswar-751022
9. **Block Development Officer, PuriSadar,**
Srikhetra Colony, Station Road, Puri-752002
10. **Engineer in Chief of Water Resource Department, Odisha,**
Unit-V, Keshari Nagar,
Bhubaneswar-751001
11. **Tehsildar Puri,**
At-Governor House Road,
Near Collector Office,
Puri-752002
12. **Executive Engineer of Drainage Division, Odisha,**
At-Gandarpur, P.O.-College Square,
Cuttack-753003
13. **Superintending Engineer of Drainage Division,**
At-Shreevihar, Puri-752003
14. **Commissioner of Endowments of Odisha,**
At-Debottar Bhawan, Near Civil Courts,
P.O.-BJB Nagar, Bhubaneswar,
Dist.-Khurda-751014
15. **Nilakantheswar Dev,**
Through Manoj Kumar Mahapatra,
S/o Late Gobinda Chandra Mohapatra,
At/PO-Gopinathpur,
PS-PuriSadar,
Dist.-Puri-752002, Odisha

.....Respondent(s)

Date of hearing: 04.07.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Afraaz Suhail, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Tarun Patnaik, ASC for State Respondents (in Virtual Mode),
Mr. Sibojyoti Chakraborty, Advocate for R-6,
Ms. Papiya Banerjee Bihani, Advocate for R-7 (in Virtual Mode),
Mr. Apurba Ghosh, Advocate for R-8 (in Virtual Mode),
Mr. Sankar Prasad Pani, Advocate for R-15 (in Virtual Mode)

43

ORDER

1. This Original Application has been filed by the Applicant on the allegation that Plot No. 390 and Plot No. 417 of Khatiyan No. 125, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, Plot No. 192, 4, 24, 286/624 and 435 of Khatiyan No.209, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, and Plot Nos. 181, 235, 261/628, 172/623, 172, 564, 370, 193, 260, 438, 262, 368, 172/622, 559 of Khatiyan No. 126, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, are water bodies. The land records to that effect have also been filed along with the Original Application.
2. It is alleged that on these water bodies illegal constructions have been made.
3. It is also alleged that rain water of Villages - Gopinathpur, Tala Nuasahi, Samantra Nagar, Bhoi Sahi, Mallick Sahi, Maitree Vihar, Viswanath Vihar and Mukunda Mishra Nagar, gets accumulated in the said water bodies and passes through Bharaput and becomes source of water for Musa River.
4. It is, therefore, prayed that a direction be issued to the State Respondents to stop constructions over the water bodies in question.
5. At the time of admission, the Tribunal constituted a Committee comprising of the following Members:-
 - (i) Senior Scientist from the Central Pollution Control Board;
 - (ii) Senior Scientist from the Odisha State Pollution Control Board;
 - (iii) Collector & District Magistrate, Puri; and
 - (iv) Engineer-in-Chief, Water Resource Department, Odisha.

44

6. The Committee was required to visit the site in question and submit its Report with regard to the allegations made in the Original Application.
7. Though, the SEIAA, Odisha, Respondent No.8, has been made a party in the Original Application but its stand is that no application has been made to it for grant of Environmental Clearance in respect of any construction which may require Environmental Clearance.
8. The State Pollution Control Board, Odisha, Respondent No.7, has filed affidavit dated 11.04.2023 bringing on record the Inspection Report of the Committee constituted by the Tribunal. The Committee Report reads as under:-

***“Inspection Report of the Committee that was constituted
as per the direction of Hon’ble NGT, Kolakta, w.r.t. o.a.
No. 16/2023/EZ-Saroj Mishra-Vrs-State of Odisha &
Others***

The above The above cited O.A. case has been filed by Sri Saroj Mishra Vrs. State of Odisha and others before Hon’ble NGT w.r.t restoration of water bodies/Jalasaya etc. over the alleged plots those have been cited in the case matter where the drainage system has been completely squeezed due to illegal encroachment.

Basing upon the direction of Hon’ble NGT over the above cited OA a committee had been constituted vide order dtd.09.02.2023 with the following members.

- a) Collector & District Magistrate. Puri.
- b) Engineer-in Chief, Water Resources Department, Odisha.
- c) Sr. Scientist from CPCB.
- d) Sr. Scientist from Odisha State Pollution Control Board.

Over the above cited case matter, the Hon’ble NGT has directed on the date of hearing i.e. on dtd. 09.02.2023 that State Pollution Control Board will act as Nodal Office for filing the report of the committee for all logistic purposes.

45

As per order of Hon'ble NGT, The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar had communicated through his letter vide No.2217, dtd.15.02.2023, to all the Committee Head i.e. to The Collector & District Magistrate, Puri Regional Director (Eastern Regional Directorate) CPCB, Kolkata, Engineer In Chief Department of Water Resources, Govt. of Odisha, Bhubaneswar & had requested for inspection to the alleged sites w.r.t. allegation raised to submit the inspection report within the 6 weeks, so as to file the report to the Hon'ble Tribunal within stipulated time period.

Also in the above cited letter, the Member Secretary had nominated Dr. Sohan Giri, Regional Officer, SPC Board, Odisha, Bhubaneswar to represent the Committee and to act as Nodal Officer on behalf of Board vide Memo No.2218 dtd.15.02.2023.

In that capacity Dr. Sohan Giri, Regional Officer, SPC Board, Odisha, Bhubaneswar had communicated a letter vide No.405, dtd.24.02.2023 all the above cited committee Members to have a meeting on dtd.28.02.2023 at Special Circuit House, Puri for holding detail discussion over the above case matter and to conduct the site visit. (Copy of letter enclosed). Subsequently on behalf of Collector & District Magistrate, Puri, the Additional District Magistrate, Puri had communicated his letter vide No.629, dtd.27.02.2023 to The Superintendent Engineer (P.W.D) & (R&B), Puri, SE(IRR) Division, Pun, SE, Drainage Division, Puri, Tahasildar, Puri, BDO, Pun Sadar Block to be remain present in the meeting & to participate in the discussion so as to put forth their suggestion and views over the cited cases and also had directed the Tahasildar, Puri to be present with the concerned Revenue inspector of the said area, on 28.02.2023 at 3.00 P.M. at special circuit house at Puri. In that meeting Addl. District, Magistrate, Puri had requested Sub-Collector, Pun to be present in the said meeting and to participate over the issues.

Accordingly on dtd.28.02.2023 at 3.00 P.M. all the Constituted committee members along with the other invited Officials/Members of different Departments as has been cited above (along with Sr. Scientist, CPCB, Kolkata, Dr. Sandeep Roy & Dr. Sohan Giri (Nodal Officer) designated —cum- Regional Officer, SPC Board, Bhubaneswar) met at the Special Circuit

46

House, Puri and discussed the alleged highlighted issues raised in the O.A.

The meeting was Chaired by Additional District Magistrate, Puri, representative of Collector & DM, Puri. In the joint committee of said meeting ADM, Puri had discussed with the officials present from different Departments, Sr. scientist of CPCB, Zonal Office, Kolkata in details to prepare a inspection report accordingly. Also ADM, Puri had requested all the participated officers to have a site visit over the alleged area along with Tahasildar, Puri and the concerned Revenue Inspector.

As per the direction of Hon'ble NGT, Kolkata all the joint committee members had visited alleged sites and it was decided there that Tahasildar, Puri with the help of Revenue Inspector of that area will provide a clear picture & status of the alleged plots those have been cited in the O.A to the committee so that the same can be communicated to the Hon'ble NGT well before the date of hearing. In that connection Nodal Officer- cum- Regional Officer, SPCB, BBSR had communicated a letter to the Tahasildar, Puri vide his letter No.600, dtd.09.03.2023 to provide real time Land/Plot status (i.e. Plot No., Khata No., Kisam of those plot both past & present) & possession holder at present so as to file an affidavit by The Member Secretary, State Pollution Control Board, Odisha. Bhubaneswar well before 24.03.2023.

In response to the letter dtd.09.03.2023 of the Nodal Officer —cum- Regional Officer, SPC Board, Bhubaneswar, the Tahasildar, Puri vide his letter No.2199 dtd.15.03.2023 has submitted the land status of those alleged areas/ plots cited in the O.A basing upon the report furnished by Revenue inspector, Biraharekrishnapur, Puri after the field enquiry conducted with Asst. Engineer, Drainage Division, Puri. Also in his letter Tahasildar, Puri has mentioned that there are lots of changes seen in respect of the characteristics of that land on those particular areas since last settlement (1977). Those plots are recorded in private khatas and detail real time possessioner is not ascertainable at present for which further detail survey is required..

47

As decided in the joint committee meeting held on dtd.28.02.2023, Er. Debidutta R.R. Pattnaik, Chief Engineer, HH, GIS & CEM (O/o) Engineer -in- Chief (Water Resources) Odisha has submitted a compiled statement of the sheet containing particulars ROR w.r.t the Govt. record of the alleged plots with the drainage map vide his letter No.7842 dtd.22.03.2023.

However, on 10th April, 2023, at late evening hour, the Tahasildar, Puri vide his letter No.3065 dtd.10.04.2023 has submitted the Real time Possessioners of the alleged plots basing upon the report submitted by the Revenue Inspector, Biraharekrushnapur, Dist — Puri, showing the present status of land record and real time possession.

Remarks:-

- a) However the committee Members when visited those alleged plots and observed that all the plots of those areas have been fully developed with human habitation like houses, buildings, gardens, Temple and colonies along with stagnant water bodies, full of floating species. No clear drainage system exists physically so as to allow the clear flow of rainfall water during torrential rainfall. So there might be every chances of over flow of rain water to the nearby area, which cannot be ruled out.
- b) The committee observed that the information provided by the Tahasildar with respect to the present status of land record and the real time possession data does not clarify the conversion status of the alleged plot and required further verification and the same has to be approved by the concerned Revenue Authority as well as to verify with the documents provided by the Chief Engineer, Water Resources Deptt, Govt. of Odisha, for which further 2 months of time is required to revisit the alleged sites and submit the final report.”

9. The observation of the Committee Members with regard to the area in question is that all the plots are fully developed with human

18

habitation like – houses, buildings, gardens, temples and colonies with stagnant water bodies, full of floating species. There is no clear drainage system to allow clear flow of rain water during torrential rainfall and, therefore, overflow of rain water to nearby area cannot be ruled out. It was also observed that the information provided by the Tahasildar in respect of the status of land record and real time possession data does not clarify the conversion status of the alleged plot. However, letter of the Tahasildar, Puri, referred to in the Committee Report mentions that there are lot of changes in respect of characteristics of the land in these years since the last settlement of 1977.

10. The letter of the Tahasildar, Puri, (Annexure-6, page 96 of the paper book), also mentions that the plots are recorded in private Khatas and details of the possession holder is not ascertainable at present. The present status report of the land has been filed at page no.101 of the paper book, which shows the plots to be house/road/pond/nalla/temple and Khata No.139 Status-Stitiban, Khata No.165/1903 Status-Stitiban, Khata No.126 Status-Stitiban, Khata No.209 Status-Bebandabasta, Khata No.125, Status-Stitiban and Khata No.44 Status-Stitiban, and the Kissam of these Khatas are shown to be Jalasaya-II, Jalasaya-I, Nallah (Paninallah), Jore etc. The Present Status Report of land reads as under:-



50

with boundary wall or barbed wire. It is stated that the plots in question are not Government plots and are recorded in the name of private owners. The letter of the Superintending Engineer, Drainage Division, Puri, dated 06.03.2023 filed along with the counter-affidavit as Annexure-E (page 128 of the paper book), also mentions that the plots in question are not Government plots but are recorded in the name of private owners.

12. The State Pollution Control Board, Odisha, Respondent No.7, has filed further affidavit dated 12.05.2023 bringing on record another Inspection Report of the Committee constituted by the Tribunal. The Committee Report reads as under:-

“PROCEEDING OF THE COMMITTEE MEETING AND ACTION TAKEN REPORT ON O.A.NO.16/2023/EZ OF HON'BLE NGT FILED BY SRI SAROJ MISHRA AND ANOTHERS -VS- STATE OF ODISHA & OTHERS

The Hon'ble NGT, Eastern Zone Bench, Kolkata in the order dt. 13.4.2023 had granted one month time to Committee to file a Comprehensive Report and the case is placed for hearing on Dt. 16.5.2023.

Accordingly the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar had communicated a letter to Regional Officer, State Pollution Control Board — cum - Nodal officer vide letter No. 6420, dtd. 20.04.2023 to submit the comprehensive report. Basing upon the letter of the Member Secretary and the order of Hon'ble NGT, the Regional Officer-cum-Nodal Officer again through his letter, requested all the committee member along with other Govt. Officials of related Departments to meet on 26.04.2023 at Special Circuit House, Puri for a discussion along with and action undertaken on the case matter. All the committee members were present along with other government officials.



Issues Discussed by the Committee Members:

- a) In the meeting the Chairman of the committee, i.e. Addl. District Magistrate, Puri had instructed the Additional Tahasildar, Puri (who appeared for the Tahasildar, Puri due to illness of the Tahasildar) to provide a detail clear cut information about the alleged plot w.r.t its real status (both past and present) and who had authorized those persons to construct the dwelling house over the water bodies like Pani Mahara/ Natural drain/ pond etc, so for which the water logging problem has been cropped off and what action has been taken up against those law violator's (those who have constructed their houses over the water bodies) by the concerned department so far and copy of the same to be provided to the committee for its submission before Hon'ble Tribunal.
- b) Besides above discussion, the ADM, Puri had instructed the Engineer-in-Chief Drainage Division, Govt. of Odisha, Bhubaneswar through Superintendent Engineer, Drainage Division, Puri (who was present in the meeting) to prepare alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River to be prepared so that during rainfall the rain water will get a clear passage system without further water-logging as has been cited in the case matter without demolishing large number of residential building already builtup within the alleged area to avoid any law and order situation in future by the local public.
- c) For this Addl. District Magistrate, Puri had directed the Tahasildar, Puri and the Chief Engineer (H.A, GISS-IEM), Puri and other Officials to extend their full co-operation to the Superintendent Engineer Drainage Division, Puri so as to prepared a drawing/design of proposed drainage system along with identifying the revenue/private plots to be acquired so as to resolve the issue in peaceful manner.
- d) Besides above cited discussions the officials of Irrigation Department those who were present in the meeting also highlighted to raise the height of embankment of Dhedua River which is flowing nearby to alleged area i.e. Mukunda Mishra Nagar etc. so that the flow of rain water into the alleged area

52

during rainfall can be checked to an greater extend i.e. the perennial problem can be resolved.

A copy of the proceedings of the meeting held on dt 26.04.2023 was circulated to the departments to provide their report by dt 6.5. 2023 so as to submit the report to the Hon'ble NGT (Proceedings copy enclosed as Annexure-II).

Informations submitted by the Tahasildar, Puri

Accordingly the Tahasildar, Puri has submitted a fact-finding report to the Regional Officer, State Pollution Control Board, Bhubaneswar—cum-Nodal Officer in support of the case matter and his view w.r.t the joint enquiry team visit to alleged area to make an overall survey along with official of Drainage Division, Puri for providing an idea for clear passage of proposed drainage system to resolve the water logging issues are as follows:-

- 1) Basing upon the field survey report of the Revenue inspector and Amin of Biraharekrushnapur, Puri on the alleged area/plots and has cited that the Plots belongs to stitiban khata's over Plot No.181 as Kissam-Jalasaya-2; Plot No. 260 as Kissam-Jalasaya-(Gadia) and Plot No. 559 as Kissam-Jalasaya-2 (Gadia).
- 2) Some persons have constructed houses over the Jalasaya kisas land since long time ago without taking any permission for conversion of the same from concerned authorities of Tahasil at that time.
- 3) Also Tahasildar, Puri has informed that no notices have been issued from the office against the persons at that time.
- 4) Also regarding the proposed drainage network maximum revenue plots and some private plots have been identified and a complete muzumuli map has been prepared by taking the identified government plots. Endowment plot comprising mouza Markandeswar Sahi-1, Samanga, Bharatipur and Gopinathpur @ Routarapur for smooth flow of catchment area rain water through drainage system.
- 5) The possible drainage area layout plan has been handed over to Superintendent Engineer, Drainage Division, Puri to prepare a detailed study of Technical feasibility report taking into the

53

consideration of catchment area, NSL gradient and other aspects.

Informations submitted by the Superintending Engineer, Drainage Division, Puri, submitted through the Collector & District Magistrate, Puri.

Basing on the instruction given by the ADM, Puri, Engineer-in-Chief Drainage Division, Govt. of Odisha, Bhubaneswar through Superintendent Engineer, Drainage Division, Puri has submitted a report, in which an alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River has been proposed to prevent water-logging. In the report the Superintending Engineer, Drainage Division, Puri has mentioned that they have initiated action to find out the possible drainage channels in Government lands out falling Musa river ultimate to Mangala river. The necessary preliminary survey and demarcation of Drainage Channels over the government land has been made jointly with the supports of tahasildar and field staff of both Tahasils and Drainage Department and completed it by dt. 6.5.2023. It has been proposed to construct 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 — 2.75 Km (approx.); (ii) Drain No. 2 — 1.66 Km (approx.); (iii) Drain No. 3 — 1.20 Km (approx.) and (iv) Drain No. 4 — 1.50 Km (approx.) (drainage map enclosed). It has also been mentioned that if these Drainage Channels are constructed, then their shall be no water logging in that area.

Conclusion and Recommendations of the Committee:

- (i) As per the report of the Tahasildar, Puri, some residential houses has been constructed over the Jalasaya kizam land long time ago. An alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River is proposed so that during rainfall the rain water will get a clear passage system without further water-logging as has been cited in the case matter without demolishing large number of residential building already builtup within the alleged

59

area to avoid any law and order situation in future by the local public.

- (ii) The Superintending Engineer, Drainage Division, Puri has proposed to construct 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 — 2.75 Km (approx.); (ii) Drain No. 2 — 1.66 Km (approx.); (iii) Drain No. 3 — 1.20 Km (approx.) and (iv) Drain No. 4 — 1.50 Km (approx.) (drainage map enclosed). He has also mentioned that if these Drainage Channels are constructed, then there will be no water logging in that alleged area.
- (iii) The joint committee also recommends the construction of the 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 2.75 Km (approx.); (ii) Drain No. 2 — 1.66 Km (approx.); (iii) Drain No. 3 — 1.20 Km (approx.) and (iv) Drain No. 4 — 1.50 Km (approx.) so that there will be no water logging in the alleged area.”

13. The Committee Report mentions that queries have been made with the Additional Tahasildar, Puri, to find out as to how private persons had been permitted to make constructions over water bodies like – Pani Mahara/Natural Drain/Pond etc. resulting in water-logging problem and also explain what action has been taken against the violators who have constructed their houses over water bodies. The Additional District Magistrate, Puri, has also directed the Engineer-in-Chief, Drainage Division, Bhubaneswar, to prepare alternative Master Plan for a concrete drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River to be prepared so that during rainfall the rain water will get a clear passage without causing water-logging so that demolition of large number of residential buildings may be avoided. The officials of the Irrigation Department who were also present during the meeting, highlighted raising of the height of embankment of Dhedua River flowing near the Mukunda Mishra

55

Nagar area so that flow of rain water into the area in question may be avoided.

14. The Committee in its Report has also noted the proposal for construction of four drainage channels of approximately 7.11 kilometer of length; (i) Drain No.1 - 2.75 kilometer (approx.), (ii) Drain No.2 - 1.66 kilometer (approx.), (iii) Drain No.3 - 1.20 kilometer (approx) and (iv) Drain No.4 - 1.50 kilometer (approx).
15. The Collector & District Magistrate, Puri, Respondent No.5, in his counter-affidavit dated 15.05.2023 has stated that all the plots in question are Jalasaya in nature and the persons in possession of the plots have constructed houses over Jalasaya Kissam land since long time ago without taking any permission for conversion of the same from the concerned authorities of the Tahasil at the relevant point of time and no notices have been issued against such persons at the relevant point of time. Regarding the proposed drainage network, it is stated that maximum revenue plots and some private plots have been identified and a Muzumuli Map of the area has also been prepared for smooth flow of catchment area rain water through drainage system.
16. The Applicant has filed affidavit dated 15.05.2023 with photographs appended thereto and it is submitted that road is being constructed over the canal in the Village-Gopinathpur Sasan. It is also stated that a water body has been constructed for the people of Gopinathpur Sasan for use of the people of village.
17. The Applicant has filed further affidavit dated 01.07.2023, stating therein that the Applicant has not prayed for removal of any house or other building or construction in his Original Application and that he has only prayed for removal of pollutants with regard to

filling of water bodies with sand and shoals. This averment of the Applicant is incorrect. In his prayer to the Original Application, the Applicant has not only prayed for stopping construction over the water body/plots in question but also prayed for demolition of construction that has already been built-up over the water body.

18. The Respondent No.15 has filed affidavit dated 15.05.2023 wherein it is stated that Nilakantheswar Dev temple stands on Plot No.4 and has been standing thus for more than 100 years and the said plot is recorded in the name of deity and the same belongs to the deity. It is stated that Khata No.209 is also recorded in the name of Deity and there are ten plots in that Khata having a total area 4.4 acres. It is also stated that Plot No. 172/622 and Plot No.172/623 mentioned in the Original Application have been under occupation of Khandiabandha since 1972 and 1973 respectively and that in the last 50 years the land has lost its characteristic as a water body.
19. From the findings recorded by the Committee constituted by the Tribunal and other documents on record, we find that though the plots in question are recorded as 'Jalasaya' in the Record of Rights but large constructions have been made on the same and have been in existence since several decades. In our opinion, at this stage it will not be feasible nor practicable to order for demolition of such constructions.
20. In this context, we may advert to the observations of the Division of the Hon'ble High Court of Orissa at Cuttack in *W.P. (C) No.8797 of 2004 and O.J.C. No.6721 of 1999, (Tapan Kumar Das vs. Commissioner, Cuttack Municipal Corporation & Ors)* and connected

57

cases, and refer to sub-para 3 of para 14 of the said judgment. The sub para 3 of para 14 reads as under: -

“The applications for change of classification of lands from Jalasaya to homestead shall be processed through the Tahasildar, Sadar, Cuttack, to the Collector for appropriate orders. The decision of the Collector shall be placed before the Committee as constituted above for approval. Only after approval of the Committee, change of classification/kisam of the land shall be allowed. The Committee shall record the reasons for allowing change of classification/kissam of such lands. However, if the Committee is of the opinion that the lands, which have lost their character as Jalasaya, and those, which are actually not Jalasaya or swampy lands but have been recorded as Jalasaya, change of classification of such lands may be allowed. This shall be effective from the date of the judgment.”

21. The judgment of Tapan Kumar Das (supra) has been followed by another Hon'ble Division Bench of the Orissa High Court in *W.P. (C) No.8485/2005, (Batakrushna Das vs. State of Orissa & Ors)*. Paras- 9 & 19 of the judgment read as under:-

“9. There is no dispute to the facts, as enumerated above. Only contention raised that conversion of nature of the land from “Jalasaya to “Stitiban”, as well as grant of lease and permission to the RMC, Jagatsinghpur-opposite party no.6 to go for construction cannot sustain in the eye of law in view of the judgment of this Court in Tapan Kumar Das (supra). We have perused the judgment of this Court in Tapan Kumar Das (supra), wherein this Court had held that the water bodies are required to be retained and such requirement is envisaged not only in view of the fact that the right to water as also quality life are envisaged under Article 21 of the Constitution of India, but also in view of the fact that the same has been recognized in Articles 47 and 48-A thereof. Article 51-A of the Constitution furthermore makes a fundamental duty of every citizen to protect and improve the natural environment including forests, lakes, rivers and wildlife. There is no dispute on the question of proposition

set forth by this Court in the aforementioned judgment, but at the same time this Court had already held in the very same judgment that if the lands which have lost their character as "Jalasaya", and those, which are actually not "Jalasayas" or Swampy lands but have been recorded as "Jalasaya", change of classification of such lands may be allowed.

.....XXX.....XXX.....XXX.....

19. Considering the facts and law discussed above, we are of the considered view that even though no limitation has been prescribed in filing the writ petition under Article 226 of the Constitution of India, but the petitioner has approached this Court at a belated stage and, as such, in the meantime the third party rights have emerged. Apart from the above, on merits also by following due procedure of law, the lands in question have been converted and transferred in favour of opposite party no.6-Secretary, RMC, Jagatsinghpur on accepting premium amount and a market is functioning over the said lands, we are not inclined to unsettle the settled position after expiry of such long period. Consequentially, the writ petition is liable to be dismissed on merits, as well as for delay and laches and, thus the same is hereby dismissed. No order to costs."

22. In view of above, we dispose of this Original Application with a direction to the State Respondents to ensure that proper drainage system as proposed in the Committee Report and brought on record in their affidavits, is completed within a period of six months since monsoon season has already commenced and the possibility of water logging in the area in question cannot be overlooked. We also direct the State Respondents that the land records in question be placed before the Revenue Divisional Commissioner for appropriate orders in terms of the directions given by the Hon'ble High Court in Tapan Kumar Das (Supra) and Batakrushna Das (Supra).

23. I.As. if any, stand disposed of accordingly.

59

24. There shall be no order as to costs.

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B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

July 04, 2023,
Original Application No.16/2023/EZ
AK



VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL EASTERN ZONE

Between

... **Petitioner**

Madanmohan Rout

V e r s u s

... **Respondent**

State of Odisha and Ors.

Know all men by these presents, that by Vakalatnama. I/we,

**Madanmohan Rout S/o Late Laxmidhar Rout At/PO- Gopinathpur PS-
Puri Sadar Puri-752002**

Plaintiff/Defendant/Appellant/Respondent/ Petitioner/ Opposite Party in the aforesaid
Suit/Appeal/ Case do hereby appoint and retain, **AFRAAZ SUHAIL O-367-2017 M-
9040535655**

Advocates, to appear for me/us in the above case, and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any moneys that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court, I/we authorize my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated *8/8/24*

Received from the executant(s)
through certify that I hold no
brief for the other side,
satisfied and accepted

Madanmohan Rout

SIGNATURE OF THE EXECUTANT(S)

[Signature]
Advocate

Accepted as above

Advocate
Accepted as above