

**ORDER passed in Original Application No. 825/2024**

**From :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>  
**Subject :** ORDER passed in Original Application No. 825/2024  
**To :** Sh. RAJA CHATTERJEE Registrar <registrarngt-kolkata@gov.in>,  
Judicial Section <ngtjudicial-kolkata@gov.in>  
**Reply To :** Consultant Judicial-NGT(P.B.) <judicial-ngt@gov.in>

Wed, Jul 31, 2024 04:35 PM

2 attachments

**Respected Sir/Madam,**

I am directed to forward a copy of the **Petition & Order dated 16/07/2024 passed in Original Application No. 825/2024 News Item titled "Odisha: Erection of sand walls in Subarnarekha worries villagers in Jaleswar" appearing in The New Indian Express dated 16.05.2024.** for your kind perusal & necessary action.

**भवदीय / Regards****परामर्शदाता (न्यायिक) / Consultant (Judicial)****राष्ट्रीय हरित अधिकरण / National Green Tribunal****प्रधान न्यायपीठ / Principal Bench****नई दिल्ली / New Delhi - 110001**

 **OA NO 825 of 2024 Suo motu Erection of sand walls in Subarnarekha.pdf**  
1 MB

 **Odisha Erection of sand walls in Subarnarekha.pdf**  
175 KB

**BEFORE THE NATIONAL GREEN TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 825/2024

News Item titled “Odisha: Erection of sand walls in Subarnarekha worries villagers in Jaleswar” appearing in The New Indian Express dated 16.05.2024.

Date of hearing: 16.07.2024

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. This Original Application is registered *suo-motu* on the basis of the news item titled “Odisha: Erection of sand walls in Subarnarekha worries villagers in Jaleswar” appearing in The New Indian Express dated 16.05.2024.

2. The matter relates to erecting of walls in the Subarnarekha river by lease holders from West Bengal, thus changing the course of the water body towards the habitation of residents in Gopalpur, Rajnagar and other adjoining villages in Jaleswar of Balasore district of Odhisa. As per the article, lease holders are doing so to facilitate lifting of sand from the area. It is alleged that till now around 15 walls have been erected in the river.

3. The article states that the lease holders claim they have received permission from the West Bengal government to lift sand from the area, residents of Gopalpur and Rajnagar claim that the locality comes under Odisha. The article highlights that the sand walls led to change in course of the river towards the residential area apart from facilitating illegal

lifting of sand by the mafia who then transported them to West Bengal. It is alleged that though the area comes under Odisha, neither the state government nor the district administration does anything to stop such illegal practices.

4. The article claims that 75 pillars were erected to demarcate the border between Odisha and West Bengal, However some places were left out as the Subarnarekha river flows through them. Since both the state governments haven't been paying any heed, these mafia are taking advantage of the situation and are illegally lifting sand leading to loss of crores of rupees of revenue. It further alleges that the West Bengal government had allowed lease holders to lift sand from the river near Bemula village which comes under Datan of West Midnapore district. A joint survey by both Odisha and West Bengal governments was conducted in 2017 on the area which revealed the place had already submerged under the river. Since the lease holders are unable to lift sand from the said location at Datan, they are forcibly entering Odisha and illegally lifting sand by constructing walls.

5. The above news item indicates violation of the Sand Mining Guidelines, 2016 and the provisions of The Environment (Protection) Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead following as respondents in this matter:

- (i) Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi – 110032
- (ii) Odisha State Pollution Control Board, through its Member Secretary, Paribesh Bhawan, A/118, Nilakantha Nagar, Unit – VIII, Bhubaneswar – 751012, Odisha
- (iii) West Bengal Pollution Control Board, through its Member Secretary, Paribesh Bhawan, 10A, Block – LA, Sector – III, Bidhannagar, Kolkata – 700 106
- (iv) Ministry of Environment, Forest & Climate Change, through Regional Office (Odisha), Integrated Regional Office, A/3, Chandrasekharapur, Bhubaneswar – 751023
- (v) Ministry of Environment, Forest & Climate Change, through Regional Office (West Bengal), Integrated Regional Office, Kolkata IB – 198, Sector – III, Salt Lake City, Kolkata - 700106

9. Let notice be issued to the above Respondents for filing their response before the appropriate bench of the Tribunal.

10. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Office is directed to transfer the original record of the OA to Eastern Zonal Bench, Kolkata.

11. List before Eastern Zonal Bench at Kolkata on 17.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 16, 2024  
Original Application No. 825/2024  
AS

Odisha

## Odisha: Erection of sand walls in Subarnarekha worries villagers in Jaleswar

*Villagers said the leaseholders were doing so to facilitate the lifting of sand from the area.*



Sand walls in Subarnarekha river Photo | Express

**Express News Service**

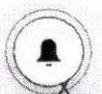
Updated on: 16 May 2024, 11:52 am · 2 min read

**BALASORE:** Residents of Gopalpur, Rajnagar and other adjoining villages in Jaleswar of Balasore district are living in fear after lease holders of West Bengal reportedly began erecting walls in the Subarnarekha river, thus changing the course of the water body towards their habitation.

Villagers said the lease holders were doing so to facilitate lifting of sand from the area. As per sources, these lease holders began erecting the walls 20 days back and have till now constructed around 15 such walls in the river. While they claim they have received permission from the West Bengal government to lift sand from the area, residents of Gopalpur and Rajnagar said the locality comes under Odisha.

Villagers complained that the sand walls led to change in course of the river towards their areas besides facilitating illegal lifting of sand by the mafia who then transported them to West Bengal. They alleged though the area comes under Odisha, neither the state government nor the district administration does anything to stop such illegal practices.

“Since the river has begun changing its course towards our habitation, our land, houses and other properties are at risk. We are already facing immense financial issues due to floods every year but this new problem has now added to our woes,” they rued.



connection. However some places were left out as the Subarnarekha river flows through them, they added.

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Das said the matter needs to be urgently taken care of for betterment of the two states. "Since both the state governments haven't been paying any heed, these mafia are taking advantage of the situation and illegally lifting sand leading to loss in crores of revenue," he said.

The villagers further informed that the West Bengal government had allowed lease holders to lift sand from the river near Bemula village which comes under Datan of West Midnapore district. A joint survey by both Odisha and West Bengal governments was conducted in 2017 on the area which revealed the place had already submerged under the river.

"Since the lease holders are unable to lift sand from the said location at Datan, they are forcibly entering Odisha and illegally lifting sand by constructing walls," villagers said.

Balasore collector Ashish Thakare said he will look into the matter as soon as possible.

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Subarnarekha

Erection of sand walls

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