

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

**M.A. NO.29 of 2023/EZ
(ARISING OUT OF O.A. NO.51 OF 2023/EZ)**

Chinmaya Das. ... Applicant.

-Versus-

State of Odisha & others. ... Respondents.

: I N D E X :

Sl. No.	Description of Documents	Pages.
1.	Affidavit filed by the Chief Secretary, Government of Odisha pursuant to direction dated 10.05.2024.	1-5
2.	Annexure-A. Copy of letter No.2081 dated 9.08.2024.	6-7
3.	Annexure-B. Copy of Letter No.3142 dated 17.09.2024.	8-9
4.	Annexure-C. Copy of letter No.7333 dated 4.09.2024.	10
5.	Annexure-D. Copy of letter No.7347 dated 4.09.2024.	11-12

Cuttack

Date: 26.09.2024.


Addl. Government Advocate.



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**AFFIDAVIT FILED BY THE CHIEF
SECRETARY, GOVERNMENT OF ODISHA
PURSUANT TO DIRECTION DATED 10.05.2024.**

I, Sri Manoj Ahuja, aged about 59 years, Son of Sri Ramesh Ch. Ahuja, presently working as Chief Secretary, Government of Odisha, Lok Seva Bhawan, Lok Seva Marg, Unit-II, Bhubaneswar, Dist: Khurda do hereby solemnly affirm and state as follows:-

1. That I am swearing this affidavit pursuant to direction dated 10.05.2024 passed by this Hon'ble Tribunal.
2. That I have gone through the abovementioned original application and have understood the contents thereof. In my official capacity I am well acquainted with the facts of the case and thus competent to swear this affidavit.
3. That the aforesaid Miscellaneous Application arising out of the O.A. No.51 of 2023 has been filed by

Manoj Ahuja

Manoj

Manoj Ahuja

26/9/2024

**NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN**

- X -

the applicant before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata seeking for a direction to the State Authorities to prevent burning of wastes and for taking steps for proper disposal/recycling of plastic and polythene wastes.

4. That this Hon'ble Tribunal vide order dated 10.05.2024 has been pleased to direct the Chief Secretary, Government of Odisha to file affidavit showing the timeline and what action has been taken with regard to removal and rehabilitation of the encroachments from the vicinity of the dumping yard.

5. That it is humbly submitted that in obedience to the order dated 10.05.2024 passed by this Hon'ble Tribunal and as per instruction of the deponent, the Collector & District Magistrate, Puri had directed the Executive Officer, Puri Municipality and the Tahasildar, Puri to submit the required report in compliance to the orders of Hon'ble National Green Tribunal vide Letter No.2081 dated 09.08.2024 of the Office of the Collector & District Magistrate, Puri. Copy of letter No.2081 dated 9.08.2024 is annexed herewith as **Annexure-A**.

6. That it is humbly submitted that the Tahasildar, Puri has submitted his report vide Letter No. 3142 dated 17.09.2024, that, approximately 3000 households are found to be residing in the vicinity of the



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NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

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Baliapanda Legacy waste site by encroaching Government land. A survey was conducted by Puri Municipality in the year 2021 under the Odisha Land Right to Slum Dwellers Act, 2017 wherein 1619 houses were surveyed, out of the which 286 households coming under the free settlement criteria were provided Land Rights Certificates on 31.08.2024, 486 beneficiaries would come under the category of settlement after realization of land premium as per existing rules. Families residing in the vicinity of the Legacy waste site have been considered as possible beneficiaries under Odisha Land Rights to Slum Dwellers Act, 2017 and no action regarding eviction of such encroachers could be taken up. Copy of Letter No.3142 dated 17.09.2024 is annexed herewith as **Annexure-B.**

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7. That it is respectfully submitted that the Executive Officer of Puri Municipality and Tahsildar, Puri have made a joint visit for alternate land for the disposal site and they have already identified two piece of land for the said purpose. Out of which they have selected a piece of land measuring an area of Ac.15.00 bearing Khata No.271, Plot No.175, Kisam-Gochar in Mouza- Rahangiria as the alternate site for the said disposal site. The Puri Municipality has applied for alienation of Government land measuring an area of Ac.10.00 in favour of the Housing & Urban



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Netaji Sabyasachi Ghose
NETAJI SABYASACHI GHOSE
 NOTARY, ADVOCATE
 GOVT. OF ORISSA
 Regd. No-ON-28/03
 CUTTACK TOWN

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Development Department for Solid Waste Management and vide letter No.7333 dated 4.09.2024 addressed to the Tahsildar, Puri. However, Puri Municipality is taking due step for cleanliness and odourless and maintaining hygiene of the Legacy Waste Site by different steps and measures. Copy of letter No.7333 dated 4.09.2024 is annexed herewith as **Annexure-C**.

8. That it is humbly submitted that the bio-mining work of Legacy Waste by the engaged Agency i.e. Rohini Fire Safety Private Limited, Kolkata is going on and it will be completed within stipulated period of two years from the date of execution of contract i.e. on 17.10.2023.

The tender for the work "construction of boundary wall" with an estimated cost of Rs.99,66,000/- (Rupees Ninety Nine Lakh Sixty Six Thousand) only around the Dumping Yard at Baliapanda has been finalized and work order has been issued. Due to Model Code of Conduct, the work could not be started. However, due to opposition from the encroachers around the plant, the work has been delayed. Copy of the Letter No.7347 dated 04.09.2024 of the Executive Officer Puri Municipality is annexed herewith as **Annexure-D**.



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Handwritten signature in blue ink.

Handwritten signature in red ink: N. S. Ghose
28/9/2024
NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN

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9. That the Respondents carves the leave of the Hon'ble Tribunal to file fresh affidavit, it required in the interest of the lis.

10. That the original application is otherwise improper unjustified and as such is liable to be dismissed.

11. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-
M.S. Ghose
Advocate *26/9/2024*

Manoj Kumar *26/9/24*
Deponent **Chief Secretary**
Odisha

Certificate

Certified that the cartridge papers are not readily available.
Cuttack

Date: *26*.09.2024

Manoj Kumar
Addl. Government Advocate.



The above named deponent being identified by Mr./Ms. *N.S. Ghose* Advocate appears before me at *Cuttack* on this the *26* day of *September* 2024. *26/9/2024* AM/PM. Solemnly affirms that the facts stated are true to his/her knowledge and belief.

Manoj Kumar
NOTARY
CUTTACK TOWN *26/9/2024*

NETAJI SABYASACHI GHOSE
NOTARY, ADVOCATE
GOVT. OF ORISSA
Regd. No-ON-28/03
CUTTACK TOWN



ଜିଲ୍ଲାପାଳ ଏବଂ ଜିଲ୍ଲା ମାଜିଷ୍ଟ୍ରେଟଙ୍କ କାର୍ଯ୍ୟାଳୟ, ପୁରୀ
OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, PURI,

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



Letter No. 2081 / Judl. dt. 09-08-24

To,

The Executive Officer, Puri Municipality, Puri.

Tahasildar, Puri.

Sub: M.A. No. 29 of 2023 (Arising out of O.A. No. 51 of 2023 filed by Chinmaya Das -Vrs- State of Odisha & Others pending before the Court of the National Green Tribunal, Eastern Zone, Bench, Kolkata.

Sir,

I am to enclose here with the copy of the letter dated 12.07.2024 along with the copy of the order dated 10.05.2024 and letter No. 42735 (6) WE dated 25.07.2024 of the Hon'ble N.G.T. Eastern Zone Bench, Kolkata received from the office of the Advocate General, Odisha, Cuttack and to request you to please comply the order dated 10.05.2024 of the Hon'ble N.G.T. passed in M.A. No. 29 of 2023 (Arising out of O.A. No. 51 of 2023 filed by Chinmaya Das -Vrs- State of Odisha & Others) pending before the Court of the National Green Tribunal, Eastern Zone, Bench, Kolkata and submit the compliance report within a fortnight for filing of Counter Affidavit before the Hon'ble N.G.T. Eastern Zone Bench, Kolkata by the Chief Secretary, Odisha, Bhubaneswar by 27.09.2024.

This may please be treated as **Extremely Urgent.**

Yours faithfully,

True copy attested

26/09/2024

Collector, Puri

Joint Secretary to Govt.
Revenue & D.M. Deptt.

19-8-24



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OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, PURI

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



Memo. No. 2082 /Judl.dt 09-08-24

Copy along with its enclosure submitted to the Addl. Secretary to Government, Housing & Urban Development, Department, Odisha, Bhubaneswar for favour of information and necessary action.

sl

Collector, Puri

Memo. No. 2083 /Judl.dt 09-08-24

Copy along with its enclosure submitted to the Addl. Secretary to Government, Revenue & D.M. Department, Odisha, Bhubaneswar for favour of information and necessary action.

sl

Collector, Puri

Memo. No. 2084 /Judl.dt 09-08-24

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

sl

Collector, Puri

Memo. No. 2085 /Judl.dt 09-08-24

Copy submitted to the Advocate General, Odisha, Cuttack for information and necessary action with reference to their letter dated 12.07.2024 and letter No. 42735 (6) /WE dated 25.07.2024.

sl

Collector, Puri





OFFICE OF THE TAHASILDAR, PURI

Email - tah.puri.od@nic.in

Letter No. - 3142

Date - 17.09.24

To,

The Collector & District Magistrate, Puri

Sub- Regarding action taken in M.A No. 29/2023/EZ in O.A No. 51/2023/EZ filed by Chinmaya Das -Vrs-State of Odisha & others pending before the Hon'ble NGT, Eastern Zone Bench, Kolkata

Ref - 1) Letter No. 5316 Dated 23/07/2024 of this Office

2) Letter No. 28384/R&DM Dated 22/08/2024 of the R&DM Department, Govt. of Odisha

Sir,

In inviting a kind attention to the subject cited above, I am to submit that our office has explored certain measures as per the directions of the Hon'ble Tribunal regarding the removal and rehabilitation of the encroachments from the vicinity of the dumping yard at Baliapanda.

It is pertinent to highlight here that the households at Baliapanda including those near the vicinity of the dumping yard at Baliapanda were taken up survey as a part of the JAGA Mission under the **Odisha Land Rights to Slum Dwellers Act, 2017**. A total of 1619 possible beneficiaries were surveyed initially. The list of such beneficiaries has been enclosed herewith.

Out of the above, 286 households coming under the Free settlement criteria, were provided Land Rights Certificates on 31/08/2024. It is also highlight here that Puri Municipality has published a list of 486 beneficiaries, who would come under the category of settlement after realisation of land premium as per the existing rules.

In this context, I would submit that the slum dwellers residing in the vicinity of the dumping yard have been considered as possible beneficiaries under **Odisha Land Rights to Slum Dwellers Act, 2017** and on the other hand the same beneficiaries also qualify as encroachers under the **Odisha Prevention of Land Encroachment Act, 1972**. Therefore, no action regarding eviction of such encroachers could be taken up by the undersigned.

Therefore, in order to avoid any issues at the ground level, our office had taken steps to identify separate patches of land that may qualify as alternative site for dumping for Puri Municipality. The details of the land patches were communicated by the aforementioned reference.

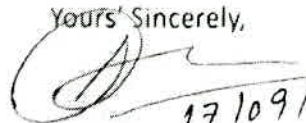
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attested

And
26/09/2024

Joint Secretary to Govt.
Revenue & D.M. Deptt.

This is favour of kind information and necessary action.

Yours Sincerely,


17/09/2024
Tahasildar, Puri

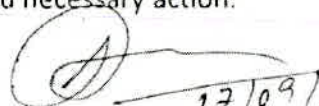
Encl -

- 1) List of 1619 beneficiaries as per the Initial survey conducted by Puri Municipality
- 2) List of 286 beneficiaries to whom Land Rights Certificates were handed over on 31/08/2024
- 3) List of 486 beneficiaries, who shall qualify to receive Land Rights Certificates after payment of prescribed premium amount.

Memo No: 3143

Date: 17.09.24

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


17/09/2024
Tahasildar, Puri

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Annexure - C



OFFICE OF THE PURI MUNICIPALITY, PURI

Letter No. 7333 Dated. 4.9.2024



Ph. No. 222089 (CP), 222122 (E.O.)
e-mail:- purim.hud@nic.in
Mail ID: purim.hud@nic.in
purim.hud@gmail.com

To,

The Tahasildar, Puri

Sub:- Alienation of Govt. land for the purpose of Solid Waste Management (Dumping and Composting) unit.

Sir,

I am to submit here with the alienation proposal in form- IA for 10.00 A.c of Govt. land identified in Khata No. 271, Plot No. 175 in mouza Rahangia for the purpose of establishment of Solid Waste Management (Dumping and Composting) unit as per observation of Hon'ble NGT in M.A No.29/2023 arising out of O.A No.51/2023/EZ.

You are requested to initiate the alienation process immediately as it relates to one of compliances of order of Hon'ble NGT.

Yours faithfully,

[Signature]
4.9.2024
Executive Officer,
Puri Municipality, Puri

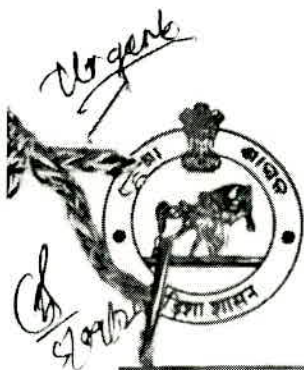
True copy attested
[Signature]
26/09/2024

Joint Secretary to Govt.
Revenue & D.M. Deptt.

Annexure - D

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10.09.24 20

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OFFICE OF THE PURI MUNICIPALITY, PURI

Letter No. 7347 Dated. 04.9.24



Ph. No. 222009 (GP), 222122 (E.O.)
e-mail: purim.hud@nic.in
Mail ID: purim.hud@nic.in
purim.hud@gmail.com

To,

The Collector, Puri.

Sub;- Compliance to order dated 10.05.2024 of Hon'ble NGT in M.A. No.29/2023 arising out of O.A No.51/2023 filed by Sri Chinmaya Dash Vrs State of Odisha & others.

Sir,

In inviting kind reference to the letter on the subject cited above, I am to furnish below the compliance to the order dated 10.05.2024 of Hon'ble NGT in M.A. No.29/2023 arising out of O.A No.51/2023 filed by Sri Chinmaya Dash Vrs State of Odisha & others.

1. The biomining work of Legacy Waste by the engaged Agency i.e. Rohini Fire Safety Pvt Ltd. Kolkata is going on and it will be completed within stipulated period of two years from the date of execution of contract i.e. 17.10.2023.
2. The tender for the work "construction of boundary wall" with an estimated cost of Rs.99,66,000 (Rupees Ninety Nine Lakh Sixty Six Thousand) only around the **Dumping Yard** at Baliapanda has been finalized and work order has been issued. Due to Model Code of Conduct, the work could not be started. However, due to opposition from the encroachers around the plant, the work has been delayed. It is therefore planned to start the work in presense of police force from second week of month of September -2024.
3. CC TV cameras have been installed at the Dumping Yard at Baliapanda and engagement of two (2) security guards has been done.
4. The recommendation of Central Ground Water Board is the subject matter of WATCO, who is dealing with Sewerage Line of house holds and supply of water for drinking and domestic purpose. WATCO is responsible for treatment of ground water to prevent leaching of contaminants like No.3 and PAH as suggested by SGWP. However, Puri Municipality will provide all logistic support to WATCO in addressing this issue whenever required by WATCO.



OFFICE OF THE PURI MUNICIPALITY, PURI

Letter No.

Dated.



Ph. No. 222089 (CP), 222122 (E.O.)
e-mail:- purim.hud@nic.in
Mail ID: purim.hud@nic.in
purim.hud@gmail.com

5. A patch of Govt. land measuring 15.00 Ac. in Khata No.271, Plot No.175 has been identified in the Vivinity of Puri Municipality area for use as ultnerative dumping site. Requisition in prescribed form has been filed by Executive Officer, Puri Municipality vide his letter No.7333/dt.4.9.2024 before Tahasildar, Puri for alienation of Govt. land in fasvour of H&UD Department for the purpose of Dumping Yard for Puri Municipality.
6. The earliar Affidavit dated 02.01.2024 and 08.05.2024 submitted by Puri Municipality is enclosed for ready reference.

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

Yours faithfully,

4.9.2024
Executive Officer,
Puri Municipality, Puri

True copy attested

Dated
26/09/2024

Joint Secretary to Govt.
Revenue & D.M. Dept.
2024