

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO ²²⁵ ----- OF 2024**

IN THE MATTER OF:

ALAYA SAMANTARAY

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

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SANKAR PRASAD PANI

S.Pani

ASHUTOSH PADHY

A.Padhy

ADVOCATE

Plot No 2132/4814, NageswarTangi, Bhubaneswar 751002

EMAIL: sankarprasadpani@gmail.com, CELL-9437279278

PLACE: KOLKATA

DATE: 16/10/2024

SYNOPSIS

That the present application Challenges the encroachment of Luna Riverbed construction of site camp & material stock yard over **Plot No. 705/861 of Khata No. 330, Kisam Nadi, Mouza- Badapala area 18.74 Acres in Marshaghai Tahasil of Kendrapara District and over Plot No. 333 of Khata No. 333, Kisam-Nayanjori of Mouza Badapala having area 21.6 Acres** ownership of which belongs to Nirman (Public Works Department) & Paribahan (Transport) Dept. in Marshaghai Tahasil of Kendrapara District by **M/s Rajbir Construction Pvt. Ltd, Jharkhand**. Further dumping of construction materials such as sand, stone aggregates etc over **Plot No. 705/861 of Khata No. 330, Kisam- Nadi of Mouza Badapala having area 18.74 Acres & over Plot No. 333 of Khata No. 333, Kisam Nayanjori of Mouza Badapala having area 21.6 Acres** ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Deptt under Marshaghai Tahasil of Kendrapara District. The private respondent has illegally constructed its site camp and & batching plant in the flood plain of the **river Luna** and also illegally extracting sands from the river bed and dumping other minor minerals which are being used for the construction of NH-53.

List of Dates

15/12/2020	Order passed by Hon'ble NGT PB in OA 22 of 2020
14/02/2022	Office Memorandum issued by the MOEFCC regarding Guidelines for siting industries which are in close proximity with the river.
19/02/2024	The Complaint Petition of the applicant addressed to all the concerned authorities

- 23/02/2024 RTI reply of the Regional Office State Pollution Control Board.
Confirming no consent is granted
- 21/03/2024 Reminder application of the applicant to all the concerned authorities.
- 25/03/2024 Complaint petition of the applicant to all the concerned authorities.
- 19/04/2024 Assistant Executive Engineer Patkura Irrigation Sub-Division wrote a letter to the Tahasildar Marshaghai regarding demarcation of the site in question.
- 02/05/2024 Superintending Engineer, Kendrapara Irrigation Division wrote a letter to the Tahasildar Marshaghai regarding site inspection of the site in question.
- 19/06/2024 Tahasirdar Marshaghai's reply to the applicant saying no permission granted over the suit land for any activity by private respondent.

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

(Under Section 18(1) read with Section 14(1), 15 AND 20 of

The National Green Tribunal Act 2010)

Original Application No ----- /2024

1. Alaya Samantaray, S/o Late Bhagirathi Samantaray, aged about 35 years
At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara,754213

APPLICANT

VERSUS

1. **State of Odisha** represented by Chief Secretary, Government of Odisha, Lokaseva Bhawan, 751001 Bhubaneswar csori@nic.in
2. Additional Chief Secretary, Forest, Environment and Climate Change Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in
3. District Magistrate Kendrapara, Collectorate, Kendrapara, AT/PO/PS/DIST-Kendrapara, Pin – 754211, dm-kendrapara@nic.in
4. Tahasildar Marshaghai, at/po- Juna, Marshaghai, Odisha 754213, tdrmarshaghai@gmail.com
5. **Member Secretary**, Odisha State Pollution Control Board A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar, PIN-751012, Odisha Email: member.secy@ospboard.org
6. **Member Secretary**, State Environment Impact Assessment Authority (SEIAA), Odisha, 5RF-2/1, Acharya Vihar, Unit – IX, Bhubaneswar,

Odisha 751022, email: MS-SEIAA-OR@gov.in,
seiaaodisha@gmail.com

7. Secretary, Water Resource Department, Government of Odisha, Rajiv Bhawan, Keshari Nagar, Bhubaneswar, 751001, Email-wrsec.or@nic.in
8. M/s Rajbir Construction Pvt. Ltd, Jharkhand, represented through it's Managing Director, At/Po- 614, HARI OM TOWER, COMMERCIAL COMPLEX CIRCULAR ROAD, LALPUR , RANCHI, Jharkhand, India - 834001,Email-rajbirsolution@gmail.com

...RESPONDENTS

- I. The address of the Applicant is given above for the service of notices of this Application.
 - II. The addresses of the Respondents are given above for the service of notices of this Application.
- II. The Present Application Challenges Continuous encroachment of Luna River Bed at Badapal, Marshaghai Tahasil of Kendrapada District by one M/s Rajbir Construction Pvt. Ltd, Jharkhand by installing site camp & batching plant and dumping minor minerals which are being used for the construction of NH-53 and other activities that adversely affects the riverine ecosystem and disturbs the river flow. Further the application raises the substantial question relating to environment because there is a threat to the free flow of Luna River.

BRIEF FACTS

1. Present Application Challenges the encroachment of Luna River and Nayanjori Land at Badapal Mouza Bed in Marshaghai Tahasil of Kendrapada District with different structures such as site camp & batching plant over **Plot No. 705/861 of Khata No. 330, Kisam Nadi of Mouza- Badapala having area 18.74 Acres under Marshaghai Tahasil of Kendrapara District and over Plot No. 333 of Khata No. 333, Kisam-Nayanjori of Mouza Badapala having area 21.6 Acres by M/s Rajbir Construction Pvt. Ltd, Jharkhand.** Further the application raises the substantial question relating to environment because there is a threat to the river ecosystem. The applicant is an environmental activist and a journalist, has been constantly raising issues pertaining to larger public interest, working on issues of transparent and accountable governance and raising such issues before judicial and quasi judicial forums including National Green Tribunal.

2. That the private respondent is the contractor of NH-53 (previously NH5A Chandikhole-Paradeep) and awarded 21KM stretch of NH 53(**Chakara to Masakani**) **rehabilitation and upgradation of existing 4 lane road to 8 lane.** The contractor has illegally encroached the flood plain of **Luna River** and constructed various structures inside the flood plain area and stacking minor minerals therein and illegally extracting sand from the said river bed.

3. That the private respondent, a contractor engaged for Upgradation of NH 53, has constructed labour hutment, material stock yard, Parking of Vehicles and Machinery, Camp Office, dumping of sand and stone chips on Luna River Bed and Nayanjori Land without any permission of competent authority such as Water Resource Department and Tahasildar Marshaghai. The camp office is made with concrete wall and asbestos roof. The unauthorized encroachment of riverbed has affected the free flow of river during monsoon and all the debris and

waste materials including sewage of the hutments directly discharged to the river.

4. That the applicant on dated 19/02/2024 has brought to the knowledge of all concerned authorities about the ongoing illegal encroachment and dumping of minor minerals in the riverbed of **Luna** and requested the authorities to take action to stop the construction on river bed. And again on dated 21/03/2024 the applicant send a reminder to all the concerned authorities. Copy of the Complaint Petition dated 19/02/2024 and 21/03/2024 is annexed here unto as **Annexure-1 series.**

5. It is pertinent to mention here that on dated 19/04/2024 ASSISTANT EXECUTIVE ENGINEER PATKURA IRRIGATION SUB-DIVISION, PATKURA wrote a letter to the Tahasildar Marshaghai saying **“M/s Rajbir Construction Pvt. Ltd, Jharkhand has established Site Camp Office and Batching Plant over riverbed near village Badapa. The company has illegally taken possession of portion of land measuring 18acre over riverbed without any valid permission from competent authority”.** Further **Requested the** Tahasildar to **demarcate the area** so that appropriate action can be taken regarding the matter. Copy of the letter dated 19/04/2024 is annexed here unto as **ANNEXURE-2.**

6. That the SUPERINTENDING ENGINEER, KENDRAPARA IRRIGATION DIVISION on dated 02/05/2024 again wrote a letter to the Tahasildar Marshaghai to **inquire into the matter and to fix a suitable date for joint inspection. However** till date no joint inspection has been conducted which indicates that the Tahasildar Marshaghai is in nexus with the Private respondent and also allowing him to carry out all these illegal activities inside the river bed . Copy of the letter dated 02/05/2024 issued by Superintending

Engineer Kendrapara Irrigation Division is annexed here unto as **ANNEXURE-3**.

7. That the applicant on 06/02/2024 filed one RTI application before the State Pollution Control Board, Odisha and asked whether CTE and CTO issued in favor of **M/s Rajbir Construction Pvt. Ltd, Jharkhand** for construction of site camp & batching plant? In reply to the RTI application of the applicant the State Pollution Control Board, Odisha informed that the proposed unit applied for CTE (Consent To Establish) online without submitting some ancillary document required to process a CTE application. Due to the lacking of documents clarification was raised online and the online file is at the unit's end as the unit has not yet issued clarification. **Hence neither CTE nor CTO has been granted to the unit.** There is no record of any permission issued from **Tahasildar Marshaghai to the proposed unit** or any other project proponent for dumping minor minerals under his Tahasil. Copy of the RTI application dated 06/02/2024 along with the reply dated 23/02/2024 is annexed here unto as **ANNEXURE-4**.

8. It is pertinent to mention here that the applicant filed one RTI application before the Tahasildar Marshaghai and asked whether any permission has been granted to **M/s Rajbir Construction Pvt. Ltd, Jharkhand** for construction of site camp & batching plant over **Plot No. 705/861 of Khata No. 330, Kisam Nadi of Mouza- Badapala having area 18.74 Acres under Marshaghai Tahasil of Kendrapara District and over Plot No. 333 of Khata No. 333, Kisam-Nayanjori of Mouza Badapala having area 21.6 Acres,** and whether any permission has been given to **M/s Rajbir Construction Pvt. Ltd, Jharkhand** for dumping of minor minerals on river bed? Tahasildar Marshaghai informed that **no such permission has been given to any contractor/company**

for construction or dumping on Riverbed and Nanjori land. Copy of the RTI reply dated 19/06/2024 is annexed here unto as **ANNEXURE-5**.

9. It is pertinent to mention here that on dated 14/02/2022 MOEF issued one office memorandum regarding the Guidelines for siting industries which are in close proximity with the river, where it is categorically mentioned that ;

“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose” copy of the Office Memorandum dated 14/02/2024 is annexed here unto as **ANNEXURE-6**.

10. That the google earth image of the site in question also suggests that there is a huge structure exists in the Riverbed/flood plain area of Luna river. Further considering the Land mass which is inside the embankment of River and during monsoon the water use to feed all such places, the existing structures may be evicted/removed from the river bed and the minor minerals illegally stacked therein should be seized by the concerned authorities. Copy of google earth image of 22/02/2024 and 2022 is annexed here unto as **ANNEXURE-7**.

11. That the photographs taken by the applicant on 27/08/2024 also suggests that M/s Rajbir Construction Pvt. Ltd, Jharkhand has constructed various structures inside the flood plain area of Luna river and also illegally stacking minor minerals on the said land. Copy of the photographs dated 27/08/2024 are annexed here unto as **ANNEXURE-8**.

12. It is pertinent to mention here that the **M/s Rajbir Construction Pvt. Ltd, Jharkhand** is illegally extracting sand from the river bed of Luna river and the same is using in construction of NH-53.

13. The Black's Law Dictionary, 6th Edition (Pg 154) describes a river bed as the hollow channel of a water course; the depression between the banks

worn by the regular and usual flow of water; The land which is covered by the water in its ordinary low stage; The area extending between the opposing banks measured from the foot of the bank from the top of the water at its ordinary stage.

14. The ancient Roman Empire developed a legal theory known as the **"Doctrine of the Public Trust"**. It was founded on the premise that certain common properties such as air, sea, water and forests are of immense importance to the people in general and they must be held by the Government as a trustee for the free and unimpeded use by the general public and it would be wholly unjustified to make them a subject of private ownership. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial exploitation to satisfy the greed of few.

15. Although, the Constitution of India, which was enforced on 26-1-1950 did not contain any express provision for protection of environment and ecology, the people continued to treat it as their social duty to respect the nature, natural resources and protect environment and ecology. After 26 years, Article 48 A was inserted in Part IV of the Constitution and the **State was burdened with the responsibility of making an endeavour to protect and improve the environment and to safeguard the forest and wildlife of the country**. By the same amendment, Fundamental Duties of the citizens were enumerated in the form of Article 51A (Part IV A). These include the duty to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures [Article 51A(g)]

16. That the Hon'ble NGT EZB in OA 22 of 2020 passed an order 15/12/2020 and directed the Respondents for clearing 'Panchmukhi Hanuman Temple' which has been constructed in the embankment of river Mahanadi

which admittedly has been held to be illegally constructed and the same order is also confirmed by the Hon'ble Supreme Court of India.

17. That the Hon'ble Supreme Court of India in civil appeal No 3367/2020

directed the state to remove the illegal structures and encroachments from the river Ganga in and around Patna. Relevant portion of the order is reproduced as follows;

When the matter is called on for hearing, learned counsel for the State of Bihar submits that the State has identified 213 unauthorized constructions adjacent to the river Ganga in and around Patna and steps have been taken to remove these encroachments/constructions.

List on 05.02.2024.

On that date the State shall report to this Court the progress in getting these unauthorized structures removed by filing an affidavit. Such affidavit shall be filed by the Chief Secretary of the State of Bihar. The State shall also ensure no further construction takes place adjacent to the river Ganga particularly in and around the city of Patna.

18. That the Hon'ble Supreme Court in Association for Environment Protection vs. State of Kerala and Ors. (02.07.2013 - SC) : MANU/SC/0622/2013, has directed for demolition of the structure raised by reclaiming the river for establishing a restaurant as part of renovation and beautification of Manalpuram Park at Aluva within a period of three months.

19. It is not out of place to mention that Supreme court and National Green Tribunal in catena of judgments have directed the state authorities to maintain the free flow of river, remove construction from river bed and at times penalize the state and other person for all kind of such nuisance activities.

20. That Honble NGT/ EZ in OA 101 of 2023, Order dated 1/05/2024 has directed the DM Balasore to remove unauthorised construction on Nayanjori KISSAM Land within 3 months. Relevant para 20 is reproduced as follows.

“Para 20-Considering the categorical stand of the Respondent NHAI with regard to the plots in question, we dispose of the present Original Application with a direction to the Respondent No.2, Collector & District Magistrate, **Balasore, to take immediate steps for removal of encroachments and unauthorized structures from the Khata No.328, Plot Nos.124, 377 and 379 having KISSAM- Nayanjori** within three months i.e., by **31.07.2024** and file affidavit of compliance by **16.08.2024.**”

21. **That Honble Orissa Highcourt in Trinath Panda v. Commissioner-cum-Secretary, Health & Family Welfare Department, Government of Odisha & Ors. Case No: W.P.(C) No. 3385 of 2024 and Judgment dated 21 February 2024** issued a slew of directions to Executive Magistrates for the removal of encroachments from public properties. It has further clarified that any dereliction in complying with the guidelines would entail disciplinary action and Criminal proceeding against such Magistrates.

22. The applicant further relies on statutory mandate under section 24(1)(b) of the Water (Prevention and Control of Pollution) Act, 1974 (Water Act) and judgments of Hon'ble Supreme Court inter alia in MC Mehta vs. Kamal Nath, (1997) 1 SCC 388 laying down that flow of water could not be obstructed by permitting any commercial construction by the State and the State has to act as trustee for protecting environment, Vellore Citizens Forum (1996) 5 SCC 647 to the effect that sustainable development is part of Indian common law, Mantri Techzone Pvt. Ltd. v. Forward Foundation and Ors. (2019) 18 SCC 494 (para 44,45 and 52) to the effect that **constructions could be prohibited in buffer**

zones of drains in view of sections 15 and 33 of the NGT Act and requirements for protection of environment.

23. Further considering the larger interest of Luna River and its ecology, the probable impact on the villages adjoining the river and to allow the River a free flow, all such concrete structures inside of the embankment, this petitioner prays before this Hon'ble Tribunal to direct the state respondents to stop construction and to remove the structures from river bed.

GROUND

- a) That the present ongoing massive and indiscriminate encroachment of river bed and construction on it is against the provisions of Environment (Protection) Act 1986.
- b) That reclamation of the river beds of Luna river by raising its height much above the existing river bed mean level restricts the flow area which in turn decreases the water carrying capacity of the rivers thereby impacting the river environment as well as aquatic flora and fauna and hence is a violation of the Environment Protection Act, 1986.
- c) That encroachment of the river bed is against the Doctrine of Public Trust that has been upheld by the Hon'ble Apex Court in several judgments including the famous MC Mehta Vs Kamalnath Case.
- d) That the encroachment of riverbed is a substantial question relating to environment and thereby the intervention of the Honble Tribunal is needed
- e) That the encroachment will change the existing land use of the river bed and will impact its free flow
- f) That the existing structures in riverbed is against Precautionary Principle recognized by Apex Court in catena of judgments including **Vellore Citizens Welfare Forum v Union of India.**

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

ORIGINAL APPLICATION NO -..... OF 2024/EZ

IN THE MATTER OF:

ALAYA SAMANTARAY

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

AFFIDAVIT

16 OCT 2024

I, Alaya Samantaray Aged about 35 years S/o Late Bhagirathi Samantaray,
At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara, 754213, Odisha, do
hereby solemnly affirm, and declare as under:

1. That I am the applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

IDENTIFIED BY

Alaya Samantaray

DEPONENT

ADVOCATE, BHUBANESWAR
EN. NO-0-
Name.....

VERIFICATION

Verified on this the _____ day of 16 OCT 2024 2024 at Bhubaneswar
that the contents of the above affidavit are true and correct. No part of it
is false and nothing material has been concealed there from.

Identified By

Advocate

Alaya Samantaray

DEPONENT



The above named deponent(s) being
duly identified by Sri.....
Advocate, Bhubaneswar
Appears before me on 16 OCT 2024
at.....A.M./P.M. State.....
on oath the contents of this affidavit
are true to the best of his/her/their
knowledge and belief

JUNMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR

Deponent(s)

Notary, Bhubaneswar

REGD. NO-CN-86/2012

Mob. No. - 9337121273

Speed Post/email

Date-19.02.2024

To,

1. The Chief Secretary, Loka Seva Bhawan, Sachivalaya Marg, At-Bhubaneswar, Dist-Khurda. Pin-751001. E-mail ID : csori@nic.in
2. The Principal Secretary, Revenue & Disaster Management, Loka Seva Bhawan, Sachivalaya Marg, At-Bhubaneswar, Dist-Khurda. Pin-751001. E-mail ID : revsec.od@nic.in
3. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar – 751023 Email: roez.bsr-mef@nic.in
4. The Revenue Divisional Commissioner (RDC) Central Division, Cuttack, Dist-Cuttack. Pin-753002
5. The Collector & Dist. Magistrate, Kendrapara, At/PO/Dist-Kendrapara-754211
6. The Tehsildar Marshaghai, At/po-Marshaghai, Dist-Kendrapara, Pin-754213,
7. The Member Secretary, State Environment Impact Assessment Authority, Odisha, QR No- 5RF-2/1, Unit IX, Bhubaneswar Odisha, 751022 Email: seiaaorissa@gmail.com
8. The Member Secretary, Odisha State Pollution Control Board, Unit-VIII, Nilakanthanaga, Bhubaneswar, 751016, Odisha, Email: paribesh1@ospcb.org
9. The Regional Officer State Pollution Control Board (SPCB), Paradeep, Dist-Jagatsinghapur. Pin-754142

Sub:- 1. Complaint against illegal & unauthorized use of Govt. land (Nadi & Nayanjori Kissam) by M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53).

2. Appeal to take action to vacate the camp & batching plants installed by M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) over river bed of Luna River & natural water source.

Sir,

That, we being the conscious citizens of this state, beg to state you as follows:-

That, it is noticed that 2 nos of construction site camps & batching plants have been installed & huge quantity of Minor Minerals such as Sand & Stone aggregates have been dumped in some plots/lands in the village Badapala under Marshaghai Tahasil of Kendrapada Dist. It reveals from our enquiry that one construction company named M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has established its site camps & installed batching plants over the said plots. It is also revealed from satellite pictures that the above camps & batching plants have been installed over Plot No. 705/861 of Khata No. 330 of having area of 18.74 AC in Mauza Badapala by M/s. Rajbir Construction Pvt. Ltd. Jharkhand, Kissam of which is Nadi.

As such another site camp & batching plant have been established by M/s. Rajbir Construction Pvt. Ltd. Jharkhand over an area of 21.6 acres in Plot No. 333 of Khata No. 333 in mauza Badapala under Marshaghai tahasil Kissam of which is Nayanjori & it belongs to Nirman (PWD) & Paribahan (Transport) Dept.

Cont'd.....P/2

That, information provided by the Tahasildar, Marshaghai orally clearly speaks that No permission has been granted in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) for installation of its Site camps & batching plants over the above plots of Badapala mauza under Marshaghai Tahasil. Tahasildar, Marshaghai has given in his remark/comment that installation of above site camps & batching plants are illegal.

It is also noticed that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has dumped huge quantity of different minor minerals over the above plots i.e. near the batching plants. Information provided by the Tahasil authority of Marshaghai says that No permission has been awarded in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) for lifting of Sand & Stones from any Minor Minerals source under Marshaghai Tahasil. It has also not submitted any Transit Pass before appropriate authority in support of authentication of procuring Sand & Stones. It presumes that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has been procuring different minor minerals without valid permission of competent authority.

As such, Neither Consent To Establish nor Consent To Operate Order has been issued in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) by State Pollution Control Board, Odisha for installation of batching plants over the above land following information of it.

That, Environment Protection Act-1986 has strictly prohibited to use river bank or its bed as it threatens ecology. But in this case M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has established its site camp & batching plant over the area of 18.74 Acres of Plot No. 705/862 of Khata No. 330 in Mauza Badapala which is the bed of Luna River by violating the provisions of EP Act-1986. It is also noticed that it has developed its batching plant & camp area by quarrying & lifting Sand from the bed of Luna river illegally which has damaged the bed of such river which is also visualized through satellite.

Like that, M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has blocked the natural water stream source (Nallha) by establishing its another camp & batching plant over an area of 21.6 Acres Kissam of which is Nayanjori that is situated in Plot No. 333 of Khata No. 333 in mauza Badapala under Marshaghai Tahasil that is an offence in the eye of law.

In this context, we request you to cause an enquiry in this regard & strict action be taken against M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) as deemed proper for its such illegalities & initiate to penalized & vacate the above land from illegal possession of it.

Encl: photo Coppy -

Illegal & unauthorized Construction

M/s. Rajbir Construction Pvt. Ltd.

Jharkhand. **Annexure- I & II Series**

Yours

Alaya Samantaray
Alaya Samantaray

Vill-Mashakani, P.O.-Jadupur, Dist-Kendrapara. 754 213

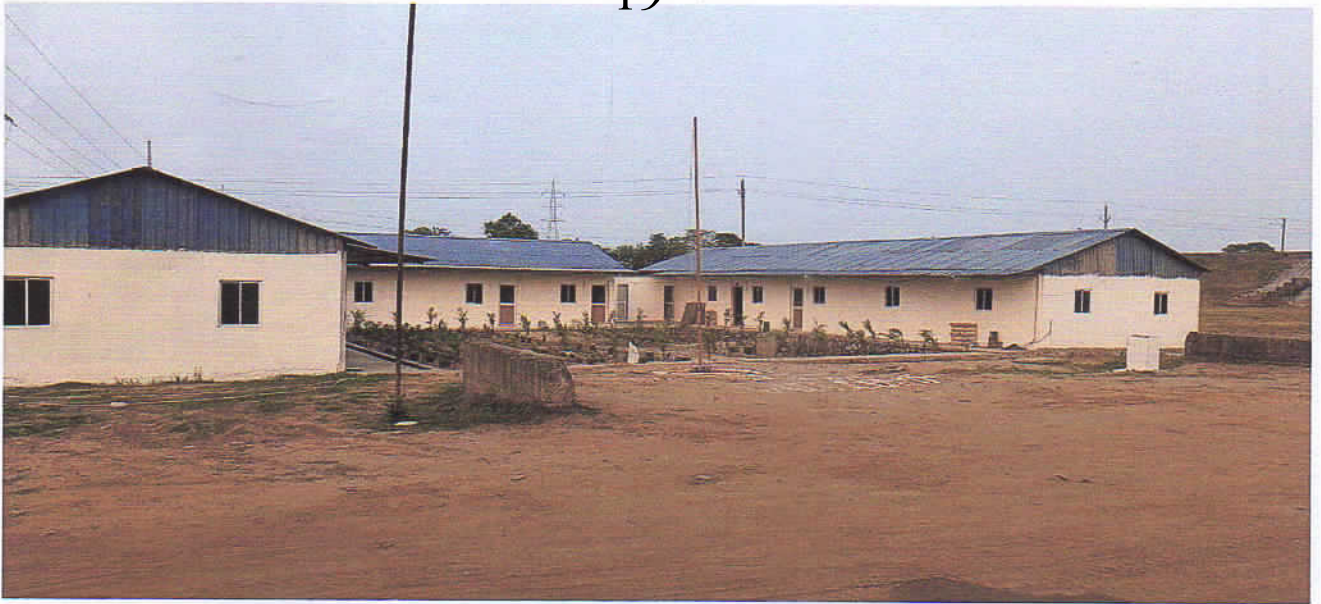
Email: mkpnirbhaydipu@gmail.com

Pratap Ch Mohapatra

Rajendra Prasad Mohapatra



Photo Copy :Construction site camps and Batching Plants and different minor minerals dumped by M/S Rajbir Construction pvt.Ltd .Jharkhanda.Plot No 705/861 of Khata-No-330 of Mouza Badapal, Kism Nadi having area 18.74 Acres Under Marshaghai Tahasil of Kendrapara Dist.



:Photo Copy ;Construction site camps and Batching Plants and different minor minerals dumped by M/S Rajbir Construction pvt.Ltd .Jharkhanda.Plot No 333 of Khata-No-333 of Mouza Badapal, Kisam Nayanajori having area 21.06 Acres Wornership which bilongs to Nirman (PWD) &Paribahan (Transport) Dept Under Marshaghai Tahasil of Kendrapara Dist.

Schedule I Form No.39-A

ଖତିୟାନ

ମୌଜା : ବଡ଼ପାଳ

ତହସିଲ : ମାର୍ଗାଘାଜ

ଥାନା : ପାଟକୁରା

ତହସିଲ ନମ୍ବର : 210

ଥାନା ନମ୍ବର : 210

ଜିଲ୍ଲା : କେନ୍ଦ୍ରାପଡ଼ା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ରାଟ ବା ଖତିୟାନର କ୍ରମିକ
ନମ୍ବର

ଓଡ଼ିଶା ସରକାର ଖେତ୍ରାଟ ନମ୍ବର 1, ବ୍ରହ୍ମା ଓଗେର 1,

1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର

330

2) ପ୍ରଜାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ

ଆବାଦ ଅଯୋଗ୍ୟ ଅନାବାଦୀ

3) ସ୍ଵତ୍ଵ

4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଷ୍କାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ

6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ

BLANK SPACE FOR STAMPING

ଅନ୍ତିମ ପ୍ରକାଶନ ତାରିଖ - 21/07/1987

ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -

ଖତିୟାନର କ୍ରମିକ ନଂ : 330		ମୌଜା : ବଡ଼ପାଳ			ଜିଲ୍ଲା : କେନ୍ଦ୍ରାପଡ଼ା	
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତ୍ତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
706	ନଦୀ	ଲୁଣା ନଦୀ	55	9700		
1/860	ନଦୀ	ଲୁଣା ନଦୀ	7	3000		
705/861	ନଦୀ	ଲୁଣା ନଦୀ	18	7400		
705	ନଦୀ	ଲୁଣା ନଦୀ	9	2100		
1	ନଦୀ	ଲୁଣା ନଦୀ	17	3000		
829	ନଦୀ	ଲୁଣା ନଦୀ	0	1000		
830	ନଦୀ	ଲୁଣା ନଦୀ	0	0400		
831	ନଦୀ	ଲୁଣା ନଦୀ	0	0400		
856	ନଦୀ	ଲୁଣା ନଦୀ	1	1000		
9 plots			109	8000		

Schedule I Form No.39-A

ଖତିୟାନ

ମୌଜା : ବଡ଼ପାଳ
ଥାନା : ପାଟକୁରା
ଥାନା ନମ୍ବର : 210

ତହସିଲ : ମାର୍ଗାଘାଜ
ତହସିଲ ନମ୍ବର : 210
ଜିଲ୍ଲା : କେନ୍ଦ୍ରାପଡ଼ା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖୋଖାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର	ଓଡ଼ିଶା ସରକାର ଖୋଖାଟ ନମ୍ବର 1, ବ୍ରହ୍ମା ଓଗେର 1,					
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର	330					
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ	ଆବାଦ ଅଯୋଗ୍ୟ ଅନାବାଦୀ					
3) ସ୍ୱଭାବ						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ						
BLANK SPACE FOR STAMPING						
ଅତିମ ପ୍ରକାଶନ ତାରିଖ - 21/07/1987						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

ଖତିୟାନର କ୍ରମିକ ନଂ : 330		ମୌଜା : ବଡ଼ପାଳ			ଜିଲ୍ଲା : କେନ୍ଦ୍ରାପଡ଼ା	
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
706	ନଦୀ	ଲୁଣା ନଦୀ	55	9700		
1/860	ନଦୀ	ଲୁଣା ନଦୀ	7	3000		
705/861	ନଦୀ	ଲୁଣା ନଦୀ	18	7400		
705	ନଦୀ	ଲୁଣା ନଦୀ	9	2100		
1	ନଦୀ	ଲୁଣା ନଦୀ	17	3000		
829	ନଦୀ	ଲୁଣା ନଦୀ	0	1000		
830	ନଦୀ	ଲୁଣା ନଦୀ	0	0400		
831	ନଦୀ	ଲୁଣା ନଦୀ	0	0400		
856	ନଦୀ	ଲୁଣା ନଦୀ	1	1000		
9 plots			109	8000		

Receipt Date: 19/02/2024 Time: 12:32:24
 OP Name: OI-BN050100000
 Note: Check payment subject to realization

E0567658875IN IVR:6979567658875
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE TEHSILDAR,MARSHAGHAI

PIN:754213, Marsaohai S.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567659399IN IVR:6979567659399
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE MEMBER SE,STATE POLLUTION

PIN:751016, Chandra Sekhar Pur S.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567659500IN IVR:6979567659500
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE DEPUTY DI,MINISTRY OF ENVI

PIN:751023, S.E Rly.Proj. Complex S.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567659495IN IVR:6979567659495
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE REVENUE D,CENTRAL DIVISION

PIN:753002, Chandinchowk H.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567659385IN IVR:6979567659385
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE MEMBER SE,STATE ENVIRONMEN

PIN:751022, Bhoinagar S.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567658760IN IVR:6979567658760
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE CHIEF SEC,LOK SEVA BHAWAN

PIN:751001, Bhubaneswar G.P.O.

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567658889IN IVR:6979567658889
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE COLLECTOR,KENDRAPARA

PIN:754211, Kendrapara H.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567658756IN IVR:6979567658756
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE PRINCIPAL,MANAGEMENT LOK S

PIN:751001, Bhubaneswar G.P.O.

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

E0567659527IN IVR:6979567659527
 SP KIJANG S.O <754141>

Counter No:1.19/02/2024.12:36

To:THE REGIONAL ,STATE POLLUTION

PIN:754142, Paradip S.O

From:ALAYA SAMAN,MASHAKANI JADUPU

Wt:35gms

Reminder

To,

1. The Chief Secretary, Loka Seva Bhawan, Sachivalaya Marg, At-Bhubaneswar, Dist-Khurda. Pin-751001. E-mail ID : csori@nic.in
2. The Principal Secretary, Revenue & Disaster Management, Loka Seva Bhawan, Sachivalaya Marg, At-Bhubaneswar, Dist-Khurda. Pin-751001. E-mail ID : revsec.od@nic.in
3. The Revenue Divisional Commissioner (RDC) Central Division, Cuttack, Dist-Cuttack. Pin-753002
4. The Member Secretary, Odisha State Pollution Control Board, Unit-VIII, Nilakanthanaga, Bhubaneswar, 751016, Odisha, Email: paribesh1@ospcb.org
5. The Collector & Dist. Magistrate, Kendrapada Dist. Dist:-Kendrapada.
6. Tahasildar, Marshaghai Tahasil, Dist:- Kendrapada.
7. The Regional Officer State Pollution Control Board (SPCB), Paradeep. Dist-Jagatsinghapur. Pin-754142
8. The Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Regional Office (EZ), A/3, Chandrasekharpur, Bhubaneswar – 751023 Email: roez.bsr-mef@nic.in

Sub:- 1. Complaint against Illegal & unauthorized use of Govt. land (Nadi & Nayanjori Kissam) by M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53).

2. Appeal to take action to vacate the camp & batching plants installed by M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) over river bed of Luna River & natural water source.

Ref: Our Complaint Petition Dtd. 19.02.2024

Sir,

That, we being the conscious citizens of this state, beg to state you as follows:-

It has reference to the Complaint Petition Dtd. 19.02.2024 wherein we had filed complaint regarding Illegal & unauthorized use of Govt. land (Nadi & Nayanjori Kissam) by M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) at Mouza Badapala under Marshaghai Tahasil of Kendrapada Dist.

But, not getting any response from you regarding the matter, constrained us to file the same complaint once again before you to remind you to take action in this regard.

That, it is noticed that 2 nos of construction site camps & batching plants have been installed & huge quantity of Minor Minerals such as Sand & Stone aggregates have been dumped in some plots/lands in the village Badapala under Marshaghai Tahasil of Kendrapada Dist. It reveals from our enquiry that one construction company named M/s. Rajbir Construction Pvt. Ltd., Jharkhand (Contractor of NH 53) has established its site camps & installed batching plants over the said plots. It is also revealed from satellite pictures that the above camps & batching plants have been installed over Plot No. 705/861 of Khata No. 330 of having area of 18.74 AC in Mauza Badapala by M/s. Rajbir Construction Pvt. Ltd. Jharkhand, Kissam of which is Nadi.

As such another site camp & batching plant have been established by M/s. Rajbir Construction Pvt. Ltd. Jharkhand over an area of 21.6 acres in Plot No. 333 of Khata No. 333 in mauza Badapala under Marshaghai Tahasil Kissam of which is Nayanjori & it belongs to Nirman (PWD) & Paribahan (Transport) Dept.

That, information provided by the Tahasildar, Marshaghai orally clearly speaks that No permission has been granted in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) by him for installation of its Site camps & batching plants over the above plots of Badapala mauza under Marshaghai Tahasil. Tahasildar,

Cont'd.....P/2

Marshaghai has given in his remark/comment that installation of above site camps & batching plants are illegal. It is also noticed that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has dumped huge quantity of different minor minerals over the above plots i.e. near the batching plants. Information provided by the Tahasil authority of Marshaghai says that No permission has been awarded in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) for lifting of Sand & Stones from any Minor Minerals source under Marshaghai Tahasil. It has also not submitted any Transit Pass before appropriate authority in support of authentication of procuring Sand & Stones. It presumes that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has been procuring different minor minerals without valid permission of competent authority.

As such, Neither Consent To Establish nor Consent To Operate Order has been issued in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) by State Pollution Control Board, Odisha for installation of batching plants over the above land following information provided by it.

That, Environment Protection Act-1986 has strictly prohibited to use river bank or its bed as it threatens ecology. But in this case M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has established its site camp & batching plant over the area of 18.74 Acres of Plot No. 705/862 of Khata No. 330 in Mauza Badapala which is the bed of Luna River by violating the provisions of EP Act-1986. It is also noticed that it has developed its batching plant & camp area by quarrying & lifting Sand from the bed of Luna river illegally which has damaged the bed of such river which is also visualized through satellite.

Like that, M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has blocked the natural water stream source (Nallha) by establishing its another camp & batching plant over an area of 21.6 Acres Kissam of which is Nayanjori that is situated in Plot No. 333 of Khata No. 333 in mauza Badapala under Marshaghai Tahasil that is an offence in the eye of law.

During the time, State Pollution Control Board, Odisha, Paradip Region has also confirmed through its Letter **No. 211 Dtd. 23.02.2024** under RTI Act-2005 that No Consent to Establish & Consent to Operate has been granted in favour of M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) to install Batching Plant over the above land. It has also informed that Tahasildar, Marshaghai has also not issued any Permission in favour of any project proponent for dumping minor minerals under his Tahasil. Copy of the letter **No. 211 Dtd. 23.02.2024** of State Pollution Control Board, Odisha, Paradip Region is enclose herewith as **Annexure- I**.

As such, information obtained orally from the concerned Water Resources Dept. also says that No permission has been awarded in favour of any contractor/Project Proponent to establish Construction camp over the River bed of any river which confirms that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has constructed its construction side camp in the river bed of Luna River without any authority of law & violating the rules of the state.

It establishes that M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has installed above batching plant & construction camp over the above land illegally & unauthorizedly.

In this context, we request you to cause an enquiry in this regard & evict M/s. Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) from illegal possession of above land immediately & take action against it as deemed proper for its such illegalities otherwise the matter will be referred to appropriate court of law to get justice in the sake of larger interest.

Yours

Alaya Samantaray

(Alaya Samantaray

At:- Masakani, P.O.:- Jadupur.

Via:-Marshaghai.Dist:-Kendrapada.

Date: - 21/03 / 2024

Pratap Chandar Mohanty

Rajendra Prasad Mohapatra

E0889445380IN IVR:697988944538
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,11:40
 To:THE ROC,CRL DVSH
 PIN:753002, Chandinchowk H.O
 From:ALAYA SAMANTARAY,MASAKANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889445040IN IVR:6979889445040
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE PRINCIPAL SEC,L S
 PIN:751001, Bhubaneswar
 From:ALAYA SAMANTAKAI,INDHANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889445036IN IVR:6979889445036
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE MEMBER SEC,MILAN
 PIN:751016, Chandra Sekh
 From:ALAYA SAMANTAKAI,INDHANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889445022IN IVR:6979889445022
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE CH SEC,L S BHAWAN
 PIN:751001, Bhubaneswar
 From:ALAYA SAMANTAKAI,INDHANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889445019IN IVR:6979889445019
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE TAHASILDAR, HSA
 PIN:754213, Marsaghai S.O
 From:ALAYA SAMANTARAY,
 Wt:40gms
 Amt:17.70(Cash)Tax:2.70
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889445005IN IVR:6979889445005
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE COLLECTOR,KMD
 PIN:754211, Kendrapara H.O
 From:ALAYA SAMANTAKAI,INDHANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>
 <Dial 18002666868> <Wear masks, stay Safe>



E0889444999IN IVR:6979889444999
 SP MARSAGHAI S.O <754213>
 Counter No:1,21/03/2024,
 To:THE REG OFFICER,SIAC
 PIN:754142, Paradip S.O
 From:ALAYA SAMANTARAY,MASAKANI
 Wt:40gms
 Amt:41.30(Cash)Tax:6.30
 <Track on www.indiapost.gov.in>



OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER
PATKURA IRRIGATION SUB-DIVISION, PATKURA

1081
29.4.24

Lr. No. 114/Date: 19.04.2024

To,

The Tahsildar, Marsaghai

Sub - Complaint regarding unauthorized occupation of Govt. land near river Luna.

Sir,

With reference to the subject cited above, it is to intimate you that the construction company M/s Rajiv Construction Pvt. Ltd. Jharkhand (Contractor of NH 53) has established site camp & batching plant over river bed near village Badpal, Tahsil-Marsaghai, Dist- Kendrapara. The company has illegally taken possession of a portion of land, measuring approximately 18.00 acres over river bed, without any valid permission from the competent authority.

Therefore your kind cooperation is highly needed to make a convenient way to demarcate the above area so that appropriate action can be taken regarding the matter. This is for favour of your kind information and necessary action.

Yours faithfully

Assistant Executive Engineer
Patkura Irrigation Sub-Division
Patkura

Memo No. 115 Dt. 19.04.2024

Copy submitted to the Superintending Engineer, Kendrapara Irrigation Division, Kendrapara for favour of kind information and necessary.

Assistant Executive Engineer
Patkura Irrigation Sub-Division
Patkura



ANNEXURE-3

OFFICE OF THE SUPERINTENDING ENGINEER, KENDRAPARA IRRIGATION DIVISION, KENDRAPARA

e'mail-kendrapadairrigationdivision@gmail.com

No. 2072 / Dtd. 02/5/2024
WE

To

The Tahasildar,
Marsaghai,

- Sub:-
1. Complaint against illegal & unauthorized use of bank/river bed of Nuna river by M/s Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH 53).
 2. Appeal to evict M/s Rajbir Construction Pvt. Ltd. Jharkhand (Contractor NH 53) from its illegal possession of the river bed of Nuna river over which its construction site camp & Batching Plant has been established.

Ref:- Letter No.114 dtd.19.04.2024 of the Asst. Executive Engineer, Patkura Irrigation Sub-Division, Patkura.


Sir,

With reference to the subject cited above, it is to intimate that, Sri Alaya Samantaray of village Masakani PO-Jadupur Dist-Kendrapara has alleged that M/s Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH-53) has established his site camp & batching plants on the river bed of Nuna near village Badpa!, in Marsaghai Tahasil and occupied at about 18.74 Ac land of Kissam-River and also dumped the huge quantity of minor minerals over the river bed. Further, he has alleged that M/s Rajbir Construction Pvt. Ltd. Jharkhand (Contractor of NH-53) has not taking permission from the competent authority.

Therefore, you are requested to enquire the matter and fix a suitable date for joint inspection of the above land to take necessary steps for greater interest of the public. The Representation of Sri Samantaray is enclosed here with for taking necessary action at your end.

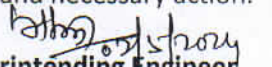
Encl:-As above. 2)

Yours faithfull,


Superintending Engineer
Kendrapara Irrigation Division

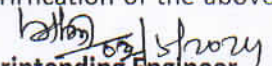
Memo No. 2073 / Dated, the 02/5/2024

Copy submitted to the Chief Engineer & Basin Manager, Mahanadi Brahmani Baitarani System, Chandikhole/ Addl. Chief Engineer, Eastern Circle-II, Chandikhole for favour of information and necessary action.


Superintending Engineer
Kendrapara Irrigation Division

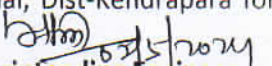
Memo No. 2074 / Dated, the 02/5/2024

Copy forwarded to the Asst. Executive Engineer, Patkura Irrigation Sub-Division, Patkura for information and necessary action. He is directed to liation with the Tahasildar, Marsaghai for joint verification of the above land as early as possible.


Superintending Engineer
Kendrapara Irrigation Division

Memo No. 2075 / Dated, the 02/5/2024

Copy forwarded to Sri Alaya Samantaray, At-Masakani, Po-Jadupur, Via-Marsaghai, Dist-Kendrapara for information and necessary action.


Superintending Engineer
Kendrapara Irrigation Division

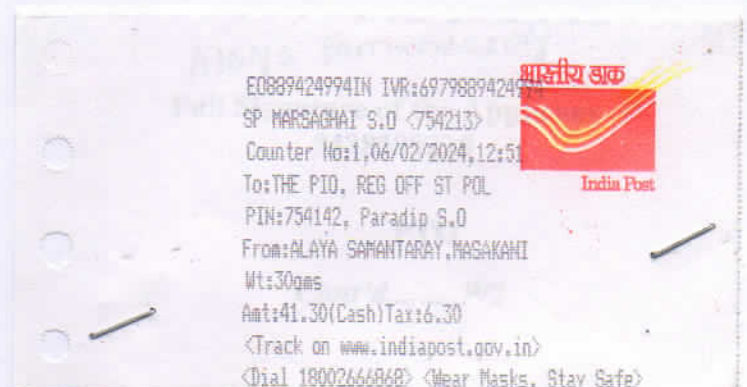
See Rule -4 (I)Application for Information under Section 6 (1) of the Act-2005.

To,

The Public Information Officer : O/O The PIO, Regional Office State Pollution control
Board (SPCB), Paradeep, Dist-Jagatsinghapur. Pin-754142

1. Full Name of the Applicant : Sri Alaya Samantary.
2. Father/Spouse Name : Late Bhagirathi Samantary.
3. Permanent Address : Village:- Mashakani, P.O.:- Jadupur.
Dist:- Kendrapada – 754213. (Odisha).
4. Particulars in respect of identify
of the applicant : Voter Identity Card (Attached)
5. Particulars of information solicited
 - (a) Subject matter of information required : Enclosed Herewith. (Back side of this application)
 - (b) The period which the information required : Up to 2024(Till Date)
 - (c) Specific details of information required :
(Write on the backside of this application) : As mentioned above in SL.NO.03
 - (d) Whether information is required by post or in
Person or by E-mail : By Speed Post / In Person / mkpnirbhaydipu@gmail.com
 - (e) In case by Post (Ordinary/Registered/Speed Post/ucp) : Speed Post / In Person.
6. Address to which information
will be sent & in which form : Enclosed Herewith. (Back side of this application)
7. Has the information provided earlier ? : NO.
8. Is this information not made available by the Public Authority? : NO.
9. Do you agree to pay the required fee? : Yes.
10. Have you deposit application fee ? Yes, Treasury Challan/Postal Order/Cash
worth of Rs 10/- (Rupees Ten) IP0 vide No.55F 829297
11. Whether belongs to BPL category,
Have you furnished the proof of the same ? : NO/General.

Place: Mashakani,
Dist:- Kendrapada.
Date: 06/ 02 / 2024



Reference of the subject Matter

It is noticed that construction Site camp & Batching Plant have been established & different Minor Minerals have been dumped by M/s. Rajbir Construction Pvt. Ltd., Jharkhand(Contractor of NH 53) or any other company (ies)/Contractor over Plot No. 705/861 of Khata No. 330, Kissam - Nadi of Mauza Badapala having area 18.74 Acres & over Plot No. 333 of Khata No. 333 of Mauza Badapala Kissam - Nayanjori having area 21.6 Acres ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Dept. following ROR of the said Land Records under Marshaghai Tahasil of Kendrapada Dist., Photo Copies of which are enclosed herewith as **Annexure - I & II series** respectively.

In this context, following information be furnished point wise as sought

Information Required

1. The Copy of the Consent to Establish Order issued to M/s. Rajbir Construction Pvt. Ltd., Jharkhand or other company (ies)/ Project Proponent /Contractor for establishment of its construction site Camp & installation of batching Plant over Plot No. 705/861 having Kissam - Nadi of Khata No. 330 of Mauza Badapala having area 18.74 Acres under Marshaghai Tahasil of Kendrapada Dist., be furnished.
2. The Copy of the Consent to Operate order issued to M/s. Rajbir Construction Pvt. Ltd., Jharkhand or other company (ies)/ Project Proponent/Contractor for establishment of its construction site Camp & batching Plant over Plot No. 333 having Kissam - Nayanjori of Khata No. 333 of Mauza Badapala having area 21.6 Acres ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Dept. under Marshaghai Tahasil of Kendrapada Dist., be furnished.
3. The Copies of all Records, Documents submitted by M/s. Rajbir Construction Pvt. Ltd., Jharkhand /Contractor/Project Proponent & others if any one applied to obtain Consent to Establish / Consent to Operate Order for establishment of its construction site Camp & installation of batching Plant etc over Plot No. 705/861 having Kissam - Nadi of Khata No. 330 of Mauza Badapala having area 18.74 Acres & over Plot No. 333 having Kissam - Nayanjori of Khata No. 333 of Mauza Badapala having area 21.6 Acres which belongs to Nirman (PWD) & Paribahan (Transport) Dept. under Marshaghai Tahasil of Kendrapada Dist., be furnished.
4. The Copy of the Consent to Establish/Consent to Operate orders given to any project proponent or other establishment/Individual/Contractor by the Tahasildar, Marshaghai for dumping of different Minor Minerals such as Sand, Stone Aggregates etc over Plot No. 705/861 having Kissam - Nadi of Khata No. 330 of Mauza Badapala having area 18.74 Acres & over Plot No. 333 having Kissam - Nayanjori of Khata No. 333 of Mauza Badapala having area 21.6 Acres which belongs to Nirman (PWD) & Paribahan (Transport) Dept. under Marshaghai Tahasil of Kendrapada Dist., be furnished
5. The Copy of the Consent to Establish/Consent to Operate orders given to any project proponent or any establishment/Individual by the Tahasildar, Marshaghai for dumping of different Minor Minerals such as Sand, Stone Aggregates etc, under Marshaghai Tahasil of Kendrapada Dist., be furnished.

1 Alaka Samantaray



**REGIONAL OFFICE OF
 STATE POLLUTION CONTROL BOARD, ODISHA**
 [DEPARTMENT OF FOREST & ENVIRONMENT, GOVERNMENT OF ODISHA]
 1ST FLOOR, CMCE BUILDING, MARINE DRIVE ROAD, NUA SANDHAKUDA, PARADEEP
 JAGATSINGHPUR-754142

No 211 /RO / PDP / MISC / (GEN) – 21 (Part-IV)

Dt 23-02-2024

By E-mail: mkpnirbhaydipu@gmail.com
 BY Speed Post

To

Sri Alaya Samantaray
 S/O Late Bhagirathi Samantaray,
 At- Vill.- Masakani, PO- Jadupur,
 Dist- Kendrapara- 754213

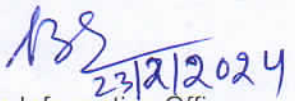
Sub - Information under RTI Act, 2005 – Reg.

Ref - Your RTI application Dt. 06/02/2024 under RTI Act 2005 received in this office on Dt.
 07/02/2024

Sir,

With reference to the above, this is to intimate that this office has received your RTI application seeking to furnish relevant information related to M/s Rajbir Construction Pvt. Ltd., Jharkhand regarding establishment of batching plant and construction of site camp over plot no.- 705/861 having Kisam- Nadi of Khata No. 330 of Mouza Badapla having area 18.47 Acres under Marshaghai Tahasil of Kendrapara district and it is to inform that the proposed unit applied for CTE (Consent To Establish) online without submitting some ancillary document required to process a CTE application. Due to these lacking documents clarification was raised online and the online file is at the unit's end as the unit has not yet closed clarification. Hence neither CTE nor CTO has been granted to the unit. There is no record of any permission issued from Tahasildar Marshaghai to the proposed unit or any other project proponent for dumping minor minerals under his Tahasil.

Yours faithfully,


 23/2/2024
 Public Information Officer

OFFICE OF THE TAHASILDAR: MARSHAGHAI

LETTER No: 1716/DATE: 19.06.24

To

Sri Alaya Samantarray
S/O - Late Bhagirathi Samantarray
At - Masakani, P.O - Jadupur
Dist - Kendrapara
Pin - 754213

Sub: - Supply of Information under R.T.I Act.

Ref: - Your appeal application dated 17.05.2024

The information required vide your first appeal application dated 17.05.2024 under RTI Act 2005 is enclosed herewith for your information.

Yours faithfully

Skm
19/6/24

1st Appellate Authority
1st Appellate Authority
Cum-
Tahasildar, Marshaghai
Tahasildar, marshaghai

Information required by Alaya Samantaray S/o – Late Bhagirathi Samantaray Village–
Mashakani, PO – Jadupur, Dist – Kendrapara under Section 6(1) of RTI Act, 2005

1. No permission has been given / issued to M/s Rajbir Construction Pvt. Ltd, Jharkhand or other company(ies) / Contractor for establishment of its construction site camp & batching plant over Plot No. 705/861 of Khata No. 330, Kisam – Nadi of Mouza– Badapala having area 18.74 Acres under Marshaghai Tahasil of Kendrapara District.
2. No permission has been given / issued to M/s Rajbir Construction Pvt. Ltd, Jharkhand or other company(ies) / Contractor for establishment of its construction site camp & batching plant over Plot No. 333 of Khata No. 333, Kisam – Nayanjori of Mouza – Badapala having area 21.6 Acres ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Deptt under Marshaghai Tahasil of Kendrapara District.
3. M/s Rajbir Construction Pvt. Ltd, Jharkhand or other Contractor has not applied to the Tahasil Authority of Marshaghai for obtaining permission for establishment of its construction site camp & batching plant over Plot No. 705/861 of Khata No. 330, Kisam – Nadi of Mouza – Badapala having area 18.74 Acres & over Plot No. 333 of Khata No. 333, Kisam – Nayanjori of Mouza – Badapala having area 21.6 Acres ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Deptt under Marshaghai Tahasil of Kendrapara District.
4. No permission has been given to any project proponent / contractor or any establishment by the Tahasildar, Marshaghai for dumping of different minor minerals such as sand, stone aggregates etc over Plot No. 705/861 of Khata No. 330, Kisam– Nadi of Mouza – Badapala having area 18.74 Acres & over Plot No. 333 of Khata No. 333, Kisam – Nayanjori of Mouza – Badapala having area 21.6 Acres ownership of which belongs to Nirman (PWD) & Paribahan (Transport) Deptt under Marshaghai Tahasil of Kendrapara District.
5. No permission has been given to any project proponent or any establishment / contractor or individuals by the Tahasildar, Marshaghai for dumping of different minor minerals such as sand, stone aggregates etc under Marshaghai Tahasil of Kendrapara District.

Sudam Chandra Mallik
(S. RA)

D. A. Tazwi

18/6/2024
Public Information Officer,
Marshaghai Tahasil
Marshaghai

F. No. 22-39/2020-IA.III

Government of India
Ministry of Environment, Forest and Climate Change
Impact Assessment Division

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110003
diriapolicy-moefcc@gov.in

Date: 14th February, 2022

Office Memorandum**Subject: Guidelines for siting industries which are in close proximity with the river – reg.**

In light of various court directions about the criteria for siting of industries, which are in close proximity to a river, the requirement for framing specific criteria with regards to siting of industries has arisen.

2. The “Environmental guidelines for industries” of the Ministry with regard to siting of industries prescribes that industrial sites shall maintain at least ½ km., from flood plain or modified flood plain affected by dam in the upstream or by flood control systems.

3. The Hon’ble National Green Tribunal while considering restoration measures for Yamuna and Ganga rivers dealt with the issue of flood plains vide judgment dated 13.01.2015 in OA No. 6/2012 and O.A. No. 300/2013, in the context of river Yamuna, observed that, “*it is necessary to call upon the authorities to demarcate the floodplain for the flood of once in 25 years and to prohibit any kind of development activity in the area in question*”.

4. Further vide judgement dated 13.07.2017 in OA No. 200/2014, M.C. Mehta vs. Union of India & Ors. reported in 2017 NGTR (3) PB1 in the context of river Ganga, it was observed that “*till the demarcation of the floodplains and identification of permissible and non-permissible activities by the State Government of this judgement, we direct that 100 meters from the edge of the river would be treated as no development/construction zone in Segment-B of Phase-I (Haridwar to Unnao, Kanpur)*”.

5. Based on the above, the aspect related to siting of industries was deliberated in the Ministry and suggestions/comments/observations were sought from different Ministries including Ministry of Jal Shakti (MoJS). Based on the inputs received, it is hereby directed that the following criteria for siting of industries in close proximity to rivers shall be followed:

“Industries shall not be located within the river flood plain corresponding to one in 25 years flood, as certified by concerned District Magistrate/ Executive Engineer from state water resource Deptt. or any other officer authorised by State Govt. for this purpose.”

6. This above criterion is subjected to following conditions:
- i. The activities undertaken under Namami Gange Programme like construction/development / renovation of STPs, CETPs, RFDs, bathing ghats, crematoria, toilets etc. for pollution abatement of river Ganga and its tributaries are not prohibited. Further, any "developmental project" taken by MoJS under the said program are also exempted from these guidelines.
 - ii. River Ganga (Rejuvenation, Protection and Management) Authorities Order notified vide Notification no. S.O. 3187(E) dated 07.10.2016 which defines the floodplain as such area of river Ganga and its tributaries which comes under water on either side of it due to floods corresponding to its greatest flow or with water on either side of it due to floods corresponding to its greatest frown or with a flood or frequency once in hundred years, will prevail over any other guideline.
 - iii. Further, in respect of regulatory activities in floodplain of the river Ganga and its tributaries, prior approval of National Mission on Clean Ganga (NMCG) is required to be taken by the concerned authorities/ departments/agencies /persons.
 - iv. As per the draft Flood Plain Zoning Bill, 2020 prepared by Central Water Commission (CWC), a Flood Plain Zoning Authority shall, on the basis of the remote sensing/modeling results/ground survey, establish flood plain zones of different frequencies. After its creation, guidelines/decisions/orders of Flood Plain Zoning Authority will prevail over above guidelines.
 - v. Any other directions/judgments of Courts/Tribunals with regard to siting of Industries in the proximity of rivers and/or demarcation of flood plain.
7. The siting criteria prescribed in "Environmental guidelines for industries" in respect of flood plains of the riverine systems shall get modified to this extent.
8. This is issued with the approval of the competent authority.


 (A K Agrawal)
 Director

To

1. Chairman of all the Expert Appraisal Committees
2. Chairperson/Member Secretaries of all the SEIAAs/SEACs
3. Chairperson of all State/UT Pollution Control Boards and Pollution Control Committees

Copy for information to

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to AS (TK)/ AS(RS)/ AS (NPG)/JS (SKB)
5. Website MoEF&CC/Guard file





PHOTOGRAPHS DATED 27/08/2024 SHOWING LARGE SCALE PERMANENT CONSTRUCTION BY M/s **Rajbir Construction Pvt. Ltd, Jharkhand** IN THE FLOOD PLAIN AREA OF THE LUNA RIVER





BEFORE THE NATIONAL GREEN TRIBUNAL

Original Application/Appeal No. _____ of 2024

In re:

ALAYA SAMANTARAY

APPLICANT

VERSUS

STATE OF ODISHA and Others

RESPONDENTS

KNOW ALL to whom these present shall come – **Alaya Samantaray** Aged about 35 years S/o Late Bhagirathi Samantaray, At- Masakani, PO-Jadupur, Via-Marshaghai, Kendrapara, 754213, Odisha, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, Asutosh Padhi, Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002**

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 16th day of OCT 2024 Accepted subject to the terms of fees.


Advocate

Client


Alaya Samantaray
Client