

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

OA No. 193 of 2024/EZ

Madanmohan Rout

...Petitioner

Vs.

Nilakanteswar Dev & others

... Respondents

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Puri

Advocate for the Respondents

Dt.02.12.2024


3/12/24

PARTHA SARATHI NAYAK, AGA

E.No.O-1076/2003, MOB-9437277043



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

OA No. 193 of 2024/EZ

In the matter of:

Madan Mohan Rout ... Applicant

-Versus-

Nilakantheswar Dev and Ors... Respondents

**COMPLIANCE AFFIDAVIT
ON BEHALF OF COLLECTOR PURI**

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

Siddharth S. Swain
COLLECTOR, PURI

1. That I am the Respondent No. 4 in the present petition and duly authorized to swear the present affidavit on its behalf.
2. That the present affidavit is being filed in compliance of the order dated 24.09.2024 passed by this Hon'ble Tribunal.
3. That, pursuant to the order dated 24.09.2024 passed by the Eastern Zonal Bench, Hon'ble Tribunal, a committee was constituted comprising of Senior Scientist, OSPCB, and Collector & District Magistrate, Puri or his representative not below the rank of Additional District Magistrate to



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visit the site in question and submit its report within four weeks with regard to the allegations made and also suggest remedial measures in this regard.

4. That the Joint Committee comprising of Additional District Magistrate, (General) Puri and Additional Chief Environmental Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar along with Tahasildar, Puri, Dy. Collector, Judicial, Revenue Supervisor, R.I., ARI of Bira Harekrushnapur inspected the spot in question i.e. "Chandan Pokhari" situated in Mouza-Gopinathpur, Khata No.126, Plot No.564, A0.97 dec, Kisam- Jalsaya- on 19.10.2024 at 12.45 PM. During the visit the petitioner Sri Madan Mohan Rout, village gentries like Natabar Rout, Bhimsen Majhi, Biswaranjan Behera and Sahadeb Rout were also present. Briefly stated, the said Committee has come to the following conclusions;

- a. The water body is enclosed from three sides by private plots, School and temple premises. Commercial establishment exist on the fourth side along the Bhubaneswar – Puri connecting road near Atharnala Chowk at Puri.
- b. The pond has been fully covered with water hyacinth which restricts the flow of the sunlight and air entering the pond creating an anaerobic condition.



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Siddharth S. Swain
COLLECTOR, PURI



- c. Some private houses and private shops are discharging their domestic waste water directly into the pond.
- d. They are also dumping the household solid wastes near the pond area.
- e. As this area comes under Panchayat jurisdiction and does not come under Puri Municipality for which the solid waste are not removed regularly. The pond has been severely polluted and it is not in use.

Remedial Measures

- i. The existing hyacinth shall be removed completely from the pond.
- ii. The private houses and the private shops shall be instructed to stop discharge of the domestic waste water into the pond.
- iii. The private houses and the private shops shall also be instructed to stop throwing/ dumping of the house hold and the shop solid waste into the pond.
- iv. The pond shall be desilted, proper lined embankment shall be provided around the pond so that no outside waste enters into the pond.
- v. The pond shall also be provided with an outlet to release the excess water from the pond to nearby drainage system to avoid over flow to the nearby areas during rainy season.



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Siddharth S. Swain
COLLECTOR, PURI



Copy of the report of the joint inquiry committee dated 19.10.2024 is annexed and marked as ANNEXURE-A/4.

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

Identified by

Siddharth. S Swain

Advocate

DEPONENT

COLLECTOR, PURI

VERIFICATION

I, Sri Siddharth Shankar Swain, aged about 34 years, S/o Subash Chandra Swain, at present working as Collector, Puri do hereby solemnly affirm and verify the contents of paragraph are true to my knowledge and that I have not suppressed any material facts. I sign this verification at my office on 2nd December, 2024.

Puri

Dt.02.12.2024

Siddharth. S Swain

VERIFICANT

COLLECTOR, PURI

CERTIFICATE

Due to non-availability of cartridge papers white thick papers used.

Partha Sarathi Nayak

PARTHA SARATHI NAYAK, AGA
E.No.O-1076/2003, MOB-9437277043



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Certified that, the above named deponent is personally known to me. The facts stated in this affidavit are true to the best of his knowledge and based on official records. I sign this affidavit today on dated 2nd day of December, 2024 being present in my office chamber.

Sl. No. 2
Dt. 02.12.2024

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Executive Magistrate, Puri.



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FIELD VISIT REPORT OF THE COMMITTEE COMPRISING OF ADM(Gen),PURI, SENIOR SCIENTIST, ODISHA STATE POLLUTION CONTROL BOARD, BHUBANESWAR AS PER ORDER DATED 24.09.2024 OF LEARNED NGT, EASTERN ZONE BENCH, KOLKATTA IN CONNECION WITH O.A NO. 193/2024/EZ FILED BY MADANMOHAN ROUT -VRS- SRI NILAKANTESWAR DEV & OTHERS.

In pursuance of order dated 24.09.2024 of Hon'ble NGT, Eastern Zone, Bench, Kolkatta in O.A. No. 193/2024/EZ filed by Madan Mohan Rout -vrs- Nialkantheswar Dev & Others, the Committee comprising of Addl. District Magistrate(Gen), Puri and Additional Chief Environmental Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar along with the Tahasildar, Puri , Dy. Collector, Judicial, Revenue Supervisor, R.I, A.R.I of Bira Harekrushnapur visited the alleged site i.e water body known as "Chandan Pokhari" situated in Mz- Gopinathpur, khata no. 126, Plot No. 564, A.C 0.97dec. kisam- Jalasaya-1 Dist- Puri, Odisha on 19.10.2024 at about 12.45.P.M.

During the visit, the petitioner Sri Madan Mohan Rout, village Gentries like Natabar Rout, Bhimasen Majhi , Biswa Ranjan Behera and Sahadeb Rout were also present. The list of person present during the field visit is enclosed as (Annexure -A).

Allegation: - It is alleged that the water body in question has stated losing its water retention capacity due to uncontrolled pollution and encroachment and is being converted into dumping yard by dumping all kinds of solid and liquid waste of the nearby areas. It is stated that the water body is used not only for farming and fishing purposes but also for religious purpose.

Opinion of the Local Gentries:-

The Committee discussed with the PRI members and village gentries present there. The village gentries have opined that the Chandan Pokhari was used for "Chapa" for the Deities during Chandan Yatra near about 8 to 10 years ago and the pilgrims were also using for taking bath. The local villagers were using the

True

copy attested

Deputy Collector,
Puri

- * -

Chandan Pokhari for bathing purpose. Now it is not used by the local people due to available of pipe water supply in each and every house hold.

Observation:-

The committee observed that the water body is enclosed from three sides by private plots, School and temple premises. Commercial establishment exist on the fourth side along the Bhubaneswar – Puri connecting road near Atharnala Chowk at Puri. It was found that the pond has been fully covered with water hyacinth which restricts the flow of the sunlight and air entering the pond creating an anaerobic condition. Some private houses and private shops are discharging their domestic waste water directly into the pond. They are also dumping the household solid wastes near the pond area. As this area comes under Panchayat jurisdiction and does not comes under Puri Municipality for which the solid waste are not removed regularly. The pond has been severely polluted and it is not in use.

It is a fact that the Chandan Pokhari is not used by Public since last 8 to 10 years. So due to non-use of the said pond, the water is covered with water hyacinth and nobody has taken step for removal of it. It is a fact that the said water body “Chandan Pokhari” belongs to the Deity Sri Sri Nilakantheswar Dev. It may be used for religious purpose by the management of Deity Sri Sri Nilakantheswar Dev.

The Committee suggests that the Chandan Pokhari required immediate renovation.

Recommendation:-

1. The existing hyacinth shall be removed completely from the pond.
2. The private houses and the private shops shall be instructed to stop discharge of the domestic waste water into the pond.
3. The private houses and the private shops shall also be instructed to stop throwing/ dumping of the house hold and the shop solid waste into the pond.
4. The pond shall be desilted, proper lined embankment shall be provided around the pond so that no outside waste enters into the pond.

Deputy Collector Puri
 Judicial, Collectorate Puri

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5. The pond shall also be provided with an outlet to release the excess water from the pond to nearby drainage system to avoid over flow to the nearby areas during rainy season.

Moh
19/10/2024

**Addl. Chief Environmental Scientist &
R.O, OSPCB, Bhubaneswar**


19/10/2024
Tahasildar, Puri

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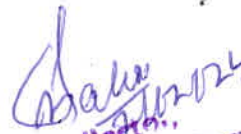
Addl. District Magistrate, Puri

Sahoo
19/10/24

Deputy Collector, Judicial, Puri

*Pradeep Kumar Sahoo
Mahan mahar Rout
Bhimasen Majhi
Biswanandan Behera
Natabar Rout*

Three copy attested


**Deputy Collector,
Judicial, Collectorate Puri**