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

**I A NO 123/2024**

**ORIGINAL APPLICATION NO.- 134 OF 2024**

**IN THE MATTER OF:**

ASRUKHOLA DEVELOPMENT COUNCIL

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS

RESPONDENTS

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SANKAR PRASAD PANI

DATE; 15/02/2025

ASHUTOSH PADHY

*S.Pani* *A.Padhy*

ADVOCATE

**Plot No 2132/4814, NageswarTangi, Bhubaneswar 751002**

Email Address: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com), Phone :9437279278

PLACE: BHUBANESWAR

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

(Under Section 18(1) read with Section 14(1) and 15(1) of the National Green Tribunal Act.2010)

**Original Application No.-134/2024**

ASRUKHOLA DEVELOPMENT COUNCIL

APPLICANT

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RESPONDENTS

**OBJECTION AFFIDAVIT ONBEHALF OF THE APPLICANT TO THE INTERVENTION APPLICATION (IA 123/2024)**

I, Amarendra Nath Mohanty, S/o Bipra Charan Mohanty aged about 76years,At/Po- Parijata Sriramnagar, Uttara sasan, Dist-Puri, **751002** do hereby solemnly affirm, and declare as under:

1. That I am the President of the applicant society in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That the apprehension of the intervening applicants saying there will be flood is without any substance and authentic data. The interveners are imagining a fictitious situation before 1960 and without considering the developments of last 60 years such as the river embankment has been heightened and the rain water in the last 60 years have declined substantially apart from this post construction of Hirakud dam in 1957 the flood water in Mahanadi has been substantially controlled. Other than Hirakud dam, there are many other dams and barrages in river Mahanadi to control the flood water hence imagining a situation of pre 1960 in the present context is absolutely baseless and irrelevant.



3. That the interveners in the garb of public interest trying to protect the illegal encroachments of Sukapaika(Kani Nai) River bed and needless to say that in the year 2021 many of the representatives of the Panchayats along with the villagers around Sukapaika (Kani river) has signed the memorandum of appeal to the government for the rejuvenation of Sukapaika (Kani river) which are already annexed to the OA in page no 95-103.
4. That it is a settled position that the flow of river can not be changed because of illegal and unauthorised settlement/ constructions raised on its bed after the mouth of the Sukpaika river connecting to Mahanadi has been closed. Nevertheless even today the 11 km stretch of the river is holding water in different patches and once the entire 11km stretch is revived to its original status then again the river can be alive and can meet to the demand of local riverine community and agriculture. As such that will also help in increasing the ground water level of that locality. Hence considering the long term futuristic positive impact on river and its community there is a need for restoration of this 11km of Sukapaika River(Kani Nai)
5. It is not out of place to mention that by connecting this river with that of Ashrukholra will help in discharging of the excess storm water from river Mahanadi and River Sukapaika so the flood can be further controlled.
6. It is further submitted that the gradient from Mahanadi to Sukapaika and then to Ashrukholra is a natural gradient and the water can easily pass from higher altitude to lower altitude.
7. If at all the interveners have any apprehension regarding the flood and if they have any suggestion for flood control mechanism then they can have a discussion with the implementing agency to implement such mechanism so that if any flood situation arises can be controlled in its peak time.



8. That in response to para 3 of the intervention application it is humbly submitted that Considering the prevailing facts and circumstances, most appropriate proposal has been suggested to Water resources Department, Drainage Circle, Odisha to save an ancient and natural 63 KM long wetland ‘Asrukholā Jorā ‘ which is now fully covered with over-grown invasive weed ‘Water hyacinth’ and dyeing state. Once this precious wetland was the life line proving multifaceted benefits to the people of 27 Grampanchayats directly and 2 more Grampanchayats indirectly before 1960, is now drastically polluted losing complete its utility and at the verge of extinction. To Control such invasive weed in the wetland, generation of water-flow is mandatory for natural cleaning as it was before 1960. As there is no other feasible method of controlling such weed available, intake of flood water from nearby Sukpaika river during flood is only alternative to create water-flow in the wetland for natural cleaning, ADC proposed this method for sustainable use of Wetland by local residents of 29 Grampananyats.
9. That in response to para 4 of the intervention application it is humbly submitted that Jaitalong and Sananainpur villages as claimed by the Interveners are not under the jurisdiction of the two Gampanchayats stated by the interveners but under Tendakuda Gram Panchayat. These villagers are actively advocating to open the river mouth of Sukpaika but the Interveners chose to ignore such demands for their convenience, But during last week of August 2021, a team of Asrukholā Punorudhara o Bikash Manch (APoBM), the erstwhile name of Asrukholā Development Council (herein after referred as ADC) moved each village of seven Grampanchayats and got their support through their signatures including the support of the then Sarpanches of six Grampanchayats which encouraged APoBM to submit Memorandums to the concerned Ministries of Government of Odisha and Union Government including



Chief Minister of Odisha and Prime Minister of India requesting to renovate Asrukholā Jorā for public benefit. It is not known why the present representatives are opposing such a people friendly project?

- (i) ADC states that 11 Km long Sukpaika dead river originates from The Mahanadi in Babujanga Grampanchayat.
- (ii) Further the applicant society states that the people faced many problems like damages of houses with crops and difficulty in communication during flood before 1960s **as there was no protective embankment on either side of river Sukpaika.** But now there is a strong high embankment with tar road and inter-connected concrete roads have been constructed to protect the local people from any difficulty if the Sukpaika river mouth is reopened. So ADC strongly advocates the reopening of Sukpaika mouth to feed flood water during monsoon. To support claim, the following points need to be considered to revitalize Asrukholā Jorā/Wetland.
  - (a) Water is the lifeblood of ecosystems. It supports wetlands, rivers, lakes, and the surrounding flora and fauna. Of all the water on the planet, only 3% is fresh water; of this amount, only 0.5% is potable and available.
  - (b) **The Rights of Rivers aims to enshrine the river as a legal entity, entitled to basic rights. Its rights include the rights to exist and to thrive, as well as right to restoration of ecosystem. Besides creating rights for nature, such approach also creates**



**obligations for humans as custodians of surrounding natural resources.** For the first time in the country, the Uttarakhand High Court declared that the rivers Ganga and Yamuna are “living persons.” The Uttarakhand High Court further declared that the Ganga and Yamuna and all their tributaries as juristic or legal persons or living entities having the status of a legal person with all corresponding rights, duties and liabilities of a living person in order to preserve and conserve river Ganga and Yamuna. The two rivers thus have the right to be legally protected and not to be harmed / destroyed. The court ordered that the Director of the Namami Gange programme, the Chief Secretary and the Advocate-General of Uttarakhand would serve as “parents” for the rivers and would be the human faces to “protect, conserve and preserve” the rivers and their tributaries. Several Indian courts have ruled that the rivers and their distributary/ tributaries the rights equivalent to that of a person.

- (c) The country's river rejuvenation and cleaning initiative commenced with the introduction of the **Ganga Action Plan (GAP) in 1985**. Subsequently, the scope of this program was expanded to encompass other rivers and their tributaries under the **National River Conservation Plan (NRCP) in 1995**. Water conservation and management encompasses the policies, strategies and activities made to manage water as a sustainable resource. To ensure total water



requirement to meet the current and future human demand, there is absolute need to store the excess flow- down water in rivers and its tributaries, wetlands, reservoirs etc.

(d) Conserving water resources ensures the preservation of ecosystems, which, in turn, contributes to biodiversity conservation. The main goal of water conservation is to protect natural ecosystem and to ensure the availability of this vital resources in the long term to meet all human needs. But the main threats to the state of water are pollution, over-utilization, and climate change and habitat destruction. These threats can lead to the deterioration of water quality and quantity, negatively impacting human health, wildlife, inadequate ground water recharge and the environment.

(e) **The National River Conservation Plan (NRCP), 2019** to provide for conservation and elimination of pollution of rivers of the country and for matters connected therewith. 1. (1) This Act may be called the River (Conservation and Elimination of Pollution) Act, 2019. Hon'ble The National Green Tribunal (NGT) has directed the Odisha Government to revive a dead river Upper Sukpaika in next six months by earmarking dedicated fund for such purpose, The State Government has already approved ₹49.67 crores for rejuvenation of Sukapaika River(Upper). This was not a huge amount and but make ways to



reinstate natural water flow and the processes to restore ecology and biodiversity with other surprising benefits like saving energy for monetary gain, safe and healthy environment in addition to extending and conserving water for all purposes supply even during draught period besides adequately recharging groundwater aquifers.

- (f) Conservation and diversion of flood flows can help in overcoming water shortages, variability and drought management. Both infrastructure and governance need to be expanded to achieve this objective. To that end, it is suggested to conserve, divert, and utilize flood flows into Asrukholā Jora/Wetland. The most obvious reason for such conservation is to protect aquatic life and promote biodiversity. Protecting aquatic life and preserving it for future generations also means that these loved aquatic animals and plants don't become a distant memory. In that way it can be maintained a healthy and functional ecosystem in Asrukholā Jora/Wetland.
- (iv). Asrukholā is an ancient and natural perennial water body popularly known as Jora in other words a serpentine Wetland as per revenue records but it is surprising that DoWR has renamed this longest Wetland, the heritage of Odisha as **Asrukholā Nalla**. Under Wetland Rule this should be under the Ministry of Forest, Environment and Climate Change for its proper maintenance and service. Unfortunately its maintenance under DoWR is neglected pushing the unique



Wetland polluted and defunct. Wetlands also do serve as drainage channel but it had multifaceted benefits and was the life line of 29 Grampanchayats prior to closure Sukpaika mouth in 1960. The river originates from Sahukheta of Babujanga village and is the distributary of Mahanadi.

10. That in response to para 5 of the intervention application it is humbly submitted that the apprehension made in para 5 of Intervention application is totally imaginary based with no facts as reopening would be through sluice gates to be constructed at the opening point of river which can control in letting flood water.
11. That in response to para 6 of the intervention application it is humbly submitted that In- letting of flood water after reopening of the mouth of river Sukpaika would neither harm any existing bridges nor harm irrigation system. Further it is a misinformation by the Interveners that luxurious plantation exists on the bed of Sukpika but DoWR undertakes dredging at regular interval and the Riverbed is totally clear for water flow.
12. That in response to para 8 of the intervention application it is humbly submitted that
  - i. Asrukhola Jora/Wetland is originated by the overflowed flood water from the of Sukpaika (Kaninai) the branch river of Mahanadi in Orikanta/ Dharibil village,
  - ii. The state Government has committed wrong by complete closing of the Sukpaika (Kaninai) mouth which could have been done wisely by allowing water-flow into the river by constructing sluice gates.
  - iii. It is fact that there was no protective embankment for the safe passage of flood water during 1960s but now there is high protective embankments to check overflowed water

from river Sukpaika and the strengthened southern side embankment of river Chitroptola. Hence there is no appreciation of loss of crops and houses of local people. Hence the intake of flood water is mandatory for the auto-cleaning of such a precious wetland which provides immense ecological-service to the people of 29 Grampanchayats.

- iv. The complete closure of Sukpaika mouth is not at all a scientifically and technically wise decision by Government which now contravenes the mandates of National River Conservation Plan (NRCP) in 1995.
- v. The reinforcement of embankments of both Sukpaika and Chitroptola was a nice planning but the decision was taken very late after the closure of river mouth which was not a wise-decision.

13. That in response to para 9 of the intervention application it is humbly submitted that Asrukhol Development Council (ADC) initiated its action during 2021 to save both Asrukhol Jora/Wetland, a precious water source for the people of 29 Grampanchayats for water and its ecological service as well as to save the dead river Sukpaika by opening its mouth through sluice gates with the major objective is to develop Asrukhol as an all-time AUTO-CLEANING UNIT by inletting flood water for a short period to wash down floating weeds thus avoiding expensive recurring manual management.

14. That in response to para 10 of the intervention application it is humbly submitted that the people of all four Panchayats namely Babujanga and Uttakul were initially happy and whole-heartedly supported the objectives of ADC alias Asrukhol Punorudhara or Bikash Manch (APoBM) but unfortunately some limited people with vested interests

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approached the local public Representatives and few Individual to stop such a holistic endeavor of ADC.

15. That in view of the above mentioned paragraphs it is humbly prayed before this Hon'ble Tribunal to reject the present intervention application.

Date: 15/02/2025

Applicant Through

Handwritten signature in cursive script, appearing to read "Spami A Pathy".

Advocates

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

ORIGINAL APPLICATION NO - 134 OF 2024/EZ

IN THE MATTER OF:

ASRUKHOLA DEVELOPMENT COUNCIL APPLICANT

VERSUS

STATE OF ODISHA AND Others ... RESPONDENTS

AFFIDAVIT 5 FEB 2025

I, Amarendra Nath Mohanty, S/o Bipra Charan Mohanty aged about 76years, At/Po- Parijata Sriramnagar, Uttara sasan, Dist-Puri, 751002 do hereby solemnly affirm, and declare as under:

1. That I am the President of the applicant society in the above mentioned Original Application and 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 objection affidavit to the IA 123/2024 and the same is true and correct and is drafted on my instruction.

*Amarendra Nath Mohanty*  
DEPONENT

VERIFICATION

Verified on this 5 FEB 2025 .....2025 at ..... 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  
*SP 10/2023*  
Advocate

*Amarendra Nath Mohanty*  
DEPONENT



The above named deponent(s) being duly identified by *SP 10/2023* at *Bhubaneswar*.  
Appears before me on 5 FEB 2025 at *Bhubaneswar* and declares that the contents of the above affidavit are true to the best of their knowledge and belief.  
Notary, Bhubaneswar  
REGD. NO - ON - 86/2012  
Mob. No. - 9337121273



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**Objection to IA 123/24 by the applicant.**

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Mon, Feb 17, 2025 at 10:09 AM

To: ADVOCATE GENERAL ODISHA &lt;advgen@nic.in&gt;, Dn Ray &lt;raydnr@gmail.com&gt;, Dipanjan Ghosh &lt;dpnjnghsh0@gmail.com&gt;, jenananad7@gmail.com

Dear sir/ madam, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani

**NGT ASRUKHOLA OBJECTION TO IA-merged.pdf**

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