

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

**M.A NO. 32 OF 2024**

( Arising out of OA No. 16 of 2023, disposed of  
on 04.07.2023)

Madan Mohan Rout ..... Applicant

-Versus-

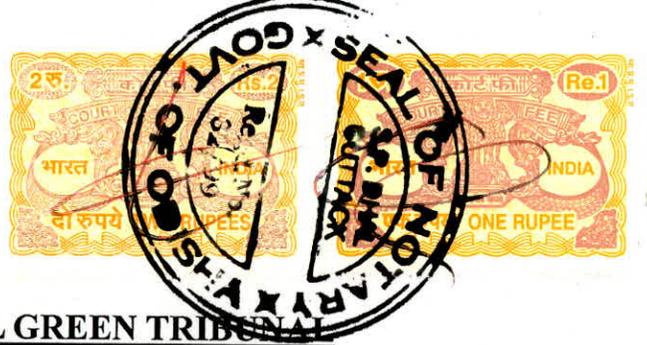
State of Odisha and others ..... Respondents

**I N D E X**

Sl.No.	Description of documents	Annexures	Pages
1.	Counter affidavit to the M.A No. 32/2024 filed by Respondent No.9 i.e. Superintending Engineer, Drainage Division,Puri.		1 - 8
2.	Copy of the Memo No. 983/WE dtd. 10.05.2023	A/9	9
3.	Copy of the Letter No. 256 dtd. 14.02.2025	B/9	10-11

CUTTACK  
DT. 8 .04.2025

  
(SANJIB SWAIN)  
ADDL.GOVT. ADVOCATE  
FOR RESPONDENT NO. 9  
(SUPERINTENDING ENGINEER,  
DRAINAGE DIVISION,PURI)



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**COUNTER AFFIDAVIT FILED BY**  
**SUPERINTENDING ENGINEER, DRAINAGE**  
**DIVISION, PURI (RESPONDENT NO.9)**

I, Sri Ramakanta Mallik, aged about 48 years,  
Son of Sri Jadunath Mallik, at present working as  
Superintending Engineer, Drainage Division, Puri, Dist-  
Puri, fo hereby solemnly affirm and state as follows:-

1. That I am working as Superintending Engineer,  
Drainage Division, Puri, Dist-Puri and Respondent No.  
9 in the aforesaid M.A.

2. The Petitioner has filed this MA with a prayer to  
implement the order dated 04.07.2023 passed by the  
Hon'ble NGT, Eastern Zone, Kolkata in OA No.16 of  
2023.

*Ramakanta Mallik*

Superintending Engineer  
Drainage Division, Puri

*Surendra Prasad Dhal*  
**Surendra Prasad Dhal**  
 Advocate  
 NOTARY CUTTACK

3. That in reply to the averments made in Para-1 of the M.A it is humbly submitted that the Petitioner has prayed for restoration of water bodies over the alleged plots those have been cited in the case matter as per the order date 04.07.2023 passed in OA No.16/2023 as the free flow of storm water is hampering due to encroachment of lands by some local inhabitants.

4. That in reply to the averments made in Para-2 of the MA it is humbly submitted that, it is a fact that some of land in question have been recorded in the name of local deity.

5. That in reply to the averments made in Para-3 of the MA it is humbly submitted that the Hon'ble NGT, Eastern Zone, Kolkata has passed order on dated. 09.02.2023 to constitute a committee with the following members to examine the grievances of the petitioners to safe guard the interest of public.

- (i) Senior Scientist, Central Pollution Control Board.
- (ii) Senior Scientist, Odisha State Pollution Control Board.
- (iii) Collector & DM, Puri.
- (iv) Engineer-in-Chief, Water Resource Department, Odisha.

*Ramakanta Mishra*  
 Superintending Engineer  
 Drainage Division, Puri

*2/8-4*  
 Surendra Prasad Dha  
 Advocate  
 NOTARY, CUTTACK

6. That in reply to the averments made in Para-4 of the MA it is humbly submitted that pursuant to the aforesaid order dated 09.02.2023 of this Hon'ble NGT, the Committee submitted its report by an affidavit before on dtd.12.05.2023, where in an alternative master plan for construction of a concrete drainage network starting from the area of Mukunda Mishra Nagar up to Musa River and finally discharging to Mangala river has been proposed, so that during rainfall the rain water will get a clear passage. It will solve the water logging problem in the said area. This alternative drainage master plan will avoid demolish of large number of residential buildings already built up within the alleged area to avoid any law & order situation in future.

Ranajit Malik  
Superintending Engineer  
Drainage Division, Puri

7. That in reply to the averments made in Para-5 of the MA it is humbly submitted that as per the site condition it was felt that no clear drainage system is available for clearance of excess water during rainy season for which it is proposed to construct concrete drains starting from area of Mukunda Mishra Nagar up to Musa River and final discharge to Mangala river in the interest of public.

act

Surendra Prasad Dhas  
Advocate  
NOTARY, CUTTACK

It is humbly submitted that the height of embankment of Dhaudia River flowing aside the area also required to be raised to avoid the flow of water into the area.

8. That considering the factual position and site condition a proposal was given for construction of 4Nos. of Drainage channels as mentioned below covering a length of 7.11 Km. approximately in order to overcome the water logging crises permanently in the area of Mukunda Mishra Nagar.

- (i) Drain No.1- 2.75Km (Approx. ( Charinala to Jagannath Sadak)
- (ii) Drain No.2- 1.66Km (Approx.) (Mukunda Mishra Nagar to Jagannath Sadak)
- (iii) Drain No.3- 1.20Km (Approx.) (Batamangala to Khandia bandha)
- (iv) Drain No. 4- 1.5Km (Approx.) (Drain around Gopinathpur Mouza).

The Collector & Dist. Magistrate, Puri has been informed vide Letter Memo No. 983/WE dtd.10.05.2023 of SE, Drainage Division, Puri with land scheduled of private owners which is required for construction of the above drains. The execution of above 4 nos. of drains can only be taken up after the

*Ramesh Chandra Mishra*  
**Superintending Engineer**  
**Drainage Division, Puri**

*J. Prasad*

*3/8/24*  
**Surendra Prasad Dhan**  
**Advocate**  
**NOTARY, CUTTACK**

required land is available for execution by Water Resources Department.

Copy of the Memo No. 983/WE dtd. 10.05.2023 is annexed herewith as Annexure-A/9.

9. That in reply to the averments made in Para-8 of the MA it is humbly submitted that this Hon'ble NGT, on perusal of the aforesaid report has been pleased to dispose of the O.A No.16 of 2023 vide order dtd.04.07.2023 with the following direction. The operative part of the said order is quoted hereunder;

**OA NO. 16 OF 2023**

04.07.2023: “ XX XX XX

22. In view of above we dispose of the original application with a direction to state Respondents to ensure that proper drainage system as proposed in the committee report and brought on record in their affidavit, is completed within a period of six months since monsoon season has already commenced and the possibility of water logging in the area in question cannot be over looked. We also direct the state respondents that the land records in question be placed before the Revenue Divisional Commissioner for appropriate

Ramkrishna Malaria  
Superintending Engineer  
Drainage Division, Puri

  
Surendra Prasad Dha.  
Advocate  
NOTARY, CUTTACK

*put*

order in terms of the direction given by the Hon'ble High Court in Tapan Kumar Das (Supra) and Batakrushna Das (Supra).

23. I.As, if any, stand disposed of accordingly.

24. There shall be no order as to costs".

Sd/-  
B.Amit Sthalekhar, JM  
Sd/-  
Dr.Afroz Ahmad, EM

The order dated 04.07.2023 of NGT, Eastern Zone, Kilkata is now under active process for necessary compliance.

10. That in reply to the averments made in Para-9 of the MA it is humbly submitted that the said Opp.Parties are now working out on the Detail Project Report by processing the land acquisition proposal. Since some land falling on the alignment of proposed drains are under encroachment for which the Collector and District Magistrate, Puri has been moved vide latter No.256 dtd.14.02.2025 of Superintending Engineer, Drainage Division, Puri for vacation of encroached lands so that the Department of Water Resource can be able to progress with the work. Copy of the Letter No. 256 dtd. 14.02.2025 is annexed herewith as Annexure-B/9.

*98-4*  
Surendra Prasad Dhai  
Advocate  
NOTARY, CUTTACK

*Ramkanta Mehera*  
Superintending Engineer  
Drainage Division, Puri

*J. Prasad*

11. That in reply to the averments made in Para-10 of the MA it is humbly submitted that these opposite parties are sincerely taking steps to comply the order dtd.04.07.2023 of the NGT Kolkata.
12. That in reply to the averments made in Para-11 of the MA it is humbly submitted that the department of Water Resources are on the job of floating tender as soon as possible after due compliance of all formalities more particularly possession of land from Revenue Department for smooth execution of the proposed Drains.
13. That in view of the facts discussed above the Water Resources Department is now fully aware of the order of the Hon'ble NGT, Eastern Zone, Kolkata and already on the job of its implementation subject to clearance of all formalities.
14. That the averments of the MA petition are not specifically denied in this counter are not to be treated as admitted rather deemed to have been denied.
15. That this deponent also craves leave of this Hon'ble Court to file further affidavits as and when this Hon'ble Court desire.

Ramesh Chandra Mohanta  
Superintending Engineer  
Drainage Division, Puri

  
Surendra Prasad Dha  
Advocate  
NOTARY, CUTTACK

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

Identified by,

*Ranellans Mellis*

DEPONENT

Addl. Govt. Advocate

Superintending Engineer  
Drainage Division, Puri

C E R T I F I C A T E

Certified that due to non-availability of cartridge papers the instant affidavit has been prepared on thick white papers.

*Sanjib Swain*

(SANJIB SWAIN)

CUTTACK  
DT. 8.04.2025

ADDL.GOV.T. ADVOCATE  
FOR RESPONDENT NO. 9  
(SUPERINTENDING ENGINEER,  
DRAINAGE DIVISION,PURI)

The above named Deponent

Solemnly affirm on *8.4.2025*

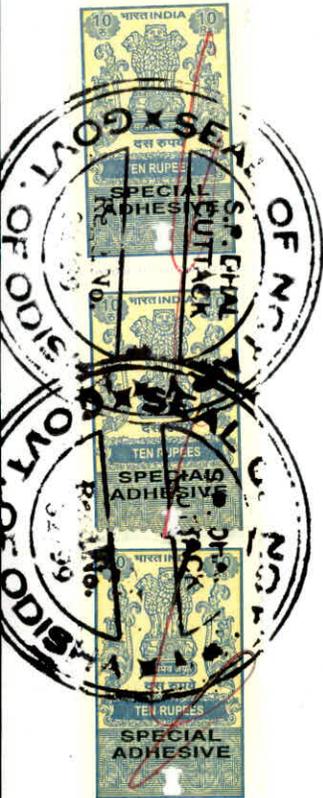
*R. U. Mellis* Being Identified

by *personally known to me.*

*Surenara Prasad Dhal*

Surenara Prasad Dhal  
Advocate

NOTARY, CUTTACK



**ଜଳସଂପଦବିଭାଗ, ଓଡ଼ିଶା**  
**OFFICE OF THE SUPERINTENDING ENGINEER**  
**DRAINAGE DIVISION; SHREE VIHAR, PURI-752003**  
**Email id:-eeddpuri@gmail.com**

Letter No. 982/WE

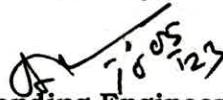
Date 10/05/2023

To  
The Engineer-in-Chief  
Water Resources, Odisha  
Bhubaneswar

Sub: Draft Counter to the O.A. No. 16 of 2023/EZ filed by Saroj Mishra & O.A. No.17 of 2023/EZ filed Srikanta Pradhan & Others vrs. State Govt. & Others.

Ref.: Minutes of the meeting held on 26/04/2023 of the Committee Constituted by the Hon'ble NGT, East Zone, Kolkata.

Sir,  
In inviting a reference to the Minutes stated above on the subject he Draft Counter to both O.A. No. 16 of 2023/EZ & O.A. No.17 of 2023/EZ, Kolkata is submitted herewith the kind information and necessary approval enhancing the U/S to file the same before the Hon'ble NGT, East Zone, Kolkata through Govt. Advocate for further disposal of the Hon'ble Court. I would like to mention here that the next date of hearing in fixed on 16/05/2023.  
It is therefore requested that the draft counter to the above said cases may kindly be approved of the earliest.

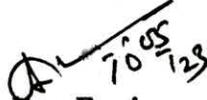
Yours faithfully,  
  
**Superintending Engineer**  
**Drainage Division, Puri**

Encl: Draft Counter  
1. for O.A. No.16 of 2023/EZ - 2 sets  
2. Draft Counter  
for O.A No.17 of 2023/EZ - 2 sets

Memo No. 983/WE

Dated 10.05.2023

Copy along with enclosure submitted to the Collector, Puri / Chief Engineer, Drainage, Cuttack / Additional Chief Engineer, Drainage Circle, Bhubaneswar for favour of kind information.

  
**Superintending Engineer**  
**Drainage Division, Puri**

Memo No. 984/WE

Dated 10.05.2023

Copy along with enclosure submitted to Sri Tarun Patnaik, Additional Standing Council, O/o the Advocate General, Odisha, Cuttack for kind information and necessary action.

*True Copy Attested by*  
*Ranajanta Mallik*  
**Superintending Engineer**  
**Drainage Division, Puri**

  
**Superintending Engineer**  
**Drainage Division, Puri**

**Office of the Superintending Engineer,  
Drainage Division, Puri**

\*\*\*

No. 256/WE

Date. 14.02.2025

To

The Collector & District Magistrate,  
Puri, Odisha.

Sub :- Implementation of Hon'ble NGT Order Dtd.04.07.2023 passed in OA No.16/2023/EZ and OA No.17/2023/EZ.

Sir,

Inviting a reference to the subject cited above, I am to intimate that, the Hon'ble NGT order Dtd.04.07.2023 passed in OA No.16&17/2023/EZ has been approved by the state on principle and therefore all the initial preparation pertaining to below stated work in progress. The tender will be invited shortly after the site clearance adjoining to the said area may be cleared /vacated for the smooth operation of work. The site map is enclosed for reference.

1. Drain No.1 - 2.75 km. (approx) Charanal to Jagannath Sadak
2. Drain No.2 - 1.66 km. (approx) Mukunda Mishra Nagar to Jagannath Sadak
3. Drain No.3 - 1.20 km. (approx) Batamangala to Khandiabandha
4. Drain No.4 - 1.50 km. (approx) Drain around Gopinathpur Mouza

Your kind co-operation is highly solicited.

Yours sincerely

Encl :- As above

*R. S. S.*  
14.02.2025  
Superintending Engineer,  
Drainage Division, Puri

Memo No. 257

/Dtd., the 14.02.2025

Copy submitted to the Engineer-in-Chief, Water Resources, Odisha, Sechasadan, Bhubaneswar for favour of kind information with reference to letter No.22372/WE Dtd.10.08.2023.

*R. S. S.*  
14.02.2025  
Superintending Engineer,  
Drainage Division, Puri

Memo No. 258

/Dtd., the 14.02.2025

Copy submitted to the Chief Engineer, Drainage, Cuttack for favour of kind information with reference to your letter No.695/WE Dtd.13.02.2025.

*True Copy Attested by*  
*Ramaprasad Mahapatra*  
Superintending Engineer,  
Drainage Division, Puri

*R. S. S.*  
14.02.2025  
Superintending Engineer,  
Drainage Division, Puri

Memo No. 259

/Dtd., the 14.02.2025

Copy submitted to the Additional Chief Engineer, Drainage Circle, Bhubaneswar for favour of information and necessary action.

*Rm S*  
14.02.2025

Superintending Engineer,  
Drainage Division, Puri

Memo No. 260

/Dtd., the 14.02.2025

Copy submitted to the Executive Officer, Puri Municipality, Puri for information and necessary action.

*Rm S*  
14.02.2025

Superintending Engineer,  
Drainage Division, Puri

*True Copy Attested by*

*Ramakanta Mallik*  
Superintending Engineer  
Drainage Division, Puri