

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA

O.A. NO. 109 OF 2024.

In the matter of:

Haripriya Patel.....Applicant

-Versus-

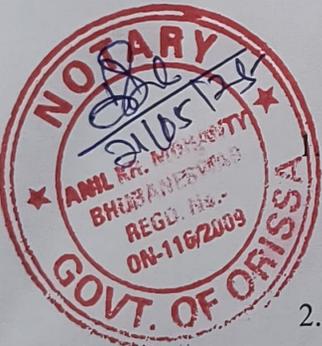
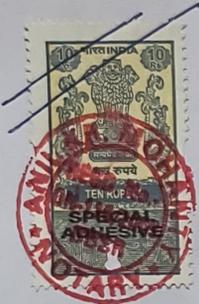
State of Odisha and Ors..... Respondents

REJOINDER FILED BY APPLICANT

I, Haripriya Patel, aged about 50 years, W/o. Manoj Kumar Patel, Presently residing at- 106, Lumbini Enclave, Niladri Vihar, Near Care Hospital, Chandrashekar, Bhubaneswar, Dist. - Khurda, PIN - 751021 do hereby solemnly affirm and state as follows:-

That, I am the applicant in the present case and therefore authorised to swear this counter affidavit.

2. That, I have gone through the contents of the counter affidavit filed by the respondents and after understanding the same I hereby tender my reply to the averments made in the counter affidavits filed by the respondents in a comprehensive manner for the kind perusal of this Hon'ble Tribunal.



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Haripriya Patel

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3. That, at the outset it is humbly denied that the application is based merely on a newspaper article. The news report acted only as a trigger for deeper inquiry and the issues raised in the Original Application are grounded in factual observation, personal visits to the site, as well as other information available on public domain. The allegations of applicant are summarised and reiterated for the kind perusal of this Hon'ble Court, which are as follows:

- (a) Firstly, the Kanjia and Kiakani Lakes, situated within the Nandankanan Wildlife Sanctuary, are polluted, and the groundwater table in the area is depleting.
- (b) Secondly, urbanization, construction of buildings, and the sale and purchase of land around the periphery of the Nandankanan Wildlife Sanctuary have resulted in the gradual shrinkage and degradation of forest land.
- (c) Thirdly, untreated polluted effluents from these buildings are reportedly being discharged into the lakes through nallas, thereby contaminating the lake waters.

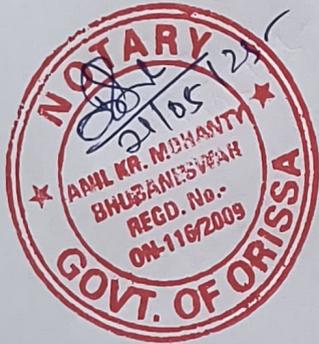


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4. That with regards to the first issue that the Kanjia and Kiakani Lakes, situated within the Nandankanan Wildlife Sanctuary, are polluted it is humbly submitted that the committee report dtd. 24.12.2024 which is annexed in the affidavit filed by the forest officer, i.e., respondent no.3, revealed in its page 8 that the dissolved oxygen ("DO") were low in Kiakani Lake and the lake was in meso-eutrophic condition. In fact, the dissolved oxygen ("DO") concentration is less than the prescribed (> 5 mg/l) in 4 out of 8 locations. It is further pertinent to highlight that the faecal coliform content is beyond the desirable 500 MPN/100 ml in 3 out of 8 locations.



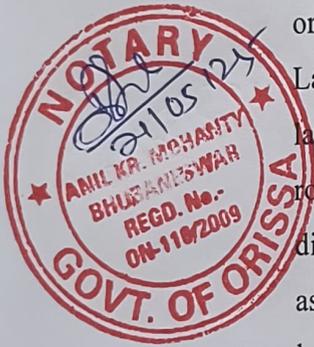
That it is further humbly submitted that another moot issue which has not been considered by the committee is that there is a motorable road connecting the Nandankanan Zoological Park to the Nandankanan Botanical Garden which physically divides and bisects the Kanjia Lake into two parts. The State highway known as Nandankanan Road also runs adjacent to the lake, connecting Bhubaneswar to Cuttack. The internal road dividing the lake is not only redundant but also constitutes a significant impediment to the natural flow and ecological balance of the waterbody. Consequently, this road serves as a barrier that disrupts the natural hydrology of Kanjia Lake and hampers its environmental sustainability. Moreover, the plying of

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vehicles through the motorable road in between the Kanija Lake disturbs the eco-sensitive zone and the various flora and fauna present within it. This motorable road serves no purpose other than polluting the areas around Kanija Lake. It is further pertinent to mention that the public access of this motorable road has led to disposal of garbage in the form of plastics, polythene etc. thereby leading to further pollution and disturbance of the eco-sensitive area. Thus, this motorable road should be closed to public access with immediate effect and without any further delay and it should be dismantled/removed to bring back the lake to original oneness as now the roads divide the Kanija Lake into two parts. Further the parts of the lakes lying between this road and main Nandankanan state road is already filled with slit, garbage, sand etc. By dismantle and removal of this redundant road as well as removal of slit, garbage etc from this part of the lake the lake can be bringback to original position. Presently the public should instead be directed to use the State highway known as Nandankanan Road which also runs adjacent to the lake, connecting Bhubaneswar to Cuttack.



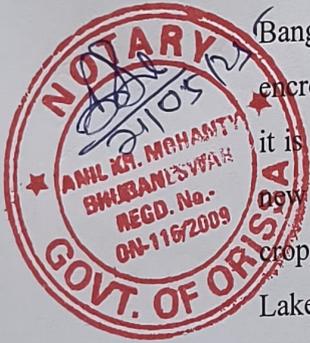
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5. That with regards to the second issue that urbanization, construction of buildings, and encroachments have resulted in the gradual shrinkage and degradation of forest land, it is humbly submitted that the respondent

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no.4 has herein admitted in the paragraph 10 (c) in the Page 5 of their counter affidavit in that, "10(c). However, ownership of approximately 2.5 acres of land on the northern side, near Bangali Sahi Village, is disputed. This issue is currently being addressed through a joint verification process with the Revenue Department. No other encroachments into the sanctuary area have been reported thus far. Additionally, it is pertinent to mention that no encroachments have been reported around Kanjia Lake." It is however humbly submitted that apart from the disputed 2.5 acres of land on the northern side, near Bangali Sahi Village, there have been numerous further encroachments in the other adjoining areas. Moreover, it is further pertinent to highlight that there are several buildings and ongoing constructions that have cropped up surrounding the shorelines of the Kanjia Lake as proved by satellite images available on Google Earth.



The copy of the Google Earth Satellite Map is herewith annexed as ANNEXURE-I.

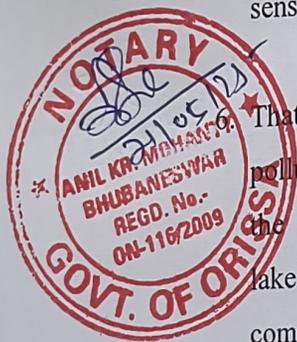
It is further humbly submitted that it is fact that the Eco-Sensitive Zone (ESZ) of the Nandankanan wildlife sanctuary was notified vide S.O.4444(E), dated 10.12.2019, by the Ministry of Forests, Environment & climate change. The notification

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specifies the boundaries of the ESZ surrounding the sanctuary, along with a map depicting the boundaries of both the Nandankanan wildlife Sanctuary and its ESZ, as per the said notification dated 10.12.2019. However, the ESZ boundary is on pen and paper only. There is no permanent demarcation of the ESZ which is leading to gradual encroachment of Kanjia Lake. It is therefore humbly submitted that unless the ESZ is demarcated with permanent boundary/fencing, the encroachment by the public shall increase day-by-day thereby causing irreversible damage to the eco-sensitive zone.



That with regards to the third issue that untreated polluted effluents are reportedly being discharged into the lakes through nallas, thereby contaminating the lake waters, it is humbly reiterated that that the committee report dtd. 24.12.2024 which is annexed in the affidavit filed by the forest officer, i.e., respondent no.3, revealed in its page 8 that the faecal coliform content is beyond the desirable 500 MPN/100 ml in 3 out of 8 locations. Thus, this proves that untreated faecal matter and sewage are being dumped into the lake thereby making it unfit for the residential flora and fauna. Therefore, it is urged that the respondents take immediate steps to stop the disposal of untreated faecal matter and sewage in the lake.

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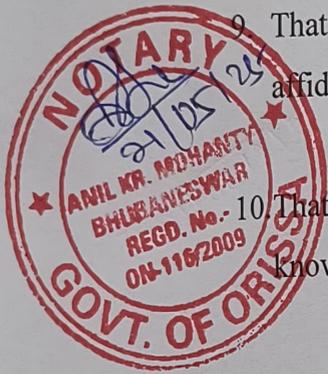


7. It is further humbly submitted that the natural drain to the lake is already blocked by construction around its surrounding which is hindering natural flow of water to the lakes and because its creating stagnation and pollution to still accumulated waters years after years.

8. That all other averments which are not specifically admitted herein above, are deemed to have been denied.

9. That the deponent reserves the right to file further affidavit, as and when directed by this Ld Tribunal.

10. That the facts stated above are true to the best of my knowledge and belief.



Identified by me

A. K. Pattnaik

Advocate

[Signature]
DEPONENT

The Deponent above named being duly identified by Sri... *A. K. Pattnaik* ... Advocate at appears before me on *21/05/25* about... *12:05* A.M. ... and states on oath that the contents of this affidavit are true to the best of his/her knowledge

[Signature]
21/05/25
ANIL KUMAR MOHANTY
NOTARY, BBSR
REGD. No.-ON-116/2009

...AnilKumarMohanty

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Google Maps

Nandankanan Zoological Park - Google Maps

Nandankanan Zoological Park



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Nandankanan Zoological Park

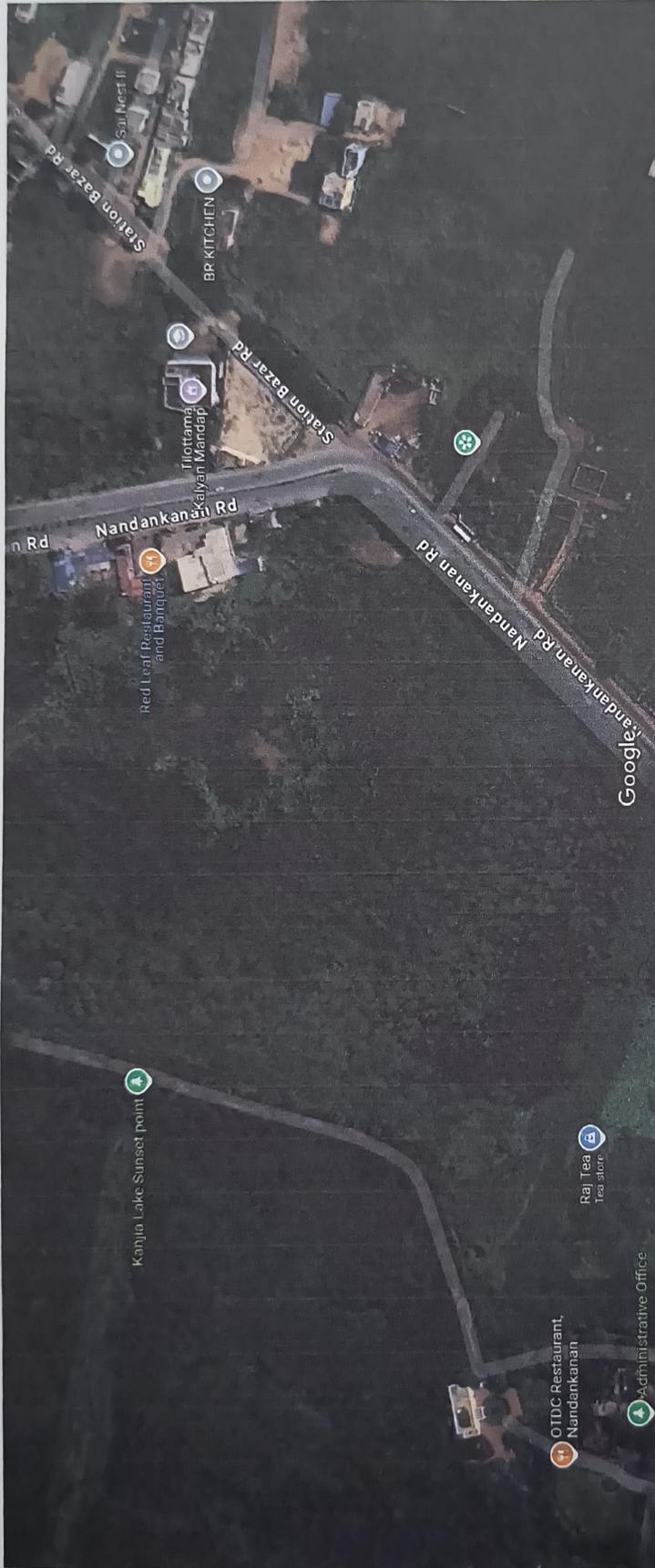


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