

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

**O. A NO: 106 of 2021/EZ**

**SISIR KUMAR PANDA ...APPLICANT**

**-VERSUS -**

**THE UNION OF INDIA & OTHERS ...RESPONDENTS**

**I N D E X**

<b>SR. NO.</b>	<b>PARTICULARS</b>	<b>PAGE NO.</b>	<b>FE E</b>
1.	Rejoinder affidavit dated: 02.07.2025 of the Applicant	01 to 17	

**CERTIFIED THAT THE COPIES ARE CORRECT**

**BY THE APPLICANT**

*Done*  
*02.07.25*

**THROUGH ADVOCATE**

**Date: 02.07.2025**

**BIRANCHI NARAYAN MAHAPATRA**

**ADVOCATE, ORISSA HIGH COURT**

**Mob. No: 8984383812**

**Whats App No: 9438383812**

**E. Mail: imbiranchi@gmail.com**

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

**O.A No: 106 of 2021/EZ**

Sisir Kumar Panda

...Applicant

-Versus -

The Union of India & Others

...Respondents

**REJOINDER AFFIDAVIT FILED BY THE ABOVE  
NAMED APPLICANT TO THE AFFADIVIT DATED:  
26.02.2025 and 01.03.2025 OF THE RESPONDENT  
NOS: 18 to 28 and 14 MOST RESPECTFULLY  
SHOWETH AS FOLLOWS:-**



I Sisir Kumar Panda (Applicant), S/O: Late Ram Prasad Panda, aged about 55 years, Advocate by Profession, resident of Nehru Nagar 7<sup>th</sup> Lane, Po/P.S: Gosaninuagaon, Berhampur- 760003, District: Ganjam, State: Odisha do hereby state on solemn affirmation as under:-

1. That I am the Applicant in the aforesaid Case and as such I am fully conversant with the facts and proceedings of the Case.
2. That the facts and proceedings of the O.A No: 106 of 2021/EZ and M.A No: 37 of 2022/EZ which is disposed of on 19.01.2023 May kindly read as part of this affidavit.

*Sisir Kumar Panda*



*2/7/28*

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3. That the Hon'ble Orissa High Court has been set aside the order dated: 03.08.2022 Passed in O.A No: 106 of 2021/EZ and observed there in adjudicate the matter with opportunity of hearing to the Respondent No: 18 to 28. The said order of the Hon'ble Orissa High Court is available at Page No: 41 to 47 (in the file of M.A No: 33 of 2024/EZ).
4. That the State Respondents has already complied the directions Passed in O.A No: 106 of 2021/EZ by this Hon'ble Tribunal with reference to the order dated: 03.08.2022. It is evident from the order dated: 19.01.2023 (Para-3 and 4) Passed in M.A No: 37 of 2022/EZ the State Respondents have Complied the Orders dated: 03.08.2022 Passed in O.A No: 106 of 2021/EZ in its true Spirit.
5. That this Hon'ble Tribunal has passed order on 03.08.2022 in O.A No: 106 of 2021/EZ and observed at Para-39 to 42 in respect of the constructions made over the Jalsaya land and removal of the Maa Mangala Temple.
6. That the Collector has filed his affidavit on 01.03.2025 and stated there in at Para-2 in respect of the legal action against the Respondent No: 18 to 28.
7. That it is crystal clear from the facts of the Case that the Respondent No: 18 to 28 has been encroached the Jalsaya land and constructed a Maa Mangala Temple.

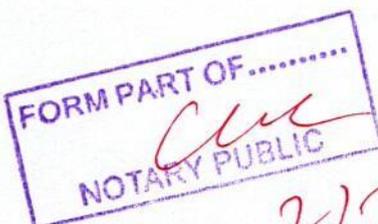


*Sis K...*

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8. That there is no single document annexed with the affidavit dated: 26.02.2025 filed by the Respondent No: 18 to 28 where in shows that they have formed a Committee and in this Committee the Respondent No: 18 has been declared as a Chairman. The Respondent No: 18 has been falsely claiming as a Chairman of the Managing Committee and filed his affidavit to mislead this Hon'ble Tribunal.
9. That the Respondent No: 18 without disclosing his locus Standi has filed his affidavit before this Hon'ble Court. It shows from the attitude of the Respondent No: 18 that he has approached to this Hon'ble Tribunal by following the back door method, it should be curbed with strong hand.
10. That the Berhampur Municipal Corporation is regularly dumping the garbage's of the entire Municipal area and filling the wastages over the water body namely **AGULA BANDHA**. Accordingly the Applicant approached to the different authorities of the State (Respondent No: 10, 13, 14 and 16 respectively) and the State machinery have failed to protect the Water Body in accordance with law. Copies of the representations dated: 08.04.2025 addressed to the different authorities is annexed here to as ANNEXURE-A/25.
11. That the Applicant craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the Case.



*[Handwritten Signature]*

2/7/25

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## VERIFICATION

I the above named deponent do here by verify that the facts stated above (Para 01 to 11) are true and best of my knowledge, belief and information.

Verified at Berhampur on this the 02<sup>nd</sup> day of July, 2025



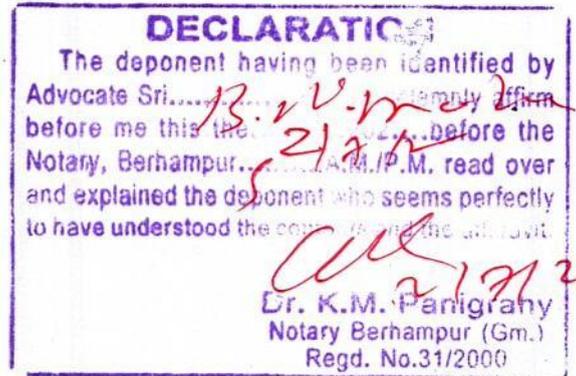
### IDENTIFIED BY

*B.N. Mahapatra*  
02.07.2025

ADVOCATE

(B. N. Mahapatra)

DEPONENT



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Annexure-A/25

1

To,

Date: 08.04.2025

**The Revenue Divisional Commissioner,  
Southern Division, Berhampur-760004, Ganjam**

**Sub:** To stop dumping of garbage and filling of wastages over the water body namely "AGULA BANDHA" and its restoration having regard to the order of the Hon'ble NGT. -reg.

Sir,

The undersigned is here by requesting to you please take necessary measures to Stop dumping of garbage and filling of wastages over the water body namely "AGULA BANDHA" and its restoration having regard to the order of the Hon'ble NGT.

1. That as per the Revenue record the "AGULA BANDHA" is a common Water body, which is situated at Gosaninuagaon under the Gopobandu Nagar Mouza of Berhampur Tahasil of Ganjam District of Odisha and the said Pond has been recorded as Jalsaya-I with reference to the Khata No: 1375 (total area Ac. 18.480 decimal) relating to plot No: 438, measuring an area 0.860 decimal (recorded as Jalsaya-I), Plot No: 1509 (6.8600 Decimal recorded as Jalsaya-I), Plot No: 1504/1788 (0.050 Decimal recorded as Jalsaya-I), Plot No: 1507/1791 (0.080 decimal recorded as Jalsaya-I), Plot No: 1506/1790 (0.060 decimal recorded as Jalsaya-I), Plot No: 1505/1789 (0.050 decimal recorded as Jalsaya-I), Plot No: 1502/1786 (0.060 Decimal recorded as Jalsaya-I), D1-438 (0.3860 Decimal recorded as Jalsaya-I), D1-437 (0.1480 Decimal recorded as AGULA BANDHA ADI), 1510 (0.7190 Decimal recorded as AGULA BANDHA ADI).
2. That the Berhampur Municipal Corporation officials are dumping garbage and filling the wastages over the water body. In this context the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata Passed orders on 03.08.2022 with reference to the O.A No: 106 of 2021/EZ in the matter of Sisir Kumar Panda- Versus-State of



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for the MP/1

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Annexure-A/25 2

**Odisha** and Others. Due to in action of the State machinery day by day encroachment/ dumping of garbage and wastages filling activities has been done continuously by the State machinery; it should be curbed with strong hand. It is a duty of the State officials to protect the water body. The filling activities have been done each and every day in front of the Gosaninuagaon Police Station and Revenue Inspector Office. Surprisingly, how the Municipal Corporation officials have been done such illegal acts in the open sky, which needs high level enquiry and fix responsibility against the errant officials of the Municipal Corporation. Failing which the basic foundation of law will be collapsed.

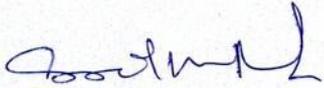
3. That in view of the above facts and circumstances restoration of the water body is highly required for the ends of Justice.

Your early response in this regard is highly solicited.

Thanking you

Deep regard

Yours faithfully,



(Sisir Kumar Panda)

S/O: Late Rama Prasad Panda

Advocate, Residing at: Nehru Nagar 7<sup>th</sup> Lane,

Gosaninuagaon, Berhampur-760003,

PS: Gosaninuagaon, Dist: Ganjam, Odisha

Mob No: 9861374712

Date: 08.04.2025

T. C. Attested by  
De  
Adv. for the Applicant

(7)

Annexure-A/25<sup>3</sup>

**Copy Submitted to:**

1. **The Commissioner,** Berhampur Municipal Corporation, at/Po: Berhampur-760001, Dist: Ganjam, Odisha
2. **The Collector- Cum- District Magistrate,** at/Po: Chatrapur-761020, Dist: Ganjam, Odisha
3. **The Sub- Collector,** at/Po: Berhampur-760004, Ganjam
4. **The Tahasildar,** at/Po: Berhampur-760004, Dist: Ganjam for kind information and necessary action.

T.C. Attested by  
Dr  
Adv. for the Applicant.

(8)

Annexure-A/25

1

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Received  
08 APR 2025

T. C. Attested by  
Dr. [Signature]  
A.C. v. for the Applicant

COLLECTORATE, GANJAM  
O.S. BRANCH  
11 APR 2025  
CHATRAPUR

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Annexure-A/25

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3. That in view of the above facts and circumstances restoration of the water body is highly required for the ends of Justice.

Your early response in this regard is highly solicited.

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Deep regard

Yours faithfully,



**(Sisir Kumar Panda)**

S/O: Late Rama Prasad Panda

Advocate, Residing at: Nehru Nagar 7<sup>th</sup> Lane,

Gosaninuagaon, Berhampur-760003,

PS: Gosaninuagaon, Dist: Ganjam, Odisha

Mob No: 9861374712

Date: 08.04.2025

TIC Attested by  
Doc  
Per for the Applicant

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Annexure-A/25<sup>3</sup>

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T.C. Attached by  
Don  
Adv. for the Applicant



(11)

Annexure-A/25

1

To,

Date: 09.04.2025

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Southern Division, Berhampur-760004, Ganjam**

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T.C. Attached by  
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Asv. by the Applicant.

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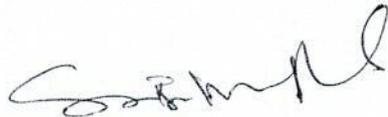
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(Sisir Kumar Panda)

S/O: Late Rama Prasad Panda

Advocate, Residing at: Nehru Nagar 7<sup>th</sup> Lane,

Gosaninuagaon, Berhampur-760003,

PS: Gosaninuagaon, Dist: Ganjam, Odisha

Mob No: 9861374712

Date: 08.04.2025

T.C. Attested by  
Rev. for the Appointing.

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Annexure-A/25 3

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19/4/25

Received  
19/4/25



T.C. Attested by  
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Adv. for the Applicant.

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Annexure-A/25<sup>1</sup>

To,

Date: 08.04.2025

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Southern Division, Berhampur-760004, Ganjam**

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**RECEIVED**  
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9.8.2025  
Executive Assl.  
Berhampur Municipal Corporation

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Asv. for the applied.

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Annexure-A/25

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**Odisha** and Others. Due to in action of the State machinery day by day encroachment/ dumping of garbage and wastages filling activities has been done continuously by the State machinery; it should be curbed with strong hand. It is a duty of the State officials to protect the water body. The filling activities have been done each and every day in front of the Gosaninuagaon Police Station and Revenue Inspector Office. Surprisingly, how the Municipal Corporation officials have been done such illegal acts in the open sky, which needs high level enquiry and fix responsibility against the errant officials of the Municipal Corporation. Failing which the basic foundation of law will be collapsed.

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Deep regard

Yours faithfully,



**(Sisir Kumar Panda)**

S/O: Late Rama Prasad Panda

Advocate, Residing at: Nehru Nagar 7<sup>th</sup> Lane,

Gosaninuagaon, Berhampur-760003,

PS: Gosaninuagaon, Dist: Ganjam, Odisha

Mob No: 9861374712

Date: 08.04.2025

*T.C. Attested by  
[Signature]  
Adv. for the Applicant*

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16

Annexure-A/25

E-mail/RP

Office of the Revenue Divisional Commissioner,  
Southern Division, Odisha, Berhampur

Letter No. 574 //RDCBERH-MISC-MISC-0021-2025 Date. 02-06-2025

From

Additional Secretary to RDC, SD, Berhampur.

To

The Collector, Ganjam

Sub: Memorandum dated.14.05.2025 submitted by Sri Sisir Kumar Panda, Advocate, At. Nehuru Nagar 7<sup>th</sup> Lane, Gosaninugaon Berhampur, District-Ganjam

Sir,

In enclosing herewith the memorandum dtd.14.05.2025 received from Sri Sisir Kumar Panda, Advocate, Nehuru Nagar 7<sup>th</sup> Lane, Gosaninugaon Berhampur, District-Ganjam I am directed to request you to kindly take necessary action on the matter and furnish the action taken report to this office for kind perusal of RDC.

Yours faithfully,

*[Signature]*  
02/06/2025

Additional. Secretary

Memo No. 575

Date. 02-06-2025

Copy to Sri Sisir Kumar Panda, Advocate, At. Nehuru Nagar 7<sup>th</sup> Lane, Gosaninugaon, Berhampur District-Ganjam Mob No:91 9861374712 for information.

*[Signature]*  
02/06/2025

Additional. Secretary

T.C. Affected by  
Don  
Rev. for Applicant.



(17)

Annexure-A/25 E-mail/RP

Office of the Revenue Divisional Commissioner,  
Southern Division, Odisha, Berhampur

Letter No. 576 //RDCBERH-MISC-MISC-0021-2025 Date. 02-06-2025

From

Additional. Secretary to RDC, SD, Berhampur.

To

The Joint Secretary, Home Department,  
Government of Odisha, Bhubaneswar.

Sub: Memorandum dated 14.05.2025 submitted by Sir Sisir Kumar Panda, Advocate, At-Nehuru Nagar 7<sup>th</sup> lane, Gosaninuagaon Berhampur District, Ganjam Odisha.

Sir,

I am directed to enclose herewith the memorandum dated 14.05.2025 submitted by Sri Sisir Kumar Panda, Advocate, At-Nehuru Nagar 7<sup>th</sup> lane, Gosaninuagaon Berhampur, District-Ganjam addressed to Hon'ble President of India, New Delhi and other quarters for favour of kind information and necessary action.

Yours faithfully,

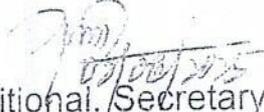
  
Additional. Secretary

Memo No. 577

Date. 02-06-2025

Copy to Sir Sisir Kumar Panda, Advocate, At-Nehuru Nagar 7<sup>th</sup> lane, Gosaninuagaom Berhampur District, Ganjam Mob.No.91 9861374712 for information.

*Rectified by  
Adv. for the Applicant.*

  
Additional. Secretary