

**IN THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE  
KOLKATA**

(An application under Sections 14, 15, 18, 19, and 20 of the National Green  
Tribunal Act, 2010)

**O.A. NO. 149 OF 2025**

Madanmohan Rout

... applicant

**V e r s u s**

State of Odisha and others

... Respondents

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KOLKATA

## **SYNOPSIS**

The application is being filed under Sections 14, 15, 18, 19, and 20 of the National Green Tribunal Act, 2010, to challenge the significant issue of unwarranted pollution that is happening to a pond better known as “Landia Pokhari” situated in Khata No.- 3206 **Plot No. 4741 in Mouza – Samanga, Tehsil – Puri, District – Puri** Area Acc. 0.57 decimal kism- Jalasaya 2. That the said water body is a vital ecological water body traditionally used by the local community and holds significance for both environmental balance and groundwater recharge in the region. The pond is recorded as “Jalasaya” in the government land records and is meant for public utility and environmental preservation.

<b>DATE</b>	<b>LIST OF EVENTS</b>
<b>29/06/2025</b>	Representation filed by present applicant before appropriate authorities

**IN THE NATIONAL GREEN TRIBUNAL; EASTERN  
ZONE, KOLKATA BENCH**

**(An application under Sections 14, 15, 18, 19, and 20 of the  
National Green Tribunal Act, 2010)**

**ORIGINAL APPLICATION No. \_\_\_\_\_ of 2025**

**In the Matter of:** - An application Under Section 14, 15 and  
18 of the National Green Tribunal Act, 2010 read with Rule 8  
of the National Green Tribunal (Practice and Procedure) Rules,  
2011

**In the Matter of:-** Madanmohan Rout S/o Late Laxmidhar  
Rout At/PO- Gopinathpur PS- Puri Sadar Puri-752002 email-  
[afraazsuhail2@gmail.com](mailto:afraazsuhail2@gmail.com)

**.....Applicant**

**Versus**

1. State of Odisha, represented through Commissioner cum Secretary of Panchayati Raj and Drinking Water Department At – Sachivalaya Marg, Bhubaneswar, Pin – 751001 email- [prsec.or@nic.in](mailto:prsec.or@nic.in)
2. Collector and District Magistrate, Puri, At – Collector Office, Governor House Road Puri – 752002 email- [dm-puri@nic.in](mailto:dm-puri@nic.in)
3. Odisha State Pollution Control Board, Represented through Member Secretary, At – Paribesh Bhawan, A/118, Nilakantha Nagar, Unit - 8, Bhubaneswar – 751012 email- [member.secy@ospcboard.org](mailto:member.secy@ospcboard.org)
4. Block Development Officer Puri Sadar AT- Srikhetra Road Puri-752002 [EMAIL-ori-bpuri@nic.in](mailto:EMAIL-ori-bpuri@nic.in)
5. Superintending Engineer of Drainage Division, At- Shreevihar, Puri-752003 [email-eeddpuri@gmail.com](mailto:email-eeddpuri@gmail.com)
6. Tehsildar Puri At- Grand Road Markandeswar Sahi Puri- 752002 Email- [puridsr@gmail.com](mailto:puridsr@gmail.com)

..... Respondents

**Humble petition of Applicant above named**

**Most Respectfully Shweth**

1. The address of the applicant is given above for service of notices of this application.
2. The address of respondents is given above for the service of notice of application
3. The application is being filed under Sections 14, 15, 18, 19, and 20 of the National Green Tribunal Act, 2010, to challenge the significant issue of unwarranted pollution that is happening to a pond better known as “Landia Pokhari” situated in Khata No.- 3206 **Plot No. 4741 in Mouza – Samanga, Tehsil – Puri, District – Puri** Area Acc. 0.57 decimal kisam- Jalasaya 2. True copy of map of the present water body has been annexed here as **Annexure 1**
4. That the said water body is a vital ecological water body traditionally used by the local community and holds significance for both environmental balance and groundwater recharge in the region. The pond is recorded as “Jalasaya” in the government land records and is meant for public utility and environmental preservation.

5. That the aforementioned water body is the sole water body located within Gopinathpur Gram Panchayat, specifically serving the residents of Khandiabandha Village which comes under Ward No. 6,7 and 8 of above panchayat. The above mentioned village has nearly 2000 voters and nearly 700-800 people of the above-mentioned village are dependent on above mentioned water body.
6. That with time the water body started losing its water retaining capacity because of uncontrolled pollution and encroachment the water became dumping yard.
7. That the water body has now become a dumping yard and all the solid and liquid wastes of nearby areas which is now dumped directly over the water body. Even the drainage waste of the nearby areas has now started getting dumped into the above water bodies. It has badly affected the water retaining status of the said water body. True copy of photographs of present pond has been annexed here as **Annexure 2.**

8. That attached herewith is photographic evidence dated 23.06.2025, clearly showing the unsegregated waste piled along the banks of Landia Pokhari, alongside residential dwellings, which confirms direct violation of environmental norms.
9. That it is pertinent to mention that the said water body was previously utilized by the local community for agricultural and fishing purposes. However, due to the unchecked and continuous dumping of untreated solid and liquid waste, the pond has become entirely unfit for any such use, thereby severely impacting the livelihood and well-being of the residents dependent on it.
10. That it is important to highlight that the concerns of the local residents extend beyond the mere non-usability of the water. The high level of pollution in the said water body has turned it into a breeding ground for mosquitoes, leeches, and other harmful or poisonous organisms. This environmental degradation has had a direct and adverse impact on public health, with diseases such as malaria and

dengue becoming increasingly common in the area. The persistent mosquito menace has become a serious and ongoing health hazard for the residents of the aforementioned locality.

**11.** That rejuvenation of water bodies always been a serious issue and both Union and State has enacted several policies with regards to protection of small water bodies which have both environmental as well as irrigational importance. For example Union of India has enacted policies like

(a) Government of India is providing financial assistance to the identified schemes under Repair, Renovation and Restoration of Water Bodies component of Pradhan Mantri Krishi Sinchayee Yojana (PMKSY) - Har Khet Ko Pani (HKKP).

(b) In 2019, Jal Shakti Abhiyan was launched by the Government. This was followed in 2021, by “Jal Shakti Abhiyan: Catch The Rain” (JSA:CTR) campaign. Focused interventions under these annual campaigns taken up by the Government of India and the State

Governments, inter-alia, include renovation of traditional and other water bodies/ tanks, enumeration, geo-tagging and making inventory of all water bodies, and removal of encroachments of tanks/ lakes, and de-silting of tanks.

(c) Government has launched the first Census of Water bodies in convergence with the Sixth round of Minor Irrigation Census (reference year 2017-18), under the Centrally Sponsored Scheme- “Irrigation Census”. The objective of the Census of Water bodies is to develop a national database of all water bodies in the country.

(d) Rejuvenation of water bodies is also a component under Water Supply sector of Atal Mission for Rejuvenation and Urban Transformation (AMRUT) Scheme under Ministry of Housing & Urban Affairs. Such projects having total estimated cost of Rs.1878.19 crore are ongoing/completed, with 106 number of water bodies have been rejuvenated under this scheme. Further, AMRUT 2.0 launched in October, 2021, with a total

outlay targets to promote circular economy of water through development of city water balance plan for each city focusing on recycle/reuse of treated sewage, rejuvenation of water bodies and water conservation

(e) Mahatma Gandhi National Rural Employment

Guarantee Scheme (MNREGS) has provisions for public works relating to natural resource management, water conservation and water harvesting structures to augment and improve ground water like underground dykes, earthen dams, stop dams, check dams and roof top rain water harvesting structures in public buildings.

Similarly in State policy has been enacted under

“Preservation and Development of Water bodies”

existing under the control of Gram Panchayats under 5<sup>th</sup>

SFC(GIA). Despite several policies no steps have been

taken by Opp. Parties to save the above water body

which has both religious and historical importance

12. That the present applicant has filed representations before appropriate authorities to ventilate his grievance with regards to unregulated disposal of wastes that is happening over the above mentioned water body. True copy of representation filed by present applicant has been annexed here as **Annexure 3**.

13. That the above action of respondents raises substantial question relating to environment as there is direct violation of specific statutory environmental obligation, the community at large other than individual or group of individuals are highly affected by environmental consequences, the gravity of damage to the environment and property is highly substantial, the damage to public health is broadly miserable, the environmental consequences relate to specific activity and point source of pollution as has been enumerated in Section 2(m) of National Green Tribunal Act, 2010.

14. Being aggrieved by the above action of respondents the applicant being a public-spirited person and an

environmental activist craves to invoke the jurisdiction of this Hon'ble Tribunal by way of filing this Original Application on following grounds

That the Original Application has been filed on following Grounds

### **GROUND S**

- 15.** The ancient Roman Empire developed a legal theory known as the "Doctrine of the Public Trust". It was founded on the premise that certain common properties such as air, sea, water and forests are of immense importance to the people in general and they must be held by the Government as a trustee for the free and unimpeded use by the general public and it would be wholly unjustified to make them a subject of private ownership. The doctrine enjoins upon the Government to protect the resources for the enjoyment of the general public rather than to permit their use for private ownership or commercial exploitation to satisfy the greed of few.

- 16.** Although, the Constitution of India, which was enforced on 26/01/1950 did not contain any express provision for protection of environment and ecology, the people continued to treat it as their social duty to respect the nature, natural resources and protect environment and ecology. After 26 years, Article 48 A was inserted in Part IV of the Constitution and the State was burdened with the responsibility of making an endeavor to protect and improve the environment and to safeguard the forest and wildlife of the country. By the same amendment, Fundamental Duties of the citizens were enumerated in the form of Article 51A (Part IV A). These include the duty to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures [Article 51A(g)]
- 17.** As per the Ramsar Convention, a wetland is defined as areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine

water the depth of which at low tides does not exceed six meters. In addition, to protect coherent sites, Article 2.1 of the Convention provides that wetlands may include riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands.

**18.** It is widely recognized that Wetlands are among the most productive ecosystems in the world, comparable to rain forests and coral reefs. An immense variety of species of microbes, plants, insects, amphibians, reptiles, birds, fish and mammals can be part of a wetland ecosystem. Climate, landscape shape (topology), geology and the movement and abundance of water help to determine the plants and animals that inhabit each in wetland. The complex, dynamic relationships among the organisms inhabiting the wetland environment are called food webs. The future of humanity depends on wetlands. Wetlands are some of the most important biodiversity areas in the world. Many of the challenges of the future can be met through conserving and

sustainably using wetlands, such as food and water security, human health, disaster risk reduction and climate change resilience. Wetlands can be thought of as "biological supermarkets." They provide great volumes of food that attract many animal species. These animals use wetlands for part of or all of their lifecycle. The functions of a wetland and the values of these functions to humans depend on a complex set of Relationships between the wetland and the other ecosystems in the watershed. A watershed is a geographic area in which water, sediments and dissolved materials drain from higher elevations to a common low-lying outlet or basin a point on a larger stream, lake, underlying aquifers or estuary. Role in mitigating Climate Change: Wetlands' microbes, plants and wildlife are part of global cycles for water, nitrogen and sulfur. Thus, wetlands help to moderate global climate conditions

19. That in exercise of the powers conferred by section 25, read with sub-section (1) and clause (v) of sub-section (2) and sub-section (3) of section 3 and section 23 of the

Environment (Protection) Act, 1986 and in supersession of the Wetlands (Conservation and Management) Rules, 2010, except as respects things done or omitted to be done before such supersession, the Central Government , MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE has notified rules for conservation and management of wetlands, namely Wetlands (Conservation and Management) Rules, 2017 vide NOTIFICATION dated 26th September, 2017. While notifying the Rules 2017 the MoEFCC has acknowledged in it's preamble that the wetlands are vital parts of the hydrological cycle, are highly productive ecosystems which support rich biodiversity and provide a wide range of ecosystem services such as water storage, water purification, flood mitigation, erosion control, aquifer recharge, microclimate regulation, aesthetic enhancement of landscapes while simultaneously supporting many significant recreational, social and cultural activities, being part of our rich cultural heritage.

**20.** . That clause (g) of article 51A of the Constitution

stipulates that it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures;

**21.** That the Environment (Protection) Act, 1986 is a

comprehensive legislation to provide protection and improvement of the environment, including interalia, wetlands, and for matters connected therewith; And whereas the National Environment Policy, 2006 recognizes the ecosystem services provided by wetlands and emphasizes the need to set up a regulatory mechanism for all wetlands so as to maintain their ecological character, and ultimately support their integrated management;

**22.** That conservation and wise use of Waterbodies can

provide substantial direct and indirect economic benefits to state and national economy, and thereby the Central Government stands committed to mainstreaming full range of wetland biodiversity and ecosystem services in

development planning and decision making for various sectors;

**23.** That the State Governments and Union Territory

Administrations need to take into account waterbodies ecosystem services and biodiversity values likewise within their developmental programming and economic well-being, also taking into cognizance that land and water, two major ecological constituents of wetland ecosystems, are enlisted as State subjects as per the Constitution;

**24.** That the Central Pollution Control Board has framed

Indicative Guidelines for Restoration of Water Bodies in June 2019 (in compliance to Hon'ble NGT Order dated 10.05.2019 in O A. No. 325 of 2015) and same has suggested a detailed methodology such as recognition, restoration, protection, improvement and sustenance phase as the measures to restore the water bodies.

**25.** There remains therefore no doubt that it is the

responsibility of the respondents to ensure the protection and integrity of the environment, especially one which is a

source for livelihood for rural population and life for local flora and fauna.

26. Protection of such village commons is essential to safeguard the fundamental right guaranteed by Article 21 of our Constitution. The right to access to clean drinking water is fundamental to life and there is a duty on the state under Article 21 to provide clean drinking water to its citizens'. The State is duty-bound not only to provide adequate drinking water but also to protect water sources from pollution and encroachment. Any act of the State that allows pollution of water body must be treated as arbitrary and contrary to the public interest and in violation of the right to clean water under Article 21 Constitution of India. These common areas are the lifeline of communities, and often sustain various chores and provide resources necessary for life. Water bodies, specifically, are an important source of fishery and much needed potable water. Many areas of this country perennially face a water crisis and access to drinking water is woefully inadequate for most Indians.

Allowing such invaluable community resources to be taken over by a few is hence grossly illegal

**27.** The Hon'ble National Green Tribunal vide order dated 07.05.2019 in O.A No. 176/2015, Shailesh Singh Vs. Hotel Holiday Regency, Moradabad &Ors., directed the CGWA to prepare a policy for conservation of groundwater with a robust institutional mechanism for surveillance and monitoring with a view to enhance access to ground water for drinking purposes in OCS( Over Exploited, Critical and Semi critical) areas by way of appropriate replenishment practices which can be properly accounted and measured as well as to sustain the flood plains of rivers in terms of eflows, augmentation of subterranean flows and preservation of other water bodies.

**28.** That the Hon'ble National Green Tribunal Lt. Col. Sarvadaman Singh Oberoi Vs Union Of India, OA NO 325/2015/PB and order dated 10/05/2019, Para 6 has observed that

*“There can be no dispute that the water bodies play significant role in recharge of ground water, preventing soil erosion, harnessing rain water and maintaining micro-climate in the area. Need for conservation and protection of water bodies is thus obvious. This requires involvement not only at the level of the State but also at the level of the community for which State needs to take initiative. The threat caused to the water bodies is by dumping of waste, discharge of effluents and encroachments. The steps required for restoration will include preparation and implementation of catchment area treatment plans, setting up of green belt and wherever viable setting up of bio-diversity parks around the water bodies, cleaning up of the garbage/debris and demarcation by the Revenue Department on identification survey and demarcation. Each water body is required to be given a geo-reference-UID and an action plan is required for restoration and protection of each of the water bodies. In this view of the matter, need*

*for conservation and protection of water bodies are not confined to the State of Haryana alone but extend to the whole country.”*

### **LIMITATION**

That there is a continuing cause of action due to the ongoing, uncontrolled pollution of the water body by dumping both solid and liquid waste. The cause of action first arose when the applicant filed his representation on 29/06/2025, and since the wrongful act is continuous in nature, the applicant is not barred by limitation, as per the settled principle that in cases of continuing wrong, limitation runs afresh every day until the wrongful act ceases.

### PRAYER

It is therefore prayed that this Hon'ble Tribunal may graciously please to:

- I. Direction to State respondents to Revitalize the water body namely Landia Pokhari" situated in Khata No.- 3206 **Plot No. 4741 in Mouza – Samanga, Tehsil – Puri, District – Puri** Area Acc. 0.57 decimal kizam- Jalasaya 2., through the process of desiltation and removal of water hyacinths and wild growth of ferns. And may be directed to take steps to restore the water body to its earlier form
- II. Direction may be given to State respondents to take steps so that dumping of liquid and solid waste is not done in the above water body
- III. Or any other order(s), direction(s) may be passed as deemed fit and proper

And for this act of kindness the applicant shall in duty bound shall ever pray

Kolkata

By the applicant

Date 30/6/25

Advocate

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. \_\_\_\_\_ of 2025

Madanmohan Rout .....Applicant

Versus

State of Odisha and others .....Respondents

VERIFICATION

I Madanmohan Rout S/o Late Laxmidhar Rout At/PO- Gopinathpur  
PS- Puri Sadar Puri-752002 do hereby verify and state that the  
contents of the original application and the facts stated are true to  
best of my belief. And no material facts which are available to me  
are being suppressed by me in any manner whatsoever.

Identified by

*AS*

Advocate

*Madanmohan Rout*

Verificant

*25/9/25*  
SK. OSIUDDIN AHMED  
ADVOCATE, NOTARY  
CUTTACK, ODISHA, INDIA

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

**ORIGINAL APPLICATION No. of 2025**

Madanmohan Rout .....Applicant

Versus

State of Odisha and others .....Respondents

**AFFIDAVIT**

I Madanmohan Rout S/o Late Laxmidhar Rout At/PO- Gopinathpur  
PS- Puri Sadar Puri-752002 hereby solemnly affirm and state as  
follows that,

- 1. That I am the applicant in this case
- 2. That the facts stated are true to the best of my knowledge and  
no materials facts which are available to me are being  
supressed by me in any manner whatsoever.

Identified By

*[Signature]*  
Advocate

*Madanmohan Rout*

Deponent

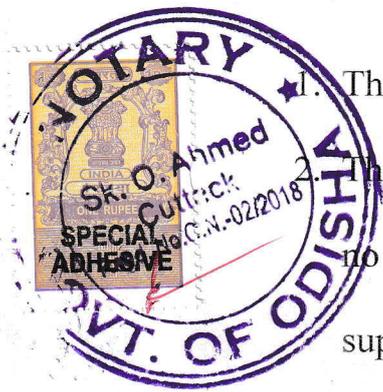
Solemnly Sworn before

me by.....*M. Rout*.....

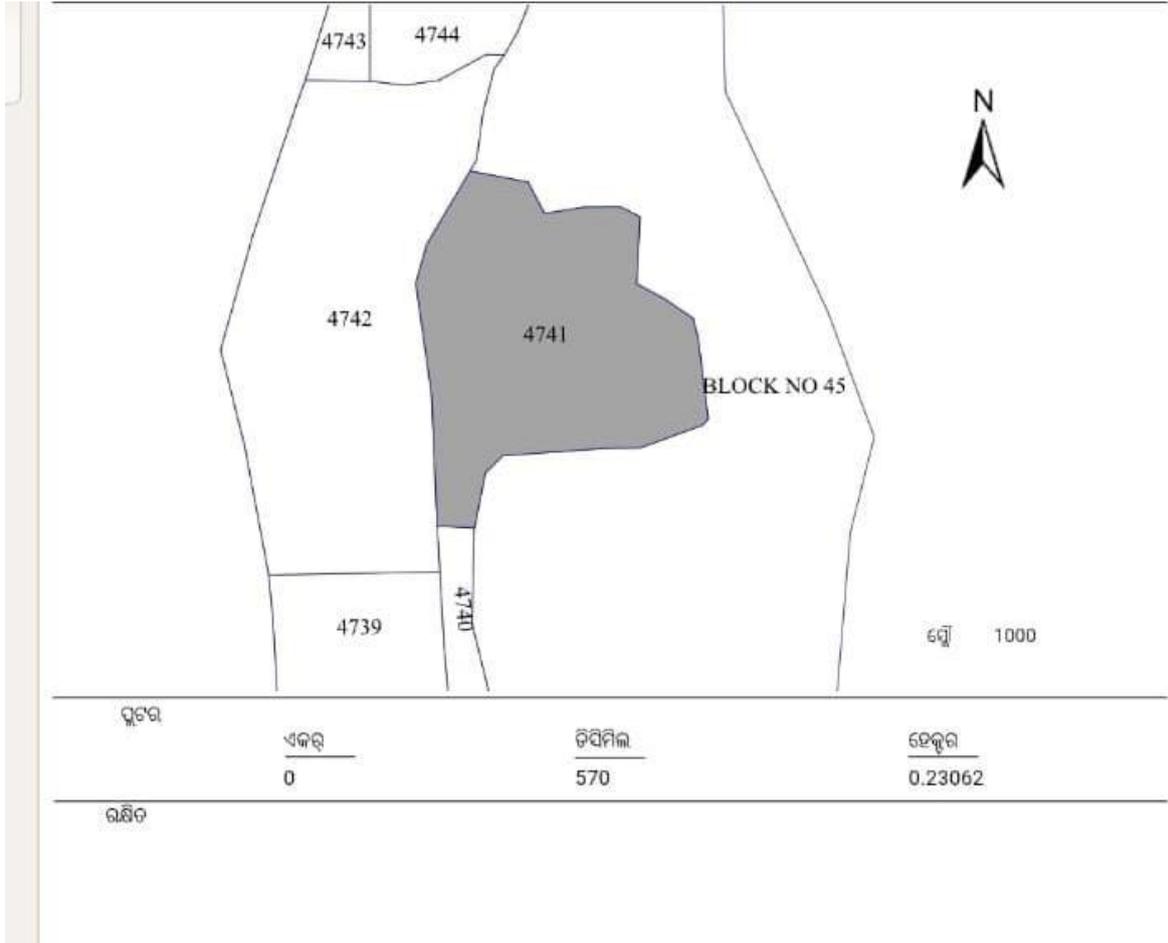
being identified by.....*S. Osiuddin Ahmed*.....

at Cuttack, dated.....*30.11.25*.....

*[Signature]*  
Sk. Osiuddin Ahmed  
NOTARY, CUTTACK TOWN



# ANNEXURE 1



## TRANSLATED COPY OF ANNEXURE 1

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Plot	<u>Acre</u>	<u>Decimal</u>	<u>Hectare</u>
	0	570	0.23062

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Rakhita

# ANNEXURE 2





To  
Collector and District Magistrate

## ANNEXURE 3

Puri

**Sub:** Representation for Immediate Action to Stop Pollution of Pond Situated in Plot No. 4741, Mouza – Samanga, Tehsil – Puri

**Respected Sir,**

I, the undersigned, a concerned citizen, would like to bring to your kind attention a serious environmental concern regarding the **pollution of a pond located on Plot No. 4741 in Mouza – Samanga, Tehsil – Puri, District – Puri.**

The said pond, once a clean and vital water resource for the local community, is now facing **severe pollution due to indiscriminate dumping of solid waste** by **nearby shops and households**. The water body is being contaminated with plastic waste, food waste, packaging materials, and various forms of domestic garbage, thereby posing a serious threat to both the **environment and public health**.

Attached herewith is a **photograph taken on 23rd June 2025 from the Khandia Bandha area of Puri**, clearly showing the accumulation of **unsegregated waste on the banks of the pond**, which is rapidly degrading the ecosystem. The pond is now surrounded by garbage heaps with no visible arrangements for waste segregation, disposal, or collection, indicating a **complete failure of local waste management mechanisms**.

Additionally, the pond is in **close proximity to several residential houses**, putting the health and well-being of nearby inhabitants at risk. The stagnant and polluted water is contributing to **mosquito breeding, foul odour, and the risk of waterborne diseases**, which could soon lead to a major public health crisis if urgent action is not taken.

Furthermore, this situation is a likely violation of provisions under the **Water (Prevention and Control of Pollution) Act, 1974**, and relevant guidelines of the Hon'ble National Green Tribunal regarding preservation of water bodies.

**PRAYER**

In view of the above, I respectfully request your good office to:

1. **Initiate immediate inspection** of the said site through your field officers.
2. **Issue directions to the local municipal and Panchayat authorities** to take strict action against those responsible for illegal dumping.
3. **Ensure the installation of proper solid waste disposal systems** in the surrounding area.
4. **Take urgent steps for cleaning and restoration** of the pond to its natural state.
5. Impose appropriate **penalties under environmental laws** to prevent recurrence of such pollution.

This is a matter of urgent public importance, and I sincerely request your timely intervention to prevent further environmental degradation.

Thanking you.

Yours faithfully,

Madanmohan Rout

At- Gopinathpur@Routray Pur

Puri

To  
Secretary

Odisha State Pollution Control Board

**Sub:** Representation for Immediate Action to Stop Pollution of Pond Situated in Plot No. 4741, Mouza – Samanga, Tehsil – Puri

**Respected Sir,**

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This is a matter of urgent public importance, and I sincerely request your timely intervention to prevent further environmental degradation.

Thanking you.

Yours faithfully,

Madanmohan Rout

At- Gopinathpur@Routray Pur

Puri

भारतीय डाक



India P

RD155718624IN IVR:8279155718624  
 RL CUTTACK RMS COUNTER <753003>  
 Counter No:1.29/06/2025.11:16  
 To:COLLECTOR PURI..  
 PIN:752002, Puri Station Road S.O  
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 <Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 <Dial 18002666868><Near mask -Stay safe>

भारतीय डाक



India P

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 To:SECRETARY,SFCB  
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 <Track on [www.indiapost.gov.in](http://www.indiapost.gov.in)>  
 <Dial 18002666868><Near mask -Stay safe>

**VAKALATNAMA**  
**IN THE NATIONAL GREEN TRIBUNAL ESATERN**  
**ZONE;KOLKATA**

OA. \_\_\_\_\_ Of 20

Between

Madanmohan Rout ... **Petitioner**

**Versus**

... **Opp.Parties**

State of Odisha and ors.

Know all men by these presents, that by Vakalatnama. I/we,

**Madanmohan Rout S/o Late Laxmidhar Rout At/PO- Gopinathpur PS- Puri**  
**Sadar Puri-752002**

Plaintiff/Defendant/Appellant/Responent/ Petitioner/ Opposite Party in the aforesaid Suit/Appeal/ Case do hereby appoint and retain , **AFRAAZ SUHAIL**,  
 ,Advocates, to appear for me/us in the above case, and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any moneys that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court Order and in applications for leave to appeal to Supreme Court, I/we authorize my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated *30/6/25*

Received from the executant(s)  
 through certify that I hold no  
 brief for the other side,  
 satisfied and accepted

*Madanmohan Rout*

**SIGNATURE OF THE EXECUTANT(S)**

*AFRAAZ SUHAIL*

**AFRAAZ SUHAIL**

Advocate

O/367/2017

9040535655