

BEFORE THE NATIONAL GREEN TRIBUNA
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


-Verses-

State of Odisha and others ----- Respondents

I N D E X

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| 1. | Affidavit filed by Respondents No. 2,7,9 & 10 of MA No.32/2024 | | 1-8 |
| 2. | Copy of the Letter No.4184/WE dated 25.08.2025 | A | 9-10 |
| 3. | Copy of the Letter No. 1342 dtd. 07.03.2026 | B | 11-12 |

Cuttack
Date:15.04.2026


Addl.Govt.Advocate
For Respondent Nos.2,7,9 & 10

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**BEFORE THE NATIONAL GREEN TRIBUNA
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(Arising out of OA No.16 of 2023, disposed of on
04.07.2023)

Madan Mohan Rout ---- Applicant

-Verses-

State of Odisha and others ---- Respondents

**AFFIDAVIT FILED BY RESPONDENT
NOS. 2,7,9, & 10 of MA No.32 of 2024**

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

1. That, I am working as a Superintending Engineer, Drainage Division, Puri, Dist. – Puri and Respondent No.9 in the present MA Application. I am also authorized by the Respondent No.2 ,7 & 10 to swear this affidavit on their behalf.

2. That, 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.

3. 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

Ramakanta Mallik
Superintending Engineer
Drainage Division P.

15/07/2024
D.C. SAHOO
NOTARY
CUTTACK TOWN
GOVT. OF ORISSA


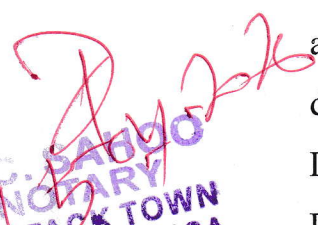
passed in OA No.16/2023 as the free flow of storm water is getting obstructed due to encroachment of lands by some local inhabitants and some of land in question have been recorded in the name of local deity.

4. That, this Hon'ble Tribunal 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 Resources Department, Odisha.

5. That considering the factual position and site condition a proposal was given by the Expert Committee to prepare alternative Master Plan for a concrete drainage network starting from the area of Mukunda Mishra Nagar (Near Bata Mangala Temple) up to Musa river and final discharge to Mangala river to be prepared so that during rainfall the rain water will get a clear passage without causing water logging to avoid demolition of large number of residential buildings. During the meeting, the officials of the Irrigation Department highlighted that raising the height of both the embankment of Dhaudia River flowing near the Mukunda Mishra Nagar are also required for smooth

Ramesh Chandra Mishra
Superintending Engineer
Drainage Division, Puri



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flow of rain water of the said area. According to the above report construction of 4 numbers of Drainage Channels as mentioned below covering a length of 7.11 Km. approximately in order to overcome the water logging crisis permanently in the area of Mukunda Mishra Nagar (Near Bata Mangala Temple).

- (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 – 1.50Km (Approx) (Drain around Gopinathapur Mouza).

Further, the raising of both the embankment of Dhaudia River may also made to avoid the flow of rain water into the said area.

6. That in view of above report made by the expert committee the Hon'ble NGT have been pleased to dispose of the OA No.16 of 2023 vide order Dtd.04.07.2023 with the following direction. The operative part of the said order is quoted hereunder.

“ 04.07.2023 : 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

Rameshwar Meher
Superintending Engineer
Drainage Division, Puv

15/07/23
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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 order in terms of the direction given by the Hon'ble High Court in Tapan Kumar Das (Supra) and Batakrushna Das (Supra)."

7. That in view of the order dated 10.07.2025 passed by the Hon'ble NGT, the fund requirement for construction of 4nos of concrete drainage amounting to Rs.7850.75 lakh has been placed by the Chief Engineer, Drainage before the Department of Water Resources, Odisha vide their letter No.4184/WE dated 25.08.2025 as annexed as Annexure-A towards the compliance of Hon'ble NGT order dated 04.07.2023. The above required fund has been proposed under Urban Storm Water Drainage Improvement Programme.

Ramesh Chandra Mallick
Superintending Engineer
Drainage Division, Bhubaneswar

8. That, due to non-compliance of the order dated 04.07.2023 the petitioner i.e. Sri Madana Mohan Rout filed a miscellaneous petition i.e., M.A.No.32/2024/EZ for its implementation and therefore Hon'ble NGT passed an order Dtd.06.02.2026 with the following

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direction. The operative part of the said order is quoted hereunder.

1. "The present M.A. No.32/2024/EZ in Original Application No.16/2023/EZ has been filed by the applicant, Mr. Madan Mohan Rout (applicant no.2 in O.A.), alleging non-compliance of the directions given by this Tribunal in para 22 of its order dated 04.07.2023 passed in the above said O.A.


2. Despite three effective opportunities granted in terms of orders dated 29.08.2025, 16.10.2025 and 19.12.2025, responses by respondent no. 2 (Principal Secretary, State of Odisha), respondent no.7 (Member Secretary, Odisha Pollution Control Board), respondent no.9 (Block Development Officer, Puri Sadar) and respondent no.10 (Engineer-in-Chief, Water Resources Department, Odisha) have not been filed so far.

3. Learned Counsel for respondents no.1 to 4 and 6 to 10 seeks time to file responses on behalf of respondents no. 2,7, 9 and 10.

4. Even though no sufficient ground for grant of further adjournment is made out but in the facts and circumstances of the case and in the interest of justice, adjournment is granted subject to payment of costs of Rs.10,000/- each by respondents no. 2, 7, 9 and 10.

5. Costs shall be deposited by respondents no.2,7, 9 and 10 within

Ramakanta Mellor
Superintending Engineer
Drainage Division, Pur


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15 days with Ld. Registrar of Eastern Zone Bench of this Tribunal at Kolkata.

6. Responses may be filed by respondents no.2,7, 9 and 10 within four weeks

7. We also consider personal appearance of officers duly authorised by respondents no. 2, 7, 9 and 10 to be essential for assisting this Tribunal in ensuring due compliance with the orders passed in the above said O.A. and accordingly, they are directed to remain present before this Tribunal **physically or virtually** on the next date of hearing fixed.

8. List on 17.04.206 for further hearing.

9. That, in pursuant to the order Dtd.06.02.2026 of Hon'ble NGT, the state respondent No.2,7, 9 and 10 are expedited the action and fix the time line for the completion of said work as stated by the Chief Engineer, Drainage vide their Letter No. 1342 dtd. 07.03.2026 for the compliance of the order Dtd.04.07.2023. Copy of the Letter No. 1342 dtd. 07.03.2026 is annexed herewith as **Annexure-B.**

10. That a huge amount nearly 250-300 crore is required for the work in question i.e. "Raising and strengthening of embankments to the Dhaudia river (SE, Irrigation Division, Puri)" which needs State Cabinet approval. Now all steps are being initiated for the

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[Signature]

Ramesh Chandra
 Superintending Engineer
 Drainage Division, Puri

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compliance of said work as per the recommendation of the Expert Committee within the time schedule specified in the letter Dtd.07.03.2026 (Annexure-B) issued by Chief Engineer, Drainage, Odisha.

11. That the cost as imposed vide order Dtd.06.02.2026 against Respondent No. 2,7,9 and 10 to the MA No. 32 of 2024 (i.e. Principal Secretary, Department of Water Resources, Odisha(2), Engineer-in-Chief, Water Resources Department, Odisha(7), Superintending Engineer, Drainage Division, Puri (9) and Superintending Engineer, Irrigation Division, Puri(10) for an amount of Rs.10,000 (each) may be recalled and the cost imposed may be waived as all possible steps have been taken by the above respondents for the compliance of orders of this Hon'ble Tribunal by filing necessary affidavits on 8.4.2025 and 10.07.2025.

12. 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.

13. That the allegation made in the MA petition which are not specifically denied in the affidavit are not to be treated as admitted rather deemed to have been denied.

Ranabir Kumar Mishra
Superintending Engineer
Drainage Division, Puri

[Signature]
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14. That this deponent also craves leave of this Hon'ble Court to file further affidavits as and when this Hon'ble Court desire.

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

Identified by,

[Handwritten signature]

Adtl.Govt.Advocate

Ramalingam Mallik
DEPONENT
Superintending Engineer
Drainage Division, Puri

CERTIFICATE

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

Cuttack
Date:15.04.2026

[Handwritten signature]

Adtl.Govt.Advocate
For Respondent Nos.2,7,9 & 10

Deponent's Signature is attested on identification by..... *D. K. Sahu*advocate
15/04/26
D. C. SAHOO
NOTARY, CUTTACK TOWN



[Handwritten signature] *15/04/26*
[Handwritten signature] *15/04/26*
D.C. SAHOO
NOTARY
CUTTACK TOWN
GOVT. OF ORISSA



ଜଳ ସମ୍ପଦ ବିଭାଗ
ମୁଖ୍ୟଯନ୍ତ୍ରୀ, ଜଳନିକାସ କାର୍ଯ୍ୟାଳୟ,
ଗଣ୍ଡାରପୁର, କଟକ, ୭୫୩୦୦୩
Office of the Chief Engineer, Drainage,
Gandarpur, Cuttack-3.
E-Mail: cedrainage@gmail.com

No. DW-II-M-109/25 - 4184

/Dated, the - 25/08/2025

From

Er. Abinash Roul, OES,
Chief Engineer, Drainage.

To

The Additional Secretary to Govt.,
Department of Water Resources, Odisha,
Rajiv Bawan, Bhubanewar.

Sub:-

MA No.32/ 2024/ EZ arising out of OA No. 16/ 2023/ EZ pending before the Hon'ble N.G.T., Eastern Zone Bench, Kolkata- filing of compliance affidavit.

Ref:-

- i) Order Dtd. 10.07.2025 of Hon'ble N.G.T. to the MA No. 32/2024/EZ.
- ii) DoWR Letter No. 19871 Dtd. 19.07.2025 to EIC, WR(O), BBSR.

Sir,

Apropos above, it is to intimate that compliance to the Hon'ble NGT order Dtd. 04.07.2023 passed in OA No. 16/2023/EZ was not made and therefore Hon'ble NGT while hearing the matter on 10.07.2025 to the MA No. 32/2024/ EZ passed an order i.e. "We fail to understand as to what prevented the State Respondents, Government of Odisha from filing their counter affidavit on this Miscellaneous Application when the notices on the MA was issued on 20.08.2024 and almost eleven months have passed. This is highly regrettable. We were inclined to take action against the concerned respondents U/S 26 of the NGT Act 2010 but on the request of Mr. Sanjib Swain, we grant him further four weeks time for filing counter affidavit showing compliance of the directions" and posted the matter on 29.08.2025 for its further order.

In the mean time, cost towards land acquisition for four nos. of drains in question comes to Rs. 22,82,93,500/- (Rupees twenty two crores eighty two lakhs ninety three thousand five hundred only) as assessed and intimated by the revenue authorities of Puri based on requisition for land by SE, Drainage Division, Puri for construction of drains. In anticipation of in principle approval for taking up the work with an approximate cost of Rs. 78,50,75,000/- (Rupees seventy eight crores fifty lakhs seventy five thousand), the SE, Puri, Drainage Division is instructed to file the affidavit to the extent that after clearance of Govt. and provision of funds, steps will be taken for approval of project proposal by the Technical Advisory Committee and to go ahead for implementation from January 2026. Break up cost is as below:

Ranajit, Mallick
Superintending Engineer
Drainage Division

P.T.O.

| Sl. No. | Name of Work | Civil work Cost (in Lakh) | Land Acquisition Cost (in Lakh) | Total value of work (in Lakh) |
|--------------|---|---------------------------|---------------------------------|-------------------------------|
| 1 | Construction of RCC Storm water drain on Charanal to Jagannath Sadak drain of Puri Sadar Block. | 2153.66 | 255.65 | 2409.31 |
| 2 | Construction of RCC Storm water drain around Gopinath Mouza Drain Puri Sadar Block. | 1176.83 | 521.85 | 1698.68 |
| 3 | Construction of RCC Storm water drain on Mukunda Mishra Nagar to Jagannath Sadak Drain of Puri Sadar Block. | 1299.01 | 748.76 | 2047.77 |
| 4 | Construction of RCC Storm water drain on Batamangala to Khandia bandha Drain of Puri Sadar Block | 938.32 | 756.67 | 1694.99 |
| Total | | 5567.82 | 2282.93 | 7850.75 |

So far as compliance of Hon'ble NGT order Dtd. 04.07.2023 for the work i.e. "Raising of river embankment on both side of Dhaudia river" is concerned views/ suggestions of Chief Engineer & BM, MKS will be incorporated in the affidavit as per instruction issued by the DoWR vide letter No.16940 Dtd. 20.06.2025.

This is for information and necessary action.

Encl:-

1. Coy of Hon'ble NGT dtd. 04.07.2023 & 10.07.2025.
2. Abstract cost of 04 nos. of drains along with LA cost.

Memo No.

4185

Copy submitted to OSD- cum- Engineer-In-Chief, Water Resources, Odisha, Secha Sadan, Bhubanewar for information and necessary action.

Yours faithfully,

Chief Engineer, Drainage

/Dated, the 25/08/2025

Memo No.

4186

Copy to Chief Engineer, Mahanadi Kathajodi System for information and necessary action. The updated action for the compliance of Hon'ble NGT order Dtd. 04.07.2023 in respect of raising of embankment of Dedhua river may be intimated for our further action towards filling of compliance affidavit.

Chief Engineer, Drainage

/Dated, the 25/08/2025

Memo No.

4187

Copy to Addl. Chief Engineer, Drainage Circle, Bhubaneswar/ Superintending Engineer, Drainage Division, Puri for information and necessary action for the filing of compliance affidavit on or before 29.08.2025.

Chief Engineer, Drainage

/Dated, the 25/08/2025

Memo No.

4188

Copy to Addl. Chief Engineer, Central Circle, Delta, Bhubaneswar/ Superintending Engineer, Puri Irrigation Division, Puri for information and necessary action.

Chief Engineer, Drainage

/Dated, the 25/08/2025

Chief Engineer, Drainage

Ramesh Chandra Mallick
Superintending Engineer
Drainage Division, Puri



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ମୁଖ୍ୟଯନ୍ତ୍ରୀ, ଜଳନିକାସ କାର୍ଯ୍ୟାଳୟ,
ଗଣ୍ଡାରପୁର, କଟକ, ୭୫୩୦୦୩
Office of the Chief Engineer, Drainage,
Gandarpur, Cuttack-3.
E-Mail: cedrainage@gmail.com

No.DW-II-M-109/25 -1342
From

/Dated, the -07/03/2026

Er. Abinash Roul, OES,
Chief Engineer, Drainage.

To

The Superintending Engineer,
Drainage Division, Puri

Sub:-

Filing an affidavit before Hon'ble NGT towards Implementation of order
Dtd.04.07.2023 passed in MA No.32/2024/EZ arising out of OA No.16/2023/EZ -
reg.

Ref :-

- i) This office Memo No. 5905 Dtd. 03.12.2025.
- ii) Letter No. 48917 (11) Dtd. 15.10.2025 & 8341 (9) Dtd. 19.02.2026 of AG, Odisha.

Sir,

Apropos above, tentative time line for compliance of Hon'ble NGT order
Dtd.04.07.2023 passed in MA No. 32/2024/EZ arising out of OA No. 16//2023/EZ is as below.

a) Construction of four nos. of Drain (SE, DD, Puri).

| Sl. No. | Schedule of Activities | Time line | Remarks |
|---------|---|---|------------------------|
| 1. | Obtaining Govt. Approval for provision of fund | 30.04.2026 | In process of approval |
| 2. | Completion of LA process by direct purchase of Land | 31.07.2026 | |
| 3. | Publication of tender in respect of four drains | 31.08.2026 | |
| 4. | Finalisation of tenders (120days from the date of calling of tender) | 31.12.2026 | |
| 5. | Commencement / Completion | 18 months from the date of commencement | |

b) Raising and strengthening of embankments to the Dhaudia river (SE, Irrigation Division, Puri).

| Sl. No. | Schedule of Activities | Time line | Remarks |
|---------|---|---|--|
| 1. | Obtaining Govt. Approval for provision of fund | 31.08.2026 | Subject to approval of competent authority |
| 2. | Completion of LA process by direct purchase of Land | 30.11.2026 | |
| 3. | Publication of tender in respect of four drains | 31.12.2026 | |
| 4. | Finalisation of tenders (120days from the date of calling of tender) | 30.04.2027 | |
| 5. | Commencement / Completion | 18 months from the date of commencement | |

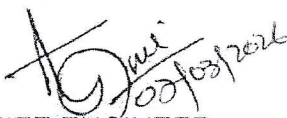
P.T.O.

Ramakanta Mallik
Superintending Engineer
Drainage Division, Puri

The cost of Rs. 10,000/- (rupees ten thousand only) as imposed against each respondent No. 2, 7, 9 & 10 i.e. Principal Secretary to Govt., DoWR/ EIC, WR(O)/ SE, Drainage Division, Puri & SE, Irrigation Division, Puri made by the Hon'ble Court vide their order Dtd. 06.02.2026 may be recall for its modification being the same was wrongly indicated as intimated by the AGA vide their Letter Dtd. 19.02.2026.

Hence, taking consideration to the above stated points, the SE, DD, Puri is hereby directed to file an affidavit before Hon'ble NGT towards Implementation of Hon'ble NGT order Dtd.04.07.2023 in consultation with the AGA at an early date under intimation to this office.

Yours faithfully,


CHIEF ENGINEER

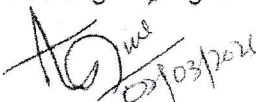
Memo No. 1343 /Dated, the -07/03/2026
Copy submitted to the Engineer-in-Chief, Water Resources, Odisha, Secha Sadan, Bhubaneswar for information and necessary action.


CHIEF ENGINEER


Memo No. -1344 /Dated, the -07/03/2026
Copy to Additional Secretary to Government, Department of Water Resources, Odisha, Rajiv Bhawan, Bhubaneswar for information and necessary action.


CHIEF ENGINEER

Memo No. -1345 /Dated, the -07/03/2026
Copy to Chief Engineer & Basin Manager, Mahanadi Kathajodi System, Bhubaneswar with a request to intimate cost implication towards raising and strengthening of Dhaudia river embankment for our information and further action.


CHIEF ENGINEER

Memo No. -1346 /Dated, the -07/03/2026
Copy to Additional Chief Engineer, Drainage Circle, Bhubaneswar / Additional Chief Engineer, Central Irrigation Circle, Bhubaneswar for information and necessary action.


CHIEF ENGINEER

Memo No. -1347/see /Dated, the -07/03/2026
Copy along with the copy of referred letter to Sri Sanjib Swain, Additional Govt. Advocate, O/o Advocate General, Odisha, Cuttack for information and filing an affidavit before the Hon'ble NGT accordingly.


CHIEF ENGINEER

Encl- As above

Ramakrishna Mallick
Superintending Engineer
Drainage Division, Puri



Sanjib Swain Lulu <sanjibswainadv@gmail.com>

MA No.32 of 2024

1 message

Sanjib Swain Lulu <sanjibswainadv@gmail.com>
To: Afraaz Suhail <afraazsuhail2@gmail.com>

Wed, Apr 15, 2026 at 9:47 AM

Copy Service Receipt
IA petition for recall in MA No. 32 of 2024
Affidavit filed by Respondent No-2, 7, 9 & 10

2 attachments



IA petition for recall in MA No.32 of 2024.pdf

4566K



Affidavit filed by Respondent in MA No.32 of 2024_20260415_0001.pdf

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