

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 37/2026/EZ**

IN THE MATTER OF:

Deba Prasad Sahoo

...Applicant

Versus

Department Of Water Resources, Govt. of Odisha & Ors.

...Respondents

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Through

Neelakshi
..

**Ms. NEELAKSHI BHADAURIA
(D/5653-A/2017) ADVOCATE FOR
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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
Original Application No: 37/2026/EZ**

In the matter of:

Deba Prasad Sahoo

... Applicant

-Versus-

Department of Water Resources, Govt. of Odisha & Ors.

... Respondents

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NOS. 1, 2, 4, 5
AND 6**

I, N. Santosh Kumar Choudhury aged about fifty years S/o Late N. Syama Choudhury, presently serving as Superintending Engineer, Rengali Right Canal Division No II, Dhenkanal, being Respondent No. 6 in the present matter and also being the authorised and competent officer to swear this affidavit on behalf of Respondent Nos. 1, 2, 4, 5 and 6, do hereby solemnly affirm and state as follows:

1. That I have gone through the contents of the present Application and have filed this Counter affidavit for the proper and effective adjudication of the present case.
2. That the deponent is well conversant with the facts and records of the case, and the statements made herein are based on official records.
3. That the answering Respondent respectfully submits that the present application is **misconceived and filed without properly appreciating the statutory roles** of different authorities.
4. That the answering Respondent is responsible only for **operation, maintenance, and regulation of canal water flow** and has **no statutory mandate under the Solid Waste Management Rules, 2016** or environmental laws for control of municipal waste.



N. Santosh Kumar Choudhury
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Dhenkanal



V. In regard to the contents of paragraph 8, it is submitted that the grievance was received and forwarded to the Department of Water Resources. Necessary action was taken by conducting a field enquiry by Respondent No 06. It is observed by Respondent No 06 that garbage & other materials are being thrown by local residents onto the right bank and also into the canal. **Copy of the letter of Respondent No 06 is enclosed as Annexure I.** The local people have been requested several times by the field staff of Respondent No 06 not to dump such garbage into the canal & its bank, as it obstructs the flow in the canal and reduces its water carrying capacity & pollutes the canal water too. Two display boards have been fixed to raise awareness among the local residents to stop this practice, as it pollutes the environment. But no significant result was shown. **(Copy of letter of subordinate of Respondent No 06 is enclosed as Annexure II)**



VI. In regard to the contents of paragraph 9, it is submitted that Field inspections were carried out by the departmental officers including the answering Respondent. Reports were duly submitted to higher authorities. So far as cleaning of the canal bank & Canal, our Department periodically cleans the suspended materials, garbage, etc. during water supply in canals & cleans the shrub jungle, etc. There is no scope under this Department to clean the urban garbage dumped by the local residents. As this area is under Talcher Municipality, the Municipality authorities should be aware them not to throw the garbage into the canal areas. It is further submitted that the reports clearly indicated that the pollution is caused due to improper solid waste management by **Talcher Municipality**, which is beyond the control and jurisdiction of this Respondent

N. Sanjay Kumar Choudhary
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Dhenkanal



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N. Sanjosh Kumar Choudhary
 Superintending Engineer
 R.R.C. Division No-II
 Dheenkhanal

- VII. In regard to the contents of paragraph 10, it is submitted that the contents are matters pertaining to proceedings before NHRC/OHRC and are not related to the answering Respondent. Hence, no comments are offered.
- VIII. In regard to the contents of paragraph 11, it is submitted that It is submitted that implementation of **Solid Waste Management Rules, 2016** falls within the domain of municipal authorities. The answering Respondent has no administrative or statutory control over Talcher Municipality.
- IX. In regard to the contents of paragraphs 12 to 13, it is submitted that issues relating to the use and disposal of polythene and solid waste are regulatory matters under the Pollution Control Board and Municipal Authorities. The answering Respondent has no role in the enforcement of such provisions.
- X. In regard to the contents of paragraph 14, it is submitted that The contents of this para are **denied to the extent they attribute any liability upon the answering Respondent**. It is submitted that the answering Respondent has no statutory role in solid waste management, prevention of garbage dumping, or enforcement of environmental sanitation measures, which fall within the jurisdiction of the concerned Municipal Authority and other competent agencies. It is further submitted that the answering Respondent is responsible only for maintenance and operation of the canal system for irrigation purposes and has been performing its duties within its prescribed mandate. Whenever instances of waste dumping have come to



N. Santosh Kumar Choudhury
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Pihankani



notice, the same have been brought to the attention of the concerned authorities for necessary action.

Hence, the allegations made in this paragraph, in so far as they relate to the answering Respondent, are **misconceived and denied**.

6. The answering Respondent has already discharged his duty by conducting inspections and reporting the issue to competent authorities.
7. The canal system is an open channel and vulnerable to external pollution by public activities.
8. That the measures such as prevention of dumping of solid waste, enforcement of Solid Waste Management Rules, and prohibition of plastic use fall within the statutory domain of the Municipal Authority and other competent agencies.
9. That the answering Respondent has no direct role in solid waste management or the prevention of dumping of waste, which falls within the statutory domain of the concerned Municipal Authority. The answering Respondent has acted within its limited mandate and has extended necessary cooperation wherever required. Hence, no liability can be fastened upon this Respondent. Hence, all allegations made against this Respondent, which are not specifically admitted herein, are hereby denied.
10. That the answering Respondent shall extend necessary cooperation and technical support, if required, for maintaining the canal in its functional condition.



V. Sambash Kumar Choudhary
 Superintending Engineer
 R.R.C. Division No-11
 Mathisapat, Dhenkanal

11. That any direction regarding fencing, cleaning, waste management, and enforcement actions may kindly be issued to the competent Municipal and Pollution Control Authorities.

N. Santosh Kumar Chaudhary
DEPONENT
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Dhenkanal

VERIFICATION

Verified at Dhenkanal on 02/05/26 that the contents of paragraph 1 to 11 are true and correct and no part of it is false and nothing material has been concealed therefrom.

N. Santosh Kumar Chaudhary
DEPONENT
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Dhenkanal



solemnly affirm at 6.10 A.M.
 P.M. on this 2nd day of
May 26 Identities
 by S.K. advocate
 before me

S.K.
NOTARY 02/05/26

S.K.
NOTARY 02/05/26
 Sushanta Kumar Hota
 Dhenkanal

ଅଧିକାରୀଙ୍କ ଦ୍ଵାରା
 ରେଗାଲି ରାଇଟ୍ କ୍ୟାନ୍ନାଲ୍ ଡିଭିଜନ୍ ନଂ - ୨,
 ଦେହନକାଲ୍, ପିନ୍ - ୭୫୯୦୦୧,
 ଫୋନ୍ - ୦୬୭୬୨୨୨୨୨୨୨
 ଇ-ମେଲ୍ - eerrcdlvn2-eicvr.od@nic.ln,
 eerrcdkl@gmail.com

OFFICE OF THE SUPERINTENDING ENGINEER
 RENGALI RIGHT CANAL DIVISION NO-II
 DHENKANAL, PIN- 759001,
 Phone- 06762-226652
 e-mail - eerrcdlvn2-eicvr.od@nic.ln,
 eerrcdkl@gmail.com

Letter No- 1940/W/E
 To,

Date- 26/07/23

The Chief Engineer,
 Rengali Right Irrigation Project,
 Mahisapat, Dhenkanal

Sub: Grievance petition of Sri Debaprasad Sahoo, Remuan, Talcher, vide grievance Registration no. Dept 2023218103 of DoWR.

Ref: Memo No. 1636/W/E dtd. 06.07.2023 of CE, RRIIP, Dhenkanal.

Sir,

With reference to the subject cited above, it is to intimate that, I had made a field visit to the site on 7.7.2023 to inspect the canal bank from Talcher Bypass Chhak (Pabitrāmohan Chhak) to canal crossing of Hatatota to Talcher Bypass road. It is observed that garbage & other materials being thrown by local residents to the Right Bank also into the canal. It was reported by the Sub Divisional Officer, Talcher Canal Sub Division, Talcher that, the local people has been requested several times by the Sub Division staffs not to dump such garbage to the canal & its bank, as it obstructs the flow in canal and reduces its water carrying capacity & pollutes the canal water too. As reported by the Sub Divisional Officer, Talcher they had approached the people and requested them not to through the garbage on the canal bank and into the canal and also two nos display boards has been fixed to aware the local residents to stop this practice as it pollute the environment. But no significant result was shown.

So far as cleaning of the canal bank & Canal, our Department periodically cleans the suspended materials, garbage etc during water supply in canals & cleans the shrub jungle etc. There is no scope under this Department to clean the urban garbage dumped by the local residents. As this area is under Talcher Municipality, the Municipality authorities should aware them not to throw the garbage to the canal areas. As this area is coming under Talcher Municipality, they may be informed to make arrangements for removal of the garbage in order to make the environment clean and safe.

This is for favour of kind information and necessary action.

Yours faithfully,

Encls : 1. Inspection report of the Sub Divisional Officer,
 Talcher Canal Sub Division, Talcher

26/07/23
 S.C. -
 Superintending Engineer
 Rengali Right Canal Division No - II
 Dhenkanal

Memo No. 1941

DL 26/07/23

Copy submitted to the Additional Chief Engineer, Rengali Right Irrigation Circle, Dhenkanal for favour of kind information and necessary action.

True copy attached
 26/07/23
 Superintending Engineer
 R.R.C. Division No-II
 Mahisapat, Dhenkanal
 Beta Prasad Sahoo

26/07/23
 S.C. - Superintending Engineer
 Rengali Right Canal Division No - II
 Dhenkanal

Office of the Assistant Executive Engineer
Talcher Canal Sub-Division, Baghuaboli
Talcher.

ANNEXURE 11
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Letter No-136

Date- 13/07/2023

To,
The Superintending engineer,
Rengali Right Canal Division No-II
Dhenkanal.

Sub:-Grievance petition of Sri Deba Prasad Sahoo received by secretary, water resources.

Ref:-Your letter No.1784/WE dated 11.07.2023

Sir,

With reference to your letter on the subject cited above, I have visited the place of right bank canal near bypass Talcher. The fact written in the grievance petition of Sri Deba Prasad Sahoo is very true that people are throwing garbages and other hazardous materials in to the canal which is polluting canal water. He is requesting to clean the canal regularly and prohibit local people to throw garbages and other hazardous materials in to the canal.

In this connection, I am to say that two numbers sign board have been fixed one near hatatotta bypass chhak and another at Pabitrāmohan chhak adjacent to canal to prohibit people that they should not throw garbages and other hazardous materials in to the canal. However Municipality and administrative department, Talcher should also interfere on the awareness of people. Regarding cleaning of canal, it is not the time as khariff irrigation has already been started and canal is at full supply level. After khariff season, we may submit estimate for cleaning debris from bed of canal to chief engineer for sanction.

This is for favour of your information and necessary action.

True copy attached

[Signature]
Superintending Engineer
R.R.C. Division No-II
Dhenkanal

[Signature]
True Copy
Attested
Deba Prasad Sahoo

Yours faithfully

[Signature]
13/07/2023

Assistant Executive Engineer
Talcher Canal Sub-Division
Talcher.