



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

ORIGINAL APPLICATION No. 18 of 2023

Madanmohan Rout Applicant

VERSUS

State of Odisha and other Respondent

(Additional Affidavit by Applicant)

Most Respectfully Shweth

I Madanmohan Rout aged 49 S/o Late Laxmidhar Rout At/P.O.-
Gopinathpur P.S.-Puri Sadar Dist- Puri-752002 do hereby solemnly
affirm that:-

1. That the Original Application was filed by the applicant with a
prayer to remove illegal encroachment over a water body in



SK. OSIUDDIN AHMED
NOTARY PUBLIC
CUTTACK, ODISHA, INDIA

Plot No. 320, Plot No. 327 and Plot No. 326 in Mouza

Gopinathpur@ Routrapur which is Kisam Jalasaya.

2. That it is worthwhile to mention here that vide order dated 10/02/2023 the Hon'ble Tribunal was please to constitute a committee comprising of following members:

- i. Senior Scientist Central Pollution Control Board
- ii. Senior Scientist Odisha Pollution Control Board
- iii. Collector and District Magistrate Puri
- iv. Engineer in chief Water Resource Department

3. That in page 8 of under heading "Conclusion and Recommendation" affidavit date 12/05/2023 filed by Odisha State Pollution board the joint committee which was formed by the Hon'ble Tribunal in point (i) the Committee has accepted the fact that construction has been made over water body.

That the committee has accepted a fact that construction over the water body is from a long time by accepting the report of Revenue Inspector Biraharekrushnapur. The report by Revenue Inspector is completely false and without proper evidences. The Revenue Inspector has failed to provide as to from when the construction has been made. Even has even failed to show that as to on what grounds he claimed that construction has been made from long time back. *The construction over the water body is still going as of now* and even the photographs provided by the applicant have substantiated the same. The Committee has randomly accepted the report of R.I Biraharekrushnapur without even scientifically and properly examining as to whether such construction has been made long time back or not.

4. That in under heading "Remark" affidavit date 11/04/2023 filed by Odisha State Pollution board the joint committee which was formed by the Hon'ble Tribunal in point (i) reported that there exists construction over alleged plots as

well as no clear drainage system exists so as to allow clear flow of rain water and there is very chance of over flow of rain water.

5. That it is worthwhile to mention in page 16 paragraph (c) of reply by Respondent No. 5 the Irrigation Department who were present in the meeting has stated that the Dadhua river which is flowing near the alleged plot does not have proper embankment and during rainfall the said river is unable to retain runoff water within its bed and because of which spillage of water happens. If the alleged construction is allowed such spillage will happen in regular basis and issue of raising the embankment can never happen in proper manner.
6. That in both the reports of Joint Committee and by the State they have observed one fact that the construction has been made over natural flow of "Musa River". If such construction will be allowed the flow of water of "Musa River" will be blocked very badly.
7. That it is worthwhile to mention each year severe flood like situation happens in the said area just to save the interest of

three people the Opp. Parties cannot claim to have law and order situation. The alternative drainage plan that has been provided by the Opp. Parties will not solve the situation of the said area, as the construction has been made over natural river flow.

Even the said area is a low lying area and large amount of water from upper areas flows through the alleged passage. Even if such construction is allowed it will badly affect the natural flow of water.

8. That it is worthwhile to mention here that the Opp. Parties and the committee has completely remained silent on as to how the level of *ground water* will be affected in the said area if such construction is allowed. Puri has always the issue of poor ground water. As in most of the water bodies constructions has been made. Because of the illegal construction the ground water never gets recharged properly. Similarly if the construction over the alleged water body is allowed it will badly affect the already dwindling groundwater level of Puri.

The ground water of the alleged area will be badly affected because of the said construction.

9. The Opp. Parties/Committee has not provided any authentic evidence as to whether the constructions were new or old, just a random report of R.I without any proofs and just in fear of law and order situation by three people they cannot destroy the already sensitive ecosystem of the said area.

10. That it is worthwhile to mention here that despite service of notice none of the alleged violators appeared before the Ho'ble Tribunal to give there stand. It clearly shows there intention.

Similarly during the pendency of the case the Opp. Parties 13-16 continued with their construction.

That if such construction is allowed it will badly affected the natural flow of river as well as ground water of the said area

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

Kolkata

Date 11/07/2023

[Signature]
Identified By

[Signature]
DEPONENT

Solemnly Sworn before me by *M. N. Rout*

being identified by *A. Subodh Rout*

at Cuttack, dated *11/7/2023*

[Signature]
Sk. Osiuddin Ahmed
NOTARY, CUTTACK TOWN

