

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 16 OF 2023 / EZ

IN THE MATTER OF:

Saroj Mishra

...Appellant

VERSUS

State of Odisha & Others

...Respondents

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1.	Additional Affidavit.	
2.	Photocopy of the Report / Proceedings of the Committee held on dated 26.04.2023. (ANNEXURE – R7/2 Colly)	

By the Respondent No.7

Through

Kolkata

Date:

Sri Papiya Banerjee Bihani,
Advocates for the Respondent No. 7
(State Pollution Control Board, Odisha)
e-mail:pbanerjeebihani@gmail.com

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTER ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 16 OF 2023 / EZ

IN THE MATTER OF:

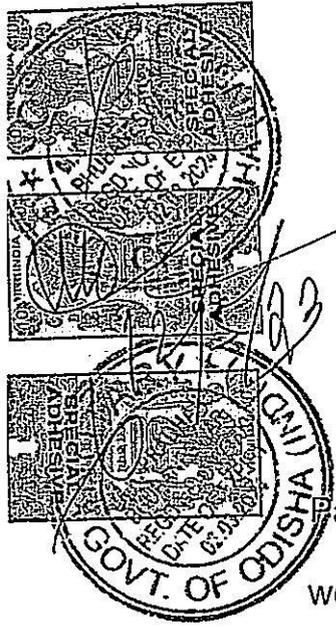
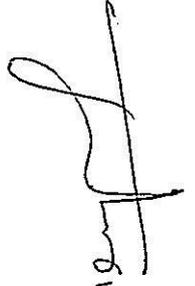
Saroj Mishra ...Appellant

VERSUS

State of Odisha & Others ...Respondents

12 MAY 2023

ADDITIONAL AFFIDAVIT ON BEHALF OF THE
STATE PCB, ODISHA, R.NO.7 IN COMPLIANCE
WITH ORDER OF THIS HON'BLE TRIBUNAL
DTD.13.04.2023.



I, Dr. Kailasam Murugesan, IFS, son of late
Paramasivam Kailasam aged around 54 years, at present
working as Member Secretary, State Pollution Control Board,
having my office at Paribesh Bhawan, A/118, Nilakantha Nagar,
Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-
751012, do hereby solemnly affirm and state as under:



MANJULA KUMAR
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437627119 (IND)

12/05/23

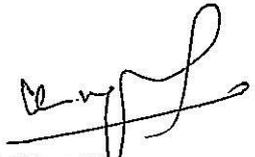
1. That I am the Member Secretary of the Respondent No.7 Board and, as such, am well-acquainted with the facts and circumstances with the case and competent to swear this affidavit.
2. That this Hon'ble Tribunal while considering the affidavit dtd.11.04.2023 filed by this R.No.7 Board vide their order dtd.13.04.2023 has granted one month further time to the committee to file its comprehensive report.
3. That in compliance to the said order the committee constituted by the Hon'ble Tribunal have deliberated the issue in their meeting held on dtd.26.04.2023 at Circuit House, Puri and submitted a report with conclusion and recommendation of the committee. The report / proceedings of the committee is annexed to this affidavit and marked as ANNEXURE – R7/2 Colly.
4. That the Respondent No. 7 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437527119 (M)

12/05/23

5. That the annexure annexed to the present affidavit is true and correct copy of its original.
6. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.

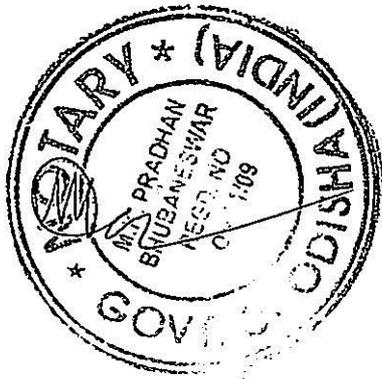

DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

VERIFICATION:

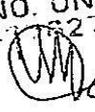
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

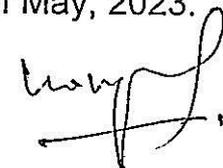
Verified at Bhubaneswar on this the 12th day of May, 2023.

SWORN BEFORE ME



MANJULA KUMAR PRADHAN
NOTARY PUBLIC
BHUBANESWAR
REGD. NO. ON-71/2009
PH:-9437527119 (M)


12/05/23


DEPONENT
Member Secretary
State Pollution Control Board
Odisha, Bhubaneswar

**PROCEEDING OF THE COMMITTEE MEETING AND ACTION TAKEN REPORT ON
O.A.NO.16/2023/EZ OF HON'BLE NGT FILED BY SRI SAROJ MISHRA AND
ANOTHERS -VS- STATE OF ODISHA & OTHERS**

The Hon'ble NGT, Eastern Zone Bench, Kolkata in the order dt. 13.4.2023 had granted one month time to Committee to file a Comprehensive Report and the case is placed for hearing on Dt. 16.5.2023.

Accordingly the Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar had communicated a letter to Regional Officer, State Pollution Control Board – cum - Nodal officer vide letter No. 6420, dtd. 20.04.2023 to submit the comprehensive report. Basing upon the letter of the Member Secretary and the order of Hon'ble NGT, the Regional Officer-cum-Nodal Officer again through his letter, requested all the committee member along with other Govt. Officials of related Departments to meet on 26.04.2023 at Special Circuit House, Puri for a discussion along with and action undertaken on the case matter. All the committee members were present along with other government officials (Attendance Sheet enclosed as Annexure-I).

Issues Discussed by the Committee Members:

- a) In the meeting the Chairman of the committee, i.e. Addl. District Magistrate, Puri had instructed the Additional Tahasildar, Puri (who appeared for the Tahasildar, Puri due to illness of the Tahasildar) to provide a detail clear cut information about the alleged plot w.r.t its real status (both past and present) and who had authorized those persons to construct the dwelling house over the water bodies like Pani Mahara/ Natural drain/ pond etc, so for which the water logging problem has been cropped off and what action has been taken up against those law violator's (those who have constructed their houses over the water bodies) by the concerned department so far and copy of the same to be provided to the committee for its submission before Hon'ble Tribunal.

- b) Besides above discussion, the ADM, Puri had instructed the Engineer-in-Chief Drainage Division, Govt. of Odisha, Bhubaneswar through Superintendent Engineer, Drainage Division, Puri (who was present in the meeting) to prepare alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River to be prepared so that during rainfall the rain water will get a clear passage system without further water-logging as has been cited in the case matter without demolishing large number of residential building already builtup within the alleged area to avoid any law and order situation in future by the local public.
- c) For this Addl. District Magistrate, Puri had directed the Tahasildar, Puri and the Chief Engineer (H.A, GISS-IEM), Puri and other Officials to extend their full co-operation to the Superintendent Engineer Drainage Division, Puri so as to prepared a drawing/design of proposed drainage system along with identifying the revenue/private plots to be acquired so as to resolve the issue in peaceful manner.
- d) Besides above cited discussions the officials of Irrigation Department those who were present in the meeting also highlighted to raise the height of embankment of Dhedua River which is flowing nearby to alleged area i.e. Mukunda Mishra Nagar etc. so that the flow of rain water into the alleged area during rainfall can be checked to an greater extend i.e. the perennial problem can be resolved.

A copy of the proceedings of the meeting held on dt 26.04.2023 was circulated to the departments to provide their report by dt. 6.5. 2023 so as to submit the report to the Hon'ble NGT (Proceedings copy enclosed as Annexure-II).

Informations submitted by the Tahasildar, Puri

Accordingly the Tahasildar, Puri has submitted a fact-finding report to the Regional Officer, State Pollution Control Board, Bhubaneswar-cum-Nodal Officer in support of

the case matter and his view w.r.t the joint enquiry team visit to alleged area to make an overall survey along with official of Drainage Division, Puri for providing an idea for clear passage of proposed drainage system to resolve the water logging issues are as follows:-

- 1) Basing upon the field survey report of the Revenue Inspector and Amin of Biraharekrushnapur, Puri on the alleged area/plots and has cited that the Plots belongs to stitiban khata's over Plot No.181 as Kissam-Jalasaya-2; Plot No. 260 as Kissam-Jalasaya-(Gadia) and Plot No. 559 as Kissam-Jalasaya-2 (Gadia).
- 2) Some persons have constructed houses over the Jalasaya kisam land since long time ago without taking any permission for conversion of the same from concerned authorities of Tahasil at that time.
- 3) Also Tahasildar, Puri has informed that no notices have been issued from the office against the persons at that time.
- 4) Also regarding the proposed drainage network maximum revenue plots and some private plots have been identified and a complete muzumuli map has been prepared by taking the identified government plots. Endowment plot comprising mouza Markandeswar Sahi-1, Samanga, Bharatipur and Gopinathpur @ Routarapur for smooth flow of catchment area rain water through drainage system.
- 5) The possible drainage area layout plan has been handed over to Superintendent Engineer, Drainage Division, Puri to prepare a detailed study of Technical feasibility report taking into the consideration of catchment area, NSL gradient and other aspects.

(Copy of the letter submitted by the Tahasildar, Puri to the Regional Officer State Pollution Control Board, Odisha, Bhubaneswar vide letter No. 4009, dt. 9.5.2023. enclosed as **Annexure-III**).

Informations submitted by the Superintending Engineer, Drainage Division, Puri submitted through the Collector & District Magistrate, Puri.

Basing on the instruction given by the ADM, Puri, Engineer-in-Chief Drainage Division, Govt. of Odisha, Bhubaneswar through Superintendent Engineer, Drainage Division, Puri has submitted a report, in which an alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River has been proposed to prevent water-logging. In the report the Superintending Engineer, Drainage Division, Puri has mentioned that they have initiated action to find out the possible drainage channels in Government lands out falling Musa river ultimate to Mangala river. The necessary preliminary survey and demarcation of Drainage Channels over the government land has been made jointly with the supports of tahasildar and field staff of both Tahasils and Drainage Department and completed it by dt. 6.5.2023. It has been proposed to construct 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 – 2.75 Km (approx.); (ii) Drain No. 2 – 1.66 Km (approx.); (iii) Drain No. 3 – 1.20 Km (approx.) and (iv) Drain No. 4 – 1.50 Km (approx.) (drainage map enclosed). It has also been mentioned that if these Drainage Channels are constructed, then their shall be no water logging in that area.

Copy of the drainage map referred above is enclosed as **Annexure-IV**.

Conclusion and Recommendations of the Committee:

- (i) As per the report of the Tahasildar, Puri, some residential houses has been constructed over the Jalasaya kizam land long time ago. An alternative master plan for a concreted drainage network starting from the area of Mukunda Mishra Nagar upto Musa River and final discharge to Mangala River is proposed so that during rainfall the rain water will get a clear passage system without further water-logging as has been cited in the case matter without demolishing large

number of residential building already builtup within the alleged area to avoid any law and order situation in future by the local public.

- (ii) The Superintending Engineer, Drainage Division, Puri has proposed to construct 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 – 2.75 Km (approx.); (ii) Drain No. 2 – 1.66 Km (approx.); (iii) Drain No. 3 – 1.20 Km (approx.) and (iv) Drain No. 4 – 1.50 Km (approx.) (drainage map enclosed). He has also mentioned that if these Drainage Channels are constructed, then there will be no water logging in that alleged area.
- (iii) The joint committee also recommends the construction of the 4 numbers of drainage channels for a length of approximately 7.11 Km i.e. (i) Drain No. 1 – 2.75 Km (approx.); (ii) Drain No. 2 – 1.66 Km (approx.); (iii) Drain No. 3 – 1.20 Km (approx.) and (iv) Drain No. 4 – 1.50 Km (approx.) so that there will be no water logging in the alleged area.

Nodal Officer-cum-Regional Officer
SPC Board, Bhubaneswar

Additional District Magistrate,
Puri

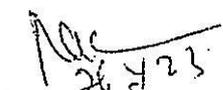
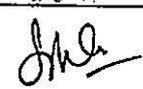
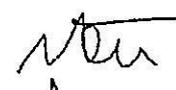
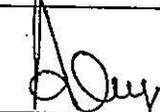
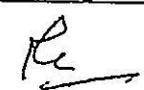
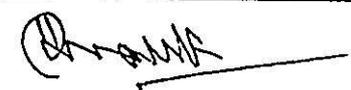
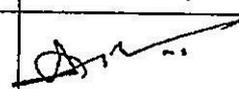
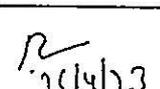
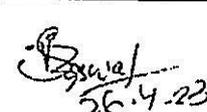
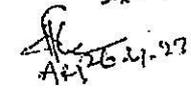
Chief Engineer, HH, GIS & CEM
Water Resources Deptt.
Govt. of Odisha

Sr. Scientist, CPCB,
Zonal Office, Kolkata

**Attendance sheet of the Committee Meeting held w.r.t
direction of Hon'ble NGT on OA. NO.16/2023/EZ - Saroj Mishra V.
State of Odisha & Others, OA. NO 17/2023/EZ- Srikant Pradhan &
Anr v. State of Odisha & Others- & OA. NO 18/2023/EZ -
Madanmohan Rout & Anr. V. State of Odisha & Others, At- Special
Circuit House, Puri, Dist- Puri**

Annexure-I

Date: 26.04.2023, 03:30 P:M

Sl. No	Name and Designation of the Person attended the personal hearing (P.H)	Contact No and Email ID	Signature
1.	Collector and District Magistrate, Puri		
2.	Additional District Magistrate, Puri		
3.	Sub- Collector, Puri		
4.	Dr. Sohan Giri, Regional Officer Cum Nodal Officer, RO SPCB, Bhubaneswar	9487278633	
5.	EIC (W. R) Govt. Of Odisha CE, HH, GIS & CEM for EIC, WR	8895724291	
6.	Sr. Scientist, CPCB, Kolkatta SANDEEP ROY	9903516939	
7.	Ratnakar Datta S. E. Irrigation, Puri.	9488183777	
8.	S. N. Pattanayak S. R. Puri District Revenue	8984769475	
9.	A. K. Sahas, AD, CEM of the EIC, Bhub.	9437125081	
10.	Adyasha Rath, DC, Judd	9090488128	
11.	Asutosh Dey, Add. Tehsildar	8249739521	
12.	DR. R. K. Mishra, SES	9439883894	
13.	Hrudananda Malik Addl. CE	9937133320	
14.	Ashis Kumar Mishra SE, Damages, Puri	9853426725	
15.	BINOD BARNATI, SD (PURI R&B DIVISION)	9489131574	
16.	Subhashree Debnath, JLC Puri Biharana nethrapur	7735030347	
17.	Saiman Marandi, A.R.I. Brahmanpur, Puri	7791955486	

Minutes of the meeting of the Committee constituted by the Hon'ble NGT held on dt. 26.04.2023 at 3.30 P.M at Special Circuit House, Puri w.r.t the OA No.16/2023/EZ, No. 17/2023/EZ & No. 18/2023/EZ

As per the direction of Hon'ble NGT, Eastern Zone Bench, Kolkata on dt. 13.04.2023, the committee shall submit the comprehensive report within one month so as to place the same before the tribunal for its next hearing on 16.05.2023.

The Member Secretary, State Pollution Control Board, Odisha had communicated the copy of the judgment of Hon'ble tribunal to the Regional Officer-cum-Nodal officer of State Pollution Control Board, Odisha, Bhubaneswar vide letter no. 6420, dtd. 20.04.2023 to submit the comprehensive report of the said committee by dt. 10.05.2023 for timely submission of the same before Hon'ble Tribunal for its submission on next date of hearing as stated above.

In connection with the letter received from The Member Secretary, State Pollution Control Board, Odisha, Bhubaneswar, the Regional Officer-cum-Nodal Officer had communicated to the constituted committee member to meet again on dt. 26.04.2023 to have a further discussion/deliberation with the related officers of concerned Department, Government of Odisha and accordingly a comprehensive conclusion can be arrived which can be placed before Hon'ble Tribunal. Accordingly the committee member along with the other government officials from related Departments meet on dt. 26.04.2023 at the Special Circuit House, Puri on under the Chairmanship of Additional District Magistrate, Puri on behalf of the Collector & District Magistrate, Puri.

At the outset Dr. Sohan Giri (Regional Officer, SPC Board, Odisha, Bhubaneswar-cum-Nodal officer of the case) welcomed all the members and other officers those who were present in the committee to put-forth their views, findings and any other proposal so as to reach a conclusion which can be placed before Hon'ble Tribunal on dt. 16.05.2023 (i.e. on next date of hearing).

In the meeting the officials present were ADM, Puri, Sub-collector, Puri, Deputy Collector (Judicial), Puri, Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar-cum-Nodal Officer, Senior Scientist, Central Pollution Control Board,

Kolkatta, Chief Engineer from EIC (W.R), Government of Odisha, Superintendent Engineer, Puri (I&D) Division, Addl. Tahasildar, Puri, Superintendent Engineer, Drainage Division, Puri, AEE (Puri Drainage Division) etc. along with Revenue Inspector of the concerned/alleged circle i.e. Bira Harekrishnapur, Puri (attendance list enclosed).

Issue discussed by the Committee Members and Action to be taken:

- a) As per the order/direction of ADM, Puri, the Addl. Tahasildar, Puri was asked to provide the detail information on the alleged plot with respect to permission granted for construction of the residential houses over the water bodies (Pani Mahara/Natural drain/pond), whether any notices have been served to those occupier for construction of the residential houses over the alleged plots and what actions has been taken, so far by the Revenue Department if the houses have been constructed without due permission. The detail information has to be provided to the Committee/Nodal Officer.
- b) Along with ADM, Puri all other committee members also requested EIC, Drainage Division, Govt. of Odisha, Bhubaneswar through Superintendent Engineer, Drainage Division, Puri (who was present in the meeting) to prepare a possible alternative master plan so as to construct a fully concreted drainage network from nearby area of Mukunda Mishra Nagar upto Musa river and final discharge to Mangala river to resolve the water logging issue without demolishing the large numbers of residential buildings those have already been constructed within the alleged area and to avoid any law and order situation in future by the local public. The ADM, Puri, Sub-collector, Puri, Sr. Scientist, CPCB, Kolkata also requested the Addl. Tahasildar, Puri & Chief Engineer (HH, GISS -LEM), Puri and other officials to extend full co-operation to S.E drainage division, Puri so as to prepare a drawing-cum-design of proposed drainage system with identification of the revenue plot those are existing nearby the alleged area extending upto Musa river so as to provide a clear passage/flow of rain water without water logging.
- c) Besides this the official of Irrigation Department present in the meeting highlighted that as Dadhua river which is flowing nearby to the area of Mukunda Mishra Nagar



lacks any embankment system, and during rainfall the said river is unable to retain the runoff water within in its bed and within very short time interval those spillage water enters into the alleged area which is causing water-logging. So the said issues can be prevented/avoided permanently if a high raising embankment be constructed along the river bed and side by-side the proposed drainage system can also be able to carry the rainfall of that alleged area and will allow clear passage to Musa river and finally solve the perennial problem of the area.

To sum off the meeting the Additional District Magistrate, Puri directed to Additional Tahasildar, Puri, Chief Engineer (Irrigation Department), Puri S.E. Drainage Division, Puri to submit the proposed Drainage network drawing and design along with the Plot and khata numbers (both government and private plots) involved for acquiring for its presentation before Hon'ble Tribunal by the 6th May, 2023 and also directed the Additional Tahasildar, Puri to submit the action taken report so far those who have constructed their houses/buildings over water bodies/ ponds/ Pani Mahara etc. which are existing earlier without conversion.

The Meeting ended with Thanks to the Chair.



Regional Officer, SPCB, BBSR
-cum-Nodal Officer



Additional District Magistrate
Puri



Email:- tah.puri-od@nic.in

Annexure-III

OFFICE OF THE TAHASILDAR, PURI
(Encroachment Section)

No. 4009 /Dt. 09.05.2023

To

The Regional Officer,
State Pollution Control Board, Odisha, Bhubaneswar.
(Forest, Environment and Climate change Department Govt. of Odisha)
Plot No. B-59/2 & 59/3, Chandaka Industrial Estate, Patia, Po- KIIT.

Sub:- Regarding Present status of land as per O.A No. 16/2023/EZ-Saroj Mishra & another-Vs-State of Odisha & Others.
Ref:- This office Letter No. 2199 dtd. 15.03.2023 & Letter No. 3065 dtd. 10.04.2023.

Sir,

In inviting a reference to the subject cited above, I am to say that a report on real time possessioner was sent to you vide this office letter referred above. The R.I, Biraharekrushnapur and Amin were deployed to the field to make plot to plot survey and reported that the alleged plots belongs to Stitiban Khata's over Plot No. 181 Kisam Jalasaya 2. Plot No. 260 Kisam- Jalasaya-2, Gadia, Plot No. 559 Kisam- Jalasaya-2, Gadia, some persons constructed houses over the Jalasaya Kisam land a long time ago without taking any permission of conversion from concerned authorities of Tahasil at that time. Also no notices had been issued against the persons from office at that time.

A meeting of the committee constituted by the Hon'ble NGT was held on 26.04.2023 and after that a joint enquiry team has visited the alleged areas to make over all survey along with officials of Drainage Division, Puri for clear passage of Drainage system to resolve the water logging issue. After identification of plots a complete Muzumuli Map was prepared by making the identified Govt. Plots. Endowment plots comprising Mouza Markandeswar Sahi-1, Samanga, Bharatipur and Gopinathpur @ Routarapur for smooth flow of catchment area rain water through drainage system. The map has been handed over to Drainage Division, Puri for detailed study of technical feasibility taking into the catchment area, NSL gradient and other aspects. The possible drainage area layout plan marked in colour handed over to Drainage Division is enclosed in soft form for kind perusal of Hon'ble Tribunal.

This is for favour of your kind information and necessary action.

Yours faithfully,

Tahasildar, Puri

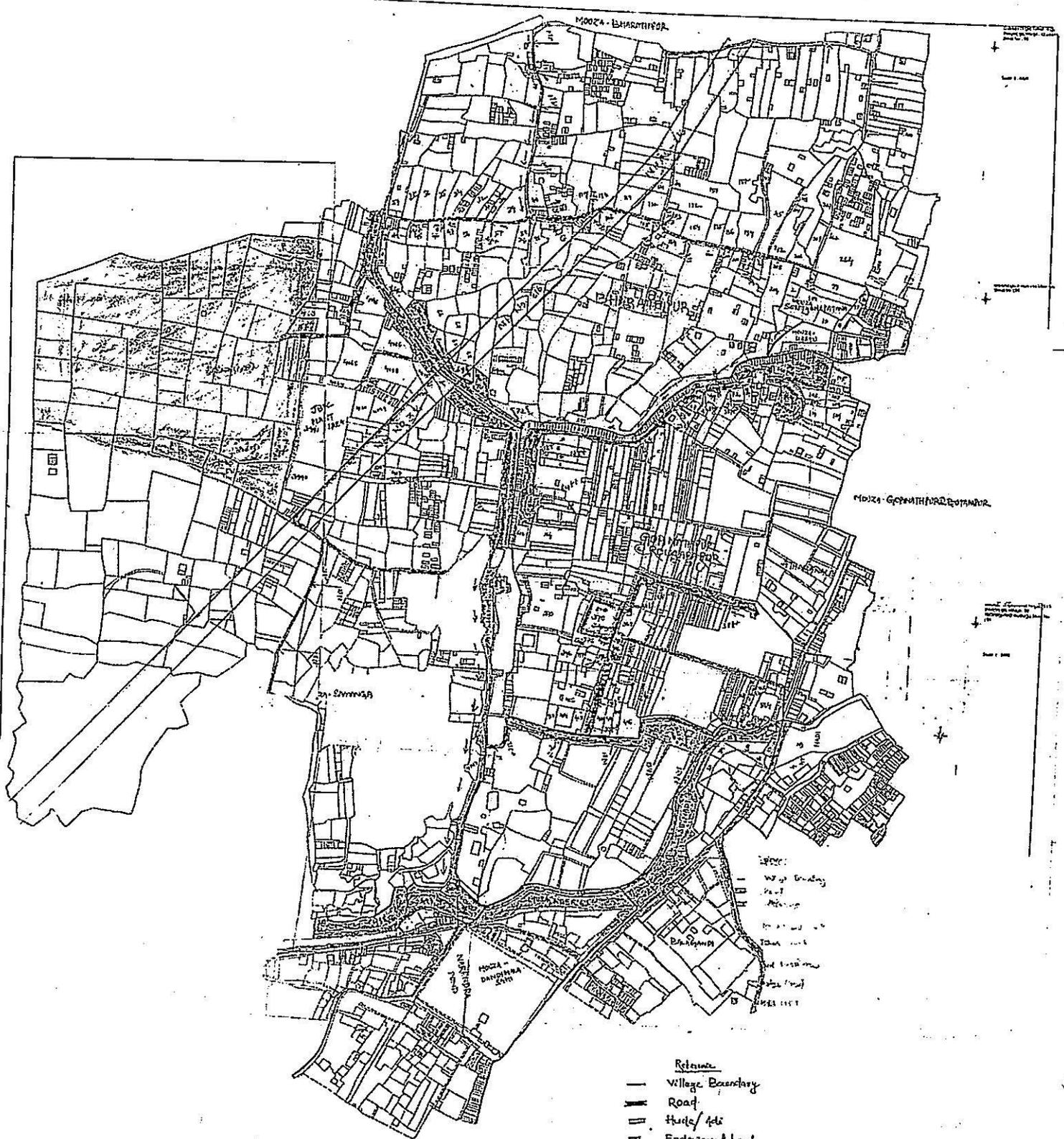
Tahasildar, Puri

Memo No. 4010 dt. 09.05.2023
Copy submitted to the ADM, Puri /the Sub-collector, Puri for kind information and necessary action.

Tahasildar, Puri

Tahasildar, Puri

Annexure - IV



- Retains
- Village Boundary
 - Road
 - Hurdle/Well
 - Endowment Land
 - Private Land
 - Govt Land/PSD
 - Matha Land
 - Musa RIVER

B.P. 2022
 B.P. 2022
 B.P. 2022
 B.P. 2022