

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

ORIGINAL APPLICATION NO-2 of 2024/EZ

IN THE MATTER OF

TAPAS KUMAR BAL

APPLICANT

Versus

STATE OF ODISHA &Ors ...

Respondents

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PLACE: Bhubaneswar

DATE: 11/03/2024

SANKAR PRASAD PANI

S.Pani

ADVOCATE FOR APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO 2 OF 2024/EZ

IN THE MATTER OF:

TAPAS KUMAR BAL

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

ADDITIONAL AFFIDAVIT ON BEHALF OF APPLICANT

I, TAPAS KUMAR BAL, S/o HRUSHIKESH BAL, Aged about 35 years Resident of AT-DEOGAON, Po-KUSHALESWAR, PS-GHASIPURA, KEOUNJHAR hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit. That I have read over the contents of the accompanying Additional Affidavit and the same is true and correct and is drafted on my instruction
2. That the Applicant had brought to the knowledge of the authorities namely Deputy Director of Mines Officer, Keounjhar District Collector, Keounjhar, Superintendent of Police, Keounjhar and Chief Secretary

Government of Odisha, Tahasildar Ghasipura on 7/11/2023 and there after the local goons of lessee have threatened the brother of applicant, hence one FIR lodged with local IIC of Ghasipiura on 10/11/2023 but no action taken,

3. It is evident from the KML file uploaded in the SEIAA website that the lease area is on the Bank of the River Kushei where very less sand deposition is there. However the lessee and his local agents continue to extract the sand from different stretches of Kushei River both in Keonjhar and Jajpur District by engaging 4 Machines which are evident from photographs annexed with the OA as well as in the present Affidavit. It is further submitted that after the order passed by Honble NGT on 19th January 2024 and same is brought to the knowledge of the authorities, the Lessee and his agents have extracted more vigorously using four machines in broad day light suggesting the authorities are hand in glove with the lessee and illegal miners. Never the less the Mining Officer Keonjhar and Deputy Director of Mining Keonjhar along with the Tahasildar Ghasipura has an inherent duty to see no illegal mining takes place. Here is the case the illegal mining continued even after same is brought to the knowledge of the concerned authorities. This inaction and the silent support of the authorities to the illegal miners are also in contempt of the order of this Honble Tribunal dated 19/01/2024. Copy of photographs of illegal mining as **ANNEXURE-14**

4. That the day before the inspection on 16/02/2024, one board depicting the sand sairat details was installed and so also few pillars were randomly posted by the lessee which was not existent prior to the visit.
5. That the inspection was carried on 16/02/2024 when the mining operation were completely stopped. That during inspection the mining officer and the team had not visited the illegal mining site despite of request by the applicants. Applicant was not informed and when he came to know about the visit, he appraised the team but all his concerns were brushed aside and completely ignored. On the contrary the Police Officials threaten the applicant to forward him in false cases in any complaint made in respect of illegal mining. Hence the applicants prays for an independent inquiry with members of CPCB and MoEFCC in the team and in presence of applicant. Further the applicant prays before the Honble Tribunal to call for a report from Superintendent of Police, Keonjhar after visiting the illegal mining sites in presence of applicant.
6. It is submitted that the Local IIC Ghasipura and Sub-divisional Police Officer, Anandpur has a duty to to check illegal sand mining per the 2019 Government order and further the illegal mining amounts to theft of government property, hence the **rampant large scale illegal mining in the garb of a lease agreement is failure of the concerned authorities and involvement in the illegal mining.** All these illegal sand mining and transportation takes place during broad day light and same is impossible

without collusion of local police with Mafias. All across the country, Illegal sand mining has been considered to be a serious crime and offence under Prevention of Money Laundering Act have been registered against the Mafias as well as the officers who failed to discharge their duties and hand in gloves with the mafias. Hence the applicant prays for a direction to DGP Odisha for inquiry into the roles of local IIC Ghasipura and SDPO Anandpur in the illegal sand mining at Kushei.

7. That the transportation of sand use to take place forcefully on the private land of applicant and his family members. The lessee and his agent namely Niranjana Sahoo with support from local ruling politicians had forcefully constructed road on the private plots of applicants Khata No 119, Plot No 1281, 1282. The road also constructed on land meant for village graveyard and Kushaleswar Temple on plot no 1204, Khata No350. This road is illegally constructed in deviation of road mention in the mining plan. In this regard a complaint has been made to Tahasildar, Ghasipura, Sub-Collector Anandpur, Superintendent of Police, Keonjhar, Deputy Director of Mines Keonjhar, Chief Secretary, Odisha on 7th November 2023 through grievance portal and same has been acknowledged by the authorities. However no action has been taken as of now and on the contrary false cases have been filed against the applicant and his family members for pursuing the litigation before Honble NGT.

8. That presently the illegal mining operation takes place during night using four machines which they park at Kochianandi Mouza and operate in the night, The impression of Tyre of Hyvas and machines, pond like pits in the river because of mining, heaps of sand stocked after mining and all these are evident from the photographs dated 8th March 2024 suggesting the illegal mining is ongoing, Such a large scale organised mining is not possible without collusion of government authorities. Copy of Photographs dated 8/03/2024 is annexed here with as **ANNEXURE-15**
9. That the involvement of Mining Officer Tarini Singh and Deputy Director of Mines, keounjhar Mr Bishnupad Rout is evident from the fact that no action has been taken in terms of seizure of machine and vehicles which were operating on day to basis for illegally mining, So also role Tahasildar Ghasipura in whose jurisdiction all the illegal mining takes place is questionable. Around 2KM stretch of river has already been mined in different Mouzas such as Padiapal, Rekutia (Keshadura Pal RI circle), Kochianandim in Keounjhar District and Telibeda, Kumbhanagara and Bangarpata Mouza(Gobardhanpur RI Circle, Jajpur). Even one incident of drowning of One child of Telibeda in the deep pits in river due to illegal mining was reported but no action against any body.
10. That the illegal mining has resulted in loss of crores of rupees to the state exchequer because of the inaction and involvement of government authorities in operation of illegal mining.

11. the applicant has served the copy of OA, Order and Notice on private Respondent Sri Sai Construction on 17th Feb 2024 and same was received by the respondent on 19/02/2024. Copy of Postal tracking is Annexed here with as ANNEXURE_16

12. That the counsel for applicant has served the copy of OA on government respondents through email on 30/01/2024 and again on 8th March 2024 through email. Copy of Email is annexed here with as ANNEXURE-17

APPLICANT THROUGH

A handwritten signature in black ink, appearing to read "S. Panu", with a horizontal line underneath the name.

ADVOCATE

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ORIGINAL APPLICATION NO 2 OF 2024/EZ

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APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

Affidavit

I, TAPAS KUMAR BAL, S/o HRUSHIKESH BAL, Aged about 35 years
Resident of AT-DEOGAON, Po-KUSHALESWAR, PS-GHASIPURA,
KEOUNJHAR hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction

Additional

Tapas Kumar Bal
DEPONENT

VERIFICATION

Verified on this the ... *9th* day of ... *March* ... 2024 at ... *Bhup* ... that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.



Identified By

h

S.P. Jena
The above named deponent(s) being duly identified by Sri. *S.P. Jena* Advocate, Bhubaneswar

Tapas Kumar Bal
DEPONENT

Appears before me on oath the contents of the affidavit are true to the best of my knowledge and belief
09 MAR 2024
ANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. - ON-86/2012
Mob. No. - 9837121273

S.P. Jena
9/3/24

ANNEXURE- 14
ILLEGAL SAND MINING BY THE LESEE BEYOND THE LEASE AREAS USING EARTH MOVERS, HYWAS IN DIFFERENT PARTS OF KEOUNJHAR AND JAJPUR DISTRICT









Table 1 THREE MACHINES USED FOR ILLEGAL SAND MINING BY LESSEE ON 7/01/2024







Table 2 RIVER BANK ERROSION





Table 3 ILLEGAL MINING IN BANGARKOTA MOUZA



Table 4 MINING DAMAGING THE RIVER BANK



Table 5 MINING AT KOCHIANANDI BEYOND LEASE AREA



Table 6 FOUR MACHINE ENGAGED FOR ILLEGAL SAND MINING WHEN MACHINE IS PROHIBITED FOR SAND MINING



Table 7 GOOGLE EARTH IMAGE SUGGEST THE LEASED ARE IS HAVING SOME STRUCTURES FOR DAIRY FARM AND KOSHALESWARTEMPLE LAND AND MINING BEYOND LEASEA AREA. ALSO IT SUUGGEST CLOSE TO RIVER BRIDGE





Table 8 PHOTOGRAPH OF ILLEGAL MINING DATED 24TH JAN2024

ANNEXURE-15

PHOTOGRAPHS DATED 8TH MARCH 2024 SUGGESTING PERPETUATION OF ILLEGAL MINING DURING NIGHT AND PARKING OF MACHINES WHICH WERE USED IN MINING DURING NIGHT, HEAPS OF SAND GATHERED AFTER MINING, POND LIKE STRUCTURE SUGGESTING DEEP MINING AND IMPRESSION OF TYRES OF VEHICLES USED FOR MINING AND TRANSPORTATION AT KOCHAINANDI MOUZA AND TELIBEDHA MOUZA



Table 1 THE MACHINES PARKED NEAR KUSHEI RIVER AT KOCHANANDI MOUZA SUGGESTING MINING OPERATION DURING NIGHT



5:17 VoLTE 66%

← Know Your Forest Location

Revenue Details

District: Keonjhar

CD Block: Ghasipura

Gram Panchayat: Deogaon

Village: G_Kochianandi_51

Tehsil: Ghasipura

Khata No: 171

Plot No: 1824

ROR Details

Owner: Not Available

Land Type: Not Available

Area(Ha): Not Available

Area(Acre): Not Available

Police Station Details

Thana Number: 24497016

Police Station: GHASIPURA

Straight Line Police Station Distance(m): 9176.192

Forest Location Details

Table 2 GEOLOCATION OF MACHINES PARKED

Table 3 ILLEGAL SAND MINING LEADING TO POND LIKE STRUCTURES AT KOCHIANANDI

5:10 VoLTE 67%

← Know Your Forest Location

Revenue Details

District:	Keonjhar
CD Block:	Ghasipura
Gram Panchayat:	Deogaon
Village:	G_Kochianandi_51
Tehsil:	Ghasipura
Khata No:	176
Plot No:	1814

ROR Details

Owner:	ଆବାଦ ଅଯୋଗ୍ୟ ଅନାବାଦି
Land Type:	ନଦୀ
Area(Ha):	8.142
Area(Acre):	20.120

Police Station Details

Thana Number:	24497016
Police Station:	GHASIPURA
Straight Line Police Station Distance(m):	9273.474

Forest Location Details

||| ○ <



Table 4 IMPRESSION VEHICLE MOVEMENT IN RIVER AND HEAPS OF SAND GATHERED AT TELIBEDA, JAJPUR SUGGESTING





Table 5 DEEP MINING RESULTING POND STRUCTURE



Table 6 HEAPS OF SAND GATHERED AFTER MINING

4:38 VoLTE 73%

← Know Your Forest Location

Revenue Details

District:	Jajpur
CD Block:	Danagadi
Gram Panchayat:	Bangarkot
Village:	Telibedha
Tehsil:	Danagadi
Khata No:	143
Plot No:	1

ROR Details

Owner:	ଆବାଦ ଅନେଶ୍ୟ ଅନାବାଦୀ
Land Type:	ନଦୀ
Area(Ha):	12.355
Area(Acre):	30.530

Police Station Details

Thana Number:	24503067
Police Station:	TOMAKA
Straight Line Police Station Distance(m):	10929.111

Forest Location Details

||| ○ <



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Track Consignment

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* Indicates a required field.

* Consignment Number

Booked At	Booked On	Destination Pincode	Tariff	Article Type	Delivery Location	Delivery Confirmed On
Bhubaneswar G.P.O.	17/02/2024 13:17:48	751015	29.50	Inland Speed Post	I R C Village S.O	19/02/2024 17:33:12

Event Details For : EO758798044IN

Current Status : Item Delivered(Addressee)

Date	Time	Office	Event
19/02/2024	17:33:12	I R C Village S.O	Item Delivered(Addressee)
19/02/2024	12:34:07	I R C Village S.O	Out for Delivery
19/02/2024	09:54:51	I R C Village S.O	Item Received
19/02/2024	03:20:23	Bhubaneswar NSH	Item Dispatched
18/02/2024	03:19:17	Bhubaneswar NSH	Item Bagged
17/02/2024	20:41:29	Bhubaneswar NSH	Item Received
17/02/2024	19:18:00	Bhubaneswar G.P.O.	Item Dispatched
17/02/2024	19:05:36	Bhubaneswar G.P.O.	Item Bagged
17/02/2024	13:17:48	Bhubaneswar G.P.O.	Item Booked

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भारतीय डाक

E0758798044IN IVR:6979758798044

SF BHUBANESWAR G.P.O. <751001>

Counter No:1,17/02/2024,13:15

To:G RAMESH, PLOT NO N2-54

PIN:751015, I R C Village S.O

From:SANKAR PRASAD PANI,ADVOCATE

Wt:125gms

Amt:29.50(Cash)Tax:4.50

<Track on www.indiapost.gov.in>

<Dial 18002666868> <Wear Masks, Stay Safe>

भारतीय डाक



Sankar Pani <sankarprasadpani@gmail.com>

Re: COPY OF ORIGINAL APPLICATION NO 2 OF 2024

1 message

Sankar Pani <sankarprasadpani@gmail.com> Fri, Mar 8, 2024 at 10:28 AM
To: DM-Jajpur Orissa <dm-jajpur@nic.in>, dm-keonjhar@nic.in, dm-keounjhar@nic.in, csori@nic.in, eepwdghatagaon.owd@gov.in, tah.ghasi-od@nic.in, RABINDRA KUMAR SAMAL <roez.bsr-mef@nic.in>, "Seiaa, Bhubaneswar" <seiaaorissa@gmail.com>, chairman.seiaaodisha@gmail.com, Principal Secretary WR Deptt <wrsec.od@nic.in>, "rto_keonjhar@yahoo.co.in" <rto_keonjhar@yahoo.co.in>, SPCB Odisha <paribesh1@ospcboard.org>, Rashmi Bothra <rashmibothra24@gmail.com>, Amrita Pandey <amritalegal@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>

 TAPAS KUMAR BAL 02-01-2024.pdf

Dear Sir

Please find the copy of Original Application No 2 of 2024 and ignore the earlier one sent by mistake

warm Regards

On Tue, Jan 30, 2024 at 1:12 PM Sankar Pani <sankarprasadpani@gmail.com> wrote:

Dear Madam/Sir

Please find the copy of OA along with annexures in a single PDF, Copy of Order dated 19/01/2024 and Notice dated 25/01/2024 attached with this email. The next date in the matter is 11th March 2024.

Warm Regards

 KUSEI OA (1).pdf

--
Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
Res-Plot No 2132/4814(B), Nageswar Tangi,
Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

--
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1 message


Sankar Pani <sankarprasadpani@gmail.com> Mon, Mar 11, 2024 at 11:32 AM
To: DM-Jajpur Orissa <dm-jajpur@nic.in>, dm-keonjhar@nic.in, dm-keounjhar@nic.in, csori@nic.in, eepwdghatagaon.owd@gov.in, tah.ghasi-od@nic.in, RABINDRA KUMAR SAMAL <roez.bsr-mef@nic.in>, "Seiaa, Bhubaneswar" <seiaaorissa@gmail.com>, chairman.seiaaodisha@gmail.com, Principal Secretary WR Deptt <wrsec.od@nic.in>, "rto_keonjhar@yahoo.co.in" <rto_keonjhar@yahoo.co.in>, SPCB Odisha <paribesh1@ospcboard.org>, Rashmi Bothra <rashmibothra24@gmail.com>, Amrita Pandey <amritalegal@gmail.com>, Dipanjan Ghosh <dpnjnghsh0@gmail.com>

Dear All

Please find the copy of Additional Affidavit filed by Applicant on dated 11/03/2024 in OA 2 of 2024

Warm Regards

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 **ADDITIONAL AFFIDAVIT OF APPLICANT IN OA 2 OF 2024.pdf**
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