



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

APPEAL NO-4/2022/EZ

RUDRA MOHAN SAMAL&OTHERSAPPLICANTS

Vrs.

SEIAA,ODISHA & OTHERSRESPONDENTS

FURTHER AFFIDAVIT ON BEHALF OF THE
PETITIONERS TO THE COUNTER AFFIDAVIT
DT.18.05.22 FILED BY THE RESPONDENT NO -8 i.e
STATE POLLUTION CONTROL BOARD

I, Shri Rudra Mohan Samal aged about 52 years son of Gokul
Samal At- Suleipal Po- Gandamala P.s-Rengali Dam Site Dist-
Anguldo hereby solemnly affirm and state as follows;

1. That I am one of the petitioner in this case. I have gone through the counter affidavit filed in the case and have understood the contents thereof. Being acquainted with the facts of the case, I am filing this Affidavit.
2. That petitioners filed the present appeal petition challenging the illegal action of the respondent no 1 State Level Impact Assessment Authority Bhubaneswar in granting clearance in allowing the Respondent no 7 to lift the sand from Suleipal Sand Sairat on the ground that
 - (i) There are no other place in the village to meet daily necessities of the Suleipal village except the said place .

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Rudra Mohan Samal

3/18.7.2022
Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

- (II) Besides dead body of the villagers were being buried at that place which has become place of worship of the villagers and villagers also perform the shrada Ceremonies at that place.
- (iii) There are no passages for transportation of sand from river bed. The passage is to be paved over private plot of the villagers which villagers have objected and Respondent no 7 is lifting the sand forcefully over the private plot
- (iv) The place is in between Rengali Dam and Samal Bareage which is full of water except the above place.
- (v) The Respondent no 7 is lifting the sand with the help of Local Revenue authorities without demarcating the area and is also lifting the sand with heavy truck.
- (vi) When the revenue Inspector of the area categorically pointed that there are no passage for transportation of the sand from the river bed and in between the sand Sairat to Main Road there are Rayati Lands, the grant of approval is totally non application of mind.
- (vii) The sands are being carried through the village Road which is totally congested area and the Primary school, Anganwadi Centre, High School and Temples are in the both side of the village and the residents are also residing in the both side of the Road. The Road is village Road and passing through the Congested village.
- (viii) The Tahasildar Kaniha without going to the factual report submitted by the Revenue Inspector of the area approved the

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sand Sairat with the finding that the sand Sairat has approach Road Facility which is totally illegal.

(ix) The notice alleged to have been served upon the villagers have not been actually served and the report that villagers have signed the report is also illegal and totally false. No village Committee or the palli sabha has been called for in the village.

3. That the Respondent no 8 i.e State Pollution Control Board has filed the Affidavit only on the following grounds;-

(i) State Pollution Control Board has carried out the inspection dt 22.04.22 which shows as follows.

(ii) Consent to operate has been granted by the Regional Officer Angul for production of sand capacity 5000 cubic metre per annum.

(iii) The mining lease deed has been executed by the Tahasildar Kaniha and Lessee on 24.11.20-21 for a period of 5 years.

(iv) No pillar posting for demarcation of quarry was observed during site visit.

(v) Samal Barrage is 20km distance and Rengali Dam is 14.5 km from the sand quarry

(vi) Suleipal Village is 450 metre from the site

A. U. Sahas (vii) Quarry is connected with Suleipal-Arkil Road through two Kachha Road one passing adjacent to crematory and another passing adjacent to river bank.

(viii) Crematory of Suleipal village is located adjacent to quarry site.

(ix) Bathing Ghat is about 500 metre from the quarry site.

Rudra Mohan Samal

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4. That in reply to the inspection report submitted by the Respondent 8 i.e State Pollution control Board it is submitted that the inspection report clearly shows that no pillar posting has been made by the Proponent even till date in-spite of notice received by the Respondent no 7 from the Hon'ble Tribunal and sands are being carried through the passage adjacent to crematory of the village. It is also clearly relevant to submit that the said report also clearly pointed that bathing Ghat of Suleipal village is 500 metre away and crematory is adjacent to quarry site.
5. That in view of the facts stated above, the Affidavit filed by the respondent no 3 is liable to be dismissed.
6. That the facts stated above are true to the best of my knowledge and belief.

Identified by

A.K. Sah^{son}
Advocate

Rudra Mohan Samal

Deponent

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 and nothing material has been concealed therefrom.

Cuttack

Date: 18.7.2022

Rudra Mohan Samal

Deponent

CERTIFICATE

This affidavit has been filed in thick white paper in absence of cartridge paper

Cuttack

Date: 18-07-2022

A.K. Sah^{son}

Advocate for the Appellant

The above named Deponent

Solemnly affirm on 18/7/2022

Identified

by A.K. Sah^{son} (Adv)

Surendra Prasad Dhai
Advocate

NOTARY, CUTTACK

