

BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
O.A No. 21/24/ EZ

In the matter of:

Shailesh Sahoo Applicant
Versus
State of Odisha and others Respondents

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Cuttack By the Deponent, Secretary CDA, through

Date - 10.7.2025

A. Dash
Advocate

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O.A No. 21/24/ EZ



In the matter of:

Shailesh Sahoo

..... Applicant

Versus

State of Odisha and others

..... Respondents

AFFIDAVIT ON BEHALF OF THE RESPONDENT NO. 4
CUTTACK DEVELOPMENT AUTHORITY

I, Shri Sweta Kumar Dash aged about 50 years, S/o- Sri Ganeswar Dash, presently working as the Secretary, in the Establishment of Cuttack Development Authority(CDA) at Link Road, Badambadi, Town/ Dist. Cuttack do hereby solemnly affirm and state as follows: -

1. That pursuant to the direction of the Hon'ble Tribunal on order dated 14.10.2024, the then Vice-Chairman of CDA, filed an Affidavit sworn in on 19.03.2025. He having superannuation and the regular Vice Chairman being not posted till date, the deponent being the Secretary, files this Affidavit on behalf of Cuttack Development Authority on the basis of records and documents available in the office and communications made by different authorities in connection with the present dispute.
2. That at the outset it is submitted that the then Vice Chairman in the Affidavit already stated about the scope and provision of ODA Act 1982 and its Authority and

Sweta Kumar Dash

Pradipta Kumar Mohanti

PRADIPTA KUMAR MOHANTI.
Notary, Cuttack Town
Regd.No-ON-04/1995

A Dash

jurisdiction concerning the mouzas under dispute in the present proceeding. It is once again humbly submitted that, the petitioner referred to the areas of Kanheipur, Bhogamba, Bhadimul, CRRI, Gatirouta Patna, Dihasahi and upto Biribati under Naya Bazar Block and under CRRI P.S. wherein, according to him, number of encroachments are made upon Mahanadi river and its bed.

3. That in this connection the than Vice-Chairman, CDA, already filed an affidavit on 19.04.2025, the contentions of which is treated as part and partial of the affidavit and are not reiterated for the sake of brevity.
4. That at the outset it is once again humbly submitted that Sikharpur, Kanheipur, Gatiroutapatna and Bhadimul are the independent mouzas under CDP area. All these Four Mouzas are presently under the development, control of Cuttack Municipal Corporation. Any unauthorized deviated constructions in those mouzas are to be taken up by Cuttack Municipal Corporation pursuant to the authorization made by CDA in its 122nd Authority Meeting held on 19.8.2019 pursuant to the decision of the Government in the H&UD Department, a copy of which is filed herewith and marked as **Annexure C/4** for kind perusal.
5. That since 19.08.2019, the CMC is deciding with Planning and demolition of the unauthorized construction(s) within the CMC controlled area. Accordingly, Field Staffs , Competent Authority of CMC initiates proceedings under Section 91 of ODA Act. At the outset it is submitted that, the Superintending Engineer, Mahanadi South Division

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in its letter No. 6631 dated 30.6.2025 received in the diary of CDA on dated 5.7.2025 referred to four numbers of unauthorized construction in mouja/ village Sikharpur. Those unauthorized constructions are to be dealt with by the Cuttack Municipal Corporation and accordingly, CDA in its letter No. 7479 dated 9.7.2025 of CDA forwarded to the Commissioner of Cuttack Municipal Corporation for taking necessary steps. In this regard copy of the letter dated 30.6.2025 received on 5.7.2025 is filed herewith and marked as Annexure D/4 and copy of the letter No. 7479 dated 9.7.2025 is filed herewith and marked as Annexure E/4 for kind perusal.

6. That at the outset it is humbly submitted that in view of the aforesaid delegation made by CDA, the CMC is authorized and competent to initiate proceeding and also to deal with the pending proceedings in case of unauthorized construction/ deviated constructions reported in the said moujas.
7. That as regards "Bhogamba Village" it is a hamlet of Bana Bidyadharpur in short Bidyadharpur, revenue village/ mouza. Be that as it may, the applicant referred to village Bhogmba, which to the knowledge and impression of the deponent was is under the jurisdiction of Sadar Block and is not within CDA areas. It is submitted that under and after detailed verification with Revenue Officer and the Affidavit submitted before Hon'ble Tribunal it is ascertained that this hamlet is coming under the and part of Mz: Banabidyadharpur, Presently, Bidyadharpur and the

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CRRI(Central Rice Research In) are coming within the jurisdiction of CMC.

8. That similarly "Dihasaki" is a hamlet village of Mz: Gatirout Patna which is coming presently within the CMC area and as such presently CMC is dealing with the adjudication concerning to the proceedings under Section 91 of ODA Act and application concerning Building and Planning.
9. That as regards "Biribati", which was included within the CDA area vide Notification dated 2nd May, 2023 as referred to in Annexure B/4 to the Affidavit filed on dated 19.04.2025. As regards to the permission for construction is required under section 15 and 16 of the ODA Act, CDA has not granted any such permission for construction of building in the said area on and from the date it comes within the jurisdiction of CDA from 2nd May, 2023.
10. That the deponent humbly submits that as per the provisions of ODA Act, CDA prepared the Comprehensive Development Plan under the name of vision-2030 dividing the areas into different land use zones, may be comprised of one mouza and/ or more than one. The CDP after its confirmation/approval in the year 2010 by the Government in H & UD Department continues in force. As regards to the areas covered under CMC, it adopts the said CDP and land use specified therein. As regards the mouzas referred to by the petitioner are coming under the Yellow zone (residential zone). The areas within a zone comprised of the residential and other than residential plots. As such any land

Sneha Kuman Dash

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recorded in the status other than the residential use are to be converted into residential use as per the provision of Section 8-A of OLR Act in compliance of the procedure prescribed in the said Act.

- 11. That the facts would reveal that the areas/plots specified in the status as river and/ or river bed in any Mouza, no permission for construction is allowed/ granted by CDA under the status changes. The deponent humbly once again reiterates that the contention made in the Affidavit dated 19.3.2025 and assures/ ensures all such co-operation sought for by any of the departments/ agencies in order to protect the river and for the purpose in case reported and in case the area comes within its jurisdiction, shall dealt with under the suitable provisions under ODA Act.
- 12. That the deponent humbly seeks leave to file additional Affidavit (s), document (s) in case required for just adjudication of the case.
- 13. That the facts stated and averments made in different paragraphs of this Affidavit are based on documents and records available in the Office of CDA and to his personal knowledge which he believes to be true and correct.



Identified by
A. Dash
Advocate

Cuttack

Date - 10.7.2025

Santa Kumar Dash
DEPONENT

Solemnly sworn before *S.K Dash*
 me by.....
 being identified by..... *A. Dash Advocate*
 at Cuttack Town Dated..... *10/07/2025*
Not 10/07/2025
 P.K. MOHANTY, Notary, Cuttack Town
 Regd. No-ON-04/1995

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Annexure- C.14 2
By Special Messenger.



CUTTACK DEVELOPMENT AUTHORITY
ARUNODAYA BHAWAN, LINK ROAD,
CUTTACK-12
No. 10975/CDA/Dated.22.08.2019.

NOTIFICATION

In exercise of powers vested in it's vide section- 111(I) of the Odisha Development Authority Act- 1982, Cuttack Development Authority vide its 122nd. Authority meeting held on dt.19.08.2019 delegates the powers of according Building Permission and Development and Sub-division of land in favour of Cuttack Municipal Corporation, Cuttack within its development plan area to the extent outlined below.

- i. Issues related to building plan approvals.
- ii. Layout/Sub-division of land approvals.
- iii. Authority to deal with unauthorised construction.

While disposing the case they will follow the provision of Cuttack Development Authority. (Planning & Building Standard Regulations- 2017 as amended from time to time).

By order of Authority

Sd-

Secretary

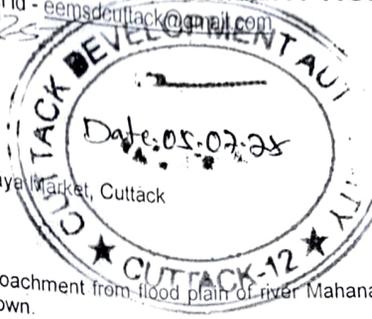
Memo No. 10976/CDA/dated.22.08.2019.

Copy submitted to the Revenue Divisional Commissioner (Central), Cuttack DM & Collector, Cuttack, Municipal Commissioner, Cuttack Municipal Corporation Joint Secretary to Govt. H & UD Department, DTP, Odisha Bhubaneswar for kind information and necessary action.

Sd-

Secretary

T.C. attested
A. Das
S. W.

OFFICE OF THE SUPERINTENDING ENGINEER,
MAHANADI SOUTH DIVISION-I, CANTONMENT ROAD, CUTTACK-1No. 6631 Dt. 30.06.2025 Mail id - eemsdcuttack@gmail.comTo,
The Commissioner,
Cuttack Municipal Corporation, Cuttack
The Vice Chairman,
Cuttack Development Authority, Arunodaya Market, Cuttack
The Tahasildar,
Cuttack Sadar, Cuttack.

Subject :- Regarding eviction of encroachment from flood plain of river Mahanadi from 4(Four) plots of Unit-26, Sikharpur of Cuttack Town.

Ref :- NGT Case -OA No.21/2024 filed by Sri Sailesh Sahoo vs State of Odisha.

Sir,

With reference to NGT Case -OA No.21/2024 filed by Sri Sailesh Sahoo vs State of Odisha, I am to submit here with the list of 4 Nos of plots of Unit-26, Sikharpur of Cuttack Town recorded in the name of Irrigation & Power Department having encroachment on those by private parties as detailed below.

Sl. No.	Village	Khata No.	Plot No.	Kisam	Nature of encroachment
1	Unit-26, Sikharpur	748	738	Gharabari-2	Asbestos House
2	Unit-26, Sikharpur	746	748	Gharabari-2	Asbestos House
3	Unit-26, Sikharpur	748	750	Gharabari-2	Asbestos House
4	Unit-26, Sikharpur	748	777	Debasthali	Temple

The above plots have been jointly verified with Revenue official on Dt.23.06.2025. These encroachments are located in the flood plain area of the river Mahanadi and threat to the safety of the Capital Embankment No. 78(A) on Mahanadi Right bank.

Hence it is requested to take necessary steps for eviction of encroachment from above mentioned plots at the earliest.

Yours faithfully,

[Signature]
20/6/25
Superintending Engineer
Mahanadi South Division-I

Memo No. 6632 Dt. 30.06.2025
Copy submitted to the Advocate General, Odisha, Cuttack for favour of kind information please.

[Signature]
20/6/25
SUPERINTENDING ENGINEER

Memo No. 6633 Dt. 30.06.2025
Copy submitted to the Collector and District Magistrate, Cuttack for favour of kind information please.

[Signature]
20/6/25
SUPERINTENDING ENGINEER

Memo No. 6634 Dt. 30.06.2025
Copy submitted to the Chief Engineer & Basin Manager, Mahanadi Kathajodi System, Bhubaneswar for favour of kind information please.

[Signature]
20/6/25
SUPERINTENDING ENGINEER

Memo No. 6635 Dt. 30.06.2025
Copy submitted to the Additional Chief Engineer, Eastern Circle-I, Cantonment Road, Cuttack for favour of kind information please.

[Signature]
20/6/25
SUPERINTENDING ENGINEER

T.C. attested
A Dash
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CUTTACK DEVELOPMENT AUTHORITY
ARUNODAYA BHAWAN, LINK ROAD, CUTTACK-753012(ODISHA)

No. 7479 /CDA/Dated : 9.7.2025

To:

The Commissioner,
Cuttack Municipal Corporation,
Cuttack.

Sub: Regarding eviction of encroachment & unauthorised construction from flood plain of river Mahanadi 4(Four) of unit-26, Sikharpur of Cuttack Town.

Ref: NGT Case No. OA No.21/2024 filed by Sri Sailesh Sahoo vrs State of Odisha.

Sir,

With reference to the subject cited above, I am to intimate that the NGT Case No. OA No.21/2024 filed by Sri Sailesh Sahoo vrs State of Odisha the said Letter is forwarded herewith as the delegation of Power has been transferred from CDA to CMC, Cuttack vide Notification No. 14749/HUD/Dt.17.08.1019.

Hence it is requested to take necessary step for eviction of encroachment & illegal unauthorised construction the above mentioned plots at earliest.

Yours faithfully,

Secretary.

Memo No. 7480 /CDA/Dt:- 9.7.2025

Copy to Office of the Superintendent Engineer, Mahanadi South Division-I, Cantonment Road, Cuttack-1 for kind information. *wrt to your letter no - 6631(3)/Dt.30.6.2025 for kind information.*

Secretary.

Memo No. 7481 /CDA/Dt:- 9.7.2025

Copy submitted to the Deputy Commissioner (U.C.)/Deputy Commissioner (Enforcement)/Law Officer, CMC, Cuttack for information & necessary action.

Secretary.

Memo No. 7482 /CDA/Dt:- 9.7.2025

Copy submitted to the Advocate General Odisha, Cuttack for favour of kind information.

Secretary.

Memo No. 7483 /CDA/Dt:- 9.7.2025

Copy submitted to the Collector/Dist. Magistrate Cuttack for favour of kind information.

Secretary.

Memo No. 7484 /CDA/Dt:- 9.7.2025

Copy submitted to the Law Officer/P.M. CDA Cuttack for information necessary action.

Secretary.

T.C. attested
A Dash,
Adw