

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA.
O.A.No.115 of 2021/EZ.

IN THE MATTER OF:

TRIBUNAL ON ITS OWN MOTIONAPPLICANT.

VERSUS

UNION OF INDIA & ORS.RESPONDENTS.


INDEX

S. No.	Particular	Page No
1.	Counter affidavit on behalf of respondent no.7	1-4
2.	<u>Annexure R-7/1</u> Copy of resolution dated 22.12.2022.	5
3.	<u>Annexure R-7/2</u> Copy of the registration certificate along with English translation /typed Copy	6-7
4.	<u>Annexure R-7/3</u> Copy of the Mutation Certificate along with english translation /typed Copy	8-11
5.	<u>Annexure R-7/4 (Colly)</u> Copy of the photographs	12-16
6.	Proof of Service	17

Respondent No. 7

Through

Dated: 09.02.2023.


PRATAP SAHANI & ASSOCIATES
Advocate(s) for respondent No.7
B-203(LGF), Lajpat Nagar-I
New Delhi-110024.
Mob.No – 9871437605
En.no.D/336/94.
Email: pratapsahni@yahoo.co.in

BEFORE THE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE, KOLKATA.

1

O.A.No.115 of 2021/EZ.

IN THE MATTER OF:

TRIBUNAL ON ITS OWN MOTIONAPPLICANT.

VERSUS

UNION OF INDIA & ORS.RESPONDENTS.

COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT
NO.7

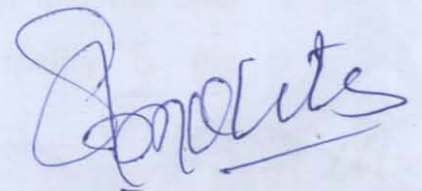
I, Niranjana Mohanty aged about 88 years, S/o. Late Sh. Gopal Charan Mohanty, At/po/dist- Sundargarh, Odisha-770001, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby solemnly affirm and states as under:-

1. I say that the deponent is the secretary of respondent No.7 and am well acquainted with the facts and circumstances of the case and competent to swear this affidavit. I have been duly authorized by the respondent No.7 vide resolution dated 22.12.2022 and the same is annexed herewith as **ANNEXURE R-7/1**.
2. I say that the answering respondent society was registered as Aurobindo Integral Education & Research Centre, Sundargarh vide registration no.S.G.D-941-12/90-91 on dated 09.06.1990 by the Additional Registrar, Sundargarh. Copy of the registration certificate along with English translation is annexed herewith as **ANNEXURE R-7/2**.



[Handwritten Signature]

3. I say that the respondent no.7 purchased the land measuring 1 Ac. 37 decimals at Sundargarh bearing Tehsil No.185 and got the construction works of the school done since then. The school has been run in the title area of respondent No.7. Copy of the Mutation Certificate is annexed herewith as **ANNEXURE R-7/3**.
4. I say that this Hon'ble Tribunal vide order dated 08.04.2022 was pleased to dispose the Original Application No.115/2021 with the following directions:-
- “17. We, therefore, direct the Collector, Sundargarh to take steps for recovery and restoration of this land measuring 0.615 acres as a water body and determine Environmental Compensation and cost of restoration/restitution of this land as water body re-forming part of the Bijuli Bandh. The Collector, Sundargarh shall take the assistance of the Odisha State Pollution Control Board in this regard. Compliance report shall be submitted by the Collector, Sundargarh within four months, i.e. by 30.08.2022.”
5. I say that the District Collector in lieu of the order dated 08.04.2022 formed a Committee and without affording any opportunity to the answering respondent and without any demarcation, demolish the boundary wall of the premises of the answering respondent on the allegation that 0.615 Ac. of land was illegally encroached upon by the answering respondent.
6. I say that the answering respondent had never encroached upon the government land and has constructed the said school within the bounds of it's title area.



7. I say that Bijuli Bandh was earlier maintained by Sundergarh Municipality and at present part of the area is encroached upon by developing a park by the Sundargarh Municipality and by construction of a club run by senior citizens. The photographs annexed with the present counter affidavit would clearly established that the same has been encroached upon by the government residential accommodation and the aforementioned park. Copy of the photographs are annexed herewith as **ANNEXURE R-7/4 (Colly)**.
8. I say that the drain/nullah of government accommodation leading to the water body (Bijuli Bandh) use to overflow and enter the school premises of the respondent society. The respondent society has never discharged its drain water/sewerage to the said water body and it is located at a considerable distance from the said water body. Even the drain water/sewerage discharged from the government quarters situated in the adjoining area enters the applicant's school premises and gets accumulated there, exposing the school children to unhygienic and toxic waste.
9. I say that some developmental works were going in and around the water body even before the Covid-19 pandemic and the applicant has never encroached over the said water body or contributed to it deterioration.
10. I say that the Sundargarh Municipality is a necessary party who can give details of the Bijuli Bandh and the area encroached upon it, since the municipality is the



[Handwritten signature]

government body taking care of the said water body and maintaining it's records.

11. I say that the contents of the present counter affidavit are emanating from records and the documents enclosed with this affidavit are also part of records. The answering respondent has not pleaded anything beyond the record in the present case.

Niranjan Mohanty

Before SMT. PRAVATI JOSHI
NOTARY, SUNDARGARH

DEPONENT
S.A.I.E.&R.C.
MATRUVIHAR
Sundargarh

VERIFICATION

I, Niranjan Mohanty aged about 88 years the above named deponent, S/o Late Sh. Gopal Charan Mohanty, Secretary, Sri Aurobindo Integral Education & Research Centre, Sundargarh, do hereby verify that the contents of paras Nos.1 to 11 are true to my personal knowledge and I have not suppressed any material fact. The annexures enclosed with the counter affidavit are true copies of their respective originals.

Smt. Pravati Joshi, Notary
Sundargarh Govt. of Odisha
REGD. NO. ON-08/2018
EXP. ON DT. 20/11/2023
Sl. No. 1322, Date 11/21/23

*Identified by me
K.K. Lembray
11.02.23
Adv. Sundargarh*

Niranjan Mohanty

DEPONENT
Secretary
S.A.I.E.&R.C.
MATRUVIHAR
Sundargarh



deponent(s), being identified by
Sri/Smt./Ku. *K.K. Lembray*
Advocate Solemnly Affirmed and
Declare the truthness of the contents

Joshi
Smt. Pravati Joshi, NOTARY
SUNDARGARH, GOVT. OF ODISHA
REGD. NO.: ON-08/2018

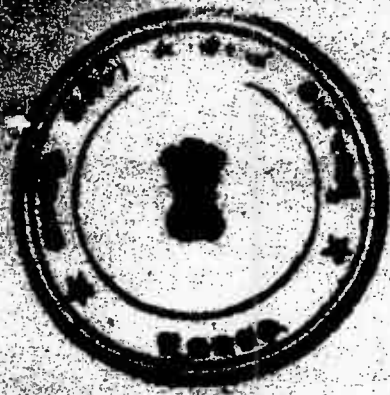
**Extract of the Resolution dated. 22.12.2022 passed in the meeting of the society held on
dated. 22.12.2022 at Sri Aurobindo Integral Education & Research
Centre, Sundargarh**

Resolve that pursuant to the provisions of the Society Act, Mr. Niranjana Mohanty, S/o Gopal Charan Mohanty, Secretary of Sri Aurobindo Integral Education & Research Centre, Sundargarh is hereby authorised to initiate / defend cases on behalf of the Sri Aurobindo Integral Education & Research Centre, Sundargarh before the National Green Tribunal, Eastern Zone Bench, Kolkata and Hon'ble Supreme Court of India.

He is also authorised to signed pleadings VAKALATNAMA, engage lawyers, give statement for and on behalf of the society.

Naresh Kumar Joshi
(Member)


True copy



ସମିତି ନିବନ୍ଧନ ପ୍ରମାଣ ପତ୍ର

1990ର ଅଧିକାର XXI

ପଢ଼ା. ବି. ବି. 941-12/90-91

ସଂ 19 -19

ମୁଁ ଏକକାର ପ୍ରମାଣିତ କରୁଅଛି ଯେ ସମିତି ଅଧିକାର (1990ର

ପଞ୍ଚମ ଅଧିକାର) ଶ୍ରୀ ଅଧିକାର ଉପରେ ପ୍ରମାଣିତ ଏବଂ ବିଶେଷ କାର୍ଯ୍ୟକ୍ରମ

ପ୍ରାପ୍ତ : ଶ୍ରୀ ଅଧିକାର ଗୋ: ଶ୍ରୀ ଅଧିକାର ବିଷୟ: ଶ୍ରୀ ଅଧିକାର

ଅନ୍ୟ କାର୍ଯ୍ୟକ୍ରମ କୋଡ୍ ଅଛି ।

କୋଡ୍ ସଂଖ୍ୟାରେ ଅନ୍ୟ ଚା 09.6.1990 (941-12)

ଉପସ୍ଥାପନ କରୁ ନିମ୍ନ ସମିତିରେ ଶ୍ରୀ ଅଧିକାର ଉପରେ

ପ୍ରମାଣ ଦେବା ।

[Signature]
Secretary
S.A.I.E.&R.C.
MATRUVIHAR
Sundargarh

[Signature]

True Copy



CERTIFICATE OF REGISTRATION

AS PER ACT - XXI OF 1860

S.G.D.-941-12/90-91

IT IS HERE BY PROVE THAT AS PER ACT (NO-XXI OF 1860) SRI AUROBINDO INTEGRAL EDUCATION AND RESEARCH CENTERE , SUNDARGARH, AT – SUNDARGARH , PO- SUNDARGARH , DIST – SUNDARGARH , REGISTERD UNDER THE ACT .

PUT MY SIGNATURE OF 9TH JUNE 1990 OF SUNDARGARH.

True Copy

Niraj Kumar Mohanty
Secretary
S.A.I.E.&R.C.
MATRUVIHAR
Sundargarh

Sd/-

ADDITIONAL REGISTRAR

translated / True Type Copy

ଖତିଆନ

8

ମୌଜା ସୁନ୍ଦରଗଡ଼ ଟାଉନ୍
 ଥାନା ସୁନ୍ଦରଗଡ଼
 ଥାନା-ନମ୍ବର ୧୯

ହେବିଲ ସୁନ୍ଦରଗଡ଼
 ହେବିଲ ନମ୍ବର ୧୮୪
 ଜିଲ୍ଲା ସୁନ୍ଦରଗଡ଼

ଜମିଦାରଙ୍କ ନାମ } ହେଷା ପ୍ରମୋଦ
 ଓ
 ଖେତ୍ୟାଟ ବା ଖତିଆନର ନମ୍ବର } ୧

୧। ଖତିଆନର ହମ୍ବିଲ ନମ୍ବର } ୪୫୦/୩୪୦

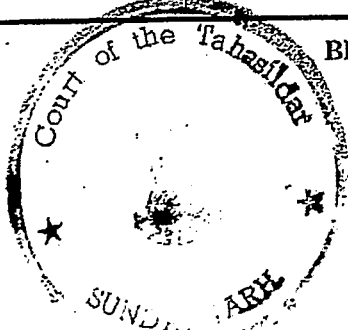
୨। ପ୍ରକାର ନାମ, ପିତାଙ୍କ ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ }
 ପ୍ରମୋଦଙ୍କ ଶ୍ରୀ ସୁନ୍ଦର ପ୍ରମୋଦ ପ୍ରମୋଦ ଶିକ୍ଷା ଚନ୍ଦ୍ରଚୋପା
 କେନ୍ଦ୍ର ସୁନ୍ଦରଗଡ଼

୩। ସ୍ୱତ୍ୱ } ଉଚ୍ଚାଦାନ

Binding Space

କ୍ର. ନମ୍ବର	ଜମି କର	ଖଜଣା	ସେସ୍	ନିଜ୍ଞାତ ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	୫। ସମବର୍ତ୍ତନଶୀଳ ଖଜଣାର ବିବରଣୀ
୪। ଦେସ୍		୨୧୧.୪୫	-	୧୭.୪୦	୨୨୮.୮୫	
		୨୪୭.୫୦	-	୨୦.୫୦	୨୬୮.୦୦	
		୪୭୪.୦୦	-	୩୮.୦୦	୫୧୨.୦୦	


୬। ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ }
 ବି. କେ. ନି. ୧୯୮୯ର ଅନୁଚ୍ଚେଦନ ୩୦୨/୭୭ ଓ ୩୦୩/୭୭ ଅନୁଯାୟୀ ସୁନ୍ଦରଗଡ଼
 ନିଉ ନିୟମ ଖାସ୍ତା ୪୫୪ ଓ ୪୫୫ ଅନୁଯାୟୀ



BLANK SPACE FOR STAMPING

[Signature]
TAHASILDAR
SUNDARGARH

[Signature]
 True Copy

ପୁସ୍ତକ ନାମ ଓ ଲେଖକ ନାମ	କିସମ	କିସମର ବିସ୍ତାରିତ ବିବରଣ ଓ ଗୋଟିକି	ରକମ			ମତ୍ରାଙ୍କ
			ଏ:	ଡି:	ହେକ୍ଟର	
୧	୮	୯	୧୦	୧୧	୧୨	
<u>୭୭୩</u> ୨୧୨୨	କାମଗ୍ରାହକ		୦	୩୨୦		
<u>୭୭୦</u> ୨୧୨୩	କାମଗ୍ରାହକ		୦	୩୮୦		
<u>୭୮୦</u> ୨୧୨୪	କାମଗ୍ରାହକ		୦	୨୧୦		
<u>୭୭୦</u> ୨୧୨୫	କାମଗ୍ରାହକ		୦	୪୦୦		
୪			୧	୩୨୦		<div style="text-align: right;">  TAHASILDAR HINDARGARH </div>

Binding Space

୭୧୧
୦୩୩

Oh
True Copy

Schedule I-Form No.39-A

KHATIAN

Mouza-Sundargarh

Tehsil-Sundargarh

P/S-Sundargarh

Tahsil No.185

P/S No.79

Dist-Sundargarh

1. Landlord name : } Odisha Government
 Khewatl Khatian No } 1

Khatian Serial No. } 460/340

2. Name of Praja } Sri Aurobindo Integral Education
 Caste/Residence } & Research Society Sundargarh

3. Mutation Holder

	Taxes	Rent	Cess	Deferent Cases	Total	Description of rent
4	217.50			17.40	234.90	
	257.50			20.60	278.10	
	475.00			38.00	513.00	

6. Any other classes } Serial No.11/89 and 302/77
 } case from Khata No.458

BLANK SPACE FOR STAMPING

Sd/-1/11/03

TAHASILDAR

SUNDARGARH

Translate / True copy

Plot No.	Kisjan	Description	Rakba		Remark
			Acre	Dec	
7	8	9	10		11
773/2122	Ghar Bari		0	32	-
770/2123	Ghar Bari			34	-
740/2124	Ghar Bari			21	-
770/2125	Ghar Bari			50	-
4			1	37	Sd/- Tahasildar Sundargarh

OG-MP PTS(Forms)440-30,00,000-17-12-1999

de
True Copy



di
Touelopy







h
TrueCopy



O.A.No. 115/2021/EZ, Service of Advance Copy of Counter Affidavit filed by respondent no. 7 and Amended Memo of Parties.

From: Pratap Sahni (pratapsahni@yahoo.co.in)

To: csori@nic.in; paribesh1@osocboard.org; dm-sundargarh@nic.in; fsec.or@nic.in; seiaaodisha@gmail.com; egov-mowr@nic.in

Date: Monday, 13 February, 2023 at 01:30 pm IST

O.A .No. 115/2021/EZ,

Tribunal On Its Own Motion Vs Union Of India & Ors.

Sir,

Please find attached the PDF copy of Counter Affidavit filed by the respondent no. 7 and Amended Memo of Parties in the captioned matter and treat it as advance service.

Pratap Sahani & Associate,s
Advocate for the Respondent No. 7
9871437605



Counter Affidavit.pdf
3.5MB



Amened memo of parties.pdf
381.7kB