

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

O.A NO. 10 OF 2023/EZ

DILLIP KUMAR SAMANTARAY & ORS.

----- APPLICANTS

VRS.

STATE OF ODISHA & ORS. -----

RESPONDENTS

I N D E X

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CUTTACK.
DATE : 28.03.2023

By the Respondent No.4 through


Advocate

**BEFORE THE NATIONAL GREEN TRIBUNAL,
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DILLIP KUMAR SAMANTARAY & ORS.

----- **APPLICANTS**

VRS.

STATE OF ODISHA & ORS.

----- **RESPONDENTS**

**COUNTER AFFIDAVIT FILED BY THE
RESPONDENT NO. 4.**

I, K. Sudarshan Chakravarthy, aged about 42 years, S/O – Seetha Rama Raju Kapudasi, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows:

1. That, I am working as above and have been arrayed as Respondant No. 4 in the aforesaid Original Application. I have gone through the Original Application, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.



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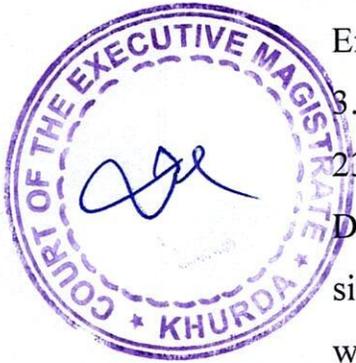
Handwritten signature: K. Sudarshan Chakravarthy.

2. That the applicants have filed the aforesaid application challenging the illegal operation of laterite stone quarries in Mouza-Sahadaghai under Tahasil-Tangi of Dist-Khordha by the lessee in absence of Consent to Establish, Consent to Operate and prior to transfer of Environment clearance in favour of the lessee.

3. That this Hon'ble NGT vide order dated 23.01.2023 has been pleased to direct the Collector & District Magistrate, Khordha to cause an inspection of the site in question which was to be carried out within 4 weeks and submit his report. It has also been directed that the Members of his Committee i.e. the Inspecting Team shall also include the Divisional Forest Officer, Khordha or his senior representative as well as the Director of Mines & Geology, Khordha or his senior representative.

4. That, the operative portion of the order dated 23.01.2023 is extracted as under.

"14. considering the allegations made in the Original application, we direct the Respondent No. 4, Collector & District Magistrate, Khordha, to cause an inspection of the site in question to be carried out within four weeks and submit his report. The Members of his Committee i.e. the Inspecting Team shall also include the Divisional Forest Officer, Khordha or his senior representative as well as the Director of Mines and Geology, Khordha or his senior representative.



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15. The Committee shall submit its report within one month and in case the Committee finds that the allegation made in the Original Application are true and that illegal mining is being carried out as alleged, the District Collector & Magistrate, Khordha, shall take immediate steps and pass appropriate orders to stop such illegal mining and shall also determine Environment Compensation in this regard.

16. The District Collector & Magistrate, Khordha, shall be the Nodal Officer for all logistic purpose."



That it is humbly submitted that in compliance to the above direction, of Hon'ble National Green Tribunal, assessment of quantum of extraction was conducted at Sahadaghai by the Inspecting Team consisting of Addl. SP, Khordha, Sub-Collector, Khordha, RO, SPCB, BBSR, Dy. Director Mines and Geology, BBSR, Tahasildar, Tangi, Scientist, SEIAA, BBSR, ACF, Khordha, Mining Officer, Cuttack, Geologist, Khordha over plot no 712,713,714,716, and 717 on 13.02.2023 at 9.00 AM to calculate the quantum of laterite excavated. The entire excavated area was measured with the help of Total Station and hand-held GPS. Further, as per the recommendation of Committee, the Environmental Compensation has been determined with reference to the order of the Hon'ble NGT passed in O.A No. 150/2019 and the Tahasildar, Tangi has been directed to realize the dues vide letter No. 2252 dtd.

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20.02.2023. The Sub-Collector, Khordha has also been directed for promulgation of Sec-144 of CrPC over the plots of Sahadaghai mouza immediately to stop the illegal mining over the said area and to intimate the action taken report within 3 days.

Copy of the Joint Committee verification report **dtd.13.02.2023** on Sahadaghai laterite quarry along with enclosures are annexed herewith as **Annexure-A/4 Series.**

6. That in reply to the averments made in Paragraph-1 & 2 of the Original Application, it is humbly submitted that Mr. Patitapaban Barik, Respondent No. 11, being the lessee of Sahadaghai Laterite Stone Quarry-A was selected as the highest bidder for the source over the Plot No. 719 under Khata No. 278 having area Ac 6.320 dec of Kisam-Bagayat-2 of Mouza- Sahadaghai under Tangi Tahasil in order to extract 1500 cubic metre of Laterite Stone per year as per approved Mining Plan.

7. That in reply to the averments made in Paragraph-3 to 6 of the Original Application, it is humbly submitted that before operation of Laterite Stone Quarry-A over the selected plot No. 719 of Mouza-Sahadaghai, the Environmental Clearance (EC) was issued in respect of the lease area in favour of Tahasildar, Tangi vide SEIAA, Odisha letter No. 10394 dtd. 17.12.2020 and



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accordingly, Lease Agreement was executed with the said Lessee on 18.06.2021. Subsequently, the Environmental Clearance(EC) granted in the name of Tahasildar, Tangi was transferred to Mr. Patitapaban Barik, the Lessee, vide SEIAA, Odisha letter No. 4522 dtd. 11.05.2022. Though, Consent to Establish(CTE) was issued on 12.10.2022 by the State Pollution Control Board, Odisha, Bhubaneswar on 12.10.2022, Consent to Operate(CTO) was not issued for the said quarry.

8. That it is further submitted that in obedience to the orders dtd. 23.01.2023 of the Hon'ble Tribunal, the Collector & District Magistrate, Khordha constituted a Committee under his Chairmanship incorporating concerned officials i.e. Chairman, SEIAA or Senior representative, Director of Mines and Geology, Khordha or Senior representative, Superintendent of Police, Khordha, Divisional Forest Officer, Khordha, Sub-Collector, Khordha, R.O, SPCB, Bhubaneswar, Tahasildar, Tangi and Geologist, Khordha as Members vide order No. 1550 dtd. 04.02.2023 in order to inspect the alleged illegal operation of Laterite Stone Quarry-A over Plot No. 712, 713,714,716 and 717 of Mouza-Sahadaghai.

9. That, during inspection, the Committee observed that the EC, CTE and Y form was issued for Sahadaghai



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Laterite Quarry pertaining to Plot No. 719 of Mouza-Sahadaghai, but no mining activity was noticed over the said plot rather, illegal mining was operated over the non-lease plots bearing Plot No. 712, 713,714,716 and 717 of Mouza-Sahadaghai.

10. That in reply to the averments made in Paragraph-7 to 10 of the Original Application, it is humbly submitted that as to the direction of Hon'ble Tribunal, the said Inspecting Team inspected the site in question on 13.02.2023 at 9.00 A.M and during inspection, illegal mining was noticed over several patches of Plot No. 712, 713,714,716 and 717 of Mouza-Sahadaghai. The Inspecting Team also witnessed that though, the extent of quarry was identified by the concerned Revenue Inspector, boundary pillars, as mentioned in the approved Mining Plan were not found at quarry lease area which reveals that the lessee has intentionally not posted the boundary pillars for operating quarry beyond the lease area. It is further submitted that the entire illegal excavated area has been measured with the help of Total Station and hand-held GPS and the quantum of extraction of laterite and morrum is found to be 5861 cubic metre and 5257 cubic metre respectively. As per the Notification No. 5157 dtd. 17.02.2022 of Revenue & Disaster Management Department, Odisha, Bhubaneswar



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and the recommendation of Committee, the Environmental Compensation has been determined with reference to the order of the Hon'ble NGT passed in O.A No. 150/2019. The determination of Environmental Compensation in respect of present case is already annexed as Annexure-A/4.



10. That in reply to the averments made in Paragraph-11 to 13 of the Original Application, it is humbly submitted that Mr. Patitapaban Barik, Respondent No. 11, was selected highest bidder for Sahadaghai Laterite Stone Quarry-A pertaining to Plot No. 719 under Khata No. 278 having area Ac 6.320 dec of Mouza- Sahadaghai under Tangi Tahasil in order to extract 1500 cubic metre of Laterite Stone per year as per approved Mining Plan. The Environmental Clearance(EC) was granted on 17.12.2020 in favour of Tahasildar, Tangi which subsequently was transferred to Mr. Patitapaban Barik(successful bidder), Respondent No. 11, vide SEIAA Letter No. 4522 dtd. 11.05.2022. Though, EC, CTE were issued in favour of the Lessee against Plot No. 719 under Khata No. 278, illegal mining was noticed over Plot No. 712, 713, 714, 716 & 717. Accordingly, as per the suggestion of the Committee, the Tahasildar, Tangi has been directed for collection of penalty and compensation amount with reference to the guidelines of

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CPCB for violation of statutory norms of Mining Plan, Environmental Clearance, Consent to Establish and Consent to Operate of illegal mining activities made by Mr. Barik and in turn the Tahasildar has already issued notice to the illegal activist to deposit the penalty and compensation as determined by the Committee vide his office Letter No. 1010 dtd. 27.02.2023.

Copy of Letter No. 1010, dtd. 27.02.2023 is enclosed herewith as **ANNEXURE B/4**.

11. That in reply to the averments made in Paragraph-14 to 16 of the Original Application, it is humbly submitted that during inspection of site, the Inspecting Team found that the Lessee Mr. Patitapaban Barik was illegally operating laterite stone mining over different patches of land pertaining to non-lease area i.e Plot No. 712, 713, 714, 716 & 717 of Mouza-Sahadaghai violating statutory norms of the mining plan. In this regard, as per the suggestion of the Committee, notice has been issued to the illegal activist Mr. Barik by the Tahasildar, Tangi directing him to show cause for illegally operated laterite stone and morrum quarry over Plot No. 712, 713, 714, 716 & 717 of Mouza-Sahadaghai and as to why the lease shall not be cancelled due to violation of agreement of lease deed, Mining Plan, Environment Clearance etc vide his office letter No. 1022 dtd. 27.02.2023.



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Copy of letter No. 1022 dtd. 27.02.2023 is enclosed herewith as ANNEXURE C/4.

Further, as per instruction of the Committee and Collector Khordha, an FIR against Mr. Barik has been lodged in Jankia P.S under Section-154 of CrPC by the Tahasildar, Tangi for the above said illegal mining activities vide FIR No. 0075 dtd. 24.02.2023.



Copy of FIR dtd. 24.02.2023 is enclosed herewith as ANNEXURE D/4.

12. That in reply to the averments made in Paragraph-17 to 19 of the Original Application, it is humbly submitted that as per the suggestion of the Committee, the Sub-Collector, Khordha was directed to promulgate Section-144 of CrPC over the affected areas in order to stop the illegal quarry operation and accordingly the Sub-Collector, Khordha has issued proceedings under Section-144 CrPC in order to restrain general public/unknown miscreants to enter into the affected case plots for unauthorized/illegal mining and related activities vide Misc. case No. 66/2022.

Copy of order passed by Sub Collector Khordha in Misc case No. 66/2022 is enclosed herewith as ANNEXURE E/4.

13. That direction has also been issued to the Tahasildar, Tangi for keeping close watch over the illegal

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mined areas of Mouza-Sahadaghai to ensure that no further illegal mining is taken place and in response, the Tahasildar has reported that on regular interval, the concerned Revenue Inspector is visiting the case plots and reported that no more illegal operation of mining activities is being done in the affected areas.

14. That in reply to the averment made in Paragraph-20 of the Original Application, the Respondent No. 4 has no comments to offer in this regard.



15. That in reply to the averment made in Paragraph-21 of the Original Application, it is humbly submitted that the Investigating Team has observed the fact that some acasia, cashew and other associate trees were existing over the affected areas which have been fallen due to illegal mining and in pursuant to the recommendation of the Committee, compensation has been imposed upon the lessee for such illegal activities and appropriate actions have also been taken against him in this regard.

16. That in reply to the averments made in Paragraphs-22 to 25 of the Original Application, it is humbly submitted that the Tahasildar, Tangi has been directed to keep a close watch over the illegally mined areas of Village-Sahadaghai and to take all possible steps to stop

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such illegal activities in the suit areas. Further, all possible enforcement activities are being done by the concerned Tahasil in regular intervals to check the illegal mining and necessary action is being taken against the mischievous as per law.

17. That in reply to the averments made in Paragraph-26 to 27 of the Original Application, it is humbly submitted that in obedience to the order passed by the Hon'ble Tribunal, a Committee was constituted for inspection of site in question and accordingly, assessment of quantum of extraction was conducted at Sahadaghai by the Inspecting Team consisting of Addl. SP, Khordha, Sub-Collector, Khordha, RO, SPCB, BBSR, Dy. Director Mines and Geology, BBSR, Tahasildar, Tangi, Scientist, SEIAA, BBSR, ACF, Khordha, Mining Officer, Cuttack, Geologist, Khordha over plot no 712,713,714,716, and 717 on 13.02.2023 to calculate the Quantum of laterite/morrum excavated. The entire excavated area was measured and as per the recommendation of Committee, the Environmental Compensation has been determined and the lessee has been noticed to pay the total amount Rs. 7,25,60,301/- towards compensation.

Further, as per the Notification No. 5157 dtd. 17.02.2022 of Revenue & Disaster Management Department, Odisha, Bhubaneswar, the District Level



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Committee constituted under the Chairmanship of Respondent No. 4 for fixation of compensation regime for illegal mining of different minor minerals towards environmental and ecological damages as per the norms fixed by CPCB has fixed the compensation amount in the matter of illegal/unauthorized quarrying and compensation amount for laterite and morrum has been fixed at Rs. 3080/- per cubic metre and Rs. 712/- per cubic metre respectively for Khordha district.

18. That in reply to the averment made in Paragraphs-28 & 29 of the Original Application, it is humbly submitted that in obedience to the order dtd. 23.01.2023 passed by the Hon'ble Tribunal, the Inspecting Team has measured the total excavated area with the help of Total Station and hand-held GPS and as per the recommendation of Committee, the Environmental Compensation has been determined and the lessee has been directed to pay the total amount of Rs. 7,25,60,301/- towards compensation and the quantum of illegally extraction of laterite and morrum is found to be 5861 cubic metre and 5257 cubic metre respectively. Accordingly, the compensation has been determined against the said lessee and all possible measures have been taken by the District Administration in order to stop



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the illegal lifting of minor mineral from the affected areas.

19. That in reply to the averment made in Paragraph-30 of the Original Application, it is humbly submitted that Tahasildar Tangi and IIC Tangi have been suitably instructed to keep a constant watch on the quarry areas and to ensure that no illegal quarrying operation is carried out thereupon.

20. That in reply to the averment made in Paragraph-31 of the Original Application, it is humbly submitted that as per the suggestion of the investigating Committee, FIR has already been lodged against the lessee, Mr. Barik, in Jankia P.S under Section-154 of CrPC by the Tahasildar, Tangi for the above said illegal mining activities as per the provisions of the Act vide FIR No. 0075 dtd. 24.02.2023.

21. That in reply to the averment made in Paragraph-32 of the Original Application, it is humbly submitted that in obedience to the order passed by the Hon'ble Tribunal, the District Administration has taken appropriate actions against the lessee imposing penalty and compensation for illegal extraction of laterite and morrum from the affected plots. Show cause notice has been issued for cancellation of Lease Agreement and FIR



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has also been lodged against the lessee, under Section-154 of CrPC as per the provisions of the Act.

22. That in reply to the averment made in Paragraphs-33 to 36 of the Original Application, the Respondent No. 4 has no comments to offer in this regard.

REPLY TO THE GROUNDS

23. That in reply to the grounds No. A to C of the Original Application, it is humbly submitted that the Environmental Clearance (EC), Consent to Establish (CTE) and Y form were issued for Sahadaghai Laterite Stone Quarry-A for Plot No. 719 under Khata No. 278 of Mouza-Sahadaghai under Tangi Tahasil. But during investigation it is found that the illegal mining was done over the Plot No. 712,713,714,716, and 717 of Mouza-Sahadaghai contravening the norms of Lease Agreement and Mining Plan for which appropriate action has been taken against the lessee as per provisions of law.

24. That in reply to the grounds No. D of the Original Application, it is humbly submitted that the Investigating Team has noticed the fact that some acasia, cashew and other associate trees were existing over the affected areas which have been fallen due to illegal mining and for above illegal activities, appropriate actions have already been taken against the lessee as per the provision of law.



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25. That in reply to the grounds from E to G of the Original Application, it is humbly submitted that as per the recommendation of the Committee, penalty along with compensation has been imposed upon the lessee for such illegal activities and appropriate actions have also been taken against him. All possible measures are being taken by the District Administration in order to stop the illegal lifting of minor mineral from the affected areas.

26. That in reply to the ground H of the Original Application, it is humbly submitted that EC has been granted in respect of Sahadaghai laterite stone quarry and accordingly the quarry was settled following provisions of law.

27. 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 there from and the present deponent reserves the right to file any further affidavit as and when required and directed by this Hon'ble Tribunal.

Identified by



Advocate.

K. Sudarshan Chakravarty

Deponent 28.03.23

Collector & District Magistrate
Khordha



VERIFICATION

I, Shri K. Sudarshan Chakravarthy, aged about 42 years, Son of Seetha Rama Raju Kapudasi, at present serving as Collector and District Magistrate, Khordha, do hereby solemnly affirm and verify the contents of paragraph nos. 1 to 28 of the affidavit are true to my knowledge and that I have not suppress any material facts. I sign this verification at my office on 28th day of March 2023.



NO. 1097 Dt. 28-03-23

K. Sudarshan Chakravarthy
VERIFICANT 28.03.23
 Collector & District Magistrate
 Khordha

AFFIDAVIT

The above deponent being personally known to me appears before me on 28/3/23 at 1.15 AM / PM and states on oath that the contents of the show cause reply are true to the best of his knowledge based on official records.

K. Sudarshan Chakravarthy
 28-03-23
 Deponent


 28/3/23
 Executive Magistrate, Khordha.

Executive Magistrate
 Khurda

Joint Committee verification report on Sahadaghai Laterite quarry in the matter of Dillip Kumar Samantray & Ors Vrs State of Odisha & Ors of NGT case O.A. No. 10/2023 order dated 23.01.2023.

1.0 Background:

With reference to Hon'ble NGT order dated 23.01.2023 in the matter of O.A. No. 10 of 2023 (EZ) titled Dillip Kumar Samantray & Ors Vrs State of Odisha & Ors, it was directed to "the Respondent No. 04, Collector & District Magistrate, Khordha to cause an inspection of the site in question to be carried out within four weeks and submit his report. The Members of his Committee i.e., the Inspecting Team shall also include the Divisional Forest Officer, Khordha or his senior representative as well as Director of Mines and Geology, Khordha, or his senior representative"

In view of this a team consisting of the following members, Collector & District Magistrate, Khordha, Additional District Magistrate (Revenue), Khordha, Additional Superintendent of Police, Khordha, Sub-Collector, Khordha, Dy. Director Mines and Geology, Bhubaneswar, Regional Officer from SPCB, Bhubaneswar, Assistant Conservator of Forest, Khordha, Tahasildar, Tangi, Assistant Mining Officer, Cuttack, Geologist, Khordha and Environmental Scientist from SEIAA, Odisha, Bhubaneswar visited the site to look into the matter on **13.02.2023**. On behalf of the petitioner, Sri Pradip Jayasingh, S/o-Gadadhar Jayasingh At-Tankol, Tahasil-Tangi, Dist-Khordha and some villagers were present during the joint inspection.

Sl No.	Name	Designation	Organisation
1.	Sri K. Sudarshan Chakravarthi	Collector & District Magistrate, Khordha	Govt. of Odisha
2.	Sri Saphalya Mandita Pradhan	Additional District Magistrate (Revenue), Khordha	Govt. of Odisha
3.	Sri Surendra Nath Murmu.	Additional Superintendent of Police, Khordha	Govt. of Odisha
4.	Sri Dipti Ranjan Sethi	Sub-Collector, Khordha	Govt. of Odisha
5.	Sri Santosh Kumar Sahoo	Dy. Director Mines and Geology, Bhubaneswar	Govt. of Odisha
6.	Sri Sohan Giri	Regional Officer, SPCB, Odisha, Bhubaneswar	State Pollution Control Board, Khordha
7.	Dr. Janmejaya Sahoo	Tahasildar, Tangi	Govt. of Odisha
8.	Sri Gobinda Chandra Biswal	Assistant Conservator of Forest, Khordha	DFO Office, Khordha
9.	Dr. Pradeept Kumar Nayak	Environmental Scientist, SEIAA, Odisha, Bhubaneswar	SEIAA, Odisha
10.	Sri Dipen Parida	Geologist, Khordha	Office of Collector & DM Khordha
11.	Ranjit Kumar Behera	Assistant Mining Officer, Cuttack	Office of DDM, Cuttack

True copy attested

Collector & District Magistrate
Khordha

2.0 Present Status of the allegation against Stone quarry:

As to the direction of Hon'ble National Green Tribunal, assessment of quantum of extraction was conducted at Sahadaghai by the Inspecting Team consisting of Addl. SP, Khordha, Sub-Collector, Khordha, RO, SPCB, BBSR, Dy. Director Mines and Geology, BBSR, Tahasildar, Tangi, Scientist, SEIAA, BBSR, ACF, Khordha, Assistant Mining Officer, Cuttack, Geologist, Khordha over plot no 712, 713, 714, 716, and 717 on 13.02.2023 at 9.00 AM to calculate the Quantum of laterite and Morrums excavated. The entire excavated area was measured with the help of Total Station and hand-held GPS. From the field verification following observations were made:

Sl. No.	Issues	Present status
1.	<p>The Respondent No.11(Sri Patitapaban Barik, lessee/successful bidder of Sahadaghai laterite quarry-A) was carrying on illegal laterite stone quarries mining in Mouza-Sahadaghai, Tahasil-Tangi, Dist-Khordha, in absence of Consent to Establish (CTE), Consent to Operate (CTO) and prior of Transfer of Environmental Clearance (EC) dated 11.05.2022</p> <p><i>True copy attested.</i></p> <p> Sub-Collector & District Magistrate Khordha</p>	<ol style="list-style-type: none">1. Environmental Clearance (EC) was issued for the Sahadaghai Laterite Stone Quarry-A over a lease area of 6.325 acres or 2.56 Ha at village-Sahadaghai, Tahasil-Tangi, Dist-Khordha vide SEIAA, Odisha letter no. 10394/SEIAA dated 17.12.2020 in favour of Tahasildar, Tangi.2. Transfer of EC from the name Tahasildar, Tangi to Sri Patitapaban Barik (successful bidder) was made vide SEIAA, Odisha letter no. 4522/SEIAA dated 11.05.2022(Online application no. SIA/OR/MIN/271033/2022).3. Consent to Establish (CTE) was issued on 12.10.2022 by SPCB, Odisha but Consent to Operate (CTO) has not been issued for the said quarry (plot no.719, Khata no.278).4. During inspection it was observed that the EC, CTE and Y form was issued for Sahadaghai Laterite Stone Quarry-A bearing Plot No. 719 but no mining activity was observed over the said plot.5. Illegal mining was noticed over plot no. 712, 713, 714, 716 & 717 and during inspection there were no mining activities and no machineries found at that place.6. Based on observation the committee suggested the Mines Dept. to calculate the illegally mined out material (without EC, CTO and

		approval from Tahasil) in that area and accordingly the concerned Dept. calculated illegally mined out material. The details are mentioned below.
2.	The petitioner alleged that the area in question is full of acacia, cashew and other associate trees and the said land is forest land recorded in the Sabik Record.	<ol style="list-style-type: none"> 1. The committee observed that some acacia, cashew and other associate trees were existing over the area and some species were fallen due to illegal mining to clear that area for easily extraction of materials. 2. That area is not coming under forest according to the Hal record. But in Sabik record it is found that Khata No.165, Plot No.384, corresponding to Plot No.712, 713, 714, 716 and 717 comes under Kisam-Chhota Jungle.

3.0 Over all observations:

The committee members observed the following at the time of inspection:

- Environmental Clearance (EC) was issued for the Sahadaghai Laterite Stone Quarry-A over a lease area of 6.325 acres or 2.56 Ha at village-Sahadaghai, Tahasil-Tangi, Dist-Khordha vide SEIAA, Odisha letter no. 10394/SEIAA dated 17.12.2020 in favour of Tahasildar, Tangi.
- Transfer of EC from the name Tahasildar, Tangi to Sri Patitapaban Barik (successful bidder) was made vide SEIAA, Odisha letter no. 4522/SEIAA dated 11.05.2022(Online application no. SIA/OR/MIN/271033/2022).
- Consent to Establish (CTE) was issued on 12.10.2022 by SPCB, Odisha but Consent to Operate (CTO) has not been issued for the said quarry (plot no.719, Khata no.278).
- EC, CTE issued only for plot no. 719 and no mining activity was observed over the said plot. Illegal mining was noticed over Plot no. 712, 713, 714, 716 & 717 except plot no. 719, Khata no. 278 and the Committee concluded that there was illegal mining occurred and accordingly suggested for calculation of illegally mined out material.
- The extent of the quarry was identified by concerned RI. Boundary pillars mentioned in the approved mining plan were not found at quarry lease area which reveals that the lessee has intentionally not posted the boundary pillars and operated quarry outside the lease area.
- The Quarry operation was made at several patches over the plot no. 712, 713, 714, 716, and 717. The quantum of excavation was estimated over these plots. The details of calculation are given in the Table below.

True copy attested.


 Collector & District Magistrate
 Khordha

- The details calculation of illegally mind out material as follows:

1. Table of Calculation: Plot No.712, 713 and 714 (**Laterite**)

SL NO	PATC H	Excavated area AREA in Sq.M	THICKNESS in M	VOLUME excavation cu.m	of in
1	A	159	3	477	
2	B	42	1	42	
3	C	143	3	429	
			TOTAL	948	

2. Table of Calculation: Plot No.716 and 717 (**Laterite**)

SL NO	PATC H	Excavated area AREA in Sq.M	THICKNESS in M	VOLUME excavation cu.m	of in
1	A	1337	2	2674	
2	B	515	2	1030	
3	C	834	0.5	417	
4	D	314	0.5	157	
5	E	635	1	635	
			TOTAL	4913	

3. Table of Calculation: Plot No.712, 713 and 714 (**Morrum**)

SL NO	PATC H	Excavated area AREA in Sq.M	THICKNESS in M	VOLUME excavation cu.m	of in
1	A	159	1	159	
2	B	42	1	42	
3	C	143	1	143	
			TOTAL	344	

4. Table of Calculation: Plot No.716 and 717 (**Morrum**)

SL NO	PATC H	Excavated area AREA in Sq.M	THICKNESS in M	VOLUME excavation cu.m	of in
1	A	1337	2	2674	
2	B	515	2	1030	
3	C	834	0.5	417	
4	D	314	0.5	157	
5	E	635	1	635	
			TOTAL	4913	

Total Laterite excavated: 948+4913=**5861** cu.m

Total Morrur excavated: 344+4913=**5257** cu.m

True copy attested.

Collector & District Magistrate
Khordha

1. Calculation for compensation of Laterite according to the order of Hon'ble NGT in O.A. No.150/2019 and CPCB guidelines:

Market value of illegally mined Laterite (D) = 5861 x Rs.3080/- (Scale of compensation regime towards environmental and ecological damage for laterite was calculated @Rs.3080/- in the meeting held on 17.10.2023)(Annexure-1)

Annual value of Foregone Ecological value D*RF=Rs. 1,80,51,880 x 1(RF=1, Sever Impact) =Rs. 1,80,51,880/-

- Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)

$$PV = \sum_{t=1}^5 (D*RF)/(1+r)^t$$

$$= \frac{18051880}{(1+0.05)^1} + \frac{18051880}{(1+0.05)^2} + \frac{18051880}{(1+0.05)^3} + \frac{18051880}{(1+0.05)^4} + \frac{18051880}{(1+0.05)^5} = 17192266+16373587+15593892+14851370+14139688 = \mathbf{Rs. 7, 81, 50,803/-}$$

- Net present value (after netting out market value of illegally mined material) – i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= Rs. 7,81,50,803.00 - Rs. 1,80,51,880.00 = Rs. 6,00,98,923/-$$

Compensation Charge in above case for **Laterite: Rs. 6,00,98,923/-**

2. Calculation for compensation of Morrum according to the order of Hon'ble NGT in O.A. No.150/2019 and CPCB guidelines:

Market value of illegally mined Morrum (D)- 5257 x 712/- (Scale of compensation regime towards environmental and ecological damage for morrum was calculated @Rs.712/- in the meeting held on 17.10.2023)(Annexure-1)

Annual value of Foregone Ecological value D*RF= Rs.37,42,984/-

- Present value of Foregone Ecological values (@ 5% discount rate and over 5 years)

$$PV = \sum_{t=1}^5 (D*RF)/(1+r)^t$$

$$= \frac{3742984}{(1+0.05)^1} + \frac{3742984}{(1+0.05)^2} + \frac{3742984}{(1+0.05)^3} + \frac{3742984}{(1+0.05)^4} + \frac{3742984}{(1+0.05)^5} = 3564746 + 3394996 + 3233330 + 3079362 + 2931929 = \mathbf{Rs. 1, 62, 04,362/-}$$

- Net present value (after netting out market value of illegally mined material) – i.e., Total Compensation to be levied

$$= NPV = PV - D$$

$$= 1, 62, 04,362 - 3742984 = Rs. 1, 24, 61,378/-$$

Compensation Charge in above case for **Morrum: Rs. 1, 24, 61,378/-**

True copy attested

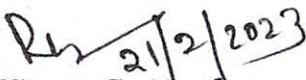

 Collector & District Magistrate
 Khordha

Total Compensation Charge in above case for Laterite and Morrum=6,00,98,923+1,24,61,378= Rs.7,25,60,301

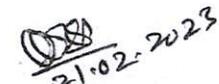
Conclusion:

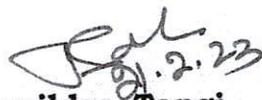
A letter no.2255 dated 20.02.2023 (Annexure-2) has been issued to Sub-Collector, Khordha for promulgation Section-144 CrPC over the plots of Sahadaghai mouza immediately to stop further illegal mining over the said area and intimate the action taken report within three days.

Another letter no.2252 dated 20.02.2023 (Annexure-3) has been issued to Tahasildar Tangi to realize the dues from the lessee and take all possible steps to stop illegal mining in the Sahadaghai mouza under Tangi Tahasil and intimate the action taken report within three days.


Asst. Mining Officer, Cuttack

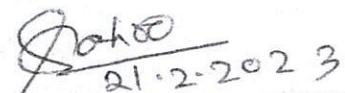

Geologist, Khordha


ACF, Khordha

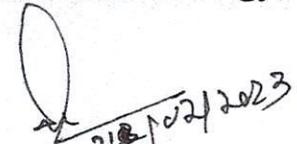

Tahasildar, Tangi


Scientist, SEIAA, BBSR


RO, SPCB, BBSR


Dy. Director Mines and Geology, BBSR


Sub-Collector, Khordha


Addl. Superintendent of Police, Khordha


Additional District Magistrate (Revenue), Khordha

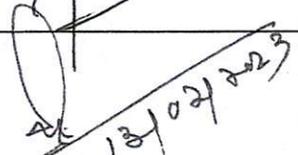
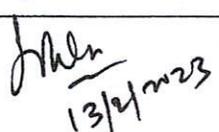
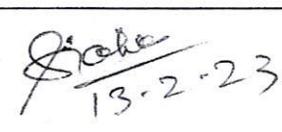
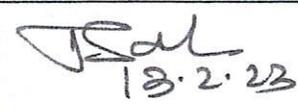
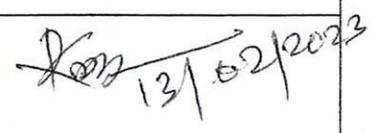
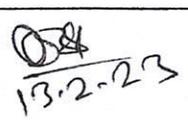
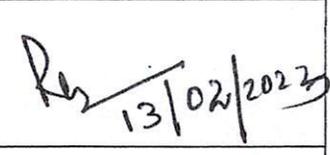
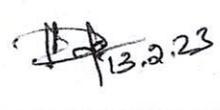

Collector and District Magistrate, Khordha

True copy attested.


Collector & District Magistrate
Khordha

-23-

MEMBERS PRESENT DURING THE SPOT VISIT ON 13.02.2023 AT 09.00 AM
AT SAHADAGHAI VILLAGE OF TANGI TAHASIL OF KHORDHA DISTRICT FOR
INSPECTION OF THE PLOT NO.712, 713, 714, 716 AND 717 ACCORDING TO
DIRECTION OF HON'BLE NGT IN O.A. NO.10/2023

Sl. No	Name	Designation	Signature
1	Sri K Sudarshan Chakravarthy	Collector, Khordha	
2	Sri Saphalya Mandit Pradhan	Addl. Dist. Magistrate, Khordha	
3	Sumanaha Math Muzony, O.P.S.-I Addl. S.I. KDA	Addl. Superintendent of Police, Khordha	 13/02/2023
4	Sri Dipti Ranjan Sethi	Sub-Collector, Khordha	 13/2/23
5	Dr. S. Gini	RO, SPCB Odisha, BBSR	 13/2/2023
6	Santosh Kumar Sahoo	Deputy Director, Mines and Geology, BBSR	 13-2-23
7	Janmejay Sahu	Tahasildar, Tangi	 13.2.23
8	Dr. Pradeep Kumar Nayak	Scientist, SEIAA, BBSR	 13/02/2023
9	Gobinda Ch. Biswal	Assistant Conservator of Forest, Khordha	 13.2.23
10	Ranjit Kumar Behera	Asst Mining Officer, Cuttack	 13/02/2023
11	Sri Dipen Parida	Geologist, Khordha	 13.2.23

True copy attested.


Collector & District Magistrate
Khordha

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Letter No. 2253 /Touzi, Dated. 20/02/2023

To

The Tahasildar, Tangi.

Sub: Regarding action taken on O.A. No.10/2023/EZ filed by Dillip Kumar Samantaray vrs State of Odisha on illegal operation of laterite stone mining over Plot No. 712, 713, 714, 716 and 717 of Mouza-Sahadaghai under Tangi Tahasil of Khordha District.

Sir,

In inviting a reference to the subject cited above, I am to say that as per orders dated. 23.01.2023 of Hon'ble NGT passed in O.A. No.10/2023/EZ filed by Dillip Kumar Samantaray vrs State of Odisha on illegal operation of laterite stone mining over Plot No. 712, 713, 714, 716 and 717 of Mouza-Sahadaghai under Tangi Tahasil of Khordha District, a team has been constituted consisting of Addl. SP, Khordha, Sub-Collector, Khordha, RO, SPCB, BBSR, Dy. Director Mines and Geology, BBSR, Tahasildar, Tangi, Scientist, SEIAA, BBSR, ACF, Khordha, Mining Officer, Cuttack and Geologist, Khordha over plot no 712,713,714,716, and 717. The team visited the site on 13.02.2023 at 9.00 AM to calculate the Quantum of laterite and morrum/Red soil illegally excavated pursuant to the directives of Hon'ble NGT(EZ) Kolkata Bench.

It is found that the lessee Mr Patitapaban Barik is the lessee of Sahadaghai Laterite Stone Quarry-A who was selected the highest bidder for the source over the plot 719, Khata no 278 (Area-6.32 Ac) Kisam-Bagayat-2 of village Sahadaghai, to extract 1500 cum of Laterite Stone per year as per approved mining plan. The Environment Clearance was granted on 17.12.2020 in favour of Tahasildar, Tangi. Lease Agreement was executed on 18.06.2021. Transfer of EC was granted on 11.05.2022 by SEIAA. Consent to Establish was granted on 12.10.2022. Although Consent to Operate was not issued by Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar yet the lessee is illegally operating laterite stone mining over the plot no 712,713,714,716 and 717. There is no mining activity found over the allotted plot No.719 for which he was selected as the highest bidder with an additional charge of Rs.20/- per cubic meter.

True copy attested.

Collector & District Magistrate
Khordha



It is also found by the inspecting team that, the lessee Mr Patitapaban Barik has illegally operated laterite stone mining and excavated area of 3979 sq. mtr. of different patches over the plot no 712,713,714,716 and 717 and the quantum of extraction of laterite and morrum is found to be 5861 cubic meter and 5257 cubic meter respectively. It is also found that though the lessee Mr. Patitapabana Barik was selected as highest bidder and consequently transferred EC and obtained consent to establish, boundary pillars mentioned in the approved mining plan were not found at quarry lease area which reveals that the lessee has intentionally not posted the boundary pillars and operated quarry outside the lease area.

As per the Notification No.5157, Dated.17.02.2022 of Revenue & Disaster Management Department, Odisha, Bhubaneswar, the District Level Committee constituted under the Chairmanship of Collector, Khordha for fixation of compensation regime for illegal mining of different minor minerals towards environmental and ecological damages as per CPCB. Compensation amount for laterite and morrum were fixed for Rs.3080 and Rs.712/- respectively for Khordha District.

Hence, you are hereby directed to take following actions against the lessee Mr. Patitapaban Barik.

- Collection of **penalty and compensation amount** as per guidelines of CPCB for violation of statutory guidelines of Mining Plan, Environmental Clearance, Consent to Establish and Consent to Operate and intimate the district office accordingly.
- Lodging of FIR against the lessee Mr. Patitapaban Barik for illegally operated laterite stone and morrum mining and excavated area of 3979 sq. mtr. of different patches over the plot no 712,713,714,716 and 717.
- Issuance of a show cause notice to the lessee Mr. Patitapaban Barik stating why the lease will not be cancelled due to violation of agreement of lease deed, Mining Plan, Environmental Clearance, Consent to Establish and Consent to Operate and take appropriate action in this regard.

True copy attested.

Collector & District Magistrate
Khordha

Further you are directed to keep a close watch over the illegally mined areas of Sahadaghai mouza to ensure that no further illegal mining takes place in future.

Hence you are hereby directed to take all possible steps to stop illegal mining in the Sahadaghai mouza under Tangi Tahasil and intimate the District office accordingly the action taken report for onward submission of report before Hon'ble NGT within three days of receipt of this letter.

Yours faithfully,


Collector, Khordha

Memo No. 2254 /Touzi, Dated. 20/02/2023

Copy forwarded to the Superintendent of Police, Khordha/Sub-Collector, Khordha for information & necessary action.


Collector, Khordha

True copy attested.


Collector & District Magistrate
Khordha

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE: KHORDHA

Letter No. 2255 /Touzi, Dated. 20/02/2023

To

The Sub-Collector, Khordha.

Sub: Regarding action taken on O.A. No.10/2023/EZ filed by Dillip Kumar Samantaray vrs State of Odisha on illegal operation of laterite stone mining over Plot No. 712, 713, 714, 716 and 717 of Mouza-Sahadaghai under Tangi Tahasil of Khordha District and promulgation of section 144 CrPC.

Sir,

In inviting a reference to the subject cited above, I am to say that as per orders dated. 23.01.2023 of Hon'ble NGT passed in O.A. No.10/2023/EZ filed by Dillip Kumar Samantaray vrs State of Odisha on illegal operation of laterite stone mining over Plot No. 712, 713, 714, 716 and 717 of Mouza-Sahadaghai under Tangi Tahasil of Khordha District, a team has been constituted consisting of Addl. SP, Khordha, Sub-Collector, Khordha, RO, SPCB, BBSR, Dy. Director Mines and Geology, BBSR, Tahasildar, Tangi, Scientist, SEIAA, BBSR, ACF, Khordha, Mining Officer, Cuttack, Geologist, Khordha over plot no 712,713,714,716, and 717 . The team visited the site on dtd. 13.02.2023 at 9.00 AM to calculate the Quantum of laterite and morrum/Red soil illegally excavated.

It is found that the lessee Mr Patitapaban Barik is the lessee of Sahadaghai Laterite Stone Quarry-A who was selected as highest bidder for the source over the plot 719, Khata no 278 (Area-6.32 Ac) Kisam-Bagayat-2, to extract 1500 cum of Laterite Stone per year. The Environment Clearance was granted on 17.12.2020 in favour of Tahasildar, Tangi. Lease Agreement was executed on 18.06.2021. Transfer of EC was granted on 11.05.2022 by SEIAA. Consent to Establish was granted on 12.10.2022. Although Consent to Operate is not issued by Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar yet the lessee is illegally operating laterite stone mining over the plot no 712,713,714,716 and 717. There is no mining activity found over the allotted plot No.719 for which he was selected as the highest bidder with an additional charge of Rs.20/- per cubic meter.

True copy attested.


Collector & District Magistrate
Khordha



It is also found by the inspecting team that, the lessee Mr Patitapaban Barik has illegally operated laterite stone mining and excavated area of 3979 sq. mtr. of different patches over the plot no 712,713,714,716 and 717 and the quantum of extraction of laterite and morrum is found to be 5861 cubic meter and 5257 cubic meter respectively. It is also found that though the lessee Mr. Patitapabana Barik was selected as highest bidder and consequently transferred EC and obtained consent to establish, boundary pillars mentioned in the approved mining plan were not found at quarry lease area which reveals that the lessee has intentionally not posted the boundary pillars and operated quarry outside the lease area.

As per the Notification No.5157, Dated.17.02.2022 of Revenue & Disaster Management Department, Odisha, Bhubaneswar, the District Level Committee constituted under the Chairmanship of Collector, Khordha for fixation of compensation regime for illegal mining of different minor minerals towards environmental and ecological damages as per CPCB. Compensation amount for laterite and morrum were fixed for Rs.3080 and Rs.712/- respectively for Khordha District.

Hence you are directed to promulgate section 144 CrPC over the said plots immediately to stop further illegal mining over the said area and intimate the action taken report to the undersigned within 3 days of receipt of this letter.

Yours faithfully,

Collector, Khordha

True copy attested

Collector & District Magistrate
Khordha

Proceedings of the Meeting on fixation of scale of compensation regime for illegal mining of Laterite, Black Stone, Morrums towards Environmental and Ecological damages as per CPCB held on 17.02.2023 at 10.00 AM in the conference Hall of Collectorate, Khordha under the Chairmanship of Collector and District Magistrate Khordha.

A meeting held on 17.02.2023 at 10.00 AM in the conference Hall of Collectorate, Khordha on fixation of scale of compensation regime for illegal mining of Laterite, Black Stone, Morrums towards Environmental and Ecological damages as per CPCB.

At the outset, Collector welcomed all the members present in the meeting and apprised the house on compensation regime. Discussion made on the information submitted by Tahasildar Tangi, Khordha, Begunia, Bhubaneswar, Bolagarh, Banpur on royalty and additional charges of all sàirat sources. A letter had been sent to all the Tahasildars of Khordha District vide letter no 2069 dated on 16.02.2023 to submit the rate of Royalty and additional charge of all operational minor mineral sources of their jurisdiction. Tahasildar Tangi has submitted the list of 19 operational minor mineral sources, Tahsildar Khordha has submitted the list of 4 operational minor mineral sources, Tahsildar Bolagarh has submitted the list of 3 operational minor mineral sources, Tahsildar Begunia has submitted the list of 6 operational minor mineral sources, Tahsildar Banpur has submitted the list of 1 operational minor mineral source and Tahsildar Bhubaneswar has submitted the list of 1 operational minor mineral source. Earlier fixation of scale of compensation regime for illegal mining of Sand was approved by Collector on 16.09.2022 but other minor minerals were left.

So, after a threadbare discussion the committee unanimously decided that the highest price of different operational minor mineral sources (Royalty + Additional Charge) to be the market value per cubic meter for Khordha District.

For fixation of scale of compensation regime for illegal mining of Laterite, 14 no. of operational minor mineral sources from different Tahasils of Khordha District are taken into consideration and the highest price is found to be Rs. 3080/- per cubic meter.

True copy attested.

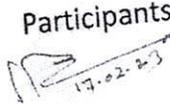

Collector & District Magistrate
Khordha

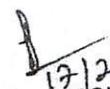
For fixation of scale of compensation regime for illegal mining of Black Stone, 15 no. of operational minor mineral sources from different Tahasils of Khordha District are taken into consideration and the highest price is found to be Rs. 2287/- per cubic meter.

For fixation of scale of compensation regime for illegal mining of Morrum, 4 no. of operational minor mineral sources from different Tahasils of Khordha District are taken in to consideration and the highest price is found to be Rs. 712/- per cubic meter.

Hence, the market value of Laterite, Black Stone and Morrum are Rs.3080/-,Rs.2287/and Rs.712/- respectively per cubic meter for Khordha District.

Meeting ended with vote of thanks to the Chair as well as to the Participants.

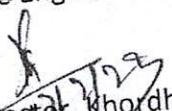
 17.02.23
Superintending Engineer, PWD

 17/2/23
Superintending Engineer, Irrigation

 17/1/23
Superintending Executive Engineer, RD

 17/2/2023
Asst. Mining Officer, Cuttack

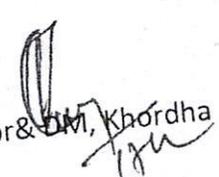
 17/2/23
Geologist, Khordha

 17/2/23
Sub Collector, Khordha

Sub Collector, Bhubaneswar


Additional District Magistrate (Revenue), Khordha

 17/2/23
DFO, Khordha


Collector & DM, Khordha

True copy attested.


Collector & District Magistrate
Khordha

OFFICE OF THE TAHASILDAR, TANGI, KHORDHA
E-Mail-ID- tdrtangl@gmail.com & tah.tangikh-od@nic.in

L.No.- 1010

Date 27.02.23

To

Patitapaban Barik
S/o- Nakuala Barik
At-Tankol
Ps-Jankia
Dist-Khordha

Sub- Intimation to deposit Penalty and Compensation amount of Rs- 7, 81,50,803 (Rupees seven crores eighty one lakh fifty thousand eight hindered three) only.

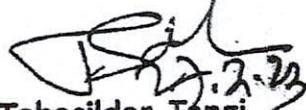
Sir,

You are informed to deposit Rs-7, 81, 50,803 (Rupees seven crores eighty one lakh fifty thousand eight hindered three) only in order to comply the order of the Collector, Khordha vide 2253 Dt- 20.02.23. This must be complied immediately.

True copy attested.

Collector & District Magistrate
Khordha

Yours faithfully,


Tahasildar, Tangi.

Memo No. 1011 dt. 27.02.23

Copy submitted to the Adl. District Magistrate, (Rev) Khordha for favour of kind information.


Tahasildar, Tangi.

ଜାଗର ସ୍ୱରାଜ୍ୟ
ସାହାଯ୍ୟ
ମି. ଜଗତ ସୁଧା କର ମି. ସୁଧା
Jag & Suman Bhoja

ସ. ସି.

13

PR NO-555

27/02/23



OFFICE OF THE TAHASILDAR, TANGI

Letter No. 1022 dt. 27.2.2023

To

Sri Patitapaban Barik,
S/o-Nakula Barik,
At-Tankola, PS-Jankia,
District-Khordha

Sub: Show cause on illegally operated laterite Stone and Morrum Mining.

As directed by the Collector, Khordha vide his letter no.2253/Touzi dated.20.02.2023 you are informed to show cause within 10 days for illegally operated laterite stone and morrum mining over the plot no.712,713,714,716 and 717 in Mouza-Sahadaghai under Achyutapur R.I.Cicle as to why the lease permission for the Sahadaghai Laterite Stone Quarry-A will not be cancelled due to violation of agreement of Lease deed, Mining Plan, Environmental Clearance.

This is to be treated as "urgent."

[Signature]
27.2.23
Tahasildar
Tangi

[Handwritten Odia text]

True copy attested.

[Signature]
Collector & District Magistrate
Khordha

OFFICE OF THE TAHASILDAR, TANGI, KHORDHA
E-Mail-ID- tdrtangl@gmail.com & tah.tangikh-od@nlc.in

2

L.No.- 999

Date: 24.02.23

To

The Inspector-in-Charge, Police Station, Jankia.

Sub:

Lodging of FIR against lessee Patitapaban Barik S/o- Nakula Barik At-Tankola Ps-Jankia Dist-Khordha.

Sir,

With reference to the above cited subject, in obedience to the order of the Collector, Khordha vide order no- 2253 Dt-20.02.23, I am to lodge an FIR against Sri Patitapaban Barik S/o-Nakula Barik At-Tankol Ps-Jankia Dist-Khordha due to illegal operation of laterite stone and Morrurum mining which amounts of excavated area of 3979 Square meter of different patches over the plot no. 712,713,714,716 and 717 of mouza Sahadaghai under Achyutapur RI circle.

In view of the above I would therefore request you to take action as proper against Sri Barik.

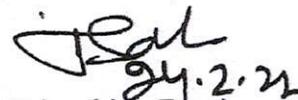
Enclosure:- Copy of order of the Collector, Khordha.

Yours faithfully,


Tahasildar, Tangi.

Memo No. 1000 dt. 24.02.23

Copy submitted to the Collector, Khordha/ Sub-Collector, Khordha for favour of kind information and necessary action.


Tahasildar, Tangi.

True copy attested.

Handwritten notes:
Sumantra Praykum
18/02/23
Dt. 24/2/23


Collector & District Magistrate
Khordha

FIRST INFORMATION REPORT(Under Section 154 Cr.P.C.)
प्रथम सूचना रिपोर्ट
(धारा 154 दंड प्रक्रिया संहिता के तहत)

Year (वर्ष): 2023

1. District (जिला): KHURDA

P.S. (थाना): JANKIA

FIR No. (प्र.सू.रि. सं.): 0075

Date and Time of FIR (प्र.सू.रि. की दिनांक और समय): 24/02/2023 20:00 hrs

2. S.No. (क्र.) Acts (अधिनियम)

Sections (धारा(एँ))

1 IPC 1860

379

2 IPC 1860

447

3 MINES AND MINERALS
(REGULATION OF DEVELOPMENT)
ACT 1957

21

3. (a) Occurrence of offence (अपराध की घटना):

1. Day (दिन): Friday

Date From (दिनांक से): 24/02/2023

Date To (दिनांक तक): 24/02/2023

Time Period (समय अवधि): Pahar 1

Time From (समय से): 00:00 hrs

Time To (समय तक): 00:00 hrs

(b) Information received at P.S. (थाना जहाँ सूचना प्राप्त हुई): Date (दिनांक): 24/02/2023 Time (समय): 20:00 hrs

(c) General Diary Reference (रोजनामचा संदर्भ): Entry No. (प्रविष्टि सं.): 017 Date & Time: 24/02/2023 20:00 hrs

4. Type of Information (सूचना का प्रकार): Written

5. Place of Occurrence (घटनास्थल):

1. (a) Direction and distance from P.S. (थाना से दूरी और दिशा): WEST, 8 Km(s)

Beat No. :

(b) Address (पता): Achutpur

(c) In case, outside the limit of this Police Station, then (यदि थाना सीमा के बाहर है तो):

Name of P.S. (थाना का नाम):

District (State) (ज़िला (राज्य)):

6. Complainant / Informant (शिकायतकर्ता/सूचनाकर्ता):

(a) Name (नाम): Janmenjay Sahu

Bhagaban Sahu

(b) Father's Name (पिता का नाम):

(c) Date/Year of Birth (जन्म तिथि / वर्ष): 1982

(d) Nationality (राष्ट्रीयता): INDIA

(e) UID No. (यूआईडी सं.):

Date of Issue (जारी करने की तिथि):

(f) Passport No. (पासपोर्ट सं.):

Place of Issue (जारी करने का स्थान):

(g) Id details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN)

S.No. (क्र.सं.) Id Type (पहचान पत्र का प्रकार)

Id Number (पहचान संख्या)

1

(h) Address (पता):

S.No. (क्र.सं.) Address Type (पता का प्रकार) Address (पता)

1

Present Address

Tahasildar Tangi, NIRAKAR PUR, KHURDA, ODISHA, INDIA

True copy attested.

2	Permanent Address	Khrijapatna, PIPILI, PURI, ODISHA, INDIA
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(i) Occupation (व्यवसाय):

(j) Phone number (दूरभाष सं.):

Mobile (मोबाइल सं.): 91-9437540055

7. Details of known/suspected/unknown accused with full particulars (जात / संदिग्ध / अजात अभियुक्त का पूरे विवरण सहित वर्णन):

S.No. (क्र.सं.)	Name (नाम)	Alias (उपनाम)	Relative's Name (रिश्तेदार का नाम)	Present Address (वर्तमान पता)
1	Patitapaban Barik		Father's Name : Nalula Barik	1. Tankol, JANKIA, KHURDA, ODISHA, INDIA

8. Reasons for delay in reporting by the complainant/informant (शिकायतकर्ता / सूचनाकर्ता द्वारा रिपोर्ट देरी से दर्ज कराने के कारण):

9. Particulars of properties of interest (संबन्धित सम्पत्ति का विवरण):

S.No. (क्र.सं.)	Property Category (संपत्ति श्रेणी)	Property Type (सम्पत्ति का प्रकार)	Description (विवरण)	Value (In Rs/-) (मूल्य (रु में))
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10. Total value of property (In Rs/-)-सम्पत्ति का कुल मूल्य (रु में):

11. Inquest Report / U.D. case No., if any (मृत्यु समीक्षा रिपोर्ट / यू.डी. प्रकरण सं., यदि कोई हो):

S.No. (क्र.सं.) UIDB Number (यू.डी. प्रकरण सं.)

12. First Information contents (प्रथम सूचना तथ्य):

On 24.2.2023 at 8.00 P.M the complt Janmenjay Sahu age 41 S/O Bhagaban Sahu of village Khanjapatana PS- Pipli Dist- Puri A/P Tahasildar Tangi reported that the accused person Patitapaban Barik S/O Nakula Barik of Village Tankol PS- Jankia Dist- Khordha operation of laterite stone and morum mining which amounts of excavated area of 3979 square meter of different patches over the plot NO 712,713,714,716,717 of mauza Sahadaghai under AChuutpur RI circles.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2.

(की गयी कार्यवाही : चूंकि उपरोक्त जानकारी से पता चलता है कि अपराध करने का तरीका मद सं. 2 में उल्लेख धारा के तहत है।)

(1) Registered the case and took up the investigation: or (या)
(प्रकरण दर्ज किया गया और जांच के लिए लिया गया):

(2) Directed (Name of I.O.) (जांच अधिकारी का नाम): Abhaya Kumar Rout Rank SI (Sub-Inspector)

No. (सं.): 62498 to take up the investigation (को जांच अपने पास में लेने के लिए निर्देश दिया गया) or (या)

(3) Refused investigation due to (जांच के लिए):

True copy attached

Collector & District Magistrate
Khordha



Phone No. 06755-220717
E-Mail ID-sdmkhordha@gmail.com/
subcol.khur-od@nic.in

IN THE COURT OF THE SUB-DIVISIONAL MAGISTRATE & SUB-COLLECTOR, KHORDHA

Misc. Case No. 66 / 2022, U/S. 144 Cr. P.C

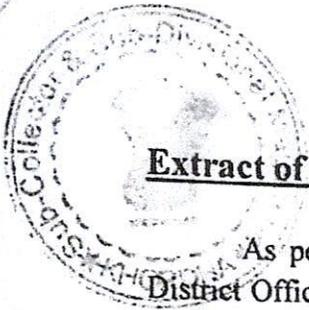
Govt. of Odisha .

..... Petitioner

Vrs

Unknown miscreants.

..... Opp. Parties



Extract of order on dated. 21.02.2023

As per the letter received from the Collector & District Magistrate, Khordha vide District Office letter No.2255/Touzi.date.20.02.2023, The Collector, Khordha has directed to the undersigned for promulgation of prohibitory order u/s 144 Cr.P.C. It reveals that the miscreants including Sri Patitapaban Barik, lessee of Sahadaghai Laterite Stone Quarry-A and land mafias are illegally operating laterite stone mining over the Plot No.712, 713, 714, 716 and 717 of Mouza-Sahadaghai under Tangi Tahasil. To safeguard the said minor minerals and govt. land in order to avoid the leakage of govt. revenue, there is a need of prohibiting order u/s 144 Cr.P.C.

As per the letter received from the Collector, Khordha, I am satisfied that there is sufficient ground for a proceeding under section 144 Cr.P.C. as there is apprehension of breach of peace in the aforesaid areas.

Accordingly, I Sri Dipti Ranjan Sethi, OAS (S), Sub-Divisional Magistrate, Khordha within the local limits of my jurisdiction as provided U/s 144 Cr.P.C. do hereby restrain the general public/unknown miscreants to enter into the aforesaid case land for unauthorised/illegal mining and related activities. Intimate to the IIC, Tangi PS/Tahasildar, Tangi accordingly.

Send copies of this order to the IIC, Tangi PS/Tahasildar, Tangi for promulgation/announcement of the order on the scheduled areas and they are directed to put red flag over the suit land with the help of the concerned RI and submit the report before the court of the undersigned accordingly.

Given under my hand & seal of this Court on 21.02.2023.

Dictated
-Sd/-

Sub-Divisional Magistrate, Khordha

P.R. No. 91 /Judl.dtd. 21-02-2023
Copy forwarded to the Tahasildar, Tangi/IIC, Tangi PS for information and necessary action.
IIC, Tangi, PS

P.R. No. 92 /Judl.dtd. 21-02-2023
Copy forwarded to the S.D.P.O., Balugaon for information and necessary action.

P.R. No. 93 /Judl.dtd. 21-02-2023
Copy submitted to the Collector & District Magistrate, Khordha/ Superintendent of Police, Khordha for favour of kind information.

True copy attested.

Sub-Divisional Magistrate, Khordha
& Sub-Divisional Magistrate, Khordha

Collector & District Magistrate
Khordha