

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

**O.A. No. 123/2022/EZ**

In the matter of

Srikanta Kumar Pakal & other ..... Applicant

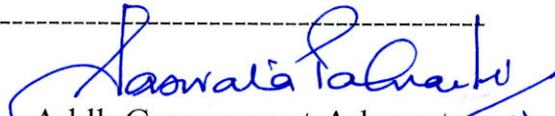
Vrs.

State of Odisha and others. .... Respondents

**INDEX**

Sl. No.	Description of documents.	Pages.
1.	Counter affidavit filed on behalf of the respondent no.1	<b>1-6</b>

Cuttack.

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Addl. Government Advocate

Dt. 22/11/22



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**AFFIDAVIT FILED ON BEHALF OF THE  
RESPONDENT NO.1**

I, Smt. Itishree Rout aged about 42 years, Wife of Bibhudatta Sahu at present serving as Deputy Director of Estate, General Administration & Public Grievance Department, Lokseva Bhawan, Bhubaneswar, PS-Capital, Dist-Khurdha do hereby solemnly affirm and state as follows: -

1. That I am working as Deputy Director of Estate, General Administration & Public Grievances Department, Government of Odisha, Lok Seva Bhawan, Bhubaneswar, Dist.-Khurda and have been duly authorized by the Respondent No.1 to make and affirm this Affidavit for and on behalf of Respondent No. 1.

2. That the Original Application has been filed with the allegation that the water body

*Itishree Rout*

*[Handwritten signature]*

*11.22.22*  
**AMBIKA PRASAD RAY**  
NOTARY CUTTACK TOWN  
REGD. NO-ON-56/2004

namely Nayapalli Haza in Nayapalli Mouza of Bhubaneswar Municipal Corporation area and Natural Drain No. 10 have been encroached upon.

3. That it is stated that this Haza land was spread over 7 acres in Government Khata No. 384 and Plot No. 355 kissam-Pokhari (pond) Remark-Hada Prokhari (Haza/Lake).
4. That the land schedule indicated in the case relates to the ROR finally published during 1962. The detail land particulars is indicated below in a tabular form for better appreciation:

Mouza-Nayapalli		Ps-New Capital	
Khata No.	Plot No.	Area	Kissam
385	355(Anabadi)	Ac.7.000 dec.	Pokhari

5. In this connection, it is submitted that a writ petitions the writ petition bearing W.P.(C) No. 16615/2018 was filed before the Hon'ble High Court, inter alia, with the prayer for a direction to the authorities concerned to remove all the encroachers and any constructions made over sabik plot No. 355, Khata No. 384 in mz- Nayapalli under Bhubaneswar Tahasil.

High Court

*[Handwritten signature]*

*[Handwritten signature]*

AMBIKA PRASAD RAY  
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REGD. NO-ON-58/2004

6. The Hon'ble High Court have disposed of the said writ petition on 03.12.2018 with the following orders:-

*“Looking to the serious allegation involved herein and as a decision on the grievance of the petitioners is ultimately required to be taken by the opposite party nos.1 and 6, this matter stands disposed of with a direction to the opposite party Nos. 1 & 6 to look into the grievance of the petitioners involved in this writ petition treating this writ petition as a representation at the instance of the petitioners and take a decision thereon as appropriate within a period of four months from the date of communication of a certified copy of this order along with a cop of the writ petition by the petitioners, but however giving opportunity of hearing to the parties likely to be affected. ”*

High Court

7. That on receipt of the order of the Hon'ble High Court, the matter was taken up in the light of the orders passed by the Hon'ble High Court. Thereafter, the Addl. Commissioner(Enforcement), BDA was requested vide GA & PG Deptt. Letter No.

  
  
AMBIKA PRASAD RAY  
NOTARY CUTTACK TOWN  
REGD. NO-ON-56/2004

11876/CA, dated:02.05.2022 for a CEMC programme for eviction of the unauthorized structures. A copy of the said letter No. 11876/CA, dated:02.05.2022 is enclosed herewith at Annexure-A for kind perusal.

8. That, programme for eviction was conducted on 13.05.2022 in presence of the officials of GA & PG Deptt., BDA,BMC and Commissioner of Police. As per the programme communicated by the Addl. Commissioner (Enforcement), BDA vide Letter No. 16465/BDA,dated:09.05.2022. As per the scheduled programme, eviction was carried out in respect of the Hal Plot Nos. 1155/4555, 1155,1157,1157/4414,1156/4604 and 953/4605. A copy of the said letter No. 16465/BDA, dated:09.05.2022 is enclosed herewith at Annexure-B for kind perusal.

9. That during field verification, it is further noticed that government land measuring Ac. 0.030 dec . has been under the occupation of Shani Dev Temple. On receipt of the report from the field officials, case under the provisions of the Odisha Public Premises(Eviction of Unauthorized Occupation) Act, 1972 has been initiated in the Court of the Estate Officer for adjudication of the matter and for issue of necessary orders for eviction.

Highcourt





AMBIKA PRASAD RAY  
NOTARY CUTTACK TOWN  
REGD. NO-ON-56/2004

10. That it is further noticed that the hal RoR in respect of the Mz- Nayapalli has been finally published by the Settlement Authorities on 22.07.2014. The Hal Plot No. 1157/4401, Area Ac. 0.200 dec. , Kissam- Jalashaya-I has been recorded in favour of Parbati Mohanty & others in Sthitiban Status. Necessary action has been initiated to file Revision Case before the Board of Revenue u/s 15 of the Odisha Survey and Settlement Act after obtaining necessary reports/documents from Settlement Office, Cuttack and Tahasil Office, Bhubaneswar.

11. That the suit land is a government land. A central enforcement monitoring committee has been constituted under the chairmanship of Vice Chairman, BDA for removal of encroachment within the Capital City and other adjoining villages coming under Bhubaneswar Development Authority. Further, Bhubaneswar Land Use Intelligence System has been developed using Satellite Imagery and Artificial Intelligence for detection of encroachment and subsequent action for removal.

12. That Bhubaneswar Municipal Corporation is the urban local body in the State Capital is the authority for protection and preservation of ponds /water bodies within the Capital City. The GA and PG Deptt. is rendering necessary

*G. Hishore Raut*

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AMBIKA PRASAD RAY  
NOTARY CUTTACK TOWN  
REGD. NO-ON-56/2004

assistance to Bhubaneswar Municipal Corporation (BMC) as well as to Bhubaneswar Development Authority (BDA) for eviction of unauthorised structures within the area as and when required by following due process of law.

13. That in view of the above facts the application filed before the Hon'ble Tribunal is devoid of any merit and is liable to be dismissed.

14. That the petitioner craves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the lis.

15. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified

*Sh. Shree Rout*  
22/11/22  
Deponent

*S. S. Patra*  
Advocate

**CERTIFICATE**

Certified that Cartridge papers are not available.

Cuttack

*S. S. Patra*  
Addl. Government Advocate

Date: 22/11/22



*Sh. Shree Rout*  
The above paper has been identified by *S. S. Patra* Advocate solemnly affirm and state before me that the contents of the are true to the best knowledge and belief  
*AMBHIKA PRASAD RAY*  
22-07-22  
NOTARY Regd No -ON 56/04