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19/11/2022

**Before the National Green Tribunal, Eastern Zone Bench,
Kolkata**

Original Application No. - 123 of 2022/EZ

Srikanta Kumar Pakal &
another.

...Applicant.

-Versus-

State of Odisha & ors.

....Respondents.

Counter affidavit on behalf of the Bhubaneswar Municipal Corporation, Respondent No. 4, above named.

I, Sri Vijaya Amrut Kulange, aged about 45 years, S/o Amrut Kulange, at present working as Commissioner, Bhubaneswar Municipal Corporation, District-Khurda do hereby solemnly affirm and state as follows;

1. That, I have gone through the application filed by the applicants before the Hon'ble Tribunal and also gone through the order dated 09.09.2022 passed by this Tribunal. I am otherwise acquainted with the facts of the case and the connected official records.

2. I am at present working as Commissioner, Bhubaneswar Municipal Corporation and have made myself acquainted with the facts and circumstances of this case and competent to affirm this affidavit.

3. That I have read a copy of the application purported to have affirmed by Srikanta Kumar Pakal, the applicant herein (hereinafter mentioned as the "said application") and on perusal of the same, I have understood the purports and contents thereof. I have been advised to deal with and/or traverse only those allegations of the said application which are material for proper adjudication of the case, which I hereby do, save and except what are specifically admitted herein all the statements made in paragraphs of the said

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Commissioner
Bhubaneswar Municipal Corporation



SRI RABINARAYAN CHARYA
2022
NOTARY
MA LLB
GOVT OF ODISHA (INDIA)

applications are denied and as if they have been traversed in seriatim.

4. That, in the above application the petitioner has alleged that the water body namely Nayapalli Haja in Nayapalli Mouza of Bhubaneswar Municipal Corporation area and natural drain no.10 have been encroached upon and prayed for restoration of 7 acres of water body Nayapalli Haja and remove the illegal obstruction/structure raised over therein etc.

5. That the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, by order dated 09.09.2022 was pleased to direct the State Respondent to take appropriate action on the visit note of Vice Chairman Bhubaneswar Development Authority (BDA)-cum-Commissioner, Bhubaneswar Municipal Corporation (BMC) dated 25.07.2018 of the original application and disclose in their affidavit regarding what steps have been taken in this regard.

6. That it is humbly submitted that, answering respondent has already taken the following steps as referred in the letter of the Commissioner, Bhubaneswar Municipal Corporation-cum-Vice Chairman, Bhubaneswar Development Authority dated 25.07.2018

- a) with regards to observations on Drainage issue in point 2 under heading 'A' in compliance made in letter of the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation dated 25.07.2018 the channels which passes through Behera Sahi and Bhoi Sahi has already been widened within the available width of the road accommodating the existing sewage pipe line. The deck slab of the drain is being used as the road surface. The details of the drain work from downstream of ISKON up to main Drain No.10 near The World as detailed below are being completed.

SL. NO.	DRAIN FROM & UP TO	LENGTH OF DRAIN IN MTR	VENT SIXXE IN MTR	CATCHMENT AREA
1	From Reliance fresh up to Damayanti Apartment via Bhoi Sahi	566	1.80X 1.50	All the run-off passing through ISKON Syphon (NHAI)



SRI RABINARAYAN ACHARYA
M.A.L.L.B.

NOTARY

GOVT OF ODISHA (INDIA)

19.11.2022

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Commissioner
Bhubaneswar Municipal Corporation

2	Damaynti Apartment to Mangala Mandir	347	2.0 X 2.0	
3	Mangala Mandir to Traffic Square	695	2.0 X 2.0	
4	Trffic Square up to Main Drain No.10	155	2.5 x 2.5	
5	Drain on Left side of culvert through Mixture Gali & up to Damayanti Apartment.	325	1.2 X 1.4	
6	Miture Gali Square upto Behera Sahi drain	70	0.9 X 0.9	
7	Mamtaz Alli High School up to Nilkantheswar Tnk	140	1.4 X 1.40	Run-off coming from Nayapalli Area
8	Nilakantheswar Tank up to mouth of Main Drain No.10 Near nayaplli Haza	180	2.50 X 1.50	
9	Downstream of Haza from Mngala Mandir upto main Drain No-10	190	1.20 x 1.20	
10	Upstream of Haza in between Nilakantheswar Tank & Nayapalli Haza	95	1.5 x 1.50	
11	Nayapalli Area to Drain near Haza	200	1.00 x 1.00	
12	Behera Sahi Square to Drain t upstream of Haza via Radhjrushna Temple	70	1.2 x 1.2	Run-off coming from part of ISCON area



- b) with regards to observations to Point No. 4, made in letter of the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation dated 25.07.2018, it is humbly submitted that the drain in front of Radharani Apartment has already been constructed (Drain No.1).
- c) with regards to observations on Point No. 5 made by the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation in letter dated 25.07.2018, it is humbly submitted that there is existing drain from Bhoi Sahi Chak to Mamataz Alli High

SRI RABINARAYAN ACHARYA
NOTARY M.A.L.L.B.
GOVT OF ODISHA (INDIA)
19/11/2018

Commissioner
Bhubaneswar Municipal Corporation

School and a drain has been constructed from Behera Sahi Chhak to Nayapalli Haza via Radhakrishna Temple (Drain No.12).

- d) With regards to observations on Point No. 6 it is humbly submitted that Drainage Division of Bhubaneswar Municipal Corporation (BMC) has constructed the network of drains in different sizes from Krishna Tower to The World and Mamtaz Alli High School up to Nayapalli Haza as shown in the diagram (Drain No.1 to Drain No.12).
- e) with regards to observations on Point No. 8, made by the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation in letter dated 25.07.2018, it is humbly submitted that from Nayapalli Haza up to Vidyut Marg as per Comprehensive Development Plan (CDP), the Survey has already been completed and the process is going on for land acquisition.
- f) with regards to observations on Point No. 5, made by the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation in letter dated 25.07.2018, it is humbly submitted that after the land acquisition estimates will be prepared and submitted for approval, network of drainage system has already been developed as per the feasibility and the sketch of such network is annexed herewith as **ANNEXURE-A.**
- g) with regards to observations on Point No. 1 under heading 'B' on, of the Letter bearing no.30/M.C, of compliance made by the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation in letter dated 25.07.2018 on the issue of Wet lands and low lying areas it is humbly submitted that the rejuvenation work of Nayapalli Haza has already been taken up under Odisha Urban Infrastructure Development Fund (OUIDF) Scheme for an amount of Rs.3.70Crores.

The photocopy of Work order No.28884 dated 28.04.2021 is annexed herewith and marked as **ANNEXURE-B.**



SRI RABINARAYAN ACHARYA
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19.11.2021

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Commissioner
Bhubaneswar Municipal Corporation

h) with regards to observations on the visit note made by the Vice Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation in letter dated 25.07.2018, a field verification programme was chalked out and also carried out under the supervision of South West Zone, Bhubaneswar Municipal Corporation(BMC) taking the official of General Administration & Public Grievance Department, Govt. of Odisha, Bhubaneswar Development Authority(BDA) and Bhubaneswar Municipal Corporation(BMC), from which it was found that though in Sabik ROR the Nayapally Haza Area is mentioned as Ac. 7.000 dec in Hal ROR it is Ac. 6.359 dec. Out of this total area ,Ac. 0.,200 dec. is in the name of private person namely Parbati Mohanty having Kissam Jalasaya and an area of Ac.0.098 dec. is encroached by a religious structure and around Ac.1.518 dec. is in name of General Administration & Public Grievance Department as Adi Gharabari Road in Kissam. Likewise channel of drain No. 10 has been verified in the field and the encroachment points have been identified by the Drainage Division of BMC.

The photocopies of land record (ROR) are annexed herewith and marked as **ANNEXURE-C.**

7. That, it is humbly submitted that, since the encroachment over Nayapalli Haza, water body and relating drain no.10 are much in number and BMC has no such logistic to remove the enforcement for making it encroachment free, it has requested Bhubaneswar Development Authority vide Letter No. 12812 dtd.11.02.2022 for conducting ejection program under Central Enforcement Monitoring Committee (CEMC), which is yet to be taken up by Bhubaneswar Development Authority (BDA). However, some part of the unauthorized occupied areas adjoining to Nayapalli Haza has already been evicted by the help of Enforcement Team of Bhubaneswar Development Authority (BDA) and Bhubaneswar Municipal Corporation (BMC).

The photocopy of the letter no.12812 dated 11.02.2022 is annexed herewith as **ANNEXURE-D.**

8. That, the Bhubaneswar Municipal Corporation by its Drainage Wings is taking all its measure steps for development of Nayapalli Haza which is in process.



SRI RABINARAYAN ACHARYA
M.A. LL.B.
NOTARY
GOVT. OF ODISHA (INDIA)
19.11.2022

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Bhubaneswar Municipal Corporation

Bhubaneswar Municipal Corporation

9. That it is relevant to mention here that on the self same cause of action and self same property which is the subject matter of Hon'ble Tribunal, a suit is pending before the Civil Judge (Senior Division) Bhubaneswar vide Suit No. 1450/2021 filed by Pitabas Rayaguru and 13 others all are residing at Hal Khata no.1176, Sabak Plot no.528/722, Nayapalli, Bhubaneswar, Dist. Khurda, odisha.

The photocopy of the said Civil Suit and I.A. petition are annexed herewith as **ANNEXURE-E**.

10. That this answering Respondent No-4, Bhubaneswar Municipal Corporation(BMC) craves the leave of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of this case.

11. In view of the above facts indicated herein above, it is respectfully submitted that this answering respondent no. 4 shall abide by any order or direction, passed by this Hon'ble Tribunal.

12. The statements made in paragraph 1 to 09 are based on information derived from the record which are usually kept and maintained by the answering respondent in the ordinary course of business and which I believe to be true and rest thereof are my humble submission before this Hon'ble Tribunal.

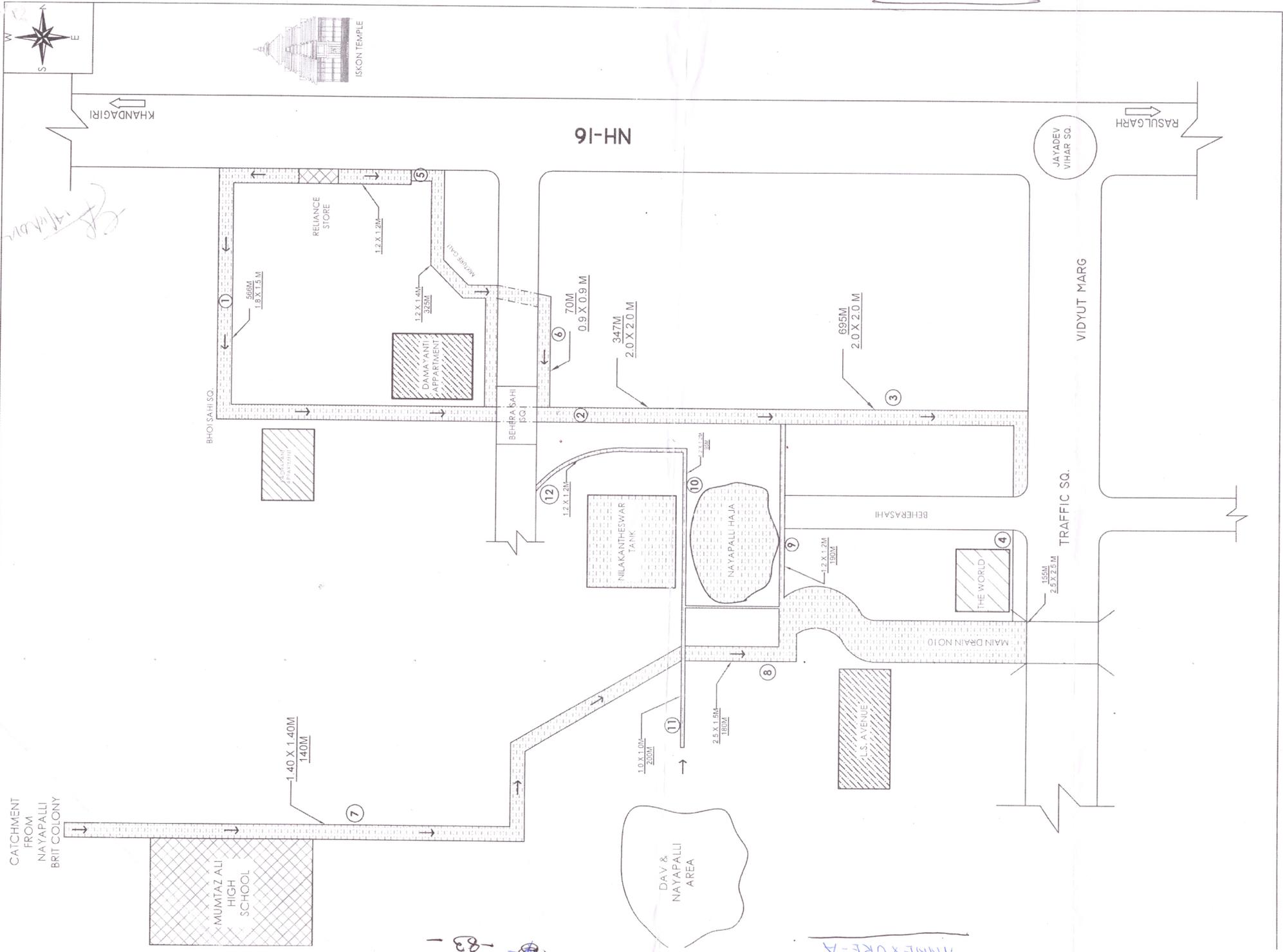
Prepared in my office

Advocate

Deponent

Commissioner
Bhubaneswar Municipal Corporation





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BHUBANESWAR MUNICIPAL CORPORATION

Phone 0674-2431253 Fax: 0674-2432895 E-mail: info@bmc.gov.in Web: www.bmc.gov.in

Ref 28884

Date 28.4.2021

File No. XXXXX-V (Drainage) 143/2019

WORK ORDER

To

Abhipsha Mohanty
Plot No. L-1/342, Phase-III,
Dumuduma H. B. Colony, PS. Khandagiri,
Bhubaneswar, Dist. Khordha.
Mob: 7008565364,
e-mail: praveenmohanty89@gmail.com

Sub: Acceptance of Agreement and issue of Work Order for the work- "Reclamation of Water Bodies, Nayapalli Haza" amounting to ₹ 3,36,45,078/- (Rupees Three crore thirty six lakh forty five thousand and seventy eight) only (With GST 12%).

Sir,

Your agreement for the above noted work is accepted by BMC and assigned as Municipal Agreement No. 02/2021-22

1. Please take immediate steps to start and execute the work after getting the detailed alignment of the work from the Assistant Executive Engineer Sri Goutam Chandra Das, Drainage Division of Bhubaneswar Municipal Corporation, Bhubaneswar as per on the various terms & condition of the contract and treat this as Work Order.
2. The date of written order to commence the work is 01.05.2021 and the stipulate period of completion is 30.10.2021 (180 days) as per the accepted agreement. The progress of the work should be proportionate with the time. You will please make arrangements of tools & plants/ and labour etc. whenever necessary for smooth execution of the work and its timely completion.
3. A program of work must be submitted to this office with certificates of concerned Junior Engineer / Asst. Engineer within seven days of receipt of this work order and you are requested to follow the programme scrupulously. Any difficulties should be brought to the notice of the undersigned. You are also requested to take photograph of work in 3 stages i.e. 1) before execution (2) during execution (3) after execution.
4. A Site Order Book duly certified by the Asst. Executive Engineer / Executive Engineer should be maintained. The true copy of orders on the books by appropriate authorities should be reported every week to this office for confirmation without which the work for that week will be treated as Nil.
5. Any legitimate hindrance as per the contract by the department should be reported to this office by Registered Post so as to reach this office within one week of commencement of hindrance without which the Corporation in this regard will accept no responsibility. Necessary extension of time will be granted for considering the merit of the case.
6. The Labour rules, fair wage clauses and other instructions from time to time with codal provision to be strictly followed.
7. Before commencement of the work you are requested to display a transparency Board positively. Please acknowledge receipt of this letter.

Encl: Certified Copy of Agreement.

Yours faithfully,

[Signature]
EXECUTIVE ENGINEER
DRAINAGE DIVISION
BHUBANESWAR MUNICIPAL CORPORATION

Memo No. 28885 /Date. 28.4.2021

Copy submitted to the C.F.O, BBSR Municipal Corporation for reference

[Signature]
EXECUTIVE ENGINEER
DRAINAGE DIVISION
BHUBANESWAR MUNICIPAL CORPORATION

Memo No. 28886 /Date. 28.4.2021

Copy together with copy of the accepted agreement forwarded to Sri Santosh Kumar Dash, Assistant Engineer and Sri Goutam Chandra Das, Asst. Executive Engineer, B.M.C/IT, PMU, BMC for information with a request to upload the same in BMC website.

[Signature]
EXECUTIVE ENGINEER
DRAINAGE DIVISION
BHUBANESWAR MUNICIPAL CORPORATION

Memo No. 28887 /Date. 28.4.2021

Copy to G.A Department for information for information and necessary action.

[Signature]
EXECUTIVE ENGINEER
DRAINAGE DIVISION
BHUBANESWAR MUNICIPAL CORPORATION

Schedule I Form No.39-A

ଖତିୟାନ

ମୌଜା : ନୟାପଲ୍ଲୀ
 ଥାନା : ନିଉକ୍ୟାପିଟାଲ
 ଥାନା ନମ୍ବର : 1

ତହସିଲ : ଭୁବନେଶ୍ୱର
 ତହସିଲ ନମ୍ବର : .
 ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ରାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର	ଓଡ଼ିଶା ସରକାର ଖେତ୍ରାଟ ନମ୍ବର 1
୧) ଖତିୟାନର କ୍ରମିକ ନଂ	1274
୨) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ	ପାର୍ବତୀ ମହାନ୍ତି ସ୍ତ୍ରୀ: ବଚକୃଷ୍ଣ ମହାନ୍ତି, ଜତିନ କୁମାର ମହାନ୍ତି, ରଞ୍ଜିତ କୁମାର ମହାନ୍ତି, ସୁଜିତ କୁମାର ମହାନ୍ତି, ଅଜିତ କୁମାର ମହାନ୍ତି, ସୁଜାତା ମହାନ୍ତି, ନିରଜା ବାଳା ମହାନ୍ତି ପି: ବଚକୃଷ୍ଣ ମହାନ୍ତି ଜା: କରଣ ବା: ନିଜଗାଁ

୩) ସ୍ୱର	ସ୍ଥିତିବାନ					
୪) ବେଢ	ଜଳକର	ଖଜଣା	ସେସ	ନିଷ୍କାର ସେସ ଓ ଅନ୍ୟାନ୍ୟ ସେସ ଯଦି କିଛି ଥାଏ	ମୋଟ	୫) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
			3.60	2.70	0.00	

୬) ବିଶେଷ ଅନୁସଙ୍ଗ
ଯଦି କିଛି ଥାଏ

BLANK SPACE FOR STAMPING

ଅତିମ ପ୍ରକାଶନ ତାରିଖ : 22/07/2014

ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ : 01/04/2015

Certified to be True Copy

Addl. Tahasildar, Bhubaneswar

85(A)

Khatiyon

Mouza: Nayapalli

Tahasil: Bhubaneswar

Police Station: New capital

Tahasil No:

Police Station No:1

District: Khordha

Name of Owners & SI Nos		Odisha Govt Khewat No1				
1) Khatiyon's SI no.		1271				
2) Placename, Father's name, Caste & Home		Parvati Mohanty Husband, Batakrushna Mohanty, Jatin kumar Mohanty, Ranjit kumar Mohanty, Sujit kumar Mohanty, Ajit kumar Mohanty, Sujata Mohanty, Niraja Bala Mohanty, P. Batakrushna Mohanty, Caste: Karana, At: Nijagaan				
3) Satwa	Sitiban					
4) Payment	Watertax	Property	Sesh	If there is any nistara sesh or other sesh	Total	5) Details of periodically land Revinew
		3.60	2.70	0.00	6.30	
6) Special remarks if any						
BLANK SPACE FOR STAMPING						
Last date of publication-22.07.2014 Date of tax fix - 01/04/2015						

National information center 15/11/2019

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ଖର୍ଚ୍ଚଦାନର କ୍ରମିକ ନଂ : 1274		ମୌଜା : ନୟାପଲ୍ଲୀ			ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା	
ପୁର ନମ୍ବର ଓ କେର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତବ୍ୟ
			ଏକର	ଡ଼ି	ହେକ୍ଟର	
୭	୮	୯	୧୦	୧୧	୧୨	
1157/4401	ଭରବାରି		0	200	0.0809	
1 ପୁର			0	200	0.0809	

Certified to be True Copy
[Signature]
 Addl. Tahasildar, Bhubaneswar

86 (A)

Khatiyān's SI No. 1274						District: Khordha
Plotno. & Chaka's Name	Kisam & Plots Taxes	List of Explanation List	Rakaba			Remarks
7	8	9	1	0	11	12
1157/4401	Gharabari		0	200	0.0809	
1 Plot			0	200	0.0809	

87/A)

JOINT ENQUIRY REPORT

To

Deputy Commissioner,(South West Zone)
Bhubaneswar Municipal Corporation

Sub: joint enquiry report on Mouza Nayapalli Haj
Sir,

As per your order joint enquiry is made by the filed staffs of General Administration Department, Bhubaneswar Development Authority and Bhubaneswar Municipal Corporation. While as per Map, & sabik khatian the Nayapalli Haza has recorded Ac.6.395 dec. The comparative statement is enclosed separate sheet. Out of Ac.6.395 while jalashray is exist over an area of Ac.4.677 and an area ac.1.518 is recorded in the name of General administration department, Govt. of odisha. Apart from this Ac.0.200 area kism jalasraya is recorded in the name of Prabati mohanty W/o. batakrushna mohanty . The temple sani is situated over plot no.934/4392 and 934/4397 out of total area Ac.0.098 found encroachment which is showrn in the sketch map.

Sd/-
P.K.Prusty
15.11.2019
Survey asst.(SWZ)BMC
Sd/-
Amin,BDA
Sketch map enclosed.

Sd/-
R.I. G.A.Depatment,

ମାଗଣି ଦୁଇ ଟଙ୍କା ବିକ୍ରୟ

ମାଗଣି

କ୍ର.ନଂ	ବିବରଣ	ଆ.ନଂ	କ୍ର.ନଂ	ବିବରଣ	ଠାରୁ ମାଗଣି ହଜାର	ମାଗଣି ହଜାର	ପ୍ରଜା
୧.	ଲକ୍ଷ୍ମୀପୁରୀ	384	355	ଗାଧାରୀ	Ac 7. ୦୦୦	Ac 6. 395	ରହକାରୀ

ମାଗଣି

କ୍ର.ନଂ	ବିବରଣ	ଆ.ନଂ	କ୍ର.ନଂ	ବିବରଣ	ହଜାର	ପ୍ରଜା
୧	ଲକ୍ଷ୍ମୀପୁରୀ	3293	1155	ଜଳାଶୟ-୨	Ac 3. 934	ମାଧ୍ୟମିକ ପ୍ରଶାସନ ବିଭାଗ
୨	- ୦୦ -	"	$\frac{1155}{4555}$	ହାସ୍ତ	Ac 0. 445	"
୩	"	"	$\frac{1156}{4604}$	ପଠି	Ac 0. 298	"
୪	"	"	1157	ଜଳାଶୟ-୨	Ac 0. 743	"
୫	"	"	$\frac{1157}{4414}$	ଗାଧାରୀ	Ac 0. 125	"
୬	"	"	$\frac{934}{4397}$	"	Ac 0. 050	"
୭	"	"	$\frac{934}{4398}$	"	Ac 0. 040	"
୮	"	"	$\frac{934}{4392}$	"	Ac 0. 050	"
				Not account ed →	Ac 0. 197	
					Ac 0. 247	
୯	"	"	$\frac{953}{4605}$	ପଠି	Ac 0. 075	"
				Not account ed →	Ac 0. 088	
					Ac 0. 163	
10	"	"	1158	ପାଣି	Ac 0. 150	covered with road
୧୧	"	1274	$\frac{1157}{4401}$	ଜଳାଶୟ	Ac 0. 200	ଗାଧାରୀ ପ୍ରତି, ମା: ଗାଧାରୀ

Total Ac 6. 395

Details Of Sabaka Hal

Sl No.	Mouza	Khata No.	Plot No.	Kisam	As per total area of Khatiyon Rakaba	As per total area of Map Rakaba	Tenant
1.	Nayapalli	384	355	POND	Ac.7.000	Ac.6.395	GOVERNMENT

Hal

Sl no.	Mouza	Khata No.	Plot No.	Kisam	Rakaba	Tenant
1	Nayapalli	3293	1155	Jalayasaya-2	Ac 3.937	GeneralAdministration Dept.
2	-do-	"	1155/4555	Rasta	Ac 0.445	"
3	"	"	1156/4604	Patita	Ac 0.298	"
4	"	"	1157	Jalasya-2	Ac 0.743	"
5	"	"	1157/4414	Gharabari	Ac 0.125	"
6	"	"	934/4397	"	Ac 0.050	"
7	"	"	934/4398	"	Ac 0.040	"
8	"	"	934/4392	" Not Accounted	Ac 0.050 Ac 0.197 0.247	"
9	"	"	953/4605	Patita Not accounted	Ac 0.075 Ac 0.088 Ac 0.163	"
10	"	"	1158	Aadi	Ac 0.150	Covered with road
11	"	1274	1154/440 1	Jalasya	Ac 0.200	Parvati Mohanty,Husband: Batakrushna& Gher

Total Ac 6.395

4299

934

3511

3512

3513

3514

3515

3570

3509

3506

3508

3507

953

3516

3517

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3520

3523

3521

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1156

3522

3529

36

4604

3528

3530

527

4392

4398

4397

4401

4414

1157

ପରିଚ୍ଛେଦ ମାନ

ପାଖିଆ ମାପାଦିକା

4412

1256

1255

3551

3604

50

40

4193

1

34

4772

4

1253

5

4378

1155

1158

4553

1154

1153

4417

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4579

4425

4654

4420

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4591

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4426

452

Point No. 2 and 3 of the Proceedings under reference may kindly be seen.

As per the said proceedings, BMC shall implement the Restoring Blueways project along Drainage Channel No. 7 and BSCL shall implement the same project along the Drainage Channel No. 10.

Further It is to clarify that Waterfront Promenade project shall be taken up entirely by BSCL for implementation.

In connection to the above, BSCL shall implement the following projects:

1. Restoring Blueways project (in convergence with BMC)

- BSCL shall take up the work proposed in the Lake Zone I and II region of the Natural Drainage Channel No. 10 admeasuring to 1.70 kilometers approx. starting from Bidyut Marg area to Janpath area. The total project cost in this regard is estimated at Rs. 16.86 cr. and the same shall be met through the CITIIS Grant.
- BMC shall take up the work proposed along Drainage Channel No. 7 starting from Ganga Nagar Basti to Lewis Road. The total project cost in this regard is estimated at Rs. 44.65 cr. out of which, Rs. 12.62 cr. shall be secured through BMC and the remaining Rs. 28.03 cr. shall be met through the CITIIS Grant.

2. Waterfront Promenade project

- BSCL shall implement the Waterfront Promenade project as proposed in the Lake Zone I region of the Natural Drainage Channel No. 10 admeasuring to 800 meters approx. and falling inside BDA City Centre (erstwhile NICCO Park). The total project cost is estimated at Rs. 21.70 cr. out of which, Rs. 3.70 cr. shall be secured through BDA (CIDF) and the remaining Rs. 18.00 cr. through CITIIS Grant.

The above matter is detailed in the tabulation below and the map showing project locations is placed for kind reference.

S. No.	Project Name	Project Location			Project Finances (Amount in Rs.)				Project Implementing Agency
		Description	Start Location	End Location	Total Project Cost (CAPEX only) Amount in Rs	BMC Contribution Amount in Rs.	BDA Contribution Amount in Rs	CITIIS Grant Amount in Rs.	
1	Restoring Blueways	Drainage Channel No. 7	Ganga Nagar Basti	Lewis Road area	40,64,92,892.00	12,62,14,736.20	-	28,02,78,155.80	BMC
Sub- Total 1 (Amount in Crores)					40.65	12.62	-	28.03	
2	Restoring Blueways	Drainage Channel No. 10	Bidyut Marg area	Janpath area	16,85,45,833.00	-	-	16,85,45,833.00	BSCL
Sub- Total 2 (Amount in Crores)					16.85	-	-	16.85	
3	Waterfront Promenade	Drainage Channel No. 10	Bidyut Marg area	Janpath area	21,70,00,000.00	-	3,70,00,000.00	18,00,00,000.00	BSCL
Sub- Total 3 (Amount in Crores)					21.70	-	3.70	18.00	
Grand Total (Amount in Crores)					79.20	12.62	3.70	62.88	

The above matter is placed for kind perusal and further orders.

Submitted.

ABSTRACT

- Nayapali Haza Area (sabak)-Ac 7.000 decs.
- As per field Ac6.395 decs.

Present Situation

- Out of Ac 6.395 Decs Haza Area as per Kissam-Jalasaya, Ac 4.677 decs.
- Jalasaya Kissam land encroached by Sani Temple Ac0.098 decs.
- Jalasaya Kissam land recorded in the name of Parbati Mohanty, area Ac 0.200 decs(as per ROR).
- Area Ac 1.518 decs recorded in the name of G.A Department as classification - Adi, Road, Patita, Gharabari, which is part of Haza Area as per Hal - record.

The details are given below: -

Mouza	Plot No.	Kissam	Area in decs
Nayapally	1155/4555	Road	Ac0.445 decs
	1156/4604	Patita	Ac0.298 decs
	1157/4414	Gharabari	Ac0.125 decs
	934/4397	Gharabari	Ac 0.050 decs
	934/4398	Gharabari	Ac0.040 decs
	934/4392	Gharabari	Ac 0.247 decs (Out of Ac 0.247 decs only Ac 0.050 decs recorded in the name of G.A Deptt.)
	953/4605	Patita	Ac 0.163 decs (Out of Ac 0.163 decs only Ac 0.075 decs recorded in the name of G.A Deptt.)
	1158	Adi	Ac 0.158 decs
TOTAL=			Ac1.518 decs

ଖତିୟାନ

ମୌଜା : ନୟାପଲ୍ଲୀ
ଥାନା : ନିଉକ୍ୟାପିଟାଲ
ଥାନା ନମ୍ବର : 1

ତହସିଲ : ଭୁବନେଶ୍ୱର
ତହସିଲ ନମ୍ବର : .
ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ରାଚ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତାଚ ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		3293				
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ସାଧାରଣ ପ୍ରଶାସନ ବିଭାଗ				
3) ସ୍ୱତ୍ୱ						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିତ୍ତାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ						
BLANK SPACE FOR STAMPING						
ଅନ୍ତିମ ପ୍ରକାଶନ ତାରିଖ - 22/07/2014						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ - 04/01/2015						

Khatian

Mouza:Nayapalli
 Police Station: New Capital
 POLICE Station No: 1

Tahasil:Bhubaneswar
 Tahasil No:
 District:Khurdha

Name Of Owners & SI Nos		Orissa Govt No.1				
1) Khatian's SI No		3293				
2)Place name,Father's Name,Caste& Home		Department Of Expenditure				
3)Swatwa						
4)Payment		WaterTax	Property	Sesh	If there is any nistara sesh or other sesh	Total
5)Details of Periodically Land Review						
6) Special remarks if any						
BLANK SPACE FOR STAMPING						
Last date of Publication 22.07.2014 Date of tax fix 4.01.2015						

ଅତିଯାନର କ୍ରମିକ ନଂ : 3293		ମୌଜା : ନୟାପଲ୍ଲୀ				ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା
ପୁର ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତବ୍ୟ
			ଏ.	ଡ.	ହେକ୍ଟର	
7	8	9	10	11	12	
1155	ଜଳାଶୟ ଦୁଇ	ଚନ୍ଦନ ପୋଖରୀ	3	934	1.592	
1156/460 4 ନୟାପଲ୍ଲୀ	ପଡିତ		0	298	0.1206	
1157	ଜଳାଶୟ ଦୁଇ	ହୁଦ	0	743	0.3007	
934	ଘରବାରୀ		0	150	0.0607	
934/4299	ଘରବାରୀ	ଶ୍ରୀ ପଳାବୁଣୀ ଠାକୁରାଣୀ ଙ୍କ ଆସ୍ଥାନ	0	225	0.0911	
934/4392	ଘରବାରୀ	ଘର ଓ ବାରି	0	50	0.0202	
934/4397	ଘରବାରୀ	ଘର ଓ ବାରି	0	50	0.0202	
934/4398	ଘରବାରୀ	ଘର ଓ ବାରି	0	40	0.0162	
1155/455 5	ରାସ୍ତା		0	445	0.1801	
1156/460 4 ନୟାପଲ୍ଲୀ	ପଡିତ		0	298	0.1206	
953/4605 ନୟାପଲ୍ଲୀ	ପଡିତ		0	75	0.0304	

KHATIAN NO: 3293		Mouza:Nayapalli				District:Khurdha
Plot No& chaka name	Kisama & Plots Taxes	List of Explantation List	Rakaba			Remarks
			A.	D.	Hector	
7	8	9	1	0	11	12
1155	Jalasya2	Chandan Lake	3	934	1.592	
<u>1156/460</u> <u>4</u> <u>Nayapalli</u>	patita		0	298	0.126	
1157	Jalasya2	Lake	0	743	0.3007	
934	Gharabari	Sri Palabuni Godess Place	0	150	0.0607	
934/4299	Gharabari	Ghara&Bari	0	225	0.0911	
934/4392	Gharabari	Ghara&Bari	0	50	0.0202	
934/4397	Gharabari	Ghara&Bari	0	50	0.0202	
934/4398	Gharabari	Ghara&Bari	0	40	0.0162	
<u>1155/455</u> <u>5</u> <u>Nayapalli</u>	Road		0	445	0.1801	
<u>1156/460</u> <u>4</u> <u>Nayapalli</u>	Patita		0	298	0.1206	
<u>953/4605</u> <u>Nayapalli</u>	Patita		0	75	0.0304	

ଖତିୟାନ

ମୌଜା : ନୟାପଲ୍ଲୀ
ଥାନା : ନିଉକ୍ୟାପିଟାଲ
ଥାନା ନମ୍ବର : 1

ତହସିଲ : ଭୁବନେଶ୍ୱର
ତହସିଲ ନମ୍ବର : .
ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତାଚ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତାଚ ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		3293				
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ସାଧାରଣ ପ୍ରଶାସନ ବିଭାଗ				
3) ସ୍ୱତ୍ୱ						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଷ୍କାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ						
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ଅନ୍ତିମ ପ୍ରକାଶନ ତାରିଖ - 22/07/2014						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ - 04/01/2015						

94 (A)

Khatian

Mouza:Nayapalli
Police Station: New Capital
POLICE Station No: 1

Tahasil:Bhubaneswar
Tahasil No:
District:Khurdha

Name Of Owners & SI Nos		Orissa Govt No.1				
1) Khatian's SI No		3293				
2)Place name,Father's Name,Caste& Home		Department Of Expenditure				
3)Swatwa						
4)Payment	WaterTax	Property	Sesh	If there is any nistara sesh or other sesh	Total	5)Details of Periodically Land Revinew
6) Special remarks if any						
BLANK SPACE FOR STAMPING						
Last date of Publication 22.07.2014 Date of tax fix 4.01.2015						

1157/4414	ଘରବାର୍ତ୍ତି	ପକାଇର ବାସଗୃହ	01250.05
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95(A)

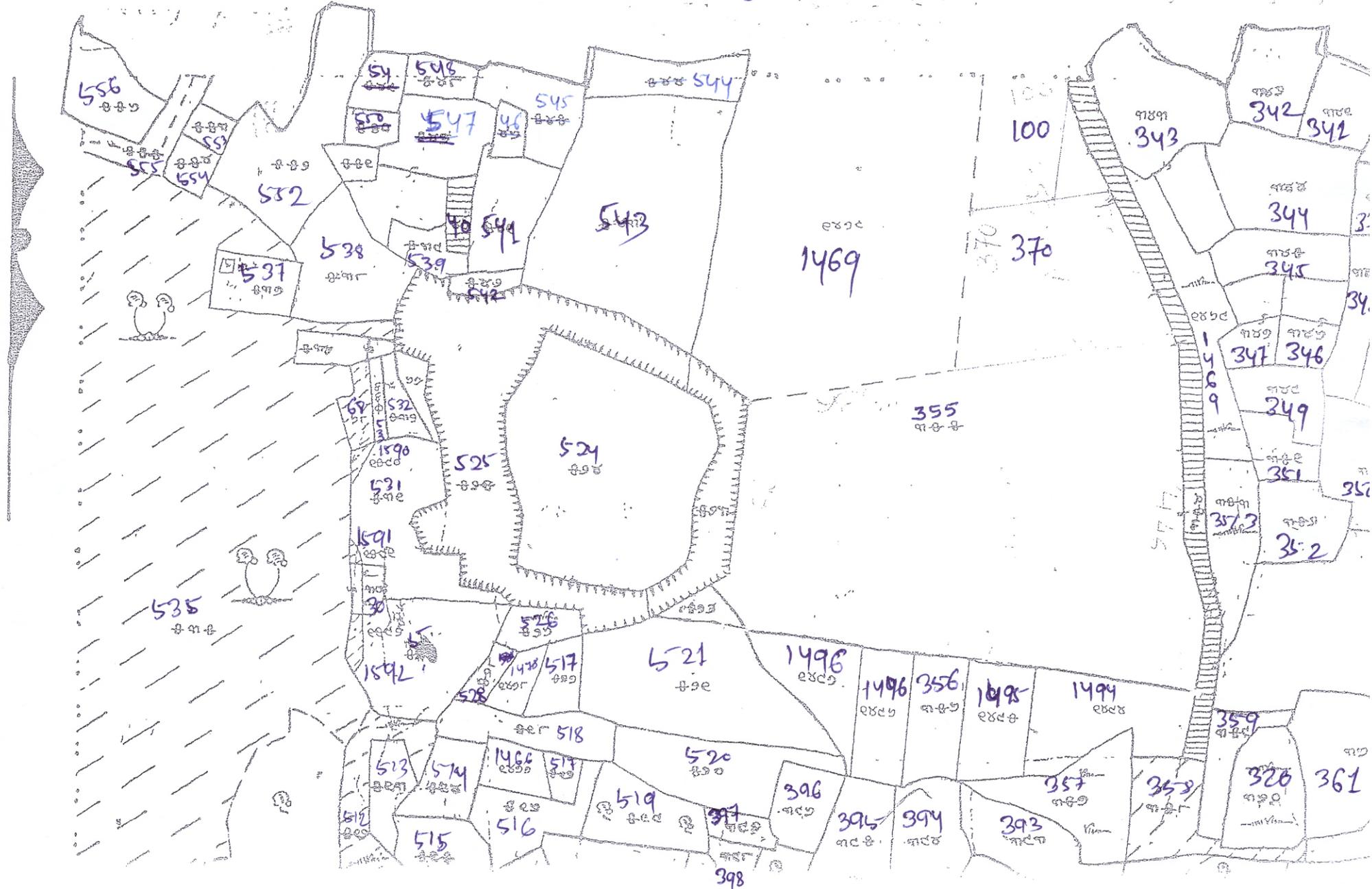
	Gharabari	Pakka House	0	125	0.05
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Name-Nayapalli, Seta-15 Swar
Police Station No-241
Police Station- Bhubaneswar

Kisam- Deorbamala
Dist- Purid.

97(A)

-96(A)



07(A)

Khatian

Mouza:Nayapalli
Police Station: New Capital
POLICE Station No: 1

Tahasil:Bhubaneswar
Tahasil No:
District:Khurdha

Name Of Owners & SI Nos		Orissa Govt No.1				
1) Khatian's SI No		3293				
2)Place name,Father's Name,Caste& Home		Department Of Expenditure				
3)Swatwa						
4)Payment	WaterTax	Property	Sesh	If there is any nistara sesh or other sesh	Total	5)Details of Periodically Land Revinew
6) Special remarks if any						
BLANK SPACE FOR STAMPING						
Last date of Publication 22.07.2014 Date of tax fix 4.01.2015						

1158	ଆଡି	ବୁଦ୍ଧ	08490.3436	
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98(A)

1158	Adi	Adilake	0	125	0.05
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Schedule I Form No.39-A

ଖତିୟାନ

ମୌଜା : ନୟାପଲ୍ଲୀ

ତହସିଲ : ଭୁବନେଶ୍ୱର

ଥାନା : ନିଉକ୍ୟାପିଟାଲ

ତହସିଲ ନମ୍ବର : .

ଥାନା ନମ୍ବର : 1

ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତାଟ ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		1274				
2) ପ୍ରଜାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ପାର୍ବତୀ ମହାନ୍ତି ସ୍ତ୍ରୀ: ବଟକୃଷ୍ଣ ମହାନ୍ତି, ଜତିନ କୁମାର ମହାନ୍ତି, ରଞ୍ଜିତ କୁମାର ମହାନ୍ତି, ସୁଜିତ କୁମାର ମହାନ୍ତି, ଅଜିତ କୁମାର ମହାନ୍ତି, ସୁଜାତା ମହାନ୍ତି, ନିରଜା ବାଳା ମହାନ୍ତି ପି: ବଟକୃଷ୍ଣ ମହାନ୍ତି ଜା: କରଣ ବା: ନିଜଗାଁ				
3) ସ୍ୱତ୍ୱ	ସ୍ଥିତିବାନ					
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଷ୍କାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
		3.60	2.70		6.30	
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ						
BLANK SPACE FOR STAMPING						
ଅତିମ ପ୍ରକାଶନ ତାରିଖ - 22/07/2014						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ - 01/04/2015						

99(A)

Khatiyani SI No. 1274		Mouza:Nayapalli			District:Khordha	
Plot No & Chaka's Name	Kisam & Plots Taxes	List of explanation List	Rakaba			Remarks
			A.	D.	Hector	
7	8	9	1	0	11	12
1157/4401	Jalasaya1		0	200	0.0809	
1 plot			0	200	0.0809	

ଖତିୟାନର କ୍ରମିକ ନଂ : 1274		ମୌଜା : ନୟାପଲ୍ଲୀ			ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା	
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରଜବା			ମତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1157/4401	ଜଳାଶୟ ଏକ		0	200	0.0809	
1 plot			0	200	0.0809	

- 100(A) -

Khatiyani SI No. 1274		Mouza:Nayapalli			District:Khordha	
Plot No & Chaka's Name	Kisam & Plots Taxes	List of explanation List	Rakaba			Remarks
			A.	D.	Hector	
7	8	9	1	0	11	12
1157/4401	Jalasaya1		0	200	0.0809	
1 plot			0	200	0.0809	

National information center 15/11/2019 01:11:54 IP :10.172.0.71



Bhubaneswar Municipal Corporation

Telephone: 0674-2431253 FAX: 0674-2431253
E-mail Id: info@bmc.gov.in, Web: bmc.gov.in

Ref. No.: BMC/Land-L1

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Letter No. 129/2 / Dated. 11/02/2022

To,

The Addl. Commissioner - CUM-Member Enforcement,
BDA, Bhubaneswar, Akash Shova Building, Sachivalaya Marg,
Bhubaneswar-751001, Odisha.

Sub: Regarding demollish of illegal and unauthorized construction in Mouza-Nayapalli, Bhubaneswar.

Sir,

With reference to the subject cited above, I am directed to say that, as per the kind direction the Head Quarter Amin, BMC, RI, G.A&P.G Department, Amin, BDA, Bhubaneswar and Survey Asst., South West Zone, BMC made Joint field inquiry Haza land in Nayapalli Mouza of Bhubaneswar Tahasil. The Joint inquiry report disclosed that the land measuring an Area Ac0.098 decs in Mouza-Nayapalli under Plot No-934/4392 and 934/4397, Kissam-Gharabari has been recorded in the name of G.A Department but in the field, it is found that some encroachments are there causing disclocation for renovation of the HAZA Pond being executed by BMC.

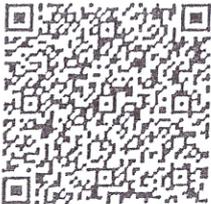
It is therefore requested to take of eviction of encroachment of above area under Mouza-Nayapalli through Central Enforcement Monitoring Committee (CEMC) as per the provision of law.

Yours faithfully,

Encl: As above.

[Signature]
10/2/22

Deputy Commissioner (Land & Enf.)
Bhubaneswar Municipal Corporation



IN THE COURT OF CIVIL JUDGE SR. DIVISION, BHUBANESWAR

C.S. NO- 1950 /2021

Pitabas Rayaguru and others

--- Plaintiffs

Versus

Bhubaneswar Development Authority and another

--- Defendants

ADDRESS STATEMENT

1. Pitabas Rayaguru, Aged about- 55 years
Son of late Gopinath Rayaguru
2. Padmini Das Aged about- 48 years
Wife of Chintamani Das
3. Santilata Pradhan, Aged about-53 years
Wife of Ramesh Chandra Pradhan
4. Manasi Dash Aged about- 68 years
Wife of late Chakradhar Dash
5. Ranu Mohanty Aged about- 51 years
Wife of Smruti Ranjan Mohanty
6. Basanta Manjari Nayak aged about- 55 years
Wife of Gandharba Ch. Nayak
7. Sasmita Moharana, Aged about- 40 years
Wife of Srikanta Moharana
8. Sushama Sahoo Aged about-50 years
Wife of Taruna Kumar Sahoo
9. Harekrushna Behera Aged about- 62 years
Son of Late Mayadhar Behera
10. Prasan^{7th} Kumar Ray, Aged about- 36 years
Son of late Pitambar Rout
11. Ajaya Swain, Aged about- 54 years
Son of late Gandharba Swain
12. Subasis Mohanty Aged about- 39 years
Son of Arjuna Mohanty
13. Tulasi Sahoo Aged about- 40 years
Wife of Trinath Sahoo
14. Tapan Kumar Sahoo Aged about-32 years
Son of Late Chaitanya Sahoo

All are residing at Hal Khata no-1176,
Plot no-1071, sabak plot.no-528/722
Nayapalli, Bhubaneswar,
Dist. Khurda

C.V. No. 1950

Pitabas Rayaguru
Padmini Das
Santilata Pradhan
Ranu Mohanty.
Basanta Manjari Nayak
Sasmita Moharana

Sushama Sahoo
Harekrushna Behera
Prasan Kumar Ray
BY the plaintiffs
Ajaya Kumar Swain
Subasis Mohanty
Tapan Kumar Sahoo

IN THE COURT OF CIVIL JUDGE SR. DIVISION, BHUBANESWAR

C.S. NO- 1450 /2021

1. Pitabas Rayaguru
Aged about- 55 years
Son of late Gopinath Rayaguru
2. Padmini Das
Aged about- 48 years
Wife of Chintamani Das
3. Santilata Pradhan,
Aged about-53 years
Wife of Ramesh Chandra Pradhan
4. Manasi-Dash
Aged about- 68 years
Wife of late Chakradhar Dash
5. Ranu Mohanty
Aged about- 51 years
Wife of Smruti Ranjan Mohanty
6. Basanta Manjari Nayak
aged about- 55 years
Wife of Gandharba Ch. Nayak
7. Sasmita Moharana,
Aged about- 40 years
Wife of Srikanta Moharana
8. Sushama Sahoo
Aged about-50 years
Wife of Taruna Kumar Sahoo
9. Harekrushna Behera
Aged about- 62 years
Son of Late Mayadhar Behera
10. Prasan^{na} Kumar Ray
Aged about- 36 years
Son of late Pitambar Rout
11. Ajaya Swain
Aged about- 54 years
Son of late Gandharba Swain
12. Subasis Mohanty
Aged about- 39 years

Sushama Sahoo
Harekrushna Behera
Santilata Pradhan
Ajaya Kumar Swain
Subasis Mohanty
D. M. A. I. S.
Tapan Kumar Sahoo

Pitabas Rayaguru
Padmini Das
Santilata Pradhan
Ranu Mohanty
Basanta Manjari Nayak
Sasmita Moharana

S. M. Das
m

Son of Arjuna Mohanty

13. Tulasi Sahoo
Aged about- 40 years
Wife of Trinath Sahoo

14. Tapan Kumar Sahoo
Aged about-32 years
Son of Late Chaitanya Sahoo

All are residing at Hal Khata no-1176,
Plot no-1071, sabak plot no-528/722
Nayapalli, Bhubaneswar,
Dist. Khurda

--- Plaintiffs

Versus

1. Bhubaneswar Development Authority
Akash Sova Building,
Lok Seva Marg, Bhubaneswar
Represented through its Vice-Chairman

2. Bhubaneswar Municipal Corporation,
Vivekananda Marg, Bhubaneswar
Dist. Khurda
Represented through its Commissioner

--- Defendants

**SUIT FOR ~~REDEMPTION~~ AND PERMANENT INJUNCTION VALUED
AT RS.55,000/- (RUPEES FIFTY FIVE THOUSANDS ONLY)**

The above named plaintiff most respectfully sheweth:

1. That, the plaintiffs having common cause of action jointly filed the present suit as against their common enemy in their respective individual capacity whereas defendants are being sued in their respective official capacity.
2. That, the plaintiffs are the respective beneficiary of the property described under the schedule A to N wherein the respective plaintiffs have been enjoying the aforesaid property since the time of their respective fore-fathers in the knowledge of whole world.

Om 21/21/21
Tapan Kumar Sahoo

Pranava Kuyji Das
Ajaya Kumar Sahoo
Subhamish Mohanty

Sasmita Maharana
Sushama Sahoo
Haradhan Choudhary

Om 21/21/21
Arjun Mohanty
As a co-plaintiff

Om 21/21/21
Arjun Mohanty
As a co-plaintiff

3. That, as per R.O.R. Govt. of Odisha, G.A. Department is the owner of the suit schedule property to which the same has also been adjudicated in the case of Basanta Manjari Nayak Vrs-State of Odisha and others vide W.P.C. No-14516 of 2018 and 15967 of 2018 in the case of Prasanna Kumar Ray VRs- State of Odisha. It is not the out of place to mention here that the aforesaid two persons those are the two Nos. of plaintiffs in the instance case have also preferred the aforesaid writ application before Hon'ble High court of Odisha. Hon'ble High court of Odisha vide order dt- 8.8.2018 and 30.11.2018 respectively while disposed of the aforesaid writ observed that Govt. of Odisha G.A. Department is the owner of the suit schedule property and beneficiary of the property cannot be dispossess unless until they are evicted in due process of law.

Dr. Tapar Kumar Saha

Jasanna Luyr dy
Prasanna Kumar Saha
Subarna Mohanty

4. That, by strength of that order the respective plaintiffs have been enjoying their respective lands, which have been described in the schedule of the plaint.

Sasmita Manjari
Sushama Sahoo
Haranath Chandra Bala

5. That, when the matter stood thus, it is learnt that BMC decided to install/construction of 5TPD capacity micro composing center over the entire suit schedule property. Therefore BMC have also floated a tender for the aforesaid work. It is also learnt that behind the back of plaintiffs, BMC with the help of BDA have also selected a contractor namely Avirupa construction (Sri Biraja Prasad Ray) of plot no-436/1673, Nuasahi, Nayapalli, Po/PS-Nayapalli, Bhubaneswar, for construction of the aforesaid job. It is also learnt that BMC on dt- 17.3.2021 have also entered into an agreement with the aforesaid contractor.

17/3/21
Renu Mahanty
Biswajit Mahapatra

6. That, the letter of the BMC bearing No-20237, dt- 17.3.2021 addressed to the contractor for construction of the 5TPD

Prasanna Kumar Saha
Pradip Das
Santilata Saha

capacity micro composing center over the suit schedule property envisages direction was given to the contractor by the BMC to complete the job by dt- 16.6.2021.

Om 21 21 21
of Tapan Kumar Sahoo

7. That, on the early part of June'2021 when it came to the knowledge of plaintiffs about the act of the defendants, violating the order of the Hon'ble High court they have disclosed the same to the contractor and contractor withdrawn themselves from the spot.

Prerna Kuyr Das
Ajaya Kumar Sahoo
Subhanish Mahanti

8. That, the plaintiffs those are the occupants of ward no-38 of BMC, came to know that, BMC has planned to install a micro composing center (MCC) in hal plot no- 528/3238, khata no-1176, sabak no-1071/722 in ward no-38. Due to the above decision of BMC, plaintiffs strongly opposed such activities of BMC. The suit land along with the periphery of the suit are is closely thick with residential population. All category of peoples are residing from the age of infant to old. If the micro composing center will function the dumping of waste a lot of pungent smell will flow and we will suffer a lot like air pollution, water pollution and sound pollution. The everybody health condition will be spoiled and deteriorated day by day. Plaintiffs strongly opposed the decision of BMC in various sphere. The road is lying to the said plot is so narrow and closed end of the road, which is not possible to pass two vehicle at a time. It is also inconvenient to the plaintiffs due to vehicular traffic. So far the road and drain have not been completed resulting rain and drain water are not discharging and water logging takes place for several hours. The wastage water enter into the premises of plaintiffs.

Sasmita Mahapatra
Susuma Sahoo
Harsha Sahu Behera

9/12/21
Renu Mohanty
Basanta Majhi

9. This decision of BMC is violating the guideline of Govt. of Odisha for construction of Micro composing center. The

Leela Roy
Padmini Das
Santika Pradhan

guidelines are 500 meters from highway, 200 meter from residence inhabitants, public parks and water supply wells and 2000 meter from pond.

10. That, there are seventeen poor families, those have been residing since from 64 years in the said plot by constructing temporary houses. They are not rehabilitated so far, it is believed to have degraded of democracy, instead of making Nobel work, BMC has decided to install a micro composting center, which the BMC making the people fear rather than making the people safe.

11. That, the plaintiffs are the beneficiary of the suit schedule property to which they are enjoying since the time of their forefathers. In the mean time Govt. of Odisha headed by Hon'ble Chief Minister of Odisha, have also taken a decision that persons those are residing over the Govt. land for a long distance Govt. will settle that land in their favour and accordingly land R.O.R. is also been published in their names. The aforesaid decision of the govt. is now verge of acted upon by the govt. so at this stage if the defendants by using their official power will go for install 5TPD capacity micro composting center then t he plaintiffs will be put into irreparable loss and injury.

12. That, the plaintiffs on a group along with other local inhabitants on dt-7.7.2021 approached to the defendants not to go for installation of 5TPD capacity micro composting center but the defendants are in deaf ear. So in this circumstances the plaintiffs have no other alternative than to file the present suit. Hence the suit.

13. That, the cause of action of the suit arose under different dates and lastly on 7.7.2021 when the approached of the

Arumana Kumar Ray
Rajya Kisan Seva
Bhubaneswar
21/21/21

Sasmita Maniataora
Sushma Sahoo
Hemakrushna Beha

Renu Mohanty
Basanta Mohanty

Pooja Rajgopal
Padmini Dey
Santika Pradhan

111

plaintiffs have been negatived by the defendants for installation of 5TPD capacity micro composing center, come under the jurisdiction of this Hon'ble court.

Tapar Kumar Sahoo
Subhankar Mohanty

10

14 That, the suit being the suit for permanent injunction it is valued at Rs.55,000/- and advelorem, court fees is paid herewith accordingly.

Reserve Copy for Tapar Kumar Sahoo Subhankar Mohanty

PRAYER

It is therefore prayed that your honour may graciously be pleased to

- a. Let a decree of permanent injunction be passed restraining the defendants, their agents, servants to install 5TPD capacity micro composing center over the suit schedule property.
- b. Cost of the suit be awarded in favour of the plaintiff.
- c. Any other relief/s as deem fit and proper be awarded in favour of the plaintiff.

Sasmita Mahapatra
Sushama Sahoo
Harshita Sahoo

And for which act of your kindness the plaintiff shall as on duty bound ever pray.

Bhubaneswar

By the plaintiff through

Date: 14-7-21

The advocate

5/1/21
Renu Mohanty
Basanta Mohanti

SUIT SCHEDULE PROPERTY

SCHEDULE-A

Hal Khata No-1176, Hal plot no-528/3241, Area Ac0.050 decimal, Mouza-Nayapalli, Bhubaneswar, Dist. Khurda.

Chitra Raygurun
Padmi Raj Das
Savitri Lata Pradhan

SCHEDULE-B

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-C

Hal Khata No-1176, Hal plot no-528/3240, Area Ac0.065 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-D

Hal Khata No-1176, Hal plot no-528/3237, Area Ac0.067 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-E

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-F

Hal Khata No-1176, Hal plot no-528/3235, Area Ac0.068 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-G

Hal Khata No-1176, Hal plot no-528/3236, Area Ac0.067 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-H

Hal Khata No-1176, Hal plot no-528/3239, Area Ac0.037 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-I

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-J

Hal Khata No-1176, Hal plot no-528/3238, Area Ac0.055 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

21/11/17
Tapan Kumar Sahoo

Hare Krishna Babu
Prasanna Kumar
Ajaya Kumar Swain
Subhanu Mohanty

Renu Mohanty
Basanta Manoj Kumar
Sasmita Mahapatra
Sushama Sahoo

Pitabas Raygiri
Pradipani Day
Santi-Lata Palit
21/11/17

SCHEDULE-K

Hal Khata No 1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

0 21 21 9
Tapan Kumar Sahoo

SCHEDULE-L

Hal Khata No 1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza Nayapalli, Bhubaneswar, Dist. Khurda

Arjuna Kumar Singh
Ajaya Kumar Sahoo
Subodh Mohanty

SCHEDULE-M

Hal Khata No 1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-N

Hal Khata No 1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza Nayapalli, Bhubaneswar, Dist. Khurda

Sasmita Moharana
Sushama Sahoo
Harekrushna Behera

DOCUMENTS RELIED UPON

1. R.O.R.
2. Any other documents are to be filed at the time of hearing.

VERIFICATION

We Pitabas Rayaguru, Aged about- 55 years Son of late Gopinath Rayaguru Padmini Das Aged about- 48 years Wife of Chintamani Das Santilata Pradhan, Aged about-53 years Wife of Ramesh Chandra Pradhan Manasi Dash Aged about- 68 years Wife of late Chakradhar Dash Ranu Mohanty Aged about- 51 years Wife of Smruti Ranjan Mohanty Basanta Manjari Nayak aged about- 55 years Wife of Gandharba Ch. Nayak Sasmita Moharana, Aged about- 40 years Wife of Srikanta Moharana Sushama Sahoo Aged about-50 years Wife of Taruna Kumar Sahoo Hare krushna Behera Aged about- 62 years Son of Late Mayadhar Behera Prasan⁷¹⁰ Kumar Ray Aged about- 36 years Son of late Pitambar Rout Ajaya Swain Aged about- 54 years Son of late Gandharba Swain Subasis Mohanty Aged about- 39 years Son of Arjuna

S/N 27 21/67
Renu Mohanty
Basanta Manjari Nayak
Pitabas Rayaguru
Padmini Das
Santilata Pradhan

Mohanty Tulasi Sahoo Aged about- 40 years Wife of Trinath Sahoo
Tapan Kumar Sahoo Aged about-32 years Son of Late Chaitanya Sahoo
All are residing at Hal Khata no-1176, Plot no-1071, sabak plot no-
528/722 Nayapalli, Bhubaneswar, Dist. Khurda, do hereby verify that
the facts stated above are true to the best of our knowledge and belief
and we signed on this verification being present in our advocate's
chamber.

1. Pitabas Rayaguru
Padmini Das
Santilata Pradhan
11/7/21

2. Renu Mohanty
Basanta Manoj Singh
Sasmizamaharajana

3. Sushama Sahoo
Harakree Shri Behra
Anurupa Kujur Singh
Ajaya Kumar Sahoo
Subhanshu Mohanty
11/7/21
Tapan Kumar Sahoo
VERIFICANTS

Bhubaneswar

Date: 14.7.21

AFFIDAVIT

I Pitabas Rayaguru, Aged about- 55 years Son of late Gopinath Rayaguru
residing at Hal Khata no-1176, Plot no-1071, sabak plot no-528/722
Nayapalli, Bhubaneswar, Dist. Khurda, do hereby solemnly affirm and
state as follows:-

1. That, I am the plaintiff no-1 in this case and I swear this affidavit
for myself and for other plaintiffs.
2. That, the fact stated above are true to the best of my knowledge.

Identified by me
Advocate, Bhubaneswar.

Pitabas Rayaguru
DEPONENT

IN THE COURT OF CIVIL JUDGE SR. DIVISION, BHUBANESWAR

I.A. NO- 1 /2021

(ARISING OUT OF C.S., NO. 1950 /2021)

Pitabas Rayaguru and others

--- Petitioners

Versus

Bhubaneswar Development Authority and another

--- Opp. parties

ADDRESS STATEMENT

1. Pitabas Rayaguru, Aged about- 55 years
Son of late Gopinath Rayaguru
2. Padmini Das Aged about- 48 years
Wife of Chintamani Das
3. Santilata Pradhan, Aged about-53 years
Wife of Ramesh Chandra Pradhan
4. Manasi Dash Aged about- 68 years
Wife of late Chakradhar Dash
5. Ranu Mohanty Aged about- 51 years
Wife of Smruti Ranjan Mohanty
6. Basanta Manjari Nayak aged about- 55 years
Wife of Gandharba Ch. Nayak
7. Sasmita Moharana, Aged about- 40 years
Wife of Srikanta Moharana
8. Sushama Sahoo Aged about-50 years
Wife of Taruna Kumar Sahoo
9. Harekrushna Behera Aged about- 62 years
Son of Late Mayadhar Behera
10. Prasanna Kumar Ray, Aged about- 36 years
Son of late Pitambar Rout
11. Ajaya Swain, Aged about- 54 years
Son of late Gandharba Swain
12. Subasis Mohanty Aged about- 39 years
Son of Arjuna Mohanty
13. Tulasi Sahoo Aged about- 40 years
Wife of Trinath Sahoo
14. Tapan Kumar Sahoo Aged about-32 years
Son of Late Chaitanya Sahoo

All are residing at Hal Khata no-1176,
Plot no-1071, sabak plot no-528/722
Nayapalli, Bhubaneswar,
Dist. Khurda

Pitabas Rayaguru

Padmini Das

Santilata Pradhan

11/11/21 9/07

Ranu Mohanty

Basanta Manjari Nayak

Sasmita Moharana

Sushama Sahoo

Harekrushna Behera

Prasanna Kumar Ray

Ajaya Kumar Swain

Subbasis Mohanty

Tulsi Sahoo

Tapan Kumar Sahoo

By the petitioners

-113-

IN THE COURT OF CIVIL JUDGE SR. DIVISION, BHUBANESWAR

I.A. NO-_____/2021

(ARISING OUT OF C.S. NO-_____/2021)

1. Pitabas Rayaguru
Aged about- 55 years
Son of late Gopinath Rayaguru
2. Padmini Das
Aged about- 48 years
Wife of Chintamani Das
3. Santilata Pradhan,
Aged about-53 years
Wife of Ramesh Chandra Pradhan
4. Manasi Dash
Aged about- 68 years
Wife of late Chalcradhar Dash
5. Ranu Mohanty
Aged about- 51 years
Wife of Smruti Ranjan Mohanty
6. Basanta Manjari Nayak
aged about- 55 years
Wife of Gandharba Ch. Nayak
7. Sasmita Maharana,
Aged about- 40 years
Wife of Srikanta Moharana
8. Sushama Sahoo
Aged about-50 years
Wife of Taruna Kumar Sahoo
9. Harekrushna Behera
Aged about- 62 years
Son of Late Mayadhar Behera
10. Prasan^{na} Kumar Ray
Aged about- 36 years
Son of late Pitambar Rout
11. Ajaya Swain
Aged about- 54 years
Son of late Gandharba Swain

S.N. 5/21

Sushama Sahoo
Harekrushna Behera
Ranu Mohanty
Ajaya Kumar Swain
Gandharba Mohanty
S.N. 21 of
Taruna Kumar Sahoo

Pitabas Rayaguru
Padmini Das
Santilata Pradhan
Manasi Dash
Ranu Mohanty
Basanta Manjari Nayak
Sasmita Maharana

- 12. Subasis Mohanty
Aged about- 39 years
Son of Arjuna Mohanty
- 13. Tulasi Sahoo
Aged about- 40 years
Wife of Trinath Sahoo
- 14. Tapan Kumar Sahoo
Aged about-32 years
Son of Late Chaitanya Sahoo

All are residing at Hal Khata no-1176,
Plot no-1071, sabak plot no-528/722
Nayapalli, Bhubaneswar,
Dist. Khurda

--- Petitioners

1. Subasis Mohanty
2. Tulasi Sahoo
3. Tapan Kumar Sahoo

Versus

- 1. Bhubaneswar Development Authority
Agnih Nava Building,
Lok Nava Marg, Bhubaneswar
Represented through its Vice-Chairman
- 2. Bhubaneswar Municipal Corporation,
Vivekananda Marg, Bhubaneswar
Dist. Khurda
Represented through its Commissioner

--- Opp. parties

1. Sasmita Mahapatra
2. Susheela Sahoo
3. Hemant Kumar Bala

PETITION U/O-39, RULE-1 AND 2, R/W- 151 C.P.C.

The above named petitioners most respectfully sheweth:

- 1. That, the original suit of the plaintiff/petitioner is for permanent injunction simplicitor in respect to the suit schedule property. The contents of the original suit may be treated as part and parcel of this I.A. just to avoid the repetaton of facts.
- 2. That, the petitioners are the beneficiary of the suit schedule property and till date they have not been evicted by the paramount owner in due process of law. But the opp. parties are now going to construct 5TPD capacity micro composing center by using force. If the opp. parties will be succeeded in their attempt, then the petitioners will be put into irreparable loss and injury.

1/12/2019
Pawan Mohanty,
Basanta Mohapatra
1/12/2019
Savitri Lata Pradhan
Admin. D. S.

3. That, the petitioners have a very good prima-facie case of their own and balance of convenience leans in favour of the petitioners.

PRAYER

It is therefore prayed that your honour may graciously be pleased to pass an ad-interim injunction restraining the opp. parties, their agents, servants to install 5TPD capacity micro composing center over the suit schedule property in any manner till disposal of the original suit.

And for which act of your kindness the petitioner shall as on duty bound ever pray.

Bhubaneswar

By the petitioner through

Date: 17/7/17

The advocate

SUIT SCHEDULE PROPERTY

SCHEDULE-A

Hal Khata No-1176, Hal plot no-528/3241, Area Ac0.050 decimal, Mouza-Nayapalli, Bhubaneswar, Dist. Khurda.

SCHEDULE-B

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal, Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-C

Hal Khata No-1176, Hal plot no-528/3240, Area Ac0.065 decimal, Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-D

Hal Khata No-1176, Hal plot no-528/3237, Area Ac0.067 decimal, Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

20/7/17
Tapan Kumar Sahoo

Harekrishna Bahu
Anurama Kuyar
Gaya Kumar Sahoo
Subhansu Mishra

Rana Mohanty
Bansota Mohanty
Sasmita Moharana
Sushama Sahoo

11/7/17
Padma Devi
Sankalata Pradhan
11/7/17 9/17

SCHEDULE-E

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-F

Hal Khata No-1176, Hal plot no-528/3235, Area Ac0.068 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-G

Hal Khata No-1176, Hal plot no 528/3236, Area Ac0.067 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-H

Hal Khata No-1176, Hal plot no-528/3239, Area Ac0.037 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-I

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-J

Hal Khata No-1176, Hal plot no-528/3238, Area Ac0.055 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-K

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-L

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

SCHEDULE-M

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

6/21/21
Tapan Kumar Sahoo

Harekrishna Behera
Prasanna Kujur
Rajya Kumar Sahoo
Subhanth Mahanty

Renu Mahanty,
Basanta Pragasit Hojar
Sasmita Maharana
Sushama Sahoo

P. L. K. Roy
Padmini Das
Sardulata Pradhan
5/1/2021

④

-117-

SCHEDULE-N

Hal Khata No-1176, Hal plot no-1071/722, Area Ac0.050 decimal,
Mouza-Nayapalli, Bhubaneswar, Dist. Khurda

AFFIDAVIT

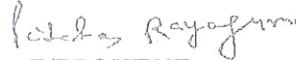
I Pitabas Rayaguru, Aged about- 55 years Son of late Gopinath Rayaguru
residing at Hal Khata no-1176, Plot no-1071, sabak plot no-528/722
Nayapalli, Bhubaneswar, Dist. Khurda, do hereby solemnly affirm and
state as follows:-

1. That, I am the petitioner no-1 in this case and I swear this affidavit
for myself and for other petitioners.
2. That, the fact stated above are true to the best of my knowledge.

Identified by me



Advocate, Bhubaneswar.


DEPONENT

In the National Green Tribunal,
Eastern Zone Bench, Kolkata

Original Application
No.123/2022/EZ

In the matter of:

Srikanta Kumar Pakal &
another.

.... Applicant.

-Versus-

The State of Odisha & Ors.

... Respondents.

**Counter Affidavit on behalf of
the respondent no.4**

Mr. Rajib Ray

Advocate

Bar Association Room No. 13,
High Court, Calcutta
Mob-9830132729/7980422764
Email: rajib.ray23@gmail.com