

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO-2 of 2024/EZ

IN THE MATTER OF

TAPAS KUMAR BAL

APPLICANT

Versus

STATE OF ODISHA &Ors

...

Respondents

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PLACE: Bhubaneswar

DATE: 18/11/2024

SANKAR PRASAD PANI

S. Pani

ADVOCATE FOR APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO 2 OF 2024/EZ

IN THE MATTER OF:

TAPAS KUMAR BAL

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

**PRILIMINARY OBJECTION ON BEHALF OF APPLICANT TO THE
AFFIDAVIT FILED BY RESPONDENT-14**

I, TAPAS KUMAR BAL, S/o HRUSHIKESH BAL, Aged about 35 years
Resident of AT-DEOGAON, Po-KUSHALESWAR, PS-GHASIPURA,
KEOUNJHAR hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the above mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction

2. It is pertinent to mention here that the Vakalatnama filed by Respondent 14 has been signed by Sri Gorle Ramesh who is the manager of Sri Sai construction and the affidavits dated 08/10/2024 and 17/11/2024 filed by Respondent 14 has been signed by one Niranjana sahoo who is not a party to the present proceedings
3. That the Niranjana sahoo who has signed the affidavit is not the respondent number 14. Mr Sri Gorle Ramesh, Manager of Sri Sai Constructions who has been granted lease, EC and CTO nor the deponent of the affidavits Niranjana sahoo has filed any authorization on behalf of R14 as such it is not clear under what capacity Niranjana sahoo has filed affidavit hence both the affidavits filed by Niranjana sahoo dated 08/10/2024 and 17/11/2024 may be rejected as he is not party to the present proceedings.
4. That in the mean time the private respondent has started mining at kusei sand bed by using two proclain machine and this has been brought to the notice of Deputy Director of Mines keonjhar and Mining officer Keonjhar. The mining officer came to the site and seen the two machines are on job of loading sand to the heavy vehicles however no step was taken by the mining officer to seize the machine. The entire conversation of the applicant with the mining officer has been videographed. That the applicants demand for seizure of vehicle has been ignored by the Mining Officer Keonjhar. it is pertinent to mention here that the mechaanical mining is prohibited and illegal but the lessee of the Kusei sand bed is

operating the sand bed in violation of Environmental Clearance conditions, Consent To Operate conditions, mining plan conditions and lease agreement conditions and no action has been taken by any authorities against the lessee for violating the mining conditions. And in the contrary the Mining Officer is permitting the lease holder to operate the quarry. In view of this the applicant prays for stop operation of mining at Kusei sand bed and prays for a direction to the member secretary SEIAA and DDM keonjhar for filing of action taken report against the lessee and the erring officers.

5. That the photograph dated 07/11/2024 shows that the lessee is operating and transporting the sand from Kusei sand bed in Night time also and the photographs dated 09/11/2024 shows that the lessee is operating the Kusei sand bed by using two heavy proclain machines. Photograph dated 07/11/2024 and 09/11/2024 is annexed here unto as ANNEXURE-1.
6. It is also submitted that the vehicles carrying sand from the Kusei sand bed is illegally plying on a Smasan land for which no permission has been granted by any authority and to this regard villagers have also made complaint to the DM Keonjhar and this incident was covered by a local vernacular newspaper named Sambad on 08/10/2024. Copy of the news clipping dated 08/10/2024 is annexed here unto as ANNEXURE-2.
7. It is further submitted that the Respondent 14 in his affidavit dated 08/10/2024 has filed some false affidavits claiming that the Applicant is

also indulged in illegal mining to this effect one FIR has also been filed by the applicant on dated 14/11/2024 before Ghasipura IIC Keonjhar.

8. It is pertinent to mention here that there is no other any sand mining lease area exists within 10 k.m radius of the Kusei sand bed Deogaon. And the lessee of this quarry in the garb of lease area extracting sand from the nearby areas.

APPLICANT THROUGH



ADVOCATE

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO -02 OF 2024/EZ

IN THE MATTER OF:

TAPAS KUMAR BAL

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

Affidavit

18 NOV 2024

I, TAPAS KUMAR BAL, S/o HRUSHIKESH BAL, Aged about 35 years
Resident of AT-DEOGAON, Po-KUSHALESWAR, PS-GHASIPURA,
KEOUNJHAR hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the abovementioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction

Tapas Kumar Bal
DEPONENT

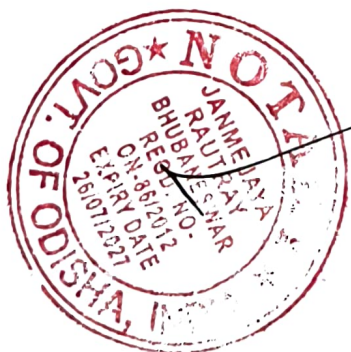
VERIFICATION

18 NOV 2024

Verified on this the day of 2024 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By
0-10/11/23

Tapas Kumar Bal
DEPONENT



The above named deponent(s) being duly identified by Sri.....
Advocate, Bhubaneswar
Appears before me on 18 NOV 2024
at A.M./P.M. States
on oath the contents of this Affidavit are true to the best of his / her / their knowledge and belief

Deponent(s) Notary, Bhubaneswar

Janme Jaya Rautray
18 NOV 2024
JANME JAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
Bhubaneswar
REGD. NO. - 01-83/2012
Mob. No. - 9337121273

ANNEXURE-1

THAT THE BELOW ATTACHED PHOTOGRAPHS DATED 09/11/2024 SHOWS THAT THE LESSEE OF THE KUSEI SAND BED HAS ALREADY STARTED MINING BY USING HEACY JCB MACHINES . AND THE PHOTOGRAPHS ALSO SUGGESTS THE WHEEL MARK OF HEAVY VEHICLES.





PHOTOGRAPH DATED 07/11/2024 SUGGESTING THE LESSEE IS
MINNG AND TRANSPORTING SANDS IN NIGHT.



ସମ୍ବାଦ

ସମସ୍ୟା ବଢ଼ାଉଛି ବାଲିଘାଟ

ଜିଲ୍ଲାପାଳଙ୍କୁ ଫେରାଦ ହେଲେ ଅଞ୍ଚଳବାସୀ

ଘସିପୁରା, ୭/୧୦(ଇମିଏ): ଘସିପୁରା ବ୍ଲକ୍ ଦେଓଗାଁ କୁଶେଇ ନଦୀର ବାଲିଘାଟ ସମସ୍ୟା ବଢ଼ାଉଛି। ଏନେଇ ଅଞ୍ଚଳବାସୀ ଜିଲ୍ଲାପାଳଙ୍କୁ ଫେରାଦ ହୋଇଛନ୍ତି। ଗ୍ରାମବାସୀଙ୍କ ଅଭିଯୋଗ ହେଲା, ଶ୍ରୀମାତ୍ କନ୍ଧୁକମ୍ବନ୍ ଉଚ୍ଚ ବାଲିଘାଟକୁ ଲିଫ୍ଟ ନେଇଛି। ଗ୍ରାମ ଶୁଖାନରେ ଥିବା ଗଛଗୁଡ଼ିକୁ କୋର ଜବରଦସ୍ତ କାଟି, ସମାଧି ଭାଙ୍ଗି ବଳପୂର୍ବକ ବାଲିଘାଟକୁ ରାସ୍ତା ନିର୍ମାଣ କରାଯାଇଛି। ନଦୀଶାୟୀରେ ବଡ଼ବଡ଼ ମେସିନ ସାହାଯ୍ୟରେ ବାଲି ଉତ୍ତୋଳନ କରାଯାଉଥିବାରୁ କୃତ୍ରିମ ଭଳି ଗର୍ଭ ମୃତ୍ତି ହୋଇଛି। ସ୍ଥାନୀୟ ଲୋକେ ଆଉ ନଦୀରେ ଗାଧୋଇ ପାରୁନାହାନ୍ତି। ଦିଗତ ଦିନରେ ଏହି ଗର୍ଭରେ ପଡ଼ି ଜଣକର ମୃତ୍ୟୁ ଘଟିଥିବା ଗ୍ରାମବାସୀ କହିଛନ୍ତି। ସେହିପରି ନଦୀ ପାର ହୋଇ ଚରିବାକୁ ଯାଉଥିବା ଗୋରୁଗାଈ ମଧ୍ୟ ଅନେକ ସମୟରେ ଗର୍ଭରେ ପଡ଼ି ପ୍ରାଣ ହରାଇବାର ନଜିର ରହିଛି। ଅହରହ ବାଲି ବୋଝେଇ ଗାଡ଼ି ଚଳାଚଳ କରୁଥିବାରୁ ବିଭିନ୍ନ ସମୟରେ ଦୁର୍ଘଟଣା ଘଟୁଛି। ଭାରୀଯାନ ଚଳାଚଳ



ଯୋଗୁଁ ନିକଟରେ ଥିବା ପୋଲର ଗୋଟିଏ ଖୁଣ୍ଟ ଦବିଯାଇଛି। ସେହିପରି ନଦୀ କୂଳ ଖାଉଥିବାରୁ ବନ୍ୟା ହେଲେ ଗାଁରେ ପାଣି ପଶିବାର ଆଶଙ୍କା ରହିଛି ବୋଲି ଗ୍ରାମବାସୀ କହିଛନ୍ତି। ଏସବୁ ସମସ୍ୟା ସମ୍ପର୍କରେ ଗ୍ରାମବାସୀ ଜିଲ୍ଲାପାଳଙ୍କୁ ଅବଗତ କରିଛନ୍ତି। ଅଭିଯୋଗପତ୍ରର ନକଲ ତହସିଲଦାର, ବିଡିଓ, ଉପଜିଲ୍ଲାପାଳ, ଖଣି ନିର୍ଦ୍ଦେଶକଙ୍କୁ ପ୍ରଦାନ କରାଯାଇଛି। ସେହିପରି ଦେଓଗାଁର ପ୍ରକାଶ କୁମାର ବଳ ଏ ସମ୍ପର୍କରେ ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କ ଦୃଷ୍ଟି ଆକର୍ଷଣ କରିଥିଲେ। ଏବେ ମୁଖ୍ୟମନ୍ତ୍ରୀଙ୍କ କାର୍ଯ୍ୟାଳୟରୁ ଏହାର ତଦତ୍ତ୍ୱ ପାଇଁ ଜିଲ୍ଲାପାଳଙ୍କୁ ନିର୍ଦ୍ଦେଶ ଆସିଥିବା ଜଣାପଡ଼ିଛି।

KEONJHAR Edition
Page No.3 October 08, 2024

ENGLISH TRANSLATION OF NEWS CLIPPING DATED 08/10/2024

The problem is getting worse

Residents of the area protested to the District Collector

Ghasipura, 7/10 (ems): Ghasipura block Deogaon Kushei river sand problem is increasing. The residents of the area have returned to the district magistrate. The villagers complained that Sri sai Construction has taken the lease of the said sandpit. The road to Balighat was built by forcefully cutting down the trees in the village cemetery and demolishing the tombs. As the sand is lifted from the riverbed with the help of big machines, a well-like cavity has been created. Local people can no longer bathe in the river. The villagers said that one person died due to miscarriage Similarly, cows crossing the river to graze are also often reported to

have fallen into the womb and lost their lives. Accidents are happening at various times due to the fact that plying of heavy vehicles regularly. As a result, one of the pillar of the nearby bridge was crushed. Similarly, there is a risk of water inundation in the village due to the erosion of the river banks, said the villagers. The villagers have informed the District Collector about these problems. Copy of complaint also forwarded to Tahsildar, Sub collector , Director of Mines. Similarly, Prakash Kumar Bal of Deogaon drew the attention of the Chief Minister in this regard. Now the chief minister's office has instructed the district magistrate to investigate it.



Sankar Pani <sankarprasadpani@gmail.com>

Preliminary Objection on behalf of the applicant to the affidavit of R14 in OA02/2024 EZ

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Tue, Nov 19, 2024 at 11:15 AM

To: saswatapatnaik@yahoo.co.in, Dipanjan Ghosh <dpnjnghsh0@gmail.com>, Rashmi Bothra <rashmibothra24@gmail.com>, Amrita Pandey <amritalegal@gmail.com>, palit subir02 <palit_subir02@yahoo.com>

Dear sir / madam, please find the attachment.

--

Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
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Bhubaneswar, 751002
Cell- 9437279278
Skype- sankar.pani

**PRILIMINARY OBJECTION TO R-14.pdf**

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