

07.11.2023

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Observations of Research Coordinator as per Rule 9, Form 4 of NGT Act, 2010

Letter Petition (Regn No.1850/LP/2023) dated 16.08.2023

Diary No. 1651-1850 dtd 11.07.2023 to 16.08.2023

PG Folder/NGT/EZB/Kolkata

S. no	Issue raised	Significance	Suggested solutions
1	Illegal construction of Model Bus stand at Kakatpur of Distt. Puri in Odisha, by obtaining land vide Plot No. 3733/4633, Khata no. 1193 at village Balara. The contractor of OSPH&WC Bhubneshwar division encroached Prachi River unauthorisedly and caused irreparable loss to Prachi River by constructing on the bank of Prachi river damaging the said land used as bathing ghat where thousands of devotees come to worship Maa Mangala, take holy dips. The said activity is in blatant violation of the Hon'ble Supreme Court of India's decision in M.C. Mehta vs Kamal Nath & Ors(1997) 1 SCC 388 etc.	<p>Following matter has been considered by Tribunal regarding Tent City Project in the riverbed of Ganga at Varanasi in 100 acres area for commercial purpose which is said to have violated "The River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016" which prohibits construction on the river bed. By the order dated 29.05.2023, the NMCG was required to file its response in furtherance to its letter dated 23.05.2023 and further clarify on notification and demarcation of flood plain zone and regulating activities in question.</p> <ol style="list-style-type: none">1. Original Application No. 203/2023 dated 21.09.2023, Union of India. 1. The issue raised in this original application relates to Tent City Project in the riverbed of Ganga at Varanasi in 100 acres area for commercial purpose which is said to have violated "The River Ganga (Rejuvenation, Protection and Management) Authorities order, 2016" which prohibits construction on the river bed. 2. Considering the allegation of adverse impact on the environment, the Tribunal had formed a joint committee vide order dated 17.03.2023 and had called for the report. The joint committee has submitted report dated 24.05.2023 which ex-facie show number of violations in setting up of Tent City. 23. The Learned Counsel appearing for Respondent No.9 submits that he has filed reply yesterday. We are informed that reply is lying in defects. Let defects be cured within 3 days. 4. The Learned Counsel appearing for Respondent No.9 has also submitted that NMCG has granted permission but, this fact has been disputed by Counsel for NMCG by submitting that application for permission submitted by Respondent No.9 is still under consideration before NMCG and final decision on the said application will be taken within 15 days. 5. The Respondent No.9 as also the Counsel for NMCG are directed to	Application may be considered in view of direction of Tribunal on a relevant matter as referred.

Palima
28.11.2023



		<p>place on record the requisite document showing the status of application of Respondent No.9 for grant of permission. 6. Learned Counsel for Respondent No.9 has submitted that setting up of Tent City is a seasonal activity and it was set up only for four months i.e. from January 2023 to May 2023 and thereafter set up has been removed. He has not disputed that tent city can be set up in the area concerned only if requisite permissions by the competent authorities are obtained. 7. By the order dated 29.05.2023, the NMCG was required to file its response in furtherance to its letter dated 23.05.2023 and further clarify on notification and demarcation of flood plain zone and regulating activities in question. 8. The Learned Counsel appearing for NMCG submits that report in terms of the earlier direction will be filed within three weeks. 9. The Learned Counsel appearing for Respondent No.12 has also sought three weeks' time to file reply. 3 10. By order dated 29.05.2023, Respondent No. 11 and Respondent No.12 have been added, therefore, Registry is directed to prepare amended memo of parties in the matter. 11. Though, the State of UP and UPPCB have already been noticed in the matter but nobody is appearing on their behalf today. Therefore, we direct the Principal Secretary, Environment, State of UP and Member Secretary, State PCB to appear personally by virtual mode on the next date of hearing. 12. List the matter on 30.10.2023.</p>	
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Pratima

Pratima

Pratima Akolkar
Research Co-ordinator (NGT)
06.10.2023

2023, 11:34

Email

Email

Public Grievance

1558/LP/23
16/8/22
O.A. No. 26/2024

Complaint filed against the concerned contractor and the JE of OPH&WC in connection with the ongoing project at Kakatpur, viz., the construction of the Model Bus Stand at Kakatpur, for encroaching on and damaging the Prachi River and Prachi cultural heritage.

From : laxmidhar cvrce <laxmidhar.cvrce@gmail.com>

Wed, Aug 02, 2023 11:04 AM

Subject : Complaint filed against the concerned contractor and the JE of OPH&WC in connection with the ongoing project at Kakatpur, viz., the construction of the Model Bus Stand at Kakatpur, for encroaching on and damaging the Prachi River and Prachi cultural heritage.

1 attachment

To : Chairman Cum M.D Police Housing <ophwc.od@nic.in>

Cc : CMO ODISHA <cmo@nic.in>, Public Grievance <publicgrievance-ngt@gov.in>, Administrative Section <admn.ngt@nic.in>, Shri Pradeep Kumar Jena <csori@nic.in>, Secretary Revenue and DM <revsec.od@nic.in>, Dr Suresh Chandra Dalai <rdcctc@nic.in>, cmdosrtc@gmail.com

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Respected Sir,

I have attached one complaint relating to the above-stated subject matter. Please find the attachment.

Dr. Laxmidhar Biswal, Ph.D. in Engineering

Address for Communication:

Vill: Olihan; PO: Alasahi;

PS: Astaranga; Dist: Puri;

Mobile: 9432139764

Email id: laxmidhar.cvrce@gmail.com

Mobile: +91-9432139764 (**Whatsapp**)

+91-9438747972

— TO THE CMD, OPH&WC & Others.pdf
856 KB

(21) 2

Via: email/WhatsApp

Place: Astaranga, Puri

Date: 02-08-2023

TO,

The Chairman-cum-Managing Director (CMD),

Odisha State Police Housing and Welfare Corporation Limited (OSPH&WC)

Janpath, Bhoi Nagar

Bhubaneswar-751022

Email: ophwc.od@nic.in

Sub: Complaint filed against the concerned contractor and the JE of OPH&WC in connection with the ongoing project at Kakatpur, viz., the construction of the Model Bus Stand at Kakatpur, for encroaching on and damaging the Prachi River and Prachi cultural heritage.

Ref.-1: Letter No.-5800/PM/OSPH&WC/BBSR Dtd. 27-07-2023 O/o the PIO, OSPH&WC Bhubaneswar division. (enclosed)

Respected Sir,

I, Dr. Laxmidhar Biswal, would like to draw your attention to the subject and references mentioned above, and would like to make the following points for your review, administrative explanation, and serious action against all those responsible for this horrible crime.

1. That the above-mentioned RTI information provided by the OPH&WC Bhubaneswar division revealed that the OSRTC and OPH&WC obtained one land vide plot No.-3733/4633, Khata No.-1193, Kissam: AJA Amount: Ac1.00 of revenue mouza/village: Balara, RI Circle: Kantapada, Block: Kakatpur of district Puri from revenue department for the construction of a Model Bus Stand at Kakatpur.

2. That the contractor namely Sri Bidyadhar Swain, JE Er. Sushanta Kumar Pradhan of OSPH&WC Bhubaneswar division encroached Prachi river unauthorizely and caused irreparable loss to Prachi river vide Plot No.- 3732 & 3742 of Balara village Kissam: **PRACHI NADI** and as well as to the millions of devotees who beliving the PRACHI MAHATMA, and the question land were used as bathing ghats where thousands of devotees who came to worship Maa Mangala took holy dips.

It should be noted that the contractor and JE exploited nearly 50% of the officially allotted property (1Ac) and encroached on the Prachi river in order to complete the desired area for the construction of the model bus stand, which is a misconduct of service rule and criminal offences under the multiple section IPC(s).

3. Prachi River's continuity in revenue village Balara has been disrupted as a result of their illegal work. And I along with lakhs of devotee suffered greatly on many levels: psychologically,

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emotionally, socially, and culturally, and further their act jeopardize ecology and will pollute the water of River Prachi due to the bus-stand's wastage. We lost our ancestor's cultural heritage PRACHI River which is believed to be the birthplace of Vaishnavism in Odisha.

4. The very act of concerned contractor and JE is blatant violation of the Hon'ble Supreme Court of India's decision in *M.C. Mehta vs Kamal Nath & Ors (1997) 1 SCC 388* and in *Tukaram Kana Joshi & Ors. v. M.I.D.C. & Ors. (2013). 1 SCC 353* and in *Subhash Kumar vs. State of Bihar and Ors., (1991) 1 SCC 598 (India)*. In addition to the foregoing, any pucca construction such as bus stand over the Prachi River bed, and the wastage of bus stand will further pollute the river Prachi are violating the directive of the Hon'ble National Green Tribunal Eastern Zone Bench, KOLKATA in *Biswajit Mohanty Vs. State of Odisha & others (APPLICATION NO. 47/2016/EZ)*. On 3rd February, 2015, the Hon'ble Apex court in *Subhas Datta vs Union of India and Ors (WP (C) NO.252 OF 2004)* held that the preservation of rich heritage and culture of the country is a constitutional mandate.

PRAYER(s)

Based on the aforementioned, the Hon'ble CMD OPH&WC would be gratefully glad to investigate expeditiously as to whether the above-mentioned contractor and JE committed an error or not while implementing the project. And take strong action against the perpetrators, if any, as well as appropriate measures to restore the Prachi River as deemed fit under the existing law of this land. Furthermore, it is requested here that the inquiry and order sheet, as well as the action taken report, be sent to the complainant via email, preferably within seven days.

Copy to (by email/ WhatsApp):

1. O/o the Hon'ble Chief Minister, Odisha
2. O/o the Hon'ble National Green Tribunal, New Delhi.
3. O/o the Chief Secretary, Govt. of Odisha.
4. O/o the 5T Secretary, MO Sarakar, Govt. of Odisha.
5. O/o the Additional Chief Secretary, R&DM, Govt. of Odisha.
6. O/o the Revenue Divisional Commissioner, Central Division, Cuttack.
7. O/o the CMD, Odisha State Road Transport Corporation, Cuttack.
8. Local electronics & Printing media

Yours faithfully

Laxmidhar Biswal

(Dr. Laxmidhar Biswal)

Address for Communication:

Vill: Olihan; PO: Alasahi;

PS: Astaranga; Dist: Puri;

Odisha-752109

Email id: laxmidhar.cvrce@gmail.com

Mobile: +91-9432139764 (WhatsApp)

+91-9438747972

This is for your kind information and further necessary action at your end.



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OFFICE OF THE PROJECT MANAGER
THE ODISHA STATE POLICE HOUSING AND WELFARE CORPORATION LTD.
BHUBANESWAR DIVISION

Letter No. 5800/PM/OSPH&WC/BBSR

Dt. 27/07/2023

Supply of Information under RTI

From :

Sri Abesh Kumar Mohanty,
OSD-cum-Project Manager,
P.I.O., OSPH&WC, Bhubaneswar Division,
Bhubaneswar.

To,

Dr. Laxmidhar Biswal
At - Olihan, PO - Alasahi,
PS - Astaranga, Dist - Puri

Sub:- Supply of information under section 6(1) of the RTI Act.

Ref:- Your RTI Application, dtd.25.06.2023

Sir,

Please refer to your application dated 25.06.2023, addressed to the Public Information Officer, Police Housing Corporation, Bhubaneswar regarding your request to provide information for the Construction of Model Bus Stand at Kakatapur, Puri as follows.

Sl.No.	Specification of Details of Information	Remarks
5(C)	(i) Estimate Report & DPR	Supplied - 40 Pages
	Measurement Book	Will be supplied within 3 weeks.
	Agreement Copies	Supplied - 87 Pages
	(ii) Date of Commencement	13.06.2022
	Schedule Date of Completion	12.06.2023
	(iii) Details of Land Schedules	Khata No.-1193 AJA Plot No.-3733/4633, Kisam - Patita Mouza /Village - Balara RI Circle - Kantapada, Block- Kakatapur Attached - 1 Page
	(iv) Name of Contractor	Sri Bidyadhar Swain Camp No.-07, Near Satya Sai Mandir, Nuabazar, Paradip, Dist - Jagatsinghpur.
	Name of JE	Er. Sushanta Kumar Pradhan APM, OSPH&WC, Bhubaneswar
	(v) Is aforesaid project over the land of Lord Shree Jagannath	Not Known.
	(vi) Inspection date and Time	Inspection date & time will be intimated subsequently after getting permission from appropriate authority.

The information available (128 Pages) with this office as desired by you is enclosed herewith for your receipt.

Encls : As above

Yours faithfully,


OSD-cum-Project Manager

AU/ OPH&WC HEAD OFFICE COMPLEX, BHOI NAGAR, BHUBANESWAR-22
Ph: (0674) 2543442, 2543242 e-mail: jmbbsr.ophwc.od@nic.in & jmbbsr@rediffmail.com

ODISHA STATE ROAD TRANSPORT CORPORATION.

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Name of the District: PURI

Name of the Block: KANTAPUR

Details of the Site:-

Khata No.: 1193 434

Plot size: Ac 1.00

Plot No.: 3733/4633

Mouza/Village: BALARA

Klsam: PATITA

RL Circle: KANTAPADA

Officials present during the demarcation of the land for construction of block level bus stand on 28.03.2022

OSRTC Officials/
staff

OPHWC Officials/
Staff

Tahasil/Revenue
Officials

[Signature]
28-03-22

[Signature]
28/3/22

[Signature]
28/3/2022
REVENUE INSPECTOR
KANTAPADA

Unit-in-charge
OSRT, Malatipatna
Puri

Dy. Manager
OPHWC-1

Approved by
APIC

