

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

O. A NO: 132 of 2022/EZ

SIRIN TAMMANA AND OTHERS APPLICANTS

- VERSUS -

THE STATE OF ODISHA & OTHERS. RESPONDENTS

I N D E X

| SR. NO. | PARTICULARS | PAGE NO. | FE E |
|--------------------|---|-----------------|-----------------|
| 1. | Rejoinder affidavit dated: 09.02.2023 of the Applicants | 01 to 03 | |

CERTIFIED THAT THE COPIES ARE CORRECT

BY THE APPLICANTS

B. N. Mahapatra
09.02.2023

THROUGH ADVOCATE

Date: 09.02.2023

BIRANCHI NARAYAN MAHAPATRA

ADVOCATE, ORISSA HIGH COURT

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**BEFORE THE NATIONAL GREEN TRIBUNAL
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O.A No: 132 of 2022/EZ

Sirin Tammana and others Applicants

-Versus -

The State of Odisha & Others ...Respondents

**REJOINDER AFFIDAVIT FILED BY THE
ABOVE NAMED APPLICANT RELATING TO
THE AFFADIVIT DATED: 12.12.2022,
27.10.2022, 20.01.2023 RESPECTIVELY OF
THE RESPONDENT NO: 05 AND 03 MOST
RESPECTFULLY SHOWETH AS FOLLOWES:-**



I, Madhusmita Jadab, D/O: Late Kailash Chandra Jadab, aged about 36 years, advocate by Profession resident of Babajitota Street, Po: Berhampur, P/S: Badaiyanathpur, Berhampur-760001, Dist: Ganjam, Odisha, do hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the aforesaid Case and as such I am fully conversant with the facts and proceedings of the Case.
2. That the aforementioned affidavits filed by the Collector, Ganjam and SPCB are not fully correct and they are trying to mislead this Hon'ble Tribunal.

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3. That the Collector- Cum- District Magistrate, Ganjam and SPCB authorities are also suppressed the real facts before this Hon'ble Tribunal while filing of their affidavits.
4. That the Collector, Ganjam admitted in his affidavit dated: 20.01.2023 at Para-4 the Plots in question has been recorded as Jalasaya and it's Embankment in the Revenue record. Again he has stated in the same Para that Ganesh Mandir /Hanuman Mandir and Kalayan Mandap has been constructed over the Plots in question. Thus, it is a admitted facts that the alleged constructions have been made illegally.
5. That the SPCB filed their affidavit dated: 12.12.2022 along with revised inspection report and stated there in the Plots in question has been recorded as Jalasaya and its Embankment as per Revenue record.
6. That the collector, Ganjam is remaining silent in his affidavits filed before this Hon'ble Tribunal in connection of the RTI reply of Tahasil office (Page No: 31 of Paper Book). The RTI reply is itself saying that the Ganesh Mandir has been constructed illegally by way of Encroachment of Jalasaya and it's Embankment. Some of the greedy peoples have been constructed the temple and it's allied projects for their business purpose and the said construction is under encroachment as stated under RTI Act, 2005 by the office of the Tahasildar, Berhampur, Ganjam.
7. That there is no material available on record to shows that the Ganesh Temple/ Hanuman Temple and Kalyan Mandap have been constructed legally over the Plots in question. It is crystal clear from the materials available on record that the temple and other constructions are under the encroachment. But, the



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Revenue officials are not taking any steps and measures for removal of the illegal construction over the Jalasaya and Its Embankment. It is a settled principle the Revenue authorities are duty bound to preserve/protect the water Body and its Embankment and also to remove the Encroachments as per the observation of the Hon'ble Apex Court in the matter of Hinch Lal Tiwari(Supra).. Surprisingly, the Revenue authorities are trying to cover up the Encroachment/ Encroachers.

8. That the Applicant craves leaves of this Hon'ble Tribunal to file further affidavit if necessary for proper adjudication of the matter.



VERIFICATION

I the above named deponent do here by verify that the facts stated above (Para 01 to 08) are true and best of my knowledge, belief and information.

Verified at Berhampur on this the 09th of ~~January~~ ^{February}, 2023

IDENTIFIED BY

B.N. Saha Patra
09.02.2023.

ADVOCATE

(B.N. Saha Patra)

Madhusmita Jada
DEPONENT

DECLARATION

The deponent having been identified by Advocate *B.N. Saha Patra* solemnly affirm before me this the *09* day of *February*, 2023 before the Notary. *Dr. K.M. Panigrahy* AM/P.M. read over and explained the deponent who seems perfectly to have understood the contents and teh affidavit.

Dr. K.M. Panigrahy
NOTARY

Berhampur (Ganjam)

No. *1320*

Time *11:30*

Place *Berhampur*

Dr. K.M. Panigrahy
Notary Berhampur (Gm.)
Regd. No.31/2000