

**BEFORE THE NATIONAL GREEN TRIBUNAL-EASTERN
ZONE BENCH, KOLKATA
M.A No: 15 of 2021/EZ
(Arising Out of O. A No: 82 of 2015/EZ)**

**BIRANCHI NARAYAN MAHAPATRA ... APPLICANT
of O.A**

- VERSUS -

**THE STATE OF ODISHA & OTHERS ... RESPONDENTS
REPLY AFFIDAVIT FILED BY THE ABOVE NAMED
ORIGINAL APPLICANT TO THE M.A NO: 15 OF 2021/EZ**

I Biranchi Narayan Mahapatra, S/O: Late Niranjana Mahapatra, aged about 41 years, advocate by profession, resident of Ramakrushna Nagar 2nd Lane, Lochapada Road, Berhampur-760001, District: Ganjam, State: Odisha do hereby solemnly affirm and state on oath as follows:-

1. That the present Deponent is original Applicant of the O.A No: 82 of 2015/EZ and he is acquainted the facts and proceedings of the O.A as well as M.A No: 15 of 2021/EZ.
2. That the Applicants of the M.A made an averments in their Application at Para- 11 that the business/ influential persons are encroaching the "TEMAYA BANDHA" and it's Embankment with reference to the Plot Nos: 884/1559, 890/1565, 869/1545, 870/1546, 868, 882/1558, 871/1547, 873/1549, 872/1548, 874/1550, 881/1557, 875/1551, 876/1552, 877/1553, 879/1555, 887/1562, 878/1554, 889/1564, 880/1556, 885/1560, 886/1561, 888/1563 of Khata No: 1203 and Plot Nos: 869 to 882 and 884 to 890 relating to Khata No: 1206 of Mouza

Biranchi Narayan Mahapatra

09.05.2022

FORM PART I
NOTARY PUBLIC



Madhabapur under Berhampur Tahasil of Ganjam District of Odisha. The alleged area is known as a Victoria Market (Giri Market Junction). The alleged Peoples are polluting the water Body by encroaching the Pond and it's Embankment. In this connection the present Deponent submitted an representation on 21.02.2022 before the Revenue Divisional Commissioner, Southern Division, Berhampur, Ganjam, Odisha for removal of the encroachment and restore the original character of the water Body and it's Embankment. In this regard the Revenue Divisional Commissioner, Southern Division, Berhampur, Ganjam has been called for the feedback report from the Tahasildar, Berhampur, Ganjam vide his office letter No: 586/V-2/2022-Rev/dated: 04.03.2022. Even though the Revenue Divisional Commissioner, Southern Division, Berhampur, Ganjam is statutory authority for the protection/preservation/conservation of the water Body and it's Embankment as per the State Government Notification dated: 22.02.2017. But, the order of the Revenue Divisional Commissioner is not carried out in its true spirit. Copy of the Representation dated: 21.02.2022 and its corresponding letter No: 586/V-2/2022-Rev/dated: 04.03.2022 and State Government Notification dated: 22.02.2017 is annexed ere to as **ANNEXURE-B/1 Series.**

3. That the present deponent craves the leave of this Hon'ble Tribunal to file further affidavit if necessary.
4. That this Hon'ble Tribunal May kindly passed appropriate order/orders in respect of the illegal encroachment of the water Body and it's Embankment by the business peoples for the ends of justice.



DR. K.M. PANIGRAHI
NOTARY PUBLIC

Biswanah Narayan Mahapatra

09.05.2022

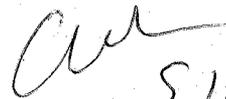
5. In view of the above facts and circumstances this Hon'ble Tribunal may kindly pass appropriate order/orders having regard to the statutory provision of Law in the interest of justice.

VERIFICATION

I the above named deponent do here by verify that he facts stated above are true and best of my knowledge, belief and information.

Verified at Berhampur on this the 09th day of May, 2022

IDENTIFIED BY


S15722

ADVOCATE

Biswanchi Nangjam Orabapatra
09.05.2022

DEPONENT

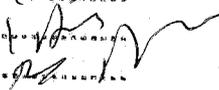


Dr. K.M. Panigrahy
NOTARY

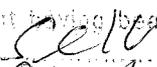
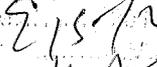
Berhampur (Ganjam)

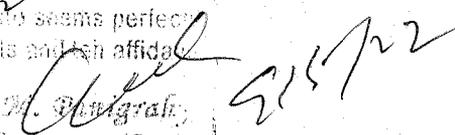
No. H-2630

Time 11:00 AM

Place: 

DECLARATION

The deponent having been identified by Advocate Sa.  solemnly affirms before me this the  before the Notary, Berhampur  P.M. read over and explained the contents and he/she seems perfectly to have understood the contents and has affixed his/her signature.


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

Annexure - B / Series -

Office of Revenue Divisional Commissioner, Southern Division, Odisha, Berhampur.

From No. 586 /N-2/2022-Rev.,

Dated 04.03.2022

To The Under Secretary to RDC, SD.

The Tahasildar, Berhampur.

Sub: Petition dated 21.02.22 of Biranchi Narayan Mohapatra, Advocate-cum-petitioner at Ramakrushna Nagar 2nd Lane, Lochapada, Berhampur.

Sir,

I am directed to send herewith the petition of Biranchi Narayan Mohapatra, Advocate-cum-petitioner of Ramakrushna Nagar 2nd Lane, Lochapada, Berhampur and to request you to furnish the feedback report in this matter as desired by Commissioner as early as possible.

Yours faithfully,

[Signature]
02/03/22

Under Secretary.

Memo No.

587

Dated

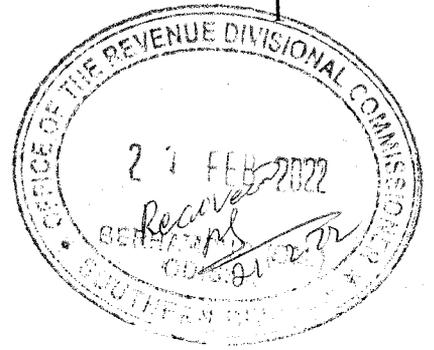
04.03.2022

Copy to Biranchi Narayan Mohapatra, Advocate-cum-petitioner at Ramakrushna Nagar 2nd Lane, Lochapada, Berhampur, District, Ganjam for information.

[Signature]
02/03/22

Under Secretary.

*T. No. 587
D. 02*



To,

The Revenue Divisional Commissioner,

Date: 21.02.2022

Southern Division, Berhampur-760004, Ganjam

Sub: To pass order for removal of the illegal encroachment from century old water Body namely "TAMEYA BANDHA" vide plot Nos: 884/1559, 890/1565/869/1545, 870/1546, 868, 882/1558, 871/1547, 873/1549, 872/1548, 874/1550, 881/1557, 875/1551, 876/1552, 877/1553, 879/1555, 887/1562, 878/1554, 889/1564, 880/1556, 885/1560, 886/1561, 888/1563 of Khata No: 1203 and Plot Nos: 869 to 882 and 884 to 890 relating to Khata No: 1206 of Mouza Madhabapur under Berhampur Tahasil of Ganjam District and to take steps for restoration of the water Body and it's Embankment to it's original character after removal of the encroachment-reg.

Sir,

The undersigned is here by requesting to you please make arrangement for removal of the illegal encroachment from century old water Body namely "TAMEYA BANDHA" vide plot Nos: 884/1559, 890/1565/869/1545, 870/1546, 868, 882/1558, 871/1547, 873/1549, 872/1548, 874/1550, 881/1557, 875/1551, 876/1552, 877/1553, 879/1555, 887/1562, 878/1554, 889/1564, 880/1556, 885/1560, 886/1561, 888/1563 of Khata No: 1203 and Plot Nos: 869 to 882 and 884 to 890 relating to Khata No: 1206 of Mouza Madhabapur under Berhampur Tahasil of Ganjam District and to take steps for restoration of the

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Biranchi Narayan Mahapatra

water Body and it's Embankment to it's original character after removal of the encroachment, which is highly required for the public purpose. It is apt to mention here that large number of peoples are encroaching the water Body and it's Embankment, for which illegal act of the influential persons the water Body and it's Embankment has been damaged and the authorities of the Berhampur Municipal Corporation as well the officials of the Revenue Department are remaining silent over this issues. It is a duty of the state Government for restoration/renovation of the water Body and it's Embankment after removal of the encroachment for the benefit of the Public. But, the State Government officials how and which way remaining silent in this regard, it needs high level enquiry to find out the truth. The Revenue and Disaster Management Department, Government of Odisha formed a committee under the chairmanship of the Revenue Divisional Commissioner for protection/preservation/conservation of the water Body with reference to the letter No: 44549/R&DM/dated: 22.12.2027 (Copy enclosed). It is fact that influential persons/ businessman are illegally occupying the Jalasaya/ ADI (highly objectionable land) and permanent construction has been made in the said objectionable land for their personal benefit, which is not permissible in the eye of law. Due to in action of the State Revenue officials the greedy peoples are taking advantages and they are enjoying the objectionable Jalasaya land for their personal benefit. It is settled principle the Jalasaya/ADI (Embankment) both are objectionable in nature and such land could not be used for other purpose. But, surprisingly in this Case the greedy peoples are without any hindrances enjoying the objectionable land by way of the back door method. So, it should be curbed with strong hand for the benefit of the public at large.

Biswanath Narayan Mahapatra.

True copy
Bm

Your early response in this regard is highly solicited.

Thanking You

Deep regards

Yours faithfully,

Biranchi Narayan Mahapatra

(Biranchi Narayan Mahapatra)

Advocate-Cum-Petitioner

Date: 21.02.2022

From:

Biranchi Narayan Mahapatra

S/O: Late Niranjana Mahapatra

At: Ramakrushna Nagar 2nd Lane,

Lochapada Road, Po: Berhampur-760001

Dist: Ganjam, Odisha

Mob No: 8984383812, Email: imbiranchi@gmail.com

*True copy
Done*

Annexure-B/1 series.

MOST URGENT
FAX/e-Mail

GOVERNMENT OF ODISHA
REVENUE AND DISASTER MANAGEMENT DEPARTMENT

From No.RE-I-41/2017- 44549 /R & DM, Dated 22.12.17
Shri Ashok Kumar Naik
Director, R & R & Ex-Officio
Additional Secretary to Government

To All the Revenue Divisional Commissioners, Odisha

Sub:- Constitution of Committee under the Chairmanship of RDCs for safeguard of Jalasaya Kissam land in urban areas.

Sir,

I am directed to invite a reference to letter No.24230 / H & UD, dated 26.10.2017 of the Commissioner-cum-Secretary to Govt., H& UD Department(copy enclosed) on the subject mentioned above and to say that after careful consideration, Government have been pleased to constitute a committee under the Chairmanship of Revenue Divisional Commissioners in their respective division pursuant to the judgment of Hon'ble High Court in W.P.(C) No.8797 of 2004 & O.J.C. No.6721 of 1999 with the following as Members of the Committee, referred to above, to deal with protection, preservation and conservation of water bodies in urban areas of the State.

1. Revenue Divisional Commissioner, Concerned division : Chairman
2. The Collector, Concerned district : Member Convener
3. The Regional Officer, Concerned region : Member
4. The Commissioner/ Executive Officer, Concerned Municipal Corporation/ Municipality/NAC : Member
5. The Planning Authority, Concerned Development Authority : Member
6. Two other Members to be nominated by Revenue Divisional Commissioner, concerned division :

Therefore, It is requested adopt the same procedure for the concerned District coming under the respective RDCs.

This supersedes this Department Letter No.34034/RDM, dated 16.10.2017 addressed to RDC, (SD) Berhampur.

Yours faithfully,

Thuept
Don
Director, R & R & Ex-Officio
Additional Secretary to Government
22/12/17

Annexure-B/1 series.

Memo No. 44550 /RDM, Dated 22-12-17

Copy forwarded to the PS to Commissioner-cum-Secretary, H & UD Department for information and necessary action with reference to his letter dated 26.10.2017.

Janat 22/12/17
Director, R & R & Ex-Officio
Additional Secretary to Government

Memo No. 44551 /RDM, Dated 22-12-17

Copy forwarded to all Collectors for information and necessary action. They are requested to take steps for convening the meeting of the aforesaid committee as and when required.

Janat 22/12/17
Director, R & R & Ex-Officio
Additional Secretary to Government

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