

Joint inspection report of the Committee constituted as per order dated 16.03.2020 of the Hon'ble National Green Tribunal in the Case No.22/2020 (EZ) filed by Sri Dillip Kumar Samantaray Vs, State of Odisha & Others.

The applicant Sri Dillip Kumar Samantaray challenges the construction activities and encroachment of Mahanadi river at Ratilo Mouza, Kishannagar Tahasil, Salipur Block in Cuttack District and ongoing construction of concrete structures such as Panchamukhi Hanuman Temple with Threshing Ground & proposed structures such as toilet, graveyard, market complex, Kalyan Mandap with other activities. The applicant alleges that such structures adversely affect the river ecology & disturb the river flow. On dated 16.03.2020, hearing was made in the Hon'ble N.G.T. It was directed for constitution of a Committee comprising i) the Secretary, Water Resources Dept, Govt. of Odisha, ii) the District Collector, Cuttack (Nodal agency for providing logistic support & co-ordination) and iii) representative of the CPCB to jointly inspect the area in question, verify on the factual aspects and submit a report before the next date.

The next date of hearing was on 16.06.2020. In the meanwhile, due to pandemic situation, the Collector & District Magistrate, Cuttack requested the Registrar, NGT, Eastern Zone, Kolkata on 12th June, 2020 to allow three months time extension.

In pursuance of the order dated 16.03.2020 of the Hon'ble National Green Tribunal, a Committee has been constituted by W.R Dept., Govt. of Odisha vide Order No.WR-FCDR-CASEOP-0004-2020-12162/WR dated 03.07.2020 with the following members;

1. The Engineer-in-Chief, Water Resources (Representative of Secretary, Water Resources).
2. The Chief Engineer, Flood Control & Basin Manager, Lower Mahanadi Basin, Bhubaneswar.
3. The Collector & District Magistrate, Cuttack (Nodal agency to provide logistic support & co-ordination)
4. Miss Susmita Ekka, Scientist-D (Representative of CPCB)

Copy of this order is attached as Annexure-A.





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The Engineer-in-Chief, Water Resources has fixed up a date on 23.07.2020 for site visit vide his letter No. BP & CC- CC (NGT) - 1/2020 - 15507(WE) dated 13.07.2020. However, Miss Ekka expressed her problems citing reasons of complete lock down in West Bengal on Thursday & Saturday. Hence, modified order for 24.07.2020 is fixed by the E.I.C., W.R. Copy of the letter is attached as Annexure-B.

The following Officers have visited the site;

1. Er. Jyotirmaya Rath, EIC, W.R., Odisha, Bhubaneswar
2. Er. Jugal Kishore Tripathy, CE, FC & BM, LMB, Bhubaneswar
3. Sri Pratap Chandra Beura, Sub Collector, Cuttack

Representing the Collector & DM, Cuttack as per the Letter No 4107/Res dated 23.07.2020 of the Collector, Cuttack (Annexure-C)

4. Smt Suchita Mohapatra, Tahasildar, Kishannagar
5. Sri Debaraj Sethi, B.D.O., Salipur
6. Ms. Susmita Ekka, Scientist-D, CPCB, Kolkata
7. Er. Baleswar Nath Sahoo, SE, Eastern Circle-I, Cuttack
8. Er. Basanta Kumar Rout, EE, Mahanadi North Division-I, Jagatpur
9. Sri Rabindra Kumar Khatua, Block Agriculture Office, Salipur
10. Sri Byomakesh Mohanty, Revenue Inspector, Kishannagar Tahasil
11. Sri Krushnakanta Sahoo, Addl. Tahasildar, Kishannagar

The documents relating to the work site are verified. The Plot No. 1621 & 1622 under Khata No.439 are shown by Revenue authorities as "PATITA" Kisam under AABAAD JOGYA ANAABAADI. It is seen that there exists one old Hanuman Mandir, where the lord is stated to have been worshiped. A new Hanuman Mandir has been constructed by Panchamukhi Hanuman Temple Trust adjacent to the old temple and the same is nearing completion. On the back side of these temples, a store house is under construction by the temple Trust. Besides, they have developed the front portion of the temple by concreting and also filling the adjoining land with

sand for leveling purpose. As learnt, no other construction activities have been undertaken by Panchamukhi Hanuman Trust.

It is further seen that the Agriculture Deptt. has constructed one threshing ground near the temple. The year of construction could not be confirmed by the Block Agriculture Officer present during the inspection. IOCL Authorities have developed the bank with afforestation with an area of about 60 acres. The Block authorities have developed the approach to the temple premises with a concrete road with an estimated cost of Rs 93,750.00. This road is of 64 mtr long with average width 3.50 mtr. The allegation about construction of proposed toilet, graveyard, market complex, was enquired into. No such activities are found there.

The temple trust have done all the activities in Plot No 1622, no activities have been done in Plot No 1621 under khata no. 439. The Plot No 1622 is under "PATITA KISAM" under Revenue & Disaster Management Land- ABADIYOGYA ANABADI. During verification of the records, the Tahasildar Kishanagar explained that Mahanadi Left Canal is flowing adjacent to the left bank of river Mahanadi near Hanuman Mandir Complex. The nearby land is of NAYANJORI KISAM, then comes PATITA KISAM on which construction activities have been done and there after NADI KISAM begins.

One High Level bridge has been constructed across river Mahanadi for a width of 765 m encroaching the linear waterway of 435 m to the left side and 110 m to the right side through construction of two approach roads on either side. The new Hanuman Mandir exists at about 35 m from the left embankment and 37 m from the approach road to the bridge. The location of this new temple is having Latitude $20^{\circ}-26'-10.45''$ N and Longitude $86^{\circ}-5'-35.13''$ E. A schematic map showing the existing high level bridge, river embankments, temple etc is enclosed as Annexure-D. The photographs of the area during site verification are attached vide Annexure-E.

Thus, it may be concluded that, the construction made by Panchamukhi Hanuman Temple Trust is coming in the flood plain of river Mahanadi. Verifying the records, the Tahasildar stated that Sri Trailokya Panda, Chairman of the Temple Trust has applied for lease deed of plot No. 1621 & 1622 vide case no 01/2016. The same is yet to be approved by Competent Authority.

SEKRA



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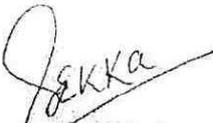
Overall Observation

- 1) The temple constructed by the Panchamukhi Hanuman Temple Trust is situated within the Embankments of River Mahanadi(Annexure-D). It is within nearly 35 meter from the embankment from the left Bank of River Mahanadi. It has no approval from Administration to construct the Temple at that site, as reported by the District Administration.
- 2) The Temple constructed is situated in 'Active Flood Plain Area' or 'No Development Zone' of River Mahanadi.
Flood plain area is 'prohibited activity' zone. The Flood Plain areas are the important component of 'River Ecosystem'. They play multiple roles such as helping absorption of excess water during flood, act as filter improving water quality, habitat for Wild life and also as hollow channel of water course. Encroachment in these areas may lead to diversion in the flow of water leading to flood in adjacent villages in near future. The incidences of flood in Kerala, Jammu & Kashmir and in Pune last year are due to indiscriminate encroachment of the Flood Plain Area.
- 3) Other Structure such as Market Complex, Toilets, Grave yards are not yet constructed.

Recommendation

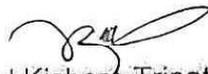
Considering the above observations and importance of Flood Plain Area, the Committee recommends that:

'The construction of Temple in the Embankment of River Mahanadi by Panchamukhi Hanuman Temple Trust is Illegal and may not be allowed by the Administration for Construction'.


(Susmita Ekka)
Sc.'D',
CPCB,
ERD Kolkata

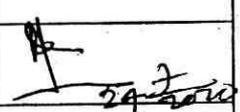
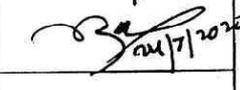
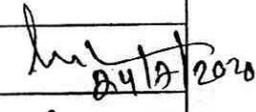
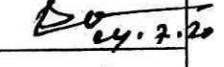
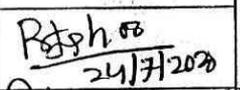
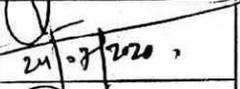
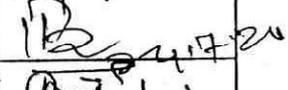
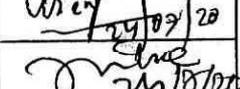
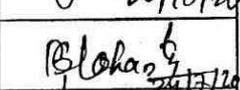
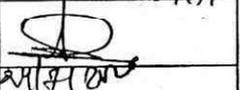
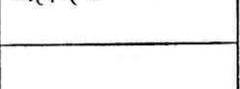
Central Pollution Control Board
1582, Rajdanga Main Road
Kasba New Market
Kolkata- 700 107


(Pratap Chandra
Beura)
Sub Collector,
Cuttack
Sub-Collector,
Sadar, Cuttack


(Jugal Kishore Tripathy)
The Chief Engineer,
Flood Control & Basin
Manager,
Lower Mahanadi Basin,
Bhubaneswar
Chief Engineer, Flood Control
& B. M., LMB, Bhubaneswar
Chief Engineer, Flood Control
& B. M., LMB, Bhubaneswar


(Jyotirmaya Rath)
Engineer in Chief,
Water Resources,
Odisha, Bhubaneswar
Engineer-in-Chief
Water Resources
Odisha, Bhubaneswar

Officers who visited the site on dated 24.07.2020 at village Ratilo in Kishannagar, Tahasil of Salipur Block regarding compliance to the instructions of the Hon'ble NGT on unauthorized construction activities such as Panchamukhi Hanuman Temple with Threshing Ground etc.

SI No.	Designation	Name	Mobile No.	Signature
1	E.I.C, Water Resources, Odisha, Bhubaneswar	Er. Jyotirmaya Rath	9437223174	
2	C.E, F.C & B.M, L.M.B, Bhubaneswar	Er. Jugal Kishore Tripathy	9437291732	
3	Collector & D.M, Cuttack	Sri Bhabani Shankar Chayini	9437170693	
4	Tahasildar, Kishannagar	Suchilade Mohapatra tah.kishan@nic.p	9937573558	
5	B.D.O., Salipur	Debaraj Sethi oo-salipur@nic.in	9668422201	
6	Scientist-D, CPCB, Kolkata	Ms. Susmita Ekka,	7021995986	
7	SE, Eastern Circle-I, Cuttack	Er. Baleswar Nath Sahoo,	9437303485	
8	EE, Mahanadi North Division I, Jagatpur	Er. Basanta Kumar Rout,	9437228077	
9	Sub Collector, Cuttack	Sri. Pratap Beura	9437639901	
10	DEE, Mahanadi North Division, Jagatpur	Er. Manoj Kumar Beura	9437274225	
11	Block Asst. Officer	Block Asst. Officer	9437244375	
12	Byomakesh Mahanti	RI	8249492921	
13	Krushnakanta Sahoo	Adell. Tdr	8800471403	
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13/2020

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GOVERNMENT OF ODISHA
DEPARTMENT OF WATER RESOURCES

No. 12162 / WR, Rajiv Bhawan, Bhubaneswar, Dated the 3/7/2020
(WR-FCDR-CASEOP-0004-2020)

Order

In pursuance of order dated 16.03.2020 of Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.22/2020 (EZ) filed by Dilip Kumar Samantray vs. State of Odisha and Others, a committee is hereby constituted comprising of the following members to jointly inspect the area in question, verify on the factual aspects and to submit a report within the timeline prescribed by the Hon'ble Tribunal.

1. The Engineer-in-Chief, Water Resources (Representative of Secretary Water Resources)
2. The Chief Engineer, Flood Control & Basin Manager, Bhubaneswar.
3. The Collector & District Magistrate (Nodal agency to Provide logistic support and coordination)
4. Miss Susmita Ekka, Scientist-D (Representative of CPCB).

By the Order of Principal Secretary

Smlkodi
3/7/2020
(Subrat Kumar Panda)

Joint Secretary to Government.

Memo No. 12163 /WR, Date 3/7/2020

Copy to Sr. PS to Principal Secretary to Govt, DoWR for kind information of Principal Secretary.

Smlkodi
3/7/2020
Joint Secretary to Government.

Memo No. 12164 /WR, Date 3/7/2020

Copy along with copy of order dated 16.03.2020 of Hon'ble National Green Tribunal, Principal Bench, New Delhi in Original Application No.22/2020 (EZ) filed by Dilip Kumar Samantray vs. State of Odisha and Others forwarded to the E.I.C, WR, Odisha/ CE, FC & BM, LMB, Bhubaneswar/ Collector & DM, Cuttack, /Ms. Susmita Ekka, Scientist-D, O/o the Central Pollution Control Board, Eastern Regional Directorate, 502, Southend Conclave, 1582, Rajdanga Main Road, Kolkata-700107 for favour of information and necessary action.

Smlkodi
3/7/2020
Joint Secretary to Government.

Urgent

CE BPCB
H.L. Put up.

R
3/7/2020

Mr. Tarun
Smlkodi
13/7

**Office of Engineer-in-Chief, Water Resources
Odisha, Bhubaneswar**

Letter No-BP& CC- CC(NGT)-1/2020-/ 16204 Dt.22.07.2020

From

Er. Jyotirmaya Rath
Engineer-in-Chief, WR

To

The Chief Engineer, Flood Control & Basin Manager
Lower Mahanadi Basin, Bhubaneswar.

The Collector & District Magistrate, Cuttack
(Nodal agency to provide logistic support and coordination)

Miss Susmita Ekka, Scientist-D (Representative of CPCB)
Scientist-D, O/o the Central Pollution Control Board,
Eastern Regional Directorate, 502, Southend Conclave, 1582,
Rajdanga Main Road, Kolkata 700107

Sub: - Constitution of a committee for compliance of the orders of the Hon'ble NGT in Case No.22/2020 / EZ- filed by Sri Dillip Kumar Samantaray-Vrs-State of Odisha & Others regarding illegal construction activities by Panchamukhi Hanuman Temple Trust in the river bed of Mahanadi at Ratilo Mouza, Kissannagar, Tahasil of Salipur Block: Regarding rescheduling of the site visit on 24.07.2020 instead of 23.07.2020

Ref.: 1) Order No 12162/WR dated 03.07.2020 by Govt in DoWR.
2) This Office Letter No 15507(WE) dated 13.07.2020

Sir,

In continuation to this office letter no. 15507 (WE) dt.13.07.2020 cited above, it is to state that the site visit proposed on 23.07.2020 is re-scheduled on dt 24.07.2020, as Miss Susmita Ekka, Scientist-D (Representative of CPCB), member of the Committee unable to move out of Kolkata due to lockdown of Kolkata City on Thursday i.e on 23.07.2020. The re-scheduled programme is given below.

The Committee Members will proceed to the spot from the Residential Office of the Collector & DM, Cuttack at 12.00Noon on dated 24.07.2020. The BDO, Salipur and Tahasildar, Kissannagar will present all the documents to

the Committee prior to the field visit. The Executive Engineer, Mahanadi North Division-I, Jagatpur will provide the cross section of the river at that location. The Committee after field visit will discuss and finalise report in the residential Office of the Collector & District Magistrate, Cuttack for submission to the Hon'ble NGT.

All members are requested to please attend the field visit on 24.07.2020 in the scheduled date & time.

Yours faithfully,


22/7/2020
Engineer-in-Chief, WR

Memo 16205 Dated 22.07.2020

Copy submitted to Joint Secretary to Govt, Department of Water Resources, Odisha, Bhubaneswar for information and necessary action with reference to this Office Memo No. 15508 dated 13.07.2020.


22/7/2020
Engineer-in-Chief, WR

Memo 16206 Dated 22.07.2020

Copy submitted to the Registrar, National Green Tribunal, Eastern Zone, Kolkata for favour of kind information and necessary action with reference to this Office Memo No. 15509 dated 13.07.2020.


22/7/2020
Engineer-in-Chief, WR

Memo 16207 Dated 22.07.2020

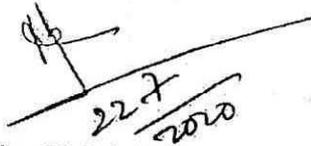
Copy submitted to the Advocate General, High Court of Odisha, Cuttack with reference to this Office Memo No. 15510 dated 13.07.2020 for favour of kind information and necessary action.

Encl: - Case matter


22/7/2020
Engineer-in-Chief, WR

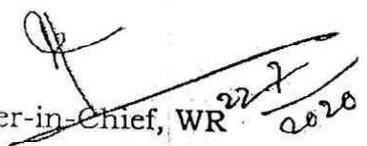
Memo _____16208_____ Dated _____22.07.2020

Copy forwarded to the SE, Eastern Circle-I, Cuttack/ EE, Mahanadi North Division-I, Jagatpur for information and necessary action with reference to this Office Memo No. 15511 dated 13.07.2020.


Engineer-in-Chief, WR

Memo _____16209_____ Dated _____22.07.2020

Copy forwarded to the Tahasildar, Kisannagar / BDO, Salipur for information and necessary action. They are requested to present all relevant documents to the Committee prior to the field visit and accompany the team.


Engineer-in-Chief, WR

OFFICE OF THE ENGINEER-IN-CHIEF
WATER RESOURCES, ODISHA, BHUBANESWAR

Letter No-BP& CC- CC(NGT)-1/2020-1 15307/WG Dt 13/07/2020

From

Er. Jyotirmaya Rath
Engineer-in-Chief, Water Resources,
Odisha, Secha Sadan, Bhubaneswar

To

The Chief Engineer, Flood Control & Basin Manager
Lower Mahanadi basin, Bhubaneswar.

The Collector & District Magistrate, Cuttack
(Nodal agency to provide logistic support and coordination)

Miss Susmita Ekka, Scientist-D (Representative of CPCB)
Scientist-D, O/o the Central Pollution Control Board,
Eastern Regional Directorate, 502, Southend Conclave, 1582,
Rajdanga Main Road, Kolkata 700107

Sub: - Constitution of a committee for compliance of the orders of the Hon'ble NGT in Case No.22/2020 / EZ- filed by Sri Dillip Kumar Samantaray-Vrs-State of Odisha & Others regarding illegal construction activities by Panchamukhi Hanuman Temple Trust in the river bed of Mahanadi at Ratilo Mouza, Kissannagar, Tahasil of Salipur Block. Regarding visit to the site on-dated 23.07.2020.

Ref.: Order No 12162/WR dated 03.07.2020 by Govt.in DoWR.

Sir,

In pursuance to the orders of the Hon'ble Tribunal dated 16.03.2020 in the aforesaid case matter, a Committee has been constituted by Department of Water Resources, Government of Odisha as per the reference cited above to verify the factual aspects of constructions made in the left bank of the river Mahanadi with the following members;

1. EIC, WR, Odisha, Bhubaneswar
2. CE, FC&BM, LMB, Bhubaneswar
3. Collector & District Magistrate, Cuttack (Nodal Agency to provide logistic support & Coordination)
4. Miss Susmita Ekka, Scientist-D (Representative of CPCB)

In order to carry out the orders of the Hon'ble Tribunal, the date of inspection has been fixed as Dt 23.07.2020 after telephonic discussion with the Collector & District Magistrate, Cuttack. The Committee will proceed to the spot from the Res. Office of the Collectorate Cuttack at 3.30 PM on dated 23.07.2020. The BDO, Salipur and Tahasildar, Kissannagar are requested to present all the documents to the Committee prior to the field visit. The Executive Engineer, Mahanadi North Division-I, Jagatpur will provide the cross section of the river at that location. After the field visit is over, the Committee will sit at the Res. Office of the Collectorate, Cuttack to finalize their report for submission to the Hon'ble Court.

Therefore, it is requested to please attend the visit on 23.07.2020 to the constructions made by Panchamukhi Hanuman Trust at Mahanadi Left near village Ratilo in Kishannagar Tahasil under Salipur Block of Cuttack District at the scheduled time.

Encl.: DoWR Order

Yours faithfully,

Memo 15508

Dated 13/07/2020

Engineer-in-Chief, WR

Copy to Sri Subrat Kumar Panda, Joint Secretary to Govt. Department of Water Resources, Odisha, Bhubaneswar for information and necessary action with reference to his Memo No WR-FCDR-CASEOP-00004-2020-12164/ dt 03.07.2020. It is requested to move the Office of the Advocate General, Odisha, Cuttack for appointment of Govt. Advocate who is acquainted with dealing of case matters in the Hon'ble Tribunal. An early action is requested.

Memo 15509 Dated 13/07/2020

Copy submitted to the Registrar, National Green Tribunal, Eastern Zone, Kolkata for favour of kind information and necessary action. In this regard it is to apprise that the Collector & District Magistrate, Cuttack has requested on 12th June, 2020 to allow 3 month time extension for submission of compliance.

Memo 15510 Dated 13/07/2020

Copy submitted to the Advocate General, High Court of Odisha, Cuttack for favour of kind information and necessary action.

Encl: - Case matter

Memo 15511 Dated 13/07/2020

Copy forwarded to the SE, Eastern Circle-I, Cuttack/ EE, Mahanadi North Division-I, Jagatpur for information and necessary action.

Memo 15512 Dated 13/07/2020

Copy forwarded to the Tahasildar, Kishannagar / BDO, Salipur for information and necessary action. They are requested to contact the A.G office for needful action.

Engineer-in-Chief, WR

OFFICE OF THE COLLECTOR & DISTRICT MAGISTRATE, CUTTACK

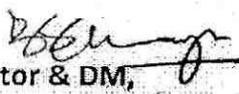
No. 4107 / Res.Dt. 23-07-2020OFFICE ORDER

Sri Pratap Chandra Beura, OAS (SB), Sub-Collector, Sadar, Cuttack is hereby authorized on behalf of the Collector, Cuttack to attend the spot review / field visit in NGT Case No.- 22/2020/EZ, filed by Sri Dillip Kumar Samantray vrs. State of Odisha & others, regarding illegal construction activities by Panchamukhi Hanuman Temple Trust in the river bed of Mahanadi at Ratilo mouza, Kissannagar Tahasil.


Collector & DM, 23/7/20
Cuttack

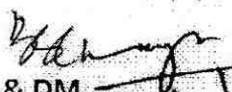
Memo No. 4108 / Res.Dt. 23-07-2020

Copy forwarded to the Chief Engineer, Flood Control and Basin Manager, Lower Mahanadi Basin, Bhubaneswar/ Miss. Susmita Ekka, Scientist-D (representative of CPCB) for information and necessary action with reference to letter No. 16204 dt.22.07.2020 of EIC Water Resources, Odisha, Bhubaneswar.


Collector & DM,
Cuttack

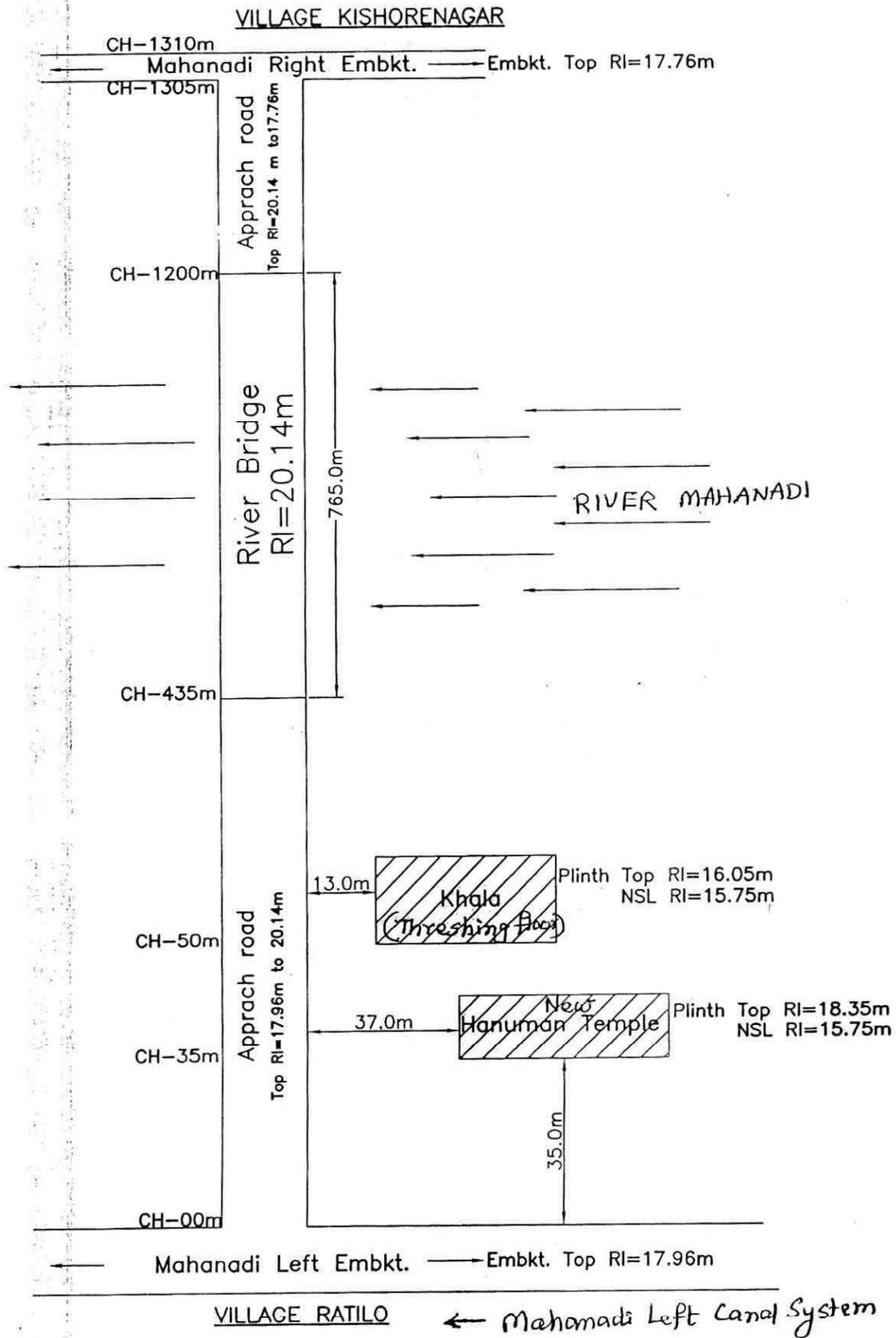
Memo No. 4109 / Res.Dt. 23-07-2020

Copy along with a copy of the letter vide No.16204 dt. 22.07.2020 of EIC, Water Resources, Odisha, Bhubaneswar forwarded to the Sub-Collector, Sadar, Cuttack / Block Development Officer, Salipur / Tahasildar, Kisannagar for information and necessary action.


Collector & DM,
Cuttack 23/7/20

LINE DIAGRAM OF APPROACH ROAD AND BRIDGE ON MAHANADI RIVER FROM RATIOLO TO KISHORENAGAR
(MAHANADI LEFT TO RIGHT EMBANKMENT)

(NOT TO SCALE)



[Signature]
Assistant Engineer
Orikanta Embkt. Section
Orikanta

[Signature]
Deputy Executive Engineer
Pundalo Embkt. Sub-Divn.
Pundalo

[Signature]
Executive Engineer
Mahanadi North Division-I
Jagatpur



NEW HANUMAN TEMPLE



NEW HANUMAN TEMPLE



OFFICERS NOTING THE OBSERVATIONS IN THE FIELD



OFFICERS NOTING THE OBSERVATIONS IN THE FIELD



PLANTATION BY IOCL



CONSTRUCTION OF STORE IN PROGRESS



OLD HANUMAN TEMPLE



ENTRANCE TO THE PREMISES (PHOTOGRAPH TAKEN FROM TEMPLE TOWARDS RIVER EMBANKMENT-MAHANADI LEFT CANAL).



THRESHING FLOOR