

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.31/2023/EZ

Chandra Sekhar Roy	Versus	Applicant(s)
State of Odisha &Ors.		Respondent(s)

Date of hearing: 22.03.2023

**CORAM: HON’BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
 HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : Mr. Sravan Kumar, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Tarun Patnaik, ASC for State Respondents (in Virtual Mode),
 Ms. Papiya Banerjee Bihani, Advocate for R-9 (in Virtual Mode)

ORDER

1. Heard Mr. Sravan Kumar, learned Counsel for the Applicant (in Virtual Mode) on admission.
2. The allegation in the Original Application is that Plot No.667, Khata No.636/503, Unit-8, Jajati Nagar, Jajpur Municipality, Jajpur, Odisha is recorded in the Revenue Record as ‘Jalasaya Kism’ but has been encroached by the Respondent No.10 who is unauthorizedly constructing a shopping mall on the said plot of land (copy of the Revenue Record has been filed at page 36 of the paper book).
3. It is also stated that two notices dated 12.04.2021 and 12.05.2021 were issued by the Special Planning Authority, Jajpur and Executive Officer, Jajpur Municipality respectively directing the Respondent No.10 to stop construction and to appear before the Authority but it is stated that no action has been taken till date and the Respondent No.10 is proceeding with the illegal construction of the Shopping Mall.

4. In our opinion, matter requires consideration.
5. Issue notice to the Respondents, returnable within four weeks.
6. All the respondents shall file their counter-affidavits within four weeks.
7. Mr. Tarun Patnaik, learned Additional Standing Counsel who is present in Virtual Mode, accepts notice on behalf of the Respondent Nos.1 to 8, State Respondents.
8. Ms. Papiya Banerjee Bihani, learned Counsel who is present in Virtual Mode, accepts notice on behalf of the Respondent No.9, Odisha State Pollution Control Board.
9. Issue notice to the Respondent No.10 returnable within four weeks.
10. The Applicant shall provide e-copy/soft copy of the Original Application along with all its annexures to Mr. Tarun Patnaik and Ms. Papiya Banerjee Bihani, learned Counsel, within 24 hours.
11. Till the next date of listing it is directed that there shall be a stay upon constructions on the Plot No.667, Khata No.636/503, Unit-8, Jajati Nagar, Jajpur Municipality, Jajpur, Odisha.
12. The Respondent No.4, District Collector, Jajpur shall ensure compliance of the interim order of this Court during the pendency of the present Original Application.
13. **List on 26.04.2023.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

March22, 2023
Original Application No.31/2023/EZ
SKB