

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

Original Application No.17/2023/EZ

Srikant Pradhan & Ors. Applicant(s)  
Versus

State of Odisha & Ors. Respondent(s)

Date of hearing: 09.02.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : Mr. Afraaz Suhail, Advocate (in Virtual Mode)

**ORDER**

1. Heard Mr. Afraaz Suhail, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant on the allegation that the Plot No. 123 of Khatiyani No. 165/1903, Mouza-Gopinathpur @ Routrapur in Tahasil-Puri, area around Ac. 1.5800 decimal is a Kissam Jalasaya (water body). The land records to that effect have also been filed as Annexure to the Original Application.
3. It is alleged that on this water body illegal constructions have been made.
4. It is also alleged that the rain water of other water bodies in the nearby areas gets accumulated in the said water body and helps to clear out the water logging in nearby areas.
5. It is, therefore, prayed that a direction be issued to the State Respondents to stop construction over the water body in question.
6. In our opinion matter requires consideration.
7. Issue notice to the Respondents, returnable within four weeks.

8. Mr. Tarun Patnaik, learned Additional Standing Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 1, 2, 3, 4, 5, 9, 10, 11, 12, 13 & 14, State Respondents, Government of Odisha.
9. Mr. Sibojyoti Chakraborty, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No. 6, Central Pollution Control Board.
10. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No. 7, Odisha State Pollution Control Board.
11. Mr. Gora Chand Roy Choudhury, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No. 8, Odisha State Environment Impact Assessment Authority (SEIAA), Odisha.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-
  - (i) Senior Scientist from the Central Pollution Control Board;
  - (ii) Senior Scientist from the Odisha State Pollution Control Board;
  - (iii) Collector & District Magistrate, Puri; and
  - (iv) Engineer-in-Chief, Water Resource Department, Odisha.
14. The Committee shall visit the site in question and submit its Inspection Report with regard to the allegations made in the Original Application within six weeks.
15. The Odisha State Pollution Control Board shall be the Nodal Office for filing the Report of the Committee and for all logistic purposes.

16. We further direct that on the basis of the Inspection Report, if it transpires that constructions are being made on plot and that the same is water body, the Collector & District Magistrate, Puri, shall take appropriate steps to restrain the same and also take steps for restoration of the water body to its initial pristine condition.
17. The learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Tarun Patnaik, Mr. Sibojyoti Chakraborty, Mr. Dipanjan Ghosh and Mr. Gora Chand Roy Choudhury, learned Counsel for the Respondents within 24 hours.
18. **List on 24.03.2023.**

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**B. Amit Sthalekar, JM**

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**Dr. Afroz Ahmad, EM**

February 09, 2023,  
Original Application No.17/2023/EZ  
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