

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.81/2022/EZ

In the matter of:

Raja Das
S/o, Uchhaba Das,
At Upper Telenga Bazar,
P.O.- Chandini Chowk,
P.S. – Purighat,
District – Cuttack
Pin – 753002

..... Applicant(s)

Versus

1. State of Odisha
Represented through the Secretary,
Forest, Environment and Climate Change Department,
At Kharavel Bhavan,
P.O./P.S.- Bhubaneswar,
District-Khurda,
Pin – 751001
2. Orissa Water Supply and Sewerage Board (OWSSB),
Represented through the Member Secretary,
At Unnati Bhawan, 2nd Floor,
Satya Nagar,
Bhubaneswar,
Orissa – 751007
3. Engineer-In-Chief,
Odisha Integrated Sanitation Improvement Project (OISIP)
At Mahanadi Vihar,
P.O.- Naya Bazar,
Cuttack,
Odisha,
Pin – 753004
4. The Collector & District Magistrate, Cuttack,
At P.O./City/District – Cuttack
5. Cuttack Municipal Corporation,
Represented Through the Commissioner,
At P.O.-Choudhury Bazar,
P.S.- Dargabazar,
City/District – Cuttack
Pin – 753001
Odisha
6. Divisional Forest Officer,
Cuttack Forest Division,
At Ghatakula, Nuapada,
P.O.- Madhupatana,
Cuttack – 753010

7. Superintending Engineer (PH),
Office of the Project Engineer,
Drainage, OISIP, JAICA, OWSSB, Cuttack,
At Mahanadi Vihar,
P.O. – Naya Bazar,
Cuttack, Odisha,
Pin – 753004
8. Tahasildar, Cuttack
At P.O./P.S.-Dist. – Cuttack
9. State Pollution Control Board, Odisha
Represented through it's Member Secretary,
At Paribes Bhawan,
A/118, Nilakantha Nagar,
Unit-8, Bhubaneswar,
District- Khurda,
Pin Code-751012
10. Regional Officer,
State Pollution Control Board, Odisha,
At 586, Suryavihar,
Link Road,
Cuttack – 753012
11. M/s. Nalanda-SSB (JV),
Represented through its Managing Director,
Head Office
At 14, Sri Ram Tower, West of Jalan Shop,
Main Road, Kankarbagh,
Patna,
Bihar – 800020
12. Project Manager,
M/s. Nalanda-SSB (JV),
At Base Camp,
Right Side of Cuttack-Athagarh Bridge,
Near Madhusudan Setu,
P.O./P.S. – Markatnagar,
CDA,
Cuttack – 753014
Odisha

..... Respondent(s)

Date of hearing: 21.07.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

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

For Respondent(s):

ORDER

1. Mr. Rajiv Kumar Mahanta, learned Counsel present for the Applicant in Virtual Mode.

2. The allegation in the Original Application is that the applicant who states to be the resident of Cuttack has come to know that the right side of the Madhusudan Setu, on the bank of river Mahanadi has been subjected to heavy constructions by Respondents 11 and 12 M/s. Nalanda-SSB (JV) and Project Manager, M/s. Nalanda-SSB (JV) respectively by installing a Ready Mix Concrete Unit thereby destroying the forest.
3. It is also alleged that the Respondent No.7, Superintending Engineer (PH), Office of the Project Engineer, Drainage, OISIP, JAICA, OWSSB, Cuttack, without any authority handed over the said site to the Respondent No.11 and 12 on 02.08.2021 and intimated the same to the Collector & District Magistrate, Cuttack-Respondent No.4.
4. Respondent No.7 is impleaded as OISIP, JAICA, OWSSB. What is OISIP, JAICA, OWSSB is not clear and therefore, we are of the view that Respondent No. 7 has not been properly impleaded.
5. It is also alleged that the Applicant had gone to the office of the Respondent No.6, Divisional Forest Officer, Cuttack Forest Division, Ghatakula, Nuapada and verified the record and came to know that for cutting the trees, Respondent No.11 and 12 have not taken any permission from the authority.
6. Not a single supporting document has been filed by the Applicant to verify the facts alleged by him that he had gone to the office of Respondent No.6 and came to know that the Respondent No.11 and 12 have not taken any permission for cutting the trees.
7. Though, the learned Counsel for the Applicant Mr. Rajiv Kumar Mahanta stated that the applicant has filed RTI application seeking information in this regard, but no such application has been filed as Annexure to the Original Application and therefore we are not inclined to believe the statement of the learned Counsel.
8. No RTI information was obtained from any department either from the Respondent No.6, Forest Department or the Respondent No.7,

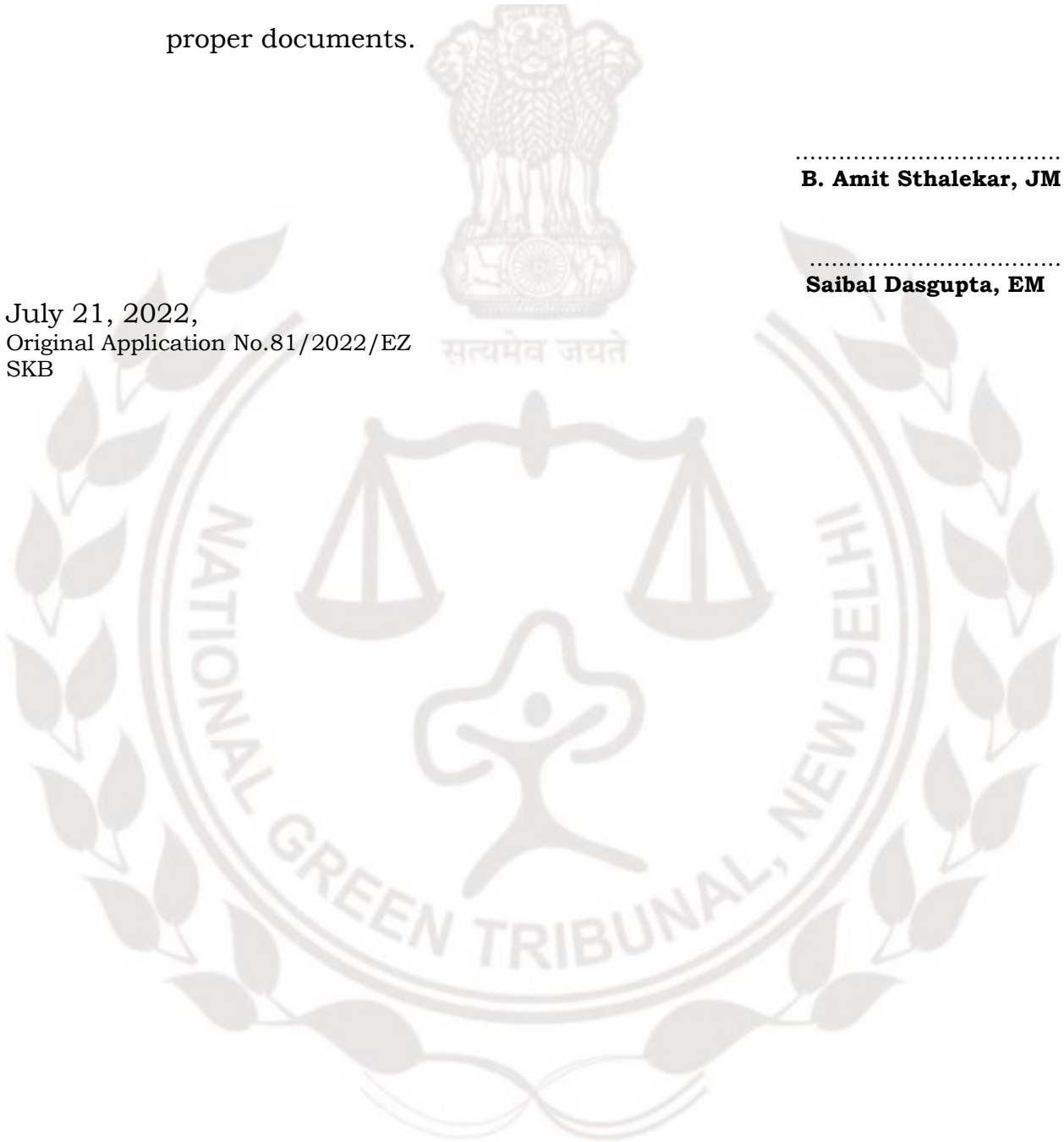
and no document has been filed by the applicant in support of the allegations made by him.

9. We, therefore, dismiss this Original Application No.81/2022/EZ with liberty to the applicant to file fresh Original Application with proper documents.

July 21, 2022,
Original Application No.81/2022/EZ
SKB

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM



NGT