

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

Original Application No.118/2022/EZ

In the Matter of:

1. International Human Rights Council
A Trust under Indian Trust Act 1882, Through Honorary
President Sai Prasad Parida, having its office at Raj Chambers,
Grant Road, Mumbai-400007 and District office at Nirmaljhar,
Khallikote, Ganjam-751020.

Applicant(s)

Versus

1. State of Odisha, Represented by Additional Chief Secretary,
Forest and Environment Department, government of Odisha,
Kharbela Bhawan, Bhubaneswar, Odisha-751001,
2. District Collector, Ganjam
At/Po/Chhatrapur, Dist-Ganjam, Odisha-758001,
3. Odisha State Pollution Control Board, through its
Member Secretary, A/118, Unit-VII, Nilakantha Nagar, Bhubaneswar,
4. State Environment Impact Assessment Authority (SEIAA)
Odisha, through its Member Secretary, 5RF-2/1, Acharya vihar,
Unit-IX, Bhubaneswar, Odisha-751022.
5. Ministry of Environment and Forest Climate Change, (MoEF &CC)
Through its Secretary, Indira paryavaran Bhawan, Jorbag, New
Delhi-110003.
6. Central Pollution Control Board, parivesh Bhawan, through its
Member Secretary, East Arjun Nagar, Delhi-110032,
7. Loknath Choudhury, son of Lakshminarayan Chowdhury, PO-
Konkarada, PS-Patapur, Ganjam, Odisha-761144,
8. Sanjay Nayak, son of Jagili Nayak, PO-Adapada, PS-Hinjilicut,
Ganjam, Odisha-761144,
9. Kalucharan Nayak, S/o Jagili Nayak, Proprietor of M/s. Maa kali
Bricks At-Gambhariguda, PO-Kankorada, PS-Patapur, Ganjam,
10. Alaya Pradhan, Son of Arahita Pradhan, PO-Adapada, PS-Hinjilicut,
Ganjam, Odisha-761144,
11. Rohit Pradhan, son of late Pralad pradhan, PO-Kundia, PS-Pattapur,
Ganjam, Odisha-761144,

12. Bulu Kuntia, son of Burdabane Kuntia, PO-Kundia, PS-Pattapur, Ganjam, Odisha-761144,
13. Santosh Parida, son of Indra Parida, PO-Kundia, PS-Pattapur, Ganjam, Odisha-761144,
14. Mitu Khuntia, son of Ganga Pradhan, PO-Kundia, PS-Pattapur, Ganjam, Odisha-761144,

Respondent(s)

Date of hearing: 06.09.2022.

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

For Applicant(s) : Ms. Paushali Banerjee, Advocate

ORDER

1. M.s Paushali Banerjee, learned Counsel is present for the Applicant.
2. This Original Application has been filed alleging that Respondent Nos.7 to 14 are operating Brick Kilns, in Gambhariguda and Karakhandi, villages in Ganjam District in violation of the Siting Criteria of the Forest and Environment Department, Government of Odisha and MoEF Notification dated 24.06.2013. Specific allegations with regard to violation of Siting Criteria against the Respondent Nos.7 to 14 have been given in a chart in Paragraph-4(g) of the Original Application.
3. It is also alleged in Para-4(m) that the Respondent No.9 has also violated the Siting Criteria and despite that "Consent to Operate" was granted to him on 05.01.2021 by the State Pollution Control Board for manufacturing 20 lakh bricks. It is also alleged that application seeking Environmental Clearance for Kurula Brick earth was filed by the Respondent No.9 for 1808cm (Cubic Metres) of Earth in an area of 2.22 acres in Sheragada Tehasil. It is stated that in the minutes of the State Expert Appraisal Committee it has been observed that there are two other brick earth mines located in

the same village; that there is a bridge in River Ghodahad within 500 metres of the proposed mining site and that Environmental Management Plant has also not been submitted.

4. We, however, find that there are self-contradictory averments in the Original Application.
5. Ms. Paushali Banerjee, learned Counsel for the Applicant prayed that she may be permitted to withdraw the Original Application No.118/2022/EZ with liberty to file a fresh Original Application giving correct particulars.
6. The Original Application No.118/2022/EZ is accordingly dismissed with the aforesaid liberty.
7. There shall be no order as to costs.

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 06, 2022,
Original Application No.118/2022/EZ
BD

NGT