

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

M.A. No.29/2023/EZ  
In  
Original Application No.51/2023/EZ

Chinmay Das

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 18.03.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,  
Mr. Afraaz Suhail, Advocate in O.A. (in Virtual Mode)

For Respondent(s): Mr. Rajib Ray, Adv for R-5, (in Virtual Mode)  
Ms. Papiya Banerjee Bihani, Adv for R-6, (in Virtual Mode)  
Mr. P. K. Mohanty, Sr. Advocate (in Virtual Mode) a/w  
Mr. Pronoy Mohanty, Adv. for R-8, (in Virtual Mode)

**ORDER**

1. Rejoinder affidavit dated 15.03.2024 has been filed by the Original Applicant; the same is taken on record.
2. We find that in the affidavit of the Puri Municipality, Respondent No.8, dated 02.01.2024, it is admitted by the State Respondents that there are 3,000 households found to have been residing in the vicinity of the dumping yard in question encroaching upon the Government land. It is stated that the colonies were surveyed in the year 2021 under the Odisha Land Rights to Slum Dwellers Act, 2017, and 1619 households were identified and thereafter the number is stated to have been increased in the last three years.
3. In the affidavit, it is also stated that the Government land has been a major constraint in Puri city for ensuring amicable settlement of the slum dwellers, particularly where in-situ settlement is not

immediately possible. It is stated that the relocation of more than 4,000 families residing over Railway land or land non-leasable of Kissams has also been a major task for revenue administration and Puri Municipality. It is stated that shifting of unauthorized colonies from Government land is governed under the Revenue laws like – Odisha Prevention of Land Encroachment Act (OPLE) and the Tahasildar, Puri, is the competent authority to initiate proceedings in this matter.

4. In this affidavit, it is not indicated as to whether the proceedings have been initiated by the Tahasildar, Puri, or not.
5. It is also stated in the affidavit that as per contract agreement with the Rohini Fire Safety Pvt. Ltd. Kolkata, the agency has to complete biomining work of legacy waste within two years and the said contract was executed on 17.10.2023.
6. It is also stated that a detailed plan for construction of boundary wall around the dumping yard at Baliapanda has been prepared by the Municipal Engineer at a cost of Rs.99,66,600/- (Rupees Ninety Nine Lakhs Sixty Six Thousand Six Hundred only) and tenders have also been invited.
7. However, we find that the Report of the Central Ground Water Board filed with the affidavit dated 29.09.2023, presents a very dismal picture of two ground water samples collected from Harachandisahi which has concentration of 65.89 ppb and Bengali Colony Park, Goudabadasahi, which has concentration of 12.02 ppb, exceeding the maximum permissible limit (0.01 mg/l) of drinking water specification.
8. In the affidavit, it is also mentioned that 29 ground water samples were collected from borewells/handpumps/dugwells around the

dump site at Baliapanda, Puri, out of which 16 samples were found to be contaminated with higher concentration of nitrate and 7 are due to polynuclear aromatic hydrocarbons. The Central Ground Water Board has also recommended that the dump site in question is suggestive of leaching of contaminants like – NO<sub>3</sub> and PAH from the dump site resulting in contamination of ground water in the vicinity. It has also been recommended that to prevent mixing of leachates from dumping site with ground water, the dumping site should be isolated from the aquifer by construction of impermeable layers under and around it.

9. We find that the recommendations of the Central Ground Water Board have not been addressed by the Puri Municipality in its affidavit dated 02.01.2024. We, therefore, direct the Puri Municipality to file a fresh affidavit within four weeks showing compliance in terms of the recommendations of the Central Ground Water Board and also showing what action has been taken by the Tahasildar, Puri, for relocation of the persons residing in the vicinity of the dump site whose lives may be seriously jeopardised by leachate of contaminants into the ground water.
10. Let the affidavit be filed by the Puri Municipality within four weeks.
11. **List on 10.05.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

March 18, 2024,  
M.A. No.29/2023/EZ  
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