

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

Original Application No. 48/2021/EZ

Nabin Kisan Applicant(s)
State of Odisha & Ors. Versus Respondent(s)

Date of hearing: 18.06.2021

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

For Applicant(s) : Ms. Soma Patnaik, Advocate

For Respondent(s) : Mr. Dipanjan Ghosh, Advocate, for
Respondent No.4
Mr. Gora Chand Roy Choudhury,
Adv. for Respondent No.6

ORDER

1. Heard Ms. Soma Patnaik, Ld. Counsel for the Applicant.
2. Mr. Dipanjan Ghosh, Ld. Counsel appears for the Odisha State Pollution Control Board (PCB in short), Respondent No.4 and Mr. Gora Chand Roy Choudhury, Ld. Counsel has put in appearance on behalf of the Ministry of Environment, Forest and Climate Change, Respondent No. 6.
3. The allegation of the Applicant in the present Original Application is that he is a farmer and owner of agricultural land bearing Khata No. 4920 over which the Respondent No. 2, Belpahar Municipality, is constructing a new sewerage line by diverting it from its existing location, i.e., Om Shanti Centre, Gumadera, Belpahar,

Odisha in order to connect it to the nearby culvert at Ward No. 7 where the fresh water from the big main pond and the small pond of Gumadera spills over and gets collected.

4. The contention of the Applicant is that as a result of this diversion due to construction of new sewerage line the water is now overflowing on his agricultural land thereby virtually destroying it.
5. Matter requires consideration.
6. Issue notice to the Respondents returnable within three weeks.
7. We also direct the Respondent Nos. 2, 3 and 4, i.e., Belpahar Municipality, the District Magistrate and Collector, Jharsuguda District, and Odisha State Pollution Control Board respectively to file their affidavits positively before the next date of listing stating as to how and why this sewerage line is being diverted over the land of the Applicant and how the water is being allowed to overflow into the agricultural land of the Applicant.
8. **List on 26.07.2021.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

June 18, 2021
Original Application No. 48/2021/EZ
AKC