

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

Original Application No.167/2023/EZ

Srikanta Kumar Pakal & Ors.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 23.11.2023

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

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani, learned Counsel is present (in Virtual Mode) on behalf of the Applicants.
2. The allegations in the present Original Application is that the Respondent Nos.13 is constructing a third line railway track from Bhadrak to Nergundi for which the earthbed is constructed by taking earth/Morrum from various places including Plot No.1606, Khata No. 529 under Mania village, Khata No.530, Plot No.48 and Khata No.532, Plot No.550 under the Panchayat Uchapada under Tangi-Choudwar Tahasil. It is alleged that about 20 lakh cubic meters of Morrum has been illegally lifted/extracted from various places in Cuttack district. Allegations also is that illegal Morrum mining being carried out on Revenue Forest Land of different villages and trees have been felled by the Respondent No.13 for mining Morrum.
3. It is also alleged that for construction of the railway line, thousands of truckloads of Morrum have been illegally lifted by the Respondent No.13 in Tangi-Choudwar Tahasil without any valid permission or

N.O.C. from the Uchapada Gram Panchayat under Tangi-Choudwar Tahasil. It is also alleged that vide Receipt dated 27.05.2020, the Tahasildar had collected royalty of Rs.1,50,000/- (Rupees one lakh fifty thousand only) and penalty of Rs.49,500/- (Rupees forty nine thousand five hundred only) from the Respondent No.13 for illegally extracted Morrum. The details of the Khata and Plot of the land from where the Morrum and Soil are alleged to have been lifted in Tangi-Choudwar Tahasil are given in a Table in para 15 which reads as under: -

<b><i>“Sl.No.</i></b>	<b><i>Kisam</i></b>	<b><i>Khata No.</i></b>	<b><i>Plot No.</i></b>
<i>1</i>	<i>Jungle two</i>	<i>532</i>	<i>550</i>
<i>2</i>	<i>Patita</i>	<i>529</i>	<i>1606</i>
<i>3</i>	<i>Uncultivable waste land</i>	<i>530</i>	<i>48”</i>

4. It is alleged that Morrum is a minor mineral and cannot be lifted from source without Environmental Clearance from the State Environment Impact Assessment Authority (SEIAA for short), Approved Mining Plan and Consent from the State Pollution Control Board and no such documents are there in the present case for carrying out the illegal mining of Morrum.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Tarun Patnaik, learned Additional Standing Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.1,2,3,6,7 and 12, State Respondents, Government of Odisha.
8. Ms. Rashmi Singhee, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.4 and 5, Ministry of Environment, Forests and Climate Change (MoEF&CC).

9. Mr. Ashok Prasad, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.8, East Coast Railway.
10. Mr. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.9, Odisha State Pollution Control Board.
11. Mr. Apurba Ghosh, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent No.10, State Environment Impact Assessment Authority (SEIAA), Odisha.
12. Mr. Surendra Kumar, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the Respondent Nos.11, Central Pollution Control Board.
13. Issue notice to Respondent No.13, Private Respondent, returnable within four weeks.
14. The Respondents shall file their counter-affidavits within four weeks.
15. Considering the allegations made out in the Original Application, we deem it appropriate to constitute a Committee comprising of the following Members:-
  - i) Senior Scientist, Odisha State Pollution Control Board;
  - ii) District Mining Officer, Cuttack;
  - iii) District Collector, Cuttack or his representative Officer not below the rank of Additional District Magistrate (A.D.M.); and
  - iv) Divisional Forest Officer, Cuttack
16. The Committee shall visit the site and submit its Report with regard to the allegations made in the Original Application within three weeks.
17. The Odisha State Pollution Control Board shall be the Nodal Body for all logistic purposes and shall file the Inspection Report on affidavit.

18. In case violations are found, the Committee shall recommend penalty as well as Environmental Compensation and also suggest remedial measures, if any.
19. Mr. Sankar Prasad Pani, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Tarun Patnaik, Ms. Rashmi Singhee, Mr. Ashok Prasad, Mr. Dipanjan Ghosh, Mr. Apurba Ghosh and Mr. Surendra Kumar, learned Counsel within 24 hours.
20. **List on 10.01.2024.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

November 23, 2023,  
Original Application No.167/2023/EZ  
SKB