

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

Original Application No.193/2024/EZ

Madanmohan Rout

Applicant(s)

Versus

Nilakanteswar Dev & Ors.

Respondent(s)

Date of hearing: 05.12.2024

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

For Applicant(s) : Mr. Afraaz Suhail, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Partha Sarathi Nayak, AGA (in Virtual Mode)
for R-2, 3, 4, 7 & 8,
Mr. Dipanjan Ghosh, Advocate for R-5,

ORDER

1. Mr. Afraaz Suhail, learned Counsel is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 02.12.2024 has been filed on behalf of the Respondent No.4, Collector & District Magistrate, Puri; the same is taken on record.
3. Mr. Dipanjan Ghosh, learned Counsel files Vakalatnama on behalf of the Respondent No.5, Odisha State Pollution Control Board; the same is taken on record.
4. Along with the affidavit of the Collector & District Magistrate, Puri, a Field Visit Report of an inspection carried out on 19.10.2024 has been filed which reads as under:-

***“FIELD VISIT REPORT OF THE COMMITTEE COMPRISING OF
ADM (GEN), PURI, SENIOR SCIENTIST, ODISHA STATE
POLLUTION CONTROL BOARD, BHUBANESWAAR AS PER
ORDER DATED 24.09.2024 OF LEARNED NGT, EASTERN***

ZONE BENCH, KOLKATA IN CONNECTION WITH O.A. NO.193/2024/EZ FILED BY MADANMOHAN ROUT -VRS-SRI NILAKANTESWAR DEV & OHERS.

In pursuance of order dated 24.09.2024 of Hon'ble NGT, Eastern Zone Bench, Kolkata in O.A. No.193/2024/EZ filed by Madan Mohan Rout -vrs- Nialkantheswar Dev & Others, the Committee comprising of Addl. District Magistrate(Gen); Puri and Additional Chief Environmental Scientist & Regional Officer, Odisha State Pollution Control Board, Bhubaneswar along with the Tahasildar, Puri , Dy. Collector, Judicial, Revenue Supervisor, R.I, A.R.I of Bira Harekrushnapur visited the alleged site i.e water body known as "Chandan Polchari" situated in Mz- Gopinathpur, khata no. 126, Plot No. 564, A.C 0.97dec. kisam-Jalasaya-1 Dist- Puri, Odisha on 19.10.2024 at about 12.45.P.M.

During the visit, the petitioner Sri Madan Mohan Rout, village Gentries like Natabar Rout, Bhimasen Majhi, Biswa Ranjan Behera and Sahadeb Rout were also present. The list of person present during the field visit is enclosed as (Annexure —A).

Allegation: - *It is alleged that the water body in question has stated losing its water retention capacity due to uncontrolled pollution and encroachment and is being converted into dumping yard by dumping all kinds of solid and liquid waste of the nearby areas. It is stated that the water body is used not only for farming and fishing purposes but also for religious purpose.*

Opinion of the Local Gentries:-

The Committee discussed with PRI members and village gentries present there. The village gentries have opined that the Chandan Pokhari was used for "Chapa" for the Deities during Chandan Yatra near about 8 to 10 years ago and the pilgrims were also using for takin bath. The local villagers were using the Chadan Pokhari for bathing purpose. Ow it is not used by the local people due to available of pipe water supply in each and every house hold.

Observation:-

The committee observed that the water body is enclosed from three sides by private plots, School and temple premises. Commercial establishment exist on the fourth side along the Bhubaneswar — Puri connecting road near Atharnala Chowk at Puri. It was found that the pond has been fully covered with water hyacinth which restricts the flow of the sunlight and air entering the pond creating an anaerobic condition. Some private houses and private shops are discharging their domestic waste water directly into the pond. They are also dumping the household solid wastes near the pond area. As this area comes under Panchayat jurisdiction and does not comes under Puri Municipality for which the solid waste are not removed regularly. The pond has been severely polluted and it is not in use.

It is a fact that the Chandan Pokhari is not used by Public since last 8 to 10 years. So due to non-use of the said pond, the water is covered with water hyacinth and nobody has taken step for removal of it. It is a fact that the said water body "Chandan Pokhari" belongs to the Deity Sri Sri Nilakantheswar Dev. It may be used for religious purpose by the management of Deity Sri Sri Nilakantheswar Dev.

The Committee suggests that the Chandan Pokhari required immediate renovation.

Recommendation:-

- 1. The existing hyacinth shall be removed from the pond.*
- 2. The private houses and the private shops shall be instructed to stop discharge of the domestic waste water into the pond.*
- 3. The private houses and the private shops shall also be instructed to stop throwing/dumping of the hose hold and the shop solid waste into the pond.*
- 4. The pond shall be desilted, proper lined embankment shall be provided around the pond so that no outside waste enters into the pond.*
- 5. The pond shall also be provided with an outlet to release the excess water from the pond to nearby drainage system to avoid over flow to the nearby areas during rainy season.”*

5. The observations of the Committee in the Inspection Report show that the pond in question is fully covered with water hyacinth

which restricts the flow of the sunlight and air entering the pond thereby creating an anaerobic condition; some private houses and private shops are also discharging their domestic waste water directly into the pond. The Committee in its Report has recommended that water hyacinth shall be removed completely from the pond; private houses and the private shops be instructed to stop discharging of the domestic waste water into the pond and from throwing/dumping of household and shop solid waste into the pond. It is also recommended that the pond be desilted and proper lined embankment be provided around the pond so that no outside waste enters into the pond. It is also recommended by the Committee that the pond be provided with an outlet to release the excess water from the pond to nearby drainage system to avoid overflow to the nearby areas during the rainy season.

6. In view of the above, we direct the Respondent No.4, Collector and District Magistrate, Puri, to ensure implementation of the recommendations of the Inspection Committee with the assistance of the Respondent No.1 and file affidavit of compliance within four weeks.
7. No one is present on behalf of the Respondent Nos.1&6, Sri Nilakanteswar Dev and other Deities and Commissioner of Endowments of Odisha.
8. **List on 06.02.2025.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

December 05, 2024,
Original Application No.193/2024/EZ
AK