

Item No.01

Court No.1

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

Original Application No.124/2022/EZ

Ghanashyam Rout

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 12.09.2022.

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

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

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The allegation in this Original Application is that illegal operation of Gandanali Black Stone Quarries is being carried on in Gandanaali-Mouza, Tahasil-Hindo in the Dhenkanal District of Odisha, by the Respondent No.11, Private Respondent.
3. It is also alleged by the Applicant that the said quarry operator, Respondent No.11, does not have a valid Consent to Operate and the quarrying is being done with the use of explosives and heavy JCB machines as well as 50 Hyvas/Dumpers (heavy trucks) which are transporting the stones from the quarry site in question.
4. It is also stated that though the Environmental Clearance has been granted in favour of the Tahasildar-Hindol, Respondent No.8, on 11th March, 2022 but the same has not yet been transferred in the name of lessee Sri Soumya Ranjan Rath, Respondent No.11 herein, which implies that the Respondent No.11 is operating the quarry without Environmental Clearance.

5. The allegation further is that the Respondent No.11 has also illegally felled trees for construction of approach road in the Gramya Jungle Forest Land situated in Khata No. 521, Plot No. 119, area Ac. 22.34 decimal, which is a Kisam-Gramya Jungle in Kadalipal-Mouza, Hindol Tahasil, District-Dhenkanal, without prior approval as required under Section 2 of the Forest (Conservation) Act, 1980 from the Central Government.
6. It is further stated that the matter has also been taken up by the Ministry of Environment, Forests and Climate Change, Regional Office, Bhubaneswar, through its letter dated 30.06.2022 (Annexure-6, page no. 36 of the Original Application), addressed to the Additional Chief Secretary, Forest, Environment & CC Department, Govt. of Odisha, Bhubaneswar, but till date no action has been taken in this regard.
7. In our opinion, matter requires consideration.
8. Mr. Prasenjeet Mohapatra, learned Additional Standing Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 1, 2, 5, 7, 8 & 9, State Respondents, Govt. of Odisha.
9. Mr. Dipanjan Ghosh, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.3, Odisha State Pollution Control Board.
10. Mr. Gora Chand Roy Choudhury, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.4, State Environment Impact Assessment Authority (SEIAA), Odisha.

11. Mr. Ashok Prasad, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.6, Deputy Chief Controller of Explosives.
12. Mr. Apurva Ghosh, learned Counsel who is present in Court in another matter, accepts notice on behalf of the Respondent No.10, Ministry of Environment, Forests and Climate Change.
13. Issue notice to the Respondent No.11, returnable within three weeks.
14. All the Respondents shall file their counter-affidavits within three weeks.
15. Considering the allegations made in the Original Application, we direct the Respondent No.2, District Collector, Dhenkanal, and the Respondent No. 9, Divisional Forest Officer, Dhenkanal, to file their personal affidavits, explaining as to what action has been taken in pursuance of the Ministry of Environment, Forests and Climate Change letter dated 30.06.2022.
16. Learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Prasenjeet Mohapatra, Mr. Dipanjan Ghosh, Mr. Gora Chand Roy Choudhury, Mr. Ashok Prasad and Mr. Apurva Ghosh, learned Counsel, who may share their respective E-mail IDs in the chat-box of Virtual Court Proceedings, in the course of the day.
17. **List on 10.10.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 12, 2022,
Original Application No.124/2022/EZ
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