

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

Original Application No.153/2023/EZ

Kabiraj Mahapatra

Applicant(s)

Versus

The Union of India & Ors.

Respondent(s)

Date of hearing: 17.10.2023

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

For Applicant(s) : Mr. Debabrata Ganguly, Advocate a/w
Ms. Debaleena Ganguly, Advocate

ORDER

1. Heard Ms. Debaleena Ganguly, learned Counsel appearing on behalf of the Applicant. When the case is next listed, the name of Ms. Debaleena Ganguly shall be printed in the cause list as the Counsel for the Applicant.
2. The Original Application has been filed by the Applicant alleging therein that sand is being illegally lifted in Chikiti Tehsil, District – Ganjam, Siripur area without clearance from State Environment Impact Assessment Authority (SEIAA), Odisha in spite of protest by the local villagers of Siripur, Pathargudi, Brukhyalata locality under the District – Ganjam, Odisha. The sand is stated to be lifted from the Siripur Sand Quarry over river “Bahuda” by unknown person/persons near Nuapada, RT Circle’s Siripada Sand Depot in Chikiti Tehsil. The illegal Sand Quarry is being operated in Khata No.115, Plot No.130/830 and Plot No.134/832, R.I. Circle, Nuapada. It is stated that incidents of illegal sand mining was also published in the local Newspaper “Sambad (Berhampur Edition)” dated

12.07.2022, “Navin” dated 25.07.2023, “Nirbhaya Suchana” dated 17.07.2023 regarding illegal lifting of sand from Siripur Sand Quarry over river “Bahuda”.

3. It is also alleged that the Sand Quarry is being operated by deploying heavy machineries like ‘Hitachi Chain’ machine and ‘Hiwya’ over river “Bahuda”.
4. In our opinion, matter requires consideration.
5. Issue notice to the Respondents, returnable within four weeks.
6. Mr. Dipanjan Ghosh, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.3, Odisha State Pollution Control Board.
7. Mr. Surendra Kumar, learned Counsel who is present in the Court, accepts notice on behalf of the Respondent No.8, Central Pollution Control Board.
8. No one is present on behalf of the State Respondents, Government of Odisha.
9. Issue notice to the Respondent Nos.2, 4 and 7, returnable within four weeks.
10. Ms. Debaleena Ganguly, learned Counsel for the Applicant states that the Applicant tried to make enquiries from the local people with regard to the identity of the Sand Lease Holders but the names were not disclosed to him and therefore he has not been able to implead them in the present Original Application.
11. We, therefore, direct the State Respondents to identify all the sand miner in that particular area and submit Report with regard to the miner of the sand sairat involved.
12. In our opinion, Respondent Nos.1 and 9, Deputy Director General of Forest (C), Ministry of Environment, Forests and Climate Change,

Bhubaneswar are not necessary parties in this case since sand mining Environmental Clearance are granted by State Environment Impact Assessment Authority (SEIAA), Odisha. Respondent Nos.5 and 6, Central Ground Water Authority/Board are also not necessary parties in the present proceedings.

13. We, therefore, direct the Applicant to delete the Respondent Nos.1, 5, 6 and 9, from the array of Respondents.
14. All 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, West Bengal Pollution Control Board;
 - ii) Senior Scientist, Central Pollution Control Board;
 - iii) Senior Scientist, State Environment Impact Assessment Authority (SEIAA), Odisha;
 - iv) Collector and District Magistrate, Ganjam or his representative Officer not below the rank of Additional District Magistrate (A.D.M.)
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. Ms. Debaleena Ganguly, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Dipanjan Ghosh and Mr. Surendra Kumar, learned Counsel, within 24 hours.
20. **List on 01.12.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

October 17, 2023,
Original Application No.153/2023/EZ
SKB