

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

Miscellaneous Application No.23/2023/EZ

In

Original Application No.20/2021/EZ

Swarup Kumar Rath

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 31.08.2023

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

For Applicant(s) : Mr. Sisir Das, Sr. Advocate a/w
(in O.A.20/2021/EZ) Mr. Prabhu Prasanna Behera, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Sakti Prasad Panda, AGA for R-2 to 7 & 10
(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R—11 (in Virtual Mode)

ORDER

1. Mr. Sisir Das, learned senior Counsel assisted by Mr. Prabhu Prasanna Behera, learned Counsel is present (in Virtual Mode) on behalf of the Original Applicant.
2. The M.A. No.23/2023/EZ filed in Original Application No.20/2021/EZ is being taken up.
3. The Original Application had been filed by the Applicant on the allegation that the Respondents have closed the mouth of river Sukapaika (a branch of river Mahanadi in Odisha) obstructing the free flow of perennial water source of river Sukapaika by creation of a dry island by way of encroachment of the river bed by land grabbers. It is also alleged that sand is being collected illegally by the encroachers and the entire bed has also become a dumping ground for garbage and solid and liquid waste, thereby polluting the entire area.

4. The Original Application was disposed of vide order dated 28.09.2022 by following orders: -

“22. We, therefore, direct the State Respondents that in case the proposed budgetary allocation of Rs.4967.13 lakhs for rejuvenation of Sukapaika Drainage Channels has not been made by the Government, the same shall be made within a period of one month for which purpose a copy of this judgment shall be placed before the Chief Secretary, State of Odisha for appropriate orders.

23. We also direct the State Respondents to complete the entire Project for rejuvenation of Sukapaika River Drainage Channel by 13.03.2023 and file an affidavit of compliance in this regard.

24. With the aforesaid directions, the Original Application is disposed of.”

5. Compliance Report has not been filed by the State Respondents till date though more than five months have passed.
6. We, therefore direct the Collector, Cuttack to file Compliance Report within four weeks.
7. Mr. Sakti Prasad Panda, learned Additional Government Advocate for State Respondents shall file affidavit of compliance within four weeks.
8. **List on 27.09.2023.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

August 31, 2023,
Miscellaneous Application No.23/2023/EZ
In
Original Application No.20/2021/EZ
SKB