

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

Original Application No.26/2024/EZ

Jitendra Kumar Pradhan

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 05.02.2024

**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) a/w
Mr. Ashutosh Padhi, Advocate (in Virtual Mode)

ORDER

1. Heard Mr. Sankar Prasad, Pani, assisted by Mr. Ashutosh Padhi, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. This Original Application has been filed by the Applicant, alleging that the Respondent No.11, Aditya Construction, is an infrastructure company engaged in various construction works, is extracting earth/morrum from various places including Khata No.616, Plot No.85, 126, 2018/5228 and Khata No.618, Plot No.2017, 81.
3. It is alleged that the said Respondent has illegally lifted/extracted about 56100 cum of morrum in Jharsuguda District.
4. It is further alleged that illegal morrum mining is being carried on in revenue forest land for which trees have been felled by the Private Respondent.
5. The allegation further is that a newspaper article was published in the local Odia newspaper 'Prameya' on 31.10.2022, 01.11.2023 and 03.11.2022, about the illegal mining.
6. Matter requires consideration.

7. Issue notice to the Respondents, returnable within four weeks.
8. Mr. Shakti Prasad Panda, learned Additional Government Advocate who is present in (Virtual Mode), accepts notice on behalf of the Respondent Nos.1, 2, 5, 6, 7, 9 & 10, State Respondents, Government of Odisha.
9. Ms. Dipanjan Ghosh, learned Counsel who is present in Court, accepts notice on behalf of the Respondent No.3, Odisha State Pollution Control Board.
10. Ms. Rashmi Singhee, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.4, SEIAA, Odisha.
11. Mr. Apurba Ghosh, learned Counsel who is present in (Virtual Mode), accepts notice on behalf of the Respondent No.8, Ministry of Environment, Forests and Climate Change.
12. Issue notice to the Respondent No.11, returnable within four weeks.
13. All the Respondents shall file their counter-affidavits within four weeks.
14. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee, *prima facie*, to elicit the correctness of the allegations made comprising of the following Members:-
 - (i) Senior Scientist, Odisha State Pollution Control Board,
 - (ii) Divisional Forest Officer, Jharsuguda, or his senior representative,
 - (iii) Director of Mines and Geology, Bhubaneswar, Khurdha, or his senior representative, and

- (iv) District Collector, Jharsuguda, or his representative not below the rank of Additional District Magistrate,
15. The Committee shall inspect the site in question and submit its Report within one month on affidavit with regard to the allegations made.
16. The District Collector, Jharsuguda, shall be the Nodal Agency for all logistic purposes and for filing the Report of the Committee on affidavit.
17. The Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Shakti Prasad Panda, Mr. Dipanjan Ghosh, Ms. Rashmi Singhee and Mr. Apurba Ghosh, Counsel for the Respondents within two days.
18. **List on 19.03.2024.**

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

February 05, 2024,
Original Application No.26/2024/EZ
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