

Item No.01

Court No.1

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

Original Application No.123/2022/EZ

Srikanta Kumar Pakal & Anr.

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 09.09.2022.

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

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

For Respondent(s) : Ms. Saswata Patnaik, Advocate for R-1,2,3,6,8,9 and 10
(in Virtual Mode),
Mr. Dipanjan Ghosh, Advocate for R-7

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel (in Virtual Mode) for the Applicant.
2. The Original Application has been filed with the allegation that the waterbody namely Nayapali Haza in Nayapalli Mouza of Bhubaneswar Municipal Corporation area and Natural Drain No.10 have been encroached upon.
3. It is stated that this Haza land was spread over 7 acres in Govt. Khata No.384 and Plot No.355 Kisam-Pokhari (Pond) Remark-Hada Pokhari (Haza/Lake).
4. Learned Counsel for the Applicant has relied upon the document at page 30 filed as Annexure-1 which is the government land record, but the same is in Odiya vernacular. Therefore, the Applicant is directed to file the English translated copy of the same on affidavit within one week.
5. The learned Counsel has also referred to the document as Annexure-2 which are the observations recorded by the Vice

Chairman, Bhubaneswar Development Authority-cum-Commissioner, Bhubaneswar Municipal Corporation dated 25.07.2018. In this Report, it is mentioned that Nayapali Haza land in Nayapalli Mouza has been encroached illegally and should be made free from encroachment.

6. The Report also mentions that Drain No.10 flows from Nayapalli Haza has also been obstructed and all the obstructions should be removed.
7. In our opinion, matter requires consideration.
8. Issue notice to the Respondents, returnable within four weeks.
9. Ms. Saswata Patnaik, learned Counsel who is present in Virtual Mode, accepts notice on behalf of Respondent Nos. 1,2,3,6,8,9 and 10.
10. Mr. Dipanjan Ghosh, learned Counsel who is present in another matter, accepts notice on behalf of the Respondent No.7, Odisha State Pollution Control Board.
11. Issue notice to Respondent Nos. 4, 5, 11, 12 and 13, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. In the meantime, State Respondents is directed to take appropriate action on the letter of Commissioner, Bhubaneswar Municipal Corporation dated 25.07.2018 (Annexure-2 to the Original Application) and disclose in their affidavit what steps have been taken in this regard.
14. Mr. Sankar Prasad Pani, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its

annexures upon Ms. Saswata Patnaik, Mr. Dipanjan Ghosh,
learned Counsel within 24 hours.

15. **List on 19.10.2022.**

.....
B. Amit Sthalekar, JM

.....
Saibal Dasgupta, EM

September 09, 2022,
Original Application No.123/2022/EZ
SKB