

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

Original Application No.55/2023/EZ

Harihar Samal

Applicant(s)

Versus

State of Odisha &Ors.

Respondent(s)

Date of hearing: 18.05.2023

**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)

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The Applicant in the present Original Application is stated to be a villager of Kurunti Village of District-Dhenkanal, where an auction notice for the proposed sand mining source has been issued. It is stated that the District Survey Report for Dhenkanal was prepared in 2019 with subsequent amendments in 2020. It is stated that the Report is signed by the Sub-Collector, Dhenkanal, District Magistrate, Dhenkanal, Divisional Forest Officer, Dhenkanal and one independent Member, namely, Nilamani Maharana but the Report is not based on the ground realities and no joint field visit has been carried out by the Water Resource Department (Irrigation Department), State Pollution Control Board, Public Works Department, Mining/Geology Department and Tahasildar to assess the ground situation which is stated to be mandatory prior to the preparation of the report. It is also stated that Kurunti Sand Quarry has an area of 50585.71 square meters (12.5 acres).

3. It is also stated that the Respondent No.7, Private Respondent, was earlier granted Consent to Operate over an area of 12.5 acres vide letter dated 04.05.2021 (Annexure-9 to the Original Application), which has expired with the lease period.
4. It is alleged that the current auction holder of the Kurunti Sand Quarry was also the lessee of the sand quarry in the previous auction until December, 2022, and has been using the village road for sand transportation unauthorisedly over the Rengali Right Canal. It is also stated that the heavy vehicles of more than 15 tonnes capacity were moving on the village roads.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within four weeks.
7. Mr. Tarun Patnaik, learned Additional Standing Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent Nos. 1, 3 & 4, State Respondents, Government of Odisha.
8. Mr. Apurba Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.2, SEIAA, Odisha.
9. Ms. Papiya Banerjee Bihani, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.5, Odisha State Pollution Control Board.
10. Ms. Anamika Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.6, Ministry of Environment, Forests and Climate Change.
11. Issue notice to the Respondent No.7, returnable within four weeks.
12. All the Respondents shall file their counter-affidavits within four weeks.
13. Considering the allegations made, we deem it appropriate to constitute a Committee comprising of the following Members:-

- i. Senior Scientist, Odisha State Pollution Control Board,
 - ii. Senior Scientist, SEIAA, Odisha, and
 - iii. Collector & District Magistrate, Dhenkanal, or his nominee not below the rank of Additional District Magistrate.
14. The Committee shall cause an inspection to be carried out with reference to the allegations made in the Original Application within four weeks and submits its report on affidavit.
 15. The Office of the Collector & District Magistrate, Dhenkanal, shall be the Nodal Body for all logistic purposes and for filing the Report of the Committee on affidavit.
 16. The learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexures upon Mr. Taruna Patnaik, Mr. Apurba Ghosh, Ms. Papiya Banerjee Bihani, and Ms. Anamik Pandey, learned Counsel for the Respondents within 24 hours.
 17. **List on 19.07.2023.**

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B. Amit Sthalekar, JM

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Dr.Arun Kumar Verma, EM

May18, 2023,
Original Application No.55/2023/EZ
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