

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**O.A. No.02 of 2024/EZ.**

Sri Tapas Kumar Bal. ... Applicant.  
-Versus-  
State of Orissa & others. ... Respondents.

**: I N D E X :**

Sl. No.	Description of Documents	Pages.
1.	Counter Affidavit filed by Respondent Nos.3 and 6.	1 - 4
2.	<b>Annexure-A/3.</b> Copy of R.I. Bangarakota Report dated 6.08.2024.	5-6

Cuttack

Date:09.08.2024.

  
Addl. Government Advocate. \*

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH: KOLKATA**

**O.A. No.02 of 2024/EZ.**

Sri Tapas Kumar Bal. ... Applicant.  
-Versus-  
State of Orissa & others. ... Respondents.



**COUNTER AFFIDAVIT FILED ON BEHALF  
OF THE RESPONDENTS/OPP.PARTIES  
NOs.3 & 6.**

I, Sri Sarada Prasanna Panda, aged about 31 years, Son of Sweta Kumar Panda, at present working as Block Development Officer, Danagadi and In-Charge Tahasildar, Danagadi Tahasil, Jajpur, Dist: Jajpur do hereby solemnly affirm and state as follows:-

1. That I am Opp.Party No.3 in this case and swearing this affidavit for self and on behalf of the Opp.Party No.6 i.e. the Collector, Jajpur being duly authorized by him.

2. That I have gone through the abovementioned original application and have understood the contents thereof. In my official capacity I am well acquainted with the facts of the case and thus competent to swear this affidavit.

*Sarada Prasanna Panda*

*Ac*  
*109.08.24*  
**AMBIKA PRASAD RAY**  
**NOTARY, CUTTACK TOWN**  
**REGD. NO-ON-56/2004**

*AD*  
*Kent*

- X -

3. That the aforesaid original application has been filed by the applicant before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata challenging the action of the State Respondents in curbing the illegalities and violation of Sustainable Sand Mining Management Guidelines 2016, environment norms by the private respondent in operating the Kusei Sand Bed, Deogaon over an area of 11.50 acer 4.654 ha in village: Deogaon of Ghasipura Tahasil under Keonjhar district and the said sand mining operation is in violation of Standard Environment Clearance Conditions and Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020, Odisha Sand Policy 2021, EIA Notification and Supreme Court order and order of Hon'ble NGT.

4. That the averments made in paragraphs-1 to 4 of the original application call for no reply from this deponent.

5. That the averments made in paragraph-5 of the original application are false, baseless and hereby denied. It is humbly submitted that as per inquiry report of the Revenue Inspector, Bangarakota dated 6.08.2024, the present sand quarry over "Kusei River sand Bed" is adjacent to Jajpur district, but there is no

*[Handwritten signature]*

*[Handwritten signature]*  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-58/2004

*Sarade Prasanna Panda*



illegal mining is being carried out from the side of Jajpur District. Copy of R.I. Bangarakota Report dated 6.08.2024 is annexed herewith as **Annexure-A/3**.

6. That in reply to the averments made in paragraph-6 of the Original Application, it is humbly submitted that the aforesaid Mining Lease has been granted by the Tahasildar, Ghasipura under Keonjhar District. Accordingly, the demarcation is to be made by the Tahasildar, Ghasipura and pillar posting is to be made so as to check the unauthorized lifting of sand beyond the permitted mining area. It is further submitted that the Sairat Source namely "Kusei River Sand" does not come within the jurisdiction of the Danagadi Tahasil under Jajpur District. Further, no sand has also been deposited on 'Kusei River Bed' by the side of Jajpur district which is coming under Danagadi Tahasil area. Hence, question of illegal mining in the area of Danagadi Tahasil under Jajpur district does not arise.

*Sarade Prasanna Panda*

9. That the averments made in paragraphs-12 to 23 of the original application, call for no reply from this deponent.

10. That the Respondents carves the leave of the Hon'ble Court to file fresh affidavit, it required in the interest of the lis.

*AR*  
AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
REGD. NO-ON-58/2004

*AR*

11. That the original application is otherwise improper unjustified and as such is liable to be dismissed.

12. That the facts stated above are true to the best of my knowledge and belief based on official records.

Identified by:-

*Samrat Kalra*  
Advocate

*Sarada Prasanna Panda*  
Deponent. 09.08.2024  
Tahasildar, Danagadi

**Certificate**

Certified that the cartridge papers are not readily available.

Cuttack

Date:09.08.2024

*Samrat Kalra*  
Addl. Government Advocate.



*S.P. Panda*

The above named deponent being identified by *S. Kalra* Adv solemnly affirm and states before me that the contents of this *Cuttack* are true to the best of his/her/their knowledge and belief.

*09.08.24*

AMBIKA PRASAD RAY  
NOTARY, CUTTACK TOWN  
Regd. No.-ON-56/2004

ଗୁଡ଼ ସଂଖ୍ୟା : ୩୬୦

ତା: ୦୬-୦୮-୨୩

ମାନନୀୟ,

ଶ୍ରୀକୃଷ୍ଣ ଚନ୍ଦ୍ରପାଲ, ମାନମଣି

ଉଦ୍ଦେଶ୍ୟ:- ଦୁଇଗଣ ମନୀକୁ ଚେଧାବନ ବଳି ଲାଢ଼ପୁର, କୁନ୍ଦୁରୀ, ବୋର୍ଡ଼ପୁର ପୁରୀର ସମ୍ପତ୍ତି ।

ସୂଚନା:- ଚନ୍ଦ୍ରପାଲ ମାନମଣିର ଚିଠିସଂଖ୍ୟା = P.M.M ୧୮୩୮-୦୩-୨୪

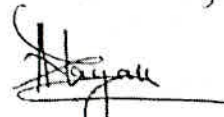
ମହାଲକାଣୀ,

ଉପରୋକ୍ତ ଉଦ୍ଦେଶ୍ୟ ସମ୍ପର୍କୀୟ ସୁଦ୍ଧା ମୁହାବକ ଓ ସାମ୍ବେଦନାଶୁଳକ ଲାଢ଼ପୁର, ବୋର୍ଡ଼ପୁର ମାନମଣି ବଳି ଉପର ସମ୍ପତ୍ତିରେ ଦେଲୁ ମହାଲକାଣୀ ଉପାଲକାଣୀ ରେ, ଲାଢ଼ପୁର ସିପ୍ପକ କୌଣସି ଜାଗାକୁ ବଳି ହୁଏନାହିଁ । ଏବଂ ବଳି ହେବା ସମ୍ପତ୍ତି କୌଣସି ଆପଣ୍ଡି ଅଭିଭାବ, ଉକ୍ତ ମନୀ ସମ୍ପତ୍ତି କୌଣସି ପ୍ରାମାଣ ପ୍ରାମାଣୀ କିମ୍ବା ବିଧିଗତ ବ୍ୟକ୍ତି କୌଣସି କିମ୍ବା କୌଣସି ଶାସ୍ତ୍ର ଉପର ସୁଦ୍ଧା ହସ୍ତଗତ ହୋଇନାହିଁ ।

ଏହି ଉଦ୍ଦେଶ୍ୟରେ ମାନମଣି ଆପଣା ବଳି

କାର୍ଯ୍ୟାଳୟ ମାନମଣି ଉପରକାଳି )

ଆପଣଙ୍କର କାର୍ଯ୍ୟ

  
୦୬-୦୮-୨୩

Revenue Inspector,  
Bangarakota

TRUE COPY ATTESTED

  
Takisildar, Danagadi



-X-

Annexure - A/3

519

English version of  
Odia - Copy

OFFICE OF THE REVENUE INSPECTOR, BANGARKOTA

Letter No. 350

Date: 06.08.2024

To

The Tahasildar, Danagadi

Sub: Regarding <sup>engaging</sup> illegal sand mining from Kusei river bed from Jajpur side and transportation to Keonjhar district.

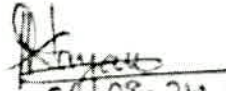
Ref: Your office Letter No. 1999/29.07.2024

Sir,

With reference to the subject cited above, I am to say that, as per your order, I conducted inquiry in the field along Kusei river from Jajpur district side and found that there is no illegal sand mining is being carried out from the part of the Kusei River, which comes under Danagaditahasil jurisdiction of the Jajpur district. Further, it is to intimate you that there is no objection or grievance has been received from local residents regarding illegal mining of sand from Kusei river bed (Jajpur side) till today .

This is for your kind information & necessary action.

Yours faithfully,

  
Revenue Inspector, Bangarkota

06/08/24  
Revenue Inspector,  
Bangarakota

TRUE COPY ATTESTED

  
9/8/24  
Tahasildar, Danagadi