

Jayanti Das

RTI and Social Activist  
www.jayantidas.com

oll

Speed Post

Cuttack  
21/1/21

TO  
Honble. Chief Justice  
Odisha High Court  
Cuttack

TO  
Honble. Chief Justice of  
India  
Supreme Court -  
New Delhi

From  
**JAYANTI DAS**  
CHINTAMANI NIWAS  
MAHAMADIA BAZAR  
CHANDNI CHOWK  
CUTTACK-753002

Conflicting and Contradictory  
statements as well as Versions  
are given by Govt. of Odisha  
officials in WPC 15899/2020 in  
Odisha High Court and Odisha Human  
Rights Commission (OHRRC) in the matter  
of Sand Filling of River Mahanadi at  
Cuttack city.

Request to take suo motu  
cognizance in the matter as it is a  
Serious matter of Contempt of Court.

Respected Sir,  
with due respect I am placing  
certain Facts on Record by way of

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Written Submission.

Note: Cheque payment subject to realisation  
EO546285634IN IVR:6979546285634  
SP CUTTACK G.P.O. <753001>  
Counter No:4,22/01/2021,12:32  
To:DR S MURALIDH,CHIEF JUSTICE OF  
PIN:753002, Chandinchowk H.O  
From:JAYANTI DAS,CHINTAMANI NIWAS  
Wt:227gms  
Amt:35.40(Cash)Tax:5.40  
<Track on www.indiapost.gov.in>  
<Wt: 8002666868> <Wear Masks, Stay Safe>

1. It is Pertinent to mention that- in the WPC 15899/2020 the Govt. officials had placed facts on affidavit through their counsels by denying about any project called "BARFI" for any commercial projects by sand filling of River Mahanadi at Cuttack.

2. It is also Pertinent to mention that- I had filed a written petition in Odisha Human Rights Commission dated 12/2/20 to take Sou motu cognizance under violation of Article 21 if illegal sand filling continues in River Mahanadi at Cuttack arbitrarily. (Copy enclosed) Annex (1)

CHINTAMANI NIWAS, MAHAMADIA BAZAR, P.O

EO546285648IN IVR:6979546285648  
SP CUTTACK G.P.O. <753001>  
Counter No:4,22/01/2021,12:32  
To:SHARAD ARVIND,CHIEF JUSTICE OF  
PIN:110001, New Delhi GPO  
From:JAYANTI DAS,CHINTAMANI NIWAS  
Wt:211gms  
Amt:94.40(Cash)Tax:14.40  
<Track on www.indiapost.gov.in>

3. The same had been registered as Case No. 496/2020 and an order was passed on 11.6.20 mentioning that the Sand Filling is done for expansion of SCB, Medical College for making it a World class Hospital and other PROJECTS. As it is a Policy decision of Govt, the OTHRC is not inclined to interfere. (Copy enclosed) Annex(2)
4. It is understood from the Order of OTHRC that Govt has Plans/Proposals for Construction of buildings and complexes and for that reason Sand Filling is done in River Mahanadi at Cuttack.
5. It is also Proven that Govt officials have lied in WPC 15899/2020 on

affidavit to the Honble. Court that Govt has no Plans for any kind of Projects by Sand Filling River Mahanadi. (Para 6, 7, 8 of the order copy of WPC15899 2020)

6. As the order of OTRC is a miscarriage of Justice and one sided, I had filed a letter petition dated 4/1/21 (E-mail) and through SpeedPost on 8/1/21 to Repeal the order. (copy enclosed Annex 3)

7. I had also requested to the Hon. OTRC to list my case (496/2020) in a Bench where no Political member/ Advocate from any Party is present during hearing as there is every chance of political interference. (copy annexed Annex 4) (letter dated 26/2/20)

8. Regarding sand filling by dredging as per IIT, Madras recommendation can be countered by the bytes given by the Housing and Urban Development Minister himself and both CMC Commissioner as well as collector, Cuttack were present that an "integrated" plan is being prepared for CDA like township on the River Mahanadi at Cuttack, as published by "Odisha Sun Times", Friday, 13 Dec 2020 at 6 PM. (Amex 5 (copy enclosed))

9. It is pertinent to mention that Para 7 of order of WPC 15899/2020 and statements of HUD Minister are contradictory to each other and both are versions of Govt.

10. The HUD minister also stated that Guidelines of NGIT will be followed (as per odisha Sun Times) but contrary to that NGIT had taken up the issue of Sand Filling of River Mahanadi at cuttak and started enquiry into the matter.

11. As Rivers are coming under concurrent list and both Centre and concerned state are accountable and responsible for any matter related to illegality and Proper clearance and NOC to be received from Centre by the State "before" starting any project as Environmental clearance

is a "must".

12. It is Pertinent to mention that the Govt. of India, Ministry of Jal Shakti, New Delhi vide dated 3/3/20 under RTI replied that the Directorate, Department of Water Resources, National River Conservation has "not received" any "NOC" or clearances from Agencies of Govt. of odisha for Filling of sand in River Mahamadi at cuttack for about 400 acres for Commercial Projects.

(Copy annexed Annex 6)

13. It is proved that Govt. of odisha has started sand Filling of River Mahamadi, at Cuttack before getting

any NOC and clearance which itself a violation of Environmental guidelines and NBT guidelines.

It itself contradicts the statement made on affidavit by Govt officials of Odisha State that it is a Pursuant action to the Judgement of WPC 20283/11 by Water Resources Department because the Sand Filling has started Recently and can be verified through Satellite Pictures which is more authentic and Reliable.

14. If the Satellite Pictures are Called for as evidence by the Hon. Court then it will be proved beyond reasonable doubt that Govt. has lied through

Its officials in the Hon. Court.

15. It is also pertinent to mention that in compliance to the letter of Under Secretary to Govt of India, Ministry of Environment, Forest and climate change, New Delhi, a letter No. F-106-7(B)/EPE/Vol IV dated 22/9/20 was issued to District collector, Cuttack which mentions that my Grievance Petition is "Self Explanatory" needs to be Perused and ATR to be intimated to Eastern Regional office, Bhubaneswar. (Copy Annexed Annex 7)

16. After 4 months of time the collector, Cuttack has not taken any action and

It itself Proves that my allegations based on facts are true and the Administration has also not denied my charges and thought it proper to keep silence.

17. It is also Pertinent to mention that a letter dated 5/12/20 from Ministry of Environment, Govt of India was sent to Addl. Principal Chief Conservator of Forest, Bhubaneswar and District Collector, Cuttack with a copy to me to regarding Sand Filling of River Mahanadi, at Cuttack under "PGI Registration NO PMOPG/D/2020/0008651 dated 8/1/20 but near around one year has passed but not a single Relly . copy Annexed (8)

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18. It is also Pertinent to mention that a letter NO ENV-1-31/2018-2651 dated 6/2/20 was issued to different Authorities by Forest and Environment- Dept. Govt of Odisha in compliance to PMO, New Delhi with a copy to me but no clarification or communication has been made so far after nearly one year (Annex 9)

19. It is also Pertinent to mention that Cuttack Development Authority (CDA) under RTI vide letter no. 2548/CDA dated 2/3/20 replied that "no information about issue of NOC for filling Sand in River Mahanadi for Commercial Purpose is available. (Annex 9 copy enclosed).

20. Under the Circumstances I request and pray the Hon. Court to take Suo motu cognizance of the matter.

PRAYER

1. With due respect I request the Hon. Court to call for the Records filed by Govt. of Odisha in Odisha Human Rights Commission (OHRC) in case NO 496/2020 based on which the order mentioned about Govt. Policy for expansion of SCB Medical College, Cuttack which is quite conflicting and contradicting to the affidavits of Govt. official in WPC 15899/2020 (order dated 7/1/21)

2. The Hon. Court is requested to direct the Odisha Govt to produce the Satellite

Pictures of dredging and Sand Filling of River Manamadi as per WPC 20283/2011 and detailed report of IIT, Madras for Perusal of the Records.

3. Pictures from 2011 - 2020 will show the exact pictures of the claims and statements made on affidavit by Govt officials in the Hon. Court.
4. Both Electronic Media and Print Media need to be directed to produce their video/Audio footage and documents related to the interview/Bytes given by HUD, Minister of Odisha Govt in the Hon. Court and accountability of the Fourth Pillar of Democracy needs to be ascertained and fixed. (During the month of December/~~2019~~ 2019 and January 2020)

5. As per NBSA rules the News channels preserve their footage and action can be taken against the channels for misuse of their freedom to report.
6. The Govt. officials may be charged for suppression of Facts, misdeclaration of Affidavit and misguiding the Hon. Court.

I request the Hon. Court to consider the above mentioned grounds supported by Govt. documents and Commission's order a good ground to take appropriate action as per law against the Authorities.

Thanking you.

Yours faithfully  
Jayanti Das,