

**BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Original Application No. 565 of 2015  
(M.A. No. 103 of 2016 & M.A. No. 1198 of 2016)**

**Bijaya Kumar Babu Vs. The Collector-cum-District Magistrate & Ors.**

**CORAM : HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON  
HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER  
HON'BLE MR. BIKRAM SINGH SAJWAN, EXPERT MEMBER**

**Present:**           **Applicant:**                           **Mr. Raj Kamal and Mr. Navandeep Matta, Advs.**  
                          **Respondent Nos. 1 & 5:**           **Ms. Rajdipa Behura, Ms. Garima Singh Yadav and Mr. Philomon Kani, Advs.**  
                          **Respondent No. 2:**               **Mr. M. Paikaray and Mr. S. Panda, Advs. For Odisha SPCB**  
                          **Respondent No. 3 & 4:**           **Mr. Tejaswi Kumar Pradhan, Adv.**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No.</b> <b>12</b>  <b>January</b> <b>02, 2017</b>  <b>ss</b>	<p><b><u>M.A. No. 1198 of 2016</u></b></p> <p>This application praying for transfer of Original Application No. 565 of 2015 to the Eastern Bench. This Original Application No. 565 of 2015 has been filed in the year 2015 and parties have replied to this application and the matter has even been heard. The present application lacks bonafidee and therefore we find no reason to allow this application. Consequently, the M.A. No. 1198 of 2016 stands disposed of without any order as to costs.</p> <p><b><u>Original Application No. 565 of 2015</u></b></p> <p>We have heard the Learned Counsel appearing for the parties. The applicant has contended in this application that Respondent No.3, is a Member of Legislative Assembly of Orisha and he has exercised his influence and established a poultry farm adjacent to Bargarh-Boriguma National Highway No. 26 at village Chhatamakhna in District Bolangir, Odisha.</p> <p>According to them the poultry farm has caused</p>

<p><b>Item No.</b> <b>12</b></p> <p><b>January</b> <b>02, 2017</b></p> <p><b>ss</b></p>	<p>degradation of environment, resulting in loss of life, livestock and spread of infection and diseases amongst living organism including animals, birds, humans etc. living around the poultry farm. In the reply it has been stated that the Respondent No. 3 has not been established unit in his name in fact it is established by a company and the Respondent No. 4 who is his son is a Director of this company. It is stated that no pollution is being caused by the unit and they have not violated any norms, in fact they have got consent to operate and having other valid licences.</p> <p>The Learned Counsel appearing for the State of Odisha and Odisha State Pollution Control Board submits that they would conduct a joint inspection of the poultry farm and would submit a report to the Tribunal. The joint inspection be conducted and comprehensive report be submitted to the Tribunal and see whether the unit has valid consent to operate and it has appropriate licences and whether it is causing any pollution and environmental degradation. They shall also examine whether the guidelines issued by the Board and conditions stipulated in the consent order are being strictly adhered by the unit or not. Depending upon the joint inspection team and Board will take action in accordance with law and action taken report also be submitted to the Tribunal within two months from today. The Applicant would be at liberty to be present during the time of inspection. The Board with notify the time of the inspection to the Applicant.</p> <p>With the above directions the Original Application</p>
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	<p><b>Item No.</b> <b>12</b></p> <p><b>January</b> <b>02, 2017</b></p> <p><b>ss</b></p>	<p>No. 565 of 2015 stands disposed of. No order as to costs.</p> <p><b><u>M.A. No. 103 of 2016</u></b></p> <p>This application does not survive for consideration as the main Original Application No. 565 of 2015 itself stands disposed of.</p> <p>Consequently the M.A. No. 103 of 2016 also stands disposed of. No order as to cost.</p> <p>.....,CP (Swatanter Kumar)</p> <p>.....,JM (Raghuvendra S. Rathore)</p> <p>.....,EM (Bikram Singh Sajwan)</p>
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