

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

**Original Application No. 84/2023/EZ**

In the matter of:

Abani Kumar Sahoo

.... Applicant

-Versus-

State of Odisha & Ors.

.... Respondent(s)

**INDEX**

Sl. No.	Description of documents	Pages
1.	Counter Affidavit filed by the Respondent No. 06	1-5
2.	<b><u>Annexure- A/6</u></b> True copy of Notification No. 3779-AFFN (SIDA) – F&E dated 15.02.1993.	6-8
3.	<b><u>Annexure – B/6 Series</u></b> Copy of the site inspection report dated 07.03.2024 along with map.	9-11

**By the Respondent No.6 through**



**(TARUN PATNAIK)**

**ADDL. STANDING COUNSEL**

**CUTTACK**

**DATE: 13.03.2024.**



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In the matter of:

Abani Kumar Sahoo

.... Applicant

-Versus-

State of Odisha & Ors.

.... Respondent(s)

**COUNTER AFFIDAVIT FILED ON BEHALF OF  
THE RESPONDENT NO. 06**

I, Khushwant Singh, IFS, aged about 35 years, S/o. Ramroop Meena, at present working as Divisional Forest Officer, Balasore Wildlife Division, At/P.O.- Kuruda, Dist.-Balasore, Pin – 756056 do hereby solemnly affirm and state as follows:-

1. That, I been arrayed as Respondent No. 06 in the aforesaid Original Application. I have gone through the copy of the Original Application as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.

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 Balasore Wildlife Division  
 Balasore



2. That, the present affidavit is being filed in pursuance to the order dated 24.01.2024 passed by this Hon'ble Tribunal wherein the deponent was directed to file an affidavit.

3. That, it is stated that as per direction of the Hon'ble Supreme Court of India in **W.P. (C) No. 202/1995 (T.N. Godavarman Thirumulkpad – vrs- Union of India)**, District Level Committees (DLCs) for each district under the chairmanship of the Collector was constituted by Forest & Environment Department during 1997 to identify all forest areas under administrative control of Forest & Environment Department / Revenue Department and Forest land / plantations belonging to private persons.

4. That, after necessary scrutiny, the DLC Report of Balasore district was prepared and attended its finality on 29.08.1997 under the supervision of the authorities concerned together with Collector & District Magistrate, Balasore and Chairman of District Level Committee. After further scrutiny of the DLC Reports by the State Level Committee, the details of forest land was submitted before the Hon'ble Apex Court which was also accepted.

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5. That, the erstwhile Social Forestry Division, Balasore in the year 1988-89 had raised plantation over 05.00 hectare in Sabik Plot No. 2728 of Mouza: Rayanramchandrapur under Jaleswar Tahasil. Thereafter, on 15.02.1993, the Forest & Environment Department, Govt. of Odisha issued a notification under Section 30 of the Orissa Forest Act, 1972 notifying Rayanramachandapur Village Forest referring above Sabik plot admeasuring 5.4 hectares. It is stated that the area of 5 hectares of DLC forest land is included in the area of 5.4 hectares which has been notified as Village Forest.

True copy of Notification No. 3779-AFFN (SIDA) – F&E dated 15.02.1993 is filed herewith as Annexure- A/6.

7. That, the issue in the present application is whether there is presence of DLC forest land in the lease executed with the private respondent no.8. To ascertain the presence of any DLC forest land in the lease hold area of Rayan Ramchandrapur Sand Quarry, on 07.03.2023, an inspection and ground truthing was carried out by Revenue, Forest and Mining Officials. On inspection, it was ascertained that only 5 hectares out of 26.01 ha. of Hal Plot No. 2824 corresponding to Sabik Plot No.2728 is DLC forest land. It is pertinent to mention that the lease hold area does not come under the aforesaid 5

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Balasore Wildlife Division  
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ha. of DLC forest land which is ascertained through geo referencing in Geographic Information System. The said factual scenario has been arrived after superimposition of the geo coordinates of the sand quarry boundaries over the Hal Sabik Map of the village concerned. It is a fact that the DLC forest area and sand quarry is located in the same plot but both the areas do not overlap which will be evident from the map annexed to the present affidavit.

Copy of the site inspection report dated 07.03.2024 along with map is annexed herewith as **Annexure-B/6 Series**.

8. That it is stated on verification of DLC Forest List of Balasore district, it has been ascertained that the Sabik Plot No.2728 had also been included in the DLC Forest Report of Balasore District prepared in the year 1997 & categorized as DLC Forest, where the survival percentage was "NIL" at that time. The Sabik Plot No. 2728 of Mouza : Rayanramchandrapur under Jaleswar Tahasil is corresponding to Hal Plot No. 2824, Khata No. 1070, Area : Ac.64.38 dec. or 26.01 hectare, Kissam : Nadi under Rayanramachandrapur Mouza of Jaleswar Tahasil. Out of the 26.01 hectares, 5.40 hectare has been notified as Rayanramachandapur Village Forest and 8.5 hectares area has been leased out for sand quarry operation.

SP  
Divisional Forest Officer  
Balasore Wildlife Division  
Balasore



8. That, the deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at a later stage.

9. That, the facts stated above are true to the best of my knowledge, belief and based upon official records available.

Identified by

*[Handwritten signature]*  
Advocate

*[Handwritten signature]*  
Deponent  
Divisional Forest Officer  
Balasore Wildlife Division  
Balasore

**VERIFICATION**

I, Khushwant Singh, IFS, aged about 35 years, S/o. Ramroop Meena, at present working as Divisional Forest Officer, Balasore Wildlife Division, At/P.O.- Kuruda, Dist.-Balasore, Pin – 756056, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the 13th day of March 2024.

Cuttack.


Date: 13.03.2024.

*[Handwritten signature]*  
VERIFICANT  
Divisional Forest Officer  
Balasore Wildlife Division  
Balasore



The above named deponent being identified by Mr./Ms. P. K. Singh Advocate appears before me at Cuttack on this the 13 day of March 2024 solemnly affirms that the facts stated are true to his/her knowledge and belief.

NOTARY 13/3/2024  
CUTTACK TOWN

ANNEXURE-A/B  


**FOREST & ENVIRONMENT DEPARTMENT  
 NOTIFICATION**

The 15th February 1993

No. 3779—AFPN (SIDA)-F.&E.—In exercise of the powers conferred by section 30 of the Orissa Forest Act, 1972 (Orissa Act 14 of 1972), the State Government do hereby constitute the lands at their disposal as described in the schedule given below to be a village forest for the benefit of the group of village communities belonging to the village mentioned in column (4) of the said schedule with effect from the date of publication of this notification in the *Orissa Gazette*.

SCHEDULE

Serial No.	District	Thabasil	Village or mouza	Gram Panchayat	Khata No.	Plot No.	Area in hectare	Local limits of boundary
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Balasore	Jaleswar ..	Kalama ..	Baradiha	1746 1747 1748	2400 2465 2462 2463 2464 2444	5.36	N—Plot No. 2372 & Agriculture land.  S—Agriculture land  E—Agriculture land W—Village road and Plot No. 2470,
2	Do. ..	Do. ..	Kalama (Prasadsole)	Baradiha..	1048	2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689  2690 2691 1692 1693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2712 2713 2714 2715 2716 2717 2718 2721 2722 2725 2726	10.0	N—Agriculture land and village road.  S—District boundary  E—Village road and Agriculture land.  W—Agriculture land

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
3	Balsore	Jaleswar..	Kalama (Antoma).	Baradiha -	1746 1748	513 514 603	2.6	N—Agriculture land S—Sala Forest E—Agriculture land W—Sala Forest
4	Do. ..	Do. ..	Diffo	Do. ..	1748	48, 49, 50 55, 56, 58 59, 60 427.	30.0	N—Sala Forest S—Sala Forest E—Basti & Agriculture land. W—Sala Forest
5	Do. ..	Do. ..	Rayarampur	Ch. Raya- rampur.	376	2728	5.4	N—Anabadi S—River E—Anabadi W—Anabadi
6	Do.	Do.	Kalka (Dudhite- Khali).	Raibania..	982 985	842, 889 891, 824 840, 890 888, 843 844, 887.	4.0	N—Road S—Agriculture land E—Pond & Plot Nos. 892 & 893. W—Road & Plot Nos. 821, 923, 819.
7	Do. ..	Dhamnagar	Jalahari ..	Malda -	496 497	4,35	3.0	N—Village boundary & Nala. S—Nala E—Agriculture land and Nala. W—Plot Nos. 1, 5, 24, 25 & Nala.
	Do. ..	Do. ..	Chatur- bhujapur.	Do. ..	426	2	1.6 4.6	

8

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
8	Balasure	Dhamnagar	Goudabismaapada.	Dobal ..	1345 1348	3910 3911 3912	2.2	N—Agriculture land S—Agriculture land E—Pond & Village Road. W—Agriculture land
9	Do. ..	Do. ..	Belgadia ..	Rahania ..	447	1835	2.8	N—Agriculture land & Gochar. S—Road & Agriculture land. E—Agriculture land W—Agriculture land
10	Do. ..	Nilgiri	Betei ..	Gadasahi	125	644, 451 449.	1.6	N—Road and Basti S—Parbata E—Government land W—Government land
	Do. ..	Do. ..	Ranipokhari	Gadasahi	3	144, 151	3.4	
								5.0
11	Do	Basudevpur	Alboga ..	Artal ..	600	1163	0.2	N—Plot Nos. 1139, 1144, 1145, 1150, 1152, 1160. S—S. F. P. Plantation E—Road to Bhadrak W—S. F. P. Plantation

Total .. 71.76 Ha.

By order of the Governor  
C. S. SATPATHY  
Deputy Secretary to Government

**TRUE COPY ATTESTED**  
  
Divisional Forest Officer  
Balasure Wildlife Division  
Balasure

**Site Inspection & Ground Truthing Report of Revenue, Forest & Mining Officials demarcating Rayanramchandrapur Village Forest vis-à-vis Rayanramchandrapur Sand Quarry**

**SYNOPSIS :**

As per direction of the Hon'ble Supreme Court of India in W.P. (C) No. 202/1995 (T.N. Godavarman Thirumulkpad - vrs- Union of India), District Level Committees (DLCs) for each district under chairmanship of the Collectors were constituted by Forest & Environment Department during 1997 to identify all forest areas under administrative control of Forest & Environment Department / Revenue Department and Forest land / plantations belonging to private persons.

After necessary scrutiny, the DLC Report of Balasore district was prepared and attended its finality on dated 29.08.1997 under signature of the concerned authorities together with Collector & District Magistrate, Balasore and Chairman of District Level Committee. After further scrutiny of the DLC Reports by the State Level Committee, the details of forest land were submitted before the Hon'ble Apex Court in shape of an affidavit.

On perusal of the DLC Report of Balasore District, it has been ascertained that the erstwhile Social Forestry Division, Balasore in the year 1988-89 had raised plantation over 05.00 hectare in Sabik Plot No. 2728 of Mouza : Rayanramchandrapur under Jaleswar Tahasil.

Further, on perusal of the Village Forest Notifications of Balasore District, it has been ascertained that the Rayanramchandrapur Village Forest referring above Sabik reference has been notified vide Notification No. 3779-AFFN (SIDA) - F&E dated 15.02.1993 of the Forest & Environment Department, Govt. of Odisha with following description.

Sl. No.	District	Tahasil	Village or Mouza	Gram Panchayat	Khata No.	Plot No.	Area in hectare	Local limits of boundary
05	Balasore	Jaleswar	Rayarampur	Ch. Rayarampur	376	2728	5.4	N-Anabadi S-River E-Anabadi W-Anabadi

On further perusal of the available records vis-à-vis DLC Forest List of Balasore district, it has been ascertained that the above Sabik Plot had also been included in the DLC Forest Report of Balasore District prepared in the year 1997 & categorized as DLC Forest, where the survival percentage was "NIL" at that time.

The Sabik Plot No. 2728 of Mouza : Rayanramchandrapur under Jaleswar Tahasil is corresponding to Hal Plot No. 2824, Khata No. 1070, Area : Ac.64.38 dec. or 26.01 hectare, Kissam : Nadi under Rayanramchandrapur Mouza of Jaleswar Tahasil. Out of the 26.01 hectare, 5.40 hectare has been notified as Rayanramchandrapur Village Forest and 8.5 hectare area has been leased out for sand quarry operation.

**VERIFICATION PROCESS & FINDINGS :**

To assess the boundary demarcation referring the notification of the Rayanramchandrapur Village Forest & approved Mining Plan of Rayanramchandrapur Sand Quarry, referring Letter No. 8889/Tz. dated 28.08.2023 read with Letter No. 1839/Tz. dated 06.03.2024 of the Addl. District Magistrate, O/o the Collector & District Magistrate, Balasore, a

Site Inspection & Ground Truthing has been made in presence of the following Revenue, Forest & Mining officials of Balasore District on dated 07.03.2024 - AN.

01. Prathamesh Arvind Rajeshirke, IAS, Sub-Collector, Balasore
02. Sushri Sasmita Sahoo, OFS-I (JB), Asst. Conservator of Forests, Balasore Wildlife Division, Balasore.
03. Santosh Prava Sethy Mining Officer, Balasore.
04. Ayya Kumar Swain, Additional Tahasildar, Jaleswar.
05. Jayshree Murmu, Range Officer, Jaleswar Wildlife Range.
06. Debanjan Mohanty, Revenue Inspector, Jamalpur, Jaleswar Tahasil.
07. Minarani Behera, Forester, Jaleswar Wildlife Section.

As preliminary exercise, necessary digitization of Sabik Plot No. 2728 of Mouza : Rayanramchandrapur under Jaleswar Tahasil corresponding to Hal Plot No. 2824 of Mouza : Rayanramchandrapur under Jaleswar Tahasil vis-à-vis proposed Sand Quarry had been made and referred during ground truthing.


The verification team conducted a thorough examination of the boundary between the Rayanramchandrapur VF and the sand quarry vis-à-vis Sabik & Hal plot references. The GPS coordinates were verified accurately to delineate the boundaries.


#### INFERENCE


After thorough analysis, the boundary of Rayanramchandrapur VF has been identified referring its notification, Sabik & Hal boundary and current field position.

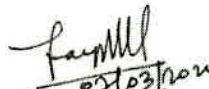
The subsequently prepared digitized map of Rayanramchandrapur VF and proposed Sand Quarry delineating Hal & Sabik Plot boundary together with geo-referred coordinates in GIS domain, duly signed by all concerned officials attended the joint verification is attached herewith with this report for perusal, finalization & acceptance.

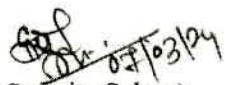
  
(Minarani Behera)  
Forester  
Jaleswar Wildlife Section

  
(Debanjan Mohanty)  
Revenue Inspector,  
Jamalpur, Jaleswar Tahasil

  
(Ayya Kumar Swain)  
Additional Tahasildar,  
Jaleswar


  
(Santosh Prava Sethy)  
Mining Officer, Balasore

  
(Jayshree Murmu)  
Range Officer  
Jaleswar Wildlife Range

  
(Sushri Sasmita Sahoo)  
Asst. Conservator of Forests,  
Balasore Wildlife Division,  
Balasore

**TRUE COPY ATTESTED**

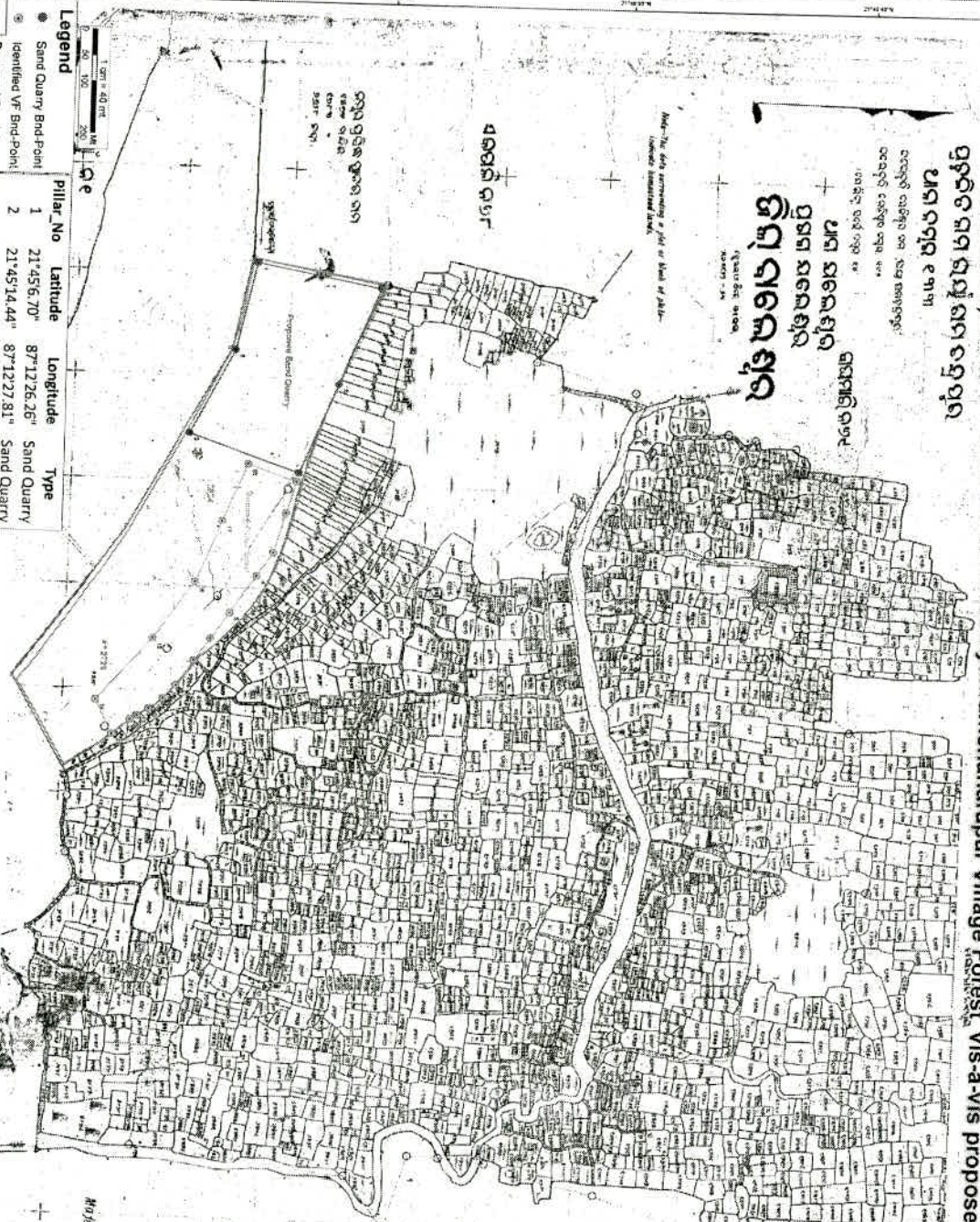
  
Divisional Forest Officer  
Balasore Wildlife Division  
Balasore

  
(Prathamesh Arvind Rajeshirke, IAS)  
Sub-Collector, Balasore

**Sabak-Hal Map of Identified 05.40 Ha. Rayanramchandrapur Village Forest vis-a-vis proposed Sand Quarry.**

ପ୍ରସ୍ତାବିତ ମାଟିର ଖଣିର ସ୍ଥାନ  
 ଉପରୋକ୍ତ ମାଟିର ଖଣିର ସ୍ଥାନ  
 ଉପରୋକ୍ତ ମାଟିର ଖଣିର ସ୍ଥାନ

**ଶିଳ୍ପ କ୍ଷେତ୍ର**  
 ଉପରୋକ୍ତ ମାଟିର ଖଣିର ସ୍ଥାନ



**Legend**

●	Sand Quarry Band Point
○	Identified VF Band Point
□	Proposed Sand Quarry
□	Identified RRPur VF
□	Hal Plot Ref.
□	Sabk Plot Ref.

Pillar No	Latitude	Longitude	Type
1	21°45'6.70"	87°12'26.26"	Sand Quarry
2	21°45'14.44"	87°12'22.81"	Sand Quarry
3	21°45'11.89"	87°12'34.41"	Sand Quarry
4	21°45'9.53"	87°12'40.49"	Sand Quarry
5	21°45'2.72"	87°12'37.97"	Sand Quarry
6	21°45'5.45"	87°12'32.23"	Sand Quarry

**Hal Plot and Sabk Plot**

Pillar No	Latitude	Longitude	Type
1	21°12'41.0832"	87°12'41.0832"	Village Forest
2	21°12'43.218"	87°12'43.218"	Village Forest
3	21°12'45.8388"	87°12'45.8388"	Village Forest
4	21°12'47.4048"	87°12'47.4048"	Village Forest
5	21°12'49.8888"	87°12'49.8888"	Village Forest
6	21°12'51.678"	87°12'51.678"	Village Forest
7	21°12'53.1936"	87°12'53.1936"	Village Forest
8	21°12'54.8928"	87°12'54.8928"	Village Forest
9	21°12'55.8036"	87°12'55.8036"	Village Forest
10	21°12'56.5236"	87°12'56.5236"	Village Forest
11	21°12'57.0024"	87°12'57.0024"	Village Forest
12	21°12'57.2724"	87°12'57.2724"	Village Forest
13	21°12'58.2912"	87°12'58.2912"	Village Forest
14	21°12'55.9944"	87°12'55.9944"	Village Forest
15	21°12'51.7716"	87°12'51.7716"	Village Forest
16	21°12'47.8988"	87°12'47.8988"	Village Forest
17	21°12'43.8516"	87°12'43.8516"	Village Forest
18	21°12'39.978"	87°12'39.978"	Village Forest

Scale: 1:50,000

