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**Copy Served IA No. of 2024 arising out of OA No. 52 of 2024/EZ Biranchi Narayan Dash & Ors. Versus State of Odisha & Ors**

1 message

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shakti panda <sppanda13@gmail.com>

Thu, May 16, 2024 at 5:04 PM

To: Sankar Pani <sankarprasadpani@gmail.com>, rashmibothra24@gmail.com

Sir,  
Please find the attachment file.

Regards,  
Shakti Prasad Panda  
Addl.Govt.Advocate  
Mob.9937666581

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 OA NO 52 OF 2024.pdf  
672K

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

**INTERIM APPLICATION NO. \_\_\_\_\_ OF 2024**  
**(Arising out of Original Application No.52/2024/EZ)**

IN THE MATTER OF:

An application for grant of one month time to file Counter affidavit pursuant to order dated 24.04.2024 of this Hon'ble Tribunal.

And

IN THE MATTER OF;

Biranchi Narayan Dash and Others.... APPLICANTS.

-VERSUS-

State of Odisha and Others.... RESPONDENTS.

The humble petition of the  
above named, Respondent no.5.

**MOST RESPECTFULLY SWETH:-**

1. That the applicants have filed the aforesaid Original Application with the following prayer:

- (i) To declare the Land in question i.e. main plot No.1, Khata No.187, ( out of which 7.24 Acres has been converted to Patita Kisam (Classification) and wrongly registered in Abada Jogy Khata No.186), Thana No.62 of Mouza, Thana, Tehsil Nuagaon District Nayagarh, State: Odisha, as a Forest Land.



Kshama Sarangi

- (ii) To direct the Respondents not to construct Odisha Adarsh Vidyalaya in the forest land in question, without Forest Clearance.
- (iii) To Direct the Respondents to restore the Forest Land in question to its Original Position.
- (iv) To direct the Respondents to pay Environmental Compensation on the basis of Pollution Pay Principle for damaging the Forest Land.
- (v) And pass any such and further Order as you deem fit and proper.”

2. That it is humbly submitted that this Hon'ble Tribunal vide order dated 24.04.2024 has been pleased to direct the respective parties to file counter affidavits within a period of four weeks and adjourned the matter to 29.05.2024.

3. That it is humbly submitted that since the matter relates to revenue plot in question, and the details are available with Revenue department as such, this Respondent No.5 vide letter No.3508 dtd.25.04.2024 requested the Tahasildar, Nuagaon to supply about the status of land selected for Odisha Adarsha Vidyalaya, Nuagaon in Khata No.187, Plot No.1. But, this Respondent No.5 has not received any report from the concerned Tahasildar, till date. Furthermore, in the meantime the General Election, 2024 has been declared and the Revenue Officers are involved in election duty. Only after receipt of the report from Tahasildar, Nuagaon, this Respondent No.5 shall

*Kshama Sarangi*



file a detail and comprehensive counter affidavit in the aforesaid case.

4. That in the aforesaid narration of facts and circumstances, the deponent prays that this Hon'ble Tribunal may kindly be granted one month time to file a detail and comprehensive affidavit in the case.

5. That this petition is made bonafide.

### PRAYER

It is, therefore, humbly prayed that this Hon'ble Tribunal may graciously be pleased to allow this petition and further be pleased to grant one month time to file comprehensive counter affidavit by the respondent No.5 in the facts and circumstances of the case.

And/or pass any other order/orders as this Hon'ble Tribunal may deem it fit and proper in the interest of justice.

And for this act of kindness, the respondent No.5 as in duty bound shall ever pray.

CUTTACK

DT.16.05.2024.

BY THE RESPONDENT NO.5

THROUGH

*hsc*  
ADDL.GOV'T.ADVOCATE.

*Kishanu Sarangi*



**VERIFICATION**

I, Kshama Sarangi, aged about 40 years, D/o. Sri Bhagabat Sarangi, at present serving as Divisional Forest Officer, Nayagarh Forest Division, At/P.O./Dist.- Nayagarh, Odisha, 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 16<sup>th</sup> day of May, 2024

Cuttack.  
Dt.16.05.2024.

*Kshama Sarangi*  
VERIFICANT.

*Divisional Forest Officer  
Nayagarh Division*

**AFFIDAVIT**

I, Kshama Sarangi, aged about 40 years, D/o.Sri Bhagabat Sarangi, at present serving as the Divisional Forest Officer, Nayagarh Forest Division, At/P.O./Dist.- Nayagarh, Odisha, do hereby solemnly affirm and state as follows;

1. That, I the Respondent No.5 in the aforesaid Original Application. I am well acquainted with the facts of the case and as such competent to swear this affidavit in my official capacity.
2. That the facts stated above are true to the best of my knowledge, belief and based on records.

Identified by:

*hw*

Addl.Govt.Advocate.

*Kshama Sarangi*

DEPONENT

*Divisional Forest Officer  
Nayagarh Division*

*U S-P-famela*

Solemnly affirm on in Oath by the Deponents at Cuttack on... being identified by Advocate/Adv.'s Clerk S.O., AG's office/Notary Personally, that the facts stated above are true to the best of his/her knowledge.

RAMA CHANDRA JOSHI, NOTARY  
CUTTACK TOWN, DIST. NAYAGARH

