

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

Original Application No. /2024/EZ

(Under Section 14 R/W Section 18 (1) & (2) Of The National Green
Tribunal Act, 2010)

In the matter of :

Srikanta Dash

...Applicant

-Vrs.-

State of Odisha and Ors.

...Respondents

I N D E X

S.No.	Description of Documents (s)	Page (s)
1	Original Application	1-16
2	Annexure-I Photographs showing encroachment of Reserve Forest and illegal construction over it.	17-20
3	Annexure-II Copy of the RoR of the Khata No. 154, Plot No- 305, Mouza : Akhupdar, Tahasil Ranpur	21- 24
4	Annexure-III Series Copy of the representations to authorities	25-32
5	VAKALATNAMA	33

CUTTACK

By the Applicant through Counsel

DATE:- 16.05.2024

Akhand

Akhand, Advocate

B.C.E. No.O-269/2023 . Ph:7008816891

Plot No. 6F-1030, CDA, Sector-9, Cuttack, Odisha –
753014, email : akhand111@gmail.com

SYNOPSIS

One Swasraj Mahanti and his wife of Ranpurgarh village, Ps - Ranpur Dist- Nayagarah, Odisha, the Private Respondents No. 11 & 12 respectively have involved in illegal encroachment, clearing of trees and construction of a farm house building over reserved Forest land at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District in Odisha. They also built roads within reserve forest and construct a farm houses in the name and style of 'Swastik Farm House'. By building farm houses on disputed land, digging ponds they are using reserve forest land for commercial use. Financial assistance was provided for Poultry Farm and Fish Farming in those ponds in the Reserved Forest area. Special subsidy was granted to the encroachers from the Nayagarh Agriculture Department, Horticulture Department for Fruit Farming. Applicant being a social worker of the same district, filled many representations before public authorities, but no action has been taken, hence the petition.

LIST OF DATES

Nov 2023 : Massive tree cutting from the reserve forest by Private Respondents.

11 Nov 2023 : Complaint to the Collector, Nayagarh to take action against the encroachers of the reserve forest.

22 April 2024 : Massive tree cutting and digging of ponds within Reserve Forest.

10 May 2024 : Again the Applicant sends representations to all Government respondents.

17 May 2024 : Hence the O.A. before the Hon'ble Tribunal.

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

Original Application No. /2024/EZ

(Under Section 14 R/W Section 18 (1) & (2) Of The National Green
Tribunal Act, 2010)

In the matter of :

Srikanta Dash

...Applicant

-Vrs.-

State of Odisha and Ors.

...Respondents

MEMO OF PARTIES

1. Srikanta Dash, aged about 42 years, S/o : Dandapani Dash, At/Po. –
Rabara, Po/PS – Odogaon, Dist – Nayagarh, Odisha

... Applicant

-Versus-

1. State of Odisha represented by Chief Secretary, Government of
Odisha, Lokseva Bhawan, Bhubaneswar, email : csori@nic.in

2. Additional Chief Secretary, Forest, Environment and Climate Change Dept.
Government of Odisha, Kharvel Bhawan , Bhubaneswar -751001,
email : fesec.or@nic.in

3. Principal Secretary, Department of Revenue and Disaster
Management, Government of Odisha, Secretariat Building,
Bhubaneswar -751001,email : revsec.od@nic.in

4. Principal Chief Conservator of Forests, State of Odisha, Aranya
Bhawan, Chandrasekharapur, Bhubaneswar - 751023.

Email : pccf.hoff@odisha.gov.in

5. Collector & District Magistrate, Nayagarh, At/po/Dist- Nayagarh, Odisha – 752069, email : dm-nayagarh@nic.in
6. Divisional Forest Officer, Khurdha, At/Po/Dist- Khordha, Odisha, 752055 email : dfo.khordha@odisha.gov.in
7. Member Secretary, Odisha Pollution Control Board, A-118, Unit – VII, Nilakantha Nagar, Bhubaneswar, Pin- 751012, email : member.se@ospboard.org
8. Tahasildar, Ranpur , At/Po – Ranpur, Dist – Nayagarh, Odisha – 752026. email : tahasildar.ranpur@gmail.com
9. Secretary, Ministry of Environment, Forests & Climate Change, Govt. Of India, Indira Paryavaran Bhawan, Jorbagh, New Delhi – 110003 (secy-moef@nic.in)
10. Superintendent of Police, Nayagarah, At/po- Nayagarh, Odisha – 752069, email : spngr.orpol@nic.in
11. Swaraj Mahanti@Raja Mahanti, aged about 52 years, S/o Suresh Kumar Mahanti, At-Ranpurgarh, Po- Raj-Ranpur, Ps - Ranpur Dist – Nayagarah, Odisha, PIN - 752026
12. Rangeen Mahanti, aged about 43 years, W/o Swaraj Mahanti@Raja Mahanti, At-Ranpurgarh, Po- Raj-Ranpur, Ps - Ranpur Dist – Nayagarah, Odisha, PIN - 752026

CUTTACK

By the Applicant through Counsel

DATE:- 16.05.2024



Akhand, Advocate
B.C.E. No.O-269/2023 . Ph:7008816891
email : akhand111@gmail.com

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

Original Application No. /2024/EZ

(Under Section 14 R/W Section 18 (1) & (2) Of The National Green
Tribunal Act, 2010)

In the matter of :

Srikanta Dash

...Applicant

-Vrs.-

State of Odisha and Ors.

...Respondents

MOST RESPECTFULLY SHOWEATH :

1. The address of the Counsel of the applicant is as given above, for the service of notices of this application and the addresses of the respondents are as given above for service of notices of the applicant.
2. That the present application is being filed under section 14 of the National Green Tribunal Act, 2010 ('NGT Act, 2010' for short) by the applicant, being affected and interested in the protection of the environment and ecology.
3. That this Hon'ble Tribunal has the jurisdiction to hear the present original application as the present application and the relief sought herein involves a substantial question relating to environment and

that such question arises out of the implementation of the enactments specified in 'Schedule I' of the National Green Tribunal Act, 2010.

4. That the applicant is the resident of the same District where Private Respondent No. 11 & 12 are involved in illegal encroachment of acres of reserve forest, tree cutting and illegal construction over a the said reserve forest land and they also occupied the Gochar Land and west land adjacent to the reserve forest.

5. That, Private Respondents No. 11 & 12 have involved in illegal encroachment, clearing of trees and construction of a farm house building over reserved Forest land at at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District in Odisha. They also built roads within reserve forest and construct a farm houses in the name and style of 'Swastik Farm House'. By building farm houses on disputed land, digging ponds they are grabbing lakhs of Rupees in the form of government financial assistance under various Schemes. Financial assistance was provided for Poultry Farm and Fish Farming in those ponds in the Reserved Forest area. Special subsidy was granted to the encroachers from the Nayagarh Agriculture Department, Horticulture Department for Fruit Farming.

6. That have Private Respondents No. 11 & 12 have blocked the forest land and cut down the trees and destroyed the natural protected

forest land by digging ponds and doing fishing and other illegal works that polluted the forests and damaged the original form of natural diversities. In this illegal activity, the departmental officers of Nayagarh district have been involved as without their knowledge it would not happened.

The Photographs showing the illegal encroachment of forest land, digging pond over that and other damage to the original form of the reserve forest in Akhupadar revenue village is annexed as Annexure – I.

7. That, the land bearing Khata No. 154, Plot No- 305, Ownership - Reserved, Type of Land - Forest, Area of Land (in Acres) – 4.950 under Ranpur Tahasil in Nayagarh District has been illegally blocked and encroached for construction of poultry farm creating serious environmental pollution inside the reserved forest.

Copy of the RoR of the Khata No. 154, Plot No- 305 of Mouza : Akhupdar, Tahasil Ranpur is annexed as Annexure - II

8. That, the reserve forests are meant to be protected and conserved. Any activity within these forests, such as felling of trees, grazing of cattle, or any other activity that may damage the forest, requires permission from the forest department. Unauthorized felling of trees, encroachment, Construction over forest land, etc attracts criminal

offence against the encroachers that include fines and imprisonment. In the present case the encroachers are defying all the laws of the land and occupied the forest land for many years and are polluting the environment violating all environmental laws and local authorities are silent over that.

9. Though the present applicant have approached various authorities/respondents, but no action is being taken against the private respondents who were involved in the act of damaging to the environment and polluting the same without any hindrance from the regulatory authorities. On 11.10.2023, the petitioner had submitted a complaint regarding encroachment of forest land and tree falling. But no action was taken. On 22.04.2024 the private respondents again started tree cutting from adjacent area of the Fram House and digging of ponds with help of JCB machines. Also boating activities was seen in the ponds. So, on 10.05.2024, the applicant had approached the all the Government Respondents in the matter to initiate action against the Respondent. But till yet, they have not take any legal action against the Private Respondent No. 11 & 12.

The copy of the representation dated 11.10.2023 and 10.05.2024 is annexed as Annexure – III.

10. That defying all the provisions of law, private Respondents are continued there works over the said reserve Forest land illegally without valid permission from the competent authority. Also the Private Respondents are using the forest land for commercial benefits.

11. That this Hon'ble Tribunal in addition to the Hon'ble Apex Court has time and again shown great enthusiasm in preserving the environment and passing judgments that are not only important for the present but also set precedents for the future of our naturally well-endowed nation.

12. It is humbly prayed and of utmost importance that the present matter be treated with same level of urgency by this Hon'ble Tribunal.

13. That the balance of convenience is in favor of the applicant and the ends of justice shall suffer if the relief as prayed is not granted.

GROUND

The Applicant is filing the present Original Application from amongst the following grounds:

1. That in the matter of Amarnath Shrine, In re, (2013) 3 SCC 247, the Hon'ble apex court opined that "Forests in India are an important part of the environment. They constitute a national asset." The Hon'ble court also emphasized on the role of the state to protect such national

assets. In the present case a reserved forest is encroached and polluted by the private respondent. But the authorities are silent over the issue despite of grievances are submitted before them.

2. That, the Gochar and west land also illegally occupied by the private respondents and other persons are not allowed to the area as encroachers posing themselves as the owner of the said property, which is illegal and also criminal offense on part of the respondents., but the authorities are failed to do their duties to protect the Gochar and west land.

3. That the Article 48 A of the Constitution of India the State shall Endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country. But in the present case no initiation are taken by the state to protect the reserve forest and west land from the clutch of the occupier.

4. That as per sub-clause (g) of Art. 51-A of the Constitution of India it shall be the duty of every citizen of India to protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for living creatures. But the private respondents are damaging the valuable forest and climate due to inaction of the state authorities.

5. That the Hon'ble Apex Court in Maneka Gandhi vs. Union of India, (AIR 1978 SC 597). Art. 21 guarantees a fundamental right to life –a life of dignity to be lived in a proper environment, free of danger of disease and infection. But as because of the illegal acts of the private respondents the environment becomes polluted day by day and pollution control board and other regulatory authorities are silent spectator to these illegal acts.

6. That the Hon'ble Supreme Court vide order dated 25.07.2001, in the matter titled as HinchLal Tiwari Vs Kamala Devi and Ors, held that the material resources of the community like forests, tanks, ponds, hillock, mountain etc. are nature's bounty. They maintain delicate ecological balance. They need to be protected for a proper and healthy environment which enables people to enjoy a quality life which is the essence of the guaranteed right under Article 21 of the Constitution.

7. That the absence of any preventive action by District and State authorities shows the pathetic red tape attitude of the Government Organization towards the Environment and thus the applicant prays urgent intervention of this Hon'ble Green Tribunal and as such seeks the direction of this Hon'ble Court to the respondents to take action in a time bound manner.

8. That the Respondent Government Organizations would fail to uphold the provisions of the Environment (Protection) Act, 1986, Air (Prevention and Control of Pollution) Act, 1981, The Forest (Conservation) Act, 1980, The Wetlands (Conservation and Management) Rules, 2010 in their true letter and spirit.

9. That the balance of convenience is in favour of the applicant and the ends of justice shall suffer if the relief as prayed is not granted.

LIMITATION

That present application is within limitation as the same is preferred before the stipulated time period U/s 14 of the National Green Tribunal Act, 2010 which is a continuing cause of action. Thus the cause of action is a continuous one and hence the present application is filed within limitation period.

INTERIM PRAYER

Hon'ble Tribunal may please to direct the District Collector Nayagarh to immediately stop tree cutting and

stop further damage to the reserve forest land in Akhupadar revenue village till the disposal of the Original Application.

PRAYER

In the present circumstances and in the interest of justice, it is most respectfully prayed that this Hon'ble Tribunal be pleased to pass an order thereby:

I. Directing to constitute of a joint committee of District Collector, Nayagarh, DFO, Khurdha, Officer of SEIAA, Odisha, OSPCCB, Odisha and other officers as Hon'ble Tribunal deems fit to inquiry and submit its reports before the Tribunal.

II. Direct Collector-District Magistrate, Nayagarh to demolish and remove of the illegal encroachments/structures standing in the said reserve forest to protect the original form of the Gochar land, Wetland and reserve Forests.

III. Fix the accountability/responsibilities of the concerned Govt. authorities including Tahasildar, Ranpur for their inaction and willful dereliction of duties causing loss to the state exchequer and damage to environment.

IV. Direct the District Collector, Nayagarh to initiate criminal proceedings U/s 379, 420, 120 B of IPC & section 19 of Environment Protection Act 1986 against the private Respondents 11 & 12 and other erring officials and respondents.

IV. Impose Fine and Environment Compensation as there is irreparable loss to the environment and huge pollution due to the illegal activities in the reserve forest.

V. Pass any other order or directions that this Hon'ble Court may deems fit and proper as per the facts and circumstances of the present case.

CUTTACK

By the Applicant through Counsel

DATE:- 16.05.2024



Akhand, Advocate

B.C.E. No.O-269/2023 . Ph:7008816891

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. /2024/EZ

IN THE MATTER OF: -

Srikanta Dash Applicant
-VERSUS-
State of Odisha & Ors. Respondents

AFFIDAVIT

17 6 MAY 2024

I, Srikanta Dash, Aged about 42 Year's, S/o : Dandapani Dash, At : Rabara, Po/Ps :
Odagaon, Dist : Nayagarh, Odisha, do hereby solemnly affirm and state as follows:-

1. That I am the Applicant in the above mentioned application and competent to swear this affidavit.
2. That I have read over the contents of the accompanying affidavit and the same are true to the best of my knowledge and belief and is drafted on my instruction.



Srikanta Dash
DEPONENT

VERIFICATION

Verified on this the 16th day of May 2024 at Bhubaneswar that the contents of the above Original application are true and correct. No part of it is false and nothing material has been concealed there from.

Identified by;

Acharya
Advocate

Srikanta Dash
DEPONENT



The above named deponent(s) being duly identified by S. Acharya Advocate, Bhubaneswar. Appears before me on oath the contents of this affidavit are true to the best of his/her knowledge and belief.
16 MAY 2024
Notary, Bhubaneswar

JANMEJAYA RAUTRAY
NOTARY, GOVT. OF ODISHA
Bhubaneswar
REGD. NO-ON-86/2012
Mob. No. - 9337121273

Annexure – I









Schedule I Form No.39-A

Annexure - II

ଖତିୟାନ

ମୌଜା : ଆକ୍ରପଦର
 ଥାନା : ରଣପୁର
 ଥାନା ନମ୍ବର : 138

ତହସିଲ : ରଣପୁର
 ତହସିଲ ନମ୍ବର : 138
 ଜିଲ୍ଲା : ନୟାଗଡ

ଜମିଦାରଙ୍କ ନାମ ଓ ଖୋସ୍ରାଟ ବା ଖତିୟାନର କରମିଜ ନମ୍ବର		ଓଡିଶା ସରକାର ଖୋସ୍ରାଟ ନମ୍ବର 1				
1) ଖତିୟାନର କରମିଜ ନମ୍ବର		154				
2) ପୂରଜାର ନାମ, ପିତର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ରକ୍ଷିତ				
3) ସ୍ୱତ୍ୱ						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସୂଚନା ଯଦି କିଛି ଥାଏ						
BLANK SPACE FOR STAMPING						
ଅନ୍ତିମ ପୁରକାଶନ ତାରିଖ - 21/11/1995						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

ଖତିୟାନର କ୍ରମିକ ନଂ : 154		ମୌଜା : ଆଳୁପଦର			ଜିଲ୍ଲା : ନୟାଗଡ	
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଣ୍ଡଣା	କିସମର ବିସ୍ତୀରଣ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମନ୍ତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10		11	12
1	ଗୋଚର		20	0000		
5	ଜଙ୍ଗଲ	ପତ୍ରା ଜଙ୍ଗଲ	0	1200		
9	ଜଙ୍ଗଲ	ପତ୍ରା ଜଙ୍ଗଲ	0	5100		
12	ଜଙ୍ଗଲ	ପତ୍ରା ଜଙ୍ଗଲ	0	6600		
13	ବଗାୟତ ବୁଝ	ଆମ୍ବ ବଗାୟତ	0	7400		
15	ବସ୍ତି ଯୋଗ୍ୟ		0	4800		
17	ଗୋଚର	ମଟାଳ	0	3000		
57	ଜଳାଶୟ ଏକ	ପକ୍କା କୂପ	0	0100		
64	ଘରବାରୀ	ସକୁଳ ଘର	0	3800		
65	ଘରବାରୀ	ସକୁଳ ଘର	0	0100		
66	ଜଙ୍ଗଲ	ପତ୍ରା ଜଙ୍ଗଲ	0	4500		
71	ପତିତ		1	3900		ଗ୍ରାମ୍ୟ ଜଙ୍ଗଲ ପାଇଁ, ସଂରକ୍ଷିତ.
74	ଉନ୍ନତ ଯୋଜନା ଯୋଗ୍ୟ		0	7800		
108	ଉନ୍ନତ ଯୋଜନା ଯୋଗ୍ୟ		1	2700		
119	ବଗାୟତ ବୁଝ	କାଠୁ ବଗାୟତ	0	1600		
152	ଗୋଚର		0	1000		
265	ବସ୍ତି ଯୋଗ୍ୟ		0	7200		ବସ୍ତି ଯୋଗ୍ୟ ପାଇଁ, ସଂରକ୍ଷିତ.
276	ପତିତ		0	7200		ଗ୍ରାମ୍ୟ ଜଙ୍ଗଲ ପାଇଁ, ସଂରକ୍ଷିତ.
305	ଜଙ୍ଗଲ	ପତ୍ରା ଜଙ୍ଗଲ	4	9500		
19 plots			33	7500		

Translation of Land Records

Schedule I Form No 39-A

Record of Rights(It means same as
Property card)

Revenue Village: Akhupadar

Tehsil: Ranpur

Thana: Ranpur

Tehsil No: 138

Thana No.: 18

District: Nayagarh
ID No(Not Available in this
format)

Name of Land Lord & Kheyat No or Records of Rights Serial No:		Odisha Govt Khewat No. 1				
1) Serial No of RoR		154				
2) Name of Tenant/ RoR Holder with Father Name, Caste and Residential Address		Reserved				
3) Type of Rights	Rayati					
4) Payment	Water tax	Rent	Cess	Nistar Cess & Other Cess if any	Total	5) Details of Cumulative Rent
6) Special Description (if Any)						
BLANK SPACE FOR STAMPING						
Date of Final Publication: 21/11/1995 Scheduled Date of Rent:						

SI No of RoR:	Revenue Village:					District:
Plot No & Name of Chaka	Land Type & Plot Rent	Details of Land Type & Boundary	Area			Remarks
			Acre	Decimal	Hectare	
7	8	9	1	0	11	12
1	Gochar		20	0000		
5	Forest	Patra Forest	0	1200		
9	Forest	Patra Forest	0	5100		
12	Forest	Patra Forest	0	6600		
13	Bagayat Dui	Mango Bagayat	0	7400		
15	Basti Yogya		0	4800		
17	Gochar	Matal	0	3000		
57	Jalasya Eka	Pucca Kupa	0	0100		
64	Homestead	School Ghara	0	3800		
65	Homestead	School Ghara	0	0100		
66	Forest	Patit	0	4500		
71	Patita		1	3900		Reserved for Village Forest
74	Unnat Yojana Yogya		0	7800		
108	Unnat Yojana Yogya		1	2700		
119	Bagayat Dui	Kaju Bagayat	0	1600		
152	Gochar		0	1000		
265	Basti Yogya		0	7200		Reserved for Habitation
276	Patita		0	7200		Reserved for Village Forest
305	Forest	Patra Forest	4	9500		
19 plots			33	7500		

TO,

25

The Collector & District Magistrate, Nayagarh
Collectorate, Nayagarh

Sub: Illegal felling of trees from reserve forest land and construction over it at Akhupado revenue village of Ranpur Tehsil in Nayagarh District.

Respected Sir,
Nayagarh District by one Suroajkumhanti @ Raja mahanti and Ranjeen mahanti have encroached reserve forest and doing construction works over it.
They have blocked the forest land and cut down the trees and destroyed the natural protected forest land by digging ponds and doing fishing and other illegal works that polluted the forests and damaged the original form of natural diversities. The land bearing khata No-154, Plot No-305, ownership - Reserved, Type of land - Forest, Area of land (in Acres) - 4.950 under Ranpur Tehsil in Nayagarh District has been illegally blocked and encroached for construction of poultry farm creating serious environmental pollution inside the reserved forest.

I therefore request you to take necessary steps in accordance with law to take legal action against them and protect the environment.

Sincerely

Received the Letter
Section Officer
Despatch Section
Collectorate, Nayagarh

Srikanta Dash

Srikanta Dash
S/O : Dandapani Dash
At : Rabosa, PO/PS : Odagam
Dist : Nayagarh, Odisha
PM - 752081

PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HOFF
ODISHA, BHUBANESWAR

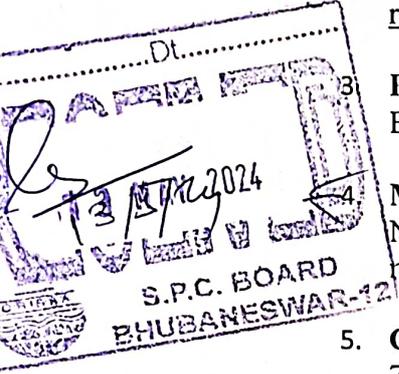
13 MAY 2024

10th May 2024

To,

Received No. 10/15

1. **Additional Chief Secretary, Forest and Environment Department,**
Government of Odisha, Secretariat Building, Bhubaneswar -751001
forestenv2016@gmail.com, frsec.or@nic.in
2. **Principal Secretary, Department of Revenue and Disaster Management,**
Government of Odisha, Secretariat Building, Bhubaneswar -751001,
revsec.od@nic.in
3. **Principal Chief Conservator of Forests, Aranya Bhawan, Chandrasekharpur,**
Bhubaneswar, email: fitgc.team@odishaforest.in
4. **Member Secretary, State Pollution Control Board, A/118, Unit – 8,**
Nilakantha Nagar, Bhubaneswar, PIN- 751012. Email :
member.secy@ospboard.org
5. **Collector-cum-District Magistrate, Nayagarh, At/po- Nayagarh, Odisha –**
752069, dm-nayagarh@nic.in
6. **Superintendent of Police, Nayagarah, At/po- Nayagarh, Odisha – 752069**
7. **Divisonal Forest Officer, Khurdha. At/Po/Dist- Khordha, Odisha, 752055**
dfokhordha@odisha.gov.in
8. **Tahasildar, Ranpur, At/Po – Ranpur, Dist – Nayagarh, Odisha – 752026.**
9. **The Secretary, Ministry of Environment, Forests & Climate Change,**
Indira Paryavaran Bhawan, Jorbagh, New Delhi – 110003 (secy-moef@nic.in)
10. **Member Secretary, State Environmental Impact Assessment**
Authority(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit-IX,
PIN-751022, Email: seiaaodisha@gmail.com



Subject- Complaint regarding Illegal Felling of Trees from reserve forest land and illegal Construction of Farm House over it and forcible occupied the Gochar land and westland at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District by one Swaraj Mohanti @Raja Mohanti and Rangeen Mohanti in the name and style of Swastik Farm/Raja Babu Farm House.

Dear Sir,

I, **Srikanta Dash**, Aged about 42 Year's, S/o : Dandapani Dash, At : Rabara, Po/Ps : Odagaon ,Dist : Nayagarh, Odisha, PIN- 752081 working as a Environment Activist

draw your kind attention regarding above mentioned subject for the protection of environment.

1. That, this is again to bring your kind attention about the illegal encroachment, clearing of trees and construction of a farm house building over reserved Forest land at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District by one Swaraj Mohanti @Raja Mohanti and Rangeen Mohanti in the name and style of Swastik Farm/Raja Babu Farm House.
2. That, they have built roads to controversial farm houses on the protected land. By building farm houses on disputed land, digging ponds they are grabbing lakhs of Rupees in the form of government financial assistance under various Schemes. Special subsidy was granted to the encroachers from the Nayagarh Agriculture Department, Horticulture Department for Poultry Farm, Fish Farming, Agriculture and Fruit Farming in the Reserved Forest area.
3. That, they have blocked the forest land and cut down the trees and destroyed the natural protected forest land by digging ponds and doing fishing and other illegal works that polluted the forests and damaged the original form of natural diversities. In this illegal activity, the departmental officers of Nayagarh district have been involved as without their knowledge it would not happened.
4. That, the land bearing Khata No. 154, Plot No- 305, Ownership - Reserved, Type of Land - Forest, Area of Land (in Acres) – 4.950 under Ranpur Tahasil in Nayagarh District has been illegally blocked and encroached for construction of poultry farm creating serious environmental pollution inside the reserved forest.
5. That, the reserve forests are meant to be protected and conserved. Any activity within these forests, such as felling of trees, grazing of cattle, or any other activity that may damage the forest, requires permission from the forest department. Unauthorized felling of trees, encroachment, Construction over forest land, etc attracts criminal offense against the encroachers that include fines and imprisonment. In the present case the encroachers are defying all the laws of the land and occupied the forest land for many years and are polluting the environment

violating all environmental laws and local authorities are silent over that. Though I repeatedly inform the local authorities verbally and with written complaint, they are not taking any action.

6. That, In T.N. Godavarman Thirumulkpad v. Union of India, WP(C) No. 202 of 1995 and order dated 12/12/1996, the Supreme Court examined the National Forest Policy and issued certain directions in the light of the provisions of the Central Act. Direction 1 is important and reads as under:

"In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.

7. That in this backdrop there is need for restoring the land to green cover by necessary plantation over the same plot and that will help in achieving the concept of sustainable development and also to compensate the loss of green coverage in the district due to indiscriminate mining and other reasons.

-Prayer-

That in the view of the above facts and circumstances, I therefore request you to take necessary steps in accordance with law to

- i) Inquire into the matter of illegal felling of trees from the said lands.
- ii) Demolition and removal of the illegal structures standing in the said land.
- iii) Impose fine as provided in the law including Environmental Compensation and
- iv) Take any other measures as deems appropriate.

Sincerely

Srikanta Dash

Srikanta Dash,
S/o : Dandapani Dash,
At : Rabara, Po/Ps : Odagaon,
Dist : Nayagarh, Odisha, PIN- 752081

RO155403654IN IVR:8279155403656
RL BHUBANESWAR RMS COUNTER <751001>
Counter No:2, 10/05/2024, 22:23
To: THE COLLECTOR, NAYAGARH
PIN:752067, Nayagarh H.O.
From: SRIKANTA DASH, ODAGAON
Wt: 20gms, REQ=17.0
Amt: 25.96 (Cash) Tax: 3.96

India Post

<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



E0729297831IN IVR:6979729297831
SP BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE ADDITIONAL, K V BHAWAN BBSR
PIN:751001, BHUBANESWAR RMS COUNTER
From:SRIKANTA DASH, ODAGACH

Wt:20gms
Amt:17.70(Cash)Tax:2.70

भारतीय डाक



E0729297712IN IVR:6979729297712
SP BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE PRINCIPAL, LOK SEVA BHAWAN
PIN:751001, BHUBANESWAR RMS COUNTER
From:SRIKANTA DASH, ODAGACH

Wt:20gms
Amt:17.70(Cash)Tax:2.70

<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



RD155403639IN IVR:8279155403639
RL BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE SECRETARY, NEW DELHI
PIN:110003, Lodi Road ND
From:SRIKANTA DASH, ODAGACH

Wt:20gms, REG=17.0
Amt:25.96(Cash)Tax:3.96

<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



RD155403625IN IVR:8279155403625
RL BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE SP, DIST POLICE HQ MAYAGARH
PIN:752070, Nayagarh Bazar S.O
From:SRIKANTA DASH, ODAGACH

Wt:20gms, REG=17.0
Amt:25.96(Cash)Tax:3.96

<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



RD155403611IN IVR:8279155403611
RL BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE IFO, KHURDA
PIN:752055, Khurda H.O
From:SRIKANTA DASH, ODAGACH

Wt:20gms, REG=17.0
Amt:25.96(Cash)Tax:3.96

<Track on www.indiapost.gov.in>
<Dial 18002666868> <Wear Masks, Stay Safe>



RD155403642IN IVR:8279155403642
RL BHUBANESWAR RMS COUNTER <751001>
Counter No:2,10/05/2024,22:23
To:THE TAHASILDAR, MAYAGARH
PIN:752024, Rajranpur S.O
From:SRIKANTA DASH, ODAGACH

Wt:20gms, REG=17.0
Amt:25.96(Cash)Tax:3.96

Contents of Anexure - III10th May 2024**To,**

1. **Additional Chief Secretary, Forest and Environment Department,**
Government of Odisha, Secretariat Building, Bhubaneswar -751001
forestenv2016@gmail.com, frsec.or@nic.in
2. **Principal Secretary, Department of Revenue and Disaster Management,**
Government of Odisha, Secretariat Building, Bhubaneswar -751001,
revsec.od@nic.in
3. **Principal Chief Conservator of Forests, Aranya Bhawan, Chandrasekharpur,**
Bhubaneswar, email: fitgc.team@odishaforest.in
4. **Member Secretary, State Pollution Control Board, A/118, Unit – 8,**
Nilakantha Nagar, Bhubaneswar, PIN- 751012. Email :
member.secy@ospboard.org
5. **Collector-cum-District Magistrate, Nayagarh, At/po- Nayagarh, Odisha –**
752069, dm-nayagarh@nic.in
6. **Superintendent of Police, Nayagarah, At/po- Nayagarh, Odisha – 752069**
7. **Divisonal Forest Officer, Khurdha. At/Po/Dist- Khordha, Odisha, 752055**
dfokhordha@odisha.gov.in
8. **Tahasildar, Ranpur, At/Po – Ranpur, Dist – Nayagarh, Odisha – 752026.**
9. **The Secretary, Ministry of Environment, Forests & Climate Change,**
Indira Paryavaran Bhawan, Jorbagh, New Delhi – 110003 (secy-moef@nic.in)
10. **Member Secretary, State Environmental Impact Assessment**
Authority(SEIAA), Odisha, Bhubaneswar, 5RF-2/1, Acharya Vihar, Unit-IX,
PIN-751022, Email: seiaaodisha@gmail.com

Subject- Complaint regarding Illegal Felling of Trees from reserve forest land and illegal Construction of Farm House over it and forcible occupied the Gochar land and westland at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District by one Swaraj Mohanty@Raja Mohanty and Rangeen Mohanty in the name and style of Swastik Farm/Raja Babu Farm House.

Dear Sir,

I, **Srikanta Dash**, Aged about 42 Year's, S/o : Dandapani Dash, At : Rabara,Po/Ps : Odagaon ,Dist : Nayagarh, Odisha, PIN- 752081 working as a Environment Activist

draw your kind attention regarding above mentioned subject for the protection of environment.

1. That, this is again to bring your kind attention about the illegal encroachment, clearing of trees and construction of a farm house building over reserved Forest land at Akhupadar revenue village of Ranapur Tehsil in Nayagarh District by one Swaraj Mohanty@Raja Mohanty and Rangeen Mohanty in the name and style of Swastik Farm/Raja Babu Farm House.
2. That, they have built roads to controversial farm houses on the protected land. By building farm houses on disputed land, digging ponds they are grabbing lakhs of Rupees in the form of government financial assistance under various Schemes. Special subsidy was granted to the encroachers from the Nayagarh Agriculture Department, Horticulture Department for Poultry Farm, Fish Farming, Agriculture and Fruit Farming in the Reserved Forest area.
3. That, they have blocked the forest land and cut down the trees and destroyed the natural protected forest land by digging ponds and doing fishing and other illegal works that polluted the forests and damaged the original form of natural diversities. In this illegal activity, the departmental officers of Nayagarh district have been involved as without their knowledge it would not happened.
4. That, the land bearing Khata No. 154, Plot No- 305, Ownership - Reserved, Type of Land - Forest, Area of Land (in Acres) – 4.950 under Ranpur Tahasil in Nayagarh District has been illegally blocked and encroached for construction of poultry farm creating serious environmental pollution inside the reserved forest.
5. That, the reserve forests are meant to be protected and conserved. Any activity within these forests, such as felling of trees, grazing of cattle, or any other activity that may damage the forest, requires permission from the forest department. Unauthorized felling of trees, encroachment, Construction over forest land, etc attracts criminal offense against the encroachers that include fines and imprisonment. In the present case the encroachers are defying all the laws of the land and occupied the forest land for many years and are polluting the

environment violating all environmental laws and local authorities are silent over that. Though I repeatedly inform the local authorities verbally and with written complaint, they are not taking any action.

6. That, In T.N. GodavarmanThirumulkpad v. Union of India, WP© No. 202 of 1995 and order dated 12/12/1996, the Supreme Court examined the National Forest Policy and issued certain directions in the light of the provisions of the Central Act. Direction 1 is important and reads as under:

“In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.

7. That in this backdrop there is need for restoring the land to green cover by necessary plantation over the same plot and that will help in achieving the concept of sustainable development and also to compensate the loss of green coverage in the district due to indiscriminate mining and other reasons.

-Prayer-

That in the view of the above facts and circumstances, I therefore request you to take necessary steps in accordance with law to

- i) Inquire into the matter of illegal felling of tress from the said lands.
- ii) Demolition and removal of the illegal structures standing in the said land.
- iii) Impose fine as provided in the law including Environmental Compensation and
- iv) Take any other measures as deems appropriate.

Sincerely

Srikanta Dash,

S/o : Dandapani Dash,

At : Rabara,Po/Ps : Odagaon,

Dist : Nayagarh, Odisha, PIN- 752081

VAKALATNAMA

IN THE NATIONAL GREEN TRIBUNAL, KOLKATA

ORIGINAL APPLICATION NO. /2024/EZ

BETWEEN

Srikanta Dash Applicant
 State of Odisha & Ors. Respondents

-VERSUS-

Know all men by these presents, that by this Vakalatnama

I/We Sri Srikanta Dash, Aged about 42 Year's, S/o : Dandapani Dash, At : Rabara, Po/Ps : Odagaon ,Dist : Nayagarh, Odisha Appellant(s)/Petitioner(s)/ Respondent(s)/Opposite Party(ies) in the aforesaid Application/Revision/ petition/ Appeal/Case/ Suit do hereby appoint and retain

Mr. AKHAND, Adv

(herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, cross-objections or petitions for executions review revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages subject to payment of fees for each stage.
3. To file and take back documents, to admit and/or deny the documents of opposite party.
4. To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case.
5. To take execution proceedings.
6. To deposit, draw and receive monthly cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
7. To appoint and instruct any other Legal Practitioner authorising him to exercise the power and authority hereby conferred upon the Advocate whenever he may think fit to do so and to sign the power of attorney on our behalf.
8. And I/We the undersigned do hereby agree to rectify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and proposes.
9. And I/We undertake that I/We or my/our duly authorised agent would appear in Court on all hearings and will inform the Advocate for appearance when the case is called.
10. And I/We the undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case.
11. The adjournment costs whenever ordered by the Court shall be of the Advocate which he shall receive and retain for himself.
12. And I/We the undersigned to hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/we hereby agree that once fee is paid, I/We will not be entitled for the refund of the same in any case whatsoever and if the case prolongs for more than 3 years the original fee shall be paid again by me/us.

DATED THE... 16.05.2024
 Received from the executants(s)
 satisfied and accepted as I hold
 no brief for the other side

Accepted as above.



Akhand, Adv.
 Enrollment No. O-269/2023
 M - 7008816891
 Email : akhand111@gmail.com



SIGNATURE OF EXECUTANTS