



**SYNOPSIS**

That the applicant is filling this O.A. for necessary orders from the Hon'ble Tribunal against Jhadapada Panchayt Office and other two persons (Respondent No. 10, 11 and 12), who are involved in tree cutting and illegal construction of building and occupation of forest land on Khata No. 387, Plot No. 1793, Area Ac 1.70 dec. in Jhadapada Mouza under Ranapur Tahasil in the District of Nayagarh in Odisha without any permission from Government. Though Hon'ble Orissa High court in Writ Petition vide W.P.(C) No. 20308 of 2021 while dismissing the petition of Jhadapada Gram Panchayat suggest to the Gram Panchayat to file an application before the Collector, Nayagarh identifying another suitable land for construction of the Gram Panchayat,. But the Panchayat Officials and private respondents are insisting on that land and construction materials are put over the land and trying to construct new building over the same. The applicant prays to the Hon'ble tribunal to order for removal of existing one room buiding over the land and criminal action against the violators along with imposition of Environment Compensation, Hence the application.

**LIST OF DATES**

2017 : Jhadapada G.P. has been using the building over the forest land as its office violating all the environment rules.

30.07.2021 : The Hon'ble Orissa High Court dismissed the petition of Jhadapada Gram Panchayat and suggest to file an application before the Collector, Nayagarh identifying another suitable land for construction of the Gram Panchayat.

20.01.2024 : Petitioner has sent a representation to Public authorities expressing concern on illegal occupation and construction over the said land with prayer to initiate action against the violators.

06.05.2024 : The Respondents No. 10, 11 and 12 along with their supporters started digging works for foundation for new construction of a building for Panchayat office.

25.05.2024 : The O.A. is filed

**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 :

<b>Rabindra Pradhan</b>	<b>...Applicant</b>
<b>-Vrs.-</b>	
<b>State of Odisha and Ors.</b>	<b>...Respondents</b>

**MEMO OF PARTIES**

1. Rabindra Pradhan, aged about 50 years, S/o : Biswanath Pradhan,  
At/Po. – Jhadapada, PS – Chandapur, Dist – Nayagarh, Odisha

**... Applicant**

**-Versus-**

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

2. Additional Chief Secretary, Forest, Environment and Climate Change  
Department, Government of Odisha, Kharvel Bhawan, Bhubaneswar, Odisha -  
751001, email : [fesec.or@nic.in](mailto:fesec.or@nic.in)

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

4. Collector & District Magistrate, Nayagarh, At/po- Nayagarh, Odisha  
– 752069, email : [dm-nayagarh@nic.in](mailto:dm-nayagarh@nic.in)

5. Superintendent of Police, Nayagarh, At/po- Nayagarh, Odisha –  
752069, email :spngr.orpol@nic.in
6. Divisonal 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, Odisha Pin- 751012, email :  
member.secy@ospcboard.org
8. Tahasildar, Ranpur , At/Po – Ranpur, Dist – Nayagarh, Odisha –  
752026. email : tahasiladar.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](mailto:secy-moef@nic.in))
10. Jhadapada Gram Panchayat, represented through its Panchayat  
Executive Officer(PEO), Village/Po. - Jhadapada, P.S. - Chandpur, Dist  
– Nayagarh, Odisha-752025.
11. Souribandhu Sahoo,aged about 43 years,S/o Late Benudhar Sahoo,  
Sarpanch, Jhadapada Gram Panchayat At-Jhadapada, PS- Chandapur,  
Dist- Nayagarh, Odisha – 752025.
12. Nityananda Jena, aged about 66 years, S/o Late Baban Jena, At-  
Jhadapada (Balarampur Sahi), Po – Jhadapada, PS- Chandapur, Dist-  
Nayagarh, Odisha-752025.

CUTTACK

By the Applicant through Counsel

DATE:- 25.05.2024



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 :

**Rabindra Pradhan**

**...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 applicants, 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 village where Respondent No. 10, 11 and 12 is involved in tree cutting and illegal construction of building and occupation of forest land on Khata No. 387, Plot No. 1793, Area Ac 1.70 dec. in Jhadapada Mouza under Ranapur Tahasil in the District of Nayagarh, Odisha.

**The Copy of RoR of the Khata No. 387, Plot No. 1793 in Jhadapada Mouza under Ranapur Tahasil is annexed as Annexure – 1.**

5. The applicant on 20.01.2024 has sent a representation to all the Government Respondents expressing concern on illegal occupation and construction over the said land with prayer to initiate action against the violators. But no action has been taken as on date.

**The Copy of the representation dated 20.01.2024 is annexed as Annexure - 2**

6. That the Jhadapada Gram Panchayat is involved in illegal encroachment, clearing of trees and construction of a building over Forest land with **Sabik Kisam Chota Jungle** on Khata No. 387, Plot No. 1793, Area Ac 1.70 dec. in Jhadapada Mouza under Ranapur Tahasil in

the District of Nayagarh, Odisha. Already Respondent No. 12 had cleared all the tree from the land and construct a one room Pucca Building over it. From 2017 the Respondent No. 10/Jhadapada G.P. has been using it as his office violating all the environment rules. Now Respondents No. 10, 11 and 12 jointly have started foundation works for construction of a new building of area 1200 Square feet over the said land from April 2024 without approval of Government authorities. On 06.05.2024 the Respondents No. 10, 11 and 12 along with their supporters started digging works for foundation for new construction of a building for Panchayat office. But Villagers along with petitioner protested and there was tussle between them. Police reached the spot and pacify the tension. But the Respondents No. 10, 11 and 12 are trying the put the foundation of the building in odd hours/night hours, so that no one can protest their illegal works.

**The Photographs of the previous constructed house and foundation works for new construction are annexed as Annexure - 3**

7. That the information provided under Right To Information Act, 2005 by the Divisional Forest Officer, Khurdha/Respondent No. 6 clearly state that no permission is given for construction of any permanent Building or Government Office on the Plot vide Khata No. 387, Plot No. 1793, Kisam – Patita, Area – 1.7 Ac., Rayati – Abad Yogya Anabadi,

Sabik Khata No. 192, Plot No. 1005, **Kisam – Small Jungle**, Area – 11.77 Ac., Rayati – Anabadi of Jhadapada Revenue village under Ranpur Tahasil in Nayagarh District. Even no application has received in the DFO office for permission of construction on the said Plot No. 1793. Again the information provided by the PIO, Jhadapada Panchayat Gram Panchayat also admit that the panchayat office is functioning at the illegal house construction over the plot No. 1793.

**The copies of the RTI replies obtained from DFO, Khurdha and PIO, Jhadapada GP are annexed as Annexure – 4.**

8. That the sabik Kisam of the said land is Chhota Jungle. Since the land schedule is of forest category and any kind of non-forest activities requires prior approval of Central Government under Section 2 of Forest Conservation Act 1980. However in the present instance no such approval has been obtained for the construction of building and clearance of land and trees.

That In T.N. GodavarmanThirumulkpad v. Union of India WP(C) 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.

9. That, Respondent No.12 had encroached the land illegally in 2013 and constructed a Pucca Building on the said land. As the said building was constructed on forest land without any permission from concerned authority, Now Respondent No. 10/Jhadapada Gram Panchayat office started using it from the year 2017, which was also illegal act on the parts of the Panchayat officials. Again, Now Respondent No. 10, 11 and 12 jointly has started foundation works for construction of a new building on the said land violating all the provisions of the law and without due permission from the Forest Department.

10. That, the Respondent No. 10/Jhadapada Gram Panchayat office had submitted a proposal before Respondent No. 8/Tahasildar, Ranpur to settle Plot No.1795, Same khata No. 387 in favor of R.No. 10. After due process, Tahasildar, Ranpur passed an order dtd. 24.02.2020 and noted that the above-mentioned land can not be alienated in favor of the Jhadapada Gram Panchayat, because the Sabik Kisam of the land is Chhota

Jungle(Small forest), which is highly objectionable. The Gram Panchayat went in appeal before the Sub-Collector, Nayagarh against the order passed by the Tahasildar, Ranpur, but the Sub-Collector upheld the decision made by the Tahasildar, Ranpur. The Respondent No. 10/Jhadapada Gram Panchayat filled a Writ Petition vide W.P.(C) No. 20308 of 2021 before the Hon'ble High Court of Orissa, Cuttack challenging the order passed by the Sub-Collector, Nayagarh. But the Hon'ble High Court on its order dated 30.07.2021 while dismissing the petition of Jhadapada Gram Panchayat confirmed the order passed by the Sub-Collector and suggest to the petitioner/Gram Panchayat to file an application before the Collector, Nayagarh identifying another suitable land for construction of the Gram Panchayat.

**A copy of the order dated 30.07.2021 passed by Hon'ble High Court of Orissa, Cuttack is attached as Annexure – 5.**

11. That Hon'ble High Court of Orissa, Cuttack though directed the Respondent No. 10/Jhadapada G.P. to file an appropriate application before the Collector, Nayagarh identifying another suitable land for constructions of the Gram Panchayat office, defying the order of Hon'ble court and all the provisions of law, the Respondent No. 10, 11 and 12 jointly is now started foundation works for construction over the said Forest land illegally without valid permission from the competent authority with funds recieved from the Government.

12. 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.

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

### **GROUNDS**

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

1. 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 the Gram Panchayat and other two private parties are involved in deforestation and illegal constructions of pucca building over a forest land, which is not acceptable in the eye of law.

2. 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. Even Panchayat

Office and PRI members has a great roles to protect local environments, but on contrary they are involved in such works that hamper ecological imbalance and huge loss to the forest environment.

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 the act of Respondents 9, 10 and 11 is just opposite to it. In-spite of a speaking order passed by the Hon'ble Orissa High Court they are already started foundation works for constructions of pucca building over the land in question. They are already unloaded construction material over the said land.

3. 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. But here forest land is being encroached by the Respondent No. 9, 10 and 11 by clearing the trees and construction concrete building over it violated the law of the land.

4. 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.

5. 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; in their true letter and spirit.

6. 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 the construction of Panchayat Office and stop further damage to the forest land in Jhadapada 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, Officers of OSPCB, Odisha and other officers as Hon'ble Tribunal deems fit to inquiry and submit its reports before the Tribunal.

II. Direct District Magistrate, Nayagarh to demolish and remove of the illegal structures standing in the said land to protect the original form of the land.

III. Fix the accountability/responsibilities of the concerned Govt. authorities including Jhadapada Gram Panchayat Office's Executive

Officer for their inaction and willful dereliction of duties causing 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 Respondent 10, 11 and 12 and other erring officials and respondents.

V. Impose Fine and Environment Compensation on Respondent No. 10, 11 and 12 and other respondents as there is irreparable loss to the environment and huge pollution due to the illegal activities in the forest land.

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

CUTTACK

By the Applicant through Counsel

DATE:- 25.05.2024



**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: -

Rabindra Pradhan .... Applicant  
-VERSUS-  
State of Odisha & Ors. .... Respondents

AFFIDAVIT

I, Sri Rabindra Pradhan, aged about 50 years, S/o Biswanath Pradhan, At/Po – Jhadapada, PS- Chandapur, Dist – Nyagarh, 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.

*Rabindra Pradhan*

DEPONENT

VERIFICATION

Verified on this the 25<sup>th</sup> day of May 2024 at Cuttack 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

The above named Deponent: *Rabindra Pradhan*  
Solemnly affirm on..... *25.5.2024* DEPONENT  
..... Being Identified  
by..... *Acharya*



*Surendra Prasad*  
Advocate  
NOTARY, CUTTACK

*25.5.2024*

Schedule I Form No.39-A

## ଖତିୟାନ

ମୌଜା : ଝାତପଡା  
 ଥାନା : ରଣପୁର  
 ଥାନା ନମ୍ବର : 204

ତହସିଲ : ରଣପୁର  
 ତହସିଲ ନମ୍ବର : 204  
 ଜିଲ୍ଲା : ନୟାଗଡ

ଜମିଦାରଙ୍କ ନାମ ଓ ଖୋସ୍ରାଟ ବା ଖତିୟାନର କରମିଳ ନମ୍ବର		ଓଡିଶା ସରକାର ଖୋସ୍ରାଟ ନମ୍ବର 1				
1) ଖତିୟାନର କରମିଳ ନମ୍ବର		387				
2) ପୂରଜାର ନାମ, ପିତର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ଆବାଦ ଯୋଗୁଁ ଅନାବାଦି ।				
3) ସ୍ୱତନ୍ତ୍ର						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କରମବର୍ଦ୍ଧିତନଶାଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସୂଚନା ଯଦି କିଛି ଥାଏ						
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ଅନ୍ତିମ ପୂରକାଶନ ତାରିଖ - 30/03/1998						
ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

True copy  
 attested  
 Achard, #11

1791	ପତିତ	ମଟାଳ	0	5900		
1793	ପତିତ	ମଟାଳ	1	7000		
1795	ପତିତ	ମଟାଳ	1	2200		
1796	ପତିତ	ମଟାଳ	0	7000		
1797	ପତିତ	ମଟାଳ	0	7200		
1798	ବଗାୟତ ଦୁଇ	କାଢୁ	0	3300		
1799	ପତିତ	ମଟାଳ	0	3000		
1800	ବଗାୟତ ଦୁଇ	କାଢୁ	0	1800		
1808	ବଗାୟତ ଦୁଇ	କାଢୁ	0	2000		
1816	ବଗାୟତ ଦୁଇ	କାଢୁ	1	0000		
1820	ବଗାୟତ ଦୁଇ	କାଢୁ	14	5500		
1822	ବଗାୟତ ଦୁଇ	କାଢୁ	3	9800		
24 ଆମ୍ବପତି	ତଇଲା	ଉ. ହାଲୁରି ପରିତା ଓଗେର ଘ. ହାଲୁରି ପରିତା ଓଗେର	0	1400		
43	ବଗାୟତ ଦୁଇ	ପଟାସ	0	0400		
44 ଆମ୍ବପତି	ତଇଲା	ଉ. ସରକାରୀ ଘ. ବାଲୁଡ଼କି ବାରିକ ଓଗେର	0	0800		
45 ଆମ୍ବପତି	ଶାରଦ ଜଳସେଚିତ ଦୋଫସଲି	ଉ. ସରକାରୀ ଘ. ଭଗବାନ ପୁରଧାନ	0	1400		
304 ଛତିୟାନ	ଶାରଦ ଜଳସେଚିତ ଦୋଫସଲି	ଉ. ଶ୍ରୀ ରାମଚଣ୍ଡି ଠାକୁରାଣୀ ଘ. ଶତ୍ରୁଘ୍ନ ଯେନା ଓଗେର	0	0700		
90 ଆମ୍ବପତି	ତଇଲା	ଉ. ନଦୀ ଘ. ସରକାରୀ	0	3000		
91 ଆମ୍ବପତି	ତଇଲା	ଉ. ସରକାରୀ ଘ. ବାଲୁଡ଼କି ବାରିକ ଓଗେର	0	1800		
494 ଛତିୟାନ	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ନଦୀ ଘ. ସରକାରୀ	1	1300		ଜବାନ ମାନଫକ ପାଇଁ, ସଂରକ୍ଷିତ ।
499 ଛତିୟାନ	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ସରକାରୀ ଘ. ଯୁଗଳ ପରିତା	0	6200		
507 ଛତିୟାନ	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ରାଜ କିଶୋର ଯେନା ଓଗେର ଘ. ନାରଣ ପରିତା ଓଗେର	0	3900		
111 ଆମ୍ବପତି	ତଇଲା	ଉ. ନଦୀ ଘ. ସରକାରୀ	0	6600		
113 ଆମ୍ବପତି	ତଇଲା	ଉ. ସରକାରୀ ଘ. କେଳୁ ଚରଣ ରାଉତ ଓଗେର	0	1200		
115 ଆମ୍ବପତି	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ନଦୀ ଘ. ପୂର୍ଣ୍ଣଶତନନ୍ଦର ନାୟକ	0	3600		
109 ଆମ୍ବପତି	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ସରକାରୀ ଘ. ବାଲୁଡ଼କି ବାରିକ ଓଗେର	0	0600		
110 ଆମ୍ବପତି	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ସରକାରୀ ଘ. ହରିବନ୍ଧୁ ରାଉତ	0	0700		
155 କୋଡ଼ିଏକାହାଣ	ଶାରଦ ଅଣଜଳସେଚିତ ଦୁଇ	ଉ. ସରକାରୀ ଘ. ଶୁବଳ ରାଉତ	0	1000		
162 କୋଡ଼ିଏକାହାଣ	ଶାରଦ ଜଳସେଚିତ ଦୋଫସଲି	ଉ. ସରକାରୀ ଘ. ହାଲୁରୀ ପରିତା	1	1000		
164 କୋଡ଼ିଏକାହାଣ	ଶାରଦ ଜଳସେଚିତ ଦୋଫସଲି	ଉ. ସରକାରୀ ଘ. ହାଲୁରୀ ପରିତା	0	4600		

**Translation of Land Records**

Schedule I Form No 39-A

**Record of Rights**(It means same as  
Property card)

Revenue Village: Jhadapada

Tehsil: Ranpur

Thana: Ranpur

Tehsil No: 204

Thana No.: 204

District: Nayagarh

Name of Land Lord & Kheyat No or Records of Rights Serial No:		Odisha Govt Khewat No. 1				
1) Serial No of RoR		387				
2) Name of Tenant/ RoR Holder with Father Name, Caste and Residential Address		Abad Yogya Anabadi				
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: 30/03/1998 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
1793	Patita	Matal	1	7000		
1795	Patita	Matal	1	2200		

National Informatics Centre, Odisha

*True copy  
attested  
A. Chand, JyV*

To,

1. **Additional Chief Secretary, Forest and Environment Department,**  
Government of Odisha, Secretariat Building, Bhubaneswar -751001  
[Forestenv2016@gmail.com](mailto:Forestenv2016@gmail.com), [frsec.or@nic.in](mailto:frsec.or@nic.in)
2. **Principal Secretary, Department of Revenue and Disaster Management,**  
Government of Odisha, Secretariat Building, Bhubaneswar -751001,  
[revsec.od@nic.in](mailto:revsec.od@nic.in)
3. **District Collector, Nayagarh**  
At/po- Nayagarh, Odisha- 752069, [dm-nayagarh@nic.in](mailto:dm-nayagarh@nic.in)
4. **Divisonal Forest Officer, Khurdha.**  
At/Po/Dist- Khordha, Odisha, 752055 [dfokhordha@odisha.gov.in](mailto:dfokhordha@odisha.gov.in)
5. **Tahasildar, Ranpur**  
At/Po – Ranpur, Dist – Nayagarh, Odisha –752026.
6. **The Secretary, Ministry of Environment, Forests & Climate Change,**  
Indira Paryavaran Bhawan, Jorbagh, New Delhi – 110003 ([secy-moef@nic.in](mailto:secy-moef@nic.in))

**Subject- Objection in regard to Illegal Felling of Trees from Forest land in Jhadapada Mouza of Ranapur Tehsil in Nayagarh District and illegal construction in the forest land.**

**Dear Sir,**

The undersigned is a resident of the Jhadapada Village of Nayagarh District and a Social worker, RTI user and nature lover and working towards to the protection of local environment.

1. This is to bring your kind attention about the illegal encroachment, clearing of trees and construction of a building over Forest land with Sabik Kisam Chota Jungle on Khata No. 387, Plot No. 1793 Area Ac 1.70 dec. in Jhadapada Mouza under Ranapur Tahasil in the District of Nayagarh.
2. That the sabik Kisam of the said land is Chhota Jungle. Since the land schedule is of forest category and any kind of non-forest activities requires prior approval of Central Government under Section 2 of Forest Conservation Act 1980. However in the present instance no such approval has been obtained for the construction of building and clearance of land and trees.
3. That In T.N. Godavarman Thirumulkpad v. Union of India WP© 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.

*True copy  
attested  
Rachandran*

EO571494550IN IVR:6979571494550  
SP GOPALPUR S.O (NAYAGARH) <752025>  
Counter No:1,20/01/2024,12:05  
To:SECRETARY MIN,INDIRA PARYAVARA  
PIN:110003, Lodi Road HQ  
From:RABINDRA PRADHAN,JHADAPADA  
Wt:25qms  
Amt:41.30(Cash)Tax:6.30

EO571494563IN IVR:6979571494563  
SP GOPALPUR S.O (NAYAGARH) <752025>  
Counter No:1,20/01/2024,12:05  
To:ADDL CHIEF SE, FOREST AND ENVI  
PIN:751001, Bhubaneswar G.P.O.  
From:RABINDRA PRADHAN,JHADAPADA  
Wt:25qms  
Amt:41.30(Cash)Tax:6.30

EO571494532IN IVR:6979571494532  
SP GOPALPUR S.O (NAYAGARH) <752025>  
Counter No:1,20/01/2024,12:05  
To:PRINCIPAL SFC,SECRETARIAT BUIL  
PIN:751001, Bhubaneswar G.P.O.  
From:RABINDRA PRADHAN,JHADAPADA  
Wt:25qms  
Amt:41.30(Cash)Tax:6.30



4. That, One Nityanada Jena, S/o Baban Jena, Village -Jhadapada, PS- Chandapur, Dist – Nayagarh had encroached the land illegally in 2013 and constructed a Pucca Building on the said land. As the said building was constructed on forest land without any permission from concerned authority. Now Jhadapada Gram Panchayat office started using it from the year 2017, which was also illegal act on the parts of the Panchayat officials.
5. That, the Jhadapada Gram Panchayat office had submitted a proposal before Tahasildar, Ranpur to settle the land in favor of the Gram Panchayat. After due process, Tahasildar, Ranpur passed an order dtd. 24.02.2020 and noted that the above-mentioned land can not be alienated in favor of the Jhadapada Gram Panchayat, because the Sabik Kisam of the land is Chhota Jungle(Small forest), which is highly objectionable. The Gram Panchayat went in appeal before the Sub-Collector, Nayagarh against the order passed by the Tahasildar, Ranpur, but the Sub-Collector upheld the decision made by the Tahasildar, Ranpur.
6. That Again, the Jhadapada Gram Panchayat filled a Writ Petition vide W.P.(C) No. 20308 of 2021 before the Hon'ble High Court of Orissa, Cuttack challenging the order passed by the Sub-Collector, Nayagarh. But the Hon'ble High Court while dismissing the petition of Jhadapada Gram Panchayat confirmed the order passed by the Sub-Collector and suggest to the petitioner to file an application before the Collector, Nayagarh identifying another suitable land for construction of the Gram Panchayat.
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 and
- iv) Take any other measures as deems appropriate.

Sincerely

*Rabindra Pradhan***Rabindra Pradhan****S/O : Biswanath Pradhan****At/Po. – Jhadapada, PS – Chandapur****Dist - Nayagarh**

(PS-Copy of Photographs indicating a building over the forest land is annexed with this letter.)

EO571494325IN IVR:6979571494325  
 SP GOPALPUR S.O (NAYAGARH) <752025>  
 Counter No:1,20/01/2024,12:05  
 To:DISTRICT COLL,NAYAGARH  
 PIN:752070, Nayagarh Bazar S.O  
 From:RABINDRA PRADHAN,JHADAPADA  
 Wt:25gms  
 Amt:41.30(Cash)Tax:6.30

EO571494546IN IVR:6979571494546  
 SP GOPALPUR S.O (NAYAGARH) <752025>  
 Counter No:1,20/01/2024,12:05  
 To:DIVISIONAL FO, KHORDHA, KHORDHA  
 PIN:752055, Khurda H.O  
 From:RABINDRA PRADHAN,JHADAPADA  
 Wt:25gms  
 Amt:41.30(Cash)Tax:6.30

EO571494444IN IVR:6979571494444  
 SP GOPALPUR S.O (NAYAGARH) <752025>  
 Counter No:1,20/01/2024,12:05  
 To:Tahasildar RAJANPUR, RAJANPUR  
 PIN:752026, Rajranpur S.O  
 From:RABINDRA PRADHAN,JHADAPADA  
 Wt:25gms  
 Amt:41.30(Cash)Tax:6.30



**ANNEXURE-3**

Latitude: 20.012687  
Longitude: 85.390852  
Elevation: 43.49±4 m  
Accuracy: 8.7 m  
Time: 07-01-2024 13:47  
Note: S. P



Figure 1 : Illegal Construction on the forest land.

*True copy  
attested  
Achar, Adv*



**Figure 2 : Trees have already cut down from the said land.**



**Figure 3 : Digging for foundation works for new construction**

*True copy  
attested  
Richard, 2014*

By Regd. Post

OFFICE OF THE DIVISIONAL FOREST OFFICER: KHORDHA DIVISION, KHORDHA  
AT / PO / DIST. - KHORDHA  
Tele No. (06755), 222825  
Email ID - [dfp.khordha@odisha.gov.in](mailto:dfp.khordha@odisha.gov.in)

Memo No. 1774 / (RTI)-2023 Date 14-8-23

To

Sri Lingaraj Samantaray,  
S/o. Khali Bariganjan,  
At- Bajrakote,  
P.O- Baunsagarh  
P.S - Ranpur  
Dist- Nayagarh  
Pin- 752026

Sub: - Supply of Information under RTI Act, 2005.

Ref:- Your RTI application dtd 02.08.2023.

Sir,

Inviting reference to the aforementioned correspondences on the subject, I am providing herewith the information in separate sheet pertaining to this Division as desired.

Encl: Information 01( One) page.

  
Public Information Officer  
Khordha Division, Khordha  


True copy  
attested  
A. Chand, Adv

ଶ୍ରୀ ଲିଙ୍ଗରାଜ ସାମନ୍ତରାୟ , ବାପା – ମୃତ ଖଳି ବରିଗଞ୍ଜନ, ଗ୍ରାମ-ବକ୍ରକୋଟ, ପୋଷ୍ଟ-ବାଉଶଗଡ଼, ପୋ.ଷ୍ଟେ.-ରଣପୁର  
 ଜିଲ୍ଲା-ନୟାଗଡ଼ , ଓଡ଼ିଶା କୁ ଦ୍ଵାରା ଆଗତ ଅଧିସୂଚନା ଆଇନି ୨୦୦୫ କୁ ଭିଡ଼ିକରି ମଗାଯାଇଥିବା ତଥ୍ୟବଳି ନିମ୍ନ ମତେ  
ପ୍ରଦାନ କରାଗଲା।

- ନୟାଗଡ଼ ଜିଲ୍ଲା ରଣପୁର ତହସିଲ ଅନ୍ତର୍ଗତ ଝାଡ଼ପଡ଼ା ରାଜସ୍ଵ ମୌଜାର ହାଲ ଖାତା ନଂ-୩୮୭, ପୁଟ ନଂ-୧୭୯୩, କିସମ-ପଡ଼ିତ, ଏରିଆ-ଏକରରେ ୧.୭, ରୟତି-ଆବାଦ ଯୋଗ୍ୟ ଅନାବାଦି , ଯାହାର ସାବକ ଖାତା ନଂ-୧୯୨, ପୁଟ ନଂ-୧୦୦୫, କିସମ-ଛୋଟଜଙ୍ଗଲ, ଏରିଆ-ଏକରରେ ୧୧.୭୭, ରୟତି-ଅନାବାଦି ଜମି ଉପରେ ଏହି ବନଖଣ୍ଡରୁ କୌଣସି ସ୍ଵାୟୀ ଗୃହ କିମ୍ବା ସରକାରୀ କାର୍ଯ୍ୟାଳୟ ନିର୍ମାଣ କରିବାକୁ ଅନୁମତି ଦିଆଯାଇ ନାହିଁ । ଏହି ପୁଟ ନଂ-୧୭୯୩ ଉପରେ କେହି ଆବେଦନ ପତ୍ର କରିଥିବାର ଏହି ବନଖଣ୍ଡରେ ନଜିର ନାହିଁ ।

ସମ୍ପୂର୍ଣ୍ଣ ପାଠନାୟକ

ବିବିଧ ବିଭାଗ

(ମ. ପଞ୍ଚନାୟକ, କ.ସ)

୧୦।୦୮।୨୦୨୩

  
 Public Information Officer  
 Khordha Forest Division  
 KHORDHA

OFFICE OF THE SARAPANCH  
**JHADAPADA GRAMA PANCHAYAT**  
At/Po-Jhadapada, Block-Ranpur, Dist-Nayagarh (Odisha)

Letter No.....48.....

Date. 08.10.20  
08.10.20

ପ୍ରାର୍ଥନା:

ଶ୍ରୀ ରଞ୍ଜନ ପ୍ରଧାନ ଜ: ବିଜୁନାଥ ପ୍ରଧାନ  
ମା/ବସ - ବାହାଦୁରୀ, ପା-ରଞ୍ଜନପୁର  
ଜ-ନୟାଗଡ଼  
ବିନୟ: - ନ.ଗ. ପ୍ରଧାନ ସମ୍ପର୍କ

ମହୋଦୟ,

ଉପରୋକ୍ତ ବିନୟ ପ୍ରକାରେ ଧ୍ୟାପକଙ୍କୁ ମହାଦୟାଙ୍କୁ  
ଗୃହେଷ୍ଟ୍ରୀ ଧ୍ୟାପକ ତା ୨୧.୧.୨୦୧୩ ତାରିଖରେ ମାଗିଥିବା ସୁତରା  
ସୁଦ୍ଧିକର ଚ୍ୟାପ ନିମ୍ନରେ ପ୍ରଦାନ କରାଯାଉଛି।

୧- ବାହାଦୁରୀ ଗ୍ରାମୀଣ କଲେକ୍ଟରଙ୍କୋଦ୍ଦେଶ୍ୟ ସୁଦ୍ଧିପ୍ୟା ମ  
ଏହାପରେ ନି-ନଗର, ପୁର: - ୧୨୧୩ କିମ୍ପା ପଞ୍ଜି ମାଗା ମଧ୍ୟରେ  
ଏକ ଗୃହେଷ୍ଟ୍ରୀ ଗୃହପତ୍ର।

୨- ଧ୍ୟାପକଙ୍କୋଦ୍ଦେଶ୍ୟ ମାଗାରେ ଗୃହପତ୍ର।

୩- ଶ୍ରୀ.ପ. ସାଧାରଣତା ୧୨.୦୩.୨୦୧୩ ତାରିଖ ପ୍ରକି-୩ ପ୍ରକାରେ  
ଶ୍ରୀ.ପ. କାର୍ଯ୍ୟ ନିମ୍ନକଲେକ୍ଟରଙ୍କୁ ଗାଏବତାରେ ପରେ ଗୃହପତ୍ର।

୪- ଶ୍ରୀ.ପ. ୧ କଲେକ୍ଟର ତା. ୧୨.୩.୨୦୧୩. ତାରିଖ ପ୍ରକି-୩  
ତ ଶ୍ରୀ.ପ. ଗୃହପତ୍ର ୧୨.୩.୨୦୧୩ ତାରିଖ ପ୍ରକି-୩  
ପ୍ରକାରେ ଗୃହପତ୍ର।

(ହସି) ଧ୍ୟାପକଙ୍କର ସୁଧିକର

Surekha Behera  
P/O Jhadapada G.P.

**Translation of RTI replies**

The reply to the application under RTI act, 2005 filled by Sri Lingaraj Samantaray, S/o Late Khali Bairiganjan, village – Bajrakot, Post- Bausagada, Po – Ranpur, Dist – Naygarh, Odisha is given as below :

-- No permission is given for construction of any permanent Building or Government Office on the Plot vide Khata No. 387, Plot No. 1793, Kisam – Patita, Area – 1.7 Ac., Rayati – Abad Yogya Anabadi, Sabak Khata No. 192, Plot No. 1005, Kisam – Small Jungle, Area – 11.77, Rayati – Anabadi of Jhadapada Revenue village under Ranpur Tahasil in Nayagarh District by this office. No letter of request for permission on the said Plot No. 1793 is available in this office.

Manmatha Pattanayak

Misc. Section

10.08.2023

Public Information Officer

Khordha Forest Division

Khordha

OFFICE OF THE SARAPANCH  
JHADAPADA GRAMA PANCHAYAT

At/Po - Jharapada, Block- Ranpur, Dist - Nayagarah(Odisha)

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Letter No. 48

Date : 03.10.2023

To

Sri Rabindra Pradhan, S/o Biswanath Pradhan

At/Po - Jhadapada, Po - Chandapur

Sub : Regarding Supply of Information under RTI Act.

Sir,

With regard to above subject You are here by informed that the information you sought on dated 26.09.2023 is supplied as follows :

1. Jhadapada Grama Panchayat is now running in a house built on the land bearing Khata No. 387 , Plot No. 1793, Kisam - Patita of Kandheikoli Mundia.
2. Except above the GP office is not functioning any where.
3. As per General Body meeting of the Grama Panchayat dated 17.03.2023, issue no. 3 G.P office is functioning at Nilakantheswar Pathagar.
4. This G.P. functioning at above house as per the General Body Meeting dt. 17.03.2023, issue no. 3 and decision at Gram Sabha dated 15.08.2023, issue No. 3.

Surekha Behera

PIO, Jhadapada Gram Panchayat

*True copy  
attested  
Achari, Mr*

**IN THE HIGH COURT OF ORISSA AT CUTTACK****W.P.(C) No.20308 of 2021**

**Jharpada Grama Panchayat** .... **Petitioner**  
Mr.Nepoleon Sahani, Advocate

-versus-

**State of Odisha and others** .... **Opposite Parties**

Mr. P.P.Mohanty,  
Addl. Government Advocate

**CORAM:**

**JUSTICE S.K.MISHRA**  
**JUSTICE SAVITRI RATHO**

**ORDER**  
**30.7.2021.**

**Order No.**

02. 1. This matter is taken up by video conferencing mode.
2. Heard Mr.Nepoleon Sahani, learned counsel for he Petitioner and Mr. P.P.Mohanty, learned Addl. Government Advocate for the State.
3. In this Writ Petition the Petitioner has challenged the order dated 26.2.2021 passed by the Sub-Collector, Nayagarh in Lease Appeal Case No.10/2020 rejecting the appeal filed by the Petitioner, who is a Sarpanch, Jharpada Grama Panchayat, to settle a peace of land in its favour for construction of the Grama Panchayat Office. However, it is seen from the record that the said petition has been rejected only on the ground that the land sought to be settled in favour of the Petitioner are

True copy  
attested  
Richard, Adv

recorded as Jungle in Sabik Settlement as per the Letter of the Chief Secretary No.4822/CS dated 12<sup>th</sup> February, 2015 any land recorded as Jungle in Sabik Settlement cannot be settled in favour of any person or institution without appropriate permission of the Forest Conservation and Disaster Management Department, Odisha. So prima facie the orders passed by the Sub-Collector does not suffer from any infirmity. We do not find any merit in the Writ Petition to issue notice. The Petitioner may file an appropriate application before the Collector, Nayagarh identifying another suitable land for construction of the Grama Panchayat.

4. The Writ Petition is accordingly dismissed.

5. As the restrictions due to resurgence of COVID-19 are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation with seal by the concerned advocate Mr.Nepoleon Sahani, learned counsel for the Petitioner, or Mr. P.P.Mohanty, learned Addl. Government Advocate for the State, in the manner prescribed vide Court's Notice No.4587 dated 25<sup>th</sup> March, 2020 as modified by Court's Notice No.4798 dated 15<sup>th</sup> April, 2021.

**(S.K.Mishra)**  
**Judge**

**( Savitri Ratho )**  
**Judge**



*True copy  
attested  
Achar, Adv*

**VAKALATNAMA**

IN THE NATIONAL GREEN TRIBUNAL, KOLKATA

ORIGINAL APPLICATION NO. \_\_\_\_\_/2024/EX

**BETWEEN****Rabindra Pradhan****.... Applicant****-VERSUS-****State of Odisha & Ors.****.... Respondents**

Know all men by these presents, that by this Vakalatnama

I/We Rabindra Pradhan, S/o Biswanath Pradhan, At/Po – Jhadapada, PS- Chandapur, Dist – Nyagarh, 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. Plot No. 6F-1030, Sector-9, CDA, Cuttack - 753014**

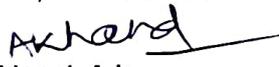
(herein after called the advocate/s) to be my/our Advocate in the above noted case authorise him:-

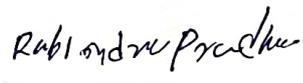
1. To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/us.
2. To sign, file, verify and present pleadings, appeals, 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.....24.05.2024

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