

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.
ORIGINAL APPLICATION NO.76/2023/EZ**

Wildlife Society of Odisha. Applicant
-Versus-
State of Odisha and
Others. Respondents.

I N D E X

Sl. No.	Description of documents.	Pages.
<hr style="border-top: 1px dashed black;"/>		
1.	Reply of Respondents No.1,2,3,4 & 5 to the Rejoinder affidavit filed by applicant.	1-7.
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Cuttack.
Dt.28.06.2024.

hw
(Shakti Prasad Panda)
Addl.Govt.Advocate.
Mob.No.8847811581

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Wildlife Society of Odisha. Applicant

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**REPLY OF RESPONDENTS NO. 1, 2, 3, 4 & 5 TO THE
REJOINDER AFFIDAVIT FILED BY THE APPLICANT.**

I, K.V. Bhaskar Rao, aged about 56 years, S/o. Late K. Narayana, at present working as Divisional Forest Officer, Koraput Forest Division, At/P.O/ Dist.- Koraput, do hereby solemnly affirm and state as follows:-

1. That, I am working as Divisional Forest Officer, Koraput Forest Division, hereinafter referred to as the answering respondent No.4 and as such I am competent and have been duly authorized by Respondents No.1, 2 and 3 to swear this affidavit on their behalf.

2. That, I have gone through the contents of the Original Application, rejoinder affidavit as well as the annexures appended thereto and have understood the contents thereof. I am well acquainted with the facts of the case.

3. That, as regards to the averments made by the applicant in Para-1 of the rejoinder affidavit is not correct and hereby

K.V. Bhaskar Rao

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denied. It is humbly submitted that the site where the eco-tourism project is going on is not coming within any notified forest block or recorded forest land as per Government record nor identified as "deemed forest" as per the DLC report filed before the Hon'ble Supreme Court of India during the year 1998 as per verdict dated 12.12.1996 of the Hon'ble Apex Court in Writ Petition (Civil) No.202/1995: T.N. Godavarman Thirumulpad vs. Union of India and States. The land parcel is an un-surveyed land as per report of the Collector, Koraput as at Annexure-R4/22 of counter affidavit. Hence, provision of the Forest (Conservation) Act, 1980 is not applicable to this land in question.

It is not a fact that Deomalli Hills is unexplored by the visitors till development of this ecotourism destination as per policy decision of Government of Odisha. The State of Odisha has formulated ecotourism policy during the year 2012, community based ecotourism is being implemented throughout the State keeping in view of guidelines of the Ministry of Environment, Forest & Climate Change from time to time.

Development of ecotourism destination at Deomali by the DFO, Koraput Forest Division is as per decision made by the Government to regulate uncontrolled invasive activities detrimental for the eco-system and provide eco-friendly amenities to the visitors to create public awareness for conservation of nature and natural resources.


AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

4. That, as regards to the averments made by the applicant in Para-3 of the rejoinder affidavit this deponent has nothing to comment.

5. That, as regards to the averments made by the applicant in Para-4 of the rejoinder affidavit is not correct and hereby denied. This land parcel in question is not a forest kissam of land as mentioned in the foregoing Para No.3 of this counter affidavit. Hence, the provisions of the Forest (Conservation) Act, 1980 is not applicable in this case. However, eco-friendly materials are used for semi-permanent structure for accommodation and other facilities for visitors and support staff.

6. That, as regards to the averments made by the applicant in Para-5 of the rejoinder affidavit, it is humbly submitted that the proposal of the then DFO, Koraput Forest Division for inclusion of the site in the revised Working Plan has not been considered by the competent authority as the land in question is not a forest kissam of land and not notified as a forest block by the State Government.

7. That, as regards to the averments made by the applicant in Para-6 of the rejoinder affidavit, it is humbly submitted that Decision Support System (DSS) of Forest Survey of India for canopy density showing this particular patch as non-forest except the peripheral area about 0.10 ha as open forest. The peripheral area over 0.10 ha of open forest is left as such without putting to any use. The DSS provides information regarding canopy density only. The same can not be treated as legal definition of the forest

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kissam of land as per verdict of the Hon'ble Supreme Court of India supra.

8. That, as regards to the averments made by the applicant in Para-7 of the rejoinder affidavit is not correct and hereby denied. The screen sought appended as Annexure-1 to the rejoinder affidavit by the applicant relates to Boipariguda and Semiliguda Tehasil, whereas the ecotourism destination under development at Deomali is coming within Pottangi Tehasil of Koraput District.

9. That, as regards to the averments made by the applicant in Para-8 of the rejoinder affidavit is not correct & hereby denied. It is humbly submitted that as per Government records, the land parcel is an un-surveyed land and not coming within any category of forest. Community based ecotourism is being developed in the particular site after several consultative meetings with the local communities to reduce their dependency on nearby forest resources by supplementing to their livelihood out of income to be generated. In fact, 70% of the income goes directly to the community as per policy decision of the State Government.

10. That as regards to the averments made by the applicant in Para-9 & 10 of the rejoinder affidavit this deponent has nothing to comment.

11. That, as regards to the averments made by the applicant in Para-11 & 12 of the rejoinder affidavit is not correct and hereby denied. It is humbly submitted that development of ecotourism



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destination at Deomali over a small patch of land is conceptualized keeping in view of the footfall of the visitors to experience wilderness of nature in regulatory manner through community based ecotourism. Only 10 semi-permanent double bedded cottages and ancillary facilities have been constructed using green building materials which will accommodate 20 visitors. The status of land as per revenue record is un-surveyed. The land in question is not coming within any Protected Area like Wildlife Sanctuary, National Park, Tiger Reserve, Conservation Reserve and Community Reserve nor falling inside Elephant Reserve, Corridor of Tigers & Elephants. Since, the site is outside forest and wildlife area, study of carrying capacity as per guidelines dated 19th September 2018 issued by the Ministry of Environment, Forest & Climate Change is not applicable here. However, accommodation capacity is kept at minimum with ancillary activities compatible with the ecosystem.

12. That, as regards to the averments made by the applicant in Para-13 of the rejoinder affidavit is not correct and hereby denied. It is humbly submitted that since the land in question is an un-surveyed land devoid of vegetation and outside Protected Area, the guidelines issued by the Ministry of Environment, Forest & Climate Change dated 19.09.2018 and 25.10.2021 are not applicable in this case.

13. That, as regards to the averments / assertions/ allegations made in the Original Application and Rejoinder Affidavit which are not specifically admitted by this deponent

shall be deemed to have been denied. This deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the time of hearing.

14. That, in view of the above submissions made by this deponent, the prayer made in the Original Application as well as the Rejoinder Affidavit are devoid of any merit and liable to be rejected.

15. That, the facts stated above are true to the best of my knowledge and based on official records.

K.V. Bhaskar Rao
28/06/2024
Deponent
Divisional forest officer
Koraput Division, Koraput

VERIFICATION

I, K.V. Bhaskar Rao, aged about 56 years, S/o. Late K. Narayana, at present working as Divisional Forest Officer, Koraput Forest Division, At/P.O/ Dist.- Koraput, do hereby verify and states 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 28th day of June, 2024.

Identified by:


Addl. Govt. Advocate.

K.V. Bhaskar Rao
28/06/2024
VERIFICANT.
Divisional forest officer,
Koraput Division, Koraput


AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

AFFIDAVIT.

I, K.V. Bhaskar Rao, aged about 56 years, S/o. Late K. Narayana, at present working as Divisional Forest Officer, Koraput Forest Division, At/P.O/ Dist.- Koraput, do hereby solemnly affirm and state as follows:-

1. That I am the respondent No.4 in this Original Application. I have been duly authorized by the Respondents No.1, 2 & 3 to swear their behalf also. I am well acquainted with the facts of the case.
2. That the facts stated above are true to the best of my knowledge and based on official records.



Identified by:

S.K. Jena
Addl. Govt. Advocate.

K.V. Bhaskar Rao
Deponent. *28.06.2024.*
Divisional forest officer
Koraput Division, Koraput

K.V. Bhaskar Rao
The above named deponent being identified by *S.K. Jena* Adv solemnly affirm and states before me that the contents of this *Am* are true to the best of his/her/their knowledge and belief.

28.06.24
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
Regd. No.-ON-56/2004