

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

APPLICATION NO... of 2024

IN THE MATTER OF

Bishnupriya Mohanty

.....Applicant

Versus

STATE OF ODISHA & Ors

...Respondents

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PLACE: Bhubaneswar

ADVOCATE

DATE: 03/07/2024

SANKAR PRASAD PANI

ASHUTOSH PADHY

S.Pani *A.Padhy*

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002Cell-9437279278,Email:sankarprasadpani@gmail.com

SYNOPSIS

That the present application is filed challenging the illegal felling of trees from the government land without any valid permission. That the private respondents already felled more than 100 trees including 30 full grown matured trees using a chain saw and there is a threat to the adjoining plots where a huge number of trees exist and the whole area looks like a dense forest. That the kissam of the land is recorded as Patita (Wasteland) and Smasan (Crematorium). That the private respondents logged the trees from the khatiyani no. 318, plot no. 254, Khata no.319 plot no 1071,343 and 347.

LIST OF DATES

13/04/2023	Judgment passed by Hon'ble NGT EZ in OA 117/2022
21/05/2024	Trees felled illegally by the private respondents
22/05/2024	Villagers approached to various authorities to take action against the persons who felled trees illegally
20/05/2024	Order passed by NGT PB in Original Application No. 555/2024
24/05/2024	Forest range officer Tangi visited the site along with Sikko police beat.
15/06/2024	News article's published in Odia newspapers.

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

*(Under Section 14, 15, 20 read with Section 18 of the National
Green Tribunal Act, 2010)*

Original Application No -----OF 2024/EZ

IN THE MATTER OF:

1. Bishnupriya Mohanty, D/O-Late Kelu charan Mohanty, Aged about 62 years, At- Laxminarayanpur, Po-sahadabhanga, Dist- Khordha, Odisha, 752038Applicant

Versus

1. **State of Odisha** represented by through Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fsec.or@nic.in
2. Collector & Dist. Magistrate Khordha, At/PO/Dist- Khordha Email- dm-khordha@nic.in PIN-752069
3. Tahasildar, Begunia, At/Po/PS- Begunia, Jagiribad, Odisha 752062, Dist- Khordha tdr.begunia@rediffmail.com,tah.begu-od@nic.in
4. Divisional Forest Officer, Khordha, At/Po/Dist-Khordha. dfokhordha@gmail.com PIN-752055
5. Superintendent of Police, Khordha, At/Po/PS- Khordha spkda.orpol@nic.in , 752069
6. Surendra Behera S/o- late Dhobi Behera aged about-68 years
7. Bikas Mohanty S/o- Jaladhar Mohanty aged about-45 years
8. Kartik Behera S/o- late Madhab Behera aged about- 58 years
9. Bijay Biswal S/o- Manguli Biswal aged about-42 years

Respondent 6 to 9 belongs to are belongs to At- Chhima, Po- Sagadabhanga, PS- Jankia, Dist- Khordha, Odisha, Pin-752038

10. Khageswar Dambal s/o- bhikari dambal aged about 38 years at- Raimul, po- Sagadabhangra PS-jankia, Dist-Khurda,Odisha pin-752038
11. Ballav Behera s/o- prahallad Behera aged about-38 years At-pindamul(lakhapada), Po-Sagadabhangra , PS-jankia, Dist- Khurda Odisha Pin-752038Respondents

- i. The address of the Applicant is given above for the service of notices of this Application.
- ii. The addresses of the Respondents are given above for the service of notices of this Application.
- iii. That the present application is filed challenging the illegal felling of trees and inaction of the state authorities against the accused private respondents.

MOST RESPECTFULLY SHOWETH:

1. That the present applicant is a villager of **Laxminarayanpur** (Lakhapada) which is adjacent to village (Chimma) from where the trees are being felled. Public complaints in this regard had been made to all the responsible district authorities such as District Magistrate Khordha, DFO Khordha, Tahasildar Begunia, Forest range officer Tangi, however no action had been taken against any of the accused persons hence the present application seeking intervention of the Hon'ble tribunal to a sensitive issue of illegal felling of around 100 fruit bearing trees including 30 full grown matured trees and other allied species without any permission from the DFO khordha. That the photographs of the trees felled by the private respondents are here unto annexed as **ANNEXURE-1**.
2. That few of the village henchmen who have been impleaded as the private respondent had all of a sudden on **21/5/2024** started felling large sized trees of variety species such as **KASI, NIMB, KOCHILA, SALA,**

JACKFRIUT, MANGO, ACCACIA.

3. That the land schedule on which the tree have been illegally felled are from Govt. lands bearing (**khata no. 318, plot no. 254**) and (**Khata no.319 plot no1071,343 and 347**) . That the kissam of the land is Patita(Wasteland) and Smasan (Crematorium). It is not out of place to mention here that though the land is recorded as Patita but it looks like a dense forest as there used to be a number of full grown trees which were felled by the private respondents. Copy of the ROR is here unto annexed as **ANNEXURE-2**
4. It is further submitted that on 22nd May 2024 the villagers have approached to various authorities such as District Magistrate, DFO, Tahasildar and sought for a action against the person responsible for illegally felling of the trees without any prior permission from the competent Authority. Copy of the complaint letter dated **22/05/2024** is here unto annexed as **ANNEXURE-3**
5. **Accused have also tampered the evidences by uprooting some of the stumps of the felled trees.**
6. That on 24th May 2024 the range officer Tangi had inspected the tree felling site as well as the place where the logged timber were kept, took photographs of the site but did nothing and no action has been taken against any of the accused person who had illegally logged the trees.
7. That since the land is in the record of the revenue department District Magistrate and Tahasildar are the custodian of the land and has a duty to take action against the accused person for illegally felling and theft of tree and there by logging into pieces. However no action has been taken against any of the accused by the DM and Tahasildar.

8. That the land from where the trees have been illegally felled and its adjoining plots are full of trees covered and looks like a forest, the google earth image as well as from the photographs clearly shows that the entire area is as good as forest qualifying the dictionary meaning of forest. And the applicant apprehends that if any stringent action is not taken against the accused persons then this illegal tree felling will continue and entire land will be barren. Copy of the google earth image is here unto annexed as **ANNEXURE-4**

9. That while deciding a similar type of case in OA 117 the Hon'ble NGT EZ observed the following points, those points are as follows;

Para 24. The contention of the Respondent No.9 is that the land in question is not notified as Private Forest and, therefore, the Orissa Preservation of Private Forests Rules, 1963, is not applicable in the present case.

Para 25. Be that as it may, the fact remains that 79 logs of acacia being the outturn of 45 acacia trees were recovered from the house of the Respondent No.9, Krupasindhu Mohanty, and thereafter seized by the Revenue Inspector, Santaragadia. The land i.e., Plot No.577, Khata No.730 in Mouza-Kandagaradi under Nilgiri Tahasil, is recorded as Patharbani. This is Government land and, therefore, the trees standing on the said plot were the property of the Government. Whether land is declared as a Forest land (revenue or otherwise) is completely immaterial for purposes of the present case. The Hon'ble Supreme Court in (1997) 2 SCC 267 (T.N. Godavarman Thirumulpad vs. Union of India & Ors.) has held that the meaning of the word 'forest' shall be the same as given in the dictionary and, therefore, it cannot be said that 45 acacia trees standing on Plot No. 577 under Khata No.730 did not constitute

'forest'. The land being Government land, permission for felling of 10 the trees was required from the Divisional Forest Officer, Balasore or the Assistant Conservator of Forest or the Range Officer or the Forester duly authorized by the Divisional Forest Officer as per Rule 4 of the Transit Rules, 1980, already reproduced hereinabove.

Para 26. It is also immaterial whether acacia trees are covered by the Transit Rules, 1980, or not. Form-III of the Transit Rules, 1980, do not contain any provisions excepting acacia trees from the application of Transit Rules, 1980. 45 acacia trees standing on Government land would, in terms of the definition of 'forest' as held by the Hon'ble Supreme Court in T.N. Godaverman Thirumulpad (Supra), constitute forest produce.

10. That the Hon'ble NGT in a similar matter in **Original Application No.117/2022/EZ** held that felling of trees without permission is illegal and also ordered for criminal prosecution and Environmental Compensation against the private party, relevant portion of the order dated 13/04/2023 is extracted as follows,

Para 32 "We, therefore, dispose of this Original Application with a direction to the State Respondents, Government of Odisha, to take appropriate criminal action against the Respondent No.9 under the Transit Rules, 1980, by lodging FIR."

Para 33. The Divisional Forest Officer, Balasore Wildlife Division, shall also determine the Environmental Compensation i.e., the Net Present Value of the trees, and same may be recovered from the Respondent No.9 after giving him an opportunity of being heard.

Para 34. The Environmental Compensation so recovered shall be

utilized toward Compensatory Afforestation as well as restoring the Plot No.577, Khata No. 730 of the trees denuded therefrom. Copy of the order dated 13/04/2023 is here unto annexed as **ANNEXURE-5**

11. That Hon'ble NGT PB has already taken into consideration of forests are both a sink and a source for carbon, removing carbon dioxide from the air when standing or regrowing and emitting it when cleared or degraded. Loss of forests, thus, accelerates climate change. Tree cover loss is not always deforestation, which typically refers to human-caused, permanent removal of natural forest cover. It includes both human-caused loss and natural disturbances. Examples of tree cover loss that may not meet the definition of deforestation include loss from logging, fire, disease or storm damage. The data showed that 95 per cent of the tree cover loss in India from 2013 to 2023 occurred within natural forests. Copy of the order passed by Hon'ble NGT PB in OA 555/2024 dated 20/05/2024 is here unto annexed as **ANNEXURE-6**

12. That the issue of illegal tree felling has been widely covered on various leading Odia newspapers and there is a hue and cry in the locality but the district administration did nothing by prosecuting or arresting the accused. Copy of the news articles published on **16/06/2024** is here unto annexed as **ANNEXURE-7**.

13. That the tree could not have been felled and transit considering there is a **Orissa Timber and Other Forest Produce Transit Rules, 1980**. Rule 4 is reproduced as follows

“4. Transit permit - Except as provided in Rule 5, all forest produce in transit by land, rail or water shall be covered by a permit hereinafter called the “Transit Permit” to be issued free of cost by the Divisional Forest Officer or by the Assistant Conservator of Forests, authorized by

him in that behalf:

Provided that the Range Officer or a Forester when duly authorized in that behalf by the Divisional Forest Officer may issue transit permit in cases where no verification at the stump site is necessary:

Provided further that in respect of a minor forest produce collected by the Orissa State Tribal Development Co-operative Corporation Ltd., a Branch Manager or a Divisional Manager and in respect of tassar cocoon collected by the State Tassar Cooperative Society Ltd., Orissa, the Assistant Director of Sericulture can issue transit permits.”

Grounds

- A. That illegally felling of trees are substantial to environment hence sec 14 of the NGT Act is attracted and the hon'ble NGT may take cognizance of the same offence.
- B. That the trees have been felled without permission of the DFO which is an offence under the **Transit Rules, 1980**.
- C. That no permission has been taken from the revenue authorities for clearing the land hence the felling is completely illegal.
- D. That there is a apprehension that the miscreants can fell the trees from the adjoining area hence stringent action should be taken against the accused persons is warranted.
- E. That trees provide ecological services and felling of the trees amount to damage to the environment, hence Environmental Compensation need to be computed against the persons who illegally felled the trees.

LIMITATION

That the first cause of auction arose on 21/05/2024 and the original application is filed within six months of the cause of action arose hence the original application is not barred by limitation

INTERIM PRAYER

Hon'ble Tribunal may be pleased to direct the District Collector Khordha to immediately stop the felling of trees in the village Chimma of Begunia Tahasil, and to seize the chainsaw which was used to fell the trees illegally till final disposal of the Original Application.

PRAYER

Honble NGT may be pleased to pass the directions,

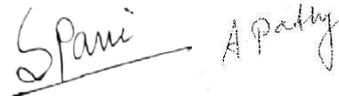
1. Issue notice to all the respondents and seek a joint inspection report from the DM and DFO Khordha.
2. Direct the DM and DFO khordha to initiate criminal prosecution against the erring private respondents.
3. Direct the DFO to compute environmental compensation of the trees felled including the value of the tree and cost of restoration, cost of ecological services and the same be recovered from the private respondents.

UNDERTAKING

That I do undertake to file the Translated copy of the vernacular annexures as and when directed by the Hon'ble Court.

3rd July 2024

Applicant Through

 S. Panigrahi

Advocate's

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

ORIGINAL APPLICATION NO OF 2024/EZ

IN THE MATTER OF:

BISHNUPRIYA MOHANTY

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

02 JUL 2024

I, Bishnupriya Mohanty D/o- Late Kelu Charan Mohanty, Age- 62, At-
Laxminarayanpur(lakhapada), Po-Sagadabhanga, PS-Jankia, Dist-Khordha,
Odisha, Pin752038, hereby solemnly affirm, and declare as under:

1. That I am the Applicant in the above-mentioned Original Application. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
2. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction

ବିଷ୍ଣୁପ୍ରିୟା ମହାନ୍ତି
DEPONENT

VERIFICATION

Verified on this the 02 day of July, 2024 at Bhubaneswar that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Janmejaya Rautray
Identified By

The above named deponent(s) being duly identified by me, I have sworn and appears before me, States on oath that the contents are true to the best of his/her knowledge and belief.

ବିଷ୍ଣୁପ୍ରିୟା ମହାନ୍ତି
DEPONENT



Janmejaya Rautray
JANMEJAYA RAUTRAY
NOTARY GOVT. OF ODISHA
BHUBANESWAR
REGD. NO-ON-86/2012
Mob. No. - 9337121273

THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT THE FULL GROWN TREES HAVE BEEN FELLED.













THAT THE BELOW ATTACHED IMAGE SHOWS THAT THE TIMBERS ARE LOGGED TOGETHER FOR TRANSIT



THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT TREES ARE BEING FELLED BY USING CHAINSAW







BHULEKH

LAND RECORDS WEB PORTAL OF ODISHA



Schedule I Form No.39-A

ଖତିୟାନ

ମୌଜା : ସିମା

ତହସିଲ : ବେଗୁନିଆ

ଥାନା : ବେଗୁନିଆ

ତହସିଲ ନମ୍ବର : 267

ଥାନା ନମ୍ବର : 110

ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡିଶା ସରକାର ଖେତ୍ର ନମ୍ବର 1				
1) ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		318				
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ଆବାଦ ଯୋଗ୍ୟ ଅନାବାଦୀ				
3) ସ୍ୱରୂପ						
4) ବେଢ଼ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିହାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ		Enc No.1010/05-06 ହୁମୁ ପୁ 622 ଖ ଏ 0.040 ଖା ଦା ଖା 317/9 ରେ				
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ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

ଖତିୟାନର କ୍ରମିକ ନଂ : 318		ମୌଜା : ସିମା			ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା	
ପୁର ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
63	ଡରଳା		0	5000		
64	ଡରଳା		0	1400		
65	ଡରଳା		1	0200		
84	ଡରଳା		0	1700		
85	ପଡିତ		0	1300		
86	ପଡିତ		0	7300		
87	ପଡିତ		1	3400	ଜବାନ ମାନଙ୍କ ପାଇଁ, ସଂରକ୍ଷିତ ।	
101	ପଡିତ		1	4500	ଗ୍ରାମ ପଞ୍ଚାୟତ ନିମନ୍ତେ, ସଂରକ୍ଷିତ ।	
103	ପଡିତ		2	0600	ଗ୍ରାମ ପଞ୍ଚାୟତ ନିମନ୍ତେ, ସଂରକ୍ଷିତ ।	
172	ଡରଳା		0	0300		
175	ଡରଳା		0	0300		
176	ଡରଳା		0	0950		
177	ଡରଳା		0	0550		
178	ଡରଳା		0	0550		
188	ଘରବାରୀ		1	3200		
254	ପଡିତ		0	0600		
256	ପଡିତ		0	5600		
257	ଘରବାରୀ		0	1000		
265	ପଡିତ		0	1200		
267	ଘରବାରୀ		0	4850		
270	ଘରବାରୀ		0	1050		

Khatian

Mouza: Chimma
 Thana: Begunia
 Thana Number: 110

Tahasil: Begunia
 Tahasil Number: 267
 District: Khordha

Name of the Jamidar and Khewat or Khatian serial number					Odisha Government Khewat number 1	
1) Khatain Serial no					318	
2) Name of the Tenant, Father's name, caste and residence					CULTIVABLE WASTELAND	
3) Satwa						
4) Payable	Water Tax	Khajana	Cess	Nistar Cess and other cess if any	Total	5) Cumulative Khajana description
6) Special annexure if any		Enc No.1010/05-06 ଓଡ଼ିଶା ସରକାରଙ୍କ ଦ୍ଵାରା 0.040 ହେକ୍ଟାରି 317/9 ର				
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Last publication date- 23/03/1998						
Khajana date -						

Khatian Serial number- 318		Mouza - Chimma				District -Khordha
Plot no & Chaka name	Kisam & Plot Name	Detail description of the Kisam & Chouhadi	Area			Remark
			Acres	Decimal	Hectares	
63	AGRICULTURAL LAND		0	5000		
64	AGRICULTURAL LAND		0	1400		
65	AGRICULTURAL LAND		1	0200		
84	AGRICULTURAL LAND		0	1700		
85	WASTELAND		0	1300		
86	WASTELAND		0	7300		
87	WASTELAND		1	3400		RESERVED FOR SOLDIERS
101	WASTELAND		1	4500		RESERVED FOR GRAM PANCHAYAT
103	WASTELAND		2	0600		RESERVED FOR GRAM PANCHAYAT
172	AGRICULTURAL LAND		0	0300		

175	AGRICULTURAL LAND		0	0300		
176	AGRICULTURAL LAND		0	0950		
177	AGRICULTURAL LAND		0	0550		
178	AGRICULTURAL LAND		0	0550		
188	HOMESTEAD		1	3200		
254	WASTELAND		0	0600		
256	WASTELAND		0	5600		
257	HOMESTEAD		0	1000		
265	WASTELAND		0	1200		
267	HOMESTEAD		0	4850		
270	HOMESTEAD		0	1050		

ଖତିୟାନ

ମୌଜା : ସିମା

ତହସିଲ : ବେଗୁନିଆ

ଥାନା : ବେଗୁନିଆ

ତହସିଲ ନମ୍ବର : 267

ଥାନା ନମ୍ବର : 110

ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେତ୍ର ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର		ଓଡ଼ିଶା ସରକାର ଖେତ୍ର ନମ୍ବର 1				
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2) ପ୍ରକାର ନାମ, ପିତା ନାମ, ଜାତି ଓ ବାସସ୍ଥାନ		ସର୍ବ ସାଧାରଣ				
3) ସ୍ୱତ୍ୱ						
4) ଦେୟ :	ଜଳକର	ଖଜଣା	ସେସ୍	ନିସ୍ତାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଜଣାର ବିବରଣୀ
6) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ						
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ଖଜଣା ଧାର୍ଯ୍ୟ ତାରିଖ -						

ଖତିୟାନର କ୍ରମିକ ନଂ : 319		ମୌଜା : ସିମା			ଜିଲ୍ଲା : ଖୋର୍ଦ୍ଧା	
ପୁର ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁରର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ରକବା			ମତ୍ତବ୍ୟ
			ଏ.	ଡି.	ହେକ୍ଟର	
7	8	9	10	11	12	
1071	ଗୁଣ୍ଡାନ		3	7750		
317	ଗୁଣ୍ଡାନ		2	4600		
343	ଗୁଣ୍ଡାନ		2	4500		
344	ରାସ୍ତା		1	1000		
347	ରାସ୍ତା		0	2300		
351	ରାସ୍ତା		0	0900	ସ୍କୁଲ ହଡ଼ା ଓ ବଗିଚା ।	
353	ରାସ୍ତା		0	0400		
359	ରାସ୍ତା		0	2900		
360	ରାସ୍ତା		0	0400		
361	ରାସ୍ତା		0	5700		
369	ରାସ୍ତା		0	2400		
190	ରାସ୍ତା		0	7900		
194	ରାସ୍ତା		0	0950		
197	ରାସ୍ତା		0	0400		
202	ରାସ୍ତା		0	0250		
219	ରାସ୍ତା		0	4550		
247	ରାସ୍ତା		0	2800		
280	ରାସ୍ତା		0	0900		
288	ରାସ୍ତା		0	3700		
389	ରାସ୍ତା		0	0500		
491	ରାସ୍ତା		0	0800		
494	ରାସ୍ତା		0	4000		
527	ରାସ୍ତା		0	3200		

Khatian

Mouza: Chimma
 Thana: Begunia
 Thana Number: 110

Tahasil: Begunia
 Tahasil Number: 267
 District: Khordha

Name of the Jamidar and Khewat or Khatian serial number					Odisha Government Khewat number 1	
1) Khatain Serial no					319	
2) Name of the Tenant, Father's name, caste and residence					GENERAL PUBLIC	
3) Satwa						
4) Payable	Water Tax	Khajana	Cess	Nistar Cess and other cess if any	Total	5) Cumulative Khajana description
6) Special annexure if any						
BLANK SPACE FOR STAMPING						
Last publication date- 23/03/1998						
Khajana date -						

Khatian Serial number- 319		Mouza - Chikka			District -Khordha	
Plot no & Chaka name	Kisam & Plot Name	Detail description of the Kisam & Chouhadi	Area			Remark
			Acres	Decimal	Hectares	
1071	CREMATORIUM		3	7750		
317	CREMATORIUM		2	4600		
343	CREMATORIUM		2	4500		
344	ROAD		1	1000		
347	ROAD		0	2300		
351	ROAD		0	0900		SCHOOL GARDEN
353	ROAD		0	0400		
359	ROAD		0	2900		
360	ROAD		0	0400		
361	ROAD		0	5700		
369	ROAD		0	2400		
190	ROAD		0	7900		
194	ROAD		0	0950		
197	ROAD		0	0400		
202	ROAD		0	0250		

219	ROAD		0	4550		
247	ROAD		0	2800		
280	ROAD		0	0900		
288	ROAD		0	3700		
389	ROAD		0	0500		
491	ROAD		0	0800		
494	ROAD		0	4000		
527	ROAD		0	3200		

The Hon'ble District Collector, Khurda District.

(... ..)

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... ..

Received

4.5.24
Receiving Officer
Collectorate, Khordha

Tahasildar, Bijuana,
Forest Ranger, Tangle, B.S.O., Bijuana
Tankin P.S.
... ..
... ..

... ..
... ..
... ..

ENGLISH TRANSLATION OF COMPLAINT LETTER DATED
22/05/2024

To The District Magistrate, Khordha

Subject- regarding the cutting of 5-10 feet width trees from our recorded land illegally.

Sir,

With due respect I Bankanidhi Mohanty, aged about 45 years, S/O Late Sesadeba Mohanty, resident of Laxminarayanpur, Po-SAgadabhanga, PS-Jankia, Dist- Khordha, beg to state that yesterday Surendra Behera president of Chimma Village, alongwith secretary Ganesh Mohanty S/O Jaladhar Mohanty, Ward member Kartika Behara S/O Madhaba Behara with some woodcutters forcefully entered to our private land which is our ancestral land and recorded in our father and his brothers name, and we also pay the tax over the land to the government. Above mentioned persons entered to our land and started felling the 100 years old fruit bearing trees and also other valuable trees having width 5-10 feet, more than 30 old full grown trees have been felled by them. Land details of the said plots are Khata no-239, Plot no-251,252,253 having kissam-Bagayat Dui and Patita.

When we started objecting the above mentioned people they started us scolding with filthy language and also threatened to kill us and to our family members, if we stop them from cutting the trees.

Therefore I request you to inquire into this matter and also to take legal action against the persons who felled trees illegally from our private land.

Khordha

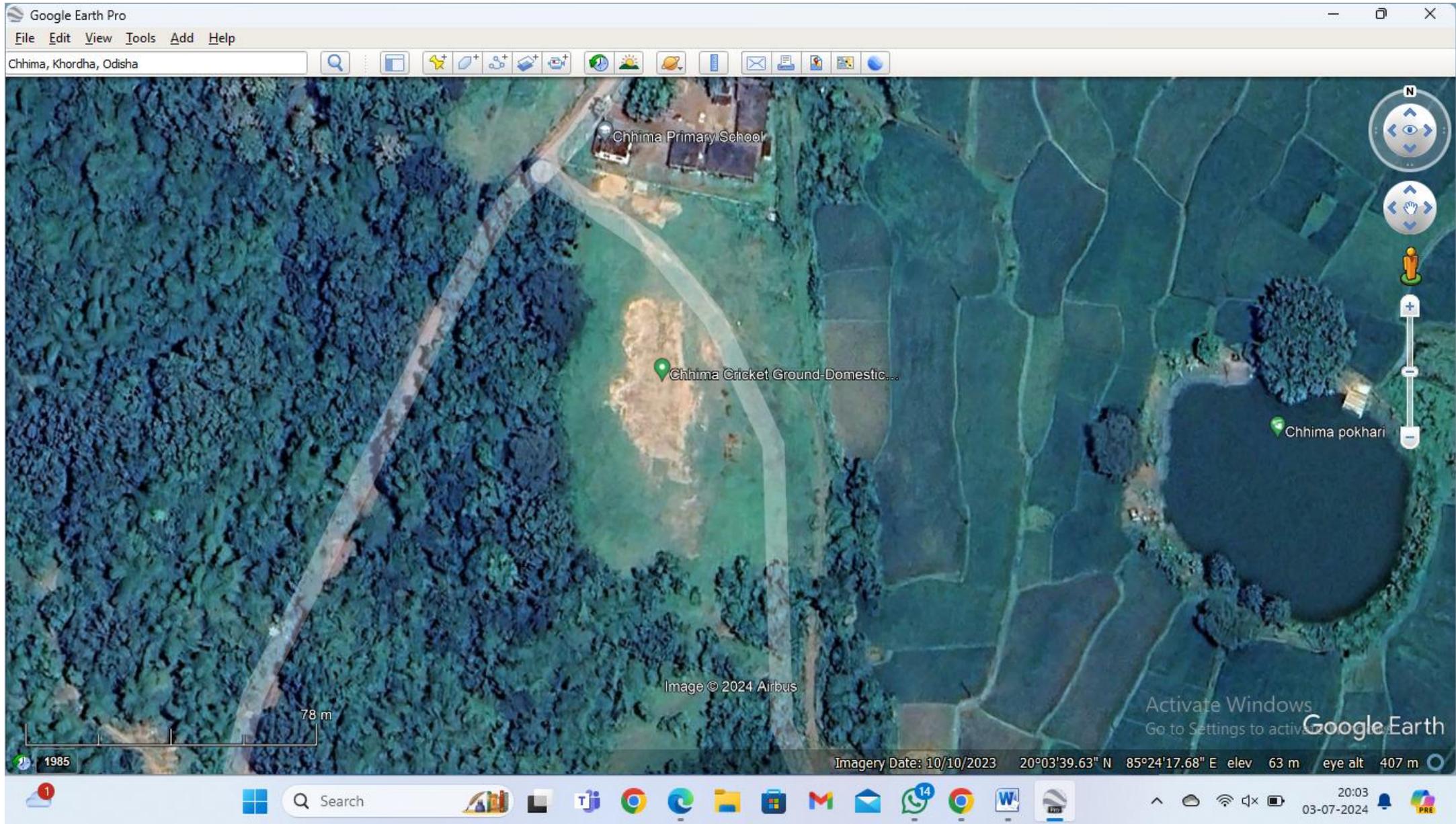
22/05/2024

Your's faithfully

Bankanidhi Mohanty

Copy forwarded to

1. Tahasildar Begunia
2. Forest Ranger Tangi
3. B.D.O Begunia
4. Junkia Police Station



Item No.06

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.117/2022/EZ

IN THE MATTER OF:

LOKANATH UPADHYAY,
Son of Biswanath Upadhyay,
Of Shasan Kandagaradi, Mukundapur,
Kandagaridi, Baleshwar,
Odisha-756042

.....Applicant(s)

Versus

- 1. UNION OF INDIA,**
Service through Secretary,
Ministry of Environment, Forest and Climate Change
Government of India, having its Office at Indira Paryavaran
Bhawan, Jor Bagh Road, New Delhi-110003,
- 2. THE STATE OF ODISHA,**
Service through Additional Chief Secretary,
Forest, Environment and Climate Change Department,
Government of Odisha, having its office at Kharavel Bhavan,
Bhubaneswar, Odisha
- 3. THE CHAIRMAN,**
Odisha State Pollution Control Board,
Government of Odisha, having its office at
Parivesh Bhavan, A/118, Nilakantha Nagar,
Unit-VIII, Bhubaneswar-751012,
- 4. MEMBER SECRETARY,**
Odisha State Pollution Control Board,
Having its office at paribesh Bhavan, A/118,
Nilakantha Nagar, Unit-VIII,
Bhubaneswar-751012,
- 5. THE DISTRICT MAGISTRATE,**
Balasore, having his office at Kacheri Road,
Vivekananda Marg, Manikhamb, Balasore,
Odisha-756001,
- 6. THE DIVISIONAL FOREST OFFICER,**
Balasore Wildlife Division, having his office at kuruda, Baleshwar,
Odisha-756056,
- 7. THE REGIONAL CHIEF CONSERVATOR OF FOREST,**
Bhanjpur, Baripada Circle,
Mayurbhanj, Odisha-757002,

8. THE TAHASILDAR NILGIRI,

P.S.-Nilgiri, District-Balasore, Odisha-756040,

9. KRUPASINDHU MOHANTY

(Biju Mohanty), son of Late Shyamasundar Mohanty,
Resident of Mukundapur,
Kandagaradi, Nilgiri, Balasore-756042,

.....Respondent(s)

Date of hearing: 13.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Mr. Tarun Patnaik, ASC for R-2,5,6,7 & 8 (in Virtual Mode),
Mr. Sankar Prasad Pani, Adv. for R-9 (in Virtual Mode),

ORDER

1. No one is present for the Applicant.
2. Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) has filed Vakalatnama on behalf of the Respondent No.9; Private Respondent.
3. The allegation in this Original Application is that about 79-80 trees have been cut-down at Baba Bisweswar Mahadev Bijesthal, situated in Khatian No. 731, Kandagaradi, under Mouza-Kandagaradi Gram Panchayat, P.S.- Niligiri, P.O.-Kandagaradi, Via-Bahanaga, District-Balasore. These trees comprise of Acacia, Neem, Mahaneem, Eucalyptus, Gambhari, Saguean (Teek Wood) species etc. It is stated that these trees have been cut-down for construction of a 'Ceremonial Hall'.
4. Reliance has been placed on the letter of the Revenue Inspector, Santaragadia, dated 24.05.2022 (page no. 29 of the paper book), addressed to the Tahasildar-Nilgiri, District-Balasore, stating therein that about 79 Aakashia trees have been cut-down at Plot No.578 near Biseswar Temple and have been stored inside the

boundary of Shree Krupasindhu Mohanty, (Respondent No.9 herein).

5. It is also stated that the trees in question would constitute a 'Forest' and no permission has been taken in this regard from the Central Government as required under Section 2 of the Forest (Conservation) Act, 1980, as well as from the State Government under the Orissa Preservation of Private Forests Rules, 1963.
6. Affidavit dated 09.11.2022 has been filed on behalf of Respondent No.5 i.e., Collector and District Magistrate, Balasore, wherein it is stated that the Respondent No.9 cut the trees on 23.05.2022 standing over Khata No.730, Plot No.577, for which permission had never been applied for and, in fact, permission had been sought in respect of Khata No.731, Plot No.578 but the trees were felled even before any order could be passed on the application seeking such permission. It is stated that the Revenue Inspector, Santargadia conducted a field inspection and stated that 79 acacia trees had been cut from the Plot No.577 having Kisam Patharbani and the same were seized and given Zimanama on 24.05.2022. It is also stated that U.D. Case No.03K of 2022-23 has been initiated by the Forest Range Officer, Kuldiha Wildlife Range, against the Respondent No.9.
7. The Tribunal noted that this affidavit does not disclose as to how 79 trees were cut down on Plot No.577 for which several labourers must have been engaged and none of the Revenue Officials discovered these facts till all the 79 trees had been cut down and carried away by the Respondent No.9. This affidavit also does not disclose the total value of the trees cut down and what steps have been taken for recovery of the same from the Respondent No.9.

8. Accordingly, the Counsel for the State Respondents was directed to file a fresh affidavit of the Divisional Forest Officer, Balasore Wildlife Division, Respondent No.6, disclosing the total value of the trees cut down; what action has been taken for recovery of the value of the trees from the Respondent No.9; and what action is proposed for replacement of the trees through the process of afforestation.
9. The Divisional Forest Officer, Balasore, was also directed to determine the Environmental Compensation in addition to the penalty and the monetary value of the trees which have been cut down which has to be recovered from the Respondent No.9 including the cost of afforestation.
10. The Tribunal also noted that the affidavit of the State Respondents dated 09.11.2022 also does not disclose as to who was the officer of the State responsible for carrying out of regular inspections and as to how it escaped the notice of this officer that 79 trees had been cut down and carted away by the Respondent No.9, but no action was taken by the officer to prevent the illegal cutting of the trees.
11. The State Respondents were also directed to disclose the name of the officer due to whose lapse 79 trees were allowed to be cut and who has thus connived with the Respondent No.9 to carry away the logs to the premises of the Respondent No.9 and what disciplinary action has been taken against the officer concerned.
12. Affidavit dated 12.12.2022 has been filed by the Respondent No.6, Divisional Forest Officer, Balasore Wildlife Division, stating therein that on 05.06.2022 the Range Officer, Kuldiha Wildlife Range, after getting information from the villagers of Kandagaradi and Iswarpur Gram Panchayat regarding illegal felling of trees over Plot No. 577,

Khata No. 730, having Kissam-Patharbani, under the ownership of Abad Ajogya Anabadi (AJA) in Tahasil-Nilgiri near Bisweswar Mahadev Temple, had visited the spot in the presence of concerned Forest Officials and it was ascertained by him that 45 acacia trees had been felled by some unknown person/persons. However, this affidavit also states that the Revenue Inspector, Santaragadia seized 79 acacia logs on 24.05.2022 i.e., the outturn of above 45 acacia trees and kept the same in the custody of the Respondent No.9 on Zimanama.

13. It is also stated that U.D. Case No. 03K of 2022-23 under Orissa Timber & Other Forest Produce Transit Rules, 1980, was initiated on 05.06.2022 and 79 acacia logs (59 round logs and 120 poles) were seized and a seizure memo was prepared. It is also stated that investigation was undertaken by the Range Officer, Kuldiha Wildlife Range and a preliminary enquiry was also carried out by the Forester, Panchalingeswar Section, Kuldiha Wildlife Range, and it transpired in the preliminary inquiry that person/persons involved in such felling of trees could not be traced.
14. In the affidavit, it is also stated that a further enquiry was conducted by the Range Officer, Kuldiha Wildlife Range, Nilgiri, in relation to the U.D. Case No. 03K of Kuldiha Wildlife Range, Nilgiri under Sub-rule (2) of Rule (4) of the Orissa Forest (Detection, Enquiry & Disposal of Forest Offences) Rules, 1980, and during enquiry it emerged that 45 acacia trees were cut-down by some unknown persons for construction of Kalyan Mandap.
15. However, the joint verification revealed that trees had been felled on Plot No. 577, Khata No. 730 and came to light for the first time when a complaint dated 03.06.2022 was filed by one Jaydev Behera

and others of Kandagaradi and Iswarpur Gram Panchayat in the Office of the Divisional Forest Officer.

16. It is further stated in the affidavit that the Divisional Manager, Odisha Forest Development Corporation Limited, Baripada (Commercial) Division, Baripada, has computed the total value of seized produce i.e., 79 logs, @ Rs. 6283/- (Rupees Six Thousand Two Hundred and Eighty Three only).
17. Further affidavit dated 17.01.2023 has been filed by the Respondent No.5., Collector & District Magistrate, Balasore, stating therein that 45 acacia trees over Plot No. 577 which is Kissam Patharbani under Khata No. 731 of Mouza-Kandagaradi, Santaragadia R.I. Circle in Nilgiri Tahasil, were cut-down by unknown person/persons using machines. It is also stated that 79 logs of acacia trees were seized by Revenue Inspector, Santaragadia and Zimanama was given to the Respondent No.9 for keeping the same.

It could not be ascertained as to whether the Respondent No.9 was the person who had cut-down 45 acacia trees even though the 79 logs were found in the house of Respondent No.9 which was not near the Plot No. 577 and ultimately the custody of acacia logs was handed over to the Forest Guard, Santaragadia.
18. It is also stated that, *prima-facie*, no material has been found by the Divisional Forest Officer against the concerned Revenue Inspector showing any latches on his part since it was he who reported the incident of felling of 45 trees to his superior officer, the Tahasildar-Nilgiri immediately.
19. The Respondent No.9, Private Respondent, has filed affidavit dated 12.04.2023, and his case is that the land in question is not forest

land but 'Patharbani' and acacia species of plant has been exempted under the Orissa Timber and Other Forest Produce Transit Rules, 1980, from the purview of permit as per the Schedule-III and Rule 5(1) J of the Rules, 1980, and, therefore, felling of these trees does not constitute any offence.

20. Rule 4 of the Orissa Timber and Other Forest Produce Transit Rules, 1980, (hereinafter referred to as 'Transit Rules, 1980') requires that forest produce in transit by land, rail or water, shall be covered by a permit known as 'Transit Permit' to be issued by the Divisional Forest Officer or by the Assistant Conservator of Forests authorized by him in that behalf. Rule 4 of the Transit Rules, 1980 reads as under:-

“4. Transit permit - *Except as provided in Rule 5, all forest produce in transit by land, rail or water shall be covered by a permit hereinafter called the “Transit Permit” to be issued free of cost by the Divisional Forest Officer or by the Assistant Conservator of Forests, authorized by him in that behalf:*

Provided that the Range Officer or a Forester when duly authorized in that behalf by the Divisional Forest Officer may issue transit permit in cases where no verification at the stump site is necessary:

Provided further that in respect of a minor forest produce collected by the Orissa State Tribal Development Co-operative Corporation Ltd., a Branch Manager or a Divisional Manager and in respect of tassar cocoon collected by the State Tassar Co-operative Society Ltd., Orissa, the Assistant Director of Sericulture can issue transit permits:”

21. Rule 5 of the Transit Rules, 1980, provides that no Transit Permit shall be required to cover transit of forest produce in the cases mentioned therein. Rule 5 of the Transit Rules, 1980, reads as under:-

“5. Cases in which permit shall not be required - (1) No transit permit shall be required to cover transit of forest produce in the following cases, namely:

- (a) for the transit from the contract area of forest produce purchased by the Forest Contractors whose contracts are governed by the Orissa Forest Contract Rules and duly covered by a coupe permit;
- (b) for the transit of forest produce whose removal is covered by Forest Department permits;
- (c) for the transit of minerals leased out under the Mineral Concession Rules;
- (d) for the transport of 1 [Bamboo] timber and fire-wood bearing Orissa Forest Departments hammer mark where removal is covered by depot permit;
- (e) for removal of forest produce other than timber, bamboos and minerals of any description required by transits, having recognized rights under any law in force for their bona fide domestic use but not for trade or barter subject to the condition that Tribals can transport or possess up to fifty Kgs. of tamarind and ten bundles of hill brooms without transit permit;
- (f) for timbers not grown in India;
- (g) for timber that is cut or fashioned otherwise than is usually done before timber is removed from the forests or the saw mills and saw pits;
- (h) for fire-wood not exceeding one head load;
- (i) for transport of minor forest produce within the district except lac, tassar, myrabolans, gums and resin, root or patalagaruda, sal seed, tamarind and hill brooms, subject to such limit of transport and storage without transit permit as may be notified by State Government in the Official Gazette for different items;

(2) When any forest produce removed by permits referred to in Clauses (a) (b) and (d) of Sub-rule (1), are unloaded at their destinations, they cannot be transported under the authority of the said permits unless transit permits are obtained under Rule 4.”

22. The contention of the Respondent No.9 is that the Transit Rules, 1980, does not apply to acacia trees.
23. In the present case, what we find is that inquiry carried out by the Revenue Inspector, Sangaragadia, as well as the Divisional Forest Officer, Balasore, confirm that 45 acacia trees were cut and converted into 79 logs and the same were kept in the house of Krupasindhu Mohanty, Respondent No.9, from where they were seized by the Revenue Inspector, Santaragadia and Zimanama was given to the Respondent No.9.
24. The contention of the Respondent No.9 is that the land in question is not notified as Private Forest and, therefore, the Orissa Preservation of Private Forests Rules, 1963, is not applicable in the present case.
25. Be that as it may, the fact remains that 79 logs of acacia being the outturn of 45 acacia trees were recovered from the house of the Respondent No.9, Krupasindhu Mohanty, and thereafter seized by the Revenue Inspector, Santaragadia. The land i.e., Plot No.577, Khata No.730 in Mouza-Kandagaradi under Nilgiri Tahasil, is recorded as Patharbani. This is Government land and, therefore, the trees standing on the said plot were the property of the Government. Whether land is declared as a Forest land (revenue or otherwise) is completely immaterial for purposes of the present case. The Hon'ble Supreme Court in (1997) 2 SCC 267 (*T.N. Godavarman Thirumulpad vs. Union of India & Ors.*) has held that the meaning of the word 'forest' shall be the same as given in the dictionary and, therefore, it cannot be said that 45 acacia trees standing on Plot No. 577 under Khata No.730 did not constitute 'forest'. The land being Government land, permission for felling of

the trees was required from the Divisional Forest Officer, Balasore or the Assistant Conservator of Forest or the Range Officer or the Forester duly authorized by the Divisional Forest Officer as per Rule 4 of the Transit Rules, 1980, already reproduced hereinabove.

26. It is also immaterial whether acacia trees are covered by the Transit Rules, 1980, or not. Form-III of the Transit Rules, 1980, do not contain any provisions excepting acacia trees from the application of Transit Rules, 1980. 45 acacia trees standing on Government land would, in terms of the definition of 'forest' as held by the Hon'ble Supreme Court in *T.N. Godaverman Thirumulpad* (Supra), constitute forest produce.

27. The fact that the 79 logs comprising the outturn of 45 acacia trees were found from the house of the Respondent No.9, Krupasindhu Mohanty, without any proper permit in this regard, would constitute an offence under Section 8-A of the Transit Rules, 1980, as introduced by the amendment of 1st July, 2006, which provides that the Divisional Forest Officer, may from time to time notify the places other than rail heads, river banks, saw mills and factory premises, wherefrom owners having depots of timber and firewood billets bearing Forest Department hammer mark and bamboo, may remove such material by using depot permits issued previously by or with the permission of the Divisional Forest Officer. Section 8-A reads as under:-

“[8-A. Depot permit - *The Divisional Forest Officer may from time to time notify the places other than rail heads, river banks, saw mills and factory premises, wherefrom owners having depots of timber and firewood billets bearing Forest Department hammer mark and bamboo, may remove such material by using depot permits issued previously by or with the permission of the Divisional Forest Officer.]”*

28. Section 21 of the Notification 2006 further amends the Transit Rules, 1980, and provides that whoever contravenes any of the provisions of these rules shall be punished with imprisonment of a term which may extend to five years and with fine which may extend to five thousand rupees. Section 21 reads as under:-

“[21. Penalties - *Whoever contravenes any of the provisions of these rules shall be punished with imprisonment of a term which may extend to five years and with fine which may extend to five thousand rupees:*

Provided that where offence is committed after sunset and before sunrise, or after preparation for resistance to lawful authority or where the offender has been previously convicted for a like offence, the offender shall be inflicted punishment with imprisonment for a term which shall not be less than three years but which may extend to seven years and with fine which may extend to ten thousand rupees].”

29. We also find that though the Divisional Manager, Orissa Forest Development Corporation Limited, Baripada (C) Division, has computed the market value of the felled acacia trees @ Rs. 6283/- (Rupees Six Thousand Two Hundred and Eighty Three only), this constitutes only the value of the timber and not the Net Present Value, which would constitute the loss caused to the environment as a result of felling of trees.

30. It has been sought to be argued on behalf of the Respondent No.9 that the value of the trees is negligible.

31. We are not in agreement with the submissions of the Respondent No.9. Trees not only produce oxygen but absorb carbon-dioxide from air and also store carbon, the same thus reducing the carbon footprints in the atmosphere and, therefore, the loss caused to the environment as a result of felling of trees needs to be computed.

32. We, therefore, dispose of this Original Application with a direction to the State Respondents, Government of Odisha, to take appropriate criminal action against the Respondent No.9 under the Transit Rules, 1980, by lodging FIR.
33. The Divisional Forest Officer, Balasore Wildlife Division, shall also determine the Environmental Compensation i.e., the Net Present Value of the trees, and same may be recovered from the Respondent No.9 after giving him an opportunity of being heard.
34. The Environmental Compensation so recovered shall be utilized toward Compensatory Afforestation as well as restoring the Plot No.577, Khata No. 730 of the trees denuded therefrom.
35. I.As. if any, stands disposed of accordingly.
36. There shall be no order as to costs.

.....
B. Amit Sthalekar, JM

.....
Dr. Afroz Ahmad, EM

April 13, 2023,
Original Application No.117/2022/EZ
AK

NGT

Item No.04

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 555/2024

News item titled "India lost 2.33 million hectares of tree cover since 2000 Global Forest Watch" appearing in The Indian Express date 13.04.2024.

Date of hearing: 20.05.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "India lost 2.33 million hectares of tree cover since 2000 Global Forest Watch" appearing in The Indian Express date 13.04.2024.

2. The matter relates to the loss of 2.33 million hectares of tree cover since 2000 in India, equivalent to a six per cent decrease in tree cover during this period. The article cites the Global Forest Watch, which tracks forest changes in near real-time using satellite data and other sources. According to its data, the country lost 4,14,000 hectares of humid primary forest (4.1 per cent) from 2002 to 2023, making up 18 per cent of its total tree cover loss in the same period.

3. The news item further alleges that between 2001 and 2022, forests in India emitted 51 million tons of carbon dioxide equivalent a year and removed 141 million tons of carbon dioxide equivalent a year. This represents a net carbon sink of 89.9 million tons of carbon dioxide equivalent a year. It states that an average of 51.0 million tons of carbon dioxide equivalent per year was released into the atmosphere as a result

of tree cover loss in India. In total, 1.12 gigatons of carbon dioxide equivalent was emitted during this period.

4. The news item further elaborates that forests are both a sink and a source for carbon, removing carbon dioxide from the air when standing or regrowing and emitting it when cleared or degraded. Loss of forests, thus, accelerates climate change. Tree cover loss is not always deforestation, which typically refers to human-caused, permanent removal of natural forest cover. It includes both human-caused loss and natural disturbances. Examples of tree cover loss that may not meet the definition of deforestation include loss from logging, fire, disease or storm damage. The data showed that 95 per cent of the tree cover loss in India from 2013 to 2023 occurred within natural forests.

5. As per the article, The GFW data showed that five states accounted for 60 per cent of all tree cover loss between 2001 and 2023. Assam had the maximum tree cover loss at 324,000 hectares compared to an average of 66,600 hectares. Mizoram lost 312,000 hectares of tree cover, Arunachal Pradesh 262,000 hectares, Nagaland 259,000 hectares, and Manipur 240,000 hectares.

6. The news item quotes data from the Food and Agriculture Organization, which states that the rate of deforestation in India was 668,000 hectares per year between 2015 and 2020, the second highest worldwide.

7. The above matter indicates violation of the provisions of Forest Conservation Act, 1980, Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986.

8. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

9. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

10. Hence, we implead the following as respondents in the matter:

- (i). Central Pollution Control Board, through its Member Secretary Parivesh Bhawan, East Arjun Nagar, Delhi-110032
- (ii). Ministry of Environment and Forest, through its Secretary, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi – 110003.
- (iii). Survey of India, through its Director, Hathibarkala Estate, Dehradun, PIN - 248 001,

11. Issue notice to the respondents for filing there response.

12. Respondent No. 3, Director, Survey of India will submit a report showing the position of forest cover in India with specific reference to northeast from the year 2000 onwards with each five year interval covering the period upto March, 2024. Let the report/response be filed at least one week before the next date of hearing.

13. List on 28.08.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

May 20, 2024
OA No. 555/2024
HB

ଶଗଡ଼ଭଙ୍ଗାରେ ବେଆଇନ ଗଛକଟା ଓ ଜବରଦଖଲରୁ ଉଦ୍ଧେଜନା

ବେଗୁନିଆ, ୧୫.୬(ଆ. ପ୍ର): ବେଗୁନିଆ ବ୍ଲକର ଶଗଡ଼ଭଙ୍ଗା ଗ୍ରାମ ପଞ୍ଚାୟତ ଅନ୍ତର୍ଗତ ଲକ୍ଷ୍ମୀ ନାରାୟଣପୁର ଗ୍ରାମର ଜଣେ ବ୍ୟକ୍ତିଙ୍କ ଜମିରେ ସରକାରୀରାସ୍ତା ନିର୍ମାଣ ଆଳ ଦେଖାଇ ନିକଟବର୍ତ୍ତୀ ଛିମା ଗ୍ରାମର କେତେକ ପ୍ରଭାବ ଶାଳା ବ୍ୟକ୍ତି ଜୋରଜବରଦସ୍ତ ୩୦ଟି ମୂଲ୍ୟବାନ ପୁରୁଣା ଆମ୍ବ ଗଛକୁ ବେଆଇନ ଭାବେ କାଟି ନେଇଥିବା ଅଭିଯୋଗ ହୋଇଛି । ଯାହାକୁ ନେଇ ଉଭୟ ଗୋଷ୍ଠୀ ମଧ୍ୟରେ ଚାପା ଉଠେଇନା କାରି ରହିଥିବା ବେଳେ ପ୍ରଶାସନର ନୀରବତାକୁ ନେଇ ସାଧାରଣରେ



ପ୍ରଶ୍ନ ବା ତା 1 ସୃଷ୍ଟି ହୋଇଛି । ବେଗୁନିଆ ତହସିଲ ସିକୋ ରାଜସ୍ୱ ବିଭାଗ ଅଧୀନସ୍ଥ ଲକ୍ଷ୍ମୀନାରାୟଣପୁର ଗ୍ରାମର ବାଙ୍କନିଧି ମହାନ୍ତିଙ୍କ ଛିମା ମୌଜାରେ ଥିବା ଗଛ ଜମିରୁ ଗଛ କଟାଯାଇଥିଲା । ବିନା ପ୍ରମାଣରେ ଏହି ଜମି ଉପରେ ବେତରଜଙ୍ଗ-ରଣପୁର ଗ୍ରାମ୍ୟ ଉନ୍ନୟନ ରାସ୍ତା ନିର୍ମାଣ ଆଳ ଦେଖାଇ ସ୍ଥାନୀୟ ଛିମା ଗ୍ରାମର ସଭାପତି ସୁରେନ୍ଦ୍ରକୁମାର ବେହେରା, ସମ୍ପାଦକ ବିକାଶ ମହାନ୍ତି ଓ ଶ୍ରୀତପସ୍ୟ କାର୍ତ୍ତିକ

ବେହେରା ପ୍ରମୁଖ ବଲ୍ଲଭ ବେହେରାଙ୍କ ଦ୍ୱାରା ଜବରଦସ୍ତ ଗଛ କାଟି ଲୁଚିନେଇଛନ୍ତି । ଆମ୍ବଗାୟତ ମାଲିକଙ୍କ ତରଫରୁ ଏହାର ପ୍ରତିବାଦ କରିବାରୁ ଅଭିଯୁକ୍ତ ମାନେ ତାଙ୍କୁ ମାରିଦେବାକୁ ଧମକ ଦେଇଛନ୍ତି । ଏ ସମ୍ପର୍କରେ କ୍ଷତିଗ୍ରସ୍ତ ଅଭିଯୋଗକାରୀଙ୍କ ପକ୍ଷରୁ ଜଙ୍କିଆ ଥାନା, ବେଗୁନିଆ ତହସିଲଦାର, ଟାଙ୍ଗୀ ବନଖଣ୍ଡ ଅଧିକାରୀ, ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲାପାଳଙ୍କ ନିକଟରେ ଅଭିଯୋଗ କରାଯାଇଛି । ସେହିପରି ଖୋର୍ଦ୍ଧା କାର୍ଯ୍ୟ ନିର୍ବାହୀ ମାଜିଷ୍ଟ୍ରେଟଙ୍କ ଦ୍ୱାରା ୧୪୪ଧାରା ଜାରି କରାଯାଇଥିବାବେଳେ ଉକ୍ତ ଜମିରେ ଏହି ଅଭିଯୁକ୍ତମାନେ ଅବାଧ ପ୍ରବେଶକରି ଜବରଦଖଲ କରିବାକୁ ଉଦ୍ୟମ ଚଳାଇଥିବା ଜଙ୍କିଆ ଥାନାରେ ଅଭିଯୋଗ ହୋଇଛି । ଏହାକୁ ନେଇ ଏଠାରେ ବଡ଼ଧରଣର ଗଣ୍ଡଗୋଳ ହେବାର ଆଶଙ୍କା ରହିଛି । ଯେଉଁ ଘଟଣା ସମ୍ପର୍କରେ ବିଭାଗୀୟ ଅଧିକାରୀ ତୁରନ୍ତ ଦୃଷ୍ଟିଦେଇ ନିରପେକ୍ଷ ତଦନ୍ତ କରିବାକୁ ସ୍ଥାନୀୟ ଅଞ୍ଚଳ ବାସୀ ଦାବି କରିଛନ୍ତି ।

ସମ୍ପାଦ

ରାସ୍ତା ଆଳରେ କାଟିନେଲେ ଗଛ

ବେଗୁନିଆ, ୧୫/୬(ଉପସ): ରାସ୍ତା ଆଳ ଦେଖାଇ ଜଣଙ୍କ ବ୍ୟକ୍ତିଗତ ଜମିରୁ ବହୁ ପୁରାତନ ଗଛ କାଟି ନେଇଛନ୍ତି କେତେକ ପ୍ରଭାବଶାଳୀ । ଏଭଳି ଘଟଣା ଘଟିଛି ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲା ବେଗୁନିଆ ବ୍ଲକର ଶଗଡ଼ଭଙ୍ଗା ପଞ୍ଚାୟତ ଲକ୍ଷ୍ମୀନାରାୟଣପୁର ଗ୍ରାମରେ । ଏନେଇ ଜଙ୍କିଆ ଥାନାରେ ଅଭିଯୋଗ ହୋଇଛି ଏବଂ ଘଟଣାକୁ ନେଇ ଗାଁରେ ଚାପା ଉଠେଇନା ଦେଖାଦେଇଛି ।



ନିର୍ବାହୀ ଅଧିକାରୀ ଓ ଗ୍ରିନଟ୍ରିପ୍ସ୍‌ନାଲରେ ଅଭିଯୋଗ କରାଯାଇଛି । ଛିମା ମୌଜାର ଖତିୟାନ ନମ୍ବର ୨୩୯ରେ ପୁଟ ନମ୍ବର-୨୫୧,୨୫୨ ଓ ୨୫୩ରେ ଖୋର୍ଦ୍ଧା କାର୍ଯ୍ୟ ନିର୍ବାହୀ ମାଜିଷ୍ଟ୍ରେଟଙ୍କ ଦ୍ୱାରା ୧୪୪ଧାରା ଜାରି କରାଯାଇଥିବାବେଳେ ଏହି ଜମିରେ ଏହି ଅଭିଯୁକ୍ତମାନେ ଏହାକୁ ଅବମାନନାକରି ପୁନର୍ବାର ଅବାଧ ପ୍ରବେଶକରି ଜବରଦଖଲ କରିବାକୁ ଉଦ୍ୟମ ଚଳାଇଥିବା ଜଙ୍କିଆ ଥାନାରେ ଅଭିଯୋଗ ହୋଇଛି ।

ସୂଚନା ମୁତାବକ ବେଗୁନିଆ ତହସିଲ ସିକୋ ରାଜସ୍ୱ ବିଭାଗ ଅଧୀନ ଲକ୍ଷ୍ମୀ ନାରାୟଣପୁର ଗ୍ରାମର ବାଙ୍କନିଧି ମହାନ୍ତିଙ୍କ ଛିମା ମୌଜାରେ ଥିବା ଖତିୟାନ ନମ୍ବର-୨୩୯, ପୁଟ ନମ୍ବର-୨୫୧, ଏରିଆ-୦.୧୯୦୭୭୧୧୧୧୧, କିସମ ଆମ୍ବ ବଗାୟତ ପୁଟ ନମ୍ବର -୨୫୨, ଏରିଆ-୦.୦୪୫୭୧୧୧୧୧୧, କିସମ-ପତିତ ଓ ପୁଟନମ୍ବର-୨୫୩, ଏରିଆ-୦.୦୭୦୭୧୧୧୧୧୧ ପରିମିତ ଜମିରେ ପ୍ରାୟ ୧୦୦ ବର୍ଷରୁ ଉର୍ଦ୍ଧ୍ୱ ହେବ ୫୫୫୫୫୫୫୫୫୫ ଗୋଲେଇର ବିରାଟ ବିରାଟଆମ୍ବ ଗଛ ସହ ବିଭିନ୍ନ ମୂଲ୍ୟବାନ ଗଛ ରହିଥିଲା । ବିନା

ପ୍ରମାଣରେ ଏହି ଜମି ଉପରେ ବେତରଜଙ୍ଗ-ରଣପୁର ଗ୍ରାମ୍ୟ ଉନ୍ନୟନରାସ୍ତା ନିର୍ମାଣ କରାଯିବାର ଆଳ ଦେଖାଇ ସ୍ଥାନୀୟ ଛିମା ଗ୍ରାମର ସଭାପତି ସୁରେନ୍ଦ୍ରକୁମାରବେହେରା, ସଂପାଦକ ବିକାଶ ମହାନ୍ତି ଓ ଶ୍ରୀତପସ୍ୟ କାର୍ତ୍ତିକ ବେହେରା ସ୍ଥାନୀୟ ପିଣ୍ଡାମୂଳ ଗ୍ରାମର ବେଆଇନ ଗଛକଟାଳୀ ବଲ୍ଲଭ ବେହେରା ଦ୍ୱାରା ପ୍ରାୟ ୨୯୯୯୯୯୯୯୯୯୯୯

୩୦ଟି ଗଛ ବେଆଇନ ଭାବେ ଜବରଦସ୍ତ କାଟି ନେଇଛନ୍ତି । ଏହାର ପ୍ରତିବାଦ କରିବାରୁ ଅଭିଯୁକ୍ତମାନେ ତାଙ୍କୁ ଜୀବନରେ ମାରିଦେବାକୁ ଧମକ ଦେଇଛନ୍ତି । ଏସଂପର୍କରେ କ୍ଷତିଗ୍ରସ୍ତଙ୍କ ପକ୍ଷରୁ ଜଙ୍କିଆ ଥାନା, ବେଗୁନିଆ ତହସିଲଦାର, ଟାଙ୍ଗୀ ବନଖଣ୍ଡ ଅଧିକାରୀ, ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲାପାଳ, ଗ୍ରାମ୍ୟ ଉନ୍ନୟନ ସଂସ୍ଥାର କାର୍ଯ୍ୟ

ବିଭାଗୀୟ ପ୍ରଶାସନିକ ଅଧିକାରୀମାନେ ଏହାର ତଦନ୍ତ କରୁ ନଥିବାରୁ ଅଭିଯୋଗକାରୀଙ୍କ ମନରେ ଖୋଲ ପ୍ରକାଶ ପାଇଛି । ଏଥିପ୍ରତି ବିଭାଗୀୟ ଉଚ୍ଚକର୍ତ୍ତୃପକ୍ଷ ତୁରନ୍ତ ଦୃଷ୍ଟିଦେଇ ନିରପେକ୍ଷ ତଦନ୍ତକରି ଏହି ସମସ୍ୟାର ତୁରନ୍ତ ସମାଧାନ କରିବାକୁ ସ୍ଥାନୀୟ ଅଞ୍ଚଳବାସୀ ଦାବି କରିଛନ୍ତି । ନଚେତ ଭବିଷ୍ୟତରେ ଯଦି ଏଠାରେ କୌଣସି ଅପ୍ରାକୃତ ପରିସ୍ଥିତି ସୃଷ୍ଟି ହୁଏ ତାହାଲେ ସେଥିପାଇଁ ପ୍ରଶାସନ ଦାୟୀ ରହିବେ ବୋଲି ସାଧାରଣରେ ମତ ପ୍ରକାଶ ପାଇଛି ।

ବେଆଇନ ଭାବେ ୩୦ ଗଛ କାଟି ନେଲେ

■ ନିରାକାରପୁର, ଗଂୱା-୧୫ (୧୮-୧୧-୧୯) ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲା ଜଳିଆ ଥାନା ଶରତଭଙ୍ଗା ଗ୍ରାମ ପଞ୍ଚାୟତ ସିକୋ ପାଣ୍ଡି ରାଜସ୍ୱ ବିଭାଗ ଅନ୍ତର୍ଗତ ଲକ୍ଷ୍ମୀନାରାୟଣପୁର ଗ୍ରାମର ଜନୈକ ବ୍ୟକ୍ତିଙ୍କ ଜମିରେ ସରକାରୀ ରାସ୍ତା ନିର୍ମାଣ ଆଇଦେଖାଇ ନିକଟବର୍ତ୍ତୀ ଛିମାଗ୍ରାମର କେତେକ ପ୍ରଭାବଶାଳୀ ବ୍ୟକ୍ତିଙ୍କୋରଜବରଦସ୍ତଆମ୍ବୁବଗାୟତ ବିଶିଷ୍ଟ କିସମ ଥିବା ଜମିରୁ ୩୦ ଗୋଟି ଆମ୍ବୁଗଛକୁ ବେଆଇନଭାବେ କାଟି ନେଇଥିବା ଅଭିଯୋଗ ବିଭାଗ ନିକଟରେ ହୋଇଥିବା ଜଣାପଡ଼ିଛି । ଯାହାକୁ ନେଇ ଉଭୟ ଗୋଷ୍ଠୀ ମଧ୍ୟରେ ତାପା ଉଭେଜନା ଲାଗି ରହିଛି । ପ୍ରକାଶ ଯେ, ବେଗୁନିଆ ତହସିଲ ସିକୋ ରାଜସ୍ୱ ବିଭାଗ ଅଧିକାରୀ ଲକ୍ଷ୍ମୀନାରାୟଣପୁର ଗ୍ରାମର ବାଳନିଧି ମହାନ୍ତିଙ୍କ ଛିମା ମୌଜାରେ ଥିବା ଖତିଯାନନମ୍ବର-୨୩୯, ପୁଟ ନମ୍ବର-୨୫୧, ଏରିଆ-



ଥାନାରେ ଅଭିଯୋଗ

୦.୧୯୦୦ଟିସିମିଲି, କିସମ ଆମ୍ବୁ ବଗାୟତ ପୁଟନମ୍ବର-୨୫୨, ଏରିଆ- ୦.୦୪୫୦ଟିସିମିଲି, କିସମ-ପଟିତ, ଓ ପୁଟ ନମ୍ବର- ୨୫୩, ଏରିଆ- ୦. ୦୭୦୦ଟିସିମିଲି ପରିମିତ ଜମିରେ ତାଙ୍କର ଆମ୍ବୁ ଗଛସହ ବିଭିନ୍ନ ମୂଲ୍ୟବାନ ଗଛ ରହିଥିଲା । ବିନା

ପ୍ରମାଣରେ ଏହି ଜମି ଉପରେ ବେତରଜଙ୍ଗ-ରଣପୁର ଗ୍ରାମ୍ୟ ଉନ୍ନୟନରାସ୍ତା ନିର୍ମାଣ କରାଯିବାର ଆଇଦେଖାଇ ସ୍ଥାନୀୟ କିଛି ଲୋକ ଏଥିରୁ କିଛି ଗଛ କରିଥିବା ଅଭିଯୋଗ ହୋଇଥିବା ଜଣାପଡ଼ିଛି । ମାଲିକଙ୍କ ତରଫରୁ ଏହାର ପ୍ରତିବାଦ

କରିବାରୁ ଅଭିଯୁକ୍ତମାନେ ତାଙ୍କୁ ଜାବନରେ ମାରିଦେବାକୁ ଧମକ ଦେଇଛନ୍ତି । ଏସଂପର୍କରେ କ୍ଷତିଗ୍ରସ୍ତ ଅଭିଯୋଗକାରୀଙ୍କ ପକ୍ଷରୁ ଜଳିଆ ଥାନା, ବେଗୁନିଆ ତହସିଲଦାର, ଟାଙ୍ଗା ବନଖଣ୍ଡ ଅଧିକାରୀ, ଖୋର୍ଦ୍ଧା ଜିଲ୍ଲାପାଳ, ଭୁବନେଶ୍ୱରସ୍ଥିତ ଗ୍ରାମ୍ୟଉନ୍ନୟନ ସଂସ୍ଥାର କାର୍ଯ୍ୟନିର୍ବାହୀ ଅଧିକାରୀ ଓ ଗ୍ରାମଶୁଭିକାରୀମାନେ

ଅଭିଯୋଗ କରାଯାଇଥିବାବେଳେ ଉକ୍ତ ଛିମାମୌଜାର ଖତିଯାନ ନମ୍ବର୨୩୯ର ପୁଟନମ୍ବର-୨୫୧, ୨୫୨ ଓ ୨୫୩ରେ ଖୋର୍ଦ୍ଧା କାର୍ଯ୍ୟ ନିର୍ବାହୀ ମାଜିଷ୍ଟ୍ରେଟଙ୍କ ଦ୍ୱାରା ୧୪୪ଧାରା ଜାରି କରାଯାଇଥିବା ବେଳେ ଉକ୍ତ ଜମିରେ ଏହି ଅଭିଯୁକ୍ତମାନେ ଏହାକୁ ଅବମାନନାକରି ପୁନର୍ବାର ଅବାଧ ପ୍ରବେଶ କରି ଜବରଦଖଲ କରିବାକୁ ଉଦ୍ୟମଚଳାଇଥିବା ଜଳିଆ ଥାନାରେ ଅଭିଯୋଗ ହୋଇଛି । ୧୪୪ ଧାରା ବ୍ୟତୀତ ଅନ୍ୟ ସମସ୍ତ ବିଭାଗୀୟ ପ୍ରଶାସନିକ ଅଧିକାରୀମାନେ ଏହାର ତଦନ୍ତ କରୁନଥିବାରୁ ଅଭିଯୋଗକାରୀଙ୍କ ମନରେ କ୍ଷୋଭ ପ୍ରକାଶ ପାଇଛି । ଏଥିପ୍ରତି ବିଭାଗୀୟ ଉଚ୍ଚକର୍ତ୍ତୃପକ୍ଷ ତୁରନ୍ତ ଦୃଷ୍ଟିଦେଇ ନିରପେକ୍ଷତଦନ୍ତକରି ଏହି ସମସ୍ୟାର ତୁରନ୍ତ ସମାଧାନ କରିବାକୁ ସ୍ଥାନୀୟ ଅଂଚଳବାସୀ ଦାବି କରିଛନ୍ତି ।

ENGLISH TRANSLATION OF NEWS PUBLISHED ON 16/06/2024

MORE THAN 30 TREES FELLED ILLEGALLY

It has been reported to the department that some influential people of nearby Chima village have illegally felled 30 mango trees from the land with vigorous mango growing varieties after overlooking the construction of a government road on the private land of Laxminarayanpur village under Shagadbhanga village panchayat Siko fandi revenue department of Khurda district. Due to which there is tension between the two groups. It has been revealed that Khatiyaan No.-239, Plot No.-251, Area-0.190 decimal, Kissam- Amba Bagayat(mango garden) of Chima Mauza belongs to Bankanidhi Mohanty of Laxminarayanpur village under R.I circle of Sico, Tehsil Begunia, Plot no- 252 area- 0.245 decimal kissam- patita, and plot no- 253, area 0.70 decimal in these plots he had mango trees and various valuable trees. It is alleged that without any evidence some local people have cut some trees from this land to build Betarjung-Ranpur rural development road. When the objection on behalf of the owner was raised because of this, the accused have threatened to kill him. Aggrieved party in this connection made complaint to – Junkia police station , Begunia Tehsildar, Tangi forest range officer, Executive Officer of Rural Development Corporation in Bhubaneswar, Khordha collector, and Green Tribunal.

When the complaint was made against the said Chima Mauza Khatian No. 239 in Plot No.- 251, 252 and 253, the Executive Magistrate of Khurda issued a section 144, and the defendants have been accused of trespassing on the land and trying to confiscate it. Apart from section 144, all other departmental and administrative officers are not investigating it, and the complainants are not satisfied with the work of administrative. In this regard, the villagers demanded high level departmental enquiry and investigation.

BEFORE THE NATIONAL GREEN TRIBUNAL, KOLKATA

ORIGINAL APPLICATION No. _____ of 2024

BISHNUPRIYA MOHANTY

In re:

APPLICANT

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

KNOW ALL to whom these present shall come – Bishnupriya Mohanty D/o- Late Kelu Charan Mohanty, Age- 62, At- Laxminarayanpur(lakhapada), Po-Sagadabhanga, PS-Jankia Dist-Khordha, Odisha, Pin, 752038 above named APPLICANT do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani, ASHUTOSH PADHY Advocates, Plot—2132/4814, Nageswartangi, Bhubaneswar, 751002, cell- 9437279278, Email- sankarprasadpani@gmail.com**

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. To sign, file verify and present pleadings, appeals cross objections or petitions for execution 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 to file and take back documents to admit and/or deny the documents of opposite party 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. To take execution proceedings. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf and I/We the undersigned do hereby agree to ratify 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 purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do 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 the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 2nd day of July 2024.

Accepted subject to the terms of fees.


Advocate
Sankar Prasad Pani

Client


Client