

**BEFORE HONBLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.  
Original Application No-----of 2024**

**IN THE MATTER OF:**

**DILLIP KUMAR PRADHAN AND ANOTHER...  
APPLICANTS**

VERSUS

**STATE OF ODISHA AND OTHERS ...      RESPONDENTS  
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PLACE: Bhubaneswar

SANKAR PRASAD PANI 

DATE: 24/08/2024

ASHUTOSH PADHY 

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278, Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

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### SYNOPSIS

That the present application is being filed challenging the transfer of 54.20 Ac.(21.9360Ha) of forest land for non forest activities for establishment of rehabilitation and resettlement colony National Aluminum Company Ltd.(hereafter NALCO for short) in village Kosala under Chhendipada tahasil of Angul district. That the Orissa Industrial Infrastructure Development Corporation (hereafter IDCO for short) is transferring the Govt. land in favor of NALCO for establishment of rehabilitation and resettlement colony of (hereafter R&R colony for short) of NALCO in village Kosala under Chhendipada Tahasil of Angul district. That the applicant's are the inhabitant's of Kosala Village in Chhendipada Tahasil, Angul District where this project is proposing for construction of R&R colony and the villagers are concerned of the illegal diversion of forest land by IDCO Odisha without following the process laid down under Forest Conservation Act 1980. That from the Sabik-Hal comparison it is seen that the area pertaining to Hal Plot No.19,29,33,35,39,23,24,25,26,27,28,37 corresponds to Sabik Plot No.6,9,10,12,76 under Sabik Khata No.1 of village Kosala. These plots were "Chhota Jungle" by kism originally and had been converted to "Puratan Patita" on the basis of a "Kisam change" proceeding in the year 1984. In this illegal conversion and transfer of forest land a Writ petition was filed before the Hon'ble High Court of Orissa at Cuttack, bearing

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case number W.P.(C) 857 of 2024, while hearing the case on dated 06/04/2024 Hon'ble High Court granted liberty to the petitioners to approach Hon'ble National Green Tribunal to adjudicate this issue.

#### **LIST OF DATES**

04/04/1984	Sub Collector/ Appellate authority quashed the order passed by Tahasildar Chhendipada.
03/11/2009	Orissa industrial infrastructure Development Corporation made an application to the Tahasildar Chhendipada for Lease of Government (leasable) land measuring Ac.54.20 (21.9360 Ha.) in village Kosala under Chhendipada Tahasil for establishment of industries (R&R Colony).
24/10/2011	Revenue Department, State Government of Odisha's clarification on applicability of Forest Conservation Act 1980.
25/02/2019	Certified copy of ROR was issued
04/11/2023	Certified copy of Hal- Sabik comparison was issued
17/08/2024	Photographs taken from the land in question

**BEFORE HONBLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA.**

(Under Section 18(1) read with Section 14(1), 15 and 20 of the National Green Tribunal Act 2010)

**Original Application No-----of 2024**

**IN THE MATTER OF:-**

1. **Dillip Kumar Pradhan** S/o Khira Mohan Pradhan, aged about 64 years, At-Kadalikhola po-Kosala,Dist-Angul, pin-759130
2. **Sidharth Sankar Sahoo**, S/o Jiten Kumar Sahoo, aged about 41 years, At-Kosala, Dist- Angul, Pin- 759130...APPLICANTS

**VERSUS**

1. State of Odisha represented by Additional Chief Secretary Forest Environment and Climate Change Dept. Govt. of Odisha, At: LokSeva Bhawan, Sachivalaya Marg, Bhubaneswar, Dist.: Khurda, Odisha, Pin: 751001. E-mail ID : [fesec.or@nic.in](mailto:fesec.or@nic.in)
2. UNION OF INDIA Through the Secretary, Ministry of Environment, Forests and Climate Change, Indira Paryavaran Bhawan, Jorbagh, New Delhi – 110003; Email - [mef@nic.in](mailto:mef@nic.in), [secy-moef@nic.in](mailto:secy-moef@nic.in)
3. District Collector Angul, At/Po- Collectorate, Angul– 759122,

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email- [dm-angul@nic.in](mailto:dm-angul@nic.in)

4. Tahasildar Chhendipada, At/po- Chhendipada, Odisha 759124,  
Email- [tah.chhendi-od@nic.in](mailto:tah.chhendi-od@nic.in)
5. **Orissa Industrial Infrastructure Development Corporation (IDCO)**, Represented by its Managing Director, At/p-IDCO Tower, Janpath, Bhubaneswar-751022, Email: [idc.odisha@gov.in](mailto:idc.odisha@gov.in)
6. Divisional Forest Officer Angul, at/Po- Amalapada, Angul, Odisha 759122, Email- [dfo.angul@odisha.gov.in](mailto:dfo.angul@odisha.gov.in)
7. National Aluminum Company Ltd. (NALCO), represented through it's Chairman cum Managing Director, At/Po- NALCO Bhawan, P/1, Nayapalli, Bhubaneswar – 751 013, Odisha, Email- [cmd@nalcoindia.co.in](mailto:cmd@nalcoindia.co.in)....**Respondents.**

### **Most Respectfully Showth :-**

- I. The Address of the Applicants are given above for the service of notices of this application.
- II. The Addresses of the Respondents are given above for the service of notice of this application.
- III. The Present Application Challenges the illegal transfer of forest land in favor of IDCO, a state government agency for industrial purposes without following the due process of Forest Conservation Act 1980.

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## FACTS OF THE CASE

1. That the applicants are the villagers of Kosala under Chhendipada Tahasil of Angul district, who are going to be directly affected by the grant of lease to the Respondent No 7.
2. That the applicants prior to filing of this OA, approached the Hon'ble High Court of Orissa at Cuttack having the same cause of action, and while adjudicating the matter on dated 06/04/2024 Hon'ble High Court granted liberty to the petitioners to approach this Hon'ble Tribunal for adjudication. Copy of the order dated 06/04/2024 passed by Hon'ble high Court Of Orissa is annexed hereunto as **ANNEXURE-1.**
3. That the Orissa Industrial Infrastructure Development Corporation (hereafter IDCO for short) on dated 03/11/2009 wrote a letter to the Tahasildar Chhendipada for Lease of Government (leasable) land measuring Ac.54.20 (21.9360 Ha.) in village Kosala under Chhendipada Tahasil for establishment of industries rehabilitation and resettlement colony (R&R Colony) of NALCO .Copy of the letter dated 03/11/2009 is annexed here unto as **ANNEXURE-2.**
4. It is pertinent to mention here that in the same letter it is specifically mentioned that "It has been intimated by Additional District Magistrate, Angul that 90% of the requisitioned area covers thick

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forest growth and is under the control of villagers of Kosala.” This suggests there is a physical forest growth and the villagers have dependency on it.

5. It is further submitted that the Land in question is contiguous to Kosala Reserve Forest, That the forest is having various species of flora and fauna and home to many wild life species.
6. That from the photographs dated 17/08/2024 it is quite evident that the land in question looks like a forest and the same qualifies the dictionary meaning of forest. In addition to that a sign board was also placed in the land in question which states that the Cashew Plantation + Sal forest is being protected by the Kosala villagers. That the google earth image of the site in question also suggests that the land is adjacent to the Kosala Reserve Forest. Copy of the photographs dated 17/08/2024 along with google earth image is annexed here unto as **ANNEXURE-3**.
7. That the land in question is a elephants pathway and herds of elephants use to take shelter in the land in question and also in the adjoining Kosala Reserve Forest, so any kind of non-forest activity will interfere in the movement of elephant.
8. It is pertinent to mention here that the villagers are protecting the land in question along with the reserve forest and utilizing the same

for various communal purposes.

**BACKGROUND OF THE LAND IN QUESTION**

9. That in the same sabik khata, plot no.1 having kism Chhot Jungle was settled by tahasildar Chhendipada in favor of some individuals who have been encroached the land for some time, the same order of Tahasildar was challenged by State before Sub Collector Angul and the order of granting land right to the individuals were cancelled by the Sub Collector/ appellate authority, by stating that that by the time Forest Conservation Act, 1980 came into force, i.e., 25.10.80 the land continued as forest land and hence could not be put to non-forest use without approval of Central Government. Copy of the proceeding dated 04/04/1994 is annexed here unto as **ANNEXURE-4**.
10. That the kism of the land in question was Chhot jungle till the year 1984 and in the year 1984 in a mutation proceeding bearing case no. 612/84 kism of the land was changed to Puratan Patita, which is after the Forest Conservation Act 1980, hence the change of Kism is bad in law.
11. It is pertinent to mention here that from the certified copy of ROR it is clear that in the year 1984, vide mutation case no 612/84 the kism of the land was changed from Chhot Jungle to Puratan Patita. Certified copy of ROR of Khata no1 is annexed as here unto

**ANNEXURE-5.**

12. It is pertinent to mention here that from the Sabik-Hal comparison it is seen Plot Hal to that the pertaining area No.19,29,33,35,39,23,24,25,26,27,28,37 corresponds to Sabik Plot No.6,9,10,12,76 under Sabik Holding No.1 of village Kosala. These plots were "Chhota Jungle" by kizam originally and had been converted to "Puratan Patita" on the basis of a "Kizam change" proceeding initiated vide Case No 612 of 1984. Certified copy of Hal- Sabik comparison is annexed here unto as **ANNEXURE-6.**

13. It is further submitted that changing of Jungle Kizam by virtue of a case bearing No.612 of 1984 violates the Forest Conservation Act. When the Kizam of the land is 'Jungle" in any manner, conversion of 'kizam' is not viable and as such settlement/lease of land in favour of the IDCO is ab-initio not sustainable and liable to be cancelled. However, it is not understood how the current settlement authority has changed a Jungle category land to other kizam land violating provisions of Forest Conservation Act.

14. The Forest Conservation Act 1980 came into force on 25.10.1980. It clearly speaks that "Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of Central

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Government, any order directing that any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, Corporation, agency or any other organization not owned, managed or controlled by Government restriction has - been imposed." When the case land was Jungle at the time of Forest Conservation Act came in to being no state law can override it so as to make the Kism Change without prior approval the Central Government.

15.It is submitted that Forest Conservation Act came into force from 25/10/ 1980 and the hal record is prepared in the year 2002 without approval of central government, which is a violation of Section 2 of Forest Conservation Act 1980.

16.That the Revenue Department, State Government of Odisha in its letter dated 24/10/2011, letter no 43968 has clarified that the Govt. Land recorded in non-forest kism with a note of Sabik Kism Jungle in the RoR finally published after 25/10/1980 but which was forest kism in Sabik Record, the forest conservation Act of 1980 will be applicable to all such forest lands. The same position has been reiterated in the letter dated 7<sup>th</sup> March 2014 written by MOEF, Government of India addressing to Chief Secretary, Government of Odisha. Copy of the letter dated 24<sup>th</sup> October 2011 is annexed here unto as **ANNEXURE-7**.

17. That the land on which the NALCO is proposing for establishment of rehabilitation and resettlement colony is envisaged is totally falling under jungle kisam Revenue land mentioned in Sabik record and no FDP (forest diversion plan) is filed thereon in acquiring the land.

18. It is humbly submitted that the Apex Court Judgement in T N Godavarman Case where in the Hon'ble Court has clarified that the definition Forest has to be understood in dictionary meaning irrespective of the owner of such land and in this case the land in question is a physical forest and hence attract the provisions of Forest Conservation Act for any non-forestry activities.

19. The proposed site is meant for grazing of domestic animal and establishment of rehabilitation and resettlement colony will impose threat to the animal. Further, natural water sources will also be destroyed permanently. Further the establishment of rehabilitation and resettlement colony will also cause the adjacent agriculture land infertile which will affect the livelihood of the people

20. That the objective of the Forest (Conservation) Act of 1980 is to prevent further destruction except where it was unavoidable and checks and balances could be built in. Thus, it has avoided arbitrary de-reservation of large blocks of forests.

21. Section 2 of Forest Conservation Act of 1980 says that "Restriction

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on the de-reservation of forests or use of forest land for non-forest purpose: Notwithstanding anything contained in any other law for the time being in force in a State, no State Government or other authority shall make, except with the prior approval of the Central Government, any order directing- (i) That any reserved forest (within the meaning of the expression “reserved forest” in any law for the time being in force in that State) or any portion thereof, shall cease to be reserved: (ii) That any forest land or any portion thereof may be used for any non-forest purpose: (iii) That any forest land or any portion thereof may be assigned by way of lease or otherwise to any private person or to any authority, corporation, agency or any other organization not owned, managed or controlled by Government: (iv) That any forest land or any portion thereof may be cleared of trees which have grown naturally in that land or portion, for the purpose of using it for re-afforestation.

22. It is humbly submitted that construction activity has been carried out without Approval of Central Government under Section 2 of Forest Conservation Act 1980. In *K.M. Chinnappa v. Union of India*, 2003 AIR SCW 23, the Supreme Court observed that unless and until the Central Government's permission is obtained under the Forest (Conservation) Act, no forest land can be allowed to be used for non-forest purposes.

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23. In T.N. Godavarman Thirumulkpad vs. 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. It is, therefore, clear that the running of saw mills of any kind including veneer or plywood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government. Accordingly, any such activity is prima facie violation of the provisions of the Forest Conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith”.

24. The Hon'ble Supreme court of India in T N Godavarman case (Supra) has clarified the scope of forest conservation act and definition of forest as the dictionary meaning irrespective of

ownership. Relevant part of the judgment that is applicable in the present instance is reproduced here as follows:

“It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the ‘Act’) and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted

in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof.” This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works and ors. versus State of Gujarat and ors.* (1987 (1) SCC 213), *Rural Litigation and Entitlement Kendra versus State of U.P.* (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in *W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.* The earlier decision of this Court in *State of Bihar Vs. Banshi Ram Modi and ors.* (1985 (3) SCC 643) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay”.

25. Fait Accompli Situation and Post Facto Clearance: That if the private respondent is not restrained from going ahead with the construction and change of land use, then it would complete the project causing irreversible damage to the environment and will then seek post-facto Forest Clearance from the authorities making it a fait accompli situation. Hon'ble Principal Bench of National Green Tribunal in number of cases and the recent one is in OA NO 37 of 2015 (S P Muthuraman Vs Union Of India) has hold all such post facto clearances are null and void.

## **GROUND**

That the non-forest use of forest land and in this case for non- forest purpose without prior approval of central government is violating the provision of Section 2 of Forest Conservation Act 1980 and Order of Hon'ble Supreme Court in Godavarman Case in W.P(c) 202 of 1995. That industrial activity in absence of any approval from central government is an offence under the forest conservation act of 1980 and violation of Hon'ble Supreme court order of 12-12-1996 in W.P © 202 of 1995.

## **PRAYER FOR INTERIM RELIEF**

Restrain the Tahasildar Chhendipada from transferring from handing over of the physical forest to IDCO and Nalco pending disposal of the Original Application.

**LIMITATION**

That the present application is being filed within six months from the order passed by Hon'ble High Court of Orissa dated 06/04/2024 in W.P.(C) No. 857 of 2024, hence the application is not barred by limitation.

**PRAYER**

In light of the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may be pleased to

- a. Restrain the respondents and IDCO from accessing and using the forest land for non-forest activity until approval of central government is obtained under Forest Conservation Act of 1980.
- b. Hold and Declare that the conversion of Sabik forest land to non-forest kism is contrary to law and there by illegal
- c. Hold and declare that lease granted in favor of IDCO and subsequent transfer to the NALCO as illegal and void for want of forest clearance.
- d. Pass any other order(s)/direction(s) that Your Lordships may deem fit and proper in the interest of justice, equity and good conscience.

For this act of kindness the Applicant shall remain ever grateful to you.

DATE-24/08/2024



APPLICANTS THROUGH  
ADVOCATE

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

ORIGINAL APPLICATION NO -..... OF 2024/EZ

IN THE MATTER OF:

Dillip Kumar Pradhan and Another APPLICANTS

VERSUS

STATE OF ODISHA AND Others ... RESPONDENTS

AFFIDAVIT

I, Dillip Kumar Pradhan S/o Khira Mohan Pradhan, aged about 64 years,  
At Kudalikhola po-Kosala, Dist-Angul, pin-759130 do hereby solemnly affirm,  
and declare as under:



- I am one of the applicants in the above mentioned Original application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- That I have read over the contents of the accompanying Original application and the same is true and correct and is drafted on my instruction.
- That I am authorized by other applicant to swear this affidavit.

*Dillip Kumar Pradhan*  
DEPONENT

VERIFICATION

Verified on this 24<sup>th</sup> day of August, 2024 at Angul 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.

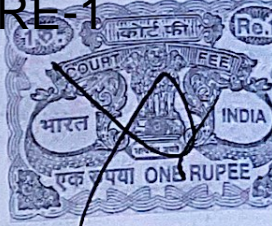
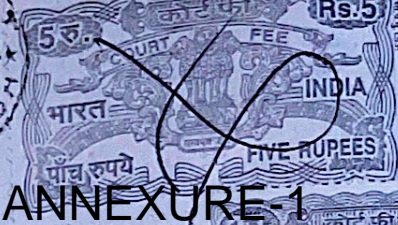
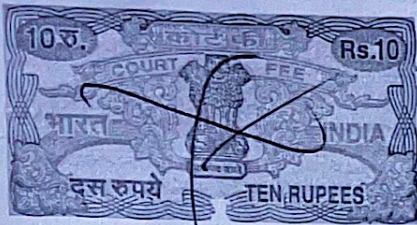
Identified By  
*[Signature]*  
Advocate 24.8.2024

3392 Date 24-08-2024

Solemnly Affirms & States *Dillip Kumar Pradhan*  
Before me on Identification by DEPONENT  
Sri. P. K. Behera Advocate *[Signature]*

*Dillip Kumar Pradhan*

*[Signature]*  
24/8/2024  
P. K. DASH  
NOTARY, ANGUL  
Regd. No- ON-92/2008  
GOVT. OF ODISHA



ANNEXURE-1

IN THE HIGH COURT OF ORISSA, C U T T A C K.

W.P. C (PIL) No. 857 /2024

CODE NO.219900

82060

IN THE MATTER OF An application Under Articles 226 and 227 of the Constitution of India;

AND

IN THE MATTER OF A Public Interest Litigation;

AND

IN THE MATTER OF An application pertaining to illegal sanction of the land used as Gochar and Smasan by the villagers of the petitioners village in favour of IDCO irrespective of its kissam who in its turn proposed to hand over the same to M/s NALCO Ltd for establishment of Rehabilitation Colony.

Presented in Court

*Sh*  
17/01/24

AO.

AND

IN THE MATTER OF:

1. Pranabandhu Sahoo aged about 81 years, Son of late Shyam Sahoo.
2. Kunja Bihari Sahu, aged about 67 years, Son of late Nilamani Sahu.
3. Dillip Kumar Pradhan, aged about 60 years, Son of late Khira Mohan Pradhan.
4. Suresh Chandra Sahu, aged about 65 years, Son of late Indramani Sahu.



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PRADIPTA KUMAR MOHANT,  
Notary, Cuttack Town  
Regd. No-ON-04/1995

*2*

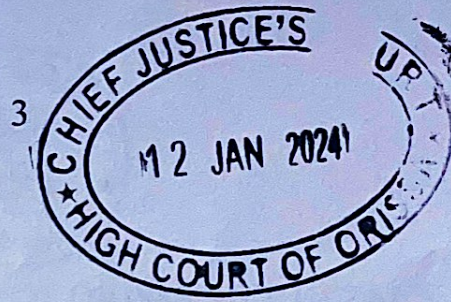
5. Santosh Kumar Dehury aged about 45 years,  
Son of late Jharu Dehury.
6. Bidyadhar Dehury aged about 68 years, Son  
of late Sudarsan Dehury.

All are of village – Kosala, PO – Kosala, PS  
– Chhendipada, District – Angul.

... **Petitioners**  
-Versus-

1. State of Orissa, represented through its  
Secretary, Department of Revenue and  
Disaster Management, At Loka Seva  
Bhawan, Bhubaneswar, District – Khurda.
2. Revenue Divisional Commissioner, Northern  
Division, Sambalpur, At/PO/District –  
Sambalpur.
3. Collector, Angul, At/PO/District – Angul.
4. Sub- Collector, Angul, At/PO/District –  
Angul.
5. Tahasildar, Chhendipada, At/PO –  
Chhendipada, District – Angul.





6. Chief General Manager (P & A) IDCO,  
IDCO Town, Janapath Road, Bhubaneswar,  
District – Khurda.
7. National Aluminum Company Ltd  
(NACLO), represented through the General  
Manager, At/PO/PS – Nalco Nagar, District  
– Angul.
8. Divisional Forest Officer, Angul,  
At/PO/District – Angul

... **Opp.parties**



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IN THE HIGH COURT OF ORISSA AT CUTTACK  
W.P.(C) No.857 of 2024

**Pranabandhu Sahoo and Others** ..... **Petitioners**  
**Mr. Debendra Kumar Sahoo, Advocate**

-versus-

**State of Odisha and Others** ..... **Opposite Parties**  
**Mrs. Saswata Patnaik, Addl. Govt. Advocate**

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MR. JUSTICE SIBO SANKAR MISHRA**

Order No.  
02.

ORDER  
06.04.2024

This matter is taken up through Hybrid Mode.

2. Learned counsel appearing on behalf of the petitioner after some argument seeks permission to withdraw the writ petition with liberty to approach the appropriate forum as permissible under law including the National Green Tribunal.

3. The writ petition stands disposed of as withdrawn with the liberty as sought.

4. The Registry shall return Annexure-5 and Annexure-10 to the petitioner subject to their replacement by authenticated photocopies thereof.

Sd/- C.S. Sahoo, CJ

Sd/- S.S. Mishra, J

SK Jena/Secy.

Comp. by S.Sahoo  
09-04-24



## ANNEXURE-2

## Orissa Industrial Infrastructure Development Corporation

(A Government of Orissa Undertaking)  
IDCO Towers, Janpath, Bhubaneswar - 751022, Orissa, India  
Phones: (0674) 2542784, 2540820, Fax::2540749, 2542956  
Email: md@idcolndia.com



ISO 9001 & 14001 CORPORATION

No.HO/P&A-LA-E- 5513/09/

Dated

October-2009-

The Tahasildar,  
Chhendipada.

Sub:- Lease of Government (leasable) land measuring Ac.54.20  
(21.9360 Ha.) in village Kosala under Chhendipada Tahasil for  
establishment of Industries (R&R Colony).

Ref.:- This Office letter No.9869 Dt.4.6.09 & Memo No.1492  
Dt.15.10.09 of ADM, Angul.

Sir,

Please refer to the letters cited above on the captioned subject in which application for lease of non-forest Government land measuring Ha.51.30 (Ac.126.76) in village Kosala has been filed before you for facilitating sanction of lease in favour of IDCO for in turn allotment to M/s. NALCO authorities for establishment of rehabilitation colony.

It has been intimated by Additional District Magistrate, Angul that 90% of the requisitioned area covers thick forest growth and is under the control of villagers of Kosala. Further he has suggested to drop the original requisition filed for the purpose and requested to file revised proposal afresh adjoining private as well as government plots including a portion of plot no.19, which was filed earlier.

In view of the above, we are sending herewith revised land schedule, land plan etc. in quadruplicate for leasable land measuring Ha.21.9360 (Ac.54.20) in the said village to facilitate process of alienation proposal. The alienation proposal filed earlier for Ha.51.30 (Ac.126.76) vide letter under reference may please be dropped.

Yours faithfully,

- Encl.:-1. Land plan ✓ 04 copies  
2. Land schedule ✓ 04 copies  
3. From No. 1 ✓ 04 copies

Chief General Manager(P&A)

Memo No.....Dt.

Copy forwarded to the Collector, Angul/ Additional District Magistrate, Angul for kind information and necessary action.

Chief General Manager(P&A) ...

TAHASILDAR  
CHHENDIPADA

FORM - I  
See Rule-5(2)  
APPLICATION FOR SETTLEMENT OF LAND

To  
The Tahasildar, *Chhendipada*

1. (A) Name of the Applicant : CHIEF GENERAL MANAGER (P&A),  
IDCO TOWERS, JANPATH,  
BHUBANESWAR-751022
- (B) Age :
2. Father's Name :
3. (a) Present Residential Address (In full) :
- (b) Permanent Home Address (In full) : IDCO, IDCO Towers, Janpath,  
Bhubaneswar
4. Caste : whether SC/ST/Other :
5. Number of Family Members :
6. Whether belongs to joint family or a  
member of single family :
7. Annual Income  
(a) From Agriculture :  
(b) From other sources :
8. Extent of land owned by him in his name  
or in the name of other members of his  
family in urban area/ rural area :
9. (a) Occupation of the applicant :  
(b) Occupation of the family members :
10. Detailed particulars of land applied for  
(a) Name of Village/ Name of urban area : Village:- *Kosala*  
PS: *Chhendipada*  
Dist: *Angul*
- (b) Holding number, if any : As per land schedule
- (c) Plot number if any : As per land plan
- (d) Area applied for : Ac. *54.20 (Leasable)*  
*Hect 21.9360*
- (e) Boundary : As per land plan
11. Purpose for which the land is required : Establishment of Industries.

*[Signature]*  
TAHASILDAR  
CHHENDIPADA

*[Signature]*  
Chief General Manager (P&A),  
IDCO, Bhubaneswar  
CHIEF GENERAL MANAGER (P & A)  
IDCO, BHUBANESWAR

**Revised Land Schedule  
(Government Land) (Leasable)**

Name of the Village : Kosala  
Name of the Police Station : Chhendipada  
Name of the Tahasil : Chhendipada  
District : Angul

SL No	Khata No	Plot No	Total Area in hectares	Area proposed for alienation in hectares	Area proposed for alienation in acres	Classification	Name of the Tenant
1	1389	19(P)	24.3000	4.8563	12.00	Kaju Bagayat	Govt. of Orissa (Rakhita)
2	1389	29	1.3500	1.3500	3.34	Kaju Bagayat	Govt. of Orissa (Rakhita)
3	1389	33	3.5500	3.5500	8.77	Kaju Bagayat	Govt. of Orissa (Rakhita)
4	1389	35(P)	11.1500	7.3257	18.10	Kaju Bagayat	Govt. of Orissa (Rakhita)
5	1389	39	2.5000	2.5000	6.18	Kaju Bagayat	Govt. of Orissa (Rakhita)
6	1391	23	0.0810	0.0810	0.20	Patita	Govt. of Orissa (AJA)
7	1391	24	0.1400	0.1400	0.35	Patita	Govt. of Orissa (AJA)
8	1391	25	0.2430	0.2430	0.60	Patita	Govt. of Orissa (AJA)
9	1391	26	0.5450	0.5450	1.35	Patita	Govt. of Orissa (AJA)
10	1391	27	0.2750	0.2750	0.68	Patita	Govt. of Orissa (AJA)
11	1391	28	0.1000	0.1000	0.25	Patita	Govt. of Orissa (AJA)
12	1391	32	0.9700	0.9700	2.40	Patita	Govt. of Orissa (AJA)
				21.9360	54.20		

Land Inspector  
IDCO

Land Officer  
IDCO

Chief General Manager (P & A)  
IDCO

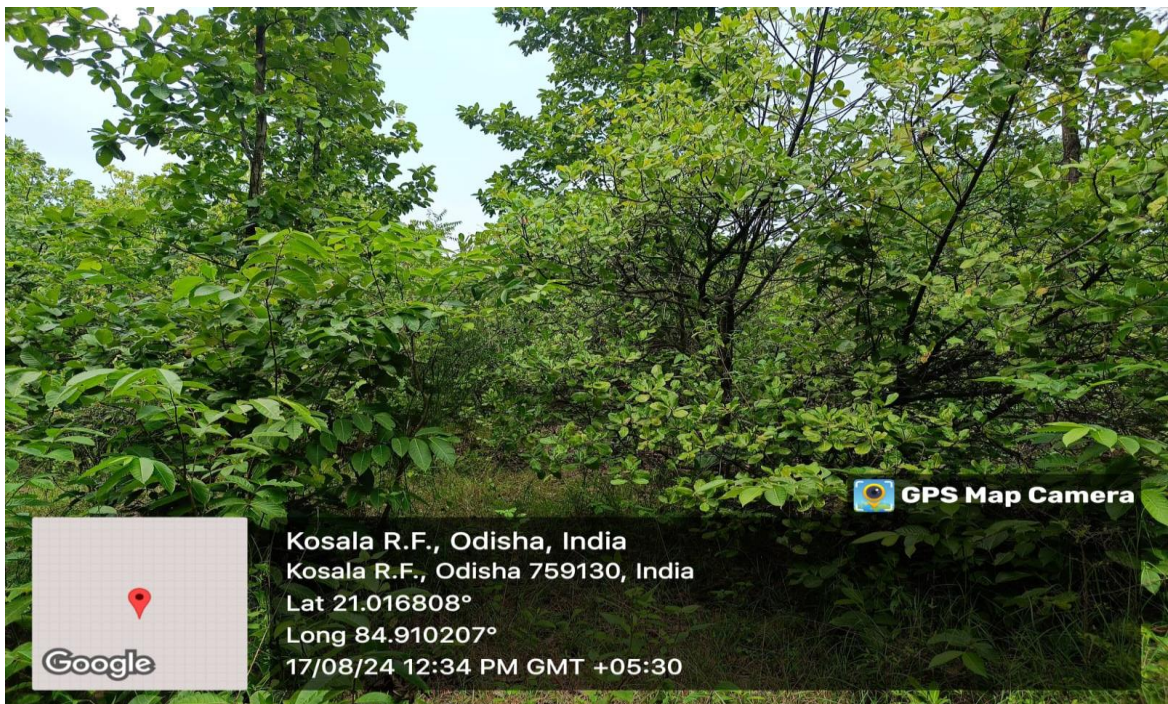
LAND OFFICER  
IDCO, BHUBANESWAR

CHIEF GENERAL MANAGER (P & A)  
IDCO, BHUBANESWAR

TAHASILDAR  
CHHENDIPADA

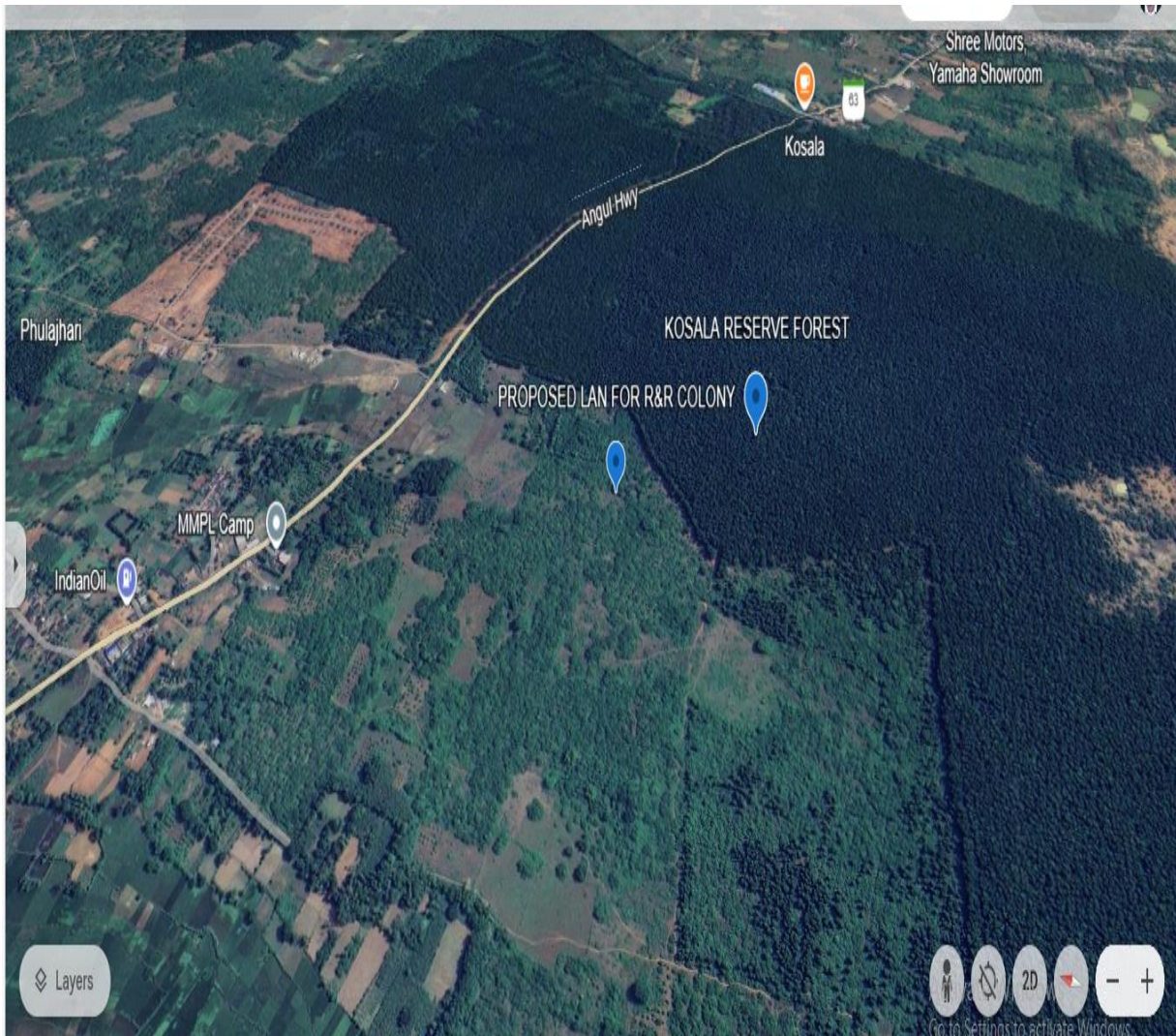
THAT THE BELOW ATTACHED PHOTOGRAPHS SHOWS THAT THE LAND IN QUESTION IS HAVING A LARGE NUMBER OF TREES AND QUALIFIES THE DICTIONARY MEANING OF FOREST.







THAT THE GOOGLE EARTH IMAGE SUGGESTS THAT THE LAND IN QUESTION IS CONTIGUOUS TO THE KOSALA RESERVE FOREST.







ଅନୁସୂଚୀ LIII-କାର୍ଯ୍ୟ ସଂ. 32।

[ ଓଡ଼ିଶା ଅଭିଭବନ ପ୍ରକରଣ ପୁସ୍ତକ, 1964ର ପାଠ୍ୟପୁସ୍ତକ 207(1) ଦୃଷ୍ଟକର୍ତ୍ତା ]  
(CONTINUATION OF ORDER SHEET)

ଅନୁସୂଚୀ କ୍ରମିକ ନମ୍ବର ଓ ଭାଗ	ଅଧିକାରୀଙ୍କ ଆଦେଶ ଓ ସମ୍ବନ୍ଧ	ଆଦେଶରେ କରାଯାଇଥିବା କାର୍ଯ୍ୟାଦିର ବିବରଣୀ
1	2	3

This status continued upto 1984 when in a mutation proceeding No.612/84 the kisan was changed to "Puratan Patita".

Thus it is seen that by the time Forest Conservation Act, 1980 came into force, i.e., 25.10.80 the land continued as forest land and hence ~~could not be put to non-forest use~~ could not be put to non-forest use without approval of Central Government.

Thus on this ground settlement of land with the respondent is bad in law and is liable to be quashed. Therefore I refrain from going into the other ground claimed in the appeal. The order of the settlement of the suit land with the respondent is therefore set-aside and the appeal is allowed.

Orders pronounced in the open court this day the 4th April, 1994.

*[Signature]*  
Sub-Collector, Angul.

Typed to my dictation and corrected by me

*[Signature]*  
Sub-Collector, Angul.

Xerox by me.

Debash Chandra Mishra

Record Keeper  
Sub-Divisional Record Room  
ANGUL

ଓ. ଶ. ମୁଦ୍ରଣାଳୟ (କାର୍ଯ୍ୟ) 216-5,00,000-2-12-1993-3

Certified to be true Copy

Authorised U/S 76 of 1972

*[Signature]*  
Samjanta Pradhan

Head Clerk

Sub-Collector Officer

Angul

**Retyped copy of Sub- Collector Angul dated 04/04/1994**

**ORDER**

The respondent is absent on call. This is an appeal u/s 12(1) of the O.P.L.E. Act, 1972 filed by the A.G.P., Angul against the orders dated 16.8.87 in Ancroachment Case No. 134/87-08 passed by the Tahasildar, Chhendipada settling the following land with the respondent Sri Suresh Ch. Mohapatra, S/o- Satyabadi Mohapatra, Vill- Kosala.

Vill.- Kosala, Khata No.-2/2, Plot No.- 1, Area- Ac 2.0 dec.

The appeal claimed on the following grounds,

- 1, That the land being "Chhot Jungle" kizam could not be leased out for non forest purpose without approval of the Central Government.
2. That due procedure of law have not been followed.

I would like to harp on the R.o.R. position first to find out if the plot leased out was forest land attracting the provisions of Forest conservation Act, 1980.

The R.O.R position stood thus in the settlement records :

Khata-1, Plot No-1, Area- Ac 59.96dec. , Kizam- "Chott Jungle".

It continued as such till 1972-73 when by a reservation proceeding it was changed thus,

Khata-2/2, Plot No-1, Ac 50.96 dec, "Choot Jungle".

This status continued upto 1984 when in a Mutation proceeding No.612/84 the kizam was changed to "Puratan Patita

Thus it is seen that by the time Forest Conservation Act, 1980 came into force, i.e., 25.10. 80 the land continued as forest land and hence could not be put to non-forest use without approval of Central Government.

Thus on this ground settlement of land with the respondent is bad in law and is liable to be quashed. Therefore I refrain from going into the other ground claimed

in the appeal. The order of the settlement of the suit land with the respondent is therefore set-aside and the appeal is allowed.

Orders pronounced in the open court this day the 4th April, 1994.





## ENGLISH TRANSLATION OF ANNEXURE-5

## Khatian

Mouza: Kosala  
Thana: Chhendipada  
Thana Number: 115

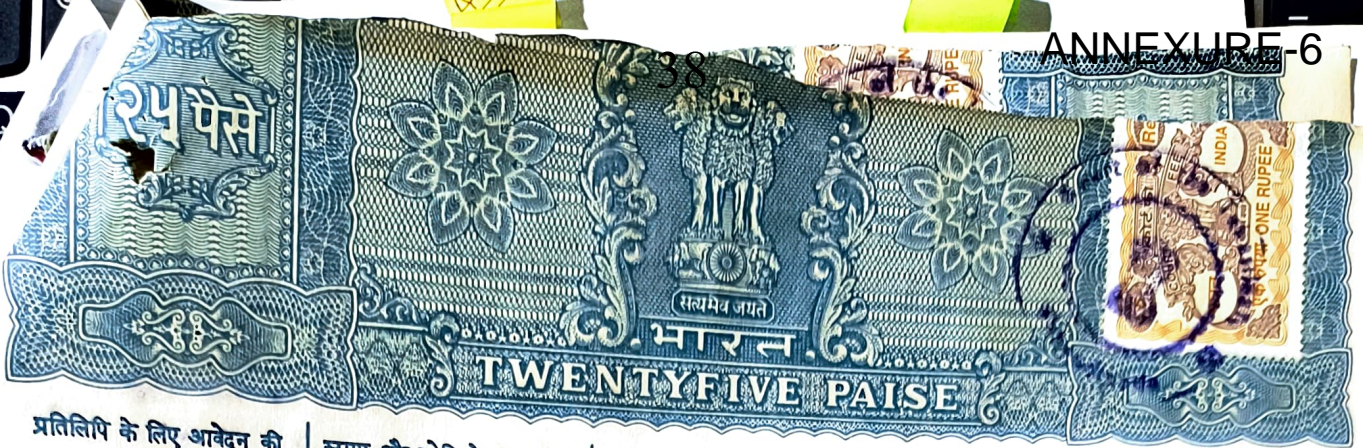
Tahasil: Angul  
Tahasil Number: 20  
District: Dhenkanal

Name of the Jamidar and Khewat or Khatian serial number					Odisha Government Khewat number	
1) Khatain Serial no					1	
2) Name of the Tenant, Father's name, caste and residence						
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- Khajana date –						

Khatian Serial number-1		Mouza - Kosala			District - Dhenkanal	
Plot no & Chaka name	Kisam & Plot Name	Detail description of the Kisam & Chouhadi	Area			Remark
			Acres	Decimal	Hectares	
1	Chhot Jungle	Vide case no 612/84 kisam of the land have been changed from Chhot Jungle to Puratan patita.	50	96		

2	Nayana Jori		1	06		PWD
3	Road		0	58		Concrete Road , PWD Angul to Bagadi
4	Nayana Jori		1	70		PWD
5	Chhot Jungle	Vide case no 612/84 kisam of the land have been changed from Chhot Jungle to Puratan patita.	38	54		
6	Chhot Jungle		38	54		
9	Chhot Jungle		50	48		
10	Chhot Jungle		32	29		
12	Chhot Jungle		12	48		
20	Chhot Jungle		0	83		

CERTIFIED COPY ISSUED ON 25/02/2019



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
04-11-13	04-11-13	04-11-13	04-11-13	04-11-13
कोषिका - कोषिका शान - कोषिका शान नमूने-२२४	कोषिका व फोलियो संख्या, कोषिका कोषिका			कोषिका - कोषिका कोषिका नमूने-२२४ कोषिका - कोषिका
कोषिका कोषिका नमूने २	कोषिका कोषिका नमूने १	कोषिका कोषिका नमूने १	२२- २३- २४- २५- २६- २७- २८- २९- ३०- ३१- ३२-	२२- २२- २२- (२२) २२- २२- २२- २२- २२- २२- २२-
२	५		२२- २२-	२२- २२-
	२		२२- २२-	२२- २२-
	२०		११- ११- १४- १५- १६-	२२- (२२) २२- २२- २२- २२- २२-
	२१		१२- १५-	(२२) २२- २२-
	३५		१४- १६- १७- १८- १९- २०- २४-	२२- २२- २२- २२- २२- २२- २२- २२- २२-

**COMED BY**  
 [Signature]  
 Record Keeper  
 Tahasil Office  
 Chhendipada

COPIED BY

Record Keeper  
Tahasa Office  
Chhendipada



Handwritten notes in Odia, including a date '11/11/19' and other illegible text.

Compared by  
Naras Ray Prasad

576 04/10/13

Application fee	500
Marching fee	500
Extra fee	
Number of	
Practise	
Notes	10
Main Paper	
Practise	
Tracing	
Copying	
...	
...	
...	

Revised elements only

Handwritten signature and date '4/11/13'.

## ENGLISH TRANSLATION OF ANNEXURE-6

MOUZA-KOSALA

TAHASIL- CHHENDIPADA

POLICE STATION- CHHENDIPADA

TAHASIL NO-115

POLICE STATION NO- 115

DISTRICT- ANGUL

## PLOT INDEX

SABIK KHATA NO.	SABIK PLOT NO.	HAL PLOT NO.	CORRESPONDENT HAL KHATA NO.
1	6	18	1389
		19	1389
		22	1389
		29	1389- 1391
		23	1391
		24	1391
		25	1391
		26	1391
		27	1391
		28	1391
	9	18	1389
		19	1389
	10	22	1389
		33	1389-1391
		24	1391
		32	1391
		25	1391
		35	1389
	12	39	1389-1391
		32	1391
76	35	1389	
	71	1389	
	72	1389	
	73	1389	
	74	1389	
	36	1391	
	70	1391	
	75	1389	
	76	1389	
	77	1389	
	123	1389	
	124	1389	
	155	1389	
	156	1389	
157	1389		

CERTIFIED COPY OF PLOT INDEX OF VILLAGE KOSALA

BY FAX

**GOVERNMENT OF ORISSA  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT**

\*\*\*\*\*

No.GE(GL)-S- 76/2010- *43968* / R & DM. Dtd. *24/10/2011*

From

Shri R. K. Sharma, IAS  
Commissioner-cum- Secretary to Government

To

All Collectors

**Sub: Government land recorded in non-forest kism with a note of "Sabik Kism Jungle" in the RoR finally published after 25.10.1980 but which was forest kism in Sabik record – application of Forest (Conservation) Act, 1980 – Clarification regarding.**

Madam/Sir,

There have been doubts about the applicability of Forest (Conservation) Act, 1980 to the lands recorded as non-forest kism in RoR published after 25.10.1980 but which carry an entry of 'Sabik kism jungle' in the remarks column.

This matter has been examined in consultation with Forest & Environment Department and it is noted that section 2 of the Forest (Conservation) Act, 1980 restricts the dereservation of forests or use of forest land for non-forest purpose except with prior approval of Government of India, MoEF for such non-forest use.

Further, the Hon'ble Supreme Court, in their order Dt. 12.12.1996 passed in WP(C) No. 202/1995 have observed that

" ..... The term 'forest land' occurring in section 2, will not only include 'forest' as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of its ownership. This is how it has to be understood for the purpose of section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests, and the matters connected

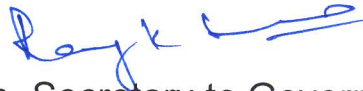
-2-

therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof .....

In consideration of this position, Government have been pleased to clarify that the provisions of Forest (Conservation) Act, 1980 would be applicable to any type of forest land including the land recorded as non-forest land in Hal records published after 25.10.1980 which was of "Jungle" kism in its respective Sabik record as on 25.10.1980 irrespective of the fact that the said non-forest kism land in Hal record does not find place in the District Level Committee Report which formed the basis for the affidavit filed by the State Government before the Apex Court.

You are, therefore, requested to take appropriate action in the matter accordingly.

Yours faithfully,




Commissioner-cum- Secretary to Government  
Memo No. 43969 /R&D.M. dtd. 24/10/2011

Copy forwarded to Secretary, Board of Revenue, Orissa, Cuttack/ all RDCs for information and necessary action.



Commissioner-cum- Secretary to Government  
Memo No. 43970 /R&D.M. dtd. 24/10/2011

Copy forwarded to Forest & Environment (Forest) Department/ CMD, IDCO for information and necessary action.



Commissioner-cum- Secretary to Government  
Memo No. 43971 /R&D.M. dtd. 24/10/2011

Copy forwarded to OIC, IMU Cell/ LR&GE(A)/(B)/(C) Branch of Revenue & D.M. Department for information and necessary action.



Deputy Secretary to Government

# VAKALATNAMA

IN THE COURT OF NATIONAL GREEN TRIBUNAL, EASTERN ZONE,  
KOLKATA

O. A. No. \_\_\_\_\_ /20

Between

Dillip Kumar Pradhan & Another Complaint/Plaintiff/Petitioner/Respondent

Versus

State of Odisha and Others Opp. Accused/Defendant/Party/Respondent

Know all men by these presents, that by this Vakalatnama,

I/We Dillip Kumar Pradhan, S/O - Khirsa Mohan Pradhan, aged about 64 years, At - Kadalikholo, Po - Kosala, Dist - Angul and Sidharath Sankar Sahoo, S/O - Jiten Kumar Sahoo, aged about 41 years, at/PO - Kosala, Dist - Angul, pin - 759130.

Petitioner/Plaintiff/Defendant/Respondant/Opposite Party/ in the aforesaid case do hereby appoint and retain

Sankar Prasad Pari and Ashutosh Padhy

Advocate(s) to appear for me / us in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any applications connected with the same or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in application for review in appeals (s) under the Odisha High Court order and any application for leave to appeal to Supreme Court. I/We authorise my/our Advocate(s) to admit any compromise lawfully entered in the said case.

Dated the 15/08 2024  
Received from the Executant (S), Satisfied that  
he/they is / are party / parties and accepted.  
I hold no brief for the other side.

SPm

ADVOCATE

Accepted as above

ADVOCATE

Accepted as above

APoddy

ADVOCATE

Accepted as above

ADVOCATE

Accepted as above

Dillip Kumar Pradhan  
Sidharath Sur Sahoo

ADVOCATE

ADVOCATE

Signature of the Executant (s)

AUTHORISATION

I, Sidharth Sankar Sahoo, S/o Jiten Kumar Sahoo, aged about 41 years, At-  
Kosala, Dist- Angul, Pin- 759130, authorize Dillip Kumar Pradhan S/o  
Khira Mohan Pradhan, aged about 64 years, At-Kadalikhola po-Kosala, Dist-  
Angul, pin-759130 the applicant No 1, to swear the affidavit on behalf of  
me for filing the original application.

Date-

15/08/2024

  
SIGNATURE