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

**APPLICATION NO.- 138 of 2024**

**IN THE MATTER OF**

**Bishnupriya Mohanty**

**...Applicant**

Versus

**STATE OF ODISHA & Ors**

**...Respondents**

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PLACE: Bhubaneswar

ADVOCATE

DATE: 28/01/2024

**SANKAR PRASAD PANI**

**ASHUTOSH PADHY**

*S.Pani*      *A.Padhy*

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

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

**ORIGINAL APPLICATION NO 138 OF 2024/EZ**

**IN THE MATTER OF:**

**BISHNUPRIYA MOHANTY**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND Others ...**

**RESPONDENTS**

**REJOINDER AFFIDAVIT TO THE AFFIDAVIT FILED BY DFO**

**KHURDHA AND DM KHURDHA**

I, Bishnupriya Mohanty D/o- Late Kelu Charan Mohanty, Age- 62 years  
At- Laxminarayanpur(lakhapada), Po-Sagadabhangra 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 the timeline of the events is given bellow for better appreciation of the incident and the delayed response of the authorities

**LIST OF DATES**

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
24/05/2024	Forest range officer Tangi visited the site along with Sikko police beat.

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15/06/2024	News article's published in Odia newspaper
3/07/2024	Original Application filed before Honble NGT
15/07/2024	Honble NGT issued Notice to Respondents
23/08/2024	FIR filed against unknown person when the villagers named persons and No investigation done in respect of private respondents

3. That the present Original Application filed against illegal felling of around 100 fruit bearing trees from revenue land. It appears from the affidavit filed by the District Magistrate that in the garb of road construction under Pradhan Mantri Gram Sadak Yojana (PMGSY) the Miscreants of Chimma Villages have felled the trees. It is surprising to note that how could the PMGSY road approved on land with trees without any felling permission for the DFO and this also suggest the scheme approving authority is in collusion with the miscreants in felling the trees and the approving authority must be identified and appropriate action be taken against the officer.

4. It is further submitted that when the incident of tree felling happened on 21/05/2024, Villager namely Bankanidhi Mohanty have Complained before Officer In Chharge Jankia Police Station on 22/05/2024, Before District Collector Khurdha on 22/05/2024 and same was received by the Office of Collector with seal on 23/05/2024. The copy of Complaint dated 22/05/2024 was also sent to Forest

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Range Officer Tangi, DFO Khurdha. Hence both the Revenue and Forest Officials were apprised of the incident immediately and Forest Range Officer Visited the site on 24/05/2024. However no action has been taken as on dated except filing an Unnamed FIR on 23/08/2024 after Notice issued by Honble Tribunal on 15/07/2024. This clearly suggest negligence on the part of Revenue as well as Forest Authorities.

5. The Forest authorities are trying to shift their responsibilities to the Revenue Officer as the land is recorded in Revenue Department and Tahasildar is the custodian of the land. However the Forest Official could not be blind to the felling of green trees.
6. That at least five private plots are there such as 251, 252, 253, 345 and 346 and there after the School Boundary. Hence there was no road at all as there could not be any road on private plots. The road use to be on plot number 343, 344, 1071. 1069, 361 along the play ground which is still exist today. However some miscreants of chimma village tried to forcefully divert the road on private plot and adjoining government land having full of trees.
7. That the morrum road was constructed after the felling of trees and it was not in existence there before.
8. The number of full grown trees shown as 12 is not correct. In-fact independent reporters have visited the site soon after the incident and

counted the same to be more than 30 full-grown trees felled illegally. Further trees have also been felled by the private respondents from private plots through which they were trying to construct road. The Tahasildar report accepts felling of more than 50 trees of poll size.

9. That despite of naming of the accused, the Tahasildar filed the FIR against unknown persons and it is not fact that nobody has named the accused persons.
10. That it is not a fact that the DFO has not been informed about the incident of tree felling, on many occasion including on 22/05/2024 and on dated 2<sup>nd</sup> July 2024 a grievance petition has been filed before the DFO Khordha and the same has been forwarded to ACF Tangi Range on 16/07/2024 for enquiry. Copy of letter dated 16/07/2024 is annexed here unto as ANNEXURE-1.
11. In view of the facts mentioned it is a clear case of dereliction on the part of Tahasildar Begunia and District Magistrate Khordha who have the knowledge of the tree felling because of the complaints by the villagers but chose not to act swiftly and allowed the private individuals to take the law to their hand in felling the trees and constructing a road without any approval. Hence the officer responsible for sanctioning of the PMGSY Road be also identified and action be taken against the erring officer. The land on which morrum has been spread be removed and plantation work may be undertaken

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to restore the original status. The private respondents may be brought to the investigation and the Police may take action accordingly to apprehend the accused persons. The ecological value of the trees be calculated apart from the royalty and environment compensation be levied against the violators responsible for felling of trees.

12. That the Hoble Tribunal may pass appropriate order in the interest of justice.

APPLICANT THROUGH

S. Pami A Pami

ADVOCATE

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO.-138 OF 2024**

**IN THE MATTER OF:**

**BISHNUPRIYA MOHANTY**

**APPLICANT**

**VERSUS**

**STATE OF ODISHA AND OTHERS**

**RESPONDENTS**

**AFFIDAVIT**

**28 JAN 2025**

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

1. That I am the applicant 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.
2. That I have read over the contents of the accompanying Rejoinder affidavit and the same is true and correct and is drafted on my instruction.

= ବିଜୁଗିରି / ଗଢ଼ାଣ୍ଡି

**DEPONENT**

**VERIFICATION**

Verified on this 28 JAN 2025.....2025 at Notary.....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

Advocate

= ବିଜୁଗିରି / ଗଢ଼ାଣ୍ଡି

**DEPONENT**



(The above named deponent(s) being duly identified by Sri. S.P. Paric Advocate, Bhubaneswar Appears before me on the 28 JAN 2025 at Notary A.M./P.M. 28 JAN 2025 on oath the contents of this affidavit are true to the best of his / her knowledge and belief

**JANMEJAYA RAUTRAY  
NOTARY, GOVT. OF ODISHA  
BHUBANESWAR  
REGD. NO.-ON-35/2012  
Mob. No. - 986121273**

Deponent(s)

Notary, Bhubaneswar

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

Memo No. 4403/4F(Misc.)-365/2024  
 Dated, Khordha the 16<sup>th</sup> July, 2024

To,

The Asst. Conservator of Forests,  
 I/c of Tangi Range

Sub:- Regarding grievance petition on illegal encroachment of own land and removal and sale of cutting trees on occupied land at Mouza- Chhima.

Enclosed, find herewith the copy of application dated 02.07.2024 received from Rashmi Ranjan Mohanty, S/o - Chaitanya Charan Mohanty, Vill- Laxminarayanpur, P.O- Sagadabhang, P.S- Jankia, Dist- Khordha regarding grievance petition on illegal encroachment of own land and removal and sale of cutting trees on occupied land at Mouza- Chhima. In this context, you are instructed to make joint verification with the revenue official of Begunia Tahasil and submit verification report to this office for taking necessary action at this end.

Encl :- As above

*Peei*  
 16/7/24  
 Divisional Forest Officer,  
 Khordha Division, Khordha

Memo No. 4404 /Date 16.07.2024  
 Copy forwarded to the Tahasildar, Begunia for information and necessary action.  
 He /She is requested to depute his/her representative for the above purpose.

*Peei*  
 16/7/24  
 Divisional Forest Officer,  
 Khordha Division, Khordha

Memo No. 4405 /Date 16.07.2024  
 Copy forwarded to Rashmi Ranjan Mohanty, S/o - Chaitanya Charan Mohanty, Vill- Laxminarayanpur, P.O- Sagadabhang, P.S- Jankia, Dist- Khordha for information and necessary action with reference to his application dated 02.07.2024.

*Peei*  
 16/7/24  
 Divisional Forest Officer,  
 Khordha Division, Khordha



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**Rejoinder affidavit on behalf of applicant in OA 138/2024 EZ**

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>  
To: Debasis Tripathy Adv <debasisadv@gmail.com>

Wed, Jan 29, 2025 at 10:29 AM

Dear sir, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
Res-Plot No 2132/4814(B), Nageswar Tangi,  
Bhubaneswar, 751002  
Cell- 9437279278  
Skype- sankar.pani

**rejoinder affidavit[1]-merged.pdf**

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