

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

**Original Application No.76/2023/EZ**

Wildlife Society of Odisha .... Applicant.

-Versus-

State of Odisha and Others. .... Respondents.

**REJOINDER COUNTER AFFIDAVIT FILED ON  
BEHALF OF RESPONDENT NO. 1,2,3,4 & 5.**

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

1. That, I am working as Divisional Forest Officer, Koraput Forest Division, hereinafter referred to as the answering respondent No.4 and as such I am competent and have been duly authorized by Respondents No. 1, 2, 3 and 5 to swear this affidavit on their behalf.

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

3. That with regard to the averments made in para-2 of the rejoinder Application are not correct and hereby denied. It is humbly submitted that the site where the eco-tourism project is going on has been allotted by the Collector Koraput vide his office letter No-2722/XXVI-210/2022 dated 26.05.2022 stating it as an un-surveyed land with no survey, khata and plot. This particular patch of un-surveyed land is also does not find a place in the DLC report of Koraput



K.V. Bhaskar Rao

Sanjiv  
28/12/24

District. There is no corresponding record with regard to its status. Further, there is no corroborative record to support this particular patch as Jungle Block. Hence, the Forest Conservation Act is not applicable for the said area.

4. That with regard to the averments made in para-3 of the rejoinder Application it is humbly submitted that the Decision support system (DSS) report of Forest Survey of India for canopy density is also a tool to know the non forest patch from the index table. In this particular case with relation to the proposed eco-tourism area of 5.93ha is clearly showing it as non forest area in the index table except a very small patch of about 0.1ha. It is humbly submitted that the said patch of land over an area of 5.93 Ha. is not a Forest Land.

5. That with regard to the averments made in Para-04 of the Rejoinder application, it is humbly submitted that this particular patch of land has been allotted as un-surveyed land for the purpose of eco-tourism project. The claims so admitted in other patches may not be applicable in the said site owing to its topographical and other associated livelihood factors. The very objective of the eco-tourism project is to provide productive gainful employment to the unemployed local youth through eco-tourism activities. Presently twenty families have been provided with livelihood options in the said eco-tourism project.

6. That with regard to the averments made in para-5 of the rejoinder Application it is humbly submitted that as per the joint identification report of the land by the concerned Revenue Inspector and Gramsabha resolution, the application of the User Agency has been accepted under sub Section-2 of Section-3 of the Scheduled Tribe and other Traditional Forest



*Sanji*  
2/12/24

*H.V. Bhaskar Rao*

Dwellers (Recognition of Forest Rights) Act, 2006 for installation of Mobile Tower over an area of 0.033 Ha. at Malingigura village of Muthai GP of Semiliguda Block for better communication benefit to the people residing in the inaccessible area. The land has been identified by the Revenue Inspector as Forest land and furnished the report accordingly.

7. That with regard to the averments made in Para-06 of the Rejoinder application, it is humbly submitted that the word JUNGLE BLOCK is mentioned in the village sheet. As regards to its extent and other corroborative and corresponding information does not find a place in the concerned revenue records or in the forestry records. The word "Jungle Block" is just a terminology which has not been defined in any of the records. There is no boundary delineation with regard to the extent of area to be treated as jungle blocks out of the entire un-surveyed land. The starting point and the ending point of jungle block area are not clear in the village sheet. Therefore, it may not be found feasible to ascertain the jungle block area out of the entire un-surveyed area.

6. That with regard to the averments made in Para-7 of the Rejoinder application are not correct and hereby denied. It is humbly submitted that as there is no boundary delineation with regard to extent of area to be treated as jungle block the un-surveyed land over 5.9Ha allotted to forest department by the district administration for eco-tourism purpose may not be treated as jungle block or any kind of forest land. It is an un-surveyed land without any land status. This particular patch is devoid of any vegetation. It is a barren table land.



*Santhi*  
29/12/24

*K. V. Bhaskar Rao*

With great care and regular efforts we have already created greenery over 1.5ha to 2.00ha of area. Appropriate steps have been taken to arrest soil erosion in the above area.

7. That with regard to the averments made in Para-8 of the Rejoinder application are not correct and hereby denied. It is humbly submitted that there is no heaps of plastic and waste on top of the hills leading to degradation of such a pristine environment and biological hotspot. The SHG Groups are campaigning and sensitizing the public to make it a plastic free Zone at Deomali ecotourism complex as well as surrounding areas. The SHG groups and ETG members are regularly involving themselves for maintaining the said area plastic free. Further, the Panchayat Samitee Pottangi Block has also engaged the SHG members for maintaining its cleanliness at regular intervals. Accordingly, sufficient numbers of dustbins have been provided in the said ecotourism complex for use by the visitors.

8. That with regard to the averments made in Para-9 of the Rejoinder application are not correct and it is humbly submitted that as per the decision of the District Level Forest Right Committee Meeting under the Chairmanship of the D.M. & Collector, Koraput for Implementation of Scheduled Tribes & other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 the eligible forest dwellers/ poor tribal people have been identified by the constituted committees, verification of claims by the concerned authorities are going on and their claims have been admitted as per the extant rules by the SDLC and DLC in Koraput district.

*R.V. Bhaskar Rao*



*Sarjan*  
*28/12/24*

9. That with regard to the averments made in Para-10 of the Rejoinder application, need no comments.

10. That with regard to the averments made in Para-11 of the Rejoinder application, need no comments.

11. That with regard to the averments made in Para-12 of the Rejoinder application, it is humbly submitted that every care has been taken to follow the existing procedures and rules thereof with regard to construction of eco-tourism complex at Deomali in the allotted un-surveyed land by the district administration. No violations have been committed by this department as per the guidelines and procedures. This eco-tourism project created a great impact in the locality as near about 20 nos. of unemployed youth families have been provided with secured livelihood options.



12. That, as regard to the averments/ assertions/ allegations made in the Original Application and Rejoinder Affidavit which are not specifically admitted by this deponent shall be deemed to have been denied. This deponent craves leave of the Hon'ble Tribunal to file further affidavit, if required at the time of hearing.

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

14. That, the facts stated above are true to the best of my knowledge and based on officials record.

*K. V. Bhaskar Rao*

*Sanjay*  
*20/12/24*

## VERIFICATION

I, K.V.Bhaskar Rao, aged about 56 years, S/o. late K.Narayana, at present working as Divisional forest Officer, Koraput At/P.O.-Koraput Dist.- Koraput, do hereby verify and states that the contents of the above affidavit are true and correct to the best of my knowledge as derived from official records and that nothing material has been concealed there from.

Verified at Cuttack on this the            day of December, 2024.  
Identified by:

*Sarja*  
*2/12/24*

Addl. Govt. Advocate.

*K.V. Bhaskar Rao*

VERIFICANT



AFFIDAVIT

I, K.V.Bhaskar Rao, aged about 55 years, S/o.late K.Narayana, at present working as Divisional Forest Officer At/P.O.Koraput, Dist.-Koraput, do hereby solemnly affirm and state as follows:-

1. That I am the respondent No.4 in this Original Application. I have been duly authorized by the Respondent No.3 to swear this affidavit on his behalf also.

I am well acquainted with the facts of the case.

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

Identified by:

Addl. Govt. Advocate.

*R. V. Bhaskar Rao*

Deponent

solemnly affirmed and  
signed before me.

*30/11/24*  
Prasant Ku. Patro  
CORAPUT

NO. 2717  
Date 30/11/24  
Time 11:00 AM

