

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

**M.A NO.30 OF 2024/EZ**

**IN**

**O.A NO.114 OF 2022/EZ OF 2022**

**IN THE MATTER OF:**

**SIRIN TAMMANA & OTHERS.**

**... APPLICANT**

**-VERSUS-**

**STATE OF ODISHA & OTHERS**


**... RESPONDENTS**

**... Respondents**

**INDEX**

<b>Sl. No.</b>	<b>Description of documents</b>	<b>Pages</b>
1.	<b>Compliance Affidavit filed by Collector, Ganjam.</b>	1-4
2.	<b>Annexure-A/5</b> Copy of the Order dated 13.02.2025 passed by the Hon'ble High Court of Odisha in W.P. (C) No.4490/2025.	5-9

CUTTACK  
DATE:

  
(DEBASISH TRIPATHY)  
ADDL. GOVT. ADVOCATE

E. NO.0-1254/07

M. NO. 9437440156

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

**M.A NO.30 OF 2024/EZ**

**IN**

**O.A NO.114 OF 2022/EZ OF 2022**

**IN THE MATTER OF:**

**SIRIN TAMMANA & OTHERS.**

**... APPLICANT**

**-VERSUS-**

**STATE OF ODISHA & OTHERS**

**... RESPONDENTS**

**COMPLIANCE AFFIDAVIT FILED BY  
THE COLLECTOR, GANJAM**

I, Dibya Jyoti Parida, aged about 35 years, Son of Sri Prasanna Kumar Parida, at present working as Collector & District Magistrate, Ganjam, At/Po.Chatrapur, Dist: Ganjam, Odisha, do hereby solemnly affirm and state as follows:-

1. That, I am the Respondent No.5 in the aforesaid Miscellaneous Application No.30/2024/EZ in O.A No. 114/2022/EZ of 2022 and filling this compliance affidavit in compliance with the Order dated 07.01.2025 passed by this Hon'ble Tribunal.
2. That, in response to the direction made by this Hon'ble Tribunal in Point No.05 of the Order dated 07.01.2025, it is humbly stated that, necessary and effective steps were taken for disposal of the OPP Cases bearing OPP Case No.8/2022 to 89/2022 (82 nos.) under the Orissa

*Dibya Jyoti Parida*



**P.C. PATNAIK**  
NOTARY  
BERHAMPUR (GM.)  
No. A-243  
Time 9-20 AM/PM  
Date 24.2.2025

PART OF AFFIDAVIT  
1-201  
24-2-2025  
NOTARY

Public Premises (Eviction of Unauthorized Occupants) Act, 1972. The Tahasildar-cum-Estate officer, Berhampur had taken up the case and issued notices on dated 21.01.2025 giving due opportunity to the encroachers before necessary action for eviction from the encroached land. As the encroachers did not take any steps for the rebuttal of allegation made by the requisitioning officer, as the suit land belongs to Govt. and the same has been occupied by the encroachers, the Tahasildar-cum-Estate officer, Berhampur issued notice under Section 5 (1) of OPP Act directed the encroachers to vacate the case land (the Public premises) within 15 days.

2.1 That, it is humbly submitted that, with response to the eviction notices, the encroachers filed Appeal Petition before the Court of the Collector, Ganjam on dated 03.02.2025 praying to set-aside the Order passed by the Tahasildar-cum-Estate Officer, Berhampur.

2.2 That, it is humbly submitted that, the Collector, Ganjam on 14.02.2025 admitted the Appeal and called for certified copies of L.C.R. and Para Wise Comment on the Appeal Petition by fixing date to 28.02.2025.

2.3 That, in the mean time, some of the encroacher moved to the Hon'ble High Court of Odisha and filed Writ Petition vide W.P. (C) Case No.4490, 4993, 4895, 4926, 4985, 4986, 4991, 4992, 4995, 5005, 5013 and 5017 all of 2025. On disposing of the W.P (C) No.4490

*Dibya Jyoti Parida*

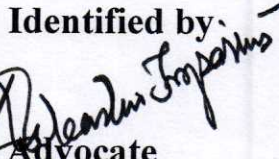
PART OF AFFIDAVIT

*1-271*  
*24-2-2025*  
NOTARY



of 2025 on Order dated 13.02.2025, the Hon'ble High Court of Odisha has directed the Collector, Gajam to consider the facts and submissions made and to take up the interim application filed by the Petitioners and pass a reasoned order within a period of fifteen days from the date of presentation of a certified copy of this order. The Hon'ble High Court also directed the Collector to dispose of the Appeal cases within forty five days and also directed not to take coercive actions against the Petitioners till the interim application is taken up by the Collector, Ganjam. Copy of the Order dated 13.02.2025 passed by the Hon'ble High Court of Odisha in W.P. (C) No.4490/2025 is enclosed herewith Annexure-A/5.

- 2.4 That, the present deponent / Collector has fixed the date of hearing of the appeal cases to 28.02.2025.
3. That, it is humbly submitted that the present deponent has outmost regards for any order/direction passed by this Hon'ble Tribunal and shall take all effective steps to implement the order.
- 4 That, the contents of the above paragraphs are true and correct to the best of my knowledge as derived from the official records and that nothing material has been concealed therefrom.

Identified by:  
  
 Advocate

  
 DEPONENT

DEPT OF AFFIDAVIT

1-201  
 24-2-2025  
 NOTARY

A

**VERIFICATION**

I, Dibya Jyoti Parida, aged about 34 years, Son of Sri Prasanna Kumar Parida, at present working as Collector & District Magistrate, Ganjam, At/Po. Chatrapur, Dist: Ganjam, Odisha, do hereby verify 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 therefrom.

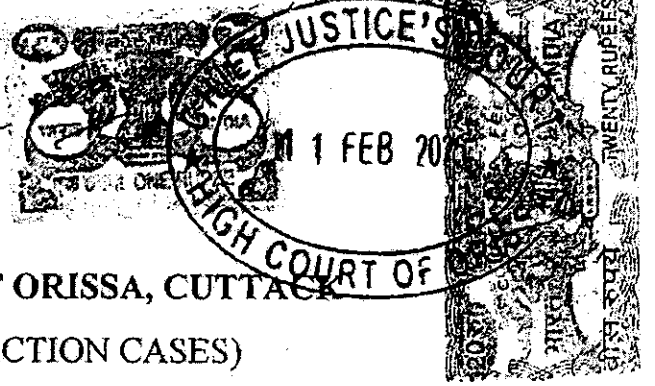
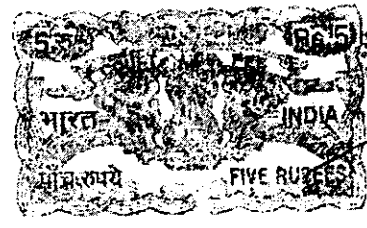
Verified at ~~Berhampur~~ on this the 24<sup>th</sup> day of February, 2025.

*Dibya Jyoti Parida*  
✓  
VERIFICANT



The Declarant having been identified by  
Sri. *Arbendu Parida* Adv. *C.H. Chak*  
Solently affirmed before me on this.....  
the, *24/2* Day of *Feb*, 2025  
*9-20* AM/PM Contents having been  
to adover & explained the declarant who  
seemed to have prictly understood the  
contents of the there of moving the affidavit

*P. C. Parida*  
NOTARY *24.2.2025*  
Berhampur (C.m.) Odisha



IN THE HIGH COURT OF ORISSA, CUTTACK  
(ORIGINAL JURISDICTION CASES)

WP (C) No. 4490 of 2025

CODE No. 120000

IN THE MATTER OF:

An application under Article 226 & 227 of the  
Constitution of India;

AND

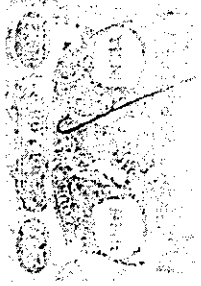
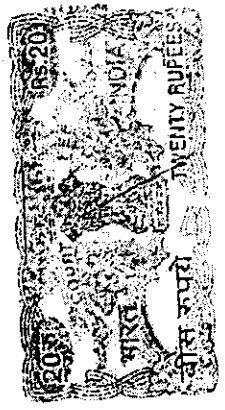
IN THE MATTER OF:

An application under the provisions of the  
Orissa Public Premises (Eviction of  
Unauthorized Occupants) Act, 1972 and the  
Rules framed there under;

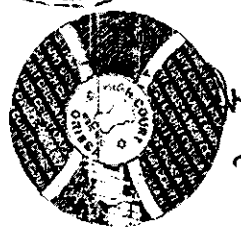
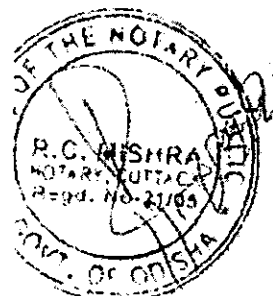
AND

IN THE MATTER OF:

An application challenging the Order dt.  
31.01.2025 and consequent order of eviction dt.  
03.02.2025 passed under Sub-section (i) of  
Section 5 of the Act issued in Form 'B' in OPP  
(EoU) Case No. 08/2022, 34/2022, 16/2022,  
11/2022, 36/2022, 29/2022, 93/2022 &



8/602



True Copy attested

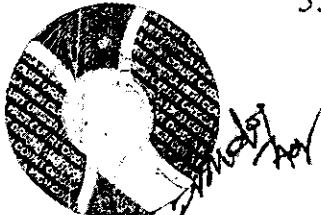
COLLECTOR,  
GANJAM/CHATRAPUR.

87/2022 passed by the Estate Officer-cum-Tahasildar, Berhampur on the ground that the order is in gross violation of Principle of Natural Justice as well as contrary to the provisions of the Act and Rules framed thereunder and therefore the impugned order is arbitrary, illegal, colourable exercise of power and without jurisdiction and hence against the Article-14 & 21 of the Constitution of India;

AND

IN THE MATTER OF:

1. Malaya Kumar Bisoyi  
aged about 58 years  
S/o Late Panchanan Bisoyi.
2. Sanjukta Nanda, aged about 49 years, W/o  
Nilachal Nanda.
3. Simanchala Mahapatra, aged about 54 years,  
S/o Parsuram Mahapatra.
4. Pramod Kumar Sethy, aged about 48 years, S/o  
Simanchal Sethy.
5. Susila Kumar Pattnaik, aged about 56 years, S/o  
Late Radha Charan Pattnaik.



*[Handwritten signature]*

6. Krutibas Mishra, aged about 30 years, S/o Late Minakhi Mishra.
7. Mamata Pattanayak, aged about 48 years, W/o Purna Chandra Pattanayak.
8. Ganapati Biswal, aged about 51 years, S/o Late Satya Biswal.

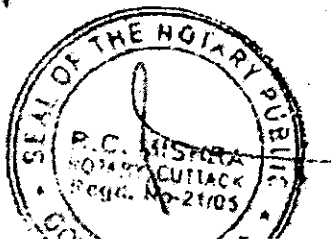
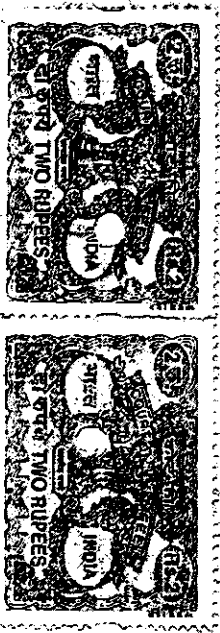
(All are residing at Panda Colony, Nabin Bhawan Lane, Klapuri, P.S: B.N.Pur, District: Ganjam.)

... PETITIONERS

Versus

1. State of Odisha  
Represented through it's Secretary  
Revenue & Disaster Management Department  
At: Secretariat  
P.O: Bhubaneswar  
District: Khurda.
2. Collector, Berhampur  
At/P.O/P.S: Berhampur  
District: Ganjam.
3. Estate Officer-cum- Tahasildar, Berhampur,  
At/P.O/P.S: Berhampur  
District: Ganjam

... OPPOSITE PARTIES



10



IN THE HIGH COURT OF ORISSA AT CUTTACK  
W.P.(C) No.4490 of 2025

*Malaya Kumar Bisoyi & Ors.* .... *Petitioners*  
*Represented By Adv.*  
*Mr. Ashok Kumar Das*

*State of Odisha & Ors.* .... *Opposite Parties*  
*Represented By AGA*  
*Mr. Sanjay Rath*

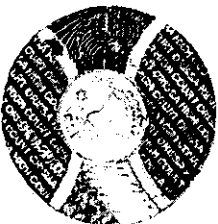
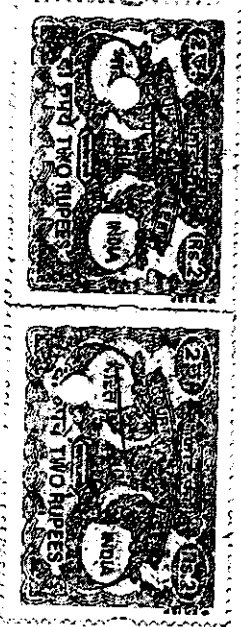
-versus-

CORAM:  
DR. JUSTICE S.K. PANIGRAHI

ORDER  
13.02.2025

Order  
No.  
01.

1. This matter is taken up through hybrid arrangement.
2. Heard.
3. The Petitioners have filed this Writ Petition challenging the order dated 31.01.2025 passed by the Tahasildar, Berhampur and the consequent order of eviction dated 03.02.2025 passed under Section (1) of the Act issued in Form 'B' in OPP (EoU) Cases by the Estate Officer-cum-Tahasildar, Berhampur.
4. During course of hearing, learned counsel for the Petitioners submits that before approaching this Court, the Petitioners have already filed appeal with stay petitions before the Collector, Berhampur, District-Ganjam/Opposite Party No.2 against the order of eviction



102

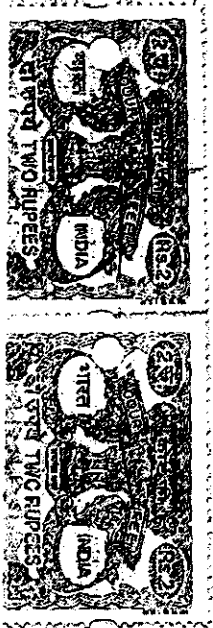


dated 03.02.2025 issued by the Estate Officer-cum-Tahasildar, Berhampur/Opposite Party No.3. He further submits that though the Petitioner has filed the interim application before the Collector, Berhampur, District-Ganjam/Opposite Party No.2, the said application has not yet been taken up.

5. Considering the facts and submissions made, let the Collector, Berhampur, District-Ganjam/Opposite Party No.2 take up the interim application filed by the Petitioners and pass a reasoned order within a period of fifteen days from the date of presentation of a certified copy of this order. The Collector, Berhampur, District-Ganjam/Opposite Party No.2 shall dispose of the appeal filed by the present Petitioners within a period of forty-five days thereafter.

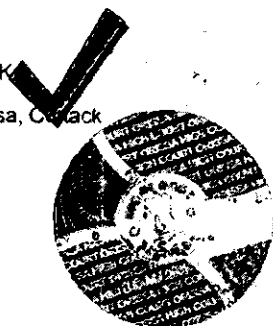
6. It is directed that no coercive action shall be taken against the present Petitioners till the interim application is taken up by the Collector, Berhampur, District-Ganjam/Opposite Party No.2.

7. With the aforesaid direction, the Writ Petition is disposed of.



Signature valid

Digitally Signed  
Signed by: SUMITRA NAYAK  
Reason: Authentication  
Location: High Court of Orissa, Cutack  
Date: 19 Feb 2025 13:13:43



SD- Dr. S.K. Panigrahi (J)  
(Dr. S.K. Panigrahi)  
Judge

Verify by  
[Signature]  
19.02.25