

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE, KOLKATA BENCH  
IN  
O.A NO.106 OF 2021/EZ OF 2021**

**IN THE MATTER OF:**

- **SRI SISIR KUMAR PANDA**

... **APPLICANT**

-VERSUS-


**THE UNION OF INDIA& OTHERS**

...**RESPONDENTS**

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CUTTACK  
DATE:

  
ADDL. GOVT. ADVOCATE

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O.A NO.106 OF 2021/EZ OF 2021

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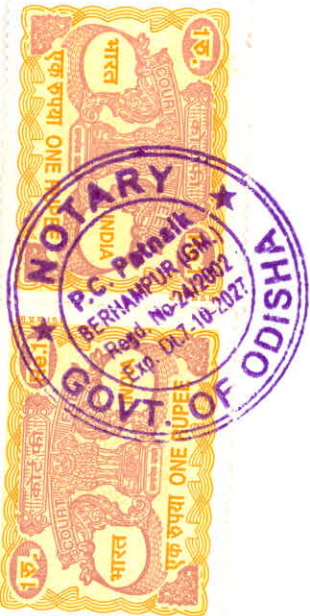
THE UNION OF INDIA&OTHERS

... RESPONDENTS

COMPLIANCE AFFIDAVIT FILED BY  
THE COLLECTOR, GANJAM RESPONDENT  
NO.14

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. 14 in the aforesaid O.A No. 106/2021/EZ of 2021 and filling this compliance affidavit in terms of Order dated 09.01.2025 passed by this Hon'ble Tribunal.
2. That, in response to the direction made by this Hon'ble Tribunal in Point No.04 of the Order dated 09.01.2025, it is humbly stated that, the Tahasildar-cum-Estate officer,



P.C. PATNAIK  
NOTARY  
BERHAMPUR (GM.)  
No.....  
Time.....AM/PM  
Date.....

*[Handwritten signature]*

DEPT OF AFFIDAVIT

1-201  
1-3-2025  
NOTARY

*Dibya Jyoti Parida*

Berhampur has initiated an OPP case bearing OPP No. 69/2025 under the Orissa Public Premises (Eviction Of Unauthorized Occupants) Act, 1972 against the encroacher Maa Mangala Temple and Kalyan Mandap Managing Committee for illegally occupying the periphery land of the Agula Bandha. Effective and urgent steps have been taken to evict the encroacher from the suit land by following due process of law.

That, Notice under sub Section (I) of section 4 of the ORISSA PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) ACT, 1972 was served to the Maa Mangala Temple and Kalayan Mandap Managing committee as to why an eviction Order shall not be passed. In response to the above notice the Maa Mangala Temple and Kalyan Mandap Managing Committee and Ors have filed a writ application No. WP (C) 5449/2025 in the Hon'ble High Court of Odisha praying for quashing the notice dated 10.02.2025 and for restraining the Tahasildar-Cum-Estate Officer, Berhampur from proceeding further awaiting disposal of the Original

*Diksha Jyoti Parida*



Application No. 106/2021/EZ sub-judice before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

That, Considering the facts and submissions made, the Hon'ble High Court of Odisha vide order dated 20.02.2025 while disposing the above said Writ petition directed the petitioner to file the detailed reply to the concerned show cause notice and the concerned authority has been directed to consider the reply to be filed by the Petitioner and shall not issue any final order till the matter is pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

That, it has further been directed that no coercive action shall be taken against the Petitioner pursuant to the notice of eviction dated 10.02.2025 till the finalization of the matter pending before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata.

Copy of the order dated 07.09.2022 passed by the Hon'ble High Court of Odisha in WP(c) 5449/2025 is annexed herewith as **Annexure-A**.



PART OF AFFIDAVIT

11.3.2025  
NOTARY

Dibya Jyoti Parida

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

*n.c.n. / 1-3-2025*  
 Advocate

*Dibya Jyoti Parida*  
 DEPONENT

**VERIFICATION**

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 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 Cuttack on this the 01<sup>st</sup> day of March, 2025.

*n.c.n. / 1-3-2025*  
 PART OF AFFIDAVIT  
 NOTARY



*Dibya Jyoti Parida*  
 VERIFICANT

The Declarant having been identified by Sri *Self* Adv. *n.c.n.* Solently affirmed before me on this *01* the *01* Day of *March* 2025 *7-25 AM/PM* Contents having been to adover & explained the declarant who seemed to have profly understood the contents of the there of moving the affidavit

*n.c.n. / 1-3-2025*  
 NOTARY  
 Berhampur (C.n.) Odisha

1.3.2025



ANNEXURE-A

83814

At  
Dy. Commr  
1.3.2025

**IN THE HIGH COURT OF ORISSA, CUTTACK**

**(Original Jurisdiction Cases)**

**W.P.(C) No. 5449 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 challenging the Notice u/s 4(1) of the Orissa Public Premises (Eviction of Unauthorized Occupation) Act, 1972 against the Petitioner i.e. Maa Mangala Temple & Kalyan Mandap Managing Committee represented through its Chairman, Shri Tuna Panigrahi pertaining to Khata No. 1375, Plot No. 1509, Ac 0.350 dec, Kisam- Jalasaya-I of Mouza- Gopabandhu Nagar in the remark column as "Maa Mangala Thakurani Temple" fixing to 21.02.2025 as to why an eviction Order shall not be passed which is amounts to overreaching the direction of this Hon'ble Court dated 21.03.2024 in W.P.(C) No. 22622/2022 & that too when the O.A No. 106/2021/EZ subjudice before the learned National Green Tribunal, Eastern Zone, Kolkata and posted to 03.03.2025 for further hearing as



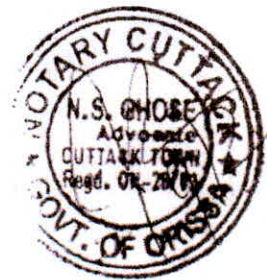
True copy attached

Handwritten signature



**UMESH CHANDRA MOHANTY**  
(Advocate) E.No-O-643/1999  
Mob-9338855711

**COLLECTOR,**  
**GANJAM.CHATRAPUR.**



such the so called notice issued by the Estate Officer-Cum-Tahasildar, Berhampur dated 10.02.2025 is liable to be quashed by this Hon'ble Court with further direction restraining the Tahasildar not to proceed further awaiting disposal of the aforesaid Original Application by the learned National Green Tribunal, Eastern Zone, Kolkata.

**AND**

**In the matter of:**

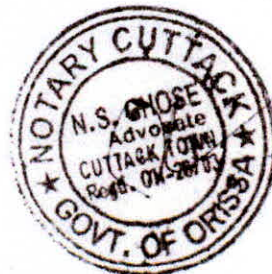
Maa Mangala Temple & Kalyan Mandap Managing Committee represented through its Chairman, Shri Tuna Panigrahi, aged about 55 years, S/o- Late Somnath Panigrahi, Nehru Nagar, 10<sup>th</sup> Lane, Station Road, Ghoshani, Berhampur Sadar, Ganjam-76003

..... **Petitioner**

**-Versus-**

1. State of Odisha, represented through Department of Water Resource, Secretariat Building, Bhubaneswar.
2. The Collector-Cum-District Magistrate, Ganjam Collectorate, At/P.O- Chhatrapur, Ganjam, Odisha
3. The Estate Officer-Cum-Tahasildar, Berhampur, At/P.O- Berhampur, Dist- Ganjam, Odisha.

....**Opp. Parties**





**IN THE HIGH COURT OF ORISSA AT CUTTACK**  
**W.P.(C) No.5449 of 2025**

***Maa Mangala Temple and  
Kalyan Mandap Managing  
Committee, Berhampur***

.... ***Petitioner***

*Represented By Adv.  
Mr. Umesh Chandra Mohanty*

-versus-

***State of Odisha & Ors.***

.... ***Opposite Parties***

*Represented By AGA  
Mr. Saswat Das*

**CORAM:**  
**DR. JUSTICE S.K. PANIGRAHI**

**ORDER**  
**20.02.2025**

**Order**

**No.**

01.

1. This matter is taken up through hybrid arrangement.
2. Though this matter was not listed today, on being mentioned during the first hour, the same is taken up through "Special Notice" at 2 P.M.
3. Heard.
4. The Petitioner has filed this Writ Petition challenging the impugned notice dated 10.02.2025 passed by the Opposite Party No.3 under Annexure-3.
5. Learned counsel for the Petitioner submits that as per this Court's order dated 03.08.2022 passed in W.P.(C)





No.22622 of 2019, the matter was remitted back to the learned National Green Tribunal, Eastern Zone Bench, Kolkata for hearing in accordance with law. The matter is pending before the National Green Tribunal, Eastern Zone Bench, Kolkata for adjudication. In the meantime, the Estate Officer-cum-Tahasildar, Berhampur has issued a notice for eviction dated 10.02.2025 pursuant to the direction of the National Green Tribunal, Eastern Zone Bench, Kolkata in O.A. No.106/2021/EZ. The relevant portion of the eviction notice dated 10.02.2025 issued by the Estate Officer-cum-Tahasildar, Berhampur is extracted herinbelow:-

“XXX

*Issue a notice to Maa Mangala temple and Kalyan Mandap Managing Committee, Berhampur, Ganjam and others represented through its President Shri Tuna Panigrahi S/o- Somnath Panigrahi, resident of Neheru nagar 10<sup>th</sup> lane, Berhampur under Orissa Public Premises (Eviction of As per the Orissa Public Premises (Eviction of Unauthorized Occupants) Act, 1972 to appear in the Court of the undersigned on 21.02.2025 at 11:00 AM with relevant documents for an opportunity to be heard.”*

6. Considering the facts and submissions made, this Court directs the Petitioner to file the detailed reply to the concerned show cause notice and the concerned authority





shall consider the reply to be filed by the Petitioner and shall not issue any final order till the matter is pending before the National Green Tribunal, Eastern Zone Bench, Kolkata.

7. It is directed that no coercive action shall be taken against the Petitioner pursuant to the notice of eviction dated 10.02.2025 under Annexure-3 till the finalization of the matter pending before the National Green Tribunal, Eastern Zone Bench, Kolkata.

8. Accordingly, the Writ Petition is disposed of.



*Sd/- Dr. S.K. Panigrahi, J.*  
(Dr. S.K. Panigrahi)  
Judge

*Verify by DP*  
*21-2-25*

Signature valid

Digitally Signed  
Signed by: SUMITRA NAYAK  
Reason: Authentication  
Location: High Court of Orissa, Cutack  
Date: 20-Feb-2025 19:04:28

