

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

Original Application No.26/2025/EZ

IN THE MATTER OF:-

**YOUTH UNITED FOR SUSTAINABLE ENVIORNMENT
TRUST** **APPLICANT**

Versus

STATE OF ODISHA & ORS. **RESPONDENTS**

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Cuttack

Advocate for the Respondent No. 2 & 3

Dated.07.05.2025

PARTHA SARATHI NAYAK
ADDL. GOVERNMENT ADVOCATE

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BEFORE THE NATIONAL GREEN TRIBUNAL
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IN THE MATTER OF:-

YOUTH UNITED FOR SUSTAINABLE ENVIORNMENT
TRUST APPLICANT

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COUNTER AFFIDAVIT FILED ON BEHALF OF
RESPONDENT No.2 & 3

I, Shri Sudev Kumar Prusty, aged about 40 years, Son of Bhikari Charan Prusty, at present working as Tahasildar, Parjang, At/PO/PS-Parjang, Dist-Dhenkanal, do hereby solemnly affirm and state as follows:-

Sudev kumar Prusty
Tahasildar
Parjang

1. That I am working as Tahasildar, Parjang and Respondent No.3 in this case and I am duly authorised by the Respondent No.2 to swear this affidavit on his behalf. I am well acquainted with the facts of the case and also competent to swear this affidavit on behalf of the Respondent No.2.
2. That the present Original Application is being filed challenging the illegal encroachment of Khalpal Reserve Forest land within Mahabiroad Forrest Range and Revenue land under Parjang Tahasil, Mouza-Kualo, Khata No.824 and Plot No.1 and the and the same is recorded under kissam

Chinnappa

07-05-25
AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

Gochara by the private respondent for approach road to one Dhaba namely Hotel New Surya and parking place for Heavy Vehicles without any permission from the competent authority.

3. That it is respectfully submitted that in reply to para-2 of the O.A. it is humbly submitted that, Plot No.1 under Khata No.824, Mouza-Kualo under jurisdiction of Parjang Tahasil is free from encroachment. Though the said plot is used for parking of Heavy Vehicles for the time being, it is free from encroachment.
4. That it is respectfully submitted that in reply to para-3 of the O.A. it is humbly submitted that, one hotel/dhaba namely Hotel New Surya is situated on private land i.e. plot No.02, kisam-Patita measuring an area of Ac.0.44 under Khata No.31 of village-Kualo, which is adjacent to Khalpal Reserve Forest and Govt. Revenue Land.
5. That it is respectfully submitted that in reply to para-4 of the O.A. it is humbly submitted that, the averment made in this para is not at all correct. It is stated that, there is parking over the land in question for the time being during taking of meal by the drivers of Heavy Vehicle. Two numbers of Temporary shops are also found over the Govt. land adjacent to the said dhaba and Encroachment cases had booked against the encroachers with realization of penalty and assessment.

Sudlev Kumar Poudyal
Tahasildar
Parjang

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AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

6. That it is respectfully submitted that, in reply to para-5 of the O.A. it is humbly submitted that, there are temporary shops are found over the Govt. land adjacent to the said dhaba and Encroachment cases had booked against the encroachers with realization of penalty and assessment.
7. That it is respectfully submitted that in reply to Para-6 of the O.A. it is humbly submitted that, there is no forest growth/valuable tree growth over Khalpal RF which is adjacent to the plot No.1 under Govt. Khata No.824 of village-Kualo. To protect the Govt. land, a prohibition board showing the property belongs to Govt. of Odisha was also displayed over the said land. During taking of meal at the said dhaba, the drivers park their vehicles over the case land for the time being.
8. That it is respectfully submitted that, in reply to Para-7 of the O.A., it is submitted here that, there is no illegal encroachment found over Khalpal RF and Govt. Revenue land.
9. That it is respectfully submitted that in reply to Para-8, 9, 10 & 11 of the O.A. the deponent has no comment.
10. That it is respectfully submitted that, in reply to para-12 of the O.A. it is humbly submitted that, the approach road is passing over Khalpal Reserve Forest.

Sudev Kumar Prusty
Tahasildar
Parjang


AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

11. That it is respectfully submitted that in reply to Para-13 of the O.A. the deponent has no comment.

12. That it is respectfully submitted that in reply to Para-14 of the O.A. it is submitted here that, there was a signboard affixed over the Govt. Revenue land under Protection of Govt. Land Scheme.


13. That it is respectfully submitted that in reply to Para-15, 16, 17, 18, 19 & 20 of the O.A. the deponent has no comment.

14. That it is respectfully submitted that in reply to para-18 it is submitted here that, so far the allegation that the private respondent has encroached more than 5 Acres of Govt. land is completely false. It is a fact that the customers/drivers those are coming to the dhaba of private respondent were parking their vehicle on the road side adjacent to said dhaba for temporary period. So far collection of parking fees is concerned, there is no complain from any person regarding collection of parking fees from the vehicles. During physical verification of the spot, the deponent ascertained from the drivers/customers regarding collection of parking fees but all have denied to it.

15. That it is respectfully submitted that in reply to Para-19 & 20 of the O.A. the deponent has no comment.

16. That it is respectfully submitted that in reply to para-21 of the O.A, it is submitted here that, apart from the private

Sudev Kumar Prusty
Tahasildar
Parjang


AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
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respondent many other villagers/habitants have constructed their houses over Khata No.824, plot No.3493, Mouza-Kualo having kism as Gramya Jungle measuring an area of Ac.8.50 since a long period.

17. That it is respectfully submitted that in reply to para-22 of the O.A, it is submitted here that, the said land is coming under Reserve Forest. As of now there is no presence of fresh fly ash dumping over the case land, but fly ash earlier dumped is leveled with the surface.

18. That it is respectfully submitted that in reply to para-23, 24, 25 & 26 of the O.A. the deponent has no comment.


19. That it is respectfully submitted that, in pursuance to direction of this Hon'ble Tribunal vide order dated 19.02.2025 a committee was constituted comprising the following members.

1. Sri Lalit Mohan Behera, OAS(S), Additional District Magistrate(Rev), Dhenkanal, Representative of District Magistrate, Dhenkanal (Nodal Officer).
2. Er. Ramesh Kumar Ekka, Sr. Env. Engineer & Regional Officer, Angul, State Pollution Control board, Odisha.

The said committee members visited the site on 17.04.2025 along with following officials and submitted the report.

Sudev Kumar Parjathy
Tahasildar
Parjang




AMBIKA PRASAD RAI
NOTARY, CUTTACK TOWN
REGD. NO-ON-56/2004

1. Sri Satya Narayan Sahu, ACF, Dhenkanal.
2. Sri Sudev Ku. Prusty, Tahasildar, Parjang.
3. Sri Soumya Ranjan Kuanar, Asst. Env. Scientist,
SPCB, Angul.
4. Sri Harish Chandra Kisan, Range Officer, Parjang.

The copy of joint committee report is filed
herewith as ANNEXURE-A/2

20. That it is submitted that the Respondent No.2 & 3 reserves
the right to file further affidavit if so required in future.

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

Identified by

P. S. Nayak.
7/5/25
Advocate

Sudev Kumar Prusty
DEPONENT *Tahasildar* 07.05.25
Parjang

CERTIFICATE

Certified that cartridge papers not being available,
thick white papers are being used.

Cuttack

Dt.07.05.2025

Partha Sarathi Nayak
PARTHA SARATHI NAYAK
ADDL. GOVERNMENT ADVOCATE
Mob:- 9437277043
Email:- advparthaohc@gmail.com



S.K. Prusty
The above named deponent, being
identified by *P.S. Nayak* Adv
solemnly affirm and states before me
that the contents of this *Ann*
are true to the best of *Ann* their
knowledge and belief *Ann*
07.05.25

AMBIKA PRASAD RAY
NOTARY, CUTTACK TOWN
Regd. No.-ON-56/2004

Joint Committee Report on O.A. No. 26/2025/EZ – Youth United for Sustainable Environment Trust Vrs. State of Odisha and Others before the National Green Tribunal, Eastern Zone, Kolkata-reg.

As per the order dated 01.02.2025 of Hon'ble NGT, EZ, Kolkata a joint committee has been constituted comprising of the, Senior Scientist, Odisha State Pollution Control Board and District collector, Dhenkanal or his representative not below the rank of Additional District Magistrate to visit the site & look in to the grievances of the applicant and verify the factual position and take appropriate remedial action.

In obedience to the order of the Hon'ble NGT, EZ, Kolkata, the following members of joint committee visited the site on 17.04.2025.

1. Sri Lalit Mohan Behera, OAS (S), Additional District Magistrate (Rev), Dhenkanal, Representative of District Magistrate, Dhenkanal (Nodal Officer).
2. Er. Ramesh Kumar Ekka, Sr. Env. Engineer & Regional Officer, Angul, State Pollution Control Board, Odisha.

The following officers were accompanied the committee during field visit:

1. Sri Satya Narayan Sahu, Assistant Conservator of Forest, Dhenkanal.
2. Sri Sudev Kumar Prusty, Tahasildar, Parjang.
3. Sri Soumya Ranjan Kuanr, Asst. Env. Scientist, SPC Board, Angul.
4. Sri Harish Chandra Kisan, Range Officer, Parjang.


Observations:

The committee has observed the following points during their visit.


1. It was observed during visit that, plot No.1, kissam Gochar of Khata No.824 under jurisdiction of Parjang Tahasil is free from encroachment. Though the said plot is used for parking of Heavy Vehicles for the time being, it is free from encroachment. It is stated that, there is parking over the land in question for the time being during taking of meal by the drivers of Heavy Vehicle. Two (02) Nos. of temporary shops are also found over the Govt. land in same plot adjacent to the said Dhaba. It was observed that, there is no forest growth/valuable tree growth over Khalspal RF which is adjacent to the plot No.1 under Govt. Khata No.824 of village-Kualo. To protect the Govt. land a prohibition board showing the property belongs to Govt. of Odisha was also displayed over the said land (**Cadastral Map of the mentioned plot is attached as Annexure-I**).
2. The Assistant Conservator of Forests, Dhenkanal Division present in the joint enquiry, stated that the alleged area which has been used as parking place by

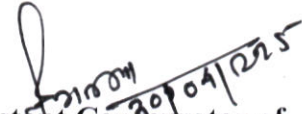
spreading Ash is not coming under the Khalpal Reserve Forest Area with reference to the management map of the Dhenkanal Forest Division. But during DGPS survey, it was ascertained that some portion of the boundary line of Khalpal Reserve Forest land is visible crossing at NH 149 nearby village Kualo, and till settlement by re-notification of Khalpal Reserve Forest all possible steps have been taken to safeguard the area. Accordingly tree plantation has been raised on the alleged site. Some portion of the said land is now being used by villagers as walking path (**Management Map of Khalpal Reserve Forest is attached as Annexure-II**).

3. The said Hotel / Dhaba is situated on private land i.e. plot No.02, kissam-Gharabari measuring an area of Ac.0.44 under Khata No.31 of village-Kualo which is adjacent to Khalpal Reserve Forest and Govt. Revenue Land.
4. It was observed that, there are some habitations present over the plot No.3493 having kissam as Gramya Jungle under Khata No.824 of village- Kualo since a long period.
5. The alleged site has been filled and compacted with fly ash over an estimated area of 16,275 Sq.m. or 4.0Ac.(approximately) with an average height of 2m. Therefore, the total quantity of fly-ash dumped is estimated to be about 40,687 Metric Tonne (considering density of fly ash to be 1.25 Ton/M³). During visit, it couldn't be ascertained that from which industry the fly-ash has been illegally dumped at the alleged site. However, the dumped area has been compacted with soil cover.


Regional Officer,
SPC Board, Angul.


Tahasildar, Parjang


Additional District Magistrate
(Rev), Dhenkanal.


Assistant Conservator of
Forest, Dhenkanal

MOUZA - KUALO SHEET NO.1
THANA - PARJANG NO.64
TAHSIL - PARJANG
SCALE : 16 INCH = 1 MILE
DIST - DHENKANAL
YEAR : 1984-85

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ANNEXURE - I

YELLOW COLOUR : GOVT. REVENUE LAND (GOCHAR) (PLOT NO.1)
RED COLOUR : PRIVATE LAND (PLOT NO.2)

KHALPAL RESERVE FOREST

Prepared by AMIN
Amin
Tahasil Parjang

02.05.25
Tahasildar
Parjang



Khalpal RF

ANNEXURE-II

— 10 —



Khalpal RF

Hotel New Surya

- Legend**
- ORANGE COLOR : DHABA
 - Road
 - Khalpal RF
 - River
 - Division_Boundary

Asst. Conservator of Forests
Bhenkanal Division

