

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO- 26 of 2025/EZ  
IN THE MATTER OF  
YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT  
TRUST**

**APPLICANT**

Versus

**STATE OF ODISHA AND OTHERS      RESPONDENTS**

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PLACE: Bhubaneswar

DATE: 19/05/2025

**SANKAR PRASAD PANI**

*S.Pani*

**ASHUTOSH PADHY**

*A. Padhy*

ADVOCATE

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**BEFORE THE NATIONAL GREEN TRIBUNAL AT KOLKATA**

Original Application No 26 of 2025

**YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT  
TRUST** **APPLICANT**

VERSUS

**STATE OF ODISHA &ORS ...** **RESPONDENTS**

**RESPONSE AFFIDAVIT ON BEHALF OF APPLICANT TO THE  
COMMITTEE REPORT AND AFFIDAVIT FILED BY R-3.**

I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, do hereby solemnly affirm, and declare as under:

1. That I am the President of the Applicant Trust, Youth United For Sustainable Environmental Trust in the above mentioned application and authorized to sign this affidavit.
2. It is submitted that in the committee report under the heading **Observations in para 1** it is stated that *“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 Khalpal RF which is adjacent to the plot No.1 under Govt. Khata No.824 of village-Kunio. To protect the Govt. land a prohibition board showing the property belongs to Govt. of Odisha was also displayed over the said land".* From the above observation it is admitted that there are parking over the govt. plot and also there is encroachment and illegal shops exists over the alleged site, but as on date no action has been taken so as to remove the illegal encroachment.

3. It is further submitted that there has been no demarcation on the site to identify the area of encroached land as well as no fencing has been made to make the land free from further encroachment.
4. It is submitted that in the committee report under the heading **Observations in para 5** it is stated that *"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/Ml). 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”.** It is

pertinent to mention here that as reported by the committee that the dumped area has been compacted with soil is a false statement and the same is evident from the photographs dated 9-11/05/2025, which suggests that the flyash has been illegally dumped openly without being compacted with soil cover. Copy of the photographs dated 9-11/05/2025 is annexed here with as **ANNEXURE-1.**

5. It is apparent from the report that 40687 metric tons of fly ash has been illegally dumped over the alleged site in question, which appears to be a huge quantity of fly ash illegally dumped on a government land mostly in Gochar and Forest kism land measuring in an area of 4 Ac. and that land is being used for parking by the private respondent.
6. It appears the Private Respondent has not been questioned about the source of fly ash and who has dumped it. It is obvious that the land is being used by the Private Respondent hence the illegal dumping of flyash is being done by the Private Respondent and flyash is brought from the nearest industry namely GM Iron & Steel Company Limited (GMISL).
7. It is further submitted that in the alleged land the fly ash has been dumped for more than a year and in this regard complaint has also been made to the authorities including Pollution Control Board and as

on date neither the revenue authorities nor the pollution Control Board has taken cognizance of illegal dump of flyash in the alleged site in question, **which amount to dereliction of duty on part of both revenue authorities (Tahasildr Parjang) as well as Regional Officer State Pollution Control Board Angul.**

8. Further it is submitted that the allegations has been made against the State Respondents and State Pollution Control Board for their inaction and omission in discharging their responsibility when they were asked to inquire into the matter by Hon'ble NGT, so as to protect themselves they have filed a report without holding any of the authorities or the Private Respondent accountable and without mentioning any recommendation for removal of fly ash from the govt. land as well as to protect the land from further use by the Private Respondent hence the report submitted by the committee comprising of Additional District Magistrate (Rev), Dhenkanal, and Sr. Env. Engineer & Regional Officer, Angul, State Pollution Control Board, Odisha is an eye wash.
9. That the same report also confirms that the approach road is on Khalpal Reserve Forest land. However the report also says that some portion of the approach road is being used by the villagers as walking path. It is pertinent to mention here that the land which they claim to be walking path of the villagers is being used by the Dhaba owner/

Private Respondent as an approach road to his Dhaba/Hotel and thereon all kind of heavy vehicles are plying, hence saying the road is an walking path of the villagers is completely false and by saying the approach road is being used by the villagers they try to further protect the Private Respondent as well as trying to cover up the entire case.

10.It is need less to state that the approach road is 40 ft. wide and used particularly by the hotel owner for the vehicles as well as customers coming to the hotel. There is already another road showing on the revenue map filed by the Tahasildar Parjang which is in backside of the hotel/ Dhaba and that is being used by the villagers. That the road as reported by the committee used by the villagers as walking path ends in the hotel and has no connection to the village. Hence there is no justification to the statement given in the committee report that the road is used by villager as walking path.

11.It is further submitted that the forest land wherein the forest department have planted saplings to protect the piece of land have already been destroyed by the vehicles which comes to the Hotel/Dhaba and the Private Respondent using that land as parking space hence all the saplings planted last year to protect the land and the subsequent damage has not been reported by the committee and the forest department has not filed any specific affidavit in that regard. The google earth image of 29/03/2025 clearly demonstrate there exist

no plantation and the entire area has been filled with flyash and leveled while the photographs of 28/08/2024 suggests the plantation has been done on dated 28/08/2024. Surprisingly this fact has not been reported by the committee and no action has been taken either by Forest department or by the Revenue department. Copy of the google earth images are annexed here unto as **ANNEXURE-2**.

12. Since it is an admitted fact that around 4 Ac. of land is illegally encroached and **40687 Metric Ton of flyash** has been illegally dumped and saplings planted last year has already been damaged as evident from the photographs annexed in the OA(Page 27) and the Khalpal Reserve Forest land is being used as approach road to the hotel. **It is a clear case of failure of authorities to discharge their duty and favoring the Private Respondent for its gain at the cost of govt. and forest land.** Further, surprisingly even after notice no steps has been taken in terms of removing the fly ash, protecting the saplings, prohibiting the Reserve forest land using as approach road by the Dhaba/Hotel. The applicant prays for a direction to the State Respondents to file specific response in regard to the action taken by Pollution Control Board, Revenue Authority, Forest Authority in respect of specific allegations made in the Original Application and the officers are need to be identified for inaction since the ***complaint***

has been made since 26<sup>th</sup> August 2024 and even the notice was issued on 19/02/2025.

13. It is further submitted that the report further in observation No. 4 says that *“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.”* However the committee choose to ignore and to take any action for removal of those encroachment from forest land in the garb of many other villagers encroached the said the plot. It is submitted that the authorities have a duty to enforce the law of land and in this case other encroachments can not be legalized the illegal encroachment of the present Private Respondent, hence the one of the members of the committee i.e. ADM Dhenkanal who have a duty to ensure to make the forest land free from encroachment is measurably filed to discharge his duty to the statutory obligation as such the construction is huge and a new construction but the District Administration did not acted on their own and further no action for last one year despite of a specific complaint. This is also a clear case of disregard to the court proceeding when the Hon’ble Tribunal has issued notice to all respondents to file para wise reply but as on now SPCB, DFO have not filed their para wise reply.
14. It is further submitted that the Respondent 2 has filed a vague affidavit stating that, **“apart from the private 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” without stating any specific response if any encroachment notice and eviction order has been issued against the Private Respondent.

15.It is further submitted that the Hon’ble Tribunal has directed the State Pollution Control Board and District Magistrate Dhenkanal for a fact finding however in the garb of being court appointed committee members the authorities who had failed to discharge their obligation and duty and are now trying to cover up the matter and misleading this Hon’ble Tribunal causing obstruction in the administration of justice. The Hon’ble Tribunal may take cognizance the conduct of the committee member and the kind of the report filed without any specific action taken report when they could find the violations are blatant and obvious as demonstrated in the Original Application as well as in the ground situation.

DATE- 19/05/2025

APPLICANTS THROUGH

  
A. Panigrahi  
ADVOCATE

*W*  
*19/5*

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**ORIGINAL APPLICATION NO - 26 OF 2025/EZ**

**IN THE MATTER OF:**

**YOUTH UNITED FOR SUSTAINABLE ENVIRONMENT TRUST  
APPLICANT**

**VERSUS**

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

**RESPONDENTS**

**AFFIDAVIT**

I, Santanu Kumar Bhukta S/o Golak Bhukta, Aged about 32 years At/Po-Santhapada, PS-Talcher Dist-Angul, Odisha, 759104, do hereby solemnly affirm, and declare as under:

That I am the President of the Applicant Trust, Youth United For Sustainable Environmental Trust in the abovementioned application and authorized to sign this affidavit.

I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.

- 3. That I have read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

N.R.No.....Date

*Santanu Kumar Bhukta.*  
Youth United for Sustainable Environment Trust  
**DEPONENT**  
President

**VERIFICATION**

Verified on this 19th day of May, 2025 at 10:30 AM 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

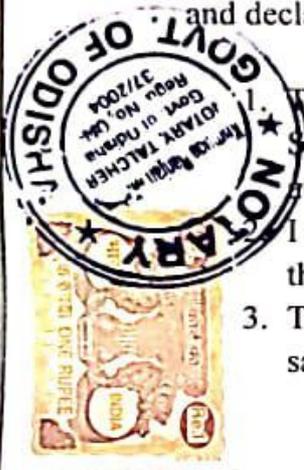
*W*  
*19/5*  
Advocate

**AFFIDAVIT**

The above named deponent having been identified by Sri... Advocate Talcher, Solemnly affirms before me this... day at of... 20... in the court premises that the contents of the affidavit are true in the best of belief & knowledge

*Santanu Kumar Bhukta.*  
**DEPONENT**  
Youth United for Sustainable Environment Trust  
President

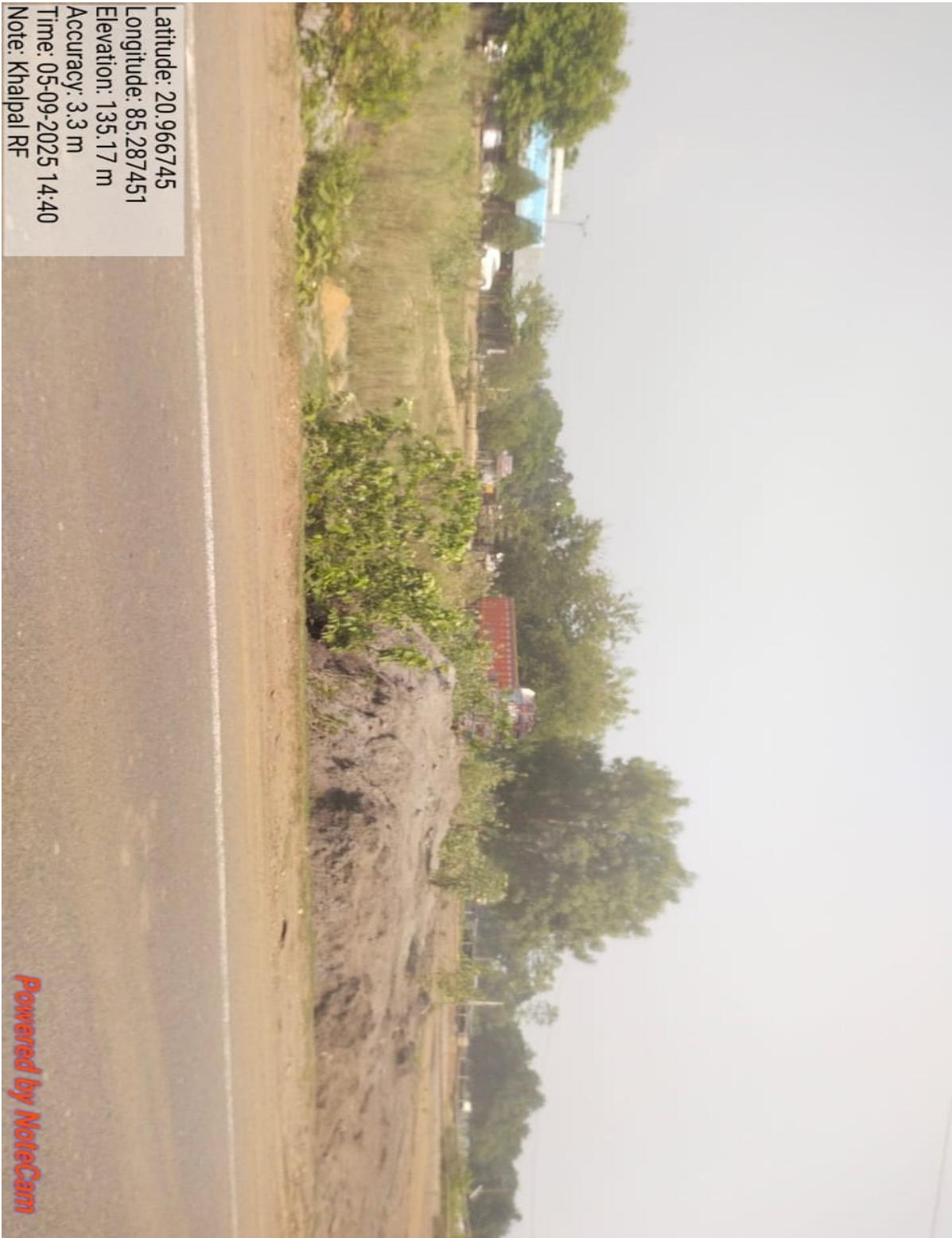
*W*  
*19/5/25*  
Ranjana Mishra  
Notary, Talcher  
Govt. of Odisha  
No. ON-37/2004





## ANNEXURE-1

THAT THE BELOW ATTACHED PHOTOGRAPHS DATED 9-11/05/2025 SUGGESTS FLY ASH ARE BEEING ILLEGALLY OPENLY DUMPED OVER THE GOVT. LAND AND KHALPAL RESERVE FOREST LAND, AND VEHICLES ARE BEING PARKED OVER THE ALLEGED SITE IN QUESTION.







Latitude: 20.966688  
Longitude: 85.287339  
Elevation: 79.19±8 m  
Accuracy: 7.0 m  
Time: 05-10-2025 09:02  
Note: Khajpal RF

Powered by NoteCam







Latitude: 20.966808  
Longitude: 85.28762  
Elevation: 106.72±10 m  
Accuracy: 212.4 m  
Time: 05-11-2025 10:00  
Note: Khalpal RF

Powered by Notecam

# ANNEXURE-2

16

PHOTOGRAPH DATED 29/03/2025 OF GOOGLE EARTH SUGGESTS TREES PLANTED BY THE FOREST DEPARTMENT ON DATED 28/08/2024 IN THE SITE IN QUESTION IS NO MORE EXIST AND THE SITE IS FILLED FLYASH BEING FILLED WITH AND LEVELLED.



PHOTOGRAPH DATED 28/08/2024 SUGGESTING FOREST DEPARTMENT HAS PLANTED SOME TREES OVER THE ALLEGED SITE.







GOOGLE EARTH IMAGE DATED 08/06/2022 SUGGESTING HEAVY VEHICLES ARE BEING PARKED OVER THE ALLEGED SITE IN QUESTION.



GOOGLE EARTH IMAGE DATED 08/06/2022 SUGGESTING HEAVY VEHICLES ARE BEING PARKED OVER THE ALLEGED SITE IN QUESTION





GOOGLE EARTH IMAGE DATED FEBRUARY 2022 SUGGESTING HEAVY VEHICLES ARE BEING PARKED OVER THE ALLEGED SITE IN QUESTION





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

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**Response affidavit on behalf of applicant to the committee report and affidavit filed by R-3 in the matter of OA 26/2025- NGT-EZ.**

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Thu, Jul 3, 2025 at 10:20 AM

To: Parth Sarthi &lt;sarthiparth155@gmail.com&gt;, Papiya Banerjee Bihani &lt;pbanerjeebihani@gmail.com&gt;

Dear Sir/Madam, please find the attachment.

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**RESPONSE AFFIDAVIT TO R-3.pdf**

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