

**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

Dated. 12.07.2025

Advocate for the Respondent No. 4



**PARTHA SARATHI NAYAK
ADDL. GOVERNMENT ADVOCATE**

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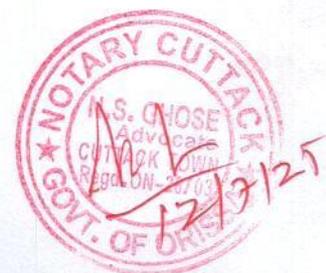
**COUNTER AFFIDAVIT FILED BY THE
RESPONDENT No.4**

I, Shri Satyanarayan Sahu, aged about 47 years, S/O:-Late Pitambar Sahu at present working as Assistant Conservator of Forest, Dhenkanal Forest Division, Dhenkanal, At/PO/PS/Dist:-Dhenkanal do hereby solemnly affirm and state as follows:-

1. That I am working as Assistant Conservator of Forest, Dhenkanal Forest Division, Dhenkanal and duly authorised by the Respondent No.4 in this case to swear this affidavit on his behalf and I am well acquainted with the facts of the case and also competent to swear this affidavit.
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, Mouuza-Kualo, Khata No.824 and Plot No.1 and the and the same is recorded under kissam Gochara by the private

Satyanarayan Sahu
Asst. Conservator of Forests
Dhenkanal Division

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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-1 of the O.A. the deponent has no comment.
4. That as regards the averment made in para-2 to 5 of the O.A, it is humbly submitted that the Hon'ble National Green Tribunal, Eastern Zone, Bench, Kolkata has been pleased to constitute a committee comprising of the following members vide order Dated 19.02.2025.

- i. Senior Scientist, Odisha State Pollution Control Board
- ii. District Magistrate, District-Dhenkanal or his representative not below the rank of Additional District Magistrate

The District Magistrate, District Dhenkanal shall be the Nodal Body for all logistic purposes and shall file the Joint Inspection Committee Report on affidavit.

In this connection, as per request of the Additional District Magistrate, Dhenkanal vide his Letter No.5436 dt. 10.04.2025, Sri Satya Narayan Sahu, Asst. Conservator of Forests, Dhenkanal Forest Division was deputed to remain present at spot on 17.04.2025 at 9.00 AM on day of Joint Inspection and also the Tahasildar, Parjang was accompanied in



Satya Narayan Sahu,
Asst. Conservator of Forests
Dhenkanal Division

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the Joint Inspection. The members and deputed members were submitted their Joint Inspection Report on dtd. 30.04.2025.

As per Joint Committee report, it was observed that, Plot No.1, Kissam Gochar of Khata No. 824 under the jurisdiction of Parajang 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. To protect the Govt. land a prohibition board showing the property belongs to Govt. of Odisha was displayed over the said land.

Further, the Assistant Conservator of Forests, Dhenkanal Division who was present in the Joint Enquiry stated that, the alleged area 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 200 different species of saplings have been raised on the alleged site. Some portion of the said land is used by villagers as walking path.



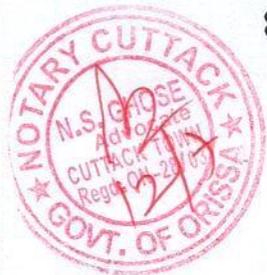
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Satyajagan Sahu
Asst. Conservator of Forests
Dhenkanal Division

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5. That as regards in the averment made in para-6 of the O.A , it is humbly submitted that, the details of status report has been reflected in Sl. No.2 which may kindly be taken into consideration. So needs no comments against Para No.6 of the O.A.
6. That as regards in the averment made in para-7, 8 & 9 of the O.A , it is humbly submitted that, the present respondent No.4 has no comments to offer.
7. That as regards in the averment made in para-10 of the O.A , it is humbly submitted that, on receipt of grievance petition, the status report of the field after due verification has been intimated to the applicant vide Letter No.8334 dt. 19.11.2024 as Annexed in Annexure-5 by the applicant in the O.A which has been confirmed in Joint Committee Report submitted on dt.30.04.2025.
8. That as regards in the averment made in para-11 of the O.A , it is humbly submitted that, till settlement by re-notification of Khalpal Reserve Forest all possible steps have been taken to safeguard the area. Accordingly, 200 different species of saplings have been raised on the alleged site. Some portion of the said land is used by villagers as walking path, as mentioned for trying to protect the Private Respondent in question does not arise.
9. That as regards in the averment made in para-12 & 13 of the O.A , it is humbly submitted that, it is not a fact that some portion of land was left vacant for the Dhaba Owner to use as approach road to the parking place and destroyed of saplings, the details of fact has been reflected in Joint Inspection Report as Annexure-A/2 annexed to

Sabyasachi Saha
Asst. Conservator of Forests
Dhenkanal Division



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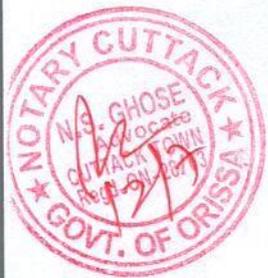
the counter affidavit filed by Opp.Party No.2 & 3 which may kindly be taken into consideration.

10. That as regards in the averment made in para-14 of the O.A, it is humbly submitted that, the present respondent No.4 has no comments to offer.
11. That as regards in the averment made in para-15 & 16 of the O.A , it is humbly submitted that, as per order of Hon'ble National Green Tribunal Eastern Zone, Kolkata Bench dtd. 19.2.2025, the Joint Committee as well as deputed officers have visited the spot on dt. 17.04.2025 and submitted the Joint Inspection report on dtd. 30.04.2025 reflecting the details of spot scenario. There after all possible steps to protect the alleged land have been taken promptly by the respondents by affixing prohibition of signboard and thereby raising plantations. Hence, the question raised by the appellant regarding nothing to response by the respondents in this context does not arise.

12. That as regards in the averment made in para-17 of the O.A , it is humbly submitted that, no vehicles were parking in the plantation area.

13. That as regards in the averment made in para-18 of the O.A, it is humbly submitted that, as per Joint Inspection Report the Hotel/Dhaba situated on private land i.e Plot No.02, Khata No.31, Mouza- Kualo area Ac 0.44 of Kissam Gharabari, the question of encroaching of the Govt. land for Hotel/ Dhaba does not arise. During spot visit it was reveals that some vehicles are parked over

Satyamoyee Saha
Asst. Conservator of Forests
Dhenkanal Division



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Plot No.1, Khata No.824, Vill-Kualo, Kissam-Gochara which is not a forest land.

14. That as regards in the averment made in para-19 of the O.A , it is humbly submitted that, the allegation made in this para is not correct as the action taken by the District Administration as well as DFO, Dhenkanal has been reflected in the Joint Inspection Report submitted on dtd.30.04.2025.

15. That as regards in the averment made in para-20 of the O.A , it is humbly submitted that, as per Joint Inspection Report, no forest land has been encroached by the owner of Hotel/ Dhaba. So question of process under Forest Conservation Act, 1980 in the present case does not arise.

16. That as regards in the averment made in para-21 of the O.A , it is humbly submitted that, as mentioned in this para that the Private Respondent encroached another piece of land over Khata No.824, Plot No.3493, Mouza-Kualo, Kissam Gramya Jungle under Parjang Tahasil of Dhenkanal District is not correct. As per Joint Inspection Report, 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. The said land is coming under revenue department.

17. That as regards in the averment made in para-22 to 26 of the O.A , it is humbly submitted that, no forest land has been encroached by the Private Respondent for Hotel/ Dhaba. It was observed that, there is no forest growth/valuable tree growth over Kahlpal



Satyamangi Lakshmi
Asst. Conservator of Forests
Dhenkanal Division

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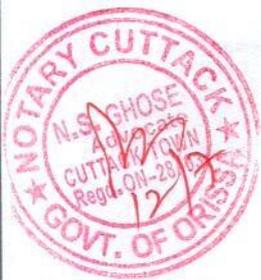
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Reserve Forest which is adjacent to Plot No.1 under Govt. Kahta No.824 of village Kualo is free from encroachment. Hence, the Forest Conservation Act, 1980, now Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 are not applicable to the present fact of the case since the Forest land in question is not encroached.

18. That in reply to paragraph-5 of the rejoinder affidavit of the petitioner to the counter affidavit filed by the Respondent No. 2 & 3 it is humbly submitted that, the allegation of the petitioner with regard to dumping of fly ash in Khalpal Reserve Forest land is completely false. The fly ash is dump over Gochar land.

19. That in reply to paragraph 11 of the rejoinder affidavit of the petitioner to the counter affidavit filed by the Respondent No. 2 & 3 it is humbly submitted that the vehicles are being parking over Plot No.1, Khata No.824, Vill-Kualo, Kissam-Gochara. On the said land forest department never planted any sapling. 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. So in order to demarcate the forest boundary in the month of July 2024 temporary fencing was done mentioning no Parking Zone, 200 numbers of different species of saplings were planted. Out of said saplings some saplings are destroyed due to biotic interference including cattle grazing. It is admitted that the fly ash is staged on Gochar land where the forest department had not planted saplings. The allegation of the petitioner that heavy trees planted as mentioned at page 18 of the rejoinder affidavit is

Satyajyoti Saha
Asst. Conservator of Forests
Dhenkanal Division



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completely false. The said land is Gochar land belongs to revenue department. The forest department only planted 200 saplings to demarcate the forest boundary of Khalpal Reserve Forest land during DGPS Survey. Further it is stated that inside the Khalpal Reserve Forest land there is no parking.

The photographs showing temporary fencing on the boundary of Khalpal Reserve Forest and plantation done in the months of July 2024 are filed herewith as ANNEXURE-B/4

20. That it is submitted that the Respondent No.4 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
12/7/25
Advocate

Satyaranayan Sahu
DEPONENT 12/07/2025
Asst. Conservator of Forests
Dhenkanal Division

CERTIFICATE

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

Cuttack

Dt. 12.07.2025

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

(Signature)

Above named deponent being identified by Mr./Ms... P.S. Nayak... Advocate appears before me at 1.0..AM/PM on this the... .. day of... .. 2025... .. solemnly affirms that the facts stated are true to his/her knowledge and belief.

(Signature)
NOTARY
CUTTACK TOWN
12/7/25





Latitude: 20.966333
Longitude: 85.287292
Elevation: 98.57±4 m
Accuracy: 1.8 m
Time: 07-12-2025 07:11
Note: Suria dhaba

Powered by NoteCam



Latitude: 20.966342
Longitude: 85.287753
Elevation: 97.87±4 m
Accuracy: 1.8 m
Time: 07-12-2025 07:14
Note: Suria dhaba

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Satyannarayana Lake
Asst. Conservator of Forests
Dhenkanal Division



Latitude: 20.966189
 Longitude: 85.287437
 Elevation: 95.27±4 m
 Accuracy: 1.7 m
 Time: 07-12-2025 07:20
 Note: Suria dhaba

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Latitude: 20.966144
 Longitude: 85.287458
 Elevation: 98.77±4 m
 Accuracy: 1.7 m
 Time: 07-12-2025 07:12
 Note: Suria dhaba

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Kalyanarayan Patil
 Asst. Conservator of Forests
 Dhenkanal Division