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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 78-OF 2025

IN THE MATTER OF:

Prafulla Kumar Pradhan & Ors.

APPLICANTS

VERSUS

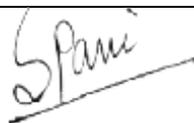
State of Odisha & Ors.

RESPONDENTS

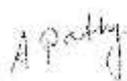
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PLACE: Bhubaneswar



SANKAR PRASAD PANI



ASHUTOSH PADHY

DATE:22/07/2025

ADVOCATE'S FOR
RESPONDENT 6,7&8Plot 2132/4814, Nageswar Tangi, Bhubaneswar 751002 Cell-
9437279278,Email: sankarprasadpani@gmail.com



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

ORIGINAL APPLICATION NO. 78-OF 2025

IN THE MATTER OF :

Prafulla Kumar Pradhan & Ors.

Applicant(s)

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State of Odisha & Ors.

Respondent(s)

REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO 6, 7 AND 8

MOST RESPECT FULLY SHOWTH

1. That I Sri Ajati Rout S/o- Achyuta Rout, aged about 55 years, arrayed as Respondent No. 6 in the present OA and filing this affidavit on behalf of myself and authorised by Respondent No. 7 and 8 to file the present Reply Affidavit. Copy of the authorisation letter is annexed here unto as ANNEXURE-1.

PRELIMINARY SUBMISSION

2. That the present Original Application is hopelessly barred by limitation, not maintainable in law and facts and the Hon'ble Tribunal has no jurisdiction to adjudicate on Sale deed and Lease agreements between private parties and the Civil Court is the competent forum to adjudicate such issues. **The applicants allege that the present private respondents**



have purchased around 14 acres of land from villagers who have been given land on lease as forest dwellers and to that effect no document has been filed by the applicant. On the contrary, the applicants have admitted that there was Sale deed executed for 14 Acres of land and never challenged those Sale deeds with any authority or in Civil Court.

3. That it is admitted by the Applicants in para 4 of the OA saying it is filed against Nonaction and inaction of the state respondent, however in page 26 and 27 of the OA two letter such as letter from Forest Range officer Odagaon and letter dated 15/01/2025 from DFO Nayagarh has been annexed. The letter clearly states that there is no case made out for violation of Forest Conservation act 1980 and the grievance of the applicants has been addressed, hence **no cause of action survives to file the present Original Application**
4. That the entire case is confined only to 240 metre Jungle 2 Kisam land where the road already exists. Further the DFO letter dated 15/01/2025 says that the **road is an existing road used by local villagers for long time and no extra work has been done on Forest land**. The letter further clarifies that 11 villages have consented for the **construction of Vaishno Devi Temple which is classified as Abad Ajogya Anabadi, Kisam- Parbat 2** in Revenue Record and there is no wild life offence case booked against the present respondents. It is further submitted that

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the present deponents have nothing to do with Existing Road on Forest Land and is not engaged in felling of any tree for the Road on Forest land. As such the Applicants also could not provide any evidence of tree felling on Forest Land and rather the photographs annexed suggest an existing Kutcha road within Forest which was addressed by the DFO Nayagarh in its letter dated 15/01/2025.

5. VaishnoDevi Dham Temple Trust is managing the affairs of the Temple and the committee involves representatives from 11 peripheral villages. The DFO in its letter also stated that people from 11 Village have consented for the construction of the temple and the land in question is **on Revue Land Abad Ajogya Anabadi, Kisam- Parbat 2** and same is a kind of **Uncultivable Waste Land** classified in Revenue Record and **nothing to do with any kind of Forest land. Hence no case is made out for intervention and adjudication by the Hon'ble National Green Tribunal under NGT Act 2010.**
6. Further the allegation of use of Dynamite does not arise as because there is no stone quarry operation by the Respondents and the present deponent vehemently denies such allegation. The Temple is constructed on **Revenue Land** and not on any Forest land for which the Trust has applied for a lease with the Tehsildar Odagaon and the same is now pending for consideration with the Appellate Authority i.e. Sub-Collector Nayagarh having the OPLE Appeal Case No.5/2025. **The issue of**



construction of Temple on Government Land is concerned which is on a Non-Forest Revenue land, the same will be adjudicated under Revenue laws namely Odisha Government Land Settlement Act 1962 and Rule 1983. Hence there is no case made out for adjudication before the Hon'ble National Green Tribunal.

7. Further the Respondents have not felled any tree on the existing land and on the contrary around 2000 saplings of indigenous species planted on the site. The trust has taken care to protect and preserve the existing trees and conducted awareness with the villagers on preservation and protection of environment.

PARAWISE REPLY

8. That in para 5 of the OA the applicants claim to be member of Magarbandh Dhadi Jungle Surakshya Manch, a self-styled organisation claiming to protect the forest for last fifty years but could not produce any document to that effect. It is alleged that the private respondents **are trying to grab the forest land for last 2 years.** Further it is alleged that Respondent Nos.6, 7 and 8, Sri Ajati Rout, Sri Sachin Rout and Smt Kajal Rout, **have tried to grab the Forest Land and executed Sale Deeds vide Khata No. 176/230 and 2/38, Mauza Chorkhol, of the Lease Lands given to the landless persons to have their livelihood, in the name of his son and daughter.** Further it is alleged that about 14 acres, 70 decimals of lease land is inside the forest area which was allotted to

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the poor landless villagers for their livelihood has been given to the Respondent Nos.7 and 8 through Sale Deeds by the Respondent No.6. It is also stated that the Respondent No.6 is attempting to change the status of the forest and destroy the flora and fauna by constructing a Vaishno Devi Temple inside the forest area. The applicant is relying Annexure A page 15 and 16 of the OA and claiming the land where Temple is situated as Forest Land so also the land purchased with area of 14 Acres 70 Decimal is forest land.

The fact remains that the map annexed no where states or indicates any forest land and more particularly the land acquired by the private respondent is Private Revenue Land and Temple is on Govt Revenue Non-Forest Land. Hence the map does not show the status of the land and on the contrary the applicants are trying to mislead by annexing a map which has no reference or interpretation. Be that as it may the detail status of all the lands have already been answered by the present deponent and at the cost of repetitions it is stated that NO Forest Land is involved in construction of temple, Pond or the 14.7 Acre private land purchased by the present deponent through sale deed.

9. That in Para 6 it is alleged that a road has been constructed to facilitate the construction of Temple by cutting down valuable trees using JCB and therefore there is violation of Forest Conservation Act 1980, while the

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DFO letter says the road was existing one and no extra work has been done and further says there is no Violation of Forest Conservation Act 1980. The Deponent denies the contention in the para and have not felled any tree or constructed any road. Hence the allegations are unfounded

10. Para 7 is alleging the deponent have caused deforestation and stumps have been burnt by relying on some news paper articles which were not annexed with the OA. As such newspaper articles do not have any evidentiary value in eye of the law. Hence the deponent denies such allegation.

11. In Paragraph 8 the applicants claim to be member of Magarbandh Dhadi Jungle Surakshya Manch, a self-styled organisation claiming to protect the forest for last fifty years but could not produce any document to that effect. Further they have sought intervention of Hon'ble Chief Minister Odisha and Other authorities and Rightly their grievance has already been addressed by virtue of DFO letter dated 15th January 2025, hence the matter rest there and there is no fresh cause of action for filing the present Original Application.

12. In Para 9 and 10 the applicants relying on the DFO letter dated 15/01/2025 which is self-explanatory and based on this letter, **there is no case made out against the present deponents** as expressively clarified that the Vaishno Devi Temple is on Revenue Land and Road length of



240 metre passing through Jungle 2 revenue forest **is an old existing kutchra road and no extra work is made on it.**

13. Para 11 relying on photograph, the applicant alleges that Kutchra Road through Forest land is made by the Private Respondents. This allegation has rightly been answered by the DFO letter 15th Jan 2025 confirming the road was existing and no extra work on forest land. The applicant also admits the road is a kutchra one, hence the allegation in the present paragraph is unfounded.

14. That para 12 alleging Conspiracy theory and construction of temple on forest land is baseless and without any substance. The applicant could not demonstrate from land record if the temple site is forest land and on the other hand the DFO letter specifically mention the land on which Temple Constructed is on **Abad Ajogya Anabadi Land (Uncultivable Waste Land)**. Hence the allegations are blatant lie and false statement on oath which is an offence under criminal laws.

15. In para 13 of OA it is alleged that a pond created by Forest Department to quench thirst of wild animals have been stone fenced by private respondent. The earlier land owner has developed the structure to store water for the agricultural purpose. It is not a fact that the Forest Department has created this water body. However, the water body on **an agricultural land** continue to maintain its status and stone packing and not stone fencing have been made inside the waterbody to prevent any



kind of siltation and to increase the water retaining capacity of the water body as the water comes from the upper elevation carrying with the mud and soil. There has been no fencing around the waterbody and the status of the waterbody has been improved by now. Hence the water body created by Forest Department and obstruction to animal for quenching thirst is baseless and unsubstantiated. Be that as it may the applicants could not provide any document indicating the Forest Department has created the pond and such baseless allegation also suggest the desperation of the applicants to harass the present deponents who on contrary trying to improve and maintain the status of the water body

16. That in the Limitation it is not explained the number of days and when the cause of action arose. On the contrary in Para 5 of OA it is admitted by applicant that the private respondents are **trying to grab the forest land for last two years**. As such application under section 14 is to be filed within six months of the first cause of action arose and in this matter the OA is hopelessly barred by limitation.

17. In the prayer the applicant has sought multiple relief by clubbing different land schedules recorded in different names and none of those are Forest Land, Hence the prayer can not be allowed and liable to be dismissed.

18. That the Original Application filed seeking relief such as to direct the Respondent No. 1 to 5 to **protect the forest land** as more fully detailed in paragraphs 4 & 5 of this original application in Chorokhola and Barapalli

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Mauza (where there is no human habitation), Tahsil - Odagaon, of District: Nayagarh and also direct **restoration of the forest land to its original place** and direct the private respondents **to demolish the construction of the Vaishno Devi temple and direct the Respondent No. 6, 7 and 8 to pay the environmental compensation due to damage done to the forest land**, for restitution of the environment, as per law does not have merit in view of the DFO letter dated 15th January 2025 and liable to be dismissed with cost.

19. Along with the Original Application a **letter dated 17.12.2024 has been filed which is a letter from the Forest Range Officer, Odogaon Range** addressed to the Tahasildar, Odagaon Tahsil informing that the **land in question is Jungle-2 Kissam Land and therefore the Tahasildar is requested to take necessary steps to stop the illegal construction work on Government land.**

20. It is further submitted that on 18/11/2024 Forest and Revenue Department have **jointly** verified the spot and found the fact is that, Maa Vaishnodevi temple, Alati Mandap, Prasad Mandap and road is under construction Plot No.177/196 under Khata No.04 **Abada Alogya Anabadi Kissam Parbat-2 land.** Jagnya Mandap, Mahavir Kothari, Toilet, Shoe stand and Bhairabnath temple is under construction on **Plot has No.174 under Khata No.04 Abada Ajogya Anabadi Kissam Parbat-2.** All the works have been done on Govt Revenue Land and

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construction started since 2021-2022. Another road from Nathiapalli to Chorkhola total length is 1400 metres was used by the villagers earlier as footpath road. The road leads in Govt land over 1160 tr. in Govt. Revenue land in Parbat 2 and Parbat 3 Kisam and another **240 mtr land is in Jungle-2 Kissam land.** In view of this report it is clear that **construction relating to temple are on Revenue Uncultivable Waste land which is not a forest land in Revenue Department Record or Forest Department Record.**

21. In toto the allegations raised in the OA are mostly fictitious, unsubstantiated, alleged violations are not within the Schedule 1 of NGT Act 2010 and apparently to settle the personal score and further an abuse of judicial process. The applicants in the OA could not place a single document or evidence suggesting the present deponents are responsible for the alleged activities. On the contrary the allegations are revolving around purchasing of 14 Acres of private land which was mutually agreed between buyer and seller of the land and the same has been registered by Sale deed and there after the ownership of the present deponents have been recorded in Land Record. It is unclear **how the applicants are aggrieved with the Transaction of Sale deed and why the applicants are not assailing the sale deed in appropriate court if they are aggrieved.** It is stated that the lands in question are never any kind of Forest land and there can not be any sale deed on forest land. The

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applicants are trying to beat around the bush by making such baseless allegations and this also indicates the ulterior motive behind the present Original Application.

22. In view of the aforementioned paragraphs the OA is not maintainable, Misconceived and liable to be dismissed with cost.

Date-22/07/2025

Place- Bhubaneswar



S. P. Sani

Advocates For Respondent 6,7&8.

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.- 78 OF 2025

IN THE MATTER OF:

PRAFULLA KUMAR PRADHAN AND OTHERS... APPLICANTS

VERSUS

STATE OF ODISHA AND OTHERS....

RESPONDENTS

22 JUL 2025

AFFIDAVIT

I, **Sri Ajati Rout**, aged about 55 years, S/o- Achyuta Rout, resident of Oscar City, Plot. No. 25/8206, P.O: Laxmi Sagar, P.S. - Laxmi Sagar, District: Khordha, Odisha. Pin: 751006, do hereby solemnly affirm, and declare as under:

- 1. That I am Respondent No.-6 in the above mentioned Original Application and I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
- 2. That I have been authorized by Respondent 7 and 8 to file 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.

Ajati Rout
DEPONENT

VERIFICATION

Verified on this 22 JUL 2025 day of2025 at B.P.P. 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 *[Signature]* 07/08/23
Advocate

Ajati Rout
DEPONENT



The above named deponent(s) being duly identified by Sri.....
Advocate, Bhubaneswar.
Appears before me on dt. 22 JUL 2025
at.....A.M./P.M.State.....
on oath the contents of this affidavit are true to the best of his / her / their knowledge and belief.

Deponent(s) Notary, Bhubaneswar.....

[Handwritten Signatures]
NOTARY, GOVT. OF ODISHA, INDIA

AUTHORISATION

We, **Sri Sachin Rout**, aged about 27 years. S/o Ajati Rout (Respondent No.7), **Smt Kajal Rout**, aged about 25 years, D/o Ajati Rout (Respondent No.8) Respondents No. 7 and 8 are residents of OSCAR CITY, Plot. No. 25/8206, P.O: Laxmi Sagar, P.S. - Laxmi Sagar, District: Khordha, Odisha. Pin: 751006, authorize the Respondent No 6, **Sri Ajati Rout**, S/o- Achyuta Rout

aged about 55 years, residents of OSCAR CITY, Plot. No. 25/8206, P.O: Laxmi Sagar, P.S. - Laxmi Sagar, District: Khordha, Odisha. Pin: 751006, to swear the affidavit on behalf of us for filing the Counter Affidavit.

Date- 22/07/2025

Sachin Rout
Kajal Rout
SIGNATURE

X Ajati Rout



Sankar Pani <sankarprasadpani@gmail.com>

Reply affidavit filed on behalf of Respondent 6,7&8 in OA 78 of 2025- NGT-EZ.

1 message

Sankar Pani <sankarprasadpani@gmail.com>

Tue, Jul 22, 2025 at 8:49 PM

To: Sibojyoti Chakrabarti <subho.advocate@gmail.com>, Satyabrata Mohanty <mohanty12satyabrata@gmail.com>

Dear Sir, please find the attachment.

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Sankar Prasad Pani, Environment Lawyer
National Green Tribunal Kolkata & Orissa Highcourt
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Bhubaneswar, 751002
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