

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

APPLICATION NO... of 2025

IN THE MATTER OF

PRAMOD KUMAR HEMBRAM ²¹³Applicant

Versus

STATE OF ODISHA & Ors

...Respondents

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PLACE: Bhubaneswar

ADVOCATE

DATE: 19/12/2025

SANKAR PRASAD PANI

ASHUTOSH PADHY

S.Pani *A.Padhy*

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002Cell-9437279278, Email: sankarprasadpani@gmail.com

SYNOPSIS

That the present application is filed challenging the illegal felling of trees from the government land for construction of **Inter State Bus Terminal at Baripada**, Odisha. Though the official report of DFO Baripada permits only 1789 No. of trees have been felled but more than 5000 trees have been felled illegally by the Government Authorities under the garb of Patita Kissam land. That prior to felling of the trees the govt. officials have not explored the availability of alternate barren land in the locality.

LIST OF DATES

10/12/2025	Order passed by Hon'ble Supreme Court in Civil Appeal No. 2771/2012
15/12/2025	DFO Baripada gave permission to Range Officer, Baripada Range circle to fell 1789 No. of trees
17/12/2025	Range Officer, Baripada Range circle felled more than 5000 trees.
19/12/2025	Applicant approached the DFO Baripada, DM mayurbhanja and MoEFCC to stop further felling of trees.

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

*(Under Section 14, 15, 20 read with Section 18 of the National
Green Tribunal Act, 2010)*

Original Application No -----OF 2025/EZ

IN THE MATTER OF:

1. Pramod Kumar Hembram, aged about 57years, S/o- Kshetri Charan Hembram, At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist- Mayurbhanj, Pin- 757002Applicant
Versus
1. **State of Odisha** represented by through Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in
2. District Collector, Mayurbhanj, At/Po/Ps- Baripada, Dist-Mayurbhanj. PIN-757001, Emil- dm-mayurbhanj@nic.in
3. Divisional Forest officer, Baripada, At/Po- Baripada, Dist. Mayurbhanj, PIN-757001. Email- dfo-baripada@odisha.gov.in
4. Member Secretary, Odisha Biodiversity Board, Regional Plant Resource Centre, Ekamrakanan, Nayapalli, Bhubaneswar, 751015 , msobb@rediffmail.com
5. Deputy Director General of Forests (C), Ministry of Environment, Forest and Climate Change, Government of India, Integrated Regional Office A/3, Chandersekharpur, Bhubaneswar 751023, email- roez.bsr-mef@nic.in
6. Managing Director, Odisha State Road Transport Corporation, Parbahan Bhavan, Old Bus Stand, Sachivalaya Marg, Unit-2, Ashok Nagar, Bhubaneswar, Odisha 751009 , Email- osrtccorp@gmail.com,

.....Respondents

- i. The address of the Applicant is given above for the service of notices of this Application.
- ii. The addresses of the Respondents are given above for the service of notices of this Application.
- iii. That the present application is filed challenging the illegal felling of trees and inaction of the state authorities to explore alternate barren land prior to allotment of a site having dense forest growth and consequently permitting for felling of trees.

MOST RESPECTFULLY SHOWETH:

1. That the present applicant is a Resident of Ward No 17 of Baripada Municipality and deeply engaged with conservation and environmental issues of Mayurbhanja District. The applicant is deeply concerned with recent mass felling of trees on 17/12/2025 for construction of **Inter State Bus Terminal, Baripada.**
2. That on **17th December 2025, around 5000 trees have been felled**, even though the DFO Baripada letter dated 15/12/2025 says **1789 trees have been permitted to be felled.** The trees are of different species like **Karanja, Neem, Sishu, Bahugani, Baula, Lembu(Lemon), Mango, Sirisa and other fruit bearing and forest species have been felled.** Even though one of the conditions in the permission for felling is that **to avoid removal of forest growth and to keep it intact and undisturbed. However indiscriminate removal of forest growth was made and the DFO Baripada remained a mute spectator.**

3. The Permission for felling of standing trees present on the Govt. Land is claimed to be a Patit Kisam Land proposed for Inter State Bus Terminal shook the conscience of citizens of Baripada and there has been hue and cry over the issue throughout Odisha. It is pertinent to mention here that on dated 15/12/2025 the DFO Baripada Division has granted permission for felling of **1789 No. of trees from Khata No.- 267 of Mouza- Chancha**, however the Range officer has felled more trees than the permissible limit. Copy of the **DFO permission letter dated 15/12/2025** is annexed here unto as **ANNEXURE-1**.
4. It is further submitted that the Applicant on dated 19/12/2025 approached the Additional Chief Secretary, Forest and Environment, Climate Change Department, MoEFCC, Govt of India, DM, Mayurbhanja, Divisional Forest Officer, Baripada to restrain the officials from further felling of trees. Copy of the representation dated 19/12/2025 is annexed here unto as **ANNEXURE-2**.
5. That while allotting the present site, a physical forest with diversity of full grown trees and fruit bearing plants, the state authorities lost the sight for consideration of alternative barren land or lesser damage to the ecology and choose the present site with more than 90 percent canopy density spread over an area of around 36 Acres out of which 5 acres land allotted for Bus-stand and trees have been felled, The applicant is also concerned with the further felling of trees from the same patch of land for other purposes once the site is cleared for Bus-stand,
6. It is not out of place to mention here that the Hon'ble Supreme Court on dated 10/12/2025 passed an order in Civil Appeal No. 2771/2012, wherein the apex court has clearly state that "***We are of the opinion that any order or direction to cut trees or to move cut trees will have to be considered in***

the context of the definition of “forest” as defined by this Court in T.N. Godavarman Thirumulkpad v. Union of India¹. The obligation to follow the procedure under the laws, rules and regulations continue to apply.”

However, in the present case the Government officials have failed to comply with the order passed by Hon’ble Supreme Court. Copy of the order dated 10/12/2025 passed by Hon’ble Supreme Court is annexed here unto as **ANNEXURE-3**.

7. It is most humbly submitted before this Hon’ble Tribunal that, though the DFO has permitted only five acres of land for felling of trees but the trees have been felled trees beyond the permitted area and number.
8. That the state government is trying to fell trees exists over 36 acres of land contiguous to the land from where the present tress have been felled and over the 36 acres of land with dense forest is exists. Google earth image of the site in question also suggests around 36 acres of land is falling under the **dictionary meaning** of forest and dense forest exists over 36 acres of land requiring prior permission of central government under Forest Conservation Act 1980 which has not been taken. Copy of the google earth image suggesting 36 acres of land wherein dense forest growth exists is annexed here unto as **ANNEXURE-4**.
9. That the photographs of tree felling also suggests the authorities have felled more number of trees than the permissible limit using heavy machines. Copy of photographs suggesting trees felled by the authorities is annexed here unto as **ANNEXURE-5**.
10. That the site in question at Palabani, Baripada was declared as **urban forest and a green zone for joggers on 2nd October 2016** and was Developed by the **Baripada Forest Division**. The urban forest spans 10 acres and features a diverse range of trees, including fruit-bearing and

medicinal plants. It houses approximately 12,000 trees, including **Sal, Mahogany, Akashia, and Neem**, planted strategically to provide space for jogging. The Baripada forest division undertook the plantation project in 2013 in addition to the existing old trees present at the site. In 2016, with almost all the trees growing to around 15ft high, the department has thrown open the area to morning walkers and joggers. It also plans employ security personnel to look after the forest. Copy of The Telegraph news article dated 3/10/2016 is annexed here with as **ANNEXURE-6**.

11. That while identifying the present land in question, alternative barren land in the same locality or nearby areas which are available has not been considered and the same indicates non application of mind in terms of finding an alternative site. It is further submitted that the project is not a site-specific project hence the project which in proposal stage can be shifted to any other barren land and thousands of more can be saved from further felling.
12. It is further submitted that area require to be inviolate and preserved in it's entirety and any puncture in the ecosystem will lead to more damage to the whole eco-system gradually. More proposals will he floated on the said site once this project is allowed. Hence this project many not be allowed till all alternatives are explored and exhausted.
13. The site is emotionally connected to the Tribal people and any kind of damage will hurt the sentiments of local people who have been preserving the site for generations. Once deforestation and damage takes place that will demotivate the people from conservation and will have serious consequence on the local ecology.
14. That from an aesthetic point of view the site is one of the healing spot and stress relief center for the urban mass and same is being now attempted to

be spoiled by allocating for the ISBT. The site is a Debasthali (Sacred Groves) and these are community conserved site which need to be respected by the state government.

15. It is further submitted that **compensatory afforestation and future plantation can not be a substitute of existing full-grown forest**, more particularly when the felling of trees could be avoided. Never the less the survival of plantation is a big question mark and if at all survives will take at least 20mores years to come to the status of present site. Hence the

16. That considering the rich biodiversity on the site, Section 37 of the Biological Diversity Act 2002 has provision for the declaration of Biodiversity Heritage Sites (BHS) in the state. Biodiversity Heritage Sites (BHSs) are well defined areas specifically unique and fragile ecosystems in terms of biological and ecological significance. They may spread over terrestrial, aquatic, coastal and inland and marine ecosystems having rich biodiversity. The BHSs are endowed with wild as well as domesticated species, high endemism and occurrence of rare & threatened species, keystone species and species of evolutionary significance. Hence the State Biodiversity Board may be directed for a detailed study to document the rich flora fauna.

17. That India's definition of forest has been taken on the basis of above three criteria only and very well accepted by United Nations. Framework Convention on Climate Change (UNFCCC) and Food and Agriculture Organization (FAO) for their reporting/communications. The forest cover is defined as 'all land, more than one hectare in area, with a tree canopy density of more than 10 percent irrespective of ownership and legal status. Such land may not necessarily be a recorded forest area. It also includes orchards, bamboo and palm'. The definition of forest cover has clearly been

defined in all the India State of Forest Report (ISFR) and in all the international communications of India.

18. The Hon'ble Supreme court of India in T N Godavarman case (Supra) has clarified the scope of forest conservation act and definition of forest as the dictionary meaning irrespective of ownership. Relevant part of the judgment that is applicable in the present instance is reproduced here as follows:

"It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the "Act") and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(1) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any aren recorded as forest in the Government record irrespective of the ownership This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must

apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works and ors. versus State of Gujarat and ors.* (1987 (1) SCC 213), *Rural Litigation and Entitlement Kendra versus State of UP.* (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in *W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.)*. The earlier decision of this Court in *State of Bihar Vs. Banshi Ram Modi and ors.* (1985 (3) SCC 543) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority.”

19. Order of Hon'ble Supreme court dated 6/07/2011, *Lafarge Umiam Mining Pvt Ltd vs Union Of India* in WP C 202 of 1995 along with the transfer petition (c) 277 of 2010 says the site may be inspected by state forest department along with Standing Site Inspection Committee constituted by regional office of MoEFCC to ascertain the status of forest based on which a certificate in this regard may be issued

20. That In *T.N. Godavarman Thirumulkpad v. Union of India* WP 202 of 1995 and order dated 12/12/1996, the Supreme Court examined the National Forest Policy and issued certain directions in the light of the provisions of the Central Act. Direction 1 is important and reads as under:

"In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". **In accordance with Section 2 of the Act, all on-going activity**

within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.

21. Forest Definition under State of Forest Report: The information was given by Minister of State, Ministry of Environment, Forest & Climate Change in Rajya Sabha on 03 FEB 2022 and reported by PIB Delhi

As per decision 19, Conference of Parties (CP) 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

Forest- forest is defined structurally on the basis of

I. Crown Cover Percentage: Tree crown cover- 10 to 30% (India 10%)

II. Minimum area of stand: area between 0.05 and 1 hectare (India 1.0 hectare) and **Minimum height of trees:** Potential to reach a minimum height at maturity in situ of 2 to 5 m (India 2m). Copy of the PIB report dated 03/02/2022 is annexed here unto as **ANNEXURE-7.**

22. That Hon'ble NGT PB has already taken into consideration of forests are both a sink and a source for carbon, removing carbon dioxide from the air when standing or regrowing and emitting it when cleared or degraded. Loss of forests, thus, accelerates climate change. Tree cover loss is not always deforestation, which typically refers to human-caused, permanent removal of natural forest cover. It includes both human-caused loss and natural disturbances. Examples of tree cover loss that may not meet the definition of deforestation include loss from logging, fire, disease or storm damage. The data showed that 95 per cent of the tree cover loss in India from 2013

to 2023 occurred within natural forests.

Grounds

- A. That the felling of trees is a substantial issue relating to environment hence sec 14 of the NGT Act is attracted and the Hon'ble NGT may take cognizance of the same offence.
- B. That prior to selection of the present site, no alternative sites have been explored even though large patches of barren land exists in the Municipal Area.
- C. Tree felling for Bus-stand is unwarranted and not indispensable as because this kind of project are not site specific and can be relocated to some barren land so as to avoid the largescale tree felling
- D. That the area in question is a physical forest and declared as Urban Forest and same was managed by the Forest Department, Hence prior permission of Central Government Is required. And in absence of that tree felling is illegal.
- E. That there is an apprehension that in garb of the present tree felling, the entire area can be put to non-forest use and more trees will be felled damaging the entire forest growth. Hence as a matter of Precautionary Principle, Honble NGT need to take cognizance of the same.
- F. That trees provide ecological services and felling of the trees amount to damage to the environment, hence Environmental Compensation need to be computed against the persons who illegally felled the trees.

LIMITATION

That the first cause of action arose on 17/12/2025 and the original application is filed within six months of the cause of action arose hence the

original application is not barred by limitation

INTERIM PRAYER

Hon'ble Tribunal may be pleased to direct the District Collector Mayurbhanj to immediately stop the felling of trees in the village Chhancha of Baripada Tahasil, till final disposal of the Original Application.

PRAYER

Honble NGT may be pleased to pass the directions,

1. Hold and declare that the felling of trees without approval from central government under **Van Sanrakshan Evam Samvardhan Adhiniyam** 1980 is illegal
2. Direct the DM to find alternate land for the ISBT and Assess the actual number of trees felled by counting the stumps
3. Direct the state respondents to restore the land to its pristine condition
4. That the Hon'ble Tribunal may call for a report from State Biodiversity Board regarding the status of Biodiversity Management Committee and People Biodiversity Register in Baripada Municipality Area where the present site for proposed ISBT is located.

Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.

19TH December 2025

Applicant Through



Advocate's



Vol. 4
S. No. 10 Dt. 19-12-25

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO.-OF 2025

IN THE MATTER OF:

PRAMOD KUMAR HEMBRAM...

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS....
RESPONDENTS

AFFIDAVIT

I, Pramod Kumar Hembram, aged about 57 years, S/o- Kshetri Charan Hembram, At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist- Mayurbhanj, Pin- 757002, do hereby solemnly affirm, and declare as under:

1. That I am the Applicant 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 read over the contents of the accompanying affidavit and the same is true and correct and is drafted on my instruction.

Pramod Kumar Hembram
DEPONENT

VERIFICATION

Verified on this 19th day of December 2025 at Baripada 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

Solemnly Affirm & Declare on identification by Advocate

Debraj Mishra
Advocate
19.12.25

En. No-O-1120/05

O.K. DASH, RECD. NO.-55/04, Mob.-96587888
NOTARY BARIPADA

Pramod Kumar Hembram
DEPONENT

En. No-O-1120/05
Mob.-96587888



OUR DIVERSITY
OUR PRIDE

OFFICE OF THE DIVISIONAL FOREST OFFICER,
BARIPADA FOREST DIVISION, BARIPADA, MAYURBHANJ, ODISHA
Telephone no. 06792-252613, 252622 and Fax 255770, e-mail: dfo.baripada@odisha.gov.in

Memo No. 10209/3F Dt. 15/12/25

To: The Range Officer,
Baripada Forest Range.

Sub: Permission for felling of trees standing trees present on the Govt. Land proposed for Inter State Bus Terminal.

Ref: 1. Letter No- 3227 dated-13.05.2025 of the Tahasildar, Baripada Tahasil.
2. Memo No- 1794 dated-21.07.2025 of the RO, Baripada Forest Range.
3. Letter No- 4517 dated-15.12.2025 of the DM, OFDC, Ltd, Baripada

With reference to the communication(s) cited above on the captioned subject, permission is hereby accorded for removal of 1789 nos of Misc. enumerated trees standing over **NON-FOREST LAND** for Inter State Bus Terminal, Palbani, Baripada as per joint verification report submitted by the concerned officials vide memo given under reference. Trees have been enumerated jointly by the staff of Revenue Department, OSRTC, Mayurbhanj, Forest Official & Odisha Forest Development Corporation Ltd., Baripada subject to the conditions stated below: -

SL No.	Name of the Project	Name of the Range	Area (in Ac.)	Kissam of the land	No. of enumerated trees as per joint verification report of all concerned
[1]	[2]	[3]	[4]	[5]	[7]
1	Construction of Inter State Bus Terminal, Chhancha under Baripada Forest Division	Baripada	Ac 5.00	Patita	1789 nos.

- 1) Trees are to be felled / removed by the OFDC, Ltd only on payment of usual royalty as per the prevailing approved rate.
- 2) All precautionary measures should be taken at time of felling / removal of the trees to avoid any unpleasant situation.
- 3) After felling / removal of the trees, the converted logs, poles, firewood etc. should be passed by you on the spot and conversion list and passing list should be submitted in triplicate duly signed by all concerned including the User Agency.
- 4) Timber, Poles, Firewood etc obtained should be removed on the strength of T.T. Permit after getting necessary order from the undersigned.

[P.T.O]

[Page No- 2]

- 5) Best efforts must be put into practice to avoid removal of forest growth to keep it (Forest Growth) intact and undisturbed.
- 6) You will be held personally responsible for any irregularities noticed in future.

[Signature]
15.12.25

Divisional Forest Officer
Baripada Forest Division

Memo No. 10210 /3F Dt. 15/12/25

Copy along with the copy of the enumeration list forwarded to the Divisional Manager, OFDC, Ltd, Baripada (C) Division for information and necessary action. He is requested to take delivery of the marked trees, poles etc from the diverted area which are to be delivered by the Range Officer, Baripada Forest Range. Felling & removal of the trees are to be made as per the conditions imposed above and royalty should be paid as per prevailing rate of Government.

[Signature]
15.12.25

Divisional Forest Officer
Baripada Forest Division

Memo No. 10211 /3F Dt. 15/12/25

Copy forwarded to the Odisha State Road Transport Corporation, Mayurbhanj for information and necessary action.

[Signature]
15.12.25

Divisional Forest Officer
Baripada Forest Division



Pramod Hembram odisha india <phembram050@gmail.com>

REQUESTING TO STOP MINDLESS FELLING OF THOUSANDS OF TREES AND TO FIND AN ALTERNATIVE PLACE FOR BUS-TERMINAL

1 message

Pramod Hembram odisha india <phembram050@gmail.com>

19 December 2025 at 19:44

To: "dmuchiefbaripada@gmail.com" <dmuchiefbaripada@gmail.com>

Dear Sir,
-19/12/25

Date

I Sri Pramod Kumar Hembram, a resident of Bhanjapur, Baripada Ward No 17 would like to bring your kind attention to the large-scale felling of trees of Inter State Bus Terminal at Baripada,

1. On 17th December 2025, around 5000 trees have been felled, even though the Official report of DFO Baripada dated 15/12/2025 says 1789 trees have been permitted to be felled. The trees are of different species like Karanja, neem, sishu, Bahugani, Baula, Lambu, Sirisa and other forest species trees have been felled. Even though one of the conditions in the permission for felling is that to avoid removal of forest growth and to keep it intact and undisturbed. However indiscriminate removal of forest growth were made and the DFO Baripada remained as a mute spectator.

2. The Permission for felling of standing trees present on the Govt. Land claimed to be Patit Kisam proposed for Inter State Bus Terminal shook the conscience of citizens of Baripada and there has been hue and cry over the issue throughout Odisha.

3. That while identifying the present land in question, alternative barren land in the same locality or nearby areas which are available has not been considered and the same indicates non application of mind in terms of finding an alternative site. It is further submitted that the project is not a site-specific project hence the project which in proposal stage can be shifted to any other barren land.

4. It is further submitted that area require to be inviolate and preserved in it's entirety and any puncture in the ecosystem will lead to more damage to the whole eco-system gradually. More proposals will be floated on the said site once this project is allowed. Hence this project many not be allowed till all alternatives are explored and exhausted

5. The site is emotionally connected to the villagers and Tribal people and any kind of damage will hurt the sentiments of local people who have been preserving the site for generations. Once deforestation and damage takes place that will demotivate the people from conservation and will have serious consequence on the local ecology.

6. That from an aesthetic point of view the site is one of the healing spot and stress relief center for the urban mass and same is being now attempted to be spoiled by allocating for a building project. The site is a Debasthali (Sacred Groves) and these are community conserved site which need to be respected by the state government.

7. That considering the rich biodiversity on the site, Section 37 of the Biological Diversity Act 2002 has provision for the declaration of Biodiversity Heritage Sites (BHS) in the state. Biodiversity Heritage Sites (BHSs) are well defined areas specifically unique and fragile ecosystems in terms of biological and ecological significance. They may spread over terrestrial, aquatic, coastal and inland and marine ecosystems having rich biodiversity. The BHSs are endowed with wild as well as domesticated species, high endemism and occurrence of rare & threatened species, keystone species and species of evolutionary significance. Hence the State Biodiversity Board may be directed for a detailed study to document the rich flora fauna.

8. That India's definition of forest has been taken on the basis of above three criteria only and very well accepted by United Nations Framework Convention on Climate Change (UNFCCC) and Food and Agriculture Organization (FAO) for their reporting/communications. The forest cover is defined as 'all land, more than one hectare in area, with a tree canopy density of more than 10 percent irrespective of ownership and legal status. Such land may not necessarily be a recorded forest area. It also includes orchards, bamboo and palm'. The definition of forest cover has clearly been defined in all the India State of Forest Report (ISFR) and in all the international communications of India.

9. The Hon'ble Supreme court of India in T N Godavarman case (Supra) has clarified the scope of forest

conservation act and definition of forest as the dictionary meaning irrespective of ownership. Relevant part of the judgment that is applicable in the present instance is reproduced here as follows:

"It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof." This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works and ors. versus State of Gujarat and ors.* (1987 (1) SCC 213), *Rural Litigation and Entitlement Kendra versus State of U.P.* (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in *W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.)*. The earlier decision of this Court in *State of Bihar Vs. Banshi Ram Modi and ors.* (1985 (3) SCC 643) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority."

10. Order of Hon'ble Supreme court dated 6/07/2011, *Lafarge Umiam Mining Pvt Ltd vs Union Of India* in WP C 202 of 1995 along with the transfer petition (c) 277 of 2010 says the site may be inspected by state forest department along with Standing Site Inspection Committee constituted by regional office of MoEFCC to ascertain the status of forest based on which a certificate in this regard may be issued.

11. That In *T.N. Godavarman Thirumulkpad v. Union of India* WP@ 202 of 1995 and order dated 12/12/1996, the Supreme Court examined the National Forest Policy and issued certain directions in the light of the provisions of the Central Act. Direction 1 is important and reads as under:

"In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.

12. Forest Definition under State of Forest Report: The information was given by Minister of State, Ministry of Environment, Forest & Climate Change in Rajya Sabha on 03 FEB 2022 and reported by PIB Delhi

As per decision 19, Conference of Parties (CP) 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

Forest- Forest is defined structurally on the basis of

I. Crown cover percentage: Tree crown cover- 10 to 30% (India 10%)

II. Minimum area of stand: area between 0.05 and 1 hectare (India 1.0 hectare) and Minimum height of trees: Potential to reach a minimum height at maturity in situ of 2 to 5 m (India 2m)

In view of the afore mentioned paras I would request you to desist from further felling of trees and restore the land to its pristine condition,

Sincerely

Pramod Kumar Hembram





IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2771 OF 2012

THE STATE OF UTTAR PRADESH
THR. ITS SECRETARY & ORS.

Appellant(s)

VERSUS

JYOTI BHUSHAN MISHRA & ANR.

Respondent(s)

O R D E R

1. This Civil Appeal by the State of Uttar Pradesh arises out of the Judgment and Order dated 23.02.2006 passed by the High Court of Judicature at Allahabad (Lucknow Bench) in W.P. No. 1444 (M/B) of 1996, whereby the Writ Petition filed by the respondents was allowed with certain directions.

2. Short facts, necessary for disposal of this appeal are that the Sahelwa Wild Life Sanctuary in Balrampur District, U.P. was notified on 14.11.1988. One of its ranges, the Barehawa range, known as Ganeshpur Beat with compartments 1, 2 and 3. The Narainpur Jhingha village was surrounded by compartment 1 and 2 of Ganeshpur Beat.

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KAPIL TANDON
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Reason: I am the author of this
document.

Prior to the notification of 1988, the farmers of the village had on 28.12.1965 requested the Divisional Forest Officer for exchange of their agricultural land with land on the out skirts of

the forest, as the Wild Animals from the forest were ruining their crop. In pursuance of this request, their agricultural land of 82.57 acres at Garhwa village was exchanged, with approval of the State Government, with 53 acres of land situated in forest lands. Plantation of trees was started by the Forest Department in the land received from the farmers, and it eventually became homogenous with the surrounding forest. However, it could not be declared a Reserve Forest under the Indian Forest Act, 1927, although the Forests surrounding it had been declared as Reserve Forests earlier. Since then the newly grown forest has merged with the existent habitat of animals as it has been in the continuous uninterrupted possession of the Forest Department for more than 20 years. Meanwhile, the farmers have been farming on the exchanged land.

4. However, in 1990, 3 of the 27 farmers who had exchanged the land, illegally sold said land at Narainpur Jhingha to the respondents, who also knew fully well that it had been the subject matter of exchange. They purchased and got it registered in their name after valuation at a much lower rate. As per the State, the sale as well as the sale deed is void ab initio.

5. In 1995, the respondents moved an application before the Divisional Forest Officer for granting permission to cut and remove fallen and dry standing trees. The respondents allege that though the exchange had taken place in 1970, it was not recorded in the revenue records. However, the fact remains that the original tenure holders had taken the Garhwa village land and were cultivating there. On 15.08.1995, when the respondents applied for permission

to cut the standing trees in the disputed area, they were informed that this application cannot be considered in view of the notification declaring the lands as reserve forest under the Indian Forest Act on 04.07.1970 and 11.01.1971. The order dated 22.09.1995 rejecting permission was challenged by writ in the High Court of Allahabad, Lucknow Bench.

6. In the Writ Petition, though the respondents specifically asked for a declaration that the land in question is not a forest land, the High Court found it unnecessary to delve into the question in view of the following reason:-

"In view of the above, the Writ Petition is to be allowed but so far as the first prayer is concerned with regard to the quashing of the alleged proceeding under Chapter-II of the Indian Forest Act is concerned, such relief is uncalled for because the opposite parties have themselves admitted that no proceedings are pending for declaring the disputed land as 'reserve forest' nor the land of the disputed plots were ever declared as 'reserve forest'. Since, there are no proceedings, there is no question of issuing a Writ in the nature of certiorari for quashing these proceedings."

7. Further, the High Court also proceeded to hold that such a direction is impermissible in law for the following reason:-

"Moreover in our opinion, no such relief as prayed in relief No.1, can be granted as any authority under an Statute cannot be restrained from giving recourse to the due process of law but since as is admitted case, till the plots in question are not declared and notified as reserve forest, the opposite parties would not interfere in the possession of the petitioners as owners of the plots in question except in accordance with law as discussed above."

8. In view of the above referred findings, the High Court passed

final order declaring that in case the respondents lift the trees which have already fallen, the same shall not be obstructed on the ground that the land is a reserve forest.

9. Having considered the matter in detail, we are of the opinion that the High Court has not considered the legal status of the land as the necessary notifications and the documents relating thereto were not before it. The only direction of the High Court is that for cutting the trees if permission is required, an application shall be made and the said application shall be disposed of as per law.

10. We are of the opinion that any order or direction to cut trees or to move cut trees will have to be considered in the context of the definition of "forest" as defined by this Court in *T.N. Godavarman Thirumulkpad v. Union of India*¹. The obligation to follow the procedure under the laws, rules and regulations continue to apply.

11. With this clarification, the Civil Appeal stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
DECEMBER 10, 2025

¹ (1997) 2 SCC 267.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2771/2012

THE STATE OF UTTAR PRADESH THR. ITS SECRETARY & ORS.Appellant(s)

VERSUS

JYOTI BHUSHAN MISHRA & ANR.

Respondent(s)

Date : 10-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) : Mr. Abhishek Saket, Adv.
Mr. Sudeep Kumar, AOR
Ms. Rupali, Adv.
Ms. Nidhi, Adv.

For Respondent(s) : Mr. Prakash Kumar Singh, AOR
Ms. Pooja Singh, Adv.
Ms. Purnima Jauhari, Adv.
Mr. Brij Bhushan Jauhari, Adv.

Mr. Shailesh Madiyal, Sr. Adv.
Mr. Mahesh Srivastava, Adv.
Mr. Vabhav Manu Srivastava, Adv.
Mr. P. N. Puri, AOR
Mr. Sudershan Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

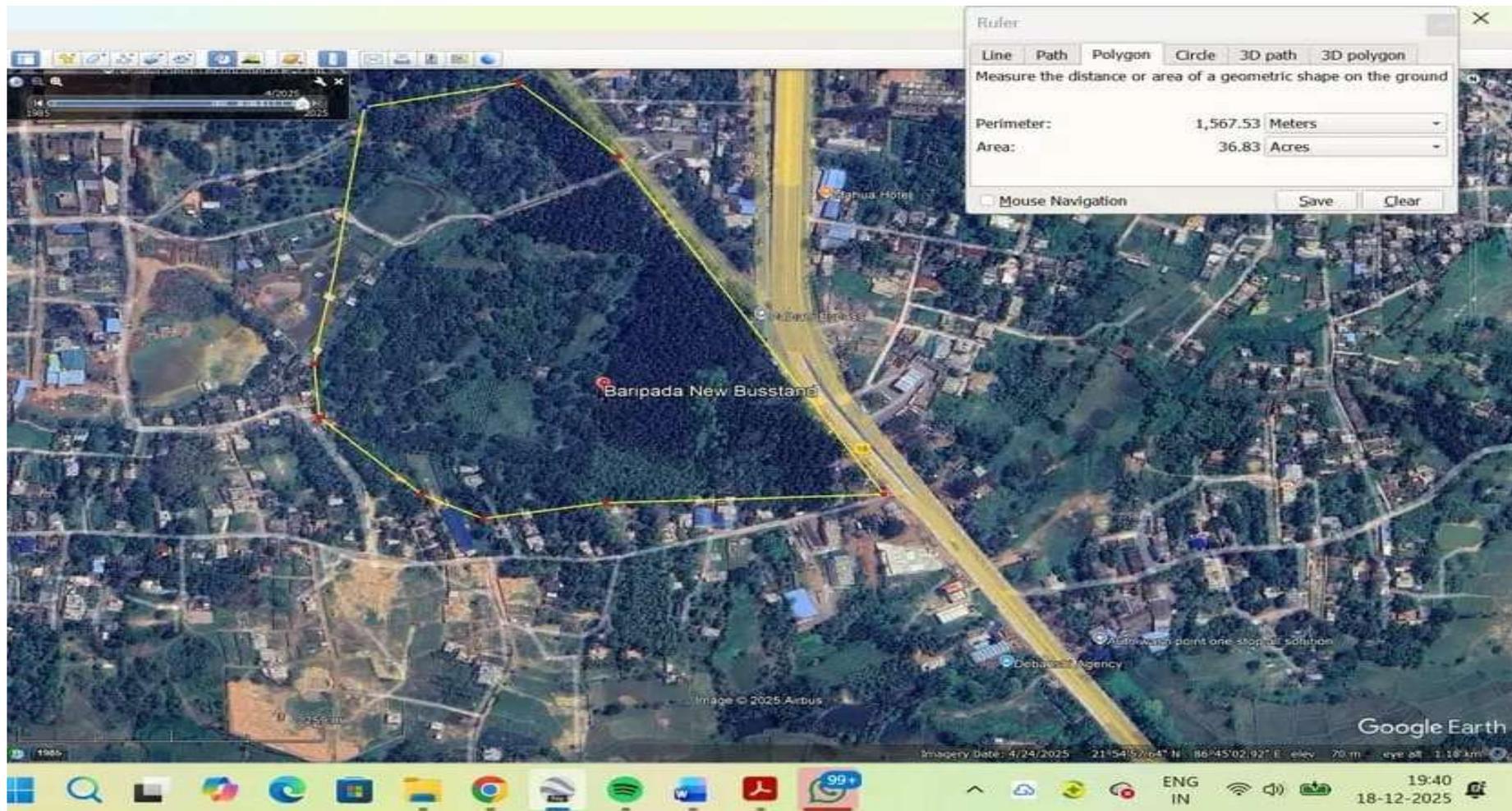
1. The Civil Appeal is disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(Signed Order is placed on the file)

THAT THE BELOW ATTACHED GOOGLE EARTH IMAGE DATED 24/04/2025 SUGGESTS DENSE FOREST EXISTS OVER MORE THAN 36 ACRES OF LAND CONTIGUOUS TO THE TREE FELLED LAND AND TREES EXISTING OVER THE 36 ACRES OF LAND WILL BE FELLED.



THAT THE BELOW ATTACHED PHOTOGRAPHS DATED 19/12/2025 SUGGESTS LARGE NUMBER OF TREES ARE BEING FELLED BY USING CHAINSAW AND TRANSPORTED.



THAT THE BELOW ATTACHED PHOTOGRAPHS DATED 19/12/2025 SUGGESTS LARGE NUMBER OF TREES ARE BEING FELLED BY USING CHAINSAW .



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THAT THE BELOW ATTACHED PHOTOGRAPHS DATED 19/12/2025 SUGGESTS
LARGE NUMBER OF TREES ARE BEING FELLED BY USING CHAINSAW



Urban forest for Baripada joggers

SIBDAS KUNDU

Baripada, Oct. 2: Forest department today threw open a green zone for joggers at Palabani on the outskirts. The Baripada forest division has developed the urban forest.

The forest, spread over 10 acres, has different varieties of trees such as fruit-bearing and medicinal plants. There are about 12,000 trees, including sal, mahogany, akasi and neem, said the Baripada divisional forest officer, Sanjay Swain.

The forest was formally inaugurated by regional chief conservator of forests and Similipal Tiger Reserve field director H.K. Bisht.

Bisht said: "The development of a forest in an urban area is encouraging. The trees will help contain pollution in the area."

"The residents can come here for a walk and enjoy the natural environment," he said.

Earlier, the Hamilton Trust controlled the area, but handed it over to the forest department as it failed to properly utilise the patch of land.



A trekking team at the urban forest at Baripada.

Telegraph picture

The Baripada forest division undertook the plantation project in 2013. Now, with almost all the trees growing to around 15ft high, the department has thrown open the area to morning walkers and joggers. It also plans employ security personnel to look after the forest.

"The trees have been plant-

ed in a manner to allow room for joggers. People will be allowed entry in the morning. Subsequently, we may allow them inside in the evenings as well," Swain said.

"This a one-of-a-kind forest in the state. The Baripada forest division will look after the care and maintenance part," he said.

Ministry of Environment, Forest and Climate Change



Definition under State of Forest Report

Posted On: 03 FEB 2022 3:49PM by PIB Delhi

As per decision 19/Conference of Parties (CP) 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

Forest- Forest is defined structurally on the basis of

- Crown cover percentage: Tree crown cover- 10 to 30% (India 10%)
- Minimum area of stand: area between 0.05 and 1 hectare (India 1.0 hectare) and
- Minimum height of trees: Potential to reach a minimum height at maturity in situ of 2 to 5 m (India 2m)

India's definition of forest has been taken on the basis of above three criteria only and very well accepted by United Nations Framework Convention on Climate Change (UNFCCC) and Food and Agriculture Organization (FAO) for their reporting/communications. The forest cover is defined as 'all land, more than one hectare in area, with a tree canopy density of more than 10 percent irrespective of ownership and legal status. Such land may not necessarily be a recorded forest area. It also includes orchards, bamboo and palm'. The definition of forest cover has clearly been defined in all the India State of Forest Report (ISFR) and in all the International communications of India.

In ISFR 2021 recently published by the Ministry on 13th January, 2022, the forest cover figures are divided as 'Inside Recorded Forest Area' and 'Outside Recorded Forest Area'. Those 'Inside Recorded Forest Area' are basically natural forests and plantations of Forest Department. The Forest cover 'Outside Recorded Forest Area' are mango orchards, coconut plantations, block plantations of agroforestry. Thus data of mango plantations etc. is automatically getting separated out as Forest Survey of India is reporting the figures of 'Outside Recorded Forest Area' separately.

The Interpretation of satellite data for classifying Very Dense Forest (VDF) is also supported by the ancilliary data like field inventory data of FSI, ground truthing data and high resolution satellite imagery wherever required.

At present, there is no plan to change the definition of forest cover and very dense forest. The definition of forest cover in ISFR represents true picture as described.

All India State of Forest Reports having state wise forest cover maps and district wise forest cover figure are available at FSI website.

This information was given by Shri Ashwini Kumar Choubey, Minister of State, Ministry of Environment, Forest & Climate Change in Rajya Sabha today.

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

Original Application No.-of 2025

In re:

Pramod Kumar Hembram

APPLICANT

Versus

State Of Odisha & Ors

... RESPONDENTS

KNOW ALL to whom these presents shall come I, Pramod Kumar Hembram, aged about 57 years, S/o- Kshetri Charan Hembram, At- Ward No. 17, Bijayramchandrapur, Chipatastia, Po- Bhanjpur, Dist- Mayurbhanj, Pin- 757002. Applicant in the above mentioned matter, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :- **Sankar Prasad Pani**, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, Mob-no. 9437279278, Email- sankarprasadpani@gmail.com Enrollment no. O-785/07 and **Ashutosh Padhy**, Enrollment no. O-1018/23.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 19th day of December 2025.

Accepted subject to the terms of fees.


Advocate


Client