

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

M.A. No.42 of 2025

(Arising out of O.A. No.26/2025/EZ disposed of on 15.07.2025)

YOUTH UNITED FOR SUSTAINABLE
ENVIORNMENT TRUST

.... APPLICANT

VS.

STATE OF ODISHA & ORS

... RESPONDENTS

MEMO OF ADDITIONAL DOCUMENT

The copy of impugned order dated 15.07.2025 passed in O.A.
No.26/2025/EZ is filed herewith mentioned as page number 9 to 30.

The corrected Index is attached herewith.

Cuttack

Dt.06.01.2026

Advocate for Respondent No.4



PARTHA SARATHI NAYAK

ADDL. GOVT. ADVOCATE

Mob.9437277043

Email:-advparthaohc@gmail.com

The corrected Index.

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Cuttack

Dt.06.01.2026

Advocate for Respondent No.4

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Item No.10

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.26/2025/EZ
(I.A. No.59/2025/EZ)

Youth United for Sustainable Environment Trust

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 15.07.2025

Date of uploading: 22.07.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s): Mr. Partha Sarathi Nayak, AGA for R-1,2,3,4&6, State
Respondents (in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-5 (in Virtual Mode),
Mr. S. S. Tripathy, Adv. a/w
Mr. Pritam Pradhan, Adv. for R-8 (in Virtual Mode),
Mr. Rakesh Behera, Adv. for the Intervenor (in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, assisted by Mr. Ashutosh Padhy, learned Counsel is present (in Virtual Mode) on behalf of the Applicant.
2. Rejoinder affidavit dated 14.07.2025 has been filed by the Applicant ; the same is taken on record.
3. Affidavit dated 11.07.2025 has been filed on behalf of the Respondent No.5, Odisha State Pollution Control Board ; the same is taken on record.
4. Affidavit dated 12.07.2025 has been filed by the Assistant Conservator of Forest, Dhenkanal Forest Division on behalf of the Respondent No.4, District Forest Officer, Dhenkanal ; the same is taken on record.

5. Heard Mr. Sankar Prasad Pani, learned Counsel for the Applicant ; Mr. Partha Sarathi Nayak, learned Additional Government Advocate appearing (in Virtual Mode) for the State Respondents, Government of Odisha ; Ms. Papiya Banerjee Bihani, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.5, Odisha State Pollution Control Board ; Mr. S. S. Tripathy, learned Counsel appearing (in Virtual Mode) on behalf of the Respondent No.8, Private Respondent and Mr. Rakesh Behera, learned Counsel appearing (in Virtual Mode) on behalf of the Intervener.

(Final order of the said case will be uploaded in NGT website by separate sheets of paper)

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

July 15, 2025,
Original Application No.26/2025/EZ
(I.A. No.59/2025/EZ)
SKB

Item No.10

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.26/2025/EZ
(I.A. No.59/2025/EZ)

In the matter of:

Youth United for Sustainable Environment Trust

Represented by its President Santanu Kumar Bhukta
S/o Golak Bhukta,
Aged about 32 years,
At/Po – Santhapada,
PS – Talcher,
Dist. – Angul,
Odisha - 759104

.... Applicant(s)

Versus

1. State of Odisha

Represented by Chief Secretary,
Government of Odisha,
Lokaseva Bhawan,
Pin – 751001
Bhubaneswar

2. District Collector, Dhenkanal

At/Po/Dist. - Dhenkanal,
Odisha - 759001

3. Tahasildar, Parjang

At/Po/PS – Tahasil Office,
Garhaparajang,
Odisha – 759120

4. District Forest Officer, Dhenkanal

At/Po - Dhenkanal,
Odisha - 759001

5. Member Secretary

Odisha State Pollution Control Board,
At/Po – A/118, Unit-VII, Nilakantha Nagar,
Bhubaneswar,
Pin – 751012,
Odisha

6. Superintendent of Police, Dhenkanal

At/Po/PS – Near Courthouse,
Durga Bazar,
Dhenkanal,
Odisha - 759001

7. Deputy Director General of Forests,
Ministry of Environment and Forests, Climate Change,
Integrated Regional Office,
Bhubaneswar,
A/3, Rail Vihar, Chandrasekharpur,
Bhubaneswar,
Odisha - 751023

8. Suresh Sahoo,
aged about 51,
S/o - Debraj Sahoo,
At- Paramhans Pur,
Po- Kualo, Ps- Parjang,
Dist. - Dhenkanal,
Pin - 759120

.... Respondent(s)

Date of hearing: 15.07.2025
Date of uploading: 22.07.2025

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : Mr. Sankar Prasad Pani, Adv. a/w
Mr. Ashutosh Padhy, Adv. (in Virtual Mode)

For Respondent(s): Mr. Partha Sarathi Nayak, AGA for R-1,2,3,4&6, State
Respondents (in Virtual Mode),
Ms. Papiya Banerjee Bihani, Adv. for R-5 (in Virtual Mode),
Mr. S. S. Tripathy, Adv. a/w
Mr. Pritam Pradhan, Adv. for R-8 (in Virtual Mode),
Mr. Rakesh Behera, Adv. for the Intervenor (in Virtual Mode)

ORDER

1. Heard Mr. Sankar Prasad Pani, learned Counsel assisted by Mr. Ashutosh Padhy, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. The present Original Application has been filed by the Applicant seeking the following reliefs:-
 - I. *Direct the DM Dhenkanal and DFO Dhenkanal to remove the encroachments from the forest land and restore the land to its original condition by removing the Flyash and Dolochar from the land.*
 - II. *Direct the State respondents to compute environmental compensation for illegally encroaching the forest land without prior approval from the competent authority, and to recover the same from the Private respondents.*

III. *Fix the accountability/responsibilities of the concerned Govt. authorities for their inaction and willful dereliction of duties causing damage to the forest land and environment.*

IV. *Pass such other orders/directions as may be deemed fit and proper in the bonafide interests of justice."*

3. The allegation of the Applicant is that the Respondent No.8, Suresh Sahoo, Private Respondent has illegally encroached the Khalpal Reserve Forest land within Mahabirod Forest Range and Revenue land (Under Parjang Tahasil, Mouza-Kualo, Khata No-824 and Plot No-1 recorded as Kisam Gochara) for approach road to one Dhaba (Hotel New Surya) and Parking Place for Heavy Vehicles without any permission from the competent authorities. It is alleged that the Respondent No.8 has illegally encroached part of Khalpal Reserve Forest land and Govt Revenue Land for his hotel/dhaba's parking and approach road.
4. It is alleged that the Respondent No.8 has encroached more than 5 Acres of Land including the Reserve Forest Land and a parking space has been carved created out of this encroached land for renting it out to various vehicle owners.
5. It is also alleged that the Respondent No.8 has illegally constructed a Vehicle Washing Centre, Garage and Dyanamo Repairing Workshop which is also managed by the Respondent No.8.
6. It is stated that on 04.09.2024 one Rasmi Samal had filed a complaint petition before the District Magistrate Dhenkanal alleging illegal parking of vehicles in the reserve forest as well as government land. On receipt of the complaint, the District Magistrate, Dhenkanal ordered the Revenue Inspector, Kualo to visit the alleged site and file a field enquiry report and accordingly

the Revenue Inspector, Kualo visited the site and submitted his field enquiry report dated 19.09.2024 confirming that during the field enquiry some heavy vehicles were parked over the vacant section of the Reserve Forest which is adjacent to the schedule land.

7. The land schedule has been given in the letter dated 19.09.2024 (page no.20 of the paper book) which is as under:-

LAND SCHEDULE

Village	Khata No.	Plot No.	Kissam	Area (in Ac.)	RT
Kualo	824	01	Gochar	15	Govt. of Odisha

8. The report further mentions that a 'Prohibition' board has been displayed in front of the grazing land and often penalty has been imposed against illegal parking over the said land to prevent unauthorized parking. However, during inspection, not a single vehicle was found parked over the said section of the Reserve Forest.
9. It is also stated that the Applicant also sent an e-mail complaint to the Ministry of Environment, Forest and Climate Change (MoEF&CC), Integrated Regional Office, Bhubaneswar vide his letter dated 26.08.2024 upon which the Ministry of Environment, Forest and Climate Change (MoEF&CC) wrote to the Additional Chief Secretary, Forest Environment & Climate Change Department, Government of Odisha on 08.10.2024 for inquiry and taking necessary action.
10. It is stated that the Additional Chief Secretary, Government of Odisha, thereafter vide his letter dated 28.11.2024 wrote to the Collector & DM, Dhenkanal to look into the matter.

11. It is stated that the Divisional Forest Officer ('DFO' for short), Dhenkanal, informed the petitioner vide his letter dated 19.11.2024 intimating that the alleged area near the New Surya Hotel has been used as parking place by spreading ash is not falling under the jurisdiction of the Khalpal Reserve Forest with reference to the management map of Dhenkanal Forest Division, however, during DGPS Survey it was ascertained that some portion of the boundary line of Khalpal Reserve Forest is visible crossing NH-149 near village Kualo.
12. In the letter it was also stated that till settlement by Re-notification of Khalpal Reserve Forest all possible steps are being taken to safeguard the area. In the meanwhile to restore the forest cover, tree plantation has been raised on the alleged site and some portion of the said land is now vacant for use as village path by the nearby villagers who have submitted a Gramsabha resolution dated 02.09.2024.
13. It is also alleged that the Respondent No.8 has encroached another piece of land over Khata No-824, Plot No-3493, Kissam- Gramya Jungle situated in Mouza-Kualo, under Tahasil-Parjang, Dist.-Dhenkanal and has constructed a residential house thereon.
14. It is also alleged that the Respondent No.8 has dumped Fly ash over the land in question for creating a road to his Dhaba and Parking Space.
15. At the time of admission, the Tribunal constituted a Fact Finding Committee comprising of the following members:-
 - (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 Committee was required to inspect the site in question and submit its Report with regard to the allegations made in the Original Application.

16. The Tahasildar, Parjang, has filed affidavit dated 07.05.2025. Along with this affidavit, a Joint Inspection Report of an inspection carried out on 17.04.2025, has been filed. The Inspection Report reads as under:-

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

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

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

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

The following officers were accompanied the committee during field visit:

- 1. Sri Satya Narayan Sahu, Assistant Conservator of Forest, Dhenkanal.*
- 2. Sri Sudev Kumar Prusty, Tahasildar, Parjang.*

3. Sri Soumya Ranjan Kuanr, Asst. Env. Scientist,
SPC Board, Angul.
4. Sri Harish Chandra Kisan, Range Officer, Parjang.

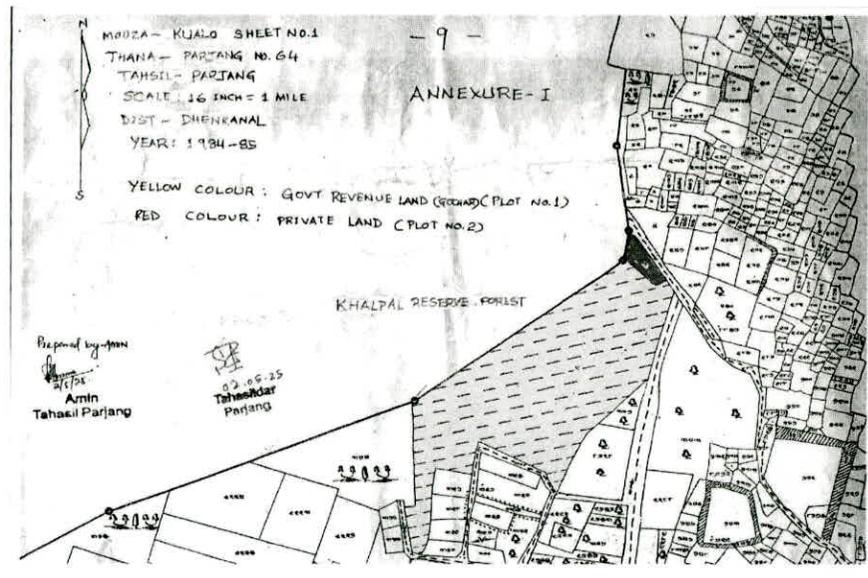
Observations:

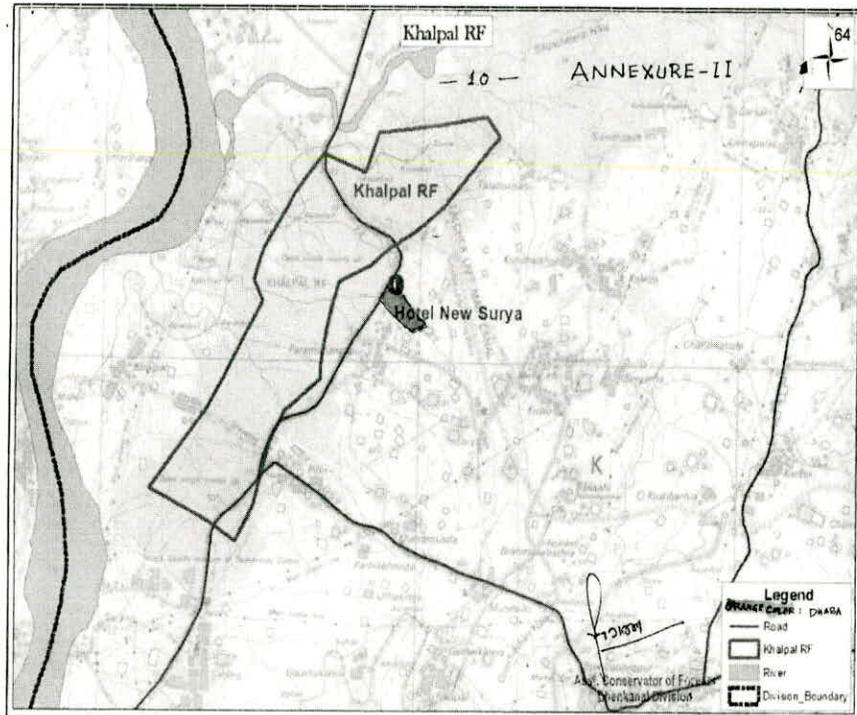
The committee has observed the following points during their visit.

1. It was observed during visit that, plot No.1, kissam Gochar of Khata No.824 under jurisdiction of Parjang Tahasil is free from encroachment. Though the said plot is used for parking of Heavy Vehicles for the time being, it is free from encroachment. It is stated that, there is parking over the land in question for the time being during taking of meal by the drivers of Heavy Vehicle. 'cm) (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-Kualo. To protect the Govt. land a prohibition board showing the property belongs to Govt. of Odisha was also displayed over the said land (Cadastral Map of the mentioned plc is attached as Annexure-I).
2. The Assistant Conservator of Forests, Dhenkanal Division present in the joint enquiry, stated that the alleged area which has been used as parking place by spreading Ash is not coming under the Khalpal Reserve Forest Area with reference to the management map of the Dhenkanal Forest Division. But during DGPS survey, it was ascertained that some portion of the boundary line of Khalpal Reserve Forest land is visible crossing at NH 149 nearby village Kualo, and till settlement by re-notification of Khalpal Reserve Forest all possible steps have been taken to safeguard the area. Accordingly tree plantation has been raised on the alleged site. Some portion of the said land is now being used by villagers as walking path

(Management Map of Khalpal Reserve Forest is attached as Annexure-II).

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





17. With regard to the allegation of encroachment of forest land by the Respondent No.8, the affidavit is silent, but it is stated that customers/drivers are coming to the Dhaba of the said respondent and parking their vehicles on the road side adjacent to the Dhaba for a short period, but there is no complaint that any parking fee is being collected from the parked vehicles. It is also pointed out that apart from the Respondent No.8, many other villagers have constructed houses over Khata No.824, Plot No.3493, Mouza-Kualo having Kisam as Gramya Jungle, measuring an area of Ac.8.50.
18. In the Inspection Report, the Committee noted that Plot No.1 is Kisam Gochar of Khata No.824 under the jurisdiction of Parjang Tahasil and the same is free from encroachment and is being used for parking of heavy vehicles for the time being by drivers stopping there to take meals.

19. The Inspection Report mentioned that two temporary shops were also found over Government land on the same plot adjacent to the Dhaba in question. It is stated that there is no forest growth/valuable tree growth over Khalpal Reserve Forest which is adjacent to the Plot No.1 under Government Khata No.824 of Village-Kualo, but to protect Government land, a 'Prohibition' board has been displayed mentioning that the property belongs to the Government of Odisha.
20. The Inspection Report also mentions that the Assistant Conservator of Forests, Dhenkanal Division, pointed out that the area which has been used as a parking place by spreading ash is not falling 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 NH-149 near Village-Kualo and all possible steps have been taken to safeguard the area; tree plantation has also been raised of the said site and some portion of the land is also being used by villagers as a walking path.
21. The Inspection Report further mentions that the Hotel/Dhaba in question is situated on private land i.e. Plot No.2, Kisam-Gharabari measuring an area of Ac.0.44 under Khata No.31 in Village Kualo which is adjacent to the Khalpal Reserve Forest and Government Revenue land; there are some habitations present over the Plot No.3493 having Kisam as Gramya Jungle under Khata No.824 of Village Kualo since a long time; the alleged site has been filled up and compacted with fly ash over an estimated area of 16,275 Sq. m. or Ac.4.0 (approximately) with an average height of 2m; the total

quantity of fly ash dumped is estimated to be about 40,687 MT (considering density of fly ash to be 1.25 Ton/M³); during the inspection, it could not be ascertained as to from which industry the fly ash has been illegally dumped at the alleged site.

22. The Respondent No.5, Odisha State Pollution Control Board, has filed affidavit dated 11.07.2025 reiterating the contents of the Inspection Report, the Odisha State Pollution Control Board being a member of the Committee. It is also stated that the site was inspected by the Regional Office, Angul of the Odisha State Pollution Control Board on 10.07.2025 with regard to the dumping of fly ash and observations noted in para-6 of the affidavit are extracted herein below:-

“.....

1. It was observed that dumping of fly ash has been done at multiple places over the alleged land. It was observed that some portion of the ash dumping area has been covered with soil, but maximum area is left uncovered. This may cause fugitive dust nuisance during summer season and every chance of being washed away to the adjacent land during rainy season.

2. Neither any vehicles nor any miscreants were noticed of handling or dumping of ash in the alleged site on the day of visit. Nearby shopkeepers and local inhabitants were being interrogated about such dumping, but they could not provide any information. Therefore, source of ash dumped at the alleged site could not be ascertained.”

The observations show that dumping of fly ash has been done at multiple places and some portion of the ash dumping has been covered with soil but the maximum area is left uncovered which may be fugitive dust and there is every chance of the same

being washed away to the adjacent land during the rainy season; no vehicles or miscreants were noticed handling or dumping ash at the alleged site on the day of the visit; nearby shopkeepers and local residents were being interrogated with regard to the dumping of fly ash but they could not provide any information.

23. The Respondent No.8, Private Respondent, has filed affidavit dated 16.05.2025 denying the allegations of encroachment by him of any part of the Khalpal Reserve Forest or Government Revenue Land. It is stated that his Hotel/Dhaba is situated on Plot No.2, Khata No.31, Kualo, Kisam-Patita, having an area of Ac.0.44 dec., which is private land. He has also denied that he is providing any services of parking of vehicles by him but persons who come to eat at the Hotel/Dhaba park their vehicles adjacent to the National Highway/approach road and that on the private land on which the Hotel/Dhaba is situated, there are empty spaces which are being used by the customers of the Hotel/Dhaba to park their vehicles.
24. The Respondent No.8 has denied that he has erected any Tyre Puncture Shop, Spare Parts Shop, Vehicle Washing Center, Garage and Repairing Workshop or any other allied shops, that may have been illegally constructed by encroaching on the Khalpal Reserve Forest or the Government Revenue Land.
25. The Applicant has filed his response to the Inspection Report and it is stated that there is no demarcation of the site in question to identify the area of encroached land, nor is there any fencing to prevent further encroachment. Allegations that Fly Ash has been compacted with soil has been denied, though it is reiterated that the Committee has itself noted that about 40,687 MT of Fly Ash has been illegally dumped over the alleged site on Government

Land, mostly Gochar and Forest Kisam, measuring an area of Ac.4.00.

26. With regard to the road being used by the villagers or customers coming to the Dhaba in question, it is stated that the said road is about 40 ft. wide and there is already another road behind the Dhaba/Hotel being used by the villagers but it is alleged that forest land where the Forest Department has planted saplings has been destroyed by vehicles which come to the Dhaba/Hotel and that the Respondent No.8 is using that land as parking space and the Google Earth image of 29.03.2025 also shows that there is no plantation at the site in question and the entire area is filled with Fly Ash.
27. Along with the response affidavit, photographs have been filed from pages 136 to 146 (colly). These photographs show an open road and some portion of land where Fly Ash has been deposited, as well as the Google Earth image which shows an open space of land with no trees on it.
28. Photographs have also been filed along with the affidavit of the Assistant Conservator of Forest, Dhenkanal, showing open land and some forested area with a sign board showing 'No Parking Zone'.
29. Photographs have also been filed with the Original Application in support of the allegations made therein which show open spaces covered with Fly Ash and at page no.49 of the paper book, a photograph of a house has been filed and it is submitted by the Counsel for the Applicant that the house has been constructed over Plot No.3493, Khata No.824, Mouza-Kualo, Tahasil-Parjang even though the said land Kissam is Gramya Jungle and therefore,

the said construction is wholly illegal and amounts to encroachment over forest land.

30. Similar photographs have been filed with the rejoinder affidavit along with certain photographs showing open land and constructed areas.
31. The Inspection Report mentions that the Plot No.1, Khata No.824, is Kisam Gochar and is free from encroachment. The Applicant in Para-2 of his Original Application does not dispute that the said land is recorded as Kisam Gochar but his allegation is that the same is being used for parking heavy vehicles without any permission from the competent authorities.
32. The Applicant has also filed certain judgments in W.P. (C) No.15942/2024, *Kamala Singh Vs. State of Odisha and others*, wherein the Hon'ble High Court of Orissa has directed that if Government land is found to have been encroached upon, the State shall take immediate steps as permissible in law for eviction particularly invoking provisions of the Odisha Prevention of Land Encroachment Act, 1972 and the removal of the encroachments should not exceed beyond three months.
33. In W.P. (C) No.3385/2024, *Trinath Panda Vs. Commissioner-cum-Secretary, Health & Family Welfare Department, Government of Odisha & others*, the Hon'ble High Court of Orissa has disposed of the writ petition with liberty to the petitioner therein to invoke the provisions embodied under the Code or the Odisha Prevention of Land Encroachment Act, 1972.
34. In W.P. (C) No.592/2021, *Sarina Sarkar & Ors. Vs. The State of Haryana & Ors.*, the Hon'ble Supreme Court has directed removal of encroachments on forest land without any exception, not later

than six weeks and submit compliance report before the Hon'ble Supreme Court.

35. In Original Application No.114/2024/EZ, *Rabindra Pradhan Vs. State of Odisha & Ors.*, this Tribunal, after observing that no permission was granted for opening or operating Gram Panchayat office over Plot No.1793, which was forest land, directed the Collector & District Magistrate, Nayagarh, to demolish the illegal structure standing on the land i.e. Plot No.1793, Khata No.387 and to clear the land of all structures and debris as may be standing thereon and restore the land to its original forum.
36. In our opinion, if certain land is Government Revenue Land it is for the revenue authorities of the State to examine as to whether the land can be permitted to be used for parking of vehicles, heavy vehicles or otherwise and this issue by itself does not fall within the jurisdiction of this Tribunal for adjudication not being an environmental issue. However, the allegation that there is encroachment over Khalpal Reserve Forest land within Mahabirod Forest Range has been denied in the Inspection Report and it is stated that the Plot No.1 under Government Khata No.824 of Village Kualo is adjacent to the Khalpal Reserve Forest and to protect the Government Land, a prohibition board has been erected by the Government of Odisha. The allegation of the Applicant is that the land of the Khalpal Reserve Forest adjacent to the land of the Dhaba, also known as Hotel New Surya, does not bear any trees, though it is part of the Khalpal Reserve Forest. This fact is admitted in the Inspection Report which mentions that there is no forest growth/valuable tree growth over Khalpal Reserve Forest adjacent to the Plot No.1, Government Khata No.824, Village

Kualo, though it is admitted that there are some habitations over Plot No.3493 having Kisam Gramya Jungle under Khata No.824.

37. So far as the Khata No.824, Plot No.3493 over which habitation has been set up by some persons and photographs have also been filed by the Applicant mentioning that the same is Kisam Jungle-II, we find from the documents on record (page no.179 of the paper book) that a letter has been issued by the Tahasildar, Parjang, to the Assistant Collector, PG Cell, Collectorate, Dhenkanal, dated 30.05.2025, mentioning that a newly constructed building has been erected over Plot No.3493, Khata No.824 measuring Ac.0.10 dec. out of Ac.8.50 dec. owned by Sri Suresh Sahoo, Respondent No.8 herein and an encroachment case was booked against the encroachers and eviction is under process in Village-Paramhanspur under Parjang Tahasil.
38. Reference has been made that some habitations are present over the Plot No.3493 having Kisam-Gramya Jungle under Khata No.824 of Village-Kualo for a long period.
39. In this view of the matter, since eviction proceedings have already been initiated against the Respondent No.8 from the portion of the Khata No.824 classified as Gramya Jungle as evident from the letter dated 30.05.2025, therefore, the State Respondents are directed to take the eviction proceedings to their logical conclusion and ensure that forest land at Khata No.824, Plot No.3493 is duly secured from encroachment and constructions are removed and the land is restored as a forest by plantation of trees as will also be clear from the law laid down by the Hon'ble High Court of Orissa and the Hon'ble Supreme Court and this Tribunal referred to above.

40. So far as the portion of the land which is part of Khalpal Reserve Forest over which there is no forest growth, as shown from the Inspection Report, we direct the State Respondents to ensure that plantation is carried out on the said plot with native species of trees and the plot is secured with appropriate markings or barbed wire boundary, as the case Divisional Forest Officer may deem appropriate and plantation be carried out over this plot for its restoration as forest. This exercise shall be carried out by the State Respondents within three months i.e., **by 31.10.2025**.
41. The categorical stand of the State Respondents and also evident from the Inspection Report is that the Hotel/Dhaba of the Respondent No.8 is situated on private land i.e., Plot No.2 which is Kisam-Gharabari measuring an area of Ac.0.44 under Khata No.31, Village-Kualo, though it is adjacent to the Khalpal Reserve Forest and Government Revenue Land. In this view of the matter, no directions are required as against the Respondent No.8 in respect of this land.
42. The Inspection Report, however, substantiates the allegation of the Applicant that there is large-scale dumping of Fly Ash over the forest land which is estimated by the Inspecting Committee to be about 40,687 MT, spread over an area of 16,275 Sq.m., or 4.0 Ac. (approximately). Though the Committee is silent as to from where this Fly Ash has been brought and illegally dumped on forest land, the State Pollution Control Board cannot relinquish its responsibility as a Regulatory Authority from carrying out proper inquiry as to how such a huge quantity of Fly Ash came to be dumped on forest land over such a large area without their knowledge and without the Tahasildar, Parjang, informing the

District Magistrate, Dhenkala, Divisional Forest Officer, Dhenkanal, or the State Pollution Control Board, Angul about it which shows dereliction of duty by the authorities at the local level and the matter needs to be investigated and inquired and disciplinary action taken against the delinquent authority. Further, investigative action needs to be taken to identify the violator who has dumped 40,687 MT fly ash on forest land illegally and steps are required to be initiated by the State Pollution Control Board against the environmental violator and Environmental Compensation be determined and recovered from the violator as per law since it has not come on record in any of the affidavits as to who is the violator though an allegation has been made by the Applicant that the fly ash has been dumped by GM Iron & Steel Company Limited in para-6 of his response affidavit dated 19.05.2025 but the GM Iron & Steel Company Limited has not been impleaded in the present proceedings as a Respondent and has not been heard.

43. We, therefore, dispose of this Original Application with a direction to the Odisha State Pollution Control Board to investigate the matter of dumping of 40,687 MT of fly ash over 16,275 Sq.m. /4.0 Ac. (approximately) and when the violator has been identified, proceedings for recovery of Environmental Compensation shall be initiated against the violator, giving due notice and opportunity of hearing as required by law.
44. The Original Application is disposed of with the aforesaid directions. The Respondents shall also file affidavit of compliance **by 31.12.2025.**
45. There shall be no order as to costs.

I.A. No.59/2025/EZ:-

1. This Interlocutory Application has been filed by the Applicant, Rohita Kumar Jena, praying that he may be allowed to be impleaded as Respondent No.9 in the present proceedings. It is stated that as per land schedule, the land in question is inhabited by almost 300 families of Kualo village; these families have been residing on scheduled land from pre-independence times under the watch of the then Gadajat kingdom. It is also stated that post-independence, the villagers have approached the subsequent governments with requests to record their names in the Record of Rights but their requests have fallen on 'deaf ears' but in view of the present Original Application, the villagers apprehend the risk of being thrown out of their houses, and, therefore, they may be heard.
2. While deciding the Original Application, we have not given any direction with regard to any persons residing on Government Revenue Land, and whether such persons are to be evicted or not evicted is a matter in which a decision has to be taken by the Government as per extant law and this Tribunal has no jurisdiction with regard to revenue matters. Moreover, in view of the findings that we have already given hereinabove in the present Original Application based upon the pleadings of the parties and facts emerging from the Inspection Report, we are of the view that the Applicant of I.A. No.59/2025/EZ is not mentioned in the Inspection Report and therefore, is not a necessary party in the present Original Application and is not required to be impleaded in the array of Respondents.

3. However, in view of the letter of Tahasildar, Parjang, dated 30.05.2025, mentioning that eviction proceedings have been initiated against the Respondent No.8, it is open for the Respondent No.8 to contest the eviction proceedings on its own merits in his own case and in any case, there being no allegations against the Applicant of the I.A. No.59/2025/EZ the said Applicant is not a necessary party to the present proceedings.
4. The I.A. No.59/2025/EZ is accordingly rejected.

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B. Amit Sthalekar, JM

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Dr. Arun Kumar Verma, EM

July 15, 2025,
Original Application No.26/2025/EZ
(I.A. No.59/2025/EZ)
MN