

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 85 OF 2025 (EZ)

IN THE MATTER OF:

Giri Gobardhan Forest Committee

... Applicant

VERSUS

State of Odisha & Others

... Respondents

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**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3 AND
RESPONDENT NO. 4.**

I, Dr. Timir Haran Mahato, son of Shri P.C Mahato, aged about 50 years currently working as Scientist 'E' in the Ministry of Environment, Forest and Climate Change (MoEF&CC), Regional Office, Bhubaneswar, do hereby solemnly affirm and state as

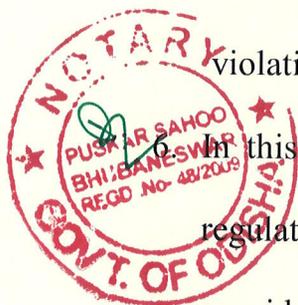
under:-

1. That I, the above-named Deponent, am authorized and well conversant with the facts and circumstances of the present case and thus competent to swear the present Affidavit.
2. That I have read and understood the contents of the present Affidavit. The contents thereof are true and no part of it is false and no material has been concealed therefrom.
3. The answering Respondents deny each and every allegation, averment, and insinuation made against them in the Original Application, except those which are specifically admitted herein.



Timir Haran Mahato

4. It is humbly submitted that 'Land' is a subject matter of the State Government. The forest areas and the legal boundaries thereof are determined and maintained by the concerned State Government. That, being the repository of the land records, State Government has the primary responsibility to determine status of any parcel of land, giving due regards to gazette notifications, provisions under State and Central Acts and concerned judgements and directions of the Hon'ble Supreme Court. The State Government has to determine any violation or non-compliance of the provisions of the Central and State laws.
5. The private landowners have no rights over trees within the Demarcated Protected Forest governed by the Forest (Conservation) Act, 1980, and the Supreme Court's ruling in T.N. Godavarman Thirumulpad vs. Union of India (1996). This respondent clarifies that any tree felling on private land classified as forest requires prior approval from the MoEF&CC, under the Forest (Conservation) Act, 1980 and no such approval was granted in this case. Any such activity without approval is a violation and will be addressed upon confirmation.



6. In this regard, it is humbly submitted that the MoEFCC deals with policy and regulatory issues at a broader level. The role of the MoEFCC is to frame policy, provide directions and guidance in an advisory capacity, as well as to provide necessary approvals under the provisions of the relevant Central Acts so far as the protection and conservation of forest, wildlife and other environmental resources are concerned.
7. It is submitted that the Ministry of Environment, Forest and Climate Change (MoEF&CC) is concerned primarily with grant or refusal of prior approval under

Laxmi Haran Mahab

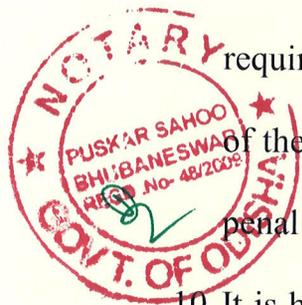


Section 2 of the Forest (Conservation) Act, 1980 in respect of diversion of forest land for non-forest purposes, based on proposals formally submitted by the State Government through the 'Parivesh' portal.

8. It is submitted that the felling of trees on non-forest land is regulated by the respective State Government /UT Administration as per the provisions of various State Acts and Rules made thereunder. Many States have specific Tree Preservation Acts / Tree Felling Acts including guidelines for regulating the felling of trees on revenue lands and penal provisions for the violations. The implementation of these rules is supervised by designated authorities in the State Government whose permission is necessary for the felling of reserved trees in Non- Forest Land, under such rules.

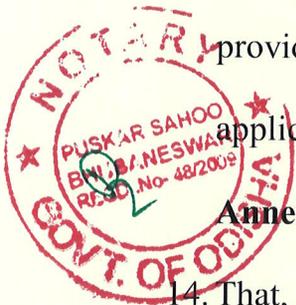
9. That, prior approval of the Central Government under Section 2 of the "Van (Sanrakshan Evam Samvardhan) Adhiniyam",2023, [earlier known as the Forest (Conservation) Act, 1980] (hereinafter referred to as "Van Adhiniyam, 1980") is required for carrying out any non-forest activity on forest land. Any contravention of the above provision would amount to a violation of the Act, 1980 and attract the penal provisions in it.

10. It is humbly submitted that no proposal seeking diversion of forest land in respect of Badapari Demarcated Protected Forest, Mouza-Badapari, Tangi Tahasil, Khordha District, Odisha, has been received, processed, or approved by the answering Respondents. In absence of any such proposal, no question arises of grant of approval or violation of any condition imposed by the Central Government under the Forest (Conservation) Act, 1980.



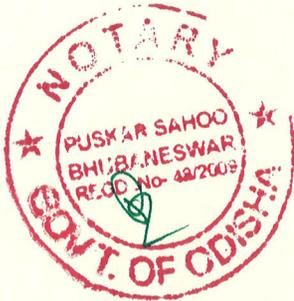
Timis Hasan Mahab

11. The allegations relating to illegal felling of trees, use of machinery, or deliberate setting of forest fire are matters falling squarely within the domain of the State Government and its field functionaries under the Indian Forest Act, 1927 and relevant State forest laws.
12. The Protection and management of forest are primarily the responsibility of the State Governments/Union Territory Administrations. There are legal frameworks for the protection and management of forest resources of the country which include, the Indian Forest Act 1927, Van (Sanrakshan Evam Samvardhan) Adhiniyam 1980, and the State Forest Acts, Tree Preservation Acts and Rules, etc. The State Governments /UT Administrations take appropriate actions to protect forest and tree resources under the provisions made under these Acts/ Rules
13. It is humbly submitted that the MoEF&CC Regional Office, Bhubaneswar, vide its letter dated 16.07.2025 (File No. 8(33)403/2025-FCE), requested the Additional Chief Secretary, Forest & Environment Department, Government of Odisha, to provide the factual information regarding the land referred to in the present application. (A copy of the said letter is annexed herewith and marked as **Annexure R/1.**)
14. That, as no information was received, a reminder letter dated 29.10.2025 was issued to the State Government again seeking urgent factual details so that the Ministry could place the correct position before this Hon'ble Tribunal. As of now no information has been received from State. (A copy of the said reminder is annexed herewith and marked as **Annexure R/2.**)



Timir Hastan Mahab

15. It is categorically denied that the answering Respondents have permitted, facilitated, or condoned any non-forest activity within the Demarcated Protected Forest in question.
16. That the Answering Respondent craves liberty to file additional information, if any, till pendente lite.
17. The Hon'ble Tribunal may pass such order(s)/direction(s) as it may deem fit and proper in the facts and circumstances of the case



VERIFICATION

I, the deponent above named, do hereby verify that the contents of the above affidavit are true and correct to my knowledge and belief and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this 29th day of January 2026.

Timir Haran Mahato

DEPONENT

(डा० तिमिर हरण महतो)
(DR. TIMIR HARAN MAHATO)
वैज्ञानिक 'ई' / Scientist 'E'
भारत सरकार / Govt. of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय / Regional Office
भुवनेश्वर / Bhubaneswar

Timir Haran Mahato

VERIFICANT

(डा० तिमिर हरण महतो)
(DR. TIMIR HARAN MAHATO)
वैज्ञानिक 'ई' / Scientist 'E'
भारत सरकार / Govt. of India
पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय
Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय / Regional Office
भुवनेश्वर / Bhubaneswar

Puskar Sahoo
29.1.26

PUSKAR SAHOO
NOTARY BHUBANESWAR
GOVT OF ODISHA
MOB :- 9337129137



भारत सरकार / Government of India

Annexure No. R/1

75 115

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change

क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar

ए.३. चंद्रसेखरपुर / A/3, Chandrasekharpur

भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023

आजादी का
अमृत महोत्सवLIFE
Lifestyle for
EnvironmentTelephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 8(33)403/2025/FCE

Date: 16th July 2025

To

The Additional Chief SecretaryForest & Environment Department,
Government of Odisha.
Bhubaneswar -751001.**Sub: Request for factual information in connection with Original Application No.85/2025/EZ in the matter of by Giri Gobardhan Forest Committee vs State of Odisha & ors. - reg.**

Sir,

With reference to the subject cited above, I am directed to state that this Ministry has been made respondent in the aforementioned Writ Petition. The Hon'ble NGT, vide its order dated 15.05.2025, has directed all the respondents to file their counter affidavits within four weeks.

It has been alleged in the petition that illegal felling of trees and deliberate setting of fire to the Badapari Demarcated Protected Forest (DPF), located in Mouza-Badapari under Tangi Tahasil of Khordha District, has been carried out by the private respondent. In this context, the Hon'ble Tribunal has also constituted a committee comprising the concerned District Collector and Divisional Forest Officer, with a directive to conduct a site inspection and submit a Fact-Finding Report within four weeks in form of affidavit.

Accordingly, it is requested that the factual information regarding the status of the land and other relevant matters as referred to in the petition be furnished to this office at the earliest, to facilitate preparation of the counter affidavit on behalf of the Ministry.

Yours Faithfully

16/07/2025
(Sujoy Dutta)

Assistant Commissioner (Forestry).

Copy to: The Addl. PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharpur, Bhubaneswar-751023.

REMINDER-II

भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest & Climate Change
क्षेत्रीय कार्यालय, भुवनेश्वर / Regional Office, Bhubaneswar
ए ३, चंद्रसेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - ७५१ ०२३ / Bhubaneswar - 751 023



Telephone: 0674 - 2301213, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

File No. 8(33)403/2025/FCE / 792

Date. 29th October 2025

To

The Additional Chief Secretary
Forest & Environment Department,
Government of Odisha.
Bhubaneswar -751001.

Sub: Reminder regarding submission of Factual Report in in connection with Original Application No. 85/2025/EZ. filed by Giri Gobardhan Forest Committee vs State of Odisha & Ors. - reg.

Sir,

Kindly refer to this Office letter No. 8(33)403/2025-FCE dated 16.07.2025 & 1.09.20245, wherein the State Government was requested to furnish the factual information pertaining to the status of the land and other related matters referred to in the above-mentioned Original Application.

It is informed that the Hon'ble National Green Tribunal (Eastern Zone Bench), Kolkata, vide its order dated 15.05.2025, directed all the respondents to file their counter affidavits within four weeks. However, the requisite information from your department is still awaited, which is essential for preparation of the Counter Affidavit on behalf of the Ministry.

Therefore, it is again requested to kindly expedite the submission of the required information to this Office at the earliest to enable timely compliance with the directions of the Hon'ble Tribunal.

Yours Faithfully
Digitally signed by
Sujoy Dutta
Date: 29-10-2025
17:00:19
(Sujoy Dutta)

Encl: As above

Assistant Commissioner (Forestry)

Copy To: Additional Principal Chief Conservator of Forests (Nodal),
Government of Odisha, Aranya Bhawan, Chandrashekharpur,
Bhubaneswar.