

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 142/2025/EZ**

IN THE MATTER OF:

MANAS RANJAN BARIK

...APPLICANT

VERSUS

STATE OF ODISHA & ORS.

...RESPONDENTS

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Nilgiri, Odisha

Dtd. 28.01.2026

through

padmesh

Padmesh Mishra

Advocate for Respondent/

Government of Odisha

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**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 142/2025/EZ**

IN THE MATTER OF:

MANAS RANJAN BARIK

...APPLICANT

VERSUS

STATE OF ODISHA & ORS.

...RESPONDENTS

**COUNTER AFFIDAVIT ON BEHALF OF THE TEHSILDAR, NILGIRI-
RESPONDENT NO. 6**

Sonam Das
28/01/26
Tahasildar, Nilgiri

I, Smt. Sonam Das, aged about 37 years, W/o-Bikram Kishor Parida being the Tahasildar, Nilgiri, do hereby solemnly affirm and state as follows:

1. That, I am arrayed as the Respondent No.6 in the above-mentioned Original Application, in my official capacity. I have gone through the said application and understood the contents thereof. I am also well acquainted with the facts of the present case as derived from the official records and as such I am competent to swear the present affidavit.

2. That, in response to the averments made in **Para-1** of the Original Application (O.A.), it is stated that Tehsildar Nilgiri (Respondent No.6) has received the present OA as a memo along with other answering respondents. It is pertinent to mention that the subject of Minor Mineral has been transferred to Mining Department along with Directorate of Minor Mineral vide Government of Odisha Notification No. 4050 dated 24.04.2023.

True Copy of the said Notification No. 4050 dated 24.04.2023 is annexed & marked herewith as **ANNEXURE- A**.

The recent amendment in Odisha Minor Mineral Concession Rules, 2023 came into force on 25.04.2023 which states that Tehsildar is no more the competent authority for enforcement on any illegal mining/transportation of Minor Mineral along with issuing prospective license for legitimate Mining.

As far as the present Original Application regarding illegal operation of Morum Quarries and Stone Crusher in Village Jamudiha under Nilgiri Tehasil is concerned, it is pertinent to mention that the present OA has also been sent to the concerned Competent Authority i.e. Mining Department along with Tehsildar, Nilgiri. Tehsildar, Nilgiri being the revenue authority has acted lawfully in accordance with the instructions of competent authority in the matter of Minor Minerals.

Senam Das
 28/01/26
 Tahasildar, Nilgiri

3. That, in response to the averments made in **Para-2** of the O.A., it is stated that presently the following land schedule has been recorded as given below:

“Mauza-Jamudiha, Khata No.1164/2, Plot No.4108/4896, Area-Ac.1.50 Decimal, Kisam-Gharabari, Description of Kissam-Crusher,
 RT-Adikanda Biswal, S/o- Udaynath Biswal, Caste-Khandayata
 Residence-Nijagaon Samil Malyani”

The above land schedule was recorded as follows by the Settlement Authorities of C.S. Settlement Operation for the Said Jamudiha Mauza taken place in the year 1921-1922:

“Khata No. 69/2, Plot No.3218, Area- Ac.84.20 dec, Kissam-Jungle,
 RT-Shree Jagannath Jew Sevayat Shree Pattasamnata”

It is a fact that the Sabik reference of land schedule was recorded under Rakhit Khata as follows during Major Settlement Operation held in the said Village in 1976:

“Khata No.1176, Plot No.3652/4108, Kissam-Gramya Jungle,
RT- Rakhit, Government of Odisha”

Further it's also a fact that one stone crusher unit is located in land schedule as mentioned above.

4. That, in response to the averments made in **Para-3** of the O.A., the present recording of land schedule in favour of RT Adikanda Biswal is chronologically reflected as successive transfer/change in Table-1.

True Copy of the table titled “Malyani Gramya Jungle List” is annexed and marked herewith as **ANNEXURE-B**:

Soren Deb
28/01/26
Tahasildar, Nilgiri

Sabik Land

Khata No.69/2

Plot No.3218, Area- Ac.84.20dec, Kissam-Jungle,

RT-Shree Jagannath Jew Sevayat Shree Pattasamnata

Year-1921-22

Eventually, the Major Settlement Operation as per Odisha Survey and Settlement Act/Rule, 1962 was conducted in the year, 1976 and the RoR published as:

“Khata No.1176

Plot No.3652/4108

Kissam- Gramya Jungle

RT- Raskit, Government of Odisha

Year-1976”

Tehsildar Nilgiri has recorded Sabik reference land in favour of 36 RTs as reflected in Table-1 vide Mutation Cases as indicated against each. The said transfer had taken place through Registered Sale Deed and permission has been granted by Sub-Collector, Nilgiri for subsequent transfer under the Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes)

Regulation, 1956 (Regulations-2 of 1956) to effect the mutation in favour of the Respondent No.11.

As far as enforcement of Forest Conservation Act is concerned, it is a fact that the land schedule in Table No. 1 was having Jungle Kissam as on 25.10.1980, hence attracts the Provisions of Forest Conservation Act, 1980.

That a detailed inquiry report regarding successive transfer and recording of land schedule as mentioned in Table No.-1 with trace to year 1976 has been submitted to Collector and District Magistrate, Balasore with reference to OA filed by the Petitioner vide Tehsil Office, Nilgiri Letter No.1902 dated 07.04.2025.

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Tahasildar, Nilgiri

True Copy of the said Letter No. 1902 dated 07.04.2025 is annexed and marked herewith as **ANNEXURE-C**.

Further, it is also submitted that steps have already been taken by the Tehsildar, Nilgiri for filing of Revision Case in the Court of Additional Joint Commissioner, Consolidation & Settlement, Balasore under Sec.15(b) of Odisha Survey and Settlement Act vide RP Case No.398 of 2025 for restoration of scheduled land to Sabik reference i.e Shree Jagannath Jew Sebayat Shree Patta Samanta.

5. That, in response to the averments made in **Para-4** of the O.A., it is submitted that land schedule mentioned in Table No. 1 was having Jungle Kissam as on 25.10.1980 and it warrants Forest Conservation Act, 1980 and the judgment of the Hon'ble Supreme Court in "*T.N Godavarman Thirumulpad Vs. Union of India*" reported as **1997 2 SCC 267** dated 12.12.1996 is squarely applicable to the instant case wherein the Hon'ble Apex Court has observed that the word 'Forest' must be understood according to its dictionary meaning. The description covers all statutory recognised forest, whether designated as reserved, protected or otherwise for the purpose of Section-2 (i) of the Forest Conservation Act, 1980.

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 Govt. record irrespective of the ownership. The settlement of the land in favour of the Private individuals as mentioned in the aforementioned table by the then Tehsildar, Nilgiri in the year 1984 i.e. after coming into force of the FC Act, 1980 without following proper procedure established by the law is erroneous.

6. That, in response to the averments made in **Para-5** of the O.A., it is stated that no report has been sought for by the appropriate authority for upgradation of Stone Crusher from the present deponent.

7. That, in response to the averments made in **Para-6** to **Para-9** of the O.A., it is stated that Tehsildar, Nilgiri is not the competent authority and thus the deponent has no response.

8. That, in response to the averments made in **Para-11** to **Para-17** of the O.A., the answering respondent has nothing to submit.

9. That, in response to the averments made in **Para-18** of the O.A., it is stated that the report regarding successive transfer and recording of land in present context has been mentioned in earlier para and as far as illegal Morum quarry is concerned, it is already mentioned in earlier para that Tehsildar is no more the competent authority for taking any action for mining/quarry operations/transportation for minor mineral under Odisha Minor Mineral Concession Rules-2023 which came into force on 25.04.2023.

10. That, in response to the averments made in **Para-19** & **Para-20** of the O.A., the answering respondent has nothing to submit.

Seram Das
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Tahsildar, Nilgiri

11. That, in response to the averments made in **Para-21** of the O.A., it is said that recent amendment in Odisha Minor Mineral Concession Rules, 2023 came into force on 25.04.2023 which empowers Mining Officer and Police officer not below the rank of Sub-Inspector as appropriate authority for taking any legitimate action against any alleged illegal minor mineral operation/transportation. At the risk of repetition, it is submitted that Tehsildar is no more the competent authority to act in the subject of Minor Mineral.

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Tahasildar, Nilgiri

12. That, in response to the averments made in **Para-22** of the O.A., it is stated that the said resolution was issued by Revenue and Disaster Management Department, Govt. of Odisha in the year 2018 to curb illegal mining when Minor Mineral was a subject of said Department under Directorate of Minor Mineral. It is stated that the said Directorate has already been transferred to Mining Department after recent Amendment in Odisha Minor Mineral Concession Rules, 2023 which came in force on 25.04.2023. Revenue authority especially Tehsildar is no more the competent authority for taking any action as per Act/Rules.

13. That, in response to the averments made in **Para-23 & Para-47** of the O.A., the answering respondent has nothing to submit.

14. That, in response to the averments made in **Para-48 & Para-51** of the O.A., the answering respondent has nothing to submit.

15. That, the statements made in the above Paragraphs are true to the best of my knowledge and belief, as per information derived from the official records and statements. I believe the information to be true as per available Official records.

16. This is for humble submission before the Hon'ble National Green Tribunal, Eastern Zone, Kolkata.

Sonam Das
28/01/26
DEPONENT
TAHASILDAR, NILGIRI



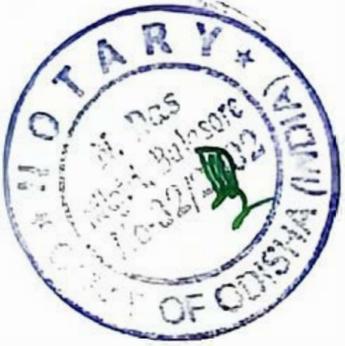
N. Das, NOTARY, NILGIRI
Sl. No. 865 Vol. XXVIII
Date 28/1/2026

VERIFICATION

I, Smt. Sonam Das, aged about 37 years being the Tahasildar, Nilgiri, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and I sign this verification being, present in Court on this 28th day of January, 2026.

Sonam Das
28/01/26
DEPONENT
TAHASILDAR, NILGIRI

N. Das
Notary Public, Nilgiri
Balasore, Odisha, India



Smt. Sonam Das, Tahasildar, Nilgiri
being identified by Sri. *Police Officer Nilgiri*
and the executant submitted and have
understood the contents to be correct
& in proper sense which attested
in this *28th* day of *Jan*, 2026
& at *3:40 PM*

N. Das
N. DAS, Ad
Notary Public, Nilgiri

Annexure - A

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 908, CUTTACK, TUESDAY, APRIL 25, 2023/ BAISAKHA 5, 1945

STEEL & MINES DEPARTMENT

NOTIFICATION

The 24th April, 2023

No.4050—SM-MC3-ARFA-0002/2023/SM.— In exercise of the powers conferred by sub-section (1) of Section 15 of the Mines and Minerals (Development and Regulation) Act, 1957 (67 of 1957), the State Government do hereby make the following rules further to amend the Odisha Minor Mineral Concession Rules, 2016, namely:—

1. (1) These rules may be called the Odisha Minor Mineral Concession (Amendment) Rules, 2023.

(2) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. In the Odisha Minor Mineral Concession Rules, 2016, (hereinafter referred to as the said rules), in rule 2, in sub-rule (1), —

(i) for clause (c), the following clause shall be substituted, namely:—

“(c) ‘Authorized Officer’ means the Director of Mines and Geology in respect of Specified Minor Minerals and Director of Minor Minerals in respect of Minor Minerals Other than Specified Minor Minerals or any officer duly Authorized by the Government in writing for the purpose;”

(ii) for clause (o), the following clause shall be substituted, namely:—

“(o) ‘Joint Director’ means the Joint Director of Mines, Odisha in respect of Specified Minor Minerals and Joint Director of Minor Minerals in respect of Minor Minerals Other than Specified Minor Minerals.”

(iii) for clause (p), the following clause shall be substituted, namely:—

“(p) ‘Minimum guaranteed quantity’ means, in respect of sources for which the mining plan has been approved, the quantity of annual extraction approved for the year concerned as per the mining plan and in respect of sources for which



mining plan has not been prepared and approved, such annually extractable quantity as may be assessed by the Competent Authority with the approval of the Controlling Authority as the reasonable quantity that may be extracted from the source considering its potential.”

(iv) for clause (dd), the following clause shall be substituted, namely:—

“(dd) ‘Director of Mines’ means the Director of Mines and Geology, Odisha in respect of Specified Minor Minerals and Director of Minor Minerals in respect of Minor Minerals Other than Specified Minor Minerals.” and

(v) after clause (dd), the following clause shall be inserted, namely:—

“(ee) ‘Additional Director’ means the Additional Director of Mines, Odisha in respect of Specified Minor Minerals.”

3. In the said rules, in rule 4, in sub-rule (13),—

(i) in clause (a), the following provisos shall be inserted, namely :-

“Provided that for the cases covered under this clause including the pending cases, the right to obtain mining lease shall lapse on expiry of one year from the date of Commencement of the OMMC Amendment Rules’ 2023 :

Provided further that the holder of prospecting licence whose rights lapsed under the first provision, shall be reimbursed the expenditure incurred towards prospecting operations in such a manner as may be prescribed by the State Government.”

(ii) after clause (b), the following clause shall be inserted, namely :-

“(c) in cases where right to obtain a mining lease has lapsed under clauses (a) and (b), such areas shall be put up for auction as per the provisions of this rules.”

4. In the said rules, in rule 9, in sub-rule(4), for the words “*the earnest money as deposited by the auction holder shall be forfeited to the State Government.*”, the words “*the Bid Security as deposited by the auction holder shall be forfeited by the State Government.*” shall be substituted.

5. In the said rules, in rule 10,—



- (i) for sub-rule (4), the following sub-rule shall be substituted, namely :—

“(4) The applicant having a net worth of less than 0.5 % of the value of estimated mineral resource shall not be eligible for participating in the auction process for grant of a prospecting license-cum- mining lease:

Provided that the net worth requirement shall not exceed twenty five crore rupees.

Explanation:—

(a) *In case of an individual, the net worth shall be the closing cash balance (which amount may include amount in savings bank accounts in Scheduled Bank or Post Office, free and un-encumbered fixed deposits in Scheduled Banks, Post Office, Listed Companies or Government organisation or Public Sector Undertaking of a State and the Central Government, Kisan Vikas Patra, National Saving certificate, Bonds, Shares of Listed Companies, Listed Mutual Funds, Unit Linked Insurance Plan, Public Provident Fund, Surrender Value of Life Insurance policies, and un-encumbered immovable property in the name of applicant) as on date of notice inviting tender.*

(b) *In case of a company, the net worth shall be the sum of the paid-up share capital and the free reserves as per the audited balance sheets of the financial year immediately preceding the date of issuance of notice inviting tender.*

Provided that in case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the audited balance sheet of the financial year before the immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the applicant, if the audited balance sheet of the immediately preceding financial year is not available.

Provided further that, in case an applicant is a subsidiary of another company incorporated in India, the net worth of such holding company may also be considered subject to the condition that the applicant shall continue to be a subsidiary of such holding company until such time the applicant meets the aforementioned net worth threshold.

(c) *In case of a partnership firm, the net worth shall be the sum of partners' capital account of financial year immediately preceding the date of issuance of notice inviting tender.*

Provided that in case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the sum of partners' capital account as on the financial year before the

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immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the applicant, if the sum of partners' capital account as on the immediately preceding financial year is not available."

(ii) for sub-rule (5), the following sub-rule shall be substituted, namely:-

"(5) The value of estimated mineral resource under sub-rule (4) shall be calculated by multiplying the quantity of estimated mineral resource with the average sale price of the mineral published by Director of Mines & Geology for a period of twelve months immediately preceding the month of calculation of value of estimated mineral resources :

Provided that if for any mineral the average sale price for any month is not published by Director of Mines & Geology, the average sale price for the latest month published for such mineral shall be deemed to be the sale price for the said month for which sale price is not published.

Explanation:— Sale price should represent the sale value of the mineral at the pit head. In case of sale affected on F.O.R or F.O.B or any other basis, the sale price should be arrived at after deducting all the expenses incurred from mine to railway station or port or other point of sale, as the case may be (such as expenses on transportation, loading and unloading, railway freight, sampling and analysis, port handling, export duty, cess etc.)."

(iii) for sub-rule (9), the following sub-rule shall be substituted, namely:—

"(9) The intending applicants participating in the auction shall submit the following documents in a sealed cover along with the Form specified for the purpose duly filled in:—

- (i) ***;
- (ii) An affidavit stating that no mining due payable under the Act and the rules made thereunder, is outstanding against the applicant;
- (iii) ***;
- (iv) a Net Worth Certificate reflecting a minimum net worth of the amount prescribed in sub-rule (4).
- (v) An affidavit stating that the applicant is not convicted for any offence committed for violation of any of the provisions of the Mines



and Minerals (Development and Regulation) Act, 1957 and rules made thereunder.”

- (iv) in sub-rule (10), the proviso shall be omitted;
- (v) for sub-rule (12), the following sub-rule shall be substituted, namely:—
 “(12) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days of such intimation and deposit a sum equivalent to zero point two five percentum of the value of estimated mineral resources, subject to a maximum of ten crore rupees, towards part of security deposit and such deposit shall be held as, interest-free security deposit for due observance of the terms and conditions of the prospecting license-cum-mining lease.”
- (vi) for sub-rule (13), the following sub-rule shall be substituted, namely:—
 “(13) In the event of default by the selected bidder, the Competent Authority may issue an intimation as specified in sub-rule (11) to the next highest bidder who shall then be required to convey his acceptance, including of the rate of additional charge submitted by the highest bidder, and to make the security deposit as specified in sub-rule (12).” and
- (vii) for sub-rule (15), the following sub-rule shall be substituted, namely:—
 “(15) Immediately after compliance of the selected bidder, the bid security of the unsuccessful bidders and of selected bidder shall be refunded.”
6. In the said rules, in rule 15, in sub-rule (5), for the words “the earnest money”, the words “the Bid Security” shall be substituted.
7. In the said rules, in rule 16,—
 (i) for sub-rule (3), the following sub-rule shall be substituted, namely :—
 “(3) The applicant having a net worth of less than one percentum of the value of estimated mineral resources shall not be eligible for participating in the auction process for grant of a mining lease.
 Provided that, the net worth requirement shall not exceed fifty crores rupees.



Explanation:—

(a) In case of an individual, the net worth shall be the closing cash balance (which amount may include amount in savings bank accounts in Scheduled Bank or Post Office, free and un-encumbered fixed deposits in Scheduled Banks, Post Office, Listed Companies or Government organisation or Public Sector Undertaking of a State and the Central Government, Kisan Vikas Patra, National Saving certificate, Bonds, Shares of Listed Companies, Listed Mutual Funds, Unit Linked Insurance Plan, Public Provident Fund, Surrender Value of Life Insurance policies, and un-encumbered immovable property in the name of applicant) as on date of notice inviting tender.

(b) In case of a company, the net worth shall be the sum of the paid-up share capital and the free reserves as per the audited balance sheets of the financial year immediately preceding the date of issuance of notice inviting tender.

Provided that in case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the audited balance sheet of the financial year before the immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the applicant, if the audited balance sheet of the immediately preceding financial year is not available.

Provided further that, in case an applicant is a subsidiary of another company incorporated in India, the net worth of such holding company may also be considered subject to the condition that the applicant shall continue to be a subsidiary of such holding company until such time the applicant meets the aforementioned net worth threshold.

(c) In case of a partnership firm, the net worth shall be the sum of partners' capital account of financial year immediately preceding the date of issuance of notice inviting tender.

Provided that in case the notice inviting tender is issued between 1st April to 30th September (both days inclusive) of a year, the sum of partners' capital account as on the financial year before the immediately preceding financial year, from the date of issuance of notice inviting tender, may be submitted by the applicant, if the sum of partners' capital account as on the immediately preceding financial year is not available."

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) The value of estimated mineral resource under sub-rule (3) shall be calculated by multiplying the quantity of estimated mineral resources as per exploration report with the average sale price of the mineral published by Director of Mines & Geology for a period of twelve months immediately preceding the month of calculation of value of estimated mineral resources.



Provided that if for any mineral the average sale price for any month is not published by Director of Mines & Geology, the average sale price for the latest month published for such mineral shall be deemed to be the sale price for the said month for which sale price is not published.

Explanation:— Sale price should represent the sale value of the mineral at the pit head. In case of sale affected on F.O.R or F.O.B or any other basis, the sale price should be arrived at after deducting all the expenses incurred from mine to railway station or port or other point of sale, as the case may be (such as expenses on transportation, loading and unloading, railway freight, sampling and analysis, port handling, export duty, cess etc.).”

(iii) for sub-rule (7), the following sub-rule shall be substituted, namely:—

(7) The intending applicants participating in the auction shall submit the following documents in a sealed cover along with the specified Form duly filled in, namely:—

(i) ***;

(ii) An affidavit stating that no mining due payable under the Act and the rules, made thereunder, is outstanding against the applicant;

(iii) ***;

(iv) a Net Worth Certificate reflecting a minimum net worth of the amount prescribed in sub-rule (3); and

(v) an affidavit stating that the applicant is not convicted for any offence committed for violation of any provision of the Act, and rules made thereunder.

(iv) in sub-rule (8), the proviso shall be omitted;

(v) for sub-rule (10), the following sub-rule shall be substituted, namely:—

“(10) The selected bidder shall, convey his acceptance of the terms and conditions within fifteen days of such intimation and deposit a sum equivalent to zero point two five percentum of the value of estimated mineral resources, subject to a maximum of ten crore rupees, towards part of security deposit and such deposit shall be held as, interest-free security deposit for due observance of the terms and conditions of the prospecting license-cum-mining lease.”

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- (vi) for sub-rule (11), the following sub-rule shall be substituted, namely:—
“(11) In the event of default by the selected bidder, the Competent Authority may issue an intimation as specified in sub-rule (9) to the next highest bidder who shall then be required to convey his acceptance, including of the rate of additional charge submitted by the highest bidder, and to make the security deposit as specified in sub-rule (10).” and
- (vii) for sub-rule (13), the following sub-rule shall be substituted, namely:-
“(13) Immediately after compliance of the selected bidder, the bid security of the unsuccessful bidders and of selected bidder shall be refunded.”
8. In the said rules, in rule 18, in sub-rule (2), in clause (b), for sub-clause (iii), the following sub-clause shall be substituted, namely:-
“(iii) The lessee has adopted closure of the mine or part thereof in line with the provisions for major mineral under rules 24, 25, 26 and 27 of Mineral Conservation and Development Rules’ 2017.”
9. In the said rules, in rule 21, in sub-rule (1), for clause (vii), the following clause shall be substituted, namely:-
“(vii) Progressive mine closure plan in line with the provisions of rule 23 of Mineral Conservation and Development Rules’ 2017 with financial assurance for rupees twenty five thousand for every hectare of area or part thereof proposed to be put to use subject to a minimum amount of two lakh rupees; and”
10. In the said rules, in rule 26, for sub-rule (1), the following sub-rule shall be substituted, namely:—
“(1) The lessee shall pay to the State Government surface rent within fortnight of grant of permission for surface operation from the concerned District Collector as required under clause (e) of sub rule 1 of rule 17 of this rules for the remaining period of the year and thereafter pay such rent on or before 15th January of every year.”
11. In the said rules, in rule 27,—
- (i) after sub-rule (1), the following sub-rules shall be inserted, namely:-
“(1A) The Competent Authority shall identify the minor mineral source to be notified for auction and recommend to the Controlling Authority for approval in

the i4MS portal by uploading the profile of the source along with specifying the minimum guaranteed quantity (MGQ) of the minor mineral to be extracted in a year by the applicant and the minimum amount of additional charge (MAC) payable for the same as determined under sub-rule (15).

(1B) The Controlling Authority, after due scrutiny and having satisfied with the proposal submitted by the Competent Authority, shall approve the minor mineral source identified by the competent authority to be put to auction. The Controlling Authority, while examining the proposal, may modify the proposed MGQ and MAC indicating the reasons for the same. All proposals so approved by the Controlling Authority shall be considered for notification after 10 days from the date of approval.

(1C) The Director of Minor Minerals shall have to concur in at least 10% of the cases approved by the Controlling Authority within 10 days of the date of approval by the Controlling Authority and while doing so, may modify the proposed MGQ and MAC indicating the reasons for the same.”

(ii) for sub-rule (2), the following sub-rule shall be substituted, namely:-

(2) The notice inviting applications in form of technical bids for grant of quarry lease shall be uploaded in the e-auction portal by the Competent Authority specifying the

- (i) the particulars of the area identified and demarcated using total station and differential global positioning system divided into forest land & other categories of land owned by the Government and private land;
- (ii) the minimum guaranteed quantity of the minor mineral to be extracted in a year by the applicant;
- (iii) the minimum amount of additional charge payable for the same as determined under sub-rule (15);
- (iv) the dateline for submission the application;
- (v) The date of opening of applications (technical bids); and
- (vi) The date of conducting the auction.



(iii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Subject to other provisions of these rules for settlement of quarry lease, the intending applicant may submit the technical bid for grant of quarry lease for such area or areas to the Competent Authority in the format of Form – M using the online electronic auction platform adopted by the Government and uploading the following documents and particulars, stated hereunder: —

- (i) Treasury challan showing deposit of one thousand rupees (non-refundable) towards the application fee;
- (ii) An affidavit stating that no mining due payable under the Act and the rules made thereunder, is outstanding against the applicant;
- (iii) Proof of payment of earnest money equivalent to five percentum of the minimum amount of additional charges specified in the notice and the amount of royalty, both calculated on the basis of minimum guaranteed quantity for one whole year for the minimum guaranteed quantity of minor mineral to be extracted in one full year; and
- (iv) Income Tax Return of previous financial year showing annual income for amount not less than the amount of additional charge offered and the royalty payable for the minimum guaranteed quantity for one whole year or Bank guarantee valid for a period of eighteen months for the amount not less than the amount as above.

and also submitting the application in a sealed cover in Form-M accompanied by the above said documents and particulars.”

(iv) after sub-rule (4), the following sub-rules shall be inserted, namely:-

“(4A) (1) No person shall be eligible to participate in the auction process for grant of quarry lease, unless such person, —

- (a) is an Indian national or company as defined in clause (20) of Section 2 of the Companies Act, 2013, (18 of 2013) or partnership firm as defined in Section 4 of the Indian Partnership Act, 1932;

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Explanation: - For the purpose of this rule, a person shall be deemed to be an Indian national, -

(a) in the case of a partnership firm, only if all the partners of the partnership firm are citizens of India: and

(b) in the case of an individual, only if he is a citizen of India.

(2) The eligibility for participating in the auction shall be determined as per the terms and conditions of eligibility for participating in the auction as provided in the rules.

(4B) The auction shall be an ascending forward auction conducted in the e-auction platform.

(4C) The technical bids received physically and through online will be opened as per the schedule notified under sub-rule (2) of Rule 27 in presence of the bidders (applicants).

(4D) In case of a conflict between documents submitted electronically and document submitted physically, the documents submitted physically shall prevail. However, bids submitted physically shall not be accepted in absence of the corresponding online submission.

(4E) The technical bids shall be scrutinised by a Technical Committee constituted by the Government under the Chairmanship of respective Controlling Authority and only those bidders who are found to be eligible in accordance with the terms and conditions of eligibility as prescribed under Rule 27 (4A) of the Rules, shall be declared as "Technically Qualified Bidders" (TQB) and shall be allowed to participate in forward auction.

(4F) The forward auction shall be conducted electronically for a duration of 2 (two) hours commencing from the time as would be notified and the Technically Qualified Bidders shall submit their offer of additional charge, which needs to be in excess of the minimum additional charge notified under Rule 27(2) of the Rules by any multiple of increment as would be fixed for the forward auction:

Provided forward auction shall be conducted subject to the condition that at least two bidders are found technically qualified."

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- (v) for sub-rule (5), the following sub-rule shall be substituted, namely:-
- “(5) Subject to the provisions of these rules, the technically qualified bidder, who quotes the highest rate of additional charge will be declared as selected bidder.”
- (vi) after sub-rule (5), the following sub-rules shall be inserted, namely:—
- “(5A) The auction process shall be annulled if none of the technically qualified bidders submits an offer of additional charge above the notified minimum additional charge.”
- (vii) for sub-rule (9), the following sub-rule shall be substituted, namely:—
- “(9) In the event of default by the selected bidder, the Competent Authority may issue intimation as specified in sub-rule (6) to the next highest bidder to meet the highest additional charge offered by highest bidder, who shall then be required to convey his acceptance and to make the security deposit calculated in the manner mentioned in sub-rule (7) within 7 days of receipt of intimation.”
- (viii) sub-rule (10) shall be omitted;
- (ix) for sub-rule (11), the following sub-rule shall be substituted, namely:—
- “(11) If the second highest bidder does not convey the acceptance within the time stipulated for such acceptance, the e-auction will be annulled and fresh notice inviting application for grant of quarry lease shall be issued.”
- (x) for sub-rule (13), the following sub-rule shall be substituted, namely:—
- “(13) The selected bidder shall be required to execute quarry lease in Form-N within three weeks from the date of intimation of his selection, if the approval of the mining plan and environment clearance has been obtained before auction, and in other cases, three weeks from the date of receipt of statutory documents in all i.e. Mining Plan, Environment Clearance, Consent to Establishment (CTE) and Consent to Operate (CTO) failing which, the intimation shall stand cancelled and the security deposit shall stand forfeited:

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Provided that the Controlling Authority may, for genuine and sufficient reasons, extend the said period for not more than three months, if it is satisfied that the delay in execution of lease deed is not due to reasons attributable to the selected bidder."

12. In the said rules, in rule 28, in sub-rule (6), for clause (v), the following clause shall be substituted, namely:-
- “(v) annual programme and plan for excavation on the area including the quantity of the minerals to be annually extracted; and”
13. In the said rules, in rule 32, in sub-rule (4), for the words appearing in the opening portion *“In case the actual extraction exceeds the minimum guaranteed quantity, such mineral”*, the words *“The quantity of extraction beyond the minimum guaranteed quantity,”* shall be substituted.
14. In the said rules, in rule 33,—
- i. for sub-rule (14), the following sub-rule shall be substituted, namely:—
- “(14) The lessee shall abide by the provisions of all laws for the time being in force, relating to the working of quarries, processing, storage, and transportation of minerals and matters affecting the safety, health and convenience of the persons employed for quarrying, storage and transportation of the public. The lessee shall also obey all existing laws of way, water and other easements and shall not use power cutters and other machinery in case of laterite quarries.” and
- ii. in sub-rule (19), the following proviso shall be inserted, namely:—
- “Provided that no such order will be issued without the lessee being given opportunity of personal hearing within 15 days from the due date.”
15. In the said rules, for rule 42, the following rule shall be substituted, namely:—
- “42. Security deposit:—** The successful bidder shall deposit rupees fifty thousand for a prospecting license-cum-mining lease, fifty thousand for mining lease and ten thousand for quarry lease, or, as the case may be, the amounts as prescribed in sub-rule 12 of rule 10 or sub-rule 10 of rule 16,

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which ever is higher, before the deed is executed as security for due observance of the terms and conditions of prospecting license-cum-mining lease, or mining lease, or quarry lease, as the case may be.”

16. In the said rules, in rule 51, in sub-rule (1), for clause (ii), the following clause shall be substituted, namely:—

“(ii) The Director or Additional Director or Joint Director or Deputy Director or Mining Officer or Assistant Mining Officer or Junior Mining Officer or Divisional Forest Officer or Assistant Conservator of Forest or Range Officer or Police Officer not below the rank of Sub-Inspector of Police may seize the minor minerals and its products together with all tools, equipment and vehicles used in committing such offence within their respective jurisdiction.”

17. In the said rules, in rule 58,—

- (i) for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) No holder of prospecting license-cum-mining lease or mining lease or quarry lease or quarry permit or auction purchaser shall despatch any minerals from an area without a valid transit pass in Form-Y issued electronically by Competent Authority –

- (a) the Deputy Director of Mines or Mining Officer having jurisdiction in case of specified minor minerals; and
 (b) the Competent Authority in case of minerals other than Specified Minor Minerals.”;

- (ii) sub-rule (2), shall be omitted;

- (iii) after sub-rule (2), the following sub-rules shall be inserted, namely:—

“(2A) Any person, who wishes to transport or remove any minor mineral from any place shall make an online application in i4MS portal complete in all respect in form-Y.

(2B) On receipt of the application in i4MS portal, the Competent Authority may cause an enquiry and approve the application with online issue of the pass within a period not exceeding 3 (three) days or reject the application for the reasons to be recorded in writing.



Provided that the validity of the pass shall not exceed two (2) days from the date of issue.

(2C) The applicant shall download and keep the copies of the pass to be produced before any inspecting/checking authority during transit of the minerals and also for claiming the reimbursement, if any.

(2D) The mining lease holder or prospecting license cum mining lease holder or quarry lease holder or quarry permit holder as the case may be, shall maintain a correct and intelligible account of the minerals transported by him every day, which shall be checked by the competent authority at regular interval.” ;

- (iv) in sub-rule (4), for the words, figures and brackets “*sub-rule (1)*”, the words, figures and brackets “*sub-rule (2B) of rule 58*” shall be substituted.
- (v) for sub-rule (5), for the words, figures and brackets “*sub-rule(2)*”, the words, figures and brackets “*sub-rule (4)*” shall be substituted; and
- (vi) for sub-rule (8), the following sub-rule shall be substituted, namely:-

“(8) With a view to check illegal mining, transportation and storage of minor mineral, the State Government may by order impose restrictions from time to time, if necessary, and may also issue guidelines/instructions /circulars for the purpose.”

- 18.** In the said rules, in Form-F [Intimation to successful Bidder], for the words “*earnest money*”, the words “*bid security*” shall be substituted.

By Order of the Governor
DEORANJAN KUMAR SINGH
Additional Chief Secretary to Government



TABLE

Malyani Gramy																
1st				2nd												
Khata No	Plot No	A	D	Kisam	Mutation Case No. (Misc.)	Khata No	Plot No.	Area in Acre.	Kissam	Name	Father Name	Cast	AT	Deed No.	Date	Rate
1167	3652/4108	47	63	Gramya Jungle	2947/1983	1066/116	4108/4886	1.00	Sarad-III	Dasharatha Majhi	Rupal Majhi	Santala	Pokhariasahi			
					2948/1983	1066/117	4108/4887	1.00	Sarad-III	Hadia Majhi	Narana Majhi	Santala	Pokhariasahi			
					2949/1983	1066/118	4108/4888	1.00	Sarad-III	Ram chandra Pradhan	Kina Pradhan	Sabara	Jamudiha	1472	24.10.1994	13500
					2950/1983	1066/119	4108/4889	1.50	Sarad-III	Baula Palie	Pandia Palie	Saar	Malyani			
					2953/1983	1066/120	4108/4890	1.50	Sarad-III	Bajuna Majhi	Nadia Majhi	Santala	Jamudiha			
					2952/1983	1066/121	4108/4891	1.50	Sarad-III	Thumpu Majhi	Ghasia Majhi	Santala	Jamudiha			
					2951/1983	1066/122	4108/4892	1.50	Sarad-III	Ladhia Majhi	Ghasia Majhi	Santala	Jamudiha			
					2954/1983	1066/123	4108/4893	1.50	Sarad-III	Gagana Kunar	Budhia Kunar	Saar	Jamudiha			
					2955/1983	1066/124	4108/4894	1.50	Sarad-III	Bidhara Palie	Haguru Palie	Saar	Jamudiha			
					2956/1983	1066/125	4108/4895	1.50	Sarad-III	Chama Palie	Haguru Palie	Saar	Jamudiha	1473	24.10.1994	20000
					2957/1983	1066/126	4108/4896	1.50	Sarad-III	chunu Bedhani				1471	24.10.1994	27000
					2958/1983	1066/127	4108/4897	1.50	Sarad-III	Dayanidhi Pradhan	Bidhar Pradhan	Saar	Jamudiha	1285	24.08.1994	20000
					2959/1983	1066/128	4108/4898	1.50	Sarad-III	Mahaswar Mukhi	Kangali Mukhi	Hadi	Jamudiha			
					2961/1983	1066/129	4108/4899	1.50	Sarad-III	Mohan Mukhi	Gora Mukhi	Hadi	Jamudiha			
					2960/1983	1066/130	4108/4900	1.50	Sarad-III	Bharat Biswal	Jadunath Biswal	Saar	Jamudiha	1286	8/24/1994	20000
					2962/1983	1066/131	4108/4901	1.50	Sarad-III	Damodar Majhi	Ramesh Majhi	Santala	Pokhariasahi	738	7.5.1997	21000
					2966/1983	1066/132	4108/4902	1.00	Sarad-III	Tunia Sing	Rathia Sing	Kohla	Baripal	1708	29.09.2001	30000
					2963/1983	1066/133	4108/4903	1.50	Sarad-III	Sukuru Majhi	Bhagabata Majhi	Santala	Dangapiasala			
					2964/1983	1066/134	4108/4904	1.00	Sarad-III	Jagannath Mallik	Chinta Mallik	Dehuri	Malyani			
					2965/1983	1066/135	4108/4905	1.50	Sarad-III	Guruba Sing	Gora Sing	Tamulla Bhimija	Jamudiha	719	5.5.1997	21000
2968/1983	1066/136	4108/4906	0.38	Sarad-III	Mangalia Sing	Chada Sing	Halidia P. Bhimija	Dangapiasala	779	14.05.1997	21000					
2967/1983	1066/137	4108/4907	1.00	Sarad-III	Sukura Bidhani	Suna Bidhani	Kamara	Podasul								
1167	3923	7	19	Gramya Jung	2974/1983	1066/150	3923/4921	1.00	Sarad-III	Dama majhi	Kala Majhi			330	17.02.2001	20000
					2975/1983	1066/151	3923/4922	1.12	Sarad-III	Kalandri Palei	Sambhu Palei					
					2972/1983	1066/149	3923/4923	0.50	Sarad-III	Chataray Majhi	Karana Majhi	Santala	Jamudiha	1508	30.08.2000	3000
					2968/1983	1066/136	3994/4908	1.12	Sarad-III	Mangalia Sing	Chada Sing	Halidia P. Bhimija	Dangapiasala			
1167	3994	17	12	Gramya Jung	2971/1983	1066/142	3994/4913	1.50	Sarad-III	Digamber Sing	Durga Sing	Kohla	Patharaduna			
					2979/1983	1066/143	3994/4914	1.50	Sarad-III	Narasingha Sing	Chunu Sing	Halidia P. Bhimija	Dangapiasala	1144	6.7.1994	10000
					2976/1983	1066/144	3994/4915	1.50	Sarad-III	Ram Majhi	Suraie Majhi	Santala	Podasul	1510	30.08.2000	13500
					2969/1983	1066/145	3994/4916	1.50	Sarad-III	Badahari Sing	Madan Sing	Halidia P. Bhimija	Dangapiasala			
					2982/1983	1066/146	3994/4917	1.50	Sarad-III	Baya Sing	Gopi Sing	Halidia P. Bhimija	Dangapiasala	1145	6.7.1994	10000
					2980/1983	1066/147	3994/4918	1.50	Sarad-III	Sankarsana Sing	Rama Sing	Halidia P. Bhimija	Dangapiasala	1557	24.08.2001	10000
					2981/1983	1066/148	3994/4919	1.50	Sarad-III	Sanahari Sing	Gopi Sing	Halidia P. Bhimija	Dangapiasala			
					2972/1983	1066/149	3994/4920	0.50	Sarad-III	Chataray Majhi	Karana Majhi	Santala	Jamudiha			

Annexure - B

ra Jungle List													
3rd				4th					5th				
Khata No	Plot No	Area In Acre.	Name	Mutation Case No.	Khata No	Plot No	Area In Acre.	Name	Mutation Case No.	Khata No	Plot No	Area In Acre.	Name
				1179/2016	1066/896	4108/4886	1.00	Adikanda Biswal					Not Transacted Yet
				Not Transacted Yet									Not Transacted Yet
1066/118	4108/4888	1.00	Purna Ch. Palei	1183/2006	1066/627	4108/4888	1.00	Adikanda Biswal	2196/2024	1066/1533		0.10	Dillip Ku. Agasti
				1189/2006	1066/628	4108/4889	1.00	Banaja Biswal	2368/2024	1066/1536		1.00	Dillip Ku. Agasti
				1181/2006	1066/627	4108/4890	1.50	Adikanda Biswal					
				1175/2016	1066/896	4108/4891	1.50	Adikanda Biswal					
				1188/2016	1066/895	4108/4892	1.50	Banaja Biswal	2367/2024	1066/1535	4108/4892	1.00	Dillip Ku. Agasti
				Not Transacted Yet									Not Transacted Yet
1066/125	4108/4895	1.50	Purna Ch. Palei	1173/2016	1066/896	4108/4894	1.50	Adikanda Biswal	2196/2024	1066/1533		1.50	Dillip Ku. Agasti
				1182/2006	1066/627	4108/4895	1.50	Adikanda Biswal					
1066/122	4108/4896	1.50	Purna Ch. Palei	1st-162/1995, 2nd- OLR Case No 512/04 U/S 8 (A)	1st-1066/627, 2nd-1164/2	4108/4896	1.50	Adikanda Biswal					
1066/127	4108/4897	1.50	Purna Ch. Palei	1184/2016	1066/627	4108/4897	1.50	Adikanda Biswal					
				1197/2006, 2368/2024	1066/628, 1066/1536	4108/4898, 4108/4898/5909	1.50	Banaja Biswal	2368/2024	1066/1536		1.00	Dillip Ku. Agasti
1066/130	4108/4900			1196/2006	1066/628	4108/4899	1.50	Banaja Biswal					
1066/131	4108/4901	1.50	Purna Ch. Palei	1201/2006	1066/887	4108/4900	1.50	Nirupama Bag					
1066/132	4108/4902	1.00	Purna Ch. Palei	1194/2006	1066/628	4108/4901	1.50	Banaja Biswal	2376/2024	1066/1537		1.50	Dillip Ku. Agasti
				1187/2016	1066/895	4108/4902	1.00	Banaja Biswal					
				1180/2006	1066/627	4108/4903	1.50	Adikanda Biswal					
1066/135	4108/4905	1.50	Purna Ch. Palei	1190/2006	1066/628	4108/4904	1.00	Banaja Biswal	2376/2024	1066/1537		0.50	Dillip Ku. Agasti
1066/139	4108/4906	1.50	Purna Ch. Palei	1195/2006	1066/628	4108/4905	1.50	Banaja Biswal	2376/2024	1066/1537		1.50	Dillip Ku. Agasti
				Not Transacted Yet									Not Transacted Yet
				1634/2006	1066/628	4108/4907	1.00	Banaja Biswal	2376/2024	1066/1537		1.00	Dillip Ku. Agasti
1066/150	3923/4921	1.00	Purna Ch. Palei	1185/2016	1066/895	3923/4921	1.00	Banaja Biswal	2367/2024	1066/1535		1.00	Dillip Ku. Agasti
				1183/2016	1066/895	3923/4922	1.12	Banaja Biswal	2367/2024	1066/1535		1.12	Dillip Ku. Agasti
1066/149	3923/4923	0.50	Purna Ch. Palei	1186/2016	1066/895	3923/4923	0.50	Banaja Biswal	2367/2024	1066/1535		0.50	Dillip Ku. Agasti
				Not Transacted Yet									Not Transacted Yet
1066/138	3994/4909	1.00	Purna Ch. Palei	1174/2016	1066/896	3994/4909	1.00	Adikanda Biswal					
				1182/2016	1066/895	3994/4910	1.50	Banaja Biswal					
				1107/2011	1066/979	4911/5535	0.67	Karunakara Patra					
1066/141	3994/4912	1.50	Purna Ch. Palei	1181/2016	1066/896	3994/4912	1.50	Adikanda Biswal	2197/2024	1066/1532		0.85	Dillip Ku. Agasti
1066/143	3994/4914	0.75	Purna Ch. Palei	1074/2011	1066/980	4913/5536	1.20	Prakash Kumar Sing					
1066/144	3994/4915	0.75	Purna Ch. Palei	1177/2016	1066/896	3994/4914	0.75	Adikanda Biswal					
				1180/2016	1066/896	3994/4915	0.75	Banaja Biswal					
				1633/2006	1066/895	3994/4916	0.50	Banaja Biswal					
1066/146	3994/4917	0.75	Purna Ch. Palei	1178/2006	1066/627	4917/5416	0.75	Adikanda Biswal					
1066/147	3994/4918	0.75	Adikanda Biswal	1176/2006, 1176/2016	1066/896	4918/5473, 3994/4918	0.75, 0.75	Adikanda Biswal					
				1100/2011	1066/1035	3994/4919	1.50	Gajendra Behera					
				1186/2016	1066/895	3923/4923	0.50	Banaja Biswal					



1st				2nd													
Khata No	Ploto No	A	D	Kissam	Mutation Case No. (Misc.)	Khata No	Plot No.	Area in Acre.	Kissam	Name	Father Name	Cast	AT	Deed No.	Date	Rate	
1167	3652/4108	47	63	Gramya Jungle	2947/1983	1066/116	4108/4886	1.00	Sarad-III	Dasharatha Majhi	Rupai Majhi	Santala	Pokhariasahi				
					2948/1983	1066/117	4108/4887	1.00	Sarad-III	Hadia Majhi	Narana Majhi	Santala	Pokhariasahi				
					2949/1983	1066/118	4108/4888	1.00	Sarad-III	Ram chandra Pradhan	Kina Pradhan	Sabara	Jamudiha	1472	24.10.1994	13500	
					2950/1983	1066/119	4108/4889	1.50	Sarad-III	Baula Palie	Pandia Palie	Saar	Malyani				
					2953/1983	1066/120	4108/4890	1.50	Sarad-III	Bajuna Majhi	Nadia Majhi	Santala	Jamudiha				
					2952/1983	1066/121	4108/4891	1.50	Sarad-III	Thumpu Majhi	Ghasia Majhi	Santala	Jamudiha				
					2951/1983	1066/122	4108/4892	1.50	Sarad-III	Ladhia Majhi	Ghasia Majhi	Santala	Jamudiha				
					2954/1983	1066/123	4108/4893	1.50	Sarad-III	Gagana Kunar	Budhia Kunar	Saar	Jamudiha				
					2955/1983	1066/124	4108/4894	1.50	Sarad-III	Bidhara Palie	Haguru Palie	Saar	Jamudiha				
					2956/1983	1066/125	4108/4895	1.50	Sarad-III	Chama Palie	Haguru Palie	Saar	Jamudiha	1473	24.10.1994	20000	
					2957/1983	1066/126	4108/4896	1.50	Sarad-III	chunu Bedhani					1471	24.10.1994	27000
					2958/1983	1066/127	4108/4897	1.50	Sarad-III	Dayanidhi Pradhan	Bidhar Pradhan	Saar	Jamudiha	1285	24.08.1994	20000	
					2959/1983	1066/128	4108/4898	1.50	Sarad-III	Mahaswar Mukhi	Kangali Mukhi	Hadi	Jamudiha				
					2961/1983	1066/129	4108/4899	1.50	Sarad-III	Mohan Mukhi	Gora Mukhi	Hadi	Jamudiha				
					2960/1983	1066/130	4108/4900	1.50	Sarad-III	Bharat Biswal	Jadunath Biswal	Saar	Jamudiha	1286	8/24/1994	20000	
					2962/1983	1066/131	4108/4901	1.50	Sarad-III	Damodar Majhi	Ramesh Majhi	Santala	Pokhariasahi	738	7.5.1997	21000	
					2966/1983	1066/132	4108/4902	1.00	Sarad-III	Tunia Sing	Rathia Sing	Kohla	Baripal	1708	29.09.2001	30000	
					2963/1983	1066/133	4108/4903	1.50	Sarad-III	Sukuru Majhi	Bhagabata Majhi	Santala	Dangapiasala				
					2964/1983	1066/134	4108/4904	1.00	Sarad-III	Jagannath Mallik	Chinta Mallik	Dehuri	Malyani				
					2965/1983	1066/135	4108/4905	1.50	Sarad-III	Guruba Sing	Gora Sing	Tamulia Bhimija	Jamudiha	719	5.5.1997	21000	
2968/1983	1066/136	4108/4906	0.38	Sarad-III	Mangalia Sing	Chada Sing	Halidia P. Bhimija	Dangapiasala	779	14.05.1997	21000						
2967/1983	1066/137	4108/4907	1.00	Sarad-III	Sukura Bidhani	Suna Bidhani	Kamara	Podasul									
1167	3923	7	19	Gramya Jung			3923										
					2974/1983	1066/150	3923/4921	1.00	Sarad-III	Dama majhi	Kala Majhi			330	17.02.2001	20000	
					2975/1983	1066/151	3923/4922	1.12	Sarad-III	Kalandri Palei	Sambhu Palei						
					2972/1983	1066/149	3923/4923	0.50	Sarad-III	Chataray Majhi	Karana Majhi	Santala	Jamudiha	1508	30.08.2000	3000	
				Jngle	2968/1983	1066/136	3994/4908	1.12	Sarad-III	Mangalia Sing	Chada Sing	Halidia P. Bhimija	Dangapiasala				
					2975/1983	1066/138	3994/4909	1.00	Sarad-III	Ramachandra Majhi	Pandu Majhi	Santala	Podasul	1509	30.08.2000	18000	
					2978/1983	1066/139	3994/4910	1.50	Sarad-III	Ram Majhi	Sukulu Majhi	Santala	Pokhariasahi				
					2973/1983	1066/140	3994/4911	1.50	Sarad-III	Siba Sethi	Laxman Sethi	Dhoba	Jamudiha				
					2970/1983	1066/141	3994/4912	1.50	Sarad-III	Tiburu Majhi	Hapana Majhi	Santala	Podasul	1571	20.08.2001	45000	
					2971/1983	1066/142	3994/4913	1.50	Sarad-III	Digamber Sing	Durga Sing	Kohla	Patharaduna				



ra Jungle List

3rd				4th				5th					
Khata No	Plot No	Area in Acre.	Name	Mutation Case No.	Khata No	Plot No	Area in Acre.	Name	Mutation Case No.	Khata No	Plot No	Area in Acre.	Name
				1179/2016	1066/896	4108/4886	1.00	Adikanda Biswal	Not Transacted Yet				
				Not Transacted Yet				Not Transacted Yet					
1066/118	4108/4888	1.00	Purna Ch. Palei	1183/2006	1066/627	4108/4888	1.00	Adikanda Biswal	2196/2024	1066/1533	-	0.10	Dillip Ku. Agasti
				1189/2006	1066/628	4108/4889	1.00	Banaja Biswal	2368/2024	1066/1536		1.00	Dillip Ku. Agasti
				1181/2006	1066/627	4108/4890	1.50	Adikanda Biswal					
				1175/2016	1066/896	4108/4891	1.50	Adikanda Biswal					
				1188/2016	1066/895	4108/4892	1.50	Banaja Biswal	2367/2024	1066/1535	4108/4892	1.00	Dillip Ku. Agasti
				Not Transacted Yet				Not Transacted Yet					
				1173/2016	1066/896	4108/4894	1.50	Adikanda Biswal					
1066/125	4108/4895	1.50	Purna Ch. Palei	1182/2006	1066/627	4108/4895	1.50	Adikanda Biswal	2196/2024	1066/1533		1.50	Dillip Ku. Agasti
1066/122	4108/4896	1.50	Purna Ch. Palei	1st-162/1995, 2nd- OLR Case No 512/04 U/S 8 (A)	1st-1066/627, 2nd-1164/2	4108/4896	1.50	Adikanda Biswal					
1066/127	4108/4897	1.50	Purna Ch. Palei	1184/2016	1066/627	4108/4897	1.50	Adikanda Biswal					
				1197/2006, 2368/2024	1066/628, 1066/1536	4108/4898, 4108/4898/59 09	1.50	Banaja Biswal	2368/2024	1066/1536		1.00	Dillip Ku. Agasti
				1196/2006	1066/628	4108/4899	1.50	Banaja Biswal					
1066/130	4108/4900			1201/2006	1066/887	4108/4900	1.50	Nirupama Bag					
1066/131	4108/4901	1.50	Purna Ch. Palei	1194/2006	1066/628	4108/4901	1.50	Banaja Biswal	2376/2024	1066/1537		1.50	Dillip Ku. Agasti
1066/132	4108/4902	1.00	Purna Ch. Palei	1187/2016	1066/895	4108/4902	1.00	Banaja Biswal					
				1180/2006	1066/627	4108/4903	1.50	Adikanda Biswal					
				1190/2006	1066/628	4108/4904	1.00	Banaja Biswal	2376/2024	1066/1537		0.50	Dillip Ku. Agasti
1066/135	4108/4905	1.50	Purna Ch. Palei	1195/2006	1066/628	4108/4905	1.50	Banaja Biswal	2376/2024	1066/1537		1.50	Dillip Ku. Agasti
1066/139	4108/4906	1.50	Purna Ch. Palei	Not Transacted Yet				Not Transacted Yet					
				1634/2006	1066/628	4108/4907	1.00	Banaja Biswal	2376/2024	1066/1537		1.00	Dillip Ku. Agasti
1066/150	3923/4921	1.00	Purna Ch. Palei	1185/2016	1066/895	3923/4921	1.00	Banaja Biswal	2367/2024	1066/1535		1.00	Dillip Ku. Agasti
				1183/2016	1066/895	3923/4922	1.12	Banaja Biswal	2367/2024	1066/1535		1.12	Dillip Ku. Agasti
1066/149	3923/4923	0.50	Purna Ch. Palei	1186/2016	1066/895	3923/4923	0.50	Banaja Biswal	2367/2024	1066/1535		0.50	Dillip Ku. Agasti
				Not Transacted Yet				Not Transacted Yet					
1066/138	3994/4909	1.00	Purna Ch. Palei	1174/2016	1066/896	3994/4909	1.00	Adikanda Biswal					
				1182/2016	1066/895	3994/4910	1.50	Banaja Biswal					
				1107/2011	1066/979	4911/5535	0.67	Karunakara Patra					
1066/141	3994/4912	1.50	Purna Ch. Palei	1181/2016	1066/896	3994/4912	1.50	Adikanda Biswal	2197/2024	1066/1532		0.85	Dillip Ku. Agasti
				1074/2011	1066/980	4913/5536	1.20	Prakash Kumar Sing					

1066/143	3994/4914	0.75	Purna Ch. Palei	1177/2016	1066/896	3994/4914	0.75	Adikanda Biswal						
1066/144	3994/4915	0.75	Purna Ch. Palei	1180/2016	1066/896	3994/4915	0.75	Banaja Biswal						
				1633/2006	1066/895	3994/4916	0.50	Banaja Biswal						
1066/146	3994/4917	0.75	Purna Ch. Palei	1178/2006	1066/627	4917/5416	0.75	Adikanda Biswal						
1066/147	3994/4918	0.75	Adikanda Biswal	1176/2006, 1176/2016	1066/896	4918/5473, 3994/4918	0.75, 0.75	Adikanda Biswal						
				1100/2011	1066/1035	3994/4919	1.50	Gajendra Behera						
				1186/2016	1066/895	3923/4923	0.50	Banaja Biswal						

Annexure - C**OFFICE OF THE TAHASILDAR, NILGIRI**Email:-tah.nilgiri-od@od.gov.inTelephone-06782-233233

Letter No.1902

Dated 07.04.2025

To

**The Collector & District Magistrate,
Balasore.**

Sub: - Submission of the interim enquiry report regarding allegation petition of villagers of Malyani Samil Jamudiha.

Ref: - Grievance petitions of villagers of Malyani dated 24.12.2024, 15.01.2025.
Letter No.301 dated 21.01.2025 & No.451 dated 03.02.2025 of Sub-Collector, Nilgiri.

Sir,

In inviting a kind reference to the subject cited supra, I am to say that the allegation of the villagers of Malyani namely Manas Kumar Barik and others regarding fraudulent transfer of immovable properties of ST & Non-ST persons and running of an illegal crusher unit was duly enquired by the undersigned through the available records in this office. The brief fact of the case is that an area of Ac.84.20 dec. of land was recorded in the name of Shri Jagannath Jew Seba, Shri Pattasamanta having Khata No.69/2 and Plot No.3218 in forest Kissam in the year, 1921-22 (Copy enclosed). As averred from one of the retrieved case record, in 1976-77 out of three Plots i.e. 3652/4108, 3923 and 3994 under Khata No.1167 of village Jamudiha having area Ac.48.00 dec. was settled in favour of 36 nos. of ST & Non-ST persons. Those case records are not traceable on which basis the land was settled. The cadastral map of the concerned village has also not been corrected. Meanwhile the Major Settlement published final RoR in 1976, however the settlement authority didn't recognize their claims rather recorded it as village forest under Rakhita Khata No.1167. Again in the year, 1980 Forest Conservation Act. came and the cutoff date was declared as 25.10.1980.

Thereafter, in the year, 1984, the then Tahasildar again settled those plots measuring an area of Ac.48.00 dec. in favor of those 36 persons stating the reason that they had previously got those lands prior to the settlement and the order had not been given effect to. From 1994 onwards those 36 persons eventually sold those settled land to one Sri Purna Chandra Palei, S/o-Jatia Palei (ST to ST transaction) violating the Provision of Rule-3(1) first proviso of the Regulation-2, 1956 in scheduled areas which is reproduced as – *“Notwithstanding anything contained in any law for the time being in force any transfer of immovable property by a member of a Scheduled Tribe, except by way of mortgage executed in favour of any public financial institution for securing a loan granted by such institution for any Agricultural purpose, shall be absolutely null and void and of no force or effect whatsoever, unless such transfer is made in favour of another member of a Scheduled Tribe: Provided that:- (i) nothing in this sub-section shall be construed as to permit any member of a Scheduled Tribe or his successor-in-interest to transfer any immovable property which was settled with such member of Scheduled Tribe by or under any authority of the State or the Central Government or under nay law for the time bring in force”*. In due course of time he sold (ST to Non ST) those properties to Adikanda and Banoja Biswal. (Father n Son) after taking permission from the Sub Collector, Nilgiri u/S-3(1) of Regulation-2 of 1956 in the year, 1997 and 1998. Afterwards Mutation has been applied by the Adikanda Biswal and Banoja Biswal in the year, 2004 onwards and RoR have been corrected in their favor.

For better appreciation, as per available and retrieved records the events may be represented as below:-

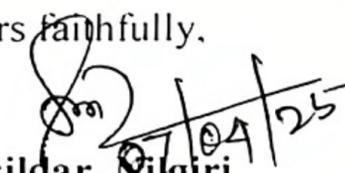
Chronology of Events

Date	Year	Events
	1921-22	Land was recorded in the name of Sri Jagannath Jew Sevayat Shri Pattasamanta as Kissam forest.
	1976	Major Settlement recorded the land in favour of Govt. Rakhit Khata as Kissam forest.
	1976-77	Land was settled in favor of 36 ST/Non-ST persons by the Tahasildar prior to settlement.
25.10.1980	1980	Forest Conservation Act. came into force.

	1984 (only one Record retrieved)	Land was again settled in favour of those 36 ST & Non-ST persons stating the reason that the settlement did not recognize their previous Pattas. Also the map has not been corrected.
	1994	7 Nos. of deeds executed in favour of the Purna Chandra Palei and Baidhar Palei.
12.12.1996	1996	Hon'ble Supreme Court verdict on T.N Godavaran-Vrs-Union of India wherein the Hon'ble court directed that irrespective of the ownership the land which are recorded as forest in Govt records will be constued as "Forest land".
	1997	3 nos. of deeds executed in favour of the Purna Chandra Palei
07.04.1997	1997	5 nos. of Permission granted u/S-3(1) of Regulation 2 of 1956 by Sub-Collector, Nilgiri in favour of Purna Chandra Palei. Area Ac.7.00 dec.
29.12.1998	1998	4 nos. of Permission granted u/S-3(1) of Regulation 2 of 1956 by Sub-Collector, Nilgiri in favour of Purna Chandra Palei, Baidhar Palei and Others. Area Ac.15.25 dec.
	2000	4 nos. of Deeds executed in favour of the Purna Chandra Palei and Baidhar Palei.
	2001	3 nos. of Deeds executed in favour of the Purna Chandra Palei and Baidhar Palei.

This is for favor of your kind information and necessary action.

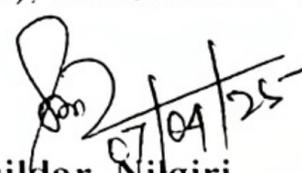
Yours faithfully,


Tahasildar, Nilgiri

Memo No.1 9 0 3

Dated 07.04.2025

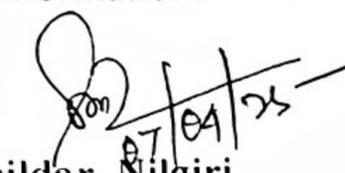
Copy submitted to the Addl. District Magistrate, Balasore (Revenue), Balasore/Sub-Collector, Nilgiri for favour of your kind information and necessary action.


Tahasildar, Nilgiri

Memo No.1 9 0 4

Dated 07.04.2025

Copy to Sri Manas Kumar Barik & Others of Village-Malyani for information.


Tahasildar, Nilgiri