



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 205 OF 2025 / EZ**

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**IN THE MATTER OF:**

Dillip Kumar Samantaray ...Applicant

**VERSUS**

State of Odisha & Ors ...Respondents

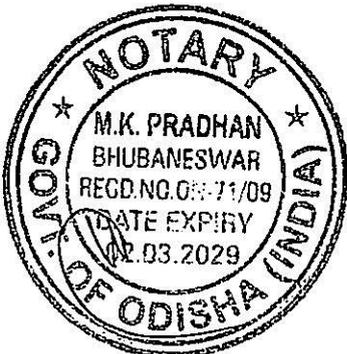
13 FEB 2025

**AFFIDAVIT ON BEHALF OF THE STATE  
POLLUTION CONTROL BOARD, ODISHA,  
RESPONDENT .NO.7.**

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I, Dr. Manoj V. Nair, IFS, son of N. Vasudevan Nair aged around 52 years, at present working as Member Secretary, State Pollution Control Board, having my office at Paribesh Bhawan, A/118, Nilakantha Nagar, Unit-VIII, P.O. Nayapalli, Bhubaneswar, Dist – Khurda, Odisha-751012, do hereby solemnly affirm and state as under:

1. That I am the Member Secretary of the Respondent No.7 Board and, as such, am well-acquainted with the facts



and circumstances with the case and competent to swear this affidavit.

2. That this OA was filed by the applicant with a prayer to direct the Collector & District Magistrate, Puri (R-3 in this case) to demolish and remove the unauthorised and illegal construction of concrete crematorium by Block Development Officer, Gop (R-5) and Bantaligram Gram Panchayat (R-9) after cutting the trees over the forest land in Mauza-Talakapada, Tahasil-Gop, Dist-Puri in violation of the Forest (Conservation) Act, 1980 and environmental laws. It is also further prayed for constitution of a joint committee consisting of District Collector, Puri, Tahasildar, Gop, DFO-Puri Wild Life Division and Officers of SPCB as well as Officer of this Hon'ble Tribunal to enquire into the matter and submit report before the Hon'ble Tribunal etc.

3. That after receipt of notice, the R-7 Board through its Regional Officer, Bhubaneswar has requested the Tahasildar and Executive Magistrate, Gop vide letter No.193 dtd.20.01.2026 intimating therein that a field inspection by the officials of this Board is scheduled on



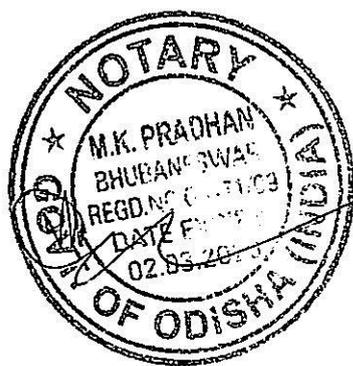
22.01.2026 at 12 PM to verify the status of crematorium site and the status of land and accordingly, request has been made to direct the Revenue Inspection, Mahapur to remain present during inspection along with requisite documents and records pertaining to the said matter to assist the officials of this Board during the course of inspection of the site. A copy of the letter No.193 dtd.20.01.2026 is annexed to this affidavit and marked as ANNEXURE - R7/1.

4. That Er. Soumendra Nath Mohanty, Deputy Environmental Engineer and Er. Soumya Ranjan Mallick, Asst. Environmental Scientist of the Regional Office, Bhubaneswar of the R-7 Board have carried out inspection on the schedule date and time wherein Smt. Sushree Sangita Mohanty, Revenue Inspector, Mahapur, Tahasil-Gop was also present during inspection.
5. That after inspection of the site the Inspecting Officers have submitted a report indicating that the subject matter raised in the OA does not fall within the purview and jurisdiction of the R-7 Board under Water (PCP) Act, 1974, Air (PCP) Act, 1981 and the Environment



(Protection) Act, 1986. Accordingly, they have recommended for directing the Forest Deptt., Govt. of Odisha and Dy. Director General, Forest, MoEF&CC to have their say in this matter. In addition to this they have also recommended for issuance of direction to the Revenue Authorities like Collector, Puri and Tahasildar, Gop to examine the matter and ensure that no further unauthorised construction take place on the forest land. A copy of the Inspection Report is annexed to this affidavit and marked as ANNEXURE- R7/2.

6. That the Respondent No.7 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
7. That the Annexures annexed to the present affidavit are true and correct copies of their originals.
8. That the contents of the above paragraphs are true and correct to the best of my knowledge, as derived from the official records, and that nothing material has been concealed therefrom.



*Mukh*  
13.2.2013

**DEPONENT**

Signature of the Deponent

- 5 -

MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON 71/2009  
 PH - 9437627119 (M)

**VERIFICATION:**

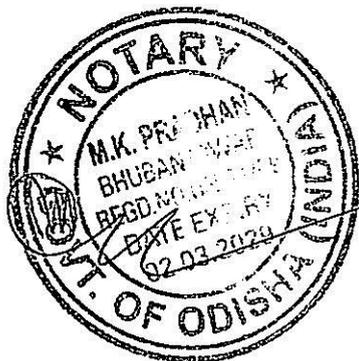
I, the above named deponent, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge, as derived from official records, and that nothing material has been concealed therefrom.

Verified at Bhubaneswar on this the 13<sup>th</sup> day of February, 2026.

**SWORN BEFORE ME**

*Manjula*  
13.2.26

**DEPONENT**



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON 71/2009  
 PH - 9437627119 (M)

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Annexure - R-7/1

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o/c

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E-mail: [rospcb.bhubaneswar@ospnboard.org](mailto:rospcb.bhubaneswar@ospnboard.org)  
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OFFICE OF THE REGIONAL OFFICER, BHUBANESWAR  
**STATE POLLUTION CONTROL BOARD, ODISHA**  
(DEPARTMENT OF FOREST, ENVIRONMENT & CLIMATE CHANGE, GOVERNMENT OF ODISHA)  
Plot No.-B-59/2 & B-59/3, Chandaka Industrial Estate, Patia, Po-KIT, Bhubaneswar -751024

No 193 / Po/MISC/465 Dt. 20.1.26  
Through E-Mail/Speed Post

To,  
The Tahsildar & Executive Magistrate, Gop  
At Po- Gop,  
Dist-Puri, Odisha -752110  
Email: [tah.gop-odt@nic.in](mailto:tah.gop-odt@nic.in)

Sub: Inspection with respect to Hon'ble NGT Original Application No. 205/2025-EZ, which concerns the alleged construction of a concrete crematory platform on forest land (Khata No. 84, Plot No. 10) at Talakapa village, Gop Tahasil, Puri district, in violation of the Forest (Conservation) Act, 1980.

Ref: (1) Copy of OA No. 205/2025/EZ filed before Hon'ble NGT

(2) Copy of Hon'ble Tribunal Order dated 16.12.2025

Dear Sir,

With respect to subject cited above, it is to inform you that State Pollution Control Board (SPCB) is in receipt of the order dated 16th December 2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in Original Application No. 205/2025/EZ filed by Sri Dillip Kumar Samantaray against the State of Odisha and others regarding the alleged illegal construction of a concrete crematory platform over government forest land without obtaining requisite clearances under the Forest (Conservation) Act, 1980. In the said Original Application, SPCB has been impleaded as Respondent No 07. In pursuance of the aforesaid order of the Hon'ble National Green Tribunal, a field inspection is scheduled to be conducted on 22.01.2026 at 12:00 PM to verify the status of the crematory site and the land classification at Khata No. 84, Plot No. 10, Area Ac. 0.50 decimals, in Mouza-Talakapa, Tahasil-Gop, District-Puri, Odisha.

You are therefore requested to be present at the alleged site on aforesaid date and time. Kindly also direct Revenue Inspector (RI), Mahapur to be present during the inspection with the requisite documents and records pertaining to the said land plot, including the Record of Rights (RoR) and any reports submitted by the Revenue Department in this connection.

Your prompt cooperation in this matter is solicited for early compliance with the orders of the Hon'ble Tribunal. Kindly acknowledge the undersigned regarding confirmation of your presence and that of the RI Malapan for the scheduled inspection.

Yours faithfully,

Encl:- As above.

*Shri*  
20/1/26

REGIONAL OFFICER

Memo No. 194,

Dtd. 20.1.26,

Copy forwarded to Collector & District Magistrate, Puri for kind information.

*Shri*  
20/1/26

REGIONAL OFFICER

Memo No. 195,

Dtd. 20.1.26,

Copy forwarded to Sr. Law Officer(L-II),SPC Board, Odisha for kind information and necessary action.

*Shri*  
20/1/26

REGIONAL OFFICER

**INSPECTION REPORT IN THE MATTER OF HON'BLE NATIONAL GREEN  
TRIBUNAL ORIGINAL APPLICATION NO. 205/2025/EZ**

**1. BACKGROUND AND CONTEXT**

The Hon'ble National Green Tribunal vide order dated 16.12.2025 in OA No. 205/2025/EZ directed all the respondents to file the response on the allegations raised by the applicant. Accordingly, a field inspection to be conducted at the alleged site of illegal construction of a concrete crematory platform at Khata No. 84, Plot No. 10, Area Ac. 0.50 decimals in Mouza-Talakapa, Tahasil-Gop, District-Puri, Odisha.

The said Original Application was filed by Sri Dillip Kumar Samantaray against the State of Odisha and others regarding the alleged illegal construction of a concrete crematory platform over government forest land without obtaining requisite clearances under the Forest (Conservation) Act, 1980.

**2. INSPECTION DETAILS**

**2.1 Date and Time of Inspection**

In pursuance of the order dated 16.12.2025 passed by the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata in OA No. 205/2025/EZ, this office issued Letter vide Lno. 193 dated 20.01.2026 to the Tahasildar-cum-Executive Magistrate, Gop, Puri, scheduling a joint field inspection of the alleged cremation site at Mouza Talakapa on 22.01.2026 at 12:00 PM. Through the said letter, the Tahasildar, Gop was requested to remain present at the site on the scheduled date and time and to direct the Revenue Inspector, Mahapur to attend the inspection with all relevant land records, including the Record of Rights (RoR) and reports pertaining to Khata No. 84, Plot No. 10. The communication also sought necessary cooperation of the Revenue authorities to facilitate verification of land classification, ownership and status of construction at the site in compliance with the directions of the Hon'ble Tribunal. The field inspection was conducted on 22nd January 2026 at 12:00 PM.

**2.2 Site Location**

- Mouza: Talakapa
- Tahasil: Gop
- District: Puri, Odisha
- Khata No.: 84
- Plot No.: 10
- Area: 0.50 Decimals (0.2023 Hectares)
- Coordinates: - 19°54'47.62"N 85°57'53.83"E

### 2.3 Officials Present During Inspection

- Undersigned Officials from SPCB
- Smt Suhree Sangita Mohanty, Revenue Inspector, Mahapur, Tahasil-Gop, Puri

## 3. INSPECTION FINDINGS

### 3.1 Land Classification and Ownership

As per the enquiry report submitted by the Revenue Inspector (RI), Mahapur vide Letter No. 154 dated 23.12.2025 to the Tahasildar, Gop. and as verified during the joint inspection on 22.01.2026, the following facts were confirmed:

- The land bearing Khata No. 84, Plot No. 10 in Mouza Talakapa, measuring 0.50 Decimals (0.2023 Hectares), is classified under Kisam – Gramya Jungle (Village Forest Land)
- As per the Record of Rights (RoR) and Khatiyani records examined during inspection, the land is Government Land recorded in the name of Government of Odisha.
- The land status is recorded as "Rakshita" (Reserved/Protected)

### 3.2 Status of Crematory Platform

During the physical inspection conducted on 22.01.2026, the following observations were made:

- A concrete crematory platform exists at the site on Plot No. 10, Khata No. 84 in Mouza Talakapa.
- During the time of inspection Shri. Chandan Barik and Shri. Bichitranada Barik of the village Talakapa were present at the site.
- As per the statement of the persons present there are around 45 Nos of household at Vallage Talakapa.
- As per the statements of villagers recorded by the Revenue Inspector, Mahapur, the crematory platform was constructed approximately 4 years ago
- The structure appears to be used as a cremation ground for the local village community
- The crematory platform is constructed on Government Land classified as Gramya Jungle (Village Forest)

### 3.3 Documents and Records Examined

The following documents and records were examined during the inspection:

1. Khatiyani (Record of Rights) - Khata No. 84, Mouza: Talakapa, Tahasil: Gop, District: Puri
2. Revenue Inspector's enquiry report Letter No. 154 dated 23.12.2025

- X-
3. Plot-wise details showing Plot No. 10 with Kisan classification as "Gramya Jungle"
  4. Land ownership records confirming Government Of Odisha.

#### 4. PURVIEW OF STATE POLLUTION CONTROL BOARD

Based on the inspection findings and examination of the nature of the case, the State Pollution Control Board, Odisha submits the following observations regarding its jurisdiction and role in this matter:

##### **4.1 Nature of the Alleged Activity**

The subject matter of the present Original Application pertains to:

- Alleged illegal construction of a crematory platform on Government Land classified as Gramya Jungle (Village Forest Land)
- Alleged violations under the Forest (Conservation) Act, 1980
- Issues related to land classification, land ownership, and unauthorized use of forest land
- Requirement of forest clearance for diversion of forest land for non-forestry purposes

##### **4.2 Applicability to Cremation Grounds**

Cremation grounds/crematory platforms, being places for funeral rites and religious practices, generally exempted from requiring statutory consents (CTE/CTO) from the State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 or the Air (Prevention and Control of Pollution) Act, 1981.

##### **4.4 Lack of Jurisdiction Over Forest Land Issues**

The core issues raised in the present Original Application relate to:

- Unauthorized construction on Government Land classified as Gramya Jungle (forest land)
- Non-compliance with the Forest (Conservation) Act, 1980
- Requirement of forest clearance from the Ministry of Environment, Forest and Climate Change (MoEFCC)
- Land ownership and revenue matters under the purview of the Revenue Department

These matters fall outside the statutory jurisdiction and purview of the State Pollution Control Board.

#### 5. CONCLUSION

Based on the inspection conducted on 22.01.2026 and the examination of records, the State Pollution Control Board, Odisha submits the following conclusions:

1. The land in question bearing Khata No. 84, Plot No. 10 in Mouza Falakapa, Tahasil Gop, District Puri is Government Land classified as Kisam Gramya Jungle (Village Forest Land) as confirmed by the Revenue Inspector, Mahapur and verified from the Khatiyani records.
2. A concrete crematory platform has been constructed on the said Government Land approximately 5 years ago as per villagers' statements.
3. The issues raised in the Original Application primarily pertain to unauthorized construction on forest land and violations of the Forest (Conservation) Act, 1980, which fall within the jurisdiction of the Forest Department and the Revenue Department.
4. The subject matter of the petition does not fall within the statutory purview and jurisdiction of the State Pollution Control Board, Odisha under the Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981, or the Environment (Protection) Act, 1986.
5. Cremation grounds are not categorized as industries or establishments requiring Consent to Establish (CTE) or Consent to Operate (CTO) from the State Pollution Control Board.
6. The appropriate authorities to deal with the issues raised in this case are the Forest Department (for forest land diversion and forest clearance matters), the Revenue Department (for land classification and unauthorized occupation), and the District Administration (for removal of unauthorized constructions).

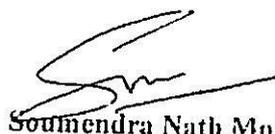
#### 6. RECOMMENDATIONS

In view of the above findings and conclusions, the State Pollution Control Board, Odisha submits that:

1. The matter may be considered by the Hon'ble Tribunal for directing the Forest Department, Government of Odisha and the Deputy Director General of Forests (C), MoEFCC, Integrated Regional Office, Bhubaneswar to examine whether the construction of the crematory platform on forest land constitutes a violation of the Forest (Conservation) Act, 1980 and to take appropriate action as per law.
2. The Revenue Department (Collector, Puri and Tahasildar, Gop) may be directed to examine the unauthorized use of Government Land and take necessary action for its restoration.
3. The District Administration may be directed to ensure that no further unauthorized constructions take place on the said forest land.



Soumya Ranjan Mallick  
Assistant Environmental Scientist



Soumendhra Nath Mohanty  
Deputy Environmental Engineer