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**BEFORE THE NATIONAL GREEN TRIBUNAL****EASTERN ZONE BENCH, KOLKATA****ORIGINAL APPLICATION No.- 158 of 2025****IN THE MATTER OF**

Surendra Tapasu and Others

...Applicants

Versus

**UNION OF OINDIA & Ors**

...Respondents

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PLACE: Bhubaneswar

**SANKAR PRASAD PANI**

DATE: 19/02/2026

**ASHUTOSH PADHY**


ADVOCATE'S

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,Email-

[sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

X

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLAKATA**

Original Application No.- 158 /2025

**IN THE MATTER OF:**

**Surendra Tapasu and Others**

**APPLICANTS**

**VERSUS**

**UNION OF INDIA**

**...RESPONDENTS**

**SUPPLEMENTARY AFFIDAVIT ONBEHALF OF APPLICANTS.**

**IT IS MOST RESPECTFULLY SHOWETH:**

I, Surendra Tapasu, S/o- Jagganth Behera, aged about 66 years, At/Po- Jagganath Colony, Dist- Puri, Pin-752002, Odisha do hereby solemnly affirm, and declare that I am one of Applicant in the above mentioned Application and authorized by other Applicants to sign this affidavit. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.

1. That the original application has been filed by the Applicants challenging the illegal and indiscriminate felling of trees in tens of thousands and construction Approach Road, Boundary Wall and Material Stockyard in Sipasarubali Mouza for Shree Jagannath International Airport Puri, Odisha, a green field Airport Project, in absence of Environmental Clearance, Costal Regulation Zone Clearance and Forest Clearance. Further the tree felling and construction work in Costal Regulation Zone III area will be disaster to the fragile ecology of Puri Coastline in Odisha. The very act of Tree Felling in an ecologically sensitive, cyclone and erosion prone area is against the principle of Sustainable Development and Precautionary Principle. The proposal envisage use of 471.401ha of Land comprising **of 27.887 ha of DLC forest land** and 443.514 ha of non-forest land (Govt non-forest 353.882 ha + **Private non-forest 89.632** ha) for construction of Shree Jagannath International Airport (SJIA), Puri. The legal status of the forest land is DLC Forest. **Vegetation density of 0.5 (Eco Class III) with 13,504 nos. of tress** in the area proposed for diversion. However as per the **SoI toposheet, most of project area**



**falls on the open mixed jungle.** Forest Cover is moderately Dense Forest.

2. That the Hon'ble Tribunal vide **order dated 08/09/2025** has been pleased to issue notice in the present matter and directed all the respondents to file counter affidavit within 4 weeks.
3. That on **27/11/2025** during the course of hearing the learned counsel appearing on behalf of the state Respondents has stated that the **temporary boundary wall constructed by them has been removed** and the statement made by the learned counsel has also recorded by Hon'ble Tribunal in its order dated 27/11/2025 in paragraph number 3. It is most humbly submitted that the afore mentioned statement made by the Counsel of state respondents is not true as the concrete **boundary wall with its plinth is still existing over the land in question.** Copy of the photographs showing boundary wall still exists over the land in question is annexed here unto as **ANNEXURE-1.**
4. It is pertinent to mention here that as on date the project proponent has not obtained Forest Clearance, CRZ clearance and Environmental clearance from the MOEFCC and in absence of the statutory clearances the **project proponent has felled a large number of trees and also constructed boundary wall.**
5. That the **MOEFCC in its affidavit dated 02/02/2026** in **paragraph number 11** has clearly stated that as on date, **no Environmental Clearance or Forest Clearance has been accorded by MOEFCC for the project in question.** Relevant portion of the affidavit filed by MOEFCC is extracted below,
 

*“11. It is pertinent to state that, as on date, no Environmental Clearance or Forest Clearance has been accorded by Respondent No. 1 for the project in question.”*
6. It is not out of place to mention here that the project proponent has felled large number of trees without having the statutory clearance from the concerned authority and the same is evident from various photographs. Copy of the photographs suggesting tree felling from the site in question is annexed here unto as **ANNEXURE-2.**



7. It is not out of place to mention here that the project proponent has damaged the natural sand dunes existing over the land in question and also spread morrums over the forest land to construct the approach road.
8. It is most humbly submitted that as per the direction of Hon'ble Tribunal the DFO Puri wildlife division i.e. respondent No.2 has filed its counter affidavit dated **26/11/2025**, wherein in paragraph No. 12 has stated that the boundary wall has already been dismantled. It is not out of place to mention here that this statement of the Respondent No.2 is not correct as evident from the photographs attached in **Annexure-1**.
9. It is pertinent to mention here that the user agency has already acquired the land for Development of Greenfield Shree Jagannath International Airport at Sipasarubali, Puri District, and also constructed boundary wall to protect the land from encroachment, hence **project proponent is liable for the tree felling done at the project site in question.**
10. That from the historic image of google earth it is quite evident that the project proponent has felled trees in order to construct the approach road and boundary wall. Copy of the google earth image suggesting trees have been felled from the site in question is annexed here unto as **ANNEXURE-3**.
11. It is further submitted that as of now no independent assessment of trees felled has been carried out and no specific inquiry has been made in regard to the trees felled for approach road to the site, road adjoining the boundary, material stock yard. Since it is state government project, the DFO acts as an arm of the state government and no impartial inquiry can be expected. As such in regard to this project the DFO has earlier suppressed many information such as nesting of olive ridley turtle, Dolphin and other endangered animals until the same was pointed out by the Inspecting Officer of MoEFCC after the site visit. Even the MoEFCC in its reply affidavit has avoided in responding to the allegations in the Original Application and left it to the wisdom of state authorities. **Hence, the applicant prays for an impartial inquiry by the MoEFCC or Director General of Forest in presence of the applicants in respect of the issues raised in the Original Application.**

X

12. It is humbly submitted that if the forest land is involved in any project, then no work should be allowed even in non-forest land. The respective paragraph of the clarification as guideline under Forest Conservation Rules is reproduced as follows

4.4 Projects Involving Forest as well as Non-forest Lands. –Some projects involve use of forest land as well as non-forest land. State Governments/project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may proved to infructuous if diversion of forest land involved is not approved. It has, therefore, been decided that if a project invites forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given. The position of MoEFCC in the above para has been reiterated in its letter dated 21st March 2011. Copy of the Letter dated 21st March 2011 is annexed here unto as **ANNEXURE-4**.

13. That considering the facts and circumstances more particularly no statutory Permission (Environment clearance and Forest Clearance) has been granted for the Airport Project, the balance of convenience is in favor of the applicant and in the interest of justice Honble NGT may direct the Chief Secretary not to go ahead with the project.
14. That in view of the above-mentioned paragraphs it is most humbly submitted before this Hon'ble Tribunal to **grant a status-quo of the site in question till disposal of the present Original Application and direct the Respondent No.2 to ensure no further felling of trees from the site in question.**

Date- 19/02/2026

APPLICANTS THROUGH

 Spami

Place – Bhubaneswar

ADVOCATE

X

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO -158 OF 2025 /EZ

IN THE MATTER OF:

SURENDRA TAPASU AND OTHERS

APPLICANTS

VERSUS

STATE OF ODISHA AND Others ...

RESPONDENTS

AFFIDAVIT

19 FEB 2026

I Surendra Tapasu, S/o- Jagganath Behera, aged about 66 years, At/Po- Jagganath Colony, Dist- Puri, Pin-752002, Odisha do hereby solemnly affirm, and declare as under.

1. That I am one of Applicant in the above mentioned Application and authorized by other Applicants to sign this affidavit.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit
3. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

Surendra Tapasu  
DEPONENT

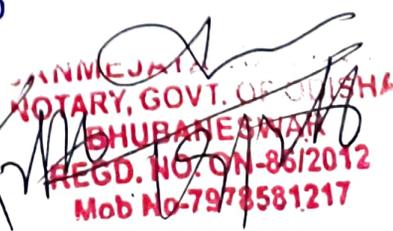
VERIFICATION

Verified on this 19 day 2026.....2026 at Puri that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

Identified By  
Advocate

The above named deponent(s) being duly identified by SP Pant Advocate, Bhubaneswar  
Appears before me on 19 FEB 2026 at Puri, Odisha and states on oath the contents of the affidavit are true to the best of her / their knowledge and belief

Surendra Tapasu  
DEPONENT



19/2/2026

# ANNEXURE-1

BELOW ATTACHED PHOTOGRAPH DATED 19/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION AND THE PROJECT PROPONENT HAS SPREAD MORRUMS TO CONSTRUCT THE APPROACH ROAD.



BELOW ATTACHED PHOTOGRAPH DATED 19/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION



BELOW ATTACHED PHOTOGRAPH DATED 19/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION AND THE PROJECT PROPONENT HAS SPREAD MORRUMS TO CONSTRUCT THE APPROACH ROAD



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BELOW ATTACHED PHOTOGRAPH DATED 15/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION



BELOW ATTACHED PHOTOGRAPH DATED 19/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION AND THE PROJECT PROPONENT HAS SPREAD MORRUMS TO CONSTRUCT THE APPROACH ROAD



BELOW ATTACHED PHOTOGRAPH DATED 16/02/2026 SUGGESTS THE BOUNDARY WALL IS STILL EXISTING OVER THE LAND IN QUESTION AND THE PROJECT PROPONENT HAS SPREAD MORRUMS TO CONSTRUCT THE APPROACH ROAD



BELOW ATTACHED PHOTOGRAPHS DATED 16/02/2026 SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED FULL GROWN/ MATURED TREES FROM THE SITE IN QUESTION



BELOW ATTACHED PHOTOGRAPHS DATED 16/02/2026 SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED FULL GROWN/ MATURED TREES FROM THE SITE IN QUESTION



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BELOW ATTACHED PHOTOGRAPH DATED 19/02/2026 SUGGESTS THE PROJECT PROPONENT HAS DAMAGED THE NATURAL SAND DUNES EXISTING OVER THE LAND IN QUESTION.



BELOW ATTACHED PHOTOGRAPHS DATED 16/02/2026 SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED FULL GROWN/ MATURED TREES FROM THE SITE IN QUESTION



BELOW ATTACHED PHOTOGRAPHS DATED 16/02/2026 SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED FULL GROWN/ MATURED TREES FROM THE SITE IN QUESTION



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BELOW ATTACHED PHOTOGRAPHS SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED LARGE NUMBER OF TREES FROM THE SITE IN QUESTION



BELOW ATTACHED PHOTOGRAPHS SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED LARGE NUMBER OF TREES FROM THE SITE IN QUESTION



BELOW ATTACHED PHOTOGRAPHS SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED LARGE NUMBER OF TREES FROM THE SITE IN QUESTION



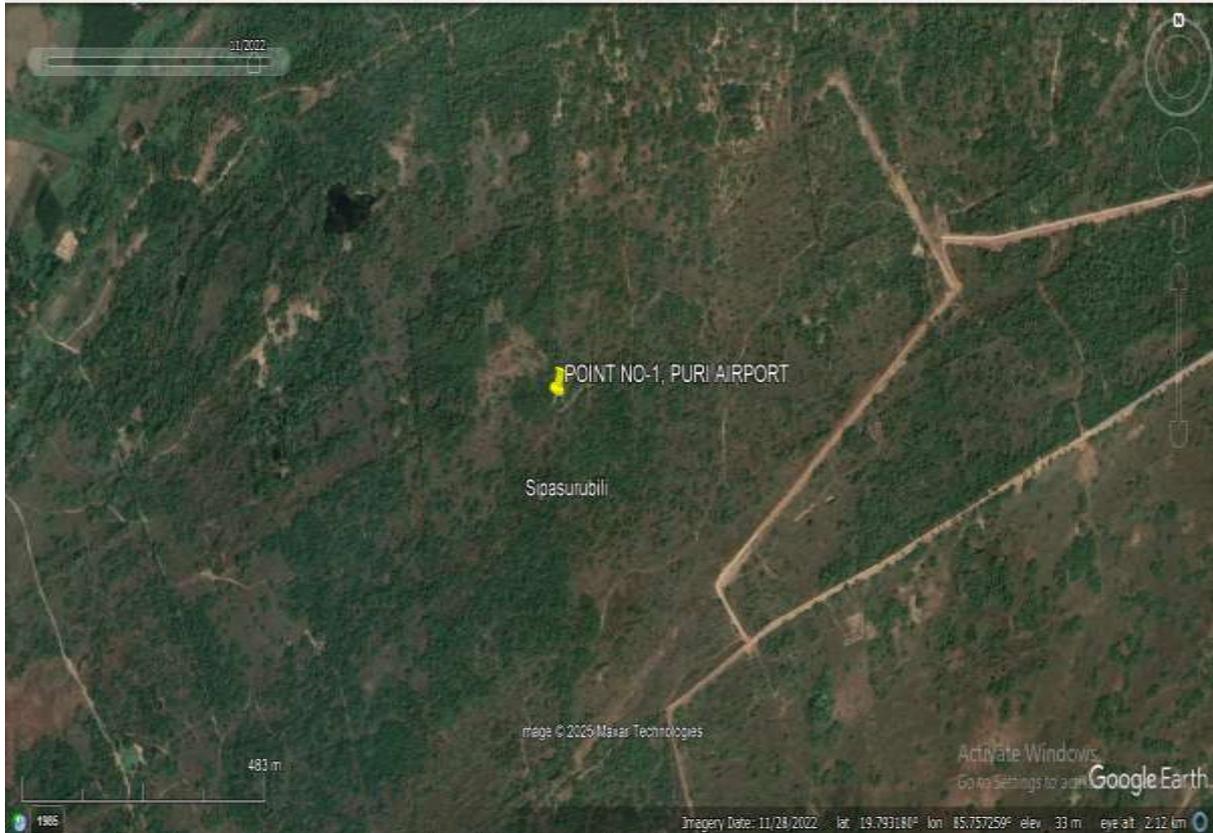
BELOW ATTACHED PHOTOGRAPHS SUGGESTS THE PROJECT PROPONENT HAS ILLEGALLY FELLED LARGE NUMBER OF TREES FROM THE SITE IN QUESTION



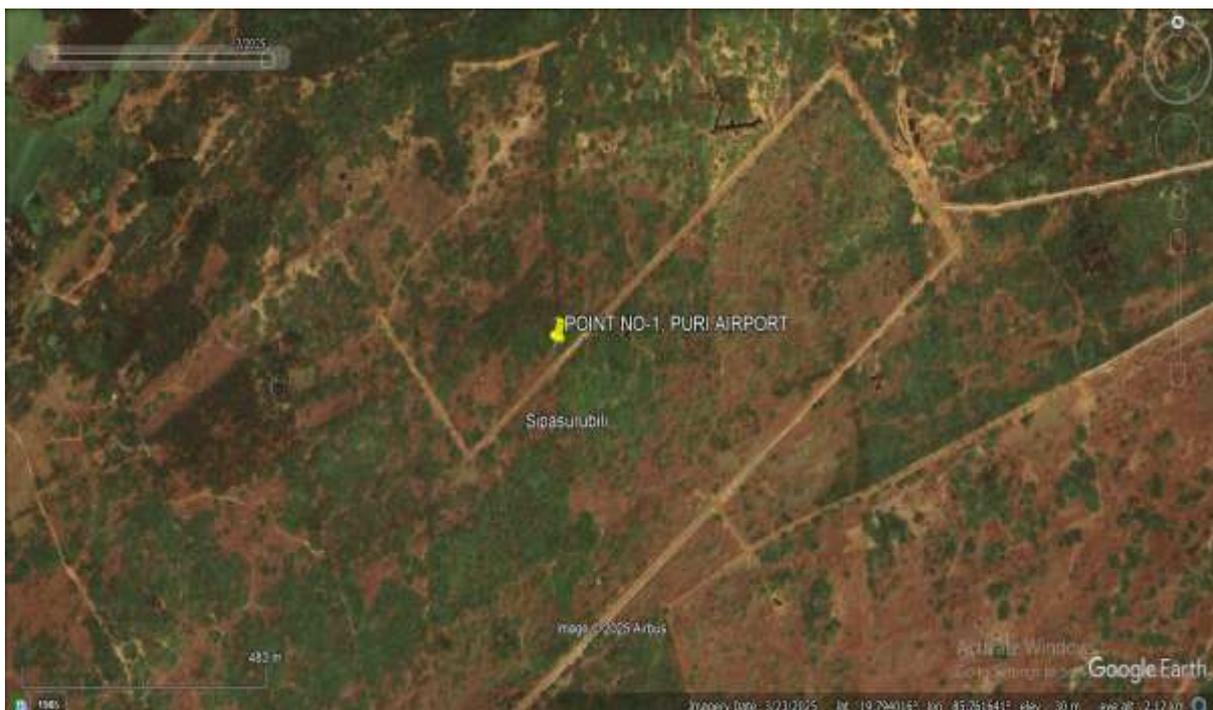
BELOW ATTACHED PHOTOGRAPH SUGGESTS THE PROJECT PROPONENT IS DAMAGING THE NATURAL SAND DUNES EXISTING OVER THE SITE IN QUESTION



BELOW ATTACHED GOOGLE EARTH IMAGE DATED 28/11/2022 SUGGESTS DENSE FOREST OVER THE SITE IN QUESTION.



BELOW ATTACHED GOOGLE EARTH IMAGE DATED 23/032025 SUGGESTS THE PROJECT PROPONENT HAS FELLED TREES FROM THE SITE IN QUESTION FOR CONSTRUCTION OF APPROACH ROAD AND BOUNDARY WALL.



F. No. 2-1/2003-FC  
Government of India  
Ministry of Environment & Forests  
(FC Division)

Paryavaran Bhawan,  
CGO Complex, Lodhi Road,  
New Delhi - 110003  
Dated: 21<sup>st</sup> March, 2011.

To

The Chief Secretary / Administrator,  
All States and Union Territories.

Sub: Revision of para 4.4 of the guidelines on Forest (Conservation) Act, 1980 regarding projects involving Forest as well as Non-forest Lands.

Ref: Ministry's letter of even number dated 6<sup>th</sup> January, 2011 and withdrawal of the same vide dated 17<sup>th</sup> February, 2011.

Sir/Madam,

Consequent upon withdrawal of Ministry's letter dated 6<sup>th</sup> January, 2011 regarding revision for para 4.4 of the guidelines on Forest (Conservation) Act, 1980 pertaining to projects involving forests as well as non-forest lands, I am directed to reiterate that the status-quo on the guideline is being restored.

Therefore, the para 4.4 of the Guideline on Forest (Conservation) Act, 1980 shall finally be read as reproduced below -

"4.4 Project involving Forest as well as Non-forest Lands

Some projects involve use of forest land as well as non-forest land. State Governments / project authorities sometimes start work on non-forest lands in anticipation of the approval of the Central Government for release of the forest lands required for the projects. Though the provisions of the Act may not have technically been violated by starting of work on non-forest lands, expenditure incurred on works on non-forest lands may prove to be infructuous if diversion of forest land involved is not approved. *It has, therefore, been decided that if a project involves forest as well as non-forest land, work should not be started on non-forest land till approval of the Central Government for release of forest land under the Act has been given.*"

Yours faithfully,



(Umakant)

Assistant Inspector General of Forests

Copy to:-

1. The Secretary (Forests), All States / UTs
2. All PCCF/Nodal Officers (All States/UTs).
3. All Regional Offices.
4. All concerned officers of F.C. Division.
5. Monitoring Cell, FC Division, MoEF, New Delhi.
6. Guard file.



(Umakant)

Assistant Inspector General of Forests



Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

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**SUPPLEMENTARY AFFIDAVIT FILED ON BEHALF OF APPLICANT IN OA 158 OF 2025.**

1 message

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**Sankar Pani** <sankarprasadpani@gmail.com>

Thu, Feb 19, 2026 at 11:07 PM

To: Aishwarya Dash &lt;aishwaryadash010@gmail.com&gt;, Ashok Prasad &lt;Ashokadvhc@gmail.com&gt;, Rashmi Bothra &lt;rashmibothra24@gmail.com&gt;, Pronoy Mohanty &lt;pronoymohanty@gmail.com&gt;

Dear Sir/Madam, please find out the attachment.

--

Sankar Prasad Pani, Environment Lawyer  
National Green Tribunal Kolkata & Orissa Highcourt  
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**SUPPLEMENTARY AFFIDAVIT OA 158 OF 2025.pdf**  
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