

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. 26 OF 2026 / EZ**

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Sudarshan Mishra

...Applicant

VERSUS

State of Odisha & Others.

...Respondents

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By the Respondent No.8

Through

Kolkata

Date:

**Sri Dipanjan Ghosh,**

Advocates for the Respondent No.8  
(State Pollution Control Board, Odisha)

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10 APR 2026

**AFFIDAVIT ON BEHALF OF THE STATE  
POLLUTION CONTROL BOARD, ODISHA,  
R.NO.8.**

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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.8 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 has been filed for demolition of unauthorised and illegal construction over a forest schedule land in Gop Tahasil of Puri district, Odisha by R-10. It is also further alleged that the R-10 has constructed many buildings and some additional buildings are under construction over the land bearing Khata No.324, Plot No.18, Area-Ac.2.64, Kisam-Gramya Jungle, Mouza-Baripur, Tahasil-Gop in violation of Forest (Conservation) Act, 1980 and Environmental Laws.
3. That in order to present the status of the case and verify the allegation raised in the OA, Er.Soumendranath Mohanty, Dy. Environmental Engineer, Regional Office, Bhubaneswar of the R-8 Board along with Addl. Tahasildar, Gop has visited the site of Radhaballav Higher Secondary School at Mouza-Bairipur (R-10) in Puri district on dtd.06.04.2026 at 11:30 AM and submitted a detail report with some conclusion. In the conclusion at point No.3, it is stated that the school of R-10 is an Educational Institution and does not involve any prescribed industrial process or activities which attracts



the provisions of Water (PCP) Act, 1974 and Air (PCP) Act, 1981 for which Consent to Establish / Operate of the R-8 Board is not required. In Point No.4 of the concluding part, it is stated that the compliance with Forest (Conservation) Act, 1980 falls within the jurisdiction of the Forest Department, Revenue Department and District Administration. Copy of the Joint Inspection Report carried out on dtd.06.04.2026 is annexed to this affidavit and marked as **ANNEXURE - R8/1**.

4. That the Respondent No.8 Board craves leave of this Hon'ble Tribunal to file further affidavit if required for proper adjudication of this case.
5. That the Annexure annexed to the present affidavit is true and correct copy of its original.
6. 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.



  
DEPONENT

MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2009  
 PH - 943762-119 (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 10<sup>th</sup> day of April, 2026.

**SWORN BEFORE ME**

*M. S.*

**DEPONENT**

Member Secretary  
 State Pollution Control Board  
 Odisha, Bhubaneswar



MANJULA KUMAR PRADHAN  
 NOTARY PUBLIC  
 BHUBANESWAR  
 REGD. NO. ON-71/2009  
 PH - 943762-119 (M)

**JOINT INSPECTION REPORT**  
**IN THE MATTER OF HON'BLE NATIONAL GREEN TRIBUNAL**  
**ORIGINAL APPLICATION NO. 26/2026/EZ**

**BACKGROUND AND CONTEXT**

The Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata, vide order dated 16.02.2026 in OA No. 26/2026/EZ (Sudarsan Mishra Vs State of Odisha & Ors.) has taken cognizance of the allegations regarding construction of institutional buildings by "Radhaballav Higher Secondary School" over Government land recorded as Gramya Jungle (Village Forest) in Mouza Bairipur, Tahasil Gop, District Puri, Odisha.

In compliance with the aforesaid order and subsequent communication of the Regional Officer, State Pollution Control Board, Odisha, Bhubaneswar vide letter No. 1195 dated 02.04.2026 addressed to the Tahasildar-cum-Executive Magistrate, Gop, a joint field inspection was scheduled and conducted at the alleged site of the school on 06.04.2026 to verify the factual position of land status, existing constructions and present use of the land bearing Khata No. 324, Plot No. 18 in Mouza Bairipur, Tahasil Gop, District Puri.

**INSPECTION DETAILS**

**Date and Time of Inspection**

In pursuance of the Hon'ble Tribunal's order dated 16.02.2026 and the above communication of the Regional Officer, SPCB, Odisha, a joint field inspection of the alleged site of Radhaballav Higher Secondary School at Mouza Bairipur in Puri District was conducted on 06.04.2026 at about 11:30 AM.

**Site Location**

**Mouza:** Bairipur

**Tahasil:** Gop

**District:** Puri, Odisha

**Coordinates:**-Latitude: 19.907565° N    Longitude: 85.970703° E

**Detailed Land Particulars of the alleged school premises :-**

Khata No.	Plot No.	Area (Ac. dec.)	Kisam
307/138	17	0.07	Sarada-3
324	11	5.84	Gochara
324	16	2.53	Jalasaya-2
324	18	2.64	<b>Gramya Jungle</b>
325	22	0.53	Patita
325	470	0.14	Patita
Total		Ac 11.65 Dec	

Source:- As per the data furnished by the Revenue Inspector, Mahapur vide Letter No. 28 dated 05.02.2026 to Tahsildar, Gop.

**Officials Present During Inspection**

1. Undersigned official from State Pollution Control Board, Odisha, Regional Office, Bhubaneswar.
2. Additional Tahasildar, Gop, along with Revenue Supervisor and Revenue Inspector, Mahapur, Gop Tahasil.

The inspection was carried out in presence of the Principal of Radhaballav High Secondary School, Bairipur and school staff members who were present at the site during the time of verification.

**INSPECTION FINDINGS****Land Classification and Ownership**

As per the Record of Rights (RoR) for Mouza Bairipur, Tahasil Gop, District Puri and the land schedule furnished by the Revenue Inspector, Mahapur vide Letter No. 28 dated 05.02.2026, the land bearing Khata No. 324, Plot No. 18 measuring Ac. 2.61dec.is

recorded in the name of Government of Odisha (Rakhita Anabadi) with Kisam 'Gramya Jungle' (Village Forest).

During the joint inspection, the Revenue field staff demarcated Plot No. 18 on ground with reference to the village map, field measurement book and RoR. It was confirmed that the existing campus of Radhaballav Higher Secondary School is situated within the boundary of Plot No. 18 recorded as Gramya Jungle.

#### **Status of Existing Constructions and Land Use**

During physical verification, it was observed that the entire Plot No. 18 is presently occupied by the campus of Radhaballav Higher Secondary School, Bairipur consisting of multiple permanent buildings used as classrooms, administrative block and other institutional structures and internal circulation area.

The institution was found operational with Higher Secondary classes in Arts, Commerce, and Science streams (2 sections each). Total enrollment stood at approximately 1100-1120 students, as verified from attendance registers, school records, and discussions with the Principal-in-charge. During interaction with the institutional authorities and local persons present at the site, it was revealed that the educational institution has been functioning on the said land since approximately the year 1992 and has been providing educational services to students of the surrounding rural areas for more than three decades.

The inspection team noticed that the built-up structures appear to have been developed over a long period and the institution has been functioning at this location for several decades. No separate industrial or commercial activity other than the educational institution was found operating on the said land at the time of inspection.

Some planted trees and ornamental plantations were observed within the campus area; however, no patch of dense natural forest vegetation or wildlife habitat was noticed within Plot No. 18 at present. The adjoining Jalasaya land under Plot No. 16 and Gochar land under Plot No. 11, as per the land schedule, were reported by the Revenue staff to be outside the fenced campus of the school and no fresh encroachment over the water body was specifically noticed during this inspection.

#### **Environmental Aspects Observed**

During the time of inspection, construction activity of a new building was found to be in progress within the campus. The school was observed to be functioning as an educational institution with routine academic activities. No significant air or water polluting industrial process or emission source was observed within the premises.

The school activities and Minor civil works typically do not fall in the category of scheduled industrial operations requiring Consent to Establish/Consent to Operate from State Pollution Control Board under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

### **PURVIEW OF STATE POLLUTION CONTROL BOARD, ODISHA**

#### **Nature of Issues Raised in OA No. 26/2026/EZ**

From the allegations made in OA No. 26/2026/EZ, it is seen that the principal issues relate to alleged illegal encroachment and construction of school buildings over Government land recorded as Gramya Jungle, compliance with the Forest (Conservation) Act, 1980, and protection of Village Forest/Gochar/Jalasaya land. These issues predominantly fall within the domain of the Revenue Department, Forest Department and District Administration.

#### **Applicability of SPCB Laws to the Present Activity**

Radhaballav Higher Secondary School is an educational institution and not an industry or activity listed under the categorisation of industries/establishments requiring Consent to Establish or Consent to Operate under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The allegations regarding diversion of land recorded as Gramya Jungle for non-forest use without prior approval under Section 2 of the Forest (Conservation) Act, 1980, as well as issues of encroachment over Gochar/Jalasaya/Basti Jogyia land, are matters to be examined by the competent Revenue and Forest authorities and do not fall within the statutory licensing jurisdiction of SPCB, Odisha.

### **CONCLUSION**

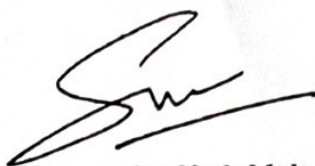
Based on the joint field inspection conducted on 06.04.2026 and examination of the records produced by the Forest and Revenue authorities, the following conclusions are submitted from the perspective of SPCB, Odisha:

1. The land bearing Khata No. 324, Plot No. 18 in Mouza Bairipur, Tahasil Gop, District Puri is recorded as Government revenue land with Kisan 'Gramya Jungle' (Village Forest) as per RoR and land schedule furnished by the Revenue Inspector, Mahapur.
2. The existing campus of Radhaballav Higher Secondary School, including its buildings and open areas, is located within the demarcated boundary of Plot No. 18.

3. The operation of the school as an educational institution does not involve any prescribed industrial process or activity requiring Consent to Establish/Consent to Operate from SPCB, Odisha under the Water Act, 1974 and the Air Act, 1981.
4. The core grievances raised in OA No. 26/2026/EZ, regarding diversion/encroachment of Gramya Jungle, Gochar, Jalasaya and other Government land and compliance with the Forest (Conservation) Act, 1980 fall primarily within the jurisdiction of the Forest Department, Revenue Department and District Administration .



Addl Tahsildar, Gop



Soumendra Nath Mohanty  
Deputy Environmental Engineer  
Regional Office, Bhubaneswar  
SPCB, Odisha