

**BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN ZONE
BENCH, KOLKATA**

APPLICATION NO... of 2026

IN THE MATTER OF

PRATAP CHANDRA MOHANTYApplicant

Versus

STATE OF ODISHA & Ors

...Respondents

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PLACE: Bhubaneswar

ADVOCATE

DATE: 07/04/2026

SANKAR PRASAD PANI

ASHUTOSH PADHY

S.Pani *A.Padhy*

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002Cell-
9437279278,Email:sankarprasadpani@gmail.com

SYNOPSIS

That the present application is filed challenging the illegal felling of trees for a purported construction and beautification of **Jublee Park and Jhinjiri Pond** at a cost of Rupees **28 Cr.** The site on which trees have been felled is a forest land classified as Jungle-1 and no permission for felling of trees or the project activity has been taken under forest conservation Act 1980/ Van Sanrakshan Evam Samvardhan Adhinyam **2023** or any permission from DFO Baripada. Needless to say when both forest and non-forest land involved then no construction activity can be permitted even on non-forest land until the approval is granted under Forest Conservation Act.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

*(Under Section 14, 15, 20 read with Section 18 of the National
Green Tribunal Act, 2010)*

Original Application No -----OF 2026/EZ

IN THE MATTER OF:

Pratap Chandra Mohanty, aged about 46 years, S/o-Sunakar Mohanty,
At/Po- Talasanga, Patkura, Dist- Kendrapara, Pin- 754213.....Applicant

Versus

1. **State of Odisha** represented through Additional Chief Secretary, Forest and Environment Dept, Govt. of Odisha, Kharavela Bhawan, Bhubaneswar, Odisha, 751001, Email: fesec.or@nic.in
2. **Department of Housing & Urban Development**, Government of Odisha, represented through Additional Chief Secretary, At/Po- 3rd Floor, Kharvel Bhavan, West Wing, Room No.- 302, Bhubaneswar - 751001
Email- hudsec.or@od.gov.in
3. **District Collector**, Mayurbhanj, At/Po/Ps- Baripada, Dist-Mayurbhanj.
PIN-757001, Emil- dm-mayurbhanj@nic.in
4. **Divisional Forest Officer (DFO), Baripada**, At/Po- Baripada, Dist. Mayurbhanj, PIN-757001. Email- dfo-baripada@odisha.gov.in
5. **Member Secretary, Odisha Biodiversity Board**, Regional Plant Resource Centre, Ekamrakanan, Nayapalli, Bhubaneswar, 751015 ,
msobb@rediffmail.com
6. **Baripada Municipality**, represented through its Executive Officer, At/Po- Infront of Collector Office, Ghiajodi, Meher Colony, Baripada, Odisha 757001, Email- baripadam.hud@nic.in
7. **Deputy Director General of Forests (C), Ministry of Environment**,

Forest and Climate Change, Government of India, Integrated Regional Office A/3, Chandersekharpur, Bhubaneswar 751023, email- roez.bsr-mef@nic.in

8. **National Federation of Farmers' Procurement, Processing and Retailing Cooperatives of India Ltd**, (NACOF), At/po- Flat Nos. 101-116, 1st Floor, 6, Devika Towers, Nehru Place, New Dehli-110019, Email- nacof.ltd@gmail.comRespondents

- i. The address of the Applicant is given above for the service of notices of this Application.
- ii. The addresses of the Respondents are given above for the service of notices of this Application.
- iii. That the present application is filed challenging the illegal felling of trees and inaction of the state authorities.

MOST RESPECTFULLY SHOWETH:

1. That the Applicant is a conscious citizen concerned with the illegal felling of trees in absence of any permission from the competent authorities. Applicant is a Right to Information activist and member of Odisha Suchana Adhikar Abhiyan, who constantly raises the issue of public importance, illegal mining, illegal felling of trees, corruption and demand for a better transparency in governance.
2. That the below mentioned plots are involved in the proposed **Development of Infrastructure of Jubilee Park, Land Scaping, Island, Boating with amenities in Jubilee Park and Electrical Installation with Children Amenities in Jubilee Park under Baripada Municipality.**

Sl No.	Khata No	Plot No.	Mouza/Ward	Kissam	Recorded Tenant	Area in Acres

1	74	213	Baripada Municipality Ward Ward N	Jungle-1	Municipality department	2.280
2	74	230	Baripada Municipality Ward Ward N	Jalasaya	Municipality department	5.590
3	71	203	Baripada Municipality Ward No.-5	Jalasaya	Municipality department	0.400
4	74	218	Baripada Municipality Ward No.-5	Patita	Municipality department	1.430

3. That the above-mentioned project is being carried out by the Respondent No.-8, for which the work order has been issued by the Respondent No.-6. Needless to say, that **prior to felling of the trees no permission has been sought by the DFO Baripada as the statement of the concerned DFO is recorded by the electronic medias and reproduced by the print medias.**
4. It is pertinent to mention here that the Respondent No.8 on dated 02/04/2026 started tree felling from the site in question particularly Plot No 213 and adjoining plots without having any permission for felling of tree from the concerned authority and **illegally felled more than 100 trees by using chainsaw and stumps cleared by using JCB machines.**
5. That the illegal felling of trees has been widely published in English newspaper namely Indian express on dated 04/04/2026 and OrissaPost on 5th April 2026, wherein it is clearly stated that prior to felling of the trees no permission has been sought from the DFO Baripada. Copy of the news article dated 04/04/2026 and 5/04/2026 is annexed here unto as

ANNEXURE-1.

6. That from the photographs of the site in question dated 3/04/2026, it is evident that the Respondent No.-8 has felled large number of trees by using machines without obtaining any permission from the concerned authorities and the local people also protested such kind of large scale of tree felling. Copy of the photographs is annexed here unto as **ANNEXURE-2.**
7. That in a statement given to media by the DFO Baripada admitted that no permission has been sought or granted by the Forest department prior to felling of the trees from the site in question. Further as evident from the newspaper the project is being executed by Baripada Municipality and the site in question is **not just full of trees but also a bird's paradise** where thousands of different varieties of birds use to take shelter. Further it appears more than 100 of trees have been chopped from the site in question. and the site in question is also popularly known as **“Pakhi Vihar” in Baripada.** Local Environmentalists claimed that a bird habitat existed in central part of Baripada for years where thousands of avian guests took shelter throughout the year. However, hundreds of trees have been chopped using machines despite opposition from residents and environmentalists.
8. It is further submitted that **when a project involves both forest and non-forest land no construction is allowed even on non-forest land.** That the order dated 21/03/2011 clearly states 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. Relevant portion of the order dated 21/03/2011 is reproduced as follows,

“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.” Copy of the order dated 21/03/2011 issued by MOEFCC is annexed here unto as **ANNEXURE-3**.

9. It is pertinent to mention here that in the present case, the Respondent No.-8 has felled large number of trees in violation of the order dated 21/02/2011 passed by MOEFCC.
10. It is not out of place to mention here that the Hon'ble Supreme Court on dated **10/12/2025** passed an order in **Civil Appeal No. 2771/2012**, wherein the apex court has clearly state that *“We are of the opinion that any order or direction to cut trees or to move cut trees will have to be considered in the context of the definition of “forest” as defined by this Court in T.N. Godavarman Thirumulkpad v. Union of India¹. The obligation to follow the procedure under the laws, rules and regulations continue to apply.*” However, in the present case the Government officials have failed to comply with the order passed by Hon'ble Supreme Court. Copy of the order dated 10/12/2025 passed by Hon'ble Supreme Court is annexed here unto as **ANNEXURE-4**.
11. It is most humbly submitted before this Hon'ble Tribunal that, the DFO has not permitted for felling of trees but the trees have been felled by the Respondent No.-8 and as of now punitive action has been taken by DFO, nor the machine engaged in labelling and clearing the land has been seized.

In this case both the Executive Officer Baripada Municipality and the Contractor Resp No 8 are jointly liable for the illegal felling of trees

12. It is further submitted that area require to be inviolate and preserved in it's entirety and any puncture in the ecosystem will lead to more damage to the whole eco-system gradually. More proposals will he floated on the said site once this project is allowed. Hence this project many not be allowed till all alternatives are explored and exhausted.
13. The site is emotionally connected to the local people and Bird Watchers and any kind of damage will hurt the sentiments of local people who have been preserving the site for generations. Once deforestation and damage take place that will demotivate the people from conservation and will have serious consequence on the local ecology. Further, from an aesthetic point of view the site is one of the healing spot and stress relief center for the urban mass and same is being now attempted to be spoiled in the name of redevelopment and concretization.
14. It is further submitted that **compensatory afforestation and future plantation can not be a substitute of existing full-grown forest**, more particularly when the felling of trees could be avoided. Never the less the survival of plantation is a big question mark and if at all survives will take at least 20mores years to come to the status of present site.

VIOLATION OF BIODEVERSIY ACT 2002

15. That considering the rich biodiversity on the site, Section 37 of the Biological Diversity Act 2002 has provision for the declaration of Biodiversity Heritage Sites (BHS) in the state. Biodiversity Heritage Sites (BHSs) are well defined areas specifically unique and fragile ecosystems in terms of biological and ecological significance. They may spread over

terrestrial, aquatic, coastal and inland and marine ecosystems having rich biodiversity. The BHSs are endowed with wild as well as domesticated species, high endemism and occurrence of rare & threatened species, keystone species and species of evolutionary significance. Hence the State Biodiversity Board may be directed for a detailed study to document the rich flora fauna.

16. That the Honble Tribunal **may call for a report from State Biodiversity Board regarding the status of Biodiversity Management Committee and People Biodiversity Register in Baripada Municipality** where the present site is located. Needless to say that the State Biodiversity Board is recusing from exercising its power under Bio diversity Act 2002 wherein the State Biodiversity board has a mandate to preserve the biological resources and they cannot be a fence sitter and witness the treasury of damages to important sites of biological importance.

17. It is further submitted that the Odisha State Biodiversity Board is an independent autonomous body with mandate to protect and preserve the biodiversity of the state. They are still to take any step to constitute the Biodiversity Management Committees (BMC) and prepare the People's Biodiversity Registers(PBR). It is pertinent to mention that the same biodiversity board has made a false statement before NGT Principal Bench in O.A.No.347 of 2016 in the matter of **Chandra Bhal Singh Vrs-Union of India &Others on dated 02/12/2020** in its final report in compliance affidavit. In the same affidavit in ParaNo.4 **the board has stated they have completed 100%of the PBR** but in the present case to the knowledge of the applicant no such PBR is in place.

18. The DFO, as the head of the forest department at the division/district level, acts as a bridge between the State Biodiversity Board and the local

communities (BMCs). Key roles include:

Facilitating BMC Formation: The DFO plays a crucial role in enabling local bodies (Panchayats) to constitute **Biodiversity Management Committees (BMCs)** under Section 41 of the Act. **Developing PBRs:** The DFO, often through field staff, assists in the technical documentation of local biodiversity, traditional knowledge, and practices in the People's Biodiversity Register.

Monitoring Illegal Exploitation: The DFO monitors the collection of biological resources, particularly in forest areas, to ensure it complies with the Act's ABS mechanisms and protects against biopiracy.

Enforcement of Provisions: The DFO is authorized to take action against violations of the Act, including regulating, prohibiting, or restricting the collection of biological resources if deemed detrimental.

Advising SBBs: The DFO provides field-level insights and data to the State Biodiversity Board to help them advise the state government on conserving threatened species and identifying potential Biodiversity Heritage Sites (BHS).

Ex-Officio Role: In many instances, a forestry official is nominated to support or act as an ex-officio member of the BMC, aiding in the management of the Local Biodiversity Fund.

19. It is apparent that the DFO has a role to act against the tree felling not on account of Forest Conservation Act but also on account of the Biodiversity Act 2002 and the DFO Baripada has failed to discharge his duty and due diligence as no penal action has been taken as on date.

20. The Hon'ble Supreme court of India in T N Godavarman case (Supra) has

clarified the scope of forest conservation act and definition of forest as the dictionary meaning irrespective of ownership. Relevant part of the judgment that is applicable in the present instance is reproduced here as follows:

"It has emerged at the hearing, that there is a misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the "Act") and the meaning of the word "forest" used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest: must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(1) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any aren recorded as forest in the Government record irrespective of the ownership This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected therewith must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambica Quarry Works and ors. versus State of*

Gujarat and ors. (1987 (1) SCC 213), Rural Litigation and Entitlement Kendra versus State of UP. (1989 Suppl. (1) SCC 504), and recently in the order dated 29th November, 1996 in W.P.(C) No.749/95 (Supreme Court Monitoring Committee vs. Mussorie Dehradun Development Authority and ors.). The earlier decision of this Court in State of Bihar Vs. Banshi Ram Modi and ors. (1985 (3) SCC 543) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this court to dispel the doubt, if any, in the perception of any State Government or authority.”

21. Order of Hon'ble Supreme court dated 6/07/2011, Lafarge Umiam Mining Pvt Ltd vs Union Of India in WP C 202 of 1995 along with the transfer petition (c) 277 of 2010 says the site may be inspected by state forest department along with Standing Site Inspection Committee constituted by regional office of MoEFCC to ascertain the status of forest based on which a certificate in this regard may be issued

22. That In T.N. Godavarman Thirumulkpad v. Union of India WP 202 of 1995 and order dated 12/12/1996, the Supreme Court examined the National Forest Policy and issued certain directions in the light of the provisions of the Central Act. Direction 1 is important and reads as under:

"In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". **In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith.**

23. Forest Definition under State of Forest Report: The information was given by Minister of State, Ministry of Environment, Forest & Climate Change in Rajya Sabha on 03 FEB 2022 and reported by PIB Delhi

As per decision 19, Conference of Parties (CP) 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

Forest- forest is defined structurally on the basis of

I. **Crown Cover Percentage:** Tree crown cover- 10 to 30% (India 10%)

II. **Minimum area of stand:** area between 0.05 and 1 hectare (India 1.0 hectare) and **Minimum height of trees:** Potential to reach a minimum height at maturity in situ of 2 to 5 m (India 2m).

Copy of the PIB report dated 03/02/2022 is annexed here unto as **ANNEXURE-5.**

24. That Hon'ble NGT PB has already taken into consideration of forests are both a sink and a source for carbon, removing carbon dioxide from the air when standing or regrowing and emitting it when cleared or degraded. Loss of forests, thus, accelerates climate change. Tree cover loss is not always deforestation, which typically refers to human-caused, permanent removal of natural forest cover. It includes both human-caused loss and natural disturbances. Examples of tree cover loss that may not meet the definition of deforestation include loss from logging, fire, disease or storm damage. The data showed that 95 per cent of the tree cover loss in India from 2013 to 2023 occurred within natural forests.

Grounds

- A. That the felling of trees is a substantial issue relating to environment hence sec 14 of the NGT Act is attracted and the Hon'ble NGT may take cognizance of the same offence.
- B. That the site in question from where the trees have been felled is recorded under Forest Kissam land (Jungle) hence approval of MOEFCC is required and in the present case no such permission has been sought from the MOEFCC.
- C. That prior to felling of trees no permission has been sought from the DFO Baripada.
- D. That there is an apprehension that in garb of the present tree felling, the entire area can be put to non-forest use and more trees will be felled damaging the entire forest growth. Hence as a matter of Precautionary Principle, Hon'ble NGT may take cognizance of the same.
- E. That trees provide ecological services including a critical bird habitat and felling of the trees amount to damage to the environment, hence Environmental Compensation need to be computed against the persons who illegally felled the trees.

LIMITATION

That the first cause of auction arose on 02/02/2026 and the original application is filed within six months of the cause of action arose hence the original application is not barred by limitation

INTERIM PRAYER

Hon'ble Tribunal may be pleased to direct the District Collector Mayurbhanj to immediately stop the felling of trees and any construction activity existing over Khata No.- 74, Plot No.- 213 and 230, Khata No.-71,

Plot No.- 203, in Mouza- Baripada Municipality No.-5, of Baripada Tahasil, till final disposal of the Original Application.

PRAYER

Honble NGT may be pleased to pass the directions,

1. Hold and declare that the felling of trees and clearing the land without approval from central government under **Van Sanrakshan Evam Samvardhan Adhinyam 2023** is illegal
2. Direct the state respondents to restore the land to its pristine condition
3. That the Hon'ble Tribunal may call for a report from State Biodiversity Board regarding the status of Biodiversity Management Committee and **People's Biodiversity Register (PBR)** in Baripada Municipality Area where the present site is located.

Pass such other orders/directions as may be deemed fit and proper (including appropriately moulding the reliefs) in the bonafide interests of justice.

7TH April 2026

Applicant Through



Advocate's

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO.- OF 2026

IN THE MATTER OF:

PRATAP CHANDRA MOHANTY ... APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS.... RESPONDENTS

AFFIDAVIT

07 APR 2026

I, **Pratap Chandra Mohanty**, aged about 46 years, S/o-Sunakar Mohanty, At/Po- Talasanga, Patkura, Dist- Kendrapara, Pin- 754213, do hereby solemnly affirm, and declare as under:

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

Pratap Chandra Mohanty
DEPONENT

VERIFICATION

Verified on this 07 APR 2026.....2026 at BBD.....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* 0-10/23
Advocate

Pratap Chandra Mohanty
DEPONENT

The above named deponent(s) being duly identified by *S. J. Sani*
Advocate, Bhubaneswar
Appears before me on 07 APR 2026
at BBD.....A.M./P.M.States
on oath the contents of this affidavit are true to the best of his/ her / their knowledge and belief

JANMEJAYA RAUTRAY
NOTARY GOVT. OF ODISHA
BHUBANESWAR
REGD. NO. ON-86/2012
Mob No-7978581217

Deponent(s) *Pratap Chandra Mohanty*
Notary, Bhubaneswar



04.04.2026

newindianexpress.com

ls Hundreds of trees face civic body axe, locals livid

SUNANTA SAHU @ Baripada

BARIPADA municipality's decision to fell trees near Jhinjirband pond to develop the urban space has not gone down well with local residents, nature lovers and the Forest department.

The trees were apparently chopped without the permission of the Forest department which has sent a team to stop the felling.

The trees, felled in the heart of Baripada town, were shelters for hundreds of bats and other birds. When the news spread and the Baripada Forest Division's attention was drawn, DFO Govind Chandra Biswal instructed his staff to stop the illegal practice.

A dispute over tree felling for



The trees were cut for development purposes. A park is being developed by integrating the area with Jubilee Park, and trees will be replanted there.

Krushnananda Mohanty,
Baripada municipality chairman

construction of an interstate bus terminal was pending before the National Green Tribunal.

Environmentalists said a bird habitat existed in central part of Baripada for years where thousands of avian guests took shelter throughout the year. However, hundreds of trees have been chopped using machines despite opposition from residents and environmentalists.

Green activists such as Vanoo Mitra Acharya, Bishal Singh and Kanhu Mohanty said felling of trees without Forest department's permission is illegal and calls for action.

Chairman of Baripada municipality Krushnananda Mohanty, however, defended the action saying the trees were cut for development purposes. He said a large park is being developed by integrating the area with Jubilee Park, and trees will be replanted there.

However, he was silent over felling of trees on forest-classified land without permission. Meanwhile, Baripada DFO said if any irregularity was found, action will be taken against those responsible.



Felled trees being cleared from near Jhinjirband pond in Baripada town | EXPRESS



Row over tree felling for pond project; work halted



POST NEWS NETWORK

Baripada, April 4: Fresh concerns have emerged in Mayurbhanj district over alleged large-scale tree felling in Baripada under the guise of development work. The Forest Department has halted the activity and launched an inquiry following complaints.

The issue comes even as a separate controversy over tree cutting for an interstate bus terminal in the town remains pending before the National Green Tribunal (NGT).

According to reports, hundreds of trees were allegedly felled without permission during a pond restoration drive in the heart of the town. The area, known for hosting a large number of birds year-round, has reportedly suffered ecological damage, with many birds losing their habitat. Local residents protested after noticing machines being used to cut trees, questioning what they described as arbitrary

actions by the civic body in the name of development. Environmentalists, including Bishal Singh and Kanha Mohanty, expressed strong resentment, alleging the felling was carried out without official clearance.

"The large-scale felling has displaced thousands of birds that had nested here for years," they said.

Baripada Municipality Chairman Krushnanand Mohanty defended the move, stating it is part of a plan to develop a large park by integrating the existing Jubilee Park area. He assured that trees would be replanted at all affected locations.

The incident has raised questions about how such extensive felling occurred on forest-classified land without due permission. The Forest Department has stopped the work and initiated a probe. Divisional Forest Officer Govind Chandra Biswal said strict action would be taken if irregularities are found.

BELOW ATTACHED PHOTOGRAPHS DATED 03/04/2026 SUGGESTS THE LOCAL RESIDENTS ARE PROTESTING AT THE SITE IN QUESTION TO PRESERVE THE EXISTING TREES.



BELOW ATTACHED PHOTOGRAPHS DATED 03/04/2026 SUGGESTS THE LOCAL RESIDENTS ARE PROTESTING AT THE SITE IN QUESTION TO PRESERVE THE EXISTING TREES



BELOW ATTACHED PHOTOGRAPHS DATED 03/04/2026 SUGGESTS THE LOCAL RESIDENTS ARE PROTESTING AT THE SITE IN QUESTION TO PRESERVE THE EXISTING TREES



Latitude: 21.941027
Longitude: 86.725292
Elevation: 57.95±13.9 m
Accuracy: 5.476 m
Time: 03-04-2026 10:20
Note: Pokhibihar



Latitude: 21.940981
Longitude: 86.72534
Elevation: 58.55±13.9 m
Accuracy: 6.354 m
Time: 03-04-2026 10:19
Note: Pokhibihar

BELOW ATTACHED PHOTOGRAPHS DATED 03/04/2026 SUGGESTS THE LOCAL RESIDENTS ARE PROTESTING AT THE SITE IN QUESTION TO PRESERVE THE EXISTING TREES



BELOW ATTACHED PHOTOGRAPH SUGGESTS THE RESPONDENT NO.-8 HAS FELLED LARGE NUMBER OF TREES BY USING EXCAVATORS.



BELOW ATTACHED PHOTOGRAPH SUGGESTS THE RESPONDENT NO.-8 HAS FELLED LARGE NUMBER OF TREES BY USING EXCAVATORS.



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BELOW ATTACHED PHOTOGRAPH SUGGESTS THE RESPONDENT NO.-8 HAS FELLED LARGE NUMBER OF TREES BY USING EXCAVATORS.



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: 21st 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 6th January, 2011 and withdrawal of the same vide dated 17th February, 2011.

Sir/Madam,

Consequent upon withdrawal of Ministry's letter dated 6th 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

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2771 OF 2012

THE STATE OF UTTAR PRADESH
THR. ITS SECRETARY & ORS.

Appellant(s)

VERSUS

JYOTI BHUSHAN MISHRA & ANR.

Respondent(s)

O R D E R

1. This Civil Appeal by the State of Uttar Pradesh arises out of the Judgment and Order dated 23.02.2006 passed by the High Court of Judicature at Allahabad (Lucknow Bench) in W.P. No. 1444 (M/B) of 1996, whereby the Writ Petition filed by the respondents was allowed with certain directions.

2. Short facts, necessary for disposal of this appeal are that the Sahelwa Wild Life Sanctuary in Balrampur District, U.P. was notified on 14.11.1988. One of its ranges, the Barehawa range, known as Ganeshpur Beat with compartments 1, 2 and 3. The Narainpur Jhingha village was surrounded by compartment 1 and 2 of Ganeshpur Beat.

3. Prior to the notification of 1988, the farmers of the village had on 28.12.1965 requested the Divisional Forest Officer for exchange of their agricultural land with land on the out skirts of

the forest, as the Wild Animals from the forest were ruining their crop. In pursuance of this request, their agricultural land of 82.57 acres at Garhwa village was exchanged, with approval of the State Government, with 53 acres of land situated in forest lands. Plantation of trees was started by the Forest Department in the land received from the farmers, and it eventually became homogenous with the surrounding forest. However, it could not be declared a Reserve Forest under the Indian Forest Act, 1927, although the Forests surrounding it had been declared as Reserve Forests earlier. Since then the newly grown forest has merged with the existent habitat of animals as it has been in the continuous uninterrupted possession of the Forest Department for more than 20 years. Meanwhile, the farmers have been farming on the exchanged land.

4. However, in 1990, 3 of the 27 farmers who had exchanged the land, illegally sold said land at Narainpur Jhingha to the respondents, who also knew fully well that it had been the subject matter of exchange. They purchased and got it registered in their name after valuation at a much lower rate. As per the State, the sale as well as the sale deed is void ab initio.

5. In 1995, the respondents moved an application before the Divisional Forest Officer for granting permission to cut and remove fallen and dry standing trees. The respondents allege that though the exchange had taken place in 1970, it was not recorded in the revenue records. However, the fact remains that the original tenure holders had taken the Garhwa village land and were cultivating there. On 15.08.1995, when the respondents applied for permission

to cut the standing trees in the disputed area, they were informed that this application cannot be considered in view of the notification declaring the lands as reserve forest under the Indian Forest Act on 04.07.1970 and 11.01.1971. The order dated 22.09.1995 rejecting permission was challenged by writ in the High Court of Allahabad, Lucknow Bench.

6. In the Writ Petition, though the respondents specifically asked for a declaration that the land in question is not a forest land, the High Court found it unnecessary to delve into the question in view of the following reason:-

"In view of the above, the Writ Petition is to be allowed but so far as the first prayer is concerned with regard to the quashing of the alleged proceeding under Chapter-II of the Indian Forest Act is concerned, such relief is uncalled for because the opposite parties have themselves admitted that no proceedings are pending for declaring the disputed land as 'reserve forest' nor the land of the disputed plots were ever declared as 'reserve forest'. Since, there are no proceedings, there is no question of issuing a Writ in the nature of certiorari for quashing these proceedings."

7. Further, the High Court also proceeded to hold that such a direction is impermissible in law for the following reason:-

"Moreover in our opinion, no such relief as prayed in relief No.1, can be granted as any authority under an Statute cannot be restrained from giving recourse to the due process of law but since as is admitted case, till the plots in question are not declared and notified as reserve forest, the opposite parties would not interfere in the possession of the petitioners as owners of the plots in question except in accordance with law as discussed above."

8. In view of the above referred findings, the High Court passed

final order declaring that in case the respondents lift the trees which have already fallen, the same shall not be obstructed on the ground that the land is a reserve forest.

9. Having considered the matter in detail, we are of the opinion that the High Court has not considered the legal status of the land as the necessary notifications and the documents relating thereto were not before it. The only direction of the High Court is that for cutting the trees if permission is required, an application shall be made and the said application shall be disposed of as per law.

10. We are of the opinion that any order or direction to cut trees or to move cut trees will have to be considered in the context of the definition of "forest" as defined by this Court in *T.N. Godavarman Thirumulkpad v. Union of India*¹. The obligation to follow the procedure under the laws, rules and regulations continue to apply.

11. With this clarification, the Civil Appeal stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
DECEMBER 10, 2025

¹ (1997) 2 SCC 267.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 2771/2012

THE STATE OF UTTAR PRADESH THR. ITS SECRETARY & ORS.Appellant(s)

VERSUS

JYOTI BHUSHAN MISHRA & ANR.

Respondent(s)

Date : 10-12-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Appellant(s) : Mr. Abhishek Saket, Adv.
Mr. Sudeep Kumar, AOR
Ms. Rupali, Adv.
Ms. Nidhi, Adv.

For Respondent(s) : Mr. Prakash Kumar Singh, AOR
Ms. Pooja Singh, Adv.
Ms. Purnima Jauhari, Adv.
Mr. Brij Bhushan Jauhari, Adv.

Mr. Shailesh Madiyal, Sr. Adv.
Mr. Mahesh Srivastava, Adv.
Mr. Vabhav Manu Srivastava, Adv.
Mr. P. N. Puri, AOR
Mr. Sudershan Goel, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The Civil Appeal is disposed of in terms of the Signed Order.
2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(Signed Order is placed on the file)

Ministry of Environment, Forest and Climate Change



Definition under State of Forest Report

Posted On: 03 FEB 2022 3:49PM by PIB Delhi

As per decision 19/Conference of Parties (CP) 9-Kyoto Protocol, the forest can be defined by any country depending upon the capacities and capabilities of the country as follows:-

Forest- Forest is defined structurally on the basis of

- Crown cover percentage: Tree crown cover- 10 to 30% (India 10%)
- Minimum area of stand: area between 0.05 and 1 hectare (India 1.0 hectare) and
- Minimum height of trees: Potential to reach a minimum height at maturity in situ of 2 to 5 m (India 2m)

India's definition of forest has been taken on the basis of above three criteria only and very well accepted by United Nations Framework Convention on Climate Change (UNFCCC) and Food and Agriculture Organization (FAO) for their reporting/communications. The forest cover is defined as 'all land, more than one hectare in area, with a tree canopy density of more than 10 percent irrespective of ownership and legal status. Such land may not necessarily be a recorded forest area. It also includes orchards, bamboo and palm'. The definition of forest cover has clearly been defined in all the India State of Forest Report (ISFR) and in all the International communications of India.

In ISFR 2021 recently published by the Ministry on 13th January, 2022, the forest cover figures are divided as 'Inside Recorded Forest Area' and 'Outside Recorded Forest Area'. Those 'Inside Recorded Forest Area' are basically natural forests and plantations of Forest Department. The Forest cover 'Outside Recorded Forest Area' are mango orchards, coconut plantations, block plantations of agroforestry. Thus data of mango plantations etc. is automatically getting separated out as Forest Survey of India is reporting the figures of 'Outside Recorded Forest Area' separately.

The Interpretation of satellite data for classifying Very Dense Forest (VDF) is also supported by the ancilliary data like field inventory data of FSI, ground truthing data and high resolution satellite imagery wherever required.

At present, there is no plan to change the definition of forest cover and very dense forest. The definition of forest cover in ISFR represents true picture as described.

All India State of Forest Reports having state wise forest cover maps and district wise forest cover figure are available at FSI website.

This information was given by Shri Ashwini Kumar Choubey, Minister of State, Ministry of Environment, Forest & Climate Change in Rajya Sabha today.

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VAKALATNAMA
BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN
ZONE BENCH, KOLKATA

Original Application No.- of 2026

In re:

Pratap Chandra Mohanty

APPLICANT

Versus

State Of Odisha & Ors

... **RESPONDENTS**

KNOW ALL to whom these present shall come I, **Pratap Chandra Mohanty**, aged about 46 years, S/o- Sunakar Mohanty, At/Po- Talasanga, Patkura, Dist- Kendrapara, Pin- 754213. Applicant in the above mentioned matter, do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-**Sankar Prasad Pani**, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002, Mob-no.9437279278, Email- sankarprasadpani@gmail.com Enrollment no. O-785/07 and **Ashutosh Padhy**, Enrollment no. O-1018/23.

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 7th day of April 2026.

Accepted subject to the terms of fees.


Advocate




Client