

BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA.

ORIGINAL APPLICATION NO. 52/2024/EZ

BIRANCHI NARAYAN DASH AND
OTHERS. ... APPLICANTS

VERSUS

UNION OF INDIA & OTHERS... RESPONDENTS

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CUTTACK
DT.02.05.2026


ADDL.GOV'T. ADVOCATE
FOR RESPONDENT NO.1, 3 & 5



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

ORIGINAL APPLICATION NO. 52/2024/EZ

BIRANCHI NARAYAN DASH AND
OTHERS. ... APPLICANTS

-VERSUS-

UNION OF INDIA & OTHERS... RESPONDENTS

**COUNTERAFFIDAVIT FILED ON BEHALF OF THE
RESPONDENT NOS. 1, 3 & 5**

I, Debarchan Behera, aged about 51 years, S/o- Sri Chitrasen Behera, at present working as Divisional Forest Officer, Nayagarh Forest Division, At/Po-Nayagarh, Dist-Nayagarh, and Respondent No.5 in the aforesaid O.A No. 52/2024/EZ, do hereby solemnly affirm and state as follows:-

1. That, I am the Respondent No. 5 in the aforesaid O.A No. 52/2024/EZ and have been duly authorized to swear this affidavit on behalf of the Opp. Party No. 1 & 3.

2. That I have gone through the Original Application as well as the documents annexed thereto and understood the contents and purport thereof. I am otherwise well acquainted with the facts of the case and the relevant official records and competent to swear this affidavit in my official capacity.

Debarchan Behera
Divisional Forest Officer
Nayagarh Division

Surendra Prasad Dhar
Advocate
NOTARY, CUTTACK

3. That the appellant has filed the aforesaid Original Application with the following prayers;

“ i) To declare the land in question i.e. main Plot No.1, Khata No.187 (out of which 7.24 Acres has been converted to Patita Kisam (Classification) and wrongly registered in Abada Jogya Khata No.186), Mouza,Nuagaon,Tehsil Nuagaon, District- Nayagarh, State- Odisha as a Forest Land.

ii) To direct the Respondents not to construct Odisha Adarsh Vidyalaya in the forest land in question, without Forest Clearance.

iii) To direct the Respondents to restore the Forest Land in question to its original position.

iv)To direct the Respondents to pay Environmental Compensation on the basis of Polluter Pay Principle for damaging the Forest Land.

v) And pass any such and further order as you deem fit and proper.”

Heberthm Behr
Divisional Forest Officer
Nayagarh Division

4. That the averments made in Paras- 1 & 2 of the Original Application are not correct and are hereby denied. It is humbly submitted that Hal Plot No.1, Hal Khata No. 187, Mouza- Nuagaon, Kisam-Parbat-1 in Hal ROR, Area Ac.7.24 (out of total area Ac.125.22 acre) is free from tree growths and mountains and the Kissam of the said Plot No. 1 in Hal ROR is Parbata-1 and Pahada & Bagayat in Sabik ROR as per the report of Tahasildar, Nuagaon

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Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

communicated vide its letter No.3422, dt.07.07.2021. As per field verification dtd.06.07.2021, Hal Plot No. 1, Hal Khata No.187, Mouza-Nuagaon, Kissam-Parbat-1 is having shrubs and weedy growth and there was not a single tree felled. It is also evident from adjoining land which is having bushes and weedy growth. In order to mislead this Hon'ble Tribunal, the petitioners have created such a false allegation.

Copy of the report of Tahasildar, Nuagaon vide Letter No.3422, dt.07.07.2021 is annexed herewith as **Annexure-A/3.**

5. That the averments made in Para- 3 of the Original Application are not correct and are hereby denied. It is humbly submitted that it is revealed from the letter No. 3451 dtd.09.07.2021 of Tahasildar, Nuagaon addressed to the Collector, Nayagarh i.e. Respondent No.4 that the D.E.O, Nayagarh submitted another proposal of following site/ land for construction of Odisha Adarsha Vidyalaya, Nuagaon.

Debarshi Behra
Divisional Forest Officer
Nayagarh Division

[Handwritten signature]

Copy of the Letter No. 3451 dtd.09.07.2021 of Tahasildar, Nuagaon addressed to the Collector, Nayagarh is annexed herewith as **Annexure-B/3.**

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Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

Mouza	Khata No.	Plot No.	Total area	Required Area	Kissam	
					As per Hal ROR	As per Sabik ROR
1	2	3	4	5	6	7
Nuagaon	187(AAA)	01	Ac.125.22	Ac.7.24	Parbat-I	Pahada & Bagayata
Ambajhari	137(RA)	101	Ac.3.62	Ac.1.30	Bastijogya	Danda & Nayanjori

After visit of said site by the Tahasildar, Nuagaon on 21.08.2020 being found suitable the proposal was recommended to the Collector, Nayagarh for selection of the site by the site selection committee. Subsequently, the proposed site of Mouza- Nuagaon was approved by the site selection committee. The allegation made by the applicants that the land belongs to kissam Jungle in Sabik ROR is false and fictitious. The factual report of the case intimated by the Collector & District Magistrate, Nayagarh vide his letter No. 1147 dtd. 16.07.2021 to the Special Secretary to Govt. Forest & Environment & Climate Change Department, Odisha, Bhubaneswar, copy of which is annexed herewith as **Annexure-C/3**. As per the "Khatian" published during 28.02.1983 in the column of detailed description i.e. "Bistarita Bibarani" it is mentioned that the place is

Deberghu Behu
Divisional Forest Officer
Nayagarh Division

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Surendra Prasad Dha
Advocate
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“Ghancha Jungle” where as kissam is Parabat-I. But, physically at present no trees growth is found over that place. Further, the Kissam of Land is Parbat-I but not any Jungle kissam. The Tahasildar, Nuagaon vide his letter No. 1671 dtd. 18.05.2024 in Para-3 & 4 stated that as per the guideline booklet published by Govt. in R&DM Department, Odisha except Anabadi land no Bistarita Bibarani will be mentioned in other Abadi land. However, in Parabat kissam land, the Bistarita Bibarani will be mentioned like the local name/nick name of the Parabat but not as Ghancha Jungle. In another Booklet namely “Kissam Niyamabali” it has also been clarified that the Jungle Kissam land will be recorded in Rakhita Khata only but here the land in question is recorded in Abad Ajogya Anabadi Khata. So this kissam may not be treated as Jungle. It is confused by the petitioners towards “Kissam” vrs “Description of land” which is written as “Ghancha Jungle”.

Deben Behra
Divisional Forest Officer
Nayagarh Division

Copy of the report vide Letter No.1671 dtd. 18.05.2024 of Tahasildar, Nuagaon is annexed herewith as **Annexure-D/3**.

The brief fact of the Original Application, it is humbly submitted that as the Divisional Forest Officer, Nayagarh Division i.e. Respondent No.5 is not in the “Site Selection Committee”, so there is nothing to comment. Moreover, the Tahasildar, Nuagaon has reported to this office vide his letter No. 3422, dtd. 07.07.2021 under Annexure-1 of the counter

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

affidavit, that the alleged land in question i.e. Hal Plot No.1 Hal Khata No. 187, Mouza-Nuagaon, Kissam- Parbat-I, Area Ac. 7.24 is free from tree growths and mountains. The kism of the said land in old Sabik ROR is Pahada & Bagayat.

It is further humbly submitted that the Tahasildar, Nuagaon vide its letter No. 3451 dtd. 09.07.2021 (Annexure-B/3) addressed to the Collector, Nayagarh intimated that the Hal Plot No.1 under Hal Khata No. 187, Mouza-Nuagaon Ac. 10.40 dec, selected for Construction of Odisha Adarsha Vidyalaya, Nugaon has been selected and approved by the site selection committee on dtd. 12.03.2018 but later it has been rejected due to existence of trees and mountains (As per sketch map). Then DEO, Nayagarh has submitted another proposal revising the sketch map of earlier proposal including in adjacent site/land of Mouza-Ambajhari, the details of which has been stated in the earlier paragraphs. The said proposal has been approved by the site selection committee.

Heberm Debn
Divisional Forest Officer
Nayagarh Division

6. That the averments made in Paras- 4 & 5 of the Original application, this deponent has no comments to offer.

CP-5
Surendra Prasad Prasad
Advocates
NOTARY, CUTTACK

7. That the averments made in Para- 6 of the Original Application are not correct and are hereby denied. It is humbly submitted that the Respondent Nos.4 and 5 not wrongly stated that the land in question is not a forest land. After direction of Hon'ble Tribunal in O.A. No. 36 of 2021, the matter has been re-examined as per the ROR and report of Tahasildar, Nuagaon communicated vide its letter No.3422, dt.07.07.2021 (Annexure-A/3), the alleged land is not jungle kissam land in both Hal and Sabik ROR. Further, as per field verification by the Divisional Forest Officer, Nayagarh, dtd.06.07.2021, Hal Plot No. 1, Hal Khata No.187, Mouza- Nuagaon, Kisam-Parbat-1 is having shrubs and weedy growth. Since it is not coming under jungle kissam, permission of Central Govt. is not required for use of land in non-forest activities.

8. That the averments made in Para- 7 of the Original Application are not correct and are hereby denied. It is humbly submitted that the alleged land i.e. Hal Plot No.1, Hal Khata No. 187, Mouza- Nuagaon, Kissam- Parbat-1, area Ac.7.24 is not a jungle kissam land in both Hal and Sabik ROR. As per report of Tahasildar, Nuagaon vide his letter No.3422 dtd.07.07.2021 under Annexure-A/5 and also it is not included in the DLC Report which was prepared as per order dt.12.12.1996 of the Hon'ble Supreme Court of India, pronounces a Judgement in the matter of T.N Godavarman Vrs Union of India, Writ Petition (C) No.202 of 1995.

Debarun Behera
Divisional Forest Officer
Nayagarh Division

Debarun Behera

CP-5
Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

9. That the averments made in Para- 8 of the Original application, this deponent has no comments to offer.

10. That the averments made in Para- 9 of the Original Application are not correct and are hereby denied. It is humbly submitted that as per the " Khatian" published during 28.02.1983 in the column of detailed description i.e. " Bistarita Bibarani" it is mentioned that the place is " Ghancha Jungle" where as kissam is Parabat-I. The Tahasildar, Nuagaon vide his letter No. 1671 dtd. 18.05.2024 (Annexure- D/3) in Para-3 & 4 stated that as per the guideline book let published by Govt. in R&DM Department, Odisha except Anabadi land no Bistarita Bibarani will be mentioned in other Abadi land. However, in Parabat kissam land, the Bistarita Bibarani will be mentioned like the local name/nick name of the Parabat but not as Ghancha Jungle.

In another Booklet namely "Kissam Niyamabali" it has also been clarified that the Jungle Kissam land will be recorded in Rakhita Khata only but here the land in question is recorded in Abad Ajogya Anabadi Khata. So this kissam may not be treated as Jungle. But, physically at present no trees growth is found over that place. Further, the Kissam of Land is Parbat-I but not any Jungle kissam. It is confused by the petitioners towards "Kissam" vrs "Description of land" which is written as "Ghancha Jungle".

Surendra Prasad Dha
Divisional Forest Officer
Mayagarh Division

42-5-
Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

11. That in reply to the averments made in Para-10 of the Original Application it is humbly submitted that the Notification No-GE (GL)-S-76/2010-43968 R & DM, dtd. 24.10.2011 of Govt. of Odisha in Revenue and Disaster Management Department (Annexure-7 to the OA) is not applicable in the instant case as the alleged land is not a jungle kissam land.

12. That the averments made in Para- 11 of the Original Application are not correct and are hereby denied. It is humbly submitted that as per order dtd. 12.12.1996 of the Hon'ble Supreme Court of India, in the Case of T.N. Godavarman Thirumulpad vrs. Union of India & ors, passed in WP (Civil) No. 202/1995, a District Level Committee has been constituted in Nayagarh district for identification of land which looks like a jungle. The alleged land has not been included in the DLC report prepared by the Committee.

13. That the averments made in Para- 12 of the Original Application are not correct and are hereby denied. It is humbly submitted that the contents of the Notification No-GE (GL)-S-76/2010-43968 R & DM, dtd. 24.10.2011 of Govt. of Odisha, Revenue and Disaster Management Department (Annexure-7 to the OA) is not applicable in the instant case.

Debaraj Debnath
Divisional Forest Officer
Nayagarh Division

12-5
Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

14. That the averments made in Para- 13 of the Original Application are not correct and are hereby denied. It is humbly submitted that the Forest Conservation Act,1980 is not applicable in the instant case as the land in question is not a jungle kissam land in both Hal & Sabik kissam Record and it is not also found place in the DLC Report of the district.

15. That in reply to the averments made in Para-14 of the Original Application it is humbly submitted that as per the suitability of land and the demand of public the land has been selected for the better interest of public. So, the allegation made by the petitioner in the last line of the paragraph is false.

16. That the averments made in Para-15 of the Original application, this deponent has no comments to offer.

17. That the averments made in Para- 16 of the Original Application are not correct and are hereby denied. It is humbly submitted that since the land in question is not Jungle Kissam in both Hal and Sabik record, there is no need to refer the matter to the Assistant Settlement Officer, Puri for better clarification.

18. That the averments made in Para- 17 of the Original Application are not correct and are hereby denied. It is humbly submitted that since the land in question is not

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Divisional Forest Officer
Nayagath Division

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Surendra Prasad Dhal
Advocate
NOTARY, CUTTACK

Jungle kissam in both Hal and Sabik Record, de-reservation of land is not required in the instant case.

19. That the averments made in Para-18 of the Original application, this deponent has no comments to offer.

20. That the averments made in Para- 19 of the Original Application are not correct and are hereby denied. It is humbly submitted that the contents of the Notification No. GE (GL)-S-76/2010-43968 R & DM, dtd. 24.10.2011 of Govt. of Odisha, Revenue and Disaster Management Department (Annexure-7 to the OA) is not applicable in the instant case. Further the land in question does not find place in the DLC Report of the district.

21. That the averments made in Paras-20 to 22 of the Original application, this deponent has no comments to offer.

22. That the averments of the Original Application are not specifically denied in this counter are not to be treated as admitted rather deemed to have been denied.

23. That this deponent also craves leave of this Hon'ble Court to file further affidavits as and when this Hon'ble Court desire.

Suben Kumar Behera
Divisional Forest Officer
Nayagarh Division

Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

24. That the facts stated above are true to the best of my knowledge, belief and based on official records.

Identified by,


DEPONENT
Divisional Forest Officer
Nayagarh Division

Addl. Govt. Advocate

C E R T I F I C A T E

Certified that due to non-availability of cartridge papers the instant affidavit has been prepared on thick white papers.

CUTTACK
DT. 02.05.2026


ADDL.GOV'T. ADVOCATE
FOR RESPONDENT NO.1, 3 & 5



The above named Deponent
Solemnly affirm on... 2nd 5 2026
D. Mehera
Being Identified
by... D. Mehera (AQA)


Surendra Prasad Dha
Advocate
NOTARY, CUTTACK

Detail Information on Salra

Handwritten notes:
08/07/21
CF



TAHASIL OFFICE, NUAGAON

Email Id : tahasil.nuagaon@gmail.com / tah.nuagaon-od@nic.in

Tel. No. 06753-263123/263124

No. 2422 // Date 07/7/2021

To

The Dist. Forest Officer, Nayagarh

Sub. :- Regarding Status of the Govt. Land for Odisha Adarsha Vidyalaya, Nuagaon

Sir,

I am to intimate you that the field enquiry has been made on 06.07.2021 at 5.00P.M accompanied with you and it is found that the patch of Govt. Land measuring an area of Ac.08.54 under Khata No. 187 & 137, Pertaining Plot No. 01 & 101 (Kisam- Parbat-I & Bastijogya) of Mouza - Nuagaon & Ambajhari having area Ac.7.24 & Ac.1.30 respectively have been identified and selected for construction of Odisha Adarsha Vidyalaya, Nuagaon. On field verification, it is ascertained that an area of Ac.7.24 out of that big plot measuring an area Ac.125.22dec. was free from trees growths and mountains followed by an area of Ac.1.30 out of Ac.3.62 of adjacent plot No.101 of another Mouza - Ambajhari. Those sites are non-forest in kissam i.e. Parbata-I/ Bastijogya in hal R.O.R. and Pahada & Bagayata / Danda & Nayanjori in Sabik ROR. The proposed site is not coming under D.L.C., as such the same is stands recorded in Revenue Department.

Thus the selected site of Mouza - Nuagaon & Ambajhari has been properly verified by the site selection committee and no illegal & arbitrary action have been made in selection of site land for construction of Odisha Adarsha Vidyalaya, Nuagaon.

True Copy Attested

Handwritten signature
Divisional Forest Officer
Nayagarh Division

Yours faithfully,

Handwritten signature
Tahasildar, Nuagaon

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Annexure B/3
TAHASIL OFFICE, NUAGAON

NO. 3451 DATE 09.07.2021

To

The Collector, Nayagarh

Sub. :- Details of the cases pertaining to Odisha Adarsha Vidyalaya, Nuagaon.

Madam,

As per telephonic direction, I am to intimate you that an area of Ac.10.40dec. under Khata No.187 pertaining to plot No.01 of Mouza – Nuagaon have been selected and approved by the site selection committee for construction of Odisha Adarsha Vidyalaya, Nuagaon on 12.03.2018. The said selected site was rejected later due to existence of trees and mountains in the proposed area (as per sketch map).

Then an area of Ac.2.47dec. under Khata No.83 pertaining to plot No.388 of Mouza – kachhapalli have been selected and approved by the site selection committee for construction of Odisha Adarsha Vidyalaya, Nuagaon on 25.06.2019. The said selected site was rejected later due to Kisam- Jungle in Sabik R.O.R.

Then an area of Ac.9.00dec. under Khata No.219 pertaining to plot No.762,766,386,388 of Mouza – Mahitama. The same was informed to the Dist. Education office, Nayagarh about selection of new site of Mouza – Mahitama vide Tahasil Office Letter No.3032 dtd.08.11.2019. Accordingly the D.E.O., Nayagarh submitted fresh application for allotment of Govt. land in Mouza- Mahitama for construction of Odisha Adarsha Vidyalaya vide their office letter No.9767 dtd.10.12.2019 received in Tahasil Office on 20.12.2019. After receipt of application from the D.E.O, Nayagarh, the R.I., Mahitama was directed to conduct field enquiry and to submit the present status of the proposed land. The R.I., Mahitama reported vide his letter No.24 Dtd.14.02.2020, that the land is not free from encroachment, 30 (Thirty) Nos. of Sal trees are standing over the land approximately. No effective steps could not be taken for eviction of encroachments and removal of tree growths due to alarming situation of COVID-19 in our Country. So the people of village-Mahitama aggrieved for this development & they have filed P.I.L. case bearing No. 29891 of 2020 against State of Odisha & others.

True Copy Attested


Divisional Forest Officer
Nayagarh Division

In the mean time the D.E.O., Nayagarh submitted another proposal of following site / land of Mouza - Nuagaon being revised the sketch map of earlier proposal including adjacent site / land of Mouza - Ambajhari for construction of Odisha Adarsha Vidyalaya, Nuagaon.

Mouza	Khata No	Plot No	Total Area	Required Area	Asses. Hal ROR	Kissam As per Sabik ROR
1	2	3	4	5	6	7
Nuagaon	187 (AAA)	01	Ac.125.22	Ac.7.54	Parbata-I	Pahada & Bagayata
Ambajhari	137(RA)	101	Ac.3.62	Ac.1.30	Bastijogya	Danda & Nayanjori

The proposed site was visited by the Tahasildar, Nuagaon on 21.08.2020 and the proposed site was found suitable. As such the proposal was recommended to the Sub-Collector, Nayagarh for selection of the site by the site selection committee. Then the proposed site was approved by the site selection committee.

The petitioners of W.P.(C) No. 32482 of 2020 aggrieved due to non-selection of land in their Mouza - Haridabandha under Mahipur R.I. Circle for construction of O.A.V., Nuagaon, stated that the land in the mouza - Haridabandha is suitable land for construction of Odisha Adarsha Vidyalaya, but in reality the kissam of the land is "GOCHAR" and there is no surplus Gochar land in Mouza-Haridabandha as calculated by the concerned Revenue Inspector, Mahipur.

Now the petitioners claimed that the land selection for construction of Odisha Adarsha Vidyalaya at Nuagaon contravenes of the provisions of Forest (Conservation) Act 1980 and claimed that the land in Mouza - Haridabandha is suitable for construction of Odisha Adarsha Vidyalaya, Nuagaon.

As per the recent development during field verification with Dist. Forest Officer, Nayagarh on Dated 06.07.2021, I found that a N.G.T. case has been filed with N.G.T by one Sri Ladukishore Sadhangi of Mahitama.

True Copy Attested


Divisional Forest Officer
Nayagarh Division

Yours faithfully,


Tahasildar, Nuagaon



COLLECTORATE: NAYAGARH
(Revenue Section)

No. 1147/Rev. Dt. 16/7/21

To

The Special Secretary to Govt.,
Forest & Environment & Climate Change Deptt.,
Odisha, Bhubaneswar.

Sub:-

Original Application No. 36/2021/EZ filed by Ladukishore Sarangi & other Vrs
the Chief Secretary, State of Odisha & others.

Ref:-
Sir,

Your letter No. 12028 /FE&CC dtd. 13.07.2021

In inviting a reference to the letter on the subject cited above I would like to
submit herewith the factual report on the allegation made by the applicants in the above
noted O.A

It is a fact that the District Education Officer, Nayagarh being authorised by
Odisha Madhyamika Sikshaya Mission had filed application in Form No- I dtd. 02.03.2019
before the Tahasildar, Nuagaon for alienation of Govt. land in favour of Odisha Adarsha
Vidyalaya, Nuagaon Block in respect of Hal Plot No. 388 measuring an area of Ac 2.47 in
mouza Kachapalli which had not been considered as the Sabik Kisam of the corresponding
has plot was Jungle.

Then the DEO, Nayagarh in consultation with the Tahasildar, Nuagaon has identified
following alternative scheduled of land and applied for alienation of the same.

Mouza	Khanta No.	Plot No.	Area	Kisam
Nuagaon	187 (Abada Ajogya Anabadi)	1	Ac7.24 out of Ac125.22	Parbat-I
Ambajhari	137 (Rakhita Anabadi)	101	Ac1.30 out of Ac 3.62	Gharabari
Total			Ac.8.54	

On verification of the corresponding sabik RoR it is found that hal plot No.1 relates to
sabrik plot No. 1,2,3, 4 and 76 in which the kisam of plot no. 1,2,3 and 4 is PAHADA and Plot
No. 76 is Bagayat(Tentuli) whereas the corresponding sabik plot of hal plot no. 101 of
mouza Ambajhari are 31 and 47 with kisam Danda and Nayanjori respectively. For better
appreciation of the fact the authenticated copy of the RoR (both Hal and Sabik) are also
attached as Annexure 1 and 2.

True Copy Attested

Divisional Forest Officer
Nayagarh Division

16/7/21

Thus the allegation made by the applicants that the land belongs to Kisam Jungle in Sabik RoR is false and fictitious. Though in the column of Bistarita Bibarani of RoR, it has been mentioned as Ghancha jungle, physically no tree growth is found over the land as reported by Tahasildar, Nuagaon as well as D.F.O Nayagarh. The report of Tahasildar, Nuagaon is attached as Annexure-3. In this case Conservation of Forest Act, 1980 will not attract as neither in hal RoR nor in Sabik RoR the kisam of the land is Jungle.

It is not admitted that in the month of October the undersigned cleared more than 100 naturally grown trees without approval of Central Govt. The photographs submitted by the petitioners are not the photographs of the site selected for OAV, Nuagaon as ascertained from the DFO, Nayagarh. In order to mislead to the Hon'ble National Green Tribunal the petitioners have created such a false allegation.

In view of this I am to say that the allegation made by the applicants are devoid of merit and in order to defeat the process they have filed this application with ill intention by submitting false and fabricated informations/documents.

Under the above circumstances, I would request you to engage Govt. Counsel who will defend the matter before Hon'ble National Green Tribunal on behalf of O.P No. 5 & 6 (Collector & DFO, Nayagarh) also.

True copy Attested.

[Signature]
Divisional Forest Officer
Nayagarh Division

Yours faithfully,
[Signature]
Collector & District Magistrate,
Nayagarh

TAHASIL OFFICE, NUAGAON

Email Id: tahasil.nuagaon@gmail.com / tah.nuagaon-od@nic.in

Tel No. 06753-263123/263124

Letter No. **1671** Date. **18/05/24**

To

The Division Forest Officer, Nayagarh Division.

Sub: OA No. 52/2024 (IA No. 29/2024) filed by Biranchi Narayana Dash, & others Vrs Stae of Odisha & others pending before the NGT (Ez) Bench Kolkata -Clarification regarding status of land under khata No. 187, Plot No. 1, for OAV, Nuagaon.

Ref: Your letter No. 3508/4-F. (Misc.) Dated 25.04.2024.


Madam,

In inviting a reference to the letter on the subject cited supra, I would like to intimate you that Site Selection for OAV, Nuagaon has been made by the District Site Selection Committee over Plot No.-1 measuring an area of Ac 7.24 out of Ac125.22 under AAA Khata No. 187 Kisam Parbat -I of village Nuagaon. Since the Sabik and Hal kissam of the land is not recorded as Jungle kissam, necessary steps has been taken to change the kissam of only Ac 7.24 of land out of the total area of Ac. 125.22 to Patita Kisam under AJA khata through Rev.Misc.Case No. 01/2020 in order to facilitate for alienation. Accordingly alienation approved by the Collector, Nayagarh vide alienation Case No. 01/2020 The land recorded in the name of OAV, Nuagaon and at present the construction has been made up to root level after disposal of a series of cases file before Hon'ble NGT and Hon'ble High Court Orissa and also before the Apex Court of India.

This OA No. 52/2024 is another attempt for the self same land. In this connection, it is to state that when neither it is Sabik kissam nor the Hal kissam of the land is Jungle, the process of forest Diversion under CFA 1980 on application of the guideline of Govt. in R & DM Deptt. Odisha Communicated vide Letter No. 43968 Dtd. 24.10.2011 is not applicable for the suit land.

Apart from this, it is pertinent to say that in the guideline Booklet published by Govt. in R & DM. Deptt. It is clearly mentioned that except Anabadi land no Bistarita Bibarani will be mentioned in other Abadi land. However in parbat kissam land, the Bistarita Bibarani will be mentioned like the local name/nick name of the Parbat but not as Ghancha Jungle.

True Copy Attested.


Divisional Forest Officer
Nayagarh Division

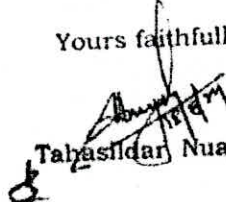
In another Booklet namely "Kisam Niyamabali" it has also been clarified that the Jungle Kisam land will be recorded in Rakhita Khata only but here the land in question is recorded in Abada Ajogya Anabadi Khata. So this kisam may not be treated as Jungle.

This is for your kind information and necessary action.

True copy attested.

Divisional Forest Officer
Nayagarh Division

Yours faithfully,


Tahasildar Nuagaon

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to apurba ^

From Sanjib Swain Lulu · sanjibswainadv@gmail.com

To apurba ghosh · apu7law@gmail.com

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