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**BEFORE THE HON'BLE National Green Tribunal,
EASTERN ZONE BENCH, KOLKATA
ORIGINAL APPLICATION NO. 143 OF 2026**

IN THE MATTER OF:

BijayParida S/O Kailash chparida, aged about 45 years,
At- SUNDAR PUR, PO- CHANDAKA, BHUBANESWAR
At/PO: Belagachhia, Trisulia,
District: Cuttack, Odisha.

... Applicant/Objector

VERSUS

MalkeenBehera, W/o BasudevBehera, aged about 45 years,
QR No. Block 2/6, Hi-Tech Medical College Premises,
Pandara, Bhubaneswar, Odisha.

... Respondent No. 1
(Private Respondent/Encroacher)

The Divisional Forest Officer (DFO), City Division, Bhubaneswar, Odisha.

... Respondent No. 2.

The Tahasildar, Bhubaneswar Tahasil, Odisha.

... Respondent No. 3

The Inspector-in-Charge (IIC), Chandaka Police Station, Bhubaneswar, Odisha.

... Respondent No. 4

APPLICATION UNDER SECTIONS 14, 15 & 18 OF THE NATIONAL GREEN TRIBUNAL ACT, 2010

MOST RESPECTFULLY SHOWETH:

1. Jurisdiction

That the present application is being filed under Sections 14 and 15 of the National Green Tribunal Act, 2010 seeking adjudication of substantial questions relating to the environment and enforcement of legal rights relating to forest land and ecological protection.

This Hon'ble Tribunal has jurisdiction as the cause of action relates to illegal encroachment, destruction of forest land, and violation of environmental and forest laws within the territorial jurisdiction of the Eastern Zone Bench.

2. Facts of the Case

That forest kisam land bearing Khata No. 849, Plot No. 549, area Ac. 9.595 (part), situated at Village Sundarpur under Bhubaneswar Tahasil, Odisha, is recorded as forest land.

That Respondent No. 1 has illegally and forcefully occupied the said forest land without any lawful authority.

That Respondent No. 1 has:

Cut and destroyed a large number of trees,

Cleared forest vegetation,

रा.ह.अ.पू.क्षे न्या, कोलकाता
NGT, EZB, KOLKATA
प्राप्ति सं. / Receipt No. NGT/EZB/161/154
दिनांक / Date 18/03/2026

Made permanent constructions/structures over the forest land,

Altered the natural character of the land.

That such acts are in gross violation of:

The Forest (Conservation) Act, 1980,

The Indian Forest Act, 1927,

The Environment (Protection) Act, 1986,

The Odisha Forest Act and relevant revenue laws.

That despite repeated complaints, Respondent Nos. 2, 3, and 4 have failed to take action and have allegedly acted in connivance with Respondent No. 1 by allowing continued encroachment and destruction. He is openly boasting of having the support of local police, forest and revenue officials.

That the illegal acts have resulted in:

Irreparable ecological damage,

Loss of forest cover,

Disturbance of biodiversity,

Adverse environmental impact in and around Sundarpur area.

3. Cause of Action

The cause of action first arose when illegal encroachment and tree felling commenced and continues as the construction and occupation are ongoing, thereby causing continuous environmental damage.

4. Grounds

A. Because forest land cannot be diverted for non-forest purposes without prior approval of the Central Government under the Forest (Conservation) Act, 1980.

B. Because unauthorized occupation and construction over forest land is illegal and liable to be removed.

C. Because public authorities are duty-bound to protect forest land and prevent encroachment.

D. Because the "Polluter Pays Principle" and "Precautionary Principle" are applicable.

E. Because failure of statutory authorities amounts to dereliction of duty.

5. Reliefs Sought

In view of the above, the Applicant humbly prays that this Hon'ble Tribunal may be pleased to:

Direct immediate eviction of Respondent No. 1 from forest land bearing Khata No. 849, Plot No. 549, area Ac. 9.595 of Village Sundarpur.

Direct demolition and removal of all unauthorized permanent structures raised over the forest land.

Direct restoration and afforestation of the land at the cost of Respondent No. 1.

Impose heavy environmental compensation/penalty upon Respondent No. 1 under the Polluter Pays Principle.

Initiate action and recommend disciplinary proceedings against Respondent Nos. 2, 3 and 4 for failure to discharge statutory duties.

Direct constitution of a Joint Committee comprising Forest, Revenue and Pollution Control authorities to assess environmental damage and submit a report before this Hon'ble Tribunal.

Pass any other order(s) deemed fit and proper in the interest of justice and environmental protection.

6. Interim Relief

Pending final disposal of the application, the Applicant prays that this Hon'ble Tribunal may:

Direct status quo over the land in question,

Restrain Respondent No. 1 from further construction or tree cutting,

Direct immediate inspection by a competent authority.

7. Declaration

The Applicant declares that the matter is not pending before any other court/authority except for complaints made to authorities which remain unacted upon.

8. Limitation

The application is within limitation as the cause of action is continuing in nature.

9. Verification

I, Sri BijayParida, the Applicant above named, do hereby verify that the contents of this application are true and correct to the best of my knowledge and belief.



Signature of the Applicant
(Sri BijayParida)

Place:

Date: