

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
Original Application No.223/2024/EZ**

**IN THE MATTER OF:-**

**News Item Title "Odisha Land Jihad in Malkangiri District Islam Nagar built on 100 acres of forest land in Motu Area appearing in the Organiser dated 30.09.2024". ..... Sou Motu**

**Versus**

**State of Odisha & Ors. ....Respondents**

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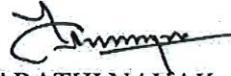
*Signature*

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Cuttack

Advocate for the Respondent No. 3

Dated.11.03.2025



PARTHA SARATHI NAYAK  
ADDL. GOVERNMENT ADVOCATE

Mob:- 9437277043

Email:- advparthaohc@gmail.com



BEFORE THE NATIONAL GREEN TRIBUNAL EASTERN  
ZONE BENCH, KOLKATA

Original Application No.223/2024/EZ

IN THE MATTER OF:-

News Item Title "Odisha Land Jihad in Malkangiri  
District Islam Nagar built on 100 acres of forest land in  
Motu Area appearing in the Organiser dated  
30.09.2024".

..... *Sou Motu*

Versus

State of Odisha & Ors.

....Respondents

**COMPLIANCE AFFIDAVIT FILED ON BEHALF OF**  
**RESPONDENT No.2**

I, Shri Rama Krishna Satyaraj Guru, aged about 31 years,  
S/o Rajiba Lochana Guru, at present working as the Tahasildar,  
Kalimela At/PO/PS-Kalimela, Dist- Malkangiri and In-charge  
Tahasildar, Motu vide letter no. 1177/XIV-03/2025 dated  
28/02/2025 of Collectorate, Malkangiri, do hereby solemnly  
affirm and state as follows:-

- Rama Krishna Satyaraj Guru*
1. That I am working as in-charge Tahasildar, Motu and I am  
duly authorised by the Respondent No.3 to swear this  
affidavit on his behalf. I am well acquainted with the facts of

*Rama Krishna Satyaraj Guru*  
**Tahasildar**  
**Motu**

**B. MISHRA**  
NOTARY, CUTTACK  
ODISHA

the case and also competent to swear this affidavit on behalf of the Respondent No.3.

2. That the present Original Application is registered suo-motu on the basis of the news item titled 'Odisha Land Jihad in Malkangiri District Islam Nagar built on 100 acres of forest land in Motu Area' appearing in Organiser dated 30.09.2024".The matter relates to the alleged encroachment of approximately 100 acres of forest land in the Motu area in Malkangiri district, Odisha to establish a settlement named Islam Nagar.
3. That, one of Ismail Khan settled at Baribanchara village under Motu Tahasil of Odisha State before independence of India and got married a tribal koya lady. Out of the wedlock 5 sons were blessed and their names viz. Masoom Khan, Fateh Khan, Hassam Khan, Jamal Khan and Kala Khan.
4. That, Late Md. Ismail Khan has got patta vide Khata No. 4 having a total area in Hc. 4.377 comprising of 7 (Seven) plots under Baribanchara Mouza.
5. That, Masoom Khan, S/o Late Ismail Khan has also got patta vide Khata No. 208/54 having a total area in Hc. 0.0160 in 1 (One) plot under Motu Mouza.

Rama Krishna Sengupta

Tahasildar  
Motu

*[Handwritten signature]*

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6. That, Hassam Khan, S/o Late Ismail Khan has also got patta vide Khata No. 208/35 having a total area in Hc. 3.5370 comprising of 6 (Six) plots under Motu Mouza.
7. That in the year 2022, the Revenue Inspector of Motu Circle intimated to this office regarding encroachment of Govt. land at Baribanacha village by (1) Md. Hassam Khan, S/O Md. Ismail Khan, (2) Md. Masoom Khan, S/o Ismail Khan and (3) Md. Jamal Khan, S/o Md. Ismail Khan of Motu village. Accordingly, Encroachment Cases were booked against them vide E.C Case No. 01/22, 02/22 and 03/22 respectively under OPLE Act, 1985. They had been issued notice and also given 30 (Thirty) days to remove the encroachment from the date of receipt of the notice failing which they will be summarily evicted from the Govt. land. Challenging said notice issued under OPLE Act, the encroachers approached before the Hon'ble High Court of Orissa, Cuttack vide W.P (C) No. 14868/2022, 14867/2022 and 14870/2022. Now, the above mentioned W.P (C) cases are in sub-judice. The details are as follows.

Ramona Krishna Satyanselvi Gurun  
Tahasildar  
- Motu

Sl. No	Name of the Mouza	Khata No.	Plot No.	Total extent of area (Hc.)	Kissam	Area of occupation (Hc.)	Nature of occupation	Name & address of the encroacher	Remarks
1	2	3	4	5	6	7	8	9	10
1	Baribanacha	20	73	2.700	Jungle	1.000	Farm Pond	Md. Hassam Khan, S/o Late Ismail Khan, Vill:	WP (C) No. 14868/2022 is under

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								Motu	Sub-Judice in the Hon'ble High Court of Orissa, Cuttack.
2	Baribancha	18	44	3.959	Jungle	1.000	Farm Pond	Md. Masoom Khan, S/o Late Ismail Khan, Vill: Motu	WP (C) No. 14867/2022 is under Sub-Judice in the Hon'ble High Court of Orissa, Cuttack.
		18	74	1.025	Gramya Jungle	1.025	Farm Pond		
		18	78	10.450	Gramya Jungle	3.000	Farm Pond		
3	Baribancha	18	76	4.700	Gramya Jungle	3.000	Kendu leaf godown & House	Md. Jamal Khan, S/o Late Ismail Khan, Vill: Motu	WP (C) No. 14870/2022 is under Sub-Judice in the Hon'ble High Court of Orissa, Cuttack.
<b>TOTAL</b>						<b>Hc. 9.025 (Ac. 22.29)</b>			

Purna Krishna Sanyal  
 Tahasil  
 = Motu

8. That in the WP (C) No. 14868/2022, 14867/2022 and 14870/2022, the Hon'ble High Court of Orissa, Cuttack vide order dated 17.06.2022 directed that "Status quo be maintained till the next date". Since, then no further date has

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been fixed for hearing on the above mentioned WP (C) Cases.

The Xerox copies of order dated 17.06.2022 passed in W.P.(C) No.14868/2022, 14867/2022 and 14870/2022 are filed herewith as ANNEXURE-A/3 Series.

9. That, Addl. Govt. Advocate, Office of the Advocate General, Odisha, Cuttack has been requested vide this office Letter No.1669 Dt. 05.10.2024 for early listing of the above WP (C) cases. On dtd. 08.10.2024 the Tahasildar, Motu has filed Counter Affidavit for WP (C) No. 14868/2022, 14867/2022 and 14870/2022.

The Xerox copy of letter No.1669 Dt. 05.10.2024 is filed herewith as ANNEXURE-B/3.

10. That in the year 2024, the Revenue Inspector of Motu Circle once again intimated to this office regarding encroachment of Govt. land at Baribancha village by (1) Md. Jamal Khan, S/o Md. Isamil Khan, (2) Md. Khair Ulha Khan, S/o Md. Masoom Khan and (3) Md. Imran Khan, S/o Md. Jamal Khan of village Motu. Accordingly, Encroachment cases were booked against them vide E.C No. 151/24-25, 152/24-25 and 153/24-25 respectively under OPLE Act, 1985. The encroachers had been issued notice 01.10.2024 and also given

Rama Krishna Sanyal, Grom  
Tahasildar  
Motu

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30 (Thirty) days to remove the encroachment from the date of receipt of the notice failing which they will be summarily evicted from the Govt. land. On Dt. 04.12.2024 the encroachers were evicted from the Govt. land. Currently, the area is free from encroachment. The lands are as follows.

Raonra Krishna Satyagraj Guesu  
 Tahasilidai  
 Motu

Sl. No.	Name of the Mouza	Khata No.	Plot No.	Total extent of area (Hc.)	Kissam	Area of occupation (Hc.)	Nature of occupation	Name and address of the encroacher	Remarks
1	2	3	4	5	6	7	8	9	10
1	Baribanacha	18	76	4.700	Gramya Jungle	1.042	Farm Pond	Md. Jamal Khan, S/o Late Ismail Khan, Vill: Motu.	Evicted on 05.12.2024 and now the land is free from encroachment.
2	Baribanacha	18	78	10.450	Gramya Jungle	3.000	Farm Pond	Md. Khair Ulla Khan, S/o Masoom Khan, Vill: Motu.	Evicted on 05.12.2024 and now the land is free from encroachment.
3	Baribanacha	18	44	3.959	Jungle	1.959	Farm Pond	Md. Imaran Khan, S/o Jamal Khan, Vill: Motu.	Evicted on 05.12.2024 and now the land is free from encroachment.
<b>TOTAL</b>						<b>Hc. 6.001 (Ac. 14.82)</b>			

*Signature*

11. That, the approach road from National Highway 326 to Baribanacha village is constructed over Reserve Forest Land under MGNREGA Scheme which was being used by the

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 ODISHA

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villagers of Baribanacha. The approach road was closed by the Forest Department and there a sign board has been erected with "Prohibited area"

12. That, 03 (Three) no. of ponds were excavated over the Govt. land by (1) Md. Jamal Khan, S/o Late Ismail Khan, (2) Md. Khair Ulla Khan, S/o Masoom Khan & (3) Md. Imaran Khan, S/o Jamal Khan of village Motu under different schemes of Central Govt. and State Govt. viz. Pradhan Mantri Matsya Sampada Yojana (PMMSY) and Matsya Pokhari Yojana. The illegal excavation of Ponds over govt land have been evicted and cut the edges of pond on 05.12.2024 by the Tahasildar, Motu.

13. That one Kendu leaf godown is situated over Govt. land pertaining to Plot No.76, Khata No.18, Mouza-Baribanacha, which is constructed by Md. Jamal Khan, S/O Late Ismail Khan of village Motu. Md. Jamal Khan Challenging the eviction notice has filed WP (C) No. 14870/2022 before the Hon'ble High Court of Orissa, Cuttack which is under Sub-Judice.

14. That it is respectfully submitted that, substantial buildings are constructed over the Govt. Land pertaining to Plot No.76, Khata No.18, Mouza- Baribanacha and the same were running by Md. Jamal Khan, S/o Late Ismail Khan for Ayurvedic Medicine manufacturing unit without any valid documents /

Rama Krishna Sanyal  
Tahasildar  
- Motu

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B. MISHRA  
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license. The illegal manufacturing unit on Ayurvedic medicine was sealed and closed by the District Administration on date 04.10.2024. The demolition of the structures were not carried out as the matter is sub judicious before the Hon'ble High Court of Orissa as the said Ayurvedic Medicine manufacturing unit is situated over Plot No.76, Khata No.18, Mouza-Baribancha.

The Xerox copy of proceeding order for sealing of Ayurvedic medicine unit and photograph showing execution of sealing are filed herewith as ANNEXURE-C/3 Series

15. That it is submitted that the Respondent No.3 reserves the right to file further affidavit if so required in future.

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

Identified by

P. S. Nayak

Advocate

Rama Krishna Satyavaj Gurusu

DEPONENT  
Tahasilda:  
Motu

CERTIFICATE

Certified that cartridge papers not being available, thick white papers are being used.

Cuttack

Dt. 11.03.2025

*[Signature]*

PARTHA SARATHI NAYAK  
ADDL. GOVERNMENT ADVOCATE  
Mob:- 9437277043

Solemnly Sworn before me by... R.K. Satyavaj Gurusu  
being identified by... P.S. Nayak Advocate  
at Cuttack dated... 11/03/2025

*[Signature]*  
B. MISHRA  
NOTARY, CUTTACK  
ODISHA



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ANNEXURE-A/B serial

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 14868 of 2022

*Md. Hasam Khan*

....

*Petitioner*

*Mr. G. Mukherji, Advocate*

-Versus -

*State of Orissa and others*

....

*Opposite Parties*

*Mr. B. Bharadwaj,  
Additional Standing Counsel*

CORAM:  
JUSTICE SASHIKANTA MISHRA

ORDER  
17.06.2022

WP(C) No. 14868 of 2022

&

I.A. No. 7897 of 2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. On oral prayer made by Mr. G. Mukherji, learned Senior Counsel appearing for the petitioner, Secretary, Forest Environment and Climate Change Department, Government of Odisha, Bhubaneswar is impleaded as opposite party no.4 in Court.
3. Learned State Counsel accepts notice on behalf of all the opposite parties. Three extra copies of the writ petition be served upon him by 20<sup>th</sup> June, 2022 to enable him to obtain instructions, particularly with regard to the contentions raised in paragraph-10 of the writ petition.
4. List this matter on 18<sup>th</sup> July, 2022.

*Jyoti*  
Tahasildar  
Moti

5. Status quo be maintained till the next date.
6. Urgent certified copy of this order be granted on proper application.

*(Sashikanta Mishra, J.)*  
*Vacation Judge*

B.C. Tudu



*Motij*  
**Tahasildar**  
Motij

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IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 14867 of 2022

*Md. Masom Khan*

....

*Petitioner*

*Mr. G. Mukherji, Advocate*

*-Versus -*

*State of Orissa and others*

....

*Opposite Parties*

*Mr. B. Bharadwaj,  
Additional Standing Counsel*

CORAM:  
JUSTICE SASHIKANTA MISHRA

ORDER  
17.06.2022

WP(C) No. 14867 of 2022

&

I.A. No. 7895 of 2022

Order No.

1.

1. This matter is taken up through hybrid mode.
2. On oral prayer made by Mr. G. Mukherji, learned Senior Counsel appearing for the petitioner, Secretary, Forest Environment and Climate Change Department, Government of Odisha, Bhubaneswar is impleaded as opposite party no.4 in Court.
3. Learned State Counsel accepts notice on behalf of all the opposite parties. Three extra copies of the writ petition be served upon him by 20<sup>th</sup> June, 2022 to enable him to obtain instructions, particularly with regard to the contentions raised in paragraph-10 of the writ petition.
4. List this matter on 18<sup>th</sup> July, 2022.

*P. S. Motu*  
Shasildar  
Motu

5. Status quo be maintained till the next date.
6. Urgent certified copy of this order be granted on proper application.

*(Sashikanta Mishra, J.)*  
*Vacation Judge*

B.C. Tudu



*Motu*  
**Tahasildar**  
**- Motu**

IN THE HIGH COURT OF ORISSA AT CUTTACK

WP(C) No. 14870 of 2022

*Md. Jamal Khan* .... *Petitioner*

*Mr. G. Mukherji, Advocate*

-Versus -

*State of Orissa and others* .... *Opposite Parties*

*Mr. B. Bharadwaj,  
Additional Standing Counsel*

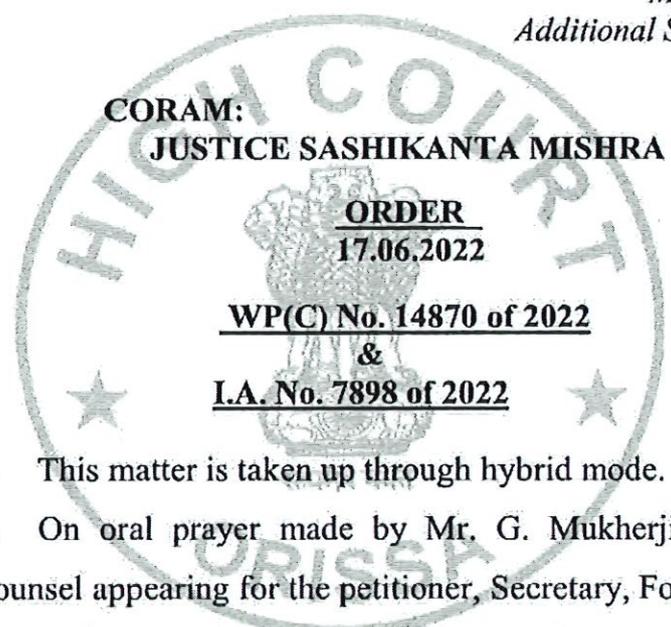
**CORAM:  
JUSTICE SASHIKANTA MISHRA**

**ORDER  
17.06.2022**

**WP(C) No. 14870 of 2022**

**&**

**I.A. No. 7898 of 2022**



**Order No.  
1.**

1. This matter is taken up through hybrid mode.
2. On oral prayer made by Mr. G. Mukherji, learned Senior Counsel appearing for the petitioner, Secretary, Forest Environment and Climate Change Department, Government of Odisha, Bhubaneswar is impleaded as opposite party no.4 in Court.
3. Learned State Counsel accepts notice on behalf of all the opposite parties. Three extra copies of the writ petition be served upon him by 20<sup>th</sup> June, 2022 to enable him to obtain instructions, particularly with regard to the contentions raised in paragraph-10 of the writ petition.
4. List this matter on 18<sup>th</sup> July, 2022.

*Jyoti*  
**Tahasildar**  
**Motu**

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22

5. Status quo be maintained till the next date.
6. Urgent certified copy of this order be granted on proper application.

*(Sashikanta Mishra, J.)*  
*Vacation Judge*

B.C. Tudu



*[Signature]*  
Tahasildar  
Motu



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ଓଡ଼ିଶା କାର୍ଯ୍ୟାଳୟ, ମୋଟୁ  
**OFFICE OF THE TAHSILDAR, MOTU**

**ANNEXURE-B/3**  
Post : Motu  
Dist : MALKANGIRI  
Pin : 764087  
e-mail: tah.motu@nic.in

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No. 1669 / WPC\_2022.

Dated the 5<sup>th</sup> October 2024.

To

The Addl. Government Advocate,  
Office of the Advocate General,  
Odisha, Cuttack.

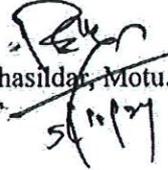
Sub: Filing of Affidavit for Early Listing in WPC No.14867/2022, 14868/2022 and 14870/2022 filed by Md. Masoom Khan, Md. Hassam Khan and Md. Jamal Khan of Motu respectively.

Sir,

In inviting a kind reference to the subject cited above I am o say that the WPC No.14867/2022, 14868/2022 and 14870/2022 filed by Md. Masoom Khan, Md. Hassam Khan and Md. Jamal Khan of Motu respectively was last heard on 18.08.2022 and no further hearing was taken up since then.

In this regard as the Tahasildar, Motu is the Opp. Party No.3 and to request that kindly early listed the above three WPC Cases for further hearing.

Yours faithfully,

  
Tahasildar, Motu.

  
**Tahasildar**  
**Motu**



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ଓଡ଼ିଶା କାର୍ଯ୍ୟାଳୟ, ମୋତୁ  
OFFICE OF THE TAHASILDAR, MOTU

ANNEXURE-C/3SERIES

Post : Motu  
Dist : MALKANGIRI  
Pin : 764087  
e-mail: tah.motu-od@nic.in

No 1968 / 2024.

Dated the 28<sup>th</sup> October 2024.

To

The C.D.M. & P.H.O.,  
Malkangiri.

Sub: Forwarding of proceeding of inquiry into thye illegal operation of Herbal  
Medicine processing unit at vill: Baribancha – Regarding.

Sir,

In inviting a kind reference to the subject cited above I am to send herewith  
the proceeding of inquiry onto the illegal operation of herbal Medicine processing unit at  
village Baribancha under Tahasil – Motu for taking necessary action at your end as per law.

This is for favour of your kind information and necessary action.

Encl: Original copy of proceeding  
of inquiry.

Yours faithfully,

Tahasildar, Motu.

Memo No 1968CA / 2023.

Dated the 28<sup>th</sup> October 2024.

Copy along with a copy of the proceeding submitted to the Sub-Collector-  
cum-Sub-Divisional Magistrate, Malkangiri for favour of kind information and necessary  
action.

Tahasildar, Motu.

Memo No 1968CB / 2023.

Dated the 28<sup>th</sup> October 2024.

Copy along with a copy of the proceeding submitted to the Addl. District  
Magistrate, Malkangiri for favour of kind information and necessary action.

Tahasildar, Motu.

Tahasildar  
Motu

**PROCEEDING OF INQUIRY IN TO ILLEGAL OPERATION OF HERBAL MEDICINE PROCESSING UNIT AT VILLAGE BARIBANCHHA UNDER TAHASIL, MOTU ON DTD .04<sup>TH</sup> OCTOBER ,2024 ATT 04.30 PM.**

One team comprised of CDM&PHO,DPHO,Malkangiri,Sub-Collector ,Malkangiri, MOAyush,Podia,IPO DIC ,Malkangiri IIC ,Motu,Team leader DIP, Malkangiri ,Tahasildar,Motu visited Baribanchha village and found one Ayurvedic Medical Clinic ( Unani) is being operated by one Md. Jamal Khan S/o - Md.Ismail Khan of Baribanchha.The team enquired and inspected the clinical facilities.

Following deficiencies are observed by the team, in the premises as per clinical establishment (control and Regulation) Act -1991 ,Amendment Act,2016.

1. It is being run without registration under Odisha Clinical Establishment (Control and regulation) Act.1991.
2. It lacks minimum requirement as mentioned in scheduled -1 (Rule -3 (2)) of Odisha Clinical Establishment ( C&R ) Amendment Act-2016.
3. Installed machineries in the processing unit shows sign of prolongednon functioning with dusty, dirty surrounding.
4. The Store Room contains some unknown herbal raw materials in jute bags . There is no availability of fire safety & life safety measures .
5. There is no zone for (BMW) Bio Medical Waste Management / segregation .
6. The entire compounds and roads filled with growing shrubs/ weeds/ scattered constrictive materials indicating long timenon functioning of the establishment.
7. No staffs / Technical , Non Technical found on the site .

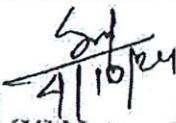
No authentic documents like Registration/AyushLicense Certificate / PCB Certificate, Pharmacy Certificate etc. Displayed in the rooms .

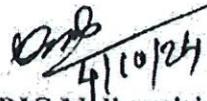
On being asked on Md. Asraf said that , The herbal processing Unit at village Baribanchha is closed since last 3 years due to Non -available of Licence to run the Unit. The Unit and material have been shifted to chintoor , Andharapradesh.The clinic is Non - operational. The team collected sample medicine,inspectected all the machineries, and decided to seal the Unit Under Sec. 14. B (I) as per Clinical establishment ( Control and regulation ) Act ,1991.

In Contravention of the provision of this act Rules made under ,the inspection Authority decided to seal the Clinical Establisjhment till the deficiencies are complied . Total seven nos of items have been listed out sealed and closed the clinical establishment.

 27/10/24  
**DPHO**  
 District Public Health Officer, Malkangiri

 20/10/24  
**Ayurvedic Medical Officer**  
 Govt. Ayurvedic Dispensary Padia, Dist - Malkangiri

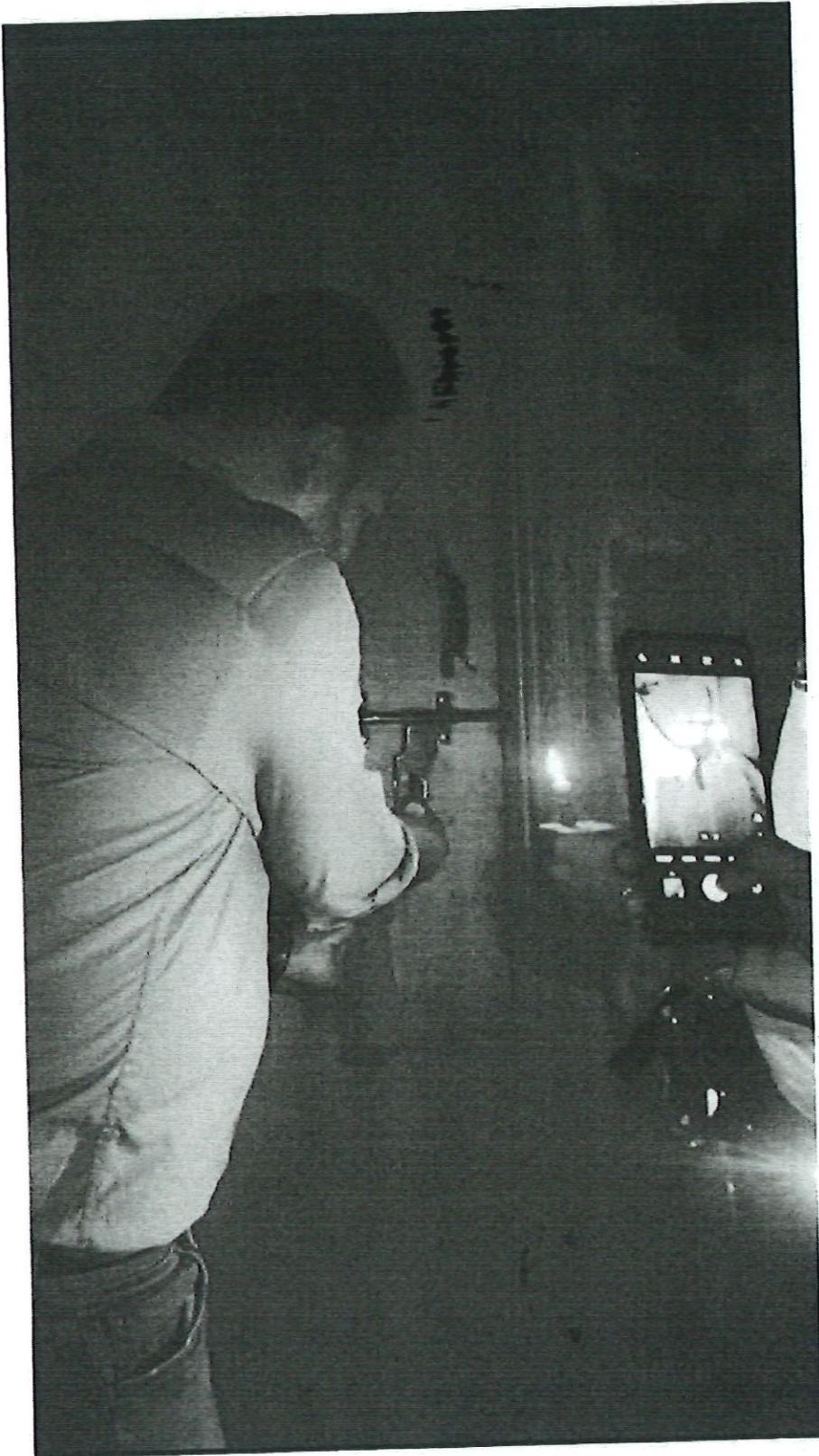
 4/10/24  
**IIC, Motu**  
 Motu P.S

 4/10/24  
**General Manager**  
 D.I.C. Malkangiri

 4/10/24  
**Team Leader, DIPA**

  
**Drug Inspector, Malkangiri**

  
**Tahasildar, Motu**  
**TAHASILDAR**  
**MOTU**



*Fajun*  
Tahasildar  
Motu