

**IN THE COURT OF NATIONAL GREEN  
TRIBUNAL PRINCIPAL BENCH, NEW DELHI:  
ORIGINAL APPLICATION NO. 21 OF 2024**

SHAILESH SAHOO .....APPLICANT

-VERSUS-

STATE OF ODISHA & ORS. ....RESPONDENTS

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Cuttack

Date: 08.07.2025

Addl. Government Advocate

SANJAY RATH

ADDL. GOVT. Adv.

MOB: 9861022612

email: adv.sanjayrath@gmail.com

IN THE COURT OF NATIONAL GREEN  
 TRIBUNAL PRINCIPAL BENCH, NEW DELHI:  
ORIGINAL APPLICATION NO.21 OF 2024

SHAILESH SAHOO .....APPLICANT

-VERSUS-

STATE OF ODISHA & ORS. ....RESPONDENTS

AFFIDAVIT FILED BY COLLECTOR &  
DISTRICT MAGISTRATE, CUTTACK  
(RESPONDENT NO.6) PURSUANT TO  
ORDER DATED 23.04.2025.

I, Devdutta Pradhan, aged about 30 years, S/o-Sushanta Kumar Pradhan at present working as Tahasildar, Sadar, Cuttack, At/Po/Dist:-Cuttack, do hereby solemnly affirm and state as follows:

1. That, I have been duly authorised by the District Magistrate and Collector, Cuttack, i.e. Respondent No. 6 in the aforesaid Original Application No. 21 of 2024, to swear the present affidavit on his behalf. I have carefully gone through letter petition dated 21.07.2023 basing on which the Hon'ble Principal Bench, New Delhi has been pleased to take cognizance. I have also gone through Order dated 23.04.2025 passed by this Hon'ble Tribunal and understood the contents thereof. I am well acquainted with the facts of the case and the relevant official records.
2. That this Hon'ble Tribunal had been pleased to direct the Respondents vide Order dated 23.04.2025 to file



*Devdutta Pradhan*

their own affidavits with reference to the averments made in the Original Application, observations made in the report of the joint committee, determination of flood plain zone of river Mahanadi, encroachment and illegal constructions on the land of the river Mahanadi and steps taken for removal of such encroachments and illegal constructions. The present affidavit is being filed pursuant to the said direction issued by this Hon'ble Tribunal.

3. That, the allegation made in the Original Application refers to seven mouzas/villages i.e. Kanheipur, Bhogamba, Bhadimula, CRRI, Gatiroutpatna, Diha Sahi and Biribati. In this context it is apt to state that four mouzas vis-à-vis- Sikharpur, Kanheipur, Gatiroutpatna and Bhadimula are coming under the jurisdiction of the Cuttack Development Authority (CDA) and Cuttack Municipal Corporation (CMC) being declared as such under the provisions of the Odisha Development Authorities Act, 1982. This has been clearly stated/elaborated in affidavit dated 19.03.2025 filed by Respondent No.4 i.e. CDA before this Hon'ble Tribunal. As such, CDA/CMC deal with the planning, function and initiation of appropriate proceedings in regard to unauthorised constructions in those areas. Apart from the said four mouzas, it is most humbly submitted that Bhogamba is a hamlet of Banabidyadharpur Revenue village which finds place as CRRI in the Original Application and as Bidyadharpur in affidavit dated 19.03.2025 filed by

*Development authority*



CDA. The said area CRR1/ Bhogamba is part of the Revenue Village Banabidyadharpur which comes under the jurisdiction of CDA. Similarly Dihasahi is a hamlet of Revenue Village Gatiroutpatna which also comes under CDA's jurisdiction. The village Biribati as has been mentioned in the Original Application also lies within the jurisdiction of CDA coming under CDP area recently.

Copy of the R.I report in this regard is annexed herewith and marked as ANNEXURE-A/6.

4. That it is most humbly submitted that the aforesaid areas having been declared as 'development areas' have been included under the jurisdiction of CDA which is to regulate all matters pertaining to such areas as per the Provisions Contained under the Odisha Development Authority Act, 1982 (hereinafter referred to as the Act, 1982 in short) and the Rules framed thereunder. Section 91 of Act, 1982 makes provision for removal of unauthorized development and is reproduced hereinbelow for ready reference of this Hon'ble Tribunal:

"XXXXX

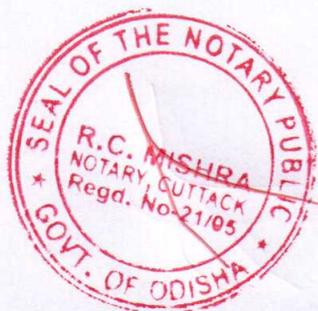
91. Removal of unauthorised development - (1) Where any development has been commenced or is being carried on or has been, completed in contravention of the development plan or without the permission, approval or sanction referred to in Section 15 or in contravention of any condition subject to

*Lawyer's name*



which such permission, approval or sanction has been granted [or any development deemed to be a development undertaken, carried out or completed without a permission as referred to in Section 15 under Clause (b-1) of Sub-section (2) of Section 128] any officer of the Authority empowered by it in this behalf, may in addition to any prosecution that may be instituted under this Act, make an order directing that such development shall be removed by demolition, falling or otherwise [or secured by sealing] by the owner thereof or by the person at whose instance the development has been commenced or is being carried out or has been completed, within such period not being less than five days and more than fifteen days from the date on which a copy of the order of removal, with a brief statement of the reasons therefor, has been delivered to the owner or that person as may be specified in the order and on his failure to comply with the order, the officer of the Authority may remove or [cause to be removed the development or seal or cause to be sealed such development and the expenses incurred therefor] shall be recovered from the owner or the person at whose instance the development was commenced or was being carried out or was completed as arrears of land revenue:

*Rev. Chittabhadram*



Provided that no such order shall be made unless the owner or the person concerned has been given reasonable opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under Sub-section (1) may appeal to the State Government or an Officer appointed by the State Government in this behalf, against that order within thirty days from the date thereof, and the Government or the Officer, as the case may be, may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order. The decision of the State Government or the Officer shall be final and shall not be questioned in any Court of law.

(3) The provisions of this section shall be in addition to, and not in derogation of any other provision relating to demolition of buildings contained in any other law for the time being in force.

xxxxx”

The term ‘Unauthorized Construction’ has been defined under Rule 2 (cxlix) of the Odisha Development Authorities (Planning and Building Standards) Rules, 2020 (hereinafter referred to as the Rules, 2020 in short) which has been framed pursuant to the provisions contained under Section 125 of the Act, 1982. The said Rule 2 (cxlix) is reproduced

*Handwritten signature*



hereinbelow for ready reference of this Hon'ble Tribunal.

"XXXXX

2 (cxlix) "unauthorized construction" means the erection or re-erection, addition or alternation which is not approved or sanctioned by the Authority; XXXXX"

Also, Rule 6(2)(xi) of the aforesaid Rules, 2020 which makes provision for action to be taken against unauthorized constructions is also reproduced hereinbelow for ready reference of this Hon'ble Tribunal:

"XXXXX

6(2)(xi) In case, the authority or urban local body having appropriate jurisdiction at any time identify unauthorised construction or violation of the standard building plan or violation of any of the provisions prescribed in this rule, then such construction shall be deemed as unauthorised construction and such plot owner shall be liable for action under the provisions of Odisha Development Authorities Act, 1982 and rules and regulations framed thereunder and the decision of the competent authority shall be final; XXXXX"

It is therefore clear that the appropriate competent authority(s) under the Act, 1982 and the Rules framed there under have been empowered

*Unauthorised construction*



to take action/demolish/regularize all unauthorized constructions erected within the areas declared to be development areas by initiating appropriate proceedings against the concerned persons by following the procedure laid down for the same under the Act, 1982 and the Rules framed thereunder.

5. That, the deponent humbly submits that, mouza Kanheipur, Gatiroutpatna, Bhadimula and Banabidyadharpur (CRRI) come under the yellow zone (general residential zone) of CDA's Comprehensive Development Plan (CDP) whereby under the land situated in those mouzas can be converted to Non-Agricultural land under section 8 (A) of OLR Act, 1960 if permitted by CDA. Accordingly conversion cases in those mouzas were allowed to be filed till filling of the present O.A but, presently, the concerned Revenue Inspectors have been suitably instructed by the Tahasildar, Sadar, Cuttack to clarify effect of O.A case or conversion of land under section 8 (A) of OLR Act in the areas which have been mentioned in the Original Application.

The copy of the said letter dated 17.05.2025 is annexed here with as ANNEXURE-B/6.

6. That similarly, as all the seven mouzas as aforesaid are in Yellow zone areas of CDA's Comprehensive Development Plan, the Vice Chairman, CDA and Commissioner, CMC have been requested separately by the Tahasildar, Sadar, Cuttack to move the Government in Housing & Urban Development

*Devedutta Chakraborty*



Department for imposition of restriction in the said areas for conversion under section 8(A) of OLR Act.

Copy of such letter dated 29.05.2025 is annexed herewith as ANNEXURE- C/6.

- 7. That the facts stated and averments made in different paragraphs of this affidavit are based on document(s) and record(s) available and the deponent believes the same to be true and correct to the best of his knowledge.

Identified by

Advocate

*Devdutta Pradhan*  
 Tahasildar, Sadar,  
 DEPONENT

Solemnly affirm before me  
 by Devdutta Pradhan, who is identified before me  
 by Sanjay Raha, ~~Advocate~~ of Advocate  
 General's Office whom I personally known.

This the 08<sup>th</sup> day of June, 2025.

OATH COMMISSION  
 NOTARY PUBLIC, CUTTACK

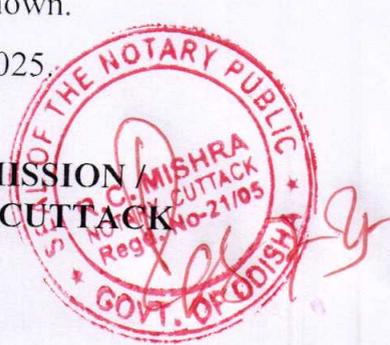
CERTIFICATE

Certified that due to non-availability of cartridge papers thick white papers are used.

Cuttack

Date:- 08.7.2025

ADDL. GOVT. ADVOCATE.



OFFICE OF THE REVENUE INSPECTOR, GATEIROUTPATANA

Letter No- 155

Dt 24.06.2025

To

The Tahasildar, Sadar, Cuttack

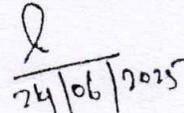
Subject:- Regarding Revenue villages related to  
O.A Case No-21/2024.

Sir,

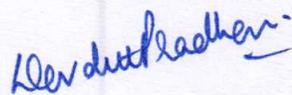
With due respect I am to inform you about the subject cited above that the villages mentioned in O.A. Case no- 21/2024 are not all revenue villages and all are not adjoined with river Mahanadi. The Revenue villages are Bhadimal, Banabidyadharpur and GatiROUTPATANA related to O.A. Case no- 21/2024 and adjoined with bank of River Mahanadi. But Bhogansa is not a revenue village, it is a hamlet of Banabidyadharpur and Dihasahi is a hamlet of GatiROUTPATANA. Dihasahi village is not adjoined with bank of River Mahanadi.

This is for your kind information and necessary action.

Yours faithfully.


24/06/2025  
R.I. GatiROUT Patna

True Copy


Tahasildar, Sadar,  
Cuttack



OFFICE OF THE TAHASILDAR, SADAR, CUTTACK  
E-mail- tah1.ctc@nic.in, Ph. No.-0671-2507053

Letter No 6216 / Judcl.

Dt. 17<sup>th</sup> May, 2025

To

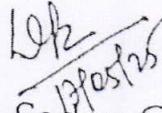
The Revenue Inspector,  
Sikharpur/Gateiroutpatna/Paisa/Biribati

Sub:- Conversion of Agriculture Land to Non-Agricultural Land purpose in different mouzas of Kanheipur, Bhogamba, Bhadimula, CRRI, Gateiroutpatna, Dihasahi upto Biribati near catchment area of the river Mahanadi.

This is to intimate that, the Original Application bearing No. 21 of 2024 has been filed before the Hon'ble Court of National Green Tribunal, Principal Bench, New Delhi to save the river Mahanadi from erosion. In view of the same, you are hereby directed to be vigilant while reporting conversion cases U/S- 8(A) of OLR Act 1960. Also make regular site visit and keep vigil over the said areas to prevent illegal constructions and encroachments over Government land near catchment areas of the river Mahanadi.

Hence, you are once again instructed to report regarding the areas coming under catchment area of the river Mahanadi in connection with O.A. filed before the Hon'ble National Green Tribunal, Principal Bench, New Delhi while submitting the conversion proposals U/S- 8(A) of OLR Act 1960 henceforth.

Please treat this Most **URGENT** and **IMPORTANT**.

  
Tahasildar, Sadar, Cuttack

True Copy

  
Tahasildar, Sadar,  
Cuttack

- II -  
385



Annexure - C16

OFFICE OF THE TAHASILDAR, SADAR, CUTTACK  
E-mail- [tah1.etc@nic.in](mailto:tah1.etc@nic.in), Ph. No.-0671-2507053

To Letter No. 6872 /Judcl Dt. 29<sup>th</sup> May 2025

The Vice-Chairperson,  
Cuttack Development Authority,  
Cuttack  
The Commissioner,  
Cuttack Municipal Corporation, Cuttack

Sub:- Filing of O. A before Hon'ble N.G.T, New Delhi for endangering to embankment of river Mahanadi from Kanheipur to Gateiroutpatna area.

Sir,

In inviting a kind reference to the subject cited supra, i am to bring to your kind notice that during field visit by the committee it has come to the notice that the alleged site is coming under CDP area with yellow zone which is permissible for conversion of agricultural land under section 8 (A) of OLR Act 1960. Accordingly on receipt of OLR 8 (A) applications and duly enquired through the Revenue Inspector concerned, the said applications are allowed for change of Gharabari kisam. Also the applicants have constructed residential and commercial buildings over the alleged areas of O.A case filed before the N.G.T. It is seen in the ground that the said area is yellow zone CDP area, which is permitted for housing purpose. So, the OLR 8 (A) applications received from the citizens could not be avoided and the constructions have have been undertaken near river bank of Mahanadi. Keeping in view of the O.A filed before the N.G.T, New Delhi, it is proposed to change the yellow zone CDP area to ~~red~~ <sup>environmental sensitive</sup> zone for protection of the river embankment of Mahanadi and to avoid likely flood situation in rainy season.

This is for favor of kind information and personal intervention in the matter.

Yours faithfully

Tahasildar, Sadar, Cuttack

Memo No. 6873 /Judcl., Dt. 29<sup>th</sup> May 2025

Copy submitted to the Sub-Collector, Sadar, Cuttack/Additional District Magistrate, Cuttack for favour of kind perusal.

Tahasildar, Sadar, Cuttack

True Copy

Tahasildar, Sadar,  
Cuttack