



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

ORIGINAL APPLICATION NO.102/2021/EZ.

KESHAB GANDA

APPLICANT

VERSUS

STATE OF ODISHA
AND OTHERS

RESPONDENTS

**AFFIDAVIT FILED BY THE RESPONDENTS NO.2, 3 & 9
TO THE REJOINER FILED BY THE APPLICANT.**

I, Shri Prasanna Kumar Behera, aged about 57 years, son of late Purnananda Behera, at present serving as the Divisional Forest Officer, Nabarangapur Forest Division, in the district of Nabarangapur, do hereby solemnly affirm and state as follows;

1. That I am the respondent no.9 in the aforesaid original application. I have thoroughly and carefully gone through the contents of the rejoinder affidavit filed by the applicant and understood the same. I am well acquainted with the facts of the case and competent to swear this affidavit for self and for the respondents no.2 and 3, being duly authorized.

2. That it is respectfully submitted that pursuant to the kind order of this Tribunal dated 22.3.2022, the deponent has filed an affidavit on 20.04.2022 denying the allegations made against the State/Respondents and justifying the action taken for construction of a community Centre. Besides, the deponent has also filed a further affidavit on 16.7.2022 enclosing a copy of the government guidelines

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Prasanna Kumar Behera
Divisional Forest Officer
Nabarangapur Division

dated 18th May, 2009 and the letter dated 22.6.2022 of the Tahasildar, Jharigaon, stating the true state of affairs. The contents of both the affidavits filed by the deponent may be treated as a part of this affidavit for brevity and convenience and in order to avoid repetition.

2. That at the cost of repetition, it is respectfully submitted that the Block Development Officer, Jharigaon, vide office letter no.3652/dated 24.09.2021 addressed to the Range Officer, Jharigaon, the subject of which "diversion proposal under Forest Right Act, 2006", submitted form-A for diversion of forest land under section 3(2) of the Forest Right Act, for construction of community Centre for Ichhpur GP at Karlamal Chari Chhak along with the required documents for onward transmission of the same to the Divisional Forest Officer, Nabarangpur for necessary action.

3. That it is submitted that on the basis of the above letter, the Range Officer, Jharigaon Range, vide office letter no.651/dated 27.09.2021 submitted the diversion proposal received from the respondent no.4, along with recommendation contained in Form-B, as would be evident from the letter dated 27.09.2021, copy of which has been enclosed as Annexure-B/9.

4. That upon receipt of the proposal as stated above, the then Divisional Forest Officer, Nabarangpur, accepted the diversion proposal with certain reasons indicated in form-B, which was communicated to the Range Officer, Jharigaon, vide letter no.4638/dated 6.11.2021. It is pertinent to mention here that while accepting the diversion proposal, the respondent no.9 has clearly mentioned that the land required for construction of community

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Nabarangpur Division

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centre is less than one hector and the project does not involve any tree felling, which satisfies the criteria laid down under section 3(2) of the Forest Right Act,2006.

5. That the aforesaid being the true state of affairs, the applicant without disclosing the true state of affairs regarding construction of a community centre which is meant for public purpose, with oblique motive has filed the present original application with false and baseless allegations, the substances of which are far from truth. It is pertinent to mention here that that since due permission has been granted by the respondent no.9 for construction of community centre on the forest land by way of diversion, therefore, the allegations and averments made in different paragraphs against the respondents are not correct and hereby denied. So far as construction of community Centre is concerned, it is respectfully submitted that after observing the required formalities as indicated above, the Divisional Forest Officer, Nabarangapur Division, vide letter no.4638/dated 6.10.2021, under Annexure-C/9, directed the Range Officer, Jharigaon to demarcate the area of the forest approved for diversion and allow the user agency for construction of community centre for Ichhapur GP. Accordingly, the Range Officer, Jharigaon, has acted as such and handed over the land to the user agency i.e. the Block Development Officer, Jharigaon Panchayat Samiti, after which the role of the respondent no.9 ceases. It is pertinent to mention here that since the purpose for which the land has been handed over the user agency, it is the responsibility of the said agency to use the land for the purpose for which the entire exercise has been done and as such, the

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respondent no.9 has no role to play in this regard in the activity of the said user agency.

6. That the allegations made in different paragraphs of the rejoinder affidavit are not correct and hereby denied in view of the fact that while converting the land the respondent no.9 has followed the statutory requirements, which cannot be treated as illegal and arbitrary. The applicant without divulging the true state of affairs has been making false and baseless allegations, the basis of which are far from satisfactory. As averred, at no point of time, the respondent no.9 has violated the statutory norms contained in section 3(2) of the Act,2006.

7. That, it is respectfully submitted that the deponent has acted bonafide and followed due procedure of law. At no point of time the deponent has exceeded his jurisdiction. Hence, the entire allegations of the petitioners have got no legs to stand.

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

Identified by

J. K. Behra
Advocate

Prabhu Kumar Behra
DEPONENT
**Divisional Forest Officer
Nabarangpur Division**

Certified that cartridge papers are not available.

CUTTACK
DT.11.10.2022

J. K. Behra
ADDL.GOV.T.ADVOCATE



The above named deponent has been identified by *J. K. Behra* Advocate solemnly affirm and state before me that the contents of the affidavit are true to the best of his knowledge and belief.
Ambika Prasad Kay
DT.11.10.22
AMBIKA PRASAD KAY
NOTARY Road No -ON 56/04