



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA  
Original Application No.117 of 2022

In the matter of:

Lokanath Upadhyay ... .....Applicant

-Versus-

Union of India and others... .....Respondents

**AFFIDAVITON BEHALF OF THE RESPONDENT NO.5**

I, Sri Dattatraya Bhausahab Shinde, aged about 32 years, S/o Sri Bhausahab Shinde, at present working as Collector & District Magistrate, Balasore, At/PO:-Balasore, Dist.-Balasore, Odisha, do hereby solemnly affirm and state as follows:-



1. That, I am the Respondent No.5 in the present Original Application and competent to swear the present affidavit.
2. That, the present affidavit is being filed in pursuance to the order dated 13.12.2022 passed by this Hon'ble Tribunal, wherein, the following directions were issued;-

*"9. We, therefore, direct the Collector & District Magistrate, Balasore, to file his affidavit within two weeks*

DATTATRAYA BHUSAHAB SHINDE  
COLLECTOR BALASORE

*disclosing the name of the Revenue Officer concerned under whose beat jurisdiction these trees were felled and whose responsibility it was to take care that trees under the District Administration Department are not cut illegally.*

*10. The affidavit of the Collector & District Magistrate, Balasore, shall also disclose what disciplinary action has been initiated against the officer concerned under whose beat jurisdiction the alleged 79 trees have been cut."*

3. That I have gone through the averments made in the original application filed by the Applicant and understood the contents and purport thereof.



4. That the present original application has been filed by the Applicant praying, inter alia, for a direction for initiating action against the Respondent No.9 for cutting and felling 79 number of trees at Baba Bisweswar Mahadev Bijesthal, Khaitian No.731 Mouza Kandargaradi.

5. That, it is stated that on 23.05.2022, in the dead hour of the night, 45 nos. of Acacia Trees, present over Plot No.577, Kissam "Patharbani", Khata No.731 of mouza Kandagaradi,

DATTA PRATAP BHARALUIS SHINDU

COLLECTOR, BALASORE

Santaragadia R.I. Circle under Nilgiri Tahasil, were cut down by unknown person /s by using machines. On receiving such information over telephone about such felling of trees on 24.05.2022, the Revenue Inspector, Santaragadia, reached the spot and found that 79 logs of Acacia trees which is the outturn of 45 nos. of Acacia Trees had been cut down and the same were kept in the house of Sri Krupasindhu Mohanty, Respondent No.9 who was residing near the spot. Such 79 logs of Acacia trees were seized by the R.I., Santaragadia and Zimanama was given to Respondent No.9. The 45 nos. of trees were present in Plot No.577 which is a revenue non-forest land and the kissam of the land is Patharbani.



It is humbly submitted that R.I., Santargardadia, Sri Mithun Kumar Sethi, who had reached the spot on 24.05.2022 could not ascertain for certainty that the Respondent No.9 was the person who had cut down such 45 nos. of Acacia Trees even though such logs of trees were found in the Respondent No.9's house which was not near Plot No.577. It is pertinent to mention that the Tahasildar, Nilgiri was intimated by the R.I.,

DATTU TRATA BHARSAHUS SHENO  
COLLECTOR BALASORE

Santaragadia about such incident and on such intimation, the Tahasildar Nilgiri has initiated a Misc Case No.02/2022-23.

6. That, on 05.06.2022, the Forest Department, Odisha through the Range Officer, Kuldiha Wildlife Range, re-seized 79 nos. of logs of Acacia Trees and the Forest Guard, Santaragadia beat booked a U.D. Case bearing U.D. Case No.03k of 2022-23 under Sub-Rule-2 of Rule-4 of the Orissa Forest (Detection, Inquiry and Disposal of Forest Offences) Rules, 1980. The custody of such logs of Acacia Trees was handed over to the Forest Guard, Santaragadia.



That, insofar as the involvement of the Revenue Inspector, Santaragadia is concerned, it is submitted that the Plot No.577 comes under Kandargaradi Gram Panchayat where such trees were present, comes under the jurisdiction of Revenue Inspector, Santaragadia and the Revenue Inspector concerned has taken steps to ascertain the persons who had cut down 45 nos. of Acacia Trees. It may be stated that Kandargaradi village comes under Santaragadia R.I. Circle of Nilgiri Tahasil which is at a distance of 22 kms from the office of the Tahasildar, Nilgiri. The

DATTATRAYA BHARSAHERS SHINDU-

Kandaragaradi village is at a distance of 7 kms from the office of the R.I., Santaragadia. Since it has been reported that the felling of trees has taken place in the night hour, there was no scope on the part of the R.I. Santaragadia to prevent the felling of such trees on 23.05.2022.

Prima facie, no materials have been found by the deponent which would indicate that the Revenue Inspector. Concerned was involved or there were any latches on his part which led to felling of such trees. The conduct of the Revenue Inspector appears to be proper since he has reported the incident of felling of 45 nos. trees to its superior officer Tahasildar, Nilgiri immediately. It is also stated that on 23.05.2022, the Government Offices were functioning in the morning session i.e. from 7.00 am to 1.00 pm officially and the Revenue Inspector concerned was stationed in the R.I Office being 7 kms away from Plot No.577 where the trees were located.

Nilgiri Tahasil constitutes of 252 Revenue villages that covers Nilgiri NAC area & 25 Gram Panchayats of Nilgiri Block and 5 Gram Panchayats of Oupada Block. There are 8 R.I.



DATTATRAYA BANAJI SHINDE  
COLLECTOR, BAIASORE

Circles in this Tahasil of which 7 R.I. Circles are functioning at the Village level and one is functioning in the Urban area. 49 nos. of villages have been assigned under the supervision of the Revenue Inspector, Santaragadia. It is also seen that after knowing about such incident telephonically, the R.I., Santaragadia had reached the spot, enquired into the matter and seized 79 nos. of outturn logs of Acacia Trees.

It is also pertinent to mention that from the photographs enclosed herewith, it will be evident that majority of such 45 nos. of trees which have been cut down are found to be newly grown trees whose girth are very thin in nature. Due to such low dimension of those Acacia Trees, such 49 nos. of Acacia Trees were cut down in a single day by using machines.

Thus, in view of the aforesaid factual position and no prima facie material being available to ascertain the culpability of the R.I. Santaragadia, no disciplinary action has been taken by the deponent herein.

Copies of the photographs of the 79 logs of Acacia trees are annexed herewith and marked as **Annexure-D/5 Series**.



DATTA TRAYAK BHAVSARHES SHINDU  
COLLECTOR, RAJASOTA

8. That, it is pertinent to state that the Forester, Panchalingeswar, Kuldiha Wildlife Range carried out inquiry on 14.06.2022 and thereafter, the Range Officer, Kuldiha Wildlife Range, has also submitted an Inquiry Report dated 09.09.2022 (Annexure-B/6 of the Counter Affidavit filed by the D.F.O., Balasore). After the conclusion of the aforesaid inquiry conducted by the Range Officer, Kuldiha Wildlife Range, it could not be ascertained as to whether the Respondent No.9 or any other person has actually has cut down such 45 nos. of Acacia Trees as alleged by the Applicant herein. Even from the inquiry conducted by the R.I. Santaragadia, it could not be ascertained definitely that the Respondent No.9 has cut down such 45 nos. of Acacia Trees.



In view of such factual scenario, the Tahasildar, Nilgiri has written a letter on 10.01.2023 to the Inspector-in-Charge (I.I.C)., Nilgiri Police Station, requesting him to register an F.I.R. for such illegal felling of Acacia Trees which were present over the Plot No.577, under Khata No.731 of mouza Kandagaradi, Santaragadia R.I. Circle under Nilgiri Tahasil.

Copy of the Letter dated 10.01.2023 of the Tahasildar, Nilgiri is annexed herewith as Annexure-E/5.

DATA ENTRY  
TANAVI A HRS  
SHINDU  
COLLECTOR, BALASORE

9. That, on receipt of the aforesaid letter, the Officer-in-Charge, Nilgiri Police Station has made a Station Diary to such effect in the General Diary bearing G.D. No.12, dated 11.01.2023. As on date, no FIR has been registered yet.

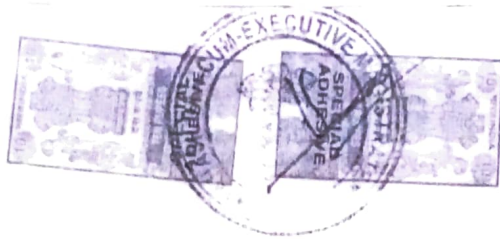
Copy of the Extract of G.D. No.12, dated 11.01.2023 of the Officer-in-Charge, Nilgiri Police Station is annexed herewith as **Annexure- F/5**.

10. That, it is stated that on the basis of the Report, dated 24.05.2022 submitted by the R.I., Santaragadia, the Tahasildar, Nilgiri vide its letter dated 25.05.2022 had instructed the R.I., Santaragadia to submit a show cause reply relating to the circumstances and involvement of any person in the felling of such Acacia Trees. In reply to such letter, the R.I., Santaragadia, vide his letter dated 07.06.2022 submitted Show Cause Reply to the Tahasildar, Nilgiri.

Copies of the letter dated 25.05.2022 of the Tahasildar, Nilgiri and show cause reply vide Letter dated 07.06.2022 of the R.I., Santaragadia, is annexed herewith as **Annexure- G/5 and Annexure-H/5**.



DATTATRAYAK BHANUSHAHGE SHINDHE  
COLLECTOR BALASORE



- 11. That the answering deponent craves leave of this Hon'ble Tribunal to add, alter or amend the counter affidavit if necessary.
- 12. That the averments made in the present application which have not been specifically admitted are deemed to have been denied.
- 13. That the facts stated in this counter affidavit are true to the best of my knowledge and based on records.

C.P.No. - 265  
12/1/23

**AFFIDAVIT**  
SI No. 265 D.L. 17/1/2023

Identified by

Advocate

DATTATRAYA BHANSAHEB SHINDE

DEPONENT  
COLLECTOR, BALASORE

VERIFICATION

I, Sri Dattatraya Bhausahab Shinde son of Sri Bhausahab Shinde working as Collector & District Magistrate, Balasore, At/PO/Dist.-Balasore, Odisha, do hereby solemnly affirm and verify the contents of paragraph nos. 4 to 10 of the present affidavit are true to my knowledge and rest are my respectful submissions before this Hon'ble Tribunal and that I have not suppressed any material facts. I sign this verification at my office on 17<sup>th</sup> day of January, 2023.

Place:

DATTATRAYA BHANSAHEB SHINDE

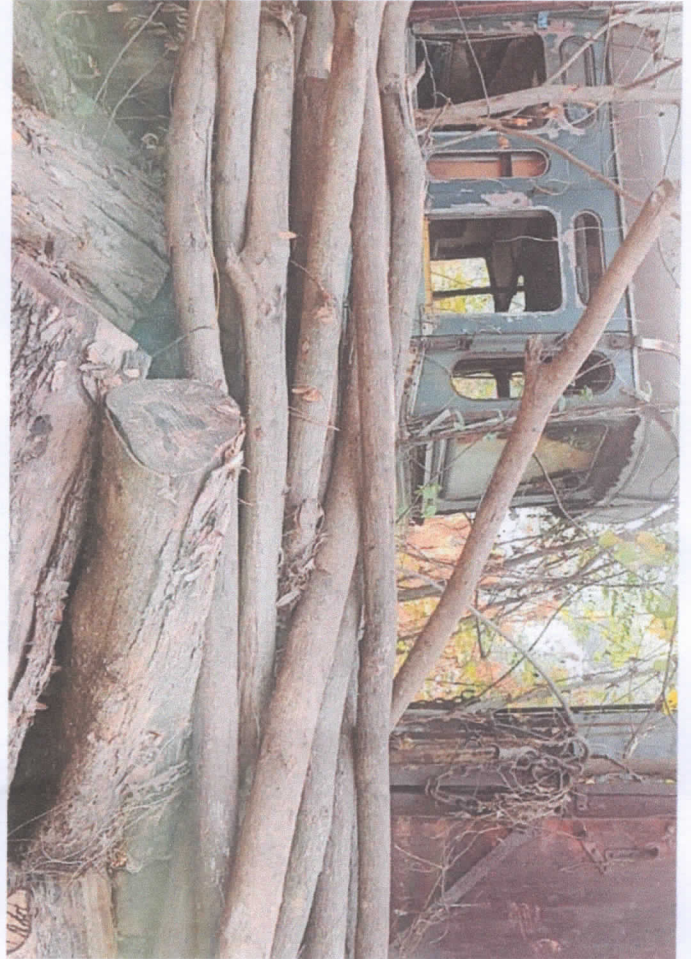
Date: 17.01.2023

VERIFICANT  
COLLECTOR, BALASORE

The deponent being identified by  
Sri. Shanti Rameshwar Adhikari  
Advocate Balasore solemnly affirms and states that the facts stated are true to his/her knowledge and belief and out his/her signature/ L.T. on this  
17<sup>th</sup> day of Jan 2023  
2 A.M./P.M

Adi. Tahasildar  
Executive Magistrate  
Sadar Balasore

**AFFIDAVIT**  
SI No. 265 D.L. 17/1/2023



True copy  
Affected



## OFFICE OF THE TAHASILDAR, NILGIRI.

Email:-tah.nilgiri-od@nic.in Telephone-06782-233233

Letter No 27 Date 10/01/23

To

The IIC, Nilgiri PS, Nilgiri.

**Sub :-** Registration of FIR for illegal felling of Akasia trees from Revenue Plot No-577, Kisam-Patharbani, Khata No-731 of Mouza-Kandagaradi.

Sir,

The fact to be reported on the above subject matter is that, some miscreants by taking advantages at mid night on dated 23.05.2022 have cut down 45 nos of valuable Akasia trees from above referred Govt. plot. Immediately on the next day of occurrence, R.I. Santaragadia had visited the spot and after getting required information, he has seized 79 pieces of Akasia logs from the house premises of Sri Krupasindhu Mohanty, S/o-Late Shyamsundar Mohanty of village-Mukundapur, Po-Kandagaradi, Ps-Nilgiri, Dist-Balasore on 24.05.2022 and was given Zimanama to the said Krupasindhu Mohanty on the same day (Copy enclosed). Further since the trees are of valuable in nature and the number is of more, RI Santaragadia was again instructed to conduct a detailed field survey and report the prevailing circumstances under which the above illegal act was committed. Accordingly report of R.I. dated 07.06.2022 reveals the fact that no direct involvement of any particular person could be ascertained. On 05.06.2022, the Forester of Panchalingeswar Section has again re-seized the seized logs from the house of Krupasindhu Mohanty and taken to the custody of Forest Department for further action.

Furthermore, inquiry report of Forest Range Officer, Kuldiha wildlife Range discloses same fact that, no direct involvement of particular person is ascertained (copy enclosed). Simultaneously, a misc case bearing No-02/2022 has also initiated from this level for onward processing of the matter. After concluding the Misc Case and taking both the reports of R.I. and Forest Range Officer in to account, it must be a mischievous act committed by some miscreants which is illegal under law.

Under the above circumstances, you are therefore requested to register the complain and to take necessary action under relevant provisions of Law.

**Encl: 1.** Seizure report and Zimanama dated 24.05.2022

2. Detail enquiry report of R.I. dated 07.06.2022

3. Copies of enquiry report of Forest Range Officer,  
Nilgiri.

4. Extract copies of order sheets of Misc Case No-02/2022

Yours faithfully

10/01/23  
Tahasildar, Nilgiri

True copy attested

COLLECTOR, BALASORE

**ORDER SHEET**

(See Paragraph 207 (1) of ORM, 1964)


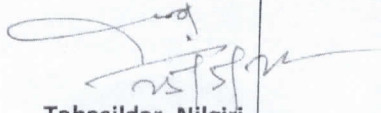
Tahasil – Nilgiri

PS-Nilgiri/Berhampur

Village KANDAGARADI

Sub-Division- Nilgiri, Dist.-Balasore.

Nature of Case – Misc. Case No. 02/2022-23



Sl. No. & Date of Order	Order & Signature of Officer	Action taken in brief of the order
1	2	3
25.05.22	<p>Received a report from R.I. Santaragadia regarding unauthorized cutting of trees that exist over plot No. 577, Kisam-Patharbani, Khata No. 731 under mouza- Kandagaradi. Report reveals that, about 79 pieces of Acacia logs have been seized from the house of Sri Krupasindhu Mohanty S/o-Shyamsundar Mohanty of Village –Mukundapur. After seizure, R.I. Santaragadia has given Zimanama to the said Krupasindhu Mohanty for safe custody. Zimanama is enclosed.</p> <p>Hence, start a Misc case. Ask R.I. Santaragadia to conduct field enquiry and produce a detail report detailing the circumstances under which valuable trees has been cut down.</p> <p>Put up after receive of R.I. report.</p> <p><b>Dictated &amp; corrected by Me</b></p> <p> Tahasildar, Nilgiri</p> <p> Tahasildar, Nilgiri</p>	
30.07.22	<p>The case record is put up today. R.I. Santaragadia has submitted his report in the matter. His report discloses the fact that the matter concerning the cutting of trees relates to construction of Biseswar mahadev temple Kalyan mandap over plot No. 578 Khata No. 731 of mouza- Kandagaradi which was communicated to B.D.O. Oupada vide this office letter No. 5183 dated 21.12.2021. However, the trees have been cut down from plot No. 577 of same khata. After being informed over telephone from the public on dated 24.05.22 he had conducted field visit</p>	

True copy attested



COLLECTOR, BALASORE

## (CONTINUATION OF ORDER SHEET)





Sl. No. & Date of Order	Order & Signature of Officer	Action taken in brief of the order
15.12.22	<p>and found that 45 nos. of acacia trees are cut down and carried way to the house of Sri Krupasidhu Mohanty and accordingly the same were seized vide seizure report dated 24.05.22. As per submission of the R.I. no one could be able to disclose the name of culprits who is involved in the said illegal act. Further the report reveals that the seized logs have again been re-seized by Forester of Panchalingeswar section on dated 05.06.22 from the house of Sri Krupasidhu Mohanty and taken to the custody of forest department.</p> <p>Since the logs have been seized by the Forest department, the outcome of proceedings to be taken up by Forest department be awaited.</p> <p><b>Dictated &amp; corrected by Me</b></p> <p> Tahasildar, Nilgiri</p> <p> Tahasildar, Nilgiri</p> <p>The case record is put up today. The draft counter affidavit filed by the D.F.O. Balasore in OA No. 117/2022 of NZT, Kolkata relating to the illegal felling of acacia trees is received along with final enquiry report of UD case No. 303k of 2022-23 of Forest Range Officer, Kuldiha wildlife, Range, Nilgiri. Perusal of records reveals that forest Range officer has concluded his enquiry under rule-4(1) of Orissa forest (Detection, Enquiry &amp; Disposal of forest offence) Rule-1980. Findings of the enquiry is that 45 nos. of acacia trees were cut down by some unknown person whose out turn is converted to 79 pieces. As no evidences of direct involvement of any particular person could be ascertained, the Forest Range Officer has suggested before the competent Authority vide Memo No. 1336 dated 09.09.22 to drop the proceeding and seized products to be confiscated to Govt.</p> <p>In view of the above findings of forest Range Officer, it necessitated to proceeding in the matter further as it involves revenue land being kism patharbani from where illegal felling of trees is committed. Taking both reports</p>	

True copy attested




COLLECTOR, BALASORE

## (CONTINUATION OF ORDER SHEET)

Sl. No. & Date of Order	Order & Signature of Officer	Action taken in brief of the order
10.01.23	<p>of Revenue Inspector and Forest range Officer into account, it is common findings that direct involvement of any particular person could not be ascertained.</p> <p>Therefore, it is wis<sup>enough</sup>er to lodge an FIR before IIC Nilgiri for further investigation in the matter.</p> <p><b>Dictated &amp; corrected by Me</b></p> <p> Tahasildar, Nilgiri</p> <p> Tahasildar, Nilgiri</p> <p>The case record is put up today. FIR has been lodged before IIC Nilgiri today. Dealing Assistant is directed to enclose the extract copy of this order along with FIR copy.</p> <p><b>Dictated &amp; corrected by Me</b></p> <p> Tahasildar, Nilgiri</p> <p> Tahasildar, Nilgiri</p>	

True copy attested



COLLECTOR, BALASORE



Odisha Police

## Extract of G.D. No. 012 Dated 11/01/2023 of NILAGIRI Police Station

Station Diary / General Diary No:	012
Station Diary / General Diary Date & Time:	11/01/2023 23:38
Entry for (Officer):	Asst. SI (Assistant Sub-Inspector) / UTTAM KUMAR SINGH
Entry Officer's name with rank:	UTTAM KUMAR SINGH / Asst. SI (Assistant Sub-Inspector)
Description of the GD entry:	By this time received letter from Tahasildar Nilagiri vide letter No. 87, Dt. 10.01.23 regarding illegal felling of Akasia trees from Revenue Plot No-577, Kisam-Patharbani, Khata No. 731 of Mouza- Kandagaradi. During inquiry it is ascertain that in this report has been Registered by Range Officer, Kuldiha, Wildlife Range, Nilagiri vide U.D Case No. 03K of Kuldiha wildlife range, Nilagiri under Sub-rule-2 of Rule-4 of the orissa forest (Detection, Enquiry & Disposal of Forest offences) rules, 1980. and concluded that there is no evidence of direct involvement of any particular person could be ascertained in the matter of illicit felling of tree growth. This matter entry in GD for future reference.

Signature of Officer in charge, Police Station

Name: Gopal Chandra Karna

Rank: I (Inspector)

No.: 110093581129

True copy attested

COLLECTOR, BALASORE

**OFFICE OF THE TAHASILDAR, NILGIRI**Email – [tah.nilgiri-od@nic.in](mailto:tah.nilgiri-od@nic.in) Telephone – 06782-233233Letter No. 1380 /Tz. Date 25/05/22

To

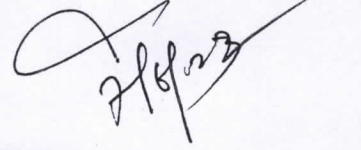
The R.I. Santaragadia

**Sub: Submission of Show cause reply with reference to the field enquiry report dated 24.05.2022 relating to illegal cutting of Acacia trees.**

Your report dated 24.05.2022 reveals that 79 nos. acacia trees has been cut down from plot No. 577, Kisam-Patharbani under Khata No. 731 of mouza-Kandagaradi and was kept under the custody of Sri Krupasindhu Mohanty S/o-Late Shyamsundar Mohanty At-Mukundapur, Post-Kandagaradi, Ps-Nilgiri, Dist.-Balasore. Further your report does not disclose as to the fact of involvement of any person and the circumstances under which the illegal activity is carried out.

Therefore, you are instructed to submit your show cause reply within 07 days detailing the circumstances and involvement of any person(s) in the afforested activity for further action at this end.

  
Tahasildar, Nilgiri*True copy attested*  
COLLECTOR, BALASORE

**OFFICE OF THE R.I. SANTARAGADIA****To**

The Tahasildar, Nilgiri

**Sub: Submission of Show cause reply with reference to the field enquiry report dated 24.05.2022 relating to illegal cutting of Acacia trees.**

Ref.: Tahasil office Letter No. 1380/Tz. Dt. 25.05.2022

Sir,

With reference to the subject cited above, I am to submit herewith the details show cause reply concerning illegal activity carried out in the matter.

That, on 24.05.2022 on receiving a telephonic information I have visited the spot at about 7.30 A.M. and found that 45 nos. of trunk of acacia trees have been cut down by means of machine cutter by some unknown miscreants. It is verified that the cut down trees were exist over plot No. 577, Kisam- Patharbani under Khata No. 731 of mouza-Kandagaradi as against the reported fact of plot No. 578 having kisam Bijesthali to B.D.O. Oupada for the purpose of construction of Kalyalan Mandap.

However, on throw search and integration to the public it is told that the trees have been cut during previous night and have been kept in the house of Sri Krupasindhu Mohanty S/o-Late Shyamsundar Mohanty At-Mukundapur, Post-Kandagaradi, Ps-Nilgiri, Dist.-Balasore. Immediately I rushed to the house of Sri Mohanty and found the out turn of 45 nos. of acacia tree converted to 79 pieces and seized the same, given zimanama to Sri Krupasindhu Mohanty. I ask different person regarding the matter. But no one could be able to tell name/names of person in the involvement of matter. So I only seized the materials and reported the matter to my Authority accordingly. Besides, in the mean time some villagers informed me on 05.06.2022 along with the Forester Panchalingeswar section that the cut down logs are being re-seized from the house of Sri Mohanty by the Forest Department for necessary enquiry under Orissa forest rules, 1980.

*True copy attested*  
**COLLECTOR, BALASORE**

In the above circumstances the fact of illegal cutting during dead night hour by use of machine cutter was not known to anybody. I have performed my duties immediately after getting relevant information. But actual involvement of person could not be ascertained.

Submitted for kind information and orders.

Yours faithfully,

*Milly*  
7.6.20  
R.I. Santaragadia  
Revenue Inspector  
Santaragadia

*True copy attested*

*[Signature]*  
COLLECTOR, BALASORE