

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

O.A. No. 100 OF 2017

In the matter of

Subash Mohapatra

..... Applicant

- Versus -

State of Odisha and Others

..... Respondents

I N D E X

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By the Respondent No.3 through

Place: **CUTTACK**

Date: *27/9/2021*

T. K. Pralaxey
Advocate

1

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25 SEP 2021

ADDITIONAL AFFIDAVIT ON BEHALF OF RESPONDENT NO. 3

I, Mohammed Jameel, aged about 58 years, S/o Late Md. Zobair presently working as Divisional Forest Officer, Chandaka Wildlife Division, Gaja Vihar, Baramunda, Bhubaneswar - 751003, do hereby solemnly affirm and state as follows:

1. That, I am the Respondent No. 3 in the aforesaid Original application.

I have thoroughly and carefully gone through the contents and averments made in different paragraphs of the original application and have understood the same. I am acquainted with the facts of the case and competent to swear this affidavit for self.

2. That, it is humbly submitted that the land in question pertaining to Khatiyani No.493 of Mouza - Patia in Bhubaneswar Tahasil under Khordha District is in the book of Revenue and Disaster Management Department, Govt. of Odisha as per Bhulekh - Land records web portal of Odisha. The area is not coming under Chandaka - Dampara Wildlife Sanctuary and its Eco-sensitive zone. This Respondent No. 3 i.e., Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar does not have any locus standi over the land as the same has not been handed over to Forest & Environment Department by the Revenue & Disaster Management Department

3. That, it is humbly submitted that as per the order passed by the Hon'ble National Green Tribunal, Eastern Zone, Kolkata, Joint verification of the land in question has been done by the committee



T-PM
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of Odisha Govt.

headed by the Sub-Collector, Bhubaneswar on dtd. 28.07.2021. Sub-collector, Bhubaneswar the chairman of the committee has submitted the joint enquiry report to the Collector & District Magistrate, Khordha with a copy to Divisional Forest Officer, Chandaka Wildlife Division.

4. That, it is humbly submitted that earlier IDCO Respondent No.5 has applied for diversion of forest land measuring Ac. 260. 62 in mouza-Patia under Bhubaneswar Tahasil of District Khordha received in this office vide **State serial no. 701/2014 dtd. 30.07.2014**. That proposal includes the forest kissam of land mentioned in this case and the suit land in OA No. 65 of 2017. The proposal has been returned to the Respondent No. 5 i.e., Odisha Industrial Infrastructure Development Corporation (IDCO) vide this office letter No. 803 dtd. 17.02.2016 for submission of diversion proposal through online as per guidelines of Ministry of Environment, Forest & Climate Change, Government of India and also due to non-compliance of submission of required documents i.e., demarcation & map of non-forest Govt. land for Compensatory Afforestation, DGPS survey map of proposed forest area for diversion and certificate from the Collector, Khordha as per provision under Forest Rights Act, 2006. The copy of the said proposal of respondent No.5 dtd. 17.02.2016 is annexed herewith as **Annexure D** to this affidavit.

Sharan Kanti

*T.Fy
SC*

5. That, it is humbly submitted that IDCO has once again submitted the Forest Diversion Proposal hard copies in 6 (SIX) sets for diversion of forest land measuring 260.62 Ac, in the village Patia Tahasil Bhubaneswar of Khordha District relating to Chandaka Industrial Estate vide letter No. 12886 dtd. 09.08.2021. The same has been returned to the Chief General Manager, IDCO vide letter No. 3933 dtd. 13.08.2021 of Divisional Forest Officer, Chandaka Wildlife Division with a request for submission of diversion proposal through online portal **https://parivesh.nic.in** for obtaining approval from Government of India, Ministry of Environment, Forest & Climate



Change for use of forest kissam land for non-forestry purpose. The copy of the said proposal of the respondent No.5 dtd. 09.08.2021 is made **Annexure-4/3** to this affidavit.

- 6. That, the present Respondent seeks the liberty of this Hon'ble Tribunal to file relevant documents and averments, if any further at the time of hearing.
- 7. That, the facts stated above are true to the best of my knowledge and belief.

[Signature]
 Deponent
 Divisional Forest Officer
 Chandaka Wildlife Division
 Bhubaneswar

Identified by:

[Signature]
 Advocate

SWORN BEFORE ME



[Signature]
 MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437627119 (M)

Place:

Date: 27/9/2021

CERTIFICATE

Certified that due to non-availability of cartridge paper, this counter affidavit has been typed on thick green papers.

[Signature]
 MANJULA KUMAR PRADHAN
 NOTARY PUBLIC
 BHUBANESWAR
 REGD. NO. ON-71/2009
 PH:-9437627119 (M)

[Signature]
 T. K. Prabhakar
 Advocate



Mobile No. +91-9438879500
Tel./Fax No. +91-674-2355400
e-mail: chandakadampara@gmail.com

OFFICE OF THE DIVISIONAL FOREST OFFICER, CHANDAKA WILDLIFE DIVISION, BHUBANESWAR.
Asian Elephant Research Center, Gaja Vihar, Baranunda, Bhubaneswar, Khurda, Odisha-751003.

letter
Memo No. 803 4WL (Offence & Lease) - 99/15
Dated, Bhubaneswar the 17th Sept 2015 ~~Feb-2016~~

To: The Chief General Manager,
Industrial Development Corpn. Ltd. (IDCO),
Bhubaneswar..

Sub:- Proposal for diversion of 105.472 ha. of Forest Land for construction of Chandaka
Industrial Estate in Jayadev Vihar Mouza under Bhubaneswar Tahasil of Khurda
district. PATIA

Ref:- This office Letter No. 5207 dtd. 10.11.2014..

Sir,

With reference to above cited letter on the captioned subject, it is to inform you that, you have not submitted the required documents till date for which the diversion proposal bearing State S.L.No.- 701/2014 submitted by you through the Addl. Principal Chief Conservator of Forests, (Forest Diversion & Nodal Officer, F.C.Act), O/O the Pr. C.C.F., Odisha, Bhubaneswar is returned herewith for re-submission of the said diversion proposal in online for approval of the said project by the Ministry of Environment & Forest, Govt. of India e-green portal, as observed by Government in Forest & Environment Department letter No 19657 dtd. 27.10.2014.

kindly acknowledge the same.
Encl:- As above
(Six sets of D.P.)

Yours faithfully,

Divisional Forest Officer,
Chandaka Wild Life Division,
Bhubaneswar.

Memo No. 804 / Dt. 17.02.2016
Copy to the Addl. Principal Chief Conservator of Forests, (Forest Diversion & Nodal Officer, F.C.Act), O/O the Pr. C.C.F., Odisha, Bhubaneswar for favour of information and necessary action with reference to this office Memo No. 5209 dtd. 10.11.2014.

Divisional Forest Officer,
Chandaka Wild Life Division,
Bhubaneswar.

Memo No. 805 / Dt. 17.02.2016
Copy to the Regional Chief Conservator of Forests, Bhubaneswar for favour of information and necessary action with reference to this office Memo No. 5208 dtd. 10.11.2014.

Divisional Forest Officer,
Chandaka Wild Life Division,
Bhubaneswar.

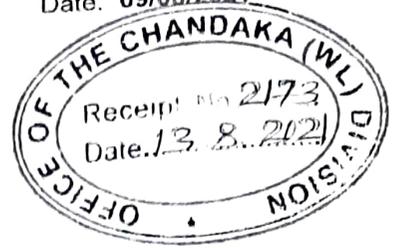
Divisional Forest Officer
Chandaka Wildlife Division
Bhubaneswar

Sri Bijay Kumar Dash, OAS(SAG)
Chief General Manager (Land)

No.HO-CGM(Env.)206/2017

12886

Date: 09/08/2021



To

The Divisional Forest Officer
Chandaka (WL) Division,
Chandaka.

Sub:-

Diversion of Forest Land measuring 105.473 hact. (260.62) in the village Patia under Bhubaneswar Tahasil of Khordha District-Submission of hard copies.

In inviting a reference to the subject cited above, I am furnishing herewith hard copies in 6 (six) sets of the Forest Diversion Proposal relating to Chandaka Industrial Estate for establishment of industries in the village Patia under Bhubaneswar Tahasil in Khordha District for taking appropriate action at your end.

An early action in the matter is requested.

Enclosed:-

6 (six) sets of hard copies

Yours faithfully,

Chief General Manager (Land)

Odisha Industrial Infrastructure Development Corporation

(A Government of Odisha Undertaking)
IDCO, IDCO Towers, Janpath, Bhubaneswar – 751022, Odisha, INDIA
+91- 0674-2541525, 2540820 | Fax: 2542956 / 2541982

cgmenv@idco.in | www.idco.in

Divisional Forest Officer
Chandaka Wildlife Division
Bhubaneswar