

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE BENCH, KOLKATA.

**ORIGINAL APPLICATION NO.29/2019/EZ.**

SUBHASH MOHAPATRA

APPLICANT

VERSUS

STATE OF ODISHA  
AND OTHERS

RESPONDENTS

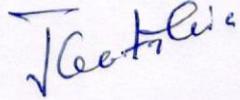
**MEMO**

By order dated 27.07.2020, this Hon'ble Tribunal, while expressing its serious displeasure for non-submission of the 'action taken report', has been pleased to grant one more opportunity for submission of such report in terms of the order dated 20.05.2019.

In due compliance of the aforesaid orders, the report dated 24.08.2020, prepared by the District Collector, Khurda and the Divisional Forest Officer, Chandaka Wild Life Division, Bhubaneswara, is filed herewith for the kind perusal of this Hon'ble Tribunal.

CUTTACK

DT. 28.08.2020

  
(JANMEJAYA KATIKIA)  
ADDL.GOV.T.ADVOCATE

**OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN  
CHANDAKA WILDLIFE DIVISION, GAJA VIHAR  
BARAMUNDA BHUBANESWAR-751003**

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Letter No. **6032/4F** (F.C. Act & Lease)-25/2020

Dated, Bhubaneswar the **25<sup>th</sup> August, 2020**

To

Sri Janmejaya Katikia  
Addl. Government Advocate  
O/o the Advocate General  
Odisha, Cuttack

**Sub: Original Application No. 29/2019/EZ filed by Sri Subhash Mohapatra Vrs. State of Odisha and others- Implementation of order dtd. 20.05.2019 & 27.07.2020 of the Hon'ble National Green Tribunal.**

**Ref:** Memo. No. 362 dtd. 31.07.2020 of the Advocate General, Odisha  
Sir,

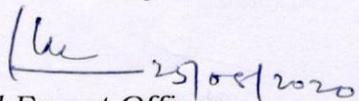
Inviting a reference to the above cited correspondence on the captioned subject; report of the Committee Constituted in terms of order dtd. 20.05.2019 of the Hon'ble National Green Tribunal in O.A. No. 29/2019/EZ filed by Sri Subhash Mohapatra Vrs. State of Odisha & Others along with vakalatnama on behalf of the respondent No. 6 i.e. Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar is sent herewith for favour of your kind perusal. The case is listed for hearing on 10.09.2020.

You are requested to take appropriate necessary action for filing of report of the committee before the aforementioned schedule date in compliance to the order of the Hon'ble National Green Tribunal. Action taken report may kindly be intimated to this office for record & reference.

**Encl: as above**

- (i) Report of the Committee dtd. 24.08.2020
- (ii) Vakalatnama

Yours faithfully

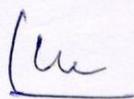
  
Divisional Forest Officer  
Chandaka Wildlife Division  
Bhubaneswar

**Report of the Committee Constituted in terms of order dtd. 20.05.2019 of the Hon'ble National Green Tribunal in O.A. No. 29/2019/EZ filed by Sri Subhash Mohapatra Vrs. State of Odisha & Others.**

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The fifth meeting of the committee was held on 12<sup>th</sup> August, 2020 at 4 pm in the Conference Hall of Special Circuit House, Bhubaneswar under the Chairmanship of the Collector, Khordha. Members present in the meeting is enclosed herewith as **Annexure-I**. The Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar, the Nodal Agency as per order dtd. 20.05.2019 of the Hon'ble National Green Tribunal (EZ) appraised the Chairman & members regarding order dtd. 27.07.2020 of the Hon'ble National Green Tribunal. The Hon'ble National Green Tribunal have observed and passed order as mentioned below:

- (1) The report has still not been filed by the committee in terms of order dtd. 20.05.2019 although time had been sought for the purpose on 30.08.2019, 25.11.2019 & 20.01.2020.
- (2) In view of the continued non-compliance, we are of the view that appropriate coercive orders are called for against the members of the committee namely, the District Collector and Divisional Forest Officer, Khordha district, but before we do so, we are inclined to grant one more opportunity to them to file the report before the next date, failing which exemplary coercive order shall be issued against them which shall include punitive measures like cost and civil imprisonment. It may be noted that the order passed by the Tribunal are enforceable as a decree and is executable in terms of Section 51 of the Code of Civil Procedure.
- (3) Mr. D.K. Pani, learned additional Government counsel, who is present before us in connection with another matter, has volunteered to inform the

  
20/08/2020

members of the Committee of this order having been passed.

- (4) A copy of this order be transmitted to the members of the Committee forthwith.
- (5) List on 10.09.2020.

Sri Amit Pattnaik, learned Addl. Government Advocate was engaged as special counsel to defend the case on behalf of Secretary, Forest & Environment Department, Govt. of Odisha; Secretary, Revenue & Disaster Management Department, Govt. of Odisha; District Collector, Khordha & Divisional Forest Officer, Chandaka Wildlife Division could not attend the court on 27.07.2020 as his term of appointment in the O/o the Advocate General, Odisha was expired. Smt. Sabitri Ratho, learned Addl. Government Advocate engaged as special counsel to defend Principal Secretary to General Administration & Public Grievance Department, Govt. of Odisha also could not attend the court on 27.07.2020 as she was appointed Hon'ble Justice, Orissa High Court, Cuttack. There was dislocation due to global pandemic COVID-19 for engagement of Special Counsel to file the report of the committee on behalf of the state functionaries.

The land in question in Khata No. 1427 of Jayadev Vihar Mouza in Bhubaneswar Tahasil of Khordha district is recorded in the name of General Administration & Public Grievance Department, Government of Odisha as per Record of Rights. The Land Officer, General Administration & Public Grievance Department, Government of Odisha one of the members of the committee constituted for implementation of order dtd. 20.05.2019 of the Hon'ble NGT informed that 194.848 Acres of land has been leased out in favour of 44 Central & State Government, Central & State Public Sector Undertaking & Private Institutions. Later on, it was noticed that the kissam of such land is Jungle-II. Then the Director Estate & Ex- Officio, Addl. Secretary to Government, General Administration & Public Grievance Department, Government

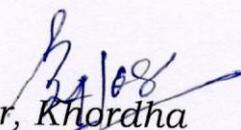
*(Signature)*  
24/08/2020

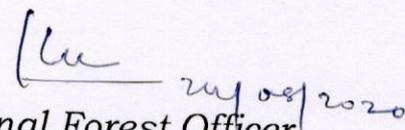
of Odisha has informed to the User Agencies to file proposal for diversion of forest land for non-forestry use and to obtain necessary approval from the Ministry of Environment, Forest & Climate Change, Government of India. Out of 44 institutions; Ministry of Environment, Forest & Climate Change, Government of India have accorded forest clearance in respect of three institutions i.e. Centre for Youth and Social Development (0.486 Acres), Software Technology Parks of India (0.724 Acres) & Xavier Institute of Management (20 Acres) vide letter No. 5-ORB125/2011-BHU dtd. 14.11.2014, No.5-ORB212/2014-BHU dtd. 31.07.2016 & No.5-ORC132/2011-BHU dtd. 02.05.2019 respectively. The proposal for diversion of 6.734 Acres filed by M/s Tech Mahindra Limited (formerly Satyam Computer Services Limited) is in pipeline & same is pending at the level of Eastern Regional Office, Bhubaneswar, Ministry of Environment, Forest & Climate Change, Government of India. Further he informed that 242.209 Acres of forest kissam land (Jungle-II) is under encroachment by inhabitants in Salia Sahi slum area.

This issue of use of forest kissam of land for non-forestry purpose by various institutions & encroachment of forest land in Salia Sahi slum area was discussed in detail keeping in view of the provisions of the Forest (Conservation) Act, 1980 and ground realities. It is decided by the committee that the Land Officer, General Administration & Public Grievance Department, Government of Odisha will take up the matter with the Director Estate & Ex-Officio, Addl. Secretary to Government, General Administration & Public Grievance Department, Government of Odisha for convening a high level meeting by General Administration & Public Grievance Department, Government of Odisha, in co-ordination with all the state functionaries i.e. respondents No. 1, 2, 3 & 4 and all concern User Agencies to expedite filing of proposal for diversion of forest land for non-forestry use for obtaining necessary approval from Ministry of Environment, Forest &

*(Signature)*  
21/08/2020

Climate Change, Government of India. The General Administration & Public Grievance Department, Government of Odisha will submit status report before the Hon'ble National Green Tribunal in this regard.

  
Collector, Khordha  
Chairman.

  
Divisional Forest Officer  
Chandaka Wildlife Division,  
Member Convener