

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 686/2025

IN

Original Application No. 604/2018

IN THE MATTER OF:

Sarbeswar Behura

Applicant

Versus

Union of India & Ors.

Respondent(s)

**REPLY ON BEHALF OF
RESPONDENT NO. 11**

PAPER BOOK

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RECORD OF PROCEEDINGS

S.NO.

PARTICULARS

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(MA No. 1286/2018)

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**REPLY ON BEHALF OF
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MOST RESPECTFULLY SHOWETH:

1. The Applicant has filed the present Original Application which is pending for adjudication before this Hon'ble Court.
2. That all facts, averments, statements, submissions and contentions raised by the Applicant in the aforesaid I.A. and Original Application as are contrary to and not in consonance with this Reply, are singularly and specifically denied. The answering Respondent is filing the present reply with liberty to file a para-wise reply if directed by this Hon'ble Tribunal.
3. That it further humbly submitted here that, there are many other operators carrying on mining activities in and around the Dankari hill region, however, the Applicant is selectively targeting the mining operations carried on by the present Respondent by moving several frivolous litigations against him in different Forums by resorting to "Forum Shopping".

4. That the Applicant in the Original Application has been constantly moving against the present Respondent in different Forums including before the Hon'ble High Court of Orissa, wherein, he had filed W.P.(C). No. 18589 of 2017 as a Public Interest Litigation seeking a relief of closure of the mines at Dankari Hills. The Hon'ble High Court of Orissa while finally disposing of the aforesaid Writ Petition vide order dated 18.06.2018 was pleased to hold that the mining activities in the area cannot be prohibited, if the Government auctions the mining areas as per law.

That it further pointed out that the Applicant had earlier filed a Writ Petition bearing No. 23197 of 2015, wherein he had also made similar claims, but had withdrawn the same.

Thus, having failed to obtain any favourable order from the Hon'ble High Court, the Applicant, approached this Hon'ble Tribunal by way of OA No. 604/2018.

5. That by way of the present Application, the Applicant is seeking to place on record certain photographs claiming the same to be related to the present Respondent. It is submitted that the material sought to be placed on record by the Applicant is in no manner connected to the present Respondent and the said material is sought to be produced by the Applicant in order to prejudice this Hon'ble Tribunal. The answering

Respondent has serious objection to such irresponsible and false allegations being levelled by the Applicant in the present application claiming that the answering Respondent is carrying out illegal activities. The photographs do not show any connection to the answering Respondent and are in fact not of the quarry allotted to the answering Respondent. The Respondent is annexing the Geo-tagged photograph which shows that the co-ordinates corresponding to the quarry allotted to him – Dankari Blackstone Quarry No. 1 (BSQ-1) is different from the area/co-ordinates of which photographs have been produced. Geotag photo is annexed herewith as **Annexure R11/1**.

6. In fact, it was stated categorically in Para 22 of the Reply dated 19.3.2025 filed by the answering Respondent to the OA that, “22. *That it may be mentioned here that on 27.11.2015, Tahasildar had issued a letter to the answering Respondent to stop the mining / quarry activities in the Black Stone quarry forthwith. In pursuance thereto, the answering Respondent stopped mining activities with relation to his Dankari Stone Quarry.*”
7. That further as stated by the State in it’s reply dated 26.11.2024 in Para 13....*Further since then, no such permission was accorded in favour of Sri Sribash Jena for mining operation of Ac 41.50 Dankari Black Stone Quarry and the source is non-operational.*”

8. It may also be pertinent to point out the conduct of the Applicant himself. Applicant is a man with highly questionable credibility and is involved in extortion, illegal extraction and transportation of minerals etc.
9. That the Applicant has been found to be a chronic violator of lease conditions having been caught in illegal extraction of minor mineral and imposed with a huge penalty of Rs.250 crore. This shows that there is complete lack of bonafide by the Applicant and he is abusing the present forum and filling purely private interest litigation.
10. It may be mentioned here that the Applicant was arrested on 14.06.2023 in connection with FIR No. 384 dated 13.6.2023 under section 379/34 IPC r/w Section 21 of MMDR Act for extracting and transporting morrum illegally from government land which was dumped on private land owned by the Applicant. This arrest of Applicant had been on the written complaint made Government Official - the Tahasildar, Dharamsala, no less. Applicant had hired / rented vehicles for excavating and transporting earth/morrum from Govt land in the village of Saroi under Dharamshala Tehsil, District Jajpur. The Tehsildar Dharamshala was able to seize five (5) numbers of tractors and one (1) JCB machine from the spot with police help and also lodged an FIR in that connection in the Dharamshala police station which was registered as Dharamshala P.S Case no. 384 dated 13.06.23 for offences punishable under sec 379/ 34 of the Indian Penal

Code r/w sec 21 of the MMDR Act. Accordingly, C.T No. 1037/2023 has been instituted before the Court of the learned JMFC, Chandikhole.

11. That besides the above, the Applicant is also accused in the following cases: Dharmasala P.S. Case No. 145 dated 20.05.2009 u/s 341/294/379/506/323/34 IPC, Dharmasala P.S. Case No. 90 dated 20.04.2011 u/s 294/506 IPC/Sec 3 SC & ST (PA) Act, Dharmasala P.S. Case No. 239 dated 09.07.2017 u/s 341/294/506/34 IPC, Dharmasala P.S. Case No. 261 dated 11.05.2022 u/s 341/294/34 IPC/3(1)(r)(s)/2(va) SC & ST (PA) Act, Jenapur P.S. Case No. 119 dated 3.10.2016 u/s 147/148/294/323/307/436/120(B)/149 IPC.
12. Applicant claims himself to be a RTI Activist who files cases before different forums including Hon'ble Lokayukta Odisha, the Hon'ble High Court and the Hon'ble NGT. He has thereafter proceeded to misuse and abuse the provisions of the RTI Act by blackmailing and extorting money from various public offices at all existing levels besides receiving monthly payments from several contractors and business persons primarily in Dharmasala area of District Jajpur, whom he has been successful in blackmailing and victimizing through his extortionist means. Applicant has in fact made himself into a "professional extortionist" threatening everyone around while having no credibility of his own, being involved in different illegal activities.

13. That the aforesaid facts have been brought on record by the present Respondent in his reply dated 19.3.2025 filed before this Hon'ble Tribunal and which have not been rebutted by the Applicant in his rejoinder dated 16.07.2025.
14. That it is settled law that the law machinery cannot be set into motion at the instance of an unscrupulous litigant. In *Divine Retreat Centre Vs. State of Kerala & Ors.*, (2008) 3 SCC 542, this Hon'ble Court reiterated that public interest litigation can only be entertained at the instance of bonafide litigants. It cannot be permitted to be used by unscrupulous litigants to disguise personal or individual grievances as public interest litigations. In *Ashok Kumar Pandey v. State of W.B.*, (2004) 3 SCC 349 , it was observed that, "4. When there is material to show that a petition styled as a public interest litigation is nothing but a camouflage to foster personal disputes, the said petition is to be thrown out. Before we grapple with the issue involved in the present case, we feel it necessary to consider the issue regarding public interest aspect. Public interest litigation which has now come to occupy an important field in the administration of law should not be "publicity interest litigation" or "private interest litigation" or "politics interest litigation" or the latest trend "paise income litigation". If not properly regulated and abuse averted it also becomes a tool in unscrupulous hands to release vendetta and wreak vengeance as well.

There must be real and genuine public interest involved in the litigation and not merely an adventure of a knight errant or poke one's nose into for a probe. It cannot also be invoked by a person or a body of persons to further his or their personal causes or satisfy his or their personal grudge and enmity. Courts of justice should not be allowed to be polluted by unscrupulous litigants by resorting to the extraordinary jurisdiction. A person acting *bona fide* and having sufficient interest in the proceeding of public interest litigation will alone have a *locus standi* and can approach the court to wipe out violation of fundamental rights and genuine infraction of statutory provisions, but not for personal gain or private profit or political motive or any oblique consideration.”

25. That it is vehemently denied that the answering Respondent has indulged in any unlawful or illegal activity or has been conducting any illegal or unlawful quarrying activities. After receipt of letter dated 27.11.2015 from the Tehsildar, the Respondent has ceased mining activity in Dankari Black Stone Quarry.
26. That the allegations made in the present application are patently false and do not relate to the answering Respondent.

In the light of the above facts and circumstances and in the interest of justice, it is most respectfully prayed that this Hon'ble Court may kindly be pleased to dismiss the present Application with costs.

FILED BY:



MUKUL KUMAR

Counsel for the Respondent No. 11,
Chamber No. 414, Block D,
Additional Building Complex,
Supreme Court of India
New Delhi-110001,
Mob. No. 9891766002

Place: New Delhi
Dated: 20.1.2026

Email: mukulkr1722@gmail.com



BEFORE THE NATIONAL GREEN TRIBUNAL
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I.A. No. 686/2025
IN

Original Application No. 604/2018

Sarbeswar Behura Applicant

Versus

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A F F I D A V I T

I, Sribash Jena, aged about 61 years, S/o Late Shri Muralidhar Jena, R/o Village Saroi, P.O. Haridaspur, P.S. Dharmasala, Dist Jajpur, Odisha; do hereby solemnly affirm and declare as under:

1. That I am the Respondent No. 11 in the above mentioned OA and am fully conversant with the facts of this case and hence, am competent to swear this affidavit.
2. That the accompanying Reply has been drafted by my counsel upon my instructions and the same have been read over to me and have been explained to me and understood by me to be true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.
3. That the annexures are true copies of their respective originals.

Adv.

20/01/2026

Sribash Jena
DEPONENT

PRADIPTA KUMAR MOHANTI
NOTARY, CUTTACK TOWN
REGD.No-ON-04/1985

VERIFICATION

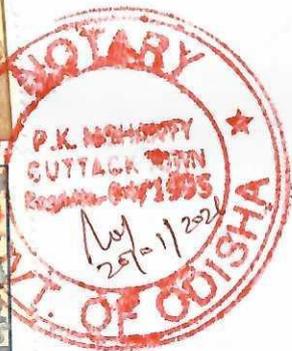
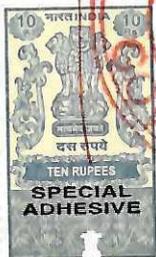
Verified at Cuttack on 20th day of January, 2026 that the contents of the above affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therefrom.

IDENTIFIED BY

Arun Kumar
ADVOCATE

Sibash Jena

DEPONENT



Solemnly sworn before me by *Sibash Jena*
being identified by *A. Pradhan Advocate*
at Cuttack Town District *25/01/2026*
25/01/2026
P.K. MOHANTY, Notary, Cuttack Town
Regd No-ON-04/1995

Geotag Notecam Photo at the site of ~~402~~ Landslide Dankari, Jaipur, Odisha

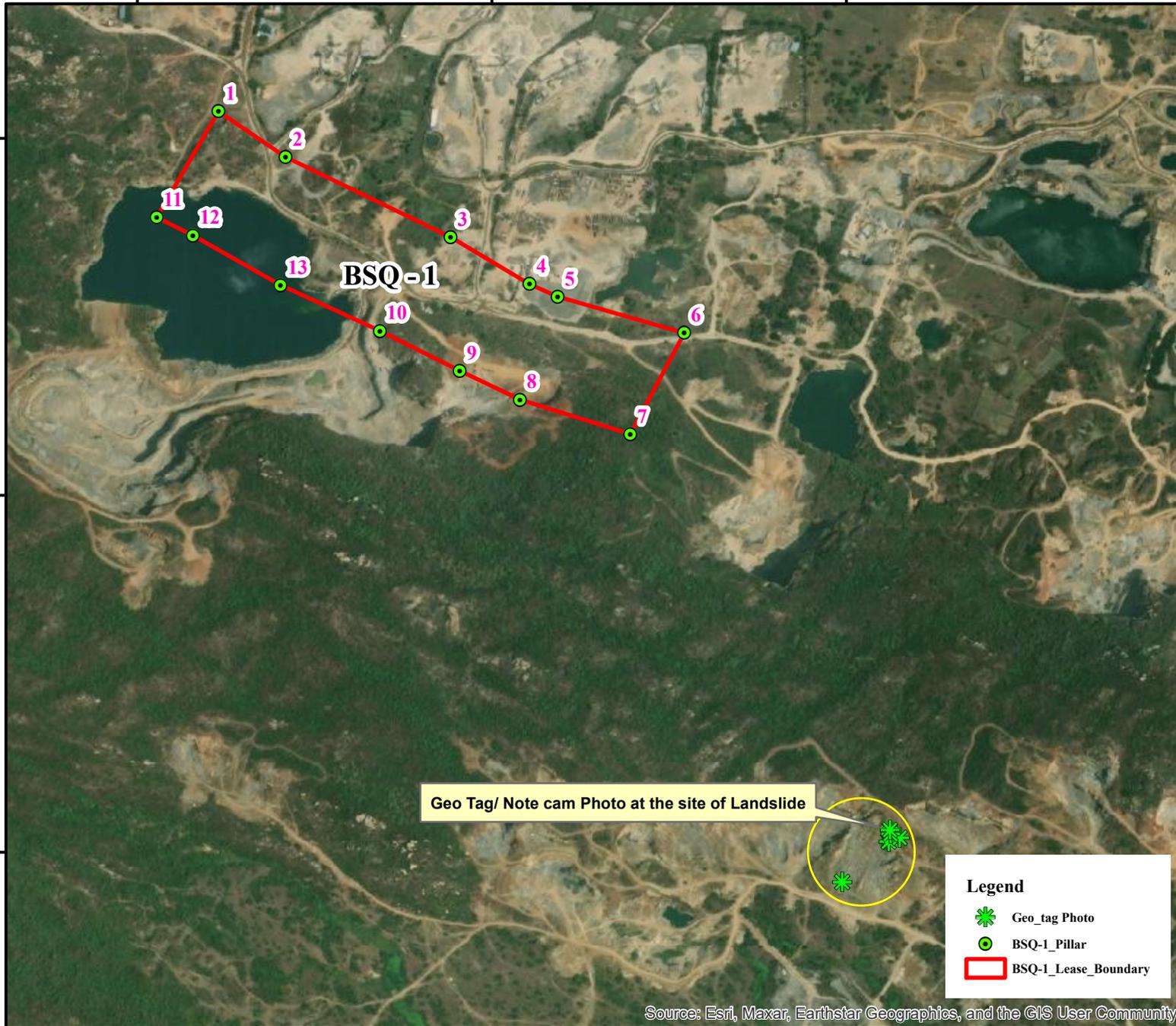
Scale :- 1:10,000

Annexure R11/1

11



86°1'40"E 86°2'0"E 86°2'20"E



Geo Tag/ Note cam Photo at the site of Landslide

Legend

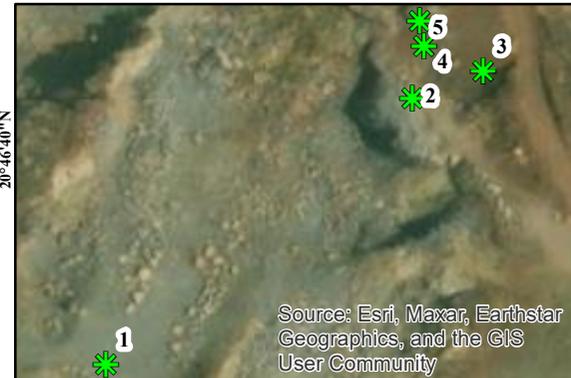
- Geo_tag Photo
- BSQ-1_Pillar
- BSQ-1_Lease_Boundary

Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

BSQ - 1 PILLAR CO-ORDINATES		
PILLAR_NO	LATITUDE	LONGITUDE
1	20° 47' 21.510" N	86° 1' 44.580" E
2	20° 47' 18.965" N	86° 1' 48.361" E
3	20° 47' 14.459" N	86° 1' 57.681" E
4	20° 47' 11.828" N	86° 2' 2.121" E
5	20° 47' 11.136" N	86° 2' 3.718" E
6	20° 47' 9.090" N	86° 2' 10.860" E
7	20° 47' 3.420" N	86° 2' 7.810" E
8	20° 47' 5.362" N	86° 2' 1.587" E
9	20° 47' 6.973" N	86° 1' 58.194" E
10	20° 47' 9.217" N	86° 1' 53.689" E
11	20° 47' 15.580" N	86° 1' 41.090" E
12	20° 47' 14.562" N	86° 1' 43.135" E
13	20° 47' 11.770" N	86° 1' 48.087" E

Geo Tag/ Note cam Photo at the site of Landslide Co-ordinate				
PO_ID	LATITUDE	LONGITUDE	NAME	REMARKS
1	20.777309	86.038827	Redcross fund to Lakshinath Maji	Chain Mounted Excavato Recoverd fromdebris at the landslide site in Broken Condition
2	20.777941	86.039558	Dankari accident	Multiple Drill holes of diameter around 5 Inches each
3	20.778005	86.039728	Dankari accident	Multiple Drill holes of diameter around 5 Inches each
4	20.778064	86.039586	Dankari accident	Tripod mounted DTH(Down-The-Hole) Long Hole Drilling Machine
5	20.778124	86.039576	Dankari accident	Joint Inspeption by the Revenue Officials, Mining Officer & NDRF Staff

View in 1:2000 Scale (Geo Tag/ Note cam Photo at the site of Landslide)



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

20°47'20"N
20°47'0"N
20°46'40"N

20°47'20"N
20°47'0"N
20°46'40"N

86°1'40"E 86°2'0"E 86°2'20"E



Mukul Kumar <mukulkr1722@gmail.com>

Service of Reply in O.A No. 604 of 2018, titled as Sarbeswar Behura Vs. UOI & Ors.

1 message

Mukul Kumar <mukulkr1722@gmail.com>

Tue, Jan 20, 2026 at 9:40 PM

To: secy-moef@nic.in, dir.m-png@gov.in, soestt-png@gov.in, revsec.od@nic.in, fesec.or@nic.in, paribesh1@ospcboard.org, chairman.seiaaodisha@gmail.com, rdcsbp@nic.in, dm-jajpur@nic.in, admjajpur.od@nic.in, kalyanilab@yahoo.co.in, "tdrdharmasala@gmail.com" <tdrdharmasala@gmail.com>, rajeshsinghadv@gmail.com, Rovins Francis Verma <rovins10@gmail.com>, ishaarora.legal@gmail.com, "Isha.Arora@gmail.com" <Isha.Arora@gmail.com>, Adv Ori Som Raj Choudhary <LEXREX.som@gmail.com>, "lexrex.associate@gmail.com" <lexrex.associate@gmail.com>, "Adv. Manoranjan Paikaray" <mpaikray@gmail.com>, "seiaaodisha@gmail.com" <seiaaodisha@gmail.com>

Sir,

PFA, Reply to IA No. 686/2025 in the matter of O.A No. 604 of 2018, titled as Sarbeswar Behura Vs. UOI & Ors. pending before the Hon'ble NGT, by way of service upon your goodself.

Thank You

MUKUL KUMAR,

Counsel for Respondent No. 11

Chamber No 414, D Block

Addnl Building Complex

Supreme Court of India

Mob: 9891766002

**Reply_SJena_NGT_IA.pdf**

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