

Item No.03

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(Through Video Conferencing)**

Original Application No.117/2022/EZ

Lokanath Upadhyay

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 05.09.2022.

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER**

For Applicant(s) : Mr. Prashar Baidya, Advocate (in Virtual Mode) a/w
Mr. Ratul Ghosh, Advocate

ORDER

1. Heard Mr. Prashar Baidya, learned Counsel appearing (in Virtual Mode) along with Mr. Ratul Ghosh, learned Counsel for the Applicant.
2. The allegation in this Original Application is that about 79-80 trees have been cut-down at Baba Bisweswar Mahadev Bijesthal, situated in Khatian No. 731, Kandagaradi, under Mouza-Kandagaradi Gram Panchayat, P.S.-Niligiri, P.O.-Kandagaradi, Via-Bahanaga, District-Balasore. These trees comprise of Acacia, Neem, Mahaneem, Eucalyptus, Gambhari, Saguan (Teek Wood) species etc. It is stated that these trees have been cut-down for construction of a 'Ceremonial Hall'.
3. Reliance has also been placed on the letter of the Revenue Inspector, Santaragadia, dated 24.05.2022 (page no. 29 of the paper book), which is addressed to the Tahasildar-Niligiri, District-Balasore, stating therein that about 79 Aakashia trees have been cut down at Plot No. 578 near Biseswar Temple and have been stored inside the boundary of Shree Krupasindhu Mohanty, (Respondent No.9 herein).

4. It is also stated that the trees in question would constitute a 'Forest' and no permission has been taken in this regard from the Central Government as required under Section 2 of the Forest (Conservation) Act, 1980 as well as from the State Government under the Orissa Preservation of Private Forests Rules, 1963.
5. In our opinion, matter requires consideration.
6. Issue notice to the Respondents, returnable within two weeks.
7. Mr. Prasenjeet Mohapatra, learned Additional Standing Counsel who is present (in Virtual Mode) accepts notice on behalf of the Respondent Nos. 2, 5, 6, 7 & 8, State Respondents, Govt. of Odisha.
8. At this stage, we are not issuing notice to the Respondent Nos. 3 & 4, Odisha State Pollution Control Board.
9. Considering the allegations made in the Original Application, we direct the Respondent No.5, District Magistrate, Balasore, to file his personal affidavit with regard to the allegations made in the Original Application within two weeks.
10. The Respondent No.9, Private Respondent, may also file his counter-affidavit within two weeks.
11. Mr. Ra tul Ghosh, learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its annexurs upon Mr. Prasenjeet Mohapatra, today itself.
12. **List on 26.09.2022.**

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B. Amit Sthalekar, JM

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Saibal Dasgupta, EM

September 05, 2022,
Original Application No.117/2022/EZ
AK