

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBIRD MODE)**

Original Application No.117/2022/EZ

Lokanath Upadhyay & Ors.

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 10.11.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

For Applicant(s) : No one

For Respondent(s) : Mr. Tarun Patnaik, ASC for State Respondents (in Virtual Mode)

ORDER

1. Affidavit dated 09.11.2022 has been filed on behalf of Respondent No.5 i.e., Collector and District Magistrate, Balasore, Odisha; same is taken on record.
2. In this affidavit, it is stated that the Respondent No.9 cut the trees on 23.05.2022 standing over Khata No.730, Plot No.577 for which permission had never been applied for and in fact permission had been sought in respect of Khata No.731, Plot No.578 but the trees were felled even before any order could be passed on the application seeking such permission.
3. It is stated that the Revenue Inspector, Santargadia conducted a field inspection and stated that 79 *Acacia* trees had been cut from the Plot No.577 having *Kisam Patharbani* and the same were seized and given *Zima Nama* on 24.05.2022.
4. It is stated that UD Case No.03K of 2022-23 has been initiated by the Forest Range Officer, Kuldiha Wildlife Range against the Respondent No.9.

5. This affidavit does not disclose as to how 79 trees were cut down on plot no.577 for which several labourers must have been engaged and none of the Revenue Officials discovered these facts till all the 79 trees had been cut down and carried away by the Respondent No.9. This affidavit also does not disclose the total value of the trees cut down and what steps have been taken for recovery of the same from the Respondent No.9.
6. Mr. Tarun Patnaik, Additional Standing Counsel appearing (in Virtual Mode) on behalf of State Respondents prays for and is granted three weeks time for filing the affidavit of the Divisional Forest Officer, Balasore Wildlife Division i.e., Respondent No.6.
7. This affidavit must disclose the total value of the trees cut down; what action has been taken for recovery of the value of the trees from the Respondent No.9 and what action is proposed for replacement of the trees through the process of afforestation.
8. The Divisional Forest Officer, Balasore, will also determine the Environmental Compensation in addition to the penalty and the monetary value of the trees which have been cut down which has to be recovered from the Respondent No.9 including cost of afforestation.
9. The affidavit of the State Respondents dated 09.11.2022 also does not disclose as to who was the officer of the State, responsible for carrying out of regular inspections and as to how it escaped the notice of this Officer that 79 trees had been cut down and carted away by the Respondent No.9, but no action was taken by the officer to prevent the illegal cutting of the trees.
10. The State Respondents shall, therefore, file a fresh affidavit disclosing the name of the Officer due to whose lapse 79 trees were

allowed to be cut down and who has thus connived with the Respondent No.9 to carry away the logs to the premises of the Respondent No.9 and what disciplinary action has been taken against the officer concerned.

11. Let the affidavits be filed by the next date of listing.
12. **List on 13.12.2022.**

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B. Amit Sthalekar, JM

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Prof. A. Senthil Vel, EM

November 10, 2022
Original Application No.117/2022/EZ
BD