

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

Original Application No.117/2022/EZ

Loknath Upadhyay

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 13.12.2022

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

For Applicant(s) : None

For Respondent(s) : Mr. Tarun Patnaik, ASC for R-2,5,6,7&8, (in Virtual Mode)

ORDER

1. Case called out. No one is present for the Applicant.
2. Counter-affidavit dated 12.12.2022 has been filed on behalf of the Respondent No.6, Divisional Forest Officer, Balasore; the same is taken on record.
3. We find that this Court vide its order dated 10.11.2022 had directed the State Respondents to specifically disclose the name of the officer under whose jurisdiction the alleged 79 Acacia trees have been cut but in the affidavit of the Divisional Forest Officer, Balasore, dated 12.12.2022, this information has not been disclosed.
4. Mr. Tarun Patnaik, learned Additional Standing Counsel appearing (in Virtual Mode) for the State Respondents, states that these trees do not fall within the beat jurisdiction of Forest Officer's range but falls under the District Administration Department.
5. This fact is not stated in the affidavit of the Divisional Forest Officer, Balasore, though it should have been categorically so stated. Even otherwise it would have occurred to any man of ordinary prudence to have stated in the affidavit that if these trees do not fall within the beat jurisdiction of the Forest Officer and falls within the jurisdiction of the

District Administration Department, it should have been stated so. From the affidavit of the Divisional Forest Officer, Balasore, dated 12.12.2022, it appears that the concerned Divisional Forest Officer is withholding the information from the Tribunal for reasons best known to him.

6. In para 7 of the affidavit of the Collector & District Magistrate, Balasore, dated 09.11.2022, it is stated that the Revenue Inspector inspected the site on 24.05.2022 and the felled trees were seized by him.
7. In the present case 79 trees are alleged to have been cut as stated in the affidavit of the Collector, Balasore, though the Divisional Forest Officer, Balasore, in his affidavit dated 12.12.2022, states that 45 trees were cut.
8. Be that as it may, such a large number of trees could not have been cut without coming into the notice of the Revenue Inspection having jurisdiction of the area.
9. We, therefore, direct the Collector & District Magistrate, Balasore, to file his affidavit within two weeks disclosing the name of the Revenue Officer concerned under whose beat jurisdiction these trees were felled and whose responsibility it was to take care that trees under the District Administration Department are not cut illegally.
10. The affidavit of the Collector & District Magistrate, Balasore, shall also disclose what disciplinary action has been initiated against the officer concerned under whose beat jurisdiction the alleged 79 trees have been cut.
11. **List on 18.01.2023.**

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B. Amit Sthalekar, JM

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Dr. Afroz Ahmad, EM

December 13, 2022
Original Application No.117/2022/EZ
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