

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA**

(THROUGH PHYSICAL HEARING WITH HYBRID MODE)

Execution Application No.03/2022/EZ
In
Original Application No.129/2016/EZ

Wildlife Society of Orissa

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 14.03.2023

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

For Applicant(s) : Mr. Sankar Prasad Pani, Advocate (in Virtual Mode)

For Respondent(s) : Mr. Janmejaya Katikia, AGA for State Respondents
(in Virtual Mode)

ORDER

1. Mr. Sankar Prasad Pani, learned Counsel appearing (in Virtual Mode) for the Applicant.
2. Mr. Janmejaya Katikia, learned Additional Government Advocate, files Vakalatnama on behalf of the Respondent No.4, Principal Chief Conservator of Forest, (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar; the same is taken on record.
3. Affidavit dated 14.03.2023 has been filed by Conservator of Forests on behalf of the Respondent Nos.1, 2 & 4; the same is taken on record.
4. In this affidavit, it is stated that a matter relating to elephant corridors is pending before the Hon'ble Supreme Court in W.P. (C) No.275/2015 involving similar issues as in the present Original Application, which is still pending before the Hon'ble Supreme

Court. It is also pointed out that a PIL is also pending in the Hon'ble High Court of Orissa being PIL No. *WPC (PIL) No.14706/2022, Gita Rout vs. State of Odisha*, on the same issue.

5. The present Original Application has been decided by the Tribunal on 17.08.2021 and the Respondents were required to file affidavit of compliance of the directions given therein, within two months regarding notifying of the elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan. We regret to say that though we are in March, 2023 but no Action Taken Report has been placed before us. All that has been stated in paragraph-6 of the present affidavit is that in compliance of another order dated 18.02.2020 passed by this Tribunal in Original Application No.2/2019, the Similiapl-Hadgarh-Kuldiha traditional elephant corridor has been notified as "Conservation Reserve" by the State Government under Section 36A of the Wildlife (Protection) Act, 1972, vide notification dated 20.01.2023.
6. It is also stated that a Review Application seeking review order of the Tribunal dated 17.08.2021 has been filed on 16.09.2021. No such Review Application is on record and Mr. Janmejaya Katikia, learned AGA, also states that he has not received any number of the Review Application. This shows clear non-compliance of the directions of this Tribunal given in its order dated 17.08.2021.
7. Issue notice to the Respondent No.4, Principal Chief Conservator of Forests and Chief Wildlife Warden, Odisha. We direct the Respondent No.4, Principal Chief Conservator of Forests and Chief Wildlife Warden, Odisha, to file his personal affidavit showing cause as to why action may not taken against him under Section 26 of the National Green Tribunal Act, 2010.

8. **List on 06.04.2023.**

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B. Amit Sthalekar, JM

March 14, 2023
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Prof. A. Senthil Vel, EM