

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

O.A. No. 155/2016/EZ

BIREN KR. PRADHAN & ANR

VS

STATE OF ODISHA & ORS

CORAM: Hon'ble Mr. Justice S.P.Wangdi, Judicial Member
Hon'ble Prof. (Dr.) P. C. Mishra, Expert Member

PRESENT: Applicants : Mr. Sankar Prasad Pani, Advocate
Respondent No. 2 : Mr. Gora Chand Roy Chowdhury, Advocate
Respondent No. 9 : Mr. J. Katikia, Addl. Govt. Advocate
Other Respondents : None

Date & Remarks	Orders of the Tribunal
<p>Item No. 3 11th January, 2017.</p>	<p style="text-align: center;">Vakalatnama filed today by Mr.J.Katikia,Ld. Addl. Govt. Advocate, on behalf of the respondent No. 3, Collector, Debagarh is ordered to be taken on record. He has already filed vakalatnama on behalf of the respondent No. 9, the Executive Engineer, National Highway Division, Deogarh. Since the respondents No. 1,4,5,6,7 and 8 are all government respondents, Mr. Katikia is requested to inform them of the pendency of the matter and the necessity for them to respond.</p> <p style="text-align: center;">Mr. Gora Chand Roy Chowdhury, Ld. Panel</p>

Advocate for MOEF, respondent No. 2, prays for further time to file response on behalf of the said respondent.

Let affidavits-in-opposition be filed within three weeks with advance copies on the other side.

The foundational case of the applicant in this matter is that the respondents No. 9 and 10, viz. Executive Engineer, National Highway Division, Deogarh and M/s Sridurga Condev respectively, have taken up the work of expansion of National Highway No. 49 from Bhojpur to Chhatabar Section covering a stretch of 200 Kms without obtaining forest clearance under the Forest (Conservation) act, 1980 even though 19.58 Ha of forest land are involved. It is apprehended that during the course of the work, large number of trees may be felled. In fact, it is the case of the applicant that felling has indeed taken place and is continuing.

It is further stated by the applicant that minor minerals including soil, sand and gravels required for the construction work of road can be lifted only after obtaining environment

clearance. It is alleged that no such clearance has been obtained.

Considering the facts and circumstances stated in the application and submission of the learned counsel and in view of the urgency, we direct the respondents No. 9 and 10 to withhold further work on the project if forest clearance as alleged by the applicant has not been obtained under the Forest (Conservation) Act, 1980.

List on 7.2.2017.

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Justice S.P.Wangdi, JM
11-1-2017

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Prof. (Dr.) P. C. Mishra, EM
11-1-2017

