

DIVISION BR. SEAT No. 124

TARUN PATNAIK, A.S.C

[O. H. C.-97-A]

M/S. S. P. Pami - (WSO)  
R. K. Sarangi.

In the High Court of Orissa

ORDER SHEET

BLAPL/W.P.(C) No. 14057/2023 - 8120

STATE OF ODISHA

Petitioner

Versus

WILDLIFE SOCIETY OF ORISSA

\$ Am

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
			<p>PRESENTED ON 03/05/2023</p> <p><i>[Signature]</i></p> <p>for SUPERINTENDENT COMPUTER FILING SECTION</p> <p><i>[Signature]</i> 2/5/23</p> <p>Bikram Sethy Assistant Registrar (Judl.)</p> <p>For Admission with defect no-6,</p> <p>1) I. A. No- 6544/23 at Page A- for stay.</p> <p>Kulandis Galleysai 3.5.23, <i>[Signature]</i>, Pradip Kumar Katarak</p>



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SCANNED

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14057 of 2023

*State of Odisha and others*

....

*Petitioners*

Mr. Ashok Kumar Parija, Advocate General  
Assisted by Mr. Tarun Patnaik, Addl. Standing Counsel

-versus-

*Wildlife Society of Orissa (Elephant  
Corridors) and another*

....

*Opposite Parties*

Mr. P.K. Parhi, DSGI along with Mr. S.S. Kashyap, CGC for  
Opp. Party No.2

CORAM:

THE CHIEF JUSTICE

JUSTICE G. SATAPATHY

Order No.

ORDER

04.05.2023

W.P.(C) No.14057 of 2023

01. 1. Mr. Ashok Kumar Parija, learned Advocate General appearing for the Petitioners-State of Orissa draws attention to an order dated 14<sup>th</sup> March, 2023 passed by the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata which notes in para 4 of that order that this Court was seized of W.P.(C)-PIL No.14706 of 2022 (*Gita Rout v. State of Odisha*) on the same issue of notification of an elephant corridor in the State of Odisha.
2. However, in the subsequent order dated 6<sup>th</sup> April 2023, an ultimatum was given by the NGT to the State of Odisha to notify the elephant corridor within a month thereafter and "no more" stating that "otherwise the concerned authorities shall be liable under Section 26 of the National Green Tribunal Act".

3. The next date of hearing in W.P.(C)-PIL No.14706 of 2022 is on the very same date that the NGT has next listed the matter, i.e., 9<sup>th</sup> May, 2023. This Court has in fact passed a series of orders in the said PIL, all of which, Mr. Parija states were brought to the notice of the NGT.

4. Parallel proceedings both in the NGT and this Court on the same issue is not desirable.

5. Issue notice. Mr. P.K. Parhi, learned Deputy Solicitor General accepts notice on behalf of proforma Opposite Party No.2. Since he accepts notice, let required number of copies of the writ petition be served on him within three working days. Notice be served on Opposite Party No.1 in Dasti.

6. List along with W.P.(C) PIL No.14706 of 2022 on 9<sup>th</sup> May, 2023.

**I.A. No.6544 of 2023**

7. Notice as above. Further proceedings in Execution Application No.3 of 2022/EZ in O.A. No.129 of 2016/EZ shall remain stayed till the next date.

  
(Dr. S. Muralidhar)  
Chief Justice

  
(G. Satapathy)  
Judge

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14706 of 2022

AND

W.P. (C) Nos.9056 of 2013, 19625 of 2015,  
22421 of 2015 & 14057 OF 2023

W.P.(C) No.14706 of 2022

*Gita Rout*

....

*Petitioner*

Mr. Ashis Kumar Mishra, Advocate,  
Mr. Afraz Suhail, Advocate and  
Mr. Omkar Devdas, Advocate

W.P.(C) No.9056 of 2013

*Balagopal Mishra and another*

....

*Petitioners*

Mr. G.P. Mohanty, Advocate

W.P. (C) No.19625 of 2015

*Mrinalini Padhi*

....

*Petitioner*

In person

W.P.(C) No.22421 of 2015

*Dwija Dalpati*

....

*Petitioner*

Mr. Gautam Misra, Senior Advocate assisted by  
Mr. A. Dash, Advocate

-versus-

*State of Odisha and others*

....

*Opposite Parties*

Dr. Manoj V. Nair, Principal Chief Conservator of Forests (WL) &  
Chief Wildlife Warden, Bhubaneswar,

Mr. Debakanta Mohanty, Additional Government Advocate &

Mr. Ishwar Mohanty, Additional Standing Counsel,

Mr. Bijaya Kumar Dash, Advocate FOR O.P. No.7-TPCODL,

Mr. Akhaya Biswal, Advocate for Intervener

(in I.A. No.3126 of 2023)

Advocate (in I.A. No.640 of 2023) and

Mr. J. K. Panda, Additional Superintendent of Police

W.P.(C) No.14057 of 2023

*State of Odisha and others*

....

*Petitioners*

Mr. Debakanta Mohanty, AGA and Mr. Ishwar Mohanty, ASC

9



-versus-

*Wildlife Society of Orissa (Elephant  
Corridors) and another*

....

*Opposite Parties*

Mr. Sankar Prasad Pani, Advocate

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE G. SATAPATHY**

**ORDER**  
**09.05.2023**

**Order No.**

15.

1. The Vakalatnama filed by Mr. Bijaya Kumar Dash, learned counsel for Opposite Party No.7-TPCODL is taken on record.

2. Pursuant to the order passed by this Court on 13<sup>th</sup> March 2023, two affidavits have been filed. The first dated 17<sup>th</sup> April, 2023 is by the Chairperson-cum-Convenor, Joint Task Force (JTF), Dr. Manoj V. Nair providing information as regards compensation paid in respect of human losses, human injuries, animal losses, house damage and crop damage. It is stated that in the past six months, there have been 21,093 cases of crop loss on account of attacks by elephants. Dr. Nair, who appears in virtual mode, informs the Court that sum of Rs.7.22 crores has been paid on this score. The Court has also been shown a copy of the Notification dated 3<sup>rd</sup> May, 2023 issued under Rule 45-KK of the Wildlife (Protection) (Odisha) Amendment Rules, 2023 enhancing the amounts of compassionate payment in all of the above categories. For the instance, the *ex gratia* for human loss has been increased from Rs. 4 to Rs. 6 lakhs. According to Dr. Nair, there is a 40 days turnaround time for payment of compensation.

3. It appears that on 5<sup>th</sup> April 2023, there was a meeting held by the Chairperson of the JTF with the DISCOMs where *inter alia* a discussion was held on the mitigation measures that have to be put in place for avoiding deaths of elephants due to electrocution. The series of steps to be taken with the DISCOMs, pursuant to the Comprehensive Action Plan (CAP), include “barricading the open transformers, fixing of interposing poles of both HT and LT lines, conversion of LT bare conductor to AB cable, change of vacuum circuit breaker, maintenance of primary substation, sensitization of feeders & periodical checklist of feeder, fittings of spikes in the electric poles, establishment of elephant control room etc.”
4. The minutes also refers to a study undertaken by SNEHA (Support for Network and Extension Help Agency) having experience in working on human-elephant conflict issues in Karnataka. SNEHA was engaged by the DISCOMs to undertake a study in two districts i.e. Dhenkanal and Angul. Mr. Bijaya Kumar Dash, learned counsel appearing for the DISCOMs has handed over a copy of the report submitted by SNEHA to TATA Power Limited, Mumbai where *inter alia* one suggestion given is for use of alternate 6V Solar or DC fence set-up which will “repel the wildlife or set off an alarm instead of creating causality.”
5. The Interveners in I.A. No.3126 of 2023 has also asked for similar measures to be deployed in the villages of those Applicants after undertaking a ground survey..
6. Mr. Shenhagam, who is the CEO of TPCODL, is present on line, and explains that Elephant Control Rooms have been set up by the

DISCOMs since 2020 and that on advance information of elephant movement being received from the Forest Department, they are able to take corrective action.

7. However, the Court is of the view that steps would have to be taken by the DISCOMs to interact with the residents of villages falling within their respective areas which have witnessed elephant movement in the past. The DISCOMs would do well to persuade the villagers to go in for 6V Solar fencing and offer it as a viable alternative even while disconnecting the illegally 'hooked' electricity connections which are powering the *ad hoc* electric fences put up by the villagers to prevent attacks by wild animals of either humans or crops.

8. Dr. Nair placed before the Court the statistics of elephant deaths and human deaths in the past two months. On 9<sup>th</sup> March 2023, an adult male elephant was electrocuted in Keonjhar and on 13<sup>th</sup> March, 2023 another male was electrocuted in Gumsar in Ganjam District. On 11<sup>th</sup> April 2023, one adult female elephant and an adult male elephant were electrocuted in Bonai and Subarnapur respectively. Apart from the four electrocution deaths, there have been in the last two months, 14 more deaths of elephants—2 due to disease, 2 due to natural causes, 1 due to infighting and 1 due to a train accident. Of 18 elephants that have died, there have been 11 adults and 7 very young calves. Dr. Nair adds that the reasons for the death of these 7 very young calves are still being analyzed.

9. During this period, 20 persons have lost their lives due to attacks by elephants. Dr. Nair further adds that these deaths have occurred in

areas not necessarily in or around the 14 elephant corridors in Odisha that were earlier identified by identified by the Asian Nature Conservation Foundation (ANCF). It is informed that due to passage of time only 4 such corridors are considered active and one among them has been notified as a Conservation Reserve pursuant to a judgment by the Supreme Court of India in *Binay Kumar Dalei v. State of Odisha* (decision dated 2<sup>nd</sup> March, 2022 in Civil Appeal Nos.1627-1628 of 2022).

10. At this juncture, it must be noted here that the Wildlife Society of Odisha (Elephant Corridors) ['WSO'] had approached the National Green Tribunal (NGT) with a petition being O.A. No.129 of 2016 questioning the inordinate delay on part of the State of Odisha in notifying the Elephant Corridors under Section 3 of the Environment (Protection) Act, 1986 (EP Act) read with Rule 6 of the Environment (Protection) Rules, 1986. It must be further noted here that in the said application, the NGT appears to have passed a 'final order' on 17<sup>th</sup> August, 2021 directing the State of Odisha to notify the 14 Elephant Corridors as earlier identified by the ANCF within a period of two months. This led to the State of Orissa filing a Review Petition pointing out that there is a petition, W.P.(C) No.275 of 2015, on this issue which is pending before the Supreme Court. Further, it was pointed out that the report of the ANCF suggests that "most of the corridors have no functional existence and most of the corridors are also not ecological feasible." Accordingly, a review was sought by the State of Odisha of the order dated 17<sup>th</sup> August, 2021 of the NGT. Even while the said review petition was pending, Execution Application No.3/2022/EZ appears to have been filed by WSO

pressing for execution of the order dated 17<sup>th</sup> August, 2021 in which the NGT passed an order on 6<sup>th</sup> April 2023, granting the State one month's time 'and no more' to notify the elephant corridors. By this time, in the hearing of the execution application, it was brought to the notice of the NGT by the State of Odisha that this Court was seized of one of the present petitions i.e. W.P.(C) PIL No.14706 of 2022 on the same issue. Against the said order dated 6<sup>th</sup> April 2023, the State of Odisha has filed W.P.(C) No.14057 of 2023 in which this Court passed an order on 4<sup>th</sup> May, 2023 staying the further proceedings before the NGT.

**I. A. No.6983 of 2023 arising out of W.P.(C) No.14057 of 2023**

11. WSO has filed this I.A. seeking vacation of the aforesaid stay order dated 4<sup>th</sup> May, 2023. Notice. Notice is accepted by the learned Additional Government Advocate for the State, who undertakes to file a reply thereto within four weeks, rejoinder thereto be filed on or before the next date. The Vakalatnama filed by Sri Pani is taken on record.

12. Dr. Nair has explained two major problems coming in the way of notifying elephant corridors. The first being there is no legal provision in the Wildlife Protection Act, 1986 (WP Act), which enables the making of such notification. The second is that the EP Act only talks of eco sensitive zones, which does not fully answer the need for a comprehensive provision for this purpose.

13. Mr. Pani, learned counsel appearing for WSO sought to counter the submission by referring to Section 3(2) (v) of the EP Act, which empowers the Central Government to take 'measures to protect and

improve environment' and in that process, notify restriction of areas "in which any industries, operations or processes or class of industries, operations or processes shall not be carried out or shall be carried out subject to certain safeguards." In the considered view of the Court, Section 3(2)(v) of the EP Act operates in a very narrow sphere as it does not contemplate loss of human lives, crops and vegetation etc. as a result of movement of wild animals including elephants and it is doubtful therefore if the measures taken under the above provision to answer the problem brought about as a result of elephant-human conflict.

14. In any event, it does appear that identifying elephant corridors precisely is a complex task as pointed out by the ANCF and which was also voiced today during the course of hearing by Dr. Nair. It is significant that many of the deaths that this Court has noted in the present order or in the earlier orders of elephants and humans have occurred in areas not strictly in an around the elephant corridors earlier identified.

15. Consequently, at this stage, the Court does not consider it advisable to vacate the order passed by it on 4<sup>th</sup> May, 2023 in W.P.(C) No.14057 of 2023 and would consider that question after response is received to the application filed today by the WSO.

16. In the considered view of the Court, not enough steps have been taken to prevent deaths of elephants due to electrocution in Odisha. This is despite the CAP being made available to the DISCOMs for nearly two months now. A direction is issued that the CEOs of the four DISCOMs will immediately convene a meeting within a week

from today in which the Chairperson of the JTF will also participate and chalk out a time bound plan for completing the survey of all the villages of their respective zones which have witnessed movement of wild animals, attacks by wild animals, destruction of crops and deaths of wild animals due to electrocution and rule out a plan for replacing of the electric fences wherever found with solar power fences as suggested by SNEHA.

17. It is absolutely essential for the DISCOMs to immediately identify all such instances of illegal hooking of electricity transmission lines to power such electric fences illegally put up in the villages and discontinue the practice forthwith. Sensitization meeting with the villagers by the officials of DISCOMs required to be undertaken in coordination with the Forest Officials. The Court would like to be informed by the next date of the exact extent of such 6V solar power/DC fences that have been erected in place of the electric fences which were earlier being used.

18. The second affidavit has been filed by Shri J. K. Panda, Additional S.P. and a member of the JTF where the details of the 6 ongoing criminal cases that having been registered in Athagarh, Similipal, Gumsur and Dhenkanal Divisions have been set out. The Court is assured by Mr. Panda that all possible steps have been taken to carry each of the criminal cases to the logical end by completing investigation, filing charge-sheet, arresting the persons accused and ensuring that the case progresses. A further affidavit updating the status of these criminal cases be filed before the next date.

**I. A. No.640 of 2023 and I.A. No.3126 of 2023 arising out of  
W.P.(C) No.14706 of 2022**

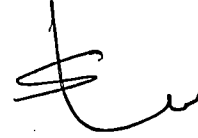
19. The Intervener in I.A. No.640 of 2023 has prayed for processing of all compensation claims for the loss of human lives and crop loss by the State Government and for all such claims to be settled in a time bound manner. Notice was issued in the said I.A. on 13<sup>th</sup> March, 2023 and no replies have yet been filed. Meanwhile, an additional affidavit has been filed by the Intervener on 5<sup>th</sup> May 2023, copy of which has already been served on learned Additional Government Advocate for the State. Let a copy thereof be served on learned counsel for the Petitioners as well other counsel appearing today. Replies to both the I.As. i.e. I.A. No.640 of 2023 and I.A. No.3126 of 2023 be filed by the State within four weeks and rejoinder thereto, if any, be filed before the next date.

20. Dr. Nair informs the Court that on 17<sup>th</sup> April, 2023, a High Power Committee (HPC) has been constituted with the Principal Secretary, (Energy) being one of the Members and all the DISCOMs being the special invitees. He informs the court that the HPC would meet very soon. Apart from inviting the DISCOMs, the Court directs that the representatives of the Applicants in I.A. No.640 of 2023 and I.A. No.3126 of 2023 also be invited to present their issues before the said Committee. The HPC will also invite SNEHA apart from Dr. Sukumar to participate in virtual mode at its meeting. The minutes of the meeting of the HPC be placed before the Court along with an affidavit before the next date.




21. Dr. Nair will file his affidavit explaining the progress in the implementation of the CAP.

22. List on 19<sup>th</sup> July, 2023 at 10.30 am.



**(Dr. S. Muralidhar)**  
**Chief Justice**



**(G. Satapathy)**  
**Judge**

*M. Panda*



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.14706 of 2022**

Gita Rout & another

.....

**Petitioners**

Mr. S.P. Mishra, Senior Advocate  
Mr. L.K. Moharana, Advocate

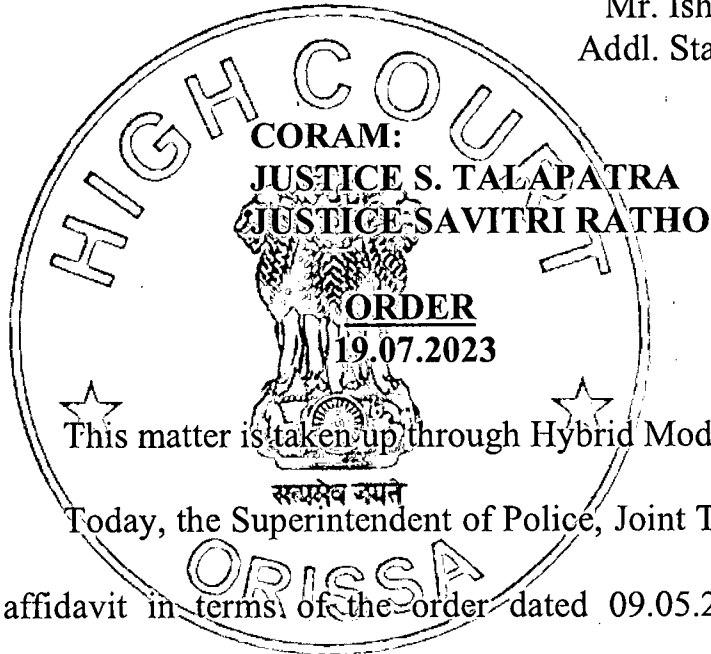
-Versus-

State of Odisha & others

.....

**Opp. Parties**

Mr. Ashok Parija,  
Advocate General  
Mr. Debakanta Mohanty,  
Addl. Government Advocate  
Mr. Ishwar Mohanty,  
Addl. Standing Counsel



**Order No.**

15.

1. This matter is taken up through Hybrid Mode.
2. Today, the Superintendent of Police, Joint Tax Force has filed an affidavit in terms of the order dated 09.05.2023 through Mr. Debakanta Mohanty, learned Addl. Government Advocate and Mr. Ishwar Mohanty, learned Addl. Standing Counsel. The same is taken on record.
3. TPCODL has also filed their affidavit in terms of the said order through Mr. L.K. Moharana, learned counsel who is assisting Mr. S.P. Mishra, learned Senior Counsel. The said affidavit is taken on record.

4. We would request learned counsel for supplying the copy of the said affidavit to Mr. Afraz Suhail, learned counsel appearing for the intervenor.

5. Let the matter be listed on 23.08.2023 along with W.P.(C) No.9056 of 2013, W.P.(C) No.19625 of 2015, W.P.(C) No.14706 of 2022, W.P.(C) No.22421 of 2015, W.P.(C) No.4571 of 2022, W.P.(C) No.5129 of 2022 and W.P.(C) No.14057 of 2023.



*Sd/-*  
(S. Talapatra)  
Judge

*Sd/-*  
(Savitri Ratho)  
Judge

*True copy*

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IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14706 of 2022

and

W.P. (C) Nos.9056 of 2013, 19625 of 2015,  
22421 of 2015 & 14057 of 2023

W.P.(C) No.14706 of 2022

....

**Petitioner**

**Gita Rout**

Mr. Ashis Kumar Mishra, Advocate,  
Mr. Afraz Suhail, Advocate and  
Mr. Omkar Devdas, Advocate

W.P.(C) No.9056 of 2013

....

**Petitioners**

**Balagopal Mishra and another**

Mr. G.P. Mohanty, Advocate

W.P. (C) No.19625 of 2015

....

**Petitioner**

**Mrinalini Padhi**

None

W.P.(C) No.22421 of 2015

....

**Petitioner**

**Dwija Dalpati**

Mr. Gautam Misra, Senior Advocate assisted by  
Mr. A. Dash, Advocate

-versus-

**State of Odisha and others**

....

**Opposite Parties**

Mr. Debakanta Mohanty, AGA &  
Mr. Ishwar Mohanty, ASC for the State  
Mr. Bijaya Kumar Dash, Advocate TPCODL  
Mr. Akhaya Biswal, Advocate for Intervener

W.P.(C) No.14057 of 2023

....

**Petitioners**

**State of Odisha and others**

Mr. Debakanta Mohanty, AGA  
Mr. Ishwar Mohanty, ASC

-versus-

**Wildlife Society of Orissa (Elephant  
Corridors) and another**

....

**Opposite Parties**

Mr. Sankar Prasad Pani, Advocate

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Page 1 of 3

CORAM:  
THE CHIEF JUSTICE  
JUSTICE SAVITRI RATHO

ORDER  
29.08.2023

Order No.  
18.

W.P.(C) No.14057 of 2023 and I.A. No.6983 of 2023

1. Heard Mr. S.P. Pani, learned counsel, who is representing the Opposite Party No.1-Wildlife Society of Orissa (Elephant Corridors).
2. The interlocutory application being I.A. No.6983 of 2023 has been filed seeking vacation of the stay order dated 4<sup>th</sup> May, 2023.
3. Mr. Ishwar Mohanty, learned Additional Standing Counsel has stated that the State has filed their response to the said application seeking vacation of the stay order.
4. Mr. Pani, learned counsel for Opposite Party No.1 has not asked for any accommodation for filing any rejoinder to the response filed by the State.
5. I.A. No.6983 of 2023 will be taken up for consideration of the prayer for vacation of the order dated 4<sup>th</sup> May, 2023 on merit on 11<sup>th</sup> September 2023.

W.P.(C) No. 14706 of 2022, W.P. (C) Nos.9056 of 2013, 19625 of 2015, W.P.(C) No.22421 of 2015 and W.P.(C) No.14057 of 2023

6. Let the matters be listed on 11<sup>th</sup> September, 2023.

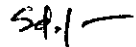
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7. It has been agreed upon by the learned counsel for the parties that Dr. Manoj V. Nair, the Principal Chief Conservator of Forests (Wild Life) should be requested to make a presentation on ground reality on which the Public Interest Litigation (PIL) is focused. The conversation should encompass the comprehensive action plan for conservation of elephant and mitigation of human-elephant conflict in Odisha.

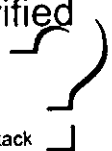
8. This Court would request all the counsel appearing for the parties including the Interveners to be present at 4PM at the New Conference Hall in the Old Building of the Court on the date fixed. This Court would request Dr. Nair to initiate the conversation by PPT presentation so that everybody can get the crux of the problem at the beginning and we believe that it will streamline the conversation to a definite direction in order to find a solution to the problem.

9. The writ petition being W.P.(C) No.4571 of 2022, which has been wrongly tagged with this batch of writ petitions, be de-tagged.

  
(S. Talapatra)  
Chief Justice

  
(Savitri Ratho)  
Judge

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**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 28706 of 2024**

**Registrar (Judicial), Orissa High  
Court, Cuttack**

....

**Petitioner**

Mr. K. C. Kar, Govt. Advocate(State)

*-versus-*

**State of Odisha & Others**

....

**Opposite Parties**

Mr. Ashis Ku. Mishra, Advocate

Mr. D. R. Bhokta, Advocate(CGC)

**CORAM:**

**HON'BLE THE CHIEF JUSTICE  
HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**19.11.2024**

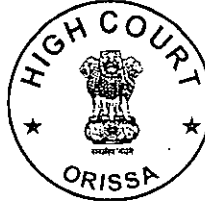
**Order No.**

01. **W.P.(C) No. 28706 of 2024, W.P.(C) No.14706 of 2022, W.P.(C) No.9056 of 2013, W.P.(C) No.19625 of 2015, W.P.(C) 22421 of 2015 and W.P.(C) No.14057 of 2023**

This matter is taken up through Hybrid mode.

2. Suo motu notice has been taken by this Court on its judicial side based on newspaper reports published in Orissa Post captioned "JUMBOS IN PERIL" and the Times of India, Bhubaneswar Edition, both published today, i.e. 19.11.2024.

3. The report in the Orissa Post discloses that three elephants - two females and a calf were electrocuted to death in Sambalpur District,



after coming in contact with live wires laid by poachers, reportedly to kill wild boars. It further appears from the said report that there has been 27 deaths of elephants in 15 forests and wildlife divisions till mid-July of 2024-25 and electrocution accounts for nearly 30% of the total deaths.

4. There is another report published in Bhubaneswar edition of Times of India today regarding the electrocution of the three elephants. If the report in the Times of India is to be believed, as many as 78 elephant deaths were recorded in the State during the year 2023-24, according to Wildlife Society of Odisha data. The said report in the Times of India also mentions that electrocution was the leading cause with 20 deaths, followed by 10 deaths due to natural causes 5 deaths caused by poaching/ivory hunting and 5 deaths due to train/vehicle accidents.

5. We take serious note of the facts which have emerged from the aforesaid two newspaper reports. More than five decades ago, noticing rapid decline of Indian wild animals because of taxidermy and trade in wild life and products derived there from, the Wild Life (Protection) Act, 1972 was enacted to provide for protection of wild animals, birds and plants etc. The disclosures made in the





newspaper reports, if correct, are appalling. It has happened despite stringent statutory provisions and this Court's intervention in the pending proceedings.

6. Mr. Goutam Mishra, learned Senior Counsel assisting this Court has drawn our attention to this Court's order dated 13.12.2022 and 29.08.2023 passed in - W.P. (C) No.14706 of 2022 and batch. The order dated 13.12.2022 reads as under;

*"1. Today's hearing has been advanced on account of a development that has caused deep concern. This is the discovery of a carcass of a poached male elephant, which took place around 7<sup>th</sup> December, 2022. The evidence of theft of the tusks was made to disappear by the burning of the carcass by Forest Officials of the Jenabil Range, Similipal South Division. The Court has been given a written status report of the Deputy Conservator of Forests, Joint Task Force stating inter alia that all they could find were few bones and flesh of the animal from a waterfall/stream wherein the alleged burnt matter was disposed of by the said Forest Staff. It is stated that three Forest Officials have been placed under suspension by the Field Director (STR). The said report and the letters dated 10th December, 2022 placed today are taken on record.*



2. *Mr. Manoj Nair, the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden (PCCF) is present in virtual mode. He states that he is right now stationed in Similipal itself to ensure the inquiry is taken to a logical conclusion. The Court has impressed upon Mr. Naik that it would like to be assured that preventive steps that were planned by Joint Task Force(JTF) are actually being put in place immediately.*

3. *An affidavit listing out the precise preventive measures taken will be filed before the next date. This will include the names of the "Gaja Sathis", who are said to have been deployed and the map showing the elephant corridor routes in State of Odisha with the names of villagers that fall in and around the corridors. The affidavit will also set out the details of the FIR registered in connection with the above incident.*

4. *List on 22nd December, 2022 at 10.30 am. Mr. Nair will remain present in virtual mode on the next date."*

7. The order dated 29.08.2023 reads thus;

*"7. It has been agreed upon by the learned counsel for the parties that Dr. Manoj V. Nair, the Principal Chief Conservator of Forests (Wild Life) should be requested to make a presentation on ground reality on which the Public Interest Litigation (PIL) is focused. The conversation should encompass the comprehensive*



*action plan for conservation of elephant and mitigation of human-elephant conflict in Odisha.”*

8. Mr. K.C. Kar, learned Government Advocate accepts notice in the present suo motu proceeding on behalf of the Opposite Parties – (1) State of Odisha represented by the Chief Secretary, Odisha, (2) Addl. Chief Secretary, Department of Forest and Environment of Govt. of Odisha, (3) Principal Chief Conservator of Forest, Sambalpur, and (5) Divisional Forest Officer, Raikhol.

9. In addition to the persons/officers impleaded as Opposite Parties in the present suo motu proceeding, let the following be also impleaded as Opposite Parties No.6 & 7 respectively:-

*“1. The Union of India through its Secretary, Ministry of Environment and Climate change*

*2.The Director of Wildlife Preservation, New Delhi, appointed under Section- 3 of the Wildlife (Protection) Act, 1972.”*


10. Mr. D. R. Bhokta, learned Central Government Counsel accepts notice on behalf of the Union of India and the Director of Wildlife Protection.



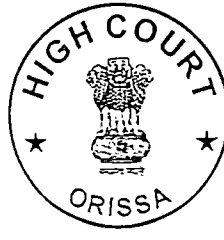
11. List this matter on 26.11.2024 to be taken up at 2.00 p.m. along with W.P.(C) No. 14706 of 2022, W.P.(C) No. 19625 of 2015 and W.P.(C) No. 9056 of 2013.

13. On the next date, the Principal Chief Conservator of Forests (Wild Life) shall be required to join the proceedings online. He will further be required to furnish to this Court in the meanwhile, the number of reported deaths of the elephants in the State of Odisha from 2020 till date in tabular form displaying the known reasons for their deaths, by way of an affidavit. He shall also be required to disclose in the affidavit, the steps taken to investigate the cause behind the deaths of the three elephants in Sambalpur District as reported in the newspapers.

  
(Chakradhari Sharan Singh)  
Chief Justice

  
(Savitri Ratho)  
Judge

Subhalaxmi



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 28706 of 2024

Registrar (Judicial), Orissa High  
Court, Cuttack

....

Petitioner

-versus-

State of Odisha and others

....

Opposite Parties

Ms. Aishwarya Dash, Addl. Standing Counsel

**CORAM:**  
**HON'BLE THE CHIEF JUSTICE**  
**HON'BLE MISS JUSTICE SAVITRI RATHO**

**ORDER**

**26.11.2024**

Order No.

02.

W.P.(C) No. 28706 of 2024, W.P.(C) No. 9056 of 2013,  
W.P.(C) No. 19625 of 2015, W.P.(C) No. 22421 of 2015,  
W.P.(C) No. 14706 of 2022 and W.P.(C) No. 14057 of 2023.

These matters are taken up through Hybrid mode.

2. In the light of this Court's order dated 19.11.2024, Dr. Manoj V. Nair, the Chief Conservator of Forests (Wildlife-I) has joined in the proceedings online through video conferencing.

3. An affidavit has also been filed, sworn by him, in compliance of the said order. In the said affidavit details relating to deaths of wild elephants in the State of Odisha from 2020-21 to 2024-25 (as on 22.11.2024), with dates have been provided in tabular form. The said affidavit also contains, briefly, the causes of deaths of the elephants for the said period under Annexure-3 at page 59.

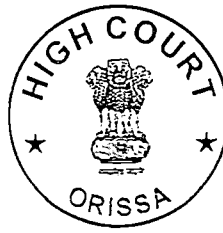


Referring to the said figures, Dr. Nair has admitted that deaths of wild elephants by electrocution, either deliberate or accidental is the area of most serious concern.

4. It is evident from the data provided in the affidavit that in the year 2024, twenty-three deaths of wild elephants have been reported due to electrocution. Eight-five elephants in the State of Odisha died of electrocution from 2021 to 22.11.2024. This has happened despite this Court's serious intervention, which led to preparation of an action plan and constitution of Joint Task Force to protect the wild elephants in the State of Odisha.

5. Mr. Goutam Mishra, learned Senior Counsel has submitted that considering the circumstance that electrocution is one of the major reasons for the deaths of wild elephants in the State of Odisha, inclusion of the representatives from the electricity distribution companies (DISCOMS) of the State is required.

6. In the facts and circumstances, to begin with, we deem it proper to direct Dr. Manoj V. Nair, the Chief Conservator of Forests (Wildlife-I) to convene a meeting of the Chief Executive Officers of Tata Power Central Odisha Distribution Limited (TPCODL), Tata Power Western Odisha Distribution Limited (TPWODL), Tata



Power Northern Odisha Distribution Limited (TPNODL), Tata Power Southern Odisha Distribution Limited (TPSODL) by 06.12.2024 to ponder over the issue of deaths of wild elephants in the State of Odisha because of electrocution and the remedial measures, which can be taken jointly by the State and the DISCOMS.

7. List these matters on 10.12.2024, to be taken up at 2.00 P.M. Dr. Manoj V. Nair, the Chief Conservator of Forests (Wildlife-I) shall be required to inform this Court the outcome of the meeting to be convened by him, in terms of this Court's present order. Dr. Nair shall also be required to inform this Court about the developments in the complaint case registered in relation to the deaths of three elephants on 18.11.2024.

8. We also deem it proper to direct for impleadment of Tata Power Central Odisha Distribution Limited (TPCODL), Tata Power Western Odisha Distribution Limited (TPWODL), Tata Power Northern Odisha Distribution Limited (TPNODL), Tata Power Southern Odisha Distribution Limited (TPSODL) through their respective Chief Executive Officers as opposite parties in W.P.(C)



No. 28706 of 2024. Let necessary steps be taken by Registry to amend the cause title of the case.

9. Mr. Sankar Prasad Pani, learned counsel appearing on behalf of the wildlife society, opposite party in W.P.(C) No. 14057 of 2023 has drawn our attention to an interim order passed by this Court on 04.05.2023 in the said writ petition. He has submitted that an application has been filed for vacation of the interim order vide I.A. No. 6983 of 2023. We make it clear that on the next date, we will take up W.P.(C) No. 14057 of 2023.

**(Chakradhari Sharan Singh)**  
*Chief Justice*

**(Savitri Ratho)**  
*Judge*

*Arun Mishra*



# IN THE HIGH COURT OF ORISSA

Case No. WPE) 14057/2023

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	4.5.2023	<p>File received from Court today dtd. 08.5.2023 on 12.45 pm.</p> <p><u>g</u> 8.5.23</p> <p>Memo NO. 21790 (2)   08.05.23</p> <p>Relevant portion of the Court's order no. 1. dtd. 4.5.2023 communicated to OP-1 and the Registrar, National Green Tribunal Kolkata for their information &amp; necessary action.</p> <p><u>g</u> 8.5.23</p> <p style="text-align: right;">Sd/- Supdt.</p>
01.	04.5.2023	<p>Memo NO. 21791   08.05.23</p> <p>Dasti Notice issued to OP-1 fixing 09.05.2023 for his appearance and show cause.</p> <p><u>g</u> 8.5.23</p> <p style="text-align: right;">Sd/- Supdt.</p> <p>Received a Dasti Notice on behalf of the petitioner.</p> <p style="text-align: center;">L.D. Panda</p> <p style="text-align: right;">A.C. AG's Office) on 07 8/5/23 AT. 1.045 P.M</p>

# IN THE HIGH COURT OF ORISSA

Case No. WPC No- 14057/2023

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	04.05.2023	<p>For Admission with</p> <ol style="list-style-type: none"><li>i) Further orders in I.A.No.- 6544/23 at flag "A" regarding stay.</li><li>ii) Receipt received regarding extra Copy Service on Rd. Deputy Solicitor General of India.</li><li>iii) I.A.No.- 6581/2023 at flag "B" for dispensing with filing of Certified Copy of order dtd. 06.4.2023.</li><li>iv) SR of Dasti Notice received after valid source, signed and Received by Mr. S. Panigrahi (WPC No 14706/2022 sent to List on 5.5.23) Adjn to 09.5.23</li></ol> <p>Kalandi Gallaiger 08.5.23 Pradip Kumar Pattanah</p> <p>DB</p>

# IN THE HIGH COURT OF ORISSA

Case No. WPC/ No- 14057/2023.

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	04.05.2023.	<p>Order no- 15, dtd. <del>09</del> 09.5.2023 passed in WPC/14706/2022 may kindly be seen.</p> <p>for admission with</p> <ol style="list-style-type: none"><li>i) Further orders in I.A. No- 6544/23 at flag A regarding - stay.</li><li>ii) I.A. No- 6581/23 at flag B for dispensing with filing of Certified Copy of order dtd. 06.4.2023.</li><li>iii) I.A. No- 6983/2023 at flag C for further orders</li><li>iv) objection to the I.A. No- 6983/2023 filed by the petitioner at flag "D"</li><li>v) M/s. Sankar Prasad Sani and his associates appeared for (WCO) and filed his vakalatnama.</li><li>vi) Reply not yet received from AGA for the state.</li><li>vii) Rejoinder not yet received.</li><li>viii) Receipt received regarding Extra Copy Service on ld. Deputy Solicitor General of India.</li></ol> <p>Adjn. to 19.7.2023 at 10.30 am.</p> <p>Ref. in WPC/ 14706/ 2022</p> <p>Kalandi Gahhaya</p>

18.7.23

DS.

# IN THE HIGH COURT OF ORISSA

Case No. WPC No. 14057/2023

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	4.5.2023.	Office note at prepage dtd. 18.7.23 may kindly be repeated, Ain to 23.8.23 Ref. in WPC 14706/2022 Kalandi Gallayer 21.8.23 08.9.23 Pradip Kumar Pattanayak DB,
1.	4.5.2023.	Office note at prepage dtd. 18.7.23 may kindly be repeated. Ref. in WPC 14706/2022 Ain to 11.10.23 Kalandi Gallayer 10.10.23 DB,
<del>01.</del>	<del>4.5.2023.</del>	<del>Office note at</del>

# IN THE HIGH COURT OF ORISSA

Case No. ~~WP (C) No~~ 14057/2023.

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	4.5.2023,	<p style="text-align: center;">For Admission with</p> <ol style="list-style-type: none"> <li>i) Further orders in I.A. No- 6544/2023 at Flag 'A' regarding stay.</li> <li>ii) I.A. No. - 6581/23 at Flag B for dispensing with filing of Certified Copy of order dtd. 06.4.2023.</li> <li>iii) I.A. No. - 6983/2023 at Flag C for further orders.</li> <li>iv) Objection to the I.A. No- 6983/2023 filed by the petitioner at Flag D.</li> <li>v) M/s. Sankar Prasad Panigrahy &amp; Associates appeared for (W.S.O) and filed this vakalatnama.</li> <li>vi) Reply not yet received from AGA (State).</li> <li>vii) Rejoinder not yet received.</li> <li>viii) Receipt received regarding extra copy sent on ld. Deputy Solicitor General of India.</li> </ol> <p style="text-align: right;">Chart file</p> <p>Kalandi Galiayast 24.11.23, Anurag Singh</p> <p style="text-align: right;">DB,</p>

# IN THE HIGH COURT OF ORISSA

Case No. WP(C) No- 14057/2023

## OFFICE NOTES

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	4.5.2023	Office note at prepage dtd. 24.11.23 may kindly be repeated. <u>Adm Case</u> Ref. in WP(C) 14706/2022 Kalandi Gadhayal 20.2.24/29.07.2024 Santosh Ku Chakrabarty DB
01	04.05.2023	Office note at prepage dtd. 24.11.23 may kindly be repeated. <u>Adm to 26-11.2024</u> (Order no 01, dtd. 19.11.2024 passed in WP(C) No- 28706/2024 may kindly be seen.) <u>Ref. in WP(C) 28706/2024</u> Kalandi Gadhayal 22.11.24 Santosh Ku Chakrabarty DB

# IN THE HIGH COURT OF ORISSA

Case No. WPC) NO - 14057/2023

## OFFICE NOTES

SL No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01.	04.5.2023.	<p>for Admission with</p> <ol style="list-style-type: none"><li>i) I. A. NO. - 6544/2023 at Flag 'A' for further orders regarding stay.</li><li>ii) I. A. NO. - 6581/2023 at Flag 'B' for dispensing with filing of Certified Copy of order dtd. 06.4.2023.</li><li>iii) I. A. NO. - 6983/2023 at Flag 'C' for Recall of order dtd. 04.5.2023</li><li>iv) objection to ltr I. A. NO - 6983/2023 filed by ltr petitioner at Flag 'D'</li><li>v) Reply not yet received from AGA (State)</li><li>vi) Rejoinder not yet received</li><li>viii) Receipt received regarding extra copy Service on ltr. Deputy Solicitor General of India.</li></ol> <p>Adm to 10.12.2024 at 2.00 PM.</p> <p>(Order no - 2, dtd. 26.11.24 passed in WPC) NO 28706/24 may be seen.)</p> <p>Kalandi Gahayat 06.12.24.</p> <p>Saekhu Majhi</p> <p>DB,</p>

**URGENT**

Ref 81

WPC. 28706/2024

CRM - 26/IV.

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## High Court of Orissa Acknowledgement



CNR	: ODHC010340102023		
Efiling No	: AOR20220001513C202300300		
Filing No.	: WP(C)/14057/2023	Date of Filing	: 03-05-2023
Petitioner	: STATE OF ODISHA	Time of Filing	: 10:13:52
Petitioners	: TARUN PATNAIK,A.S.C	Respondent	: WILDLIFE SOCIETY OF ORISSA
Advocate			
Amount	: 0.00		



Print

SA - 6544/23

# STAMP REPORT

## NATURE OF DEFECT

CASE NO. WP @ 14052/23

1. COURT FEE DEFICIENT *Rs. 24 f hand.*
2. VALUATION OF THE PROPERTY NOT GIVEN *✓*
3. AUTHENTICATION FEE IS DEFICIENT *✓*
4. AFFIDAVIT / VERIFICATION NOT PROPER *✓*
5. SECOND COPY OF THE PETITION NOT FILED *✓*
6. RECEIPT SHOWING SERVICE OF COPY TO AG / CG / IT / CT ETC. NOT FILED *✓*
7. VAKALATNAMA:
  - (i) NOT PROPERLY STAMPED / EXECUTED / ACCEPTED
  - (ii) NAMES IN CAPITAL LETTERS / ENROLMENT NUMBERS / MOBILE PHONE NUMBERS OF ALL THE SIGNING ADVOCATES NOT INDICATED
8. CAUSE TITLE NOT IN ORDER
9. PROVISION OF LAW NOT INDICATED ON TOP OF CAUSE TITLE
10. SUBJECT CODE NOT FURNISHED / INCORRECTLY MENTIONED
11. NEAT, LEGIBLE, ATTESTED ANNEXURES NOT FILED
12. ASSESSMENT SLIP NOT FILLED IN PROPERLY
13. NOT PROPERLY INDEXED
14. PETITIONS / APPEALS / APPLICATIONS :
  - (i) NOT IN SUPERIOR QUALITY A4 SIZE PAPER / LESS THAN 75 GSM PAPER
  - (ii) NOT IN PROPER FONT / NOT IN PROPER FONT SIZE
  - (iii) MARGIN NOT PROPER / LINE SPACING NOT PROPER
  - (iv) NOMENCLATURE NOT CORRECTLY INDICATED
  - (v) ALL PAPERS NOT PROPERLY SIGNED
  - (vi) NAME OF THE FILING ADVOCATE NOT IN CAPITAL LETTERS / ENROLMENT NUMBER NOT INDICATED WHEREVER SIGNATURE OF SUCH ADVOCATE APPEARING IN THE PETITION / APPEAL / APPLICATION
15. APPLICATION CONTAINS MORE THAN ONE PRAYER *✓*
16. LIMITATION PERIOD EXPIRED *✓*
17. REFERENCE CERTIFICATE NOT FURNISHED *✓*
18. CERTIFIED COPY OF TRIAL / APPELLATE COURT ORDER NOT FILED *✓*
19. UNDERTAKING FOR FILING OF TRANSLATED COPY NOT FILED *✓*
20. VERNACULAR CERTIFICATE NOT FURNISHED *✓*
21. STATUTORY DEPOSIT / AWARDED AMOUNT NOT DEPOSITED *✓*
22. OTHER DEFECT (IF ANY) *✓*

DEFECTIVE/READY

SUBJECT—

SUB-CATEGORY—

SINGLE JUDGE/DIVISION BENCH (Put ✓ mark)

*Quash the order dt. 6.4.23  
Passed by Hon'ble Naginlal  
Goem Tribunal.*

1. RFA/RSA/FAO/SAO/LPA/SPA/CRP/Review pet/O. Ref/EXFA/EXSA/SM/APP Tr. P(c) WP (c)/WA/SCLP/Co. Appl/Co. Pet/Co. Case/Co. App/Bkg, P/Mat. A/Mat Ref/RP (FAMCT) Test Case / Intest. Case/L.A. Ref/ RCFA/L.A.A./RCSA/RE Rev/MAC/MAC APP/EL Pet/ ELAPP/Arb, P/Arb. A/Arb. A/Insurance Ref/Cont. Cas(c)/Coutd. App (c) / MFA(name of the Act)/MSA/SP. JC (name of the Act) Cri A/Cri. Rev/Ckl. M. C/ BLAPI/Cal. MAPPI/WP (cr) CUSREF STREV.

Case Type X/PC No 14057, 2023 Date of Regn. 2/05/23

2. If 'State' is Party, Name of the Deptt: (Pet/Res) [Put Mark]

Forest & Environment

If Public Undertakings (Specify name): (Pet/Res) [Put Mark]

3. (a) Number of Category under which the matter falls:

21

04

00

If Others, Specify the subject

(b) Which is applicable? [Put Mark]

(Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)

4. Article of the Constitution/Act (Central/State) [Put Mark]

Article - 227. Constitution of govt

5. Section/Sub-Section Involved

6. Rules Involved

NH

7. Whether any other matter is pending in this Court on the same point of law :

If so, give the number of matter :

8. Whether any other matter is pending against the impugned order/Judgement?

If so give the number of matter

NH

9. Whether the matter is covered by any judgement of. the Supreme Court this Court or any other High Court, If so give the details of the judgement

NH

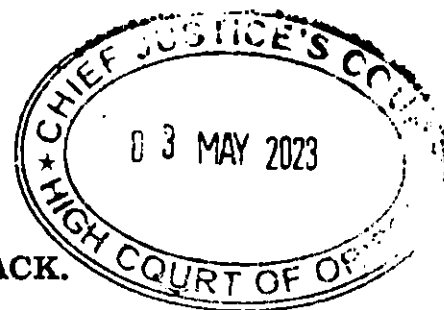
10. Point of law involved in the matter

Challenging the order passed by the National Green Tribunal

Date 2/5/23

Signature of the Advocate





IN THE HIGH COURT OF ORISSA, CUTTACK.

(ORIGINAL JURISDICTIONAL CASE)

W.P.(C) No. 14057 OF 2023

CODE NO. 210400

In the matter of  
State of Odisha & Ors.

.....PETITIONERS

-VERSUS-

Wildlife Society of Orissa  
(Elephant Corridors) & Anr.

.....OPP. PARTIES

INDEX

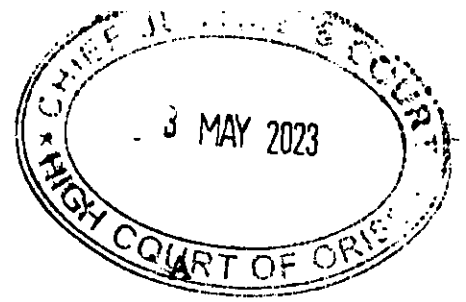
Sl.No.	Description of documents	Page No.
1	Synopsis	A-B
2	List of Dates & Events	C-F
3	Writ Petition	1-20
4	<b><u>Annexure-1</u></b> Copy of the Original Application bearing O.A. No. 129/2016.	21-31
5	<b><u>Annexure-2</u></b> Copy of the affidavit dated 02.01.2017.	32-77
6	<b><u>Annexure-3</u></b> Copy of the affidavit dated 10.08.2021.	78-97
7	<b><u>Annexure-4</u></b> Copy of the judgment dated 17.08.2021 passed by the Hon'ble Tribunal in O.A. No.129/2016/EZ.	98-114
8	<b><u>Annexure-5 Series</u></b> Copy of the review application filed by the Petitioner along with the e-filing receipt.	115-129

9	<b><u>Annexure-6</u></b> Copy of the Execution Application No.03/2022/EZ.	<b>130-156</b>
10	<b><u>Annexure-7</u></b> Copy of the Show Cause Affidavit dated 14.03.2023.	<b>157-176</b>
11	<b><u>Annexure-8</u></b> Copy of the order dated 14.03.2023 passed by the Hon'ble Tribunal.	<b>177-179</b>
12	<b><u>Annexure-9</u></b> Copy of the Affidavit dated 05.04.2023 filed by the Petitioner No.4.	<b>180-189</b>
13	<b><u>Annexure-10</u></b> Copy of the order dated 06.04.2023 passed by the Hon'ble Tribunal in Execution Application No.03/2022/EZ.	<b>190-191</b>
14	<b><u>Annexure-11</u></b> Copy of the relevant extracts of Comprehensive Action Plan.	<b>192-201</b>

By the Petitioners through

CUTTACK  
DATE: 02.05.2023

ADDL. STANDING COUNSEL  
(**TARUN PATNAIK**)  
ENRL. NO. O-663/2013,  
MOB NO.8447484424.



**Appendix-I**

**IN THE HIGH COURT OF ORISSA, CUTTACK**

**(ORIGINAL JURISDICTIONAL CASE)**

**W.P.[C] No. 14057 OF 2023**

In the matter of  
State of Odisha & Ors.

.....PETITIONERS

-VERSUS-

Wildlife Society of Orissa  
(Elephant Corridors) & Anr.

.....OPP. PARTIES

**SYNOPSIS**

The present Writ Petition is being filed by the Petitioners with a prayer to quash and set aside the proceedings arising out of Execution Application No.3 of 2022 and the consequential order dated 06.04.2023 (Annexure-10) passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ, wherein a direction has been given to the Petitioners herein to notify elephants corridors in the State of Odisha within a month from the date of the order and if the same is not complied, action will be initiated under section 26 of National Green Tribunal Act, 2010.

Briefly stated, the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata passed a judgment dated 17.08.2021 in O.A. No.129/2016/EZ wherein it was directed the Petitioners herein to notify the 14 elephant corridors in the State of Odisha. In view of the fact that


there was no enabling provision under any statute nor any guidelines to enable the State Government to notify the elephant corridors in the State of Odisha, the Petitioner filed a Review Application before the Hon'ble Tribunal seeking a review of the judgment dated 17.08.2021.

It is pertinent to mention that the Review Application which was e-filed could not be numbered as the same was inadvertently filed under the wrong head of "Other Documents". Despite the Hon'ble Tribunal in its order dated 14.03.2023 noticed the fact that a review application has been filed by the Petitioners which was yet to be heard, the Hon'ble Tribunal vide order dated 06.04.2023, has directed the Petitioners herein to notify the elephant corridors within a month's time, failure of which will lead to initialization of action under Section 26 of the NGT Act, 2010.

It is humbly submitted that the direction of the Hon'ble Tribunal to notify elephant corridors is unimplementable in absence of any specific provision and without considering such fact, the impugned order has been passed.

By the Petitioners through

CUTTACK  
DATE: 02.05.2023

  
ADDL. STANDING COUNSEL  
(**TARUN PATNAIK**)  
ENRL. NO. O-663/2013,  
MOB NO. 8447484424.

**Appendix-II****C****IN THE HIGH COURT OF ORISSA, CUTTACK****(ORIGINAL JURISDICTIONAL CASE)****W.P.(C) No. 14057 OF 2023**

In the matter of

State of Odisha &amp; Ors.

.....PETITIONERS

**-VERSUS-**Wildlife Society of Orissa  
(Elephant Corridors) & Anr.

.....OPP. PARTIES

**LIST OF DATES AND EVENTS**

Dates	Events
2016	The Wildlife Society of Orissa (Elephant Corridors) i.e. Opp. Party No.1 filed an original application before the Hon'ble National Green Tribunal, Eastern Zone Bench, Kolkata bearing O.A. No.129/2016 praying for a direction for notification of the elephant corridors in the state of Orissa under Section 3 of the Environment (Protection) Act, 1956. <b>Annexure-1, Page No.21</b>
02.01.2017	In the aforementioned Original Application, the Petitioners herein filed their reply, wherein it was inter alia stated that by a MoU, Asian Nature Conservation Foundation (ANCF) has been given the mandate to identify the major and minor elephant corridors in the State including already identified elephant corridors. <b>Annexure-2, Page No.32</b>



10.08.2021	<p>An affidavit was filed by the Petitioners pursuant to order dated 26.03.2020 passed by the Hon'ble Tribunal, wherein an action plan with specific time line to the implement the recommendations of the report submitted by ANCF was filed before the Hon'ble Tribunal.</p> <p style="text-align: right;"><b>Annexure-3, Page No.78</b></p>
17.08.2021	<p>The Hon'ble Tribunal passed a judgment in the aforesaid Original Application, wherein a direction was issued to the Petitioners herein to notify the 14 elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF).</p> <p style="text-align: right;"><b>Annexure-4, Page No.98</b></p>
16.09.2021	<p>In view of the fact that the directions passed by the Hon'ble Tribunal to notify the elephant corridors was unimplementable in absence of any enabling statutory provisions or any guidelines framed by the Central Govt, the Petitioners herein filed a review petition seeking review of the judgment dated 17.8.2021 passed by the Hon'ble Tribunal in O.A. No.129/2016/EZ. It is pertinent to mention that the said Review Petition was e-filed but the same could not be numbered due to some error in the course of e-filing. The fact of filing of such review petition will be evident from the receipt generated from the website of the Hon'ble Tribunal, Eastern Zone, Kolkata Bench.</p> <p style="text-align: right;"><b>Annexure-5 Series, Page No.115</b></p>



-	<p>While the review application was yet to be heard, the Opp. Party No.1-Society filed an execution application i.e. Execution Application No.3 of 2022 before the Hon'ble Tribunal praying for enforcement of the directions contained in the judgment dated 17.08.2021. In the said execution application, the Hon'ble Tribunal was pleased to issue notice and directed the Petitioner to file reply.</p> <p style="text-align: right;"><b>Annexure-6, Page No.130</b></p>
January, 2023	<p>A Public Interest Litigation bearing W.P.C(PIL) No.14706/2022 is pending before this Hon'ble Court relating to conservation of elephant corridors in the state of Odisha, the Chief Conservator of Forests acting in the capacity of convener of Head of the Forest Force, filed a comprehensive action plan for conservation of elephants and mitigation of human – elephant conflict in the state of Odisha.</p>
14.03.2023	<p>In response to the execution application, the Petitioners filed an affidavit dated 14.03.2023, wherein it was stated that the Petitioners have already filed a review petition which is pending consideration before the Hon'ble Tribunal. It was also stated that though the review application has been filed online, the said application has been put in the folder of 'other document' which has resulted in the review application not being numbered.</p> <p style="text-align: right;"><b>Annexure-7, Page No.157</b></p>

4/2

14.03.2023	Without considering the fact that the Review Application has already been filed by the Petitioners, the Hon'ble Tribunal issued notice to the Petitioner No.4 herein to file a personal affidavit showing cause as to why action may not be taken against him under Section 26 of the NGT Act, 2010. <b>Annexure-8, Page No.177</b>
05.04.2023	Pursuant to such order passed by the Hon'ble Tribunal, the Petitioner No.4 filed an Affidavit, wherein it explained the reasons as to why the directions contained in the judgment dated 17.08.2021 passed by the Hon'ble Tribunal cannot be implemented. <b>Annexure-9, Page No.180</b>
06.04.2023	The Hon'ble Tribunal passed an order granting the State Respondents one month's time and no more to notify the elephant corridors otherwise the concerned authorities shall be liable under section 26 of the National Green Tribunal Act, 2010. <b>Annexure-10, Page No.190</b>
02.05.2023	Hence, the present writ petition has been filed.

By the Petitioners through

CUTTACK

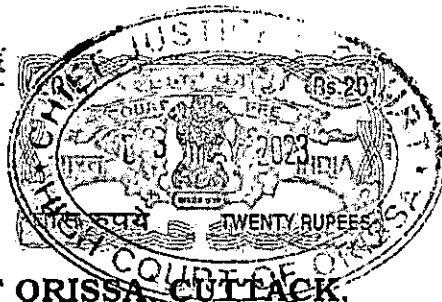
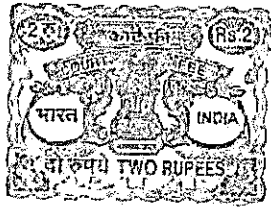
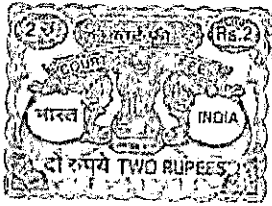
DATE: 02.05.2023

ADDL. STANDING COUNSEL

**(TARUN PATNAIK)**

ENRL. NO.O-663/2013,

MOB NO.8447484424.



IN THE HIGH COURT OF ORISSA, CUTTACK.

(ORIGINAL JURISDICTIONAL CASE)

W.P.(C) No. 14057 OF 2023

CODE NO....210402

**In the matter of:**

An application under Article 227 of the  
Constitution of India, 1950;

AND

**In the matter of:**

**Presented in Court**

*[Signature]*  
3-5-23 B.O.

An application under Environment  
(Protection) Act, 1986;

AND

**In the matter of:**

An application assailing the order dated  
06.04.2023 passed by the Hon'ble National  
Green Tribunal in Execution Application  
No.03/2022/EZ (arising out of Original  
Application No.129/2016/EZ);

*[Handwritten signature]*

AND

**In the matter of:**

- State of Odisha,**  
Represented by Chief Secretary,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001.

*[Signature]*  
PRADIP  
Notary  
Regd. No. 105

**2. The Secretary,**

Forest and Environment Department,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Dist.-Khurda, Odisha, -  
751001.

**3. The Secretary,**

Revenue and Disaster Management  
Department, Government of Odisha,  
Secretariat Building, Bhubaneswar, Dist.-  
Khurda, Odisha-751001.

**4. The Principal Chief Conservator of  
Forests, Wildlife and Chief Wildlife  
Warden, Odisha, Prakruti Bhawan,  
Saheednagar, Bhubaneswar, Dist.-Khurda.**

(Respondent Nos.1, 2, 3 & 4 respectively  
in the Original Application before the  
Hon'ble NGT)

**.....PETITIONERS**

**-VERSUS-**

**1. Wildlife Society of Orissa (Elephant  
Corridors) represented by its Secretary,  
Shantikunj, Link Road, Cuttack, Dist.-  
Cuttack, Odisha-753012.**

(Applicant in the Original Application  
before the Hon'ble NGT)

**.....OPP. PARTY**

**2. The Secretary,**

Ministry of Environment, Forests and  
Climate Change, Government of India,

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995

Indira Paryavaran Bhavan, Jorbagh Road,  
New Delhi-110003.

(Respondent No.5 in the Original  
Application before the Hon'ble NGT)

**.....PROFORMA OPP. PARTY**

The matter out of which the present Writ Petition arises was never before this Hon'ble Court in any form whatsoever as per the instruction of the petitioner(s)/deponent.


To

The Hon'ble the Chief Justice of the Hon'ble High Court of Orissa and His Lordship's Companion Justices of the said Hon'ble Court.

The humble petition of the Petitioners  
named above.

**MOST RESPECTFULLY SHEWETH:-**

1. That, the present petition by way of Writ Petition under Article 226 of the Constitution of India is being filed by the Petitioners assailing the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) wherein a direction has been given to the Petitioners

  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995

herein to notify elephants corridors in the State of Odisha within a month from the date of the order and if the same is not complied, action will be initiated under section 26 of National Green Tribunal Act, 2010.

2. That, the Petitioners are the State Government or its instrumentalities. The Opp. Party No.1 is a society and the Opp. Party No.2 is the Central Govt. The cause of action giving rise to filing of the present writ petition also arises within the territorial jurisdiction of this Hon'ble Court.

3. That, the brief factual matrix leading to the filing of the present writ application are as follows:-

i. That, the Opp. Party No.1 filed an original application before the Hon'ble Tribunal i.e. O.A. No. 129/2016 wherein, inter alia, the following prayer was made;

*"Direction to Respondent No:2 to submit the proposals for declaration and notification of the 14 elephant corridors to the Central Government within a period of one month; and that Respondent No:5 to take immediate action*

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1999

*Pradipta Kumar Mohanty*

*10*

*as per law and procedure to issue draft notification and subsequent final notification after receipt of proposals from Respondent No:2."*

Copy of the Original Application bearing O.A. No. 129/2016 is annexed herewith and marked as **Annexure-1.**

- ii. The Hon'ble Tribunal, upon hearing the said application, was pleased to issue notice and directed the Petitioners herein to file their respective replies.
- iii. On 02.01.2017, the Petitioner herein filed their reply to the Original Application. In the said reply, it was, *interalia*, mentioned therein that in the MoU signed with Asian Nature Conservation Foundation (ANCF), it has been given the mandate to identify the major and minor elephant corridors in the State including already identified elephant corridors; that necessary action for notifying the elephant

*Pradipta Kumar Mohanty*

*102*

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1985




corridors will only be taken after receipt of the report

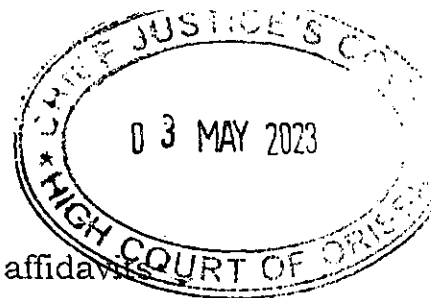
Copy of the affidavit dated 02.01.2017 is annexed herewith as **Annexure-2**.

iv. While the matters stood thus, another affidavit dated 10.08.2021 was filed by the Petitioners pursuant to order dated 26.03.2020 passed by the Hon'ble Tribunal directing the Petitioners to prepare an action plan with specific time line to the implement the recommendations of the report submitted by ANCF. In the affidavit dated 10.08.2021, the Respondents filed an action plan focusing on the following aspects:

- a) Need to secure elephant habitat.
- b) Providing connectivity to habitat
- c) Securing movement paths of smaller and scattered populations.

Copy of the affidavit dated 10.08.2021 is annexed herewith as **Annexure-3**.

  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995



- v. It is stated that without considering the affidavits filed by the Petitioners depicting the actual state of affairs, the Hon'ble Tribunal vide its judgment dated 17.08.2021, disposed off the Original Application with the following direction:-

"xx xxxx

18. In our view, since the Action Plan has been submitted and 14 elephant corridors have been identified by the State Respondents, Government of Odisha, we, therefore, dispose of this original application with the direction to the Respondent No.1 to notify the elephant corridors in terms of the elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan, within a period of two months from today in accordance with law.

Xx xxxx."

*Pradipta Kumar Mohanty*

*10*

Copy of the judgment dated 17.08.2021 passed by the Hon'ble Tribunal in O.A. No.129/2016/EZ is annexed herewith as **Annexure-4**.

- vi. Being aggrieved by the directions contained in the aforesaid judgment dated 17.08.2021 passed by the

*4*

PRADIPTA KUMAR MOHANTY  
Notary, Ghatlak Town  
Regd. No- ON-04/1995

Hon'ble Tribunal, the Petitioner No.1 herein filed a review petition on 16.09.2021 seeking review of the judgment dated 17.8.2021 passed by the Hon'ble Tribunal. Inadvertently, the review petition has been filed in the wrong head in the website of the Hon'ble Tribunal for which it could not be numbered. The filing of the review application will be evident from the receipt generated upon e-filing of the review application.

Copy of the review application filed by the Petitioner along with the e-filing receipt are annexed herewith as **Annexure-5 Series**.

- OP
- vii. While the review application was yet to be heard, the Opp. Party No.1 Society filed an execution application i.e. Execution Application No.3 of 2022 before the Hon'ble Tribunal praying for enforcement of the directions contained in the judgment dated 17.08.2021. In the said execution application, the Hon'ble Tribunal was pleased to issue notice and directed the Petitioner to file reply.


PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995

Copy of the Execution Application No.03/2022/EZ is annexed herewith as **Annexure-6**.

- viii. In response to the execution application, the Petitioners filed an affidavit dated 14.03.2023, wherein it was stated that the Petitioners have already filed a review petition which is pending consideration before the Hon'ble Tribunal. It was also stated that though the review application has been filed online, the said application has been put in the folder of 'other document' which has resulted in the review application not being numbered.

Copy of the Show Cause Affidavit dated 14.03.2023 is annexed herewith as **Annexure-7**.

- ix. On 14.03.2023, without considering the fact that the Review Application has already been filed by the Petitioners, the Hon'ble Tribunal issued notice to the Petitioner No.4 herein to file a personal affidavit showing cause as to why action may not be taken against him under Section 26 of the NGT Act, 2010.

  
-RADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

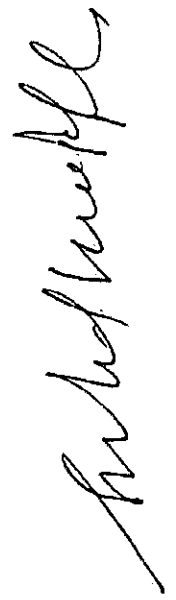
Copy of the order dated 14.03.2023 passed by the Hon'ble Tribunal is annexed herewith as **Annexure-8**.

- x. Pursuant to such order passed by the Hon'ble Tribunal, the Petitioner No.4 filed an Affidavit on 05.04.2023, wherein it explained the reasons as to why the directions contained in the judgment dated 17.08.2021 passed by the Hon'ble Tribunal cannot be implemented.

Copy of the Affidavit dated 05.04.2023 filed by the Petitioner No.4 is annexed herewith as **Annexure-9**.

- xi. Without considering the affidavits filed by the petitioners in the pending execution application, on 06.4.2023, the Hon'ble Tribunal passed an order granting the State Respondents one month's time and no more to notify the elephant corridors otherwise the concerned authorities shall be liable under section 26 of the National Green Tribunal Act; and listed the matter to 09.05.2023."

Copy of the order dated 06.04.2023 passed by the Hon'ble Tribunal in Execution Application


  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/11/20

No.03/2022/EZ is annexed herewith as **Annexure-10.**

4. That, it is humbly submitted that the impugned order dated 06.04.2023 has been passed by the Hon'ble Tribunal without considering the fact that a review application had been filed by the petitioners seeking review of the judgment dated 17.8.2021 passed by the Hon'ble Tribunal. Inadvertently, the review petition has been filed in the wrong head in the website of the Hon'ble Tribunal for which it could not be numbered.

5. A bare perusal of the review application filed by the petitioners will demonstrate the reasons as to why the directions contained in the judgment dated 17.8.2021 is unimplementable. Primarily, the petitioners herein have contended the following in the said review application;


- a) The report furnished by Asian Nature Conservation Foundation states that 9 out of 14 elephant corridors earlier identified in 2012 are no more viable nor feasible.

  
 PRADIPTA KUMAR MOHANTY  
 Notary, Cuttack Town  
 Regd. No- 011-0477

- b) The State Government is not the competent authority to notify the elephant corridors.
- c) There is no enabling provision under law for notification of the elephant corridors by the State Government.
- d) A similar matter i.e. Writ Petition (Civil) No. 275 of 2015 is pending before the Hon'ble Supreme Court at the instance of the Opp. Party No.1.
- e) Action Plan submitted by the petitioners pursuant to the order dated 26.3.2020 passed by the Hon'ble Tribunal has not been taken into consideration. As per the said action plan, a time period of three years was contemplated for implementation of the recommendations of ACNF.

7

6. That, it is submitted that presently, there is no enabling provision under the Applicable law which empowers the State Govt. to notify the elephant corridors. There is no statutory enactment or any statutory rules which provide for notification of elephant

  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1987

corridors. In absence of any such enabling provisions empowering the State Govt. to notify the elephant corridors, the direction passed by the Hon'ble Tribunal in the impugned order dated 06.4.2023 is not tenable in law. Furthermore, it is also pertinent to mention that in the entire country no state has notified any elephant corridors under the provisions of the Environment (Protection) Act, 1986.

7. It is also pertinent to mention that a public interest litigation on protection of elephants which include *inter-alia* the matter of elephant corridors is already *sub judice* before this Hon'ble Court vide W.P.(C) No. 14706 of 2022 Gita Rout v. State of Odisha and the said fact was also stated in the show cause affidavits filed in the pending execution proceedings. The said fact has not been considered by the Hon'ble Tribunal while passing the order dated 06.04.2023.

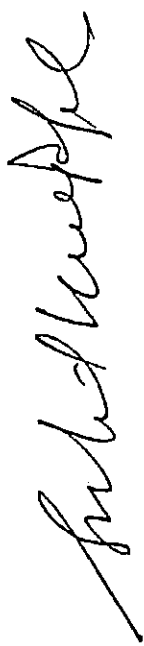
8. It is humbly submitted that, there are no guidelines issued yet by the Central Government which are to be followed for notification of corridors. The Central

PRADIPTA KUMAR MOHANT  
Notary, Cuttack Town  
Regd. No- ON-04195



Government has not yet notified any elephant corridor in the country under the provisions of EP Act, 1986. In fact, no elephant corridor has been notified under whatsoever provisions as on date by the Central Government.

It is pertinent to mention that similar position was also with regard to notifying Eco Sensitive Zone around the protected areas under the provisions of Environment (Protection) Act, 1986. Steps for notifying such ESZ were taken by the State Governments only on receipt of guidelines by Central Government. If elephant corridors are to be notified under the provisions of Environment (Protection) Act, 1986 and the rules framed there under, in terms of ESZ guidelines, then there is a mandatory period of 60 days for seeking objections on the draft notification issued by Government of India and thereafter, another 120 days for examination of such objections followed with issuance of final notification within 180 days from date of publication of such draft notification by the Central Government. Thus, the minimum time required for notifying the elephant corridors in terms of provision under Environment


  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

(Protection) Act is a minimum of 180 days from the date of issuance of draft notification by Central Government.

It is pertinent to mention that the State Government has taken the following proactive steps for protecting the elephant movement by securing the elephant habitats and providing connectivity to such habitats;

- a. Three Elephant Reserves have been notified by the State Government. Steps have been taken for plantation of preferred fodder species, creation and renovation of water bodies and fencing to check the depredation.
- b. Involvement of local public is encouraged through implementation of schemes like *Gajasathi* (having 5 volunteers selected by each identified village who act as an interface between Forest Department and the village to track the animals and alert their presence), and *Jana Surakshya Gaja Rakshya* (having community participation in PPP mode by providing 90% subsidy to the villages for erection of solar fence in depredation prone areas).



  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

- c. Further, in number of locations related to irrigation canals and roads, construction of elephant overpasses and elephant underpasses have also been done.
- d. To check accidental electrocution in the movement path of elephants/ their habitats, insulation of bare conductors over about 2400 kms has also been done besides fixing of interposing poles to check the sagging lines.
- e. A Comprehensive Action Plan for conservation of Elephants and Mitigation of Human-Elephant conflict in Odisha has also been prepared and approved the State Government. The said plan has been filed before this Hon'ble Court in public interest litigation vide W.P.(C) No. 14706 of 2022 Gita Rout vs. State of Odisha. And, steps have already been taken to implement the said Plan.
- Copy of the relevant extracts of Comprehensive Action Plan is annexed herewith as **Annexure-11**.
- f. To ensure appropriate funding for habitat improvement and connectivity of such habitats,


PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- CN-04/1995

the state government has also created an exclusive budget head named as "Management of Elephants & Corridors" over and above the general funding available under other heads of budget

9. That, it is the case of the petitioners that had the Review application filed by it, heard by the Hon'ble Tribunal, then the Hon'ble Tribunal may not have passed the impugned order dated 06.4.2023.

10. That, the Petitioners herein ~~have~~ leave of this Hon'ble Court to refer and rely on the Comprehensive Action Plan at the time of hearing, if necessary.

11. That it is submitted that in view of the practical difficulties enumerated in the Review Petition dated 16.09.2021 and absence of any enabling Legal provisions, the direction of the Hon'ble Tribunal to notify the elephant corridors in a short period of time of 1 month is unexecutable and therefore, it is a fit case for interference of this Hon'ble Court.

  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1997

12. That, in light of the aforesaid facts and circumstances and in the interest of justice, equity and fairplay, this Hon'ble Court may exercise its discretionary power and pass necessary orders.

13. That, there being no other speedy, efficacious and alternative remedy, the present Petitioners are constrained to approach this Hon'ble Court under Article 226 and 227 of the Constitution of India.

14. That this application is made bonafide in the interest of justice.

**PRAYER**

Under the aforesaid facts and circumstances, this Hon'ble Court may graciously be pleased to admit this Writ Petition, issue RULE NISI by issuing appropriate nature of Writ;

a. Quash and set aside the proceedings arising out of Execution Application No.3 of 2022 and the consequential order dated 06.04.2023 (Annexure-10) passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of

M  
PRADIPTA KUMAR MOHANT,  
Notary, Cuttack Town  
Regd. No- ON-06/1995

Original Application No.129/2016/EZ) in the interest of justice;


- b. Issue a writ of mandamus directing the Hon'ble National Green Tribunal, Eastern Zone, Kolkata Bench, to hear and dispose off the Review Petition under Annexure-5 Series filed by the Petitioners seeking review of the judgment dated 17.08.2021 passed in O.A. No.129/2016/EZ before proceeding further in the pending Execution Proceeding arising out of Execution Application No.03/2022/EZ;


And or pass any other order/orders which deem fit and proper in the interest of justice;

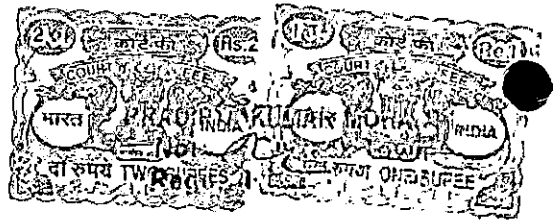
And for this act of kindness the Petitioners as in duty bound shall ever pray;

By the Petitioners through

**CUTTACK**  
**DATE: 02.05.2023**

  
**ADDL. STANDING COUNSEL**  
**(TARUN PATNAIK)**  
**ENRL. NO.O-663/2013,**  
**MOB NO.8447484424.**

  
**PRADIPTA KUMAR MOHANTI**  
Notary, Cuttack Town  
Regd. No- ON-04/1902



### AFFIDAVIT

I, Sri Sushil Kumar Popli, aged about 59 years,  
S/o- Late Bhim Sen Popli, at present working as  
Principal Chief Conservator of Forests, Wildlife and Chief  
Wildlife Warden, Odisha, do hereby solemnly affirm and  
state as follows:

1. That, I am the Petitioner No.4 in the present case. I  
have been duly authorized by the Petitioner No.1, 2 and  
3 to swear this affidavit on their behalf.

2. That, the facts stated above are true to the best of  
my knowledge and belief.

IDENTIFIED BY:

*Moham Behere*

A.C. of A.G.'s Office

*Sushil Kumar Popli*

DEPONENT  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

### CERTIFICATE

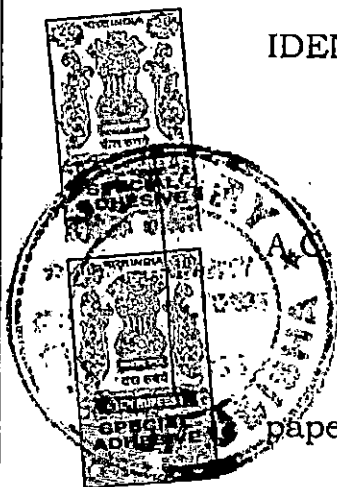
Certified that due to non-availability of cartridge  
papers, the white, thick and durable have been used.

CUTTACK

DATE: 02.05.2023

ADDL. STANDING COUNSEL

Solemnly sworn before  
me by..... S.K. Popli  
being identified by..... M. Behere A.C. A.G.'s Office  
at Cuttack Town Dated.. 02/05/2023  
By 02/05/2023  
P.H. Mahapatra, Attorney, Extraordinary  
Cuttack No-04-041/995



- 21 -

ANNEXURE 1

139

6/10/16

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION NO. 129 OF 2016

IN THE MATTER OF

Wildlife Society of Orissa (Elephant Corridor) ...Applicant

Versus

State of Odisha & Ors

...Respondents

COMPILATION-1

INDEX

SI NO	PARTICULARS	PAGE NO
1	Application	1-10



  
SANKAR PRASAD PANI

ADVOCATE

Plot No. 2132/4814, Nageswar Tangi, Bhubaneswar 751002

PLACE: KOLKATA

DATE: 01/09/2016

DD NO - 774421  
Date - 01-09-2016  
Place - SBI, IRC Village  
Bhubaneswar.  
Ami - [unclear]

From (Cepm)  
020523



## BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLAKATA  
(Under Section 18(1) read with Section 14(1) AND 15(1) of  
the National Green Tribunal Act 2010)

Original Application No. 129 /2016IN THE MATTER OF:

Wildlife Society of Orissa  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack  
Dist-Cuttack; Odisha -753012 .....

APPLICANT,

## VERSUS

## 1. State of Odisha

Represented by Chief Secretary,

Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

## 2. The Secretary,

Forest and Environment Department,

Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha, 751001

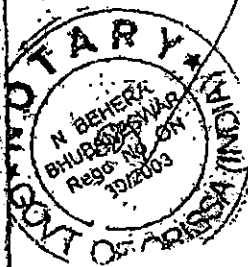
## 3. The Secretary,

Revenue and Disaster Management Department,

Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha 751001

## 4. The Principal Chief Conservator of Forests and

Chief Wildlife Warden, Odisha, Praksat Bhawan,  
BDA Apartments, Nilakanthanagar, Nayapalli,



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020523

Bhubaneswar, Odisha 751012

5. The Secretary,

Ministry of Environment, Forests and Climate Change,

Government of India, Indira Priyadarshan Bhavan,

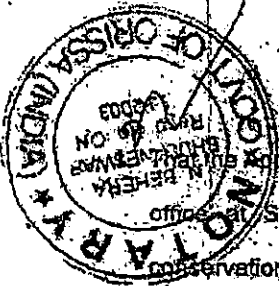
Jorbagh Road, New Delhi - 110003

**...RESPONDENTS**

- I. The addresses of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application.
- III. The Present Application challenges the inordinate delay and inaction of the respondents in regard to issuing notification of elephant corridors under section 3 of the Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules, 1986 and such delay/absence of notification is threatening and fragmenting the left out habitat of elephants in Odisha.

**BRIEF FACTS**

That the Applicant is a registered society bearing Regn. No. 19848/80 having its office at Shantikul, Link Road, Cuttack engaged in wildlife and forest conservation in the state of Odisha since the last 22 years duly represented by its secretary Dr. Biswajit Mohanty.



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2. That the state of Odisha has the largest population of elephants in eastern India which stands at 1,977 as per the last census carried out by the state government in May, 2015.

1. That elephants being large mammals have been protected under the Wildlife Protection Act, 1972.

corridors. That such migrations are an integral part of elephant ecology and experts have understood and appreciated the dire need for migration in order to ensure dispersal of genes, proper availability of fodder and propagation of the species. Recognizing their need for corridors, a Task Force was set up by the Government of India to study their status and recommend measures for their long term survival and protection. The Task Force in its report titled "Gajah" released in August, 2010 submitted its recommendations. Relevant extracts from the paper citing need for safe and secure elephant corridors is attached as Annexure 1.

4. That elephant corridors are sensitive habitats which need to be notified as ecological sensitive zones u/s 3 of the Environment (Protection) Act 1986 and the state is empowered to prohibit or regulate activities that disturb and impact wildlife in such areas.

5. That the state government is fully aware of the importance of elephant corridors and need to demarcate and protect them since a meeting was held on 19.1.2010 (six years ago) which was chaired by the Chief Minister who reviewed issues related to Elephant Corridor in Odisha.



That the Principal Chief Conservator of Forests (Wildlife) cum Chief Wildlife Warden, Odisha, and Respondent No. 4 presented details of elephant corridors of the state at the meeting held on 19.1.2010. He had identified 14 corridors with a total area of 870.61 sq.kms having a length of 420.8 kms which had a width of 0.08 km to 4.6 kms. Minutes of the meetings are annexed as Annexure-2.

7. It was also noted in the same review meeting that an amount of Rs.400 lakhs would be spent for Elephant Management Plan for the period from 2009-10. Respondent no. 4 also assured the participants that an Action Plan with detailed budgeting would be developed after studying the land use pattern of the elephant corridors.

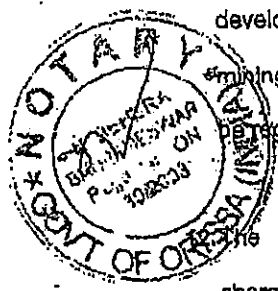
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8. That such high level discussion and decisions along with decision to allot adequate funds clearly indicated the government's desire to create and maintain elephant corridors so that human elephant conflict could be reduced in the state.

9. That the respondent no. 4 also developed guidelines to further implement their decision for developing elephant corridors by preparing "Indicative guidelines management plan" which included demarcation and consolidation of habitats comprised in each of the 14 identified corridors. These guidelines are attached as Annexure 3.

10. That using inputs from field DFOs, respondent no. 4 developed a "Plan for Management of Elephant Corridors across forest habitats in Orissa" which was submitted to the state government on 25.8.2011. The Plan envisaged a working period of five years and expenditure of Rs.45.79 crores for management of elephant corridors in Odisha. Relevant forwarding letter and extracts from the Plan are annexed as Annexure - 4.

11. That according to this plan, 14 corridors which are used by elephants for regular migration and movement need to protect. The plan also notes that the all-round development like settlements, roads, railway lines, electric lines, canals and mining, etc are main cause of corridor fragmentation and such activities had to be regulated to ensure corridors remained disturbance free.



The plan contained detailed surveys of elephant habitat, demographic characteristics, satellite imagery has been done along with ground truthing to ascertain the width and length of each of the 14 corridors identified and proposed to be developed.

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13. The plan also mentions that 9 new corridors over and above the traditional 14 corridors have been identified by elephant expert Kishor Choudhury which need

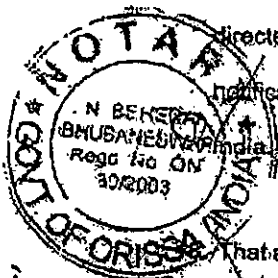
to be surveyed in detail. However, till date no further work has been done on these 9 new corridors.

14. That the Respondent No. 4 submitted a proposal along with detailed maps, description, area, type of area, boundaries, etc. vide his letter no. 7274 dtd. 11.10.2012 to the Respondent no. 2 to notify 14 traditional elephant corridors in Odisha under the provisions of Section 3 of the (Environment) Protection Act, 1986.

15. That Respondent No. 4 proposed a notification of 14 elephant corridors spread over an area of 870.81 sq.kms and length of 420.8 kms in the above letter.

16. That the state government noted that MoEF letter had desired an action taken report regarding notification of elephant corridors in Odisha and hence the PCCF(Wildlife) had been asked to submit proposals. Copy of file note sheet from the files of the Forest and Environment Department of Government of Odisha dated 1.11.2012 is annexed as Annexure -5.

17. That as per the above file note sheet the PCCF(Wildlife) Respondent no. 3 was directed vide letter no. 20371/F & E dtd. 2.11.2012 to furnish immediately draft notifications for 14 corridors so that they could send them to the Government of



That after 2.11.2012 there has been no development in this matter till 31.3.2016 according to the information obtained from the office of the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden. Moreover reply dated 27/04/2016 from the Respondent No 2 confirms that though the proposal for elephant corridor notification were submitted on 11/02/2012 no further action has been taken due to non-receipt of draft notification from Respondent No 2. Letter dated 12.4.2016 and 27/04/2016 are annexed as Annexure - 5.

File No. 1205-23

19. That despite the corridors not being notified legally, the state government has spent an amount of Rs. 20.08 crores during the period 2012 to 2016. Letter dated 6.6.2016 received from the office of the POCE (Wildlife) Odisha is annexed as Annexure 7

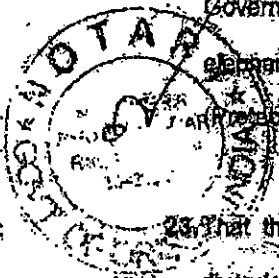
20. That such lavish expenditure of crores of rupees of public funds may turn infructuous in the absence of legal notification for their protection. That in absence of such notification, the corridors prone to be diverted for non-forest activity like industry or quarry or mining activities.

21. That the applicant society in a petition dated 18.7.2016 urged respondent no. 2 to take immediate steps to submit the proposals for declaration of elephant corridor u/s 3 of the Environment (Protection) Act, 1986. However no action has been taken by the respondent no. 2 to expedite the notification of the corridors. Representation letter dated 18.7.2016 of the applicant is annexed hereto as Annexure 8.

22. That no steps have been taken to send these proposals so far to the central government though they are pending since 4 years after they were submitted to the state government. Neither the Additional Director General of Wildlife, Government of India (Respondent no. 5) has taken any steps to ensure that the elephant corridors of Odisha are duly notified u/s 3 of the Environment (Protection) Act, 1986.

23. That the state is fast losing such elephant corridors to encroachment and diversion for stone quarries, crushers and other man made activities which disturb passing elephants.

24. That there has been alarmingly increase in number of elephant deaths every year due to various anthropogenic reasons. That as per the media report at least 840 elephants have died since 2012 due to human - elephant conflicts. Copy of

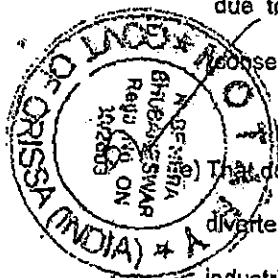


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Indian Express Report(online edition) dated 2<sup>nd</sup> May 2016 is annexed here unto  
as Annexure-9

### GROUND

- a) That the state has already recognized the importance and need for elephant corridors to ensure regular migration of elephants between distant forest blocks for long term survival of the species .
- b) That securing and protecting elephant corridors would ensure regular migration and prevent them from straying into surrounding villages and crop fields and destroying houses, crops and killing innocent human beings.
- c) That the state is under obligation to identify, demarcate and protect such corridors as ecologically sensitive zones under the Environment (Protection) Act,1986 due to their immense importance for movement of an endangered species.
- d) That proposals for notification of such corridors u/s 3 of the Environment (Protection) Act,1986 are pending since last years with the state government due to sheer administrative neglect and lack of commitment for elephant conservation.
- e) That due to lack of protection such corridors spread over 870.61 sq.kms can be diverted whenever the state government pleases for non forest use like industries, quarries , mines, canals, railway lines, electric lines which would result in irreversible loss of critical migration paths for elephants.



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- f) That securing and protecting elephant corridors by notifying them u/s 3 of the Environment (Protection) Act,1986 is of paramount importance since the state can then prohibit or regulate disturbing activities in order to provide safe passage to migrating elephants.

LIMITATION

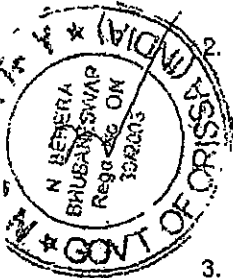
That there is a subsisting cause of action because of the continuing delay in notification of the elephant corridors though they have been identified and surveyed and proposed by the Principal Chief Conservator of Forests(Wildlife) and Chief Wildlife Warden, Odisha.

INTERIM PRAYER

The Respondents nos 2, 3 and 4 to stop all prohibited activities which are now continuing inside the identified and demarcated areas of the proposed 14 elephant corridors of Odisha

PRAYERS

1. Direct the Respondent No. 2 to submit the proposals for declaration and notification of the 14 elephant corridors to the Central government within a period of one month.



2. Direct the Respondent no. 5 to take immediate action as per law and procedure to issue draft notification and subsequent final notification after due receipt of proposals from respondent no. 2.

3. Respondent No. 4 shall submit an up to date status of detailed land use of the lands comprised in each of the 14 elephant corridors proposed for notification.

4. Direct the Respondent no. 4 to make efforts for wide publicity and awareness among the human residents of the villages comprised inside the corridors.

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5. Respondent no. 4 shall set up a time bound compensation system to provide compensation within one month of claim for elephant attack causing house damage, crop loss, injury and death to affected persons who stay inside the corridor as well in villages that occur within 1 km of the boundaries
6. Respondent no 4 shall provide a detailed action plan for corridor development and management for the next five years including a budget break up for detailed activities to be carried out there.
7. That the Hon'ble Tribunal may pass any other order as it deems fit.

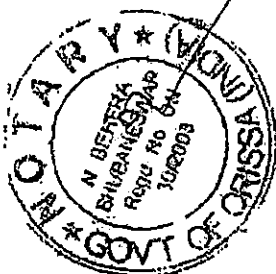
APPLICANT

Place

Date-



THROUGH ADVOCATE



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129

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
ORIGINAL APPLICATION NO. ——— OF 2016

IN THE MATTER OF

Wildlife Society of Orissa

...Applicant

Versus

State of Odisha & Ors

...Respondents

COMPILATION-2

INDEX

Sl NO	PARTICULARS	PAGE NO
1	Relevant portion of Gajah Report released in August 2010 Annexure 1	11-17
2	Minutes of the meetings dated 19/01/2010 as Annexure-2	18-19
3	Indicative guidelines management plan" as Annexure 3	20-23
4	Relevant portion of "Plan for Management of Elephant Corridors across forest habitats in Orissa" dated 25.8.2011 as Annexure-4	24-28
	Copy of file note sheet from the files of the Forest and Environment Department of Government of Odisha dated 1.11.2012 as Annexure 5	29-30
	Letter dated 12.4.2016 and 27/04 2016 are annexed as Annexure- 6.	31-32
	Letter dated 6.6.2016 received from the office of the PCCF(Wildlife) Odisha as Annexure 7	33-34
	Representation letter dated 18.7.2016 of the applicant is annexed hereto as Annexure 8.	35
	Indian Express Report(online edition) dated 2 <sup>nd</sup> May 2016 is annexed here unto as Annexure-9	36-38
5	Vakalatnama	

SANKAR PRASAD PANI

ADVOCATE

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 129 OF 2016

In the matter of:

Wildlife society of Orissa

...Applicant

Versus

State of Odisha & Others

...Respondents

INDEX

SL.NO	DESCRIPTION OF DOCUMENTS	PAGES
1.	AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT NOS.1,2 & 4	
2.	<u>ANNEXURE-A/1.</u> The copy of the MoU	
3.	<u>ANNEXURE -B/1 SERIES</u> Copies of the letters regarding notification of elephants corridors	
4.	<u>ANNEXURE- C/1 SERIES.</u> Copy of Item wise budget breakup of expenditure from 2012-13 to 15-16 and summary of financial implications of Orissa Elephant Corridor Management Plan	
5.	<u>ANNEXURE-D/1.</u> Copy of relevant extract of Gazette Notification of Odisha Right to Public Service Act, 2012	
6.	<u>ANNEXURE-E/1 SERIES</u> Copies of restructured state plan scheme "Management of elephant & corridor and Item wise budget and sanction orders.	

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BY THE RESPONDENT NOS.1,2 & 4 THROUGH

CUTTACK

DATE: 02.01.2017

STATE STANDING COUNCIL

BEFORE THE NATIONAL GREEN TRIBUNAL

EASTERN ZONE BENCH, KOLKATA

ORIGINAL APPLICATION No. 129 OF 2016

In the matter of:

Wildlife society of Orissa

...Applicant

Versus

State of Odisha & Others

...Respondents

**AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT**

**NOS.1,2 & 4**

I, Sri Samyak Samantara, aged about 34 years, S/o- Dr. Ramesh Chandra at present working as Deputy Conservator of Forest ( Wild Life Management), O/o Principal Chief Conservator of Forest and Chief Wildlife Warden, At/PO:-Nilakantha Nagar, P.S:- Nayapalli, Bhubaneswar, Dist:-Khurda do hereby solemnly affirm and state as follows:

*Sanyak Samantara*

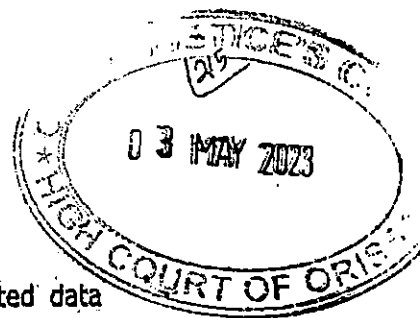
1. That, I have gone through the contents of Original Application as well as the documents annexed thereto and understood the contents and purport thereof & I have been duly authorized by the Respondent Nos.1,2 & 4 In the above Original Application to sign this affidavit for and on behalf of the Respondent Nos.1,2 & 4.
2. That the Original Application as laid is not maintainable either in facts or in law and wholly misconceived. The deponent craves leave of this learned Tribunal to make further submissions in this regard at the time of hearing.

*Mr. C. M. Samantara*

3. That the present case has been filed by the Applicant seeking a direction to the Respondent No. 2 to submit a proposal for declaration and notification of the Elephant Corridors to the Central Government within a period of one month. The Applicant also seeks a direction to the Respondent No. 5 to issue draft notification and final notification after receipt of the proposals from Respondent No. 2. The Applicant further seeks a direction to the Respondent No. 4 to submit a status of the use of the proposed land for notification, come up with a time bound compensation system and to provide detailed action plan for corridor development and management including a budget break up.
4. That the Original Application filed by the Applicant is a sheer abuse of judicial process as the petitioner has no sustainable ground at its base and should be dismissed *in limine*.
5. That Para 1 of the Original Application is a matter of fact and needs no comment.
6. That Para 2 of the Original Application is false and frivolous. It is submitted that as per the recent census conducted in the month of May, 2015 the population of elephants in the State of Odisha has been estimated to be 1954 and not 1977 as stated by the Applicant.
7. That Para 3-11 of the Original Application are matter of fact and needs no comments.
8. That Para 12 of the Original Application is false and hence denied. It is submitted that the plan contains detailed survey

Sanyal Samanta

The Court  
2015-2-27  
JP  
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of elephant habitat, village level demography related data etc. Besides that, Ground truthing was also conducted to ascertain the width and length of each of the 14 corridors. The plan contains demarcation of the 14 identified corridors on topographic maps and satellite imagery has never been done as submitted by the Applicant.

9. That Para 13 of the Original Application is false and hence denied. It is denied that no work was done on the report of Shri Kisor Chaudhuri who had suggested 9 new corridors. The MoU signed with Asian Nature Conservation Foundation headed by eminent National level elephant expert Dr. R. Sukumar has been given the mandate to identify the major and minor elephant corridors in the State of Odisha along with the work of assessing the habitat viability and ground truthing of the already identified elephant corridors. It is submitted that necessary action in this regard for notifying the elephant corridors will only be taken after receipt of the report which is expected by early 2017. The copy of the MoU is annexed herewith and marked as ANNEXURE-A/1.

10. That Para 14-17 of the Original Application are matter of fact and needs no comments.

11. That Para 18 of the Original Application is false and hence denied. It is denied that no action has been taken for notifying the elephant corridors. It is humbly submitted that the letter referred in the para under reply only states that no information was available in the office of the PCCF(WL),

*Sanjay Samanta*

*Full Copy  
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ASU*

related to letters written to State Government relating to notification of elephant corridors as sought by the applicant. It is submitted that an MoU has been signed with Asian Nature Conservation Foundation headed by eminent elephant expert Dr. R. Sukumar and the State Wildlife Organization on dated 22.02.2014, to carry out a study on various aspects relating to management of elephant population in the State of Odisha and coming out with specific implementable recommendations. It is submitted that Dr. R. Sukumar is currently a member of the steering committee, Project Elephant, Government of India and also a member of Nation Board for Wildlife. It is pertinent to mention here that the Asian Nature Conservation Foundation has been given a responsibility to perform an assessment of habitat viability for elephants and ground truthing of important corridors. It is also pertinent to mention here that the Objective No. 1 of the said MoU is to assess the carrying capacity of the forests of Odisha for elephants in terms of viable habitats, corridors, and approximate elephant densities and numbers that can be supported. Similarly, the objective No. 4 is to identify the major and minor elephant corridors within and across these Landscapes with special reference to Lakhary valley of Mahendragiri Region. It is submitted that the study was to be completed within a time frame of two and half years from the date of signing of MoU and though two interim reports for the year 2014-15 and 2015-16 has been received but the final

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report is still awaited. It is submitted that the study got delayed due to issues of insurgency in many of the elephant habitats including elephant corridors. The final report of the study is expected to be received by early 2017 after which further action towards notification of elephant corridors currently relevant and being used by elephants will be taken up.

It is further stated that the Government of India, Ministry of Environment, Forests & Climate Change vide their letter dated 11.08.2006 have directed to take similar action with regard to the notification of elephant corridors as being done in the State of Uttarakhand. And as such, the Chief Wildlife Warden, Government of Uttarakhand has been requested to share a copy of the notification. The Chief Wildlife Warden, Uttarakhand vide letter Dated 30 Sep 2016 has intimated that no Elephant Corridor has been notified in the State of Uttarakhand so far. Copies of the said letters are annexed herewith and marked as ANNEXURE - B/1 SERIES.

Sanjay Savantara

12. That Para 19 of the Original Application is false and hence denied. It is submitted that elephant corridors for all practical purposes are wildlife management units being administered scientifically to maintain connectivity of free passage of wildlife especially elephants between larger forest entities. This is essential to ensure exchange of genes and to allow access of wild animals to discrete forage grounds existing

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elsewhere between two conspicuous bio-diversity repositories. Elephant corridors have been identified as management units to provide pathways to the long ranging animals to go from one habitat to another. 14 such corridors have been identified and are being developed further. As on date, such elephant/ Wildlife Corridors do not enjoy any legal sanctity from the perspective of Wildlife (Protection) Act, 1972. It is submitted that the identified corridors witness elephant movement for considerable part of the year and as such a plan for Management of elephant corridor across forest habitats in Odisha was prepared in the year 2011 for a period of five years commencing from 2012-2013 to 2017-2018. Accordingly money was spent as per the plan in scientific and need based manner. It was imperative for implementation of the plan because many of the identified corridor areas encompass private land holdings, crop fields, electrical establishments, habitation, other communication links etc. The plan envisaged activities like delineation and demarcation of corridors through survey, creation of water harvesting structures, plantation of elephant forage species, creation of salt licks, capacity building and awareness creation among villagers etc. The implementation of the plan was necessary to immediately address the issues arising due to fragmentation of traditional corridors being used by elephants because of causes stated above and to minimize

*Gangadhar Samantara*

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*AS*

human elephant conflict. Hence, expenditure as per the plan was done in the larger public interest.

13. That Para 20 of the Original Application is false and hence denied. It is submitted that that expenditure with regards to strengthening of identified elephant corridors cannot be termed as "Lavish", as essential activities to maintain/rejuvenate continuity of green cover along the corridors was done to provide safe passage to the elephants from one large forest to other, without coming in direct confrontation with human habitation. It is also wrong to state that corridors would be prone to diversion in absence of notification because diversion of forest areas for non-forest activities like industry, quarry and mining is done even for notified forest areas and mere notification of an area cannot prevent diversion under the existing framework of law. The extract of summary of financial implication of 14 traditional elephant corridors provided in the corridor management plan and Annual Plan of Operation containing item wise budget breakup of expenditure from 2012-13 to 15-16 is annexed herewith and marked as ANNEXURE- C/1 SERIES.

14. That in reply to the Para 21-22 of the Original Application, It is submitted that the averments made in the Para under reply with regard to the steps taken by the Respondents have been addressed in detail in the foregoing Paras.
15. That in reply to the Para 23 of the Original Application, it is submitted that it's a fact that elephant corridor are facing

Dr. [Signature]  
02/05/2017

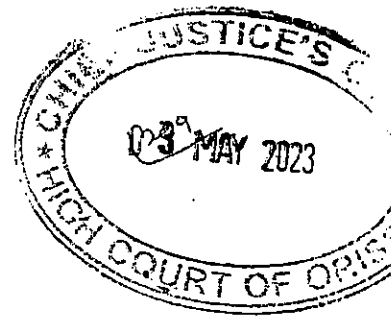
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problems arising due to encroachment and other non-forestry activities and to address such issues efforts for restoration and strengthening of corridors is being done through implementation of "Elephant Management Plan and Corridor Management Plan."

16. That in reply to the Para 23 and 24 of the Original Application, it is submitted that the averment with regard to death of elephants since 2012 due to anthropogenic reasons which is said to have been brought from Indian Express Report (on-line edition dated 02.05.2016) by the applicant is false and not based on facts. It is submitted that the total death of elephant since 2012-13 to 31.08.2016 is 332. Further, death of elephant due to poaching, deliberate electrocution and poisoning are the only forms of death sustained by elephants due to human elephant conflicts. The total number of death of elephant due to these 3 reasons since 2012-13 until August 2016 is 69.
17. That the Respondents are taking all steps as elaborated in the subsequent paras for declaration and notification of the elephant corridors, which will be done by the Central Government. Many formalities are to be complied with before sending the proposal to Government of India, MoEF & CC for declaration & notification of elephant corridors, which is a time consuming process. The Respondents have already initiated action for the above purpose with all sincerity.

Sanyukta Samant

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DR  
HSC



18. That the Government of Odisha by Gazette Notification No. 15005-GAD-AR- DRF- 0181/2014 (pt-I)/AR dated 22.06.2015 under Odisha Right to Public Service Act, 2012 have Included sanction of compassionate amount in a time bound manner for victims of depredation caused by specified animal bearing Gazette Service serial No. 315, 316 and 317 in which sanction of compassionate amount for crop damage, cattle killed and human injury/ casualty shall be made in 90 days, 30 days and 15 days respectively and marked as **ANNEXURE-D/1.**
19. That it is submitted that the integral components of the corridor plan includes publicity and awareness of stakeholders as an item of work and it is being duly implemented.
20. That the elephant management plan prepared for 2014-2015 to 2018-2019 and elephant corridor management plan for 2012-2013 to 2017-2018 have now been merged into one head from 2016-2017 and the restructured state plan scheme is called management of elephants and corridors. Money under the scheme is being spent on 24 items of work including components for rejuvenation and strengthening of elephant corridor and marked as **ANNEXURE-E/1 SERIES.**
21. That in view of the facts stated in the reply, it is submitted that the present application needs no intervention by this Hon'ble Tribunal and as such is liable to be dismissed.

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22. That the Deponent undertakes to file further affidavit/Affidavits as and when required/directed, for an effective adjudication of the matter.
23. That the facts stated above are true to the best of my knowledge, belief and based on Official records.

Identified by

*Samuel Samantara*  
DEPONENT

ADVOCATE

CERTIFICATE

Certified that Cartridge papers are not available.

BY THE RESPONDENT NOS.1,2 & 4THROUGH

CUTTACK

DATE:03.01.2017

*DR*  
ADDL. STANDING COUNSEL

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ANNEXURE-A/1

11/15

OFFICE OF THE PRINCIPAL CCF (WILDLIFE) & CHIEF WILDLIFE WARDEN, ODISHA  
5TH FLOOR, B.D.A APARTMENT, PRAKRUTI BHAWAN, NILAKANTHA NAGAR,  
NAYAPALLI, BHUBANESWAR- 751012 Email-odishawildlife@gmail.com  
(Ph. No. 0674-2564587, Fax No. 0674-2565062)

No. 1576 /WL (C) CAMPA-237 /2012,  
Dated, Bhubaneswar, the 25 Feb, 2014

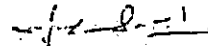
To  
The Principal Secretary to Govt. of Odisha,  
Forest and Environment Department, Bhubaneswar

Sub:- Study to assess the Carrying Capacity for elephants in Odisha-  
Signing of MoU.

Ref:- Letter No. 8F (S)-40/12-2396/ F&E., Date. 05.02.13.

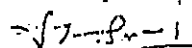
Sir,  
A copy of the MoU, executed on 22.02.2014 between Principal Chief  
Conservator of Forests (WL) & Chief Wildlife Warden, Odisha on behalf of Forest  
and Environment Department, Government of Odisha and Asian Nature Conservation  
Foundation, Bangalore, for study of carrying capacity of elephants in Odisha is  
enclosed herewith for necessary action at Government Level.  
Encl: As above.

Yours faithfully,

  
Principal C.C.F. (Wildlife) &  
Chief Wildlife Warden, Odisha.


Memo No. 1577 Dt. 25-02-2014

Copy alongwith copy of MoU forwarded to the Private Secretary to Hon'ble  
Minister Forest & Environment for kind perusal of Hon'ble Minister.

  
Principal C.C.F. (Wildlife) &  
Chief Wildlife Warden, Odisha.

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Dy. Conservator of Forests  
CHITRAKOOT, ODISHA  
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MEMORANDUM OF UNDERSTANDING

BETWEEN ODISHA FOREST DEPARTMENT AND ASIAN NATURE  
CONSERVATION FOUNDATION

This Memorandum of Understanding (MoU) is executed  
on this 22<sup>nd</sup> day of February 2014

BETWEEN

THE FOREST DEPARTMENT, STATE GOVERNMENT OF ODISHA,  
hereinafter referred as "FIRST PARTY" having its address at BDA  
Apartment, Fifth Floor, Prakruti Bhawan, Nilakantha Nagar, Nayapalli,  
Bhubaneswar-751012, Odisha, represented by the Principal Chief  
Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha,  
[referred to hereinafter for purposes of brevity as PCCF-Wildlife] of the  
ONE PART.

AND

ASIAN NATURE CONSERVATION FOUNDATION, hereinafter  
referred to as the "SECOND PARTY", having its registered office at B-  
713, Sobha Windfall, Amruthahalli, Bangalore 560092, established in  
November 1997 as a not-for-profit organisation with objectives related  
to conservation of biodiversity across India, and registered as a  
charitable trust under Indian law including section 12AA of the Income-  
Tax Act, 1961, [referred to hereinafter as ANCF], represented by Prof.  
R. Sukumar its Managing Trustee and Chief Functionary of the OTHER  
PART.

WHEREAS ANCF has its main project office at the Indian Institute of  
Science campus at Bangalore and functions in collaboration with the  
Centre for Ecological Sciences of Indian Institute of Science,  
Bangalore.

WHEREAS the FIRST PARTY is a Government Department engaged  
in the administration of protection, management and research of  
wildlife in the State of Odisha, and the matter incidental or related  
thereto.

*Trilokan*  
*020523*

*[Signature]*

Dy. Conservator of Forests (WLU)  
C/O the PCCF(WL) & CWLW  
Odisha, Bhubaneswar

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The original copy of the MoU is

AND WHEREAS the SECOND PARTY ANCF has within its organisation a specialist division identified as the Asian Elephant Research and Conservation Centre which has been engaged in the past in research and surveys in areas that concern elephant ecology and has databases, experience and expertise that have received widespread recognition.

WHEREAS the PCCF-Wildlife on behalf of FIRST PARTY i.e. Forest Department, Government of Odisha has invited ANCF the SECOND PARTY to carry out a study to make a detailed assessment of the carrying capacity of the major elephant habitat landscapes in the State of Odisha, with a view towards furthering the elephant conservation measures in the State.

WHEREAS ANCF has responded to the invitation and submitted a detailed proposal that covers the Terms of Reference for the proposed study, objectives and deliverables, methodologies, fees/ budgets/ cost estimates, and a time-frame of two and a half years.

WHEREAS the PCCF-Wildlife on behalf of FIRST PARTY has accepted and approved the proposal submitted by the SECOND PARTY vide letter dated 19<sup>th</sup> October 2013.

The PCCF-Wildlife and ANCF agree that the contents of the proposal and the acceptance letter aforementioned are to be treated as integral parts of this Memorandum of Understanding.

Both the parties desire to put their agreement in writing for that purpose.

NOW THEREFORE THIS MOU WITNESSETH AS UNDER:

This MOU details the modalities, the terms and conditions, financial arrangements, modalities of collaborations, responsibilities and obligation of each party pertaining to the work.

#### ARTICLE-I

Both parties agree that the following are the objectives to scope of work of the assignment.

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*01/05/2013*

*[Signature]* *[Signature]*

Dy. Conservator of Forests (WLM)  
O/o the PCCFWL & CWLW  
Odisha Bhudhargarh



Objectives:

1. To assess the carrying capacity of the forests of Odisha for elephants in terms of viable habitats, corridors, and approximate elephant densities and numbers that can be supported.
2. To map in detail the forests of Odisha where elephants are distributed, especially the forested landscapes of the following declared Elephant Reserves— Mayurbhanj Elephant Reserve, Sambalpur Elephant Reserve, and Mahanadi Elephant Reserve — as well as make a probable map of the Brahmani-Baitarani Elephant and South Odisha Elephant Landscapes.
3. Characterize the vegetation and land use patterns as well as degree of fragmentation of the habitat within these landscapes.
4. Identify the major and minor elephant corridors within and across these landscapes with special reference to Lakshari Valley—Mahendragiri Region.
5. Assess the status of the vegetation with respect to the major forage species for elephants from already existing knowledge of elephant feeding preferences as well as from field data.
6. Study the patterns of elephant densities and numbers across the forests of Odisha, and interpret the major large scale movements that have taken place in recent decades, including the dispersal of elephants from South to North of the Mahanadi and the elephants from Chandaka to the Behrampur Forest Division.
7. To map the intensity of elephant-human conflicts across Odisha.
8. To suggest the measures required to be taken up for improving the carrying capacity to support optimum population of elephants.

Methodology

Field Surveys

Rapid field surveys will be carried out across the forest divisions of Odisha to map the distribution of elephants. Data from recent surveys will also be used to supplement data on ground-truthing of vegetation type, forage species abundances, boundaries of elephant distribution,

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*[Signature]*  
Dr. Conservator of Forests (WL)  
O/o the PCCF (WL) & CWLU  
Odisha, Bhubaneswar

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and corridor-like situations, including the Lakhary Valley - Mahendragiri Region.

### **Remote Sensing and GIS Analysis**

Remote sensing imagery for Odisha will be obtained from NRSC (National Remote Sensing Center) to prepare current land use land cover (LULC) map. We will obtain high resolution (23m) IRS-P6 (Indian Remote Sensing) LISS (Linear Imaging Spectral Scanner) III satellite datasets for the region. We will apply supervised classification algorithms to delineate the various LULC types. Classification accuracy will be determined from extensive ground truth data, overall accuracy, as well as the errors of omission and commission will be obtained. A separate analysis will be conducted to assess forest characteristics; we will apply novel remote sensing methods such as spectral mixture analysis to determine vegetation abundances in each pixel (GOFC-GOLD, 2009). From the LULC map of the region we will determine the spatial pattern of forests with reference to non-forest types. Forest fragmentation matrices will be derived from the remote sensing datasets. Although several metrics are currently available, we will focus on the five most informative spatial metrics such as patch area, patch perimeter, shape index, nearest neighbour distances, and landscape configuration for the analyses. All thematic information derived from the project, such as the LULC, forest fragmentation, climate, administrative layers will be stored in the geo-database.

### **Analysis of carrying capacity:**

Data on vegetation characteristics including productivity, land use, fragmentation, corridors, elephant abundance from existing data, elephant-human conflict intensity in various forest divisions, etc. would be assembled within a GIS domain to assess the carrying capacity of Odisha's forested landscapes for elephants.

### **ARTICLE-II**

Both the parties shall collaborate at all stages of the execution of all mutually agreed activities, and shall not withhold from each other relevant information which may hinder the execution of these activities.

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Dr. Commissioner of Forests (MLA)  
O/o the PCF (ML) & CWLW  
Odisha, Bhubaneswar

Responsibility of Asian Nature Conservation Foundation (ANCF)  
Deliverable

1. Recommendations for management of the elephant populations of Odisha in relation to assessment of habitats, corridors and carrying capacity.
2. A database in GIS domain of the elephant habitats and reserves of Odisha.
3. An assessment of habitat viability for elephants and ground truthing of important corridors.
4. Detailed documentation and recommendation for restoration of the Lakhary Valley to Mahendragiri Corridor.

ANCF shall have the full discretion in the matter of selection and appointment of Senior Scientist, Field Biologists, Field Assistants, GIS Specialist, and Social Scientist and their terms and conditions for their respective inputs related to collection of data by questionnaire and field surveys, and the collation and analysis of data so collected, and other aspects of the assignment.

ANCF shall have the full discretion to use relevant data already available in its databases from earlier surveys carried out in Odisha and incorporate such data into the deliverables in the final report; these relate to, first, the preliminary study carried out in 2004-05 that was commissioned by the Odisha (then Orissa) Forest Department for an elephant population survey in the elephant of Mahanadi, Sambalpur, South Odisha, and Baitami in order to develop a comprehensive status report for each of the elephant reserves and prepare perspective plans for their ecological management, and second, a study of elephant-human conflict in certain areas of Odisha, carried out in 2007-08 as part of the Centre for Ecological Sciences, Indian Institute of Science, Initiative with ANCF participation to make an assessment of wildlife-human conflict in India in general.

ANCF has in its possession a four-wheel drive field vehicle that it shall use in the surveys at its cost.

ANCF shall provide all the equipment that may be necessary for the survey including GPS equipment, voice recorders, computers and

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Dr. Conservator of Forests (WLM)  
O/o the PCCF(WL) & CWLW  
Odisha, Bhubaneswar

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peripherals and provide also the basic office and field station infrastructural facilities at the field sites and at its main project office.

ANCF, as a measure of abundant caution states, in the context of fees for the assignment, that it had registered itself under service tax law as a provider of scientific and technical consultancy services and had been allotted PAN-based service tax registration number AAATA1821FSTO001 in 2002. ANCF further states that the Government of India had issued a service tax amendment notification that exempted, among others, entities registered under Section 12AA of the Income-tax Act, 1961 such as ANCF from the purview of service tax law with effect from 1<sup>st</sup> July 2012. However, in the unforeseen circumstances of a different interpretation of the exemption clauses or the Government of India bringing about any roll-back of the exemption during the duration of the project, service tax shall be added at rates prevailing at the material times to the gross value as stated above.

Responsibility of Forest & Env't. Deptt., Government of Odisha  
Fees and payment schedule

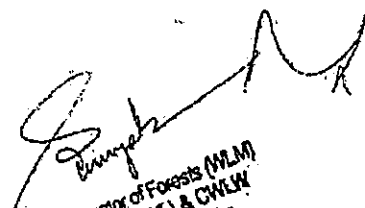
The PCCF-Wildlife has agreed to pay an amount of Rs. 49,51,320.00 to ANCF as fees towards the assignment, excluding service tax, payable in accordance with a schedule agreed upon as under:

- a) 1<sup>st</sup> installment - 50% at the beginning: i.e. Rs. 24,75,660.00 (within 15 days on receipt of invoice from ANCF after signing of MOU).
- b) 2<sup>nd</sup> installment - 40% upon submission of interim report: i.e. Rs. 19,80,528.00.
- c) Final installment - 10% upon submission of final report: i.e. Rs. 4,95,132.00.

Further no escalation of costs will be permissible during the period of MOU.

On completion of the project, ANCF will provide the utilization certificate of the grant received to Forest and Environment Department, Government of Odisha as final settlement of grant received.

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Dy. Conservator of Forests (MLM)  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

The PCCF-Wildlife shall ensure that the ANCF team is given due permission at all material times to enter protected areas and other forest areas in order to meaningfully carry out the activities related to the present assignment.

The PCCF-Wildlife shall ensure that the concerned officials of the Odisha Forest Department are suitably apprised of the contours of the assignment and will furnish all relevant data from its records to the ANCF team whenever called for or required in connection with the assignment.

The PCCF-Wildlife and ANCF agree to the following further covenants.

The PCCF-Wildlife affirms acceptance of the position as stated above in regard to any service tax.

#### ARTICLE III

##### EFFECTIVE DATE AND DURATION

The duration of the project is reckoned from the date of signing of this MOU and release of 1<sup>st</sup> instalment. ~~The work will start from the date of signing of this MOU and release of 1<sup>st</sup> instalment of the grant.~~

~~The duration of the project is two and a half years. The plan for the first year will be submitted to the PCCF-Wildlife and the PCCF-Wildlife will submit the report on the progress of the work to the PCCF-Wildlife. The PCCF-Wildlife will also submit the report on the progress of the work to the PCCF-Wildlife.~~

#### ARTICLE IV

The findings/ results of the project shall be shared by both the Parties and the entrusted officers get credit as co-authors in publications after due consideration of their contributions in the work and acknowledging properly to all involved concern.

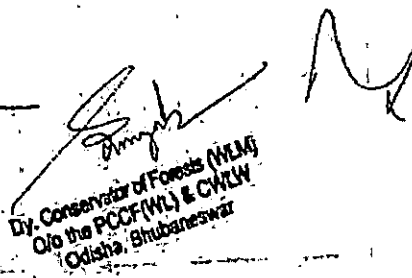
#### ARTICLE V

For all the purposes under this MOU i.e. Technical matter, payments, MOU issue etc. the following officials will be contacted.

For the Forest and Environment Department, Government of Odisha, the Chief Wildlife Warden or authorized representative of the Forest Department.

Tom Lamy  
070523

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Dy. Conservator of Forests (WLG)  
O/o the PCCF(WL) & CWLW  
Odisha, Bhubaneswar

... and Chief Functionary or his authorized representative.

#### ARTICLE VI

This MOU shall come into force with effect from the date of its signature and shall be valid for a period of two and a half years unless either of the parties gives to the other a written notice, one month in advance of its intention to terminate the MOU any time before the period of expiry of the MOU.

Upon termination of the MOU, ANCF shall be entitled to be reimbursed in full for such costs as shall have been duly incurred prior to the date of such termination and for reasonable cost incidental to the orderly termination of the services, the return travel of the personnel, and the reshipment of the personal affect and equipment of the ANCF but shall be entitled to receive no further payment.

The MOU may be renewed for a further period on mutual consent of both parties. It may also be modified or amended by the mutual consent of both the parties.

#### ARTICLE VII

In the event of any dispute or difference between the parties here to, such disputes or difference shall be resolved amicably by mutual consultation or through the good offices of empowered agencies of the Government of India. However, failing such resolution, the decision of the Principal Chief Conservator of Forests-Wildlife, Odisha shall be final.

#### Force Majeure

Neither party shall be responsible for non-fulfilment of their respective obligations under this MOU due to exigency of one or more of the force majeure event such as, but not limited to Acts of GOD, fire, earth quake, epidemics, governmental actions etc. provided on the occurrence and cessation of any such events, the party affected thereby shall give notice in writing to the other party within one month of such occurrence or cessation. If the force majeure condition continued beyond six months, the party shall jointly decide about the future course of action.

Force Camp  
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Dr. Conservator of Forests (WLM)  
O/o the PCCF(WL) & CHWLW  
Odisha, Bhubaneswar

IN WITNESSES WHEREOF, the PARTIES above named have hereto signed this MOU and affixed thereto their seals.

Executed at Bhubaneswar on the day 22<sup>nd</sup> and month February and year 2014 herein above written.

For and on behalf of  
Forest & Environment Department,  
Government of Odisha

For and on behalf of  
Asian Nature  
Conservation Foundation

Signatures: [Signature]  
S. S. SRIVASTAVA  
Name: \_\_\_\_\_  
[Signature] + [Signature], Odisha  
Designation: \_\_\_\_\_  
Principal Chief Conservator Forests (WL)  
& Chief Wildlife Warden, Odisha, BBSR  
Seal: \_\_\_\_\_

Signatures: [Signature]  
Name: DR. RAMAN SUKUMAR  
Managing Trustee, ANCF  
Designation: \_\_\_\_\_  
For Asian Nature Conservation Foundation  
Seal: \_\_\_\_\_  
Dr. Raman Sukumar  
Managing Trustee/Principal Conservationist

Witness: (Name & Address)

Witness: (Name & Address)

1. [Signature]  
H.K. BISHT,  
Off. PCCF (WL) Odisha.
2. [Signature]  
D. N. SWAIN  
Off. PCCF (WL) ACWLW,  
ODISHA

1. [Signature]  
Chanchal Kumar Swi  
N 6/223, Nayapalli  
Bhubaneswar.
2. [Signature]  
Barun Kumar Behera  
Barun Kumar Behera  
N. 5/205, Nayapalli  
Bhubaneswar.

Date 22/02/2014

Date 22 Feb 2014

[Signature]  
05/02/23

[Signature]  
Principal Chief Conservator Forests (WL)  
Odisha, Bhubaneswar  
010 256 0000000  
Odisha, Bhubaneswar

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ANNEXURE-B SERIES

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OFFICE OF THE PRINCIPAL CCF (WILDLIFE) & CHIEF WILDLIFE WARDEN, ODISHA,  
5<sup>TH</sup> FLOOR, B.D.A. APARTMENT, PRAKRUTI BHAWAN, NILAKANTHA NAGAR,  
NAYAPALLI, BHUBANESWAR- 751012. Phone: 0674-2564587; Fax: 0674-2565062  
Email: [odishawildlife@gmail.com](mailto:odishawildlife@gmail.com), Website: [www.odishawildlife.org](http://www.odishawildlife.org)

No. 7620 / 3 WL- 243/2016  
Bhubaneswar, Dated the 27<sup>th</sup> September, 2016.

To  
The Chief Wildlife Warden,  
Govt. of Uttarakhand,  
85, Rajput Road, Dehradun - 248009  
Ph: 0135-2742884 (O)  
Ph: 0135-2745122 (O)  
Fax: 0135-2745691 (F)  
Email: [cwwua@yahoo.co.in](mailto:cwwua@yahoo.co.in)

Sub: Regarding Notification of Elephant Corridors

Ref: Govt. of India letter No, 2-15/2002-PE dated 11.08.2006 (copy enclosed).

Sir,

We are in the process of notifying elephant corridors in our State. In the above referred letter of Govt. of India it was mentioned that, your State was in the process of notifying elephant corridors. If the process of notification for declaring elephant corridors is over in your State, a copy of the same may kindly be sent to this office for our information and guidance.

Yours faithfully,

*[Signature]*  
Principal CCF (Wildlife) &  
Chief Wildlife Warden, Odisha

*[Handwritten signature]*  
050727

*[Signature]*  
Dy. Conservator of Forests (WLM)  
O/o the PCCF(WL) & CWLW  
Odisha, Bhubaneswar



भारत सरकार  
पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

No. 2-15/2002 - PE  
E-mail: ganjendra@nic.in  
Phone: 24360957

Date: 11.08.2006

To

The Chief Wildlife Wardens (PE) States & UTs.

Sub: Regarding Elephant corridors.

Sir,

You may be aware that Wildlife Trust of India has published a book "Right of Passage - Elephant Corridors of India". In the book it has been mentioned that 88 elephant corridors have been identified with the help of State Forest Department and NGOs.

It is necessary that elephant corridors are protected and conserved. It has been mentioned by C.W.L.W. Uttaranchal that the State is in the process of notifying the elephant corridors in Uttaranchal. I am sure similar action must be under consideration in your State. It will also be necessary that the elephant corridors are provided with some legal protection like under EP Act. May I request to take necessary action if not already initiated, for notification and protection of the identified elephant corridors in your State. An Action Taken Report on the issue will be highly appreciated.

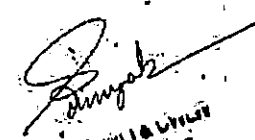
Yours faithfully,

(A. N. Prasad)  
IGF & DIRECTOR (PE)

Copy to:

✓ Dr. P. S. Easa, Senior Director-Conservation w.r.t. letter No.  
WT/CORRIDOR/2006 dt. 19<sup>th</sup> July, 2006.

(A. N. Prasad)  
IGF & Director (PE)

By:   
O/o the PCO (WV) & Unit  
Office, Bhubaneswar



# कार्यालय प्रमुख वन संरक्षक (वन्यजीव), उत्तराखण्ड

85 राजपुर रोड, देहरादून, फोन नं० 0135-2742804 फैक्स नं० 0135-2745691 ईमेल-cwlwua@yahoo.co.in

पत्र संख्या 941/6-18 देहरादून, दिनांक 30 सितम्बर 2016

सेवा में,

Office of the Principal CCF(Wildlife)  
& Chief Wildlife Warden, Odisha  
5<sup>th</sup> Floor, B.D.A. Apartment,  
Prakruti Bhawan, Nilakantha Nagar  
Nayapalli, Bhubaneswar-751012

विषय:-

Regarding Notification of Elephant Corridors

संदर्भ:-

आपकी पत्र संख्या 7620/5 WL-243/2016 दिनांक 27 सितम्बर 2016

नहीदय,

उपरोक्त संदर्भित पत्र के क्रम में अवगत कराना है कि उत्तराखण्ड में अभी  
Elephant Corridor घोषित नहीं हो पाये है।

सबदीय,

(डी०वी०एस०खाती)

प्रमुख वन संरक्षक (वन्य जीव) /  
मुख्य वन्य जीव प्रतियालक,  
उत्तराखण्ड।

Ranvir Singh  
0700523

Dr. Conservation  
Of the PCCF(WL) & CWLW  
Odisha, Bhubaneswar

## SUMMARY OF FINANCIAL IMPLICATIONS OF THE 14 TRADITIONAL CORRIDORS

Sl. No	Corridor Management Action	1 <sup>st</sup> year	2 <sup>nd</sup> year	3 <sup>rd</sup> year	4 <sup>th</sup> year	5 <sup>th</sup> year	Total for 5 years
1	Corridor consolidation (Survey settlement, demarcation signages)	30.00	19.75	19.25	19.25	19.25	107.50
2	Improvement of the quality of the Corridor						
2.1	Providing alternate resources or livelihood for people using the corridor-resources	187.00	176.50	183.50	182.50	178.50	908.00
2.2	Improvement of water regime	195.50	177.00	171.00	173.00	179.00	895.50
2.3	Improvement of fodder	96.50	87.75	88.25	86.75	83.25	442.50
2.4	Incentive - based fire-prevention	28.00	27.00	28.00	27.00	27.00	137.00
2.5	Reward for information about electric supply system posing threat to lives of elephants	12.35	12.35	12.10	12.10	12.60	61.50
2.6	Elephant Proof Barrier	65.00	63.50	68.50	62.50	61.50	321.00
2.7	Eradication of Weeds from Corridor	26.50	26.75	26.25	26.25	26.25	132.00
	Total of 2:-	610.85	570.85	577.60	570.10	568.10	2897.50
3	Capacity Building of staff	10.00	9.90	9.90	9.85	9.85	49.50
4	Capacity Building of people						
4.1	Formation of "Hati Jaga-Rakha Vahini" at village level to prevent depredation by elephants using the corridor. Provision of communication link to "Vahini"	111.50	108.50	105.50	106.50	108.50	540.50
4.2	Promotion of machans in paddy fields	21.70	22.95	23.95	25.70	23.20	117.50

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*[Signature]*  
O/o the PCCF (M) & UOI  
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4.3	Watcher towers to track elephant movement, fire-incident etc	53.50	49.00	49.00	51.50	49.50	252.50
	<b>Total of 4:-</b>	<b>186.70</b>	<b>180.45</b>	<b>178.45</b>	<b>183.70</b>	<b>181.20</b>	<b>910.50</b>
5	Development of Infrastructure for corridor management. Field Camp, Vehicle, Telephonic link, Internet etc.	99.00	91.00	93.00	93.00	93.00	469.00
6	Corridor Biodiversity Monitoring	29.00	29.00	29.00	29.00	29.00	145.00
	<b>Grand Total:-</b>	<b>965.55</b>	<b>900.95</b>	<b>907.20</b>	<b>904.90</b>	<b>900.40</b>	<b>4579.00</b>

Grand Camp  
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*[Signature]*  
 Dy. Conservator of Forests (WLM)  
 O/o the PCCF(WL) & CWLW  
 Bhubaneswar

Statement Showing allotment of funds in favour of the DDOs for utilisation under State Plan Scheme-Management and Development of Elephant Corridor during 2012-13					
Sl. No	Corridor Management Action 2012-13	Amount Proposed (Rs. in Lakhs)	Description	Cost per Unit (in Rupees)	Total No. of Units/for the entire State
1	Corridor consolidation (Survey settlement, demarcation, signages)	50.00	Demarcation should be of Cement Concrete Pillar of Dimension: 1' dia, 2' height in foundation have (20X20)	2000	2500 nos
2	Improvement of the quality of the Corridor				
2.1	Providing alternate resources or livelihood for people using the corridor- resources through income generating activities as entry point activities.	30.00	Community centre provided with sewing Machines/Khali plates making etc., through 60 EDC/VSS	50000	60 nos of EDC and VSS
2.2	Improvement of water regime (Water Bore Cession and Renovation)	80.00	New (40m x30mX 3m)	200000	40
	Old Tank Renovation	20.00	Old Tank Renovation	25000	80
2.3	Improvement of elephant fodder species along corridor in community land	18.24	Pre planting i.e. raising nursery @1600 nos per Ha, Rs 5.70/Seedling	9120	200 ha
2.4	Incentive - based fire- prevention	20.00	One squad for 3 month comprising of 4 persons	40000	50
2.5	Elephant Proof Barrier - Solar fencing	45.00	Solar fencing-Only fencing fixed with RCC poles at a distance of 5 meter, 3 stand wires	100000	45km
	Elephant Proof Barrier - Trench Fencing	80.00	Trench fencing bottom- 1meter, height- 2.5 meter, Top- 3 meter	200000	20km
	Elephant Proof Barrier - Stone wall	25.00	Stone wall 4 meter X 1 meter (depth)- base foundation, (2meter height X 3.5meter at ground base)	2500000	1km
2.6	Eradication of Invasive Woods along Corridor	6.00		3000	200ha
3	Watch towers and temporary machans to track elephant movement, fire-incident etc as per actual need.	20.00	RCC Watch towers size (12X12X 40' ft height, Two numbers of room size (15X12') with attach toilet (10X6') in ground floor	10000000	2
4	Development of Infrastructure for corridor management- Eg. Field Camps, Vehicles, Telephonic link, Internet etc.	32.00	(a) Permanent Field protection camp (Size 12X40') with verandah 4' including 1 nos kitchen (size 10X12') 2 nos of toilet with PH connection and overhead tank	700000	4
	Deep Tube Well		(b) Digging of deep tube well	100000	4
5	IEC materials, Hoardings, Awareness etc	7.20	Posting of sign Boards/Hoarding with GI-channel for awareness of trespassers about movement of elephant (Size 10X6') 6' above ground	60000	12
6	Compassionate Grant in Corridor Division	66.58			
	Grand Total:-	500.00000			

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*[Signature]*  
By: Conservator of Forests (WLW)  
O/o the PCCF(WL) & CHW  
Odisha, Bhubaneswar

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Allotment under State Plan Scheme-Management and Development of Elephant Corridor during 2013-14 (Rs in lakhs)					
Sl. No.	Item of Work	Description	Cost per Unit	Total No. of Units	Amount to be allotment
1	Corridor Management Action Plan 2013-14 (in lakhs)				
1	Corridor consolidation (Survey settlement, demarcation, signages)	Demarcation should be of Cement Concrete Pillar of Dimensions:1' dia, 2' height in foundation base (2X2'22)	0.024	350 nos	8.40
2	Improvement of the quality of the Corridor				
2.1	Providing alternate resources or livelihood for people using the corridor- resources through income generating activities as entry point activities	Community centre provided with sewing Machines/Khad plates making etc., through EDC/VSS	0.50	20 nos of EDC and VSS	10.00
2.2	Improvement of water regime (Water Body: Creation and Renovation)	New (40m x30mX 3m)	2.50	25	62.50
2.3	Old Tank Renovation	Old Tank Renovation	0.50	30	15.00
2.4.1	Improvement of elephant fodder species along corridor in community land	Pre planting i.e. excluding nursery @9700per Ha	0.087	200ha	17.40
2.4.2		First year (Planting Year- 2013-14) @18805.50per ha	0.1881	200ha	37.613
2.4.3		Cost of seedlings for raising nursery for the coming year 2014-15 @6.82per seedlings (1ha=1760 seedlings)	7E-05	100ha (176000 seedlings)	12.00320
2.5	Incentive - based fire- prevention	One squad for 4 month comprising of 5 persons	0.81	32	25.920
2.6	Elephant Proof Barrier - Solar fencing	Solar fencing-Only fencing fixed with RCC poles at a distance of 5 meter, 3 stand wires with all accessories	1.5lakhs /km	64km	96.00
2.7	Elephant Proof Barrier - Trench Fencing	Trench fencing bottom-1meter, height- 2.5 meter, Top- 3 meter	4lakhs/ km	30km	120.00
2.8	Eradication of Invasive Weeds along Corridor		0.03	200ha	6.00
3	Watch towers	RCC Watch towers size (12'X12'X 40' ft )height, Two numbers of room size (15'X12') with attach toilet (10'X6') in ground floor	10.00	2	20.00
3.1	Temporary machines to track elephant movement, fire incident etc as per actual need.		0.01	20	0.20
3.2	Monitoring of Interstate Migration of Elephants (Balasore WL and Baripada)			2	9.05280
4	Development of Infrastructure for corridor management. Eg. Permanent Field camp.	(a) Permanent Field protection camp (Size 12'X40') with verandah, 4' including 1 nos kitchen (size 10'X12') 2 nos of toilet with PH connection and overhead tank.	7.00	5	35.00
4.1	Deep Tube Well	(b) Digging of deep tube well.	1.00	5	5.00
5	IEC materials, Hoardings, Training Awareness etc	Posting of sign Boards/Hoarding with GI-channel for awareness of trespassers about movement of elephant.	0.25	40	10.00
6	Study for Mitigation Plan to address Elephant Mortality by train hit in Odisha by WTI		9.911		9.911
	Grand Total:-				500.000

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*[Signature]*  
By: *[Signature]*  
D/o the PCCF (WL) & CWLW  
Bhubaneswar

Allotment under State Plan Scheme-Management and Development of Elephant Corridor during 2014-15 (Rs in lakhs)					
Sl. No.	Item of Work	Description	Cost per Unit	Total No. of Units	Amount to be allotted for the whole state
5.	Corridor Management Action Plan 2014-15 (In lakhs)				
1	Corridor consolidation (Survey, demarcation, signages)	Demarcation pillar should be of Cement Concrete Pillar of Dimension:1' dia, 2' height in foundation base (22x22)	0.024	300	7.20
2	Improvement of the quality of the Corridor				
2.1	Providing alternate resources or livelihood for people using the corridor-resources through income generating activities as entry point activities	Community centre provided with sewing Machines/Khali plates making etc., through EDC/VSS	0.50	30 nos of EDC and VSS	15.00
2.2	Improvement of water regime (Water Body: New Creation)	New (40m x30mX 3m)	2.50	40	100.00
2.3	Water Body Renovation	Water Body Renovation	0.50	20	10.00
2.4.1	Improvement of elephant fodder species in and around along the corridor	Second year maintenance (planting year 2013-14) @ Rs.0.09828/ha	0.0928/ha	200ha	19.65600
2.4.2	Improvement of elephant fodder species in and around along the corridor	First year (Planting Year- 2014-15)(39.506(Total)-12.0032(already allotted in 2013-14)=27.5028(allocated during 2014-15)	0.275028/ha	100ha	27.5028
2.4.3	Improvement of elephant fodder species in and around along the corridor	Pre-planting operation for plantation year 2015-16 (raising of nursery including pitting etc. @ Rs. 0.20700lakhs/ ha (1ha=1760 seedlings)	0.2070	200ha (352000 seedlings)	41.400
2.5	Fire Fighting Squad	One squad for 4 month comprising of 5 persons	0.81	40	32.400
2.6	Elephant Proof Barrier - Solar Fencing	Solar fencing-Only fencing fixed with RCC poles at a distance of 5 meter, 3 strand wires with all accessories	1.5lakhs a/km	30	45.00
2.7	Elephant Proof Barrier - Trench Fencing	Trench fencing bottom-1meter, height- 2.5 meter, Top- 3 meter	4lakhs/ km	26	104.00
2.8	Eradication of Invasive Weeds along Corridor		0.03/ha	200ha	6.00
3	Watch towers	RCC Watch towers size (12X12X 40' ft) height, Two numbers of room size (15X12) with attach toilet (10'X6') in ground floor	10.00	4	40.00
3.1	Temporary machans to track elephant movement, fire incident etc as per actual need		0.01	30	0.30
3.2	Monitoring of Interstate Migration of Elephants - Engagement of Squad with anti-depredation equipments (Balsore WL and Baripada)				7.68520
4	Development of Infrastructure for corridor management. Eg. Permanent Field camp/ Protection Barrack	(a) Permanent Field protection camp/ Protection barrack (Size 12X40') with verandah 4' including 1 nos kitchen (size 10'X12') 2 nos of toilet with PH connection and overhead tank	7.00	4	28.00
4.1	Deep Tube Well	(b) Digging of deep tube well (to be dug at the Permanent Field protection camp/ protection barrack site)	1.00	4	4.00
5	IEC materials, Hoardings, Training Awareness etc	Posting of sign Boards/Hoarding with GI-channel, with radium strip reflector for awareness of trespassers about movement of elephant both during day and night	0.25	30	7.50
6	Study For Mitigation Plan to address Elephant Mortality by train hit in Odisha by WTI				4.9560
	Grand Total-				600.000

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Signature  
As per PCCF(WL) & WTI  
Chit. Bhabani

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Statement showing allotment of funds in favour of the ODGs for utilisation under State Plan Scheme-Management and Development of Elephant Corridor during 2015-16 (Rs in lakhs)					
Sl. No	Item of Work	Description	Cost per Unit	Total No. of Units	Financial Outlay proposed
1	Corridor Management Action Plan 2015-16 (Rs. in lakhs)				
1	Corridor consolidation (Survey, demarcation, signages)	Demarcation pillar should be of Cement Concrete Pillar of Dimension: 1' dia, 2' height in foundation base (2'x2'x2')	0.024	50	1.20000
2	Improvement of the quality of the Corridor				
2.1	Providing alternate resources or livelihood for people using the corridor- resources through income generating activities as entry point activities.	Community centre provided with sewing Machines/Khadi plates making etc., through EDC/VSS	0.50 per EDC/VSS	30 nos of EDC and VSS	15.00000
2.2	Improvement of water regime (Water Body: Creation)	New (40m x30mX 3m)	2.50	16	40.00000
2.3	Water Body Renovation	Water Body Renovation	0.50	15	7.50000
2.4.1	Improvement of elephant fodder species in and around along the corridor	Third year maintenance (planting year 2013-14) @ Rs.0.06600/ha. (1ha=1600seedlings)	0.08200/ha	190ha	15.58000
2.4.2	Improvement of elephant fodder species in and around along the corridor	Second year maintenance (planting year 2014-15) @ Rs.0.08850/ha (1ha=1600seedlings)	0.1120/ha	95ha	10.64000
2.4.3	Improvement of elephant fodder species in and around along the corridor	First year plantation (Planting Year- 2015-16) @ 0.15300/ha (1ha=1600seedlings)	0.19350/ha	265ha	51.28000
2.4.4	Improvement of elephant fodder species in and around along the corridor	Pre-planting operation for plantation year 2015-16 (raising of nursery including pitting etc. @ Rs. 0.19800/ ha (1ha=1600 seedlings)	0.19800/ha	75ha	14.85000
2.5	Fire Fighting Squad	One squad for 4 month comprising of 5 persons	0.81	40	32.40000
2.6	Elephant Proof Barrier - Solar fencing	Solar fencing-Only fencing fixed with RCC poles at a distance of 5	1.5lakhs/km	40	60.00000
2.7	Elephant Proof Barrier - Trench Fencing	Trench fencing bottom-1meter, height- 2.5 meter, Top- 3 meter	4lakhs/km	25	100.00000
2.8	Eradication of Invasive Weeds along Corridor		0.03/ha	400ha	12.00000
3	Watch towers for monitoring movement of elephants, fire incidences etc.	RCC Watch towers size (12'X12'X 40' ft )height, Two numbers of room size (15'X12') with attach toilet (10'X6') in ground floor	10.00	5	50.00000
3.2	Engagement of elephant squad. Handle anti-depredation and anti-poaching duties. Each squad will be headed by Forester/ Forest Guard with 5 suitable persons. Hired vehicle, anti-depredation equipments, camping gear are to be provided.	Cost components of a Unit are (a) wages of 5 persons to be engaged round the year on minimum wages, (b) anti-depredation gears, uniform for the squad members (c) vehicle hire charges and POL.	2.83	20	59.65000

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*[Signature]*  
Dy. Conservator of Forests (M.M.)  
Old to PCCF (M.M.) & CHW  
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	Development of Infrastructure for corridor management. Eg. Permanent Field camp/ Protection Barrack.	(a) Permanent Field protection camp/ Protection barrack (Size 12'X40') with verandah 4' including 1 no's kitchen (size 10'X12') 2 nos of toilet with PH connection and overhead tank.(b) Digging of deep tube well (to be dug at the Permanent Field protection camp/ protection barrack, etc.)	8.00	5	40.00000
5	IEC materials, Hoardings, Training Awareness etc	Posting of sign Boards/Hoarding with GI-channel for awareness of trespassers about movement of elephant, etc.	5.00	18	9.00000
Grand Total:-					519.100

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ANNEXURE-B/1

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# The Odisha Gazette



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 969, CUTTACK, TUESDAY, JUNE 23, 2015/ASADHA 2, 1937

GENERAL ADMINISTRATION DEPARTMENT

NOTIFICATION

The 22nd June, 2015

No.15005-GAD-AR-DRF-0181/2014(PI-I)/AR.— In exercise of the powers conferred by Section 3 read with Sections 5 and 6 the Odisha Right to Public Services Act, 2012 (Odisha Act 8 of 2012) the State Government do hereby declare the services as given in column (1) of the Schedule given below to be provided to the eligible persons within the specified time limit as specified against each such services in column (2) thereof by the Designated Officers as in column (3) for the purposes of the said Act and also notify the Appellate and Revisional Authority respectively in columns (4) and (5) of the said Schedule for passing of orders if any under the provisions of the said Act whenever an application is preferred to them.

After serial number 14, the following serial numbers and the Departments along with necessary entries thereof for each such Department shall be added to the Notification of the Government of Odisha in the General Administration (Administrative Reforms) Department No. 30/GAD., dated the 1st January, 2013, No. 8826/GAD., dated the 30th March, 2013, No. 17566/GAD, dated the 26th June, 2013, No. 33483/GAD, dated the 16th December, 2014 and Notification for amendment of the Government of Odisha in the General Administration (Administrative Reforms) Department No. 8824/GAD., dated the 30th March, 2013 and No.25342/GAD, dated 6th September, 2013, namely:—

*Tomil Kumar*  
*02/05/2015*

*Pradyumn*  
By: *Pradyumn*  
C/O to PCCF (M) & CMLN  
Cuttack

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Sr. No.	Name of Public Service	Given time limit	Designated Officer	Appellate Authority	Revisional Authority
(1)	(2)	(3)	(4)	(5)	(6)
<b>33. FOREST &amp; ENVIRONMENT DEPARTMENT:</b>					
✓ 314	Distribution of Seedlings to Public-Issue of Orders.	15 days	Range Forest Officers.	Assistant Conservator of Forests.	Deputy Conservator of Forests.
✓ 315	Sanction of compassionate amount to the concerned persons in case of crop damage by specified wild animals.	90 days	Divisional Forest Officer of Wildlife/Territorial Division	Concerned Regional Chief Conservator of Forests.	Principal CCF(WL) & Wildlife Warden Odisha.
✓ 316	Sanction of compassionate amount to the concerned persons in case of cattle kill by specified wild animals.	30 days	Divisional Forest Officer of Wildlife/Territorial Division.	Concerned Regional Chief Conservator of Forests.	Principal CCF(WL) & Wildlife Warden Odisha.
✓ 317	Sanction of compassionate amount to the concerned persons/legal heirs of the victims in case of human injury and casualty respectively by specified wild animals.	15 days	Divisional Forest Officer of Wildlife/Territorial Division.	Concerned Regional Chief Conservator of Forests.	Principal CCF (WL) & Wildlife Warden Odisha.
<b>STATE POLLUTION CONTROL BOARD, ODISHA:</b>					
318	Disposal of consent to establish application for new / expansion proposal of 17 Categories of highly polluting Industries (Red-A) having investment of Rs.50 crores or more on recommendation of Consent Committee.	60 days	Member Secretary.	Appellate Authority constituted by F&E Department u/s 28 of Water (PCP) Act and 31 of Air (PCP) Act.	Concerned designated Officer, which grants consent revises the consent order as directed by the Appellate Authority.
319	Disposal of consent to establish application for new/ expansion proposal of Coal, Bauxite, Iron, Ore, Manganese, Limestone, Dolomite and Chromite Mines on recommendation of Consent Committee.	60 days	Member Secretary.	Appellate Authority constituted by F&E Department u/s 28 of Water (PCP) Act and 31 of Air (PCP) Act.	Concerned designated Officer, which grants consent revises the consent order as directed by the Appellate Authority.

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*[Signature]*  
 No. 10/11/2027

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ANNEXURE - E/1 Series

Government of Odisha  
Forest & Environment Department

No. 6720 / F&E, Dated 11-04-16  
4F(S)- 10/2016

Sri P.K.Mohanty, OFS, (SAG).  
FA - cum-Addl. Secretary to Govt.

To  
The PCCF (O), BBSR/  
The PCCF (KL), Odisha, BBSR  
The PCCF (Projects)-cum- Project Director, OFSDP, BBSR  
The project Director, ICZMP, BBSR  
The PCCF (WL), Odisha, BBSR  
The Director Env-cum-Spl.Secy.to Govt. F&E, Deptt  
The P.D.WFP- cum- State Mission Director, OBDA, BBSR  
The Chief Executive, State Medicinal Plant Board  
The Chief Executive, RPRC  
The Chief Executive, Odisha Bio Diversity Board, BBSR  
The Chief Executive, Chilika Development Authority  
The Member Secretary State Pollution Control Board.

Sub: Restructured / clubbed State plan Scheme, RCSS, and Central Plan along with Budget provision (1/6<sup>th</sup> of the Budget Estimate to be used during April & May 2016 following due procedure.

Sir,

I am directed to enclose herewith the details of Budget provision including supplementary for the year 2014-15 & 2015-16, requirement proposed by this Department for 2016-17, ceiling communicated by P & C Department for 2016-17 for State plan, RCSS & Central Plan along with restructured list of state's own plan scheme communicated by P & C Department for information & necessary action.

Yours faithfully,

FA-cum-Addl. Secretary to Government

Dy. Conservator  
O/o the PCCF (WL) & CWLU

BUDGET PROVISION FOR THE YEAR 2014-15 TO 2016-17. (₹ in lakhs)			
Budget	Budget	Budget	Budget

Dr. Conrad R. Meyer, (MILM)  
Director, PCCF (MILM) & CHILM

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<b>Sanctuary &amp; Nature Reserve</b>								
25	Wild Life Protection and conservation measures including those for black buck & fresh water turtles	1200.00	1829.55	3620.00	3720.00	Wild Life Protection and conservation measures.	2000.00	
26	Protection and conservation of Olive Ridley Sea Turtles	70.00	70.00	100.00				
27	One time ACA for promotion of Eco-tourism in Wild Life Sanctuaries and Forest resort	200.00	200.00	0.00		To be dropped		Dropped
28	Elephant Management Project	400.00	442.77					
29	Management and development of Elephant Corridor	500.00	519.10	1300.00	1301.00	Management of Elephant & Corridor	800.00	
30	Nature Conservation	60.00	60.00	0.01	0.01		0.01	
31	Construction of Praksud Bhawan	0.01	0.01	0.00	0.00			
32	Strengthening of Transmission line in Elephant Corridor	0.01	0.01	0.00	0.00	To be dropped		Dropped
33	Development of Eco-tourism.	-	-	2000.00	2000.00	Development and promotion of Eco-tourism	1000.00	Final (Development of Eco-Tourism)
34	Development and Beautification of Nandankanan Zoo and Botanical Garden	0.01	Closed since 2015-16					
<b>Total Sanctuary &amp; Nature Reserve</b>		<b>2430.03</b>	<b>3121.44</b>	<b>7020.01</b>	<b>7021.01</b>		<b>3800.01</b>	
<b>Ecology &amp; Environment</b>								
35	Regional Plant Resources Centre	200.00	200.00	200.00	250.00	Regional Plant Resources Centre and Biodiversity Board	250.00	
36	Biodiversity Board	50.00	50.00	50.00				
37	State Environment Impact Assessment Authority & SEAC	20.00	31.00	50.00				
38	Establishment of Common Biomedical Waste Treatment and Disposal facilities	200.00	80.00	0.01	80.01	Environmental Management	80.01	
39	Odisha Climate Change Cell	71.00	71.00	30.00				
40	Integrated Coastal Zone Management Plan	711.00	32.00	0.01	0.01	Integrated Coastal Zone Management Plan	0.01	
41	13th Finance Commission Award for Eco-restoration of Chilika lagoon	1250.00	1250.00	0.00		To be dropped		Dropped
42	Odisha Wetland Development Authority	100.00	100.00	0.01				
43	National Wetland and Coastal Eco-System Research and Training Centre	0.01	0.01	0.01	710.02	Conservation & Development of Wetland	710.02	
44	Eco-Restoration & Sustainable Management of Chilika Lake and its catchment	-	800.00	710.00				
45	Conservation and Management of wet land of Chilika					To be dropped		Dropped
<b>Total Ecology &amp; Environment</b>		<b>2602.01</b>	<b>2811.01</b>	<b>1040.04</b>	<b>1040.04</b>		<b>1040.04</b>	

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OFFICE OF THE  
PRINCIPAL C.C.F. (WILDLIFE) & CHIEF WILDLIFE WARDEN, ODISHA,  
PRAKRUTI BHAWAN, 5<sup>TH</sup> FLOOR, NILAKANTHA NAGAR, BHUBANESWAR

No. Budget-05/2016-4277 / Dated 30/05/2016.

To

The Principal Secretary to Govt.  
Forest & Environment Department,  
Odisha, Bhubaneswar

Sub:

Sanction of funds under the State Plan Scheme "3173- Management of Elephant and Corridor" during 2016-17.

Ref:

Govt. letter No. 8F(WL)45/2016-8979/F&E dt. 1.1.05.2016.

Sir,

In inviting a reference to the correspondence cited above, this is to inform that a sum of ₹133.33 lakh has been sanctioned by Govt. against the Budget Provision of ₹800.00 lakh under the above State Plan scheme during 2016-17. The balance funds for ₹666.67 lakh to be sanctioned by Govt. In this connection a statement of cost for ₹800.00 lakh under different items of work is furnished herewith for kind approval.

It is requested that Govt. orders for sanction of balance amount of ₹666.67 lakh may kindly be communicated for utilization during 2016-17.

Yours faithfully,

Encl. As above.

Principal C.C.F. (Wildlife) &  
Chief Wildlife Warden, Odisha

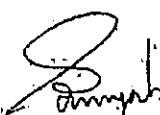
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*[Signature]*  
By, Conservator of Forests  
On the PCCF(WL) & CHWW

10	Improvement of elephant fodder species within the corridor	Third year maintenance (planting year 2014-15) @ Rs.0.08320/ha (1ha=1600seedlings)	0.08320/ha	95ha	7.90400
11	Improvement of elephant fodder species within the corridor	Second year maintenance. (Planting Year- 2015-16) @ 0.12064/ha (1ha=1600seedlings)	0.12064/ha	260ha	31.64640
12	Fire Fighting Squad	Deployment of Fire fighting squad for five fire months (April-16 to June-16 and Feb-17 to March-17) @ 1.70 lakhs per squad / season, five members in each squad	1.70/squad	16nos	27.20
13	Corridor consolidation (demarcation pillar)	Demarcation pillar should be of Cement Concrete Pillar of Dimension: 1' dia, 2' height in foundation base (2'X2'X2')	0.030/pillar	50nos	1.50
14	Providing alternate resources or livelihood for people using the corridor- resources through income generating activities as entry point activities.	Community centre provided with sewing Machines/Khali plates making etc., through EDC/VSS	0.50 per EDC/VSS	10 nos of EDC and VSS	5.00
15	Elephant Proof Barrier - Trench Fencing	Trench fencing bottom width- 1meter, height- 2.5 meter, Top width - 3 meter	5.50lakhs/km	20kms	110.00
16	Solar Fencing				30.00
17	Rescue and Rehabilitation centre for elephant calves and wounded elephants.	Strengthening / Expansion of Elephant Rescue Centre at Kapilash.			5.00
18	Engagement of Mahouts and their training / training and maintenance of Kunkul elephants				15.00
19	Public awareness programme: Publication of IEC materials like pamphlets, posters, brochures, hoardings, public awareness meetings etc. on elephant				8.00
20	Wildlife Headquarter level Coordination Cells-cum-Data centres (Total 3 nos): Composition: Research Fellow 3nos. Collate and analyse spatio-temporal information on elephants, and elephant management activities in the State.	Research Fellow 3 nos. attached to Co-ordination Cell of State Wildlife Headquarter	Rs. 15000/- per month + TA/DA as admissible	3nos	5.85516
21	Support Staff to Research Fellow		Rs.2000/- per PD	1no.	0.626

For Mr. Laxmi  
02/05/2017

  
Dy. Conservator of Forests (WLM)  
Office the PCCF (WLM) & CWLU



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**Cost for sanction of funds under State Plan Scheme-Management of Elephant and Corridor during 2016-17 (Rs in Lakhs)**

Sl. No.	Item of Work	Description	Cost per Unit	Total No. of Units	Statement of cost proposed for sanction
1	Unit of elephant, handle anti-depredation and anti-poaching duties. Each squad will be headed by Forester/ Forest Guard with 5 suitable persons. Hired vehicle, anti-depredation equipments, camping gear are to be provided. (3.24 lakhs per squad for wages of squad members @200/- per day + 0.76 lakhs per squad for ancillary activities)	Cost components of a Unit are (a) wages of 5 persons to be engaged round the year on minimum wages, (b) anti-depredation gears, uniform for the squad members (c) vehicle hire charges	4.00/squad	70nos	280.00
2	Development of intelligence network, incentive to informers etc.				4.00
3	Strengthening communication network: communication network will be adequately strengthened to cover all the Divisions having elephants by VHF equipments	Erection, installation and operationalisation of VHF fixed stations, vehicle-mounted sets, and handsets			10.00
4	Watch towers for monitoring movement of elephants, fire incidences etc.	Watch Tower with provision of tube well/bore well and solar light system @12.50 lakh/each (Tower size 12'x12'x40' with two rooms of size 15'x12' with attached toilets of size 10'x6')	12.50/WT	6nos	75.00
5	Construction of Permanent Protection camp with deep tube well/bore well and solar light system.	Size 12'x40' including verandah 4' width and 1nos kitchen (10'x12') and 2 nos. of toilet.	8.50/camp	1no.	8.50
6	New water body creation	New (40m x30mX 3m)	4.00/WB	20nos	80.00
7	Water Body Renovation	Water Body Renovation	11.65/WB	20nos	13.00
8	Construction of Check Dams				40.00
9	eradication of invasive Weeds		0.04/ha	300ha	12.00

For  
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02/05/29

*[Signature]*  
Dr. Consensus  
On the PCCF(W) & CWLW

22	Circle level Coordination Cells. (Total 4 nos. in Berhampur, Bairapada, Angul and Sambalpur Circles). Composition: Research Fellow 4no., Collate and analyse spatio-temporal information on elephants, and elephant management activities in the field.	Circle offices	Rs. 15000/- per month + TA/DA as admissible	4nos	7.92688
23	Field Assistant to assist the Research Fellow (Total 5 nos. in Bairapada, Bhudangewar, Bhawaniptana, Berhampur, Sambalpur Circles) maintain records and registers, analyse the information, and take orders from the Regional CCFs about the mobilisation; etc. for any day; and also oversee the deployment and working of squads in the field.	Circle offices	1 Unit = one person @ Rs5500 per month round the year.	5nos	3.365650
24	Contingency, cost escalation, upgradation of website, procurement of color printer, procurement of software and HD graphics system for video editing with accessories and unforeseen expenditure, etc				18.475910
Grand Total:-					800.00000

Principal Chief Conservator Forests (WL)  
& Chief Wildlife Warden, Odisha, O.B.S.R.

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Singh  
By: Conservator Forests (WL)  
On the PCCF (WL) & CWLW

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19/11/16

GOVERNMENT OF ODISHA  
FOREST AND ENVIRONMENT DEPARTMENT

No. BF (WL) 46/2016-(PT)

21259

F&E, Dated 17.11.16

149522 NOV 2016

From:

Shri R. K. Mohanty, OFS (SAG)  
F.A-cum-Additional Secretary to Government

To

The Accountant General (A&E), Odisha, Bhubaneswar

Sub: Sanction of funds under the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

Sir,

In continuation of this Department Letter No. 8979 dated 11.05.2016 and Letter No. 11289 dated 16.06.2016 on the above noted subject, I am directed to convey the sanction of Governor to an expenditure not exceeding to ₹200.00 lakh (Rupees two crore) only in favour of the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for implementation of the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

The Charge is debit to the appropriate head of account under Demand No.22-2406-Forestry & Wildlife- State Plan-State Sector-02-Environmental Forestry & Wildlife.

Amount

110- Wildlife Preservation-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹100.00 Lakh
789- Special Component Plan for SCs-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹50.00 Lakh
796- Tribal Area Sub-Plan-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹50.00 Lakh

Total- ₹200.00 Lakh

(Rupees two crore) only.

The expenditure on work shall not be incurred unless plans and estimates are approved and administrative approval is accorded by the competent authority.

Dr. Conservator of Forests (WL)  
(O/o the PCCF(WL) & CWLW)

The amount sanctioned shall be utilised by the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar during 2016-17.

This has been concurred in by Budget & Finance Section, Forest & Environment Department vide their U.O.R. No. 103 /F&E dt. 17.11.16.

Yours faithfully,

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 21256 F&E, Dated 17.11.16

Copy forwarded to the Accountant General (Audit), Odisha, Bhubaneswar for information and necessary action.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 21257 F&E, Dated 17.11.16

Copy forwarded to the Planning & Co-ordination Department/Finance Department for information and necessary action.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 21258 F&E, Dated 17.11.16

Copy forwarded to the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for information and necessary action with reference to letter No.8320 dated 28.10.2016

He is requested to take prompt action for utilisation of the amount and furnish Utilisation Certificate to this Department early.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 21259 F&E, Dated 17.11.16

Copy forwarded to the Budget & Finance Section/Policy & Plan Section, Forest & Environment Department for information and necessary action/Five Spare copies.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

*For File Copy*  
*21252*

*[Signature]*  
Off. Secy. PCCF (WL) & LWT  
Bhubaneswar

74

17b

GOVERNMENT OF ODISHA  
FOREST AND ENVIRONMENT DEPARTMENT

3887  
13-6-16  
11289 /F&E, Dated 16-06-16

Sri P. K. Mohanty, OFS (SAG)  
F.A-cum-Additional Secretary to Government

The Accountant General (A&E), Odisha, Bhubaneswar

Subj: Sanction of funds under the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

Sir,

In continuation of this Department Letter No. 8979 dated 11.05.2016 on the above noted subject, I am directed to convey the sanction of Governor to an expenditure not exceeding to ₹466.67 lakh (Rupees Four crore Sixty Six Lakh and Sixty Seven Thousand) only in favour of the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for implementation of the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

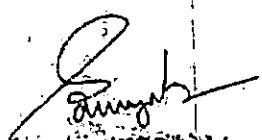
The Charge is debit to the appropriate head of account under Demand No. 22-2406-For & Wildlife- State Plan-State Sector-02-Environmental Forestry & Wildlife.

	Amount
110- Wildlife Preservation-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17,	₹291.67 Lakh
789- Special Component Plan for SCs-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹75.00 Lakh
796- Tribal Area Sub-Plan-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹100.00 Lakh

Total- ₹466.67 Lakh  
(Rupees Four crore Sixty Six Lakh and Sixty Seven Thousand) only.

The expenditure on work shall not be incurred unless plans and estimates are approved and administrative approval is accorded by the competent authority.

For Copy  
22/5/23

TO  
  
Dy. Conservator of Forests  
Odisha PCCF (WL) & CWLW  
Bhubaneswar

75-

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82

The amount sanctioned shall be utilised by the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar during 2016-17

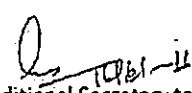
This has been concurred in by Budget & Finance Section, Forest & Environment Department vide their U.O. No. 53 /F&E dt. 16-06-2016

Yours faithfully,

  
F.A.-cum-Additional Secretary to Government.

Memo No. 11290 F&E., Dated 16-06-16

Copy forwarded to the Accountant General (Audit), Odisha, Bhubaneswar for information and necessary action.

  
F.A.-cum-Additional Secretary to Government.

Memo No. 11291 F&E., Dated 16-06-16

Copy forwarded to the Planning & Co-ordination Department/Finance Department for information and necessary action.

  
F.A.-cum-Additional Secretary to Government.

Memo No. 11292 F&E., Dated 16-06-16

Copy forwarded to the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for information and necessary action with reference to his Letter NO 4277 dated 30.05.2016.

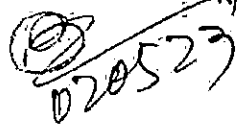
He is requested to take prompt action for utilisation of the amount and furnish Utilisation Certificate to this Department early.

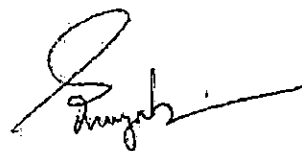
  
F.A.-cum-Additional Secretary to Government.

Memo No. 11293 F&E., Dated 16-06-16

Copy forwarded to the Budget & Finance Section/Policy & Plan Section, Forest & Environment Department for information and necessary action/Five Spare copies.

  
F.A.-cum-Additional Secretary to Government.

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Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden  
Office of the PCCF(WL) & CWLW  
Bhubaneswar

6425  
12-5-16

GOVERNMENT OF ODISHA  
FOREST AND ENVIRONMENT DEPARTMENT

No. BF(WL) 46/2016

8979

/F&E., Dated

11-5-16

From:

Shri P. K. Mohanty, OFS (SAG)  
F.A-cum-Additional Secretary to Government

To

The Accountant General (A&E), Odisha, Bhubaneswar

Sub: Sanction of funds under the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

Sir,

I am directed to convey the sanction of Governor to an expenditure not exceeding to ₹133.33 lakh (Rupees One crore thirty three lakh thirty three thousand) only in favour of the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for implementation of the State Plan Scheme "Management of Elephant and Corridor" for the year 2016-17.

The Charge is debitable to the appropriate head of account under Demand No.22-2406: Forestry & Wildlife- State Plan-State Sector-02-Environmental Forestry & Wildlife.

Amount

110- Wildlife Preservation-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹78.33 Lakh
789- Special Component Plan for SCs-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹25.00 Lakh
796- Tribal Area Sub-Plan-3173- Management of Elephant and Corridor-20002-Other Charges during 2016-17.	₹30.00 Lakh

Total- ₹133.33 Lakh

(Rupees One crore thirty three lakh thirty three thousand) only.

The expenditure on work shall not be incurred unless plans and estimates are approved and administrative approval is accorded by the competent authority.

PTO

For C.A.  
020529

By Conservator of Forests  
O/o the PCF(WL) & CWLW  
Bhubaneswar

173

77

The amount sanctioned shall be utilised by the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar during 2016-17.

This has been concurred in by Budget & Finance Section, Forest & Environment Department vide their U.O.R. No. 40 /F&E dt. 11.5.2016.

Yours faithfully,

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 8980 F&E., Dated 11-5-16

Copy forwarded to the Accountant General (Audit), Odisha, Bhubaneswar for information and necessary action.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 8981 F&E., Dated 11-5-16

Copy forwarded to the Planning & Co-ordination Department/Finance Department for information and necessary action.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 8982 F&E., Dated 11-5-16

Copy forwarded to the Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, Bhubaneswar for information and necessary action.

He is requested to take prompt action for utilisation of the amount and furnish Utilisation Certificate to this Department early.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Memo No. 8983 F&E., Dated 11-5-16

Copy forwarded to the Budget & Finance Section/Policy & Plan Section, Forest & Environment Department for information and necessary action/Five Spare copies.

*[Signature]*  
F.A.-cum-Additional Secretary to Government.

Four copy  
020527

*[Signature]*  
Pr. Conservator of Forests (Wildlife)  
Odisha (PCCFW) & CWLW



78

ANNEXURE-3

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,  
KOLKATA

O.A. No. 129/2016

Wildlife Society of Orissa

..... Applicant

Versus

State of Odisha and others

..... Respondents

INDEX

Sl. No.	Description of Documents	Page
1.	Affidavit	01 - 03
2.	<u>Annexure-A/2</u> Copy of the Action Plan	04 - 18
3.	<u>Annexure-B/2</u> Copy of the Map	19

Cuttack,

Date : 10.08.2021

ADVOCATE

For Cam  
020127

11/11

BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH,KOLKATAO.A. No. 129/2016

Wildlife Society of Orissa

..... Applicant

Versus

State of Odisha and others

..... Respondents

AFFIDAVIT PURSUANT TO DIRECTION DTD.23.06.2021 FILED BY AND  
ON BEHALF OF RESPONDENT NOS.2 AND 4

I, Sri Samyak Samantara, aged about 39 Years, S/o Dr. Ramesh Chandra presently working as Dy. Conservator of Forests, State Wildlife Headquarters, Prakruti Bhawan, Plot no.1459, Saheed Nagar, Bhubaneswar, Odisha do hereby solemnly affirm and state as follows;

1. That I have been duly authorized by the Respondent Nos.2 and 4 to file this affidavit being acquainted with the facts in my official capacity.
2. That vide order dtd.26.03.2020, this Hon'ble Tribunal directed the State Government to prepare an action plan with specific time line to implement the recommendations of the report submitted by ANCF. The extract order issued on 26.03.2020 is as follows:

*In view of the facts and circumstances, we direct the State Respondents to place before us an action plan with specific time lines if not already prepared, within a period of two months from hence in accordance with observations and recommendations made in the report submitted by the ANCF.*

Subsequently, this Hon'ble Tribunal was pleased to extend further time for submission of report.

3. That in obedience to the direction of this Hon'ble Tribunal an Action plan has been prepared and approved by Govt. The copy of the Action Plan and the Map are annexed herewith as Annexure-A/2 and Annexure-B/2 respectively. The plan has focused on following three aspects:
  - a. Need to secure elephant habitat.
  - b. Providing connectivity to habitat.
  - c. Securing movement pattern of smaller and scattered populations.



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 020523

Samyak Samantara

Under these three broad aspects following steps have already been initiated.

- i. As per recommendation of ANCF report, a proposal has been formulated to expand the area of Mahanadi and Sambalpur Elephant reserves and the same is under active consideration of Govt. of Odisha.
- ii. Between Mahanadi and Sambalpur Elephant Reserves two identified corridors are very small and do not ensure total connectivity. Therefore, entire landscape between two elephant reserves is treated as movement areas. Habitat enrichment activities by planting forest plants and water source augmentation have been initiated.
- iii. As identified by ANCF report, Manjore canal are threat to movement of elephants in the areas between Mahanadi and Sambalpur Elephant Reserves. So, three crossing points have been identified on these canals and funds have been placed with Water Resource Department to construct overpass for elephants.
- iv. ANCF reports have also identified roads as major barrier for elephant movement. So, crossing points of the elephants on roads have been identified and provision of under / over pass is being provided. On NH-55, 13 such crossing points have been identified and provision for elephant under/ over pass is included in the Site Specific Wildlife Conservation Plan and NH authorities have been asked to construct the same. Besides this, out of identified points on SH-62 Works Department was asked to submit estimate for one such points and the same has been received which is under field verification by RCCF, Angul. Similarly, Railway authorities have also been asked to submit estimate for under pass construction in the identified crossing points and the same is awaited.

Voluntary village relocation scheme of the State has been amended to include areas connecting wildlife habitats in addition to protected areas. This provision will be utilized to undertake voluntary village relocation from these areas to reduce human pressure.



2  
To 10/10/11  
Tamil Ceylon  
02/05/23

Sambalpur  
Sangha

- vi. Scheme of incentive for maintaining wildlife friendly land use by the villagers in these areas is under preparation by RCCF, Angul and Sambalpur.
- vii. Alternate livelihood like providing agricultural implements, flour mills, Rice puffer machines etc. are being promoted in these areas to reduced dependence of forest fringe villagers on neighboring forest resources.
- viii. Other measures like elephant proof trench, solar power fence, open well guards, etc are being done to save the life of elephants and other wild animals and to reduce human wildlife conflict.
- ix. Proposal to undertake study of interstate movement paths between Odisha-Jharkhand and Odisha-West Bengal and measures required for safeguarding them is under active consideration of Govt.
- x. Declaration of conservation reserve in Hadagarh-Kuldiha areas is under preparation.
- xi. To monitor the movements of smaller and scattered population, state Govt. has already constituted circle level committee.

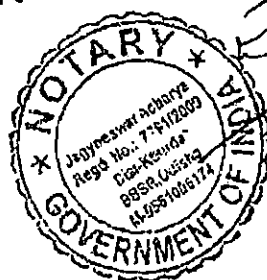
4. That the Government is committed for conservation of elephants and taking sincere steps as per the Action Taken Report.

5. That in view of the above, it is humbly submitted that since the action plan for implementation of the recommendation of the report of ANCF has already been prepared and sincerely followed, the above O.A. may be disposed of on the basis of the action taken report.

6. That the Respondents reserve their right to file any other or further affidavit if required.

IDENTIFIED BY  
ADVOCATE BBSR

Deponent  
10.8.



Jagyneshwar Acharya  
Notary, Govt. Of India  
Odisha, BBSR, Dist-Khurda  
Regd. No.-7791/2009  
Mob:- 9861006174

True Copy  
02.05.20

**ACTION PLAN - OA No. 129/2016**

689

**Brief History of the Case-**

One Sri Biswajit Mohanty, Secretary, Wildlife Society of Orissa has filed an O.A. No. 129/2016 dated 23.09.2016 in the Hon'ble National Green Tribunal (NGT), Eastern Zone Bench, Kolkata. The main contention of the petitioner is that 14 number of Elephant Corridors Identified by the state government should be declared as Eco-Sensitive Zone under Section 3 of the Environmental (Protection) Act, 1986. This is required for better protection of corridors.

Hon'ble NGT passed an interim order on dated 20.10.2016 directing that all such activities which are not permissible to be carried out in such highly Eco-Sensitive Zone, shall not be carried out until further orders. This order has been communicated to concerned Divisional Forest Officers and Regional Chief Conservator of Forests by PCCF Wildlife and Chief Wildlife Warden office vide memo No.9563 dated 03.12.2016.

In response to all the contentions of the petitioner, stand of the Government of Odisha taken in the Court rallies on the fact that it is true that 14 Elephant Corridors were identified and it was suggested to Government of Odisha for declaring them as Eco-Sensitive Zone. However, keeping in view the movement patterns of elephants which reflect change in migratory routes, notification of these identified corridors will not entirely address the larger objective of conservation of elephants. With a view to assess the carrying capacity of the forests and to suggest best practices for management of habitats and corridors, an MoU has been signed with Asian Nature Conservation Foundation (ANCF) for carrying out a detailed study and further course of action shall be decided after receipt of the report. In the meanwhile, ANCF has submitted its report and following are the main recommendation.

**Main Recommendations of the report**

- A. In this report Chapter-5 titled as 'Elephant Corridors In Odisha' is devoted to elephant corridors. In this chapter, under table 5.1 report has classified corridors identified by the state government on the basis of their functional existence and ecological feasibility. The same is reproduced below for your kind reference.

Sample Samant  
28.02.17

For Mr. C.M.  
070529

**Elephant corridors identified by forest department with their functional existence and ecological feasibility.**

Sl. No	Name of corridor	Connecting locations	Area involved as per govt. records (sq.km)	Length (km)	Functional existence and no. of elephant using the path	Ecological feasibility	PA connection
1	Badampahar-Dhebadhopin	Mayurbhanj-Jharkhand	24.3	16.0	Poor & max 20	Not good	Yes
2	Badampahar-Karida	Mayurbhanj-Jharkhand	26.09	43.0	Very poor & NA	Bad	Yes
3	W.Bengal-Deuk-Sullapada (Passage)	Mayurbhanj, Balesore, W.Bengal	39.5	72.0	Very good & 100+	Very bad	No
4	Simlipal-Hadagarh-Kuldiha	Mayurbhanj, Keonjhar, Balesore,	91.39	16+25	Good & 40+	Good if mining stopped	Yes
5	Telikoi-Pallahara	Keonjhar, Angul	13.24	30.0	Poor & 15 ±	Not good	No
6	Karo (Keonjhar) Karampada (Saranda)	Keonjhar and Jharkhand	17.3	15.0	Poor & 1 or 2	Bad	No
7	Maulabhanja-Jindamal-Anantpur	Dhenkanal	1.55	6.5 (in three slab)	Very poor & 20-25	Not good	No
8	Kanhajenz-Anantpur	Angul, Dhenkanal	5.22	6.6	Very poor & 15-20	Not good	No
9	Buguda-Central RF of Nayagarh division	Nayagarh	0.76	2.6	Good & 20-40	Good	Yes
10	Nuagaon-Baruni	Angul (Aithamalik FD)	20.7	4.5	Good & 60-100+	Good	Yes
11	Tal-Kholgarh	Sambalpur (Rairakhol FD)	4.66	6.3	Good & 40+	Good	No
12	Barpahad-Tarava-Kantamal	Sonepur-Boudh	21.7	24.2	Poor & NA	Not good	No
13	Kotagarh-Chendrapur	Kandhamal, Rayagadh	575.4	77.0	Poor & 20±	Not good	Yes
14	Katapat-Urfadani	Kalahandi, Rayagadh	28.9	75.0	Very poor & NA	Not good	Yes

B. Under section 5.11 of the chapter-5, measures to strengthen corridors have been discussed and in a nutshell following are the suggestions.

1. To provide economic incentives that would convince people of the need to allow the passage of elephants by maintaining wildlife friendly land use.
2. Convincing the important stakeholders (like Railways and National Highways authorities) of the need to incorporate in their plans provision of underpass and overpass in Railway and Road Projects.
3. Sensitization of people living in and around corridors about importance of corridor.
4. Corridors can also be notified as Ecologically Sensitive Zones under EPA (1986). The wildlife managers should understand the feasibility and ecological viability of elephant corridor before notification, as otherwise serious mistake could be made in designating non-existent corridors. Each corridor needs a proper study to demarcate the elephant movement path for proper notification of corridor.

C. Besides above recommendations the report has identified the following priority corridors.

- a. **Hatibari Corridor**- this corridor is a new corridor recommended by the present report. It is neither earlier identified by the department nor by the previous studies.
- b. **Nuagaon-Baruni Corridor**- This corridor has been discussed in detail in the report and threats (for movement of elephants between Sambalpur & Mahanadi Elephant Reserves) has been identified as below: - 1) Irrigation canals of Manjhor irrigation project, 2) Doubling of Railway line between Bamur and Charnal stations without elephant pass, 3) Widening of National Highway no.42 (New-55) without provision of elephant pass, 4) Proposed Power Plants on the landscape between Mahanadi and Sambalpur Elephant Reserves.

S. Singh Samantara  
25.07.21

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c. Similipal (Nato RF)-Sankosia-Hadgarh-WLS-Kuldiha-WLS: Good movement of elephants in this corridor. Lands are mainly Khesra forests under the control of revenue department. The connection between NATO RF and Similipal Protected Area is already provided with adequate legal protection status as the area is part of Tiger Reserve. The movement between Hadgarh WLS and Kuldiha WLS is restricted due to presence of stone queries in the area.

d. Karo (Keonjhar Odisha)- Karampada (Saranda, Jharkhand): The present use of this corridor by elephants seems to be doubtful and further investigations are needed.

Detailed study has been made by an expert committee constituted by the state government to address the movement of elephants in and around mining area of SAIL Bolani mine.

All the other corridors identified by the state are not in the high priority list as per the study.

D. Under chapter 10 of the report where recommendations for management are prescribed, for corridor strengthening, prescriptions given in chapter 5 of the report (referred above) are mentioned. Also, immediate action is recommended for three priority corridors, as below: -

- Hatibari Corridor
- Nagaon-Baruni Corridor
- Hadgarh WLS-Kuldiha WLS corridor

Order dated 23.06.20 of Hon'ble NGT

Now, the Hon'ble NGT in its order dt. 23.06.2020 (received on 13.7.20) has ordered as below:

**"In view of facts and circumstances, we direct the state respondents to place before us an action plan with specific timelines if not already prepared, within a period of two months from hence in accordance with observations and recommendations made in the report submitted by the ANCF".**

In compliance to the orders of Hon'ble NGT the following action plan is suggested to Govt. of Odisha in F & E Department for consideration

**INTRODUCTION**-Corridors are narrow strips which link two habitats and allow movement from one habitat to other to fulfil habitat needs and to allow gene flow between different populations. For mega herbivores like Elephant, corridor assume greater significance, in view of their larger habitat needs.

**ELEPHANT CORRIDORS IN ODISHA**- Odisha houses a sizable population of elephants. Therefore, to conserve elephants, with the kind of developmental needs and population pressure, significance of corridors increases in the state.

The state Forest Department in the year 2011 has identified 14 elephant corridors in the state and they are listed below: -

Sl. No.	Name of the Corridor	Extends over District	Name of the Forest Division	Length of the Corridor (km)	Width of the Corridor (km)	Total Area (sq.km)
1	Badampahar (Mayurbhanj) Dhobdhubin (Jharkhand) (Interstate)	Mayurbhanj	Karanjia Rairangpur	16	0.5-1.5	24.3

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Complete Summary  
23.07.20

2	Badampahar (Mayurbhanj) Karida (Jharkhand) (Interstate)	Mayurbhanj	Rairangpur	43	0.2-2.6	26.09
3	West Bengal-Deuli- Suliapada (Passage) (Interstate)	Mayurbhanj	Baripada	72	0.1-0.7	39.5
4	Simlipal-Hadgarh-Kudhira	Mayurbhanj, Keonjhar, Balasore	Baripada, Balasore (WL) Keonjhar (WL)	41.7	0.7-3.5	91.39
5	Telkoi-Pallahra	Keonjhar, Angul	Keonjhar, Deogarh	30.4	0.2-0.6	13.24
6	Karo (Keonjhar)- Karampada (Saranda, Jharkhand) (Interstate)	Keonjhar	Keonjhar	15	0.3-2.3	17.3
7	Maulabhnja-Jiridamali- Anantpur	Dhenkanal	Dhenkanal	6.5	0.25-0.28	1.55
8	Kahneijena-Anantpur	Angul, Dhenkanal	Angul, Dhenkanal	6.6	0.4-1.1	5.22
9	Buguda-Central RF	Nayagarh	Nayagarh	2.6	0.8-0.6	0.76
10	Nuagaon-Baruni	Angul	Athamalik	4.5	0.4-4.6	20.7
11	Tal-Kholgarh	Sambalpur	Rairakhol	6.3	0.5-0.08	4.55
12	Barpahad-Tarva- Kantamal	Subarnpur, Boudh	Subarnpur, Boudh	24.2	0.38-1.5	21.7
13	Kotgarh-Chandrapur	Kandhmal, Rayagada	Balliguda, Rayagada	77	2.0-22.4	575.4
14	Karlapat-Urladani	Kalahandi, Rayagada	Kalahandi North and South, Rayagada	75	0.2-0.5	28.9
	TOTAL			421		870.6

(Source- Wildlife Odisha-2019)

Though these are the corridors identified by the department but many authors have also done so. A brief account is as follows; -

Some attempts were made in 1999 (by Rout et al. on the basis of remote sensing) and 2002 (by Sar and Lahiri Choudhury). The first detailed report on elephant corridors in Odisha was published by WILDLIFE TRUST OF INDIA (WTI) in 2005. It was titled as "Right of Passage-Elephant Corridors of India". In this report, under chapter 5, "Elephant Corridors of Central India" elephant corridors of Odisha as identified are dealt. This report has mentioned following corridors; -

Sl.No.	Corridor Name	Length (km)	Width(km)	Ecological Priority	Conservation Feasibility
1	Karo-Karampada (Odisha-Jharkhand)	2.5-3	2-3	Medium	High
2	Badampahar-Dhobadhobin (Odisha-Jharkhand)	4-5	1.5-2	Medium	Medium
3	Badampahar-Karida East (Odisha-Jharkhand)	28-30	1-2	Medium	Low
4	Simlipal-Satkosia (Simlipal-Hadgarh)	15-16	3	High	Medium

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2.11.2024



5	Baula-Kuldiha (Hadgarh-Kuldiha)	19-20	2-2.5	High	Low
6	Kahnejena-Anantpur	5-6	1	Medium	Low
7	Tal-Kholgarh	4	0.5-1	Medium	Medium
8	Nuagaon-Baruni	1	4	Medium	Medium
9	Kotgarh-Chandrapur	14-15	2	High	Medium

In the year 2010, The Elephant Task Force of the Government of India, submitted its report (GAJAH) which inter-alia classified elephant corridors as priority I and priority II elephant corridors. As per the 1st of Gajah report of Government of India Odisha priority corridors are given below: -

#### PRIORITY-I CORRIDORS

1. Simlipal-Satkosia
2. Baula-Kuldiha
3. Kotgarh-Chandrapur

#### PRIORITY-II CORRIDORS

1. Karo-Karampada
2. Badampahar-Dhobadhobin
3. Badampahar-Kanda East
4. Kahnejena-Anantpur
5. Tal-Kholgarh
6. Nuagaon-Baruni

In the year 2017, WTJ again surveyed the elephant corridors of India and brought out the report titled "Right of Passage-Elephant Corridors of India". In chapter 5 of the report titled as "Elephant Corridors of Central India" elephant corridors of Odisha (along with other elephant states of Central India) are listed. As per this report following corridors are identified;

Sl. No.	Corridor Name	Length (km)	Width (km)	Ecological Priority	Conservation Feasibility
1	Karo-Karampada (Odisha-Jharkhand)	8.4-19	0-1.8	High	Medium
2	Badampahar-Dhobadhobin (Odisha-Jharkhand)	11	0-1	Medium	Medium
3	Badampahar-Kanda East (Odisha-Jharkhand)	34.5	0-1.5	Medium	Low
4	Simlipal-Satkosia	7	0.2-1.5	High	Medium
5	Baula-Kuldiha	25	0.3-2.0	Medium	Medium
6	Kahnejena-Anantpur	3	0-0.5	Medium	Low
7	Anantpur-Aswakhola (via Jiridamali)	25	0-0.5	Medium	Low
8	Aswakhola-Sunajhari	13.5	0-0.5	Medium	Medium
9	Buguda-Central RF	2.2	0.2-0.3	Medium	Low
10	Nuagaon-Baruni	4-5.8	0.57-3.5	High	Medium
11	Tal-Kholgarh	5	0-1	High	Medium
12	Kotgarh-Pankhagudi (Kotgarh-Chandrapur)	7	0.1-1.2	High	Medium

In January, 2018, Asian Nature Conservation Foundation (ANCF) submitted its study report to Government of Odisha. This report is titled as "Elephant Carrying Capacity of Odisha's Forests". In this report chapter 5 is devoted to "Elephant Corridors in Odisha". Under table 5.1 of this chapter authors have given the list of corridors identified by Forest Department indicating functional existence and ecological feasibility as assessed by ANCF, and it is reproduced below: -

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Sl. No.	Name of the Corridor	Extends over District	Length of the Corridor (km)	Total Area (sq.km)	Functional existence and no. of elephant using the path	Ecological Feasibility	PA Connection
1	Badampahar (Mayurbhanj) Dhobdhubin (Jharkhand) (Interstate)	Mayurbhanj, Jharkhand	16	24.3	Poor & max 20	Not good	Yes
2	Badampahar (Mayurbhanj) Karida (Jharkhand) (Interstate)	Mayurbhanj	43	26.09	Very poor & NA	Bad	Yes
3	West Bengal-Deuli-Sulapada (Passage) (Interstate)	Mayurbhanj	72	39.5	Very good & 100+	Very bad	No
4	Simlipal-Hadgarh-Kuldiha	Mayurbhanj, Keonjhar, Balasore	41.7	91.39	Good & 40+	Good if mining stopped	Yes
5	Telkoi-Pallahra	Keonjhar, Angul	30.4	13.24	Poor & 15 ±	Not good	No
6	Karo (Keonjhar)-Karampada (Saranda, Jharkhand) (Interstate)	Keonjhar	15	17.3	Poor & 1 or 2	Bad	No
7	Maulabhnja-Jindamali-Anantpur	Dhenkanal	6.5	1.55	Very poor & 20-26	Not good	No
8	Kahneljena-Anantpur	Angul, Dhenkanal	6.6	5.22	Very poor & 15-20	Not good	No
9	Buguda-Central RF	Navagarh	2.6	0.76	Good & 20-40	Good	Yes
10	Nuagaon-Baruni	Angul	4.5	20.7	Good & 60-100+	Good	Yes
11	Tal-Kholgarh	Sambalpur	6.3	4.56	Good & 40+	Good	No
12	Barpahad-Tarava-Kantamal	Sonepur-Boudh	24.2	21.7	Poor & NA	Not Good	No
13	Kotagarh-Chandrapur	Kandhamal-Rayagada	77.0	575.4	Poor & 20+/-	Not Good	Yes
14	Karlapat-Urildani	Kalahandi-Rayagada	75	28.9	Very Poor & NA	Not Good	Yes

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Further, under part 5.9 of this chapter, authors have given their list of priority corridors and under these a new corridor called Hatibari Corridor is also listed which is not listed in any of the earlier studies.

**Hatibari Corridor-** It connects Baduapali-Dumer-Chua-Munder RF-Jaduloisingh RF to Hatibari RF and Bandher RF by a narrow stretch of land which is non-forest, in Hatibari village (both east and west of NH-42). The link between Hatibari and Meghpai RF is also important in this area. This passage allows the passage to Badarma Wildlife Sanctuary from Rairakhol Forest Division.

#### Study of Karo-Karampada Elephant Corridor in 2012 by Forest Department of Odisha-

State Government, In Forest and Environment Department, vide Order number -10F (Cons.)-406/2012-18047/F&E dated 22.09.12, constituted a committee under the Chairmanship of Regional Chief Conservator of Forests, Rourkela, with other members. This committee was constituted to undertake site inspection, evaluate secondary information and to furnish a report on status/existence of the Karo-Karampada Elephant Corridor in terms of its functionality in the context of Bolani Ore Mines of M/S SAIL.

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(as SAIL has raised objections to existence of this corridor as identified by Forest Department in 2011, due to inclusion of their mine area which were there since 1960).

This committee found that corridor demarcation is not done correctly and recommended inter alia that the present movement path of the elephants should be surveyed and demarcated in the field and affected area have to be given the status of the Elephant Corridor for its scientific management in the future.

From all the above studies/reports following can be inferred: -

1. There is no unanimity on existence of Elephant Corridors in Odisha as per various studies/reports.
2. The length and width of the corridors is identified differently in different studies/reports.
3. Even the report of 2017 study by WTI and 2018 study by ANCF, though conducted in very short span of time, have different findings on elephant corridors.
4. Study reports by the same agency i.e. WTI in 2005 and 2017 gave different findings.
5. Detailed verification, in 2012, of the Karo-Karampada Corridor (as identified by the Forest Department in 2011) by a committee constituted by Forest Department of Odisha found that it was not correctly identified

### PROPOSED ACTION PLAN

The ANCF report has concluded "perhaps about 1700-1800 elephants can at most be sustained and managed within the larger forested landscape of Odisha with tolerable levels of elephant-human conflict." However, the last census conducted by the department indicated presence of 1976 elephants in Odisha. So, about 10% elephant population is in excess of the carrying capacity.

**STRATEGY**-Based on ANCF study the following strategy is adopted-

1. Need to Secure Elephant Habitat
2. Providing connectivity to Habitats
3. Securing movement paths of smaller and scattered populations.

#### 1). Need to secure Elephant Habitat-

In Odisha, three elephant reserves are notified by the government as below

Name of the Elephant Reserve	Area in Sq. Km	Notification
Mayurbhanj	7043.74	8F(W)42/2001/15806 dated 29.09.2001
Sambalpur	426.91	8F(W)17/2002/10162 dated 19.06.2002
Mahanadi	1038.30	8F(W)10/2002/5840 dated 27.03.2002

As per report of ANCF "within the three notified elephant reserves of Odisha, an estimated 969 wild elephants reside, that is about 50% of wild elephants of Odisha have a secure area as their habitat".

Therefore, the report has strongly recommended the extension of area of Sambalpur and Mahanadi Elephant Reserves. Accordingly, it has been suggested by the report to add 1813.74 sq. km (Total 426.74+1813.74=2240 sq. km) in Sambalpur ER and 1405.66 sq. km (Total 1038.3+1405.66=2443.96sq. km) in Mahanadi ER. It is also reported by ANCF that if this area is added to the ERs then total of 1407 elephants would be accommodated in ERs. Considering area between Sambalpur and Mahanadi ERs this number goes up to about 1500. This accounts for about 75% of total population of elephants in the state and about 85% of total number assessed as per carrying capacity study done by ANCF.

Therefore, these habitats are the areas which are most important for long term conservation of the species in the state and need utmost attention.

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Actions taken/Proposed-In pursuance of this recommendation state government has undertaken an exercise to expand the area of Sambalpur ER to 1797.048 sq. km from existing 426.91 sq. km and to expand the area of Mahanadi ER to 2181.522 sq. km from existing 1038.30 sq.km. This will result in providing secure habitat to majority of elephant of the state.

2). Providing Connectivity to Elephant Habitats-As per ANCF report (section 5.1), An elephant corridor can be thought of as a relatively narrow strip of land connecting two or more viable habitats or providing passage for genetic connectivity between two or more viable elephant populations.

A) Area between Mahanadi and Sambalpur ERs-So, for the purpose of corridors the area between elephant habitats is most important. In between Sambalpur and Mahanadi ERs presently two corridors are identified. These are Nugaon-Baruni and Tal-Kholgarh. However, these are very small areas identified and does not ensure complete connectivity between two ERs (map enclosed). The present aerial distance between boundaries of two ERs is about 65 kms. With the expansion mentioned above this distance will become about 15 km. This will strengthen the connectivity between two habitats by providing safe passage for large part of habitat. Due to change in movement patterns, it is difficult to fix the boundaries of elephant corridors in the landscape between two ERs. Therefore, it is decided to treat entire landscape between two expanded ERs as movement area. As suggested by ANCF report this area would be made wildlife friendly by promoting conducive land use. For this purpose, following steps would be taken-

- The area would be enriched by planting suitable forage plants.
- Water sources will be augmented.
- As identified by ANCF report, distribution canals of Manjore Dam are like Elephant Proof Trenches. Overpasses shall be constructed over these canals for providing passage to elephants. Already three locations have been identified and steps have been initiated for providing these overpasses. Funds shall be allocated for this purpose soon. Following are the locations identified for this purpose-

Sl. No.	ITEM	SPECIFICATION
1	MANJORE Left canal GPS Location N-20.82561, E-84.43576	Length x Breadth-14.3 mt x 8.05 mt.
2	Patrapada Canal- Site-1, Location N-20.83711, E-84.41455	Length x Breadth-10 mt x 8 mt.
3	Patrapada Canal- Site-2, Location N-20.83781, E-84.40217	Length x Breadth-10 mt x 8 mt.

- ANCF report has also identified roads in the landscape as potential barriers in the movement paths of elephants. For mitigating this threat underpasses/overpasses shall be constructed on these roads. Already locations are identified. For NH 55 these underpasses and overpasses are included in the approved Site-Specific Wildlife Conservation Plan and NHAI is going to start the work soon. For other road locations for underpasses and overpasses are also identified and funds are being located for construction. Details of points identified for this purpose are given below details:

**List of approved EUPs Angul-Sambalpur section of NH-42 (now 55)**

Name of the Division	Location of AUP	Latitude/Longitude
Angul Division	1. In between Katara RF of Angul Division (southern	20° 55' 7.08" N 84° 47' 42.8" E

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		side) and Simulia Pathar RF (Angul Division) on Northern side		
Athmallik Division	2.	At Jamunalia	20° 55' 7.70" N	84° 46' 44.9" E
	3.	At Kutasingha	21° 02' 32.60" N	84° 27' 30.3" E
Rairakhol Division	4.	In Purunapani PRF near Charibatiachawk	21° 03' 51.4" N	84° 22' 39.4" E
	5.	Tal-Kholgarh Elephant corridor Fly over of 1 km length	21° 03' 51.1" N	84° 19' 02.2" E
	6.	Near Central Nursery at Charamalm	21° 06' 17.1" N	84° 13' 39.67" E
	7.	In between Suhani RF & Berhampura PF (near Nuapadachawk)	21° 06' 15.0" N	84° 14' 31.8" E
	8.	Landakot RF near Barchhat	21° 08' 34.01" N	84° 10' 09.01" E
Sambalpur Division	9.	Paltandera near Chandinimal (Jujumura)	21° 13' 30.9" N	84° 08' 48.7" E
	10.	Near Nua mahulpali	21° 18' 02.7" N	84° 07' 8.2" E
	11.	Near Hatibari	21° 20' 15.0" N	84° 05' 12.6" E
	12.	Near Bhabanipalli	21° 22' 52.7" N	84° 03' 53.1" E
	13.	Near Jhankarpalli	21° 23' 34.47" N	84° 03' 23.41" E

Other road locations identified in Athmallik Division for creation of Underpass.

Sl.No	Infrastructure	Structural Options	GPS location	Size
1	Athmallik-Boinda SH-62	Under Pass	N-20° 45' 46.04" E-84° 33' 14.33"	Length-25m.X Height-6mt.
2	Athmallik-Boinda SH-62	Under Pass	N-20° 47' 32.64" E-84° 33' 14.33"	Length-25m.X Height-6mt.
3	NH-55 at Jamunali	Under Pass	N-20° 55' 07.7" E-84° 46' 44.9"	Length-25m.X Height-6mt.
4	NH-55 at Kadalimunda	Under Pass	N-20° 55' 14.2" E-84° 45' 34.8"	Length-25m.X Height-6mt.
5	NH-55 at Pagabandha	Under Pass	N-20° 57' 27.8" E-84° 48' 13.6"	Length-25m.X Height-6mt.
6	NH-55 at Nuabhuin	Under Pass	N-20° 58' 44.8" E-84° 35' 36.6"	Length-25m.X Height-6mt.
7	SH at Tileswar	Under Pass	N-20° 53' 21.0" E-84° 37' 25.8"	Length-25m.X Height-6mt.
8	Madhapur-Bamur PWD road	Under Pass	N-20° 55' 56.1" E-84° 43' 57.6"	Length-25m.X Height-6mt.
9	Madhapur-Bamur PWD road	Under Pass	N-20° 53' 47.47" E-84° 26' 40.52"	Length-25m.X Height-6mt.
10	Boudh-Rairakhol NH-153(B)	Under Pass	N-20° 54' 2.72" E-84° 18' 46.37"	Length-25m.X Height-6mt.
11	Athmallik-Kiakata PWD road	Under Pass	N-20° 50' 57.2" E-84° 22' 50.87"	Length-25m.X Height-6mt.

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- e) Another threat identified by ANCF is Railway Line connecting Angul and Sambalpur. Already 13 locations have been identified in between Bamur and Charnal in Redhakhol Forest division which are the crossing points for elephants. Railway authorities are already moved to submit estimate for one underpass at present. Following are the locations identified in the field for this purpose :-

Name of Forest Division	SL No.	Railway Pillar No.		GPS coordinates of the location
		From	To	
Redhakhol	1	46/2	46/3	Over Pass
	2	48/3	48/4	Over Pass/ Underpass
	3	50/1	50/2	Over Pass
	4	51/1	51/2	Over Pass/ Underpass
	5	57/3	57/4	Over Pass/ Underpass
	6	64/5	64/6	Over Pass/ Underpass
	7	67/9	68/9	Over Pass-Tal-Kholgarh Corridor
	8	74/1	74/2	Over Pass
	9	81/3	81/4	Over Pass
	10	48/4	48/6	Underpass
	11	51/2	51/5	Underpass
	12	59/1	59/3	Underpass
	13	64/6	64/9	Over Pass/ Underpass

- f) Voluntary village relocation scheme of the state for Protected Areas shall also be extended to this area to reduce the human-elephant interface in the area.
- g) A scheme of incentive for maintaining wildlife friendly land use by the villagers in this area shall also be formulated and implemented for this area. Under this scheme in the elephant movement areas landowners shall be suitably compensated to maintain wildlife friendly land use.
- h) Alternate livelihoods (to reduce dependence on forest resources and agriculture) to boost income of the villagers in the area shall be promoted.
- i) Awareness activities to sensitize all the stakeholders in the area shall be taken up.
- j) The newly suggested Hatibari corridor by ANCF shall be studied in details to ascertain the exact use area.

**B) Mayurbhanj ER-** The ANCF study has found that area of the notified Mayurbhanj ER is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj ER and other two ERs is not established. However, the following are mentioned for connectivity of habitat for this ER-

a) There are five areas which provide connectivity. Out of these, two are within the ER. They are Simlipal -Satkosia and Hadgarh-Kuldiha. Other three are giving interstate connections. They are West Bengal-Deuli-Suliapada (between Odisha and West Bengal), Badampahar-Dhobadobin and Badampahar-Karida between Odisha and Jharkhand.

b) As per report of ANCF, there are not many problems in Simlipal-Satkosia area and this area falls in the notified tiger reserve area of Simlipal, thus, it is well protected.

c) In Hadgarh-Kuldiha area the movement is getting affected by the stone quarries. The Tahsildar Khaira has initially applied for permission for quarrying the existing 105 nos of stone quarries located in the hillock connecting Kuldiha Sanctuary to Hadgarh Sanctuary running over a distance of 7.92.km. Subsequently the applicant submitted revised proposal for applying for 97 nos. of quarries over an area of 173.50 ac. with Pahad KISSAM land located in village Sarisua, Kapilajhri Bandhanata which has been approved by the standing committee of National Board for wildlife on 03.01.2017. It is close to foothills

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of Sukhuapata hill of Mayurbhanj. As per order dated 18.02.2020 of Hon'ble NGT in O.A No. 2/2019 and 3/2019 already the process for declaring the area as Conservation Reserve has been initiated.

d) ANCF report has assessed West Bengal-Deuli-Suliapada as Very Good for functional existence and very bad as far as Ecological Feasibility is concerned. However, Badampahar- Dhobadhobin area has been categorized as Poor and Badampahar-Karida as very poor functionally.

For interstate connectivity of Mayurbhanj ER these three corridors are identified. In this connection a study conducted by Palei et al (2019) and titled as "Elephant Movement and its Impacts" throw light on movement patterns of elephants in the area. During the period 1997-2014 study has reported 48 locations of entry and 48 locations of exit for interstate movement of elephants from West Bengal into Mayurbhanj ER. These entry and exit locations are different and cover Rasgovindpur, Deuli, Pithabata and Bangliriposi for entry and Rasgovindpur, Deuli and Bangliriposi for exit. Details are reproduced below -

Entry-exit locations and instances (reproduced from Palei et al 2019)

Table 4.1.1. (of the study) years 1997-2014: range wise instances of entries through different locations by elephants from WB

Entry locations			
Sl. No	Location	Range	No. of entries
1	Badasole	Rasagovindapur	2
2	Badjogibandha	Deuli	1
3	Banakati	Deuli	3
4	Bhaduasole	Rasagovindapur	2
5	Bhandarisole	Deuli	1
6	Bhugudakata	Deuli	1
7	Dhabani	Deuli	1
8	Dhansole	Deuli	1
9	Dhirehidihi	Rasagovindapur	3
10	Gangaral	Pithabata	1
11	Ghangahana	Deuli	2
12	Govindapur	Deuli	1
13	Handibhanga	Deuli	1
14	Hatimada	Deuli	1
15	Jhatioda	Deuli	1
16	Jhirani	Rasagovindapur	2
17	Kadakotha	Deuli	1
18	Kathasirisi	Deuli	1
19	Kcpur	Rasagovindapur	1
20	Kundiasole	Deuli	2
21	Kundiasole	Deuli	1
22	Lundakunda	Deuli	1
23	Muruda	Rasagovindapur	1
24	Nachana	Deuli	1
25	Pakatia	Bangliriposi	2
26	Pallo	Deuli	6
27	Phagudihi	Deuli	1
28	Ramkrishnapur	Deuli	1
29	Santeila	Deuli	1
30	Saradihi	Deuli	1
31	Tadki	Deuli	1
32	Telia	Deuli	1

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33	Tentaposi	Deuli	1
Total entry instances			48
Summary :33 locations used in 48 entries. Deuli range 25 locations, 34 (71%) entries; Rasagovindapur-6 locations, 11 (23%) entries; Bangriposi -1 locations, 2 (4%) entries; and pithabata-1 locations, 1(2%) entries.			

Table:4.1.2. (of the study) years 1997-2014:range wise instances of returns (exits) from odisha by elephants that had entered from West Bengal.

Exit locations			
Sl. No	Location	Range	No. of entries
1	Banakati	Deuli	2
2	Bandap	Deuli	1
3	Bhaduasole	Rasagovindapur	3
4	Bhatchhatar	Rasagovindapur	1
5	Bisole	Deuli	2
6	Chauladharani	Rasagovindapur	1
7	Chitrada	Rasagovindapur	1
8	Chuhat	Deuli	4
9	Dhansole-1	Deuli	2
10	Dhansole-2	Deuli	2
11	Dhirehidihi	Rasagovindapur	1
12	Gangasole	Deuli	1
13	Ghanghana	Deuli	6
14	Govindapur	Deuli	1
15	Handibhanga	Deuli	1
16	Jhatoda	Deuli	1
17	Kadakata	Deuli	1
18	Kakharusole	Deuli	1
19	Katas	Deuli	1
20	Kundiasole	Rasagovindapur	1
21	Nachana	Deuli	1
22	Nadakundia	Deuli	1
23	Paktia	Bangriposi	1
24	Pallo	Deuli	5
25	Pokhari	Deuli	1
26	Raibani	Deuli	1
27	Rakhanisole	Deuli	1
28	Rumbha	Deuli	1
29	Sansole	Bangriposi	1
30	Sukhlakhali	Deuli	1
Total exit instances			48
Summary :30 locations used in 48 exits. Deuli range 22 locations, 38 (79%) exits; Rasagovindapur-6 locations, 8 (17%) exits; Bangriposi -2 locations, 2 (4%) exits;			

Further this study has presented Year wise instances of entry and exit for elephants from West Bengal across forest ranges and the same is reproduced below-

Table 4.1.3: (of the study) year wise instances of entry/exit by elephants from WB across forest ranges in Odisha during 1997-2014.Total entries= 48..Key RGP- Rasagovindapur, BNG- Bangriposi.

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Year	ENTRY					EXIT				
	Deuli	RGP	Pithabata	BPS	TOTAL	Deuli	RGP	Pithabata	BPS	TOTAL
1997	4				4	4				4
1998	3				3	3				3
1999	1				1	1				1
2000	3				3	3				3
2001				1	1				1	1
2002	1			1	2	1			1	2
2003	3	2			5	2	3			5
2004	3		1		4	4				4
2005	6				6	5	1			6
2006	2				2	2				2
2007	4				4	4				4
2008	3	1			4	3	1			4
2009	1				1	1				1
2010		1			1		1			1
2011		1			1		1			1
2012		1			1		1			1
2013		1			1		1			1
2014		4			4	4				4
Total	34	11	1	2	48	37	9	0	2	48
% Instance	71	23	2	4	100	77	19	0	4	100

Similarly, for interstate movement from Jharkhand to Odisha area the same study found entry and exit locations as reproduced below (out of these, locations shown for Karanjia and Rairangpur divisions provide connectivity to Mayurbhanj ER from Jharkhand)-

Table 4.2.1. (of the study) years 200-2014: range wise locations and entry/exit instances for elephants from Jharkhand.

Sl.no	Division	Range	Location	No. of entries	No. of exit
1	Bonai	Barsuan	Bailljodi	17	17
2	Karanjia	Guruguria	Dayaposi	7	7
3	Karanjia	Guruguria	Ramasahi	1	1
4	Karanjia	Guruguria	Sagarsahi	1	1
5	Karanjia	Guruguria	Udayasahi	2	2
6	Karanjia	Guruguria	Uski	2	2
7	Keonjhar	Barbil	Kankadapat	3	3
8	Keonjhar	Barbil	Kolhapnduli	3	3

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9	Keonjhar	Barbil	Narayanpur	4	4
10	Keonjhar	Barbil	Nayakrishnapur	2	2
11	Keonjhar	Champua	Putugaon	9	9
12	Keonjhar	Champua	Sathalia	1	1
13	Rairangpur	Badampahad	Dudjharan	2	2
14	Rairangpur	Badampahad	Edlabega	1	1
15	Rairangpur	Badampahad	Jhatsiringi	1	1
16	Rairangpur	Bahalda	Haragoda	1	1
17	Rairangpur	Bahalda	Jatapani	1	1
18	Rairangpur	Bahalda	Sagajodi	2	2
19	Rairangpur	Bahalda	Sapaghera	1	1
20	Rairangpur	Bahalda	Sarada	1	1
21	Rairangpur	Bahalda	Surada	1	1
22	Rairangpur	Bahalda	Tendra	2	2
23	Rairangpur	Rairangpur	Asansikar	1	1
24	Rairangpur	Rairangpur	Kakada	1	1
25	Rourkela	Biramitrapur	Biringtola	1	0
26	Rourkela	Biramitrapur	Dolkhana	1	0
27	Rourkela	Biramitrapur	Garitanger	1	1
28	Rourkela	Biramitrapur	Gumla	1	1
29	Rourkela	Biramitrapur	Hatibari	1	1
30	Rourkela	Biramitrapur	Lauram	1	1
31	Rourkela	Biramitrapur	Patipahad	2	2
32	Rourkela	Biramitrapur	Raibega	1	4
33	Rourkela	Biramitrapur	Rithatohi	1	0
34	Rourkela	Biramitrapur	Tabda	1	1
35	Rourkela	Biramitrapur	Tersa	1	1
36	Rourkela	Bisra	Bankotola	1	1
37	Rourkela	Bisra	Chirabeda	1	4
38	Rourkela	Bisra	Hariharapur	1	0
39	Rourkela	Bisra	Jaralkela	1	1
40	Rourkela	Bisra	Jharbeda	1	0
41	Rourkela	Bisra	Kapirsingh	1	1
42	Rourkela	Bisra	Kundanga	1	0
43	Rourkela	Bisra	Kundaposi	1	1
44	Rourkela	Bisra	Singutola	1	1
45	Rourkela	Bisra	Sukuda	1	1
46	Rourkela	Bisra	Titerkela	1	1
			Total	90	90

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Table 4.2.2. (of the study) summary: range wise entry and exit instances by elephants from Jharkhand

Division	Range	No. of entries	No. of entry locations	No. of exits	No. of exit locations	Remark
Bonal	Barsuan	17	1	17	1	
Karanja	Gurguria	13	5	13	5	
Keonjhar	Barbil	12	4	12	4	
Keonjhar	Champua	10	2	10	2	
Rairangpur	Badampahad	4	3	4	3	
Rairangpur	Bahalda	9	7	9	7	
Rairangpur	Rairangpur	2	2	2	2	
Rourkela	Biramitrapur	12	11	12	8	Dolkhana, Ritatohi and birngtola locations were not used for exit
Rourkela	Bisra	11	11	11	8	Hariharanpur, kundanga and jharbeda locations were not used for exit
Total		90	46	90	40	

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**Proposed Action-** These movement patterns over about 15 years show that the movements are not fully covered by identified corridors. Hence restricting the measures to be taken to these identified corridors may not suffice. Thus, it is decided to conduct a study to ascertain the exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them.

**3) Securing movement paths of smaller and scattered populations-** The other identified corridor areas do not seem to connect viable habitats as per ANCF study. Thus, they are only movement paths for smaller scattered populations ( putting all together, constituting about 25% of total elephant population in the state) and are not corridors in true sense. Further, prohibiting activities which are not permissible in the eco-sensitive zones (as per order dated 20.10.2016 of Hon'ble NGT) in the presently identified corridors did not help in reducing human-elephant conflict. Such movement paths keep on changing and are cause of much conflict situations.

**Action Proposed-** State Government will constitute a committee under the chairmanship of CWLW to monitor the movement patterns in these areas and to take required steps to safeguard the elephants. This committee will meet half yearly and will review the situation and recommend the actions required as per movement patterns observed to safeguard these smaller and scattered populations and to reduce the conflict situations.

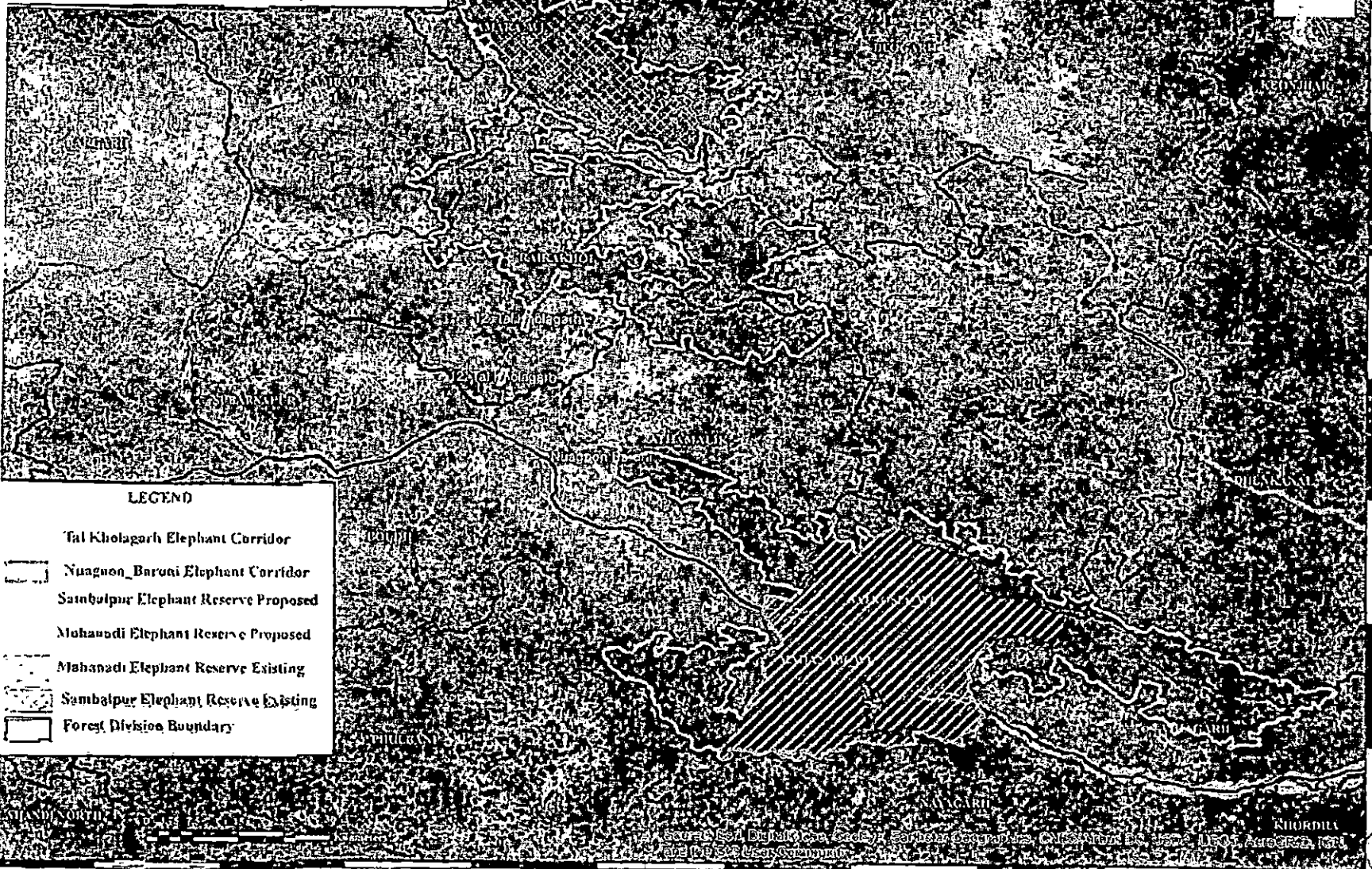
**Time line-** All the above activities shall be completed in coming three years.

For Mr. Laxmi  
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6/2/77  
S.M. Singh

**MAP SHOWING  
CORRIDOR CONNECTIVITY BETWEEN PROPOSED  
MAHANADI ER AND SAMBALPUR ER**



**LEGEND**

- Tal Kholagarh Elephant Corridor
- Nuagaon-Baruni Elephant Corridor
- Sambalpur Elephant Reserve Proposed
- Mahanadi Elephant Reserve Proposed
- Mahanadi Elephant Reserve Existing
- Sambalpur Elephant Reserve Existing
- Forest Division Boundary

21°0'0"N

76

84°0'0"E

85°0'0"E

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA

.....  
ORIGINAL APPLICATION No. 129/2016/EZ  
(I.A. No. 70/2020/EZ)

IN THE MATTER OF:

Wildlife Society of Orissa (Elephant Corridors)  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack  
Dist-Cuttack, Odisha-753012

....Applicant(s)

**Versus**

1. State of Odisha

Represented by Chief Secretary,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

2. The Secretary,

Forest and Environment Department,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

3. The Secretary,

Revenue and Disaster Management Department,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

4. The Principal Chief Conservator of Forests and  
Chief Wildlife Warden, Odisha, Prakruti Bhawan,  
BDA Apartments, Nilakanthanagar, Nayapalli,  
Bhubaneswar, Odisha-751012

5. The Secretary,

Ministry of Environment, Forests and Climate Change,  
Government of India, Indira Paryavaran Bhavan,  
Jorbagh Road, New Delhi-110003

....Respondent(s)

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**COUNSEL FOR APPLICANT:**

**Mr. Sankar Prasad Pani, Advocate**

**COUNSEL FOR RESPONDENTS:**

**Mr. Deepak Kumar Pani, Advocate for Respondent Nos.1 to 4**  
**Mr. Gora Chand Roy Choudhury, Advocate for Respondent No.5**

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

**HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

**Reserved On:- 12<sup>th</sup> August, 2021**  
**Pronounce On:- 17<sup>th</sup> August, 2021**

1. Whether the Judgment is allowed to be published on the net? **Yes**
2. Whether the Judgment is allowed to be published in the NGT Reporter? **Yes**

**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the Applicant as well as the learned Counsel for the Respondents and perused the documents on record.

2. This original application has been filed by the Applicant seeking a direction to the Respondent No.2, Secretary, Forest and Environment Department, Government of Odisha to submit proposals for declaration and notification of 14 elephant corridors to the Central Government with the further direction to the Respondent No.5, the Secretary, Ministry of Environment, Forests and Climate Change to take immediate action and to issue draft notification and thereafter a final notification notifying the 14 elephant corridors.

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3. It is stated in the original application that the State of Odisha has the largest population of elephants in Eastern India which stands at about 1,977 as per the last census carried out by the State Government in May, 2015.

4. It is stated that the elephant by its nature migrates from one place to another place in search of fodder and propagation of species and such migratory paths are part and parcel of the elephant ecology.

5. It is stated that recognizing the peculiar character of the elephants a Task Force was set up by the Government of India to determine the status and recommend measures for the long term survival and protection of elephants. The Task Force then prepared a report titled "Gajah" which was released in August, 2010 with several recommendations, a copy of which has been filed as Annexure-1 at Page No. 11 to 17 to the original application.

6. It is stated that elephant corridors being a part of the elephant ecology needs to be prescribed and therefore, notified as ecological sensitive zones under Section 3 of the Environment (Protection) Act, 1986.

7. It is stated that the Principal Chief Conservator of Forests (Wildlife)-cum-Chief Wildlife Warden, Odisha, Respondent No.4 presented details of elephant corridors in the State of Odisha identifying the 14 corridors with a total area of 870.61 sq. kms having a length of 420.8 kms and a width of 0.08 km to 4.6 kms.

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8. The minutes of the meeting held on 19.01.2010 have been filed as Annexure-2 at Page No. 19 of the paper book. Thereafter, a **"Plan for Management of Elephant Corridors across forest habitats in Orissa"** was submitted to the State Government on 25.08.2011.

9. It is stated that the Respondent No.4, the Principal Chief Conservator of Forests and Chief Wildlife Warden, Odisha vide his letter No. 7274 dated 11.10.2012 submitted a proposal to the Respondent No.2, Forest and Environment Department, Government of Odisha to notify 14 traditional elephant corridors in Odisha under the provisions of Section 3 of the Environment (Protection) Act, 1986. It is alleged that thereafter, till date no action has been taken for notifying the 14 elephant corridors in the State of Odisha under the said act.

10. An affidavit dated 03.01.2017 has been filed on behalf of the Respondent Nos.1, 2 & 4 and it is stated therein that a Memorandum of Understanding (MoU) was signed with the Asian Nature Conservation Foundation (ANCF) which was given the mandate to identify the major and minor elephant corridors in the State of Odisha along with the work of assessing the habitat viability etc. and necessary action for notifying the elephant corridors which could be taken up only after receipt of the report of the Foundation.

11. It is stated that the objective of the Respondent No.4 was to identify the major and minor elephant corridors with special reference to Lakhary valley of Mahendragiri Region, Odisha.

From Laxm  
02/05/2017



12. A general letter dated 11.08.2006 was also written by the Inspector General of Forest and Director (PE), Ministry of Environment, Forests and Climate Change to the Chief Wildlife Wardens (PE) States and UTs, stating therein that the elephant corridors as prepared in Uttaranchal be provided legal protection under the Environment (Protection) Act, 1986 and to take steps for notification and protection of the identified elephant corridors in the various States.

13. A counter-affidavit dated 29.05.2017 has been filed by the Applicant to the compliance report filed by Respondent Nos.1, 2 & 4 wherein it is stated that elephants were straying from designated corridors in Dhenkanal, Athagarh, Athamalik & Angul forest divisions as admitted in the compliance report of the State Respondents but elephant corridors have not yet been notified under the Environment (Protection) Act, 1986. A reference has also been made to the letter of the Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden, Odisha dated 11.10.2012 addressed to the Principal Secretary to Government, Forest and Environment Department, Odisha with a request that all the 14 elephant corridors be notified under the provisions of Section 3(v) of Environment (Protection) Act, 1986.

14. An affidavit dated 16.09.2020 has been filed by the Applicant with the prayer that the Final Study Report prepared by Asian Nature Conservation Foundation (ANCF) mentions that 9 elephant corridors out of 14 identified corridors are not viable and the same should not be accepted.

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15. An Action Plan dated 10.08.2021 has been filed on behalf of the Respondent Nos. 2 and 4 with reference to the time-line for implementation of the recommendations of the report submitted by the Asian Nature Conservation Foundation (ANCF). This Action Plan is with regard to 14 elephant corridors already identified which reads as under:

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No.	Name of the Corridor	Extends over District	Length of the Corridor (km)	Total Area (sq km)	Functional landscape and no. of elephant using the path Poor & more 20	Ecological Feasibility	PA (Connectivity)
1	Badampahar (Mayurbhanj) Shalghat (Jharkhand) (Interstate)	Mayurbhanj, Jharkhand	16	24.3	Poor & more 20	Not good	Yes
2	Badampahar (Mayurbhanj) Kanda (Jharkhand) (Interstate)	Mayurbhanj	43	29.56	Very poor & NA	Bad	Yes
3	West Bengal-Orissa S. Japada (Passage) (Interstate)	Mayurbhanj	72	39.5	Very good & 100+	Very bad	No
4	Sundar Hadgarh-Kudhna	Mayurbhanj, Keonjhar, Balasore	41.7	91.39	Good & 40+	Good mining stopped	Yes
5	Talpi-Patthra	Keonjhar, Angul	30.4	13.24	Poor & 15 ±	Not good	No
6	Kato (Keonjhar)-Karampada (Seranda, Jharkhand) (Interstate)	Keonjhar	15	17.3	Poor & 1 or 2	Bad	No
7	Maulabhinja-Jidamali-Anantpur	Dhenkanal	6.5	1.55	Very poor & 20-25	Not good	No
8	Kahnejena-Anantpur	Angul, Dhenkanal	6.6	5.22	Very poor & 15-20	Not good	No
9	Bucuda-Central RF	Mayurbhanj	2.6	0.76	Good & 20-40	Good	Yes
10	Nusgaon-Baruni	Angul	4.5	20.7	Good & 60-100+	Good	Yes
11	Tal-Kholgarh	Sambalpur	6.3	4.56	Good & 40+	Good	No
12	Barpahad-Tarava-Kangamali	Sonepur, Boudh	24.2	21.7	Poor & NA	Not Good	No
13	Kotagari-Chandrapur	Kandhamal, Rayagada	77.0	575.4	Poor & 20+/-	Not Good	Yes
14	Katopoli-Unidandi	Kalahandi, Rayagada	75	28.9	Very Poor & NA	Not Good	Yes

16. Besides the elephant corridors identified by the Asian Nature Conservation Foundation (ANCF), certain other elephant corridors were also identified by the Forest Department as priority corridors which are as under:

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- a. Hatibari Corridor
- b. Nuagaon-Baruni Corridor
- c. Simpilipal (Nato RF)-Satkosia-Hadgarh-WLS-Kuldiha WLS
- d. Karo (Keonjhar Odisha)- Karampada (Saranda, Jharkhand)

17. The relevant extract of the Action Plan submitted by the State

Respondents, Government of Odisha is reproduced herein below:

"In January, 2018, Asian Nature Conservation Foundation (ANCF) submitted its study report to Government of Odisha. This report is titled as "Elephant Carrying Capacity of Odisha's Forests". In this report chapter 5 is devoted to "Elephant Corridors in Odisha". Under table 5.1 of this chapter authors have given the list of corridors identified by Forest Department indicating functional existence and ecological feasibility as assessed by ANCF, and it is reproduced below:-

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Sl. No.	Name of Corridor	Extent (km <sup>2</sup> )	Length of Corridor (km)	Total Area (km <sup>2</sup> )	Forest and Grassland and use of adjacent land	Ecological Feasibility	PA Connected
1	Balabani (Keonjhar) - Nuagaon (Keonjhar) (Interstate)	11.7	15	26.7	Very poor & NA	Not good	Yes
2	Wardha (Maharashtra) - Satkosia (Odisha) (Interstate)	72	72	72	Very poor & NA	Bad	Yes
3	West Bengal (West Bengal) - Saranda (Jharkhand) (Interstate)	72	72	72	Very good & 100%	Very bad	No
4	Satpura-Hadgarh (Madhya Pradesh)	41.7	41.7	41.7	Good & 40%	Good mining stopped	Yes
5	Karo (Keonjhar) - Karampada (Saranda) (Interstate)	10.4	10.4	10.4	Poor & 15%	Not good	No
6	Karo (Keonjhar) - Karampada (Saranda) (Interstate)	15	15	15	Poor & 10%	Bad	No
7	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	6.3	6.3	6.3	Very poor & 20%	Not good	No
8	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	6.3	6.3	6.3	Very poor & 15%	Not good	No
9	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	2.5	2.5	2.5	Good & 30-40%	Good	Yes
10	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	4.5	4.5	4.5	Good & 60%	Good	Yes
11	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	5.3	5.3	5.3	Good & 40%	Good	No
12	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	24.2	24.2	24.2	Poor & NA	Not Good	No
13	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	27.0	27.0	27.0	Poor & 20%	Not Good	Yes
14	Keonjhar (Keonjhar) - Keonjhar (Keonjhar) (Intra-state)	75	75	75	Very Poor & NA	Not Good	Yes

Further, under part 5.3 of this chapter, authors have given their list of priority corridors and under there a new corridor called Hatibari Corridor is also listed which is not listed in any of the earlier studies.

**Hatibari Corridor** - It connects Badwapa-Dumer-Chua-Munder, RF-Jadulasingh RF to Hatibari RF and Hatibari RF by a narrow stretch of land which is non-forest, in Hatibari village (both east and west of NH-42). The link between Hatibari and Meghal RF is also important in this area. This passage allows the passage to Hatibari Wildlife Sanctuary from Pakhal Forest Division.

**Study of Karo-Karampada Elephant Corridor in 2012 by Forest Department of Odisha:**

State Government, in Forest and Environment Department, vide Order number 100 (G.O.) 106/2012, dated 22.09.12, constituted a committee under the Chairmanship of Regional Chief Conservator of Forests, Bhubaneswar, with other members. This committee was constituted to undertake site inspection, evaluate secondary information and to furnish a report on status/existence of the Karo-Karampada Elephant Corridor in terms of its functionality in the context of Odisha One Piece of M/S SAIL.

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As per the report, the Forest Department has raised objections to existence of this corridor as identified by Forest Department in 2011, as to inclusion of their mine area which were there since 1920s.

The committee found that corridor demarcation is not done correctly and recommended that the present movement path of the elephants should be surveyed and demarcated in the field and the area should have to be given the status of the Elephant Corridor for its scientific management in the future.

From the above studies/reports following can be inferred:-

1. There is no unanimity on existence of Elephant Corridors in Odisha as per various studies/reports.
2. The length and width of the corridors is identified differently in different studies/reports.
3. Even the report of 2017 study by WTI and 2018 study by ANCF, though conducted in very short span of time, have different findings on elephant corridors.
4. Study reports by the same agency i.e. WTI in 2005 and 2017 gave different findings.
5. Detailed verification, in 2012, of the Fero-Karenpada Corridor (as identified by the Forest Department in 2011) by a committee constituted by Forest Department of Odisha found that it was not correctly identified.

### PROPOSED ACTION PLAN

The ANCF report has concluded "perhaps about 1700-1800 elephants can at most be sustained and managed within the larger forested landscape of Odisha with tolerable levels of elephant-human conflict." However, the last census conducted by the department indicated presence of 1976 elephants in Odisha. So, about 10% elephant population is in excess of the carrying capacity.

**STRATEGY:** Based on ANCF study the following strategy is adopted:-

1. Need to Secure Elephant Habitat
2. Providing connectivity to Habitats
3. Securing movement paths of smaller and scattered populations.

#### 1). Need to secure Elephant Habitat-

In Odisha, three elephant reserves are notified by the government as below

Name of the Elephant Reserve	Area in Sq. Km	Notification
Mayurbhanj	7043.74	RF(W)42/2001/15906 dated 29.09.2001
Sambalpur	426.91	RF(W)17/2002/10162 dated 19.06.2002
Mahanadi	1038.30	RF(W)10/2002/SF40 dated 27.03.2002

As per report of ANCF, within the three notified elephant reserves of Odisha, an estimated 969 wild elephants reside, that is about 50% of wild elephants of Odisha have a secure area as their habitat.

Therefore, the report has strongly recommended the extension of area of Sambalpur and Mahanadi Elephant Reserves. Accordingly, it has been suggested by the report to add 1813.74 sq. km (Total 426.74+1813.74=2240.48 sq. km) in Sambalpur ER and 1405.66 sq. km (Total 1038.3+1405.66=2443.96 sq. km) in Mahanadi ER. It is also reported by ANCF that if this area is added to the ERs, then total of 1407 elephants would be accommodated in ERs. Considering area between Sambalpur and Mahanadi ERs, this number goes up to about 1500. This accounts for about 75% of total population of elephants in the state and about 85% of total quarter assessed as per carrying capacity study done by ANCF.

Therefore, these habitats are the areas which are most important for long term conservation of the species in the state and need utmost attention.

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Area Expansion: In pursuance of the recommendation state government has undertaken an exercise to expand the area of Sambalpur ER to 1797.04 sq. km from existing 426.91 sq. km and to expand the area of Mahanadi ER to 2161.52 sq. km from existing 1038.30 sq. km. This will result in providing secure habitat to majority of elephant of the state.

2). Providing Connectivity to Elephant Habitats, per ANCF report (section S.1). An elephant corridor can be thought of as a relatively narrow strip of land connecting two or more viable habitats or providing passage for genetic connectivity between two or more viable elephant populations.

A) Area between Mahanadi and Sambalpur ERs So, for the purpose of corridors, the area between elephant habitats is most important. In between Sambalpur and Mahanadi ERs presently small areas identified and does not ensure complete connectivity between two ERs (map enclosed). The present aerial distance between boundaries of two ERs is about 65 kms. With the expansion mentioned above this distance will become about 15 km. This will strengthen the connectivity between two habitats by providing safe passage for large part of habitat. Due to change in movement patterns, it is difficult to fix the boundaries of elephant corridors in the landscape between two ERs. Therefore, it is decided to treat entire landscape between two expanded ERs as movement area. As suggested by ANCF report this area would be made wildlife friendly by prohibiting conducive land use. For this purpose, following steps would be taken-

- a) The area would be enriched by planting suitable forage plants.
- b) Water sources will be augmented.
- c) As identified by ANCF report, distribution canals of Manjore Dam are like Elephant Proof Trenches. Overpasses shall be constructed over those canals for providing passage to elephants. Already three locations have been identified and steps have been initiated for providing these overpasses. Funds shall be allocated for this purpose soon. Following are the locations identified for this purpose-

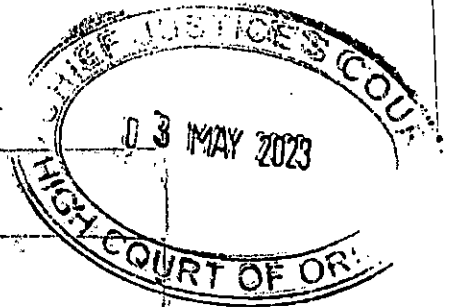
Sl. No.	ITEM	SPECIFICATION
1	MANJORE Left canal GPS Location N-20.82561, E-84.43576	Length x Breadth-14.3 mt x 8.05 mt.
2	Patrapada Canal- Site-1, Location N-20.83711, E-84.41455	Length x Breadth-10 mt x 8 mt.
3	Patrapada Canal- Site-2, Location N-20.83781, E-84.40217	Length x Breadth-10 mt x 8 mt.

d) ANCF report has also identified roads in the landscape as potential barriers in the movement paths of elephants. For mitigating this threat underpasses/overpasses shall be constructed on these roads. Already locations are identified. For NH 55 these underpasses and overpasses are included in the approved Site-Specific Wildlife Conservation Plan, and NHAI is going to start the work soon. For other road locations for underpasses and overpasses are also identified and funds are being located for construction. Details of points identified for this purpose are given below details:

**List of approved EUPs Angul-Sambalpur section of NH-42 (now 55)**

Name of the Division	Location of AUP	Latitude/Longitude
Angul Division	1. In between Katara RF of Angul Division (southern)	20° 55' 7.00" N, 84° 47' 42.8" E

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	side) and Simulia Pathar, RF (Angul Division) on Northern side		
Athmalik Division Rairakhol Division	2. At Jamunalia	20° 55' 7.70" N	84° 46' 44.9" E
	3. At Kutasingha	21° 02' 32.60" N	84° 27' 30.3" E
	4. In Purunapant FRP near Chariballachaw	21° 03' 51.1" N	84° 22' 39.4" E
	5. Tal-Kholgarh Elephant corridor Fly over of 1 km length	21° 03' 51.1" N	84° 19' 02.2" E
	6. Near Central Nursery at Charamalm	21° 06' 17.1" N	84° 13' 39.6" E
	7. In between Suhani RF & Berhampura PF (near Nuapodachaw)	21° 06' 15.0" N	84° 14' 31.8" E
	8. Landakot RF near Barchhat	21° 08' 34.01" N	84° 10' 09.01" E
Sambalpur Division	9. Paltandera near Chandimahal (Jajamura)	21° 13' 30.9" N	84° 08' 48.7" E
	10. Near Nua mahulpali	21° 10' 02.7" N	84° 07' 8.2" E
	11. Near Hatibari	21° 20' 15.0" N	84° 05' 12.6" E
	12. Near Bhabanipalli	21° 22' 52.7" N	84° 03' 53.1" E
	13. Near Bhankorpalli	21° 23' 34.47" N	84° 03' 23.41" E

**Other road locations identified in Athmalik Division for creation of Underpass.**

Sl.No	Infrastructure	Structural Options	GPS location	Size
1	Athmalik -Boinda SH-62	Under Pass	N-20° 45' 46.04" E-84° 33' 14.33"	Length-25m.X Height-6mt.
2	Athmalik -Boinda SH-62	Under Pass	N-20° 47' 32.64" E-84° 33' 14.33"	Length-25m.X Height-6mt.
3	NH-55 at Jamunali	Under Pass	N-20° 55' 07.7" E-84° 46' 44.9"	Length-25m.X Height-6mt.
4	NH-55 at Kadalmunda	Under Pass	N-20° 55' 14.2" E-84° 45' 34.8"	Length-25m.X Height-6mt.
5	NH-55 at Pagabandha	Under Pass	N-20° 57' 27.8" E-84° 48' 13.6"	Length-25m.X Height-6mt.
6	NH-55 at Nuabhuin	Under Pass	N-20° 58' 44.8" E-84° 35' 36.6"	Length-25m.X Height-6mt.
7	SH at Tileswar	Under Pass	N-20° 53' 21.0" E-84° 37' 25.8"	Length-25m.X Height-6mt.
8	Madhapur-Bamur PWD road	Under Pass	N-20° 55' 56.1" E-84° 43' 57.6"	Length-25m.X Height-6mt.
9	Madhapur-Bamur PWD road	Under Pass	N-20° 53' 47.47" E-84° 26' 40.52"	Length-25m.X Height-6mt.
10	Boudh-Rairakhol NH-153(B)	Under Pass	N-20° 51' 2.72" E-84° 16' 46.37"	Length-25m.X Height-6mt.
11	Athmalik-Kiakata PWD road	Under Pass	N-20° 50' 57.2" E-84° 22' 50.87"	Length-25m.X Height-6mt.

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- e) Another threat identified by ANCF is Railway line connecting Angul and Sambalpur, already 13 locations have been identified in between Kamal and Charnal in Redhakhol Forest division which are the crossing points for elephants. Railway authorities are already moved to submit estimate for one underpass at present. Following are the locations identified in the field for this purpose.

Name of Forest Division	SL No.	Railway Pillar No.		GPS coordinates of the location
		From	To	
Redhakhol	1	46/2	46/3	Over Pass
	2	48/3	48/4	Over Pass/ Underpass
	3	50/1	50/2	Over Pass
	4	51/1	51/2	Over Pass/ Underpass
	5	52/3	52/4	Over Pass/ Underpass
	6	64/5	64/6	Over Pass/ Underpass
	7	67/9	68/9	Over Pass- Tal-Kholgah Corridor
	8	74/1	74/2	Over Pass
	9	81/3	81/4	Over Pass
	10	48/4	48/6	Underpass
	11	51/2	51/5	Underpass
	12	59/1	59/3	Underpass
	13	64/6	64/9	Over Pass/ Underpass

- f) Voluntary village relocation scheme of the state for Protected Areas shall also be extended to this area to reduce the human-elephant interface in the area.
- g) A scheme of incentive for maintaining wildlife friendly land use by the villagers in this area shall also be formulated and implemented for this area. Under this scheme in the elephant movement areas landowners shall be suitably compensated to maintain wildlife friendly land use.
- h) Alternate livelihoods (to reduce dependence on forest resources and agriculture) to boost income of the villagers in the area shall be promoted.
- i) Awareness activities to sensitize all the stakeholders in the area shall be taken up.
- j) The newly suggested Habitat Corridor by ANCF shall be studied in details to ascertain the exact use area.

b) **Mayurbhanj ER**- The ANCF study has found that area of the notified Mayurbhanj ER is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj ER and other two ERs is not established. However, the following are mentioned for connectivity of habitat for this ER:

e) There are five areas which provide connectivity. Out of these, two are within the ER. They are Simlipal-Sajkosla and Hadgarh-Kuldih. Other three are giving interstate connections. They are West Bengal-Devi-Sulapada (between Odisha and West Bengal), Barampukh-Dhobadobon and Badampahar-Kandā between Odisha and Jharkhand.

d) As per report of ANCF, there are not many problems in Simlipal-Sajkosla area and this area falls in the notified tiger reserve area of Simlipal, thus, it is well protected.

c) In Hadgarh-Kuldih area the movement is getting affected by the stone quarries. The Tahsildar Khairi has initially applied for permission for quarrying the existing 110 nos of stone quarries located in the hillock connecting Kuldih Sanctuary to Hadgarh Sanctuary, running over a distance of 7.92 km. Subsequently the applicant submitted revised proposal for applying for 12 nos of quarries over an area of 173.50 ac. with Pashad Kisan land located in village Barua, Kailasahi Dhanulata which has been approved by the standing committee of National Board for Wildlife on 03.01.2017. It is close to foothills.

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of Sukhapat hill of Mayurbhanj. As per order dated 18.02.2020 of Honble. NCT in O.A.No. 2/2019 and 1/2019 already the process for declaring the area as Conservation Reserve has been initiated.

c) A/R report has assessed West Bengal-Deul Sanctuary as Very Good for functional existence and very best as far as Ecological Feasibility is concerned. However, Radamphar- Otubhatnabin area has been categorized as Poor and Budamphar-Karids as very poor functionally.

For interstate connectivity of Mayurbhanj ER these three corridors are identified. In this connection a study conducted by Palei et al. (2019) and titled as "Elephant Movement and its impacts" throw light on movement patterns of elephants in the area. During the period 1997-2014 study has reported 48 locations of entry and 48 locations of exit for interstate movement of elephants from West Bengal into Mayurbhanj ER. These entry and exit locations are different and cover Rasgovindpur, Deul, Pithabata and Bangiriposi for entry and Rasgovindpur, Deul and Bangiriposi for exit. Details are reproduced below -

Entry - exit locations and instances (reproduced from Palei et al. 2019)

Table 4.1.1. (of the study) years 1997-2014 range wise instances of entries through different locations by elephants from W.B.

Entry locations			
Sl. No	Location	Range	No. of entries
1	Badasole	Rasgovindpur	2
2	Badjogbandha	Deul	1
3	Banakuti	Deul	3
4	Bhaduasole	Rasgovindpur	2
5	Bhandarisole	Deul	1
6	Bhugudakata	Deul	1
7	Dhabani	Deul	1
8	Dhansole	Deul	1
9	Dhrendiloli	Rasgovindpur	3
10	Gangarai	Pithabata	1
11	Ghangahana	Deul	2
12	Govindapur	Deul	1
13	Handibhanga	Deul	1
14	Hatimada	Deul	1
15	Jhatoga	Deul	1
16	Jhirani	Rasgovindpur	2
17	Kadakotha	Deul	1
18	Kothasini	Deul	1
19	Kcpur	Rasgovindpur	1
20	Kurdiasole	Deul	2
21	Kundiasole	Deul	1
22	Lundakunda	Deul	1
23	Muruda	Rasgovindpur	1
24	Nachano	Deul	1
25	Pakata	Bangiriposi	2
26	Palka	Deul	6
27	Phagudini	Deul	1
28	Ramkitchnapur	Deul	1
29	Santeila	Deul	1
30	Sarodini	Deul	1
31	Tadki	Deul	1
32	Tella	Deul	1

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Sl. No.	Location	Range	No. of entries
1	Banikali	Deul	1
2	Barkap	Deul	2
3	Bhadrasole	Rasagovindapur	1
4	Bhatchhatar	Rasagovindapur	3
5	Bissole	Deul	1
6	Chauladharani	Rasagovindapur	2
7	Chitrada	Rasagovindapur	1
8	Chubhat	Deul	1
9	Dhansole-1	Deul	4
10	Dhansole-2	Deul	2
11	Dhirendihit	Rasagovindapur	2
12	Gangasole	Deul	1
13	Ghanghana	Deul	1
14	Gorindapur	Deul	6
15	Handibhanga	Deul	1
16	Jhaboda	Deul	1
17	Kadokata	Deul	1
18	Kakharasole	Deul	1
19	Katas	Deul	1
20	Kundlasole	Rasagovindapur	1
21	Nachana	Deul	1
22	Nadakunda	Deul	1
23	Paktia	Bangriposi	1
24	Pallo	Deul	5
25	Pokharla	Deul	1
26	Ralbari	Deul	1
27	Rakharasole	Deul	1
28	Rumbha	Deul	1
29	Sansole	Bangriposi	1
30	Sukhlokhal	Deul	1
Total exit instances			48
Summary: 30 locations used in 48 exits. Deul range, 22 locations, 38 (79%) exits; Rasagovindapur-6 locations, 8 (17%) exits; Bangriposi-2 locations, 2 (4%) exits.			

Further this study has presented Year wise instances of entry and exit for elephants from West Bengal across forest ranges and the same is reproduced below:

Sl. No.	Location	Range	No. of entries
1	Banikali	Deul	1
2	Barkap	Deul	2
3	Bhadrasole	Rasagovindapur	1
4	Bhatchhatar	Rasagovindapur	3
5	Bissole	Deul	1
6	Chauladharani	Rasagovindapur	2
7	Chitrada	Rasagovindapur	1
8	Chubhat	Deul	1
9	Dhansole-1	Deul	4
10	Dhansole-2	Deul	2
11	Dhirendihit	Rasagovindapur	2
12	Gangasole	Deul	1
13	Ghanghana	Deul	1
14	Gorindapur	Deul	6
15	Handibhanga	Deul	1
16	Jhaboda	Deul	1
17	Kadokata	Deul	1
18	Kakharasole	Deul	1
19	Katas	Deul	1
20	Kundlasole	Rasagovindapur	1
21	Nachana	Deul	1
22	Nadakunda	Deul	1
23	Paktia	Bangriposi	1
24	Pallo	Deul	5
25	Pokharla	Deul	1
26	Ralbari	Deul	1
27	Rakharasole	Deul	1
28	Rumbha	Deul	1
29	Sansole	Bangriposi	1
30	Sukhlokhal	Deul	1
Total exit instances			48
Summary: 30 locations used in 48 exits. Deul range, 22 locations, 38 (79%) exits; Rasagovindapur-6 locations, 8 (17%) exits; Bangriposi-2 locations, 2 (4%) exits.			

Table 1.1.3. (of the study) year wise instances of entry/exit by elephants from WB across forest ranges in Odisha during 1997-2014. Total entries= 48. Key RGP: Rasagovindapur, BNG: Bangriposi.

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Year	ENTRY					EXIT				
	Deul	RGP	Pithabadi	BPS	TOTAL	Deul	RGP	Pithabadi	BPS	TOTAL
1997	4				4					4
1998	3				3	1				3
1999	1				1					1
2000	3				3	3				3
2001				1	1					1
2002	1			1	2	1				2
2003	3	2			5	2	3			5
2004	3		1		4	4				4
2005	6				6	5	1			6
2006	2				2	2				2
2007	4				4	4				4
2008	3	1			4	3	1			4
2009	1				1	1				1
2010		1			1		1			1
2011		1			1		1			1
2012		1			1		1			1
2013		1			1		1			1
2014		4			4	4				4
Total	34	11	1	2	48	37	9	0	2	48
% Instance	71	23	2	4	100	77	19	0	4	100

Similarly, for interstate movement from Jharkhand to Odisha area the same study found entry and exit locations as reproduced below (out of these, locations shown for Karanji and Rairangpur divisions provide connectivity to Mayurbhanj ER from Jharkhand)

Table 4.2.1: (of the study) years 200-2014: range-wise locations and entry/exit instances for elephants from Jharkhand

Srno	Division	Range	Location	No. of entries	No. of exit
1	Bondar	Bansuan	Balijodi	17	17
2	Karanja	Guruguda	Dayapori	7	7
3	Karanja	Guruguda	Damasani	1	1
4	Karanja	Guruguda	Sajjarsahi	1	1
5	Karanja	Guruguda	Udayasahi	2	2
6	Karanja	Guruguda	Usi	2	2
7	Keonjhar	Barbil	Kankarapali	1	3
8	Keonjhar	Barbil	Kulhapanthi	3	3

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9	Koonjar	Barbil	Katoyanpur	4	4
10	Koonjar	Barbil	Katoyanpur	4	4
11	Koonjar	Champua	Katoyanpur	4	4
12	Koonjar	Champua	Katoyanpur	4	4
13	Rairangpur	Barbil	Katoyanpur	4	4
14	Rairangpur	Barbil	Katoyanpur	4	4
15	Rairangpur	Barbil	Katoyanpur	4	4
16	Rairangpur	Barbil	Katoyanpur	4	4
17	Rairangpur	Barbil	Katoyanpur	4	4
18	Rairangpur	Barbil	Katoyanpur	4	4
19	Rairangpur	Barbil	Katoyanpur	4	4
20	Rairangpur	Barbil	Katoyanpur	4	4
21	Rairangpur	Barbil	Katoyanpur	4	4
22	Rairangpur	Barbil	Katoyanpur	4	4
23	Rairangpur	Rairangpur	Katoyanpur	4	4
24	Rairangpur	Rairangpur	Katoyanpur	4	4
25	Rourkela	Biramitrapur	Katoyanpur	4	4
26	Rourkela	Biramitrapur	Katoyanpur	4	4
27	Rourkela	Biramitrapur	Katoyanpur	4	4
28	Rourkela	Biramitrapur	Katoyanpur	4	4
29	Rourkela	Biramitrapur	Katoyanpur	4	4
30	Rourkela	Biramitrapur	Katoyanpur	4	4
31	Rourkela	Biramitrapur	Katoyanpur	4	4
32	Rourkela	Biramitrapur	Katoyanpur	4	4
33	Rourkela	Biramitrapur	Katoyanpur	4	4
34	Rourkela	Biramitrapur	Katoyanpur	4	4
35	Rourkela	Biramitrapur	Katoyanpur	4	4
36	Rourkela	Biramitrapur	Katoyanpur	4	4
37	Rourkela	Biramitrapur	Katoyanpur	4	4
38	Rourkela	Biramitrapur	Katoyanpur	4	4
39	Rourkela	Biramitrapur	Katoyanpur	4	4
40	Rourkela	Biramitrapur	Katoyanpur	4	4
41	Rourkela	Biramitrapur	Katoyanpur	4	4
42	Rourkela	Biramitrapur	Katoyanpur	4	4
43	Rourkela	Biramitrapur	Katoyanpur	4	4
44	Rourkela	Biramitrapur	Katoyanpur	4	4
45	Rourkela	Biramitrapur	Katoyanpur	4	4
46	Rourkela	Biramitrapur	Katoyanpur	4	4

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Table 4.2.2 (of the study) Summary, range wise entry and exit locations of elephants from Jharkhand

Range	Range	No. of entry locations	No. of exit locations	No. of elephants	Remark
Baram	Karsuan	17	1	17	
Karanga	Guruguda	13	5	13	
Kandhar	Barbi	12	4	12	
Konjhar	Champla	10	2	10	
Raipur	Badampahad	4	3	4	
Raipur	Bishaldi	9	7	9	
Raipur	Raipur	2	2	2	
Rourkela	Kranitrapur	12	11	12	8
					Colkhan, Ritarohi and Birngala locations were not used for exit
Rourkela	Uisra	11	11	11	8
					Hanharanpur, Kundanga and Jharbada locations were not used for exit
Total		90	46	90	40

**Proposed Action:** These movement patterns over about 15 years show that the movements are not fully covered by identified corridors. Hence restricting the measures to be taken to these identified corridors may not suffice. Thus, it is decided to conduct a study to ascertain the exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them.

**3) Securing movement paths of smaller and scattered populations:** The other identified corridor areas do not seem to connect viable habitats as per ANCF study. Thus, they are only movement paths for smaller scattered populations (putting all together, constituting about 25% of total elephant population in the state) and are not corridors in true sense. Further, prohibiting activities which are not permissible in the eco-sensitive zones as per order dated 20.10.2016 of Hon'ble MCT in the presently identified corridors did not help in reducing human-elephant conflict. Such movement paths keep on changing and are cause of much conflict situations.

**Action Proposed:** State Government will constitute a committee under the chairmanship of CWC to monitor the movement patterns in these areas and to take required steps to safeguard the elephants. The committee will meet half yearly and will review the situation and recommend the actions required as per movement patterns observed to safeguard these smaller and scattered populations and to reduce the conflict situations.

**Time line:** All the above activities shall be completed in coming three years.

18. In our view, since the Action Plan has been submitted and 14 elephant corridors have been identified by the State Respondents, Government of Odisha, we, therefore, dispose of this original application with the direction to the Respondent No.1 to notify the elephant corridors in terms of the elephant corridors as identified

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by the Asian Nature Conservation Foundation (ANCF) and the Action Plan, within a period of two months from today in accordance with law.

19. There shall be no order as to costs.

**I.A. No. 70/2020/EZ**

1. This application has been taken up. The prayer in the I.A. filed by the Applicant is for a direction to the Respondent to show cause for violation of the order of the Tribunal dated 20.10.2016.

2. We have gone through the I.A. and since, the 14 elephant corridors have already been identified by the Asian Nature Conservation Foundation (ANCF) and the original application has been disposed of with a direction to the Respondent No.1, State of Odisha to notify the same, in our opinion, there is no violation of the order of the Tribunal dated 20.10.2016.

3. I.A. No. 70/2020/EZ is accordingly dismissed.

4. There shall no order as to costs.

.....  
B. AMIT STHALEKAR, JM

.....  
SAIBAL DASGUPTA, EM

Kolkata  
August 17, 2021  
Original Application No.129/2016/EZ  
(I.A. No. 70/2020/EZ)

For Comm  
120523

BEFORE THE NATIONAL GREEN TRIBUNAL:  
EASTERN ZONE BENCH, KOLKATA

Review Application No. /2021/EZ

(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

IN THE MATTER OF:

STATE OF ODISHA & OTHERS

... REVIEW PETITIONERS

-VERSUS-

WILDLIFE SOCIETY OF ORISSA ... OPP. PARTY

COMPILATION-I

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1.		Review Application	1-13
2.	A/1	Copy of the Judgment dtd.17.08.2021 passed in O.A. No.129/ 2016/EZ	14-30

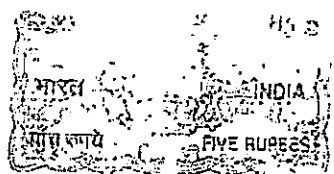
PLACE: CUTTACK  
Dtd: 16.09.2021

ADVOCATE  
FOR REVIEW PETITIONER

For leave  
07.09.2021

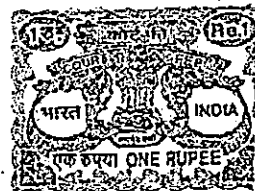
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BEFORE THE NATIONAL GREEN TRIBUNAL:  
EASTERN ZONE BENCH, KOLKATA



Review Application No. /2021/EZ

(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

In the matter of: An application under Section 19(4)(f) of the  
National Green Tribunal Act, 2010 read with  
Rule 22 of the National Green Tribunal (Practices  
and Procedure) Rules, 2010;

AND

- In the matter of:
1. State of Odisha,  
Represented by Chief Secretary,  
Government of Odisha,  
Loka Seva Bhawan,  
Bhubaneswar, Khurda.  
(Respondent No.1 in the O.A)
  2. The Secretary,  
Forest and Environment Department,  
Govt. of Odisha, Loka Seva Bhawan  
Bhubaneswar, Khurda.  
(Respondent No.2 in the O.A)
  3. The Principal Chief Conservator of Forests  
& Chief Wildlife Warden, Odisha,  
Prakruti Bhawan, BDA Apartment,  
Nilakanthanagar, Nayapalli, Bhubaneswar,  
Khurda.  
(Respondent No.4 in the O.A)

*Dr. B. K. Das*

*Forl 6/11/21*  
*020523*

*Forl*

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack town  
Regd. No. CN-04/1996

... Review Petitioners

-Versus-

1. Wildlife Society of Orissa  
(Elephant Corridors)  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack,  
Dist:-Cuttack, Odisha-753012.  
(Applicant in the O.A)
2. The Secretary,  
Ministry of Environment,  
Forests & Climate Change,  
Government of India,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003.  
(Respondent No.5 in the O.A)

- Dileep, Sanjay Datta -

... Opp. Parties

3. The Secretary,  
Revenue and Disaster Management  
Department, Loka Seva Bhawan,  
Bhubaneswar, Khurda.

... Proforma Opp. Party

The humble Application of the  
above named Review Petitioner:

MOST RESPECTFULLY SHEWETH:

1. That the petitioners in the present application sought for review of the Judgment dtd.17.08.2021 passed by this Hon'ble tribunal in O.A. NO.129/ 2016/EZ wherein this Hon'ble Tribunal directed the State

PRADIP TA KUMAR MOHANTY  
Notary, Cuttack town  
Regd. No- ON-04/1995



Government to notify the elephant corridors in accordance with law. Copy of the Judgment dtd.17.08.2021 passed in O.A. NO.129/2016/EZ is annexed herewith as Annexure-A/1.

2. That the applicant filed the above O.A. seeking a direction to the present applicant no.2 to submit proposals for declaration and notification of 14 elephant corridors to the Central Government with the further direction to the present Opp. Party No.2 to take immediate action and to issue draft notification and thereafter a final notification notifying the 14 elephant corridors.
3. That pursuant to notice, the present applicants being Opp. Parties in the O.A. appeared in the above O.A. and filed the reply to the O.A. by way of an affidavit dtd.03.01.2017. It was brought to the notice of this Hon'ble Court in the said affidavit that an MOU has been signed with Asian Nature Conservation Foundation to identify the major and minor elephant corridors of Odisha along with the work of assessing the habitat viability and ground truthing of the already identified elephant corridors. It is also brought to the notice of this Hon'ble Tribunal that contrary to claim of the applicant elephant corridors of the State of Uttarakhand has not been notified. The contents of the affidavit dtd.03.01.2017 may be treated as part of this application.
4. That another affidavit dtd.14.02.2017 filed on behalf of the present petitioners indicating therein that final decision with regard to notification of the elephant corridors can be taken after detail study conducted by Asian Nature Conservation Foundation. The contents of the affidavit dtd.14.02.2017 may be treated as part of this application.

Bhil Rajan Dahi

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack town  
Regd. No. ON-04/1995

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5. That subsequently another affidavit dtd.13.11.2017 filed on behalf of the present petitioners wherein it was brought to the notice of this Hon'ble Court that Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. It is pertinent to mention here that the very same person namely Sri Biswajit Mohanty who has filed affidavits in the above O.A. has also the petitioner no. 2 in the above Civil Appeal. But said fact was never brought on record by the applicant of the above O.A. The contents of the affidavit dtd.13.11.2017 may be treated as part of this application.
6. That after the report of the Asian Nature Conservation Foundation was submitted, the same was considered. Vide order dtd.23.06.2020 this Hon'ble Tribunal directed the State respondents to place before the Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. Accordingly an action plan with specific timeline was prepared and placed before this Hon'ble Tribunal along with an affidavit dtd.10.08.2021. The contents of the affidavit dtd.10.08.2021 may be treated as part of this application.
7. That the above matter was taken up for hearing on 12.08.2021. In course of hearing it was submitted on behalf of the present petitioners that the report of Asian Nature Conservation Foundation suggest that most of the Corridors has no functional existence and most of the corridors are also not ecologically feasible. It was further submitted that as per the observations and recommendations made in the report of Asian Nature Conservation Foundation, the action plan was prepared. After the hearing was concluded, the Judgment was reserved. The Judgment was pronounced on 17.08.2021 directing the

Biswajit Mohanty Only

Signature

PRADIP KUMAR MOHANTY  
Notary, Cuttack, Odisha  
Regd. No. ON-04/1995

Pradip Kumar Mohanty  
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State government to notify the elephant corridors in accordance with law and the same was available in the website on 18.08.2021.

8. That on perusal of the Judgment it reveals that none of the submissions of the present petitioners have been considered and the same contains some errors apparent on the face of it. Hence, this application.

Being aggrieved by the conclusions/ observations/ directions made in of the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ, the Review Petitioner begs to prefer this Review Petition on the following grounds amongst other:

Review Petitioner Only

**GROUND**

**ERROR APPARENT ON THE FACE OF THE RECORD:**

- A. For that, the conclusions/directions made in the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is an outcome of error apparent on the face of the record and in violation of the principles of natural justice.
- B. For that, the entire judgment does not reflect the submission of the Opp. Parties. Since the findings are arrived at without considering the submission of the Opp. Parties, the same is an error apparent on record.
- C. For that, though it was brought on record that the Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. While the same matter is pending before the Hon'ble Supreme Court at the instance of the person representing the applicant Society and the

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PRACHI KUMAR MOHANTY  
Notary, Cuttack town  
Regd. No- CM-04/1995

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Hon'ble Supreme Court has invited suggestions, the entertainment of this Tribunal is an error apparent.

- D. For that, this Hon'ble Tribunal vide order dtd.23.06.2020 directed the State respondents to place before this Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. This Hon'ble Tribunal while passing the impugned Judgment has not considered the action plan placed by the present petitioners.
- E. For that, the direction to the present petitioner no.1 to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan is an error as the petitioner no. 1 has no authority to notify the elephant corridors.
- F. For that, the observation of the Asian Nature Conservation Foundation (ANCF) in its report at paragraph 5.11 has not been considered by this Hon'ble Tribunal while passing the impugned Judgment. This Hon'ble Tribunal has not given any finding either accepting the recommendation or rejecting recommendation which is against the intent of the order dtd.23.06.2020 passed by this Hon'ble Tribunal.
- G. For that, Asian Nature Conservation Foundation has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in the year 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, one new corridor namely, Hatibari corridor has been mentioned in their study, which is in addition to 14 corridors identified by the State Government. This corridor needs to be

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Notary, Cuttack town  
Regd. No. CN-04/1995

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identified and delineated in the field as sufficient details are not given by ANCF in the report.

H. For that, as per study by ANCF, 9 corridors out of identified 14 corridors have been rated as Poor/Very poor in terms of their functional existence. Similarly, for ecological feasibility, 3 corridors out of 14 identified corridors have been rated as Good and one corridor as Good, if mining is stopped. The rest are rated as not Good/Bad as far as ecological feasibility is concerned.

I. For that, as per direction of Hon'ble Tribunal in their Order dtd 26.03.2020, an action plan based on study of ANCF has been prepared and approved by State Government. This action plan is to be implemented in 3 years period which provides for a holistic approach towards protection and conservation of elephants in Odisha and to mitigate human elephant conflict. The strategy adopted in the action plan is based on following three points.

- (i) Need to secure elephant habitat.
- (ii) Providing connectivity to habitat.
- (iii) Securing movement path of smaller and scattered population.

Under point no. i, based on report of ANCF, area of two notified Elephant Reserves namely, Sambalpur ER and Mahanadi ER need to be increased to provide a secure habitat for elephants in Odisha. With this increase, about 75% of total population of elephants in the State and about 85% of total number assessed as per carrying capacity will get a secure habitat. As per action plan, already proposal has been formulated for the proposed increase in the area of two Elephant Reserves which is under consideration of Government.

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PRADYUMNA KUMAR MOHANTY  
Notary, Cuttack town  
Regd. No. OH-04/1995

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Bibhu Sanjay Das

Under point no. ii, action plan has been formulated to provide connectivity to elephant habitats. Under this, as per action plan the distance between Mahanadi and Sambalpur Elephant Reserves will be reduced by way of expanding the area and the same will come down from present aerial distance for about 65 km to about 15 km.

Further, due to change in movement patterns of elephants it is difficult to fix the boundaries of elephant corridors in the landscape between two expanded Elephant Reserves. Therefore, entire landscape between two expanded Elephant Reserves will be treated as movement area. As suggested by ANCF report this area would be made wildlife friendly and for this purpose about 10 action points have been identified. Based on these action points some actions have already been initiated. This aspect has not taken into consideration in the impugned Judgment.

J. For that, the actions initiated basing on the action points mentioned above are highlighted as below:

(i) Habitat enrichment activities by planting forest plants and water source augmentation have been initiated.

(ii) As identified by ANCF report, distribution canals of Manjore Dam are obstacles for movement of elephants in the areas between Mahanadi and Sambalpur Elephant Reserves. So, three crossing points have been identified on these canals and fund have been placed with Water Resources Department to construct overpass for elephants.

(iii) ANCF report has also identified roads as potential barriers for elephant movement. So, crossing points of the elephants on roads have been identified and provision of under / over pass is included in the Site Specific Wildlife Conservation Plan and NH authorities have been asked to construct the same. Besides this, out of identified points on SH - 62, Works Department was asked to submit estimate for one such point and the same

PRADYUMN KUMAR MOHANTY  
Notary, Cuttack  
Regd. No. CH-04/1995

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has been received which is under field verification by RCCF, Angul. Similarly, Railway Authorities have also been asked to submit estimate for under pass construction in the identified crossing points and the same is awaited.

(iv) Voluntary village relocation scheme of the State has been amended to include areas connecting wildlife habitats in addition to protected areas. This provision will be utilized to undertake voluntary village relocation from elephant movement areas to reduce human pressure.

(v) Scheme for maintaining wildlife friendly land use by the villagers in these areas is under preparation by RCCF, Angul and Sambalpur.

(vi) Alternate livelihood like providing agricultural implements, flour mills, rice puffer machines etc. are being promoted in these areas to reduce dependence of forest fringe villagers on neighbouring forest resources.

(vii) Other measures like awareness of stakeholders, elephant proof trench, solar power fence, open well guards etc. are being done to save the life of elephants and other wild animals and to reduce human wildlife conflict.

K. For that, the ANCF study report has found that area of the Mayurbhanj elephant Reserve is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj Elephant reserve and the two other Elephant reserves is not established. Further, a study conducted by Palei et al (2019) titled as "Elephant Movement and its Impacts" throws light on movement patterns of elephants in the area including interstate movements based on 15 years data from 1997 to 2014. These movement patterns over about 15 years show that the movements are not fully covered

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PRADEPTA KUMAR MOHANTY  
NOLITY, CUTTACK town  
Ref. No. ON-001/2019

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*Dr. W. S. Nayak*

by identified corridors and there are much larger places of entry and exit. Hence restricting the measures to be taken to these identified corridors may not suffice. Proposal to conduct a study to ascertain exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them is under active consideration of Government.

L. For that, as per Order dated 18.02.2020 of Hon'ble NGT in O.A. No. 2/2019 and 3/2019 already the process for declaring the movement area between Hadgarh sanctuary and Kuldiha sanctuary within Mayurbhanj Elephant Reserve as Conservation Reserve have been initiated.

M. For that, as regards Point No. iii of Para (I), to monitor the movement of smaller and scattered population, Circle Level Committees under the Chairmanship of Chief Wildlife Warden has been constituted after due approval of State Government. These Committees will review the movement of scattered population twice a year and will take necessary steps for ensuring their safety and security.

N. For that, it is also pertinent to mention that Government of India in Ministry of Environment, Forests & Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 has constituted a committee to identify and conduct the ground truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the action plan, these corridors as identified by wildlife Trust of India are not the same as identified by the State Government but have few commonalities.

O. For that, the ANCF report has also mentioned under item No. 5.11 which is quoted below:

PRADIPTA KUMAR KUMAR  
NOLONG, CHITRAKOT, JHARKHAND

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Dr. B. K. Jaiswal



*"The Wildlife Managers should understand the feasibility and ecological viability of elephant corridor before notification as otherwise serious mistake could be made in a designated nonexistent corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors".*

P. For that, in view of the action plan and steps initiated it is expected that movement areas/paths of elephants will be secured and conservation of elephants will be further strengthened and need to notify the identified 14 corridors will not be there.

15. That in view of the submissions made in the aforementioned paras, unless the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is reviewed and the petitioners are allowed to implement the Action Plan in the proposed 3 years period and further directed completion of study of Govt. of India before taking any final decision on ~~notification of elephant corridors~~, the Review Petitioner, will suffer irreparable loss and injury.

#### LIMITATION

The present Review Application is under Section 19(4)(f) of the National Green Tribunal Act, 2010 read with Rule 22 of the National Green Tribunal (Practices and Procedure) Rules, 2010. The Review Petitioner obtained the Certified Copy of the Judgment dtd.17.08.2021 on 18.08.2021. Therefore, the present Review Petition is within the limitation period.

#### INTERIM RELIEF

This Hon'ble Tribunal may be pleased to pass an interim Order of stay, staying the operation of the impugned Judgment dtd. 17.08.2021 under Annexure-A/1 till disposal of the present Review Petition.

*Dr. M. S. Sankaranarayanan*

*8009*

*The Law  
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PRAYER

In the circumstances stated above, it is, therefore, humbly prayed that the Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ may kindly be reviewed;

And allow this Review Application;

And pass such other Order / Orders, as this learned Tribunal may deem fit and proper;

And for this act of kindness the Review Petitioner as in duty bound shall ever pray.

Place: Cuttack

Dtd.16.09.2021



ADVOCATE

For the Review Petitioner

VERIFICATION

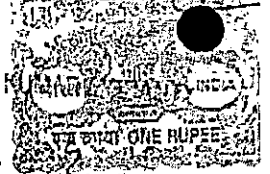
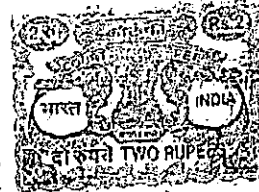
I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o-Principal Chief Conservator of Forests, (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby verify that the contents of Paragraphs - 1 to 15 as well as Grounds-A to P believed to be true on material of records and that I have not suppressed any material fact.



VERIFICANT

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14  
H. K. DAS, JUDGE (MUNICIPALITY)  
Cuttack  
Regd. No. ON-041985

AFFIDAVIT

I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o- Principal Chief Conservator of Forests, (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby solemnly affirm state as follows:

1. That, I am duly authorized by the Review Petitioner nos. 1 to 3 to sworn in this affidavit and I am acquainted with the facts of the case;
2. That, the facts stated above are true to the best of my knowledge and belief.

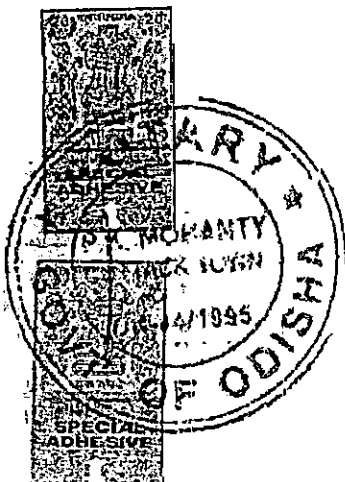
Identified by

Advocate

Dtd.16.09.2021

*Bikash Ranjan Dash*  
DEPONENT

Certified that Catridge papers are not available.



*[Signature]*  
ADVOCATE

Solemnly Sworn before  
me by.....*B.R. Dash*  
being identified by.....*S.K. Nayak, Advocate*  
at Cuttack Town Dated.....*16/09/2021*

*16/09/2021*  
P.K. Mohanty, Notary, Cuttack Town  
Regd No-OR-041995

*File Case*  
*020523*

# National Green Tribunal

- 129 -

129

Case No. Wildlife Society of Orissa represented by its Secretary Vs. State of Orissa Represented by Chief Secretary Govt. of Odisha  
Miscellaneous No. 190713300743201615  
Transaction ID 1900210147542021  
Bank 1608210008191  
Transaction ID  
Payment Date 2021-09-18 10:00:00  
Amount 150 Rs  
Status SUCCESS

S. No.	File Name	Party Name	Location	Document Type
1	DA NO 109 Dt 2016.pdf	The Principal Chief Conservator of Forests & Chief Wildlife Warden, Orissa	WILDLIFE, EASTERN ZONE BENCH	Order

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130  
BEFORE HON'BLE NATIONAL GREEN TRIBUNAL

ANNEXURE-6

EASTERN ZONE BENCH, KOLKATA.

EXECUTION APPLICATION NO ----2022/EZ

ARISING OUT OF

ORIGINAL APPLICATION NO 129 of 2016 DISPOSED ON 17<sup>th</sup> August 2021

IN THE MATTER OF:

WILDLIFE SOCIETY OF ORISSA

APPLICANT

VERSUS

STATE OF ODISHA AND OTHERS ...

RESPONDENTS

INDEX

Sl NO	PARTICULARS	PAGE NO
1	Execution Application	1-20
2	Copy of Order dated 17 <sup>th</sup> AUGUST 2022 is annexed here unto as ANNEXURE-1	21

PLACE: Bhubaneswar

DATE: 13/08/2022

SANKAR PRASAD PANI

ADVOCATE

Plot 2132/4814, NageswarTangi, Bhubaneswar 751002 Cell-9437279278,

Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

*Final Copy*  
*13/08/2022*

2  
- 121 -

**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLAKATA**

(Under Section 18(1) read with Section 14(1) AND 15(1) of

the National Green Tribunal Act 2010)

Execution Application No -----2022

Arising out Original Application No 129/2016 disposed on 17<sup>th</sup> August 2021

**IN THE MATTER OF:**

Wildlife Society of Orissa, Represented by its Secretary,

Shantikunj, Link Road, Cuttack, Dist-Cuttack, Odisha -753012 .....

**APPLICANT**

**VERSUS**

1. State of Odisha, Represented by Chief Secretary,

Government of Odisha, Secretariat Building,

Bhubaneswar, Odisha-751001, [csori@nic.in](mailto:csori@nic.in)

2. The Secretary, Forest and Environment Department,

Government of Odisha, Secretariat Building,

Bhubaneswar, Odisha, 751001 [fesec.or@nic.in](mailto:fesec.or@nic.in)

3. The Secretary, Revenue and Disaster Management Department,

Government of Odisha, Secretariat Building,

Bhubaneswar, Odisha 751001 [revsec.or@nic.in](mailto:revsec.or@nic.in)

*Done*  
*23/8/21*

## 4. The Principal Chief Conservator of Forests and

Chief Wildlife Warden, Odisha, Prakruti Bhawan,

Plot No. 1459, Sahid Nagar, Bhubaneswar-751007

Email [pccfwl@gmail.com](mailto:pccfwl@gmail.com) , <[odishawildlife@gmail.com](mailto:odishawildlife@gmail.com)>,

## 5. The Additional Director General of Forests (Wildlife),

Ministry of Environment, Forests and Climate Change,

Government of India, Indira Paryavaran Bhavan,

Jorbagh Road, New Delhi - 110003 [dgfindia@nic.in](mailto:dgfindia@nic.in)

## ...RESPONDENTS

- I. The addresses of the Applicant is given above for the service of notices of this Application.
- II. The addresses of the Respondents are given above for the service of notices of this Application.
- III. The Present Application challenges non-compliance of Hon'ble NGT Order dated 17/08/2021 for notification of elephant corridors under provisions of section 3 of the Environment (Protection) Act, 1986 read with Rule 5 of the Environment (Protection) Rules, 1986 despite of specific direction to notify within 2 months of the order dated 17<sup>th</sup> August 2021.

BRIEF FACTS

1. That the Applicant is a registered society bearing Regn. No. 19648/80 having its office at Shantikunj, Link Road, Cuttack engaged in wildlife and forest conservation in the state of Odisha for last 30 years and duly represented by its secretary Dr. Biswajit Mohanty.

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2. That the state of Odisha has the largest population of elephants in eastern India which stands at 1,977 as per the last census carried out by the state government in May, 2015. That elephants being large mammals have far ranging habitats and habitually migrate from one forest habitat to another using well marked and identified corridors. That such migrations are an integral part of elephant ecology and experts have understood and appreciated the dire need for migration in order to ensure dispersal of genes, proper availability of fodder and propagation of the species. Recognizing their need for corridors, a Task Force was set up by the Government of India to study their status and recommend measures for their long term survival and protection. The Task Force in its report titled "Gajah" released in August, 2010 submitted its recommendations.

3. That elephant corridors are sensitive habitats which need to be notified as ecological sensitive zones u/s 3 of the Environment (Protection), Act 1986 and the state is empowered to prohibit or regulate activities that disturb and impact wildlife in such areas. That the state government is fully aware of the importance of elephant corridors and need to demarcate and protect them since a meeting was held on 19.1.2010 which was chaired by the Chief Minister who reviewed issues related to Elephant Corridor in Odisha.

4. That the Principal Chief Conservator of Forests (Wildlife) cum Chief Wildlife Warden, Odisha, Respondent No. 4 presented details of elephant corridors of the state at the meeting held on 19.1.2010. He had identified 14 corridors with a total area of 870.61 sq.kms having a length of 420.8 kms which had a width of 0.08 km to 4.6 kms. It was also noted in the same review meeting that an amount of Rs.400 lakhs would be spent for

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Elephant Management Plan for the period from 2009-10. Respondent no. 4 also assured the participants that an Action Plan with detailed budgeting would be developed after studying the land use pattern of the elephant corridors.

5. That such high level discussion and decisions along with decision to allot adequate funds clearly indicated the government's desire to create and maintain elephant corridors so that human elephant conflict could be reduced in the state. That the respondent no. 4 also developed guidelines to further implement their decision for developing elephant corridors by preparing "Indicative guidelines management plan" which included demarcation and consolidation of habitats comprised in each of the 14 identified corridors. That Respondent No. 4 proposed a notification of 14 elephant corridors spread over an area of 870.61 sq.kms and length of 420.8 kms in the above letter.

6. Para 18 of the order dated 17<sup>th</sup> August 2021 is reproduced as follows

"In our view, since the Action Plan has been submitted and 14 elephant corridors have been identified by the State Respondents, Government of Odisha, we, therefore, dispose of this original application with the direction to the Respondent No.1 to notify the elephant corridors in terms of the elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan, within a period of two months from today in accordance with law."

7. That Section 26 in The National Green Tribunal Act, 2010 prescribes for Penalty for failure to comply with orders of Tribunal and same is reproduced as follows

"(1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment

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for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention: Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crores of rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

8. Similarly Section 28 in The National Green Tribunal Act, 2010 prescribes for Offences by Government Department. And same is reproduced as follows

“(1) Where any Department of the Government fails to comply with any order or award or decision of the Tribunal under this Act, the Head of the Department shall be deemed to be guilty of such failure and shall be liable to be proceeded against for having committed an offence under this Act and punished accordingly: Provided that nothing contained in this section shall render such Head of the Department liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

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02/05/2019

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and

it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of any officer, other than the Head of the Department, such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly".

9. That since the Respondent No 1 Chief Secretary of Odisha has not executed the order of the Honble Tribuna dated 17<sup>th</sup> August 2021 and deliberately violating the same, appropriated action deemed under section 26 and 28 of the National Green Tribunal Act 2010.

#### Grounds

That, the applicant is therefore approaching this Hon'ble Tribunal in view of the of the Non-Compliance of order of Hon'ble NGT dated 17<sup>th</sup> August 2021

- a) That the Notification of 14 Elephant Corridors under Section 3 of Environment Protection Act 1986 has not been done as of now though the dead line of two months expired since 17<sup>th</sup> October 2021.
- b) That the non-implementation of the order invokes section 26 and 28 of the NGT Act 2010 where in stricter punishment such as 3 years imprisonment or 10 crores rupees penalty or both has been prescribed and knowing the same the respondents are willfully violating the order.

#### LIMITATION

That there is a subsisting cause of action because of the continuing violation of Hon'ble order of NGT dated 17/08/2021 and the respondents did nothing

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within 2 Months of the order as per the deadline in the order, hence this execution application is not barred by limitation.

PRAYER

In light of the present facts and circumstances it is most respectfully prayed that this Hon'ble Tribunal may please to

- a) Direct the Respondents to show cause why the criminal proceedings shall not be initiated for violation of the Order of the Hon'ble Tribunal
- b) Direct the Respondents to show cause what steps they have been taken to implement the order of Hon'ble NGT dated 17<sup>th</sup> August 2021
- c) Failure to provide satisfactory explanation the Hon'ble Tribunal may direct for the appropriate proceedings as provided under Section 26 and 28 of NGT Act 2010.
- d) (d) Pass such order /s as this Hon'ble Tribunal may fill fit and proper in the facts and circumstances of this case.

APPLICANT

S. Pami

THROUGH ADVOCATE

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA

EXECUTION APPLICATION NO \_\_\_\_\_ OF 2022

IN THE MATTER OF:

Wildlife Society of Orissa

APPLICANT

VERSUS

State of Odisha and Others ..

RESPONDENTS

**AFFIDAVIT**

I, Biswajit Mohanty S/o Biswanath Mohanty aged about 59 years, At/Po- Santikunj, Link Road Cuttack, Dist-Cuttack, Odisha -753012 do hereby solemnly affirm, and declare as under:

1. That I am the Secretary of the Applicant Organisation, Wildlife Society of Orissa in the abovementioned application and authorized to sign this affidavit.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

*Biswajit Mohanty*

**DEPONENT**

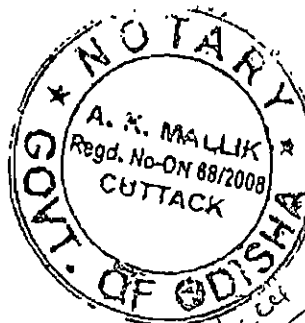
**VERIFICATION:-**

Verified on this the 19<sup>th</sup> day of AUGUST 2022 at Cuttack that the contents of the above affidavit are true and correct. No part of it is false and nothing material has been concealed there from.

*Narsingha charan Dash*  
Identified By

*Biswajit Mohanty*  
SECRETARY  
**VERIFICANT**

Advocate  
En.-0775/2013



Signature  
attested on identification  
by *N.C. Das* Addl

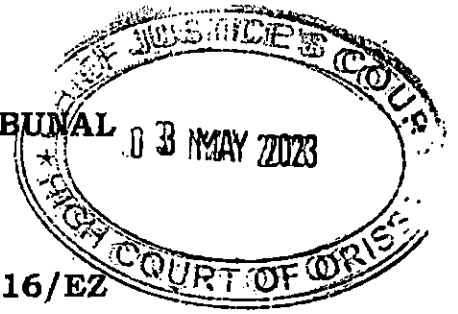
*A. K. Mallik*  
Notary Cuttack 19/8/22

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*19/8/22*



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BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH,  
KOLKATA



.....  
ORIGINAL APPLICATION No. 129/2016/EZ  
(I.A. No. 70/2020/EZ)

IN THE MATTER OF:

Wildlife Society of Orissa (Elephant Corridors)  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack  
Dist-Cuttack, Odisha-753012

....Applicant(s)

Versus

1. State of Odisha

Represented by Chief Secretary,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

2. The Secretary,

Forest and Environment Department,  
~~Government of Odisha, Secretariat Building,~~  
Bhubaneswar, Odisha-751001

3. The Secretary,

Revenue and Disaster Management Department,  
Government of Odisha, Secretariat Building,  
Bhubaneswar, Odisha-751001

4. The Principal Chief Conservator of Forests and  
Chief Wildlife Warden, Odisha, Prakruti Bhawan,  
BDA Apartments, Nilakanthanagar, Nayapalli,  
Bhubaneswar, Odisha-751012

5. The Secretary,

Ministry of Environment, Forests and Climate Change,  
Government of India, Indira Paryavaran Bhavan,  
Jorbagh Road, New Delhi-110003

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....Respondent(s)

**COUNSEL FOR APPLICANT:**

Mr. Sankar Prasad Pani, Advocate

**COUNSEL FOR RESPONDENTS:**

Mr. Deepak Kumar Pani, Advocate for Respondent Nos.1 to 4

Mr. Gora Chand Roy Choudhury, Advocate for Respondent No.5

**JUDGMENT**

**PRESENT:**

**HON'BLE MR. JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

**HON'BLE MR. SAIBAL DASGUPTA (EXPERT MEMBER)**

Reserved On:- 12<sup>th</sup> August, 2021

Pronounce On:- 17<sup>th</sup> August, 2021

1. Whether the Judgment is allowed to be published on the net? Yes
2. Whether the Judgment is allowed to be published in the NGT Reporter? Yes

**JUSTICE B. AMIT STHALEKAR (JUDICIAL MEMBER)**

Heard the learned Counsel for the Applicant as well as the learned Counsel for the Respondents and perused the documents on record.

2. This original application has been filed by the Applicant seeking a direction to the Respondent No.2, Secretary, Forest and Environment Department, Government of Odisha to submit proposals for declaration and notification of 14 elephant corridors to the Central Government with the further direction to the Respondent No.5, the Secretary, Ministry of Environment, Forests and Climate Change to take immediate action and to issue draft notification and thereafter a final notification notifying the 14 elephant corridors.

*Time Lapse*  
*02.08.2021*

3. It is stated in the original application that the State of Odisha has the largest population of elephants in Eastern India which stands at about 1,977 as per the last census carried out by the State Government in May, 2015.

4. It is stated that the elephant by its nature migrates from one place to another place in search of fodder and propagation of species and such migratory paths are part and parcel of the elephant ecology.

5. It is stated that recognizing the peculiar character of the elephants a Task Force was set up by the Government of India to determine the status and recommend measures for the long term survival and protection of elephants. The Task Force then prepared a report titled "Gajah" which was released in August, 2010 with several recommendations, a copy of which has been filed as Annexure-1 at Page No. 11 to 17 to the original application.

6. It is stated that elephant corridors being a part of the elephant ecology needs to be prescribed and therefore, notified as ecological sensitive zones under Section 3 of the Environment (Protection) Act, 1986.

7. It is stated that the Principal Chief Conservator of Forests (Wildlife)-cum-Chief Wildlife Warden, Odisha, Respondent No.4 presented details of elephant corridors in the State of Odisha identifying the 14 corridors with a total area of 870.61 sq. kms having a length of 420.8 kms and a width of 0.08 km to 4.6 kms.

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8. The minutes of the meeting held on 19.01.2010 have been filed as Annexure-2 at Page No. 19 of the paper book. Thereafter, a **"Plan for Management of Elephant Corridors across forest habitats in Orissa"** was submitted to the State Government on 25.08.2011.

9. It is stated that the Respondent No.4, the Principal Chief Conservator of Forests and Chief Wildlife Warden, Odisha vide his letter No. 7274 dated 11.10.2012 submitted a proposal to the Respondent No.2, Forest and Environment Department, Government of Odisha to notify 14 traditional elephant corridors in Odisha under the provisions of Section 3 of the Environment (Protection) Act, 1986. It is alleged that thereafter, till date no action has been taken for notifying the 14 elephant corridors in the State of Odisha under the said act.

10. An affidavit dated 03.01.2017 has been filed on behalf of the Respondent Nos.1, 2 & 4 and it is stated therein that a Memorandum of Understanding (MoU) was signed with the Asian Nature Conservation Foundation (ANCF) which was given the mandate to identify the major and minor elephant corridors in the State of Odisha along with the work of assessing the habitat viability etc. and necessary action for notifying the elephant corridors which could be taken up only after receipt of the report of the Foundation.

11. It is stated that the objective of the Respondent No.4 was to identify the major and minor elephant corridors with special reference to Lakhary valley of Mahendragiri Region, Odisha.

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*02/05/2017*

12. A general letter dated 11.08.2006 was also written by the Inspector General of Forest and Director (PE), Ministry of Environment, Forests and Climate Change to the Chief Wildlife Wardens (PE) States and UTs, stating therein that the elephant corridors as prepared in Uttaranchal be provided legal protection under the Environment (Protection) Act, 1986 and to take steps for notification and protection of the identified elephant corridors in the various States.

13. A counter-affidavit dated 29.05.2017 has been filed by the Applicant to the compliance report filed by Respondent Nos.1, 2 & 4 wherein it is stated that elephants were straying from designated corridors in Dhenkanal, Athagarh, Athamalik & Angul forest divisions as admitted in the compliance report of the State Respondents but elephant corridors have not yet been notified under the Environment (Protection) Act, 1986. A reference has also been made to the letter of the Principal Chief Conservator of Forest (Wildlife) & Chief Wildlife Warden, Odisha dated 11.10.2012 addressed to the Principal Secretary to Government, Forest and Environment Department, Odisha with a request that all the 14 elephant corridors be notified under the provisions of Section 3(v) of Environment (Protection) Act, 1986.

14. An affidavit dated 16.09.2020 has been filed by the Applicant with the prayer that the Final Study Report prepared by Asian Nature Conservation Foundation (ANCF) mentions that 9 elephant corridors out of 14 identified corridors are not viable and the same should not be accepted.

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15. An Action Plan dated 10.08.2021 has been filed on behalf of the Respondent Nos. 2 and 4 with reference to the time-line for implementation of the recommendations of the report submitted by the Asian Nature Conservation Foundation (ANCF). This Action Plan is with regard to 14 elephant corridors already identified which reads as under:

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No.	Name of the Corridor	Extends over District	Length of the Corridor (km)	Total Area (sq.km)	Functional existence and no. of elephant using the path	Ecological Feasibility	PA Connection
1	Bodampahar (Mayurbhanj)-Dhokabandha (Jharkhand) (Interstate)	Mayurbhanj, Jharkhand	16	21.3	Poor & max 20	Not good	Yes
2	Bodampahar (Mayurbhanj)-Kandha (Jharkhand) (Interstate)	Mayurbhanj	13	26.09	Very poor & NA	Bad	Yes
3	West Bengal-Dumai-Sulapada (Passage) (Interstate)	Mayurbhanj	72	39.5	Very good & 100+	Very bad	No
4	Sambalpur-Hadgarh-Kudra	Mayurbhanj, Keonjhar, Balasore	41.7	91.39	Good & 40+	Good mining stopped	Yes
5	Tekoi-Palahra	Keonjhar, Angul	30.4	19.24	Poor & 15+	Not good	No
6	Karo (Keonjhar)-Karampada (Serauda, Jharkhand) (Interstate)	Keonjhar	15	17.3	Poor & 1 or 2	Bad	No
7	Mandabhanja-Tinsamali-Anantpur	Dhenkanal	6.5	1.55	Very poor & 20-25	Not good	No
8	Kethu/Chia-Anantpur	Angul, Dhenkanal	6.6	5.23	Very poor & 15-20	Not good	No
9	Baouda-Central RF	Nayagarh	2.6	0.76	Good & 20-40	Good	Yes
10	Nagapada-Baruni	Angul	4.5	20.7	Good & 60-100+	Good	Yes
11	Tal-Khelgarh	Sambalpur	6.3	4.56	Good & 40+	Good	No
12	Barpada-Tarava-Kantamal	Sonepur, Boudh	24.2	21.7	Poor & NA	Not Good	No
13	Kotagari-Chandrapur	Kandhamal, Rayagada	77.0	575.4	Poor & 20+	Not Good	Yes
14	Koraput-Uriadail	Kandhamal, Rayagada	75	28.9	Very Poor & NA	Not Good	Yes

16. Besides the elephant corridors identified by the Asian Nature Conservation Foundation (ANCF), certain other elephant corridors were also identified by the Forest Department as priority corridors which are as under:

T.M. (copy)  
02/05/21

- a. Hatibari Corridor
- b. Nuagaon-Baruni Corridor
- c. Simpilipal (Nato RF)-Satkosia-Hadgarh-WLS-Kuldiha WLS
- d. Karo (Keonjhar Odisha)- Karampada (Saranda, Jharkhand)

17. The relevant extract of the Action Plan submitted by the State

Respondents, Government of Odisha is reproduced herein below:

"In January, 2018, Asian Nature Conservation Foundation (ANCF) submitted its study report to Government of Odisha. This report is titled as "Elephant Carrying Capacity of Odisha's Forests". In this report chapter 5 is devoted to "Elephant Corridors in Odisha". Under table 5.1 of this chapter authors have given the list of corridors identified by Forest Department indicating functional existence and ecological feasibility as assessed by ANCF, and it is reproduced below:-

S. No.	Name of the Corridor	Extends over District	Length of the Corridor (km)	Total Area (sq. km)	Functional existence and use of elephant along the path	Ecological Feasibility	NA Connection
1	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	15	24.2	Poor & NA	Not good	Yes
2	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	15	25.89	Very poor & NA	Bad	Yes
3	West Bargarh (Bargarh)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Bargarh	72	20.5	Very good & 100+	Very bad	No
4	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	15	21.25	Good & 40+	Good	Yes
5	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	15	13.24	Poor & 15+	Not good	No
6	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	15	17.3	Poor & 1 or 2	Bad	No
7	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	6.5	1.35	Very poor & 20+	Not good	No
8	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	6.1	5.22	Very good & 15+	Not good	No
9	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	2.5	0.75	Good & 20-40	Good	Yes
10	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	4.5	20.7	Good & 60+	Good	Yes
11	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	6.3	4.55	Good & 40+	Good	No
12	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	24.2	21.7	Poor & NA	Not Good	No
13	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	77.0	575.4	Poor & 20+	Not Good	Yes
14	Kamarpali (Keonjhar)-Dumer-Chua-Munder (Keonjhar)-Nato (Keonjhar)-Simpilipal (Keonjhar)-Satkosia (Keonjhar)-Hadgarh (Keonjhar)-Kuldiha (Keonjhar)	Keonjhar	75	28.9	Very Poor & NA	Not Good	Yes

Further, under part 5.9 of this chapter, authors have given their list of priority corridors and underlined a new corridor called Hatibari Corridor is also listed which is not listed in any of the earlier studies.

Hatibari Corridor: It connects Baduapali-Dumer-Chua-Munder RF-Jadupasingh RF to Hatibari RF and Bargarh RF by a narrow stretch of land which is non forest. In Hatibari village (both east and west of plot-42). This link between Hatibari and Meghal RF is also important in this area. This passage serves the passage to Buxa Wildlife Sanctuary from Raurkela Forest Division.

Study of Karo-Karampada Elephant Corridor in 2012 by Forest Department of Odisha:

State Committee on Forest and Environment Department Govt. of Odisha number: 147/G.O. 3-12/2012 dated 22.12.12, constituted a committee under the Chairmanship of Regional Chief Conservator of Forests, Bhubaneswar, with other members. This committee was constituted to undertake site inspection, evaluate secondary information and to furnish a report on status/existence of the Karo-Karampada Elephant Corridor in terms of its functionality in the context of Buxa Wildlife Sanctuary of M/S S&L.

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(as SAIL has raised objections to existence of this corridor as identified by Forest Department in 2011, due to inclusion of their mine area which were there since 1980).

The committee found that corridor demarcation is not done correctly and recommended inter alia that the present movement path of the elephants should be surveyed and demarcated in the field and such area have to be given the status of the Elephant Corridor for its scientific management in the future.

From the above studies/reports following can be inferred:-

1. There is no unanimity on existence of Elephant Corridors in Odisha as per various studies/reports.
2. The length and width of the corridors is identified differently in different studies/reports.
3. Even the report of 2017 study by WTI and 2018 study by ANCF, though conducted in very short span of time, have different findings on elephant corridors.
4. Study reports by the same agency i.e. WTI in 2005 and 2017 gave different findings.
5. Detailed verification, in 2012, of the Karo-Karampada Corridor (as identified by the Forest Department in 2011) by a committee constituted by Forest Department of Odisha found that it was not correctly identified.

### PROPOSED ACTION PLAN

The ANCF report has concluded "perhaps about 1700-1800 elephants can at most be sustained and managed within the larger forested landscape of Odisha with tolerable levels of elephant-human conflict." However, the last census conducted by the department indicated presence of 1976 elephants in Odisha. So, about 10% elephant population is in excess of the carrying capacity.

**STRATEGY**-Based on ANCF study the following strategy is adopted-

1. Need to Secure Elephant Habitat
2. Providing connectivity to Habitats
3. Securing movement paths of smaller and scattered populations.

#### 1). Need to secure Elephant Habitat-

In Odisha, three elephant reserves are notified by the government as below

Name of the Elephant Reserve	Area in Sq. Km	Notification
Mayurbhanj	7043.74	BF(W)42/2001/15806 dated 29.09.2001
Sambalpur	426.91	BF(W)17/2002/10162 dated 19.06.2002
Mahanadi	1038.30	BF(W)10/2002/5840 dated 27.03.2002

As per report of ANCF "within the three notified elephant reserves of Odisha, an estimated 969 wild elephants reside, that is about 50% of wild elephants of Odisha have a secure area as their habitat".

Therefore, the report has strongly recommended the extension of area of Sambalpur and Mahanadi Elephant Reserves. Accordingly, it has been suggested by the report to add 1813.74 sq. km (Total 426.74+1813.74=2240 sq. km) in Sambalpur ER and 1405.66 sq. km (Total 1038.3+1405.66=2443.96 sq. km) in Mahanadi ER. It is also reported by ANCF that if this area is added to the ERs then total of 1407 elephants would be accommodated in ERs. Considering area between Sambalpur and Mahanadi ERs this number goes up to about 1500. This accounts for about 75% of total population of elephants in the state and about 65% of total number assessed as per carrying capacity study done by ANCF.

Therefore, these habitats are the areas which are most important for long term conservation of the species in the state and need utmost attention.

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Action Taken/Proposed: In pursuance of this recommendation state government has undertaken an exercise to expand the area of Sambalpur ER to 1797.013 sq. km from existing 426.91 sq. km and to expand the area of Mahanadi ER to 2181.523 sq. km from existing 1011.30 sq. km. This will result in providing secure habitat to majority of elephant in the state.

- 2). Providing Connectivity to Elephant Habitats: As per ANCF report (section 5.1), 'An elephant corridor can be thought of as a relatively narrow strip of land connecting two or more viable habitats or providing passage for genetic connectivity between two or more viable elephant populations.

A) Area between Mahanadi and Sambalpur ERs: So, for the purpose of corridors the area between elephant habitats is most important. In between Sambalpur and Mahanadi ERs presently two corridors are identified. These are Nugaon-Baruni and Tal-kholgarh. However, these are very small areas identified and does not ensure complete connectivity between two ERs (map enclosed). The present aerial distance between boundaries of two ERs is about 65 kms. With the expansion mentioned above this distance will become about 15 km. This will strengthen the connectivity between two habitats by providing safe passage for large part of habitat. Due to change in movement patterns, it is difficult to fix the boundaries of elephant corridors in the landscape between two ERs. Therefore, it is decided to treat entire landscape between two expanded ERs as movement area. As suggested by ANCF report this area would be made wildlife friendly by promoting conducive land use. For this purpose, following steps would be taken-

- a) The area would be enriched by planting suitable forage plants.
- b) Water sources will be augmented.
- c) As identified by ANCF report, distribution canals of Manjore Dam are like Elephant Proof Trenches. Overpasses shall be constructed over these canals for providing passage to elephants. Already three locations have been identified and steps have been initiated for providing these overpasses. Funds shall be allocated for this purpose soon. Following are the locations identified for this purpose-

Sl. No.	ITEM	SPECIFICATION
1	MANJORE Left canal GPS Location N-20.82561, E-84.43576	Length x Breadth-14.3 mt x 8.05 mt.
2	Patrapada Canal Site-1, Location N-20.83711, E-84.41455	Length x Breadth-10 mt x 8 mt.
3	Patrapada Canal Site-2, Location N-20.83781, E-84.40217	Length x Breadth-10 mt x 8 mt.

- d) ANCF report has also identified roads in the landscape as potential barriers in the movement paths of elephants. For mitigating this threat underpasses/overpasses shall be constructed on these roads. Already locations are identified. For NH-55 these underpasses and overpasses are included in the approved Site-Specific Wildlife Conservation Plan and NHAI is going to start the work soon. For other road locations for underpasses and overpasses are also identified and funds are being located for construction. Details of points identified for this purpose are given below details:

**List of approved EUPs Angul-Sambalpur section of NH-42 (now 55)**

Name of the Division	Location of AUP	Latitude/Longitude
Angul Division	1. In between Katara Rf of Angul Division (Southern)	20° 55' 3.00" N 84° 47' 42.8" E

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		side) and Simulia Pathar RF (Angul Division) on Northern side		
Athmalik Division	2.	At Jamunalia	20° 55' 7.70" N	84° 46' 44.9" E
	3.	At Kutasingha	21° 02' 32.60" N	84° 27' 30.3" E
Rairakhol Division	4.	In Putunapani PRF near Charibatlachawk	21° 03' 51.1" N	84° 22' 39.4" E
	5.	Tal-Kholgurih. Elephant corridor Fly over of 1 km length	21° 03' 51.1" N	84° 19' 02.2" E
	6.	Near Central Nursery at Charamalm	21° 06' 17.1" N	84° 13' 39.67" E
	7.	In between Suhani RF & Berhampur PF (near Nuapadachawk)	21° 06' 15.0" N	84° 14' 31.8" E
	8.	Landakot RF near Barchhat	21° 08' 34.01" N	84° 10' 09.01" E
Sambalpur Division	9.	Paltandera near Chandinimal (Jujumura)	21° 13' 30.9" N	84° 08' 48.7" E
	10.	Near Nua mahulpali	21° 18' 02.7" N	84° 07' 8.2" E
	11.	Near Hatibari	21° 20' 15.0" N	84° 05' 12.6" E
	12.	Near Bhabanipalli	21° 22' 52.7" N	84° 03' 53.1" E
	13.	Near Bhankarpali	21° 23' 34.47" N	84° 03' 23.41" E

Other road locations identified in Athmalik Division for creation of Underpass.

Sl.No.	Infrastructure	Structural Options	GPS location	Size
1	Athmalik - Boinda SH-62	Under Pass	N-20° 45' 46.04" E-84° 33' 14.33"	Length-25m.X Height-6mt.
2	Athmalik - Boinda SH-62	Under Pass	N-20° 47' 32.64" E-84° 33' 14.33"	Length-25m.X Height-6mt.
3	NH-55 at Jamunali	Under Pass	N-20° 55' 07.7" E-84° 46' 44.9"	Length-25m.X Height-6mt.
4	NH-55 at Kadalmunda	Under Pass	N-20° 55' 14.2" E-84° 45' 34.8"	Length-25m.X Height-6mt.
5	NH-55 at Pagabandha	Under Pass	N-20° 57' 27.8" E-84° 48' 13.6"	Length-25m.X Height-6mt.
6	NH-55 at Nuabhuin	Under Pass	N-20° 58' 44.8" E-84° 35' 36.6"	Length-25m.X Height-6mt.
7	SH at Tleswar	Under Pass	N-20° 53' 21.0" E-84° 07' 25.8"	Length-25m.X Height-6mt.
8	Madhapur-Bamur PWD road	Under Pass	N-20° 55' 56.1" E-84° 43' 57.6"	Length-25m.X Height-6mt.
9	Madhapur-Bamur PWD road	Under Pass	N-20° 53' 47.47" E-84° 26' 40.52"	Length-25m.X Height-6mt.
10	Boudh-Rairakhol NH-153(B)	Under Pass	N-20° 54' 2.72" E-84° 18' 46.32"	Length-25m.X Height-6mt.
11	Athmalik-Kokata PWD road	Under Pass	N-20° 50' 57.2" E-84° 22' 50.82"	Length-25m.X Height-6mt.

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- d) Another threat identified by ANCF is Railway Line connecting Angul and Sambalpur. Already 13 locations have been identified in between Ramnagar and Chitral in Redhakhol Forest Division which are the crossing points for elephants. Railway authorities are already moved to submit estimate for one underpass at present. Following are the locations identified in the field for this purpose:

Name of Forest Division	Sl. No.	Railway Pillar No.		GPS coordinates of the location
		From	To	
Redhakhol	1	46/2	46/3	Over Pass
	2	48/3	48/4	Over Pass/ Underpass
	3	50/1	50/2	Over Pass
	4	51/1	51/2	Over Pass/ Underpass
	5	57/3	57/4	Over Pass/ Underpass
	6	64/5	64/6	Over Pass/ Underpass
	7	67/9	69/9	Over Pass/ Underpass
	8	74/1	74/2	Over Pass/ Tal-Kholgarh Corridor
	9	81/3	81/4	Over Pass
	10	48/4	48/6	Underpass
	11	51/2	51/5	Underpass
	12	59/1	59/3	Underpass
	13	64/6	64/9	Over Pass/ Underpass

- f) Voluntary village relocation scheme of the state for Protected Areas shall also be extended to this area to reduce the human-elephant interface in the area.
- g) A scheme of incentive for maintaining wildlife friendly land use by the villagers in this area shall also be formulated and implemented for this area. Under this scheme in the elephant movement areas landowners shall be suitably compensated to maintain wildlife friendly land use.
- h) Alternate livelihoods (to reduce dependence on forest resources and agriculture) to boost income of the villagers in the area shall be promoted.
- i) Awareness activities to sensitize all the stakeholders in the area shall be taken up.
- j) The newly suggested Habori corridor by ANCF shall be studied in details to ascertain the exact use area.

**B) Mayurbhanj ER:** The ANCF study has found that area of the notified Mayurbhanj ER is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj ER and other two ERs is not established. However, the following are mentioned for connectivity of habitat for this ER:

a) There are five areas which provide connectivity. Out of these, two are within the ER. They are Similipal-Sukosisa and Hadgarh-Kuldih. Other three are giving interstate connections. They are West Bengal-Bihar-Sulapada (between Odisha and West Bengal), Badampahar-Chandrapur and Badampahar-Karida between Odisha and Jharkhand.

b) As per report of ANCF, there are not many problems in Similipal-Sukosisa area and this area falls in the notified tiger reserve area of Similipal, thus, it is well protected.

c) In Hadgarh-Kuldih area the movement is getting affected by the stone quarries. The Tahsildar Khairi has initially applied for permission for quarrying the existing 105 nos of stone quarries located in the hillock connecting Kuldih Sanctuary to Hadgarh Sanctuary running over a distance of 2.92 Km. Subsequently the applicant submitted revised proposal for quarrying for 27 nos of quarries over an area of 173.50 ac. with Patad Kisson land located in village Sonara, Kuldih, Dandhanata which has been approved by the standing committee of National Board for wildlife on 01.01.2017. It is close to foothills

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of Goudapada hill of Mayurbhanj. As per order dated 16.02.2020 of Minto: NCST in G.A No. 2/2019 and 2/2019 already the process for declaring the area as Conservation Reserve has been initiated.

d) IUCN report (2002) assessed West Bengal Deul Sanctuary as Very Good for functional existence and very bad as far as Ecological Feasibility is concerned. However, Badampahar-Chhotumukha area has been categorized as Poor and Badampahar-Kariga as very poor functionally.

For interstate connectivity of Mayurbhanj ER, these three corridors are identified. In this connection a study conducted by Palei et al (2019) and titled as "Elephant Movement and its Impacts" throw light on movement patterns of elephants in the area. During the period 1997-2014 study has reported 48 locations of entry and 48 locations of exit for interstate movement of elephants from West Bengal into Mayurbhanj ER. These entry and exit locations are different and cover Rasgovindpur, Deul, Pithabata and Bangiriposi for entry and Rasgovindpur, Deul and Bangiriposi for exit. Details are reproduced below -

Entry-exit locations and instances (reproduced from Palei et al 2019)

Table 4.1.1 (of the study), years 1997-2014: range wise instances of entries through different locations by elephants from WB.

Entry locations			
Sl. No	Location	Range	No. of entries
1	Badasole	Rasgovindpur	2
2	Badyogibandha	Deul	1
3	Barakali	Deul	3
4	Bhadrasole	Rasgovindpur	2
5	Bhandarisole	Deul	1
6	Bhugudakata	Deul	1
7	Dhatani	Deul	1
8	Dhansole	Deul	1
9	Dhinchidih	Rasgovindpur	3
10	Gangarai	Pithabata	1
11	Ghangana	Deul	2
12	Govindapur	Deul	1
13	Hanchananga	Deul	1
14	Hatimaria	Deul	1
15	Jhulada	Deul	1
16	Jhuni	Rasgovindpur	2
17	Kadakhtha	Deul	1
18	Kachasrisi	Deul	1
19	Kepur	Rasgovindpur	1
20	Kundiasole	Deul	2
21	Kundiasole	Deul	1
22	Lundakunda	Deul	1
23	Murush	Rasgovindpur	1
24	Nachana	Deul	1
25	Pakatia	Bangiriposi	2
26	Pallo	Deul	6
27	Phagudih	Deul	1
28	Ramkrishnapur	Deul	1
29	Santalla	Deul	1
30	Saredih	Deul	1
31	Tadki	Deul	1
32	Tella	Deul	1

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19	Tentaposi	Deuli
Total entry instances	1	48
Summary: 33 locations used in 48 entries. Deuli range: 25 locations, 31 (71%) entries; Rasagovindapur: 6 locations, 11 (23%) entries; Bangriposi: 1 location, 1 (4%) entries; and Sukhilakha: 1 location, 1 (2%) entries.		

Table 4.1.2: (of the study) years 1997-2014 range wise instances of return (exits) from Odisha by elephants that had entered from West Bengal.

Exit locations			
Sl. No	Location	Range	No. of entries
1	Banakali	Deuli	2
2	Bondap	Deuli	1
3	Bhadrasole	Rasagovindapur	3
4	Bhachhatar	Rasagovindapur	1
5	Bhisole	Deuli	2
6	Choudhariani	Rasagovindapur	1
7	Chitrada	Rasagovindapur	1
8	Chufat	Deuli	4
9	Dhansole-1	Deuli	2
10	Dhansole-2	Deuli	2
11	Dihrehidihl	Rasagovindapur	1
12	Gangasole	Deuli	1
13	Ghanghiana	Deuli	6
14	Govindapur	Deuli	1
15	Handibhanga	Deuli	1
16	Jhatkoda	Deuli	1
17	Kadakata	Deuli	1
18	Kakharasole	Deuli	1
19	Katas	Deuli	1
20	Kundiasole	Rasagovindapur	1
21	Nachana	Deuli	1
22	Nedakundla	Deuli	1
23	Paktia	Bangriposi	1
24	Pello	Deuli	5
25	Pokharla	Deuli	1
26	Raibani	Deuli	1
27	Rakhanisole	Deuli	1
28	Rumbha	Deuli	1
29	Sansole	Bangriposi	1
30	Sukhilakhali	Deuli	1

Total exit instances: 48  
 Summary: 30 locations used in 48 exits. Deuli range: 22 locations, 38 (79%) exits; Rasagovindapur: 6 locations, 8 (23%) exits; Bangriposi: 2 (4%) exits.  
 Further this study has presented Year wise instances of entry and exit for elephants from West Bengal across forest ranges and this same is reproduced below.

Table 4.1.3: (of the study) year wise instances of entry/exit by elephants from WB across forest ranges in Odisha during 1997-2014. Total entries = 48. Key: BGP: Rasagovindapur; DRG: Bangriposi.

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Year	ENTRY					EXIT				
	Deuli	RGP	Pithabata	BPS	TOTAL	Deuli	RGP	Pithabata	BPS	TOTAL
1997	4				4	4				4
1998	3				3	3				3
1999	1				1	1				1
2000	3				3	3				3
2001				1	1				1	1
2002	1			1	2	1			1	2
2003	3	2			5	2				5
2004	3				4	4				4
2005	6				6	5	1			6
2006	2				2	2				2
2007	4				4	4				4
2008	3	1			4	3	1			4
2009	1				1	1				1
2010		1			1		1			1
2011		1			1		1			1
2012		1			1		1			1
2013		1			1		1			1
2014		4			4	4				4
Total	34	11	1	2	48	37	9	0	2	48
% instance	71	23	2	4	100	77	19	0	4	100

Similarly, for interstate movement from Jharkhand to Odisha area the same study found entry and exit locations as reproduced below (out of these, locations shown for Karanjia and Rairangpur divisions provide connectivity to Mayurbhanj ER from Jharkhand).

Table 4.2.1. (of the study) years 200-2014: range wise locations and entry/exit instances for elephants from Jharkhand.

S.No	Division	Range	Location	No. of entries	No. of exit
1	Bonai	Barsuan	Balligani	17	17
2	Karanjia	Guruguria	Dayapada	7	7
3	Karanjia	Guruguria	Pannasahi	1	1
4	Karanjia	Guruguria	Sajrasahi	1	1
5	Karanjia	Guruguria	Udayasahi	2	2
6	Karanjia	Guruguria	(H.V.)	2	2
7	Keonjhar	Barbi	Kumbhachal	1	3
8	Keonjhar	Barbi	Kulhachal	1	3

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9	Koonjhar	Batali	Raipur	1	1
10	Koonjhar	Batali	Raipur	2	2
11	Koonjhar	Chandrapur	Chandrapur	1	1
12	Koonjhar	Chandrapur	Chandrapur	1	1
13	Raipur	Barampukur	Barampukur	1	1
14	Raipur	Barampukur	Barampukur	1	1
15	Raipur	Barampukur	Barampukur	1	1
16	Raipur	Barampukur	Barampukur	1	1
17	Raipur	Barampukur	Barampukur	1	1
18	Raipur	Barampukur	Barampukur	1	1
19	Raipur	Barampukur	Barampukur	1	1
20	Raipur	Barampukur	Barampukur	1	1
21	Raipur	Barampukur	Barampukur	1	1
22	Raipur	Barampukur	Barampukur	1	1
23	Raipur	Barampukur	Barampukur	1	1
24	Raipur	Barampukur	Barampukur	1	1
25	Raipur	Barampukur	Barampukur	1	1
26	Raipur	Barampukur	Barampukur	1	1
27	Raipur	Barampukur	Barampukur	1	1
28	Raipur	Barampukur	Barampukur	1	1
29	Raipur	Barampukur	Barampukur	1	1
30	Raipur	Barampukur	Barampukur	1	1
31	Raipur	Barampukur	Barampukur	1	1
32	Raipur	Barampukur	Barampukur	1	1
33	Raipur	Barampukur	Barampukur	1	1
34	Raipur	Barampukur	Barampukur	1	1
35	Raipur	Barampukur	Barampukur	1	1
36	Raipur	Barampukur	Barampukur	1	1
37	Raipur	Barampukur	Barampukur	1	1
38	Raipur	Barampukur	Barampukur	1	1
39	Raipur	Barampukur	Barampukur	1	1
40	Raipur	Barampukur	Barampukur	1	1
41	Raipur	Barampukur	Barampukur	1	1
42	Raipur	Barampukur	Barampukur	1	1
43	Raipur	Barampukur	Barampukur	1	1
44	Raipur	Barampukur	Barampukur	1	1
45	Raipur	Barampukur	Barampukur	1	1
46	Raipur	Barampukur	Barampukur	1	1

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Table 4.2.2 (of the study) summary: range, entry and exit locations by elephants from Jharkhand

Range	No. of entries	No. of exit locations	Remark
Banswan	17	1	
Benguria	10	5	
Burhil	12	4	
Chandpur	10	2	
Chandpur	4	3	
Bahalda	9	7	
Bahalda	2	2	
Baramitrapur	12	11	Dolkhana, Ritatohi and birgitola locations were not used for exit
Bisra	11	11	Hariharapur, kundanga and jharbeda locations were not used for exit
Total	90	46	

**Proposed Action:** These movement patterns over about 15 years show that the movements are not fully covered by identified corridors. Hence restricting the measures to be taken to these identified corridors may not suffice. Thus, it is decided to conduct a study to ascertain the exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them.

2) **Securing movement paths of smaller and scattered populations:** The other identified corridor areas do not seem to connect viable habitats as per NCT study. Thus, they are only movement paths for smaller scattered populations (putting all together, constituting about 25% of total elephant population in the state) and are not corridors in true sense. Further, prohibiting activities which are not permissible in the eco-sensitive zones (as per order dated 20.10.2016 of Hon'ble NGT) in the presently identified corridors did not help in reducing human-elephant conflict. Such movement paths keep on changing and are cause of much conflict situations.

**Action Proposed:** State Government will constitute a committee under the chairmanship of CWCW to monitor the movement patterns in these areas and to take required steps to safeguard the elephants. This committee will meet half yearly and will review the situation and recommend the actions required as per movement patterns observed to safeguard these smaller and scattered populations and to reduce the conflict situations.

**Time line:** All the above activities shall be completed in a period of three years.

18. In our view, since the Action Plan has been submitted and 14 elephant corridors have been identified by the State Respondents, Government of Odisha, we, therefore, dispose of this original application with the direction to the Respondent No.1 to notify the elephant corridors in terms of the elephant corridors as identified

*True copy*  
*20/12/2017*

by the Asian Nature Conservation Foundation (ANCF) and the Action Plan, within a period of two months from today in accordance with law.

19. There shall be no order as to costs.

**I.A. No. 70/2020/EZ**

1. This application has been taken up. The prayer in the I.A. filed by the Applicant is for a direction to the Respondent to show cause for violation of the order of the Tribunal dated 20.10.2016.

2. We have gone through the I.A. and since, the 14 elephant corridors have already been identified by the Asian Nature Conservation Foundation (ANCF) and the original application has been disposed of with a direction to the Respondent No.1, State of Odisha to notify the same, in our opinion, there is no violation of the order of the Tribunal dated 20.10.2016.

3. I.A. No. 70/2020/EZ is accordingly dismissed.

4. There shall no order as to costs.

.....  
B. AMIT STHALEKAR, JM

.....  
SAIBAL DASGUPTA, EM

Kolkata  
August 17, 2021  
Original Application No.129/2016/EZ  
(I.A. No. 70/2020/EZ)

True Copy  
020523

BEFORE THE NATIONAL GREEN TRIBUNAL

Execution Application No. \_\_\_\_\_ of 2022 arising out of OA 129 OF 2016  
DISPOSED ON 17<sup>TH</sup> AUGUST 2021

WILDLIFE SOCIETY OF ODISHA

APPLICANT

Versus

STATE OF ODISHA & Ors

RESPONDENTS

KNOW ALL to whom these presents shall come I, BISWAJIT MOHANTY, Secretary, Wildlife Society of Odisha, AT-SHANTIKUNJA, LINKROAD, CUTTACK, ODISHA the above named APPLICANT Organisation do hereby appoint (herein after called the advocate/s) to be my/our Advocate in the above noted case authorized him :-Sankar Prasad Pani, Advocates, Plot No 2132/4814 B, Nageswartangi, Bhubaneswar, 751002 ENROLMENT NO O-785/01 [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com) . ccll-9437279278

To act, appear and plead in the above noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages. To file and take back documents to admit and/or deny the documents of opposite party To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practitioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid, I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof. IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this 14<sup>TH</sup> day of AUGUST 2022. Accepted subject to the terms of fees.

*S. Pani*

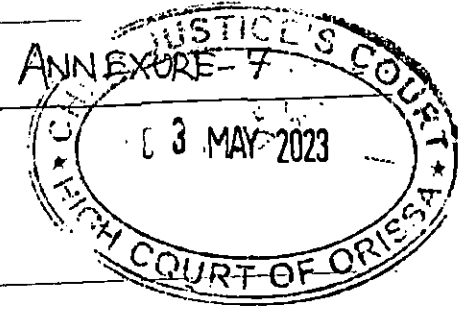
Advocate

*For (Seal)  
02/08/22*

For WILDLIFE SOCIETY OF ODISHA

*Biswajit Mohanty*  
SECRETARY

Client (SEAL OF THE ORGANISATION)



**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**Execution Application No. 3/2022/EZ  
(Arising out of O. A. No.129/2016/EZ  
disposed of on 17.08.2021)**

Wildlife Society of Orissa

Applicant (s)

Versus

State of Odisha & Others

Respondent(s)

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SL.NO.	DESCRIPTION OF DOCUMENTS	PAGES
1.	PRELIMINARY COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENT'S NO.1,2 AND 4.	1-5
2.	Annexure-A/1 Copy of review petition.	6-19

CUTTACK  
DT.14.03.2023

*J. C. S. G.*  
ADDL. GOVT. ADVOCATE

*True Copy*  
*07/05/23*





**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**Execution Application No. 3/2022/EZ  
(Arising out of O. A. No. 129/2016/EZ  
disposed of on 17.08.2021)**

Wildlife Society of Orissa

Applicant (s)

Versus

State of Odisha & Others

Respondent(s)

**PRELIMINARY COUNTER AFFIDAVIT FILED ON BEHALF  
OF THE RESPONDENTS NO. 1, 2 AND 4.**

I, Shri Bikash Ranjan Dash, aged about 56 years, son of late Krushna Chandra Dash, at present serving as the Conservator of Forests (Wildlife), O/O - The Principal Chief Conservator of Forests (wildlife) & Chief Wildlife Warden, Odisha, At- Prakruti Bhawan, Saheed Nagar, P.O. Saheed Nagar, Bhubaneswar, Distt.- Khurda, do hereby solemnly affirm and state as follows;

1. That, I have been duly authorized by the Respondent no. 1, 2 and 4 to swear this affidavit on their behalf, as I am well acquainted with the matter and am competent to swear this affidavit, being duly authorized for the purpose.

PRADIP KUMAR MOHANT  
Notary, Cuttack Town  
Regd. No. 012/10-11

Tone Capin  
01/02/2022

Bikash Ranjan Dash

2. That the applicant in O.A. No. 129/2016/EZ has filed the above mentioned Execution Application alleging non-implementation of the order dated 17.08.2021 passed by this Hon'ble Tribunal in the aforesaid original application.

3. That the Hon'ble Tribunal vide order dated 30.01.2023 has directed the Government of Odisha to file counter affidavit reply regarding compliance of Order dated 17.08.2021.

4. That in the order dated 17.08.2021 in O. A. No. 129/2016/EZ, the Hon'ble Tribunal has issued directions to State Government to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan within a period of two months.

5. That, it is humbly brought to the kind notice of the Hon'ble Tribunal that, an application for review of the above order dated 17.08.2021 has been filed before the Hon'ble Tribunal on dated 16.09.2021 for kind consideration, on the grounds mentioned below.

a) It was brought on record that a Writ petition (Civil) No. 275/2015 involving similar cause of action is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. The very same person namely Sri Biswajit Mohanty who has filed the O.A. is also the petitioner no. 2 in the above Civil Appeal. But the said fact was not consciously brought on record by the applicant of the above O.A. While the same matter is pending before the Hon'ble Supreme

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- OH-04/1975

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Court at the instance of the person representing the applicant Society and the Hon'ble supreme Court has invited suggestions on the same, the entertainment of the issue at this stage would frustrate the very core concept pending before the Hon'ble Supreme Court.

b) The Hon'ble Tribunal vide order dated 23.06.2020 directed the State respondents to place before it with specific timelines in accordance with observations and recommendations made in the report submitted by the ANCF. The Hon'ble Tribunal while passing the impugned judgment has not considered the action plan placed by the State respondents.

c) Asian Nature Conservation Foundation (ANCF) has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, a new corridor namely, Hatibari corridor has been mentioned in their study, which is an addition to 14 corridors identified by the State Government. This corridor needs to be identified and delineated in the field as sufficient details are not given by ANCF in the report.

d) As per study by ANCF, 9 out of identified 14 corridors have been rated as Poor/ Very poor in terms of their functional existence. Similarly, for ecological feasibility, 3 out of 14 identified corridors have been rated as Good and one corridor as

PRADIPTA KUMAR MONANTI  
Notary, Cuttack Town  
Regd. No- OH-04/1995

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Good, if mining is stopped. The rest are rated as not Good / Bad as far as ecological feasibility is concerned.

e) Government of India in Ministry of Environment, Forest and Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 have constituted a committee to identify and conduct the ground-truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the Action Plan, these corridors as identified by Wildlife Trust of India are not the same as identified by the State Government but have few commonalities. The process of consultation and ground-truthing is underway.

Dr. Tulsi Deyan Dey

f) The ANCF report has also mentioned under item No. 5.11 which is quoted as *"The wildlife Managers should understand the feasibility and ecological viability of elephant corridor before notification as otherwise serious mistakes could be made in a designated non-exist corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors."*

g) In view of the action plan and steps initiated, it is expected that movement areas/ paths of elephants will be secured and conservation of elephants will be further strengthened and need to notify the identified 14 corridors will not be there.

A copy of the review petition is filed as Annexure-A/1.

PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-34/1995

For (copy)  
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6. That as per Order dated 18.02.2020 of Hon'ble NGT in O. A. No. 2/2019, the Similiapl-Hadgarh-Kuldiha traditional elephant corridor has been notified as "Conservation Reserve" by the State Government U/S 36A of the Wildlife (Protection) Act, 1972, vide notification no.1166/PE&CC, dated 20.01.2023.

7. That meanwhile, a PIL on protection of elephants which include *inter alia*, the matter of elephant corridors, is already under hearing before the Hon'ble High Court of Orissa in WPC (PIL) No. 14706 of 2022, filed by Gita Rout Vrs. State of Odisha.

8. That in view of the above submissions, it is prayed before the Hon'ble Tribunal to favorably consider the review petition filed on 16.09.2021 and pass appropriate orders in the matter.

9. That, the facts stated above are true to the best of my knowledge and belief and based on records,

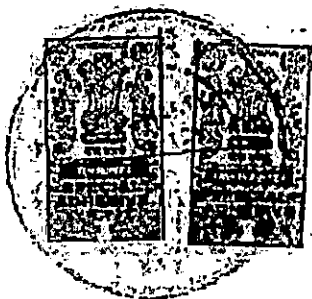
Identified By  
Advocate

*Bikash Ranjan Panda*  
DEPONENT  
14.03.2023

Certified that cartridge papers are not available,

CUTTACK  
DT.14.03.2023

*J. K. Sahoo*  
ADDL. GOVT. ADVOCATE



Solemnly sworn before  
me by.....*B. R. Dash*,  
being identified by.....*J. K. Sahoo*, Advocate  
at Cuttack Town on 14/03/2023  
14/03/2023  
P. S. Mahapatra, Notary, Cuttack Town  
Kata No. ....

*True Copy*  
*020329*

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ANNEXURE A

BEFORE THE NATIONAL GREEN TRIBUNAL:  
EASTERN ZONE BENCH, KOLKATA

Review Application No. /2021/EZ

(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

IN THE MATTER OF:

STATE OF ODISHA & OTHERS

... REVIEW PETITIONERS

-VERSUS-

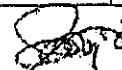
WILDLIFE SOCIETY OF ORISSA ... OPP. PARTY


COMPILATION-I

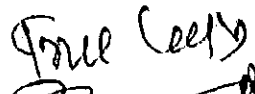
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Sl. No.	Annexure	Description of document	Page
1.		Review Application	1-13
2.	A/1	Copy of the Judgment dtd.17.08.2021 passed in O.A. No.129/ 2016/EZ	14-30

PLACE: CUTTACK  
Dtd: 16.09.2021

  
ADVOCATE  
FOR REVIEW PETITIONER

  
Conservator of Forests  
O/o the PCF (MR) & CWLW  
Calista, Bhubaneswar

  
Full Clerk  
020823

253  
164  
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1134  
BEFORE THE NATIONAL GREEN TRIBUNAL:  
EASTERN ZONE BENCH, KOLKATA

Review Application No. /2021/EZ

(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

In the matter of: An application under Section 19(4)(f) of the  
National Green Tribunal Act, 2010 read with  
Rule 22 of the National Green Tribunal (Practices  
and Procedure) Rules, 2010;

AND

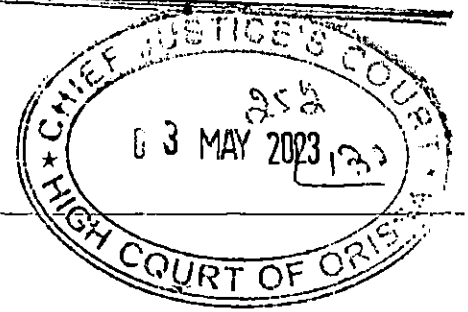
- In the matter of:
1. State of Odisha,  
Represented by Chief Secretary,  
Government of Odisha,  
Loka Seva Bhawan,  
Bhubaneswar, Khurda.  
(Respondent No.1 in the O.A.)
  2. The Secretary,  
Forest and Environment Department,  
Govt. of Odisha, Loka Seva Bhawan  
Bhubaneswar, Khurda,  
(Respondent No.2 in the O.A.)
  3. The Principal Chief Conservator of Forests  
& Chief Wildlife Warden, Odisha,  
Prakruti Bhawan, BDA Apartment,  
Nilakanthanagar, Nayapalli, Bhubaneswar,  
Khurda.  
(Respondent No.4 in the O.A.)

*For*  
PRADIP KUMAR MISHRA,  
Hon'ble Counsel for

*Done Copy*  
Conservator of Forests,  
C/o the PCCF (WLD & CWLW)  
Office, Bhubaneswar

*Bibek Sanjay Dey*

- 185 -  
- 8 -



... Review Petitioners

-Versus-

1. Wildlife Society of Orissa  
(Elephant Corridors)  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack,  
Dist:-Cuttack, Odisha-753012.  
(Applicant in the O.A)
2. The Secretary,  
Ministry of Environment,  
Forests & Climate Change,  
Government of India,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003.  
(Respondent No.5 in the O.A)

*Dr. Indira Paryavaran Bhawan*

... Opp. Parties

3. The Secretary,  
Revenue and Disaster Management  
Department, Loka Seva Bhawan,  
Bhubaneswar, Khurda.

... Proforma Opp. Party

The humble Application of the  
above named Review Petitioner:

**MOST RESPECTFULLY SHEWETH:**

1. That the petitioners in the present application sought for review of the Judgment dtd.17.08.2021 passed by this Hon'ble tribunal in O.A. NO.129/ 2016/EZ wherein this Hon'ble Tribunal directed the State

*[Signature]*

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack town

*[Signature]*  
Conservator of Forests  
Of the PCCF (WL) & CWLV  
Odisha, Bhubaneswar

*[Signature]*  
05/01/23



Government to notify the elephant corridors in accordance with law. Copy of the Judgment dtd.17.08.2021 passed in O.A. NO.129/2016/EZ. is annexed herewith as Annexure-A/I.

2. That the applicant filed the above O.A. seeking a direction to the present applicant no.2 to submit proposals for declaration and notification of 14 elephant corridors to the Central Government with the further direction to the present Opp. Party No.2 to take immediate action and to issue draft notification and thereafter a final notification notifying the 14 elephant corridors.
3. That pursuant to notice, the present applicants being Opp. Parties in the O.A. appeared in the above O.A. and filed the reply to the O.A. by way of an affidavit dtd.03.01.2017. It was brought to the notice of this Hon'ble Court in the said affidavit that an MOU has been signed with Asian Nature Conservation Foundation to identify the major and minor elephant corridors of Odisha along with the work of assessing the habitat viability and ground truthing of the already identified elephant corridors. It is also brought to the notice of this Hon'ble Tribunal that contrary to claim of the applicant elephant corridors of the State of Uttarakhand has not been notified. The contents of the affidavit dtd.03.01.2017 may be treated as part of this application.
4. That another affidavit dtd.14.02.2017 filed on behalf of the present petitioners indicating therein that final decision with regard to notification of the elephant corridors can be taken after detail study conducted by Asian Nature Conservation Foundation. The contents of the affidavit dtd.14.02.2017 may be treated as part of this application.

Bhishan Rayan Datta

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020527

DR. INDU KUMAR MOHANTY  
Joint Secretary  
Date: 03.01.2017

Conservator of Forests  
Oto the PCCF (N.I.) & CWLW  
Odisha, Bhubaneswar

5. That subsequently another affidavit dtd.13.11.2017 filed on behalf of the present petitioners wherein it was brought to the notice of this Hon'ble Court that Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. It is pertinent to mention here that the very same person namely Sri Biswajit Mohanty who has filed affidavits in the above O.A. has also the petitioner no. 2 in the above Civil Appeal. But said fact was never brought on record by the applicant of the above O.A. The contents of the affidavit dtd.13.11.2017 may be treated as part of this application.

*Biswajit Mohanty*

6. That after the report of the Asian Nature Conservation Foundation was submitted, the same was considered. Vide order dtd.23.06.2020 this Hon'ble Tribunal directed the State respondents to place before the Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. Accordingly an action plan with specific timeline was prepared and placed before this Hon'ble Tribunal along with an affidavit dtd.10.08.2021. The contents of the affidavit dtd.10.08.2021 may be treated as part of this application.

7. That the above matter was taken up for hearing on 12.08.2021. In course of hearing it was submitted on behalf of the present petitioners that the report of Asian Nature Conservation Foundation suggest that most of the Corridors has no functional existence and most of the corridors are also not ecologically feasible. It was further submitted that as per the observations and recommendations made in the report of Asian Nature Conservation Foundation, the action plan was prepared. After the hearing was concluded, the Judgment was reserved. The Judgment was pronounced on 17.08.2021 directing the

*Final Order*  
*07.08.2021*

*Pradip Kumar Mohanty*  
Notary, Cuttack  
and P. O. Odisha

*Conservator of Forests*  
O/o the PCCF (WL) & CWL  
Odisha, Bhubaneswar

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State government to notify the elephant corridors in accordance with law and the same was available in the website on 18.08.2021.

8. That on perusal of the Judgment it reveals that none of the submissions of the present petitioners have been considered and the same contains some errors apparent on the face of it. Hence, this application.

Being aggrieved by the conclusions/ observations/ directions made in of the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ, the Review Petitioner begs to prefer this Review Petition on the following grounds amongst other:

Review Petition Only

**GROUND**

**ERROR APPARENT ON THE FACE OF THE RECORD:**

- A. For that, the conclusions/directions made in the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is an outcome of error apparent on the face of the record and in violation of the principles of natural justice.
- B. For that, the entire judgment does not reflect the submission of the Opp. Parties. Since the findings are arrived at without considering the submission of the Opp. Parties, the same is an error apparent on record.
- C. For that, though it was brought on record that the Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. While the same matter is pending before the Hon'ble Supreme Court at the instance of the person representing the applicant Society and the

Group  
For Leave  
07/05/2023

PRADYOTA KUMAR MOHANTY  
District Collector  
Naga No. 011-04/1995

Conservator of Forests  
O/o the PCCF (WL) & CWLV  
Odisha, Bhubaneswar

Hon'ble Supreme Court has invited suggestions, the entertainment of this Tribunal is an error apparent.

D. For that, this Hon'ble Tribunal vide order dtd.23.06.2020 directed the State respondents to place before this Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. This Hon'ble Tribunal while passing the impugned Judgment has not considered the action plan placed by the present petitioners.

E. For that, the direction to the present petitioner no.1 to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan is an error as the petitioner no. 1 has no authority to notify the elephant corridors.

F. For that, the observation of the Asian Nature Conservation Foundation (ANCF) in its report at paragraph 5.11 has not been considered by this Hon'ble Tribunal while passing the impugned Judgment. This Hon'ble Tribunal has not given any finding either accepting the recommendation or rejecting recommendation which is against the intent of the order dtd.23.06.2020 passed by this Hon'ble Tribunal.

G. For that, Asian Nature Conservation Foundation has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in the year 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, one new corridor namely, Hatibari corridor has been mentioned in their study, which is in addition to 14 corridors identified by the State Government. This corridor needs to be

Dr. J. K. Mishra

*Copy  
J.K. Mishra  
23/06/2023*

S. K. KUMAR MOHANTY  
Secretary, Cuttack town

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

identified and delineated in the field as sufficient details are not given by ANCF in the report.

H. For that, as per study by ANCF, 9 corridors out of identified 14 corridors have been rated as Poor/Very poor in terms of their functional existence. Similarly, for ecological feasibility, 3 corridors out of 14 identified corridors have been rated as Good and one corridor as Good, if mining is stopped. The rest are rated as not Good/Bad as far as ecological feasibility is concerned.

I. For that, as per direction of Hon'ble Tribunal in their Order dtd 26.03.2020, an action plan based on study of ANCF has been prepared and approved by State Government. This action plan is to be implemented in 3 years period which provides for a holistic approach towards protection and conservation of elephants in Odisha and to mitigate human elephant conflict. The strategy adopted in the action plan is based on following three points.

- (i) Need to secure elephant habitat.
- (ii) Providing connectivity to habitat.
- (iii) Securing movement path of smaller and scattered population.

Under point no. i, based on report of ANCF, area of two notified Elephant Reserves namely, Sambalpur ER and Mahanadi ER need to be increased to provide a secure habitat for elephants in Odisha. With this increase, about 75% of total population of elephants in the State and about 85% of total number assessed as per carrying capacity will get a secure habitat. As per action plan, already proposal has been formulated for the proposed increase in the area of two Elephant Reserves which is under consideration of Government.

PROJAY KUMAR MOHANTY  
Joint Secretary  
Forest Dept. Odisha, Bhubaneswar

Conservator of Forests  
O/o the PCCF (WL) & CWL  
Odisha, Bhubaneswar

Dr. M. S. Ranjan Das

For Copy  
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Under point no. ii, action plan has been formulated to provide connectivity to elephant habitats. Under this, as per action plan the distance between Mahanadi and Sambalpur Elephant Reserves will be reduced by way of expanding the area and the same will come down from present aerial distance for about 65 km to about 15 km.

Further, due to change in movement patterns of elephants it is difficult to fix the boundaries of elephant corridors in the landscape between two expanded Elephant Reserves. Therefore, entire landscape between two expanded Elephant Reserves will be treated as movement area. As suggested by ANCF report this area would be made wildlife friendly and for this purpose about 10 action points have been identified. Based on these action points some actions have already been initiated. This aspect has not taken into consideration in the impugned Judgment.

*Dr. Subenjan Das*

J. For that, the actions initiated basing on the action points mentioned above are highlighted as below:

(i) Habitat enrichment activities by planting forest plants and water source augmentation have been initiated.

(ii) As identified by ANCF report, distribution canals of Manjore Dam are obstacles for movement of elephants in the areas between Mahanadi and Sambalpur Elephant Reserves. So, three crossing points have been identified on these canals and fund have been placed with Water Resources Department to construct overpass for elephants.

(iii) ANCF report has also identified roads as potential barriers for elephant movement. So, crossing points of the elephants on roads have been identified and provision of under / over pass is included in the Site Specific Wildlife Conservation Plan and NH authorities have been asked to construct the same. Besides this, out of identified points on SH - 62, Works Department was asked to submit estimate for one such point and the same

*7/5/22*  
*Pone (Cep)*  
*05/05/22*

RECEIVED  
BUREAU OF WILDLIFE  
GOVT. OF ODISHA  
10/05/2022

*[Signature]*  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

has been received which is under field verification by RCCF, Angul. Similarly, Railway Authorities have also been asked to submit estimate for under pass construction in the identified crossing points and the same is awaited.

(iv) Voluntary village relocation scheme of the State has been amended to include areas connecting wildlife habitats in addition to protected areas. This provision will be utilized to undertake voluntary village relocation from elephant movement areas to reduce human pressure.

(v) Scheme for maintaining wildlife friendly land use by the villagers in these areas is under preparation by RCCF, Angul and Sambalpur.

(vi) Alternate livelihood like providing agricultural implements, flour mills, rice puffer machines etc. are being promoted in these areas to reduce dependence of forest fringe villagers on neighbouring forest resources.

(vii) Other measures like awareness of stakeholders, elephant proof trench, solar power fence, open well guards etc. are being done to save the life of elephants and other wild animals and to reduce human wildlife conflict.

K. For that, the ANCF study report has found that area of the Mayurbhanj elephant Reserve is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj Elephant reserve and the two other Elephant reserves is not established. Further, a study conducted by Palei et al (2019) titled as "Elephant Movement and its Impacts" throws light on movement patterns of elephants in the area including interstate movements based on 15 years data from 1997 to 2014. These movement patterns over about 15 years show that the movements are not fully covered

D. W. B. Roychowdhury

Singh  
For Copy  
27/05/23

DEPUTY COMMISSIONER  
NORTH DIVISION  
Bhubaneswar

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

by identified corridors and there are much larger places of entry and exit. Hence restricting the measures to be taken to these identified corridors may not suffice. Proposal to conduct a study to ascertain exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them is under active consideration of Government.

L. For that, as per Order dated 18.02.2020 of Hon'ble NGT in O.A. No. 2/2019 and 3/2019 already the process for declaring the movement area between Hadgarh sanctuary and Kuldiha sanctuary within Mayurbhanj Elephant Reserve as Conservation Reserve have been initiated.

M. For that, as regards Point No. iii of Para (I), to monitor the movement of smaller and scattered population, Circle Level Committees under the Chairmanship of Chief Wildlife Warden has been constituted after due approval of State Government. These Committees will review the movement of scattered population twice a year and will take necessary steps for ensuring their safety and security.

N. For that, it is also pertinent to mention that Government of India in Ministry of Environment, Forests & Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 has constituted a committee to identify and conduct the ground truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the action plan, these corridors as identified by wildlife Trust of India are not the same as identified by the State Government but have few commonalities.

O. For that, the ANCF report has also mentioned under item No. 5.11 which is quoted below:

File (2021)  
070523

GOVERNMENT OF ODISHA  
BUREAU OF WILDLIFE  
Bhubaneswar

Conservator of Forests  
Of the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

D. N. K. K. K. K. K.



*"The Wildlife Managers should understand the feasibility and ecological viability of elephant corridor before notification as otherwise serious mistake could be made in a designated nonexistent corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors".*

P. For that, in view of the action plan and steps initiated it is expected that movement areas/paths of elephants will be secured and conservation of elephants will be further strengthened and need to notify the identified 14 corridors will not be there.

15. That in view of the submissions made in the aforementioned paras, unless the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is reviewed and the petitioners are allowed to implement the Action Plan in the proposed 3 years period and further directed completion of study of Govt. of India before taking any final decision on notification of elephant corridors, the Review Petitioner, will suffer irreparable loss and injury.

Dr. N. C. Panigrahi

#### LIMITATION

The present Review Application is under Section 19(4)(f) of the National Green Tribunal Act, 2010 read with Rule 22 of the National Green Tribunal (Practices and Procedure) Rules, 2010. The Review Petitioner obtained the Certified Copy of the Judgment dtd.17.08.2021 on 18.08.2021. Therefore, the present Review Petition is within the limitation period.

#### INTERIM RELIEF

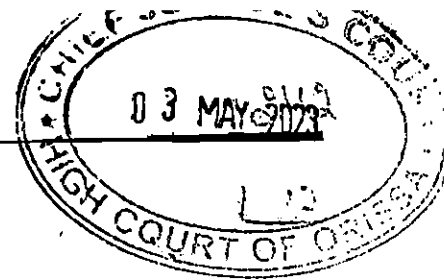
This Hon'ble Tribunal may be pleased to pass an interim Order of stay, staying the operation of the impugned Judgment dtd. 17.08.2021 under Annexure-A/1 till disposal of the present Review Petition.

*Suby*  
*Forw Comd*  
*05.05.23*

*[Signature]*  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

175

18



**PRAYER**

in the circumstances stated above, it is, therefore, humbly prayed that the Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ may kindly be reviewed;

And allow this Review Application;

And pass such other Order / Orders, as this learned Tribunal may deem fit and proper;

And for this act of kindness the Review Petitioner as in duty bound shall ever pray.

Place: Cuttack

Dtd.16.09.2021

**ADVOCATE**

For the Review Petitioner

**VERIFICATION**

I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o-Principal Chief Conservator of Forests, (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby verify that the contents of Paragraphs - 1 to 15 as well as Grounds-A to P believed to be true on material of records and that I have not suppressed any material fact.

*Bikash Ranjan Dash*  
**VERIFICANT**

*For Copy*  
*07/09/21*

DR. JYOTI KUMAR MOHANTY  
Vakil Cuttack town  
REGD NO. 520/04/1095

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

## AFFIDAVIT

I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o- Principal Chief Conservator of Forests. (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby solemnly affirm state as follows:

1. That, I am duly authorized by the Review Petitioner nos. 1 to 3 to sworn in this affidavit and I am acquainted with the facts of the case;
2. That, the facts stated above are true to the best of my knowledge and belief.

Identified by

Advocate

Dtd. 16.09.2021

DEPONENT

Certified that Cartridge papers are not available.



ADVOCATE

Solemnly Sworn before  
me by \_\_\_\_\_ Dash  
Being identified by \_\_\_\_\_, Advocate  
at Cuttack Town Dated \_\_\_\_\_ 2021

P.K. Mohanty, Notary, Cuttack Town,  
Paga No. 49/401795

Conservator of Forests  
O/o the PCCE (WL) & CWLW  
Odisha, Bhubaneswar

Tone 6pm  
020523

**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 &amp; 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

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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.

Done 19/11/23  
020527

8. List on 06.04.2023.

.....  
B. Amit Sthalekar, JM

.....  
Prof. A. Senthil Vel, EM

March 14, 2023  
Execution Application No.03/2022/EZ  
In  
Original Application No.129/2016/EZ  
MN

Final Copy  
02/05/2023

BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA.

Execution Application No. 3/2022/EZ  
(Arising out of O. A. No.129/2016/EZ disposed of on 17.08.2021)

WILDLIFF SOCIETY OF ORISSA                      APPLICANT (S)

VERSUS

STATE OF ODISHA & OTHERS                      RESPONDENT(S)

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| 1. | SHOW CAUSE AFFIDAVIT FILED BY THE<br>RESPONDENT NO.4 ON THE ORDER<br>DATED 14.03.2023. | 1-8 |
| 2. | Annexure-A/2<br>Copy of receipt showing<br>Filing of Review petition.                  | -9- |

CUTPACK  
DT.5.4.2023

*T. S. S. S.*  
ADDL.GOV.T.ADVOCATE

*For Comp*  
*02.05.23*



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

**Execution Application No. 3/2022/EZ**  
(Arising out of O. A. No. 129/2016/EZ disposed of on 17.08.2021)

**WILDLIFE SOCIETY OF ORISSA                      APPLICANT(S)**  
**VERSUS**

**STATE OF ODISHA & OTHERS                      RESPONDENT(S)**

**SHOW CAUSE AFFIDAVIT FILED BY THE RESPONDENT**  
**NO.4 ON THE ORDER DATED 14.03.2023.**

I, Shri Sushil Kumar Popli, aged about 59 years, S/o Late Bhim Sen Popli, at present serving as the Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha. At.- Prakruti Bhawan, Sahced Nagar, P.O. -- Sahced Nagar, Bhubaneswar, Dist.- Khurda, do hereby solemnly affirm and state as follows;

1. That, I am the Respondent no. 4 in the present case and serving as Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha since dated 31.08.2022 Afternoon.
2. That the Petitioner in O.A. No. 129/2016/EZ has filed the above mentioned Execution Application on non-implementation of Order dated 17.08.2021 of this Hon'ble Tribunal passed in O.A. no. 129/2016/EZ.
3. That the Hon'ble Tribunal in their Order dated 14.03.2023 in the above mentioned Execution Application have directed the Respondent

17/05/2023  
AMBICA PRASAD RAY  
NOTARY CUTTACK TOWN  
REGD. NO-ON-55/2006

*Sushil Kumar Popli*  
**True Copy**  
**07/05/23**



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 be taken against him under Section 26 of the National Green Tribunal Act, 2010.

4. That it is humbly submitted that this Respondent has all due regards to the orders of the Hon'ble Tribunal and has no intention for non-compliance of the said orders.

5. That the following facts are submitted for kind perusal of the Hon'ble Tribunal.

a) That vide order dtd. 23.06.2020, this Hon'ble Tribunal directed the State respondents to place before the Hon'ble Tribunal, an action plan with specific time lines if not already prepared, within a period of two months from hence in accordance with observations and recommendations made in the report submitted by the ANCF (Asian Nature Conservation Foundation). Subsequently, this Hon'ble Tribunal was pleased to extend further time for submission of report.

b) Accordingly, an action plan with a time line of 3 years was prepared and placed before this Hon'ble Tribunal along with an affidavit dtd. 10.08.2021. In the said Action Plan, it has been submitted that the report of ANCF indicates that most of the corridors have no functional existence and most of the corridors are also not ecologically feasible; further that the

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INDIA PLEAD RAY  
CITY CANTON TOWN  
SAC. MO-ON-56/2000

present use of one corridor namely, Karo-Karampada corridor by the elephants seems to be doubtful for which further investigations are needed; and thus, further study is required before notifying the corridors.

c) That in the Order dated 17.08.2021 passed in O. A. No. 129/2016/EZ, this Hon'ble Tribunal have issued directions to State Government to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan within a period of two months.

d) That, on perusal of the said Order dated 17.08.2021 it reveals that none of the submissions of the present petitioner made in affidavit dated 10.08.2021 have been considered and the same contains some error apparent on the face of it for the following grounds:

i) That, ANCF has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in the year 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, one new corridor namely, Hatibari corridor has been mentioned in their study, which is in addition to 14 corridors identified by the State Government. This corridor needs to be identified and delineated in the

*Sanjiv Kumar Rale*

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*020523*

*AKSHAY K. RAO*  
NOTARY PUBLIC, TACK TOWN  
REGD. NO. - 24/36/2003

field as sufficient details are not given by ANCF in the report.

- ii) For that, as per study by ANCF, 9 corridors out of identified 14 corridors have been rated as Poor/ Very poor in terms of their functional existence. Similarly for ecological feasibility, only 3 corridors out of 14 identified corridors have been rated as Good and one corridor can be said to be Good, if mining is stopped. The rest are rated as not Good/ Bad as far as ecological feasibility is concerned.
- iii) That, as per direction of Hon'ble Tribunal in their Order dtd 23.06.2020, an action plan based on study of ANCF has been prepared and approved by State government. This action plan is to be implemented in 3 years period which provides for a holistic approach towards protection and conservation of elephants in Odisha and to mitigate human elephant conflict. The strategy adopted in the action plan is based on three points viz., Need to secure elephant habitat, Providing connectivity to habitat and Securing movement path of smaller and scattered population. Based on report of ANCF, area of two notified Elephant Reserves namely, Sambalpur ER and Mahanadi ER need to be increased to provide a secure habitat for elephants in Odisha. With this increase, about 75% of total population of elephants in the State and about 85% of

*Santhi Kumar Singh*

*True Copy*  
*020527*

AMBIKA PRASAD RAY  
NOTARY PUBLIC FOR TOWN  
REGD. NO. 101/2012

total number assessed as per carrying capacity will get a secure habitat. As per action plan, already proposal has been formulated for the proposed increase in the area of two Elephant Reserves which is under consideration of Government. Once done with, it will provide better connectivity between the Elephant Reserves as distance between them will reduce consequent to increase in area of the Elephant Reserves.

- iv) Further that, due to change in movement patterns of elephants it is difficult to fix the boundaries of elephant corridors in the landscape between two proposed extended Elephant Reserves. However, entire landscape between the two expanded Elephant Reserves will act as movement area serving the purpose of corridor.
- v) That, the ANCF study report has found that area of the Mayurbhanj Elephant Reserve is adequate to support the present elephant population. In the report, movement of elephants between Mayurbhanj ER and the two other Elephant Reserves is not established. Further, a study conducted by Palei et al (2019) titled as "Elephant Movement and its Impacts" throws light on movement patterns of elephants in the area including interstate movements based on 15 years data from 1997 to 2014. These movement patterns over

*Amika Prasad Pan*

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*02/05/23*

*Amika Prasad Pan*  
AMBIKA PRASAD PAN  
NOTARY CUTTACK TOWN  
REGD. NO.-ON-5612023

about 15 years show that the movements are not fully covered by identified corridors and there are much larger places of entry and exit. Hence restricting the measures to be taken on these identified corridors may not suffice. Hence, a study to ascertain exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them has been proposed.

- vi) That, it is pertinent to mention that Government of India in Ministry of Environment, Forests & Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 has constituted a committee to identify and conduct the ground truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the action plan, these corridors as identified by Wildlife Trust of India are not the same as identified by the State Government but have few commonalities.
- vii) That, the ANCF report has also mentioned under item No. 5.11 which is quoted below.

*"The wildlife Managers should understand the feasibility and ecological viability of elephant corridors before notification as otherwise serious mistake could be made in a designated nonexistent corridor. Each corridor needs a proper study to*

*Amal Kumar*

*For Legat*  
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*AR*  
AMBICA PRASAD RAY  
NOTARY CUTTACK TOWN  
REGD. NO. OW-582600

*demarcate the elephant movement paths for proper notification of corridors."*

- e) That thus, it is humbly brought to the kind notice of the Hon'ble Tribunal that an application for review of the above order dated 17.08.2021 has been filed before the Hon'ble Tribunal on dated 16.09.2021 for kind consideration including prayer for detailed study before taking any decision on notification of elephant corridors vis-à-vis implementation of the said Action Plan within a timeline of three years.
- f) That the online receipt generated after filing the aforesaid review application is annexed as ANNEXURE-A/2 for kind perusal of the Hon'ble Tribunal. It is deeply regretted that the said review application, copy of which has already been filed as Annexure A/1 in the affidavit dated 14.03.2023, is not on record of the Hon'ble Tribunal. However, it has been ascertained that while filing online, the Review Application has been put in the folder of "other documents" for which the review could not have been numbered even.
- g) That it is respectfully submitted that the deponent/opp.party wants to pursue the review petition, already filed, by correcting the procedural error, committed during the filing.

6. That in view of the submissions including facts and circumstances mentioned herein above, it is humbly prayed before the Hon'ble Tribunal to kindly consider this show cause reply

*Sub. D. H. H. H.*

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APPL. A. 1. 17.08.2021  
RDM - 100 TACK TOWN  
REGD. NO. 011-5812004

sympathetically and the proposed action against this humble Respondent No. 4 for non-implementation of Hon'ble Tribunal's order may kindly be reconsidered.

7. That, the facts stated above are true to the best of my knowledge and belief and based on records.

Identified By  
*Jayme Jaya Kataria*  
 Advocate

*Sudil Kumar Popli*  
 DEPONENT 05/04/2023

CERTIFICATE

Certified that due to non-availability of catridge papers, the instant affidavit has been typed on thick white papers.

CUTTACK

DT. 04.2023

*T. Kataria*  
 ADDL GOVT. ADVOCATE




*Sudil Kumar Popli*  
 The above named deponent, being identified by *Jayme Jaya Kataria*, a solemnly sworn and before me to the contents of *Shree Cause No. 4 of 2023* are true to the knowledge and belief of the undersigned.  
 05/04/23  
**ANBIKA PRASAD RAY**  
 NOTARY, CUTTACK TOWN  
 Regu. No. ON-56/2004

*For Copy*  
*05/04/23*

-9-

Principal Chief Conservator of Forests

Annexure-A/2

  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

From Capt  
020527



190.

ANNEXURE - 10

Item No.05

Court No.1

**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

Versus

Applicant(s)

State of Odisha & Ors.

Respondent(s)

Date of hearing: 06.04.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE, DR. AFROZ AHMAD, 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 is present (in Virtual Mode) for the Applicant.
2. Affidavit dated 05.04.2023 has been filed by the Respondent No.4, The Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha: same is taken on record.
3. In this affidavit dated 05.04.2023, all sorts of difficulties have been mentioned. In Paragraph-VII, it is mentioned that "Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors."
4. The Original Application was filed in 2016 and final orders were passed on 17.08.2021. We are surprised that even after passage of two and a half years the State Government has not been able to notify the elephant corridors under section 3 of the Environmental Protection Act.

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5. We grant the State Respondents one month's time and no more to notify the elephant corridors otherwise the concerned authorities shall be liable under section 26 of the National Green Tribunal Act.
6. List on 09.05.2023.

.....  
B. Amit Sthalekar, JM

.....  
Dr. Afroz Ahmad, EM

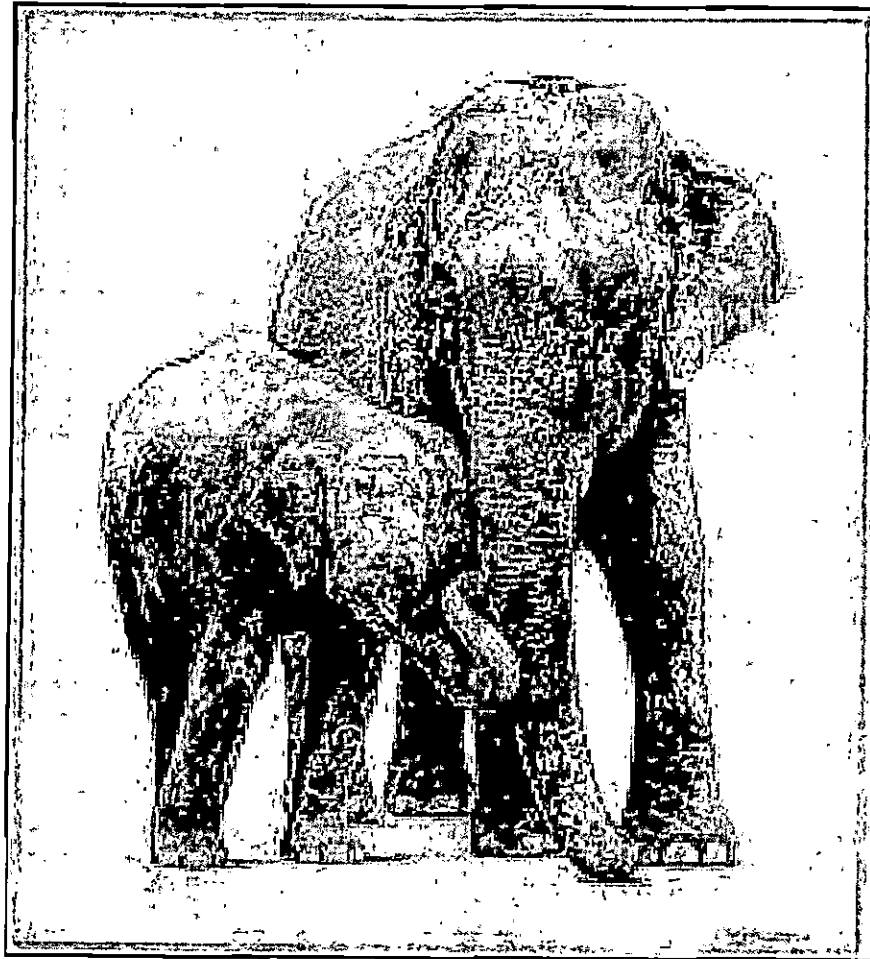
April 06, 2023  
Execution Application No.03/2022/EZ  
In  
Original Application No.129/2016/EZ  
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ANNEXURE-11

**COMPREHENSIVE ACTION PLAN FOR CONSERVATION OF  
ELEPHANTS & MITIGATION OF HUMAN-ELEPHANT  
CONFLICT IN ODISHA**



**EXECUTIVE SUMMARY & ACTION POINTS**

Submitted by

**THE JOINT TASK FORCE FOR THE PROTECTION OF  
WILDLIFE INCLUDING ELEPHANTS IN THE STATE.  
GOVT. OF ODISHA**

17.01.2023

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*17.01.2023*

## Preface

This document contains the Executive summary of the Comprehensive Action Plan (CAP) for conservation of elephants & mitigation of human-elephant conflict in Odisha prepared by the Joint Task Force (JTF) constituted on 13.09.2022 vide No. FE-WL-CASE-0009-2022/16368/FE & CC pursuant to the Order dated 08.08.2022 and Order dated 25.08.2022 of the Hon'ble High Court of Orissa passed in W.P.(C) PIL No. 14706 of 2022 (Gita Rout vrs. State of Odisha and Others).

As per the directions of the Hon'ble Court vide its order dated 25.08.2022, and re-iterated vide Order dated 15.11.2022, this Comprehensive Action Plan (CAP) was prepared.

The drafting of the CAP was done by the following team of official and co-opted members:

a)	Chief Conservator of Forests (Wildlife) O/O PCCF (Wildlife)	Chairman
b)	One Deputy Conservator of Forests, two Asst. Conservator of Forests, three Forest Rangers from FE & CC Department	Members
c)	One SP/Addl. SP, two Inspectors of Police, three Sub-Inspectors of Police on deputation	Members
d)	Prof. Raman Sukumar, Asian Nature Conservation Foundation	Co-opted Member (Wildlife Expert)
e)	Sri Jitasatru Mohanty, IFS(Retd.), Save Elephant, Foundation Trust	Co-opted Member (Wildlife Expert)
f)	Dr. Prajna Panda, National Coordinator, Elephant Cell, Project Elephant, MoEF & CC	Co-opted Member (Wildlife Expert)
g)	Sri Aditya Chandra Panda, Honorary Wildlife Warden, Angul District	Member (engaged voluntarily on wildlife issues)
h)	Sri Lalit Mohan Sahu, Honorary Wildlife Warden. Deogarh District	Member (engaged voluntarily on wildlife issues)

The Executive Summary and the Summary of the Action Points under 10-pillar strategy is elaborated herein. The detailed CAP with running text, maps and Annexures are under preparation gives an elaborate treatment of the above Summary.

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2	Inter-departmental co-ordination	2	1	22	18
3	Protection, enforcement and prosecution	2	4	36	24
4	Elephant habitat, corridors and connectivity	4	2	14	31
5	People's participation, education & awareness	1	0	16	35
6	Habitat management for increased productivity	8	4	6	38
7	Human resource management & capacity building	0	1	20	42
8	Wildlife health management and disease control	0	0	8	46
9	Research & application of technology	0	4	15	47
10	Monitoring	0	1	4	50
	Total	17	19	158	51

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195

**IV. ELEPHANT HABITAT, CORRIDORS AND CONNECTIVITY**  
(20 Action Points, LT-4, MT-2, ST-14)

Sl. No.	Recommended activity	Timeline/ Periodicity	Nodal agency
<b>A. Rationalizing and securing Elephant Habitats</b>			
1	<p>Adopt a zonation approach of the state based on habitat quality and viability, elephant use and movement, spatial configuration of forest fragments and corridors, human population, developmental imperatives, pattern and degree of human-elephant conflict.</p> <p><b>Zone 1: Elephant Conservation Zone</b></p> <p><b>Zone 2: Elephant-human Co-existence Zone</b></p> <p><b>Zone 3: Conflict mitigation Zone</b></p> <p><b>Zone 4: Elephant Removal (or Exclusion) Zone</b></p> <p>A draft list of divisions/ranges in each zone have been listed and has to be fine-tuned after due ground truthing and finalisation of corridor study. Meanwhile indicative management action points can be initiated forthwith as suggested.</p>	Within 1-2 years	WLHQ
<b>B. Connectivity between habitats</b>			
3	<p>Each division should have a Connectivity Map where wildlife crossing points and crucial cross-over sites between forest patches are mapped and earmarked for mitigation. Wherever linear infrastructure projects (railways, roads, canals, slurry and water pipelines etc) have fragmented habitats, mitigation measures have to be provided. This will also include overhead electric lines.</p> <p>All new linear infrastructure projects will necessarily incorporate a animal passage plan.</p>	<p>To be completed within one year</p> <p>Provision exists but must be enforced.</p>	<p>DFO</p> <p>User Agency/DFO</p>

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4	Ensure compliance of all stipulated points as mentioned in the SSWLPs, for those projects in place and currently operational. DFO to verify and report to RCCF who then will report to the WLHQ.	Can be started immediately and completed within a year.	DFO/RCCF
5	Provision for pre-project consultation to be done to factor in appropriate mitigation plans/alternative alignments etc in case of major infrastructure projects, especially linear infrastructure to avoid 'fait accompli' situations	Within six months	Nodal Wing of FHQ/WLHQ, DFO
6	In highways in mining districts, parking of trucks in vulnerable elephant crossing areas during night time hampers smooth crossing of elephants. Such spots should be designated as no-parking zones and signages erected to that effect.	Within 3 months	DFO/RCCF
7	Ensure completion of ongoing Overpass construction on the three crossing points identified by the State Forest Department on the distribution canal of Manjore dam for movement of elephants between Mahanadi and Sambalpur Elephant Reserves.	Immediately	DFO Athamalik, Angul RRB Division
8	Provision of underpasses/overpasses to be made in the Site-Specific Wildlife Conservation Plans on the crossing points that pose as a barrier for movement of elephants in all developmental projects involving linear infrastructure.	Ongoing  To be saturated within 5-10 years	NHAI, Railways, SFDs / Irrigation Dept
<b>Identification and protection of elephant corridors</b>			
9	Commissioning of at least a year-long (1-2 years) study covering all seasons by a national institution to assess the functionality and feasibility of the 14 identified elephant corridors and the additional corridors mentioned in the ANCF report of 2018.	Within six months  To be completed within 1-2 years	State Govt. / WLHQ  <i>True copy</i> <i>070523</i>

10	Proposal for notification of Hadgarh-Kuldiha Elephant Corridor as a Conservation Reserve to be expedited.	Immediately	State Govt., MoEF & CC
11	Once identified, each corridor should have a Corridor Management Plan to chalk out and implement interventions. The same agency who has carried out the study can be given the responsibility or can be part of the original ToR.	Within one year of identification of corridors.	RCCF / DFOs
<b>Spreading of awareness among stakeholders in elephant corridor areas</b>			
12	Awareness programs should be carried out for various stakeholders to create awareness and garner public support. Details given in Chapter V.	Ongoing Periodically	Division
13	Signages on elephant corridors should be erected after identification of elephant corridors.	Within 1 year	DFO
14	Involving children from schools and colleges located in the fringe villages in awareness activities	Ongoing Every 3-6 months	DFO, Civil Society Organisations
<b>Removal of encroachment in corridors &amp; consolidation</b>			
15	Illegal settlements/land-use in elephant corridor areas to be identified and removed. Wildlife-friendly land-use to be promoted in case of private lands.	To be initiated soon where evident.  Long Term	DFO/RCCF
16	Land purchase wherever feasible. Voluntary relocation of people to whom rights/individual titles have been granted under FRA, 2006.	To be initiated once corridor study completed  To go on for 10-15 years	CAMPA funds of MoEF&CC
<b>Regular monitoring of elephant corridors</b>			
17	Involve local people in monitoring of use of elephant corridors.	Immediately	SFD and local community

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07/05/23



18	Road/rail traffic passing through elephant corridors should be regulated, especially at night.	Ongoing  In identified stretches	SFD and NHAI and Railways
<b>Inter-state consultative meetings</b>			
19	State level consultative meetings should be organized to discuss issues pertaining to movement of elephants across inter-state elephant corridors.	Ongoing  Yearly	SFDs of Odisha, West Bengal, Jharkhand, Andhra Pradesh, Chhattisgarh
<b>Work closely with other agencies</b>			
20	Work with NTCA to identify elephant corridors that overlap with tiger corridors to jointly secure these corridors	Within 1 year  Secure within 5-10 years	WLHQ and NTCA

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V. PEOPLE'S PARTICIPATION, EDUCATION & AWARENESS  
(17 Action Points, LT-1, ST-16)

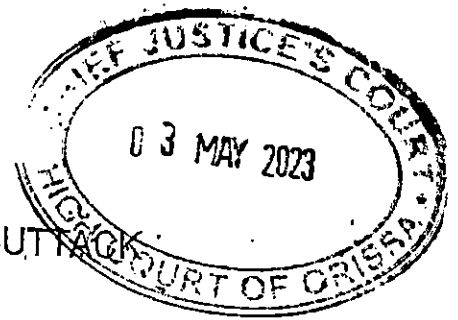
SI No	Recommended Activity	Time Line/ Periodicity	Nodal Agency/ Level within the Forest department
1	A Core Committee to enhance people's participation in wildlife conservation to be formed in every division consisting of Honorary Wildlife Warden, NGOs, PRI Members, EDC & VSS members, Local influential people, Local MLAs & MP.	Within 3 Months  Bimonthly (Once every 6 months)	DFO  Minutes of meetings to be sent through RCCF to the WLHQ
2	Framing of precautionary measures (Do's & Don'ts) to be adopted by local people during incursion of elephants into villages/ Crop Fields and to be widely circulated among the community for awareness in vulnerable areas. A list of indicative Do's & Don'ts is depicted in the poster appended in the relevant Chapter.	Ongoing	RCCF/ DFO
3	For spreading such awareness campaigns, vernacular language to be used in both audio- and audio-visual mode involving local villages, PRI members, VSS & EDC members. Gaja Sathi volunteers shall spear-head this activity.	Ongoing  Monthly	Forest Guard & Forester in each range to be supervised by DFO
4	Conduct formal meetings emphasizing attempt to achieve 'zero accidental death of elephant and human beings' in conflict prone ranges.	Ongoing  Quarterly	Forest Guard, Forester, RO & DFO
5	Film shows: short duration film should be prepared narrating need for protection and conservation of elephant along with mitigation methods of human-elephant conflict and be screened in vulnerable villages frequently.	Ongoing  Periodically	RCCF/DFO  <i>Free Copy</i> <i>020523</i>

200

6	Rural Folk song / Religious song / Street plays – <i>Daskhatia, Palla, Gotipuanacha</i> etc should be exhibited emphasizing on the concept of aforesaid theme in problematic villages.	Ongoing in many divisions. To be replicated in others. Within 2-3 months  Once in a fortnight during crop depredation season.	Division/Range/Section  Forest Guard & Forester
7	Awareness Campaign by social media – To be used in peri-urban, urban and other areas having internet penetration.	Ongoing  Regularly	HQ/RCCF/DFO/RO
8	Poster / Signage / wall painting – This should be done at places of people's congregation within villages.	Ongoing	DFO/RO
9	Radio and T.V Shows- Awareness campaigns / Alerts should be made in AIR and popular electronic media preferably local channels.	Ongoing  Regularly	DFO
10	Brand Ambassadors – Celebrities from film industry / cricket & other sports / athletes should be involved to spread the message for protection of elephants in electronic media for better impact and larger outreach.	Within 6 months	RCCF/DFO
11	Professional agencies should be hired to prepare films, signages, posters, wall paintings etc for successful campaigns.	Within 6 months to one year	RCCF/DFO
12	DFOs to prepare a panel of NGOs/ NGIs to help them execute such activities	Within 6 months	DFO/RO
13	A volunteer group of villagers to be formed in villages acutely affected by Human-Elephant conflict. This should be spear-headed by <i>Gaja Sathis</i> .  Roping in community / individuals to participate in the <i>Jan Surakhya Gaj Rakhya</i> scheme	Within six months – one year	Forest Guard, Forester & ROs  <i>Free Copy</i> <i>07/09/2019</i>

14	<i>Mo Jungle-Mo Parivesh</i> : The district administration should take up massive awareness programs on wildlife conservation in schools and colleges	Within one year	District Administration
15	Document all good practices and successful case studies in human-elephant conflict mitigation and replicate them in other divisions. A compilation of these should find a place in the Annual Report of the State Wildlife HQ.	Ongoing but to be strengthened to enable completion of an exhaustive repository.	DFO / RCCF / WLHQ
16	Promote/Incentivise toilets to be built in all households under 'Swachh Bharat' programme, especially in areas frequented by elephants to sensitize people to use their toilets instead of going to the fields to attend call of nature.	To be pursued in 2-6 months in pilot areas.	WLHQ/DFOs
17	Use of innovative eco-tourism practices to watch and photograph elephants may be tried at a pilot level to aid income generation among local villagers and also foster a sense of ownership among them.	Within 2-10 years	Local people / Tourism Dept / DFO

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IN THE HIGH COURT OF ODISHA: CUTTACK

K/P(C) No. 14052 OF 2023.

State of Orissa & Ors

Appellant/Petitioners

-Versus-

Wildlife Society of Orissa & Ors  
Respondent/Opp. Parties

APPEARANCE MEMO

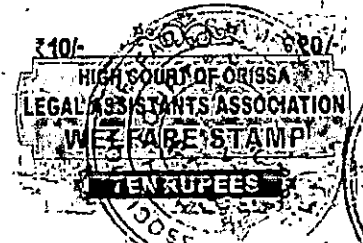
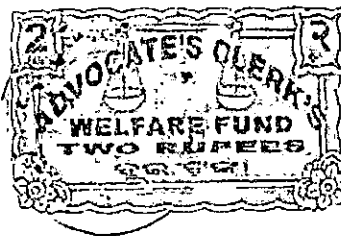
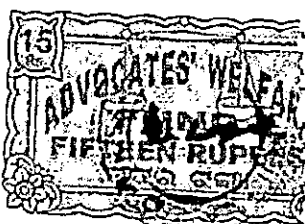
I hereby enter appearance in the above noted case on behalf of  
the petitioners/Appellant.

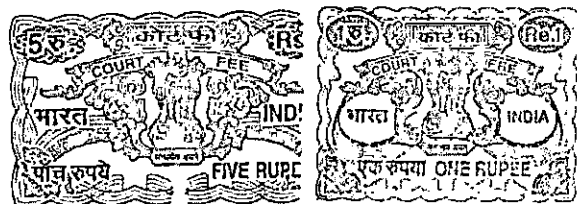
CUTTACK

Dt. 2/05/23

Addl. Govt. Advocate/  
Addl Standing Counsel  
T.ARU

TARUN PATNAIK  
EN.NO-0-563/2013  
102-641748/427





**IN THE HIGH COURT OF ORISSA: CUTTACK**

**I.A. No. 6544 OF 2023**

(ARISING OUT OF W.P.(C) NO. 14057 OF 2023)

IN THE MATTER OF:

An application under Rule-27(a), Chapter-VI  
of the Rules of the High Court of Orissa, 1948  
read with Sec. 151 of the CPC. ;

AND i.

IN THE MATTER OF:

An application for stay of the order dated  
06.04.2023 passed by the Hon'ble National  
Green Tribunal in Execution Application  
No.03/2022/EZ (arising out of Original  
Application No.129/2016/EZ);

IN THE MATTER OF:

State of Odisha & Ors.

.....PETITIONERS

-VERSUS-

Wildlife Society of Orissa  
(Elephant Corridors) & Anr.

.....OPP. PARTIES

To

The Hon'ble Chief Justice of the Hon'ble High Court of  
Orissa and His Lordship's Companion Justices of the  
said Hon'ble Court.

*By*  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1998

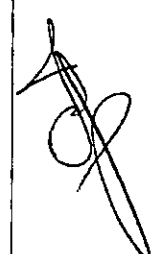
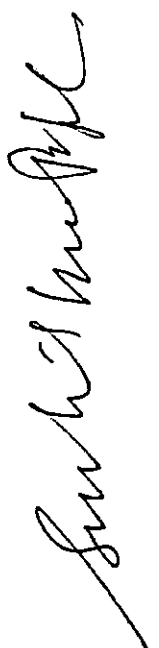
THE HUMBLE PETITION OF THE  
PETITIONERS NAMED ABOVE

**MOST RESPECTFULLY SHEWETH:**

1. That, the Petitioners by way of the accompanying Writ Petition seeks to assail the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) wherein a direction has been given to the Petitioners herein to notify elephants corridors in the State of Odisha within a month from the date of the order and if the same is not complied, action will be initiated under section 26 of National Green Tribunal Act, 2010.

2. That the Petitioners have a strong prima facie case and the balance of convenience lies heavily in its favour and also there is every likelihood of the Writ Petition being ultimately allowed in favour of the Petitioners.

3. That the averments made in the accompanying Writ Petition may kindly be read and treated as an integral part and parcel of the present interim

  
  
PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

application for the purpose of proper and better appreciation and adjudication of the present interim application.

4. That, under the aforesaid facts and circumstances, unless an appropriate Order/Direction is issued/passed by this Hon'ble Court, staying the operation of the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) till final disposal of the writ petition, the Petitioners shall be highly prejudiced and shall suffer irreparable loss and irreparable injuries.

5. That, hence in the interest of justice, equity and fair play, this Hon'ble Court may kindly direct an appropriate Order/Direction, thereby staying the operation of the impugned the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) till final disposal of the writ petition.

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-01/1995



**P R A Y E R**

Under aforesaid facts and circumstances, it is humbly and most respectfully prayed that this Hon'ble Court may graciously be pleased to pass an appropriate Order to stay the Execution Proceedings arising out of the pending Execution Application No.03/2022/EZ;


And, pass an order staying the operation of the impugned the order dated 06.04.2023 (Annexure-10 of the Writ Petition) passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) till final disposal of the writ petition;


And for this act of kindness of this Hon'ble Court, the Petitioners shall, as in duty bound, ever pray.

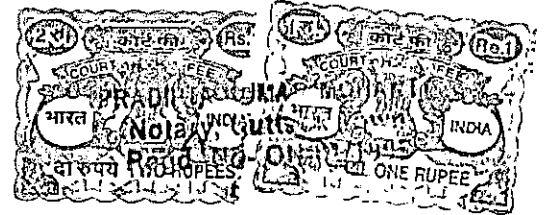
By the Petitioners through

CUTTACK

DATE: 02.05.2023

  
ADDL. STANDING COUNSEL  
(**TARUN PATNAIK**)  
ENRL. NO.O-663/2013,  
MOB NO.8447484424.

  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-04/1995

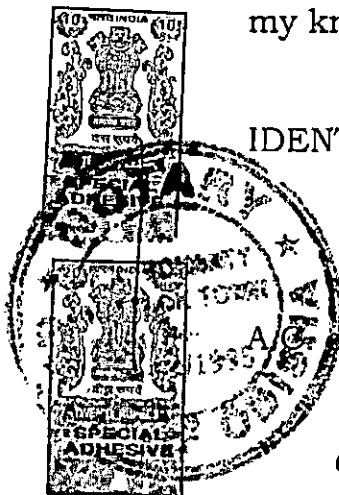


### AFFIDAVIT

I, Sri Sushil Kumar Popli, aged about 59 years,  
S/o- Late Bhim Sen Popli, at present working as  
Principal Chief Conservator of Forests, Wildlife and  
Chief Wildlife Warden, Odisha, do hereby solemnly  
affirm and state as follows:

1. That, I am the Petitioner No.4 in the present case. I  
have been duly authorized by the Petitioner No.1, 2 and  
3 to swear this affidavit on their behalf.
2. That, the facts stated above are true to the best of  
my knowledge and belief.

IDENTIFIED BY:



*Moham Behera*

of A.G.'s Office

*Sushil Kumar Popli*

DEPONENT

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

### CERTIFICATE

Certified that due to non-availability of cartridge  
papers, the white, thick and durable have been used.

CUTTACK

DATE: 02.05.2023

ADDL. STANDING COUNSEL

Solemnly sworn before

me by.....S.K. Popli

being identified by.....M. Behera, A.C. A.G.'s Office

at Cuttack Town (Dated) 02/05/2023

02/05/2023

P.K. Mohanty, B.A., B.L., B.P., B.A., B.L., B.P.

Regd No-ON 04/1995



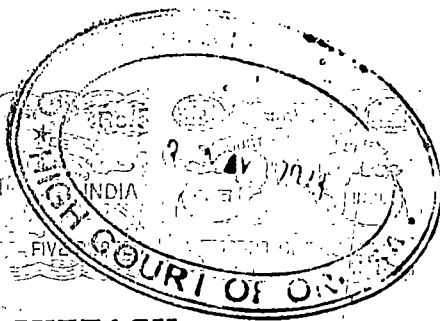
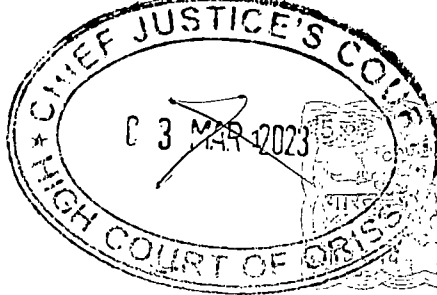
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High Court of Orissa

**Acknowledgement**

CNR No. : ODHC010340102023  
IA No. : IA/6581/2023  
Filing No. : WP(C)/14057/2023  
Registration No. : WP(C)/14057/2023  
Party Applying Name : STATE OF ODISHA(MP)  
Advocate Name : TARUN PATNAIK,A.S.C  
Party Against Name : SECRETARY, FOREST AND ENVIRONMENT  
DEPARTMENT(EP)  
Date of Filing : 03-05-2023  
Time of Filing : 15:12:48

B



**IN THE HIGH COURT OF ORISSA, CUTTACK**

**I. A. No. 6581 of 2023**

**(Arising out of W.P.(C) No. 14057 of 2023)**

In the matter of:

An application under Chapter VI, Rule 27(A) of Orissa High Court Rules for dispensing with filing of certified copy of the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ).

AND

In the matter of:

State of Odisha & Ors.

.....PETITIONERS

-VERSUS-


Wildlife Society of Orissa  
(Elephant Corridors) & Anr.

.....OPP. PARTIES

To

The Hon'ble Chief Justice and His Lordships  
companion justices of the Hon'ble High Court of  
Orissa.

The humble petition of the above  
named Petitioners;

  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No. ON-84/1998



**MOST RESPECTFULLY SHEWETH: -**

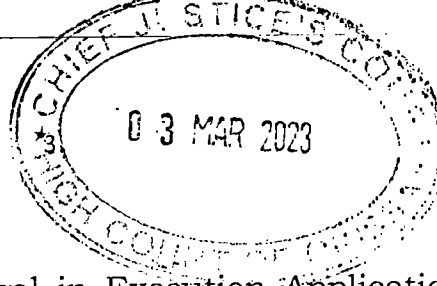
1. That, the Petitioners by way of the accompanying Writ Petition seeks to assail the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) wherein a direction has been given to the Petitioners herein to notify elephants corridors in the State of Odisha within a month from the date of the order and if the same is not complied, action will be initiated under section 26 of National Green Tribunal Act, 2010.

2. That, the facts and grounds stated in the writ petition may kindly be read and treated as part of this Interim Application for better appreciation of facts and grounds.

3. That in support of the claim, the Petitioners have relied upon various documents including the order dated 06.04.2023 passed by the Hon'ble

*Final of Mr. PPL*

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No. C-1/2019



National Green Tribunal in Execution Application  
No.03/2022/EZ.

4. That, due to non-availability of the certified copy of the order, the appellant has filed the downloaded copy of the aforesaid order being duly attested and the same has been filed herewith for reference.

5. That in the interest of justice filing of the certified copy of the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ may kindly be dispensed with for the time being in the facts and circumstances narrated above.

*Subal Kumbhar*

**PRAYER**

The appellant, therefore, prays that this Hon'ble Court may kindly be graciously pleased to allow this petition, dispense with filing of certified copy of the order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- 07-03/1997

Application No.129/2016/EZ) under Annexure-10 of the Writ Petition for the time being in the facts and circumstances narrated above in the best interest of justice.

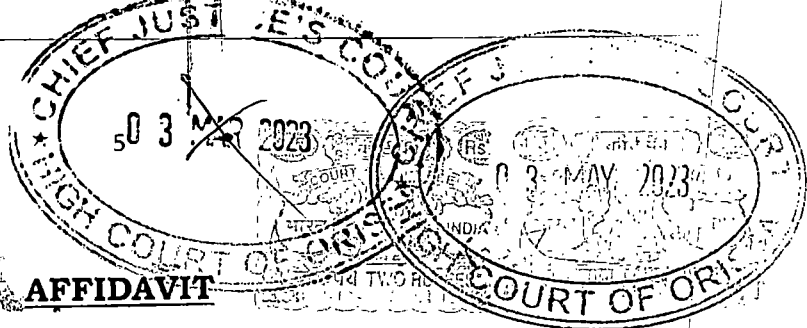
And for this act of kindness the petitioner as in duty bound shall ever pray.

By the Appellants through

CUTTACK

DATE: 02.05.2023 ADDL. STANDING COUNSEL  
(TARUN PATNAIK)  
ENRL. NO.O-663/2013,  
MOB NO.8447484424.

PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No- ON-02/1996



I, Sri Sushil Kumar Popli, aged about 59 years, S/o- Late Bhim Sen Popli, at present working as Principal Chief Conservator of Forests, Wildlife and Chief Wildlife Warden, Odisha, do hereby solemnly affirm and state as follows:

1. That, I am the Petitioner No.4 in the present case. I have been duly authorized by the Petitioner No.1, 2 and 3 to swear this affidavit on their behalf.
2. That, the facts stated above are true to the best of my knowledge and belief.

IDENTIFIED BY:

Moham Behara

A.C. of A.G.'s Office

*Sushil Kumar Popli*

DEPONENT  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

CERTIFICATE

Certified that due to non-availability of cartridge papers, the white, thick and durable have

Solemnly sworn before

me by.....S.K. Popli been used.

being identified by.....M. Behara, A.C. A.G.'s Office

at Cuttack Town dated..02/05/2023

02/05/2023 CUTTACK

P.A. Notary, Cuttack, Odisha

Regd no-ON-04/199

DATE: 02.05.2023

ADDL. STANDING COUNSEL



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OFFICE OF THE DEPUTY SOLICITOR GENERAL OF INDIA  
GOVT. OF INDIA  
ORISSA HIGH COURT, CUTTACK

SL. NO.	1048	DATE	04/05/2023	TIME	10:31
CASE TYPE	W.P.(C)	NO	14057	YEAR	2023
PETITIONER/APPELLANT	STATE OF ODISHA & ORS				
RESPONDENT/OPP. PARTY	WILDLIFE SOCIETY OF ODISHA & ANR				

☒

WPC

☒ (2)

IA

☐

LIST OF DOCUMENTS

☐

MEMO

☐

REJOINDER AFFIDAVIT

☐

WRITTEN NOTE OF ARGUMENT

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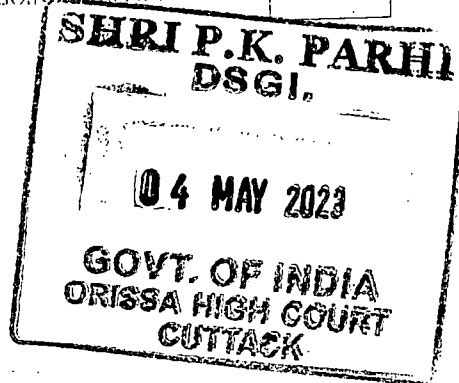
AFFIDAVIT

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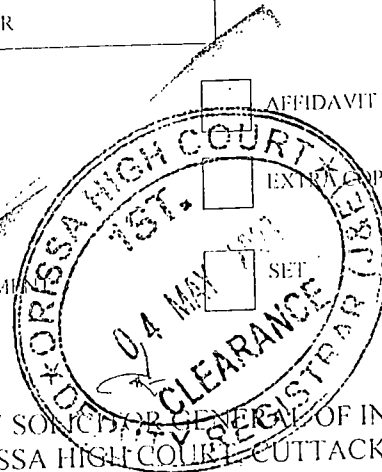
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DEPUTY SOLICITOR GENERAL OF INDIA  
ORISSA HIGH COURT, CUTTACK



[O.H.C.-84]

## In The High Court of Orissa

Present Before The Hon'ble Chief Justice Dr. S. Muralidhar

Before The Hon'ble Mr. Justice G. Satapathy

**W.P (C) No-14057 of 2023**

(Arising out of Copy of the Order dated 06.04.2023 passed by the Hon'ble National Green Tribunal in Execution Application No.03/2022/EZ (arising out of Original Application No.129/2016/EZ) vide Annexure-10 of the writ petition)

State of Odisha and others

.....Petitioner

Versus

Wildlife Society of Orissa(Elephant Corridors) and another.....Opposite party

**I.A No. 6544 of 2023**

In the matter an application filed by the advocate for the petitioner prayed that this Hon'ble Court may graciously be pleased to pass an appropriate order to stay the Execution Proceedings arising out of the pending Execution Application No.03/2022/EZ.

**Order No-01 Dated-04.05.2023 passed in I.A No.6544 of 2023.**

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Further Proceedings in Execution Application No.03 of 2022/EZ in O.A. No.129/2016/EZ shall remain stayed till the next date.

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(Sd.)/- Dr. S. Muralidhar, C.J

(Sd.)/- G.Satapathy, J

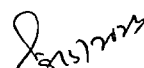
Memo No-.....

Date-.....

Copy forwarded to the- 1. The Registrar,  
National Green Tribunal,  
Eastern Zone Bench, Kolkata.

2. Wildlife Society of Orissa (Elephant Corridors)  
represented by its Secretary, Shantikunj, Link Road, Cuttack, Dist-Cuttack,  
Odisha-753012

By order

  
Superintendent,  
Writ Branch (D.B-III)

High Court of Orissa  
The 08<sup>th</sup> May, 2023.

OGP-M P-PTS-U2(H.C) 39-30,000-7-12-2015[O.H.C.-84]



  
8/5/23

SCANNED

COMPUTERISED FILING COUNTER  
ORISSA HIGH COURT,CUTTACK  
ACKNOWLEDGEMENT SLIP

Seat No : 121

Branch No : WRIT BRANCH (DIVISION  
BENCH-3)

Receipt No : 37891/2023

Date Of Receiving : 08/05/2023

Time : 12:02:59 PM

Case No : WP(C) 14057/2023

Received From : Petitioner

Filed By: ADDL. GOVT. ADVOCATE

Document(s) Filed :

2- Dusti Notice

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IN THE HIGH COURT OF ORISSA; CUTTACK

W.P.C) NO. 14057 of 2023

State of Odisha and others ..... Petitioner.

-Verses-

Wildlife Society of Orissa (Elephant  
Corridors) & another ..... Opp. Party.

M E M O

Pursuant to the order dated 04. 05. 2023, requisite for issue of notice to the Opp.Party No.1 by **Dasti procees** in the aforesaid case is field herewith.

Cuttack

Dated. 08/05/2023

Addl. Government Advocate

Addl. Standing Counsel

Dast Notice Ghoshwara

# IN THE HIGH COURT OF ORISSA

( Civil Appellate Jurisdiction )

W. P. (C) No. 14057 of 2023



State of Odisha & ors.

Petitioner

Versus

WildLife Society of Orissa (Elephant corridors) Opposite Party  
& And.

In the matter of an application by the above named

State of Odisha & ors.

Petitioner

1. WildLife Society of Orissa (Elephant corridors) represented by its Secretary, Shantikunj, Link Road, Cuttack, Dist. - Cuttack, Odisha - 753012.

Take notice that an application, a copy whereof is annexed herewith, has been made to this Court by the above named petitioner and you are hereby directed to appear before this Court in person or by Advocate on 09.05.2023 and show cause why the application should not be granted or such other order be passed as this Hon'ble Court may deem fit. Counter affidavit filed beyond the date mentioned above shall not be accepted without the leave of the Hon'ble Court.

As this case is adjourned to 09.05.2023.

ତୁମକୁ ଏତଦ୍ୱାରା ନୋଟିସ୍ ଦିଆଯାଉଅଛି ଯେ, ଉଲ୍ଲିଷ୍ଟ ଦରଖାସ୍ତକାରୀ ଏହି ଅଦାଲତରେ ଯେଉଁ ଦରଖାସ୍ତ କରିଅଛନ୍ତି, ତହିଁର ନକଲ ଏଥିସଙ୍ଗେ ସାମିଲ ଅଛି ।

କାହିଁକି ଉକ୍ତ ଦରଖାସ୍ତ ମଞ୍ଜୁର କରା ନ ଯିବ କିମ୍ବା ମହାମାନ୍ୟ ଅଦାଲତ ଯେପରି ଉପଯୁକ୍ତ ବିବେଚନା କରନ୍ତି ସେହିପରି ହୁକୁମ ଦିଆ ନ ଯିବ ତହିଁର କାରଣ ତା ୯-୫-୨୩ ରିଖରେ ତୁମେ ନିଜେ କିମ୍ବା ତୁମର ଓକିଲଙ୍କ ଜରିଆରେ ଅତ୍ର ଅଦାଲତରେ ହାଜର ହୋଇ ବର୍ଣ୍ଣାଇବେ । ଜବାବ ଉପରୋକ୍ତ ଧାର୍ଯ୍ୟ ତାରିଖ ପରେ ଦାଖଲ କଲେ ମାହାମାନ୍ୟ ଅଦାଲତଙ୍କ ବିନା ଅନୁମତିରେ ଗ୍ରହଣ କରାଯିବ ନାହିଁ ।

High Court

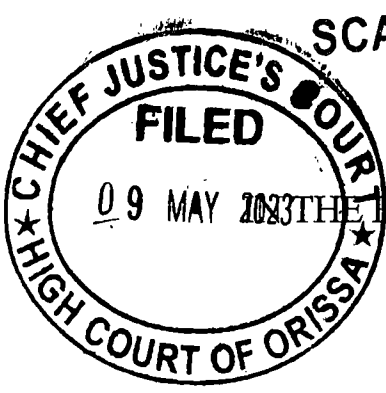
By order of the Court

The.....20.....

Superintendent

S. Pani  
8-5-23

(Mr. Suresh Pani,  
Office Manager - 9438063923)



SCANNED

1<sup>st</sup> copy

09 MAY 2023 THE HIGH COURT OF ORISSA AT CUTTACK

IA NO. 6983 2023

W.P.(C) No. 14057 of 2023

IN THE MATTER OF: State of Odisha and others .... Petitioners

Versus

Wildlife Society of Orissa (Elephant Corridors) and another

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4	Copy of the note sheet dated 11/10/2012 and letter dated 27/04/2016 is annexed here with as ANNEXURE-3	16-18
5	VAKALATNAMA	

Spani

PLACE: CUUTACK

SANKAR PRASAD PANI

DATE: 9<sup>TH</sup> MAY 2023

ADVOCATE FOR OP NO 1

Bubaneswar, 751002, Cell-9437279278,

ENROLMENT NO-O785/2007

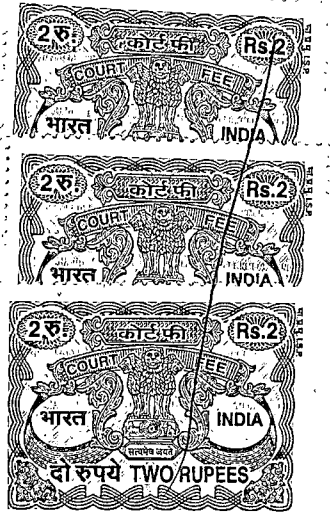
Email: [sankarprasadpani@gmail.com](mailto:sankarprasadpani@gmail.com)

1

IN THE HIGH COURT OF ORISSA AT CUTTACK

I A NO 6983/2023

W.P.(C) No. 14057 of 2023



IN THE MATTER OF: State of Odisha and others .... Petitioners

Versus

Wildlife Society of Orissa (Elephant Corridors) and another

IN THE MATTER OF: AN APPLICATION UNDER CHAPTER VI  
OF RULE 27 A OF ORISSA HIGHCOURT  
RULES

IN THE MATTER OF: APPLICATION FOR RECALL OF ORDER  
DATED 4<sup>TH</sup> MAY 2023 STAYING THE  
EXECUTION PROCEEDINGS BEFORE  
HONBLE NGT KOLKATA

**MOST RESPECTFULLY SHOWTH:**

1. Biswajit Mohanty S/o Biswanath Mohanty aged about 60 years, At/po-Santikunja, Link Road Cuttack, Dist-Cuttack, Odisha -753012 do hereby solemnly affirm, and declare as under:

Biswajit Mohanty

29-5-2023  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

2. That I am the Secretary of the Wildlife Society of Orissa in the abovementioned application and Opposite Part No 1 in the Writ petition and authorized to sign this affidavit.

3. That the present applicant of this IA and the Opposite Party No 1 in the writ petition would like state the following facts

I. That the applicant society has received the copy of writ petition around **4pm on 8<sup>th</sup> May 2023** through direction was of 4<sup>th</sup> May 2023 to serve the copy through Dasti.

II. That the order has been obtained fraudulently by the state respondent based on oral submission that all the orders of this court have been placed before Honble NGT. It is submitted that none of the order of this court has ever been placed on record before Hon'ble NGT, hence the oral submission of the learned Advocate General before the Honble Highcourt is a false statement. Let the state respondent be directed to file the copy of the order along with any application filed before the Honble NGT to appraise the Honble NGT. It is needless to state that any such order passed in the PIL filed in year 2022 and the Final order passed by NGT was of **17/08/2021**, hence there can be no occasion to file the order of subsequent dates in year 2022 and 2023 in a proceeding **attained finality in the year 2021. Even in the Execution proceedings in which notice was issued on 16<sup>th</sup> December 2022 and thereafter**

19-5  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK





listed on 31/01/2023, 14/03/2023 and 6/04/2023. In none of these states state counsel had filed any single order of this Honble Court except mentioning the case no in Execution Proceedings. Hence such an oral statement is false and order passed based on such oral submission is liable to be revoked. Copy of Order dated 4/05/2023 is annexed here with as ANNEXURE-1

- III. It is submitted that there has been **no parallel proceeding** before Honble NGT in regard to Notification for Elephant corridors. It is submitted that the final order was passed by Hon'ble NGT on dated **17<sup>th</sup> August 2021** and by that date there has been no order of this Hon'ble Court regarding notification of elephant corridors. Copy of final order of Hon'ble NGT dated 17/08/2021 is annexed with the Writ as ANNEXURE-4 in page no 98 to 114.
- IV. It is submitted that the present writ petitioner has **suppressed the fact before this Honble Court** regarding the Final Order of Honble NGT dated 17/08/2021. Had this been placed before this Honble Court by the present Writ Petitioner, your lordship might not have delved into the issue of Elephant Corridor.
- V. It is further submitted that the order of Hon'ble was **never challenged in any forum** for which it has **already attained finality**. The execution Application was filed challenging the non-

*Biswanath Mohanta*  
*49-5*  
**Surendra Prasad Dhal**  
 Advocate  
 NOTARY, CUTTACK

implementation of the order of Honble NGT dated 17<sup>th</sup> August 2021

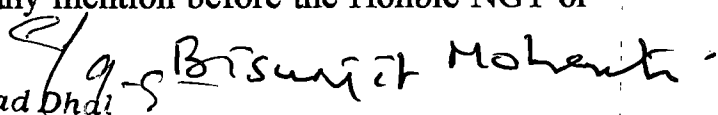
- VI. It is submitted that the W P (c) No **14706 of 2022** was filed much after the final order of NGT dated 17/08/2021, hence the ongoing proceeding before this court has nothing to do with the execution application for non-implementation of order of Hon'ble NGT.
- VII. That the order dated 4/05/2023 has stayed the proceedings in Execution Application while the order of Honble NGT dated 17/08/2021 has already attained finality for the reason same has never been challenged in any forum. Hence the Hon'ble Highcourt could not have stayed the Execution Proceedings without staying Final order dated 17/08/2021 in Original Application No 129 of 2016 which has already attained finality being not appealed in any forum
-  VIII. That Section 22 of NGT Act provides appeal against the order of Honble NGT before Honble Supremecourt with in 90days. As of now there has been no appeal against the order dated 17/08/2021 which was passed after **extensive hearing for five years** since 2016.
- IX. That the prayer in W P (c) No **14706 of 2022** is relating to **poaching of elephant and there is no whisper about the prayer for elephant corridor notification.** The PIL is about the

  
 Surendra Prasad Dhal  
 Advocate  
 NOTARY, CUTTACK

unnatural deaths of elephants on account of illegal poaching and directions are sought to the State Government to explain what action has been taken to initiate proceedings under the Wildlife (Protection) Act, 1972 and fix responsibility on the officials entrusted with enforcing the said statute in letter and spirit. Copy of the order dated 5<sup>th</sup> July 2022 is annexed here with as ANNEXURE-2

X. That the ground taken in the present Writ is that the Review Application filed has not been taken into consideration and to that effect the writ petition relying on the e-filing receipt. Further the Writ petition is admitting that the Review petition dated 16/09/2021 was filed in "Other Document Section" in the e-filing site. It is submitted that there is a specific column for filing Review Application along with court fee of Rs500 and with fees of 5 rupees for every page that is filed. Admittedly it was not filed in application for Review which is codified as RA(Review application)

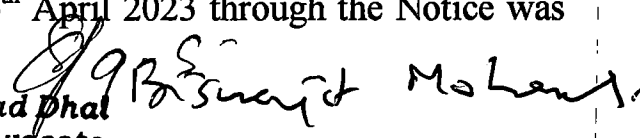
XI. The most important thing is that the present writ petitioner has never ever made any attempt to remove the defects, get the number of the Review application and then after list the matter before NGT from 16<sup>th</sup> September 2021 till 30<sup>th</sup> March 2023 for more than 18 months. Never ever made any mention before the Honble NGT or

  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

even registry for numbering and listing of the Review Application. Only after notice issued in the Execution Application filed by the present deponent the present writ petitioner has raised the issue of Review Application. This clearly shows the **Writ Petitioner is not serious to pursue his remedy in Review Proceedings before the Honble NGT**, hence not entitled to take the benefit of stay order against the Execution Application. This Writ was filed on 2<sup>nd</sup> May 2023 and listed 4<sup>th</sup> May 2023 so as to scuttle the proceedings before NGT which is scheduled for 9<sup>th</sup> May 2023. Hence the present Writ Petition is malafidae and abuse of judicial process.


XII. At the cost of repetition, it is stated that there has been no Review Application pending before the Honble National Green Tribunal. **Mere filing of a document in the website of NGT does not become an application automatically** unless due process has been followed at the instance of applicant and thereafter scrutiny by the registry and removal of defects by the applicant so as to get the application Number. The Writ petitioner is not able to mention the Review Application number suggests no such Review Application has been registered and no effort has been taken by the applicant to get it registered and listed before the Honble Tribunal.

XIII. That the Writ petitioner in nowhere has explained the delay of challenging the order dated 6<sup>th</sup> April 2023 through the Notice was

  
Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK

issued on 16<sup>th</sup> December 2022. Needless to state that the final order dated 17/08/2021 has also not been challenged in any appellate forum for last 21 months.

XIV. It is further stated that the review proceedings has a limited scope. The law of review lies only on the grounds mentioned in O. 47 R. 1CPC. The party must satisfy the Court that the **matter or evidence discovered by it at a subsequent stage could not be discovered or produced at the initial stage though it had acted with due diligence.** Under the garb of review, a party cannot be permitted to **re-open the case and to gain a full-fledged inning for making submissions, nor does review lie merely on the ground that it may be possible for the Court to take a view contrary to what had been taken earlier.** National Green Tribunal Tribunal in Review Application No. 26/2020 in OA No. 1038/2019 titled Mall Road, Vasant Kunj RWA v Ministry of Environment, Forest & Climate Change and Others [2020 SCC OnLine NGT 230] noted the followings scenarios in which the Order can be recalled: (i) the proceedings culminating into an order suffer from the inherent lack of jurisdiction and such lack of jurisdiction is patent, (ii) there exists fraud or collusion in obtaining the judgment, (iii) there has been a mistake of the court prejudicing a party or (iv) a judgment was rendered in ignorance

  
 Surendra Prasad Dhal  
 Advocate  
 NOTARY, CUTTACK

of the fact that a necessary party had not been served at all or had died and the estate was not represented. In the present case no such ground has also been made so as review the order of Honble NGT.

XV. The time line as reveal from the proceedings in NGT and thereafter the challenge before this Honble Court, clearly suggests the Writ petitioner have **no respect for the judicial proceedings before National Green Tribunal and non-implementation of the order of NGT was deliberate and intentional**. Hence Honble Tribunal has rightly issued ultimatum to initiate the proceedings under Section 26 of the NGT Act

XVI. Further the Writ petitioner states that the Notification will take at least 180 days or 6months which is time taking process. Here the Notice in Execution Proceeding issued after 16month from the date of Order. Had the PCCF wildlife taken steps for proposal and thereafter notification by appropriate government, the order of NGT could have been implemented much before the Notice Execution proceedings. Hence this excuse has no legs to stand and willful disobedience of NGT order is prima facie. It is stated that not even a single step have been taken so as to prove his bonafide at the part of PCCF Wildlife.

*Biswajit Mohanta*  
*49-5-*  
**Surendra Prasad Dhal**  
**Advocate**  
**NOTARY, CUTTACK**

XVII. The writ petitioner states that there has been pending of similar case before Honble SC at the behest of this Opposite party vide WP (C) NO 275 of 2015. It is submitted that Wildlife Society of Odisha is not a party to the said writ petition. As per the information the said writ is nothing in specific about the Notification of Elephant Corridor. As such no document to that effect is filed by the writ petitioner before this Hon'ble Court nor before the Honble NGT.

XVIII. It is not out of place to mention that the Principal Chief Conservator of Forests and Chief Wildlife Warden, Odisha vide his letter No. 7274 dated 11.10.2012 submitted a proposal to the Forest and Environment Department, Government of Odisha to notify 14 traditional elephant corridors in Odisha under the provisions of Section 3 of the Environment (Protection) Act, 1986. Hence it is not correct on the part of the Writ Petitioner to say that there is no enabling provision for notification of elephant corridor. Copy of the note sheetr dated 11/10/2012 and letter 27/04/2016 is annexed here with as ANNEXURE-3

XIX. Needless to state that lack of due diligence has led to degradation of 9 elephant corridors out of 14 leading to more Man-elephant conflict and death of elephants as well as people and damage to

property. This demonstrates sheer negligence of the Forest and

Surendra Prasad Dhal

Advocate

NOTARY, CUTTACK

Wildlife Department in providing protection to the elephant corridors.

**PRAYER**

That in view of the afore mentioned facts the present deponent prays before the Honble Court to recall the order dated 4/05/2023 and dismiss the writ petition with cost.

For this act of kindness the applicant will remain ever grateful

WILDLIFE SOCIETY OF ORISSA

Bisnujit Mohanti  
SECRETARY

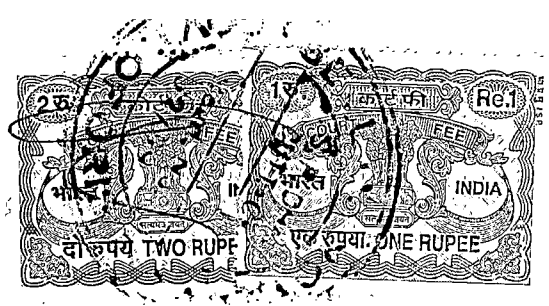
DEPONENT

29-5-  
Surendra Prasad Dha.  
Advocate  
NOTARY, CUTTACK



11

AFFIDAVIT



I, Biswajit Mohanty S/o Biswanath Mohanty aged about 60 years, At/po- Santikunja, Link Road Cuttack, Dist-Cuttack, Odisha -753012 do hereby solemnly affirm, and declare as under:

1. That I am the Secretary of the Applicant Organisation, Wildlife Society of Orissa in the abovementioned IA and arrayed Opposite Party No 1 in Writ petition and authorized to sign this affidavit.
2. I am fully conversant with the facts and circumstances of the case and therefore competent to swear this affidavit.
3. That I have read over the contents of the accompanying Affidavit and the same is true and correct and is drafted on my instruction.

WILDLIFE SOCIETY OF ORISSA

Biswajit Mohanty  
SECRETARY  
DEPONENT

Cuttack -  
Dt: 9/5/23

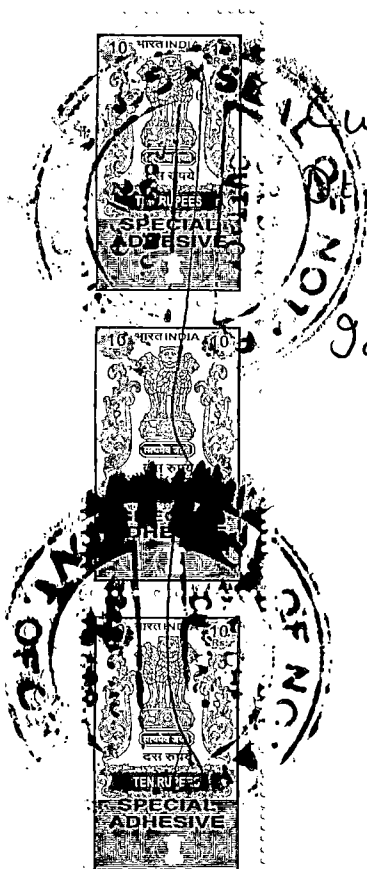
Identified By  
S/o  
Advocate

Advocate  
SANKAR PRASAD PANI  
E. NO. - O-785/07

The above named Deponent  
Solemnly affirm on..... 9/5/2023  
..... Being Identified  
by..... S. P. Pani (Adv)

9-5-2023

Surendra Prasad Dhal  
Advocate  
NOTARY, CUTTACK



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No. 14057 of 2023**

**State of Odisha and others** .... **Petitioners**

Mr. Ashok Kumar Parija, Advocate General  
Assisted by Mr. Tarun Patnaik, Addl. Standing Counsel

**-versus-**

**Wildlife Society of Orissa (Elephant** .... **Opposite Parties**  
**Corridors) and another**

Mr. P.K. Parhi, DSGI along with Mr. S.S. Kashyap, CGC for  
Opp. Party No.2

**CORAM:**  
**THE CHIEF JUSTICE**  
**JUSTICE G. SATAPATHY**

**Order No.**

**W.P.(C) No.14057 of 2023**

01. 1. Mr. Ashok Kumar Parija, learned Advocate General appearing for the Petitioners-State of Orissa draws attention to an order dated 14<sup>th</sup> March, 2023 passed by the National Green Tribunal (NGT), Eastern Zone Bench, Kolkata which notes in para 4 of that order that this Court was seized of W.P.(C)-PIL No.14706 of 2022 (*Gita Rout v. State of Odisha*) on the same issue of notification of an elephant corridor in the State of Odisha.
2. However, in the subsequent order dated 6<sup>th</sup> April 2023, an ultimatum was given by the NGT to the State of Odisha to notify the elephant corridor within a month thereafter and "no more" stating that "otherwise the concerned authorities shall be liable under Section 26 of the National Green Tribunal Act".

3. The next date of hearing in W.P.(C)-PIL No.14706 of 2022 is on the very same date that the NGT has next listed the matter, i.e., 9<sup>th</sup> May, 2023. This Court has in fact passed a series of orders in the said PIL, all of which, Mr. Parija states were brought to the notice of the NGT.

4. Parallel proceedings both in the NGT and this Court on the same issue is not desirable.

5. Issue notice. Mr. P.K. Parhi, learned Deputy Solicitor General accepts notice on behalf of proforma Opposite Party No.2. Since he accepts notice, let required number of copies of the writ petition be served on him within three working days. Notice be served on Opposite Party No.1 in District.

6. List along with W.P.(C) PIL No. 14706 of 2022 on 9<sup>th</sup> May, 2023.

**I.A. No.6544 of 2023**

7. Notice as above. Further proceedings in Execution Application No.3 of 2022/EZ in O.A. No.129 of 2016/EZ shall remain stayed till the next date.

(Dr. S. Muralidhar)  
Chief Justice

(G. Satapathy)  
Judge

S. Behera  
SUMANTA  
BEHERA

Digitally signed by  
SUMANTA BEHERA  
Date: 2023.05.05  
10:39:06 +05'30'

-14-

Annexure-2

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**WP(C) No.14706 of 2022**

***Gita Rout***

....

***Petitioner***

Mr. Ashis Kumar Mishra, Advocate

***-versus-***

***State of Odisha and others***

....

***Opposite Parties***

Mr. Ishwar Mohanty, ASC

**CORAM:**

**THE CHIEF JUSTICE**

**JUSTICE R. K. PATTANAİK**

**ORDER**

**05.07.2022**

**Order No.**

04.

1. A serious issue concerning the unnatural deaths of elephants on account of illegal poaching has been brought forth in this PIL. Directions are sought to the State Government to explain what action has been taken to initiate proceedings under the Wildlife (Protection) Act, 1972 and fix responsibility on the officials entrusted with enforcing the said statute in letter and spirit.

2. Although the petition encloses only certain news items, today learned counsel for the Petitioner has handed over a compilation of articles concerning man-animal conflicts with specific reference to elephants in Orissa. The Court further takes judicial notice of the fact that in the past two years there have been several instances where forest officials in Odisha have come across carcasses of dead elephants with bullets and other injuries. Press statements have been issued acknowledging that the animals were victims of illegal poaching.

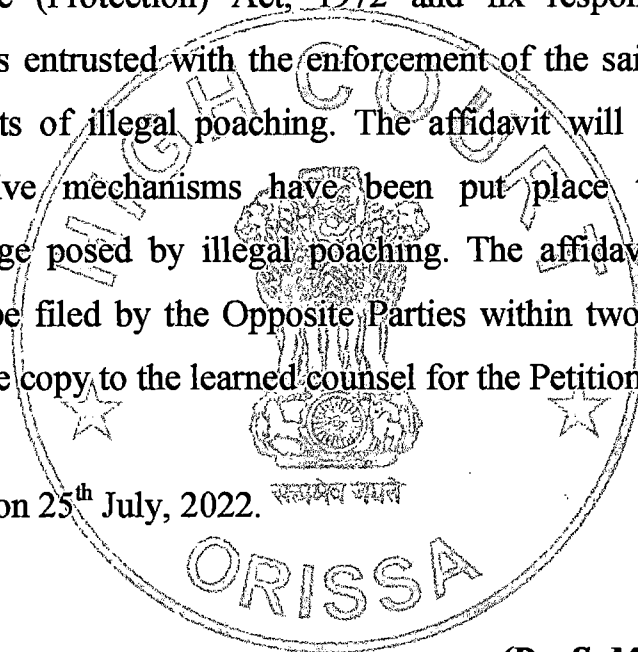
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-15-

3. Since there is a recurrence of such incidents with greater frequency in the recent past, the Court considers it appropriate to issue notice to the Opposite Parties State Government in this petition. Mr. Ishwar Mohanty, ASC accepts notice for the Opposite Parties.

4. The Court directs the Opposite Parties to state on affidavit what steps have been taken to strictly enforce the provisions of the Wildlife (Protection) Act, 1972 and fix responsibility on the officials entrusted with the enforcement of the said Act, for such incidents of illegal poaching. The affidavit will also state what corrective mechanisms have been put place to counter the challenge posed by illegal poaching. The affidavit in the above terms be filed by the Opposite Parties within two weeks with an advance copy to the learned counsel for the Petitioner.

5. List on 25<sup>th</sup> July, 2022. सजमेव जयते



**(Dr. S. Muralidhar)**  
**Chief Justice**

**(R. K. Pattanaik)**  
**Judge**

Letter no. 7274 dt 11.X.2012  
 to PCCF (W2), Odisha.

Page from 7-6 way place  
 be seen.

This is regarding  
 a proposal for notification  
 and protection of the identified  
 14 nos of traditional Elephant  
 Corridors with a total length  
 of 420.8 kms and covering area  
 of 870.61 kms<sup>2</sup> in the State of  
 Odisha. In this regard, govt. MOEF  
 Letter dt (P.6/e) seeking an Action  
 taken report from the matter of  
 notification and protection of  
 identified elephant corridors  
 may be seen at (P.6/e).

As per govt. MOEF Letter (P.6/e)  
 the PCCF (W2), Odisha has proposed  
 to notify the above 14 nos of elephant  
 corridors under Provisions of  
 Section 3(v) of Environmental  
 (Protection) Act 1986.

However before taking  
 govt orders in the above issue,  
 the PCCF (W2), Odisha may be  
 requested to furnish a copy  
 of draft notification for  
 14 nos of elephant corridors.

DFA

11.11.2012

TAF

S.O

NOTE SHEET

Notes at preface.

The PCCF, Wildlife may be requested to furnish the anti notification of 14 no of Elephant corridors to this Deptt immediately.

DFA.  
Babu

2/11/2012

Under Secretary

Not finally explain

① if 4

for  
2.11.12

AS/Secy

appr.

US/Secy

AN  
2/11/12

MS  
2/11/12

IB

02.11.12

2 letter no. 20371/FZE dtd 02.11.2012 to the PCCF (WL)  
Odisha

Prakash

30.4.16

-18-

RTI matter / Urgent/ BY speed post  
GOVERNMENT OF ODISHA  
FOREST & ENVIRONMENT DEPARTMENT

No. 8F (WL) - 43/2016 7809 \*\*\* F&E, Dated 27-4-16

From,

Sri Anadi Charan Mohanty,  
Deputy Secretary to Government.

To,

Sri Biswajit Mohanty,  
Shantikunja, Link Road, Cuttack- 753012

Sub: RTI Application of Sri Biswajit Mohanty, dated 2.4.2016

Sir

I am directed to invite a reference to your RTI Application dated 2.4.2016 on the subject cited above and to furnish herewith the point wise information given below.

1. Proposal for issue of Notification under Environmental (Protection) Act, 1986 of Elephant Corridors in the State was submitted by the PCCF (WL) and CWLW, Odisha vide their letter No. 7274 dated 11.02.2012.
2. After receipt of the said letter, PCCF (WL) was requested to furnish the draft Notification copy vide this Department Letter No. 20371 dated 2.11.12. The said draft notification has not yet been received . so file has not been processed for notifying the elephant corridors.
3. Does not arise.
4. Total amount spent on development /improvement of identified elephant corridors in Orissa during the period from 1.04.2009 to 31.03.2016 with break up for each financial year may be collected from Office of the PCCF (WL) & CWLW, Odisha.

Yours faithfully,

A. Mohanty 27.4.2016  
Deputy Secretary to Government.

Memo No. 7810 / F&E, Dated 27-4-16

Copy with copy of the RTI application dated 2.4.2016 of Sri Biswajit Mohanty forwarded to PCCF (WL) & CWLW, Odisha for information with a request to kindly furnish the information on point No. 4 to the applicant directly under intimation to this department early.

A. Mohanty  
27.4.2016  
Deputy Secretary to Government.

Memo No. 7811 / F&E, Dated 27-4-16

Copy forwarded to RTI Cell for information and necessary action with reference this department letter No. 6321 dated 5.4.2016

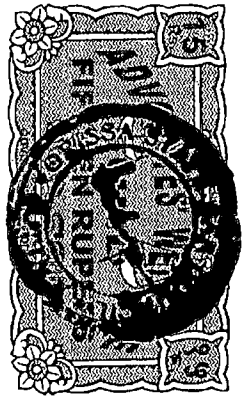
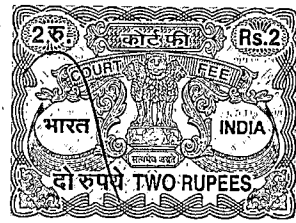
A. Mohanty  
27.4.2016  
Deputy Secretary to Government.

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VAKALATNAMA



IN THE HIGH COURT OF JUDICATURE, ORISSA, CUTTACK

W.P.(C) No. 14057 of 2023

Between

State of Odisha

Petitioner

Versus

Wildlife Society of Odisha and Others

Respondents

Known all to whom these presents that by this Vakalatnama I Biswajit Mohanty S/o Biswanath Mohanty aged about 60 years, At/po- Santikunja, Link Road Cuttack, Dist- Cuttack, Odisha -753012 I am the Secretary of the Opposite Party No 1 Wildlife Society of Orissa in the aforesaid case do hereby appoint and retain **SRI SANKAR PRASAD PANI, RAKESH KUMAR SARANGI**, Advocate(s), to appear for me/us in the above case and to conduct and prosecute defend the same and all proceeding that may be taken in respect of any application connected with the same or any decree or order passed therein including all applications for return of documents or receipt of money that may be payable to me/us in the said case and also in applications for review in appeals under Orissa High Court order and in applications for leave to appeal to Supreme Court. I/we authorise my/our Advocate(s) to admit any Compromise lawfully entered in the said case.

(0-785/07)

(0-1268/18)

mob - 6370076764  
- 9439482459

Dated the 9<sup>th</sup> May, 2023

Received from the executant(s) by post and satisfied that he/she/is/they are the parties and accepted. I we hold no brief for the other side

Advocate

Advocate

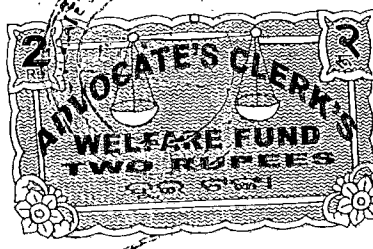
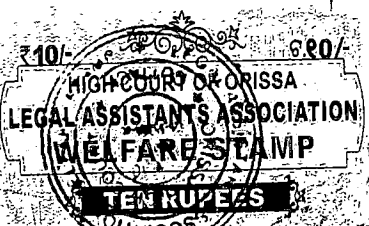
Accepted as above

Accepted as above

For WILDLIFE SOCIETY OF ORISSA

Biswajit Mohanty  
SECRETARY

Signature of the Executants



D B

**ORISSA HIGH COURT  
2ND.**  
**13 JUL 2023**  
**CLEARANCE**  
**DEPUTY REGISTRAR (J&E)**

**IN THE HIGH COURT OF ORISSA, CUTTACK**

**I.A No.6983 of 2023**

(Arising out of W.P(C) No.14057 of 2023)

State of Odisha & Ors. ... Petitioners

-Versus-

Wildlife Society of Orissa & Anr. ... Opp. Parties

**I N D E X**


Sl. No.	Description of documents	Pages
1.	Objection on behalf of petitioner.	1 – 14
2.	<b><u>Annexure – A/1.</u></b> Copy of the affidavit dtd.14.03.2203 filed before the Hon'ble NGT in E.A No.03/2022.	15-34
3.	<b><u>Annexure – B/1.</u></b> Copy of order dtd.14.03.2023 of Hon'ble NGT in E.A No.03/2022.	35-37
4.	<b><u>Annexure – C/1.</u></b> Copy of the affidavit dtd.21.12.2022 filed in W.P(C) No.14706 of 2022.	38-46
5.	<b><u>Annexure – D/1.</u></b> Copy of letter dtd.24.08.2017 of Government of India MoEF.	47-65
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7.	<b><u>Annexure – F/1.</u></b> Copy of letter No.7274 dtd;.11.10.2012 of PCCF(Wildlife.	70

8.	<b><u>Annexure – G/1.</u></b> Copy of letter dtd.11.08.2006 of MoEF, Govt., of India.	71
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Cuttack

Date:12/07/2023

By the petitioner through,



Addl. Standing Counsel.

**IN THE HIGH COURT OF ORISSA : CUTTACK****IA No. 6983 of 2023**

(Arising out of W.P.(C) No. 14057 of 2023)

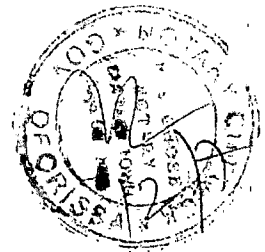
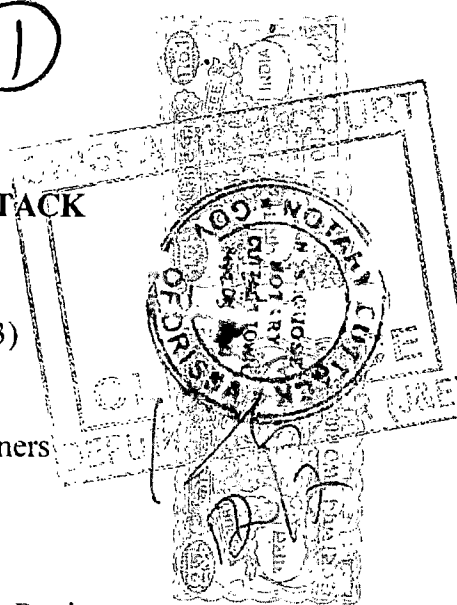
State of Odisha And Others ... Petitioners

-Versus-

**Wildlife Society of Orissa and another... Opp. Parties****OBJECTION ON BEHALF OF PETITIONER**

I, Sri Sushil Kumar Popli, aged about 59 years, Son of Late Bhim Sen Popli, at present working as Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha. At- Prakruti Bhawan, Sahid Nagar, PO- Sahid Nagar, Bhubaneswar, Dist- Khordha, do hereby solemnly affirm and state as follows :

1. That, I am working as Principal Chief Conservator of Forests (Wildlife) and Chief Wildlife Warden, Odisha and have been duly authorized to file the Counter Affidavit for and on behalf of the present Writ Petitioners No. 1 to 4.
2. That I have gone through the contents of the interim application and understood the contents thereof. I am otherwise acquainted with the facts

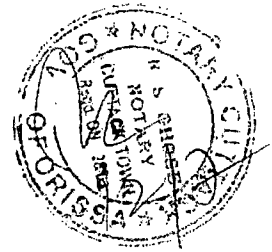


of the case and competent to swear this Affidavit by virtue of my office.

3. That the present application has been filed seeking the recall of the order dated 04.05.2023 wherein this Hon'ble Court was pleased to stay the execution proceedings in Execution Application no.3 of 2022/EZ in OA no. 129 of 2016. It is submitted that this Hon'ble Court was pleased to pass the stay order after being satisfied that the issue pertaining to elephant corridors in the State is also an issue before this Hon'ble Court in WP(C) 14706/2022 and hence parallel proceedings before this Hon'ble Court and the Hon'ble National Green Tribunal is not desirable. Therefore, there is no infirmity in the said order and the present application seeking recall of the said order is misconceived and without any merit and thus liable to be rejected.
4. That the contents of para 1 and 2 being matters of record do not merit any reply.
5. That in reply to the averments made in Para-3(I), it is humbly submitted that Order dated 04.05.2023 was uploaded on 05.05.2023 and accordingly the same along with the copy of the Writ Petition has been served on the O. P. No. 1 within three working days.
6. That as regards the averments made in Para-3 II of the I.A, it is humbly submitted that it is not a

*Indul Kuppel*

*SS*



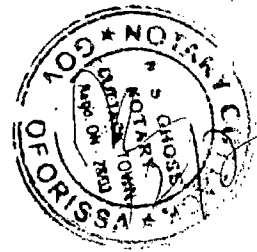
fact that the Order dated 04.05.2023 has been obtained fraudulently by the state respondents. It is humbly submitted that during hearing of the Execution Application No. 03/EZ/2022 before the Hon'ble NGT, it has been submitted that a PIL on elephant protection is going on before the Hon'ble High Court of Orissa where in *inter alia*, the issues of elephant corridors are also being heard by the Hon'ble High Court regularly. This is evident from the Affidavit dated 14.03.2023 filed by the present petitioners before the Hon'ble NGT; the relevant extract is placed hereunder.

“ 7. That meanwhile, a PIL on protection of elephants which include *inter alia*, the matter of elephant corridors, is already under hearing before the Hon'ble High Court of Orissa in WPC (PIL) No. 14706 of 2022, filed by Gita Rout Vrs. State of Odisha.”

The aforesaid submissions have also been brought on record in the Order dated 14.03.2023 of the Hon'ble NGT in Execution Application No. 03/2022. Hence, the averments made in this para that the order passed by this Hon'ble Court is liable to be revoked is not maintainable.

*Subd. Am. Ppl.*

*58*



Copies of Affidavit dated 14.03.2023 and order dated 14.03.2023 are annexed hereto and marked as **Annexure A/1** and **Annexure B/1** respectively.

7. That as regards the averments made in Para-3 III & IV of the I.A, it is humbly submitted that both the proceedings of Hon'ble NGT as well as Hon'ble High Court are dealing with the issue of elephant corridors. It is denied that the present writ Petitioners have suppressed the fact before this Hon'ble High Court regarding final order of Hon'ble NGT dated 17.08.2021. That in the affidavit dated 21.12.2022 filed by the present petitioners before this Hon'ble Court, it has categorically been submitted at Para 4 regarding order dated 17.08.2021 passed by Hon'ble NGT in O. A. No. 129/2016/EZ. It has also been submitted in the said affidavit that the order of Hon'ble Tribunal is not implementable for which the State has already filed review petition against the said order (Annexure 5 of the present Writ Petition). The petitioners have also duly brought the order of the Hon'ble NGT dated 17.08.2021 before this Hon'ble Court in the instant petition and subsequent filing of Review Petition by the State. Hence, averments made in this para that writ petitioners have suppressed the fact before this Hon'ble Court regarding final order of

*Richard Kuppell*

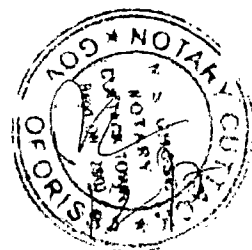
*SS*



Hon'ble NGT dated 17.08.2021 is false, baseless and hence denied. Copy of the Affidavit dated 21.12.2022 as cited supra is annexed herewith as **Annexure-C/1.**

8. That as regards the averments made in Para-3 V to VIII of the I.A, it is humbly submitted, that a review petition seeking review of the final order of the Hon'ble NGT has been filed by the present petitioners. During the pendency of the Review Petition having been filed, the Petitioners herein received the Notice dated 10.01.2023 on Execution Application filed by the OP No. 1. It was only then revealed that the said Review Petition has not been brought on records of the Hon'ble NGT. Further, it was found that since the said Review Petition has inadvertently been put in the folder of "Other documents" for which it could not have been numbered. To this effect, even the Affidavit dated 05.04.2023 (Annexure-9 to the writ petition) has been filed before the Hon'ble NGT.
9. That as regards the averments made in Para-3 IX of the I.A, it is humbly submitted that the prayer in WPC 14706/2022 seeks *inter alia* steps taken by the State Government for protection of elephants in the State. Further, as per the orders of this Hon'ble Court, the Petitioners have prepared a Comprehensive Action Plan and filed

*Subhash*



*8*



as Annexure W/1 in Affidavit dated 17.01.2023 wherein one of the action points is "Elephant Habitat, Corridors and Connectivity". Moreover, this Hon'ble Court in the Order dated 18.01.2023 have *inter alia* noted:

Xx

xx

xx

*"5. Dr. Sukumar, who participated online, made certain suggestions regarding ground survey and verification preceding the maps to be drawn up and for the elephant corridors to be studied on a more intensive basis."*

Xx

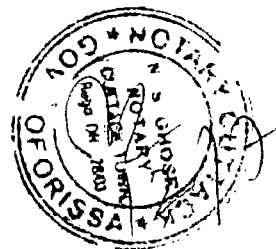
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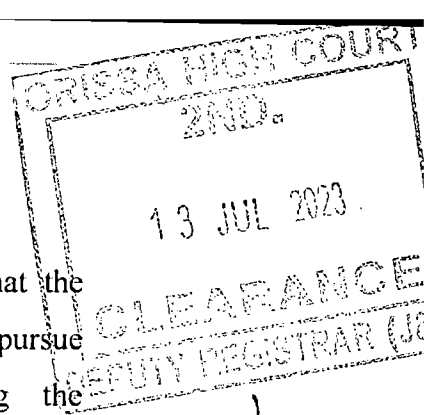
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Hence, it is not a fact that corridor issue is not being heard by this Hon'ble Court.

10. That as regards the averments made in Para-3 X to XII of the I.A, it is humbly submitted that in addition to the submissions made against Para V to IX above, it is humbly submitted that, it is not a fact that the present writ petitioners have never made any attempt to remove the defects in filing review application. It is humbly submitted that in the affidavit filed on 05.04.2023 before the

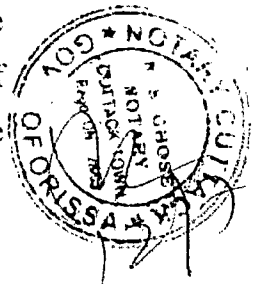
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Hon'ble NGT, it was humbly prayed that the Respondents (present petitioners) want to pursue the review application by correcting the procedural errors. However, the prayer has not been taken into consideration by the Hon'ble Tribunal while passing the Order dated 06.04.2023.

11. That as regards the averments made in Para-3 XIII of the I.A, it is humbly submitted that there is no delay in challenging the order dated 6<sup>th</sup> April, 2023. It is humbly reiterated that since the Review Application was filed before the Hon'ble Tribunal against the order dated 17.08.2021, the said order was not challenged otherwise before any appellate forum. Moreover, as stated in the foregoing paras, on receipt of notice on Execution Application, the detailed report was filed praying *inter alia*, to consider the Review Petition. Hence, timely legal steps have been taken by the State Government with regard to the said order.
12. That as regards the averments made in Para-3 XIV of the I.A, it is humbly submitted that the sufficient grounds for filing the Review against the order dated 17.08.2021 have been submitted in the Review Application. Moreover, as can be seen from the order dated 17.08.2021, none of the submissions made by the State in the



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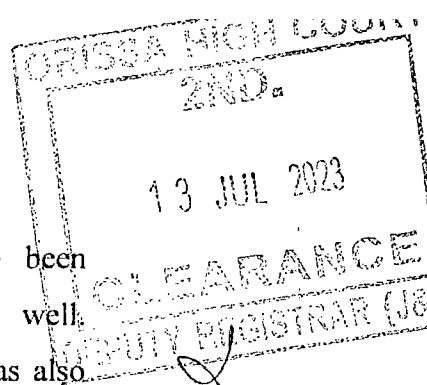
Affidavit dated 10.08.2021. Hence, the grounds mentioned in the Affidavit dated 10.08.2021 and also the Review Petition deserve adjudication.

13. That as regards the averments made in Para-3 XV of the I.A, it is humbly submitted that the Writ petitioners have the highest respect for judicial proceedings. The averments in the present para has been dealt with above and the same is not being repeated for the sake of brevity.
14. That as regards the averments made in Para-3 XVI of the I.A, it is humbly submitted that no elephant corridors have yet been notified by the Central Government under the Environment (Protection) Act and Rules framed there under. Further, the period of minimum 180 days as mentioned in this para by the OP 1 is with respect to the provisions contained in the Environment (Protection) Act/ Rules, if such corridors are considered for notification under these provisions. That, it is further humbly submitted that pursuant to the order of Hon'ble NGT dated 23.06.2020, action plan for elephant corridors has been prepared and filed before the Hon'ble Tribunal vide Affidavit dated 10.08.2021, wherein a proposed timeline of three years for its (plan) implementation before taking a decision on notification of elephant corridors is

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mentioned. The same aspect has also been mentioned in the Review Petition as well. Further, in the present Writ Petition, it has also categorically been submitted that steps are already being taken by the State to secure the movement of elephants and their habitats. Hence, averments made in this para are not correct and thus denied.

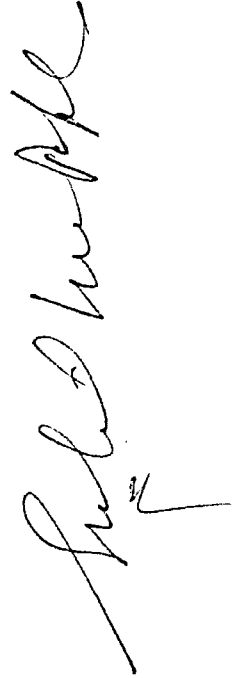
15. That as regards the averments made in Para-3 XVII of the I.A, it is humbly submitted that one of the petitioners in the WP(C) No. 275 of 2015 before Hon'ble Supreme Court is Sri Biswajit Mohanty who is the Secretary of Wildlife Society of Orissa and the OP. No. 1 in the present Writ Petition. Hence, averments in this para by OP No. 1 that Wildlife society of Orissa is not a party in the said case is factually incorrect and has been made in an attempt to mislead this Hon'ble Court. The petitioners in the said case before the Supreme Court, have filed additional affidavit with prayer, *inter alia*, for securing elephant corridors identified by Elephant Task Force. Copy of the order dated 04.08.2017 of the Hon'ble Supreme Court together with the letter dated 24.08.2017 of Proforma OP No. 2 in the present Writ Petition indicating the subject matter of securing elephant corridors is annexed herewith and marked as



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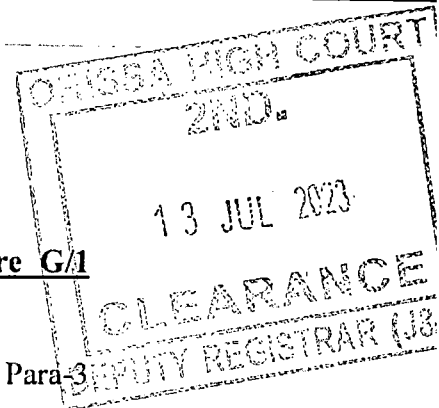
Annexure D/1. Copy of the case status of WP(C) No. 275/2015 is annexed herewith and marked as Annexure E/1.

16. That as regards the averments made in Para-3 XVIII of the I.A, it is humbly submitted that Government of India, Ministry of Environment and Forests vide letter dated 11.08.2006 have requested the Chief Wildlife Wardens of all Project Elephant States to take necessary steps for notification and protection of identified elephant corridors by providing some legal protection like under EP Act. Accordingly, it was proposed by PCCF Wildlife to the State Government vide letter no. 7274 dated 11.10.2012 for notification of the 14 identified corridors under provisions of the Environment (Protection) Act or in some other suitable dispensation. It is submitted that no enabling provisions under any law for notification of elephant corridors are thus existing as on date as well and that Government of India has also not notified any elephant corridors under the provisions of EP Act as reported vide letter dated 02.05.2023 of the Proforma OP No. 2. Hence, the averments made in this para are not incorrect. Copy of letters dated 11.10.2012, 11.08.2006 and letter dated 02.05.2023 are annexed herewith and



marked as Annexure F/1 and Annexure G/1 and Annexure-H/1 respectively.

17. That as regards the averments made in Para-3 XIX of the I.A, it is humbly submitted that it is not a fact that there is lack of diligence or negligence of the Forest and Wildlife wing in providing protection to the elephants. Since elephants are long ranging animals and adapt easily to changes, their movement paths are also changing with passage of time. Further, the studies carried out by different agencies in last many years have come up with list of different corridors in the State. While Wildlife Trust of India in 2005 published 9 corridors in the State, the same organization identified 12 corridors in 2017. Similarly, the State identified 14 corridors in 2012 whereas Elephant Task Force of Government of India in its report (GAJAH) in 2010 identified 3 priority I corridors and another 6 priority II corridors. Similarly, Asian Nature Conservation foundation (ANCF) in their report in 2018 identified one new corridor which was not identified earlier by any organization. Hence, as is evident from the various reports by specialized organization and Task Forces, the elephants have over the years, been changing their movement patterns. Thus, unless and until detailed ground truthing/ study of patterns of



*Subodh Kumar*

*SR*



their movement over a period of time is done, the functionality or otherwise of such identified corridors which had been identified quite some years ago cannot be established. In fact, Dr. R. Sukumar, an expert member of the Joint Task Force in his report on Elephant Carrying Capacity of Odisha's Forests published in 2018 has categorically observed that:

"The wildlife Managers should understand the feasibility and ecological viability of elephant corridors before notification as otherwise serious mistake could be made in a designated nonexistent corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors."

The aforesaid factual position has already been duly reflected in the Review Petition filed by the State before the Hon'ble NGT against order dated 17.08.2021. It is further submitted that OP no.2 has already started the exercise for ground validation of elephant corridors across India. Measures are also already undertaken by the State for protecting the elephants movements by securing their habitats and providing connectivity to such habitats as is

*Subal kumari*

*SS*



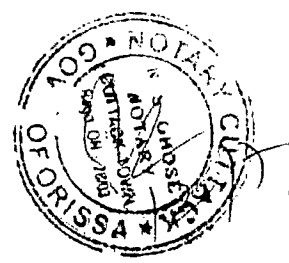
submitted through various affidavits filed. Moreover, in pursuance of order dated 25.08.2022 of this Hon'ble Court in WP(C) PIL No. 14706/2022, a Comprehensive Action Plan for conservation of Elephants and Mitigation of Human-Elephant conflict in Odisha has also been prepared and steps have already been taken for implementation of the said Plan. Further, in spite of the measures undertaken by the present Petitioners, the depredation occurring because of Human Wildlife Conflict is also being addressed through appropriate compassionate grant for which recently the rates have substantially been enhanced. Thus, the averments made in this para that negligence has caused degradation of corridors are incorrect and thus denied. The State Government is sincerely and vigorously taking active steps to ensure the protection of elephants in the State.

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17(a) That it is humbly submitted that averments in the petition which have not been specifically replied and are not matters of record shall be deemed to have been denied by the answering Opposite Parties.

18. That the answering Opposite Parties crave leave of this Hon'ble Court to make further submissions and file further affidavits, in the interest of justice and effective adjudication by this Hon'ble Court.

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19. That in view of the facts stated and the submissions made hereinabove, it is humbly submitted that the instant application is liable to be dismissed by this Hon'ble Court as the same is baseless and devoid of any merit.

20. That the facts stated above are true to the best of my knowledge, belief and based on available records.

Identified by:

*Harish Kumar Das*  
A.C. A.G's Office 12/7/23

*Subal Kumar Das*  
DEPONENT  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Place: Cuttack

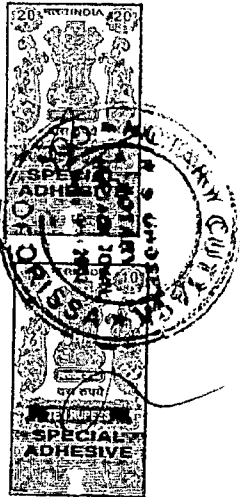
Date: 12.07.2023

Certified that Cartridge papers are not available

*Subal Kumar Das*  
ADDL STANDING COUNSEL

The above named deponent being identified by Mr./Ms. *D.K. Das* Advocate appears before me at *12/7/23* AM/PM. on this the *12/7/23* day of *July* 20*23*.  
solemnly affirms that the facts stated are true to his/her knowledge and belief.

*Subal Kumar Das*  
NOTARY  
CUTTACK TOWN  
12/7/2023



**BEFORE THE NATIONAL GREEN TRIBUNAL**

**EASTERN ZONE BENCH, KOLKATA**

**Execution Application No. 3/2022/EZ**  
(Arising out of O. A. No.129/2016/EZ  
disposed of on 17.08.2021)

Wildlife Society of Orissa

Applicant (s)

**Versus**

State of Odisha & Others

Respondent(s)

**INDEX**

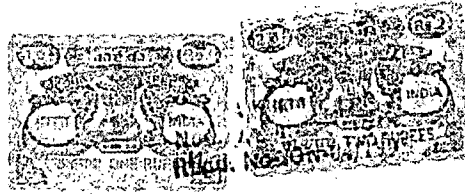
SL.NO.	DESCRIPTION OF DOCUMENTS	PAGES
1.	PRELIMINARY COUNTER AFFIDAVIT FILED ON BEHALF OF THE RESPONDENTS NO.1,2 AND 4.	1-5
2.	Annexure-A/1 Copy of review petition.	6-19

CUTTACK  
DT.14.03.2023

*J. C. K. G.*  
ADDL.GOV.T.ADVOCATE

*True Copy*

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar



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

**Execution Application No. 3/2022/EZ  
(Arising out of O. A. No.129/2016/EZ  
disposed of on 17.08.2021)**

Wildlife Society of Orissa

Applicant (s)

Versus

State of Odisha & Others

Respondent(s)

**PRELIMINARY COUNTER AFFIDAVIT FILED ON BEHALF  
OF THE RESPONDENTS NO.1,2 AND 4.**

I, Shri Bikash Ranjan Dash, aged about 56 years, son of late Krushna Chandra Dash, at present serving as the Conservator of Forests (Wildlife), O/O – The Principal Chief Conservator of Forests (wildlife) & Chief Wildlife Warden, Odisha, At.- Prakruti Bhawan, Saheed Nagar, PO. Saheed Nagar, Bhubaneswar, Distt.- Khurda, do hereby solemnly affirm and state as follows;

1. That, I have been duly authorized by the Respondent no. 1, 2 and 4 to swear this affidavit on their behalf, as I am well acquainted with the matter and am competent to swear this affidavit, being duly authorized for the purpose.

*By*  
PRADIPTA KUMAR MOHANTY  
Notary, Cuttack Town  
Regd. No. 354/2017

*Tone copy*

*[Signature]*  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

*Bikash Ranjan Dash*

2. That the applicant in O.A. No. 129/2016/EZ has filed the above mentioned Execution Application alleging non-implementation of the order dated 17.08.2021 passed by this Hon'ble Tribunal in the aforesaid original application.

3. That the Hon'ble Tribunal vide order dated 30.01.2023 has directed the Government of Odisha to file counter affidavit reply regarding compliance of Order dated 17.08.2021.

4. That in the order dated 17.08.2021 in O. A. No. 129/2016/EZ, the Hon'ble Tribunal has issued directions to State Government to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan within a period of two months.

5. That, it is humbly brought to the kind notice of the Hon'ble Tribunal that, an application for review of the above order dated 17.08.2021 has been filed before the Hon'ble Tribunal on dated 16.09.2021 for kind consideration, on the grounds mentioned below.

a) It was brought on record that a Writ petition (Civil) No. 275/2015 involving similar cause of action is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. The very same person namely Sri Biswajit Mohanty who has filed the O.A. is also the petitioner no. 2 in the above Civil Appeal. But the said fact was not consciously brought on record by the applicant of the above O.A. While the same matter is pending before the Hon'ble Supreme

PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1995

True Copy  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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Court at the instance of the person representing the applicant Society and the Hon'ble supreme Court has invited suggestions on the same, the entertainment of the issue at this stage would frustrate the very core concept pending before the Hon'ble Supreme Court.

b) The Hon'ble Tribunal vide order dated 23.06.2020 directed the State respondents to place before it with specific timelines in accordance with observations and recommendations made in the report submitted by the ANCF. The Hon'ble Tribunal while passing the impugned judgment has not considered the action plan placed by the State respondents.

c) Asian Nature Conservation Foundation (ANCF) has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, a new corridor namely, Hatibari corridor has been mentioned in their study, which is an addition to 14 corridors identified by the State Government. This corridor needs to be identified and delineated in the field as sufficient details are not given by ANCF in the report.

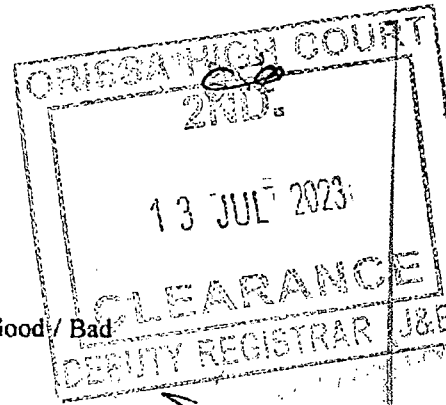
d) As per study by ANCF, 9 out of identified 14 corridors have been rated as Poor/ Very poor in terms of their functional existence. Similarly, for ecological feasibility, 3 out of 14 identified corridors have been rated as Good and one corridor as

*Dr. L. K. Singh*

PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- 04-04/1995

*True Copy*

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar



Good, if mining is stopped. The rest are rated as not Good/ Bad as far as ecological feasibility is concerned.

e) Government of India in Ministry of Environment, Forest and Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 have constituted a committee to identify and conduct the ground-truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the Action Plan, these corridors as identified by Wildlife Trust of India are not the same as identified by the State Government but have few commonalities. The process of consultation and ground-truthing is underway.

f) The ANCF report has also mentioned under item No. 5.11 which is quoted as *"The wildlife Managers should understand the feasibility and ecological viability of elephant corridor before notification as otherwise serious mistakes could be made in a designated non-exist corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors."*

g) In view of the action plan and steps initiated, it is expected that movement areas/ paths of elephants will be secured and conservation of elephants will be further strengthened and need to notify the identified 14 corridors will not be there.

A copy of the review petition is filed as Annexure-A/1.

PRADIPTA KUMAR MOHANTI  
Notary, Cuttack Town  
Regd. No- ON-04/1993

Principal Chief Conservator of  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

6. That as per Order dated 18.02.2020 of Hon'ble NGT in O. A. No. 2/2019, the Similiapl-Hadgarh-Kuldiha traditional elephant corridor has been notified as "Conservation Reserve" by the State Government U/S 36A of the Wildlife (Protection) Act, 1972, vide notification no.1166/FE&CC, dated 20.01.2023.

7. That meanwhile, a PIL on protection of elephants which include *inter alia*, the matter of elephant corridors, is already under hearing before the Hon'ble High Court of Orissa in WPC (PIL) No. 14706 of 2022, filed by Gita Rout Vrs. State of Odisha.

8. That in view of the above submissions, it is prayed before the Hon'ble Tribunal to favorably consider the review petition filed on 16.09.2021 and pass appropriate orders in the matter.

9. That, the facts stated above are true to the best of my knowledge and belief and based on records.

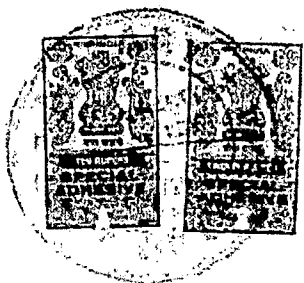
Identified By  
*J. C. Patra*  
Advocate

*Bikash Ranjan Datta*  
14.03.2023  
DEPONENT

Certified that cartridge papers are not available.

CUTTACK  
DT.14.03.2023

*J. C. Patra*  
ADDL. GOVT. ADVOCATE



Solemnly sworn before  
me by *B. R. Dash*  
being identified by *J. C. Patra*, Advocate  
at Cuttack Town dated *14/03/2023*  
*14/03/2023*  
P. A. Mohanty, ASST. Commr. (Genl.)  
Regd. No. *101*

*True Copy*  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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ANNEXURE-A

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

**Review Application No. /2021/EZ**  
(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

**IN THE MATTER OF:**

**STATE OF ODISHA & OTHERS  
... REVIEW PETITIONERS**

**-VERSUS-**

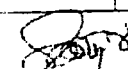
**WILDLIFE SOCIETY OF ORISSA ... OPP. PARTY**


**COMPILATION-I**

**INDEX**

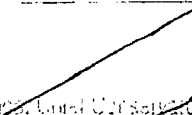
Sl. No.	Annexure	Description of document	Page
1.		Review Application	1-13
2.	A/1	Copy of the Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ	14-30

**PLACE: CUTTACK  
Dtd: 16.09.2021**

  
**ADVOCATE  
FOR REVIEW PETITIONER**

  
**Conservator of Forests  
Of the PCCF (WL) & CWLW  
Odisha, Bhubaneswar**

*True Copy*

  
**Conservator of Forests  
(Wildlife) & Caret Wildlife Warden  
Odisha, Bhubaneswar**



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- 1 -  
BEFORE THE NATIONAL GREEN TRIBUNAL:  
EASTERN ZONE BENCH, KOLKATA

Review Application No. /2021/EZ

(Arising out of O.A. No.129/2016/EZ disposed of on 17.08.2021)

In the matter of: An application under Section 19(4)(f) of the  
National Green Tribunal Act, 2010 read with  
Rule 22 of the National Green Tribunal (Practices  
and Procedure) Rules, 2010;

AND

- In the matter of:
1. State of Odisha,  
Represented by Chief Secretary,  
Government of Odisha,  
Loka Seva Bhawan,  
Bhubaneswar, Khurda.  
(Respondent No.1 in the O.A)
  2. The Secretary,  
Forest and Environment Department,  
Govt. of Odisha, Loka Seva Bhawan  
Bhubaneswar, Khurda.  
(Respondent No.2 in the O.A)
  3. The Principal Chief Conservator of Forests  
& Chief Wildlife Warden, Odisha,  
Prakruti Bhawan, BDA Apartment,  
Nilakanthanagar, Nayapalli, Bhubaneswar,  
Khurda.  
(Respondent No.4 in the O.A)

PRADIP KUMAR MISHRA  
Notary, Cuttack town

Conservator of Forests  
O/o the PCOF (WL) & CWLW  
Odisha, Bhubaneswar

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Prin. Secy only

Free Copy

23 - 8 - 2  
... Review Petitioners

-Versus-

1. Wildlife Society of Orissa  
(Elephant Corridors)  
Represented by its Secretary,  
Shantikunj, Link Road, Cuttack,  
Dist:-Cuttack, Odisha-753012.  
(Applicant in the O.A)
2. The Secretary,  
Ministry of Environment,  
Forests & Climate Change,  
Government of India,  
Indira Paryavaran Bhawan,  
Jorbagh Road, New Delhi-110003.  
(Respondent No.5 in the O.A)

... Opp. Parties

3. The Secretary,  
Revenue and Disaster Management  
Department, Loka Seva Bhawan,  
Bhubaneswar, Khurda.

... Proforma Opp. Party

The humble Application of the  
above named Review Petitioner:

**MOST RESPECTFULLY SHEWETH:**

1. That the petitioners in the present application sought for review of the Judgment dtd.17.08.2021 passed by this Hon'ble tribunal in O.A. NO.129/ 2016/EZ wherein this Hon'ble Tribunal directed the State

PRADIP KUMAR MOHANTY  
Notary, Cuttack town

True copy

Conservator of Forests  
Of the PCCF (WL) & CWLV  
Odisha, Bhubaneswar

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

2. That the applicant filed the above O.A. seeking a direction to the present applicant no.2 to submit proposals for declaration and notification of 14 elephant corridors to the Central Government with the further direction to the present Opp. Party No.2 to take immediate action and to issue draft notification and thereafter a final notification notifying the 14 elephant corridors.
3. That pursuant to notice, the present applicants being Opp. Parties in the O.A. appeared in the above O.A. and filed the reply to the O.A. by way of an affidavit dtd.03.01.2017. It was brought to the notice of this Hon'ble Court in the said affidavit that an MOU has been signed with Asian Nature Conservation Foundation to identify the major and minor elephant corridors of Odisha along with the work of assessing the habitat viability and ground truthing of the already identified elephant corridors. It is also brought to the notice of this Hon'ble Tribunal that contrary to claim of the applicant elephant corridors of the State of Uttarakhand has not been notified. The contents of the affidavit dtd.03.01.2017 may be treated as part of this application.
4. That another affidavit dtd.14.02.2017 filed on behalf of the present petitioners indicating therein that final decision with regard to notification of the elephant corridors can be taken after detail study conducted by Asian Nature Conservation Foundation. The contents of the affidavit dtd.14.02.2017 may be treated as part of this application.

Bill Larkin D.D.

DR. JYOTSNA KUMAR MOHANTY  
New Delhi, India  
Page No. 04-04/1995

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Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

5. That subsequently another affidavit dtd.13.11.2017 filed on behalf of the present petitioners wherein it was brought to the notice of this Hon'ble Court that Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. It is pertinent to mention here that the very same person namely Sri Biswajit Mohanty who has filed affidavits in the above O.A. has also the petitioner no. 2 in the above Civil Appeal. But said fact was never brought on record by the applicant of the above O.A. The contents of the affidavit dtd.13.11.2017 may be treated as part of this application.

*Biswajit Mohanty Only*

6. That after the report of the Asian Nature Conservation Foundation was submitted, the same was considered. Vide order dtd.23.06.2020 this Hon'ble Tribunal directed the State respondents to place before the Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. Accordingly an action plan with specific timeline was prepared and placed before this Hon'ble Tribunal along with an affidavit dtd.10.08.2021. The contents of the affidavit dtd.10.08.2021 may be treated as part of this application.

7. That the above matter was taken up for hearing on 12.08.2021. In course of hearing it was submitted on behalf of the present petitioners that the report of Asian Nature Conservation Foundation suggest that most of the Corridors has no functional existence and most of the corridors are also not ecologically feasible. It was further submitted that as per the observations and recommendations made in the report of Asian Nature Conservation Foundation, the action plan was prepared. After the hearing was concluded, the Judgment was reserved. The Judgment was pronounced on 17.08.2021 directing the

*Signature*

PRINCIPAL CHIEF CONSERVATOR OF FORESTS  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

*Signature*  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

*True Copy*

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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21/08/2021

State government to notify the elephant corridors in accordance with law and the same was available in the website on 18.08.2021.

8. That on perusal of the Judgment it reveals that none of the submissions of the present petitioners have been considered and the same contains some errors apparent on the face of it. Hence, this application.

Being aggrieved by the conclusions/ observations/ directions made in of the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ, the Review Petitioner begs to prefer this Review Petition on the following grounds amongst other:

**GROUND**

**ERROR APPARENT ON THE FACE OF THE RECORD:**

- A. For that, the conclusions/directions made in the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is an outcome of error apparent on the face of the record and in violation of the principles of natural justice.
- B. For that, the entire judgment does not reflect the submission of the Opp. Parties. Since the findings are arrived at without considering the submission of the Opp. Parties, the same is an error apparent on record.
- C. For that, though it was brought on record that the Writ Petition(Civil) No. 275/2015 is pending before the Hon'ble Supreme Court of India on the issue of securing elephant corridors of Odisha. While the same matter is pending before the Hon'ble Supreme Court at the instance of the person representing the applicant Society and the

21/08/21

PRACHI KUMAR MISHRA  
Notary, Cuttack  
Regd. No. 07-04/1995

Conservator of Forests  
Of the PCCF (WL) & CWLV  
Odisha, Bhubaneswar

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Principal Chief Conservator  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Hon'ble Supreme Court has invited suggestions, the entertainment of this Tribunal is an error apparent.

- D. For that, this Hon'ble Tribunal vide order dtd.23.06.2020 directed the State respondents to place before this Hon'ble Tribunal with specific time lines in accordance with observations and recommendations made in the report submitted by the ANCF. This Hon'ble Tribunal while passing the impugned Judgment has not considered the action plan placed by the present petitioners.
- E. For that, the direction to the present petitioner no.1 to notify the elephant corridors in terms of elephant corridors as identified by the Asian Nature Conservation Foundation (ANCF) and the Action Plan is an error as the petitioner no. 1 has no authority to notify the elephant corridors.
- F. For that, the observation of the Asian Nature Conservation Foundation (ANCF) in its report at paragraph 5.11 has not been considered by this Hon'ble Tribunal while passing the impugned Judgment. This Hon'ble Tribunal has not given any finding either accepting the recommendation or rejecting recommendation which is against the intent of the order dtd.23.06.2020 passed by this Hon'ble Tribunal.
- G. For that, Asian Nature Conservation Foundation has not identified the elephant corridors. Rather they have examined the 14 corridors identified by the State Government in the year 2011. These corridors have been graded by ANCF as per their ecological feasibility and functional existence. In addition to this, under their list of priority corridors, one new corridor namely, Hatibari corridor has been mentioned in their study, which is in addition to 14 corridors identified by the State Government. This corridor needs to be

DR. J. K. MOHANTY  
Bhubaneswar, Odisha

Conservator of Forests  
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Odisha, Bhubaneswar

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Dr. J. K. Mohanty

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identified and delineated in the field as sufficient details are not given by ANCF in the report.

H. For that, as per study by ANCF, 9 corridors out of identified 14 corridors have been rated as Poor/Very poor in terms of their functional existence. Similarly, for ecological feasibility, 3 corridors out of 14 identified corridors have been rated as Good and one corridor as Good, if mining is stopped. The rest are rated as not Good/Bad as far as ecological feasibility is concerned.

I. For that, as per direction of Hon'ble Tribunal in their Order dtd 26.03.2020, an action plan based on study of ANCF has been prepared and approved by State Government. This action plan is to be implemented in 3 years period which provides for a holistic approach towards protection and conservation of elephants in Odisha and to mitigate human elephant conflict. The strategy adopted in the action plan is based on following three points.

- (i) Need to secure elephant habitat.
- (ii) Providing connectivity to habitat.
- (iii) Securing movement path of smaller and scattered population.

Under point no. i, based on report of ANCF, area of two notified Elephant Reserves namely, Sambalpur ER and Mahanadi ER need to be increased to provide a secure habitat for elephants in Odisha. With this increase, about 75% of total population of elephants in the State and about 85% of total number assessed as per carrying capacity will get a secure habitat. As per action plan, already proposal has been formulated for the proposed increase in the area of two Elephant Reserves which is under consideration of Government.

PRADIP KUNWAR MOHANTY  
Notary, Cuttack Town  
Regd. No. 174/1995

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Odisha, Bhubaneswar

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Dibakar Ranjan Das

Under point no. ii, action plan has been formulated to provide connectivity to elephant habitats. Under this, as per action plan the distance between Mahanadi and Sambalpur Elephant Reserves will be reduced by way of expanding the area and the same will come down from present aerial distance for about 65 km to about 15 km.

Further, due to change in movement patterns of elephants it is difficult to fix the boundaries of elephant corridors in the landscape between two expanded Elephant Reserves. Therefore, entire landscape between two expanded Elephant Reserves will be treated as movement area. As suggested by ANCF report this area would be made wildlife friendly and for this purpose about 10 action points have been identified. Based on these action points some actions have already been initiated. This aspect has not taken into consideration in the impugned Judgment.

J. For that, the actions initiated basing on the action points mentioned above are highlighted as below:

(i) Habitat enrichment activities by planting forest plants and water source augmentation have been initiated.

(ii) As identified by ANCF report, distribution canals of Manjore Dam are obstacles for movement of elephants in the areas between Mahanadi and Sambalpur Elephant Reserves. So, three crossing points have been identified on these canals and fund have been placed with Water Resources Department to construct overpass for elephants.

(iii) ANCF report has also identified roads as potential barriers for elephant movement. So, crossing points of the elephants on roads have been identified and provision of under / over pass is included in the Site Specific Wildlife Conservation Plan and NH authorities have been asked to construct the same. Besides this, out of identified points on SH - 62, Works Department was asked to submit estimate for one such point and the same

RECEIVED  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar  
Date: 01.02.2015

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Prithvi Ranjan Nayak



has been received which is under field verification by RCCF, Angul. Similarly, Railway Authorities have also been asked to submit estimate for under pass construction in the identified crossing points and the same is awaited.

(iv) Voluntary village relocation scheme of the State has been amended to include areas connecting wildlife habitats in addition to protected areas. This provision will be utilized to undertake voluntary village relocation from elephant movement areas to reduce human pressure.

(v) Scheme for maintaining wildlife friendly land use by the villagers in these areas is under preparation by RCCF, Angul and Sambalpur.

(vi) Alternate livelihood like providing agricultural implements, flour mills, rice puffer machines etc. are being promoted in these areas to reduce dependence of forest fringe villagers on neighbouring forest resources.

(vii) Other measures like awareness of stakeholders, elephant proof trench, solar power fence, open well guards etc. are being done to save the life of elephants and other wild animals and to reduce human wildlife conflict.

K. For that, the ANCF study report has found that area of the Mayurbhanj elephant Reserve is adequate to support the present elephant population. In the report movement of elephants between Mayurbhanj Elephant reserve and the two other Elephant reserves is not established. Further, a study conducted by Palei et al (2019) titled as "Elephant Movement and its Impacts" throws light on movement patterns of elephants in the area including interstate movements based on 15 years data from 1997 to 2014. These movement patterns over about 15 years show that the movements are not fully covered

Dr. Vishwanath Das

*Copy*

ODISHA WILDLIFE DEPARTMENT  
Bhubaneswar

*[Signature]*  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

*True copy*

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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ORISSA HIGH COURT  
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13 JUL 2020  
CLEARANCE  
REGISTRAR (USE)

by identified corridors and there are much larger places of entry and exit. Hence restricting the measures to be taken to these identified corridors may not suffice. Proposal to conduct a study to ascertain exact movement paths or areas for interstate movement to and from Jharkhand and West Bengal and measures required for safeguarding them is under active consideration of Government.

L. For that, as per Order dated 18.02.2020 of Hon'ble NGT in O.A. No. 2/2019 and 3/2019 already the process for declaring the movement area between Hadgarh sanctuary and Kuldiha sanctuary within Mayurbhanj Elephant Reserve as Conservation Reserve have been initiated.

M. For that, as regards Point No. iii of Para (I), to monitor the movement of smaller and scattered population, Circle Level Committees under the Chairmanship of Chief Wildlife Warden has been constituted after due approval of State Government. These Committees will review the movement of scattered population twice a year and will take necessary steps for ensuring their safety and security.

N. For that, it is also pertinent to mention that Government of India in Ministry of Environment, Forests & Climate Change vide their Letter F. No. 7-1/2021-PE dated 13.04.2021 has constituted a committee to identify and conduct the ground truthing of 101 elephant corridors identified by Wildlife Trust of India. As detailed in the action plan, these corridors as identified by wildlife Trust of India are not the same as identified by the State Government but have few commonalities.

O. For that, the ANCF report has also mentioned under item No. 5.11 which is quoted below:

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

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Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Dr. N. S. Kishor Das

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*"The Wildlife Managers should understand the feasibility and ecological viability of elephant corridor before notification as otherwise serious mistake could be made in a designated nonexistent corridor. Each corridor needs a proper study to demarcate the elephant movement paths for proper notification of corridors".*

P. For that, in view of the action plan and steps initiated it is expected that movement areas/paths of elephants will be secured and conservation of elephants will be further strengthened and need to notify the identified 14 corridors will not be there.

15. That in view of the submissions made in the aforementioned paras, unless the impugned Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ is reviewed and the petitioners are allowed to implement the Action Plan in the proposed 3 years period and further directed completion of study of Govt. of India before taking any final decision on notification of elephant corridors, the Review Petitioner, will suffer irreparable loss and injury.

#### LIMITATION

The present Review Application is under Section 19(4)(f) of the National Green Tribunal Act, 2010 read with Rule 22 of the National Green Tribunal (Practices and Procedure) Rules, 2010. The Review Petitioner obtained the Certified Copy of the Judgment dtd.17.08.2021 on 18.08.2021. Therefore, the present Review Petition is within the limitation period.

#### INTERIM RELIEF

This Hon'ble Tribunal may be pleased to pass an interim Order of stay, staying the operation of the impugned Judgment dtd. 17.08.2021 under Annexure-A/1 till disposal of the present Review Petition.

Study

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Principal Chief Conservator  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

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**PRAYER**

In the circumstances stated above, it is, therefore, humbly prayed that the Judgment dtd.17.08.2021 passed in O.A. No.129/2016/EZ may kindly be reviewed;

And allow this Review Application;

And pass such other Order / Orders, as this learned Tribunal may deem fit and proper;

And for this act of kindness the Review Petitioner as in duty bound shall ever pray.

Place: Cuttack


Dtd.16.09.2021


  
**ADVOCATE**  
For the Review Petitioner

**VERIFICATION**

I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o-Principal Chief Conservator of Forests, (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby verify that the contents of Paragraphs – 1 to 15 as well as Grounds-A to P believed to be true on material of records and that I have not suppressed any material fact.

  
**VERIFICANT**

  
P. K. KUMAR  
Joint Secretary  
Cuttack town  
Dist. No. 756041095

  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

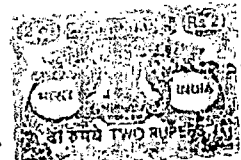
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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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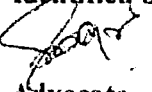
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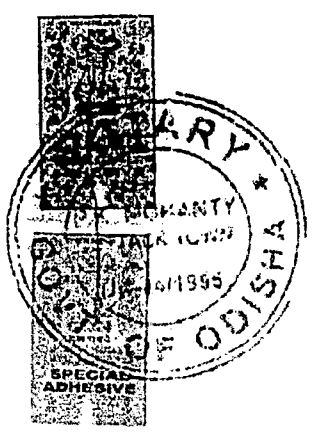
I, Bikash Ranjan Dash, aged about 55 years, S/o. Late Krushna Chandra Dash at present working as Conservator of Forests, O/o-Principal Chief Conservator of Forests, (Wild Life) and Chief Wild Life Warden, Odisha, Bhubaneswar, Khurda, do hereby solemnly affirm state as follows:

1. That, I am duly authorized by the Review Petitioner nos. 1 to 3 to sworn in this affidavit and I am acquainted with the facts of the case;
2. That, the facts stated above are true to the best of my knowledge and belief.

Identified by  
  
Advocate  
Dtd.16.09.2021

  
DEPONENT


Certified that Catridge papers are not available.



  
ADVOCATE

Solemnly Sworn before  
me by..... Bikash Dash  
being identified by..... S.K. Mohanty, Advocate  
at Cuttack Town Dated..... 16/9/2021  
16/9/2021  
P.K. Mohanty, Notary, Cuttack Town  
Regd. No. 24-04-1995

*True Copy*

  
Conservator of Forests  
O/o the PCCF (WL) & CWLW  
Odisha, Bhubaneswar

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Item No.04

Court No.1

**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

*True Copy*

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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.

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

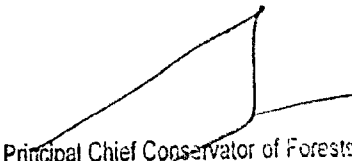
8. List on 06.04.2023.

.....  
B. Amit Sthalekar, JM

March 14, 2023  
Execution Application No.03/2022/EZ  
In  
Original Application No.129/2016/EZ  
MN

.....  
Prof. A. Senthil Vel, EM

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar



IN THE HIGH COURT OF ORISSA: CUTTACK

Annexure - 10

W.P.(C) NO.14706 OF 2022

GITA ROUT ... Petitioner

-VERSUS-

STATE OF ODISHA  
& OTHERS ... Opp. Parties

INDEX

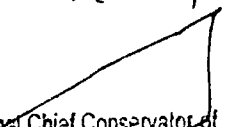
Sl No	Description of Documents	Pages
1.	Affidavit filed by Chairman-cum-Convenor, Joint Task Force in compliance of order dtd. 13.12.2022.	1-8
2.	<u>Annexure- R/1</u> <i>Series</i> Copies of the relevant Govt. orders indicating the amount of compassionate grant admissible.	9-21
3.	<u>Annexure- S/1</u> List of Gaja Sathi volunteers engaged during the current year in the state.	22-114
4.	<u>Annexure- T/1</u> <i>Series</i> Map (s) showing the villages that fall in and around these corridors.	115-128
5.	<u>Annexure- U/1</u> Villages falling in and around these 14 corridors as listed corridor wise.	129-143
6.	<u>Annexure- V/1</u> Copy of the FIR registered along with connected records.	144-153

Cuttack  
Dtd. 21.12.2022

By the Opp. Party through

  
Addl. Standing Counsel.

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

IN THE HIGH COURT OF ORISSA: CUTTACK

W.P.(C) NO.14706 OF 2022

GITA ROUT ... Petitioner

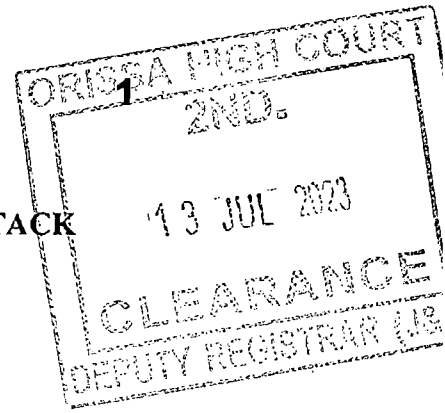
-VERSUS-

STATE OF ODISHA  
& OTHERS ... Opp. Parties

AFFIDAVIT FILED BY CHAIRMAN CUM  
CONVENOR, JOINT TASK FORCE IN  
COMPLIANCE OF ORDER DATED 13.12.2022

I, Dr. Manoj V. Nair, aged about 48 years, S/o N. Vasudevan Nair working as Chief Conservator of Forests O/o Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar do hereby solemnly affirm and state as under:

1. That I am working as Chief Conservator of Forests O/o Principal Chief Conservator of Forests (Wildlife) & Chief Wildlife Warden, Odisha, Bhubaneswar and am competent to swear this Affidavit.
2. That the instant Writ Petition was listed for hearing before this Hon'ble Court on 13.12.2022. In Paragraph - 2 and 3 of



Manoj V Nair

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

the order this Hon'ble Court has been pleased to direct as follows:

"3. An affidavit listing out the precise preventive measures taken will be filed before the next date. This will include the names of the "Gaja Sathis" who are said to have been deployed and the map showing the elephant corridor route in State of Odisha with the name of villagers that fall in and around the corridors. The affidavit will also set out the details of the FIR registered in connection with the above incident."

3. That with regards to the directions at Para 3 of the aforementioned order, it is humbly submitted that the precise preventive measures taken for protection of elephants in the State are delineated hereinbelow:

- i. In order to involve communities for protection of elephants, a scheme named "Gaja Sathi" is under implementation wherein 5 nos. of volunteers in each identified conflict prone villages have been selected through the Vana Samrakshyan Samiti (VSS)/ Eco Development Committee (EDC) of the concerned villages. These volunteers, after training, are engaged during the crop season for a period of 5 months from October to February. These volunteers act as the first line of response to alert villages in case of elephant movement nearby. They also act as an interface between the forest department and the village communities. During the year 2021-22, 2785 Gaja

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

*Manoj V. Nandi*

Sathi volunteers had been engaged in 557 nos. of conflict prone villages. In the current year, this scheme has been scaled up and 5,457 nos. of volunteers have been engaged in 1177 villages of the State.

- ii. In order to protect the crops and other infrastructure from damage by the elephants and also to save the elephants from possible retaliatory killing, a scheme titled Jana Surakhya Gaja Raskhya has newly been rolled out on public community partnership mode having provision for solar fencing with 90% cost borne by the State. The scheme wherein selection of site / extent of solar fencing is decided in consultation with villagers/ PRI members, is already launched in 4 villages in Dhenkanal Forest Division and is being extended to other conflict prone villages.
- iii. To prevent electrocution of elephants and other wild animals, bare conductors in the elephant movement area to the extent of 2,354 kms have already been cabled (insulated) out of the identified stretches of 3,814 Kms. Similarly, 3500 weak electrical points like tilted poles, sagging lines have been rectified/ strengthened out of the identified 13,600 points. In addition, another 4,444 kms of bare conductors and 31,000 electrical points have also been identified in elephant movement areas for similar interventions by the DISCOMS.
- iv. There is elephant movement in 178 Ranges of 39 Divisions in the State out of which 86 Ranges in 24 Divisions form part of

Along V. D. line

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Principal Charge Officer  
Wildlife, & Chief Wildlife Warden  
Odisha Government

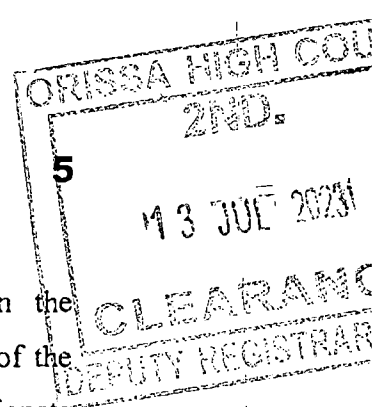
important elephant habitats for long term conservation of elephants in the State. Further, basing on data of human-elephant conflict, 32 Ranges in 19 Divisions have been identified to be most conflict prone Ranges. Habitat improvement and other measures are prioritized in those Ranges accordingly. Major interventions for habitat improvements that are being taken up include creation of 34 nos. water bodies, renovation of 26 nos. of water bodies, 44 nos. of water harvesting structures, meadow development over 200ha and over 1 lakh bamboo seed ball plantation.

- v. Further, about 900 nos. of protection squads comprising of 4,816 numbers of local villagers have been formed to monitor the movement of elephants and also to alert the villagers. In addition, one IT enabled App namely IWLMS (Integrated Wildlife Management System) has been put in place wherein squads and other field functionaries capture the movement of elephants and upload in the system for daily monitoring. On an average, 1200 nos of evidences of elephant movement are being uploaded daily.
- vi. In spite of all efforts taken, incidences of crop damage, loss of human life etc. by elephants do take place. The State Government has the provisions in place to provide compassionate amount in all such cases. To expedite disbursement of those amounts in the fixed time frame, an App titled ANUKAMPA has also been put in place and already 24,940 nos of cases have so far been settled with total

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Principal Chief Conservator of  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar



disbursement of Rs. 10,56,91,000 through DBT in the respective bank accounts of the beneficiaries. Copies of the relevant Govt. orders indicating the amount of compassionate grant admissible is annexed herewith as Annexure R/1 (Series).

vii. When elephant stray into human habitations, invariably it is almost a law-and-order situation and to address this situation, interventions of District and police administration is sought for to rule out any casualty, there is scope for further improvement. This instruction is being worked out further to have standing instructions to the local executive magistrate and police officers to be invariably present at the spot to assist the forest officials.

Manoj V. Nair

viii. Recently the meeting dated 14.12.2022 of all DFOs of the State has been conducted wherein the DFOs have been impressed upon for further improvement in implementation of all the measures scrupulously in the field.

3(A) That with respect to engagement of Gaja Sathi volunteers, it is humbly requested that total 5457 nos of volunteers have been engaged during the current year in the state, the list of such Gaja Sathi volunteers is annexed herewith as Annexure S/1.

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Odisha, Bhubaneswar

4. That the State Govt. in the year 2011 has identified 14 nos. of elephant corridors in the State. The details of which have already been furnished in Annexure A/1 to the affidavit filed on 16.07.2022. The map (s) showing the villages that fall in and around these corridors are annexed here with as Annexure T/1 series. About 944 nos of villages are falling in and around these 14 corridors as listed corridor wise and annexed herewith as Annexure U/1.

However, there have been following developments in the meantime with regard to these identified Elephant Corridors.

- (i) As per the study carried out by the Asian Nature Conservation Foundation (ANCF), 9 elephant corridors out of 14 identified corridors have been rated as poor/ very poor in terms of their functional existence. Similarly, for ecological feasibility, another 3 corridors have been rated as good and one corridor as good if mining is stopped. The rest are rated not good/ bad as far as ecological feasibility is concerned. The ANCF has however identified 4 priority corridors.
- (ii) Accordingly, steps are being taken for obtaining ground truthing through Project Elephant, Govt. of India to confirm the viability of these corridors pursuant to the decision taken in the meeting

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

*Manoj V Nair*

dtd.22.04.2022 held under the Chairmanship of Director (Project Elephant), Govt. of India.

- (iii) During the intervening period, the Hon'ble NGT vide their order dated 17.08.2021 passed in O.A. No.129/2016/ EZ filed by the Wildlife Society of Odisha, directed the State Government to notify the Elephant Corridors as identified by the Asian Nature Conservation Foundation.
- (iv) Since the said order is not implementable for want of ground truthing to ascertain the viability of these corridors before their notification, the State has filed the review petition dated 16.09.2021 before the Hon'ble NGT for reviewing its order praying *inter alia* for direction to complete the study before taking any decision on notification of the elephant corridors.

In view of the factual position as indicated above, the identified corridors have not been yet notified. However, all possible measures have been undertaken for protection of elephants and their habitat improvement as mentioned briefly in Para 3(i) to (vi) above. Moreover, the proposal for declaring Similipal-Kuldiha-Hadagarh traditional elephant corridor as Conservation Reserve U/s 38 of Wildlife (Protection) Act is under active consideration of the State. This will provide further protection to elephants.

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

*V. N. Singh*  
*Principal*



5. That as regards recent incidence of elephant death in Similipal, 3 nos of forest officials who had been placed under suspension in connection with the said case, have been arrested under Wildlife (Protection) Act 1972 and forwarded to the Hon'ble Court of SDJM, Udala and remanded to judicial custody. Copy of the FIR registered along with connected records is annexed herewith as Annexure V/1.
6. That the humble Opposite Parties crave leave of this Hon'ble Court to make further submissions and file further affidavits, in the interest of justice and effective adjudication by this Hon'ble Court.
7. That the facts stated above are true to the best of my knowledge, belief and based on available records.

Mang V Nain

Identified by:

Mang V Nain  
21.12.22

A.C. A. G's Office

DEPONENT  
Chief Conservator of Forests (WL)  
O/o the PCCF(WL) & CWDW  
Odisha, Bhubaneswar

Place: Cuttack

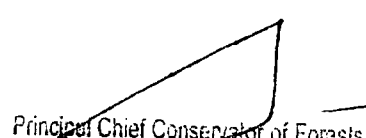
Date: 21.12.2022

Certified that Cartridge papers are not available



ADDL STANDING COUNSEL

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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F.No.6-15/2017 PE

Government of India

Ministry of Environment, Forest and Climate Change  
Project Elephant Division

TIME BOUND

Annexure-D/1

Indira Paryavaran Bhawan  
Vayu Wing, Jor Bagh Road, Aliganj  
New Delhi-110003

Date: 24 August, 2017

Sub: Order of the Hon'ble Supreme Court dated 04-08-2017 in Writ  
Petition (C) no. 275 of 2015 titled Vidya Athreya & Anr. Vs.  
Union of India Ors.

Sir,

Kindly find enclosed the order of the Hon'ble Supreme Court order  
dt. 04-08-2017. Writ Petition (C) no. 275 of 2015, wherein the Hon'ble  
Supreme Court has directed the MoEF&CC to consider protection of 27  
high priority elephant corridors in nine States by acquiring land, if  
necessary.

In this regard, you are requested to assess the feasibility of  
protecting these corridors in your respective state and if any, land  
acquisition is to be done, make it expeditiously.

If any financial assistance is required for this task, the Ministry may  
consider funding it, subject to budgetary restraints.

It is further requested to furnish an action taken report within 60  
days for filing of the affidavit in Hon'ble Supreme Court.

GOVERNMENT  
OF INDIA  
24/8/17

Yours faithfully,

(R.K. Srivastava)

Inspector General of Forests &  
Director, Project Elephant

Telefax: 011-24695292  
E-mail: igpe-mef@nic.in

Encl: As above

Copy for kind information and necessary action to :

1. The Chief Wild Life Warden , Government of Uttarakhand.
2. The Chief Wild Life Warden, Government of Odisha.
3. The Chief Wild Life Warden, Government of West Bengal.
4. The Chief Wild Life Warden, Government of Assam.
5. The Chief Wild Life Warden, Government of Arunachal Pradesh.
6. The Chief Wild Life Warden, Government of Meghalaya.
7. The Chief Wild Life Warden, Government of Karnataka.
8. The Chief Wild Life Warden, Government of Tamilnadu.
9. The Chief Wild Life Warden, Government of Kerala.

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Odisha, Bhubaneswar

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WP(C) No. 275/15

1

ITEM NO. 6

COURT NO. 1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s) (Civil) No(s). 275/2015

VIDYA ATHREYA & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA . & ORS.

Respondent(s)

Date : 04-08-2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. Shyam Divan, Sr. Adv.  
Mr. P. K. Manohar, AOR

For Respondent(s) Ms. Pinky Anand, ASG  
Mr. Wasim Qadri, Adv.  
Mr. Deepak Goel, Adv.  
Ms. Somya Rathore, Adv.  
Mr. Gurmeet Singh Makker, AOR

Mr. S. K. Mishra, Adv. Genl.  
Mr. Pawan Upadhyay, Adv.  
Mr. Sarvjit Pratap Singh, Adv.  
Ms. Sharmila Upadhyay, AOR

Mr. Amit Sharma, Adv.  
Mr. P. K. Mullick, Adv.  
Mr. A. C. Pradhan, Adv.  
Mrs. Neha Nagpal, Adv.  
Mr. Raj Bahadur, Adv.


Mr. Joseph Aristotle S., Adv.  
Mrs. Priya Aristotle, Adv.  
Mr. Ashish Yadav, Adv.  
Ms. Romsha Raj, Adv.

Mr. Debojit Borkakati, Adv.  
Ms. Diksha Rai, AOR

Mr. Deepak Goel, Adv.  
Mr. Milind Kumar, Adv.

Mr. S. Udaya Kumar Sagar, Adv.  
Mr. Mrityunjai Singh, Adv.

Ms. Hemantika Wahi, Adv.  
Ms. Jesal Wahi, Adv.

Signature Not Verified  
Digitally signed by  
D.Y. Chandrachud  
Date: 2017.08.04  
10:24:24  
Reason: 

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

Ms. Puja Singh, Adv.  
Ms. Shodhika Sharma, Adv.

Mr. G. Prakash, Adv.  
Mr. Jishnu M.L., Adv.  
Mrs. Priyanka Prakash, Adv.  
Mrs. Beena Prakash, Adv.

Mr. Mahaling Pandarge, Adv.  
Mr. Nishant Katneshwarkar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

1. Even though this Court, by its motion bench order dated 31.03.2017, required respondent Nos.1 and 3 to file counter affidavits, the same are not forthcoming. Ms. Pinky Anand, learned Additional Solicitor General, seeks a short adjournment, so as to enable her instructing counsel, to file counter affidavits on behalf of respondent Nos.1 and 3.
2. Mr. Shyam Divan, learned senior counsel appearing on behalf of the petitioner has handed over to us in Court today, some suggestions on behalf of the petitioner. The suggestions are taken on record, and marked as 'Annexure-A'. A copy thereof has been handed over to the learned Additional Solicitor General.
3. The learned Additional Solicitor General undertakes to take into consideration the suggestions of the petitioner, while filing the counter affidavits on behalf of respondent Nos.1 and 3.
4. Prayer is allowed.
5. Counter affidavits on behalf of respondent Nos.1 and 3 be positively filed within three months.
6. List on 21.11.2017.

(SATISH KUMAR YADAV)  
AR-CUM-PS

(RENUKA SADANA)  
ASST. REGISTRAR

*True Copy*  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

4/8/17

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
WRIT PETITION (C) NO. 275/2015

IN THE MATTER OF:

VIDYA ATHREYA & ANOTHER ..... PETITIONERS

Vs.

UNION OF INDIA OF INDIA  
& OTHERS ..... RESPONDENTS

SUGGESTIONS OF THE PETITIONERS

A. HUMAN - ANIMAL CONFLICT

Human wildlife conflict is the negative interaction between humans and wildlife. It affects the lives and livelihoods of people, often belonging to marginal communities who share spaces with these animals. On the other side, it also affects the lives and sustenance of wild animals, which are often threatened and endangered species. Since these are issues that arise due to both humans and wildlife sharing the same space we need knowledge about both groups and there needs to be engagement with the stakeholders to effectively mitigate the problem.

2 In view of high density of human population in India at 395  
..... able to keep humans and wild

Trilal Karmali

Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

animals away from each other. It is impossible to confine wild animals in designated Protected Areas (National Parks, Sanctuaries, Conservation Reserves and Tiger Reserves). In such situations it would be wholly incorrect to say that wild animals have strayed into human habitation as it is invariably the humans who have encroached in to the habitat of wild animals.

3. India is quite unprepared in its knowledge base to deal with the problem of human wildlife conflict largely because of the lack of information on the human dimension of the issue as well as the almost complete lack of research on the interactions between humans and wildlife in human use landscapes.

#### Recommendations

This Hon'ble Court may direct:

- a) the Ministry of Environment and Forests & Climate Change (MoEF & CC) and the Respondents States to accord priority in promoting with appropriate state funding, studies on human wildlife interactions that have both ecological and sociological components as well as training the local staff in dealing with wild animal emergencies in the areas where high incidence of human - animal conflict is reported;
- b) the MoEF & CC in consultation with the Respondent States to formulate Standard Operating Procedure / Action Plans which

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

are area specific and species specific to deal with emergency situations when wild animals come in close contact with human beings in human habitations or otherwise, giving rise to dangerous conflict situations;

- c) the MoEF & CC to introduce human - wildlife interactions as an important component in the curriculum in training of the Probationary Officers of the Indian Forest Service both at the Indira Gandhi National Forest Academy (IGNFA, Dehradun) and Wildlife Institute of India (WII, Dehradun) as also in all the State Training Colleges till the Forest Guard level;
- d) the MoEF & CC in consultation with the Animal Husbandry Department, Wildlife Institute of India and NGO's that work with rescue and treatment of wild animals, develop and introduce a compulsory course on Wildlife Veterinary Science in the existing veterinary curriculum with special focus on handling wildlife emergency situations;
- e) all the Collectors in the districts should consider using provisions of Section 144 of Cr. P. C. to prevent people from gathering in large numbers which aggravates wildlife emergency situations which invariably leads to injuries and may even lead to death of the people and almost certain death of the animal involved;

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

- f) the MoEF & CC and the Respondents States should develop and introduce mobile phone App based information system for payment of cash compensation to victims of human - animal conflict which results in crop loss, property loss or injury or death. The inclusion of such services under the Right to Service Act, as has recently been introduced by some of the Respondent States, should be adopted by the other Respondent States; and
- g) the MoEF & CC and the Respondents States should revive and compile age old traditional knowledge and methods of dealing with human - animal conflicts to prevent losses such as loss of livestock by wild carnivores and crop depredation by wild herbivores which has so far remained outside the realm of ecological sciences related to human - animal conflicts in India.

**B. Securing of Elephant Corridors to minimise human - elephant conflict**

Elephants are free ranging large animals seasonally covering great distances in search of fodder and water during which they come in conflict with human as their traditional migratory routes have been severed by destruction of forests to give way to ever expanding habitation, agriculture, road and railway network and canals and other

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar



taking a huge toll on both on human life and property and also the elephants. The respondent states by paying monetary compensation of several crores each year towards loss of human lives, crops and property have been treating symptoms, not the problem itself.

2. To begin with the MoEF & CC and the respondent states must accept the fact that the elephants are going to be using the much fragmented habitat as their natural habitat. The second step is to ensure the district administration, public and the media respect the presence of these animals in the human use landscape so that appropriate steps can be taken to ensure safety to human lives as well as ensure that elephants. Current methods are often reactive, not knowledge based and result more often than not in death of people or the animal in the ensuing commotion.

3. In order to provide safe passage to wild elephants from one area to another it is necessary that the MoEF & CC and the concerned respondents states consider securing through acquisition or by entering into lease with the stake holders the following 27 identified as corridors of high priority by the Task Force constituted by the MoEF & CC in its Report titled "Gajah" (31<sup>st</sup> August, 2013):

**State of Uttarakhand**

1. Chilla - Motichur
2. Rawasan - Sonanadi (vai Landsdwon)

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Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

- 55 -
3. South Patlidu - Chilkiya
  4. Malani - Kota

✓ State of Odisha

5. Simlipal - Satkosia
6. Baula - Kuldhia
7. Kotgarh - Chnadrapur

West Bengal

8. Buxa - Ripu at Sankosh
9. Ankua - Ambia

Assam

10. Pakke - Doimara
11. Pakke - Papum at Longka Nullah
12. Kalapahar - Daigurung
13. Kaaziranga - Karbi Anglong at Panbari
14. Kaaziranga - Karbi Anglong at Kanchanjuri

Arunachal Pradesh

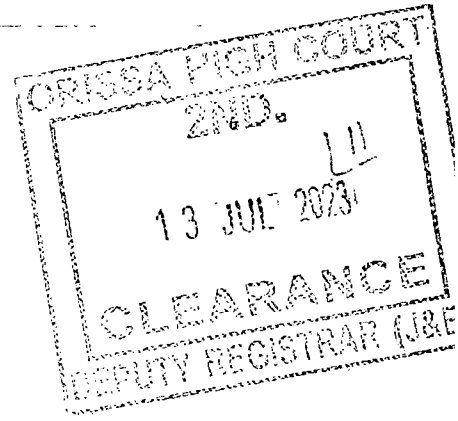
15. Pakke Doimara at Tipi

Meghalaya

16. Baghmara - Balpakram
17. Siju - Rewak

Karnataka

18. Edayarhalli - Doddasampige



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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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TamilNadu

19. Kanliyanpura - Moyar
20. Anamalai at Punachi
21. Anamalai between Siluvaimedu - Kadamparai
22. Kalamalai - Singara and Avarhalla
23. Boolavampatti - Attapadi
24. Anamalai at Waterfalls Estate
25. Moyar - Avarhalla

Karnataka and TamilNau

26. Chamrajnagar - Talamalai at Mudahalli

Kerala

27. Tirunelli - Kudrakote

**C. MITIGATIVE MEASURES FOR REDUCING ANIMAL DEATHS  
ON ROADS / HIGHWAYS**

In view of large number of wild animal deaths due to vehicular accidents occurring with increasing frequency on roads / highways, a Task Force may be constituted by the MoEF & CC with representatives of the NHAI and wildlife experts to identify National Highways, State Highways and other Major District Roads and other roads passing through wildlife areas which have recorded high incidence of animal deaths. The Task Force should suggest putting in place specific mitigative measures including construction of over passes, under passes / flyovers and other measures for providing safe passage to animals.

*G. Mohan*  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

2. Some of the roads identified in the recent publication of the Ministry of Environment and Forests & Climate Change titled "ECO - FRIENDLY MEASURES TO IMPACTS OF LINEAR INFRASTRUCTURE ON WILDLIFE" in collaboration with the NHAI and the World Bank Group, pass through wildlife habitats are NH 74 passing through Rajaji National Park; NH 209 bisecting Sathyamangalam Wildlife Sanctuary in Tamil Nadu; NH 6 and NH7 intersecting at least 6 tiger corridors in the Vidarbha region of Maharashtra; 7 state highways passing through Gir and NH 37 passing through Kaziranga National Park. These roads may be taken up on priority for putting in place mitigative measures by using vast amounts of funds lying in Compensatory Afforestation Fund with the MoEF & CC.

**D. ANIMAL DEATHS DUE TO ELECTROCUTION**

In view of increasing frequency of deaths of elephants and other endangered wild animals due to electrocution, a Task Force may be constituted by the MoEF & CC with representatives of the Power Grid Corporation and the Central Electricity Commission and wildlife experts (WII as well as NGO's) to identify specific areas where animal deaths have occurred. Most of the wild animal deaths due to electrocution, particularly of the elephants is attributed to 11 KV distribution lines and quite a few from transmission lines particularly in the states of Odisha, Tamil Nadu, Kerala and

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Odisha, Bhubaneswar

Karnataka. The Task Force should file its report to this Hon'ble Court within three months suggesting specific mitigative measures in identified locations to minimize wild animal deaths from electrocution. The possibility of increasing the visibility of the lines from afar (such as fladry which hangs down and is of shiny material) could help in reducing electrocution especially in the case of birds.

**E. RECOVERY PLANS FOR CRITICALLY ENDANGERED GREAT INDIAN BUSTARD (GIB)**

The species such as the Great Indian Bustard (the GIB) (numbers around 100), the Bengal Florican and the Lesser Florican are critically endangered and may be lost forever within our life time. The most crucial aspects of conservation of these species are their using vast spaces (the GIB collared in Maharashtra used an area of 1,600 sq. km.) which implies that it cannot be conserved within small pockets of National Parks and Sanctuaries and resulting in these animals always sharing space with humans. Thus any conservation efforts aimed at grassland species has to focus on both people and the wildlife because without the support of the people these wildlife cannot inhabit the rural landscapes.

2. The seriousness and the magnitude of the problem has been highlighted in the paper titled "Conservation Alert – What can save the Great Indian Bustard *Ardeotis nigriceps*?" authored by N. J.

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MAHARASHTRA GOVT. SECRETARY  
GOVT. SECRETARY, WILDLIFE  
GOVT. SECRETARY

Collar, P. S. Patil and G. S. Bhardwaj published in Birding ASIA 23 (2015):15-24. The paper has listed 30 short and long measures to the save the GIB from certain extinction. However, some immediate steps that are required to be taken by the concerned respondent States are:

- a) to provide protection to an Arc like area (polygon) North west of Jaisalmer as shown in the above mentioned paper which has a small population of GIB's. This area needs to be intensively surveyed by a team specially constituted for presence of GIB's and the same should be completed in a time bound manner;
- b) to identify all government lands without any private rights in and around the said Arc which where presence of GIB's is being recorded and the same should be transferred to the Desert National Park for conservation of the GIB and its associated species such as the Chinkara, Desert Fox, Desert cat;
- c) restrict change in land use in the above mentioned Arc by preventing further laying / construction of transmission / distribution lines and wind mills and also in the buffer area of 50 km. around the Northern part of the Desert National Park which still holds a small but significant and critical population of GIB's;

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- d) establish as 2 X 2 km. circular predator proof enclosures for providing protection to the breeding GIB (maternity wards) preventing access to all the predators of the GIB chicks with a view to prevent further mortality of their plummeting numbers. Vast amounts of funds lying with CAMPA may be allocated for the said purpose;
- e) rationalise the boundary of Desert National Park by denotifying those areas which have little or no conservation value to the GIB and its associated species and simultaneously restricting activities which are detrimental to GIB conservation in and around the Arc area to give the best chance to save the GIB from extinction; and
- d) provide incentives to farmers who report breeding GIB's in their property (the nature of incentive has to be decided but has to have proof of presence of breeding GIB on the land and could be in the form of breeding livestock that can be provided in return or subsidies in other government schemes.

Dated: 4<sup>th</sup> August, 2017

Filed by  
Counsel for the Petitioner

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

13/12/2017  
HOS

File No. 6-12-2017-PE (Computer No. 96153)

Court No - 1  
Item No 72.

1/20

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 275 OF 2015

(Writ petition filed under article 32 of the Constitution of India for enforcement of Fundamental rights under Article 21 read with Articles 48A and 51 A (g) Constitution of India).

IN THE MATTER OF:

Vidya Athreya & Anr

.....Petitioners

Versus

Union of India & Ors.

.....Respondents

IGF(LOL)

VOLUME - I

PAPER BOOK

(For Index Please See Inside)

It is submitted that the petition was received by CA. Bhumi to appeal on 13.04.2017. Further, as per the order passed by the Hon'ble SC, counter in the matter was directed to be filed within a period of 4 weeks. However, only 2 weeks are now left to file reply.

ADVOCATE FOR THE PETITIONERS: P.K. MANOHAR

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E-87837/16  
19/04/17

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been part of the Indian culture for time immemorial. In many cases, the local communities even worship the wildlife species. For the animals, human use landscapes are areas they reside in, use for movements and dispersal and breeding as well. Having regard to the crucial importance of non-Protected Areas and animal populations residing outside Protected Areas, a national policy and programme for protection of wildlife outside Protected Areas is urgently needed.

M. The petitioners are also relying upon the annexed documents and research papers in support of their contentions in this petition regarding elephant deaths on railway tracks.

#### PRAYERS

That this Hon'ble Court may be pleased to issue an appropriate writ, order or direction under Article 32 of the Constitution of India ordering and directing the 1<sup>st</sup> Respondent and the other Respondent States that are home to critically endangered species / endangered species to:

- (i) Forthwith frame and implement a detailed programme with respect to identified critically

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endangered species / endangered species including the Great Indian Bustard (*Ardeotis nigriceps*), Lesser Florican (*Sypheotides indica*), the Bengal Florican (*Hoübaropsis bengalensis*), the Wolf (*Canis lupus*), the Himalayan Brown Bear (*Ursus arctos isabellanus*) and the Snow Leopard (*Panthera uncia*) so as to prevent extinction of these species in the wild.

- (ii) Forthwith frame and implement an appropriate policy and programme with respect to protecting wildlife living outside Protected Areas (National Parks, Sanctuaries, Conservation Reserves and Community Reserves) and reducing human animal conflict.
- (iii) Forthwith take suitable mitigative measures in the design, construction and operation of infrastructure created by them or falling within their jurisdiction in a manner that the death and injury to wild animals as a result of canals, water reservoirs, power distribution lines, rail or road kills on highways is eliminated or reduced;

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- (iv) Forthwith undertake a survey to identify areas falling within their respective jurisdictions that require interventions to reduce harm caused to wildlife and prevent injury to humans;
- (v) Forthwith report to this Hon'ble Court regarding the steps that have been taken in order to survey and update the infrastructure so as to be more hospitable to the wildlife;
- (vi) Forthwith to constitute an expert committee to make recommendations with respect to restoring the population of critically endangered species and for the purpose of ensuring the protection and preservation of wildlife living outside Protected Areas.
- (vii) Forthwith to issue specific directions to Respondent Nos. 2 and 3 to ensure that railways and highways do not cause harm to wildlife and suitable corridors are provided to enable the migration and safe passage of wild animals across railway lines and highways.

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(viii) Direct such further and other relief as the facts and circumstances of the case may require.

(ix) For costs.

AND FOR THIS ACT OF KINDNESS THE PETITIONERS AS  
IN DUTYBOUND SHALL EVER PRAY

Drawn By:

Settled By: Mr. Shyam Divan Sr. Advocate

Dated:

Filed By

P. K. MANOHAR  
ADVOCATE FOR THE PETITIONERS

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Case Status | SUPREME COURT OF INDIA



# SUPREME COURT OF INDIA (1)

Annexure - E/1

॥ यतो धर्मस्ततो जयः ॥

(<https://play.google.com/store/apps/details?id=com.nic.scisapp>)

(<https://apps.apple.com/in/app/supreme-court-of-india/id1523266644>)

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Case Information (click here)

Diary Number	Case Number	Party Name	AOR	Court / Tribunal	Free Text
	9100				
Case Type	Number	Year			
WRIT PETITION	275	2015			Submit
Diary No.- 9195 - 2015					
VIDYA ATHREYA vs. UNION OF INDIA .					
Case Details					
Diary No.	9195/2015 Filed on 19-03-2015 12:00 AM [SECTION: PIL-IV]				PENDING
Case No.	W.P.(C) No. 000275 / 2015 Registered on 08-05-2015				
Present/Last Listed On	17-08-2018 [HON'BLE THE CHIEF JUSTICE, HON'BLE MR. JUSTICE A.M. KHANWILKAR and HON'BLE THE CHIEF JUSTICE]				
Status/Stage	Pending - (Motion Hearing [AFTER NOTICE (FOR ADMISSION) - CIVIL CASES]) List After (Weeks) (6)-Ord dt.17-08-2018				
Category	0805-Letter Petition & Pil Matters : Ecological Imbalance: Protection and conservation of forests throughout the country, protection of wild life, ban on felling of trees and falling of underground water level				
Act					
Petitioner(s)	1 VIDYA ATHREYA . 2 BISWAJIT MOHANTY SHANTIKUNJ, LINK ROAD . DISTRICT: CUTTACK .CUTTACK . ORISSA				

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<https://main.sci.gov.in/case-status#>

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Case Status | SUPREME COURT OF INDIA

Respondent(s)

- 1 UNION OF INDIA ,
- 2 UNION OF INDIA MINISTRY OF RAILWAYS SECRETARY  
RAIL BHAWAN, RAISINA ROAD ,NEW DELHI , DELHI
- 3 STATE OF ASSAM
- 4 THE STATE OF ANDHRA PRADESH FOREST DEPARTMENT PRINCIPAL SECRETARY  
HYDERABAD ,HYDERABAD , ANDHRA PRADESH
- 5 THE STATE OF ASSAM FOREST DEPARTMENT ADDITIONAL CHIEF SECRETARY  
DISPUR , , ASSAM
- 6 THE STATE OF GUJARAT FOREST DEPARTMENT PRINCIPAL SECRETARY  
GANDHINAGAR ,GANDHINAGAR , GUJARAT
- 7 THE STATE OF HIMACHAL PRADESH FOREST DEPARTMENT PRINCIPAL SECRETARY  
SHIMLA ,SHIMLA , HIMACHAL PRADESH
- 8 THE STATE OF JAMMU AND KASHMIR FOREST DEPARTMENT PRINCIPAL SECRETARY  
RANCHI , , JAMMU & KASHMIR
- 9 THE STATE OF JHARKHAND FOREST DEPARTMENT PRINCIPAL SECRETARY  
RANCHI ,RANCHI , JHARKHAND
- 10 THE STATE OF KARNATAKA FOREST DEPARTMENT ADDITIONAL SECRETARY  
4TH FLOOR, M.S. BUILDING , , KARNATAKA
- 11 THE STATE OF KERALA FOREST DEPARTMENT ADDITIONAL CHIEF SECRETARY  
THIRUVANANTHAPURAM , , KERALA
- 12 THE STATE OF MADHYA PRADESH FOREST DEPARTMENT PRINCIPAL SECRETARY  
MANTRALAYA BHOPAL , , MADHYA PRADESH
- 13 THE STATE OF MAHARASHTRA FOREST DEPARTMENT ADDITIONAL CHIEF SECRETARY  
MANTRALAYA ,MUMBAI , MAHARASHTRA
- 14 THE STATE OF ODISHA FOREST DEPARTMENT PRINCIPAL SECRETARY  
BHUBANESWAR , , ORISSA
- 15 THE STATE OF RAJASTHAN FOREST DEPARTMENT ADDITIONAL CHIEF SECRETARY  
JAIPUR ,JAIPUR , RAJASTHAN
- 16 THE STATE OF TAMIL NADU FOREST DEPARTMENT PRINCIPAL SECRETARY  
CHENNAI ,CHENNAI , TAMIL NADU
- 17 THE STATE OF TELANGANA FOREST DEPARTMENT PRINCIPAL SECRETARY  
HYDERABAD ,HYDERABAD , TELANGANA
- 18 THE STATE OF UTTAR PRADESH FOREST DEPARTMENT PRINCIPAL SECRETARY  
BAPU BHAWAN, VIDHAN SABHA MARG ,LUCKNOW , UTTAR PRADESH
- 19 STATE OF WEST BENGAL GOVERNMENT OF WEST BENGAL PRINCIPAL SECRETARY  
HRBC BUILDING , , WEST BENGAL
- 20 THE STATE OF UTTARAKHAND GOVERNMENT OF UTTARAKHAND PRINCIPAL SECRETARY  
SUBHASH MARG ,DEHRADUN , UTTARAKHAND
- 21 THE STATE OF UTTARAKHAND NATIONAL BOARD FOR WILDLIFE MEMBER SECRETARY  
PARYAVARAN BHAVAN, JOR BAGH ROAD , DISTRICT: NEW DELHI , , DELHI

Pet. Advocate(s)

P. K. MANOHAR

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DIKSHA RAI  
 SHREEKANT NEELAPPA TERDAL[R-2]  
 GUNTUR PRABHAKAR[R-4]  
 HEMANTIKA WAHI[R-6]  
 SUNIL FERNANDES[R-8]  
 NISHE RAJEN SHONKER[R-11]  
 AADITYA ANIRUDDHA PANDE[R-13]  
 MILIND KUMAR[R-15]  
 KRISHNANAND PANDEYA[R-9]  
 Resp. Advocate(s) NISHE RAJEN SHONKER[R-11]  
 SHUBHRANSHU PADHI[R-10]  
 KAMLENDRA MISHRA[R-18]  
 ABHINAV MUKERJI[R-7]  
 SUNNY CHOUDHARY[R-12]  
 M. YOGESH KANNA[R-16]  
 GURMEET SINGH MAKKER[R-1]  
 SHARMILA UPADHYAY  
 VENKAT PALWAI LAW ASSOCIATES[R-17]

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Office Report

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Caveat

Correspondence  
 The Registrar,  
 Supreme Court of India  
 Bldg Marg, New Delhi-110001  
 e-mail :  
 supremecourt[at]sc[dot]in  
 Contact Details : 011-  
 23116400, 23116401,  
 23116402, 23116403

Assets of Judges  
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 Constitution  
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 Former Chief Justices  
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 Former Justices  
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 (jurisdiction)

Amenities (amenities)  
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 Senior Advocates  
 Designation  
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{/supreme-court-rules-1966}  
SC Rules - 2013  
{/supreme-court-rules-2013}

Case Status | SUPREME COURT OF INDIA

WebCast  
{https://webcast.gov.in/scindia}

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Annexure - F/1

**OFFICE OF THE PRINCIPAL CCF (WILDLIFE) & CHIEF WILDLIFE WARDEN, ODISHA**  
5<sup>TH</sup> FLOOR, B.D.A. APARTMENT, PRAKRUTI BHAWAN, NILAKANTHA NAGAR,  
NAYAPALLI, BHUBANESWAR- 751012

No. 7274 /IWL (D) 243/12 Dated, Bhubaneswar, the 11 October 2012.

To

The Principal Secretary to Government,  
Forest and Environment Department,  
Odisha, Bhubaneswar.

Sub: Elephant Corridors in the State - Issue of Notification under  
Environmental (Protection) Act 1986 - reg.

Ref: Government of India, Ministry of Environment and Forests letter No.2-  
15/2002-PE dated 11.08.2006.

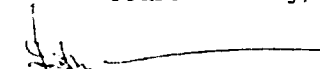
Sir,

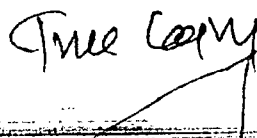
I would like to intimate that 14 nos. of traditional elephant corridors with a total length of 420.8 kms and covering of area of 870.61 kms have been identified in the whole State and the Corridor Management Plans have been prepared for these 14 corridors. However, it is to be pointed out that these 14 elephant corridors have not been notified for ensuring legal protection to such areas in the future. In their letter dated 11.08.2006, the Government of India, Ministry of Environment and Forests have requested the Chief Wildlife Warden of all Project Elephant States to take necessary steps for notification and protection of the identified elephant corridors in their respective States. In order to facilitate passage of elephants without any disturbances along these corridors and to ensure legal protection to the area from any restrictive form of land use over it, all the above 14 elephant corridors may be notified under provisions of Section 3(v) of Environmental (Protection) Act 1986 or in some other suitable dispensation. This will also give validity to our project for improving the Elephant Corridors for which a sum of Rs.5.00 crore has been allotted for expenditure in 2012-13 from audit point of view.

An early action is requested.

Encl: As above.

Yours faithfully,

  
Principal CCF (Wildlife) &  
Chief Wildlife Warden, Odisha

  
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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भारत सरकार  
पर्यावरण एवं वन मंत्रालय  
GOVERNMENT OF INDIA  
MINISTRY OF ENVIRONMENT & FORESTS

Annexure-4/1

No. 2-15/2002 - PE  
E-mail: ganjendra@nic.in  
Phone: 24360957

Date: 11.08.2006 ✓

To

The Chief Wildlife Wardens (PE) States & UTs.

Sub: Regarding Elephant corridors.

Sir,

You may be aware that Wildlife Trust of India has published a book "Right of Passage - Elephant Corridors of India". In the book it has been mentioned that 88 elephant corridors have been identified with the help of State Forest Department and NGOs.

It is necessary that elephant corridors are protected and conserved. It has been informed by CV/LW, Uttaranchal that the State is in the process of notifying the elephant corridors in Uttaranchal. I am sure similar action must be under consideration in your State. It will also be necessary that the elephant corridors are provided with some legal protection like under EP Act. May I request to take necessary action if not already initiated, for notification and protection of the identified elephant corridors in your State. An Action Taken Report on the issue will be highly appreciated.

Yours faithfully,

Self  
(A.N. Prasad)  
IGF & DIRECTOR(PE)

Copy to :

✓ Dr. P S. Easa, Senior Director-Conservation w.r.t. letter No.  
WTI/CORRIDOR/2006 dt. 19<sup>th</sup> July, 2006.

A.N. Prasad  
(A. N. Prasad)  
IGF & Director (PE)

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(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

2024/2023

6-16/2022-WL

Annexure - H/1

F. No. 2-22/2017 -PE  
Government of India/ भारत सरकार  
Ministry of Environment, Forests & Climate Change/ पर्यावरण, वन एवं जलवायु परिवर्तन  
मंत्रालय  
(Project Elephant Division/ हाथी परियोजना विभाग)  
\*\*\*\*\*

6<sup>th</sup> Floor, Jal Wing,  
Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi-110003

Dated 02<sup>nd</sup> May, 2023

To,

The Principal Chief Conservator of Forests (WL)  
& Chief Wildlife Warden,  
Department of Forests,  
Government of Odisha,  
Bhubaneswar-751012.

Sub: O.A. No.129/2016 Wildlife Society of Odisha Vrs. State of Odisha and  
Others reg.

Sir,

With reference to your letter dated 29.04.2023 regarding the subject cited above.  
The point-wise information desired with respect to notification of elephant corridors, in the  
country, are as follows:

1. As per the available information in the Ministry no elephant corridors has been notified under the provisions of Environment (Protection) Act so far. However, High Court of Uttarakhand in a matter has directed State of Uttarakhand to notify a such corridor under EPA, 1986.
2. The Govt. of Tamil Nadu vide Government Notification G.O.(Ms.) No. 125 dated 31.08.2010 has notified Sigur elephant corridor in compliance to the order of Hon'ble High Court of Madras. The judgement of the Hon'ble High Court of Madras for upholding the validity of the Tamil Nadu Government Notification G.O. (Ms.) No. 125 dated 31.08.2010 was challenged vide Civil Appeal No. 3438-3439/2020 in the matter of Hospitality Association of Mudumalai Vs. In Defence of Environment and Animals & Ors. Before the Hon'ble Supreme Court of India. The Hon'ble supreme Court of India, vide its judgment dated 14.10.2020, while upholding the order of the Hon'ble High Court of Madras has also recognized the importance of elephant corridors for protection and preservation of elephants. (copy enclosed).

The traditional Elephant Corridor connecting three Wildlife Sanctuaries of Odisha "Similipal - Hadgarh- Kuldiha" is declared as Conservation Reserve under Sec 36-A of WLPA 1972 by Odisha Govt.

3. Nil.

This issues with the approval of Competent Authority.

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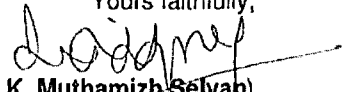
Principal Chief Conservator of Forests  
(Wildlife) & Chief Wildlife Warden  
Odisha, Bhubaneswar

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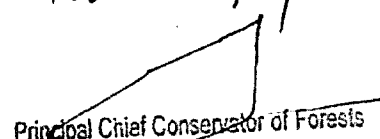
Encls: as above.

Yours faithfully,



(Dr. K. Muthamizh Selvan)  
Scientist 'E' (Project Elephant)  
Email id: km.selvan@gov.in  
Telephone No. 011-20819193

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Case No : **WP(C) 14057/2023**

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