[O. H. C.–97-A]

DIVISION BR. SEAT No-

SUBASH MANSINGH S.BEHERA, S.K.SINGH,

In the High Court of Orissamis najarande mojafalra, **ORDER SHEET**

marcis R Pradian, Jyo lermay Brick PK SUMPRO, SOUVAVKRULE,

BLAPL/WYP(C) NO. 6497/2024 - PJF 20 (PIL)

BASANTA DIGI

Versus

STATE OF ODISHA 4001

Opposite-Party

Sl. No. of Order	Date of Order	ORDER WITH SIGNATURE	Office note as to action (if any), taken on Order
FC183447 CANNED			PRESENTED ON 15/03/2024 SUPERINTENDENT COMPUTER FILING SECTION
		. K	·

W.P.(C) No. 6497 of 2024

Basanta Digi and others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha and others

Opposite Parties

Ms. Saswata Patnaik, Additional Government Advocate

CORAM:

THE CHIEF JUSTICE

MR. JUSTICE SIBO SANKAR MISHRA

Order No.

ORDER 03.04.2024

01. This matter is taken up through Hybrid mode.

- 2. Eight weeks' time is allowed to opposite party no.13, i.e. the Collector & D.M. Khordha to file counter affidavit.
- 3. List this matter on 26.06.2024. The counter affidavit must be filed in the meanwhile.

(Chakradhari Sharan Singh) Chief Justice

> (S.S. Mishra) Judge

S. Behera



IN THE HIGH COURT OF ORISSA AT CUTTACK W.P.(C) PIL No.6497 of 2024

Basanta Digi and others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha and others

Opposite Parties

Smt. Suman Pattanaik, AGA

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

<u>ORDER</u>

26.06.2024

02.

Order No.

This matter is taken up through Hybrid mode.

- 2. Two weeks' time is allowed to learned Additional Government Advocate appearing for the State to file counter affidavit.
- 3. List this matter on 10.07.2024.

(Chakradhari Sharan Singh)

Chief Justice

(Savitri Ratho) Judge

M. Panda



W.P.(C) No. 6497 of 2024

Basanta Digi and others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mrs. Suman Pattanayak, Additional Government Advocate

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

Order No.

ORDER 10.07.2024

O3. This matter is taken up through Hybrid mode.

- 2. Mrs. Suman Pattanayak, learned Additional Government Advocate (AGA), appearing on behalf of the opposite parties-State has submitted that counter affidavit shall be filed by tomorrow after serving a copy thereof upon learned counsel appearing on behalf of the petitioners.
- 3. In such view of the matter, list this matter on 24.07.2024.
- 4. Learned counsel for the petitioner shall have the liberty to file reply to the counter affidavit, if so required.

(Chakradhari Sharan Singh) Chief Justice

> (Savitri Ratho) Judge

S. Behera



IN THE HIGH COURT OF ORISSA AT CUTTACK W.P.(C) No. 6497 of 2024

Basanta Digi & Others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha & Others

Opposite Parties

Smt. Suman Pattanaik, A.G.A. Mr. Dayananda Mohapatra, Advocate (for O. P. No.7)

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

Order No.

ORDER 25.07.2024

04.

This matter is taken up through Hybrid mode.

- 2. List this matter on 29.07.2024.
- 3. Registry to ensure that all affidavits (e-filed or filed physically) shall be incorporated in the digital record in the meanwhile.

(Chakradharl Sharan Singh) Chief Justice

> (Savitri Ratho) Judge

Subhalaxmi



W.P.(C). No. 6497 of 2024

Basanta Digi and others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mrs. Suman Pattanayak, Additional Government Advocate
Mr. Dayananda Mohapatra, Advocate
Mr. P. Pattnaik, Advocate (Intervenor)

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

<u>ORDER</u>

Order No.

30.07.2024

O5. This matter is taken up through Hybrid mode.

- 2. An intervention application is intended to be filed in the Court today on behalf of certain persons who claim to be the land owners of the land which is the subject matter of the present writ petition. Let it be done in the Registry by tomorrow.
- 3. Let copies of the intervention application be served on learned counsel appearing on behalf of the petitioner, leaned Additional Government Advocate representing the State of Odisha and learned counsel representing the Bhubaneswar Development Authority (BDA), if not already done.
- 4. List this matter on 13.08.2024.

(Chakradhari Sharan Singh) Chief Justice

> (Savitri Ratho) Judge



W.P.(C). No. 6497 of 2024

Basanta Digi and others

Petitioners

Mr. S. Mansingh, Advocate

-versus-

State of Odisha and others

Opposite Parties

Mrs. Suman Pattanayak, Additional Government Advocate
Mr. Dayananda Mohapatra, Advocate
Mr. P. Pattnaik, Advocate (Intervenor)

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

Order No.

30.07.2024

O5. This matter is taken up through Hybrid mode.

- 2. An intervention application is intended to be filed in the Court today on behalf of certain persons who claim to be the land owners of the land which is the subject matter of the present writ petition. Let it be done in the Registry by tomorrow.
- 3. Let copies of the intervention application be served on learned counsel appearing on behalf of the petitioner, leaned Additional Government Advocate representing the State of Odisha and learned counsel representing the Bhubaneswar Development Authority (BDA), if not already done.
- 4. List this matter on 13.08.2024.

(Chakradhari Sharan Singh) Chief Justice

> (Savitri Ratho) Judge



W.P.(C) No. 6497 of 2024

ta Digi & Others

Petitioners

None

-versus-

Opp. Parties

of Odisha & Others

Ms. Suman Pattanaik, A.G.A. Mr. Dayananda Mohapatra, Advocate

Mr. Dayananda Monapatra, Advocate Mr. Patitapaban Panda, Advocate (Intervenor)

CORAM:

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

ORDER 28.10.2024

<u>r *No.*</u> 5.

This matter is taken up through hybrid Mode.

- 2. There is no representation on behalf of the petitioners.
- 3. Ms. Suman Pattanaik, learned Addl. Govt. Advocate for the State and Mr. Dayananda Mohapatra, learned counsel for the Bhubaneswar Development Authority are present.
- 4. Mr. Patitapaban Panda, learned counsel appearing for the intervenor has also made his submissions.
- 5. List this matter tomorrow (29.10.2024) within first five cases.

(Chakradhari Sharan Singh)

(Savitri Ratho) Judge



IN THE HIGH COURT OF ORISSA AT CUTTACK W.P.(C) No. 6497 of 2024

Basanta Digi and others

Petitioners

Mr. Subash Mansingh, Advocate

-versus-

State of Odisha and Others

Opposite Parties

Mrs. Suman Pattanaik, Addl. Govt. Advocate

Mr. Dayananda Mohapatra, Advocate for B.D.A &

Mr. Patitapaban Panda, Advocate for Interveners

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

<u>ORDER</u>

29.10.2024

Order No. 07.

This matter is taken up through Hybrid mode.

- 2. Since ST & SC Development, Minorities & Backward Classes Welfare Department has already been impleaded as Opposite Party No.4 in the present writ petition, Mrs. Suman Pattanaik, learned Additional Government Advocate accepts notice its behalf.
- 3. Let an exhaustive counter affidavit be filed on behalf of opposite party No.4 addressing the grievances which have been raised in the present writ application relating to Scheduled Tribe families in the forest area of Andharua Gram Panchayat in Khordha district.
- 4. Opposite Party No.4-ST & SC Development, Minorities and Backward Classes Welfare Department shall also be required to discuss the *bona fide* of filing of the present writ petition.
- 5. List the matter on 26.11.2024. In the meanwhile the counter affidavit be filed.



I.A. No. 9945 of 2024

- 6. This application has been filed by the interveners opposing the prayer made in the present public interest litigation on the ground of the private rights, the interveners have, in respect of the land in question.
- 7. Considering the facts and circumstances and the submission of learned counsel appearing for the interveners, the prayer is allowed. The interveners are permitted to participate in the present proceeding.
- 8. This application is disposed of accordingly.

(Chakradhari Sharan Singh) Chief Justice₇

> (Savitri Ratho) Judge

SK Jena/Secy.



W.P.(C) No. 6497 of 2024

Basanta Digi & Others

Petitioners

Mr. Subash Mansingh, Advocate

-versus-

State of Odisha & Others

Opp. Parties

Ms. Suman Pattanaik, A.G.A. Mr. Patitapaban Panda, Advocate (for Intervenor)

CORAM:

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

ORDER 26.11.2024

Order No.

08.

This matter is taken up through hybrid Mode.

- 2. As requested on behalf of the State-opposite parties, two weeks further time is allowed to file a counter affidavit in the light of this Court's order dated 29.10.2024.
- 3. List this matter on 10.12.2024.

(Chakradhari Sharan Singh)
Chief Justice

(Savitri Ratho)

Judge

Sukanta/Puspa

· D-WP (1)- 10391/24

IN THE HIGH COURT OF ORISSA

Case No. 6497 /2024

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
		PALENDRA PRASAD SINGH ASST RESISTENCE
		defect-6' removed.
		9714-3-24
		defect-22 senored by I.A. 3971/24.
		No. desert
		15-3:29
ı		For fresh admission, will
		· I.A. no :3517/2024 in al flag A for apprefrat.
٠		order.
•		uday is Panda DB
	C.) 7–50,000–14-09-2023	Santosh ke Charrabanty

Case No. $\frac{WM() \eta 0.6 497 / 2024}{}$

SI. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
01	03.64.2024	For admission willy 1.1.1.70.3517/2024 is at flag. If for appropriate
		order.
·		order.
		· Pursuane to Carol's order 70.1 deg 03.04.27
		counter affigant just received from of.
.,	-	no.13. E.e. the allector & D.M., Khordha.
	· -	· m/s payananda mohapatra & assocrates
		effected on schalf of op no. 7. by thens v.n
		(orderno 1 ded 03-04-24 kendly be seen)
		Adj. 20, 26.06.2024
		Uday K Panda
		25-06.24 Santosh ku Chakrabarty

Case No. WP.(1) nu-64 97/2014

1. 1. no. 3971/2024 is at flog is for all roproduct of Counter afficient not received from learned A (order no. 02 ded 26-06.24 kindly be seen) Ads. 20 19-07-2024 Uday 1 Panda 1)r 2-07-07-24 Santoch Kie Charadouty For a dinission D counter attractable by of no6,8,920 (Coty served). 1) 9. A. No3517/2024 is at they A. for affin order. 1) 9. A. No3971/2024 is at they is for affin order. 1) 9. A. No3971/2024 is at they is for affin order. 1) Pajorider attracts not received.	Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
1. 1. no. 3971/2024 is at flog is for all roproduct of Counter afficient not received from learned A (order no. 02 ded 26-06.24 kindly be seen) Ads. 20 19-07-2024 Uday 1 Panda 1)r 2-07-07-24 Santoch Kie Charadouty For a dinission D counter attractable by of no6,8,920 (Coty served). 1) 9. A. No3517/2024 is at they A. for affin order. 1) 9. A. No3971/2024 is at they is for affin order. 1) 9. A. No3971/2024 is at they is for affin order. 1) Pajorider attracts not received.	02	26.06-2024	For admission with
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(order no. 02 ded 26-06.24 knolly be seen) Adj. 10 10-07-2024 Uday Klanda Oq-07-24 Santosh kue characterity For admission Deputer attidant folial by opinus-6,8,9 k10 (cely served). ") 9. A HI-3517/2024 is at blog A for affineration. ") 9. A HI-3971/2024 is at blog 'B, for affineration. ") Pajainder attidant not received. (construit of the seen)			· I.A. no. 3971/2024 is at flag is for appropriate order.
(order no. 02 ded 26-06.24 knolly be seen) Adj. 10 10-07-2024 Uday Klanda Oq-07-24 Santosh kue characterity For admission Deputer attidant folial by opinus-6,8,9 k10 (cely served). ") 9. A HI-3517/2024 is at blog A for affineration. ") 9. A HI-3971/2024 is at blog 'B, for affineration. ") Pajainder attidant not received. (construit of the seen)			· Counter affidavet not received from learned AGIA
3. 10.07: 2124 Santosh ku charrobonty Ger admission Counter attidant filed by of new-6,8,9 k10 (Cety Served). ") 9.A. Hi-3517/2024 is at they A. for affine order. ") 9.A. Hi-3971/2024 is at they B. for affine order. ") 9.A. Hi-3971/2024 is at they B. for affine order. ") Pejainder attidant not recuised.			(order no. 02 dtd 26-06.24 Kindly be seen)
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") 9.A. No-3517/2024 is at Hog B. for after order. Order. Deforder attached not received. Rejoinder attached not received.	3.	16.07:2024	For admission Dounter attidant folled by of new- 6,8,9 k10 (copy sorved).
07 chr. 3971/2024 is at blog 13, for 04/2 order. in) Rejerreder attaches not received.			11) 9. A HI - 3517/2024 is at by A. For affording
in) Rejoinder athoust not received!			11) 9. A MI-3971/2024 is at Hy B, for 4/20/20
(no ne- 3 may kirdly Se Seu)			in) Dejoinder attount net received.
Niraja Marina 24/214 Santoch Ku Chakrabarty			(is no 3 may kirdly Se Seu) Ads to 24. 7+24 Nivasa Malina 24314



Case No. WP(1) No. 6497/2024

Sl. No. of	Date of Order for	Notes and action taken on order with
Order for compliance	compliance	signature of Dealing Assistant and Superintendent
04	25.07.2024	For admission with
	_	Counter attidant filed by O.P. Nos. 6, 8, 9,510, copy served.
· · · · · · · · · · · · · · · · · · ·	-	Order.
		Order
		Rejoinder affidavit not received.
	-	- One letter issued to A.G., odisha cuttack by the Tahasildare, Bhubonesware reg. submission of - In struction is at flag - c' may kindly be seen.
· · · · · · · · · · · · · · · · · · ·		be perused.)
\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \		deted 25.07 2024 negazoling incomformal of all attidowits (e-tiled on filed physically) in the digital record.
· · · · · · · · · · · · · · · · · · ·		Adj. to 29/07/2024 DB
		Biswarath Pr. Suhoo 26/07/2024 Santosh Kei Charrabarty

WP() Case No. 6497/2024

Sl. No. of Order for compliance	Date of Order for compliance	Notes and action taken on order with signature of Dealing Assistant and Superintendent
	30-07-2024	For admission. With evanter aftidoust filed by ops. No. 6,8, 9 & 10. (copy served.) - I.A. No. 3517/24 is at Flag A' for appr. order. - I.A. No. 3971/24 is at Flag B' for appr. order. - I.A. No. 3971/24 is at Flag B' for appr. order. - I.A. No. 9945/24 at Flag B' for intervention. (copy Berned.)
·		Adj: to 13.08.2024
		Salkhu Majhi 9.8.24 Santosh ku chanrabarty
c5.	3c.07.2024	For Admission with counter by OPs-6,8,9 +10 and an attidant by op-13. capy not resved.
		(i) I.A - 3971/24 is at Hag-A' for apport orders. (ii) I.A - 3971/24 is at flag-B' for apport orders.
		(ii) I.A9945/24 is at Haf. D'for intervention. Mr. patitapabon panda adv appeared for the Intervence. (iv) Rejoinder is not yet received.
,	· ·	Memc
		Santosh kie Chanrabarty

Case No. WP(c) No. 6497/2024

Si. No. of Date of Order for compliance		Notes and action taken on order with signature of Dealing Assistant and Superintendent
07.	29.10.2024	For Admission with minter by 92-6, 8, 9 \$ 10
		and an atticlarit by Op. 13. Copy not served.
		i) I.A-3517/24 is at Hag-'A' for appr. orders.
		(i) IA - 3971/24 is at flag-B' for apport orders.
		(iii) counter by op-'4' is not get filed.
	,	(iv) Rejoinder to these above counters is not yet say
		Corrder No. 7, dtd-29.10.2024 may be seen
		Adj to 26.11. 2029
		Sniniparh Bahan
	-	Santoch Rie Charrabarty
08.	26.11. 2024	For Admission with Counter by Ops-6,8,9 & 10 an an attidant by 9-13; copy not corred.
		i) I.A. No. 3517/2024 is at flag-'A' for appropriaters.
		CO I.A. NO. 3971/2024 is at flag-B' for approaches.
		(iii) counter by op'4' is not yet tiled.
		(in) Rejainders to these above counters is not yet tile
		(order dtd-29.10.24 may be scon)
		Ady to 10.12.24
		Srinibash Bihari Bench 7.12.24.



ORISSA HIGH COURT

FILING ACKNOWLEDGEMENT SLIP

CNR
Filing No
Date and Time
Case No
Registration Date and Time

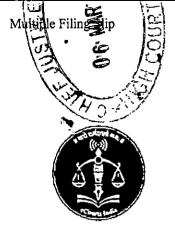
Registration Date and Time Misc Case/IA Petitioner Name Petitioner Advocate Name Respondents Name Respondents Advocate

Amount Police Station FIR ODHC010176182024 D- WP(C)/0010391/2024 06/03/2024-15:27:33 WP(C)/6497/2024 15/03/2024 3517/2024,3971/2024 BASANTA DIGI SUBASH MANSINGH

STATE OF ODISHA



Friday 15th of March 2024 03:28:54 PM



ORISSA HIGH COURT

FILING ACKNOWLEDGEMENT SLIP
ODHC010176182024

D- WP(C)/0010391/2024 06/03/2024-11:02:48

CNR Filing No

Date and Time

Case No Registration Date and Time

Misc Case/IA

Petitioner Name Petitioner Advocate Name

Petitioner Advocate Name Respondents Name Respondents Advocate

Amount Police Station FIR 3517/2024

BASANTA DIGI

SUBASH MANSINGH STATE OF ODISHA



Wednesday 06th of March 2024 11:05:09 AM

STAMP REPORT

NATURE OF DEFECT

CASE NO. 00 P (1-6497/2024

- COURT FEE DEFICIENT 1826/Pard.
- VALUATION OF THE PROPERTY NOT GIVEN X
- **AUTHENTICATION FEE IS DEFICIEN**
- AFFIDAVIT/VERIFICATION NOTPROPER
- SECOND COPY OF THE PETITION NOT FILED
- €ECEIPT SHOWING SERVICE OF COPY TO AĞ / CG / IT / CT ETC. NOT FILED
- Vakalatnama
 - NOT PROPERLY STAMPED / EXECUTED / ACCEPTED
 - NAMES IN CAPITAL LETTERS / ENROLMENT NUMBERS / MOBILE PHONE NUMBERS OF ALL THE SIGNING ADVOCATES NOT INDICATED
- CAUSE TITLE NOT IN ORDER
- PROVISION OF LAW NOT INDICATED ON TOP OF CAUSE TITLE
- SUBJECT CODE NOT FURNISHED / INCORRECTLY MENTIONED
- NEAT, LEGIBLE, ATTESTED ANNEXURES NOT FILED
- ASSESSMENT SLIP NOT FILLED IN PROPERLY
- 13. NOT PROPERLY INDEXED
- 14. PETITIONS/APPEALS/APPLICATIONS:
 - NOT IN SUPERIOR QUALITY A4 SIZE PAPER / LESS THAN 75 GSM PAPER
 - MOT IN PROPER FONT / NOT IN PROPER FONT SIZE
 - MARGIN NOT PROPER / LINE SPACING NOT PROPER
 - NOMENCLATURE NOT CORRECTLY INDICATED
 - ALL PAPERS NOT PROPERLY SIGNED
 - NAME OF THE FILING ADVOCATE NOT IN CAPITAL LETTERS / ENROLMENT NUMBER NOT INDICATED WHEREVER SIGNATURE OF SUCH ADVOCATE APPEARING IN THE PETITION / APPEAL/ APPLICATION
- APPLICATION CONTAINS MORE THAN ONE PRAYER
- 16. LIMITATION PERIOD EXPIRED
- REFERENCE CERTIFICATE NOT FURNISHED
- CERTIFIED COPY OF TRIAL APPELLATE COURT ORDER NOT FILED
- UNDERTAKING FOR FILING OF TRANSLATED COPY NOT FILED
- VERNACULAR CERTIFICATE NOT FURNISHED
- STATUTORY DEPOSIT/AWARDED AMOUNT NOT DEPOSITED

OTHER DEFECT (IF ANY)

DEFECTIVE/READY

SUBJECT-

SUB-CATEGORY

SINGLE JUDGE/DIVISION BENCH (Put ✓ mark)

(Full signature of Stamp Reporter)

RAJENDRA PRASAD SINGH Asst. Registriza

OGP-MP-DTP-U1 (H. C.) 20-200000-3-11-2021

M-9348528851

	D-10391/2024
î.:	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) / MEA (name of the Act)/MSA/SP. JC (name of the Act) Cri. Rev / Ckl. M. C/ BLAPI/Cal. MAPPI/WP (crl) CUSREF STREV
	Case Type W.P.O (P1L) No 6497 1 2024 Date of Regn.
2,	If 'State' is Party, Name of the Deptt: (Pet/Res). [Put Mark] General Administration & other Depts.
	If Public Undertakings (Specify name) : (Pet/Res) [Put Mark]
3.	(a) Number of Category under which the matter fails:
	21 99 00
	If Others, Specify the subject Mark]
	(b) Which is applicable ? [Put Mark] (Single Bench/Div. Bench/Three Judge Bench/Five Judge Bench)
4.	Mork!
5.	
6.	Rules Involved Rule - 17 4 OFA Rules - 1983
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/
-	13.0 at a the matter is a second by any independent of the Superome Court this
9.	Whether the matter is covered by any judgement of the Supereme, Court this Court or any other High Court, If so give the details of the judgement
10	The net timers challenge the illegal and unanthorised
0	the pet: timers challenge the illegal and unanthonses earlynnest of the BDA Road into forested area of fit.
D:	ate 05.03.2024 Signature of the Advocate
	M-9348528851 E.No. 0-130/7995

IN THE HIGH COURT OF

ORISSA: CUTTACK.

(ORIGINAL JURISDICTION CASE)

W.P.(C) (PIL) No. 640 → / 2024

Code No. 21 99 00

Basanta Digi and others

...Petitioners.

-Versus-

State Of Odisha & Others

...Opp. Parties.

INDEX

<u>S.N</u>	No. Description of documents.	Pages
1.	Appendix-I Synopsis of the case	Α
2.	Appendix-II List of Dates & Events	В
3.	Writ Application	1-19
4.	Annexure-1 Copy of MCDP-02/ 2017 road alignment	20
5.	Annexure-2 Copy of map illegal realignment of road in 2023 & letter dated 03.11.2023 of O.P. No. 8	21-22
	Annexure-3 (Series)	
6.	Copy of Representations dated 18.01.2024 and 19.01.204	23-24
	Annexure-4 (Series)	
7.	Copy of Representations dated 15.02.2024 along with postal proof of service	25-44
8.	VAKALATNAMA	

8

Cuttack

Dt. 29. 02. 2024

By the petitioners through

Subash Mansingh ADVOCATE

SUBASH MANSINGH (ADVOCATE) EN.No-O-130/1999 Mobile-3437172636

WRIT PETITION(C)PIL NO.6497 OF 2024

BASANTA DIGI AND OTHERS

PETITIONERS

VERSUS

STATE OF ORISSA AND OTHERS

OPP.PARTIES

INDEX

	SL.N	O.DESCRIPTION OF DOCUMENTS	PAGES
021	1.	COUNTER AFFIDAVIT FILED BY OPP. PARTIES No. 6,8,9&10	1-8 45-52
	2	Annexure-A/10. Copy of letter dated 4.7.2024.	-9 53
	3.	Annexure-B/10 Copy of notification dated 7.4.2010.	-10 54
	h .	Annexure-C/10 series. Copy of notification dated 14.5.2018 Along with CDP and modified CDP	17-23 S5-67

CUTTACK DT.12.7.2024 / atlanayah ADDL.GOVT.ADVOCATE



W.P. (C) PIL No. 6497 of 2024

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STATE (OF ORISSA		
AND OT	THERSOPP.PA	RTIES.	
	<u>INDEX</u>		
Sl. No.	Description of Documents	Pages.	
3) }	Affidavit filed by Opposite Party No. 13. Annexure-A/13 Copy of the Letter No.7830 dt.21.12.2023 and Memo No. 5153 dtd. 14.08.2024		68-73 74-78
CUTTAC	CK. Pallan 6.08-24 ADDL. GOVT.ADV	ayıle OCATE.	

Appendix-I

Synopsis of the Case

The petitioners approach this Hon'ble Court in public interest litigation to safeguard their interest appertaining to the Adivasi class of people residing in a forested area of Andharua Gram Panchayat in the vicinity of Bhubaneswar Municipal Corporation. A 200 ft wide road was incorporated in the master plan of Bhubaneswar Development Authority (BDA) and the same was published in the extraordinary Gazette notification of Government of Odisha in 2017/18. The road engineering authorities who are in charge of the construction of the above road are tinkering with the master plan and unauthorizedly realigning the same which transgresses into the forested Gram Panchayat area. If the realignment would be given effect to, then there is every possibility of eviction and demolition of dwelling houses of hundreds of Adivasi people belonging to ST community who are protected under the Forest Right Act, 2006 against any such eviction as they are residing there for last three generations. The petitioners in their representative capacities of the entire Adivasi community assail the illegal and unauthorized realignment of 200 ft road and pray for appropriate relief and protection from this Hon'ble Court.

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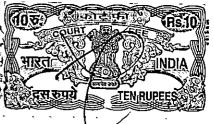
List of Dates & Events

14.05.2018	Publication of modified Comprehensive
	Development Plan -02/2017 in extraordinary
	Gazette of Govt. of Odisha incorporating the
	original 200 feet road
03.11.2023	Tinkering of the master plan of BDA and
	unauthorized publication of the drawing map
,	by the Road Engineering Division by illegally
	realigning the 200 feet road
17.01.2024	Bull dozers and JCB machines were ready and
	staring at the dwelling houses of the Adivasi
	dwellers for illegal construction of the
	realigned road
18.01.2024/	Representation to Collector, Khurda and
19.01.2024	Tahasildar, Bhubaneswar against the illegal
	and unauthorized realignment of the 200 feet
	road and transgression into the forested Gram
	Panchayat area
15.02.2024	Representations were sent by speed post with
	AD to all concerned authorities for redressal
	of grievance and appropriate relief.
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IN THE HIGH COURT OF

ORISSA, CUTTACK:

(ORIGINAL JURISDICTION CASE)

W. P.(C) (PIL) No. 6억 ዓን / 2024

Code: 21 99 00

In the matter of:

An application under Art. 226 and 227 of Constitution of India;

Presented in Court

In the matter of:

15/03/24

An application challenging the illegal and unauthorized realignment of BDA road into forested regions coming under Gram Panchayat Area in violation of Odisha Development Authorities Act, 1982 and rules framed there under;

AND

AND

In the matter of:

An application for protection of rights of Adivasi people under Forest Rights Act, 2006 against illegal eviction and demolition without resorting to due process of law;

AND

SUBASH MANSING (ADVOCATE) EN.No-O-130/1999

EN.No-O-130/1999 Mobile-9437172636

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In the matter of:

- Basanta Digi, aged about 50 yrs,
 S/o Late Dasarathi Digi;
- Sukul Hansda, aged about 49 years,
 S/o Late Durga Charan Hansda;
- Narayan Hansada, aged about 69 years;
 S/o Jagannath Hansada;
- 4. Rajen Puran, aged about 32 years, S/o Lalu Puran;
- Shakuntala Hembram, aged about 47 years,
 W/o Padma Charan Hembram;
- Srutimayee Murmu, aged about 40 years,
 W/o Ramadhuna Murmu;
- Pan Hansada, aged about 54 years,
 W/o Late Makarachand Hansada;

All are residents of

Vill-Chunukoli, Mouza- Jagannathprasad P.O.- Andharua, P.S.- Chandaka,

Dist- Khordha, PIN-751003 ... Petitioners

-VRS-

- State of Odisha, Represented through Its
 Chief Secretary, Department of General Administration,
 Lok Seva Bhawan, Bhubaneswar, Dist- Khordha;
- 2. Additional Chief Secretary, Department of Revenue & Disaster Management, Govt. of Odisha
- 3. Additional Chief Secretary, Housing and Urban Development Department, Govt of Odisha

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- Commissioner-Cum-Secretary, ST & SC
 Development, Minorities & Backward Classes Welfare
 Department, Government of Odisha
- Principal Secretary, Panchayat Raj and Drinking Water Department
- 6. Principal Secretary, Works Department

Addresses for O.P. No 1-6: Lok Seva Bhawan, Bhubaneswar, Dist- Khurda,

- Secretary, Bhubaneswar Development Authority.
 Akash Shova Building, Sachivalaya Marg
 Bhubaneswar-751001, Odisha, India
- 8. Chief Engineer, DPI and Roads, Odisha,
- 9. Chief Construction Engineer, Central (R & B Circle), Bhubaneswar,
- 10. Superintending Engineer, BBSR (R & B Division -III), Bhubaneswar
- 11. Asst. Executive Engineer, BBSR (R & B Sub-Division-III), Bhubaneswar Addresses for O.P. No 8-11- Nirman Soudh, Keshari Nagar, Unit -V, Bhubaneswar
- 12. IDCO, represented by its Chairman-cum-Managing Director, IDCO Tower, Janpath, Bhubaneswar, District- Khordha.
- 13. Collector & D.M., Khordha District, At/P.O./ Dist.- Khordha;
- 14. Tahasildar, Bhubaneswar, AT/PO- Bhubaneswar,Dist- Khordha. Opp. Parties.

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(The matter out of which this writ application arises was never before this Hon'ble Court in any manner whatsoever.)

To

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

The humble petition of the petitioners above named

Most Respectfully Sheweth:

- 1. The petitioners in their representative capacity approach this Hon'ble court by filing this public interest litigation representing more than 450 Adivasi families who are dwelling in the forest area of Andharua Gram Panchayat in Khurda District. The petitioners seek to challenge the illegal and unauthorized realignment of a road into the forested region of Gram Panchayat where Adivasi people traditionally have been living for last three generations. This will significantly impact indigenous Adivasi communities residing therein causing eviction and demolition of hundreds of dwelling houses, religious shrines, community activity centers.
- 2. That, the petitioners have no personal interest of their own in filing this public interest litigation which otherwise intends to protect the interest and rights of a

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mass of Adivasi people belonging to indigenous scheduled caste community. The petitioners bring this writ application on their own and not at the instance of anybody having any ulterior motive. The expenses for this litigation are borne by the petitioners by collective efforts.

3. That, the petitioners are citizens of India and ordinarily reside in the State of Odisha. The cause of action for filing this writ application arises within the territorial jurisdiction of this Hon'ble Court. The O.P.s are instrumentalities of the State of Odisha and hence amenable to the writ jurisdiction of this Hon'ble Court under Art. 12 of the Constitution of India.

Facts of the case:

4. That, the petitioners belong to the indigenous Scheduled Tribe (Adivasi people), who have historically inhabited for generations in the forested region of Andharua Gram Panchayat which is contiguous to the Chandaka Reserved Forests, thereby establishing an inherent connection to the ancestral lands and customary rights protected under various constitutional provisions and other statutory rights under Forest Rights Act, 2006. The petitioners are villagers of Village "Chunukoli" coming under Mouza- Jagannathprasad, Tehsil-Bhubaneswar, District- Khordha.

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4.1. That, the Bhubaneswar Development Authority (BDA), entrusted with the statutory duty to regulate land use and urban planning within its jurisdiction under the Odisha Development Authorities Act, 1982 purportedly engaged in a consultative process to authorize the construction of a 200 feet wide road. This process included soliciting objections from local residents and stakeholders and incorporating suggestions from various quarters, ensuring transparency and democratic participation. Thus, the alignment of the proposed road was finalised after invitation of objections, suggestions from different stakeholders and public hearings were also conducted as per the mandate of the ODA Act, 1982 and Rules framed thereunder. The aforesaid 200 feet wide 4-Lane Road from Institute of Mathematics to Ekamrakanan via Infocity was incorporated in the Final Modified Comprehensive Development Plan -02/2017 and has been approved by the Government under Rule-16 of the Odisha Development Authorities Rules, 1983 vide Letter No. HUD-13-TP(DA)-PROJ-147/2017-26224 dated 13.11.2017. As per the requirement of law the Final Modified CDP-02/2017 has been notified and published in the Extra-ordinary Issue No. 743 of the Odisha Gazette dated 14th May, 2018 and has come into operation from 14.05.2018.

4.2 That, upon approval by the Government, the 200 feet wide road was meticulously integrated into the

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master plan of the urban area under the jurisdiction of the Bhubaneswar Development Authority. The publication of this master plan on the website in 2017 served as a testament to the Authorities' commitment to public disclosure and participation. The Copy of the said alignment of road (from the website) is attached as **Annexure-1.**

4.3 That, however, the integrity of this process was egregiously violated in month of November/ December 2023 when the Road Engineering Division Authorities, O.P. No. 8 to 11 lacking the requisite authority, arbitrarily altered the alignment of the abovementioned approved road. The map of the illegal realignment followed by the letter of approval dated 03.11.2023 by the Chief Engineer, (D.P.I. & Roads) Odisha, the O.P. No. 8 are annexed as Annexure-2. This unauthorized action resulted in the road encroaching upon the petitioners' gram panchayat area, where generations of traditional forest dwellers have established their homes and livelihoods. As per the direction of O.P. No. 8 in his letter dated 03.11.2023, the contractors engaged by the Road Engineering Department are vigorously pursuing construction work as per the illegal realignment of the road and by showing off muscle power threaten to forcibly demolish the dwelling houses of the innocent and helpless Adivasi people without resorting to due process of law.

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- 5. That, the source of the information of the facts pleaded are based on practical field knowledge and information obtained from official websites of the authorities concerned.
- 6. That, in the wake of aforesaid circumstances, the petitioners who are also beneficiaries of one trust espousing the welfare of the said Adivasi people have approached the Collector, Khurda, the Tahasildar, Bhubaneswar and the Road Engineering Division personnels in their representations dated 18.01.2024 and 19.01.2024 explaining their grievance and seeking for urgent intervention. These representations are annexed as Annexure-3 (series). But unfortunately, their representations have fallen on deaf ears and they were forced to approach all the opposite parties through a representation dated 15.02.2024 seeking remedial actions to safeguard their Constitutional as well as Statutory rights; vide Annexure 4 (series). None of the O.P.s has responded to the grievance (representation) till date. The petitioners are constrained to approach this Hon'ble Court without further waiting for response of the O.P.s as the workers engaged by the road construction contractor are vigorously pursuing the road construction as per the illegal realignment and the construction equipments are staring at dwelling houses of the villagers for forcible demolition at any point of time.

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- 7. That, to the best of knowledge of the petitioners no other Public Interest Litigation (writ petition) relating to the issues raised in this petition is neither filed before this Hon'ble Court nor before any other court of law.
- 8. That, this present petition has been filed on the following amongst other grounds assailing the illegal and unauthorized realignment of road belonging to the Bhubaneswar Development Authority (BDA) by which the villagers of village Chunukoli are seriously affected and prejudiced:

GROUNDS

A) That, this unilateral and clandestine realignment of the road by the Road Engineering Division blatantly contravenes the explicit provisions enshrined in Section-14 of Odisha Development Authorities Act, 1982 and Rule-17 framed thereunder. This legislation mandates that any modifications to the master plan must be preceded by a comprehensive consultation process, ensuring the participation of affected parties and The Engineering Division stakeholders. Road Authorities' actions, devoid of such consultations, constitute a flagrant disregard for the rule of law and democratic principles. The Section-14 of the Odisha Development Authorities Act, 1982 and Rule-17 of the

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Odisha Development Authorities Rules, 1983 are reproduced here under.

Section-14 Modifications to the development plan-

"Modification to the development plan- (1)- The Authority may make any modifications to any development plan as it thinks fit, being modifications, which, in its opinion, do not affect important alterations in the character of the plan and which do not relate to the extent of land uses or the standards of population density.

- (2) The State Government may make any modifications to any development plan whether such modifications are of the nature specified in Sub-section (1) or otherwise.
- (3) Before making any modifications to the development plan, the Authority or, as the case may be, the State Government shall publish a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the proposed modifications before such date as may be specified in the notice and shall consider all objections and suggestions that may be received by the Authority or the State Government.
- (4) Every modification made under the provisions of this section shall be published in such manner as the Authority or the State Government, as the case may be, may specify and the modifications shall come into operation on the date of the publication or on such other date as the Authority or the State Government may fix.
- (5) When the Authority makes any modification to any development plan under Sub-section (1) it shall report to the State Government the full particulars of such modifications

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within thirty days of the date on which such-modifications come into operation.

- (6) If any question arises, whether the modifications proposed to be made by the Authority are modifications which affect important alterations in the character of the development plan or whether they relate to the extent of land use or the standard of population density; it shall be referred to the State Government whose decision thereon shall be final.
- (7) After the coming into operation of any modification under Sub- section (4), the development plan in operation shall stand modified and altered to the extent the provision contained therein, are at variance with the modified development plan."

Rule 17- Public notice regarding modification to the development plan-

- "(1) Before any modification to any development plan is made under Section 14, the Authority or the State Government, as the case may be, shall prepare a draft of the modifications (hereinafter referred to as the draft modified plan).
- (2) As soon as may be after the draft modified plan is prepared, the Authority or the State Government, as the case may be, shall prepare a public notice stating that-
- (a) a draft modified plan has been prepared which may be inspected by any person at such time and place as may be specified in the notice; and
 - b) suggestions and objections in writing, if any, in

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respect of the said plan may be filed by any person with the Director, or as the case may be, with the Secretary of the Authority within sixty days from the date of publication of the notice in the Gazette.

- (3) The notice to be prepared under Sub-rule (2) shall also indicate the area or locality covered by the draft modified plan.
 - (4) The notice shall, as far as may be, in Form 11.
- (5) The aforesaid notice shall, apart from its publication in the manner laid down in Section 106 be published in the Gazette.
- (6) Where any modification to a development plan is proposed by the Authority the provisions of Sub-rule (4) of Rule 12 and of Rules 13 to 16 shall mutatis mutandis apply to such modification.
- (7) Where any modification to a development plan is proposed by the State Government, it may for the purpose of hearing and, considering objections and suggestions on the proposed modifications, constitute a Committee consisting of such numbers of persons not exceeding time as it may think fit and then the provisions contained in Rules 14 to 1 6 shall mutatis mutandis apply to such modification."

B) That, the Road Engineering Department cannot tinker with the master plan of the BDA and make a transgression into a Gram Panchayat area which is under the local self-governance. The proposed realignment of the road forays into the petitioners' Gram Panchayat area which is not within the jurisdiction of BDA. The

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proposed road also has not even accorded with forest clearance.

- C) That, the illegal realignment of the road poses an existential threat to the livelihoods and cultural heritage of the traditional forest dwellers. Hundreds of families face imminent eviction and the demolition of their homes, depriving them of their fundamental rights without due process of law. The contractors engaged by road engineering department are ready with the bull dozers and excavators to forcibly demolish the houses and other structures of the villagers.
- D) That, moreover, the transgression of an urban road designated under the BDA master plan coming under Bhubaneswar Municipal Corporation (BMC) into the Gram Panchayat area tantamounts to a gross violation of statutory provisions and administrative boundaries. Such unauthorized incursions undermine the foundational principles of urban planning and local governance, fostering chaos and inequity.
- E) That, the petitioners are privy to the information that the clandestine and surreptitious alteration of the road's alignment serves the vested interests of a select few influential individuals, who have taken huge patch of land through IDCO, the O.P. No. 12 and seek to safeguard their properties from the original trajectory of

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the road. It is worth mentioning that construction of 60% of the original road trajectory has been completed by filling sand and road building materials. The original road trajectory is just adjacent to the boundary wall erected by the IDCO authorities. This collusion between authorities and vested interests undermines the integrity of public institutions and perpetuates systemic injustice.

Remedial Relief that was sought by the villagers from the Opposite Parties through their Representations:

- i) To conduct a thorough investigation into the unauthorized realignment of the road and take immediate steps to halt any further implementation without lawful authority.
- ii) To review and rectify the irregularities associated with the road realignment process, ensuring compliance with all legal norms and administrative protocols.
- iii) To ensure that any eviction or demolition activities concerning the houses of traditional forest dwellers are conducted in strict adherence to due process of law and with full respect for rights and dignity of the villagers.
- iv) To take any other appropriate measures deemed necessary to address the grievances raised by the

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indigenous communities and uphold the villagers' Constitutionally guaranteed rights.

- v) To provide any other relief or assistance deemed fit and just in the circumstances of the case.
- 9. That, under the aforesaid facts and circumstances, the petitioners pray for the indulgence of this Hon'ble Court for redressal of the grievance and granting of appropriate relief as deemed proper under law for the sake of justice and equity.
- 10. That, the petitioners have no equal efficacious remedy than to invoke the extraordinary jurisdiction of the Hon'ble Court under the Article 226 of the Constitution of India by filing this writ petition (PIL).

PRAYER

It is, therefore, prayed that this Hon'ble Court may be graciously pleased to:

- a) Admit the writ application;
- b) Call for the records;

- c) Issue a rule NISI calling upon the Opp. Parties as to why the action of the Opp. Parties No. 8-11 will not be declared illegal, arbitrary, malicious and contrary to the law;
- d) And if the Opp. Parties do not show cause, or show insufficient cause issue a writ of appropriate nature and/or other appropriate order/orders setting aside the illegal realignment of road as under Annexure-2;
- e) Issue a Writ of Mandamus or any other appropriate writ, order, or direction, compelling the O.P.s to desist from implementing the illegal realignment of the 200 feet wide road without lawful authority and to proceed with the construction of the original road trajectory as notified in the Extraordinary Gazette on 14th May 2018 as under **Annexure -1**;
- f) Issue a Writ of Certiorari or any other appropriate writ, order, or direction, nullifying the unlawful realignment of the road perpetrated by the Road Engineering Division Authorities;
- g) Issue a Writ of Prohibition or any other appropriate writ, order, or direction, restraining the O.P.s from executing the eviction and demolition of the

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villagers' dwelling houses and other structures without due process of law;

- Pass any other order or direction as this Hon'ble Court deems fit and proper in the exalted pursuit of justice;
- Grant any other relief(s) which this Hon'ble Court, in its boundless wisdom, deems indispensable for the restoration of justice and the vindication of the villagers' rights;
- j) And pass any other appropriate order/orders direction/directions as may be deemed fit and proper in the interest equitable justice and fair play.

And for this act of kindness the petitioners as in duty bound shall remain ever pray.

By the petitioners through

Subosh Mansingh

Cuttack

Date 29, 02, 2024

ADVOCATE

SUBASH MANSINGH (ADVOCATE) EN.No-O-130/1999

Mobile-9437172636



IN THE HIGH COURT OF

ORISSA: CUTTACK.

(ORIGINAL JURISDICTION CASE)

W.P.(C) (PIL) No. <u>6 4 ติ +</u> / 2024

In the matter of:

Basanta Digi and others

...Petitioners.

-Versus-

State Of Odisha & Others

...Opp. Parties.

AFFIDAVIT

- 1. Basanta Digi, Occupation- Farmer, aged about 50 years, At-Vill- Chunukoli, Mouza- Jagannathprasad, P.O. Andharua, P.S.- Chandaka, Dist.-Khordha;
- 2. Father's Name-Late Dasharathi Digi,
- 3. Number of proceedings pending in the High Court or would be instituted [Caveat]: No
- 4. Statement of facts: As per averments in the writ petition
- 5. The facts stated are true to the best of the knowledge and belief of the deponent and anthonia to premite a children other letchioner and anthonia anthonia and anthonia and anthonia and anthonia and anthonia and anthonia anth

DECLARATION

I, Basanta Digi, the petitioner deponent above named do hereby solemnly affirm that the facts stated in the paragraph 1 to 10 are true to my own knowledge and in paragraph 1 to 10 are true to the best of my information which I obtained from personal sources: -

Ty

I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said 16th day of February, 2024.

I am the Petitioner No. 1 in the aforesaid case and duly authorised by six others to swear this affidavit on their behalf

Identified by

Date: - 29. 02. 2024

Bosant Digi

29.02.29 DEPONENT

Signature before me Commissioner of oath

UNDERTAKING

The counsel of the petitioners undertakes to supply English translation of vernacular documents as and when required by the Hon'ble court.

ADVOCATE

CERTIFICATE

Certified that due to want of cartridge paper this petition

has been typed in thick white paper.

lemnly affirmed before me by

The Affidavit was readover to the deponent

who stated to have understood acknowledged the same to be correct at the time of swearing the affidavit

EN No-0-130/1999 Мобис-9437172636

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OWNERSHIP MAP OF PROPOSED ROAD FROM CHAINAGE 5 700 WELL SOME ANNEXURE - 2 D'6 MAR WELL COURT OF ORIE SCALE:- 1:1,980 90 Ĝņ. 35 . 22 Sundarpur 22 32 Patia -6.0 0 Jagannathprasad <u>"</u>" LEGEND WILDIAN PRVATE i Jirt ST 77,177 P-76 F01 A-42 Cab | 22 PROPOSED NOW o^o Art Egnichak (CCC CC19201A) Chandrasekhrapur CLOT WITH FLET ". POTEST AREA . D. ... A R. S. G.ATT AREA - SR. / ... FPYATE AREA - 12 40 Acts ... BATTANDE BATANDE AGAINST AND AGAI e>e> 1797 30 竹柳汐 8

OFFICE OF THE ENGINEER-IN-CHIEF (CIVIL), ODISHA, NIRMAN SOUDHA, KESHARI NAGAR, UNIT-V, BHUBANESWAR-751001

File No: P-II-M-48/2022

46267

Date: 03.11.2023

From

Chief Engineer, (D.P.I & Roads) Odisha,

Tel: +91 674 239 3122 / Fax: +91 674 239 0080

Email: ceroads.bbsr@gmail.com

To

The Chief Construction Engineer,

Central (R&B) Circle,

Bhubaneswar.

Sub: - Construction of 4-lane road from Institute of Mathematics to Ekamrakanan via Infocity from 5/700 to 7/640 km (OERC) in the district of Khordha under CRDP.

Ref: i) Your office letter no 3623 dtd 25.10.2023

ii) letter no. 6853 dtd 26.09.2023 of Superintending Engineer, Bhubaneswar (R&B) Division-III, Bhubaneswar

Sir,

With reference to the subject cited above, it is to state that, the revised alignment plan submitted by you for the afore cited work is approved. You may proceed with this for execution in field. However, the profile of this road must be ensured in conformity with IRC-SP-23 and submitted in the format of Plate -2 of IRC - SP:19.

As proposed by you, you may proceed with the revised land acquisition proposals as per this approved revised alignment.

Encl: As above.

Yours faithfully,

Chief Engineer (DPI & Roads), Odisha (IV

Copy to

The Superintending Engineer, Bhubaneswar (R&B) Division-III, Bhubaneswar for information and necessary action.

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(Reg. No- 41131208172/2012)

Jagannath Prasad chunukuli, Po- Andharua, Ps- Chandaka, Dist- Khurdha, 751003

Date:.	18-0	1-20	24
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Ref No:....

ମାନନୀୟ,

ଜିଲ୍ଲାପାଳ, ଖୋର୍ଦ୍ଦା, ଓଡିଶା

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ବିଷୟ (ପୂର୍ବନିର୍ଦ୍ଦାରିତ ୟାନରେ ରାୟାର ନିର୍ମାଣ ନିମନ୍ତେ)

ମହାଶୟ,

ବିନୟର ନିବେଦନର ଅଭିପ୍ରାୟ ଏହି କି ଯେ ଆୟେ ନିମ୍ନ ସ୍ୱାକ୍ଷରକାରୀ ଆଦିବାସୀ, ଜନଜାତି ଓ ସର୍ବସାଧାରଣ ବର୍ଗର ସ୍ଥାୟୀବାସିନା ପ୍ରାମ- ଚୁନୁକୁଳି, ପୋ- ଅନ୍ଧାବୁଆ, ଥାନା- ଚନ୍ଦକା, ଜିଲ୍ଲା- ଖୋର୍ଜ୍ଜା, ଗ୍ରାମବାସୀ ସବିନୟ ଅତ୍ୟନ୍ତ ଜନହିତକର ଗୁରୁଦ୍ୱ ପୂର୍ଣ୍ଣ ବିଷୟ ଅବଗତ କରି ଜଣାଉଅଛୁ, ଗତ ୨୦୧୭ ମସିହାରେ ଓଡିଶା ସରକାରାଙ୍କ ତରଫରୁ ଗ୍ରାମ ନିକଟସ୍ଥ IDCO ସରକାରୀ ଖାଲି ଜାଗାରେ ଆବଶ୍ୟକ ନାଲିମାଟି ପକାର ରାଞ୍ଜା କାମ ପ୍ରସ୍ତୁତ କରାଯାଇଥିଲା । ଏହି ନାମ ନିମନ୍ତେ ଏଠିକାର ବସିନ୍ଦା ସମର୍ଥନ କରିଥିଲା କିନ୍ତୁ ବର୍ତ୍ତମାନ ହଠାତ ଜାଣିବାକୁ ପାଇଅଛୁ କି କେତେକ ସ୍ୱାର୍ଥନିଷ୍ଟ ରାଜନୈତିକ ପୂଞ୍ଜିପତି ବ୍ୟବସାୟୀ ଗୋଷ୍ଟା ତାଙ୍କର ନିଜର ସ୍ୱାର୍ଥ ନିମନ୍ତେ ଚକ୍ରାନ୍ତ କରି ଏହି ୨୦୦ ଫୁଟିଆ ଚଉତା ରାଷ୍ଟାର କାମର ଦିଗ ପରିବର୍ତ୍ତନ କରାଯାଇ ଅଛି । ଏହା ଯଦି ସତ ହୁଏ ତେବେ ଗତ ୫୦ ବର୍ଷ ଧରି ୩୦୦୦ ଘର କରି ରହିଥିବା ୫୦୦୦ ଆଦିବାସୀ, ଜନଜାତି, ଓ ସର୍ବସାଧାରଣ ଲୋକଙ୍କର ଘରଦ୍ୱାର ଭଙ୍ଗାଯିବାର ଯୋଜନା ଅଛି । ଆୟର ଚୁନୁକଳୀ ଗ୍ରାମ ମଧ୍ୟୟରେ ଏହି ୨୦୦ ଫୁଟିଆ ରାଷ୍ଟା ନିର୍ମାଣ କରିବା ନିମନ୍ତେ ରାଷ୍ଟା କର୍ଯ୍ୟକୁ ସରକାରଙ୍କ ତରଫରୁ ଏହି କାମର ପ୍ରକଳ୍ପ ସ୍ଥିର ହୋଇ କାମ ଅଗ୍ରସର କରିବା ନିମନ୍ତେ ନକ୍ସା ସମ୍ପୂର୍ଣ ପ୍ରସ୍ତୁତ ହୋଇଥିଲା, ଯାହା କି ଏବେ ସୁଧା ମଧ୍ୟ ଭୁବନେଶ୍ୱର ଉନ୍ନୟନ କର୍ତୁପକ୍ଷଙ୍କ Website ରେ Final Map-2017 ନାମରେ ଅଛି । ଆୟେ ଆଦିବାସୀ, ଜନଜାତି ଓ ସର୍ବସାଧାରଣ ବର୍ଗର ଲୋକମାନେ ଆୟମାନଙ୍କର ମୌଳିକ ଅଧିକାର ଯଥା, ଖାଦ୍ୟ, ବସ୍ଥ, ବାସଗୃହ ଓ ପିଲାମାନଙ୍କର ଭବିଷ୍ୟତ ଗଠନ ନିମନ୍ତେ ପାଠ ପଜାପତ୍ତି କରି ଗ୍ରାମରେ ରହି ଆସିଅଛୁ, ଯଦି ଆୟର ଚୁନୁକୋଳି ଗ୍ରାମ ମଧ୍ୟରେ ଏହି ରାଷ୍ଟା ନିର୍ମାଣ ହୁଏ ତେବେ ଆୟେ ଆୟର ସମୟ ମୌଳିକ ଅଧିକାର ସହ ଆୟପିଲାମାନଙ୍କର ସମ୍ପୂର୍ଣ୍ଣ ଜୀବନଯାପନ ତଥା ଆମେ ପଛୁଆ ବର୍ଗ ତଥା ମୁଲ ମନ୍ତୁରୀ କରି ବଞ୍ଚୁଥିବା ଲୋକଙ୍କ ଆଶା ତଥା ସମ୍ବ ସମ୍ପୂର୍ଣ୍ଣ ମଉଳିଯିବ ।

ଉପର ଲିଖିତ ଏହି ସମୟ ଅସୁବିଧା ସୁବିଧା କୁ ବିଚାର କରି ରାୟା ନିର୍ମାଣ କାମ ପୂର୍ବ ଯୋଜନା ଅନୁଯାଇ IDCO ର ସରକାରୀ ଜାଗା ଉପରେ କରାଗଲେ ଆୟେମାନେ ଚିରଉପକୃତ ହେବୁ ।

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ଆପଣଙ୍କର ବିଶ୍ୱୟ ତୁନୁକୋଳି ଗ୍ରାମବାସୀ ବ୍ରନ୍ଦ

Rosopter Digi

Japanneth Presed Chunukuli Adivasi a rayan Trust

Reed. No.- 411 11208179/2012

President

343 02 140 3121Y

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ANNEXURE 3 (SERIES)

ଜଗନ୍ନାଥ ପ୍ରସାଦ ତୁନୁକୋଳି ଆଦିବାସୀ ଉନ୍ନୟନ ଟ୍ରଷ୍ଟ

(Reg. No- 41131208172/2012)

Jagannath Prasad chunukuli, Po-Andharua, Ps-Chandaka, Dist-Khurdha, 751003

Ref No:....

माननाम, हुप्तिल्पा ए, कुनरत्युष्,

ମହୋଦୟ

ସମୀପେଷୁ

ବିଷୟ (ପୂର୍ବନିର୍ଦ୍ଦାରିତ ଥ୍ରାନରେ ରାଞ୍ଚାର ନିର୍ମାଣ ନିମନ୍ତେ)

ମହାଶୟ,

୍ୟି-୨୦ ଉପର ଲିଖିତ ଏହି ସମୟ ଅସୁବିଧା ସୁବିଧା କୁ ବିଚାର କରି ରାୟା ନିର୍ମାଣ କାମ ପୁର୍ବ ଯୋଜନା ଅନୁଯାଇ IDCO ର ସରକାରୀ ଜାଗା ଉପରେ କରାଗଲେ ଆୟେମାନେ ଟିରଉପକୃତ ହେବୁ ।

BIR PRESIN, DEFREZO BIRG EN-DE-DY

ଆପଣଙ୍କର ବିଶ୍ୱୟ ଚୁନୁକୋଳି ଗ୍ରାମବାସୀ ବୃନ୍ଦ

Bosonte Didi

Adivasi U ayan Trust
Read, No.-4117120817112042

្រីខេងផ្លែកប្រ

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Jagannath Prasad Chunukoli Tribal Development Trust (Reg No 41131208172/2012)

Jagannath Prasad Chunukuli, PO- Andharua, PS- Chandaka, Dist-Khurdha, 751003

Date 18-01-2024 To The Collector, Khurda, Odisha

[Sub: To construct road as per the original alignment published in the Comprehensive Development Plan]

Sir,

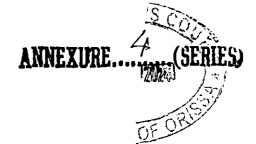
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We, the below signatories being the residents of Vill- Chunukoli, PO-Andharua, PS- Chandaka, Dist- Khurda, want to bring to your kind notice to a matter of urgent public interest. We belong to indigenous Adivasi and tribal communities. In 2017, the Odisha Government started a road work by laying red earth on vacant IDCO Government land. This road was near to our village and we supported the initiative of the Government. But, to our surprise, we came to know that the original alignment of this 200 feet wide road is being changed to cater to the vested interests of some groups. This illegal modified road is transgressing into our village. If this is true, it will lead to the demolition of 3000 houses, religious shrines and community activity centers of Adivasi people who have been living here for last 50 years. Originally, the road alignment (as mentioned in the Comprehensive Development Plan, 2017) went outside our village and the same is still being reflected in the website of Bhubaneswar Development Authority as on today. If the road that is transgressing into our village is constructed, then it will violate our fundamental right to life, livelihood, food and clothing. The modified road alignment will shatter the hopes and aspirations of our indigenous Adivasi communities and compromise the future of our children.

Considering the above difficulties and issues of our Adivasi community, we will be forever indebted if the road is constructed on the IDCO land as per the original plan.

Place Date

Yours sincerely, Villagers of Chunukoli -25-



To

The Chief Secretary,
Government of Odisha,
Department of General Administration,
Lok Seva Bhawan, Bhubaneswar,
Dist- Khordha.

ବିଷୟ (ଗ୍ରାମ ପଞ୍ଚାୟତ ଅଞ୍ଚଳ ଅଧିନରେ ଆସୁଥିବା ଜଙ୍ଗଲ ଜମିରେ ବି.ଡି. ଏ ରୟାର ଅନଧିକୃତ ଦିଗପରିବର୍ତ୍ତନ) ତା- ୧୫/୦୨/୨୦୨୪

ସ୍ୱାନୀୟ ମହାଶୟ/ମହାଶୟା,

ଆୟେ ନିସ୍କଲିଖିତ ଦୟଖତକାରୀ ମାନେ ଗ୍ରାମ ଚୁନୁକଳି, ମୌଜା- ଜଗନ୍ନାଥ ପ୍ରସାଦ, ଗ୍ରାମ ପଞ୍ଚାୟତ- ଅନ୍ଧାରୁଆ, ପୋ-ଅନ୍ଧାରୁଆ, ଥାନା- ଚନ୍ଦକା, ଜିଲ୍ଲା- ଖୋର୍ଧା, ପିନ୍ ୭୫୧୦୦୩ ର ସ୍ଥାୟୀ ବାସିନ୍ଦା । ଆମ ଗ୍ରାମ ପଞ୍ଚାୟତର ଜଙ୍ଗଲ ଜମିରେ ଏକ ୨୦୦ ଫୁଟିଆ ରାୟ୍ତାର ଅନଧିକୃତ ପୂର୍ନଦିଗପରିବର୍ତ୍ତନ ବିଷୟରେ ଆପଣଙ୍କର ଦୁଷ୍ଟି ଆକର୍ଷଣ କରୁଅଛୁ ।

ଆୟେ ଆଦିବାସୀ ଏହି ଜଙ୍ଗଲ ଜମିରେ ପ୍ରାୟ ୩ ପିଢି ଧରି ବାସ ଗୃହ, ଧାର୍ମିକ ସ୍ଥଳୀ, ସ୍ମଶାନ, ସମ୍ପ୍ରଦାୟିକ କଳାକେନ୍ଦ୍ର ଓ ପାରମ୍ପାରିକ ରୀତିରେ ନିଜର ଗୁଜୁରାଣ ମେଣ୍ଟାଇ ନିଜର ଜୀବିକା ନିର୍ବାହ କରୁଅଛୁ । ଜଙ୍ଗଲ ଜମିରେ ଜୋରଜବରଦତ୍ତୀ ରାଷ୍ଟା କରାଯାଇ ଆମ ଗ୍ରାମ ଆଗରେ ପହଞ୍ଚିଛି । ଏହା ଆମ ଗ୍ରାମ ମଝିରେ ପଶିଲେ ଆମର ଶହ ଶହ ବାସଗୃହ, ସ୍କୁଲ, ଅଙ୍ଗନୱାଡି, ଧାର୍ମିକସ୍ଥଳ, ସ୍ମଶାନ ଓ କଳା କେନ୍ଦ୍ରଗୁଡିକ ଭାଙ୍ଗିଯାଉଛି ।

ଏଭଳି ବେଆଇନ ଓ ଗୁରୁତ୍ୱର ଅନିୟମିତତାକୁ ଧରିବା ପାଇଁ ଆପଣଙ୍କର ଜରୁରୀ ହସ୍ତକ୍ଷେପ ପାଇଁ ନିମ୍ମଲିଖିତ ତଥ୍ୟ ଏବଂ ଅନୁମାନ ଉପସ୍ଥାପନ କରୁଅଛୁ ।

- ଆୟେ ଆଦିବାସୀ ଯେଉଁମାନେ କି ପାରମ୍ପାରିକ ଭାବରେ ଜଙ୍ଗଲରେ ରହିବା ଓ ଜଙ୍ଗଲର ବ୍ୟବହାର କରିବାପାଇଁ ସମ୍ପିଧାନ ଏବଂ ବିଭିନ୍ନ ଆଇନ କାନୁନ୍ ବଳରେ (ଜଙ୍ଗଲଜମି ଅଧିକାର ନିୟମ ୨୦୦୬) ଅନୁସାରେ ଜଙ୍ଗଲ ଜମିରେ ରହିବାର ଅଧିକାର ପାଇଅଛୁ ।
- 2. ଭୁବନେଶ୍ୱର ବିକାଶ ଅଧିକାରୀ (B.D.A) ଓଡ଼ିଶାର ବିକାଶ ପ୍ରାଧିକରଣ ନିୟମ ୧୯୮୨ ଅନୁଯାୟୀ ଏହାର ଅଧିକରେ ଥିବା ଜମି ବ୍ୟବହାର ତଥା ସହରାଞ୍ଚଳ ଜଯୋନା କୁ ନିୟନ୍ତ୍ରଣ କରିବା ନିମନ୍ତେ ଆଇନ ଗତ ଦାୟିତ୍ୱ ତଥା ୨୦୦ ଫୁଟ ଚଉଡ଼ା ରାଷ୍ଟା ନିର୍ମାଣ କୁ ଅନୁମତି ଦେବା ପାଇଁ ଏକ ପରାମର୍ଶଦାତା କମିଟି, ୟ୍ଥାନୀୟ ବାସିନ୍ଦା ଏବଂ ବିଭିନ୍ନ ହିତାଧିକାରୀଙ୍କ ଠାରୁ ଆପତ୍ତି ଅଭିଯୋଗ, ଉପଦେଶ ଏବଂ ବିଭିନ୍ନ ମହଲ୍ଲରୁ ପରାମର୍ଶ ଅନ୍ତର୍ଭୁକ୍ତ କରି ସ୍ୱଛତ। ଏବଂ ଗଣତାନ୍ତ୍ରିକ ଉପାୟରେ ଜନଶୁଣାଣି ପରେ ପ୍ରୟାବିତ ରାଷ୍ଟାର ଦିଗ ଚୁଡ଼ାନ୍ତ କରାଯାଇଥିଲା ।
- 3. ଉକ୍ତ ୨୦୦ ଫୁଟିଆ ଚଉଡା ରାଷ୍ତା ବି.ଡି.ଏ ର ମାଷ୍ଟର୍ ପ୍ଲାନରେ ସ୍ଥାନିତ ହେଲା ଏବଂ ଏହି ମାଷ୍ଟରପ୍ଲାନ ପେବୃୟାରୀ ୨୦୧୭ ମସିହାରେ ବି.ଡି.ଏ ର ୱେବସାଇଟ୍ ରେ ସର୍ବସାଧାରଣଙ୍କ ନିମନ୍ତେ ପ୍ରକାଶିତ ହେଲା । ସଡକର ଦିଗ ୱେବସାଇଟରୁ ବାହାର କରି ଆପଣଙ୍କର ଦୃଷ୍ଟି ଆକର୍ଷଣ ନିମନ୍ତେ ଏଠାରେ ସଂଲଗ୍ନ କରିଅଛୁ ।



- 4. ୨୦୨୩: ମସିହା ଡିସେମ୍ବର ମାସରେ ରାୟା ନିର୍ମାଣ ପ୍ରକ୍ରିୟାରେ ସ୍ୱଛତା ଉଲଂଘନ କରାଯାଇ , R & B Department ପୂର୍ବ ଅନୁମୋଦିତ ରାୟାର ଦିଗକୁ ମନଇଛା ବେଆଇନ ମାନଚିତ୍ର (ବିଭାଗିୟ କତୃର୍ପକ୍ଷଙ୍କ ସ୍ୱାକ୍ଷର, ଆବଶ୍ୟକୀୟ ପ୍ରମାଣପତ୍ର ବିନା) କରି ଗ୍ରାମ ଅଭିମୁଖେ କାମ ଅଗ୍ରସର କରାଯାଉଅଛି । ତେଣୁ ଏହି ଅନଧିକୃତ କାର୍ଯ୍ୟ ହ୍ୱାରା ଆମ ଗ୍ରାମ ପଞ୍ଚାୟତ ଅଞ୍ଚଳରେ ରାୟା ଅବରୋଧ ହୋଇଥିଲା । ଯେଉଁଠାରେ ପାରମ୍ପାରିକ ଜଙ୍ଗଲ ବାସିନ୍ଦା ସେମାନଙ୍କର ଘର ଓ ଜୀବନ ଜୀବିକା ପ୍ରତିଷ୍ଟା କରି ରହିଛନ୍ତି ।
- 5. ଏହି ଏକ ପାଖିଆ ରାୟାର ଗୁପ୍ତ ନିର୍ମାଣ, ଓଡିଶାର ବିକାଶ ପ୍ରାଧିକରଣ ଅଧିନିୟମ ୧୯୮୨ ରେ ଦର୍ଶାଯାଇଥିବା ଶୃଷ୍ଟ ନିୟମକୁ ଖୋଲାଖୋଲି ଭାବରେ ଭଲଂଘନ କରୁଅଛି । ରୋଡ ଡିଭିଜନ କତୃର୍ପକ୍ଷଙ୍କ କାର୍ଯ୍ୟକଳାପ ଆଇନର ସାଶନ ଓ ଗଣତାନ୍ତିକ ନିତି ପ୍ରତି ବିପଦ ସୃଷ୍ଟି କରୁଅଛି । ସଡକ ଓ ଇଂଞ୍ଜିନିୟରିଂ ବିଭାଗ ବି.ଡି.ଏ ର ମାଷ୍ଟରପ୍ଲାନ କୁ ଅବମାନନା ଏବଂ ସ୍ଥାନୀୟ ସ୍ୱୟଂ ସାଶନ ଅଧିନରେ ଥିବା ଗ୍ରାମ ପଞ୍ଚାୟତ ଅଞ୍ଚଳରେ ଏଭଳି ନିର୍ମାଣ କୁ ଅପରାଧ ବୋଲି ବିବେଚନା କରୁଅଛି । ଆମ ଗ୍ରାମ ପଞ୍ଚାୟତ ପ୍ରସ୍ଥାବିତ ରାୟାର, ଯାହା ବି.ଡି.ଏ ଅଧିନରେ ନାହିଁ ଏବଂ ପ୍ରୟାବିତ ରାୟାଟି ଆବଶ୍ୟକୀୟ ଜଙ୍ଗଲ ମଞ୍ଜୁରୀ ପାଇ ନାହିଁ ।
- 6. ରାୟାର ବେଆଇନ ପୁନନିର୍ମାଣ ପାରମ୍ପାରିକ ଜଙ୍ଗଲ ବାସୀଙ୍କ ଜୀବିକା ତଥା ସାଂସ୍କୃତିକ ଐତିହ ପାଇଁ ଏକ ବିପଦ ସୃଷ୍ଟି କରୁଅଛି । ଶତାଧିକ ପରିବାର ଉଞ୍ଜେଦ ଏବଂ ଘରଭାଙ୍ଗିବାର ସମ୍ପଖ୍ ହେଉଛନ୍ତି, ସେମାନଙ୍କୁ ଆଇନ ପ୍ରକ୍ରିୟା ଦିନା ସେମାନଙ୍କର ମୌଳିକ ଅଧିକାରରୁ ବଞ୍ଚିତ କରାଯାଇଅଛି । ସତକ ଇଂଞ୍ଜିନିୟରିଂ ବିଭାଗ ଦ୍ୱାରା ନିୟୋଜିତ ଠିକାଦାର ମାନେ ବୁଲଡଜୋର, ଜେ.ସି.ବି ଧରି ଭାଙ୍ଗିବା ପାଇଂ ପୂର୍ବପ୍ରସ୍ତୁତି ଚଳାଇଛନ୍ତି ।
- 7. ଏହାଛଡା, ଭୁବନେଶ୍ୱର ମ୍ୟୁନିସିପାଲିଟି କର୍ପୋରେସନ୍ (ବି.ଏମ.ସି) ଅଧୀନରେ ଆସୁଥିବା ବିଡିଏ ମାଷ୍ଟରପ୍ଲାନ ଅଧୀନରେ ନିର୍ମିତ ସହରାଞ୍ଚଳ ରାସ୍ତା, ଗ୍ରାମପଞ୍ଚାୟତ ଅଞ୍ଚଳରେ ଆଇନଗତ ନିୟମ ଏବଂ ପ୍ରଶାସନିକ ସୀମା ଉଲ୍ଲଂଘନ କରୁଛି। ଏହିପରି ଅନଧିକୃତ ଅନୁପ୍ରବେଶ ସହରୀ ଯୋଜନା ଏବଂ ସ୍ଥାନୀୟ ଶାସନର ମୂଳନୀତିକୁ ଦୁର୍ବଳକରି ବିଶୃଙ୍ଖଳା ଏବଂ ଅସମାନତା ସୃଷ୍ଟିକରୁଅଛି ।
- 8. ଆମେ ସୂଚନାକୁ ଗୁପ୍ତରଖୁଛୁ ଯେ ରାୟାର ଦିଗ ଗୁପ୍ତ ପରିବର୍ତ୍ତନ କେତେକ ପ୍ରଭାବଶାଳୀ ବ୍ୟକ୍ତି ବିଶେଷଙ୍କ ସ୍ୱାର୍ଥକୁ ଏବଂ ସେମାନଙ୍କର ସମ୍ପତ୍ତିକୁ ରକ୍ଷାକରିବାକୁ ଚେଷ୍ଟା କରି ରାୟାର ମୂଳପଥରୁ ପରିବର୍ତ୍ତନ କରାଯାଉଅଛି । ଏଠାରେ ଉଲ୍ଲେଖଯୋଗ୍ୟ ଯେ ବାଲି ଏବଂସଡକ ନିର୍ମାଣ ସାମଗ୍ରୀ ଭଳି ମୂଳରାୟାର ୫୦% ନିର୍ମାଣ କାର୍ଯ୍ୟ ଶେଷହୋଇଛି। କର୍ତୃପକ୍ଷ ଏବଂ ନ୍ୟୟସ୍ୱାର୍ଥମଧ୍ୟରେ ଏହିମିଳନ ସରକାରୀ ଅନୁଷ୍ଠାନ ଗୁଡ଼ିକର ଅଖଣ୍ଡତାକୁ କ୍ଷୁର୍ଣ୍ଣକରିଥାଏ ଏବଂ ବ୍ୟବସ୍ଥିତ ଅନ୍ୟାୟକୁ ଚିରସ୍ଥାୟୀ କରିଥାଏ ।
- 9. ଉପରୋକ୍ତ ପରିସ୍ଥିତିକୁ ଦୃଷ୍ଟିରେ ରଖି ଆମେ ଜିଲ୍ଲାପାଳ, ଖୋର୍ଦ୍ଧା, ତହସିଲଦାର, ଭୁବନେଶ୍ୱର ଏବଂ ରୋଡ୍ଇଞ୍ଜିନିୟରିଂ ଡିଭିଜନ ବ୍ୟକ୍ତିଙ୍କ ନିକଟକୁ ଯାଇ ଆମର ଅଭିଯୋଗ ବର୍ଣ୍ଣନାକରିଛୁ ଏବଂ ଜରୁରୀ ହୱକ୍ଷେପ ଆବଶ୍ୟକ କରୁଛୁ । କିନ୍ତୁ, ଦୁର୍ଭାଗ୍ୟବଶତ ଆମର ଉପସ୍ଥାପନା ବଧିର କାନରେ ପଡିଛି ଏବଂ ଆମେ ଆପଣଙ୍କ କାର୍ଯ୍ୟାଳୟରୁ ନିମ୍ନଲିଖିତ ଜରୁରୀ ପ୍ରତିକାର ପାଇଁ ଆପଣଙ୍କ କାର୍ଯ୍ୟାଳୟରେ ଆବେଦନ କରୁଛୁ ଯଦି ଆପଣ ବ୍ରତ୍ତିବ ପଦକ୍ଷେପ ନେବାରେ ପିଫଳ ହୁଅନ୍ତି/ ବିଳମ୍ଭ କରନ୍ତି ତେବେ ଆମେ ଆମର ଆଇନଗତ ଏବଂ ସାମ୍ବିଧାନିକ ଅଧିକାରର ସୁରକ୍ଷା ପାଇଁ ଆମେଜନସ୍ୱାର୍ଥ ମକଦ୍ଦମା ମାଧ୍ୟମରେ ଓଡ଼ିଶାର ମାନ୍ୟବର ଉଚନ୍ୟାୟାଳୟଙ୍କ ହ୍ୱାରସ୍ଥ ହେବାକୁ ବାଧ୍ୟ ହେତୁ ।

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<u>. Ł</u>

<u>ଗନ୍ତୀର ସମସ୍ୟାର ପତିକାର ବ୍ୟବସ୍ଥା କରିବା ପାଇଁ ପାର୍ଥନା କରୁକି ।</u>

ଉପରୋକ୍ତ କାରଣ ଗୁଡିକୁ ଦୃଷ୍ଟିରେ ରଖି, ଆମେ ନିମ୍ନୋକ୍ତ (ପ୍ରତିକାର ଏବଂ ବ୍ୟବସ୍ଥା) ବିଚାର କରିବାକୁ ନମ୍ରତାର ସହିତ ଆପଣଙ୍କର କାର୍ଯ୍ୟାଳୟକୁ ଅନୁରୋଧ କରୁଛୁ ।

- <u>କ</u>) ରାୟାର ଅନଧିକୃତ ପୁନନିର୍ମାଣ ଉପରେ ପୁଙ୍ଖାନୁପଙ୍ଖ ଅନୁସନ୍ଧାନ ଏବଂ ଆଇନଗତ ପ୍ରାଧିକରଣ ବିନା ପରବର୍ତ୍ତୀ କାର୍ଯ୍ୟକାରିତାକୂ ବନ୍ଦକରିବା ପାଇଁ ତୁରନ୍ତ ପଦକ୍ଷେପ ଗ୍ରହଣ କରିବା ।
- ଖ)_ସଡକ ପୁନନିର୍ମାଣ ପ୍ରକ୍ରିୟା ସହିତ ଜଡିତ ଅନିୟମିତତାକୁ ସମୀକ୍ଷା ଏବଂ ସଂଶୋଧନ କରି, ସମୟ ଆଇନଗତ ନିୟମ ଏବଂ ପ୍ରଶାସନିକ ପ୍ରୋଟୋକଲ ଗୁଡିକର ଅନୁପାଳନକୁ ସୁନିଣ୍ଟିତ କରାଯାଉ ।
- ଗ)_ସୁନିଷ୍ଟିତ କରାଯାଉ ଯେ ପାରମ୍ପାରିକ ଜଙ୍ଗଲ ବାସୀଙ୍କ ଘରସମ୍ବନ୍ଧୀୟ ଯେକୌଣସି ଉଚ୍ଛେଦ କିମ୍ବ ଭାଙ୍ଗିବା କାର୍ଯ୍ୟର ଆଇନ ପ୍ରକ୍ରିୟାକୁ କଡାକଡିପାଳନ କରିବା ସହ ଆମର ଅଧିକାର ଏବଂ ସମ୍ମାନକୁ ପୂର୍ନସମ୍ମାନ ସହିତ ପରିଚାଳିତ କରାଯାଉ ।
- ଘ) ଆଦିବାସୀ ସମ୍ପ୍ରଦାୟଦ୍ୱାରା ଉଠାଯାଇଥିବା ଅଭିଯୋଗର ସମାଧାନ ତଥା ଆମର ସାମ୍ଭିଧାନିକ ସୁନିଛ୍ଟିତ ଅଧିକାରକୁ ସମର୍ଥନ କରିବା ପାଇଁ ଆବଶ୍ୟକ ବିବେଚିତ ଅନ୍ୟ କୌଣସି ଉପଯୁକ୍ତ ପଦକ୍ଷେପ ନିଅନ୍ତୁ।
- ଙ)_ମାମଲାର ଗୟୀରତାକୁ ଦୃଷ୍ଟିରେ ରଖି ଅନ୍ୟ କୌଣସି ଅନୁକମ୍ପା କିମ୍ବା ସହାୟତା ପ୍ରଦାନ କରାଯାଉ । ରାଷ୍ଟାର ଅନଧିକୃତ ପୁନନିର୍ମାଣ ହାରା ପ୍ରଭାବିତ ଆଦିବାସୀ ସମ୍ପ୍ରଦାୟ ର ଅଧିକାର ଏବଂ କଲ୍ୟାଣକୁ ଧ୍ୟାନରେ ରଖି ଏହି ବିଷୟକୁ ଅତି ଗୟୀର ଏବଂ ତୁରନ୍ତ ବିଚାର କରିବାକୁ ଆମେ ଆପଣଙ୍କର ସମ୍ମାନୀୟ କାର୍ଯ୍ୟାଳୟକୁ ଆନ୍ତରିକତାର ସହିତ ନିବେଦନ କରୁଅଛୁ ।

ବିଶେଷ ସୂଚନା

ଉକ୍ତ ଦରଖାସ୍ତର ଇଂଲିଶ ଅନୁବାଦ ଏଠାରେ ସଂଲଗ୍ନ କରାଯାଇଅଛି ।

Copy of the representation is sent to

- 1. Additional Chief Secretary, Revenue and Disaster Management, Government of Odisha, Bhubaneswar.
- 2. Additional Chief Secretary, Forest & Environment Dept., Govt. of Odisha.
- 3. Additional Chief Secretary, Housing and Urban Development Department, Govt of Odisha.
- 4. Commissioner-Cum-Secretary, ST & SC Development, Minorities & Backward Classes Welfare Department, Government of Odisha.
- 5. Principal Secretary, Panchayat Raj and Drinking Water Department.
- 6. Secretary, Bhubaneswar Development Authority.
- 7. Secretary, Works Department, Bhubaneswar.
- 8. Chief Engineer, DPI and Road. Odisha, Bhubaneswar.
- 9. Chief Construction Engineer, Central (R&B Circle), Bhubaneswar.
- 10. Supertending Engineer. Bhubaneswar R&B Division-III
- 11. Assistant Executive Engineer R&B Division-III. Bhubaneswar
- 12. Collector, Khorda.
- 13. Tahasildar, Bhubaneswar.



ଆପଣଙ୍କୁ ସୂଚନା ଏବଂ ତ୍ୱରିତ୍ୱ କାର୍ଯାନୁଷ୍ଠାନ ନିମନ୍ତେ

ଆପଣଙ୍କର ବିଶ୍ୱୟ,

ଗ୍ରାମବାସୀ ବୃନ୍ଦ, (ଚୁନୁକୋଳି)

1. ବସନ୍ତ ଦିଗି, ବୟସ ୫୦ ବର୍ଷ

Bosconto Digi

2. ସୁକୁଲ ହାଂସଦା, ବୟସ ୪୯ ବର୍ଷ

3. ନାରାୟଣ ହାଂସଦା, ବୟସ ୬୯ ବର୍ଷ

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4. ରାଜେନ ପୁରାନ୍, ବୟସ ୩୨ ବର୍ଷ ପ୍ରିୟ୍ୟ ୧୯୧୮ ୧୯୧୮ ୧୯୧୮ ୧୯୧୮

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6. ସ୍ୱତିମୟୀ ମୁର୍ମୁ, ବୟସ ୪୦ ବର୍ଷ

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તાં પર્યોસ્ત શક્યોડો Monika Munory -211.20 0 3/2) व्यक्षित्र कुर्व Burbati Hansdoyh Manjulata Hans afach Lolifa Marand; 8回河河河河 याम्या इत Scenati Heb bran. Gambare Mamu Laxmi Majhi Bangi Hansdah Kopuna Murimu गाड़ी की के हैं स्रेमश स्य रबिटि स्वास्थरे Gaza Hembroan Larmi Musmu Ajus Mali Bry y manli Lusa Hansola SUKEAL GORON Saul monda Suman Bizan DUM BY MU 2-MU भूगेले द्वर प्रेयन्त्री

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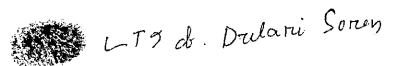
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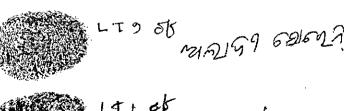
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Jogannoth Hansdah

LT9 & Dulani Hansdah.

Padmini Hansdah

Madhusmita Marandi

Salona Murmu Empair Mmm.

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RL BHUBANESHAR G.P.O. <751001> Counter No:1,16/02/2024,13:47

PIM:751006, Budheswari Colony S.O

From:BASANTA DIG,CHLMUKOLI

Wt:90gms Ack Fee:3.00,RE6=17.0

Aat:51.10(Cash)PS:2.00Tax:8.10

(Track on www.indiapost.gov.in)

R0162725435IN IVR:8279162725435

RL BHURAVESWAR G.P.O. <751001> Counter No:1,16/02/2024,13:47

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R0162725400IN IVR:8279162725400 RL BHUBANESHAR G.F.O. <751001> Counter No:1,16/02/2024,14:05 To:CHIEF ENGG,BBSR PIN:751001, Bhubaneswar G.P.O. From: BASANTA DIG. CHUNUKOLI Wt:95gms Ack Fee:3.00,REG=17.0 Aat:51.10(Cash)PS:2.00Tax:8.10 (Track on www.indiapost.gov.i)ध्यतीरासक (Dial 18002666868) (Wear Hasks) (13)

R0162725413IN IVR:8279162725413 RL BHUBANESWAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 To:CCE,CENTRAL

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R01627252711N IVR:8279162725271

RL BHURANESHAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 To: COMMISSIONER, ST & SC DEV PIN:751001. Bhubaneswar G.P.O. -From:BASANTA DIG,CHUNUKOLI Wt:95gas Ack Fee:3.00,RE6=17.0 Ant:51.10(Cash)FS:2.00Tax:8.10 KTrack on क्रम.indiapost.gov.inअस्मीय डाक (Dial 18002666868) (Wear Masks Stay C

R01627252991N IVR:8279162725299 RL BHURANESMAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 To:SECY,BDA PIN:751001, Bhubaneswar G.P.O. From: BASANTA DIG, CHUNUKOLI Wt:95gms Ack Fee:3.00,REG=17.0 Ast:51,10(Cash)PS:2.00Tax:8.10 (Track on www.indiapost.gov.i)। सीरा उसक (Dial 18002666868) <\(\text{Wear Masks}\)</p>

R0162725308IN IVR:8279162725308 RL BHURANESHAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 TO:ADDL CHIEF SECY,H & U D PIN:751001, Bhubaneswar G.P.O. From: BASANTA DIG CHUNUKOLI ₩t:95gms Ack Fee:3.00.REG≈17.0

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R0162725285IN IVR:8279162725285 RL BHUBANESHAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 TO: ASST EXECUTIVE ENGG, R & B DIVN PIN:751001, Bhubaneswar G.P.O. From: BASANTA DIG, CHANAIKOLI Wt:100gms Ack Fee:3.00,REG=17.0 Amt:51.10(Cash)PS:2.00Tax:8.10 (Track on www.indiapost.gov.in) तीरा अक (Dial 18002666868) (Wear Mas . Stay)

R0162725546IN IVR:8279162725546 RL BHUBANESHAR G.P.O. <751001> Counter No:1,16/02/2024,14:05 To:SUPDT_ENGG, BRSR PIN:751001, Bhubaneswar G.P.O. From:BASANTA DIG,CHUNDKOLI Wt:95gas Ack Fee:3.00,REG=17.0 Amt:51.10(Cash)PS:2.00Tax:8.10 (Track on waw.indiapost.gov. अप्रितीय अनु (Dial 18002666868) (Wear Masks)

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R0162331583IN IVR:8279162331583 RL:BHUBANESWAR G.P.O. <751001> Counter No:1,16/02/2024,13:47 To:ADDL CHIEF SECY R & D M PIM:751001, Bhubaneswar G.P.O. From: BASANTA DIG, CHLANIKOLI Wt:95gms Ack Fee:3.00,REG=17.0 Ant:51-10(Cash)PS:2.00Tax:8.10 (Track on was indiapost.gov.in) (Dial 18002666868) (Hear Masks, Stay Safet

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R0162725563IN IVR:8279162725563 RL BHUBANESWAR G.P.O. <751001> Counter No:1,16/02/2024,13:47 To:COLLECTOR, KHURDA PIN:752055, Kh Ma H.O From:BASANTA DIG.CHUNDKOLI Wt:100gms Ack Fee:3.00,REG=17.0 Amt:51.10(Cash)PS:2.00Tax:8.10 (Track on www.indiapost.gov.in) (Dial 18002666868) (Wear Masks, Stay

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IN THE HIGH COURT OF ORISSA; CUTTACK.

WRIT PETITION(C)PIL NO.6497 OF 2024

BASANTA DIGI AND OTHERS

PETITIONERS

VERSUS

STATE OF ORISSA AND OTHERS

OPP.PARTIES

COUNTER AFFIDAVIT FILED BY THE OPPOSITE PARTY NOS.6,8,9&10 TO THE WRIT PETITION.

- I, Smt. Gayatri Patel, aged about 43 years, wife of Sri Dolamani Patel, at present serving as the Superintending Engieer, R&B Division No.3, Bhubaneswar, in the district of Khurda, do hereby solemnly affirm and state as follows;
- 1. That, I am the opposite party no.10 to the writ petition. I have gone through the contents of the writ petition and understood the same. I am well acquainted with the facts of the case and competent to swear this affidavit for and on behalf of the opposite parties 6,8 and 9 being duly authorized for the purpose.
- 2. That the petitioners have filed the above mentioned writ petition by way of a Public Interest Litigation, interalia, declaring the action of the opposite parties 8 to 11 as illegal and arbitrary and to set aside the realignment of road under Annexure-2 with the prayer to direct the opposite parties to proceed with the construction of the original road trajectory as notified in the Gazettee dated 14th

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

May,2018, under Annexure-1, along with other prayers, as set out in the writ petition.

3. That the writ petition is thoroughly misconceived both in law and on facts and the same is liable to be dismissed. Since the petitioners have not approached this Hon'ble Court with clean hands and have suppressed the true state of affairs, they are not entitled to the reliefs(s) prayed for, hence on this ground the writ petition is liable to be dismissed. Since the impugned realignment/revised alignment of the road contained in the letter no.46267/dated 3.11.2023, under Annexure-2 is to be constructed over the government land which would cater to the need of the public in view of growing population in and around Bhubaneswar and for years together, it was incumbent on the part of the appropriate authority to revise the alignment which does not affect the interest of the petitioners in any manner whatsoever in as much as the land over which the proposed road is to be constructed belongs to government in toto.

Since the project in question is at the stage of commencement of the work and there being no question of affecting the rights of the petitioners and the fact remains that the work has not yet commenced, the writ petition at the stage is premature in nature and on this ground the same is libale to be dismissed. Suffice to state here that the petitioners are pursuing this litigation not for any public purpose, rather they being the encroachers over a major portion of the government land, apprehending to be evicted in the event the road is constructed as per the realignment, have filed the present writ petition

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PRADIPTA KUMAR MOHANTY Notary, Cuttack Town Read.No-ON-04/1995 without any justifiable reason, which renders the prayer of the petitioners invalid in the eye of law. Since the petitioners have not been able to make out a prima-facie case and have tried to justify their personal cause of action which is hit by the principles of public interest, the writ petition on this ground is liable to be dismissed.

4. That it is humbly submitted that construction of 200 ft road from Institute of Mathmatics to Ekamra Kanan via Infocity from RD 5/700 to 7/640 Km 200 feet master plan road (Left parallel road) is being taken up in larger public interest to ease traffic congestion in the existing roads. The geographical area of Bhubaneswar city is expanding in leaps and bounds with the coming up of more residential, commercial complexes, health and education hubs etc. Expansion of communication facility is the urgent need of the time for smooth navigation of vehicles and safe communication of commuters. In the tentative master plan of BDA, the carmarked road alignment was encountering a sharp curve that would have been risky for navigation of vehicles and commuters and prone to accidents. Besides that a number of important structures would have to be demolished if the road is constructed as per the tentative earmarked alignment.

From Engineering point of view and road safety parameters, it was felt expedient to modify the alignment basing on geometric design parameters, such as minimum radius of curve i.e 200 mtr and better design speed i.e 50 KMPH in conformity with the Indian Road Congress(IRC) norms. In the modified plan of the alignment of the road there would be demolition of bare minimum important number of

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PRADIPTA KUMAR MOHANTY Notary, Cuttack Town Records 1341995 structures land would not be affected. Keeping in view these parameters and the road safety angles the road alignment was modified for public convenience to provide better connectivity to the expanding city space.

It is pertinent to state here that construction of the road in question comes under the administrative jurisdiction of Bhubaneswar (R&B) Division No.III. For the road construction encumbrance free land is to be provided by B.D.A and the District Administration following statutory procedures. As of today, construction of the road has been taken up where encumbrance free land is available. No one has been threatened by the P.W.D for demolition of houses of people coming within the perview of revised road alignment. The road will be constructed only on the encumbrance free land provided by the B.D.A and the District Administration and particularly on the land owned by the government.

5. That it is humbly submitted that the representations dated 18.01.2024, 19.01.2024 and 15.02.2024 opposing construction of the 200 ft wide road from Institute of mathematics to Ekamra Kanan via infocity have been submitted by some people to different authorities. Their apprehension is that their residential houses coming within the road alignment will stand demolished. BDA is the appropriate authority to prepare the master plan of Bhubaneswar city keeping in view the rapidly expanding residential area and growth in population and vehicles. For smooth navigation of vehicles and for ease of communication, development of road connectivity is an urgent and

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important requisite. Displacement of structures coming in road alignments, following prescribed procedures is a task meant for accomplishment by BDA and the District Administration. The Public Works Department only takes up the road construction work on encumbrance free land handed over by BDA and the District Administration. Appropriate authority will take decision on the representations of the petitioners. There is no proposal to construct the road on the land which has not been handed over to the Division. The Division has never taken any action to forcibly demolish any house coming on the proposed road alignment.

6. That it is humbly submitted that the original Comprehensive Development plan of B.D.A, with approval of Govt. was notified in the Extraordinary issue of Orissa Gazette on 8th April 2010 and the plan came into operation from that date. Subsequently the CDP was modified by B.D.A following due procedure as laid down under Section 14 of the O.D.A Act, 1982 and the modified CDP was notified as modified CDP-02/2017 and published in the Extraordinary issue of Odisha Gazette on 14th May 2018. In the modified CDP the road alignment in question has been modified following due procedure of law. Therefore there is no question of clandestine realignment of the road or violation of the O.D.A Act, 1982 and its rules by the Road Engineering Division as contended by the petitioner in his averments in this Para. Copy of Letter No.22087 dated 04.07.2024 of B.D.A and the Gazette Notifications dated 3th April 2010 and dated 14th May 2018 along with the original CDP and modified CDP are marked as Annexure-A/10, B/10 and C/10.

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

- That, it is humbly submitted that the master plan has been 7... modified by BDA following due procedures as laid down under Section 14 of the O.D.A Act, 1982 and the rules framed thereunder. As such there is no question of tinkering with the CDP by the road executing Public Works Division. The road construction taken up by Bhubaneswar (R&B) Division No.III is well within the Bhubaneswar Municipal Corporation area. earmarked the District Administration. As such there is no question of transgression into Grama Panchayat Area as contended by the petitioner.
- 8. That it is humbly submitted that Bhubaneswar (R&B) Division No.III has taken up construction of the road on the portion of land provided by the District Administration. Removal of encroachments and eviction of people from the road alignment is not the job of Bhubaneswar (R&B) Division No.III. As such there is no question of forcible demolition of the houses of the petitioners coming in the modified road alignment by the R&B Division.
- 9. That it is humbly submitted that the modified alignment of the road runs through the geographical limits of the Bhbaneswar Municipal Corporation. As such the averments of the petitioner that the modified road alignment runs into Grama Panchayat area is baseless and not correct.
- 10. That, it is humbly submitted that the modification of the road alignment is a consequence of the modification of the CDP by B.D.A following due procedure as laid down under the ODA Act, 1982 and such modifications have been notified in the Odisha Gazette for

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information of the General Public. As such the contention of the petitioners that the change in alignment was clandestinely made is not correct. Keeping in view the safe connectivity convenience of the public and the road safety parameters it was felt expedient to modify the alignment basing on geometric design parameters, such as minimum radius of curve i.e 200 mtr and better design speed i.e 50 KMPH in conformity with the IRC norms. In the modified alignment of the road demolition of bare minimum important structures will take place and there will be no encroachment of reserve forest area. Keeping in view these parameters and the road safety angles the road alignment is modified for public convenience to provide connectivity to the expanding city space.

11. That all other allegations which are not specifically admitted herein are deemed to have been denied and the deponent reserves the right to file further affidavit as and when required.

12. That, the statements made above in paragraphs 1-10 are true to the best of my knowledge and belief and those statements made in paragraphs 2 to 12 are true to my information derived from the records and the statements made in other paragraphs are my submission to this Hon'ble Court. I believe the information to be true as per available official records.

Identified by
Ilwald Pradpep Bag
Advocate's Clerk, AG Office.

12.7.24

Gayetri Patel, 24 DEPONENT

> Superintending Engineer BBSR (R & B) Division No-III Bhubaneswar

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

Solemnly affirm before me Sml Diajotree Pattle who is identified before me by Advocate's Clerk, Advocate

General's Office, whom I personally know.

This is the 12th Day of July, 2024.

CUTTACK DT.12.7.2024

OATH COMMISSION/ NOTARY PUBLIC, CUTTACK PRADIPTA KUMAR MOHANT)

Notary, Cuttack Town

Certified that cartridge papers are not available. Pegg. No-ON-04/1995

CUTTACK 1 DT.12.7.2024

P-9.



BHUBANESWAR DEVELOPMENT AUTHORITY Akash Shova Building, Sachivalaya Marg, Kharavela Nagar, Unit-III Bhubaneswar

No 2-2-08 7/BDA, Bhubaneswar Planning (case) - 127/24 Dt. 04. 07.24

To

The Superintending Engineer

Bhubaneswar (R&B) Division No.III

Sub- Regarding- Submission of Counter in W.P (C) (PIL) no. 6497 of 2024 filed by Sri Basanta Digi & Others Vrs. State of Odisha & others

Ref: Your Office letter no. 3401 dated 28.06.2024

Madam,

With reference to the above mentioned subject and letter in reference, I am to say that, the original CDP was prepared and notified in the year 2010, following due procedure as prescribed under the ODA Act, 1982. The said alignment of the original CDP identified for the execution of Left Parallel Road required certain modifications for implementation purpose and considering the same, BDA has followed due procedure as laid down u/s-14 of the ODA Act, 1982 and modified the CDP vide Modified CDP-02/2017. A copy of the original CDP notified in the year 2010 vide Gazette no. 474 dated 08.04.20210 and subsequent Modified CDP-02/2017 vide Gazette no. 743 dated 14 05.2018 is enclosed herewith for your reference.

Yours Faithfully

Encl- As above

PLANNING MEMBER BDA, BHUBANESWAR

0/C

Torve Cary Attested

Superintending Engineer
BBSR (R & B) Division No-III
Bhubaneswar



EXTRAORDINARY PUBLISHED BY AUTHORITY

No. 474 CUTTACK, THURSDAY, APRIL 8, 2010 CHAITRA 18, 1932

BHUBANESWAR DEVELOPMENT AUTHORITY BHUBÁNESWAR.

The 7th April 2010

No.3958/BDA- Whereas the draft Comprehensive Development Plan of Bhubaneswar Development Plan area was published as required Under Section12 of the Orissa Development Authorities Act'1982 and Rule-12 of the Orissa Development Authorities Rules'1983 in the extraordinary issue No.1831, Dt10.10.2008 of the Orissa Gazettee inviting objections and suggestions from all persons likely to be affected thereby within sixty days from the date of publication of the said Notification in the Orissa Gazettee;

And whereas objections and suggestions received during the stipulated period have been duly considered by the Bhubaneswar Development Authority;

Now, it is hereby notified that the Comprehensive Development Plan of Bhubaneswar Development Plan area has been approved by the Government u/s-11 of ODA Act'1982 vide letter No.TP.Dev.42-2010(pt)-8103/HUD dated-06.04.2010. The approved C.D.P. is available for inspection in the office of the Bhubaneswar Development Authority located at Akash Sova Building, Sachivalaya Marg, Bhubaneswar in all working days between 3.00 P.M. to 5.00P.M. except Government Holidays and Sundays and the same will also be available in BDA website i.e. www.bdabbsrita. The Comprehensive Development Plan shall come into operation from the date of publication in the Orissa Gazettee.

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Secretary.

Printed and published by the Director, Printing, Stationery and Publication, Orissa, Cuttack-10 Ex. Gaz. 39- 193+20

Torve copy Attested.

Superintending Engineer GBSR (R & B) Division No-III Bhubaneswar

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EXTRAORDINARY PUBLISHED BY AUTHORITY

MAY 14, 24. MONDAY. 2018/BAISAKHA No. 743 CUTTACK,

BHUBANESWAR DEVELOPMENT AUTHORITY Akash Shova Building, Sachivalaya Marg, Kharavela Nagar, Unit-III, Bhubaneswar NOTIFICATION

The 17th April 2018

No. 10470/BDA, Bhubaneswar

Whereas, the draft modified Comprehensive Development Plan-02/2017; in respect of 60 meter wide road from Ekamrakanan Park to Pathargadia and Pathargadia to Nandankanan road in following mouzas under Bhubaneswar Tahasil in District Khordha was published as required Under Section 14 (3) of the Odisha Development Authorities Act, 1982 and Rule 17 of Odisha Development Authorities Rules, 1983 in the extraordinary issue of Odisha Gazette vide no. 1015, dated 27.05.2017, inviting objection or suggestion from all persons likely to be affected thereby within sixty days from the date of publication of the said notice in the Odisha Gazette.

SI No.	Mouza	Tahasil	SI No.	Mouza	Tahasil
1	Jaydev Vihar	Bhubaneswar	5	Patia	Bhubaneswar
2	Bharatpur	Bhubaneswar	6	Pathargadia	Bhubaneswar
3	Chandrasekharpur	Bhubaneswar	7	Raghunathpurjali	Bhubaneswar
4	Jagannathprasad	Bhubaneswar			

And whereas, objections or suggestions received during the stipulated period were been duly considered by the Bhubaneswar Development Authority.

And whereas, the same was submitted to the State Government for approval as required under Rule 16 of ODA Rules, 1983 and the same has been approved by the Government under rule 16 of the Odisha Development Authorities Rules, 1983 vide letter no. HUD-13-TP(DA)-PROJ-147/ 2017-26224 dated 13.11.2017. Now therefore it is brought to notice of all concerned that above said modification of CDP shall come into operation from the date of publication of this notice in the Odisha Gazette. This final Modified Comprehensive Development Plan -02/2017 is available for inspection in the office of the Bhubaneswar Development Authority located at Akash Shova Building, Sachivalaya Marg, Kharavela Nagar, Bhubaneswar, on all working days between 3.00-5.00 PM. The same will also be available in BDA website, i.e. www.bdabbsr.in.

SITANSU KUMAR ROUT Secretary

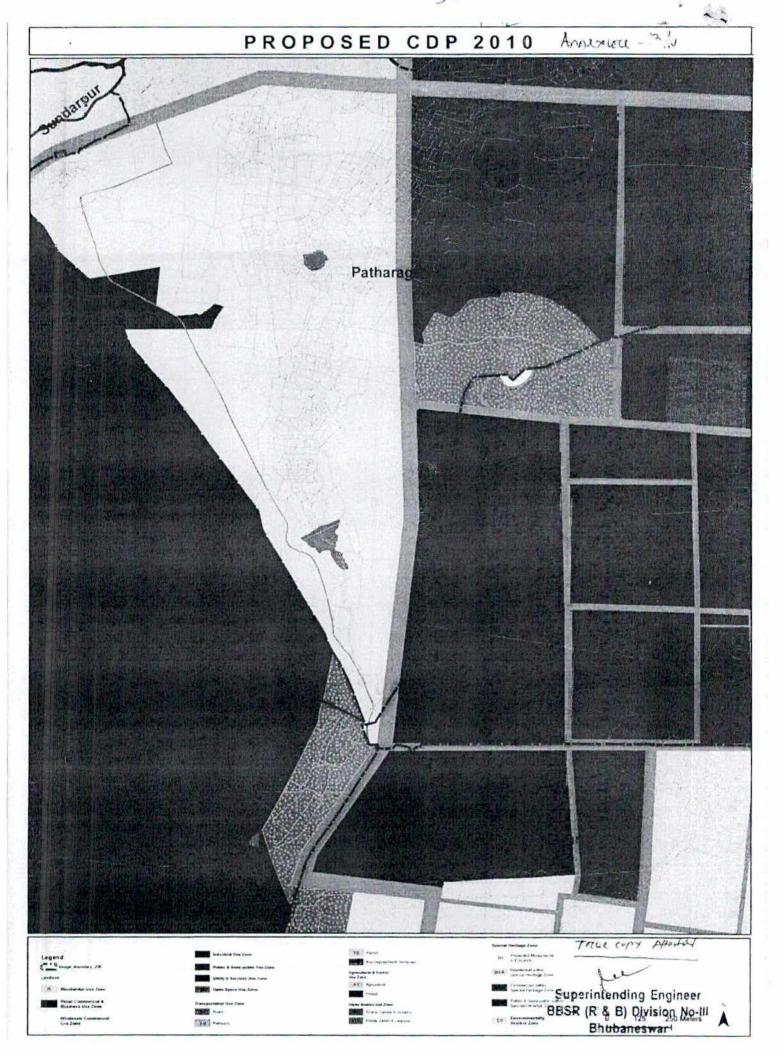
Bhubaneswar Development Authority

Printed and published by the Director, Directorate of Printing, Stationery and Publication, Odisha, Cuttack-10

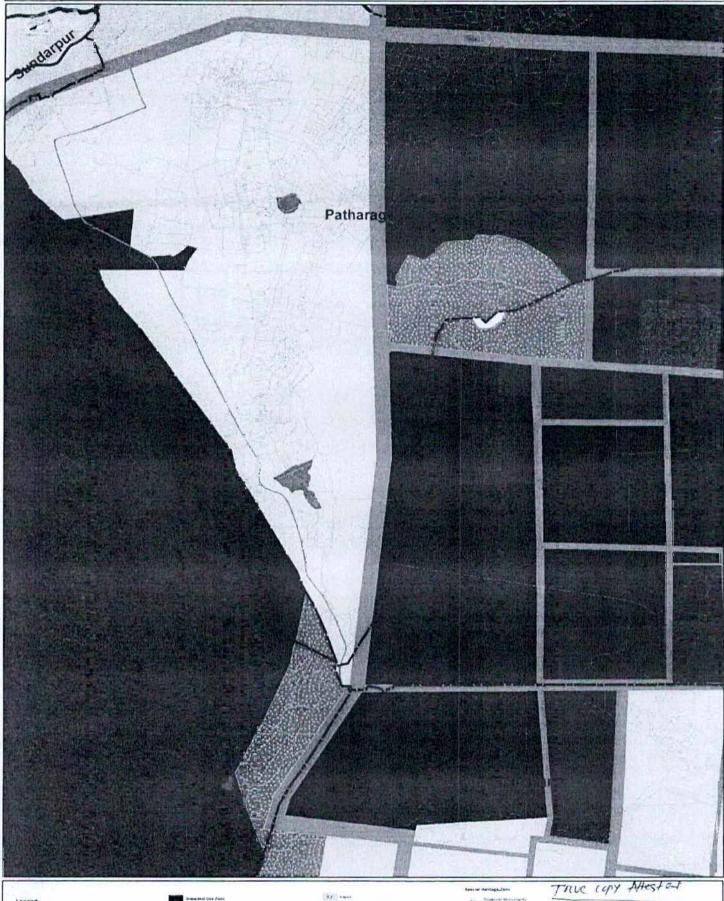
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Superintending Engineer BBSR (R & B) Division No-IA Bhubaneswar



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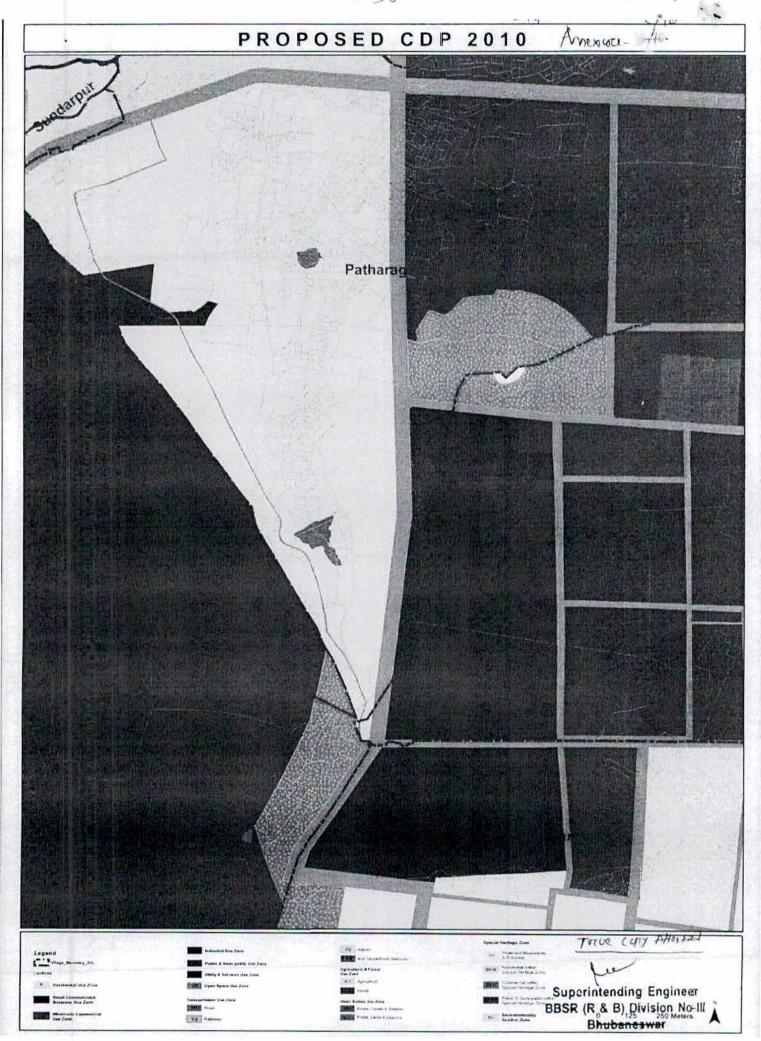
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*** Superintending Engineer

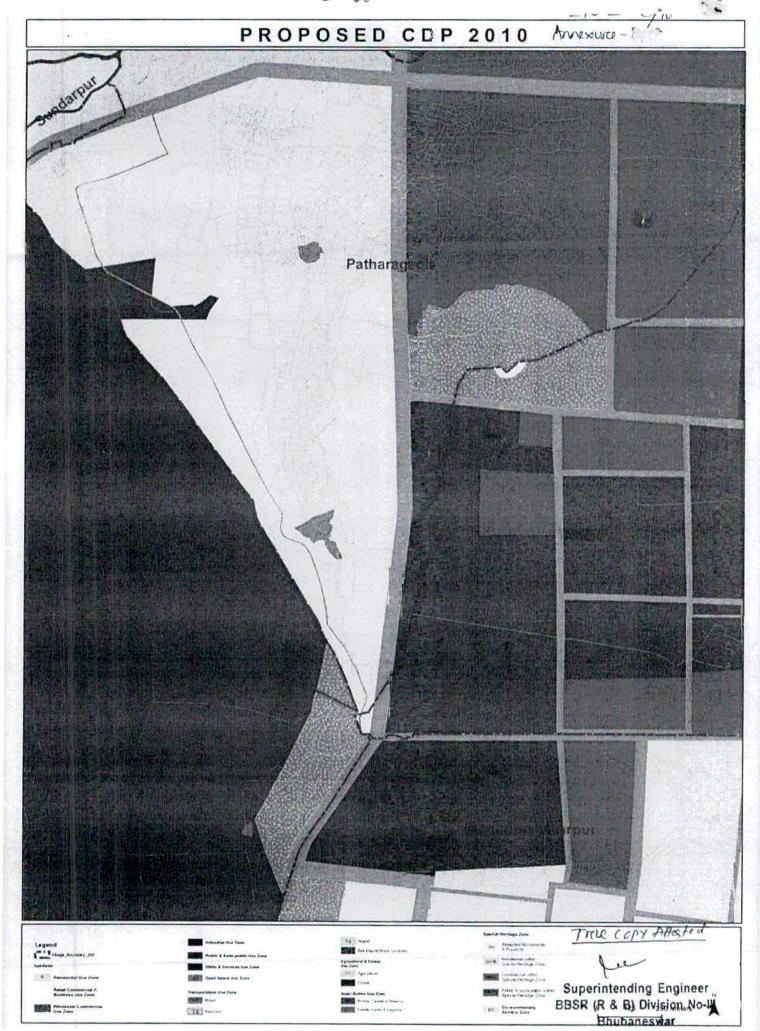
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BBSR (R & B) Division No-III

Bhubaneswat



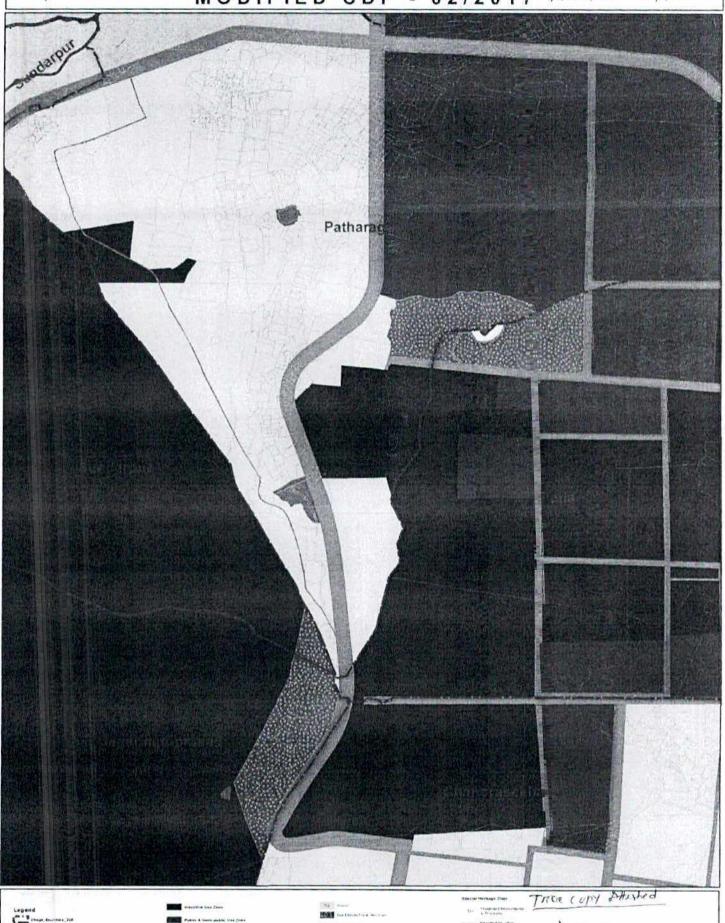
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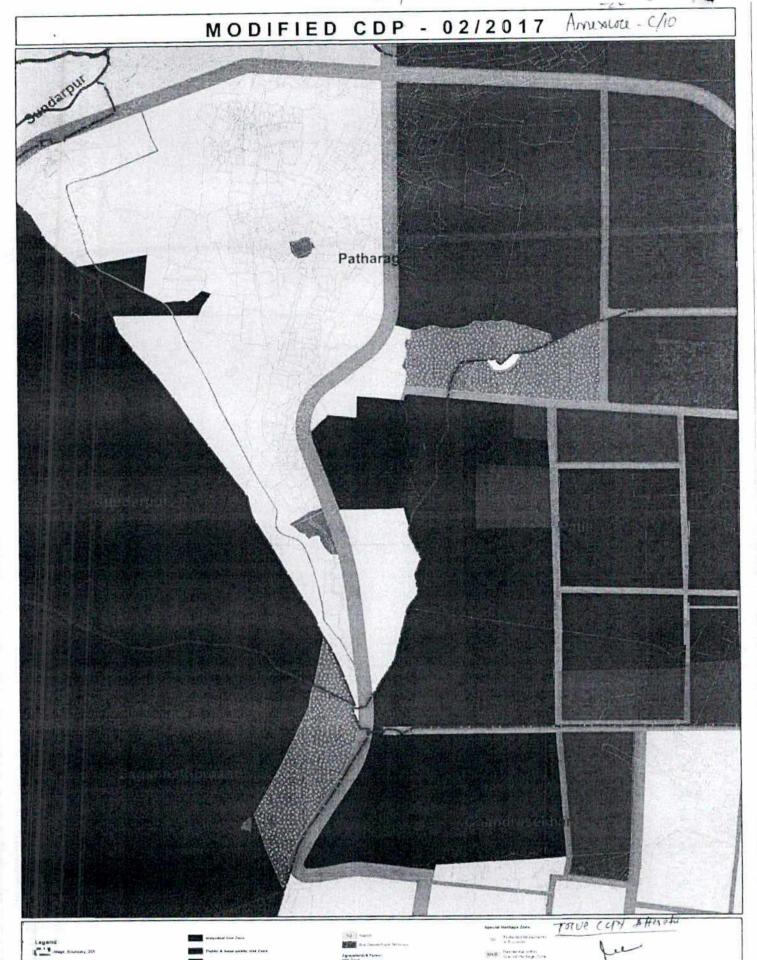




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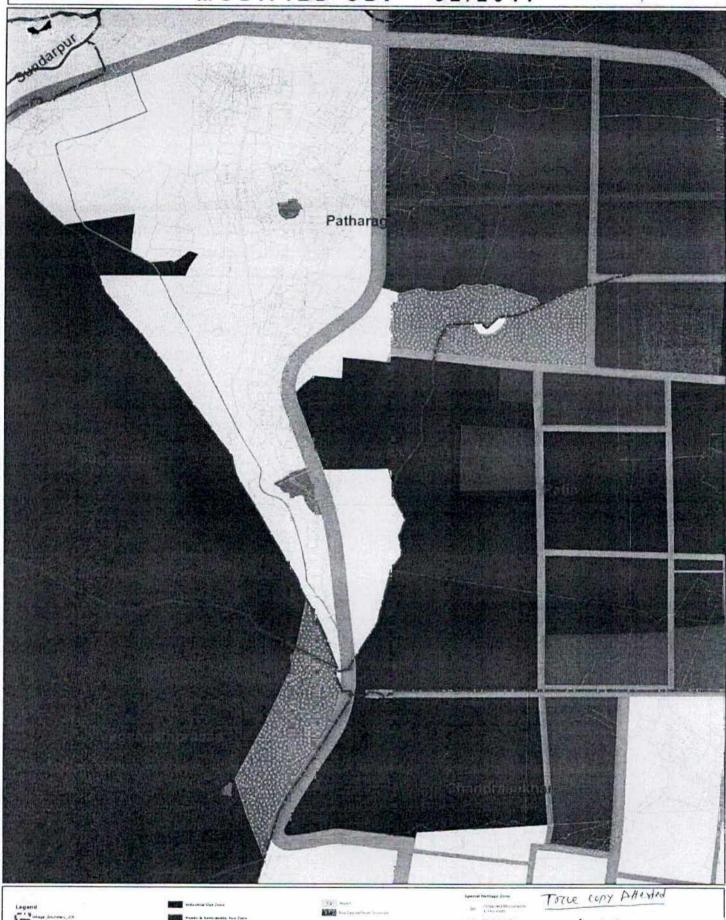
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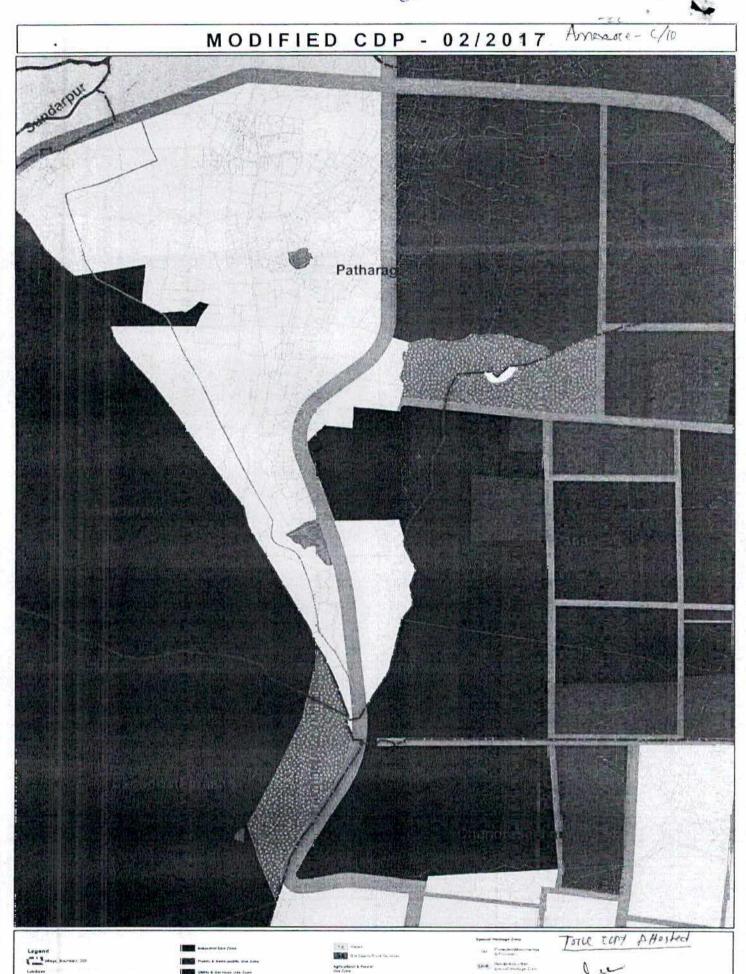
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BBS& (R₀& B), Division, No-III

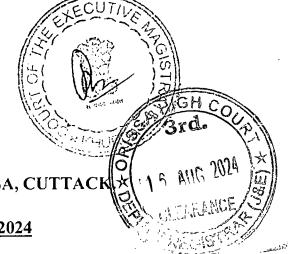
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SuperIntending Engineer

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IN THE HIGH COURT OF ORISSA, CUTTACK

WP(C) PIL No. 6497 of 2024

BASANTA DIGI AND OTHERS.... PETITIONERS.
-VRS-

STATE OF ODISHA AND OTHERS......OPP. PARTIES.

AFFIDAVIT FILED BY COLLECTOR & DISTRICT MAGISTRATE, KHORDHA, OPPOSITE PARTY NO. 13

- I, Chanchal Rana, aged about 35 years, S/O- Anil Kanta Rana, at present working as Collector & District Magistrate, Khordha, At/PO/Dist.- Khordha do hereby solemnly affirm and state as follows: -
- 1. That, I am working as above and have been arrayed as Opposite Party No. 13 in the aforesaid Writ Petition. I have gone through the Writ Petition, relevant records and understood the contents thereof. I am well acquainted with the facts of the case and competent to swear this affidavit in my official capacity.
- 2. That the petitioners have filed the aforesaid Writ Petition by way of a Public Interest Litigation, interalia, declaring the action of the opposite parties 8 to 11 as illegal and arbitrary. They have further prayed to set aside the realignment of the proposed road

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under Annexure-2 and for a direction to the opposite parties to proceed with the construction of the original road trajectory as notified in the Gazettee dated 14th May, 2018, under Annexure-1.

- 3. That, the writ petition is thoroughly misconceived both in law and on facts and the same is liable to be dismissed. The impugned realignment/revised alignment of the proposed road contains in the letter No.46267/dated 3.11.2023, under Annexure-2, is to be constructed over the government land and the proposed road would accommodate the need of the general public in view of growing population in and around Bhubaneswar city. Since the impugned realignment/revised alignment of the road contains in the letter no.46267/dated 3.11.2023, under Annexure-2 is to be constructed over the Government land so, the question of affect of the interest of the petitioners does not arise.
- 4. That, in reply to the averments made in paragraph No. 1 of the Writ Petition, it is submitted that construction of road project namely 'Construction of 200 ft road from Institute of Mathematics to Ekamra Kanan via Infocity from RD 5/700 to 7/640 Km(Left parallel Road) is being undertaken by the Superintending Engineer, R & B, Division No. 3, Bhubaneswar in Mouza- Pathargadia, Sundarpur, Jagannathprasad and Chandrasekharpur under Bhubaneswar Tahasil in larger public interest to ease the traffic congestion in the existing roads in and around Bhubaneswar city. It is further submitted that the construction has been made over the private lands which have been acquired or purchased from the land owners following due provisions

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of RFCTLAR&R Act, 2013 and no such alleged eviction or demolition of houses of the petitioners have been made by the Opp. Parties for the said construction. In this connection, due process of law is being followed for eviction of unauthorized encroachments made over the Govt. land coming within the proposed road alignment.

- 5. That, this deponent has no comments to offer in reply to the averments made in paragraph- 2 & 3 of the Writ Petition.
- 6. That, in reply to the averment made in paragraph No. 4 of the Writ Petition, it is submitted that, the petitioners belong to Scheduled Tribe (Adivasi people) who are residing over the Govt. land in Chunukoli Basti coming under the Mouza- Jagannath Prasad under Bhubaneswar Tahasil unauthorisely.
- 7. That, in reply to the averments made from paragraph No. 4.1 to 4.3 of the Writ Petition, it is submitted that in connection with construction of above proposed road, the original Comprehensive Development Plan of B.D.A, with approval of Govt. was notified in the Extraordinary issue of Orissa Gazette on 8th April 2010. Subsequently, the CDP has been modified by the B.D.A, Bhubaneswar following due procedure as laid down under Section 14 of the O.D.A Act, 1982 and the modified CDP has been notified as modified CDP-02/2017 and published in the Extraordinary issue of Odisha Gazette on 14th May 2018. In the modified CDP, the road alignment in question has been modified following due procedure of law.
- 8. That, this deponent has no comments to offer in reply to the averment made in paragraph- 5 of the Writ Petition.

9. That, in reply to the averment made in paragraph No. 6 of the Writ Petition, it is submitted that for construction of said proposed road project, total Ac 1.536 dec of Forest land is being used; the details of which is given as under.

COUTIVE	Name of the Village	Forest land in Acre
The state of the s	Pathargadia	0.008
	Sundarpur	1.525
	Jagannathprasad	0.004
	Total	1.536

It is submitted that as per the original Comprehensive Development Plan of B.D.A published in the year, 2010 total Ac 2.203 dec of forest land was proposed for the said Road Project whereas, in the revised CDP, the area of forest land has been reduced to Ac 1.536 dec out of which only Ac 0.004 dec of forest land in respect to Mouza-Jagannathprasad is coming within the road alignment.

It is pertinent to say that due procedure has been followed up for diversion of forest land and permission has been obtained from the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar U/S-3(2) of Scheduled Tribes and other Traditional Forest Dwellers(Recognition of Forest Rights)Act, 2006 issued vide letter No. 7830 dtd. 21.12.2023 and subsequent corrigendum issued vide Memo No. 5153 dtd. 14.08.2024.

True copy of letter No. 7830 dtd. 21.12.2023 and Currigendum Memo No. 5153 dtd. 14.08.2024 of Divisional Forest Officer,

henchal k

Chandaka Wildlife Division, Bhubaneswar is annexed herewith

Annexure-A/13.

10. That, this deponent has no comments to offer in reply the averment made in paragraph- 7 of the Writ Petition.

- of the Writ Petition, it is submitted that keeping in view of the road safety angles and in order to ensure bare minimum demolition of residential structures, the road alignment has been changed with reference to the modified CDP by the Bhubaneswar Development authority following due process of law as laid down U/S-14 of the ODA Act, 1982. Construction of road has been made only over the private lands and till date, no such demolition or eviction from the Govt. land has been made for construction of said road project. It is also evident that some encroachments have been made over the Govt. land coming within the road alignment. Hence, during construction of road over such Govt. land, the eviction of illegal encroachments if needed, will be done following due procedure of law.
- 12. That all other allegations which are not specifically admitted herein are deemed to have been denied and the deponent reserves the right to file further affidavit as and when required.
- 13. That, the statements made above in paragraphs 1-12 are true to the best of my knowledge and belief as per available official records.

Identified by:

Advocate

DEPONENT

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

CERTIFICATE.

Certified that, due to want of cartridge papers, thick white papers are being used.

Cuttack.

Date. 16 /08/2024.

Addl. Govt. Advocate.



Probettive Magistrate, Khordha

Executive Magistrate Khurda

-74- Annexure-A/13 E-mail

OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN CHANDAKA WILDLIFE DIVISION, GAJA VIHAR BARAMUNDA BHUBANESWAR-751003, Ph. (0674) 2355400

Email- dfo.chandakawl@odisha.gov.in

Memo. No. <u>7830</u>/4F (F.C. Act & Lease) - 41/2023 Bhubaneswar, the **21**** **December**, **2023**

To

The Range Officer

Bhubaneswar Wildlife Range

Bhubaneswar

Sub:

Regarding settlement of forest land of area Ac. 2.203 in favour of PWD for construction of road from Institute of Mathematics to Infocity Via Ekamrakanan from 5/700 km. to 7/640 km.

Ref:

Your office memo. No. 1349 dtd. 20.12.2023

The diversion proposal under section 3(2) of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 of villages- Patharagadia, Sundarpur & Jagannathprasad recommended by concerned Gram Sabha by you vide memo. under reference was examined and scrutinized for its eligibility as per guidelines prescribed by Government of India, Ministry of Tribal Affairs vide their letter No. 23011/15/2008-SG-II dtd. 18.05.2009. The details are as follows:

Name of the Village	Area of Forest Land diverted in Ha.	Name of the Forest Block
Patharagadia, Sundarpur &	0.891	Jagannathprasad RF
Jagannathprasad		

In view of the essentiality for construction of Community Centre in Village Ghaitikia, the above proposal is approved & permission is hereby accorded in favour of Superintending Engineer, Bhubaneswar (R&B) Division No. III, Bhubaneswar (herein referred to as user agency) for construction of Road, in Mouza- Patharagadia, Sundarpur & Jagannathprasad subject to fulfilment of the following conditions:

- i. The status of the land shall remain unchanged.
- ii. The Forest land diverted shall not be used for any other purpose other than construction of construction of road.
- iii. Area shall be demarcated by you in the field and after demarcation the area should be handed over to user agency under supervision of Gram Sabha.

Page | 1

COLLECTOR & DISTRICT MAGISTRATE

- iv. The user agency shall ensure that the road alignment and design shall be done as per prescribed specification.
- v. The user agency shall be responsible for any loss to the flora / fauna in the surroundings and therefore shall take all possible measures to conserve the same. Any damage done in this regard shall be compensated by the user agency within the project cost as per the assessment of the Divisional Forest Officer, Chandaka Wildlife Division, Bhubaneswar. An undertaking by the user agency to abide by the above stipulations should be obtained before handing over of forest land to the user agency and be transmitted to this office for record and reference.
- vi. This permission will be invalid if the activities for which for which the above permission is granted is not started within one year of taking possession of the Forest Land.

You should monitor the progress of construction work during execution & any deviation to the stipulations mentioned above by the user agency should be dealt/reported accordingly.

Divisional Forest Officer Chandaka Wildlife Division & Bhubaneswar

Memo No. 7831 / dtd. 21.12.2023 /

Copy forwarded to the Superintending Engineer, Bhubaneswar (R&B) Division No. III, Bhubaneswar for favour of information and necessary action.

Divisional Forest Officer Chandaka Wildlife Division ABhubaneswar

Memo No. 7832 / dtd. 21.12.2023 /

Copy forwarded to the Principal Chief Conservator of Forests (Forest Diversion & Nodal Officer, Forest Conservation Act) O/o the Principal Chief Conservator of Forests & HoFF, Odisha for favour of kind information and necessary action.

True City anticker

Divisional Forest Officer/ Chandaka Wildlife Division GBhubaneswar

COLLECTOR & DISTRICT MAGISTRATE

Page | 2

Memo No. 7833 / dtd. 21.12.2023 / Copy forwarded to the Regional Chief Conservator of Forests, Bhubaneswar Circle, Bhubaneswar for favour of information and necessary

Memo No.7834/ dtd.21.12.2023/

action.

Copy forwarded to the Collector, Khordha for favour of kind information and necessary action with reference to memo. No. 9000 dtd. 18.12.2023 of the Superintending Engineer, Bhubaneswar (R&B) Division No. III, Bhubaneswar.

> Divisional Forest O Chandaka Wildlife Division **A**Bhubaneswar

Chandaka Wildlife Division ca Bhubaneswar

Memo No. 7835/ dtd. 21.12.2023/

Copy forwarded to the Forest Settlement Officer, Khordha for information and necessary action.

> Chandaka Wildlife Divisiòn **ABhubaneswar**

Memo No. 7836 / dtd. 21.12.2023 /

Copy forwarded to the Tahasildar, Bhubaneswar Tahsil, Bhubaneswar for information and necessary action.

> Divisional Forest Chandaka Wildlife Division **△A** Bhubaneswar

Memo No. 7837 / dtd. 21.12.2023 /

Copy forwarded to the District Welfare Officer, Khordha for information and necessary action.

> Divisional Forest (Chandaka Wildlife Division **CRBhubaneswar**

COLLECTOR & DISTRICT MAGISTRATE MACHODAN

Page | 3

OFFICE OF THE DIVISIONAL FOREST OFFICER & WILDLIFE WARDEN CHANDAKA WILDLIFE DIVISION, GAJA VIHAR BARAMUNDA BHUBANESWAR-751003

Email- dfo.chandakawl@odisha.gov.in/chandakadampara@gmail.com

Memo. No.**5153/**4F (F.C. Act & Lease) - 29/2024

Bhubaneswar, the 14th August, 2024

To

The Range Officer

Bhubaneswar Wildlife Range

Bhubaneswar

Sub:

CORRIGENDUM- Regarding settlement of forest land of area Ac. 2.203 in favour of PWD for construction of road from Institute of Mathematics to Infocity Via Ekamrakanan from 5/700 km. to 7/640 km.

Ref:

This office memo. No. 7830 dtd. 21.12.2023

Referring to the above cited correspondences on the captioned subject, the second para "In view of the essentiality for construction of Community Centre in Village Ghatikia" may be read as "In view of the essentiality for construction road in Village Patharagadia, Sundarpur & Jagannathprasad".

This is for your information and necessary action

Divisional Folust Officer Chandaka Wildlife Division Clandaka Wildlife Division

Memo No.5154/ dtd.14.08.2024/

Copy forwarded to the Superintending Engineer, Bhubaneswar (R&B) Division No. III, Bhubaneswar for favour of information and necessary action with reference to this office memo. No. 7831 dtd. 21.12.2023.

Divisionat Flyds Officer Chandaka Wildlife Division & Bhubaneswar

Memo No.5155/ dtd.14.08.2024/

Copy forwarded to the Principal Chief Conservator of Forests (Forest Diversion & Nodal Officer, Forest Conservation Act) for favour of kind information and necessary action with reference to this office memo. No. 7832 dtd. 21.12.2023.

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Divisional Forest Division Chandaka Wildlife Division QR Bhubaneswar

Page | 1 -

OFFECTOR & DISTRICT HAGISTRATE KHORDHA

Memo No. <u>5156</u>/ dtd. <u>14.08.2024</u>/
Copy forwarded to the Regional Chief Conservator of Bhubaneswar Circle, Bhubaneswar for favour of information and action with reference to this office memo. No. 7833 dtd. 21.12.2023.

Divisional Foresuofficer Chandaka Wildlife Division LQ Bhubaneswar

Memo No.5157/ dtd.14.08.2024/
Copy forwarded to the Collector, Khordha for favour of kind information and necessary action with reference to with reference to this office memo. No. 7834 dtd. 21.12.2023.

Divisional Forest Officer Chandaka Wildlife Division & Bhubaneswar

Memo No.5158/ dtd.14.08.2024/
Copy forwarded to the Forest Settlement Officer, Khordha for information and necessary action with reference to this office memo. No. 7835 dtd. 21.12.2023.

Divisional Forest Officer Chandaka Wildlife Division CLBhubaneswar

Memo No. 5159 / dtd. 14.08.2024 / Copy forwarded to the Tahasildar, Bhubaneswar Tahsil, Bhubaneswar for information and necessary action with reference to this office memo. No. 7836 dtd. 21.12.2023.

Divisional Forest Officer Chandaka Wildlife Division & Bhubaneswar

Memo No.5160/ dtd.14.08.2024/ Copy forwarded to the District Welfare Officer, Khordha for information and necessary action with reference to this office memo. No. 7837dtd. 21.12.2023.

True copy anteriel.

Divisional Pores Affice Chandaka Wildlife Division Cg Bhubaneswar

COLLECTOR & DISTRICT MAGISTRATE
KHORDHA

Page | 2

English Fantation of Janexure 4(serie)

To

The Chief Secretary,
Government of Odisha,
Department of General Administration,
Lok Seva Bhawan, Bhubaneswar,
Dist- Khordha;

[Sub: Representation Regarding Unauthorized Realignment of BDA road into Forested Region coming under Gram Panchayat Area]

Date- 15.02.2024

Respected Sir,

We, the below signatories being the residents of Vill-Chunukoli, Mouza-Jagannathprasad, G.P./P.O.- Andharua, Tehsil-Bhubaneswar, P.S.- Chandaka, Dist- Khordha, PIN- 751003 hereby submit this representation before your esteemed office to bring to your attention the grievous matter concerning the unauthorized realignment of a road into the forested region of our Gram Panchayat where we Adivasi people traditionally have been living for last three generations (for more than 80 years). This will significantly impact our indigenous Adivasi communities residing therein causing eviction and demolition of hundreds of dwelling houses, religious shrines, community activity centers. We bring the following facts and figures for your urgent indulgence to arrest injustice and grave irregularities:

Ty

- 1. That, we belong to the indigenous Scheduled Tribe (Adivasi people), who have historically inhabited the forested region for generations, thereby establishing an inherent connection to the ancestral lands and customary rights protected under various constitutional provisions and other statutory rights under Forest Rights Act, 2006.
 - 2. That, the Bhubaneswar Development Authority (BDA), entrusted with the statutory duty to regulate land use and urban planning within its jurisdiction under the Odisha Development Authorities Act, 1982 purportedly engaged in a consultative process to authorize the construction of a 200 feet wide road. This process included soliciting objections from local residents and stakeholders and incorporating suggestions from various quarters, ensuring transparency and democratic participation. Thus, the alignment of the proposed road was finalised after invitation of objections, suggestions from different stakeholders and public hearings were also conducted.
 - 3. That, upon approval, the 200 feet wide road was meticulously integrated into the master plan of the urban area under the jurisdiction of the Bhubaneswar Development Authority. The publication of this master plan on the website in 2017 served as a testament to the authorities' commitment to public disclosure and participation. The Copy of the said alignment of road (from the website) is attached herewith for your kind perusal.
 - 4. That, however, the integrity of this process was egregiously violated in month of November/ December 2023 when the Road Engineering Division Authorities, lacking the requisite authority, arbitrarily altered



the alignment of the abovementioned approved road. The map of the illegal realignment is attached with this representation. This unauthorized action resulted in the road encroaching upon our gram panchayat area, where generations of traditional forest dwellers have established their homes and livelihoods.

- 5. That, this unilateral and clandestine realignment of the road blatantly contravenes the explicit provisions enshrined in the Odisha Development Authorities Act, 1982. This legislation mandates that any modifications to the master plan must be preceded by a comprehensive consultation process, ensuring the participation of affected parties and stakeholders. The Road Engineering Division Authorities' actions, devoid of such consultations, constitute a flagrant disregard for the rule of law and democratic principles. The road engineering department can not tinker with the master plan of the BDA and make a transgression into a Gram Panchayat area which is under the local self-governance. The proposed realignment of the road forays into our Gram Panchayat area which is not within the jurisdiction of BDA. The proposed road also has not even accorded with forest clearance.
 - 6. That, the illegal realignment of the road poses an existential threat to the livelihoods and cultural heritage of the traditional forest dwellers. Hundreds of families face imminent eviction and the demolition of their homes, depriving them of their fundamental rights without due process of law. The contractors engaged by road engineering department are ready with the bull dozers for demolishing our houses and other structures.



- 7. That, moreover, the transgression of an urban road designated under the BDA master plan coming under Bhubaneswar Municipal Corporation (BMC) into the Gram Panchayat area tantamounts to a gross violation of statutory provisions and administrative boundaries. Such unauthorized incursions undermine the foundational principles of urban planning and local governance, fostering chaos and inequity.
 - 8. That, we are privy to the information that the clandestine and surreptitious alteration of the road's alignment serves the vested interests of a select few influential individuals, who seek to safeguard their properties from the original trajectory of the road. It is worth mentioning that construction of 80% of the original road trajectory has been completed by filling sand and road building materials. This collusion between authorities and vested interests undermines the integrity of public institutions and perpetuates systemic injustice.
 - 9. That, in the wake of aforesaid circumstances, we have already approached the Collector, Khurda, the Tahasildar, Bhubaneswar and the Road Engineering Division personnels explaining our grievance and seeking for urgent intervention(Those representations are attached to this instant representation). But, unfortunately our representations have fallen on deaf ears and we are forced to approach your office seeking the following urgent remedial actions from your end or else we will be constrained to approach the Hon'ble High Court of Orissa through Public Interest Litigation to safeguard our Constitutional as well as Statutory rights.

Zaf

Remedial Relief Sought:

In view of the aforementioned grounds, we humbly request your August Office to consider the following remedial relief:

- a) Conduct a thorough investigation into the unauthorized realignment of the road and take immediate steps to halt any further implementation without lawful authority.
- b) Review and rectify the irregularities associated with the road realignment process, ensuring compliance with all legal norms and administrative protocols.
- c) Ensure that any eviction or demolition activities concerning the houses of traditional forest dwellers are conducted in strict adherence to due process of law and with full respect for our rights and dignity.
- d) Take any other appropriate measures deemed necessary to address the grievances raised by the indigenous communities and uphold our Constitutionally guaranteed rights.
- e) Provide any other relief or assistance deemed fit and just in the circumstances of the case.

We earnestly appeal to your esteemed office to consider this representation with utmost seriousness and urgency, keeping in mind the rights and welfare of the indigenous communities (Adivasis) affected by the unauthorized realignment of the road.

Thank you for your attention and anticipated cooperation in this matter.

Try

N.B.:

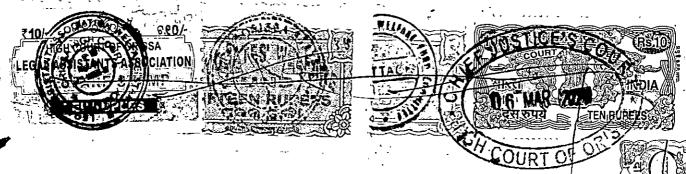
Copy of the representation is sent to

- 1. Additional Chief Secretary, Revenue and Disaster Management, Government of Odisha, Bhubaneswar
- 2. Additional Chief Secretary, Forest & Environment Dept., Govt. of Odisha
- 3. Additional Chief Secretary, Housing and Urban Development Department, Govt of Odisha
- 4.Commissioner-Cum-Secretary, ST & SC Development, Minorities
- & Backward Classes Welfare Department, Government of Odisha
- 5. Principal Secretary, Panchayat Raj and Drinking Water Department
- 6. Secretary, Bhubaneswar Development Authority.
- 7. Chief Engineer, DPI and Road, Odisha, Bhubaneswar
- 8. Chief Construction Engineer, Central (R&B Circle), Bhubaneswar
- 9. Superintending Engineering, BBSR (R&B Division), Bhubaneswar
- 10. Asst. Executive Engineer, BBSR (R&B Sub-Division), Bhubaneswar

for information and necessary action

Yours sincerely, Villagers of Chunukoli

Ly



FORM OF VAKALATI

IN THE HIGH COURT JUDICATURE, ORISSA, CUTTACK:

(PIL)
W. P. (C) No. 6497 / 2024
Between
Basanta Digi and others

.....Petitioners.

State of Odisha and others.

......Opp. Parties.

Know all men by these presents, that by this Vakalatnama

HWe I. Basanta Digi, 51yrs, & late Desarothi Digi, @ Sukul Hansda, 49yrs, & Late Durga Classon Hansda (3) Narayan Hansada, 69 yrs, 90 taganath Hansada (4) Rajen Puran, 32yrs, & Lahu Puran, (5) Shakuntala Hembram, 47yrs, Mo Padna Charan Hembram (6) Srutinayee Murmu, 40yrs, Wo Ramadhuna Murmu, (6) Han Hansada, 54yrs, Mo Late Makarachand Hansada, All are residents of Vill: Chunukali, 54yrs, Mo Late Makarachand Hansada, All are residents of Vill: Chunukali, Mara- Tagahathpasad, P.O. Andhama, F.S. - Chandaka, Dist. Khoroha - 751003 Appellant/Respondent/Petitioner/Opp. Party the aforesaid Revision/Appeal

Case do hereby appoint and retain Sri SUBASH MANSINGH (O-130/1999)

SURENDRA BEHERA, (0-234/2004)-M-7008459490 Mobile No. 9348528851 SUSANTA KUMAR SINGH, (0-247/2004) M-9124205788

Advocate(s), to appeal for me / us, in the above case and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect of any application connected with the same, or any decree or order passed therein including all application connected with the same, or any decree or order passed therein including all applications for return of documents or receipt of any money that may be payable to me/us in the said case and also in application for review, and 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 and to represent me/us during the Bosonth Digi

trial. Dated the 25.02.2024 Received from the executant (s) Satisfied and accepted as I hold No brief for the other side.

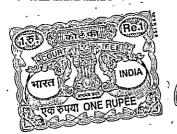
> Advo¢ate Accepted as above

> Accepted as above

LIGST Pan Hasanda

Signature of Executant (s)

FOIRE GERGIS







IN THE HIGH COURT

ORISSA: CUTTACK.

I.A. No. 3517 /2024

(Arising out of W.P.(C) (PIL) No. 6497/2024)

In the matter of:

An application for appropriate orders for no coercive action with respect to eviction and demolition of the structures standing in the village of petitioners due to illegal realignment of the road;

In the matter of

An application under Chapter-VI, Rule-27(A) of the Orissa High Court Rules;

And

In the matter of:

Basanta Digi, aged about 50 years, S/o Late Dasarathi Digi; Vill- Chunukoli, Mouza-Jagannathprasad P.O.- Andharua, P.S.- Chandaka, Dist- Khordha, PIN- 751003 and others

.....Petitioners.

-Vrs.-

State of Odisha, Represented through Its Chief Secretary, Department of General

2_

SUBASH MANSINGH (ADVOCATE) EN.No-O 130/1399 Mobile-9437172636 Administration, Lok Seva Bhawan, Bhubaneswar, Dist- Khordha and others

..... O.P.s.

To

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

The humble petition of the petitioners abovenamed

Most Respectfully Sheweth:

1. That, the humble petitioners have filed the aforesaid writ application challenging the legality and propriety of the realignment of BDA road transgressing into their Gram Panchayat forested area. The same realignment is unauthorized and illegal as it is violative of the express provision for modification of master plan as stipulated in the Orissa Development Authorities Act, 1982 and rules framed there under. The petitioners' village is a forested area and the Adivasis people living therein are protected under the Forest Rights Act, 2006. The illegal and unauthorized realignment of the road will cause eviction and demolition of number of Adivasi houses without following due process of law. The same is under challenge in the afore mentioned writ application.

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2. That, the petitioners have prima facie

case and the balance of convenience lies in their favour. The petitioners have fair chances of success in this writ application which can be seen from a bare perusal of the said application which may also be treated as part of this petition for clarity and brevity.

3. That, the petitioners will be highly prejudiced and sustain irreparable loss unless this Hon'ble Court interferes in the matter and passes appropriate orders protecting the petitioners in an ad interim measure during pendency of adjudication of the aforesaid writ application.

PRAYER

Therefore, most humbly it is prayed that this Hon'ble Court may be graciously pleased to pass an order of injunction against the O.P.s to further proceed in construction of the road appertaining to illegal and unauthorized realignment as under Annexure- 2 till disposal of the afore said writ application for the interest of equity and justice.

And for this act of kindness, the petitioners as in duty bound, shall remain ever pray.

By the petitioners through

Subashellaneingh

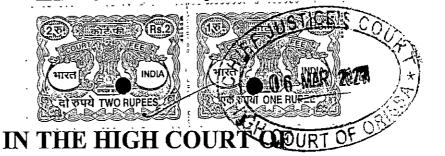
Cuttack

Dt. 29.02.2024.

ADVOCATE

SUBASH MANSINGH (A. (OCATE) EN.No-C 130/1999 Mobile-J437172636

2



ORISSA: CUTTACK.

(ORIGINAL JURISDICTION CASE)

I.A. No. 3517 / 2024

(Arising out of W.P.(C) (PIL) No. 64 97 2024)

In the matter of:

Basanta Digi and others

...Petitioners.

-Versus-

State Of Odisha & Others

...Opp. Parties.

AFFIDAVIT

1. Basanta Digi, Occupation- Farmer, aged about 50 years, At-Vill- Chunukoli, Mouza- Jagannathprasad, P.O. – Andharua, P.S.- Chandaka, Dist.-Khordha;

- 2. Father's Name-Late Dasharathi Digi,
- 3. Number of proceedings pending in the High Court or would be instituted [Caveat]: No
- 4. Statement of facts: As per averments in the interim application
- 5. The facts stated are true to the best of the knowledge and belief of the deponent

DECLARATION

I, Basanta Digi, the petitioner/deponent above named do hereby solemnly affirm that the facts stated in the paragraph 1 to 3 are true to my own knowledge and in paragraph 1 to 3 are true to the best of my information which I obtained from personal sources:-

Zw

I_

I believe the information to be true following reasons: Basing upon official records and information.

Solemnly declare at the above said 16th day of February, 2024.

I am the Petitioner No. 1 in the aforesaid case and duly authorised by six others to swear this affidavit on their behalf

Identified by:

Date: - 29, 02, 2024

Bosonte Dizi

DEPONENT 29, 02.24

0 6 MAR 2024

Signature before me Commissioner of oath

UNDERTAKING

The counsel of the petitioners undertakes to supply English translation of vernacular documents as and Subash Mansingh when required by the Hon'ble court.

CERTIFICATE

Certified that due to want of cartridge paper this petition has been typed in thick white paper.

Solemnly affirmed before me by

identified before me

The Africavit was readover to the deponent who stated to have understood acknowledged the same to be correct at the time of sweering the affidavit

Page 1 of 1 CRR-2015 SCANNED OFFICE OF THE ADVOCATE GENERAL, ODISHA 11:42 AM 06-Mar-24 TIME: 552098 Date: SLNO: 2024 10391 YEAR: **DWPCPIL** No: CASETYPE: SSA HIGH BASANTA DIGI PETITONER / APPELANT: 1ST. STATE RESPONDENT / OPP PARTY: 0 6 MAR 2024 PETITION & MEMO V MISC CASE **ADDL** SET: COUNTER CONSOLIDATED **REJONDER** ADDL. STANDING MISC. COPY COUNSEL X W 7 AL KLY V Q CRR-2011 10060 of 10060 14 4

SCANNED

D-W.P.C.)PIL No. 1039/ 2024



IN THE HIGH COURTED'S

ORISSA: CUTTACK.

I.A. No. 397 / 2024

(Arising out of W.P.(C) (PIL) No. 6407 / 2024)

In the matter of:

An application for granting leave to dispense with the waiting period of two months as stipulated in Rule-8 of Orissa High Court P.I.L. Rules, 2010;

In the matter of:

An application under Chapter-VI, Rule-27(A) of the Orissa High Court Rules;

And

In the matter of:

versus

State of Odisha, Represented through Its Chief
Secretary, Department of General Administration, Lok
Seva Bhawan, Bhubaneswar, Dist- Khordha & others
- O.P.s.

To

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

Sul

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The humble Quition of Right petitioners abovenamed

Most Respectfully Sheweth:

- 1. That, the humble petitioners have filed the aforesaid writ application challenging the legality and propriety of the realignment of BDA road transgressing into their Gram Panchayat forested area. The same realignment is unauthorized and illegal as it is violative of the express provision for modification of master plan as stipulated in the Orissa Development Authorities Act, 1982 and rules framed there under. The petitioners' village is a forested area and the Adivasis people living therein are protected under the Forest Rights Act, 2006. The illegal and unauthorized realignment of the road will cause eviction and demolition of number of Adivasi houses without following due process of law. The same is under challenge in the afore mentioned writ application.
- 2. That, the petitioners have prima facie case and the balance of convenience lies in their favour. The petitioners have fair chances of success in this writ application which can be seen from a bare perusal of the said application which may also be treated as part of this petition for clarity and brevity.
- 3. That, the Road Engineering Division has illegally started construction of road in hurried manner and at any time the dwelling houses of the Adivasi people will get demolished by the contractor by coercive

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manner. Therefore, due to urgens the petitioners field the case before this Hon'ble Court without waiting for two months to expire after giving representations on 15.02.2024 to all the Opp. Parties. However, the copy of the writ application (P.I.L.) has been served on the Office of Advocate General on dt. 06.03.2024 as per the stipulation of the Rule -8. The petitioners will be highly prejudiced and sustain irreparable loss unless this Hon'ble Court grants leave in the matter and dispense with the waiting period of two months as stipulated under the provisions of Rule-8 of Orissa High Court (PIL) Rules, 2010 passes appropriate orders allowing the relief of condonation.

PRAYER

Therefore, most humbly it is prayed that this Hon'ble Court may be graciously pleased to pass an order of granting leave to dispense with the waiting period of two months as stipulated under the provisions of Rule-8 of Orissa High Court (PIL) Rules, 2010 passes appropriate orders allowing the relief of condonation for the interest of equity and justice.

And for this act of kindness, the petitioners as in duty bound, shall remain ever pray.

By the petitioners through

Cuttack

Dt. 14.03.2024.

Subash Mansingh

D



IN THE HIGH COURT OF

ORISSA: CUTTACK.

(ORIGINAL JURISDICTION CASE)

I.A. No. 3971 / 2024

(Arising out of W.P.(C) (PIL) No. 6 4 9 7 / 2024)

In the matter of:

Basanta Digi and others

...Petitioners.

'-Versus-

State Of Odisha & Others

...Opp. Parties.

AFFIDAVIT

- 1. Basanta Digi, Occupation- Farmer, aged about 50 years, At-Vill- Chunukoli, Mouza- Jagannathprasad, P.O. Andharua, P.S.- Chandaka, Dist.-Khordha;
- 2. Father's Name-Late Dasharathi Digi,
- 3. Number of proceedings pending in the High Court or would be instituted [Caveat]: No
- 4. Statement of facts: As per averments in the interim application
- 5. The facts stated are true to the best of the knowledge and belief of the deponent

DECLARATION

I, Basanta Digi, the petitioner/deponent above named do hereby solemnly affirm that the facts stated in the paragraph 1 to 3 are true to my own knowledge and in paragraph 1 to 3 are true to the best of my information which I obtained from personal sources: -

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I believe the information to be true for the following reasons: Basing upon official records and information.

Solemnly declare at the above said 14th day of March, 2024.

I am the Petitioner No. 1 in the aforesaid case and duly authorised by six others to swear this affidavit on their behalf

Identified by:

ADVOCATE NE 02 2024

Date: - 14, 03, 2024

Bosonte Digi

DEPONENT 4, 03 2024

UNDERTAKING

The counsel of the petitioners undertakes to supply

English translation of vernacular documents as and when required by the Hon'ble court.

ADVOCATE

CERTIFICATE

Certified that due to want of cartridge paper this petition has been typed in thick white paper.

Solamily affirmed before me by

ADVOCATE ADVOCATE

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who stated to have understood as acknowledged the same to be correct at the time of swearing the affidavit

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COMMISSIONER OF OATH At. 1.02

High Court of Orisse

111, 2, 2024.

W.P.(c) P.I.L.

IN THE HIGH COURT OF ORISSA: CUTTACK.

DB-3

MENTION MEMO.

NUMBER AND NATURE OF THE CASE

: W. P. (C) PILNO 1 6497/2024

2. NAME OF THE PARTIES

Busanta Digi & others. PETITIONERS

-VERSUS-

State of Odisha & others

OPP.PARTY

RESPONDENT

3. PARTY SEEKING POSTING

Petitioner/Opp Part

4. NAME OF THE ADVOCATE OF THE PARTY SEEKING: POSTION.

: M/s Subash Mansingh & Asso

5. NAME OF THE A DVOCATE APPEARING FOR THE OPP. PARTIES.

ASC/ABA.

6. MENTION FOR

Forsh Admission / Orders

7. REASON FOR THE MENTION
The petrtimers belong to Advivasi
Community residing in a tingle land facing imminent demolition
Of their dwelling houses due to illegal and unauthorised
Constantion of a road belonging to SDA/BMC.

8. DATE ON WHICH POSTING IS SOUGHT : 20.03.2024

9. WHETHER ANY CAVEATE HAS BEEN FILED OR NOT.

10. INDICATE WHET HER THE MATTER IS 'TN THE LIS'T BEFORE ANY OTHER BENCH.

CUTTACK DATED THE 19.03 12004. Refine 19.03.24 Subash Manningh Sent to let 19 19.03.24 Subash Manningh SIGNATURE OF ADVOCATE 4.01.4. M- 93 485 28851

SCANNED

COMPUTERISED FILING COUNTER ORISSA HIGH COURT, CUTTACK ACKNOWLEDGEMENT SLIP

Seat No: 119

Branch No: WRIT BRANCH (DIVISION

BENCH-3)

Receipt No: 52540/2024

Date Of Receiving: 23/04/2024

Time: 11:30:59 AM

Filing No: D- WP(C) 10391/2024

Case No: WP(C) 6497/2024
Received From: Respondent

Filed By: M/S DAYANANDA MOHAPATRA

Document(s) Filed:

2- Vakalatnama --- Court Fee -Rs.12 (13283/2024)







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<u>Ú</u>	<i>(, P,(c)(PIL)</i> ppeal / Revision	No. 6497	7_	of 20 ½	24	
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·/		AKash Shove		g, Dalhe Ve	skozemview J.	•
Applic		Respondent / Petition		Party in the afo	resaid Revision /	
MANAS KUMAF Advoc the sa	RANJAN PRAD R SINGH DEO (O- cate (s) to appea ame and all proce	MOHAPATRA (O- IAN (O-1123/2013) (75) I416/2019) (96926,18340) for me/us, in the about edings that may be taken or order Passed there	504214209), JYO	TIRMAY BARIE UMAR ROUT (Conduct and prosections of any applications	C (0900/2018) (94387 0-26/2020) (700851264 ecute (or defend) n connected with	88111), PRANA
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Supre		er Orissa High Court uthorise my/our Advoc				
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ADVOCATE

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Seat No: 119

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Receipt No: 85604/2024

Date Of Receiving: 16/07/2024

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Filing No: D- WP(C) 10391/2024

Case No: WP(C) 6497/2024

Received From: Respondent (6,8,9,10)

Filed By: ADVOCATE FOR THE RESPONDENT

Document(s) Filed:

4- RECEIPT (PRIVATE) -e-Filing hard copy

IN THE HIGH COURT OF ORISSA, CUTTACK

WPCCASE NO. 6497/2024.
Basanta Digi _____Petitioner

-Vrs-

State of Odisha & Ors. ---- Opp. Party

RECEIPT

Received a copy of :-

1. I.A. No.

/20

2. Affidavit

- 3. Addl. Affidavit
- 4. Further Affidavit
- 5 Counter Affidavit
- 6. Compliance Affidavit
- 7. Show Cause Affidavit
- 8. Rejoinder Reply Affidavit
- 9. Objection Affidavit
- 10. Preliminary Counter affidavit
- 11. Adoption Counter affidavit

On behalf of the Opp. Party Nos. 6,8,9410 from Office of the Advocate General, Odisha, Cuttack

Outtack Dt. 12/7/24. Subustillans. 49h Advocate 15, 07.202

For petitioner / Opp. Party
Appellant / Respondent





OFFICE OF THE TAHASILDAR, BHUBANESWAR

Judicial Section

e-mail:tdrbbsr@gmail.com Letter No.10530 /Dtd.09.07.2024

To

The Advocate General, Odisha, Cuttack.

Sub:

Submission of instruction in W.P.(C) (PIL) No.6497 of 2024 filed by

Basanta Digi & others-vrs-State of Odisha & Others.

Ref:

Letter No.63920 dtd.15.11.2023 from O/o Advocate General, Odisha.

Sir,

With reference to the letter on the subject cited above, I am to say that the petitioner have filed this case before the Hon'ble High Court in PIL to safeguard their interest and praying for a direction to Ops to desist from implementing the realignment of the 200 ft. wide road passing through "Chunukoli" village of Andharua G.P which has been incorporated in the master plan of BDA and the same was published in the extraordinary Gazzattee notification of Govt. of Odisha in 2017/18.

The brief fact of the case is that, the petitioners belong to Scheduled Tribe (Adivasi people) who are residing in village "Chunukoli" coming under the Mouza-Jagannath Prasad under Bhubaneswar Tahasil unauthorisely.

That, the B.D.A originally had finalized the proposal of 200 ft. wide 4 lane road from Institute of Mathematics to Ekamra Kanan via infocity and it was incorporated in the final modified comprehensive development map plan-02/2017.

That, in the meantime the Road Engineering Division Authorities from Op No.8 to 11 have modified the alignment of the above mentioned approved road and made re-alignment the said road which passing through "Chunukoli" village, for which the villagers of "Chunukoli" have filed this writ petition (PIL) raising objection as it affects their basti house.

It is submitted that, the matter has been enquired by Revenue Supervisors of this Tahasil and he has reported that, One 200 ft. Road is passing through "Chunukoli" village and land schedule of the road is given below.

Land Schedule

Mouza	<u>Khata</u>	<u>Plot</u>	<u>Kisam</u>	<u>Area</u>
Jagannath Prasad	466 (Anabadi)	1347	Jungle	Ac.3.180dec.

It is further reported that, the kisam of the land where Chunukali basti exists is "Jungle" and the plot No.1347 is coming under DLC list. The alignment of the Road is modified by R & B Division-III and after modification of Road Map, the villagers of "Chunukoli" have raised objection as it affects their Basti house.(Copy of report of Revenue Supervisor is annexed herewith as **Annexure-A/14**)

It is submitted that, the villagers of "Chunukoli" Basti are residing unauthorisedly in Govt. Anabadi land, the kisam of which is "Jungle". The B.D.A entrusted with the statutory duty to regulate land use and urban planning within it's jurisdiction under the ODA Act 1982 AND made plan for 200 ft. wide road, for the interest of public. The secretary, BDA has been impleaded as Op. No.7.

That, the Tahasildar, Bhubaneswar Op. No.14 has nothing more to comment in this case.

I would therefore request you to please place the above fact before the Hon'ble Court for kind perusal & order.

Yours faithfully,

TAHASILDAR, BHUBANESWAR

OFFICE OF THE REVENUE SUPERVISOR, BHUBANESWAR

Letter No:- 10 Date:- 02.07.29

To,

The Tahasildar

Bhubaneswar

Sub:- Enquiry report for filling of counter affidavit in W.P.(C) (PIL) No. 6497 of 2024 filed by Basanta Digi and others vrs- State of Odisha and another

Sir,

With reference to the subject cited above I am to say that as per your direction I have conducted field enquiry in village Chunukoli, mouza-Jagannathprasad, Po- Andharua, PS- Chandaka, Dt-Khordha, Pin- 751003. The findings are given below

- 1- One 200ft road is passing through Chunukoli Village.
- 2- The land schedule of the road is given below Mouza- Jagannathprasad Khata- 466(Anabadi) Plot No- 1347, Kisam- Jungle, Area- A 3.180
- 3- The kisam of the land where Chunukoli Basti exists is "Jungle". The plot no 1347 is coming under DLC list.
- 4- The alignment of the road is modified by R & B division -III.
- 5- After modification of the road map villagers of Chunukoli Basti have raised objection as it affects their Basti house.

This is for your favour of kind information.

Yours faithfully

Revenue Supervisor Bhubaneswar Tahasil IN THE HIGH COURT OF ORISSA: CUTT

(Arising out of W.P.(C) PIL No.6497 of 2024)

Basanta Digi & others.

Petitioners.

-Versus-

State of Odisha & others. Opp. Parties.

INDEX

	T	-
Sl. No.	Description f documents.	Pages.
1.	I.A	1 - 13
2.	Annexure-P/1 Series. and Read Sole deed Copies of the few ROR stands recorded in the name of private land owners pertaining to Sabik Khata No.156, Plot No.1350, 1353 & 1355 having status Gharabari.	14-29
3.	Annexure-P/2. Copy of the Judgment dtd.19.05.2018 passed in C.S. No.1884 of 2011.	30-48
· 4.	Annexure- P/3. Copy of certified copy of Execution Case No.48 of 2018 in respect of deployment of police force.	47-58
5.	Annexure- P/4. Series. Copy of police report dtd.15.05.2017.	59-65
6.	VAKALATNAMA	

By the Intervenor petitioners through,

Cuttack.

Date $\frac{1}{2}$ /07/2024.

ADVOCATE.

PATITAPABAN PANDA

En. No.0-0689/1986

Mb. No.9438106435

IN THE HIGH COURT OF ORISSA: CUT

I.A No. 9945 of 2024.

(Arising out of W.P.(C) PIL No.6497 of 2024)

In the matter of

An application for intervention under Chapter VI Rule 27(a) of the Orissa High Court Rules.

AND

In the matter of

Basanta Digi & others.

Petitioners.

-Versus-

State of Odisha & others.

..... Opp. Parties.

AND

In the matter of

- Biswajit Naik, aged about 47 years, S/o-Mahendranath Naik,
 Resident of Kherasha,
 PO/PS/Dist.-Jagatsinghpur.
- 2. Ranjit Kumar Rout, aged about 67 years, S/o-Prahallad Rout, resident of Saja Lahanga, PO-Sanango, Dist.-Jagatsinghpur.
- 3. Anirudha Biswal, aged about 70 years, S/o-Jadumani Biswal,



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resident of Olihan, PO-Allisa PS-Kakatpur, Dist.-Puri.

4. Niranjan Sundry, aged about 69 years, S/o-Late Nimai Charan Sundry, resident of Dharma Vihar, Plot No.209, PO/PS-Khandagiri, Bhubaneswar, Dist.-Khurda.,

..... Intervener Petitioner's.

To

Hon'ble The Chief Justice and His Lordship's Companion Justices.

The humble petition of the above named Intervener petitioners.

MOST RESPECTFULLY SHEWETH:

- 1. That the petitioners have filed the aforesaid Public Interest Litigation seeking a direction from this Hon'ble Court to set aside the realignment/revised alignment for construction of the proposed 200 feet road under Annexure-2 with a further prayer to issue direction to proceed with the construction of 200 ft. road as notified in the extra ordinary gazette dtd.14.05.2018 under Annexure-1.
- 2. That the present Intervener petitioners / are the private land owners representing the other land owners of three private Plots namely Plot





No.1350, 1353 & 1355 comprising an area Ad. 210.37 JUL 2004 decs., Ac.2.600 decs. & Ac.1.110 decs respectively. comprising total approximate area Ac.5.820 decs. corresponding to Sabik Khata No.156 Village/Mouza-Jagannath Prasad, Bhubaneswar, Dist.-Khurda, over which the proposed 200 ft. road from Institute of Mathematics to Ekamra Kanan via Infocity from RD 5/700 to 7/640 Km master plan road is being taken up by Bhubaneswar R&B Division No.3 under the Works Department of Government of Odisha having administrative jurisdiction within the Bhubaneswar Municipal Corporation area.

That it may be noted here that the writ 3. application though styled as Public Interest Litigation by narrating the cock and bull story without furnishing any specific land particulars and even not a single scrap of paper produced before this Hon'ble Court to substantiate their claim upon which they are claiming their rights under Forest Rights Act, 2006 except contending that they are staying in Village-Chunukoli under Andharua Gram Panchayat which is contiguous to Chandaka Forest. But it may be clarified here that the proposed road in question will be enrooted through Village-Jagannath Prasad only and the said road no way touches to the Village-Andharua in any manner or whatsoever and further the petitioners are strongly relying the Gazette Notification dated 15th May 2018

- July



published by the BDA authority in respect of 60 meter wide road through village Jagannath Prasad along with other villages, but not through Andharua. Similarly, the present alignment for construction of 200 feet road prepared by the R&B Division No.3 also enrooted the same villages except Andharua village as published in the Gazette Notification dated 14.05.2018. The said Gazette Notification is deliberately and willfully suppressed by the writ petitioners for the reasons best known to them. However, the said notification is made available in the counter affidavit filed by the Opp. Parties No.6 & 8 to 10. The petitioners have averred in the writ application that they are staying in village-Chunukoli under the Andharua Gram Panchayat is completely false, fabricated and baseless since as on date neither there is any revenue village or declared village exist in the name and style as Chunukoli village rather it is self-styled created Basti being known as Chunukoli basti under Village-Jagannath Prasad. The said Chunukoli basti is located within one kilometer radious from Infocity as well as Chandrasekharpur Kanan Vihar, Bhubaneswar, the said locality is completely a non-forest area. The real intention of the petitioners are not for the construction of road but only to grab the private lands over which they are claiming forest rights even though the entire area is completely non-forest area and all the private land owners got their respective Gharabari Patta having Sthitiban status fcr

July W



which it is incumbent on the part of the present Intervener petitioners to produce certain documents regarding the highhanded unauthorized, unholy action of the writ petitioners, the land in question over which the writ petitioners claiming Forest Rights was the subject matter in C.S No.1884 of 2011 and the Civil Court judgment and decree has been passed against the petitioners for eviction since 2018 and several 144 Cr.P.C prohibitory order has been passed against them as they are always creating disturbances and nuisance in the locality and even not allowing the present lands owners to enter into their plots. The petitioners are law violator and they have no respect to the law of the land and always showing their muscle powers, threatening to the land owners for dire consequences. However, getting no other alternative, the lands owners approached the Civil Court vide C.S No.1884 of 2011 for permanent injunction, eviction and recovery of possession. The said suit was finally concluded vide Judgment dtd.19.05.2018 and decreed on contest and they are permanently restrained from entering upon the suit schedule property and they are liable for eviction with a further direction to hand over possession of the plots, they are in possession to the respective recorded owners. In case the defendant failed to handover the suit land within three months, the plaintiffs are entitled to evict them and recover possession from them by due process of law and after passing of the decree as no

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appeal was preferred against the said judgment, final decree was passed and till date the defendants / present petitioners have not handed over possession and still they are illegally continuing their possession for which Execution Case No.48 of 2018 has been filed for execution of decree which is pending sub-judice before the Civil Judge(Sr. Division), Bhubaneswar for deployment of police force to execute the decree where the DCP, Bhubaneswar is yet to furnish the revised rate after increase of D.A for deployment of three platoon police force and in this manner the execution case was adjourning from time to time and finally now it is posted to 02.08.2024 awaiting report of D.C.P, Bhubaneswar regarding payment of cost towards deployment of police force. Copies of the few ROR

stands recorded in the name of private land owners pertaining to Sabik Khata No.156, Plot No.1350, 1353 & 1355 having status Gharabari are annexed herewith as Annexure-P/1 Series and the Judgment dtd.19.05.2018 passed in C.S. No.1884 of 2011 is annexed herewith as Annexure-P/2. Copy Execution Case No.48 of 2018 in respect deployment of police force is annexed herewith as Annexure-P/3.

4. That the Intervener petitioners respectfully submits that the private land owners pertaining to Plot No.1350, 1353 & 1355 corresponding to Sabik Khata





JUSTIC

No.156 Mouza-Jagannath Prasad have purchased their respective land by way of registered sale deed from the common vendor and also constructed boundary wall of their respective plots, but said boundary wall was demolished by the inhabitants of Chunukoli basti like the petitioners and after encroaching the Government land gradually they entered into the private plots and forcefully occupied the same by showing their muscle power and it is learnt by the Intervenors from some reliable source that land grabber / mafias are behind the back of the basti people who are collecting rent regularly by constructing thatched house in the said locality. The land owners have also approached several times to the concerned Chandaka Police Station and several 144 Cr.P.C prohibitory order have been passed by the Magistrate which would clearly goes to show the Chunukoli basti inhabitants including the present writ petitioners have no semblance of right, title and interest over the private lands in any manner or whatsoever but they are always creating disturbances threatening to the land owners for consequences which itself will be evident from the Police Report dtd.15.05.2017 of Chandaka Police Station submitted in 144 Cr.P.C proceeding. A copy of wing with 144 callog dest the said Police Report dtd.15.05.2017 is annexed herewith as Annexure-P/4. Server

July .

5. That it is not out of place to mention here that in the Civil Suit No.1884 of 2011 one Sukul Hansda petitioner No.2 in the writ application was arrayed as Defendant No.12, similarly Ram Chandra Purti, Udayanath Soren and Thakur Murmu who are the signatories of the alleged representation annexed under Annexure-4 Series, where their signature find place at Page No.29 & 33 respectively and they were also arrayed as Defendant Nos.15, 34 & 2 respectively and as such they were fully aware about the decree of the Civil Court and they have intentionally suppressed the aforesaid fact before this Hon'ble Court and more particularly they have also filed their written statement in the C.S. No.1884 of 2011 admitting they are the trespassers and residing over Plot No.1350, 1352, 1353, 1347, 1355, 1360 and 1522 out of which Plot No.1350,1352 and 1355 corresponding to Khata No.156 are the private plots and rest of plots belong to State Government. The aforesaid fact would be well evident from Paragraph-3 and Paragraph-12 of the Civil Court judgment under Annexure-P/2.

A CONTRACT

6. That the Intervener Petitioners most respectfully submits that after bare perusal of the ROR and the Civil Court judgment vide C.S No.1884 of 2011, it would be clearly evident the intention of the petitioners are not for construction of road rather to grab the private lands which is more comfortable and safe for



their wrongful gain and more particularly whether the road will construct either in left side or right side of the Chunukoli basti how does it affect the rights of the petitioners where there is no jungle kissam land is made available in the entire area and their possession itself is unauthorized, illegal and there is a Civil Court direction for eviction how they will get protection from this Hon'ble Court and further in the event of grant of such protection to the petitioners, the comparative mischief will be more high to the general category people who are not getting any fruits from their private land s and their life and property is endanger after running from pillar to post right from 2011 to till date. Therefore, now the Intervener petitioners apprehending if any observation be made by this Hon'ble Court in the present proceeding regarding claim of Forest Right would ultimately affect to the Intervener / private land owners and would cause serious damage to their life and property.

My

7. That from the aforesaid facts as narrated above, it is clearly evident, the writ application has been filed by the petitioners for private personal interest and not for any public interest, the element of public interest is completely silent in the present case and more particularly the petitioners have not approached this Hon'ble Court with clean hands and have suppressed the true state of affairs and as such they are not entitled



to get any relief and on this score itself the application is liable to be dismissed with cost.

- 8. That the writ application as filed by the petitioners is fully suppression of material facts with misleading statements and same is thoroughly misconceived, speculative, frivolous, mala fide and not maintainable both in facts and law.
- 9. That the Intervener petitioners are closely watching the activities of the petitioners as they have illegally, unauthorizedly and forcefully occupied the private stithiban plots measuring an area Ac.5.820 decs. after encroaching the adjacent Government lands of Plot No.1352, 1347, 1360 & 1522 of Village-Jagannath Prasad over which the present proposed road will be constructed.
- 10. That in view of the background of the case, now the Intervener petitioners feel it necessary to intervene in the matter for proper and better adjudication of the case. After coming to know from the reliable source about the pendency of the aforesaid writ application, the Intervener petitioners have filed the present Intervention application to participate in the present proceeding to substantiate certain material facts.
- 11. That under the aforesaid facts and circumstances, unless the present Intervener Petitioners be arrayed as Opp. Parties in the present proceeding,

The



the Intervener Petitioners shall suffer irreparable loss and sustain substantial injury which cannot be compensated in any manner whatsoever.

- 12. That in the interest of justice, equity and fair play, the Intervenor application be allowed, the Intervener Petitioners be arrayed as Opp. Parties to the present proceeding.
- 13. That the present application for intervention is bonafide.

PRAYER

The Intervener Petitioners, therefore, most respectfully pray your Lordship's may graciously be pleased to allow this application for intervention and pass necessary orders directing the Intervener Petitioners be arrayed as Opp. Parties in the present writ application;

And for this act of kindness, the Intervener Petitioners as in duty bound shall ever pray.

By the Intervener Petitioners through,

Cuttack

Date: 2/07/2024

The

ADVOCATE. **PATITAPABAN PANDA**En. No.0-0689/1986

Mb. No.9438106435



IN THE HIGH COURT OF ORISSA: CU

I.A No._____ of 2024.

(Arising out of W.P.(C) PIL No.6497 of 2024)

In the matter of

Basanta Digi & others.

Petitioners.

-Versus-

State of Odisha & others.

..... Opp. Parties.

AFFIDAVIT

- 1. Biswajit Naik, aged about 47 years, S/o-Mahendranath Naik, Resident of JKherasha, PO/PS/Dist.-Jagatsinghpur.
- 2. Father's Name: Mahendranath Naik
- 3. Occupation : Government Service
- 4. Number of proceeding pending in the High Court or would be instituted(Caveat):No.
- 5. Statement of facts: As per averments in the I.A.
- 6. That the facts stated above are true to the best of my knowledge and belief.

DECLARATION

I, Biswajit Naik, aged about 47 years, S/0-Mahendranath Naik, Resident of JKherasha, PO/PS/Dist.-Jagatsinghpur, being the deponent/

PO/PS/Dist.-Jagatsinghpur, being the deponent/

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petitioner above named do hereby solemnly affirm that

- Ohb

the facts stated in paragraphs-1 to 13 are true to my own knowledge and are true to the best of my information which I obtained from the personal sources.

I believe the information to be true for the following reasons; Basing upon the official records and information.

Identified by/-

Advocate.

Deponent.

Solemnly affirm before me by Biswajit Naik, who is Identified before me by Sri Palan Panda whom I personally known.

This the day of July, 2024.

NOTARY PUBINO ACUSE BACKCHI GHOSE NOTARY, ADVOCATE

GOVT. OF ORISSA
Regd. No-ON-28/03
ADVOCATE
TACK TOWN

CERTIFICATE

Certified that due to non-availability of cartridge paper this writ petition has been typed in thick white papers.

Cuttack

Dated 6/07/2024.

Advocate



nnexure MANAGEWAR POSTERIOR PLOT NO 4. COVERNMENT OF GOISHA With Thinkilde: Bhisbancawar, Knordha Mesellanéous Certificate Case No. e. C. CERTIFIED COPY OF ROR ଖଣ୍ଡଣାନ େମ୍ପର PREPOS 6814 ଓଡ଼ିଶା ଅରକାର ଖେବାଟ ନମ୍ଭର । ହିରଞ୍ଜନ ଅନ୍ଦର୍ଭୟ ପି:ନିମାର ହରଣ ପ୍ରଦରାୟ ବା: ବାବନା ଥାନା- ଗୋବିନ ପ୍ରତ ହିଲା-PHOTOS S CHERIF ସେଷ ଓ 600 a) କ୍ରମବର୍ଦ୍ଧନଶାଳ ଖନଣାର ବିବରଣୀ खब छद ଅ ଏକ ଅ(A) Conversion କେସ୍ ଟଂ-22240/2021 ହୁମୁ ପ୍ଲଟ 1355/1672 ର କିସମ ଘରଣାରି BLANK SPACE FOR STAMPING ଅତିମ ପ୍ରକାଶନ ତାରିଷ : କଟର ଧାର୍ଯ୍ୟ ତାରିଗ :ି अर्थ के एक्स रेक्स रेक्स केंद्र स 220 ' 2022 MINAKHI DAS 🧮 Williams, Signature of the Revenue Officer - If is a digitally signed electromically generated certificate and therefore needs no ink-signed signature HOTE : of or any query or vectoration, Agency Department/Office that visit http://iedistrictiofisha.gov in Tompering of this certificate will altract penal action. 1 of 2

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Schedule I Form No.39-A

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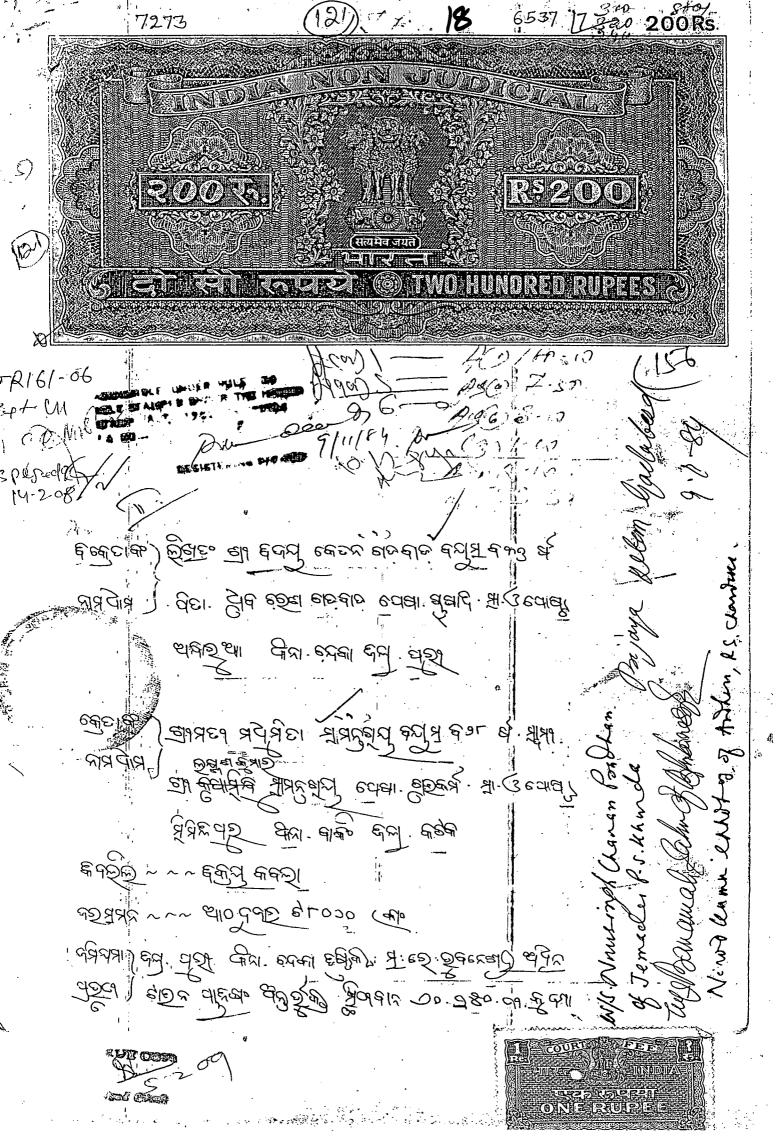
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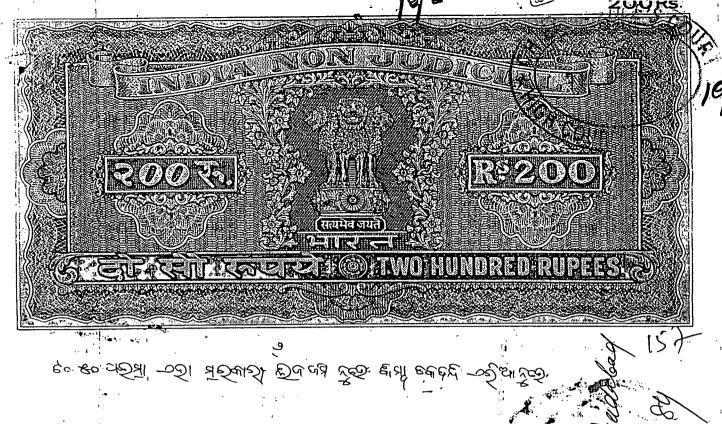
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3) ସ୍ୱହ	ସ୍ଥିତିବାନ	·····	·						
4) ଦେୟ :	ଜଳକର	ଖଜଣ	॥ ସେସ୍	ନିଷାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଢଣାର ବିବରଣି			
	·	115.0	0 86.00		201.00				
ର୍ଗ) ବିଶେଷ ଅ	ାନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ	1				ି Conversion କେସ୍ ନମ୍ବର-11552/2022 ଜମା ସଂଶୋଧନ କରାଗଲା ।			
୍ତିମ ପ୍ରକାଶ	ନ ତାରିଖ -			SPACE FOR STAMP					
ଜଣା ଧାର୍ଯ୍ୟ	ତାରିଖ -			•					

	\	,		13		JUSTICE	350
יל	ଖତିୟାନର (୍ର କ୍ରମିକ ନଂ : 328/1316	ମୌକ	: କଗନ୍ନାଥ	A CHICA	OUR TOR	174 G S S S S S S S S S S S S S S S S S S
	ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନ	ନାମ ବିସମ ଓ ପ୍ଲଟର ଖଜଣ	ଗା କିସମର ବିୟାରିତ ବିବରଣୀ ଓ ଚୌ		ର ସ	ନିବା - ହେକ୍ଟର	ମନ୍ତବ୍ୟ
	7	8	9		10	11	12
	1355/2872	ଘରବାରି		0	1150	0.0465	
	1 plot		:	0.	1150	0.0465	





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ECOET LEZOO

GRANDEL LEZOO

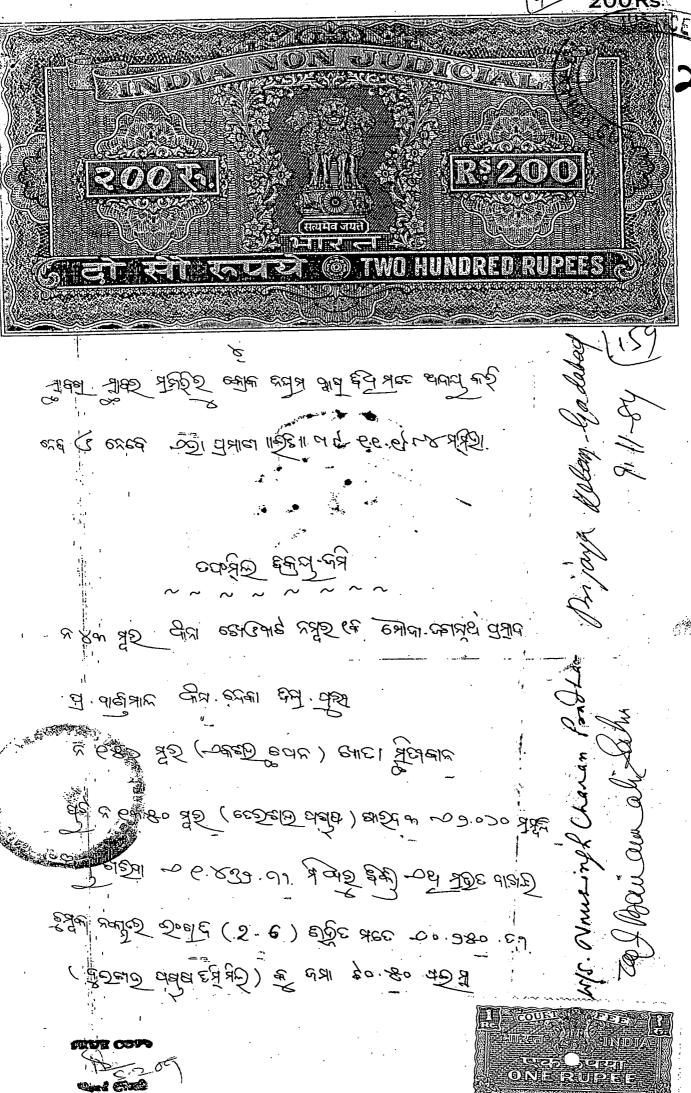
GRANDEL

5% दो स्योग्रहार के 🍥 TWO HUNDRED RUPEES 💍

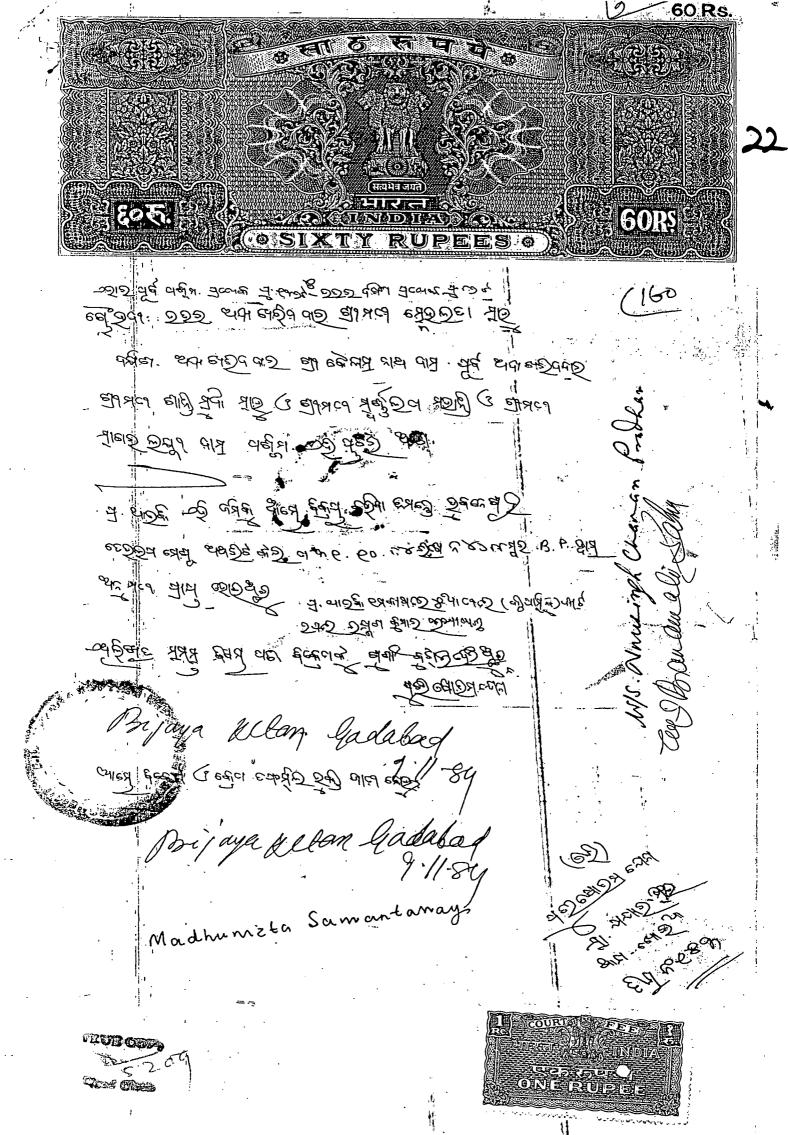
टैले टिले व्यक्त द्वालकार देने ने ने बिलेश ने ने बार बार में बर e हो हा तहा है है जिस की है कि सार की में प्रहार हो हो है है है । ह्याना स्ट्रिय अभि मेर्डिस ता मेर्डिस पर्टिस स्ट्रिय स्ट्रिय मेर्डिस मिन्सिस वाहाबाट भारम्क के हमी वह चुह्स द्वापेशंत वहम्बर्ट देनयाव हुने में एट र्क्स वर्ष संक्री रूप वर्ष सातारी कर रहे साहार ठीयें स्किन क्षेत्र कि निर्मा निर्मा निर्मा निर्मा स्किन कि निर्मा स्किन कि निर्मा निर्मा निर्मा निर्मा निर्मा निर्मा र सर्व दिर सर्वत स्पर्व तार्वा सार्क दाका कर्वा नेसर मेर्क्स आर्थ जिस्से प्रतास्त्र कार्य करित हम् स्थात हमान हमान हमान नियार्ग है स्वाहित्यार स्ट्रियन स्ट्रियन स्ट्रियार नियाद करण द्वारायार सर्ग तत्रियार कर्ति प्रमाण के स्थान के स्थान के स्थान के स्थान के साम का का का कि साम के साम का का का कि साम का का का का कि साम का य रेसिस्ट का सम ग्रह में महा भरक राम्य सम्प्रहरू मार्ग में में त्तरहारा व्ये ठेटेने सकत राण प्रामार्थ क्रमणेट रू प्रामार प्राम रीयह तेलांगे स्था सहा सहार स्थित नायेंग हमा (३ राज्य सुरमारी







200 Rs.



12829 Kelaw ga Kelon Gadulag Date of Application, & 200 Date of Notifying 9 , 20 Date of Delivery of Requisites of Roody It 20 Date of Delivery 19111.66

Schedule I Form No.39-A

ମୌଜା : ଜଗନ୍ନାଥ ପ୍ରସାଦ

ଥାନା :୍ରବନ୍ଦଳା ଥାନା ନମ୍ବର : 43

ଖତିୟାନ

ତହସିଲ : ଭୁବନେଶ୍ୱର ତହସିଲ ନମ୍ବର : ..

ଜିଲା : ଖୋର୍ଦ୍ଧା



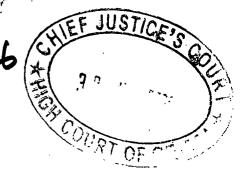
ଜମିଦାରଙ୍କ ନାମ ଓ ଖେୱାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର				ଓଡିଶା ସର	କାର ଖେୱାଟ ନମ୍ବର 1				
।) ଖତିୟାନ(ର କ୍ରମିକ ନମ୍ବର	<u> </u>		328/364					
2) ପ୍ରକାର ନାମ, ପିତାର ନାମ, କାତି ଓ ବାସସ୍ଥାନ				ବିଶ୍ୱଚ୍ଚିତ ନା ଜଗତସିଂହ୍ୟ	ବିଶ୍ୱଚ୍ଚିତ ନାୟକ ପି:ମହେନ୍ଦ୍ରନାଥ ନାୟକ କା: ଖଣ୍ଡାୟତ ବା: କ୍ଷେରସ, ଥା-ଜଗତସିଂହପୁର, ଜି. ଜଗତସିଂହପୁର				
3) ସ୍ୱତ୍ୱ	ସ୍ଥିତିବାନ				,				
4) ଦେୟ :	ଟଳକର	લ	ଜଣା	ସେସ୍	ନିଷ୍ଡାର ସେଦ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଚ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଢଣାର ବିବରଣି		
		3.	.00	2.25		5.25			
) ବିଶେଷ ଅନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ OLR u/s 8 (A) case no	- 3530/10 ହୁମୁଖା 328/1	ୀ ତାରୁ ।			
୍ଧିତିନ ପ୍ରକାଶ୍ୱ	ନ ତାରିଖ -	<u> </u>	B	BLANK S	PACE FOR STAMPI	ING			
ଶଳଣା ଧାର୍ଯ୍ୟ	ତାରିଖ -						•		

				<u> </u>	01		A 53.
<i>[</i>	ଖତିୟାନର କ୍ରମିକ	구 유° : 328/364	ମୌଢା : ଜଗ	ାନ୍ତାଥ ପ୍ରଦ	allo ATIC	3 n	
	ପୁଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପୁଟର ଖଜଣା	କିସମର ବିସ୍ତାରିତ ବିବରଣୀ ଓ ଚୌହଦି	٧.	ରକଦ		ମନ୍ତବ୍ୟ
		,				02468	
	7 .	8	9		10	11	12
	-				4		
	1353/1724	ଘରବାରି			1020	0.0413	
	1 plot			0	1020	0.0413	

ଖତିୟାନ

ତହସିଲ : ଭୁବନେଶ୍ୱର

ତହସିଲ ନମ୍ବର : ..



ମୌଜା : କଗନାଥ ପ୍ରସାଦ ଥାନା : ଚନ୍ଦକା

ଥାନା ନମ୍ବର : 43 ଜିଲା : ଖୋର୍ଦ୍ଧା

ଜମିଦାରଙ୍କ ନାମ ଓ ଖେୱାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର				ଓଡିଶା ସରକାର ଖେୱାଟ ନମ୍ବର 1				
1) ଖତିୟାନ୍ତ	ର କ୍ରମିକ ନମ୍ବର			328/168		· · · · · · · · · · · · · · · · · · ·		
2) ପ୍ରକାର ନ	ାମ, ପିତାର ନାମ, ଜାତି (3 ବାସઘାନ		ଅନିରୁଦ୍ଧ ବି	ଶାଳ ପି:ଯଦୁମଣି ବିଶ୍ୱାଳ ବା: (ଓଳିହଁ ଥାନା-	- କାକଟ ପ୍ରର ଜିଳ୍ଲା- ପ୍ରଶ	
3) ସ୍ପତ୍ୱ	୍ଷିତିବାନ						a a	
4) ଦେୟ :	ଜଳକର ଖଳ		ଧଣା	ସେସ୍	ନିଞାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଢଣାର ବିବରଣି	
		3.	00	2.25		5.25		
5) ବିଶେଷ ଅ	ନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ	OIR U/S ଜମା ଶଂସେ	 8(A ଧନ	.) Case N କରାଗଲା	o - 1763/12 ହୁମୁ ଉକ୍ତ ଖାଡ l	ମରେ ପୁଟନ	° 1353/1782 ର କିସମ ଘରବାରି କରାଗଲା ଓ	
୍ରାନ୍ତିମ ପ୍ରକାଶ୍ୱ	ନ ତାରିଖ -	<u> </u>	В	LANK S	SPACE FOR STAMPI	NG		
ାକଣା ଧାର୍ଯ୍ୟ [.]	ତାରିଖ -					•	·	

		· · · · · · · · · · · · · · · · · · ·	97		
ଖତିୟାନର କ୍ରମିକ ନଂ : 328/168		ମୌକା : ଜଗନ୍ନ	ି ତିଲା : ଖୋର୍ଦ୍ଧା		
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	କିସମ ଓ ପ୍ଲଟର ଖଜଣା	କିସମର ବିୟାରିତ ବିବରଣୀ ଓ ଚୌହଦି	ଏ. ଡି.	ହେକ୍ସର	ମନ୍ତବ୍ୟ
7	8	9	10	11	12
1353/1782	ଘରବାରି		0 1000	Ç	ଦାଖଲ ଖାରକ କେସ୍ ନମ୍ବର, 5415/91 ହୁମୁ ମୁତାବକ, ଦାଖଲ ଖାରକ ଖା 56 ତାରୁ ।
I plot			0 1000		

Schedule I Form No.39-A

ଖତିୟାନ

ତହସିଲ : ଭୁବନେଶ୍ୱର

ତହସିଲ ନମ୍ବର : ..



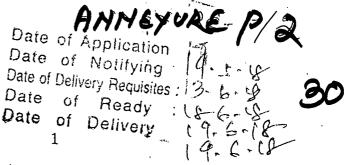
ମୌଜା : ଜଗନ୍ନାଥ ପ୍ରସାଦ

ଥାନା : ଚନ୍ଦକା ଥାନା ନମ୍ବର : 43

ଜିଲା : ଖୋର୍ଦ୍ଧା

ଚ୍ଚମିଦାରଙ୍କ ନାମ ଓ ଖେୱାଟ ବା ଖତିୟାନର କ୍ରମିକ ନମ୍ବର			ଓଡିଶା ସରକାର ଖେୱାଟ ନମ୍ବର ।						
1) ଖତିୟାନର	କ୍ରମିକ ନମ୍ବର		328/142	328/142					
2) ପ୍ରକାର ନା	ମ, ପିତାର ନାମ, ଜାତି ଓ ବାସହ	มก	ରଣଜିତ କୁହ	ମାର ରାଉତ ପି:ପ୍ରହଲ୍ଲାଦ ରାଉ	ତ ବା: ସାନ	' ଲହଙ୍ଗା ଥାନା- ଜଗତ ସିଂହ ପୂର ଜିଲା- କଟକ			
3) ସ୍ୱତ୍ୱ	ସ୍ଥିତିବାନ	<u> </u>							
	ଜଳକର	ଖଜଣା	ସେସ୍	ନିଷ୍ଡାର ସେସ୍ ଓ ଅନ୍ୟାନ୍ୟ ସେସ୍ ଯଦି କିଛି ଥାଏ	ମୋଟ	5) କ୍ରମବର୍ଦ୍ଧନଶୀଳ ଖଢଣାର ବିବରଣି			
4) ଦେୟ :		0.15	0.08	0.01	0.24				
5) ବିଶେଷ ଅ	ନୁସଙ୍ଗ ଯଦି କିଛି ଥାଏ	1							
ଅନ୍ତିମ ପ୍ରକାଶ୍ୱ	ର ରାରିଖ -]	BLANK S	SPACE FOR STAMP	ING	. 1			
ଞ୍ଚଳଣା ଧାର୍ଯ୍ୟ ଆଜଣା ଧାର୍ଯ୍ୟ									

		6	9	,		
ଖତିୟାନର କ୍ରମିକ (ล• : 328/142	ମୌଜା : ଜଗନ	ି କିଲା : ଖୋର୍ଦ୍ଧା			
ପ୍ଲଟ ନମ୍ବର ଓ ଚକର ନାମ	ଦିଶର ଓ ସଙ୍କର ଖଦ୍ୟା	କିସମର ବିଷ୍ଡାରିତ ବିବରଣୀ ଓ ଚୌହଦି		ରକବା		ମନ୍ତବ୍ୟ
ু পুঠ সংগ্ৰম ও কৰ্মৰ সাংগ	म्बर्धा ५ ठॅड्ड वाबना	କ୍ୟମଧାର ୟ <u>ି</u> ମାସନ, ଅନ୍ୟରଖୋ ଓ ହୋନିନ୍		ତି.	ହେକ୍ଟର	
7	8	9	1	0	11	12
1353/1754	ଶାରଦ ତିନି		0	1020	·	ଦାଖଲ ଖାରକ କେସ୍ ନସ୍ତର, 1150/92 ହୁକୁମୁ ମୁତାବିକ, ଦାଖଲ ଖାରକ ଖା 156 ତାରୁ ।
1 plot			0	1020		

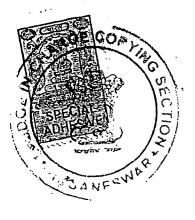


IN THE COURT OF 1ST. ADDL. SENIOR CIVIL JUDGE, BHUBANESWAR

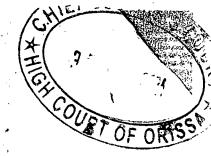
Present: Smt. Sanghamitra Sharma, 1st Addl. Senior Civil Judge, Bhubaneswar.

C.S. No. 1884 of 2011

- Laxmidhar Rout, aged about 45 years, S/o: Gokulananda Rout.
- 2. Sarojini rout, aged about 66 years, W/o: Gokulananda Rout.
- 3. Dhaneswar Rout, aged about 45 years, S/o: Gokulananda Rout.
- 4. Bidyadhar Rout, aged about 40 years, S/o: Gokulananda Rout.
- Renubala Rout, aged about 49 years,
 W/o: Surendranath Rout.
 Sl. no. 1 to 5 At/P.O.: Tentuli Belari,
 P.S.: Balikuda, Dist: Jagatsinghpur.
- 6. Anirudha Biswal, aged about 57 years, S/o: Jadumani Biswal, At: Olihan, P.O.: Allisahi, P.S.: Kakatpur, Dist: Puri
- 7. Biswajit Naik, aged about 34 years, S/o: Mahendra Nath Naik.
 At: Kherasha, P.O/P.S.: Jagatsinghpur, Dist: Jagatsinghpur.
- 8. Mukuta Chatopadhyaya, '
 aged about 51 years,
 W/o: Shiba Prasad Chatopadhyaya
 At: Rajendra Nagar, Cuttack-10.
 P.S.:Cuttack Sadar, Dist: Cuttack.
- Jyotsnamayee Biswal, aged about 52 years, W/o: Uttam Kumar Biswal, At: Nauda, P.O.: Jagai, P.S.: Baliapala, Dist: Balasore.







10. Pankajini Dwibedy, aged about 48 years, W/o: Ajaya Kumar Dwebedi. At: Kuansa, P.O.: Bhadrak Town, Dist: Bhadrak.

 Radhamani Sahoo, aged about 54 years, W/o: Sanatana Sahoo, At: Radhanagar Patana, P.O.: Sankha Chilla, P.S.: Kiorei, Dist: Cuttack.

12. Nigamananda Behera, aged about 45 years, S/o: Gouranga Charan Behera, At: Thakura Patana, P.O./Dist: Jagatsinghpur,

13. Nalini Prava Panda, aged about 48 years, W/o: Basanta Kumar Panda, At: Kuansa, P.O.: Bhadrak, P.S.: Bhadrak Town, Dist: Bhadrak.

14. Ranjit Kumar Rout,aged about 54 years,S/o: Prahallad Rout, At: Saja Lahanga, F.O.:Sanango, Dist: Jagatsinghpur.

15. Ashok Kumar Dash, aged about 45 years, S/o: Prafulla Kumar Dash, At: Rankasinha, P.O.: Talamula, P.S.: Banrapala, Dist: Dhenkanal.

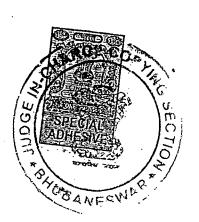
16. Allahad Narayan Sar,aged about 53 years,S/o: Rangadhar Sar,At/P.O./P.S: Rasola, Dist: Dhenkanal.

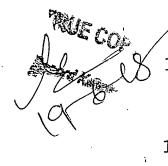
17. Jyotin Kumar Sahoo, aged about 42 years, S/o: Sarat Kumar Sahoo,

At/P.O: Gondia, Dist: Dhenkanal.

18. Usharani Mallick, aged about 36 years, W/o: Bahubalendra Mallick, At/P.O: Mukundapur, P.S/Dist: Jagatsinghpur.

.... Plaintiffs.







Versus

- 1. Durga Hansda, aged about 49 years,
- 2. Thakur Murmu, aged about 47 years, S/o: Rumeya Murmu.
- 3. Sudan Soren, aged about 52 years, S/o: Late Tuna Soren.
- 4. Jagannath Mohanta, S/o: Ramesh Mohanta
- 5. Budhia Tudu, aged about 40 years,
- 6. Chaitanya Tudu, aged about 40 years,
- 7. Kasinath Tudu, aged about 47 years.
- 8. Jagannath Murmu, aged about 40 years,
- 9. Kasinath Tudu, aged about 35 years, S/o: Suru Tudu.
- 10.Magu Singh, aged about 45 years, S/o: Mangal Singh.
- 11 Kali Charan Beshra, aged about 43 years, S/o: Sukuna Beshra.
- 12. Sukula Hansda, aged about 32 years, S/o: Durga Charan Hansda.
- 13.Sailesh Marandi, aged about 42 years, S/o: Sankar Marandi.
- 14.Trilochan Behera, aged about 40 years, S/o: Bharat Behera, Vill: Patharagadia, P.S.: Infocity, Dist: Khurda.
- 15. Rama Purti, S/o: Ghanashyama Purti.
- 16 Chintamani Purti, S/o: Trilochan Purti.
- 17. Samir Mandal, S/o: Jamini Mandal.
- 18. Hemendra Tudu, S/o: Syam Tugu.
- 19. Radhi Sinku, W/o: Ramesh Sinku.
- 20. Sukru Virua, S/o: Ghanashyam Virua.
- 21. Gayadhar Singh, S/o: Raja Singh.
- 22. Charitra Murmu, S/o: Jitamba Murmu.







23. Smt. Punami Purti, D/o:Mohan Hembram.

24. Bhima Hansada, S/o: Leda Hansada.

25. Kulu Digi, S/o: Late Josef Digi.

26. Udaya Murmu, S/o: Ramadash Murmu.

27. Hemandra Soren, S/o: Chhaku Soren.

28. Bana Nayak, S/o: Chema Nayak.

29. Salakhan Hembram, S/o: Dhaneswar Hembram.

30. Raska Nayak, S/o: Tania Nayak.

31. Jadu Soren, S/o: Changaya Soren,

32. Govinda Sarakar, S/o: Kartik Chandan Sarakar.

33. Basanti Murmu, W/o: Kuara Murmu.

34. Krishna Soren, S/o: Udayanath Soren.

35. Hema Tudu,

S/o: Ghyam Sundar Tudu.

Sl. no. 15 to 35 vill: Chunukoli Basti,

P.O.: Andharua,

P.S.: Infocity, Dist: Khurda.

... Defendants.

COUNSELS APPEARED

or Plaintiff : Sri J. Mohanty and associates.

or Defendants : Sri B.K Badajena and associates.

Date Of Conclusion Of Argument: 17.05.2018

Date Of Judgment : 19.05.2018

<u>JUDGMENT</u>

1. This is a suit for permanent injunction, eviction and recovery of possession.





2. The plaintiff's case in short is as follows:

That the plaintiffs 18 in number purchased Ac 0.100 dec. each from sabik khata no. 156 plot no. 1353 from one Nanda Kishore Baghasingh in the year 1986. The defendants schedule tribe persons residing at Chunukoli Basti trespassed on the schedule land and constructed temporary thatched houses all hence the plaint ffs combinedly filed this suit for permanent injunction. P-1 is the G.P.A holder of P-2 to 5 .They all have obtained mutated R.O.R in their names. Defendants have got no right, title or interest and are tribal labourers. They had filed C.M.C under 144 CR.P.C in the court of Executive Magistrate who restrained them from making construction of any thatched house. However disregarding the order they demolished a portion of the boundary wall, occupied the suit! lands illegally and constructed thached houses.

3. The Defendants being 35 in number have in their written statement submitted that the suit was not maintainable, that there was no cause of action for filing of the suit. Further the suit was bad for non-joinder of necessary party and the suit is grossly undervalued. They denied all allegations of the plaintiffs claim and submitted that they were residing on the suit land for more than 30 years continuously openly and uninterruptedly to the knowledge of all including the real owners. The fore fathers of the defendants were permitted by





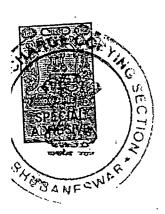


the recorded tenants to stay there. That the 1350, no. plot residing over 1352,1353,1347,1355,1360, 1522. That the suit land originally stood recorded in the name of Nanda Kishore Baghasingh, Naba Kishore Routray, Padmanava Pradhan, Baidhar Singh, Dhara Parida, Fakira Parida. That there possession is adverse against the interest of the original owner. The identity of the suit land is ambigious and vague and contrary to provision under Order-7, Rule-3 C.P.C. That the allegations of the plaintiffs that they had no right, title and interest was baseless and since they have been issued voter I card by the competent authority it proves their long possession over the suit land. That more than 300 houses exists over the plots for which a Prime Minister Sadaka Yojana was made for their Gramya convenience. Hence suit be dismissed.

4. Basing on the pleadings of parties following issues have been framed:

ISSUES

- 1) Whether the suit is maintainable?
- 2) Whether the plaintiff has cause of action for filing this suit?
- 3) Whether the suit is undervalued?
- 4) Whether the suit is bad for non-joinder of necessary parties?
- 5) Whether the suit is hit under O-7, Rule-3 C.P.C for want of proper identification?





- 6) Whether the suit is bad for multifariousness?
- 7) Whether the defendants have acquired any title over the suit land bearing plot no. 1350,1352,1353,1347,1355,1360, 1522 by way of adverse possession?
- 8) Whether the the plaintiffs are entitled to a decree of permanent injunction against the defendants not to enter upon the suit land?
- 9) Whether an order of eviction of the defendants from the suit land can be passed?
- 10) Whether the plaintiffs are entitled to a decree of recovery of possession of the suit lands from the defendants?
- 11) To what relief(s) the plaintiffs are entitled to?

5. In order to prove their case plaintiff has examined 4 witnesses and exhibited documents vide Exts.-1 to 46. Defendants have not examined any witness and exhibited no documents.

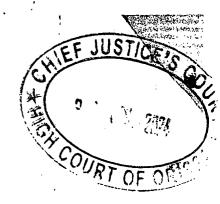
FINDINGS

6. Issue no. 1

In this case the defendants have not produced any fact to show that the suit is barred under the provision of any Act. I found there is absolutely no ground to hold that the plaintiff is debarred from claiming relief under any law. It is therefore held that the suit is maintainable.







7. **Issue no. 2**

That the plaintiffs 18 in number have purchased the respective plots is measuring Ac 0.100 dec. from Sabik Khata no. 156 from one common vendor Nanda Kishore Baghasingh having constructed a boundary all around it. The defendants having absolutely no right residing in a Chunukuli Basti nearby trespassed into the suit land and constructed thatched houses over the same. Accordingly the plaintiffs had a cause of action to file the suit.

8. Issue No. 3,4, 5 and 6 are taken up together:

it has been submitted by the defendants in their W.S that the suit was under valued, bad for non-joinder, hit under Order-7, Rule-3 C.P.C and bad for multifariousness. The defendants did not come forward to adduce any evidence on their behalf. Therefore there is no material before me to believe in what way the suit was undervalued, who have not been joined as parties in this case.

As regards Order-7, Rule-3 C.P.C the defendants submit that the plaintiffs have not described the boundary of the suit land. Therefore its identity is ambigious, vague and unidentifiable. However it is seen that the plaintiffs instituted this suit for decree of eviction and permanent injunction against the defendants. There is no question of dispute of any boundary among the







parties. It is their case that the defendants forcibly occupied the suit land so there is no need of giving a description of boundary of the suit lands purchased by the plaintiffs vide RSDs. In my opinion the suit is therefore not hit under O-7, R-3 C.P.C . Regarding the question whether the suit is bad for multifariousness. the defendants have not explained in the W.S as to how and in what manner the suit was multifarious in nature. Merely because a number of purchasers have together initiated the suit against the defendants for having trespassed over their land, the same can not be held to be multifarious in nature. Rather since the plaintiffs have together joined hands to file the suit it is felt that it has led to avoiding multiplicity of proceedings since each single plaintiff would have then filed a suit against the defendants. These issues are therefore answered against defendants.

9. <u>Issue no.7,8, 9,10 and 11 are taken up</u> together:-

One Biswajit Nayak adduced evidence as P.W.1 and deposed all facts as mentioned in the plaint. He marked the C.C of ROR of Khata no. 156 as Ext.1. Ext.2 is C.C of order dtd. 08.07.2011 passed in CMC 500/11. Ext.3 is the C.C of order dtd. 11.08.2011 passed in CMC no. 448/11. Ext.4 is the original specific power of attorney executed by plaintiff nos. 6 to 18. Original RSD no. 1131/dtd. 11.02.1991. as Ext.5. Ext.6 is the Draft ROR of



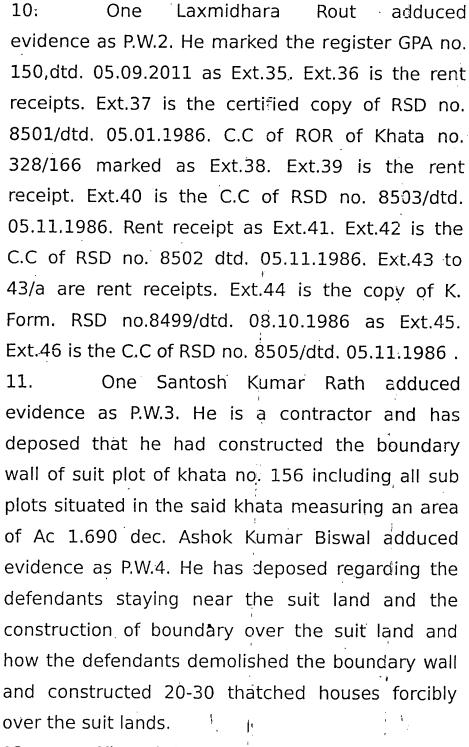




Khata no. 328/168. Ext.7 is the Rent receipts. RSD no. 9785/dtd. 30.10.2009 as Ext.8. Ext.9 C.C of Draft ROR of Khata no. 328/119. Rent receipt is Ext.10. Ext.11 is the RSD no. 08.10.1986. Ext.12 is the draft ROR of Khata no. 328/173. Ext.13 is the RSD no. 3808/dtd. 05.04.1989. Draft ROR of Khata no. 328/174 marked as Ext.14. Ext.15 to 15/a are rent receipts. Ext.16 is the RSD no. 4636,dtd. 21.05.1986. Draft ROR of Khata no. 328/202 marked as Ext.17. Ext.18 is the rent receipts. Ext.19 is the RSD no. 4641, dtd. 21.05.1986. RSD no. 9699/dtd. 26.11.2007 marked as Ext.20. Ext.21 is the rent receipts. Ext.22 is the C.C of RSD no. 238/2006, dtd.13.11.2006. Rent receipt is Ext.23. Ext.24 is the RSD no. 8064/dtd. 26.09.1986. Ext.25 is the certified copy of Draft ROR of Khata no. 328/142. Ext.26 is the rent receipt. RSD no. 4637/dtd. 21.05.1986 marked as Ext.27. Ext.28 is rent receipt. Ext.29 is the original RSD no. 4636/dtd. 21.05.1986. Ext.30 is rent Ext.31 is the RSD no. 7104/dtd. 21.08.09.Draft ROR of Khata no. 328/175 Ext.32. Ext.33 to 33/a are rent receipt. Ext.34 is the RSD no. 9700 dtd. 03.12.2007.

9.1 In his cross examination deposed that he has direct knowledge about sale deed of P-6,8 to 18. That the purchasers have fenced their land with barbed wires.





The defendants in their 12. averred that since last 30 years they were residing the over suit land bearing plot no.1350, 1352,1353,1347,1355,1360 and 1522 wherein more than 300 houses exist. A Gramya Sadak Yojana has been made for the convenience of a





cluster of houses called Chunukuli Basti. Further that the fore fathers of the defendants have permitted them to stay there. The recorded tenants have never tried to evict them and the deeds were manufactured and the plaintiffs were not the real recorded owners.

Though the defendants who are alleged 12.1 to have occupied the suit plots belonging togthe plaintiffs have filed W.S but none of them out of the 18 came forward to adduce any evidence to prove the fact of adverse possession of the "suit land by them. Except the W.S there is no material to support their claim and in my opinion without evidence being tendered by the defendants the question of adverse possession as pleaded by the defendants is vague and can not be taken into plaintiffs consideration. The have evidence and exhibited voluminous documents proving their title by way of purchase from the recorded owners out of Khata no. 156 which have been exhibited. Perused the ROR of said khata vide Ext.1 which stands recorded in the name of . Nanda Kishore Baghsingh, Naba Kishore Routray, Padmanava Pradhan, Baidhar Singh, Dhada Parida and Fakira Parida consisting of plot no. 1350, 1353 and 1355. Ext.2 is the proceeding U/s. 144 Cr.P.C initiated by Biswajit Nayak (P.W.1) against the defendants in the court of Executive Magistrate. The order dtd. 08.07.2011 reveals that the suit land appertains to khata no. 156% plot no. ,





and the defendants having no title P.W.1 was given protection for breach of peace by them. Further in the said report it came to light that the defendants were Adibasi people of Chunukuli Basti who had encroached portions of schedule plots and had constructed thatched house, though the houses were demolished but the defendants had again constructed the same. Ext.3 is the 144 CR.P.C proceeding initiated by P.W.2 as the document reveals relating to plot no. 1353.

12.2 No doubt all the plaintiffs did not come forward to adduce evidence on their behalf However the documents of purchase by their vendor and the mutated RORs issued in their name are sufficient to hold that they had acquired title over the which has same remained unchallenged from the side of the defendants. The defendants on the other hand having no semblance of right over the suit lands and having not come forward to adduce any evidence are to be regarded as illegal trespassers of the suit land.

Accordingly in absence of evidence it is to be held that the defendants have not acquired any title over the suit plots by virtue of adverse possession. As regards an order of permanent injunction the plaintiffs have adduced evidence and exhibited all documents on their behalf. They are the title holders of the suit lands having purchased their lands from one common vendor from Sabik khata no. 156. As seen above the







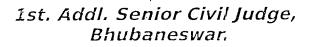
defendants have absolutely no right over the according occupied by them and they failed to prove their title or for that matter they had any right over the suit plots they had occupied. Hence the plaintiffs having proved their title by way of both oral and documentary evidence the plaintiffs are entitled to a decree of permanent injunction against the defendants for not entering upon the suit land.

13. It follows that when the defendants have no right over the plots they have occupied, the plaintiffs are entitled to an order of eviction against them from the suit plots and recovery of possession of the same from them.

Hence, it is ordered that.....

ORDER

is decreed The suit of the plaintiffs contest against defendants. The defendants are permanently restrained from entering upon the suit schedule properties given in "A" to "S", they are liable for eviction from the above schedule are directed to properties and possession of the plots they are in possession to the respective recorded owners. In case the defendants failed to evict the suit land within three months hence, the plaintiffs are entitled to evict them and recover possession from them by due process of law. No cost. 89 - S. Sharmo











The judgment is dictated to my dictation and transcribed by the stenographer attached to this Court, corrected and pronounced by me in the open Court today i.e. on this 19th day of May, 2018 under my seal and signature.

84- S. Sharons

1st. Addl. Senior Civil Judge, Bhubaneswar.

List of Witnesses examined for the Plaintiffs:

P.W.1: Biswajit Nayak.

P.W.2: Laxmidhar Rout.

P.W.3: Santosh Kumar Rath.

P.W.4: Ashok Kumar Biswal.

List of Witnesses examined for the

Defendants:

None

List of Documents marked as Exhibits for the Plaintiffs:

Ext.1: C.C of R.O.R of Khata no. 156.

Ext.2 C.C of order dtd. 08.07.2011

passed in CMC 500/11.

Ext.3: C.C of order dtd. 11.08.2011

passed in CMC no. 448/11.

Ext.4: Original specific power of attorney

executed by plaintiff nos. 6 to 18.

Ext.5: Original RSD no. 1131/dtd.

11.02.1991.

Ext.6: Draft ROR of Khata no. 328/168.

Ext.7: Rent receipts.

Ext.8: RSD no. 9785/dtd. 30.10.2009.

Ext.9 C.C of Draft ROR of Khata no.

328/119.









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	Ext.10:	Rent receipt.
	Ext.11:	RSD no. 8504/dtd. 08.10.1986.
	Ext.12:	Draft ROR of Khata no. 328/173.
	Ext.13:	RSD no. 3808/dtd. 05.04.1989.
	Ext.14	Draft ROR of Khata no. 328/174.
	Ext.15 to 15/a:	Rent receipts.
	Ext.16:	RSD no. 4636,dtd. 21.05.1986.
	Ext.17:	Draft ROR of Khata no. 328/202
	Ext.18	Rent receipts.
	Ext.19:	RSD no. 4641, dtd. 21.05.1986.
	Ext.20:	RSD no. 9699/dtd. 25.11.2007.
	Ext.21:	Rent receipts.
	Ext.22:	C.C of RSD no. 238/2006,
		dtd.13.11.2006.
	Ext.23:	Rent receipt.
	Ext.24:	RSD no. 8064/dtd. 26.09.1986.
	Ext.25:	Certified copy of Draft ROR of
		Khata no. 328/142.
	Ext.26:	Rent receipt.
	Ext.27:	RSD no. 4637/dtd. 21.05.1986.
	Ext.28:	Rent receipt.
	Ext.29:	Original RSD no. 4636/dtd.
/		21.05.1986.
i	Ext.30	Rent receipt.
:	Ext.31:	RSD no. 7104/dtd. 21.08.09
	Ext.32:	Draft ROR of Khata no. 328/175.
:	Ext.33 to 33/a	
:	Ext.34	RSD no. 9700 dtd. 03.12.2007
	Ext.35	Register GPA no. 150,dtd.
		05.09.2011.
	Ext.36	Rent receipts.
	Ext.37:	Certified copy of RSD no.
		8501/dtd. 05.01.1986.
	Ext.38:	C.C of ROR of Khata no. 328/166.
	Ext.39:	Rent receipt.
	Ext.40:	C.C of RSD no. 8503/dtd.
	•	05.11.1986.
	Ext.41:	Rent receipt.





Ext.42:

1

RSD C.C of no.

dtd. 8502

05.11.1986.

05.11.1986

Ext.43 to 43/a: Rent receipts.

Ext.44:

Copy of K. Form.

Ext.45:

RSD no., 8499/dtd, 08.10.1936. 8505/dtd.

no.

Ext.46:

C.C **RSD** of

List of Documents marked as Exhibits for the

Defendants:

Nil

By- 8. Showe 2014

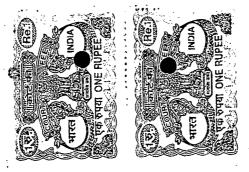
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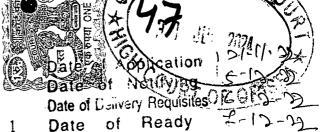
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18 Act-1 of 187





Date of Ready #-12-0

FORM OF ORDER SHEET DISTRICT: KHRUDA IN THE COURT OF 1ST ADDL.C.J.(S.D.),BHUBANESWAR. Execution Case No.48/2018

- Laxmidhar Rout, aged about 45 years,
 S/o Gokulananda Rout.
- Sarojini Rout, aged about 66 years,
 S/o Gokulananda Rout.
 - B. Dhaneswar Rout, aged about 45 years,
 S/o Gokulananda Rout.
 Bidyadhar Rout, aged about 40 years,
 S/o Gokulananda Rout.

Renubala Rout, aged about 49 years,

W/o - Surendranath Rout.

Sl. No.1 to 5, At/P.O-Tentuli Belari, P.S-Balikuda, Dist.-Jagatsinghpur.

Anirudha Biswal, aged about 57 years, S/o-Jadumani Biswal, At-Olihan, P.O-Allisahi, P.S-Kakatpur, Dist.-Puri. Biswajit Naik, aged about 34 years, S/o – Mahendra Nath Naik, At-Kherasha, P.O/P.S-Jagatsinghpur, Dist.-Jagatsinghpur.

8. Mukuta Chatopathyaya, aged about 51 years, W/o-Shiba Prasad Chatopadhaya, At-Rejendra Nagar,

Cuttack-10, P.S-Cuttack Sadar, Dist.-Cuttack.

Jyotsnamayee Biswal, aged about 52 years,
 W/o – Uttam Kumar Biswal, At-Nauda,
 P.O-Jagai, P.S-Baliapala, Dist.-Balasore.

Pankajini Dwebedy, aged about 48 years,
 W/o-Ajaya Kumar Dwebdi, At-Kuansa,
 P.O-Bhadrak Town, Dist.-Bhadrak.



6.

- 11. Radhamani Sahoo, aged about 54 years,W/o Sanatana Sahoo, At-Radhanagar Patana,P.O-Sankha Chilla, P.O-Kiorei, Dist.-Cuttack.
- 12. Nigamananda Behera, aged about 45 years,S/o Gouranga Charan Behera, At-Thakura Patana,P.O/Dist.-Jagatsinghpur.
- 13. Nalini Prava Panda, aged about 48 years,W/o Basanta Kumar Panda, At-Kuana,P.O-Bhadrak, P.S-Bhadrak Town, Dist.-Bhadrak.
- 14. Ranjit Kumar Rout, aged about 54 years,S/o Prahallad Rout, At-Saja Lahanga,P.O-Kanango, Dist.-Jagatsinghpur.
- 15. Ashok Kumare Dash, aged about 45 years,
 S/o Prafulla Kumar Dash, At-Rankasınha,
 P.O-Talamula, P.S-Banrapala, Dist.-Dhenkanal.
 16. Allahad Naraytan Sar, aged about 53 years,

Alianad Naraylari Sar, aged about 33 years,

S/o - Rangadhar Sar, At/P.O/P.S-Rasola,

Dist.-Dhenkanal.

Jyotin Kumar Sahoo, aged about 42 years,

S/o - Sarat Kumar Sahoo, At/P.O-Gondia,

Dist.-Dhenkanal.

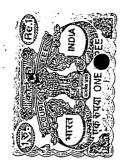
18. Usharani Mallick, aged about 36 years,W/o-Bahubalendra Mallick, At/P.O-Mukundapur,P.S/Dist.-Jagatsinghpur.

..... Decree Holders

-Versus-

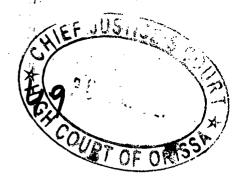
- 1. Durga Hansada, aged about 49 years,
- 2. Thakur Murmu, aged about 47 years, Both are Sons of Rumeya Murmu.
- 3. Sudan Soren, aged about 52 years, S/o-Late Tuna Soren.
- 4. Jagannath Mohanta, S/o-Ramesh Mohanta.
- 5. Budhia Tulu, aged about 40 years,





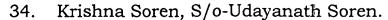






- 6. Chaitanya Tudyt, aged about 40 years,
- 7. Kasinath Tudu, aged about 47 years,
- 8. Jagannath Murmu, aged about 40 years,
- 9. Kasinath Tudu, aged about 35 years, S/o-Suru Tudu.
- 10. Magu Singh, aged about 45 years, S/o-Mangal Singh.
 - 1. Kali Charan Beshra, aged about 43 years,
 - S/o Sukuna Beshra.
 - . Sukula Hansda, aged about 32 years,
 - S/o Durga Charan Hansda.
- 13. Sailesh Marandi, aged about 42 years, S/o-Sankar Marandi.
- 14. Trilochan Behera, aged about 40 years, S/o-Bharat Behera. Vill.-Patharagadia, P.O-Infocity, Dist.-Khurda.
- 15. Rama Purti, S/o Ghanashyama Purti.
- 16. Chintamani Purti, aged about Years, S/o-Trilochan Purti.
- 17. Samir Mandal, S/o-Jamini Mandal.
- 18. Hemendra Tudu, S/o-Sytam Tudu.
- 19. Radhi Sinku, W/o-Ramesh Sinku.
- 20. Sukru Virua, S/o-Ghanashyam Virua,
- 21. Gayadhar Singh, S/o-Raja Singh.
- 22. Charitra Murmu, S/o-Jitamba Murmu.
- 23. Smt. Punami Purti,
- 24. Bhima Hansada, S/o-Leda Hansada.
- 25. Kulu Digi, S/o-Late Josef Digi.
- 26. Udaya Murmu, S/o-Ramadash Murmu.
- 27. Hemandra Soren, S/o-Chhaku Soren.
- 28. Bana Nayak, S/o-Chema Nayak.
- 29. Salakhan Hembram, S/o-Dhaneswar Hembram.
- 30. Raska Nayak, S/o-Tania Nayak.
- 31. Jadu Soren, S/o-Changatya Soren.
- 32. Govinda Sarakar, S/o-Kartik Chandan Sarakar.
- 33. Basanti Murmu, W/o-Kuara Murmu.





35. Hema Tudu, S/o-Ghyam Sundar Tudu.Sl. No.15 to 35 are of Vill.-Chunukoli Basti,P.O-Andharua, P.S-Infocity, Dist.-Khordha.

.... J.Drs.

Order dtd.10.10.2018:

D.Hrs. file a petition praying to execute the decree passed in C.S. No.1884/2011 by the Court of 1st Addl. Senior Civil Judge, Bhubaneswar through Sri Jatindra Mohanty & associates. Vakalatnama filed. Register. Put up on 29.10.18 with office note.

Sd/-S.Sharma 1st Addl.C.J.(S.D),BBSR.

Order dtd.29.10.2018:

Office note ready. Issue notice against the defendants fixing 24.12.18 for awaiting SR and PA.

Sd/-S.Sharma 1st Addl.C.J.(S.D),BBSR.

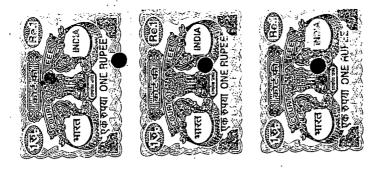
Grder dtd.24.12.2018:

Advocate for the D.Hrs. files hazira. SR and PA not back. Due to accommodation by Bar Members the case is now posted to 1.3.19 for awaiting SR and PA.

Sd/-S.Sharma 1st Addl.C.J.(S.D),BESR.

Order dtd.1.3.2019:

Advocate for the D.Hr. files a memo dtd.1.3.19 along with postal receipts to prove that the summons are sent on their address and to make service sufficient against J.Drs.-1, 3, 4, 5, 6, 8, 10, 15, 30 and 33. Heard. The memo dtd.1.3.19 along with the postal receipts against the above mentioned J.Drs. are accepted. Service against them is made sufficient as more than 30 days have elapsed. D.Hrs. to take steps against the remaining J.Drs. to make service



sufficient against them fixing 2.5.19.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.2.5.2019:

Advocate for D.Hr. files postal receipts against J.Dr.34, J.Dr.27, J.Dr.22, J.Dr.35, J.Dr.28, J.Dr.29 and J.Dr.16 to prove that the summons are sent in their correct address and to make service sufficient against them. Heard. More than 30 days have elapsed. Hence, the service is made sufficient against them. Put up on 28.6.19 for taking steps against the rest of the J.Drs.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.28.6.2019:

Due to Cease Work by Bar Members the case is now posted to 19.7.19 for taking steps against the rest of the J.Drs.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.19.7.2019:

Advocate for D.Hr. is present. Put up on 5.8.19 for consideration of postal receipts filed by the D.Hr.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.5.8.2019:

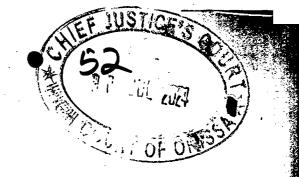
Advocate for D.Hr. is present and files service affidavit. Put up on 19.8.19 for consideration of service affidavit.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.19.8.2019:

Advocate for D.Hr. is present. Perused the service affidavit, postal receipts. J.Drs. are not appeared till today and the notice have sent in the Correct Address. Accordingly, the D.Hr. is directed





to taking steps for further proceeding of execution fixing 3.9.19.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.3.9.2019:

Advocate for D.Hr. is present. Put up on 12.9.19 for taking steps for further proceeding of execution.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.12.9.2019:

Advocate for D.Hr. files daily fee, drummer fee and custody fee vide PCR No.63, dt.30.10.19 for issuance of writ. Put up on 18.10.19 for compliance.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.18.10.2019:

Advocate for D.Hr. is present. Issue writ against the J.Dr. Put up on 2.12.19 for awaiting report.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.2.12.2019:

Advocate for D.Hr. is present. Put up on 10.12.19 for awaiting report.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.10.12.2019:

Advocate for D.Hr. is present. Put up on 10.1.20 for awaiting report.

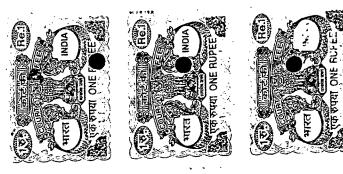
Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.10.1.2020:

Advocate for D.Hr. is present. Report of the bailiff is received. Put up on 20.1.20 for consideration of report of the D.Hrs.

Sd/-P.P.Mohapatra
1st Addl.C.J.(S.D),BBSR.





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Order dtd.20.1.2020:

Advocate for D.Hr. is present and files a petition for passing appropriate order for police assistance. Put up on 27.1.20 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.27.1.2020:

Advocate for D.Hr. is present. Put up on 10.2.20 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.10.2.2020:

Advocate for D.Hr. is present. Put up on 20.4.20 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.20.4.2020:

Advocate for D.Hr. is present. Put up on 2.7.20 for nearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.2.7.2020:

In view of accommodation sought for by local Bar. Put up on 7.9.20 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.7.9.2020:

In view of accommodation sought for by local Bar put up on 4.11.20 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.4.11.2020:

In view of accommodation sought for by local Bar put up on 29.1.21 for hearing on petition.

Sd/-P.P.Mohapatra 1st Addl.C.J.(S.D),BBSR.

Order dtd.29.1.2021:

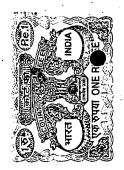
Advocate for D.Hr. is present. Heard on the petition. Put up on 10.2.21 for order.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.10.2.2021:

This order arises out of the application dated 20.1.2020 filed by the D.Hrs. praying for police protection at the time of execution of writ and delivery of possession through the process server. I have already heard learned counsel for the D.Hrs. and perused the case precord. The J.Drs. have been set ex parte in this execution proceeding. Learned counsel for the D.Hrs. contended that the process server has visited the suit land to execute the writ on 9.1.2020 but the process server returned without executing the writ as there is apprehension of breach of peace. He further prayed for deployment of three platoons police personnel (two platoon male police and one platoon female police).

On perusal of report of the process server it is found that the process server was directed to give delivery of possession of the suit land. The defendants/J.Drs. were directed vide Decree of this Court to hand over the possession of the plots in which they are in possession to the respective owners within three months which was not complied. There is no materials to show that the J.Drs/defendants have preferred any appeal challenging decree of this







Court. In view of the report regarding apprehension of breach of peace, this Court feels it expedient to depute police personnel for execution of writ peacefully. For the reasons stated above, the prayer of D.Hrs. to depute police staffs at the suit land at the time of execution of writ is allowed. Hence, it is ordered.

ORDER

The application for deployment of police at the time of execution of writ is hereby allowed. Office is directed to request the DCP Bhubaneswar to intimate the cost for deploying of three platoons police personnel (two platoon male police and one platoon female police) at the spot on the date of execution of writ. Put up on 1.3.2021 for receiving intimation from the DCP Bhubaneswar with respect to cost for deployment of police personnel at the spot during execution of the writ.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR. Dt.10.2.2021.

Order dtd.1.3.2021:

The execution petition is posted today for receiving information from DCP, Bhubaneswar. No information has yet been received from DCP, BBSR. Put up on 15.3.21 for awaiting intimation from DCP, Bhubaneswar with respect to cost for deployment of Police Personnel.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.15.3.2021:

The execution petition is posted today for receiving information from DCP, Bhubaneswar on dtd.3.3.21 an information has been received from DCP, Bhubaneswar with respect to cost for deployment of police personnel. As per the information received





from DCP, Bhubaneswar D.Hr. has to deposit the total amount of Rs.2,28,276/- along with GST @ 18% 41,090 in Govt. Treasury and the service tax to be deposited in shape of DD in favour of Dy. Commissioner of police, BBSR-CTC. fixing 7.4.21.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.7.4.2021:

In view of accommodation sought for by local Bar put up on 8.9.21 for compliance of order by D.Hr.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.8.9.2021:

Due to Bar accommodation by local Bar Member, put up on 25.11.21 for compliance of order by D.Hr.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Örder dtd.25.11.2021 :

No steps taken by the parties. Put up on 11.4.22 for compliance of order by D.Hr.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.11.4.2022:

P.O is on leave. Put up on 22.9.22 for compliance of order by D.Hr.

Sd/-Illegible 1st Addl.C.J.(S.D),BBSR,I/c.

Order dtd.22.9.2022:

Learned Advocate for the D.Hr. is present. On perusal of the case record, it is found that the D.Hr. has already deposited the cost of deployment of police personnel at the time of execution of writ. Send the draft and treasury challan to the DCP, Bhubaneswar for









information and necessary action. Issue writ to the bailiff. Put up on 26.10.22 awaiting report.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.26.10.2022:

Advocate for D.Hr. is present. Put up on 22.11.22 for awaiting report.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.22.10.2022:

The case record is put up today on received report of bailiff. In his report he stated that he cannot execute the writ without the help of police. The same is kept in this record. Put up on the date fixed.

> Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Order dtd.21.11.2022:

The Execution case record is put up today on the strength of advance petition filed by the Ld. Counsel for D.Hr. No.7. Advocate Sri P.K. Samantaray and his associates files V.nama on behalf of D.Hr. No.7 namely Biswajit Nayak with the consent of previous lawyer. Hence the V.nama is accepted. Put up on the date fixed.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

Later:

A Letter No.11762/DIB dt.19.11.22 is received from DCP, BBSR regarding deployment of police for during execution of writ in this execution case. In this letter it is submitted that the writ has not been executed because the details of lands are silent and there is also not the details of the parties are available. He has also intimated that as per direction of Hon'ble Court, two platoons of male force and one platoon of female force may be deployed for the





purpose. Hence, it is requested that the cost of deployment of Police force in present scale of pay including revised GST as per recalculation sheet attach with the letter and return the original Demand Draft bearing No.524032 dtd.12.07.2022 Rs.41,090/-. The same are kept in this record. D.Hr. is directed to deposit the cost of deployment of police force in present scheme of pay including revised GST in proper head of account for maintenance of law and order during execution of writ in this execution. Put up on 7.12.22 for deposit of cost.

Sd/-A.K.Ota 1st Addl.C.J.(S.D),BBSR.

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Act-1 of 1972

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46, Act-1 of 1872

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IN THE COURT OF THE ADDL. D.C.P.-CUM-E.M., BHUBANESWAR

Ref- C.M.C-460/2017 - u/S.144 Cr.P.C. Sub- Enquiry Report

· Sir,

With reference to the above cited matter, I beg to submit that as per direction I made an enquiry locally and visited the spot and found that the property situated in Mouza-Jagannath Prasad, under Khata No.-328/1316, Plot No-1355/2872, Area ACO.115 dec Kisam- Sarada-2, P.S- Chandaka Dist- Khurda recorded in the name of Mamata Panda, the 1st party member is the and in

peaceful possession over the above said property.

During my inquiry I ascertained that the land is situated in Moza- Jagannath Prasad, Khata No.-156, Plot No.-1355 kisam Sarada-3, area A0.375 dec. and was originally stand recorded in the name of one 1. Nabakishore Baghasingh, S/o- Raghunath Bagha Singh, 2.Nabakishore Rautray, S/o- Biswamber Rautray, 3. Padmanava Pradhan, S/o- Siba Pradhan, 4. Bidhar Singh, S/o- Iswar Singh, 5. Dhada Parida, S/o-Adhikari Pariga, 6.Fakira Parida, S/o- Rahasa Parida all are resident of village- Andharua and due to legal necessity the co-sharer Arikishta Pradhan, the legal heir of Padmanava Pradhan and Dhada Parida S/o-Adhikari Parida, and

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Suma Bewa W/o- Lokanath Parida has sold there share to Bijaya Ketan Gadabada. Thereafter there was a partition between among the recorded tenant Nabakishore Baghasingh, S/o- Raghunath Bagha Singh, Prahalad Singh, Lalata Singh, Malayabanta Singh, Alekha Singh all are son of Late Bidhar Singh and Bijaya Ketan Gadabada in which Bijaya Ketan Gadabada has got his share While the situation stood thus, due to legal necessity Bijayketan Gadabada had sold an area A0.115 dec including road (A0.015 dec.) to one Bijaya Kumar Panda. The said Bijaya Kumar Panda, S/o-Dibyasingh Panda to fulfill his legal necessity had sold his purchased area A0.115 dec to the Mamata Panda the 1st Party vide

Mutation Case No.-2971/2015 and obtain the mutation ROR in her favour and paying rent to the Government. It is futher submitted that the first party has produced necessary documents in support

the meanwhile the 1st Party has applied for correction of

barty is the absolute owner and is in possession over the same.

of her claim and substantiates the facts as narrated above.

Notice served to the second parties and asked to produced the document regarding their ownership but they failed to produce local any document. The 2^{nd} party members are the local inhabitants and

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drunken condition and they are in habits of creating nuisance and trying to set up fictitious claim and indulging in all un-lawful activities with an ulterior motive to grab the property of 1st party member. However there is every apprehension of breach of peace, law and order problem, which may loss to life and property of the 1st party. Both the parties warned against breach of peace and strict vigil is being maintained.

The 2nd party are directed not to raise any obstruction to the 1st party's property for her enjoyment till disposal of the case both the parties are directed to maintain peace in the locality.

DRNO. 981/00x195

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Submitted

Dt-

15/5/A017

A.S.I of Police

Chandaka, P.S.

Pall Corr

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In the Court of Sri Sumanta Kumar Mohapatra, Addl. DCP-Cum-E.M, BBSR UPD in CMC No. 460/17 U/s- 144 (2) CrPC

1st Party

Smt. Mamata Panda (45), W/o-Patitapabana Panda of Plot No. 1499 (C) Sector-10, Markat Nagar, CDA, Cuttack-14, Dist-Cuttack.

Vrs.

- 1. President, Chunukuli Basti Community Centre, Chunukuli, P.S-Chandaka, Bhubaneswar, Dist-Khurda.
- 2. Secretary, Chunukuli Basti, Community centre, Chunukuli, P.S-Chandaka, Bhubaneswar, Dist-Khurda.

Schedule Property

Mouza- Jagannath Prasad, Khata No. 328/1316, Plot No. 1355/2872, Area-AcO. 115 dec., Kisam-Sarada-II corresponding to settlement Khata No. 156, P.S-Chandaka, Dist-Khurda.

Dt. 26.05.2017

The case record is put-up today for final order, as the statutory period is going to be completed by today. Heard the learned counsel from the side of 1st party only, as the 2nd party members did not appear nor contested the matter by filing show cause. Perused the petition, documents as well as the enquiry report submitted by IIC, Chandaka P.S vide DR No. 981/CDK P.S Dt. 15.05.2017.

The case of the 1st party is that, the petitioner is the owner and in peaceful possession of a piece of land situated in Mouza-Jagannathprasad, Khata No. 328/ 1316, Plot No. 1355/ 2872, Area-AcO. 115 dec., Kisam-Sarada-II corresponding to settlement Khata No. 156 was purchased by the 1st party member Bijay Kumar-Pandayson of Dibyasingh Panda vide RSD No. 573 dt. 17.01.2009, which has been registered before the SRO-Khandagiri. The status of the land is Sthitiban in nature. Since the date of purchase the 1st party member is in peaceful possession over the same having right, title and interest and mutated the same in her name by filing mutation case bearing No. 2971/2015 before the Tahasildar, Bhubaneswar and obtained ROR and paying the annual rent to the Govt. regularly. When the matter stood thus, as the 2nd party members are being the land grabbers without any semblance of right, title and interest over the schedule land now trying to set up fictitious claim and indulging in unlawful activities with an ulterior motive to grab the entire schedule property. On 24.03.2017 at about 11.00 A.M when the petitioner and her husband namely Patitapabana Panda, Advocate, Odisha High Court came to the spot and were making negotiations for construction of boundary wall over the above said plot, at that time on of a sudden some hooligans/land grabbers having been instigated by the 2nd party members came with a group and obstructed the 1st party from executing the boundary wall work and threatened for dire consequence. When the 1st party member protested about such illegal

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action of the 2nd party members and their henchmen/ agents/ servants/ representatives etc. they abused her and her husband in filthy language by uttering obscene language and threatened to take away their life they would protest them further and lave also given threatened to take over the possession of the schedule property of the 1st party member by any means at any point of time. The 2nd party members have chased the 1st party member in order to assault and to kill them by using their muscles power to grab the property by hook or crook. The member of 2nd party are in drunken condition and they are in habits of creating nuisance as a consequence there of there is every possibility of immanent breach of peace and public tranquility in the locality and as such there is every chance of apprehension of imminent danger to the life and property of the 1st party members. It is further submitted that on the date of occurrence the 1st party members have narrowly saved due to timely interference of local passers. The 2nd party members are being goondas and rowdy in nature and as such disturbing the peaceful possession of the 1st party. Immediately after the incident, the 1st party member reported the matter in writing before the local police station i.e. IIC, Chandaka P.S, but the police refused to register the same and advised her to take shelter in proper Court of law. For the interest of justice and for just decision of the case as the matter is urgent in nature the Hon'ble Court may kindly pleased to pass an order Ex-Parte 144 (2) CrPC prohibiting/ restraining the 2nd party members and their agents/ representatives/ servants/ henchmen etc. from interfering/ entering upon to the schedule property as there is every possibility of apprehension of imminent breach of peace, public tranquility, bloodshed and danger to life and property of the 1st party members.

The 1st party relied upon certain documents.

Being preliminary satisfied restrain 2nd party members and their supporters from interfering over the case land thereby causing any damage/ destroy changing it's nature and character and from creating any sorts of disturbance over the same. The 2nd party members are directed to file show cause by 03.04.17 as to why restrain order would not be made absolute against them for creating disturbance over the schedule property. The order alongwith copy of petition of 1st party be served on 2nd party members and copy of order be sent to 1st party through IIC, Chandaka P.S for their acknowledgement and appearance of 2nd party members. IIC, Chandaka P.S is directed to enquire into the content of the petition, serve notices on both party members and submit a factual report and S.Rs by 04.03.17 for necessary action. He is further directed to guard against breach of peace on the said land.

Police report reveals that, as per direction E.O made an enquiry locally and visited the spot and found that the property situated in Mouza-Jagannathprasad under Khata No. 328/1316, Plot No. 1355/2872, Area-AcO. 115 dec., Kisam-Sarada-II, P.S-chandaka, Dist-Khurda recorded in the name of Mamata Panda, the

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1st party member is the owner and in peaceful possession over the above said property. During enquiry ascertained that the land is situated in Mouza-Jagannathprasad, Khata No., 156, Plot No. 1355, Kisam-Sarada-3, Area-AcO. 375 dec. and was originally stand recorded in the name of one 1. Nabakishore Baghasingh, 5/o-Raghunath Baghasingh, 2. Nabakishore Routray, 5/o-Biswamber Routray, 3. Padmanava Pradhan, S/o-Siba Pradhan, 4. Bidhar Singh, S/o-Iswar Singh, 5. Dhada Parida, S/o-Adhikari Parida, 6. Fakira Parida, S/o-Rahasa Parida all are resident of village- Andharua and due to legal necessity the co-sharer Arikhita Pradhan, the legal heir of Padmanava Pradhan and Dhada Parida, S/o-Adhikari Parida and Suma Bewa, S/o-Lokanath Parida had sold their share to Bijaya Ketan Gadabada. Thereafter there was a partition between among the recorded tenant Nabakishore Baghasingh, S/o-Raghunath Baghasingh, Prahallad Singh, Lalata Singh, Malayabanta Singh, Alekha Singh all are son of Late Bidhar Singh and Bijay Ketan Gadabada in which Bijaya Ketan Gadabada has got his sahre. While the situation stood thus, due to legal necessity Bijaya Ketan Gadabada had sold an area-AcO. 115 dec. including road (AcO. 115 dec.) to one Bijaya Kumar Panda. The said Bijaya Kumar Panda, S/o-Dibyasingh Panda to ful-fil+61 his legal necessity had sold his purchased area-AcO. 115 dec. to Mamata Panda the 1st party vide RSD No. 573 dt. 17.01.2009 and the date of purchased the 1st party is the absolute owner and is in possession over the same. In the meanwhile the 1st party has applied for correction of Fecord in her favour before the Tahasildar, Bhubaneswar vide Mutation Case No. \2971/ 2015 and obtain the mutation ROR in her favour and paying rent to the Govt it is further submitted that the 1st party has produced necessary documents in support of her claim and substantiates the facts as narrated above. Notice served to 2nd parties and asked to produced the documents regarding their gimership but they failed to produce any document. The 2nd party members are the local inhabitants and rowdy in nature having muscle power and are always in drunken condition and they are in habits of nuisance and trying to set up fictitious claim and indulging in all un-lawful activities with an ulterior motive to grab the property of 1st party member. However, there is every apprehension of breach of peace, law and order problem, which may loss to life and property of the 1st party. Both the parties warned against breach of peace and strict vigil is being maintained. The 2nd party are directed not to raise any obstruction to 1st party's property for her enjoyment till disposal of the case both the parties are directed to maintain peace in the locality.

From the above fact and circumstances, materials available in the case record, Submission made from the side of 1st party only and from the police report, it is crystal clear that, there is every apprehension of breach of peace and law and order problem, which may lead to loss of life and property, as reported by the local police on due spot enquiry. However, the allegation made by the 1st party is that the 1st party has purchased the case land on 17.01.2009 and obtained

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mutation ROR. But the 2nd party members having no semblance of right over the case land tried to obstruct the 1st party while executing the work of boundary wall over the case land and on protest the 2nd party members threatened for dire consequences and chased the 1st party to assault and kill in drunken condition. Therefore, apprehending imminent danger to the life and property, the 1st party has taken shelter before this Court to prevent the same. The above allegation made by the 1st party which has been duly corroborated by the enquiry report has not been objected by the 2nd party members in contesting the matter, for which there is nothing to disbelieve the said allegation made by the 1st party. Therefore, in my opinion this is a fit case to proceed U/s 144 of CrPC to prevent apprehended danger and breach of peace situation in the locality within the purview of law. Accordingly, the preliminary order dt. 27.03.17 is hereby made absolute in the interest of justice and in that view of the matter the proceeding is allowed and disposed off.

IIC, Chandaka P.5 is directed to guard against breach of peace over the

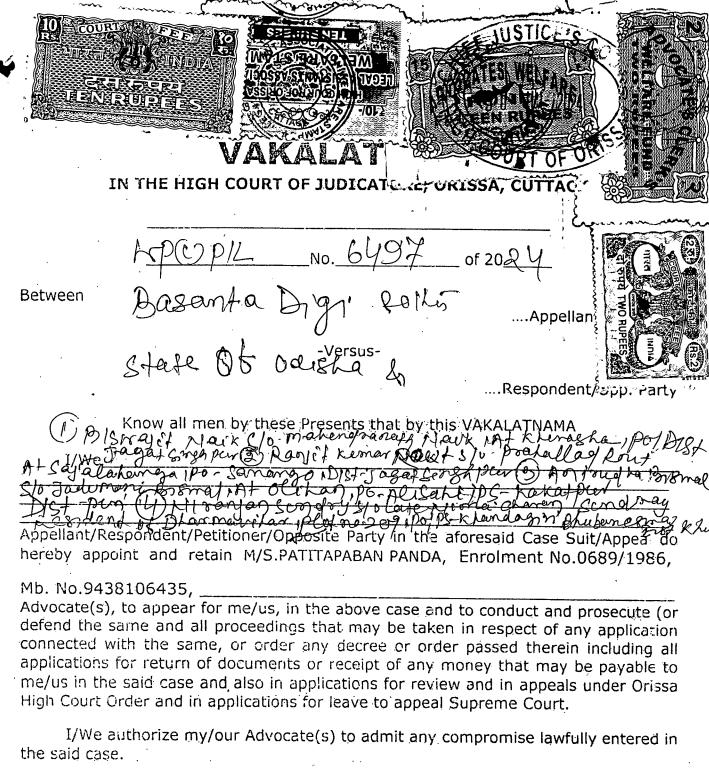
Pronounced in the open court today i.e. on 26.05.2017.

Dictated & Corrected Sd/-Addl. DCP-Cum-E.M, Bhubaneswar

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Dated the Joth-July 20 2 4

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ADVOCATE
Accepted as above

ADVOCATE Accepted as above Rampet Kumar Rad (1) Signature of Executant(s)

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ADVOCATE Accepted:as:above



OFFICE OF THE ADVOCATE GENERAL, ODISHA

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

24/10

NUMBER OF THE CASE

W.P. E). NO. 6497/2024

NAME OF THE PARTIES 2. Basenta Jigi & others PETITIONER/APPELLANT

State of odo Sha & others OPP. PARTY / RESPONDENT

PARTY SEEKING POSITION

PETITIONER / OPP. PARTY / RESPONDENT / INTERVENOR / APPELLANT /

NAME OF THE ADVOCATE OF THE PARTY SEEKING POSITION

MR. Subash Mandingh

NAME OF THE ADVOCATE / APPEARING FOR THE OPP. PARTIES STATE

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DATE 22/10/2024

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COMPUTERISED FILING COUNTER ORISSA HIGH COURT, CUTTACK ACKNOWLEDGEMENT SLIP

Seat No: 119

Branch No: WRIT BRANCH (DIVISION

BENCH-3)

Receipt No: 102574/2024

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