

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 14046 of 2022

Jayanti Das

....

Petitioner

Mr. Bijaya Kumar Ragada, Advocate

-versus-

State of Odisha and Others

...

Opposite Parties

Mr. Debakanta Mohanty, Addl. Govt. Advocate

CORAM:

THE CHIEF JUSTICE

JUSTICE CHITTARANJAN DASH

ORDER

07.09.2022

Order No.

03.

1. Counter affidavit of the State (Opposite Parties) explains *inter alia* that on 8th April, 2021 the Divisional Forest Officer, City Forest Division, Bhubaneswar accorded permission for “conversion and disposal of 870 number of different trees (as per joint verification list enclosed)” subject to the condition that the User Agency will plant 8700 nos. of plants in the available place or deposit of Rs.68,70,912/- as per the Plantation Cost Norm 2021 as approved by the Principal Chief Conservator of Forests (PCCF) and HoFF, Odisha. It is further stated that the said amount has already been deposited by the User Agency.

2. The above cost has been arrived at by calculating the cost per plant Rs.767/- and the cost of gabbion of Rs.285/- each together with 10% escalation for maintenance. In effect, therefore, the cost of the 870 trees that have been cut, has actually not been calculated.

3. Mr. Ragada, learned counsel for the Petitioner refers to the Supreme Court guidelines and states that they should be applied for determining the actual cost of the cut trees. In any event, he submits that that can be done only by an expert body. Mr. Mohanty, learned Additional Govt. Advocate states that the Government will study the Supreme Court guidelines and consider referring the issue of calculating the cost of 870 trees to an expert body. The said exercise will be completed within a period of four weeks from today and further a supplementary affidavit will be filed indicating what the cost of 870 trees that have been cut works out to in terms of the expert bodies' assessment.

4. Additionally, the Court would like to the Government to explain if there is any set of guidelines followed by the DFO while granting permission for cutting off trees for the projects. This information also be placed on affidavit before the next date.

5. List on 17th November, 2022.

(Dr. S. Muralidhar)
Chief Justice

(Chittaranjan Dash)
Judge

S.K. Jena/Secy.