

**BEFORE THE NATIONAL GREEN TRIBUNAL  
EASTERN ZONE BENCH, KOLKATA  
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.76/2023/EZ

Wildlife Society of Odisha

Applicant(s)

Versus

State of Odisha & Ors.

Respondent(s)

Date of hearing: 18.07.2023

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER  
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

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

For Respondent(s) : Mr. Tarun Patnaik, ASC for R-1 to 5,  
Mr. Apurba Ghosh, Advocate for R-7 (in Virtual Mode),  
Ms. Amrita Pandey, Advocate for R-8 (in Virtual Mode)

**ORDER**

1. Mr. Sankar Prasad Pani, learned Counsel is present (in Virtual Mode) for the Applicant.
2. The allegation in the present Original Application is that in Koraput District, there is a peak called Deomali which is known for endemic species of flora and fauna and the same is also Forest Land known as Deomali Reserve Forest. It is alleged that the Forest Department is constructing cottages in Deomali Hilltop under Pottangi Block with all-weather cement fiber boards. It is also alleged that ten (10) cottages for night stay of tourists have been constructed with provisions of a dining hall and two dormitories. It is further alleged that the Department has also planted about 1,000 tropical pine saplings brought from Assam for beautification of the landscape of the spot. It is also alleged that due to bauxite deposits on the hilltop, the soil dug up by machines were used to make pits for planting of saplings and other soil was also used to ensure growth of the plants.

3. It is alleged that the Deomali Project is included under the Centre's Swadesh Darshan Scheme for development of infrastructure to boost inflow of tourists. The Project is in addition to Rs.16 crores sanctioned by the Tourism Department for integrated development of the hill.
4. It is also alleged that similarly Semiliguda Forest Range has prepared a proposal for Development of Eco-Tourism Complex, at an estimated cost about Rs.4.5 Crores and the same is being executed by the Semiliguda Forest Range Office, Koraput District. The nature of the ongoing construction and that proposed at Deomali Hilltop are as follows: -

***“Parking area Development, Pathway with nature trail leading to Deomali Peak Grand entrance gate with security cabin and ticket counter***

- *Open dining with kitchen, store and pantry*
- *Driver's and staff Dormitory*
- *Laundry and wash, 10 Nos. model Eco-cottages,*
- *Reception, office with lounge and toilet,*
- *Construction of viewpoints-02 Nos.*
- *Construction of common toilet-02 Units.*
- *Police sentry post with Barrack*
- *Water intake and water supply with construction of overhead tank, Electrification throughout project area with DG Generator Set installation with transformer,*
- *Installation of solar system, an alternative to Electric power,*
- *Landscaping and Park development around cottage area,*
- *Fencing around cottage area and Signage”*

5. It is stated that the DFO, Koraput Wildlife Division, has issued tender notice for Rs.3.95 Crores for Civil Works at Deomali and the last date of the bid being 15.12.2022.
6. The Semiliguda Forest Range Project is stated to be spread over 10.4 hectares or 26 acres of Forest land and requires prior approval under the Forest (Conservation) Act, 1980. It is alleged that in the present proposal for Eco-tourism there has been no involvement of the local community or indigenous knowledge of making house and household articles which is in violation of MoEF&CC letter dated 19.09.2018 stating the policy for Eco-tourism in Forest and Wildlife area. The principles and objectives of Eco-tourism as per the MoEF&CC Policy letter dated 19.09.2018 has been filed as Annexure-5 to the Original Application which reads as under: -

**“Date: 19.09.2018**

**1. The Pr. Chief Conservator of Forests & HoFF  
All States/UT Governments**

**2. The Chief Wildlife Warden  
All States/Governments**

**Sub: Policy for Eco-tourism in Forest and Wildlife Areas- Reg.**

Sir,

*Forests and wildlife are inseparable elements of environmental integrity and therefore, a participatory approach towards building the intricate interface between humans and forests is imperative.*

*2. With a view to practice eco-tourism in a ecofriendly manner, a policy has been prepared by this Ministry. The Eco-Tourism Policy is primarily prepared for wildlife, forest and areas having significant aesthetic appeal for nature. A copy of the document is enclosed.*

*3. The State/UT Governments may take further necessary action, in this regard.”*

7. Reference has also been made to the judgment of the Hon’ble Supreme Court in *W.P. (C) No.202 of 1995, T.N. Godavarman Thirumulpad vs. Union of India & Ors.*, and order dated 12.12.1996

8. In our opinion, matter requires consideration.
9. Issue notice to the Respondents, returnable within four weeks.
10. Mr. Tarun Patniak, learned Additional Standing Counsel who is present in court, accepts notice on behalf of the Respondent Nos.1, 2, 3, 4 & 5, State Respondents, Government of Odisha.
11. Mr. Apurba Ghosh, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.7, Ministry of Environment, Forests and Climate Change, New Delhi.
12. Ms. Amrita Pandey, learned Counsel appearing (in Virtual Mode), accepts notice on behalf of the Respondent No.8, Deputy Director General of Forests (C), Ministry of Environment, Forests and Climate Change, Bhubaneswar.
13. Issue notice to the Respondent No.6, Odisha Biodiversity Board, returnable within four weeks.
14. All the Respondents shall file their counter-affidavits within four weeks.
15. The learned Counsel for the Applicant shall serve e-copy/soft copy of the Original Application along with all its Annexures upon Mr. Tarun Patnaik, Mr. Apurba Ghosh and Ms. Amrita Pandey, learned Counsel for the Respondents within 24 hours.
16. **List on 23.08.2023.**

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**B. Amit Sthalekar, JM**

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**Dr. Arun Kumar Verma, EM**

July 18, 2023,  
Original Application No.76/2023/EZ  
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