



OFFICE OF THE DIVISIONAL FOREST OFFICER  
BOUDH FOREST DIVISION, BOUDH

Phone/ Fax No. 06841-222073

e-mail – dfo.boudh@odisha.gov.in

Memo No. 6561 4F-148/2023 Dt. 26/10/2023

To

The Regional Chief Conservator of Forests,  
Berhampur Circle

Sub:-

**Diversion of 0.992 ha (online proposal applied for 0.966Ha.) of Revenue forest land in villages Fakirpur, Bishnupur, Titirikata under Harabhanga Tahasil of Boudh District for installation of pipeline for drawal of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd. – GoI observation regarding.**

Ref:-

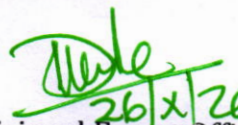
Your memo No. 3487 dt. 29.08.2023

With reference to the above cited memo on the captioned subject, the compliance of the observations raised by Govt. of India in respect of point no. (1) & (2) are as follows.

- (1) Shri Madhusudan Mishra, IAS, the then Collector, Boudh has been served a show notice vide this office letter 5760 dt. 12.09.2023 (copy enclosed as **Annexure-I**) and the reply received from the respondent is enclosed as **Annexure-II** for due consideration and further instructions in this regard.
- (2) As the Collector & District Magistrate, Boudh is the competent authority to initiate action against the revenue officials failing to prevent unauthorized use of revenue forest land as per local act. In this regard, Collector & District Magistrate, Boudh has been requested time and again to initiate action against the erring revenue official considering provisions of OPLE Act (copy enclosed as **Annexure-III**).

This is for favor of kind information and necessary action.

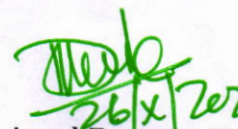
Encl: As above

  
26/10/2023  
Divisional Forest Officer  
Boudh Division

Memo No. 6562

Dt. 26/10/2023

Copy forwarded to the Conservator of Forests, (Nodal), O/o the Pr.C.C.F & HoFF, Odisha, Bhubaneswar for favour of kind information and necessary action with reference to his memo no. 15754 dt. 05.08.2023.

  
26/10/2023  
Divisional Forest Officer  
Boudh Division.



OFFICE OF THE DIVISIONAL FOREST OFFICER  
BOUDH FOREST DIVISION, BOUDH

Phone/ Fax No. 06841-222073

e-mail – dfo.boudh@odisha.gov.in

Letter No. 5760 4F-148/2023 Dt. 12/09/2023

To

Sri Madhusudan Mishra, IAS (Retd.)  
Ex-Collector & District Magistrate, Boudh

**Sub:-** Diversion of 0.992 ha (online proposal applied for 0.966Ha.) of Revenue forest land in villages Fakirpur, Bishnupur, Titirikata under Harabhanga Tahasil of Boudh District for installation of pipeline for drawal of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd. – Submission of Show Cause regd.

Sir,

With reference to the subject cited above, you have been found prima facie guilty in contravention of section (2) of Forest Conservator of Act, 1980. From the available correspondences it has been established by the State Govt. that, you, while in capacity of Collector & District Magistrate, Boudh, have granted permission in the form of lease to Managing Director, M/s Boudh Distillery Pvt. Ltd., Boudh without prior approval of Central Govt. as per section (2) of Forest Conservator of Act, 1980 to execute non-forestry activities in the Revenue Forest kissam land.

The above violation attracts the provisions of Para 1.21 (i) (b) which states *"If the permission for use of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the central government under section 2 of the Forest Conservation Act 1980 then action under section 3A and /or 3B of FC Act, as may be applicable, shall be taken against the authority causing the diversion."* Further in this connection, Govt. of India, MoEF &

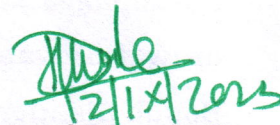
**P.T.O**



CC, IRO, Bhubaneswar has issued instructions to file complaint against Sri Madhusudan Mishra, IAS, the than Collector & District Magistrate, Boudh and to take action under section 3A and/or 3B of Forest Conservation Act, 1980.

In view of the above, it is requested to show cause as to why legal action shall not be taken as per prevailing laws. Your reply should reach this office immediately for taking further course of action at this end.

Yours Sincerely,

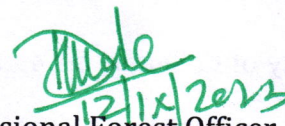


Divisional Forest Officer  
Boudh Division

Memo No. 5761

Dt. 12 / 09 / 2023

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

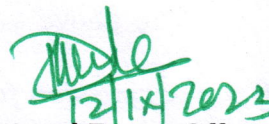


Divisional Forest Officer  
Boudh Division.

Memo No. 5762

Dt. 12 / 09 / 2023

Copy forwarded to the Regional Chief Conservator of Forests, Berhampur Circle for favour of kind information and necessary action.



Divisional Forest Officer  
Boudh Division.

To,

The Divisional Forest Officer  
Boudh Forest Division.

**Sub: Diversion of 0.992 ha (online proposal applied for 0.966 ha) of Revenue Forest Land in village Fakirpur, Bishnupur, Titirikata under Harabhanga Tahasil of Boudh District for installation of pipeline for drawal of water from river Mahanadi to Boudh Distillery by M/S Boudh Distillery Pvt. Ltd.- Submission of Show Cause regd.**

**Ref: Your Office Letter No, 5760 dated, 12.09.2023.**

With reference to the subject cited above I am to say that, being a Revenue Officer, Collector & District Magistrate I had given enough importance for the Preservation, Plantation, Protection and Renovation of degraded forest during my tenure. I am also very much aware of the Forest Conservation Act which always finds a place in the agenda of Revenue meetings in the District. Apart from that I had also given instructions to all the fields functionaries to follow F.C. Act meticulously with true letter and spirit.

Besides during my tenure lot of activities had been taken place in the forestry sector like Permissive possession of Revenue land for the purpose of plantation to increase the Green Coverage and other plantations like Institutional Plantation, Avenue Plantation, Urban Plantation, Plantation under MGNREGS, Seedlings Plantation inside the premises of Schools and Anganwadi Centers having permanent fencing and above all on the vacant Revenue land, developed Bighnaraj Permanente Nursery, implementation of Green Mahanadi Mission and initial work of Nandanban Project to increase the Green coverage and to create a platform of oxi-tourism in the District.

So far as the permissive possession of the Revenue land is concerned, it is a fact that during my tenure I had given more than 800 Acres of Revenue vacant Land to Forest Department for plantation. It had a tremendous impact which ultimately inspired everyone including public and civil society members to increase the Green coverage in a great way.

Besides these we had taken enormous efforts towards urban plantation, institutional plantation and avenue plantation in the District which was highly appreciated during the visit of Nodal Secretaries from the State headquarters.

As regards to plantation under MGNREGS program I had taken special interest for more plantation in this programme, besides these I had also given clear cut instructions to the DRDA staff for providing technical support for creation of master roll and man days generation even as and when required by the DFO.

Bamanda Nursery or Bighnaraj Permanente Nursery, with an area of 6.25 Ha. was created and developed during my tenure. It was a great challenge to demarcate and delivering permissive possession where there was threat of encroachments. All efforts were made to make the site an Education hub and traditional knowledge center. With the support of District Environment Society, Nakshatra Van and Nabagraha Vatika was established. All the competent



of nursery was found place at appropriate places. The vermicompost pits and water harvesting structures were developed in this area to give the message and inspiration for Organic Farming. This was done with the support of the District Administration during my tenure.

Green Mahanadi Mission program was inaugurated by Hon'ble C.M in Boudh and Sonepur District with a program for massive plantation drive along the Mahanadi river and its tributaries. The objective of this mission is to stop soil erosion on river banks and recharge the groundwater reserve. This also aims to protect the Mahanadi River and keep it alive. The entire program was conducted on the support of District Administration during my tenure. Initially 10 acres of Tel River Side Govt. land was made encroachment free and permissive possession was given to the Forest Department for plantation. In the beginning it was developed with 10, 000 Seedlings Plantation during the Inauguration of Hon'ble C.M.

The initial proposal for Nandanban Project at Birnarsinghapur for an ecological park was moved during my tenure. There was a proposal to build a forest nursery on an approximately within the area of 1500 acres.

In this area it was proposed to have a separate sites for accommodation of tigers, deers, various reptiles, space for rescued wild animals, water sources, and plantation of herbal plants. Besides a proposal was their for demarcation of a hill zone. The Tahasildar was directed to complete the land demarcation by setting up pillars.

The PD Watershed Mission was given direction to build check dams at seven places. Executive Engineer PWD and Irrigation Department were instructed to to lay roads and canal respectively and the Horticulture Department was given instructions for plantation and developing the park. The proposal for the entire work with a road map had started during my tenure.

Apart from this lot of efforts were made by the District Administration during my tenure for preservation and protection of wildlife Sanctuary in Boudh including the protection of rare type of Gharial Crocodiles (a rare breed) in River Mahanadi under this Sanctuary.

Apart from this, me and DFO wildlife had visited several times to Wildlife Sanctuary area for rehabilitating 27 tribal families those who were living in the core area of the Sanctuary to a new relocation site selected by the District Administration during my tenure

In addition to this permissive possession of Revenue land had been given to DFO Boudh in several areas of the District for raising of Nurseries as a major for plantation drive.

There was no Industry in Boudh District. The Boudh Distillery Private Ltd. being the 1st Industry in the District had a genuine commitment for providing CSR fund to undertake various activities under Peripheral Development Programmes to change the life style of the people in this area. The CSR action plan includes in the field of Education, Health, Livelihood, Rural and Urban infrastructure. Besides it had also committed to expand the area of activities in the field of Sports and Environment which all aimed at improving the quality of life of the communities.

As per their commitments, they had been organizing various programs like health checkup camps, distributing school books and bags to the children, renovation of schools, village temples and community halls, renovation of roads under CSR activities. Many more programs they had also developed for the holistic development within their scope. In addition to this, the BDPL had done tremendous contribution to the District Administration during the time of Covid 19 Pandemic by distributing masks and sanitizers in a large scale as a protective major.

So far as the violation of F.C. Act is concerned the District Administration had filed counter statement that the BDPL had duly applied for grant of permission for laying underground pipelines for carrying water from Mahanadi River and the Govt. in Water Resources Department had been pleased to allocate surface water. As per uniform guidelines issued by the Revenue & DM Department the granting Right of way on Govt. land, permission was granted in favor of the company with certain conditions. They had also taken necessary permission from the Pollution Control Board.

An agreement was executed between District Administration and BDPL on 26.09.2017. At that time the Tahasildar, Harabhanga was present during the signing of agreement who had confirmed that the Kissam of the lands mentioned in the agreement belong to Atta category. Since Tahasildar, an important member of the team confirmed the Atta kissam of Land, I had to rely on him and there was no question of doubt in doing all these which was beyond my knowledge. The role of a Collector in the District is multi tasking and always we used to depend on our team as because it was a Team work.

But subsequently, it came to our notice that an area of H0.0966 of (Roughly Ac. 2.38) the aforementioned lands belong to Revenue forest land. After getting this information the above agreement was cancelled and communicated to them on dated 10.01.2018. The necessary action, as deemed proper was taken as per OPLE Act. In addition to that the BDPL was directed to apply for forest clearance of the above lands before the appropriate authority. By that time the BDPL had created a greenery field around the villages by planting more than 20, 000 trees. Hence there was no willful violation from any side rather it was a miscommunication for which a show cause notice was served on Tahasildar for such gross negligence with a direction to submit reply, why he should not be proceed under Rule 15 of OCS (CCA) Rules 1962. As a Revenue Officer I used to attach enough importance to Forest Conservation Act.

The Collector as such in a District is extremely busy for multifarious work and all the time Collector has to depend on his team with full trust. Since there was some miscommunication in the beginning which was not desirable so far as violation is concerned. Granting permission to an industry and setting up this unit for the development of this District was a challenge to the District Administration in the beginning. In view of this I would like to request you to take appropriate action at your level to drop the case.

With best wishes

Yours Sincerely,

  
Madhu Sudan Mishra, I.A.S. Retd.  
Ex. Collector & D.M. Boudh

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

  
13.09.2023  
Madhu Sudan Mishra, I.A.S. Retd.  
Ex. Collector & D.M. Boudh

Copy forwarded to the Regional Chief Conservator of Forests, Berhampur Circle for favour of kind information and necessary action.

  
13.09.2023  
Madhu Sudan Mishra, I.A.S. Retd.  
Ex. Collector & D.M. Boudh

Copy forwarded to the Collector & D.M. Boudh for favour of kind information and necessary action.

  
13.09.2023  
Madhu Sudan Mishra, I.A.S. Retd.  
Ex. Collector & D.M. Boudh





OFFICE OF THE DIVISIONAL FOREST OFFICER  
BOUDH FOREST DIVISION, BOUDH

Phone/ Fax No. 06841-222073

e-mail – dfo.boudh@odisha.gov.in

Letter No. 5055 4F-148/2023 Dt. 10 / 08 / 2023

To

The Collector & District Magistrate,  
Boudh

**Sub:-** Diversion of 0.992 ha (online proposal applied for 0.966Ha.) of Revenue forest land in villages Fakirpur, Bishnupur, Titirikata under Harabhanga Tahasil of Boudh District for installation of pipeline for drawal of water from river Mahanadi to Boudh Distillery by M/s Boudh Distillery Pvt. Ltd.

**Ref:-** i. This office letter no. 785 dt. 07.02.2023 & 620 dt. 27.01.2018  
ii. Memo No. 16347 dt. 04.08.2023 of OSD-cum-Special Secretary to Govt., Forest, Environment & Climate Change Department, Govt. of Odisha addressed to him (copy enclosed)

Sir,


With reference to the above cited letter numbers on the captioned subject, it has been requested to take action as per OPLE Act/ local act against the erring officials for giving permission to lay pipeline on revenue forest land without prior approval of the competent authority for use of forest land for non-forestry purpose of the aforesaid project proposal under Section 2 of Forest Conservation Act, 1980. But till date the action taken report has not been received in this office.

Hence, it is requested to initiate action against the erring officials as per the point no. 2 of Integrated Regional Office, MoEF&CC, Govt. of India (copy enclosed) and intimate the action taken report to this office for submission of compliance report to Integrated Regional Office, MoEF&CC, Govt. of India.

This is for favour of kind information and necessary action.

**Encl:- As above.**

Yours Sincerely,

  
10/08/2023  
Divisional Forest Officer  
Boudh Division