

**FC1- 3921/2021**



Forest Headquarters,  
Vazhuthacaud,  
Thiruvananthapuram - 14.  
Ph: 0471-2529243, 2529325  
E-mail: apccf-sa.for@kerala.gov.in  
**Date : 29.09.2022**

From

The Additional Principal Chief Conservator of Forests,  
Nodal Officer, F(C)Act &  
Chief Executive Officer, CAMPA,  
Forest Headquarters, Vazhuthacaud,  
Thiruvananthapuram.

To

The Principal Secretary,  
Forest & Wildlife Department,  
Secretariat, Thiruvananthapuram.

Sir,

**Sub :-** Forest Department – Proposal for diversion of 1.77 ha of forest land for construction of Wayanad Ropeway in Wayanad Ghats in Kozhikode and Wayanad Districts of Kozhikode and Wayanad (South) Divisions under section 2 Forest (Conservation) Act, 1980 - regarding.

**Ref :-** Online Proposal No. FP/KL/Others/147746/2021.

A proposal in Form A under Section 2 of Forest (Conservation) Act, 1980 for diversion of 1.77 ha of forest land in Kozhikode and Wayanad (South) Forest Divisions for construction of Wayanad Ropeway in Wayanad Ghats was received from Western Ghats Development Ltd, Pattani Building, Kalpetta, Wayanad.

Divisional Forest Officer, Wayanad (South) and Chief Conservator of Forest (Northern Circle), Kannur have reported that the proposal cannot be recommended as the proposal is situated on a disputed land on which WP(C)No. 14943/2021 is pending before the Hon'ble High Court of Kerala. The legal opinion obtained from the Special Government Pleader (Forests) is that Hon'ble High Court has issued an interim order directing to maintain status quo in relation to the property and the same has been extended and that it is still in force. Under the circumstances, without the express permission of the Hon'ble High Court no action can be taken now on the proposal.

In the above circumstances it is submitted that the proposal for diversion of 1.77 ha of forest land for the construction of Wayanad Ropeway in Wayanad Ghats cannot be considered (Copy of online proposal and copy of legal opinion are enclosed).

Yours faithfully,



Additional Principal Chief Conservator of Forests  
Nodal Officer, F(C) Act &  
Chief Executive Officer, CAMPA



**FORM - A**

Form for seeking prior approval of Central Government under section 2 of the Forest(Conservation) Act, 1980 for  
Diversion of fresh forest area

**PART - I**

(To be filled up by User Agency)

**A. General Details****A-  
1. Project Details**

(i). Proposal No. : FP/KL/Others/147746/2021

(ii). Name of Project for which Forest Land is required : Wayanad Ropeway

(iii). Short narrative of the proposal and Project/scheme for which the forest land is required :  
Wayanad Ropeway in Wayanad ghats in Kozhikkode district under Puthuppadi and Kodancheri village.

(iv). State : Kerala

(v). Category of the Proposal : Others

(vi). Shape of forest land proposed to be diverted : Hybrid

(vii). Estimated cost of the Project(Rupees in lacs) : 20000

(viii). Area of forest land proposed for diversion(in ha.): 1.77

(ix). Non-forest land required for this project(in ha.): 2.72

(x). Total period for which the forest land is proposed to be diverted(in years): 50

**A-  
2. Details of User Agency**

(i). Name : WESTERN GHATS DEVELOPMENT LTD.

(ii). Address1 : Pattani Building Kalpetta

(iii). Address2 : NIL

(iv). State : Kerala

(v). District : Wayanad

(vi). Pin : 673121

(vii). Landmark : Opp. LIC of India

(viii). Email address : westernghatsdevelopmentltd@gmail.com

(ix). Landline Telephone No. : 4936-203532

(x). Fax No. : 4936-

(xi). Mobile No. : 9446254188

(xii). Website (if any) : NIL

(xiii). Legal status of User Agency : Others

A-  
3. Details of Person Making Application

(i). First Name: Mohandas

(ii). Middle Name: NIL

(iii). Last Name: EP

(iv). Gender: Male

(v). Designation: Chairman

(vi). Address 1: Layalakshmi

(vii). Address 2: Moolankave P O

(viii). State: Kerala

(ix). District: Wayanad

(x). Tehsil: Sulthanbathery

(xi). Pin: 673592

(xii). Landmark: Pazhassi Road

(xiii). Email Address: westernghatsdevelopmentltd@gmail.com

(xiv). Landline Telephone No.: 4936-221105

(xv). Fax No.: NIL

(xvi). Mobile No.: 9446254188

(xvii). Copy of documents in support of the competence/authority of the person making this application to make application on behalf of the User Agency:

## B. Details of land required for the Project

B- Details of proposal seeking prior approval of Central Government under the Act for  
1. diversion of forest land for the Project already submitted in the past

List of proposal submitted in Past							
S.no	Proposal Status.	Proposal No.	Moef File No.	Area Proposed for Diversion(Ha.)	Area Diverted(Ha.)	Date of In-Principle Approval	Date of Final Approval
NIL							

B-  
2. Details of forest land proposed to be diverted

### B-2.1 Details of Divisions involved

Details of Divisions involved			
S.no	Division Name	Forest Land(ha.)	Non-Forest Land(ha.)
1.	Kozhikode	1.15	2.72
2.	Wayanad South	0.62	0
Total		1.77	2.72

### B-2.2 Details of Districts involved

District wise breakup			
S.no	District Name	Forest Land(ha.)	Non-Forest Land(ha.)
1.	Kozhikode	1.15	2.72
1.	Wayanad	0.62	0
Total		1.77	2.72

### B-2.3 Village wise breakup









Villages wise breakup			
S.no	Village	Forest Land(ha.)	Non-Forest Land(ha.)
1	Puthuppadi	0.85	2.72
2	Kodancheri	0.3	0
3	Kunnathidiavaka	0.62	0
Total		1.77	2.72







### B-2.4 Component wise breakup


Component wise breakup			
S.no	Component	Forest Land(ha.)	Non-Forest Land(ha.)
1	Forest Land Putjuppadi	0.85	2.72


2	Forest Land Kodanchery	0.3	0
3	Forest Land Kunnathidavaka	0.62	0
<b>Total</b>		<b>1.77</b>	<b>2.72</b>


### C. Maps of forest land proposed to be diverted

Division 1. : Wayanad South																				
<p>(i). Area of forest land proposed to be diverted(in ha.) : 0.62</p> <p>(ii). Nature of the Project: Hybrid</p> <p>(a). No. of patches : One</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Patch wise details</th> </tr> <tr> <th style="width: 10%;">Patch No.</th> <th style="width: 20%;">Area of Patch(in ha.)</th> <th style="width: 70%;">Kml File of PatchesTo view KML file on google the same may be downloaded and then open if in google earth install in your computer.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td style="text-align: center;">0.62</td> <td style="text-align: center;">  <a href="#">View File</a> </td> </tr> </tbody> </table> <p>(b). No. of Segments : One</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Segment wise details</th> </tr> <tr> <th style="width: 15%;">Segments</th> <th style="width: 20%;">Segment Area(in ha.)</th> <th style="width: 65%;">Kml File of Segments (To view KML file on google the same may be downloaded and then open if in google earth install in your computer).</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td style="text-align: center;">0</td> <td style="text-align: center;">  <a href="#">View File</a> </td> </tr> </tbody> </table> <p>(iii). Copy of Survey of India Toposheet indicating boundary of forest land proposed to be diverted: </p> <p>(iv). Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS or Total Station: </p>			Patch wise details			Patch No.	Area of Patch(in ha.)	Kml File of PatchesTo view KML file on google the same may be downloaded and then open if in google earth install in your computer.	1.	0.62	 <a href="#">View File</a>	Segment wise details			Segments	Segment Area(in ha.)	Kml File of Segments (To view KML file on google the same may be downloaded and then open if in google earth install in your computer).	1.	0	 <a href="#">View File</a>
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1.	0	 <a href="#">View File</a>																		


Division 2. : Kozhikode																	
<p>(i). Area of forest land proposed to be diverted(in ha.) : 1.15</p> <p>(ii). Nature of the Project: Hybrid</p> <p>(a). No. of patches : Two</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Patch wise details</th> </tr> <tr> <th style="width: 10%;">Patch No.</th> <th style="width: 20%;">Area of Patch(in ha.)</th> <th style="width: 70%;">Kml File of PatchesTo view KML file on google the same may be downloaded and then open if in google earth install in your computer.</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">1.</td> <td style="text-align: center;">0.85</td> <td style="text-align: center;">  <a href="#">View File</a> </td> </tr> <tr> <td style="text-align: center;">2.</td> <td style="text-align: center;">0.3</td> <td style="text-align: center;">  <a href="#">View File</a> </td> </tr> </tbody> </table> <p>(b). No. of Segments : One</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: center;">Segment wise details</th> </tr> </thead> <tbody> </tbody> </table>			Patch wise details			Patch No.	Area of Patch(in ha.)	Kml File of PatchesTo view KML file on google the same may be downloaded and then open if in google earth install in your computer.	1.	0.85	 <a href="#">View File</a>	2.	0.3	 <a href="#">View File</a>	Segment wise details		
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2.	0.3	 <a href="#">View File</a>															
Segment wise details																	

Segments	Segment Area(in ha.)	Kml File of Segments (To view KML file on google the same may be downloaded and then open if in google earth install in your computer).
1.	0	 <a href="#">View File</a>

(iii). Copy of Survey of India Toposheet indicating boundary of forest land proposed to be diverted: 

(iv). Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS or Total Station: 

**D. Justification for locating the Project in forest land and details of alternatives examined:**

(i). Copy of note containing justification for locating the Project in forest land: 

(ii). Whether a copy of map indicating location of alternative examine is required to be provided:  
Yes

(a). Copy of map indicating location of alternative examined: 

**E. Employment likely to be generated**

(i). Whether the Project is likely to generate employment?: Yes

(ii). Permanent/Regular Employment(Number of persons): 20

(iii). Temporary Employment(Number of person-days): 80

**F. Displacement of People due to the Project, if any**

(i). Whether Project involves displacement?: No

**G. Details of Cost-Benefit analysis for the Project**

(i). Whether the Project requires Cost-Benefit analysis?: No

**H. Status of Environmental Clearance**

(i). Whether the Project requires Clearance under the Environment (Protection) Act 1986?: No

**I. Status of Wilddelife Clearance**

(i). Whether the Project or a part thereof is located in any Protected Area or their Eco sensitive zone?: No

**J. Applicability of special provisions governing Scheduled Areas**

(i). Whether the Project or a part thereof is located in a Scheduled Area? : No

**K. Status of settlement of rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted**

(i). Whether the process for settlement of Rights under the Forest Rights Acts 2006 on the forest land proposed to be diverted has been completed? : No





**L. Details of land identified for Compensatory Afforestation**

(i). Whether non-forest or Revenue forest land is required to be provided by User Agency?: Yes


(ii). Whether the area of non-forest land or Revenue forest land required to be provided by User Agency for raising Compensatory Afforestation is less than area of forest land proposed to be diverted?: No

(iii). No. of districts involved for raising Compensatory Afforestation: 1

(iv). No. of patches: One



District 1. : Wayanad	
(a). Village:	Noolpuzha
(b). Area(in ha.):	2.03
(c). Copy of KML file of the patch:	 <a href="#">View File</a>
(d). Khasra details:	45/1 and 45/2
(e). Present owner:	Others
(f). Copy of ownership proof:	
(g). Copy of Mou/agreement executed between the Present owner and the User Agency:	
(h). Copy of non encumbrance certificate for the forest land:	

(v). Scanned copy of the map of the land identified for creation of Compensatory Afforestation prepared by using GPS or Total Station: 

(vi). Copy of Survey of India Toposheet in 1:50,000 scale indicating location of the land identified for creation of Compensatory Afforestation: 

**Additional information Details**



Documents		
S.No	Documents	Remarks
1		acknowledgement
2		

[Print page](#)



## Recommendation of Wayand Cable Car Rope way Project

The project is for a cable car rope way by which the user agency proposes to connect Wayanad and Kozhikode District by Cable Car. This project can reduce the traffic of Wayanad Churam road from Adivaram to Lakkidi. In this road about 8 K M distance runs through the forest area. The existing Thamarassery Churam road (NH 616) is having heavy traffic load. Widening of this road is possible only with the diversion of forest land, and also in some areas it may not be possible because of this land conditions. So installing this rope way may reduce traffic load in this road, which will positively effect the nature and ecology of the area. It is an eco-friendly, comfortable transportation to cover a distance of 12 Km from Adivaram of Kozhikode to Lakkidi of Wayanad District (which about 8 KM comes under Forest area) reduces to 3.12 KM.

This proposed ropeway passes through the forest of Kanalad section of Thamarassery range, a linear area of 3.12 km length and 10 M width is required for this project which goes to a total extent of 1.77 km x 0.10 m width, ie. 1.77 Ha. in forest area.

Being an over head project this project will not disturb forest area, except for its pillars.

1.77 km of car cable rope way runs through the forest area of Kozhikode and South Wayanad Divisions. The first tower stands at Vythiri of South Wayanad Division , and ends at Adivaram of Kozhikode. . The end (lower) portion is in private area falling under Kozhikode Division .

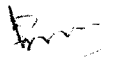
The proposal is to divert 1.77 Ha of forest for the construction of Wayanad ropeway is recommended based on the following grounds and conditions

### **Grounds**

1. The proposed area for diversion is the barest minimum.
2. There is not any better alternative for the project .
3. The area is not part of any protected area ,defense establishment ,archaeological site or heritage site.
4. The rope way would essentially reduce the traffic congestion along the ghat way
5. Rope way can also act as emergency evocation network.
6. The Project does not adversely affect the flora and fauna of the area.

### **Conditions**

1. The user agency shall pay the compensatory levies and transfer the required CA land .
2. The user agency shall provide vehicles and tools for the RRT facility to mitigate human wildlife conflict at project cost .
3. 10% of the income generated from the ropeway traffic starting from Kozhikode shall be provided to the Kozhikode FDA for mitigating the adverse effects of ropeway project if any.

  
Divisional Forest Officer  
Kozhikode

**RECOMMENDATION OF DIVISIONAL FOREST OFFICER, SOUTH**  
**WAYANAD DIVISION**

Dr. E.P. Mohandas, Managing Director, Western Ghats Development Ltd has applied for forest clearance for the Construction of Rope way between Kozhikkode and Wayanad Districts of Kerala State.

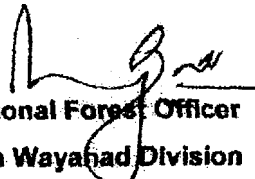
The land proposed was inspected by me on 21.02.2022. The area falls under Block 25, R.S. No.201/Pt, 0.6158 Ha in Kunnathidavaka Village of Vythiri Taluk. The proposed area is a vested forest in VFC item No.89, which is lying contiguous to the District boundary of Kozhikode Division.

The area proposed for diversion is a part of Nilgiri Biosphere Reserve and the nature of forest is of semi evergreen and deciduous type with canopy density of 25 to 50 %. The gradients are steep on the outer portion of the hillock and is prone to landslides. The area show sparse occurrence of trees with stunted growth, among which *Mallotus philippensis*, *Dysoxylum malabaricum*, *Artocarpus heterophyllus* are notable. The area consists of coffee plants and it is a disputed property in WP(C) 14943/2021 before the Hon'ble High Court. The presence of animals like Wild boar, Elephant, Tiger, Leopard, Porcupine, Sambar deer, Barking deer, Mouse deer is also seen in the area and the area is home to several endemic birds. From the list of flora submitted by the agency which has done vegetation analysis of the site and adjacent touch areas, there are collected 104 species of flowering plants and from the above, 25% comes under the category of Rare, Endemic and Threatened Plants (RET) like *Cinnamomum malabattrum*, *Actinodaphne malabarica*, *Dalbergia latifolia*, *Lagerstroemia lanceolata* etc. Among the 104 species of flowering plants, more than 75 species have known medicinal properties. Some of these are *Callicarpa tomentosa*, *Garcinia gummigutta*, *Symplocos cochinchinensis*, *Briedelia scandens* etc.

The proposed rope way project is passing through 0.85 Ha in Puthuppadi Village, 0.3 Ha in Kadancheri Village and 0.62 Ha in Kunnathidavaka Village

Village. As the project is passing through the forest area in Kalpetta Range ~~the~~ trees are needed to be felled.

The total forest land proposed for diversion is 1.77 Ha, out of this 0.6158 Ha comes under the Kalpetta Range of South Wayanad Forest Division. Out of the above said 1.77 Ha of Forest Land 0.6158 Ha. of land is situated in Rs. No. 201/pt of block No. 25 of Kunnathidavaka village and is coming under VFC item No. 89 in Kalpetta Range of South Wayanad Forest Division. While processing the application it is seen that the land mentioned in the proposal for diversion is under litigation. One Shri.AbdulLatheef Kallankodan has filed WP©14943/21 before the Hon'ble High Court with a prayer to quash the proceedings for notifying the extent of 0.6158 Ha of left out Vested forests. Legal opinion was obtained from Special Government Pleader (Forests) with respect to the further course of action . In the legal opinion dt 13-6-22 it is stated that Hon'ble High Court has issued an interim order directing to maintain Status quo in relation to the property and the same has been extended and is still in force. In such circumstances without the permission of the Hon'ble court no action which changes the status of the land can be taken now. And hence no action can be taken now on the proposal and the proposal may be returned citing the interim order of Status quo dated 28-07-2021 issued by the Honb'le High Court. (Legal Opinion enclosed)

  
Divisional Forest Officer  
South Wayanad Division

**LEGAL OPINION**

IN

**WP(C).No.14943 of 2021**

Sub:-WP( C) 14943/2021 filed by White water Resorts, challenging Ext.P25 notification dated 10.02.2021 issued under Sub Rule 2A of the Kerala Forest Vesting and assignment)Rules 1974.

Ref:- Letter dated 14.3.2022 y the Divisional Forest officer ,South Wayanad seeking opinion regarding proposal through Parivesh Portal seeking approval of for forest clearance for the land including the notified land , filed by Western Ghats Development Ltd

In the above writ petition, the petitioner challenges Ext.P25 notification dated 10.02.2021 issued under Sub Rule 2A of the Kerala Forest (Vesting and assignment)Rules 1974 issued in respect of 0.6158 Ha of land in Survey No. RS No. 201/1Pt in block No. 25 of Vythiri Taluk. According to the petitioner the said property belongs to him as per Assignment deed no's 1277/1992 and 1278/1992 of Vaithiri SRO and hence the notification is illegal. So he prays for quashing the notification.

Rejecting the contentions of the petitioner the DFO, South Waynad who is the 6<sup>th</sup> respondent in the writ petition has filed a statement contending inter alia that the property involved in the notification was never leased out by Sankara Raja Varma of Edavalath Kovilakam as per Lease deed No. 601/1928. The said portion was kept with the Kovilakam and the said property vested with the Government as per Section 3(1) of the Kerala Forest (Vesting and assignment) Act 1971 as on 10.5.1971. The vesting is automatic and the vesting is not postponed to any subsequent day after the said appointed day.

When the writ petition came up for admission on 28.7.2021, the Hon'ble High court issued an interim order directing to maintain Status



quo in relation to the property and the same has been extended and is still in force.

It is discernable from the letter referred above that a proposal was submitted through Parivesh portal by Western Ghats development Ltd., Kalpetta for prior approval of the Central Government for diversion of an extent of 1.77 Ha of forest land for the purpose of installation and operation of a passenger rope way connecting Adivaram in Kozhikode District and Lakkidi, Wayand District. It is also stated that out of the said 1.77 Ha of land, 0.6589 Ha of land included in Ext P25 Notification and coming within VFC item 89 is also required for the said purpose. As per the letter under reference, opinion is sought as to whether further action to scrutinize and submit the proposal can be taken during the pendency of the writ petition.

As per interim order dated 28.7.2021, the Hon'ble High court has issued an interim order directing to maintain Status quo in relation to the property and the same has been extended and is still in force. In such circumstance without the permission of the Hon'ble court, no action which changes the status of the land can be taken now. Hence I am of the opinion that no action can be taken now on the proposal and the proposal may be returned, citing the interim order of Status quo dated 28.7.2021 issued by the Hon'ble High Court.

Dated this the 13<sup>th</sup> day of June, 2022.



**T.P.SAJAN**  
SPECIAL GOVERNMENT PLEADER (FORESTS)



**CCF's RECOMMENDATION REPORT ON PROPOSAL FOR THE DIVERSION OF  
FOREST LAND FOR CONSTRUCTION WAYANAD CABLE CAR ROPEWAY PROJECT**

The proposal for the diversion of 1.77 Ha. of forest land for the construction of Wayanad Cable car project is falls under two divisions, Kozhikkode and South Wayanad. The area of 0.62 Ha required in the South Wayanad Division is a Disputed Land for which a WP(C) No. 14943/2021 is pending before the Hon'ble High Court of Kerala, and the legal opinion was obtained from the Special Government Pleader (Forests) with respect to further course of action. In the legal opinion dt 13.06.2022 it is stated that Hon'ble High Court has issued an interim order directing to maintain Status quo in relation to the property and the same has been extended and that it is still in force. In such circumstances without the permission of the Hon'ble High Court, no action can be taken now on the proposal as the matter is sub-judis. Hence, the proposal is not recommended till a favourable direction is obtained from the Hon'ble Court.



Chief Conservator of Forests  
Northern Circle