

By on-line/Email.

TAMILNADU FOREST DEPARTMENT

From

Dr. P. Durairasu, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

To

The Principal Secretary to Government,
Environment and Forests Department,
Secretariat,
Chennai 600 009.

C. No. TS3/6778/2016 Dated: 19.08.2019.

Sir,

Sub: Forest (Conservation) Act, 1980 - Chennai Forest Circle / Chengalpattu Forest Division - Proposal for diversion of 0.64 ha of forest land in Nallur Reserved Forests of Chengalpattu-Kancheepuram Division for widening the existing approach road leading to Sri Sairam Engineering College and Other Educational Institutions managed by M/s Sapthagiri Educational Trust - Online Submission of proposal by the User Agency -Regarding.

- Ref: 1 Online application uploaded by the User Agency - Project proponent Thiru. Sai Prakash Leo Muthu CEO of M/s Sri Sairam Educational Trust, Sai Bhavan, No. 31B, Madley Road, T. Nagar, Chennai 17 - Proposal No. FP/TN/Road/17771/2016
- 2 Part-II of Form A uploaded by the District Forest Officer, Kancheepuram Division on 07.01.2019 and re-submission of proposal and EDS reply on 22.05.2019 & 03.07.2019
- 3 Part-III of Form A uploaded by the Chief Conservator of Forests, Chennai Circle on 27.02.2019 and re-submission of the proposal and EDS reply on 28.05.2019 & 09.07.2019
- 4 Chairman and Chief Executive Officer, Sapthagiri Educational Trust, Chennai letter dated 26.07.2019

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I wish to state that, Thiru. Sai Prakash Leo Muthu CEO of M/s Sri Sairam Educational Trust, Sai Bhavan, No. 31B, Madley Road, T. Nagar, Chennai 17 has submitted online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Part-I of Form A for diversion of 0.64 ha of forest land in Nallur Reserved Forests of Chengalpattu-Kancheepuram Forest Division for

widening the existing approach road leading to Sri Sairam Engineering College and Other Educational Institutions managed by M/s Sapthagiri Educational Trust in Naduveerapattu village of Kancheepuram District.

I. 1) The User Agency has requested diversion of forest area for a period of 99 years.

2) In the short narrative of the proposal for which forest land is required, the User Agency has stated that proposal submitted for widening the existing approach road from 12 mts to 20 mts which is leading to Sri Sairam Engineering College and Other Educational Institutions managed by M/s Sapthagiri Educational Trust which is adjacent to Nallur RF in Kancheepuram District.

3) Initially, the User Agency has reported that area required in forest area is for 0.56 ha., Later forest area requirement has been modified to 0.64 ha based on the minimum requirement of land assessed by the user agency.

4) Earlier, the User Agency has obtained diversion of 0.84 ha of forest land in Ministry of Environment and Forest file No. F(C)A/11.2/118/TN/RC, - in-principle approval obtained on 15.09.2003 and final approval obtained on 13.12.2004. (Proposal No. FP/TN/Road/97/2001).

5) Diversion of 0.64 ha of area has been requested in Naduveerapattu village of Kancheepuram District on Chenagalapattu-Kancheepuram Forest Division.

6) Location map of the proposed diversion of forest area for widening of existing road in kml file of google earth has been up-loaded.

7) Scanned copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been uploaded.

8) Scanned copy of Geo referenced location map of the proposed diversion of forest area for widening the road has been furnished along with GPS reading of the area.

9) In the section of uploading a copy of Note containing justification for locating the project in forest area. The user agency reported the following details.

i) Sapthagiri Educational Trust is a Registered entity under "Tamil Nadu Societies Registration Act (Act 27 of 1975) in the year 1994.

ii) Sapthagiri Educational Trust is running reputed Educational Institutions – Matriculation Schools, Polytechnic College, Engineering Colleges, Advanced centre for Research and Indiamn Mefivicine College of Sidhya, Ayurveda and komoeopathy in one-single compact location viz ‘Sai Leo Nagar’ in Poonthandalam Village, Sriperumpudur Taluk, Kancheepuram District. In all their educational Institutions, 20000 students are studying in different branches and 4000 staff members are employed in different cadres.

iii) Sapthagiri Educational trust originally formed approach road on the forest land on annual lease basis upto the year 2000. Forest Authorities after inspection of the lease-land, advised us the Trust to submit proposal for diversion of forest land under FC Act 1980, in compliance with the related Rules and Regulations, Norms and Statndareds of the State and Central Government. Accordingly Trust submitted proposal under Section 2 for the diversion of 0.84 ha forest land in Nallur RF for formation of pucca, regular approach road to college Campus.

iv) On the recommendation made by Forest Authorities of the Government of Tamil Nadu, the Government of India in Ministry of E&F, Southern Zone at Bangalore conveyed Stage-I approval vide their Lr No. F(C)A/11.2/118/TN/RC/1200, dated 15.09.2003. After compliance with all the Norms, Government of India conveyed their Stage-II approval to Government of Tamil Nadu vide their Order No F(C)A/11-2/118/TN/RC, dated 13.12.2004 for diversion of 0.84 ha forest land in Nallur RF to enable formation of 700x12m access road to college Campus. Based on this, Government of Tamil Nadu in G.O. Ms No. 83, dated 21.08.2006, E&F Dept granted Administrative Order for theis beneficial diversion to M/s Sapthagiri Education Trust.

v) As a sequal to the above orders, Trust formed regular access road of 700m length X 12m width to college campus in the year 2006 duly inspected by State Forest Authorities who ordered maintenance of the pproach Road by the User Agenchly itself. Viz Sapthagiri Educational Trust.

vi) Intitution campus marked and declared as Educational Institution Zone under the Chennai Metropolitan Development Authority (CMDA) areas approved

in the 2nd Master Plan-2026. Hence CMDA insist that the existing Access roads to Campus/Educational Institution should have 20 metre width roads as per CMDA's new Rules and Regulation. Because of the current and chronically continuing shortage in width viz 8 metres, the CMDA Rejects all plan approvals proposal for Trust educational developmental activities, additional construction of buildings and related super structures.

vii) Owing to absolute and compelling necessity for widening the existing approval, Sapthagiri Educational Trust duly submitted a comprehensive proposal in 6 copies on 9.12.2013 to the State Government in E&F Department through DFO Chengalpattu Division with all the required undertakings/certificates/documents for diversion of 0.56 ha forest land under Section 2 of Forest (Conservation) Act, 1980.

viii) Government of India in Lr. F.No.11-9/98-FC, dated 13.02.2014 have issued eligibility criteria for diversion of forest land upto one hectare by the State Government itself for a category of 13 essential items and extended the general approval for a period of 5 years ie., upto 31.12.2018. Trust requirement extent is only 0.56 ha and got 10 years interval.

ix) Subsequently, as advised by the Ministry of E&F, F. No. 11-232/2014-FC(pt), dated 24.07.2014, Trust submitted detailed proposal successfully uploaded through online on the portal of Ministry of Environment, Forest and Climate Change on 26.02.2016 and also further details from time to time as called for by the PCCF.

x) State Government is the competent authority to pass final orders in this case, as Trust request is only for 0.56 ha, which is within the norms prescribed by Government of India in Ministry of E&F viz ONE hectare, the interval of 10 years from the original access road formation is also 'far above' the statutory norms of 5 years interval.

- Only the exact minimum required extent of forest land is required.
- Only for widening the already existing narrow approach road to Trust sprawling Campus.
- Only forest land adjoin/about the existing approach road (No Patta/Private land is available on either side.

- Only for providing relief to the sufferings of Students, Teachers, Staff, Parents, Vehicular movement of People and Cargo.

- Existing approved access road is continuously used by not only Trust employees but also by all category of General Public.

- Even permanent, regular, constant maintenance of access road has been entrusted to Sapthagiri Educational Trust only by the Forest Department of the State Government.

- Only to ensure Statutory compliance of the Norms and Standards stipulated by Chennai Metropolitan Development Authority (CMDA) of Government of Tamil Nadu for any developmental/construction plan approvals.

10) The User Agency has furnished the certificate issued by the District Collector about completion of process for settlement of rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted.

11) The user agency furnished following necessary certificate/undertakings for processing the forest clearance proposal.

a) The User Agency certified that, no work in violation has been carried out under the Forest Conservation Act, 1980 guidelines.

b) Requirement of forest land is minimum and no alternate non-forest land is available for the project,

c) Undertaking to pay the cost towards Compensatory Afforestation Scheme.

d) Undertaking to pay the Net Present Value of forest land proposed for diversion.

e) Undertaking to pay the additional amount of Net Present Value of forest land if any fixed later.

f) Undertaking to bear the cost towards exploitation of trees in the forest area proposed to be felled in the project area.

g) Undertaking to pay the annual lease rent for the forest area proposed for diversion.

h) Details about land identified for handing over to the Forest Department in lieu of forest area diversion in double the extent of land as being done in the previous diversion proposal (During 2004-2006-Government of India diversion approval period)

II. In the Part-II of Form-A, the District Forest Officer, Kancheepuram Division has furnished following particulars.

i) The District Forest Officer has reported that, density of the forest area is 0.3 and Eco class is – 4 – (Consisting of tropical thorn forests and tropical dry evergreen forests).

ii) The District Forest Officer in the CA scheme has mentioned that 149 number of trees have to be felled in the project area and planting of 1490 numbers have been proposed for CA scheme work. The status of vegetation to be felled is a man made plantation which was raised during 1985.

iii) The forest area proposed for diversion is not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 10 km boundary of NP/WLs etc., for the forest land proposed for diversion and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972.

iv) There is no rare / endangered / unique species of flora and fauna found in the area. Peacock, Jackal, Monitor Lizard, Hare are present in and around the forest area proposed for diversion.

v) There is no protected archaeological / heritage site / defense establishment or any other important monument is located in the area.

vi) As against the user agency request of diversion of 0.64 ha of forest land, the District Forest Officer has recommended the forest area diversion for 0.56 ha only and stated that M/s Sapthagiri Educational Trust has applied for widening of the existing road to the width of 20 metres. In addition to the widening of the existing road, Sapthagiri Educational Trust has also requested for additional road of 800 sq.m area towards their gate considering the future requirement, which can't be considered very essential.

a) However, the Chief Conservator of Forests, Chennai Circle has reported that, it has already been recommended for diversion of 0.64 ha (Part-I area- 700m x 8m = 5600 sq.m and Part-II area- 40m x 20m = 800 sq.m total 6400 sq.m or 0.64 ha) as this is the only road used by the user agency and as 10500 students are studying whose future will be at stake .

b) Further the user agency, come forward to compensate the forest area loss by providing double the extent of non-forest area which is their patta property.

c) Additional 0.08 ha of area near the entrance which they are asking now is for space for movement of students and vehicles at the entrance to college is justified.

d) This is not a part of previous allowed area and it is a new area. But it will be required keeping in view the size of institution and number of students studying and their requirements. Hence additional area over an extent of 0.08 ha is justified by the Chief Conservator of Forests, Chennai Circle.

vii) Compensatory Afforestation scheme estimate proposed in 1.28 ha of degraded forest area in Mannur RF, with various component of works proposed by the District Forest Officer are detailed below.

Sl. No.	Details of work	Area in ha	Unit cost / ha	Amount (in Rupees)	Remarks
I	<u>CA Scheme :</u> Plantation (in Mannur RF) of 10 times the number of trees to be felled -149 trees to be felled.				
I-a	CA raising - Nursery	1.28 ha/ 1490 Nos	255/1	379950	
I-b	CA raising – 1490 No of trees planting in Mannur RF	1.28 ha/ 1490 Nos	466/1	694340	
I-c	CA plantation maintenance for 10 years	1.28 ha/ 1490 Nos		4252460	
II	<u>Protection of CA plantation</u>				
II-a	Engaging a protection mazdoor for CA plantation for 10 years	1.28 ha / 1 No.		2063487	
III	Providing water harvesting trench along the boundary of Perunthandalam village of Chengalpattu Range over a length of 500m	500 m	250/m	125000	
IV	Documentation and installation awareness board			50000	

	at the planted area				
V	Providing water trough with bore well and solar powered water pumping system	1	1100000	1100000	@ Perunthan-dalam
	Grand total			86,65,237	Nursery
(Rupees eighty six lakh, sixty five thousand, two hundred and thirty seven only)					

During the discussion held with the Conservator of Forests (Central), MoEF&CC, Regional Office (South Eastern Zone), Chennai on 07.08.2019 in this office, the Conservator of Forests (Central) has requested to adopt a uniform rate of Rs.8 lakhs to Rs.10 lakhs per Ha for Compensatory Afforestation Scheme. The amount proposed for compensatory afforestation by the District Forest Officer in respect of this project is Rs.86.65 lakhs for 1.28 Ha as noted above. Hence the amount proposed for compensatory afforestation is revised as follows:

Sl. No.	Details of work	Area in ha	Unit cost / ha	Amount (in Rupees)	Remarks
I	CA Scheme : Plantation (in Mannur RF) of 10 times the number of trees to be felled -149 trees to be felled.				
I-a	CA raising - Nursery	1.28 ha/ 1490 Nos	255/1	379950	
I-b	CA raising – 1490 No of trees planting in Mannur RF	1.28 ha/ 1490 Nos	466/1	694340	
I-c	CA plantation maintenance for 10 years	1.28 ha/ 1490 Nos		2372825	
II	Documentation and installation awareness board at the planted area			50000	
	Grand total			34,97,115	
(Rupees thirty four lakh, ninety seven thousand, one hundred and fifteen only)					

The above said revised amount has been worked out for Compensatory Afforestation Scheme by raising taller plants and hence this amount may be considered for Compensatory Afforestation Scheme.

viii) **In the site inspection report**, the District Forest Officer has reported that, the existing approach road leading to Sri Sairam Engineering College and other educational Institutions managed by M/s Sapthagiri Educational Trust through Nallur RF of Sriperumpudur Range was inspected on 03.09.2018.

a) The length of the present black topped road is around 700 metres and black topped width is 7 to 8metres. It is to mention that 0.84 ha of an area in Nallur RF of then Tambaram Range (Sriperumpudur Range at present) was diverted to M/s Sapthagiri Educational Trust vide Government of India letter No. F(C)A/11.2/118/TN/RC/1200, dated 15.09.2003, (Stage-I), letter No. F(C)A/11.2/118/TN/RC, dated 13.12.2004, (Stage-II) and Government of Tamil Nadu G.O. Ms No. 83, E&F (FR.10) Dept dated 21.08.2006 for formation of an approach road to Sri Sairam Engineering College and other educational Institutions through Right of Way No. 6 of Nallur RF. But the present road used by the M/s Sapthagiri Educational Trust which is formed at a place other than Right of Way No. 6 in violation of the diversion approved as above under Forest Conservation Act, 1980. In addition to the widening of the existing road, Sapthagiri Educational Trust has also requested for additional road of 800 sq.m area towards their gate considering the future requirement. It is to mention that this is the only road used by M/s Sapthagiri Educational Trust at present.

b) The District Forest Officer has furnished a map prepared in Google earth map marking the proposed/existing road leads to the Institution and Right of way No.6.

ix) **In the recommendation of the project**, the District Forest Officer has reported the following.

a) The length of the present black topped road is around 700 metres and black topped width is 7 to 8metres. But it is formed in violation of the diversion approved of an area of 0.84 ha in Nallur RF under Forest Conservation Act, 1980.

b) This is the only road used by M/s Sapthagiri Educational Trust and they have not formed a road at Right of Way No. 6 in Nallur RF which was approved under Forest Conservation Act, 1980. Eight educational Institutions are there in the

M/s Sapthagiri Educational Trust campus and around 10500 students are studying there. Around 1700 teaching and non-teaching staffs are working there.

c) For reclassification of the area of M/s Sapthagiri Educational Trust in Poonthandalam village as an Institutional zone, the road with a width of 18 metres is required according to the condition of Chennai Metropolitan Development Authority as per its letter No. R1/21216/2011, dated 21.12.2011, letter No. R1/7635/2011, dated 26.12.2011 and letter No. R1/21213/2012, dated 22.12.2012.

d) In lieu of the earlier diversion of 0.84 ha area, 1.68 ha of the area in S.No. 216 and 218 in Perunthandalam village, Chengalpattu Range was received as a compensatory land. CA plantation has been raised in the year 2010-11 in this land.

e) Now M/s Sapthagiri Educational Trust has applied for widening of the existing road to the width of 20 metres. In addition to the widening of the existing road, Sapthagiri Educational Trust has also requested for additional road of 800 sq.m area towards their gate considering the future requirement, which can't be considered very essential.

f) Considering the above facts, penal action may be taken as per Government of India, Ministry of Environment, Forests and Climate Change Ref. No. F.No. 11-42/2017-FC, dated 29.01.2018 or other rules as deemed fit. Taking into consideration the diversion of 0.84 ha area earlier for formation of an approach road of 700meters length and 12 metres width for which 1.68 ha compensatory non forest land was also received, the present proposal for widening of the existing road to the width of 20 metres may be considered with penal action.

g) Taking into account the earlier diversion, now, M/s Sapthagiri Educational Trust has applied for an area of 0.64 ha for widening of the existing road to 20 metres width as per the condition of CMDA, an areas of 0.56 ha is required. 1.12 ha of non-forest land may be obtained from M/s Sapthagiri Educational Trust in lieu of diversion of 0.56 ha fresh forest area.

h) Considering these facts and the condition of CMDA, this proposal for diversion of 0.56 ha area in Nallur RF is recommended with the penal action as stated above.

III) (i) In the site inspection report, the Chief Conservator of Forests, Chennai Circle has stated that she inspected the area on 05.02.2019.

a) The existing road to Sri Sairam Engineering College is a black topped road for 700 meter to a width of 7.5meter in Nallur RF. It is pertinent to mention

that 0.84 ha of area in Nallur RF of the then Tambaram Range (Sriperumpudur Range at present) was diverted to M/s Sapthagiri Educational Trust. It is the only road used by Educational Trust. Some trees will have to be removed for widening of the road which are planted and not natural growth.

b) Educational Trust has obtained Government of India approval for forming an approach road to Sri Sairam Engineering College through Right of Way No. 6 of Nallur RF. But formed the approach road for 700m away from Right of Way No. 6 which is a violation of Forest Conservation Act.

c) M/s Sapthagiri Educational Trust has requested for additional area of 0.08 ha of Reserve Forests area as the entrance to take care of their future requirements.

Now, M/s Sapthagiri Educational Trust has applied for

- i) 700meter x 8 meter (widening of existing road from 12m to 20 m)- 0.56ha.
- ii) Additional area near entrance at the end of 700m of road – 40m x 20m – 0.08 ha.

(ii) **In the recommendation of the proposal**, the Chief Conservator of Forests, Chennai Circle has reported the following.

a) The road at present used by Sri Sairam Engineering College is 700m in length and 7.5m width which leads to the college. Already an area of 0.84 ha in Nallur RF was diverted by Government of India for diversion of 0.84 ha of area in Nallur RF along right of way No. 6 for forming road to Sri Sairam Engineering college during 2003-2004.

b) The existing road based on above diversion was formed for 700m to a width of 7.5m not along Right of way No. 6, hence it is a violation. For reclassification of area of M/s Sapthagiri Educational Trust in Poonthandalam Village as an institutional zone, the road width of 18 m is required according to the condition of CMDA.

c) In lieu of diversion of 0.84 ha during 2003-2004, 1.68 ha of area in S. No. 216 and 218 in Poonthandalam Village, Chengalpattu Range was received as Compensatory Land. Now, M/s Sapthagiri Educational Trust has applied for (1) widening of existing road up to 20m for a length of 700m (for 700m x 12m, permission was accorded by Government of India along right of way No.6, but the existing road is not along the right of way No. 6 which is a violation.

d) Now, M/s Sapthagiri Educational Trust has applied for
(i) Widening of this road for 700m x 8m wide,

(ii) Additional area near entrance at the end of 700m of road (40m x 20m) 0.08 ha. Totally 0.64 ha is now requested for diversion.

e) The existing road is the only road used by M/s Sapthagiri Educational Trust and around 10500 students are studying. In S No. 216 and 218, 1.68 ha of land in Perunthandalam village of Chengalpattu Range was received as Compensatory afforestation land for 0.84 ha area diverted during 2003-2004. As per CMDA, for reclassification of area as institutional zone, a road of 18m is required, hence this proposal for diversion of 0.64 ha area in Nallur RF is recommended with penal action.

f) There is a violation by M/s Sapthagiri Educational Trust is formation of existing road to a length of 700m and 7.5m width, as it is not along right of way No.6 as approved by the Government of India in 2003 and 2004. Hence penal action may be taken as per Government of India, Ministry of Environment, Forests and Climate Change letter F. No. 11-42/2017-FC, dated 29.01.2018 or other rules as deemed fit.

g) Hence for the widening of the road a diversion of 0.64 ha is recommended.

(A) As this is the only road used by M/s Sapthagiri Educational Trust and there are 10500 students studying, whose future will be at stake and in lieu of diversion of 0.84 ha during 2004, 1.64 ha of area in S. No. 216 and 218 in Perunthandalam village was already given as CA land.

(B) Stretch 2 for 0.08 ha area near the entrance which they are asking as an additional area keeping in view their future requirement. This is not a part of previous diversion allowed and it is a new area.

(C) In lieu of 0.64 ha diversion (of widening of existing road and small 0.08 ha of additional area of diversion requested now) an area of 1.28 ha may be obtained as CA land.

(D) Penal action has to be taken for violation of the existing road as per Government of India, Ministry of Environment, Forests and Climate Change letter F. No. 11-42/2017-FC, dated 29.01.2018 or other rules as deemed fit.

IV) The User Agency has requested forest area diversion for a period of 99 years. The District Forest Officer, Kancheepuram Division has recommended forest area diversion of 0.56 ha area for a period of 99 years. The Chief

Conservator of Forests, Chennai Circle has recommended the forest area diversion of 0.64 ha area for a period of 20 years.

a) The Sapthagiri Educational Trust has has running number of educational Institutions in the Poonthandalam village from 1994 and for the usage of forest roads they have obtained annual permit from the Forest Department. Based on approval obtained under Section 2 of the Forest Conservation Act, 1980 from the Government of India, they are utilizing the path now converted as Black top road and requested for road widening work as per CMDA approval norms.

As per Chief Conservator of Forests, Chennai Circle recommendation, widening of existing usage road may be considered in the interest of welfare of student community and society.

Forest clearance proposal furnished by the user agency has been recommended for a period of 25 (Twenty five) years.

V) The Chairman and Chief Executive Officer, Sapthagiri Educational Trust, Chennai in his letter dated 26.07.2019 (copy enclosed) has stated that initially, they have uploaded details about their own patta land of 1.28 ha proposed as double the extent of compensatory land with geo reference at Perunthandalam village in Survey No. 218/2 part with boundry of Anjur RF in Chengalpattu Forest Range of Kancheepuram Division towards diversion of 0.64 ha of forest land in Nallur RF for widening of their college access road.

Now it is realiably learnt that, as per Forest Conservation Act, 1980, the user agency seeks diversion of 0.64 hectares of forest land, which well below 1.00 hectares, non-forestry compensatory land need not be provided to Government.

Hence the user agency has requested to exempt from providing compensatory land to Government and consequently proposal may be recommended to Government for diversion of 0.64 hectares of forest land for widening of access road to their educational institutons campus.

In this regard, following remarks are furnished.

1) In Forest (Conservation) Act, 1980 guidelines (Hand book of Forest (Conservation) Act, 1980 guidelines and clarification, under **Chapter 3 of Compensatory Afforestation, Sub section 3.2(i)** (Copy Enclosed) stipulates, compensatory Afforestation shall be done over equivalent area of non-forest land.

2) However, Government of Tamil Nadu has ordered for twice in extent for Compensatory Afforestation vide G.O. (Ms) No. 706, Environment and Forests (FR.11) Department, dated 12.12.1991 for the forest areas diversion.

3) **Sub section 3.2(viii)** stipulates that, no compensatory afforestation shall be insisted upon in respect of the following.

a) ...

b) Proposals involving diversion of forest land upto one hectare. However, in such cases, plantation of ten times the number of trees likely to be felled will have to be carried out by way of compensatory afforestation or any number of trees specified in the order.

4) In this forest clearance proposal, forest area diversion has been requested for 0.64 ha and as per the site inspection of the District Forest Officer and Chief Conservator of Forests, 149 number of man made plantation trees have to be felled in the proposed forest diversion area. Based on the above, 1490 saplings has to be planted at the cost of user agency and the District Forest Officer has proposed compensatory afforestation in 1.28 ha of degraded forest area selected in Mannur RF for planting of 1490 saplings and protection and maintenance of plantation over 10 years period at a financial outlay of Rs. 86,65,237. (Rupees eighty six lakh, sixty five thousand, two hundred and thirty seven only)

5) It has been recommended that the Compensatory Afforestation to be done as per Government of India guidelines for the areas of diversion less than one hectares based on guidelines in sub section 3.2(viii).

VI. A brief analysis of the issue has been made as detailed below.

a) Brief history of forest clearance approval obtained earlier by the same institutions.

1) The Sapthagiri Educational Trust is having its educational institution in Naduveerapattu village of Sriperumbudur Taluk adjacent to Nallur RF coming under the jurisdiction of Sriperumbudur Range of Chengalpattu – Present Kancheepuram Forest Division. The educational institution can be approached through Nallur RF and there is no other way except through this Nallur RF. Hence, on the request of the educational trust, the Chief Conservator of Forests, Chennai issued orders for the use of cart track referred as right of way No.6 in Nallur RF notification for use by college authorities from 17.10.1994 to 16.10.1995 on

payment of permit fee. This permit was subsequently renewed by the Chief Conservator of Forests, Chennai up to the year 2000..

2) Subsequently on the orders of the Chief Conservator of Forests (Territorial), Chennai, the District Forest Officer Chengalpattu Division was permitted to accord necessary permission to the college authorities with usual terms and conditions on payment of permit fee for the use of right of way-cart track No.6 in Nallur RF.

3) Based on the representation made by the Educational Trust, Government, E&F Dept. in letter No. 11217/FRXII/2000-3 dt. 26.02.2000 requested the educational trust to submit necessary proposals under Forest (Conservation) Act, 1980 to the District Forest Officer, Chengalpattu Division.

4) During the year 2000 itself, it has been noticed during the field inspection of then Conservator of Forests, Chennai Circle, that a road has been formed in Nallur RF without any authority, on enquiry it was ascertained that the existing cart track was widened by M/s Sathagiri Educational Trust. The existing cart track is a right of way and the admitted right is 12 feet, whereas the width during 2000 is measured at 22 feet. It was observed that tree growth has been cut either side and side drains have been dug to a width of 3 feet on either side. Gravel road has been formed to a thickness of about 2¹/₂ feet for a width of 22 feet and length of about 2 kms.

5) For this violation, forest offence had been booked against the accused person and fine of Rs. 5000/- has been compounded on 13.04.2000.

6) Subsequently the District Forest Officer, Chengalpattu Division has submitted the proposal under Forest (Conservation) Act, 1980 after rectifying the defects pointed out by the Conservator of Forests, Chennai and the same has been submitted to the Principal Chief Conservator of Forests, Chennai by the Conservator of Forests.

7) Based on proposal furnished under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.84 ha of forest land for laying access road to reach Engineering College to a length of 700 metres and to a width of 12 metres by M/s Sathagiri Educational Trust in Principal Chief Conservator of Forests Ref. No. TS3/28217/2000, dated 10.07.2001, Government of India has issued Stage-I approval in letter No. F(C)A/11.2/118/TN/RC/1200, dated 15.09.2003 for the diversion of 0.84 Ha of forest land in Nallur RF and in response to the

compliance report sent to Government by the Principal Chief Conservator of Forests, Chennai, the Government of India in letter No. F(C)A/11.2/118 TN/RC dt. 13.12.2004 has accorded Stage-II final approval. State Government order in this regard has been issued in G.O. Ms No. 83, Environment and Forest (FR.10) Department, dated 21.08.2006.

8) During the course of field inspection, violations have been noticed. After verifying the field, the Conservator of Forests, Chennai Circle during June 2006, has reported that, the trust not only black topped the road, but formed a new road about 400 metres away from the original right of way path No.6. New road has been formed encroaching the forest area by fresh cutting across Nallur RF instead of improving the original right of way No. 6 for which approval has been accorded by the Government of India.

9) For the reported violations and allegations against the forest Officials, the Directorate of Vigilance and Anti Corruption has initiated detailed enquiry against Thiru V. Palani, IFS., (A.O.1) formerly District Forest Officer, Chengalpattu Division, Thiru V. Kamaraj, (AO.2) formerly Range Officer, Tambaram and Thiru C. Sreerangaram, (AO.3) Forest Ranger (retired), Tambaram Range. The charges are, the accused Officers have committed illegal activities after getting illegal gratification allowed the Sapthagiri Educational Trust to use the forest land to an extent of 15 Mtrs. X 720 Mtrs. Etc., 10800 Sq.ft in the Nallur Reserve Forest area to form unauthorised road without any public interest and caused a loss to a tune of Rs. 2 crores to the Forest Department by defacing forest boundary, cutting and removing valuable forest cover including sandal and red sanders saplings in the Reserve Forest.

10) In G.O (D) No. 271, Environment and Forests (FR. Spl. A) Department, dated 08.10.2010, following order had been issued.

An Appropriate Enquiry Authority has conducted a Detailed Enquiry into the allegations against the Officer and Subordinates of the Forest Department has given the following findings and recommendations.

"Not substantiated and dropping further action".

11) Further the appropriate enquiry authority, which has conducted enquiry into the allegations against Thiru V. Palani, IFS., formerly District Forest Officer, Chengalpattu Division, Thiru V. Kamaraj, formerly Range Officer, Tambaram and

Thiru C. Sreerangaram, Forest Ranger (retired), Tambaram Range has given the following recommendation.

"The Detailed Enquiry revealed that the permitted cart track is unassigned one. The same was requested by the Trust and the Government of India accorded permission. Therefore, it is recommended that the permitted cart road may be assigned in the Nallur Reserved Forest Map and necessary entries may be made in the connected records."

12) Government in letter No. 16529/FR.Spl.A/2008-4, dated 08.10.2010 has requested the Principal Chief Conservator of Forests to take appropriate action on the above recommendation made by the Appropriate Enquiry Authority and action taken report had been called for.

The Chief Conservator of Forests, Chennai Circle has reported that, based on field verification, it was confirmed that, the User Agency ie., M/s Sapthagiri Educational Trust has illegally formed new alignment road in contrary to the path permission obtained under Forest (Conservation) Act, 1980.

Hence the Conservator of Forests, Chennai Circle has reported that, *since the road formed by the Sapthagiri Educational Trust is not in the right of way No.6, necessary correction in the RF map and connected records cannot be done.*

13) The above report has been furnished to the Government in Principal Chief Conservator of Forests Ref. No. TS3/28217/2000 dated, 11.05.2018 and reported that it is a fit case to initiate action against user agency under Forest Conservation Act, 1980

14) In this regard, the Government in letter No. 5006/FR.10/2007-20, dated 12.06.2018 has informed the report of Principal Chief Conservator of Forests letter dated 11.05.2018 and requested to intimate the action to be taken in the matter.

15) In response to State Government report, Government of India in their letter F.No F(C)A/11.2/118/TB/RC/0804, dated 10.05.2019 has requested some additional details and this report is awaited from the District Forest Officer, Kancheepuram Division and Chief Conservator of Forests, Chennai Circle.

b) Ananalysis of Google Earth Map inputs,on when the road formed and its location.

1) Nallur Forest block has been notified as Reserved Forests in Board of Revenue (Land Revenue) on 17th March 1890 under Forest No. 152. In this, twelve feet wide eight public right of ways were admitted and open for men, cattle and carts.

2) Map prepared and sent by the District Forest Officer on the right of ways allowed in the Nallur Reserved Forests is also enclosed for perusal.

3) From the year 1994 onwards, the educational Institution using the path through Nallur RF under permit obtained from the Forest Department and during the year 2000 itself, it has been noticed during the field inspection of then Conservator of Forests, Chennai Circle, that a road has been formed in Nallur RF without any authority, on enquiry it was ascertained that the existing cart track was widened by M/s Sapthagiri Educational Trust. The existing cart track is a right of way and the admitted right is 12 feet, whereas the width during 2000, is measured at 22 feet.

4) This road was black topped and utilised by the Educational Institution and widening of road has been requested in this forest clearance proposal.

5) As per present google earth map kml viewing of Nallur RF and its surrounding areas, images of the area are available from 2002 (12.07.2002) onwards. Image print outs taken for the period of years 2002, 2007, 2012, 2013, 2014, 2017 and 2019 are enclosed.

6) On verification of google earth map of 2002, it is ascertained that before the approval of diversion proposal of 0.84 ha by the Government of India (Stage I during 2003 and Stage-II during 2004), the user Agency is using the pathway leading to college campus and the same path has been subsequently black topped after the Forest Clearance approval accorded during 2004. Black topping of path leads to Educational Institutions were carried out during the period of 2003-2007. Widening of this existing road has been requested in this forest clearance proposal.

c). Whether right of way allowed for public use may be diverted under Forest (Conservation) Act, 1980.

1) As per Forest (Conservation) Act, 1980 guidelines, any land classified as Forests in Government records, irrespective of its ownership attracts the provisions of the Act. For the non-forestry activities in the forest lands, prior approval of Central Government has to be obtained.

2) In the Forest (Conservation) Act, 1980 guidelines, there is no mention about alignment of public paths for the use of privates/ private institutions.

3) During the earlier forest area diversion of 0.84 ha of forest land for path leading to M/s Saphthagiri Educational Institutions, over a distance of 700 meter length and 12 meter width (8400 sq.m or 0.84 ha) has been allowed. In this, there is no mention / deduction of area done for the path allowed for right of way number 6, in which the District Forest Officer and Chief Conservator of Forests have reported that the Saphthagiri Educational Trust has been permitted to use the Cart- Tract No. 6 under Forest Conservation Act, 1980 diversion proposal and instead of improving the area, the trust not only black topped the road, but formed a new road about 400 metres away from the original right of way path No.6.

4) In case, widening of existing pathway is allowed, area of right of way exist for the path has to be deducted and the wideing width area alone should be proposed for forest area diversion. In the above case, forest area diversion of entire 12 meter width for a length of 700 meter for 0.84 ha of forest land has been requested by the user agency and has been recommended by DFO/CF/PCCF/State Government and Government of India also accorded approval for diversion of 0.84 ha area (700m x 12m = 8400 sq.m or 0.84 ha). There is no deduction was made for the existing cart track pathway of 12 feet (3.60m) allowed as right of way.

5) For the diversion of 0.84 ha of forest land, the user agency has handed over double the extent of 1.68 ha of non-forest CA land of their patta land to the Forest Department.

6) From the above facts, it was ascertained that the forest area diversion order obtained from Government of India during 2004 is not given for the right of way and the contention of District Forets Officer/ Conservator of Forests of forest

area diversion proposal furnished by the user agency and recommended by the Department for using /widening of right of way No. 6 seems to be incorrect.

VII As recommended by the District Forest Officer and Chief Conservator of Forests, the proposal is recommended for widening the road from existing width of 12 m as permitted in the earlier Government of India approval on 12.12.2004 to 20 meter width subject to the following additional conditions.

- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- c) The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.
- d) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- e) The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.
- f) The User Agency has to pay the cost towards annual lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period.
- g) The user Agency has to demarcate and protect the forest area to be diverted in the Nallur Reserved Forests by live fencing instead of Chain link fencing along the diverted forest area road with its maintenance during the diversion period.
- h) Period of lease can be twenty five (25) years. The User Agency has to apply renewal proposal before six months of expiry of lease with the State Forest Department.

VIII The proposal in duplicate is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu.

I request that the proposal may kindly be considered and Government of India approval may please be obtained for diversion of 0.64 ha of forest land in Nallur RF of Kancheepuram Forest Division for widening of existing road leads to Sri Sairam Engineering college and other Educational Institutions run by M/S Sapthagiri Educational Trust, Chennai in the Poonthandalam Village of Kancheepuram District for a period of 25 years.

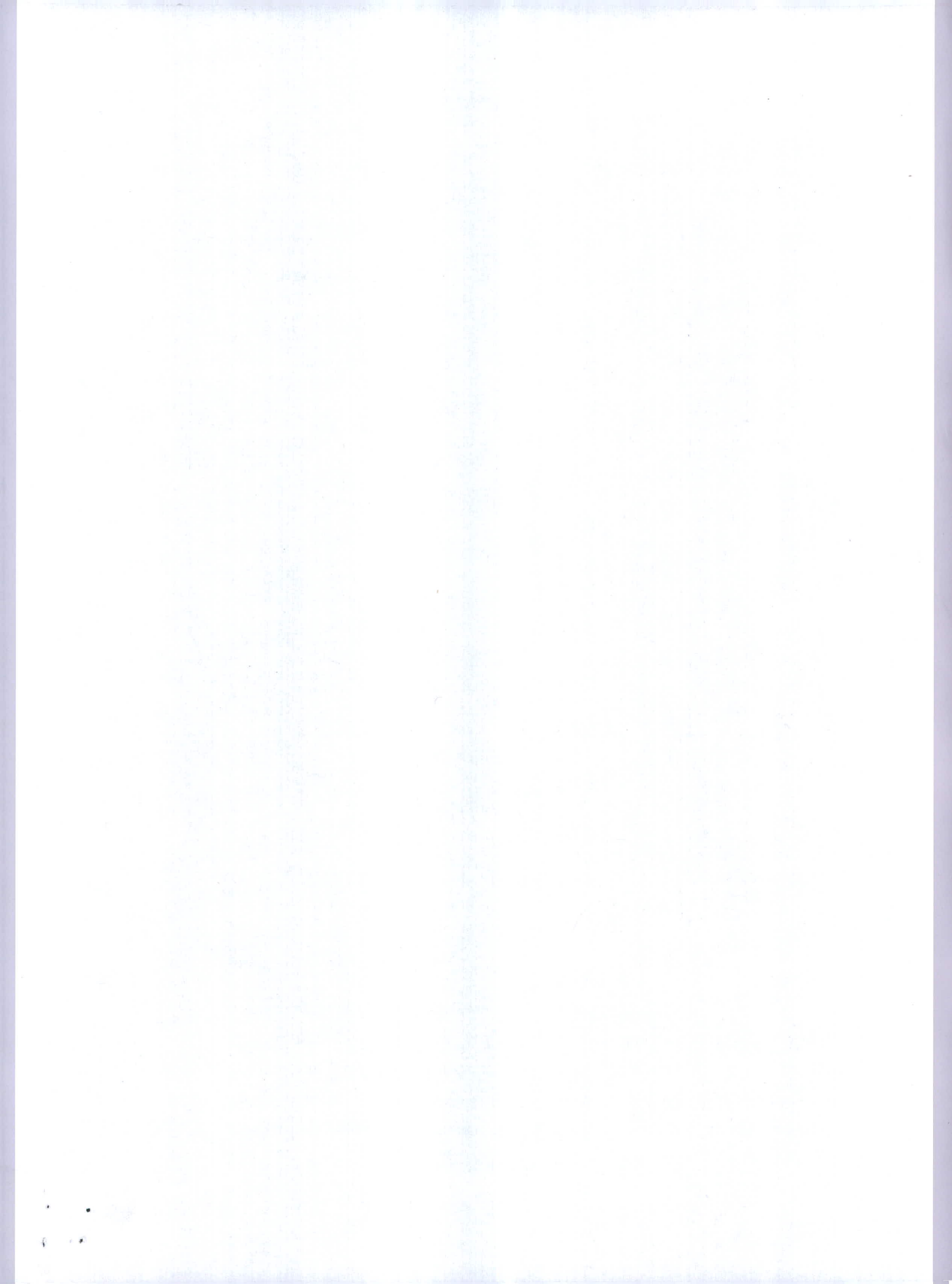
Encl : As stated above.

Yours faithfully



For Principal Chief Conservator of Forests
(Head of Department)





PART - IV

(To be filled in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Name of the work : Forest (Conservation) Act, 1980 – Chennai Forest Circle / Chengalpattu-Kancheepuram Forest Division - Proposal for diversion of 0.64 ha of forest land in Nallur Reserved Forests of Kancheepuram Forest Division in Kancheepuram District for widening the existing approach road leading to Sri Sairam Engineering College and Other Educational Institutions managed by M/s Sapthagiri Educational Trust - Online Submission of proposal by the User Agency - Thiru. Sai Prakash Leo Muthu CEO of M/s Sri Sairam Educational Trust, Sai Bhavan, No. 318, Madley Road, T. Nagar, Chennai 17 -- Proposal No. FP/TN/Road/17771/2016,

17	Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks
	(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon)

- widening of the existing width of road from Twelve meters to
- Twenty meters is recommended based on DFO and CCF
- recommendation.

Signature :  05-08-2019

Name Designation : S. Yuvaraj, I.F.S.,
Additional Principal Chief Conservator of Forests
(Forest Conservation Act), O/o the Principal Chief
Conservator of Forests, Chennai.

Date : 05-08-2019

Place : Chennai-15.