

Through On-line / E-mail.

TAMIL NADU 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.

Ref. No. TS3/7477/2015 dated 08.01.2020.

Sir,

Sub: Forest - Chennai Forest Circle / Chengalpattu Forest Division -
Proposal for diversion of 0.288 ha of forest land in Thirutheri
Reserved Forests of Chengalpattu Division for formation of an
approach road to S.F. No. 86 of Veerapuram village in
Kancheepuram District - Online Submission of proposal by the
User Agency - Regarding.

- Ref: 1. Online application uploaded by the User Agency - Project
proponent Thiru. Namasivayam, CEO of M/s Sivanesh
Bagerathi Enterprises, No.318-B, Venkataraman Nagar,
Sixth Main Road, Hasthinapuram, Chitlapakkam, Chennai
64, Kancheepuram District dated 06.03.2015 & re-
submission of proposal on 02.04.2015 & 07.05.2015 -
Proposal No. FP/TN/Others/10333/2015
2. Principal Chief Conservator of Forests letter No.
TS3/7477/2015 dated 23.03.2015, 06.05.2015 &
02.09.2015.
3. Part II of Form A uploaded by the District Forest Officer,
Kancheepuram Division, Kancheepuram on 08.02.2016
4. Part III of Form A uploaded by the Conservator of Forests,
Chennai Circle on 06.03.2017
5. Principal Chief Conservator of Forests letter No.
TS3/7477/2015 dated 03.05.2017, 14.03.2018, 23.11.2018,
07.02.2019, 24.05.2019 & 03.06.2019
6. Re-submission of proposal by the Chief Conservator of
Forests to the Nodal Officer through on-line on 24.01.2018,
27.10.2018, 02.01.2019, 03.04.2019, 28.05.2019 &
30.07.2019

- 7 Principal Chief Conservator of Forests letter No. TS3/7477/2015 dated 25.10.2019
- 8 Re-submission of proposal by the Chief Conservator of Forests through on-line on 29.11.2019.
- 9 Chief Conservator of Forests, Chennai Circle C. No. 1873/20197/D, dated 28.11.2019 (EDS reply uploaded on 29.11.2019)

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I. 1) I wish to state that, in the reference 1st cited, Thiru. Namasivayam, CEO of M/s Sivanesh Bagerathi Enterprises, No.318-B, Venkataraman Nagar, Sixth Main Road, Hasthinapuram, Chitlapakkam, Chennai 64, Kancheepuram District has submitted online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.288 ha of forest land in Thirutheri Reserved Forests of Chengalpattu –Kancheepuram Forest Division for formation of an approach road to S.F. No. 86 of Veerapuram village in Kancheepuram District.

2) The User Agency has uploaded the proposal in the prescribed format of Form A - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for diversion of fresh forest area.

3) In the project proposal, the Project proponent has stated that, he purchased 2.36 Acres of land (S.F. No. 86 of Veerapuram Village, Chengalpattu Taluk) from State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT) during 2003 for putting up a project for the manufacture of Loud Speaker Kits. Sale deed document copy also furnished with the forest clearance proposal.

4) The user agency has stated that in S. F. No. 86 of Veerapuram village, a company manufacturing speakers and other related accessories was functioning in the part and parcel of the land from the year 1987, thus a road has been existence through which the company has the ingress including movement of vehicles to transport the company products and company workers. The user agency has stopped using the approach road as soon as it was identified as forest land and applied regularization of the above road. Since the operation of the factory was closed due to no approach road, the building was depleted and deserted completely.

Now the User Agency has proposed to construct houses for the employees of Mahendhra World City workers in the patta site and submitted forest area diversion proposal for approach road to their patta field through boundary of Thirutheri RF.

5) The project proponent has stated that they have closed the operation of their factory in SF No. 86 of Veerapuram village in the year 2002, as they have found that the approach road was in forest land, Due to the above reason, the old factory building are depilated and ruined completely. Hence they have proposed to build houses for the employees of Mahendra World City.

6) The proposed diversion of forest land to the user Agency for the formation of approach road is on the boundary of the Thirutheri RF of Chengalpattu Range. The total length of this road is 240 mtr. For formation of approach road, since there are three sharp bends are in the boundary of Thirutheri RF in this 240 mtr., Length, it will be very dangerous for the road user if the width of the road is only 8 mtr. Hence the User agency has requested for width of 12 mtr. for the approach road. Considering the length of the road is merely 240 mtr. having sharp bends in the above length, the request of the User agency for 12 mtr. width is justifiable and recommended by the District Forest Officer, Kancheepuram Division and Chief Conservator of Forests, Chennai Circle

7) The User Agency in the justification report has stated that they are willing to give compensatory land double the area in adjoining patta land in Edamache Reserved Forest in the same Forest Division (Chengalpattu Division).

8) The User Agency has uploaded a certificate issued by the District Collector of Kancheepuram in Rc. No. 17708/2008/B1 dated 05.05.2008 stating that there is no alternative non forest land available for the S.F. No.86 of Veerapuram village in Chengalpattu taluk for the use of pathway, leading to M/s Elcot Vistas Limited.

9) The project proponent uploaded letter about permission granted for setting up a company manufacturing speakers and other related accessories in S. F. No. 86 of Neerapuram village from the year 1987.

10) Area requirement details furnished by the user agency is as follows

Length - 240 Metres

Breadth - 12 Metres

Area required - 2880 Sq. Metres or 0.288 Ha.

11) This approach road joining the project proponent land with Mahendra World City main road leased out in the area by Forest Department.

The project proponent has stated that there is no alternative suitable non forest land is available for the approach road to his patta land as two sides of the land is surrounded by Thirutheri RF and other two sides huge compound walls of the big industries B.A.S.F and Linea Automotive Pvt. Ltd.

12) The User Agency has stated that this project does not requires clearance under the Environment (Protection) Act, 1986 and the project or part thereof is not located in any protected area or their Eco sensitive zone.

13) The User Agency has stated that the process for settlement of Rights under the Forest Rights Act 2006 on the forest land proposed to be diverted has been completed and uploaded certificate issued by the District Collector of Kancheepuram District for the project area.

14) The user agency has furnished following certificates/ undertakings/ details

i) Certificate from the project authority (User Agency) that demand for forest land for the project is minimum.

ii) Justification to effect that no alternate suitable non forest land is available for the project.

iii) Certificate to effect that no violation of the provision of Forest (Conservation) Act, 1980 occurred.

iv) An undertaking from the project proponent that he agreed to pay the amount of NPV and additional NPV which will be fixed by the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.

v) Undertaking to pay the cost towards lease rent as fixed by the Forest department at the time of sanction along with any escalation subsequently for the forest land to be diverted of the above project.

vi) Undertaking to remit Security Deposit if any fixed for the road usage proposal as demanded by the Forest Department, as fixed by the Government orders towards grant of permission for formation of approach road.

vii) Undertaking to deposit the raising cost of compensatory afforestation and maintenance of plantation including fencing protection charges for the compensatory land as fixed by the Forest Department and willingness to deposit additional amounts for Compensatory Afforestation Scheme if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.

II. After getting required details/ certificates/ undertakings from the user agency, the proposal was forwarded to the District Forest Officer, Kancheepuram-Chengalpattu Division, Kancheepuram on 06.05.2015 for necessary follow up action.

III. The District Forest Officer, Kancheepuram-Chengalpattu Division has forwarded the proposal to the Conservator of Forests, Chennai Circle on 08.02.2016 and uploaded replies on 22.07.2016, to the query raised by the Conservator of Forests on 22.07.2016.

IV. The Conservator of Forests, Chennai Circle has forwarded the proposal to the Nodal Officer on 06.03.2017.

V Due to shortcomings noticed and additional information required on the proposal, the proposal had been returned to the Chief conservator of Forests, Chennai Circle on 03.05.2017, 14.03.2018, 23.11.2018, 07.02.2019, 24.05.2019, 03.06.2019 and lastly on 25.10.2019.

The Chief Conservator of Forests has resubmitted the final corrected proposal along with replies on Essential details called for on the proposal on 29.11.2019 and submitted the hard copy of the proposal.

In the EDS reply, the Chief Conservator of Forests has reported that, the District Forest Officer has submitted the revised proposal and furnished necessary correction and reply to the queries and furnished report .

VI. Details of project and proposal recommendation by the DFO and CCF are briefed below.

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

i) The District Forest Officer, Kancheepuram Division has reported that the legal status of the proposed site of diversion of 0.288 ha of land for formation of approach road to S.F No. 86 of Veerapuram village in Kancheepuram District is 'Thirutheri Reserved Forests'.

ii) The District Forest Officer has reported that, density of the forest area is 0.2 and Eco class of the forest is four.

iii) The District Forest Officer reported that the area proposed for diversion is not vulnerable for erosion.

iv) 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 1 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.

v) There is no rare / endangered / unique species of flora and fauna found in the area. Small mammals and reptiles are present in and around the forest land proposed for diversion.

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

vii) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project and no work in violation of the Act or guidelines has been carried out.

viii) As per details furnished in the table of trees available in the forest area proposed for diversion, there are 156 numbers of misc trees having girth class 0-30cm available in the area.

a) In the site inspection report dated 13.01.2016, the DFO has stated that there are no major natural tree growth in the land proposed for diversion. Herbs and shrubs predominately seen here. Few very small trees below 30 cm girth are present and details of 36 trees girth varying 2 to 5 cm has been furnished.

b) Further, the DFO has reported that, 120 seedlings which are planted under Massive Tree Planting Programme during 2014-15 are present in the area proposed for diversion and details have been furnished for 120 seedlings girth varying from 7 cm to 9 cm and height ranging from 0.90m to 1.00m.

c) The cost for raising and maintenance for the above seedlings (120 Nos) has to be recovered from the user agency

d) In the EDS reply it has been reported that the girth of the seedlings below 10 cm classified as saplings. This saplings had already been planted and expenditure incurred under MTP scheme and the saplings become a tree in future, hence cost of planting and maintenance under MTP guidelines have been added to the CA scheme.

ix) For the diversion of 0.288 ha of forest land, the District Forest Officer has proposed Compensatory Afforestation in 0.36 ha in the degraded forest land selected in Appur RF by planting of 360 number of seedlings for the felling of 36 number of seedlings.

a) The DFO has proposed to recover planting cost of 120 seedlings to be removed for project purpose in the proposed forest diversion area which were planted under MTP Scheme with one year maintenance.

b) For the diversion of 0.288 ha of forest land, the user agency has come forward to compensate the forest area loss by double the extent of patta land (0.628 ha) owned by them in the area adjoining the Edamatchi RF of Madhuranthagam Range in S.F. No. 124/7A, 7B and 125/5 of Mampudur village in Kanchepuram District.

c) Compensatory afforestation scheme proposed by the District Forest Officer is as follows.

Sl. No	Details	Planting target	Cost of CA per Ha in Rupees	Amount in Rupees
I	CA scheme in degraded forest area			
1	Plantation of 10 times the numbers (36) of trees to be felled – planting of 360 seedlings			

	a. Raising cost (360 seedlings and 36 for replacement of casualty)	360 seedlings	532.80 / 1 No	210989
	1 st year maintenance		297.06 / 1 No	106942
	2 nd year maintenance		304.80 / 1 No	109728
	3 rd year maintenance		335.28 / 1 No	120701
	4 th year maintenance		36.24 / 1 No	13046
	5 th year maintenance		39.86 / 1 No	14350
	6 th year maintenance		43.85 / 1 No	15786
	7 th year maintenance		48.23 / 1 No	17363
	8 th year maintenance		53.05 / 1 No	19098
	9 th year maintenance		58.36 / 1 No	21010
	10 th year maintenance		64.19 / 1 No	23108
	Sub total			461131
II	Raising of 120 saplings which are to be removed for project purpose	120 No	489 / 1 No	58680
	Maintenance for 1 st year	120 No.	82.42 / 1 No	9890
III	Contingency fund to meet out the special nature of works for restocking of plantation in the event of drought, protection of plantation etc., @ 5% of total scheme cost			37035
	Grand total			777725

d) The District Forest Officer has uploaded the site suitability certificate for the area selected in the degraded forest area in Appur RF and proposed non-forest CA land in S.F. No. 124/7A, 7B and 125/5 of Mampudur village adjacent to Edamitchi RF.

e) The District Forest Officer has uploaded the scanned copy of the Geo-referenced map and area marked in the Survey of India topo sheet indicating the boundary of forest land proposed for CA scheme in Appur RF.

x) In the site inspection report, the District Forest Officer has reported the following.

a) Inspected the proposed site for diversion which falls in Thirutheri RF of Chengalpattu Range on 11.01.2016. The proposal is for diversion of 0.288 ha area of Thirutheri RF for approach road to the User Agencies (M/s Sivanesh Bagerathi

Enterprises) property in S.F. No. 86 of Veerapuram village in Kancheepuram District.

b) The proposed linear stretch of land (240 m length and 12m width comprising an area of 0.288 ha) is along the edge of Thirutheri RF and is sharing boundary with Mahindra World City (Diverted forest land vide G.O. Ms No. 201 Environment and Forests department, dated 11.09.2000). It is like a linear strip of land with two bends.

c) There are no major natural tree growth in the land proposed for diversion. Herbs and shrubs are predominately seen here. Few very small trees (below 30 cm girth) are present and details are furnished for 36 trees girth varying from 2 to 5 cm with height of the trees from 0.20m to 0.75m.

d) In addition, 120 seedlings which are planted under Massive Tree Planting Programme during 2014-15 are present in the area proposed for diversion and details are furnished for 120 seedlings girth varying from 7 cm to 9 cm and height ranging from 0.90m to 1.00m.

e) The cost for raising and maintenance for the above seedlings has to be recovered from User Agency.

f) Further, adjacent to S.F. No. 86, there is a seasonal spring in the area which needs to be protected. The cost of protecting it can be realized from User Agency.

g) There is no possibility of augmenting the soil erosion if the land is diverted. It also may not adversely affect wildlife or micro climate of the area.

h) If the diversion is allowed, 120 seedlings planted under MTP programme have to be removed. The User Agency can be directed to plant 1200 native species seedlings in S.F. No. 86 of Veerapuram village and adjacent survey numbers and maintain them properly.

i) The User Agency has purchased the land (S.F. No. 86 of Veerapuram Village) from State Industries Corporation of Tamil Nadu Limited (SIPCOT), since the land is presently without an approach road, User Agency claims that it is the moral responsibility of Tamil Nadu Government to provide approach road.

j) The User Agency has submitted necessary undertakings on compensatory afforestation land, compensatory afforestation expenditure, Net Present Value, and annual lease rent. The District Collector, Kancheepuram District has given certificate that there is no alternate approach road to the factory.

k) Taking into consideration the above facts, the District Forest Officer recommended the proposal submitted by the User Agency.

xi) In the specific recommendation, the District Forest Officer has reported that, there is no alternate approach road to User Agency's land. User Agency is ready to give compensatory land and to pay all necessary compensatory money as fixed by the Forest Department. There are no trees in the area. It is almost like a developed area and is adjacent to an industrial city. With the compensations paid by User Agency, department can develop a natural and wild forest patch in the compensatory land which is in a more pristine landscape. Hence he recommended the forest area diversion. Period of diversion has been recommended by the District Forest Officer for five years.

VII. The Chief Conservator of Forest, Chennai Circle has inspected the site on 18.10.2016 and endorsed the views presented by the District Forest Officer's site inspection report (Para No. 1, 2, 3, 4, 5, 8 & 9)

a) The Conservator of Forests further reported that, there is huge difference between the guideline value of land being diverted and the guideline value of land being given under compensatory afforestation. The difference works out to Rs. 57,30, 015/- which shall be deposited by the User Agency as it is for commercial purpose that land diversion is being requested for and an undertaking should be taken from the User Agency to that effect. Hence the Conservator of Forests has recommended with the condition that the difference between the guideline value of land being diverted and guideline value of land proposed for giving under compensatory afforestation to forest department which work out to Rs. 57,30,015/- may be collected from the User Agency.

b) In the specific recommendation, the Chief Conservator of Forests has reported that, there is no major natural tree growth in the land proposed for diversion. Recommendation with the condition that the difference amount of Rs. 57,30,015/- may be collected from the User Agency as indicated in the site inspection report. Period of diversion has been recommended by the Conservator of Forests for three years.

VIII. As per the documents furnished by the User agency that a factory which was under the control of SIPCOT (which is Tamil Nadu Government undertaking) in existence adjacent to Thirutheri RF and the User Agency has purchased the property in open public action in the year 2002. In S.No.86 of

Veerapuram village, there is no approach road to this survey field No.86 except through the Thirutheri RF. The user agency has also produced District Collector certificate in this regard. Considering the facts stated above, the proposal is recommended for the diversion of forest land for the approach road to the S.No.86 of Veerapuram village.

a) Based on the condition put forth by the Chief Conservator of Forests, the User agency had been requested to furnish undertaking for the payment of differential amount of Rs. 57,30,015/ towards land value of proposed forest diversion area and compensatory land proposed by the user agency in lieu of diverted forest area.- However, the User Agency has uploaded a representation dated 05.10.2017, requesting the Conservator of Forests, Chennai Circle, Chennai to consider the proposal based on Forest Conservation Act, 1980 guidelines and requested to reconsider the non-payment towards difference in amount for the proposed CA land proposed for the project.

b) Based on the above, the District Forest Officer has reported that, the request of the User Agencies for diversion of forest land for formation of an approach road to S.F. No.86 of Veerapuram village in Kancheepuram district may kindly be considered in this regard.

IX. The User Agency has requested forest area diversion for 99 years. The User Agency planning to construct houses for the employees of Mahendra World City workers.

Forest area diversion has been recommended by the District Forest Officer for a period of five years and by the Chief Conservator of Forests for three years only.

X) The proposal is recommended subject to the following 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.
- d) The User Agency has to pay the Compensatory Afforestation scheme proposed by the District Forest Officer for compensating the felling of trees involved/removed from the project area.
- e) 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.

- f) 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.
- g) The User Agency has to pay the cost towards 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.
- h) The total forest area utilized for the project shall not exceeds 0.288 ha and the forest area diverted shall not be used for any other purpose other than those shown in the diversion proposal.
- i) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

XI The proposal is sent herewith in duplicate 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 be obtained diversion of 0.288 ha of forest land in Thirutheri Reserved Forests of Chengalpattu –Kancheepuram Forest Division for formation of an approach road to S.F. No. 86 of Veerapuram village in Kancheepuram District in favour of Thiru. Namasivayam, CEO of M/s Sivanesh Bagerathi Enterprises, No.318-B, Venkataraman Nagar, Sixth Main Road, Hasthinapuram, Chitlapakkam, Chennai 64, Kancheepuram District.

Encl : As stated above.

Yours faithfully,



For Principal Chief Conservator of Forests
(Head of Department)

5/1/2020

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 / Kancheepuram Forest Division - Proposal for diversion of 0.288 ha of forest land in Thirutheri Reserved Forests of Chengalpattu –Kancheepuram Forest Division for formation of an approach road to S.F. No. 86 of Veerapuram village in Kancheepuram District in favour of Thiru. Namasivayam, CEO of M/s Sivanesh Bagerathi Enterprises, No.318-B, Venkataraman Nagar, Sixth Main Road, Hasthinapuram, Chitlapakkam, Chennai 64, Kancheepuram District - Proposal No. FP/TN/Others/10333/2015

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)

— Recommended —

Signature

Name Designation :

Thiru. S. yuvraj IAS,

Additional Principal Chief Conservator of Forests
(Forest Conservation Act),
O/o the Principal Chief Conservator of Forests,
Chennai-15

Date : 23.12.2019

Place: Chennai-15