



ಕರ್ನಾಟಕ ಅರಣ್ಯ ಇಲಾಖೆ

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಕಛೇರಿ, ಚಿಕ್ಕಮಗಳೂರು ವಿಭಾಗ, ಚಿಕ್ಕಮಗಳೂರು-577101

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ಸಂಖ್ಯೆ: ಬಿ4/ರಾಹೆ-173/ಸಿಆರ್-36/2020-21

ದಿನಾಂಕ : 01-10-2022

ಇವರಿಗೆ:

ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು,
ಚಿಕ್ಕಮಗಳೂರು ವೃತ್ತ,
ಚಿಕ್ಕಮಗಳೂರು.

ಮಾನ್ಯರೇ

ವಿಷಯ : Diversion of 5.724414 ha (revised from 0.58 ha) of forest land Sy No.59 and 60 of Dasarahalli Village, Sy No.59 and 60 of Devarahalli Village, Sy No. 118 of Halelakya Village, Sy No. 112 of Hiregowja Village, Sy No.302 of Brahmasamudra Village, Sy No.74,744 of Sakkarayapattana Village and Sy No.1 of Yemmedoddi Village, Chikmagalur District for Road Widening to 2-lane with Paved Shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173 in favour of Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Hassan.

- ಉಲ್ಲೇಖ :**
1. Proposal No.FP/KA/ROAD/41019/2019 [Form-A].
 2. Assistant Inspector General of Forests (Central), Ministry of Environment, Forest & Climate Change, Integrated Regional office, Bangalore letter No.4-KRC 1359/2022-BAN, Dated:04.07.2022.
 3. Executive Engineer, National Highway Division, Hassan office letter No.EE/NHD/HSN/NH-173/Job-873/Forest Clearance / 2022-23, Dated:29.07.2022.
 4. ಈ ಕಛೇರಿ ಸಮ ಸಂಖ್ಯೆ ಪತ್ರದ ದಿನಾಂಕ:03.09.2022.
 5. ತಮ್ಮ ಕಛೇರಿ ಪತ್ರದ ಸಂಖ್ಯೆ:ಎ10/ಭೂಮಿ/ಎನ್‌ಹೆಚ್-173/ಸಿಆರ್-36/2020-21, ದಿನಾಂಕ:03.09.2022.


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ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖ (1)ರಲ್ಲಿ ಪ್ರಸ್ತಾವನೆ ಸಲ್ಲಿಸಿರುವಂತೆ ಚಿಕ್ಕಮಗಳೂರು ವಲಯ ವ್ಯಾಪ್ತಿಯ ದಾಸರಹಳ್ಳಿ ಸ.ನಂ.59, 60, ದೇವರಹಳ್ಳಿ ಸ.ನಂ.59, 60, ಹಳೇ ಲಕ್ಕಾ ಸ.ನಂ.118, ಹಿರೇಗೌಜ ಸ.ನಂ.112 ಮತ್ತು ಕಡೂರು ವಲಯ ವ್ಯಾಪ್ತಿಯ ಬ್ರಹ್ಮಸಮುದ್ರ ಸ.ನಂ.302, ಸಖರಾಯಪಟ್ಟಣ ಸ.ನಂ.74, 744, ಎಮ್ಮೆದೊಡ್ಡಿ ಸ.ನಂ.1 (ಹೊಸ ಸ.ನಂ.70) ರಲ್ಲಿ ರಾಷ್ಟ್ರೀಯ ಹೆದ್ದಾರಿ ಸಂಖ್ಯೆ-173ರ ರಸ್ತೆ ಆಗಲೀಕರಣಕ್ಕಾಗಿ 5.724414 ಹೆಕ್ಟೇರ್ ಪ್ರದೇಶವನ್ನು ಬಿಡುಗಡೆಗೊಳಿಸಲು (Stage-I Proposal) ಮೇಲಾಧಿಕಾರಿಗಳ ಮುಖಾಂತರ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಈಗಾಗಲೇ ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

ಈ ಬಗ್ಗೆ ಉಲ್ಲೇಖ (2)ರ ಪತ್ರದಲ್ಲಿ ಸದರಿ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಕೆಲವೊಂದು ನ್ಯೂನತೆಗಳನ್ನು ಗುರುತಿಸಿ, ಉಪಯೋಗಿ ಸಂಸ್ಥೆಗಳಿಂದ ಸ್ಪಷ್ಟನೆಗಳನ್ನು ಮತ್ತು ಹೆಚ್ಚುವರಿ ಮಾಹಿತಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಿದ್ದು, ಅದರಂತೆ ಉಪಯೋಗಿ ಸಂಸ್ಥೆಯಿಂದ ಉಲ್ಲೇಖ (3)ರಲ್ಲಿ ಅನುಪಾಲನಾ ವರದಿ www.parivesh.nic.in Web Portal ನಲ್ಲಿ ಸಲ್ಲಿಕೆಯಾಗಿದ್ದು, ಸದರಿ ಅನುಪಾಲನಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಸದರಿ ಪ್ರಸ್ತಾವನೆ ಕುರಿತು ಅನುಪಾಲನಾ ವರದಿಯನ್ನು ದಾಖಲೆಗಳೊಂದಿಗೆ www.parivesh.nic.in Web Portal ನ Part-II ನಲ್ಲಿ ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಮರು ಪೂರ್ಣಗೊಳಿಸಿ, ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಉಲ್ಲೇಖ (4)ರ ಪತ್ರದಲ್ಲಿ ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಲಾಗಿತ್ತು.

ಮುಂದುವರೆದು, ಸದರಿ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ಉಪಯೋಗಿ ಸಂಸ್ಥೆಯವರು ಸಲ್ಲಿಸಿರುವ ಅನುಪಾಲನಾ ವರದಿಯಲ್ಲಿ ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಷರಾವನ್ನು ನಮೂದಿಸಿ, ಹಾಗೂ ಇನ್ನಿತರೆ ತಿದ್ದುಪಡಿಗಳನ್ನು ಸರಿಪಡಿಸಿ, ಮರು ಸಲ್ಲಿಸುವಂತೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಉಲ್ಲೇಖ (5)ರ ಪತ್ರದಲ್ಲಿ ಹಿಂದಿರುಗಿಸಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ಸದರಿ ಅನುಪಾಲನಾ ವರದಿಯಲ್ಲಿ ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಯವರ ಷರಾವನ್ನು ನಮೂದಿಸಿ, ಮತ್ತು ತಿದ್ದುಪಡಿಗಳನ್ನು ಸರಿಪಡಿಸಿ ಪ್ರಸ್ತಾವನೆಯ ಪೂರ್ಣ ಕಡತವನ್ನು ಮುಂದಿನ ಕ್ರಮಕ್ಕಾಗಿ ಗೌರವಗಳೊಂದಿಗೆ ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.

ತಮ್ಮ ನಂಬುಗೆಯ,


ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ,
ಚಿಕ್ಕಮಗಳೂರು ವಿಭಾಗ, ಚಿಕ್ಕಮಗಳೂರು.

Compliance to the condition of the Govt, of India against the release of forest land for the Diversion of 5.724414 ha (revised from 0.58 ha) of forest land Sy No.59 and 60 of Dasarahalli Village, Sy No.59 and 60 of Devarahalli Village, Sy No. 118 of Halelakya Village, Sy No. 112 of Hiregowja Village, Sy No.302 of Brahmasamudra Village, Sy No.74,744 of Sakkarayapattana Village and Sy No.1 of Yemmedoddi Village, Chikmagalur District for Road Widening to 2-lane with Paved Shoulders from Mudigere to Kadur Section (KM 24.600 to KM 70.063) of NH-173 in favour of Executive Engineer, National Highway Division, Public Works, Ports & Inland Water Transport Department, Hassan.

Sl.No	Observations	Compliance	DCF Remarks
1	As per the KML file uploaded, at certain locations diversion is proposed only on the edges of the existing road where the widening /improvement is proposed, whereas in some other locations the entire road including widening is included in the proposal. This requires clarification.	<p>The Project highway work “<u>Widening to two lane with paved shoulders from Km: 24.60 to 70.063 of Mudigere Kadur section NH-173 in the state of Karnataka. (Job No. NH-173-KNT-2017-18-873)</u>” has been designed based on the guidelines framed vide Indian Road Congress-Special Publication-73 (IRC-SP-73 Manual of specifications and Standards for Two laning of Highways with paved shoulder).</p> <p>Technical, economic and environmental attributes have been considered during finalising centerline of the highway. The above project is proposed for widening along with design improvement of the road viz, curve improvement, Design speed improvement, Black spot rectifications etc., In view of above design requirements, the center line of the project highway is fixed. Therefore, the proposed highway center line will not be the same as that of the existing road centerline.</p> <p>Hence, in certain locations complete re-alignment of the highway is proposed where complete diversion is shown in the KML map.</p> <p>In addition to that, before 1980, the past road authorities had constructed the road on the government Gomala land bypassing the Right of</p>	<p>A. Diversion is proposed only on the edges of the existing road where the widening/improvement is proposed for the following areas.</p> <p>Dasarahally Sy no 60 (0.0422 Ha) poly A, Dasarahally Sy no 60 (0.064 Ha) Poly B, Dasarahally Sy no 60 (0.038 Ha) Poly C, Dasarahally Sy no 60 (0.0277 Ha) Poly D, Dasarahally Sy no 60 (0.0064 Ha) Poly E, Dasarahally Sy no 59 (0.0679 Ha) Poly A, Dasarahally Sy no 59 (0.0147 Ha) Poly B, Hale Lakya Sy No 118 (0.0309 Ha) Poly H, Devarahally Sy No 59 (0.0144 Ha) Poly N, Hiregowja Sy No 112 (0.8387 Ha) Poly Q, Sakrayapatna Sy No 74 (0.0600 Ha) Poly L, Emmedoddi Sy No 1 (0.0161 Ha) Poly U, Emmedoddi Sy No 1 (0.070 Ha) Poly T, Emmedoddi Sy No 1 (0.0964 Ha) Poly V, Brahmasamudra Sy No 302 (0.01138 Ha) Poly R.</p> <p>In the above blocks the existing road is in Right of Way (RoW) as per village map and forest area is required only for widening.</p> <p>B. In following locations the entire road including widening is included in the proposal. The area details as below</p>

		Way (RoW). Later those Government Gomala land is notified as Deemed Forest. Hence, in the above locations, even though the road is being constructed adjacent to old existing alignment, forest clearance proposal is being made for the entire road section as per Revenue Village Map. (Polygon I, J, K of survey No. 118 Halelakya, Polygon P of survey no. 60 of Dasarahalli, Polygon S of survey no.744 Sakkarayapatna).	Hale Lakya Sy No 118 (0.1462 Ha) Poly I, Hale Lakya Sy No 118 (0.1445 Ha) Poly J, Hale Lakya Sy No 118 (0.0290 Ha) Poly K, Devarahally Sy No 60 (1.082 Ha) Poly R. In the above areas the existing roads have been previously constructed outside Right of Way (RoW) Before 1980. (Before 1980 this area were recorded as non-forest area) So the earlier constructed road area as well as area required for widening is included and proposed for FC diversion.
2	It is reported that road work has been completed in the non-forest land. Therefore, the user agency is required to furnish an undertaking as per para 11.3 of the comprehensive FC Guidelines that in case approval under F(C) Act, 1980 is declined for widening of road, width of portion of the road falling in the forest land will be maintained at its existing level.	Under taking is enclosed (Annexure-1)	The user agency has given undertaking that in the event of refusal of FC clearance the portion of the forest land will be maintained at the existing level. This undertaking may be accepted.
3	As per the justification note furnished by user agency, authorities have constructed the road in some locations bypassing the right of way of the road. Therefore, it may be clarified whether the construction of road/ widening has taken place in forest land in violation of the provisions of F(C) Act, 1980.	In the past, the road authorities had constructed the road on the government Gomala land bypassing the Right of Way which was existed on village map. Such bypassing from the Right of Way has been done long back and the same road was in service to the public prior to 1980. The land was earlier Government Gomala land which was later considered as Deemed Forest. Therefore, there is no violation of the provisions of F(C) Act, 1980.	Wherever the road has been constructed bypassing the Right of Way (RoW) all those lands were earlier considered as Gomala lands and all these lands came under forest department only after the deemed forests were formed and also the said road has been in constructed before 1980.

	The legal status of 0.1197 ha, of forest land proposed for diversion in Sy.No. 70, Yemmedoddi village is reported as Section 4 (Tiger Preserve). It may be clarified whether the said land is part of any Protected Area.	The said area is not included in any of the Protected area.	The said area is not included in any of the Protected area, Yemmedoddi Tiger Preserve was notified in 1942 under Mysore Game and Fish Preservation act 1900. So it doesn't come under the pervue of any of the protected areas like National Parks, Sanctuaries, Community Reserves and Conservation Reserves. The proposed area for diversion belongs to Sec-4 Notified area (Yemmedoddi block). Notifications of both Yemmedoddi tiger Preserve and Section-4 Notified Yemmedoddi block hard copies are enclosed for kind information.
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5	As per the proposal, toll plaza is proposed in Sy.No.744 of Sakarayapatna village (in the uploaded KML file also it may be seen). However, in the component wise break up of forest land proposed for diversion, there is no mention about construction of toll plaza. It may be noted that construction of toll plaza in forest area is a non-site specific activity and not encouraged due to its adverse impact on the adjoining forest. Therefore, the user agency may be directed to construct the toll plaza in non-forest area.	<p>Earlier unknowingly the "toll plaza" component was termed as "Drain to PRoW". At present, the same has been corrected in the Form A of the FC proposal.</p> <p>Further, it is informed by your kind self that, construction of the toll plaza in the forest land is non-specific activity. In this regard, it is to bring for your kind notice that, as per IRC guidelines the location of toll plaza has to be decided keeping in view the following factors:</p> <ol style="list-style-type: none"> 1. Land availability. 2. Stream of traffic on Toll Plaza. 3. Visibility for the approaching traffic which needs straight reach free from curves and longitudinal gradient. 4. Reasonably away from road intersections and/or rail crossings. 5. Free from risk of flooding and submergence, etc. 6. Preferably on flat land and away from congested urban locations minimum of 10 Km's. 	As the user agency is the competent technical authority in this regard. The reasons mentioned by the user agency may be accepted.

		<p>7. Almost Center point of the project highway.</p> <p>Based on the technical suitability and commuter safety, the above location is most suitable place for the construction of toll plaza. There is no other suitable land available on the project highway meeting the above said technical requirements. In view of technical suitability and treating the land as Gomala land, the toll plaza location is considered at km 54.800.</p> <p>During the preparation of DPR, as per the Revenue records observed in the office of the Assistant director of land records (competent authority for land record and ownership details) the survey no. 744 of Sakarayapatna was a Government Gomala land and at present also it is showing as Gomala land in government records such as RTC. During the project work only, it is aware from the forest authorities that, the survey no.744 is under section 4 notified forest area.</p> <p>At present, in toll plaza location on RHS, private land of 0.825 hectares has also been acquired for the construction of toll plaza. This land get unusable if toll plaza is not constructed here and it is not possible to de-notify also. In the other locations except the stretches proposed for FC, the construction of project highway has been completed. Hence, if toll plaza is not constructed soon, there will be huge revenue loss to the Government.</p>	
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6	<p>The site suitability of the Government land to an extent of 6.88" ha. in Sy.No.27 of Melinahuluvathi village, Chickamagaluru Taluk is proposed towards CA is not furnished. It is also not mentioned whether the said land is adjacent to any notified forest land. The site suitability certificate in respect of degraded forest land proposed in Sy.No.70 of Yemmedoddi village for CA, provided in the online proposal in is not signed by the competent person. Therefore, proper site suitability certificate for both the lands proposed for CA may be furnished.</p>	<p>The proposed area is adjacent to Sy no 27 of Melinahuluvatthi which is a Deemed forest and Sy No 104 of Melinahulavatthi Block-II Reserve Forest.</p> <p>Signed copy of site suitability certificate from competent authority is enclosed (Annexure-2).</p>	<p>Reference Map uploaded in Web portal (Part-II) and the same hard copy is enclosed.</p> <p>Signed copy of site suitability certificate is enclosed and uploaded.</p>
7	<p>The cost benefit analysis may be calculated as per the FC Guidelines and furnished.</p>	<p>Earlier, cost benefit analysis report was submitted for your kind self which was calculated in view of vehicle operation cost, reduction in travel time and improved level of service.</p> <p>The project Highway runs along the plain section. It is not located in the Hill section. Since, the area proposed for forest diversion is only 5.724414 Hectare, the "cost benefit analysis" is not required for the forest diversion below 20 Hectare as per Ministry of Environment, Forest & Climate change, New Delhi, GoI circular F.No.7-69/2011-FC(pt) dated 01-08-2017. (Annexure-3)</p>	<p>As stated in Ministry of Environment, Forest & Climate change, New Delhi, GoI circular F.No.7-69/2011-FC(pt) dated 01-08-2017 it is clearly stated that cost benefit analysis is not required for forest diversion below 20 hectare in the non hill section. Based on above guideline the compliance statement of user agency can be accepted.</p>
8	<p>A W.P.No.51645. of 2019 (PIL). was earlier filed in the Hon'ble High Court of Karnataka by Shri D.V.Girish& others Vis Union of India and others where in it was inter-alia alleged that the NHAI has spilt construction of road widening in to packages viz (1) Nellyadi- to Mudigere Hand post 68.9 km, (ii) Mudigere Hand post to Chikkamagaluru (46.1 km), (iii) Chikkamagalur to Tamatadahalli (56 km) & (iv) Tamatadahalli to Chitradurga (Kadur) (61 km) to circumvent EIA Notification 2006. In this W.P., MoEF&CC and State Government /State Forest Department were respondents. The said W.P. was disposed of by the Hon'ble High Court vide order dated 04/10/2021</p>	<p>The writ petition is not related to this project.</p> <p>The W.P. No. 51645 of 2019(PIL), pertains to the 4 lane work from Nelyadi to Chitradurga which is under planning stage under Bharat mala Scheme. The executing agency is National Highway Authority of India.</p> <p>This project "Widening to two lanes with paved shoulders from Km: 24.60 to 70.063 of Mudigere Kadur section NH-173 in the state of Karnataka. (Job No. NH-173-KNT-2017-18-873)" is undertaken by the Ministry under budget</p>	<p>The WP No 51645 of 2019 is already disposed on 04.10.2021. Where in National Highway Authority of India has clearly submitted before the honorable court that it has kept concerned four projects in abeyance. Based on this the honorable court has disposed the above WP (Hard copy enclosed).</p> <p>The above said WP is not related to this project.</p>

<p>with the observation that "..... Learned Counsel appearing for NHAI, at the outset, has stated before this court that all the four packages in respect of construction of Highways have been kept in abeyance and the present writ petition be disposed of with a liberty to the petitioners to file a fresh petition in case need so arises in future....". It was also directed that "in case NHAI revise any of the project. They shall intimate the petitioners through registered post and the petitioners shall certainly free to approach this court again". It may be clarified whether the above directions of Hon'ble High Court has been complied and whether any as been complied and whether any fresh litigation is pending in this matter.</p>	<p>allocation for the financial year 2017-18. The work is already at the completion stage and the executing agency (User agency) National Highway Zone of state PWD.</p>	
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 Deputy Conservator of Forests,
 Chikkamagaluru Division, Chikkamagaluru.