



To,

Chief Conservator of Forests,
Hassan Circle,
Hassan.

Sir,

Sub: Diversion 48.20 ha of forest land for Mining Purpose (37.45 ha) and Approach Road (10.75 ha) in Sy. No. 11, 12, 130 & 8 of Gollarahalli, Sy. No. 33, 34 of Thonalapura, Sy. No. 55 of Lakmenhalli, Sy. No. 64 of Hoshalli, Sy. No. 48 & 49 of Kodihalli village, Chikkanayakanhalli Taluk, Tumakuru District.

Ref:1. Online Proposal Number: FP/KA/MIN/154749/2022.

2. Letter from M/s Mineral Enterprises Private Limited, Bengaluru dated: 28-06-2022.
3. Letter No. RFO/CNH/CR-102/2023-24/349, dated: 28-02-2024 from Range Forest Officer, Chikkanayakanhalli Range, Chikkanayakanhalli.
4. Letter No. ACF/Tip/CR-452/2023-24, dated: 19-03-2024 from Assistant Conservator of Forests, Tiptur Sub-division, Tiptur.

With reference to the above subject, M/s Mineral Enterprises Private Limited, Bengaluru has submitted the online proposal No. FP/KA/MIN/154749/2022 through parvesh portal seeking approval under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 48.20 ha of forest land for Mining Purpose (37.45 ha) and Approach Road (10.75 ha) in Sy. No. 11, 12, 130 & 8 of Gollarahalli, Sy. No. 33, 34 of Thonalapura, Sy. No. 55 of Lakmenhalli, Sy. No. 64 of Hoshalli, Sy. No. 48 & 49 of Kodihalli village, Chikkanayakanhalli Taluk, Tumakuru District in the State of Karnataka.

The Nodal officer and Principal Chief Conservator of Forests (Forest Conservation), Bengaluru has scrutinized the proposal and forwarded the same in the online portal. The User Agency has submitted hard copy of the proposal vide letter under Ref (2).

In this regard, the undersigned has directed the Assistant Conservator of Forests, Tiptur Sub-division, Tiptur and Range Forest officer, Chikkanayakanhalli Range, Chikkanayakanhalli to conduct field verification and submit the report.

Accordingly, the Assistant Conservator of Forests, Tiptur Sub-division, Tiptur and Range Forest officer, Chikkanayakanhalli Range, Chikkanayakanhalli has submitted the report vide letter under (3) & (4). A perusal of the records submitted and upon personal visit to the proposed site on 03-11-2023, it is observed that the user Agency has submitted the proposal for diversion 48.20 ha of forest land for Mining Purpose

(37.45 ha) and Approach Road (10.75 ha) in Sy. No. 11, 12, 130 & 8 of Gollarahalli, Sy. No. 33, 34 of Thonalapura, Sy. No. 55 of Lakmenhalli, Sy. No. 64 of Hoshalli, Sy. No. 48 & 49 of Kodihalli village, Chikkanayakanhalli Taluk, Tumakuru District which are having Southern Dry Deciduous Type of Forest (Eco- class III). Further, elucidated here under are the important facts & details about the Lease and the proposal.

Details of Forest Clearance for the said Mining Lease:

- a) The present application seeking permission is being sought because the land in question was mined since 1950 when the original lease measuring 2427-00 acres was leased to Sri. Sarangapani Mudaliar. (The area granted to mining is part of this original area). Pertinently, the leased land to Sri. Sarangapani Mudaliar was never treated as Forest Land but was treated as Revenue Land.
- b) Thereafter, in 1999 on account of prior termination / surrender of the said mining Lease, the Government of Karnataka offered a portion of the original leased area (admeasuring 1275 acres (515.98 Ha)) to various parties through a public advertisement on 23-01-2003. This was also done on the basis that the said land was Revenue Land and not Forest Land.
- c) Few aggrieved parties approached the Hon'ble High Court and based on the decision of the Hon'ble High Court the area notified during the year 1999 was granted to the following:

Sl.No.	Mining Lease
1	Sri Praveen Chandra
2	M/s. Mineral Enterprises Pvt Ltd
3	M/s. Milan Minerals Enterprises (P) Ltd
4	Sri R.N.Ashok
5	M/s. Banashankari Mining Corporation
6	Sri M Babanna

- d) The Government of Karnataka issued notification bearing No. DMG/MLS/ADV/04-05 notifying an area of 466.21 Hectares (1152 acres) for re-grant of surrendered area of mining lease No.1234 comprising land in Hombalghatta, Hosahalli, Katarikahalli villages and Yerakatte village of Chikkanayakanahalli Taluk, Tumkur District on 20-07-2004.
- e) Pursuant to above notification, Government of Karnataka recommended grant of mining lease over an area of 466.21 Hectares (1152 acres) as below;

Sl.No.	Applicants
1	M/s. Goa Minerals
2	Smt. Prema Chanappa
3	M/s. Kudremukh Iron Ore Co.
4	M/s. Dhruvadex Metasteels (P) Ltd.,

- f) The Central Government accorded its approval for grant of mining lease through letter bearing No. 5/184/2007-M.IV in favor of Mineral Enterprises Pvt Ltd for 178-30 A-G (72.16 hectares) on 17-03-2008.

- g) Government of Karnataka issued notification bearing No. CI.37:MMM.2001 granting the mining lease in favor of M/s Mineral Enterprises Pvt Ltd for Iron Ore and Manganese Ore over an area of 178.30 Acres in Sy. No. 11 and 12 and other survey nos of Gollarhalli Village of Chikkanayakanhalli Taluk, Tumkur District on 19-03-2009.
- h) M/s Mineral Enterprises Private Limited, Bengaluru filed representation requesting early execution of lease deed with respect to area granted as it has obtained all statutory clearances i.e., IBM Mining Plan, Environment Clearance and Consent for establishment issued by KSPCB on 23-06-2011.
- i) Corrigendum notification No. FEE 188 FAF 2014 dated 04-09-2014 was issued by the Karnataka Forest Department to the Janeru Block Reserve Forest Notification of 1994 (Section 4 of Karnataka Forest Act-1963) . This corrigendum was challenged by some third parties in the Hon'ble High Court. Based on the High Court direction, the then Additional Chief Secretary set aside the said corrigendum of 2014 and also the 1994 notification vide his order dated 21-12-2015.
- j) In view of the amendments to the MMDR Act in 2015, M/s Mineral Enterprises Private Limited, Bengaluru filed WP No.43690/2016 before the Hon'ble High Court seeking execution of lease for a period of 50 Years. The Hon'ble High Court directed execution of the lease on or before 31/12/2016.
- k) The order of the above mentioned ACS order (21-12-2015) was reviewed and recalled by the then Additional Chief Secretary. The said order was under challenge by third parties before the High Court of Karnataka and then before the Hon'ble Supreme Court of India.
- l) State has not executed mining lease as per the aforesaid order of the high court in WP 43690/2016 , MEL filed contempt petition CCC (Civil) 1829-2017 before the Hon'ble High Court. The government took contention for the first time in the said contempt that this area is forest as per 1994 notification and 2014 corrigendum. Therefore, MEPL filed an undertaking before the Hon'ble High Court wherein it undertook that even if a lease deed were to be executed in its favor, it would not operate the mine in any manner, whatsoever, till such time the issue whether the land is a forest land or not, is decided by the Courts. MEPL further undertook that in case the Courts were to opine that the land in question is, indeed, a forest land, it shall seek the necessary prior approval under the Forest Conservation Act, 1980, and shall comply with such conditions as are currently applicable before operating the mine.
- m) The State, belatedly, filed the SLP Diary No. 1663/2019 before the Supreme Court challenging the high court order dated 21-11-2016 in WP No.43690/2016 for execution of lease in favour of MEL . However, there is no interim order on 2019.
- n) MEPL Placed the undertaking furnished before the Hon'ble High Court to the Hon'ble Supreme Court in the above mentioned SLP Diary No.1663/2019. The Hon'ble Supreme Court has also recognized and taken cognizance of the said

undertaking, that if the area is forest, MEPL should obtain Forest clearance before commencing operations on 01-02-2019.

- o) The Hon'ble Supreme Court, in a proceeding initiated to the respondents finally held that the area notified in 1994 and corrigendum of 2014 (Janeeru Block) is forest. (the sanctioned leased area of MEPL is also part of the said Sec 4 Janeeru notification and Corrigendum on 16-11-2021).
- p) Since the land in question is held as forest and as per the undertaking of MEPL before the courts(High Court & Supreme Court), MEPL filed an application for Forest clearance under Section 2 (ii) of the FC Act 1980 on 22-04-2022 for diversion of forest land, over an extent 37.45 Hectares (as per Joint Survey and demarcation during 2017) for mining and 16.07 Hectares for road, total 53.52 hectares on 22-04-2022.
- q) MEPL filed an affidavit before the Hon'ble Supreme Court bringing the fact on record that MEPL has applied for FC with a prayer for execution of the lease on 05-05-2022.
- r) Nodal officer and Principal Chief Conservator of Forests (FCA) Aranya Bhavan, Bengaluru found that the said proposal (MEPL's FC Application) is complete in all respect and forwarded to this office on 30-06-2022.
- s) After receiving the FC application, tree enumeration was conducted by the staff Chikkanayakanhalli Range simultaneously the user agency was identified the CA Land and suitability certificate is obtained from the Deputy Conservator of Forests and Director, BRT Tiger Reserve, Chamarajanagara and Deputy Conservator of Forests, Malai Mahadeswara Wildlife, Kollegal.
- t) Joint inspection was conducted by me on 03-11-2023 and suggested to the user agency to minimize the approach road area as per the requirement.
- u) EDS has been raised to the user agency as follows;
 1. The area being asked is rich in Wildlife and forests what is the justification for asking this forest area.
 2. Why alternate revenue road available is not being utilised.
- v) The user agency has submitted clarification for EDS on 18-10-2024.
- w) Further user agency has revised the proposal over an extent of 37.45 ha for Mining and 10.75 ha for Approach Road total 48.20 ha proposal was uploaded in the parvesh portal.

Compensatory Afforestation (CA):

The User Agency has identified 106.50 acre non forest land in Chamarajanagara District, Malai Mahadeswara Wildlife, Kollegal sy. no, village, hobli, taluk is as follows;

Sl. No.	District	Taluk	Hobli	Village	Sy. No.	Extent proposed (in acre)
1	2	3	4	5	6	7
1	Chamarajanagara	Hanur	Ramapura	Ponnachi	96/A3	80-30
2	Chamarajanagara	Hanur	Ramapura	Ponnachi	96/AP2	5-90
3	Chamarajanagara	Hanur	Ramapura	Ponnachi	436/2	4-97

4	Chamarajanagara	Hanur	Ramapura	Ponnachi	437/2B	5-00
5	Chamarajanagara	Hanur	Ramapura	Ponnachi	439	4-46
6	Chamarajanagara	Hanur	Ramapura	Ponnachi	440	4-84
7	Chamarajanagara	Hanur	Ramapura	Ponnachi	441/3	1-03
Total Acre						106-50 (43.10 ha)

Deputy Conservator of Forests, Malai Mahadeswara Wildlife, Kollegal Division issued a CA land suitability certificate in Format-A and stated that proposed land is adjacent to Madeswaran Malai Reserve Forest. The above identified CA land for this instant proposal is suitable for afforestation.

And also user agency has identified 5.15 ha non forest land in Chamarajanagara District, BRT Tiger Reserve, Chamarajnagara, sy. no, village, hobli, taluk as follows;

Sl. No.	District	Taluk	Hobli	Village	Sy. No.	Extent proposed (in ha)
1	2	3	4	5	6	7
1.	Chamarajanagara	Yalandur	Agara	Gowdahalli	53	1.87
2.	Chamarajanagara	Yalandur	Agara	Gowdahalli	59/1	0.28
3.	Chamarajanagara	Yalandur	Agara	Gowdahalli	59/2	0.14
4.	Chamarajanagara	Yalandur	Agara	Gowdahalli	59/5	0.15
5.	Chamarajanagara	Yalandur	Agara	Gowdahalli	59/5	0.05
6.	Chamarajanagara	Yalandur	Agara	Gowdahalli	59/6A	0.71
7.	Chamarajanagara	Yalandur	Agara	Maddhur	957	0.44
8.	Chamarajanagara	Yalandur	Agara	Maddhur	960	0.94
9.	Chamarajanagara	Yalandur	Agara	Maddhur	961	0.57
					Total	5.15

Deputy Conservator of Forests and Director, BRT Tiger Reserve, Chamarajanagara issued a CA land suitability certificate in Format-B and stated that "These areas are having good vegetation with some blank patches, but the areas are having wild animals movement. Survival of planted seedlings is doubtful. So instead of planting it is better to use these blank areas as grasslands for herbivores such as Elephants, Sambar deer, Spotted deer".

Therefore 11.00 ha of degraded forest land identified in Sy. No. 109 of Kenglapura village, Handanakere Hobli, Chikkanayakanhalli Taluk, Tumakuru District for CA. The area is suitable for the compensatory afforestation. CA suitability certificate has been issued in Format-B.

The User agency has to be prepare wildlife mitigation plan in consultation with Forest Department and obtain prior approval from the Principal Chief Conservator of Forests (Wildlife Warden) Bengaluru.

The proposed land is not part of any National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (The proposed mining area is 7.53 km and approach road is 7.70 km away from the Bukkapatna Chinkara Wildlife Sanctuary)

But the proposed mining area and approach road falls within the eco sensitive zone of Bukkapatna Chinkara Wildlife Sanctuary (default 10 km if eco sensitive zone is not notified).

Draft eco sensitive zone of Bukkapatna Chinkara Wildlife Sanctuary has got in-principal approval from Cabinet Sub Committee, Government of Karnataka. The proposed width of eco sensitive zone from the boundaries of the sanctuary various from 1 km to 3.80 km in the draft eco sensitive zone notification.

Accordingly the User Agency has to obtain prior recommendation of Standing Committee of NBWL under the provision of Wildlife (protection) Act, 1972.

The proposal for diversion of 48.20 ha forest land for Mining Purpose (37.45 ha) and Approach Road (10.75 ha) in Sy. No. 11, 12, 130 & 8 of Gollarahalli, Sy. No. 33, 34 of Thonalapura, Sy. No. 55 of Lakmenhalli, Sy. No. 64 of Hoshalli, Sy. No. 48 & 49 of Kodihalli village, Chikkanayakanhalli Taluk, Tumakuru District and Division, Karnataka State in favour of M/s Mineral Enterprises Private Limited, Bengaluru is forwarded for further consideration.

This is submitted for your kind information and needful action.

Yours Faithfully,

Sd/-

Deputy Conservator of Forests,
Tumakuru Division, Tumakuru.

- 1) Copy submitted to the Principal Chief Conservator of Forests and Nodal Officer (Forest Conservation), Aranya Bhavan Bengaluru for kind information.
- 2) Copy M/s Mineral Enterprises Private Limited, #2 Berlie Street, Langford Town, Bengaluru 560 025 for information.

Deputy Conservator of Forests,
Tumakuru Division, Tumakuru.