

TAMILNADU FOREST DEPARTMENT

From
Subrat Mohapatra, IFS.,
Principal Chief Conservator of Forests,
(Head of Forest Force),
Forest Headquarters Building,
Guindy Velachery Main road,
Near Kannikapuram Checkpost,
Guindy, Chennai - 600 032

To
The Additional Chief Secretary to
Government,
Environment, Forests & Climate Change
Department, Secretariat,
Chennai 600 009

Ref. No. TS4/37305/2021 dated, 09.03.2023

Madam,

Sub: Forests - Forest (Conservation) Act, 1980 - Trichy Circle / Thanjavur Division - Proposal for diversion of 0.36ha of forest land for Upgradation of Kappukkadu Earthen road in Perianayagipuram Panchayat to join the sand road of the small village North Thulukkaviduthi, Avanam, Perianayagipuram, Thanjavur District Thar Road and street light facilities-Regarding

- Ref:
1. Online application uploaded by the User Agency - The BDO, Peravurani @ Avanam, Avanam post, Peravurani Taluk, Thanjavur District on 30.09.2021 and revised proposal on 13.08.2022. (FP/TN/Road/147896/2021)
 2. Part-II uploaded by the District Forest Officer, Thanjavur on 27.12.2022.
 3. Part-III uploaded by the Chief Conservator of Forests, Trichy on 01.02.2023.
 4. Hard copy of proposal by the Chief Conservator of Forests Trichy ref. No. 14268/2022/D, dt. 25.01.2023

I wish to state that the Block Development Officer, Peravurani @ Avanam, Thanjavur District has sent a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.36ha of forest land for Upgradation of Kappukkadu Earthen road in Perianayagipuram Panchayat to join the sand road of the small village North-Thulukkaviduthi, Avanam, Perianayagipuram, Thanjavur District (Thar Road and street light facilities) through online web portal in the prescribed format.

The user agency has stated that the proposed road is very useful to the public those who are living in the habitation of Thulukkaviduthi North village in Perianayagipuram Panchayat of 680 families. Now the people of the above habitations are very much struggling for going school, market and hospital purpose. This road is very essential one.

2) The User Agency has furnished following Certificates / Undertakings.

- I. Form-A, Part-I
- II. Letter of Authorisation.
- III. KML file of Google earth
- IV. Survey of India toposheet indicating boundary of forest land proposed to be diverted.
- V. Geo referenced map for the Forest land proposed for diversion with DGPS readings
- VI. Justification for locating the project in Forest land

- VII. Certificate obtained from the District Collector, Thanjavur District about Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers under Forest Rights Act 2006 in the prescribed format for linear projects in R.C.No: 12886/ 2022 /LR1 dated 18.06.2022.
- VIII. Certificate obtained from the District Collector, Thanjavur District no alternate suitable non-forest land is available for the above project in R.C.No 12886/ 2022 /LR1 dated 18.06.2022
- IX. Area requirement details for the project Length – 600m, Width – 6m = Area 3600 sqm (or) 0.36 ha.
- X. Combined Certificate given by the User Agency on the following.
 - a) No violation of the provisions of Forest (Conservation) Act, 1980
 - b) no other alternate suitable non-forest land is available for the project.
 - c) no felling of trees involved due to this project
 - d) the forest land demanded for the above project is the barest minimum.
- XI. Combined Undertaking on the following.
 1. to bear the cost of raising and maintenance of Compensatory Afforestation / Penal Compensatory Afforestation / Maintenance of Plantation /Protection of plantation for the proposed diversion of forest land as fixed by the Forest Department.
 2. for the payment of Net Present Value of the forest land required for the purpose of the above project.
 3. for the payment of Additional Net Present Value of the forest land as demanded by the Forest Department in future as per the guidelines of the Hon'ble Supreme Court of India.
 4. to agree to pay the cost along with any escalation for exploitation of trees if any available in the alignment path for the proposed diversion of forest land as fixed by the Forest Department.
 5. for the payment of 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.
 6. in case of diversion of forest land is denied the project shall be executed along alternate alignment and work on non- forest land shall not be cited as a reason for grant of approval of forest land under Forest Conservation Act 1980.

3) The District Forest Officer, Thanjavur has furnished Part II details in the prescribed format as noted below.

- a) The legal status of the proposed project area is Reserved Forest to an extent of 0.36 ha and the name of Reserved Forest has been reported in the site inspection report as "Avanam Reserved Forest"
- b) Density of the proposed area is 0.3 and type of forest is Eco class IV.
- c) No trees are available in the proposed project area
- d) No Wildlife present in and around the proposed forest land
- e) Not located within the Eco Sensitive Zone of Protected Areas.

- f) No rare/ endangered/ unique species of flora and fauna found in the area.
- g) No work in violation of Act and guidelines.
- h) No Compensatory Afforestation scheme proposed.

4) The District Forest Officer, Thanjavur has inspected the proposed project area in Avanam Reserved Forest for diversion of 0.36ha of forest land for Upgradation of Kappukkadu Earthen road in Periyamayagipuram Panchayat to join the sand road of the small village North-Thulukkaviduthi, Avanam, Perianayagipuram, Thanjavur District on 14.12.2022 and furnished his report as follows.

- I. The term used by the User Agency for up gradation of road is not existing road, no Right of Way permitted or no earlier approval accorded under Forest Conservation Act, 1980. The pathway used by Forest department for perambulation since the notification of RF is now proposed for black topping.
- II. The area proposed for diversion by the user agency is very minimum and there is no alternative land for the proposed project except the forest land.
- III. The user agency has not started any work proposed inside Avanam Reserved Forest. Therefore the question of violation of provision in Forest Conservation Act, 1980 for this proposal does not arise.
- IV. The user agency shall pay the net present value imposed (Rs. 2,41,250 /-) as per the revised Forest Conservation Act, 1980 guidelines.
- V. There are no rare/endangered/unique species of flora and fauna in the Avanam Reserved Forest.
- VI. There are no protected archaeological/heritage site/defence establishment and there are no monument in the above project site.

5) In his recommendation, the District Forest Officer has stated that the proposed site for Formation of Road (600m x 6.00m = 3600sqmt) 0.36ha in R S.No. 130 to 147 at Avanam village inside Avanam Reserved Forest of Pattukkottai Range in Thanjavur Division was inspected on 14.12.2022. The proposal is hereby recommended as the project is designed to connect Pulichankadu village with Thulukkaviduthi North village in Thanjavur District. Thulukkaviduthi North village people will be benefitted as this is the shortest route to reach school, hospital and sell their agricultural goods. Since it is a genuine requirement, it can be permitted within the guidelines of Forest Conservation Act 1980.

6) The Chief Conservator of Forests, Trichy has stated that the proposed area for diversion is 0.36 ha in Avanam Reserve Forest in Thanjavur Forest Division was inspected by him on 18.01.2023 along with the District Forest Officer, Thanjavur. This project for the diversion of 0.36 ha is for the Formation of Road in connecting Pulichankadu Village with Thulukkaviduthi North village. No Right of way permitted or no earlier approval accorded under Forest

Conservation Act 1980. The pathway used by Forest department of perambulation since the notification of RF is now proposed for black topping. This project is will be very useful for reach school, marketing and hospital purposes. The proposed area is bare minimum and there is no alternative land for the proposed project. No rare /endangered / unique species of flora and fauna in the Avanam RF. There is no alternate land is available. Hence recommended the proposal.

7) The Chief Conservator of Forests, Trichy has also uploaded his recommendation in Part-III.

8) In this regard, it is submitted that the User Agency has uploaded all the certificates/undertakings/details as required in this proposal.

9) The proposal is sent herewith duly recommended in the part IV of Form A by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act)

10) The area proposed for diversion of 0.36ha of forest land for Upgradation of Kappukkadu Earthen road in Perianayagipuram Panchayat to join the sand road of the small village North-Thulukkaviduthi, Avanam, Perianayagipuram, in Thanjavur District (Thar Road and street light facilities) in Thanjavur Forest Division is recommended and forwarded to the Government of Tamilnadu for considering the proposal under the General Category as per chapter 4.3 of Handbook on FCA guidelines wherein the State Government has been empowered to divert forest areas upto one Ha for critical public utility and welfare projects undertaken by the Government agencies and in principle Stage-I approval orders may be issued subject to the following conditions

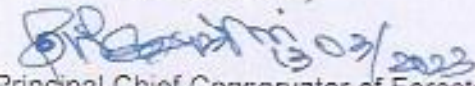
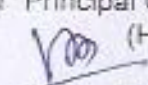
- (i) The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- (ii) The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
- (iii) The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment and Forests from time to time, as per the orders of the Hon'ble Supreme Court Order dated 28.03.2008 and 09.05.2008 in IA Nos. 826 in 566 with related IAS in Writ Petition(Civil) No 202/1995 and as per the revised guidelines issued by the Government of India in letter No 5-3/2011-FC(Vol-I) Government of India Ministry of Environment, Forest and Climate Change (Forest Conservation Division) Indira Paryavaran Bhavan, Aliganj, Jorbagh Road New Delhi-110 003 Date: 6th January, 2022
- (iv) The fund from the User Agency towards NPV under this project shall be deposited by generating challan from the Ministry's online web portal.UTR No and date should be furnished.

- (v) The Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to the effect.
- (vi) The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same
- (vii) The forest land shall not be used for any other purpose other than that specified in the proposal.
- (viii) The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F(FR.XIII) Dept dated 15.04.1991.
- (ix) The period of lease is 20 years
- (x) The User Agency should send renewal proposal one year before expiry of lease.
- (xi) The Chief Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.

11) I request that in-principle Stage-I approval under Forest (Conservation) Act, 1980 for diversion of 0.36ha of forest land in Avanam Reserved Forest of Thanjavur Forest Division for Upgradation of Kappukkadu Earthen road in Perianayagi puram Panchayat to join the sand road of the small village North-Thulukkaviduthi, Avanam, Perianayagipuram, in Thanjavur District (Thar Road and street light facilities) for a period of 20 years may be accorded in favour of the Block Development Officer, Peravurani @ Avanam, Thanjavur District

Encl Proposal.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Forest Force)

13/3/2023

PART IV

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

Name of the work: Forest (Conservation) Act, 1980 – Trichy Circle / Thanjavur division - Proposal for diversion of 0.36ha of forest land for Upgradation of Kappukkadu Earthen road in Perianayagipuram Panchayat to join the sand road of the small village North-Thulukkaviduthi, Avanam, Perianayagipuram, in Thanjavur District (Thar Road and street light facilities)

Proposal No: FP/TN/Road/147896/2021

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).

Date: .03.2023

Place: Chennai

Recommend!

Signature:

Name : V.Karunapriya I.F.S.

Official Seal:
Additional Principal Chief
Conservator of Forests (FCA)
/Nodal Officer