

TAMILNADU FOREST DEPARTMENT

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

To
The Principal Secretary to Government,
Environment and Forests Department,
Secretariat,
Chennai 9.

C.No.TS4/39100/2019 Dated: 30.03.2020

- Sub:** Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Theni Division - Proposal for diversion of 2.79 ha (now revised as 2.839 Ha) of forest land for the improvement work of Theni Bye-pass road connecting Dindigul-Theni road and Madurai-Cochin road across Valkaradu Reserved Forest – Online proposal submission by the User Agency ie. The Divisional Engineer, Highways Construction and Maintenance Theni - Regarding.
- Ref:**
1. Online application uploaded by the User Agency The Divisional Engineer, Highways Construction and Maintenance, Theni dated: 07.08.2019 (FP/TN/Road/41255/2019)
 2. Principal Chief Conservator of Forest's Ref.No: TS4/39100/2019 dated 22.08.2019.
 3. Online revised proposal submitted by the User Agency on 20.11.2019.
 4. Acknowledgement uploaded by the User Agency on 04.01.2020
 5. Part II and Part III uploaded on 04.03.2020.
 6. Additional Principal Chief Conservator of Forests, Madurai Ref.No:9688/2019 D1 dated 04.03.2020

The Divisional Engineer, Highways Construction and Maintenance, Theni has furnished online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of 2.79 ha of forest land for the improvement work of Theni Bye-pass road connecting Dindigul-Theni road and Madurai-Cochin road across Valkaradu Reserved Forest vide reference 1st cited and uploaded the revised proposal for diversion of 2.839ha forest land vide ref.3rd cited.

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 in the online submission and Monitoring of Forests Clearances Proposal (OSMFCP) portal.

The User Agency has proposed forest area diversion for a period of 99 years (A.1.x of proposal format)

The User Agency (ie.,The Divisional Engineer, Highways Construction and Maintenance, Theni) has furnished the following details / undertakings along with the proposal.

1) Form-A, Part-1 for seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980.

2) Short narrative of the proposal for which the forest land is required. (As required vide A-1 (iii) of proposal format).

3) Copy of document in support of the competence / authority of the person making this application to make application on behalf of the User Agency (As required vide A-3, (xvii) of proposal format).

4) Component wise break up details of forest area required for the project of 2.839 ha such as road length, road width - carriage width, shoulder width, drains, hairpin bend, culvert etc., (As required vide B-2.4 of proposal format)

5) Copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been up-loaded forest boundary (Section C of Maps-C.iii)

6) Geo referenced location map of the proposed diversion of forest area for formation of road marked in the google earth (Section C of Maps-C.iv).

7) Note containing justification for locating the project in forest area (As required vide D.(i) of proposal format) enclosed.

8) For settlement of Rights under the Forest Rights Acts 2006 on the forest land proposed to be diverted, the certificate obtained from the District Collector, Theni is enclosed.(as required vide K(i)of the proposed format)

10) Area requirement details for the project is enclosed in Additional documents column.

11) Signed copy of Form A enclosed.

12) Certificates regarding

i. No catchment area treatment plan

ii. No violation of Forest (Conservation) Act, 1980

iii. No other alternative feasible route available for diversion.

iv. Undertaking to bear the cost of Compensatory Afforestation, Penal Compensatory Afforestation, Maintenance of Plantation and Protection of plantation for the proposed diversion as fixed by the Forest Department.

v. Undertaking to pay the Net Present Value as fixed by Hon'ble Supreme

vi. Undertaking to pay the Additional Net Present Value as fixed by Hon'ble Supreme Court of India in future.

vii. Undertaking to pay the cost along with any escalation for exploitation of trees if any available in the path for the proposed diversion of land as fixed by the Forest Department.

viii. Undertaking to pay the cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation in future.

ix. Certificate regarding the suitable non forest land for Compensatory Afforestation was handed over to Forest Department. In this regard it is stated that the User Agency had already handed over 8.95 ha of non-forest land in Sy.No1511, Veerapandi village to forest department for Compensatory Afforestation and the land has been notified under Section 4 of Tamil Nadu Forest Act, 1882 and the notification under section 16 of Tamil Nadu Forest Act, 1882 is under process. Copy of Gazette notification enclosed.

x. Administrative Sanction GO copy for the project.

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

The DFO, Theni has inspected the proposed site on 19.01.2020 and stated that the proposed road improvement works at Theni Bye pass branching at Km. 68/8 of NH45 Extn. Dindigul – Kumuli Road and joint at Km 75/6 of NH49 Extn. Madurai – Cochin Road. The existing road to a length of about 4.4km is being utilized for the public use till today.

The User Agency has proposed to seek clearance under Forest Conservation Act to improve the existing road in 2013 and has applied for Forest Conservation Act clearance for diversion of 4.295 ha of Forest land in Valkaradu Reserve Forest as below.

S.No.	Survey No. Involved in the Alignment	Classification	Length of Road	
			Patta / Karadu Poramboke	Forest
1	108, 109, 110, 111, 135, 136, 137, 138, 139, 142, 143, 258, 1367, 256, 1378, 1377, 1376, 189 & 190	Patta Land	1505 m	-
2	1237	Karadu Poramboke	1005 m	-

3	Valkaradu RF	Reserved Forest	-	1 st reach-278m
				2 nd reach 950m
				3 rd reach 662m
Total			2510m	1890m
Total				4400m

Total forest land required is $1890\text{m} \times (22+23.44)/2 = 42950 \text{ m}^2$ (i.e) 4.295 Ha.

The User Agency has handed over 8.59 ha of land to forest department as a compensatory land for the diversion and is notified under Section 4 of Tamil Nadu Forest Act, 1882 and the notification under section 16 is under process.

However this proposal was not processed further and instead, a fresh proposal for improvement and re-gradation of road 3rd reach from Theni Bus Stand to Madurai – Cochin road for a length of 662 mts and a width of 12 mts ie 0.7944 Ha was pursued and permission accorded vide Principal Chief Conservator of Forests, Chennai ref. No. TS1/34967/2013 dated 27.08.2013

Now, proposal has been uploaded for the road passing through 1st and 2nd reach. There is no spontaneous tree growth, no endangered species of flora and fauna found in the proposed area and also does not have any important monuments which are archaeological / heritage site / defense establishment etc. Since there is no other alternative feasible location available and there is an existing road, the diversion of 2.839 Ha. of Forest Land may be considered.

The Additional Principal Chief Conservator of Forests, Madurai has inspected the proposed site along with District Forest Officer, Theni and field staff on 30.01.2020 and stated that the proposal relates to the widening from double lane to multilane and improvements to Theni Bye pass road sanctioned vide G.O. (Ms) No.90, Highways and Minor Ports (HS1) Department dated 28-5-2018.

The said existing Bypass road is a two lane road that connects Dindigul - Theni road to Cochin - Madurai road and cuts Valkaradu RF of Theni forest division in a north - south direction at two distinct places to a length of 278m and 950m respectively. The average width of the existing road is about 7.0m. The present proposal submitted refers to diversion of forest land on either side of the carriageway for widening of the road from double lane to multilane for ease of

ha of RF, being **0.612 ha**(length of 278m) in the first stretch and **2.227ha** (length of 950m) in the second stretch.

Valkaradu RF is situated atop a hillock and slopes down both in a easterly and westerly direction with a common ridge lying in between and running almost the entire length of the RF. The vegetation mostly consists of a coarse form of degraded dense scrub interspersed with Albizziamara, Chloroxylonwietenia, Neem etc. The Theni district administrative headquarters viz. Theni town has grown around the RF with dwellings occupying the western and southern slopes as well as the eastern slopes adjoining the RF. The Theni bypass road cuts Valkaradu on its eastern slope and is an important road linking Theni with Dindigul on the north, Cochin on the west as well as Madurai town on the east. It is therefore an important link road for Theni town.

An extent of 8.59ha in SF No.1511 of non forest land in Veerapandi village, Theni Taluk of Theni district has already been handed over to the forest department earlier and has been declared under section 4 of the Tamil Nadu Forest Act, 1882. This piece of land would constitute the actual land handed over for the purpose of compensatory land for afforestation in lieu of the forest land to be diverted for the above said project.

The existing Theni bye pass road finds no mention in any of the records available with the District forest office. It is presumed that it would have been an old cart track which was subsequently improved upon with the expansion of Theni town without the formal permission of the forest department probably prior to or after the promulgation of the Forest Conservation Act, 1980. No action has also been initiated by the Forest Dept. against the Highways Dept. for laying of the Bye pass road or its maintenance. As such the very existence of the present road would have to be construed as a violation of the Forest Conservation Act. However it is a fact that the bye pass road existing in its present form offers much succour to the general public as it is one of the vital roads easing congestion of traffic within Theni town by allowing vehicles entering Theni town to access the bye pass road and reach their destinations without causing traffic snarls in the town. It is therefore a vital link road for a growing urban conglomeration like Theni and its importance in the economic and social development of the inhabitants of the town cannot be underplayed.

The implications of not having obtained clearance under the Forest (Conservation) Act 1980 for the existing Bye pass road however will have to be taken into the reckoning. Presently both stretches of the By-pass road mentioned in the proposal pass through Valkaradu RF and the issue of movement of wildlife in particular smaller mammals and nocturnal ones across the existing road to access the opposite sides of the RF will have to be considered. Movement of heavy and fast moving vehicles on the road can cause disturbance to such wildlife and their habitat and tend to result in road kills as has been witnessed elsewhere. Further trash and garbage deposited by the general public on the sides of the road may also add to the discomfiture experienced by wildlife leading to death of fauna, particularly reptilian fauna.

Under the above circumstances the Additional Principal Chief Conservator of Forests, Madurai has recommended for clearance under Forest Conservation Act subject to the following:

- The issue of clearance under the existing provisions of the Forest Conservation Act for the bye pass road already in existence and passing through Valkaradu RF will have to be decided.
- The speed of vehicles plying on the road upon expansion of the road may be subjected to regulation preferably not more than 30 km per hour while crossing the stretches of reserve forests on the bye pass road.
- Adequate number of speed breakers may be executed on the stretches of the animal passing through the Reserved Forest at Vantage points to control the speed of the vehicles plying on the road.
- Adequate number of Display boards/ Signage/ Speed breakers may be fixed along both the stretches passing through the RFs warning vehicle drivers to exercise caution while driving.
- Erection of awareness boards /displays exhorting the general public/ vehicle commuters to desist from throwing trash and garbage along the road.

The area proposed for diversion of 2.839 ha for the improvement work of Theni Bye pass road connecting Dindigul-Theni road and Madurai-Cochin road across Valkaradu Reserved Forest is recommended and forwarded to the Government of Tamilnadu for approval Subject to the following conditions.

1. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
2. 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.
3. 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.
4. The Additional amount of the Net Present Value (NPV) of the diverted forestland 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.
5. The User Agency has to pay the cost of raising Compensatory Afforestation and maintenance of plantation, Protection of plantation etc. as fixed by the Forest Department and willingness to deposit additional amount if any suggested and demanded subsequently.
6. 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.
7. The forest land shall not be used for any other purpose other than that specified in the proposal.
8. 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 and subsequent changes.
9. Period of lease is twenty years. The User Agency has to apply renewal proposal before 6 months of expiry of lease with the State Forest Department.
10. The District Forest Officer may impose any other condition in the interest of conservation /protection and development of forests.

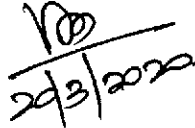
The proposal is sent herewith duly recommended by the Additional Principal Chief Conservator of Forests (Forest (Conservation) Act) /Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu. I request that the proposal may kindly be forwarded to Government of India for approval for diversion of 2.839 ha of forest land for the improvement work of Theni Bye-pass road connecting Dindigul - Theni road and Madurai-Cochin road across Valkaradu Reserved Forest a period of twenty years.

Encl.: Proposal in Form A
Part I, II, III & IV (original)
in duplicate.

Yours faithfully,



for Principal Chief Conservator of Forests
(Head of Department)



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 – Proposal for diversion of 2.839 ha of forest land for the improvement work of Theni Bye-pass road connecting Dindigul-Theni road and Madurai-Cochin road across Valkaradu Reserved Forest

Proposal No. (FP/TN/Road/41255/2019)

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 —

Date: 18-3-2020

Place: Chennai

Signature



Name :

Additional Principal Chief Conservator of Forests
Official Seal: (Forest Conservator Act)
C- PCCF (HoD), Chennai-600 015.

PART-II

(To be filled by the concerned Deputy Conservator of Forest)

State Serial No. of proposal : TN-04/2020

1. Location of the project/Scheme : Tamil Nadu

- (i) State / Union Territory : Tamil Nadu
- (ii) District : Theni
- (iii) Forest Division : Theni
- (iv) Area of forest land proposed for diversion (in ha.) : 2.839
- (v) Category : Road

2. Legal status of forest land proposed for diversion :

S. No.	Division	Forest Land(ha.)	Legal Status
1	Theni	2.839	Reserved Forest

Division 1. : Theni

3. District wise area to be diverted in the division :

S. No.	District	Area(ha.)
1	Theni	2.839

4. Details of Vegetation available in the forest land proposed for diversion :**(i) Density of vegetation**

S. No.	Area(in ha.)	Density	Eco-Class
1	2.839	0	Eco 3

(ii) Species-wise local/scientific names and girth-wise enumeration of trees at FRL :

S. No.	Scientific Name	Local Name	(0-30)cm.	(31-60)cm.	(61-90)cm.	(91-120)cm.	(121-150)cm.	(>150)cm.
NIL								

5. Working plan prescription for the forest land proposed for diversion : Nil**6. Brief note on vulnerability of the forest area to erosion : Nil****7. Approximate distance of the proposed site for diversion from boundary of forest(in km.) : 0****8. Significance of the forest land proposed for diversion from wildlife point of view :****(i). Details of wildlife present in and around the forest land proposed for diversion : Nil****(ii). Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc. : No**

(iii). Whether the forest land proposed for diversion is located within eco-sensitive zone(ESZ) of the Protected Area notified under Wildlife(Protection) Act, 1972 (Note: In case, ESZ of a Protected Area is not notified, then, 10kms distance from boundary of the Protected Area should be treated as ESZ): No

(iv). Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from

- (v). Whether any rare/endangered/unique species of flora and fauna found in the area : No ☒ 3

9.

Details of any protected archaeological/heritage site/defence establishment or any other important monument located in the area, if any :

- (i). Whether any protected archaeological/heritage site/defence establishment or any other important monument is located in the area : No ☒

10. Comment as to the reasonability of the extent of the forest land proposed for diversion :

- (i). Whether the requirement of forest land as proposed by the user agency is unavoidable and bare minimum for the project : Yes ☒

11. Details of violation(s), if any ,committed :



- (i). Whether any work in violation of the Act or guidelines issued under the Act has been carried out : No ☒

12. Whether work in violation is still in progres(Yes/No) : No Data ☒

13. Details of compensatory afforestation scheme :

- (i). Patch wise details for Degraded Area (To be earmarked by DFO)

- (i). Total Financial Outlay for C.A(lacs):

Patch Wise Details						
S.no	Patch No.	Area(ha.)	Name of PF/RF	Range	Compartment No	Uploaded KML file of patch
1	1	0.612	Valkaradu RF	Theni	-	 View file
2	2	2.227	Valkaradu RF	Theni	-	 View file

2.839


Additional Information Details :

S. No.	Documents	Remarks
NIL		

14. District Profile :

S.no	District Name	Geographical area of the district (in ha.)	Forest area of the district (in ha.)	Total forest area diverted since 1980 (in ha.)	No. of Approved Cases	Forest Land including penal C.A. (in ha.)	Progress of compensatory afforestation as on(date)	A) Forest land (in ha.)	B) Non-forest land (in ha.)
1	Theni	324230.205	105987.27	87.48	22	65.04	17/02/2020	9.99	55.05

15. Site inspection report of the DFO/CCF/Nodal Officer highlighting important facts pertaining to the forest land :

Division Name	Circle	Site inspected By	Whether site inspected	No. of times site visited	Site inspection report	Date of visit
Theni	Madurai	DFO	Yes	One		30/01/2020

(Specific recommendation of the DFO/CCF/Nodal Officer with(Part II,III & Part IV))

Division	Circle	Recommendation By	Recommendation	Reason	Letter	Whether CF agreed
Theni	Madurai	DFO	Recommended	Since the proposed improvement work of Theni Bye pass road is not falling under Eco Sensitive Zone and there is no spontaneous tree growth, no endangered species of flora and fauna found in the proposed area and also does not have any monuments which area archaeological important / heritage site / defense establishment etc. and Since there is no other alternative feasible location available and there is an existing road, the diversion of 2.839 Ha. of Forest Land may be considered.		4

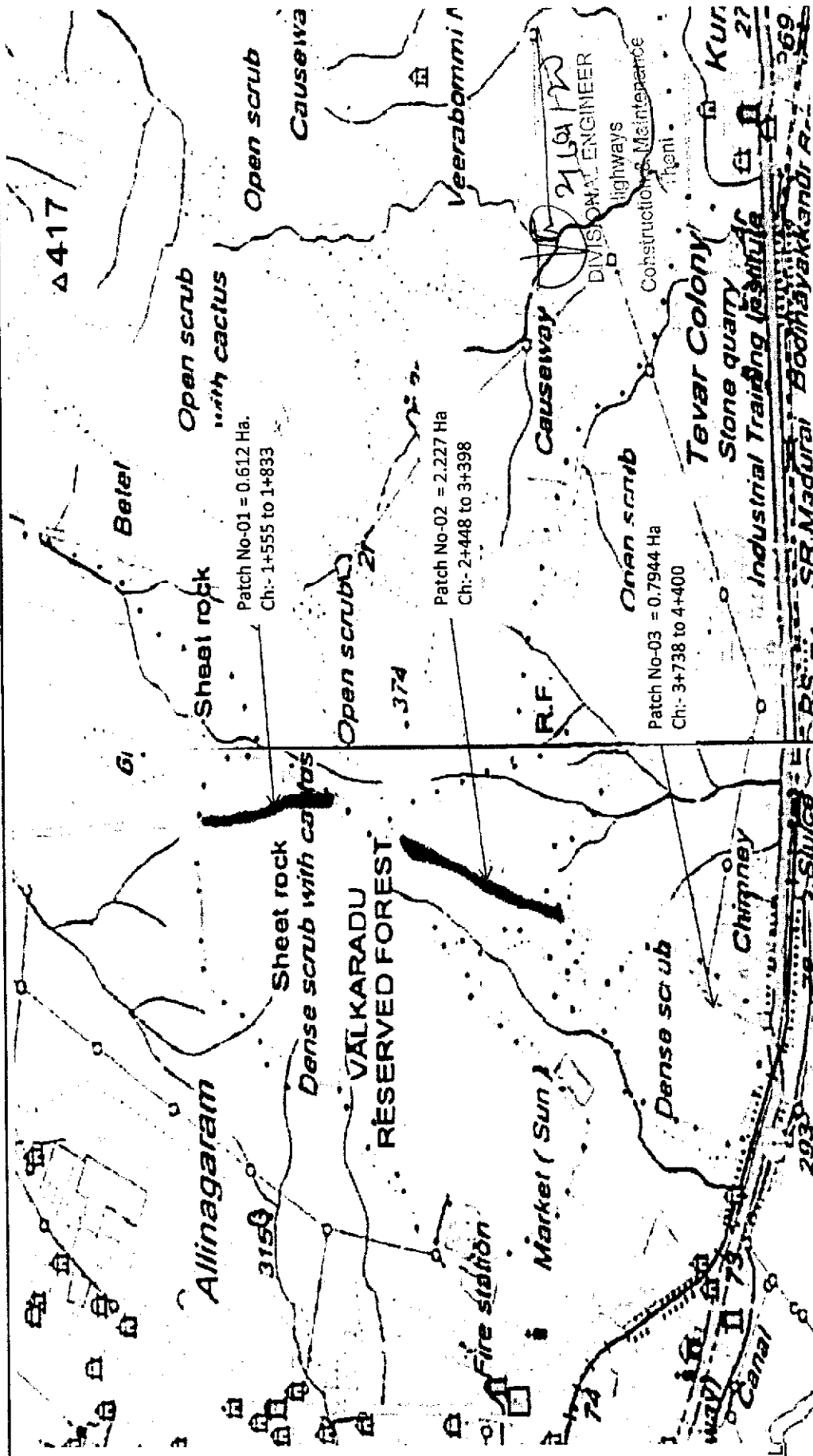
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17/2/2020 12/02/2020

Forests - Forest (Conservation) Act, 1980 - Madurai Circle, Theni Forest Division - Proposal for diversion of 2.839 ha of forest land for the Improvement Work of Theni Bye-pass road connecting Dindigul - Theni road and Madurai - Cochin road across Valkaradu Reserved Forest - Online proposal submission by the User Agency ie. The Divisional Engineer, Highways Construction and Maintenance Theni.

Top Sketch duly marked the proposed road



GPS Readings:-

Patch - 01 10° 1'41.71"N ; 77°29'54.36"E
 Patch - 02 10° 1'3.50"N ; 77°29'44.41"E
 Patch - 03 10° 0'27.70"N ; 77°29'30.56"E

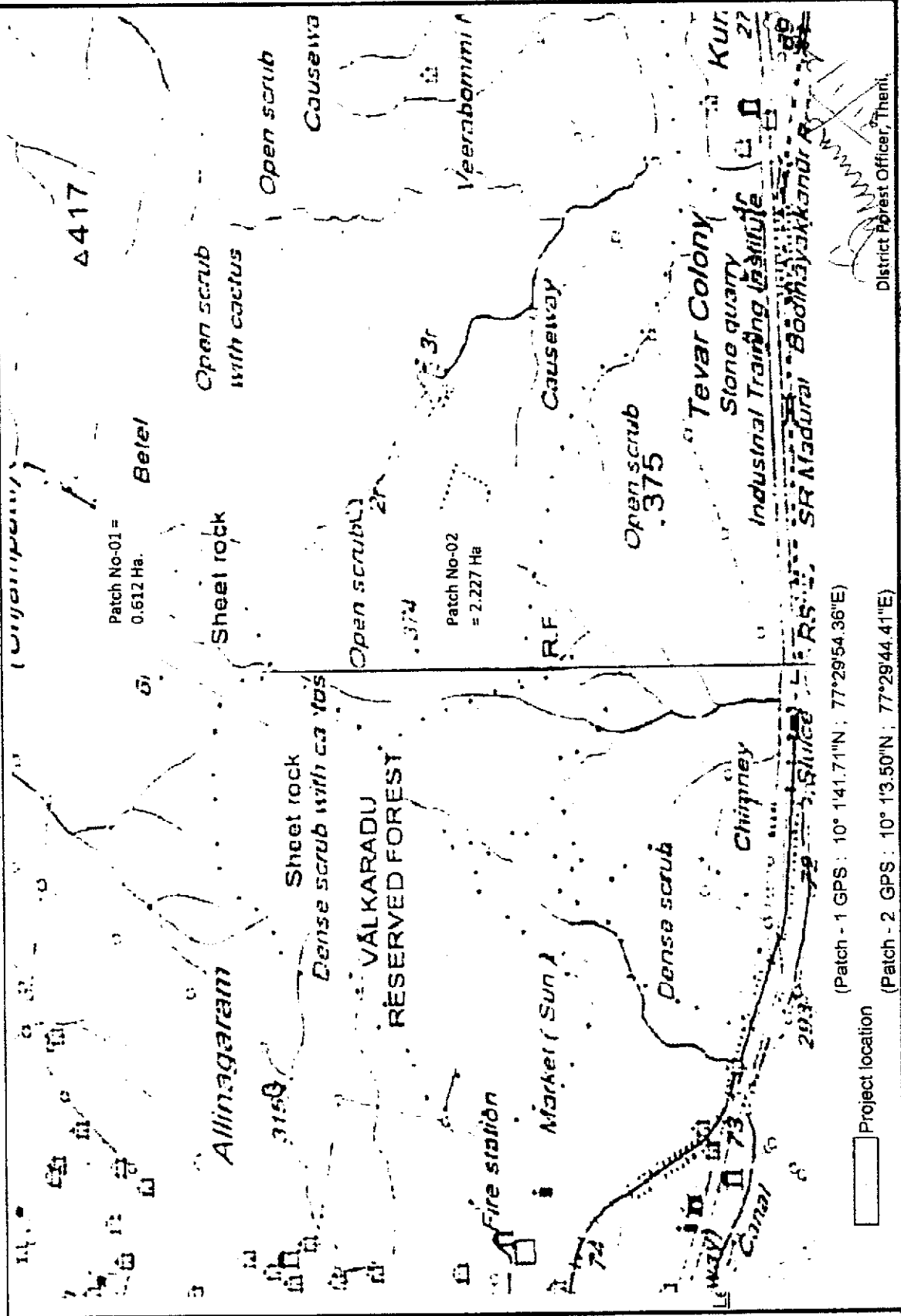
Legends

Patch - 01 & 02 is currently proposed by User Agency to seek clearance under Forest Conservation Act.
 Patch - 03 was purused and permission accorded vide Principal Chief Conservator of forests, Chennai vide C.No.TS/34967/2013 dated 27.08.2013 for improvement and re-gradation of road.

5

Forests - Forest (Conservation) Act, 1980 - Madurai Circle, Theni Forest Division - Proposal for diversion of 2.839 ha of forest land for the Improvement Work of Theni Bye-pass road connecting Dindigul - Theni road and Madurai - Cochin road across Valkaradu Reserved Forest - Online proposal submission by the User Agency ie. The Divisional Engineer, Highways Construction and Maintenance Theni.

Top Sketch duly marked the proposed road



21/1/2020
21/1/2020

District Forest Officer, Theni.

Project location

(Patch - 1 GPS : 10° 1'41.71"N ; 77°29'54.36"E)

(Patch - 2 GPS : 10° 1'3.50"N ; 77°29'44.41"E)

Top Sketch duly marked the proposed site with distance of Wildlife Sanctuary and the distance of Eco Sensitive Zone of Megamalai.



ECZ boundary of Megamalai WLS is 12.60km.

Distance from MWLS is 12.93 km

DISTRICT FOREST OFFICER
Theni Division, THENI

PART - III**[to be filled by concerned Additional Principal Chief Conservator of Forests]**

14.	Whether site, where the forest land involved is located has been inspected by concerned Chief Conservator of Forests (Yes / No) if yes, the date of inspection & observations made in form of inspection note to be enclosed.	: Yes. Inspected by the Additional Principal Chief Conservator of Forests on 30.01.2020 and 04.03.2020 inspection note enclosed.
15.	Whether the concerned Chief Conservator of Forests agree with the information given in Part B and the recommendation of District Forest Officer.	: Yes
13.	Specific Recommendation of concerned Chief Conservator of Forests for acceptance	: The proposed area for diversion does not have any important monuments of Archeological, Heritage site, Defense establishment etc., and there is no endangered species of flora and fauna and no spontaneous growth of trees and does not fall in any wildlife corridor. The proposal may be considered based on the field inspection ^{note} issued and appended.

Signature :

Name :

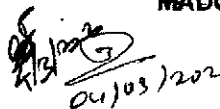
Kayarat Mohan Das, IFS,

Office Seal :

Additional Principal Chief Conservator of Forests**MADURAI CIRCLE****MADURAI-625 002**

Date: 04.03.2020

Place: Madurai.


 04/03/2020

**Field Inspection of Additional Principal Chief Conservator of Forests,
Madurai Circle, Madurai regarding diversion of 2.839Ha in Valkaradu RF for
improvement of Theni Bye pass road Theni Forest Division of Madurai Circle.**

Inspected the proposed area earmarked for widening of the existing Bye pass road in Theni district along with District Forest Officer, Theni and field staff on 30.01.2020. The proposal relates to the widening from double lane to multilane and improvements to Theni Bye pass road sanctioned vide G.O. (Ms) No.90, Highways and Minor Ports (HS1) Department dated 28-5-2018.

The said existing Bypass road is a two lane road that connects Dindigul - Theni road to Cochin - Madurai road and cuts Valkaradu RF of Theni forest division in a north - south direction at two distinct places to a length of 278m and 950m respectively. The average width of the existing road is about 7.0m. The present proposal submitted refers to diversion of forest land on either side of the carriageway for widening of the road from double lane to multilane for ease of traffic movement. The total area sought to be diverted is therefore placed at **2.839 ha** of RF, being **0.612 ha** (length of 278m and width of 22.72m = 0.612 ha) in the first stretch and **2.227 ha** (length of 950m and width of 23.44m = 2.227ha) in the second stretch.

Valkaradu RF is situated atop a hillock and slopes down both in a easterly and westerly direction with a common ridge lying in between and running almost the entire length of the RF. The vegetation mostly consists of a coarse form of degraded dense scrub interspersed with Albizzia amara, Chloroxylon swietenia, Neem etc. The Theni district administrative headquarters viz. Theni town has grown around the RF with dwellings occupying the western and southern slopes as well as the eastern slopes adjoining the RF. The Theni bye pass road cuts Valkaradu on its eastern slope and is an important road linking Theni with Dindigul on the north, Cochin on the west as well as Madurai town on the east. It is therefore an important link road for Theni town.

An extent of 8.59ha in SF No.1511 of non forest land in Veerapandi village, Theni Taluk of Theni district has already been handed over to the forest department earlier and has been declared under section 4 of the Tamilnadu Forest Act as stated by the District Forest Officer, Theni vide his Ref. No. 7304/2019/D dated 5-7-2019. This piece of land would constitute the actual land handed over for the purpose of compensatory land for afforestation in lieu of the forest land to be diverted for the above said project.

On perusal of records available with the District Forest Office, Theni, it is seen that the Valkaradu RF was notified under section 16 of Forest Act 1882 in Board of Revenue (Land Revenue) order No. 626 dt. 29.08.1893 and in G.O. No. 717 and 717-A Revenue dt. 10.08.1893.

The existing Theni bye pass road finds no mention in the above notification for Valkaradu RF available with the District forest office. It is presumed that it would have been an old cart track which was subsequently improved upon with the expansion of Theni town without the formal permission of the forest department probably prior to or after the promulgation of the Forest Conservation Act, 1980. No action has also been initiated by the Forest Dept. against the Highways Dept, for laying of the Bye pass road or its maintenance. As such the very existence of the present road would have to be construed as a violation of the Forest Conservation Act. It is also fact that one diversion proposal for a stretch of 662 meter of forest land with a width of 12 meter only has been accorded by the Principal Chief Conservator of Forests vide Principal Chief Conservator of Forests (Head of Forest Force) C.No. TS1/34967/2013 dated 27/08/2013. The compensatory land for the above said proposal is to be accommodated within this 8.59 ha of land already handed over by the user agency earlier. However it is a fact that the bye pass road existing in its present form offers much succour to the general public as it is one of the vital roads easing congestion of traffic within Theni town by allowing vehicles entering Theni town to access the bye pass road and reach their destinations without causing traffic snarls in the town. It is therefore a vital link road for a growing urban conglomeration like Theni and its importance in the economic and social development of the inhabitants of the town cannot be underplayed.

The implications of not having obtained clearance under the Forest (Conservation) Act 1980 for the existing Bye pass road however will have to be taken into the reckoning.

Presently both stretches of the By-pass road mentioned in the proposal pass through Valkaradu RF and the issue of movement of wildlife in particular smaller mammals and nocturnal ones across the existing road to access the opposite sides of the RF will have to be considered. Movement of heavy and fast moving vehicles on the road can cause disturbance to such wildlife and their habitat and tend to result in road kills as has been witnessed elsewhere. Further trash and garbage deposited by the general public on the sides of the road may also add to the discomfiture experienced by wildlife leading to death of fauna, particularly reptilian fauna.

Under the above circumstances it is proposed that clearance under Forest Conservation Act may be accorded subject to the following:

- The issue of clearance under the existing provisions of the Forest Conservation Act for the bye pass road already in existence and passing through Valkaradu RF will have to be decided.
- The speed of vehicles plying on the road upon expansion of the road may be subjected to regulation preferably not more than 30 km per hour while crossing the stretches of reserve forests on the bye pass road.
- Adequate number of speed breakers may be erected on the stretches of the animal passing through the RF at vantage points to control the speed of vehicles plying on the road.
- Adequate number of Display boards/ Signage may be fixed along both the stretches passing through the RFs warning vehicle drivers to exercise caution while driving.
- Erection of awareness boards /displays exhorting the general public/ vehicle commuters to desist from throwing trash and garbage along the road.

Additional Principal Chief Conservator of Forests, (FAC)
Madurai Circle, Madurai.