

**TAMIL NADU FOREST DEPARTMENT**

From  
Thiru Syed Muzammil Abbas IFS.,  
Principal Chief Conservator of Forests,  
(Head of Forest Force),  
Panagal Maaligai, Saidapet,  
Chennai - 600 015.

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

**Ref. No. TS4/39546/2017 dated.15.04.2022**

Madam,

Sub:- Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Theni & Madurai Forest Divisions - Proposal for diversion of 0.13ha of forest land in Theni Division & 0.0332ha of forest land in Madurai Division of Madurai District for Water Supply improvement scheme to Usilampatty Municipality - Online proposal Submission by the User Agency ie., The EE, TWAD Board, Ganesh Nagar, Madurai - 625 007 - Regarding.

- Ref:- 1. Online application uploaded by the User Agency Thiru S. John, EE, TWAD Board, Ganesh Nagar, Madurai-625 007 Dt. 30.10.2017 (FP/TN/WATER /27069/2017)  
2. Principal Chief Conservator of Forests ref.No. TS4 / 39546 2017, Dated: 20.02.2020.  
3. Conservator of Foersts & Field Director, SMTR, Madurai Ref.No: 946 / 2020 /D1 dated 22.02.2022.  
4. The District Forest Officer ,Theni C.No:D/9661/2018 dated 13.12.2021  
5. The District Forest Officer , Madurai C.No: D1/7679/2018 dated 02.02.2022

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I wish to state that the Executive Engineer, TWAD Board, Ganesh Nagar, Madurai has sent a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.13ha of forest land in Theni Division & 0.02ha of forest land in Madurai Division of Madurai District for Water Supply improvement scheme to Usilampatty Municipality through online web portal in the prescribed format.

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

i) Certificate regarding after considering all alternatives, this is the only land found to be feasible alignment for the proposal work and that the required area is



the minimum need for this purpose and this land is absolutely essential for the proposed work.

ii) Certificate from the project proponent about that all required annexure and particulars pertaining to the proposal are furnished in English

iii) Certificate from the project proponent about that demand for forest land for the project is minimum

iv) Certificate from the project proponent about that no alternative suitable non-forest land is available for the project.

v) Certificate from the project proponent about that TWAD Board is willing to pay the net present value as fixed by the Forest Department for the Forest land area required to be diverted to TWAD Board for the implementation of the project after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from expert committee.

vi) Certificate from the project proponent about that TWAD board is committed to pay the lease amount as fixed by the Forest Department for use of the forest land required for the implementation of the project.

vii) Certificate from the project proponent about that felling of all the trees is essential for implementing the project.

viii) Certificate from the project proponent about that TWAD Board is ready to pay the cost as fixed by the Forest Department for the trees getting affected and to be cut and removed in the forest land due to the implementation of the project.

ix) Certificate from the project proponent about that the cost of compensatory afforestation plantation estimated and insisted by Forest department will be paid by the TWAD Board.

x) Certificate from the project proponent about that the funds for afforestation, compensation are available with the TWAD Board and will be deposited as and when required by the Tamilnadu Forest Department.

xi) Certificate from the project proponent about that no alternative suitable non-forest land is available except the above Forest land for the proposed Water Supply improvement Scheme to Usilampatty Municipality in Thoothukudi District and demand of Forest land for the project is minimum.

xii) Undertaking to bear the additional 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.



xiii). Undertaking to bear the cost along with any escalation for exploitation of trees if any available in the alignment path, for the proposed diversion of forest as fixed by the Forest Department.

xiv). Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the alignment path, for the proposed diversion of forest as fixed by the Forest Department

xv) Undertaking to bear the cost 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.

xvi) The user agency has furnished the Certificate that felling of all the trees is essential for implementing the project. Hence, the number of trees, species wise of trees to be felled for implementing the project may be asked to furnished.

xvii) Certificate obtained from the District Collector, Madurai District dated 05.09.2017 and Theni District in ref. no:26072/2017/G7 dated 18.11.2019 about Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers under Forest Rights Act 2006 in the prescribed format

xviii) Certificate of no alternate suitable non forest land is available for the above project from the District Collector, Madurai District dated 05.09.2017 and Theni District in ref. no:26072/2017/G7 dated 18.11.2019

xix) Signed copy of Form-A

3) In the site inspection report of the District Forest Officer, Theni.has stated that

a) The District Forest Officer has inspected the proposed area for diversion on 08/06/2020;

b) The area requested by the User Agency is 0.13 Ha. for laying of underground pipelines for a distance of 1.30kms with a width of 1mt for providing drinking water facility to Usilampatty Municipality.

c) The proposed area is forest land of Aundipatty South Reserved Forest, Aundipatty South Beat, Aundipatty Range.

d) The area is along the Madurai – Cochin National highways and the area is side of the road devoid of vegetation with no tree growth and no important monuments.

e) Since the project is essential for providing drinking water to Usilampatty Municipality, the diversion of 0.13Ha. of forest land may be permitted.



4) In the recommendation of District Forest Officer, Theni, the following points are furnished.

a) The project for diversion of 0.13Ha forest land is Aundipatty South Reserved Forest, Aundipatty Range doesn't fall in Eco Sensitive Zone (ESZ) of Megamalai and Kodaikanal Wildlife Sanctuaries and also not falls under Ecologically Sensitive Area (ESA).

b) Proposed site doesn't have any important monuments / heritage site and is devoid of vegetation as it is along the Madurai – Cochin National Highways.

c) The District Collector has certified that there is no alternate non forest land,

d) The User Agency has not carried out any work in violation of provisions of Forest (Conservation) Act, 1980.

e) Since the project aims to provide drinking water for Usilampatty Municipality, the diversion of 0.13Ha. of forest land may be permitted.

5) The District Forest Officer, Madurai in his field inspection report has stated that,

i) The proposed length was only 200m all along the Madurai - Theni (NH45) road and during inspection, the length of pipeline is measured along the line of alignment and is confirmed as 332m, 300mm diameter ductyl iron pipe at a depth of 1.55m to a width of 1m and totally the proposed area in Doddappanaickanur North Reserved Forest in Usilampatty Range of Madurai Division is  $332\text{m}^2$  (i.e.) 0.332ha.

ii) The AEE informed that no trees or vegetation will be felled or disturbed during the execution of the project and an earth mover will be used for excavation without disturbing the vegetation and the excavated earth will be dumped along the roadside on ly and not in forest side.

iii) The project is important for the welfare of the people of Usilampatty municipality and it will be a solution to drinking water in the area.

It is a diversion proposed along the roadside and the AEE informed that the excavation will be immediately closed after laying pipes without affecting the migrating animals.

6) In the recommendation of the District Forest Officer, Madurai has stated that for diversion of 0.0332ha of forest land in Doddappanaickanur North RF of Usilampatty Range for dedicated water supply scheme by Assistant Executive Engineer & TWAD board, Theni involves excavation of earth of 1m width and laying



of 300mm dactyl iron pipe to a length of 332m at 1.55m depth all along the Madurai - Theni (NH 85) road at a distance of 3m away from the BT edge on the left side of the road while travelling from Theni to Madurai is essential for the welfare of people of Usilampatty Municipality as it supplies drinking water to the people and does not involve felling of trees or other vegetation and is hence, recommended.

7) In the Field Inspection report of Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai regarding diversion of 0.1632 Ha of forest land in Doddappanaicknur North RF in Madurai Forest Division and Andipatty South RF in Theni Forest Division for laying underground pipelines for providing drinking water facility to Usilampatty Municipality has stated that

- a) The proposed area for laying underground pipeline along the Madurai to Cochin National Highways across Doddappanaicknur North Reserved Forest (Length 332M) and Andipatty South Reserved Forest (Length 1.30km) to a distance of 1.632 km and 1.00M width and 1.55M depth in Madurai District and Theni District respectively, has been inspected along with District Forest Officer, Theni and field staff on 14.02.2022.
- b) The proposal involves laying of drinking water pipeline along Theni - Madurai road, digging of pit of size not exceeding 1.0m wide and 1.55m deep pit and refilling the same with excavated soil after laying pipeline.
- c) The alignment of the pipeline is along the Left Hand Side (LHS) of Theni – Madurai road.
- d) The proposed area doesn't fall under any Eco Sensitive Zone, Wildlife sanctuary, National park and Tiger Reserve.
- e) There is no felling of trees involved.
- f) The proposed project does not impose any threat to forest and wildlife.

Hence the diversion of forest land to an extent of 0.1632 Ha may be considered.

The District Forest Officer Theni and District Forest Officer Madurai have not proposed compensatory afforestation as the area required for the project is less than one ha and no felling of trees involved.

8) In the recommendation of Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai regarding diversion of 0.1632 Ha



of forestland for laying underground pipelines for providing drinking water facility to Usilampatty Municipality stated that

- a) The proposed forest area requested for laying of underground pipeline along the Madurai to Cochin National Highways passes through areas of Doddappanaickanur North Reserved Forest (Length 0.332km) and Andipatty South Reserved Forest (Length 1.30km) to a distance of 1.632 km in Madurai and Theni District respectively.
- b) The proposal involves digging of earth not exceeding 1.00M width and 1.55M depth in order to lay the pipeline. Apart from excavation of soil for digging the pit, the project in the proposed forest areas involves no physical construction activity or any kind of discharge of waste.
- c) The project work is designed in such a manner so as to lay the pipeline all along the road margin of the National Highway Madurai – Cochin road, which involves no felling of trees and alteration of terrain.
- d) There is no felling of trees involved in this proposal. The proposed forest area doesn't fall in any Eco Sensitive Zone, Wildlife sanctuary, National park and Tiger Reserve. Based on the recommendation of the District Forest Officer, Madurai and Theni the diversion of forest land to an extent of 0.1632ha in Madurai and Theni Forest Division is recommended.

9) Also in Part-III, the Conservator of Forests and Field Director, Srivilliputhur Megamalai Tiger Reserve, Madurai has stated that the diversion of forest land to an extent of 0.1632ha in Madurai and Theni Forest Division does not have any important monuments of Archeological, Heritage site, Defense establishment etc., and the project is location specific and the area requested for the project is barest minimum and recommended the above proposal.

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

11) 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).

12) The area proposed for diversion of 0.13ha of forestland in Aundipatty South Reserved Forest of Theni Division, Theni District and 0.0332ha of forest land in Doddappanaickanur North Reserved Forest of Madurai Division of Madurai



District for Water Supply improvement scheme to Usilampatty Municipality is recommended and forwarded to the Government of Tamilnadu for considering the proposal under the General Category wherein the State Government was empowered to divert forest area 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 in File.No:5-3/2011-FC (Vol.I) dated 06.01.2022 and 19.01.2022 and 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.
- (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.

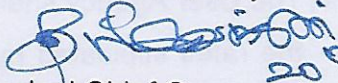



(xi) The Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection ~~and~~ development of forests.

I request that in-principle Stage-I approval under Forest (Conservation) Act, 1980 for diversion of 0.13ha of forest land in Theni Division & 0.0332ha of forest land in Madurai Division of Madurai District for Water Supply improvement scheme to Usilampatty Municipality for a period of 20 years may be accorded in favour of the Executive Engineer, TWAD Board, Madurai.

Encl.: Proposal.

Yours faithfully

  
20/04/2022  
for Principal Chief Conservator of Forests  
(Head of Forest Force)

  
20/4/2022



**PART IV**

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

**Name of Work:** Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Theni & Madurai Forest Divisions - Proposal for diversion of 0.13ha of forest land in Theni Division & 0.0332ha of forest land in Madurai Division of Madurai District for Water Supply improvement scheme to Usilampatty Municipality - Online proposal Submission by the User Agency ie., The EE, TWAD Board, Ganesh Nagar, Madurai- 625 007

**Proposal No:** (FP/TN/WATER /27069/2017)

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*

*K. P. N. 12/4/22*

Signature:

Date : 12.04.2022  
Place: Chennai

Name : **V. KARUNAPRIYA**  
Official Seal:

Additional Principal Chief Conservator of Forests  
(Forest Conservation Act)/Nodal Officer

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