

TAMILNADU FOREST DEPARTMENT

From
Dr. H. Malleshappa, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai - 600 015.

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

C. No. TS4/ 42632 /2018, Dated: 14 .01.2019

Sub: Forests - Forest (Conservation) Act, 1980 – Dindigul Circle / Dindigul Division - Proposal for diversion of 0.1896 ha for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti RF, Nilakottai Taluk of Dindigul District – Online proposal submission by the User Agency ie. Block Development Officer, Nilakottai Taluk of Dindigul District - Regarding.

Ref: 1. Online application uploaded by the User Agency – Thiru. Selvaraj, Block Development Officer, Nilakottai Taluk of Dindigul District, dated: 29.09.2018. (FP/TN/Approach /36237/2018).
2. District Forest Officer, Dindigul recommended on 26.12.2018.
3. Chief Conservator of Forests, Dindigul recommended on 08.01.2019.

I wish to state that the User Agency Thiru. Selvaraj, Block Development Officer, Nilakottai Taluk of Dindigul District has furnished online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A – Part I for diversion of 0.1896 ha for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti RF, Nilakottai Taluk of Dindigul District.

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 year (A.1.x of proposal format) is 99 years.

In this regard, it is submitted that the User Agency has uploaded the following Certificates/Undertaking Certificate along with the online proposal of Form A – Part I.

1. Letter of Authorisation.
2. Survey of India Toposheet for the proposed land for diversion.
3. Geo referenced Map of the forest land proposed for diversion with GPS points.
4. Justification for locating the project in Forest land
5. Certificate obtained from the District Collector, Dindigul District about settlement of Tribes under Forest Rights Act 2006 in the prescribed format.
6. Area requirement for the project.
7. Certificate for catchment area details.
8. Certificate regarding no violation of the provisions of the Forest (Conservation) Act, 1980 has occurred and all relevant conditions with respect to diversion of forest land for non-forest uses have been compiled by BDO, Nilakottai.
9. Certificate regarding no other alternate land available for the project.
10. Certificate obtained from the District Collector, Dindigul District about no alternate suitable non-forest land is available for the project.
11. Form A signed copy of the proposal.
12. Gazette Notification dated 30.04.1975 regarding right of way leading Mahalingaeshwar temple.
13. Certificate for the demand for forest land for the project is minimum.
14. No alternative suitable non-forest land is available for the project.
15. Certificate regarding, BDO, Nilakottai is willing to pay the NPV, Additional NPV as fixed by the Forest Department.
16. Certificate regarding the funds for afforestation, Compensation are available with the BDO, Nilakottai and will be deposited as and when required by the Tamil Nadu Forest Department.
17. Certificate regarding cost of felling of trees and transportation cost of the trees if any will be bear by the BDO, Nilakottai.
18. GPS Coordinates for the project is furnished.

19. BDO, Nilakottai is committed to pay the lease rent as fixed by the Forest Department.

Further the User Agency has reported in the justification report that the Mahalingeswarar temple situated in the Mettupatti Hillock was worshiped by the surrounding villagers for the past 150 years. The peoples belong to S.Mettupatti, Sidhargal Natham, Anaipatti, Kalyaipatti, Chokkapillaipatti, Mithalapuram, Musuvanuthu, Vilampatti, Pillaiyarnatham and Kutilnayakkanpati had worshiped this temple and conducted festivals during the days of Pournami, Amavasai, Mahasivarathiri and also special days for lord Shiva. The applicant does not have to acquire land for this project except admitted right of way as per Tamil nadu Gazette Notification No.17, dt. 30.04.1975.

The people belong to nearby village S.Mettupatti also putforth their demand for construction of steps and improve the path to temple in Grama Sabah meeting presided over by Block Development Officer during August 2018. The demand is mentioned in the minutes of the meeting.

The area required for the construction and improvement works of steps is bare minimum and also within the right of way which is a part of the protected forest land. The project area does not involve any diversion of forest area in any manner. No alternative land was considered as the project is site specific.

In the reference 2nd cited the District Forest Officer, Dindigul has uploaded the online proposal of Form A Part II with the field inspection notes dated: 26.05.2018 and 20.12.2018 the proposed site for construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti RF.

He also stated that the District Forest Officer, Dindigul has inspected the proposed site on 26.05.2018.

- i. The area proposed by the User Agency is minimum and there is no alternative land for the proposed project except forest land.
- ii. The User Agency has not started any work proposed in Mettupatti RF. Therefore the question of violation of Forest (Conservation) Act, 1980 for this proposal does not arise.

- iii. The proposed site is a Reserved Forest and no tree felling has been proposed for the purpose of construction and improvement works of steps.
- iv. The right of way permitted for access to Mahalingeswara Temple in Mettupatti RF is 1018.13 meter length and 2.7 m width. The area proposed by the User Agency is 0.1896 ha ie. 790m length and 2.40m width.
- v. There is no widening proposed in the project.
- vi. No protected archaeological/heritage site/defence establishment and there was no monument in the above said project area.

In the reference 3rd cited, the Chief Conservator of Forests, Dindigul Circle has inspected the proposed project area on 07.01.2019 along with District Forest Officer, Dindigul and agree with the recommendations of the District Forest Officer, Dindigul.

In the interest and safety to devotees, the improvement of path way requested by the User Agency may be permitted and hence the Chief Conservator of Forests, Dindigul has recommended for the acceptance of the proposal.

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

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

The area proposed for diversion of 0.1896 ha for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti RF, Nilakottai Taluk of Dindigul District 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. Felling of trees of spontaneous origin shall not be carried out. User Agency shall furnish an undertaking to this effect.

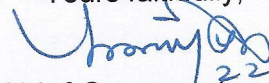
3. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
4. The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry 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.
5. 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.
6. The fund from the User Agency towards cost of Compensatory Afforestation and NPV under this project shall be deposited in SB A/C No.1025227-CAF, Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi 110 003 (RTGS/IFSC No. CORP 0000371) The details of deposition of funds including inter-alia the DD Nos. and date, amount, the Bank on which drawn and the date of deposition in the designated Bank shall also be furnished. The User Agency shall generate chalan from the Ministry's Online web portal to deposit the amount towards Compensatory levies.
7. 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.
8. The forest land shall not be used for any other purpose other than that specified in the proposal.
9. 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.
10. The District Forest Officer may impose any other condition in the interest of conservation /protection land 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 considered and State Government approval may please be obtained for diversion of 0.1896 ha for the construction and improvement works of steps

leading to Mahalingeswarar temple in Mettupatti RF, Nilakottai Taluk of Dindigul District for a period of twenty years.

Encl.: As stated above.

Yours faithfully,

 22/11/2019

for Principal Chief Conservator of Forests
(Head of Department)

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22/11/19

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 ~~diversion of~~ 0.1896 ha for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti RF, Nilakottai Taluk of Dindigul District in favour of BDO, Nilakottai

Proposal No. FP/TN/Approach /36237/2018.

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).

The recommendation of DFO, Dindigul dt. 26-12-2018 and CCF, Dindigul dt. 08-1-2019 may be accepted and the user agency to strictly comply with proposed works only by following all relevant acts, rules, regulations in force.


Date: 12-1-2019

Place: Chennai

Signature: 

Name: S. Yuvraj

Official Seal:

 Principal Chief Conservator of Forests
(Forest Conservation Act)
Chennai - 600 015.