

TAMILNADU FOREST DEPARTMENT

From

To

Thiru. Srinivas R. Reddy, I.F.S.,
Principal Chief Conservator of Forests
(Head of Forest Force),
Forest Headquarters Building,
Guindy - Velachery Main Road,
Near Kannikapuram Checkpost,
Guindy, Chennai - 600 032.

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

Ref. No.HOTNFD/580/2025-TS4, dt: 25-02-2025

Madam,

Sub: Forests - Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 [previously called Forest (Conservation) Act, 1980] - SMTR, Madurai Circle - Megamalai Wildlife Division - Proposal for diversion of 1.8798 ha of forest land for road upgradation works in Varusanadu - (via) Thummagundu - Valiparai Road (0/0-9/720) Section passing across Myladumparai Bit 39 RL (0.2438 ha), Myladumparai Bit 47 RL (0.2455 ha) and Megamalai RF (1.3905 ha) of Kadamalaikundu - Myladumparai Panchayat Union, Andipatti Taluk, Theni District in favour of Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division - reg.

Ref: 1. Online application uploaded by Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division, Proposal No: FP/TN/Road/42704/2019 on 31.10.2019.
2. Part-II uploaded by the Deputy Director, SMTR, Megamalai Wildlife Division, Theni on 07.12.2024.
3. Part-III uploaded by the Chief Conservator of Forests & Field Director, SMTR, Madurai on 23.12.2024.

I wish to state that in the reference 1st cited, the Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division has furnished online application under Section 2 of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for the above proposal under the Proposal No. FP/TN/Road/42704/2019.

1) Brief details of the project are given below:

- i. The User Agency has uploaded the proposal in the prescribed format, Form-A: Part-I under Section 2 of Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980 for diversion of fresh forest area in Parivesh 1.0 module.

- ii. Name of the project reported as, Road upgradation works in Varusanadu - (via) Thummagundu - Valiparai Road (0/0 - 9/720) Section in Kadamalaikundu - Myladumparai Panchayat Union, Andipatti Taluk in Theni District.
- iii. Project proposal number reported as, FP/TN/Road/42704/2019.
- iv. Short narrative of project reported as, The proposed road upgradation works in Varusanadu - (via) Thummakundu - Valiparai Road (0/0 - 9/720) Section. The road passing across Mandakaradu, Kalarimalai, Silamuttu Medu of Megamalai R.F. in Megamalai Wildlife Division, Theni in Kadamalaikundu - Myladumparai Panchayat Union, Andipatti Taluk in Theni District.
- v. Category of the Proposal reported as, Road.
- vi. Shape of forest land proposed to be diverted reported as, Linear.
- vii. Area of forest land proposed for diversion of forest land for road upgradation works is 1.8798 ha, as per the field verification of the Deputy Director, SMTR, Megamalai Wildlife Division, Theni. Most of the details previously uploaded could not be corrected at present in PARIVESH Portal, due to portal issues. Hence, recommended area related details may be considered as final.
- viii. Non-forest land required for this project reported as, 'Zero' ha.
- ix. Total period for which forest land is proposed to be diverted reported as, 99 years.
- x. Details of User Agency reported as, NABARD and Rural Roads, Highways Department, Madurai Division. Legal status of User Agency reported as, State Government.
- xi. Details of Person Making Application reported as, Thangapandi, Assistant Divisional Engineer, NABARD and Rural Roads, Highways Department, Madurai Division. Copy of documents in support of the competence / authority of the person making this application to make application on behalf of the User Agency uploaded.
- xii. Kml File of Segments is enclosed.
- xiii. Copy of Survey of India Toposheet indicating boundary of forest land proposed to be diverted is enclosed.
- xiv. Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS is enclosed.
- xv. The user agency has uploaded a note containing justification for locating the project in forest area as follows:

The people from Valiparai, Thummagundu, Varusanadu,

Moolakkadai, Ottanai, Murukkodai and Royarkottai villages are mainly using this road to reach nearby major villages and major towns nearby. The adjacent rural communities relying on this road for access to their higher education and hospital facilities. Enhancing this road will significantly improve connectivity for local residents, facilitating easier access to essential services in nearby towns and cities. Upgrading the road will improve safety for local communities, particularly during night time travel. This road will be useful to local people to promote economic activities, including agriculture by providing smoother transportation of goods and services. No alternative was considered, as the project is site specific.

- xvi. Details of employment likely to be generated provided by the User Agency.
- xvii. Displacement of People due to the Project reported as 'No'.
- xviii. Details of Cost-Benefit analysis for the Project reported as 'No'.
- xix. Status of requirement for Environmental Clearance reported as 'No'.
- xx. The Project is located inside the Protected Area. The approval of the Standing Committee of National Board for the Wildlife (NBWL) should be obtained by the User Agency.
- xxi. Applicability of special provisions governing Scheduled Areas reported as 'No'.
- xxii. Status of settlement of rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted reported as 'Yes'. Copy of documentary evidence in support of settlement of rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted is enclosed.
- xxiii. Details of land identified for Compensatory Afforestation reported as 'Yes'. The District Collector, Theni vide Proceedings No. 13261/2022/B3, dt: 18.11.2023 has allotted non-forest land under the existing classification of government poramboke land for Compensatory Afforestation scheme to an extent of 3.798 ha in SF Nos. 866 (1.410 ha), 867 (0.395 ha), 869 (0.340 ha), 870/1 (0.407 ha), 870/4 (0.086 ha) and 871 (1.160 ha) of Bodi North Hills village. All the above non-forest lands are located adjoining to the forest areas under the jurisdiction of Theni Forest Division.
- xxiv. The user agency has furnished following documents under additional information details section.
 - a. District Collector's certificate on the non-availability of alternate non-forest land for the above project.

- b. District Collector's certificates on settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers Act, 2006.
- c. Certified that no work in violation of the Forest Conservation Act 1980 has been carried out.
- d. Certified that the demand of the forest area for the project is minimum.
- e. Area statement.
- f. Undertaking to pay lease rent to the Forest Department.
- g. 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.
- h. Undertaking to pay the 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.
- i. Undertaking to pay 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.
- j. 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.
- k. Certified that No catchment area treatment plan in the approved plan.
- l. Documents related to non-forest land identified for Compensatory Afforestation scheme.

2) **In the Part II** of Form-A uploaded in the web portal, the Deputy Director, SMTR, Megamalai Wildlife Division, Theni has reported the following details.

i) Forest area diversion of 1.8798 ha of forest land in Myladumparai Bit 39 RL (0.2438 ha), Myladumparai Bit 47 RL (0.2455 ha) and Megamalai RF (1.3905 ha) in Megamalai WL Division has been proposed for diversion. Eco-class of forest area reported as Eco-Class 3 with density of forest area reported as '0.4'. Species wise and girth class wise enumeration of tree details reported as 'zero'.

ii) On Brief vulnerability of forest area to erosion reported as "The existing ghat cutting on the road side in Myladumparai Bit 39 RL and the first 428 m of road in Megamalai RF is minimally susceptible to erosion".

iii) Approximate distance of the proposed site for diversion from boundary of forest reported as 'zero'.

iv) Significance of the forest land proposed for diversion reported from Wildlife point of view reported as follows:

- a. Details of wildlife present in and around the forest land proposed for diversion reported as Indian Gaur, Sambar, Spotted Deer, Grizzled Giant

Squirrel, Indian Giant Squirrel, Wild Pig, Jungle cat, Leopard, Civets, Black naped hare, Indian monitor lizard, Indian Pangolin, Indian Porcupine, Bonnet Macaque, Jungle owlet, Sloth bear, Indian Blue Peafowl, Spotted Owlet, Barn Owl and other animals.

- b. Whether forms part of national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., reported as 'Yes'. Details and comments on the impact of Project on such areas reported as, the road falls in Megamalai RF, Myladumparai Bit 39 RL and Myladumparai Bit 47 RL which are part of the Srivilliputhur Megamalai Tiger Reserve. It is an existing road. The road passing through the RLs are not finding mention in the records. The road connects Thummagundu village with Varusanadu. The road and the village are mentioned in the Megamalai Reserved Forest Notification.
- c. Whether the forest land proposed for diversion is located within eco-sensitive zone (ESZ) of the Protected Area notified under Wildlife (Protection) Act, 1972 reported as, 'No'.
- d. Whether any national park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, wildlife migration corridor etc., is located within 1 Km. from boundary of the forest land proposed for diversion reported as, 'No'.
- e. Whether any rare/endangered/unique species of flora and fauna found in the area reported as, 'Yes'.
 - v) There is no protected archaeological / heritage site / defence establishment or any other important monument is located in the area.
 - vi) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project.
 - vii) Whether any work in violation of the Act or guidelines issued under the Act has been carried out reported as, 'No'.
 - viii) For the diversion of 1.8798 ha of forest land, Compensatory Afforestation has been proposed as 'Yes'. Non-forest land in 3 segments has been identified for Compensatory Afforestation in Theni District. KML file and Google map of the identified land and suitability certificate has been uploaded. The Compensatory Afforestation Scheme for planting 3760 seedlings in 3.798 ha (effective area is 3.76 ha) at a cost of Rs.57,88,240/- including 10-years maintenance is proposed by the District Forest Officer, Theni (jurisdiction of non-forest land identified is located in Theni Forest Division).
 - ix) The Deputy Director, SMTR, Megamalai Wildlife Division, Theni has uploaded site inspection report for the proposed forest diversion area with the justification as follows:

The proposed road was inspected by the Deputy Director on

06.01.2023, 20.02.2023, 24.02.2023, 16.10.2023 and 07.12.2023. This is the existing bitumen road in the forest and non-forest land. The said road passed through Myladumparai Bit 39 RL (487.6 m), Myladumparai Bit 47 RL (491.0 m) and Megamalai RF (2781.0 m) of Megamalai Wildlife Division, to a width of 5.0 m (bitumen width - 4.0 m and each side berm width - 0.5 m). Myladumparai Bit 39 RL and Myladumparai Bit 47 RL are declared as buffer zone of Srivilliputhur Megamalai Tiger Reserve. Megamalai RF is declared as Srivilliputhur Megamalai Tiger Reserve. Hence, the above road is fall in buffer and core zone of Tiger Reserve respectively. No tree felling is involved. The User Agency has not proposed any culverts or bridges or retaining walls or any other work except road upgradation as bitumen road. The existing ghat cutting on the road side in Myladumparai Bit 39 RL and the first 428.0 m of the road in Megamalai RF is minimally susceptible to erosion. The road is to be considered for the welfare of the bona-fide inhabitants only. Hence, the proposal for upgradation to an identified length of 3759.6 m and width of 5.0 m with a total extent of 1.8798 ha in forest area may be considered in this proposal.

x) In the Part-II of Form-A, the Deputy Director, SMTR, Megamalai Wildlife Division, Theni has recommended the forest area diversion of 1.8798 ha.

xi) In the Part-III of Form-A, the Chief Conservator of Forests & Field Director, SMTR, Madurai has recommended the forest area diversion of 1.8798 ha.

3) As per the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and the provisions of the said Adhiniyam, the authority to process the above subject proposal is the Government of India, Ministry of Environment, Forest and Climate Change, Regional Office, Chennai. The proposal forwarded by the Deputy Director, SMTR, Megamalai Wildlife Division, Theni and the Chief Conservator of Forests & Field Director, SMTR, Madurai is sent herewith duly recommended by the Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for the State of Tamil Nadu subject to the following conditions:

- i. The legal status of the diverted forest land remains unchanged.
- ii. The demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at the cost of the User Agency.
- iii. The Compensatory Afforestation (CA) shall be carryout in the Degraded Forest Land identified in Nagapattinam District at the cost of User Agency.
- iv. The Non-Forest Land identified in Theni District for CA and the approved

CA scheme shall not be changed without prior approval of the Central Government and the amount realized from the User Agency towards CA should not be left unspent.

- V. The Net Present Value of 5 times shall be charged for the diverted forest land inside the Wildlife Sanctuary (Megamalai RF - 1.3905 ha) and one time shall be charged for the diverted forest land inside the Reserved Lands (Myladumparai Bit 39 RL - 0.2438 ha and Myladumparai Bit 47 RL - 0.2455 ha) in Megamalai WL Division from the User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995 and Ministry's guideline No. 5-3/2011-FC(Vol-I) dated 06.01.2022 and clarification issued vide letter dated 19.01.2022 and 22.03.2022.
- vi. 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 from the User Agency. The User Agency shall furnish an undertaking to this effect.
- vii. All the funds received from the User Agency under the project shall be transferred / deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
- viii. The forest land proposed for diversion shall under no circumstances be transferred / sublet to any other agency, department or person without prior approval of the Central Government.
- ix. The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- X. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xi. The User Agency shall provide fire wood preferably alternate fuel to labourers working at the site to avoid damage / tree felling.
- xii. Disturbance shall be kept minimal by creating labour camps outside the forest area as far as possible and it will be the responsibility of the User Agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna.
- xiii. The total forest area in forest area utilized for the project shall not exceed 1.8798 ha and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal.
- xiv. The forest area proposed for diversion is falls inside the Wildlife Sanctuary. Hence, the User Agency shall obtain necessary permission / recommendation from the SC NBWL. In case of rejection of proposal under Wildlife Protection Act 1972, then the Stage I approval accorded

under FCA, 1980 will stand cancelled automatically. The State Government shall realize all levies only after obtaining of permission from SC NBWL.

- XV. The User Agency shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to this project.
- XVI. Any other conditions that the Central Government or DDG (Central) of Regional Office, Chennai may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the User Agency.
- xvii. In the event of failure to comply with any of the above conditions the User Agency is liable for penal action as per the rules / guidelines issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.
- xviii. The User Agency has to pay the cost towards annual lease rent for the forest area diversion period as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted for the above project in future for the entire project period.
- XIX. Period of lease can be thirty (30) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

4) Hence, I request that the above proposal may be recommended and forwarded to Government of India, Ministry of Environment, Forest and Climate Change, Regional Office, Chennai for getting In-Principle (Stage-I) approval for diversion of 1.8798 ha of forest land for road upgradation works in Varusanadu - (via) Thummagundu - Valiparai Road (0/0-9/720) Section passing across Myladumparai Bit 39 RL (0.2438 ha), Myladumparai Bit 47 RL (0.2455 ha) and Megamalai RF (1.3905 ha) of Kadamalaikundu - Myladumparai Panchayat Union, Andipatti Taluk, Theni District in favour of Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division for a period of 30 years.

Yours faithfully

Signed by

Ramasubramanian.s

Date: 25-02-2025 09:46:05

Principal Chief Conservator of Forests
(Forest Conservation Act) (FAC)

Copy to the Chief Conservator of Forests & Field Director, SMTR, Madurai.
Copy to the Deputy Director, SMTR, Megamalai Wildlife Division, Theni.
Copy to the Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division.

PART - IV

(To be filed in by the Nodal Officer)

Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

The online proposal is submitted by the User Agency for diversion of 1.8798 ha of forest land in Megamalai Wildlife Division, Theni for road upgradation works in Varusanadu - (via) Thummagundu - Valiparai Road (0/0-9/720) Section passing across Myladumparai Bit 39 RL (0.2438 ha), Myladumparai Bit 47 RL (0.2455 ha) and Megamalai RF (1.3905 ha) of Kadamalaikundu - Myladumparai Panchayat Union, Andipatti Taluk, Theni District in favour of Assistant Divisional Engineer, NABARD and Rural Roads, Highways, Madurai Division with Proposal No. FP/TN/Road/42704/2019.

This road is essential for public usage to the surrounding villages and nearby towns. Hence, the above proposal is recommended.

Signed by
Ramasubramanian.s
Date: 25-02-2025 09:42:13

Nodal Officer
Forest Conservation Act,
Tamil Nadu