

भारतसरकार

GOVERNMENT OF INDIA

पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय

MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE
CHANGE

सत्यमेव जयते



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F.No 4-TNB077/2022-CHN/ 1197

Date; 15th November, 2022

To

The Additional Chief Secretary to the Government of Tamil Nadu,
Environment & Forests Department,
Secretariat, Fort St. George, Chennai - 600 009

Subject: Diversion of 2.3824 ha of forest land for formation of Madurai-Natham road for preparation of DPR for development of Economic Corridors, Inter Corridors, Feeder Routes and Coastal Roads to improve the efficiency of freight movement in India in favour of the Project Director, National Highways Authority of India (NHAI), Madurai.- Reg

Sir,

Please refer to the State Government's letter No. 6885/FR.10/2021-4 dated 28.12.2021 and 6885/FR.10/2022-6 dated 20.10.2022 online application No.FP/TN/ROAD/29470/2017 seeking prior approval of the Central Government for diversion of forest land in accordance with Section '2' of Forest (Conservation) Act, 1980 for the above mentioned project.

After careful consideration of the proposal submitted by the State Government and considering the importance of the project, I am directed to convey the Central Government's in principle approval (**Stage-I**) under Section '2' of Forest (Conservation) Act, 1980 for diversion of **2.3824 ha** of forest land for formation of Madurai-Natham road for preparation of DPR for development of Economic Corridors, Inter Corridors, Feeder Routes and Coastal Roads to improve the efficiency of freight movement in India in favour of the Project Director, National Highways Authority of India (NHAI), Madurai, **for a period of 20 years**, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) 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) Exact length and width of the road within the proposed alignment which is not part of notified RF may be informed with supporting documents and in any case the State Government shall not allow the User Agency to utilize forest area without prior approval of Govt. of India under FCA, 1980;
- (iv) The State Forest Department shall carry out compensatory afforestation over an extent of 3.50 ha of Degraded Forest Land identified at Alagarmalai RF , Azhagarkovil Range and an extent of 5.00 ha of Degraded Forest Land identified at Kiluvamalai RF, at the cost of the User Agency;
- (v) Identified CA area and CA scheme shall not be changed without prior approval of Central Government;
- (vi) The State Government shall charge the Net Present Value of the diverted forest land measuring 2.3824 ha 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;
- (vii) 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 this effect;
- (viii) 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/>) ;
- (ix) The User Agency shall construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost;
- (x) The User Agency shall carryout avenue plantation and its maintenance on sides of the road at the cost of the project;
- (xi) The User Agency shall obtain prior approval of Hon'ble Supreme Court of India / CEC for felling of tree of spontaneous origin and UA shall abide by the recommendations of the CEC. The State Government shall not issue working permission till prior approval of Hon'ble Supreme Court of India / CEC, realization of all levies and compliance of other conditions for issuing of such working permission;

- (xii) Trees required to be felled, shall be felled under the strict supervision of DFOs concerned;
- (xiii) As the wildlife mitigation plan duly approved by the CWLW shall be implemented at the project cost;
- (xiv) Construction of culverts / bridges, if any, over the natural streams/rivers/ canals shall be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- (xv) Roadside cuttings and fillings which require engineering support shall be provided as per the instructions of the DFO concerned so as to stabilize the soil;
- (xvi) The dug out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area;
- (xvii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xviii) The User Agency shall provide fire wood preferably alternate fuel to labourers working at the site to avoid damage/tree felling and no labour camp shall be established inside the forest area;
- (xix) Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall 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;
- (xx) The total forest area utilized for the project shall not exceed **2.3824 ha (with the condition that the wherever space left for Avenue Plantation within the area of 2.3824 ha, existing trees shall be retained and if required in view of road safety, then such trees may be pruned as per requirement with the approval of DFOs concerned and forest area proposed for future widening within 2.3824 ha, shall not be utilized for non forestry purpose at present and whenever required for future widening, the User Agency may request for concurrence from IRO, Chennai to utilize such area earmarked for future utility purpose within 2.3824 ha).**The forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect;
- (xxi) The forest land proposed for diversion shall under no circumstances be transferred or sublet to any other agency, department or person without prior approval of the Central Government;

- (xxii) The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project;
- (xxiii) Any other conditions that the Central Government or Regional Officer (Central) of Integrated 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;
- (xxiv) 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 FCA, 1980;
- (xxv) The State Government shall process and submit compliance report on the above conditions through online (<https://parivesh.nic.in/>);

After receipt of the compliance report on above mentioned conditions, the proposal will be considered for final approval. This in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall automatically stand revoked after 5 years.

Yours faithfully,

Sd/-

(K.Karthikeyan)

Assistant Inspector General of Forests (Central)

Copy to:

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, Guindy Velachery Main Road, Guindy, Chennai - 32
2. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, Guindy Velachery Main Road, Guindy, Chennai - 32
3. Inspector General of Forests (Central), MoEF&CC, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 **for information.**
4. National Highway Authority of India, 307, Melur Main Road, KK Nagar, Madurai, Tamil Nadu 625020 nhai_madurai_piu@yahoo.co.in
5. Guard file

Sd/-

(K.Karthikeyan)

Assistant Inspector General of Forests (Central)