



**ENVIRONMENT & FORESTS(FR.10)
DEPARTMENT, SECRETARIAT,
CHENNAI 9.**

Letter No.1181 / FR.10 / 2019-3, Dated: 25.03.2019

From
Thiru. Shambu Kallollikar, I.A.S.,
Principal Secretary to Government.

To
The Additional Director General (Central),
Ministry of Environment, Forests and Climate Change,
Regional Office (South Eastern Zone),
1 & 2nd Floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai-34. (w.e.)

Sir,

Sub: Forests – Forest (Conservation) Act, 1980 – Dindigul Circle
/ Dindigul division – Diversion of 0.1896 ha. for the
construction and improvement works of steps leading to
Mahalingeswarar temple in Mettupatti Reserve Forests ,
Nilakottai Taluk of Dindigul District in favour of Block
Development Officer, Nilakottai Taluk of Dindigul District -
Regarding.

Ref: 1. From the Principal Chief Conservator of Forests Letter
No.TS4/42632/2018, dated 14.01.2019.
2. Government letter No.1181/FR.10/2019-1, dated
30.01.2019 and 27.02.2019.
3. From the Principal Chief Conservator of Forests Letter
No.TS4/42632/2018, dated 07.02.2019 and 5.03.2019.

I am directed to state that in the reference first cited, the Principal Chief Conservator of Forests (HoD) has stated that the Block Development Officer, Nilakottai Taluk of Dindigul District has furnished online application and 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 for a period of 99 years.

2. 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, SidhargalNatham, Anaipatti, Kalyaipatti, Chokkapillaipatti, Mithalapuram, Musuvanuthu, Vilampatti, Pillaiyarnatham and Kuttinayakkanpati 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, dated

30.04.1975. The people belong to nearby village S.Mettupatti also put forth 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.

3. The District Forest Officer, Dindigul has inspected the proposed site on 26.05.2018 and 20.12.2018 and furnished the following details:-

- 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.

4. The Chief Conservator of Forests, Dindigul Circle has inspected the proposed project area on 07.01.2019 along with District Forest Officer, Dindigul and agreed with the recommendations of the District Forest Officer, Dindigul. Further stated that in the interest and safety to devotees, the improvement of path way requested by the User Agency may be permitted and he has recommended for the acceptance of the proposal.

5. The Principal Chief Conservator of Forests has recommended the proposal for diversion of 0.1896 ha. forest land for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti Reserve Forests, Nilakottai Taluk of Dindigul District in favour of Block Development Officer, Nilakottai Taluk of Dindigul District under section 2 of Forest(Conservation)Act, 1980 for a period of 20 years and forward the same to Government of India, Ministry of Environment, Forests and Climate Change, 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, Forests and Climate Change, from time to time, 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 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.

6. In the reference second cited, the Principal Chief Conservator of Forests has been requested to send the recommendation of concerned official of Hindu Religious and Charitable Endowment Department. The Principal Chief Conservator of Forests in his letter third cited has sent the recommendation of Hindu Religious and Charitable Endowment Department and stated that the User Agency has uploaded the recommendation of Hindu Religious and Charitable Endowment Department through the Chief Conservator of Forests, Dindigul circle.

7. The Government have carefully examined the proposal of the Principal Chief Conservator of Forests for diversion of 0.1896 ha. of forest land for the construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti Reserve Forests, Nilakottai Taluk of Dindigul District in favour of Block Development Officer, Nilakottai Taluk of Dindigul District for a period of 20 years, under section 2 of Forest (Conservation) Act, 1980 and decided to forward the same. I am, therefore, directed to request you to kindly obtain the concurrence of the Government of India, Ministry of Environment, Forests and Climate Change and communicate the same to this Government, early.

Yours faithfully,

A. R. Sundar

for Principal Secretary to Government.

Copy to:

The Principal Chief Conservator of Forests (HoD), Chennai-15.

✓ The Block Development Officer,
Nilakottai Taluk,
Dindigul District.

PART – V

(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal for diversion of 0.1896 ha. of forest land in Dindigul Forest Division for construction and improvement works of steps leading to Mahalingeswarar temple in Mettupatti Reserve Forests, Nilakottai Taluk of Dindigul District in favour of Block Development Officer, Nilakottai Taluk of Dindigul District for a period of 20 years.

18. Recommendation of the State Government

(Adverse comments made by any officer or authority in Part-B or Part – C or Part – D above should be specifically commented upon)

Recommended

6. J. P. O'Brien
Signature 2/5/19.

Name & Designation
(Official Seal)

Date : 25.03.2019

Place : Chennai-9.

Under Secretary to Government,
Environment and Forests Department
Secretariat, Chennai-600 009