



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

## National Highways Authority of India

(Ministry of Road Transport and Highways)

Project Implementation Unit : Puducherry.

No. 28&29, 1st Cross, Ganapathy Nagar, Arumparthapuram

Puducherry - 605 110.



Phone : 0413 - 2969493

E-mail : piupuducherry@nhai.org

nhaipuducherry@gmail.com

23<sup>rd</sup> January 2023

11013/NH-45A/Forest/Vol-1/2023/PIU-PDY/0149

To

The Wildlife Warden,  
Wildlife Division,  
Collectorate Campus,  
Nagapattinam – 611 001.

Sub: NHAI, PIU, Puducherry – N/08019/03002/TN - Four Laning of Poondiyankuppam (km.67/000) to Sattanathapuram (km.123/800) section of NH-45A (New NH32) under Bharatmala Pariyojana NHDP Phase in the state of Tamil Nadu – **Forest (Conservation) Act,1980 – Proposal for diversion of 2.5553 Ha of Forest Land in Gopalasamudram Reserved Forest of Nagapattinam Wildlife Division – Compliance Report to In-Principal conditions submitted for verification and approval – Reg.**

- Ref: 1. Parivesh Portal – Forest Proposal No. FP/TN/ROAD/151511/2022.  
2. F.No.4-TNB094/2022-CHN/1029 Dt:22.09.2022  
3. WLW Ref.No.5875/2021/D Dt:26.10.2022.  
4. NPV, CA, Mitigation Plan Payment challan and Hon'ble Supreme court order Copy

Sir,

The Government of India, Ministry of Environment, Forests & Climate Change, Integrated Regional Office, Additional Office Block for GPOA, 1<sup>st</sup> Floor, Shastri Bhawan, Haddows Road, Nungambakkam, Chennai-600 006 has given In- Principal approval for a validity of 5 years subjecting to conditions for compliance by the user agency i.e., NHAI via parivesh portal. Further, also mentioned that, the approval given by IRO is prior approval of Hon'ble Supreme Court of India/CEC for felling of tree of spontaneous origin.

Accordingly, an interlocutory application was filed for obtaining permission from the CEC in Hon'ble Supreme court of India. Subsequently, an order has been obtained on 11-01-2023. (uploaded in website on 22-01-2023).

The Copy of the In-principal approval was forwarded to this office by the Wild Life Warden, Nagapattinam vide letter cited above under ref (3) for submission of four copies of detailed compliance report with support documents and photos for onward submission to the Nodal officer for Stage-II Clearance.

Accordingly, the compliance for the stipulated conditions by the Govt of India is mentioned below (All the necessary documents are enclosed as Annexures-1,2,3,4,5):-

Sl.No	Conditions stipulated by Government of India	Compliance of Condition/Reply
1	Legal status of the diverted forest land shall remain unchanged;	Legal status of forest land will remain unchanged. The undertaking for the same is enclosed as Annexure-1
2	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	The user agency has erected four feet high concrete pillars at 20 meter intervals on LHS (12 Nos) and RHS (13 Nos), totaling 25 on both sides under the supervision of DFO Nagapattinam. The photos of the same are enclosed as Annexure-2

3	The State Forest Department shall carry out compensatory afforestation over an extent of 5.2 ha of Degraded Forest Land identified in Point Calimere wildlife Sanctuary, in Kodiakarai Range, at the cost of the User Agency;	For carrying compensatory afforestation on the identified degraded forest area an amount of Rs. 2,29,36,776/- has been remitted by the user agency by generating chalan in the MOEFCC's PARIVESH web portal. Copy of Consolidated remittance challan furnished by the user agency is enclosed as Annexure-3
4	Identified CA area and CA scheme shall not be changed without prior approval of Central Government;	Identified compensatory afforestation area and compensatory afforestation scheme will not be changed without prior approval of Central Government. The undertaking for the same is enclosed as Annexure-1
5	The State Government shall charge the Net Present Value of the diverted forest land measuring 2.5553 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	Net Present Value of the diverted forest land measuring 2.5553 ha calculated as per the orders of the Hon'ble Supreme Court of India and an amount of Rs.19,95,053/- has been remitted by the user agency by generating chalan in the MOEFCC's PARIVESH web portal. Copy of Consolidated remittance challan furnished by the user agency is enclosed as Annexure-3
6	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;	The user agency has furnished an undertaking to this effect. The same was uploaded by the user agency in the MOEFCC's PARIVESH web portal.
7	All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> );	It is hereby undertaken that the funds will be deposited to CAMPA fund through Parivesh portal as per the direction of Forest Department/State Government. The user agency has furnished an undertaking to this effect. The same was uploaded by the user agency in the MOEFCC's PARIVESH web portal.
8	The User Agency shall construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost;	The User Agency will construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost. The undertaking for the same is enclosed as Annexure-1
9	The User Agency shall carryout avenue plantation and its maintenance on sides of the road at the cost of the project;	The User Agency will carryout avenue plantation as per IRC: SP 21-2009 and its maintenance on sides of the road at the cost of the project. The undertaking for the same is enclosed as Annexure-1



10	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;	The approval of Hon'ble Supreme Court of India/ CEC for felling of tree of spontaneous origin has been obtained for the I.A. Nos. 168320/2022 AND 168313/2022 [Applications for Impleadment AND directions on b/o NHAI, Puducherry] (Judgement copy enclosed as Annexure-4) and will abide by the recommendations of the Hon'ble Supreme Court of India/ CEC
11	As the wildlife like Palm civet, Monitor lizard, Jackal, Co bra, etc wildlife present in and around the forest land proposed for diversion, the site specific Wildlife mitigation plan duly approved by the CWLW shall be implemented at the project cost;	A site specific wildlife mitigation plan has been prepared and approved by CWLW via letter no.WL5/33056/2022 Dt:30-11-2022 and enclosed as Annexure-5. Payment made consolidated chalan is enclosed as Annexure-3
12	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. The pillars, if necessary to be constructed in the river, then proper precaution may be taken to ensure that it does not hamper the natural course of water.	NHAI shall ensure that, 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. For the pillars to be constructed in the river, proper precaution will be taken to ensure that it does not hamper the natural course of water. The undertaking for the same is enclosed as Annexure-1.
13	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;	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. The undertaking for the same is enclosed as Annexure-1
14	The dug-out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area;	The dug-out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area. The undertaking for the same is enclosed as Annexure-1
15	The layout plan of the proposal shall not be changed without the prior approval of the Central Government;	The layout plan of the proposal shall not be changed without the prior approval of the Central Government. The undertaking for the same is enclosed as Annexure-1
16	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;	NHAI shall ensure that, fire wood preferably alternate fuel will be provided to labourers working at the site to avoid damage/ tree felling and no labour camp shall be established inside the forest area. The undertaking for the same is enclosed as Annexure-1
17	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	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and NHAI will ensure that the labourers & staff engaged in execution of work do not destruct

	execution of work do not destruct nearby forest flora & fauna;	nearby forest flora & fauna. The undertaking for the same is enclosed as Annexure-1
18	The total forest area utilized for the project shall not exceed 2.5553 ha and 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;	The undertaking for the utilization of the forest area without exceeding 2.5553 ha for the project purpose is enclosed as Annexure-1
19	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;	The undertaking that, 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 is enclosed as Annexure-1
20	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;	NHAI will follow and ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project. The undertaking for the same is enclosed as Annexure-1
21	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;	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, will be complied by NHAI. The undertaking for the same is enclosed as Annexure-1.
22	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;	NHAI has furnished an undertaking to this effect as Annexure-1.

Hence, it is hereby kindly requested to verify the compliance and appraise to the Nodal officer for pursuing Stage-II clearance.

Encl: As above, Annexure-1 to 5

Yours faithfully,

  
23/6/23

(S.Sakthivel)

DGM (Tech) & Project Director  
PIU-Puducherry

- Copy to:
1. The NHAI, RO Chennai -- for kind information.
  2. The Authorized Signatory, IRO, MoEFCC, Nungambakkam Chennai -- for kind information
  3. The PCCF, Chennai -- for kind information
  4. The Authorized Signatory -- M/s.OSEPSSPL Pvt Ltd -- for information & followup action
  5. The IE - M/s. Theme Engineering Services Pvt.Ltd (Pkg-iii). -- for information.



**Four laning of Poondiyankuppam (Km.67/000) to Sattanathapuram  
(Km.123/800) Section of NH-45A (New NH-32) on HAM under NHDP Phase-IV in  
the state of Tamil Nadu**

**Forest Clearance Proposal - FP/TN/151511/2022**

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**UNDERTAKING**

- a. It is hereby undertaken that; the legal status of the diverted forest will remain unchanged. (Compliance: Sl.No.1)
- b. It is hereby undertaken that, identified compensatory afforestation area and compensatory afforestation scheme will not be changed without prior approval of Central Government. (Compliance: Sl.No.4)
- c. It is hereby undertaken that, NHAI will construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost. (Compliance: Sl.No.8)
- d. It is hereby undertaken that; the avenue plantation will be done as per IRC: SP 21-2009 at the cost of NHAI. (Compliance: Sl.No.9)
- e. It is hereby undertaken that, NHAI shall ensure that, 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. For the pillars to be constructed in the river, proper precaution will be taken to ensure that it does not hamper the natural course of water. (Compliance: Sl.No.12)
- f. It is hereby undertaken that, 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. (Compliance: Sl.No.13)
- g. It is hereby undertaken that, the dug-out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area (Compliance: Sl.No.14)
- h. It is hereby undertaken that; the proposed layout plan will not be changed without prior approval of the Central Government. (Compliance: Sl.No.15)
- i. It is hereby undertaken that; fire wood preferably alternate fuel will be provided to labourers working at the site to avoid damage/ tree felling



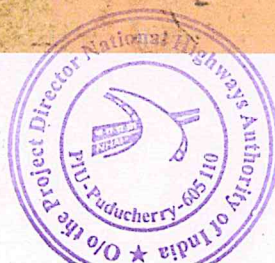
**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.


- and no labour camp shall be established inside the forest area.  
(Compliance: Sl.No.16)
- j. It is hereby undertaken that, Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and NHAI will ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna. (Compliance: Sl.No.17)
- k. It is hereby undertaken that, the total forest area utilized for the project shall not exceed 2.5553 ha and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal.  
(Compliance: Sl.No.18)
- l. It is hereby undertaken that, 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.  
(Compliance: Sl.No.19)
- m. It is hereby undertaken that, NHAI will follow and ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the project. (Compliance: Sl.No.20)
- n. It is hereby undertaken that, 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, will be complied by NHAI. (Compliance: Sl.No.21)
- o. It is hereby undertaken that, in the event of failure to comply with any of the above conditions the NHAI is liable for penal action as per the rules / guidelines issued under FCA, 1980; (Compliance: Sl.No.22)



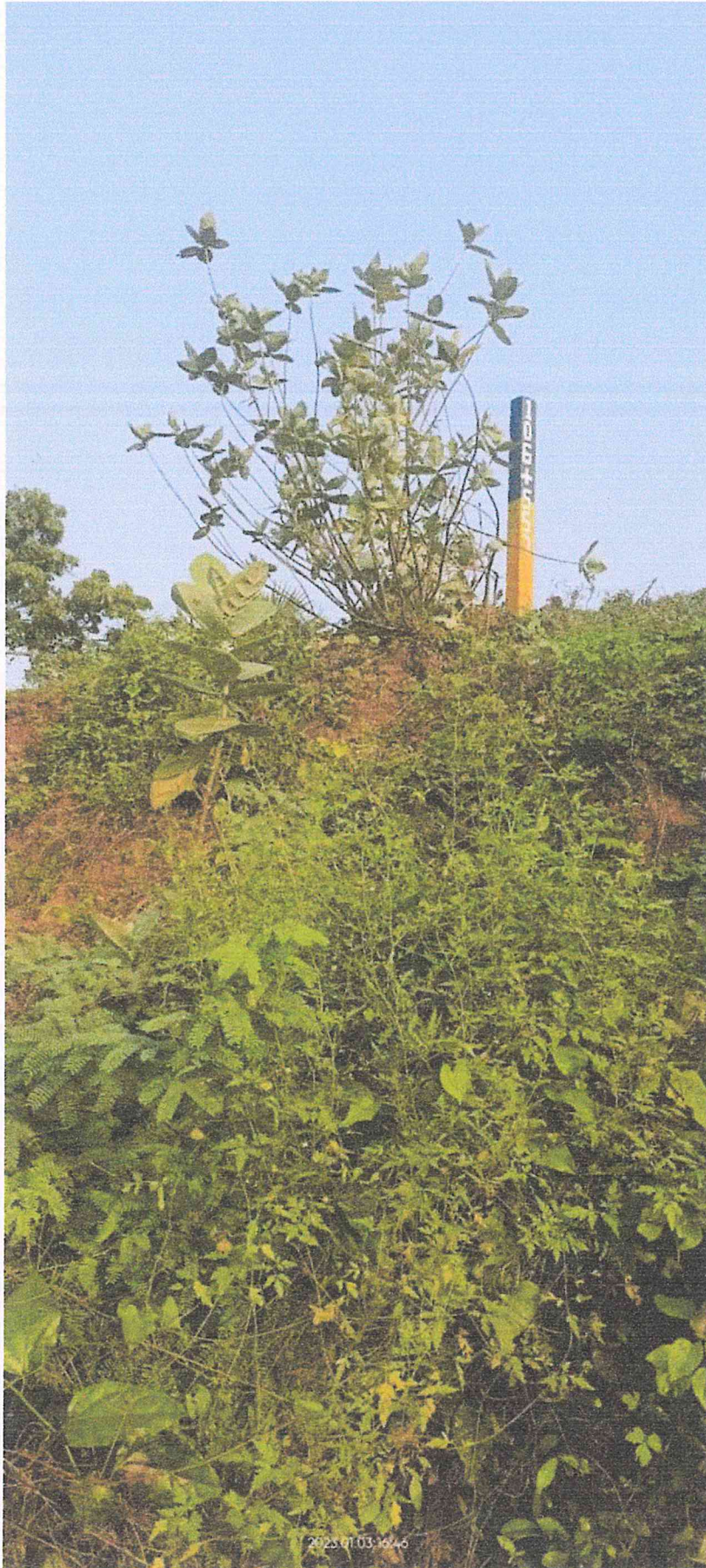
  
**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.





  
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**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.





2023.01.03 13:14



**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.





**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
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2023.01.03 13:14



**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
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PIU - Puducherry.





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Project Director, NHAI  
PIU - Puducherry.



**Four laning of Poondiyankuppam (Km.67/000) to Sattanathapuram (Km.123/800)  
Section of NH-45A (New NH-32) on HAM under NHDP Phase-IV in the state of Tamil  
Nadu**

**Forest Clearance Proposal – FP/TN/151511/2022**

**Details of ROW fixed pillar forest area from PCL To 22.5 mtr BHS**

ROW LHS			
CHAINAGE	EASTING	NORTHING	REMARKS
106+340	358730.4616	1252202.672	
106+360	358741.6288	1252186.083	
106+380	358752.7978	1252169.492	
106+400	358763.9675	1252152.899	
106+420	358775.1359	1252136.309	
106+440	358786.3056	1252119.717	
106+460	358797.4742	1252103.126	
106+480	358808.6431	1252086.535	
106+500	358819.8116	1252069.944	
106+520	358830.9802	1252053.353	
106+540	358842.1496	1252036.763	
106+557	358851.6429	1252022.66	River bund shoulder edge for reference
ROW RHS			
CHAINAGE	EASTING	NORTHING	REMARK
106+340	358693.1304	1252177.544	
106+360	358704.2993	1252160.954	
106+380	358715.4702	1252144.36	
106+400	358726.6364	1252127.771	
106+420	358737.8061	1252111.179	
106+440	358748.9742	1252094.59	
106+460	358760.1431	1252077.999	
106+480	358771.312	1252061.408	
106+500	358782.4802	1252044.817	
106+520	358793.6494	1252028.225	
106+540	358804.8191	1252011.634	
106+560	358815.9892	1251995.042	
106+567	358819.8961	1251989.237	River bund shoulder edge for reference



  
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 Project Director, NHAI  
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PARIVESH  
परिवेश

Ministry of Environment, Forest and Climate Change  
Government of India

"Pro Active and Responsive facilitation by Interactive, Virtuous and Environmental Singlindow Hub"

My Account ▾ My Proposals Environment Clearance ▾ Only CRZ Clearance ▾ My Proposals Forest Clearance ▾ My Proposals Wildlife Clearance ▾ Help ▾


3:43:40 PM

### Online payment history made by User Agency under CAMPA

Help

Sno.	Proposal Detail	Application_No	Application No (New)	Date of IN-PRINCIPLE	Amount to be Paid / Amount Paid (in Rs.)			Payment Status	Payment Detail	Demand Letter
1	FP/TN/ROAD/151511/2022 Widening and Improvement of existing carriage way to 4-laning of Poondiyanakuppam-Sathanathapuram section of NH-45A in the state of TN under NHDP Phase IV (Pkg-3)	ROAD151511202210361151511103		22 Sep 2022	CA: 22936775/- PCA: 0/- Safety Zone: 0/- NPV: 1595053/- Other Charges1: 0/- Other Charges2: 0/- Other Charges3: 0/- Total: 27231829/-	Addl CA: 0/- CAT: 0/- Addl PA: 0/- Mitigation Plan & measures: 2500000/-		✓ Paid	Fund Demand Verified by : 14 Dec 2022 Nodal Officer On : Union Bank Of India Bank Name : NEFT/RTGS (Challan) Mode of Payment : 22 Dec 2022 Challan Generated On : 28 Dec 2022 Transaction Date :	Demand Letter Generated Challan



  
**S. SAKTHIVEL**  
 Dy. General Manager (T) &  
 Project Director, NHAI  
 PIU - Puducherry.



NATIONAL HIGHWAYS AUTHORITY OF INDIA

27 Dec 2022 08:14

**DOMESTIC PAYMENT PAY NOW**

Reference Number	CNRBR52022122796205870
Account Type	Domestic
Account Number	1508761151511103
Account Name	CAMPA
Bank Details	UBIN0996335
From Account	60341010004920
Paid Amount	INR10,000,000.00
Payment Date	27 Dec 2022
Purpose	CAMPA TN PUDUCHERY

This is computer generated receipt no signature required.

Electronic Receipt owns no official legal effect, You may go to branch to get the paper receipt.




NATIONAL HIGHWAYS AUTHORITY OF INDIA

28 Dec 2022 11:4

**DOMESTIC PAYMENT PAY NOW**

Reference Number	CNRBR52022122896224898
Account Type	Domestic
Account Number	1508761151511103
Account Name	CAMPA
Bank Details	UBIN0996335
From Account	60341010004920
Paid Amount	INR10,000,000.00
Payment Date	28 Dec 2022
Purpose	CAMPA TN PUDUCHERY PART III



  
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 Dy. General Manager (T) &  
 Project Director, NHAI  
 PIU - Puducherry.




NATIONAL HIGHWAYS AUTHORITY OF INDIA

27 Dec 20

**DOMESTIC PAYMENT PAY NOW**

Reference Number	CNRBR52022122796206137
Account Type	Domestic
Account Number	1508761151511103
Account Name	CAMPA
Bank Details	UBIN0996335
From Account	60341010004920
Paid Amount	INR7,231,829.00
Payment Date	27 Dec 2022
Purpose	CAMPA TN PUDUCHERY PART II



  
**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.



ITEM NOS.19 21, 23 & 24 COURT NO.8

CORRECTED  
SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 202/1995

IN RE : T.N. GODAVARMAN THIRUMULPAD

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

(  
[1] I. A. No. 191635/2022  
(CEC REPORT NO. 31/2022 - REPORT OF CEC IN APPLN. NO. 1559/2022  
FILED BEFORE IT BY MINISTRY OF FINANCE)  
IN RE : MINISTRY OF FINANCE  
AND  
[2] I. A. NO. 132209 OF 2018  
[CEC REPORT NO. 35 OF 2018 - REPORT OF CEC IN APPLN. NO. 1424/2018  
FILED BEFORE IT BY MINISTRY OF DEFENCE]  
IN RE : MINISTRY OF DEFENCE  
AND  
[3] I.A. Nos. 168320/2022 AND 168313/2022  
[Applications for Impleadment AND directions  
on b/o NHAI, Puducherry]  
AND  
[4] I.A. No. 191583/2022  
[Application for directions on b/o Divisional Engineer, Highways,  
NABARD AND Rural Roads, Chengalpattu, Tamil Nadu]  
AND  
[5] I.A. No. 186910/2022  
[CEC Report 30/2022 - REPORT OF CEC IN APPLN. NO. 1557/2022  
FILED BEFORE IT BY GAURAV KR. BANSAL]  
IN RE : GAURAV KR. BANSAL  
AND  
I.A. NOS. 96105 AND 96106/2021  
IN  
[6] SLP(C) No. 25047/2018  
AND  
[7] I. A. NO. 125751 OF 2022 [APPLICATION FOR DIRECTIONS]  
IN RE : ODISHA MINING CORPORATION LTD.  
AND  
[8] I. A. NOS. 137520 AND 137524 OF 2021  
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

IN RE : NATIONAL CAPITAL REGION TRANSPORT CORPORATION LTD. (NCRTC)

[ 9 ] (i) I. A. NO. 87648 OF 2020  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]





WITH

(ii) I. A. NO. 132892 OF 2022

[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN

I. A. NO. 3840 (Disposed of)

[APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES]

AND

(iii) I. A. NO. 132905 OF 2022

[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESH

AND

[ 10 ] I. A. NOS. 131377 AND 147102 OF 2022

[APPLICATIONS FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022 AND PERMISSION TO FILE APPLICATION FOR MODIFICATION ]

IN RE : MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (MoEFCC)

WITH

I. A. NO. 160201 OF 2022

[APPLICATION FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022]

IN RE : INDIAN RAILWAYS THROUGH RVNL

WITH

I.A. No. 205092/2022

[Application for modification of court's order dt. 03.06.2022 on b/o State of Karnataka]

WITH

I.A. 162283 and 162284 of 2022 in I. A. D. No. 125746/2022

[Appeal under order XV rule 5 against impugned order dated 19.09.2022 and condonation of delay in filing the same]

AND

[11] I. A. NOS. 118236 AND 129623 OF 2020

[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

IN RE : M/O AGRICULTURE AND FARMERS WELFARE

WITH

I.A. NO. 179389/2018

[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002 IN I. A. NO. 502]

AND

I.A. NO. 69399/2021

[APPLICATION FOR PERMISSION TO FILE ADDITIONAL AFFIDAVIT]

AND

I.A. NO. 144539/2021

[APPLICATION FOR INTERVENTION IN I.A. NO. 179389/2018]

IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION

[12] WRIT PETITION (C) NO. 633 OF 2022





WITH  
I.A. NO. 108146/2022 IN W.P.(C) NO. 202/1995  
[Application for directions on b/o Magan Devi Meena]

AND

[13] I. A. NOS. 90862 AND 90864 OF 2021  
[APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.]

IN RE : Jaipur Silica Supply Co., Rajasthan

AND

[ 14] I. A. NOS. 2825 AND 2827 OF 2010  
[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]

IN RE : JEEVAN LAL PATEL

[15] CONTEMPT PETITION (CIVIL) NO. 941 OF 2021

AND

[16] CONTEMPT PETITION (CIVIL) NO. 319 OF 2021

AND

[17] CONTEMPT PETITION (CIVIL) NO. 302 OF 2020

AND

[ 18 ] I. A. NO. 5891 OF 2019 [APPLICATION FOR DIRECTIONS]

IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING  
AUTHORITY (CAMPA) FUNDS

WITH

IN RE : STATUS OF FUNDS

AND

[ 19 ] [ i ] IN RE : JANMAM ESTATES IN TAMIL NADU

[ALONG WITH AFFIDAVITS DATED 24.10.2017 AND 17.11.2017 FILED ON  
BEHALF OF CHIEF SECRETARY, GOVT. OF TAMIL NADU IN I.A.No. 2702 ]  
WITH

[ ii ] INTERLOCUTORY APPLICATION NO. 2702  
(Applications for Permission)

WITH

[ iii ] INTERLOCUTORY APPLICATION NO. 19859/2018  
[Applications For Impleadment]

WITH

[ iv ] INTERLOCUTORY APPLICATION NO. 133562/2019  
[APPLICATION FOR INTERVENTION]

In Re : NILAMBUR KOVILAKAM

WITH

[ v ] CONTEMPT PETITION (CIVIL) NO.193/2001

WITH

INTERLOCUTORY APPLICATION No. 4

(Application for Directions)

In re : Permission to carry out work related to basic amenities  
in the Janmam Lands in the State of Tamil Nadu





AND

[ 20 ] [ i ] I. A. NO. 3949 OF 2016

[APPLICATION FOR DIRECTIONS]

IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS

WITH

[ ii ] I. A. NOS. 124224, 124225/2020 AND 124229, 124230/2020

[APPLICATIONS FOR INTERVENTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION AND DIRECTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION ]

WITH

[21] CA Nos. 12234-35/2018

AND

Contempt Petition No. 938/2021

AND

[22 ] I. A. NO. 5269 AND 5275 OF 2023

[APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O ASSN. FOR  
ODISHA REALESTATE DEVP.]

AND

[23 ] I. A. NO. 5264 AND 5271 OF 2023

[APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O ASSN. FOR  
ODISHA REALESTATE DEVP.]

IN

WRIT PETITION (CIVIL) NO. 202/1995

WITH

C.A. No. 12234-12235/2018 (XVII)

(FOR impleading party ON IA 100097/2021

FOR APPROPRIATE ORDERS/DIRECTIONS ON IA 100099/2021

FOR impleading party ON IA 116495/2022

FOR INTERVENTION/IMPLEADMENT ON IA 116495/2022

FOR APPLICATION FOR VACATION OF INTERIM ORDER ON IA 116496/2022

IA No. 116496/2022 - APPLICATION FOR VACATION OF INTERIM ORDER

IA No. 100099/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 100097/2021 - INTERVENTION/IMPLEADMENT

IA No. 116495/2022 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 25047/2018 (XVI)

(IA No. 96106/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 96105/2021 - EXTENSION OF TIME)

W.P.(C) No. 633/2022 (X)

(IA No. 113675/2022 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 113674/2022 - EXEMPTION FROM FILING O.T.)

WITH

CONMT.PET.(C) No. 302/2020 in W.P.(C) No. 202/1995 (ITEM 21 )

([TO BE TAKEN UP ALONG WITH WP(C) No. 202 of 1995]

IA No. 148248/2022 - APPLICATION FOR EXEMPTION FROM FILING THE  
RESIDENTIAL ADDRESS OF RESPONDENT/CONTEMNOR WITH AFFIDAVIT

IA No. 4480/2020 - EXEMPTION FROM FILING O.T.





IA No. 118476/2020 - EXEMPTION FROM FILING O.T.  
IA No. 118475/2020 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES  
IA No. 181312/2022 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)

CONMT.PET.(C) No. 319/2021 in W.P.(C) No. 202/1995 (ITEM 23)  
(IN I.A. NO. 90182 OF 2019  
To be taken up alongwith WP(C) No. 202 of 1995  
IA No. 66719/2021 - EXEMPTION FROM FILING AFFIDAVIT)

CONMT.PET.(C) No. 941/2021 in W.P.(C) No. 202/1995 (ITEM 24)  
(IN I.A. NO. 1310 OF 2005 ETC.[TO BE TAKEN UP ALONG WITH WP(C) No.  
202 of 1995], IA No. 151208/2021 - EXEMPTION FROM FILING O.T.  
IA No. 151207/2021 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 11-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI  
HON'BLE MR. JUSTICE M.M. SUNDRESH

Counsel for parties

Mr. Harish N. Salve, Sr. Adv. [A.C.] (Not Present)

Ms. Aparajita Singh, Sr. Advocate [A.C.] (Not Present)

Mr. A.D.N. Rao, Sr. Advocate [A.C.],

Mr. K. Parameshwar, Advocate [A.C.]

Ms. Arti Gupta, Adv.

Ms. Kanti, Adv.

Mr. Siddhartha Chowdhury, Advocate [A.C.]

Mr. Balbir Singh, ASG

Mr. K.M. Natraj, ASG

Ms. Aishwarya Bhati, ASG

Ms. Suhasini Sen, Adv.

Mr. Archana P. Dave, Adv.

Mr. S.S. Rebello, Adv.

Mr. Shyam Gopal, Adv.

Mr. G. S. Makkar, Adv.

Mr. Raghav Sharma, Adv.

Mr. S. Subramaiyam, Adv.

Ms. Poornima Singh, Adv.

Mr. Rohan Gupta, Adv.

Ms. Shagun Thakur, Adv.





Ms. Mrinal Elker Mazumdar, Adv.  
Ms. Indira Bhakar, Adv.  
Mr. Neeraj Kumar Sharma, Adv.  
Mr. Mukesh K. Verma, Adv.  
Ms. Priyanka Sharma, Adv.  
Mr. Prahil Sharma, Adv.  
Mr. Harender Singh, Adv.  
Mr. Ambuj Saraswat, Adv.  
Mr. D.K. Chidananda, Adv.  
Mr. Piyush Beriwal, Adv.  
Mr. N. Tandon, Adv.  
Mr. Samarvir Singh, Adv.  
Mr. A. Kumar, Adv.  
Mr. Raj Bahadur Yadav, Adv.  
Mr. Amrish Kumar, AOR  
Mr. Navanjay Mahapatra, Adv.

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Ninad Laud, Adv.  
Ivo D'Costa, Adv.  
Mr. Avinash mathews, Adv.  
Mr. Anshula Grover, Adv.

Mr. Rana Muklhjerjee, Sr. Adv.  
Mr. Anjuman Tripathy, Adv.  
Mr. Arya Tripathy, Adv.  
Ms. Surabhi Guleria, Adv.  
Mr. Gajendra Singh Negi, Adv.  
Ms. Abhivyakti Banerjee, Adv.  
Mr. Sahil Tagotra, Adv.

Mr. Gopal Sankarnarayanan, Sr. Adv.  
Mr. Anjuman Tripathy, Adv.  
Mr. Arya Tripathy, Adv.  
Mr. Gajendra Singh Negi, Adv.  
Ms. Abhivyakti Banerjee, Adv.  
Mr. Sahil Tagotra, Adv.

Mr. C.S. Mohan Rao, Sr. Adv.  
Ms. Aruna Gupta, Adv.  
Mr. Ramesh Allanki, Adv.  
Mr. Syed Ahmad Naqvi, Adv.  
Vundavalli Aruna Kumar, Adv.  
Mr. Vikas Bansode, Adv.

Mr. Gopal Shankarnarayana, Sr. Adv.  
Mr. Samrath Sen Gupta, Adv.  
Mr. Udayaditya Banerjee, Adv.  
Mr. Abhishek, Adv.  
Mr. Soumya Dutta, Adv.  
Mr. Siddhant Upmanyu, Adv.

Mr. K. Radhakrishnan, Sr. Adv.





Dr. Joseph Aristotle S., AOR  
Mr. Shobhit Dwivedi, Adv.  
Ms. Vaidehi Rastogi, Adv.  
Mr. Sanjeev Kr. Mahara, Adv.

Mr. Jaideep Gupta, Sr. Adv.  
Mr. Nishe Rajen Shonker, AOR  
Mrs. Anu K Joy, Adv.  
Mr. Abraham C Mathews, Adv.  
Mr. Alim Anvar, Adv.

Mr. V. Giri, Sr. Adv.  
Mr. Vikash Kumar Jha, Adv.  
Mr. Satatya Anand, Adv.  
Mr. Nikhil Aradhe, Adv.  
For M/S. Cyril Amarchand Mangaldas, AOR

Mr. Nikhil Goel, A.A.G.  
Mr. V. N. Raghupathy, AOR  
Mr. Adithya Roy, Adv.

Ms. S. Hariharan, Adv.  
Ms. Jaikriti S. Jadeja, Adv.  
Mr. Amaan Shreyas, Adv.

Mr. Rakesh Chaudhary, Adv.  
Mr. Naresh Kumar, Adv.

Mr. Subodh K. Pathak, Adv.  
Mr. Shashi Ranjan, Adv.  
Mr. Vinod K. Soni, Adv.  
Mr. Pawan Kumar Sharma, Adv.  
Mr. Akash Swami, Adv.  
Mr. Dharmendra Kr. Sinha, AOR

Mr. Devendra Kr. Singh, Adv.  
Mr. Rajesh katyal, Adv.  
Mr. Karunakar Mahalik, Adv.

Mr. D.K. Deveshi, Adv.

Ms. Usha Nandini, Adv.  
Mr. Biji P. Raman, Adv.

Mr. Omkar Jayant Deshpande, Adv.  
Mr. Shashibhushan P. Adgaonkar, AOR  
Mrs. Pradnya S. Adgaonkar, Adv.

Mr. Sanjay Katyal, Adv.  
Mr. Rajat Arora, Adv.

Mr. Saurabh Mishra, Adv.  
Mr. Nikhil Sharma, Adv.





Mr. Bhumi Agarwal, Adv.

Mr. Abhishek Atrey, AOR

Mr. Krishnam Mishra, Adv.

Ms. Ambika Atrey, Adv.

Mr. Akash Giri, Adv.

Mr. Mohd. Nizam Pasha, Adv.

Mrs. Pragya Baghel, AOR

Mr. Sourabh Tandon, Adv.

Mr. Sabarish Subramanian, Adv.

Mr. Raj Kumar Mehta, Adv.

Ms. Himanshi Andley, Adv.

Mr. P.V. Yogeswaran, Adv.

Mr. Abhinav Mukerji, Adv. (Not Present)

Mr. Ajay Marwah, Adv.

Dr. Joseph Aristotle S., Adv.

Mr. P.K. Manohar, Adv.

Mr. Ashok Basoya, Adv.

Mr. Sandeep Kr. Jha, Adv.

Mr. Deepak S. Tanwar, Adv.

**Petitioner(s)-in-Person**

Mr. M. Yogesh Kanna, Adv.

Ms. Sangeeta Kumar, Adv.

Mr. R. Chandrachud, Adv.

Mr. Nikhil Nayyar, Adv.

Mr. R. Nedumaran, Adv.

Mr. K.K. Mani, Adv.

Mr. V. Ramasubramanian, Adv.

M/S K.J. John And Co., AOR

Ms. Srikala Gurukrishna Kumar, Adv.

Mr. Subramonium Prasad, Adv.

Mrs. Manik Karanjawala, Adv.

Mrs. Prabha Swami, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. S. Srinivasan, Adv.

Mr. E.M.S. Anam, Adv.

Mr. C.N. Sreekumar, Adv.

Mr. Naveen R. Nath, Adv.

Mr. Prashant Kumar, Adv.

Mr. L.K. Pandey, Adv.





Mrs. Revathy Raghavan, Adv.  
Mr. L.C. Agrawala, Adv.  
Mr. Shiv Prakash Pandey, Adv.  
Mr. P.K. Manohar, Adv.  
Mr. Cyril Amarchand Mangaldas, Adv.  
Ms. Shalini Kaul, Adv.

Mr. Mohit Paul, Adv.  
Mr. Nishant R. Katneshwarkar, Adv.  
Mr. G.S. Makker, Adv.  
Mr. Kunal Cheema, Adv.  
M/S Khaitan And Co., AOR  
Mr. Naveen Kumar, Adv.  
Ms. Suman Yadav, Adv.

Mrinal Gopal Elker, AOR  
Ms. Mrinal Elker Mazumdar, Adv.  
Ms. Indira Bhakar, Adv.

Mr. Prashant Bhushan, Adv.  
Mr. Kunal Chatterji, AOR  
Ms. Maitrayee Banerjee, Adv.  
Mr. Rohit Bansal, Adv.  
Ms. Kshitij Singh, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

[1] I. A. No. 191635/2022  
(CEC REPORT NO. 31/2022 - REPORT OF CEC IN APPLN. NO. 1559/2022  
FILED BEFORE IT BY MINISTRY OF FINANCE)  
IN RE : MINISTRY OF FINANCE

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List on 16.01.2023.

[2] I. A. NO. 132209 OF 2018  
[CEC REPORT NO. 35 OF 2018 - REPORT OF CEC IN APPLN. NO. 1424/2018  
FILED BEFORE IT BY MINISTRY OF DEFENCE]  
IN RE : MINISTRY OF DEFENCE

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List on 16.01.2023.

[3] I.A. NOS. 168320/2022 AND 168313/2022  
[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS  
ON B/O NHAI, PUDUCHERRY]  
AND





[4] I.A. NO. 191583/2022

[APPLICATION FOR DIRECTIONS ON B/O DIVISIONAL ENGINEER, HIGHWAYS,  
NABARD AND RURAL ROADS, CHENGALPATTU, TAMIL NADU]

Application for impleadment is allowed for the purpose of directions.

I.A. Nos. 168320/2022 and 168313/2022 have been filed by the NHAI, Puducherry, seeking permission to remove 177 spontaneous trees in the Gopalasamudram, Reserve Forest Block, Kollidam River Bed in Sirkazhi Range of Nagapattinam District from Poondiyankuppam to Sattanathapuram Design Chainage Km: 106 + 200 to 106+568 for laying a fourlane road in Poondiyankuppam to Sattanathapuram section of NH-45A.

I.A. NO.191583/2022 is filed by the State of Tamil Nadu seeking permission to fell four trees in the Mahanyam Reserved Forest Area, Kancheepuram District for the upgradation of road between Mahaniyam to Padappai (Km 0/0 - 1/200).

These applications have been filed in view of the order passed by this Court on 12.12.1996, reported in T.N. Godavarman Thirumulkpad v. Union of India, (1997) 2 SCC 267, wherein a ban was imposed by this Court on felling of trees in all forest areas where there was a continuous growth.

It is to be noted that when the order was passed by this Court in 1996, the Compensatory Afforestation Fund Act, 2016, Forest Conservation Rules, 2022 and Compensatory Afforestation Fund Rules, 2018 were not brought into force.

We have heard Shri A.D.N. Rao, learned senior counsel, who appears as Amicus Curiae and Shri K. Parameshwar, learned counsel,





who also appears as Amicus Curiae and Shri Mahendra Vyas, Advocate, a Member of the CEC. We have also heard learned counsel appearing for the NHAI and for the State of Tamil Nadu.

The counsel for the NHAI as well as the State of Tamil Nadu submit that on account of a condition which requires permission of this Court to be obtained for felling of the trees for execution of public projects, at times, the projects are delayed for long periods, which substantially enhances the cost of the project. They further submit that after the 1996 order was passed, various statutory provisions have come into force, which take adequate care of the matters relating to environment.

Shri K. Parameshwar, learned Amicus Curiae, has also placed on record his note recommending certain conditions, subject to which the authorities may be permitted to grant permission for felling of the trees.

Shri Mahendra Vyas has expressed his concern that when the permissions are being granted by the Competent Authority, the authorities granting permission do not provide for steps to ensure mitigating measures for free flow of wildlife from one part of the forest to the other part, divided by road.

We may take note of the order passed by the Nagpur Bench of the Bombay High Court in a Suo Motu matter in the case of *The Court on its own motion v. National Highway Authority of India, Nagpur and Others*, wherein the Court, while considering the issue of widening of the National Highway No. 44 from Nagpur to Jabalpur, which passes through Pench Tiger Reserve, had directed various mitigation measures to be undertaken. The Court had issued certain





directions after consulting the Wildlife Institute of India (WII), the National Tiger Conservation Authority (NTCA) and the National Environmental Engineering Research Institute (NEERI). The said project was the first project which provided for mitigation measures for free flow of wildlife. The underpasses having adequate height and length, which would ensure the continuity of the forest, were directed to be constructed, so that there is no obstruction for free flow of wildlife from one part of the forest to the other part of the forest, divided by road.

Recently, in Maharashtra, a Greenfield Project, namely the Samruddhi Mahamarg has been constructed, which has also provided underpasses as well as over-passes for free flow of wildlife from one part of the forest to the other part of the forest, divided by the roads.

We are of the considered view that, the authorities should take care to ensure that mitigating measures, on the aforesaid lines, are provided for, while granting permission for construction or expansion of the roads.

As already stated hereinabove, when the order dated 12.12.1996 was passed by this Court, 2016 Act so also 2018 and 2022 Rules were not brought into force. Now, 2016 Act, so also 2018 and 2022 Rules address the concern of compensatory afforestation, whenever the permission for felling of trees is required to be granted.

The said provisions provide that before felling of trees, the permission of the Competent Authorities is to be taken and such permissions are to be granted only after the measures for compensatory afforestation are ensured.



It cannot be disputed that the development cannot be stalled, with the only requirement being that it should be sustainable and that at the same time, adequate measures for causing minimal damage to the environment must be undertaken.

We find that since now there are statutory enactments taking care of these requirements, requiring the State or any of the authorities to approach this Court every now and then for permission to cut the trees, would cause unnecessary delay in execution of the projects. In some of the cases, the applications are pending since 2018. It is common knowledge that delay in execution of the project enhances the cost, at times multi fold, thereby causing a dent to the public exchequer.

We are, therefore, of the considered view that in order to ensure that delay in projects is avoided and at the same time the environment concerns are addressed, the order dated 12.12.1996 passed by this Court needs to be modified so far as it concerns the State of Tamil Nadu.

We, therefore, direct that the order requiring permission of this Court for felling of trees in all forest areas in respect of any road projects initiated by the State Government, National Highway Authority of India or any other instrumentality of the State, which involves cutting of up to 500 trees is recalled, however, subject to the following conditions:-

1. Such felling shall be done only after necessary approval under the Forest Conservation Act, 1980, Forest Conservation Rules, 2022, Compensatory Afforestation Fund Act, 2016 and Compensatory Afforestation Fund Rules, 2018 are obtained from the Competent





Authority under the said enactments.

2. The projects would be permitted only after the concurrence of the Integrated Regional Office (IRO), Chennai.

3. While granting such permissions, the authorities also should provide for necessary mitigation measures for ensuring free flow of the wildlife from one part of the forest to the other whenever such forest is divided by roads.

However, such modification shall not apply in respect of the roads which are required to be constructed or upgraded inside wildlife sanctuaries, national parks, tiger reserves and elephant corridors.

The applications are, accordingly, disposed of.

[5] I.A. No. 186910/2022  
[CEC Report 30/2022 - REPORT OF CEC IN APPLN. NO. 1557/2022  
FILED BEFORE IT BY GAURAV KR. BANSAL)  
IN RE : GAURAV KR. BANSAL

Issue notice, returnable on 08.02.2023.

Shri Abhishek Atrey, learned counsel, appears and accepts notice on behalf of the State of Uttrakhand.

By way of ad interim order, we direct that all constructions activities in respect of the road in question shall be stopped, until further orders.

[16] CONTEMPT PETITION (C) NO.319/2021.

Shri Mahendra Vyas, Member of the CEC, states that report of



the CEC would be filed within ten days and copies thereof shall also be supplied to the counsel for the State of Uttarakhand.

The respondent(s)/State shall file reply to the report of the CEC prior to 03.02.2023.

Put up on 08.02.2023.

[6] SLP(C) No. 25047/2018

In pursuance of the orders passed by this Court on 25.03.2021, the Expert Committee, which was appointed by this Court, has submitted a report. The report is taken on record.

We request Ms. Aishwarya Bhati, learned ASG, to obtain the response of the Ministry of Environment, Forest and Climate Change on the report and place the same on record by way of an affidavit. The said affidavit would also state as to what measures the Union of India proposes to take to give effect to the recommendations made by the Expert Committee in the said report.

We place on record our appreciation for the herculean efforts put in by the Expert Committee for preparing a commendable report.

Stand out to 08.02.2023.

[7] I. A. NO. 125751 OF 2022 [APPLICATION FOR DIRECTIONS]  
IN RE : ODISHA MINING CORPORATION LTD.

This application is filed by Odisha Mining Corporation seeking direction to the Government of Odisha to release the sale proceeds of the Iron Ore deposited in the nationalized bank, pursuant to the order of this Court dated 07.05.2012.

Ms. Kirti Renu Mishra, learned counsel appearing for the State





of Odisha, does not object to the said application.

In that view of the matter, the application is allowed in terms of prayer clause '(a)' of the application.

[8] I. A. NOS. 137520 AND 137524 OF 2021  
[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]  
IN RE : NATIONAL CAPITAL REGION TRANSPORT CORPORATION LTD. (NCRTC)

Learned counsel appearing for the applicant(s) states that in view of the subsequent development, this application does not survive.

The application is disposed of as such.

[ 9 ] (i) I. A. NO. 87648 OF 2020  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

It will be appropriate that the CEC examines the issue and submits a report to this Court. The report be submitted within a period of six weeks from today.

Put up on 15.03.2023.

(ii) I. A. NO. 132892 OF 2022  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]  
IN I. A. NO. 3840 (Disposed of)  
[APPLICATION FOR PERMISSION FOR CARRYING OUT SILVICULTURAL FELLING OF TREES]  
AND

(iii) I. A. NO. 132905 OF 2022  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]  
IN RE : SILVICULTURE FELLING OF TREES IN THE STATE OF HIMACHAL PRADESH

None appears on behalf of State of Himachal Pradesh.

In order to give an opportunity to the State to appear, post on 08.02.2023.

Learned Amicus Curiae is requested to inform the learned



Advocate General for the State of Himachal Pradesh about the listing of this matter.

[ 10 ] I. A. NOS. 131377 AND 147102 OF 2022  
[APPLICATIONS FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022 AND PERMISSION TO FILE APPLICATION FOR MODIFICATION ]  
IN RE : MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE (MoEFCC)

WITH

I. A. NO. 160201 OF 2022  
[APPLICATION FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022]  
IN RE : INDIAN RAILWAYS THROUGH RVNL

WITH

I.A. NO. 205092/2022  
[APPLICATION FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022 ON B/O STATE OF KARNATAKA]

WITH

I.A. 162283 AND 162284 OF 2022 IN I. A. D. NO. 125746/2022  
[APPEAL UNDER ORDER XV RULE 5 AGAINST IMPUGNED ORDER DATED 19.09.2022 AND CONDONATION OF DELAY IN FILING THE SAME]  
AND

[11] I. A. NOS. 118236 AND 129623 OF 2020  
[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

IN RE : M/O AGRICULTURE AND FARMERS WELFARE

WITH I.A. NO. 179389/2018

[APPLICATION FOR MODIFICATION OF COURT'S ORDER DATED 07.05.2002 IN I. A. NO. 502]

AND I.A. NO. 69399/2021

[APPLICATION FOR PERMISSION TO FILE ADDITIONAL AFFIDAVIT]

AND I.A. NO. 144539/2021

[APPLICATION FOR INTERVENTION IN I.A. NO. 179389/2018]

IN RE : U.T. OF ANDAMAN AND NICOBAR ADMINISTRATION

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List on 16.01.2023.

I.A. Nos.6798/2023 and 5764/2023 shall also be listed on that day.

[12] WRIT PETITION (C) NO. 633 OF 2022

WITH

I.A. NO. 108146/2022 IN W.P.(C) NO. 202/1995

[APPLICATION FOR DIRECTIONS ON B/O MAGAN DEVI MEENA]

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List on 15.03.2023.





[13] I. A. NOS. 90862 AND 90864 OF 2021  
[APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.]  
IN RE : JAIPUR SILICA SUPPLY CO., RAJASTHAN

Issue notice, returnable on 08.02.2023.

In the meantime, we also request the CEC to offer its comments on the said I.A.

[ 14] I. A. NOS. 2825 AND 2827 OF 2010 [APPLICATIONS FOR INTERVENTION AND DIRECTIONS]  
IN RE : JEEVAN LAL PATEL

List on 16.01.2023.

I.A. Nos.3684-85, 3686-87 and 3688-89/2013 shall also be listed on that day.

[15] CONTEMPT PETITION (CIVIL) NO. 941 OF 2021

As prayed, it will be appropriate that the Secretary, Department of Mines, State of Rajasthan, is impleaded as party respondent.

Issue notice.

Shri D.K. Devesh, learned counsel appearing for the alleged contemnor(s)/respondent(s), seeks time to file reply.

Put up on 08.02.2023

Reply affidavit may be filed, in the meantime.

Personal presence of the alleged contemnor(s) is dispensed with, until further orders.



[17] CONTEMPT PETITION (CIVIL) NO. 302 OF 2020

Before we consider the present petition, we find that it is appropriate that learned counsel for the State takes instructions from the concerned authorities with regard to the substance of the contentions made in the petition.

We, therefore, request Shri Siddharth Dharmadhikari, learned counsel for the State of Maharashtra, to get instructions in this matter.

Put up on 08.02.2023.

[ 18 ] . A. NO. 5891 OF 2019 [APPLICATION FOR DIRECTIONS]  
IN RE : COMPENSATORY AFFORESTATION MANAGEMENT AND PLANNING  
AUTHORITY (CAMPA) FUNDS WITH  
IN RE : STATUS OF FUNDS

List on 08.02.2023.

We further direct that all the contesting parties to submit their written submission on or prior to 03.02.2023.

[ 19 ] [ I ] IN RE : JANMAM ESTATES IN TAMIL NADU  
[ALONG WITH AFFIDAVITS DATED 24.10.2017 AND 17.11.2017 FILED ON  
BEHALF OF CHIEF SECRETARY, GOVT. OF TAMIL NADU IN I.A.NO. 2702 ]  
WITH

[ II ] I.A. NO. 2702 (APPLICATIONS FOR PERMISSION)

[ III ] I.A.NO. 19859/2018 [APPLICATIONS FOR IMPLEADMENT]

[ IV ] I.A.NO. 133562/2019 [APPLICATION FOR INTERVENTION]

IN RE : NILAMBUR KOVILAKAM

WITH

[ V ] CONTEMPT PETITION (CIVIL) NO.193/2001

WITH

INTERLOCUTORY APPLICATION NO. 4 (APPLICATION FOR DIRECTIONS)

IN RE : PERMISSION TO CARRY OUT WORK RELATED TO BASIC AMENITIES  
IN THE JANMAM LANDS IN THE STATE OF TAMIL NADU

Learned Amicus Curiae, in his note, has requested for





directions to the State of Tamil Nadu for furnishing certain details. We, therefore, direct the State of Tamil Nadu to file an affidavit giving following details:-

- a.) Total area and forest area taken over from the Janmam.
- b.) Forest area under government possession.
- c.) Number and extent of leases in the forest area, with details of lessee, date of expiry of lease, applicable rent, rent paid, revision of rent etc.
- d.) Number of Claims filed before the Settlement Officer.
- e.) Number, details and extent of area in respect of each claim allowed or rejected.
- f.) Number of appeals filed before the Janmam Tribunal by the State and their status.
- g.) Details of the appeals filed by the State against adverse orders passed by the Tribunal.
- h.) Total extent of land involved in the above proceedings.

Shri K. Radhakrishnan, learned senior counsel, states that the same shall be done within a period of three weeks from today.

A copy of the affidavit shall be supplied to all the parties concerned in this matter.

List on 15.03.2023.

[ 20 ] [ i ] I. A. NO. 3949 OF 2016 [APPLICATION FOR DIRECTIONS]  
IN RE : GRANT OF MINING LEASE TO M/S PUTAMBEKAR MINERALS  
[ ii ] I. A. NOS. 124224, 124225/2020 AND 124229, 124230/2020  
[APPLICATIONS FOR INTERVENTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION AND DIRECTION, EXEMPTION FROM FILING OFFICIAL  
TRANSLATION ]  
WITH  
[21] CA Nos. 12234-35/2018 AND Contempt Petition No. 938/2021  
AND SLP(C) No.25047/2018, W.P.(C) NO.633/2022

List on 08.02.2023.



We further direct all the contesting parties to submit their written submission on or prior to 03.02.2023.

[22 ] I. A. NO. 5269 AND 5275 OF 2023  
[APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O ASSN. FOR  
ODISHA REALESTATE DEVP.] \_\_\_\_\_

The application for intervention is allowed for the purpose of directions.

This applicant(s) has sought various prayers. However, the prayer that is pressed in service is thus:-

“(c) Clarify that the directions contained in Para 44 of the order dated 03.06.2022 passed by this Hon’ble Court in I.A. No.1000 of 2003, preferred in W.P. (C) No.202 of 1995, providing a minimum of 1 KM ESZ would not be applicable to the Chandaka-Dampara Wildlife Sanctuary”

The application is filed by the applicant(s) in view of the orders passed by this Court dated 03.06.2022 wherein certain directions have been issued with regard to the minimum width of the ESZ. While passing the order dated 03.06.2022, the Bench of three Judges in paragraph 42, has specifically noted the views of the Standing Committee that there could be specific instances wherein ‘no development zone’ of 1 Km. may not be feasible. The Court recorded the specific instances of Sanjay Gandhi National Park and Guindy National Park.

Subsequently, certain applications with respect to Sanjay Gandhi National Park and Thane Flamingo Creek Sanctuary (I.A. No. 1000 of 2003 etc.) were filed, which were decided by a





Bench of three Judges vide order dated 23.09.2022.

In the order dated 23.09.2022, this Court, after recording the aforesaid observations made in the order dated 03.06.2022, noted the submission of the learned Solicitor General appearing on behalf of the State of Maharashtra and Union of India to the effect that in view of the final notifications being issued, there should be no impediment in granting the relief as prayed for.

In the case of Thane Flamingo Creek Sanctuary, the notification was dated 14.10.2021. In so far as the Sanjay Gandhi National Park is concerned, the final notification was dated 05.12.2016. The notification in respect of Chandaka-Dampara Wildlife Sanctuary issued, which is the subject matter of the present proceeding, is dated 09.09.2016.

In that view of the matter, we find that the view taken by the three Judges while passing the order dated 23.09.2022 would be equally applicable to the present case also.

The application for directions is, therefore, allowed in terms of the prayer clause (c).

[23 ] I. A. NO. 5264 AND 5271 OF 2023  
[APPLICATIONS FOR INTERVENTION AND DIRECTIONS ON B/O ASSN. FOR  
ODISHA REALESTATE DEVP.]

---

The application for intervention is allowed for the purpose of directions.

This applicant(s) has sought various prayers. However,



the prayer that is pressed in service is thus:-

"(c) Clarify that the directions contained in Para 44 of the order dated 03.06.2022 passed by this Hon'ble Court in I.A. No.1000 of 2003, preferred in W.P. (C) No.202 of 1995, providing a minimum of 1 KM ESZ would not be applicable to the Nandankanan Wildlife Sanctuary"

The application is filed by the applicant(s) in view of the orders passed by this Court dated 03.06.2022 wherein certain directions have been issued with regard to the minimum width of the ESZ. While passing the order dated 03.06.2022, the Bench of three Judges in paragraph 42, has specifically noted the views of the Standing Committee that there could be specific instances wherein 'no development zone' of 1 Km. may not be feasible. The Court recorded the specific instances of Sanjay Gandhi National Park and Guindy National Park.

Subsequently, certain applications with respect to Sanjay Gandhi National Park and Thane Flamingo Creek Sanctuary (I.A. No. 1000 of 2003 etc.) were filed, which were decided by a Bench of three Judges vide order dated 23.09.2022.

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In the case of Thane Flamingo Creek Sanctuary, the notification was dated 14.10.2021. In so far as the Sanjay Gandhi National Park is concerned, the final notification was dated 05.12.2016. The notification in respect of Nandankanan Wildlife Sanctuary issued which is the subject matter of the present proceeding is dated 10.12.2019.

In that view of the matter, we find that the view taken by the three Judges while passing the order dated 23.09.2022 would be equally applicable to the present case also.

The application for directions is, therefore, allowed in terms of the prayer clause (c).

(NARENDRA PRASAD)  
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)  
COURT MASTER (NSH)



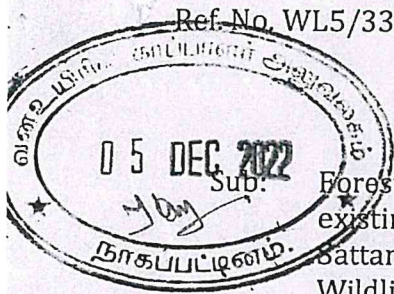


D

By RPAD

Ref. No. WL5/33056/2022

O/o. the Principal Chief Conservator of Forests,  
Forest Head Quarters Building,  
Guindy-Velachery Main Road, Near Kanikapuram  
Check Post, Chennai - 32. Dated: 30-11-2022



Sub: Forests - Wildlife - NHAI Project - Widening and Improvement of existing carriage way to 4 laning of Poondiyankuppuam - Sattanathapuram Section of NH45A under NHDP Phase IV - Approval of Wildlife Mitigation Plan - Regarding.

Ref: 1) Wildlife Warden, Nagapattinam Ref. No. 5875/2021/D dated 14-10-2022.

2) Chief Conservator of Forests, Trichy Ref. No. 4496/2022/D dated 20-10-2022.

\*\*\*\*

Attention of the Wildlife Warden, Nagapattinam is invited to the references cited. It is informed that the Wildlife Mitigation Measures Plan for Widening and Improvement of existing carriage way to 4 laning of Poondiyankuppuam - Sattanathapuram Section of NH45A under NHDP Phase IV in Gopalasamudram RF of Sirkazhi Range is hereby approved. The abstract of mitigation measures are as follows:-

(Rs. in Lakhs)

Sl. No.	Details of proposed works	Qty.	Rate	Amount
1	Construction of Water Trough	2 Nos.	5.00	10.00
2	Construction of Pump house	2 Nos.	3.00	6.00
3	Installation of Solar energized motor set	2 Nos.	3.00	6.00
5	Erection of caution board.	1 No.	1.00	1.00
Total				23.00

The following conditions should be strictly adhered

- Implementation of the mitigation plan has to be done as proposed without any deviation and the Chief Conservator of Forests has to submit progress report to this office monthly.
- Disturbance to the movement of wildlife in the proposed area should be avoided.
- All safety measures shall be taken to avoid accidents and structural failures.
- The works shall be carried out without disturbing or damaging flora, fauna, or habitat of the area.

2) This mitigation plan is only for obtaining Forests / Environmental Clearance from the Competent Authority.

Sd/- Srinivas R Reddy  
Principal Chief Conservator of Forests  
and Chief Wildlife Warden (FAC)

To

The Wildlife Warden, Nagapattinam. [RPAD]

Copy to the Chief Conservator of Forests, Trichy Circle, Trichy for information.

Copy to HDO, O/o. Principal Chief Conservator of Forests, Chennai - 32 for information (T54/1890/2022).

DATE	16 DEC 2022
DIARY No	Copy / by order / 13062
DGM (T) & PD	✓
Mgr. (Tsch)	
Dy.Mgr.(T)	
Site Eng.	
ACCOUNTANT	

Senior Draughting Officer  
01/12/2022



Purpose Demand Note  
to user agency  
Mon





**WILDLIFE DIVISION,  
NAGAPATTINAM**

# **WILDLIFE MITIGATION PLAN**

*for*

**FOREST CONSERVATION ACT PROPOSAL  
“NHAI PROJECT – WIDENING AND IMPROVEMENT OF  
EXISTING CARRIAGE WAY TO 4 LANING OF  
POONDIYANKUPPAM-SATTANATHAPURAM SECTION OF  
NH45A”**

**GOPALASAMUDIRAM RF IN  
SIRKALI RANGE,  
MAYILADUTHURAI DISTRICT**

## MITIGATION PLAN FOR WIDENING AND IMPROVEMENT OF EXISTING CARRIAGE WAY TO 4 LANING OF POONDIYANKUPPAM- SATTANATHAPURAM SECTION OF NH45A

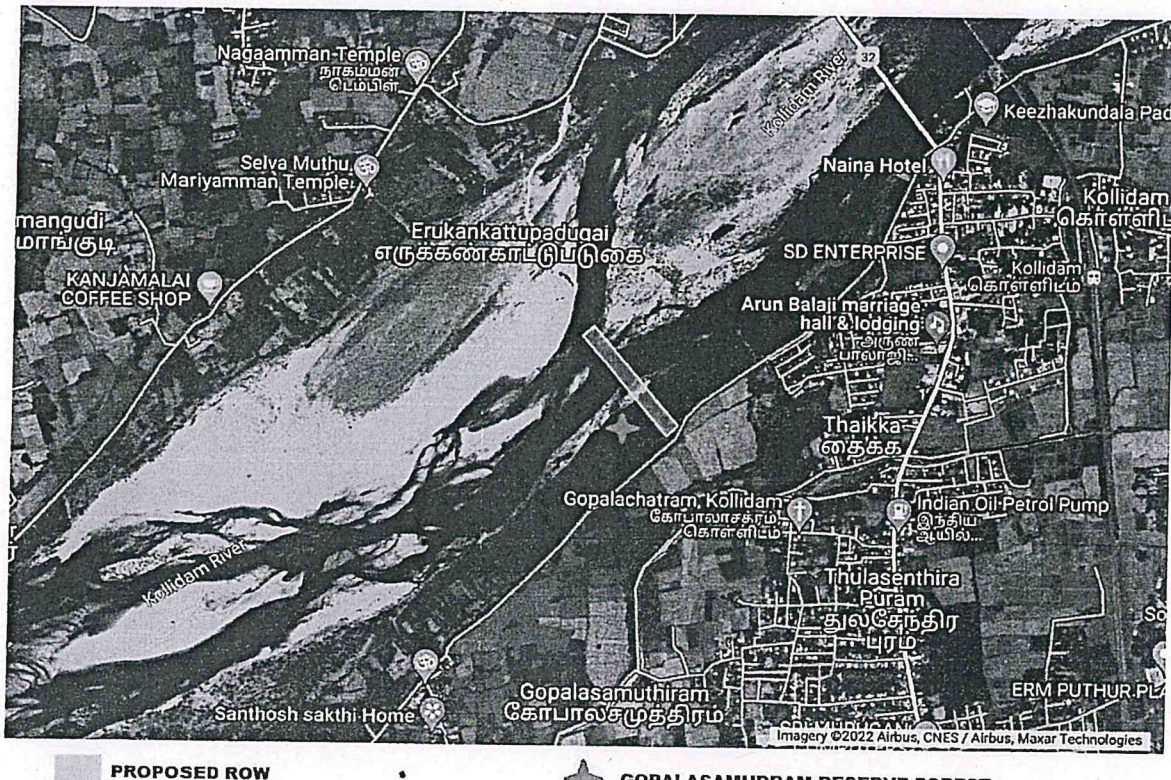
### ABOUT THE PROJECT:

The NHAI has been entrusted with the assignment of Four laning of Poondiyankuppam (Km 67+000) (Villupuram District) to Sattanathapuram (Km 123+800) (Mayiladuthurai District) Section of NH45A in the State of Tamil Nadu under NHDP Phase-IV on Hybrid Annuity Mode.

### ALIGNMENT ACROSS FOREST AREA:

The proposed road alignment passes through Gopalasamudiram Reserve Forest of Sirkali Range. This project involves the formation of 4 lane road cutting across the Gopalasamudiram Reserved Forests from Km 106+000 (11.32730968 N 73.70375259 E) to 106+568 (11.32319747 N 73.70658601 E) for a total length of 568m and width of 45 m and total area needed is 2.5553 Ha.

### RIGHT OF WAY PROPOSED:





## **GOPALSAMUDIRAM RESERVE FOREST:**

Gopasamudiram Reserve Forest is notified in the year 1981 vide G.O.Ms.No.5169/91 Dated.09.12.1981. It has an area of 170.66 Ha. The Reserve Forest is present in the right side flood plain of Coleroon River (11.323821 N 79.705551 E). At present most of the area is inside Coleroon River and balance area is covered with natural vegetation.

The fauna present in the area includes palm civet, monitor lizard, jackal, snakes, peacock, Indian mongoose, monkey, etc. The trees required to be felled for the project are spontaneous trees. There are no protected archaeological/biologically heritage site in the above project site. The natural vegetation is of Tropical dry evergreen forests type. Some of the species present are *Samania saman*, *Thespesia populenea*, *Pongamia pinnata* , *Alangium lamarckit*, *Bamboo*, *Cassia fistula*, *Eucalyptus*, *Teak*, *Neem*, *Prosopis juliflora*, etc.

## **MITIGATION MEASURES :**

The User Agency is instructed to fulfill the project with the following recommendations for mitigation measures:

### **Recommendation No.1:**

**The proposed road should be designed leaving a wildlife passageway underneath the road.**

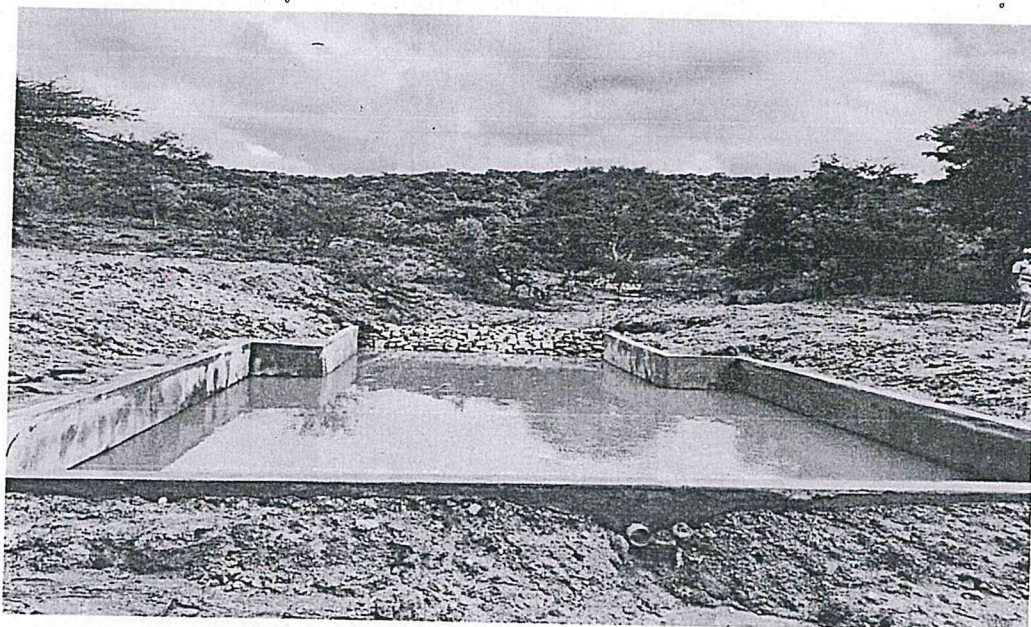
Wildlife Passage way will facilitate movement of wildlife in between the forest patches present east and west of the proposed road. As the road bisect the RF the wildlife passage way is essential under the road. The structure shall be included in the project design.

### **Recommendation No.2:**

**Construction of two Forest Ponds at eastern and western part of the RF.**

Construction of two forest ponds in Gopalasamudiram RF at a cost of Rs.5,00,000/-. This work will be implemented by the Forest Department. The cost will be provided by the User Agency.

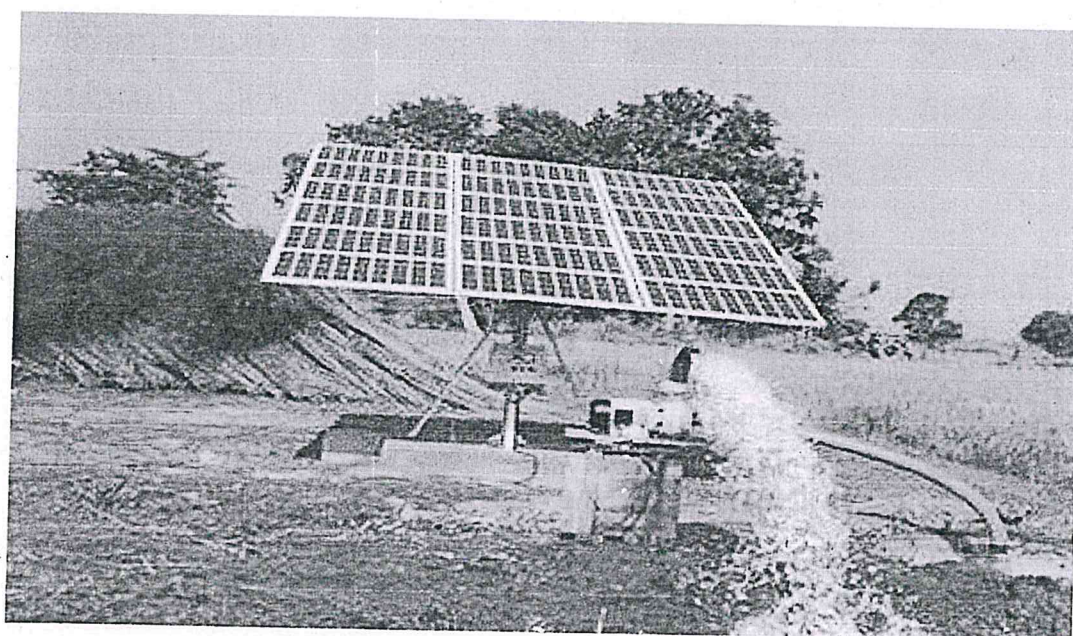




**Recommendation No.3 :**

**Construction of Pump house with Solar energized water pump near the water trough for supplying water to the wildlife.**

Two pump houses will be constructed near the proposed forest ponds at a cost of 3.00 lakhs each. Two 2 HP motor, solar panels and battery setup will be installed in the pump house at a cost of Rs.3.00 lakhs each. Totally Rs.12.00 Lakhs for the entire structures. The proposed road passes through the drinking spots of wild animals. Therefore this component is proposed to avoid any disturbance to animals for drinking water. This work will be implemented by the Forest Department. The cost will be provided by the User Agency.





### 3) Recommendation No.4:

Erection of Signage board at road side of Gopalsamudiram RF.

Erection of Signage board at road side of Gopalsamudiram RF at the cost of Rs.1,00,000/- is proposed to place statutory warning against unauthorized entry, poaching, discharge of sewage wastes from vehicles, dumping of solid wastes,etc. This work will be implemented by the Forest Department. The cost will be provided by the User Agency.

### COST TABLE :

S.No.	Item of work	Nos	Unit Rate (in Rupees)	Total (in Lakhs)
1.	Construction of Water Trough	2	5,00,000	10.00
2.	Construction of Pump House	2	3,00,000	6.00
3.	Installation of Solar energized motor set	2	3,00,000	6.00
4.	Erection of caution board.	1	1,00,000	1.00
TOTAL				23.00

(Rupees Twenty three lakhs)

(Counter Signed)

*B. K. K.*  
10.12.22  
Chief Conservator of Forests  
Tiruchirappalli Circle  
Tiruchirappalli.

*Y. K. K.*  
14/10/22  
Wildlife Warden,  
Wildlife Division,  
Nagapattinam.

*B.*  
20/10/22

*IS*  
14/10/2022  
/ APPROVED /

*20/11/22*  
Principal Chief Conservator of Forests  
and Chief Wildlife Warden  
Chennai

*B.*  
20/11/22

UNDERTAKING FOR CA FUNDS

I hereby undertake to pay the entire amount for Compensatory Afforestation in lieu of the forest area diverted for this project road as per prevailing rates.



DGM (T) & Project Director  
PIU - Puducherry

**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.



UNDERTAKING FOR CA PENAL / CA FUNDS

I hereby undertake 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 and also willing to deposit additional amounts, if any, suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.



DGM (T) & Project Director  
PIU - Puducherry



**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.

UNDERTAKING FOR ADDITIONAL NPV

I hereby undertake to bear the Additional Cost Towards Net Present value (NPV) as demanded by the forest department and undertake to pay the additional amount, if any, due to escalation or any other changes etc., as per demand raised by the Forest Department.



DGM (T) & Project Director  
PIU – Puducherry



**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.



CERTIFICATE

This is to certify that, no violation of the provision of Forest (Conservation) Act, 1980 has been carried out by the user agency.



S. SAKTHIVEL

DGM (T) & Project Director  
PIU – PUDUCHERRY



**S. SAKTHIVEL**  
Dy. General Manager (T) &  
Project Director, NHAI  
PIU - Puducherry.

11 OCT 2022

**TAMIL NADU FOREST DEPARTMENT****Wildlife Division  
Nagapattinam**

From

Yogesh Kumar Meena, I.F.S.,  
Wildlife Warden,  
Nagapattinam.

To

The Project Director,  
National Highways Authority of India,  
Project Implementation Unit, Puducherry  
29, Sun City, ECR,  
Bommaiyapalayam,  
Tamil Nadu - 605 104.**Ref.No.5875/2021/D Dt: 10.10.2022**

Sir,

Sub: Forests - FC Act proposal No.FP/TN/Road/151511/2022 -  
Sirkali Range - NHAI Project - Widening and improvement of  
existing carriage way to 4 laning of Poondiyankuppam-  
Sattanathapuram Section of NH45A under NHDP Phase IV -  
Stage-I approval accorded - Wildlife Mitigation Plan sending -  
Regarding.

Ref: 1) Government of India, Ministry of Environment, Forests and  
Climate Change, Regional Office, Chennai F.No.4-TNB 094/2022-  
CHN/1029, Dated.22.09.2022.

2) The Principal Chief Conservator of Forests (HOFF), Chennai  
Ref.No.TS4/1890/2022 Dated.26.09.2022.

3) The Project Director, NHAI, PIU, Puducherry  
Ref.No.11013/NH-45A/Forest/Vol-1/2022PIU-PDY/1902  
Dated.27.09.2022.

\*\*\*\*\*

In continuation of the Stage-I approval accorded and condition No.(xi) as stipulated in the reference 1<sup>st</sup> cited, I send herewith the **Wildlife Mitigation Plan** prepared for your FC Act proposal of "Widening and improvement of existing carriage way to 4 laning of Poondiyankuppam-Sattanathapuram Section of NH45A under NHDP Phase IV" for acceptance.

Necessary undertaking certificate for accepting the mitigation plan may be provided at the earliest to forward the mitigation plan to Principal Chief Conservator of Forests and Chief Wildlife Warden, Chennai for approval.

**Encl: As above.**

Yours truly,  
Sd/- Yogesh Kumar Meena  
Wildlife Warden,  
Nagapattinam.

//t.c.b.o//

S. Suresh Kumar  
10/10/2022  
Superintendent

Collectorate Complex, Nagapattinam, ✉wlwngp@gmail.com

☎ 04365 253092





**WILDLIFE DIVISION,  
NAGAPATTINAM**

# **WILDLIFE MITIGATION PLAN**

*for*

**FOREST CONSERVATION ACT PROPOSAL  
“NHAI PROJECT – WIDENING AND IMPROVEMENT OF  
EXISTING CARRIAGE WAY TO 4 LANING OF  
POONDIYANKUPPAM-SATTANATHAPURAM SECTION OF  
NH45A”**

**GOPALASAMUDIRAM RF IN  
SIRKALI RANGE,  
MAYILADUTHURAI DISTRICT**

## MITIGATION PLAN FOR WIDENING AND IMPROVEMENT OF EXISTING CARRIAGE WAY TO 4 LANING OF POONDIYANKUPPAM- SATTANATHAPURAM SECTION OF NH45A

### ABOUT THE PROJECT:

The NHAI has been entrusted with the assignment of Four laning of Poondiyankuppam (Km 67+000) (Villupuram District) to Sattanathapuram (Km 123+800) (Mayiladuthurai District) Section of NH45A in the State of Tamil Nadu under NHDP Phase-IV on Hybrid Annuity Mode.

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The fauna present in the area includes palm civet, monitor lizard, jackal, snakes, peacock, Indian mongoose, monkey, etc. The trees required to be felled for the project are spontaneous trees. There are no protected archaeological/biologically heritage site in the above project site. The natural vegetation is of Tropical dry evergreen forests type. Some of the species present are *Samania saman*, *Thespesia populenea*, *Pongamia pinnata*, *Alangium lamarckit*, *Bamboo*, *Cassia fistula*, *Eucalyptus*, *Teak*, *Neem*, *Prosopis juliflora*, etc.

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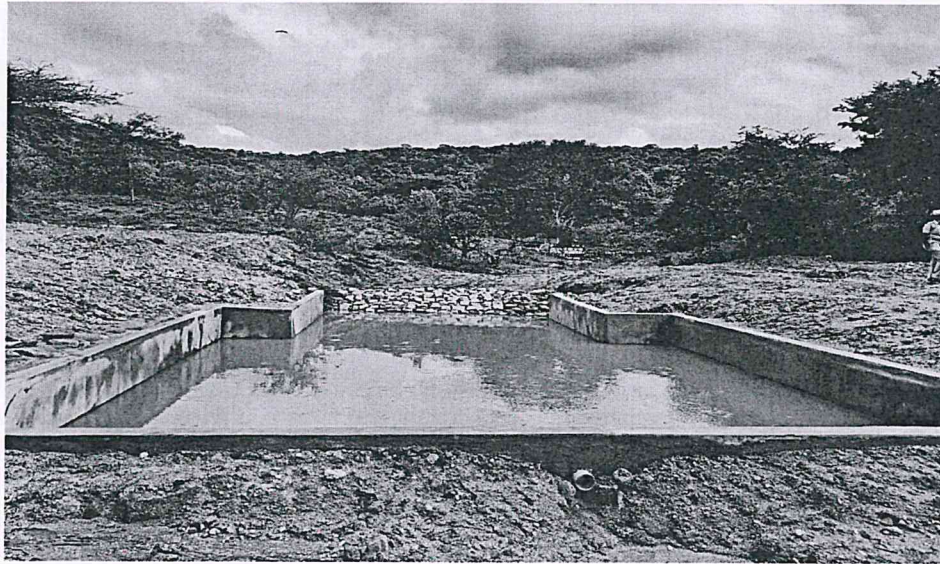
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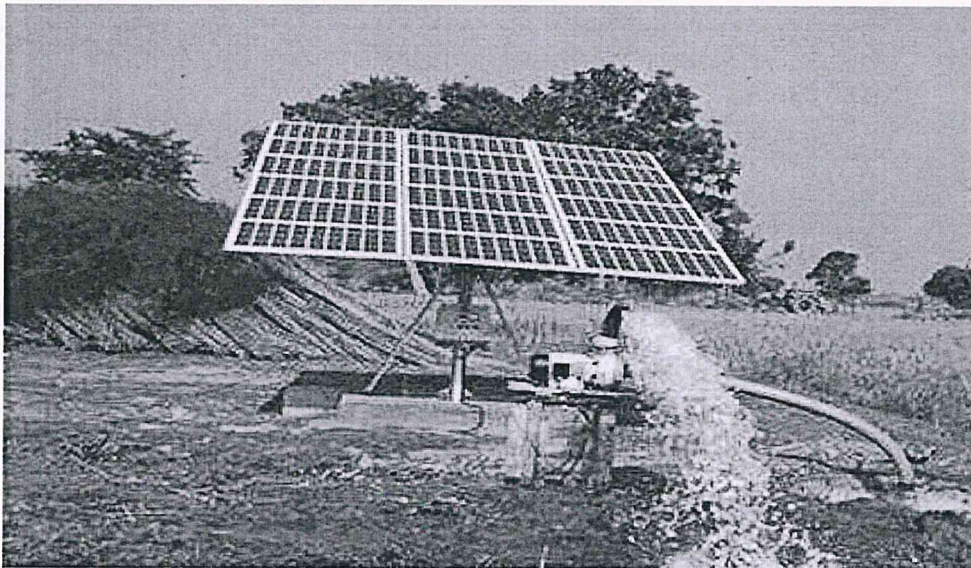




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### 3) Recommendation No.4:

Erection of Signage board at road side of Gopalsamudiram RF.

Erection of Signage board at road side of Gopalsamudiram RF at the cost of Rs.1,00,000/- is proposed to place statutory warning against unauthorized entry, poaching, discharge of sewage wastes from vehicles, dumping of solid wastes, etc. This work will be implemented by the Forest Department. The cost will be provided by the User Agency.

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4.	Erection of caution board.	1	1,00,000	1.00
TOTAL				23.00

(Rupees Twenty three lakhs)

*Y. K. Murugan*  
10/10/22  
Wildlife Warden,  
Wildlife Division,  
Nagapattinam.

*10/10/2022*  
*10/10/2022*

FILE NO.4-TNB094/2022-CHN

NHAI-PIU, PUDUCHERRY	
DATE	22 SEP 2022
DIARY No	9627
DGM (T) & PD	
Mgr. (Tech)	
Dy.Mgr.(T)	
Site Eng.	
ACCOUNTANT	
LAO	



भारतसरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE  
CHANGE

एकीकृत क्षेत्रीय कार्यालय/Integrated Regional Office  
Additional Office Block for GPOA, 1<sup>st</sup> Floor, Shastri  
Bhawan, Haddows Road, Nungambakkam, Chennai-  
600 006;

Ph: 044-28222041; Fax:28252536;

E-mail: [ro.moefccc@gov.in](mailto:ro.moefccc@gov.in)

F.No. 4-TNB094/2022-CHN/1029

Date 22<sup>nd</sup> September, 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 2.5553 ha of forest land for widening and improvement of existing carriage way to 4-laning of Poondiyankuppam-Sathanathapuram section of NH-45A in the State of Tamil Nadu under NHDP Phase IV (Pkg-3) Bridge across Gopalasamudram RF in Nagapattinam District in favour of NHAI, PIU, Puducherry, Bommaiypalayam, Tamil Nadu- Reg

Madam,

Please refer to the State Government's letter No. 11662/FR.10/2022-1 dated 12.09.2022 and online application No.FP/TN/ROAD/151511/2022 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 2.5553 ha of forest land for widening and improvement of existing carriage way to 4-laning of Poondiyankuppam-Sathanathapuram section of NH-45A in the State of Tamil Nadu under NHDP Phase IV (Pkg-3) Bridge across Gopalasamudram RF in Nagapattinam District in favour of NHAI, PIU, Puducherry, Bommaiypalayam, Tamil Nadu, 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) The State Forest Department shall carry out compensatory afforestation over an extent of 5.2 ha of Degraded Forest Land identified in Point Calimere wildlife Sanctuary, in Kodiakarai Range, at the cost of the User Agency;
- (iv) Identified CA area and CA scheme shall not be changed without prior approval of Central Government;
- (v) The State Government shall charge the Net Present Value of the diverted forest land measuring 2.5553 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
- (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 by the State Government 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 User Agency shall construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost;
- (ix) The User Agency shall carryout avenue plantation and its maintenance on sides of the road at the cost of the project;
- (x) 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;
- (xi) As the wildlife like Palm civet, Monitor lizard, Jackal, Cobra, etc wildlife present in and around the forest land proposed for diversion, the site specific Wildlife mitigation plan duly approved by the CWLW shall be implemented at the project cost;
- (xii) 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. The pillars, if necessary to be constructed in the river, then proper precaution may be taken to ensure that it does not hamper the natural course of water;

- (xiii) 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;
- (xiv) The dug out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area;
- (xv) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xvi) 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;
- (xvii) 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;
- (xviii) The total forest area utilized for the project shall not exceed 2.5553 ha and 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;
- (xix) 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;
- (xx) 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;
- (xxi) 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;
- (xxii) 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;



(xxiii) 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.

This approval is subject to prior approval of Hon'ble Supreme Court of India / CEC for felling of tree of spontaneous origin

Yours faithfully,

Sd/-----

(S.Sasikumar)

Deputy Inspector General of Forests (Central)

Copy to:

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015.
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, No.1, Jeenis Road, Panagal Building, Saidapet, Chennai - 600 015.
3. Inspector General of Forests (Central), MoEF&CC, Indira Paryavaran Bhavan, Jor Bagh Road, Aliganj, New Delhi-110003 for information.
4. National Highways Authority of India, PIU-Puducherry Street:#29, Sun City, ECR, Bommaiypalayam, Tamil Nadu - 605104 [nhaipuducherry@gmail.com](mailto:nhaipuducherry@gmail.com)

Sd/-----

(S.Sasikumar)

Deputy Inspector General of Forests (Central)