



भारत सरकार
GOVERNMENT OF INDIA
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय
MINISTRY OF ENVIRONMENT, FOREST &
CLIMATE CHANGE
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F.No.4-KLB 1437/2023-BAN (PART)
Dated the th August, 2025

To

The Inspector General of Forests (FC),
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhavan,
Aliganj, Jor Bagh Road,
New Delhi – 110 003.

Subject: Proposal for seeking ex-post facto approval of the Central government under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for diversion of 0.138 ha of forest land for the construction of Vellakkayam 90 KW Micro Hydro Electric Project in Kothamangalam Division (Online Proposal No. FP/KL/HYD/144656/2021)-Reg.

Sir,

I am directed to refer to Ministry's letter No.4-KLB 1437/2023-BAN dated 12/06/2025 on the above subject. In this regard, please find attached herewith the site inspection report along with recommendation of the Deputy Director General of Forests (Central) for kind information and necessary action please.

Yours faithfully,

Digitally signed by

Praneet (Praneet Paul)

Deputy Inspector General of Forests (Central)

Date: 01-08-2025

16:14:08

Encl: As above.

SITE INSPECTION CARRIED OUT ON 14/7/25

	Title of the Project:	Diversion of 0.138 ha of forest land for the construction of Vellakkayam 90 KW Micro Hydro Electric Project in Kothamangalam Division (Online proposal no. FP/KL/HYD/144656/2021)
1.	Legal status of the forest land proposed for diversion:	Reserve Forest. (Copy of the Gazette notification of Thodupuzha Reserve Forest is attached as Annexure 1)
2.	Item-wise break-up details of the forest land proposed for diversion:	<p>1. Weir: 0.006 ha. 2. Stream submergence: 0.0732 ha 3. Desilting cum forebay: 0.014 ha 4. Penstock: 0.01625 ha 5. Road: 0.016 ha. 6. Power house: 0.012 ha.</p> <p align="center">Total: 0.13745 ha</p>
3.	Whether proposal involves any construction of buildings (including residential) or not. If yes, details thereof:	The proposal involves the construction of a power house in 0.012 ha of forest area.
4.	Total cost of the project at present rates:	Rs. 1.64 crores
5.	Wildlife:	Smaller mammals, avifauna and reptiles.
6.	Vegetation:	<i>Artocarpus hirsuta, Mangifera indica, Tectona grandis, Calophyllum inophyllum, Terminalia elliptica, Mecaranga peltata, Terrameles nudiflora, Terminalia catappa, Anogeissus latifolia.</i>
7.	Background notes on the proposal:	<p>1) The proposal was recommended and submitted by Kerala State vide letter No. C3/74/2023/F&WLD dated 23/02/2023.</p> <p>2) Scrutiny of the proposal revealed that the work was started before grant of approval under FC, Act 1980. Further, the power house component is proposed to be installed in a land purchased from the previous occupant whose patta was issued in 2009 under Regularization of forest encroachment rules, 1993. It may be mentioned here that the Govt. of India vide letter dated 31/1/1995, while according approval under F(C) Act, 1980 for diversion of 28,588.159 ha of forest land in various</p>

1/2/25

		<p>districts of Kerala for regularization of pre 1977 encroachment had stipulated that a person in whose favor regularization of encroachment is to be done shall not be authorized to sell these areas. The above queries was raised by this office vide letter No.4-KLB1437/2023-BAN/34 dated 16/3/2023.</p> <p>3) The reply received from the Kerala State Government on 26/4/25, states that the initial construction activities of the project commenced in the year 2021, based on the NOC provided by Grama Panchayat. The Vannapuram Grama Panchayath had granted permission as per the decision taken in its meeting dated 09.02.2018 under section 218 and its sub- sections of the Panchayati Raj Act, 1994, to utilize the Government land (Thodu Purambokku). The User Agency commenced work in 2021 under the impression that it was a revenue land based on the NOC obtained from the Grama Panchayat. However, the Mullaringad Range Forest Officer issued a stop memo dated 01.03.2021, resulting in a halt to the work.</p> <p>4) Thereafter, the User Agency submitted an application for diversion of 0.138 ha of forest land for construction of the Vellakayam Micro Hydro Electric Project through Parivesh Portal.</p> <p>5) The Range Forest Officer, Mullaringad has reported the name of the then Secretary of Vannapuram Grama Panchayat Sri. V.A Augustine who issued the NOC to the user agency, as the person responsible for violation of Forest (Conservation) Act, 1980. Regarding the use of patta land for installation of the power house, the Range Forest Officer, Mullaringad has reported that the land identified for the said project is not a Patta land and the said land comes under Thodupuzha Reserve in Mullarigad Range. Thus, the land requested for diversion is fully a forest land. Since the proposal involves FC violation, it was forwarded to the ministry.</p> <p>6) Meanwhile, the User Agency filed a Writ Petition (C) No. 8260 of 2025 before the Hon'ble High Court of Kerala. The draft counter affidavit was filed by this office on 5/7/25. The next date of hearing is 28/7/25.</p>
8.	Compensatory afforestation:	Not proposed.

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9.	<p>Whether proposal involves violation of Forest (Conservation) Act, 1980 or not. If yes, a detailed report on violation including action taken against the concerned officials:</p>	<p>Yes.</p> <ol style="list-style-type: none"> 1) The Kerala State Government while recommending the proposal dated 23/2/23, had not reported any FC violation. However, scrutiny of the proposal revealed that work had already commenced. Further, the power house and road component have been proposed in a patta land that has been regularized under the Regularization of forest encroachment rules, 1993, and hence cannot be sold. 2) In reply to the query raised by this office, the State Government accepted that FC violation had taken place and that the initial construction activities of the project commenced in the year 2021, based on the NOC provided by Grama Panchayath. The Vannapuram Grama Panchayath had granted permission as per the decision taken in its meeting dated 09.02.2018 under section 218 and its sub-sections of the Panchayati Raj Act, 1994, to utilize the Government land (Thodu Purambokku). The letter from the panchayat states that under section 218 and its sub-sections of the Panchayati Raj Act, 1994, the waterways, streams, canals and any adjoining lands, belongs to the Grama Panchayat and based on this clause, the User Agency was given permission. The User Agency commenced work in 2021 based on the NOC obtained from the Grama Panchayat. 3) As per letter of the DFO, Kothamangalam (Letter No.KFDDO/28586/2023-DFOKGLM A3 dated 23/7/25, the then Mullaringadu Range Forest Officer conducted an enquiry into the matter and issued a stop memo dated 01.03.2021, resulting in halting of the work and no further violation is supposed to have occurred in the area. The DFO further states that the names of the members of the Grama Panchayath Committee that met on 9/2/2018 in Vannapuram Grama Panchayath were requested and the panchayath authorities have provided the names of ward members who attended the meeting. The name of the Panchayath Secretary was reported to the CCF office vide letter dated 6/11/24. The DCF further states that the disciplinary action against the said officers has to be taken up with the respective department.
10.	<p>Whether proposal involves rehabilitation of displaced persons.</p>	<p>No</p>

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11.	Reclamation Plan:	No
12.	Details on catchment and command area under the project:	No details provided. However, the proposal mentions a stream submergence of 0.0732 ha of forest area.
13.	Cost benefit ratio:	Not submitted
14.	Recommendations of the PCCF/State Government:	The Government of Kerala vide letter No. C3/74/2023/F&WLD dated 23/02/2023 has recommended the proposal.
15.	Recommendations of the officer conducting site inspection:	<p>The observations based on the site inspection dated 14/7/25 is as follows:</p> <ol style="list-style-type: none"> 1. The Kerala State Government while recommending the proposal dated 23/2/23, had not reported any FC violation. However, scrutiny of the proposal in this office revealed that work had already commenced without obtaining necessary approval under VSESA, 1980. In reply to a query raised by this office, the State Government accepted that FC violation had taken place and that the initial construction activities of the project commenced in the year 2021 and that the area forms a part of the Thodupuzha Reserve Forest in Mullaringad Range of Kothamangalam Division. (Copy of the Thodupuzha Reserve Forest notification is attached as Annexure 1). As per the State Government, the User Agency initiated the work, based on an NOC provided by the Vannapuram Grama Panchayath, granting permission, as per the decision taken in its committee meeting dated 09.02.2018 under section 218 and its sub- sections of the Panchayati Raj Act, 1994. The letter from the panchayat states that under section 218 and its sub-sections of the Panchayati Raj Act, 1994, all water course within the limits of a Grama Panchayat are deemed to be vested with the Grama Panchayat. Hence the land is not classified as forest land, nor is it part of the forest reserve. Hence, the grama panchayat has granted permission for implementing the project. (Copy of translated letter dated 22/2/24 of the secretary, Vannapuram Gram Panchayat is attached as Annexure II). 2. As per the DCF, Kothamangalam's letter dated 23/7/25, addressed to the CCF, Kottayam, as soon as the information regarding the initiation of

12/1

		<p>the work was received, the then Mullaringadu RFO conducted an enquiry and issued a stop memo on 1/3/21 and no further violation of any kind has occurred in the area. The names of the ward members of the Vannapuram Grama Panchayat that met on 9/2/2018 and the panchayath secretary was reported to the office of the CCF on 6/11/24 and disciplinary action against the said officers is to be taken up with the respective department. The site inspection on 14/7/25 revealed no further work/activity of any kind in the proposed area (Photographs attached).</p> <ol style="list-style-type: none"> 3. The power house component of the project, of area 0.012 ha, and the road component of area 0.016 ha has been proposed in a patta land. This patta land has been purchased by the User Agency from the previous occupant whose patta was issued in 2009 under "Regularization of forest encroachment rules, 1993". It may be noted here that the Government of India, vide letter dated 31/1/95, while according approval under F(C)Act 1980 [for diversion of 28,588.159 ha of forest land in various districts of Kerala for regularization of pre 1977 encroachments] had stipulated that a person in whose favor regularization of encroachment is to be done shall not be authorized to sell these areas. Hence, this patta land cannot be allowed for the project use. 4. Clarity on the status of the land (forest/ panchayat/ patta) proposed is lacking. The State Government needs to clearly state the status of land been proposed for the project. 5. Discussion with the project proponent revealed that there has been a change in the lay out plan proposed, the details of which have not been submitted. The cross-sectional details of the project components and any change in the lay out plan needs to be provided. 6. As per letter of the DFO, Kothamangalam, dated 23/7/25 in addition to the above mentioned hydro electric project, another one more project namely the Pattayakudy Hydroelectric project has got Stage 1 approval. Hence, both these projects are situated in the tributaries of the Kothamangalam thodu. As per section 9.3 (i) and (ii) of VSESA, 1980, a Cumulative Impact Assessment study and Carrying Capacity Study needs to be carried out in river basins which has more than one hydroelectric project. This has not been done. (Copy of the DCF's letter no KFDDO/28586/2023-DFOKGLM A3 dated 23/7/25 attached as
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		<p>Annexure III).</p> <p>7. The C:B ratio and the utility of the project has not been submitted.</p> <p>8. As per Part II of the proposal, a total of 18 trees is marked for felling. The details of the area proposed along with the KML file, for compensatory planting has not been provided.</p> <p>9. Hence, the proposal can be recommended subject to fulfillment of all the conditions mentioned above.</p>
16.	Recommendations of DDGF (C) along with detailed reasons DDGF (C) shall give detailed comments on whether there are any alternatives routes/alignments for locating the project on the non-forest land:	Enclosed
17.	Utility of the Project:	Hydroelectricity generation
18.	Whether land being diverted has any socio-cultural/religious value:	No
19.	Situation w.r.t. any P.A.	No Protected Area in the proposed area
20.	Any other information relating to the Project:	-

Name and Designation
of Inspecting Officer:


Signature
Praneetha Paul
DIGF

Date of Inspection:

14/7/2025

16. Recommendation of DDGF (Central) Regional office, MoEF&CC, Bengaluru

Proposal (FP/KL/HYD/144656/2021) for diversion of 1.138 ha of forest land for construction of Vellakkayam 90 KW Micro Hydro Electric Project in Kothamangalam Division was inspected by the DIGF (C), RO Bengaluru on 14/07/2025.

The inspecting officer has recorded the recommendation at Column No 15. The undersigned is in agreement with detailed comments made by the inspecting officer in Site inspection report. The Carrying Capacity and Cumulative Impact Assessment Study of river basin has not been submitted by the user agency which are perquisite for grant of 'in-principle' approval under the Adhiniyam. It is recommended to consider the proposal and approval may be granted after satisfying the above condition.

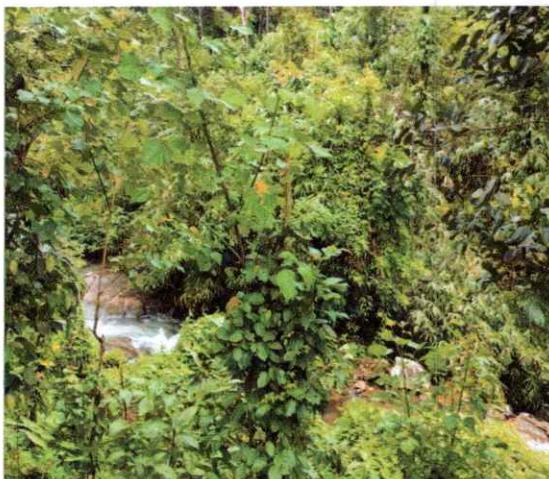
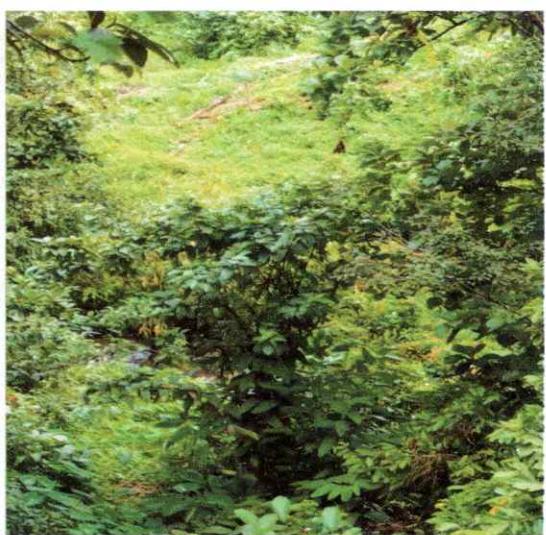


(S. Senthil Kumar)
DDGF (central)
Regional Office, MoEF&CC, Bengaluru

01-08-2025

Bengaluru

Photographs of the area proposed for diversion



114

Thadupugha Reserve
notified.

GOVERNMENT



തിരുവിതാംകൂരുടെ സർക്കാർ ഗവൺമെന്റ്

PUBLISHED BY AUTHORITY EVERY TUESDAY.

ഉത്തരവിൽ ആകാം ചൊപ്പാട്ടിനാം പ്രസിദ്ധീകരിക്കുന്നു.

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ബല്ലേരി അ. തിരുവിതാംകൂരുടെ സർക്കാർ പ്രസിദ്ധീകരിക്കുന്ന പത്രം നംബർ. 25.

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NOTIFICATION.

It is hereby notified under section 18 of Regulation 11 of 1908 that, from and after the date the tract specified in the subjoined schedule shall be deemed to be a Reserved Forest.

Unter Giechweve,
Würzburg,
19th June 1862.

K. KRISHNASWAMY RAO,
Deputy

Name and Number of Reserve Forest.	Timbupatti Taluk, and Karumangai Forests.	Timbupatti Taluk, and Karumangai Forests.	Boundaries.
			<p>North.—The northern ridge of the Mularingal valley.</p> <p>East.—The crest of the Ghauts.</p> <p>South and West.—Commencing at the crest of the Ghauts near Naidikkamplai which is situated about 2 miles east of Arakukam the line follows the ridge north-west as far as Thambipatti, it then goes due north to Kuvallamall or Mithumandal about three miles. Then a little to the west of north about 4 miles to the Vadakanay following the Chathamalai Thonda. It then follows the Vadakanay, and for about 10 miles to Kuvallpali fields. Here it leaves the river and runs north-west for about four miles to the Chathamalai Thonda. Then due north to Nethalsiyam two miles a large flat rock on the path from Kethamangalam to Neriyamangalam</p> <p>100 square miles.</p> <p>All private land, adjudged to be such by Peasant Settlement Officer will be excluded.</p>

ଓিবাগৰ ৰ. ক. কৃষ্ণ গুলিৰামুৰ,



True Second copy
Loyalty

Vannappuram Grama Panchayath

Vannappuram.P.O. Idukki

seevpmgp@gmail.com

Phone 0486 2245339

No.SC1-226/2024

Dated 22.02.2024

From

Secretary
Vannappuram Grama Panchayath

To

Divisional Forest Officer
Kothamangalam Division
Kothamangalam

Sir,

Sub: Vannappuram Grama Panchayath- Vellakkayam Micro Hydro Electric Project- Permission granted- reg.

Ref:

1. Section 218 and relevant sub-sections of the Kerala Panchayath Raj Act, 1994.
2. Resolution No.10/(10) of Vannappuram Grama Panchayath committee dated 29.07.2017.
3. Resolution No.32/(1) of Vannappuram Grama Panchayath committee dated 09.02.2018.
4. That office letter No.KFDDO/28586/2023-DFOKGLM A3 dated 16.01.2024.

Your kind attention is invited to the subject and references cited above. As per Section 218 and sub-sections of the Kerala Panchayat Raj Act, 1994, all watercourses within the limits of a Grama Panchayat are deemed to be vested in the Grama Panchayat as follows:

"218 Transfer of water sources, springs, reservoirs etc. Grama Panchayath

(1) Notwithstanding anything contained in the Kerala Land Conservancy Act 1957 (8 of 1958) or in any other law for the time being in force, all public water courses (other than river passing through more areas, than the panchayat area which the Government may, by notification in the gazette, specify), the beds and Banks of river streams, irrigation and drainage channels, canals, lakes, back waters and water courses and all standing and flowing water, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works including those used by the public to such an extent as to give a prescriptive right to their use whether existing at the commencement of this Act or afterwards made, laid or erected and whether made, laid or erected at the cost of the panchayat or otherwise, and also any adjacent land, not being private property appertaining thereto shall stand transferred to and vest absolutely in the village panchayat:

Provided that nothing contained in this sub-section shall apply to any work which is or is connected with a work or irrigation or to any adjacent land appertaining of any such work. (2)

- (2) Subject to the provisions of this Act, all rights and liabilities of the Government in relation to the water courses, springs, reservoirs, tanks, cisterns, fountains, wells, kappus, chals, stand pipes and other water works vested in the village panchayat under subsection (1) shall from the date of such vesting be the rights and liabilities of the village panchayat.
- (3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the government may, by notifications in the Gazette, assume the administration of any public source of water supply and public land adjacent and appertaining thereto after consulting the village panchayat and giving due regard to its objection, if any.
- (4) It shall not be lawful for any person to remove or appropriate for himself any tree, earth, sand, metal, laterite, limeshell or such other articles of value as may be notified by the village panchayat from any land which is transferred to or

vested in the village panchayat, under this Act whether a poramboke or not except under and in accordance with the terms and conditions of a permit issued by the village panchayat in this behalf and on payment of such fees and compensation at the rate determined by the village panchayat.

Mr. Y. Sleebachan submitted an application under the Kerala Small Hydropower Policy 2012 for the Vellakayam Micro Hydro Electric Project at Vellakayam within the limits of Vannappuram Grama Panchayat. The project was reviewed and discussed by the Panchayat Committee in its meeting held on 29/07/2017 and a no-objection certificate was granted to implement the project in compliance with the conditions in the order of G.O. (P) No. 25/2012/PD dated 03.10.2012 of the Hon'ble Government of Kerala and after obtaining clearances from other concerned departments.

Subsequently, Mr. Y. Sleebachan submitted an application to lease the part of the river bank for the establishment of a mini-hydroelectric project with a maximum capacity of 90 MW on an area of 00.04.00 hectares (Vellakkayam) belonging to Field No. 184/17 in Block No. 3 in Vannappuram Village and a mini-hydroelectric project with a maximum capacity of 100 MW on an area of 00.08.46 hectares (Pattayakudi) belonging to Field No. 265/3 in Block No. 3. The proposal was discussed in the Panchayat Committee on 09/02/2018 and subject to the conditions in the G.O. (MS) No. 96/2016/RD dated 06.02.2016, the committee unanimously decided to authorize the Grama Panchayat Secretary to take necessary steps to lease out the required land and a written communication of this decision was sent to the applicant.

Panchayath Raj Act has been clarified in ref(1) that after the coming into force of the Kerala Panchayat Raj Act, all public water ways, streams, canals and any adjacent land not belonging to private property within the limits of the Grama Panchayat shall be vested in the Grama Panchayat. Thus in accordance with the provisions of the Kerala Panchayat Raj Act 1994, Section 218 and subsections of the said act the thodu (stream) including the thodu mentioned

here has been used for several construction works by the Panchayat and the District panchayat utilizing various funds and agricultural lands and houses exist on both sides of the stream and have already been granted lease rights (patta). On the basis of the above, Grama Panchayath has granted permission for implementing the project to Mr.Y.Sleebachan, Charuvila Veedu, Kottarakkara, Kollam. This is submitted for your kind information and further necessary action.

Yours faithfully

Sd/-
Mujeeb S
Secretary
Vannappuram Grama Panchayath

True Copy Translated


DIVISIONAL FOREST OFFICER
KOTHAMANGALAM

8 ✓

SOORAJ BEN.K.R. IFS
Divisional Forest Officer
(PEN:961233)



Office of the Divisional Forest Officer,
Kothamangalam Division ~ 686691
Phone: 0485 - 2822317(O)
E-mail - dfo-kglm.for@kerala.gov.in

KFDDO/28586/2023-DFOKGLM A3

Date: 23.07.2025

To

Chief Conservator of Forests,
High Range Circle, Kottayam

Sir,

Sub : Proposal for diversion of 0.138 ha. of forest land under section 2 of Forest (Conservation) Act 1980 for the construction of Vellakkayam Micro Hydro Electric Project - reg.

Ref : 1) That office End.No.C5-1792/2022 dated 18.07.2025.
2) Letter No.FC2-1436/2024 dated 19.07.2025 of Additional Principal Chief Forest Conservator & Nodal Officer, F(C) Act, Thiruvananthapuram

Kind attention is invited to the captioned subject. As per the references cited I am submitting herewith the details as below.

- i. Clarify whether the instant proposal is the first hydro-electric project in the river: An application for Pattayakudy Hydro Electric Project in Edathana thodu, a tributary of Kothamangalam thodu near the Vellakkayam Hydro Electric Project has been submitted through Parivesh Portal and received Stage I approval which is first Hydro Electric project in this river. Pattayakudy Hydro Electric Project and Vellakkayam Hydro Electric Project are tributaries of Kothamangalam thodu in which water flows to Kothamangalam thodu.
- ii. Submit an action taken report against the said violation in the instant proposal. As soon as the information regarding the construction of Vellakkayam Micro Hydro Electric Project by Mr.Y.Sleebachan was received, the then Mullaringadu Range Forest Officer conducted an enquiry in to the matter and issued a stop memo on 01.03.2021. No further violation of Forest Conservation Act of any kind has happened in the area. Further the applicant filed an application for obtaining forest clearance application through Parivesh Portal. Further action can be taken based on approval or rejection as the case may be.

iii. Disciplinary action against the official concerned for not being able to prevent use of forest land for non-forestry purpose without prior approval of Govt. of India.

On the basis of the documents submitted by Mr. Y. Sleebachan regarding the above matter, it was understood that NOC was obtained from Vannappuram Grama Panchayath for this project. Copy of NOC and letter from Panchayath authorities is attached herewith. The NOC was given, since the authority in the project lies with the Grama Panchayath. The names of the members of the committee that met on 09.02.2018 in Vannappuram Grama Panchayath were requested, and the panchayath authorities have provided the names of the ward members who attended the above meeting. The name of the panchayath secretary was reported to your office vide letter dated 06.11.2024. The disciplinary action against the said officers has to be taken up with the respective department.

iv. Status of CIA/CCS studies (Impact Assessment) of river on which the proposal has been proposed shall be provided: In this regard no studies have been conducted. On 14.07.2025 site inspection was conducted by Smt. Praneetha Paul, IFS, DIGF (C) along with Divisional Forest Officer and staff, instruction has been given to User Agency to submit CIA report.

v. The kml file and map of the entire project area: Kml files received from User Agency is submitting along with this letter.

Yours faithfully



Divisional Forest Officer,
Kothamangalam Division.

