

From  
K.Srinivasan,  
Block Development Officer (BP),  
Kolathur Union - 636 303  
Email : [kolathurblock@gmail.com](mailto:kolathurblock@gmail.com)

To  
The District Forest officer,  
Salem Forest Division,  
Salem

Roc 3206/2016/A2

Date : 23.12.2022

Respected Sir / Madam,

Sub : Forests - Forest (Conservation) Act 1980- Salem Circle / Division - Proposal For diversion of 4.20 ha of Forest Land for upgradation of the road from Kannamoochi pirivu to Kemmapatti Village in Palamalai Reserved Forests of Salem Forest Division - **Compliance Report and payment details send** - Reg

Ref : 1. Online PROPOSAL No. FP/ TN/ ROAD/ 21076/ 2016  
2. Govt of India Ministry of Environment, forests & climate change Integrated Regional office, Chennai F.No 3536/2018-CHN/879 date 22.09.2021  
3. The Principal Chief conservator of Forest, Chennai, Lt No TS3/ 41275/2017 Date 23.05.2022 and 27.07.2022  
4. District Forest officer, Salem Division, Salem Letter ROC no 3536/2018/D1, Date : 26.05.2022  
5. Hon'ble supreme court of India Judgement copy Dated 30.11.2022

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I Submit herewith the Compliance Conditions laid down by the Government of India in Stage I Approval for the Diversion of 4.20 ha of Reserved Forest Land for upgradation of the road from Kannamoochi pirivu to Kemmampatti Village in Palamalai Reserved Forests of Salem Forest Division along with the enclosures below annexure of total 4 sets.

Annexure :

1. Compliance Report
2. Combined Undertaking form 1
3. Additional Net present value undertaking
4. Erection of RCC pillars for demarcating in the proposed forest area Photos
5. Payment challan copy
6. Transfer Charge Report (TCR)
7. Hon'ble supreme court of india - Judgement copy

  
Block Development Officer (BP)  
Kolathur Block, Salem District.

  
Copy to : The Additional Collector (Development), DRDA, Salem.

**Details of Compliance on the conditions laid down by the Government of India in  
Stage-I Approval for the Diversion of 4.20 Ha of Forest land in Palamalai RF for the  
Upgradation of the road from Kannampoochi pirivu to Kemmampatti Village in  
Palamalai Reserved Forest.  
(PROPOSAL No. FP/ TN/ ROAD/ 21076/ 2016)**

Govt of India Ministry of Environment, forests & climate change Integrated Regional  
office, Chennai F.No 3536/2018-CHN/879 dated 22.09.2021 and The Principal Chief  
conservator of Forest, Chennai, C .No TS3/ 41275/2017 Date 23.05.2022

Sl. No. of the Condition	Conditions imposed (with reference to GOI Letter )	Action and reply to be furnished by the User Agency
1	Legal status of the diverted forest land shall remain unchanged.	It is accepted that the Legal Status of Diverted Forest Land to remain unchanged
2	The demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at the cost of User Agency	The proposed forest area for diversion has been duly demarcated by erecting 4 feet high cement concrete pillars by duly numbering them at an interval of 20 meters. Photos enclosed for evidence
3	The State Forest Department shall carryout compensatory afforestation and its maintenance in the identified non forest area over an extent of 8.40 ha. in SF No. 72/1 of Kurichi Village in at theValapadiTaluk Of Salem Dt at the cost of the User Agency.	The Compensatory afforestation Cost Rs.84,02,000/- vide The Principal Chief conservator of Forest, Chennai, C.No TS3/ 41275/2017 Date 31.05.2022 has been <b><u>Deposited in Tamil nadu State CAMPA Account as on 03.06.2022 and challan copy enclosed</u></b>
4	Entire non-forest land identified for raising compensatory afforestation over as extent of 8.40 ha. in SF No. 72/1 of Kurichi Village in ValapadiTaluk of Salem District shall be transferred and mutated in favour of the State Forest Department and same shall be declared as Reserved Forest under section – 4 or protected forest under section-29 of the Indian Forest Act, 1927 or under the relevant section (s) of the local Forest Act before <b>Stage II approval</b> . A copy of the original notification shall be submitted along with the compliance report to this office for information and record.	The Non-forest land identified for raising compensatory afforestation over as extent of 8.40 ha. in SF No. 72/1 of Kurichi Village in Valapadi Taluk area has been demarcated and the District Collector Salem in Pro.No.23954/2017/K3 Date. 14.08.2018 has ordered for transfer of the said land i.e.18.00 ha (for 2 Forest proposal) and accordingly the area was already handed over to the forest department. A copy of the above order and TCR is enclosed

Sl. No. of the Condition	Conditions imposed	Action and reply to be furnished by the User Agency
	(with reference to GOI Letter )	
5	The State Govt. shall charge the net present value of the diverted forest land measuring 4.20 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.p	The Net Present value of Rs.33,72,600/- vide The Principal Chief conservator of Forest, Chennai, C.No TS3/ 41275/2017 Date 31.05.2022 has been <b><u>Deposited in Tamil nadu State CAMPA Account as on 03.06.2022 and challan copy enclosed</u></b>
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 User Agency. The User Agency shall furnish an undertaking to this effect.	Undertaking duly Signed and by the applicant is enclosed.
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> )	All the funds pertaining to this proposal have been deposited in State CAMPA Account by duly generating challan through e-portal ( <a href="https://parivesh.nic.in/">https://parivesh.nic.in/</a> )
8	Alignment of both Row and proposed road are varies in few stretches, hence, such stretches of the old Row road, which is not proposed under the new alignment shall be restored by planting suitable tree species at the cost of the User Agency	An undertaking to this effect is enclosed
9	The User Agency shall obtain permission from the Hon'ble Supreme Court of India / CEC for felling of spontaneous trees in the diverted forest area and all conditions of the Hon'ble Supreme Court of India / CEC shall be complied with by the User Agency / State Government.	<p>(1) The Hon'ble Supreme Court of India in its Record of Proceedings Dated 30.11.2022 in IA No 125835 of 2020 in WP (Civil) No. 202/1995 have accorded permission for felling 940 spontaneous trees in Palamalai Reserved Forest area for upgradation of BT road from Kannamoochi pirivu to kemmampatti. The judgement order copy is enclosed.</p> <p>(2) An undertaking to the effect that the cost towards chain link fencing on a 2 feet height for wall around the non forest land will be paid by the user agency as demanded by the Forest Department.</p> <p>(3) As observed by the Hon'ble supreme court of India, Payment of Net Present Value (NPV) and Compensatory Afforestation (CA) cost have been Complied with. It is also certified that any other condition stipulated on the approval will also be complied. An undertaking to the effect is enclosed as per condition No.6.</p>

Sl. No. of the Condition	Conditions imposed	Action and reply to be furnished by the User Agency
	(with reference to GOI Letter )	
10	The State Government shall not issue working permission for the project without obtaining of required permission from the Hon'ble Supreme Court of India / CEC for felling of spontaneous trees.	The Hon'ble Supreme Court of India in its Record of Proceedings Dated 30.11.2022 in IA No 125835 of 2020 in WP (Civil) No. 202/1995 have accorded permission for felling 940 spontaneous in Palamalai Reserved Forest area for upgradation of BT road from Kannamoochi pirivu to kemmampatti. The judgement order copy is enclosed
11	The User Agency shall construct retaining wall and check walls and check walls wherever required, by consulting the DFO concerned, at the project cost.	An undertaking to this effect is enclosed
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-logging and also does not hamper movement of wild animals.	An undertaking to this effect is enclosed
13	The State Forest Department shall raise avenue plantation all along the roadside at the project cost with maintenance of 7-10 years at the cost of user agency.	An undertaking to this effect is enclosed
14	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.	An undertaking to this effect is enclosed
15	The dug out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area.	An undertaking to this effect is enclosed
16	The layout plan of the proposal shall not be changed without the prior approval of the Central Government.	An undertaking to this effect is enclosed
17	Wherever feasible, translocation of trees shall be carried out by the forest department at the cost of the User Agency.	An undertaking to this effect is enclosed
18	No additional or new path will be constructed inside the forest area for the transportation of construction materials for execution of the project work.	An undertaking to this effect is enclosed

Sl. No. of the Condition	Conditions imposed	Action and reply to be furnished by the User Agency
	(with reference to GOI Letter )	
19	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.	An undertaking to this effect is enclosed
20	Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall be responsibility of the user agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna.	An undertaking to this effect is enclosed
21	The total forest area utilized for the project shall not exceed 4.20 ha. and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. User Agency shall furnish an undertaking to this effect.	An undertaking to this effect is enclosed
22	The forest land proposed for diversion shall under no circumstance be transferred of sublease to any other agency, department or person without prior approval of the Central Government.	An undertaking to this effect is enclosed
23	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.	An undertaking to this effect is enclosed
24	Any other conditions that the Central Government of Regional Officer (Central) or 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.	An undertaking to this effect is enclosed
25	In the event of failure to comply with and of the above conditions the user agency is liable for penal action provision made under FCA, 1980 and guidelines made there under.	An undertaking to this effect is enclosed



Block Development Officer (BP),  
 Kolathur.

23/12/22



**COMPLIANCE ON THE CONDITIONS LAID DOWN BY THE GOVERNMENT OF INDIA IN  
STAGE-I APPROVAL FOR THE DIVERSION OF 4.20 ha. OF FOREST LAND IN  
PALAMALAI RESERVED FOREST FOR THE UPGRADATION OF THE ROAD FROM  
KANNAMPOOCHI PIRIVU TO KEMMAMPATTI VILLAGE  
(PROPOSAL NO. FP/ TN/ ROAD/ 21076/ 2016)**

**COMBINED UNDERTAKINGS**

It is to certify that, I being the Block Development Officer, Kolathur Block have applied for diversion of 4.20 ha. of forest area for the purpose of upgradation of Road from Kannamoochi pirivu to Kemmampatti in Palamalai Reserved Forest. The following undertakings are hereby given towards compliance on the conditions laid down by the Government of India.

**CONDITION NO. 6: UNDERTAKING FOR PAYMENT OF ADDITIONAL NET PRESENT VALUE OF THE FOREST AREA:-**

I hereby undertake to pay the additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future.

**CONDITION No. 8: UNDERTAKING FOR PAYMENT OF THE COST OF RESTORTION IN THE STRETCHES OF OLD RoW ROAD :-**

I hereby undertake to erect 2 feet height wall for chain link fencing around the non-forest compensatory afforestation land as specified by the State Forest Department.

**CONDITION No. 9: UNDERTAKING FOR PAYMENT OF THE COST OF CHAIN LINK FENCING ON A 2 FEET HEIGHT WALL AROUND THE NON FOREST COMPENSATORY AFFORESTATION LAND :-**

I hereby undertake to erect 2 feet height wall for chain link fencing around the non-forest compensatory afforestation land as specified by the State Forest Department.

**CONDITION No. 11: UNDERTAKING FOR CONSTRUCTION OF RETAINING WALL AND CHECK WALLS :-**

I hereby undertake to construct retaining walls and check walls where ever required in consultation with the District Forest Officer at the project cost.

**CONDITION No. 12: UNDERTAKING FOR 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-LOGGING AND ALSO DOES NOT HAMPER MOVEMENT OF WILD ANIMALS :-**

I hereby undertake that construction of culverts / bridges, if any, over the natural streams / rivers / canals will be done in such a manner that it does not hamper the natural course of water-logging and also does not hamper movement of wild animals.

**CONDITION No. 13: UNDERTAKING FOR PAYMENT OF COST TOWARDS RAISING AVENUE PLANTATION ALL ALONG THE ROADSIDE AT THE PROJECT COST WITH MAINTENANCE OF 7-10 YEARS AT THE COST OF USER AGENCY :-**

I hereby undertake that construction of culverts / bridges, if any, over the natural streams / rivers / canals will be done in such a manner that it does not hamper the natural course of water-logging and also does not hamper movement of wild animals.

**CONDITION No. 14: 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.**

I hereby undertake that Roadside cuttings and fillings which require engineering support will be provided as per the instructions of the DFO concerned so as to stabilize the soil.

**CONDITION No.15: THE DUG OUT MATERIAL / OVERBURDEN SHALL BE DUMPED OUTSIDE THE FOREST AREA. STORAGE OF ANY MATERIAL SHALL NOT BE DONE IN THE FOREST AREA.**

I hereby undertake that the dug-out material / overburden will be dumped outside the forest area and storage of any material will not be done in the forest area.

**CONDITION No. 16: THE LAYOUT PLAN OF THE PROPOSAL SHALL NOT BE CHANGED WITHOUT THE PRIOR APPROVAL OF THE CENTRAL GOVERNMENT.**

I hereby undertake that, the layout plan of the proposal will not be changed without the prior approval of the Central Government.

**CONDITION No. 17: WHEREVER FEASIBLE, TRANSLOCATION OF TREES SHALL BE CARRIED OUT BY THE FOREST DEPARTMENT AT THE COST OF THE USER AGENCY.**

I hereby undertake that wherever feasible, translocation of trees will be carried out by the forest department at the cost of the User Agency.

**CONDITION No. 18: NO ADDITIONAL OR NEW PATH SHALL BE CONSTRUCTED INSIDE THE FOREST AREA FOR THE TRANSPORTATION OF CONSTRUCTION MATERIALS FOR EXECUTION OF THE PROJECT WORK.**

I hereby undertake that, no additional or new path will be constructed inside the forest area for the transportation of construction materials for execution of the project work.

**CONDITION No. 19: 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.**

I hereby undertake that fire wood preferably alternate fuel will be provided to labourers working at the site to avoid damage / tree felling and no labour camp will be established inside the forest area.

**CONDITION No. 20: DISTURBANCE SHALL BE KEPT MINIMUM BY CREATING LABOUR CAMPS OUTSIDE THE FOREST AREA AS FAR AS POSSIBLE AND IT SHALL BE RESPONSIBILITY OF THE USER AGENCY TO ENSURE THAT THE LABOURERS & STAFF ENGAGED IN EXECUTION OF WORK DO NOT DESTRUCT NEARBY FOREST FLORA & FAUNA :-**

I hereby undertake that the disturbance will be kept minimum by creating labour camps outside the forest area as far as possible and responsibility will be shouldered to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna.

**CONDITION No. 21: THE TOTAL FOREST AREA UTILIZED FOR THE PROJECT SHALL NOT EXCEED 4.20 HA. AND THE FOREST AREA DIVERTED SHALL NOT BE USED FOR ANY PURPOSE OTHER THAN THOSE SHOWN IN THE DIVERSION PROPOSAL. USER AGENCY SHALL FURNISH AN UNDERTAKING TO THIS EFFECT :-**

I hereby undertake to ensure that the total forest area utilized for the project will not exceed 4.20 ha. and the forest area diverted will not be used for any purpose other than those shown in the diversion proposal.



**CONDITION NO. 22: THE FOREST LAND PROPOSED FOR DIVERSION SHALL UNDER NO CIRCUMSTANCE BE TRANSFERRED OF SUBLEASE TO ANY OTHER AGENCY, DEPARTMENT OR PERSON WITHOUT PRIOR APPROVAL OF THE CENTRAL GOVERNMENT.**

I hereby undertake that the forest land proposed for diversion will under no circumstance be transferred of sublease to any other agency, department or person without prior approval of the Central Government.

**CONDITION NO. 23: 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:**

I hereby undertake that the compliance to provisions of the all acts, rules, regulations and guidelines for the time being in force as applicable to the project will be ensured.

**CONDITION NO. 24: ANY OTHER CONDITIONS THAT THE CENTRAL GOVERNMENT OF REGIONAL OFFICER (CENTRAL) OF OR 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.**

I hereby undertake that Any other conditions that the Central Government of Regional Officer (Central) of or Integrated Regional Office, Chennai imposed from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, will be complied at the cost of the user agency.

**CONDITION NO. 25: IN THE EVENT OF FAILURE TO COMPLY WITH AND OF THE ABOVE CONDITIONS THE USER AGENCY IS LIABLE FOR PENAL ACTION PROVISION MADE UNDER FCA, 1980 AND GUIDELINES MADE THERE UNDER.**

I hereby undertake that, In the event of failure to comply with and of the above conditions the user agency shall be liable for penal action provision made under FCA, 1980 and guidelines made there under.



  
Block Development Officer (BP),  
Kolathur.

  
23/12/22

**UNDERTAKING FOR PAYMENT OF ADDITIONAL NET PRESENT**  
**VALUE OF FOREST AREA**

It is to certify that I Block Development Officer, Kolathur Block have applied for diversion of 4.20 ha. of forest area for the purpose of Formation of Road from kannamoochi pirivu to kemmampatti in Palamalai Reserved Forest. I hereby undertake to pay the additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future.

Date : 23.12.2022.

Place :Kolathur.

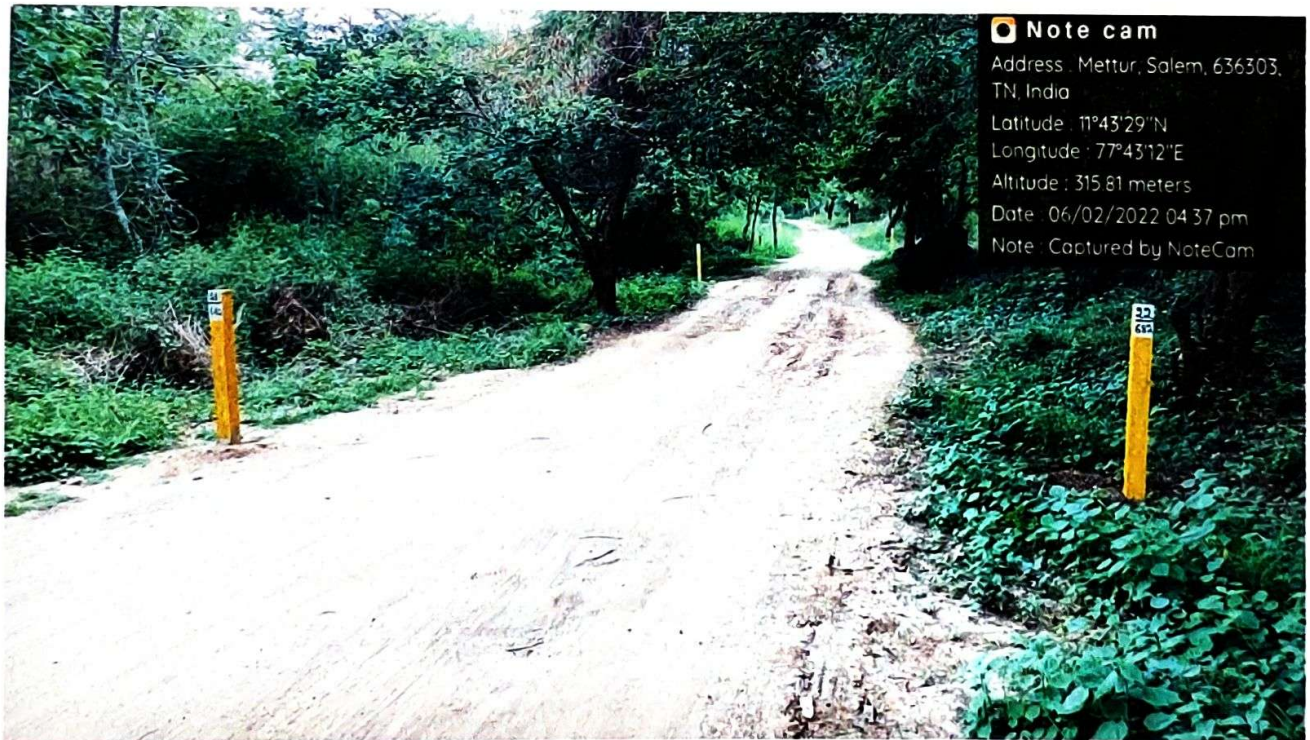
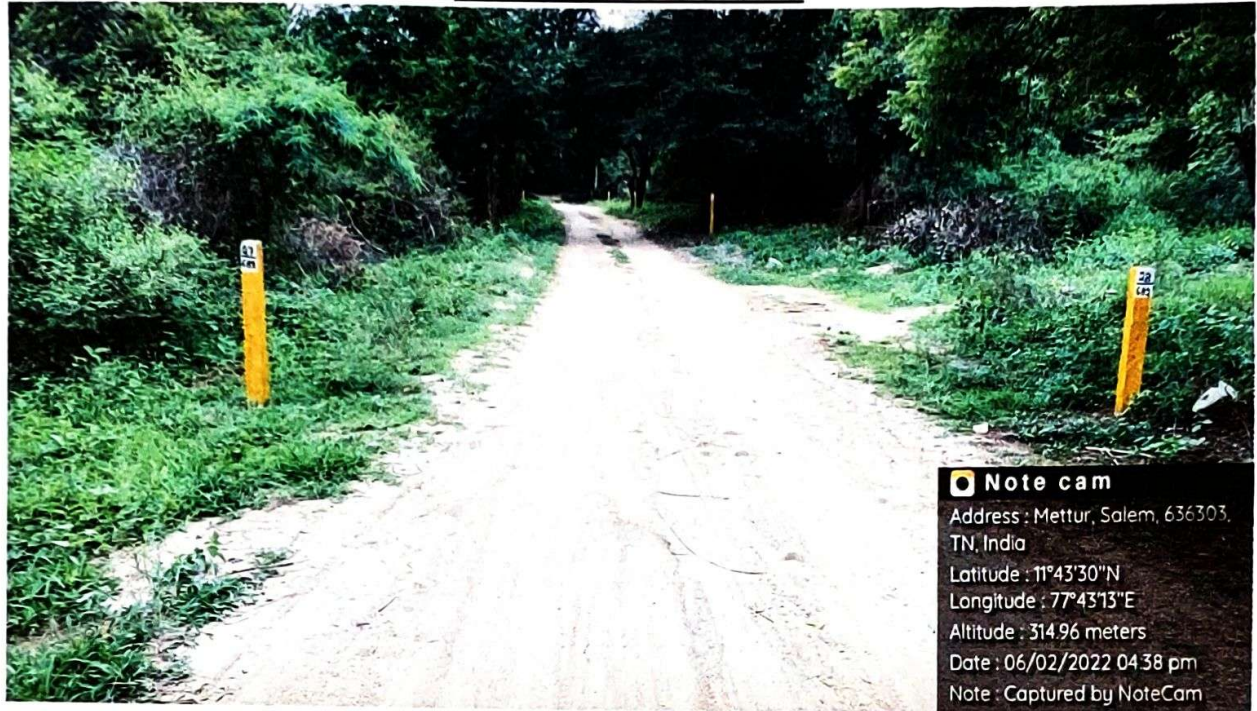
  
Block Development Officer,  
Kolathur Block.

  
23/12/22





**Diversion of 4.20 Ha of Forest land in Palamalai RF for the Upgradation of the road from Kannampoochi pirivu to Kemmampatti Village in Palamalai Reserved Forest - Cement Concrete Pillars**



*[Signature]*  
Block Development Officer (B.P)  
KOLATHUR.



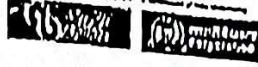


  
Block Development Officer (B.P)  
KOLATHUR.



AGENCY COPY

यूनिऑन बैंक Union Bank of India



NEFT / RTGS CHALLAN for CAMPA Funds

Date : 31-05-2022

Agency Name,	BLOCK DEVELOPMENT OFFICER
Application No.	6121076662
MoEF/SG File No.	4-TNB026/2018-CHN
Location.	TAMILNADU
Address.	Block Development office, Kolathur Salem
Amount(In Rs)	11774600/-

Amount in Words : One Crore Seventeen Lakh Seventy-Four Thousand Six Hundred Rupees. Only

NEFT/RTGS to be made as per following details;

Beneficiary Name:	TAMILNADU CAMPA
IFSC Code:	UBIN0803710
Pay to Account No.	150876121076662 Valid only for this challan amount.
Bank Name & Address:	Union Bank Of India Lodhi Complex Branch, Block 11, CGO Complex, Phase I, Lodhi Road, New Delhi - 110003

\* This Challan is strictly to be used for making payment to CAMPA by NEFT/RTGS only

After making successful payment, User Agencies mail  
Email: helpdeskcompa@corpbank.co.in

Note: After making the required payment through ct  
even after 7 working days, then kindly mail a copy of  
Email: cb0371@unionbankofindia.co.in

03 JUN 2022  
B. NANTHA KUMAR  
PF No. 1018490



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Block Development Officer (B.P)  
KOLATHUR.

### Transfer Charge Report

In accordance to the Salem District Collector Proceedings No. 23954/2017/K3, Dated 14.08.2018 an area of 18.00 ha. in SF. No. 72/4 in of Kuruchi village in Valapadi Taluk of Salem District which was identified for Compensatory afforestation for the Diversion of Forest land for the following Purposes was ordered for transfer to the Forest Department by classifying the land as Forest in the Revenue records.

1. Diversion of Forest Land for Formation of Road from Erumapalayam panangadu to Jarugumalai Village in Jarugumalai Reserved Forests of Salem Forest Division – 4.80 ha.  
(Double the area – 9.60ha.)
2. Diversion of Forest Land for Formation of Road from Kannamuchi Privu to Kemmampatti village in Palamalai Reserved Forests of Salem Forest Division – 4.20 ha.  
(Double the area – 8.40 ha.)

Accordingly the area is handed over to the Forest Range Officer, Valapadi Range as per the sketch with free from any encroachments and encumbrance.

Taken over

Handed over

~~21/12/18~~  
21/12/18  
Forest Range Officer  
Valapadi Range, Salem Division



~~21/12/18~~  
21/12/18  
TAHSILDAR  
VALAPPADY  
Valapadi Taluk, Valapadi

  
Block Development Officer (B.P)  
KOLATHUR.



ITEM NO.28+32

COURT NO.8

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. &amp; ORS.

Respondent(s)

("ONLY")

[1] I. A. NOS. 47249, 47252 AND 47644 OF 2021  
[APPLICATIONS FOR IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING  
O.T.] IN RE : NMDC LTD.

AND

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

AND

[3] I. A. NO. 144282 OF 2022 [APPLICATION FOR EXTENSION OF TIME]  
IN RE : STATE OF JAMMU AND KASHMIR

AND

[4] I. A. NOS. 80744, 80687, 80688 OF 2022 [APPLICATIONS FOR  
IMPLEADMENT, DIRECTIONS AND EXEMPTION FROM FILING O.T.]

IN RE : HIGHWAYS CONSTRUCTION AND MAINTENANCE DIVISION, TAMIL NADU  
AND

[5] I. A. NO. 149040 OF 2021 [APPLICATION FOR DIRECTIONS]  
IN RE : U.T. OF JAMMU AND KASHMIR

AND

[6] I. A. NOS. 137520 AND 137524 OF 2021  
[APPLICATIONS FOR IMPLEADMENT AND DIRECTIONS]

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

Validly signed by  
Digitally signed by  
Deepak Singh  
Date: 2022.12.07  
11:36:14  
Reason:

[7] I. A. NOS. 52873 AND 52876 OF 2021  
[APPLICATIONS FOR DIRECTIONS AND EXEMPTION FROM FILING O.T.]

IN RE : BANDHUA MUKTI MORCHA



Block Development Officer (B.P.)  
KOLATHUR.

AND

[8] I. A. NOS. 51693 AND 51699 OF 2021 [APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

IN RE : M/S. KAYDEN INFRA ENGINEERING PVT. LTD.

AND

[9] I. A. NO. 135110 OF 2020 [APPLICATION FOR DIRECTIONS]

IN RE : ICAR, DELHI

AND

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

IN RE : M/O AGRICULTURE AND FARMERS WELFARE

AND

[11] I. A. NO. 125835 OF 2020 [APPLICATION FOR PERMISSION]

IN RE : DISTRICT RURAL DEVELOPMENT AGENCY, SALEM

WITH

I. A. Nos. 175251 AND 175260 OF 2022  
[APPLICATIONS FOR INTERVENTION AND DIRECTIONS]

IN RE : MIDHUN CHAKRAVARTHY MANI

AND

[12] I. A. NOS. 128672 AND 128673 OF 2019  
[APPLICATIONS FOR RESTORATION OF I.A. NO. 2858 AND  
CONDONATION OF DELAY IN FILING RESTORATION]  
IN  
INTERLOCUTORY APPLICATION NO. 2858 OF 2010

IN RE : STATE OF HARYANA

AND

[13] I. A. NOS. 153667 AND 153673 OF 2021

[APPLICATIONS FOR PERMISSION AND DIRECTIONS]

IN RE : SJVN LTD.

AND

[14] I. A. NO. 161600 OF 2022 [APPLICATION FOR DIRECTIONS]



Block Development Officer (B.P)  
KOLATHUR.

IN RE : CREDAI-MCHI  
AND

[15] I. A. NO. 160201 OF 2022 [APPLICATION FOR MODIFICATION OF COURT'S ORDER DT. 03.06.2022]

IN RE : INDIAN RAILWAYS THROUGH RVNL

AND

[16] I. A. NOS. 153915 AND 153926/2018 [APPLICATIONS FOR IMPEADMENT AND DIRECTIONS]

IN RE : NITIN RAM MENON, MAHARASHTRA

AND

[17] (i) I. A. NOS. 72728 AND 72731 OF 2022  
[APPLICATIONS FOR IMPEADMENT AND DIRECTIONS ON BEHALF OF SATYA PAL THAKUR, APPLICANT]

AND

(ii) I. A. NOS. 132892 AND 132879 OF 2022  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

AND

(iii) I. A. NO. 160157 OF 2021 [APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

AND

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

AND

(v) I. A. NO. 132905 OF 2022  
[APPLICATION FOR DIRECTIONS ON BEHALF OF STATE OF H.P.]

IN

I. A. NO. 2370 OF 2007 (disposed of)  
[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]

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

AND

[18] I. A. NOS. 115555 AND 115945 OF 2022



[APPLICATIONS FOR RESTORATION OF I.A. NOS. 3873-3874 OF 2015 AND  
CONDONATION OF DELAY IN FILING RESTORATION APPLICATIONS]

IN

I. A. NOS. 3873-3874 OF 2015 [APPLICATIONS FOR IMPLEADMENT AND  
DIRECTIONS]

IN RE : DEVI KALI SAHIBA DALAYAN (TIYALI), H.P.

AND

[19] I. A. NO. 5891/2019 [APPLICATION FOR DIRECTIONS]

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

AND

[20] [ 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)

AND

[21] I. A. NO. 108146/2022 [APPLICATIONS FOR DIRECTIONS ]

IN

I. A. NOS. 982-984/2003 (DISPOSED OF)  
[APPLICATIONS FOR DIRECTIONS]

IN RE : SMT. MAGAN DEVI MEENA

[22] 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  
(MoEF)

AND

[23] [i] I. A. NO. 3949/2016

[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 ]

AND

[24] I. A. NOS. 172616 AND 172621 OF 2022 [APPLICATIONS FOR  
DIRECTIONS AND PERMISSION]

IN RE : NAREDCO WEST FOUNDATION

AND

[25] I. A. NO. 178991 OF 2022 [APPLICATION FOR DIRECTIONS]

IN RE : NAREDCO WEST FOUNDATION

AND

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

IN RE : JEEVAN LAL PATEL

AND

[27] I.A.NO.132209/2018

[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

IN

WRIT PETITION (CIVIL) NO. 202/1995

"ONLY" ARE LISTED IN W.P.(C) No. 202/1995 "ONLY" ON 30.11.2022 AND THE NAMES OF "ONLY" THE FOLLOWING ADVOCATES MAY BE TREATED TO HAVE BEEN SHOWN AGAINST THESE I.As.

MR. A.D.N. RAO, SR. ADVOCATE [A.C.],

MR. K. PARMESWAR, ADVOCATE [A.C.]

WITH

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

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

IA No. 100099/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 116495/2022 - INTERVENTION/IMPLEADMENT

IA No. 100097/2021 - INTERVENTION/IMPLEADMENT)

CONMT.PET.(C) No. 193/2001 In W.P.(C) No. 202/1995 (PIL-W)  
(FOR ON IA 4/2006)

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 of 2022

(I.A. No. 113675 - Appropriate Orders/Directions and I.A. No. 113674 of 20220-Exemption from filing O.T.)

**Date : 30-11-2022** This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.R. GAVAI

HON'BLE MR. JUSTICE VIKRAM NATH

For parties:

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*[Signature]*  
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UPON hearing the counsel the Court made the following  
 O R D E R

I.A. No. 47252, 47249 and 47644 of 2021

The applications (I.A. Nos.47249 and 47644 of 2021) for impleadment and exemption from filing O.T. are allowed.

The main application (I.A. No. 47252 of 2021) is for permitting the applicant to continue its mining operations in the Diamond Mining Project at village Majhgawan in District

Panna, Madhya Pradesh, in terms of the Mine Closure Plan dated 23.09.2019.

The perusal of the application would reveal that the applicant has already received Forest Clearance for Supplementary Mining Lease vide order dated 06.01.2021, issued by the Secretary (Forest), Government of Madhya Pradesh.

The proposal for granting Wild Life Clearance has been considered in the 19<sup>th</sup> Meeting of M.P. State Wildlife Board held on 14.01.2021.

The proposal for renewal of clearance under the Wildlife Protection Act, 1972 was also considered favourably in the meeting of the Standing Committee of National Board for Wildlife, MoEF&CC, New Delhi on 18.02.2021.

The Scientist-D(Wildlife, MoEF&CC, New Delhi vide its letter dated 11.03.2021 communicated the decision of the Standing Committee to recommend the proposal, subject to the conditions imposed by the Chief Wildlife Warden and the NTCA.

Taking into consideration the fact that all the concerned authorities have already granted their clearances, we find that the present application deserves to be allowed.

Another fact that needs to be taken into consideration, as submitted by Mr. C.U. Singh, learned senior counsel appearing for the applicant is that after the orders were passed by this Court on 13.08.2008 and 05.09.2008, there has

been an increase in the Tiger population in the Panna Tiger Reserve, which had come down to zero.

We have also heard the learned Amicus Curiae.

We are, therefore, inclined to allow the said application, subject to the condition that all conditions imposed by the authorities mentioned hereinabove in granting the requisite permissions, as well as the order passed by this Court dated 13.08.2008 shall be strictly complied with.

I.A. No. 125751 of 2022

Issue notice to the State of Odisha, returnable on 11.01.2023.

In addition to normal mode of service, liberty is granted to serve the Standing Counsel for the State of Odisha.

I.A. No. 144282 of 2022

This application is for seeking extension of time for a period of six months for filing compliance by the applicant-State of Jammu & Kashmir.

Both the learned Amicus Curiae would have no objection if the said application is allowed.

Accordingly, the said application is allowed in terms of the prayer clause(i).

I.A. Nos. 80687, 80744 and 80688 of 2022

The applications (I.A. Nos. 80744 and 80688 of 2022) for

impleadment and exemption from filing O.T. are allowed.

The application (I.A. No. 80687) is to remove spontaneous trees in 820 metres/0.82 Hectares of Forest Land in Thanjavur Forest at Thogur village in Thanjavur District for widening of road from Kallanai-Thiruverumbur (M306) km. 5/630 to 6/450.

This application is allowed subject to compliance with the conditions as mentioned in the order dated 04.03.2022 issued by the Principal Chief Conservator of Forests, (Head of Department) Panagal Building, Saidapet, Chennai-600015.

I.A. No. 149040 of 2021

The present application is filed by the Union Territory of Jammu & Kashmir for allowing the present applicant(s) to relax the ban on the transport of raw timber out of Jammu and Kashmir, imposed by this Court in terms of order dated 12.12.1996.

We have heard learned counsel for the applicant.

Learned counsel for the applicant submits that vide earlier orders, the High Court of Jammu & Kashmir initially issued a direction to fell all the Poplar trees. However, thereafter, an expert committee was appointed and its recommendation to phase out the female Poplar trees planted by the Government Departments like Social Forestry, PWD (R&B) etc. standing on or adjoining sensitive locations like schools, hospitals & market places was accepted by the High



Court in its order dated 23.07.2020.

Learned counsel further submits that such trees planted by the farmers also need to be phased out. However, on account of the ban on exporting the timber trees out of the Union Territory of Jammu & Kashmir, the prices offered are much lesser than the market price outside the Jammu and Kashmir, thereby depriving the farmers and Union Territory of Jammu & Kashmir of the due amount.

We find the request to be reasonable. However, the prayer is omnibus in nature. We, therefore, allow the application and permit the Union Territory of Jammu and Kashmir to transport the raw-timber out of Union Territory of Jammu and Kashmir, only in relation to Poplar trees.

I.A. Nos. 137520 and 137524 of 2021

Issue notice to the State (GNCT of Delhi), returnable on 11.01.2023.

In addition to normal mode of service, liberty is granted to serve the Standing Counsel for the State (GNCT of Delhi).

I.A. Nos. 52873, 52876, 51693 and 51699 of 2021

List these applications before the Bench presided over by Hon'ble Mr. Justice Sanjay Kishan Kaul.

To be heard alongwith IAs. in W.P(C) No. 4677 of 1985.

I.A. No.135110 of 2020

Issue notice to the State of Karnataka, State of Kerala, State of Tamil Nadu, State of Uttarakhand, and Ministry of Environment and Forest (MoEF) through their Chief Secretaries.

In addition to normal mode of service, liberty is granted to serve the Standing Counsel for the respective States and Central Agency.

Liberty is also granted to place additional documents on record.

I.A. Nos. 118236 and 129623 of 2020

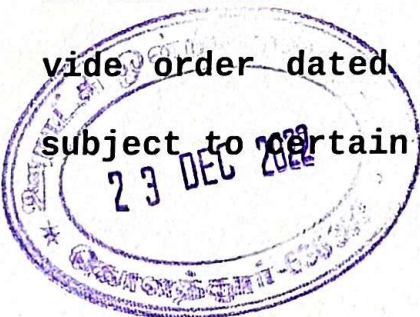
List these applications alongwith I.A. No. 179389 of 2018 on 12.12.2022.

I.A. Nos. 125835 of 2020, 175251 and 175260 of 2022

The application (I.A No. 175251 of 2022) for impleadment is allowed.

This application(s) (I.A. Nos. 125835 and 175260 of 2020) are for seeking permission to fell 940 trees in Palamalai Reserve Forest in Palamalai hills, Salem District from Kannamoochi Pirivu to Kemmampatti of 7 km. for upgradation of B.T. Road.

Learned counsel for the applicant submit that in so far as the road in the adjoining District is concerned, this Court vide order dated 06.05.2022 has already granted permission, subject to certain conditions.



*[Signature]*  
Block Development Officer (B.P.)  
KOLATHUR.



It is submitted that the road is necessary for providing connectivity to the tribal citizens residing in the remote areas.

It is further submitted that the students have to walk everyday around 7 to 10 kilometers to attend the school.

In that view of the matter, the applications are allowed in terms of prayer clause (a), subject to the following conditions:

i) For diversion and use of forest land, approval of the competent authority shall be obtained under the Forest (Conservation) Act, 1980 and the conditions on which such approval is granted shall be fully complied with including payment of Net Present Value and Compensatory afforestation will be undertaken in the non-forest area identified for the purpose;

(ii) The Right of Way of 4 feet wide provided in the reserved forest Notification may be modified so as to replace it with the new black topped road proposed to be constructed and a corresponding notification issued under the Tamil Nadu Forest Act.

(iii) The non-forest land for taking up compensatory afforestation made available by the user agency be chain link fenced on a 2 feet high foot wall; and

(iv) Addl. PCCF, Regional Officer of MoEF&CC at Chennai in coordination with the Forest Department of State of Tamil Nadu will monitor the implementation of the compensatory planting trees.



  
Block Development Officer (B.P.)  
KOLATHUR.

I.A. Nos. 128672 and 128673 of 2019 in I.A. No. 2858 of 2010

Delay in filing restoration application is condoned.

For the reasons stated in the application, the application for restoration is allowed.

Accordingly, I.A. No. 2858 of 2010 is restored to its original number.

I.A. No. 153667 and 153673 of 2021

These applications are allowed in terms of order dated 09.12.2021 passed in I.A. No. 47044 of 2021.

I.A. No. 161600 of 2022

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

“(B) Direct that the Eco Sensitive Zone around Tungareshwar Sanctuary shall be as per the S.O 3250(E) dated September 11, 2019 (Annexure “A-11” hereto, respectively”

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 Tungreshwar Sanctuary issued which is the subject matter of the present proceeding is dated 11.09.2019.

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 is, therefore, allowed in terms of the prayer clause (b).

I.A. Nos.160201, 131377 and 147102/2022

List these applications on 11.01.2023.

I.A. Nos. 153915 and 153926 of 2018

The application (I.A. Nos. 153915 of 2018) for impleadment is allowed.

The I.A. No. 153926 of 2018 is filed by the applicant with a prayer for directing the forest officials to remove the sealing from the Farm House situated inside the Tiger Reserve/Koyna Sanctuary in 2008, resort and generator mentioned in prayer clause (b).

Shri A.D.N. Rao, learned Amicus Curiae in his usual fairness states that the villages which were earlier notified as the forest area have now been denotified and, therefore, there is no reason as to why the property of the applicant should remain sealed.

Shri Siddharth Dharmadhikari, learned Standing Counsel for the State, states that the village where the applicant's farm house is situated is now denotified from the forest areas.

In that view of the matter, there is no impediment in granting the application in terms of prayer clause(b).

Hence, the application (I.A. No. 153926 of 2018) is allowed in terms of the prayer clause(b).

I.A. Nos. 72728 and 72731 of 2022

None appears.

List these applications on 12.12.2022.

I.A. Nos. 87648 of 2020 and 132892 and 132905 of 2022

List these applications on 11.01.2023.

IA Nos. 132879 of 2022 and 160517 of 2021

These applications are allowed in terms of order dated 14.10.2022 in I.A. No. 100173 of 2022.

I.A. Nos. 3873-3874 of 2015

List these applications on 12.12.2022.

I.A. Nos. 5891 of 2019

List this application on 11.01.2023.

Contempt Petition No. 193 of 2001 alongwith I.A. Nos. 2702, 19859/2018, 133562/2019 and I.A. No. 4 of 2022

List this matter alongwith I.As. on 11.01.2023.

W.P.(C) No. 633 of 2022 and I.A. Nos. 108146 of 2022

Though, Members of the CEC have inspected the area in question, various queries posed to the State Government have not yet been responded to.

We, therefore, direct the State Government to forthwith respond to the queries made by the CEC and to provide all the relevant data within a period of three weeks from today.

The CEC is directed to submit its report within a period

of six months from today.

List this matter alongwith I.A on 11.01.2023.

I.A. No. 3949 of 2016 alongwith I.A. Nos. 124224, 124225, 124229, 124230 of 2020

List these applications on 11.01.2023 (High on Board).

I.A. Nos. 172616, 172621 and 178991 of 2022, 2825 and 2827 of 2010 and 132209 of 2018.

List these applications on 11.01.2023.

We direct that the Registry shall list all the applications in T.N. Godavarman matter, in which urgent listing is granted after the hard copies of the application(s)/matter(s) are supplied to the learned Amicus Curiae, Mr. K. Parameshwar.

We further direct that all the application(s)/matter(s) pertaining to T.N. Godavarman will be taken up on second Wednesday of every Month.

It is further directed that on second Wednesday of every Month after the miscellaneous work is finished, the Bench will take final hearing application(s)/matter(s).

The Registry is directed to notify that the following application(s)/matter(s) will be taken up for final hearing on 11.01.2023:

- a. I.A. No. 5891 of 2019 (Campa Funds and Connected IAs) - the Court to be assisted by Shri. ADN Rao, Sr.



Adv. (Amicus Curiae).

b. Contempt Petition(C) No. 193 of 2001 (In Re: Janman Estates in Tamil Nadu) alongwith I.A. No. 2702, 19859, 133562 and other connected IAs - the Court to be assisted by Sri. K. Parameshwar, Adv. (Amicus Curiae).

c. I.A. No. 3949 of 2016 alongwith I.A. No. 124224, 124225, 124229, 124230 of 2020 (Putambekar Minerals) - the Court to be assisted by Sri. ADN Rao, Sr. Adv. (Amicus Curiae).

d. Civil Appeal Nos. 12234-12235 of 2018 (Goa Foundation v. State of Goa) - the Court to be assisted by Shri K. Parameshwar, Adv. (Amicus Curiae).

The Registry is further directed to draw a temporary list of final hearing applications/matters in the forthcoming months and allot the same for assistance to Shri A.D.N. Rao, and Shri K. Parameshwar, learned Amicus Curiae, in rotation.

The Secretary, CEC is directed to file reports in all the applications/matters which would be ready for final hearing and furnish the copy of the reports to the respective Amicus Curiae.



(ANJU KAPOOR)  
COURT MASTER (NSH)

Block Development Officer (B.P.)  
KOLATHUR.