



ABSTRACT

Forests – Forest (Conservation) Act, 1980 – Diversion of 0.054 ha. of forest land in Dharmapurai Forest Division, Noolahalli – Reddihalli Reserved Forests, Dharmapuri District for the purpose of Police Wireless VHF Repeater Station in favour of Superintendent of Police, District Police Office, Collectorate, Dharmapuri – Under section 2 of Forest (Conservation) Act, 1980 – Orders – Issued.

Environment and Forests (FR.10) Department

G.O.(Ms) No.115

Dated : 21.10.2019

விகாரி, ஐப்பசி -04,
திருவள்ளூர் ஆண்டு -2050

Read :

From the Principal Chief Conservator of Forests (HoD), letter No.TS3/4742/2018, dated 29.07.2019.

ORDER:

The Principal Chief Conservator of Forests in his letter first read above has furnished a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.054 ha. of forest land in Noolahalli – Reddihalli Reserved Forests of Dharmapuri Forest Division for the purpose of Police Wireless VHF Repeater Station in favour of Superintendent of Police, District Police Office, Collectorate, Dharmapuri.

2. In the Part II of Form –A, the District Forest Officer, Dharmapuri has furnished following particulars:-

- i) The density of the vegetation is 0.10 and Eco class three.
- ii) The Reserved Forest proposed for diversion is only rocky portion without any soil.
- iii) The forest area proposed for diversion is not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 1 km boundary of NP/WLs etc., for the forest land proposed for diversion and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972.

(P.T.O)

iv) There is no rare / endangered / unique species of flora and fauna found in the area. Details of wildlife present in and around the forest land proposed for diversion reported as NIL.

v) There is no protected archaeological / heritage site / defense establishment or any other important monument is located in the area.

vi) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project and no work in violation of the Act or guidelines has been carried out.

vii) The District Forest Officer, Dharmapuri has reported that, in the proposed forest diversion area, there is no trees available and girth class wise tree details reported as NIL.

viii) For the diversion of 0.054 ha of forest land, the District Forest Officer has proposed compensatory afforestation in 1.00 ha of degraded forest land in Kalappampadi RF with maintenance and protection of plantation for 7 years, based on Government of India guidelines. Compensatory Afforestation Scheme proposed @ Rs. 10.075 lakhs.

3. The District Forest Officer, Dharmapuri has inspected the site on 29.05.2018 and he has stated that the User Agency has not yet started any work in the Reserve Forests area so far, therefore the question of violation of provisions of Forest (Conservation) Act, 1980 does not arise and there is no encroachment in this area. The forest land required for the project is not part of National Park/Wildlife Sanctuary/Biosphere. No rare / endangered / Unique species of flora and fauna found in the above said Reserve Forests area. The proposed construction area of Police Wireless VHF Repeater Station in Vathalmalai at Noolahalli-Reddihalli Reserve Forests in Dharmapuri is a vacant portion. There is no vegetation. Hence this diversion will not involve cutting of trees.

4. In specific recommendation of the proposal, the District Forest Officer has reported that the wireless communication is vital for day to day functioning of Police Department. The site identified by Police is suitable location for installing Repeater Station considering the line of sight with other base and mobile VHF devices in the District. This is essential requirement for Police Department. The impact of constructing Repeater Station at the proposed site is minimal of forest area. For this essential purpose, he has recommended for diversion of 0.06 ha of forest land for construction of Police Wireless VHF Repeater Station at Vathalmalai in Noolahalli-Reddihalli Reserve Forests of Dharmapuri Range.

5. The Chief Conservator of Forests, Dharmapuri Circle has inspected the site on 16.07.2018 and he has stated that the area of 139.90 sq.m requested by the User Agency for diversion for the repeater station includes rocky and sloppy portion.

(P.T.O)

As the rocky portion does not required for diversion, it has been instructed to furnish the exact area available for the proposed Repeater Station excluding the rocky and slopy portion. Accordingly the Departmental officials have measured the area and found to be 79.99 sq.m of 9.58m X 8.35m plot. The area was also now consented by the User Agency ie., Superintendent of Police, Dharmapuri for the diversion of forest area of 79.99 sq.m in Noolahalli- Reddihalli RF for establishing the proposed Repeater Station along with an area of 460 sq.m for the approach path. Thus the total area (460.00 + 79.99 = 539.99 sq,m) requested for diversion is 0.054 ha. As the terrain contains only shrubs, the question of damages to the flora and fauna does not arise and no tree felling is involved due to diversion of the proposed forest area of 0.054 ha. There is no alternative land for the proposed construction of Police VHF Repeater Station, hence it is recommended.

6. In the specific recommendation of the proposal, the Chief Conservator of Forests has stated that there is no alternative source and route for this project. As this project does not involve any felling of trees and the area is required for communication purpose by the Police Department, it is recommended for the diversion of forest land for setting up of Police Wireless Repeater Station in the proposed area of Noolahalli-Reddihalli RF in Dharmapuri Division. The Additional Principal Chief Conservator of Forests (FAC) / Nodal Officer has also recommended for diversion of 0.054 ha of said forest land for the project.

7. The Principal Chief Conservator of Forests (HoD) has recommended the proposal for diversion of 0.054 ha. of forest land in Noolahalli – Reddihalli Reserved Forests of Dharmapuri Forest Division for the purpose of Police Wireless VHF Repeater Station in favour of the Superintendent of Police, District Police Office, Collectorate, Dharmapuri under Section 2 of Forest (Conservation) Act, 1980 for a period of 20 years subject to the following conditions:-

- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed forest land shall be carried out by the User Agency by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at their cost.
- c) The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.
- d) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.

(P.T.O)

e) The User Agency has to bear the additional amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest Department in future.

f) The User Agency has to pay the cost towards annual lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted of the above project in future for the entire project period.

g) The User Agency shall permit or allow their tower (for installing VHF Antenna) to be shared by Forest Department for fixing cell wave antenna / VHP antenna of Forest department for their VHF communication .

h) Period of lease can be twenty (20) years. The User Agency has to apply renewal proposal before six months of expiry of lease with the State Forest Department.

8. The Government after careful examination, accord approval to the proposal of the Principal Chief Conservator of Forests for diversion of 0.054 ha. of forest land in Dharmapurai Forest Division, Noolahalli – Reddihalli Reserved Forests, Dharmapuri District for the purpose of Police Wireless VHF Repeater Station in favour of Superintendent of Police, District Police Office, Collectorate, Dharmapuri for a period of 20 years under section 2 of Forest (Conservation) Act, 1980, under general approval category as per the provision made in the new hand book of guidelines under Forest (Conservation) Act, 1980 for Critical development initiatives for public since the proposal comes under telecommunication lines subject to the conditions mentioned in para 7 above.

9. The Principal Chief Conservator of Forests is further requested to incorporate any other suitable conditions which are necessary for the above said diversion of forest land. The Principal Chief Conservator of Forests is also requested to take action accordingly and to send a report to Government in due course.

(BY ORDER OF THE GOVERNOR)

**SHAMBHU KALLOLIKAR
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Principal Chief Conservator of Forests (HoD),
Chennai-15.
The Assistant Inspector General of Forest (C),
Government of India,
Ministry of Environment, Forests and Climate Change,
Regional Office (South Eastern Zone),
No.1st & 2nd Floor,
HEPC Building, Cathedral Garden Road,
Nungambakkam, Chennai-34.

The Inspector General of Forests,
Government of India,
Ministry of Environment and Forests,
Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.

Copy to:-

The Additional Principal Chief Conservator of Forests
(Forest Conservation Act), Chennai-15.

The Chief Conservator of Forests,
Dharmapuri Forest Circle,
Dharmapuri-5.

The District Forest Officer,
Dharmapuri Forest Division,
Dharmapuri-5.

The Superintendent of Police,
District Police Office,
Collectorate,
Dharmapuri-636705.

SF/SC

// Forwarded By order //

G. R. Sundarall
Section Officer 23/10/09

21/10/09