



ABSTRACT

Forests – Forest (Conservation) Act, 1980 – Diversion of 0.0573 ha. of forest land in Valkaradu in Theni Forest Divisions for providing water supply improvement scheme to Theni – Allinagaram Municipality in Theni District – in favour of Commissioner, Theni Allinagaram Municipality, Theni – Under section 2 of Forest (Conservation) Act, 1980 - Orders – Issued.

Environment and Forests (FR.10) Department

G.O.(Ms) No.44

Dated : 29.02.2016

மன்மத, மாசி - 17

திருவள்ளூர் ஆண்டு 2047

Read :

1. From Additional Inspector General of Forests, Government of India, Ministry of Environment, Forests (Forest Division) Letter No.11-9/98-FC, dated 13.02.2014.
2. From the Principal Chief Conservator of Forests(Head of Departments) Letter C.No.28635/2015/TS4, dated 24.02.2016.

ORDER:

In his letter second read above, the Principal Chief Conservator of Forests has stated that the Commissioner, Theni – Allinagaram Municipality has furnished online application under section 2 of Forest (Conservation) Act, 1980, for diversion of 0.0573 ha. of forest land for providing water supply improvement scheme to Theni – Allinagaram Municipality in Theni District. The user Agency has uploaded the proposal in the prescribed format of Form A – Part I – under section 2 of Forest (Conservation) Act, 1980 for diversion of fresh forest Area in the online submission and Monitoring of Forests Clearances proposal (OSMFCP) portal. The User Agency has proposed forest area for a period of year as 30 years. The User Agency has furnished the necessary details / under takings along with the proposal.

2. The Principal Chief Conservator of Forests has stated that the Government of Tamil Nadu has decided for providing water supply improvement scheme to Theni – Allinagaram Municipality in Theni District, a detailed project report has been prepared and sanctioned vide G.O.(Ms)No.12 of MA&WS (WS2) Department dated 28.01.2013.

3. The Principal Chief Conservator of Forests has explained justification for locating the Project in Forest area. The Commissioner, Theni – Allinagaram Municipality, Theni has stated that the work providing Water Supply improvement scheme to Theni – Allinagaram Municipality in Theni District is in progress, in which the pumping main of 600 mm dia D1 K7 pipes and water supply distribution pipeline 110 mm HDPE has to be laid for a length of 382 meter in forest land along the edge of the forest boundary which falls on the western side of forest stretch in the location

namely "Valkaradu" area for laying of water supply pipeline to be laid in Municipal areas located adjacent to the forest boundary. Further, he has stated that this stretch of forest land is seemed to be existing track being utilized by the people for their vehicular traffic and other public utilities. While starting these works as these areas, they came to know that this stretch of land falls in forest land which is the extreme end of forest boundary. Moreover, they have **no other alternate route except this alignment** for completing this water supply system. Further, he assured that, Theni – Allinagaram Municipality will not claim any ownership in the future and the laying of water supply pumping main and distribution main does not disturb any trees and herbs in that area. Further, he has stated that the work is now executed by the Tamil Nadu Water Supply and Drainage Board. After completion of work, the scheme will be taken over by Theni-Allinnagaram Municipality for further maintenance. Hence, the Commissioner Theni-Allinnagaram Municipality has requested necessary permission for doing the above work in the forest area.

4. The User Agency has furnished the following undertakings/certificates:-

(i) The User Agency department has agreed to deposit the cost of Compensatory Afforestation as fixed by the Forest Department. It is also assured that the above funds will be deposited with the Forest Department, which will be implementing the Compensatory Afforestation Scheme and also give willingness to deposit such additional amount if any suggested as amended to the above owing to the charge in planning technique, enhancement in the FSR etc., demanded subsequently.

(ii) Theni-Allinnagaram Municipality is agreeing to remit the necessary amount to Forest Department towards annual lease Rent which will be fixed by the Government annually.

(iii) The User Agency Department is ready to bear the cost along with any escalation for exploitation of trees if any in the forest land to be diverted for the project proposal for diversion of 0.0573 ha. of Forest land for providing Water Supply Improvement Scheme and cost of Compensatory afforestation as fixed by the Forest Department.

(iv) The User Agency department is agreeing to pay the Net Present Value as fixed by the Forest Department for the area 0.0573 ha. of land to be diverted for the above project.

(v) No alternate forest land available certificate issued by the District Collector of Theni dated on 20.07.2015 has been uploaded in the proposal.

(vi) Forest Rights Act, 2006 Certificate issued by the District Collector of Theni dated on 20.07.2015 has been uploaded in the proposal.

(vii) Undertaking to bear the additional Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India as fixed by the Forest Department in future.

(viii) Certificate to effect that no violation of the provision of F(C) Act, 1980 occurred has been furnished.

5. The Principal Chief Conservator of Forests has also stated that the User Agency has stated that the Project is benefiting the entire population of Theni-Allinnagaram Municipality. Base year 2014 is 99,414 numbers benefited. The User Agency has certified that an area of 0.0573 ha. of forest reserve land in Valkaradu RF required for laying of clear water pumping main and Distribution main in Valkaradu Forest Block in Theni Range Division is 573 m² which is very minimum. After getting additional details from the User Agency, the proposal was forwarded to the District Forest Officer, Theni Forest Division, Theni. After field inspection, the District Forest Officer, Theni Forest Division, Theni has reported that the proposed site has been inspected by him on 23.10.2015 and the proposals have been uploaded in the Forest Clearance web portal. The District Forest Officer, Theni Forest Division has recommended the proposal in the Part II format proposal.

6. The Principal Chief Conservator of Forests has further stated that the District Forest Officer, Theni has stated in his site inspection report that the linear area has no trees proposed for the maintenance of already laid water supply pipeline in Valkaradu Reserved Forests in Theni. The area is located in gently undulating terrain. The area falls under the Vaigai catchment. The linear area proposed for the maintenance of water supply pipe line is 0.0573 ha. (572 m²) and in the length of 382 metre, average width of 1.50 metre and average depth of 2.10 metre in area and is located right on the boundary of existing road connects KRR Nagar to Periyakulam Bye Pass road in Valkaradu Reserved Forests. There is no spontaneous tree growth in the proposed forest area. There is no endangered species of flora and fauna found in the proposed area. The proposed area for diversion does not have any important monuments which are archaeological / heritage site / defence establishment etc., In the proposed area, the user agency has not carried out any work, which contravenes the Forest (Conservation) Act, 1980. Since there is no alternate route for water supply pipeline, Water Supply is very much essential to public, on this ground diversion of 0.0573 ha. Forest land is recommended.

7. The Principal Chief Conservator of Forests has stated that the Chief Conservator of Forests, Madurai Circle has recommended the proposal in the Part III format proposal and uploaded the same along with his site inspection report. He has stated that the site proposed for providing water supply improvement scheme to Theni-Allinnagaram Municipality in Valkaradu Reserved Forests with District Forest Officer, Theni Forest Division, Theni on 14.11.2015 and again 10.02.2016. The linear area proposed for water supply improvement is located right on the boundary of existing road connects KRR Nagar to Periakulam Bypass Road in Valkaradu Reserved Forests. The area for which proposed is barest Minimum & absolutely essential. Hence, the Conservator of Forests recommended the proposal.

8. The Principal Chief Conservator of Forests has therefore sent the proposal duly recommended in the Part IV format proposal by the Additional Principal Chief Conservator of Forests(FCA) / Nodal Officer, Forest (Conservation) Act, 1980 and requested for diversion of 0.0573 ha. of forest land in Valkaradu in Theni Forest Division and recommended the proposal to Government.

9. According to the Government of India guidelines issued in Government of India F.No.11-9/98-FC, dated 13.02.2014 in the letter first read above, drinking water projects have been identified under general approval under Forest (Conservation) Act, 1980 and the State Government may grant permission under Forest (Conservation) Act, 1980.

10. The Government examined the proposal of the Principal Chief Conservator of Forests in detail and accordingly direct for diversion of 0.0573 ha. of Forest Land in Valkaradu in Theni Forest Division for providing water supply improvement scheme to Theni-Allinnagaram Municipality in Theni District on behalf of Commissioner, Theni Allinnagaram Municipality, Theni for a lease period of 30 years as recommended by the Principal Chief Conservator of Forests.

11. The Principal Chief Conservator of Forests is requested to make necessary arrangements for diversion of forest land for the above purpose with the Commissioner, Theni Allinnagaram Municipality in accordance with the condition stipulated in letter first read above. No tree should be felled for this purpose. The Principal Chief Conservator of Forests is 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 send a report to Government in due course.

(BY ORDER OF THE GOVERNOR)

**HANS RAJ VERMA
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Principal Chief Conservator of Forests, Chennai-15.
The Deputy Conservator of Forests (Central),
Government of India,
Ministry of Environment, Forests and Climate Change,
Regional Office (South Eastern Zone),
1st & 2nd Floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai – 600 034.
The Inspector General of Forests,
Government of India,
Ministry of Environment, Forests and Climate Change,
Indira Paryavaran Bhawan, Aliganj,
Jor Bagh Road, New Delhi - 110 003.

Copy to:-

The Additional Principal Chief Conservator of Forests
(Forest Conservation Act), Chennai-15.
The Conservator of Forests, Madurai Circle,
The District Forest Officer, Theni Forest Division, Theni.
The Commissioner, Theni-Allinnagaram Municipality.
SF/SC.

/ Forwarded by order /

S. Karthikeyan Poluri
29/2/16
Section Officer