



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

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F.No.4-TNB091/2022-CHN/586
 Date 11th May, 2023

To

The Additional Chief Secretary to the Government of Tamil Nadu,
 Environment & Forests Department,
 Secretariat, Fort St. George, Chennai - 600 009

Subject: Diversion of 2.91 ha (revised against earlier proposed 5.00 ha) of forest land in Kesarkuli RF and Thirumalvadi RL of Palacode Range in Dharmapuri Forest Division for formation of road from Thimmalamedu to Kotturmalai in Pennagaram Block of Dharmapuri District in favour of the Block Development Officer (BP), Pennagaram, Dharmapuri District-reg

Sir,

Please refer to the State Government's letter No.11028/FR.10/2022-3 dated 17.03.2023 and online application No.FP/TN/ROAD/37176/2018 seeking prior approval of the Central Government for diversion of forest land in accordance with Section '2' of Forest (Conservation) Act, 1980 for the above mentioned project.

After careful consideration of the proposal of the State Government, I am hereby directed to convey the Central Government's approval **(Stage-I)** under Section '2' of Forest (Conservation) Act, 1980 for diversion of **2.91 ha (revised against earlier proposed 5.00 ha)** i.e. 3.881 km length with 7.5 mtrs width (**BT portion restricted to 3.75 mtr**) of forest land in Kesarkuli RF and Thirumalvadi RL of Palacode Range in Dharmapuri Forest Division for formation of road from Thimmalamedu to Kotturmalai in Pennagaram Block of Dharmapuri District in favour of the Block Development Officer (BP), Pennagaram, Dharmapuri District, **for a period of 25 years**, subject to the following conditions:-

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Demarcation of the proposed forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters at the cost of the User Agency;

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- (iii) The State Forest Department shall implement necessary programme for improvement of existing tree growth and other management / SMC activities over an extent of **5.82 ha of non-forest area in S.F.No.692/5 of No 18 Kammampatti village in Dharmapuri District**, at the cost of the User Agency;
- (iv) The State Government shall carryout Compensatory afforestation and its maintenance for a period of 10 years over an extent of **5.82 Ha of degraded forest** area identified in **Thoppur RF, Dharmapuri Range**, at the cost of the User Agency;
- (v) **Identified CA area and CA scheme shall not be changed without prior approval of Central Government;**
- (vi) The entire non-forest land proposed for CA over an extent of **5.82 ha of non-forest area in S.F.No.692/5 of No 18 Kammampatti village in Dharmapuri District** shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act, shall be submitted by the State Government along with the compliance report;
- (vii) The State Government shall charge the Net Present Value of the diverted forest land measuring **2.91 ha** from the User Agency as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos.826 in 566 with related IA's in Writ Petition (Civil) No.202/1995 and Ministry's guideline No. 5-3/2011-FC(Vol-I) dated 06.01.2022 and clarification issued vide letter dated 19.01.2022 and 22.03.2022
- (viii) Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect;
- (ix) All the funds received from the User Agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>) ;
- (x) **Trees of spontaneous origin shall be felled wherever required under the strict supervision of DFO Concerned. The State Government and the User Agency shall strictly comply with all other directions given by the Hon'bleSC of**

India judgement dated 11.01.2023 in I.A.Nos168328/2022 and 168313/2022 and I.A. Nos191583/2022;

- (xi) In case of part of forest area proposed for diversion is forms part of Cauvery South Wildlife sanctuary, prior approval of SC NBWL shall be obtained. No working permission shall be issued till obtaining of approval from the competent authority under Wildlife Protection Act, 1972 as the case may be;**
- (xii) As the wildlife such as Wild boar, Spotted deer, Peacock, Elephant, and other small animals present in and around the forest area proposed for diversion and as the part of the forest area is falling in ESZ of Cauvery South Wildlife sanctuary, the User Agency shall provide culverts and other structures as per the requirement in consultation with the DFO concerned at appropriate places to ensure safe movement of wild animals. Site specific wildlife mitigation plan may be prepared and such plan approved by the competent authority shall be implemented at the cost of the User Agency;**
- (xiii) The User Agency may restrict the speed limit of the vehicles to 40 kmph or as appropriate in the forest area to avoid wild animal hits and display board regarding shall be erected at appropriate intervals in the entire stretch of the road in the forest area to sensitize the commuters;**
- (xiv) The User Agency shall construct retaining walls and check walls wherever required, by consulting the DFO concerned, at the project cost;**
- (xv) The User Agency shall carryout avenue plantation and its maintenance on sides of the road, wherever possible, at the cost of the project;**
- (xvi) Construction of culverts / bridges, if any, over the natural streams/rivers/ canals shall be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;**
- (xvii) 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;**

- (xviii) The dug out material / overburden shall be dumped outside the forest area. Storage of any material shall not be done in the forest area;
- (xix) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- (xx) 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;
- (xxi) Disturbance shall be kept minimum by creating labour camps outside the forest area as far as possible and it shall be the responsibility of the User Agency to ensure that the labourers & staff engaged in execution of work do not destruct nearby forest flora & fauna;
- (xxii) The total forest area utilized for the project shall not exceed **2.91 ha (BT portion shall be restricted to 3.75 mtrs)** and the forest area diverted shall not be used for any purpose other than those shown in the diversion proposal. The User Agency shall furnish an undertaking to this effect;
- (xxiii) The forest land proposed for diversion shall under no circumstances be transferred or sublet to any other agency, department or person without prior approval of the Central Government;
- (xxiv) 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;
- (xxv) Any other conditions that the Central Government or Regional Officer (Central) of Integrated Regional Office, Chennai may impose from time to time in the interest of afforestation, conservation and management of flora and fauna in the area, shall be complied by the User Agency;
- (xxvi) In the event of failure to comply with any of the above conditions the User Agency is liable for penal action as per the rules / guidelines issued under FCA, 1980;
- (xxvii) The State Government shall process and submit compliance report on the above conditions through online (<https://parivesh.nic.in/>);

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After receipt of the compliance report on above mentioned conditions, the proposal will be considered for final approval. This in-principle approval shall be valid for a period of 5 years from the date of issue of this letter. In the event of non-compliance of the above conditions, this in-principle approval shall automatically stand revoked after 5 years.

Yours faithfully,

Sd/-
(K.Karthikeyan)

Assistant Inspector General of Forests (Central)

Copy to:

1. The Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, Guindy-Velachery Main Road, Guindy, Chennai - 32
2. The Additional Principal Chief Conservator of Forests/Nodal Officer (FCA), Office of the Principal Chief Conservator of Forests, Govt. of Tamil Nadu, Forest Department, Guindy-Velachery Main Road, Guindy, Chennai - 32
3. IGF, ROHQ, MoEF&CC, New Delhi -110003 for information please
4. Block Development Officer, Pennagaram, Dharmapuri District, Tamil Nadu, 636801 eedpidrda@gmail.com
5. Guard File.

Sd/-
(K.Karthikeyan)

Assistant Inspector General of Forests (Central)