



## ABSTRACT

FORESTS – Coimbatore District – Permission for diversion of 0.0458 ha of forest land in Nellimalai Reserve Forest of Coimbatore Forest Division for Combined Water Supply Scheme to Thondamuthur and six town Panchayats and 134 Rural Habitations in Thondamuthur Union of Coimbatore District in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Major Projects Division, Coimbatore - Orders – Issued

### Environment and Forests (FR.10) Department

G.O.(Ms) No.77

Dated : 22.06.2017

ஹேவிளம்பி, ஆனி - 8

திருவள்ளூர் ஆண்டு-2048

Read :

From the Principal Chief Conservator of Forests Letter  
No.TS3/34579/2016, dated 19.05.2017.

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### ORDER:

The Principal Chief Conservator of Forests in the Letter read above has stated that the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Major Projects Division, Coimbatore has submitted online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A - Part I for the diversion of 0.0458 ha of forest land in Nellimalai RF of Coimbatore Forest Division for Combined Water Supply Scheme to Thondamuthur and six town Panchayats and 134 Rural Habitations in Thondamuthur Union of Coimbatore District.

2. The User Agency has stated that the proposal has been furnished for laying pipeline to a length of about 415m in Reserved Forests area for Combined Water Supply Scheme to Thondamuthur and 6 Town Panchayat and 34 Rural Habitation in Thondamuthur Union of Coimbatore District. The User Agency has requested diversion of forest area for a period of 100 years. On behalf of the User Agency, the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Major Projects Division, Coimbatore has applied online application for getting forest clearance under Section 2 of Forest (Conservation) Act, 1980. Diversion of 0.0458 ha of area has been requested in Nellimalai Reserved Forest of Coimbatore Forest Division in Coimbatore District. Component wise breakup details of forest land required for the project are as follows:-

- i. Pumping main - 0.0308 ha (Length 385m, breadth 0.80m = Area 308 sq.m (or) 0.0308 ha)

p.t.o.



- ii. Pipeline - 0.015 ha (Length 30m, breadth 5m = Area 150 sq.m (or) 0.015 ha)  
Total area required is 0.0458 ha.

3. The User Agency has stated that, 500 mm DI pipeline has to be laid to convey drinking water from collection well to the treatment plant located at 12.19kms. The activities consist of earth work excavation, laying pipeline and refilling the trench to the original condition. Further, the User Agency has stated that, there will be no EB power line required along the alignment of pumping main through forest area. But the EB power line will be provided along the river bank of Bhavani river pertaining to PWD and also there will not be crossing of the forest area.

4. The User Agency has uploaded the following documents along with the proposal.

- i) Authorization letter of Chief Engineer (i/c) Tamil Nadu Water Supply and Drainage Board, Coimbatore authorizing the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Major Project Division, Coimbatore to execute the work.
- ii) Note containing justification for locating the project in forest area and no alternate suitable non forest land is available for the project.
- iii) Location map of the proposed diversion of forest area for the project in kml file of google earth.
- iv) Scanned copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted.
- v) Scanned copy of Geo referenced location map along with GPS reading of the proposed diversion of forest area in the google earth.
- vi) Certificate obtained from the District Collector about the settlement of rights under Forest Rights Act 2006 on the forest land proposed to be diverted.
- vii) Certificate obtained from the District Collector about no alternate suitable non forest land is available for the project.
- viii) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the proposed diversion of forest land as fixed by the Forest Department.
- ix) Undertaking to pay the amount of Net Present Value which will be fixed by the guidelines of Supreme Court of India.
- x) Undertaking to bear the Additional Net Present Value which will be fixed by the guidelines of Supreme Court of India as fixed by Forest Department in future.
- xi) Undertaking to pay the cost towards 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.
- xii) Undertaking to deposit the cost of Raising Compensatory Afforestation / Maintenance of plantation as fixed by the Forest Department.
- xiii) Certificate of User Agency that demands for forest land required for the project is minimum and unavoidable and all the alternative have been examined for the project



- xiv) Certificate to effect that no suitable alternative non forest land is available for the project.
- xv) Certificate to effect that no violation of the provision of Forest (Conservation) Act, 1980 occurred.

5. After field inspection, the District Forest Officer, Coimbatore Division and Conservator of Forests, Coimbatore Circle have forwarded the proposal. In the Part-II of Form-A, the District Forest Officer has furnished the following particulars:-

There is no possibility of land slide and density of the forest area is 0.4 and the Eco class is 3. The forest area proposed for diversion does not form a part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 1 km from boundary of the above. There is no rare / endangered / unique species of flora and fauna found in the area. Elephant, Wild bear, Spotted deer are present in and around the forest land proposed for diversion. There is neither any protected archaeological / heritage site / defence establishment nor any other important monument located in the area. Requirement of forest land as proposed by the User Agency is unavoidable and barest minimum for the project and no work in violation of the Act or guidelines has been previously carried out. In the recommendation report and site inspection report, the District Forest Officer, Coimbatore Division has reported that, he has inspected the forest area proposed for diversion on 21.04.2017 and found that, there is no tree growth on the proposed area as it runs along the existing road for a length of 385 metres and 30 metres in forest of Nellimalai Reserve Forests and the area required by the User Agency is minimum. Since the User Agency is laying the pipeline at a depth of 1.29 metre below the ground level it will not hinder the movement of wild animals and there is no possibility of alternative alignment. Hence the proposal may be considered in the interest of public to provide water supply.

6. In the specific recommendation segment, the Conservator of Forests has recommended the proposal and stated that, the project for water supply will benefit the people living in Thondamuthur Union which covers 7 Town Panchayats and 134 Rural Habitations as basic amenities. There is no alternative non forest land is available for laying the proposed water supply line. Hence based on the observations made by the District Forest Officer, Coimbatore Division and to provide water facilities to the people living in the above town panchayats, the project is recommended. Forest area diversion has been recommended for 20 years by the District Forest Officer and Conservator of Forests.

7. State Government can accord diversion of forest land of less than one hectare in each case for non forestry purposes under the Forest (Conservation) Act, 1980, for creation of critical development and security related infrastructure of Government Departments under the general approval of Section 2 of Forest (Conservation) Act, 1980( guidelines issued in F. No. 11-9/98-FC dated 03.01.2005 and period extended till 31.12.2018 in letter dated 13.02.2014). Drinking water facility is one of the items allowed under general approval category. Diversion of 0.0458 ha of forest land in Nellimalai RF Coimbatore Division for providing Combined Water Supply Scheme to Thondamuthur and six town Panchayats and 134 Rural Habitations in Thondamuthur Union of Coimbatore District comes under the above category.



8. The proposal is duly recommended by the Principal Chief Conservator of Forests (FCA) / Nodal Officer, Forest (Conservation) Act, 1980 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 amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- d. The User Agency has 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 Forest Department in future.
- e. The User Agency has to pay the cost towards 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.
- f. 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.

9. The Government after careful examination of the proposed of the Principal Chief Conservator of Forests, accord approval for the diversion of 0.0458 ha of forest land of Nellimala RF of Coimbatore Forest Division for Combined Water Supply Scheme to Thondamuthur and six town Panchayats and 134 Rural Habitations in Thondamuthur Union of Coimbatore District in favour of Executive Engineer, TWAD Board, Major Projects Division, Coimbatore under Forest (Conservation) Act 1980 for a period of twenty years subject to the conditions stipulated at para-8 above. In addition to the above conditions the following conditions are included :-

(i) "In the event of failure to comply with any of the prescribed conditions, the user agency is liable to pay penalty as decided by the Additional Principal Chief Conservator of Forests (Central), Regional Office, Chennai".

(ii) "For violation of any condition by the user agency, the State Government shall be at liberty to terminate the lease and decision of State Government shall be final in this regard".

10. The Principal Chief Conservator of Forests is requested to make necessary arrangements for diversion of the above mentioned land for the said purpose. He is also requested to pursue further action with reference to the conditions stipulated in para 8 above and a report to be furnished to Government in due course.

**(BY ORDER OF THE GOVERNOR)**

**MD. NASIMUDDIN  
PRINCIPAL SECRETARY TO GOVERNMENT**

To  
The Principal Chief Conservator of Forests(HOD), Chennai-15.  
The Executive Engineer,  
Tamil Nadu Water Supply and Drainage Board,  
Major Projects Division, Coimbatore District.



**Copy to:-**

The District Forest Officer,  
Coimbatore Division, Coimbatore District.  
The Conservator of Forests,  
Coimbatore Circle.

// Forwarded By order //

*cf @mms*  
23/6/17

Section Officer

*Qa*  
23/6/17