

TAMILNADU FOREST DEPARTMENT

From
Thiru.S.Yuvaraj, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai - 600 015.

To
The Additional Chief Secretary to
Government,
Environment and Forests Department,
Secretariat,
Chennai 9.

C.No.TS4/39100/2019 Dated: 18.02.2021

Sub: Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Theni Division - Proposal for diversion of 2.79 ha (now revised as 2.839 Ha) of forest land for the improvement work of Theni Bye-pass road connecting Dindigul-Theni road and Madurai-Cochin road across Valkaradu Reserved Forest – Online proposal submission by the User Agency ie. The Divisional Engineer, Highways Construction and Maintenance Theni - Regarding.

- Ref:
1. Online application uploaded by the User Agency The Divisional Engineer, Highways Construction and Maintenance, Theni dated: 07.08.2019 (FP/TN/Road/41255/2019)
 2. Principal Chief Conservator of Forest's Ref.No: TS4/39100/2019 dated 20.03.2020.
 3. Government letter No:6353/FR10/2020-1 dated 28.05.2020.
 4. Deputy Engineer, Highways C.No:25/2020/JDO dated 02.07.2020.
 5. District Forest Officer, Theni C.No:7304/2013/D dated 06.07.2020.
 6. Principal Chief Conservator of Forests & Additional Principal Chief Conservator of Forests (FAC)Madurai Letter No:9688/2019/D1 dated 09.07.2020.
 7. Principal Chief Conservator of Forest's Ref.No: TS4/39100/2019 dated 03.08.2020
 8. Government of India, Ministry of Environment and Forests, Chennai-34 F.No:4-TNB 068/2020-CHN/248 dated 20.12.2020.
 9. Govt.Lr.No:6353/FR-10/2020-3 dated 31.12.2020.
 10. District Forest Officer, Theni C.No:7304/2013/D dated 29.12.2020.
 11. Additional Principal Chief Conservator of Forests, Madurai Letter No:9688/2019/D1 dated 18.01.2021.

I wish to state that the replies to the queries raised by the Government of India in the in the reference 8th cited are as follows.

a. **Clarification on acquiring the non forest area prior consideration of the proposal and approval from competent authority and also further**

clarification required for considering forest clearance for 3rd reach alone when UA applied for 4.295 ha in 3 stretches.

The User Agency has proposed to seek clearance under Forest Conservation Act to improve the existing road in 2013 and has applied for Forest Conservation Act clearance for diversion of 4.295 ha of Forest land in Valkaradu Reserve Forest as below.

S.No	Survey No. Involved in the Alignment	Classifications	Length of Road	
			Patta / Karadu Poraboke	Forest
1	108, 109, 110, 111, 135, 136, 137, 138, 139, 142, 143, 258, 1367, 256, 1378, 1377, 1376, 189 & 190	Patta Land	1505 m	-
2	1237	Karadu Poramboke	1005 m	-
3	Valkaradu RF	Reserved Forest	-	1 st reach 278m
				2 nd reach 950m
				3 rd reach 662m
Sub Total			2510m	1890m
Total				4400m

From the above, forest land required is $1890m \times (22+23.44)/2 = 42950 m^2$ (i.e) 4.295 Ha. The User Agency has handed over 8.59 ha of non forest land in Sy.No:1511 of Veerapandi village, Theni Taluk of Theni District to forest department as a compensatory land for the proposed diversion and is notified under Section 4 of Tamil Nadu Forest Act 1882 and the notification under section 16 of Tamil Nadu Forest Act 1882 is under process. The proposal was not pursued further. A separate proposal was initiated by the User Agency for diversion of 0.7944 ha land (IIIrd reach 662m length and 12m width) stating that this portion of the road formed prior to Forest (Conservation) Act, 1980 and permission was accorded vide Principal Chief Conservator of forests C.No. TS1/34967/2013 dated 27.08.2013.

b. The State Government has to provide details of clearance i.e. copies of the Stage I & II approval for 0.7944 ha if any.

A fresh proposal for improvement and re-gradation of road IIIrd reach from Theni Bus Stand to Madurai – Cochin road for a length of 662 mts. and a width of 12 mts ie. 0.7944 ha was received from Highways Department stating that this portion of the road formed prior to Forest (Conservation) Act, 1980 and being utilised for public purpose and hence permission accorded vide Principal Chief Conservator of Forests, Chennai ref. No. TS1/34967/2013 dated 27.08.2013. (Copy enclosed) for improvement of existing road.

c. Legal status of the existing road needs to be provided and whether existing road (width of 7 mtr) also included in the present proposal needs to be explained;

In the notification of Reserved Forests, no mention about the road. However it has been reported that the existing road was present even before the year 1980.

The present proposal is including the existing road of 7 mts. width.

d) As per the Site Inspection Report of Additional Principal Chief Conservator of Forests, Madurai Circle, considering the wild animal movements in the road appropriate mitigation plan needs to be submitted.

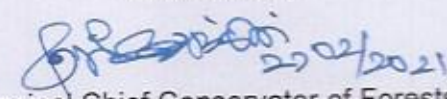
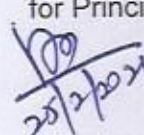
The User Agency has reported that there are no possibilities to make a provision for underpass or overpass for free movement of the wildlife. Alternatively they are proposing to control the speed limit of road traffic by providing caution boards and reflection board to safeguard the wildlife.

Copy of the letters received from the User Agency, District Forest Officer, Theni and the Additional Principal Chief Conservator of Forests, Madurai are enclosed.

I request that the orders of Government of India may be obtained and communicated early.

Encl.: as above

Yours faithfully,


for Principal Chief Conservator of Forests
(Head of Department)

25/2/2021

By - E. Meel

C. No. TS1/34967/2013

Office of the Principal Chief Conservator
of Forests (Head of Forest Force),
Panagal Maaligai, Saidapel,
Chennai - 15.

Dated: 27.08.2013.

Sub: Road - Theni District - Improvement of Theni Bypass road from 3/6 - 4/4 km,
by Highways, Theni - permission for improvement of Theni Bypass road
(Regradation works) requested - regarding.

- Ref:
1. Divisional Engineer, Highways, Construction and Maintenance,
Theni letter No. 25/2013 JDO2, dated: 07.08.2013 and 19.08.2013
 2. Conservator of Forests, Madurai C.No. 10998/2013/D1, dated:
20.08.2013.
 3. District Forest Officer, Theni C.No. 7304/2013 D, dated: 19.08.2013.
- *****

In the reference 1st cited Divisional Engineer, Highways, Theni has requested permission to improvement and Regradation of existing Theni Bypass road in 3/6 - 4/4 km to a length of 662 m within the existing road width of 12m in Valkaradu RF.

In the reference 2nd and 3rd cited the District Forest Officer, Theni and the Conservator of Forests, Madurai has recommended to improve the forest road over a distance of 662 m and to a width of 12 m in Valkaradu RF and also stated that existing road was already formed prior to Forest (Conservation) Act 1980 and it is being utilized for the public use till today. The District Forest Officer has inspected the proposed regradation of Theni by pass road in Valkaradu RF on 08.08.2013 along with Forest Range Office, Theni field staffs and observed that the works on regradation of Theni bye pass road does not involve any tree cutting. For improving the above said road most of the people will be benefited and it will provide easy and safe movement of vehicles, public transport buses and other road users and it will ensure the safety of public.

The proposals and recommendations of the District Forest Officer, Theni and the Conservator of Forests, Madurai has been examined with reference to the Government of India guideline and relevant records and the District Forest Officer, Theni Division is permitted to issue necessary permission to the Divisional Engineer, Highways, Theni for improvement of the existing Theni Bye pass road within the existing length of 662 m and a width of 12 meter in Valkaradu RF without violation of Forest (Conservation) Act, 1980, Tamil Nadu Forest Act, 1882, Wildlife (Protection) Act, 1972 and Government of India guidelines with following conditions.

21
27.08.2013
29.8.13

1. No tree felling should be allowed.
2. No widening of road should be undertaken without obtaining prior permission from Government of India
3. No damages should be caused to Flora and Fauna.
4. No breaking of fresh forest land should be done.
5. No fire for melting of coal tar and mixing shall be caused in the forest lands.
6. No labour camps shall be established on the forestlands.
7. No work shall be allowed after sunset.
8. The User Agency should not claim the right for this road in future.
9. The District Forest Officer may add any other condition if necessary as per rules and acts in force.
10. The Divisional Engineer, Highways should ensure all the Government of India rules and State Government acts are followed without any violation.

Sd/- S. Yuvaraj.

for Principal Chief Conservator of Forests
(Head of Forest Force)

To
The District Forest Officer, Theni Division, Theni.

Copy to

The Conservator of Forests, Madurai Circle, Madurai.

The Divisional Engineer, Highways, Construction and Maintenance, Theni.

TSI Stock file.

/True copy/By order/

N. Banu
27/8/13
Senior Draughting Officer

PROCEEDINGS OF THE DISTRICT FOREST OFFICER, THENI DIVISION, THENI.

Present: Thiru.M.Sundarakumar, I.F.S.,
District Forest Officer.

Proc. No.7304/2013/D

35/26
dated ; 30.08.2013

Sub : Forests- Theni District – Improvement of Theni Bye pass road from 3/6 – 4/4Km, by Highways, Theni – Permission for improvement of Theni Bye pass road (Regradation works) - Permission granted – Regarding


Ref : 1) Divisional Engineer, Highways, Construction & Maintenance, Theni letter No.25/2013JDO2 dated 07.08.2013 and 19.08.2013
2) Principal Chief Conservator of Forest, Chennai Ref. No.TS1/34967/2013 dated 27.08.2013.

With reference to the Principal Chief Conservator of Forests, Chennai reference 2nd cited, the Divisional Engineer, Highways, Construction and Maintenance Theni is permitted under Section 21 of Tamil Nadu Forest Act 1882 for improvement of the existing Theni Bye pass road within the existing length of 662m and a width of 12 meter in Valkaradu R.F. without violation of Forest (Conservation) Act, 1980, Tamil Nadu Forest Act, 1882, Wildlife (Protection) Act, 1972 and as per the Government of India guidelines with the following conditions.

Conditions:

1. The Divisional Engineer, Highways, Theni should take responsibility for any felling of trees along the distance of 662 m and around the regradation area till the completion of the work.
2. The length of the 662m and width of 12 meter for improvement of the existing Theni Bye pass road for regradation in Valkaradu R.F. boundary should be re-fixed in the presence of Forest staff. The Divisional Engineer, Highways, Theni should inform the dates of re -fixing the length and width of the existing Theni Bye pass road (regradation) in Valkaradu R.F. well in advance to the Forest Range Officer, Theni.
3. On Improvement of the existing Theni Bye pass road, no forest area should be included for widening of road other than the admitted length of 662m and width of 12 meter without obtaining prior permission from Government of India.
4. The Divisional Engineer should ensure that no fire is caused in forest land for melting of coal tar and mixing in the forest area, the Divisional Engineer should always render all the possible help to the Forest department to extinguish the fire if occurred in the forest area adjacent to project area.

5. Materials of any sort like stones, sand, earth etc. should not be collected within the Forest limits.
6. The surrounding Forest area of the Theni Bye pass road should not be disturbed and breaking of fresh forest land in any manner.
7. The labourers camps should not be established in the Forest area.
8. Smoking is strictly prohibited within the stretch of Reserve Forest limits of Valkaradu..
9. There should not be any damages caused to Flora and Fauna in the project area.
10. The Divisional Engineer should see that no works shall be done after sunset in the project area.
11. The status of road should not be changed. The Divisional Engineer should not claim any right for this road in future.
12. The Divisional Engineer is responsible for any Wild animals that may die (or) sustain injury due to the transport of their vehicle and compensation will be levied by the District Forest Officer, Theni as deemed fit.
13. The Divisional Engineer should provide sufficient side berms as per norms for safe, smooth movement of vehicles within the project area.
14. The Divisional Engineer should adhere to the provisions contained in the Tamil Nadu Forest Act 1882, Forest Conservation Act 1980 and the Provisions of Wild life Protection Act 1972.
15. If Divisional Engineer Highways, Theni fails to adhere to any of the above conditions the permit shall be liable for cancellation at the discretion of the District Forest Officer, Theni and no compensation whatever shall be claimed by the Divisional Engineer on account of such cancellation.
16. Rain water harvesting structures whenever possible shall be formed all along the road sides of project area.
17. No Dumping of garbage and waste and polluting chemicals are permitted in the adjoining Reserve Forest during the project period.
18. Masonry retaining walls (revetments) for supporting and protecting the upward side of Road (Reserve Forest side) shall be provided all along the Reserve Forest side.


District Forest Officer,
Theni Forest Division, Theni.

37126

The Divisional Engineer, Construction and Maintenance,
Highways, Theni.

Copy submitted to the Principal Chief Conservator of Forests (Head of Forest Force)
Chennai.

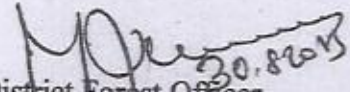
Copy submitted to the Conservator of Forests, Madurai.

Copy to the District Collector, Theni District, Theni.

Copy to the Assistant Conservator of Forests, Theni.

Copy to the Forest Range Officer, Theni

The Forest Range Officer is instructed to render required assistance to the Divisional Engineer, Highways, Theni for improvement of Theni Bye pass road for regradation within the admitted length of 662m and width of 12m. The Forest Range Officer should ensure that one Forester/Forest Guard should be with the Project Officials during the working period and watch that no damages are caused to Reserve Forest area and its Environment. The Forest Range Officer should monitor the project work frequently and if any irregularity is noticed during the Project period such offenders should be booked under the provisions of Forest Act 1882 and Forest Conservation Act 1980 and as per rules and acts in force. The Forest Range Officer should send final report on completion of the improvement of Theni Bye-pass road (Regradation work).


District Forest Officer,
Theni Forest Division, Theni

SF7
Received a copy


31/8/13
ADECCH
Theni

Email.

03.07.2020 @ 1.29 pm

6h6b

நெடுஞ்சாலைத்துறை

அனுப்புநர்

திரு.இ.முருகேசன்.எம்.டெக்.,
கோட்டப்பொறியாளர்,
நெடுஞ்சாலைத்துறை,
கட்டுமானம் மற்றும் பராமரிப்பு,

பெறுநர்

மாவட்ட வன அலுவலர்,
மாவட்ட வன அலுவலகம்,
தேனி



ந.க.எண்: 25 /2020/இ.வ.அ/ நாள்: 02.07.2020.

பெறுநர்:- தேனி (நெ) க(ம)ப கோட்டம் - தேனி (நெ) க(ம)ப
உட்கோட்டம்- தேனி புறவழிச்சாலை கி.மீ.0/0-4/4 வரை
அமைந்துள்ள இடத்தில் மேம்படுத்தும் பணிக்கு -
வனத்துறை அனுமதி - தொடர்பாக.

பார்வை:- மாவட்ட வன அலுவலர், தேனி அவர்களின் கடித
எண்:C.No.7304/2019/D dated 2/07/2020.

பார்வையில் காணும் கடிதத்தின்படி இக்கோட்டத்தைச் சார்ந்த தேனி புறவழிச்சாலை
கி.மீ.0/0-4/4 வரை உள்ள சாலை மிகவும் முக்கிய சாலையாகும். மத்திய பேருந்து நிலையம்
இப்பகுதியில் அமைந்திருப்பதாலும் நகரில் உள்ள பல சாலைகள் இதில் இணைக்கப்பட்டுள்ளதாகும்.
பள்ளிகள், கல்விச்சாலைகள், நிறுவனங்கள் மற்றும் தொழிற்பேட்டை (SIPCOT) அமைந்துள்ளது.
இச்சாலை வழியாக தற்போது போக்குவரத்து அதிகமாக நடைபெற்று வருகிறது.

பொதுவாக போக்குவரத்துகள் அதிகமாக நடைபெறுவதால் வனவிலங்குகள் செல்வதற்கு
மேல்மட்டப்பாலமோ, அடிமட்டப்பாலமோ அமைத்துக்கொள்வதற்குரிய சாத்தியக்கூறுகள் இல்லை
என தெரிவித்துக்கொள்ளப்படுகிறது. மேலும், வனவிலங்குகள் பாதிக்கப்படாதவாறு வாகன
போக்குவரத்து வேகத்தை கட்டுப்படுத்துவதற்கு எச்சரிக்கை பலகைகள், ஒளிரும் பட்டைகள்
அமைத்து வனவிலங்குகளின் நடமாட்டத்திற்கு எவ்வித பாதிப்பும் ஏற்படாதவாறு தகுந்த
நடவடிக்கைகள் மேற்கொண்டு, சாலை மேம்பாடு செய்தல் மற்றும் பராமரிப்பு பணிகள்
மேற்கொள்ளப்படும் என தெரிவித்துக்கொள்ளப்படுகிறது .

ஓம்/- இ.முருகேசன்.
கோட்டப்பொறியாளர்,
நெடுஞ்சாலை, க(ம)ப, தேனி.

//உ.ந.உ.ப//

முதுநிலைவரைதொழில் அலுவலருக்காக

02/07/20

TAMILNADU FOREST DEPARTMENT

From
Thiru. S. Gowtham, I.F.S.,
District Forest officer,
Theni Forest Division,
Theni.

To
The Principal Chief Conservator of Forests,
(Head of Department),
Panagal Building, Saidapet,
Chennai - 15.
(through **The Additional Principal**
Chief Conservator of Forests, Madurai)

C. No. 7304/2013/D dated 29/12/2020

Sir,

Sub:- Forests - Forest (Conservation) Act, 1980 - Madurai Circle, Theni Forest Division - Proposal for diversion of 2.839 ha of forest land for the Improvement Work of Theni Bye-pass road connecting Dindigul - Theni road and Madurai - Cochin road across Valkaradu Reserved Forest - Online proposal submission by the User Agency ie. The Divisional Engineer, Highways Construction and Maintenance Theni. - Report Submission - Regarding.

- Ref:- 1) The Principal Chief Conservator of Forest's Ref. No. TS4/39100/2019 dated 21.12.2020
- 2) Government of India, Ministry of Environment, Forests and Climate Change, Chennai - 34 F.No:4-TNB 068/2020-CHN/248 dated 21.12.2020

With reference to the above subject and reference cited, I submit my reply to the query raised by Ministry of Environment, Forests and Climate Change, Government of India in reference 2nd cited as below,

- a. **Clarification on acquiring the non forest are prior consideration of the proposal and approval from competent authority and also further clarification required for considering forest clearance for 3rd reach alone when UA applied for 4.295 ha in 3 stretches.**

The User Agency has proposed to seek clearance under Forest Conservation Act to improve the existing road in 2013 and has applied for Forest Conservation Act clearance for diversion of 4.295 ha of Forest land in Valkaradu Reserve Forest as below,

S.No.	Survey No. Involved in the Alignment	Classifications	Length of Road	
			Patta / Karadu Poramboke	Forest
1	108, 109, 110, 111, 135, 136, 137, 138, 139, 142, 143, 258, 1367, 256, 1378, 1377, 1376, 189 & 190	Patta Land	1505 m	-
2	1237	Karadu Poramboke	1005 m	-
3	Valkaradu RF	Reserved Forest	-	1 st reach 278m
				2 nd reach 950m
				3 rd reach 662m
Total			2510m	1890m
Total				4400m

From the above Forest Land required is $1890m \times (22+23.44)/2 = 42950 \text{ m}^2$ (i.e) 4.295 Ha. The User Agency has handed over 8.59 ha of land to forest department as a compensatory land for the diversion and is notified under Section 4 and the notification under section 16 is under process. The proposal was not pursued further and diversion of 0.7944 ha land (IIIrd reach) was accorded vide Principal Chief Conservator of forests order in a separate proposal initiated by User Agency.

b. The State Government has to provide details of clearance i.e. copies of the Stage I & II approval for 0.7944 ha if any.

A fresh proposal for improvement and re-gradation of road IIIrd reach from Theni Bus Stand to Madurai – Cochin road for a length of 662 mts and a width of 12 mts ie 0.7944 Ha was pursued and permission accorded vide Principal Chief Conservator of Forests, Chennai order C.No. TS1/34967/2013 dated 27.08.2013.

c. Legal status of the existing road needs to be provided and whether existing road (width of 7 mtr) also included in the present proposal needs to be explained;

Reserved Forest Notification didn't have any mention of the road. However User Agency is claiming that the existing road was present even before the year 1980.

The present proposal is including the existing road of 7 mts. width.

29/100

- d. As per the Site Inspection Report of APCCF Madurai Circle, considering the wild animal movements in the road appropriate mitigation plan needs to be submitted.

The User Agency has reported that there are no possibilities to make a provision for underpass or overpass for free movement of the wildlife. Alternatively they are proposing to control the speed limit of road traffic by providing caution boards and reflection board to safeguard the wildlife.

This is for the favour of kind information.

Yours faithfully,
Sd/-S. Gowtham
District Forest Officer, Theni.

Copy Submitted to the Additional Principal Chief Conservator of Forests, Madurai Circle, Madurai.

/t.c.b.o/

Superintendent.

30/12/2020

30/12/2020

39100
603185 2019

By (E.Mail (Scanned copy)/Courier)

TAMILNADU FOREST DEPARTMENT

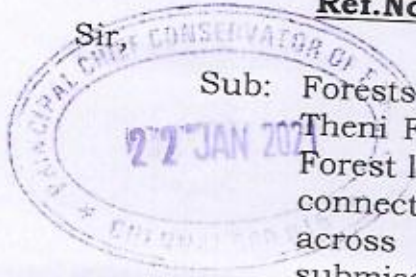
From
Thiru. Yogesh Singh, I.F.S.,
Additional Principal
Chief Conservator of Forests, (I/C)
Madurai Circle, Madurai.

To
Principal Chief Conservator of Forests,
(Head of Department),
Chennai-15.

TS4

Ref.No.9688/2019/D1 Dated: 18.01.2021.

Sir,




Sub: Forests - Forests (Conservation) Act 1980-Madurai Circle-
Theni Forest Division - Proposal for diversion of 2.79 Ha of
Forest land for the improvement work of Theni Bye-pass road
connecting Dindigul - Theni road and Madurai - Cochin road
across Valkaradu Reserved Forest - Online proposal
submission by the User Agency ie. The Divisional Engineer,
Highways Construction and Maintenance Theni -
Compensation Afforestation - Reg.


- Ref:**
- 1) Principal Chief Conservator of Forests, Chennai, Ref.No. TS4/39100/2019, Dt.21.12.2020
 - 2) Government of India, Ministry of Environment, Forests and Climate Change - 34 F.No:4-TNB 068/2020-CHN/248, Dt.21.12.2020
 - 3) Additional Principal Chief Conservator of Forests, Madurai. Ref.No. D1/9688/2019, Dt. 24.12.2020
 - 4) District Forest Officer, Theni. Ref.No. D/7304/2019, Dt. 29.12.2020


I submit that the report called for in the Principal Chief Conservator of Forests letter 1st cited has been received from the District Forest Officer, Theni vide reference 4th cited. The report of District Forest Officer, Theni may be accepted. The copy of the District Forest Officer, Theni reference is also enclosed herewith for favour of kind perusal

Encl: As stated above

Yours Faithfully


For Additional Principal Chief Conservator of Forests,
Madurai Circle, Madurai.


18/01/21


18/01/2021