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Government of Odisha  
Forest and Environment Department

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10F (Cons) 144/2017 3103 /F&E dated 08.02.18

From

Sri Debidutta Biswal, IFS  
Special Secretary to Government

To

The Additional Principal Chief Conservator of Forests (Central),  
Government of India, Ministry of Environment and Forests & Climate Change,  
Eastern Regional Office, A-3, Chandrasekharpur,  
Bhubaneswar

Sub: Diversion of 4.545 ha. of revenue forest land for construction of Pallahara Bypass road coming within the stretch of Km.0.000 to Km.68.280 under the project "Rehabilitation and up-gradation of NH-149 from Pallahara to Pitiri Section to two lanes with paved shoulders under NHDP-IV in the State of Odisha on EPC mode" under Deogarh Forest Division in Angul District, Odisha

Sir,

I am directed to invite reference to letter No. 5-ORB317/2017-BHU dt. 18.7.2017 of Eastern Regional Office of MoEF&CC on the above mentioned subject and to say that the Regional Office while considering the above diversion proposal, have made some observations. The Addl. PCCF(Forest Diversion) & Nodal Officer, FC Act, O/O PCCF, Odisha vide his letter No.2107 dt. 1.2.2018 has furnished point wise compliance on all the observations made by the Regional office, the details of which are indicated below.

**Observation (a): The status of 284.961 ha of balance non-forest land involved in this road project as on 25.10.1980 not furnished.**

**Compliance:** In compliance to the above, it has now been reported that the total land required for the project i.e. from Km.0/00 to 68/280 km is 281.012 ha. However, in the technical note enclosed to the diversion proposal vide 2.1.3, the total land required for the project was wrongly mentioned as 295.308 ha.

As per the report of the DFO, Deogarh Division, the chainage wise break up of non-forest and forest land involved in the project as well as status of forest clearance available for such forest land is as follows:-

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Sl. No.	Name of Tahasil	Jurisdiction / Chainage	Area of Non-forest land (both Govt. & Private) in ha	Area of forest land in ha.	Total area in ha.	Remarks
1	Pallahara	Km 0/00 to 2/140 Km	5.802	4.545	10.347	4.545 ha. of forest land is now proposed for diversion under the instant Proposal.
2		Km 2/140 to 29/450 Km	65.565	10.802	86.684	<p>1. Govt, of India, MoEF vide their letter No. 8(26)5/2002-FCE dtd.07.01.2003 have approved diversion of <b>6.1918</b> ha. of forest land for construction of NH-23 (Approach road to HL Bridge over Netanallah in Deogarh Division of Angul District.</p> <p>2. Govt, of India, MoEF vide their letter No.8-141/FC dtd.11/17.5.93 have approved <b>4.61065</b> ha. of forest land for the following portion:</p> <p>(i) Improvement of NH-23 from km.54.58 to 58.64 i.e. 29.420 km. to 25.360 km of NH-149 for <b>1.96455</b> ha.</p> <p>(ii) Construction of Andhari Approach road (at Km.56.460 of NH-23 i.e. 27.540 km of NH-149 for <b>1.6912</b> ha.</p> <p>(iii) Approach road to Nudei bridge at Km. 79.86 of Nh-23</p>

							i.e. 4.140 Km of NH-149 for <b>0.95490ha.</b>
3		Km 29/450 to 32/320 Km		10.317			Govt. of India, MoEF vide their letter No.8/281/87-FC dtd.16.11.1989 have approved diversion of 121.828 ha. of forest land in Dhenkanal district for construction of missing link to NH-23 and approach road to bridge over river Samakoi. Under D.F.O., Deogarh = 10.317ha Under D.F.O Angul = 34.946ha Under D.F.O Dhenkanal=76.565ha
4	Kaniha	Km32/320 to 43/150Km	40.320	34.946	DFO, Angul	75.266	
5	Kankadahad	Km 43/150 to 53/500Km	12.260				
6	Parjanga	Km 53/500 to 68/280Km	19.980	76.565	DFO, Dhenkanal	108.715	
							Total = 121.828ha
		<b>Total</b>	<b>143.837</b>	<b>137.175</b>		<b>281.012</b>	

From the above, it is to state that the total non-forest area involved in the project is 143.837 ha and not 284.961 ha as pointed out by Ministry of Environment, Forest & Climate Change, G.O.I. Eastern Regional Office in their letter dtd.18.07.2017. Thus the total area involved in the project is 281.012 ha and not 295.308 ha. as indicated in the technical note referred to above. The pre-1980 status of the land involved in this project received from the DFO, Deogarh division based on the reports of concerned Tahasildars is furnished below;

- i. The pre-1980 status of the land from Km.0/00 to Km.2/140 of N.H.-149 (Pallahara bye-pass) as on 25.10.1980 certified by Tahasildar, Pallahara has been provided in the instant forest diversion proposal (page 51-55/DP) which may be referred to.
- ii. The pre-1980 status of the non-forest land from Km.2/140 to Km.32/320 of NH-149 pertaining to Pallahara Tahasil duly certified by the Tahasildar, Pallahara has been furnished vide letter No.3668/WE dtd.28.11.2017 of Executive Engineer, N.H. Division, Pallahara addressed to O/o the DFO, Deogarh Division, which is enclosed herewith for reference.
- iii. The pre-1980 status of the non-forest land from Km. 32/320 to Km. 43/150 of NH-149 pertaining to Kaniha Tahasil obtained from Settlement office, Dhenkanal-Keonjhar Settlement has been duly certified by Tahasildar, Kaniha and also enclosed herewith for reference.

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- iv. The pre-1980 status of the non-forest land from Km.43/150 to Km.53/500 of NH-149 pertaining to Kankadahad Tahasil obtained from Settlement office, Dhenkanal-Keonjhar Settlement has been duly certified by Tahasildar, Kankadahad and enclosed herewith for reference.
- v. The pre-1980 status of the non-forest land from Km. 53/500 to Km.68/280 of NH-149 pertaining to Parjang Tahasil obtained from Settlement office, Dhenkanal-Keonjhar Settlement has also been duly certified by Tahasildar, Parjang and enclosed for reference.

The DFO, Deogarh Division has further reported that the road was constructed with formation width of 12.00 Mtr. and with double lane carriageway (7.00 Mtr.) after acquisition of land from Km.29/450 to 68/280 km, and now the road is being upgraded to two lanes with paved shoulder i.e. 10.00 Mtr. carriageway.

**Observation (b):** Number of trees to be felled from balance 284.961 ha of non-forest land involved in this project not furnished.

**Compliance:** In compliance to the above, it is stated that 585 no. of trees have been felled in all from non-forest land i.e. 2/140km to 68/280km from R.O.W. as per report of DFO, Deogarh division. The details of chainage wise tree felling is as follows;

SI. No	Chainage	No of trees enumerated	No of trees felled	No of trees to be felled	Divisional Forest Office Deogarh letter No. & date.
1	Km.2/00 to 29/500km	422	422	0	1655 dtd.27.06.2015
2	Km.2/00 to 11/910km (under Pallahara Range)	94	94	0	4320 dtd.11.11.2016
3	Km. 11/910 to 22/00km (under Khamar Range)	69	69	0	4782 dtd.17.12.2016

As reported by the DFO, Deogarh Division, felling of trees has been completed in the entire stretch for the aforesaid project except at the by-pass area (i.e. from Km.0/00 to 2/00 Km). It has also been reported by the DFO, Deogarh Division that no tree has been cut down from 29/450km to 68/280km as the work has been executed within existing formation with no change or increase of land width, as the road formation width of 12.00 mtr was mostly available in the stretch of the project length.

**Observation (c):** As per DSS analysis, some constructed structures are there in the proposed patches of forest land involved in the bypass road. It may kindly be clarified whether violation of Forest (Conservation) Act, 1980

has been committed by the User Agency for taking up the above activity on the forest land proposed for diversion. (112)

**Compliance:** In compliance to the above, it has been reported based on joint verification report of the Forest, Revenue authorities and User Agency that an area of 112.23 sqm. of Revenue Forest land has been encroached by the concerned agency for construction of Abutment (Ai) of the Major Bridge over Plot No.34 of Khata No.535 under Mouza-Pallahara This unauthorized construction over forest land is in violation of Forest (Conservation) Act, 1980 for which appropriate penalty may be imposed by the Regional Office of the Ministry as per Ministry guideline bearing F.No. 11-42/2017-FC dt. 29.1.2018.

**Observation (d):** As per DSS analysis, one water body is there within the identified non-forest land for compensatory afforestation. It is not clear, if this is included in the C.A. area.

**Compliance:** In view of existence of water body inside the identified non-forest land and keeping in view of above observation of the Regional Office, it has now been reported that other non-forest land over an area of 4.560ha. has been identified in village Sanadhauragodha under Pallahara tahasil of Angul district. The revised land schedule of non-forest land, trace map, topo sheet & Map showing Survey Co-ordinates & boundary is appended to the revised CA scheme. The financial outlay for revised Compensatory Afforestation Scheme over 4.560 ha of non- forest land for raising plantation in Block mode i.e. 1600 plants/ha has been technically approved for Rs.18,36,100 by Addl. PCCF, Forest Diversion and Nodal Officer, FC Act at current wage rate of Rs.213.50 per manday which also includes cost of maintenance of 10 years. The revised CA scheme has provision for planting indigenous species like Teak, Karanja, Sisoo, Gambhar, Jamun, Neem, Amla etc. The revised non-forest land is also certified to be suitable for plantation purpose. The approved/revised CA scheme and Shape/KML file is enclosed for reference and consideration.

**Observation (e):** FRA certificate needs to be submitted in original or to be attested by the issuing authority as per Ministry's letter No. 11-360/2016-FC dated 17.11.2016.

**Compliance:** In compliance to the above, the FRA certificate for 4.545 ha of forest land issued by the Collector, Angul vide his Letter No. 82 dated 16.01.2016 is enclosed for reference.

In view of above position of compliance to the observations of Eastern Regional Office, it is requested to kindly consider the same and accord Stage-I approval for diversion of 4.545 ha. of revenue forest land for construction of Pallahara Bypass road coming within the stretch of

111) *Devaran*  
Km.0.000 to Km.68.280 under the project "Rehabilitation and up-gradation of NH-149 from Pallahara to Pitiri Section to two lanes with paved shoulders under NHDP-IV in the State of Odisha on EPC mode" under Deogarh Forest Division in Angul District, Odisha and convey the same to this department early for necessary action at this end.

Yours faithfully,

*MA 8/2/18*  
Special Secretary to Government

Encl: As above *in two sets*

Memo No. *3104* /F&E., Dated- *08-02-18*

Copy forwarded to the Pr.C.C.F., Odisha /Principal Chief Conservator of Forests(WL) & CWLW, Odisha for information & necessary action with reference to letter No. 2107 dt. dt. 1.2.2018 of Addl. PCCF(Forest Diversion) & Nodal Officer, FC Act, O/O Pr. CCF, Odisha

*MA 8/2/18*  
Special Secretary to Government

Memo No. *3105* /Dated. *08-02-18*

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela /Divisional Forest Officer, Deogarh forest division for information and necessary action.

*MA 8/2/18*  
Special Secretary to Government

Memo No. *3106* /Dated. *08-02-18*

Copy forwarded to the Works Department /Collector, Angul for information and necessary action.

*MA 8/2/18*  
Special Secretary to Government

Memo No. *3107* /Dated. *08-02-18*

Copy forwarded to Executive Engineer, NH Division, Pallahara, Dist. Angul/Chief Engineer, National Highways, Odisha, Unit IV, Sachivalaya marg, Bhubaneswar-751001 for information and necessary action.

*MA 8/2/18*  
Special Secretary to Government