

ಕರ್ನಾಟಕ ಸರ್ಕಾರ
GOVERNMENT OF KARNATAKA

ಪ್ರಧಾನ ಮುಖ್ಯ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
(ಅರಣ್ಯ ಪಡೆ ಮುಖ್ಯಸ್ಥರು) ರವರ ಕಛೇರಿ
Office of
Principal Chief Conservator of Forests
(Head of Forest Force)



ಅರಣ್ಯ ಭವನ, 18ನೇ ಅಡ್ಡರಸ್ತೆ
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Old File No. A5(2). QRY.CR-6/2017-18
E-office File No. KFD/HOFF/A5-2(QRY)/3/2018-FC
Encl.Pages

E-63376
Date 11-03-2024

To,
The Additional Chief Secretary to Government,
Forest, Ecology & Environment Department,
M.S. Building, Bengaluru-560 001.

Sir,

Sub: Diversion of 0.692 ha of forest land in Sy.No 140 of T. Yammiganur Village, Talya Hobli, Holalakere Taluk, Chitradurga District for formation of approach road connecting existing road to the crusher in favour of M/s Shivaparam Constructions Stone Crusher, T. Yammiganur.

Proposal No. FP/KA/ROAD/29278/2017.

- Ref:**
1. This office letter of even No. dated 05-03-2018 [*stage-I proposal*] 24-11-2018 [*communication of GOI EDS query*] and 26-12-2019 [*communication GOI letter and sought site inspection report*] 18-12-2020 and 14-10-2022 and 08-09-2023 [*directed to submit complete information*].
 2. Government of Karnataka letter No. FEE 19 FFM 2018 dated 04-08-2018 [*stage-I proposal*].
 3. Government of India, Ministry of Environment, Forests and Climate Change, Integrated Regional Office, Bengaluru letter No. 4-KRB1161/2018-BAN dated 04-10-2018 and another letter of even number and date [*EDS query dated 05-10-2018*] and 19-08-2019 [*closure of proposal*].
 4. M/s Shivaparam Constructions, Chitradurga letter dated 03-01-2020 [*submission of incomplete information*] and 06-01-2021 [*submission of information to DCF Chitradurga Division*].
 5. Deputy Conservator of Forests, Chitradurga Division letter No. A6/FC/Yammiganur/29278/CR-45/2017-18 dated 24-01-2020, 17-02-2020 and 06-08-2021 [*submission of incomplete*]

information], 15-03-2023 and 16-11-2023 [submission of revised information to CCF Ballari Circle].

6. Chief Conservator of Forests, Ballari Circle letter No. M1/QRY/Road/CR-06/2017-18 dated 20-02-2020, 09-02-2022, 20-03-2023 *[submission of incomplete information]* and 23-11-2023 *[submission of revised information to this office]*.

With reference to the above subject and the proposal seeking Stage-I approval submitted by this office Government of Karnataka vide Ref (1) letter dated 05-03-2018 and by the State Government vide Ref (2), the Government of India vide Ref (3) letter dated 04-10-2018 had sought certain information on two points and also the details of encroachment in the forest area. The same was communicated by this office vide Ref (1) letter dated 24-11-2018 to the User Agency and Field officers seeking the required information/documents.

However, owing to non-receipt of the information, the Government of India vide Ref (3) letter dated 19-08-2019 has closed the proposal. Accordingly, this office vide Ref (1) letter dated 26-12-2019 communicated the same to User Agency and the field officers seeking a Site Inspection Report to confirm that there is no FC violation in the case.

Meanwhile, the User Agency vide Ref (4) letter dated 03-01-2020 has submitted the required information/documents (FRA Certificate to the Deputy Conservator of Forests, Chitradurga Division requesting to condone the delay in submission of the information. The Deputy Conservator of Forests, Chitradurga Division vide Ref (5) letters dated 24-01-2020 and 17-02-2020 has submitted his reply to the Chief Conservator of Forests, Ballari Circle who has vide Ref (6) letter dated 20-02-2020 has submitted the same to this office.

The same has been examined by this office and found to be incomplete. Hence this office vide Ref (1) letter dated 18-12-2020, 14-10-2022 and 08-09-2023 has directed the DCF Chitradurga to submit a report on the recent development in the FOC cases and site inspection report along with specific remarks.

In response, the Deputy Conservator of Forests, Chitradurga Division has inspected the site on 16-10-2023 and submitted the report to the Chief Conservator of Forests, Ballari Circle. Accordingly, the Chief Conservator of Forests, Ballari Circle vide Ref (6) letter dated 23-11-2023 has agreed with the report of DCF, Chitradurga Division and submitted it to this office.


Based on the reports obtained from the Field officers, the present status of compliance *in respect of conditions of Stage-I approval* is as follows.

Government of India to EDS query dated 05-10-2018	Remarks
<p>1 Alternatives examined</p>	<p>The Deputy Conservator of Forests, Chitradurga Division has inspected the site on 16-10-2023 and stated that there is no other alternate road has been found for seeking the approach road over an extent of 0.692 ha other than the forest land. it is also reported that the other roads are very narrow and passing through the villages and temples which are also existing at the fringes of the alternate roads. Besides this, some of the roads are curved, thus causing a lot of difficulties/hindrance for the movement of the heavy loaded vehicles.</p> <p>As per the request of the user agency, it is found that there is no alternate road except the proposed 0.692 ha of forest land for approach road. Hence, the justification given for diversion of 0.692 ha of forest land for approach road is quite genuine.</p> <p>The certified Topo Maps & other signed copies of the maps and prepared during the course of site inspections are enclosed as ANNEXURE I</p>
<p>2 FRA Compliance certificate as per MoEF & CC guidelines No.11-9/98-FC (pt) dated 05-07-2013</p>	<p>The User Agency has submitted the requisite Certificate in FORM-I (linear projects) issued by the Deputy Commissioner Chitradurga District, vide NoFRA-1/CR-2019-20 dated 10-10-2019 is enclosed as ANNEXURE-II</p>
<p>3 Regarding encroachment in adjacent forest land.</p>	<p>The Revenue Department had already granted Section-4 notified area of 83.27 acres to 40 villagers and 3.00 acres to the Block Education officer, DDPI, Holalkere taluk, which is totaling to 86.27 acres, in the section-4 notified forest land of Sy.No.140 of Yammiganur village, Holalkere taluk. The Range Forest Officer, Holakere has already been instructed to immediately file an appeal against the erroneous grants made by the Assistant Commissioner in the section-4 notified forest land.</p> <p>The Range Forest Officer, Holalkere has already booked five different forest offence cases against the user agencies who are carrying out non-forestry activities without obtaining the proper approval under the Forest (Conservation) Act, 1980.</p>

		Further, the Range Forest Officer, Holalkere has already filed an appeal in the court of the Assistant Commissioner, Chitradurga against erroneous grants in the section-4 notified forest land, besides booking the FOC case bearing No.02/2012-13 dated 21-04-2012 itself against the Nirmiti Kendra, Chitradurga and Executive Engineer, Holalakere for using the forest land for non-forestry activities without obtaining prior approval of the Forest (Conservation) Act, 1980.	
		The FOC details are as follows	
Sl No	FOC No. & date	FOC details	Remarks
01	02/2012-13 21-04-2012	Illegal construction of Building	The Enquiry report is pending
02	07/2022-23 02-07-2022	Illegal foundation (10mt length 10 mt width)	
03	09/2022-23 04-07-2022	Illegal Encroachment (10 acre)	
04	10/2022-23 04-07-2022	Illegal Encroachment (9 acre)	
05	03/2021-22 24-06-2021	Illegal Encroachment (10 acre)	

This is for your kind information and further necessary action.

Yours Faithfully



(Brijesh Kumar IFS)

11/3/2024

Additional Principal Chief Conservator of Forests
(Forest Conservation) and Nodal Officer (FCA)

Copy to the Chief Conservator of Forests, Ballari Circle for information and **the grant of Section 4 Notified area after the Forest (Conservation) Act, 1980 is in violation of the said Act which is a serious issue. Hence, you are directed to personally persue the case and keep this office informed about development.**

Copy to the Deputy Conservator of Forests, Chitradurga Division, Chitradurga for information and necessary action as stated above.

Copy to Sri Veeresh S/o Venkateshappa M/s Shivaparam constructions,
Saraswathi Badavane, 2nd Main, Chinmay Jnani Nilaya, Chitradurga 577 501 for
information.