

TAMIL NADU FOREST DEPARTMENT

From
Tmt. K. Geethanjali, I.F.S.,
Chief Conservator of Forests,
Chennai Circle, Chennai - 06.

To
The Principal Chief Conservator of Forests
(Head of Forest Force),
Guindy Velachery Main Road,
Chennai – 600 032.

Ref. No. 1728 / 2019 / D, Dated: 11.03.2024

Sir,

Sub: Forest (Conservation) Act, 1980 – Diversion of 0.84 ha. of forest land in Nallur RF for widening the existing approach road leading to Sri Sairam Engineering College and other Educational Institutions managed by M/s. Sapthagiri Educational Trust – Additional details report submitted – Reg.

- Ref:**
1. Online application uploaded by the User Agency – Project proponent Thiru.Sai Prakash Leo Muthu CEO of M/s Sri Sairam Educational Trust, Sai Bhavan, No.31B, Madley Road, T.Nagar, Chennai-17 – Proposal No.FP/TN/Road/17771/2016, Dated:26.02.2016 resubmission of proposal on 13.05.2016.
 2. Special Secretary (Forest), Environment, Climate Change & Forest (FR.10) Department, Letter No.5006/FR.10/2007-37, Dated: 15.09.2023.
 3. Principal Chief Conservator of Forests (Head of Forest Force), Chennai, Letter No.TS3/28217/2000, Dated: 27.10.2023.
 4. The District Forest Officer, Chengalpattu Division, Letter No. D/1283/2016, Dated: 20.12.2023.
 5. This Office Ref. No.1728/2019/D, Dated: 15.02.2024.
 6. The District Forest Officer, Chengalpattu Division, Letter No. D/1283/2016, Dated: 23.02.2024.
 7. The District Forest Officer, Chengalpattu Division, Letter No. D/1283/2016, Dated: 06.03.2024.

I submit that the District Forest Officer Chengalpattu Division Kancheepuram has furnished his detailed reply vide his letter no.D/1283/2016, Dated: 20.12.2023 for the queries raised in Special Secretary (Forest) letter 2nd cited as below.

1. The Sapthagiri Educational Trust is having its educational institution in Naduveerapattu village of Sriperumbudur Taluk adjacent to Nallur Reserved Forest coming under the jurisdiction of Sriperumbudur Range of Chengalpattu – Present Kancheepuram Forest Division. The educational institution can be approached through Nallur Reserved Forest and there is no other way except through this Nallur Reserved Forest. Hence, on the request of the educational trust, the Chief Conservator of Forests, Chennai issued orders for the use of cart track referred as right of way No.6 in Nallur Reserved Forest notification for use by college authorities from 17.10.1994 to 16.10.1995 on payment of permit fee. This permit was subsequently renewed by the Chief Conservator of Forest Chennai upto to the year 2000.

2. Subsequently on the orders of the Chief Conservator of Forests (Territorial) Chennai, the District Forest Officer, Chengalpattu Division was permitted to accord necessary permission to the college authorities with usual terms and condition on payment of permit fee for the use of right of way cart track No.6 in Nallur Reserved Forest. Permit was issued every year on payment of lease to Sapthagiri Educational Trust for period of 1994-2000.
3. Based on the representation made by the Sapthagiri Educational Trust, Government E&F Department in letter No.11217/FRXII/2000-3 Dt.26.02.2000 requested the educational trust to submit necessary proposals under Forest (Conservation) Act, 1980 to the District Forest Officer, Chengalpattu Division.
4. Based on proposal furnished under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.84 ha of forest land for laying access road to reach Engineering College to a length of 700 meters and to a width of 12 meters by M/s.Sapthagiri Educational Trust in Principal Chief Conservator of Forests Ref.No.TS3/28217/20000, dated.10.07.2001, Government of India has issued Stage I approval in Letter No.F(C)/11.2/118/TN/RC/1200, dated 15.09.2003 for diversion of 0.84 ha of forest land in Nallur RF and in response to the compliance report sent to Government by the Principal Chief Conservator of Forests, Chennai the Government of India in letter No.F(C)/11.2/118TN/RC Dt.13.12.2004 has accorded Stage II final approval. State Government Order in this regard has been issued in G.O.Ms.No.83, Environment and Forest (FR.10) Department Dt.21.08.2006.
5. Meanwhile, during the year 2000 itself, it has been noticed during the field inspection of then Conservator of Forests, Chennai Circle, that a road has been formed in Nallur Reserved Forest without any authority, on enquiry it was ascertained that the existing cart track that was a right of way had been widened by Education trust. This violation was reported to higher authorities. A case was registered against M/s.Sapthagiri Educational Trust under TNFA,1882 and compounded.
6. The Conservator of Forests, Chennai Circle during June 2006, has reported that, the trust not only black topped the road, but formed a new road about 400 meters away from the original right of way path No.6. New road has been formed encroaching the forest area by fresh cutting across Nallur Reserved Forest instead of improving the original right of way No.6 for which approval has been accorded by the Government of India.
7. Available records indicate a discrepancy between the notified right of way No. 6 in RF notification and the actual path used on lease by M/s.Sapthagiri Educational Trust since 1994. A copy of map of year 1994 is attached to this report illustrates this difference. The right of way number 6 mentioned in 1994 map is not in align with the RF notification.
8. As per CF inspection report of 2000, it was mentioned that user agency had widened the same pathway used by them earlier through lease. However, in 2006 it was reported that road was laid down in a place 400 meters away from the original right of way path No.6, which is in actual 850 meters away from right of way number 6. In 2007, DFO mentioned that the road was laid down on right of way no. 7, though it is not in align with mentioned right of way.

9. During the earlier forest area diversion of 0.84 ha of forest land for path leading to M/s.Sapthagiri Educational Institutions, over a distance of 700 meter length and 12 meter width (8400 Sq.m or 0.84 ha) has been allowed. In this, there is no mention / deduction of area done for the path allowed for right of way number 6.
10. In case, widening of existing pathway is allowed, area of right of way exist for the path must be deducted and the widening width area alone should be proposed for forest area diversion. In the above case, forest area diversion of entire 12 meter width for a length of 700 meter for 0.84 ha of forest land has been requested by the user agency and has been recommended by DFO/CF/PCCF/State Government and Government of India also accorded approval for diversion of 0.84 ha area (700m x 12m = 8400 Sq.m or 0.84 ha). There is no deduction was made for the existing cart track pathway of 12 feet (3.60m) allowed as right of way.
11. In addition, as per RF notification right of number 6 starts from right of way number 4 and end with right of way number 5, Length of right way number 6 is 730 meter. Right of way no 6 does not leads to the M/s.Sapthagiri Educational Institute. Also, user agency had applied for 700 meter of road inside forest area and length of right of way number 6 in 730 meter inside forest area.
12. The requested diversion area of 0.84 hectares matches the actual area utilized by the existing road. For the diversion of 0.84 ha of forest land the user agency has handed over double the extent of 1.68 ha of non-forest CA land of their patta land in the Forest Department.
13. From the above facts, it was ascertained that the forest area diversion order obtained from Government of India during 2004 is not applicable for the right of way no.6.

Further, the District Forest Officer vide his letter no.1283/2016/D, Dated: 06.03.2024 has submitted his further reply for the queries raised in Chief Conservator of Forests, Chennai Circle letter no.1728/2019/D, Dated: 15.02.2024.

Sl. No.	CCF's Query	DFO's Reply
1	Order of the Chief Conservator of Forests for use of Right of Way No.6 in Nallur RF.	Order of the Conservator of Forests for use of Right of Way No.6 in Nallur RF is enclosed. Chief Conservator Forests, Chennai Circle vide this Office Ref No. D/11123/1995, dt.14.08.1995.
2	Copy of the permit issued by the District Forest Officer to the applicant	Copy of the permit issued by the District Forest Officer to the applicant is enclosed. Vide this Office Ref No.D2/1274/1994, dt.16.03.1996.
3	Copy of the proposal under Forest (Conservation) Act, 1980 submitted by the User Agency for diversion of 0.84 Ha of forest land in Nallur RF for approach	i. Copy of the proposal under Forest (Conservation) Act, 1980 and SI sheet submitted by the User Agency for diversion of 0.84 Ha of forest land in Nallur RF for approach road to the Sapthagiri Education Trust application is not available in this office.

Sl. No.	CCF's Query	DFO's Reply
	road to the Sapthagiri Education Trust along with the proposed road marked in the SI sheet, RF map etc.	ii. Copy of the query reply District Forest Officer, Chengalpattu Division submitted to Conservator of Forests, vide this Office Ref no.D1/4659/2000, dt.29.03.2001 is enclosed. iii. Copy of the total financial outlay for compensatory afforestation schemes report District Forest Officer, Chengalpattu Division submitted to Conservator of Forests, vide this Office Ref no.D1/4659/2000, dt.05.02.2001. iv. Copy of the recommendation letter under Forest (Conservation) Act, 1980 form by Chief Conservator of Forests, Chennai Circle Chennai, Vide Ref no. D/4510/2000, dt.11.05.2001 is enclosed. v. Reserved Forest Map, existing road and right of way marked map is attached.

However, on perusal of the previous records pertaining to this proposal the then District Forest Officer Chengalpattu Division Kancheepuram vide letter no.8573/D, Dated: 10.02.2014 has submitted his report which was submitted to Principal Chief Conservator of Forests, Chennai vide Conservator of Forests Chennai Circle letter no.8458/2014/D, Dated:12.03.2014 wherein the Conservator of Forests reported that the report of the District Forest Officer Chengalpattu Division Kancheepuram may be accepted and requested orders regarding next course of action to be taken on the trust for violation of Forest (Conservation) Act, Tamil Nadu Forest Act and orders of Suprem Court of India.

Moreover, the then Chief Conservator of Forests, Chennai Circle while recommending the proposal applied under F(C)Act by Sapthagiri Educational Trust for diversion of 0.64 ha. of forest land in Nallur RF for widening of road, had stated as follows:-

"The road at present used by Sri Sairam Engineering College is 700 m. in length and 7.5 m. width which leads to the college. Already an area of 0.84 ha. in Nallur RF was diverted by Government of India by giving Stage-I and Stage-II clearance and Government of Tamil Nadu issued a Government Order for diversion of 0.84 ha. of area in Nallur RF along Right of Way No.6 for forming road to Sri Sairam Engineering College during 2003-2004.

The existing road based on above diversion was formed for 700 m. to a width of 7.5 m. is not along Right of Way No.6. Hence, it is a violation. For reclassification of area of M/s. Sapthagiri Educational Trust in Poonthandalam village as an institutional Zone, the road width of 18 m. is required according to the condition of Chennai Metropolitan Development Authority as per its Letter No.R1/21213/2012, Dated: 22.12.2012.

In lieu of the diversion of 0.84 ha. during 2003-2004, 1.68 ha. of area in S.No.216 and 218 in Perunthandalam village, Chengalpattu Range was received as Compensatory Land. Now, M/s. Sapthagiri Educational Trust has applied for

Widening of existing road upto 20 m. for a length of 700 m. (for 700 m x 12 m. permission was accorded by Government of India along Right of Way No.6 but the existing road is not along Right of Way No.6 which is a violation).

Now M/s. Sapthagiri Educational Trust has applied for

- (i) Widening of this road for 700 m. x 8 m.
- (ii) Additional area near entrance at the end of 700 m. of road (40x20) – 0.08 ha. Totally 0.64 ha. is now requested for diversion.

The existing road is the only road used by M/s. Sapthagiri Educational Trust and around 10,500 students are studying. In S.No.216 and 218, 1.68 ha. of land in Perunthandalam village of Chengalpattu Rang was received as compensatory afforestation land for 0.84 ha. area diverted during 2003-2004. As per CMDA, for reclassification of area as institutional zone, a road width of 18 m. is required, hence this proposal for diversion of 0.64 ha. area in Nallur RF is recommended with penal action”.

I submit herewith the following letters for favour of kind perusal and further action.

1. District Forest Officer, Chengalpattu Division, Letter no.D/1283/2016, Dated: 20.12.2023.
2. District Forest Officer, Chengalpattu Division, Letter no.D/1283/2016, Dated: 23.02.2024.
3. District Forest Officer, Chengalpattu Division, Letter no.D/1283/2016, Dated: 06.03.2024.
4. District Forest Officer, Chengalpattu Division, letter no.8573/D, Dated: 10.02.2014.
5. Conservator of Forests, Chennai Circle, letter no.8458/2014/D, Dated:12.03.2014.
6. Chief Conservator of Forests, Chennai Circle recommendation for diversion of 0.64 ha. of forest land in Nallur RF.

Yours faithfully,

Encl: As above.

Sd/- K. Geethanjali,
Chief Conservator of Forests,
Chennai Circle, Chennai.

Copy to the District Forest Officer, Chengalpattu Division for necessary action.

//t.c.b.o//


Senior Draughting Officer