

**Clarification on queries raised by the IRO, Bangaluru on the Vellakkayam Micro Hydro Electric Project**

Sl. No.	Query	Reply/Remarks
1.	The work regarding the above project is seen started before getting approval under section 2 of Forest (Conservation) Act, 1980. Hence a detailed report on violation including names of erring officials may kindly be furnished	<p>The initial construction activities of the project commenced in 2021 by the User Agency. Upon reviewing the NOC issued to the user agency, it was found that the Vannapuram Grama Panchayath had granted permission as per the decision taken in its meeting dated 09.02.2018 under section 218 and its sub-sections of the Panchayati Raj Act, 1994, to utilize the government land (Thodu Purambokku). Therefore, the User Agency's commencement of work in 2021 under the impression that it was a revenue land was in compliance with the NOC obtained from the Grama Panchayat. However, the Mullaringad Range Forest Officer issued a stop memo dtd 01.03.2021, resulting in a halt to the work.</p> <p>Consequently the User Agency submitted an application for permission to construct the project named Vellakayam Micro Hydro Electric Project through Parivesh Portal requesting 0.138Ha for the diversion of forest land. A letter was sent to the Vannapuram Grama Panchayat requesting clarification regarding the issuance of NOC for Vellakayam Project in Reserve Forest land. According to the reply of Vannapuram Grama Panchayat, it is stated that under section 218 and its sub-sections of the Panchayati Raj Act, 1994, the waterways, streams, canals and any adjoining lands belong to Grama Panchayat and based on this clause, Sri. Y Sleebachan was given permission. Range Forest Officer, Mullaringad has reported the name of the then Secretary of Vannapuram Grama Panchayat Sri. V.A Augustine who issued the NOC to the user agency (Sri. Sleebachan), as the person responsible for the violation of Forest (Conservation) Act, 1980.</p>
2.	The land bought by the User Agency from previous occupants whose patta was issued in 2009 under regularization of forest	<p>Range Forest Officer, Mullaringad has reported that the land identified for the said project is not a Patta land and the said land comes under Thodupuzha Reserve in Mullarigad Range. Thus the land requested for diversion is fully a forest land. Moreover it is submitted that as per Rule 15 of Kerala Land</p>

	<p>encroachment rules 1993, Kerala Land Assignment (Regularization of occupation of forest land prior to 01.01.1977 Special Rules 1993) had stipulated that a person in whose favor regularization of encroachment is to be done shall not be authorized to sell these areas</p>	<p>Assignment (Regularization of Occupation of Forest Land prior to 1/1/1977) Special Rules, 1993; the land assigned under these rules shall be heritable and alienable, subject to the condition that the alienated land shall not be used for any purpose other than those specified in Rule 3 (Personal cultivation or for House site or for shop site). However this clause is not relevant in the incumbent case.</p>
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