



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
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No.5-ORB445/2021-BHU

12th February, 2021
16/7

To

The Addl. Chief Secretary,
Forest & Environment Deptt.,
Government of Odisha,
Bhubaneswar

Sub: Diversion of 1.809 ha of Revenue forest land for construction of Water Treatment Plant (WTP) at village Manikunda under Marsaghai Tahasil for execution of Mega Pipe Water Supply Scheme in Kendrapara District by R.W.S.S. Division, Kendrapara under Cuttack Forest Division.

Ref: State Govt. letter No.10F(Cons)01/2021-546/F&E dated 08.01.2021.

Madam,

With reference to the subject cited above, I am directed to inform that the State Govt. vide letter under reference has submitted the above mentioned proposal seeking prior approval of Central Government under Section-2 of Forests (Conservation) Act, 1980. On scrutiny of the proposal the following has been observed

It is reported that the user agency has caused violation of provisions of guidelines of FC Act, 1980, for which a case has been filed in the Hon'ble NGT for violation of FC Act, 1980 vide OA No.04/2019. In the process of adjudication of the above OA case in the Hon'ble NGT, the user agency has applied for diversion of forest land for diversion of forest land for the project.

As per Para 1.21 (i) (a) of Handbook of FC Act guidelines, issued by Ministry vide

letter dated 28.03.2019 , “the diversion of forest land for non-forestry purposes without the prior approval of the competent authority in the State will be dealt under provisions of Indian Forest Act, 1927 and other State Acts dealing with the conservation of forests by the State Govt. concerned. The land in question will not be considered as diverted under FCA, 1980 and the status of the land shall continue to be forest”. (b) : “If the permission for uses of forest land for non-forestry purposes have been granted by the State authority without the prior approval of the Central Govt. under Section 2 of the F.C. Act, 1980 then action under Section 3A and/or 3B of FC Act, as may be applicable, shall be taken against the authority causing the diversion. A report with full details of violation shall be submitted by the Sate Govt. on the recommendation of the Forest Department to MoEF&CC, New Delhi and formal enquiry shall be conducted by Regional Office of the MoEF&CC.”

It is therefore requested to intimate the name and designation of officials and details of action taken by State Govt. against the persons/officials responsible for violation of F.C. Act, 1980 to this office for further necessary action.

Yours faithfully,

Padma Mahanti

(Padma Mahanti)

Dy. Inspector General of Forests (C)

Copy to:

1. The PCCF & Nodal Officer (FCA), Forest Department, Govt. of Odisha, Aranya Bhawan, Chandrasekharapur, Bhubaneswar-751023 for kind information and necessary action.
2. The Executive Engineer, RWS&S Division, At: Ichhapur, PO: Shri Baladev Jew, Dist: Kendrapara, Odisha for information and necessary action.


Dy. Inspector General of Forests (C)