

**GOVERNMENT OF ODISHA
FOREST & ENVIRONMENT DEPARTMENT**

Memo No. 5518 /F&E, Date 15-03-2021

FE-DIV-FLD-0003-2021
No.10F (Cons) 01/2021

Copy of Government of India, MoEF&CC, IRO, Bhubaneswar vide Letter No.5-ORB445/2021-BHU dtd.16.02.2021 on the matter of 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 forwarded to the Principal Chief Conservator of Forests, Odisha for kind information and necessary action.

It is requested to furnish the required information/ documents as sought for by Govt. of India, MoEF&CC, IRO, Bhubaneswar in the aforesaid letter directly to the Ministry under intimation to this Department.

Memo No. 5519 /F&E Date 15-03-2021 Under Secretary to Government

Copy with copy of enclosure forwarded to the Principal Chief Conservator of Forests (WL) & Chief Wildlife Warden, Odisha for information and necessary action.

Memo No. 5520 /F&E Date 15-03-2021 Under Secretary to Government

Copy with copy of enclosure forwarded to the Regional Chief Conservator of Forests, Angul Circle / Divisional Forest Officer, Cuttack Forest Division for information and necessary action.

Memo No. 5521 /F&E Date 15-03-2021 Under Secretary to Government

Copy with copy of enclosure forwarded to PR&DW Department/ Water Resources Department/ Collector, Kendrapara for information and necessary action.

Memo No. 5522 /F&E Date 15-03-2021 Under Secretary to Government

Copy with copy of enclosure forwarded to the Executive Engineer, RWS&S Division, At-Ichhapur, Po-Sri Baladev Jew, Kendrapara, Odisha for information and necessary action.

Under Secretary to Government

21/4787/R2
2-3-2021



भारत सरकार / Government of India
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय / Ministry of Environment, Forest and Climate Change
एकीकृत क्षेत्रीय कार्यालय / Integrated Regional Office
ए/3, चंद्रशेखरपुर / A/3, Chandrasekharpur
भुवनेश्वर - 751 023, ओडिशा / Bhubaneswar - 751 023, Odisha



Telephone: 0674 - 2301213, 2302432, 2301248, 2302452, 2302453. E-mail: roez.bsr-mef@nic.in

No.5-ORB445/2021-BHU

12th February, 2021
16/11

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

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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)