

**REPORT FILED BY THE 4th RESPONDENT PRINCIPAL CHIEF
CONSERVATOR OF FORESTS & HEAD OF FOREST FORCE ,
A.P, BEFORE THIS HON'BLE NATIONAL GREEN TRIBUNAL IN
O.A.NO.155/2021 (SZ) ORDER DT.26.07.2021**

The applicant, **Sri KONDRU MARIDIYYA**, has filed the application in OA No.155/2021 alleging illegal mining and non-forest use of forest land without prior forest clearance within Sarugudu Reserve Forest for mining Laterite Mineral over an extent of 121 Ha. in forest lands situated in Un-Surveyed Hill Poramboke (USHP) adjoining Reserve Forest area of East Godavari District. The alleged mining area is located in Bhamidikaloddi Village, Hamlet of Sarugudu Gram Panchayath, Nathavaram Mandal, Visakhapatnam District.

The Hon'ble Tribunal in their orders dated:26-07-2021 observed as follows:
"..... the Principal Chief Conservator of Forests (PCCF) & Head of the Forest Force (HoFF), State of Andhra Pradesh is also directed to file an independent report regarding the nature of land and also whether any permission under the Forest(Conservation) Act, 1980 is required for carrying out such activity and whether any violation has been committed in respect of the Forest Laws as well as the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 and if so, what is the nature of action taken from the side of the Forest Department in this regard."

The Hon'ble Tribunal in their orders dated:26-10-2021 directed the official respondent to file his independent report regarding the allegations made in the application within a period of 15 days from today i.e., 26.10.2021.

The mining area was inspected by a team of officers headed by Sri P. Ram Mohan Rao, I.F.S, Conservator of Forests, Visakhapatnam Circle. They visited the area on 30-10-2021. The Conservator of Forests, Visakhapatnam, in Rc.No.1638/2021/TO, dt: 02-11-2021 & 05.11.2021 has reported that, the mining area is not located in notified Forest Block. The specific replies, as per the above report, to the queries raised by the Hon'ble Tribunal in their orders dated:26-07-2021 are as follows:

1. Nature of land:

As per the report of Tahsildar, Natavaram in lr.no.189/2009/A, dt.05.11.2021, the legal status of the mining area in question i.e., 121 ha is an Un-Surveyed Hill Portion (USHP) (Gap area- Government land) in Bamidikaloddi

village, Hamlet of Sarugudu Gram Panchayat in Nathavaram mandal, Visakhapatnam district. As reported by the Conservator of Forests, Visakhapatnam, the area is located about 2 km away from the nearest notified Sarugudu RF-II, Compt.no.1252 in K.D.Peta Range of Narsipatnam Division in Visakhapatnam District. The mining lease area is also adjoining to East Godavari district boundary which is also the boundary of Lododdi RF of East Godavari district.

As per the information furnished by the Project Officer, ITDA, Paderu, Nathavaram Mandal in lr.no.97/21/RoFR,dt.25.08.2021, the mining area is a non-scheduled area and (16) villages in Sarugudu Gram Panchayat in Nathavaram Mandal are covered under Tribal Sub Plan area. Bhamidikaloddi village is one among these villages.

As verified during the inspection on 30.10.2021, it is observed that the vegetation in the mining area varies from bushy growth with scattered trees and rocky outcrops to more trees in the lower reaches of hill.

The mining area is under the administrative control of Revenue Department. In G.O.Ms.no.532,F&RD (For.III) dt.21.07.1975, all the Revenue Divisional Officers, Tahsildars and Deputy Tahsildars were appointed to perform the functions of Forest Officers, in connection with un-reserved lands, waste and poramboke lands at the disposal of Revenue Department.

2. Whether any permission under Forest (Conservation) Act, 1980 is required for carrying out such activity:

As the mining lease area is neither located in notified Forest Block nor recorded as "forest" in Government Records, the approval under Forest (Conservation) Act, 1980 is not required and also the subject area was not notified as "deemed forests".

3. Whether any violation has been committed in respect of the Forest Laws:

In the leased area no violation of Forest Laws is noticed.

4. Whether any violation is committed in respect of the provisions of Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:

The requisite application for diversion of 0.34 ha of forest land for formation of road in Sarlanka RF in Form-"A" under section 3(2) of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (RoFR Act) was filed by the Executive Engineer, PRI division, Kakinada duly enclosing the resolution of the Raghavapatnam Grama Sabha in

Rc.no.2021/DB/ATO/ MGNREGS/ RoFR, dt.05.06.2021. The Executive Engineer, Panchayat Raj Institution (PRI) division, Kainada has informed that the road is for the use of public such as transportation, better communication between villages, medical aid, education, marketing agriculture produce to the nearest shandies etc. The length of the said road within Reserve Forest is 425.06 m and the width is 8 m having 21 trees.

The District Level Committee (DLC) headed by the District Collector, East Godavari district, as per the provisions under RoFR Act, 2006 has accorded approval for diversion of Forest land for formation of the said road and based on the recommendation of DLC, the District Forest Officer, Kakinada has accorded permission in proceedings Rc.no.1639/2021-D1, dt.16.06.2021.

The District level committee is competent to accord permission for diversion of Forest land upto 1.00 ha (one hectare) for road formation, under section 3(2) of RoFR Act, 2006, which involve felling of trees not exceeding Seventy-five trees per hectare. Hence, there is no violation of the provisions of RoFR Act, 2006.

The Divisional Forest Officer, Kakinada in Lr.no.2256/2018-D1, dt.20.12.2019 has accorded permission for another connecting road in Sarlanka RF from Raghavapatnam to Sarlanka involving 0.966 ha of RF land based on the request of Executive Engineer, PRI division, Kakinada lr.no.01/017/DB/ATO/MGNREGS/ RoFR, dt.22.06.2018, under RoFR Act, 2006.

The mining lease holder Sri J. Lakshman Rao in application dated:06-08-2021 has requested for DGPS Survey permission with the purpose to obtain prior permission for use of existing road formed under RoFR Act, 2006 for transporting mined Laterite Mineral. The permission was given for survey in PCCF & HoFF, A.P., Guntur letter no.15041/16/2021/FCA-3, dt:02-09-2021.

5. If so, what is nature of action taken from the side of the Forest Department in this regard:

As no violation of Forest Laws is noticed, no action is taken on the lease holder.

This is submitted for kind information.

Dated at Guntur on this the 7th day of November, 2021


Principal Chief Conservator of Forests &
Head of Forest Force
07-11-2021