

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

SOUTHERN ZONE, CHENNAI

ORIGINAL APPLICATION No.158/2021

Tribunal on its own motion - SUO MOTU Based on the
News item published in the New Indian Express
Newspaper, Chennai Edition, dated 18.06.2021,
Under the caption "TS:3K trees risk being axed for road
Widening project.

.. Applicant

-Vs-

Union of India,
Rep by its Secretary,
Ministry of Environment and Forests and climate Change,
Jorbagh Road, New Delhi- 110003
And 6 others

...Respondents

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DATE: 23-9-2021
PLACE: HYDERABAD

H.Yasmeen Ali,
Counsel for the 6th Respondent

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
SOUTHERN ZONE, CHENNAI

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-Vs-

1. Union of India,
Rep by its Secretary,
Ministry of Environment and Forests and climate Change,
Jorbagh Road, New Delhi- 110003.
2. Ministry Road Transport and Highways,
Rep. by its Secretary,
Room No.509, Transport Bhawan,
1, parliament, New Delhi-110001.
3. The Chief Secretary to Govt. of Telangana,
Govt., Secretariat, Tank bund,
Hyderabad, Telangana-500022.
4. The Principal Secretary to Govt. of Telangana,
Department of Environment, forests, Science & Technology,
Govt., Secretariat, Tank bund,
Hyderabad, Telangana-500022.
5. The Chief Secretary & Spl. Chief Secretary to
Govt., of Telangana,
Department of Revenue,
Govt., Secretariat, Tank bund,
Hyderabad, Telangana-500022.
6. Principal Chief conservator of forests(HOFF),
Telangana Forest Department,
Room No. 505, Aranya Bhavan, Saifabad,
Hyderabad, Telangana-500022.
7. The District Forest Officer ,
Nirmal District,
Nirmal-504106.
8. The District Collector,
Nirmal District,
District Collectorate,
Nirmal - 504 106.

R. Souma

Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.

9. National Highways of Authority of India (NHAI)
Represented by its Chairman,
G5 & 6, Sector-10, Dwarka,
New Delhi – 110 075.
10. National Highways Authority of India (NHAI)
Represented by its Project Director,
1st Floor, New Buildings,
Administrative Staff College of India (ASCI),
College Park Campus Road,
No.3 Banjara Hills, Hyderabad – 500 034.

(Suo-Motu impleaded as additional respondents 9 & 10
As per order dated 31.08.2021)

.... Respondents

ADDITIONAL REPLY AFFIDAVIT FILED 6TH RESPONDENT

I, Smt. R. Sobha, W/o R. Sundarvadan aged 59 years, working as Principal Chief Conservator of Forests (Head of Forest Force), Aranya Bhavan, Saifabad, Hyderabad do hereby solemnly and sincerely states as follows:-

1. I am the 6th respondent herein and I am filing this reply affidavit on behalf of 3rd, 4th and 7th respondent herein and I am well acquainted with the facts of the case.
2. I respectfully submit that for each proposal for diversion of forest lands for non-forestry purposes under Forest (Conservation) Act, 1980, Forest(Conservation) Act, Rules, 2003/2014/2017, the guidelines issued therein and amendments issued therein and under the Wildlife (Protection) Act, 1972 (wherever applicable), based on the competency (either by the State Government, or by the Regional Office, Ministry of Environment and Forests and Climate Change, Government of India or by the Head Office, Ministry of Environment and Forests and Climate Change, Government of India, New Delhi) two Stage permissions will be accorded viz., Stage I (in-principle) approvals with conditions stipulated therein and Stage II (Final) approval upon compliance of conditions stipulated in Stage I approval. In

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Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.

case of linear proposals, working permission will be issued by the Principal Chief Conservator of Forests (Head of Forest Force), once the User Agency pay the compensatory levies, handover and mutate the non-forest CA lands to Forest Department etc.

3. I respectfully submit that the Stage-I (in-principle) approval issued by the Regional Office, Ministry of Environment and Forests and Climate Change, Government of India or by the Head Office, Ministry of Environment and Forests and Climate Change, Government of India, New Delhi for diversion of forest lands will be communicated to the State Government, the Principal Chief Conservator of Forests (Head of Forest Force) and the User Agency to comply with the conditions stipulated in the Stage (in-principle) approval and furnish the same for according the final (Stage-II) approval. In such cases, no separate Stage-I (in-principle) approval will be issued by the State Government, but shall issue the Stage-II (final) clearance after receipt of Stage-II (final) approval from the Government of India (Ref: Hon'ble National Green Tribunal, Principal Bench order dated 7th November 2012 in Original Appeal no. 7 of 2012).
4. I respectfully submit that, in case the State Government is competent to accord the permission, the Stage I approval will be granted by the State Government and communicated to the Principal Chief Conservator of Forests (Head of Forest Force) and the User Agency to comply with the conditions stipulated in the Stage (in-principle) approval and furnish the same for according the final (Stage-II) approval.
5. It is submitted that the Stage-I (approval) will be communicated to concerned Conservator of Forests, District Forest Officers, Forest Divisional Officers to take further necessary action to issue Demand Notice to the User Agency for payment of Compensatory Levies in consultation with the Nodal Officer (FCA. After approval by the Nodal Officer, the demand notice will be issued to the User Agency to deposit the compensatory levies into

R. Soliha

Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.

respective accounts indicated i.e., Adhoc CAMPA account of Telangana (cost Net Present Value, Compensatory Afforestation, part of Wildlife Mitigation Plan etc.), CA-PD account of District Forest Officer/ Forest Divisional Officer (cost of construction of boundary pillars, laying of fencing, extraction of tree growth etc.) , BIOSOT account of Telangana (cost of part of Wildlife Mitigation Plan). Simultaneously the User Agency will be requested to comply with the following conditions, in accordance with the MoEF&CC, GoI instructions issued vide F.No.7-23-2012-FC, Dt.24.07.2013:

- a. Publish the entire forest clearances granted in verbatim along with the condition and safe-guards imposed by the Central government in two widely circulated daily newspaper one is vernacular language and the other in English granted to the project proponent for the use of forest land for the non-forest purposes.
 - b. The copies of the forest clearance should also be submitted to the heads of local bodies, Panchayats and municipal bodies by the project proponents in addition to the relevant offices of the Government who in turn has to display the same for 30 days.
6. I respectfully submit that after payment of compensatory levies and complying with other conditions, the User Agency furnishes the compliance report to the respective District Forest Officer/ Forest Divisional Officer which will be submitted by them to respective Conservator of Forests with remarks and then to Principal Chief Conservator of Forests (Head of Forest Force) with remarks. The Principal Chief Conservator of Forests (Head of Forest Force) scrutinize the compliance reports and submits to the State Government and who in turn submits to the Government of India. After scrutiny the Government of India issue the final (Stage-II) approval for the project. Thereafter, as and when the State Government decides to permit the use of the forest land for non-forest purpose, it has to pass order to

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Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.

that effect along with the conditions and safeguards imposed by the Central Government while according Stage-I and Stage-II clearance (Ref: Hon'ble National Green Tribunal, Principal Bench order dated 7th November 2012 in Original Appeal no. 7 of 2012).

7. I respectfully submit that the Stage I (in-principle) approval has been communicated to all concerned and the compliance report is awaited.

Therefore it is humbly prayed that this Hon'ble Tribunal may pass order or such other orders as in the interest of the development of the State and as deemed fit.

R. Sobha

Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.

VERIFICATION

I, Smt. R. Sobha, W/o R. Sundarvadan aged 59 years, Designation Prl. Chief Conservator of Forests (Head of Forest Force), Aranya Bhavan, Saifabad, Hyderabad do hereby solemnly and sincerely states that, the contents stated in the above reply affidavit are true and correct to the best of my knowledge and belief.

R. Sobha

Principal Chief Conservator of Forests
(Head of Forest Force)

Date: 23-09-2021
Place: Hyderabad

**Principal Chief Conservator of Forests
(Head of Forest Force)
Telangana, Hyderabad.**