

REPORT FILED BY THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS & HEAD OF FOREST FORCE, ANDHRA PRADESH IN O.A.NO.195 OF 2020 (SZ) AS PER ORDER DATED:29.03.2022 AND 21.04.2022.

It is submitted that, Sri Putta Sudhakar Yadav,, Ex-chairman, TTD board, Proddatur of Kadapa district has filed an O.A.no.195 of 2020 before the Hon'ble NGT(SZ), Chennai regarding encroachment of reserve forest around 304 ac in Sy.no.506-B and 507 situated in Nandyalampet village, S.Mydukur(M) of YSR Kadapa district.

It is submitted that, the Hon'ble National Green Tribunal, Southern Zone, Chennai in their order dated 29.03.2022 in para no.6 of the order directed as follows:

The Principal Chief Conservator of Forests & Head of Forest Force to file further statement in tune with the direction issued by the Hon'ble NGT by taking a concrete stand as to whether the particular land will attract the provisions of Forest (Conservation) Act, 1980 or not and whether they have identified this land for notification to be included for this purpose.

In compliance with the above directions, it is submitted that, as per the report submitted by the Conservator of Forests, Kurnool in Rc.no.3029/2020/M6, dt:17.09.2021, the lands in Sy.no.506-B ext.38.94 acres and 507 ext.267.80 acres of Nandyalampeta Village of Mydukur Mandal are recorded as "Forest" in RSR. Further, the said lands are not notified as "Reserve Forest" and they are not part of Sri Lankamalla Reserve Forest or the Tiger corridor.

In view of the above, it is submitted that, the subject lands i.e., Sy.no.506-B ext.38.94 acres and 507 ext.267.80 acres of Nandyalampeta Village of Mydukur Mandal attract the provisions of Forest (Conservation) Act, 1980 if they are proposed to be diverted for non forest purpose as these are recorded as Forest in revenue records. They need not be further notified and they, without any further qualification, attract the provisions of the Forest (Conservation) Act 1980, as per the orders dt:05.12.1996 of the Apex court in WP(C)No.202/95 in T.N.Godavarman Tirumalpad case and as clarified by the Government of India, MoEF&CC, in F.no.11-98/2019-(FC Division), dt:5.12.2019. **(copy enclosed).**

This is submitted for kind information.

Dated at Guntur on this the **28th day of April, 2022.**


28.4.22
**Principal Chief Conservator of Forests
& Head of Forest Force**
Principal Chief Conservator of Forests &
Head of Forest Force,
Andhra Pradesh, Guntur

F.No. 11-98/2019-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bagh Road,
New Delhi- 110003
Dated: 05th December, 2019

To
Principal Secretary (Forest),
Government of Uttarakhand
Dehradun

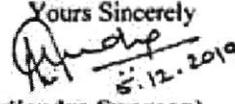
Sub: Clarification on "Dictionary meaning of forest";

Sir,

I am directed to refer to the office order dt.21.11.2019 issued by Government of Uttarakhand on 'deemed forest', copy of which was endorsed to this Ministry. After examination of content of this order, it was noted that the para (b) is in contravention of the order issued by the Hon'ble Supreme Court in their judgement dt. 12.12.1996 in WP(C) No. 202/95, which mentions that ".....the term 'forest land', occurring in section 2, will not only include "Forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.".

In this regard, it is explained that,

1. Hon'ble Supreme Court in their judgement dt. 12.12.1996 in the WP 202/1995, has clarified how the word 'forest' shall be interpreted for the purpose of Forest (Conservation) Act, 1980.
2. As per this order, the Forest (Conservation) Act, 1980 shall be applicable to all areas recorded as forest in any government record and any other area that has been considered to conform to dictionary meaning of forest. The area recorded as forest in any Government records, should be considered without any qualification.
3. Moreover, the States/UTs should not issue any communication that is violative of any order passed by Hon'ble Supreme Court, specifically the above mentioned order dt. 12.12.1996. All states/UTs should also ensure that while interpreting any clarification/communication issued from this Ministry, the letter and spirit of Hon'ble Supreme Court order of 12.12. 1996 is not violated.

Yours Sincerely

5.12.2019
(Brijendra Swaroop)

Dy. Inspector General of Forests

Copy for information and necessary action:

1. PCCFs/Nodal officers (FCA), all states/UTs
2. DDGs, All Regional Offices, MoEF&CC
3. PPS to Secretary (EF&CC)/PPS to DGF&SS/PPS to ADGF, MoEF&CC