

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)**

**ORIGINAL APPLICATION NO. 96 OF 2024(SZ)**

In the matter of:

Tribunal on its own motion SUO MOTU based on the News Item in Deccan Herald dt:08.01.2024 titled, " Over 5000 hectares of forest land in Kerala under encroachment: State forest Dept report".

-VS-

The Principal Chief Conservator  
of Forests and Ors.

----Respondent(s)

**REPORT FILED BY PRINCIPAL CHIEF CONSERVATOR OF FORESTS**

**/2<sup>ND</sup> RESPONDENT**

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Dated at Chennai on this the 09<sup>th</sup> day of January,2025.

*for G. K. K. Kumaresan*  
21/1/25

**M/s. E.K.KUMARESAN**

Standing Counsel for State Government of Kerala - NGT(SZ) Chennai Bench

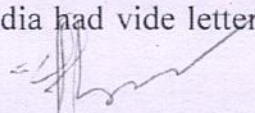
REPORT ON OA 96/2024 (SUO-MOTU) BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL (SOUTHERN ZONE BENCH), CHENNAI

(1) Forest areas in Kerala came to be exposed to human occupation particularly since 1956, primarily due to the very heavy pressure of population and secondly due to colonization, grow more food and arable lands scheme, hydro power projects, plantations etc. The Second World War brought in calamities like the Great Famine and the Government was forced to augment food production by promoting conversion of forests to agricultural lands under Grow More Food schemes. In the sixties and seventies, with the focus on providing land based employment to the landless large scale diversions were effected. These transfers led to the build-up for further expansion into forest areas adjoining the converted lands.

(2) Encroachment in forest lands having assumed serious proportions the Government had taken a considered position to stop further intrusion into the forests by regularizing those occupations prior to 01.01.1977 and to evict those post 01.01.1977 encroachments. In order to assess the post 01.01.1977 encroachments, (excluding Cardamom Hill Reserve area verification of occupied forestlands), including Vested Forestlands, joint verification by the Forests and Revenue was ordered vide G.O.(MS) No. 655/1989/RD, dated 31.08.1989 (R1). Detailed field verifications were conducted jointly by teams of Revenue and Forest officials to determine the particulars of occupants, estimated extent of individual holdings, nature of cultivation, age of such occupations etc.

(3) The formal verification process which began late in the 1980's extended well into 1990s. Of the 25810 Ha to be verified, 13890 Ha was found eligible for regularization, they being occupied prior to 01.01.1977, and an extent of 11920 Ha were found to be encroachments post 01.01.1977, to be evicted.

Of the 13890 Ha qualifying for regularization, an extent of 8225 Ha was processed for obtaining prior approval of the Government of India under Forest (Conservation) Act, 1980. The Government of India had vide letter No.8-118/86/FC

  
Principal Chief Conservator of Forests  
(Forest Management)  
Forest Headquarters, Vazhuthacaud  
Thiruvananthapuram - 695014

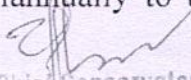
dated 23.03.1993 and 31.01.1995 accorded prior approval for the regularization of the above extent as per Forest (Conservation) Act, 1980 and the regularization of the remaining areas of occupations prior to 01.01.1977 is under process with Revenue Department.

The Division-wise extent of areas approved by for regularization of occupation in forest lands the Government of India are as follows;

Sl. No.	Name of Forest Division	District	Areas of the occupations as regularized (ha)
1.	Chalakydy	Trichur	380.00
2.	Trichur	Trichur	2340.00
3.	Munnar	Ernakulam	185.00
4.	Munnar	Idukki	180.00
5.*	Munnar (Cardamom Hill Reserve)	Idukki	6920.065
6.	Kothamangalam	Ernakulam	160.00
7.	Kothamangalam	Idukki	2430.00
8.	Malayattur	Ernakulam	30.00
9.	Malayattur	Idukki	410.00
10.	Kottayam	Idukki	1500.00
11.*	Kottayam (Cardamom Hill Reserve)	Idukki	13443.094
12.	Periyar Wildlife Sanctuary	Idukki	480.00
13.	Konni	Pathanamthitta	60.00
14.	Thenmala	Kollam	70.00
<b>Total</b>			<b>28588.159</b>

\*CHR(Cardamom Hill Reserve) being under dual control, is not brought under the process of joint verification but accommodated against Resurvey Record particulars under the Land Assignment Special Rules, 1993.

(4) Meanwhile, the Hon'ble Supreme Court had as per their order dated 23.11.2001 in IA 703 in WP(C) 202/95, restrained the Government of India from regularization of encroachments in the country. Based on the above direction, the Government of India had vide their letter No.7-16/2002-FC dated 03.05.2002 mandated a time bound program for eviction of encroachments. The State Governments were directed to constitute State Level Monitoring Committees under the Chairmanship of the Chief Secretaries to meet biannually to take stock of the

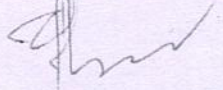
  
 Principal Chief Conservator of Forests  
 (Forest Management)  
 Forest Headquarters, Vazhuthacaud  
 Thiruvananthapuram - 695014

situation. The same was formed vide order no. G.O.69/2002/F&WLD dated 08.11.2002 (R4). The Committee was to monitor the progress of removal of encroachments and to facilitate prevention of further encroachments and eviction of existing ones. At the Forest Circle level, Committees under the Chairmanship of Conservator of Forests with District Collectors, Superintendents of Police, and Divisional Forest Officers as members were ordered to meet every quarter and take steps to assist the Divisional Forest Officers of the Territorial Divisions and the Wildlife Wardens of National Parks and Sanctuaries for the eviction of the encroachers vide order no. G.O.(MS)15/2003/F&WLD, dated 06.03.2003.

(5) With regard to encroachments verified to be post 01.01.1977, massive efforts were taken to evict the encroachers. Out of the initially identified 11920 Ha, 6945 Ha have been freed of encroachments till date.

(6) Several Original Petitions were filed during the period (vide No.18467/2002, 22945/2002, 1947/2003 and 10126/2002) by Nature Lovers Movement and various other Environmental groups in the Hon'ble High Court of Kerala against encroachments in forestlands. The Hon'ble High Court of Kerala was appraised in detail about the commitment of the Government given in effecting removal of encroachments. It was also pointed at that the process of eviction is pain staking considering the socio-economic background of the people involved and their miseries. However, the Government affirmed in its role as the 'Public Trustee' their unswerving compliance to the directions of Government of India and the Hon'ble Supreme Court and High Court to protect the forest resources.

(7) Meanwhile, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 came into force in 2008. As per the Act, the occupants of forest lands belonging to tribal communities on or before 13.12.2005 were to be regularized by conferring on them legal right over such land in their habitation and cultivation. Thus, the process of conferring legal rights over forest lands for eligible tribal communities were begun and proceeded with in earnest with

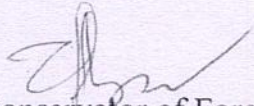
  
Principal Chief Conservator of Forests  
(Forest Management)  
Forest Headquarters, Vazhuthacand  
Thiruvananthapuram - 695014

the Tribal Department as the nodal agency for the execution of the provisions of the said Act.

(8) On account of evictions and the regularization of occupation of forest land provided for by statute, the encroachments in forest land were brought down from 11920 Ha to 5024.535 Ha by 2021-22, as reported in the Administration Report for the period. During the following years (2022-24), this is further reduced to 4975.5239 Ha, as on 31.03.2024. All encroachments apart from the above identified post 01.01.1977 cases are removed summarily by the Forest Department in accordance with the provisions of Kerala Forest Act, 1961 and in coordination with Revenue and Police Departments, as and when reported.

(9) As part of efforts to prevent further encroachments, the Department has undertaken boundary demarcation and consolidation by constructing permanent cairns and kayyalas, and has initiated the process of digitization of forest boundaries in collaboration with the Revenue Department. With regard to boundary consolidation covering a stretch of 16,846 Km, of which 5291.26 Km is of natural boundaries (not requiring demarcation), the length of boundary requiring demarcation is 11,554.74 Km. Of the above, 10,672 Km of boundary demarcation is completed till date. The demarcation by construction of permanent cairns in the remaining 883 Km of boundary is in progress and is being monitored closely. It is proposed to complete the process of boundary demarcation in a year's time thereby bringing clarity on the forest boundaries of the State thus reducing the chances of further encroachments. With regard to digitization of forest boundaries in collaboration with the Revenue Department, already 92 villages have been mapped in the 1<sup>st</sup> and 2<sup>nd</sup> phases of the programme and is in progress.

Dated this day 06 of November 2024

  
Principal Chief Conservator of Forests,  
(Forest Management)

Joint verification of occupied forest areas and issue of copy certificates of title  
 application to the occupants sanctioning of orders issued.

REVENUE (B) DEPARTMENT

G.O. (MS) NO. 655/89/RD

dated 31.3.1989, Thiruvananthapuram.

ORDER

1. A joint verification of lands recorded as forests and which are under effective and continuous occupation of people before 1st January 1977, was conducted jointly by the officers of the revenue and forest departments. The verification has been completed in respect of an area of 28,588 Ha. spread over the districts of Idukki, Thrissur, Ernakulam, Pathanamthitta and Quilon and proposals for prior sanction of the Government of India under section 2 of Forest Conservation Act 1980 have been made. The proposed joint verification is required to be completed in the remaining districts as well as in certain parts of the above-mentioned districts.
2. In this circumstance the government here by order that a verification of occupied forestlands including vested forest lands be made jointly by the forest and revenue departments. The verification should be conducted of each occupied holding on a field-to-field basis and the details of occupation will be recorded in the Performa in appendix -1. The Mahasar will also be prepared of each holding and attached to the Performa for information. The preparation of the records will be made by the revenue Staff in the presence of the officials of the forest department. The Mahasar should be authenticated by a person not less than the rank of a deputy Tahsildar. The joint verification records will be signed by the Tahsildar and the range officer. The services of Special Tahsildars will be made use of in those districts where Special Tahsildars ( land assignment ) are posted.
3. A committee at the taluk level consisting of Divisional Forest Officer, Tahsildars and Range Officers and chaired by the Revenue Divisional Officer should first identify the areas of occupation in Reserve and Vested Forest areas. Teams of officers of the two departments will then be constituted consisting of a revenue inspector and a forester. The actual field verification on field to field basis will be conducted by these teams. These teams will be supervised by a Deputy Tahsildar who will authenticate the Mahasar prepared in each case. At time of identification, the team should be fully satisfied itself that the holding is one which is in occupation from before 1.1.1977. For this purpose such details should be recorded as the age of tree crops raised by the occupant, age of structures, if the house number is assigned by panchayat it's date and such other factors as well, will help to establish the correct age of occupation and the month and year in which the land came under occupation.
4. With respect to vested forest the joint verification will be restricted to those areas, which are not covered by litigation.
5. In order to monitor and review the progress of verification a district-level committee headed by the District Collector be constituted. The committee will include the Divisional Forest Officer concerned, Revenue Divisional Officer and Deputy Collector concerned who will be the convener. The committee should hold its first meeting immediately and assess the extent of area required to be verified and lay down a time-bound program for completion of the task for each taluk. The

Committee will also receive the report of the joint verification prepared by Tahsildars and Range Officers from time to time and issue appropriate directions. To the meetings of the district level, Conservator of Forests will also be invited to the committee.

*and*

6. Government also order that the area of which joint verification has been completed a copy of the records of joint verification will be made available to the occupants of the related forestland. The district collector should, therefore take immediate steps of issuing a copy of the records of joint verification to the occupants of related forest land. A true copy of the records of joint verification in respect of each holding will be issued showing the extent of area under occupation of each holding, nature of improvements etc. The extract so prepared should be signed by the Tahsildar and authenticated by the Revenue Divisional Officer. The extract should be issued in form in appendix II.
7. The District Collectors will make arrangements for the speedy and successful conduct of joint verification and for issue of extract of record of possession. They will arrange the work in such a way that the entire task is completed within a maximum period of six months from the date of this order.
8. District Collectors will furnish monthly progress reports to Board of Revenue and Government in the revenue department. Monitoring and review of the progress of the work at the state-level will be the responsibility of the committee constituted in G.O: (MS)NO.71/89/F&WLD dated 14.6.1989.

By order of the governor  
Sd/-  
Sabu Jacob  
Secretary to the government

To

All district collectors

The secretary, Board of revenue, Trivandrum.

The chief conservator of forest, Trivandrum etc.

This is the true copy of the document marked as Exhibit -P.13 in the above Petition

Signed:

Tony Thomas, Petitioner

(R2)

15021

No. 5-113705-70  
Government of India  
Ministry of Environment and Forests



Dr. J. S. Arora, Secretary,  
C.M.O. Complex,  
Lodhi Road,  
New Delhi-110003.

Dated: 23rd March, 1993.

The Secretary  
Forest Department,  
Government of Kerala,  
Thiruvananthapuram.

Subject: Diversion of forest land for agricultural and other non-forest uses - proposal - regarding.

Sr,

I am directed to refer to your letter No.51289/FG/ 1/83/ dated 26.6.86 on the above mentioned subject seeking prior approval of the Central Government in accordance with Section-2 of the Forest (Conservation) Act, 1980.

2. After careful consideration of the proposal of the State Government, the Central Government hereby agrees in principle for approval for diversion of 28,588,159 ha forest land in Idukki, Pathanamthitta, Thrissur, Ernakulam and Kollam districts for regularisation of pre 1.1.1977 encroachments in Kerala subject to the fulfilment of following conditions:

- (i) Ground verification & demarcation of area to be regularised in favour of individual encroachers shall be done by the State Government.
- (ii) Regularisation of encroachments shall not be done in favour of encroachers (otherwise found eligible) either in the midst of the forest area or in the Periyar Tiger Reserve/Wildlife Sanctuary. Such encroachers are to be shifted on the fringe of the forests, for which excess area available for eligible encroachers may be utilized.
- (iii) Detailed map showing demarcation of the area to be regularised in favour of individual encroachers shall be got prepared.
- (iv) Regularisation of encroachments in favour of eligible encroachers shall not be done in excess of entitlement permissible as per Kerala Land Assignment Rules, 1960. The excess area with such encroachment shall be taken back from the possession of the encroachers and shall be utilised for shifting eligible encroachers from the midst of the forest area or from Periyar Tiger Reserve area.

Handwritten notes and signatures on the left margin, including 'L3', '20/7', and '16/10/93'.

(v) A comprehensive scheme for soil conservation and agro-forestry shall be prepared and implemented as a time bound programme to check and control soil erosion and siltation of dams taking place in the area.

(vi) The State Government shall give firm commitment that funds for the compensatory afforestation over double the degraded forest land shall be provided to the Forest Department as per the phased compensatory afforestation scheme. The compensatory afforestation shall be done within a period not exceeding 5 years.

3. After receipt of compliance report on the fulfilment of the above conditions from the State Government, formal approval will be issued in this regard under Section-2 of the Forest (Conservation) Act, 1980. Transfer of forest land to user agency should not be effected by the State Government till formal order approving diversion of forest land are issued by the Central Government.

Yours faithfully,

(RAJESH KUMAR CHAUDHRY)  
ASSTT. INSPECTOR GENERAL OF FORESTS (FC)

Copy to:

1. Principal Chief Conservator of Forests, Government of Kerala, Thiruvananthapuram.
2. Nodal Officer, Office of Principal Chief Conservator of Forests, Government of Kerala, Thiruvananthapuram.
3. The CCF(C), Regional Office, Bangalore.
4. MO(HO), New Delhi.
5. Guard file.

(RAJESH KUMAR CHAUDHRY)  
IG(FC)

SOIC  
No. 13-13-1/93

4.93

Copy forwarded to all concerned for information

(R3)

No.8-118/86-FC  
Government of India  
Ministry of Environment and Forests

Paryavaran Bhawan,  
CGO Complex,  
Lodi Road,  
New Delhi-110003.

06930

29

31st January, 1995

The Secretary,  
Forest and Wildlife Department,  
Government of Kerala,  
THIRUVANANTHAPURAM  
KERALA.

Sub: Diversion of forest land for agricultural and non-forest uses - proposal regarding.

Sir,

I am directed to refer to this Ministry's letter of even number dated 23rd March, 1993 and to d.o. letter No.9242/C1/91 FWCD dated 17.1.95 of Secretary, Forest & Wildlife Department, Government of Kerala addressed to the Inspector General of Forests.

After careful consideration of the proposal of the State Government contained in the above mentioned d.o. letter, the Central Government hereby grants approval under Section 2\* for diversion of 28,588.159 ha. forest land in the Idukki, Pathanamthitta, Thrissur, Ernakulam and Kollam districts for regularisation of pre 1.1.1977 encroachments and to assign land under the Kerala Land Assignment (Regularisation of Occupations of Forest Lands prior to 1.1.1977) Special Rules, 1993 subject to the conditions laid down in letter No.8-118/86-FC dated 23.3.1993 of the Ministry of Environment and Forests. The State Government shall furnish monthly reports to the Ministry of Environment & Forests, Govt. of India giving schedules of the forest lands so assigned.

Yours faithfully,

(R.K. CHOUDARY)

Asst. Inspector General of Forests

Forest  
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1980

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GOVERNMENT OF KERALA  
Abstract

Forest & Wild Life Department - Eviction of encroachments - Implementation of the direction of Government of India - Constitution of State Level Monitoring Committee - Orders issued.

FOREST & WILD LIFE (C) DEPARTMENT

G.O.(Ms)No.69/2002/F&WLD.

Dated, Thiruvananthapuram 8-11-'02.

- Read:-
- 1) Letter No.7-16/2002/FC dated 3-5-2002 from Government of India.
  - 2) Letter No.L3-8343/2002 dated 17-6-2002 from the Chief Conservator of Forests (P), Thiruvananthapuram.
  - 3) G.O.(Ms)No.53/2002/F&WLD.dated.20-9-2002.

ORDER

Government of India in the letter read above has informed that the problem of encroachments of forest land is assuming a serious proportion in the Country. These encroachments are seriously threatening the continuity of the Wild Life Corridors between various National Parks and Sanctuaries and timely action is not taken by frontline staff for the eviction of the encroachers which further emboldens others also for similar activities. It is also stated that the Hon'ble Supreme Court in their Order dated 23-11-2001 in IA No.703 in W.P.202/95 have restrained the Central Government from regularisation of encroachment in the Country. Therefore, the Government of India have suggested time bound programme for eviction of encroachers from the forest land and steps to comply with the Hon'ble Supreme Court direction.

2. The Chief Conservator of Forests (Protection) in his letter read as 2nd paper above has also sent concrete proposals to Government seeking Government Orders for implementing the direction of the Government of India in compliance to the Hon'ble Supreme Court Orders.

3. As per Government Order: 3rd read above, Government have ordered various measures to be taken in this regard, which include constitution of a State Level Monitoring Committee under the Chairmanship of the Chief Secretary for monitoring forest encroachments and review of remedial measures adopted.

4. Accordingly, Government are pleased to constitute a State Level Monitoring Committee, with the following members

Contd.....2/-

SECRETARY	
ADL. PCCF	
ADL. C	
ADL. F	
ADL. W	
ADL. S	
ADL. J	
ADL. M	
ADL. N	
ADL. O	
ADL. P	
ADL. Q	
ADL. R	
ADL. S	
ADL. T	
ADL. U	
ADL. V	
ADL. W	
ADL. X	
ADL. Y	
ADL. Z	

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- |  |    |          |
|--|----|----------|
| 1. Chief Secretary   | .. | Chairman |
| 2. Secretary (Forests)   | .. | Member   |
| 3. Secretary (Revenue)   | .. | Member   |
| 4. Secretary (Home)  | .. | Member   |
| 5. Secretary (Law)   | .. | Member   |
| 6. Director General of Police.                                 | .. | Member   |
| 7. Principal Chief Conservator of Forests.                     | .. | Member   |
| 8. Director of Survey & Land Records.                          | .. | Member   |
| 9. Chief Conservator of Forests in charge at the Headquarters. | .. | Member   |

The Committee will meet biannually to take stock of the situation relating to encroachments. The Committee while monitoring forest encroachments should also fix responsibility of the field formulations including the Revenue Officials for their failure to prevent/evict encroachments on the forest lands.

(BY ORDER OF THE GOVERNOR)

E.K. BHARATH BHUSHAN,  
 Secretary to Government.

To

The Chief Secretary to Government  
 The Secretary (Forests)  
 The Secretary (Revenue)  
 The Secretary (Home)  
 The Secretary (Law)  
 The Director General of Police, Thiruvananthapuram.  
 The Principal Chief Conservator of Forests, Thiruvananthapuram.  
 The Director of Survey & Land Records, Thiruvananthapuram.  
 The Chief Conservator of Forests in charge at Headquarters, Thiruvananthapuram.  
 Stock file  
 Office copy

Forwarded/By Order

*Sathya*

Section Officer

**BEFORE THE HON'BLE NATIONAL  
GREEN TRIBUNAL  
(SOUTHERN ZONE BENCH, CHENNAI)**

**ORIGINAL APPLICATION NO. 96  
OF 2024(SZ)**

In the matter of:  
Tribunal on its own motion SUO  
MOTU based on the News Item in  
Deccan Herald dt:08.01.2024 titled,  
“ Over 5000 hectares of forest land  
in Kerala under encroachment: State  
forest Dept report”.

-VS-

The Principal Chief Conservator  
of Forests and Ors

...Respondent(s)

**REPORT FILED BY PRINCIPAL  
CHIEF CONSERVATOR OF  
FORESTS /2<sup>ND</sup> RESPONDENT**

**E.K. KUMARESAN,**  
**Standing Counsel for Government  
of kerala**

No.6, Indian Chambers (SICCI)  
Annex Building, Ground Floor,  
Esplanade, Chennai - 600 108.

Cell No: 94443 98701