

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

(SOUTHERN ZONAL BENCH, CHENNAI)

Original Application No.268 of 2017

BETWEEN

A.P.Mathew

....Applicant

AND

The Chief Conservator Forest Department,
Kerala and 7 others

...Respondents

REPORT OF CHIEF CONSERVATOR OF FOREST HIGH RANVE CIRCLE
ON BEHALF OF FIRST RESPONDENT IN O.A.268/2017 FILED BY
SRI.A.P.MATHIEW BEFORE THE GREEN TRIBUNAL, SUBMITTED ON THE
BASIS OF ORDER DATED 16.03.2021

M/s. E. K. KUMARESAN)

Counsel for Respondent R1, R13 & R14
Standing Counsel for State Government of Kerala
NGT (SZ) Chennai Bench.

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It is humbly submits as follows :-

1. It is submitted that the land involved in the Original Application was part of the Reserve No.60 known as Nagarampara Reserve notified in the Government Gazette dated 24.06.1902 under section 18 of Regulation II of 1068. The total area off the Nagarampara Reserve was 13 sq miles approximately 33670 Ha. On the basis of the G.O. (Ms) 761/64/Agri dated 11.11.1964 the following forest areas from the Nagarampara Reserve in the present Kottayam Forest Division handed over for the Idukki Hydro Electric Project.

The Total area including Reservoir and land : 6215.7703Ha.

2. It is submitted that as these forest areas were in the interior reserve forest, on the basis of the disagreement of the Chief Conservator of Forest, it was ordered in the above Government Order that no forest land will be transferred to the Kerala State Electricity Board (KSEB) on a permanent basis or dis-reserved. Hence the area handed over to KSEB was not dis-reserved and legally the area with KSEB has the status of Reserve Forest. The present land area with KSEB is 174.3403Ha. reducing the 47.73Ha handed over to Idukki Development Authority (IDA) on 25.06.1998 and 11.70 Ha handed over to Jawahar Navodaya Vidyalaya on 21.12.1998. As a matter of fact above areas were not surveyed or demarcated G.O. No.19/06/ F&Wid dated 31.03.2006 requires KSEB to entire into an agreement for the lease of forest land handed over for the purpose of Idukki Hydro Electric Project.

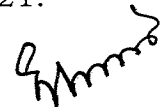
..2..

3. Idukki District was created during 1972 with Headquarters at Kottayam. Later in 197, the headquarters was shifted to Panaivu. As per SRO No.900/80, published vide G.O.(MS) No.240/80/LA & SWD dated 26.09.1980, the Government of Kerala approved and promulgated the Idukki township Area Development Scheme as per G.O. (MS) No.346/80/AD dated 27.09.1980, sanction was accorded to the Chief Conservator of Forest to hand over the required forest land in the Idukki Township area to the Idukki Township area to the Idukki Development Authority on the basis of the requisition made by the District Collector, Idukki pending formal land transfer.

4. It is submitted that some of these encroachments may be pre 1.1.1977 for which Government of Kerala has already taken decision to issue patta subject to joint verification by Forest and Revenue authorities. Construction in the forest land not transferred to the Idukki Development Authority or in the construction in the forest land not transferred to the Idukki Development Authority or in the construction free zone land already transferred to the Idukki Development Authority can be stopped only when Panchayat authority desist from issuing building permits electricity connection, house number etc., in such land. Encroachment is to the river by the public as well as by the Panchayat or other agencies needs to be surveyed. Verified action taken.

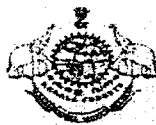
Therefore it is most humbly prayed that this Hon'ble Tribunal may be pleased to take the said Report filed by the Principal Secretary, Health and Family Welfare on Record and thus render justice.

Dated at Chennai on this the 9th day of March 2021.



(E. K. KUMARESAN)
Counsel for Respondent R1, R13 & R14
Standing Counsel for State
Government of Kerala
NGT (SZ) Chennai Bench.

GEORGI P. MATHACHEN IFS
Chief Conservator of Forests



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No. C5- 1517/2020

Dated : 05.04.2021

To

The Advocate General
High Court of Kerala
Ernakulam

Sir,

Sub :- Report of the Chief Conservator of Forest High Range Circle Kottayam
Before the national Green Tribunal in OA 268/17 for Ist respondent
filed by Sri A.P. Mathew, submitted on the basis of order dated
16.02.2021 - reg.

Ref :- 1. Order dated 12.02.2021 in OA 268/17 of Hon'ble Green
Tribunal.
2. Government letter No. F & WLD C1-86/20 FWLD dated
09.03.2021 and 27.03.2021.

Kind attention is invited to the subject as directed reference (1) above.
The report of the Chief Conservator of Forest High Range Circle Kottayam
Before the national Green Tribunal in OA 268/17 for Ist respondent filed by Sri
A.P. Mathew, on the basis of order dated 16.02.2021 of Hon'ble Green
Tribunal is enclosed herewith for filing it before the Hon'ble Green Tribunal on
my behalf. The case posted on 08.04.2021. Copy of orders referred above are also
enclosed.

Yours faithfully,


Chief Conservator of Forests

Copy: 1) PCCF FM
2) District Collector, Idukki

**REPORT OF CHIEF CONSERVATOR OF FORESTS, HIGH RANGE CIRCLE ON
BEHALF OF FIRST RESPONDENT IN O.A-268/17 FILED BY SRLA.P.MATHEW
BEFORE THE NATIONAL GREEN TRIBUNAL, SUBMITTED ON THE BASIS OF
ORDER DATED 16.02.2021**

The National Green Tribunal vide order dated 16.02.2021 has directed KSEB & Forest Department to submit separate report to the Hon'ble Tribunal on or before 08.04.2021 and the same is submitted as follows.

I. Forest Land with Kerala State Electricity Board Limited (KSEB)

The land involved in the Original Application was part of the Reserve no.60 known as Nagarampara Reserve notified in Government Gazette dated 24.06.1902 under section 18 of Regulation II of 1068. The total area of the Nagarampara Reserve was 130 Sq.Milesi.eapproximately 33670Ha. On the basis of the G.O.(MS) 761/64/Agri dated 11.11.1964, the following forest areas from the Nagarampara Reserve in the present Kottayam Forest division were handed over for the Idukki Hydro Electric Project.

[1] Reservoir area :5982 Ha.

[2] Land area:

a. Vazhathoppu area :	42.8600
b. Idukki dam area :	0.5500
c. Cheruthoni dam area :	1.6578
d. Kulamavu dam area :	2.6625
e. Area surrounding Kulamavu area:	66.0400
f. Idukki 220 KV line area :	85.0000
g- Paremavu area :	35.0000

Total Land area :233.7703 Ha.

Total area including Reservoir and land :6215.7703Ha.

As these forest areas were in the interior reserve forest, on the basis of the disagreement of the Chief Conservator of Forest, it was ordered in the above Government Order that no forest land will be transferred to the Kerala State Electricity Board (KSEB) on a permanent basis or dis-reserved. Hence the area handed over to KSEB was not dis-reserved and legally the area with KSEB has the status of Reserve Forest. The present land area with KSEB is 174.3403Ha

reducing the 47.73Ha handed over to Idukki Development Authority (IDA) on 25.06.1998 and 11.70Ha handed over to JawaharNavodayaVidyalaya on 21.12.1998. As a matter of fact the above areas were not surveyed or demarcated. G.O(MS) No.19/06/F&Wld dated 31.03.2006 requires KSEB to enter into an agreement for the lease of forest land handed over for the purpose of Idukki Hydro Electric Project.

1. The land with KSEB in the Nagarampara Forest Reserve is given on lease basis and KSEB has paid lease rent to Kerala Forest Department for the 174.3403Ha till 2016 after reducing the area handed over to Idukki development authority. This includes Paremavu area and Vazhathoppu colony Major portion of Vazhathoppu colony though included in the area handed over to Idukki Development Authority is retained by KSEB since it contains several of their establishments.
2. The lease area was neither surveyed nor demarcated. Survey and demarcation of forest land in possession of KSEB Ltd has been commenced on 21.02.2021 around Cheruthoni Dam area and is progressing well. Actual situation of encroachment in this area can be found only after the survey which is going on if finished. Other than this there are no major issues in KSEB lease land in Cheruthony area.

II. Land in possession of Idukki Development Authority (Now District Panchayath, Idukki)

Idukki District was created during 1972 with Headquarters at Kottayam. Later in 1976, the Headquarters was shifted to Painavu. As per SRO No. 900/80, published vide G.O(MS) No.240/80/LA & SWD dtd.26.09.1980, the Government of Kerala approved and promulgated the Idukki Township Area Development Scheme. As per G.O(MS) No.346/80/AD dated 27.9.1980, sanction was accorded to the Chief Conservator of Forests to hand over the required forest land in the Idukki Township area to the Idukki Development Authority on the basis of the requisition made by District Collector, Idukki pending formal land transfer. On the basis of the request of the District Collector for the formal orders transferring the forest land, Government accorded sanction as per GO(MS) No. 223/82/AD dtd 16.07.1982, for the disreservation and transfer of 689.04Ha, including 215Ha. of land occupied by registered holders, of forest land from the Nagarampara Range of

Kottayam Forest Division to the Revenue department for allotment to the Idukki Development Authority for the implementation of Idukki Township Area Development Scheme. But due to administrative delay followed by the enactment of the Forest [Conservation] Act, 1980, which came into force as on 25.10.1980, Forest department neither issued disreservation notification nor did it hand over the lands to the Revenue department. The question as to whether the transfer of land requires prior approval of the Government of India under the Forest [Conservation] Act was taken up with the Advocate General and the Advocate General had advised the Government that the notification in respect of the Idukki Township Development Plan was published on 26.09.1980 [i.e, before the Forest (Conservation) Act which came into existence on 25.10.1980]. Therefore, the Advocate General opined that approval of the Central government was not required in the case. Based on the above, the Government issued order for the transfer of 474.04 ha of forest land to the Idukki Development Authority without obtaining sanction from Government of India. In the mean time, there were encroachments in the land proposed to be handed over to Idukki Development Authority. Hence the extent of land transferred was further reduced to 322.97 ha, excluding the establishments in possession of forest department and land having encroachments. The land was transferred to the Idukki Development Authority as per proceedings No C9-60868/88 dtd. 10.09.1998 of the District Collector, Idukki. A joint mahazar was prepared by the Village Officer, Idukki, Tahasildar, Thodupuzha and the Deputy Town Planner for Secretary, Idukki Development Authority for transfer of the land on 16.09.1998. Breakup of the land is shown below;

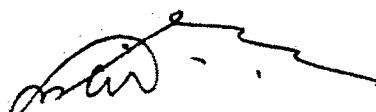
1.	Kuyilimala and Painavu	114.06.80Ha
2.	New Quarry	18.18.25Ha
3.	Paramavu 2	49.73.15Ha
4.	Paramavu 1	22.34.80Ha
5.	Vazhathoppu	41.88.72Ha
6.	No. 2 Colony	33.72.23Ha
7.	No. 2 Colony	43.03.42Ha
Total		<u>322.97.40</u> Ha

This 322.97.40Ha of land includes 47.73Ha of land in Vazhathoppe and 35 Ha land in Paramavu which was already leased out to KSEB. Government of Kerala winded up Idukki Development Authority as per GO (MS) 98/07/LSGD dtd. 30.03.2007, and ordered to transfer its

assets to the District Panchayath. The KSEB objected the handing over of the land to the Idukki Development Authority and its successor, the District Panchayath. The Government of Kerala constituted a High Power Committee to resolve the issue. The High Power Committee in its Second Meeting held on 15.12.2008 decided that KSEB can retain the permitted offices, staff quarters and store for project purposes.

1. The land utilization in the transferred land has been decided by the agency as per their developmental Plan. Even though the land has been ordered to be transferred to the agency before the institution of Forest Conservation Act, 1980, the actual transfer happened only in 1998. The area originally proposed for transfer in the G.O(MS)240/80/LA&SWD dated 26.09.1980 was already having about 215 Ha of occupied land. During the interim period between the order in 1980 and actual land transfer in 1998 there were further encroachments.
2. Some occupied lands in Vazhathoppu area has been regularised by issuing patta, data of which is not available with forest department. Other encroachments which are post 1.1.1977 have not been evicted. Encroachers are given building numbers by the Panchayath authorities without the consent of forest department. Similarly electric connections, telephone connections etc are also given. Forest department is not in a position to evict such encroachments, owing to strong protest. Eviction of such illegal encroachments could only be done with the help of Revenue, Panchayath and Police authorities.
3. Some of these encroachments may be pre 1.1.1977 for which Government of Kerala has already taken decision to issue pattas subject to joint verification by Forest and Revenue authorities. Constructions in the forest land not transferred to the Idukki Development Authority or in the construction free zone land already transferred to the Idukki Development Authority can be stopped only when Panchayath authority desist from issuing building permits, electricity connection, house number etc. in such land. Encroachments in to the river by the public as well as by the Panchayath or other agencies needs to be surveyed, verified and action taken.

4. Detailed survey of the land with KSEB, IDA, Forest Department and areas for which patta issued by Revenue Department are to be completed.



Chief Conservator of Forests
High Range Circle, Kottayam