BEFORE THE NATIOINAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI

Original Application No.112 of 2021 (SZ)

IN THE MATTER OF:

Tribunal on its own motion Suo Motu
Based on the news item published in
The New Indian Express Newspaper, Chennai Edition,
Dated 24.04.2021, under the caption
"CMRL Corridor to pass through Nanmangalam
Reserve Forest" .. Applicant (s)

Versus

1. The Chief Secretary to Government of Tamil Nadu,
   Govt. Secretariat, Fort St. George,
   Chennai, Tamil Nadu - 600 009.

2. The Secretary to Government of Tamil Nadu,
   Department of Environment & Forests,
   Govt. Secretariat, Fort St. George,
   Chennai, Tamil Nadu - 600 009.

3. Chennai Metro Rail Limited,
   Rep. by its Managing Director,
   Admin Building, CMRL Depot,
   Poonamallee High Road,
   Koyambedu, Chennai - 600 107.

4. Tamil Nadu Biodiversity Board,
   Rep. by its Secretary,
   TBGP Campus, 2nd Floor,
   Velachery - Tambaram Main Road,
   Nanmangalam, Medavakkam Post,
   Chennai - 600 100.

5. The Chairman,
   Tamil Nadu Pollution Control Board,
   No.76, Anna Salai, Guindy,
   Chennai, Tamil Nadu - 600 032.

6. The District Collector,
   Chengalpet District,
   Collector Office, GST Road,
   Chengalpattu - 603 001.

No. of Corrections: Nil

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7. Nanmangalam Village Panchayat,
Rep. by its Secretary,
No.2/602, Elumalai Road, Veeramani Nagar,
Nanmangalam, Chengalpet - 600 129. .. Respondent (s)

Status Report filed by the Principal Chief Conservator of Forests (Head of Department), Chennai.

I, Ashok Upreti S/o K.C. Upreti, aged about 58 years, presently holding the post of Principal Chief Conservator of Forests (Head of Department), Panagal Maaligai, Saidapet, Chennai-15 and do hereby solemnly affirm and sincerely state as follows:-

2) I respectfully submit that I am not the respondent herein. However, this status report is filed by me as ordered by the Hon'ble this Tribunal on 21.05.2021 and I am acquainted with facts of the case based on the circumstances of the case and the details available in the records.

3) I respectfully submit that the Original Application No. 112 of 2021 has been Suo Motu registered by this Hon'ble Tribunal on the basis of the newspaper report published in the New Indian Express, Chennai Edition dated 24.04.2021 under the caption " *CMRL Corridor to pass through Nanmangalam Reserve Forests".* It has been mentioned that, for the purpose of Chennai Metro Rail Phase-2 project, it has been proposed to draw the line in some part of the Nanmangalam Reserve Forest area, which has large biological diversity, flora and fauna like 500 species of plants, 125 species of birds, 69 species of butterflies, 9 species of mammals, 16 species of dragonflies and damselflies, 3 species of amphibians, 13 species of snakes and 12 species of reptiles. Further, the extent of forest land is likely to be converted for this

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purpose which may have some impact on the biological diversity as well.

4) I respectfully submit that it has also been mentioned that, in order to ascertain the genuineness of the allegations made in the newspaper report and also the present status of implementation of the construction of Chennai Metro Rail Phase – 2 project along Tambaram – Velacherry route, it has been directed the Principal Chief Conservator of Forests, Chennai to submit a report as to whether any proposal is pending with them in this regard for conversion of forest land for non-forest purpose and if so, what is the stage and whether any permission has already been recommended or not for this purpose and also it is directed the Chennai Metro Rail Limited to submit a report regarding the steps taken by them and its stage of implementation.

5) I respectfully submit that the Chief General Manager, Metro Rail Limited has requested to accord necessary permission for geo technical investigation by drilling bore holes and testing samples in corridor No. 5 from Kovilambakkm to Sholinganallur which falls along Nanmangalam Reserve Forest boundary of Tambaram Range. The request of the Chennai Metro Rail Limited was examined with reference to the Forest Conservation Act 1980 of Government of India, Ministry of Environment Forest & Climate Change, Forest Conservation Division, New Delhi in F number FC11/203/2019-FC, Dt.11.10.2019 and 10.01.2020. According to the Guidelines issued above, necessary permission was accorded to CMRL for carrying out 16 bore holes near Nanmangalam Forest area Compound Wall constructed along Medavakkam – Madipakkam road, over a period of 2 weeks from the date of commencement of the work imposing certain conditions.

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6) I respectfully submit that, after completion of the survey, the CMRL furnished the details of requirement of area and hence the area requested by the CMRL will be finalized after conducting actual requirement of the area after due survey of the area since the requirement of forest area is coming under reserve forest for which necessary proposals are to be uploaded under Forest Conservation Act 1980 for obtaining concurrence from Government of India under Section 2 of the Forest Conservation Act 1980

7) I respectfully submit that the Forest (Conservation) Act, 1980 came into force with effect from October 25, 1980. Prior approval of the Central Government is essential for diversion of forest lands for non-forestry purposes. As per orders of the Hon'ble SupremeCourt of India and Forest (Conservation) Act, 1980 guidelines, lands which are classified as "Forests" irrespective of its ownership attracts the provision of the Forest (Conservation) Act, 1980. The concerned User Agencies have to apply to the Principal Chief Conservator of Forests directly for such diversion through the designated web portal www.parivesh.nic.in.

8) I respectfully submit that Chennai Metro Rail Limited Chennai i.e. User Agency has uploaded online application under Section 2 of Forest (Conservation) Act, 1980 for diversion of fresh forest area of 1.569 ha in Nanmangalam Reserved Forests for Chennai Metro Rail Limited Phase II C5-06 Madhavaram to Sholinganallur corridor passing through Nanmangalam forest land for elevated metro Station under Proposal No. FP/TN/Rail/ 141594/2021, dated 21.04.2021.

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9) I respectfully submit that the Nanmangalam Reserve Forest of Tambaram Range was declared as Reserve Forest under section 16 of the Tamil Nadu Forest Act 1882 vide G.O.931, Dt.18.11.1890. The total area of the Reserve Forest is 273.75 Hectare. Out of this 273.75 Hectares, an area of 40.00 acres of land in Southern Portion of the Survey No. 273A of Nanmangalam Reserve Forest was placed at the disposal of the Quaid-e-milleth education and social trust vide G.O.Ms.No.479, Forest and Fisheries Department, Dated 17.05.1975. Since the entire area 40.00 acres has not been utilized by the Trust, the Government in G.O.(MS)No.226, Environment & Forests (FR.10) Department, Dated 25.09.2012 issued orders to resume the undeveloped area of 29.33 acres forest land from the above said Trust and this area of 29.33 acres was taken possession by the Forest Department on 19.10.2012 and only an area of 10.67 acres of Nanmangalam Reserved Forests is under the enjoyment of Quaid-e-milleth Educational Trust.

10) I respectfully submit that the CMRL Chennai has requested an area of 1.569 ha. in Nanmangalam RF as follows:

Sl.No.	Area	Proposed area for CMRL (in ha.)	No.of standing trees to be removed
1.	Nanmangalam RF	1.3521	88
2.	Area resumed from Quaide-e-milleth Education Trust to Nanmangalam RF (29.33 acres)	0.1016	
3.	Quaid-e-milleth Education Trust (10.67 acres)	0.1153	24
	Total	**1.569**	**112**

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11) I respectfully submit that, in the proposal, the user agency has reported that area required in forest area is 1.569 ha., and non forest land required for the project reported as Zero ha. The User Agency has proposed the forest area diversion for the project for a period of 99 years.

12) I respectfully submit that, the user agency has uploaded the kml file of the forest land proposed to be diverted in Google earth for the area of 1.569 ha., uploaded a portion of Survey of India topo sheet with marking of forest area proposed for diversion and uploaded geo-referenced map prepared for the project proposal along with geo-coordinates of the area.

13) I respectfully submit that, the User Agency has stated the following:

a) This project is likely to generate permanent/ regular employment for 325000 persons and temporary establishment for 125000 persons. This project does not involve displacement of people due to the project. Cost-benefit analysis for the project is not required. This project not requires clearance under the Environment (Protection) Act, 1986. The project or part thereof is not located in any protected area or their Eco sensitive zone. This project or a part thereof is not located in a Scheduled area.

b) Based on the guidelines issued in the Forest (Conservation) Act, 1980, Central Government Departments, Agencies and PSU were exempted to hand over equivalent non forest land as compensatory land. However, above Central PSU has to deposit the compensatory afforestation scheme cost in double the extent of degraded forest land

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identified by the Forest Department to carry out compensatory afforestation. Based on this, the user agency has to furnish undertaking to deposit the compensatory afforestation scheme cost as decided by the Forest Department.

14) I respectfully submit that proposal furnished by the user agency had been returned to the User Agency vide Principal Chief Conservator of Forests Ref. No. TS3/17316/2021, dated 04.05.2021 for the following shortcomings noticed in the proposal :

i) A copy of document in support of the competence/authority of the person making this application to make application on behalf of the user agency has to be uploaded under Section A-3.(xvi)(i) of Form A.

ii) Component wise break up details of forest area proposed for diversion.

iii) FRA certificate issued by the District Collector, Chengalpattu District has to be uploaded under Section K of the project proposal.

iv) The User Agency has stated that non-forest or revenue forest land is not required to be provided by the user agency and reason has been mentioned as "not applicable". Based on the guidelines issued in the Forest (Conservation) Act, 1980, Central Government Departments, Agencies and PSU are exempted to handover equivalent non forest land as compensatory land. Hence reason for non-identification of compensatory land has to be

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changed as Central Government / PSU instead of not applicable as recorded in the project proposal.

v) The certificate issued by the District Collector on non-availability of non forest land for the project has to be uploaded under the column of additional information details.

vi) Further following certificates/undertakings have not been furnished by the user agency to process the forest clearance proposal.

a) Area requirement statement for component wise works with length and width of the forest area proposed or Surveyed sketch with geo co-ordinates.

b) Undertaking to pay the cost towards scheme of Compensatory afforestation as fixed for the scheme.

c) Certified that there is no alternative non-forest land available for the project.

The User Agency is yet to resubmit the proposal through online. On receipt of forest clearance proposal in complete shape, further action will be taken to process the proposal under the guidelines issued in the Forest (Conservation) Act, 1980.

15) I respectfully submit that, following procedures laid down in the Forest (Conservation) Act, 1980 for processing the forest clearance proposal have to be adopted

a) On receipt of forest clearance proposal in complete shape and on uploading document, on uploading of acknowledgement for the receipt of acknowledgements received from the concerned District

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Collect and District Forest Officer, the proposal will be forwarded to the District Forest Officer for processing the proposal under Forest Conservation Act, 1980.

b) After field inspection, the District Forest Officer has to record his recommendation in the prescribed format along with necessary details, Compensatory Afforestation scheme and to forward the proposal to Conservator of Forests concerned and the same has to be forwarded with recommendation of the concerned Conservator of Forests to the Nodal Officer (Forest Conservation Act).

c) The Principal Chief Conservator of Forests has to forward the proposal along with the recommendation of Nodal Officer of Forest (Conservation) Act to the State Government.

d) The State Government has to forward the proposal to the Government of India, Ministry of Environment, Forests and Climate Change.

e) If the diversion area is below 40 hectares, the proposal has to be taken up at Regional Office at Chennai. Otherwise, it will be forwarded to Government of India, New Delhi office.

f) In the case of diversion of forest area is below 5 hectares, the proposal will be considered by the Regional Office itself. For the proposal of forest area diversion of above 5 hectares and below 40 ha, the Regional Empowered Committee constituted at Regional level will consider and approve the proposal and issue Stage I clearance with certain conditions if the proposal is viable.

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g) For the proposal involving Central Government Departments / Agencies / PSUs, rejection order has to be issued by Central Government only. Hence the forest clearance proposal furnished by the central Government Departments / Agencies / PSUs will be processed and forwarded with the recommendation of the State Government.

Therefore, in the above said reasons and circumstances explained, it is most respectfully prayed before this Hon'ble Tribunal to accept this status report and thus render justice.

Principal Chief Conservator of Forests
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Solemnly affirmed at Chennai on this day of July 2021 and signed his name in my presence.

Before me.

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