⊔താന്നാലാം കോളെ നിയാമുറുട പതിനൊന്നാം സമ്മേളനം

ാം ക്ഷേത്ര ചിഹാമിടാത്ത ചോദ്യം നവർ 407:

25.06.2018 ൽ മറുപടിയ്ക്ക്

കൊച്ചി - ധനുഷ്ടോടി ദേശീയപാത നിർമ്മാണം സംബന്ധിച്ച വനം വകുപ്പ് നിലപാട്

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ചോദ്യം ശ്രീ. പി.ജെ.ജോസഫ്	2— <u>-</u>
	അഡ്വ .കെ.രാജ
്ക്കു കൊച്ചി-ധനുഷ്ണോടി ദേശീയപാത 49 കടന്നുപോകുന്നത് വനഭ്രമിയില്ലുടെ യല്ല എന്നുള്ള നിലപാട് സർക്കാർ സ്വീകരിച്ചിട്ടുണ്ടോ. ഇത് സംബന്ധിച്ച് സർക്കാർ സുവ്രീം കോടതിയിൽ സത്യവാങ്മൂലം കൊടുത്തിട്ടുണ്ടോ: ആയതിന്റെ വിശദാംശങ്ങൾ വെളിപ്പെടുത്താമോ:	ുറ്റ് സ് പോകുന്നത് വനഭ്രമിയിലൂടെയല്ല _{ാമാന}
് ്രൂന്റ് റോഡുപണ്) നിലച്ചിരിയ്യന്ന	ബി) 10.04.2018 തീയതിയിലെ സ.ഉ.(സാധാം നം. & 674/2018/PWD സർക്കാർ ഉത്തരവിനെ ഇടർന്ന് സി) പുറമ്പോക്കിലൂടെയുള്ള റോഡു പണിയ്ക്ക് തടസ്സമിച്ചു.
(സി) ഈ ഭൂമി വനഭൂമിയാണെന്ന് ചൂണ്ടിക്കാ ണിച്ച് റോഡ് പണി തടസ്സപ്പെടുത്തുന്ന വകപ്പിന്റെ നിലപാട് തിരുത്തുവാൻ നടപടി സ്വീകരിക്കുമോ:	
ഡി) നാട്ടുകാരുടെയും സഞ്ചാരികളുടെയും (വ താത്പര്യം പരിഗണിച്ച്. ഈ റോഡ് കടന്നുപോകുന്ന കാർഡമം ഹിൽ റിസർവ് ഭ്രമിയിലെ മരം വെട്ടിമാറ്റി റോഡ്പണി തടസ്സം കൂടാതെ നടത്തു ന്നതിന് തടസ്സവാദങ്ങൾ ഒഴിവാക്കു വാൻ വനം വകുപ്പ് പ്രത്യേകം ശ്രദ്ധ ചെലുത്തുമോ?	ധി) പ്രസ്തൃത റോഡ് കടന്നു പോകുന്ന ചിന്നക്കനാൽ പുപ്പാറ വില്ലേജ്ചകൾ കേരള പ്രിസർവ്വേഷൻ ഓഫ് ട്രീസ് ആക്ട് പ്രകാരം വിജ്ഞാപനം ചെയ്തിട്ടുള്ളതാകയാൽ പ്രസ്തൃത മേഖലയിലെ മരങ്ങൾ വനം വകുപ്പിന്റെ അനമതി യോടെ മുറിച്ചുമാറ്റുന്നതിന് തടസ്സമില്ല.

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GOVERNMENT OF KERALA

PWD- Rehabilitation and upgradation work of NH 85 (old NH 49) from Bodimettu to Munnar - Clarification on forest clearance - Orders issued. PW(D)DEPARTMENT

G.O.(Rt)No.

674/2018/PWD Dated, Thiruvananthapuram, 10/04/2018

Read: 1 Letter no.CE/NH4/D4-4828 /2015 from Chief Engineer(NH)

- 2 Letter no. FC2-42531/2017 dated 30.01.2018 from Principal Chief Conservator of Forest
- 3 Letter no. DCIDK/8 73/2018 -E5 dated 07.02.2018 from District Collector Idukki

ORDER

As per letter read as first paper above the Chief Engineer(NH) has reported that the work for widening of the NH 85 (Old NH 49) from Munnar to Bodimettu was sanctioned by MoRTH at a cost of Rs.381 Cr and that the work has been awarded. Broadly, the scope of the work is to widen the existing road from 5.5-6 metres to 10 metres. Total length of the project road in Idukki District of Kerala is 42.283 KM. As per the terms of agreement with contractor, construction period is 730 days (24 Months). The scheduled date of completion falls on 31.08.2019.

It is reported that the DFO (Munnar) issued a stop on 09.10.2017 for not having concurrence under the Forest (Conservation) Act 1980. Consequently, the site activities are restricted to 14.18 KM out of 42.283 KM.

The Forest Dept contends that

 1740 metres of the road passes through Devicolam Fuel Reserve, which was notified in 1920,

- 24 km passes through CHR, and
- 30 metres through KDH Reserve (in respect of which they admit only the preliminary Intention Notification has been issued).

The Forest Dept states that in respect of item (i) above, since an area of only $1740m \times 4m = 0.60$ hectares is involved, clearance can be given at the State level. But in respect of item (ii), they state that clearance from MoEF&CC is required in view of the large area and as 405 trees in the CHR area have to be cut and removed for the road widening.

Furthermore, 18 villages in Udumbanchola Taluk in Idukki District have been notified under Section 5 of Kerala Preservation of Trees Act vide notification No.2356/D1/87/Forest dated notification covers all the areas notified as Cardamom Hill Reserve and prohibits felling of any tree, except when it is dangerous to life and property or when it is dead, decaying or is wind fallen. Chinnakkanal and Poopara Villages through which the road passes is covered by this notification.

District Collector, Idukki has reported in his letter third cited above that except for a small portion near the Pooppara town, the entire widening of the road is within the 'Road Puramboke' as identified in the land records of the State. In the Land Records, roads are demarcated as 'Road Puramboke'. The widening in question refers to the extension of black top of the existing road over the Road shoulders and the adjacent puramboke, which lies completely within the 'Road Puramboke' as demarcated in the land records. The documents used to fix the boundaries of the 'Road Puramboke' are the resurvey records of Chinnakanal and Poopara Villages. Resurvey in both

villages started on 26.08.1971 Chinnakanal was published in the Gazette as per the provisions of the Kerala Survey and Boundaries Act. Hence the 'Road Puramboke' is demarcation under the valid, а Act. boundaries of the 'Road Puramboke' is done based on the Litho map of 1908 and the Survey sketches (showing clear survey points) of the 1910-1918 period. The oldest survey sketch available is that of 1911. Hence it can be established that a road of the same width existed at least from 1908 onwards. The Forest Department has not made a case that the black top and road shoulders is Forest. Beyond the 'Road Puramboke' on the left and right sides are Government lands, Patta lands, Cardamom lease lands and Tea estates of Tata Tea and HML Limited. None of these lands are administered by the Forest Department. Nor has the Forest Department made any claims on this land.

It is further noted that in an affidavit filed by the Chief Secretary in IA No.1408/2005 in WP(C)No.202/1995 on 5.11.2007, it has been contended for Government of Kerala that CHR is not forest land, and that this is still under the consideration of the Supreme Court.

Government have examined the matter in detail on the basis of the reports furnished by the three Departments. It is concluded that the Munnar Bodimettu road has been an existence with clear boundaries shown as road puramboke from 1908 onwards, with Government lands, Patta lands, Cardamom lease lands and Tea estates of Tata Tea and HML Limited, none of which lands are administered by the Forest Department, on the left and right sides of the road. Hence the road is not forest land for which clearance needs to be taken.

Moreover, Government have made clear its stand in the matter of CHR in the affidavit filed by the Chief Secretary in IA No.1408/2005 in WP(C)No.202/1995 on 5.11.2007 that it is not forest land.

In the circumstances Government order that no clearance from the Forest Department with regard to the land is necessary.

However, as Chinnakkanal and Poopara Villages through which the road passes is notified under Kerala Preservation of Trees Act, permission for cutting and removing trees shall be taken from the Forest Department.

> By order of the Governor PAUL ANTONY CHIEF SECRETARY

To:- The Chief Engineer(NH), Thiruvananthapuram The Principal Chief Conservator of Forest

The Distric Collector, Idukki

The Principal Accountant General(Audit)/(A&E),

Thiruvananthapuram

GA(SC)Department vide item number

Information Officer (Web & New Media) SF/OC

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Forwarded/By order