

## COVERING LETTER

Date : 15 july 2016

To

State Level Environmental Assesment Authority  
Chennai,  
Tamil nadu.

Sub: - An application for obtaining Environment Clearance for The

Respected Sir,

In connection with above stated subject, The Highways Department (construction and Maintenance) state of Tamilnadu have been requiring Environment Clearance for the below project

Sl.No	Name of Work	Amount Rs. (in lakhs)
1	Widening from single lane to intermediate lane and improvements in km 6/0 to 15/0 of Chinnamanur to iravangalaru road via megamalai including, construction of culverts construction of gabbian wall and providing park bays.	2342.00
2	Widening from single lane to intermediate lane and improvements in km 15/0 to 25/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.	2585.00
3	Widening from single lane to intermediate lane and improvements in km 25/0 to 35/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.	2110.00

Based on The available records with the forest Department the proposed project falls under Category 'B'

Herewith the relating documents and application along with Form 1 is submitted.

Kindly Consider our Application and grant Environment Clearance for the project at the earliest

Thanking You.

**EXECUTIVE SUMMARY**

The project under consideration is the widening and improvements of the road from single lane to intermediate lane from Chinnamanur-Iravangalur in km 6/0 to 35/0. The project aims to lay the stretch of 29 kms of the road from Chinnamanur-Iravangalur which is about 35 kms, in megamalai village, Theni District, Tamilnadu. The road acts as the only livelihood connectivity for about 40000 people of 7 villages. The State highways is responsible for the execution of the above mentioned road work.

## **BACKGROUND INFORMATION**

### **Identification Of The Project**

The project under consideration is the widening and improvements of the road from single lane to intermediate lane from Chinnamanur-Iravangalur in km 6/0 to 35/0

### **Project Proponent**

The State highways, Construction and Maintenance, Theni Division, Government of Tamilnadu

### **Brief Description Of Nature Of Project**

The project is to relay the more than 100 years old existing road belonging to the highways department of Govt of Tamilnadu with reconstruction of culverts, parking bays, pipe culverts, Gabbion wall, side drains.

### **Need For The Project**

To provide road connectivity to 40,000 people of 7 villages for their livelihood and medical care, since there is no alternate route

### **Employment Generation**

The infrastructure project enables the generation of daily activities in the region, requiring labour from the regions near by. The project has generated a number of such opportunities for the local people.

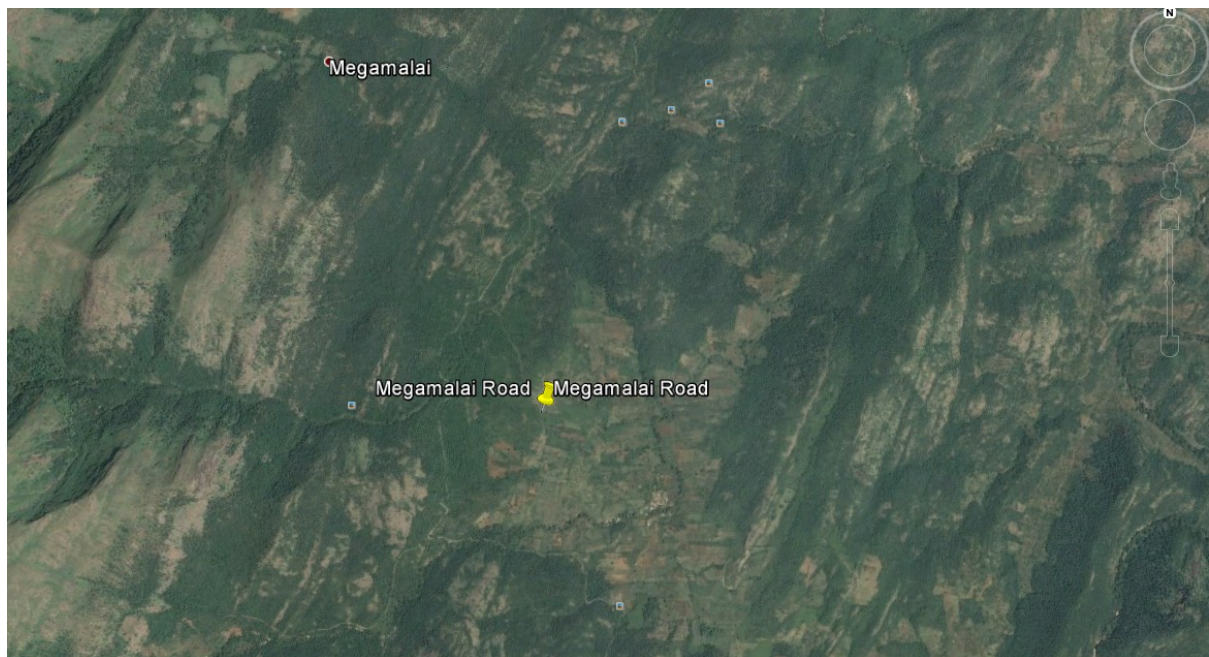
## **PROJECT DESCRIPTION**

## **Type Of Project**

The road work comes under independent infrastructure project development providing transport connectivity to people of seven villages. The project does not include any interdependent or interlinked projects.

## **Location**

The road connects Chinnamanur-Iravangalaru road to the megamalai village along with 6 other villages in the Theni District of the state of Tamilnadu.



## **Details Of Alternate Sites Considered**

The villages does not have any other alternative route to connect to the plains. The only available route is the route proposed in the project.

## **Size And Magnitude Of Operation**

The road extends from chinnamanur to iravangalar via megamalai to an extent of 35 kms of which the first 6 kms is in the plains and the rest fall in the hilly terrain.

## **SITE ANALYSIS**

## **Connectivity**

The proposed project connects the 7 villages of megamalai, manalaru, highwavys, melmanalaru, vennyaru, maharajan mettu and iravangalaru villages with chinnamanur.

## **Land Form, Land Use And Land Ownership**

The land used in the project is government poromboke land classified as Pathai or salai which has been in use for almost 100 years as road. The ownership is held by state highways. The right of way is 14 to 22 metres which is sufficient for widening the road work for 10m as proposed in the project.

## **Existing Land Use Pattern**

The Existing landscape is used as a road for more than the past 100 years. The various Government order viz

- a) G.O.Ms.No.97 dated. 20.03.2009 of the Revenue Department.
- b) G.O.Ms.No.304 dated 30.08.2012 of the Revenue Department.
- c) G.O.Ms.No.73 dated.13.02.2014 of the Revenue Department.
- d) G.O.Ms.No.44 dated. 21.01.2015 of the Revenue Department.

have stated that there is no valuable trees and these trees have to be removed during expansion of roads. From the available records in the forest department the road is neither part of the reserve forest nor wildlife sanctuary.

## **PLANNING BRIEF**

As per a)G.O.Ms.No.5 dated 14-01-2015 of Highways and Minor Ports Department and

b) G.O.Ms.No.27 dated 24-02-2015 of Highways and Minor Ports Department

the widening and improvements of the road from Chinnamanur to iravangalaru was sanctioned by the State Highways department of Tamilnadu.

## **PROPOSED INFRASTRUCTURE**

The proposed Infrastructure includes

- A) Widening from single lane to intermediate lane and improvements in km 0/0 to 6/0 of Chinnamanur to iravangalaru road via megamalai including construction of Minor Bridges, construction of culverts and junction improvements.
- B) Widening from single lane to intermediate lane and improvements in km 6/0 to 15/0 of Chinnamanur to iravangalaru road via megamalai including, construction of culverts construction of gabbian wall and providing park bays.
- C) Widening from single lane to intermediate lane and improvements in km 15/0 to 25/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.
- D) Widening from single lane to intermediate lane and improvements in km 25/0 to 35/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.

## **REHABILITATION AND RESETTLEMENT PLAN**

The proposed Project does not require eviction of any people or habitat since the proposed road is to provide improvements in an already existing road, hence the rehabilitation and resettlement does not arise for this project

## **PROJECT COST AND ESTIMATES**

Sl.No	Name of Work	Amount Rs. (in lakhs)
1	Widening from single lane to intermediate lane and improvements in km 0/0 to 6/0 of Chinnamanur to iravangalaru road via megamalai including construction of Minor Bridges, construction of culverts and junction improvements.	1030.00
2	Widening from single lane to intermediate lane and improvements in km 6/0 to 15/0 of Chinnamanur to iravangalaru road via megamalai including, construction of culverts construction of gabbian wall and providing park bays.	2342.00
3	Widening from single lane to intermediate lane and improvements in km 15/0 to 25/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.	2585.00
4	Widening from single lane to intermediate lane and improvements in km 25/0 to 35/0 of Chinnamanur to iravangalaru road via megamalai including , construction of culverts construction of gabbian wall and providing park bays.	2110.00
	Total	8067.00

## **ANALYSIS OF PROPOSAL**

People in the affected villages, have been representing for many years for laying of the road. Their demand is justified, since medical facilities and normal day-to-day work is affected in this era of good transport. The basic right of these people, have been denied to them for years together. The public of Megamalai Village, Associations and several Political Parties requested the Government to improve the road immediately. Also the State Transport Corporation, through letter dated, 21.01.2014, stopped the bus services to the villages due to the bad condition of the road.

Motoring in this badly damaged road becomes tough and risky and causes unimaginable hardships to the local inhabitants. The poor condition of the road has caused stoppage of trips of Govt transport system, and has caused many accidents. The monsoon is

about to start and it may adversely affect the condition of the road,which may make the condition of the road from bad to worse.

**THERE IS NO ALTERNATE ROUTE.** The Highways Department and the District administration are also concerned about the environmental impact and they are taking all the necessary steps to ensure that the environment is least disturbed and the forest trees are untouched.



## SUMMARY OF THE PROJECT

In the year December 2012, during the District Collectors and District Police officers conference, **the Hon'ble Chief Minister made an announcement that, "A road will be laid between Chinnamanur and Megamalai in Theni District"**, since the road was vital for the movement of the public, vehicular traffic, and visits of tourists. The existing road was not maintained by the M/S Tea Estates India Ltd, and hence the **Govt handed over the Poramboke land – Pathai to the Highways Department**, considering the public welfare and tourist development of the area.

The above said road started from Chinnamanur to an extent of 48.4 km and the same was in damaged condition for a very long time. The Govt had leased the land for 99 years to "The Tea Estate India Ltd" for formation and maintenance of road. Since the "The Tea Estate India Ltd" failed to maintain the road in a motorable condition, the Government cancelled the land assignment issued to the Private Tea Estate of the said area, by the following Government orders.

- a) G.O.Ms.No.97 dated. 20.03.2009 of the Revenue Department.
- b) G.O.Ms.No.304 dated 30.08.2012 of the Revenue Department.
- c) G.O.Ms.No.73 dated.13.02.2014 of the Revenue Department.
- d) G.O.Ms.No.44 dated. 21.01.2015 of the Revenue Department.

The Govt transferred the land to an extent of 85.98 acres of land classified as Govt Poramboke-Pathai to the Highways Department for improvement of the existing road.

The above G.Os clearly showed the following

- a) the above said land was used as road, and **did not contain any valuable trees.**
- b) **the land transferred to the Highways Department were classified as Govt Poramboke –Pathai and Salai. In the GO it is clearly mentioned that the trees were planted by the adjacent paatadhars and they have to be removed during the expansion of the roads.**

**The right of way of the road handed over to the Highways Department is available to an extent of 14 meter to 22 meter.**The culverts and minor bridges in the existing road were constructed with cutstone and are completely damaged . Hence proper drainage of water was not available. To reconstruct the culverts with departmental specifications ,widening of the road becomes absolutely necessary. The road edges on the valley side on the entire stretch of road has been fully eroded and it is not safe for motoring. Many accidents have occurred in the recent years.

**Based on these two important technical aspects ,**the minor bridges and culverts had to be properly constructed with a provision for the drainage system. Protective walls also have to be provided on the valley side of the road.These works are being carried out within 10 metres ,which is very **well within the Highways Boundary limits of 14-22 metres.**After reconstructing the minor bridges,culverts,side drains and protective walls the **black topping of the road will be done only for 5.5 metres.**

The Highways Department is carrying out the improvement works in the road **after obtaining due permission from the concerned authorities.**

i) **The wildlife warden,Megamalai wildlife sanctuary,Theni** by his proceedings dated. 03.09.2015, sanctioned permission to the Highways Department for the purpose of improvement and widening of the road from 0-35 kms,for a carriage way of 5.5 metres within the Highways boundary available for a width of 14-22 metres.

ii) **Theni District Hill area Tree Protection Committee and the District Collector” on Hill Area Trees Preservation Act,**

Headed by The District Collector ,with members as

a) Wildlife Warden, Megamalai Wildlife Sanctuary, Theni,

- b) Executive Engineer, Agri Engineering Department, Theni
- c) Thasildhar, Andipatti,

**permitted the Highways Department to cut and remove the trees in order to carry out road work.**

The existing road stretch from km 0/0 to km 6/0 passes through the plain terrain and km 6/0 to km 35/0) passes through hilly terrain. The right of way (RoW) available is 14 to 22 meter which is sufficient for the widening of road to Intermediate Lane (IL) standard. The traffic in this stretch is 3802 PCU. This road caters the movement for the inhabitants of **Megamalai, Manalaru, Highwavys, Melmanalaru, Venniyaru, Maharajan Mettu and Irvangalaru Villages** with Chinnamanur. **This is the only road which is providing connectivity to Town.** Even for Emergency Medical Aid, the public will have to come to Government General Hospital at Chinnamanur Town. Further the agricultural products, Tea products etc. are being transported through this road only, **and no alternate road is available.** This road is serving the purpose for about 40,000 people. All the seven village inhabitants have been making repeated appeals and protests for carrying out the road works, since their entire livelihood depends entirely on the above said road connectivity.

People in the affected villages, have been representing for many years for laying of the road. Their demand is justified, since medical facilities and normal day-to-day work is affected in this era of good transport. The basic right of these people, have been denied to them for years together. The public of Megamalai Village, Associations and several Political Parties requested the Government to improve the road immediately. Also the State Transport Corporation, through letter dated, 21.01.2014, stopped the bus services to the villages due to the bad condition of the road.

**The entire stretch of the road, belongs to the Highways Department, and is on one side of the mountains.** Megamalai reserve forest notification was issued on Tamil Nadu Gazette No.46, Chennai, Wednesday, November 25, 2009 in which there is no mention about this road because as per revenue records like FMB, A register, Survey Nos. the road is

notified as a series of survey nos. are noted as private patta road. From the available records maintained in the Forest Department and also as per records the road is neither part of reserve forest nor part of wildlife sanctuary. The said road was very much available even before the notification of Megamalai reserve forest dated 25.11.2009 and also prior to Forest Conservation Act, 1980. the road which has been in existence for so many years and it being used by the Britishers, Estate companies, labourers, General public for many years . The road has been used for more than 100 years .Part of the road from 0-35 kms is below 1000 metres above mean sealevel.

The Highways Department and the District administration are also concerned about the environmental impact and they are taking all the necessary steps to **ensure that the environment is least disturbed and the forest trees are untouched.**

The Highways Department,as a compensatory measure for cutting the trees for improvement of the road,are **progressively planting 10 times the number of trees removed** ,during the construction of the road.

**Motoring in this badly damaged road becomes tough and risky and causes unimaginable hardships to the local inhabitants. The poor condition of the road has caused stoppage of trips of Govt transport system.The monsoon is about to start and it may adversely affect the condition of the road,which may make the condition of the road from bad to worse.**

To summarise, the project consists of widening and improvements of the road from single lane to intermediate lane from Chinnamanur-Iravangalur in km 0/0 to 35/0 at a cost of Rs 8067.00 lakhs,with reconstruction of slab culverts,pipe culverts ,Gabbion wall,side drains and park bays.

## Annexure –Proposed TOR File

Divisional Engineer,Highways Department,Theni District,Tamilnadu

EC Application for widening and improvements of the road from single lane to intermediate lane from Chinnamanur-Iravangalur in km 6/0 to 35/0

Sl.No	EIA Structure	Contents
1	Introduction	<p>The project under consideration is the widening and improvements of the road from single lane to intermediate lane from Chinnamanur-Iravangalur in km 6/0 to 35/0.The project aims to lay the stretch of 29 kms of the road from Chinnamanur-Iravangalur which is about 35 kms,in megamalai village,Theni Distrct,Tamilnadu.The road acts as the only livelihood connectivity for about 40000 people of 7 villages</p>
2	Project Description	<p><b>The entire stretch of the road,belongs to the Highways Department.The right of way of the road is 14-22 metres,which is sufficient for widening of the road.</b>This road caters the movement for the inhabitants of <b>Megamalai, Manalaru, Highwavys, Melmanalaru, Venniyaru, Maharajan Mettu and Irvangalaru Villages</b> with Chinnamanur. <b>This is the only road which is providing connectivity to Town.</b> Even for Emergency Medical Aid, the public will have to come to Government General Hospital at Chinnamanur Town. Further the agricultural products, Tea products etc. are being transported through this road only, <b>and no alternate road is available.</b>The 35 km road starts from Chinnamanur to Iravangalar and is located in Theni District. <b>the project consists of widening and improvements of the road from single lane to intermediate lane from</b></p>

		<p><b>Chinnamanur-Iravangalur in km 6/0 to 35/0,with reconstruction of slab culverts,pipe culverts ,Gabbion wall,side drains and park bays.</b></p> <p>From the available records maintained in the Forest Department the road is neither part of reserve forest nor part of wildlife sanctuary. The said road was very much available even before the notification of Megamalai reserve forest dated 25.11.2009 and also prior to Forest Conservation Act, 1980</p> <p>The Highways Department and the District administration are also concerned about the environmental impact and they are taking all the necessary steps to <b>ensure that the environment is least disturbed and the forest trees are untouched.</b></p> <p>The Highways Department,as a compensatory measure for cutting the trees for improvement of the road,are <b>progressively planting 10 times the number of trees removed</b> ,during the construction of the road.</p>
3	<b>Description of the Environment</b>	This is a Govt Poramboke land and classified as Pathai-Salai with an area of 85.98 acres.Contains 122 non schedule trees..Permission have been obtained from the District Hill Area Tree Protection Committee and the Megamalai Wildlife Warden for felling of these trees during widening and improvements of the road.
4	<b>Anticipated Environmental Impact &amp; mitigation measures</b>	The project under consideration is to lay a new road on already existing road.The executive is keenly concerned about the environment and all the construction work are being carried out without disturbing the environment.As a compensatory measure for the trees felled ,the executive authority has started planting ten times the trees removed.Therefore there is minimal environmental

		impact.
5	<b>Environmental Monitoring Programme</b>	The forest officials are present during execution of the project,to safeguard the forest and the planted trees are frequently watered.
6	<b>Project Benefits</b>	To provide road connectivity to 40,000 people of 7 villages for their livelihood and medical care,since there is no alternate route
7	<b>EMP</b>	All the neccasary measures to mitigate and monitor the environmental impact have been carried out.The project is awaiting EIA approval
8	<b>Summary &amp; Conclusion</b>	<p>People in the affected villages,have been representing for many years for laying of the road. Their demand is justified ,since medical facilities and normal day-today work is affected in this era of good transport. The basic right of these people ,have been denied to them for years together. The public of Megamalai Village, Associations and several Political Parties requested the Government to improve the road immediately. Also the State Transport Corporation, through letter dated, 21.01.2014, stopped the bus services to the villages due to the bad condition of the road.</p> <p><b>Motoring in this badly damaged road becomes tough and risky and causes unimaginable hardships to the local inhabitants. The poor condition of the road has caused stoppage of trips of Govt transport system, and has caused many accidents.The monsoon is about to start and it may adversely affect the condition of the road,which may make the condition of the road from bad to worse.</b></p> <p><b>THERE IS NO ALTERNATE ROUTE.</b> The Highways Department and the District</p>

		<p>administration are also concerned about the environmental impact and they are taking all the necessary steps to <b>ensure that the environment is least disturbed and the forest trees are untouched.</b></p> <p>The Highways Department,as a compensatory measure for cutting the trees for improvement of the road,are <b>progressively planting 10 times the number of trees removed</b> ,during the construction of the road.</p>
9	<b>Disclosure of consultants engaged</b>	As of now no consultants have been engaged.The TOR application has been filed by the concerned executive authority



**BEFORE THE NATIONAL GREEN TRIBUNAL  
SOUTHERN ZONE, CHENNAI  
M.A.No.70 of 2016  
in  
Application No. 102 of 2016 (SZ)**

Applicant/s

M. Saravanan  
Villapuram, Madurai

Respondents

1. The Secretary to Government  
Environment & Forest Dept  
Chennai
2. The Principal Chief Conservator of  
Forest, Chennai
3. The Conservator of Forest, Madurai
4. The District Collector, Theni
5. The Wildlife Warden  
Meghamalai Wildlife Sanctuary,
6. The Superintending Engineer  
Highways Dept, Theni

Counsel appearing for appellant

M/s. M.R. Sivakumar

Counsel appearing for respondents

Mr. M.K. Subramanian  
And P. Velmani for R1 to R5  
Mr.Abdul Saleem, S.Saravanan  
Vidyalakshmi for R6

Date and Remarks	Orders of the Tribunal
Item No. 8 2 <sup>nd</sup> June 2016.	<p>The original application is for the purpose of prohibiting the respondents, particularly respondents 3 to 6 from illegally widening 35 km road stretch between Thenpalani and Highways in Theni District leading to Meghamalai.</p> <p>By our order dated 28.4.2016 taking note of the fact that for widening of the road in the hill of terrain, the respondents have not obtained EC as well as FC which was also appeared in "The Hindu" we passed an order of injunction against the respondents 3 to 6 from further proceeding with the widening of 35 km road stretch between Thenpalani and Highways in Theni District, including</p>

cutting of any trees, until further orders from this Tribunal.

The respondents 4 and 6 have filed the above M.A.70 of 2016 for vacating the said order. In the affidavit filed in support of the said application it is stated that permission from various authorities, including Revenue Department as well as the Forest Officers have been obtained for the purpose of widening the road, apart from stating that the revenue records maintained by the District Collector shows that the area is categorised as "Salai" and therefore it is not a forest area. With the above averments that "Salai" is a road poramboke which is not being part of the forest area, the above application for vacating the interim order has been filed. It is also stated that the roads leading to Meghamaai are in a highly dilapidated condition and it is impossible for the people working in the hilly terrain to reach the other place. It is also stated that the existing road stretch from km 0/0 to km 6/0 passes through the plain terrain and km 6/0 to km 35/0 from Thenpalani to Highways passes through the hill terrain. The right of way available is 14 to 22 m which is sufficient for the widening of road to Intermediate Lane standard.

As per the EIA Notification 2006, in the Schedule to the said Notification Clause 7(f) the 4<sup>th</sup> column deals with the State Highway Expansion Projects in hilly terrain (Above 1000 m AMSL) and or ecologically sensitive areas). Therefore, as per EIA Notification it is clear that in respect of hilly terrain, this place admittedly is a hilly terrain, the prior Environmental Clearance is required for the

purpose of widening of road, if it is belonging to State Highways. It is also admitted that the road which is already in existence is a State Highway. However, stretch of road from 0-6 km is stated to be in plain terrain which may not require any Environmental Clearance. In view of the admitted position that from 6-35 km area is a hilly terrain even if some of the portions are less than 1000 m height, EC is a required condition since SEAC has to make necessary study of impacts. This is relevant because it is the case of the applicant and also not disputed. In these hilly terrain there are always possibilities of soil erosion which leads to disastrous consequences, affecting the ecology of the area.

In such view of the matter, the interim order passed by this Tribunal is made absolute, however, subject to following conditions:

1. In respect of stretch 0-6 km, which is a plain terrain area, it is always open to the respondents to proceed with the work, however, without cutting the trees and in case of necessity only after obtaining permission from the authority competent.
2. In respect of 6-35 km which is hilly terrain, no expansion activity shall be carried on by any of the respondents, except after obtaining E.C., from the authority competent under the EIA Notification, 2006. This order does not prevent the respondents from maintaining by way of repair or otherwise of the existing road.
3. The above order shall be strictly complied with by all the respondents, particularly the 1<sup>st</sup> respondent shall ensure that

no breach of this order is effected and file a Status Report on the next date of hearing.

Accordingly, M.A.No.70 of 2016 stands disposed of.

The respondents shall file their reply in the main application within 3 weeks from today after serving advance copy to the learned counsel appearing for the applicant who shall be entitled to file rejoinder, if any, within two weeks thereafter.

Post the main application on 26.07.2016.

....., JM  
(Justice Dr.P. Jyothimani)

.....,EM  
(Shri P.S. Rao)

