

Subject : Forest Land-Buldhana.

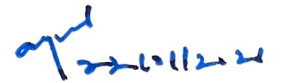
Diversion of 17.04 ha. Forest land for Rehabilitation and Up-gradation of Malkapur-Buldana-Chikhali-Deulgaonraja-Jalna NH-753-A Road, Section-I, from Chikhali to Takarkhed Bhagile from chainage km 68.900 to km 108.500 and Section-II, Takarkhed Bhagile to Jalna, chainage km 108+500 to km 153+160 to Four lane with paved shoulder in the State of Maharashtra.

PART - V

(To be filled up by the Secretary Incharge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

1. Recommendation of the State Government

The proposal is recommended
vide Government letter
No.FLD-2020/CR-241/F-10
Dated: 22.01.2021



(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Mumbai - 400032

Place: Mumbai.

Date: 22.01.2021

Government of Maharashtra

By Speed Post

No.FLD-2020/CR-241/F-10
Revenue and Forest Department,
Madam Cama Road,
Hutatma Rajguru Chowk,
Mantralaya, Mumbai - 400 032.
Dated: 22.01.2021

To,
Regional Officer (Central),
Integrated Regional Office,
Ministry of Environment, Forests & Climate Change,
Government of India, Nagpur-440 001.

Subject: Forest Land-Buldhana.

Diversion of 17.04 ha. Forest land for Rehabilitation and Up-gradation of Malkapur-Buldhana-Chikhali-Deulgaonraja-Jalna NH-753-A Road, Section-I, from Chikhali to Takarkhed Bhagile from chainage km 68.900 to km 108.500 and Section-II, Takarkhed Bhagile to Jalna, chainage km 108+500 to km 153+160 to Four lane with paved shoulder in the State of Maharashtra.

Sir,

The Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur has submitted the proposal for diversion of 17.04 ha. forest land for Rehabilitation and Up-gradation of Malkapur-Buldhana-Chikhali-Deulgaonraja-Jalna NH-753-A Road, Section-I, from Chikhali to Takarkhed Bhagile from chainage km 68.900 to km 108.500 and Section-II, Takarkhed Bhagile to Jalna, chainage km 108+500 to km 153+160 to Four lane with paved shoulder in the State of Maharashtra.

2. The details of forest land proposed for diversion are as under: -

Sr. No	Item work purpose	Name of Village	Taluka	Old Survey/Gut No.	New Survey/Gut No.	Length & width	Area (in ha)	Legal Status
1	proposal for diversion of 17.04 ha. forest land Rehabilitation and Up-gradation of Malkapur-Buldhana-Chikhali-Deulgaonraja-Jalna NH-753-A Road, Section-I, Chikhali to Takarkhed Bhagile Km 68.900 to Km 108.500 and Section-II, Takarkhed Bhagile to Jalna, Km 108+500 to Km 153+160 to	Ancharwadi	Chikhali	245	--	Irregular Shape	3.82	Reserved Forest
				332	--		0.16	
2		Andhera	Deulgaon Raja	353	--		0.17	
				279	--		0.11	
				278	--		0.42	
				1223	--		0.87	
				1222	--		1.02	
3		Dhotra Nandai	Deulgaon Raja	9	--		0.09	
4		Waki Budruk	Deulgaon Raja	39	187		1.67	

5	Four lane with paved shoulder in the State of Maharashtra	Deulgaon Mahi	Deulgaon Raja	75	--	0.71
6		Mehuna Raja	Deulgaon Raja	100	336	0.93
				101	337	0.18
				102	3396	2.08
				103	340	0.05
7		Aland	Deulgaon Raja	8	30	0.13
				79	309	0.27
8		Jawalkhed	Deulgaon Raja	31+32+33	185	0.97
				28+29+30	181	1.12
				127+128+129	180	2.27
Total Forest Area (in ha.)						17.04

3. The proposal has been initiated by the Executive Engineer, National Highway Division, Public Works Division, Akola for seeking approval under Forest (Conservation) Act, 1980. Considering the ever-increasing traffic demand on major link roads. This link is beneficial for exchange of traffic from one highway to another highway. As it acts as North-South Corridor in Maharashtra.

4. The Deputy Conservator of Forests, Buldhana Forest Division, Buldhana has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is minimum.
- 4.2 the area belongs to Eco-value class-III having density less than 0.01 (Open Forest)
- 4.3 there are 239 trees of various species involved in implementation of the Project.
- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- 4.6 there is violation of Forest (Conservation) Act 1980. The User Agency has violated over 14.36 ha. Forest area. In this context, offence has been booked by RFO Deulgaon Raja vide POR No.592/18 and 592/19, dated 30th November 2018 and RFO Buldhana vide POR No.678/5, dated 30th November, 2018 against Ex. Engineer NHAI, Akola. Also administrative action against the concerned Forest Officers and staff is initiated under MCSR, 1979 and is under process. The Violation Report is enclosed in the proposal.

4.7 the proposed area for the project is 34.50 km from the boundary of the Dnyanganga Wildlife Sanctuary.

4.8 the non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act, 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12.12.1996.

4.9 and proposed Compensatory Afforestation over 34.08 ha. degraded Forest land in Gut No.290 of Village Hivarkhed, Tahsil Khamgaon, Dist. Buldana and it is suitable for afforestation and free from encroachment.

5. **The User Agency has submitted an undertaking that:-**

5.1 agrees to defray the cost of compensatory afforestation.

5.2 agrees to defray the cost of Net Present Value of the forest land proposed under diversion.


5.3 the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in-principle approval.

6. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.

7. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur with additional following condition :-

'The Deputy Conservator of Forests, Buldhana shall carry out site inspection in consultation with Principal Chief Conservator of Forests (Wildlife) and suggest mitigation measures for free movement of Wildlife. Mitigation measures approved by Principal Chief Conservator of Forests (Wildlife) will be binding on the User Agency.'

The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government at earlier.


(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Mumbai - 400032

Encl: A) Set of case papers

The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Commitment from the Applicant for defraying the cost of compensatory plantation.
5. An undertaking of Project Authority for Net Present Value.
6. Brief note of the project from the project authority
7. Map of proposed land for Compensatory Afforestation
8. Site Inspection Report.
9. Violation Report.
10. Certificate in Part V.

Copy to:

1. Principal Secretary, Tribal Development Department, Mantralaya, Mumbai.
2. Principal Chief Conservator of Forests (Wildlife) Maharashtra State, Nagpur is hereby directed to carry out site inspection with concerned Deputy Conservator of Forests and to suggest mitigation measures for free movement of Wildlife.
3. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/NC/I/ID-12828/729/20-21, Dt. 04.11.2020.
4. Additional Principal Chief Conservator of Forests & C.E.O. (Maha-CAMPA), Maharashtra State, Nagpur.
5. Chief Conservator of Forests (T), Amravati.
6. **Deputy Conservator of Forests, Buldhana Forest Division is hereby directed to carry out Site Inspection in consultation with Principal Chief Conservator of Forests (Wildlife) and to suggest mitigation measures for free movement of Wildlife.**
7. Executive Engineer, National Highway Division, Public Works Division, Akola.
8. Select File F-10.