

Sub: Forest Land-Nanded.

Diversion of 13.20 ha. Forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed-Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (MSH-16 from Loha Km. 297/400 to Khanapur Phatak Km 371/900 of Nanded.

PART - V

(To be filled up by the Secretary In charge 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-2722/ CR-195/ F-10

Dated: 01/09/2022



(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

Place: Mumbai

Date: 01/09/2022

Government of Maharashtra

By Speed Post

No.FLD-2722/CR-195/F-10
Revenue & Forest Department,
Madame Cama Road,
Hutatma Rajguru Chowk, Mantralaya,
Mumbai- 400 032.
Date: 01.09.2022

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

Subject: Forest Land-Nanded.

Diversion of 13.20 ha. Forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed-Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (MSH-16 from Loha Km. 297/400 to Khanapur Phatak 371/900 of Nanded.

Sir,

The Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur has submitted proposal for 13.20 ha. Forest land in Nanded Dist. For Construction of Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed-Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (MSH-16 from Loha Km. 297/400 to Khanapur Phatak 371/900 of Nanded.

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

Area Statement for MDR-83-Part of Nila Junction to Khujda Junction Km. 0/00 to 34/750											
Sr. No	Purpose up gradation /Existing Chainage	Chainage		Village Name	Forest Compt. No	Survey No/ Gut No./ Comp. No	Forest Area Required				
		From	To				Length (Mtr)	Width (Mtr)	Area (Sq. Mtr)	Area (In Ha)	Lagal Status
1	26+300 to 28+500	26+300 (323+700)	28+500 (325+900)	Ambulga	548-C	179					
						243	2200.00	30.00	66000.00	6.6	R.F.
2	28+960 to 29+560	28+960 (326+360)	29+560 (326+960)	Savar gaon niphani	548-B	82					
						475	600.00	30.00	18000.00	1.8	R.F.
3	38+100 to 39+700	38+100 (335+500)	39+700 (337+100)	Kotgyal	547-B						
						7	1600.00	30.00	48000.00	4.8	R.F.
Total									13200 0.00	13.20	

3. The total non-forest area involved in the project is 210.3 ha. The User Agency has given justification for locating the project in forest land that the Government of Maharashtra wants to take up capacity augmentation and up-gradation of the existing State Highways in the State of Maharashtra to single lanes standards with enhanced safety standards to road users. The work needs to be taken up for construction corridor concept. In order to provide corridor includes strengthening (in addition reaches) standard would be essential. The Public Works Department of Maharashtra State has been entrusted with the assignment of Improvement Two lane road with paved shoulder from district border Loha-Kandhar-Mukhed Eklara-Khanapur-Narangal-Sagroli-Biloli-Kundalwadi-Dharmabad-to state border MSH-16 & SH-268 Project-AU104 (Msh-16 from Loha Km. 297/400 to Khanapur Phatak Km 371/900 of Nanded District. Which is passes through forest area of Kandhar and Mukhed Tq. Nanded Dist. So, the study was carried out for alternate route going to Ambulga, Savargaon Niphani Kotgyal for bypassing this forest area. After study and analysis, it is recommended the correct route of major state highway MSH-16 & SH-68 Ambulga, Savargaon Niphani Kotgyal is the best and shortest option. There is no alternate route available. So existing route of major State highway MSH-16 & SH-268 is the route connecting Taluka and Market Places i.e. Knadhar Mukhed and this is also useful for connecting route. Hence re-alignment is not possible in between these chainages Ch Km 297/400 to 371/900 Km. Since the entire Project is upgradation of existing ROW with some improvement in curve the land acquisition remain bare minimum.

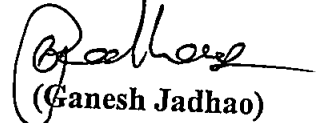
4. The Deputy Conservator of Forests, Nanded has certified that:-

- 4.1) No suitable alternate non-forest land is available and demand for the forest land is minimum.
- 4.2) Provisions of **Forest (Conservation) Act, 1980 and guidelines** under it **have been violated** in the proposed project. The detailed Violation report is enclosed in the proposal.
- 4.3) Compensatory Afforestation is proposed over 13.20 ha. Non-Forest land at Village-Gundawal, Tehsil-Mahur, Range-Mahur Survey/Gut No.70.
- 4.4) 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.
- 4.5) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 4.6) Proposed area is not included in National Park, Wild Life Sanctuary or Nature Reserve.
- 4.7) There are no cutting and felling trees involved in the project.
- 4.8) The Painganga Wildlife Sanctuary is at an approximate distance of 107.83 km. from area proposed for diversion.
- 4.9) The proposed area belongs to Eco value class-III, Dense Forest having density below 0.04.
- 4.10) CA Scheme for Ten years.

5. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal for approval under Section-2 (ii) of the Forest (Conservation) Act, 1980.
6. 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 subject the conditions proposed by the Principal Chief Conservator of Forests (HoFF) along with following additional condition:-

User Agency shall compensate the private stakeholders of forest land if any, in accordance with the prevalent laws, rules & guidelines.

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.


(Ganesh Jadhao)
Under Secretary to the
Government of Maharashtra

Encl: A) Set of case papers

B) 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 User Agency for defraying the cost of Compensatory Afforestation, Net Present Value & Penalties
5. Brief note of the project from the project authority
6. Map of proposed land for Compensatory Afforestation
7. Site Inspection Report
8. Violation Report
9. Certificate in Part V.

Copy to:

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Aurangabad/ID-13165/787/2022-23, Dt. 30.06.2022.
2. Principal Chief Conservator of Forests & C.E.O. (Maha-CAMPA), Nagpur.
3. Chief Conservator of Forests (T), Aurangabad.
4. Deputy Conservator of Forests, Nanded.
5. Executive Engineer, PWD Division, Nanded.
6. Select File.