

## Government of Maharashtra

By Speed Post

No.FLD-1324/C.R.19/F-10

Revenue and Forest Department,

Mantralaya, Mumbai - 400 032.

Dated:-16.02.2024

To,

Deputy Director General of Forests (Central),

Regional Office, MoEF&CC,

Government of India, Civil Lines, Nagpur.

### Subject: Forest Land-Raigad

Diversion of Revised area 0.0081 ha. (0.0216 ha.) Reserve Forest land (Notified U/s.4 of Indian Forest Act, 1927) for Approach road to Private land in Survey No.10 (New Gut No.25) to Private land Gut No.32/3 of Village Karade Khurd, Tal. Panvel, Dist. Raigad in the State of Maharashtra. (FP/MH/Approach/152907/2022)

The Additional Principal Chief Conservator of Forests and Nodal Officer has submitted proposal for diversion of 0.0216 ha. Reserve Forest land (Notified U/s.4 of Indian Forest Act, 1927) for Approach road to Private land in Survey No.10 (New Gut No.25) to Private land Gut No.32/3 of Village Karade Khurd, Tal. Panvel, Dist. Raigad in the State of Maharashtra.

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

Sr. No.	Item Work Purpose	District	Taluka	Village	Survey No.	Length x Width (in meter)	Area (in ha)	Legal Status
1	Approach Road to Private land in Survey No.10 (New Gut No.25) to Private land Gut No.32/3 of Village Karade Khurd, Tal. Panvel, Dist. Raigad.	Raigad	Panvel	Karade Khurd	10, Gut No.25	18 X 4.5 (Originally Proposed 18 X 12= 0.0216)	0.0081	Reserve Forest (Notified u/s 4 of IFA, 1927)
Total Forest land required (in ha.)							0.0081	

2. The User Agency has submitted proposal for Approach road to develop the Private property for Residential/Social and Commercial purpose in Survey No.10 (New Gut No.25) to Private land Gut No.32/3 of Village Karade Khurd, Tal. Panvel, Dist. Raigad. As per the

Maharashtra Regional and Town Planning Act, 1965 and its development control rules, any access approach to any private or Government land has to be minimum 12 mtr. wide. Hence, 12 Mtr. wide is proposed in the proposal.

**3. The Deputy Conservator of Forests, Alibag has certified that:-**

- 3.1) No alternate alignment is possible and the forest land required is barest minimum.
- 3.2) The area belongs to Eco-value class-I having density is 0.1.
- 3.3) There is no tree felling involved in the project.
- 3.4) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5) Proposed project is not likely to affect any monumental site cultural, historical, religious, archeological or recreational importance.
- 3.6) There is no violation of Van (Sanrkshan Evam Samvardhan) Adhiniyam, 1980.
- 3.7) Proposed project is 2.618 Km away from the Karnala Bird Sanctuary and 1.609 Km away from Eco-Sensitive Zone of Karnala Bird Sanctuary. This project area is not included in Eco Sensitive Zone of Karnala Bird Sanctuary.
- 3.8) 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.
- 3.9) Proposed Compensatory Afforestation is over 1.00 ha. degraded forest land of reserved forest land in Survey No.1/0 (Gut No.46/0) at Village Karade, Tal. Panvel, Dist. Raigad and it is contiguous, suitable for afforestation & management purpose & it is free from encroachment and an encumbrances.
- 3.10) 3 Alternative alignment has been observed by the Deputy Conservator of Forests, Alibag Forest Division, Alibag. The Alternative 01 is most suitable for forestry point of view because not involved tree felling and minimum area required to proposal.

**4. The User Agency has submitted undertakings:-**

- 4.1 to defray the cost of Net Present Value.
  - 4.2 to defray the cost of Compensatory Afforestation.
  - 4.3 to submit compliance under FRA-2006.
5. The Deputy Conservator of Forests, Alibag Forest Division, Alibag has recommended the proposal for approval under Section-2 of the Van (Sanrkshan Evam Samvardhan) Adhiniyam, 1980.
6. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, has recommended the proposal subject to the conditions, given in his recommendations, under Section-2 (ii) of the Van (Sanrkshan Evam Samvardhan) Adhiniyam, 1980. His recommendations are enclosed in the proposal.

7. 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 Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. His specific recommendations are enclosed in the proposal.
8. It come to the notice of the State Government many individuals and institutions apply for diversion of forest land for approach road passing through the forest land, many times in area, having high density vegetation or area prone to erosion. User Agencies used to propose the width of the road ranging from 3 to 18 Meter, as per the prevailing conditions under MRTTP Act, 1966.

In order to avoid large-scale damage to the valuable forest resources and to comply with the basic principle of forest diversion as envisioned in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, recently Government of Maharashtra has taken conscious policy decision with respect to length & width of the approach roads in forest area, under section 154 of MRTTP Act, 1966 vide Government Resolution dated 09.01.2024. State Government has directed Planning Authorities as under:-

- a) Roads in forest areas having length of maximum 150 meter and width of 4.5 meter shall be considered as approach roads.
- b) If the width of the main road is less than 4.5 meter at the junction point of approach road connecting to it, forest department will allow the diversion of forest land only within the limit of existing main road at the junction point.
- c) Provided that, considering the factors such as site specificity, necessity and public importance of the project, Forest Department will have discretionary powers, it can decide / recommend / reject the cases for diversion of forest land for approach roads requiring more length and/or width specified above.

Government of Maharashtra has decided to allow the diversion of forest land for site specific approach road projects only within the limit of 4.5 meter width. However, Additional Principal Chief Conservator & Nodal officer had already submitted the proposal for diversion of 0.0216 Ha. forest land for the approach road vide letter dated 12.09.2022.

The instant proposal was kept in abeyance, as the policy decision was under consideration of the Government. Considering the time lapse already incurred and to avoid the further delay, State government is recommending the diversion of 0.0081 Ha. forest land considering the 4.5 Meter width only though, the document submitted by the user agency and authorities are for entire 0.0216 Ha. Proposal may be considered for Stage-I approval as there is only reduction in the width of road.

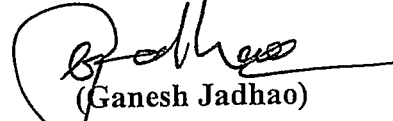
User Agencies and authorities will submit revised documents at the time of Compliance of the Conditions in Stage-I approval, if required.

9. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that 0.0081 ha. forest land may be allowed to be diverted under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, subject to conditions proposed by

the Principal Chief Conservator of Forests (HoFF) and Addl. PCCF & Nodal Officer, Nagpur as well as following additional condition:-

"User Agency shall submit the Record of Rights of proposed Compensatory Afforestation land, along with Stage-I compliance."

The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.



(Ganesh Jadhao)

Under Secretary to the  
Government of Maharashtra

Under Secretary  
Revenue and Forests Department  
Hutatma Rajguru Chowk  
Madam Cama Road, Mantralaya  
Mumbai 400 032

**Encl:** A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement
3. Undertaking for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project.
5. Site Inspection Report.
6. Certificate in Part V.

**Copy:**

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi.
2. Principal Chief Conservator of Forests (HoFF), Maharashtra Stage, Nagpur.
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur.
4. APCCF and Nodal Officer, Nagpur with reference to his letter No.Desk-17/Nodal/Thane/I.D-13627 (78)/1440/2022-23, Dt.12.09.2022.
5. Chief Conservator of Forests (T), Thane.
6. Deputy Conservator of Forest, Alibag Forest Division, Alibag.
7. Project Authority Dinesh Patel, 1209 V, Times Square, Plot No.3, Sector 15, Belapur, Navi Mumai-400614.
8. Select File (F-10)

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**PART -V**

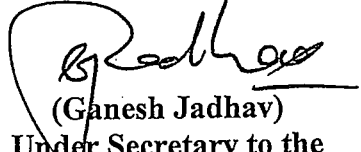
(To be filled up by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the State Government**

The proposal is recommended  
vide Government letter  
No.FLD-1324/C.R.19/F-10  
Dated:-16.02.2024

**Place:** Mumbai.

**Date:-** 16.02.2024

  
(Ganesh Jadhav)  
Under Secretary to the  
Government of Maharashtra  
Under Secretary  
Revenue and Forests Department  
Hutatma Rajwade  
Madam Cama Road, Chhatrapati Shivaji  
Mumbai 400 032