

**PART -IV**

**Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force)**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.: Deputy Engineer Gr-I, Engineering Division, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra (East) Mumbai submitted the proposal for construction of Pedestrian walkway (Skywalk) from Thane Railway Station to Vitava (Kalwa) Thane for which 0.016 ha forest land required under Section 2 of the Forest (Conservation) Act 1980 has been proposed by the User Agency. The details of Forest land proposed for diversion is as under :-

Village	Dist.	Sur. No	Legal Status	Area in Ha.
Chendani	Mumbai Suburban	Mangrove/ Un Served No	Mangrove	0.016

*Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 13A.*

Date : 22/02/2018  
Place : Nagpur

(B. S. Hudda)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer, Maharashtra State, Nagpur

*[Signature]*  
22/2/18  
*[Signature]*  
22.02.18

*[Signature]*  
22/2/2018

Construction of Construction of Pedestrian Walkway (Skywalk) from

Thane Railway Station to Vitava (Kalwa) Thane

Specific Recommendation of Principal Chief Conservator of Forests, Maharashtra State  
(Head of Forest Force) with regards to acceptance or otherwise of the proposal supported  
by reasons.

- 1) The proposal is for diversion of 0.016 ha of Mangrove land for construction of Pedestrian walkway (Skywalk) from Thane Railway Station to Vitava (Kalwa) Thane for safe walkway from Vitava willage to Thane Railway Station. Total non forest land involved in the project is 0.1671 ha). The details of land proposed for diversion is as under

Village	Dist.	Sur. No	Legal Status	Area in Ha.
Chendani	Mumbai Suburban	Mangrove/ Un Served No	Mangrove	0.016

The project has been initiated by Deputy Engineer Gr-I, Engineering Division, Mumbai Metropolitan Region Development Authority , Bandra Kurla Complex, Bandra (East) Mumbai for construction of Pedestrian walkway (Skywalk) from Thane Railway Station to Vitava (Kalwa) Thane.

p/28 Vitava village is located on Thane-Belapur road adjoining to Railway Track. Majority of people from Vitava village travel towards Mumbai, Kalyan and Navi Mumbai. Thane and Kalwa are the nearest railway stations available for the commuters from Vitava village. However, residents from Vitava village prefer to travel from Thane station as there are more number of trains. The distance from Vitava village to Thane railway station is about 2.90 km by road and takes about 20 to 25 minutes by bus/auto it also depends on traffic condition on the road and are expensive compared to suburban railway fares. Therefore commuters prefer to walk along the railway track by risking their lives to cut their long and circuitous road route to reach the Thane station. To save the precious human life, it was felt necessary to construct a skywalk or safe walkway from Vitava village to Thane Station.

MMRDA intends to implement the work of providing a ,pedestrian walkway from Thane Railway Station to Vitava (Kalwa) which will reduce the risk of the lives of the public who are forced to walk along the railway tracks. This project is a critical infrastructure project which is



beneficial to local population. Proposed site location is not notified as Forest land/Mangrove land, though the site location is surrounded by mangroves. The mangrove affected land is considered as Forest land as per Hon'ble Hight Court of Bombays order on mangroves. As per the said order MMRDA has submitted the proposal for diversion of 0.016 ha mangrove land for their project under Forest (Conservation) Act 1980.

The proposal has been submitted by CCF (T) Thane vide letter No Desk-10/FCA/CR-22/16-17/OW-195/17-18 dated 01/06/2016 and APCCF, Mangrove Cell Mumbai vide letter dated 31/08/2016 & 17/01/2018 alongwith following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 as well as per Government of India's instructions issued from time to time.

2) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that no suitable alternate non forestland is available other than 0.0160ha mangrove forest land for the proposed project and the demanded Mangrove land is the barest minimum.

3) Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai certified that there is no violation of Forest (Conservation) Act 1980 or its guidelines.

4) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the projected area is not included in the area of any National Park, Wildlife Sanctuary, or Nature Reserve Nearest boundary of SGNP is at 3.3 Km distance from proposed area for diversion.

5) The proposed area belongs to Eco-value class-I and density 0.4.

6) The User Agency has submitted an undertaking to defray the cost of Net Present Value of the forest land proposed for diversion.

7) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai certified that the non forest land involved in the project are not under provisions 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 the dictionary meaning of Forests as intimated to the expert Committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

8) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the proposed area is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

9) The project involves felling of 13 species of Mangrove. (Avicennia marina). Girth wise break up is as under-

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Tree Girth in Cms					
15-30	31-45	46-60	61-75	76-90	Total
04	06	01	01	01	13

10) Site Inspection Report of Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai is enclosed in the proposal on page no. 37.

11) The User Agency has submitted the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006. vide Collector Thane Certificate dated 06/01/2018.

12) The Divisional Forest Officer, Mumbai Mangrove Conservation Unit, Mumbai has proposed 01 ha degraded forest land of Gurvery No 109, at vill-Ghansoli, Tehsil & Distt-Thane for Compensatory afforestation is suitable for undertaking plantation from the management point of view and is free and all sorts of encumbrances and encroachment.

13) The User Agency has submitted the CRZ Clearance

14) The Chief Conservator of Forest, Mangrove Cell, Mumbai and Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai have recommended the proposal for approval.

In view of this, the proposal is recommended for approval under section 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions-


- The legal status of the land required will remain unchanged.
- Compensatory afforestation will be raised at the cost of the User Agency on 1.00 ha degraded forest land made available by the Forest Department.
- The forest land shall not be used for any purposes other than specified in the project.

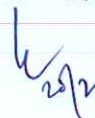



- iv. The User Agency will defray the cost of Net Present Value of 0.0160 Ha. of forest land as per the latest guideline of Government of India.
- v. The User Agency will defray the additional / revised cost of Net Present Value of forest land as per the latest Guideline of Government of India.
- vi. Any other conditions stipulated by Government at the time of submission of the proposal will be binding to User Agency.
- vii. The User Agency will defray the cost of felling of 13 trees in the area. However, only the required and minimum number of trees will be felled.
- viii. Permission of Hon'ble High Court, Bombay shall be obtained for implementing the project in mangrove areas as per Bombay High Court order dated 27/01/2010 in PIL No. 87/2006.
- ix. The User Agency shall obtain permission from the competent authority under CRZ Notification, if required.
- x. The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
- xi. The pedestrian walkway (Skywalk) will be allowed to be used by forest department.
- xii. Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.

  
Principal Chief Conservator of Forests  
(Head of Forest Force)

Maharashtra State, Nagpur

  
09.02.18

  
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09/02/2018

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Certified by ISO

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**Office of the Principal Chief Conservator of Forests (Head of Forest Force), Maharashtra State**

Additional Principal Chief Conservator of Forests and Nodal Officer,  
Maharashtra State, Nagpur

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001

Tel no. (0712) 2556916, Fax no. (0712) 2550675

E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in

**Sub.:-** Diversion of 0.016 ha of Forest land for  
for construction of Pedestrian walkway  
(Skywalk) from Thane Railway Station to Vitava  
(Kalwa) Thane.

No. : Desk-17/NC/II/ID12450 /( 60 )/ 3046 /2017-18

Nagpur – 440 001, Dated: 12/03/2018

To,  
The Secretary (Forests),  
Revenue and Forests Department,  
Mantralaya, Mumbai-32

**Ref:-** CCF (T) Thane vide letter No Desk-10/FCA/CR-22/16-17/OW-195/16-17 dated  
01/06/2016 and APCCF, Mangrove Cell Mumbai letter NoDesk-3/Land/3411/2017-  
18 dated 17/01/2018.

The project has been initiated by Deputy Engineer Gr-I, Engineering Division, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra (East) Mumbai for construction of Pedestrian walkway (Skywalk) from Thane Railway Station to Vitava (Kalwa) Thane. Total non forest land involved in the project is 0.1671 ha. The details of land proposed for diversion is as under :-

Village	Dist.	Sur. No	Legal Status	Area in Ha.
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	Suburban	Served No		

Vitava village is located on Thane-Belapur road adjoining to Railway Track. Majority of people from Vitava village travel towards Mumbai, Kalyan and Navi Mumbai. Thane and Kalwa are the nearest railway stations available for the commuters from Vitava village. However residents from Vitava village prefer to travel from Thane station as there are more number of trains. The distance from Vitava village to Thane railway station is about 2.90 km by road and takes about 20 to 25 minutes by bus/auto it also depends on traffic condition on the road and are expensive compared to suburban railway fares. Therefore commuters prefer to walk along the railway track by risking their lives to cut their long and circuitous road route to reach the Thane station. To save the precious human life, it was felt necessary to construct a skywalk or safe walkway from Vitava village to Thane Station.

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submitted the proposal for diversion of 0.016 ha mangrove land for their project under Forest (Conservation) Act 1980.

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- 4) The Divisional Forest Officer (Mangrove), Mumbai Mangrove Conservation Unit, Mumbai has certified that the projected area is not included in the area of any National Park, Wildlife Sanctuary, or Nature Reserve Nearest boundary of SGNP is at 3.3 Km distance from proposed area for diversion.
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- x. The User Agency has fulfilled the compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Rights) Act 2006.
- xi. The pedestrian walkway (Skywalk) will be allowed to be used by forest department.
- xii. Provisions of all Acts, Rules made there under and guidelines applicable to the project shall have to be strictly followed.

It is therefore requested that the Government of Maharashtra may kindly be moved to approve diversion of 0.016 ha. Forest Land in favour of Deputy Engineer Gr-I, Engineering Division, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra (East) Mumbai for construction of Pedestrian walkway (Skywalk) from Thane Railway Station to Vitava (Kalwa) Thane under section (ii) of the Forest (Conservation) Act 1980.

Encls : As above

**Draft Approved by**  
**Addl.P.C.C.F. & N.O.M. S.Nagpur**

  
**For Additional Principal Chief Conservator of Forests**  
**& Nodal Officer, Maharashtra State, Nagpur**  
12/03/18

Copy to Additional Principal Chief Conservator of Forests Mangrove Cell, Mumbai for information.  
Copy to Chief Conservator of Forests (T) Thane.  
Copy to Deputy Conservator of Forests Thane  
Copy to Divisional Forest Officer Mumbai Mangrove Conservation Unit  
Copy to Deputy Engineer Gr-I, Engineering Division, Mumbai Metropolitan Region Development Authority, Bandra Kurla Complex, Bandra (East) Mumbai