

Western Railway



Ankit Kumar, IRSE
Deputy Chief Engineer/C/III,
Mobile no: +91-9724091253

Office of the,
Dy. Chief Engineer (Const.)III,
Pratapnagar, Vadodara-04
Email: dycec3brc@gmail.com

No. BRC/W/115/22 (Forest)

Dated: 14.03.2024

To,
Additional Principal Chief Forest Conservator [Land Management]
Van Bhawan,
Madhya Pradesh
Bhopal - 462003

[Kind attention: Shri H. S. Mohanta]

Sub: Proposal for diversion of forest land 244.039Hec. for construction of New Railway Broad Gauge line between Chhotaudepur to Dhar. (Proposal No. FP/MPRAIL/154962/2022)

- Ref:**
1. EDS No. 6-MPR 015/2023-BRO Dated. 12.02.2024
 2. Your letter number no. F-5/1259/2023/10-11/1044, dated 15.02.24
 3. This office letter of even number, dated 15.02.24
 4. Meeting held by Cabinet Secretary (Co)/ New Delhi on 05.03.24
 5. Your letter number no. F-5/1259/2023/10-11/1388, dated 06.03.24 for conducting meeting on 12.03.24 in your office.
 6. Meeting held in your office on 12.03.24 in respect of reference [5] above.

Sir,

Apropos above and in specific reference to the discussions held during the meeting on 12.03.24 in your good office at Bhopal in respect of EDS, dated 12.02.24, containing total **four observations, item-wise reply/compliance/remarks from Railway side on information**, as desired by aforesaid EDS, and as discussed during the aforesaid meeting, **are submitted as under** for onward submission of consolidated reply from your end for disposal of the EDS, dated 12.02.24 as under reference [1] above:

1. Reg: Observation 1

The **revised KML** of proposed diversion area i.e. 244.039 hectare with the **Station area marked**, is **re-submitted** herewith as per discussions held in the meeting. This revised KML has since been duly checked by the concerned railway official and also got checked by the concerned officials of your office. The marking of station area [JAMANIYA] was shown on the screen during the meeting held on 12.03.24.

2. **Reg: Observation 2**

Benefit Cost Analysis, duly quantified in monetary terms along with benefit cost ratio duly signed by concerned Deputy Chief Engineer/Construction/III/BRC/WR is again re-submitted herewith as **Annexure: A**. Benefit cost ratio works out to be 2.93:1.

3. **Reg: Observation 3**

Necessary rectification has since been done with corrections thereon by the concerned DFO/Dhar and the same has since been **uploaded on the on-line portal**. Compliance of this item was informed during the aforesaid meeting, dated 12.03.24.

4. **Reg: Observation 4**

Observation under item 4 of aforesaid EDS, dated 12.02.24 was as under:

“The reply related to violation is not as per the provisions. The State Govt needs to initiate action in accordance with FCA and Rules taking action against the authority responsible for violation of FCA, 1980 and against the officials who have not been able to prevent violation of FCA, 1980. Detailed report needs to be submitted in this regard.”

In respect of above observation, detailed discussions were held during the meeting on 12.03.24 and following facts were brought into notice by Railway for consideration in finalizing the consolidated reply on above observation. :

- 4.1 The proposal involves total 244.039 hectare land which is equivalent to 24.499 km in linear length of the project from Jobat to Dhar [84.46 km]. Out of aforesaid land area of 244.039 hectare land, the land area of 6.654 hectare [2.73%], which is equivalent to 1.193 km only is alleged to be under violation.
- 4.2 The aforesaid 6.654 hectare area of land in linear length of 1.193 km falls in between Jobat-Dekakund [11.88 km] block section which is targeted for commissioning by Railway along with the next block section Dekakund – Tanda Road [15.70 km] involving 5.528 hectare of forest land in a linear length of 0.912 km.
- 4.3 It is evident from the aforesaid position that out of aforesaid 27.58 km length of the project section from Jobat – Dekakund – Tanda Road, involving two block sections, which are targeted for commissioning, the total forest land delaying the commissioning of aforesaid two block sections, involves an area of 12.182 hectare [i.e. 6.654 + 5.528] in a total linear length of 2.105 km only which constitutes 7.6% of aforesaid 27.58 km length. The balance area of 231.857 hectare forest land is beyond Tanda Road railway station and upto Dhar involving linear length of 56.88 km.

4.4 As such, unless the construction work is done in aforesaid area of 6.654 hectare of forest land involving alleged violation for which the complete proposal of 244.039 hectare forest land is held up since April 2022 [29.04.22: Date of proposal in Parivesh portal] at the earliest, the block section from Jobat to Dekakund cannot be commissioned, apart from non-completion of works in onward block sections also which is causing inordinate delay in completion/commissioning of the whole project.

4.5 In respect of the aforesaid specific issue of alleged violation involving an area of 6.654 hectare land for which the complete proposal is stuck up, the relevant facts and records are submitted as under in chronology of events:

4.5.1 January, 2017 [Submission of proposal by Railway to Collector/ Alirajpur]

(i) At the beginning of execution of the project section from Jobat onwards, the aforesaid land of 6.654 hectare between Jobat and Dekakund stations located in two isolated stretches of chainage 77.952 to 78.040 [0.88 km] and Chainage 80.029 to 81.134 [1.105 km], thus involving total linear length of 1.193 km out of the aforesaid block section length of 11.88 km (between Jobat-Dekakund) was immediately required by railway to start from Jobat end towards Dekakund station, as the previous section upto Jobat was getting commissioned and the aforesaid next block section from Jobat to Dekakund was to be taken up for construction works.

(ii) The aforesaid land of 6.654 hectare was stated by the revenue authorities under their ownership as per their land records.

(iii) Accordingly based on revenue land records, **proposal for acquisition of the above land (6.654 hectare) was submitted by railway to Collector/Alirajpur on 13.01.17.**

4.5.2 January, 2018 [Issue of award by Collector/ Alirajpur]

- (i) Award was issued by the then Collector/Alirajpur on 30.01.18 for total land area of 9.792 hectare which included the aforesaid land of 6.654 hectare also. The award value was Rs 42,54,371/- [Copy of award in 8 pages is enclosed as **Annexure: B**]
- (ii) The aforesaid award involved an intervening period of about one year from date of submission of proposal by Railway to the Collector/Alirajpur in Jan 2017.
- (iii) The award amount of Rs. 42.54 lakh was paid by railway to revenue authorities for disbursement.

4.5.3 March, 2018 [Evaluation of Trees by forest officials]

- (i) **09.03.2018:** Forest Ranger/ Jobat's letter to DFO/ Alirajpur in respect of evaluation of trees. [copy of this letter on record is enclosed as **Annexure- C**]

- (ii) **10.03.2018:** A letter jointly signed by the then Forest Ranger/ Jobat, SDO/ Ajudnagar, Tehsildar/ Jobat, Senior Horticulture Development Officer, and addressed to DFO/ Alirajpur, which contains the details of the evaluation of the trees involving total cost of Rs 4,57,696 for 1010 trees [copy of this letter in 6 pages on record is enclosed as **Annexure- D**]
- (iii) The above two documents on record clearly demonstrates that the then forest officials were clearly aware of the above land area of 6.654 hectare for which they were evaluating the cost of trees. If the aforesaid land was pertaining to the forest department, then at that moment, the forest officials should have objected the ownership of land.

This simply demonstrates the fact that at the time of evaluation of trees and even after award of land by revenue authorities in January, 2018, the forest officials which were involved in evaluation of trees did not object that the above land did not belong to revenue and instead belonged to forest department.

4.5.4 January, 2019 [Award of tender for construction works]

Subsequently, with the authority of the above award, tender was awarded by Railway for construction work in above section on 25.01.2019.

4.5.5 April, 2019 [Start of physical execution of work in some stretch of 6.654 hectare land]

- (i) Subsequently, after award of tender on 25.01.2019, commencement of work under the awarded contract was started and physical work in some stretch of aforesaid land area of 6.654 hectare land started from April, 2019 as per date of measurement recorded as 20.05.2019 at page no 780001 of railway's Measurement Book no. BRC/7801 in respect of 1st running on-account bill. [copy of concerned page indicating date of 1st measurement is enclosed as **Annexure- E**].

4.5.6 April, 2022 [Application on Parivesh Portal]

- (i) When Railway approached the forest department in connection with submission of remaining forest land for the project from Dekakund to Dhar involving 237.385 hectare forest land in a linear length of 72.58 km, then the forest officials stated that that as per their KML details, the land area of 6.654 hectare between Jobat-Dekakund, which the railway had already acquired from revenue authorities way back in 2018, also belongs to forest department and the same must be included in the aforesaid proposal.
- (ii) Accordingly, on the insistence of the forest department, the proposal for 244.039 hectare including the aforesaid land area of 6.654 hectare for Stage – I forest clearance from state forest department was applied by Railway on "Parivesh portal" vide application no. FP/MP/RAIL/154962/2022, dated 29.04.2022.

4.5.7 October, 2022 [Stoppage of work by forest officials]

- (i) The work was completely stopped by forest officials in Oct 2022 stating that the aforesaid land pertains to forest and as such necessary permission is required to be taken as per the FCA Act.
- (ii) Since then, the work is stopped in the aforesaid land area of 6.654 hectare.

4.6 January, 2023 [Joint inspection by Revenue, Forest and Railway Officials]

4.6.1 In above matter, a joint inspection was conducted by the then revenue, forest and railway officials and a joint report dated 20.01.23, on record, duly signed by the aforesaid officials is enclosed herewith as Annexure: F which is addressed to Collector/ Alirajpur.

4.6.2 It is quite evident from the conclusions drawn in the aforesaid joint report, dated 20.01.23 duly signed by the then revenue, forest and railway officials that there was an issue of non-reconciliation of land records between revenue and forest records, which resulted in acquisition of above land by railway from revenue authorities.

4.7 The above facts and records clearly demonstrate that there was no negligence or willful intention/act on the part of the then Railway Officials to violate the FCA Act.

4.8 The then Railway Officials associated with the work were Shri Ranvijay Kumar, JE/Works and Shri Raj Kishore Choudhary, SSE/Works

5.0 It is requested that the consolidated suitable reply from your end in respect of EDS, dated 12.02.24 may please be submitted to Deputy Director General, MoEFCC, Bhopal at the earliest.

DA: As above

Your's sincerely,


(ANKIT KUMAR)

Dy. Chief Engineer (Construction)III,
Western Railway, Vadodara

Copy to: For kind information and necessary action

1. Deputy Director General MoEF Regional Office, Bhopal
2. Collector/ Alirajpur
3. District Forest Officer/ Alirajpur