



# भारतीय राष्ट्रीय राजमार्ग प्राधिकरण

(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)

## National Highways Authority of India

(Ministry of Road Transport and Highways, Govt. of India)

NHAI PIU – Shimla, House No. 1, Rishikesh Sadan, Shanti Kutia, Chakkar Shimla-171005, H.P.

Email: pdpiushimla@nhai.org; pdpiushimla@gmail.com | Phone: 0177-2633318



11008/3/2012/Forest/S-K/PIU-SML/18

05<sup>th</sup> April, 2022

To,

The Divisional Forest Officer,  
Shimla Forest Division (HP)

**Sub:** Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh. (Proposal no.: FP/HP/ROAD/120302/2021)

**Ref:** (i) RO, MOEF & CC, Shimla letter no. FC/HPB/06/13/2022 dt.23.03.2022.

Sir,

It is apprised that FCA case for diversion of 2.4589 ha. of forest land in village Kathali from R/D 127/450 to R/D 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh was uploaded on e-parivesh portal on 30.04.2021.

2. Now, Regional Officer, MoEF&CC, Shimla vide letter no. FC/HPB/06/13/2022 dated 23.03.2022 submitted few observation in respect to the subject cited FCA proposal. Parawise compliance of said conditions are as under:

Sr. No.	Observations raised by MoEF&CC, Shimla	Compliance by User Agency
1.	All the uploaded documents need to be authenticated by concerned DFO.	Documents authenticated by DFO, Shimla & uploaded on e-parivesh portal.
2.	The CA site has been proposed in NDPF Chanawag. The status of the same is required to be clarified whether it is wasteland under the Himachal Pradesh Got. Notification, 1952 or not. If no, then documentary proof with reference to the same may be provided. Abbreviation NDPF of the same may also be clarified.	Pertains to your office.
3.	In online, Part-1, para-B, Sr. No. 1 and 2, proposals mentioned pertains to Kiratpur-Ner Chowk highway. Therefore, same may be reviewed and relevant document be uploaded on the portal.	In this regard, it is apprised that Part-1, para B, Sr. No.1 is updated automatically on eparivesh portal. There is no such option showing edit/add on eparivesh portal for said part.  Hence the same cannot be changed by the User Agency.
4	In Part-I, Para-c, Forest Division name is written as Solan. The same may be reviewed and correct it accordingly as Division of extant proposal is Shimla.	Compliance done on e-parivesh portal.
5	The PROW (Proposed ROW) of road is taken as 30 meters on straight and 35 meter on curves. This may be clarified whether this PROW is existing ROW (EROW). The detailed EROW & PROW	It is hereby clarified that width of road (30 meters on straight and 35 meter on curves) as shown in Length & width certificate does not include existing ROW. It is further clarified that that width



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	along with Chainage wise area calculation and Linear Plan/Layout showing EROW and PROW be provided to this office.	<p>of road which is mentioned in length &amp; width certificate is of forest land. The same is revised/modified in the certificate. Copy enclosed.</p> <ul style="list-style-type: none"><li>• Further Chainage wise area calculation for PROW of road &amp; width of forest land on road is also enclosed.</li><li>• Further layout plan is also enclosed herewith showing the Existing ROW, PROW &amp; Forest Land.</li></ul>
6	A document regarding detail of existing road showing year of construction etc. along with documentary proof needs to be provided.	<p>It is apprised that this office vide letter no. 3184 dated 29.03.2022 requested Executive Engineer, HPPWD, NH Division, Solan to submit the proof showing year of construction of NH-05.</p> <p>In this regard, Executive Engineer, HPPWD, NH Division, Solan vide email dated 01.04.2022 submitted that "I am attaching the notification dated 04.04.1957 of MoRTH in which this portion upto 91 mile near shimla was with state of punjab and beyond that it was in Himachal Pradesh Union Territory". Copy of email &amp; notification of MoRTH is enclosed.</p> <p>From above notification, it is certified that highway construction was done prior to 04.04.1957</p>
7	The proposed diversion area is a part of original alignment of the proposal No. FP/HP/Road/4132/2013 which has already been approved by Gol, vide letter no. 8-11/2014-FC/2013 dated 03.12.2015. Therefore, requirement of the present diversion area/proposal needs proper justification.	<p>It is submitted that during the preparation of FCA proposal No. FP/HP/Road/4132/2013 there was dispute in proposed area in village Kathali regarding the ownership of land between Forest Department &amp; Revenue Department.</p> <p>Accordingly, NHAI filed a petition in High Court Shimla vide CWP 5537 of 2020 titled as NHAI v/s State of HP &amp; others wherein Hon'ble High Court via judgment dated 08.12.2020 (Copy Enclosed) has issued following directions:</p> <ul style="list-style-type: none"><li>• "The Forest Department concerned shall forthwith purvey to the petitioner, the entire records appertaining to the enumeration of trees hence existing on the afore stretch of forest land and thereafter the petitioner authority, shall forthwith or with utmost promptitude hence proceed, to, inasmuch, as, within one month from today, and strictly in accordance with law, complete the markings of apposite sanctions.</li></ul>



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		<p>Upon permission being received from the Regional Office, Ministry of Environment, Dehradun, both for felling of trees existing upon the forest land and also for, conversion of the forest land, to non forest land or for its use for construction of road(s) thereupon, the petitioner authority shall proceed to forthwith execute the road construction activity and shall completely, complete it within six months".</p> <p>However, after the direction of High Court Shimla, the FCA case of said area is being taken up. (High Court direction dated 08.12.2020 enclosed)</p>
8	The FRA certificate along with all prescribed annexures including records of all consultations & meeting with Gram Sabha (s) & FRC (s) of all the concerned villages may be submitted.	In this regard it is hereby submitted that NHAI PIU Shimla vide letter no. 2896 dated 25.02.2022 requested DC, Solan for granting/providing the FRA certificate for subjected FCA case. The same is under process. Copy of letter enclosed.
9.	The proposed diversion area is recorded in the ownership of private owners and the same has been submitted for Forest Clearance. Therefore the same may be justified and clarified along with documentary proof.	<p>There is dispute in village Kathali from km. 127/450 to km. 128/250 between Forest Department &amp; Revenue Department due to which four laning work could not be started at said location.</p> <p>Accordingly, NHAI filed a petition in High Court Shimla vide CWP 5537 of 2020 titled as NHAI v/s State of HP &amp; others wherein Hon'ble High Court via judgment dated 08.12.2020 (Copy Enclosed) has issued following directions:</p> <ul style="list-style-type: none"> <li>• "The Forest Department concerned shall forthwith purvey to the petitioner, the entire records appertaining to the enumeration of trees hence existing on the afore stretch of forest land and thereafter the petitioner authority, shall forthwith or with utmost promptitude hence proceed, to, inasmuch, as, within one month from today, and strictly in accordance with law, complete the markings of apposite sanctions.</li> <li>• Upon permission being received from the Regional Office, Ministry of Environment, Dehradun, both for felling of trees existing upon the forest land and also for, conversion of the forest land, to non forest land or for its use for construction of road(s) thereupon, the petitioner authority shall proceed to forthwith execute the road construction activity and shall completely,</li> </ul>





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## National Highways Authority of India

(Ministry of Road Transport and Highways, Govt. of India)

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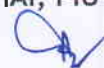


		<i>complete it within six months".</i>
10	Since large number of trees (177 trees and 978 saplings) are proposed to be felled in this proposal, therefore, State Government may find out the possibility to minimize the number of trees to be affected.	Since the highway work of Solan-Kaithlighat section of NH-05 is almost 50% completed & the proposed acquisition of forest land for highway construction is bare minimum & felling of 177 trees and 978 saplings in village Kathali can't be avoided.
11	As per the documents provided by Nodal Officer (FCA), Shimla the aerial distance from Shimla Water Catchment WLS and its notified ESZ is provided as is 14.1 kms & 13 kms respectively. However, according to DSS analysis, nearest PA is Chail WLS whose aerial distance is 6.08 kms. Therefore exact aerial distance of proposed site from Chail WLS and its notified ESZ be provide to this office	Aerial distance/Eco-sensitive zone certificate in respect of Chail Wild Life Sanctuary issued by Dy. Conservator of Forests, Wildlife Division, Shimla is enclosed.
12.	The details regarding capacity of each muck dumping site (original proposal) and quantity of muck to be dumped may be provided to this office.	The detail showing capacity of each muck dumping site (original proposal) and quantity of muck to be dumped is enclosed.
13.	Undertaking to the effect that no muck dumping area will be proposed in future for dumping in forest land for this proposal duly authenticated by DFO concerned is required to be submitted.	Undertaking enclosed.
14.	The copy of the page of the Working Plan mentioning that Working Plan prescription for the Forest Land proposed for diversion is "Biosphere Circle" may be submitted. The same should be duly authenticated by the concerned DFO	Pertains to your office.
15.	The revised NPV calculation sheet/bill as per the MoEF&CC order dated 06.01.2022 to be provided.	Pertains to your office.
16.	The title of the document is missing in Part-IV & V. Therefore, revised Part-IV and V recommendations to be provided.	Part-IV pertains to Nodal Officer (FCA), Shimla & Part-V pertains to State Government

3. In this regard, it is requested to take necessary action so that stage-I approval for diversion of forest land measuring 2.4589 hectare could be obtained at the earliest & encumbrance free land could be provided to the Contractor for starting the four laning work.

  
(Suresh Kumar Sharma)

GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla



Checklist No. 31

INFORMATION IN RESPECT OF ITEM LENGTH & WIDTH

**Full Title of the Project:** Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh.

Proposal no.: FP/HP/ROAD/120302/2021

Total length of the road	0.800 Kms.
Length of the road passing through forest land in village Kathali	0.800 Kms.
Width of the road passing through village Kathali including existing road.	Avg 40 on straight and Avg.45 mtr on curve
Width of the road passing through forest land excluding existing road.	Avg. 30 mtr. On straight and Avg. 35 mtr on curve.
Length of the road already existing/constructed out of the total length involved in the project.	NIL


C/s  
Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

(Suresh Kumar Sharma)  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

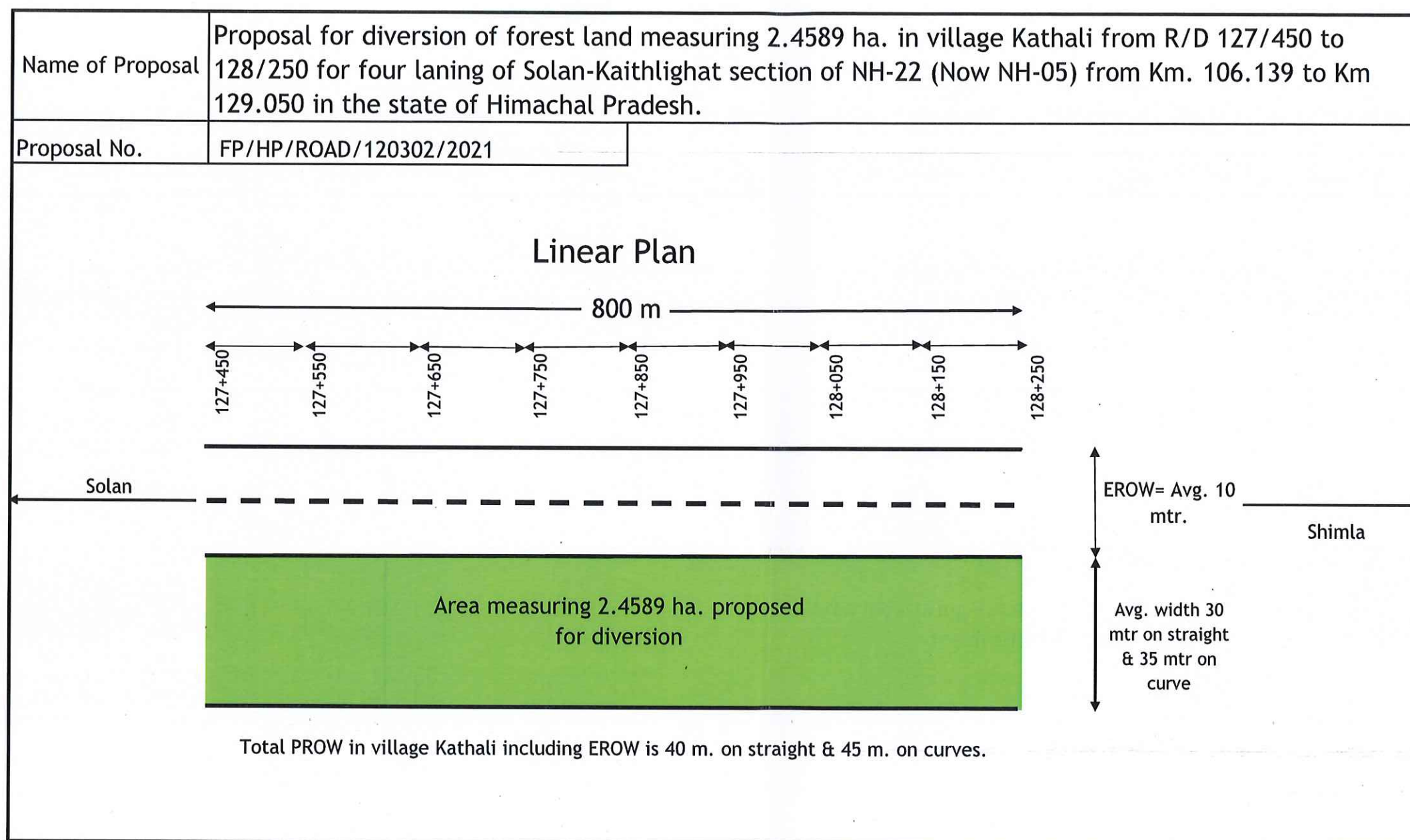
Name of Proposal	Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh.	
Proposal No.	FP/HP/ROAD/120302/2021	

### Chainage Wise Area Calculation

Sr. No.	Chainage		Length of road (m)	Avg. width of road passing through forest land (m)	Avg. width of EROW (m)	Avg. width of PROW in village Kathali including EROW (m)	Chainage wise approx. area of forest land (Sqm)	Chainage wise approx. area of PROW including EROW (Sqm)	Remarks
	From (km.)	To (km.)							
1	127+450	127+550	100	32	9	41	3200	4100	Straight alignment
2	127+550	127+650	100	30	9	39	3000	3900	
3	127+650	127+750	100	31	10	41	3100	4100	
4	127+750	127+850	100	31	11	42	3100	4200	
5	127+850	127+950	100	29	9	38	2900	3800	
6	127+950	128+050	100	35	10	45	3500	3500	Curve
7	128+050	128+150	100	28	10	38	2800	3800	Straight alignment
8	128+150	128+250	100	30	11	41	3000	4100	

  
 Divisional Forest Officer  
 Shimla Forest Division  
 SHIMLA

  
 Project Director  
 NHAI PIU Shimla  
 NHAI PIU-Shimla

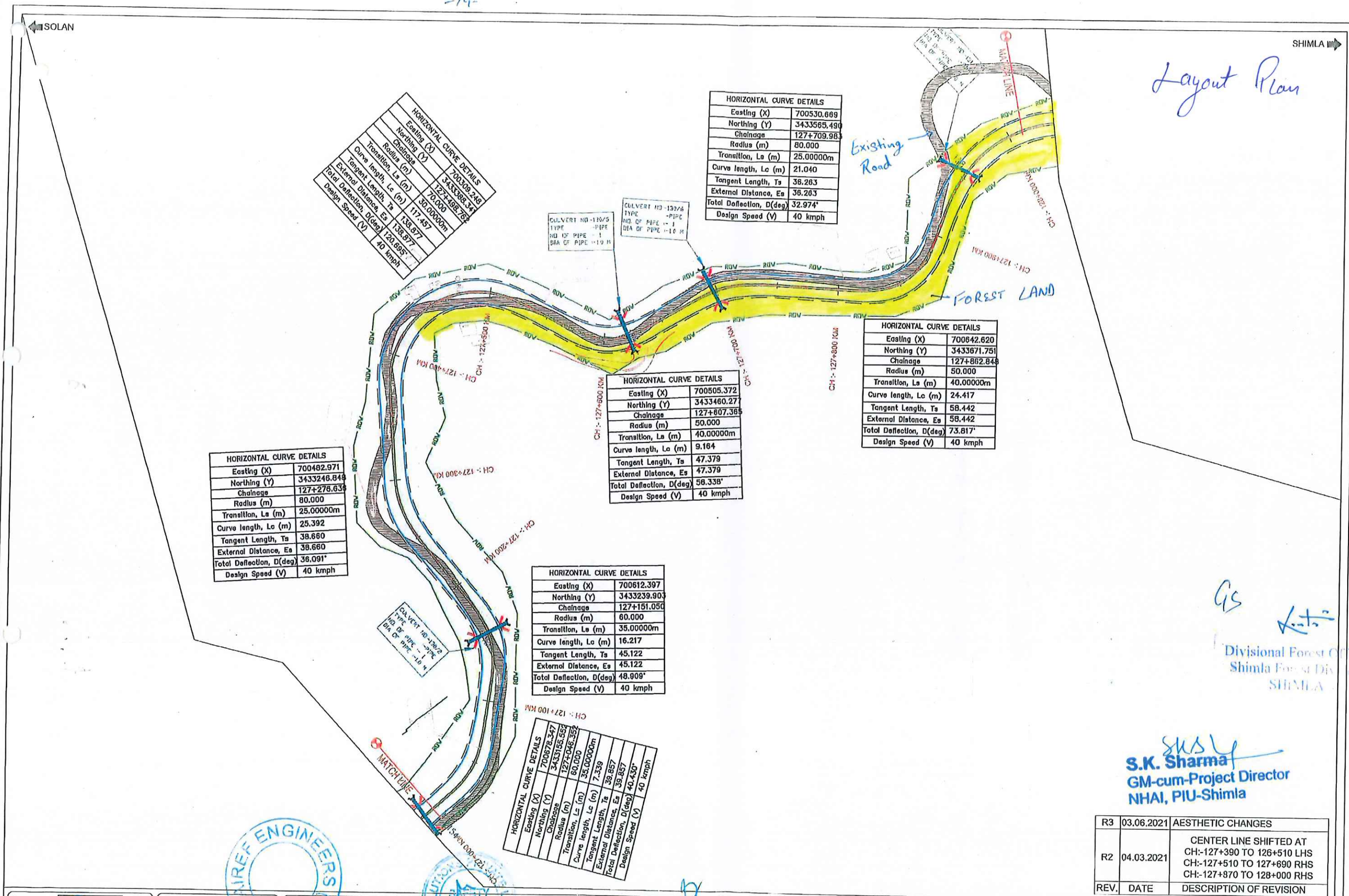


*S/S*  
 Divisional Forest Officer  
 Shimla Forest Division  
 SHIMLA

*S.K. Sharma*  
 S.K. Sharma  
 GM-cum-Project Director  
 NHAI, PIU-Shimla



# Layout Plan



HORIZONTAL CURVE DETAILS	
Easting (X)	700309.249
Northing (Y)	3433565.490
Chainage	127+709.98
Radius (m)	80.000
Transition, L <sub>t</sub> (m)	25.00000m
Curve length, L <sub>c</sub> (m)	21.040
Tangent Length, T <sub>s</sub>	38.263
External Distance, E <sub>s</sub>	38.263
Total Deflection, D(deg)	32.974°
Design Speed (V)	40 kmph

HORIZONTAL CURVE DETAILS	
Easting (X)	700530.669
Northing (Y)	3433565.490
Chainage	127+709.98
Radius (m)	80.000
Transition, L <sub>t</sub> (m)	25.00000m
Curve length, L <sub>c</sub> (m)	21.040
Tangent Length, T <sub>s</sub>	38.263
External Distance, E <sub>s</sub>	38.263
Total Deflection, D(deg)	32.974°
Design Speed (V)	40 kmph

HORIZONTAL CURVE DETAILS	
Easting (X)	700642.620
Northing (Y)	3433671.751
Chainage	127+862.848
Radius (m)	50.000
Transition, L <sub>t</sub> (m)	40.00000m
Curve length, L <sub>c</sub> (m)	24.417
Tangent Length, T <sub>s</sub>	58.442
External Distance, E <sub>s</sub>	58.442
Total Deflection, D(deg)	73.817°
Design Speed (V)	40 kmph

HORIZONTAL CURVE DETAILS	
Easting (X)	700505.372
Northing (Y)	3433460.27
Chainage	127+807.365
Radius (m)	50.000
Transition, L <sub>t</sub> (m)	40.00000m
Curve length, L <sub>c</sub> (m)	9.164
Tangent Length, T <sub>s</sub>	47.379
External Distance, E <sub>s</sub>	47.379
Total Deflection, D(deg)	58.338°
Design Speed (V)	40 kmph

HORIZONTAL CURVE DETAILS	
Easting (X)	700612.397
Northing (Y)	3433239.903
Chainage	127+151.050
Radius (m)	80.000
Transition, L <sub>t</sub> (m)	35.00000m
Curve length, L <sub>c</sub> (m)	16.217
Tangent Length, T <sub>s</sub>	45.122
External Distance, E <sub>s</sub>	45.122
Total Deflection, D(deg)	48.909°
Design Speed (V)	40 kmph

HORIZONTAL CURVE DETAILS	
Easting (X)	700878.347
Northing (Y)	3433155.552
Chainage	127+048.352
Radius (m)	60.000
Transition, L <sub>t</sub> (m)	35.00000m
Curve length, L <sub>c</sub> (m)	7.339
Tangent Length, T <sub>s</sub>	39.857
External Distance, E <sub>s</sub>	39.857
Total Deflection, D(deg)	40.430°
Design Speed (V)	40 kmph

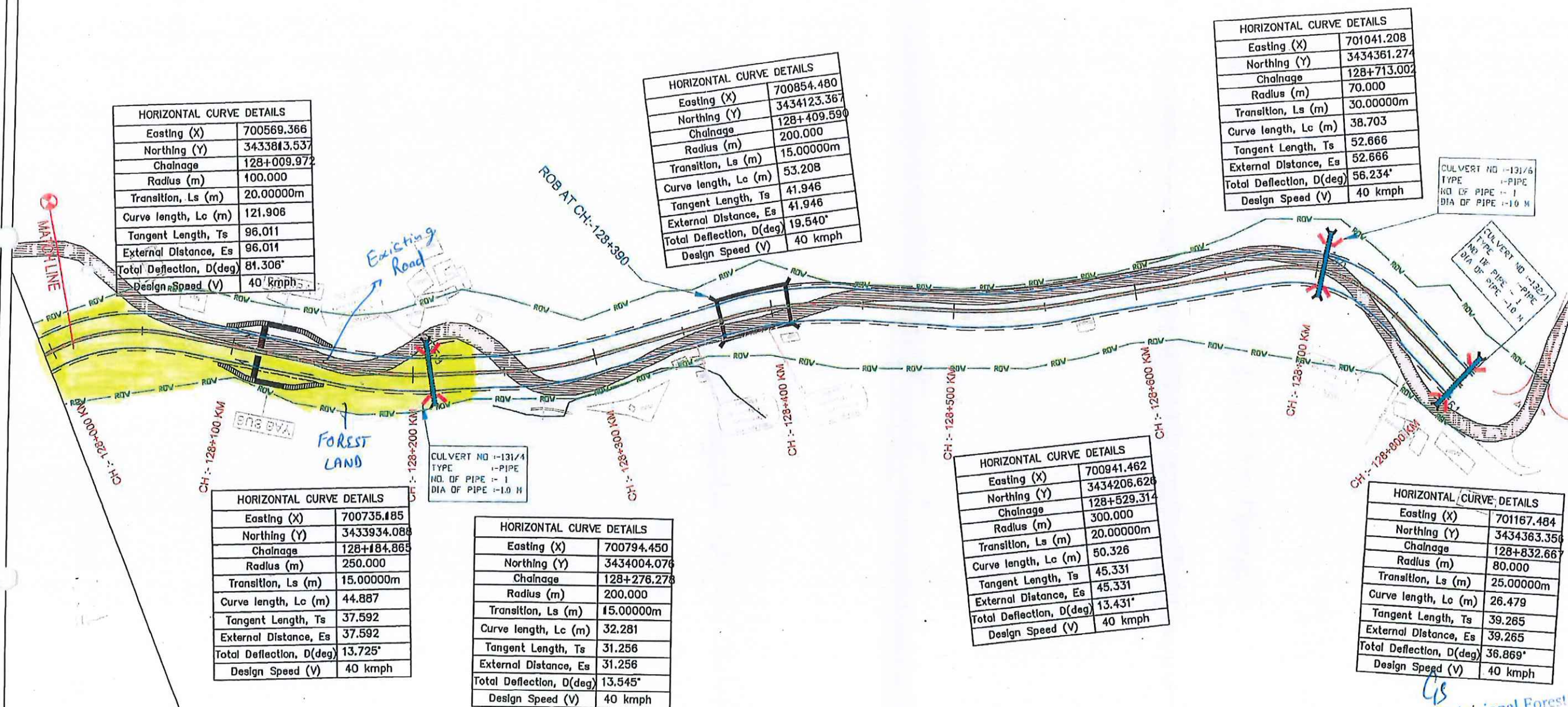
HORIZONTAL CURVE DETAILS	
Easting (X)	700482.971
Northing (Y)	3433246.848
Chainage	127+276.638
Radius (m)	80.000
Transition, L <sub>t</sub> (m)	25.00000m
Curve length, L <sub>c</sub> (m)	25.392
Tangent Length, T <sub>s</sub>	38.660
External Distance, E <sub>s</sub>	38.660
Total Deflection, D(deg)	36.091°
Design Speed (V)	40 kmph

Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

S.K. Sharma  
GM-cum-Project Director  
NHAI, PIU-Shimla

REV.	DATE	DESCRIPTION OF REVISION
R3	03.06.2021	AESTHETIC CHANGES
R2	04.03.2021	CENTER LINE SHIFTED AT CH:-127+390 TO 126+510 LHS CH:-127+510 TO 127+690 RHS CH:-127+870 TO 128+000 RHS





Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

REV.	DATE	DESCRIPTION OF REVISION
R3	03.06.2021	AESTHETIC CHANGES
R2	04.03.2021	CENTER LINE SHIFTED AT CH:-128+000 TO 128+050 RHS CH:-128+370 TO 128+730 RHS
R1	05.09.2020	ROW CHANGE AT CH:-128+410 LHS ROW CHANGE AT CH:-128+650 LHS

CLIENT:  
NATIONAL HIGHWAYS AUTHORITY OF INDIA  
(MINISTRY OF SHIPPING, ROAD TRANSPORT & HIGHWAYS)  
G-5/6, SECTOR-13, DWARAKA, NEW DELHI-110045

EPC CONTRACTOR:  
AIREF ENGINEERS PVT. LTD.  
JV  
Prakash Asphaltings & Toll Highways  
(India) Ltd.

AUTHORITY ENGINEER:  
CASTA ENGINEERS PVT. LTD.  
JV  
YOOSHIN ENGINEERING CORPORATION

SAFETY CONSULTANT:  
MASP

DESIGN DIRECTOR:  
AIREF ENGINEERS PVT. LTD.

PROOF CONSULTANT:  
CIVIL BABA Infra Consultant Pvt.Ltd  
GURUGRAM

PROJECT:  
FOUR-LANING OF SOLAN-KAITHLIGHAT  
SECTION OF NH-22 (NOW NH-5) FROM  
Km.106.000 TO Km. 129.050, ON EPC  
MODE IN THE STATE OF HIMACHAL  
PRADESH UNDER NHDP PHASE-III.

DRAWN BY  
DESIGNED BY  
CHECKED BY

TITLE:  
PLAN & PROFILE FROM CH:- 128+000 TO 128+800  
SCALE:  
1:30  
DRAWING NO:  
AEPL/NH-5/P&P/128

DATE:  
MARCH  
2021  
SHEET:  
01 OF 02  
REV:  
R 3

S.K. Sharma  
GM-cum-Project Director  
NHAI, PIU-Shimla



*Objection No. 6*

PD Shimla &lt;pdpiushimla@gmail.com&gt;

**Proposal for diversion of forest land measuring 2.4589 ha. in village kathali from R/D 127/450 to 128/250 for four laning of Sola-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh.**

Er Kulbir Singh Thakur <eenh-sol-hp@nic.in>  
To: pdpiushimla@gmail.com

Fri, Apr 1, 2022 at 11:18 AM

Dear Sir,

I am attaching the notification of MoRTH 1957 in which this portion upto 91 mile near shimla was with state of punjab and beyond that it was in Himachal Pradesh Union Territory.

Regards,

EE NH Solan

---

**From:** pdpiushimla@gmail.com

**To:** "Er Kulbir Singh Thakur" <eenh-sol-hp@nic.in>

**Cc:** "Chief Engineer NH Himachal Pradesh PWD" <ce-nh-hp@nic.in>, "Er. Archana Thakur" <hp-shi4@nic.in>, ashok36777@gmail.com

**Sent:** Monday, March 28, 2022 11:42:46 PM

**Subject:** Proposal for diversion of forest land measuring 2.4589 ha. in village kathali from R/D 127/450 to 128/250 for four laning of Sola- Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh.

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No. PL-7 (4)/57-II

Dated the 4th April, 1957

**NOTIFICATION**

SRO. 1179 In exercise of the powers conferred by article 239 of the Constitution, the President hereby directs that the functions in relation to the execution of works pertaining to each of the national highways described in column 2 of the Schedule hereto annexed shall be exercisable also by the Administrators of the Union Territories of Delhi and Himachal Pradesh within their respective jurisdiction subject to the condition that the Administrator shall, in the exercise of such functions, be bound to comply with the rules for the time being in force made under the National Highways Act, 1956 (48 of 1956).

**SCHEDULE**

S. No.	Description of National Highways.
1.	So much of National Highways No. 1, No. 2, No. 8, No. 10 and No. 24 as are situated within the Union Territory of Delhi.
2.	National Highway No. 22 from Simla and upto the border between India and Tibet near Shipkila situated within the Union Territory of Himachal Pradesh

No. PL-7 (4)/57-I

Dated the 4th April, 1957

**NOTIFICATION**

SRO. 1181. In exercise of the powers conferred by section 5 of the National Highways Act, 1956 (48 of 1956) the Central Government hereby directs that the functions in relation to the execution of works pertaining to each of the national highways described in column 2 of the Schedule hereto annexed shall be exercisable also by the State Government specified in column 3 of the Schedule against such highway, subject to the condition that the State Government concerned shall, in the exercise of such functions, be bound to comply with the rules for the time being in force made under the said Act.

**SCHEDULE**

Sl. No.	Description of the national highway	Name of the State Government
1	2	3
1.	So much of national highways No. 4, No. 5, No. 7, No. 9 and No. 43 as are situated within the State of Andhra Pradesh	State Government of Andhra Pradesh
2.	So much of national highway No. 31 as is situated within the State of Assam and national highways No. 37, No. 38, No. 39 and No. 40.	State Government of Assam
3.	So much of national highways No. 2, No. 6, No. 28 and No. 31 as are situated within the State of Bihar and national highways No. 28A, No. 30 and No. 33	State Government of Bihar
4.	So much of national highways No. 3, No. 4, No. 6, No. 8 and No. 9 as are situated within the State of Bombay and National Highways No. 8A, No. 8B and No. 50	State Government of Bombay
5.	National Highways No. 1A from approximately mile 125 (from Jullundur) near Jammu and upto Uri, except the Jawhar Tunnel and the approach roads thereto, as is situated within the State of Jammu & Kashmir	State Government of Jammu & Kashmir

- |   |                                    |
|---|------------------------------------|
| 6. So much of national highway No. 47 as is situated within the State of Kerala and National Highway No. 47 A   | State Government of Kerala         |
| 7. So much of national highways No. 3 No. 6, No. 7, No. 25, No. 26, No. 27 and No. 43 as are situated within the State of Madhya Pradesh  | State Government of Madhya Pradesh |
| 8. So much of national highways No. 4, No. 5, No. 7 and No. 47 as are situated within the State of Madras and national highways No. 45, No. 46 and No. 49   | State Government of Madras         |
| 9. So much of national highways No. 4, No. 7 and No. 9 as are situated within the State of Mysore   | State Government of Mysore         |
| 10. So much of national highways No. 5, No. 6 and No. 43 as are situated within the State of Orissa and National Highway No. 42   | State Government of Orissa         |
| 11. So much of national highways No. 1, No. 1A (from Jullundur and upto approximately mile 7½ near the Malakpur Canal Bridge), No. 2, No. 8 and No. 10 as are situated with the State of Punjab and national highway No. 22 from approximately mile 3 near Ambala and upto approximately mile 9½ near Simla | State Government of Punjab         |
| 12. So much of national highway No. 8 as is situated within the State of Rajasthan  | State Government of Rajasthan      |
| 13. So much of national highways No. 2, No. 3, No. 7, No. 24, No. 25, No. 26 No. 27 and No. 28 as are situated within the State of Uttar Pradesh and National Highway No. 29  | State Government of Uttar Pradesh  |
| 14. So much of national highways No. 2, No. 6, No. 31 and No. 31A as are situated within the State of West Bengal and National Highways No. 34 and No. 35   | State Government of West Bengal    |

113.3

No. PL-13 (2)/57

Dated the 10th April, 1958.

## NOTIFICATION

S.R.O. 568. In exercise of the powers conferred by sub-section (2) of section 2 of the National Highways Act, 1956 (48 of 1956), the Central Government hereby declares the Highway starting from its junction near Gobindpur with the National Highway No. 2 and connecting Dhanbad with Jamshedpur to be a National Highway.

The said Highway now declared to be a National Highway shall be deemed to be specified in the Schedule to the National Highways Act, 1956 at serial No. 24-A as National Highway No. 32.







भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(महक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road Transport and Highways, Govt. of India)

NHAI PIU - Shimla, House No. 1, Rishikesh Sadan, Shanti Kutia, Chakkar Shimla-171005, H.P.  
Email: pdpiushimla@nhai.org; pdpiushimla@gmail.com | Phone: 0177-2633318



11008/3/2012/Forest/S-K/PIU-SML/3184

29<sup>th</sup> March, 2022

To,

Executive Engineer,  
HPPPWD, NH Division, Solan

Sub: Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaitlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh

Sir,

It is apprised that FCA case for diversion of 2.4589 ha. of forest land for proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to R/D 128/250 for four laning of Solan-Kaitlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh was uploaded on e-parivesh portal on 30.04.2021.

2. Now, Regional Officer, MoEF&CC, Shimla vide letter no. FC/HPB/06/13/2022 dated 23.03.2022 (Copy Enclosed) submitted the following observation in respect to the subject cited FCA proposal:

Observation No.	Observations raised	Required
6	A document regarding detail of existing road showing year of construction etc. along with documentary proof needs to be provided.	Document showing the year of construction of NH-05 from Kandaghat to Shoghi

3. In this regard, it is requested to provide the reply of the above mentioned observation raised by Regional Officer, MoEF&CC, Shimla & submit the required documents for further processing of the subjected FCA case.

Treat it Most Urgent

Encl: As Above

(Suresh Kumar Sharma)

GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

Copy to:

(i) Chief Engineer (NH), HPPWD Shimla (HP)-for information & necessary action please.

GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

IN THE HIGH COURT OF HIMACHAL PRADESH SHIMLA

CWP No. 5537 of 2020.

Decided on : 8<sup>th</sup> December, 2020.

National Highway Authority of India

...Petitioner.

Versus

State of H.P. & others

....Respondents.

**Coram:**

***The Hon'ble Mr. Justice Sureshwar Thakur, Judge.***

***The Hon'ble Mr. Justice Chander Bhusan Barowalia, Judge.***

*Whether approved for reporting?<sup>1</sup> Yes.*

**For the Petitioner(s):**

Mr. K.D. Shreedhar, Senior  
Advocate with Ms. Shreya  
Chauhan, Advocate.

**For the Respondents :**

Mr. Ashwani Sharma, Addl.A.G. with  
Vikrant Chandel, Dy. A.G.

**Sureshwar Thakur, Judge ( Oral).**

The petitioner is engaged in the construction of four  
laning of road, commencing from Parwanoo to Shimla. The  
construction activity has reached upto a stretch located at  
Kathali village, whereat stands located hence forest land,  
nomenclatured, as, D-227 Raikot. In the afore stretch, there

<sup>1</sup> Whether reporters of the local papers may be allowed to see the judgment?



are about 2079 trees of various species. Though, in contemporaneity, vis-a-vis, the notification, made under Section 4 of the Land Acquisition Act, the jamabandi(s) appertaining to the afore stretch, depicted the private landowners to be in exclusive ownership, and, possession of the afore tract of land. However, subsequently, it appears from a perusal, of, the scribed instructions, placed on record, by the learned Additional Advocate General, that the forest department has become apprised/awakened that the afore stretch of forest land, has been erroneously recorded in the name of the private landowners, despite the forest department being the true owner of the afore stretch of land. It also appears from the afore scribed instructions, as, become, placed on record, that after confabulations being held inter se the authorities concerned, it being resolved, that a declaratory suit be filed before the Civil Judge, Kandaghat, for seeking a decree, for setting aside the purported erroneous entries, occurring in the revenue record, rather displaying the private landowners concerned, to be

owners in possession of the afore tract of land, the relevant portion of the minutes, of, the meeting, held on 5<sup>th</sup> February, 2020, stand(s) extracted hereinafter:-

"During the meeting, it was pointed out that this dispute will cause delay in executing the work of Solan Kaithlighat Four Lane Project executed by NHAI, which is a very important project for the State. After detailed deliberations, following decisions were taken:-

(i) The NHAI shall process the case for seeking approval of the diversion of additional land comprised in disputed portion coming in the construction of Four Lane under Forest (Conservation) Act, 1980 and the Forest Department shall expedite the diversion proposal at the earliest.

(ii) The Deputy Commissioner, Solan shall convene a meeting with the NHAI authorities and shall take an undertaking from them that if the ownership title of the said land is decided by the competent Court of law in favour of the local people, in that event, NHAI



will have to bear the compensation amount for making payment to the owners.

(iii) The Forest Department shall file a suit in the competent Civil Court for seeking correction of revenue entries in its favour."

2. Since, in pursuance to the notification issued under Section 4 of the Land Acquisition Act, the Land Acquisition Collector concerned, may not, given the dispute with respect to the entitlements of compensation, hence germinating inter se the private landowners, and, the forest department, hence proceed to determine compensation, qua the lands concerned, nor it would be judicially appropriate for this Court to make a direction, upon, the Land Acquisition Collector to make determination(s), of, the compensation amount(s), (a) as, thereupon, the effect, if any, of the judicial verdict rather contrary to the private landowners' espousal, would negate, all the effects, of, the afore determination of compensation, qua them by the Collector concerned, rendering hence the afore to be, a, nugatory recouring. Furthermore, also, at this stage, it

would be extremely hazardous, for, this Court, to direct the petitioner authority, to suo moto assess any interim compensation, nor also any directions can be made, upon, it to deposit the afore sums of compensation in the Registry of this Court, and, nor thereafter, at this stage, without for the afore reason any decision being made, by the competent authority concerned, vis-a-vis, the entitlements of the contesting litigants, to order for its disbursement to the purported legitimate disbursees thereto. In addition, another obstacle, besetting this Court, to make an affirmative order, upon, the extant petition, inasmuch, as, the Forest Department, and, other respondents concerned, being directed, to, permit the petitioner to proceed to undertake the construction activities in the afore stretch of forest land, (b) is, comprised in the fact that though enumeration of trees in the afore land rather has occurred, (c) however, the thereafter imperative processes, for ensuring valid felling(s), of the afore existing enumerated trees, upon, forest land, besides for permission being granted, for conversion of the forest land,



to, non forest land, inasmuch, as, for construction of the road thereon, are, to be yet initiated by the petitioner.

3. Consequently, the Forest Department concerned, shall forthwith purvey to the petitioner, the entire records appertaining to the enumeration of trees hence existing on the afore stretch of forest land, and, thereafter the petitioner authority, shall forthwith transmit them to the Regional Office, of, the Ministry of Environment, Dharadun, and, the latter upon receiving the afore, shall forthwith or with utmost promptitude hence proceed, to, inasmuch, as, within one month from today, and, strictly in accordance with law, complete the makings, of, apposite sanctions.

4. Upon permission being received from the Regional Office, Ministry of Environment, Dehardun, both for felling of trees existing upon the forest land, and, also for, conversion of the forest land, to non forest land or for its use for construction of road(s) thereon, thereupon, the petitioner authority shall proceed to forthwith execute the road construction activity, and,

shall completely, complete it within six months. However, the petitioner authority shall, upon, receiving the afore permission shall proceed to place on record, of the writ petition, and, shall also place before this Land Acquisition Collector, besides before the Civil Court concerned, a sworn affidavit by its responsible functionary, disclosing therein that as and when the dispute with respect to the entitlements to compensation, as, are underway inter se the litigants concerned, becomes fully rested, thereupon, compensation amount determined thereunders, shall be forthwith deposited before the Land Acquisition Collector concerned. It is also clarified that the Land Acquisition Collector, may not, till a decision becomes meted, upon, the civil suit concerned, proceed to determine compensation, in pursuance, to, the notification issued under Section 4 of the Act. With the afore directions the extant writ petition stands disposed of. Further, the learned Civil Judge (Junior Division), Kandaghat, is, directed to within nine months from today,



...8...

conclude the trial of the Civil Suit concerned. All pending applications also stand disposed of.

(Sureshwar Thakur)  
Judge

(Chander Bhusan Barowalia)  
Judge.

8<sup>th</sup> December, 2020.  
(jai)



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(राष्ट्रक परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road Transport and Highways, Govt. of India)

NHAI PIU - Shimla, House No. 1, Rishikesh Sadan, Shanti Kutia, Chakkar Shimla-171005, H.P.  
Email: pdpiushimla@nhai.org; pdpiushimla@gmail.com | Phone: 0177-2633318



11008/3/2012/Forest/S-K/PIU-SML/2896

25<sup>th</sup> February, 2022

To,

High Court Matter

Deputy Commissioner,  
Distt. Solan (HP).

**Sub:** Diversion of Forest Land measuring 2.4589 hectare in village Kathali for four laning of Solan to Kaithlighat section from R/D 127/450 to 128/250 in the state of Himachal Pradesh. (Proposal No. FP/HP/ROAD/120302/2021) reg. issuance of FRA certificate.

**Ref:** (i) High Court judgement dated 08.12.2020, in the matter of CWP No. 5537 of 2020.  
(ii) This office letter no. 2582 dated 18.01.2021.  
(iii) Asst. Inspector General of Forest letter no. F.No.11-9/98-FC (pt.) dated 05.02.2013

Sir,

It is apprised that the work of four lanning of Solan-Kaithlighat Section of NH-22 (Now NH-05) from Km. 106.139 to Km. 129.050, under NHDP Phase-III on EPC basis in the state of Himachal Pradesh was awarded to M/s AIREF Engineers (P) Ltd. Subsequently the appointed date for the project was fixed as 09.11.2018.

2. However, NHAI was unable to hand over the disputed land of 800m length from Km. 127/450 to Ch. 128/250 in village Kathali to EPC Contractor in view of the civil suit titled as "State of HP through Additional Chief Secretary (Forest), Govt. of HP & others vs Pankaj Kumar S/o Sh. Rudra Dutt & others". Subsequently leading to delay in the execution of the four-laning work and also attracting heavy penalty on NHAI for not handing over encumbrance free land to EPC Contractor within stipulated time frame.

3. Accordingly, NHAI filed a petition in High Court Shimla vide CWP 5537 of 2020 titled as NHAI v/s State of HP & others wherein Hon'ble High Court via judgment dated 08.12.2020 (Copy Enclosed) has directed the Forest Department to provide the entire records pertaining to enumeration of trees. Thereafter necessary permission has to be sought form the Regional Office, Ministry of Environment, Dehradun.

4. After receiving the requisite documents such as enumeration list, Non Availability of Non Forest Land Certificate & Jamabandi from the Forest Department & Revenue Department, Solan, NHAI has uploaded the subject cited FCA case measuring 2.4589 hectare in village Kathali on e-praivesh portal. Currently the case is pending with Nodal Officer, Shimla for Stage-I approval.

5. Further this office vide letter under ref (ii) requested your goodself to provide the Non Availability of Non Forest Land Certificate & FRA certificate regarding the





भारतीय राष्ट्रीय राजमार्ग प्राधिकरण  
(सड़क परिवहन और राजमार्ग मंत्रालय, भारत सरकार)  
**National Highways Authority of India**  
(Ministry of Road Transport and Highways, Govt. of India)



NHAI PIU - Shimla, House No. 1, Rishikesh Sadan, Shanti Kutia, Chakkar Shimla-171005, H.P.  
Email: pdpiushimla@nhai.org; pdpiushimla@gmail.com | Phone: 0177-2633318


subject cited FCA case. Accordingly, you have provided the Non Availability of Non Forest Land Certificate, however FRA certificate for the subjected FCA case is awaited till date.

6. It is pertinent to mention that the four laning work of Solan-Kaithlighat is a linear project and Asst. Inspector General of Forest vide letter under ref (iii) has clarified that *"where linear diversion of use of forest land in several villages are involved, unless recognized rights of PTG/PAC are being affected, are exempted from the requirement of obtaining consent of the concerned Gram Sabha(s)"*.

7. Hence in view of the above clarification vide letter ref (iii) and since Hon'ble High Court, Shimla is also monitoring the said case, it is again requested to kindly issue the FRA certificate for village Kathali measuring 2.4589 Ha. from Km. 127+450 to Km. 128+250 at the earliest to NHAI PIU Shimla so that the direction of Hon'ble High Court is complied with.


With Regards,

Encl: As Above

  
(Suresh Kumar Sharma)  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

Copy for information to:

- (i) Sub Divisional Magistrate, Tehsil Kandaghat, Distt. Solan (HP).
- (ii) Divisional Forest Officer, Distt. Solan (HP).

  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla

## **UNDERTAKING TO PROVIDE FOREST RIGHT ACT (FRA) CERTIFICATE**

I/Project Director of National Highway Authority of India at PIU Shimla H.P. here by undertake to provide the FRA Certificate at the time of submission of hard Copies of Proposed **C/O Proposal for Diversion of forest land measuring 2.4589 ha. in Village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaitlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050, under NHDP Phase -III in EPC basis in the state of Himachal Pradesh.**

*C/s K.T.*  
Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

*S.K. Sharma*  
S.K. Sharma  
GM-cum-Project Director  
NHAI, PIU-Shimla

No. WLM-102/ 23  
H.P. Forest Department,

Dated Shimla, the 02/04/2022

**From:** **Divisional Forest Officer,  
Wildlife Division, Shimla.**

**To:** **Suresh Kumar Sharma,  
GM(Tech.)-cum-Project Director ,  
NHAI, PIU-Shimla.**

**Subject:** Diversion of forest land measuring 2.4589 ha in village Kathali from R/D 127/450 to 128/250 for four laning of Solan – Kaitlighat section of NH-22(Now NH-05) from km. 106.139 to km 129.050 in the State of Himachal Pradesh. Reg. compliance of the observation raised by Regional office MoEf&CC , Shimla

Sir,


Kindly reference to your letter No. 11008/3/2012/Forest/S-K/PIU-SML/ dated 03/2022.

2. As per report sent by Range Forest Officer, SWC, Dhalli the aerial distance of the proposed above site is approx **8.89Km.** from Chail Wildlife Sanctuary and the aerial distance from Eco Sensitive Zone Chail Wildlife Sanctuary is approx. **7.64 Km.** The map depicting Wildlife Sanctuary , Eco Sensitive zone and proposed site with distance is enclosed herewith.

This is for favour of your kind information and further necessary action please.

**Note:** **This is only distance certificate and cannot be treated as NOC.**

Yours sincerely,

  
**Divisional Forest Officer,  
Wildlife Division, Shimla.**  
DIVISIONAL FOREST OFFICER, WILDLIFE DIVISION, SHIMLA-2



## Certificate

This is to certified that the aerial distance of proposed area is approx. **7.64 kms from Eco Sensitive Zone** and the aerial distance is approx. **8.89 kms from Chail Wildlife sanctuary.**

The aerial distance of proposed area is **7.64 kms from notified Eco Sensitive Zone** and the aerial distance is **8.89 kms from Chail Wildlife Sanctuary.** It is further certified that the proposed activity (proposal for diversion of 2.4589 hac in village Kathali for four laning of Solan to Kaithlighat section of NH-22 (Now NH-05) from km. 106.139 to km. 129.050 within the jurisdiction of Shimla Forest Division) will have no potential threat/negative impact on the movement of Wildlife and its habitat from perspective of Chail Wildlife Sanctuary.

  
Dy. Conservator of Forests  
WILDLIFE DIVISION SHIMLA-2  
Wildlife Division Shimla



# AERIAL DISTANCE FOR FOUR LAIN OF KAITHHALI GHAT NH22

8.89 KM DISTANCE FROM THE BOUNDARY OF CHAIL SOUTH WILD LIFE SANCTUARY

7.64 KM DISTANCE FROM THE BOUNDARY OF CHAIL ESZ

ECO-ZONE BOUNDARY

Chail - WLS

- Road Alignment For Four laning of Solan - Kaithlight
- Chail Wild Life Sanctuary
- Chail Eco-Zone Boundary

1.0 0.5 0.25 0.125 0.0625 0.03125 0.015625 0.0078125 0.00390625 0.001953125 0.0009765625 0.00048828125 0.000244140625 0.0001220703125 0.00006103515625 0.000030517578125 0.0000152587890625 0.00000762939453125 0.000003814697265625 0.0000019073486328125 0.00000095367431640625 0.000000476837158203125 0.0000002384185791015625 0.00000011920928955078125 0.000000059604644775390625 0.0000000298023223876953125 0.00000001490116119384765625 0.000000007450580596923828125 0.0000000037252902984619140625 0.00000000186264514923095703125 0.000000000931322574615478515625 0.0000000004656612873077392578125 0.00000000023283064365386962890625 0.000000000116415321826934814453125 0.0000000000582076609134674072265625 0.00000000002910383045673370361328125 0.000000000014551915228366851806640625 0.0000000000072759576141834259033203125 0.00000000000363797880709171295166015625 0.000000000001818989403545856475830078125 0.0000000000009094947017729282379150390625 0.00000000000045474735088646411895751953125 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Name of Work: Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km. 129.050 in the state of Himachal Pradesh.

Detail of muck dumping sites

Sr. No.	Dumping sites	Khasra no.	Area (Hectare)	Quantity of Muck (cum)
1.	Mathiya D-105 (Site-I)	2/1	2.8000	3,00,000
2.	Bisha	15/1 & 15/2	1.0000	80,000
3.	Wakna	779/2/2/2, 780, 2331/109/2/1 & 2237	7.3429	8,50,000
4.	Dehun	476	4.5452	7,25,000
5.	Suroh	307/2, 299 & 2998	1.408	2,50,000
Total			17.0961	22,05,000

It is apprised that the Stage-II approval for above sites were accorded by MoEF&CC, Dehradun vide letter no. 8बी/एच. पी/06/07/2020/एफ.सी/194 dated 02.03.2021. (The proposal no. of said dumping FCA proposal is FP/HP/ROAD/39314/2019).

c/s  
  
 Divisional Forest Officer  
 Shimla Forest Division  
 SHIMLA

  
 Project Director  
 GM-cum-Project Director  
 NHAI, PIU-Shimla



Name of Work: Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km. 129.050 in the state of Himachal Pradesh.

Observation  
No. 12

### MUCK MANAGEMENT PLAN

Sr. No.	Details of muck	Quantity(cum)
	Highway Cross Section from Ch. 127/450 to Ch. 128/250	
1.	Total quantity from cutting	229244.58
2.	Deduction of filling cut material	3858.71
3.	Deduction of 10% on use of stone in permanent work (3=1x10%)	22924.46
4.	Balance muck for disposable(4=1-2-3)	202461.41
5.	Add 25% muck generated from landslide etc. during construction period 5=1x25%)	57311.15
6.	Add 25% muck generated from landslide etc. during maintenance period (6=1x20%)	45848.92
7.	Muck to be disposed (7=4+5+6)	305621.47
8.	Add 25% soil factor of muck disposal (8=7x25%)	76405.37
9.	Total quantity muck to be disposed (9=7+8)	382026.84

Net Quantity of muck generated (cum)	382026.84
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It is apprised that the dumping of 382026.85 cum of muck will be disposed properly on the 05 nos of dumping sites [Bisha(Area=1.000ha.), Suroh(Area=1.4080ha.), Wakna(Area=7.3429ha.), Mathiya(Area=2.8000 ha.) & Dehun(Area=4.5452 ha.)] of total area=17.0961 hect., whose stage-II FCA approval has already been accorded by MoEF&CC, Dehradun vide letter no. 8बी/एच.पी/06/07/2020/एफ.सी/194 dated 02.03.2021.(The proposal no. of said dumping FCA proposal is FP/HP/ROAD/39314/2019).

Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

S.K. Sharma  
Project Director  
GM cum Project Director  
NHAI PIU Shimla

## Undertaking

**Full Title of the Project:** Proposal for diversion of forest land measuring 2.4589 ha. in village Kathali from R/D 127/450 to 128/250 for four laning of Solan-Kaithlighat section of NH-22 (Now NH-05) from Km. 106.139 to Km 129.050 in the state of Himachal Pradesh.

**Proposal no.:** FP/HP/ROAD/120302/2021

It is hereby submitted that no muck dumping area will be proposed in future for dumping in forest land for subjected proposal.

*C/S*  
Divisional Forest Officer  
Shimla Forest Division  
SHIMLA

*S.K. Sharma*  
(Suresh Kumar Sharma)  
GM (Tech.)-cum-Project Director  
NHAI, PIU-Shimla