

Name of Work: 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

Brief Note Regarding Ownership Issue In Village Kathali

1. As per revenue record (Mistal Hakiyat) year 1906-1909, the ownership of the land with respect to village Kathali was recorded in private ownership which continued till the year 1956.
2. Thereafter, the ownership of the land was vested in favour of State of Punjab and state of PEPSU which was classified as Class-II Forest as per the erstwhile Patiala Forest Act, Demarcated Forest D-48 Raikot now D-227 Raikot vide mutation dated 11.12.1957 on the basis of notification no. 40 dated 04.01.1953 issued by Secretary to the Govt. of PEPSU.
3. As per Jamabandi for the year 1972-73, the state government was recorded as owner and Makbuja Forest Department & tenant were also recorded in possession of land.
4. In the year 1977 under the provision of Himachal Pradesh Tenancy and Land Reforms Act, 1972, the tenants become the owner of the land in question. The same in prevailing as per revenue records till date.

Four laning work from Solan-Kaithlighat section of NH-05 were taken up by NHAI

1. Accordingly, during 2013 NHAI started the acquisition process for widening of road from Solan-Kaithlighat section of NH-05. 3A & 3D of village Kathali were notified vide Gazette Notification dated 27.02.2013 & 11.09.2013.
2. However, DFO, Shimla vide letter no. 938-39 dated 08.05.2013 submitted that status of few khasra nos in village Kathali as Forest Land and also asked DC, Solan to issue the direction to the concerned official to get the revenue records verified/corrected.
3. In respect of the issue regarding land in village Kathali, various meetings were conducted under the Chairmanship of Chief Secretary, Govt. of HP on 21.10.2019 & 05.02.2020. Further a meeting was also held with CM, Himachal Pradesh on 17.01.2020 regarding the same issue.
4. Meeting with DC, Solan was also held on 10.02.2020 in respect of Kathali Forest issue wherein DC, Solan asked NHAI to submit an undertaking regarding payment of


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compensation to the rightful owners & asked Forest Department to file a civil suit for seeking correction of revenue entries.

5. Accordingly this office submitted an undertaking vide letter no. 3722 dated 27.02.2020 & Addl. Chief Secretary through CF, Shimla filled the civil suit in civil judge (junior Division) Kandaghat on 20.03.2020 for permanent prohibitory injunction on title issue.

6. Since the matter was sub judice before Civil Judge (Junior Division) Kandaghat, hence NHAI sought necessary direction from Hon'ble High Court vide CWP no. 5537 of 2020.

7. Hon'ble High Court via judgment dated 08.12.2020 (Copy Enclosed) has issued following directions:

- *"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.*
- *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".*

8. Accordingly enumeration of trees were started by Forest Department & 1155 nos of trees were enumerated (177 nos of trees & 978 saplings) by RO Taradevi & forwarded to DFO, Shimla on 10.02.2021.

9. After necessary codal formalities, NHAI uploaded the subjected FCA case on eparivesh portal on 30.04.2021.

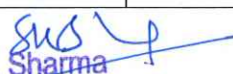

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Communications details of NHAI regarding subjected FCA case:

Sr. No.	Communication Description	Date
1.	3A & 3D of khasra nos indulged in subjected FCA case notified by NHAI in 2013 as Pvt. Land.	3A=27.02.2013 & 3D=11.09.2013
2.	DFO, Shimla vide letter no. 938-39 submitted that status of said khasra nos is Forest Land and also asked DC, Solan to issue the direction to the concerned official to get the revenue records verified/corrected. Hence, due to dispute in ownership of land, 3G for said khasra nos could not be announced.	08.05.2015
3.	Regarding status of land NHAI PIU Shimla communicated with DM, Forest Corporation, Solan, DFO, Solan & SDM, Solan.	15.12.2018.
4.	Meeting held with Chief Secretary, Govt. of HP in respect to the Land Issue in village Kathali wherein Chairman directed DFO, Shimla to allow NHAI to carry out work in this land & also asked NHAI to pay compensation after resolution of dispute. However the work could not be started by NHAI.	21.10.2019
5.	Meeting held with CM, Himachal Pradesh in respect to the land issue in village Kathali wherein ACS (Forest) were asked to resolve the dispute of land ownership on priority.	17.01.2020
6.	Meeting held with Chief Secretary, Govt. of HP in respect to the Kathali Forest issue Chairman asked DC, Solan to convene a meeting with NHAI & asked Forest Department to file a civil suit for seeking correction of revenue entries.	05.02.2020
7.	Meeting with DC, Solan was held in respect of Kathali Forest issue wherein DC, Solan asked NHAI to submit an undertaking regarding payment of compensation to the rightful owners & asked Forest Department to file a civil suit for seeking correction of revenue entries.	10.02.2020
8.	Accordingly, this office submitted an undertaking vide letter no. 3722	27.02.2020
9.	Addtl. Chief Secretary through CF, Shimla filled the civil suit in Civil Judge (Junior Division) Kandaghat for permanent prohibitory injunction on title issue.	20.03.2020
10.	Since the matter was sub judice before Civil Judge (Junior Division) Kandaghat, hence NHAI sought necessary direction from Hon'ble High Court vide CWP no. 5537 of 2020	
11.	Hon'ble High Court issued following directions: (i) <i>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.</i>	08.12.2020.


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	(ii) 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.	
12.	Enumeration of 1155 nos of trees/Saplings completed by RO Taradevi and the said list was forwarded to DFO, Shimla	10.02.2021.
13.	After necessary codal formalities, NHAI uploaded the subjected FCA case on e-parivesh portal for approval.	30.04.2021
14.	After compliance of observations raised by Nodal Officer, Shimla hardcopies submitted to DFO, Shimla	04.09.2021.
15.	FCA proposal submitted by DFO, Shimla to CF, Shimla	08.12.2021
16.	FCA proposal submitted by CF, Shimla to Nodal Officer, Shimla	10.12.2021.
17.	FCA proposal submitted by Nodal Officer, Shimla to State Government	24.12.2021.
18.	FCA proposal submitted by State Government to RO, MoEF&CC, Shimla	04.03.2022.


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