

Detailed Note duly signed by User Agency giving reasons for delay in submission of the proposal along with the date of submission of Off-line proposal submitted earlier as the earlier Lease has expired on 09-12-2003.

[1] The Government of Karnataka was pleased to accord sanction for grant of 4 Acres out of 60.22 acres of land out of F.S. No. 68 of Unkal, Hubli, to Hubli Journalists Cooperative Housing Society Ltd, Hubli by the order dated 10<sup>th</sup> Dec. 1973 (Vide Order No. AFD 218 FGL 73), on Lease basis for 30 years subject to conditions stated in the Annexure.

[2] Condition No.1 of the said Annexure stated: "The period of Lease shall be 30 years, with option to renew the Lease after expiry of the initial 30 Years Lease period for a further period of 30 Years on such terms and conditions as may be mutually agreed upon and the Lessee shall give one Years notice in writing to the Government for the exercise of such option.

[3] Our Society sent a Letter dated 12-11-2002 (HJCHS/RL/5/2002-03) by Regd. A.D. addressed to the Principal Secretary to Govt. of Karnataka, Forests, Ecology and Environment Dept., Bangalore requesting renewal of Lease for further period of 30 Years or on a permanent basis for 99 Years. This Application of 12-11-2002 was enclosed to "Pro-forma Application for Diversion of Forest Land for Non-forest purposes" (as per Annexure to Govt. Circular No. FSE 71 FFM 97 dated 18-9-1997) dated 12-11-2002, and five other relevant enclosures were enclosed therein.

[4] Again on 5-12-2002, our Society had sent another Application requesting renewal of Lease for further period of 30 years or on Permanent basis for 99 Years.

[5] Thus in compliance with condition No.1 of the Annexure to Govt. Order dated 10-12-1973 (No. AFD 218 FGL 73), our Society had much before the expiry of 30 years of Lease ie. before 10-12-2003, exercised its option for extension of Lease, for a further period of 30 Years, in Two Applications dated 12-11-2002 and 5-12-2002.



[6] It is important to note that the Deputy Conservator of Forests, Dharwad Dn, Dharwad wrote a letter dated 7/16-12-2002 (No. B3/Land/Lease/02-03) addressed to the Hon. Secretary, of our Society, to apply for prior-permission to the Principal Secretary, Forest, Environment and Ecology, Bangalore for seeking extension of Lease, and to do so preferably within a week, but our Society had sent two letters on 12-11-2002 and 5-12-2002, as explained supra, requesting extension of Lease for further Period of 30 years, which may please be noted.

[7] In response to the Letter dated 17<sup>th</sup> February 2003, (Vide No. B3/GFL/Lease/2002-03) of the Deputy Conservator of Forests, Dharwad Divn, Dharwad, our Society on 21-03-2003, sent our proposal for extension of Lease of 4 Acres of Forest Land bearing F.S. No. 68 of Unkal, Hubli, along with the Check List as prescribed under Forest Conservation Act of 1980, through the Range Forest Officer, Hubli. We requested for a further extension of 30 Years or on a Permanent basis for 99 years. We also brought to the notice of the authorities that Forest Employees Cooperative Housing Society, Dharwad to whom 12 Acres of Land under G.O. No. FFD 83 / FGL 75 dated 31-3-1976 was granted on a permanent basis and requested extension of the said benefit to our Society also.

[8] Again on 12-07-2003 our Society as per the Letter dated 12-04-5-2003 (No. B3/GFL/Lease-2003-04), of Dy. Conservator of Forests, filled up Form B Part-I for extension of Lease and sent the same in Ten sets to the Deputy Conservator of Forests, Dharwad through the R.F.O, Hubli, along with the check list.

[9] On 02-08-2004 (No. 366/2004-05), the Range Forest Officer, Hubli, in a letter addressed to the Secretary, Hubli Journalists Cooperative Housing Society, Hubli, returned our Society's proposals in 8 Sets submitted for renewal of Lease for a period of 30 Years, and our Society was directed to submit Fresh Proposals for grant of a New Lease under Forest (Conservation) Act, 2003, in Form A Part-I in 9 Sets and submit them to the office.

[10] With the above stand of the Department, all the efforts made by our Society from 12-11-2002 till 10-07-2003, were frustrated, making the Society to start with afresh for seeking new Lease for 30 Years. This was one of the Potential Causes, for delay.

[11] On 4-9-2004 (No. B3:GFL:Lease:Journalist:04-05), the Deputy Conservator of Forests, Dharwad Divn, Dharwad, asked the President, HJCHSL,



Hubli, to submit proposal in proforma A Part-I in 9 Sets for grant of fresh Lease and submit through the Range Forest Officer, Hubli.

[12] Aggrieved by the above decision of the Dept. Our Society on 4-11-2004, sent a detailed Appeal to the P.C.C.F, Bangalore, through the R.F.O, Hubli, to abide by the conditions in G.O. dated 10<sup>th</sup> Dec. 1973 and grant us renewal of Lease for further period of 30 Years and not to apply the Forest (Conservation) Act, 1980 or the 2003 Act to our Case. An Appeal was also made to grant the benefit of Sale of 4 Acres to our Society on the same basis as was granted to Forest Employees Cooperative Housing Society, Dharwad vide Govt. Order No. FFD 831 FGL 75 dated 31-12-1976. We pleaded that it would be discriminatory and thus violative of Art. 14 and 16 of the Constitution of India, if our request for Sale of 4 Acres to our Society is not granted.

[13] On 22-11-2004 our Society appealed to Hon. Sri N. Dharam Singh, Chief Minister, requesting him to direct the concerned Authorities to Sell 4 Acres of F.S. No. 68 of Unkal, Hubli to our Society, as was done to Forest Employees Cooperative Housing Society, Dharwad.

[14] Our Society, in its General Body dated 01-05-2005 resolved to request the Govt. to sell 4 Acres of Land in F.S. No. 68, Unkal, Hubli to our Society. Our Society on 1-5-2005 requested the Conservator of Forests, Dharwad, to request the State Govt. to favourably consider our Society's request made in its above stated Resolution.

[15] However on 25-7-2005 (No. B3/GFL/Lease/Journalists/04-05) the Deputy Conservator of Forests, Dharwad, sent a letter to the President of our Society, reiterating its decision to submit Fresh Proposal in Form A Part-I in 10 Copies to consider grant of New Lease of 4 Acres of F.S. No. 68, Unkal, Hubli.

**THE ABOVE DEVELOPMENTS ADDED TO THE DELAY and they were inevitable.**

[16] On receipt of the above letter of the Deputy Conservator of Forests, Dharwad, our Society reluctantly relented and ultimately on 11-11-2005 (Ref. No. 20/MGL/HJCHS/05-06) submitted afresh proposals in Form A Part-I, with 11 enclosures, requesting grant of New Lease of 4 Acres in F.S. No. 68 of Unkal, Hubli, to our Society for a further period of 30 Years.



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to pay Net Present Value, in ten copies, and complied with the directions of Dy. Conservator of Forests.

[20] Deputy Conservator of Forests, Dharwad Divn., Dharwad, on 19-05-2007 (No. B3/GFL/Lease/Journalist/2004-05/671) wrote to Deputy Commissioner, Dharwad, to immediately release 4 Acres of Revenue non-forest Land for compensatory afforestation and if such land is not available to issue a Certificate to that effect.

“This may immediately be complied with” was the request.

[21] The Deputy Conservator of Forests, Dharwad Division, Dharwad on 01-04-2010 (No. B3/GFL/Lease/Journalist/2004-05/14) wrote to the Deputy Commissioner, Dharwad Dist, Dharwad, requesting him to issue a Certificate stating that in his District no other Taluka has suitable non-forest Land to be transferred to Forest Dept. And to issue such a Certificate immediately, and marked a copy of the above letter to the President, of our Society, to obtain such a Certificate from the Deputy Commissioner, Dharwad District, Dharwad.

[22] In pursuance of the above-said letter of Deputy Conservator of Forests dated 01-04-2010, President of our Society, wrote to the Deputy Commissioner, Dharwad Dist, Dharwad on 15-4-2010, to consider transfer of 4 Acres of non-forest Land in Budarasinghe (Village of Hubli Taluka) out of S. No. 15, Block –A, among the 35 Acres 08 Guntas of “Kharab Gudda” (Waste Hillock) for compensatory afforestation to the Forest Department. Our Society also sent a Copy of the Property Extract of the above waste land R.S. No. 15 of Budarsinge Village.

[23] On 01-10-2010, the Deputy Commissioner, Dharwad Dist, Dharwad, gave a Certificate that at Mugad Village of Dharwad Taluka, in R.S. No. 207/P2 area of 11 Acres 35 Guntas, 4 Acres of non-forest Land is available and intimated the Deputy Conservator of Forests, Dharwad Division, Dharwad accordingly.

[24] From 01-10-2010, continuous efforts were made jointly, both by the Deputy Conservator of Forests, Dharwad Divn, Dharwad and the President of our Society, with both the Deputy Commissioner, Dharwad Dist., Dharwad and the Thahsildar of Dharwd Taluka, to get this 4 Acre Land in R.S. No. 207 of Mugad village, transferred to Forest Dept., the efforts failed. Then letters dated 17-05-2011 (No. A5(3) GFL. CR 10/2006-07) of the Chief Conservator of Forests (Forest Conservation) writing to Conservator of Forests, Dharwad Circle, Dharwad, to



persue the acquisition of the 4 Acres of Land at Mugad; letter dated 25-11-2012 sent by Secretary of our Society to the Tahsildar of Dharwad and then on 29-05-2013, President of our Society writing to Deputy Commissioner, Dharwad to direct the Dharwad Tahsildar to carryout RTC and Mutation entries in Mugad Village R.S. No. 207 as Forest so that Forest Department could take possession of this land, all efforts miserably failed to materialise. Then our Society decided make efforts on its own to find a suitable non-forest land for Compensatory afforestation in the neighbouring District of Gadag. **Please Note that Bureaucratic delay and unconcern has been frustrating as evidenced in the above process, which caused the delay.**

**[25] As a result of the hectic efforts of our Society, 4 Acres of Land in Majjur Village of Shirahatti Tq. in Gadag Dist. In R.S. No. 59, was identified for Compensatory afforestation.**

**[26]** On 04-02-2015 (No. A4/GFL/Lease/Ashama/14-15/1524), the Deputy Conservator of Forests, Gadag Divn, Gadag, sent a report to the Deputy Conservator of Forests, Dharwad Divn, Dharwad, stating that 4 Acres of Land in Majjur Village, in Shirahatti Tq., Gadag Dist., in S.No. 59 which has 12 Acres and 16 Guntas, is fit for Compensatory Afforestation. This recommendation was based on the Site Inspection Report of R.F.O, Shirahatti dated 21-01-2015 AND the Report of Asst. Conservator of Forests, Gadag Sub-Divn., dated 31-01-2015, which stated that the said Land is suitable for compensatory afforestation.

**[27]** On 03-03-2015 (No. B3/GFL/Lease/2014-15/3186), the Deputy Conservator of Forests, Dharwad, wrote to the President of our Society, that the 4 Acres of Land identified by our Society in Majjur Village R.S. No. 59, comes under the jurisdiction of Deputy Conservator of Forests, Territorial Division, Gadag, and as the Compensatory Afforestation has to be taken up in that jurisdiction, the said 4 Acres be got Registered in concerned Office of Registration, in the name of Deputy Conservator of Forests, Territorial Division, Gadag, and after getting registered, getting Mutation and R.T.C (Extract of Property) in his name and after getting the encumbrance cleared, get the Registered Sale Deed and send the original documents through the Deputy Conservator of Forests, Gadag to the Deputy Conservator of Forest, Dharwad for further action.

**[28]** On 8-1-2016, President of our Society wrote to the Deputy Commissioner, Gadag Dist., Gadag, to accord exemption under the Karnataka Land Reforms Act, 1961, under Sec 109, for enabling the Society to transfer 4



Acres of Land in Majjur Village, to the Deputy Conservator of Forests, Gadag, for compensatory afforestation, and that all documents required have been submitted on 29-06-2015.

[29] On 26-02-2016 (Order No. KLR/109/CR-04/2015-16), the Deputy Commissioner, Gadag has issued the Order under his hand and seal, under the authority conferred on him under Sec 109(I)(V) of the Karnataka Land Reforms Act, 1961, granted exemption from the prohibitions levied under Karnataka Land Reforms Act, 1961 Sections 63, 79A, 79B or 80, to President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, to purchase for the purpose of afforestation in 4 Acres Land in Majjur Village, Shirahatti Tq., Gadag Dist. Of R.S. No. 59/2 area 12A-16G, subject to conditions laid there-under.

[30] President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, purchased 4 Acres of Land in R.S. No. 59/2 out of 13 Acres 1 Gunta of Majjur village in Shirahatti Tq., Gadag Dist. from Sri Hazaresab S/o. Shabarisab Maldar at a cost of Rs.15,80,000-00 and got it Registered in Book No.1, No. SRH-1-00100-2016-17-C.D No. SRHD 53- on 18-04-2016 and the Seller handed over direct physical possession of the said Land to the Purchaser-Society.

[31] On 18-10-2016, President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, transferred ownership and possession of 4 Acres of Land in R.S. No. 59 of Majjur Village, Shirahatti Tq., Gadag Dist., to Deputy Conservator of Forests, Gadag Div., Gadag on behalf of the Governor of Karnataka, and Registered the said Deed under No. SRH-1-02257-2016-17-C.D. No. SRHD 58 on 18-10-2016, and handed over ownership and direct Physical possession of the said Land to the Deputy Conservator of Forests, Gadag, for purpose of Compensatory afforestation. **Please note that in One Year and Eight Months our Society had succeeded in transferring 4 Acres to the Forest Department to taking up Compensatory Afforestation.**

[32] On 31-03-2017, the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, addressed a letter to the Deputy Conservator of Forests, Dharwad Divn, Dharwad, requesting the release of 4 Acres of Forest Land in F.S. No. 68 of Unkal Village, Hubli Tq., to the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, in view of completion of the process of transferring 4 Acres Land in Majjur Village of Shirahatti Tq., Gadag Dist., to the Deputy Conservator of Forests, Gadag and handing over ownership and Physical Possession in the said Land for the purpose of compensatory afforestation, and handing over of all the relevant documents relating to registration, Mutation,



**R.T.C etc to the Deputy Conservator of Forests, Gadag.** The Letter dated 31-03-2017 of the President of our Society, addressed to the Deputy Conservator of Forests, Dharwad Divn, Dharwad, furnishes all the details relating to the transactions, mentioned supra.

[33] On 12/16-05-2017 (No. A4/GFL/HJCHS/2016-17/272) the Deputy Conservator of Forests, Gadag Divn, Gadag addressed a letter to Deputy Conservator of Forests, Dharwad Divn., Dharwad, referring to the letter dating 24-06-2015 (No. B3/GFL/Lease/2014/770) of the Dy. Conservator of Forests, Dharwad Divn., Division and the letter dated 07-04-2017 of the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, stating that, the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, has registered 4 Acres of Land, in R.S. No. 59 of Majjur village, Shirahatti Tq., Gadag Dist. As this Land is suitable for compensatory afforestation, and handed over documents of Registration, Mutation and R.T.C (Property Extract) to his office. The Dy. Conservator of Forests, Gadag said that these documents were enclosed to his letter and forwarded to you, with compliments, for further action in the matter.

[34] The above transactions relating to our Society ie. identifying 4 Acres non-forest Land at Majjur Village belonging to a Private Land Owner, obtaining permission from the Deputy Commissioner, Gadag for purchase of the above-said land for compensatory afforestation, purchasing the said Land from Private Land Owner at a cost of Rs.15,80,000-00, transferring the said 4 Acres of Land to Dy. Conservator of Forests, Gadag on behalf of the Governor of Karnataka, and handing over ownership and physical possession of the said Land to him, **which process culminated on 18-10-2016, marks a very important stage in this transaction.** Our Society has thus performed a very vital obligation on its part ie. of transferring at its cost 4 Acres of non-forest Land for purpose of Compensatory afforestation, and it is to be noted that this 4 Acres is in the ownership and possession of the Governor of Karnataka since 18-10-2016, ie. for the last THREE YEARS AND THREE MONTHS BY NOW.

[35] On 19-06-2017 (No. B-3/PLG/Lease/CR/2014-15/573), the Deputy Conservator of Forests, Dharwad Divn., Dharwad has sent a report to the Chief Conservator of Forests, Dharwad Circle, Dharwad, giving a 32 Paragraphs report. **In this Report please mark Para 31, wherein the Dy. Conservator of Forests, Dharwad has stated that the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli, has registered and transferred 4 Acres of Land in R.S. no. 59 of Majjur Village, Shirahatti Tq., Gadag Dist., to the Deputy Conservator of Forests, Gadag Div., Gadag, as the Land is suitable for Compensatory**



afforestation and has not only registered the transfer, but got Mutation entries and in RTC got recorded as Forest and handed over all the documents to Deputy Conservator of Forests, Gadag Division, Gadag.

[36] On 15/16-02-2019 (No. C2/FC/CR/2018-19/2809) Dy. Conservator of Forests, Dharwad Division, Dharwad has issued a Notice to the Hubli Journalists Cooperative Housing Society Ltd., Hubli, where he has stated that 'ACCF has reported that on F.S. No. 68, Unkal Village in 4.00 Acres, the Journalists Housing Society has constructed 22 Houses, and for compensatory afforestation, in Gadag Dist, Shirahatti Tq., Majjur Village in R.S. No. 59/12, Land has been registered, but still not handed over.

[37] Please Note that **the President of our Society** in his reply to the above said Notice dated 15/16-02-2019 (NO. CZ/FC/CR/2018-19/2809) given on 01-04-2019 addressed to the Deputy Conservator of Forests, Dharwad Divn., Dharwad has categorically clarified that 4 Acres of Land in R.S. No. 59/4 has not only been registered in the name of Deputy Conservator of Forests, Gadag Divn., Gadag, but direct possession of the said Land has been handed over to the Deputy Conservator of Forests, Gadag Divn, Gadag vide SRH-1-0225-2016-17-C.D No.SRHD-58 on 18-10-2016. The documents of Registration, Mutation, RTC (Property Extract) etc have all been handed over to the Dy. Conservator of Forests, Gadag. In this reply, copies of all the documents have been enclose, to evidence the above statement.

[38] On 10-06-2019, President of our Society has addressed a letter to The Principal Chief Conservator of Forests, Bangalore under the subject – "Regarding release of 4-00 Acres of Forest Land in Survey No. 68 to Hubli Journalists Cooperative Housing Society Ltd., Hubli-580 032".

In the said letter **President of our Society** has requested the Principal Chief Conservator of Forests, Bangalore to issue orders releasing 4-00 Acres of forest land in Unkal Village Survey No. 68, to the Hubli Journalists Cooperative Housing Society Ltd., Hubli in lieu of transfer of 4-00 Acres of non-forest Land for compensatory afforestation, located at revenue Land in R.S. 59/4 in Majjur Village of Shirahatti Tq., Gadag Dist., already registered in favour of Deputy Conservator of Forests, Gadag. Our Society has enclosed a "Note on Justification for Transfer of 4-00 Acres of forest land in Unkal Village S. NO.68 to Hubli Journalists Cooperative Housingt Society, Nripatunga BEtta, Hubli", and other relevant documents to this letter.



[39] Deputy Conservator of Forests, Dharwad Divn., Dharwad in his letter dated 9/13-12-2019 (No. 62/Hubli Journalist/CR-24/16-17/17-18/18-19/19-20/2307) addressed to the President, Hubli Journalists Cooperative Housing Society Ltd., Hubli on the subject – “Diversion of 1.62 ha (4 Acres) of Forest Land in S=F.S No. 68 of Unkal Village in favour of Hubli Journalists Cooperative Housing Society “ - has in the last Paragraph of the said letter has stated that “it is regretted that the Society has not furnished clarifications sought for by the Department” regarding grant of Lease, and that the Society is required immediately to furnish clarifications through Web Portal, [www.forestclearance.nic.in](http://www.forestclearance.nic.in).


[40] President of the Society has replied the above letter on 26<sup>th</sup> December 2019 and sought time to furnish the clarifications.

[41] While our Society regrets the delay in furnishing clarifications, which was due to the time consuming and difficult task of searching for old documents and preparing clarifications sought, we are herewith in due compliance furnishing all the clarifications sought from the Society, through the replies we have furnished in the online Portal [www.forestclearance.nic.in](http://www.forestclearance.nic.in) to-day.

**Please note that we have already been submitting details under-Proposal No. FP/KA/others/4083/2019: Proposal Name: Hubli Journalists Cooperative Housing Society, Date of Submission: 06-07-2019 etc.**

[42] Our Society earnestly requests your good-self to pardon the delay, which is totally unintentional but made inevitable and has been duly explained, through the above details, and grant a new Lease of 4 Acres of F.S. No. 68 in Unkal Village, Hubli, and oblige the Journalists of our Society, who render yeoman service to the Society at large. We earnestly submit that our Society has honestly and diligently acted in complying with all the directions of the Authorities, and if any delay has occurred, it was beyond our control as explained supra.

HUBLI  
23-01-2020

  
(DR. K.S. SHARMA)  
President