

JUSTIFICATION FOR LOCATING THE PROJECT IN FOREST AREA

Name of Project: Diversion of 0.467 ha. Forest land for Construction of approach road towards Private Non Forest land passing through Private Forest of village Asangaon and Protected Forest of village Kalambhe, Taluka Shahapur, Dist. Thane.

The Proposed project where situated, there is existing kaccha approach road passing through Non-Forest area as well as protected forest and Private Forest connecting to the residential project on non forest area as well as to the local villages. This approach is unavoidable to local villagers also to reach their private area through protected forest.

Details of Forest covered in approach road are as under

| Sr. No. | Village | Survey No/ Gut No. | Length & Width (Mtrs.) | Area in Ha. | Legal Status | Remarks. |
|---------|----------|--------------------|-------------------------|--------------|-------------------------|------------------------------------|
| 1 | Asangaon | 156/5 | 114 X10 | 0.114 | Restored Private Forest | Restored & owned by private person |
| | | 156/6 | 73.260 x 10 | 0.073 | | |
| | | Total | | 0.187 | | |
| 2 | Kalambhe | 94/A pt., | 64.5 x 10 | 0.064 | Protected Forest | |
| | | -do- | 50 x 10 | 0.050 | Protected Forest | H.P.C .Plots |
| | | Gut No 220 pt. | 165.5 x 10 | 0.166 | Protected Forest | |
| | | Total | | 0.280 | | |
| | | Grand Total | | 0.467 | | |

These H.P.C. plots are allotted prior to inception of Forest Conservation Act 1980. These plots are under Non-Forest use prior to implementation of FCA 1980.

Distribution of the total area of approach road including erecting electric poles on road side is as under

| Sr. No. | Village | Protected Forest (Ha.) | Protected Forest under HPC Plots.(Ha.) | Restored Private Forest. (Ha.) | Total of Forest Area. (Ha.) | Non Forest area. (Ha.) | Total (Ha.) |
|---------|----------|------------------------|--|--------------------------------|-----------------------------|------------------------|-------------|
| 1 | Asangaon | - | - | 0.187 | 0.187 | 0.398 | 0.585 |
| 2 | Kalambhe | 0.230 | 0.050 | - | 0.280 | | 0.280 |
| | Total | 0.230 | 0.050 | 0.187 | 0.467 | 0.398 | 0.865 |

It will be seen from the details of area required that major portion thereof is Restored Private forest, Non Forest and also from High power Committee Plots allotted to the landless labourers prior to inception of FCA 1980.

OF Restored Private Forest

With a view to enable the owners of Private Forest land to earn their livelihood from their private forest lands, the State Government amended Maharashtra Private Forest (Acquisition) Act 1975 in 1978 by inserting Section 22-A which provided restoration of private forest lands to owners in certain circumstances. The area of private forest affected in the approach road is restored prior to 1980 and also already in use of approach road. It is but natural that private owned land subsequently declared as private forest land was under non forest use as agriculture etc. needs approach road to reach their private land and also through protected forest which is surrounding the private non forest land as well as private forest land.

Of H.P.C. plots allotted from Protected Forest

Govt. of Maharashtra allotted plots from protected forest area to the landless persons for their livelihood prior to inception and implementation of Forest Conservation Act 1980. The names of plot holders were also incorporated in Revenue Records such as on 7/12 extracts as KABJEDAR prior to 1980. The formalities regarding disforestation were also at beginning stage prior to 1980 but could not complete up-to 25/10/1980 by State Government. The land was under non forest use but the status of allotted plot-area remained as Protected Forest due to **non compliance of formalities on paper only by declaring disforestation notification. There is no fault on part of plot holders to use the allotted plots for non forest purpose.**

History & Status of required approach road Route of Approach Road

| A | B | C | D | E | F | G | H |
|------------|-------------------------|------------|-------------------------|------------------|--------------------------------|------------------|-------------|
| Non-Forest | Acquired Private Forest | Non-Forest | Acquired Private Forest | Protected Forest | HPC Plots of Protected Forest. | Protected Forest | Non Forest. |

If a person / villager "A & B" requires reaching at "H" area he has to cross the Protected Forest, HPC Plot and restored private Forest. There is no alternative for avoiding protected forest area or private Forest

Under such circumstances the local Gram-Sabha proposed and decided to construct pacca approach on existing Kaccha road from Asangaon to Klambhe- through restored private forest and protected forest including HPC plot area of protected forest under section 3(2) of Forest Right Act 2006. & Rules 2008. Forest authority i.e. Deputy Conservator of Forest Shahapur, Block Development Officer Shahapur and local Gram Sabha approved the proposal of Approach road under Forest Rights Act 2006 & rules 2008 there under. The Dy. Conservator of Forests issued order for construction of

Approach road. Mean while the concerned authorities i.e. Panchayat Samiti could not take the charge of the required area and not started the proposed work within one year. The Dy. Conservator of Forests, Shahapur cancelled their approval for non compliance of conditions.

Mean while the private land /private forest land owner constructed 438 meters length in 9 meter width approach road in two patches in i.e. Restored Private Forest S.No. 156/5 & 156/6 of village Asangaon & Protected Forest Gut No. 220 (Old Survey No. 94/A) of village Kalambhe.

A Offence case against Shri Raju Baban Dhanve of Asangaon is booked by local Forest Officers, and stopped the work by digging trenches. There is violation of F.C.A. 1980 act.

There is another Offence case booked by Forest Officers against Shri Raju Baban Dhanave of Asangaon for erecting electric poles in Private Forest Survey No. 156/5 and 156/6 and Protected Forest Survey No 94/A (Gut. No. 220) by local Forest Officers. There is also violation of FCA 1980.

Now the Project Authority, owner of Non Forest area of Survey No. 214pt.of Kalambhe village i.e. Project authority requires the necessary approval for approach road to reach their privately owned Non-Forest Land at of Village Kalambhe through Private Forest as well as Protected Forest. There is no other alternative approach instead of existed road to avoid forest area to reach their Project. The Project authority also proposed to erect electric poles on road side within the proposed approach road width i.e. 10 meter width.

The concerned Restored Private Forest Owners as well as H.P.C. Plot holders have given their consent for construction of Paccka approach road and erecting electric poles .

Project authority is ready to pay the Net Present Value as well as cost of Compensatory Afforestation as directed by Forest Department.

There is no felling/ cutting of trees as there was already exised approach road. It is, therefore, earnestly requested that to accord necessary approval for diversion of required Protected Forest and Private Forest for construction existing kaccha approach road into Paccka Approach Road including erection of electric poles on road side.

रा.ब. धनवे.

(Raju Baban Dhanave)

(Project Authority)