

Sub.:- Forest Land- Thane

Diversion of 0.467 Ha. of forest land in favour of Shri.Raju Baban Dhanve for construction of approach road towards non-forest land passing through Private Forest of Village-Asangaon & Protected Forest of Village-Kalambhe, Tal.Shahapur, Dist.Thane in the State of Maharashtra.

PART - V

(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

**1. Recommendation of the
State Government**

The proposal is recommended
vide Government letter

No.FLD-1221/ CR-52/ F-10

Dated: 25/03/2021

apv
25/03/2021

(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Place : Mumbai

Date : 25/03/2021

Arvind Apte
Chief Conservator of Forests (Mantralaya)
Revenue and Forests Department
Mantralaya, Mumbai - 400032

Government of Maharashtra

By Speed Post

No.FLD-1221/ C.R.52/ F-10
Revenue and Forest Department,
Room No.456/461 Annex,
Hutatma Rajguru Chowk,
Madam Cama Marg,
Mantralaya, Mumbai- 400 032.
Date:- 25/03/2021

To,

✓ Regional Officer (Central),
Government of India,
Ministry of Environment, Forests & Climate Change,
Integrated Regional Office,
Ground Floor, East Wing,
New Secretariat Building, Civil Lines,
Nagpur-440 001.

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Sir,

Shri.Raju Baban Dhanve at Village-Kalambhe, Tal-Shahapur, Dist-Thane has initiated the proposal for diversion of 0.467 Ha. of forest land for construction of approach road towards non-forest land passing through Private Forest of Village-Asangaon & Protected Forest of Village-Kalambhe, Tal.Shahapur, Dist.Thane in the State of Maharashtra. The detailed area statement of forest land is as under:-

Village Name	Tehsil	Dist	Survey No.	Gut No.	Length X Width	Area in Hectare	Legal Status
Asangaon	Shahapur	Thane	156/5	-	44 X 10	0.044	Restored Private Forest
			156/5	-	70 X 10	0.070	
			156/6	-	73.260 X 10	0.073	
(A)						0.187	
Kalambhe	Shahapur	Thane	94	220	64.500 X 10	0.064	Protected Forest
					50.000 X 10	0.050	
					165.550 X 10	0.166	
(B)						0.280	
Total Forest Area in Hectare (A + B)						0.467	

2. History of the land:-

The Project Authority has his own private land at gut no.214/pt at Village-Kalambhe, Tal-Shahapur, Dist-Thane where Project Authority decided to construct residential project. The said private land is adjoining to the Protected Forest survey no.94 (Gut no.220) at Village-Kalambhe. There is no pacca approach road to reach their own private land. There was existing rough road.

The Project Authority has constructed pacca approach road to reach their own private land and also erected street light poles through Asangaon Private Forest survey no.156/6 and 156/5 and in Kalambhe Protected Forest survey no.94 (Gut no.220).

Offence case is booked against Shri.Dhanve on 11/02/2012 and a criminal case no.250/13 is lodged in JFMC Court of Shahapur for unauthorized construction of road in Protected Forest Survey No.94 (Gut No.220). Again offence case is booked against Shri.Dhanve on 22/04/2013 and a criminal case no.251/13 is lodged in JFMC Court of Shahapur for unauthorized erection of electric poles on Private Forest of Asangaon survey no.156/6 and 156/5 on existing road.

There is no alternative for avoiding Protected Forest and Private Forest land. The User Agency has constructed 438 mtr length and 9 mtr width approach road in two patches in Restored Private Forest Survey no.156/5 & 156/6 of Village-Asangaon & Protected Forest gut no.220 (Old Survey No.94/A) of Village-Kalambhe. Due to construction of road on Protected Forest land and erecting of electric poles on Private Forest land, violation of FCA, 1980 has been committed and offence report has been booked against User Agency. The concerned Restored Private Forest Owners as well as HPC plot holders have given their consent for construction of pacca approach road and erecting electric poles. The User Agency is ready to pay the Govt. levies as directed by Forest Department.

To regularize the above, Project Authority has submitted the proposal under Section-2 of FCA, 1980.

3. Deputy Conservator of Forests, Shahapur has certified that:-

- i. No suitable alternate non forest land is available for the proposed project and demand for the forest land is the barest minimum as there is already existing kaccha approach road used by the villagers. The proposed alignment is unavoidable.
- ii. Three alternatives have been examined in detail and have to come to conclusion that, the alternative no.1 is the most suitable for forestry point of view.
- iii. The proposed area belongs to Eco Value Class-I having density below 0.1.
- iv. There is no tree felling/ cutting involved in the implementation of the project.
- v. The proposed project does not form part of any existing National Park/ Wildlife Sanctuary or Nature Reserve. The Proposed Project is within 10 KM of the Tansa Wildlife Sanctuary, but the project will not have any adverse impact on the wildlife within Tansa Sanctuary.
- vi. Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- vii. There is a violation of Forest (Conservation) Act, 1980. Violation report is submitted along with the proposal.

- viii. The non-forest land covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act, 1975 by virtue of application of section-35 of Indian Forest Act, 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "Forest" as per dictionary meaning of forest as intimated to the expert committee under interim judgment of the Hon'ble Supreme Court, dated 12/12/1996.
- ix. Deputy Conservator of Forests, Shahapur has submitted the site inspection report.
- x. Deputy Conservator of Forests, Shahapur has certified that 1.00 Ha. Degraded Protected Forest land of survey no. 94/A (Gut No.220) at Village-Kalambhe, Tal-Shahapur, Dist-Thane has been identified for Compensatory Afforestation. The said land is suitable for afforestation and management purpose and also it is free from encroachment and encumbrances. CA Scheme for 10 years is submitted.

4. The User Agency has submitted the following undertakings:-

- i. To defray the cost of Net Present Value of the forest land proposed for diversion.
 - ii. To defray the cost of Compensatory Afforestation as determined by the forest Department.
 - iii. To bear the cost of clearance/ removal of the vegetation growth from the proposed forest land.
 - iv. The User Agency has submitted the certificate under FRA-2006, issued by Collector, Thane, vide letter dated 01/10/2020.
 - v. User Agency has furnished the copy of restoration order under section-22A of Maharashtra Private Forest (Acquisition) Act, 1975.
5. The Deputy Conservator of Forests, Solapur has recommended the proposal with following specific recommendations:-
- i. The Project Authority to bear the cost of 1.00 Ha. Compensatory Afforestation on degraded forest.
 - ii. Penal compensatory cost for double the required area and the cost of penal Compensatory Afforestation be recovered from the User Agency.
 - iii. The Approach Road should be kept open for nearby villagers.
6. Chief Conservator of Forests, Thane has recommended the proposal for approval.
7. The Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur has submitted the said proposal to State Government for consideration and conveyed that, if the State Government agrees to divert the said land, then the proposal may be forwarded to Central Government by stipulating 17 conditions as mentioned in his letter dated 23/12/2020 (Copy Attached).

8. In the circumstances explained in above paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted for the non-forestry use subject to conditions proposed by the Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur. The matter may kindly be placed before Government of India for its approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 and the same may please be obtained and communicated to this Government at earliest.

Yours faithfully,

ap
25/03/21

(Arvind Apte)

Chief Conservator of Forests (Mantralaya)

Encl: A) Set of case papers

b) The following documents are enclosed:-

1. Prescribed form as per Rules
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale
5. Commitment from the Applicant for defraying the cost of exploitation as well as cost of compensatory plantation
6. User Agency has given an undertaking of Net Present Value
7. Brief note of the project from the project authority
8. Map of non-forest land for compensatory afforestation
9. Site Inspection Report
10. Violation of Forest (Conservation) Act, 1980
11. Certificate in Part-V

Copy to:

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur
2. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur
3. Chief Conservator of Forests (T), Thane
4. Collector, Thane
5. Deputy Conservator of Forests, Shahapur
6. Shri.Raju Baban Dhanve at Village-Kalambhe, Tal-Shahapur, Dist-Thane
7. Select File F-10.