

Government of Maharashtra

By Speed Post

No.FLD-1324/C.R.44 /F-10
Revenue and Forest Department,
Mantralaya, Mumbai - 32.
Dated:- 15.03.2024

To,
Deputy Director General of Forests (Central),
Regional Office, MoEF&CC,
Government of India, Civil Lines, Nagpur.

Subject: Forest Land-Raigad

Diversion of revised area 0.037494 ha. (original area 0.1500 ha.) Reserved Forest (Notified of IFA 1927) land under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Approach Road to Private land Survey No. 12/6, village Vindhane, Tal. Uran, Dist. Raigad in the State of Maharashtra. (FP/MH/Road/150904/2022)

The Additional Principal Chief Conservator of Forests and Nodal Officer has submitted proposal for diversion of 0.1500 ha. Reserved Forest (Notified of IFA 1927) land under section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for construction of Approach Road to Private land Survey No. 12/6, village Vindhane, Tal. Uran, Dist. Raigad in the State of Maharashtra.

The details of revised forest land proposed for diversion are as under: -

Sr. No.	Item Work Purpose	District	Taluka	Village	Survey /Gut No.	Length x Width (in meter)	Area (in ha)	Legal Status
1	Construction of Approach Road to Private land in Survey No.12/6 Village – Vindhane, Tal. Uran, Dist Raigad.	Raigad	Uran	Vidhane	223	30.55 x 4.5	0. 0137475	Reserve Forest (Notified u/s 4 of IFA, 1927)
					211	52.77 x 4.5	0. 0237465	
Total Forest land required (in ha.)							0.037494	

2. The proposed site is adjacent to the SH-104 (Chimer) Road however there is no other direct highway access to the proposed site. The approach road to Vindhane village from SH- 104 is approximately 3-4 Km from proposed site, there are many land in between the proposed site and Vindhane village as well as said approach road, the forest land bearing Survey No.211 and 233 is located between the SH-104 and proposed site is the only alternative available for access to the proposed site. The approach road for direct access from Survey No.211 and 233 belonging to the forest department will be helpful for potential development of the proposed site and hereby generating employment to the skilled and unskilled workers and also attracting capital investment in the area thereby helping the local economy. The Forest land proposed for diversion is, thus, unavoidable and the project is site specific Hence, the User Agency has submitted proposal under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .

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

- 3.1) No alternate alignment is possible and the forest land required is lowest minimum.
- 3.2) The area belongs to Eco-value class-I having density is 0.1.
- 3.3) There are 20 trees of various species and trees involved in implementation of the project. Girth wise break up of trees is as under:-

Tree Girth in Cm										Total
Below 30	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-105 cm	106-120 cm	121-135 cm	136-150 cm	150 above	
0	9	8	3	0	0	0	0	0	0	20

- 3.4) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 3.5) Proposed project is not likely to affect any monumental site cultural, historical, religious, archeological or recreational importance.
- 3.6) There is no violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .
- 3.7) The proposed project is 3.800 Km. away from the boundary of the Protected Area (Karnala Bird Sanctuary) and 3.700 Km. from the boundary of the Eco-Sensitive Zone of Karnala Bird Sanctuary. Proposed area is not falling in Eco-Sensitive Zone of Karnala Bird Sanctuary
- 3.8) Proposed Compensatory Afforestation is over 1.00 ha. degraded forest land in Compt. No.503, at Village Aadharane, Tal. Pen, Dist. Raigad is contiguous, suitable for afforestation and management purpose, it is also free from encroachment and encumbrances.

3.9) The non-forest area 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 appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

3.10) There is no alternative to the route required to be examined.

4. The User Agency has submitted undertakings:-

4.1 to defray the cost of Net Present Value.

4.2 to defray the cost of Compensatory Afforestation.

4.3 to submit compliance under FRA-2006.

5. Deputy Conservator of Forests, Alibag & Chief Conservator of Forests (T), Thane have recommended the proposal for approval under Section-2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 .
6. Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, has recommended the proposal subject to the conditions, given in his recommendations, under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 . His recommendations are enclosed in the proposal.
7. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 . His specific recommendations are enclosed in the proposal.
8. It come to the notice of the State Government many individuals and institutions apply for diversion of forest land for approach road passing through the forest land, many times in area, having high density vegetation or area prone to erosion. User Agencies used to propose the width of the road ranging from 3 to 18 Meter, as per the prevailing conditions under MRTP Act, 1966.

In order to avoid large-scale damage to the valuable forest resources and to comply with the basic principle of forest diversion as envisioned in the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, recently Government of Maharashtra has taken conscious policy decision with respect to length & width of the approach roads in forest area, under section 154 of MRTP Act, 1966 vide Government Resolution dated 09.01.2024. State Government has directed Planning Authorities as under:-

- a) Roads in forest areas having length of maximum 150 meter and width of 4.5 meter shall be considered as approach roads.

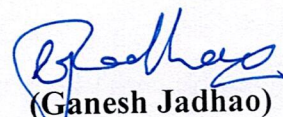
- b) If the width of the main road is less than 4.5 meter at the junction point of approach road connecting to it, forest department will allow the diversion of forest land only within the limit of existing main road at the junction point.
- c) Provided that, considering the factors such as site specificity, necessity and public importance of the project, Forest Department will have discretionary powers, it can decide / recommend / reject the cases for diversion of forest land for approach roads requiring more length and / or width specified above.

Government of Maharashtra has decided to allow the diversion of forest land for site specific approach road projects only within the limit of 4.5 meter width. However, Additional Principal Chief Conservator & Nodal officer had already submitted the proposal for diversion of 0.1500 Ha. forest land for the approach road vide letter dated- 14.07.2023.

The instant proposal was kept in abeyance, as the policy decision was under consideration of the Government. Considering the time lapse already incurred and to avoid the further delay, State government is recommending the diversion of 0.037494 Ha. forest land considering the 4.5 Meter width only though, the document submitted by the user agency and authorities are for entire 0.1500 Ha. Proposal may be considered for Stage-I approval as there is only reduction in the width of road.

User Agencies and authorities will submit revised documents at the time of Compliance of the Conditions in Stage-I approval, if required.

9. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that 0.037494 ha. forest land may be allowed to be diverted under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 , subject to conditions proposed by the Principal Chief Conservator of Forests (HoFF) and Addl. PCCF & Nodal Officer, Nagpur. The matter may kindly be placed before the Government of India for its approval under Section-2 (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.


(Ganesh Jadhao)

Under Secretary to the
Government of Maharashtra

Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Encl: A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement

3. Undertaking for defraying the cost of Net Present Value & Compensatory Afforestation.
4. Brief note of the project
5. Site Inspection Report.
6. Certificate in Part V.

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, New Delhi.
2. Principal Chief Conservator of Forests (HoFF), Maharashtra Stage, Nagpur.
3. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur.
4. APCCF and Nodal Officer, Nagpur with reference to his letter No.Desk-17/Nodal/fresh proposal/ I.D-150904/23-24/1158, Dt.14.07.2023.
5. Chief Conservator of Forests (T), Thane.
6. Deputy Conservator of Forest, Alibag Forest Division, Alibag.
7. Authorized Signatory, Sunil Hanumantrao Chaudhari, for Ashwin D. Mansharamani, Mumbai.
8. Select File (F-10)

Subject: Forest Land-Raigad

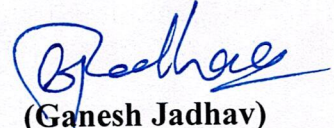
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PART -V

(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-1324/C.R.44/F-10
Dated:- 15.03.2024



(Ganesh Jadhav)
**Under Secretary to the
Government of Maharashtra**

Under Secretary
Revenue and Forests Department
Hutatma Rajguru Chowk
Madam Cama Road, Mantralaya
Mumbai 400 032

Place: Mumbai.

Date:-15.03.2024

