



No. C-28-b-1600/FCA/ Shimla 7242 Dated, 3-3-26

From: CCF Shimla To: - Nodal Officer-cum-APCCF FCA)
O/o Pr.CCF (HoFF) HP, Shimla

Subject: Diversion of 1.9149 ha. of Forest land in favour of Executive Engineer, Himachal Pradesh Public Works Department, Shimla Division No. 1 for the Construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700), falls within the jurisdiction of Shimla (Rural) Forest Division, Tehsil and District Shimla, Himachal Pradesh (Online Proposal No. FP/HP/ROAD/123414/2021)

Sir/Madam,

Kindly refer to the Integrated Regional Office letter No. I/60396/2023 dated 19th December, 2023 on the subject cited above.

2. The point wise reply with respect to the observation raised by the IRO, vide letter referred to above is given as follows: -

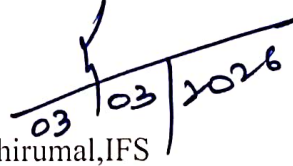
Sr. No.	Query	Compliance
1.	State Govt. may provide the Administrative and Financial approval of the extant proposal.	In this regard User Agency has uploaded Administrative and Financial approval in additional information Part-I.
2.	The proposed area falls under violation; However, it is not clarified from the details submitted whether the proposed diversion area violation falls in the preview of 2183 cases list in which direction issued by Hon'ble High Court. If any, State Govt may submit the documentary prof with complete list of 2183 cases and mark the Sr.No at which the proposal is mentioned, also provide the complete order copy of Hon'ble high court.	In this regard, DFO Shimla has submitted that the High court violation copy order & 2183 Violation cases road list (appeared at Sr. No. 76 under Shimla Zone) has been uploaded in Parivesh portal Part-I in additional information.
3.	In the Part-II, para-II, violation has been reported. However, following clarifications /documents /information's may be provided: (i) The Action Taken Report against the violators as per Para 1.21of FCA Guidelines may submitted/ uploaded in the portal. (ii) Action taken by the State Government against the officials concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of Govt. of India.	In this regard DCF Shimla is submitted that, as per Site Inspection Report of the then concerned DFO, the proposed link Road from Kanda to Seri Dagain Km 00-3/700 (1.9149) ha. was constructed by the Gram Panchyat through villagers after getting funds from BDO Mashobra. The violation has not been reported by the department and the number of trees involved in the already constructed road is not known. The road is presently handed over to PWD by BDO. The road also involves 0.3357 ha. of private land (670 meter). Out of 3.7 km road about 2.5 Km is already passed and Govt.

	<p>(iii) The information on violation, if any, is required to be mentioned at para 11 of Part II as well.</p> <p>(iv) State Govt. may provide the present status of the violation whether the work is continuing or halted.</p>	<p>bus is plying, rest of the road is also constructed but upto 2-3 meter which allows four wheelers to ply easily. The entire road is (3.03) Km excluding private land is under violation. The road portion beyond 2.5 Km is to be constructed properly with proper gradient, the retaining walls where ever required is also required to be constructed on up hills side.</p> <p>This case is also listed in the list of roads constructed in violation in CWP No. 5600 of 2012 dated 05.09.2013 titled as Sh. Manoj Kumar Vs Charan Vs UOI and others" linked to the COPC No.56 of 2009 in pursuance of Govt. HP Notification No. FFE-B(3)-31/2012 dated 21/10/2013 has given one time relaxation for all HPPWD roads.</p> <p>It is brought to notice that in the said CWP the Hon'ble High Court of HP has ordered dated 5.9.2013 in paragraphs 6,67 and 8 that the insistence on submitting the list of officers with their names, designations and complete addresses responsible for past violations will be counterproductive (Complete orders attached as Annexure-I) Hence, as guided by the Hon'ble High Court of HP no list of officers responsible for the violation in the present case needs to be called for. Furthermore, the Hon'ble High Court of HP has also ordered about the action to be taken (as desired in EDS 1) in the extant case of violation, in the same CWP, dated 26.7.2023 in paragraphs 1,2,3 where in the Hon'ble Court has inclined to accept the ratification of such roads in public interest and in good faith on such conditions. It is further submitted that the violation work has been stopped and presently remains halted at the site.</p>
4.	<p>Upon Perusal of KML, it is observed that the alignment proposed is not exactly superimposed on the existing road, which should be exactly 1 of 3 FC/HPB/103/2023 I/60396/2023 superimposed exactly on the existing road. Also, mark all the desired components in distinct colours (Forest land/Non-Forest land/violated and Non-violated/Dumping sites etc.) on the KML file.</p>	<p>In this regard User Agency has uploaded revised KML file mark with distinct colours (colours (Forest land/Non-Forest land/violated and Non-violated/Dumping sites etc.</p>
5.	<p>It has been observed from KML file that dumping site is in very steep slope from where debris can be easily rolled down into downhill side/agriculture field. Therefore, State Govt. may submit mitigation measure to be adopted, so that debris could not rolled down into the downhill side.</p>	<p>In this regard User Agency has submitted that Mitigation measure to be adopted i.e. R/Wal, B/Wall Crate Wires so that debris could not rolled down into the downhill side.</p>

6.	State Govt. has submitted a certificate of Muck Dumping mentioning that road is already existing on site so the Muck will be not generated. If some muck will be generated it will be used for levelling of the site. However, in the Component wise breakup B-2.4, Part-I dumping site has been proposed on forest land. Therefore, State Govt. may justify the statement.	User Agency has submitted that the muck which generated during construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700). It will be used in Filling work of proposed road & filling behind the R/Wall & B/Wall. The Extra/ Remaining muck will be used for levelling of site and dumped in dumping site. The revised Muck Dumping Certificate has been uploaded online in additional information
7.	State Govt. may provide the detailed layout plan in legible format chainage wise length and width of the proposed road and Also mark (Forest land/NonForest land/violated and Non-violated/Dumping sites etc.) duly authenticated by DFO concerned.	In this regard User Agency has submitted Detailed layout plan in legible format chainage wise length and width of the proposed road and also mark (Forest land/NonForest land/violated and Non- violated/Dumping sites etc.) and same has been uploaded online in additional information Part-I.
8.	The detail of purpose wise and component wise breakup of proposed area showing Khasra No. wise forest is required to be uploaded.	In this regard User Agency has submitted that detail of purpose wise and component wise-breakup of proposed area showing Khasra No. has been uploaded online on the Parivesh Portal in additional information part-I.
9.	In the extant proposal private land is also included. Therefore, consent of the private land owners by the way of sale/gift Deed/NoC or any other form is required to be submitted/uploaded.	In this regard User Agency has submitted that consent of the private landowner's sale/gift Deed/NoC has been is uploaded online on the Parivesh Portal in additional information Part-I.
10.	State Govt. may provide the Reclamation plan duly authenticated by DFO concerned.	In this regard that the Reclamation plan duly authenticated by DFO concerned has been is uploaded online on the Parivesh Portal in additional information Part-I.
11.	Land suitability certificate submitted does not mentioned the proposal No. and name of the proposal. Same may be review and rectify the same.	In this regard it submitted that revised land suitability certificate uploaded online on the Parivesh Portal in additional information Part-II.
12.	In the Part-III, CF recommendation, it is submitted that the concerned CCF has inspected the proposed DA on 24.05.2022 and report is attached however same is not found uploaded. Therefore, State Govt. may prove/upload the same at designated column of the PARIVESH.	In this regard, it is submitted that the inspection report of the concerned CCF has been uploaded on the PARIVESH portal under the "Additional Information" section at Sr. No. 7.
13.	State Govt. is required to submit a certificate stating that the proposed CA area is not been used earlier in any of the planation scheme.	It is submitted that the certificate stating that the proposed CA area is not been used earlier in any of planation scheme has been uploaded online on the Parivesh Portal in additional information Part-II.
14.	As per the DSS analysis the software calculated DA area is 0.77 ha however the proposed diversion area is 1.9149 ha. Therefore, State Govt. may provide the correct KML file/DGPS map as per the proposed DA i.e. 1.9149 ha.	In this regard User Agency has submitted that revised/correct KML file of proposed has been uploaded online on the Parivesh Portal in additional information Part-I.

15.	As per the DSS analysis, out of 3.96 ha of CA area 1 ha is under MDF category. Therefore, State Govt. may review the proposal CA site and revise the CA site or shift the CA site on vacant area with canopy density less than 40%.	In this regard it is submitted that the CA area proposed is hereby replaced and revised CA area 3.90 ha proposed in UPF Palsed of Kot Block Shree Naina Devi Ji Range under Bilaspur Forest division and same has uploaded on the Parivesh Portal in additional information Part-I.
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please. This is for favour of kind information and taking further necessary action at your end


03/03/2026

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