

No. / D-Blp/Panyala to Tiun Khas (2.178)/ 6702
HP Forest Department

Dated Bilaspur, the 21/01/2023

From: D.F.O. Bilaspur (H.P.) **To:** C.C.F. Bilaspur (H.P.)

Subject: Diversion of 2.178 hectare of forest land in favour of HPPWD for the construction of link road from Panyala to Tiun Khas Km 0/0 to 5/500 within the jurisdiction of Bilaspur Forest Division.

Memo,

Please refer to your office Endst No. D-VI-188(M)/2113 dated 01.07.2022 on the subject cited above.

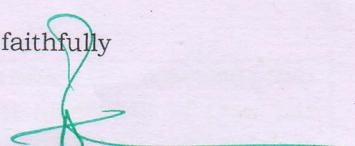
2. The point wise reply to the observations raised vide your letter under reference is furnished as under :-

Sr. No.	observations	Answer
1	In reply to point No. 3 it has been submitted that dumping site has been proposed in private land and same is uploaded in Para-B 2.4 in online Part-I. However, dumping site component id not found uploaded in para-B 2.4. Therefore, all the components of the project whether in private land or in forest land and required to be mentioned in para B 2.4	In reply to point No 3, Necessary correction has been made in B 2.4 in online Part-I by user agency
2	Name of forest (DPF Sadyar) has been rectified in CA Scheme and Land Suitability Certificate. However, revised Land Suitability Certificate is not uploaded at designated location. Also, name of forest proposed for CA is required to be rectified in para-13 para-(i).	Needful has been done.
3	The Layout/Line Plan and KML file showing broken and unbroken area in forest land and in private land /non forest, marked with distinct colours is required to be uploaded.	The layout plan and KML file has been uploaded online Part-I by the user agency.
4	The Private land is also included in proposal. Therefore, consent of the private land owners by way of sale/ gift/ NOC or any other from is also required to be submitted.	The user agency has submitted the NOC for said land which is attached herewith.
5	It has been observed from KML file that area of proposed diversion is 0.73 ha. However, area proposed for diversion is 2.178. Therefore, same may be reviewed and revised KML file with correct area figures is required to be uploaded.	Necessary correction has been made by user agency.
6	As per the Joint inspection report (JIR) and Note on violation ,issued by DFO Bilaspur "The road (broken area) was a Fire Line which was constructed by Forest Department. However, this fire line has taken the shape of jeepable road a long	The user agency has intimated that the present alignment of road has been proposed on the old existing track/Fire line which in existence prior to 1980. The road was appeared in MLA Priority during

	<p>time ago which has been constructed by the local inhabitants/Panchayats" Therefore, following documents/clarification in this regard may be provided:-</p> <p>(i) The documentary proof (copy from working plan/ any other document etc.) showing the broken area as fire line may be provided.</p>	<p>2017 and as per user agency they have not interfered in the Forest land in any manner. As per certificate issued by the concerned Gram Panchayat Kothi, the local residents have improved the old existing track to jeepable standard. The certificate in this regard issued by the concerned Gram Panchayat as provided by user agency is enclosed herewith. Further the said fire line is not appeared in approved working plan of this division.</p>
6(ii)	<p>As per the note of violation submitted by the DFO the extent of violation i.e.- damage on account of breaking of land/digging of soil and compensation charges, total amounting to Rs. 38,11,500/- has been occurred. Therefore, action taken by the department/ concerned DFO for realizing the above cited amount along with documentary proof shall be provided.</p>	<p>The user agency has intimated that the road has been appeared in MLA priority during 2017-18 and as per user agency they have not interfere in the existing track in any manner prior to 2017. The Compensation charges amounting to Rs. 38,11,500/- will be recovered from user agency alongwith other levies i.e CA, NPV etc on receipt of in principle approved by the competent authorty.</p>
(iii)	<p>The detail of name of person/responsible for violation, designation and address of person/s responsible for violation and action taken against the person/s responsible for violation is required to be filled in part-II, para-11.</p>	<p>As such there is no record available in this office about the action taken against violators. However as per Para 1.21(ii), Bill on a/c of Penal NPV has already been raised and placed in proposal folders.</p>
7	<p>The clarification/documents regarding the following may also be provided:-</p> <p>(i) Complete legible list of 2183 roads provided by HPPWD to Hon'ble High Court of HP constructed in violation of FCA, 1980, Highlighting the Sr. No. and name of the road of the extant proposal.</p>	<p>As per user agency the proposed road is appeared at Sr. No. 135 in the list of 2183 roads in which violation of FCA has been reported to the Hon'ble High Court of HP. The list depicting the road is enclosed herewith as Annexure-I.</p>
7(ii)	<p>Copies of the order of Hon'ble High Court of HP which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.</p>	<p>The user agency has submitted the copy of the order/Judgment passed by the Hon'ble High Court of HP on 08.08.2013, 05.09.2013 and 06.09.2014 in CWP No. 5600 of 2012 are enclosed herewith as Annexure -2.</p>

Encls: As above

Yours faithfully



Divisional Forest Officer, 0/
Bilaspur Forest Division,
Distt. Bilaspur, H.P. *(Signature)*