

No. FCA Vol. II/2018. 2568
H.P. Forest Department.

Dated: Shimla-2, the, 4-12-2018

From:- DFO Shimla (Urban)

To:- CCF Shimla.

Subject:- **Diversion of 3.6593 ha. of forest land in favour of Municipal Corporation Shimla for the construction of Passenger Ropeway Project, within the jurisdiction of Shimla (Urban) Forest Division Shimla, H.P. (online no. FP/HP/Others/32176/2018.**

Memo,

Kindly refer to your office Endst No. C-28-b-1600/ FCA (Online)/ Shimla /7034 dated 15-11-2018 and even number dated 30-11-2018 on the subject cited above.

2. The point wise information is given as under:-

1) In this context, it is submitted that the total trees coming in the alignment of Ropeway is 1361 as has been shown in the abstract placed in the proposal. Out of these 1361 trees, 530 trees are proposed to be felled, whereas 831 trees will not be felled. The enumeration lists have been corrected accordingly, a copy of which is enclosed.

2) It is submitted that necessary corrections in the enumeration lists have been made as mentioned supra. The total 1361 trees coming in the alignment of the Ropeway belong to the Forest Department and status of land is UPF. The trees coming in the alignment other than forest land will be processed separately by the User Agency as the land of CPWD is non-forest land and does not fall in the forest area.

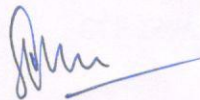
3) It is correct that there are 4 encroachments in forest land proposed for diversion, which have been decided/ settled by the Sub Division Magistrate, Shimla (Urban). But the encroachments have not been vacated, in view of the orders dated, 20-12-2017 passed by the Hon'ble High Court of Himachal Pradesh in CWP No. 1093/2016, whereby the Hon'ble High Court has directed to carry-out physical

eviction firstly by evicting the higher encroachments and thereafter, proceed towards smaller encroachments found in excess of 5 bighas of encroached land in descending order. In compliance to the Hon'ble High Court orders dated 20.12.2017, the department is firstly evicting the encroachments more than 5 bighas and thereafter, the encroachments having less than 5 ha. will be evicted in descending order as the above encroachments are also less than 5 ha. However, a copy of order dated 20-12-2017 passed in CWP No. 1093/2016, is enclosed herewith.

4. It is submitted that Hon'ble NGT vide order dated 25-05-2017 (copy enclosed) has ordered that the Forest Department of Government of Himachal Pradesh shall plant atleast 30 trees of the local species in the same vicinity. The Ld. Advocate General, HP has also admitted in the Hon'ble NGT on 31.08.2017 (copy enclosed) that they would carry-out the directions issued by the Tribunal in its true spirit and substance and would plant atleast 30 trees at the place where they are to fell a tree, either under the order of the Hon'ble High Court or under the project, which is not questioned and proceedings are not pending before the competent forum. It is pertinent to mention here that only 530 Numbers of trees are to be felled and 831 numbers of trees will not be felled as these trees are only coming in the alignment of the Ropeway. Therefore, as per the order of Hon'ble NGT, the Department has calculated numbers of plants to be planted on the purposed trees for felling i.e. 530, which comes to (530×30) 15,900 plants and area comes to 19.88 hac. (or say 20 hac.). The plants to be planted have been calculated as per norms of 800 plants per hac. applicable for enrichment planting scheme as approved by the State Government. So, as per Hon'ble order, 15,900 numbers of plants have to be planted in the vicinity where trees are to be felled and accordingly, site has been selected and proposed for planting. So far as the observation for non- suitability of 14 hac. for planting activates, it is informed that the site selected is very much suitable for planting second storey plants i.e. Ban, Khanoor, Brass, Kainth, Tuni, and some other native species of Shimla area, which can only be observed by the field inspections and not by satellite vision. It is pertinent to mention here that the area of

18 ha. reported earlier was calculated as per norms of 1100 plants/ha., which is applicable to the blank/degraded forests. Now, it has been felt appropriate to plant at the norms of 800 plants/ha., approved under Enrichment Planting Scheme. The revised Kml. file for 20 ha. is enclosed herewith.

Encl.: As above.



Divisional Forest Officer,
Shimla (U) Forest Division
Shimla, H.P.