

I/360215/2024

Himachal Pradesh Forest Department
Suket Forest Division, Sundernagar

From: D.C.F. Suket.

To: C.C.F. Mandi.

Subject : **Diversion of 1.8272 ha. of forest land in favour of HPPWD for the construction of link road Chowk to Sandoa via Dharjol Ropari Dhar (km 0/00 to 4/810) within the jurisdiction of Suket Forest Division, Sundernagar, Distt. Mandi, HP. (Proposal No. FP/HP/road/40734/2019).**

Memo:

Kindly refer to Govt. of India, Regional Office Chandigarh sub office Shimla office No. FC/HPB/06/22/2021 dated 19/01/2024 on the subject cited above.

2. In this context, point-wise reply of observations is as under:-

Sr. No.	EDS/Observations	Reply of Observations
1.	Since the list of 2183 road proposals have been given by the HPPWD to the High Court which states involvement of violation of FCA,1980, now Van (Sanrakshan Evam Samvardhan) Adhiniyam,2023, the status of proposal of regularization of encroachment and violation of FCA should be submitted and in remaining cases the proposals should be submitted in a time bound matter, may be in 6 months time and state and RO should be given instruction for the same. Also, State Govt. may clarify about the direction given to State Govt. or MOEFCC, if any, by the Hon'ble High Court in the matter concerning 2183 cases.	The user agency submitted that the said road or path has been constructed by the local habitants before the year 1980 and used to be a common way on part of it and local villagers had started widening and defacing of that way as mule path for their conveyance a long back with an apprehension that land is private /malkiyat land i.e. before 1980. Now, the HPPWD has got the Administrative and Financial approval and started this case for diversion accordingly. The Affidavits showing the status of road obtained from the general public has been uploaded in the PARIVESH portal by user agency.
2.	These cases involve regularization of encroachment and violation of FCA and since the road cannot be constructed without having physical and financial sanction of the competent authority, therefore State Govt. is required to take legal action against the officials responsible for issuing physical /financial sanction under section 3A & 3B of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 2023 and submit the action taken report in this regard.	This case does not involve regularization of encroachment and violation of FCA, because the said road or path has been constructed by the local habitants before the year 1980. Now, no construction work has been done by the department on the proposed road. Accordingly the proposed road diversion case has been submitted to the Ministry of Environment, Forest and Climate Change for regularization.
3.	The State Government is required to examine the role of forest officials and their failures in not getting the work stopped and taking action taken in time and letting the violation go. Action taken in this regard needs to be submitted.	In said case, as the user agency submitted that the said road or path has been constructed by the local habitants before the year 1980 . Hence, there is no any question arises regarding violation.

This is for favour of kind information & further n/action at your end please.

Deputy Conservator of Forest,
Suket Forest Division,
Sundernagar.

Endst:

1. Copy is forwarded to Executive Engineer, Sarkaghat Division, HPPWD Sarkaghat w.r.t. his office memo No. 21137-39 dated 22/02/2024 for kind information.

2. RFO Sarkaghat for information & further n/action. She may ensure that use of forest land may not be allowed to user agency till final approval granted by competent authority.

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