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No.C-28-b-1600/FCA (Online)/Shimla/ 7930 Dated, the Shimla-02 7-3-2024

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

Subject: Diversion of 2.2973 hectare of Forest land in favour of Executive Engineer, Himachal Pradesh Public Works Department, Shimla Rural Division, Dhami for the construction of Padech to Deefaug Batiyad Kadech road (Kms. 0/00 to 4/200), falls within the jurisdiction of Shimla (Rural) Forest Division (Online Proposal No. FP/HP/ROAD/21589/2016 dated 21st October, 2016).

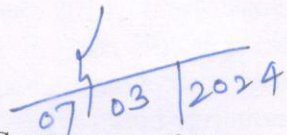
Memo:

Kindly refer to the Govt. of India letter No. FC/HPB/02/2023 dated 18.04.2023 on the subject cited above.

2. The point wise reply of the observation raised by GOI is given as under:-

Sr.	Observation	Reply
1.	As per the information provided by the concerned DFO under column 11 of Part II, the instant proposal involves the violation and the forest land involved in the violation is 0.1677 ha which has been done in the year 2007. However, as per the Joint Inspection Report (JIR) of dated 18.12.2014, there is no observation is made by the Committee regarding the violation part. The information provided are contradictory	In this respect, User Agency has submitted that the revised Joint Inspection has been conducted on 25 th May, 2022 giving the detail of violation and the copy of revised Joint Inspection has been uploaded on the Part-I under additional information details at Sl. No. 16, please.
2.	Similarly, the JIR of dated 18.12.2014 has mentioned number of trees falling in the proposed alignment as 60 trees, but the latest Joint Inspection Report of dated 25.05.2022 and under Column 4 (ii) part-II online, the total numbers of trees falling in the proposed alignment is mentioned as 184 trees. The information provided are contradictory	In this respect, User Agency has submitted that at the time of Joint Inspection conducted on 18 th December, 2014, there were less trees involve in the project. But at present saplings of various species have been grown on the spot, hence, there is found variation in the trees coming in the road alignment. However, revised Joint Inspection Report conducted on 25 th May, 2022 may be treated as final as the same is as per the actual condition of the selected patch of Forest land.

<p>3. Furthermore, in the detailed report on the violation uploaded (at Sr. No. 5-Additional information of Part-II) by the concerned DFO, it is clearly mentioned at Sr. No. (b) i.e. the name and designation of the officials/persons primary responsible for violation is mentioned as HPPWD/BDO. However, at Sr. No. (c) of the report i.e. regarding fixing the responsibility of violation, it is mentioned as 'Not Possible'. The statements mentioned at Sr. No. (b) and (c) are contradictory. As the violators are already known as mentioned at Sr. No. (b) of the report, the action is required to be taken by the State Government. Therefore, following information may also be provided:-</p> <p>(i) The Action Taken Report against the violators as per Para 1.21 (i) and/ or (ii) of FCA Guidelines may be submitted/ uploaded in the portal FC/HPB/02/2023 I/41085/2023.</p> <p>(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</p>	<p>DFO Shimla is submitted that the Hon'ble High Court vide its order in CWP No. 5600 of 2012 has given one time relaxation for the road which have been constructed illegally on Forest land and Padech to Deefaug Batiyad Kadech road (Kms. 0/00 to 4/200) is existing in the list of 2183 roads which has been submitted by the HPPWD to the Hon'ble High Court. Further, the then CCF Shimla has also inspected the road on 25th May, 2022 in compliance to the Govt. Notification No. FFE-B-F(3)-31/2012 dated 30th May, 2014 and copy of the revised Joint Inspection report has been uploaded online in the Part-I under additional information details.</p> <p>The list of 2183 roads provided by the HPPWD to the Hon'ble High Court of HP along with the copy of the Hon'ble High Court which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provision of FCA, 1980 has been uploaded online on Parivesh portal by the User Agency in the Part-I under additional information details by highlighting the name of road at Sl. No. 138 of 4th Circle Shimla at Page No. 23 of the PDF attached, please.</p>
<p>4. The concerned DFO has clearly mentioned at Sr.No.(d) of the detailed report on violation i.e. "Hon'ble High Court vide its order in CWP No. 5600 of 2012 has given one time relaxation for the road which have constructed illegally on forest land". Therefore, the copy of the same may be provided.</p>	<p>The copy of the Notification No. FFE-B-F(3)-31/2012 dated 30th May, 2014 of the Department of Forests, Govt. of Himachal Pradesh along with copy of Hon'ble High Court order No. CWP 5600 of 2012 has been uploaded online in the Part-I under additional information details, Sr. No. - 15.</p>


 Chief Conservator of Forests
 Shimla Forest Circle, Shimla.