



Himachal Pradesh Forest Department

Shimla Forest Division, Shimla

Mist Chamber Khalini, Shimla-2

Email: head-fordivshi.hp@hp.gov.in Telephone No. 0177-2623412



No./ RK/FCA/link road Padech Bhatiyad Kadech /// Dated Shimla-2, the: As per E-signature

From: DCF (Rural), Shimla

To: CCF (T), Shimla

Subject: **Diversion of 2.2973 ha of forest land in favour of HPPWD for the construction of link road Padech Bhatiyad Kadech within the jurisdiction of Shimla Forest Division, Tehsil and District Shimla Himachal Pradesh. (Online Proposal No. FP/HP/ROAD/21589/2016)**

Sir/Madam,

Please refer to the Integrated Regional Office Memo. No. I/107840/2025 dated 28th April, 2025 on the subject cited above.

2. The point wise reply with respect to the observation raised by the Integrated Regional Office, Chandigarh, MoEF&CC vide letter referred to above is given as follows: -

Sl. No.	Observation	Compliance
1.	The State Government shall provide details of action taken against the violation as per provisions mentioned in consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023	<p>In this regard it is submitted that this case is listed in the list (appeared at Sr. No. 138 under Shimla Zone) 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 and in pursuance of Govt. HP Notification No. FFE-B(3)-31/2012 dated 21/10/2013 which 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 6,7 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</p>

		public interest and in good faith on such conditions. It is further submitted that no further violation has occurred as reported in the above mentioned case and presently no work is ongoing on the site.
2.	The State Government shall submit a detailed status report to the Regional Office in case of 2183 road projects for which directions have been passed by Hon'ble High Court of Himachal Pradesh including the detail of proposals already approved under Van (Sanrakshan Evam Samvardhan) Adhinyam, 1980 and the balance cases that are yet to be processed. The decision in such type of cases shall be taken holistically by Regional Office and forward the same to the Ministry along with its comments/recommendations.	In this regard it submitted User agency has uploaded 2183 roads project status report on Parivesh Portal in the Part-I under additional information details named as " <i>REVISED FACTUAL POSITION FROM 2017 ALONGWITH DEPARTMENTAL COMMENTS 25.10.2025</i> ".

This is for favour of kind information and necessary action, please.

Signed by Aniket Maruti
Wanve
Date: 09-04-2026 10:35:06

Deputy Conservator of Forest
Shimla Forest Division.
E-mail: head-fordivshi.hp@hp.gov.in

CWP No. 5600 of 2012 a/w CWP No. 9797 of 2012 & COPC No. 56 of 2009

05.09.2013

Present:

CWP No. 5600 of 2012

Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 4 & 6 to 8.

Mr. C.N. Singh, Advocate, for respondent No. 9.

Mr. Arvind Sharma, Advocate, for respondent No. 10.

CWP No. 9797 of 2012

Mr. Bipin.C. Negi, Advocate, for the petitioners.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 6.

Mr. Rajnish Maniktala, Advocate, for respondent No. 8.

COPC No. 56 of 2009

None for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for Union of India.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma & Mr. Anup Rattan, Additional Advocate Generals, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents-State.

Heard counsel for the parties.

2. We have perused the minutes of the proceedings of the joint meeting held on 19th August, 2013, attended by all the concerned duty holders noted in our order dated 8th August, 2013. Since, in principal, agreement has been reached for regularization of 841 roads subject to certain compliances to be made by the State Government and

that process is likely to take some time, we have no hesitation in deferring the hearing of this matter for the time being till 30th December, 2013, for reporting of further action taken by the concerned duty holders.

3. Learned Assistant Solicitor General of India submitted that the MoEF is of the opinion that in addition to 841 roads, referred to in the order dated 8th August, 2013, by this Court, it is possible that there are other roads, which are not included in the list of 841 roads. That figure may jump to around 1500. In other words, there are more than 660 roads, which have not been brought to the notice of the MoEF as of today.

4. The learned Advocate General appearing for the State submits that this apprehension will be duly examined at the highest level by the State Government and the information that would be collated during such enquiry, the Principal Secretary (PWD) to the Government of Himachal Pradesh shall submit that information to the MoEF not later than two months from today. The State Government, through learned Advocate General, undertakes to abide by all the conditions specified in the minutes of the joint meeting held on 19th August, 2013, even with regard to the unlisted roads of which information will be furnished by the State Government in due course.

5. In view of this assurance given by the State Government, we do not deem it necessary to issue any direction on that issue as of now.

6. Learned Assistant Solicitor General of India then invited

our attention to Clause (x) of the minutes and pointed out that the State Government be directed to submit the list of officers responsible for violation.

7. In our opinion, insistence of this compliance will be counter productive at this stage. In our order, dated 8th August, 2013, we have already kept the order dated 28th August, 2009, in abeyance. Necessity of furnishing list of officers of the State Government responsible for violation would arise only if the said order was to be revived and the abeyance order is recalled.

8. In the circumstances, we hope that the officials of MoEF or any other department of the Government of India shall not insist for compliance of furnishing the names, designations and complete addresses of the officers of the State Government responsible for past violations.

9. Accordingly, this matter be notified on 30th December, 2013. The arrangement directed in terms of order dated 8th August, 2013, to continue till further directions.

Copy dasti.

(A.M. Khanwilkar)
Chief Justice

(Kuldip Singh)
Judge

September 5, 2013
(rajni / vt)

26.07.2013

CWP No. 5600 of 2012 a/w
CWP No. 9797 of 2012 & COPC No. 56 of 2009

Present:

CWP No. 5600 of 2012

Mr. Ajay Sharma, Advocate, for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for respondent No. 1.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma, Additional Advocate General, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents No. 2 to 4 & 6 to 8.

Mr. C.N. Singh, Advocate, for respondent No. 9.

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CWP No. 9797 of 2012

Mr. Bipin C. Negi, Advocate, for the petitioners.

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Mr. Rajnish Maniktala, Advocate, for respondent No. 8.

COPC No. 56 of 2009

None for the petitioner.

Mr. Sandeep Sharma, Assistant Solicitor General of India, for Union of India.

Mr. Shrawan Dogra, Advocate General, with Mr. Romesh Verma, Additional Advocate General, and Mr. J.K. Verma & Ms. Parul Negi, Deputy Advocate Generals, for respondents-State.

CWPs No. 5600 & 9797 of 2012

Considering the fact now revealed by the learned Advocate General across the Bar that it has come to light that in all, approximately 829 roads have been constructed without taking prior permission, prior to August 2009. Since those roads are already put to public use and it will not serve public interest by closing those roads or directing to remove the same, the State Government, in principal, is

inclined to move a formal proposal to the Ministry of Environment to ratify the action of construction of those roads undertaken by the State Government in good faith on such conditions, as may be permissible in law, including by imposing environmental damage compensatory costs and further direction to put up retention walls in certain areas, which need strengthening and upon compliance of such conditions, a formal ex-post facto sanction can be granted in respect of those roads.

2. We are inclined to accept this submission in public interest, provided such authority vests with the Ministry of Environment in law. If such proposal is moved by the State Government, appropriate decision thereon can be taken within reasonable time and preferably within six weeks from its receipt. The Ministry of Environment will be free to examine the said proposals uninfluenced by the orders passed by this Court in COPC No. 56 of 2009 or any other order passed in the companion proceedings. The decision taken by the Ministry of Environment, however, will be subject to the outcome of the present proceedings and can be given effect to only after the Court so directs.

3. We make it clear that if the State is required to pay compensatory costs, if so ordered by the Ministry of Environment, Government of India, the manner of recovery of such compensatory costs and from persons responsible for the situation can be evolved by the State Government and even that proposal can be submitted to the Court, if so required.

4. To be listed on 8th August, 2013.

-: 3 :-

COPC No. 56 of 2009

Not on Board. Upon mentioning, taken on Board. To be listed on **8th August, 2013**, alongwith CWP No. 5600 of 2012.

Copy dasti.

(A.M. Khanwilkar)
Chief Justice

(R.B. Misra)
Judge

July 26, 2013
(rajni / vt)

High Court of MP

**Himachal Pradesh
Public Works Department**

No.:PW-LC-CWPIL No.91/2017/ **5735-36**

Dated: **19/08/2025**

To

The Principal Chief Conservator of Forests (HoFF)
Himachal Pradesh Shimla-1

Subject: - **CWPIL No.91/2017-titled as court on its own Motion Vs. State of HP & Ors-Reg.**

Sir,

Please refer to your office letter No.Ft.42-283/2017 (FCA) dated 18.08.2025 on the subject cited above vide which your office has pointed out that clear-cut reasons of withdrawal of road work Khalawan Saroga Bankoti Road Km. 0/0 to 3/910 have not written & the work named as Devodhar to Dev Balakmeshwar Temple belongs to HPPWD instead of RDD.

After taking written clarification from the Executive Engineer HPPWD Division No.II Mandi & Superintending Engineer HPPWD 11 th Circle Rampur Bushahr, the following revised updated information is hereby submitted to your office for taking further necessary action please :-

- 1 Revised Abstract of latest status of all roads constructed in violation of FCA, 1980 as on 31.07.2025.
- 2 Revised Division/Circle/Zone wise latest status of FCA cases in respect of roads constructed in violation of FCA 1980 on proformas I to V alongwith following enclosures in respect of **HPPWD Zone Mandi & HPPWD Zone Shimla** :
 - i) List of withdrawn cases
 - ii) List of repeated cases.
 - iii) List of cases for which FCA not required.
 - iv) List of cases pertaining to other departments.
- 3 Revised departmental comments on factual position from 2017 i.e. reply of Sr. No.3 of the conclusion of proceedings.

The Division wise/Circle wise/Zone wise and road wise information duly signed in respect of HPPWD Zone Hamirpur and HPPWD Zone Kangra as submitted to your office by this office vide letter No. even/1396-97 dated 05.08.2025 will remain same. However the soft copies of the updated information in respect of HPPWD i.e., all Zones is being sent today itself.

Yours faithfully,

Encl : As above


Engineer-in-Chief

HP.PWD, Nigam Vihar, Shimla-2

Copy to the Additional Chief Secretary (Forest) to the Govt. of Himachal Pradesh Shimla-2 for information and necessary action.

/
Engineer-in-Chief

HP.PWD, Nigam Vihar, Shimla-2

REVISED FACTUAL POSITION FROM 2017 ALONGWITH DEPARTMENTAL COMMENTS


The department of HPPWD remained pro active right from the year 2017. The department persuaded the land owners of whose private land was coming in the alignment of roads constructed in violation of FCA,1980 to gift their land in favour of HPPWD/HP Govt. After the people gifted their private land in favour of HPPWD/HP Govt., the department started detailed survey of the roads constructed in violation of FCA 1980 and improved the gradient of the road where ever required. Thereafter, with the assistance of Revenue department the HPPWD collected /obtained revenue papers of the forest land coming in the roads and also obtained required papers from concerned Gram Panchayats. A lot of time has been consumed & is being consumed for obtaining consent/approval from the Village Forest Right Committees. A lot of time was also consumed and is being consumed for seeking required inescapability etc. certificates from the Sub Divisional Level and District Level Committees under FRA,2006. The world wide spread of Covid-19 in the year 2020 & 2021 also adversely affected the FCA related work of HPPWD. It is the result of continuous efforts that the department has achieved the following updated progress in the matter :-

- 1) Arranged Stage-I approval under FCA, 1980 = 87 cases.
- 2) Arranged Stage-II approval under FCA,1980 =135 cases.
- 3) Arranged approval under FRA, 2006 for the roads having forest land less than 1.00 hectare = 51 cases.
- 4) The in pipeline/under process cases for approval under FCA, 1980= 593 cases.

After thorough checking at the site & in the records :-

- (i) Cases found pertaining to other departments =49 Nos.
- (ii) Cases withdrawn =2 Nos.
- (iii) Cases found repeated =21 Nos.
- (iv) Cases for which FCA not required = 65 Nos. (due to the reason that the road either constructed prior to FCA, 1980 or the forest land is not coming in the alignment of road)

The department is also making efforts to start process for seeking approval under FCA, 1980/ FRA, 2006 in respect of 685 unprocessed cases having forest land more than 1.00 hectare and 495 unprocessed cases having forest land less than 1.00 hectare.


Engineer-in-Chief
HPPWD Nigam Vihar
Shimla-2 