

FC-BIL-H032/6/2023-SALE and MISC-FOREST CIRCLE BILASPUR

I/261235/2023

No.D-VI-188(M)
HP Forest Department

Dated Bilaspur the/

From: CCF Bilaspur.

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

Subject:- **Diversion of 2.178 ha. of forest land in favour of HPPWD for the construction of link road from Panyala to Tiun Khash Kms. 0/0 to 5/500 within the jurisdiction of Bilaspur Forest Division, Distt. Bilaspur, HP.**

Memo:-

Kindly refer to GoI letter No. FC/HPB/06/78/2021 dated 29.06.2023 on the subject cited above.

2. The point-wise reply/information to the shortcomings as furnished by DFO Bilaspur is as under:-

Sr. No.	EDS/Observations	Reply to EDS
1	In reply to point No. 3, it has been submitted that dumping site has been proposed in Pvt. land and same is uploaded in Para-B 2.4 in online Part-I. However, dumping site component is not found uploaded in Para-B 2.4. Therefore, all the components of the project whether in Pvt. 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-1 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 as 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 Pvt. land/Non Forest, marked with distinct colors is required to be uploaded.	The layout plan and KML file has been uploaded in Part-I online by the User Agency.
4	The Pvt. land is also included in proposal. Therefore, consent of the Pvt. land owners by way of sale/gift/NOC or any other form 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 the User Agency.
6	As per the joint inspection report (JIR) and note on violation, issued by DFO Bilaspur "road (broken area) was a fire line which was constructed by forest department. However, this fire line has been taken the shape of jeepable road a long time ago which has been constructed by the local in habitants/ Panchayats". Therefore, following documents/	The User Agency has intimated that the present alignment of road has been proposed on the old existing track/Fire line which was in existence prior to 1980. The road was appeared in MLA Priority during 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

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	clarification in this regard may be provided:- (i) the documentary proof (copy from working plan/ any other document etc. showing the broken area as fire line may be provided.	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 the User Agency is enclosed herewith. Further the said fire line is not appeared in approved Working Plan of Bilaspur Forest Division.
	(ii) As per the note on 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. 3811500/- has been occurred. Therefore, action taken by the Department/concerned DFO for realizing the above cited amount along with documentary proof shall be provided.	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 along with other levies i.e. CA, NPV etc. on receipt of in Principle approval by the competent authority.
	(iii) the detail of name of persons responsible for violation, designation and address of persons responsible for violation and action taken against the persons responsible for violation is required to be filled in Part-II Para-11.	As such there is no record available in Bilaspur Forest Division about the action taken against the violators. However, as per para 1.21(ii), Bill on account of Penal NPV has already been raised and placed in proposal folders.
7	The clarification/documents regarding the following may also be provided:- (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 extent proposal.	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.
	(ii) Copies of the order of Hon'ble High Court which clearly finds mention of regularization of 2183 roads which have already been constructed in violation of the provisions of FCA, 1980.	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. 56000 of 2012 are enclosed herewith as Annexure-2.

Encls:-As above.

Chief Conservator of Forests,
Bilaspur Forest Circle,
Bilaspur, HP.

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Copy is forwarded to DFO Bilaspur w.r.t. his office memo. No. 6700 dated 03.10.2023 for information.