

I/368238/2024

**H.P. Forest Department.
Mandi Forest Circle, Mandi HP.**

From: C.F (T) Mandi.

To: Nodal Officer-cum-APCCF (FCA)
O/o Pr.CCF H.P. Shimla.

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

Memo:

Kindly refer to GoI, MoEF & CC Regional Office Shimla, HP File No. FC/HPB/06/22/2021 dated 19.01.2024 on the subject cited above.

In this context, the point-wise reply of observations as raised by Integrated Regional Office Shimla, HP has been attended by DFO Suket & User agency which is as under:-

S. No.	Eds	Reply to eds
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	DFO Suket has 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 Le 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 in Part-I.

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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.	DFO Suket has submitted that, 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, this s should not be consider as violation

This is for favor of kind information & further necessary action please.

Conservator Forests,
Mandi Forests Circle, H.P.