

Dated Bilaspur, the

20/2/2024

From: DFO Bilaspur.

To:- CCF Bilaspur.

Subject: Diversion of 3.9654 ha (instead of 5.5334 hectare) of forest land in favour of HPPWD for the construction of link road from Khal Tiba Km o/o to 7/0 within the jurisdiction of Bilaspur Forest Division.

Memo:-

Kindly refer to your office online EDS Dated 03.02.2024 on the subject cited above.

The point wise reply to the observations is raised by you vide your letter quoted above is furnished as under:-

Sr. No.	Observations	Answer
1	Since the list of 2183 road proposals have been given by the HPPWD to the Hon'ble High court, wherein violation of FCA 1980 (now Van Samrakhan Evam Samvardhan) Adhiniyam, 2023) is involved, The status of the remaining proposal for regularization of encroachment and violation of FCA is required to be given and all remaining proposals need to be submitted in a time bound matter within next 6 months' time.	The user agency has intimated that the all remaining proposals will be submitted within six months.
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 and 3B of the Van (Sanraksham Evam Samvardhan) Adhiniyam, 2023 and submit action report in this regard.	The user agency has intimated that the road is appearing in the list of 2183 road proposals constructed in violation of FCA, 1980 as the same has been depicted at Sr. No. 137. This road has been already constructed by local people many years ago to jeepable standard. The HPPWD has not constructed any part of this road. No records are available about the construction of this road.
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.	(i) As per user agency the road has been construction 22 year back by local Gram Panchayat and residences. As such there is no record available in this office the action taken against violators. However as per Para 1.21 (ii), Bill on a/c of Penal NPV has already been raised and placed in proposal folders. (ii) Since violation has taken place a long time ago as such no record is available about action taken against the official concerned for not being able to prevent the use of forest land for non-forestry purpose without prior approval of GoI.
4	State Govt. Shall submit the direction for State Govt/Regional Office given by the Hon'ble Court in the said order.	The relevant order on High Court passed in CWP No. 5600 of 2012 dated 05.09.2013 titled "Sh. Manoj Kumar S/o Sh. Shiv Charan Vs UOI and others" linked the CPOC No. 56 of 2009 order dated 16.11.2017 passed in CWPII No. 91 of 2017 & direction order issued by the Govt. vide letter No. 15.11.2016 are enclosed herewith.

Divisional Forest Officer,
Bilaspur Forest Division,
District Bilaspur, HP