



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/Kanda to Seri/

Dated Shimla-2, the: As per E-signature

From: DCF (Rural), Shimla

To: CCF (T) Shimla

Subject: Diversion of 1.9149 ha. of Forest land in favour of Executive Engineer, Himachal Pradesh Public Works Department, Shimla Division No. 1 for the Construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700), falls within the jurisdiction of Shimla (Rural) Forest Division, Tehsil and District Shimla, Himachal Pradesh (Online Proposal No. FP/HP/ROAD/123414/2021)

Sir/Madam,

Kindly refer to the Integrated Regional Office letter No. I/60396/2023 dated 19th December, 2023 on the subject cited above.

2. The point wise reply with respect to the observation raised by the IRO, vide letter referred to above is given as follows: -

Sr. No.	Query	Compliance
1.	State Govt. may provide the Administrative and Financial approval of the extant proposal.	In this regard User Agency has uploaded Administrative and Financial approval in additional information Part-I.
2.	The proposed area falls under violation; However, it is not clarified from the details submitted whether the proposed diversion area violation falls in the preview of 2183 cases list in which direction issued by Hon'ble High Court. If any, State Govt may submit the documentary prof with complete list of 2183 cases and mark the Sr. No at which the proposal is mentioned, also provide the complete order copy of Hon'ble high court.	In this regard, it is submitted that the High court violation copy order & 2183 Violation cases road list (appeared at Sr. No. 76 under Shimla Zone) has been uploaded in Parivesh portal Part-I in additional information.
3.	In the Part-II, para-11, violation has been reported. However, following clarifications /documents /information's may be provided: <ul style="list-style-type: none"> (i) The Action Taken Report against the violators as per Para 1.21of FCA Guidelines may submitted/ uploaded in the portal. (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. (iii) The information on violation, if any, is 	In this regard it is submitted that, as per Site Inspection Report of DCF and CF Concerned, proposed link Road from Kanda to Seri Dagain Km 00-3/700 (1.9149) ha. was constructed by the Gram Panchyat through villagers after getting funds from BDO Mashobra. The violation has not been reported by the department and the number of trees involved in the already constructed road is not known. The road is presently handed over to PWD by BDO. The road also involves 0.3357 ha. of private land (670 meter). Out of 3.7 km road about 2.5 Km is already passed and Govt. bus is plying, rest

	<p>required to be mentioned at para 11 of Part II as well.</p> <p>(iv) State Govt. may provide the present status of the violation whether the work is continuing or halted.</p>	<p>of the road is also constructed but upto 2-3 meter which allows four wheelers to ply easily. The entire road is (3.03) Km excluding private land is under violation. The road portion beyond 2.5 Km is to be constructed properly with proper gradient, the retaining walls where ever required is also required to be constructed on up hills side.</p> <p>This case is also listed in the list 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 of 2009 in pursuance of Govt. HP Notification No. FFE-B(3)-31/2012 dated 21/10/2013 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 6,67 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 public interest and in good faith on such conditions. It is further submitted that the violation work has been stopped and presently remains halted at the site.</p>
4.	<p>Upon Perusal of KML, it is observed that the alignment proposed is not exactly superimposed on the existing road, which should be exactly 1 of 3 FC/HPB/103/2023 I/60396/2023 superimposed exactly on the existing road. Also, mark all the desired components in distinct colours (Forest land/Non-Forest land/violated and Non-violated/Dumping sites etc.) on the KML file.</p>	<p>In this regard User Agency has uploaded revised KML file mark with distinct colours (colours (Forest land/Non-Forest land/violated and Non-violated/Dumping sites etc.</p>

5.	It has been observed from KML file that dumping site is in very steep slope from where debris can be easily rolled down into downhill side/agriculture field. Therefore, State Govt. may submit mitigation measure to be adopted, so that debris could not rolled down into the downhill side.	In this regard User Agency has submitted that Mitigation measure to be adopted i.e. R/Wal, B/Wall Crate Wires so that debris could not rolled down into the downhill side.
6.	State Govt. has submitted a certificate of Muck Dumping mentioning that road is already existing on site so the Muck will be not generated. If some muck will be generated it will be used for levelling of the site. However, in the Component wise breakup B-2.4, Part-I dumping site has been proposed on forest land. Therefore, State Govt. may justify the statement.	User Agency has submitted that the muck which generated during construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700). It will be used in Filling work of proposed road & filling behind the R/Wall & B/Wall. The Extra/ Remaining muck will be used for levelling of site and dumped in dumping site. The revised Muck Dumping Certificate has been uploaded online in additional information
7.	State Govt. may provide the detailed layout plan in legible format chainage wise length and width of the proposed road and Also mark (Forest land/NonForest land/violated and Non-violated/Dumping sites etc.) duly authenticated by DFO concerned.	In this regard User Agency has submitted Detailed layout plan in legible format chainage wise length and width of the proposed road and also mark (Forest land/NonForest land/violated and Non-violated/Dumping sites etc.) and same has been uploaded online in additional information Part-I.
8.	The detail of purpose wise and component wise breakup of proposed area showing Khasra No. wise forest is required to be uploaded.	In this regard User Agency has submitted that detail of purpose wise and component wise-breakup of proposed area showing Khasra No. has been uploaded online on the Parivesh Portal in additional information part-I.
9.	In the extant proposal private land is also included. Therefore, consent of the private land owners by the way of sale/gift Deed/NoC or any other form is required to be submitted/uploaded.	In this regard User Agency has submitted that consent of the private landowner's sale/gift Deed/NoC has been is uploaded online on the Parivesh Portal in additional information Part-I.
10.	State Govt. may provide the Reclamation plan duly authenticated by DFO concerned.	In this regard User Agency has submitted that the Reclamation plan duly authenticated by DFO concerned has been is uploaded online on the Parivesh Portal in additional information Part-I.
11.	Land suitability certificate submitted does not mentioned the proposal No. and name of the proposal. Same may be review and rectify the same.	In this regard it submitted that revised land suitability certificate uploaded online on the Parivesh Portal in additional information Part-II.
12.	In the Part-III, CF recommendation, it is submitted that the concerned CCF has inspected the proposed DA on 24.05.2022 and report is attached however same is not found uploaded. Therefore, State Govt. may prove/upload the same at designated column of the PARIVESH.	This observation pertains to CCF(T) Shimla.

13.	State Govt. is required to submit a certificate stating that the proposed CA area is not been used earlier in any of the planation scheme.	It is submitted that the certificate stating that the proposed CA area is not been used earlier in any of planation scheme has been uploaded online on the Parivesh Portal in additional information Part-II.
14.	As per the DSS analysis the software calculated DA area is 0.77 ha however the proposed diversion area is 1.9149 ha. Therefore, State Govt. may provide the correct KML file/DGPS map as per the proposed DA i.e. 1.9149 ha.	In this regard User Agency has submitted that revised/correct KML file of proposed has been uploaded online on the Parivesh Portal in additional information Part-I.
15.	As per the DSS analysis, out of 3.96 ha of CA area 1 ha is under MDF category. Therefore, State Govt. may review the proposal CA site and revise the CA site or shift the CA site on vacant area with canopy density less than 40%.	In this regard it is submitted that the CA area proposed is hereby replaced and revised CA area 3.90 ha proposed in UPF Palsed of Kot Block Shree Naina Devi Ji Range under Bilaspur Forest division and same has uploaded on the Parivesh Portal in additional information Part-I.

This is for favour of kind information and taking further necessary action at your end please.

Encl:- As above

Signed by

Aniket Maruti Wanve

Date: 18-02-2026 16:58:48

**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.

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, Additional Advocate General, 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, 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

Ful title of the Project: - Diversion of 1.9149 ha. of forest Land in favour of Executive Engineer, HPPWD, Shimla Division No.1, for the construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700), within the jurisdiction of Shimla Forest Division, Distt. Shimla, H.P. (Online Proposal No. FP/HP/ROAD/123414/2021)

CERTIFICATE OF MUCK DUMPING

Certified that the muck which generated during construction of link road from Kanda to Seri Dagain (Kms. 0/0 to 3/700) it will be used in Filling work of proposed road & filling behind the R/Wall & B/Wall. The Extra/ Remaining muck will be used for leveling of site and dumped in dumping site.

Executive Engineer
Executive Engineer
Shimla Division No-1
HPPWD Shimla-171003

CHECK LIST SERIAL NO:- 28

RECLAMATION PLAN

Detail Reclamation Plan, whenever required. It should be realistic exhaustive and complete in all respects along with relevant maps in distinct colors. It should also include the details of back fillings, afforestation and execution of such works, whenever required.

Diversion of 1.9149 hectare of forest land has been proposed for the construction of Link Road From Kanda To Seri Dagain KM 0/0 to 3/700. The construction of this road will generate muck to the extent of 20000.00 Cubic meter. By taking Deduction for useful stone 1/3 and a swell factor of 60% on the total muck become 33999.00 cubic meter Out of this 27879.00 cubic meter of muck will be used for construction of masonry walls, Edge/wall R/Wall and B/wall, leveling and half cutting half filling of the proposed road. The remaining 6101.00 Cubic meter of muck will require safe disposal. The user agency has identified 1 No. dumping sites for the disposal of this muck. The dumping site has been identified along the proposed site and the capacity of these dumping sites has been worked out to be 6240.00 cubic meter which is sufficient to hold the muck to be generated.

Thus, all the muck generated will be dumped in the designated dumping sites. 1 number dumping site designated as DS-I had been identified for dumping of muck / debris to be produced during the construction phase of the project. It is proposed that the dumping sites are treated in such a manner that these do not pose any problem to the environmental management consideration arising out of the necessity to stabilize the dumping sites at the earliest. Therefore, this reclamation plan has been formulated with the following objectives: -

1. To arrest the dumped muck in-situ so that it does not find its way to the nearby drainage channels, thus altering the drainage pattern of the area.
2. To rehabilitate the dumped area over a period of time so that it merges with the Adjoining natural landscape and does not stand out as a sore point.
3. To improve the aesthetics of the dumping grounds/ dumping site by planting suitable Plants and trees species thereby increasing the forest cover in the area.
4. To stabilize the dumping site by vegetative and engineering structures.

Implementation :

The proposal will be implemented by the user agency itself at its own cost as detailed in this plan. The implementation of the plan will be supervised by the forest department from time to time and the progress will be periodically monitored. In case of default the sanction of diverted land may be revoked with suitable penalty as decided by the Govt. of India.

Strategy :

The pronged approach will be followed for reclamation of dumping sites. In the first instance crate wall will be erected around the dumping site so that required capacity for dumping of muck is created at the sites. The detailed drawings of the crate work to be undertaken are enclosed. The primary objective of the crate works will be to arrest the dumped muck at the dumping sites itself and not allow its spillage to adjoining areas and eventually to nearby drainage lines. The capacity of the dumping sites has been calculated as detailed in the table and will be enough to hold the muck required to be dumped in each of the sites.

In the second phase, once the dumping is complete it will be ensured that the dumping site is planted with grasses, bushes, shrubs and tree so that it gives an aesthetic look. This vegetal cover will also help in binding the soil and will prevent its erosion. For vegetating the dumping sites, suitable local species will be preferred. However, it may be noted that bulk of the muck to be dumped will be excavated material which will be lacking in essential nutrients and organic matter. Hence it will be desirable to increase the nutrient status of the top soil to make it conducive to tree/ vegetal growth. For this purpose maturing of top soil shall be done. If required, imported soil shall be brought to replenish the top soil. Instantly grasses and bushes will be planted in the area to improve the soil condition. Once these grasses and bushes take hold of the site, tree species will be planted in next phase. The tree species to be planted will be namely Robinia, Lucinea, albizia, Drek Amla Bamboo, Khair,Chail and Devdar.

Grasses like Steria and Napier will also be propagated. Trees will be Planted as the closer spacing so that canopy is closed at the earliest. Hence the spacing will be kept at 1.5 mtr. x 1.5 mtr. The total area involved in dumping is 1153 Square metre. Also due to inert nature of soil, plants will need extra care for their establishment. For this purpose, imported soil/ organic manure will be added in each pit for easy establishment of plants. Watering of the plant in dry season will be provided to prevent mortality. The plantation will be further maintained at project cost for next five year beating up of failure will be done.

Post reclamation arrangement :

Since the area in question is required by the user agency only for the temporary use of dumping, hence the area will be reverted back to forest department after implementing the reclamation plan, if so stipulated by Govt. of India. However, if at the time of so reverting back the areas to forest department if any activities as per this reclamation plan is found wanting then the forest department may realize the cost that activity from the user agency at the prevailing wages rates applicable in forest department and may get the same done departmentally at the project cost.

Place : Shimla

Dated :-

Executive Engineer
Shimla Division No.1
H.P.W.D. Shimla-171003


c/s Divisional Forest Officer
Shimla Forest Division
SHIMLA