



HIMACHAL PRADESH FOREST DEPARTMENT
OFFICE OF THE DEPUTY COSERVATOR OF FOREST
FOREST DIVISION ROHRU, DISTRICT SHIMLA H.P.

001781240035

eMail: head-fordivroh-hp@hp.gov.in



NO.RK/FCA/2025 5006

Dated: 24/11/2025

From: D.F.O. Rohru

To:- C.C.F. Shimla

Subject: Diversion of 0.8146 hectare forest land in favor of HPPWD, for the of construction of link road to Ghyan Raika via Kehral (Kms. 0/00 to 1/945) Distt. Shimla HP, Within Jurisdiction of Rohru Forest Division Distt. Shimla H.P.

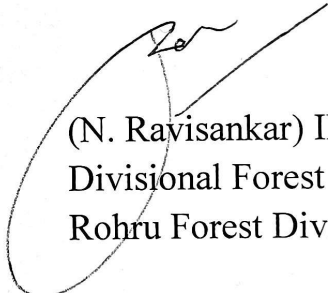
Reference: GOI Regional Office Chandigarh letter No. I/86828/2024 Dated 12/11/2024

Memo,

In this context, to the subject cited above and the letter under reference vide which observations were raised by the IRO Office against above FCA case, the point wise reply is submitted as:

Sr. No.	Observations	Reply
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 (Sanraakshan Evam Samvardhan) Adhiniyam, 1980 and (Sanraakshan Evam Samvardhan) Rules, 2023.	As per the order of the Hon'ble High Court of Himachal Pradesh in CWP No. 5600 of 2012 along with CWP No. 9797 of 2012 and COPC No. 56 of 2009, the Hon'ble High Court has ordered that officials of the MoEF or any other department of the Government of India shall not insist on compliance with furnishing the names, designations, and complete addresses of the officers of the State Government responsible for past violations with regard to 2183 roads identified by committee constituted. Considering the proposed road is one of the roads mentioned in the case, the requirement for action against violation may kindly be omitted.
2.	The State Government shall submit a	Pertain to Higher office please.

	<p>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 porposals alredy approved under Van (Sanraakshan Evam Samvardhan) Adhiniyam, 1980 and the balance cases that are yet to be processed. The decision in such type of case shall be taken holistically by Regional Office and forwarded the same to the ministry along with its comments/recommendations.</p>	
--	---	--


(N. Ravisankar) IFS
Divisional Forest Officer
Rohru Forest Division Rohru

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. at 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)

Proceedings of the Joint Meeting held on August 19, 2013 at 1100 hours with the officers of the Government of Himachal Pradesh in the Office of Additional Principal Chief Conservator of Forests (Central), Northern Regional Office, Ministry of Environment and Forests, Government of India, Chandigarh in pursuance of the directions of the Hon'ble High Court of Himachal Pradesh in CWP No. 5600 of 2012 dated August 8, 2013

The following officers were present:

S.No	Name of the Officer and Designation
1.	A K Goyal, Additional Principal Chief Conservator of Forests, MOEF, NRO, Chandigarh
2.	Narinder Chauhan IAS Principal Secretary, HP PWD
3.	Sh. Ajay Kumar, Additional Principal Chief Conservator of Forests and Nodal Officer, HP Forest Department, Shimla
4.	M.S. Thakur, Chief Engineer, PMGSY
5.	Sh. Ishwar Singh, Conservator of Forests (Central), MOEF, NRO, Chandigarh

The Hon'ble High Court of Himachal Pradesh while hearing the CWP No. 5600/2012 titled "*Sh Manoj Kumar, S/o Shri Shiv Charan v/s UOI and others*" ordered that keeping in view urgency of construction of roads for the larger public interest, as proposed by the Advocate General of Himachal Pradesh, a joint meeting of the officials of Government of Himachal Pradesh and the Ministry of Environment and Forests will be held in the office of Additional Principal Chief Conservator of Forests, Ministry of Environment and Forests, Northern Regional Office (NRO), Chandigarh on August 19, 2013 at 1100 hours to work out broad guidelines for processing of proposals to be submitted by the Government of Himachal Pradesh. The next date of hearing of the case has been fixed on September 05, 2013.

2 After detailed discussions, the following was agreed to:

- i. The State Government would provide the list of 841 roads (along with name of the road, starting from to, length, present status whether completed or still work to be undertaken, GPS coordinates at strategic points) mentioned in the order immediately after next hearing of the case or as directed by the hon'ble court. The state Government will also clarify whether 116 roads as mentioned in the order of the hon'ble High Court dated August 28, 2009 and list of 55 roads filed in an affidavit by the MoEF in COPC No. 56 of 2009 have been included in this list of 841 roads;
- ii. In view of the judgment of the hon'ble High Court dated August 8, 2013 wherein the order of the hon'ble High Court in CMP 56/2009 dated 28 August 2009 has been kept in abeyance, inspections of the proposed alignment of the roads/roads already constructed would not be mandatory for consideration of the proposals by the Ministry of Environment and Forests;
- iii. In these cases of violation of the provisions of Forest (Conservation) Act, 1980, penal compensatory afforestation costs will be levied as considered appropriate (depending on the extent and gravity of violations like area broken, number of trees felled, method of

Am Goyal

85
disposal of tree produce and the muck generated and other harm caused to ecological area, etc.) by the Ministry on case-to-case basis;

Proc
the
Addit
Offic

- iv. In addition to the penal compensatory afforestation, other conditions as considered appropriate by the Ministry including measures to arrest landslides and stabilize loose soil/rocks along the roads would be imposed for ensuring maintenance of ecological balance on case-to-case basis;
- v. The proposals in which no further construction work is to be completed will be inspected by a Committee comprising of the concerned Divisional Forest Officer, Executive Engineer and an officer from the office of the District Collector (*not below the rank of SDM*) which will give a detailed report on the violations taken place and measures required, if any, for strengthening the ecology of the adjoining areas;
- vi. The proposals which would require additional works to be undertaken (*including widening, extension of length, metalling, tarring, etc.,*) will be inspected by a Committee comprising of the concerned Conservator of Forests/CCF, Superintending Engineer, Divisional Forest Officer, Executive Engineer and an officer from the office of the District Collector (*not below the rank of SDM*) which will make a detailed report on the violations taken place, necessity of undertaking additional works including diversion of additional forest land and the measures required for strengthening the ecology of the adjoining areas;
- vii. During the field inspections by this Northern Regional Office of the MoEF, it was observed that the subordinate forest officials were not able to inspect the proposed roads properly because of infrastructural constraints. Hence, it is necessary to create a 'Monitoring Cell' in each of the nine territorial Circles which will be provided costs for engaging services of a four-wheeler (*type to be decided by the CF*) by the PWD to strengthen the inspection machinery for inspections of the activities proposed as well as during the execution so that no further violations take place;
- viii. To complete the legal formalities in accordance with the law for this magnitude of work, presently the NRO does not have adequate manpower. Hence the services of a legal officer and a data entry operator will be provided to the NRO, Chandigarh at the cost of HP PWD. Costs in this regard will be realized by the State Forest Department along with the proposals and remitted to State CAMPA. The expenditure for hiring the services by the NRO will be made by the State Forest Department from the State CAMPA. The services of these persons will be discontinued once the above mentioned proposals are processed and disposed of. Similarly assistance of two data entry operators may also be provided to the office of the Nodal Officer, HP Forest Department to deal with this extra workload;
- ix. The PWD will ensure that adequate signage boards are displayed mentioning details of works taken up, date of starting and completion of works, etc.;
- x. The APCCF NRO, MoEF wanted to get the names, designations and complete addresses of the officers responsible for violation. However, the State Government officers had reservations on this mentioning that it would be demoralizing to the entire department.

Anand

(50)



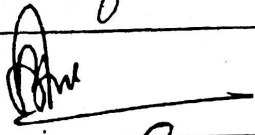

and officers in service now and it would be extremely difficult to identify officers actually responsible in time and space and tenure. Principal Secretary, PWD pointed out that several employees have retired and alleged work was executed in good faith;

xi. The State Government will submit the proposals based on priority and within a period of one year from now; and

xii. The certificate from the District Collector in respect of settlement of rights under the Forest Rights Act, 2006 will be obtained and submitted in the new format circulated by the Ministry along with the proposal.

3 The above mentioned guidelines will be submitted to the hon'ble High Court by the State Government for further directions. The NRO, MoEF, Chandigarh will submit these guidelines to the MoEF for approval for submission as an affidavit in the hon'ble Court.

4 The meeting ended at 1300 hours.

1.	Narinder Chauhan IAS Principal Secretary, PWD, Government of HP	
2.	Sh. Ajay Kumar, APCCF and Nodal Officer, HP Forest Department, Shimla	
3	M S Thakur, Chief Engineer, PMGYS	
4.	Sh. Ishwar Singh, Conservator of Forests (Central)	
5.	A K Goyal, APCCF, MOEF, NRO, Chandigarh	