



OFFICE OF THE DIVISIONAL FOREST OFFICER : DEOGARH DIVISION.
Email-deogarhdf@gmail.com / dfo_deogarh@yahoo.co.in

Phone No. 06641-226403/ 226503 Fax-06641-226403

No. 2789 / Dated:- 15/7/2016

To

The Executive Engineer,
N.H.Division, Pallahara.

Sub:- Rehabilitation and Up-gradation of NH- 149 from Km. 0.000 to Km. 68.280 (Pallahara to Pitiri) to two lanes with paved shoulder under NHDP-IV A in the state of Odisha on EPC mode. (Pallahara bye pass)- Proposal No. FP/OR/Road/17128/2015 dt. 21.12.2015- State Sl. No. OR/087/2015 dt.21.12.2015.

Ref:- This office Memo No. 2382 dt. 22.06.2016.

Sir,

In inviting a reference to the subject and memo cited above, it is to inform you that, your proposal has been returned back from the office of the Regional Chief Conservator of Forests, Rourkela Circle, Rourkela vide their memo No. 1443 dt. 13.07.2016 (copy enclosed) for comply of some deficiencies. As such the diversion proposal in six sets are returned herewith for resubmission after due compliance with the deficiencies as pointed out by the Regional Chief Conservator of Forests, Rourkela Circle, Rourkela for taking further action at this end.

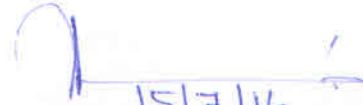
Encl:- As above.

Yours faithfully,


15/7/16
Divisional Forest Officer,
Deogarh Division.

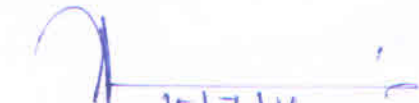
Memo No. 2790 / Dated:- 15/7/2016

Copy forwarded to the Regional Chief Conservator of Forests, Rourkela Circle, Rourkela for favour of information and necessary action with reference to his memo No. 1443 dt. 13.07.2016.


15/7/16
Divisional Forest Officer,
Deogarh Division.

Memo No. 2791 / Dated:- 15/7/2016

Copy forwarded to the Addl. Principal Chief Conservator of Forests, Forest Diversion and Nodal Officer, FC Act, O/O the P.C.C.F. Odisha, Bhubaneswar for favour of kind information and necessary action.


15/7/16
Divisional Forest Officer,
Deogarh Division.

MOST URGENT



OFFICE OF THE REGIONAL CHIEF CONSERVATOR OF FORESTS, ROURKELA
CIRCLE, AT/P.O. PANPOSH, ROURKELA-769 004.

Ph. No. 0661-2664324, FAX-0661-2664325, Email : rccfrourkela@gmail.com

Memo No. 1443 -3F (Dis.D)409/2016.

Dated, Rourkela the, 13 th, July, 2016.

To

The Divisional Forest Officer,
Deogarh Forest Division.

Sub:- Rehabilitation and Up-gradation of NH-149 from Km.0.000 to Km 68/280 (Pallahara to Pitiri) two lanes with paved shoulder under NHDP-IV A in the State of Odisha on EPC mode. (Pallahara bye pass)- Proposal No. FP/OR/Road/17128/2015, State Sl. No. OR/087/2015 dtd. 21.12.2015.

Ref:- Your Memo No. 2380 dtd. 22.6.2016.

With reference to your aforementioned Memo on the captioned subject, it is seen that the hard copy of the above diversion proposal has only been submitted without first uploading the same in the designated website of MoEF.

Further, on scrutiny, the proposal is found to be suffering from the following deficiencies.

1. The status of the land both Forest and non-forest involved in the project as on 25.10.1980 is to be certified by the Tahasildar concerned. In this regard while preparing land particular for FDP, a certificate as instructed by the Chief Secretary, Odisha vide his letter No. R&DM-GE(GL)-S-63/13 4822/CS dtd. 12.2.2015 addressed to all Collectors and copy endorsed to you inter alia vide Memo No. 5083 dtd. 13.2.2015 (**copy enclosed**) should have been furnished by the Tahasildar concerned. But in the Diversion Proposal, no such certificate is available. Please obtain the required certificate from the concerned Tahasildar and submit the same along with the Diversion Proposal.
2. The heading of the Column No. 8 of the Annexure-VI, VII & VIII i.e. detailed land schedule of forest land in respect of the villages, Kainsiripali, Subarnapali and Pallahara given respectively is mentioned as "Area in Hactress for De-forestation" which should be replaced by "Area in Hactare for Diversion".
3. The Plot No. 815/2873, Khata No. 542 of village Pallahara, Kissam Canal total area 0.060 Ac. (Acquired land of Non-Jungle -0.010 Ac.) is not found to be mentioned in the Hal & Sabek land record furnished by LAO & CA N.H.-149-CUM-TAHASILDAR, PALLAHARA vide letter No. 13 dtd. 30.12.2015 (Annexure-XV).

4. Distance of the Elephant Corridor, Protected area, Tiger Reserve etc. from the applied area should be shown in a map and enclosed to the DP
5. 3 (Three) alternative alignments duly depicted on the Toposheet justifying the one where the barest minimum forest area is involved should be furnished.
6. Suitability, non-encroachment and non-encumbrance certificates in respect of the Non-Forest land identified for Compensatory Afforestation are required to be given by the competent authorities.
7. Further, in the Site Inspection Report the following discrepancies are noticed:
 - a. Against point No.6, "Local status of forest land with area proposed for diversion" has been mentioned which should be replaced by "Legal status of forest land with area proposed for diversion".
 - b. Against point No.9, Condition of vegetation & type of forest land in applied area should be written
 - c. Against point No.10, Position of wildlife in general is required to be given.
 - d. Against point No.16, in the heading it has been mentioned "Area selected for diversion if included in DLC report or not". It should be replaced by "Non-forest land used in the project and non-forest land selected for Comp. Affn. is included in the D.L.C. report or not".

From the above, it is seen that the proposal has not been scrutinized properly & processed by you in a very haphazard manner.


Therefore, the diversion proposal is returned herewith in quadruplicate for resubmission at the earliest after due compliance with the deficiencies as pointed out above for taking further follow up action at this end.

Encl.: As above.

 Regional Chief Conservator of Forests,
Rourkela Circle, Rourkela.

Memo No. 1444 /3F(Dis-D)409/2016. Dated. 13.07-2016


Copy forwarded to the Additional Principal Chief Conservator of Forests(Forest Diversion & Nodal Officer, FC Act), O/o the Principal Chief Conservator of Forests, Odisha for favour of kind information and necessary action with reference to Memo No.2381 dtd.22.06.2016 of the DFO, Deogarh Forest Division.

 Regional Chief Conservator of Forests,
Rourkela Circle, Rourkela.

Government of Odisha
Forest & Environment Department

Memo No. 4430 /F&E, Dated: 16-03-15
No.10F (Cons) 92/2014

Copy of D.O letter No. R&DM-GE(GL)-S-63/13 4822/CS dt. 12.2.2015 of Chief Secretary, Odisha regarding change of classification of land in the Record of Rights addressed to all Collectors forwarded to the PCCF, Odisha for information and necessary action. The DFOs(T&WL) may be instructed appropriately in the matter.


Joint Secretary to Government

Memo No. 4431 /Dated. 16-03-15

Copy with copy of enclosure forwarded to the all RCCFs/all Divisional Forest Officers(T&WL) for information and necessary action with reference to Memo No. 5083 /RDM dt. 13.2.2015 of Revenue & Disaster Management department addressed to the Divisional Forest Officers.


Joint Secretary to Government

Gokul Chandra Pati, IAS
Chief Secretary, Odisha



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Phone : (+91 674) 2536700/4300
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Email : csori@nic.in



GOVERNMENT OF ODISHA

4822
No.R&DM-GE(GL)-S-63/13 /CS
Bhubaneswar, dated the 26th February, 2015

To

All Collectors.

Sub:- Change of classification of land in the Record of Rights.

Madam/Sir,

I am directed to invite a reference to Letter No.44019/R&DM, dated 23.11.2013 and Letter No.17450/R&DM, dated 17.06.2014 regarding applicability of provisions of Forest Conservation Act, 1980 to land(s) recorded as 'forest' in the Record of Rights (RoRs) that existed prior to 25.10.1980 i.e. Sabik RoR and subsequently classified as 'non-forest' in the Hal RoRs on the basis of the nature, character and use of the land before the said Act came into force.

The Forest Conservation Act, 1980 (FC Act) has been enacted with a view to checking further deforestation, and seeks to operate in respect of forest land which existed as on 25.10.1980. It may be noted that the change of RoRs is a well established continuing statutory process. Accordingly, changes are reflected in the RoRs prepared during the settlement operations which take place at considerable gaps of time i.e. 30-40 years. As per provisions u/s 13(3) of the Orissa Settlement Act, 1958, if any entry in the RoRs is altered in subsequent RoRs, the later has to be presumed to be correct until it is proved by evidence to be incorrect, but the previous entry can be admissible as evidence of facts existing at the time such entry was made. In case required for a project, the status of land classified as 'forest' on 25.10.1980 is to be diverted for non-forest use after obtaining prior approval of Central Government as per provision of the F.C.Act.

D.
20/2

Hence, where the present RoR has been published after 25.10.1980, the old RoR may have to be referred to find out the forest land required to be diverted for non-forest purpose and Forest Diversion Proposal (FDP) is required to be processed accordingly. If old RoR is not available in cases where RoR is published after 25.10.1980, the status of land classified as 'forest' as on 25.10.1980 needs to be ascertained as per the current RoR and other records available with Tahasildar while preparing FDP. While preparing land particulars for FDP, a certificate as suggested below may be furnished by Tahasildar/Addl. Tahasildar to facilitate decision on the FDP.

"Certified that status of total land involved in the project (both forest & non-forest) as given in the Table below is as per Government records as on 25.10.1980".

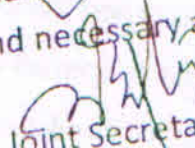
The land related information relating to FDP of different projects/proponents should be processed and furnished as quickly as possible.

Yours faithfully,


11.2.2015
Chief Secretary,
Odisha

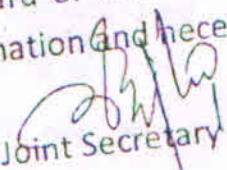
Memo. No. 5082 /RDM, Dated 13.2.15

Copy forwarded to the Additional Chief Secretary, Forest & Environment Department for information and necessary action.


13/2/15
Joint Secretary to Government.

Memo. No. 5083 /RDM, Dated. 13.2.15

Copy forwarded to the Secretary, Board of Revenue, Odisha, Cuttack/
All RDCs/ All DFOs /All Tahasildars for information and necessary action.


13/2/15
Joint Secretary to Government.