

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECRETARIAT: FOREST DEPARTMENT.

Subject :-Diversion of 3.18 ha of Forest Land for construction of approach road from Ashmar Feeder road to Tunnel No. 39 PI and abutment A-1 of Br. No. 79 between T-39 and T-40 in Mahore Forest Division.

Reference:- Cabinet Decision No. 70/8 Dated 31.03.2007

Government Order No: 164 /FST of 2007
D A T E D 09 .04.2007

Sanction is accorded to diversion of forest land measuring 3.18 Hectares falling under Compartment No. 47/Ar in Block Sangaldan, Range Gool, Mahore Forest Division for construction of approach road from Ashmar Feeder road to Tunnel No. 39 PI and abutment A-I of Br.No. 79 between T-39 and T-40 by SE(W) S&C-III/III, Northern Railway, Udhampur on the following terms and conditions:-

1. The proprietary status of forest land shall remain unchanged.
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be mortgaged, reassigned or sub-leased by user agency in any manner what so ever to any other agency.
4. The User Agency shall pay Net Present Value of the forest land to the tune of Rs. 24,93,120/- (Rs. Twenty-four lacs ninety-three thousand one hundred & twenty only) as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30-10-2002 in I.A. No: 566 in Writ Petition (Civil) No: 202 of 1995 T.N.Godavarman Thirumalpad V/S Union of India.
5. The User Agency shall be bound to pay an amount of Rs. 5,64,960/- (Rs. Five lacs sixty-four thousand nine hundred & sixty only) on account of compensation of 121 number of trees/poles of different species and dia-classes.
6. The User Agency shall pay Rs. 1,59,000/- (Rs. One lac fifty-nine thousand only) on account of compensatory afforestation to be carried over 6.36 ha.
7. The extraction of trees shall be done by the SFC/Forest Department on the basis of marking list approved by Conservator of Forests, Working Plan Circle.
8. Any damage done to the forest by the user agency or its employeecs and contractors or people employed by them shall be charged from the user agency at the rate of ten times the standard rate of 1992.
9. The user agency shall construct complete retaining/breast walls on the both sides of the road/railway line/earth work/tunneling etc., and take other necessary steps, so as to minimize soil erosion/land slips. In this regard, the user agency shall seek technical guidance from Director, Soil Conservation Department, J&K.
10. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency without any cost.
11. The user agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.
12. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will pay the amount of differential Net Present Value.
13. The user agency shall ensure to get Environmental clearance of the over all project as per Environment Protection Act before taking up the execution of work, if required under rules.
14. The possession of Forest land diverted for non-forestry purpose under the orders of the competent authority, should not be handed over to the user agency till all payments due against Compensation of trees, NPV/Compensation of land, Compensatory afforestation costs etc are not deposited with Chief Accounts Officer in the office of the PCCF. Before handing over the possession of the Forest land it should be further ensured that there are no outstanding dues with the said User Agency in respect of the cases sanctioned in the past.
15. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.

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16. The user agency should clear the debris resulting from the construction work from forest land or will be bound to pay additional compensation to be worked out by the DFO (Territorial) concerned for the damage caused to the Forest land, tree/poles and regeneration.

The proposal stands cleared/ approved by the Advisory Committee in its 36th Meeting held under the Chairmanship of Chief Secretary.

By order of the Government of Jammu and Kashmir.

Sd/-
(Atal Dulloo), IAS
Commissioner/Secretary to Government
Forest Department

NO: FST/land/133/2006

Dated: 09/04/2007

Copy to the :-

1. Principal Chief Conservator of Forests, J&K Jammu.
2. Conservator of Forests, Working Plan and Research Circle, (Member Secretary) Advisory Committee.
3. Chief Engineer, Northern Railway, Udhampur.
4. Special Assistant to Hon'ble Minister for Forests.
5. Private Secretary to Hon'ble MOS Forests.
6. Private Secretary to Commissioner/ Secretary (Forests)
7. P.A. to OSD (Forests)
8. Government Order file (w.2.s.c)
9. Stock file.

[Signature]
(Rehana Batool)
Deputy Secretary to Government
Forest Department

Office of the Pr. Chief Conservator of Forest, J&K, Jammu.

NO: PCCF/FC/ 598/2005-59 *****
Copy for information and necessary action to:-

Dated: 13/4/2007.

1. Chief Conservator of Forests, Jammu.
2. Conservator of Forests, Working Plan (Member Secretary to Advisory Committee).
3. Conservator of Forests, West Circle, Jammu.
4. Divisional Forest Officer, Mahore Forest Division.
5. Deputy Chief Engineer, S&C-III Northern Railway Udhampur.
6. Order File.

It is requested that all terms and conditions as laid down in Govt. Order be strictly adhered to and work should be allowed only after the whole amount has been paid by the User Agency:

[Signature]
(H.S. Saiathia, IFS)
Nodal Officer