

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.

Subject :- Diversion of 2.56 ha of forest land for portal cutting in connection with ADIT for Tunnel 40/41 by Northern Railway in Mahore Forest Division.

Reference: Cabinet Decision No. 89/7 dated 20.05.2008.

GOVERNMENT ORDER NO. 193 - FST OF 2008
D A T E D ; 27 - 05 - 2008

Sanction is accorded to diversion of forest land measuring 2.56 ha falling under Compartment No. 43/Ar, in Block Sangaldan, Range Gool, Mahore Forest Division for portal cutting in connection with ADIT for Tunnel 40/41 by Northern Railway 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. 20,07,040/- (Rs. Twenty lacs seven thousand & forty 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. Godavarma Thirumalpad V/S Union of India.
5. The User Agency shall be bound to pay an amount of Rs. 1,80,446/- (Rs. One lac eighty thousand four hundred & forty-six only) on account of compensation of 223 number of trees/poles of different species and dia classes.
6. The User Agency shall pay Rs. 1,99,800/- (Rs. One lacs ninety-nine thousand eight hundred only) on account of compensatory afforestation to be carried over 5.12 ha.
7. The extraction of trees shall be done by the SFC/Forest Department on the basis of markings technically sanctioned by Conservator of Forests, Working Plan Circle and administratively approved by the Chief Conservator of Forests, Jammu.
8. Any damage done to the forest by the user agency or its employees 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 forest land so diverted shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
10. 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.
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 be responsible to get requisite clearance under any other relevant law in vogue.
13. 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.
14. The User Agency shall clear the debris resulting from construction work from forest land or shall be bound to pay additional compensation to be worked-out

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- by DFO (Territorial) concerned for the damage caused to forest land, trees/poles and regeneration by such dumping of debris.
15. 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 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.

The proposal stands cleared/ approved by the Advisory Committee in its 41st meeting held under the Chairmanship of the Chief Secretary on 25th February, 2008.

By order of the Government of Jammu and Kashmir.

Sd/-
Principal Secretary to Government,
Forest Department.

NO:- FST/Land/82/41st /FCA/2008

Dated: 27 - 05 - 2008.

Copy to the:

1. Principal Chief Conservator of Forests, J&K, Jammu.
2. Commissioner/Secretary to Government, General Adm. Deptt.
3. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
4. Dy.Chief Engineer/S&C, Northern Railways Udhampur.
5. Spl. Assistant to Hon'ble Forest Minister.
6. Pvt. Secretary to Principal Secretary (Forests).
7. Government order file (w,2,s,c.)
8. Stock file.

(M. A. Hamdani)
Under Secretary to Government,
Forest Department.

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GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS SRINAGAR

No. PCCF/FC/668/ 653-57

Dated: [0.06.2008

Copy for information to the:

1. Chief Conservator of Forests, Jammu.
2. Conservator of Forests, WP& Rrs. Circle, Sgr.
3. Conservator of Forests, West Circle, Rajouri.
4. DFO, Mahore Forest Division, Dharmari.
5. Dy.Chief Engineer, S&C-III, Northern Railway, Udhampur.

H.S.Salathia, IFS
(Conservator of Forests)
Nodal Officer

G/D