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24/06

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.

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Subject :- Diversion of 6.03 ha of Forest Land for dumping of Muck/Mulba of Tunnel No. T5/P-1 by Northern Railway in Reasi Forest Division.

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

GOVERNMENT ORDER NO. 212 - FST OF 2008
D A T E D ; 27 - 05 - 2008

Sanction is accorded to diversion of forest land measuring 6.03 ha falling under compartment No. 35/R in Block Reasi, Range Reasi, Reasi Forest Division for dumping of Muck/Mulba of Tunnel No. T5/P-1 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. 34,97,400/- (Rs. Thirty-four lacs ninety-seven thousand four hundred 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 pay Rs. 3,01,935/- (Rs. Three lacs One thousand nine hundred & thirty-five only) on account of Compensatory Afforestation to be carried over 12.06 ha of degraded forest area.
6. 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.
7. 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.
8. *The User Agency shall construct retaining wall/beast wall around the dumping site and ensure that muck deposited is rammed properly using machines/implements so that it does not get washed away and because part of the existing soil. This should further be consolidated by planting soil binding species.*
9. 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.
10. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
11. 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.
12. 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.

No
28/05/16

The proposal stands cleared/ approved by the Advisory Committee in its 41st meeting held under the Chairmanship of the Chief Secretary on 5th March, 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-III, Northern Railway, Jammu Tawi.
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
(M. A. Hamdani)
Under Secretary to Government,
Forest Department.
/Lala/**

Government of Jammu & Kashmir
Office of the Pr. Chief Conservator of Forests (Srinagar)

No. PCCF/FC/758/638-42

Dated 10.06.2008

Copy for information to:-

- 1) Chief Conservator of Forests, Jammu.
- 2) Conservator of Forests, Working Plan & Research Circle.
- 3) Conservator of Forests, West Circle, Rajouri.
- 4) Divisional Forest Officer, Reasi Forest Division.
- 5) Dy. Chief Engineer (Const.), Northern Railway, Jammu Tawi.

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

G/D