

17-9/08

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.**

Subject :- Diversion of 3.26 ha of Forest Land for Construction of road from Atholi to Palali by PWD under PMGSY in Kishtwar Forest Division.

**GOVERNMENT ORDER NO. 345 - FST OF 2008
D A T E D ; 16 - 09 - 2008**

Sanction is accorded to the diversion of forest land, measuring 3.26 Hectares, falling under Compartment No. 2a & 2c/Padder in Block Machail, Range Padder, Kishtwar Forest Division, for the construction of a road from Atholi to Palali by the PWD under PMGSY 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. 29,24,220/- (Rupees Twenty-nine lacs twenty-four thousand two hundred and twenty only) as per Hon'ble Supreme Court Order in Writ Petition (Civil) No: 202 of 1995 T.N. Godavarman Thirumalpad V/S Union of India.
5. The User Agency shall pay an amount of Rs. 15,57,532/- (Rs. Fifteen lacs fifty-seven thousand five hundred & thirty-two only) on account of compensation of 809 No. of trees/poles/saplings of Deodar and B/L Species (Trees/Poles=427, saplings of 0-10 ha. Dia-Class=382).
6. The User Agency shall pay Rs. 1,75,000/- (Rs. One lac seventy-five thousand only) on account of compensatory afforestation to be carried over 7.0 ha area of degraded forest.
7. The extraction of trees shall be done by the State Forest Corporation on the basis of markings technically sanctioned by Conservator of Forests, Working Plan Circle and administratively approved by the Chief Conservator of Forests, concerned.
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 /earth work 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 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.

15. Work on forest land shall be allowed only after the amount deposited by the User Agency is credited in the official account of Chief Accounts Officer and information to this effect is communicated to the Divisional Forest Officer concerned by the Pr. Chief Conservator of Forests office.

The proposal stands cleared/ approved by the Advisory Committee in its 43rd meeting held under the Chairmanship of the Chief Secretary on 20th June, 2008 (Agenda item No.43.01)

By order of the Government of Jammu and Kashmir.

Sd/-
(Iqbal Khandey), IAS
Principal Secretary to Government,
Forest Department.

NO:- FST/Land/32/43rd /FCA/2008-I

Dated: 16 - 09 - 2008.

Copy to the:-

- ✓ 1. Principal Chief Conservator of Forests, J&K, Srinagar.
2. Secretary to Government, R&B (PWD)
3. Managing Director, State Forest Corporation, J&K, Srinagar.
4. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
5. Executive Engineer, PMGSY Doda-I, Kishtwar.
6. Spl. Assistant to Advisor(T)
7. Pvt. Secretary to Principal Secretary (Forests).
8. Government order file (w,2,s,c)
9. Stock file.

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

*Lala/****
15/9 15.9.08

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

No. PCCF/FC/802/1629-33

Dated 24-9-08.

Copy for information and necessary action to the:-

- 1) Chief Conservator of Forests, Jammu.
- 2) Conservator of Forests, Working Plan & Research Circle.
- 3) Conservator of Forests, Chenab Circle, Doda.
- 4) Divisional Forest Officer, Kishtwar Forest Division.
- 5) Executive Engineer, PMGSY Division Doda-I, Kishtwar.

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

G/O