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12/11/08

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.

Subject: - Diversion of 3.988 ha of additional Forest Land for Railway Track between T8, P2 & T9, P1 (Km. 52-62) by Northern Railways in Mahore Forest Division.

GOVERNMENT ORDER NO. 412-FST OF 2008
D A T E D ; 31 - 10 - 2008

Sanction is hereby accorded to the diversion of forest land, measuring 3.988 hectares, falling under compartment NO. 94/AR, in Block Kanthan, Range Mahore, Mahore Forest Division, for the construction of Railway Track between T8, P2. & T9, P1 (Km. 52-62) 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. 33,69,860/- (Rs. Thirty-three lacs sixty-nine thousand eight hundred sixty 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. 2,45,223/- (Rs. Two lacs forty-five thousand two hundred & twenty-three only) on account of compensation of 47 No. of Chir/BL trees /poles of different dia-classes (Chir green=14, Kambal green=7 & Kamala green=26).
6. The User Agency shall pay Rs. 2,00,000/- (Rs. Two lacs only) on account of compensatory afforestation to be carried over 8 ha area of degraded forest.
7. 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 by divisional Forest Officer (Territorial) concerned for the damage.
8. 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, concerned.
9. 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.
10. 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.
11. The user agency shall construct complete retaining/breast walls on the both sides of the railway line/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.
12. 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.

NO
12/11/08

13. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
14. 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.
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.
16. 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. 43.05).

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

Dated: 31 - 10 - 2008.

Copy to the:-

1. Commissioner/Secretary to Government General Administration Department
- ✓ 2. Principal Chief Conservator of Forests, J&K, Srinagar.
3. Managing Director, State Forest Corporation, J&K, Srinagar.
4. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
5. Dy. Chief Engineer, Konkan Railway Corporation Ltd, J&K.
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)
Under Secretary to Government,
Forest Department.

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

No. PCCF/FC/804/ 2059-63

Dated: 26/11/2008.

Copy for information and necessary action to the:-

- 1) Chief Conservator of Forests, Jammu.
- 2) Conservator of Forests, Working Plan & Research Circle, Jammu.
- 3) Conservator of Forests, West Circle, Rajouri.
- 4) Divisional Forest Officer, Mahore Forest Division, Dharmazi.
- 5) Dy. Chief Engineer S&C-III, Northern Railways, Udhampur.

(3)
26/11/08
H.S. Salathia, IFS
(Conservator of Forests)
Nodal Officer

G/O