

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.

18-10-06
Subject:-

Diversion of 1.00 ha of Forest Land coming in the alignment of Railway Track in Compartment 38/Ar T43 (PI) of Mahore Forest Division.

Reference:- Cabinet Decision No. 180/11 dated: 21.09.2006.

GOVERNMENT ORDER NO. 538 - FST OF 2006
D A T E : 17 - 10 - 2006

Sanction is accorded to diversion of forest land measuring 1.00 Hecteres falling under Compartment No. 38/Ar of Block Sangaldan, Range Gool, Mahore Forest Division for coming in the alignment of Railway Track by Dy. Chief Engineer (W) S&C-III, on the following 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. 7,50,000/- (Rs. Seven lacs fifty thousand 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. 79,925/- (Rs. Seventy-nine thousand nine hundred & twenty-five only) on account of compensation of 120 number of trees of different species and dia classes.
6. The User Agency shall pay Rs. 50,000/- (Rs. Fifty thousand only) on account of compensatory afforestation to be carried over 2 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 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 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.

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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 Railway Authorities should clean the debris resulting from the road formation or pay additional compensation for the areas of forest that get covered by debris.

The proposal stands approved/cleared by the Advisory Committee in its 34th Meeting held on 09.08.2006, under the Chairmanship of Worthy Chief Secretary.

By order of the Government of Jammu and Kashmir.

Sd/-
(Najamus Saqib), IAS
Commissioner/Secretary to Government,
Forest Department.

NO: FST/Land/88/2006

Dated: 17.10.2006.

Copy to the:

1. Principal Chief Conservator of Forests, J&K Srinagar.
2. Conservator of Forests, Working Plan and Research Circle (Member Secretary) Advisory Committee.
3. Spl. Assistant to Hon'ble Forest Minister.
4. Pvt. Secretary to Hon'ble MOS (Forests).
5. Pvt. Secretary to Commissioner/Secretary to Govt. (Forests.)
6. PA to OSD (Forests.)
7. PA to Deputy Secretary (Forests.)
8. Government order file. (w,2,s,c.)
9. Stock file.

(Rehana Batool), KAS
Deputy Secretary to Government,
Forest Department.

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

NO: PCCF/FC/

Dated: 10/11/2006.

Copy for information and necessary action strictly in accordance with the terms and conditions as provided in the body of Govt. order and ensure early recoveries before the area is handed over to the user agency forwarded to:-

1. Chief Conservator of Forests, Jammu.
2. Conservator of forests, Working Plan Circle (Member Secy. Advisory Committee).
3. Conservator of Forests, West Circle, Rajouri.
4. Divisional Forest Officer, Mahore Forest Division.
5. Dy. Chief Engineer, Konkan Railway Corpn. Ltd. Batote.

(H.S. Salathia) IFS
Nodal Officer