

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

ORDER No : 101 - FC of 2009  
DATE D: 07 - 12- 2009

**Sub:- Use of 0.39 hectare of forest land for construction of road from Ari Upper to Sarooti Part-II by PMGSY in Poonch Forest Division.**

**Ref:- CCF Jammu's No:CCF-J/FCA/723/1190-95 dated 06.11.2009.**

As recommended by the Committee (constituted under Section 2 "Proviso 2" of the J&K Forest Conservation Act, 1997) in a meeting held on 31.10.2009 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of **0.39Ha.** from **Comptt. No: 165/M of Poonch Forest Division** for **construction of road from Ari Upper to Sarooti Part-II by PMGSY** is allowed strictly under the provisions of J&K Forest (Conservation) Act, 1997 on the following terms and conditions:-

1. The proprietary and legal status of the forest land shall remain un-changed.
2. The forest land shall be utilized only for the purpose for which it has been indented.
3. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner whatsoever to any other agency.
4. The User Agency shall pay the **Net Present Value of the land to the tune of Rs.2,56,230/- (@ Rs.6.57 lac per hectare for Open Forest Eco Value Class V)** as per Hon'ble Supreme Court Order Dt:28.03.2008 and 09.05.2008 in I.A. No: 826 in 566 with related IAs in Writ Petition (Civil) No: 202 of 1995 T.N. Godavarman Thirumalpad V/s Union of India.
5. The User Agency shall construct retaining walls/breast walls as per approved plan and design and take all necessary steps to check soil erosion which may result due to proposed construction of the road. The User Agency shall seek technical guidance in this respect from Director, J&K Soil Conservation Department. A copy of the plan and design of the proposed road shall be made available to the Forest Department.
6. The User Agency shall construct retaining/breast walls as per approved plan and design and take all necessary steps to check soil erosion which may result due to proposed construction of the road.
7. The User Agency shall dump the Mulba either at certain identified places within the forest land proposed for diversion (0.39) or some arrangements shall be made to dump the mulba outside the forest area.
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 user agency at the rate of ten times the standard rate of 1992.
9. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency and after rehabilitated properly by the User Agency.
10. The user agency shall be responsible to obtain requisite clearances under any other law in vogue.
11. The money amounting to **Rs.2,56,230/-** on account of various heads to be paid by the user agency as detailed above shall be deposited with Chief Accounts Officer in the office of Pr. Chief Conservator of Forests, J&K.

**By order of Principal Chief Conservator of Forests, Jammu and Kashmir Government.**

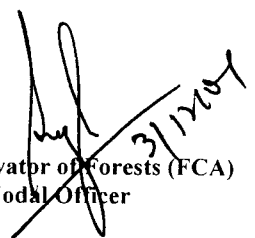
Sd/-  
Chief Conservator of Forests(FCA)  
And Nodal Officer

NO:PCCF/FC/ 1196/2578-83

Dated 07 /12/2009

**Copy for information to the:-**

1. Chief Conservator of Forests, Jammu.
2. District Development Commissioner, Poonch.
3. Conservator of Forests, Working Plan Circle, Jammu (Member Secretary, Forest Advisory committee).
4. Conservator of Forests, West Circle, Rajouri.
5. District Development Commissioner, Poonch.
6. Divisional Forest Officer, Poonch Forest Division.
7. Executive Engineer, PMGSY Division, Mendhar, Poonch

  
Chief Conservator of Forests (FCA)  
& Nodal Officer

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