

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

ORDER No : 35 - FC of 2010
D A T E D: 09-09-2010

Sub: - Use of 2.49 hectare of forest land for construction of road from Champa to Dhaino by PMGSY in Batote Forest Division.

Ref: - CCF Jammu's office No: CC-J/FC/A/769-75 Dated:26.07.2010.

As recommended by the Committee (constituted under Section 2 "Proviso 2" of the J&K Forest Conservation Act, 1997) in a meeting held on 7.7.2010 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of **2.49 Ha.** from **Comptt. No. 14c/Btt & 22/Btt. of Batote forest Division** for **construction of road from Champa to Dhaino 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.21,04,000/-** (~~Rs.3.35 per hectare for 2.49 Ha. Dense Forest and 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. Godwin v/s Thirumalpad V/s Union of India.
5. The User Agency shall pay an amount of **Rs. 5,48,273/-** on account of compensation (*at* two times the standard rate of 1992 for the following number of Tree/ Poles.

Species	Trees (30-40 & Above)	Poles(20-30&Below)	Saplings (0-10)	Total
Chir	55	86	41	182
Kail	8	22	33	63
Deodar	1	0	0	1
Broad Leaved	6	50	49	105
Total:	70	158	123	351

6. The extraction of Trees/Poles shall be done by the State Forest Corporation / State Forest Department on the basis of markings administratively approved by Chief Conservator of Forests, Jammu. The Cost of extraction and transportation shall be borne by the User Agency.
7. The User Agency shall pay an amount of **Rs.2,50,000/-** on account of Compensatory Afforestation of Degraded Forest for twice the area diverted.
8. 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.
9. The User Agency shall not dump the debris on forest land and it shall be dumped on separate dumping sites. Area of dumping sites will be included for additional diversion by the User Agency.
10. 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.
11. 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.
12. The user agency shall be responsible to obtain requisite clearances under any other law in vogue.
13. The money amounting to **Rs.29,02,273** /-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 through separate cheques / Demand Drafts for Net Present Value & compensation of Trees /Poles.

i	Cheque No. 1	Net Present Value	Rs 21,04,000/-
ii	Cheque No. 2	Others	Rs 7,98,273/-

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

Sd/-
Chief Conservator of Forests (FC/A)
& Nodal Officer

Dated 09 /09/2010

NO: PCCF/FC/1317/2277-81

Copy for information to the:-

1. Chief Conservator of Forests, Jammu
2. Conservator of Forests, Working Plan Circle, Srinagar.
3. Conservator of Forests, Chenab Circle, Doda..
4. Divisional Forest Officer, Batote Forest Division.
5. Executive Engineer, PMGSY Divn, Batote..

Chief Conservator of Forests (FC/A)
& Nodal Officer

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