

No./ 6441 /  
HP. Forest Department.

Dated Shamshi; the/ 11/01/2022

From :-

D.F.O, GHNP Shamshi

To:-

R F O WL Tirthan.

Subject :-

**Diversion of 0.87 hac. of forest land in favour of HPPWD for the construction of road from Dhar to Kulthi Km 0/000 to 2/490 under section -3(2) on the Schedule Tribe and other Traditional forest Dwellers (Recognition of Forest Right) Act-2006.**


**Memo:**

In pursuance of letter issued vide Govt. of India letter No. F.23011/15/2008-SG-II dated 18-05-2009 received from Additional Chief Secretary (Forests) to the Govt. of Himachal Pradesh vide letter No. FFE-B-A(4)-1/2015 dated 17-02-2016 and powers vested with me vide Pr.CCF, HP's Endst. No. Ft. 66-79/2014/FRA (FCA) dated 23-02-2016 and on the recommendations of Gram Panchyat/Sabha Pekhadi vide resolution No. 02 dated 13-03-2021 and as per recommendations of Range Forest Officer, Wild Life Range, Tirthan vide letter No.128/WLT dated 06-07-2021 and as per request of Executive Engineer, Banjar Division, HPPWD Banjar Distt.Kullu as contained in Form-A for seeking prior approval for the diversion of forest land under Sub-Rule (2) of Section 3 of the said Act. After careful consideration of the proposal, **final approval for the diversion of 0.87 Hac. forest land as per the directions/order dated 9-12-2021 passed by the Hon'ble Supreme Court of India 09-12-2021 in I.A.No. 47044/2021, 68566/2021, 109098/2021 & 139401/2021 filed by the State of HP in the case of titled as T.N.Godvarman Thirmulpad Vs. Union of India and others** is hereby accorded subject to the fulfilment of following conditions:-

1. The legal status of the forest land diverted for a specific purpose shall remained unchanged.
2. The forestland shall not be allowed to be used for any other purpose and the diverted land would be appropriated by the Forest Department if the activity for which the land was diverted is not started within one year of handing over the land to the User Agency.
3. The user agency shall use the muck so generated in filling-ups the works and an undertaking to be procured in this regard from the user agency.
4. In addition to the conditions stipulated above, the following activities shall be undertaken by the User Agency under the supervision of the State Forest Department at the project cost.

- i) The User Agency should ensure that muck, stones, boulder do not roll down the slopes. All such areas where muck etc. will roll down the slopes is unavoidable, areas shall be rehabilitated at the cost of user agency under the supervision of State Forest Department and in case damages to trees is caused, cost of trees will be charges at penal rates and where the damage is cause negligently, the user agency shall be liable to face legal action under IFA, 1987 and FCA, 1980 and Cr. PC and cost will be charged at penal rate.
  
  - ii) Construction of check walls, retention/toe walls to arrest sliding down of the excavated material along the contour shall be constructed at the cost of user agency under the supervision of Forest Department.
- 5. No damage to the flora and fauna of the area shall be caused by the user agency.
  - 6. It will be the responsibility of user agency to provide fuel wood, kerosene or LPG to the labour.
  - 7. The forest land so diverted shall be non-transferable. Whenever, the forest land is not required, it shall be surrendered to the State Forest Department under intimation to this office.
  - 8. **No tree felling is involved in the proposal.**
  - 9. Any other condition that the Govt. of H.P. and or the Govt. of India may impose from time to time for protection and improvement of flora and fauna in the forest area shall also be applicable and user agency will be bound to abide by such instructions and stipulations.

You are, therefore, directed to hand over the land after proper demarcation to the User Agency under the supervision of Gram Sabha and report compliance to this office at the earliest.

  
**(Nishant Mandhotra)IFS**  
Divisional Forest Officer,  
GHNP Division, Shamshi.

Endst. No./ 6442-46/

Dated Shamshi; the/ 11/01/2027

Copy is forwarded to:-

1. Nodal Officer, (FCA) office of Pr.CCF(HoFF) Talland Shimla, HP.
2. Deputy Commissioner, Kullu for information and further necessary action.
3. Conservator of Forests, GHNP Shamshi for information.
4. SDM Banjar for necessary revenue entry.
5. Executive Engineer, Banjar Division, HPPWD Banjar Distt.Kullu for information and necessary action. He is requested to submit the compliance of the stipulations through Range Officer concerned.

**((Nishant Mandhotra)IFS**  
Divisional Forest Officer,  
GHNP Division, Shamshi.