

**BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
MA NO. 113 OF 2024
IN
ORIGINAL APPLICATION No. 173 OF 2022**

RAM SINGHAPPLICANT.
VERSUS

STATE OF HIMACHAL PRADESH & ORS.

....RESPONDENTS

INDEX.

Sr.No.	Particulars.	Annexure	Page No.
1	Action taken report		1-8
2.	Copies of the letter/communication.	Annexure R-1(Colly.)	9-29
3.	Copy of proceedings dated 16.12.24.	Annexure-R-2	30-31
4.	Copy of undertaking.	Annexure-R-3	32
5.	Copy of Show cause notices.	Annexure R-4	33

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Respondent No.2.

... Secretary (PWD)
to the Govt. of H.P.

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
MA NO. 113 OF 2024
IN
ORIGINAL APPLICATION No. 173 OF 2022**

RAM SINGH

....APPLICANT

VERSUS

STATE OF HIMACHAL PRADESH & ORS.

....RESPONDENTS

**ACTION TAKEN REPORT ON BEHALF OF RESPONDENT
NO 2 IN COMPLIANCE TO THE DIRECTIONS DATED
03.01.2023 PASSED BY THE HON'BLE TRIBUNAL IN THE
ABOVE TITLED ORIGINAL APPLICATION.**

MAY IT PLEASE YOUR LORDSHIPS:

I, Abhishek Jain s/o Sh.Vimal Kumar Jain aged about 46 years presently working as Secretary, HP Public Works Department, Govt. of H.P.Shimla-2, do hereby state on oath as under:-

1. That the Deponent/respondent no.2 has assumed the office of Secretary Public Works, Govt. of H.P. w.e.f. 20.8.2024. The respondent/Deponent has examined the matter and is filing the report as per the directions of the Hon'ble Tribunal.
2. That at the outset the Deponent apologizes to this Hon'ble Tribunal for not complying with the directions passed by this Hon'ble Tribunal. That

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... Secretary (PWD)
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ATTESTED

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the Deponent holds this Hon'ble Court in its highest regards and there was no intent of the Deponent to violate the orders of this Hon'ble Tribunal and undertakes to comply the directions of this Hon'ble Tribunal in letter and spirit.

3. That the above titled MA was listed before the Hon'ble Tribunal on 27.11.2024, when the Hon'ble Tribunal after hearing the applicant has issued the directions as under:

"5. The Action Taken Report as directed in the Judgment dated 03.01.2023 has not been submitted till date, though more than one year and ten months have passed. This attitude on part of concerned authorities is highly depreciable particularly when non-compliance of the order of Tribunal is an offence under Section 26 of National Green Tribunal Act 2010.

6. However, before taking any action in the matter at this stage, we are giving one more opportunity to the concerned authorities by requiring to submit compliance report as per judgment dated 03.01.2023 within three weeks failing which the concerned authorities i.e. Principal Secretary, Public Works Departments, State of Himachal Pradesh, Divisional Forest Officer, Wildlife, Lahaul&Spiti and Chief Conservator of Forest, Wildlife South shall appear before Tribunal on the next date."

4. That the Hon'ble Tribunal vide order dated 03.01.2023 has issued the directions to the respondents in the following terms:

8. In view of the above, the application is disposed of with the directions to take appropriate steps for obtaining approval of Competent Authority under the Forest (Conservation) Act, 1980 and the Forest Rights Act, 2006 as required and providing land for compensatory afforestation in lieu of forest land diverted for non-forest purposes.

9. Action Taken Report along with copy of the Action Plan giving details regarding land ear-marked for compensatory

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afforestation, species to be planted, budget estimate with timelines and agency nominated for implementation etc. be submitted by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF, before the Ld. Registrar General, National Green Tribunal, Principal Bench, New Delhi who may, if necessary, put up the matter before this Bench for further directions."

5. That in compliance to the directions of the Hon'ble Tribunal, the respondents have taken various steps as are required under the Forest Rights Act 2006 for diversion of forest land. The details /sequence of the steps taken in this regard by the respondents are as under:-

Sr.No.	Date	Action taken
1	30.01.2023	letter to Divisional Forest Office for distance certificate of Wild Life Sanctuary and Eco-Sensitive Zone.
2	15.03.2023	letter to Addl. District Magistrate for Non-Availability Certificate of Forest land.
3	15.03.2023	letter to Chief Conservator Forest Wild Life Shimla for joint inspection.
4	21.03.2023	letter to President FRC Committee Dhankhar&Poh for NOC.
5	01.06.2023	FCA proposal prepared and submitted to Divisional Forest Officer, Kaza for preliminary scrutiny.
6	24.07.2023	Sub-Divisional Magistrate, Kaza was requested for joint inspection
7	24.07.2023	letter to Additional Deputy Commissioner, Kaza for grant of N.A.C.
8	03.08.2023	Joint Inspection done with Revenue and Forest authorities.

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9	05.10.2023	letter to President FRC Committee Dhankhar&Poh for NOC from Assistant Engineer, Sicking.
10	10.10.2023	NOC received from FRC Dhankar, Neupur and Dhar-Nipti for 4.3381 hect.
11	06.11.2023	N.A.C received from Deputy Commissioner, Lahual&Spiti.
12	07.11.2023	letter to Divisional Forest Officer with FCA proposal for scrutiny and signature
13	01.12.2023	N.O.C. received from Gram Panchyat Dhankhar for 4.3381 hect.
14	05.01.2024 & 31.03.2024	letter to President FRC Committee Poh for N.O.C. from Assistant Engineer, Sicking.
15	20.07.2024	letter to President FRC Committee Poh for N.O.C. from Assistant Engineer, Sicking.
16	24.10.2024	letter to President FCR Committee Poh for N.O.C. for area of 2.8294 hect. (Dhar-Gangchumik) by the Assistant Engineer, Sicking

Copies of the aforesaid letters are enclosed as **AnnexureR-I** for kind perusal.

6. That it is humbly submitted that the No Objection Certificate from the Forest Right Committees (FRC) of the Mohals is necessary in the matter for approval under the Forest Right Act. The FRCs of four Mohals have already furnished their NOC in the matter and NOC from one FRC of Poh, (Mohal named 'Dhar Gangchumic') remains to be obtained. The matter was taken up with the concerned FRC to issue necessary NOC as required under the Forest Rights Act, 2006. The FRCs are independent committees and constituted from amongst the local inhabitants as per provisions of Forest Rights Act, 2006.

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to the Govt. of H.P.

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7. That following the order dated 03.01.2023 the FRC of Poh (Mohal named 'Dhar Gangchhemic') was requested to issue NOC on 21.03.2023, 05.10.2023, 05.01.2024, 31.03.2024, 20.07.2024 and 24.10.2024 as mentioned above. After persistent refusal of NOC by FRC Of Poh, (Mohal named 'Dhar Gangchhemic'), the Respondent also took-up the matter with the Deputy Commissioner, Lahaul & Spiti to explore if there was any possibility under the relevant Act for overriding the NOC from FRC, in case the FRC persists with its decision not to grant NOC which is causing delay in complying with the directions of this Hon'ble Tribunal.
8. That as the FRC after repeated persuasions has refused to issue NOC and a prolonged period has elapsed, hence, the Respondents, in anticipation of obtaining the NOC from the said FRC, decided to upload the case for diversion of said forest land under the FCA,1980 on Parivesh Portal of the MoEF&CC Govt. of India. In this regard an undertaking has been furnished by the Nodal Department mentioning therein that the NOC under Forest Rights Act for Revenue Mohal Poh (Dhar Gangchhemic) shall be uploaded after approval of the Deputy Commissioner of the concerned district. Copy of undertaking annexed as **Annexure R-3**. The complete FCA case was sent to the Project Screening Committee (PSC) of Forest Department on 11.12.2024 which raised certain observations/queries. The proposal has been re-uploaded on Parivesh Portal on 17.12.2024 after attending to all the queries raised by the PSC. Now, the further action for processing of the FCA case uploaded on the Parivesh Portal after addressing all observation by the replying Respondent are required to be taken by the Respondent No 1.

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... Secretary (PWD)
to the Govt. of H.P.

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DEPUTY COMMISSIONER

9. That the deponent for expediting the matter also held a VC on 16.12.24. with the officers of Forest and Public Works department. Copy of the proceedings is annexed as Annexure R-2. Another VC was held by the deponent with the officers of Forest and Public Works Department on 18th of December, 2024. It was informed during the VC that despite repeated persuasion the FRC has not granted the NOC. It was also intimated by the Deputy Commissioner Lahaul & Spiti that in his knowledge there are no provisions in the Forest Rights Act 2006 to override the necessity of NOC of the FRC. However, it was assured by him that the local administration with the political representatives of the area will again try to persuade the FRC to grant NOC. The Additional PCCF (FCA) also apprised that the case after addressing the queries has been uploaded on Parivesh Portal and the Project Sanctioning Committee has forwarded the case to DFO for site visit. After receiving the report from the DFO Kaza, the proposal will be processed as per norms by the Forest Department.
10. That with respect to the directions of the Hon'ble Tribunal to prepare the action plan for Compensatory Afforestation, it is most respectfully submitted that the Respondent No 1 has identified 20.8 Hectares of land for Compensatory Afforestation and the action plan in this regard has been uploaded on the Portal by the Respondent No 2. Besides, the detailed Compensatory Afforestation scheme which also contains details of species to be planted, budget estimates, timelines and the agency nominated for the implementation, has been prepared and will be uploaded on the Portal by the Respondent No 1 shortly.

Abhishek Jain

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... Secretary (PWD)
to the Govt. of H.P.

ATTESTED

OATH COMMISSIONER

11. That the Deponent on coming to know about the directions of the Hon'ble Tribunal has taken the matter seriously and is monitoring the progress of the matter on day to day basis. The deponent ensures that no effort will be spared to expedite the matter in accordance with law. The Deponent has also taken serious cognizance of the delay caused in compliance of the directions of the Hon'ble Tribunal and has also issued the show cause notices to the erring officers. Copy of such notice is annexed as **Annexure R-4**
12. That the aforesaid facts would reveal that the Respondent has taken various steps towards the compliance of the directions of the Hon'ble Tribunal and the delay in submission of the Action Taken Report was not intentional/wilful, but was on account of the reasons stated above. The Respondent humbly apologises for the delay in submission of the report.
13. That the replying respondent has the highest respect for the Hon'ble Tribunal alongwith any order passed by the Hon'ble tribunal. There is absolutely no intention of violating or not implementing any orders of the Hon'ble Tribunal.
14. The replying respondent has been taking all possible actions on a daily basis in most serious manner to implement the orders of the Hon'ble Tribunal.
15. It is assured that the orders of the Hon'ble Tribunal will be implemented in letter and spirit for which some more time is required, as the FCA approval involves many steps few of which have already been taken, and the remaining are in the pipeline and few approvals are given by the Regional Office MOEF & CC Chandigarh. The undersigned is not only

Abhishek Jain

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by Abhishek Jain
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Secretary (PWD)
to the Govt. of H.P.

ATTESTED

OATH COMMISSIONER



e-mail - ee-tpwd@nic.in

- 9 -

Annexure R-I

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23/4446 Dated:- 30/01/23

To

The Divisional Forest Officer (Wild Life)
Spiti at Kaza District L&S H.P.

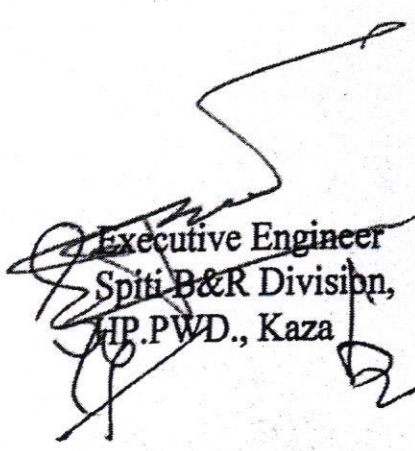
Subject :-

Diversion of forest land for the construction of Road from Poh
Maidan to Dhankhar Helipad KM 0/00 to 12/460.

It is submitted that, the forest case for proposed to construct the
Road from Poh Maindan to Dhankhar in compliance to the orders of Hon'ble National
Green Tribunal Principal Bench, New Delhi in the matter of Sh. Ram Singh Vs/ State of
H.P. and this department ^{had} required the diversion of forest land in favour of HP.PWD.,
which comes in the alignment of the said road.

It is therefore, requested kindly issue the Distance
Certificate/comments of the proposed road from Poh Maidan to Dhankhar Helipad KM
0/00 to 12/460 from the nearest boundary of Wildlife Sanctuary and Eco-Sensitive Zone as
per Topo Sheet Map is enclosed with this letter as soon as possible, so that further process
in the matter could be made accordingly.

Encl:- As above.


Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

Attested


Section Officer (PW-C)
H.P. Sectt., Shimla



e-mail - ce-hp1@nic.in

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HIMACHAL PRADESH PUBLIC WORKS DEPARTMENT

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23/4444 Dated:- 15/3/23

To

The Additional District Magistrate,
Spiti at Kaza.

Subject :-

Diversion of forest land for the construction of Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460, submission of revised land detail for issuance of Non-Availability Certificate of Forest land thereof.

It is submitted that, the forest case for proposed to construct the Road from Poh Maindan to Dhankhar in compliance to the orders of Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of Sh. Ram Singh Vs/ State of H.P. (Copy enclosed) and this department ^{has} required the diversion of forest land in favour of HP.PWD., which comes in the alignment of the said road.

It is therefore requested that Non-Availability Certificate of Forest Land which is coming in the alignment of the road from Poh Maidan to Dhankhar Helipad may be issued to in favour of HP.PWD., as per statement showing detail of Forest area enclosed with this letter, so that further process in the matter could be made accordingly.

Yours faithfully,

Encl:- As above.

Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

Attested

MA

Section Officer (PW-C)
H.P. Sectt., Shimla



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**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23/447-5) Dated:- 15/3/23

To

The Conservator of Forest (Wild Life),
Shimla, District Shimla H.P.

Subject :-

Regarding conduct the Joint Inspection for diversion of forest land for the construction of Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460.

Sir,

It is submitted that, the forest case under FCA -1980 has been prepared by this office for proposed construction of Road from Poh Maidan to Dhankhar at Spiti at Kaza, District Lahaul & Spiti in compliance to the orders/Judgment passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of OA No. 173/2022 of Sh. Ram Singh Vs/ State of H.P. and this department ^{has} required the diversion of forest land, which falls under the Jurisdiction of Forest Rang Tabo, Wild Life Spiti at Kaza in favour of HP.PWD.,

It is therefore, requested kindly fix the appropriate date of Joint Inspection for diversion of forest land for construction of proposed Road from Poh Maidan to Dhankhar Helipad, so that the proposal will be submitted for seeking approval under FCA 1980 as per the direction/Judgment passed by the Hon'ble National Green Tribunal. An early action in the matter is solicited please.

Yours faithfully,

Encls:- Copy of Judgment

Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

Copy forwarded to the following for information and necessary action to:-

1. The Additional District Magistrate, Spiti at Kaza, District L&S.
2. The Superintending Engineer, 11th Circle HP.PWD., Rampur District Shimla H.P.
3. The Divisional Forest Officer, Wild Life, Spiti at Kaza. District L&S.
4. The Assistant Engineer, Sichling B&R Sub-Division HP.PWD., Sichling.

Attested

Section Officer (PW-C)
H.P. Sectt., Shimla

Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

हिमाचल प्रदेश
लोक निर्माण विभाग

सं०:- लो०नि०/सिचलिंग (एफ.सी.ए.)-2021-22 - 819-24 दिनांक 21/03/2023

सेवा में

प्रधान,
ग्राम पंचायत ताबो
विकास खण्ड स्पिति जिला लाहौल स्पिति हि०प्र०।

प्रधान
ग्राम पंचायत डंखर
विकास खण्ड स्पिति जिला लाहौल स्पिति हि०प्र०।

विषय:- पोह मैदान से डंखर हैलीपैड कि०मी० ०/०० से 12/460 सड़क के निर्माण हेतु वन अधिकार अधिनियम-2006 के अर्न्तगत पंचायत एवं वन अधिकार समिति ताबों व डंखर से अनापति प्रमाण पत्र जारी करने बारे।

उपरोक्त विषय के सन्दर्भ आपको अवगत करवाना चाहते हैं कि माननीय नेशनल ग्रीन ट्रिब्यूनल प्रिन्सिपल बेंच नई, दिल्ली द्वारा राम सिंह बनाम हिमाचल प्रदेश सरकार के मामले में जारी आदेशों के अनुसार पोह मैदान से डंखर हैलीपैड सड़क जिसकी लम्बाई ०/०० से 12/460 के निर्माण हेतु वन संरक्षण अधिनियम (FCA-1980) के अर्न्तगत स्वीकृती हेतु मामला वन विभाग हिमाचल प्रदेश को स्वीकृति हेतु भेजा जाना है। अनुमोदन प्राप्ती के पश्चात् आमागी कार्यवाही अमल में लाई जाए क्यों कि इस सड़क का निर्माण वन भूमि से किया गया है।

इस मण्डल द्वारा वन संरक्षण अधिनियम (FCA-1980) के अर्न्तगत मामले में राजस्व विभाग के माध्यम से उक्त सड़क के निर्माण सम्बन्धी दस्तावेज तैयार कर लिए गए हैं तथा इसके अतिरिक्त आपके पंचायत तथा सम्बन्धित वन अधिकार समितियों से अनापति प्रमाण पत्र की आवश्यकता है ताकि मामले में अग्रिम कार्यवाही अमल में लाई जा सके। आपके पंचायत तथा वन अधिकार समिति के अर्न्तगत आने वाले वन भूमि के महाल व भूमि हैक्टर में जिसके अनापति प्रमाण पत्र जारी किए जाने हैं का विवरण निम्न प्रकार से है :-

क्र०	महाल का नाम	भूमि हैक्टर में
1	घार गंग छुमिक	2.8294
2	घार निपति	4.1561
3	न्युपूर	0.0835
4	डंखर	0.0895

Attested
[Signature]

Section Officer (PW-C)
H.P. Sectt., Shimla

अधिनियम (FCA-1980) के अर्न्तगत स्वीकृति हेतु उक्त महाल व हैक्टेयर भूमि के अनुसार सम्बन्धित ग्राम पंचायत एवं वन अधिकार समितियों से अनापति प्रमाण पत्र जारी करने की कृपा करें ताकि माननीय नेशनल ग्रीन ट्रिब्यूनल नई दिल्ली के आदेशों की अनुपालना रिपोर्ट समय पर दी जा सके।

इसे अतिआवश्यक समझें।

संलग्न:- सड़क से सम्बन्धी दस्तावेज

सहायक अभियन्ता,
सिचलिंग भवन एवं मार्ग मण्डल,
हि0प्र0लो0नि0वि0 सिचलिंग

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है:-

1. अतिरिक्त जिला दण्डाधिकारी स्पिति स्थान काजा को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है।
2. अधिशासी अभियन्ता, स्पिति भवन एवं मार्ग उप-मण्डल को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है।
3. श्री तेन्जिन शेरब, कनिष्ठ अभियन्ता सिचलिंग अनुभाग को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है तथा आपको निर्देश दिया जाता है कि आप व्यक्तिगत रूप से पंचायत एवं वन अधिकार समितियों से सम्पर्क कर उनको मामले में पूर्ण जानकारी उपलब्ध करवाएं तथा वाञ्छित अनापति प्रमाण पत्र लेकर अधोहस्ताक्षरी कार्यालय को उपलब्ध करवाएं। इसे अति आवश्यक समझें।

सहायक अभियन्ता,
सिचलिंग भवन एवं मार्ग मण्डल,
हि0प्र0लो0नि0वि0 सिचलिंग

Attested
Section Officer (PW-C)
H.P. Sectt., Shimla

The Divisional Forest Officer,
Wildlife Division,
Spiti at Kaza.

Subject -

Hon'ble National Green Tribunal order dated 03.01.2023 passed in original Application No 173 of 2023 Ram Singh Vs State of HP-Application for No Objection Certificate under Forest conservation Act, 1980 thereof.

In this context, it is submitted that following roads was approved under FRA,2006 for a liner project of 12.240 Kms from Poh Maidan to Helipad at Dhankhar which has been constructed by this division is as under:-

Sr. No	Name of Road	Length in KM	Avg. Width in meter	Status
1	Poh Maidhan to Suman	1.7000	4.000	Approved under FRA
2	Soman to Nyupur	3.000	2.850	Approved under FRA
3	Nyupur to Geecha	3.000	3.000	Approved under FRA
4	Nipti to Takchen	1.7000	5.000	Approved under FRA
5	Geecha to Helipad	2.840	3.500	Submitted

In the mean time, Sh. Ram Singh s/o Sh. Angchuck VPO Manne Tehsil Spiti District Lahaul Spiti has made a complaint to Hon'ble National Green Tribunal and the Hon'ble National Green Tribunal had order passed on dated 18.04.2022 in the case titled Ram Singh V/s State of HP to constitute a joint inspection committee to submit the report. The worthy Additional Deputy Commissioner Spiti at Kaza had constituted a sub-committee for measurements of actual road constructed on spot vide his letter No- 462-64 dated 12.05.2022 photo copy enclosed. The sub-committee had submitted his report with the remarks at Sr. No- 5 (b), the committee had observed that during course of execution the some portion of land was sinking due to which minor change in alignment become imperative, in addition to this there was a narrow reach which was suitable for construction of bridge and to meet with requirement of minimum gradient of 1:20 due to this alignment got slightly changed and resulted in increase of road length by 1.140 Kms. After conducting the various hearing before Hon'ble National Green Tribunal, Delhi through VC and has ordered and disposed of the OA on dated 03.1.2023 on the basis of assurance given by the respondent departments for

Attended
B

Section Officer (PW-C)
H.P. Sectt., Shimla


obtaining the approval of road Poh Maldan to Hellpad Dhankar from Km 0/00 to 12.240 from the competent authority under FCA, 1980.

Now, the proposal has been prepared as per prescribed norms/ formats for obtaining NOC under FCA, 1980 by this division and being submitted for kind information and taking further necessary action.

It is, therefore, requested that necessary NOC under FCA, 1980 may kindly be accorded from the competent authority and conveyed to this office at the earliest, please.

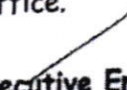
An early action in this matter is taken by your highly solicited, please.

DA:- 3 set Files.


Executive Engineer,
Spiti Division,
H.P PWD, Kaza.

Copy forwarded to the Addl. Deputy Commissioner, Spiti at Kaza for kind information please.

Copy to the Assistant Engineer, Sichling Sub-Division, HPPWD, Sichling for information & necessary action. He is directed to depute the some responsible person to pursue the matter with forest department immediately being urgent matter/ court case under intimation to this office.


Executive Engineer,
Spiti Division,
H.P PWD, Kaza.

Attested



Section Officer (PW-C)
H.P. Sectt., Shimla

-16-

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

111

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23⁹⁴⁸⁰⁻⁸⁴ Dated:- 24/7/23

To

The Sub-Divisional Magistrate,
Spiti at Kaza

Subject :-

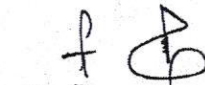
Regarding conduct the Joint Inspection for diversion of forest land for the construction of Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460.

Sir,

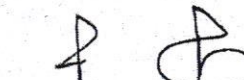
It is submitted that, the forest case for seeking approval under FCA-1980 has been prepared by this office for already constructed jeepable Road from Poh Maidan to Dhankhar at Spiti at Kaza in compliance to the orders/judgement passed by the Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of OA No. 173/2022 titled as Sh. Ram Singh Vs/ State of H.P. and this department has required the diversion/transfer of 7.1585 hectare forest land which falls under the jurisdiction of Wildlife Division Spiti at Kaza in favour of HP.PWD., Spiti at Kaza .

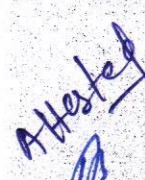
It is therefore, requested kindly fix the appropriate date of Joint inspection for diversion of forest land for Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460, so that the proposal will be submitted for seeking approval under FCA 1980 as per the direction/Judgement passed by the Hon'ble National Green Tribunal. An early action in the matter is solicited please.

Encl:- Copy of Judgement


Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

- Copy forwarded to the following for information and necessary action to :-
1. The Additional District Magistrate, Spiti at Kaza District L&S
 2. The Superintending Engineer, 11th Circle HP.PWD., Rampur District Shimla H.P.
 3. The Divisional Forest Officer, Wild Life, Spiti at Kaza District L&S H.P.
 4. The Assistant Engineer, Sichling B&R Sub-Division HP.PWD., Sichling District L&S H.P.


Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza


Section Officer (PW-C)
H.P. Sectt., Shimla



- 17 -

**HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT**

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23⁹⁴⁸⁵⁻⁸⁶ Dated:- 24/7/23

To

The Additional District Magistrate,
Spiti at Kaza.

Subject :-

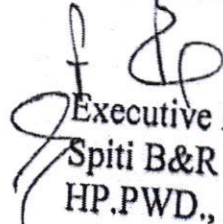
Diversion of forest land for the construction of Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460, submission of revised land detail for issuance of Non-Availability Certificate of Forest land thereof.

Kindly refer to this office letter even No.14444 Dated 15/03/2023 on the subject cited above vide which you are requested to issue the Non-Availability Certificate of Forest Land which is coming in the alignment of the road from Poh Maidan to Dhankar Helipad in compliance to the orders of Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of Sh. Ram Singh Vs/ State of H.P. but the same is not received as yet.

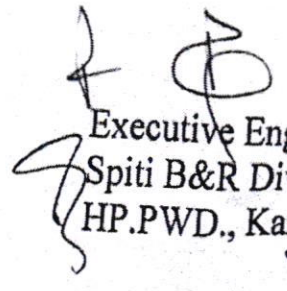
In this context, you are again requested that Non-Availability Certificate of Forest Land which is coming in the alignment of the road from Poh Maidan to Dhankar Helipad which is under jurisdiction of Wildlife Spiti at Kaza may be issued to in favour of HP.PWD., as per statement showing detail of Forest area enclosed with this letter, so that further process for seeking permission under FCA in the matter could be made accordingly.

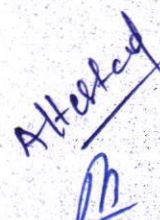
Encl:- As above.

Yours faithfully,


Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

Copy forwarded to the Assistant Engineer, Sichling B&R Sub-Division HP.PWD., Sichling for information and further necessary action in the matter.


Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza



Section Officer (PW-C)
H.P. Sectt., Shimla

JOINT INSPECTION REPORT OF THE LAND PROPOSED TO BE DIVERTED FOR CONSTRUCTION OF ROAD POH MAIDAN TO DHANKHAR HELIPAD KM 0/00 TO 12/460 UNDER THE JURIDICION OF SPITI WILDLIFE DIVISION KAZA DISTRICT LAHAUL & SPITI.

- We the undersigned have jointly carried out the inspection of already constructed Jeepable road Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460 which passed through the forest land on 03/08/2023. The diversion of 7.1585 hectare forest land is required for construction of proposed said Motrable road which falls under Wild Life Forest Division Spiti at Kaza. The location for the purpose falls under the purview of (FCA) 1980 and is in the possession of forest department, Government of Himachal Pradesh.
- Proposed road passes through Muhal Gangchumi Khasra No-4, Muhal Dhar Nipti Khasra No-1, Muhal Neupur Khasra No.-1 and Muhal Dhankhar Khasra No-323. The legal status of forest land involved is UPF Charagah. The user agency i.e. HPPWD has assessed the requirement of forest land to the extent of 7.1585 hect.
- The joint team has also examined that the road has been already constructed as Jeepable standard hence no alternative alignment has been explored. This route is the best way route to connect the villages with minimum use of forest land for non forestry purpose. It is also found that the route from above mentioned muhal is un-avoidable for providing road facilities to the people of above muhals. The details of forest land to be diverted in favour of HP.PWD., has been mentioned in the check list No.7 & 8 at page

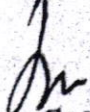
The Road constructed is in violation of Forest laws, FCA case is being prepared on directions of H.G.T.

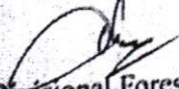
On the basis of said inspection, it is certified that the proposed forest land having legal states of UPF, Charagah, to be diverted not affected by any burial ground on public place, water body like spring etc.



Assistant Engineer,
Sub-Division Sichling
HP.PWD., Sichling



Range Forest Officer,
Wildlife Spiti at Kaza


Niab-Tehsildar
Spiti at Kaza


Executive Engineer
Spiti B&R Division
HP.PWD., Kaza


Divisional Forest Officer,
Wildlife Spiti at Kaza


Sub-Divisional Magistrate
Spiti at Kaza

Attested

Section Officer (PW-C)
H.P. Sectt., Shimla

सं०:- लो०नि०/सिचलिंग (एफ.सी.ए.)-2021-22 403-05 दिनांक 5-10-23

सेवा में

प्रधान,
वन अधिकार समिति डंखर,
राजस्व गांव डंखर
ग्राम पंचायत डंखर विकास खण्ड स्पिति जिला लाहौल स्पिति।

प्रधान,
वन अधिकार समिति पोह,
राजस्व गांव पोह,
ग्राम पंचायत ताबों, विकास खण्ड स्पिति जिला लाहौल स्पिति।

विषय:-

पोह मैदान से डंखर हैलीपैड कि०मी० ०/०० से 12/460 सड़क के निर्माण हेतु वन अधिकार अधिनियम-2006 के अर्न्तगत पंचायत एवं वन अधिकार समिति ताबों व डंखर से अनापति प्रमाण पत्र जारी करने बारे।

उपरोक्त विषय के सन्दर्भ आपको अवगत करवाना चाहते हैं कि माननीय नेशनल ग्रीन ट्रिब्यूनल प्रिन्सिपल बैंच नई, दिल्ली द्वारा राम सिंह बनाम हिमाचल प्रदेश सरकार के मामले में जारी आदेशों के अनुसार पोह मैदान से डंखर हैलीपैड सड़क जिसकी लम्बाई ०/०० से 12/460 के निर्माण हेतु वन संरक्षण अधिनियम (FCA-1980) के अर्न्तगत स्वीकृति हेतु मामला वन विभाग हिमाचल प्रदेश को स्वीकृति हेतु भेजा जाना है। अनुमोदन प्राप्ति के पश्चात् आमागी कार्यवाही अमल में लाई जाए क्योंकि इस सड़क का निर्माण वन भूमि से किया गया है।

इस मण्डल द्वारा वन संरक्षण अधिनियम (FCA-1980) के अर्न्तगत मामले में राजस्व विभाग के माध्यम से उक्त सड़क के निर्माण सम्बन्धी दस्तावेज तैयार कर लिए गए हैं तथा वन अधिकार समितियों डंखर एवं पोह से अनापति प्रमाण पत्र की आवश्यकता है ताकि मामले में अग्रिम कार्यवाही अमल में लाई जा सके। आपकी वन अधिकार समिति के अर्न्तगत आने वाले वन भूमि के महाल व भूमि हैक्टर में जिसके अनापति प्रमाण पत्र जारी किए जाने हैं का विवरण निम्न प्रकार से है :-

क्र०	महाल का नाम	भूमि हैक्टर में
1	धार गंग छुमिक	2.8294
2	धार निपति	4.1561
3	न्युपूर	0.0835
4	डंखर	0.0895


Attested
[Signature]

Section Officer (PW-C)
H.P. Sectt., Shimla

अतः आपसे अनुरोध है कि जल्द से जल्द उक्त सड़क में वन संरक्षण अधिनियम (FCA-1980) के अन्तर्गत स्वीकृति हेतु उक्त महाल व हैक्टेयर भूमि के अनुसार आपसे अनापति प्रमाण पत्र जारी करने की कृपा करें ताकि माननीय नेशनल ग्रीन ट्रिब्यूनल नई दिल्ली के आदेशों की अनुपालना रिपोर्ट समय पर दी जा सके।


इसे अतिआवश्यक समझें।

संलग्न:- सड़क से सम्बन्धी दस्तावेज



सहायक अभियन्ता,
सिचलिंग भवन एवं मार्ग मण्डल,
हि०प्र०लो०नि०वि० सिचलिंग

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है:-

1. अतिरिक्त जिला दण्डाधिकारी स्थिति स्थान काजा को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है।
2. अधिशासी अभियन्ता, स्थिति भवन एवं मार्ग उप-मण्डल को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु अग्रेषित है।
3. श्री तेन्जिन शेरब, कनिष्ठ अभियन्ता सिचलिंग अनुभाग को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है तथा आपको निर्देश दिया जाता है कि आप व्यक्तिगत रूप से पंचायत एवं वन अधिकार समितियों से सम्पर्क कर उनको मामले में पूर्ण जानकारी उपलब्ध करवाएं तथा वाञ्छित अनापति प्रमाण पत्र लेकर अधोहस्ताक्षरी कार्यालय को उपलब्ध करवाएं। इसे अति आवश्यक समझें।


सहायक अभियन्ता,
सिचलिंग भवन एवं मार्ग मण्डल,
हि०प्र०लो०नि०वि० सिचलिंग

Attended


Section Officer (PW-C)
H.P. Sectt., Shimla

अनुसूचित जन-जाति और अन्य परम्परागत (वन निवासी वन अधिकारों की मान्यता) अधिनियम-2006

प्रतिलिपि प्रस्ताव

वन अधिकार समिति इश्वर न्यूपुर, धार निपा
ग्राम समा इश्वर

प्रस्ताव संख्या.....
गणपूर्ति 117/225

वन अधिकार समिति ग्राम समा इश्वर की बैठक आज दिनांक 10/10/23 समय 11 AM स्थान इश्वर में श्री/श्रीमति.....की अध्यक्षता में की गई। जिसमें इश्वर, न्यूपुर, धार निपा गांव के अर्न्तगत अनुसूचित जन जाति और अन्य परम्परागत वन निवासी वन अधिकारों की मान्यता अधिनियम 2006 के अन्तर्गत इस मुहाल समा की वन अधिकार समिति की सिफारिश के उपरान्त प्राप्त हुए गांव वासियों के आवेदनों पर चर्चा की गई। वन अधिकारी को प्रस्तावों के साथ प्रस्तुत दस्तावेजों के अध्ययन तथा उस पर विस्तृत चर्चा के उपरान्त निम्न प्रकार की कार्यवाही की गई।

कुल प्राप्त आवेदन:-

क्र०सं०	पात्र ग्रामवासी का नाम	जंगल का नाम	वन अधिकार का ब्यौरा
1.			
2.			

तदनुसार यह वन अधिकार समिति इस दावे/इन दावों को पारित हेतु समा में इसकी सिफारिश करती है।

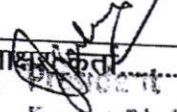
उपरोक्त में से निम्नलिखित पात्रों का दावा नियमानुसार सही नहीं पाया गया :-

क्र०सं०	पात्र ग्रामवासी का नाम	जंगल का नाम	वन अधिकार का ब्यौरा
1.			
2.			

तदनुसार समा इस दावे/इन दावों को निरस्त करने की सिफारिश करती है।

या

.....जंगल/वन क्षेत्र में कोई भी वन अधिकार का दावा प्राप्त नहीं हुआ।

स्थान <u>इश्वर</u> दिनांक <u>10/10/2023</u>	अधिकृत हस्ताक्षर  ग्राम समा <u>Forest Rights Committee</u>
------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------

- * ग्रामवासी/ग्रामवासियों के नाम जिन्होंने इस वन क्षेत्र/जंगल में वन अधिकार के दावे के लिए आवेदन किया है।
- ** प्रोजेक्ट/कार्य का नाम जिसके लिए वन (संरक्षण) अधिनियम, 1980 के अर्न्तगत वन भूमि के उपयोग की अनुमति दी जानी है।

Attached

Section Officer (PW-C)
H.P. Sectt., Shimla

कार्यालय उपायुक्त, लाहौल एवं स्पिति हिमाचल प्रदेश।

अनुपलब्धता प्रमाण पत्र

अधिशारी अभियन्ता, स्पिति भवन एवं मार्ग मण्डल हि0प्र0लो0नि0वि0 काजा से प्राप्त पत्र संख्या :- PW/SD/WA/Forest Case(Poh to Dhankhar)-2022-23 -7132-33 दिनांक 07/10/2023 सहित पोह मैदान से ढंखर हैलीपैड तक सड़क निर्माण हेतु, प्रस्तावित सरकारी /वन भूमि मुहाल गंगचुमिक ,तहसील स्पिति, जिला लाहौल एवं स्पिति में खसरा न0 4/1 रकबा 2-58-94, खसरा न0 4/2 रकबा 00-12-00, खसरा न0 4/3 रकबा 00-12-00 हैक्टयेर किता 3, कुल रकबा 2-82-94 हैक्टयेर, मुहाल धार निपटी खसरा न0 1/4 रकबा 1-39-44, खसरा न0 1/1 रकबा 02-52-17, खसरा न0 1/2 रकबा 00-12-00, खसरा न0 1/3 रकबा 00-12-00 हैक्टयेर किता 4, कुल रकबा 4-15-81 हैक्टयेर, मुहाल न्यूपूर खसरा न0 1/1 रकबा 00-08-35 किता 1 कुल रकबा 00-08-35 हैक्टयेर, व मुहाल ढंखर खसरा न0 323/1 रकबा 00-08-95 हैक्टयेर किता 1, कुल रकबा 00-08-95 हैक्टयेर के हस्तान्तरण बारे अनुपलब्धता प्रमाण पत्र जारी करने का अनुरोध किया गया है । संयुक्त मौका निरीक्षण रिपोर्ट के अनुसार उपरोक्त प्रस्तावित सरकारी/वन भूमि न्यूनतम एवं अधिक उपयुक्त है तथा उपरोक्त प्रयोजन हेतु प्रस्तावित सरकारी/ वन भूमि के अतिरिक्त अन्य भूमि उपलब्ध नहीं है ।

अतः उप मण्डल अधिकारी (ना0), काजा की रिपोर्ट व संयुक्त निरीक्षण रिपोर्ट के आधार पर प्रस्तावित सरकारी /वन भूमि मुहाल गंगचुमिक ,तहसील स्पिति, जिला लाहौल एवं स्पिति में खसरा न0 4/1 रकबा 2-58-94, खसरा न0 4/2 रकबा 00-12-00, खसरा न0 4/3 रकबा 00-12-00 हैक्टयेर किता 3, कुल रकबा 2-82-94 हैक्टयेर, मुहाल धार निपटी खसरा न0 1/4 रकबा 1-39-44, खसरा न0 1/1 रकबा 02-52-17, खसरा न0 1/2 रकबा 00-12-00, खसरा न0 1/3 रकबा 00-12-00 हैक्टयेर किता 4, कुल रकबा 4-15-81 हैक्टयेर, मुहाल न्यूपूर खसरा न0 1/1 रकबा 00-08-35 किता 1 कुल रकबा 00-08-35 हैक्टयेर, व मुहाल ढंखर खसरा न0 323/1 रकबा 00-08-95 हैक्टयेर किता 1, कुल रकबा 00-08-95 हैक्टयेर का अधिशारी अभियन्ता, स्पिति भवन एवं मार्ग मण्डल हि0प्र0लो0नि0वि0 काजा, जिला लाहौल स्पिति हि0प्र0 को उपरोक्त प्रयोजन हेतु अनुपलब्धता प्रमाण पत्र जारी किया जाता है ।

(राहुल कुमार)

उपायुक्त, लाहौल एवं स्पिति
दिनांक 6-11-23

पृष्ठांकन संख्या 500 - 500 / डी0आर0ए0
प्रतिलिपि सेवा में :-

1. वन मण्डल अधिकारी, (वन्य जीवन) स्पिति जिला लाहौल एवं स्पिति को प्रेषित कर अनुरोध है कि वन संरक्षण अधिनियम 1980 के अन्तर्गत केन्द्र सरकार के पर्यावरण एवं वन विभाग की अन्तिम स्वीकृति प्राप्त होने पर उसकी एक प्रतिलिपि आगामी आवश्यक कार्यवाही के लिए तुरन्त इस कार्यालय को प्रेषित करें ।
2. उप मण्डल अधिकारी (ना0), स्पिति, जिला लाहौल एवं स्पिति को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है ।
3. अधिशारी अभियन्ता, स्पिति भवन एवं मार्ग मण्डल हि0प्र0लो0नि0वि0 काजा को सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है ।

Handwritten signature/initials

Section Officer (PW-C)
H.P. Sectt., Shilma

(राहुल कुमार)
उपायुक्त, लाहौल स्पिति

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

www.hppl.in

No. PW/SD/WA/Forest Case/(Poh to Dhankhar)-2022-23 ⁷⁸⁰⁰⁻⁰¹

Dated:- 7/11/23

To The Divisional Forest Officer (Wild Life)
Spiti at Kaza District L&S H.P.

Subject :- Diversion of 7.1585 hectare forest land for the construction of Road from Poh Maidan to Dhankhar Helipad KM 0/00 to 12/460 under Forest Conservator Act-1980 thereof.

Please find enclosed herewith the proposal for seeking approval under Forest Conservator Act, 1980 for construction of Road from Poh Maindan to Dhankhar 0/00 to 12/460 in compliance to the orders of Hon'ble National Green Tribunal Principal Bench, New Delhi in the matter of Sh. Ram Singh Vs/ State of H.P.. This department require diversion of 7.1585 hectare forest land in favour of HP.PWD., which is coming in the alignment of the said road. Non Availability of Forest Land (NAC) approval has accorded from Worthy Deputy Commissioner, Lahul & Spiti, District L&S vide ^{his} letter No. 500-502 dated 06/11/2023, which is also enclosed herewith.

It is, therefore, requested the complete ^{the} proposal for seeking approval under Forest Conservator Act, 1980 for construction of Road from Poh Maindan to Dhankhar 0/00 to 12/460 is submitted herewith for taking further necessary action in the matter.

Encl:- Proposal file in original.

Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

Copy forwarded to the Assistant Engineer, Sichling, B&R Sub-Division HP.PWD., Sichling for information and necessary action.

Executive Engineer
Spiti B&R Division,
HP.PWD., Kaza

A. H. S. L. S.
[Signature]
Section Officer (PW-C)
H.P. Sectt., Shimla



OFFICE OF GRAM PANCHAYAT DANKHAR
Block Development Kaza Distt. Lahoul & Spitti (H.P)

Resolution No. 06

Date 01.12.2023

It is here by certified that today gram panchayat Dankhar monthly corum / Gram Sabha meeting is held under the Chairperson of the respective Pradhan mr. / miss. Tanzim Chheda on its due dated 01.12.2023 with a majority of 9/213 and following resolutions has been unanimously approved.

Subject :- Regarding provide Noe against Pan Maldan To Dankhar-Helipad
o/o to 12/460

It is bring to your kind consideration that in the form of resolution on its due dated 10/10/2023 the Gram Sabha meeting of PRC Dankhar was organised under the chairperson of respective Pradhan Sh. Hunder Bhat. In this meeting under section 302 the forest dept and for the o/o road from Pan Maldan To Dankhar Helipad o/o to 12/460 Noe clearance from PRC Dankhar had requested for issuance of Noe certificate to Gram Panchayat Dankhar Gram Sabha on today's dated 01.12.2023.

Therefore it is unanimously decided that if PRC Committee Dankhar has no objection against the above said blocks even Gram Panchayat Dankhar also has no objection received in today's Gram Sabha organised on 01.12.2023

Also no personal forest claim has been received against forested premises. And it is unanimously decided

Attended

[Signature]
Section Officer (PW-C)
H.P. Sectt., Shimla

[Signature]
Panchayat Secretary
Block Dev. Office
Gram Panchayat Dankhar
Distt. L&S (H.P.)



OFFICE OF GRAM PANCHAYAT DANKHAR
Block Development Kaza Distt. Lahoul & Spiti (H.P.)

Resolution No. 84

Date 01.12.2023

It is here by certified that today gram panchayat Dankhar monthly gram / Gram Sabha meeting is held under the Chairperson of the respective Pradhan Mr / Miss. Amir Chhokar on its due dated 01.12.2023 with a majority of 9/12 and following resolutions has been unanimously approved.

Decided under the Chairperson of respective PSC president Mr Himdal Chakri that Shri. Nishi 1.15.21, Shri. 0.03.25 and Shri. 0.03.25 Shri. 0.03.25 of above right forest land

Therefore, in the form of resolution copy of this resolution has been forwarded to Executive Engineer PWD Kaza for kind consideration and further necessary action please.

The passed statement of issue and quantity of for record and nothing material has been conveyed therefrom.

[Signature]
Panchayat Secretary
Block Dev. Office
Gram Panchayat Dankhar
Distt. L&S (H.P.)

[Signature]
A. Hestel

Section Officer (PW-C)
H.P. Sectt., Shimla



No. PW-SSD- (Forest) 2023-24-

527

Dated :- 05-01-2024

To

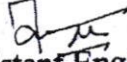
The President Forest Right Act committee,
Village Poh Post office Tabo Tehsil Spiti .
District L&S.

Subject:-

FRA Case for the work Construction OF Poh Madian to
Dhankhar Helipad KM.0/000 TO 12/240.

Enclosed please find herewith revenue paper of Mahal
Dhar-Gangchumik for area of 2.8294 hect. For construction of above cited
subject road. Which is still awaited from your office.

Therefore, kindly submit the same in the office of
undersigned so, the permission for the dirvesion of forest land could be taken
from higher authorites as soon as possible.


Assistant Engineer,
Sichling B&R Sub-Division,
HP.PWD., Sichling

Attested



Section Officer (PW-C)
H.P. Sectt., Shimla



No. PW-SSD- (Forest) 2023-24-

716

Dated :- 31-3-24

To

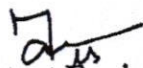
The President Forest Right Act committee,
Village Poh Post office Tabo Tehsil Spiti .
District L&S.

Subject:-

FRA Case for the work Construction OF Poh Madian to
Dhankhar Helipad KM.0/000 TO 12/240.

Enclosed please find herewith revenue paper of Mahal
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Therefore, kindly submit the same in the office of
undersigned so, the permission for the dirvesion of forest land could be taken
from higher authorites as soon as possible.


Assistant Engineer,
Sichling B&R Sub-Division,
HP.PWD., Sichling

Attended
B
Section Officer (PW-C)
H.P. Sectt., Shimla



HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

123

No. PW-SSD- (Forest) 2024-25-

874

Dated :- 20-07-2024

To


The President Forest Right Act committee,
Village Poh Post office Tabo Tehsil Spiti .
District L&S.

Subject:-

FRA Case for the work Construction OF Poh Madian to
Dhankhar Helipad KM.0/000 TO 12/240.

Enclosed please find herewith revenue paper of Mahal
Dhar-Gangchumik for area of 2.8294 hect. For construction of above cited
subject road. Which is still awaited from your office.

Therefore, kindly submit the same in the office of
undersigned so, the permission for the dirvesion of forest land could be taken
from higher authorites as soon as possible.


Assistant Engineer,
Sichling B&R Sub-Division,
HP.PWD., Sichling

Attested



Section Officer (PW-C)
H.P. Sectt., Shimla



-29

HIMACHAL PRADESH
PUBLIC WORKS DEPARTMENT

No. PW-SSD- (Forest) 2024-25-1005

Dated :-24.10.224

To

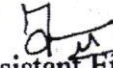

The President Forest Right Act committee,
Village Poh Post office Tabo Tehsil Spiti .
District L&S.

Subject:-

FRA Case for the work Construction OF Poh Madian to
Dhankhar Helipad KM.0/000 TO 12/240.

Enclosed please find herewith revenue paper of Mahal
Dhar-Gangchumik for area of 2.8294 hect. For construction of above cited
subject road. Which is still awaited from your office.

Therefore, kindly submit the same in the office of
undersigned so, the permission for the diversion of forest land could be taken
from higher authorities as soon as possible.


Assistant Engineer,
Sichling B&R Sub-Division,
HP.PWD., Sichling 

Attested


Section Officer (PW-C)
H.P. Sectt., Shimla

PROCEEDINGS OF VIDEO CONFERENCE HELD UNDER THE CHAIRMANSHIP OF SECRETARY(PW), GOVT. OF H.P. ON DATED 16.12.2024 AT 04.00 P.M. TO DISCUSS THE MATTER RELATED TO COMPLIANCE OF NATIONAL GREEN TRIBUNAL ORDER DATED 03.01.2024.

The following were present in the meeting:-

1. Dr. Abhishek Jain, Secretary (Public Works) to the Govt. of HP.
2. Sh. Sanjay Sood, APCCF (FCA) Forest Department of HP.
3. Sh. Rahul Kumar (DC), Lahaul & Spiti.
4. Sh. Surjeet Singh Rathore, Addl. Secretary (Public Works) to the Govt. of HP.
5. Sh. Surender Jagota, CE (SZ) HPPWD.
6. Sh. Mandar Umesh Jeware, DFO, Kaza
7. Sh. Jitesh Sharma, Executive Engineer, HPPWD, Kaza

At the outset the Chairman took serious cognisance for extraordinary delay in compliance of Hon'ble National Green Tribunal order dated 03.01.2024. The Chairman thereafter sought latest status of processing of FCA/FRA case for diversion of forest land.

- The Executive Engineer, HP PWD Division Kaza intimated that the delay in up-loading of FCA case occurred because of refusal of NOC by Forest Rights Committee of Poh Mohal. He further apprised that his office repeatedly wrote to Forest Rights Committee for issuing of NOC, but no response was received from their end. He further stated that the Additional PCCF (FCA) H.P. Forest Department has now clarified that the case for diversion of forest land under FCA, 1980 can be up-loaded without FRA certificate. That after this clarification the case for diversion of forest land under FCA was expeditiously up-loaded on Parivesh Portal on dated 11.12.2024.
- The Additional PCCF (FCA) informed that after examination of the FCA proposal up-loaded by HP PWD, it was found that the proposal is incomplete for want of some additional documents, which are required to be up-loaded on the Portal.
- Additional PCCF (FCA) stated that he has scheduled a meeting on 18.12.2024 for consideration of this case for approval in case all requisite documents are up-loaded.
- The Chairman directed the Executive Engineer, HP PWD Division Kaza to get the details of additional documents required to be up-loaded from the Forest Department and ensure to up-load the same by 11:00 A.M. on 17.12.2024 positively. Failure to do so will invite disciplinary action against him.
- The Chairman directed the Chief Engineer, Shimla Zone to follow-up the matter personally at different levels till the same is approved.
- Deputy Commissioner, Lahaul & Spiti also assured that the Non-availability of Forest Land (NAFL) certificate will be issued by him on 16.12.2024 itself. The Chairman also requested Deputy Commissioner, Lahaul & Spiti to process the FRA case with regard to Poh Mandal submitted to his office by Executive Engineer, HP PWD Division Kaza, expeditiously.

Attested
R

Section Officer (PW-C)
H.P. Sectt., Shimla

126

- The Chairman also pointed out that the matter for construction of road from Poh Maidan to Dhankar Helipad km 0/00 to 12/460 in violation of FCA/FRA needs to be inquired into and he directed Chief Engineer, Shimla Zone to carry out fact finding inquiry into the matter and submit enquiry report within one week.

Approved by

(Dr. Abhishek Jain)
Secretary (PW) to the
Government of Himachal Pradesh.

Endst: No. (E-126370) Dated: Shimla-2, December, 2024

Copy to:

1. All the participants for information and necessary action.
2. The Engineer-in-Chief, HPPWD, Nirman Bhawan, Shimla-2 with the request to follow-up the matter.

Signed by

Surjeet Singh Rathore

Date: 17-12-2024 15:20:03

(Surjeet Singh Rathore)
Additional Secretary(PW) to the
Govt. of Himachal Pradesh.

Attested

Section Officer (PW-C)
H.P. Sectt., Shimla

Full Title of the Project:- Diversion of 7.1585 Hect. forest land for Construction of road from Poh Maidan to Dankhar Helipad km 0/00 to 12/460.

UNDERTAKING

I hereby undertake to submit the certificate of F.R.A 2006 after Approval from Deputy Commissioner Lahaul and Spiti.

[Handwritten Signature]
EXCHIEF FOREST OFFICER
SPITI WILDLIFE DIVISION
LAHAUL & SPITI
H.P.

[Handwritten Signature]

Deputy Conservator of Forest
Spiti Wildlife Division Kaza

Attested

[Handwritten Signature]

Section Officer (PW-C)
H.P. Sectt., Shimla

Government of Himachal Pradesh
Public Works Department

No. PWD(C)E(3)-21/2022

Dated: 17 December, 2024.


Show Cause Notice

Whereas, the Hon'ble National Green Tribunal, vide Order dated 03.01.2023 passed in Original Application No. 173/2022 – titled as Ram Singh Vs. State of Himachal Pradesh & Ors. has disposed off the application with the directions to take appropriate steps for obtaining approval of Competent Authority under Forest (Conservation) Act, 1980 and the Forest Rights Act, 2006 and the Action Taken Report alongwith copy of Action Plan giving details regarding land ear-marked for compensatory afforestation, species to be planted, budget estimate with timelines and agency nominated for implementation etc. was required to be submitted to the Ld. Registrar General, National Green Tribunal;


And Whereas, in compliance to previous order of the Hon'ble NGT dated 09.11.2022, the Executive Engineer, HP PWD, Division Kaza, District Lahaul & Spiti, alongwith other senior officers of the Public Works Department and Forest Department appeared before the Hon'ble Tribunal through VC and it was submitted that appropriate steps will be taken for obtaining approval of Competent Authority under Forest (Conservation) Act, 1980 and the Forest Rights Act, 2006 as required and providing land for compensatory afforestation in lieu of forest land diverted for non-forest purpose;

And whereas, the Hon'ble Tribunal vide order dated 27.11.2024 has observed that the Action Taken Report as directed in the judgment dated 03.01.2023 has not been submitted till date, though more than one year and ten months have passed. However, the Hon'ble Tribunal has granted one more opportunity to submit compliance report as per ibid judgment within three weeks, failing which the concerned authorities shall appear before next date i.e. 23.12.2024;

Hence, Show Cause Notice is hereby issued to the Executive Engineer(s), HP PWD, Division Kaza, District Lahaul & Spiti, to explain the reasons, as to why the judgment dated 03.01.2023 has not been complied with till date. Detailed reply to this Show Cause should be submitted to this office within 07 days from the receipt of this notice, failing which it will be presumed that they have nothing to say and disciplinary action under CCS (Conduct) Rules, 1965, will be initiated against them.


(Surjeet Singh Rathore)
Additional Secretary(PW) to the
Government of Himachal Pradesh.

1. Sh. Rajnish Behal
the than Executive Engineer(Retd.)
HP PWD Division Kaza,
Through E-in-C, HP PWD, Shimla-2.
2. Sh. Jitesh Kumar
Executive Engineer,
HP PWD Division Kaza,
District Lahaul & Spiti (H.P.).

Attended

Section Officer (PW-C)
H.P. Sectt., Shimla