



महाराष्ट्र शासन राजपत्र

असाधारण
प्राधिकृत प्रकाशन

गुरुवार नोव्हेंबर १३, १९७५/ कार्तिक २२, शके १८९७

स्वतंत्र संकलन म्हणून फाईल करण्यासाठी या भागाला वेगळे पृष्ठ क्रमांक दिले आहेत

भाग चार-ब

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले (भाग एक, एक-अ आणि एक-ल यामध्ये प्रसिध्द केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश

REVENUE AND FORESTS DEPARTMENT
Sachivalaya, Bombay, 400 032, dated 13th November 1975

THE MAHARASHTRA PRIVATE FORESTS (ACQUISITION) ACT, 1975:-

No. PRF. 1075/119064-II-F-2-- In exercise of the powers conferred by sub-section (1) of Section 23 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), and of all other powers enabling it in that behalf, the Government of Maharashtra hereby makes the following rules for carrying out the purpose of the said Act, the same having been previously published as required by sub-section (1) of the said Section 23, namely :-

RULES

1. *Short title* :- These rules may be called the Maharashtra Private Forests (Acquisition) Rules, 1975.

2. *Definitions :-* In these rules, unless the context otherwise requires :-
 - (a) "Act" means the Maharashtra Private Forests (Acquisition) Act, 1975;
 - (b) "Form" means a Form appended to these rules;
 - (c) "Section" means a section of the Act.

3. *Form of application under Section 8 :-* The application under Section 8 of the Act, shall be in Form A

4. *Manner of determining amount of encumbrances under Section 11(1)*
 - (1) During an inquiry held under Section 9, the Collector shall ascertain from the owner of the private forest who has applied for an amount, the names and addresses of holders of encumbrances lawfully subsisting on the private forest in question on the appointed day and the nature of such encumbrances.

 - (2) As soon as may be thereafter, the Collector shall issue a notice individually to all the holders of encumbrances so ascertained, and also a public notice to be given in the village where the private forest in question is situated, requiring all persons who claim to be the holders of encumbrances held by them and to appear before the Collector on a date specified in the notice to prove their claims. The Collector shall then proceed to inquire into the claims made by the persons who appear before him on such date or on any other date to which the proceedings may be adjourned by him and determine the nature and extent of encumbrances held by different holders of encumbrances on the private forest in question.

5. *Manner of reference under Section 11(3) :-*

In making a reference under sub-section (3) of section 11, the Collector shall prepare a statement of the case for the decision of the Court and state his opinion thereon. The statement of the case shall contain the following particulars, namely :-

- (i) the nature and extent of the right claimed by the owner of the private forest;
- (ii) the names of the holders of encumbrances ;
- (iii) the nature and extent of the claim made by each of the holders of encumbrances ;
- (iv) the nature of the precise issue the determination of which involves any question of law;
- (v) the precise question of law to be decided by the Civil Judge, in respect of which the reference is made ;
- (vi) any other particulars which the Civil Judge to whom such references may be made considers necessary for the purpose.

6. *Form of Application under section 12(1):-*

The application under sub-section (1) of Section 12 of the Act shall be in Form B.

7. *Form and manner of service of notice under Section 21(2) :-*

The notice under sub-section (2) of section 21 shall be in Form C. Such notice shall be served on the owner and all other persons having interest in the tract of land, as follows :-

- (i) by delivering or tendering it personally to such persons ;

- (ii) if it cannot be so delivered or tendered, it shall be sent to them by registered post ;
- (iii) failing service by any of the methods specified in clauses (i) and (ii), by affixing a copy of the notice at the village *Chavadi* within the revenue limits of the village in which such tract of land is situated.

FORM A
[See Rule 3]

To
The Collector,
.....District,
.....

Full name of the Applicant.....VillageTaluka
..... District

Sir,

I am to state that on the appointed day I was the owner of the private forests as detailed below :-

Village	Taluka	Survey No.	Area in Hectares	Assessment Rs.
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2. I enclose herewith extracts from Record of Rights and other village records, particularly the village forms VII and XII in respect of private forests mentioned above.

3. I am the owner of lands forming part of the private forest and claim an amount of Rs.....which sum is equal to twenty times the assessment per hectare of such land.

4. I was the owner on the appointed day of the following dwelling houses situated in the private forest mentioned above, and I claim the following amount in respect of each such dwelling house, as follows :-

Village	Taluka	Survey No. in which house is situated	Full particulars and description of dwellings house	Amount claimed
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5. The encumbrances on the property within the meaning of section 11 on the above private forest, are as follows, namely :-

(Note :- Here give the name and address of the person in whose favour the encumbrances exist, the nature of the encumbrance and the amount thereof.)

6. The rights of the nature mentioned in section 12 extinguished under the Act and the particulars thereof are hereunder :-

7. The net amount of may claim is Rs.....

8. In respect of my claim/s and the particulars as above I furnish, following documents evidencing my rights and the amount claimed therefor.

(Here give a list of documents)

9. Any other particulars the applicant desires to mention-

10. Names of witnesses; if any, desired to be examined.

- (1)
- (2)
- (3)

11. *I state that the above witnesses will be produced by me

*I request that the above witnesses may be summoned.

12. I declare that the particulars furnished in this application are to the best of my knowledge and belief, correct.

Place :

Date :

Yours faithfully,

(Signature of the applicant)

N.B.- This application should be presented in duplicate.

*Strike out whichever is not applicable.

FORM B
[See Rule 6]

To
The Collector,

.....District

Name of the applicant.....Village
Taluka District

Sir,

The private forests of as detailed hereunder are acquired by the State Government under the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975)

(Here enter the details of the private forest)

2. I enjoy over the above forests, rights as detailed below, which are extinguished by the provisions of the said Act and I claim amount for its extinguishment as under :-

Details of rights extinguished	Amount claimed with full particulars (if necessary, furnish information in statements)

3. In support of my above claim, I enclose here with the following documents evidencing my rights as shown above.

(Here give a list of documents)

4. Names of witnesses, if any, to be examined (It should be stated whether they are to be summoned or whether the applicant will produce them).

1.

2.
3.

5. I declare that the information furnished hereinabove is correct.

Place :

Your faithfully,

Date :

(Signature of the applicant).

(N.B. :- This application should be submitted in duplicate).

FORM-C
(See Rule 7)

To

Shri

Village

Taluka District

Subject :- Declaration of lands as private forests under section 21 of
the Maharashtra Private Forests (Acquisition) Act,1975.

Sir,

The State Government has issued a Notification No..... dated.....
in the *Maharashtra Government Gazette* of.....Part -----at page---
....under section 21(1) of the Maharashtra Private Forests (Acquisition) Act, 1975
(Mah. XXIX of 1975). declaring its intention to declare the following lands as
private forests :-

Village	Survey No.	Area in hectares	Situation and Limits
(1)	(2)	(3)	(4)
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2. It has been brought to the notice of the undersigned that you are the owner of the aforesaid lands/ *you have an interest in the aforesaid lands, You are, therefore called upon to show cause, within 30 days from the date of receipt here of, why the declaration as aforesaid should not be made.

Please note that if nothing is heard from you in this connection, the decision shall be taken ex-parte.

Yours faithfully,

Collector or Officer authorised by the State Government.

No.

Place :

Date :

*Strike out what is not applicable

By order and in the name of the Governor of Maharashtra

R. B. Sule
(Desk Officer)