

*Annexure VII (7), (Vide Article - 7.03)*

Maharashtra Private Forests (Acquisition) Act, 1975.  
Implementation of the...

**GOVERNMENT OF MAHARASHTRA,  
Revenue & Forests Department,  
Circular No. PRF 1077/87068/F2,  
Mantralaya, Bombay-400032.  
Dated : 12th May, 1977.**

**CIRCULAR**

During the discussion in the Legislature on the Bill which resulted in the Private Forest Acquisition Act (Act No. XXIX of 1975 as amended by Act No. LXXII of 1975), the Minister of Forests while replying to the debate referred to the allegation made by some members that some lands were actually and lawfully under cultivation with Nagli crop but this had not been shown as such in the VII-XII records. It was clarified by the Minister (Forests) that no prejudice would be caused to such persons.

2. As will be seen from the Scheme of the Act vide Section 3(2) that the lands under lawful cultivation of any crop (unless the land under cultivation exceeds the ceiling) remains private property and does not vest in the State as reserved forest. While the Forest Officers have been authorised (vide Section 5) to take Possession of the land which stands vested in the Government as reserved forest, the authority competent to decide, in the event of a dispute whether any land or a portion of a land has or has not vested in the State Government, is the Collector (vide Section 6). The powers of the Collector have been entrusted to the Sub-Divisional Officers. It is thus open to a cultivator to contend before the Sub-Divisional Officer that the Forest Department has taken over or is threatening to take over land which was actually under lawful cultivation on 30th August 1975 and therefore does not vest in the State Government. It would then be for the Sub-Divisional Officer to inquire into the matter and take a decision whether the lands in question were or were not on 30th August 1975 under lawful cultivation. While entries in Village Form VII-XII have a presumptive value of correctness, they are not conclusive and it will be open for the Sub-Divisional Officer to take all the material into account and give a decision on this issue. In the same connection, it may be clarified that in cases where grass grows naturally- as is generally the case the land cannot be said to be under cultivation. Where however grass is raised by carrying out agricultural operations of ploughing, sowing and weeding, the land can be said to be under cultivation.

3. This Circular is issued for guidance of the Collectors in view of the assurance given to the Legislature.

By order and in the name of the Governor of Maharashtra,

(J. S. GAWKAR)  
Additional Desk Officer,  
Revenue & Forests Department.

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