

Annexure VII (11), (Vide Article - 7.03)

The Conservator of Forests
Nasik Circle, Nasik
No. PRF/1577/272756/F-2

Revenue & Forest Dept.
Mantralay, Bombay-400
032.
Dated : 17th April, 1978.

Sub : Felled material from S.No. 169 or village
Nimbarpada Taluka Surgane Dist-Nasik
Ref : Your letter No. Desk/3/TRS/77.78/2375/77.78
Dt. 31/10/77.

2. After coming in to force of the Maharashtra Private Forests (Acquisition) Act-1975 several writ petitions involving felled forest produce were filed in the High Court. It has been held interalia in the Judgement given in the SCA No. 1553/74 (Copy enclosed) that the felled material which has been lying in the forest, not in its primary or predominantly primary state but is lying there in a highly sophisticated state since prior to the appointed day of the Act is not vested in Government and its owners would be entitled to remove the same or to its price. The court cases involving felled forest produce are being dealt with critically on the merits.

3. In the present case it is seen that the applicants has not filed any petition in the court of law. There might be other cases wherein the parties have not approached the court of law where felled forest produce is involved. In all such cases, you are requested to take necessary action as per the decision of the Full Bench of the High court in Special Civil Application No. 155374

Sd/-
Under secretary to
Government
Revenue & Forest
Department.

Copy with a copy of the High Court's Judgement forwarded for information and necessary action to

- 1) The Chief Conservator of Forests, M.S. Pune
- 2) Conservator of Forests, Thane / Kolhapur
- 3) The Divisional Forest Officer Thane / Dahanu District