

Annexure VII (26), (Vide Article - 7.03)

No. FCP-1389/CR-7/F-3
Revenue and Forests Department,
Mantralaya, Mumbai - 400 032,
Date : 7th September, 1995.

To,

The Secretary,
Government of India,
Ministry of Environment and Forests,
C.S.O. Complex, Lodi Road,
NEW DELHI.

Subject : Application of Forest Conservation Act
Clarification in respect of

Sir,

The Maharashtra Private Forest (Acquisition) Act, 1975, came into force with effect from August 30, 1975 (Copy enclosed) in the state of Maharashtra. Under Section 3 of the Act, the private forest land in the State stood acquired and vested in the State Government on the appointed date i.e. on 30th August, 1975.

2. A large number of land owners, whose lands deemed to have been acquired under the Act as private forest, disputed that their lands did not qualify as forest under Section 2(c) and private forest under Section 2(f) of the Act, and, therefore did not stand acquired and vested in the Government under Section 3 of the Act. Under Section 6 of the Act, there is a provision for the settlement of disputes where any question arises whether or not any forest is a private forest or whether or not any private forest or portion thereof has vested in the State Government. Under this provision, Collector is empowered to decide such cases and an appeal against the decision of the Collector lies with the Maharashtra Revenue Tribunal or to the State Government.

3. In some disputes, the Competent Authority has decided that the disputed lands deemed to have been acquired as private forest under Section 3 of the Act are not the private forests as the said lands fail to qualify either as forest under Sec.2(c) or as private forests under section 2(f) of the Act. In such cases, the lands in question are required to be restored to the owners, because on the appointed date all the lands which were not the property of the Government, but according to our records qualified to be private forest as per the Act were deemed to have been acquired and vested in the Government as private forests. In some cases the entries as private forest in the revenue records regarding the said lands have been made and in some cases such entries have not been made. This Government is of the view that in all such cases, while restoring the land to the landowners, the permission from the Central Government is required under the Forest (Conservation) Act 1980, since these lands stood acquired and vested in the Government as private forest. This may please be clarified.

4. Incidentally, it is pointed out that under section 22 of the Act, the lands where the total holding does not exceed 12 Hectares have been restored to the land owners after the promulgation of the Act. For restoring lands under section 22-A, the provisions of the Forest (Conservation) Act, 1980, are attracted and the permission of the Central Government is required.

5. I am directed to request to you that views of the Government of India may kindly be communicated to this Government for restoration of lands in respect of cases decided by the Competent Authority under Section-6 of the Maharashtra Private Forest (Acquisition) Act, 1975, requested in Para-3 above.

Yours faithfully,

Sd/-
(S.K. Khetarpal)
Joint Secretary to Government
Revenue and Forests Department

Copy to

Sd/- M.K. Jivrajkar,
Officer on Special Duty (Project)
Maharashtra Sadak,
Copernicus Marg,
New Delhi - 110 001.