

**THE MAHARASHTRA LAND REVENUE
(REGULATION OF RIGHT TO TREES ETC.,) RULES, 1967***

1. Short title - These rules may be called "The Maharashtra Land Revenue (Regulation of Right to Trees etc.) Rules, 1967",

A. Regulation of cutting of trees for prevention of erosion of soil.

2. Cutting of trees prohibited in certain cases- (1) No tree within thirty metres of the extreme edge of the bank of any water-course, spring or a tank shall be cut, except with the previous permission of the Collector.

(2) In any case not falling under sub-rule (1), no tree in any holding or part of a holding containing uncultivable land in which economic cultivation of field crop is not possible shall be cut without the previous permission of the Collector, if the tree growth in that holding or part of holding is less in proportion than twenty trees per acre.

(3) Any person committing a breach of this rule shall, in addition to any other consequences that would ensue from such breach, be punishable with such fine not exceeding one thousand rupees as the Collector may, after giving such person an opportunity to be heard deem fit to impose.

Explanation 1- For the purposes of this rule, a water-course includes all streams, rivers, rivulets and nallas in which water is collected during the monsoon or otherwise and which usually retains water upto the end of December, but does not include small temporary channels formed by the run off of water during the monsoon.

Explanation 2- If any question arises, whether any tree is within thirty metres of the extreme edge of the bank of any water-course, spring or tank, or whether any holding or part thereof contains any unculturable land or land in which economic cultivation of field crop is not possible, the question shall be referred to the Collector.

3. When cutting of such trees may be permitted - The Collector may, on an application made by the holder in that behalf, permit the cutting of trees referred to in Rule 2, if-

- (i) the trees or parts thereof are likely to cause any harm or damage to life or property or that there is likelihood of pollution of drinking water; or
- (ii) the trees are dead or dying; or
- (iii) the removal of trees is in the best interest of the holder for the production of food crops which may be getting a setback by the shade of such trees on culturable land under regular food crops.

B. Procedure for purchase of Trees in Occupancy

4. Application to purchase right in trees- Where an occupant desires to purchase the right in trees in his holding and to fix the value of such right under sub-section (2) of Section 25, he shall make an application to the Collector specifying the number and species of trees, and the name of the person in whom the right in trees vests. It shall be accompanied by a copy of the field book (Khasra) pertaining to the holding or a copy of an extract of any other document which purport to show the existing rights in the trees.

* Government Notification No. UNF. 1567 (b)-R, dated 1-9-1967 (M.G., Pt. IV-B, p.2145) as amended by Government Notification No. UNF. 1567 (b)-R, dated 4-8-1968 (M.G., Pt. IV-B, p.729).

5. Procedure on receipt of application- (1) On receipt of an application the Collector shall cause a notice to be served on all persons in whom the right in trees vests; and a proclamation to be issued in Form A appended to these rules, calling upon the person interested to lodge their objections, if any, against the purchase of such right.

(2) The notice shall be served in accordance with the provisions of Section 230 and proclamation shall be issued in accordance with the provisions of sub-section (2) of Section 192.

6. Enquiry into application- (1) On the date fixed for the hearing or any other date to which the hearing may be adjourned, the Collector shall after examining the parties and hearing any evidence that may be produced, record an order specifying therein-

(i) the number and description of the trees;

(ii) the value of the rights; and

(iii) the period, not being less than thirty days, within which the value so fixed shall be paid and the person to whom it shall be paid by the occupant.

(2) If the occupant fails to pay the amount or to produce the receipt for such payment on the date fixed, it shall be presumed that he does not intend to purchase such rights; whereupon, the Collector shall assess the cost incurred for issue of notice and proclamation under Rule 5 and conduct the enquiry and the cost so assessed shall be payable by the occupant.

7. Copy of order to be sent to Talathi- On production of the receipt of payment of the value of trees by the occupant, the Collector shall send a copy of the order passed under Rule 6 to the Talathi for making necessary entries in the records.

Form 'A'

[See Rule 5]

Proclamation

Whereas son of of village Taluka ..
..... has made an application under [sub-section (2) of Section 25 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), for the purchase of rights in trees in his holding described in schedule below :-

All persons interested are hereby informed that the undersigned will examine the application in his Office at O' clock on the Any person who has any claim to make or objection to lodge should do so at that time.

SCHEDULE

| Serial No. | Name of Village with Taluka | Survey No. / Plot No. | Area | No. and species of trees | Names of persons in whom the right in trees vest |
|------------|-----------------------------|-----------------------|------|--------------------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

Given under my hand and seal.

Dated, the 19

Seal of the Collector.

Collector.