



**Principal Chief Conservator of Forests (Head of Forests Force) Maharashtra State**

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No:- Desk-17/NC/II/C.R-117/2019-20/ 1099, Dated 30.09.2019

**CIRCULAR**

**Subject: Implementation of section 22A of the Maharashtra Private Forests (Acquisition) Act, 1975 in view of the provisions contained in the Forest (Conservation) Act, 1980 and orders passed by Hon'ble Supreme Court in WP (Civil) 337 / 1995.**

**Read:-**

1. Revenue and Forests Department Circular No.FLD/1000/CR 243/F-3 dated 16.12.2004
2. Revenue and Forests Department Circular No.S-30/2008/CR 281/Part-1/F-3 dated 8.12.2017
3. Order dated 13.11.2000 passed by Hon'ble Supreme Court in Writ Petition (Civil) 337/1995

It has come to the notice of the undersigned that the Collectors have been passing orders under the Maharashtra Private Forests (Acquisition) Act, 1975 which are not only in violation of the provisions contained in the Forest (Conservation) Act, 1980 but also stand in contempt of orders passed by Hon'ble Supreme Court.

2. The Maharashtra Private Forests (Acquisition) Act, 1975 came into force on 30<sup>th</sup> August, 1975. Section 3 of the said Act, have vesting provisions of the private forests in State Government. The same are reproduced as under.—

*3(1) Notwithstanding anything contained in any law for the time being in force or in any settlement, grant, agreement, usage, custom or any decree or order of any Court, Tribunal or authority or any other document, with effect on and from the appointed day, all private forests in the State shall stand acquired and vest, free from all encumbrances, in and shall be deemed to be, with all rights in or over the same or appertaining thereto, the property of the State Government, and all rights, title and interest of the owner or any person other than Government subsisting in any such forest on the said day shall be deemed to have been extinguished.*

*(2) Nothing contained in sub-section (1) shall apply to so much extent of land comprised in a private forest as is held by an occupant or tenant and is lawfully under cultivation on the appointed day and is not in excess of the ceiling area provided by section 5 of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961, for the time being in force or any building or structure standings thereon or appurtenant thereto.*

*(3) All private forests vested in the State Government under sub-section (1) shall be deemed to be reserved forests within the meaning of the Forest Act.*

Thus, subject to sub-section (2), with effect on and from the 30<sup>th</sup> day of August, 1975, (appointed day), all the private forests in the State stand vested in the State Government as deemed to be reserved forests, within the meaning of the Indian Forest Act, 1927.

