

## **MAHARASHTRA PRIVATE FORESTS (ACQUISITION) RULES, 1975**

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## **MAHARASHTRA PRIVATE FORESTS (ACQUISITION) RULES, 1975**

In exercise of the powers conferred by sub-section (1) of section 23 of the Maharashtra Private Forests (Acquisition) Act, 1975 (Mah. XXIX of 1975), and of all other powers enabling it in this behalf, the Government of Maharashtra hereby makes the following rules for carrying out the said Act, the same having been previously published as required by sub-section (1) of the said section 23, namely

### **1. Short title :-**

These rules may be called the Maharashtra Private Forests (Acquisition) Rules, 1975

### **2. Definition :-**

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Maharashtra Private Forests (Acquisition) Act, 1975 ;
- (b) "Form" means a Form appended to these rules;
- (c) "Section" means a section of the Act;

### **3. Form of application under section 8 :-**

The application under section 8 of the Maharashtra Private Forests (Acquisition) Act, 1975 , shall be in Form A.

### **4. Manner of determining amount of encumbrances under**

## **section 11 (1) :-**

(1) During an inquiry held under Section 9 OF THE Maharashtra Private Forests (Acquisition) Act, 1975 , the Collector shall ascertain from the owner of the private forest who has applied for an amount, the names and addresses of holders of encumbrances lawfully subsisting on the private forest in question on the appointed day and the nature of such encumbrances.

(2) As soon as may be thereafter, the Collector shall issue a notice individually to all the holders of encumbrances so ascertained, and also a public notice to be given in the village where the private forest in question is situated, requiring all persons who claim to be the holders of encumbrances held by them and to appear before the Collector on a date specified in the notice to prove their claims. The Collector shall then proceed to inquire into the claims made by the persons who appear before him on date or on any other date to which the proceedings may be adjourned by him and determining the nature and extent of encumbrances held by different holders of encumbrances of the private forest in question.

## **5. Manner of reference under section 11(3) :-**

In making a reference under sub-section (3) of Section 11 of the Maharashtra Private Forests (Acquisition) Act, 1975 , the Collector shall prepare a statement of the case for the decision of the Court and state his opinion thereon. The statement of the case shall contain the following particulars, namely:-

(i) the nature and extent of the right claimed by the owner of the private forest;

(ii) the names of the holders of encumbrances;

(iii) the nature and extent of the claim made by each of the holders of encumbrances

(iv) the nature of the precise issue, the determination of which involves any question of law;

(v) the precise question of law to be decided by the Civil Judge, in respect of which the reference is made;

(vi) any other particulars which the Civil Judge to whom such references may be made considers necessary for the purpose.

## **6. Form of application under section 12(1) :-**

The application under sub-section (1) of Section 12 of the Maharashtra Private Forests (Acquisition) Act, 1975 shall be in Form B.

**7. Form and manner of service of notice under section 21(2) :-**

The notice under sub-section (2) of section 21 shall be in Form C. Such notice shall be served on the owner and all other persons having interest in the tract of land, as follows:-

- (i) by delivering or tendering it personally to such persons;
- (ii) if it cannot be so delivered or tendered, it shall be sent to them by registered post;
- (iii) failing service by any of the methods specified in clauses (i) and (ii), by affixing a copy of the notice at the village Chavdi within the revenue limits of the village in which such tract of land is situated.