

The Maharashtra Land Revenue (Regulation of Right to Trees etc.,) Rules, 1967

MAHARASHTRA

India

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Rule

THE-MAHARASHTRA-LAND-REVENUE-REGULATION-OF-RIGHT-TO-TREES-OF 1967

- Published on 1 September 1967
- Commenced on 1 September 1967
- [This is the version of this document from 1 September 1967.]
- [Note: The original publication document is not available and this content could not be verified.]

The Maharashtra Land Revenue (Regulation of Right to Trees etc.,) Rules, 1967 Published vide Government Notification No. UNF. 1567 (b)-R, dated 1.9.1967 (M.G., Part 4B, page 2145)

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 holding containing uncultivable land in which economic cultivation of field crops 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 be heard deem fit to impose.Explanation 1. - For the purpose 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 questions arises, whether any tress

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 uncultivable 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 regulation food crops.

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 (Kshara) pertaining to the holding or a copy of an extract of any other document which purport to show the existing rights in the trees.

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 provision of sub-section (2) of section 192.

6. Enquiry into application.

- 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, which the value so fixed, shall be paid and the person to whom the occupant shall pay it.

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]ProclamationWhereas Son of of village Takuka has made an application under [sub-section (2) of section 25 of the Maharashtra

Land Revenue Code, 1966 (Maharashtra XLI of 1966), for the purchase of rights in trees in his holding described in schedule below: -

Schedule

Serial No.	Name of Village with Taluka	Survey No./ Plot No.	Area	No. and Species of trees	Name of person in whom the right in trees vest
1	2	3	4	5	6

Given under my hand and seal.Dated, the 19Collector.Seal of the Collector.