

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**  
**(WESTERN ZONE BENCH), PUNE, AT PUNE**

**Original Application No. 84 of 2019**  
**(Arising out of Writ Petition No. 11120 of 2019)**

**Between**

**Mr Vinaykumar Vitthalrao Jathar                      ... Applicant**

**VERSUS**

**State of Maharashtra and others.                      ... Respondents**

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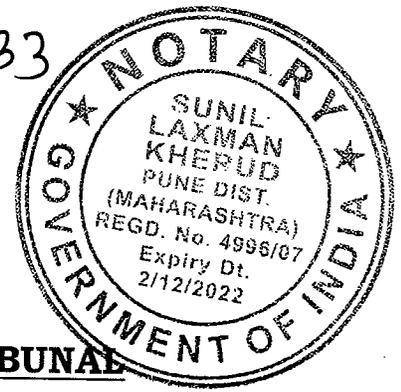
Pune

Date: 15/12/2021



Advocate for Applicant  
( Rahul A. Tambe)

433



**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL**

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**Between**

**Mr Vinaykumar Vitthalrao Jathar ... Applicant**

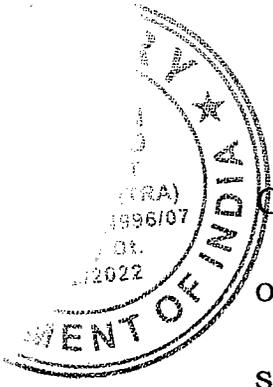
**VERSUS**

**State of Maharashtra and others. ... Respondents**

**Affidavit in Rejoinder to the Additional Affidavit filed  
by the Respondent No. 11 dated 14/11/2021.**

I, Vinaykumar Vitthalrao Jathar, Age: 44,  
Occu: Profession, Agri& Social Activist, R/O: Bankar  
Nagar, Shrigonda, Tq: Shrigonada, Dist: Ahmednagar,  
Maharashtra, do hereby state on solemn affirmation as  
under,

1. I say that, the Original Application was initially was  
filed by the applicant as a Writ Petition before the  
Hon`ble High Court at Bombay at Aurangabad bench  
Under Article 226 read with other articles of the



Constitution of India. The Hon`ble High Court vide its order dated 09/09/2019 was pleased to transfer the same to this on Hon`ble Tribunal.

**2.** I say that, above-mentioned Original Application was listed for admission before Hon'ble Tribunal on 05/12/2019 and the Hon'ble Tribunal after hearing the applicant and respondent no. 11 was pleased to constitute a Committee comprising of i) the Chief Conservator of Forests (wildlife), Pune, Maharashtra, ii) Collector, Ahmednagar, iii) Conservator of Forest of the concerned circle/area and iv) senior representative of the State Pollution Control Board. The Chief Conservator of Forest, (wildlife), Pune, Maharashtra is the nodal agency. The Committee was directed to visit the area in question, verify the factual aspects set out in the Original Application and at the site in the light of the records available in respect of the area and submit report. That the Committee was also directed to take appropriate action in accordance with the law against respondent, in the event the allegations are found to be correct and action taken report was directed to be submitted on the next date.

**3.** I say that, then, the Original Application was listed on 05/02/2019 for filing the report but time was sought

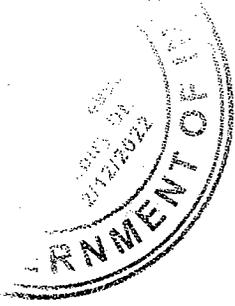


by the Committee to file the report and time was granted by this Hon'ble Tribunal.

4. I say that, that Original Application was then listed on 16/07/2020 but on that day also, report as directed was not submitted hence, Original Application was again adjourned to 02/09/2020 and on that day, it is reflected in the order of the Hon'ble Tribunal that, the report as directed is submitted on 01/09/2020 but neither the copy of the same is served on applicant nor is uploaded on official website.

5. I say that, the applicant is seeking three-fold reliefs against the respondent no.11 and the same is demonstrated again as follows:

(i) That the applicant is seeking revocation of consent dated 18/05/2018 granted to respondent no.11 for establishing the 26 Mega Watt co-generation electricity project on the ground that when consent was granted said land was situated within the Eco sensitive zone of the Great Indian Bustard Sanctuary and particularly at Gat no. 52/2 of the village Limpingaon, Taluka-Shrigonda, Dist-Ahmednagar, Maharashtra and same was granted without obtaining prior permission from National Board for wildlife which is mandatory



requirement and further without obtaining environment clearance.

(ii) Applicant is seeking direction of immediate stoppage of work and to and closure of the said project in addition to the cancellation of consent to establishment dated 18.05.2018.

(iii) Quashing and setting aside mutation entries annexed at Exhibit "G" to the application being contrary to law and further seeking transfer of and handing over of those lands in possession of Forest Department. That, by mistake in prayer clause "E" there is reference to Exhibit "H" however it should be Exhibit "G" and it is a bonafide mistake

6. That the respondent no. 11 has filed its reply on 31/08/2020 and Applicant has filed the Rejoinder to the same. *(Page Nos. 269 to 293)*
7. That on 28/08/2020, the Joint Committee filed its Report and on 11/12/2020, Applicant has filed his Response to the same. *(Page Nos. 296 to 308).*
8. That on 21/09/2021, this Hon`ble Tribunal directed the Respondent No.11 to file additional affidavit with specific reference to land at Survey No. 52/1 of Village Limpangaon, Taluka- Shrigonda, Dist-Ahmednagar and in pursuance of the said order, Respondent No.11

had filed additional affidavit dated 14/11/2021. The applicant is filling present affidavit in rejoinder.

**9. Contradictory and False Statements made by Respondent No.11**

That on 31/08/2020, Respondent No.11 has filed Reply to the Original Application along with an affidavit. That in the said Reply at Paragraph No. 5 "e", the Respondent No.11 has made categorical pleading in respect of the lands at Survey No. 52/1 of Village Limpangaon, Taluka- Shrigonda, Dist- Ahmednagar which is reproduced as follows: -

*Para.5 e- The contents of Para 4 are true and correct, however, it is submitted that the Hon'ble Collector of Ahmednagar District by an order dated 02.04.1971 in exercise of its powers u/s 31 of the Maharashtra Land Revenue Code, 1966 was pleased to convey sanction for the grant of Government land admeasuring 82 acres from Sr. No. 99-A of the village: Limpangaon, Tal: Shrigonda, Dist: Ahmednagar (Now Sr. No. 52/1) to the Respondent No.11. On perusing the contents of the order dated 02.04.1971 it is categorically stated that the Sr. No. 99/A has been disforested by the G.L.R. and F.D. No. FLD/1870/67084-W and the land at Sr. No. 99/A was accorded to the Respondent No.11 inter alia on the condition of establishing a sugar factory on the said land. Therefore, the contention of the Applicant that the Sr. No. 52/1 of village: Limpangaon, Tal:*



*Shrigonda, Dist: Ahmednagar(Old Sr. No. 99-A) is forest land is erroneous. The Sr. No. 52/1 has been disforested and was accordingly accorded to the Respondent No.11 in accordance with law by the order of the District Collector. The copy of the order dated 02.04.1971 passed by Collector of Ahmednagar District: Ahmednagar is enclosed herewith as ANNEXURE R-1*

**10.** That the Respondent No.11 has made categorical statement on oath that the lands situated at Survey No. 52/1 of Village Limpangaon, Taluka- Shrigonda, Dist-Ahmednagar has been disforested and was accorded to Respondent No.11 in accordance with law by the order of the District Collector dated 02/04/1971. That the Respondent No.11 by filing the Additional Affidavit dated 14/11/2021 has completely taken "U" turn and has now made a contradictory statement on oath stating that the land situated at Survey No. 52/1 of Village Limpangaon, Taluka-Shrigonda, Dist-Ahmednagar is a Forest land and same was allotted to Farmers (Cultivators) permanently and from them Respondent No.11 has exchanged the same. Applicant submits that by filing the Reply dated 31/08/2020, Respondent No.11 has made false statement on oath that the land situated at Survey No. 52/1 of Village Limpangaon, Taluka-Shrigonda, Dist-Ahmednagar is a non-forest land, only

with an intention to misled the Hon`ble Tribunal. The applicant states that, this Hon`ble Tribunal vide order dated 21/09/2021, directed the Respondent No.11 to specifically state on affidavit the status the said land situated at Survey No. 52/1 of Village Limpangaon, Taluka- Shrigonda, Dist-Ahmednagar, then only Respondent No.11 has come with the true facts, so this conduct of making the false statement on oath by Respondent No.11 may be dealt with stern hands by this Hon`ble Tribunal as it amounts to interference in the administration of justice.

**11. Para-wise rejoinder to the Additional Affidavit filed by the Respondent No. 11 dated 14/11/2021.**

- a) I say that, that the contentions raised by the respondent No. 11 in the additional affidavit dated 14/11/2021 are false and misleading and no part there of deemed to be admitted by the applicant unless specifically admitted in the present rejoinder.
- b) I say that, that the contentions of Para 1 of the additional affidavit dated 14/11/2021 are partly true and correct. It is submitted that, it is correct that the applicant has prayed to declare the permission granted to Co-generation project of the respondent no. 11 bad and illegal and in



contravention of Forest (Conservation) Act, 1980 and guidelines dated 09/02/2011 and 15/03/2011. It is further submitted that apart from the revocation of permission dated 18/05/2018, the applicant in prayer clause "C" of Original Application has sought prohibition order against the respondent no.11 from carrying out further construction/erection work of 26 MW Co-generation power plant and also have sought handing over of possession of lands to the Forest Department.

- c) I say that, that the contentions of Para 2 of the additional affidavit dated 14/11/2021 are matter of record and thus needs no specific reply.
- d) I say that, that the contentions of Para 3 of the additional affidavit dated 14/11/2021 are true and correct but the Respondent No. 11 had failed to bring these true facts on record while filing reply dated 31/08/2020 and purposely filed false and misleading reply.
- e) I say that, that the contentions of Para 4 sub paras a, b, c, d, e, f, g, h, I, j, k, l, m and o of the additional affidavit dated 14/11/2021 are partly true and correct and all the lands situated at Survey number 51/1 of Village Limpangaon, Taluka- Shrigonda,

Dist- Ahmednagar have been exchanged by the Respondent No.11 but illegally in contravention of Forest (Conservation) Act, 1980.

- f) I say that, that the contentions of Para 5 of the additional affidavit dated 14/11/2021 are true and correct and are matter of record and thus needs no specific reply.
- g) I say that, that the contentions of Para 6 of the additional affidavit dated 14/11/2021 are partly true and correct. It is correct that the land admeasuring 35.90 Hectors out of the 122.46 Hectors of Survey number 51/1 of Village Limpangaon, Taluka- Shrigonda, Dist- Ahmednagar is in possession of the Respondent No.11. The applicant states that, the said lands were allotted to its cultivators permanently and the same is exchanged by the Respondent No.11 with the said cultivators by the orders of the Sub-Divisional Officer. I say that the said exchange of land is illegal and in total contravention of the Forest (Conversation) Act, 1980. That the Sub-Divisional Officer had no authority to pass an order of exchange of the said Forest Land allotted to cultivators on certain terms and conditions and on an Undertaking (*Kabulayat*) given



by the said cultivators. That the said land is not directly allotted to the Respondent No.11 by the State Government. That the Respondent No. 11 has come in possession of the said land by said illegal exchange. That before passing an orders of exchange, Sub-Divisional Officer, by letter dated 27/12/2004, had called the opinion of the then Deputy Conservator of Forest, Ahmednagar in respect of whether said land situated at Survey number 51/1 of Village Limpangaon, Taluka-Shrigonda, Dist- Ahmednagar can be exchanged or not and the Deputy Conservator of Forest, Ahmednagar by letter dated 01/02/2005 had given his categorical opinion that the said lands cannot be exchanged unless sanction as per the provisions of Section 2 of Forest (Conversation) Act, 1980 is taken. **(said Letters dated 27/12/2004 and 01/02/2005 are annexed with OA at Exh "F" Page Nos. 51A and 51B.)**

h) I say that, that the contentions of Para 7 of the additional affidavit dated 14/11/2021 are not true and correct and are totally misleading. That the Respondent No.11 has purposely not annexed the Resolution dated 01/04/1969 of the State

Government allotting the said Forest Land situated at Survey number 51/1 of Village Limpangaon, Taluka- Shrigonda, Dist- Ahmednagar to the cultivators. I say that the said land was allotted to the cultivators on certain terms and conditions and further taking undertaking (*Kabulayat*) from the said cultivators. That Applicant has recently applied to the concerned Revenue Authorities for the grant of certified copies of said terms and conditions and undertaking (*Kabulayat*) and Applicant is in receipt of the same. That one of the cultivators by named Kondiba Uma Jagtapto whom the said land was allotted is exchanged by the Respondent No.11. I say that, perusal of the said terms and conditions would reveal that the said cultivators are not authorised to exchange the said land with Respondent No.11 or for that matter to anyone. Further as per the said terms and conditions and undertaking (*Kabulayat*), Sub-Divisional Officer was not having any authority to pass an order of exchange of the said lands. That the said land still is Reserved Forest Land and Respondent No.11 by taking the disadvantage of poor situation of the said cultivators have exchanged the said lands acting hand-in-glove with the then

Sub- Divisional Officer in total contravention of not only the said terms and conditions and undertaking (*Kabulayat*) but the Environmental laws, particularly the Forest ( Conservation), Act, 1980. The said Application dated 26/11/2021 and the certified copies of said Mutataion Entries dated 13/11/1969 and 17/11/1969 and the terms and conditions and undertaking (*Kabulayat*) of Kondiba Uma Jagtap along with English Translation are annexed herewith at **EXHIBIT "A- 1"**

- i) I say that, that the contentions of Para 8 of the additional affidavit dated 14/11/2021 are not true and correct. I say that, Doctrine of Desuetude is not at all applicable in present case and reliance there on is completely misplaced. That the Applicant has nowhere contended or challenged the allotment of land granted to the said cultivators by the Resolution dated 01/04/1969 by the State Government. That the said land was allotted by the State Government to landless people for their livelihood on terms and conditions and undertaking (*Kabulayat*). It is the case of the applicant that exchange of the said land by the Respondent No.11 with said people in contravention of said terms and

conditions and undertaking (*Kabulayat*) and The Forest (Conservation), Act, 1980 and is illegal. That since the Respondent No.11 has entered in to said exchange after the enactment of The Forest (Conservation), Act, 1980, provisions of the same are applicable to the said land since it is Reserved Forest land. That the Joint Committee established by the Hon`ble Tribunal vide their Report dated 28/08/2020 also categorically submitted that the said grant and exchange of land are in contravention of Forest (Conservation), Act, 1980. **(That said Joint Committee Report dated 28/08/2020 are annexed with at Page Nos 309 to 317)**

- j) I say that, that the contentions of Para 9 of the additional affidavit dated 14/11/2021 are not true and correct. That it is the contention of the Respondent no.11 that, they merely exchanged the said land which is already allotted to its cultivators. I, say at the cost of repetition that, the said lands are still Forest Lands and Respondent No.11 by taking the disadvantage of poor situation of the said cultivators have exchanged the said lands acting hand-in-glove with the then Sub- Divisional Officer in total contravention of not only the said terms and

conditions and undertaking (*Kabulayat*) but the Environmental laws, particularly the Forest (Conservation), Act, 1980. That Respondent No.11 is not the victim, in fact, all the cultivators and environment at large is the victim at the hands of Respondent No.11. I further say that the Hon`ble Supreme Court in the case of *T. N. Godavaram Thirumulpad Vs. Union of India and others*, AIR 1998 Supreme Court 1228 (annexed herewith at **EXHIBIT "A- 2"**) has specifically held as follows:-

*"The Forest (Conservation) Act, 1980 was enacted with view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word forest must be understood according to its dictionary meaning. This description covers all statutory recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2(i) of The Forest (Conservation) Act, 1980. The term "Forest land", occurring in Section 2 will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership".*

k) I say that, that the contentions of Para 10 of the additional affidavit dated 14/11/2021 are not true

and correct. That the Respondent No.11 is not in possession of the said land admeasuring 35.90 HR situated at Survey number 51/1 of Village Limpangaon, Taluka- Shrigonda, Dist- Ahmednagar in accordance with law. That the said land is still Reserved Forest land and the Respondent No.11, by entering into the illegal exchange has come into possession of the same in contravention of said terms and conditions and undertaking (*Kabulayat*) and Environmental laws, particularly the Forest (Conservation), Act, 1980.

- 1) I say that, in view of the contentions raised here in above and in all the pleadings on behalf of the applicant and documents annexed along with it, it is clear that respondent authorities have grossly failed to discharge their duties and have acted contrary to law. I say that, under these circumstances, the Original application deserves to be allowed as per the prayers made therein with costs.

PLACE: PUNE

DATE: 15.12.2021

*R. Tambe*

**ADV. RAHUL A. TAMBE**

[Advocate for the Applicant]

**:: VERIFICATION ::**

NOTARY

I, Vinaykumar Vitthalrao Jathar, Age: 44 years, Occu: Doctor, Agriculturist & Social activist, R/0: Bankar Nagar, Shrigonda, Tal- Shrigonda, Dist- Ahmednagar, Maharashtra, do hereby solemnly affirm and state on oath that the contents of this rejoinder are read over and explained to me in Marathi by my Advocate, which I believe to be true and correct to the best of my own knowledge and record available with me

Hence verified at Pune on this 15<sup>th</sup> day of December, 2021.

*V. Jathar*

DEPONENT

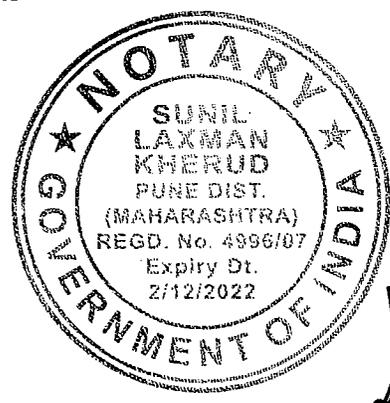
( Vinaykumar Vitthalrao Jathar)

*Rahul A. Tambe*

Explained & identified

by

(Rahul A. Tambe)  
advocate

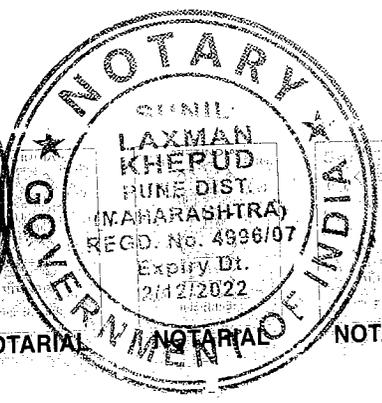


**BEFORE ME**

SUNIL LAXMAN KHERUD  
NOTARY GOVT. OF INDIA  
Regd. No. 4996/07

SUNIL LAXMAN KHERUD  
NOTARY GOVT. OF INDIA  
B-3, Maniratan Society,  
Aareneshwar, Pune  
M-9371830361

**15 DEC 2021**







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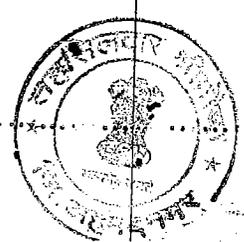
लिपणगांव

हकाचे पत्रक (मां. न. नं. ६)

44

नोंदीचा अनुक्रम नंबर	हकाचा प्रकार	फेरफार झालेले सर्वे नंबर आणि पोट हिस्से	तपासणी अंमलदाराची सही किंवा शिरो
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मं. नं.	नवीन शतीकर ज्याना जागेनी फारही सित	हिले	त्याच्या अंकावर
5	शंकर नागा शेख	११ ७-२३ ४-११-०	११अ
6	शानुदास बाबु कुरवतकर	११ ७-२० ३-२-०	पेडी
7	प्रभाकर राम चंद्र कडवे	११ ७-०० ३-११-०	एकूण
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अर्ज आल्याचा दि 28/09/29  
 नकल तयार दि 30/09/29  
 नकल दिल्याचा दि

30 NOV

सही नकल  
 तहसिलदार श्री

452  
 भोजि - लिंपणगांव ता. श्रीगंगे/येथील

नंबर

सर्वे नंबर ९९ श्री, जमिनी

३६६७० दिठेच्या इसमांचा माहिती लवला.  
 पिकी वारीपो दिठे ३६६७०

रिक्कुकशेने ३६६७०

क्र. नंबर	जाहिती दिठेच्या इतक्याच वाप	रिक्कुकशेने	दिठेच्या	शेरा
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१३	...	११	६-०	
१४	...	११	६-०	
१५	...	११	७-२०	
१६	...	११	६-०	
१७	...	११	७-०	
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फाइल क्र. ( ७ ) ४२

## तहसिल कार्यालय, श्रीगोंदा

संकलन

:- जमीन

विषय

:- कुलायत ~~भा. जे. लीपणगाव ता. श्रीगोंदा~~  
कोडीका उमा जगताप

फाइल वर्ष

:-

अ, ब, कं यादी नंबर

:-

अंतिम नाश करावयाचे वर्ष

:-

१९६९  
जमीन ~~२२६३~~  
काम

पान नं. १

  
तहसिलदार, श्रीगोंदा

455



वाचा-\*) अर्ज श्री कोडीना उमा जगन्नाथ

मे. कलेक्टरसाहेब यांचा हुकूम नंबर 900/286/900 ता. 29.10.1966

हुकूम

श्री. कोडीना उमा जगन्नाथ रा. तहसील... यांस  
मोजे तहसील... येथील फां. स. नं. 22/10 पैकी क्षेत्र ए, 10 गुं. 20

1/2 खंडाने एकसालीने वहितोस दिले आहे. दिलेले क्षेत्र पूर्वीच्याच सर्व शर्तीस पात्र ठेऊन सन  
900-45 सालाकरिता कबुलायतीचे नूतनीकरण करावे मात्र जरूर लागेल त्यावेळी अगर  
शतभंग केल्यास नोटीस न देता व कांहीही नुकसान भरपाई न देता जमीन काढून घेतली  
जाईल.

श्रीगोंदा

1969

ता. 29.10.1966

कबुलायतीचे नूतनीकरण केले

तहसीलदार श्रीगोंदा

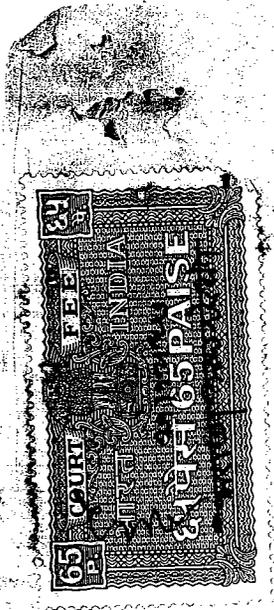
तहसीलदार श्रीगोंदा



अर्ज आल्याचा दि. 28/10/66  
नकल तयार दि. 30/10/66  
नकल दिल्याचा दि. 30/10/66

30 NOV

रकॉर्ड कियर & तहसीलदार श्रीगोंदा करीत



श्री. रामसोहन भागेलदार, ला. श्री. गोदा  
पाप दुतार

विषय सं. १९-६०-६८ श्री कलुकायत रिबू हाप्या बावत

उत्तर :- काडिया ठमा जगलाप २० लोपवागच ला श्री  
कोडिया विंगती अडी करती श्री मो लंडात इंसकरी आहे  
मो आधेक धान्या विमचोपे मादिना नगुर मवेन १८९  
अ. यंको दफ्त पुनर गुठे कां रंष्ट जमीन पुनर स्पाकीन  
मिळोली आहे ती जमीन सुसा वहाल आहे माझा जवळ  
२००० व २००० मवतरे आहे माझा धराल लंडात माठी ९  
मावये आहेत पत्तन काळग करवार मो आहे तशें सं. १९-६  
-६८ श्री कलुकायत रिबू हाप्याय विंगती आहे

for

Emu



स. वि. आ.  
काडिया ठमा जगलाप  
पाप अर्थ

श्री सोहन भागेलदार उदावे  
ला. ४-१२-६०

457



इसका हा सचु रणो वा हु ग र पा ठा का म क म ल  
१२१२५५  
ललाठी



458



सर्वे नंबर <u>११</u> हिस्सा <u>म</u>	गा. नं. <u>७, ७ अ ब १२</u>	गांव <u>लिपणगति</u>
स्थानिक नं.	कबजदार <u>पारु</u>	तालुका <u>श्रीगंग</u>
खाते नं.		इतर हक्क <u>X</u>
क्षेत्र लावणीलायक	ए. <u>७</u> गुं. <u>२०</u>	
पोट खराबा...		
एकूण...	<u>७</u> <u>२०</u>	
आकार...	व. <u>३-२-०</u>	
जुडी अथवा जादा आकार		
पाणी...		पाणी मार्ग वर्गरे हक्क

वर्ष	कुळ आणि खंड	क्षेत्र	रीत	पिके आणि लागवडपड	क्षेत्र	शेरा
६५	काडी काठुमा जयभाय	७	२०	सुपारी - ३३/६	७-२०	
६६	एकसा लीने वहात					
				काठुमा जयभाय		
				३-११-६		

U

मे० राक्सारेक मायडेदार ता. अंगोरे

यांचे हुजुरास -

विषय :- सन १९६४ची कबुलापत रिनु होवेकरू

अर्जदार :- श्री. कोडीका उमाजी जगताप रा. छिपंगगांव

ता. अंगोरे कारणे विनंती अर्ज करी, मी अडे व्हान सा

शेतकरी असून मला आधीत घाण विदुनियेचे मोहिमेदुसार फॉरेष्ट

जमीन घेई नं. १९१/अ खेप उकर - गुंठे मिनाळी आहे. मला मिनेपारू

ती आजपधत ती मी खाय व्हान आहे. माझे वक रोजीसागी

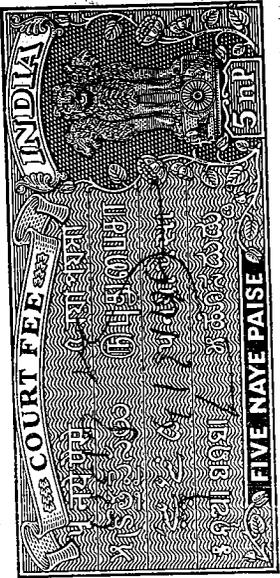
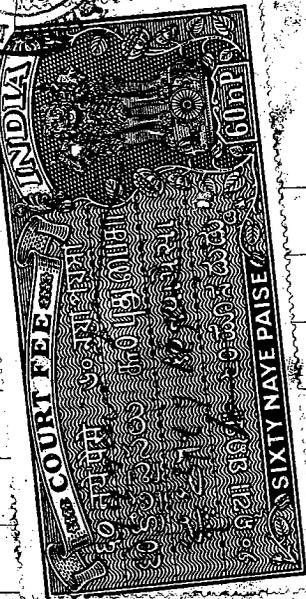
कागनारे सर्व वेळ व उनावजारे आहेत. माझे घरांत व्हानपोगी पाणये

आहेत. व त्यांचा पाननपोषणकुती मी उकराय आहे. हयन सन १९६४

मी कबुलापत रिनु होवेकरू विनती आहे. हे प्रो पावेवास जखिर व्ही

ता. ४/१९६४

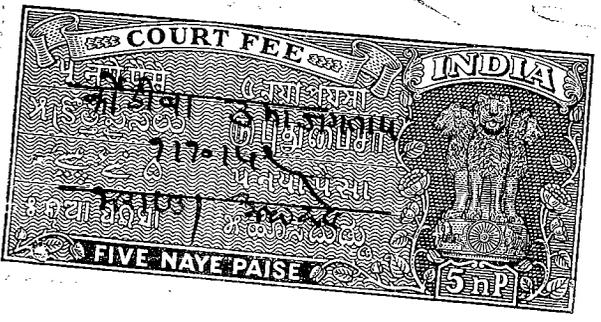
श्री. कोडीका उमाजी जगताप मेमर  
असे





श. मासिक दर सारण शीमे  
याने हुकूमत

अजदर :- कडाबा उमा मांग. रा. लि. यथागत  
या. - शीमेदे कारये थिनली उरु करान या.  
माम कारये मंग. - ९९ मधुम ५५२२ ७६२०  
उमोन ५५५ सलली ज मलमल उरु म मलमली  
उमर. - लोमली मलुमल मल उरु लोम मलमल  
माम सलली मल. १९९९ १६० मल मलुमल म.  
मिने उरु मल मलमल मल थिनली उमर. उ.  
मलमल मल मल. मलमल मल.



श. नि. य. म. मलमल मल  
मलमल मलमल मल.

५५ ५५०





H. 27520  
सुभाष चंद्र बोस

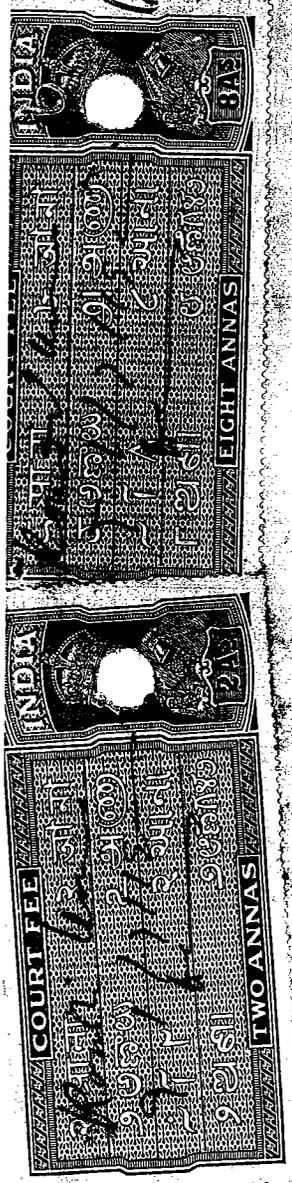


31/12/1947 - काठमांडौ, नेपाल  
म.स. - श्रीमंत श्रीमती विद्यादेवी देवदत्त  
हस्ताक्षर: 27.12.47  
विद्यादेवी देवदत्त  
काठमांडौ, नेपाल  
31/12/47

1947  
3/29



स.न. 31/12/47  
विद्यादेवी देवदत्त



म. मापल दार साहेब वा. कवि

यांचे कुटुंब

काजदार :- कोडीवा कुमा मांग रागळि पणगान वळ कविता हे  
 कारण विगंभी काज करी लो कुटि मी लहात वे लकरी काहे  
 मला फारे हे सव नवर रर का मधील धो म फरर ठाकर हाकसाळ  
 सारा माफी ने मी काळे काहे सच्ये फुदल संपत्ती काहे  
 तरी नवीन साळी चालू ककुला चल होणे श विगंभी काहे  
 मे-शा. जालीर ह्याच मारी रथ

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सा. गि. कां. कोडीवा कुमा मांग

याचा काम.

465

G.O.P.-(J) Oa 20-50,000-6-51  
G.R., R.D., No.7183/39 dated 20-8-48

[Spl. Rev. 194 m]



MP

स्वतंत्र प्राप्ति स्वयं

### Form of Short Term Lease.

### थोड्या मुदतीच्या पट्ट्याचा नमुना.

मुंबईचे गव्हर्नर.

यावरून दाखला देण्यांत येत आहे की, कोडीक उभा जगमप राहणार

शिवमोगा यांस [ ज्यांस यांत यापुढे पट्ट्यास घेणारा असें म्हटलें आहे ]

मुंबईचा जमीनमहसुलाचा कायदा, सन १८७९ चा आक्ट ९ वा, व त्याअन्वये व्हेलेल्या

कानू यांतील ठराव व यांत यापुढे निर्दिष्ट केलेल्या शर्ती यांस पात्र ठेवून, यास सोबत

जोडलेल्या नकाशांत दर्शविल्याप्रमाणेच्या ७०२ जिल्हाचा रुमगोदा

तालुका यांतील वेथी गावी असलेल्या, सर्व्हे नंबर ९९ अ व क्षेत्रफळ ७.२०

चौरस वार असलेल्या जमिनीचा सन १९४४ च्या ७३१६  
गुंठ

महिऱ्याच्या १ तारखेपासून सुरू होणाऱ्या \*एक वर्षाच्या अमर तीन वर्षांच्या

मुदतीपर्यंत ( जीस यांत यापुढे "सदरहू मुदत" असें म्हटलें आहे ) "अधिक धान्य पिकवा"

या मोहिमअन्वये खाद्य धान्ये व चान्याची पिके यांची लागवड करण्यासाठी भोगवटा

करण्याची मुंबईचे गव्हर्नर ( ज्यांचा यांत यापुढे "गव्हर्नर" म्हणून उल्लेख केला आहे )

यांच्या तर्फे काम करणारा ७०२ चा कलेक्टर

पुढे "कलेक्टर" असें म्हटलें आहे ) यांनी पत्रवानगी दिली आहे.

या पट्ट्याच्या शर्ती खाली लिहिल्याप्रमाणे आहेत :—

\* (१) पट्ट्याने घेणाराने सदरहू जमिनीबद्दल प्रत्येक वर्षी जानेवारी महिन्याच्या ९ व्या तारखेस अगर त्यापूर्वी दरेक एकरी रुपये 3-2-0 वार्षिक भाडे, त्या त्या वेळी अंमलांत असलेल्या दराने त्याजवरील लोकल फंड सेससहित एका वार्षिक हप्त्यात सरकारास आगाऊ दिले पाहिजे.

#### किंवा

(१) हा पट्टा वर्षे मुदतीपर्यंत भाडे न घेण्याचा असल्यामुळे सदरहू जमिनीसंबंधाने कोणतेही भाडे सरकारास देण्यास पट्ट्याने घेणारा पात्र असणार नाही.

(२) पट्ट्याने घेणाराने सदरहू जमिनीचा उपयोग खाद्य-धान्ये व चाऱ्याची पिके यांची लागवड करण्यासाठीच फक्त केला पाहिजे.

(३) पट्ट्याने घेणारास सदरहू जमिनीवर उभ्या असलेल्या कोणत्याही झाडांवर काही असल्यास, कोणताही हक्क असणार नाही किंवा त्याने ती कापता, त्यास नुकसान करता किंवा त्यांच्यांत कोणत्याही रीतीने ढवळाढवळ करितो कामा नये.

(४) पट्ट्याने घेणाराने आपल्या खर्चाने सदरहू जमिनीच्या हद्दीच्या निशाण्या सुस्थितीत ठेवून त्यांची योग्य मरामत केली पाहिजे.

† (५) सदरहू पट्टा नवीन करून देण्याबद्दल पट्ट्याने घेणाराकडून अर्ज आल्यास तो तितक्याच मुदतीपर्यंत किंवा कलेक्टरकडून ठरविण्यांत येईल अशा कोणत्याही इतर मुदतीपर्यंत त्याच कारणासाठी वेळोवेळी नवीन करून देण्याचा अधिकार आहे.

(६) पट्ट्याने घेणाराने सदरहू जमीन पोट-भाड्याने देता कामा नये अगर त्या सर्व जमिनीवर अगर तिच्या कोणत्याही भागावर कोणत्याही रीतीने बोजा ठेवता कामा नये.

(७) लागवडीच्या कारणासाठी आवश्यक असतील अशा तात्पुरत्या बांधकामां- शिवाय सदरहू जमिनीवर कोणत्याही इमारती पट्ट्याने घेणाराने बांधता कामा नयेत.

\* जमिनीसंबंधाने भाडे न घेण्याचा पट्टा असल्यास ही शर्त गाळण्यांत यावी.

† तीन वर्षांच्या भाडे न घेण्याच्या पट्ट्याखेरीज इतर पट्ट्यांच्या बाबतीत ही शर्त ठेवण्यांत यावी.

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आणि सदरहू मुदतीचे अखेरीस, कोणतीही हक्क न घेता, कोणत्याही नुकसान-  
भरपाईबद्दल दावा न सांगता, आणि जमिनीवर कोणताही हक्क न ठेवता, सदरहू जमीन  
साफ करून कलेक्टराचे हवाली केली पाहिजे.

(८) सदरहू पट्ट्याच्या शर्तीपैकी कोणत्याही शर्तीप्रमाणे अगर मुंबईचा जमीन-  
महसुलाचा सदरहू कायदा किंवा त्याअन्वये केलेल्या कानू यांतील ठरावांपैकी कोणत्याही  
ठरावाप्रमाणे वागण्यास चुकल्यास हा पट्टा कलेक्टरकडून रद्द केला जाण्यास पात्र  
होईल. त्यानंतर सदरहू जमिनीचा कबजा घेण्याचा, पट्ट्याने घेणारास नोटीस न  
देता किंवा कोणतीही नुकसानभरपाई न देता संक्षिप्त रीतीने त्यास काढून लावण्याचा व  
पट्ट्याने घेणाराकडून या पट्ट्याअन्वये वसूल करण्याजोगे भाडे, कोणतेही असल्यास  
त्याशिवाय आणखी सदरहू जमिनीवरील आकारणीच्या दसपटीहून अधिक नाही  
इतके भाडे त्याजकडून वसूल करण्याचा कलेक्टरास अधिकार आहे.

\* (९) या पट्ट्याअन्वये देणे असलेले भाडे भरण्यांत पट्ट्याने घेणाराकडून  
कोणतीही कसूर होईल तर ते भाडे जमीनमहसुलाचा कायदा व त्याअन्वये केलेल्या  
कानू यांतील ठरावांप्रमाणे जमीनमहसुलाची थकबाकी म्हणून वसूल करण्यांत येईल.

(१०) या पट्ट्यांत "पट्ट्याने घेणारा" या शब्दांत पट्ट्याने घेणारा, त्याचे  
चारस व कायदेशीर वारचे यांचा समावेश होतो. आणि "कलेक्टर" या शब्दांत

त्या त्या वेळी असलेला जिल्हा जिल्हाच्या कलेक्टर व या पट्ट्याअन्वये

कलेक्टराचे अधिकार चालविण्यासाठी गव्हर्नर नेमील असा कोणताही इतर अंमलदार

यांचा समावेश होतो.

17/11/2021

हा पट्टा मुंबईचे गव्हर्नर यांच्या वतीने जिल्हा जिल्हाच्या कलेक्टरने आपल्या

आज तारीख माहे सप्टेंबर सन १९५६ रोजी करून

दिला असे.

शिका.

(सही)

कलेक्टर.

श्री. न. वि. का.  
श्री. वि. का. उ. अ. जगताप  
श्री. वि. का. उ. अ. जगताप



**Additional conditions to be included in Eksali lease form of lands leased on Agri-Silvi conditions.**

शर्त नंबर.....

(८) या कबुलायतीन्मध्ये मला देण्यांत आलेली जमीन मी स्वतःच्या खर्चाने व मजुरीने नांगरीने व त्यामध्ये तास पाडीने, मेहरबान मामलेदार साहेब दाखवतील त्या पद्धतीप्रमाणे व ते देतील ते बी त्या तासांमध्ये लावीन. दर १२ फूट जागेमध्ये ३ फूट जागा अशा रीतीने वन्य जातीच्या झाडांचे बी लावण्याचे कामी उपयोगांत आणीन आणि राहिलेल्या जागेमध्ये माझ्या पसंतीप्रमाणे कोणतेही पीक काढीन. माझ्या ताब्यांत जमीन आहे तोपर्यंतच्या काळांत वरील वन्य झाडांची मशागत करीन.

(९) मी, मामलेदार दाखवतील त्या झाडांचे बी सदरहू जागेमध्ये लावण्यासाठी व ते न उगवलेल्या जागी ३ वेळ पर्यंत पुनःपुन्हां लावण्यासाठी पुरेल इतके बी माझे जमानीचे नजीकचे जंगलांतून मी स्वतःचे खर्चाने व मजुरीने जमा करीन. सदरहू जमलेले बी तालुक्याचे ठिकाणी मी, मामलेदार यांचेकडे अथवा गांवचे का. तलाठ्याकडे किंवा सर्कल इन्स्पेक्टरकडे मला फर्मावतील त्याप्रमाणे हजर करीन. तसेच वरील अंमलदार फर्मावतील त्यावेळेस सदरहू जागेमध्ये लावण्यासाठी इतर जातीचे बी जे त्यांनी मला द्यावयाचे असेल ते नेण्यासाठी हजर राहीन.

(१०) माझ्या जागेचे नजिक आढळणाऱ्या काटेरी झुडुपांमध्ये माझे स्वतःचे खर्चाने व मजुरीने चंदनाचे बी लावण्याचे काम करीन. सदरहू बी मला मी, मामलेदार यांचेकडून मिळेल व अशा झुडुपांची संख्या जास्तीत जास्त २५० असेल.

(११) मला देण्यांत आलेल्या जमिनीचे नजीकचे पण वहिताचे कामी उपयोगी न पडणाऱ्या जंगलाचे भागांत माझे खर्चाने व मजुरीने दीड फूट × दीड फूट × दीड फूट मापाचे खडे वीस वीसचा एकेक गट याप्रमाणे २०० खडे खणून देईन.

सदरहू खड्यांमधील अंतर १०' × १०' असेल. या खड्यांत मामलेदार दाखवतील त्या पद्धतीने व ते जे देतील ते बी दरएक खड्यांत लावीन व त्यापासून होणाऱ्या झाडांची मशागत व निगा माझे ताब्यांत जमीन आहे तोपर्यंत मी करीन.

(१२) मला जमीन मिळाल्यापासून पहिल्या अथवा दुसऱ्या वर्षापावेतो मला सांगितलेल्या जातीची झाडे मी, कलेक्टरसाहेब यांच्या पसंतीवरहुकूम मी लावून दाखविण्याचे काम न केल्यास सदरहू जमीन माझे ताब्यांतून काढून घेण्यात पात्र राहीन व जमीन सोडण्याबद्दल मला नोटीस मिळाल्यास त्या ताब्यापासून सद्दा महिन्यांचे आंत मी जमीन काढी करून देईन.

1) ~~कार्ड (सबसे) 13144 का 185 का~~  
~~सूची 3/131 का 2004 का~~

2) ~~कार्ड का 13144 का 3/131 का~~  
~~का 13144 का 2004 का~~

~~का 13144 का 2004 का~~  
~~का 13144 का 2004 का~~

~~का 13144 का~~

~~का 13144 का~~

~~का 13144 का~~

~~का 13144 का 3/131 का~~

~~का 13144 का 2004 का~~

का



माल्याका दि 28/9/29  
संख्या दि 30/9/29  
नं० 13144 का 2004

30 NOV

का 13144 का  
का 13144 का

तहासलदार कार्यालय, श्रीगोंदा

क्र. एस्. आर. / / १९६७

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तारीख 1 1१९६

**विषय--सरकारी 'ब' वर्ग जंगल जमीन कायम बहितीसाठी देणेबद्दल**

संदर्भ--मुंबई सरकार महसूल खाते ठराव नं.

एल्. एन्. डी, ३९६०-अ

१ मार्च १९६० व वेळोवेळी काढलेले पुरवणी ठराव. २) मे. जिल्हाधिकारी अहमदनगर यांचेकडील परिपत्रक क्र. आर. बी. व सी. IV १९२७/१९६७ तारीख २१-७-१९६७.

**ह क र म**

ज्या अर्थी,

मौजे कोडीबा उबा जंगल येथील 'ब' वर्ग जंगल जमीन स. नं. १६२

क्षेत्र ७-२० आकार ३-२-० ही जमीन.

(१) श्री. कोडीबा उबा जंगल यांचेकडे १९५० सालापासून

एकसालीने वाहणेस आहे.

(२) श्री. कोडीबा उबा जंगल याने एकूण धारण केलेले क्षेत्र किफायतशीर क्षेत्रापेक्षा जास्त असल्याने त्यांचेकडून काढून घेतलेली आहे

(३) बहितीस लायक असून पडीत आहे.

या जमिनीची मागणी श्री. कोडीबा उबा जंगल यांनी केलेली आहे.

इसम सजकूर मिलिटरी सैनिक / स्वातंत्र्य सैनिक / हरिजन / भूमिहीन / बेकार सुवर्णकार आहे तो खालीलप्रमाणे स्वतः जमीन वहातो.

माळक म्हणून			कळ म्हणून			सरकारी एकसालीने		
स. नं.	क्षेत्र	आकार	स. नं.	क्षेत्र	आकार	स. नं.	क्षेत्र	आकार
							७-२०	३-२-०

वरील अर्थी या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

सरकारी जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

मुंबई जमीन महसूल कायदा नं. ३७ व महाराष्ट्र सरकार महसूल खाते ठराव नं. ए. ए. डी. ३९६० अ. ता. ८ जून १९६० आणि मे. जिल्हाधिकारी अहमदनगर यांचेकडील परिपत्रक क्र. आर. बी. व सी. IV १९२७/१९६७ तारीख २१-७-१९६७ यांच्या अन्वये जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.

या जंगल जमीनीस लागू असलेल्या सर्व नियमांनुसार वाचता येईल.



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तहसिलदार भोंगोंदा यांचे समोर

मी. क्रोनीका उमा जगताप ..... रा. १८ पणवळे .....

विचारलेवरून सत्य प्रतिज्ञेवर जबाब देतो की मला सन १९५०  
५१ साली एकसालीने मोजे १८ पणवळे  
येथील स. नं. ९२ म रिकी क्षेत्र ७ ए. २० वहितीस मिळालेले आहे त्याचा सरकारी सारा नियमा  
प्रमाणे १०५० अखेर मी भरलेला आहे त्याचा पावती नंबर — आहे. माझे कुटुंबात लहान मोठी  
मिळून १० माणसे आहेत. तसेच सदरची जमीन मी ६८६९ अखेर वहित केलेली आहे. उतारा समक्ष देत  
आहे. मजकबळ बेल बारदाना आहे। तशी मी श्री. मजुरी  
मजुरीने करून घेत आहे. सरकारला स्वेच्छेने मी लेव्ही १०५० विव. घातली आहे. पावती दाखवून परत  
घेत आहे. माझे नांवावर खालीलप्रमाणे जमीन आहे

गावचे नांव	क्षेत्र	आकार
<u>१०</u>	<u>५</u>	<u>५</u>

माझे नांवावर जमीन कोठेही नाही. माझे कुटुंबातील माणसांचे नांवावर खालील जमीन आहे.

नांव	गाव	स. नं.	क्षेत्र	आकार
<u>१०</u>	<u>१०</u>	<u>५</u>	<u>५</u>	<u>५</u>

माझे कुटुंबाचे कोणत्याही इतर नांवावर जमीन नाही.

माझे बाहेरगावजत जमिनीत माझा १० हिस्सा आहे. त्याचे जैन धर्मार्थे ए. १० घा. पणवळे येथे  
आहे. सदरचे क्षेत्र व मला दिलेले मन्कानी फारसट मिळून १६ एकराचे जात होत आहे. म्हणून मला कायम जमीन  
चाही. चौक्या मध्ये जर मला १५ एकराचे (गाडी व सरकारी) मिळून जमीन निघाल्यास सदरची जमीन माझी  
घ्यावी. मी कोणत्याही तऱ्हेची नुकसान भरपाई मागणार नाही. मी बांधावट वाडे लावीन. कुटुंबातील जणांचे व  
बाबूलायतीत नमूद केलेल्या शर्तीचे तत्कारत पालन करीन. असे माझल्यास जमीन वाढून घेतली जाईल त्याची समक्ष  
सहकार्य मी मिळवूरीचा मन १०५० वाढवून ठेवत आहे. मी साडी सैनिक आहे. सन १०५० साली विवाहाचे  
आले आहे. मी स्वातंत्र्यवीर आहे मी १०५० महिने मुहंमदास भोगळा दाखल्याची प्रत समक्ष देत आहे. मी  
जगासोपला राहिला आहे. मी अश्लील नाही. मी चांगले समजदार व कर्तव्य करणारा आहे. हा जबाब दिला.

मही

५७५ ख.न. क्षेत्र आकार  
 नमुना आय (१) ९९ म ७-२० ३-२-०

[कानू ३७ (४)]

दुमाळा नाही अशा सत्ताप्रकाराने जमिनीचे खातेदार होण्याचा ज्या मनुष्याचा इरादा असेल त्या मनुष्यानी करून द्यावयाच्या कबुलायतीचा नमुना

जे मांमलेदार यांस.

श्री कोडी वा उमा जगाण राठ लिपनगाव राहणार  
 मौजे लिपनगाव, तालुका श्रीगोंद, या कबुलायतीवरून

श्रीगोंद तालुक्यामधल्या लिपनगाव गांवातील सव्हे नंबर ९९ पैकी यांतील जमिनीचे खाते स्वीकारतो आणि असा अर्ज करतो की माझे नांव सरकारी दफ्तरांत सदरहू जमिनीचा खातेदार म्हणून दाखल करण्यांत यावे.

सदरहू जमीन मला, यांत याखाली सांगितलेल्या शर्तीस व सन १८७९ चा मुंबईचा जमीनमहसुलाचा कायदा याच्या व त्या अन्वये केलेल्या अमलांत असलेल्या कानूनच्या ठरावांस पात्र करून सन १९६८ च्या महिन्याच्या १ तारखेपासून निरंतर दिली आहे.

आणि सदरहू जमिनीबाबत जी जमीनमहसुल वेळोवेळी कायदेशीर रीतीने देणे होईल तो मी देण्याचे पतकरतो ( किंवा सदरहू जमिनीस जी जमीनमहसुलाची माफी आहे ती बंद करणे सरकारास कोणत्याही वेळी योग्य वाटेल तर त्या जमिनीवर सरकारच्या हुकुमाअन्वये कायदेशीर रीतीने जी जमीनमहसुल बसविण्यांत येईल तो देण्याचे मी पतकरितो, अगर दुसरा जसा प्रकार असेल तसे लिहावे. )

सदरहू जमीन मला, जी शर्त मी यावरून कबूल करित आहे त्या आणखी एका शर्तीसही पात्र ठेवून देण्यांत आली आहे, ती शर्त म्हणजे मी, माझे वारस, असन्स व कायदेशीर वारचे ह्यांनी कोणतेही वेळा-

(१) सदरहू जमिनीची वाटणी करता कामा नये.

किंवा

(२) कलेक्टरांच्या अगळ मंजूरीवाचून-व ही मंजूरी संबंध जमिनीच्या संबंधाने झालेले वेळी व जमिन सव्हेला कायदा नये-पडद्यावरून, गटाणावरून किंवा इतर कसल्याही प्रकाराने सदरहू जमिनीचा किंवा कोणत्याही भाग बांध वीचा उदर करणे कायदा नये.

वरील शर्तीच्या कोणत्याही शर्ती-तसे वाचण्यांत येईल तर सदर जमिनीस सदरहू कायदा व त्या अन्वये केलेल्या कानूना अन्वये ज्या कोणत्याही इतर किंवा पत्राच्या द्यावया होईल त्यास बाध न देता सदरहू जमीन कलेक्टरांकडून खालिल रीतीने सरकारच्या कोणी जाण्यास मी पात्र होईन व सदरहू जमिनीच्या संबंधात जी केलेल्या किंवा पाहिलेले कोणत्याही गोष्टीच्या संबंधाने कोणत्याही नुकसान भरपाई मागण्यास तक्रार असणार नाही.

मुद्रकाम श्रीगोंद

मार्गस्थ उरु आहे सन १९६८

(सही) - [Signature]

आधी लिहून देतो की या कबुलायतीवर सही करणार [Signature] व त्यास पात्र ठेवून देण्यात येईल तो अर्ज करिते आहे तोच मनुष्य तो आठे अशी आम्हांस जातीने माहित आहे.

(सही) - [Signature]

(सही)

यावरून तक्रार पत्रावरून यावरून व कालांतराने कोणत्याही कारणाने जाहीत आधी कि अकरा वर्षांनी कितीही वेळांनी यात बदल होऊ नये व या कबुलायतीवरून देण्यात येणाऱ्या मनुष्याच्या मृत्यु होऊ नये तो जमीनमहसुल वेळोवेळी सरकारी दफ्तराकरिता जबाबदार ठेवून देणे असा अन्वय होईल.

(सही)



आल्याचा दि २६/११/२१  
 तार दि. ३०/११/२१  
 नकल दिल्याचा दिनांक

30 NOV 2021

श्री नरेश  
 कोडी किंवा [Signature]

475

- शर्ती -

- १) जमीन धारण करणार सदर जमीन अविभाज्य व तबदोल करणार नाही.
- २) ती स्वतःवहीत करील. शाकाशच वारा पर
- ३) सदर जमीनचा कबजा हक्काची किंमत रु. 30-40 एका हप्त्यात मरीन ( जर तीनपेक्षा जास्त हप्ते असतील तर त्यावर सरकारी ठराव नं एल्. एन्. डी ३९५।७६ ८५९ ता. ७।१०।१९५५ अन्वये व्याजाची आकारणी होईल ती देईन.)
- ४) या किमतीशिवाय सदर जमिनीवर उभो असलेल्या झाडांची किंमत चालू बाजार दरिणेत येईल ती देईन.
- ५) जमीन महसुल व त्यावरील लोकलफंड दरवर्षी सरील.
- ६) ज्या कारणा करितां जमीन कायम देण्यांत आली त्या कारणाव्यतिरिक्त इतर कारणांसाठी कलेक्टरची आगाऊ परवानगी घेतल्या शिवाय उपयोग करणार नाही.
- ७) आजपासून दोन वर्षांत पूर्ण वहीतीबाली थाणील.
- ८) योग्य कारणा शिवाय वहीत करण्याचे टाळून सतत दोन वर्ष पडीत ठेवणार नाही.
- ९) स्वतःचे खर्चाने भूसंरक्षण खात्याने सुचविलेल्या सुधारणा करील.
- १०) जमीन मोजणी खात्याकडून सख्खचिनी नोंदून घेईल.
- ११) मोजणी खात्याने स. नं. सत्र डिझीजन वगैरे जागत काही दुहेस्त्या सुवे देण्यास सदर हुकूम त्याप्रमाणे हुकूम पात्र राहिल.
- १२) वाजत आय (आय) नमुन्यांत (लॅंड रेव्ह्यू परत) करारनावा लिहून देईन.
- १३) गांवा अगर त्या टापूत स्थापन झालेल्या अगर हीगाण्या कोणत्याही को-ऑपरेटिव्ह कामिंग सोसायटीचा वसाहत होईल.
- १४) सदरचे जमिनीत अश्रधान्याचे पीक काढोव.
- १५) वरील पैकी कोणतीही शर्त व इतर नेह्याच्या शर्ती पैकी कोणतीही शर्त मोडल्यास जमीन कोणतेही प्रकारचे कॉपेनसेशन न देतां जमीन काढून घेण्यास पात्र राहिल.
- १६) ही सुट्ट व नियमांचे व संतती नियमांचे पात्र करील. ता. १५।०।९० ला तलाठी हुकूमे जमून व मुजामदत अगर त्यापेक्षा अधिक मुले इथून पुढे झाल्यास जमीन काढून घेण्यास पात्र राहिल.

त्याचा दि. २६/११/२१  
 तयार दि. ३०/११/२१  
 कलेक्टर दिल्लीचा निवास  
 ३० NOV



हस्ताक्षर  
 कोर्ड कियर  
 कलेक्टर श्रीगोंदा करील

समस्त  
 जमीनदार



दोन  
 वस  
 TC

Translated copies of Annexure B & A1

476

Date: 25/11/2021

To:

Before The Tahashildar Saheb,  
Taluka Shrigonda,

**Subject** - Regarding supply of copies of Old 7/12 extracts and  
Mutation Entries ....

**Applicant** - Dr. Vinaykumr Jathar,

**Address** - Shrigonda

Sir,

I am submitting this Application with respect as under that I am residing at the address mentioned above and I request for supplying me copies of following documents in respect of Village Limangaon, Taluka – Shrigonda, District – Ahmednagar. I here-in-under giving details of the said documents. I am ready to pay the fees for the same as per rules.

\*\*\*\*\*Details of the documents required may be given correctly88888

1.	Navin Gat No. 7/12											
2.	Old Gat No. 7/12											

Year 1974 to 1986    1986 to 1996    1996 to 2006    2006 to 2016

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Mutation in Gat Number								
Mutation in Survey No.								
	2962							

#### Copies of Other Document

Copies of order passed by Tahashildar regarding allotment of Forest Land Survey No.99 A (Old); conditions and Kabulayat/ Agreement etc. xerox copies

Note:- Within 7 days of making the Application enquiry shall be made. So also list of copies made ready affixed to the outside wall of the office shall be seen. In the list Application Number, where the Application was sent and message was given for giving information etc. shall be noted down and then within seven days if the Applicant has not remained present for enquiry or collecting copies, then the Application will be disposed of or after one month the Application will not be taken into consideration. For getting copies the Applicant should not be contacted directly to any employee working in the Record except Record Keeper or Resident Nayab Tahasildar. If it is found that the Applicant is doing so, then his complaint will not be taken into account, which please note.

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Also while demanding the copies of documents from the Record Office, the correct description, correct number and date of the said document must be mentioned in the Application, so that it will be convenient to supply the copies to the Applicant.

479

**Record of Right (Gaon Namuna No. VI)**

**Limpanagaon**

Sr.No. of entry	Type of rights	Survey No. of Mutation and Sub-Division	Sig. of Inspecting Officer
1)	<p>Date: 14/11/69 – Out of Forest Survey No.99-A, land admeasuring 7.20 Acre (Assessment 3-2-o) has been allotted to Balbhim Mahadu Jagtap on continuous basis on terms and conditions. The Agreement made on continuous basis executed before the Tahashildar Saheb has been verified and seen and then the entry is made to that effect.</p> <p align="center">Sd/-xxx Talathi</p>	99 A (part)	Seeing the Agreement entry verified Sd/-xxx
2)	<p>Date – 17-11-69 – The Tahashildar, Shrigonde has allotted the following persons as mentioned before their names the Forest Land Survey No.99-A on continuous basis on the revised terms and conditions from 01-04-69 under Agreement (Kabuliyat) and hence entry is made accordingly</p>		

	<ol style="list-style-type: none"> <li>1. Vakoba Dagdoba Owhal- Forest Land S.No. 99A, Area -12-20, Assessment 7-9-0</li> <li>2. Baburao Anandrao Kurumkar – Forest Land S.No.99A, Area -4-00, Assessment 2-4-00</li> <li>3. Kondiba Uma Jagtap – Forest Land S.No.99A, Area – 7-20, Assessment 3-2-0</li> <li>4. Kisan Gangaram ---- Forest Land S.No.99A, Area -3-00, Assessment 1-11-00</li> <li>5. Shankar Nana Shejval Forest Land S.No.99A, Area 7-20, Assessment 4-11-0</li> <li>6. Bhanudas Babu Kurumkr, Forest Land S.No.99A, Area 7-20, Assessment 3-2-0</li> <li>7. Prabhakar Ramchandra Bahule, Forest Land S.No.99-A, Area 7-00, Assessment 3-15-0</li> <li>8. Rajaram Dattatraya Kulthe, Forest Land</li> </ol>		<p style="text-align: center;">Verified from Notice and order Sd/-xxx</p>
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	<p>S.No.99A, Area 7-00, Assessment 3-15-0</p> <p>9. Chanagunabai Maruti Veer, Forest Land S.No.99-A, Area 6-00, Assessment 2-5-0</p> <p>10. Vishwanath Vithoba Kangale, Forest Land S.No.99-A, Area 10-00, Assessment 5-10-0</p> <p>11. Bala Maruti Kaidake, Forest Land S.No.99-A, Area 6-00, Assessment 2-5-0</p> <p>12. Ramchandra Mahadu Lonar, Forest Land S.No.99-A, Area 5-00, Assessment 1-14-0</p> <p>13. Bhau Rangari Sasane, Forest Land S.No.99-A, Area 3-00, Assessment 1-11-0</p> <p>14. Bapu Gangaram Sasane, Forest Land S.No.99A, Area 7-20, Assessment 3-2-0</p> <p>15. Sitaram Bhaguji Sudage, Forest Land S. No.99A, Area 7-20, Assessment 3-2-0</p>		
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	<p>16. Umaji Sitaram Jagtap, Forest Land S.No.99-A, Area 5-00, Assessment 1-14-0</p> <p>17. Namdev Bhau Owhal, Forest Land S.No.99-A, Area 7-20, Assessment 3-2-0</p> <p>18. Radhabai Lahu Sudge, Forest Land S.No.99-A, Area 7-20, Assessment 3-2-0</p> <p>19. Madhav Jayawant Hande, Forest Land S.No.00-A, Area 6-00, Assessment – 2-5-0</p> <p>20. Dagadu Savala Hande, Forest Land S.No.99-A, Area 6-00, Assessment 2-5-0</p> <p>21. Dinkar Bhau Owhal, Forest Land Survey No.99-A, Area 3-0, Assessment</p> <p>22. Namdev Gangaram ... Forest Land Survey No.99A, Area 3-00, Assessment 3-3-0</p> <p>23. Dagadu Buvaji .... Forest Land Survey</p>		
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	No.99A, Area 6-00, Assessment .		
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Accordingly Forest Land has been allotted to the above-  
person by Agreement (Kabuliyat) and hence entry is made.

Sd/-xxx

VJ  
TC

484

**File No. 42**

**TASHILDAR OFFICE, SHRIGONDA**

**Record** : Land  
**Subject** : Mouje Limpangaon, Tal-Shrigonda  
Kondiba Uma Jagtap  
**Year of the File** : 1969  
**A, B, C list number** : Land 26 A  
**Last year of disposing  
of file** : Permanent

**Sd/-xxx**

**Tashildar, Shrigonda**

485

Read : 1) Application submitted by Kondiba Uma  
Jagtap

Order passed by Collector bearing No.IV 1927 dated  
21/7/1967

**ORDER**

Forest Land Survey No.99-A area admeasuring 7 Acre 20-1/2 Acre situated at Hingaongaon has been continuously given on rent for the use for the period of one year 1967-68 on the previous terms and conditions. The contract be renewed accordingly and if in future need exists or there will be any breach of terms and conditions then without giving any notice and without paying any compensation, the said land will be taken back from him.

Shrigonda,

Dated 22/12/1967

Sd/-xxxx

Tahasildar Shrigonda

Contract has been renewed,

Sd/-

Tahasildar Shrigonda.

486

To:  
The Hon'ble Mamlatdar,  
Taluka Shrigonda  
Submitted with respect

**Subject:** Regarding renewal of 1967-68 Contract

**Applicant:** Kondiba Uma Jagtap, R/at Limpangaon, Taluka –  
Shrigonda, most respectfully submitting this Application as under  
—

I am a small farmer. Under the scheme to cultivate more grains, I have been allotted Forest Land admeasuring 7 Acre 20 Guntha for cultivation for the period of only one year. I myself cultivating the same land. I am having 2 bullocks and other equipments for doing farming. There are 9 members in my family and I am the only main person in the family to look after them as a Karta or Guardian. Therefore the contract made with me in the year 1967-68 may please be renewed for further time.

Hence this request

Dated 04/12/1967

Left Hand Thumb Impression  
Of Kondiba Uma Jagtap

487

Gavon Namuna No. 7, 7 A, B 12

Survey No.99 Hissa A	Possessor - Forest	Name - Limpangaon
Local Name		Taluka Shrigone,
Account No.		Other rights - x
Cultivable Area Acre – Guntha		
07		
- 20		
Barran area	-----	
	-----	
-----		
Total	07 -	
20		
Assessment		
Rs.		
Ps.		
Extra Assessment	3	
- 00		
Water		

488

Years	Tenant/piece of land	Area	Type	Crops & Planting area	area	remarks
67/68	Kondiba Uma Jagtap  Given for cultivation for one year	7-20	3	Jwari kardi  7 20	7- 20	

489

To:

Hon'ble Mamlatdar, Taluka Shrigonda

Submitted with respect .

**Subject :** regarding renewal of 1962-63 contract

**Applicant:** Mr. Kondiba Umaji Jagtap. R/at R/at Limpangaon,  
Taluka –Shrikgonda, most respectfully submitting this Application  
as under-

I am a small farmer and I have been allotted forest land Survey No.99/A area admeasuring 9 Acre 20 Guntha under the scheme 'To cultivate More Grains' From that day I myself is cultivating the said land. I am having all the instruments including bullocks for cultivation. There are 8 minors and adult members in my family and I am the only main person/manager for looking after my family. Hence I request the contract made in the year 1962-63 with me for one year may please be renewed.

Hence this Application submitted.

Dated 04/01/1962

Left Hand Thumb Impression  
Of Kondiba Uma Jagtap

490

To:

Hon'ble Mamlatdar, Taluka Shrigonda

Submitted with respect

**Applicant:** Mr. Kondiba Umaji Jagtap. R/at R/at Limpangaon,  
Taluka –Shrikgonda, most respectfully submitting this Application  
as under-

I have been allotted forest land Survey No.99/A area  
admeasuring 9 Acre 20 Guntha for one year for cultivation. I request  
that this current year i.e. 1959-60 also I may be given the said land  
for cultivation and the contract previously made may please be  
renewed.

Hence this Application submitted.

Dated

Left Hand Thumb Impression

Of Kondiba Uma Jagtap

491

Village Namuna No. 7, 7A & 12

Survey No.99 Hissa A		Possessor - Forest		Name - Limpangaon		
Local Name				Taluka Shrigone,		
Account No.				Other rights - x		
Cultivable Area Acre - Guntha						
07 - 20						
Barran area -----						
-----						
Total 07 - 20						
-----						
Assessment						
Rs. Ps.						
Extra Assessment 3 - 00						
Water				Water. Road etc. rights		
Years	Tenant/piece of land	Area	Type	Crops & Planting area	area	Remarks
57/58	Kondiba Uma Jagtap  Given for cultivation for one year on lease	7-20	3	Jwari kardi  6-25 20	7-20	
58/59						

492

Supplement:

**Office Order**

On the Application dated 29.09.53 submitted by Mr. Kondiba Uma Mang, R/at Limpangaon, Taluka- Shrigonda

...

Out of the Forest Land in this area Survey No.99-A 07 Acre 20 Guntha had been already allotted to the Applicant since 1950 for cultivation. The above-said land has now again for the year 53-54 been allotted to the Applicant on the previous terms and conditions.

Date: 29/09/53

Hence this Agreement/Kabulayat dated 29/09/53

Sd/-xxx

Mamlatdar, Shrigonde

493

English Translation

To:

The Hon'ble Mamlatdar Saheb,  
Shrigonda.

**Applicant :** Kondiba Uma Mang, R/at Limpangaon, Tal –  
Shringonde,

Submitted this Application as under-

I have been allotted Forest Land Ssurvey No.99 area  
admeasuring 7 Acrer 20 Guntha. Therefore the agreement of lease  
to that effect for the current year 53-54 may please be executed and  
prepared.

Hence submitted this Application on 24/09/53

Left Hand Thumb Impression of Kondiba Uma Mang

494

To:  
The Hon'ble Mamlatdar,  
Taluka Shrigonda  
Submitted with respect

**Applicant:** Kondiba Uma Mang R/at Limpangaon, Taluka –  
Shrikgonda, most respectfully submitting this Application as under  
–

I am a small farmer. Under no assessment scheme I have been allotted forest land out of Survey No. 99 area admeasuring 7 Acre 20 Guntha for the period of one year cultivation for the period of only one year. The period of the said lease is expired. Therefore for this current new year also the agreement of lese may please be continued.

Hence submitted dated \_\_\_\_\_

Left Hand Thumb Impression  
Of Kondiba Uma Mang

495

## Form OF Short Term Lease.

Governor of Mumbai

This is to certify that Kondiba Uma Jagtap Residing at Limpangaon, (hereinafter referred to as 'Lessor') has been given permission by the Collector of Ahmednagar on behalf of Governor of Mumbai (hereinafter referred to as 'Governor') as per Bombay Land Revenue Code, 1879 (Act No.V) and as per provisions made in this Act and on the terms and conditions mentioned here-in-under, the land shown in the map enclosed herewith bearing Survey No.99A at Lipangaon, Taluka-Shrigonda, District -Ahmednagar area admeasuring 7 Acre 20 Guntha for one year (hereinafter referred to as 'the said period) from 1<sup>st</sup> date of April 1954 under the scheme 'more cultivate grains' and for plantation of food-grains, grass etc.

Following are the terms and conditions for this lease –

- (1) The lessee who has taken the said land shall pay at the rate of 3/- Rupees, 2 Ane per acre as annual rent including interest

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at the rate applicable at that time on Local Fund Cess, on or before 5<sup>th</sup> day of January in one instalment and in advance.

Or

- (1) This land is given on lease for the period of one year free of costs and so the lessee is not entitled to pay anything to the Government.
- (2) The lessee shall only use the land for cultivating and plantation of food-grains and grass.
- (3) The lessee shall not claim any right on the trees standing on the same land or anything relating to the said standing trees on this land or he shall not cut the same or shall not cause any damage to the said trees or shall not made interference in the said trees.
- (4) Lessee shall make marking of boundaries of the said land at his own costs and the said marking shall always be maintain properly and keep in good condition.
- (5) The Collector has right to renew the said lease from time to time for the same period or the period or for the period as the Collector deem fit, only on receiving Application from lessee.
- (6) The Lessee shall not sub-let the said land to other and shall not create any mortgage or hypothecate the said land or any part of the said land.

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- (7) Except the essential and temporary construction require for cultivation, any other structure shall not be made by the Lessee. And after completion of period of lease, the Lessee without taking any objection or establishing claim on the said land, shall make clear and clean the said land and then return the possession of the said land to the Government.
- (8) If the Lessee failed to observe and follow the terms and conditions as mentioned above or breached the provisions of Land Revenue Code, his lease agreement shall at any time be cancelled by the Collector and in that case the Collector has right to take back the possession of the said land from the Lessee without giving any notice or any compensation and to recover the amount of rent or additional amount of rent which shall not be 10 times of this chargeable rent.
- (9) The rent payable as per this Lease Agreement, if not paid by the Lessee, then the said rent shall be recovered from him as mentioned in the Bomby Land Revenue Code as Outstanding of Land Revenue.
- (10) As per this Lease Agreement, the word 'Lessee' means and includes Lessee himself as well as his legal heirs and the word 'Collector' means collector of Ahmednagar District who may be at that time holding the same post or any person or Amaldar appointed by the Governor.

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(11) If the Government requires the said land, the Government has a right to take back the said land by issuing notice in advance to the Lessee.

This Lease Deed is made on behalf of Governor by the Collector under his signature and seal today on \_\_\_\_ September 1954.

Stamp

Collector's Signature

The lease agreement is renewed for the year 1955-56

Date: 16/09/55

Sd/-xxx

Mamledar Shrigonda

The lease agreement is renewed for the year 1956-57

Date 30/8/56

Sd/-xxx

Mamledar Shrigonda

The period of this Lease Agreement is extended for one year i.e. for the year 1957-58.

Date: 3/12/57

Sd/-xxx

Mamledar Shrigonda

499

This Lease Agreement is renewed for the period of 1958-59

Date: 20/10/58

Sd/-xxx

Mamledar Shrigonda

Renewed for year 1959-60

Date 5/10/59

Sd/-xxx

Mamledar Shrigonda

Renewed for year 1960-61

Sd/-xxx

Mamledar Shrigonda

Renewed for year 1962-63

Date 4/09/62

Sd/-xxx

Mamledar Shrigonda

500

Renewed for year 1963-64

Date 5/10/59

Sd/-xxx

Mamledar Shrigonda

501

Additional Conditions to be included in Eksli lease  
From of lands leased on Agri-Silvi conditions

Condition Nos.

(8) I will cultivate the land given to me by this lease agreement on my own costs and labour and mark it as per crops cultivated. I also cultivate and plant the crops as per directions and guidelines of the Mamledar and as per seeds provided to me by the Mamaledar. Every 12 feet area, I will left 3 feet area separately for plantation of trees as directed by Mamledar. In the remaining land, I will cultivate any other crop as per my choice. I will also took care of the forest trees standing in the said land allotted to me as per this lease agreement.

(9) I will made plantation of the seeds as per instructions and guidelines given by the Mamledar and if the said plantation could not produce and plant or trees then I will again and again try for three time for growing the said plant of trees and for that purpose I will collect and bring the seeds of the said plant from nearby forest on my own costs. The same seeds collected and produced by the lessee shall be handed over/ given or stored at the place of Taluka as directed by either Mamledar, Kamgar Talathi or Circle Inspector. Moreover, I will remain present at my own costs for taking seeds for plantation at the place, directed by the above-said officers of the Government.

502

(10) Near the land allotted to me on lease, in the thorns I will plant seeds of sandal trees at my own costs. However the seeds of sandal trees will be provided by the Mamledar and the total number of the said sandal trees to be plantation shall not be less than 250.

(11) I will dig at my own costs ditches each measuring 1-1/2 by 1-1/2 by 1-1/2 in the group of 20 at the remaining portion of the land, which is not in use of my cultivation.

The distance in between these ditches shall be 10' x 10' and in the said ditches, as directed or instructed by the Mamledar, I will make plantation of the seeds of the trees provided by the Government and look after, take care and maintain growing of the said trees during the period of my tenure of the lease.

(12) If I will not acted as per directions and instructions of the Mamledar in planting the trees and crops during first or two years of tenure of my lease, the said land shall be taken back from my possession and I will hand over the possession of the said land after six months on receipt of the notice to that effect.

#### Further Additional Conditions

(1)....

(2) If the said trees are cut or removed from that place, necessary legal action will be initiated against the lessee.

Before

503

Sd/-xxx

Mamlatdar, Shrigonda

Sd/-xxx

504

**Subject: Permanent allotment of Government  
Forest Land in the category 'B'**

**Reference :** (1) Mumbai Government Revenue Department Resolution No. LND 3960-A dated 1<sup>st</sup> March 1960 and other Resolution passed from time to time and (2) Collector, Ahmednagar, Circulr No. R.B.V Shi. IV 1927/1967 dated 21-7-1967

**ORDER**

Whereas,

The Forest Land situated at Limpangaon, Categroy-B, Survey No.99-A, area admeasuring 7 Acre 20 Gunthas Assessment 3-2-0-

- (1) is with Mr. Kondiba Uma Jagtap for cultivation since 1950-51 for one year period.
- (2) Mr. ....has possessed extra more land than permissible and so the said land (forest) is taken back from him.
- (3) The forest land allotted to him is capable for cultivation, but kept without cultivation.

The above-said land has been demanded by Mr. Kondiba Uma Jagtap, R/at Limpangaon and the said person is military soldier/freedom fighter/ Harijan/having no land in his name /unemployed/Goldsmith having no wrok and he himself cultivating the said land as follows

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As owner			As tenant			As government land one year lease		
S.No.	Area	Asse.	S.No.	Area	Asse.	S.No.	Area	Asse.
						99A	7-20	2-3-0

Above-said land is not required for any public purpose.

....not applicable portion.....

The land at Limpangaon, Taluka Shrigone, admeasuring 7 Acre, 20 Guntha, Survey No. 99-A (part) is a land capable for cultivation, but is not now not under cultivation. The said land is allotted to Mr. Kondiba Uma Jagtap on the following conditions as per above mentioned Government Resolutions (including supplementary Government Resolutions passed from time to time)-

(3) The charges/price for taking possession of the said land is 37.50 will be paid by me in installment (if the installment are more than three then I will also pay the interest as per Government Resolution No. LND 395/76 859 dt. 7-10-1955 which is liable to be charged by the Government.

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(4) Addition to this, I will also pay the charges of the trees standing on the same land, as determined by the Government taking into consideration the current market rate.

(5) I will pay regularly land revenue and Local Fund.

(6) I will use the land for which purpose the Collector has allotted to me and I will not make use of the said land for any other purpose without consent of the Collector.

(7) Two years from today I will make the said land under cultivation.

(8) I will not avoid to cultivate the said land and kept it idle unless and until there is a valid reason.

(9) I will make the improvement as suggested by Government Land Department.

(10) I will measure the land from Government Land Record Department on my own costs.

(11) If the Land Record Department suggested corrections in Sub-Division Number etc. then the said correction and order in this respect shall be made necessarily.

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- (12) The lessee will execute the Agreement in the specimen given in Land Revenue Code.
- (13) The lessee will be accepted membership of any of the Co-operative Society established in that area, if directed by the Government.
- (14) The lessee will cultivate and take food-grain crops in the said land.
- (15) If any above condition or any other general conditions found to be breached, then the land will be taken back from you without giving any compensation.

Sd/-xx

Tahashildar, Shrigonda

Copy to

1. Kondiba Uma Jagtap
2. The District Inspector. Land Record, Ahmednagar
3. Kamgar Talathi ..... The possession of said land shall be given to the said peson by taking note in other rights column and corrected and up-to-date extracts be sent immediately
4. The Sub-Divisional Office, Parner, Ahmednagar for information.

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**BEFORE THE TAHASILDAR, SHRIGONDA**

I, Kondiba Uma Jagtap R/at Limpangaon, on enquiry state on Solemn Affirmation that I have been allotted in the year 1950-51 a land out of Survey No.99 A , area admeasuring 7 Acre 20 Gunthas. I have paid Government Cess/Sara till the year 1968-69. Its receipt No. is .....In my family there are in all 10 children and adult members. I have cultivated the said land till 1968/69. I am submitting extracts of the said land. I am having bullock and instruments of farming. I am cultivating the said land through labours. I have paid levy to the Government. I am showing the receipt now and taking it back with me. Following lands are on my name as owners

Name of the village	Area	Assessment
x	x	x

None of the Members of my family are having any land in their names as owners.

I am having ....shares in my ancestral land. Its measurement approximately is ..... The total of the area of the said ancestral land including the Government forest land given to me are not more than 16 acres. If total of the said land (my and Government's) found to be excess, then allotted Government land shall be taken back from me and in that case I will not demand any compensation. I will plant trees in border/boundaries. I will strictly observe the terms and

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conditions of the Lease Agreement as also the family planning. I have been warned that if such conditions are breached, the said land will be taken back. I am military servant in the year \_\_\_\_\_. or I am Ex-military serviceman or I am freedom fighter and was in the jail in the year \_\_\_\_\_. I am submitting the certificate to that effect or I am backward class. I am landless man, so I will be allotted permanently a land by lease agreement.

Hence this Statement

Sd/-xxx

Kondiba Uma Jagtap.

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Specimen I (1)

(Sec. 37(4))

Specimen of the Kabuliyat (Agreement) to be given by a person who intends to be owner of the land by receiving land from Government

I, Kondiba Uma Jagtap. R/at Limpangaon, Taluka Shrigonda, accept the Account (ownership) of the land at Limpangaon Survey No.99, (part) and apply hereby for entering my name in the Government record as the Owner (Khatdar) of the said land.

The said land has been continuously given to me from 1<sup>st</sup> April 1969 on conditions mentioned in Mumbai Land Revenue Code 1879 and Government Resolutions passed from time to time in that respect.

I hereby agree that I will pay regularly the land revenue which will be legally due or (if the said land is exempted from any revenue and said exemption is cancelled, then any revenue determined by Government will be paid by me; or any such condition shall be written here.).

The said land has been given to me as I accepted the conditions as per this Kabuliyat (Agreement) as an additional condition. The one additional condition is that I, or any members of my family or any legal heirs shall not at any time –

(1) divide the said land amongst themselves

Or

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(2) without permission of the Collector, the said land shall not be given to anybody by way of mortgage, or by executing any type of agreement or no any encumbrance shall be created on the said land or any portion of the said land

I hereby agree that if by any reason I failed to observe such above-said conditions and made breach, then I will be liable for the punishment prescribed under the appropriate Law and without prejudice to the said punishment the said land will be taken back by the Government through the Collector. In that case, I will be having no any right to claim compensation for the work or things done by me in the said land.

AT Shringonde ) Left hand Thump  
 ) Impression of  
Date 30<sup>th</sup> day of June 1969 ) Kondiba Uma  
 Jagtap

We hereby give in writing that the person who signed  
On this Kabuliyat (Agreement) is the same as Kondiba  
Uma Jagtap and we personally identify him.

Sd/-xxxx

Sd/-xx

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As per our best knowledge and as per inquiry made by us, as per the information we could collect, we say that the person who wrote this Kabuliyat (Agreement) is capable of doing and writing this Kabuliyat(Agreement) for payment being made from him of the land revenue from time to time.

Sd/-xxx

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-CONDITIONS -

1. The possessor of the said land shall not make the said land invisible and transferable.
2. He himself cultivate the said land.
3. The charges of taking the said land for cultivation being the amount of Rs. 37-50 will be paid in one installment (But if paid in three or more installment, then I will be liable to pay interest as per Government Resolution No. L.N.D.395/76 859 dated 7.10,1855,
4. Addition to this, I will also pay the charges of the trees standing on the same land, as determined by the Government taking into consideration the current market rate.
5. I will pay regularly land revenue and Local Fund.
6. I will use the land for which purpose the Collector has allotted to me and I will not make use of the said land for any other purpose without consent of the Collector.
7. Two years from today I will make the said land under cultivation.
8. I will not avoid to cultivate the said land and kept it idle unless and until there is a valid reason.

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9. I will make the improvement as suggested by Government Land Department.
10. I will measure the land from Government Land Record Department on my own costs.
11. If the Land Record Department suggested corrections in Sub-Division Number etc. then the said correction and order in this respect shall be made necessarily.
12. I will execute the Agreement in the "I" specimen given in Land Revenue Code.
13. I will be accepted membership of any of the Co-operative Society established in that area, if directed by the Government.
14. I will cultivate and take food-grain crops in the said land.
15. If any above condition or any other general conditions found to be breached, then the land will be taken back from you without giving any compensation.
16. I will observe the rules of Family Planning. I am having 4 children and henceforth if I begotten more than 3 children, I will be liable for taking back the said land by Government.

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Before

Sd/-

Tahasildar, Shrigonde

Left Hand Thumb Impression of Kondiba Uma Jagtap

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**Information in tabulate form regarding the persons who has  
been allotted lands Survey No. 99 A at Village- Limpangaon,  
Taluka – Shrigonda**

Sr. No.	Name of the person to whom land was allotted	Survey No.	Area allotted A. - G	Remarks
1.	Anandrdao Shankarrao Karamkar	99A	6 - 00	
2.	Uma Dhula Shriram	--do--	7 - 20	
3.	Ganpat Rambhau Bhopate	--do--	6 - 00	
4.	Keru Gana Owhol	--do--	7 - 20	
5.	Chandrabhaga Sadashiv Hande	--do--	6 - 00	
6.	Jaiwant Krishna Hande	--do--	6 - 00	
7.	Tulshiram Sadu Babar	--do--	6 - 00	
8.	Dagadu Shivram Jangle	--do--	6 - 00	
9.	Parvati Maruti Kale	--do--	6 - 00	
10.	Baburao Anandrao Karamkar	--do--	10 - 00	
11.	--do--	--do--	06 - 00	
12.	Bapu Tukaram Jangle	--do--	06 - 00	
13.	Bhau Tukaram Hande	--do--	06 - 00	
14.	Bhau Laxman Jangle	--do--	06 - 00	
15.	Sahadu Ladu Owhal	--do--	07 - 20	

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16.	Laxman Vithoba Khaladkar	--do--	06-00	
17.	Laxman Savla Revgi	--do--	10 - 00	
18.	Vakoba Dagdoba Owhal	--do--	07 - 20	
19.	--do--	--do--	06 - 00	
20.	Vithoba Narayan Kuramkar	--do--	06 - 00	
21.	Sakharam Gopal Khaladkar	--do--	06 - 00	
22.	--do--	--do--	07 - 20	
23.	Sitaram Narayan Khore	--do--	07 - 20	
24.	Gangaram Biru Tule	--do--	10 - 00	
25.	Bala Maruti Kendale	--do--	06 - 00	
26.	Narayan Dhondiba Chare	--do--	06 - 00	
27.	Dagadu Savla Hande	--do--	06 - 00	
28.	Radhabai Lahu Sudage	--do--	07 - 20	
29.	Bapu Nana Devkave	--do--	00 - 00	
30.	Lahanubai Mahadu Mang	--do--	07-10	
31.	Janabai Sidu Mang	--do--	07 - 00	
32.	Shankar Nana Houjval	--do--	07 - 20	
33.	Vithoba Mahadu Kamble	--do--	10 - 00	
34.	Kondo Umaji Mang	--do--	07 - 20	

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35.	Sundabai Ganpat Thomaskar	--do--	06 - 00	
36.	Parshuram Ganpat Bhosale	--do--	10 - 00	
37.	Kisan Fakira Ghanvat	--do--	10 - 00	
38.	Vasanrao Madhavrao Kanitkar	--do--	06 - 00	
39.	Rangnath Yashwan Bhosale	--do--	10 - 00	
40.	Digambar Balu Ghorpade	--do--	10 - 00	
41.	Namdev Ramchandra Tolke	--do--	10 - 00	
32.	Daulat Ganu Mhaskar	--do--	10 - 00	
33.	Bhaguji Ganu Kuramkar	--do--	07 - 20	
34.	Vithoba Narayan Kuramkar	--do--	06 - 00	
35.	Dinkar Bhau Owhal	--do--	07 - 20	
36.	Mahadu Ladu Owhal	--do--	07 - 20	
37.	Babu Shripati Kuramkar	--do--	07 - 20	
38.	Dagadabai Bali Veer	--do--	06 - 00	
39.	Uma Dhula Shriram	--do--	07 - 20	
40.	Namdev Bhau Owhal	--do--	07 - 20	

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**AIR 1997 SUPREME COURT 1228**  
SUPREME COURT

J. S. VERMA, J. and B. N. KIRPAL, J.

Writ Petn. Civil Nos. 202 of 1995 with 171 of 1996, D/-12-12-1996

T. N. Godavarman Thirumulpad v. Union of India and others

**(A)Forest (Conservation) Act (69 of 1980), S.1 - Applicability - Act is enacted to check deforestation - Applies to all forests irrespective of nature of ownership or classification thereof - Word 'forest' - To be understood as per its dictionary meaning.**

**AIR 1985 SC 814, Expln.**

**Words and Phrases - Word 'forest'- Meaning.** (Para 4)

**(B)Forest (Conservation) Act (69 of 1980), S.2 - Forest land - Not only includes forest as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership.** (Para 4)

**(C)Forest (Conservation) Act (69 of 1980), S.2 - Non-forest activity - Running of Saw Mills of any kind including veneer or ply-wood mills and mining - Are non-forest activities - For doing such activity in forest prior permission of Central Govt. is necessary - All States directed to ensure total cessation of any such unapproved activity forthwith.** (Para 5I/1)

**(D)Forest (Conservation) Act (69 of 1980), S.2 - Forest of Tirap and Changlang in**

**Arunachal Pradesh - Felling of any kind of trees - Banned - Saw, veneer and ply-wood mills in Tirap, Changlang and in Assam directed to be closed.** (Para 5I/2)

**(E)Forest (Conservation) Act (69 of 1980), S.2 - Forest -Felling of trees banned - Except as per working plan of State Govt.- Movement of cut trees from North-Eastern States totally banned with certain exceptions.** (Para 5I/3)

**(F)Forest (Conservation) Act (69 of 1980), S.2 - Forest conservation - States directed to constitute expert committees - For identifying forests, to assess sustain-ability of State forests qua saw mills and timber based industries and to oversee compliance of order of Supreme Court.** (Para 5I/5 5I/7 5I/9)

**(G)Forest (Conservation) Act (69 of 1980), S.2 - Forest conservation - Specific directions for States of J and K, State of H. P., Hill region of U. P. and W. B., and T. N. issued.** (Para 5II 5III 5IV)

**(H)Forest (Conservation) Act (69 of 1980), S.2 - Conservation of forest - Saw mills and wood based industries - Directed to be closed by interim order of Supreme Court - Employees of such mills/industries to continue to receive full emoluments despite closure - Employees not be retrenched or removed from service.** (Para 7)

**Chronological  
Paras**

**Cases Referred**

(1996) W. P. (C) No. 749 of 1995, D/- 29-11-1996 (SC) Supreme Court  
Monintoring Committee v. Mussorie Dehradun Development Authority

## Cases Referred

AIR 1989 SC 594, 1989 Supp (1) SCC 504	4
AIR 1987 SC 1073, (1987) 1 SCC 213	4
AIR 1985 SC 814, (1985) 3 SCC 643 (Expln.)	4

Ashok Desai, Attorney General, N. N. Goswami, H. N. Salve, Rajiv Dhawan, Shanti Bhushan, A. S. Nambiar, T. L. V. Iyer, A. K. Ganguli, P. S. Potti, M. S. Nargolkar, Jayant Das, S. N. Choudhary, Avadhbiha Rohtagi, K. Amareshwaril, D. P. Gupta, Sr. Advocates, A. D. N. Rao, P. Parmeswaran, Ms. Anil Katiyar, V. Krishnamurthy, A. Mariarputham, Payan Krishnan, Ms. B. Sunita Rao, Ms. N. N. Saikia, Ms. U. Hazaricka, S. R. Hegde, P. H. Parekh, E. R. Kumar, Indu Verma, K. J. John, Mahendar Vyas, P. K. Manohar, Arvinth, V. Balachandran, T. V. S. N. Chari, Nikhil Nayyar, G. Prakash, Gopal Singh, S. M. Jadhav, J. P. Verghese, S. R. Setia, V. Balaji, A. T. M. Sampath, V. G. Pragasam, S. K. Agnihotri Raj Kumar Mehta, H. S. Munjral, K. R. Nagaraja, K. K. Tyagi, B. S. Chahar, Ashok Mathur, Ms. H. Wahi, Ms. S. Hazarika, Ms. Nandini Mukherjee, Gaurav Jain, Ms. Abha Jain, Ms. S. Janani, Kailash Vasdev, Prem Malhotra, Shakeel Ahmed Syed, D. N. Mukherjee, D. S. Mehra, B. B. Singh, A. K. Srivastava, T. Anil Kumar, A. Venkateshwara Rao, Aruneshwar Gupta, J. S. Manhas, J. S. Attri, U. U. Lalit (A. C). Ms. Purnima Bhat, Ms. Meenakshi Sakhardanda, Altaf Nayak, R. Sasiprabhu, A. V. Palli, Zafar Shan, Atul Sharma. Ms. Rekha Palli, Ms. Kavita Wadia, S. K. Bhattacharya, S. K. Dhingra, Ms. Ranu, Advocates with them for the appearing parties.

## Judgement

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**1. ORDER :-**In view of the great significance of the points involved in these matters, relating to the protection and conservation of the forests throughout the country, it was considered necessary that the Central Government as well as the Governments of all the States are heard. Accordingly, notice was issued to all of them. We have heard the learned Attorney General for the Union of India, learned counsel appearing for the States and the parties/applicants and, in addition, the learned Amicus Curiae, Shri H. N. Salve, assisted by Sarvashri U. U. Lalit, Mahender Das and P. K. Manohar. After hearing all the learned counsel, who have rendered very able assistance to the Court, we have formed the opinion that the matters require a further indepth hearing to examine all the aspects relating to the National Forest Policy. For this purpose, several points which emerged during the course of the hearing require further study by the learned counsel and, therefore, we defer the continuation of this hearing for some time to enable the learned counsel to further study these points.

**2.** However, we are of the opinion that certain interim directions are necessary at this stage in respect of some aspects. We have heard the learned Attorney General and the other learned counsel on these aspects.

**3.** It has emerged at the hearing, that there is a

misconception in certain quarters about the true scope of the Forest Conservation Act, 1980 (for short the 'Act') and the meaning of the word 'forest used therein. There is also a resulting misconception about the need of prior approval of the Central Government, as required by Section 2 of the Act, in respect of certain activities in the forest area which are more often of a commercial nature. It is necessary to clarify that position.

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4. The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "forest land", occurring in Section 2, will not only include "forest" as understood in the dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership. This is how it has to be understood for the purpose of Section 2 of the Act. The provisions enacted in the Forest Conservation Act, 1980 for the conservation of forests and the matters connected there with must apply clearly to all forests so understood irrespective of the ownership or classification thereof. This aspect has been made abundantly clear in the decisions of this Court in *Ambika Quarry Works v. State of Gujarat*, (1987) 1 SCC 213 : (AIR 1987 SC 1073); *Rural Litigation and Entitlement Kendra v. State of U. P.*, 1989 Suppl (1) SCC 504 : (AIR 1989 SC 594, and recently in the order dated 29th November, 1996 in W. P. (C) No. 749/95 (*Supreme Court Monitoring Committee v. Mussorie-Dehradun Development Authority*). The earlier decision of this Court in *State of Bihar v. Banshiram Modi*, (1985) 3 SCC 643 : (AIR 1985 SC 814) has, therefore, to be understood in the light of these subsequent decisions. We consider it necessary to reiterate this settled position emerging from the decisions of this Court to dispel the doubt, if any, in the perception of any State Government or authority. This has become necessary also because of the stand taken on behalf of the State of Rajasthan, even at this late stage, relating to permissions granted for mining in such area which is clearly contrary to the decisions of this Court. It is reasonable to assume that any State Government which has failed to appreciate the correct position in law so far, will forthwith correct its stance and take the necessary remedial measures without any further delay.

5. We further direct as under :-

I. General :

**5I/1.** In view of the meaning of the word "forest" in the Act, it is obvious that prior approval of the Central Government is required for any non-forest activity within the area of any "forest". In accordance with Section 2 of the Act, all on-going activity within any forest in any State throughout the country, without the prior approval of the Central Government, must cease forthwith. It is, therefore, clear that the running of saw mills of any kind including veneer or ply-wood mills, and mining of any mineral are non-forest purposes and are, therefore, not permissible without prior approval of the Central Government. Accordingly, any such activity is prima facie violation of the provisions of the Forest Conservation Act, 1980. Every State Government must promptly ensure total cessation of all such activities forthwith.

**5I/2.** In addition to the above, in the tropical wet ever-green forests of Tirap and Changlang in the State of Arunachal Pradesh, there would be a complete ban on felling of any kind of trees therein because of their particular significance to maintain ecological balance needed to preserve bio-diversity. All saw mills, veneer mills and ply-wood mills in Tirap and Changlang in Arunachal Pradesh and within a distance of 100 kms. from its border, in Assam, should also be closed immediately. The State Governments of Arunachal Pradesh and Assam must ensure compliance of this direction.

**5I/3.** The felling of trees in all forests is to remain suspended except in accordance with the Working Plans of the State Governments, as approved by the Central Government. In the absence of any Working Plan in any particular State, such as Arunachal Pradesh, where the permit system exists, the felling under the permits can be done only by the Forest Department of the State Government or the State Forest Corporation.

**5I/4.** There shall be a complete ban on the

movement of cut trees and timber from any of the seven North-Eastern States to any other State of the country either by rail, road or water-ways. The Indian Railways and the State Governments are directed to take all measures necessary to ensure strict compliance of this direction. This ban will not apply to the movement of certified timber required for defence or other Government purposes. This ban will also not affect felling in any private plantation comprising of trees planted in any area which is not a forest.

**5I/5.** Each State Government should constitute within one month an Expert Committee to :

- (i) Identify areas which are " forests", irrespective of whether they are so notified, recognised or classified under any law, and irrespective of the ownership of the land of such forest;
- (ii) Identify areas which were earlier forests but stand degraded, denuded or cleared; and
- (iii) identify areas covered by plantation trees belonging to the Government and those belonging to private persons.

**5I/6.** Each State Government should within two months, file a report regarding :-

- (i) the number of saw mills, veneer and ply-wood mills actually operating within the State, with particulars of their real ownership;
- (ii) the licensed and actual capacity of these mills for stock and sawing;
- (iii) their proximity to the nearest forest;
- (iv) their source of timber.

**5I/7.** Each State Government should constitute within one month, an Expert Committee to assess :

- (i) the sustainable capacity of the forests of the State qua saw mills and timber based industry;
- (ii) the number of existing saw mills which can safely be sustained in the State;
- (iii) the optimum distance from the forest, qua that State, at which the saw mill should be located.

**5I/8.** The Expert Committee so constituted should be requested to give its report within one month of being constituted.

**5I/9.** Each State Government would constitute a Committee comprising of the Principal Chief Conservator of Forests and another Senior Officer to oversee the compliance of this order and file status reports.

**5II. FOR THE STATE OF JAMMU and KASHMIR:**

**5II/1.** There will be no felling of trees permitted in any "forest", public or private. This ban will not affect felling in any private plantations comprising of trees planted by private persons or the Social Forestry Department of the State of Jammu and Kashmir and in such plantations, felling will be strictly in accordance with law.

**5II/2.** In 'forests', the State Government may either departmentally or through the State Forest Corporation remove fallen trees or fell and remove diseased or dry standing timber, and that only from areas other those notified under the Jammu and Kashmir Wild Life Protection Act, 1978 or any other law banning such felling or removal of trees.

**5II/3.** For this purpose, the State Government will constitute an Expert Committee comprising of a representative being an IFS Officer posted in the State of Jammu and Kashmir, a representative of the State Government, and two private experts of eminence and the Managing Director of the State Forest Corporation (as Member Secretary) who will fix the qualitative and quantitative norms for the felling of fallen trees, diseased any dry standing trees. The state shall ensure that the trees so felled and removed by it are strictly in accordance with these norms.

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**5II/4.** Any felling of trees in forest or otherwise or any clearance of land for execution of projects, shall be in strict compliance with the Jammu and Kashmir Forest Conservation Act, 1990 and any other laws applying thereto. However, any trees so felled, and the disposal of such trees shall be done exclusively by the State Forest Corporation and no private agency will be permitted to deal with this aspect. This direction will also cover the submerged areas of the THEIN Dam.

**5II/5.** All timber obtained, as aforesaid or otherwise, shall be utilised within the State, preferably to meet the timber and fuel wood requirements of the local people, the Government and other local institutions.

**5II/6.** The movement of trees or timber (sawn or otherwise) from the State shall, for the present, stand suspended, except for the use of DGS and D, Railways and Defence. Any such movement for such use will-

a) be effected after due certification,

consignment-wise made by the Managing Director of the State Corporation which will include certification that the timber has come from State Forest Corporation sources; and

b) be undertaken by either the Corporation itself, the Jammu and Kashmir Forest Department or the receiving agency.

**5II/7.** The State of Jammu and Kashmir will file, preferably within one month from today, a detailed affidavit specifying the quantity of timber held by private persons purchased from State Forest Corporation Depots for transport outside the State (other than for consumption by the DGS and D, Railways and Defence). Further directions in this regard may be considered after the affidavit is filed.

**5II/8.** No saw mill, veneer or plywood mill would be permitted to operate in this State at a distance of less than 8 Kms. from the boundary of any demarcated forest areas. Any existing mill falling in this belt should be relocated forthwith.

**5III.** FOR THE STATE OF HIMACHAL PRADESH AND THE HELL REGIONS OF THE STATES OF UTTAR PRADESH AND WEST BENGAL:

**5III/1.** 1. There will be no felling of trees permitted in any forest, public or private. This ban will not affect felling in any private plantation comprising of trees planted in any area which is not a 'forest'; and which has not been converted from an earlier "forest". This ban will not apply to permits granted to the right holders for their bona fide personal use in Himachal Pradesh.

**5III/2.** In a 'forest', the State Government may either departmentally or through the State Forest Corporation remove fallen trees or fell and remove diseased or dry standing timber from areas other than those notified under Section 18 or Section 35 of the Wild Life Protection Act, 1972 or any other Act banning such felling or removal of trees.

**5III/3.** For this purpose, the State Government is to constitute an Expert Committee comprising a representative from MOEF, a representative of the State Government, two private experts of eminence and the MD of the State Forest Corporation (as Member Secretary), who will fix the qualitative and quantitative norms for the felling of fallen trees and diseased and standing timber. The State shall ensure that the trees so felled and removed are in accordance with these norms.

**5III/4.** Felling of trees in any forest or any clearance of forest land in execution of projects shall be in strict conformity with the Forest Conservation Act, 1980 and any other laws applying thereto. Moreover, any trees so felled, and the disposal of such trees shall be done exclusively by the State Forest Corporation and no private agency is to be involved in any aspect thereof.

**5IV.** FOR THE STATE OF TAMIL NADU:

**5IV/1.** There will be a complete ban on felling of trees in all 'forest areas'. This will however not apply to

:-

(a) trees which have been planted and grown, and are not of spontaneous growth, and

(b) are in areas which were not forests earlier, but were cleared for any reason.

**5IV/2.** The State Government, within four weeks from today, is to constitute a committee for identifying all "forests".

**5IV/3.** Those tribals who are part of the social forestry programme in respect of patta lands, other than forests, may continue to grow and cut according to the Government Scheme provided that they grow and cut trees in accordance with the law applicable

**5IV/4.** Insofar as the Plantations (tea, coffee, cardamom etc.) are concerned, it is directed as under:

a) The felling of shade trees in these plantations will be-

i) limited to trees which have been planted, and not those which have grown spontaneously;

ii) limited to the species identified in the TANTEA report;

iii) in accordance with the recommended by TANTEA; and

iv) under the supervision of the statutory committee constituted by the State Government.

b) Insofar as the fuel trees planted by the plantations for fuel wood outside the forest area are concerned, the State Government is directed to obtain within four weeks, a report from TANTEA as was done in the case of shade trees, and the further action for felling them will be as per that report. Meanwhile, eucalyptus and wattle trees in such area may be felled by them for their

own use as permitted by the statutory committee.

c) the State Government is directed to ascertain and identify those areas of the plantation which are a "forest" and are not in active use as a plantation. No felling of any trees is however to be permitted in these areas, and sub-paras (b) and (c) above will not apply to such areas.

d) There will be no further expansion of the plantations in a manner so as to involve encroachment upon (by way of clearing or otherwise) of "forests".

**5IV/5.** As far as the trees already cut, prior to the interim orders of this Court dated December 11, 1995 are concerned, the same may be permitted to be removed provided they were not so felled from Janmam land. The State Government would verify these trees and mark them suitably to ensure that this order is duly complied with. For the present, this is being permitted as a one time measure.

**5IV/6.** Insofar as felling of any trees in Janmam lands is concerned (whether in plantations or otherwise), the ban on felling will operate subject to any order made in the Civil Appeals Nos. 367 to 375 of 1977 in C. A. Nos. 1344-45 of 1976. After the order is made in those Civil Appeals on the I.As. Pending therein, if necessary, this aspect may be re-examined.

**5IV/7.** This order is to operate and to be implemented, notwithstanding any order at variance, made or which may be made by any Government or any authority, tribunal or court, including the High Court.

**6.** The earlier orders made in these matters shall be read, modified wherever necessary to this extent. This order is to continue, until further orders. This order will operate and be complied with by all concerned, notwithstanding any order at variance, made or which may be made hereafter, by any authority, including the Central or any State Government or any Court (including High Court) or Tribunal.

**7.** We also direct that notwithstanding the closure of any saw mills or other wood-based industry pursuant to this order, the workers employed in such units will continue to be paid their full emoluments due and shall not be retrenched or removed from service for this reason.

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8. We are informed that the Railway authorities are still using wooden sleepers for laying tracks. The Ministry of Railways will file an affidavit giving full particulars in this regard including the extent of wood consumed by them, the source of supply of wood, and the steps taken by them to find alternatives to the use of wood.

9. I.A. Nos. 7,9,10,11,12,13 and 14 in Writ Petition (Civil) No. 202 of 1995 and I.A. Nos. 1,3,4,5,6,7,8 and 10 in Writ petition (Civil) No.171 of 1996 are disposed of, accordingly.

10. List the matter on February 25, 1997 as part-heard for further hearing.

Order Accordingly.