

## Government of Maharashtra

**By Speed Post**

No.FLD-12A23/C.R.195/F-10  
Revenue and Forest Department,  
Mantralaya, Mumbai - 400 032.  
Dated: 31.08.2023

To,  
Regional Officer (Central),  
Integrated Regional Office, MoEF&CC,  
Government of India, Civil Lines, Nagpur.

**Subject: Forest Land-Palghar**

Diversion of 14.93 ha. Restored Private Forest land in favour of owners of the land for construction of Residential Project and other non-forest activities such as amenities, open space etc at Village Valiv, Tal. Vasai, Dist. Palghar.

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 14.93 ha. Restored Private Forest land for construction of Residential Project and other non-forest activities such as amenities, open space etc at Village Valiv, Tal. Vasai, Dist. Palghar.

2. The details of forest land proposed for diversion are as under:-

Sr. No.	Item of Works / Purpose	Village, Taluka, District	Survey / Gut No.	Proposed Area (in ha.)
1.	Existing construction of Ice Factory i.e. prior to 1980	Valiv, Tal. Vasai, Dist. Palghar	40	0.36
2.	Area under Amenity			0.7285
3.	Area under layout road			1.6253
4.	Open Space			2.9140
5.	Area under net plot			9.3022
	Total (in ha.)			14.93

2. The Private Forest land owners have submitted proposal under Forest (Conservation) Act, 1980 for diversion of 14.93 ha. Restored Private Forest land for construction of Residential Project and other non-forest activities such as amenities, open space etc at Village Valiv, Tal. Vasai, Dist. Palghar.

3. The proposed private forest land was restored under Maharashtra Private Forests (Acquisition) Act, 1975 to the owners of the land. The restoration order issued by the Sub-Divisional Officer, Bhiwandi is enclosed in the proposal.

4. With reference to such proposal, earlier the Government of Maharashtra vide letter no. FLD-12/2019/CR-671/F-3 dated 02.07.2020 had requested to grant approval of the Central Government for the application under section 22-A of Maharashtra Private Forest

(Acquisition) Act, 1975. The Government of India vide letter No.FC/Misc-250/RON/2020-NGP/7119, dated 04/09/2020 has conveyed that no such approvals are granted by Central Government under section 2 of Forest (Conservation) Act, 1980 and suggested that for de-notification of Forest Land User Agency may approach Hon'ble Supreme Court for prior permission in pursuance to order dated 13.11.2000 in WP No.337/1995 and if the User Agency desires to divert forest land for any non-forestry activity a comprehensive forest diversion proposal under Section-2 of Forest (Conservation) Act, 1980 need to be submitted through State Government / Nodal Officer for further consideration of Central Government.

5. Irrespective of restoration, whether it is restored before or after 25.10.1980, status of land remains as a Deemed Reserve Forest. By treating this land as a Deemed Forest (like RF/PF), proposal is submitted for diversion for non-forestry purpose.

**6. The Deputy Conservator of Forests has certified that:-**

6.1 The forest land required is lowest minimum

6.2 The area belongs to Eco-value class-III having density up to 0.3

6.3 There are 735 trees of various species required to be felled for implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm.									
0-30 cm	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-105 cm	106-120 cm	121-135 cm	Above 135 cm	Total
0	0	175	234	162	93	53	14	4	735

6.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.

6.6 Out of 14.93 ha. Restored Private forest area, 0.36 ha. area has been utilized for non-forest use with the permission of competent authority in 1974, i.e. prior to commencement of Forest (Conservation) Act, 1980. Hence, there is no violation of Forest (Conservation) Act, 1980.

6.7 Proposed project is at distance of 1.5 km from Tungareshwar Wildlife Sanctuary and within it's Eco-Sensitive Zone. Hence, Wildlife Clearance is required for the project.

6.8 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996.

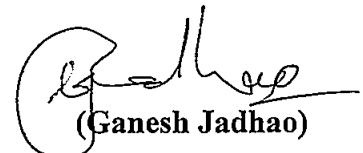
**7. The User Agency has submitted an undertaking:-**

7.1 to defray the cost of Compensatory Afforestation.

7.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

- 7.3 to submit necessary compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
8. User Agency has proposed 15.58 ha. non-forest land in Gut No. 875/2 at Village-Furus, Tal. Chiplun, Dist. Ratnagiri. It has dense forest cover, and it is within Eco-Sensitive Zone of Koyna Wildlife Sanctuary. Hence, this non-forest land can be accepted in lieu of forest land, irrespective of crown density. Actual Afforestation can be carried over an equivalent degraded forest land.
  9. The Deputy Conservator of Forests, Chief Conservator of Forests, Thane, Addl. PCCF & Nodal Officer and Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur have recommended the proposal for approval under Section-2 of the Forest (Conservation) Act, 1980. Their recommendations are enclosed in the proposal.
  10. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that the said private forest land (0.3129 ha.) may be allowed to be diverted **in favour of owners of the land**, subject to the conditions proposed by the Principal Chief Conservator of Forests (HoFF) as well as following additional conditions:-
    - i. *Legal status of the forest land shall remain unchanged. Due process shall be followed as per Private Forest (Acquisition) Act, 1975 and other relevant Acts & Rules regarding restoration of the land. For de-reservation / de-notification of Forest Land prior permission of Hon'ble Supreme Court shall be obtained.*
    - ii. *User Agency shall obtain Wildlife Clearance.*
    - iii. *Equivalent non-forest land in Gut No. 875/2 at Village- Furus, Tal. Chiplun, Dist. Ratnagiri shall be accepted in lieu of forest land, irrespective of crown density and Actual Afforestation shall be taken up by the Forest Department over an equivalent degraded forest land. Details of degraded forest land proposed for CA shall be submitted along with compliance of Stage-I approval. As far as practicable a mixture of local indigenous species will be planted and monoculture of a species has to be avoided.*

The matter may kindly be placed before the Government of India for approval under Section-2 of the Forest (Conservation) Act, 1980.

  
(Ganesh Jadhao)

Under Secretary to the  
Government of Maharashtra

Under Secretary  
Revenue and Forests Department  
Hutatma Rajguru Chowk  
Madam Cama Road, Mantralaya  
Mumbai 400 032

**Encl:** A) Set of case papers

B) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Area Statement

3. Commitment from the Applicant for defraying the cost of Net Present Value.
4. Brief note of the project
5. Site Inspection Report.
6. Certificate in Part V.
7. Order of Restoration of Private Forest Land.

**Copy:**

1. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/Nodal/Thane/ID-12645(66)-363/2023-24, Dt.04.05.2023
2. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
3. Chief Conservator of Forests (T), Thane
4. Deputy Conservator of Forests, Thane / Dahanu.
5. Select File (F-10)

### **Forest Land-Palghar**

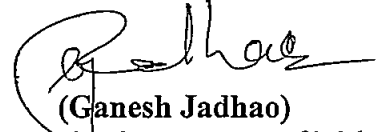
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### **PART - V**

(To be filled up by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

#### **1. Recommendation of the State Government**

The proposal is recommended  
vide Government letter  
No.FLD-12A23/C.R.195/F-10  
Dated: 31.08.2023



**(Ganesh Jadhao)**

Under Secretary to the Government of Maharashtra

**Place:** Mumbai.

**Date:** 31.08.2023

Under Secretary  
Revenue and Forests Department  
Hutatir, Gurgaon  
Madam C, Ad, Mantralaya  
Mumbai - 400 032