

**Subject: Forest Land-Raigad**

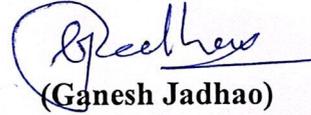
Diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non-forest purpose i.e. Eco-Tourism activities like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad.

**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-1322/C.R.74/F-10  
Dated: 02.05.2022

  
(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

**Place:** Mumbai.

**Date:** 02.05.2022

## Government of Maharashtra

By Speed Post

No.FLD-1322/CR-74/F-10  
Revenue and Forest Department,  
Mantralaya, Mumbai - 400 032.  
Dated: 02.05.2022

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

### Subject: Forest Land-Raigad

Diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non-forest purpose i.e. Eco-Tourism activities like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc., at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad.

Sir,

The Additional Principal Chief Conservator of Forests, Maharashtra State, Nagpur has submitted proposal for diversion of 5.733 ha. Restored Private Forest land (Restored before 25/10/1980) for non-forest purpose i.e. Eco-Tourism activities like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc. at Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad.

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

Sr. No	Item wise work proposed	Village	Gut No.	Survey No.	Length & Width (in Mtrs)	Area (in Sq.Mter)	Area (in ha)	Legal Status	
1	Forest Huts/Tent	Kalote Mokashi	314/2(9)	19/7, 19/8, 21/2, 3/A, 26/3	7x7x83 Nos.	4067	0.4067	Restored Private Forest Land (Restored Before 25/10/1980 )	
2	Internal Pathway including underground Electric Line & Water Pipeline, Drainage Line Sewage Line, Along the Pathway			19/7, 19/8, 21/2, 3/A, 26/3	1577 x 1.8	2839	0.2839		
3	Open Space Landscaping Terrain/ Natural Tree Growth			19/7, 19/8, 21/2, 3/A, 26/3	Irregular Shape	50424	5.0424		
<b>Total Area (in ha.)</b>							<b>5.733</b>		

2. The proposal has been initiated by Mr.Rahi Vaghani, Authorized Signatory & Project Authority applied on behalf of Mr. Govind Jivrajbhai Vaghani for use of Restored

Private Forest land to non-forest purpose i.e., Eco-Tourism activities like Forest Huts/ Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc.

3. The said area located in Konkan Region and forms the part of the Konkan belt. Forest Department, Government of Maharashtra as well as Ministry of Tourism, Government of India has the specific agenda to promote to promote Eco-Tourism in the country in a reasonable and sustainable manner and as per this mandate promotion of Eco Tourism assumes larger importance. Eco Tourism which is ecologically sustainable. The concept of ecological sustainability subsumes the environmental carrying capacity of a given area. The general principal of Eco-Tourism development should be compatible with the environment and socio-cultural characteristics of local community and it should be planned as a part of overall area development strategy guided by integrated land use plan avoiding intersect oral conflicts and ensuring sectoral integration associated with commensurate expansion of public services. User Agency has planned to create a village theme project called Monteria Village, which is spread over 8.042 ha., it may include recycle garden, green igloo (Made of Creepers), Swimming pool, rain dance, natural stone waterfall, bamboo garden and in a small garden.

4. The User Agency had purchased the land admeasuring about 13.7750 ha. of Gut No.302,303,304,305,314/2 (Part),315,317,318,320,321 and 504 in the year 2007. Out of that the land admeasuring 5.733 ha. of Gut No. 314/2(Part), (Old Survey No.19/7,19/8, 21/2+3A,26/3) was restored to the original Khatedar by Deputy Collector (P.F). Kulaba, Alibag in August, 1978 which is prior to enforcement of Forest (Conservation) Act, 1980.

5. Hence the User Agency has submitted the proposal under Forest (Conservation) Act, 1980 to seek the prior approval of the Central Government for the diversion of Restored Private Forest land (Restored before 25/10/1980) from Gut No.314/2 (Part), (Old Survey No.19/7,19/8,21/2+3A,26/3) of Village Kalote Mokashi, Tal. Khalapur, Dist. Raigad to extent of 5.733 ha. for non-forest purpose i.e. Eco Tourism Activities like Forest Huts/Tents, Internal Pathway including Electrical line, Water pipe line, drainage line, Sewage line etc.

#### **6. Backdrop of the project:-**

- 1) The said land was previously owned by Principal owner Shri. Lahu Bhiva Patil, Ramchandra Namdev Patil and Shri. Lakhu Vinu Patil. This land was restored after enquiry under section 22/A of Maharashtra Private Forest (acquisition) Act, 1975 by order of Deputy Collector (Private Forest), Kulaba, Alibag in August, 1978 which is prior to 25/10/1980. The said restoration order & 7/12 extract is enclosed in the proposal.
- 2) After that Shri. Lahu Bhiva Patil, Ramchandra Namdev Patil and Shri. Tukaram Shankar Vichare and Shri. Promod Tukaram Vichare sold and transferred the said agriculture land by Registered sale deed and also mutated in 7/12 extract. (copy enclosed)
- 3) After that Shri. Tukaram Shankar Vichare and Shri. Promod Tukaram Vichare purchased this land by the registered sale deed No.6385/2007, dated 25/07/2007 & then sold, transferred and delivered to Shri. Govind Jivrabhai Vaghani, accordingly mutation has been done. (copy enclosed)

## **7. Remarks of Addl. PCCF (Conservation) regarding status of forest land involved:-**

- 7.1 The said land 5.733 ha. bearing survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad has been proposed by the project proponent Mr. Rani Vaghani, authorized signatory and project authority has applied on behalf of Shri Govind Jivrajbhai Vaghani for use of restored private forest land to non-forest purpose (Construction of forest huts/tents, roads, garden, electric line, pipeline, sewage line, etc.)
- 7.2 This private forest land of survey nos. 19/7, 19/8, 21/2, 3/A, 26/3, Gat no. 314/2 (9) village Kalote Mokashi, Ta. Khalapur, Dist Raigad having total area of 5.733 ha. was restored before 1980. project is proposed in 5.733 ha. this land is at a distance of 14.50 km. from Karnala Bird Sanctuary and at a distance of 33.37 km. from Sudhagad Wildlife Sanctuary.
- 7.3 The original owners of the land are Shri Lahu Bhiwa Patil, Ramchandra Namdeo Patil and Shri Lakhu Vinu Patil their land was acquired by forest dept. on dt 30.08.1975 under Maharashtra Private Forest Act 1975. As per provision u/s 22A, Dy. Collector, (Private Forest), Kulaba, Alibag in August, 1978, which is prior to 25.10.1980.
- 7.4 The above mentioned owners sold their land to Shri Tukaram Shankar Vichare, and Shri Pramod Tukaram Vichare after restoration and subsequently purchased by Shri Govind Jivrajbhai Vaghani and 1 other on dt 25.07.2007.
- 7.5 As the restoration is prior to dt. 25.10.1980 the sale/ purchase of the restored forest land is legal and valid. The Forest Conservation Act prohibits only the change in land use by the owner having control over the forest land and does not prohibit the change in ownership of Private Forest by way of sale/ purchase. The restoration order is attached herewith.
- 7.6 As there is entry of "Forest" in the other rights column of 7/12 extract the status of the land is "Forest". It attracts the provisions of The Forest Conservation Act, 1980. Any non-forest use of this land requires prior approval of Government of India under The Forest Conservation Act, 1980.
- 7.7 As the land under proposal is restored prior to dated 25/10/1980 the said proposal may be sent to GOI for permission of non-forest use.

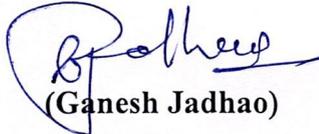
## **8. The Deputy Conservator of Forests, Alibag has certified that:-**

- 8.1 The forest land required is barest minimum
- 8.2 The area belongs to Eco-value class-I having density is below 0.2
- 8.3 There is no cutting and felling of trees involved in this project
- 8.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 8.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance
- 8.6 There is no violation of Forest (Conservation) Act, 1980.

- 8.7 Proposed project is not within 10 km from the National Park/ Sanctuary and the project will not have any adverse effect on the wildlife within National Park/Sactuary. The Karnala Bird Sanctuary is 14.02 Km. and Sudhagad Wildlife Sanctuary is 33.37 Km away from the proposed project site
- 8.8 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.
- 8.9 The Deputy Conservator of Forests, Alibag has certified that as the land required is Restored Private Forest Land, owned by the Project Authority. Hence, Compensatory Afforestation is not proposed in the proposal. However, the directives of Government of India will be complied.
- 8.10 The Deputy conservator of Forests, Pune has submitted an authenticated copy of the restoration order.
9. The User Agency has submitted an undertaking:-
- 9.1 to defray the cost of Compensatory Afforestation.
- 9.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 9.3 to submit necessary compliance under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
10. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
11. In the circumstances explained in aforesaid paragraphs and enclosures, the State Government recommends that the said forest land may be allowed to be diverted subject to the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur as well as following additional condition:-

*User Agency / Dy.Conservator of Forests shall propose non-forest or degraded forest land for Compensatory Afforestation, if MoEF&CC directs to do so.*

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

  
(Ganesh Jadhao)

Under Secretary to the  
Government of Maharashtra

**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. Violation Report
8. 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-13059(76)/2247/21-2022, Dt.28.01.2022
2. Principal Chief Conservator of Forests & C.E.O, Maha-CAMPA, Nagpur
3. Chief Conservator of Forests (T), Thane
4. Deputy Conservator of Forests, Alibag.
5. Rahi Vaghani, Authorized Signatory / Shri. Govind Jivrajbhai Vaghani.
6. Select File (F-10)