

Proposal for permission to use Restored Private Forest Land for Non Forest purpose and approval to Restoration Order of Survey No.40, area 14.93 ha. of Village Valiv, Tal. Vasai, Dist. Palghar by Shri. Shokinkumar Shankarlal Jain.

JUSTIFICATION

An urban agglomeration is a continuous urban spread constituting a town, industries and its adjoining out growths. The Govt. also motivates to create townships, smart cities and small scale industries and hubs . Growth rate statistics from the past few years points towards the changing dynamics in the Region. The geographical location of this project is unique and surrounding by industrial units / complex.

The proposed land situated at Village Valiv, Taluka Vasai, Dist. Palghar bearing Survey No.40 admeasuring 14.93 ha. belong to us and in possession of ourself . By sale deed dated 12th August, 1974 the land in question is purchased by ourself i.e. Shri. Jasraj Nanalal Jain & other & accordingly a mutation entry has been effected. Meanwhile on application, the Sub Divisional Officer, Bhiwandi had issued Non Agriculture (NA) permission in the year of 1974. Later on, in the same year construction for Ice factory has been done over 0.36 ha. area out of total 14.93 ha.

Further, in the year 1994 the District Collector, Thane had Suo-Moto initiated proceedings under Maharashtra Private Forest Act, 1975. The Sub Divisional Officer, Bhiwandi had conducted an enquiry behalf of collector, Thane and passed an order therein to effect that the total land i.e. 14.93 ha. of Survey No.40 at village Valiv restored to ourself U/s 22-A of MFA 1975 vide his letter No.REV/PF/Valiv/Enquiry No.1 of 1991, Dated 26/09/1994.

Actually we were un aware that the land being Restored Private Forest Land, as there was the title of land shows clear. Any record of forest land not found in the Revenue Record also the 7/12 extracts of the said property does not shows the Right of Forest Department but later on as per the Circular dated 19.07.2000 of Divisional Commissioner, Konkan, Division Revenue Officials has recorded the Right of the Forest Department.

From above circumstances, it is clearly appeared that this case is a **Mistake of Fact**. In view of the above factual position & location of the said land, we planning to develop the said property. Therefore, I am submitting proposal U/s 2 of FCA 1980 for permission to use Restored Private Forest land for Non Forest purpose i.e. construction of Residential Project and also getting approval to restoration order of Sub Divisional Officer, Bhiwandi, dated 26/09/1994.


Being the question of providing alternative equal Non Forest land and paying NPV against the Restored Private Forest land is not binding upon us. We, the PA agree to bear the cost of equaled Compensatory Afforestation on degraded Forest land elsewhere. However, Project Authority undertakes / agreed to provide alternate Non Forest land and defray the cost of NPV if directed by GOI.

Therefore, it is humbly request to consider our proposal sympathically, positively and necessary co operation may also kindly be given for obtaining such as permissions for GOI.

Place : Thane

Date : / /2017

Project Authority


(Shokinkumar Shankarlal Jain)

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PROJECT NOTE

(By Project Authority)

The land admeasuring 14.93 ha. bearing Survey No.40 lying and situated at Village and Saja Valiv, Tal. Vasai, Dist. Palghar.

By a Sale Deed dated 12th August, 1974 the land in question has been purchased by our self ie. Shri. Jasraj Nanlal Jain and others, accordingly a mutation entry was effected by Revenue Officials on 23rd Sep. 1978. Meanwhile on application, Sub Divisional Officer, Bhiwandi had issued Non Agriculture Permission (NA) vide his order No.SAP/BAI/21, Dated 30th April, 1974. In the same year, i.e. in August 1974 a construction of Ice Factory has been established over 0.36 ha. with all necessary permissions out of total 14.93 ha., which is prior to 1980. Remaining land admeasuring 14.57 were free from any construction. The asset/tax against the same was regularly paid up to date.

In the year of 1994 ,the Dist. Collector, Thane suo- motu initiated proceedings under Maharashtra Private Forests (Acquisition) Act, 1975, in respect of the said land. In this regard, the Sub Divisional Officer, Bhiwandi Division, Bhiwandi had conducted an enquiry and proceedings and accordingly vide his letter No.REV/PF/Valiv/Enquiry No.1 of 1991 Dated 26th Sep. 1994 passed an order therein to the effect that the total land 14.93 ha. of Survey No.40 at village Valiv, Tal. Vasai restored to ourself and further directed the Revenue Officials to effect/take mutations in Record of Rights in terms of said order. The proposed area which has been restored back to us on after 1980.

Actually we were unaware that the land being Restored Private Forest Landland, as there was any record of forest land not found in the Revenue Record. Also earlier the 7/12 extracts of the said property does not shows the Right of Forest Department but later On Revenue officials has recorded the Right of Forest Department in our 7/12 extracts as per the Circular of Divisional Commissioner, Konkan Division dated 19.07.2000.

From above circumstances, it is clearly appeared that this case is a **Mistake of Fact**. In view of the above factual position & location of the said land, we planning to develop the said property. Therefore, I am submitting a proposal U/s 2 of FCA 1980 for Permission to use Restored Private Forest land for Non Forest purpose i e. construction of Residential Project and also getting approval to restoration order of Sub Divisional Officer, Bhiwandi, dated 26/09/1994.

Being the question of providing alternative equal Non Forest land and paying NPV against the Restored Private Forest land is not binding upon us. We, the PA agrees to bear the cost of equaled Compensatory Afforestation on degraded Forest land elsewhere. However, Project Authority undertakes / agreed to provide alternate Non Forest land and defray the cost of NPV if directed by GOI.

Therefore, it is humbly request to consider our proposal sympathically, positively and necessary co-operation may also kindly be given for obtaining such as permissions for GOI.

Thanking you.



(Shokinkumar Shankarlal Jain)

Place : Thane

Date : / /2017