

**BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE  
BENCH, PUNE**

Application No.135(THC) /2013 (WZ)

(Disposed of on 13-1-2014)

Smt. Shobha Phadanvis Vrs. State of Maharashtra & Ors.

**CORAM: HON'BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER  
HON'BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER**

**Present: Applicant/ Appellant : None present.  
Respondent No. 1 : Smt. Ujawala Pawar, DGP  
Mr. Pradeep Kumar,  
Chief Conservation of Forest, Land Record  
Dr. C.L. Pulkandwar,  
Settlement Commissioner, Pune  
(On behalf of Princ. Secretary (Rev.))**

Date and Remarks	Orders of the Tribunal
Item No. 3 3 <sup>rd</sup> December, 2015 Order No. 18	<p>We have heard learned DGP Smt. Ujawala Pawar appearing for State of Maharashtra.</p> <p>Mr. Pradeep Kumar, Chief Conservator of Forest (Land Record) and Dr. C.L. Pulkundwar, on behalf of Principal Secretary (Revenue) are present in person.</p> <p>Affidavit of Mr. Pradeep Kumar, Chief Conservator of Forest (Land Record) filed on 3<sup>rd</sup> December 2015 shows that the identified forests of private areas in the state have not been demarcated and mapped so far.</p> <p>It is contended by learned DGP Smt. Ujawala Pawar, that the process of taking entries in the Revenue Record will require some time, in as much as Rules for taking the Revenue entries will need amendment and will also need approval of the concerned authorities (Revenue Department). She seeks time to finalise course of action on this issue. Leave granted. She further submits that though concerned part of the private forest are identified, yet, demarcation is not completed as shown in the records before the Tribunal. It will require significant resources in terms of manpower and expenditure besides time.</p> <p>Notwithstanding, the fact that from time to time, several directions are being given in the matter to secure due compliances of the Judgment passed by this Tribunal in Application No.135(THC)/2013 filed by Smt. Shobha Phadanavis, the then MLA, in order to protect Forest area. We are, still, unable to understand as to why the process is not completed in order to</p>

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atleast finalise the criteria for determination of private forest area, within State of Maharashtra as per the directions in, %*N. Gopdavarman Thirumulkpad Vrs. Union of India and Ors.in A.I.R. 1997 S.C. 1228+*.

Though, it is assured that the process will be expedited and now geo-mapping is under progress, it is essential to protect the forest area when the private forest, is not demarcated appropriately on the basis of any criteria.

By way of ad-interim relief, we direct that Chief Secretary of State of Maharashtra shall issue instructions to all the Collectors of all the Districts, in the State of Maharashtra or the other competent authorities concerned, to restrain themselves from issuing of any permission to convert the land use, at such identified private forest areas, specifically by felling trees and using of agricultural land for commercial purpose, until further orders without justification, viz. urgent necessity of establishment of any essential industries or infrastructure project, which may be vetted from the competent authority and be putforth for approval of the National Green Tribunal without any delay through concerned Divisional Commissioner which we shall consider immediately, as far as possible, within a day or two, depending upon bonafides and need based requirement of such connotation of the land use.

Copy of this order be taken by the concerned Officer by *Dasti* service and be served to Chief Secretary of State of Maharashtra, through his P.S. immediately.

**Stand over to 18<sup>th</sup> January, 2016.**

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**(Justice V. R. Kingaonkar)**

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**(Dr.Ajay A. Deshpande)**

**ajp**