

## **MAHARASHTRA FELLING OF TREE (REGULATION) RULES, 1967**

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## **MAHARASHTRA FELLING OF TREE (REGULATION) RULES, 1967**

In exercise of the powers conferred by sub-section (1) of Section 15 of the Maharashtra Felling of Trees (Regulation) Act, 1964 (Mah. XXXIV of 1964), the Government of Maharashtra hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said Section 15, namely

### **1. Short title :-**

The rules may be called the Maharashtra Felling of Trees (Regulation) Rules, 1967

### **2. Definitions :-**

In these rules, unless the context otherwise requires,

- (a) "Act" means the Maharashtra Felling of Trees (Regulation) Act, 1964;
- (b) "Form" means a form appended to these rules;
- (c) "Section" means a section of the Act

### **3. Application for permission under Section 3(1 A) :-**

(1) Any person seeking permission of the Revenue Officer under [sub-section (1A) of Section 3) to fell any tree or trees shall make an application in Form I. The application shall be presented either in person or be sent by post

(2) On receipt of the application, the Revenue Officer shall acknowledge the receipt if the application is complete in all

respects. If the application is not complete, he shall immediately return the application to the applicant pointing out to him the deficiencies in the application, and ask the [applicant to resubmit] the application after completing it in all respects

#### **4. Grant of permission :-**

(1) On receipt of an application under Rule 3, the Revenue Officer shall, after holding such inquiry as he deems fit, ascertain whether the tree or trees to be felled in the land is or are of his ownership, and if the land is not of his ownership, whether the applicant has any right otherwise to fell the trees on the land

(2) For ascertaining if any tree is dead or deceased or windfallen or is silviculturally mature, the Revenue Officer shall, if the tree is situated within ten miles of a reserved or protected forest and in other cases may, consult a Forest Officer not below the rank of a Range Forest Officer

(3) If the Revenue Officer is satisfied that the applicant has a right to fell the tree or trees applied for, and the felling of the tree or trees is applied for any of the reasons specified in the proviso to [sub-section (1B) of Section 3] or will not defeat the object of the Act, he shall grant the permission to fell the tree or trees applied for in Form II. If the permission asked for is refused, the Revenue Officer shall record his reasons in writing for doing so

#### **5. Condition of permission :-**

Every person to whom a permission is granted under Rule 4 shall be liable to pay damages for any injury caused to the property of any person as a result of the felling of a tree or trees in pursuance of the permission

#### **6. Procedure for deciding an appeal under Section 3(2) :-**

In deciding an appeal made to him under sub-section (2) of Section 3 the Collector shall follow the same procedure as he is required to follow in deciding an appeal against an order passed by an officer subordinate to him under the provisions of the relevant Code