

NGT caution on commercial use of private forests

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PUNE: The National Green Tribunal (NGT) has directed the state government to exercise restraint while issuing permissions to convert land use at identified private forest areas, specifically for tree felling and use of agriculture land for commercial purpose, until further orders.

The bench of Justice V R Kingaonkar and Ajay A Deshpande was hearing former legislator Shobha Phadanvis's application seeking directions for protection of forest cover in the state. On January 13, 2014, the bench gave a judgment detailing various steps to be taken by the state government for protection of forest areas. The issue of compliance of these directives is now being considered by the tribunal. By an ad-interim relief, the bench ordered on December 3 that in case of any urgent necessity like setting up of an essential industry or infrastructure project, the proposal has to be vetted by the competent authority and shall be put forth for approval by the green tribunal through the concerned divisional commissioner.

The tribunal will expeditiously consider such plea, depending upon the bonafides and need-based requirement of such conversion of the land use, the order stated. The tribunal has directed the state chief secretary to issue instructions to this effect to all district collectors or the other competent authorities for compliance. District government pleader Ujjwala Pawar, who represented the state, told TOI, "Phadanvis had initially filed a writ petition in the Nagpur bench of the Bombay high court for protection of forest cover in the state, particularly in Chandrapur and Gadchiroli districts, by way of prohibiting/preventing illegal cutting of trees and smuggling of seasoned wood. The petition was later transferred to the NGT bench. The issue of

private forests has been earlier dealt with in details by the Supreme Court in the landmark Godavarman case. The same has a context in terms of the compliance matters before the tribunal."

The bench took cognizance of the statement made by Chief Conservator of Forest (Land Record) Pradeep Kumar in an affidavit filed on December 3 that the identified forests in private areas in the state have not been demarcated and mapped so far.

Pawar then informed the bench that the process of taking entries in the revenue record required some time as the rules for taking the revenue entries need to be amended and approved by the state revenue department authorities. She submitted that though the concerned part of the private forests are identified, yet, demarcation was not completed and the same required significant resources in terms of manpower and expenditure, besides time. The bench observed: "We are unable to understand why the process is not completed in order to at least finalize the criteria for determination of private forest areas within the state as per the directions in the T N Godavarman Thirumulpad vs Union of India case."

"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," the bench observed in justification of the ad-interim relief. The tribunal has posted the matter for next hearing on January 18.

Source:

<http://timesofindia.indiatimes.com/city/pune/NGT-caution-on-commercial-use-of-private-forests/articleshow/50082980.cms>