Massage
Time - 11-30

No. J/Application/C. P./12105/09
Off of the Commissioner of Police
Surat City, Gujarat State
Dt. 08-10-2009

To
Assi. Director,
National Commission for Schedule Tribes
Loknayak Bhavan,
New Delhi – 110003
Fax No. 011 – 24604689

Sub:- Regarding Alleged Atrocity on S.T. woman.

Ref:- Your office letter No. Gujarat/ST - 10/ 2006- Atrocity/ RU-I/ 09 dated 24/06/209

It is humbly stated in connection with above mentioned subject and that:

A report submitted by D.C.P. Crime Surat, Surat City, regarding representation of dated 20-04-2006 and dated 19-09-2008 Smt. Parvatiben Maganbhai Rathod residing at: Sim Vagada, Dummas, Surat regarding the land situated at Village Dumas bearing R. S. No. 311/10, 311/20.

For the above mentioned matter, by scrutinizing the investigation papers carried out by D.C.B, P.I., Umra and A.C.P. "E" Div. states the following facts.

- The facts mentioned in the application Dated 15/4/2004 and 27/42004 are false according to the report of P.S.I. on date 02-06-04. The Action Under Section 107 of C.R.P.C. vide Umra Police Station Chapter case No. 235/04 on date 26-05-04.
- The applicant filed regular civil suit No. 803/05 before the Honn'ble civil judge against Magan Mohanbhai Patel, Jayantibhai Vallabhabhai Patel, Ashok Vallabhbhai Patel and in this suit, the applicant applied for stay and in adition, the applicant applied for court commission and court commissioner Shri N.G.Nayak while making the observation of the said land stated on date 23-08-05 that the construction of the hut was new and the warning board of the applicant and her husband was also new.

  The applicant prayed for stay in the civil suit and the said application has been rejected on date 12-12-06 by the Hon'ble court suit is pending.
- Magan Mohan Patel has filed the complaint against Jitu Mohan Patel and other 17-person regarding make illegal assembly with weapons and to make criminal conspiracy for creating fearful atmosphere and to break the wall to enter in the place illegal. On this basis, an offence has been registered Umra Police Station I Cr. No.

436/05 u/s. 143, 148, 149, 447, 385, 427, 120B, 118 of IPC on date 24-08-05 and all these 17 accused have been arrested for this offence and the charge sheet has also been filed on date 17-10-05.

- The applicant and her husband has been called upon to settle the matter by the opponent (1) Ashok Dhanesh Randeria (2) Harshad Soni (3) Jituj Mohan Patel (4) Kiran Patel (5) Brijesh Modi (6) Kamlesh Dhanesh Randeria at Rundh Jakatnaka on date 24-08-05 and the applicant and her husband has been kidnapped from there and has been detained for 7 days at the house of Ashok at Machhiwad, Nanpura and thereafter they has been compelled to sign the ready document. For that, the complaint u/s. 344, 347, 365, 368, 506(2), 120(B) of IPC and under the provision of Atrocity Act has been filed before the chief court on date 23-11-05 and it was admitted as inquiry case No. 52/05 u/s 202 of C.R.P.C which is pending.
- The applicant stated in her application on date 04-01-06 that warning board iron bed two Matla, other vessels, weapon for forming , two pillows, two towels and many other things of kitchen were stolen on date 03-01-06. It is stated in the applicant's Statement taken by P.S.I. Patel on date 29-3-06 that "at present, the applicant is residing with her mother at Koliwad, Duimas since 6 months when P.S.I. Shri Vagadia visited the place on date 9-1-06 regarding to the applications date 2-1-06 and date 4-1-06 and according to the report of the P.I. of Umara it was found that there were two huts for the securities placed by the land owner. The applicant stated the incident took place on date 3-1-06 and so it was two months before the date 29-3-06 when applicant stated that she was not residing at the place, looking is to this, the entire incident doubtful.
- Talati Cum Mantri Balubhai Lalubhai Patel states in his statement on date 22-1-08 that the applicant or her husband's name is not as a tenant in the Hakk Patrak. It is not shown that the applicant and her husband do not state regarding they or their ancestors possessed the said land as tenant from the revenue record or they do not produce any record regarding this.
- The owners of the said land, Arun Fulchand Sopariwala possesses the land since 1964 and he states in his statement that he does not know the applicant or he does not hand over the land to any tenant.
- According to 7/12 village form, the year 1950 to 2004 there is no production of any crops. Only the grass exists. So, it is not true that the applicant is farming by bowing meat, Dudhi etc. Therefore, he ownership right regarding this land is not of the applicant or there is no produce of crops from the land.

It is submitted by the applicant that Chandabhai Mohanbhai Patel has signed falsely on the agreement to sell, and for that additional Police Commissioner "E" division has taken the handwriting of the applicant and the mark of the thumb of the applicant's husband. After getting of disputed sale deed and natural writing, to getting the opinion of hand writing experts is in process.

- Considering all the facts there is a dispute regarding possession and right of the land bearing 45107 sq.mtrs. It is not established that the applicant her husband or her mother in law or father in law have not posses the disputed land from revenue record. But the opponents have paid Rs.50,000/- to the applicant to vacate the possession and for that they have made an agreement for possession. Looking to this fact, the hut of the applicant is on the disputed land which can't be denied. But as discussed, above looking to the entire land scandal, different applications of the applicant under which different opponents and the abetted persons arrested by Umara Police Station for Cr.No.436/05 Hero Honda two vehilar and Honda city car have been found from the place. The economic condition of the applicant is not sound. Looking into this, the applicant can't use such vehicles. It is shown that arrested accused were established the hut for setting up the possession. Hence, it is shown that there are some persons who are taking benefit of the possession of the applicant by giving support to the applicant. NB.
- It is shown that the applicant made allegations against Police in her application but it is not corroborated by P.I., D.C.B. and P.I. of Umara Police Station etc.
- The Protection has been provide to applicant from dt.6/10/2009.

Order by D.C.P.Crime

(S.P.Ghadge)
Reader P.I.
For Commissioner of Police
Surat City, Gujarat State