



Government of India
National Commission for Scheduled Tribes
6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003.

File No. GSR/3/2018/STGGJ/DELAAL/RU-I

Date: 24/05/2018

To

1. The Principal Secretary,
Tribal Development Department,
Govt. of Gujarat,
6th Floor, Block 8,
New Sachivalaya ,
Gandhinagar – 382010.
(Gujarat).
Ph. 079-23252273.
Fax: 079-23252081.
Email: ds-estt-tdd@gujarat.gov.in
2. The Additional Chief Secretary,
Revenue Department,
Govt. of Gujarat,
New Sachivalay,
Gandhinagar
(Gujarat)
Ph. 079 - 23251501
Fax No. 079 - 23251508 / 591
Email: secrev@gujarat.gov.in
3. The District Collector,
District - Surat,
(Gujarat).
Ph. 0261-2652525 /
2652137
Fax: 0261-2655757
Email: collector-sur@gujarat.gov.in

Sub: Representation dated 05/03/2018 received from Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Shri Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat, Gujarat regarding grabbing of land of poor and innocent Halpati Tribes in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the National Commission for Scheduled Tribes on 08/05/2018 at 1:00 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above.

Yours faithfully,

(Rajeshwar Kumar)
Assistant Director
Tel: 011-24641640.

Copy to:

Shri Gulabbhai Sukhabhai Rathore,
& Power of Attorney Shri Kannubhai Shankerbhai Patel,
R/o Post-72, Shivdhara,
Raw House, behind Priyanka intercity,
Opp. Puna Police Station, Magob,
Surat, Gujarat.
(Mob.-9586680000).

Copy for information to:

1. PS to Hon'ble Member, NCST.
2. NIC (for hosting on Commission's website)

Govt. of India
National Commission for Scheduled Tribes

(File No. GSR/3/2018/STGGJ/DELAAL/RU-I)

Minutes of sitting held on 08/05/2018 at 4:00 P.M. (preponed for 1:00 P.M.) under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCT in the case of Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Shri Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribes in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

List of participants is annexed.


Representation dated 05/03/2018 was received from Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribe in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

The National Commission for Scheduled Tribes (NCST) vide Notice number GSR/3/2018/STGGJ/DELAAL/RU-I dated 11/04/2018 has referred the matter to Chief Secretary, Principal Secretary, Tribal Development Department, Govt. of Gujarat and Collector, District Surat for furnishing the facts with request to submit the information within 7 Days. The Hon'ble Member, Shri H. C. Vasava, National Commission for Scheduled Tribes and Deputy Secretary, NCST undertaken an on the spot visit / inquiry on 17/04/2018 of Surat (Gujarat). The Tour Report of Hon'ble Member was sent to Chief Secretary, Principal Secretary, Tribal Development Department and Additional Chief Secretary, Revenue Department, Govt. of Gujarat and Collector, District Surat for furnishing the action taken / proposed to be taken on the suggestions of Commission, vide letter dated 25/04/2018. The response from the State Authorities was not received.

Hon'ble Member fixed the sitting for 08/05/2018 at 4:00 P.M. to discuss the issue with the Principal Secretary, Tribal Development Department and Additional Chief Secretary, Revenue Department, Govt. of Gujarat and Collector, District Surat and petitioners. Accordingly, the notice of sitting was issued to all concerned on 01/05/2018.

In the sitting, Officials from the Tribal Development Department and Revenue Department, Govt. of Gujarat was absent. The Collector, Surat vide letter dated 03/05/2018 has furnished the facts and comments. Shri R. C. Chauhan, Tehsildar, Surat and petitioner, Shri Gulabbhai Sukhabhai Rathore appeared before the Commission. The Hon'ble Member preponed the sitting to 1:00 P.M.

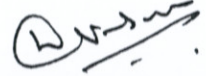
The Hon'ble Member asked the petitioner to explain the problems and grievances of Scheduled Tribes. The petitioner informed that the land was allotted to Shri Kannubhai Shankerbhai Patel. How the land sold to the builder? The Builder removed the poor Scheduled Tribes people without giving any compensation. The construction should be stopped immediately till the case is not decided by the Commission.


हर्षदभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

The Hon'ble Member asked the Tehsildar to explain the action taken by the District Administration, Surat. Tehsildar informed that the Collector, Surat has furnished the information in this regard and in addition to that there is no comments in the matter. The Collector, Surat vide letter No. J(BKH)/TPS/Section-67/Magob/Vashi.3208/2018 dated 03/05/2018 has furnished the background and comments in the matter. In the concluding para of the letter, it was informed that "the objection raised by Shri Kannubhai Shankerbhai Power of Attorney of Shri Patel, Shri Gulabbhai Sukhabhai Rathore is not tenable at this stage. It is open for him to file revision application before the Secretary, Revenue Department (Appeals), if he has any grievance against the order passed by the Collector, Surat (granting non-agriculture permission for commercial purpose under Section-67 of the Gujarat Land Revenue Code, 1879 regard the subject land vide order No.(J)Bkh/TPS/Sec-67/Rag. No. 227/2016-17 dated 08/07/2017)".

After discussion, Commission suggested / recommended that the action on the following points required to be taken by Collector, Surat and submit the report to the Commission at the earliest. The Commission also decided to convene a sitting very soon to discuss the issue with the Additional Chief Secretary / Secretary Revenue Department, Principal Secretary, Tribal Development Department, Govt. of Gujarat and Collector, District Surat.

- (1) Constructions should be stopped.
- (2) Protection should be provided to the petitioner and Scheduled Tribes families residing at the said land.
- (3) Alternative land & house should be provided to the displaced Scheduled Tribes.
- (4) The Builder should provide jobs to one member of each Scheduled tribe family in the Mall that is being built in the disputed land.
- (5) Any commercial activity in the disputed land only be started after fulfilling all the above conditions.



हर्षदभाई वसावा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
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नई दिल्ली/New Delhi

Govt. of India
National Commission for Scheduled Tribes

File No. GSR/3/2018/STGGJ/DELAAL/RU-I

List of participants sitting held on 08/05/2018 at 11:00 P.M. in the case of Shri Gulabbhai Sukhabhai Rathore & Power of Attorney Kannubhai Shankerbhai Patel, R/o Post-72, Shivdhara, Raw House, behind Priyanka intercity Opp. Puna Police Station, Magob, Surat (Gujarat) regarding grabbing of land of poor and innocent Halpati Scheduled Tribe in the area of Surat having Block No. 10/B/1 TP Scheme No. 64.

Sr. No.	Name and Designation
I	
<u>National Commission for Scheduled Tribes</u>	
1.	Shri H. C. Vasava, Hon'ble Member (In chair)
2.	Shri P. T. Jameskutty, Deputy Secretary
3.	Shri Rajeshwar Kumar, Assistant Director
4.	Shri R. S. Mishra, Senior Investigator
5.	Shri Manoj Mishra, PS to Hon'ble Member
II	
<u>Tribal Development Department, Govt. of Gujarat</u>	
1.	Nil
III	
<u>Revenue Department, Govt. of Gujarat</u>	
1.	Nil
IV	
<u>District Collector, District – Surat, Gujarat</u>	
1.	Shri R. C. Chauhan, Tehsildar
V	
<u>Petitioners</u>	
1.	Shri Gulabbhai Sukhabhai Rathore

