



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जन जाति आयोग

National Commission for Scheduled Tribes

(A Constitutional Body set up under Art. 338A of the Constitution of India)

File No. SSH/30/2017/STGMH/DEOTH/RU-IV

Dated:18.06.2018

To,

1. The Director General of Police,
Maharashtra State Police Headquarters,
Old Council Hall,
Shaheed Bhagat Singh Marg,
Mumbai – 400 001
(Maharashtra).
2. The District Collector and Chairman,
District level Vigilance &
Monitory Committee
Under Atrocity Act,
District – Thane,
Maharashtra.
3. The Superintendent of Police (Rural),
District – Thane,
Maharashtra.

Sub: Proceedings of the sitting taken by Hon'ble Member Smt. Maya Chintamn Ivnate, National Commission for Scheduled Tribes (NCST) on 23.05.2018 in the matter of Shri Suresh Soma Hindole Vai, Kama Vadharepada, Post-Varap, Taluka-Kalyan, District – Thane (Maharashtra) regarding capturing of land of Scheduled Tribes person by illegal manner.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Smt. Maya Chintamn Ivnate, Hon'ble Member, National Commission for Scheduled Tribes on 23.05.2018 on the above mentioned subject for perusal.

It is requested that action taken report in the matter may please be sent to the Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

Copy to:-

1. Shri Suresh Soma Hindole Vai,
Res: Kama Wagherapada,
Post – Varap, Taluka – Kalyan,
District – Thane
(Maharashtra).
2. Shri Ramji M. Maheswari,
National Secretary,
World Human Welfare Council,
Near Barrak No. 1782,
M.I. Section, Ransi Velji, Sirokha Marg,
Ulhas Nagar – 421 005 (Maharashtra).

NATIONAL COMMISSION FOR SCHEDULED TRIBES

File No. SSH/30/2017/STGMH/DEOTH/RU-IV

Proceeding of the sitting held on 23.05.2018 before Smt Maya Chintamn Inate, Hon'ble Member, NCST in the matter of representation of Shri Suresh Soma Hindole, Vai. Village Wagherapada, Tehsil- Kalyan, District Thane, Maharashtra regarding land alienation and inaction on FIR lodged by Police Officials.

Date of Sitting: 23.05.2018

List of Officers and Petitioner present: Annexure.

The District Collector, Thane and the Superintendent of Police, Thane were called. But both of them didn't appear. However, on behalf of these officers, the SDO, Kalyan and the SDPO(DSP), Kalyan appeared without the authority letter. The commission has taken it very seriously and directed the officers present to submit authority letter to the Commission.

2. During the sitting, the petitioner Shri Suresh Soma Hindole has submitted before the Commission that he has having land Survey No. 47/1 at Kamba Wagherapada, Taluka Kalyan, District Thane. The said land was also notified in the Revenue Record in favor of him. However, the said land was captured by the non-Scheduled Tribe persons by illegal manner. There is law that the Scheduled Tribe land could not be transferred in favor of non-Scheduled Tribe persons. However, the non-Scheduled Tribe person has transferred the tribal land in favor of them with the help of Revenue Officers of the District and he was evicted from the land.

For land encroachment by the non-Scheduled Tribe persons, an FIR under the Atrocity Act was also lodged by him, in the local Police Station against the land grabbers. But the Police did not register the FIR and did not investigate the case. No action was taken by the Police Authority, against the accused persons.

3. The Sub Divisional Officer, Kalyan has submitted a report. He informed the Commission that the petitioner's claim that he has right in suite property, is denied by different courts under quasi-judicial proceedings. In addition, the power of attorney of the petitioner Shri Vishal Gupta had filed writ petition no. 3993/2014 in the Hon'ble High Court, Mumbai wherein the petitioner had sought action on representation made



Smt. Maya Chintamn Inate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

by him to different Revenue Authority. However, the petitioner's writ petition was disposed of by the Hon'ble High Court vide order dated 15.02.2018.

4. The SDPO, Thane has reported that no action was taken against the petitioner's FIR by the Police Authority. However, the case will be investigated by the concerned police authority and will take necessary action against the accused persons.

5. The case was discussed in detail. The Commission observed that the petitioner had filed a police complaint Registration No. 125/2013 dated 04.06.2013 under provisions of Atrocity Act, against the non ST accused persons. However, the police Authority did not enquire the case and also did not take any action against the accused person. It is also serious matter wherein the Police Authority has failed to discharge their duties.

6. The Commission therefore recommends that the Director General of Police, Maharashtra may review the case through constitution of a Committee of senior level Police Officers comprising one Member of Scheduled Tribe community to re-investigate the case under provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989 keeping in view of the FIR lodged by the petitioner in 2013 so that natural justice be provided to him.

7. An action taken report in the case be also be submitted to the Commission within 30 days.



Shri. Maya Chintamn Ivrate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. SSH/30/2017/STGMH/DEOTH/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri H.R Meena, Sr. Investigator
5. Shri Sudhir Atram, PS to Hon'ble Member

District Collector and S.P., District Thane, Maharashtra

1. Shri More Rajendra, SDPO (DYSP)
2. Shri. Prasad Ukarde, SDO, Kalyan, Department of Collector, Thane.

Petitioner

Shri Ramji M. Maheshwari, Ulhas Nagar.