



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)

Case File No. KRP/1/2016/STGAP/DELAAL/RU-IV

Dated: 04.07.2018

To,

- 1 The Chief Secretary,
Government of Andhra Pradesh,
New Secretariat,
Velgapudi, Amaravati,
District – Guntur (Andhra Pradesh).
- 2 The District Magistrate and Collector,
Visakhapatnam District,
Visakhapatnam.

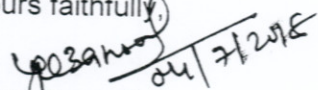
Sub: Minutes of the Sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 09.05.2018 in the matter of Smt. Kondru Rajeswari (Alias) Parvathi, Gambhiram Village, Visakhapatnam District (AP) regarding land alienation.

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 09.05.2018 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 Chairperson, NCST.

Yours faithfully


(Y.K. Bansal)
Research Officer

Copy to:-

Smt. Kondru Rajeswari (Alias) Parvathi,
W/o (late) Kondru Appanna,
Gambhiram ST Colony,
Gambhiram Village,
Visakhapatnam
(Andhra Pradesh).

Copy to: - I. SAS, NIC, NCST.

Proceedings of the Sitting taken by the Hon'ble Chairperson, NCST on 09.05.2018 in the matter of Smt. Kondru Rajeswari (Alias) Parvathi, Gambhiram Village, Visakhapatnam District (AP) regarding land alienation.

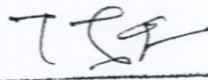
Date of sitting: 09.05.2018

List of the officers present: (Annexure)

A Sitting was held. Both the parties (the petitioner and authority concerned) have submitted their points of view in the case.

2. The petitioner Smt. Kondru Rajeswari (Alias) Parvathi W/o late Shri Kondru Appanna R/o Gambhiram Village, Visakhapatnam District (AP) submitted the grievances that her family land was grabbed by some non ST persons. She further informed the Commission that her husband late Shri Kondru Appanna was allotted land measuring 5.00 Acres at Gambhiram Village vide Survey No. 195/1 under Ex-servicemen quota in the year 1980. Her family had cultivated the said land so many years. Thereafter some land grabbers and real estate brokers belonging to non Scheduled Tribes had misguided her husband and grabbed agriculture land by fabricated papers and forged signatures. The grabbers were also supported by the local police and Revenue Department Officials. The land grabbers had also registered land in Revenue records and obtained Pattas of the land in their names with collusion with Revenue Officers. Her husband expired in 2008. Still she is awaiting for possession of land. She has no other resources except a small pension.

3. The Collector (FAC), Visakhapatnam appraised the facts of the case. She submitted that the petitioner's husband Shri Kondru Appanna was provisionally assigned the land measuring 5.00 acres by S. No. 195/1 part of Gambeeram Village in Erstwhile Bheemunipatnam Taluk now in Ananthapuram Mandal in the year 1980. The said land was regularized in D. Form Patta in the year 1988. The assignee (Shri Kondru Appanna) has given GPA of said land in favour of non ST namely Shri J. Premchand in the year 1984. Then the GPA holder had sold out of a piece of land measuring 2.00 acres to the non Scheduled Tribe persons. Being aggrieved the assignee had cancelled the GPA executed in favour of Shri J. Premchand and has also sold out the remaining piece of land measuring 3.00 acres to non Scheduled Tribe persons in the year 1997.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

4. The non ST persons had registered the land document in favour of them and obtained passbook/title deeds. Thereafter the matter relating to illegal transfer of tribal land was reported in the local newspapers and on that the RDO, Visakhapatnam had taken suo-motto action and conducted enquiry. After enquiry the RDO, Visakhapatnam cancelled the Pattas issued in favour of non Scheduled Tribes vide Order dated 27.12.2005. Being aggrieved, the non Scheduled Tribes persons filed an appeal before the Joint Collector, Visakhapatnam move in turn remanded the matter to the RDO, Visakhapatnam vide Order dated 18.03.2006. Then the RDO, Visakhapatnam passed final Order dated 17.02.2009 directing the Tehsildar, Ananthapuram to conduct DENOVA enquiry in the case and take necessary action as per rules.

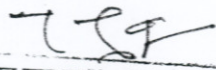
5. In pursuance to the above direction the then Tehsildar, Ananthapuram conducted the enquiry and passed final Orders in allowing the claims of the non Scheduled Tribes persons vide Proceedings dated 28.03.2011. Thus the then Tehsildar, Ananthapuram had upheld the decision of granting Patta to non Schedule Tribes persons.

6. Being aggrieved the then Tehsildar, Ananthapuram Order dated 28.03.2011, Smt. Varaadhi Rajyalakshmi, W/o Shri Appalaraju and daughter of late Shri Kondru Appanna (Assignee of land) has filed a WP No. 28509/2011 before the Hon'ble High Court of AP at Hyderabad, which is pending in the High Court of AP at Hyderabad.

7. In the meanwhile, the RDO, Visakhapatnam vide his proceedings dated 04.05.2013 set aside the orders passed by the then Tehsildar, Ananthapuram in confirming the PPB/TD issued in favour of non-Scheduled Tribes persons and also directed the Tehsildar, Ananthapuram to resume the land to Government on violation of condition of assignment since the assignee i.e. Kondru Appanna had executed the GPA without completion of 10 years grant from the date of assignment.

8. Thereafter, the Tehsildar, Ananthapuram passed Order dated 05.05.2013 resumed the land to Government under Panchanama also erected caution board. Thus the land is under possession of the District Administration.

9. Being aggrieved by the RDO and Tehsildar, Visakhapatnam orders to set aside the Pattas and possession of land by the Government, the non ST persons who purchased the land, filed a WP No. 14664/2013 before the Hon'ble High Court of Andhra Pradesh and the case is pending for decision in the Court.


नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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10. It is also pointed out that the son namely Shri Kondru Srinu of late Shri Kondru Appanna has also filed a separate WPs No. 6128/2014 and 33104/2014 and both the cases are pending before the Hon'ble High Court.

11. Apart from this, it is also informed that a disciplinary action was initiated against the then Tehsildar, Ananthapuram who issued the Pattas and registered the land in Revenue records in favour of non STs.

12. The case was examined and discussed in detail. The Commission observed that the matter is related to illegal transfer of land belonging to Scheduled Tribes without following the rules. The transfer of land belonging to Scheduled Tribe persons was executed without completion of 10 years from the date of assignment of land as per Government rules. Hence the District Administration resumed the land to Government. In the said matter, the petitioner and purchaser of land (non ST) have filed Writ Petitions before the Hon'ble High court of AP, Hyderabad and the same are pending before the Hon'ble High Court. Therefore, the Commission may not intervene in the matter as it is sub-judice. However, the Commission recommends following.

1. The District Collector, Visakhapatnam may expedite the matter by submission of views as per Transfer of Scheduled Tribe Land Act before the Hon'ble High Court, So that the interest of the Scheduled Tribes could be protected.
2. The District Collector, Visakhapatnam may consider to re-assign the land in favour of the petitioner after the Court's decision.

13. With these recommendations, the case is closed.

नन्द कुमार साय
28.6.18

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

File No. KRP/1/2016/SRGAP/DELAAL/RU-IV

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri Raghav Chandra, Secretary
3. Shri S.K. Ratho, Joint Secretary
4. Shri P.T. Jameskutty, Deputy Secretary
5. Shri Y.K. Bansal, Research Officer
6. Shri H.R. Meena, Sr. Investigator

Government of Andhra Pradesh

NIL

District Collector, Visakhapatnam

Ms. Srijana G, Collector (FAC)

Petitioners

1. Shri Kondru Srinu
2. Smt. Kondru Parvathi
3. Shri Koduri Narayana Rao.

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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