



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. KNR/6/2016/STGTL/DEOTH/RU-IV

Dated: 02.11.2018

To,

1. The Principal Secretary,
Department of Revenue
Government of Telangana,
Secretariat, Hyderabad.
PIN - 500 022
(Telangana)
2. The Collector & District Magistrate,
District – Mahabubabad,
(Telangana)

Sub: Proceedings of the sitting taken by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 01.10.2018 in the matter of Shri K. Narayana Rao, President, Forum for Social Justice, Guntur along with representation of Shri Bhukya Lakya and others, Mahabubabad Village & District, Telangana regarding encroachment of land.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on 01.10.2018 on the above mentioned subject for necessary action at your end.

It is requested that action taken report in the matter may be intimated to the Commission, within one month positively for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully

(Y.K. Bansal)
Research Officer

Copy to:-

Shri K. N. Rao,
National President,
Forum for Social Justice,
Chamallamudi, Via – Etukur,
District – Guntur, Amaravati – 522 017
(Andhra Pradesh).

Copy to: - SAS, NIC, NCST

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. KNR/6/2016/STGTL/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 01.10.2018 AT 04.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI K. NARAYANA RAO, PRESIDENT, FORUM FOR SOCIAL JUSTICE, GUNTUR (ANDHRA PRADESH) IN RESPECT OF GRIEVANCES OF SHRI BHUKYA LAKYA, S/O SHRI LATE BHUKYA VALYA AND OTHERS R/O VEERARAM, THANDA-SHANIGAPURAM, VILLAGE - MAHABUBABAD MANDAL, WARANGAL DISTRICT, TELANGANA & OTHERS REGARDING ENCROACHMENT OF LAND AND NON ISSUING OF PATTAS.


Date of Sitting: 01.10.2018

List of officers present in sitting is Annexed.

The petitioner Shri K. Narayana Rao, Guntur has submitted grievances of Scheduled Tribes namely Shri Bhukya Lakya, S/o late Bhukya Valya and 4 others R/o Veeraram, Thanda-Shanigapuram, Village-Mahabubabad Mandal, Warangal District, Telangana regarding non issuing of land Patta and encroachment of their land. The petitioner informed the Commission that all people belonging to Scheduled Tribes Community, have land Sy. No. 270/C/1, 273/3, 278/B/1, 278/A/1 and Sy. No. 279 in the village and cultivating on the land for last several decades. Some non STs have illegally occupied their land. Thereafter, they have requested to the District Administration several times for protection in this regard. But no action was taken till today. In addition, the petitioners have been appealing many times for issuing of land Patta, passbooks and the same has not been issued.

2. The matter was taken up with the Principal Secretary, Revenue Department, Govt. of Telangana and District Collector, Mahabubabad, Telangana on 20.10.2016 and subsequent reminder dated 28.12.2016 and D.O. letter dated 15.02.2017 for furnishing the facts and information.

3. The District Collector, Mahabubabad vide its letter dated 14.04.2017 and 02.01.2018 has submitted a report stating that the matter was enquired through Revenue Divisional Officer, Mahabubabad and Tehsildar, Mahabubabad. As per Tehsildar's report it is found that as per Section 2 of the Tenancy Act, 1950, the lands were handed over to the complainants and their fathers long back by the Tehsildar, Mahabubabad and according to the said Act, once the lands are handed over to the Protected Tenants for occupation, the role of Tehsildar automatically ceases and whatever the subsequent developments, which have come to notice by way of encroachments or any other disputes on the scheduled lands, the Hon'ble Civil Court only to decide the matter on the title related disputes. And further submitted that, it will be appropriate to approach the Hon'ble Civil Court to redress their grievance for title over the land. The Tehsildar in his report stated that due to urbanization


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

and many transactions took over, the schedule lands are entangled with so many legal issues covered by more than (100) sub-division numbers/plotted areas and holding of enquiry and conducting survey on such issues is not possible as they would be civil in nature in which there is no jurisdiction of the Revenue Authorities to interfere in the matter.

4. Reference to reply of District Collector, Mehabubabad, Telangana the Hon'ble Chairperson, NCST has fixed a Sitting on 01.10.2018 at 4.00 P.M. with the Principal Secretary, Department of Revenue, Govt. of Telangana and District Collector, Mehabubabad for discussion in the matter. Accordingly Sitting notice has been issued.


5. Shri Rajeswar Tiwari, Special Chief Secretary, Department of Revenue, Govt. of Telangana and Shri Shivalingaiah, Collector, Mehabubabad appeared before the Commission on 01.10.2018. The petitioners were also present in the Sitting.

6. The matter was discussed in detail. During the discussion, the Hon'ble Chairperson asked the petitioner to present their grievances. The petitioners have submitted before the Commission that they have possession of 80 acre land and out of which, 40 acre land has been sold in the said survey numbers in Mehabubabad to the non tribals. Remaining 40 acre land is still in their possession. But Pattas of the land have not been issued in favour of them. They have submitted several applications to the District Collector, Mehabubabad for issue Patta/pass book on occupied land. But District Administration not issued any Pattas to them.

7. The Hon'ble Chairperson asked to the Govt. of Telangana authorities to explain about the case. The District Collector apprised the Commission that petitioners had earlier submitted their applications first time in the year 2015 for issuing Pattas on the said land. The encroachers belonging to non Scheduled Tribes got registered Pattas in their name. The Special Chief Secretary, Department of Revenue submitted the Commission that Government has allotted 14 acre land to the petitioners. The encroachers went to the Hon'ble High Court and got interim order on said land. Presently the matter is subjudice before the Hon'ble High Court.

8. After hearing from both side, the Commission observed that petitioners are residing on the said land in their village since long time and as such the land is in their possession. All petitioners are uneducated tribals and do not understand about getting their rights. The District Administration has not been co-operative for issuing Pattas to the tribals on said land from the beginning time. Therefore, Commission recommends to the Government of Telangana that:

- The District Collector should conduct re-survey of the land at his level and take necessary action to issue regular Patta to the occupant Scheduled Tribes by examining the documents on the said land of tribals and submit the report to the Commission.


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

- State Government should make laws to prevent transfer of Scheduled Tribes lands to non Scheduled Tribes in non Scheduled Tribe Area so that the interest of the Scheduled Tribe can be protected.
 - The District Administration should ensure that the Scheduled Tribe occupants should not be evicted from their land and their rights should be protected in true spirit.
 - The District Collector should protect the interest of the Scheduled Tribes in the Hon'ble High Court and should file appeal for vacating the interim stay order.
9. An action taken report in the matter should be submitted before the Commission within 30 days from the receipt of the proceedings of the Sitting.

7/29
31.10.18

नन्द कुमार साय/Nand Kumar Sai
नन्द कुमार साय/Nand Kumar Sai
रा. नि. अध्यक्ष/Chair person
राष्ट्रीय अनुसूचित जनजाति आयोग
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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. KNR/6/2016/STGTL/DEOTH/RU-IV)

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Shri Maya Chintamn Ivnate, Hon'ble Member
5. Shri Raghav Chandra, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Hon'ble Member
8. Shri Y.K. Bansal, Research Officer
9. Shri H.R. Meena, Sr. Investigator

Officers of Government of Telangana

1. Shri. Rajeshwar Tiwari, Special Chief Secretary, Revenue
2. Shri Shivalingaiah, Collector, Mehabubabad.

Petitioner

Shri K. Narayana Rao.