

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Schedule

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक
(A Constitutional body under Article 338A of the Constitution)

T-17011(MH)/63/2021-RU-4(ESDW)

The Additional Chief Secretary,
Department of Revenue,
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Mail: psec.revenue@maharashtra.gov.in

The Additional Chief Secretary,
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The Commissioner,
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The District Collector & Municipal Commissioner,
District Mumbai Sub-Urban,
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Administrative Building, 10th
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Chief Executive Officer,
National Rehabilitation Authority, Mumbai,
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Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 16.07.2021 received from Shri Barkya Prabhu Alawade regarding grabbing of his ancestral property by the non ST Builder M/s Conv

is directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 16.03.2023 at 10:30 AM on the above mentioned subject for information and

reference. Action Taken Report (ATR) may be submitted within 15 days from the date of receipt of this order.

cc.

4528-33
29/3/23
ISSUED
O/C

Information to: -

Barkya Prabhu Alawade,
No. 202, A Wing, Jeevandeep Building,
Mantana Pada, Near Anandibai Kale College,
Kandivali (W), Mumbai - 400 067 (Maharashtra).
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National Commission for Scheduled Tribes

NCST-17011(MH)/63/2021-RV-DT-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, regarding the forceful eviction of Shri Barkya Prabhu Alawe by M/s Conwood Agencies Pvt. Ltd. Perera and by the Government officials.

Date of the Sitting: 16.03.2023

Participants in the Sitting: As per Annexure

The Petitioner Shri Barkya Prabhu Alawe through his representation stated that he is a resident of Survey No. 163, PA No. 1 and no. 128/A, Village Kandivali, Tal. Borivali Dist. Mumbai Sub-Urban and it is his third generation who is residing on the said land. In the year 2000, one Shri. Vinod Goenka, the owner of M/s Conwood Agency Pvt. Ltd. and Mr. Pereira forcefully took the land from the father of complainant and destroyed his residence. Then M/s Conwood Agencies Pvt. Ltd. Perera in collusion with the government officials forcefully evicted the local Adivasis from that land area and started construction on the said Land.

The Petitioner requested to return his ancestral land but neither the Government Authority nor the Company responded to their request. To substantiate his allegations, the petitioner annexed certain documents including the photographs. Taking cognizance of the matter the Commission issued Notice dated 28/07/2021 to Secretary, Tribal Development Department, Govt. of Maharashtra and District Collector, Mumbai Sub-Urban to submit an Action Taken Report seeking reply within 30 days.

Pursuant thereto the Additional Chief Secretary, Revenue Department, Govt of Maharashtra submitted report dated 07/08/2022 stating that the petitioner has not registered such complaints against the Vinod Goenka.

Further, the name of the complainant's father as alleged by the petitioner, the 7/12 extract of the said land is incorrect. Total area of this land is 6,56,256 sq.m. belongs to Mr. Anthony Vinin Perera and others. As per agreement, the Conwood Agencies Private Limited has developed that area.

After careful consideration of the contents of the petition and the replies submitted by the State the issued Notice dated 01/02/2023 to Dr. Nitin Kareer, the Additional Chief Secretary, Department of Revenue, Government of Maharashtra, Dr. L. S. Chahal, Municipal Commissioner, Municipal Corporation of Greater Mumbai, Shri. Bhushan Gagrani Addl. Chief Secretary, Urban Development Department, Govt. of Maharashtra and Shri Ajay kumar Bansal, The Deputy Commissioner of Police, Zone-XI, Mumbai Police, Government of Maharashtra, Chief Executive Officer, Slum Rehabilitation Authority, Mumbai to submit an action taken report within 07 days.

Since no reply was received from the authorities, the Commission issued Summons to all these authorities to appear before the Commission on 16.03.2023

During the course of hearing, it was submitted by the Collector, Mumbai Sub-urban that the petitioner has not registered such complaints against the Mr. Vinod Goenka. Further the land belongs to one Shri Parera and Shri. Parera signed the agreement with Shri.

अनंत नायक/ANANTA NAYAK
सदस्य/Member

Goenka about the sale and development of the said Land, the total area of the land is 131 acres. Whereas the petitioner submits that the name of his father is mentioned on the 7/12 extract of piece of land therefore ownership must be decided accordingly.

The petitioner also alleged that M/s Conwood Agencies Pvt.Ltd., along with Shri. Perera and the government officials in collusion forcefully evicted the local Adivasis from that area The Land belongs to tribals and there are many other Scheduled Tribe families affected by forceful eviction for last 23 years living in lurch without basic amenities.

The Authorities representing to Brihanmumbai Municipal Corporation, and CEO, Slum Rehabilitation Authority could not clarify the Commission with reasonable details. Therefore, whatever fact will come forward regarding the title of the land they are bound by it. It is also disclosed by the CEO, SRA that the procedure was not followed in many cases and till date people are suffering. BMC submits that there are 42 towers standing on the said land and it will take six months' time to demolish the said towers.

After hearing both the sides, the Commission decided to club all complaints related to tribal land in the area of Mumbai and Mumbai Sub-urban area.

It has also been decided to call for documents for inspection and examination from the all the Authorities.

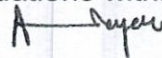
The Commission recommends the followings: -

The District Collector, Mumbai Sub-Urban will

1. provide the details of the tribal displacement taken place in the area of Mumbai and Mumbai sub-urban from the year of 1948 till date.
- 2.. submit all the Mutation entries along with 7/12 extract from the year of 1945 till date related to the land in the area of Arey Colony, Kandivali, Malad, Borivali.
3. submit copy of original records along with notings and correspondence section of the files in possession with Additional Chief Secretary, Revenue Department, Mantralaya regarding approval under section 36(a) of Maharashtra Land Revenue Code, 1966 of the land located at Arey colony, Kandivali, Borivali area.
4. submit the details of the land held by the Government of Maharashtra under Urban Land Ceiling and Regulation Act, 1976 in the area of Mumbai and Mumbai Sub-Urban District.
5. submit the list of the land owners and land holders as well as list of tenants under The Bombay Khoti Abolition Act, 1949.

All the reports and documents shall be submitted to the Commission for further perusal within 15 days.

The District Collector, Mumbai Sub-Urban has to submit Action Taken Report with compliance of the Recommendations within 15 days.



अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

S. No.	Name	Hon'ble Member	Designation
1.	Shri Ananta Nayak	Director	
2.	Dr. Jayant Sarode	Research Officer	
3.	Shri H.R. Meena	Legal Consultant	
4.	Shri Avinash		
5.			
The Additional Chief Secretary, Department of Revenue, Government of Maharashtra,			
S. No.	Name		Designation
1.	Dr. Rajendra B. Bhosale		Representative
2.			
The Additional Chief Secretary, Department of Urban Development, Government of Maharashtra,			
S. No.	Name		Designation
1.	Dr. Rajendra B. Bhosale		Representative
2.			
The Commissioner, Brihanmumbai Municipal Corporation, Mumbai, Maharashtra			
S. No.	Name		Designation
1.	Shri Sunil H. Rathor		Chief Engineer, BMC
2.			
The District Collector & Magistrate, District Mumbai Sub-Urban, Mumbai, Maharashtra			
S. No.	Name		Designation
1.	Dr. Rajendra B. Bhosale		Representative
2.			
The Chief Executive Officer, Slum Rehabilitation Authority, Mumbai, Government of Maharashtra,			
S. No.	Name		Designation
1.	Shri Satish M. Lokhande		CEO
2.			
Petitioners			
S. No.	Name		Designation
1.	Shri Barkya Prabhu Alawe		Petitioner