



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. AJP/3/2019/STGMH/DELAAL/RU-IV

Dated:13.06.2019

To,

The District Collector,
Mumbai Sub-Urban District,
Bandra (E),
Mumbai - 400 051.

Sub: Proceedings of the Sitting taken by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 28.05.2019 in the case of Shri Amrut Jania Patel, Patel Chawl, Gaodevi Road, Kandivali (E), Mumbai regarding illegally alienation of ST land by non STs.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held on 28.05.2019 under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject.

It is requested that action taken report in the matter may be intimated 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:

Shri Amrut Jania Patel,
Patel Chawl,
Poisar Manjiwadi,
Gaodevi Road, Jaina Compound,
Kandivali (E),
Mumbai - 400 051 (Maharashtra).

Copy to: SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. AJP/3/2019/STGMH/DELAAL/RU-IV

PROCEEDINGS OF SITTING HELD ON 28.05.2019 CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI AMRUT JANIA PATEL, KANDIVALI (E), MUMBAI REGARDING ILLEGALLY ALIENATION OF ST LAND BY NON STS.

Date of Sitting: 28.05.2019

List of officers present in sitting is Annexed.

The petitioner Shri Amrut Jania Patel, Kandivali (E), Mumbai vide his representation dated 07.03.2019 has submitted the grievances of illegally alienation of ST land by non STs.

He further alleged that the Scheduled Tribe occupant was having a land measuring 6 acre and 24 guntas at Magathane Poisar Village, Taluka Borivali, Mumbai Suburban district and was cultivation from 1931 to 2007. Thereafter the land was grabbed by the non STs. The petitioner has requested the following:

- (i) Restore the said land in favour of the petitioners under the provisions of Section 36-A of the Maharashtra Land Revenue code 1996.
- (ii) The District Collector, Mumbai Suburban and Tehsildar, Borivali be directed to settle the right – title-interest claim and possession of the land.
Pay compensation to the petitioner.

2. As per procedure, NCST notice sought a report from the District Collector, Mumbai Sub-Urban District, Bandra, Mumbai on 26.03.2019. Since no report was received from the authority concerned and therefore, a sitting was fixed on 28.05.2019 before the Hon'ble Member, NCST, Smt. Maya Chintamn Ivnate.

3. As per schedule, the sitting was held on 28.05.2019. It was observed that the District Collector, Mumbai Suburban was called and he has chosen to not appear. However, vide letter dated 27.05.2019, the District Collector, Mumbai Suburban has deputed the Sub Divisional Officer, Western Suburban, Mumbai Suburban District to appear before the Commission. Accordingly, the SDM, Western Suburban and Tehsildar, Borivali appeared. The petitioner was also present.


4. During the sitting, the SDM submitted a report in the matter. As per report, and submission made, it was informed that the applicants have not mentioned property details against which he was a complaint. As per Mutation Entry No. 669 dated 03.09.2001 names of legal heirs of Lallu Marevan Dhodi and his wife Rami Lallu Dhodi were recorded after their death. As per Mutation Entry No. 679 dated 06.05.2005 names of legal heirs of Lallu Marevan Dhodi were recorded in Kabjedar column of 7/12 extract of above properties as per the order of Tahsildar and Agricultural Land Tribunal bearing order No. TAH/BORI/TNC/32G/Kandivalir-2/2003 dated 16.04.2005 u/s 32G and 32M of Bombay Tenancy and Agricultural Land Act,


Smt. Maya Chintamn Ivnate
Member
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New Delhi

1948 sec. Accordingly, names of Shri K.S. Dhurandhar, original owner, was deleted. As per Mutation Entry 694 dated 28.08.2008, M.K. Group, attorney holder of heirs of Shri K.S. Dhurandhar had filed a revision application before Sub Divisional Officer, Western Suburban, Mumbai Suburban District. Accordingly, Sub Divisional Officer, Western Suburban, Mumbai Suburban District vide his order dated 12.10.2007 had set aside the order of Tahsildar dated 16.04.2005 and directed to reinstate names of legal heirs of K.S. Dhurandhar in Kabjedar columns of 7/12 extracts. However, appeal filed by applicant and others i.e. legal heirs of Lallu Marevan Dhodi against order of Ld. Sub Divisional Officer, Western Suburban in the court of Dy. Collector (Appeals), Mumbai Suburban District. The same has been rejected vide order dated 21.07.2008 and order of Sub Divisional Officer confirmed. Thereafter applicant have not filed an appeal or revision against order of Dy. Collector (Appeals), Mumbai Suburban District in any court of law till date. However, applicant had filed a case in the court of Sub Divisional Officer, Western Suburban for restoration of lands to them as per Restoration of Land to Tribals Act, 1974, which has already been rejected vide order dated 12.10.07 by Sub Divisional Officer, Western Suburban.

4. After considering all the facts submitted by the petitioner and authority concerned, the Commission observed that the land in question was in possession with the ST petitioners from 1931 to 2007 and thereafter, the land was grabbed by the non STs with the help of Revenue officials. In 2005, the Tehsildar, Borivali also passed an order in favour of petitioner and this order was cancelled by the SDO and Deputy Collector (Appeal) without considering the petitioners documents. The construction activities on the land is going on without deciding the claim of land's title and the petitioners are also getting threat warning from the builder/developer side. The Commission, therefore recommends as follows:

- The District Collector, Mumbai Suburban will review the entire case keeping in view the petitioner's documents and will take corrective measures for restoration of the land in favour of petitioners.
- The District authority will ensure that construction activities on the land in question be stopped with immediate effect as the matter is under consideration before the Commission.
- Police protection should be provided to the ST petitioner and his family members. In this regard the petitioner is also advised to submit a complaint to the local Police Station as well the Commission for Police protection.
- An action taken report on the Commission's recommendations should be submitted to the NCST within 30 days from the receipt of this proceedings.


Smt. Maya Chintam Ivate
Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. AJP/3/2019/STGMH/DELAAL/RU-IV

List of participants

NCST

1. Smt. Maya Chintamn Ivnate(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 Member

Officers of Government of Maharashtra

1. Shri Umesh Birari, SDO, Mumbai Western Suburban
2. Shri Vinod Dhotre, Tahsildar, Borivali

Petitioner

Shri Amrut Jania Patel