



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. RBD/1/2018/STGMH/DELAAL/RU-IV

Dated: 20.03.2020

To,

1. **The Additional Chief Secretary,**  
Department of Revenue,  
Government of Maharashtra,  
Mantralaya,  
Mumbai – 400 001  
Email:- psec.revenue @maharashtra.gov.in
2. **The Commissioner,**  
Municipal Corporation of Greater Mumbai,  
Mahapalika Bhawan,  
Mahapalika Marg, CST Area, Fort  
Mumbai – 400 001  
Email:- mc@mcgm.gov.in
3. **The District Collector, &  
District Magistrate,**  
Mumbai Suburban District,  
10th Floor, Administrative Building,  
Near Chetna College, Government Colony,  
Bandra (East), Mumbai – 400 051  
Email: collector.mumbaisuburb.maharashtra.gov.in

**Sub: REPORT AND RECOMMENDATIONS IN THE MATTER OF REPRESENTATION OF SHRI RAVINDRA BABU DHODI, R/O NANU VANSA CHAWL, TPS ROAD, BORIVALI (WEST) MUMBAI REGARDING GRABBING OF ST LAND SITUATED AT SY. NO. 17, 20, 21, 23 AND 30 IN THE VALNAI REVENUE VILLAGE, TALUKA AND EX-TALUKA OF DISTRICT THANE BY THE NON-SCHEDULED TRIBES PERSONS WITH THE HELP OF REVENUE OFFICIALS**

Sir,

I am directed to enclose herewith a copy of the report and recommendations of the NCST in the matter of representation of Shri Ravindra Babu Dhodi, R/o Nanu Vansa Chawl, TPS Road, Borivali (West) Mumbai regarding grabbing of ST land situated at Sy. No. 17, 20, 21, 23 and 30 in the Valnai Revenue village, Taluka Borivali and Ex-Taluka of District Thane by the non-Scheduled Tribes persons with the help of Revenue officials for appropriate action at your end.

Yours faithfully,

*(Signature)*  
(Y.K. Bansal)  
Research Officer

Encl: As above

Copy to:

Shri Ravindra Babu Dhodi,  
Rahnar Nanu Valsa Chal,  
Near Kent Tower Building,  
D.P.S. Road, Boriwalli (West),  
Mumbai – 400 012 (Maharashtra)

Copy to  
NIC, NCST



## NATIONAL COMMISSION FOR SCHEDULED TRIBES

REPORT AND RECOMMENDATIONS IN THE MATTER OF REPRESENTATION OF SHRI RAVINDRA BABU DHODI, R/O NANU VANSI CHAWL, TPS ROAD, BORIVALI (WEST) MUMBAI REGARDING GRABBING OF ST LAND SITUATED AT SY. NO. 17, 20, 21, 23 AND 30 IN THE VALNAI REVENUE VILLAGE, TALUKA AND EX-TALUKA OF DISTRICT THANE BY THE NON-SCHEDULED TRIBES PERSONS WITH THE HELP OF REVENUE OFFICIALS.

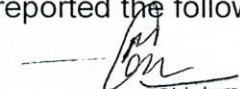
(File No: RBD/1/2018/STGMH/DELAAL/RU-IV)

The National Commission for Scheduled Tribes (NCST) is a Constitutional Body set up under Article 338A of the Constitution of India to investigate and monitor all matters relating to protection, welfare and socio-economic development of the Scheduled Tribes in the country. In pursuance of the constitutional mandate, the National Commission for Scheduled Tribes was received a representation from Shri Ravindra Babu Dhodi, Borivali (West), Mumbai regarding grabbing of ST land situated at Sy. no. 17, 20, 21, 23 and 30 in the Valnai Revenue village, Taluka and Ex-Taluka of District Thane by the non-Scheduled Tribes persons with the help of revenue officials.

In the representation it has been reported that his relatives, parents, forefather etc. was residing at Valnai Revenue Village, Borivali Taluka and Ex-Shastri Taluka, District Thane, presently situated at Malad (West) of Mumbai since 1930. They were having an agriculture land measuring 7acre and cultivating the same till 2012 i.e. year of land grabbing incident. The agriculture land was recorded under 7/12 in the revenue records in favor of them. The Tahsildar & ALT, Borivali, Mumbai Suburban had also found their claim under 7/12 and passed its order on 04.01.2012 in favor of them. However, the SDM, Mumbai Suburban District vide its order on 29.03.2012 has dismissed the orders of Tahsildar, Borivali without taking into consideration of their defends documents and subsequently deleted their names from the revenue records. Thereafter, the tribal land was allotted in the name of non tribals. Thus the tribal land was forcefully grabbed by the non- Scheduled Tribes.

2. Taking cognizance of the grievances raised in the representation, the NCST vide its letter dated 02.05.2018 had sought a report from the Revenue Department, Maharashtra, Commissioner, Greater Mumbai, Municipal Corporation, Mumbai and District Collector, Mumbai Suburban. Thereafter, a sitting was held on 18.07.2018 under the Chairmanship of Hon'ble Member, Smt. Maya Chintamn Inate of this Commission with the Officers from Revenue Department, Govt. of Maharashtra, District Collector, Mumbai Suburban and Commissioner, Greater Mumbai Municipal Corporation in the presence of the petitioner.

3. During the said sitting, Shri Babasaheb Pardhe, SDM (West Suburban), Mumbai Suburban District submitted a report and also reported the following:

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



- (a) Name of Kawdya Dubala was recorded as Protected Tenant in the land bearing S. No. 17/6,17/8,20/16,21/8,23/7,23/10 and 30/5 as per Mutation entry No. 389 dated 17.02.1955. Whereas his name was recorded as Protected Tenant to the S. No. 17/4,21/3 as per Mutation Entry No. 432 dated 18.09.2956. But thereafter name of Kawdya Dubala was deleted from other rights column of 7/12 extract of S. No. 21/3,20/16,23/7,23/10 as per Mutation Entry No. 858 dated 12.07.1973. Applicant, Ravindra Dhodi has not challenged the said Mutation entry till date.
- (b) Ms. Manjula Babu Dhodi and other legal heirs of Kawdya Dubala were recorded in 7/12 extract after death of Kawdya Dubala as per Mutation Entry No. 1128 dated 06.06.2011.
- (c) The said property bearing S. No. 17/4,17/6 pt, 17/8 pt, 21/8 pt. were transferred in the name of Manjula Babu Dhodi and others vide Mutation Entry No. 1130 dated 08.01.2012 as per the Tahsildar, Borivali order No. Tah.Bori/TNC-32(G)/04/2011 dated 04.01.2012.
- (d) The said order of Tahsildar, Borivali was challenged in court of Sub Divisional Officer, Mumbai Suburban by Mr. Motibhai N. Patel and others. The Sub Divisional Officer, Mumbai Suburban after conducting hearing passed an order dated 29.03.2012 thereby allowed the appeal and cancelled the order of Tehsildar, Borivali dated 04.01.2012 and Mutation Entry No. 1130 dated 08.01.2012. In the said order he concluded that provisions of B.T&A.L. Act, 1948 are not applicable to the suit land as per notification dated 29.03.1957 and proclamation dated 24.05.1948.
- (e) Being aggrieved by this order, respondent viz Ravindra Babu Dhodi and other had filed revision application No. TNC/Rev.132/B/2012 in Maharashtra Revenue Tribunal. However, as per order dated 22.08.2012. The Tribunal upheld the decision of Sub Divisional Officer, Mumbai Suburban.
- (f) Being aggrieved by order of Hon'ble Maharashtra Revenue Tribunal, Manjula Babu Dhodi and others and Ravindra Babu Dhodi filed Writ Petition No. 11337 of 2013 and 4675 of 2014 respectively in Hon'ble High Court. However, Hon'ble High Court vide order dated 18.1.2013 and dated 06.05.2014 dismissed both the petitions.
- (g) Thus, Hon'ble High Court has already decided the matter in respect of Tenancy rights of the applicants and these order have not been challenged in the Apex Court. Hence those orders are final.

4. After detailed discussion, the Commission decided that the District Collector will examine the matter and will verify the claim of the petitioner. The action for restoration of land in favor of the petitioner will be taken accordingly and submit action taken report to the Commission.

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



5. Thereafter another sitting in the matter was held on 27.02.2019 under the Chairmanship of Hon'ble Chairperson, NCST in the Commission. During the sitting the case was discussed at length with the concerned officers of the Govt. of Maharashtra and after hearing both the parties, the Commission made the following recommendations.

- The construction activities on the disputed land should immediately be stopped and the District Collector, Mumbai Suburban should ensure that no sale/purchase and construction activities should be made as the matter is under consideration before the Commission.
- The District Collector, Mumbai Suburban and Mumbai Municipal Corporation may submit a comprehensive report about whether the land belongs to Municipal Corporation or land recorded in District Revenue records as protected tenants in favor of the petitioner.
- Police protection should be provided to the petitioner's family as there is threat from the builder's side.
- The case will also be taken up for next sitting.

6. In compliance with Commission's recommendation, the District Collector, Mumbai Suburban District vide its letter dated 11.07.2019 has submitted a report wherein it was reported that

- the applicant has mentioned the four survey No. viz 17, 20, 21 and 23 and not mentioned the area which he claims.
- Out of survey No. 17,20,21 and 23 M/s. American Spring & Pressing Works Pvt. Ltd. owns 17/4, 17/6, 17/8 and 21/8. At present, as per property card of Mauza Valnai C.T.S. No. 554A in the name of M/s American Spring & Pressing Works Pvt. Ltd consists of 17/4, 17/6, 17/8 and 21/8 and also consists of other survey numbers of the same Mauza which it owns. All these have been sub-divided and amalgamated into C.T.S. No. 554A over the time.
- The dispute between applicant and M/s American Spring & Pressing Works Pvt. Ltd regarding Survey No. 17/4, 17/6, 17/8 and 21/8 has been decided by Hon'ble High Court of Bombay through its decisions dated 18.12.2013 and 06.05.2014.
- The directions by your Hon'ble Authority at 27.02.2019, says about 'Stop Work Notice' to the disputed land (i.e. 17/4, 17/6, 17/8 and 21/8). But due to sub-division and amalgamation, it is not possible to demarcate the above mentioned Survey No. in question. Further, to stop the work over C.T.S. No. 554, means stopping the work on those Sy. Nos. also which is not disputed at all. Further to stop the work on so called disputed S. No. (i.e. 17/4, 17/6, 17/8 and 21/8) which is settled by Hon'ble High Court may amount to contempt of court also.



7. The case was examined by the Commission in the light of the submission made by the petitioner concerned and the Department concerned. After detailed analysis of the case the Commission observed that the grievances raised by the petitioner only relates to dispute on the claim of land at Sr. No. 17/4, 17/6, 17/8 and 21/8 situated at erstwhile village Valnai Revenue Village Taluka – Borivali and Ex-Shastri Taluka, District Thane, (presently situated at Malad (West), Mumbai) in between ST petitioners and M/s American Spring & Pressing Works Pvt. Ltd., Mumbai.

The Commission also observed that the petitioner Shri Ravindra Babu Dhodi and others have first raised his land dispute matter before the Hon'ble Court of Maharashtra Revenue Tribunal, Mumbai vide Tribal Appeal No. 157/TRB/2008. The Hon'ble Tribunal had passed order on 06.07.2009 stating that the evidence appeal preferred by the applicant claiming protected tenant to petitioner's grandfather Kawadya does not prove. Moreover, the provisions of Maharashtra Restoration of Lands to Scheduled Tribes Act, 1974 are not attracted as the present applicants could not establish their title to the property, nor the property in dispute is transferred by them to non tribals. Hence, the appeal preferred by the applicant tribals is dismissed. The order dated 12.02.2008 passed by the Sub-Divisional Officer, Mumbai Suburban District dismissing the Tribal Case No. 6/2007 is confirmed.

The Court of SDM Suburban District vide its order dated 29.03.2012 has also passed order that the Appeal u/s 74 of Bombay Tenancy and Agriculture Land Act, 1948 preferred by appellants Shri Motibhai N. Patel & M/s American Springs Pressing Works Ltd. is allowed. The order dated 04.01.2012 passed by the Tahsildar & ALT, Borivali is hereby cancelled and subsequent Mutation Entry No. 1130 dated 08.01.2012 arising out of the impugned order passed by Tahsildar, Borivali is also cancelled. Thereafter, the order dated 29.03.2012 of the SDM, Mumbai Suburban District was also challenged by the ST petitioners before the Hon'ble Maharashtra Revenue Tribunal (MRT), Mumbai and the Hon'ble Tribunal vide order No. TNC/REV.132/B/2012 dated 22.08.2012 has upheld the order of the SDM, Mumbai Suburban.

Being aggrieved with the order passed by the Hon'ble MRT, the ST petitioners filed a Writ Petition before the Hon'ble High Court of Bombay vide Writ Petition No. 4765 of 2014 and 8661 of 2017. After hearing both the party, the Hon'ble High Court passes an order dated 06.05.2014 and 31.07.2017 respectively stating that the issue raised by the petitioner is already covered by the earlier two orders dated 06.05.2014 and 18.12.2013 passed by this Court in Writ Petitions. Hence, the present Writ Petition stands rejected. Apart from this, another Writ Petition No. 12369 of 2018 in the matter of Mahesh Sundar Dhodi and others V/s Motibai N. Patel and others was filed before the Hon'ble High Court of Bombay. The Hon'ble High Court passed judgment on 12.12.2018 that earlier three Writ Petitions i.e. No. 11337 of 2013 filed by Manjula Babu Dhodi and others (dismissed on 18.12.2013), No. 4675 of 2014 filed by Ravindra Babu Dhodi and others (dismissed on 06.05.2014) and No. 8661 of 2017 filed by Navin




Gopal Dhodi (rejected on 31.07.2017), the Hon'ble Court has confirmed orders of Tribunal and thus there is no merit in the case and is dismissed.

8. Upon analysis of case, the Commission is convinced that the competent authority and Hon'ble Bombay High has already adjudicated upon the grievances raised by the ST petitioner in the present complaint filed before the Commission and that there is no surviving right in respect of the lands claimed by the ST petitioner in any manner whatsoever. The documents placed before the Commission are satisfactory and the Commission do not find alleged wrong committed by the authorities.

Accordingly, in light of the various orders and the withdrawal applications made by the ST petitioner and his family members (on behalf of all Dhodi family members) from time to time before various authorities and now before the Commission, it finds to no further deliberate on the issue and hold that application of the Applicant(petitioner) as dismissed. It is also clarify that all the recommendations made by the Commission in the said matter and issued to the District Collector, Mumbai Sub urban and any other Authorities prior to passing of this closure of the complaint stand recalled and or modified in terms this dismissal. Therefore, the case is closed.

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