

Speed post



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. DSM/14/2018/STGMH/DEOTH/RU-IV

Dated: 07.12.2018

To,

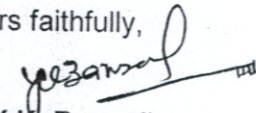
1. **The Chief Secretary,**
Government of Maharashtra,
Mantralaya,
Mumbai - 400 032.
2. **The Director General of Police,**
Government of Maharashtra,
Mumbai.
3. **The Commissioner,**
Vasai-Virar City Municipal,
Bajarward, Virar (East),
Taluka - Vasai, District - Palghar,
Mumbai - 401 305 (Maharashtra).
4. **The District Collector,**
Chintu Pada Road,
District - Palghar,
Maharashtra - 401 404.
5. **The Superintendent of Police,**
District - Palghar,
Maharashtra - 401 404

Sub: Proceedings of the sitting taken by Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 26.11.2018 in the matter of Shri Devji Shankar Mahali, District -Palghar, Maharashtra regarding alienation of tribal land by the non Scheduled Tribes

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 26.11.2018 under the Chairmanship of Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission expeditiously for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,


(Y.K. Bansal)
Research Officer

Encl: As above

Copy to:

Shri Devji Shankar Mahali,
R/o House NO. 1123,
Mahali Niwas, Rambai Ambedkar Nagar,
Near Dena Bank, Sativali, Vasai (West),
Taluka - Vasai, District - Palghar,
Maharashtra - 401 208.

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१०/१२/१८

जारी किया
ISSUED

 - SAC N.T.C., NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. DSM/14/2018/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 26.11.2018 AT 03.00 P.M. CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE MATTER OF SHRI DEVJI SHANKAR MAHALI, VASAI (WEST), TALUKA - VASA, DISTRICT - PALGHAR, MAHARASHTRA REGARDING ALIENATION OF TRIBAL LAND BY THE NON SCHEDULED TRIBES.

Date of Sitting: 26.11.2018

List of officers present in sitting is Annexed.

The petitioner Shri Devji Shankar Mahali, Vasai (West), Taluka - Vasa, District - Palghar, Maharashtra has represented before the Commissions that his ancestor brought the land measuring 2 acre 20 guntas at Village- Sativli Taluka -Bassai District - Thane under section 32G of Bombay Tenancy Agriculture land Act, 1948. All purchase price was paid as per order of Agricultural Land Tribunal, Vasai District - Palghar to the landlord. Thus, his ancestors were absolute owner of the said land. In the meantime, taking the advantage of his ancestors ignorance of laws/rules, forcefully alienated the tribal land by the non tribals and executed and registered Lease Deed for the period of 30 years with the help of District Administration. The non STs has not taken permission from the concerned Government authority to construct/development on the land and accordingly constructed illegal structure. After expiry of Lease Deed of the land in the year 2009 no extension of the Lease Deed was taken. The tribal families have objected to the above illegal activities before the District administration and no action was taken. The petitioner, therefore requested for action to be taken under relevant provisions of Atrocity Act, 1989 against the accused non STs. In addition, it has been requested:-

- (a) Return possession of tribal land from accused at earliest after proper measurement of our land by Taluka Inspector of Land Record, Vasai, District Palghar.
- (b) Demolish rubble stone wall constructed on Government approve public road which is in existence from era of British Government rule;
- (c) Provide the petitioner and his friend Shri Sunil Suma Kaushik a police protection.

2. The matter was taken up with Chief Secretary, Govt. of Maharashtra, Mumbai, DGP, Govt. of Maharashtra and District Collector, Palghar vide NCST notice dated 06.09.2018 and reminder notice dated 10.10.2018 for report. No reply has been received from concerned authorities. Therefore, Hon'ble Chairperson, NCST has fixed

a sitting with the concerned authorities to discuss the matter on 26.11.2018. Accordingly, sitting notice has been issued.

3. The officers of concerned department, Government of Maharashtra appeared before the Commission on 26.11.2018. The petitioner was also present in the day of Sitting. Matter discussed in detail.

4. During the discussion, the Hon'ble Chairperson asked to the petitioner about his grievances. The petitioner appraised and submitted to the Commission that the said land was purchased by his ancestor under Bombay Land Tenancy Act, 1949. The said land was leased on 1979 for 30 years with the help of District Administration. The non STs has not taken permission from the concerned Government authority to construct/development on the land and accordingly constructed illegal structure. After expiry of Lease Deed of the land in the year 2009 no extension of the Lease Deed was taken. The tribal families have objected the above illegal activities before the District administration and no action was taken.

5. The Commission asked the concerned officers of Government of Maharashtra to explain the position of the case. The officers from Revenue Department submitted to the Commission that the above land was marked as private forest land by the Department of Forest. Accordingly, entry has been made in the land record by the Department of Revenue. The officers of Revenue Department also appraised that as per order of Hon'ble High Court of Mumbai in such case agriculture land has been converted in forest land.

The Assistant Commissioner, Vasai Virar City, Municipal Corporation submitted to the Commission that a wall admeasuring approx. 300 sq.ft. was constructed without taking permission of appropriate authority. There were 3 industries namely (i) Nand Industrial Society (2) Iqbal Halal (3) Prashanti Investment company observed which were constructed at time of Gram Panchayat authority. It is observed that there were land ownership dispute between the concern parties. The land ownership dispute issue is totally subject of Revenue Department. But an illegal wall was being recently constructed on the said S. No. land without taking permission of local authority i.e. the Municipal Corporation. Hence a notice ref. outward No. 313/2018-2019 dated 30.10.2018 was issues by the Ward Office. The said parties failed to submit the necessary document of permission regarding construction of the said wall. Henceforth the said illegal wall has been demolished on dated 03.11.2018. The opposite parties have also submitted notarized land sale deed documents of S. No. 41/2 at village Sativati, Tal-Vasai, District- Palghar as well as legal notices from their respective Advocates. Its being observed from current 7/12 Extract that the land belongs to Government of Maharashtra reserved for Forest.

Officers of Police Department submitted to the Commission that on the receipt of complaint from the concerned Scheduled Tribe persons, the matter is being looked for filing an FIR against the encroachers.

6. The Commission observed that Agricultural land was registered in the name of Scheduled Tribe persons in the year 2005 which has been converted as private forest land by the concerned department which appears to be against rules. After detailed discussion the Commission recommendation's as under:

- (a) It was informed during the sitting that the land in question was mutated in the name of tribal petitioners as agricultural land. Then, how the land use of this land has been changed to private forest. The Revenue department has to give the clarification.
- (b) When there is no provision to lease private agricultural land of tribals how the department gave person to lease the land for 30 years.
- (c) How the forest department notified the said land as private forest without knowledge of Revenue department? Forest department to provide all records relating to it.
- (d) The Revenue department should take necessary action to demolish all constructions in the disputed land.
- (e) The Commission will make a spot visit after 13.12.2018 and look into the matter again.

7. Compliance/action taken report should be submitted to the Commission within 15 days from the receipt of the proceedings

Handwritten signature and date: 3.12.18

Nand Kumar Sai
Chairperson
National Commission for Scheduled Tribes
Govt. of India
New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. DSM/14/2018/STGMH/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 H.K. Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri S.K. Ratho, Joint Secretary
6. Shri P.T. Jameskutty, Deputy Secretary
7. Shri H.R. Meena, Sr. Investigator

Government of Maharashtra

1. Shri Dipak Kshirsagar, SDM, Vasai
2. Shri Ashwini Patil, SDPO, Vasai
3. Shri Kishor Gawas, Deputy Commissioner, Vasai-Virar MNC
4. Dayanand Mankar, Assistant Commissioner, Vasai-Virar CMC
5. Advocate Namrata Kashyap, Vasai-Virar MNC
6. Advocate Seema Trisethi, Vasai-Virar MC
7. Shri Viswanath Talelza, Vasai-Virar MC
8. Shri Quaiser Khalit, Inspector General (PCR), Maharashtra

Petitioner

1. Shri Devji Shankar Mahali
2. Shri Sunil Sumar Kaushik