



सत्यमेव जयते
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. BNN/1/2018/STGTL/DELAAL/RU-IV

Dated: 13.02.2019

To

1. The Special Chief Secretary,
Revenue Department,
Govt. of Telangana,
Hyderabad.
2. The Director General of Police,
Govt. of Telangana,
Hyderabad.
3. The Commissioner,
Survey and land Records,
Govt. of Telangana,
Hyderabad.
3. The District Collector,
Khammam District,
Khammam, Telangana.
5. The Commissioner of Police,
Khammam City,
Telangana.

Sub: Proceedings of the Sitting taken by Smt Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 07.01.2019 in the case of Shri Banoth Narendra Nayak Somla Thanda Village Post, Bhagavath Veedu Mandal, Kusumanchi District Khammam regarding Illegal Encroachment of land.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 07.01.2019 under the Chairmanship of Smt Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action and submission of compliance report to this Commission within 30 days from the receipt of the letter for placing the same before the Hon'ble Member, NCST.

Yours faithfully,

(Y.K. Bansal)
Research Officer

(Encl: As above)

Copy to:

Shir Banoth Nayak,
Somla Thanda Village,
Bhagavath Veedu Post,
Kusumanchi Mandal, District,
Khammam, Telangana.

(Encl: As above)

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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. BNN/1/2018/STGTL/DELAAL/RU-IV

PROCEEDINGS OF SITTING HELD ON 07.01.2019 CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI BANOTH NARENDER NAYAK, S/O SHRI YALAMANDA NAYAK BANOTH, SOMLA TANDA VILLAGE POST, BHAGAVATH VEEDU MANDAL, KUSUMANCHI DISTRICT KHAMMAM REGARDING ILLEGAL ENCROACHMENT OF LAND.

Date of Sitting: 07.01.2019

List of officers present in sitting is Annexed.

Shri Banoth Narendra Nayak, S/o Shri Yalamanda Nayak Banoth, Somla Tanda Village Post, Bhagavath Veedu Mandal, Kusumanchi District Khammam vide his representation dated 03.10.2018 has represented before the Commission regarding illegal encroachment of land. The petitioner is stated that there is a land in village Khanapuram (Haveli), Khammam city survey No. 287/c (1-19) 289/B (1-14) 2 ykrs 34 guntas. This land was his forefather's property of late Shri Koppula Chennaiah Alias Chandraiah. After his death, wife of Shri Koppulla Chennaiah and sons and daughter are receiving revenue from above land. Due to unhealthy of his wife for expenditure of treatment and financial poorness, they want to sell the land (2.34) Yks. Shri Banoth Narendra Nayak and Koduri Narayana Rao gave cash on 12.12.2012 and prepared land sale documents. Thereafter, the land was occupied/grabbed by non STs and prepared Revenue records with the help of concerned Revenue officials. The District Administration did not take any action against accused for restoring of land.

2. The Commission earlier took up the case with the District Collector, Khammam, Police Officials, Khammam, Revenue Department, Telangana and subsequently a Sitting was held on 25.10.2018 before the Hon'ble Member, Smt. Maya Chintamn Ivnate, NCST in the case.

3. The Commission had recommended that (i) four members Committee should be constituted by Collector, Khammam for investigation for above case (a) Headed by Collector Khammam (b) Department Collector Rank Officer who belongs to Scheduled Caste/Scheduled Tribes (c) Tehsildar, Khammam (d) One Police Officer rank of DSP. (ii) A Board/flex should be fixed on the land which shows the name of Land owner's name and his contract number by Collector Office (iii) Shri Banoth Narendra Nayak, S/o Shri Yalamanda Nayak Banoth Somla Thankda Village, Post Bhagvath Veedu Mandal, Kusumannchi, District Khammam, Telangana said that he was threatened by some anti-social elements. The Commission recommended that applicant



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

provided Police protection by District Police Authority (iv) After completion of above investigation report should be submitted to the Commission by the Collector, Khammam.

4. Since, there was no action taken report received from the authority concerned and therefore, the Hon'ble Member, Smt. Maya Chintamn Ivnate, NCST fixed a Sitting on 07.01.2019 in the Commission.

5. The Sitting was attended by District Collector and Magistrate, Khammam, Commissioner of Police, Khammam and Commissioner, Municipal Corporation, Khammam along with the petitioner.

6. In the Sitting, the petitioner has submitted grievances of non action about restoration of his land and non action against the accused person under Atrocity Act. Thereafter, the District Collector, Khammam has submitted a written report before the Commission. He further informed that as per the Commission's directions, a seven members Committee under the Chairmanship of District Collector, Khammam was constituted to investigate the land matter. The Committee submitted its report and opined that on perusal of the facts and materials papers/ records placed before the Committee, and in view of the admission made by the petitioners in their MoU that the scheduled property is under encroachment and having litigation, as such the committee opined that, the dispute is in civil nature since both parties are claiming title over the subject land and the Committee has no jurisdiction to decide the title, as such the matter has to be settled by the competent civil court having jurisdiction. In addition, a board/flexi captioned "the land is under dispute before Hon'ble National Commission for Scheduled Tribes" was fixed on the disputed land and the ACP, Khammam Urban has been directed to provide Police protection to the petitioner and his family members.

7. The Commissioner of Police, Khammam City informed the Commission that complaints made by the petitioner in concerned police station will be taken seriously and necessary action will be taken accordingly.

8. The case was discussed in detail. The Commission observed that the survey numbers of the land in dispute was different in the records presented by the District Collector, Khammam and the petitioner concerned. The Committee has also not taken into consideration about the objection raised by the petitioner about survey numbers of the land. Hence, the Commission recommends that:

- The case should be investigated by an independent Inquiry Committee.



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- The Special Chief Secretary, Revenue, Govt. of Telangana is advised to constitute an independent Committee comprising one ST member from Revenue Department, NGO working for STs, one Senior ST officer and others who deemed to be fit to inquire the matter. This Committee will hear the petitioner also.
- District Collector, Khammam should ensure that no construction work should be made on said disputed land.
- The District Collector and Commissioner of Police, Khammam is advised to felicitate the enquiry committee members by providing all concerned information, records etc.
- The report of the Committee should be submitted by Special Chief Secretary, Revenue, Govt. of Telangana within two months period.



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NATIONAL COMMISSION FOR SCHEDULED TRIBES

Annexure

(File No. BNN/1/2018/STGTL/DELAAL/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivnate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Y.K. Bansal, Research Officer
4. Shri S.K. Atram, PS to Hon'ble Member (MCI)
5. Shri H.R. Meena, Sr. Investigator

Officers of Government of Telangana

1. Shri. R.V. Karnan, District Collector and Magistrate, Khammam
2. Shri Md. Tafseer Iqbal, Commissioner of Police, Khammam
3. Shri J. Srinivasa Rao, Commissioner, Municipal Corporation, Khammam

Petitioner

Shri Banoth Narendra Nayak