



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. RCKR/19/2018/STGAP/DEOTH/RU-IV

Dated: 05.03.2019

To,

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| <p><b>1 The Principal Secretary,</b><br/>Dept. of Revenue (Land),<br/>Govt. Andhra Pradesh,<br/>New Secretariat, Velagapudi,<br/>Amravati, Guntur, A.P.</p> <p><b>3. The Vice Chairman &amp; Managing Director,</b><br/>APIIC Limited, 59A-20/3/2A,<br/>1<sup>st</sup> Floor, Sri Siva Complex,<br/>Funtimes Club Road,<br/>Teachers Colony,<br/>Vijayawada – 520 008 (A.P.)</p> | <p><b>2 The Principal Secretary,</b><br/>Industries Department,<br/>Govt. Andhra Pradesh,<br/>A.P. Secretariat, Velgapudi,<br/>Amravati, Guntur – 522 238, AP</p> <p><b>4. The District Collector,</b><br/>Prakasam District,<br/>Govt. of Andhra Pradesh.</p> |
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**Sub: Proceedings of the Sitting taken by Dr. Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) on 11.02.2019 in the case of Shri R.C.Koteswara Rao, Secretary, SC&ST retired EWA and Village Development Committee, Stuartpuram, Guntur (A.P.) and Shri Chinna Venkateswarlu Treasurer, Stuartpuram Girijana Colonization Society, Guntur, A.P. regarding Grabing the Tribal Land Forcely Constructing structure in the name of Autonagar.**

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 11.02.2019 under the Chairmanship of Dr.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 within 30 days from the receipt of the letter for placing the same before the Hon'ble Chairperson, NCST.

Yours faithfully,

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

Copy to:

Shri R.C.Koteswara Rao,  
Secretary,  
SC&ST Retired EWA and  
Village Development Committee  
Stuartpuram,  
China Bethapudi, Bapatla,  
Guntur District – 522 317  
Andhra Pradesh

*Copy to: - SAs, NIC, NCST.*

**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

Case File No. CV/18/2018/STGAP/DEOTH/RU-IV

Case File No. RCKR/19/2018/STGAP/DEOTH/RU-IV

**PROCEEDINGS OF SITTING HELD ON 11.02.2019 AT 12.30 P.M. CHAIRED BY Dr. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF REPRESENTATIONS OF SHRI R.C. KOTESWARA RAO, SECRETARY, SC&ST RETIRED EWA AND VILLAGE DEVELOPMENT COMMITTEE, STUARTPURAM, GUNTUR (A.P) AND SHRI CHINNA VENKATESWARLU TREASURER, STUARTPURAM GIRIJANA COLONIZATION SOCIETY, GUNTUR, ANDHRA PRADESH REGARDING GRABBING THE TRIBAL LAND AND FORCELY CONSTRUCTING STRUCTURES IN THE NAME OF AUTONAGAR.**

Date of Sitting: 11.02.2019

List of officers present in sitting is Annexed.

1. The petitioner Shri R.C. Koteswara Rao & Others, stuartpuram, District Guntur vide representation dated 27.10.2018 and Shri Chinna Venkateswarlu, Stuartpuram Girijana Colonization, Guntur have submitted the grievances of grabbing the stuartpuram ST Yerukulas land and forcefully constructing structures in the name of Autonagar by Prakasam District Officials, Chirala MLA and APIIC, authorities and requested mutation of salvation Army land in respect of Cooperative Society in accordance to GOMS No.193.

The petitioners represented that in 1914 Salvation Army Philanthropic Association was assigned a huge piece of land by the then Government to rehabilitation of habitual offenders and thieves. The said Army gathered the criminal background people at Stuartpuram Area and opened agriculture settlement for their upliftment. The Salvation Army also distributed some part of the land to the extent of Ac. 44.60 Cents and Acre 32.60 cent in Sy. No. 64/1,64/3 and 309/IC situated at Epurupalem Village to the Scheduled Tribes people for their livelihood through RDO, Ongole, Prakasam District. Accordingly, the said lands are in possession with Scheduled Tribe families and they are cultivating in the land by way of plantation and other seasonal crops. In addition, the Salvation Army allocated four acres of land to the Scheduled Tribes people for graveyard purpose. The Andhra Pradesh have been bifurcated and after the enactment of AP Reorganization Act, 2014 the sharing of assets in accordance to 10<sup>th</sup> schedule is pending under which action of acquiring the land by the Govt. of AP is unlawful, illegal and unconstitutional. Further, the land to the extent of Acs. 32.63 Cents in Sy. No. 64/1,64/3 and 309/IC of Epurupalem Village was handed over to the Settlers by Salvation Army by issuance of individual possession certificates and Salvation Army made a request to the Revenue Department to mutate land in the name of settlers purely for agricultural purpose. However, no mutation of the land has been made in favour of the ST settlers. The land was unlawfully acquired by the Revenue Department for establishment of Auto Nagar by APIIC Ltd. Thereafter, to save the interest of ST settlers, the petitioners have formed a Co-operative Society under Stuartpuram Girijana Colonization Society in accordance with GOMS No. 193 dated 01.12.1976. However, the present Government authorities, with the help of some contractors and Police officials demolished graveyard and removed constructed structure. On other hand Salvation Army Territorial Commander informed the concerned Govt. authority to issue pattas of the land in possession with Scheduled Tribes. In addition, the occupants of the land shown proofs of allocation of land in their favour and requested for grant of pattas. However, the Govt. has not taken any action for

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नंद कुमार साई Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जातों के आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India

mutation of said land. The MLA, Chirala and APIIC with the help of District administration are also involved to sale the land illegally. Now the State Government is trying to hand over the physical possession of said land to the AQPIIC Ltd. for establishment of Auto Nagar without serving any notice. The petitioners requested to the Commission to stop the illegal activities on the land and issue the patta to the ST occupants.

2. As per procedure, the NCST vide its notice dated 24-10-2018 sought a report from the Government of Andhra Pradesh. However, no report was received from the Department concerned. Therefore, the Hon`ble Chairperson, NCST fixed a sitting on 11-2-2019 to have a discussion in the case.

3. As per schedule, sitting was held on 11-02-2019. The Chief Secretary Government of Andhra Pradesh, the Revenue Secretary, Andhra Pradesh, the Chief Commissioner of Land Administration, Andhra Pradesh, the District Collector, Prakasham District, S.P. Prakasham District and the Managing Director, Andhra Pradesh Industrial Infrastructure Corporation Ltd. were called. But none of them appeared before the Commission. However, on behalf of District Collector, Prakasham District, the S.D.M. & RDO, Ongole and on behalf of the Managing Director APIIC Ltd., the Chief General Manager (Law) appeared.

4. In sitting, the petitioners submitted before the Commission that in 1914 Salvation Army Philanthropic Association was assigned a huge piece of land by then Government to rehabilitation of habitual offenders and thieves. Thereafter, The Salvation Army distributed some part of the land to the extent of Ac. 44.60 Cents and Acre 32.60 cent in Sy. No. 64/1,64/3 and 309/IC situated at Epurupalem Village to the Scheduled Tribes belonging to Yerukula Tribe people for their livelihood through RDO, Ongole, Prakasam District. Accordingly, the said lands are in possession with Scheduled Tribe families and they are cultivating in the land by way of plantation and other seasonal crops. In addition, the Salvation Army allocated four acres of land to the Scheduled Tribes people for graveyard purpose. Now the State Government has handed over the physical possession of said land to the APIIC Ltd. for establishment of Auto Nagar and also demolished graveyard and constructed structure with the help of some contractors and police officials. On other hand the Salvation Army Territorial Commander informed the concerned Government authority to issue the pattas of the land in favour of the ST occupants. Thereafter to save the interest of ST settlers, the petitioners have formed a Co-operative Society under Stuartpuram Girijana Colonization Society in accordance with GOMS No.193 dated 01.12.1976. However, the Government has not taken any action for mutation of said land.

5. The RDO, Ongole submitted an written report before the Commission. He stated that during the year 1994, the APIIC Ltd. had proposed for establishment of Autonagar at Chirala of Prakasam District and filed a requisition on 16-06-1994 before the Collector & District Magistrate, Prakasam District for acquisition of lands in Sy.No.309/9, etc., measuring to an extent of Acs.44.57 cents of Epurupalem Village of Chirala Mandal. Thereafter the land was acquired from the Salvation Army through the Revenue Divisional Officer, Ongole, under L.A. Act and passed the Award No. 17/99-2000 dated 12.01.2000. As per the award, the APIIC Ltd. had deposited the award amount with the Revenue Divisional Officer, Ongole and taken possession of the following Private Patta Lands from the Mandal Revenue Officer, Chirala on

12.01.2000. The land compensation amount Rs.20,30,784/- was also paid to the Salvation Army.

Further, the Revenue Divisional Officer/Land Acquisition Officer, Ongole handed over an extent of Acs.10.44 Cts of Government land to APIIC Ltd. on 26-02-2002. Thus, possession of the land to extent of 44.57 Acres was taken over from the Revenue Department. Later on, APIIC Ltd. prepared a layout with 466 Plots for establishment of Autonagar. The layout was approved by the DTCP vide C.No. 764/2005 N, dated 06-01-2006.

APIIC Ltd. proposed to provide infrastructure facilities like formation of Roads, Culverts and Drains in Autonagar, Chiraia and presently, road work is under progress.

Prior to this, in the year 2003, Sri Ragala China Venkateswarlu & 15 others filed a Writ Petition in W.P. No.14125 of 2003 against the District Collector, Prakasam and 5 others. The Hon`ble High Court on 12.08.2003 issued a direction that as per records produced, the land was acquired and compensation payable for the Salvation Army has been deposited in SBI on 19.03.2000 and land was given possession to APIIC on 12.02.2000 after acquisition. The case is disposed of.

Thereafter, one Sri China Venkateswarlu S/o Daveedu, Treasurer, Stuvartpuram Girijana Colonization Society has filed another Writ Petition in W.P.No.7771/2017 before the Hon`ble High Court of A.P., against the State of A.P., represented by its Principal Secretary, Revenue Department, and four others seeking orders to set aside the orders of acquisition of agricultural lands in Sy.No.64/1,64/3 and 309/1C,310/1 of Epurapalem village belonging to the Schedule Tribe, Yerukala Tribe of Stuvartpuram village. The said Writ Petition is still pending before the Hon`ble Court. No interim orders have been passed.


Finally it is submitted that an extent of 1Ac.34.13 cents in Sy.Nos.64/1,64/3 etc., of Epurapalem village belonging to the Salvation Army has already been acquired way back in the year 2000, and the compensation amount was deposited in the State Bank of India payable to the Salvation Army. The land was already handed over to the APIIC in the year 2000. The APIIC formed internal roads and the infrastructure works are at final stage. As the petitioners are not in possession and enjoyment of the acquired lands and acquired lands are under the possession of the APIIC Authorities, hence the question of mutations in favour of the petitioners does not arise.

6. The representative of APIIC Ltd. also submitted a report. She informed the Commission that during the year 1994, the APIIC authority has proposed for establishment of Autonagar at Chirala of Prakasam District and filed a requisition on 16-06-1994 with the Collector & District Magistrate, Prakasam District for acquisition of lands in Sy.No.309/9 etc., measuring an extent of Aces. 44.57 of Epurapalem Village of Chirala Mandal. Accordingly, the RDO, Ongole followed the due procedure under L.A. Act and passed the land acquisition award on 12-01-2000. The compensation amount has also been paid and possession of the acquired land was taken. Presently the entire land of 44.57 Acres is in possession of APIIC Ltd. since 2002 and there is no residence houses/habitations in the subject land. Further, APIIC did not disturb the grave yard which is adjacent to APIIC land. In addition the Hon`ble High Court of A.P. in W.P. No.33445/2012 has passed order that the petitioners has not produced any records showing their possession over the land, the procedure under land

acquisition has been followed, compensation also paid to the Salavation Army and the petitioners have not challenged the award passed by the land acquisition officer. Hence the claim of the petitioners on the land does not arise. The writ petition is dismissed.

7 The case was discussed in detail. The Commission observed that the Salavation Army had given certain piece of land measuring 44.60 Acres of Epurupalem village of Chirala Mandal to the Scheduled Tribes for cultivation and they were in habitation for last 90 years. Thereafter, the State Government of Andhra Pradesh acquired said land for establishment of Autonagar without consent and proper rehabilitation of the Scheduled Tribes occupants. Thus, the Scheduled Tribes were evicted and deprived from their rights of livelihood. The Commission therefore recommends that

- The State Government of Andhra Pradesh should maintain status quo on the land and it may ensure that no construction activities should be carried out as the matter is under consideration before the Commission.
- The Commission will also hold a sitting with the senior officers of Revenue Department, Industries Department, Government of Andhra Pradesh, APIIC Ltd. and District Collector, Prakasham to protect the interest of the Scheduled Tribes
- An action taken report on the Commission's recommendations should be submitted by the Government of Andhra Pradesh and other concerned authorities within 30 days from the receipt of the proceedings.

  
28.02.09

नन्द कुमार साय/Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi

Government of India.  
National Commission for Scheduled Tribes

Case File No. RCKR/19/2018/STGAP/DEOTH/RU-IV

List of participants of the sitting held on 11.02.2019 at 12.30 P.M. under the Chairmanship of Dr.Nand Kumar Sai, Hon'ble Chairperson, NCST in the case of Shri R.C.Koteswara Rao, Secretary, SC & St retired EWA and Village Development Committee, Stuartpuram, Guntur (A.P).

**I National Commission for Scheduled Tribes**

1. Dr. Nand Kumar Sai, In Chair  
Hon'ble Chairperson
2. Shri H.K. Damor,  
Hon'ble Member
3. Shri A.K. Singh,  
Secretary
4. Shri S.K. Ratho,  
Joint Secretary
5. Shri Y.K. Bansal,  
Research Officer
6. Shri H.R.Meena,  
Sr.Investigator

**II Officers of Govt. of Andhra Pradesh**

1. Shri K.Penchala Kishoe,  
SDM & RDO, Ongole,Prakasham  
Distt.
2. Ms Rashmi.A.,  
G.M. (Law) APIIC Ltd. Vijaywada

**III Petitioner**

1. Shri U.Adityaraj
2. Dr.K.N.Rao, National President  
Forum for Social Justice, A.P.