



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. VSK/24/2018/STGMH/DEOTH/RU-IV

Dated: 18.03.2019

To,

The District Collector,
District Nagpur,
Ravindra Nath Tagore Marg,
Civil Lines, Nagpur,
Maharashtra - 440 001.

Sub: Proceedings of sitting held on 28.02.2019 chaired by Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) in the case of Shri Vinod Shyamraoji Kurmate, Katol, Nagpur (Maharashtra) regarding demolition of house by the Municipality Katol.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 28.02.2019 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:

Shri Vinod Shyamraoji Kurmate,
Gram - Galpura, Katol,
Tehsil - Katol,
District - Nagpur - 441 302
(Maharashtra)

copy to: SAC, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. VSK/24/2018/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 28.02.2019 AT 02.00 P.M. CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI VINOD SHYAMRAOJI KURMATE, KATOL, NAGPUR REGARDING DEMOLITION OF HOUSE BY THE MUNICIPALITY, KATOL.

Date of Sitting: 28.02.2019

List of officers present in sitting is Annexed.

The petitioner Shri Vinod Shyamraoji Kurmate, Katol, Nagpur vide his representation dated 02-11-2018 has submitted grievances of demolition of his house by the Municipality, Katol. He alleged that he belonged to Gond S.T. community and residing at Galpura, Katol for last 30 years and also paying house taxes for the house since 1991. This house is recorded in the Revenue record in his name since 1991. However, the officials of Municipality, Katol has demolished his house on 31-12-2018 and his house hold items were kept seized. In this regard he has filed a police complaint at Katol Police Station against the officials of Municipality. But the police officials did not take any action against the guilty officials. The petitioner requested the Commission to intervening the matter and direct the official concerned to provide pukka house and return back his all household items.

2. As per procedure, the NCST vide its notice dated 31-12-2018 called for a report from the District Collector, Nagpur. However, no report has been received. Therefore, the Hon'ble Member, Smt. Maya Chintamn Ivnate fixed a Sitting on 28.02.2019 to have a discussion with the District Collector, Nagpur.

3. The District Collector, Nagpur requested the Hon'ble Member, NCST for exemption from appearance and the same was granted. However, on behalf of the District Collector, Nagpur, the Chief Officer, Municipality, Katol appeared. The petitioner was also present.

4. In Sitting the petitioner has submitted grievances of demolition of his houses on 31.12.2018 without prior notice and seize of his all household items and his belongingness. No police action was initiated against the guilty officials of the Municipality despite filing a Police complaint at Police Station, Katol.

5. The Chief Officer, Municipality, Katol has submitted a report before the Commission and also reported that the petitioner had made an encroachment on the land situated in between the road and land of Municipal Council, Katol by making temporary construction of house. The encroached land was earmarked for construction of houses for cattle shed and there were some old cattle shed which is now in dilapidated condition. Therefore, as per Section 49 of the Act of 1965 of Municipal Council, to construct the cattle shed to keep the cattle for while causing entrance on traffic in town and to give proper treatment, it was decided to construct


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

some new cattle shed through passing on resolution on 13.06.2018 in the meeting of the Municipal Council. Administrative approval has taken to construct the new cattle shed after demolishing the old one. As the temporary construction of the petitioner was an obstruction between road and the land on which the cattle shed to be constructed. Hence, after giving him due notice and prior intimation, the said encroachment was removed on 31.12.2018.

6. After demolition of house, an application to provide alternate accommodation to the extent of 1210 sq. ft. land of Municipal Council available towards the western side of the said cattle shed was received from the petitioner and his family members. The Municipal Council considered the petitioner's application in its meeting held on 10.01.2019 and it was decided to submit the proposal to the Government for grant of land for long term lease of 30 years to the family members of the petitioner. But, it was informed to the Board of Municipal Council that present proceedings are pending before the Hon'ble Commission and action will be taken accordingly. The Chief Officer, Municipality, Katol informed the Commission that the Municipality Administration has decided to provide a pucca house to the petitioner's family near by the demolished house.

7. The case was discussed in detail. The Commission observed that the petitioner's house was demolished by the officials of the Municipality, Katol without prior notice and his all household items were seized. The petitioner is living in pathetic condition without having any essential items for last 3 months. In addition, demolition activities were not carried out on the houses belonging to general category and others which is adjacent to the petitioner. Only petitioner's house was demolished. This appears to be a case of atrocity and acute harassment with a poor Scheduled Tribe family. The Commission, therefore, recommends that:

- The Municipal Council, Katol administration should take action to provide alternate land with construction of pucca house nearby his earlier demolished house within 3 months period. The District Collector, Nagpur will monitor about providing of pucca house to the petitioner's family within given time frame
- All seized household items be given to the petitioner with immediate effects.
- The District Collector, Nagpur will ensure that no injustice should be meted out against the poor ST family.
- The action taken report on the Commission's recommendations should be submitted before the Commission within 30 days from the receipt of the proceedings.
- The Commission will review the case after receipt of the action taken report.



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

Government of India.
National Commission for Scheduled Tribes

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List of participants of the sitting held on 28-02-2019 at 02.00 P.M. under the Chairmanship of Smt. Maya Chintamn Inate, Hon'ble Member, NCST in the case of Shri Vinod Shyamraoji Kurmate, Katol, Nagpur (Maharashtra), regarding Demolition of house.

I National Commission for Scheduled Tribes

1. Smt. Maya Chintamn, In Chair
Hon'ble Member
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

II Officers of Government of Maharashtra

1. Shri Ashok P.Garade,
Chief Officer, M.C. Katol

III Petitioner

1. Shri V.S.Kumate