



भारत सरकार

Government of India

राष्ट्रीय अनुसूचित जनजाति आयोग

National Commission for Scheduled Tribes

(A Constitutional body set up under Article 338A of the Constitution of India)

6th floor, 'B' Wing, Loknayak Bhawan
Khan Market, New Delhi-110 003

File No. KRP/2/2019/STGDN/DEOTH/RU-I

Dated: 04/07/2019

To,

The District Collector,
Dadra & Nagar Haveli,
Silvassa
(Dadra & Nagar Haveli).

Sub: Representation dated 19.03.2019 of the Shri Kalanbhai Raghlabhai Patel, Dokmadi, Talav Faliya, Amlia, Silvassa regarding to stop fencing near his land survey No. 190/1 (P).

Sir,

I am directed to refer to the subject cited above and to enclose a copy of the minutes of Sitting held in the Headquarters of National Commission for Scheduled Tribes on 25/06/2019 at 12:30 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, National Commission for Scheduled Tribes in the matter.

It is, requested that action taken on the suggestions / recommendations of the Commission may please be sent to the NCST at the earliest.

Encl: As above

Yours faithfully,

Rajeshwar Kumar/राजेश्वर कुमार
Assistant Director/सहायक निदेशक
Tel: 011-24641640.

Copy to:

Shri Kalanbhai Raghlabhai Patel,
Dokmadi, Talav Faliya, Amlia,
Silvassa- 396230
(Mob: 9725274709)

Copy for information to:

1. PS to Hon'ble Member (HCV), NCST
2. NIC (for hosting on Commission's website).

Government of India
National Commission for Scheduled Tribes

Minutes of sitting held in the NCST's Headquarters on 25/06/2019 at 12:30 P.M. onwards under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Kalanbhai Raghlabhai Patel, Dokmardi, Talav Faliya, Amlu, Silvassa regarding to stop fencing near his land survey No. 190/1 (P).

(KRP/2/2019/STGDN/DELAAL/RU-I)

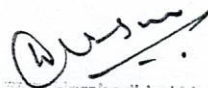
List of participants is annexed.

Shri Kalanbhai Raghlabhai Patel, Dokmardi, Talav Faliya, Amlu, Silvassa vide representation dated 19.03.2019 has stated that Dr. Chhitubhai Chauhan is fencing over his land adjoining to survey No. 190/1 (P) and requested for providing the way by stopping the fencing. The matter was referred to Collector, District- Silvassa, for facts and comments on 25.03.2019. The response was not received. Meanwhile, the petitioner vide representation dated 31.05.2019 has requested for cancellation of affidavit of four persons in regard to Heirship (Varsai) for survey No. 190/1 (P). The Hon'ble Member, Shri H.C. Vasava fixed the sitting for 25.06.2019 at 12.30 PM to discuss the issue with the Collector, District- Silvassa and the petitioner. The sitting notice was issued on 03.06.2019.

The District Collector, Silvassa vide letter No. ADM/Coll/Misc/2019/22 dated 24.06.2019 had deputed the Mamlatdar, Silvassa to attend the sitting. In the sitting, Mamlatdar, Silvassa and petitioner were appeared.

The Hon'ble Member asked the petitioner to explain the problems and action taken by the District Administration. The petitioner informed that the opponent had demolished his house constructed on the said land and also damaged the crop. The Administration is not supporting. This was brought to the notice of Collector, Silvassa but no action initiated by them against the opponent.

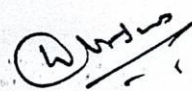
The Hon'ble Member asked the Mamlatdar to explain the facts and action taken by them in the matter. Mamlatdar handed over letter No. RD/RTS-I/NCST/KRP/2019/3097 dated 24.06.2019 of the Resident Deputy Collector (s), Dadra & Nagar Haveli, Silvassa along with the statement dated 18.06.2019 of the petitioner in the matter. It was informed that the land in


श्री H. C. Vasava
Hon'ble Member
National Commission for Scheduled Tribes
Govt. of India
New Delhi

question is currently under the ownership of Smt Bachuben Ramubhai Patel. The said land was originally was allotted to Late Shri Ramubhai Ravjibhai Patel. After his death name of Smt Bachuben Ramubhai Patel (second wife) was entered in the year 2006. The name of Late Smt Ratniben Keshavbhai Patel, (applicant sister) and the applicant not appeared, as both were failed to transferred the land in her name. At present, the petitioner has filed a Civil suit under JFMC, Silvassa. Thus, the request of applicant cannot be considered as the matter with the Hon'ble Civil Court.

The petitioner informed that the land was purchased by Smt Ratniben Keshavbhai Patel died on 15.09.2010, but they have no blood relation heirs alive today. The land in question was given by him through will and today he is the owner and occupant of the land. The case has been filled before the Civil Court of Silvassa on 22.11.2018 for ownership of the land.

After detailed discussions with the Mamlatdar and petitioner, Hon'ble Member suggested that there is no action required on part of NCST, as the petitioner has filed the case before the Civil Court of Silvassa. However, the petitioner may approach the Tehsildar Silvassa for help in the case. The Tehsildar, Silvassa advised to guide the petitioner being poor Scheduled Tribe in the matter. The District Collector and other senior officers of the District- Silvassa is also advised to help the petitioner in terms of protection and demolition of house by the opponent.


हर्षदभाई वसवा/Harshadbhai Vasava
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

भारत सरकार
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(KRP/2/2019/STGDN/DELAAL/RU-D)

List of participants in the sitting held on 25/06/2019 at 12:30 P.M. under the Chairmanship of Shri H. C. Vasava, Hon'ble Member, NCST in the case of Shri Kalanbhai Raghlabhai Patel, Dokmadi, Talav Faliya, Amli, Silvassa regarding to stop fencing near his land survey No. 190/1 (P).

I National Commission for Scheduled Tribes

1. Shri H. C. Vasava, Hon'ble Member (In Chair)
2. Shri S.P. Meena, Assistant Director
3. Shri R.S. Misra, Senior Investigator
4. Shri Manoj Mishra, PS to Hon'ble Member

II District- Silvassa

Shri T.S. Sharma, Mamlatdar, Silvassa

III Petitioner

Shri Kalanbhai Raghlabhai Patel