



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. SBM/24/2017/STGMH/DEOTH/RU-IV

Dated: 29.06.2018

To,

1 The District Collector,
District – Yavatmal,
Maharashtra.

2 The Superintendent of Police,
District – Yavatmal,
Maharashtra.

Sub: Proceedings of the Sitting taken by Hon'ble Member Smt. Maya Chintamn Ivate, National Commission for Scheduled Tribes (NCST) on 22.01.2018 in the matter of Ku. Soni Bhimrao Chaudhary, D/o Smt. Durga Bhimrao Chaudhary, R/o 192, Shivaji Nagar, Digras, Tehsil – Digras, District-Yavatmal (Maharashtra) regarding capturing of her property by non ST.

Sir,

I am directed to enclose a copy of the Proceedings of the Sitting held under the Chairmanship of Smt. Maya Chintamn Ivate, Hon'ble Member, National Commission for Scheduled Tribes on 22.01.2018 on the above mentioned subject for perusal.

It is requested that action taken report in the matter may please be sent to the Commission within 30 days positively for placing the same before the Hon'ble Member, NCST.

Yours faithfully

(Y.K. Bansal)
29/6/2018
Research Officer

Copy to:-

Ku. Soni Bhimrao Chaudhary,
D/o Smt. Durga Bhimrao Chaudhary,
R/o 192, Shivaji Nagar, Digras,
Tehsil – Digras,
District-Yavatmal
(Maharashtra)

copy to:-

I. SAC, N.I.C., NC ST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

SBM/24/2017/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 22.01.2018 at 3.00 P.M. CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) KU. SONI BHIMRAO CHAUDHARY D/O DURGA BHIMRAO CHAUDHARY, 192, SHIVAJI NAGAR, DIRGAS, TEHSIL - DIRGAS, DISTRICT - YAVATMAL (MAHARASHTRA) REGARDING HER PROPERTY CAPTURED BY NON-ST

Date of Sitting: 22.01.2018

List of officers present in sitting is Annexed.

Ku. Soni Bhimrao Chaudhary D/o Durga Bhimrao Chaudhary, 192, Shivaji Nagar, Dirgas, Tehsil - Dirgas, District - Yavatmal (Maharashtra) vide representation dated 21.08.2017 has stated that her property has been captured by non-Scheduled Tribes Shri. Vishnupanth Balaji Bhaskarwar. In this regard she requested the District Collector and Police Department of the District Yavatmal for possession. The Police and District Administration, District - Yavatmal had not taken any action and requested the NCST for justice.

2. NCST vide notice dated 06.10.2017, referred the matter to the District Collector and Superintendent of Police, District – Yavatmal (Maharashtra) for furnishing the facts and action taken on allegation in the representation to the Commission within 30 days of receipt of the notice, followed by reminder dated 15.11.2017 with request to send the information within 15 days. The reply/information was not received from the District authorities.

3. Accordingly, Hon'ble Member Smt. Maya Chintamn Ivnate fixed Sitting for **22.01.2018 at 3.00 P.M.** to discuss the matter with District Collector and Superintendent of Police, Yavatmal and petitioner.

4. The Collector, District Yavatmal deputed District Administrative Officer, District Yavatmal and Chief Officer, Municipal Corporation, Digras to attend the Sitting. No one from the Police Department of District Yavatmal was appeared in the Sitting.

5. The Hon'ble Member asked the petitioner to explain her grievance. The petitioner stated that the Police and District authorities are not taking action against the accused after repeated requests and again requested NCST for justice.


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

6. The Hon'ble Member asked the representative(s) of Collector, District - Yavatmal to explain the action taken by them in the matter. District Administrative Officer informed the Commission that applicant Ku. Soni Bhimrao Chaudhary, R/o Digras applied for ownership of Plot No. 193-Shiwaji Nagar, Digras. Suit Property was Occupied by the petitioner since last 40/50 years. Petitioner is paying all Municipal Taxes since last 40 years and she holds the property in her mother's name as Occupier owner Shri Vivek S/o Shri Vishnupanth Balaji Bhaskarwar. Shri Vishnupanth Balaji Bhaskarwar tried to take possession through Civil Court, (Suit No.2/1998) Digras but case was dismissed on 19.08.2005. Later on, Shri Vishnupanth Balaji Bhaskarwar appealed before the District Judge, Darwha (CA No. 34/05), the appeal was dismissed on 24.10.2007.

Ku. Soni Bhimrao Chowdhari was given facility of construction of toilet under Swachh Maharashtra Abhiyan in 2016-17. She had applied for the title of the suit property on 21.08.2017 to the Chief Officer the Municipal Council, Digras. The Chief Officer, Municipal Council, Digras gave public notice on 10.11.2017, the non applicant Shri Vivek S/o Vishnu Bhaskarwar had taken objection on 17.11.2017. In order to decide the application of both (Ku. Soni Bhimrao Chowdhari and Shri Vivek), the Chief Officer, Municipal Council, Digras called both the parties on 30.11.2017 with all necessary documents. Since both the parties could not submit clear ownership title required for mutation, the Chief Officer, Municipal Council gave in writing a letter to Deputy Superintendent of land record on 16.12.2017 calling for earlier mutation taken regarding this plot. It was informed that Chairman of Maharashtra State Commission heard the case on 18.12.2017. Presently the suit plot is open & empty.

7. The Chief Officer, Municipal Council, Digras endorsed the views/comments of the District Administrative Officer, District – Yavatmal. Hon'ble Member asked the officers to suggest the solution in the matter. Representatives of Collector, Yavatmal suggested to bifurcate the land in 50:50 basis among both parties. The petitioner was agreed with the suggestions of the Officers.

8. After discussions with the officers and suggestions pointed out by them, it was observed that the case has not been registered by the Police, Digras regarding damaging of the construction of the petitioner. The said property occupied by the petitioner since last 40-50 years. The Commission recommends that:

1. The said plot should be distributed in 50:50 basis among the petitioner and respondent. Since, petitioner belongs to Scheduled Tribes community and the said plot is under the possession since 40-50 years.


Smt. Maya Chintamni Inate
Member
National Commission for Scheduled Tribes
Govt. of India, New Delhi

2. The case against the respondent for damaging the construction of the petitioner should be registered by the Superintendent of Police, District – Yavatmal.
3. The District Administration should provide facilities/encourage the petitioner for availing the benefits of the schemes run by the Government for the welfare of Scheduled Tribes in the District.
4. Action taken by the Superintendent of Police of District – Yavatmal and Collector District – Yavatmal in the matter may be intimated NCST at the earliest.



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

(File No. SBM/24/2017/STGMH/DEOTH/RU-IV)

List of participants

NCST

1. Smt. Maya Chintamn Ivrate, Hon'ble Member - In Chair
2. Shri D.S. Kumbhare, Under Secretary
3. Shri R.S. Misra, Sr. Investigator
4. Shri S. Atram, PS to Hon'ble Member

District Collector, District - Yavatmal

1. Shri Nanda Shashimohan, District Administrative Officer
2. Shri Sheshrao Tale, Chief Officer, Municipal Council, Digras

Superintendent of Police, District - Yavatmal

NIL

Petitioner

Ku. Soni B. Chaudhary
Shivaji Nagar,
Digras, Yavatmal,
(Maharashtra).