



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. RBD/1/2018/STGMH/DELAAL/RU-IV

Dated: 02.08.2018

To,

1. The Principal Secretary,  
Department of Revenue,  
Government of Maharashtra,  
Mantralaya,  
Mumbai – 400 001
2. The Commissioner,  
Greater Mumbai Municipal Corporation,  
Mahapalika Bhawan,  
Mahapalika Marg,  
Mumbai – 400 001 (Maharashtra).
3. The District Collector,  
Mumbai Suburban,  
Bandra (E),  
Mumbai – 400 052 (Maharashtra).

**Sub: Minutes of the Sitting taken by Smt. Maya Chintamn Inate, Hon'ble Member, National Commission for Scheduled Tribes (NCST) on 18.07.2018 in the case of Shri Ravindra Babu Dhodi, Borivalli, Mumbai (Maharashtra) regarding land alienation.**

Sir,

I am directed to enclose a copy of the Minutes of the Sitting held on 18.07.2018 under the Chairmanship of Smt. Maya Chintamn Inate, Hon'ble Member, National Commission for Scheduled Tribes on the above mentioned subject for necessary action.

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*  
02/8/2018  
(Y.K. Bansal)  
Research Officer

(Encl: as above)

Copy to:-

Shri Ravindra Babu Dhodi,  
Rahnar Nanu Valsa Chal,  
Near Kent Tower Building,  
D.P.S. Road, Borivalli (West),  
Mumbai – 400 012 (Maharashtra).

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



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

RBD/1/2018/STGMH/DELAAL/RU-IV

PROCEEDINGS OF SITTING HELD ON 18.07.2018 AT 12.00 NOON CHAIRED BY SMT. MAYA CHINTAMN IVNATE, HON'BLE MEMBER, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF OF THE PETITIONER SHRI RAVINDRA BABU DHODI HAS SUBMITTED GRIEVANCES OF SCHEDULED TRIBES PEOPLE, NAMELY SHRI RAVINDRA BABU DHODI, AND OTHERS, DISTRICT THANE, REGARDING GRABBING OF LAND OF SCHEDULED TRIBES SITUATED AT VALNAI REVENUE VILLAGE, TALUKA AND EX-TALUKA OF DISTRICT THANE BY THE NON-SCHEDULED TRIBES PERSONS WITH THE HELP OF REVENUE OFFICIALS.

Date of Sitting: 18.07.2018

List of officers present in sitting is Annexed.

The petitioner Shri Ravindra Babu Dhodi has informed that his relatives, parents, forefather etc. were residing at Valnai Revenue Village, and Ex-Shastri Taluka, District Thane, presently situated at Malad (West) of Mumbai since 1930. They were having an agriculture land measuring 7acre and cultivating the same till 2012 i.e. year of land grabbing incident. The agriculture land was recorded in the revenue records in favour of them. However, the SDM, Thane by its order in 2012 has deleted their names from the revenue records and the tribal land was allotted in the name of non tribals. Thus the tribal land was forcefully grabbed by the non Scheduled Tribes.

2. The NCST vide its letter dated 02.05.2018 has sought a report from the Revenue Department, Maharashtra, Commissioner, Mumbai, Municipal Corporation, Mumbai and District Collector, Mumbai Suburban. However, requisite report is awaited. Therefore, Smt. Maya Chintamn Ivnate, Hon'ble Member, NCST has fixed a Sitting on 18.07.2018 at 12.00 Noon with the Principal Secretary, Department of Revenue, Govt. of Maharashtra, the Commissioner, Greater Mumbai Municipal Corporation, the District Collector, Mumbai suburban, Bhandra (E). Accordingly Sitting notice was issued on 02.07.2018.

3. Shri Babasaheb Pardhe, SDM, West Suburban, Mumbai Suburban District appeared before the Commission on day of Sitting on behalf of the Additional Chief Secretary, Revenue and Forest Department, Government of Maharashtra. The petitioner Shri Ravindra Babu Dhodi was also present. The matter discussed in detail. The Hon'ble Member asked to the petitioner about his grievances. The petitioner requested and informed to the Commission that his relatives, parents, forefather etc. were residing at Valnai Revenue Village, and Ex-Shastri Taluka, District Thane, presently situated at Malad (West) of Mumbai since 1930. They were having an agriculture land measuring 7acre and cultivating the same till 2012 i.e. year of land

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



grabbing incident. The agriculture land was recorded in the revenue records in favour of them. However, the SDM, Thane by its order in 2012 has deleted their names from the revenue records and the tribal land was allotted in the name of non tribals. Thus the tribal land was forcefully grabbed by the non Scheduled Tribes.

4. The Hon'ble Member asked to the SDM, Mumbai Suburban District to explain in the position of the case.

5. The SDM submitted a detailed reply dated 16.07.2018 before the Commission which as follows:

- (a) Name of Kowdya Dubala was recorded as Protected Tenant in the land bearing S. No. 17/6,17/8,20/16,21/8,23/7,23/10 and 30/5 as per Mutation entry No. 389 dated 17.02.1955. Whereas his name was recorded as Protected Tenant to the S. No. 17/4,21/3 as per Mutation Entry No. 432 dated 18.09.2956. But thereafter name of Kowdya Dubala was deleted from other rights column of 7/12 extract of S. No. 21/3,20/16,23/7,23/10 as per Mutation Entry No. 858 dated 12.07.1973. Applicant, Ravindra Dhodi has not challenged the said Mutation entry till date.
- (b) Ms. Manjula Babu Dhodi and other legal heirs of Kowdya Dubala were recorded in 7/12 extract after death of Kowdya Dubala as per Mutation Entry No. 1128 dated 06.06.2011.
- (c) The said property bearing S. No. 17/4,17/6 pt, 17/8 pt, 21/8 pt. were transferred in the name of Manjula Babu Dhodi and others vide Mutation Entry No. 1130 dated 11.01.2012 as per the Tahsildar Borivali order No. Tah.Bori/TNC-32(G)/04/2011 dated 04.01.2012.
- (d) The said order of Tahsildar Borivali was challenged in court of Sub Divisional Officer, Mumbai Suburban by Mr. Motibhai N. Patel and others. The Sub Divisional Officer, Mumbai Suburban after conducting hearing passed an order dated 29.03.2012 thereby allowed the appeal and cancelled to order of Teahsildar Borivali dated 04.01.2012 and Mutation Entry No. 1130 dated 08.01.2012. In the said order he concluded that provisions of B.T&A.L. Act, 1948 are not applicable to the suit land as per notification dated 29.03.1957 and proclamation dated 24.05.1948.
- (e) Being aggrieved by this order, respondent viz Ravindra Babu Dhodi and other had filed revision application No. TNC/Rev.132/B/2012 in Maharashtra Revenue Tribunal. However, as per order dated 22.08.2012. The Tribunal upheld the decision of Sub Divisional Officer, Mumbai Suburban.

  
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- (f) Being aggrieved by order of Hon'ble Maharashtra Revenue Tribunal, Manjula Babu Dhodi and others and Ravindra Babu Dhodi filed Writ Petition No. 11337 of 2013 and 4675 of 2014 respectively in Hon'ble High Court. However, Hon'ble High Court vide order dated 18.1.2013 and dated 06.05.2014 dismissed both the petitions.
- (g) Thus, Hon'ble High Court has already decided the matter in respect of Tenancy rights of the applicants and these order have not been challenged in the Apex Court. Hence those orders are final. However, the petitioner has one more chance to file a Review Petition against the orders of Hon'ble High Court before the Double Bench of Hon'ble High Court. After receipt of the Court's decision the action will be taken accordingly.

5. After hearing both the parties, the Commission decided that since the District Collector, Mumbai Suburban did not appear before the Commission and the officers appeared are not competent to take decision in the case, the District Collector should appear in person before the Commission in the next Sitting. The SDM, Mumbai Suburban is also advised to inform the District Collector about this decision of the Commission. The next date for the Sitting will be communicated to the Collector shortly.

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**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

(File No. RBD/1/2018/STGMH/DELAAL/RU-IV)

**List of participants**

**NCST**

1. Smt. Maya Chintamn Ivate, Hon'ble Member (In chair)
2. Shri P.T. Jameskutty, Deputy Secretary
3. Shri Sudhir Atram, PS to Hon'ble Member
4. Shri H.R. Meena, Sr. Investigator

**Officers of Government of Maharashtra**

Shri Babasaheb Pardhe, SDM, Western suburban, Mumbai

**Petitioner**

Ravindra Babu Dhodi