



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. CBD/18/2018/STGMH/DEOTH/RU-IV

Dated: 27.03.2019

To,

1. **The Commissioner,**
Municipal Corporation of Greater Mumbai,
Head Quarter,
Mumbai C.S.T. – 400 001
(Maharashtra).
2. **The Chief Executive Officer,**
Slum Rehabilitation Authority, Mumbai
Administrative Building,
Anant Kanekar Marg, Bandra (East)
Mumbai- 400051 (Maharashtra).
3. **The District Collector,**
Collector Office
Mumbai Suburban District,
10th Floor, Administrative Building,
Near Chetna College, Government Colony,
Bandra (East), Mumbai - 400 051
4. **The Superintendent of Land Records,**
Mumbai Suburban District,
10th Floor, Administrative Building,
Near Chetna College,
Government Colony,
Bandra (East), Mumbai - 400 051

Sub: Proceedings of sitting held on 27.02.2019 chaired by Shri Nand Kumar Sai, Hon'ble Chairperson, National Commission for Scheduled Tribes (NCST) in the case of Shri Chandrakant Babu Dhodhi (Patel), Borivali (East), Mumbai regarding grabbing the tribal land for the purpose of wrongful gain which is against the law of land.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 27.02.2019 under the Chairmanship of Shri 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)
Research Officer

Encl: As above

Copy to:

Shri Chandrakant Babu Dhodi (Patel),
Babu Narsi Dodhi Chawl,
Kasturba Cross Road No.8,
Off. M.G. Road, Borivali (East),
Mumbai – 400 066 (Maharashtra).

Copy to: - SAS, NIC, NCST.

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. CBD/18/2018/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 27.02.2019 CHAIRED BY SHRI NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES (NCST) IN THE CASE OF SHRI CHANDRAKANT BABU DHODI (PATEL),BORIVALI, MUMBAI, MAHARASHTRA REGARDING ALIENATION OF ST LAND FOR THE PURPOSE OF WRONGFUL GAIN WHICH IS AGAINST THE LAW OF LAND AND HOLDING ENQUIRY FOR TAKING STERN ACTION AGAINST VARIOUS AUTHORITIES.

Date of sitting: 27.02.2019

List of officers present in sitting is Annexed

The petitioner Shri Chandrakant Babu Dhodhi (Patel) vide his representation dated 30.08.2018 has submitted the grievances before the Commission regarding grabbing ST land measuring about 3 acre bearing survey No. 6 and 6A corresponding C.T.S. No. 31, 31D and 32, Final Plot No. 22, 22A, 22B, 22C, T.P.S. No. 11 of Village Kanheri, Taluka – Borivali, Mumbai Western Suburban District and holding of enquiry for taking stern action against various authorities i.e. Municipal Corporation of Greater Mumbai, Revenue Department, Maharashtra, Collector, Mumbai Suburban, Slum Rehabilitation Authority, Builders and Developers and Members of Registered societies.

It has been alleged that the land was physically in possession with Scheduled Tribe occupant as protected tenant since 1939 and was also under cultivation with Scheduled Tribe petitioners. The mutation entries in Revenue records for said properties was also made in favour of the ST petitioners. But, the said land was acquired by the Municipal Corporation without legal permission from the District Collector. The Scheduled Tribe families were also evicted from the land. Thereafter, the land was handed over to the private builders to construct the Residential buildings which is against of law. The petitioner has requested the Commission to issue order for stop work in respect of illegal and unauthorised construction on the ST land.

2. As per procedure, the Commission vide its notice dated 01.11.2018 sought a report from the Commissioner, Municipal Corporation of Greater Mumbai, the Chief Executive Officer, Slum Rehabilitation Authority, Mumbai, the District Collector, Western Suburban District, Mumbai and Superintendent of Land Records, Mumbai Suburban District, Mumbai. Thereafter, the District Collector, Mumbai Suburban District vide its letter dated 18.01.2019 submitted a report. It has been informed the Commission that after going through the village records of Survey No. 6 and 6A, it clearly reveals that the Survey No. 6 area admeasuring 2 Acres 39 gunthas of Village – Kanheri was owned by M.A. Mehta. But afterwards as per M.E. No. 562 dated 29.06.29170 out of area 2 Acres 39 Gunthas of Survey No. 6, 9 Gunthas 1 Anna area was converted into N.A. and the new 7/12 extract of this this area was opened as Survey No. 6B. Thus area of Survey No. 6A was remained 2 Acres 29 Gunthas 12 Anna.

In the owners column of 7/12 extract of 6A and 6B the name of M.A. Mehta is still in existence. However, in the column 12 of 7/12 extract i.e. in Pikpahani the names of Mansi Ramji Dhodi and Babu Narsi were entered since 1970-71. The name of applicant/his predecessors was never recorded as tenant/protected tenant in 7/12 extract on or before/or also later on Tillers Day i.e. 1.04.1957. Infact applicant have to prove tenancy rights before appropriate authority i.e. Tahsildar as per Provisins of B.T &A.L. Act, 1948. Right now on the said land there is a one SRA Scheme and remaining area is occupied by slums. The land



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नंद 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

bearing Survey No. 6 and 6A corresponding C.T.S. No. 31, 31D and 32, final plot No. 22, 22A, 22B, 22C T.P.S. No. II is situated at Village – Kanheri, Taluka-Borivali.

6. The District Superintendent of Land Records, Mumbai Suburban District in its report informed that the present grievances is regarding the property bearing City Survey Numbers 31/D and 31/F corresponding to Final plots No. 22B and 22C of Town Planning Scheme of Village Kanheri, Taluka Borivlim Mumbai Suburban District. The original property Card of City Survey number 31/D admeasuring 8889.9 sq. mtrs. was opened in 1966 and the names of Smt. Mansibai Rami Dhodhi and Shri Babu Narsi Dhodi were entered in other rights column on 06.03.1972. Further the name of M/s. Parag Construction was entered in year 1986 as Holder/Owner. The said property was subject matter of Urban Lan Ceiling and acquired by Government of Maharashtra under the provisions of said Act to the extent of 7475.00 sq. mtrs. Subsequently, the name of Government of Maharashtra was entered as holder of 7475.00 sq. mtrs vide mutation No. 175 dated 10.10.2007, however as the separate property card in the name of Government of Maharashtra was not opened, the name of Government of Maharashtra is shown as holder of 7475.00 sq. mtrs. and name of M/s. Parag Construction was retained as holder and names of Smt. Mansibai Ramji Dhodhi and Shri Babu Narsi Dhodhi were retained in other rights column for the balance area admeasuring 1414.9 sq. mtrs.

So far as the property bearing City Survey Number 31/F is concerned, the name of Babu Narsi Dhodhi was entered in other rights column on 06.03.1972, however as the entire property admeasuring 30.00 sq.mtrs. is declared under the provisions of Urban Land Ceiling, the name of Government of Maharashtra entered as holder vide mutation No. 175 dated 10.10.1975. And the name of Babu Narsi Dhodhi was deleted on 10.01.2007 by entering the name of Government of Maharashtra. It is pertaining to note that since the captioned properties bearing City Survey Numbers 31/D and 31/F corresponding to Final plots No. 22B and 22C of Town Planning Scheme of Village Kanheri, Taluka Borivali, Mumbai Suburban District are subject matter of Town Planning Scheme, the City Survey records are required to be maintained according to the award declared by Arbitrator appointed under the provision of the Maharashtra Regional and Town Planning Act, 1966. However, the name of Smt. Mansibai Ramji Dhodhi and Shri Babu Narsi Dhodhi are not reflecting in concerned B Form issued by Municipal Corporation.

The Final plots bearing 22B and 22C are reserves for Health Centre and Garden Reservation and Municipal Corporation is shown as owner in Form No. 1 issued by concerned Department of Town Planning. Since the implementation of the Town Planning scheme was not carried out, the Municipal Corporation of Greater Mumbai wrote a application dated 11.08.2014 to City Survey Officer, Borivali, Mumbai to carry out the measurement of the captioned property and accordingly the date for measurement was fixed on 13.04.2017, however on the date of said measurement, the Disputant Shri Chandrakant Babu Dhodhi (Patel) & Ors. objected the measurement and thereafter another date was fixed for measurement on 27.04.2017 and on the said date was fixed for measurement on 27.04.2017 and on the said date the measurement was carried out and the said Shri Chandrakant Babu Dhodhi (Patel) made a statement that the name of Municipal Corporation of Greater Mumbai be recorded, however his name be shown in other rights, column.

7. Being dissatisfied with the Department's reports, the Hon'ble Chairperson, NCST has fixed a sitting on 27.02.2019 and accordingly Summons for appearance of District Collector, Mumbai Suburban, Commissioner, Municipal Corporation of Greater Mumbai, CEO, SRA, Mumbai and Superintendent of Land Records, Mumbai Suburban District were issued.

8. The sitting was held on 27.02.2019. No authority concerned appeared before the Commission. Therefore, the Commission took a serious note on non-appearance of the



नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय जलसंधारण आयोग
National Commission for Urban Sanitation and Toilet
आरत सारणी/Board of Sanitation
नई दिल्ली/New Delhi

authority concerned. However, the Additional Collector, Mumbai Suburban, on behalf of the District Collector, Mumbai Suburban and the District Superintendent of Land Records appeared before the Commission. The petitioners were also present.

9. The case was discussed taking into consideration of the petitioner's grievances and Departments reports, The Commission observed that as per the report of the District Superintendent of Land Records, Mumbai Suburban, the Scheduled Tribe land measuring 3 acre bearing survey number 6 and 6A corresponding C.T.S. No. 31, 31D and 32, final plot No. 22, 22A, 22B, 22C, T.P.S. No. II of Village Kanheri, Taluka – Borivali, Mumbai Western Suburban District was recorded in rights column of the Revenue record in the name of Smt. Mansibai Ramji Dhodhi and Shri Babu Narsi Dhodhi, ancestor of the petitioner on 06.03.1972. Thereafter, the names of M/s. Parag Construction and Government of Maharashtra was entered as holder of the land measuring 7475.00 sq. mtrs. in the Revenue record. The petitioner's name (Smt. Mansibai Ramji Dhodhi and Shri Babu Narsi Dhodhi) were retained in other rights column for the balance area admeasuring 1414.9 sq. mtrs. However, as per District Collector, Mumbai Suburban's report it has been reported the land survey No. 6 was owned by Shri M.M. Mehta. However, in the column 12 of the 7/12 extract i.e. in Pikpahani, the names of Smt. Mansibai Ramji Dhodhi and Shri Babu Narsi Dhodhi were entered in 1970-71. Thus, the name of the predecessors of the applicant was never recorded as tenant/protected tenant in 7/12 extract on or before or also later on Tillers Day i.e. 01.04.1957.

The Commission noted that the reports of both authorities are contradictory and do not reflect true position of the Land Title Suit. Moreover, the Mumbai Municipal Corporation has started construction work without deciding the claims of ownership of land which is violation of the Government rules and deprivation of rights to the Scheduled Tribes. Thus it appears to be the case of atrocity and harassment with the Scheduled Tribes. The Commission therefore, recommends that:

- The construction activities on the land in question should immediately be stopped and the District Collector, Mumbai Suburban and the Commissioner, Municipal Corporation of Greater Mumbai should ensure that no sale/purchase and construction activities should be made as the matter is under consideration before the Commission.
- The District Collector, Mumbai Suburban and District Superintendent of Land Records, Mumbai Suburban may submit a comprehensive report about the status of the land with all records to the Commission.
- The case will also be taken up for next sitting and the District Collector, Mumbai Suburban, District Superintendent of Land Records, Mumbai Suburban and the Commissioner, Municipal Corporation of Greater Mumbai be asked to remain present.
- An action taken report on the Commission's recommendations should be submitted before the Commission within 30 days on the receipt of the proceedings.

TLA
26.03.19

नन्द कुमार साय/Nand Kumar Sai
अध्यक्ष/Chairperson
राष्ट्रीय अनुसूचित जनजाति आयोग
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नई दिल्ली/New Delhi

NATIONAL COMMISSION FOR SCHEDULED TRIBES

Case File No. CBD/18/2018/STGMH/DEOTH/RU-IV

List of participants

NCST

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Miss Anusuiya Uikey, Hon'ble Vice-Chairperson
3. Shri Hari Krishna Damor, Hon'ble Member
4. Smt. Maya Chintamn Ivnate, Hon'ble Member
5. Shri A.K. Singh, Secretary
6. Shri S.K. Ratho, Joint Secretary
7. Shri P.T. Jameskutty, Deputy Secretary
8. Shri Y.K. Bansal, Research Officer
9. Shri Sudhir Atram, PS to Hon'ble Member (MCI)
10. Shri H.R. Meena, Sr. Investigator

Officers of Government of Maharashtra

1. Miss Vaidehi Ranade, Additional Collector, Mumbai Suburban
2. Shri Sanjay Nirbhavane, Superintendent of Land Records, Mumbai Suburban

Petitioner

Shri Chandrakant Babu Dhodi (Patel)