



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)

Dated: 13.08.2019

Case File No. VLS/29/2017/STGMH/DEOTH/RU-IV  
 Case File No. VLS/36/2017/STGMH/DEOTH/RU-IV  
 Case File No. SSH/30/2017/STGMH/DEOTH/RU-IV

To,

1. The Director General of Police,  
Government of Maharashtra,  
Lion Gate, Fort, Mumbai, Maharashtra  
400001
2. The District Collector,  
District – Thane,  
Collector Office, Court Naka, Thane (West),  
Maharashtra 400601
3. The District Collector,  
District – Sirohi,  
NH 14, Sirohi - Sheoganj Road, Sirohi,  
Rajasthan 307001
4. The Superintendent of Police,  
District Thane,  
1979, Old Pune Rd, Kharkar Alley,  
Thane West, Thane, Maharashtra 400601

- Sub: (1) Representation of Shri Vithal Laxman Shid, Waghalepada, Post – Varap, Taluka – Kalyan, District - Thane (Maharashtra) regarding grabbing of land of Scheduled Tribes through illegal manner by non STs and inaction of Police authorities
- (2) Representation received from Shri Suresh Soma Hindole Vai, Kama Vadharepada, Post-Varp, Taluka- Kalyan, District - Thane (Maharashtra) regarding grabbing of land of Scheduled Tribes through illegal manner by non STs and inaction of Police authorities.

Sir,

I am directed to enclose herewith a copy of the Proceedings of the Sitting held on 12.07.2019 under the Chairmanship of Smt. Maya Chintamn Inate, 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 Commission.

Your faithfully,  
  
 (Y.K. Bansal)  
 Research Officer

Encl: As above

Copy to:-

1. Shri Vithal Laxman Shid,  
C/o Shri Vishal Mathura Gupta  
Waghalepada, Post – Varap,  
Taluka – Kalyan,  
District - Thane, (Maharashtra)
2. Shri Suresh Soma Hindole Vai,  
Res: Kama Waghalepada,  
Post – Varap, Taluka – Kalyan,  
District – Thane  
(Maharashtra).
3. Shri Ramji M. Maheswari,  
National Secretary,  
World Human Welfare Council,  
Near Barrak No. 1782,  
Sirokha Marg, Ulhas Nagar – 421 005  
(Maharashtra).

63/16-22  
 14/8/19  
 जारी किया  
 ISSUED

o/c



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

F. No. VLS/29/2017/STGMH/DEOTH/RU-IV  
F. No. VLS/36/2017/STGMH/DEOTH/RU-IV  
F. No. SSH/30/2017/STGMH/DEOTH/RU-IV

PROCEEDINGS OF SITTING HELD ON 12-07-2019 CHAIRED BY DR. NAND KUMAR SAI, HON'BLE CHAIRPERSON, NATIONAL COMMISSION FOR SCHEDULED TRIBES IN THE CASE OF REPRESENTATION OF (1) SHRI VITHAL LAXMAN SHID, VILLAGE- WAGHERAPADA, TEHSIL- KALYAN, DISTRICT- THANE, MAHARASHTRA AND (2) SHRI SURESH SOMA HINDOLE VAI, VILLAGE- WAGHERAPADA, TEHSIL- KALYAN, DISTRICT- THANE, MAHARASHTRA REGARDING GRABBING OF LAND OF SCHEDULED TRIBES THROUGH ILLEGAL MANNER BY NON STs AND INACTION OF POLICE AUTHORITIES.

Date of Sitting : 12-07-2019

List of Participants present in the sitting is annexed.

The petitioner Shri Vithal Laxman Shid, Taluka - Kalyan, District - Thane (Maharashtra) vide his representation dated 18.09.2017 has represented that his ancestors were having the agriculture land since British period. The land was also recorded in the Revenue records in favour of the Scheduled Tribes. However, with the help of Revenue authorities, the ST land was grabbed by the non Scheduled Tribe persons. In this regard, he had made a police complaint and registered a FIR No. 1-125/2013 under Atrocity Act in Kalyan Taluka Police Station, Titwala on 04.06.2013 against the accused non ST persons. The police authority did not take any action against the accused so far.

Earlier, the Commission had made recommendations regarding action against the accused person who allegedly grabbed the ST land on the basis of the FIR, restoration of land in favour of STs and payment of compensation under Atrocity Act to STs. However, the Commission's recommendations have not been implemented so far.

Similarly, another ST petitioner Shri Suresh Soma Hindole Vai, Taluka - Kalyan, District - Thane (Maharashtra) vide his representation dated 18.09.2017 has represented before the Commission that he was having land Survey No. 47/1 at Kampa, Wagherapada. The said land was also notified in the Revenue Record in favour of him. However, the said land was captured by the non Scheduled Tribes persons by illegal manner. There is law that the scheduled tribe land could not be transferred in favour of non Scheduled Tribe persons. However, the non Scheduled Tribe person have transferred the tribal land in favour of them with the help of Revenue Officers of the District.

For land encroachment by the non scheduled tribe persons, an FIR No. 198/2018 under the Atrocity Act was also lodged in the local Police Station against the land grabbers but no action was taken by the Police authority.

Earlier, in this case too, the Commission had made recommendations regarding action against the accused person who allegedly grabbed the ST land on the basis of the FIR, restoration of land in favour of STs and payment of compensation under Atrocity Act to STs. However, the Commission's recommendations have not been implemented so far.

2. Earlier, the Commission took up these matters with the concerned authorities in Government of Maharashtra and subsequently a sitting was held on 23.05.2018 in

1

डॉ. नन्द कुमार साई/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



the Commission. The Commission had made recommendations that the Director General of Police, Maharashtra may review the case through constitution of a Committee of senior level Police officers comprising one Member of ST community to re-investigate the case under provisions of Scheduled Caste and Scheduled Tribes (Prevention of Atrocity) Act, 1989 keeping in view of the FIR lodged by the petitioner in 2013 so that natural justice be provided to him.


In response to the Commission's recommendations, the Sub-Divisional Police Officer, Mira Road, District Thane has submitted an action taken report wherein it has been submitted the following action taken.

As per the Commission's recommendation for filing FIR, the Police Department investigated the matter and after investigation sent letters to the Maharashtra Revenue Tribunal, Mumbai, SDM, Thane and Kalyan, Tehsildar, Kalyan, Telsildar, Sheoganj, Rajasthan, Deputy Registrar, Kalyan, Circle Officer, Kalyan and Talhi, Shahad & Revenue offices for submission of related documents pertaining to land matter. As the relevant documents did not receive and the investigation could not be completed. However, investigation is going on. As soon as the investigation will be completed, the outcome of the case will be intimated.

3. Since, the petitioners' further represented about non implementation of the Commission's recommendations and there was no action taken from the District Collector, District - Thane. Therefore, a sitting was conveyed on 12.07.2019 in the Commission.

4. In sitting, the DCP (PCR), Thane, SP, Thane Rural, SDPO, Mira Road, SDM, Kalyan (On behalf of District Magistrate, Thane), District Collector, Sirohi, Rajasthan and Tansildar, Sheoganj, District - Sirohi, Rajasthan were appeared. The petitioners were also present through Power of attorney.

5. In sitting, the petitioner informed the Commission that the agriculture land belonged to Scheduled Tribes were grabbed by non STs with the help of District and Revenue authorities. Actually the ST land were recorded under 7/12 extract in Revenue record in favour of STs and thereafter the Revenue record were changed and ST name were deleted from the Revenue records. In this regard, the non STs namely Shri Prakash Revachand Budharani & others who grabbed ST land neither agriculturist nor they got agriculturist certificate issued by the Government of Rajasthan. The ST petitioners had also registered an FIR under Atrocity Act, 1989 against the accused in the year 2013 and 2018 but neither investigation completed by special Investigation Officer/SDPO, Mira Road nor District Magistrate/Collector, District Thane released the relief amount and financial assistance/expenditure etc. admissible to the petitioner. In addition, the District Collector, Sirohi (Rajasthan) has failed to clarify the objection raised by them about obtaining of agriculturist certificate by Shri Prakash Revachand Budharani and others as he is not a farmer as he purchased Nallah/drainage land which was declared as Govt. land in District Sirohi. In the Maharashtra state, only agriculturist can purchase land and also sale the land. In the instant case, Shri Budharani who is the main culprit in this case, done illegal activities of sale/purchase of land on the basis of false agriculturist certificate and grabbed land belonging to Scheduled Tribes taking their advantages of illiteracy of STs. In the case of Abdul Rahman, the Hon'ble High Court of Rajasthan has passed an order that "All land shows as drainages, channels, like rivers, tributaries etc, as on 15.08.1947 should be declared as Govt. land. Any conversions made after 15.08.1947 should be declared illegal. The relevant Act and rules be amended accordingly". Hence, it is praying to the Commission that the whole matter may be

  
डॉ. नन्द कुमार साय/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



reinvestigated and the ST land be restored. An action under Atrocity Act against accused be also taken.

6. The District Collector, Sirohi informed the Commission that it is a fact that Shri Prakash Chand Bhudharani had purchased alleged land in Village Manader, Tehsil – Sheoganj in 2004 and type of land is Gair Mukh Nallah. Thereafter, the petitioners have appealed for cancellation of agricultural certificate and presently the matter is sub-judice in the Court of Revenue Board and after Courts decision, necessary action will be taken as per rule.

7. The Superintendent of Police, Rural, Thane informed that as per the Commission's direction the Police investigated the matter. At the time of investigation, the Police had sought information from Maharashtra Revenue Tribunal, Mumbai, Sub-Divisional Officer and Sub Divisional Magistrate, Thane & Kalyan, Tahasildar, Kalyan, Tahasildhar, Shioganj, Rajasthan, Deputy Registrar, Kalyan, Circle Officer, Kalyan and Talathi, Shahad & Revenue Offices to provide all documents relating to property bearing No. 47/1 admeasuring 5 H 31 R. However, the requisite documents did not receive to the Police authorities. In addition, the Police vide its letter dated 01.07.2019 has also asked the District Collector, Sirohi, Rajasthan to submit information about fraud certificate of land survey number 78/4 at Manadar, Sheoganj (Rajasthan) that documents are correct or fraud or the accused Shri Bhudharani is cultivating said land or not. The report is yet to be received. It is further informed that on 29.06.2019 a meeting in between the complainant's power of attorney Shri Vishal Kumar Gupta, Shri Ramji Maheswari Sanjot and Shri Shoke with Add. Superintendent of Police, Thane Rural was held and the Police has explained all the action taken in this case. Presently, the case is under investigation and the investigation will be concluded only after obtaining the relevant documents from the concerned authorities.

The SDM, Kalyan was stated that the matter relating to ownership of the property is under litigation. However, he will submit a detailed report to the Commission shortly.

8. The case was discussed in detail. The Commission observed that the land Survey No. 47/1 admeasuring 5 H 31 A situated at Village Kamba was in possession for cultivation with Scheduled Tribe petitioners from 1958 and they were protected tenant of the said land. However, the land was grabbed by the non STs with the help of Revenue authorities and sold out some portion of the land to the another person. The land purchaser Shri Prakash Budharani was not a farmer and he was not entitled to purchase the land as per the Land Act of Maharashtra. The submission of DM, Sirohi (Rajasthan) is no relevancy in view of Judgement panel by Hon'ble High court of Rajasthan in the case of Abdul Rehman Vs State of Rajasthan. The Commission also noted that the District Collector, Thane did not appear and in place of him the Junior Officer who are not competent appeared. As also no report was submitted in the case. In addition, the Police authorities, District Thane had failed to take action on the FIR filed by the petitioner in the year 2013 and 2018 under Atrocity Act against the non STs so far. Thus, it appears to be case of atrocity against the Scheduled Tribe. The Commission therefore, recommends as follows:

- The Superintendent of Police, Thane Rural should complete investigation on the FIR lodged by the petitioners in 2013 and 2018 in the matter in time bound manner and should take punitive action against all accused under relevant provisions of IPC and Atrocity Act, 1989.
- The Director General of Police, Maharashtra is also directed to investigate all the matter relating to illegal sale/purchase of land belonging to Scheduled Tribes by taking

3

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



advantage of obtaining fraud agriculturist certificate and submit action taken report to the Commission within 60 days. The case will also be monitored.

- The District Collector, Thane should take action to provide adequate compensation to the complainants under Prevention of Atrocity Act 1989 and Amendment Rules 1995 and 2016 since FIR 125/2013 and FIR 198/2018 have been lodged against accused.
- The District Collector, Thane will take immediate action to restore land bearing Survey No. 47 in favour of the ST petitioners which was allegedly transferred to the accused fraudulently.
- The District authorities and Police authorities will take immediate action to stop activities like running small factories/industries in Survey No. 47 and all illegal construction on Survey No. 108/3, 120/1 and 121/1 and it will ensure that the Commission's recommendations should be complied in toto.
- District Collector, Sirohi will expedite the matter relating to Shri Prakash Revachand Budharani's agriculturist certificate.
- An action taken report on the Commission's recommendations should be submitted to the NCST within 60 days from the receipt of this proceedings.

\*\*\*\*\*

*Handwritten signature and date: 08.08.09*

डॉ. नन्द कुमार साय/DR. Nand Kumar Sai  
अध्यक्ष/Chairperson  
राष्ट्रीय अनुसूचित जनजाति आयोग  
National Commission for Scheduled Tribes  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



**NATIONAL COMMISSION FOR SCHEDULED TRIBES**

**Annexure**

F. No. VLS/29/2017/STGMH/DEOTH/RU-IV  
F. No. VLS/36/2017/STGMH/DEOTH/RU-IV  
F. No. SSH/30/2017/STGMH/DEOTH/RU-IV

**List of participants**

**NCST**

1. Shri Nand Kumar Sai, Hon'ble Chairperson (In chair)
2. Shri H.K. Damor, Hon'ble Member
3. Smt. Maya Chintamn Ivnate, Hon'ble Member
4. Shri A.K. Singh, Secretary,
5. Shri S.K. Ratho, Joint Secretary
6. Shri P.T. Jameskutty, Consultant
7. Shri Y.K. Bansal, Research Officer
8. Shri Sudhir Atram, PS to Member
9. Shri H.R. Meena, Senior Investigator

**Officers of Government of Maharashtra**

1. Shri. Suresh Mengade, DCP/SP. PCR, Thane
2. Shri Sanjaykumar Patil, SP, Thane
3. Shri Shantaram Valvi, SDPO, Mira Road
4. Shri Nitin Mahajan, SDM, Kaiyan
5. Shri Surender Kumar Solanki, District Collector, Sirohi, Rajasthan
6. Shri Ranchhod Lal, Tehsildar, Sheoganj, District Sirohi, Rajasthan.

**Petitioners**

1. Shri Vishal Kumar Gupta (Power of Attorney of the petitioner)
2. Shri J.P. Shoke (Power of Attorney of the petitioner)