



राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत एक संवैधानिक निकाय)
(A Constitutional body under Article 338A of the Constitution of India)

F. No. NCST/DEV-1126/MH/19/2022-ESDW

Dated: 12.07.2023

To,

The Collector and District Magistrate,
District Palghar,
Collectorate Palghar,
Palghar-Boisar Road, Kolgaon,
Palghar-401404, Maharashtra
E-Mail: collector.palghar@maharashtra.gov.in

The Chief General Manager,
Mumbai, Maharashtra,
National Highways Authority of India,
4th Floor, MTNL Telephone Exchange Building,
Opp; CBD Belapur Railway Station,
CBD- Belapur,
Navi Mumbai-400614, Maharashtra
E-Mail: romumbai@nhai.org ,
nhairomaharashtra@gmail.com

Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 16.06.2023 at 10:30 AM regarding representation dated 18.11.2022 received from Shri Chandu Kashiram Thakre and others AT-PO-Somta, Tehsil & District Palghar, Maharashtra regarding Delay in providing Compensation for the Land acquired under Mumbai-Ahmadabad National Highway project by NHAI.


Sir/Madam,

I am directed to enclose herewith a copy of Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 16.06.2023 at 10:30 AM on the above mentioned subject for information and necessary action.

2. You are requested to send the Action Taken Report (ATR) on the recommendations of the Commission **within 30 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,


(H.R. Meena)
Research Officer

Copy for information to :-

Shri Chandu Kashiram Thakre,
AT-PO-Somta,
Tehsil & District Palghar,
Maharashtra

✓ 1. NIC Cell for upload in NCST Website.

National Commission for Scheduled Tribes

No. NCST/DEV-1126/MH/19/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST on representation dated 18.11.2022 from Shri. Chandu Kashiram Thakre regarding Delay in providing Compensation for the Land acquired under Mumbai-Ahmedabad National Highway project by the NHAI.

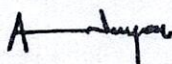
Date of the Sitting: On 16.06.2023 (Friday) at 10:30 A.M.

List of Participants: As per Annexure

The Commission received a representation from the Petitioner stating that his land was acquired by NHAI for the construction of Mumbai-Ahmadabad National Highway No. 8 Project ("Highway Project"). The District Collector had declared a compensation plan for the acquisition which the Petitioner was entitled to. However, the Petitioner has not received any compensation till date. The Petitioner claims that he had made several representations to the Authorities but all went in vain. It is also alleged that the authorities wrongfully paid the compensation to some people that fraudulently posed as the owners of the said land and seem to have collected the compensation that was payable to the Petitioner.

The case was heard on 08.02.2023. The Commission made the following recommendations:

1. The Collector shall ensure that the measurement and demarcation expenses of the present Petitioner should be recovered from the ITDP, Tribal Development Department, Palghar from this new scheme and proper demarcation shall be made without any fees.
2. The District Collector Shall ensure that the District Level Committee be constituted to investigate the Land acquisition of Shri Chandu Kashiram Thakre, along with other affected families in Mumbai-Ahmadabad National Highway No.8 by NHAI, Thane.
3. The District Level Committee Shall calculate the compensation based on the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

राष्ट्रीय अनुसूचित जनजाति आयोग

NATIONAL COMMISSION FOR SCHEDULED TRIBES

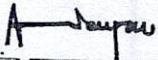
भारत सरकार/Govt. of India

नई दिल्ली/New Delhi

4. District Collector Shall ensure that the compliance report will be submitted to NHAI for allocation of funds for compensation.
5. That Collector shall ensure that the illegal encroachment of Shri Krishna Thamada be vacated after proper demarcation and also allow the petitioner to use his land.
6. The Additional Chief Secretary, Tribal Development Department, Mantralaya, Mumbai-32, Commissioner, Tribal Development, Nashik with the help of Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai-32, Principal Secretary, Forests Department, Mantralaya, Mumbai-32 and Additional Chief Secretary, Finance Department, Mantralaya, Mumbai-32 can form the scheme for bearing the expenses of the land measurement and demarcation for Scheduled Tribes in the state of Maharashtra. This scheme should be implemented through ITDP of the Tribal Development Department. Submit the details of this scheme to the Commission within period of 15 days.
7. The implementation of new scheme as recommended hereinabove shall be submitted to the Commission by the Tribal Development Department within a period of 30 days.

Since the authorities did not comply with the recommendations, the Commission issued Summons to Shri. Anshu Mali Srivastava, General Manager, National Highways Authority of India and Shri. Govind Maruti Bodke, Collector and District Magistrate, Palghar, Maharashtra to appear before the Commission on 16.06.2023 at 10:30 A.M.

During the hearing on 16.06.2023, the Petitioner submits that he is the rightful owner of the land under Sy no. 3/16, measuring 17 Guntas, which was acquired by the NHAI for the construction of Mumbai-Ahmadabad National Highway No. 8 Project. However, instead of compensating the genuine landowners, the NHAI awarded compensation to fraudulent individuals who falsely claimed ownership. The authorities failed to present the land acquisition proposal before the Gram Sabha. The Petitioner alleged that his land was illegally encroached upon by Shri. Krishna Thamada, who falsely represented himself as the owner during the land inspection, leveraging his political influence. He submitted GRM analysis report by the authorities and stated the same was incorrect, as Shri. Krishna Thamada owned Sy. No. 55/20, not the land acquired by NHAI. Shri. Krishna Thamada had no supporting documents to prove ownership of Sy. No. 3/16, which actually belonged to the Petitioner. Despite


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possessing all necessary documents, such as tax receipts and 7x12 extracts, the Authorities neglected to conduct a fair inspection. Additionally, due to the expansion of the highway project, the authorities confirmed the additional acquisition of the Petitioner's land.

Smt. Sanjita Mahapatra, Sub-Divisional Magistrate, Dahanu, Maharashtra appearing on behalf of Shri. Govind Maruti Bodke, Collector and District Magistrate, Palghar, Maharashtra stated that the land in question was a woodland forest land and did not belong to the Petitioner or Shri. Krishna Thamada. Even at the time of inspection of the land, the Petitioner and Shri. Krishna Thamada had differences about the land. However, since Shri. Krishna Thamada's name was on the record of lands, he was paid compensation only for the trees. There was no question of acquiring the land or compensating or the same. It was further submitted that Sy. No. 3/16 did not fall under the land that was acquired for the project. However, the authorities shall re-inspect, demarcate and verify the land again on an application made by the Petitioner for the same. And based on the same, if it is found that the land belongs to the Petitioner, the Authorities would handover possession to the Petitioner.

The Commission observes that the Petitioner paying taxes for a period of 40 years, his name was not considered on the land acquired. He was being deprived of his rightful compensation and rehabilitation. The Commission further observes the lapses on part of the Authorities. When there were disputes regarding the land at the time of inspection, the authorities should have convened a Gram Sabha and resolved it.

After hearing the case, the Commission recommends the following: -

1. The Collector and District Magistrate, Palghar, Maharashtra will ensure Joint investigation with the Gram Sabha and the Petitioner regarding the possession and ownership of the disputed land.
2. The Collector and District Magistrate, Palghar, Maharashtra will ensure that prior intimation is given to all the parties to the investigation.
3. The Collector and District Magistrate, Palghar, Maharashtra to ensure that the survey and demarcation process is fair and transparent.



अनंत नायक/ANANTA NAYAK

सदस्य/Member

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4. The General Manager, National Highways Authority of India will award compensation (including arrear compensation) to the Petitioner if the joint investigation finds that the disputed land belongs to the Petitioner.
5. The Petitioner will file application for possession to the Collector and District Magistrate, Palghar, Maharashtra along with all necessary documents

Action Taken Report with compliance of the Recommendations to be furnished within 30 days for further perusal of the Commission.



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सदस्य/Member
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(ANNEXURE)

F. No. NCST/DEV-1126/MH/19/2022-ESDW

LIST OF PARTICIPANTS:-

National Commission for Scheduled Tribes		
S. No.	Name	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Dr. Jayant Sarode	Director
3.	Shri H.R. Meena	Research Officer
The Collector & District Magistrate, District Palghar, Government of Maharashtra		
S. No.	Name	Designation
1.	Shri Sanjita Mohapatra	SDO, Dahanu
The Chief General Manager, Mumbai, Maharashtra National Highways Authority of India Maharashtra		
S. No.	Name	Designation
1.	Shri Ashish Asati	RO-Mumbai
2.	Shri Suhas Chitiris	RO-Thane
Petitioner		
S. No.	Name	Designation
1.	Shri Chandu Kashiram Thakre	Petitioner (Through VC)