



## **MAHARASHTRA STATE HUMAN RIGHTS COMMISSION, MUMBAI**

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SHRC/BDM/ 07 /2014/

Date:

### **Case No. 1638 / 11-12**

**Name of the complainant** : Smt. Kamal N. Sable & otrs  
Shramsafalya Colony, Vidyut Nagar,  
M.V.Road, Amravati.

**Name of the Respondent** : Collector,  
Dist. Wardha.

**Hearing Date** : 09<sup>th</sup> July, 2014  
**Order Date** : 17<sup>th</sup> September, 2014

**Coram** : Bhagwant D. More, Member

### **O R D E R**

Complainant's son Shri Sachin as well as Respondent Shri Mandar R. Chavan, Tahasildar, Arvi, District Wardha are present at the time of hearing. Complainant is not present due to her ill-health.

Complainant's son Sachin Sable says that finally his demand has been fulfilled by allotting him piece of land in Wardha district at village Gavarkheda, Tal. Arvi survey no 196/1 B. Physical possession has been given on 13.08.2011. Accordingly the name of Smt. Kamal N. Sable mother of the complainant has been entered on the 7/12 extract. Complainant had moved the Revenue Administration for getting her permission to sell the land. As a representative of the complainant he has got the land in his possession. Additional Collector Shri Sanjay Bhagwati and Tahasildar, Manohar Chavan, Arvi have explained to the Commission about steps executive steps taken for restoring land to the complainant's family.

A piece of land ad-measuring about 5 acres (1.80 HR) approximately was given to Narayan B. Sable ex- servicemen (now deceased) in the year 1970-71 at village Haibatpur, Taluka Arvi, District Wardha. According to the Collector's version between 1972 to 1986 the Complainant did not put the land to use for cultivation. Since it was not put under cultivation the same land was taken back by the Collector in 1987 and redistributed to other 3 persons. However, one of the persons Shri Kisan T. Kotwani who was not eligible, was given a piece of land .After realising this mistake Shri Kotwani's land was taken back by the Tahasildar. Shri Sachin Sable (Complainant's son) continued his efforts to get the land and for that he tried his level best. In 2010 Tahasildar, as per the prevailing norms allotted 5 acres of land to the complainant Smt. Kamal N. Sable. Shri Sachin Sable complained that this land of 5 acres which was given to them was consisting of encroachment. Therefore, he could not make use of that land. In short, he could not possess 5 acres of as ordered. Earlier to this complainant's son Sachin informed that he was unhappy due to the treatment given to him by Revenue authorities. Collector Wardha was directed by the Commission to pay personal attention and furnish the details in the form of a report with justification for the non compliance of Govt. policy and subsequent action taken so far. Following questions were raised

1. How & why the land given in year of 1970-71to the complaint was taken back in year 1986?
2. How the same land was redistributed to others? One person named Shri Kisan Tebumal Kotwani was given some portion of land, why it was taken back from him?
3. It seems complainant was given 5 acres of land in year 2010 which included encroachment (in the form of crop). This piece of land allotted to Smt. Kamal Sable is still with encroachment, how?
4. What are the measures taken for removing the encroachment?

It is seen from the record that the 5 acres of land was handed over to Sachin N. Sable on 13.08.11, consisting of encroachment.

Tahasildar measured the land in dispute and found that 5 acre of land which was supposed to have been given to complainant is at wrong place though it is in the same area, and same survey (gut) number. Actual measurement was done on 28<sup>th</sup> February, 2014 & only the demarcation of newly carved out land was made. No physical possession was given even though complainant's son was present on the spot. Now complainant's son has a feeling that he is being made to run from pillar to post without any results. His father was in the army and had participated in the 1971 war. Tahasildar promised that the piece of land which is demarketed will be given in possession to the Complainant peacefully. **Additional Collector, Wardha was directed by the Commission to monitor the whole process. He was directed to take a legal, workable, valid and time bound action plan to sort out the present issue.**

Complainant's son Shri Sachin Sable says that finally he was allotted a piece of land in Wardha district at village Gavarkheda, Tal. Arvi survey at no 196/1 B. Physical possession was given on 13.08.2011. Accordingly the name of Smt. Kamal N. Sable, the Complainant has been entered in the 7/12 extract. Complainant had also requested the Revenue Administration to grant him permission for selling the same land. Additional Collector Shri Sanjay Bhagwati and Tahasildar, Manohar Chavan, Arvi Dist. Wardha have briefed the Commission after taking due executive steps for restoring land to the Complainant's family. An Army Jawan was given a land by the Government in year 1972, but possession has been given only recently. Commission's effort was to look into the grievances of the family of an ex-army. Steps were taken to handover the possession of the land to the aggrieved family. Commission expected that the dignity of the family of ex-army jawan to be maintained. Moreover people in general and the farmers in particular, should not loose faith in the administration and they are to be treated with respect and honour. At no point of time, people should feel beaten up, and

loose faith in the government machinery. Therefore it is ought to be ensured that all such problems should be addressed in most competitive, professional manner. In this case the complainant is an old lady (wife of the ex-army jawan) who was helpless in pursuing the matter. However her son Sachin, not giving up the efforts, took every step. Complainant's family members have grievance against the negative attitude of revenue authorities.

The Commission makes following recommendations :

- a) Whenever allotment of Government land to the Army Jawan is made concerned authorities should see to it that such piece of land is actually given possession to the family without any delay. A system to be evolved so that all such cases are taken on priority basis to avoid harassment to family members of the jawan.
- b) Disciplinary action should be taken to hold an enquiry against the concerned who failed to discharge their duties in this instant case.
- c) Shri Kisan T.Kotwani, who was not eligible to get the land was allotted a piece of land which was subsequently taken back. This transaction also should be enquired into.

Hence the case is ordered to be closed at this end.

**(Bhagwant D. More)**  
**Member, MSHRC**