

महाराष्ट्र राज्य मानवी हक्क आयोग



**Maharashtra State Human Rights Commission
(MSHRC)
Mumbai**

Allotted to Court No. : 1/ 2/ 3
DOCKET SHEET

DOCKET SHEET

SVO MOTU CASE NO: 377/13/37/2023

News item appeared in Hindi News Paper "NAVBHARAT TIMES"

On 11.1.2023, in respect of "अवैध निर्माण: विरार मे बस रहा है दूसरा वाघरलपाडा "

SUMMARY

नवभारत टाइम्स

11-1-2023

Page No. 2

NWARD...413/CR/2023
 RECEIVED...12/01/2023
 LERK...*Naubh*
 REGISTRAR...*N.T.*

मुंबई

नवभारत टाइम्स | मुंबई

अवैध निर्माण: विरार में बस रहा है दूसरा वाघरलपाडा!

सरकारी जमीन पर बने हजारों घर, विभागीय मिली-भगत का आरोप

■ सुरेंद्र नेगी, विरार

वसई-विरार में सरकारी जमीनों पर अवैध कब्जा होता जा रहा है। ऐसा ही एक नया मामला विरार हाइवे से सटे नालेश्वर नगर है। पूर्व नगरसेवक राजकुमार चोरगे ने आरोप लगाया कि यह विभागीय अधिकारियों की मिलीभगत से यहां की सरकारी जमीन पर हजारों घर बन गए हैं।

उनका आरोप है कि यहां महाराष्ट्र शासन की जमीन पर बिल्डरों व महसूल अधिकारियों की मिलीभगत से यह सब संभव हुआ है। यहां की स्थिति वसई के भोयदा पाडा के वाघरल पाडा जैसी हो गई है। यह मामला तहसीलदार के संज्ञान में होते हुए भी इस पर कार्रवाई नहीं हो रही है। हालांकि, नवंबर 2020 में तहसीलदार उज्ज्वला भगत ने बिल्डरों को नोटिस जारी कर यहां तोड़क कार्रवाई की तैयारी की थी, मगर कार्रवाई सिर्फ कागजों पर सिमट कर रह गई। इस कार्रवाई के लिए लिए बाकायदा तहसीलदार ने विरार पुलिस स्टेशन से भारी बंदोबस्त के लिए पत्र देकर सुरक्षा की मांग भी की थी।

‘नुकसान गरीबों का होता है’

विरार हाइवे से सटे नालेश्वर नगर में महाराष्ट्र शासन की जमीन है। पिछले कुछ साल से इस जमीन पर बिल्डरों ने कब्जा करके यहां हजारों अवैध घर बनाकर लोगों को बेच दिए हैं। चोरगे



NBT
नजरिया

जो सरकारी जमीनें स्कूल, खेल के मैदानों, पार्क आदि नागरिक सुविधाओं के लिए आरक्षित हैं, उन्हें बिल्डर लील रहे हैं। ताजुब की बात है कि एक पूरी बस्ती बस जाती है और प्रशासन को भनक तक नहीं लगती। इससे अधिकारियों के काम करने की नीयत पर सवाल उठते हैं। तहसीलदार को उन तमाम अधिकारियों को तलब कर स्थिति का न सिर्फ जायजा लेना चाहिए, बल्कि अगर लापरवाही पाई जाती है, तो उन पर कार्रवाई भी की जानी चाहिए। सरकार को भी ऐसे मामलों में हस्तक्षेप करना चाहिए।

ने आरोप लगाया कि यह मामला तहसीलदार उज्ज्वला भगत के संज्ञान में होते हुए भी इस पर कार्रवाई नहीं हो रही है। अधिकारी कार्रवाई के नाम पर बिल्डरों को सिर्फ नोटिस देकर खानापूति कर रहे हैं। भविष्य में कभी कार्रवाई हुई,

तो नुकसान घर खरीदने वाले गरीबों का होगा। 2020 में तहसीलदार ने कार्रवाई के लिए पुलिस बंदोबस्त भी मांगा था, लेकिन कार्रवाई नहीं हुई। इस संबंध में जब तहसीलदार भगत से संपर्क किया गया, तो उन्होंने फोन नहीं उठाया।



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001

Tel : 22092857 Email:- court1-mshrc@mah.gov.in

KKT/Suo Moto Case No. - 377 /13/ 37 /2023

Name of Respondent

1. The Chief Secretary
State of Maharashtra
Mantralaya, Mumbai
2. The Municipal Commissioner
Vasai Virar Municipal Corporation
Virar, Thane

Date

: 12th January 2023

Coram

: Justice K.K. Tated, Chairperson

PROCEEDING

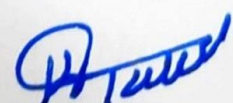
Not on board. Taken on board.

1. We noticed news appeared in Hindi News Paper Nav Bharat Times dated 11.01.2023 on Page 2 with heading “अवैध निर्माण : विरार में बस रहा है दूसरा वाघरलपाडा !”.
2. It is stated in the said news that neither Collector nor Corporation is taking any interest to prevent unauthorized ^{construction} at Virar on Government land. Several peoples are constructing structures and selling in open market. Way back in 2020 Tahshildar requested Police Authority to provide Police force for taking action, but nothing has happened.
3. Considering these facts the following order is passed:
 - a) Office is directed to issue summons to the Chief Secretary, State of Maharashtra, Mantralaya, Mumbai, Collector, Palghar and Municipal Commissioner, Vasai Virar Municipal Corporation calling upon them to hold

inquiry and submit their affidavit in reply before this Commission on or before 03.02.2023 on following points:

- i. Whether the said land is belonging to the Government and or Municipal Corporation?
- ii. What is the dimension, area of the said land?
- iii. Since when unauthorized construction is going on Government / Corporation land?
- iv. Whether any survey is carried out by the Government or Corporation?
- v. Whether any action is taken either by the Government and or Corporation?
- vi. Whether any Government officer and or Municipal Corporation officers submitted report about the said unauthorized ^{construction} in their office?
- vii. What action Respondents are going to take to protect the Government / Corporation property?
- viii. Who is responsible for such huge unauthorized construction?
- ix. Comments of Respondents on news appeared in Hindi News Paper Nav Bharat Times dated 11.01.2023 on Page 2.

b) **Matter to appear on board before Division Bench of Justice K.K. Tated, Chairperson and Shri. M. A. Sayeed, Member in Court No.1 on 3rd February 2023 at 11.00 a.m.**


(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai – 400 001
Tel : 22092857 Email:- court1-mshrc@mah.gov.in

DIVISION BENCH Suo Motu Case No.– 377/13/37/2023

Name of Respondent

: Chief Secretary
State of Maharashtra
Mantralaya, Mumbai

Municipal Commissioner
Vasai Virar City Municipal Corporation
Virar

Date

: 10th March 2023

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: Shri. M. A. Sayeed, Hon'ble Member)

This Commission by invoking powers u/s. 12 of the Act of 1993 took a suo motu action based on news article in Hindi local newspaper 'Navbharat Times' dated 11.01.2023, highlighting on the apathy of the Revenue and Civic authorities in combating rampant upcoming unauthorized construction on government land in Virar.

2. Pursuant to the summons issued by the Commission Dr. Nitin Kareer, Additional Chief Secretary, Revenue & Forest Department, Mantralaya, Mumbai and Shri Ramesh Manale, Addl. Municipal Commissioner, Vasai Virar City Municipal Corporation placed their reports on affidavit with relevant annexures. On a careful scrutiny of these two affidavits, it is apparent that damage control steps for

Revenue and Civic authorities in combating rampant upcoming unauthorized construction on government land in Virar.

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removing the unauthorized construction from government land came to be taken by the stakeholder departments.

Infact affidavit in reply submitted by Municipal Commissioner, has very aptly dealt with each and every issue raised by the Commission. For the sake of clarity facts affirmed in para 5 to 9 are as under:

"5. Whether any action is taken either by the government or corporation?

Since the said land is owned by the State Government, Government Circular of Revenue of forest department No. Land-07/2013/Pro.No. 374/-1, dated 10th October 2013 directs that action should be taken by the concerned department having jurisdictional limits. Hence in this matter an action is expected from Revenue department as the said survey originally belongs to the Revenue department. Vasai Virar Municipal Corporation is ready to assist the Revenue Department.

Further pursuant to the request received from the Revenue Department, 23 personnel (19 Labours, 1 clerk, 1 peon, 2 Junior engineers) and 2-JCB machines were made available for demolition operation during the period from 24/11/2021 to 26/11/2021. However, no further action could be taken by the Revenue Department due to non-availability of police force. The said area comes under village Khairpada which is part of Special planning Authority, Vveme undertaking. As per Urban Development department GR Dated 21 February 2015 Vasai virar City Municipal Corporation will be Special Planning Authority for 21 villages which are not in the corporation jurisdiction. As per that Municipal corporation as SPA has carried out demolition on areas adjacent to Naleshwar Nagar at several times. Details of which are given below.

12/12/2017, 26/12/2017, 12/02/2018, 30/02/2018, 03/05/2018, 20/08/2018, 22/10/2018, 18/12/2018, 02/02/2018, 01/06/2019, 08/07/2012, 22/12/2019, 20/12/2012, 17/02/2018, 03/03/2018, 08/03/2018, 05/06/2018, 18/06/2018, 16/07/2018, 12/09/2018, 24/09/2018, 25/09/2018, 12/12/2018, 16/12/2018, 27/12/2018, 24/12/2018, 03/02/2019, 13/02/2015, 10/06/2019, 24/06/2019, 29/06/2019, 19/08/2019, 31/08/2019, 13/11/2011, 25/11/2019, 02/12/2019, 19/12/2011, 23/12/2012, 27/12/2019, 02/01/2020, 17/02/2020, 18/02/2020, 02/03/2020, 02/08/2020.

Through these actions about total 1,48,300 Sq. Feet of unauthorized encroachments/ illegal constructions have been demolished by Vasai Virar Municipal corporation part from this an action of demolition of encroachments was executed by Municipal corporation on dated 10/02/2023, 11/02/2023, 22/02/2023 where in illegal structures of 1250 Sq. Feet area were demolished.

Also Revenue department on 8/03/2023 & 09/03/2023 initiated major demolition drive where in about 135 illigal structures of about 32000 Sq. Feet were demolished. Municipal corporation has provided all required machinery and staff.



6. Whether any government officer and or municipal corporation officer submitted report about the said unauthorized construction in their office?

As per Government GR dated 10/10/2013 vasai virar municipal corporation has informed to the Revenue department every time when compliants received regarding unauthorized construction on Government land The report regarding action taken by vvmc on said adjacent land pockets is recorded and maintained with concerned department.

7. What action respondents are going to take to protect the government/corporation property?

Government land protection responsibility belongs to The Revenue department and in the said land pockets none of these lands are owned by Municipal corporation. In order to control unauthorized constructions / encroachment. The vvmc has constituted a CUC Department which ensures the removed and control over the illegal constructions

8. Who is responsible for such huge unauthorized construction?

As per Government GR dated 10/10/2013 the concerned department is required to protect their land and expected to take a demolition action on unauthorized construction on the land under its jurisdiction and for the unauthorized construction found on the private land action has been taken by Municipal corporation from time to time.

9. Comments of Respondents on news appeared on hindi news paper Nav Bahrat Times dated 11/1/2023 on page no 2?

As per Government GR dated 10/10/2013, the Revenue department initiated major demolition drive on 08/03/2023 & 09/03/2023 in which upto 32000 Sq. Feet unauthorized construction was demolished. For this action Municipal corporation has provided all required machinery and staff and the unauthorized construction / encroachment on private lands was demolished by Vvmc on various occasions details of which are mentioned in point no 5 above.

For removal of illegal constructions constructed on land of Revenue Department, the Corporation is always ready and willing to provide them men and machinery.

I further request this Hon'ble Commission that liberty may be granted to us for tendering oral submission to any recent/fresh/or untouched questions that has been asked or put forth to us during argument by this Honorable Commission regarding any issue/point other than the aforementioned submissions, which unknowingly if has not been stated in this affidavit."

3. Thus with such proper action being taken by the stakeholder departments, we are of the opinion that further intervention is not

warranted as proper justification has been placed on record and which is accepted by us. Accordingly following order:

"ORDER"

- a) Present suo motu stands closed and disposed off with no order as to cost.

M. A. Sayeed
(M.A. Sayeed)
Member

K. K. Tated
(Justice K. K. Tated)
Chairperson