



सत्यमेव जयते

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-346/OR/42/2022-ESDW

Dated: 04.07.2023

To,

The District Collector and Magistrate,
District – Kandhamal,
Collectorate, Phulbani,
Kandhamal-762001
Odisha
E-Mail: dm-kandhamal@nic.in

Sub: Minutes of the Sitting taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 30.05.2023 at 03:00 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated nil of Shri Damodar Mallik, At-Ungamaha, Po-Kurtamgarh, PS-Tumudibandha, District-Kandhamal, Odisha regarding Land Matter.

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 **30.05.2023 at 03:00 PM** in the State Guest House, Bhubaneswar, Odisha on the above mentioned subject for information and necessary action.

2. You are directed to send the Action Taken Report (ATR) on the recommendations of the Commission **within 15 days** from the date of receiving of the Minutes.

Encl: as Above.

Yours faithfully,

(H.R. Meena)
Research Officer

Copy for information to: -

Shri Damodar Mallik,
At-Ungamaha,
PO-Kurtamgarh,
PS-Tumudibandha,
District-Kandhamal,
Odisha

✓ 2. NIC Cell for upload in NCST
Website.

National Commission for Scheduled Tribes

No. NCST/DEV-346/OR/42/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Shri Damudar Mallik regarding illegal transfer of their ancestral land to a non-Scheduled Tribe individual.

Date of the Sitting: 30.05.2023

Participants in the Sitting: As per Annexure


Shri Damudar Mallik, in his representation dated 20.07.2022, alleges that their ancestral land was illegally transferred to a non-Scheduled Tribe (ST) individual. When the petitioner objected to the land transfer, the accused verbally abused them using casteist slurs, remarks and also threatened. Despite the petitioner lodging complaints with various authorities, no action has been taken so far.

Considering the representation, the Commission issued notice dated 07.04.2022 to the Collector and District Magistrate, Kandhamal district, Odisha State to submit the Action Taken Report ("ATR") within 15 days.

Pursuant thereto the Collector and District Magistrate, Kandhamal submitted that Plot No. 354 in mouza-Ungamaha, registered under Jabara Majhi's name, is disputed. Gabriel Pradhan allegedly purchased land from petitioner without proper demarcation or permission, constructing temporary huts on the plot. Pradhan claims the purchase was supported by stamp papers and pay slips with petitioner signature, but the petitioner denies signing any such document. The dispute lacks supporting evidence, prompting a village-level enquiry. The actual payment amount remains unverified. Both parties are barred from the land to maintain peace. With no documentary evidence provided, the land dispute remains unresolved.

The Commission issued Summons dated 12.04.2023 to Shri Ashish Ishwar Patil, Collector and District Magistrate, Kandhamal District, Odisha to appear before the Commission on 28.04.2023, however, he could not appear. The commission issued warning notice and also sought justification for seeking exemption.

The Commission issued Summons dated 19.05.2023 to Shri Ashish Ishwar Patil, Collector and District Magistrate, Kandhamal to appear before the Commission at the

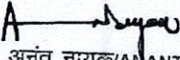

अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

State Guest House, Bhubaneswar on 30.05.2023 at 02:30 PM. During the hearing on 30.05.2023, the petitioner was absent

On the other hand, Shri Ashish Ishwar Patil, Collector and District Magistrate, Kandhamal District submitted that the Plot No. 354, Kissam-Padar II, Area- Hc. 0.031R of Mouza-Ungamaha is registered under RT-Jabara Majhi, father of complainant Damodar Mallick. Gabriel Pradhan from Mangapanga village purchased 40 hands of land from Mallick without demarcation or government permission. Pradhan submitted a stamp paper as evidence, but Mallick denies signing any document related to land transfer. The dispute arose from a verbal sale/purchase without supporting documents. Both parties are barred from the enjoyment of the land. The case remains disputed. Some witnesses support Pradhan's claim, but the actual payment remains unverified as Shri Mallick denies it.

Hearing the case, the Commission recommends that the Petitioner shall appear before the District collector to submit the documentary evidence and apprise the facts and circumstances.

The District Magistrate-cum-Collector, Kandhamal shall strive to resolve the issue taking into consideration all the aspects within 15 days.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

(ANNEXURE)

F. No. NCST/DEV-346/OR/42/2022-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 Radhakanta Tripathy	Special Rapporteur
4.	Shri D.K. Palai	UDC
5.	Shri Avinash Mattur	Legal Consultant
The District Collector and Magistrate, District – Kandhamal, Odisha		
S. No.	Name	Designation
1.	Shri Ashish Ishwar Patil	Collector
Petitioner		
S. No.	Name	Designation
1.	Absent	-