



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-646/OR/86/2022-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 02:30 PM in the State Guest House, Bhubaneswar, Odisha regarding representation dated 20.07.2022 of Ms. Elseba Pradhan, Daringbadi, Makapata, District Kandhamal, Odisha-762104 regarding illegally occupied land.**


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 02:30 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: -

Ms. Elseba Pradhan,  
Daringbadi, Makapata,  
District Kandhamal,  
Odisha-762104

✓ 3. NIC Cell for upload in NCST  
Website.



## National Commission for Scheduled Tribes

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No. NCST/DEV-646/OR/86/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, NCST, in the case of Ms. Elseba Pradhan regarding her eviction from ancestral plot (No. 1917, Khata No. 369) by the Revenue Authority.

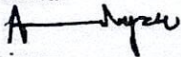
Date of the Sitting: 30.05.2023

Participants in the sitting: As per Annexure

Ms. Elseba Pradhan, in her representation dated 20.07.2022, alleges that she belongs to the Scheduled Tribe and is a widow. The plot in question, identified as No. 1917 under khata No. 369 of Daringbadi Mouza, is currently in her possession and has been cultivating the same for generations. Unfortunately, the Revenue Authority forcibly evicted her and removed the fencing wires from the plot. As a result, her livelihood has been severely affected.

Considering the petition, the Commission issued notice dated 19.09.2022 to the Collector and District Magistrate, Kandhamal district, Odisha to submit the Action Taken Report ("ATR") within 15 days.

Pursuant thereto the Collector and District Magistrate, Kandhamal, Odisha submitted that Ms. Elseba Pradhan claims possession of Plot No. 1917 under Khata No. 369 (Anabadi), which is a government land. However, she couldn't provide any legal documents supporting her possession. The land is currently vacant, and no encroachment case has been filed against her. On the other hand, the opposite party, Kirti Chandra Sahoo, has constructed Pramila Devi Higher Secondary School on private lands (plot No. 712 and 713/2604 under Khata No. 368/654) registered under his father's name, Dhanurdhar Sahoo. Additionally, a portion of government land (plot No. 704 under Khata No. 369, Daringbadi mouza) has been used for constructing a hostel by the ST & SC Development Department, with no encroachment.

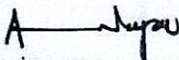
  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
NATIONAL COMMISSION FOR SCHEDULED TRIBES  
भारत सरकार/Govt. of India  
नई दिल्ली/New Delhi



Petitioner submitted rerjoinder alleging that the joint enquiry team's report is alleged to be a fabricated document, suggesting a conspiracy by officials to unlawfully evict the petitioner from her land (plot No. 1917, Khata No. 369 in Daringbadi Mouza) with malicious intentions. She has no objections to plot No. 712 & 713/2604 and plot No. 704. However, the enquiry report fails to address her rightful possession. The OIC of Daringbadi Police Station allegedly seized her fencing wires influenced by the revenue authority, aiming to allocate the plot to wealthy individuals. The petitioner's complaints received no response or action. While influential individuals occupy government-owned lands for commercial purposes, no action is taken against them, but the Revenue Authority forcibly evicted the petitioner and seized her fencing wires from plot No. 1917.

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. Subsequently, the Commission issued Summons dated 19.05.2023 to Shri Ashish Ishwar Patil, Collector and District Magistrate, Kandhamal District, Odisha to appear before the Commission at the State Guest House, Bhubaneshwar 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 complainant Elseba Pradhan has no valid legal document to possess the Govt. Land bearing Plot No. 1917. The said land is now lying vacant. No encroachment case has been booked for the said land. There is no link between the alleged Govt. Plot No. 1917 & 704 (Khata No. 369) and Private Plot No. 712 and 713/2604 under Khata No. 368/654 in Mouza Daringbadi, which is recorded in the name of Dhanurdar Sahu, the father of the opposite Party (Kirti Ch Sahu). The allegation made by the petitioner is baseless and false as there is no structure on Plot No. 1917 which is claimed by Ms. Elseba Pradhan.

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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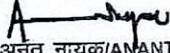


The Commission took note of the petitioner's rejoinder, which claims that the investigation report submitted by the Collector and District Magistrate of Kandhamal District is fabricated. The Collector had submitted that the petitioner lacks a valid legal document to possess the government land (Plot No. 1917).

In response to the Collector's submission, the Commission sought a compliance reply from the petitioner, along with supporting documents, to substantiate the allegation in the report within 15 days.

The Commission recommends the District Collector to initiate steps and resolve the issue taking into consideration the submissions, rejoinder of the petitioner. During the process of enquiry, the district administration has to associate the petitioner.

The District Collector has to submit Action Taken Report within 15 days.

  
अनंत नायक/ANANTA NAYAK  
सदस्य/Member  
राष्ट्रीय अनुसूचित जनजाति आयोग  
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(ANNEXURE)

F. No. NCST/DEV-646/OR/86/2022-ESDW

**LIST OF PARTICIPANTS:-**

<b>National Commission for Scheduled Tribes</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
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
<b>The District Collector and Magistrate, District – Kandhamal, Odisha</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Shri Ashish Ishwar Patil	Collector
<b>Petitioner</b>		
<b>S. No.</b>	<b>Name</b>	<b>Designation</b>
1.	Absent	-