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KARNATAKA LOKAYUKTA

No. Compt/Lok/BCD/2044/2014/ARE-9
c/w No. Compt/LOK/BCD/111/2011

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru
Date: 06/04/2017

**REPORT UNDER SECTION 12(1) OF
THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Recommendation to evict 23 un-authorized sheds which are in possession of Asst. Revenue Officer, BBMP at Farmers' Fair, Ganganagar, BBMP, Bengaluru – reg.

The complainant one Sri A. Sandeep, No. 703, 2nd cross, Hebbal, behind Government School, Hebbal, Bengaluru-34, had given the present complaint against the Commissioner, BBMP, Bengaluru, in the prescribed forms and in the enclosed written complaint, he had referred to his earlier complaint registered in No. Compt/LOK/BCD/111/2011 and alleged that, in the said complaint, the concerned officers have not taken any action, though there was a direction from this office to evict the unauthorised occupants of the sheds at Farmers' Fair of Ganganagar, Bengaluru within three months.

2. On careful perusal of the materials in complaint in No. Compt/LOK/BCD/111/2011, it is found that, (i) Sri K.S. Venkeshappa, Addl. Commissioner (East) BBMP, Bengaluru, (ii) Sri Mohan Gowda, Executive Engineer, Hebbal Division, BBMP, Bengaluru. (iii) Sri Rajanikanth Malli, Asst. Executive Engineer, JC Nagar Sub-Division, BBMP, Bengaluru, had appeared before the then Hon'ble Lokayukta on 24/2/2014 and had undertaken to evict the unauthorised occupants of the sheds at Farmers' Fair of Ganganagar, Bengaluru within three months and there was also a direction to the Commissioner, BBMP

and the Dy. Commissioner (Market) to allot the vacant sheds to the aspiring one in accordance with law and in particular, with reference to the Karnataka Municipal Corporation Act and Rules and to submit action taken and compliance report within one month to the Registrar of this institution. However, the BBMP officers have not taken any action to evict the unauthorized occupancy of the sheds. Hence, the above said three officers were impleaded as respondents in the present case and their comments were called.

3. The present respondents were also respondents in the previous case No. Compt/LOK/BCD/111/2011 and hence the present case was clubbed with the earlier case. The respondents have filed the comments in this case stating that they had evicted the unauthorized occupants and had complied with the orders.

4. The matter was referred to the Supdt. of Police, Bengaluru City Division, Karnataka Lokayukta, Bengaluru to verify and submit a report. Smt. Sonia Narang, the then Supdt. of Police, Bengaluru City Division, Karnataka Lokayukta, Bengaluru had submitted that there was eviction of unauthorized occupants and there was again further unauthorized occupation and the Commissioner of BBMP and his officers had admitted to allot the sheds and that in the meanwhile, there was a Writ Petition filed before the Hon'ble High Court of Karnataka in No. 31394/2009 (L-BMP-IPL), an order was passed on 4/8/2011 directing for removal of unauthorized encroachment over the storm water drain (Raja Kaluve) by adopting procedure depicted in the order and also that any further encroachments over storm water drain (Raja Kaluve) in annexure-3 therein, the action should be taken.

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5. As noticed earlier, a direction was issued to remove encroachments and about the sheds. It is useful to extract the order of the then Hon'ble Lokayukta, dated 24/2/2014 which is as hereunder:

79) Sri K.S. Venkeshappa, Addl. Commissioner (East) BBMP, Sri Mohan Gowda, Executive Engineer, Hebbal Division, BBMP and Sri Rajanikanth Malli, Asst. Executive Engineer, JC Nagar Sub-Division, BBMP are present. It is submitted by them that the unauthorized occupants of the sheds i.e. Farmers' Fair (Raitha Santhe) of Ganganagar would be evicted within three months.

80) Therefore, three months time is granted to them to evict the unauthorized occupants from above mentioned Farmers' Fair. After the eviction of the unauthorized occupants, the Commissioner, BBMP and D.C. Market should allot the vacant sheds to the aspiring one in accordance with law and Karnataka Municipal Corporation Act and Rules. They are directed to give an undertaking to that effect. They are further directed to submit action taken and compliance report within one month thereafter to the Registrar, Karnataka Lokayukta, Bangalore. Accordingly, complaint is disposed of.

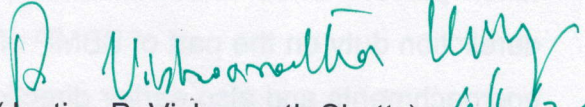
6. A perusal of the report of Smt. Sonia Narang, the then Supdt. of Police, Bengaluru City Division, Karnataka Lokayukta, Bengaluru, indicates that though encroachment was removed, subsequently, unauthorized encroachments have taken place. Under these circumstances, without going into the question of dereliction duty on the part of BBMP officers to prevent subsequent unauthorized encroachments and also earlier direction to allot shed/shops in terms of direction given by the then Hon'ble Lokayukta, I am of the view that it would be in the ends of justice to pass the following order under Section 12(1) of the Karnataka Lokayukta Act, 1984.

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7. On an examination of material on record, it is found that there was unauthorized occupation of 23 sheds by various persons, at Farmers' Fair, Ganganagar, BBMP, Bengaluru.

8. Under the above circumstances, recommendation is hereby made to the Competent Authority under section 12(1) of the Karnataka Lokayukta Act, 1984, to direct the concerned officers to evict the 23 unauthorized sheds at Farmers' Fair of Ganganagar, Bengaluru and allot sheds in strict compliance with the earlier direction dated 24/2/2014 given by the then Hon'ble Lokayukta and submit action taken report within one month from the date of receipt of this recommendation, as per Section 12(2) of Karnataka Lokayukta Act, 1984.

9. This order is made subject to any order made by the Hon'ble High Court of Karnataka in Writ Petition No. 31394/2009 (L-BMP-IPL) or any other order of Hon'ble High Court of Karnataka in any other writ petition and also any further order of Hon'ble High Court of Karnataka from giving effect to this order, ^{in the event} the competent authority shall bring the same to the notice of this authority immediately.


(Justice P. Vishwanath Shetty) 0/4/2017.
Lokayukta
State of Karnataka
Bengaluru