

**KARNATAKA LOKAYUKTA**

NO.LOK/BCD/2861/2012/ARE (2)

M.S.Building,  
Bangalore,  
Date:-02-05-2015

**REPORT U/Sec. 12(1) OF KARNATAKA LOKAYUKTA ACT 1984.**

**Sub:-**Complaint of Ramakishna M. S/o Late  
M. Muninagappa, No.1 1<sup>st</sup> Main, 9<sup>th</sup> cross,  
C. T. Bed, Sy. No. 17, B. S. K. 3<sup>rd</sup> stage,  
Bangalore-85 against Sri Shivaramgowda, L.R.,  
Former MLA, Nagamangala, R/o Sudha  
Mansion, No.42, 1<sup>st</sup> cross, 7<sup>th</sup> main, Banagiri Hill,  
B.S.K.3<sup>rd</sup> stage, Bangalore-85.

**Ref:-** Complaint No. LOK/BCD/2861/2012/ARE(2)

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Complainant Dr. M. Ramakrishna, Founder of Ankos  
Krishna Educational Trust, in his complaint dated 23.11.2012  
against former MLA of Nagamangala Sri L.R Shivaramgowda,  
alleged:

- a. That in the year 2002, the said Ankos Krishna  
Educational Trust had been granted 15 acres of land by the  
State Government and when complainant was strained to  
develop the said land, the respondent, under the guise of  
rendering help, obtained documents in his name pertaining to  
the said Trust from the complainant by playing fraud and got  
the complainant arrested by the police by giving false  
complaint.
- b. That while the complainant was enquiring about the  
misdeeds of the respondent, he came to know that :
  - i) One Kenchanahalli Gangadharamurthy, Advocate,  
Nagamangala was murdered and earlier to this , Ex-MLA

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Chigarigowda was murdered by administering poison and those cases were got closed.

- ii) **That respondent has unauthorisedly encroached on Govt./BDA property on Banaswadi ring road and is running concord school there.**
- iii) **That respondent sold Govt. property/C.A. site to Mayor Sri Venkatesh Murthy illegally for ten crores, representing that the said properties belongs to him.**
- iv) That respondent is involved in 15 cheque bounce cases.
- v) That respondent involved in several cases of extortion and cheating.
- vi) That while contesting MP election as BJP candidate, the respondent furnished false affidavit before the Election Authority
- vii) That one Mayannagowda (Vijaya Bank employee) and Advocate Manchegowda (both nephews of respondent) are associated with the respondent in his criminal acts.
- viii) Through hired goondas, the respondent intimidated the complainant and when the complainant reported the matter to the police, the respondent wielded his influence and got the matter closed.
- ix) That respondent has cheated several innocent persons like the complainant, by giving false assurances.
- x) Respondent administered poison to complainant's nephew Nagendra Kumar and caused death and hushed up the enquiry at Ulsoor, Bangalore.
- xi) Respondent cheated KSFC to the tune of ten crores.
- xii) That respondent cheated one Dayananda Pai to the tune of 4.5crores.

2. Out of 12 allegations mentioned above, investigation was taken up only regarding allegation No. ii & iii as they are allegations as defined u/Sec. 2(2) of Karnataka Lokayukta Act 1984.

3. Upon approval of preliminary scrutiny note dtd. 19.12.2014, when a comment was called from the respondent, he sent his comment on 21.02.2015, denying the allegations.



4. When copies of respondent's comments was sent to the complainant for his rejoinder, he sent his rejoinder on 27.03.2015 stating that the respondent has grabbed Govt. land by creating documents and was running royal concord school in that land and the said land worth 75 crores was taken over by BDA and Corporation officials and in that regard, respondent has filed W.P. 8976/2003(CLB-BMP) and it is pending. He further mentions that respondent encroached on BDA property and constructed a palatial house and is residing there and BDA caused Notice No. BDA/AEE-3/(S)T-788/2014-15 and BMTF also has issued notice. He also alleged that respondent illegally occupied civic amenity site No.2 granted to academy of Arts and Architecture in Bogadi-Mysore and is running royal concord school there. He also mentions that respondent created documents in respect of 15 acres of land in Sy.No. 104 & 105 of Doddategur, granted to Ankos Krishna Education Trust for establishing cancer research centre, by forging the signature of Trust's Secretary, Nagendra Kumar and in this regard, a case is going on before Mayo hall Court- Bangalore. He also alleged that respondent wrongfully confined him(complainant) in respondent's house and obtained complainant's signature on 15 blank stamp papers and in respect of this incidence, a criminal case under IPC is going on in Magistrate Court. The complainant reiterated the allegations contained in the complainant.

5. The allegations pertain to commission of offences punishable under IPC or any other enactment cannot be investigated by Karnataka Lokayukta. In Manohar Lal Sharma vs. Principal Secretary & others(2014(2) KCCR 88SN 73) , the Apex Court has held that in the criminal justice system, the investigation of an offence is the domain of the police and the power to investigate into cognizable offences by the police is ordinarily not impinged by any fetters . Hence, allegations (i),





(iv) to (xii) mentioned in the complaint cannot be investigated by Lokayukta.

6. As regards the encroachment of the BDA property, construction of school building and unauthorisedly running the concord school, the respondent has simply denied the said allegations in his comment. But copy of order dated 22.02.2013 passed in W.P. 8976/2003 (LB-BMP) would indicate that the said writ petition filed by M/s Royal concord Educational Trust represented by the present respondent Sri L.R. Shivaramgowda, the newspaper clippings of Prajavani issue dtd. 27.11.2014, 29.11.2014 produced by the complainant supports the complaint allegations. The BDA also issued notice dtd. 12.02.2015 to respondent's wife Smt. Sudha Shivaramgowda regarding the said encroachment of BDA property in Sy.no.17 of Katriguppe (New Sy.No.125, site no 42, 43, & 44 of Banagiri nagar, Banashankari 3<sup>rd</sup> stage). Paper clippings of Kannada Prabha issue dtd. 17.09.2011, Paper clippings of The Hindu (B'lore issue) dtd. 11.09.2008 also supports the complaint allegations.

7. As far as the sale of BDA Property namely Civic Amenity site by respondent in favour of Mayor Venkatesh Murthy is concerned, there is no document produced by the complainant to substantiate the allegation. Photo copy of Newspaper clippings, produced by the complainant, under the caption **"Ex. MLA makes private use of public site"** published in Bangalore Mirror issue dtd. 16.10.2012 is falsified by another newspaper clippings under the caption **"Corporator backtracks, says will withdraw FIR"** The newspaper clippings does not indicate that Ex. Mayor Venkatesh murthy purchased any C.A. site from the respondent.

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8. Since the respondent has challenged the BDA notice in W.P. no. 8976 of 2003, subject to the result of the said writ petition, competent authority can be recommended to take action for the restoration of the BDA property/ Govt. property encroached by the respondent.
9. The respondent being Ex. MLA of Nagamangala is a public servant as defined u/Sec. 2(12) of Karnataka Lokayukta Act, 1984.
10. As regards the allegation that the respondent encroached BDA property and illegally constructed a palatial house therein, the same is the subject matter of investigation in complaint No LOK/BCD/543/2015.
11. Hence, a report under Sec. 12(1) of Karnataka Lokayukta Act, 1984 is sent herewith along with xerox copies of connected documents with recommendation to the Competent Authority i.e. Additional Chief Secretary, Urban Development Department, Vikasa Soudha, Bangalore **to take action for the restoration of the BDA property encroached by the respondent** and in which the respondent is running Concord school, subject to the result of the W.P. No. 8976/2003, and to send compliance report, in case the writ petition is already disposed off, **within one month** from the date of receipt of this report as required u/Sec. 12(2) of Karnataka Lokayukta Act, 1984.

*Y. Bhaskar Rao*  
02/05/2015  
(Justice Dr. Y. Bhaskar Rao)  
Lokayukta,  
Karnataka State