

KARNATAKA LOKAYUKTA

No.Compt.Lok/BCD-4437/2014/ARE-1

M.S.Building,
Bangalore,
Dated.27/02/2017.

**" DIRECTION U/S 12(1) OF THE KARNATAKA
LOKAYUKTA ACT TO THE COMPETENT AUTHORITY"**

Sub:- Complaint filed by Sri Sathishkumar K. S/o Late Karagappa, Narayanabhat Grama, Muthanallur Post, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District against Sri. Raghavendra & Others -reg.

A complaint has been filed by Sri Sathishkumar K. S/o Late Karagappa, Narayanabhat Grama, Muthanallur Post, Sarjapura Hobli, Anekal Taluk, Bangalore Urban District (hereinafter referred to as complainant in short) against (1) Raghavendra, Panchayath Development Officer, Muthanalluru Grama Panchayath, Muthanalluru Village, Anekal Taluk, Bangalore Urban District and Others (hereinafter referred to as respondents in short) alleging that the 1st respondent Sri. Raghavendra has illegally transferred katha of the lands situated in green belt area, though no conversation of land use is made and thereby he indulged in corrupt practices.

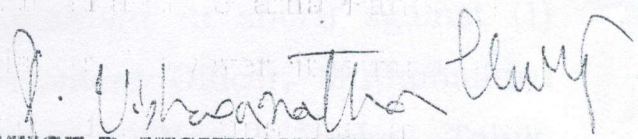
2) After taking up investigation on the complaint, the complaint was referred to the Police Wing of Karnataka Lokayukta for taking suitable action. Afterwards Superintendent of Police-3, Karnataka Lokayukta, who investigated the complaint submitted report stating that in respect of the illegal acts committed by respondent No.1 Sri. Raghavendra transferring katha of the lands situated in green belt area, by

creating false documents, the Chief Executive Officer, Zilla Panchayath, Bangalore Urban District initiated departmental enquiry by appointing enquiry officer and the enquiry officer has already submitted report to the disciplinary authority. It is further stated in the report that departmental enquiry is conducted by a retired District Judge in case No. Admn(1)/CCA/30/2015-16, dated: 29/06/2015 and the charge framed against respondent No.1 Sri. Raghavendra is proved in the enquiry.

3) The investigation conducted in this case revealed that respondent No.1 Sri. Raghavendra, while working as PDO, Muthanalluru Grama Panchayath, Anekal Taluk, Bangalore Urban District has issued 3 Form 11-B katha in the name of Sri. K. Rajendra in respect of the lands situated in green belt area ignoring the prohibition for issue of Form 11-B katha. It is also found that respondent No.1 has created documents by corrupt means with the dishonest intention to help one Sri. K. Rajendra by issuing Form-11B katha in respect of the lands situated in green belt area. Respondent No.1 Sri. Raghavendra has cheated the government by creating false documents for the purpose of issuing Form 11-B katha and has committed criminal breach of trust by defrauding the government. Therefore, the act of respondent No.1 Raghavendra attract the penal provisions of Section 408 and 417 of IPC in addition to the misconduct committed by him under the provisions of Karnataka Civil Services Rules. Since departmental enquiry is already initiated against respondent No.1, the competent authority has to take action in respect of the criminal acts committed by him.

4) Therefore, it is necessary to issue direction to the Competent Authority to file a complaint with jurisdictional police for the criminal acts committed by respondent No.1 Raghavendra, the then PDO, Muthanallur Grama Panchayath, Ankel Taluk, Bangalore Urban District. However, it is made clear that during course of investigation if I.O. finds that any other private party is involved or conspired with the respondent, then the investigating officer is at liberty to take such action as he may deem fit against those persons also in accordance with law in addition to the action against respondent as indicated above.

5) Further, as per sec 12(1) of Karnataka Lokayukta Act 1984, the Competent Authority is to intimate this authority within 3 months from the date of receipt of this report, the action taken or proposed to be taken on this report.


(JUSTICE P. VISHWANATHA SHETTY)
Lokayukta,
State of Karnataka.