

**KARNATAKA LOKAYUKTA**

No.COMPT/LOK/BD-160/2011/ARE-9}  
 No. COMPT/LOK/BD-32/2011/ARE-9}  
 No. COMPT/LOK/BD-47/2011/ARE-9}  
 No. COMPT/LOK/BD-33/2010/ARE-9}

M.S. Building  
 Bangalore  
 Dated:12/02/2015

**: REPORT U/s 12 (1) & (3) OF KARNATAKA LOKAYUKTA ACT,  
 1984 :**

**Subject:** Proceedings against Sri M Tippesh, the then Commissioner, CMC, Channapatna (presently Commissioner of Hubli- Dharwad Urban Development Authority – now under suspension) about his misconduct and the report in Government referred case with regard to the illegalities and irregularities committed in allotment of sites formed in Honniganahalli and Mangalawarpet of Channapatna Town and about negligence etc.

**Reference :** GO NO. UDD 3 DMK 2011 dated: 23.7.2011

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One Sri. Shivakumar.C.N. has filed a complaint against Commissioner, CMC, Channapatna alleging that the site bearing No.C-1/90 situated at Mangalawarpet within the limits of City Municipal limits of Channapatna of Ramanagara District was allotted to him and a notice was issued to him by the Chief Officer, CMC, Channapatna bearing No.GEPR-102/89-90 dated.3.8.93 calling upon him to pay the entire amount of Rs.5825/- through D.D. within 45 days and that thereafter the khatha in respect of the said site was illegally made in the name of one Sri.Boraiah @ Kariyappa S/o Boraiah and that action be taken against the guilty and the khatha be effected in his name. The said complaint is registered as Compt/Lok/BE-33/2010.

2. This complaint was taken up for investigation u/s 9(3) of the Karnataka Lokayukta Act and comments of the respondents were called for. The comments dated.4.9.2010 of the respondents was received.

- 3) The respondent, Commissioner, then working in CMC, Channapatna submitted his comments stating that himself and Sri. Siddaraju, the previous Commissioner of CMC, Channapatna are the officers of the same cadre and therefore, the enquiry would be entrusted to D.C., Ramanagara. He also submitted his comments to the effect that, on verifying the letter of the complainant relating to IDSMT Layout the site allotment registers, the document regarding the sale deed, the document i.e, receipts for having paid the amount, the allottee register are not available and that a forged book is prepared showing the names of the allottees and the amount paid by the allottees, the receipt numbers are available which are not at all bearing the signatures of any of the officials and the case worker in the meeting held on 28.1.2010 informed that he had handed over the original books to Sri.Parameshwar Raju and while receiving the charge again, the forged documents were received and that a detailed enquiry is to be made by the DC, Ramnagara in this regard. Thereafter, the DC, Ramnagara was directed to make a detailed investigation and submit a report. The Project Director, District Urban Development Cell of the office of the DC, Ramanagara submitted his report to the effect that all the original records were sent to Lokayukta in Compt/Lok/BD-160/2011 on 8.11.2011 and that after receiving the records he would submit a detailed investigation report. Thereafter, a note put for transferring this case for TAC for investigation as the allegations in this case and in Compt/Lok/BD-160/2011 are the same and the said note was approved by the Hon'ble Lokayukta by order dated.12.2.2014. A note is put by Accounts Superintendent-1 of TAC, KLA, Bangalore that the findings concerned to this case are included in the report submitted in Compt/Lok/BD-160/2011.
- 4) The Government by its Order No. UDD 3 DMK 2011 dated: 23.7.2011, entrusted the investigation about the misappropriation illegalities committed in allotment of sites formed under IDSMT Scheme since 1991 and about the illegalities committed in the acquisition of land in the year 1985 in Mangalwar pet and about formation of sites and about allotment of the same. This complaint was taken up for investigation u/s 7(2)(A) of the Karnataka Lokayukta Act 1984 and a case was registered in Compt/Lok/BD-160/2011.

investigation and report and in turn the CE, TAC, KLA, Bangalore, referred the matter to the Accounts Superintendent-1, Technical Wing, Karnataka Lokayukta, Bangalore for investigation and report.

- 6) One Sri.Boralingaiah had filed a complaint against Sri.Chandrashekharaih.G.L., the then Deputy Commissioner, Ramanagara, Sri. C.Raikar, the District Project Director, Sri.Chandrappa.G., the then Commissioner, CMC, Channapatna and Ramalingegowda, the Revenue Officer, CMC, Channapatna alleging that the respondents were not issuing Form No.3, i.e, the Assessment Register Extract of the sites in ward no.39 of Channapatna CMC for more than one year in spite of the building tax or other tax is paid by the owners of the site on the pretext that Municipal Council has taken decision for not issuing Form No.3 and also in case of it being issued with an endorsement that the said property shall not be alienated to anyone. It is further alleged in the complaint that, as a result much hardship has been caused to the complainant and other residents. This complaint was also taken up for investigation u/s 9(3) of the Karnataka Lokayukta Act and it was registered as Compt/Lok/BD-32/2011.

The comments were called for from the respondents. The respondents submitted their comments and the rejoinder of the complainant was also received from the complainant.

- 7) The Respondent No.1 in LOK/BD-32/2011 has submitted his comments to the effect that, under IDSMT Project in Mangalvarpet of Channapatna in Sy.Nos.16/3 to 23 in all 518 sites were formed and as per the said scheme corner sites were auctioned and intermediate sites were allotted under the lottery basis and that no records are available in the CMC, Channapatna in this regard and that allotment of sites were illegally made and the Director of Municipal Administration, Bangalore has written a letter to the Secretary, Urban Development Department, Bangalore to refer the matter to the Lokayukta for investigation.
- 8) The respondent no.2 has submitted his comments to the following effect:  
No records are available in Channapatna TMC and therefore a meeting was convened on 28.1.2010 and in that meeting it is resolved to not to give any answer to the application seeking

form No.3. A letter has been written to District Registrar, Ramanagar to not to register any document in respect of 185 sites of Honniganahalli illegally allotted under IDSMT Scheme. A letter has been written to the Commissioner, Municipal Administration, Bangalore to entrust the investigation to Hon'ble Lokayukta as there was under hand dealings and illegal allotments under IDSMT Scheme.

- 9) The comments of the respondent no.3 in LOK/BD-32/2001 are to the following effect;

The form No.3 sought are in respect of the sites formed under IDSMT Scheme in Sy.No.16/3 to 23 of Mangalwarpet of Channapatna and that there are no documents available with regard to the allotment of these sites in the office of the TMC, Channapatna and with a view to avoid the public being cheated a meeting was held on 28.1.2010 and a resolution was passed to not to issue any form no.3 without endorsement and that FDA, Venkataraman has told that he had handed over the original register of allotment of sites and other original documents and circular to one Parmeshwar and while receiving the charge he has not given the original register of allotment of sites, but he has given the duplicate. The Director of Municipal Administration has written a letter to the Government to entrust the investigation to the Lokayukta.

- 10) The respondent no.4 in Compt/Lok/BD-32/2011 has submitted his comments to the following effect:

The former Commissioner, CMC, Channapatna intimated that, the records with regard to allotment of sites till 14.7.2009 were not available and that, Ravikumar, SDA, Parmeshwar, SDA are responsible for the same and they have caused loss to TMC, Channapatna to the extent of crores of rupees and the Revenue Inspector, Murali is also involved in the same and that a resolution was passed on 28.1.2010 by the Municipal Council and whenever the information was sought under RTI Act form no.3 was to be issued with an endorsement that no alienation or registration of the property been made. It is denied that the form no.3 was issued to those persons who paid Rs.10,000/-. Therefore, he has requested for dropping the proceedings against him.

- 11) Sri. Boralingaiah.N.H. is a complainant in Compt/Lok/BD-47/2011. In this complaint, he has filed the complaint against Chandrashekharaiiah.G.L. the then D.C. Ramanagara, Raikar.A.S.,

the then Planning Director, DUDC, Chandrappa.G., the then Commissioner, CMC, Ramlingegowda, Revenue Officer, CMC, Channapatna. The very same complainant has filed complaint against the very same respondents in Compt/Lok/BD/32/2011. In this complaint, (Lok/BD-47/2011) it is alleged by the complainant that, on 28.1.2010 the respondent nos.2, 3, 4 and FDA, Venkataramu gave false information to D.C. Ramnagara with regard to the allotment of sites of Honniganahalli village under IDSMT Scheme by deleting the names of original hakkupatra holders and by mentioning the site names as per their whim and desire and obtained the orders from D.C. giving directions to Sub-Registrar and by this the duplicate hakkupatra holders and officers class is benefited and the original hakkupatra holders are cheated. It is also alleged in this complaint that, in the resolution book dated.15.11.91 of TMC, Channapatna 200 sites and in the resolution dated.28.11.91 another 200 sites were resolved to be allotted. It is also alleged that, the khathas were effected in the name of 300 persons and those 300 persons include the kith and kin of the officers, the family members of the staff members and their relatives by mentioning the numbers of the sites of poor, uneducated original allottees and that no building permission is being given for the construction of the buildings. In the year 1994 an enquiry was initiated against the former Chief Officer of TMC, Channapatna namely Sri.Hulluraiah for having distributed more hakkupatras and the said enquiry is not yet concluded and therefore, it is requested by the complainant for staying the order issued by D.C. dated.28.1.2010 and to declare that those persons are the entitled persons who hold hakkupatras. In Compt/Lok/BD-32/2011 the very same complainant had given a complaint about non-issuing of Form No.3 and about making endorsement of non-alienation in the Form No.3 issued.

- 12) The respondent nos.2 to 4 were called to submit their comments and the respondent nos.2 to 4 in their comments have stated that, there are illegalities in the distribution of the sites formed under the IDSMT Scheme and for that illegal distribution the then Commissioner and CEO are responsible and that against them an enquiry is going on and therefore they have not taken any action in the matter. It is also the comment of the respondents that, it is learnt from the Ashraya Committee book that in the year 1991 the then President of Ashraya Samithi an MLA of Channapatna constituency Sri.Sadat Ali Khan had distributed 200 sites and for those allotments approval was not taken from the then

D.C. and President of IDSMT. From the records in this case it is seen that the Auditors have also raised objections regarding maintenance of records for selling the sites under auction. The respondent no.3 in his comments dated.30<sup>th</sup> March 2011 has requested for a detailed investigation in the matter and to do the justice in this regard. The complainant though was asked to submit his rejoinder has not submitted his rejoinder on the comments.

13) The Hon'ble Lokayukta by order dated.19.12.2013 passed an order directing SP, KLA, Ramanagara to investigate in the matter and to send a detailed investigation report with his opinion along with the names of the officers or the officials who are responsible for committing above illegalities with their tenure in CMC, Channapatna and if retired to furnish the dates of the retirement and if not their present place of working or address.

14) In pursuance of this order the matter was referred to SP, KLA, Ramanagara. The S.P., KLA, Ramanagara in turn entrusted the investigation to Dy.S.P., KLA, Ramanagara. Dy.S.P., KLA, Ramanagara in his report submitted that the subject matter of Compt/LOK/BD-160/2011, and the allegations made in Compt/Lok/BD-47/2011 are almost one and the same and that the investigation is going on by Technical and Audit Cell of KLA, Bangalore in Compt/Lok/BD-160/2011. This complaint (Compt/Lok/BD-47/2011) may also be clubbed and disposed of with Compt/Lok/BD-160/2011. The said report of Dy.S.P., KLA, Ramnagara is forwarded by SP, KLA, Ramnagara to this section by letter bearing no.ಕಲೋ/ರಾಜಿ/ಎಸ್ಪಿ/ಯೂರು-1/2014/ಎಆರ್ಇ-9 ದಿ.30<sup>th</sup> May 2014.

15) Many allegations were made about the illegalities and partialities committed in the allotment of sites of Honniganahalli and Mangalvarpet of Channapatna TMC under IDSMT Scheme. Therefore, the Government on the basis of the recommendation made by the Directorate of Municipal Administration in letter No.ಪಾನೀ/ವಿಚಾರಣೆ/ರಾಜಿಲ್ಪ/ನಿಆರ್/159/1 2009-10 ದಿ.20<sup>th</sup> July 2010 by its order bearing G.O.No. ಸಅಇ 3 ದಿಎಂಕೆ 2011 ಬೆಂಗಳೂರು ದಿನಾಂಕ: 23.07.2011 entrusted the investigation about the misappropriation and illegalities committed in the allotment of sites formed under IDSMT Scheme since 1991 and 508 sites formed in Mangalwarpet of Channapatna in the lands acquired in 1985 as the Commissioner, CMC, Channapatna did not make available the concerned records. The Kannada version of the said order is to the following effect:

“ಮೇಲೆ ಪ್ರಸ್ತಾವನೆಯಲ್ಲಿ ವಿವರಿಸಿರುವ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಚನ್ನಪಟ್ಟಣ ನಗರಸಭೆಯಲ್ಲಿ ಐಡಿಎಸ್‌ಎಂಟ ಯೋಜನೆಯಡಿ ಭೂಸ್ವಾಧೀನ ಪಡಿಸಿಕೊಂಡು ಲೇಔಟ್ ಮಾಡಿ ವಿಂಗಡಿಸಿರುವ ನಿವೇಶನಗಳ ವಿಲೇವಾರಿಯಲ್ಲಿ 1991ನೇ ಸಾಲಿನಿಂದಲೂ ಅವ್ಯವಹಾರ ನಡೆದಿರುವುದು ಕಂಡು ಬರುತ್ತಿದೆ ಮತ್ತು ಮಂಗಳವಾರಪೇಟೆ ಸರ್ವೆ ನಂಬರುಗಳಲ್ಲಿ 1985ರಲ್ಲಿ ಭೂಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡಿದ್ದು, ನಿವೇಶನಗಳಾಗಿ ವಿಂಗಡಿಸಿ ಹರಾಜು ಮೂಲಕ ವಿಲೇಪಡಿಸಿದ್ದು, ಒಟ್ಟು 508 ನಿವೇಶನಗಳು ಖಾತೆಯಾಗಿರುವುದು ಕಂಡುಬಂದಿದ್ದು, ಈ ಕಡತವನ್ನು ಪೌರಾಯುಕ್ತರು ಲಭ್ಯಪಡಿಸದೇ ಇರುವುದರಿಂದ, ಇದರಲ್ಲಿ ಅವ್ಯವಹಾರ ನಡೆದಿರುವುದು ಮೇಲ್ನೋಟಕ್ಕೆ ಕಂಡು ಬರುತ್ತಿರುವುದರಿಂದ, ಈ ಪ್ರಕರಣದ ಸತ್ಯಾಸತ್ಯತೆಯನ್ನು ತಿಳಿಯಲು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ ಕಲಂ 7(2-ಎ) ರಡಿ ತನಿಖೆ ನಡೆಸಲು ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ ಆದೇಶಿಸಲಾಗಿದೆ.”

- 16) After the receipt of this order a case came to be registered in Compt/Lok/BD-160/2011 and a detailed note was put by then ARE-5 requesting to refer this matter to the Chief Engineer, Technical and Audit Cell, KLA, Bangalore for investigation and report. This note was approved by the Hon'ble Lokayukta on 25.8.2011 and the matter was referred to CE, TAC, KLA, Bangalore and in turn CE, TAC, KLA, Bangalore entrusted the investigation to AS-3, TAC, KLA, Bangalore for investigation. Later, the investigation of this matter was entrusted to Accounts Superintendent-1, TAC, KLA, Bangalore as Accounts Superintendent-3 was promoted and accordingly AS-1, TAC, KLA, Bangalore took up the investigation of this matter. The Accounts Superintendent-1, TAC, KLA, Bangalore visited the office of CMC, Channapatna and the sites in question on 28.1.2014 and 29.1.2014 and did the investigation and has submitted a detailed report dated.6.3.2014.
- 17) In pursuance of the report submitted by S.P. and Dy.S.P., KLA, Ramnagara the Hon'ble Lokayukta passed an order to club this case with Compt/Lok/BD-160/2011 and to dispose of this case with Compt/Lok/BD-160/2011.
- 18) The then ARE-5 on 12.2.2014 put a note that the allegations made in Compt/Lok/BD-33/2010 and the subject matter of Compt/Lok/BD-160/2011 are same and the required documents are same and a prayer was made to transfer the investigation for TAC, KLA, Bangalore. This note was approved by the Hon'ble Lokayukta on 12.2.2014 and thereafter the TAC has also investigated into this complaint along with Compt/Lok/BD-160/2011.
- 19) A note was put by ARE-5 on 18.2.2014 in Compt/Lok/BD/32/2011 that the allegations made in this case and the subject matter of investigation of Compt/Lok/BD-160/2011 are same and

therefore he put a note requesting for referring this case for investigation to TAC, KLA, Bangalore and the said note is approved and accordingly the investigation of this case was taken up by TAC, KLA, Bangalore along with the investigation of Compt/Lok/BD-160/2011. Therefore, a common report requires to be submitted in all these cases and therefore, a common note is put in all these 4 cases.

- 20) The gist of the report of Sri. H.R. Narayan Rao, the Accounts Superintendent-1, TAC, KLA, Bangalore (hereafter referred to as I.O.) is to the following effect:

These four (4) complaints are with regard to illegalities and irregularities committed in the allotment of sites and distribution of hakkupathras and registration of the sale deeds in respect of the sites formed in Honniganahalli and Mangalawarpet of Channapatna Town and about non-issuance of Form No.III. A land to an extent of 31 acres and 13 guntas in 21 survey nos. as detailed in para-40.02 of the report of the IO was acquired. The acquired land of 31 acres 13 guntas in Honniganahalli was handed over to CMC, Channapatna on 11-9-1989. Out of 21 survey numbers in 8 survey numbers an area of 14 acres 34 guntas was utilized for forming 412 residential sites. Initially 412 sites were formed in this area 14 acres 34 guntas and 400 very very poor persons were identified in the meeting of the CMC, Channapatna. On 5-11-1991 list of the beneficiaries and the allottees was prepared and 200 sites were allotted and subsequently as the sizes of the sites formed were felt small and instead of 212 sites, 185 sites were decided to be formed and accordingly the layout plan was modified. It was found from the records that allotment of sites was made to three persons who were not identified as poor and no documents were available with regard to 7 beneficiaries. At the time of the inspection of these survey numbers, it was found by the IO that only 20 houses and one Anganawadi Centre was built and in the remaining sites no houses were built and 5 acres of land was allotted to Idga Maidan after obtaining the permission from the Government. In the remaining 185 sites 69 persons had deposited the final bid amount at the rate of Rs.35/- per sq.ft., and no action is taken as per the resolution no. 67 passed in the meeting was held at Channapatna on 2-3-2000 and therefore, still 185 sites are yet to be allotted in Honniganahalli Layout.



21) Further, no permission was granted by the DC to allot the sites by lottery system at the rate of Rs. 35/- per square feet. As per the request made by the President, CMC, Channapatna on 29-6-2000 the DC has permitted to refund the bid amount of 69 persons whose highest bid was at the rate of Rs.35/- per square feet.

22) The DC had fixed the cost of site as Rs. 75/- per sft., and he had directed the Commissioner, CMC, Channapatna to obtain the market price from the Sub-Registrar and to re-auction the sites. None of the documents are registered with regard to the 387 sites of Honniganahalli in the office of the Sub-Registrar, Channapatna. No permission is obtained from CMC, Channapatna for construction of 20 houses.

23) No sketch, for having prepared 412 sites is available but the revised sketch for 387 sites was available. The GO for purchasing the lands under IDSMT Scheme and to form sites, documents evidencing that the remaining land of 11 acres 9 guntas belongs to CMC, Channapatna, the documents pertaining to the remaining 185 sites, the documents pertaining to rounding of 96 kathas in the Katha Register, the documents pertaining to allotment of 200 sites to beneficiaries, form No.3 in respect of those 200 sites, the documents for having received the price in respect of those 200 sites and crediting it to the fund of the CMC, Channapatna and form No.3 in respect of remaining 185 sites etc. are not available.

24) The records of the CMC, Channapatna were caught by fire and the records were not properly protected and they were eaten by white ants and in the register of Assessment list of building and lands liable to taxation details are mentioned only about 305 properties and no records have been produced in respect of these 305 properties and that in this register the properties mentioned at Sl. No.198 to 292 are rounded off and no reason has been assigned as to why those properties were rounded off and no documents were produced in this connection.

25) A land to an extent of 22 acres 22 guntas was acquired in sy. No.16/3 to 23/2 in Mangalwarpet of Channapatna Town and 232 sites were allotted by lottery system on 25-3-1992 and as per allotment book 487 sites are allotted and that 508 khathas were effected and later on 555 khathas were effected.

26) The documents with regard the acquisition of land in Mangalawarpet, the documents for having received the money in respect of 217 sites and crediting it to CMC, the documents with regard to allotment of remaining 252 sites, documents with regard to effecting khatha of 291 sites and documents with regard to the existence of remaining 257 sites are not available. The authorities of the CMC have not taken any action for confirming the allotment and sale of 217 sites. 108 Houses are built in Mangalawarpet Layout and no documents are produced to show that the remaining land belongs to CMC Channapatna. No documents were available as to whether those 108 persons who had built the houses have obtained permission from the CMC for construction of houses though only 474 sites were formed. It is not made known as to on what basis 551 khatha have been effected though 474 sites were formed.

27) As per the provisions of sec. 84 of the Karnataka Municipalities Act 1964, the Municipality fund and all the property held by or vested in the Municipal Council, shall be applied, for the purposes specified in sections 87, 88, 89 and for all other purposes for which by or under this Act, or in other law for the time being in force, powers, are conferred or duties imposed upon the Municipal Council and with the previous sanction of the Director of Municipal Administration or the Government, for any other purposes for which the application of such property or fund is in public interest. Therefore as per these provisions it is clear that the CMC, Channapatna before acquiring the land for formation of residential sites in Honniganahalli and Mangalawarpet under IDSMT scheme ought to have obtained the permission either from the Director of Municipal Administration or from the Government. Such permission is not obtained by CMC prior to the acquiring of lands and forming of residential sites in Honniganahalli and Mangalawarpet of Channapatna Town under IDSMT scheme.

28) When the sites are formed under IDSMT scheme the permission ought to have been obtained from the Government for allotting 200 sites to the beneficiaries identified under Ashraya Scheme. But such permission has not been obtained and granted. During investigation it is revealed that the Task Force Committee had selected the beneficiaries but at the time of issuing hakkupatras the names of the beneficiaries was changed and some of the names of the beneficiaries were corrected and hakkupatras were not allotted to the selected beneficiaries and the hakkupatras were issued to other persons.

29) The important documents with regard to the acquisition of lands, formation of layouts, selection of beneficiaries, payment of the cost of the sites and crediting the said amount to the CMC funds and other important documents were eaten by white ants and caught by fire on account of negligence of the officers and the officials of CMC, Channapatna. From the Register of Assessment list of building and lands liable for taxation it is revealed that the details of 551 properties were mentioned on page nos. 1 to 99 and the documents pertaining to 261 properties were only produced and no document was produced with regard to the remaining 290 properties. No document is produced with regard to 261 sites as to how those 261 sites were allotted and on what basis those sites were registered in the names of 261 persons. As per the provisions of sec. 329 of the Karnataka Municipality Act 1964 it is the duty of the Chief Officer or Commissioner of the CMC to report to the President of the standing committee and the Municipal council, all cases of fraud, embezzlement, theft, or loss of municipal money or property. But the concerned Commissioner or Chief Officer have not submitted any report in this regard to the President of the CMC or to the standing committee. As per the foot note to rule 101 of the Karnataka Municipal Accounts Rules 1965, the physical verification of the properties should be conducted and the dates and result of the verifications should be recorded in the remarks column of the physical verification Register. But the Chief Officers or the Commissioners of the CMC, Channapatna have violated this Accounts Rules and they have not physically verified the properties of the CMC Channapatna and thus there is dereliction of duty on their part.

30) Rule 101 of the Karnataka Municipalities Accounts Rules 1965 says that the CMC has to maintain Registers in Form No. 41 of revenue, properties vested in it or placed under its custody by the government. The 101(2) of the said rules makes it clear that the Municipal Commissioner or Chief Officer shall periodically but not less than once in a year cause the Register to be examined and certify that the record is correct. In Column No.6 of the said Register (Form No.41) the full particulars and dimensional measurements including the open area are required to be mentioned. But the Chief Officers of CMC and the Commissioners of CMC, Channapatna have failed in their duties by violating rule 101(1) & (2) Karnataka Municipalities Accounts Rules 1965. On the basis of Form No. 41 the tax requires to be levied.

The Chief Officers or Commissioners of CMC, Channapatna have committed misconduct and there was a dereliction of duty on their part by violating the rules and by failing to maintain and produce the documents and by failing to allot the sites and by failing to protecting the properties of the CMC in accordance with law.

31) Sri. Hulluraiah, Jayanna, Shivanandagowda, Sadashivappa, Shivanna, Poovaiah, Siddaraju, Chandrappa and Ramachandraiah and M.Thippesh have failed in their duties by failing to protect the documents and the properties of the CMC and also by not physically verifying the properties of the CMC atleast once in a year and also by not maintaining the records of the CMC, properly.

32) So from the report of the IO it is clear that the Form No. 41, the Register of immoveable properties is not properly maintained in respect of the properties of the CMC. Further Form NO.3, is the property Tax Register. From the report of the IO it is clear that the Form No.3 is not properly maintained in CMC. It is also seen that many of the records of CMC were eaten by white ants and caught by fire etc. It is also seen from the report of the IO that though only 474 sites were formed the layout plan was not approved by the Urban Development Authority for 474 sites in Mangalwarpet. So it is seen from the investigation that the 551 kathas were effected so it is clear that all is not well. Further it is seen from the report of the IO that still 185 sites are required to be allotted in Honniganahalli. As per the report of IO only 108 houses are constructed in Mangalwarpet and 20 houses in Honniganahalli layout and no sale deed is registered in respect of any sites formed in Honniganahalli layout.

33) The records are also not available. It is also seen from the report of the IO that many corrections are made in the Register of allottees without any basis and some of the Registers do not bear the signatures of the officers or officials.

34) The information given by the Joint Director (Administration) Directorate of Municipal Administration, Bangalore, is to the following effect.

Sl No.	Name of the Officer	Retired from Service on
1	Hulluraiah	31-8-2001
2	Jayanna	31-5-2011
3	H M Shivanagowda	30-9-2004
4	Sadashivappa	29-2-2012
5	Shivanna	30-4-2008
6	Siddaraju	30-6-2012
7	G Chandrappa	30-4-2013

35) The report of the IO reveals that Sri. Hulluraiah worked as Municipal Commissioner CMC, Channapatna from 11-10-1995 to 28-7-2000 therefore the acts attributed to him must have been done prior to 28-7-2000. He has retired from service in the year 2001 i.e. 4 (four) years have elapsed from the date of the action (lapses) alleged to have been committed by him.

36) Sri Sadashivappa was working as Municipal Commissioner in CMC, Channapatna from 28-7-2000 to 28-10-2002. Therefore no act in respect of the affairs of the CMC Channapatna has been committed by Sadashivappa after 28-2-2002 i.e. four (4) years have already been elapsed from the act alleged to have been committed by him. Sri Sadashivappa has retired from service on 29-02-2012.

37) Sri. Siddarajau was working as Municipal Commissioner in CMC, Channapatna from 17-11-2004 to 28-10-2009. Therefore four (4) years have already elapsed from the action complained against him and he has already retired from service on 30-6-2012.

38) Sri G Chandrappa has also retired from service and he was working as Commissioner CMC from 28-10-2002 to 1-7-2011. But in the report of the IO it is alleged that Chandrappa did not take any action though the record room of CMC was caught by fire on 27-10-2010. It is important to note that 4 years from 27-10-2010 would be expiring on 27-10-2014.

39) As all these officers have retired from service and as four (4) years have already been elapsed from the date of action complained against them, no disciplinary action can be instituted against them in view of the provisions of rule 214(2)(b)(ii) of KCSR.

40) Sri. Poovaiah, was working as Municipal Commissioner in CMC, Channapatna from 11-11-2004 to 17-11-2011 i.e. only for a period of seven (7) days. Sri Ramachandraiah, is an Engineer and probably he must have been kept in-charge of the office of the Commissioner, CMC, Channapatna for short period of five months no misconduct can be attributed to Sri Poovaiah and Sri Ramachandraiah.

41) It is stated in the report of the IO that Sri Thippesh M. Commissioner, CMC, Channapatna and other officers mentioned above, while they were working as Municipal Commissioner, CMC,

Channapatna they have failed to protect the properties of the Municipality i.e., the sites formed in Honniganahalli and Mangalwarpet and they also failed to protect the remaining acquired land and failed to take any action with regard to the allotment of remaining 187 sites in Honniganahalli Layout and they failed to preserve and protect the important documents with regard to the acquisition of land, layout plans and the documents regarding payment of cost of sites and crediting the amount paid towards the cost of the sites to the funds of the Municipality. It is further stated that they failed to maintain the records like Form Nos. 3, 41 and 42 for many years and they failed to comply with the provisions of Karnataka Municipality Act and Rules made there under and to obey the guidance given by the D.C. Thus they have committed misconduct. As already pointed out no disciplinary action can be initiated for these lapses against anyone except M.Thippesh.

42) As already observed above, much inconvenience has been caused to the public by non-issuance of extracts of Form No.3 and also by correcting the names in the Registers by issuing hakkupatras to the persons selected as beneficiaries and also by effecting 551 khathas though there were only 474 in Mangalwarpet and also by not taking any steps with regard to allotment of remaining 185 sites of Honniganahalli Layout. Therefore, it is necessary to make recommendations to the Government to appoint an officer not below the rank of DC in the Department of Municipal Administration for rectifying these adversities, mistakes and defects.

43) It is necessary to lodge a criminal case against persons who are responsible for effecting fake khathas and also for tampering the Allotment Register by making corrections, striking out the old names and inserting new names of the allottees in the Allotment Register etc.

44) Under these circumstances, it is also necessary to appoint an officer of the Department of Municipal Administration not below the rank of DC and to direct him:

(a) To visit and inspect the following acquired lands of Honniganahalli village:

Sl No.	Sy No.	Measurment Acres - Guntas
1	112/1	1.20
2	112/2	0.30
3	113	2.13
4	114	1.08
5	116	0.38
6	120/3	0.38
7	120/1	2.18
8	121/2	0.22
9	121/3J	0.30
10	122/1	0.30
11	122/2	1.32
12	122/3J	0.18
13	129/1	3.09
14	129/2J	2.05
15	129/2(c)	0.30
16	130	2.11
17	131/1	1.01
18	131/2	2.26
19	131/3	1.32
20	132	0.37
21	132	0.26
	TOTAL	31.13

and also the Lands bearing sy. nos 16/3 to 23 of Mangalwarpet village coming within the limits of Channapatna CMC

(b) To get all the above mentioned acquired lands surveyed and to fix the boundaries by erecting boundary stones.

(c) To issue notice to the public by publishing the same in the widely circulated to two Kannada dailies and in one English daily calling upon the allottees of the sites to produce the documents in their possession showing the allotment of sites, the execution of sale deeds and payment receipts etc.

(d) To collect the layout plans of residential sites formed in Honniganahalli and Mangalwarpet from other officers if they are available.

(e) To maintain the records of CMC, Channapatna correctly in respect of the sites formed in Honniganahalli and Mangalwarpet villages of Channapatna Town as required under Karnataka Municipalities Act, up to date, on the basis of the documents so collected and produced as stated above.

(f) To see that the copies of Form No.3 are issued to the eligible in respect of the sites formed in Honniganahalli and Mangalwarpet in accordance with law.

(g) To see that whether there are sites existing to corresponding 551 khatha effected in Mangalwarpet and if not to set right the Khata Registers in respect of the sites mentioned by deleting fake khathas or khathas effected in respect of non-existent sites.

(h) To see that the remaining un-allotted sites of Honniganahalli are allotted or distributed to the eligible persons in accordance with law.

(i) To lodge a criminal complaint about the forgery committed in the Site Allotment Register and about negligence in not protecting and preserving the important documents of CMC Channapatna etc.

45) The facts supported by the material on record prima facie show that the respondent, Sri. M Thippesh, being a public servant, has failed to maintain absolute devotion to duty and also acted in a manner unbecoming of a Government servant and committed misconduct and made himself liable for disciplinary action also.

46) Since the facts and material on record prima facie show that the said respondent, Sri M Thippesh, has committed irregularities and illegalities amounting to misconduct under rule 3(1) of KCS (Conduct) Rules 1966 now acting u/s 12(3) of the of the Karnataka Lokayukta Act, 1984, recommendation is hereby made to the Competent Authority to initiate disciplinary proceeding against Sri M Thippesh and to entrust the enquiry to this Authority under rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules 1957.



47) Since the facts and material on record prima facie show that the public of Channapatna and others or put to inconvenience and undue hardship by non-issuance of Form no.3 by non-allotment of sites recommendation u/s 12(1) of Karnataka Lokayukta Act is hereby made to remedy or redress such hardship by appointing an officer of the Department of Municipal Administration not below the rank of DC and to direct him:

(a) To visit and inspect the following acquired lands of Honniganahalli village:

Sl No.	Sy No.	Measurment Acres - Guntas
1	112/1	1.20
2	112/2	0.30
3	113	2.13
4	114	1.08
5	116	0.38
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10	122/1	0.30
11	122/2	1.32
12	122/3J	0.18
13	129/1	3.09
14	129/2J	2.05
15	129/2(c)	0.30
16	130	2.11
17	131/1	1.01
18	131/2	2.26
19	131/3	1.32
20	132	0.37
21	132	0.26
	TOTAL	31.13

and also the Lands bearing Sy. nos 16/3 to 23 of Mangalwarpet village coming within the limits of Channapatna CMC

(b) To get all the above mentioned acquired lands surveyed and to fix the boundaries by erecting boundary stones.

(c) To issue notice to the public by publishing the same in the widely circulated to two Kannada dailies and in one English daily calling upon the allottees of the sites to produce the documents in their possession showing the allotment of sites, the execution of sale deeds and payment receipts etc.

(d) To collect the layout plans of residential sites formed in Honniganahalli and Mangalwarpet from other officers if they are available.

(e) To maintain the records of CMC, Channapatna correctly in respect of the sites formed in Honniganahalli and Mangalwarpet villages of Channapatna Town as required under Karnataka Municipalities Act, up to date, on the basis of the documents so collected and produced as stated above.

(f) To see that the copies of Form No.3 are issued to the eligible in respect of the sites formed in Honniganahalli and Mangalwarpet in accordance with law.

(g) To see that whether there are sites existing to corresponding 551 khatha effected in Mangalwarpet and if not to set right the Khata Registers in respect of the sites mentioned by deleting fake khathas or khathas effected in respect of non-existent sites.

(h) To see that the remaining un-allotted sites of Honniganahalli are allotted or distributed to the eligible persons in accordance with law.

(i) To lodge a criminal complaint about the forgery committed in the Site Allotment Register and about negligence in not protecting and preserving the important documents of CMC Channapatna etc.

48) Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority has to intimate this Authority the action taken or proposed to be taken on this report within three months from the date of receipt of this report.

Connected records are enclosed.

*Y. Bhaskar Rao*  
13/12/15  
**(Justice Dr. Y. Bhaskar Rao)**  
**Lokayukta**  
**State of Karnataka.**