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KARNATAKA LOKAYUKTA

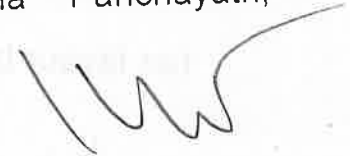
No. Compt/LOK/BD-3507/2017/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Road,
Bengaluru,
Date: 02.07.2019

REPORT UNDER SECTION 12(1) and 12(3) OF THE
KARNATAKA LOKAYUKTA ACT, 1984

Sub: Proceedings against Sri. C. Ramesh - District
Manager, Dr. B.R. Ambedkar Development
Corporation, Chitradurga and five others in the
complaint – reg.


On the basis of the complaint dated 05.12.2017 filed by
one Sri Jayasimha. S.H. – S/o. Huchangappa, K.B.Nagar,
Sirigere Village and Post, Bharamasagar Hobli, Chitradurga
Taluk and District (herein after referred to as '**Complainant**' for
short) against (1) Sri. C.Ramesh – District Manager, Dr. B.R.
Ambedkar Development Corporation, Chitradurga, (2) Sri H.
Ramappa - Taluk Development Officer, Holalkere, Chitradurga
District, (3) Sri Mallikarjun, Tahasildar, Taluk Office,
Chitradurga Taluk and District (4) Sri Tippeswamy, Deputy
Tahasildar, Taluk Office, Chitradurga Taluk and District (5)
Smt.G.S.Suma, President, Sirigere Grama Panchayath,



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Chitradurga Taluk and District and (6) Sri. Prakash, Panchayath Development Officer, Sirigere Gram Panchayath, Chitradurga Taluk and District (hereinafter referred to as 'Respondents Nos.1 to 6' respectively), alleging that they have committed dereliction of duty and misconduct, in the discharge of their official duty, an investigation was taken up under Section 9 of the Karnataka Lokayukta Act, 1984.

2) The grievances of the complainant in his complaint is that even though one Smt.Halamma W/o N.Byrappa was ineligible for grant of any benefits under "Bhoo Odethana Yojane" (land owning scheme), she had filed an application for grant of benefits under the said scheme. The respondents without verifying the documents and without conducting proper enquiry as required, had prepared documents and the first respondent sanctioned a sum of ₹7,26,000/- (Rupees Seven Lakhs Twenty Six Thousand) under the said scheme in favour of Smt. Halamma. Utilising the amount sanctioned, Smt. Halamma, had purchased land measuring 2 acres in her name and a registered sale deed dated 6.2.2017 came to be executed in her favour by the first respondent. It is the further allegation of



the complainant that the husband of Smt. Halamma by name Sri. Byrappa is a Class-1 Contractor and that he owns land and other properties. According to the complainant, Smt. Halamma and her husband have colluded with the respondents in obtaining the benefits under the said scheme knowing fully well that the said beneficiary was not eligible for the benefits under the said scheme and that she got the land purchased in her name out of the amount so sanctioned.

3) After registration of the compliant, the respondents were directed to submit their comments/reply. While, the respondents No.1, 3, 4 to 6 submitted their comments, the second respondent did not submit his comments. Thereafter, the comments submitted by the respondents referred to above were sent to the complainant for his rejoinder and accordingly the complainant has submitted his rejoinder reiterating the allegations made in his complaint.

4) On perusal of the comments and documents produced by the respondents, they disclose that, Smt. Halamma W/o N.Byrappa had filed an application during the year 2015-16 seeking grant of two acres of land in Sy.No.31 of



Hosarangapura village in Chitradurga Taluk, under "Bhoo Odethana Scheme (Land Owning scheme)". In the said application she had stated that she did not own any land and her annual income was ₹ 11,000/- only. On receipt of the said application filed by Smt.Halamma, the then Tahasildar, Chitradurga examined the matter and issued a certificate stating that she was not owning any land in her name in Chitradurga Taluk and her annual income was only ₹11,000/-. Thereafter, the Sirigere Grama Panchayath had passed a resolution dated 30.10.2015 resolving that she is entitled for the benefit under the scheme. It is useful to extract the said resolution which reads as follows –


“ದಿನಾಂಕ : 30.10.2015 ರಂದು ಬೆಳಿಗ್ಗೆ 11.00 ಕ್ಕೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಅಧ್ಯಕ್ಷರಾದ ಶ್ರೀಮತಿ ಸುಮಾ ನಾಗರಾಜ್ ಇವರ ಘನ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಸಾಮಾನ್ಯ ಸಭೆ ಕರೆಯಲಾಗಿತ್ತು.

ಸದರಿ ಸಭೆಯ ವಿಷಯಗಳು ಈ ಕೆಳಕಂಡಂತಿವೆ.

ಒಟ್ಟು ಸದಸ್ಯರ ಸಂಖ್ಯೆ:17 ಹಾಜರಿದ್ದ ಸದಸ್ಯರುಗಳು:15 ಗೈರು ಹಾಜರಿ:02

ವಿಷಯ : ಕ್ರಮ ಸಂಖ್ಯೆ:14

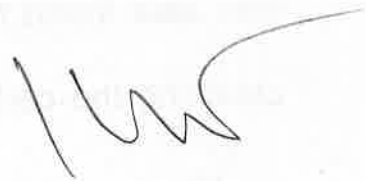
ವಿಷಯ	ತೀರ್ಮಾನ
ಭೂ ಒಡೆತನ ಯೋಜನೆಯ ಬಗ್ಗೆ ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ಸಕಇ 88 ಸಮನ್ವಯ 2013	ಸದರಿ ವಿಚಾರವಾಗಿ ಚರ್ಚಿಸಲು ಸಿರಿಗೆರೆ ಗ್ರಾಮ ಪಂಚಾಯತಿಯ ಭೂ ಒಡೆತನ ಯೋಜನೆಗೆ ಸಿರಿಗೆರೆ ಗ್ರಾಮ ಪಂಚಾಯತಿ



ದಿನಾಂಕ 4-09-2013ರಂತೆ	<p>ವ್ಯಾಪ್ತಿಯ ಸಿರಿಗೆರೆ ಗ್ರಾಮದ ಶ್ರೀಮತಿ.ಕೆ.ಹಾಲಮ್ಮ ಕೋಂ ಎನ್.ಭೈರಪ್ಪ ಈ ಫಲಾನುಭವಿಯನ್ನು ಆಯ್ಕೆ ಮಾಡುವ ವಿಚಾರವಾಗಿ ಸದರಿ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಿದ ನಂತರ ಸಭೆಯ ಸರ್ವಾನುಮತದಿಂದ ತೀರ್ಮಾನಿಸಲಾಯಿತು. ಸದರಿ ಫಲಾನುಭವಿಗಳ ಆಯ್ಕೆಯ ವಿಷಯವನ್ನು ಮುಂದಿನಕ್ರಮಕ್ಕಾಗಿ ಡಾ.ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ಅಭಿವೃದ್ಧಿ ನಿಗಮ ನಿಯಮಿತ ಚಿತ್ರದುರ್ಗ, ಇಲ್ಲಿಗೆ ಕಳುಹಿಸಲು ಸಭೆ ಸರ್ವಾನುಮತದಿಂದ ತೀರ್ಮಾನಿಸಲಾಯಿತು.</p>
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ಯಥಾ ಸಕಲು ಪ್ರತಿ”

5) Thereafter, the committee headed by the Deputy Commissioner, Chitradurga, had approved the proposal and forwarded it to Dr. B.R. Ambedkar Development Corporation, for sanction of the amount in favour of Smt.Halamma for purchase of two acres of land in Sy.No.31 of Hosarangapura village in Chitradurga Taluk under “Bhoo Odethana Scheme (Land Owning)”. Accordingly, the amount was sanctioned in her favour and two acres of land was purchased by Smt. Halamma from one Smt. Lalithamma by means of a registered sale deed dated 06.02.2017.



6) Subsequent to the purchase of the land referred to above by Smt. Halamma as stated above, the complainant wrote a letter to the District Manager, Dr. B.R.Ambedkar Development Corporation, Chitradurga, bringing to his notice that the claim made by Smt.Halamma, that she is eligible for the benefit of the scheme was false, as her husband was owning a land at Neeragudda Kaval, in Hosadurga Taluk and that he was a Class-1 contractor and that Smt. Halamma by suppressing all these facts, had filed the application seeking the benefit of the scheme. The complainant subsequently filed this complaint before this institution as observed by me above.

7) After filing of the complaint, the respondents re-examined the application filed by Smt.Halamma and found that its contents were not true thereby they came to the conclusion that Smt.Halamma obtained the benefit of the scheme by suppressing the real and material facts that her husband owned three acres of land in Survey No.152 of Neeraguddakaval village in Hosadurga Taluk and thereafter they also found that she had suppressed the real facts while obtaining the certificate from the then Tahasildar, Chitradurga



Taluk and on that basis she had got the money sanctioned from Dr. B.R.Ambedkar Development Corporation and purchased the land in her name. The respondents on noticing these aspects had cancelled the order made in favour of Smt. Halamma through which she was sanctioned a sum of ₹7,26,000/- in her favour. They also cancelled the income certificate issued certifying that her income was only ₹11,000/- per annum by means of Orders dated 02.01.2018; 03.01.2018 and 06.08.2018.


8) The facts set out above and also the conclusion reached by the authorities clearly shows that Smt. Halamma has obtained the benefit of the said scheme by misrepresenting her income and by fraudulently claiming that her income was only ₹11,000/- as mentioned at column No.6 of the application filed by her as well as by stating her income as ₹15,000/- at column No.19 of the said application. On that basis, the then Tahasildar, Chitradurga Taluk had issued a certificate dated 13.07.2016 certifying that income of Smt.Halamma was only ₹ 11,000/- which was not correct. In the light of this and on the basis of the facts that were suppressed by Smt.Halamma that



her husband was owning 3 acres of land in Survey No.152 of Neeraguddakaval village in Hosadurga Taluk, I have reason to prima facie conclude/opine that both Smt.Halamma and her husband Sri N.Byrappa had colluded to get the benefit of the scheme which was meant for the persons who satisfy the requirement laid down under the scheme.

9) Smt.Halamma and her husband appears to have deliberately and with a dishonest intention made wrongful gain for themselves as a consequence of which financial loss is caused to the State thereby depriving the claim of the persons eligible for the benefits under the said scheme through Dr. B.R. Ambedkar Development Corporation by securing those benefits and purchasing the land in their favour.

10) It is needless to point out that the scheme sponsored by the Government is meant to improve the weaker sections of the Society and whose income is less than the prescribed limit, so that their conditions of living may be improved. Therefore, the people who suppress their real income and make a false claim and get the benefit of the scheme are required to be dealt with seriously by the State and its authorities otherwise, the



laudable scheme framed by the Government, meant to benefit the most weaker sections of the society and intended to bring about the social change, would be frustrated and the real beneficiaries will be deprived of the benefit of the scheme and poverty would continue to persist over the years.

11) Prima facie, it appears to me that though it was the duty of the respondents i.e., – the then Tahasildar, Chitradurga Taluk and the District Manager, Dr.B.R.Ambedkar Development Corporation, Chitradurga, to verify the eligibility of the applicant and take care that the benefit is extended only to the candidate eligible under the scheme, in this case they have failed to make a proper scrutiny of the application filed by Smt. Halamma as they are required to make necessary enquiries before making any recommendation to the Deputy Commissioner, Chitradurga District and other concerned authorities. Further, since there is no material placed on records, to come to the conclusion that there has been deliberate omission on the part of the officers referred to above, I am inclined to give benefit of doubt to the said respondents, instead of recommending action against them



under Section 12(3) of the Karnataka Lokayukta Act. However, in my view, the matter against respondents 1 to 6 requires to be examined by the Deputy Commissioner, Chitradurga, on administrative side against such of those officers who may be guilty of committing misconduct in the matter of extending benefit to Smt.Halamma as indicated above and appropriate action is required to be taken by them, so that in future such casual approach is not made by the Village Panchayath, Tahasildar, Revenue Inspector and any other authorities who are officers endowed with the responsibility of forwarding the genuine claims, not only under the scheme in question but also several other schemes that are introduced by the Government for the benefit of the poorer section of the society.

12) In the light of what is stated above, in exercise of power conferred on me u/s 12(1) and 12(3) of Karnataka Lokayukta Act, 1984, I make the following recommendations to the Competent Authority –

- (1) To take possession of the two acres of land bearing Survey No.31 of Hosarangapura village in Chitradurga Taluk, which came to be registered by



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means of sale deed in favour of Smt. Halamma and utilize the said land for the benefit of some other genuine eligible beneficiary forthwith and also to take steps by Dr. B.R. Ambedkar Development Corporation to get the sale deed cancelled.

(2) To institute appropriate criminal proceedings against Smt. Halamma W/o.N.Byrappa and her husband Sri N. Byrappa for offence punishable under relevant provisions under Section 420, 464 and other provisions of the Indian Penal Code, 1860 before the appropriate jurisdictional forum.

(3) To recover the loss caused to the State on account of the money sanctioned to Smt. Halamma in her favour from Dr. B.R. Ambedkar Développement Corporation.

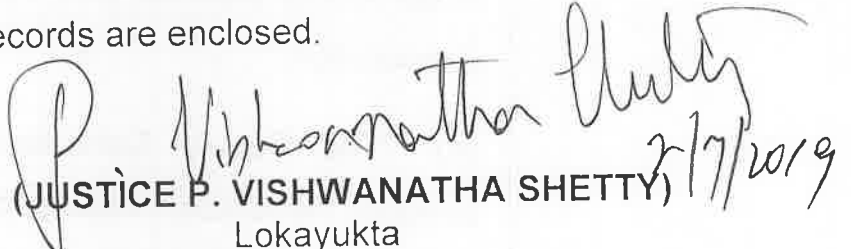
(4) The Deputy Commissioner, Chitradurga to conduct necessary inquiry on administrative side against the respondents (1) Sri C.Ramesh, District Manager, Dr.B.R.Ambedkar Development Corporation, Chitradurga (2) Sri H.Ramappa, Taluk Development Officer, Holalkere, Chitradurga District (3) Sri Tippeswamy, Deputy Tahasildar, Taluk Office, Chitradurga Taluk (4) Smt.G.S.Suma, President, Sirigere Grama Panchayath, Chitradurga (5) Sri Prakash, Panchayath Development Officer,



Sirigere Grama Panchayath, Chitradurga and (6)
The then Tahasildar, Taluk Office, Chitradurga
Taluk.

13) In terms stated above, recommendation is made under
Section 12(1) and 12(3) of the Karnataka Lokayukta Act, 1984.
Further, **the Competent Authority is required to intimate
this Authority as early as possible but latest within three
months from the date of receipt of this report, the action
taken or proposed to be taken on this report as provided
under section 12(2) and 12(4) of Karnataka Lokayukta Act,
1984.**

Connected records are enclosed.


(JUSTICE P. VISHWANATHA SHETTY)
Lokayukta
Karnataka State