

KARNATAKA LOKAYUKTA

No.Compt/Lok/BD/3674/2014/Sr.APP-1 M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.
Date: 02/12/2020.

**REPORT UNDER SECTION 7(2-A) R/W SECTION 12(1)
AND 12(3) OF THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Proceedings against;

- 1) The Commissioner, Shivamogga Urban Development Authority, Shivamogga.
- 2) Sri. S. Gnaneshwar, the then President, SUDA, Shivamogga, R/o 3rd Cross, Gandhi Bazar, Shivamogga.
- 3) Sri. S. Dattatri, the then President, SUDA, Shivamogga, R/o Harsha Associates, JPN Road, Shivamogga.
- 4) Sri. Sadashivappa, the then Commissioner, SUDA, R/o #654, Flat No.5, 5th Main Road, RBI layout, J.P. Nagar, 7th Stage, Bengaluru.
(Retd. On 29.05.2011)
- 5) Sri. B.K. Srinath, the then Member, SUDA, R/o Tarikere Road, Bhadravathi, Shivamogga District.
- 6) Sri. Jayanna, the then Commissioner, CMC, Shivamogga, Opp Govt. PU College, Panchanahalli Post, kadur Taluk, Chikkamagalur District
(Retd. On 31.05.2011).
- 7) Sri. G.N.Surendra, the then Executive Engineer, SUDA, Shivamogga. Presently



- Working as Executive Engineer (Selection Grade), Karnataka Water Supply and Drainage Board, Jalabhavan, BTM layout, Bannerghatta Main Road, Bengaluru
(Retd. On 31.08.2016).
- 8) Sri. S.T. Manjunath, Tracer (Akruthi Rachanakararu), SUDA, Shivamogga.
(Retd. On 31.07.2020).
- 9) Smt. Bharath Matha, Clerk Cum Typist, SUDA, Shivamogga District
(Retd. On 30.06.2016)..
- 10) Sri. Lingana Gowda,
First Division Revenue Officer, SUDA,
Shivamogga **(dead).**
- 11) Sri. T. Sayish, FDA, SUDA, Shivamogga
- 12) Sri. M. Ramesh Gatiger, Assistant Executive Engineer, SUDA, Shivamogga.
- 13) Sri. Y.N. Vijaykumar, Assistant Engineer, SUDA, Shivamogga.
- 14) Sri. G.R. Basavaraj, Junior Engineer, SUDA, Shivamogga - reg.

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I. Introduction.

This proceeding arises out of the reference made by Government of Karnataka by means of its Notification dated: 17-07-2014 in exercise of the powers conferred on it u/sec. 7(2-A) of Karnataka Lokayukta Act to conduct an investigation with regard to the alleged illegalities/irregularities in the matter of ;

(i) Land acquisition;

(ii) Selection and allotment of sites to the beneficiaries in Mallegenahalli, Atal Bihari Vajpai Extention by Shivamoga Urban Development Authority (herein after called as "SUDA" for short) and

(iii) Developmental activities in forming the layout.



2) It is useful to extract the relevant portion of the Government Notification dated:17-07-2014 which reads hereunder:-

“ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ 158 ಬೆಂರೂಪ್ರಾ 2014,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 17/07/2014

ಶ್ರೀ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ (ಮಲ್ಲಿಗೇನಹಳ್ಳಿ)
ಬಡಾವಣೆಯಲ್ಲಿ ಅಕ್ರಮ ನಿವೇಶನ ಹಂಚಿಕೆ, ಭೂ ಸ್ವಾಧೀನ ಮತ್ತು
ಅಭಿವೃದ್ಧಿ ಕಾಮಗಾರಿಗಳಲ್ಲಿ ನಡೆದಿರಬಹುದಾದ ಅವ್ಯವಹಾರಗಳ ಬಗ್ಗೆ
ತನಿಖೆ ನಡೆಸಲು ಈ ಪ್ರಕರಣವನ್ನು ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಾಯ್ದೆ
1984ರ ಕಲಂ 7(2)(A) ರನ್ವಯ ಮಾನ್ಯ ಕರ್ನಾಟಕ
ಲೋಕಾಯುಕ್ತರಿಗೆ ವಹಿಸಿ ಆದೇಶಿಸಲಾಗಿದೆ”.

3) The material on record indicates that, the SUDA by means of its special meeting dated:11-02-2014 had appointed a committee with four members including one Chairman, one Member secretary and two Members to go into the irregularities in the matter of selection of beneficiaries for allotment of sites in the layout in question. The said committee was headed by Sri H.B. Ravindranath who was a retired District judge, (herein after referred to as Sri Ravindranath Committee). The said Ravindranath committee had given its report dated; 06-06-2014 pointing out several illegalities/irregularities in the matter of selection of beneficiaries for allotment of sites. However, subsequent to the said report, in a special meeting held on 17-06-2014, the SUDA impliedly rejected the report of Sri Ravindranath Committee by constituting a new committee to go into the alleged irregularities. However, when the matter was pending for further investigation by the subsequent committee



constituted by SUDA as stated above, the Government of Karnataka by means of its Notification dated: 17-07-2014 referred the matter to the Lokayukta for investigation.

4) After securing a report and relevant documents from the respondent No.1, respondent No.2 to 11 were impleaded and their comments were called with regard to the irregularities/illegality set out in the Government Notification dated 17-07-2014.

5) By means of an order dated: 04-09-2018, the matter was referred to the TAC attached to the Karnataka Lokayukta for investigation and report. Sri R.Ravishankar, Assistant Executive Engineer-5, TAC, Karnataka Lokayukta (herein after referred to as **I.O.**) after holding spot inspection and after verifying the relevant documents submitted his report dated 23-04-2019.

6) Subsequent to receipt of report from I.O, respondents no.12 to 14 were impleaded and the comments of all the respondents were called for.

7) It is relevant to mention that, one Sri D. Raju S/o Late Doddaiiah had filed a complaint in No.LOK/BD/2056/2014 which is also about the alleged illegality committed in selecting the beneficiaries for allotment of sites in the layout in question. This complaint came to be closed by the then Hon'ble Lokayukta by means of his order dated; 20-12-2014 holding that the subject matter of investigation in the present reference made under section 7(2-A) of K L Act and



the grievance/allegation made in the said complaint being one and the same it does not call for separate investigation. However, the complainant Sri. D. Raju was permitted to put forth all his contentions in the present reference by the State Government. Accordingly, he has filed his rejoinder supporting the report of I.O.

II. COMMENTS OF RESPONDENTS

8) Respondent No.1 in his report has stated that SUDA has invited applications for allotment of 1163 sites and totally 6556 applications were received and the same were grouped based on the measurement of the sites, number of attempts already made for grant of sites and category of the applicants. According to him, the respondents No.8 to 11 were entrusted with the responsibility of grouping the applications on the basis of the dimension of the sites. According to him, though, 359 sites were reserved for allotting them to the land losers, some of the lands losers have received the compensation instead of sites and 142 sites reserved for land losers were not taken and with the approval of the President those 142 sites have also been allotted and totally 1305 sites have been allotted and 19 sites have been allotted to the police officials who have participated in "Veerappan operation".

9) Respondent No.2/Sri S. Gnaneshwar in his comments has stated that;

- (i) this proceeding has come up in the wake of political rivalry;



- (ii) the report submitted by Verification committee headed by Sri H.B. Ravidranath is contrary to law and hence it is not a valid report;
- (iii) In the special meeting of SUDA it was decided not to act upon the report of Sri Ravindranath Committee and a new committee was also formed and any decision taken by the Committee is required to be submitted to the authority which may even reject the report. However, in the mean time, the Government has referred the matter to the Hon'ble Lokayukta;
- (iv) the Commissioner is the Chief Executive and administrative officer of the authority who can enter into contracts, sanction estimates, control over staff etc;
- (v) If in the opinion of the commissioner any resolution passed by the authority is found to be in contravention of any provision of law, he may refer the matter to the Government and till the decision of the Government is received, he can withhold the execution of the resolution;
- (vi) as regards the allotment of sites under the discretionary quota is concerned only the applicants who were unsuccessful in getting the sites in the regular allotment were considered and he has not committed any irregularity in that regard;
- (vii) He made a request to the Government to rise the discretionary quota to 20% as a special case for



which the Government has replied that it should not exceed 8%;

- (viii) when he took over the charge as Chairman of SUDA it was engulfed in debt and during his period earlier dues of Rs. 6,67,19,000/- (Six Corers sixty seven lakhs nineteen thousands only) has been paid;
- (ix) After convincing the land owners the formula of 40:60 (40% to Farmers and 60% to SUDA) was applied and compensation was duly paid to them;
- (x) The developmental activities were taken up and in total 1801 sites were formed of which 250 were corner sites. After reserving some sites to the land owners and also to the participants in the "Veerappan operation" only 1163 sites were earmarked for allotment to the public;
- (xi) Applications were called for and the same were scrutinised and sites allotment committee was formed; the temporary list was prepared and placed before the SUDA and it was accepted and the list was published and the objections were called from the public;
- (xii) Though, 48 objections were received, only two objections were tenable and same were considered and the allottees were allotted with the sites from the lot (lottery system). Thus all the works were carried out with utmost transparency;
- (xiii) As per the Government Circular No.ನೃಇ 398/ಬೆಂರೂಪ್ರಾ 2005 Dated: 07-11-2005 only the



Commissioner is responsible in respect of the sites allotted under discretionary quota;

(xiv) There is no allegation of financial loss to the SUDA.

(xv) All the decisions taken while allotting the sites are in good faith and protected u/sec. 61 of KUDA Act.

Accordingly, he prayed for closing the complaint.

10) Respondent No.3-Sri S.Dattatri in his comments has taken similar and identical stand. Further, the respondent No.3 has stated that he was the Chairman of the SUDA from 04-02-2012 to 06-05-2013 i.e., only for a period of one year 3 months and when he took over the charge, entire process of allotment of 1163 (One thousand one hundred and sixty three) sites had already been completed. He got withdrawn the application filed by his wife for allotment of site on the ground of morality.

11) Respondent No.4-Sri Sadashivappa, the then Commissioner of SUDA has filed his comments contending that;

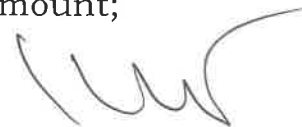
(i) The Lokayukta cannot conduct any investigation or enquiry in view of the bar contained u/sec. 7 and 8 of the Act. The government cannot refer the matter to the Lokayukta;

(ii) The report of Sri Ravindranath Committee cannot to be looked into for taking any action, as the SUDA in its meeting held on 17-06-2014 has resolved to reject the above said report and further resolved to



constitute a new committee under the Chairmanship of the President of SUDA;

- (iii) The new committee was constituted to go into the alleged irregularities in the allotment of sites;
- (iv) There are several instances where applications have been filed by the persons either paying the initial deposit less than the amount to be deposited on account of such applicants entitled under law to deposit the lesser amount. There are instances where the particulars furnished in the applications would not disclose whether any member of the family has already been allotted the sites, owning a site or residential building;
- (v) In addition to co-ordinating the work of allotment committee the Commissioner is also required to attend to various other statutory functions relating to approval of layout submitted by private individual, acquisition of land, holding of meeting etc.,
- (vi) Rule 12 of the Karnataka Urban Development Authorities (Allotment of Sites) Rules 1991 defines disqualification "as owning any sites/houses or being allotted a site/house by any Urban Development Authority or Karnataka Housing Board to the applicant/husband/dependant minor children and dependant parents is not a disqualification. Even if the information furnished in the application found to be incorrect that may give rise to either cancellation of allotment or forfeiture of deposit amount;



- (vii) The scrutiny of applications and preparation of the details will be done by the sub-ordinate officers/officials. The Commissioner cannot personally look into all the details mentioned in the applications and it is also humanly impossible. The commissioner will have to depend upon the information and dates required and furnished by his sub-ordinate officers/officials;
- (viii) Assuming that, there are certain lapses and the irregularities in the allotment of sites under the discretionary quota of the President, the mistake is with the President of the SUDA and not the Commissioner;
- (ix) The President is a political person selected by the Government and he will have all the powers to dictate his terms to certain extent;
- (x) There are no irregularities in the allotment of sites made in favour of the employees of SUDA. The employees since have surrendered those sites to the SUDA no loss is caused to SUDA;
- (xi) With regard to the allotment of sites in the name of husband-wife is concerned, since the particulars mentioned in the applications for allotment of sites did not disclose that both of them have filed their applications or already own and possess sites and house within the limits of SUDA and since these details were not forthcoming in the applications and there is also the declaration by the applicant, the



SUDA is at liberty to cancel the allotment of sites if the information furnished is found to be false or incorrect;

- (xii) As per Clause (e) of the Karnataka Urban Development Authorities (Allotment of Sites) Rules, 1991, family means a person, his spouse, dependent minor children and dependent parents. If any person, who does not come within the definition of family makes an application for allotment and allotment is made, it cannot be termed as illegal;
- (xiii) Sri Ravindra nath Committee has failed to look into the definition of family before making any comment on that aspect;
- (xiv) On 26-03-2011 a provisional list of allottees was published inviting objections from the general public. As many as 48 objections were received. All the objections were considered and necessary action was taken before publishing the final list;
- (xv) Furnishing incorrect information or giving incomplete or wrong address, furnishing incorrect information regarding their marital status, number of dependent minors, caste, income, residential address and priority under reservation quota cannot be detected by the Urban Development Authority;
- (xvi) Therefore, the Commissioner cannot be held responsible on any of the reasons stated in the report of Sri Ravindranatha Committee.



Accordingly, he has prayed to drop the proceedings against him.

12) Respondent No.5-Sri B.K. Srinath, member of SUDA has taken a similar and identical stand as that of the stand taken by the respondent No.2 and 3. According to him, he has not violated any of the regulations. Accordingly, he has prayed to drop the proceeding as against him.

13) Respondent No.6 and 7 have filed their comments contending that they had no role in selecting the applicants to whom the sites have to be allotted and they have not committed any misconduct.

14) Respondents No. 8 to 11 have filed their comments separately. It is their case that respondent No.8 Sri S.T. Manjunatha was asked to group the applications received in respect of sites measuring 20'x30', respondent No. 9 Smt. Bharath Matha was directed to group the applications received for sites measuring 30'x40', respondent No. 10 Sri Lingannagowda was directed to group the applications received for grant of sites measuring 30'x50' and 50'x80' and respondent No. 11 Sri T. Sayish was directed to group the applications received for sites measuring 40'x60' and to computerise the same and accordingly they have grouped the applications measurement wise; category wise and attempt wise and they have not committed any misconduct. Further, it is their contention that, they are not involved in the process of grant of sites and as per the memo issued to them, they have discharged their work. In case if there are any lapses or deficiencies in the applications they are not



responsible and they have not committed any misconduct or dereliction of duty.

15) Respondent no.12 has filed his comments to the effect that to suit the place of construction and considering the safety of the drain, the width of raft concrete was changed to 1.30 meters instead of 1.10 meters as per the directions of Executive Engineer and got the approval of the Commissioner in the observation note and excess payment was made to the contractor. Respondent Nos. 13 and 14 in their comments have stated that respondent No.13 had supervised the construction of 17 RCC box drain works and respondent No.14 had supervised the construction of 25 RCC box drain works. They have got box-drains constructed to suit the place of construction and payment was made to the contractor only in respect of the work executed by him. Further, they have contended that they have not committed any misconduct as alleged against them by the I.O.

16) After examining the materials on record and also the comments submitted by the respondents referred to above, the observation note was forwarded to the respondents to enable them to submit their explanation to the prima-facie findings recorded against them in the observation note. In response to the observation note sent to the respondents, the respondent no.5 has not submitted his reply. However, the respondent no.2, 3, 4, 6 to 9, 11 to 14 have submitted their replies reiterating the stand taken by them in their comments. It is reported that, respondent no. 10 is dead.



III. Questions for consideration.

17) I have gone through the material on record. Now the following **questions** that arise for consideration:-

1. **Whether the material collected during the course of investigation would prima-facie indicates any irregularities/illegalities in acquisition of the land for formation of Atal Bihari Vajpai Extension in Malleganahalli Shivamoga?**
2. **Whether there are any irregularities/illegalities in the matter of selection and allotment of sites to the beneficiaries in the layout in question by SUDA?**
3. **Whether there are any irregularities/illegalities in the matter of developmental activities in the formation of the layout in question?**
4. **What is the recommendation to be made to the state Government?**

VI. Re: Question-(1) [Land acquisition]

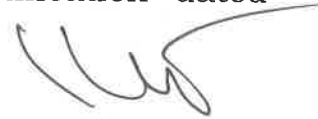
18) Admittedly, the lands in Sy.Nos. 31/1, 2, 33, 34, 35/2, 35/15, 36, 37, 38, 39/1,2, 40, 40/1,2, 41, 42/1A to 42/2H3 and 42/2, 42/11, 43, 44, 45, 46/1,2, 47/1, 2, 48, 49, 50, 51, 53, 54, 55/1,2, 56, 57,58/1, 59, 60, 61,62,63 and 64 totally measuring 169.09 acres including kharab land of 2 acre 3 guntas in Mallegenahalli village, Shivamoga Taluk was acquired for formation of the layout in question and the Government by means of its order dated 31-07-2009 gave an administrative approval under section 18(3) of Karnataka

Urban Development Authority Act for taking up the work of formation of the layout in question at an approximate cost of Rs.65 (Sixty five) crores.

19) The report of the I.O does not disclose any irregularities/illegality about the land acquisition for formation of the layout in question. Even the report of Sri Ravindranath Committee also does not disclose any irregularities/illegality about the land acquisition for formation of the layout in question. Further, none of the formers or the owners of the land have approached this authority or the I.O making allegations in the matter of land acquisition for formation of the layout in question. **In the light of what is stated above prima-facie there are no material to indicate any irregularities or illegality in the matter of acquisition of land for formation of layout in question.**

V. Re: Question-(2) [selection and allotment of sites to the beneficiaries]

20) The report of I.O indicates that in all 1802 sites have been formed in the layout in question. Out 1802 sites, 1552 are residential sites and 250 are the corner sites. The material on record indicates that since the land was acquired following the ratio of 40:60 (40% to the formers and 60% to the SUDA), 217 sites were reserved for allotting to the land owners as compensation and 19 sites were reserved for the purpose of allotting the same to the police officers who have participated in "Veerappan operation". After excluding 236 sites, the SUDA by means of its notification dated



15.04.2010 had invited the applications from the eligible public for allotment of 1163 sites formed in the layout in question.

21) In the notification dated 15.04.2010 inviting applications for allotment of sites, specific conditions have been stipulated. It is useful to extract the conditions mentioned therein which reads as hereunder:-

ಕ್ರ. ಸಂ.	ನಿವೇಶನದ ಅಳತೆ ಮೀಟರ್‌ಗಳಲ್ಲಿ	ನಿವೇಶನಗಳ ಸಂಖ್ಯೆ	ಚ.ಮೀ ಗೆ ನಿವೇಶನದ ಬೆಲೆ ರೂ.	ನಿವೇಶನದ ಒಟ್ಟು ಬೆಲೆ ರೂ.	ನೋಂದಣಿ ಶುಲ್ಕ ರೂ.	ಅರ್ಜಿಯೊಂದಿಗೆ ಪಾವತಿಸಬೇಕಾದ ಪ್ರಾರಂಭಿಕ ಠೇವಣಿ	
						ಪ.ಜಾ/ ಪ.ಪ.ಮಾ ಸೈ., ಅಂಧರು (ನಿವೇಶನ ಬೆಲೆಯ ಶೇ 3ರಷ್ಟು)	ಇತರೆ (ನಿವೇಶನ ಬೆಲೆಯ ಶೇ 10ರಷ್ಟು)
1	2	3	4	5	6	7	8
1	6.00 * 9.00 ಮೀ	153	ರೂ.1130/- (ಚ.ಅಡಿಗೇ ರೂ.105/-)	61,020.00	100.00	1,840.00	6,110.00
2	6.00 * 9.00 ಮೀ	154	ರೂ.2260/- (ಚ ಅಡಿಗೇ ರೂ.210/-)	1,22,040/-	100.00	3,670.00	12,210.00
3	9.00 * 12.00 ಮೀ	243	ರೂ.2530/- (ಚ ಅಡಿಗೇ ರೂ.235/-)	2,73,240.00	150.00	8,200.00	27,330.00
4	9.00 * 15.00 ಮೀ	251	ರೂ.2691/- (ಚ ಅಡಿಗೇ ರೂ 250/-)	3,63,285.00	150.00	10,990.00	36,330.00
5	12.00 * 18.00 ಮೀ	301	ರೂ 2907/- (ಚ ಅಡಿಗೇ ರೂ 270/-)	6,27,912.00	200.00	18,840.00	62,800.00
6	15.00 * 24.00 ಮೀ	61	ರೂ 3175/- (ಚ ಅಡಿಗೇ ರೂ 295/-)	11,43,000.00	250.00	34,290.00	1,14,300.00

ನಿಬಂಧನೆಗಳು:

- ಈ ಮೊದಲು ನಿವೇಶನಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ, ಠೇವಣಿ ಪಾವತಿಸಿರುವವರು ಹಿಂದಿನ ಚಲನ್ ಪ್ರತಿ ಲಗತ್ತಿಸಿ ವ್ಯತ್ಯಾಸದ ಹಣದೊಂದಿಗೆ ನಿವೇಶನಕ್ಕಾಗಿ ಈ ಕೆಳಕಂಡ ಬ್ಯಾಂಕುಗಳಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಬಹುದು.



2. ನಿವೇಶನಕ್ಕಾಗಿ ಈವರೆವಿಗೂ ನೋಂದಣಿ ಮಾಡಿಸದೇ ಇರುವವರು ಕಾಲಂ (6)ರಲ್ಲಿ ಸೂಚಿಸಿರುವ ನೋಂದಣಿ ಶುಲ್ಕವನ್ನು ನಿವೇಶನದ ಅರ್ಜಿ ಜೊತೆಯಲ್ಲಿಯೇ ಬ್ಯಾಂಕ್‌ನಲ್ಲಿ ಪಾವತಿಸತಕ್ಕದ್ದು. ಈ ಹಿಂದೆ ನೋಂದಣಿ ಮಾಡಿಸಿದ್ದಲ್ಲಿ ಮತ್ತೆ ನೋಂದಣಿ ಮಾಡಿಸುವ ಅಗತ್ಯವಿಲ್ಲ.
3. ನಿವೇಶನದ ಅರ್ಜಿ ನಮೂನೆಗಳನ್ನು ರೂ.110/- ಅರ್ಜಿ ಶುಲ್ಕ ಪಾವತಿಸಿ, ಈ ಕೆಳಕಂಡ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಅರ್ಜಿಯನ್ನು ಪಡೆಯತಕ್ಕದ್ದು.
4. ಭರ್ತಿ ಮಾಡಿದ ನಿವೇಶನದ ಅರ್ಜಿಯನ್ನು ಆಯಾ ಅಳತೆಗೆ ತಕ್ಕಂತೆ ಕಾಲಂ (7)ರಲ್ಲಿನ ಪ್ರಾರಂಭಿಕ ಠೇವಣಿಯನ್ನು ಡಿ.ಡಿ. ಅಥವಾ ನಗದು ರೂಪದಲ್ಲಿ ಕೆಳಕಂಡ ಯಾವುದಾದರೂ ಬ್ಯಾಂಕಿನಲ್ಲಿ ಸಲ್ಲಿಸತಕ್ಕದ್ದು.

ಶಿವಮೊಗ್ಗ ನಗರದಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸುವವರು

- (i) ಕೆನರಾ ಬ್ಯಾಂಕ್ ಶಿವಮೂರ್ತಿ ಸರ್ಕಲ್ ಶಾಖೆ
 - (ii) ಕೆನರಾ ಬ್ಯಾಂಕ್, ಶೇಷಾದ್ರಿಪುರಂ ಶಾಖೆ
 - (iii) ಕೆನರಾ ಬ್ಯಾಂಕ್, ವಿನೋಬನಗರ ಶಾಖೆ (ಸೂಡಾ ಕಚೇರಿ ಪಕ್ಕ)
 - (iv) ಕೆನರಾ ಬ್ಯಾಂಕ್, ವಿದ್ಯಾನಗರ
 - (v) ಸ್ಟೇಟ್ ಬ್ಯಾಂಕ್ ಆಫ್ ಮೈಸೂರು, ವಿನೋಬನಗರ ಶಾಖೆ
 - (vi) ವಿಜಯ ಬ್ಯಾಂಕ್ ಎಸ್.ಆರ್.ರಸ್ತೆ
 - (vii) ಸಿಂಡಿಕೇಟ್ ಬ್ಯಾಂಕ್ ದುರ್ಗಿಗುಡಿ
- ಭದ್ರಾವತಿಯಲ್ಲಿ ಅರ್ಜಿ ಸಲ್ಲಿಸುವವರು**

- (i) ಇಂಡಿಯನ್ ಓವರ್ ಸೀಸ್ ಬ್ಯಾಂಕ್, ಭದ್ರಾವತಿ
5. ಪ್ರಾರಂಭಿಕ ಠೇವಣಿ ಪಾವತಿಸಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಬ್ಯಾಂಕ್‌ನಿಂದ ಸ್ವೀಕೃತಿ ಪಡೆಯತಕ್ಕದ್ದು.
6. ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ನೀವು ಕರ್ನಾಟಕದಲ್ಲಿ ವಾಸವಾಗಿದ್ದು, ಕನಿಷ್ಠ 18 ವರ್ಷ ವಯಸ್ಸಿನವರಾಗಿರಬೇಕು.
7. ಈ ಮೊದಲು ಶಿವಮೊಗ್ಗ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ/ಈ ಹಿಂದಿನ ಷಷಷ ಯಿಂದ/ಸರ್ಕಾರದ ಸಂಸ್ಥೆಗಳಿಂದ ನಿವೇಶನ ಹಂಚಿಕೆ ಪಡೆದವರು ಈ ನಿವೇಶನ ಹಂಚಿಕೆಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಲು ಅರ್ಹರಾಗಿರುವುದಿಲ್ಲ. ಒಂದು ವೇಳೆ ನಿವೇಶನ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದಲ್ಲಿ ಅಂತವರ ಅರ್ಜಿಯನ್ನು ಪರಿಗಣಿಸದೇ ಕಟ್ಟಿರುವ ಮುಂಗಡ ಠೇವಣಿ ಹಣವನ್ನು ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಮುಟ್ಟುಗೋಲು ಹಾಕಿಕೊಳ್ಳಲಾಗುವುದು.
8. ನೀವು ಪಾವತಿಸುವ ಪ್ರಾರಂಭಿಕ ಠೇವಣಿಗೆ ಬಡ್ಡಿ ನೀಡಲಾಗುವುದಿಲ್ಲ. ನಿವೇಶನ ಹಂಚಿಕೆಯಾದ ಅರ್ಜಿದಾರರಿಗೆ ಆ ಮೊತ್ತವನ್ನು ನಿವೇಶನ ಬೆಲೆಗೆ ಹೊಂದಾಣಿಕೆ ಮಾಡಿಕೊಳ್ಳಲಾಗುವುದು. ನಿವೇಶನ ಹಂಚಿಕೆಯಾಗದವರೆಗೆ ಯಾವುದೇ ಬಡ್ಡಿ ಇಲ್ಲದೆ ಪ್ರಾರಂಭಿಕ ಠೇವಣಿಯನ್ನು ಹಿಂದಿರುಗಿಸಲಾಗುವುದು. ನೋಂದಣಿ ಹಣವನ್ನು ವಾಪಸ್ಸು ನೀಡಲಾಗುವುದಿಲ್ಲ. ಅಥವಾ ನಿವೇಶನ ಬೆಲೆಗೆ ಹೊಂದಾಣಿಕೆ ಮಾಡಿಕೊಳ್ಳಲಾಗುವುದಿಲ್ಲ.



9. ಮೇಲೆ ನಮೂದಿಸಲಾದ ನಿವೇಶನಗಳ ಬೆಲೆಗಳು ತಾತ್ಕಾಲಿಕವಾಗಿದ್ದು, ನಿವೇಶನ ಹಂಚಿಕೆ ಸಮಯದಲ್ಲಿ ಪರಿಷ್ಕರಣೆಗೆ ಒಳಗಾಗಬಹುದು.
10. ಕಾರಣಾಂತರಗಳಿಂದಾಗಿ ನಿವೇಶನಗಳ ಸಂಖ್ಯೆಯಲ್ಲಿ ವ್ಯತ್ಯಾಸವಾದಲ್ಲಿ ಹಂಚಿಕೆಗಾಗಿನ ನಿವೇಶನಗಳ ಸಂಖ್ಯೆಯನ್ನು ಕಡಿಮೆ/ಹೆಚ್ಚು ಮಾಡಲಾಗುವುದು. ಮತ್ತು ನಿವೇಶನದ ಅಳತೆ ಅಂದಾಜು ಅಳತೆಯಾಗಿದ್ದು, ಹಂಚಿಕೆ ಸಮಯದಲ್ಲಿ ಸ್ಥಳದಲ್ಲಿ ಲಭ್ಯವಾಗುವ ಅಳತೆಗಳಿಗೆ ಅನುಗುಣವಾಗಿ ನಿವೇಶನ ಹಂಚಿಕೆ ಮಾಡಲಾಗುವುದು.
11. ನಿವೇಶನಗಳ ಹಂಚಿಕೆಯನ್ನು ಕರ್ನಾಟಕ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರಿಗಳ ನಿವೇಶನ ಹಂಚಿಕೆ ನಿಯಮ 1991ರ ತಿದ್ದುಪಡಿ ನಿಯಮ 2005 ರಲ್ಲಿ ನಿಗದಿಪಡಿಸಲಾದಂತೆ ನಿವೇಶನಗಳನ್ನು ವಿವಿಧ ಪ್ರವರ್ಗಗಳಿಗೆ ನಿಗದಿಪಡಿಸಿ ಹಂಚಿಕೆ ಮಾಡಲಾಗುವುದು. ಈ ಬಗ್ಗೆ ಪ್ರಾಧಿಕಾರದ ತೀರ್ಮಾನವೇ ಅಂತಿಮವಾಗಿರುತ್ತದೆ.

22) Pursuant to the notification inviting applications for the allotment of sites formed in the layout in question in all 6556 (Six thousand five hundred and fifty six) applications were received by SUDA. On 24-06-2010 the Commissioner, SUDA had issued a memo to the officials mentioned herein below to group the applications received for allotment based on the dimension, category, etc, within one month and the said memo reads as follows:-

ಪ್ರಾಧಿಕಾರದ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ (ಮಲ್ಲಿಗೇನಹಳ್ಳಿ) ಬಡಾವಣೆಗೆ ಸಾರ್ವಜನಿಕರಿಂದ ನಿವೇಶನ ಕೋರಿ ಬಂದಂತಹ ಅರ್ಜಿಗಳನ್ನು ಅಳತೆವಾರು, ವರ್ಗವಾರು ಹಾಗೂ ಪ್ರಯತ್ನವಾರು ಆಧಾರದ ಮೇಲೆ ವಿಂಗಡಿಸಿ, ಜೇಷ್ಠತಾ ಪಟ್ಟಿಯನ್ನು ತಯಾರಿಸಿ, ಗಣಕೀಕರಣಗೊಳಿಸಬೇಕಾಗಿರುವುದರಿಂದ ಈ ಕೆಳಕಂಡ ನೌಕರರು ತಮ್ಮ ಹೆಸರಿನ ಮುಂದೆ ಸೂಚಿಸಿರುವ ನಿವೇಶನದ ಅಳತೆವಾರು ಅರ್ಜಿಗಳನ್ನು ವಿಂಗಡಿಸಿ, ಅದರಲ್ಲಿ ವರ್ಗವಾರು ಹಾಗೂ ಪ್ರಯತ್ನದ ಆಧಾರವನ್ನು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ, ಗಣಕೀಕರಣಗೊಳಿಸುವ ಬಗ್ಗೆ ವ್ಯವಸ್ಥಾಪಕರ ಮಾರ್ಗದರ್ಶನದಲ್ಲಿ ಕ್ರಮವಹಿಸಲು ಸೂಚಿಸಿದೆ. ಸದರಿ ಕೆಲಸ ಕಾರ್ಯವನ್ನು ತಮ್ಮ ದಿನನಿತ್ಯದ ಕೆಲಸ ಕಾರ್ಯದ ಜೊತೆಯಲ್ಲಿ ಈ ಮೇಮೋ ತಲುಪಿದ ಒಂದು (!) ತಿಂಗಳೊಳಗಾಗಿ ಪೂರ್ಣಗೊಳಿಸತಕ್ಕದ್ದು.

ಮೇಲ್ಕಂಡ ಕೆಲಸವನ್ನು ತಪ್ಪು ಮಾಹಿತಿ ಒದಗಿಸಿದ್ದಲ್ಲಿ ತಮ್ಮ ವಿರುದ್ಧ ಶಿಸ್ತಿನ ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.



ಕ್ರಮ ಸಂ.	ನೌಕರರ ಹೆಸರು	ಅಳತೆ
1	ಶ್ರೀ ಎಸ್. ಟಿ. ಮಂಜುನಾಥ್	20x30
2	ಶ್ರೀಮತಿ ಭಾರತಮಾತ	30x40
3	ಶ್ರೀ ಲಿಂಗಣ್ಣಗೌಡ	30x50 50x80
4	ಶ್ರೀ ಟಿ. ಸಾಯೀಶ್	40x60

23) Subsequently, as per the resolution of SUDA dated: 11-02-2011, a sub-committee for allotment of the sites in the layout in question was formed. The said committee consisted of the following members:-

ಪ್ರಾಧಿಕಾರದ ಸಭೆ: 11/2/2011 ರ ವಿ.ಸಂ.(3)ರ ಸಭಾ ನಿರ್ಣಯದಂತೆ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ (ಮಲ್ಲಿಗೇನಹಳ್ಳಿ) ಬಡಾವಣೆ ನಿವೇಶನ ಹಂಚಿಕೆ ಉಪಸಮಿತಿ

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹೆಸರು ಮತ್ತು ವಿಳಾಸ	ಪದನಾಮ	ಅಧಿಕಾರದ ಅವಧಿ ಇಂದ-ವರೆಗೆ	ಷರಾ
1	ಶ್ರೀ ಎಸ್. ಜ್ಞಾನೇಶ್ವರ್ ಬಿನ್ ಸಿ. ಸಿದ್ದಪ್ಪ ಗಾಂಧಿ ಬಜಾರ್ 3ನೇ ಕ್ರಾಸ್ ಶಿವಮೊಗ್ಗ	ಅಧ್ಯಕ್ಷರು ಶಿನಪ್ಪಾ	28/05/20 09 ರಿಂದ 05/02/20 12	-
2	ಶ್ರೀ ಬಿ.ಕೆ. ಶ್ರೀನಾಥ್ ಬಿನ್ ಬಿ.ಎಲ್. ಕಾಳಾಚಾರ್, ತರೀಕೆರೆ ರಸ್ತೆ, ಭದ್ರಾವತಿ	ಸದಸ್ಯರು ಶಿನಪ್ಪಾ	28/05/20 09 ರಿಂದ 05/02/20 12	-
3	ಶ್ರೀ ಸದಾ ಶಿವಪ್ಪ ನಂ. 654, "ಶ್ರೀರಂಗ" 5ನೇ ಮುಖ್ಯ ರಸ್ತೆ, ಆರ್.ಬಿ.ಐ.ಲೇಔಟ್ ಜೆ.ಪಿ.ನಗರ, 7ನೇ ಹಂತ, ಬೆಂಗಳೂರು- 560078	ಆಯುಕ್ತರು ಶಿ ನ ಪ್ಪಾ	16/10/20 08 ರಿಂದ 29/02/20 12	ಹಾಲಿ ನಿವೃತ್ತರಾಗಿರುತ್ತಾರೆ.
4	ಶ್ರೀ ಜಯಣ್ಣ ನಿವೃತ್ತ ಪೌರಾಯುಕ್ತರು ಸರ್ಕಾರಿ ಪ್ರಥಮ	ಪೌರಾಯುಕ್ತರು, ನಗರಸಭೆ ಶಿವಮೊಗ್ಗ		ಹಾಲಿ ನಿವೃತ್ತರಾಗಿರುತ್ತಾರೆ.

	ದರ್ಜೆ ಕಾಲೇಜು ಎದುರು, ಪಂಚನಹಳ್ಳಿ ಪೋಸ್ಟ್, ಕಡೂರು ತಾಲ್ಲೂಕು			
5	ಶ್ರೀ ಜಿ.ಎನ್. ಸುರೇಂದ್ರ ಕ ನ ನೀ ಸ ಮತ್ತು ಒ ಚ ಮಂಡಳಿ, "ಜಲಭವನ", ಬಿಟಿಎಂ ಲೇಔಟ್, ಬನ್ನೇರುಘಟ್ಟ ಮುಖ್ಯರಸ್ತೆ ಬೆಂಗಳೂರು- 560024	ಕಾರ್ಯಪಾಲಕ ಆಭಿಯಂತರರು, ಕ ನ ನೀ ಸ ಮತ್ತು ಒ ಚ ಮಂಡಳಿ, ಶಿವಮೊಗ್ಗ		

24) The report of I.O. indicates that in all 1305 sites of various dimensions have been allotted to the applicants. According to the I.O. out 1305 sites, only 498 sites as shown in **Annexure-A** enclosed to this report have been allotted as per rules and remaining 807 sites as shown in **Annexure-B- I to XXII-D** enclosed to this report are illegal allotments. The following is the list of irregularities/illegalities set out by the I.O. in the **Annexure-B I to XXII-D** of his report.

ಕ್ರಮ ಸಂಖ್ಯೆ	ಅನುಬಂಧ	ವಿವರ	ಒಟ್ಟು ನಿವೇಶನಗಳು
1	I	ನಿಯಮಬಾಹಿರವಾಗಿ ವಿವೇಚನಾ ಕೋಟಾದಡಿಯಲ್ಲಿ ನಿವೇಶನಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಿರುವುದು	117
2	II	ನಿಯಮಬಾಹಿರವಾಗಿ ವಿವೇಚನಾ ಕೋಟಾದಡಿಯಲ್ಲಿ ಪ್ರಾಧಿಕಾರದ ನೌಕರರಿಗೆ ನಿವೇಶನಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಿರುವುದು	25
3	III	ಪತಿ-ಪತ್ನಿ ಇಬ್ಬರಿಗೂ ನಿವೇಶನಗಳನ್ನು ನಿಯಮಬಾಹಿರವಾಗಿ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು	32
4	IV	ಪತಿ/ಪತ್ನಿ ಅಥವಾ ತಂದೆ ತಾಯಿ ಹೆಸರಿನಲ್ಲಿ ಸ್ವಂತ ನಿವೇಶನ ಅಥವಾ ಮನೆ ಹೊಂದಿದ್ದರೂ ಕೂಡ ಈಗ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿಯೂ ಸಹ ನಿವೇಶನವನ್ನು ನಿಯಮಬಾಹಿರವಾಗಿ ಪಡೆದಿರುವುದು	15
5	V	ಪ್ರಾಧಿಕಾರದಿಂದ ಈ ಹಿಂದೆ ರವನೆಯಾದ ವಿವಿಧ ಬಡಾವಣೆಗಳಲ್ಲಿ ಈಗಾಗಲೇ ಅರ್ಜಿದಾರರಿಗೆ ಅಥವಾ ಅವರ ಪತ್ನಿಗೆ ಅಥವಾ	6

		ಅರ್ಜಿದಾರರ ತಂದೆಗೆ ನಿವೇಶನವು ಹಂಚಿಕೆಯಾಗಿದ್ದರೂ ಸಹ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿಯೂ ಸಹ ನಿವೇಶನವನ್ನು ನಿಯಮಬಾಹಿರವಾಗಿ ಪಡೆದಿರುವುದು ಅಕ್ರಮವಾಗಿರುತ್ತದೆ.	
6	VI	ಈ ಹಿಂದೆ ಕೆ.ಹೆಚ್.ಬಿ. ಯಿಂದ ಅರ್ಜಿದಾರರಿಗೆ ಅಥವಾ ಅವರ ಪತ್ನಿಗೆ ಅಥವಾ ಅರ್ಜಿದಾರರ ತಂದೆಗೆ ನಿವೇಶನ/ಮನೆ ಹಂಚಿಕೆಯಾಗಿದ್ದರೂ ಸಹ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿಯೂ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಪಡೆದಿರುವುದು ಅಕ್ರಮವಾಗಿರುತ್ತದೆ.	5
7	VII	ಈಗಾಗಲೇ ಸೂಡಾ ವ್ಯಾಪ್ತಿಯಲ್ಲಿ ಸ್ವಂತ ನಿವೇಶನ/ಮನೆ ಹೊಂದಿದ್ದರೂ ಸಹ ಸದರಿ ಮಾಹಿತಿಯನ್ನು ಮರೆಮಾಚಿ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿಯೂ ಸಹ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಪಡೆದಿರುವುದು ಅಕ್ರಮವಾಗಿರುತ್ತದೆ.	24
8	VIII	ಒಂದೇ ಕುಟುಂಬದ ಹಲವು ಸದಸ್ಯರಿಗೆ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಅಕ್ರಮವಾಗಿರುತ್ತದೆ.	55
9	IX	ಈ ಹಿಂದೆ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ ಬೇರೆ ಬಡಾವಣೆಗಳ ನಿವೇಶನ ಕುರಿತು ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದುದಾಗಿ ತಿಳಿಸಿರುವ ಪ್ರಯತ್ನಗಳ ದಿನಾಂಕಗಳಲ್ಲಿ ಮೈನರ್ ಆಗಿದ್ದರೂ ಸಹ ಸದರಿ ಪ್ರಯತ್ನಗಳ ಮಾಹಿತಿಯೊಂದಿಗೆ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯ ನಿವೇಶನಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಪಡೆದಿರುವುದು	9
10	X	ರಾಜ್ಯ ಸರ್ಕಾರದ ನೌಕರರಾಗಿದ್ದಿದ್ದರೂ ಸಹ ರಾಜ್ಯ ಸರ್ಕಾರಿ ನೌಕರರ ಪ್ರವರ್ಗದಡಿಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಪಡೆದಿರುವುದು.	7
11	XI	ಕೇಂದ್ರ ಸರ್ಕಾರಿ ನೌಕರರಾಗಿದ್ದಿದ್ದರೂ ಸಹ ಕೇಂದ್ರ ಸರ್ಕಾರಿ ನೌಕರರ ಪ್ರವರ್ಗದಡಿಯಲ್ಲಿ ಪ್ರಸ್ತುತ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಪಡೆದಿರುವುದು.	8
12	XII	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಪ್ರಾರಂಭಿಕ ಖಾತ್ರಿ ಠೇವಣಿಯಲ್ಲಿ ನಿವೇಶನದ ಮೌಲ್ಯ ಮಾಪಕನುಗುಣವಾಗಿ ಪಾವತಿಸದೇ ಇದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನು ಬಾಹಿರವಾಗಿರುತ್ತದೆ.	93
13	XIII	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಪ್ರಯತ್ನ ಸಂಖ್ಯೆಯನ್ನು ತಪ್ಪಾಗಿ ನಮೂದಿಸಿ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿದೆ ಎಂದು ಅಭಿಪ್ರಾಯಪಡಲಾಗಿದೆ.	25
14	XIV	ಮಾಜಿ ಸೈನಿಕರ ಪ್ರವರ್ಗದಡಿಯಲ್ಲಿ ಹಾಲಿ ಕಾರ್ಯ ನಿರ್ವಹಿಸುತ್ತಿರುವ ಸೈನಿಕರೂ ಅಟಲ್ ಬಿಹಾರಿ ವಾಜಪೇಯಿ ಬಡಾವಣೆಯಲ್ಲಿ ನಿವೇಶನ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	34
15	XV	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ವಾಸ ದೃಢೀಕರಣ ಪತ್ರ ಸಲ್ಲಿಸಿಲ್ಲದಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	184
16	XVI	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಜಾತಿ ದೃಢೀಕರಣ ಪತ್ರ ಸಲ್ಲಿಸಿಲ್ಲದಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿರುತ್ತದೆ.	8
17	XVII	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ	6

		ಪಟ್ಟಿಯಲ್ಲಿ ಉದ್ಯೋಗ ದೃಢೀಕರಣ ಪತ್ರ ಸಲ್ಲಿಸಿಲ್ಲದಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿರುತ್ತದೆ.	
18	XVIII	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಆದಾಯ ದೃಢೀಕರಣ ಪತ್ರ ಸಲ್ಲಿಸಿಲ್ಲದಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿರುತ್ತದೆ.	23
19	XIX	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಅಂಗವಿಕಲರ ದೃಢೀಕರಣ ಪತ್ರ ಸಲ್ಲಿಸಿಲ್ಲದಿದ್ದರೂ ಇತರೆ ವೈದ್ಯರುಗಳಿಂದ ಅಂಗವಿಕಲತೆ ಬಗೆಗಿನ ಪ್ರಮಾಣ ಪತ್ರ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ.	6
20	XX	ಅರ್ಜಿದಾರರು ನಿರ್ದಿಷ್ಟ ಪ್ರವರ್ಗದಡಿ ನಿವೇಶನ ಕೋರಿ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರೂ ಸಹ ಬೇರೆ ಪ್ರವರ್ಗದಲ್ಲಿ ನಿವೇಶನ ಹಂಚಿಕೆಗೆ ಪರಿಗಣಿಸಿ ನಿಯಮಬಾಹಿರವಾಗಿ ನಿವೇಶನ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು.	31
21	XXI	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ಅರ್ಜಿ ನಮೂನೆಯಲ್ಲಿ ಘೋಷಣೆ ಪತ್ರಕ್ಕೆ ಸಹಿ ಹಾಕಿಲ್ಲದಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	22
22	XXII-A	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರು ವಿವಾಹಿತರಾಗಿದ್ದರೂ ಅರ್ಜಿ ಸಲ್ಲಿಸುವಾಗ ಗಂಡನ ಹೆಸರಿನೊಂದಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸದೇ ತಂದೆಯ ಹೆಸರಿನೊಂದಿಗೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿರುವ ಪ್ರಕರಣಗಳಲ್ಲಿ ನಿವೇಶನ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	07
23	XXII-B	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರೇ ಅರ್ಜಿಯಲ್ಲಿ ಈಗಾಗಲೇ ಅರ್ಜಿದಾರರ ಕುಟುಂಬ ಸದಸ್ಯರ ಹೆಸರಿನಲ್ಲಿ ನಿವೇಶನ ಇರುವುದಾಗಿ ತಿಳಿಸಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿರುತ್ತದೆ.	03
24	XXII-C	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ವಾಸ ಸ್ಥಳದ ಮಾಹಿತಿ ನೀಡದೇ ಕೇರಾಫ್ ವಿಳಾಸ ನೀಡಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	44
25	XXII-D	ಒಂದನೇ ಹಾಗೂ ಎರಡನೇ ಪಟ್ಟಿಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿದ್ದು, ಒಂದನೇ ಪಟ್ಟಿಯಲ್ಲಿ ಅರ್ಜಿದಾರರೇ ಅರ್ಜಿಯಲ್ಲಿ ವಾಸ ಸ್ಥಳದ ಮಾಹಿತಿ ನೀಡದೇ ಕಚೇರಿ/ಅಂಗಡಿ ವಿಳಾಸ ನಮೂದಿಸಿದ್ದರೂ ಹಂಚಿಕೆ ಮಾಡಿರುವುದು ಕಂಡು ಬರುತ್ತದೆ.	18
			807

Re: Allotment made under discretionary quota

25) The notification dated 15-04-2010 issued by SUDA inviting the applications for making allotment of sites in the layout in question indicates that the reservation policy has to be followed in the allotment of the sites and the following table shows the classification of allotment of sites to various categories of persons.



ಕ್ರ.ಸಂ	ನಿವೇಶನಗಳ ಅಳತೆ (ಮೀ,ನಲ್ಲಿ)	ಲಭ್ಯವಿರುವ ಒಟ್ಟು ನಿವೇಶನಗಳು	ಬಿ.ಟಿ. 2%	ಎಸ್.ಟಿ. 3%	ಎಸ್.ಒ 15%	ಮಾ.ಸ್ಯ 10%	ರಾ.ಸನಾ. 10%	ಕೇ.ಸ.ನಾ 5 %'	ಅಂ.ವಿ. 2%	ಜ.ಪಿ. 53%	ಒಟ್ಟು
1	6x9 (E.W.S)	153	3	5	23	--	--	--	3	81+19=100	134
2	6x9	154	3	5	23	15	15	8	3	81+19=100	172
3	9x12	243	5	7	36	24	24	12	5	130	243
4	9x15	251	5	8	38	25	25	13	5	132	251
5	12x18	301	6	9	45	30	30	15	6	160	301
6	15x24	61	1	2	9	6	6	3	1	33	61

26) It is relevant to point out that in view of the table extracted above there is no provision for making allotment of any site under the discretionary quota.

27) Though there was a provision under Rule 13(2)(j) of Karnataka Urban Development (Allotment of sites) Rules 1991 enabling the Board to allot the sites under discretionary quota, this provision was deleted by means of Government Notification vide No.ನಅಇ 398 ಮೈಅಪ್ರ 2005, Dated: 07-11-2005. It is useful to extract the said Notification which reads as hereunder:-

ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ ನಅಇ 398 ಮೈಅಪ್ರಾ 2005 ದಿನಾಂಕ 1-10-2005ರಲ್ಲಿ ಕರ್ನಾಟಕ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರ (ನಿವೇಶನ ಹಂಚಿಕೆ), ನಿಯಮಗಳು 1991ನ್ನು ತಿದ್ದುಪಡಿ ಮಾಡಿ ಖಂಡ(ಜೆ)ರಲ್ಲಿನ ಪ್ರಾಧಿಕಾರ ವಿವೇಚನಾಧಿನ ಕೋಟಾವನ್ನು ರದ್ದು ಪಡಿಸಲಾಗಿರುವುದರಿಂದ ಇನ್ನು ಮುಂದೆ ಯಾವುದೇ ನಗರಾಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರವು ವಿವೇಚನಾಧಿನ ಕೋಟಾದಲ್ಲಿ ನಿವೇಶನಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಬಾರದೆಂದು ಸೂಚಿಸುತ್ತಾ, ಒಂದು ವೇಳೆ ವಿವೇಚನಾಧಿನ ಕೋಟಾದಲ್ಲಿ ನಿವೇಶನಗಳನ್ನು ಹಂಚಿಕೆ ಮಾಡಿದ್ದಲ್ಲಿ ಸಂಬಂಧಿಸಿದ ಆಯುಕ್ತರ ವಿರುದ್ಧ ಕ್ರಮವನ್ನು ಕೈಗೊಳ್ಳಲಾಗುವುದು.

28) In view of the circular extracted above it is clear that from 07-11-2015 i.e., from the date of said circular making allotment of sites under discretionary quota is impermissible and if any allotment is made contrary to the said circular,

the concerned Commissioner of the Urban Development Authority is held responsible. However, 142 sites have been allotted by SUDA which is completely in violation/contrary to the direction issued in the said circular.

29) It is the case of the respondent No.2 and 3 the then Presidents of SUDA that respondent No.2 wrote a letter dated 21-10-2010 requesting the Government to raise the discretionary quota to 20% as a special case to which the Government by means of its letter dated: 28-01-2011 has replied that discretionary quota should not exceed 8% (eight percent). In that connection the copy of the letter dated: 21-10-2010 written by respondent No.2 to the then Hon'ble Minister, Urban Development Department is available in the file in which it is stated that the Government has abolished the discretionary quota by means of its Notification dated: 01-10-2005 and that Circular has to be withdrawn by the Government and in the layout in question they should be permitted to allot 20% of the sites under the discretionary quota.

30) By relying upon the letter dated: 28-01-2011 issued by the Government, the respondent No.2 and 3 are contending that 8% of the sites can be allotted under discretionary quota by the authority and hence, allotment of 142 sites under discretionary quota is not illegal.

31) It is pertinent to note that when the above said Rule itself was deleted by way of an amendment dated 07-11-2005 permitting the allotment under discretionary



quota by the board, the letter dated 28-01-2011 addressed by the Secretary to the Government Urban Development Department to the Commissioner to the effect that the discretionary quota should not be exceeded more than 8% is contrary to the allotment Rules and it cannot be taken as the basis for making allotment under discretionary quota.

32) It is relevant to mention that it is not the case of respondent no.2 to 4 that they were not aware about the amendment brought to Rule 13(2)(j) of Karnataka Urban Development Authority (Allotment of Sites) Rules, 1991 by means of a notification dated 01-10-2005. Therefore, it was the duty of the respondents No.2 to 4 to comply with the said notification and they should not have taken any decision for making allotment of sites under discretionary quota contrary to the said notification.

33) The material on record indicates that, the respondent no.2 being the President of SUDA has approved the note put up by respondent no.4 for making allotment of 107 sites under discretionary quota. The respondent no.3, the then President of SUDA has approved the note put up by respondent no.4 for making allotment of 35 sites under the discretionary quota. Therefore, prima-facie the material collected by the I.O. substantiates that the respondents no.2 to 4 have made allotment of 142 sites under discretionary quota which is clearly in contravention of the directions issued by the Government under its notification dated 01-10-2005. The said circular also clearly specifies that if



any allotment is made under discretionary quota, the Commissioner is liable for disciplinary action. In the instant case, not only the Commissioner/respondent no.4 is responsible for allotment of sites under discretionary quota, the respondent no.2 and 3 being the Presidents are also equally responsible for making allotment of sites under discretionary quota, as they were very much aware of the fact that the said Rule 13(2)(j) has been deleted by way of an amendment.

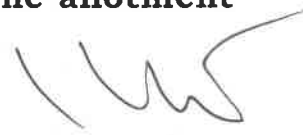
34) Further, since the allotment of 142 sites under discretionary quota is illegal, the allotment made in favour of applicants is required to be cancelled. The said sites shall be made available to the other eligible applicants on merits. However, it is made clear that if such of those allottees who have already been allotted under discretionary quota, are applicants for allotment of site and if they are eligible for allotment when the case of all eligible applicants are reconsidered on merits, the cancellation of their allotment under discretionary quota will not come in the way of considering their application on merits by SUDA. Further, in case they were held not eligible for allotment when their case is reconsidered as directed above, the site value received from the said 142 allottees is required to be refunded with interest at 8% per annum from the date of depositing till the date of refund within a month from the date of finalisation of re-allotment process.

**Re: Allotment of sites in favour of both
husband and wife.**



35) The **Annexure-B-III** enclosed to this report indicates that as many as 32 sites have been allotted in favour of both husband and wife. Further, the report indicates that out of 32 allottees, 3 allottees are employees of SUDA. It is relevant to point out that though they are very much aware about the fact that, it is not permissible to allot sites in favour of both husband and wife, they not only made applications to SUDA for allotment of sites, they have also succeeded in their attempt in getting the allotment of sites in their favour. Even after making of allotment of sites both in favour of husband and wife, it appears that no attempt has been made by them for cancellation of allotment made either in favour of husband or wife. Therefore, it is a clear case of dereliction of duty and abuse of official position on the part of three employees of SUDA who have succeeded in their attempt in getting allotment of site both in the name of husband and wife. In this regard, the authority is required to hold an enquiry in respect of the officials who have committed dereliction of duty and abused their official position.

36) As per Rule 2(e) of the Karnataka Urban Development Authority (Allotment of Sites) Rules, 1991, the family means a person including his wife or husband, their minor children and their dependent father and mother. Therefore, it is not permissible under the said Rules to allot the sites in favour of more than one person in the family. Therefore, the allotment of 32 sites made in favour of both husband and wife is in clear violation of the said Rules. **Therefore, the competent authority is required to cancel the allotment**



of said 32 sites. However, it is made clear that the cancellation of said 32 sites will not come in the way of SUDA to consider the application of either the husband or the wife if they are eligible for allotment of site on merits.

Re: Allotment of sites in favour of the persons who have already own house.

37) The **annexure-B-IV** enclosed to this report indicates that, 15 sites have been allotted by the SUDA in favour of the applicants who have already own a house or site in their own name or in the name of their wife/husband or parents. As per the condition no.7 stipulated in the notification dated 15-04-2010, the persons who have already own a site are not eligible for allotment of a site in the layout in question. However, as observed by the I.O., 15 sites have been allotted in favour of the applicants who have already own a house or site in their own name or in the name of their husband/wife or in the name of their parents. Apart from that as per Rule 12(2) of said Rules, no person shall be eligible for allotment of sites, if such person has been allotted a site or a house in any part of the State by any other Urban Development Authority or any other agency of Government. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that the said 15 sites are required to be considered for allotment to the other eligible applicants who have not yet been allotted sites on merits.

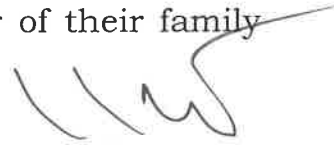


Re: Allotment of sites in favour of the persons who have already allotted a site in other layouts formed by SUDA.

38) The report of I.O. indicates that 6 sites have been allotted in favour of the applicants who have already been allotted with site in their favour or in favour of their family members in the other layouts formed by the SUDA. The details of such allotment have been set out in **annexure-B-V** enclosed to this report. As observed earlier, such allotment is in violation of the condition no.7 stipulated in the notification dated 15-04-2010 issued by SUDA inviting applications from the general public for allotment of sites in the layout in question. Apart from that as per Rule 12(2) of said Rules, no person shall be eligible for allotment of sites, if such person has been allotted a site or a house in any part of the State by any other Urban Development Authority or any other agency of Government. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that the said 6 sites are required to be considered for allotment to the other eligible applicants who have not yet been allotted sites on merits

Re: Allotment made in favour of the applicants who have already been allotted a site in the layout formed by Karnataka Housing Board.

39) The report of I.O. indicates that 5 sites have been allotted in favour of the applicants who have already been allotted with site in their favour or in favour of their family



members in the layouts formed by the Karnataka Housing Board. The details of such allotments have been set out in **annexure-B-VI** enclosed to this report. As observed earlier, such allotment is in violation of the condition no.7 stipulated in the notification dated 15-04-2010 issued by SUDA inviting applications from the general public for allotment of sites in the layout in question. Apart from that as per Rule 12(2) of said Rules, no person shall be eligible for allotment of sites, if such person has been allotted a site or a house in any part of the State by any other Urban Development Authority or any other agency of Government. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that the said 5 sites are required to be considered for allotment to the other eligible applicants who have not yet been allotted sites on merits

Re: Allotment made in favour of persons who have got a site/house within the limits of SUDA.

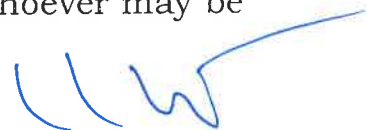
40) The report of I.O. indicates that 24 sites have been allotted in favour of the applicants who have already got a site or house within the limits of SUDA. The details of such allotment have been set out in **annexure-B-VII** enclosed to this report. As observed earlier, such allotment is in violation of the condition no.7 stipulated in the notification dated 15-04-2010 issued by SUDA inviting applications from the general public for allotment of sites in the layout in question. Apart from that as per Rule 12(2) of said Rules, no person



shall be eligible for allotment of sites, if such person has been allotted a site or a house in any part of the State by any other Urban Development Authority or any other agency of Government. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that the said 24 sites are required to be considered for allotment to the other eligible applicants who have not yet been allotted sites on merits.

Re: Allotment of sites made in favour of more than one person belonging to the same family.

41) The report of I.O. indicates that 55 sites have been allotted in favour of the applicants who are belonging to the same family. The details of such allotments have been set out in **annexure-B-VIII** enclosed to this report. In the column no. 20 of the applications submitted for allotment of site, the applicant is required to mention the details as to whether he or his family members have got a house or site. However, as per the report of I.O., the applicants of said 55 sites have furnished incorrect information about the said details and as a result of which, sites have been allotted in favour of the persons belonging to the same family and thereby violated the conditions stipulated in the notification dated 15-04-2010 issued by SUDA inviting applications from the general public for allotment of sites in the layout in question. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, liberty is reserved to the SUDA to consider the claim of one of the member of the family whoever may be



eligible to be considered on merits when the case of all eligible applicants are reconsidered on merits.

**RE: Allotment made in favour of the applicants
based on the number of previous attempts.**

42) The report of I.O. indicates that 9 sites have been allotted in favour of the applicants based on the number of previous attempts. According to the I.O. as on the date of such earlier attempts made by the applicants, they were minors. However, their names have been considered under the said category. It is relevant to point out that the notification issued by SUDA dated 15-04-2010 itself indicates that the applicant must be completed the age of 18 years. Therefore, the minor is not competent to make the application for allotment of site. If any application is made during minority, such applications will have to be rejected as void. Therefore, such attempts made by the applicants during their minority cannot be considered as an attempt made earlier to bring their applications within the purview of Rule 13(1)(iv) of the said Rules. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that If they are eligible on merits their application may be reconsidered based on the actual number of previous attempts made by them.

**Re: Allotment made in favour of the State
Government Employees.**



43) The report of I.O. indicates that 7 sites have been allotted in favour of the applicants under the category of State Government Employees. The details of such allotment have been set out in **annexure-B-X** enclosed to this report. As per Rule 13(2)(e) of the said Rules 10% of the sites formed in the layout are required to be reserved for the purpose of allotting the same to the State Government Employees. According to the I.O., the allotment of 7 sites in the layout in question is illegal as the allottees are not the State Government Employees. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that if they are otherwise eligible on merits their application may be considered along with others when all eligible applicants are considered on merits.

RE: Allotment made in favour of the Central Government Employees.

44) The report of I.O. indicates that 8 sites have been allotted in favour of the applicants under the category of Central Government Employees. The details of such allotment have been set out in **annexure-B-XI** enclosed to this report. As per Rule 13(2)(f) of the said Rules 5% of the sites formed in the layout are required to be reserved for the purpose of allotting the same to the Central Government Employees. According to the I.O., the allotment of 8 sites in the layout in question is illegal as the allottees are not the Central Government Employees. Therefore, the allotment made in favour of such allottees is required to be cancelled.



Accordingly, it is ordered. However, it is made clear that if they are otherwise eligible on merits their application may be considered along with others when all eligible applicants are considered on merits.

Re: Allotment made in favour of the applicants who have not made the payment of requisite initial deposit.

45) The report of I.O. indicates that 93 sites have been allotted in favour of the applicants who have not made the payment of requisite initial deposit. The details of such allotment have been set out in **annexure-B-XII** enclosed to this report. As per the notification issued by SUDA dated 15-04-2010, the applicants who are belonging to SC/ST, Ex-servicemen and blind persons are required to make payment of 3% of the sital value as initial deposit and the others are required to make payment of 10% of the sital value as initial deposit. However, the report of I.O. indicates that the allottees of 93 sites have not made the requisite initial deposit as specified in the table of the notification issued by SUDA and as such the allotment made in their favour is illegal. Further, as per the condition no.5 stipulated in the notification issued by SUDA dated 15-04-2010, the applicants are required to submit the initial deposit amount in the form of DD or deposit the cash in any of the banks specified therein. If, there is any default in making payment of the initial deposit amount, such persons are ineligible for considering their names for allotment of sites, as there is clear violation of the condition stipulated in the notification



issued by SUDA. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that the said 93 sites are required to be considered for allotment to the other eligible applicants who have not yet been allotted sites on merits.

Re: Allotment of sites to the applicants who have furnished incorrect information about the number of previous attempts made by them.

46) The report of I.O. indicates that 25 sites have been allotted in favour of the applicants under the category specified in Rule 13(1)(iv) of the said Rules. The details of such allotment have been set out in **annexure-B-XIII** enclosed to this report. It is relevant to extract Rule 13(1)(iv) of the said Rules which reads as hereunder;

“ನಿವೇಶನದ ಹಂಚಿಕೆಗಾಗಿ ಅರ್ಜಿದಾರನು ಈ ಹಿಂದೆ ಎಷ್ಟು ಬಾರಿ ಅರ್ಜಿಸಿರುವನೆಂಬ ಬಗ್ಗೆ ಮತ್ತು ನಿವೇಶನವನ್ನು ಪಡೆಯಲು ಅವನು ಅರ್ಹನಿದ್ದಾಗ್ಯೂ ಅವನು ನಿವೇಶನ ಪಡೆಯದೆ ಇರುವ ಸಂಗತಿಯನ್ನು ಅವನು ಅರ್ಹನಾಗಿದ್ದಾನೆ ಎಂಬುದಾಗಿ ಪರಿಗಣಿಸಬೇಕು”.

47) In order to get the benefit of the aforesaid provision on the basis of the number of previous attempts, the applicant is required to furnish the complete information in column no.17 and 21 of the application filed by him about his earlier attempts seeking allotment of sites. The report of I.O. indicates that incorrect information has been furnished by the allottees so as to get the allotment on seniority basis and as such the allotment made in favour of 25 applicants is

illegal. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, it is made clear that if they are eligible on merits their application may be reconsidered based on the actual number of previous attempts made by them along with others when all eligible applicants are considered on merits.

Re: Allotment of sites to the Ex-Service men.

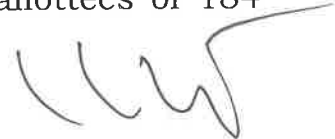
48) The report of I.O. indicates that 34 sites have been allotted in favour of the applicants under Ex-Service men quota though they are not ex-service men. The details of such allotment have been set out in **annexure-B-XIII** enclosed to this report. As per Rule 13(2)(d) of the said Rules 5% of the sites formed in the layout are required to be reserved for the purpose of allotting the same to the Ex-Service men. However, the report of I.O. indicates that 34 sites have been illegally allotted to the persons though they were not the ex-service men. It is relevant to point out that all the allottees of 34 sites allotted under the Ex-Service men quota are serving in military and they are not Ex-Servicemen. Though, the allotment made in their favour was not correct and were not in accordance with the Rules, the allotment made to them need not be cancelled at this stage. It may be that, some of them have retired from service after allotment of sites in the year 2011. Even if some of them are still in service, it is needless to point out that they are serving the country as military personnel and defending the border of the country. Even under Land Grant Rules,



Bangalore Development Authority (Allotment of Sites) Rules and Karnataka Housing Board (Allotment of Sites) Rules, there is a provision which empowers the concerned authorities to make allotment of land/sites to the Service Personnel. It was open to the SUDA possibly to reserve some sites even for the serving military personnel, keeping all these things in mind. Therefore, in the light of what is stated above, with a view to work out equities in their favour, I am of the view that it is not just and proper to make an order to cancel the sites allotted in favour of serving personnel. However, if there are applications of Ex-Service Personnel pending for consideration, their applications may be considered on its merits under Ex-Servicemen quota among the sites which are now available for allotment.

Re: Allotment of sites to the applicants who have not furnished their residential certificate.

49) The report of I.O. indicates that 184 sites have been allotted in favour of the applicants who have not furnished their residential certificates. The details of such allotment have been set out in **annexure-B-XV** enclosed to this report. As per Rule 12(1) of the said Rules the person applying for allotment of sites should be a domicile in Karnataka for not less than 5 years prior to the date submitting application. In order to comply with the requirement of the said Rule the applicant are required to submit their residential certificate in a prescribed form attested by a gazetted officer. As could be seen from the report of I.O. though the allottees of 184



sites have not produced their residential certificates along with their applications, their names have been considered and allotment has been made in their favour which is illegal. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, on account of long lapse of time and in the interest of justice it is desirable to give an opportunity to the said applicants to furnish their residential certificates in the prescribed form issued prior to the date of submitting application to the SUDA for allotment of site. If such certificates are made available to the SUDA, their applications may be considered on merits along with the other applications, when taken up for re-consideration on merits.

Re: Allotment of sites to applicants who have not furnished their caste certificate.


50) The report of I.O. indicates that 8 sites have been allotted in favour of the applicants who have not furnished their caste certificates. The details of such allotment have been set out in **annexure-B-XVI** enclosed to this report. In order to get the benefit allotment of site under reservation category, the applicants are required to furnish their caste certificate issued by the competent authority. However, as could be seen from the report of I.O. though the allottees of 8 sites have not produced their caste certificates along with their applications, their names have been considered and allotment has been made in their favour which is illegal.



Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. The said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered.

Re: Allotment of sites to applicants who have not furnished their Employment certificate.

51) The report of I.O. indicates that 6 sites have been allotted in favour of the applicants who have not furnished their employment certificates. The details of such allotment have been set out in **annexure-B-XVII** enclosed to this report. In order to get the benefit of allotment of site under category central/state Government employee, the applicants are required to furnish their employment certificate issued by the competent authority. However, as could be seen from the report of I.O. though the allottees of 6 sites have not produced their employment certificates along with their applications, their names have been considered and allotment has been made in their favour which is illegal. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, they may be given an opportunity to produce their employment certificate issued prior to the date of submitting application to the SUDA for allotment of sites and if they produce employment certificate, their applications may be considered on merit.



Re: Allotment of sites to applicants who have not furnished their income certificate.

52) The report of I.O. indicates that 23 sites have been allotted in favour of the applicants who have not furnished their income certificates. The details of such allotment have been set out in **annexure-B-XVIII** enclosed to this report. In order to get the benefit of allotment of sites under the category of economically weaker section, the applicants are required to furnish their income certificate issued by the competent authority. However, as could be seen from the report of I.O. though the allottees of 23 sites have not produced their income certificates along with their applications, their names have been considered and allotment has been made in their favour which is illegal. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, they may be given an opportunity to produce their income certificate and if they produce their income certificate issued prior to the date of submitting application to the SUDA for allotment of sites, their applications may be considered on merit.

Re: Allotment of sites to applicants who have furnished defective disability certificate.

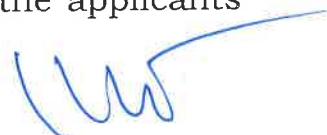
53) The report of I.O. indicates that 6 sites have been allotted in favour of the applicants who have furnished defective disability certificate. The details of such allotment have been set out in **annexure-B-XIX** enclosed to this



report. In order to get the benefit of allotment of site under the category of disability, the applicants are required to furnish their disability certificate issued by the competent authority. However, as could be seen from the report of I.O. though the allottees of 6 sites have produced their disability certificates along with their applications, the certificates are defective. Further, it is seen from the report of I.O. that the disability certificates produced by the said applicant are defective in as much as they have not been counter signed by district surgeon which is mandatory. It is not the case of I.O. that the applicants are not the disabled persons. Therefore, an opportunity may be given to said allottees to rectify the defect within a stipulated time and if they failed to rectify the same within the time prescribed by the competent authority the allotment made in their favour may be cancelled.

Re: Allotment of sites to the applicants under a particular category though they did not mention in their application seeking allotment of site in that category.

54) The report of I.O. indicates that 31 sites have been allotted in favour of the applicants under a particular category though they did not mention in their application seeking allotment of site in that category. The details of such allotment have been set out in **annexure-B-XX** enclosed to this report. In order to get the benefit of allotment of site under a particular category, the applicants



are required to mention the same in their application specifically. However, as could be seen from the report of I.O. though the allottees of 31 sites did not seek for allotment of sites under a particular category, allotment has been made in their favour as if they sought allotment in that category which is prima-facie illegal. Therefore, the allotment made in favour of such allottees is required to be cancelled. Accordingly, it is ordered. However, their case can be considered along with other applicants, when all the applications are taken up for re-consideration on merits.

Re: Allotment of sites to the applicants who have not signed the declaration form.

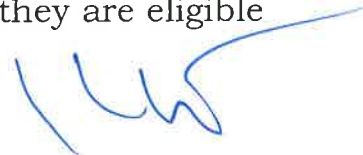
55) The report of I.O. indicates that 22 sites have been allotted in favour of the applicants who have not signed the declaration form appended to the application. The details of such allotment have been set out in **annexure-B-XXI** enclosed to this report. It is relevant to mention that the applicants are required to sign the declaration form appended to the application. However, as could be seen from the report of I.O. though the allottees of 22 sites have not signed the declaration form appended to the application, their names have been considered for allotment. It is pertinent to note that except the said defect which is a minor defect, there is no any other allegation attributed to them. Therefore, an opportunity may be given to the allottees to rectify the defect within a stipulated time and if they failed to rectify the same within the time prescribed by the authority



the allotment made in their favour may be cancelled. Accordingly, it is ordered.

Re: Allotment of sites to the applicants who have mentioned the name of their father instead of the name of their husband.

56) The report of I.O. indicates that 7 sites have been allotted in favour of the applicants who have mentioned the name of their father instead of the name of their husband, even though they have married on the date of making application for allotment of sites. The details of such allotment have been set out in **annexure-B-XXII-A** enclosed to this report. It is relevant to mention that the applicants are required to furnish the correct details of their marital status. However, as could be seen from the report of I.O. the allottees of 7 sites have not mentioned the name of their husband, even though they were married prior to submitting their application and on the other hand they have mentioned the name of their father. The aforesaid applicants might have suppressed their marital status with a view to overcome any of the conditions stipulated for allotment of sites. Therefore, since they have suppressed their marital status while filing application for allotment, their allotment is required to be cancelled. Accordingly, it is ordered. However, it is open to the SUDA to examine, whether they were ineligible for allotment of a site on the ground that their husbands own a site or in any other manner, they were ineligible for allotment of site and on such examination, if they are eligible



for allotment of site, the allotment made in their favour may be affirmed.

Re: Allotment of sites to the applicants who have already own a site in the name of their family members.

57) The report of I.O. indicates that 3 sites have been allotted in favour of the applicants who have already own a site in the name of their family members. The details of such allotment have been set out in **annexure-B-XXII-B** enclosed to this report. It is evident from the report of I.O. that even though the applicants have mentioned in the application to the effect that they have site in the name of their family members, allotment has been made in favour of the applicants, which is illegal. As observed earlier, if any of the member of the applicant is having a site, such applicant is ineligible for allotment of site in the layout in question. Therefore, the allotment made in favour of 3 applicants is required to be cancelled. Accordingly, it is ordered.

Re: Allotment of sites to the applicants who have furnished care of address instead of their residential address.

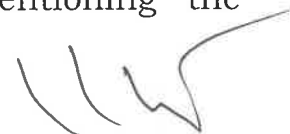
58) The report of I.O. indicates that 44 sites have been allotted in favour of the applicants who have furnished care of address instead of their correct residential address. The details of such allotment have been set out in **annexure-B-XXII-C** enclosed to this report. It is evident from the report of I.O. that even though the applicants have mentioned their



care of address in their respective applications instead of mentioning the correct residential address, their names have been considered and allotment is made. It is relevant to point out that as per the conditions stipulated in the notification issued by SUDA, the applicants are required to furnish their residential address and not their care of address. Further, as per Rule 12(1) of the said Rules, the applicant must be domiciled in the state of Karnataka. Therefore, the applicants are required to furnish their correct residential address. However, the said allottees have furnished their care of address instead of their correct residential address may be with a view to overcome the difficulty in the matter of allotment of sites. Since, the aforesaid allottees have not furnished their correct residential address, the allotment made in their favour is illegal. Therefore, the allotment made in favour of 44 applicants is required to be cancelled. Accordingly, it is ordered.

Re: Allotment of sites to the applicants who have furnished their office/shops address.

59) The report of I.O. indicates that 18 sites have been allotted in favour of the applicants who have furnished their office/shops address. The details of such allotment have been set out in **annexure-B-XXII-D** enclosed to this report. It is evident from the report of I.O. that even though the applicants have mentioned their office/shops address in their respective applications instead of mentioning the



correct residential address, their names have been considered and allotment is made. It is relevant to point out that as per the conditions stipulated in the notification issued by SUDA, the applicants are required to furnish their residential address and not their office/shops address. Further, as per Rule 12(1) of the said Rules, the applicant must be domiciled in the state of Karnataka. Therefore, the applicants are required to furnish their correct residential address. However, the said allottees have furnished their office/shops address instead of their correct residential address, may be with a view to overcome the difficulty in the matter of allotment of sites. Since, the aforesaid allottees have not furnished their correct residential address, the allotment made in their favour is illegal. Therefore, the allotment made in favour of 18 applicants is required to be cancelled. Accordingly, it is ordered.

**Re: The persons responsible for the
irregularities/illegalities in allotment of sites as set
out in annexure-B-III to XXII-D.**

60) As observed earlier, the Commissioner, SUDA had issued a memo dated 24-06-2010 fixing the responsibility of the following persons i.e., respondents no.8 to 11 for verifying the applications received for allotment of sites in the layout in question and to group them in accordance with the dimension of the site, category and the number of attempts made by the applicants. Further, the memo indicates that if any false/incorrect information is furnished



by them, disciplinary proceedings will be initiated against them.

ಕ್ರಮ ಸಂ.	ನೌಕರರ ಹೆಸರು	ಅಳತೆ
1	ಶ್ರೀ ಎಸ್. ಟಿ. ಮಂಜುನಾಥ್	20x30
2	ಶ್ರೀಮತಿ ಭಾರತಮಾತ	30x40
3	ಶ್ರೀ ಲಿಂಗಣ್ಣಗೌಡ	30x50 50x80
4	ಶ್ರೀ ಟಿ. ಸಾಯೀಶ್	40x60

61) In the light of the said memo, the respondents no. 8 to 11 were required to verify the applications in accordance with the conditions stipulated in the notification issued by SUDA dated 15-04-2010. However, as observed earlier, they have failed to verify the applications correctly. It is the contention of the respondents no. 8 to 11 that, they have only grouped the applications based on measurementwise, groupwise and attemptwise and there was no duty cast up on them to verify whether the relevant certificates and documents are given or not. The stand taken by them cannot be sustained in view of the specific directions given in the memo dated 24-06-2010, wherein it is mentioned that “ಅದರಲ್ಲಿ ವರ್ಗವಾರು ಹಾಗೂ ಪ್ರಯತ್ನದ ಆಧಾರವನ್ನು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ.” Therefore, the respondents no.8 to 11 were required to arrange the applications measurementwise, groupwise, attemptwise in accordance with the Rules. It is also their duty to verify the applications to find out all the requirements are fulfilled and the supporting documents are submitted along with the application or not. As observed earlier, the I.O. has clearly mentioned in his report that, the concerned officials have not

verified whether any document is produced to show how many previous attempts were made by the applicants for considering their name for allotment of site.

62) Further, it is pointed out by the I.O. (Annexure-B-XII) in his report that 93 sites have been allotted even though the requisite initial deposit amount was not paid. If, the respondents no. 8 to 11 have scrutinised those 93 applications in a proper manner, they would have recommended for rejecting their application, as their application is hit by Rule 10 and 11 of the said Rules. **Hence, the contention of the respondents no. 8 to 11 cannot be accepted at this stage and thereby they have committed dereliction of their duty. However, since respondent no.10 is reported to be dead, no recommendation could be made against him.**

63) Further, it is not in dispute that a Sub-Committee was formed for the purpose of allotment of sites as required under Rule 14 of the said Rules. The said committee consisted of the respondents no.2, 4 to 7.

64) At this juncture, it is relevant to extract Rule 14 of the Karnataka Urban Development Authorities (Allotment of Sites) Rules 1991, which reads as follows:-

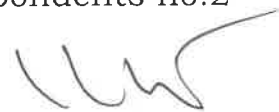
14. ಸಮಿತಿ: ಪ್ರಾಧಿಕಾರವು ಅರ್ಜಿಗಳನ್ನು ಪರಿಗಣಿಸುವುದಕ್ಕೆ ಮತ್ತು ಹಂಚಿಕೆಗಾಗಿ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಶಿಫಾರಸ್ಸು ಮಾಡುವುದಕ್ಕಾಗಿ ಐದು ಮಂದಿ ಸದಸ್ಯರನ್ನೊಳಗೊಂಡ "ಹಂಚಿಕೆ ಸಮಿತಿ" ಎಂದು ಕರೆಯಲಾಗುವ ಒಂದು ಸಮಿತಿಯನ್ನು ರಚಿಸಬಹುದು. ಪ್ರಾಧಿಕಾರದ ಅಧ್ಯಕ್ಷರು ಆ ಸಮಿತಿಯ



ಅಧ್ಯಕ್ಷರಾಗಿರತಕ್ಕದ್ದು, ಉಳಿದ ನಾಲ್ವರು ಸದಸ್ಯರ ಪೈಕಿ, ಪ್ರಾಧಿಕಾರದ ಆಯುಕ್ತರಾಗಿರುವ ಒಬ್ಬರು ಮತ್ತು ಸರ್ಕಾರವು ನಾಮ ನಿರ್ದೇಶಿಸುವ ಸದಸ್ಯರ ಪೈಕಿಯಿಂದ ಪ್ರಾಧಿಕಾರವು ಆಯ್ಕೆ ಮಾಡಿದ ಇನ್ನೊಬ್ಬರು ಮತ್ತು ವಿವಿಧ ಇಲಾಖೆಗಳಲ್ಲಿ ಪ್ರತಿನಿಧಿಸುವ ಸದಸ್ಯರ ಪೈಕಿಯಿಂದ ಉಳಿದ ಇಬ್ಬರು ಇರತಕ್ಕದ್ದು”.

65) The Rule 14 extracted above, indicates that, the allotment committee is required to be formed to select the eligible persons as per the rules to whom the sites have to be allotted in the layout in question. The said committee is required to verify the eligibility of the applicants for the purpose of allotting the sites. They have also required to follow the Karnataka Urban Development (Allotment of Sites) Rules, 1991 before making any allotment to the applicants. However, the report of I.O. indicates that as many as 665 sites have been allotted contrary to the said rules and also the conditions stipulated in the notification issued by SUDA inviting the applications for allotment of sites. **Therefore, respondents no. 2, 4 to 7 are also responsible for the illegal allotment made in favour of the applicants as set out in annexure-B-III to XXII-D enclosed to this report.**

66) The material on record indicates that, the respondent no.2 being the President of SUDA has approved the notes put up by respondent no.4 for making allotment of 107 sites under discretionary quota. The respondent no.3, the then President of SUDA has approved the note put up by respondent no.4 for making allotment of 35 sites under the discretionary quota. Therefore, prima-facie the material collected by the I.O. substantiates that the respondents no.2



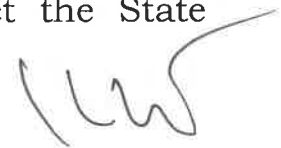
to 4 have made allotment of 142 sites under discretionary quota which is clearly in contravention of the directions issued by the Government under its notification dated 01-10-2005. As observed earlier, respondent Nos.2 and 3 were the Presidents of SUDA at that time. Apart from that, the respondent No.2 was also the President of the allotment committee. Respondent No.5, 6 and 7 were the members of the allotment committee. The respondent no.5 was the member of SUDA and the respondents no.6, who was the then Commissioner, CMC, Shivamogga and the respondent no.7, who was the then Executive Engineer, of SUDA, Shivamogga were the members of SUDA at the relevant point of time as Ex-Officio members. Since, respondent no.2, 3 and 5 were the Presidents and Members of SUDA, they are governed by the provisions of the Karnataka Urban Development Authorities Act, 1987. Therefore, steps are required to be taken to initiate proceedings u/sec. 4 and 7 r/w sec. 6 of the Karnataka Urban Development Authorities Act 1987 as against respondent no.2, 3 and 5 for their dereliction of duty and misconduct and to make a declaration to the effect that they are disqualified under Sec.4 of the said Act for being reappointed as members.

67) Further, as discussed above, it is clear that the Commissioner, who was required to take proper care in the matter of allotment of sites, has totally failed in discharge of his official duty. He is mainly responsible and if he had taken the proper care and precautions as provided under Sec.13 of the Karnataka Urban Development Authorities Act,



1987, referring the resolution passed by the authority as the same was contravening the provisions of the said act and rules, to the Government for orders, it would have prevented the illegalities in the matter of allotment of sites. It is noticed that he has not acted in good faith. It is well settled principle of Law as laid down in the case of **N. Subramania Iyer vs The Official Receiver, Quilon (1958 AIR SC 1)** that **“a thing shall be deemed to be done in good faith where it is in fact done honestly with proper care and attention”**.

In the instant case the respondent No.2 to 5 have not take such proper care and precautions so as to avail the protection under section 61 of the said Act. Therefore, if the respondents no.2, 3 and 5 were to be in office, they were required to be removed from their position under Sec. 4 r/w Sec. 6(b) of the Karnataka Urban Development Authorities Act. Sec. 7 of the said Act provides for reappointment of any person ceasing to be a member, unless he is disqualified under Sec.4 of the said Act as a member. As observed earlier, respondent no.2 being the President of SUDA has made allotment of 107 sites under discretionary quota in addition to participating in the Selection Committee constituted for making allotment of sites to the eligible candidates and pursuant to the decision of the said Committee, 665 sites were allotted to various persons which are now held to be illegal. Therefore, the gravity of misconduct committed by respondent no.2 is of serious in nature. Under this circumstance, the minimum penalty that can be recommended against him is to direct the State




Government not to consider his case for appointment of President or Member or any other position in any authority or Corporation under the State Government or which will come within the meaning of 'Public Servant' within the meaning of Sec.2(12) of the Karnataka Lokayukta Act, 1984 for a period of four years from the date of receipt of this order by the State Government. The respondent no.3 being the President of SUDA has made allotment of 35 sites under discretionary quota, which are now held to be illegal. Having regard to the facts and circumstances of the case, the minimum penalty that can be recommended against him is to direct the State Government not to consider his case for appointment of President or Member or any other position in any authority or Corporation under the State Government or which will come within the meaning of 'Public Servant' within the meaning of Sec. 2(12) of the Karnataka Lokayukta Act, 1984 for a period of two years from the date of receipt of this order by the State Government. The respondent no.5 to 7 were the members of Selection Committee which was presided over by the respondent no.2 as Chairman. Therefore, having regard to the facts and circumstances of the case and they had participated in the proceedings for allotment of 665 sites, the minimum penalty that can be recommended against them is to direct the State Government not to consider their case for appointment of President or Member or any other position in any authority or Corporation under the State or which will come within the meaning of 'Public Servant' within the meaning of Sec. 2(12)



of the Karnataka Lokayukta Act, 1984 for a period of three years from the date of receipt of this order by the State Government.

68) The material on record indicates that respondents no.4, 6, 7, 8 and 9 have already retired from service on 29-02-2012, 31-05-2011, 31-08-2016, 31-07-2020 and 30-06-2016 respectively. The respondent No.4 has retired from service about eight years back, the respondent no.6 has retired from service about nine years back, the respondent no.7 and 9 have retired from service about four years back. Further, though the respondent no.8 has retired from service on 31-07-2020, the incident in question had taken place in the year 2010-11 and as such the event in question had taken place about nine years back. As per Rule 214(2)(b)(ii) of KCSRs, the departmental proceedings or judicial proceedings, if not instituted while the Government Servant was in service, shall not be instituted in respect of any event which took place more than four years before such institution. The Hon'ble Karnataka State Administrative Tribunal in Application No. 5239/2017 relying upon the said Rule had quashed the Articles of Charge issued to the delinquent officials in respect of an event that had taken place more than four years prior to the date of service of Articles of Charge. However, such decisions passed by the Hon'ble Karnataka State Administrative Tribunal have been challenged before the Hon'ble High Court of Karnataka on the grounds that Rule 214(2)(b)(ii) of KCSRs has no application in respect of the proceedings initiated either on



the complaint given under Sec. 9(2) of the Karnataka Lokayukta Act, 1984 by the private individuals or in respect of the reference under Sec. 7(2-A) of the Karnataka Lokayukta Act by the State Government and the said Rule is contrary to the provisions of Karnataka Lokayukta Act and Article 14 of the Constitution of India. However, in view of the decision of Hon'ble KSAT passed in Application No. 5239/2017, interpreting Rule 214(2)(b)(ii) of KCSRs and there has been substantial delay of four to eight years and regard being had to the facts and circumstances of the case, it is not desirable at this stage to make a recommendation to initiate disciplinary proceedings against the respondent no.4, 6, 7, 8 and 9, who have already retired from service. However, so far as respondent no.4 is concerned, as observed earlier, he has failed to take proper care and caution in the matter of allotment of sites and thereby failed to prevent the illegalities/irregularities in allotment of sites and caused serious hardship to the general public. It is a case of total dereliction of duty on his part. Therefore, the gravity of misconduct committed by respondent no.4 is of very grave nature. Under these circumstances, the minimum penalty that can be recommended against him is to direct the State Government not to consider his case permanently for appointment as President or Member or to any other position in any authority or Corporation under the State or which will come within the meaning of 'Public Servant' within the meaning of Sec. 2(12) of the Karnataka Lokayukta



Act, 1984 or even to nominate him for any honorary position by the State or any other statutory body.

VI. Re: Question-3 [Irregularities in developmental works]

69) So far as the irregularities/illegalities in the developmental works in the layout in question is concerned, the report of I.O. indicates that 42 RCC box-drains have been constructed in the layout in question and the said works have been executed by the A.E.E., - Sri M. Ramesh Gattige and in respect of some drains he has been assisted by Assistant Engineer-Sri Y.N. Vijayakumar and in respect of the remaining drains assisted by Sri G.R. Basavaraja, Junior Engineer. In his report, the I.O. has mentioned that, as per the approved estimates the width of RCC box-drain is 1.10 mts (end to end width of the drain) in respect of all 42 estimates. In the report, it is further stated that as per the entry in the M.B. books, the width (vent) of the drain is 1.30 mts (end to end width of the drain) and payment is made considering the width of the drain as 1.30 mts even though as per the estimates the width of the drain is only 1.10 mts and thereby there is excess payment in respect of 572.13 cubic meters in respect of all 42 works and thereby there is excess payment of Rs. 24,14,120/- (Rupees Twenty Four Lakhs Fourteen Thousand One Hundred and Twenty only) to the contractors.

70) According to the I.O., even though in the estimate the width of the drains is 1.10 mts only as per the M.B. books



the width of the drain is 1.30 mts and payment is made as per the measurement mentioned in the M.B. book and thereby there is excess payment of Rs. 24,14,120/- (Rupees Twenty Four Lakhs Fourteen Thousand One Hundred and Twenty only) to the contractors in respect of all the above said 42 RCC box-drains. In that regard, the I.O. has produced the copies of the approved estimates and the M.B. books of all 42 RCC box drains. Hence, it has to be said that width of the RCC box-drain shown in the M.B. book is more than the width shown in the estimate and thereby there is excess payment of 24,14,120/- (Rupees Twenty Four Lakhs Fourteen Thousand One Hundred and Twenty only). The I.O. has also stated in his report that all the 42 works stated above are executed by the A.E.E.- Sri M. Ramesh Gattige and 17 RCC drain works were supervised by Assistant Engineer-Sri Y.N. Vijayakumar and 25 RCC box drain works were supervised by Junior Engineer-Sri G.R. Basavaraj and the I.O. has given his report to the effect that out of the excess payment of Rs. 24,14,120/- (Rupees Twenty Four Lakhs Fourteen Thousand One Hundred and Twenty only), 50% is required to be reimbursed by A.E.E.,-Sri M. Ramesh Gattige and it comes to Rs. 12,07,060/- (Rupees Twelve Lakhs Seven Thousand Sixty Only) and Sri Y.N. Vijayakumar, Assistant Engineer is required to be reimbursed Rs. 5,04,679/- (Rupees Five Lakhs Four Thousand Six Hundred and Seventy Nine only) and Sri G.R. Basavaraj, Junior Engineer is required to be reimbursed Rs.



7,02,381/- (Rupees Seven Lakhs Two Thousand Three hundred and Eighty One only).

71) The respondents No. 12 to 14 in their comments contended that they have made payment of amount as per the works done and there is no excess payment to the contractor. As stated above, as per the estimates the width of the drains is only 1.10mts and the payment should have been made only for 1.10 mts and in the M.B. books the width of the drains are shown as 1.30 mts and payment is made for 1.30 mts only. Hence, it has to be said that there is excess payment to the contractor in respect of the width of the RCC box-drains as the width of the RCC box-drains should have been only 1.10 mts. (mentioned in the approved estimates). Hence, the contentions of the respondent Nos. 12 to 14 that there is no excess payment is concerned cannot be accepted at this stage. Hence, it has to be said that there is excess payment made to the contractor in respect of the width of the RCC box-drains and thereby the respondents no.12 to 14 have failed to maintain the absolute devotion to duty and committed misconduct within the meaning of Rule 3(1)(i) to (iii) of KCS (Conduct) Rules, 1966.

VII. Re: Question No.4: (What is the recommendation to be made to the State Government)

72) In the light of the discussion made above, in my considered view, a recommendation to the competent authority under Sec. 12(1) and 12(3) of the Karnataka Lokayukta Act, 1984 is required to be made as hereunder;



- i) There are no irregularities/illegalities in the matter of acquisition of land for formation of the layout in question.
- ii) There are no irregularities/illegalities in allotment of **498 (Four Hundred and Ninety eight) sites** in favour of allottees which requires to be affirmed. The details of the said **498 (Four Hundred and Ninety eight)** allottees with reference to their names, address, site numbers and measurements are furnished in the **Annexure-A** enclosed to this report.
- iii) A recommendation under Sec. 12(1) of the Karnataka Lokayukta Act, 1984 is made to the SUDA to issue khatha in the name of the allottees of **498 (Four Hundred and Ninety eight) sites** within a month from the date of receipt of this recommendation and also issue approved plan, if sought by them for construction of the houses within a period of two months from the date of receipt of such application.
- iv) The allotment of **807 (Eight Hundred and Seven) sites** as set out in the **Annexure-B-I to XXII-D** enclosed to this report are illegal.
- v) The allotment of **142 (One Hundred and Forty two) sites** out of **807 (Eight Hundred and Seven)** as set out in **Annexure-B-I & II enclosed to this report** under discretionary quota is illegal. Therefore, the allotment made in favour of



such applicants is required to be cancelled. Accordingly, it is cancelled. The said sites shall be made available to the other eligible applicants on merits. However, it is made clear that if such of those allottees who have already been allotted under discretionary quota, are applicants for allotment of sites and if they are eligible for allotment when the case of all eligible applicants are reconsidered on merits, the cancellation of their allotment under discretionary quota will not come in the way of considering their application on merits by SUDA. Further, in case they are held not eligible for allotment, when their case is reconsidered as directed above, the sital value received from the said 142 (One hundred and Forty two) sites allottees is required to be refunded by SUDA with interest at 8% (eight percent) per annum from the date of depositing till the date of refund within a month from the finalisation of re-allotment process.

vi) The SUDA is required to cancel the allotment of **32 (Thirty two) sites** made in favour of both husband and wife as set out in **Annexure-B-III enclosed to this report.** However, it is made clear that the cancellation of said 32 (Thirty two) sites as stated above will not come in the way of SUDA to consider the application of either the claim of the husband or




the wife if they are eligible for allotment of site on merits.

vii) The allotment of sites made in favour of **50 (Fifty)** allottees, who have already own a house, site in the layout formed by SUDA, KHB and who have got a site/house within the limits of SUDA as set out in **Annexure-B-IV, B-V, B-VI and B-VII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled. The said sites are required to be made available for allotment to other eligible applicants on merits, when the case of all the eligible applicants is re-considered.

viii) The allotment of 55 (Fifty Five) sites made in favour of more than one person belonging to the same family as set out in **Annexure-B-VIII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled. The said sites are required to be made available for re-allotment among the eligible applicants. However, liberty is reserved to the SUDA to consider the claim of one of the member of the family whoever may be eligible to be considered on merits when the case of all eligible applicants are reconsidered on merits.

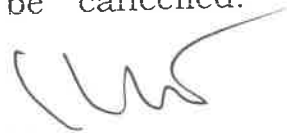
ix) The allotment of 9 (Nine) sites made in favour of the allottees based on the number of previous attempts and the allotment of 25 (Twenty five) sites made in favour of allottees who



have furnished incorrect information about the number of their previous attempts as set out in **Annexure-B-IX and B-XIII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled. The said sites are required to be made available for allotment when the application of all the eligible applicants is taken up for re-consideration. However, it is made clear that if they are eligible on merits their applications may be reconsidered based on the actual number of previous attempts made by them on careful verification/scrutiny of their earlier attempts.

x) The allotment of 7 (Seven) sites made under the category of State Government Employees as set out in **Annexure-B-X** enclosed to this report is required to be cancelled. Accordingly, it is cancelled. The said sites are required to be made available for allotment when the application of all the eligible applicants is taken up for re-consideration. However, it is made clear that, if they are otherwise eligible on merits their applications may be considered along with other eligible applicants applications are considered on merits.


xi) The allotment of **8 (Eight) sites** made under the category of Central Government Employees as set out in **Annexure-B-XI** enclosed to this report is required to be cancelled.



Accordingly, it is cancelled. The said sites are required to be made available for allotment when the application of all the eligible applicants is taken up for re-consideration. However, it is made clear that if they are otherwise eligible on merits their applications may be considered along with other eligible applicants applications are considered on merits.

xii) The allotment of **93 (Ninety Three)** sites made in favour of the allottees, who have not made payment of requisite initial deposit as set out in **Annexure-B-XII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered.

xiii) So far as the allotment of **34 (Thirty four) sites** made under **Ex-Servicemen** quota is concerned, it is relevant to point out that all the allottees of **34 (Thirty four)** sites may be still serving in military, if some of them have not yet retired. Though, the allotment made in their favour was not correct and in accordance with the Rules, however, having regard to the special category of serving military personnel, the allotment made to them need not be cancelled at this stage i.e., after around nine years of



allotment. It may be that, some of them have retired from service after allotment of sites in the year 2011. Even if some of them are still in service, it is needless to point out that they are serving the country as military personnel and defending the border of the country. Even under Land Grant Rules, Bangalore Development Authority (Allotment of Sites) Rules and Karnataka Housing Board (Allotment of Sites) Rules, there is a provision which empowers the concerned authorities to make allotment of land/sites to the Service Personnel as well as Ex-Servicemen. It was open to the SUDA possibly to reserve few sites even for the serving military personnel. Therefore, in the light of what is stated above, with a view to work out equities in their favour keeping in mind the disability and hardship, they and their families are facing, I am of the view that it is not just and proper to make an order to cancel the sites allotted in favour of serving personnel. However, if there are applications of Ex-Service Personnel pending for consideration, their applications may be considered on its merits under Ex-Servicemen quota among the sites which are now available for allotment.


xiv) The allotment of **184 (One Hundred and Eighty Four)** sites made in favour of the



allottees, who have not furnished their residential certificates as set out in **Annexure-B-XV** enclosed to this report is required to be cancelled. However, on account of long lapse of time and in the interest of justice, it is open to the said applicants to furnish their residential certificates in the prescribed form. If such certificates with requisite residential qualification on the date of application are furnished their applications may be considered on merits along with other when all eligible applicants are considered on merits.

xv) The allotment of 8 (Eight) sites made in favour of the allottees, who have not furnished their caste certificate as set out in **Annexure-B-XVI** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered.

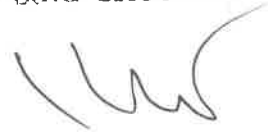
xvi) The allotment of 6 (Six) sites made in favour of the allottees, who have not furnished their employment certificate as set out in **Annexure-B-XVII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered. However, their applications may



be considered by the SUDA, if they produce their employment certificate issued prior to the date of submitting application to the SUDA for allotment of site which would have enable them for allotment of sites as per the conditions prescribed.

xvii) The allotment of 23 (Twenty three) sites made in favour of the allottees, who have not furnished their income certificate as set out in **Annexure-B-XVIII** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered. However, their applications may be considered by SUDA, if they produce their income certificate issued prior to the date of submitting application to the SUDA for allotment of site and their applications may be considered along with the other similarly placed applicants on merits.

xviii) The allotment of 31 (Thirty one) sites made in favour of the allottees under a particular category, though they did not mention in their application seeking allotment of site in that category as set out in **Annexure-B-XX** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are



required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered. However, SUDA may consider their applications on merits, if their applications are otherwise in proper form and eligible to be considered for allotment on merits along with other eligible applicants.

xix) The allotment of **7 (Seven) sites** to the allottees, who have mentioned the name of their father, instead of the name of their husband as set out in **Annexure-B-XXII-A** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered. However, it is open to the SUDA to examine, whether they were ineligible for allotment of a site on the ground that their husbands own a site or in any other manner, they were ineligible for allotment of site and on such examination if they are found to be eligible for allotment of site, the allotment made in their favour may be affirmed.

xx) The allotment of (a) 3 (Three) sites made in favour of the allottees, who have already own a site in the name of their family members; (b) the allotment of 44 (Forty Four) sites made in favour of the allottees, who have furnished care of



address instead of their residential address and (c) the allotment of 18 (Eighteen) sites made in favour of the allottees, who have furnished their office/shop address as set out in **Annexure-B-XXII-B, C and D** enclosed to this report is required to be cancelled. Accordingly, it is cancelled and the said sites are required to be made available for allotment among the eligible applicants, whose applications are required to be re-considered.

xxi) The SUDA may give an opportunity to the 6 (six) allottees, who have furnished defective disability certificate and to the 22 (Twenty two) allottees who have not signed the declaration form referred to in **Annexure-B-XIX and XXI** enclosed to this report to rectify the defect in the disability certificate and to sign in the declaration form within a period of fifteen days. If they fail to rectify the defect as stated above, their allotment may be cancelled and the said sites may be made available for allotment among the eligible applicants. Further, if such of those applicants, who have failed to produce the disability certificate as stated above, it is open to SUDA to consider their applications on merits along with other applicants without treating them as persons falling under the disability category.



xxii) The SUDA is directed to re-consider the applications which are already received in proper form and not defective from the applicants for allotment of sites in the layout in question for the purpose of making re-allotment of 807 (Eight Hundred and Seven) sites in the light of the directions given above in accordance with law/Rules and conditions of the allotment already prescribed, as expeditiously as possible at any event of the matter not later than four months from the date of receipt of this report.


xxiii) The SUDA to consider the desirability of initiation of criminal proceedings against the allottees who have deliberately furnished false information to the SUDA after giving them an opportunity of hearing and initiate appropriate such other legal action against them in accordance with law.

xxiv) The respondents no.2 and 4 are responsible for the allotment of 107 (One hundred and Seven) sites and respondent no.3 and 4 are responsible for allotment of 35 (Thirty Five) sites under the discretionary quota.

xxv) The respondents no.2, 4 to 11 are responsible for the allotment of 665 (Six Hundred and Sixty five) sites as set out in **annexure-B-III to XXII-D** enclosed to this report. However, the respondents no.6 and 7 were ex-officio members.



xxvi) If, the dereliction of duty committed by respondents no. 2, 3, 5, 6 and 7 referred to above would have called for initiation of proceedings against them by the State Government u/sec. 4, 6 and 7 of the Karnataka Urban Development Authorities Act 1987, if they had not ceased to be in office. However, since, they are no longer occupying the office keeping in mind the principle underlining in Sec. 4, 6 and 7 of the said Act, the State Government is directed to consider making a declaration to the effect that, they are disqualified under Sec.4 of the said Act. Further, the **State Government is also directed not to consider** the case of respondents no.2 and 3 for appointment as President or Member or any other position in any authority or Corporation under the State or which will come within the meaning of 'Public Servant' within the meaning of Sec. 2(12) of the Karnataka Lokayukta Act, 1984 for a period of four years and two years respectively from the date of receipt of this order by the State Government. So far as the respondent no.5, 6 & 7 are concerned, the **State Government is directed not to consider** their case for appointment as President or Member or any other position in any authority or Corporation under the State or which will come within the meaning of 'Public Servant' within the meaning of Sec.



2(12) of the Karnataka Lokayukta Act, 1984 for a period of three years from the date of receipt of this order by the State Government.

xxvii) Since respondent no.10 is dead, the question of making any recommendation as against him does not arise. However, the SUDA to initiate departmental proceedings against the respondent no.11.

xxviii) In view of the reasons stated in Para no.67 of this report, there is no need to make a recommendation to initiate disciplinary proceedings against respondents no.4, 6, 7, 8 and 9, who have already retired from service. However, so far as respondent no.4 is concerned, he has failed to take proper care and caution in the matter of allotment of sites and thereby failed to prevent the illegalities/irregularities in the matter of allotment of sites and caused serious hardship to the general public. Therefore, the gravity of misconduct committed by respondent no.4 is of very grave nature. Under these circumstances, the minimum penalty that can be recommended against him is to direct the State Government not to consider his case permanently for appointment as President or Member or any other position in any authority or Corporation under the State or which will come within the meaning of 'Public Servant' within the meaning of



Sec. 2(12) of the Karnataka Lokayukta Act, 1984 or even to nominate him for any honorary position by the State Government or any other statutory body.

xxix) The respondents no.12 to 14, who are in the cadre of Assistant Executive Engineer, Assistant Engineer and Junior Engineer of SUDA have committed misconduct in the matter of developmental works taken up in the layout in question and made excess payment of Rs.24,14,120/- (Rupees Twenty Four Lakhs Fourteen Thousand One hundred and Twenty only) to the contractor, to this extent, the Competent Authority/SUDA is required to initiate departmental proceedings against them and entrust the enquiry to the Lokayukta under Rule 14-A of KCS (CC&A) Rules, 1957.

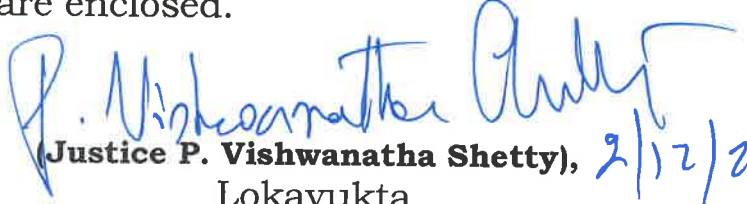
72) The State Government to ensure that the SUDA to comply with the above directions and the compliance report is submitted to the Lokayukta within the time stipulated under Sec. 12(2) and (4) of the Karnataka Lokayukta Act.

73) The copy of this order is directed to be communicated to SUDA for the purpose of complying with the recommendations made/directions given in the report and submit the compliance report to the Lokayukta within a



period of four months from the date of communication of this report.

Connected records are enclosed.


(Justice P. Vishwanatha Shetty), 2/12/2020
Lokayukta,
Karnataka State.