

KARNATAKA LOKAYUKTA

Compt/LOK/BCD/3769/2014/ARE(2)

M.S.Building,
Bengaluru,
Date:30.05.2015**REPORT U/Sec. 12(1) OF KARNATAKA LOKAYUKTA ACT, 1984**

Sub:-Complaint of Sri Uma Maheshwar Rao C.
S/o C. Chander Rao, RTI Activist & Advocate,
No.274, 2nd cross, 3rd Block, C.T.Bed, T.R. Nagar
Bengaluru against Chief Minister and 14 others.

Ref:-Complaint No. LOK/BCD/3769/2014/ARE(2)

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Sri. C. Uma Maheswara Rao S/o Sri. Chandar Rao, RTI Activist and advocate, No.274, 2nd cross, 3rd block, C.T. Bed, T.R. Nagar, Bangalore-28 in his complaint dated 7.11.2014 against:

- R-1- Hon'ble Chief Minister**
- R-2- Hon'ble Minister for Urban Development**
- R-3- Dy. Commissioner, Bangalore Urban Dist.**
- R-4- Hon'ble Revenue Minister**
- R-5- Principal Secretary, Revenue Department**
- R-6- Chief Secretary to Government of Karnataka**
- R-7- Sub-Registrar, Jayanagar**
- R-8- Sub-Registrar, Shanthinagar**
- R-9- Sub-Registrar, BTM Layout**
- R10- Sub-Registrar, Kengeri**
- R11- Sub-Registrar, Rajarajeswari Nagar**
- R12- Sub-Registrar, J.P. Nagar**
- R13- Sub-Registrar, Bommanahalli**
- R14- Sub-Registrar, Begur and**
- R15- Sub-Registrar, Tavarekere, Bangalore**

alleged that Sy. No.149/1(1 acre 36 guntas), Sy.No.149/2 (1 acre 17 guntas) and Sy. No.148 (32 guntas) of Koramangala, Begur Hobli, Bangalore South Taluk are Government lands worth Rs.450 crores and they are being enjoyed by land grabber Sri. D.V. Laxman

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Rao S/o Sri. Venkata Subba Rao, No.131, Shankarmath Road, Shankara puram, Bangalore-560 004 and his son Sri. Vidyashankar, by creating fraudulent documents in active collusion of the officials of Revenue Department, through the Land Tribunal, Bangalore South Taluk by its order dated 30.06.2007 in LRF 237/1980-81 rejected the claims of said Sri. D.V. Laxman Rao and also one Sri. K.B. Yellappa Reddy and Sri. Muniswamaiah Shetty. He further alleged that the said Laxman Rao and his son have constructed illegal building in the said land and rented it out to M/s UCO Bank, Koramangala, M/s Blue Fords Pvt. Ltd., Indian Oil Corporation Petrol outlet on Audugodi Road.

2. Upon approval of the preliminary scrutiny note dated 29.11.2014 by Hon'ble Lokayukta, comments of Respondents 3, 5, 7 to 15 and also Mr. Laxman Rao and Mr. Yellappa Reddy were called. The comments submitted by Respondents 3, 7 to 15 are mentioned in the following tabular form.

Respondent No.	Date of comments	Comments
Respondent No.3	29.01.2015	In respect of Sy. No.149/1- 1 acre -36 guntas, Sy. No.149/2- 1 acre-37 guntas and Sy. No.148- 32 guntas in case No.LRF (INA) 237/80-81 on the file of Land Tribunal, Bangalore South Taluk Order was passed on 30.06.2007 rejecting the claims of Sri. K.B. Yellappa Reddy, Sri. D.V. Laxman Rao and Sri. Muniswamaiah Shetty and it was ordered that the above lands shall continue to vest with the State Government absolutely free from all encumbrances. The Tribunal also held that there was no question of conferring occupancy rights in respect of 32 guntas in Sy. No.148 of Koramangala since the said land was already transferred to Karnataka Electricity Board by the Government. Accordingly entries came to be made in the record of right. Against the said order of the Tribunal Writ petitions 13468/2007 (by M/s Salarapuria Profin Pvt. Ltd., and two others) W.P. 12528/2007(by Sri.

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		K.B. Yellappa Reddy) and W.P. 11757/2007 (Sri. D.V. Laxman Rao) came to be filed and by common order dated 17.08.2010 passed in the above Writ Petitions the order passed by Land Tribunal was quashed and the matter was remanded to the Land Tribunal for fresh disposal in accordance with law. The parties were directed to appear before the Land Tribunal on 20.09.2010. After taking evidence the Land Tribunal has reserved the above matter for orders. Hence, the possession of the above lands were not taken.
Respondent No.5	Comments not sent	--
Respondent No.7	27.12.2014	The lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and 148/- 32 guntas of Koramangala were coming under the jurisdiction of the Sub-Registrar, Bangalore South Taluk, BDA Complex, Koramangala. Presently the said lands come under the jurisdiction of Sub-Registrar, Bommanahalli and Dist. Registrar, Jayanagar. As could be verified from computerized records for the period from 1.4.2004 no documents in respect of above lands have been registered at the Sub-Registrar's office, Jayanagar.
Respondent No.8	22.12.2014	As could be verified from computerized records of Sub Registrar's Office Shanthinagar for the period from 1.3.2008 to up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and 148/- 32 guntas of Koramangala.
Respondent No.9	29.12.2014	As could be verified from computerized records of Sub Registrar's Office B.T.M. Layout for the period from 1.3.2008 up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and 148/- 32 guntas of Koramangala.
Respondent No.10	26.12.2014	As could be verified from computerized records of Sub Registrar's Office Kengeri for the period from 1.4.2004 to up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and 148/- 32 guntas of Koramangala.
Respondent No.11	13.01.2015	As could be verified from computerized records of Sub Registrar's Office Rajarajeswarinagar for the period from 1.4.2007 up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37

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		guntas and 148/- 32 guntas of Koramangala.
Respondent No.12	27.12.2015	As could be verified from computerized records of Sub Registrar's Office J.P.Nagar for the period from 1.4.2004 up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 -1 acre 37 guntas and 148/- 32 guntas of Koramangala.
Respondent No.13	16.12.2014	<p>As could be verified from computerized records of Sub Registrar's Office Bommanahalli for the period from 15.02.1957 up to date the following entries were reflected in the encumbrance certificate:</p> <p>i) Sy. No.149(1acre 35 guntas) sold by Chinnaswamy Reddy in favour of Sri. D. V. Laxman Rao under Sale deed registered as document No.868/58-59 dated 26.05.1958 in Book-1-Vol.No.63-pages 88-89.</p> <p>ii) Special Tahsildar for Land Reforms, Bangalore South Taluk issued form No.10 re-granting Sy.No.149/2 - 1 acre 37 guntas in favour of Mr. D.V. Laxman Rao and filed in Sub-Registrar's office S.F. Vol.86-page 157 Sl.No.513 Part-III,1982-83</p> <p>iii) On 17.1982 Spl. Tahsildar for Land Reforms, Bangalore South Taluk issued form No.10 re-granting Sy. 149/1B (1 acre 32 guntas) in favour of B. V. Muniswamaiah Shetty and filed in Sub-Registrar's office S.F. Vol.87-pages 82-83 Sl.No.548-Part III,1982-83.</p> <p>iv) After the above entries till this day (15.12.2014) no transactions have been reflected on the property bearing Sy.Nos.149,149/2 and 149/1B of Koramangala.</p> <p>v) RTC of Sy.No.149/2 (1 acre 37 guntas) shows that it is a Government land. After the modified/new RTC no transaction has been reflected in the said Survey number.</p>
Respondent No.14	27.12.2014	As could be verified from computerized records of Sub Registrar's Office Begur for the period from 1.4.2004 up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and

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Respondent No.15	20.12.2014	148/- 32 guntas of Koramangala. As could be verified from computerized records of Sub Registrar's Office Tavarekere for the period from 1.4.2007 up to date no document in respect of the lands in Sy.149/1 - 1 acre-35 guntas, Sy. No.149/2 - 1 acre 37 guntas and 148/- 32 guntas of Koramangala.
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3. Mr. D.V. Laxman Rao sent his comments on 14.02.2015 stating that he is a senior citizen presently aged about 93 years and allegations made in the complaint are false and malicious and they are made with ulterior motive of harassing him. He has pleaded that he has not indulged in any land grabbing. According to him 1 acre 37 guntas of land in Sy.No.149/2 of Koramangala does not belong to Government in as much as its previous owner K.B. Chinnaswamy Reddy S/o SarakkiBodappa Reddy sold the said land to Sri. D.V. Laxman Rao under sale deed dated 26.5.1958 registered as document No.868/58-59 in Book-1, Vol.63 at pages 83 to 89 in the office of Sub-Registrar, Bangalore South Taluk. Previously the entire Sy.No.149 measuring 3 acres 36 guntas including 3 guntas of karab situated in Koramangala Village, Bangalore South Taluk belonged to one SarakkiBodappa Reddy. He got that land to his share under registered partition deed dated 16.8.1932 registered as document No.511/1932-33 in Book-1 Vol.237 at the Sub-Registrar, Bangalore South Taluk. The said Bodappa Reddy had 3 sons namely, K.B. Yellappa Reddy, K.B. Chinnaswamy Reddy and K.B. Shamanna Reddy and they constituted a joint family. The said Chinnappa Swamy separated from the joint family by executing registered release deed dated 26.9.1956 after taking 1 acre 35 guntas of land out of said Sy. No.149 of Koramangala towards his share. Chinnaswamy Reddy sold the said 1 acre 35 guntas of land to the said Sri. D.V. Laxman Rao under registered sale deed dated 26.5.1958 and this land was recorded as Sy.No.149/2 measuring 1 acre 37 guntas after phodi and entries were effected as per MR No.15/57-58 and durast was conducted as per DSO No.99/59-60 dated 27.9.1960. Entries were also made in the record of rights. In the year 1962 t

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Government of Mysore notified the said land for acquisition under the provisions of land acquisition Act, as per Gazette notification No. RD 692 LPW 62 dated 12.10.1962 for the purpose of locating electric sub-station. In the said notification the name of Mr. D.V. Laxmana Rao is shown as owner. The said acquisition proceeding was challenged by Laxman Rao in W.P. No.256/1964 before Hon'ble High Court and acquisition notification was quashed as per order dated 25.7.1966. Thereafter the said land was converted for non-agricultural use as per order No. ALNSR 1511/67-68 dated 23.9.1968 issued by the Tahsildar, Bangalore South Taluk. The entire Sy.No.149 of Koramangala measuring 3 acres 36 guntas inclusive karab of 3 guntas was in Inam village governed by the Mysore (personnel and miscellaneous) Inams Abolition Act, 1955. After coming into force of the said Act, D.V. Laxman Rao filed claim application dated 23.2.1970 before Inams Abolition Deputy Commissioner, for being registered as occupant of Sy. No.149/2 measuring 1 acre 37 guntas. Person by name K.B. Yellappa Reddy (eldest son of SarakkiBodappa Reddy) had obtained an order dated 19.7.58 in case No. 47-1 from the Spl. Dy. Commissioner Inam Abolition, Bangalore by misrepresentation. On coming to know of the same in the year February 1968 the said Mr. D.V. Laxman Rao filed an appeal before MRAT, Bangalore in appeal no.1374 of 1969 against the said order dated 19.07.1958. The said appeal came to be allowed on 19.4.1991 and the matter was remanded to the Spl. Dy. Commissioner for Inams Abolition for fresh enquiry. The said matter stood transferred from Spl. Dy. Commissioner for Inams Abolition to the Land Tribunal, Bangalore south after coming into the force of Karnataka Land Reforms (Amendment) Act, 1974. The land Tribunal by dated 30.4.1992 in case No.LRF INA 588/79-80and LRF INA conferred occupancy right in favour D.V. Laxman Rao in of 1 acre 37 guntas in Sy.149/2. This order was challenged by Yellappa Reddy in W.P 29188/1982 which was later renumbered as W.P 657 of 1993 before Hon'ble High Court of Karnataka. The Writ petition was allowed on 19.9.2002 setting aside the Land Tribunal's order and the matter was remanded to the Land Tribunal with a direction to

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forward the applications of Yellappa Reddy and Laxman Rao to the concerned Deputy Commissioner to dispose of the matter afresh after due notice to the parties in accordance with law. Being aggrieved by the order of single Judge the said Laxman Road filed Writ appeal No.5673/2002. After hearing the matter the division bench of Karnataka High Court allowed the appeal on 2.11.2006 and remitted the matter to Land Tribunal for fresh dispose. Without giving proper opportunities parties the Land tribunal passed a hasty order dated 30.06.2007 holding that the entire land measuring 3 acre 32 guntas comprising Sy.No.149/2 (1 acre 37 guntas)and Sy. No.149/1 (1 ace 36 guntas) should vest with the State Government. Against this order the said Laxman Rao filed a W.P.11757/2007. Hon'ble High Court stayed the operation of Land Tribunal's order dated 30.06.2007, on 30.7.2007. The stay order copy was produced by Laxman Rao before the Tahsildar, Bangalore with a letter. Despite the stay order dated 30.6.2007 the Tahsildar effected mutations in the revenue registers and removed the name of Laxman Rao in RTC for the year 2007-08 and introduced the name of the Government as per MR 2/2007-08 dated 29.8.2007. The said mutation entry is illegal. Subsequently by common order dated 17.8.2010 passed in W.P 13468/2007 C/W W.P./12528 of 2007 CW WP 11757/2007 (LR) Hon'ble High Court of Karnataka set aside the order dated 30.06.2007 passed by the Land Tribunal and remanded the matter to the Tribunal with a direction to dispose of the matter in accordance with law. The matter is now before Land Tribunal. After Mr. Laxman Rao purchased the above land, he invested lot of money for the development of the property and got the land converted for non-agricultural use. Subsequently he leased a portion of the land to Indian Oil Corporation Ltd., through registered lease deed in the year 1969. He also constructed buildings on the remaining land after obtaining sanctioned plan from the local authority and let out portion of the building to UCO Bank through registered lease deed in the year 1982. He also let out different portions of the building to some private parties. In Sy. No.149 an extent of 1 acre 36 guntas numbered as Sy.No.149/1 after phodi, had fallen to the share of K.B.

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Yellappa Reddy eldest son of SarakkiBodappa Reddy under partition sale deed dated 10.10.1957. The said K.B. Yellappa Reddy sold away 1 acre 32 guntas to one B.V. Muniswamaiah Shetty under registered sale deed dated 7.9.1969. The said Muniswamaiah Shetty in turn sold the said 1 acre 37 guntas in Sy.No.149/1 in favour of M/s SalarpuriaProfin Pvt. Ltd, M/s Vyshali Traders Pvt. Ltd., and M/s Muditha Properties Pvt. Ltd., under separate sale deed dated 18.4.2001, 18.2.2003 and 24.7.2003 respectively. The remaining portion of 4 guntas in Sy.No.149/1 was acquired from K.B. Yellappa Reddy for locating electric Sub- station. The said K.B. Yellappa Reddy has been paid compensation. The complaint allegations are baseless and imaginary.

4. When copies of comments of respondents 3, 7 to 15 and Mr. Laxman Rao were sent to the complainant for his rejoinder, he did not submit the same despite time being granted up to 25.03.2015. Hence the matter was taken up for final scrutiny.
5. From the documents which are produced by Mr. D.V. Laxman Rao it would appear that the question whether 1 acre 36 guntas of land in Sy.No.149/2 claimed by said D.V. Laxman Rao and the land in Sy. No.149/1 which was sold by Yellappa Reddy in favour of M/s Salarpuria Profin Pvt. Ltd, M/s Vyshali Traders Pvt. Ltd., and M/s Muditha Properties Pvt. Ltd., belongs to them or not is still pending adjudication before the Land Tribunal, Bangalore South. The complainant does not claim any right in respect of the above property. As held in M.A. Parthasarathi V/s the Spl. Dy. Commissioner, Bangalore Dist. Bangalore and others [2009(5)KRLJ 203] the jurisdiction of Lokayukta does not extend beyond what is specifically contained in Sec.7 of the Karnataka Lokayukta Act,1984. The said D.V. Laxman Rao, M/s SalarpuriaProfin Pvt. Ltd, M/s Vyshali Traders Pvt. Ltd., and M/s Muditha Properties Pvt. Ltd., who have purchased different portions of above sy.No.149 of Koramangala are not public servants as defined under Sec.2(12) of Karnataka Lokayukta Act. Though Lokayukta will not have jurisdiction to entertain a complaint against a person other than public servant and Lokayukta cannot investigate a grievance or allegation against a private

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individual, this complaint is taken for investigation only on the question whether the land in question belongs to Government.

6. In case it is finally decided that the land in question has vested in the Government, then only the revenue authorities can initiate proceedings against the occupants for the restoration of the land.
7. Hence, a report u/Sec. 12(1) is sent herewith, recommending the Competent Authority to issue **suitable direction to the Deputy Commissioner, Bengaluru District, Bengaluru to take necessary action for the restoration of the above said land in question in case it is finally adjudicated that those lands have vested in the State Government.**
8. It is also recommended to the Government- The Principal Secretary, Revenue Department, Bengaluru to examine this report and **within one month** of date of receipt of this report, intimate or cause to be intimated to me, the action taken or proposed to be taken on the basis of this report as provided under Sec. 12(2) of Karnataka Lokayukta Act, 1984.

By Bh. S. K. Rao
3-1-84

(Justice Dr. Y. Bhaskar Rao),
Lokayukta,
Karnataka State.