

# KARNATAKA LOKAYUKTA

NO.Compt/LOK/MYS/9845/2018/ARE-2

M.S.Building  
Bengaluru  
Dated:13.03.2023

## REPORT U/Sec.12(1) OF KARNATAKA LOKAYUKTA ACT 1984

**Subject : Complaint of Smt. Fatima Khanum, No.63-b, 3<sup>rd</sup> Cross, Bannimantap, B-Layout, Siddique Nagar, Mysore against 1) Sri Tanveer Sait, MLA, Narasimharaja Constituency, Mysore and 2) Sri Jagadish, Commissioner, CMC Mysore**

**Ref : Complaint No.LOK/MYS/9845/ 2018/ARE-2**

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1) Smt. Fatima Khanum, No.63-b, 3<sup>rd</sup> Cross, Bannimantap, B-Layout, Siddique Nagar, Mysore has filed complaint dated:13.07.2018 before this institution against

**R-1 Sri Tanveer Sait, Member of Legislative Assembly, Narasimharaja nagar Constituency, Mysore**

**R-2 Sri Jagadish, Commissioner, Mysore City Corporation, Mysore.**

alleging that the Building constructed in the park at the Siddique Nagar, Mysore under the Karnataka Legislators Local Area Development Scheme popularly known as LAD funds, for the purpose of library, is being used for chit-chatting and smoking illegally under the guise of religious meeting and thereby causing nuisance to the residents of Siddique nagar

more particularly to the complainant since the said building is very close to the residential house of complainant.

- 2) Hence, it is the allegations of the complainant that there is dereliction of duty on the part of the respondents as the building constructed out of the local area development funds, is not used for the purpose for which it is being constructed.
- 3) During the course of investigation, a notice was sent to Respondent No.2-The Commissioner, Mysore City Corporation, Mysore to submit comments on the complaint with direction to submit additional information such as (a) the details as to the date of commencement of the construction (b) date of completion (c) the reason why it is not being used for library (d) whether the construction of building is under the provisions of Karnataka Parks and Play-fields and Open Spaces (Preservation and Regulation) Act-1985.
- 4) In response to the same, the respondent No.2 - the Zonal Commissioner, Mysore City Corporation Mysore has submitted comments, vide No.MCC/AC/Z7/2019-20 dtd:03.06.2019 as follows:

<b>Sl. No.</b>	<b>Particulars</b>	<b>Compliances</b>
1.	The date of commencement of construction of the said library building and the date of completion of the said building.	Date of commencement and completion of the said Library building is 06/10/2016 and 20-01-2017 respectively.

2.	Whether the said building is at present used for the Library? If not, why the said building is still not accommodated for library?	The said library building constructed at the available MLA grant of Rs. 5.00 Lakhs. The building is not handed over to the library department as electrification and water supply work is not done.
3.	Whether the said construction of building inside the park is under the provisions of the Karnataka Parks, Play-Fields and open Spaces (Preservation And Regulation) Act, 1985	As per section 6.14.1(b) of Master Plan II-2031, Mysore Nanjanagudu Local planning area. Zoning of Land use and development control regularation, Vol-III there is provision for construction of Library building at Parks and open spaces. (Extract copy of the same is enclosed)

5) The Zonal Commissioner, Mysore City Corporation, Mysore has further submitted that they have visited the alleged building so constructed in the Park situated at ward No.8 near Banni Mantapa along with the complainant Smt. Fatima Khanum, Wards members, Zonal Commissioner, Development officers and the engineer and stated that they have enquired with the residents of the said area about the alleged illegal activities in the said building and stated that the residents have not complained about the alleged illegal activities. It is also stated that, due to paucity of funds, water and electrification work to the alleged library is not carried out and stated that the said building is constructed in the said park under the provisions of section 6.14.1(b) of Master Plan-II-2031 Mysore Nanjanagudu Local Planning Area.

6) The complainant has submitted her rejoinder on the comments of Respondent No.2 and stated that the respondent No.2 has mis-read the provisions by referring to the provisions enshrined in the Karnataka Park, Play-Fields and Open Spaces (Preservation and Regulation) Act 1985 and stated that the said Act is over riding to the master plan referred by Zonal Commissioner i.e. Respondent No.2 in justifying the alleged construction of Library and stated that the alleged construction of library is against to the provisions of Section 6 of Karnataka Park, Play-Fields and Open Spaces (Preservation and Regulation) Act 1985.

7) On perusal of the complaint, comments of respondent No.2 along with rejoinder submitted by the complainant, it is observed that the Respondent No.02 - the Zonal Commissioner, City Corporation, Mysore did not denied about the construction of the building for the purpose of the Library in the park situated at Ward No.8 Siddique Nagar as alleged by the complainant, but justified the same by referring the provisions of Section 6.14.1(b) of Master Plan-2031 II Mysore Nanjanagudu Local Planning Area and Development Control Regularization Volume-III. But as per Section 6.14.1(b) of Master Plan-2031 Volume -III, the area of such use should not exceed 5% of total area which would required "**Parking facility**". But respondent No.2- the Zonal Commissioner, Mysore City Corporation justified such construction of building as library by referring to the

above provisions of Master Plan-II, without stating the total area of the said park and thus he can not justify such construction. Even otherwise the alleged construction of building for the purpose of library is against to the norms prescribed under Indian Standard Design of Library buildings recommendations relating to its primary elements.

9) As per the norms, the location of the library should be such that it conveniently accessible to those it is designed to serve. The site selected for building should satisfy the following norms:

a) Adequate separation (about 10 m) should preferably be available between the building and the other neighbouring buildings.

b) The site shall abut on a road of not less than 12 m width. One end of the road shall join another road of the same width and the road shall not have a dead end.

and as per Section 5.2.1of Indian Standard Design of Library building, Recommendations relating to its Primary elements (Second Revision) a public library shall be centrally situated along with other community buildings. But the 3<sup>rd</sup> cross road of Siddique nagar is just 12 ft width as per the rejoinder submitted by the complainant.



10) Further, the photos furnished by the complainant, shows that, the alleged building i.e. library is situated in the park abutting to the road which approximately measures width of 12 feet and not separated by 12 meters space between the alleged building of library and other residential buildings as stated in the above said Indian Standard design of library building.

11) Further as per the norms, the site shall abut on a road not less than 12 meters width and one end of the road shall join another road of the same width and the road shall not have a dead end. But the width of the abutting road, as stated above is just 12 feet and not 12 meters and the said alleged building is not centrally situated along with other community buildings. It clearly goes to shows that the alleged building of library is constructed against to the norms fixed by the Indian Standard Design of library building.

12) Further as per Section 6 of Karnataka Parks, Play-fields and Open Spaces (Preservation and Regulation) Rules 1985,

“the Executive authority may permit the construction of well, pump house, benches for the visiting public to sit and quarters for the watchmen in any park, play-fields or open space.. But no construction is permissible where total area of the park is less than 2 hectares that too it is permissible only for structuring park amenities or for quarters for security guard and not for any other purposes”

13) Thus there is violation of rules enshrined under both Karnataka Parks Play-fields and Open Spaces (Preservation And Regulation) Rules 1985 and Sec.6.14.1(b) of Master Plan II-2013, Mysore Nanjanagudu Local panning area zoning of land use and development control regulation Volume-III. Hence the rule as contemplated under Karnataka Parks Play-fields and Open Spaces (Preservation And Regulation) rules 1985 applies since the location of alleged Library is at Siddique nagar Mysore.

14) Further, as admitted by the Zonal Commissioner, City Corporation, Mysore, the alleged building is not utilized for the purpose for which it is constructed. That means to say that the alleged building is not being used as Library as per the complaint. The said building is being used as a place of meeting and for the resort of idle, resulting in nuisance.

No doubt the Zonal commissioner in his reply stated about the fact of enquiry with the residents of road about the alleged illegal activities and stated that as per the say of them, there is no such illegal activities etc. But to substantiate the said fact of enquiry, he has not furnished any documents like Mahazar or statements of any individuals i.e. residents etc.

15) Further, as per the complainant, the said building is situated very close to her house and houses of other residents and there is lot of disturbances and nuisances.

Further the said building allegedly constructed for the purpose of library is not functioning as library and hence it has become the place of meetings and for resort of idle and dis-orderly creating nuisance and further it is the apprehension of the complainant that the said room/building is not safe for the residents of the said locality and their privacy is really getting disturbed and other houses are no longer places of comfort and safety.


- 16) The Zonal Commissioner, Mysore City Corporation Mysore in his letter dated:22.10.2019 stated that the commencement of construction of the said building was on 06.10.2016 and it was completed on 20.01.2017 and that action will be taken to complete the work. This assertion is not believable and the purpose for which the library building is constructed is not realised. Even though in the letter dated:03.06.2019, the Zonal Commissioner, Mysore City Corporation has stated that, the building is not handed over to the Library Department as electricity and water supply work is not done, the fact remains that despite such long lapse of time, the building is not put to use.
- 17) Hence, on going through the complaint averments and other documents collected during the course of investigation prima facie case is made out. It is observed that the building said to have been constructed during January-2017 in the park situated at Siddique Nagar Mysore is in violation of rules enshrined under both Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation ) Rules 1985



and section 6.14.1(b) of Master Plan-II-2031, Mysore Nanjanagudu Local Planning Area zoning of Land use and Development control Regulations Volume III and also in violation of the norms fixed under Indian Standard Design of Library Buildings recommendations relating to its primary elements.

18) Hence, a report u/sec.12(1) is sent herewith, recommending the Competent Authority to issue suitable direction to take necessary steps to see that the building if so constructed under the provisions of Karnataka Parks, Play-Fields and Open Spaces (Preservation and Regulation ) Rules 1985 and section 6.14.1(b) of Master Plan-II-2031, Mysore Nanjanagudu Local Planning Area zoning of Land use and Development control Regulations Volume III shall be used for the purpose for which it is constructed. It is also recommended to take necessary action against the responsible officers for not handing over the building to the concerned authority though the construction is completed on 20.01.2017 (as per the report of Zonal Commissioner, Mysore City Corporation, Mysore).

19) The Competent Authority is hereby requested to intimate this institution, the action taken or proposed to be taken as per Section 12(2) of Karnataka Lokayukta Act 1984.

  
(Justice B.S.Patil)  
Lokayukta,  
Karnataka State