

KARNATAKA LOKAYUKTA

No.Compt: Uplok: BCD-2213:2015/ARE-5

M.S.Building,
Dr.B.R.Ambedkar Road,
Bangalore,

dt: 01.02.2017

**REPORT U/S 12(1) OF THE KARNATAKA LOKAYUKTA ACT,
1984**

Sub: For taking action to clear the
encroachment over the Rajkaluve
in Sy.No.1 of Ward No.48 of D.G.Halli,
Bangalore North Taluk-reg.

1. On the Complaint filed by one Ayesha Saifulla alleging that storm water drain is running in Sy.No.1 has been encroached by one Abdul Rasheed and Syed Samsheer by creating bogus documents and though A.E.E has issued provisional order and confirmation order and notice u/s 462 of KMC Act has also been served on the encroachers, thereafter no action has been taken, report was called for from Executive Engineer, BBMP, East. The AEE, K.G.Halli Sub.Divn, BBMP has submitted report. The report of AEE is that provisional order and confirmation order have been issued to the owner to demolish unauthorised construction and order u/s 462 of KMC Act has been issued by E.E. and action will be taken to demolish unauthorised construction after receiving estimate for demolition of unauthorised construction.
2. After receiving the report from AEE, suo motu investigation has been taken up against (1) Assistant Engineer, K.G.Halli Sub. Division, BBMP, Bengaluru, (2) Assistant Executive Engineer, K.G.Halli Sub.Division, BBMP, Bengaluru, 3.Executive Engineer, K.G. Halli Division, BBMP, Bengaluru

- and 4. Executive Engineer, Storm Water Drainage, BBMP, Bangalore (hereinafter referred to as Respondent Nos.1 to 4 respectively) invoking section 7(2) of the Karnataka Lokayukta Act by Hon'ble Upalokayukta.
3. Copy of report of AEE, BBMP was sent to the Respondents for their comments. Respondent Nos.1, 2 and 4 have submitted comments and Respondent No.3 has not submitted comments though he had requested for time.
4. Respondent Nos.1 and 2 have submitted joint Comments stating that letter has been written to Tahsildar, Chief Engineer, Joint Commissioner, BBMP and Asst. Revenue Officer, K.G.Halli to furnish information whether storm water drain has been encroached. Since the owner Syed Abdul Rasheed was constructing building unauthorisedly, provisional order and confirmation order have been issued on him and the Executive Engineer issued orders u/s 462 and estimate for demolition of unauthorised construction have submitted to the authority for sanction and action will be taken after receiving the report.
5. Respondent No.4 has submitted comments stating that the spot was inspected on 25.1.2016 and it was found that the pillars of the building is at a distance of 2.50 and 1.50 mtrs, from the Rajkaluve. Letter has been written to Revenue Department on 15.12.2016 to identify to which category the Rajkaluve belong and furnish sketch of the Rajkaluve and action will be taken after receiving the report.
6. Since encroachment is said to over Rajakaluve and that encroachment is not yet cleared since 2009, this report is made under Section 12(1) of the Karnataka Lokayukta Act to the

Government to direct the concerned Competent Authorities to evict the persons who have encroached Rajkaluve.

7. The Competent Authority shall take steps to implement this report within a period of one month from the date of this report and shall submit action taken report in this regard as provided under Section 12(2) of the Karnataka Lokayukta Act.

N. Ananda
(Justice N. ANANDA) 2/2
Upalokayukta-1,
KARNATAKA STATE,
BENGALURU.

[Signature]

