

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BCD/4500/2015/PP

Multi Storied Buildings,
Dr. B.R.Ambedkar Veedhi,
Bengaluru 560 001.

Dated: **01/02/2020**

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

Sub:- Complaint of Smt. Prema W/o.Jayaraju, No.19/1, 5th
Cross, Kempegowdanagar, T.Dasarahalli, Bengaluru.

On the basis of a complaint filed by Smt. Prema W/o. Jayaraju No.19/1, 5th Cross, Kempegowdanagar, T.Dasarahalli, Bengaluru (hereinafter referred to as 'Complainant') against Sri Rangaswamy, Assistant Executive Engineer and Sri Parameshwar H.M., Assistant Engineer, T.Dasarahalli Sub Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru (hereinafter referred to as Respondents 1 and 2 respectively) an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.

2. The complainant has alleged that her neighbour site owner Sri Javid Pasha has constructed the building attached to the wall of her building without leaving set back and respondents have not taken action against Sri Javid Pasha though she had made a complaint to them.

3. The Assistant Executive Engineer, T. Dasarahalli Sub Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru by his letter dated 28/2/2017 informed that the houses of the Complainant Smt. Prema W/o. Jayaraju and Sri Javid Pasha were constructed adjoining to each other and there is no set back between two houses. Sri Javid Pasha has constructed a toilet

under the Sajja and in this regard, the said Sri Javid Pasha has given explanation that he had constructed toilet in his portion of site and therefore, the complaint of Smt. Prema should not be considered.

4. Assistant Executive Engineer, T. Dasarahalli Sub Division, BBMP, Bengaluru by another letter dated 30/12/2017 informed that his predecessor Sri E. Rangaswamy had caused notice under Section 308 of KMC Act to both the Complainant Smt. Prema W/o. Jayaraju and Sri Javid Pasha. It is stated that as per the sale deed the site of the complainant measures east to west 40' and North to south 15' situate at property bearing No.34A, formed in Sy. No.47/2, Dasarahalli Village, Yeshwanthpur Hobli, Bengaluru North Taluk. But she has constructed her house by encroaching Government land of 6.5' towards east i.e., $6.5' \times 15' = 97.50$ Square feet. Further, it is stated that she had obtained plan on 11/8/2005 from the office of the Commissioner, erstwhile City Municipal Council, Dasarahalli.

5. In relation to the house constructed by Sri Javid Pasha, the Assistant Executive Engineer, in his letter dated 30/12/2017 has stated that he has not obtained permission for construction since the khata of the site is a 'B' Khata. But Sri Javid Pasha has not encroached the land and constructed the building within his site.

6. It is further stated that the Assistant Executive Engineer had issued notices dated 26/12/2017 under Section 321(1) and 321(2) of KMC Act to Complainant Smt. Prema W/o. Jayaraju for removal of construction made in the encroached portion of Govt. land.

Notices dated 27/12/2017 were also issued to Sri Javid Pasha for removal of constructions made in violation of building byelaws.

7. In the meantime, the Complainant Smt. Prema W/o. Jayaraju by letter dated 9/1/2018 has withdrawn her complaint.

8. The Assistant Executive Engineer, T.Dasarahalli Sub Division, BBMP, Bagalagunte, Bengaluru in his letter dated 27/1/2020 has informed that complainant Smt. Prema has constructed the building in the year 2003 by obtaining permission from the erstwhile City Municipal Council, Dasarahalli and Sri Javid Pasha has constructed the building in the year 2004. Since the files maintained in the erstwhile City Municipal Council, Dasarahalli relating to the above construction were not handed over to the BBMP, no further action is taken.

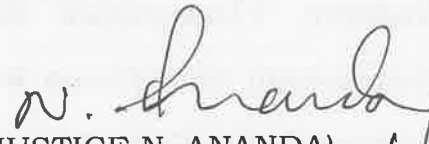
9. As stated supra, as per the report of Assistant Executive Engineer, T.Dasarahalli Sub Division, BBMP, Bengaluru, the Complainant Smt. Prema W/o. Jayaraju had constructed building by encroaching Govt. land measuring 6.5'x 15' = 97.5 Square feet and Sri Javid Pasha has constructed building in violation of building bylaws. Merely because the files were not handed over to BBMP, the above violations and encroachments cannot be left out without taking any action.

10. Therefore, acting under Section 12(1) of the Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for taking action for removal of building constructed by complainant Smt. Prema W/o. Jayaraju on the encroached portion of Government land measuring 6.5' x 15'=97.5 square feet

adjoining Site No. 34A, formed in Sy. No. 47/2, situated at Dasarahalli Village, Yeshwanthpur Hobli, Bengaluru North Taluk by encroaching the Govt. land measuring 97.5 Square feet and also for taking appropriate action against the unauthorised construction made by Sri Javid Pasha at site No.33A, V.P. Katha No.47/2, situated at Dasarahalli Village, Yeshwanthpur Hobli, Bengaluru North Taluk in pursuance of the notices issued under Section 321(1) and 321(2) of Karnataka Municipal Corporations Act within three months from the date of receipt of this recommendation.

11. As per Section 12(2) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall within one month of the expiry of the above period, intimate or cause to be intimated to this Authority the action taken on the recommendation made above.

Connected records are enclosed herewith.


(JUSTICE N. ANANDA) 1/2
Upalokayukta-1
Karnataka Lokayukta, Bengaluru