

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BCD-564/2007

Multi Storied Building,
Dr. Ambedkar Veedhi,
Bangalore-560 001,
Date: 26.10.2017.**REPORT UNDER SECTION 12(1) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Report u/s 12(1) of K.L. Act for removal of encroachment of the road existing towards southern side of property bearing no. 551/1 by the owner of the property bearing no. 494/1 & 2 of Hesaraghatta village, Bengaluru North taluk- reg.

An investigation was taken up under Section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Shri.G. Narayanappa S/o Late Govindappa, Hesaraghatta village, Bengaluru North Taluk, Bengaluru (hereinafter referred to as 'complainant' for short) against 1) Shri. Keshava Murthy, Taskforce Police Constable S/o H.K. Bettaiah, Hesaraghatta village, Bengaluru North taluk, Bengaluru 2) Secretary, Village Panchayath, Hesaraghatta, Bengaluru North Taluk 3) President, Village Panchayath, Hesaraghatta, Bengaluru North Taluk and 4) Police Sub Inspector, Soladevanahally, Bengaluru North Taluk, Bengaluru (hereinafter referred to as 'respondents' for short).

2. The complainant alleges that one Keshava Murthy and Bettaiah has encroached the public/panchayath road existing

towards southern side of the complainant's house property bearing no. 551/1 of Hesaraghatta village. In spite of complaint made before the respondent authorities, no action has been taken for removal of the encroachment of the road which was existed from many years. Hence, has prayed to redress the public grievance. The complainant has produced copy of the assessment register extract of his property bearing no. 551/1 showing road towards its southern boundary.

3. The matter was referred for investigation to the Chief Engineer, Technical Audit Cell, Karnataka Lokayukta, but no report has been submitted inspite of conducting spot inspection on 28/07/2017. But the following reports have been secured by TAC:

- Report dated 06/10/2009 from the Secretary, Hesaraghatta Grama Panchayath, Bengaluru North Taluk stating that as per the Panchayath records the assessment register extract of property no. 494/1 & 2 shows the boundary towards north as road and vacant space (ಪಾಳು) in the year 1993-94. But the assessment register extract of the said property in the year 2003-04 shows the boundary towards north as vacant space (ಪಾಳು).
- Report dated 14/03/2013 from Executive Officer, Bengaluru North Taluk Panchayath, Yelahanka along with report of P.D.O. Hesaraghatta Grama Panchayath dated 11/03/2013 stating that spot inspection has been conducted by the Panchayath Development Officer of Hesaraghatta Grama Panchayath on 08/03/2013 and as

per his report along with photographs, prima-facie there is encroachment of the alleged public road. The photographs produced by the Panchayath Development Officer clearly show that the owner of property bearing no. 494/1 & 2 (property number is mentioned on the photograph by PDO) has clearly encroached the road area. The existence of electric poles as could be seen in the photographs also gives an inference of encroachment of road area for the reason that electric poles and lines will be normally laid along the road margins and not on the constructed buildings.

- Report dated 10/08/2017 from the Executive Officer, Bengaluru North Taluk Panchayath, Yelahanka stating that the previous report dated 14/03/2013 of the then Executive Officer reporting prima-facie encroachment of the alleged road was a mistake. The said road measuring 6 meters in width and 19 meters in length ends near the house of Savitha W/o Keshava Murthy and there is no such encroachment of public road by Keshava Murthy as alleged in the complaint.

Secretary, Hesaraghata grama panchayath in his report dated 06/10/2009 has clearly stated that in the year 1993-94, the boundary towards north of property bearing no. 494/1 & 2 is mentioned as road and vacant space (ಪಾಳು). But the property register extract for the year 2003-04 shows the boundary towards northern side as vacant space (ಪಾಳು) without showing road. This go to show


that there is manipulation of boundaries in the panchayath documents only for the purpose of legalizing the encroachment made by the owner of property bearing no. 494/1 & 2. Moreover in this report, Executive Officer has stated that there is road measuring 6 meters in breadth and 19 meters in length towards southern side of the complainant property bearing no. 551/1 and the same ends near the house of Savitha W/o Keshava Murthy bearing property no. 494/1 & 2. On bare perusal of copies of the photographs produced along with the report do not show the existence of road of 6 meters in width which amounts to 19.68 feet. For the said reason and also in view of the report of the Executive Officer dated 14/03/2013, the report of the present Executive Officer dated 10/08/2017 cannot be accepted and the same seems to be an effort to protect the alleged encroachment.

4. The report of the Secretary Hesaraghatta Grama Panchayath dated 06/10/2009 show that the assessment register extract of property no. 494/1 & 2 have been manipulated by deleting the road towards its northern side boundary which clearly gives an inference that the same is made with an intention to encroach the road. Copies of the assessment register extract of the year 1993-94 and 2003-04 is also produced by the said Secretary. The report of Executive Officer dated 14/03/2013 clearly states that there is prima-facie encroachment of the alleged road toward southern side of the complainant's property bearing no. 551/1 by the owner of the property bearing no. 494/1 & 2. The photograph produced by the Panchayath Development Officer by conducting spot

inspection on 08/03/2013 also clearly show that the road has been encroached. The existence of electric poles in the area of encroachment as depicted in the photograph also shows the existence of road. Therefore there are prima-facie materials showing the encroachment of road by the owner of the property bearing no. 494/1 & 2 as alleged in the complaint. Under the circumstances, it is deemed proper to make a recommendation u/s 12(1) of K.L.Act 1984 to the competent authority for redressal of the grievance of the public by removing the alleged encroachment.

5. Accordingly, now, acting under Section 12(1) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority for removal of encroachment of the alleged road existing towards southern side of property bearing no. 551/1 by the owner of the property bearing no. 494/1 & 2 and to redress the grievance of the public.
6. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority is directed to intimate to this Authority within one month from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.


(Justice N. Ananda) 27/60
Upalokayukta -1,
State of Karnataka.

