

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BGM-3914/2015/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.

Date: 28/05/2019.

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

Sub: Complaint filed by Sri. Nagendra Shankara Naika, Yalabara, Heruru Village, Yalwadikavuru Post, Bhatkal Taluk, Uttara Kannada District – reg.

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Upon the complaint given by Sri. Nagendra Shankara Naika, Yalabara, Heruru Village, Yalwadikavuru Post, Bhatkal Taluk, Uttara Kannada District (hereinafter referred to as 'Complainant' for short) against 1) Sri. Chidananda Vatare, Asst. Commissioner, Bhatkal Sub-Division, U.K. Dist, 2) Smt. Vinayak S. Shet, Asst. Executive Engineer, (hereinafter referred to as respondent Nos. 1 and 2), being Public/Government Servants have committed misconduct, an investigation has been taken up u/s 9 of the Karnataka Lokayukta Act, 1984.

2. The Complainant alleged that, one Sri. Sridhara Subbbaraya Hebbar has encroached the Government land and blocked the public path way and thereby prevented him and other persons from making use of the public path-way and thereby caused



injustice. During the course of investigation, the matter was heard on 15-04-2016 by the Hon'ble Upalokayukta-1. The Hon'ble Upalokayukta observed as follows:-

3. There is a private land between Heruru Village in Bhatkal Taluk and the bridge constructed over Sharabinala, the village approach road from one end of the bridge is in a private land belonging to Sri. Sridhar Subbaraya Hebbar.
4. The road from the other end of the bridge towards State Highway 50 is in a private land and thereafter forest land. For the reasons not apparent on record, the bridge was constructed without foreseeing the consequence of blocking land road by the above said Sri.Sridhar Subbaraya Hebbar.
5. The Assistant Commissioner, having regard to the above facts, has submitted that, necessary action will be taken for acquiring land of Sri. Sridhar Subbaraya Hebbar to form approach road from the bridge to Heruru village and also from the other end of the bridge to State Highway 50 (excluding forest land)
6. Sri. L. Nandish, ACF submitted that, if sanction is required to form the road in forest land, the same will be obtained from the concerned forest authorities.


7. Sri.Vinayak S. Shet, AEE submitted that, he had sent necessary proposals. Once the above formalities are completed PWD will undertake the formation of road.
8. In my opinion, if the above obligations undertaken by the officers are fulfilled the grievance of the villagers of Heruru Village will be redressed.
9. Thereafter, several correspondences were made with regard to submission of action taken report. Ultimately, we have received letter dated 27-02-2019 from the Deputy Commissioner, Uttara Kannada District. As per the said letter, the process of acquiring the forest land and also the private land for the purpose of forming a new road was going on. It also discloses that, funds are required to form the road and the village road does not come within the jurisdiction of PWD. Zilla Panchayath has to carry-out the work. Accordingly, the District Administration has requested the local MLA to sanction the funds under any schemes.
10. The material on record prima facie discloses that, there is a necessity of forming and developing a road for public purpose. Hence, it has become necessary to make a recommendation as per Section 12(1) of Karnataka Lokayukta Act, 1984 to the competent Authority for taking effective steps as early for carrying out the work in public interest. Accordingly, acting



under Section 12(1) of Karnataka Lokayukta Act, 1984, a recommendation is made to the Competent Authority to take effective steps for formation of road at Heruru Village in Bhatkal Taluk.

11. Further, as per Section 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate the action taken or proposed to be taken on this report within one month from the date of receipt of this report.

Copies of connected records are enclosed.


(JUSTICE N.ANANDA)
UPALOKAYUKTA-1
STATE OF KARNATAKA.