

KARNATAKA LOKAYUKTA

No.Compt/Uplok/BGM-483/2020/ARE-6

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

Date:20/08/2020.

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

Sub: Proceedings against 1) Sri.Vivek V. Shenvi, Tahasildar, Honnavara Taluk, Uttara Kannada District and 2) Sri.Manjunath Naik, Revenue Inspector, Mavinakuruva Hobli, Honnavara Taluk, Uttara Kannada District, about their misconduct as Public/Government servants – reg.

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On the complaint filed by Sri.Chandrasaha Nagappa Naik, Nagre Village and Post, Honnavara Taluk, Uttara Kannada District (hereinafter referred to as complainant for short) against 1) Sri.Vivek V. Shenvi, Tahasildar, Honnavara Taluk, Uttara Kannada District and 2) Sri.Manjunath Naik, Revenue Inspector, Mavinakuruva Hobli, Honnavara Taluk, Uttara Kannada District (hereinafter referred to as respondent Nos.1 and 2 respectively) alleging that they, 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 he himself and other family members got portioned the family properties through registered partition dtd:22-11-2018, after obtaining the survey sketch as per the Government circular. After registration of the partition deed, they were waiting for the orders of the respondents for transferring the khatas in terms of the partition deed. But, so far the respondents have not at all taken steps to effect the mutation for issuance of RTC in terms of the said partition deed and thereby committed dereliction of official duty. He alleged that the respondents have not issued any endorsement as to the reason for delay in effecting the mutation.

3) In response to the notice issued, the respondent No.1 has submitted the comments dtd:29-5-2020, along with the certain documents.

4) On perusal of the report submitted by the respondent No.1, it is seen that, the respondents have taken a contention that since the land bearing Sy.No.65/6 was granted on 19-2-2010 under the Land Reforms Act and since the condition period of 15 years to transfer the rights, has not been completed, mutation not been accepted and accordingly, issued an endorsement in favour of the complainant.

5) The respondent No.1 has produced several documents. It is seen that, on 19-2-2010 the Land Tribunal has granted occupancy rights in respect of land bearing Sy.No.62/4 in favour of Sri.Honnappa Nagappa Naika, the father of the complainant. Thereafter, the Tahasildar, Honnavara has issued the Form No.11, on 5-6-2010. In that Form No.11, several conditions have been imposed. The condition No.5 is with regard to non alienation of the land for a period of 15 years.


6) It is to be noted that, here in this case, the complainant and his family members have not sold the property in question. They only got partitioned the said property and other family properties through a registered partition deed that too after obtaining the 11-E sketch from the competent authority. But, the respondents have misunderstood and mis-construed the said condition and accordingly, rejected the prayer of the complainant and his family members for effecting the mutation in terms of the registered partition deed. It is to be mentioned that, partition deed cannot be construed either as sale deed or gift deed to transfer the rights from one person to another person. The property rights are vested with the family members only and they only earmarked their undivided share through the registered partition deed. Therefore, it is not a transfer of title or rights in favour of 3rd party. Therefore, the report submitted by the respondent No.2 to

the respondent No.1 and consequently accepted the said report by the respondent No.1, is totally against to law. Further, without examining the relevant law and without understanding the meaning of transfer as contained in the condition No.5 of the Form No.11 and it appears with deliberate intention, the respondent No.2 has prepared a false report and submitted the same to the respondent No.1 and thereafter the respondent No.1 without examining the correctness of the said report, has ordered to reject the claim of the complainant and issued an endorsement. Therefore, prima-facie the acts on the part of the respondents amounts to dereliction of official duty, maladministration and misconduct. Therefore, it is a misconduct within the meaning of Rule-3 (i) to (iii) of KCS (Conduct) Rules, 1966. Hence, the comments of the respondents are not accepted.

7) Since, there is a prima-facie material to show that, the complainant and his family members are entitle to get transfer the khata in terms of the registered partition deed, now acting under Sec.12(1) of the Karnataka Lokayukta Act, a recommendation is made to the competent authority, to take steps to effect the mutation and to transfer the khata in favour of the complainant and his family members in terms of the registered partition deed dtd:22-11-2018 and in accordance with law.

8) Further, as per U/s 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate this Authority as early as possible but latest within three months from the date of receipt of this report, the action taken or proposed to be taken on this report against said officials.

Connected records are enclosed.


(Justice N.ANANDA)
Upalokayukta-1,
State of Karnataka.



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