

KARNATAKA LOKAYUKTA

No:COMPT/UPLOK/BD/1208/2013

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, Dated: 15/11/2018

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

Sub: Proceedings for payment of compensation by Nagaravara Gram Panchayath to the legal representatives of Late Kalegowda.B.C, S/o Late Chikkegowda for construction of drainage on private land bearing Sy.No.213/3A, 213/3B, 213/4, 213/6 and 213/7 of Channapattana Taluk, Kasaba Hobli, Nagawara village as per the market value - reg.,

An investigation was taken up under Section 9 of Karnataka Lokayukta Act, in the complaint filed by Sri. Kalegowda.B.C S/o Late Chikkegowda, Nagawara Grama & Post, Kasaba Hobli, Channapattana Taluk, Ramanagar District. (hereinafter referred to as 'complainant' for short), against (1) Kaveramma.A.R, Ex-President, Nagawara Grama Panchayathi, Nagawara, Channapattana Taluk, Ramanagar District. (2) Veerabhadraswamy, Taluk Development Officer, Channapattana Taluk, Ramanagar District. (3) Mariswamy, Ex-President, Nagawara Grama Panchayathi, Nagawara, Channapattana Taluk,

Ramanagar District. (4) Kenchegowda, Ex-President, Nagawara Grama Panchayathi, Nagawara, Channapattana Taluk, Ramanagar District. And (5) T S Krishnamurthy, the then Secretary Nagawara Gram Panchayath Nagawara Channapattana Taluk Ramanagar District. (herein after referred to as 'respondents No.1 to 5 for short), for redressal of his grievance due to construction of drainage on his private land.

2. According to the complainant the respondents had permitted construction of house by closing the canal thereby obstructed flow of water. It is further alleged that the land bearing Sy.No.238 and 211 of Nagavara village were allotted by issuing vacant sites under Ashreya scheme and they have also permitted encroachment of the above said land. Hence, complaint.
3. On registration of the complaint comments were secured from the respondents. The respondents denied the allegations made against them. However, the records reveal that the land belonging to the complainant was used by Nagavara Gram Panchayath for construction of drainage during the tenure of respondent no.5 as its Secretary. Therefore, the comments of the said respondent on the above mentioned aspect were called for. The respondent no.5 has submitted his comments admitting construction of drainage for the welfare of public at large. The

respondent no.5 had stated that a subject regarding construction of drainage was placed in the meeting before the Gram Panchayath convened on 23/07/2002. Accordingly a resolution came to be passed for construction of such drainage on the land bearing Sy.No. Sy.No.213/3A, 213/3B, 213/4, 213/6 and 213/7 of Channapattana Taluk, Kasaba Hobli, Nagavara village. However, the investigation also revealed that the said Gram Panchayath had not paid any compensation to the complainant for using his property as provided u/s 99 of Karnataka Panchayath Raj Act 1993.

4. Therefore, notice was issued to the complainant calling upon him to submit the particulars of land valuation relating to land bearing Sy.No.213/3A, 213/3B, 213/4, 213/6 and 213/7. The complainant has submitted certified copy of the valuation report issued by Senior Sub-Registrar, Channapattana relating to the above mentioned properties. The relevant portion of the valuation report reads as under;

ಕೃಷಿ ಜಮೀನು		
ಖುಷ್ಕಿ	ತರಿ	ಬಾಗಾಯ್ತು
5,50,000/-	6,60,000/-	7,00,000/-
(ಐದು ಲಕ್ಷದ ಐವತ್ತು ಸಾವಿರ ರೂಪಾಯಿಗಳು ಮಾತ್ರ)	(ಆರು ಲಕ್ಷದ ಅರವತ್ತು ಸಾವಿರ ರೂಪಾಯಿಗಳು ಮಾತ್ರ)	(ಏಳು ಲಕ್ಷ ರೂಪಾಯಿಗಳು ಮಾತ್ರ)

5. Though this complaint was filed for taking action against the respondents regarding illegal allotment of sites. During


the course of investigation it was ascertained that the said allegation has not been substantiated. However, it was noticed that there has been construction of drainage undertaken by the Gram Panchayath on the land belonging to the complainant.

6. The material on record discloses that, the above mentioned lands were used for construction of drainage to facilitate free flow of water which used to enter Janata Houses constructed on Sy.No. 212 as such it was approved and executed for the welfare of public at large and to avoid inconvenience to the village residents.
7. During the course of investigation it was reported that the complainant herein had died and the particulars of his legal representatives were secured through Panchayath Development Officer, Nagavara Gram Panchayath. The report dated 16/03/2018 (19/03/2018) states that Late B.C. Kalegowda has left behind his wife Smt. Parvathamma and a son by name Sri Mahesh. Accordingly they were impleaded to prosecute the complaint on behalf of the complainant as provided in the proviso to sub-section (1) of section 9 of Karnataka Lokayukta Act, 1984.
8. Section 99 of Karnataka Panchayath Raj Act 1993 not only empowers Gram Panchayath to carry drains in private property but it also empowers payment of compensation to the owner of such land. The material on record indicates that though drainage on the property belonging to the deceased complainant has been constructed yet

compensation in terms of section 99 has not been paid to him. Therefore, I am of the considered opinion to make a recommendation for payment of compensation to the legal representative of the complainant as stated above, as per market value of the above mentioned property for proper redressal of the grievance.

9. In view of the facts stated above and on consideration of material on record, now acting under Sec. 12(1) of the Karnataka Lokayukta Act, 1984 recommendation is hereby made to the Competent Authority for payment of compensation by the Nagavara Gram Panchayath to the legal representatives of the deceased complainant as detailed at pre para no.7, for construction of drainage on land bearing Sy.No.213/3A, 213/3B, 213/4, 213/6 and 213/7 of Channapattana Taluk, Kasaba Hobli, Nagavara village as per the market value detailed in pre para no. 4 to the extent of land used for construction of such drainage as provided in section 99 of Karnataka Panchayath Act 1993.
10. Further, as per Sec. 12(2) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate 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)
Upalokayukta, 15/11
State of Karnataka.

