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KARNATAKA LOKAYUKTA

No: Compt/Uplok/BD/2124/2017/DRE-4 MS Building,
Dr.B.R.Ambedkar Veedhi,
Bengaluru, Dated: 06/01/18

REPORT u/Sec.12(1) OF KARNATAKA LOKAYUKTA ACT 1984

Sub: In the matter of redressal of grievance of
the complainant Sri.G.P.Munisami s/o
Late.Papanna, Ward No.8, Muthyalpet,
Mulbagal town, Kolar District - reg.

Investigation under Sec.9 of the Karnataka Lokayukta Act was taken up on the basis of the complaint filed by Sri.G.P.Munishami s/o Late.Papanna, r/o ward No.8, Muthyalpet, Mulbagal town, Kolar district (hereinafter referred to as 'complainant' - for short) against Sri.Ashok Kumar - Then Chief Officer, City Municipal Council, Mulbagal taluk, Kolar district [presently retired] (hereinafter referred to as 'respondent', for short), alleging that, the respondent has committed misconduct.

2. The complainant has alleged that -

There was partition between himself and his children in respect of property bearing Sy.No.612/2B1 & 612/2B2. Thereafter, he has submitted application to TMC, Mulabagilu for effecting necessary entry in revenue records. Khatha has been changed in respect of property bearing Sy.No.612/2B2. But, Sy.No.612/2B1 has been left out. In this regard, complainant submits application besides sending legal notice through his advocate. But, the respondent has not taken any action.

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3. Comment was called from the respondent. The respondent submitted comments contending that, during his tenure application was submitted only in respect of Sy.No.612/2B1. As borne out from the records, in respect of other property, khatha was affected by his previous officer. The complainant has not remitted prescribed fee for effecting change of khatha. The respondent has contended that, he has not committed any illegality. He does not have ill-will or personal grudge over complainant, therefore prayed for dropping the proceedings.

4. The complainant submitted rejoinder contending that, he has remitted prescribed fee of ₹2,600/-. Having remitted prescribed fee, the respondent has given false information, hence prays for taking necessary action.

5. A careful examination of the material on record shows that -

The respondent has not disputed the *factum* of submission of application by the complainant for effecting khatha in respect of property bearing Sy.No.612/2B1 measuring 15 guntas. He has also not disputed that during relevant point of time he was working as Chief Officer, TMC, Mulabagilu. The only contention of the respondent was that the complainant has not remitted prescribed fee and it was for this reason he could not proceed further. However, copy of receipt dated:30/11/2013 produced by the complainant indicated that, the complainant has remitted a sum of ₹2,600/- toward change of khatha. The respondent baldly asserted that the fee remitted by the complainant was insufficient. He has not stated what was the necessary fee that was supposed to be remitted for changing the khatha.

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6. In the light of the documents collected during the course of investigation, as there is prima-facie materials to indicate that the respondent has committed misconduct, report u/Sec 12(3) of Karnataka Lokayukta Act, 1984 is sent to Competent Authority for taking necessary action.

7. It is necessary to take appropriate action to effect the necessary entries in revenue records for the property bearing Sy.No.612/2B1 of Mulabagilu village, Kolar district. It is hereby recommended under Section 12(1) of Karnataka Lokayukta Act 1984 to take appropriate action as stated supra within **one month** from the date of receipt of this recommendation and the intimation as to further action in the matter be sent to this authority.

Copies of connected records are enclosed herewith.

Sd/- G. J. S.
(JUSTICE SUBHASH B ADI)
Upalokayukta-2,
State of Karnataka.

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It is the duty of the Government to protect the rights of the people and to ensure that the law is administered in a fair and equitable manner. The Government is committed to the principles of justice and equity and to the promotion of the welfare of the people. It is the duty of the Government to ensure that the law is administered in a fair and equitable manner.

It is necessary to take appropriate action to effect the necessary changes in the law to bring it into conformity with the principles of justice and equity. It is hereby recommended that the Government should take the necessary steps to effect the necessary changes in the law to bring it into conformity with the principles of justice and equity.

Copies of corrected records are enclosed herewith.

JUSTICE SUBHAS B. MISHRA
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State of Karnataka