

**KARNATAKA LOKAYUKTA**

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No. Compt/Uplok/BD-5248/2012/ARE-6

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

Date: 06/05/2017.

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

Sub: Complaint filed by Sri.K.R.Ullas - S/o.  
K.P.Raghavendra, 29 years, Farmer R/o. Hinch  
Village, Hosanagar Taluk, Shimoga-reg.

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A complaint was registered on the basis of complaint filed by one Sri.K.R.Ullas - S/o. K.P.Raghavendra, 29 years, Farmer R/o. Huncha Village, Hosanagar Taluk, Shimoga (hereinafter referred to as complainant for short) against Tahasildar in Taluk Office of Hosanagar (hereinafter referred to as respondent for short respectively) alleging that, being Public/Government servant, has committed misconduct, an investigation has been taken up u/s 9 of the Karnataka Lokayukta Act, 1984.

2. According to the complainant: Sri.Suryanarayan, Nagendra and Chandrashekar are putting up construction of house, cattle shed and commercial building in government land Sy.No.40 of Kadasoor village Hinch Hobli in Hosanagar

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Taluka of Shimoga District and respondent is not taking any action inspite of complaint.

3. Report was called for from the Tahasildar and he has submitted his report/comments dated 17/10/2013 enclosing survey sketch of Sy.No.40. According to the said report and survey sketch of Survey no. 40, in addition to the houses of Sri. Nagendra Rao, Surya Narayan and Chandrashekar shown with numbers 1,2 & 3, there are other residential houses as well as per the map. It is stated in the report that the allegation that Sri. Suryanarayana, Chandrashekar and Nagendra have constructed houses recently is incorrect and in fact the said houses are in existence for the last 60 to 70 years. The aforesated persons have submitted applications for regularization of unauthorized occupations of the government land under the provisions of KLR Act (Amended in 2014) and steps for evicting them can be taken only after the applications are disposed off.
4. The complainant has disputed the stand taken by the Tahasildar about existence of the houses of afore stated persons for the last sixty to seventy years and according to the complainant Sri. Suryanarayan and Chandrakeran have obtained construction permission from the Panchayath in the year 2006 & 2003.

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5. On going through the report of the Tahasildar, entries found in RTC of Sy.No.40, Survey report and sketch dated 09/10/2013, the following facts are noticed.
- (i) Land Sy.No.40 measuring 26.38 acres of Kadasur village in Chinchu Hobli of Hosanagar Taluka in Shimoga District is described as "Karabu Kanu" in RTC as on date i.e., 2016-17.
  - (ii) The word "Karabu Kanu" appearing in RTC came to be considered in W.A. 2101/2007 clubbed with 2297/2007(KLR) filed by the Deputy Commissioner, Shimoga against the orders passed in W.P 14046/2002 dated 29/11/2008. The Hon'ble High court in the said writ appeals vide order dated 01/04/2009 with reference to the definition of the word "KAN" in the Mysore Land Revenue Manual was pleased to hold **"The above said meaning of KAN undoubtedly manifest that it is a forest land belonging to the government and no person would acquire any right or claim over the KAN land merely because of their enjoying the privileges"**
  - (iii) The survey report and sketch dated 09/10/2013 show that there are in all 40 residential houses in Sy.No.40, which is a forest land as it is described as Karabu Kanu in RTC.
  - (iv) The provisions of Karnataka Land Revenue Act as amended in 2014 and Sec.94(C) of the said Act are not applicable as land Sy.No.40 is a Forest land and unauthorized occupation of forest land cannot be regularized invoking provisions of amended KLR Act.
  - (v) The Forest department shall have to take steps to clear the encroachment of Forest land Sy.No.40 of Kadasuru village in Hinchu Hobli of Hosanagar Taluk by invoking provisions of Karnataka Forest Act 1963.

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6. Hence, this report is made under Section 12(1) of the Karnataka Lokayukta Act, to both the competent authority in Forest Department and Revenue Department for taking action in accordance with law for removal of encroachment made by private persons in Sy.No.40 of Kadasuru village in Hinchu Hobli, Hosanagar Taluk in Shimoga District.
7. 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.~~

Copies of connected records are enclosed.

*Subash B Adi*  
[JUSTICE SUBASH B ADI]  
*per* Upalokayukta  
Karnataka State, Bengaluru