

**KARNATAKA LOKAYUKTA**

No. Compt/Uplok/BD-626/2015/ARE-6

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

Date: 10/01/2019.

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

Sub: Complaint filed by Sri. Thimmegowda C.-  
S/o. Chowdappa, Chaluvanahalli Grama,  
Arabhikotthanuru Post, Kolar Taluk and  
District.- reg.

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On the basis of the complaint given by Sri. Thimmegowda C. S/o. Chowdappa, Chaluvanahalli Grama, Arabhikotthanuru Post, Kolar Taluk and District (hereinafter referred to as 'complainant' for short) against Sri. Rangegowda- Tahasildar, Kolar Taluk, Kolar District and 2) Sri. Zameer- Case Worker, L and D Branch, Taluk Office, Kolar Taluk and District (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 pertaining to land bearing Sy.No.10, measuring 40.04 acres situated at Cheluvanahalli village in Kolar Taluk is a Government

Gomal land. But, some persons are trying to encroach the said land on the basis of fabricated and concocted documents. The revenue officials have also involved in the said mischief and accordingly, prayed to take action against the respondents.

3. After registration of the complaint, the respondents were asked to submit their comments. But, the respondent No.1 has not submitted his comments as he was transferred from Kolar to Tumkur. However, the 2<sup>nd</sup> respondent has submitted his comments, wherein he stated that, the total measurement of land bearing Sy.No.10 is 183.04 acres. Out of that, 137 acres has been earmarked as forest land. 40.04 acre is a gomal land. 6 acre has been shown as forest land in RTC. Several persons have filed applications seeking grant of the gomal land and the same are pending for consideration.
4. Thereafter, report was called from the present Tahasildar, accordingly, the Tahasildar has submitted the report dated 26/04/2018, along with the copy of the Judgement dated 16/03/2011 passed by the Hon'ble High Court of Karnataka, in WP-7120-7139/2011 (KLR-RES).

5. On perusal of the said judgment it is seen that the Hon'ble High Court of Karnataka, held as follows:

***“It is evident from the materials on record that the petitioners have filed applications under Rule 108(c) of Karnataka Land Revenue Rules, 1966 before the third respondent for grant of land. It is also clear that the third respondent has not taken steps for placing the matter before the second respondent. Therefore, I direct the third respondent to place the applications after compliance of sub-rule (2) of Rule 108 before the 2<sup>nd</sup> respondent and the 2<sup>nd</sup> respondent on receipt of the applications is directed to send his recommendations to the committee for regularization of unauthorized cultivation of land as provided under sub-rule (3) of rule 108CC of the Karnataka Land Revenue Rules. The third respondent shall comply with this order with a period of three months from the date of receipt of a copy of this order. Writ petitions are disposed of accordingly. No costs.”***

6. The report of Tahasildar reveals that after passing of the order by the Hon'ble High Court of Karnataka, Form NO. 53 filed by Several persons were examined and noticed that page no. 61 & 62 were subsequently and unauthorizedly inserted, accordingly the applications have been rejected. Thereafter, one K. Nagaraj has filed another writ petition no. 5148/2017 and requested the Hon'ble High Court Karnataka to register contempt proceedings. At that stage it was verified that the original applicants had not submitted applications in a prescribed form copy of the objections filed on behalf of the state in the said writ petition has also been furnished.
7. Thereafter, the complainant has submitted rejoinder along with certain documents. The complainant pointed out that the entries made as per Sl.No.13 and 14 in Page No.60 was entered on 10/12/1998, but the subsequent entries were made on 21/11/1998. In the same page, the last entry was made on 12/03/1999. The entries made in page 61 were made on 24/01/1998. All the said entries are unauthorized. He also pointed out that by colluding with moneyed persons and as per the instructions of people representatives, the officials again made spot inspection

on 07/06/2018 and also on 09/06/2018 and conducted survey. The officials are trying to create documents for the purpose of allotting lands in favour of some persons. All the entries made after Sl.No.6 are illegal and unauthorized. Further, the villagers are depending upon Animal Husbandary and about 80 to 90 families supplying 950-1000 litre per day to the MPCS and accordingly maintaining their families. In view of the same, the land is required for grazing purpose. Therefore, the same is to be reserved for that purpose. Accordingly, requested this institution to evict all the unauthorized persons and to save the lands.

8. The complainant has produced the copy of endorsement dated 10/07/2017 issued by Tahasildar, Kolar, the list of applicants who filed Form No.53.
9. Thereafter, Tahasildar, Kolar was asked to submit the report as to how many cattles are there in the village and what is the extent of Gomal land available for grazing purpose and what steps they have taken to reserve the gomal land for grazing purpose as per Karnataka Land Revenue Act. Accordingly, the Tahasildar has submitted the report dated 29/08/2018 which reads here as under:

“ರಾಜಸ್ವ ನಿರೀಕ್ಷಕರು ವಕ್ಕಲೇರಿ ಹೋಬಳಿ ರವರು ಚೆಲುವನಹಳ್ಳಿ ಗ್ರಾಮದ ಸ.ನಂ.10ರಲ್ಲಿ ಸುಮಾರು 183-04 ವಿಸ್ತೀರ್ಣದ ಗೋಮಾಳ ಜಮೀನು ಇದ್ದು, ಸದರಿ ಜಮೀನಿನ ಪೈಕಿ ಸುಮಾರು 143-00 ಎಕರೆ ಅರಣ್ಯ ಇಲಾಖೆಗೆ ವರ್ಗಾಹಿಸಿದ್ದು, ಉಳಿದ 40-04 ವಿಸ್ತೀರ್ಣದಲ್ಲಿ 4-00 ಎಕರೆ ದರಖಾಸ್ತು ಮೂಲಕ, ಸರ್ಕಾರಿ ಪ್ರಾಥಮಿಕ ಶಾಲೆಗೆ 3-00 ಎಕರೆ ಹಾಗೂ ಅಕ್ರಮ ಸಕ್ರಮದಡಿ ಸುಮಾರು 3-00 ಎಕರೆ ವಿಲೇ ಆಗಿದ್ದು, ಉಳಿದ 30-04 ವಿಸ್ತೀರ್ಣದಲ್ಲಿ ಸುಮಾರು 11-00 ಎಕರೆ ಜಾಗದಲ್ಲಿ ಚೆಲುವನಹಳ್ಳಿ ಗ್ರಾಮಸ್ಥರು ಅನಧಿಕೃತವಾಗಿ ಉಳುಮೆ ಮಾಡುತ್ತಿದ್ದು, ಉಳಿದ 11-04 ವಿಸ್ತೀರ್ಣವು ಗುಡ್ಡ, ಬೆಟ್ಟ, ಕಾಲುವೆ, ಕೊರಚಲುದಿಂದ ಕೂಡಿರುತ್ತದೆ. ಇದೇ ಗ್ರಾಮದ ಸ.ನಂ.59ರ ಗೋಮಾಳದಲ್ಲಿ ಸುಮಾರು 73-00 ಎಕರೆ ಗೋಮಾಳ ಇರುತ್ತದೆ ಎಂಬುದಾಗಿ ವರದಿಯನ್ನು ನೀಡಿರುತ್ತಾರೆ.

ಈ ಬಗ್ಗೆ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ ಚೆಲುವನಹಳ್ಳಿ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ.10ರಲ್ಲಿ ರಾಜ್ಯ ಅರಣ್ಯ ಪ್ರದೇಶ 137-00 ಎಕರೆ, ಸರ್ಕಾರಿ ಗೋಮಾಳ 40-04 ಎಕರೆ ರಾಜ್ಯ ಅರಣ್ಯ ಇಲಾಖೆಗೆ 6-00 ಎಕರೆ ಎಂಬುದಾಗಿದ್ದು, ಇದ್ದರಲ್ಲಿ ವೆಂಕಟೇಶಪ್ಪ ಬಿನ್ ದೊಡ್ಡಪ್ಪ ಎಂಬುವವರಿಗೆ ದರಖಾಸ್ತು ಮೂಲಕ 2-10 ಗುಂಟೆ ಮತ್ತು ಸೀನಪ್ಪ ಬಿನ್ ಮಾರ್ಕಂಡಪ್ಪ, ನಾರಾಯಣಪ್ಪ (ಜಂಟಿ) 1-20 ಮತ್ತು ಎಸ್.ಸುರೇಶ್ ಬಿನ್ ಸೀನಪ್ಪ ಎಂಬುವವರಿಗೆ 1-20 ಗುಂಟೆ ಜಮೀನು ಮಂಜೂರಾಗಿದ್ದು ಒಟ್ಟು 40-04 ಎಕರೆ ಪೈಕಿ ಉಳಿಕೆ 28-24 ಎಕರೆ ಉಳಿಕೆ ಜಮೀನು ಇದ್ದು, ಹಾಗೂ ಇದೇ ಗ್ರಾಮದ ಸ.ನಂ.53ರಲ್ಲಿ 71-04 ಎಕರೆ ಗೋಮಾಳ ಜಮೀನು ಇರುತ್ತದೆ ಒಟ್ಟು 101-24 ಎಕರೆ ಗೋಮಾಳ ಜಮೀನು ಲಭ್ಯವಿದ್ದು, ಈ ಪೈಕಿ ಸದರಿ ಗ್ರಾಮಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಗ್ರಾಮದ ರಾಸುಗಳು ಒಟ್ಟು ಸಂಖ್ಯೆ 330 ರಾಸುಗಳು ಇರುತ್ತದೆ (ದೊಡ್ಡವು ಮತ್ತು ಚಿಕ್ಕವು ಸೇರಿ) ಈ ರಾಸುಗಳಿಗೆ ಒಟ್ಟು 99-

28 ಎಕರೆ ಸರ್ಕಾರಿ ಜಮೀನು ಲಭ್ಯವಿದ್ದು, ಈ ಜಮೀನನ್ನು ರಾಸುಗಳಿಗೆ ಕಾಯ್ದಿರಿಸಿರುತ್ತದೆ.”

10. Thereafter, the complainant has submitted one more detailed rejoinder along with certain documents. He again narrated as to how some people are trying to grab the government gomal land. Accordingly, he prayed to direct the concerned officials to reserve that gomal land for grazing purpose and in public interest. He has also requested to direct the concerned to evict the unauthorized occupants.
11. It is pertinent to note that, having regard to the facts and circumstances of this case the judgement passed by the Hon'ble High Court of Karnataka which is reported in **ILR 1998 Karnataka 2757 in a case between S.Siddadappa and others and State of Karnataka** becomes relevant. The Hon'ble High Court of Karnataka has held as follows:

*“The provisions of Karnataka Land Revenue Act and rules have been amended from time to time enabling the revenue authorities to find out extra land of the Government for distribution amount landless and other needy persons. Section 94A of the said act is amended*

*for the specific purpose of constituting the land Grant Committee.*

*The Government of Karnataka thought it fit to introduce Rule 108 I of the Karnataka Land Revenue Rules of 1966. Under this special rule, the Government has directed the authorities to reserve certain Government land for the purpose notified therein which reads as follows:-*

*Certain lands not to be Granted: Notwithstanding anything contained in this chapter lands assigned for special purpose under Section 71 of the Act, and lands described in revenue records as Devarakadu, Urduve, Gunduthope, Tankbed, Phut Kareb Kharab Halla, date reserve, burial gorunds and such lands which in the opinion of the Government is required for public purposes, shall not be granted”.*

*Devarakadu, Urduve, Gunduthope, Tankbed, Phut Kareb Kharab Hall, date reserve, burial gorunds can only be found in the revenue records. In fact, one finds it difficult even to locate a Gunduthope or a Tankbed in the villages. The gomal lands and the gunduthope is a*



gift to the villagers. They have been tampered with successful from time to time by the special orders of the Deputy commissioners unmindful of the strength of the cattle, the need of the people and the purpose for which the lands have strength of the cattle, the need of the people and the purpose for which the lands have been reserved. Though, relevant provisions are very much found in the statute book, the authorities empowered to enforce these provisions under the Land Revenue Act and Rules have failed to take special care to preserve these lands for the purpose they have been specifically assigned. The quality of the rural life can only be maintained by providing free pasturage to cattle, preserving Gokatte for providing drinking water to the cattle, protecting and preserving Gunduthope where the villagers find some shade for the people and the live stock. It is true that civilization has entered the life of the rural people by way of roads, electricity, water, rural health and education. These are absolutely necessary for improving the quality of life of the rural people. But, the very essence of village life consists in preserving the lands reserved under Section 71 of the Karnataka Land Revenue Act,


*Rules 1081 of the Karnataka Land Revenues Rules, 1966. We, hardly find a plot, consisting of few well grown trees in the villages. Those are the realms of the past. It, therefore, becomes an urgent necessity for this Court to remind all those concerned who are empowered to enforce these statutory provisions of Land Revenue Act and Rules made thereunder to act and to give effect to the raise Gunduthope and to maintain Sarkari gomals. Therefore, the Deputy Commissioner are now directed to give effect to the provisions of the Revenue Act and to preserve and reserved all these lands specified in the Act for the very purpose specified therein. The Deputy Commissioners shall direct the respective panchayaths to protect and raise these Gunduthopes situated in the respective villages and to further direct the Tahasildar of the Taluk to preserve the gomals for free pasturage. The Deputy Commissioners shall take action through the Tahasildar to evict persons who have been in unauthorized occupation of these from such of those lands.*

12. In view of the said judgement, it is the duty of the Revenue Department to reserve the gomal land for the purpose for which it was reserved. Even though, the Tahasildar's report discloses that sufficient lands have been reserved for grazing purpose, having regard to the apprehension of the complainant and so many attempts have been made by several persons to grab the gomal land by creating and fabricating documents. it is necessary to make recommendation as per Sec. 12(1) of K.L. Act to the competent authority for taking steps to dispose off all the pending applications pertaining to land bearing Sy.No.10 in accordance with law and as directed by the Hon'ble High Court of Karnataka in the aforesaid judgement and to take steps for reserving the land for the purpose for which it was reserved, particularly for grazing purpose having regard to the number of cattles in the village and also be directed to take steps for eviction of unauthorized occupants in accordance with law.
13. Hence, this recommendation u/s 12(1) of K.L.Act is made for taking steps to dispose of all the pending applications pertaining to land bearing Sy.No.10 in accordance with law and as directed by the Hon'ble High Court of

Karnataka, in the aforesaid judgement and to take steps for reserving the land for the purpose for which it was reserved, particularly for grazing purpose having regard to the number of cattles in the village. It is also be recommended to take steps for eviction of unauthorized occupants in accordance with law.

14. 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) 00/1  
I/c. UPALOKAYUKTA-2  
STATE OF KARNATAKA