

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BD-7/2006/DRE-2

Multi Storied Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru 560 001  
Dated: 29/9/2018

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

Sub:- Complaint of Sri Shamanna, President, Karnataka  
Press Trust, P.B. No.156, Ashoknagar, Tumakuru –  
Reg.

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1. An investigation under Section 9 of the Karnataka Lokayukta Act was taken up on the basis of a complaint filed by Sri Shamanna, President, Karnataka Press Trust, P.B. No.156, Ashoknagar, Tumakuru (hereinafter referred to as Complainant) against the Commissioners and Presidents of the then City Municipal Council, Tumakuru.

2. The complainant in his complaint has alleged as follows:-

(1) The Officers/officials of City Municipal Council, Tumakuru had borrowed loan from State Government, Central Government, World Bank, etc for development of Urban areas, but without providing basic infrastructure to the public have cheated the public and misappropriated crores of rupees of the Corporation.

(a) The Developmental works were entrusted to interested persons, without calling for tender and responsible for execution of substandard works.

- (b) Executed substandard works such as formation of drains, underground drains, asphaltting of roads, garbage treatment units, etc.
- (c) Accounts were not maintained in relation to the number of bore-wells drilled, purchase of motors, etc. Tenders were not called for drilling of bore-wells.
- (d) The officers of City Municipal Council had joined hands with land mafia and allowed encroachment of public places and roads. It is alleged that in No.LAQ 345/63-64 land was acquired for formation of NH4 and Bangalore Honnavar Road. The approach road was kept vacant. Thereafter, Siddaganga High School had developed the vacant place as park. In the year 1993-94, the then Administrator of CMC has created a khata in respect of the above land in Sy. No. 34/1 measuring 0-17 Guntas and as per the orders of the Court, possession was given. In lieu of the land, 16 sites were also given in Municipal Layout Sy. No. 60. Thereafter, the officers have allowed Sri A.N.Prasanna Murthy, to construct certain structures in Kharab lands in Sy. No. 33 and 34. Further the officers of City Municipal Council have allowed one Sri Venkatachalaiah to construct a hotel complex in Sy. No. 34.
- (2) It is alleged that Sy. No.28, which was Government Kharab situate adjoining National Highway. There are several constructions on the above survey number and action was not taken to remove the unauthorised constructions, even though the Deputy Commissioner has ordered to remove the same.

- (3) It is alleged that the husband of one Smt. Papachiyamma, while was working at Pump House of City Municipal Council, had managed to create a bogus Hakku Patra in relation to site measuring 30'x50' in Sy. No. 327, which was acquired for Government College. It is stated that the City Municipal Council has created Khata in respect of Government College land. The land in Sy. No.327 situate opposite to Mahatma Gandhi Stadium. But, the City Municipal Council has argued that the Sy. No.36, where the College is presently constructed is the Sy. No.327 and the Corporation has given the said land. The Commissioner of CMC Tumakuru and the officials have colluded with the owner of land and collected portion monthly rent.
- (4) It is further alleged that there is encroachment of land measuring 30 x 18 feet in Sy. No.37. Sy. No.37 was acquired for National Highway. The encroachers have utilised the remaining portion of 30x18 feet and constructed house by encroaching portion of college land. In between the National Highway, a drain was constructed under ADB Scheme. The road became congested and there is heavy traffic, causing nuisance to the public.
- (5) One Sri K. Shivananjappa, Advocate and others have even encroached the drain which runs through the National Highway and constructed buildings. Due to closure of drain, the storm water comes from Ashoknagar and Someshwaranagar extension stagnated.

The complainant alleged that he had filed a petition before the Assistant Commissioner and obtained an order for removal of illegal shops which come on the either side

of the National Highways. But the same were not removed. Even now by obtaining illegal gratification, commercial licences were being issued.

The City Municipal Council was not collecting the rent from the shops. In certain cases even though the period of lease has expired the shops were not vacated and they have been continued.

- (6) The Jain Temple situate at the premises of City Municipal Council has was constructed by encroaching the Corporation land. The City Municipal Council has not taken action to remove the encroached portion. Apart from Jain Temple, they have constructed Jain choultry. Thereby the Commissioner has allowed the illegal constructions by collecting bribe.
- (7) The Commissioner, City Municipal Council has not collected the annual rent from Sarvodaya High school, for the building which was rented to it. The contract period was also not extended.
- (8) Several unauthorised layouts were formed with the limits of City Municipal Council. In Sy. No. 356 measuring 4 Acres 20 Guntas which was Someshwarapuram Burial Ground was converted into layout and many Government Servants are residing in the layout by obtaining Khatas.
- (9) One Sri Nagaraju was working as part time daily wage employee at Mandal Panchayath. The Commissioner of CMC has fixed the salary to him and confirmed his services as permanent employee. The Commissioner of City Municipal Council had no power to confirm an employee, the Deputy Commissioner has ordered for

recovery of a sum of Rs.1,50,000/- from Sri Nagaraju. But the amount was not collected from Sri Nagaraju.

(10)One Sri Mahadeva, Bill Collector; (2) Sri M.R. Satish Kumar and others have joined the City Municipal Council, claiming that they were working in the erstwhile Grama Panchayaths, which were later included in the City Municipal Council. Further, 21 persons who were actually working in the erstwhile Grama Panchayaths have come to streets.

(11)On 11/3/2005, smart cards for the attendance of employees of City Municipal Council were purchased without bringing the same to the knowledge of President of CMC. The amount mentioned in the tender and the amount paid to the Tenderer are different. The amount mentioned during the period of Sri Chandrappa, Commissioner was Rs.12,94,260/-. But total amount paid finally was Rs.18,90,640.00.

(12)Lastly, it is alleged that the official car of Commissioner had met with an accident and an amount of Rs.49,588/- was spent for repair of the car, without calling for tender and without bringing the same to the knowledge of the President.

3. The matter was referred to Technical Audit Cell of Karnataka Lokayukta, Bengaluru for investigation and report. The Deputy Controller of Accounts, Karnataka Lokayukta, Bengaluru submitted report dated 30/8/2017 stating that the allegations made in the complaint are not established. The investigating officer has collected the documents and correspondences relating

to the above allegations. We have perused the documents and records collected by the investigating officer.

4. In relation to the allegations mentioned at (2) above, Sy.No.28 was Government Kharab land:- In response to the letter dated 24/11/2004 of the Complainant Sri Shamanna, President, Karnataka Press Trust, Ashoknagar, Tumakuru, on 1/8/2005, the Deputy Commissioner has addressed a letter to the Director of Municipal Administration, Bengaluru regarding encroachment of land in Sy. No.28. The Assistant Commissioner, Tumakuru held spot inspection and submitted report regarding encroachment. The Deputy Commissioner, directed the Tahasildar to remove the encroachment. The Tahsildar had issued notices to the encroachers. The encroachers have produced the Hakku Patras alleged to have been issued by City Municipal Council. Thereafter, a suit in O.S. No. 691/1993 was filed. As per the orders, the Commissioner of City Municipal Council and the Commissioner of Urban Development Authority have to cancel the licences given to the shops. The Tahsildar has to remove the encroachment as per the orders of the Deputy Commissioner. It appears that in furtherance of the above directions, no action was taken and information regarding the litigations is also not furnished by the Commissioner, CMC, Tumakuru.

5. In relation to the allegations mentioned at Para (3) above regarding alleged construction of commercial complex by Smt. Papachiyamma W/o. Arunachala, the Deputy Commissioner, Tumakuru in his letter dated 1/8/2005 mentioned above has stated that the Assistant Commissioner has conducted enquiry

and submitted report on 30/7/20004. As per the report of Assistant Commissioner, the construction was made in Government land in Sy. No.36. The land measuring 45x55 feet in Sy. No. 327 was granted to one Sri Kuppanagoundar on 22/5/1955. The Court order also relates to Sy. No.327. Therefore, building constructed in Sy. No. 36 has to be removed. Thereafter, it is stated that Permanent injunction was obtained in O.S. No. 349/1992 on the file of the Principal Civil Judge (Junior Division) & JMFC, Tumakuru. The katha was effected in the name of Sri Kuppanna as per the Hakku Patra given by the Tahsildar. Further, as per the Sale deed dated 3728/1998-99 the Khatha was transferred in the name of Smt. Papachiyamma. Smt. Papachiyamma had obtained licence for construction of public library. Since fake hakku patra was produced the licence was cancelled. The Commissioner of CMC has to take appropriate action subject to the orders of the Court. The Deputy Commissioner has stated that letter was addressed to the Commissioner, for taking appropriate action. In furtherance of the above direction, no action was taken. The information about the action taken is not furnished.

6. In relation to the allegations mentioned at (4) to (6) regarding encroachment of main roads of Tumakuru city by certain persons, the Deputy Commissioner in his letter dated 1/8/2005 addressed to the Director of Municipal Administration informed that the Assistant Commissioner, Tumakuru had conducted enquiry and ordered to remove the encroachments by his order dated 3/6/2005. In this regard, the Commissioner of CMC Tumkuru was directed to take action to remove the encroachments. No

further information regarding the removal of encroachment is furnished.

7. In regard to recovery of rent from the municipal shops copies of details are enclosed. It is not clear whether action has been taken by CMC to recover the arrears of rent from the tenants stated in the statement of arrears.

8. Regarding unauthorised layout formed in Sy. No. 356, without conversion of land, the files relating to effecting of kathas are produced. Several persons have constructed houses in the sites. The action taken for removal unauthorised layout and cancellation of khathas already effected in relation to the authorised sites is not furnished.

9. In regard to the allegation of payment of arrears of Rs.1,50,000/- to Sri B. Nagaraju, Bill Collector (Minimum Scale employee), City Municipal Council, Tumakuru, the Commissioner of City Municipal Council by order No. Na.Sa.Thu/ Sibbandi(1)/ CR/ Asha-3/2004-05 dated 14/10/2004 ordered for recovery of a sum of Rs.1,50,000/- paid to Sri B. Nagaraju as arrears of salary. In the same order, it is stated that the said official joined service on 1/4/1994 and the authority of confirmation of his service in the CMC vests with Deputy Commissioner. The information regarding the recovery of the above sum from Sri B.Nagaraj is not available. Further, the information is not available, whether any action was taken for illegal confirmation.

10. In view of the above, a recommendation under Section 12(1) of the Karnataka Lokayukta Act, 1984 is made to the Competent



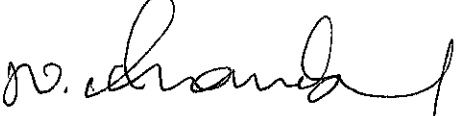
Authority for taking appropriate action in relation to the following, within three months from the date of receipt of this recommendation;

- (1) Removal of encroachment in Sy. No.28 within the limits of Tumakuru City Municipality as per the report of Assistant Commissioner and directions issued to the Tahsildar by the Deputy Commissioner.
- (2) Removal of encroachment of site in Sy. No.36 by Smt. Papachiyamma as directed by the Deputy Commissioner, Tumakuru;
- (3) Encroachment of land in Sy. No.37 adjoining the National Highway by certain persons as per the Report of Assistant Commissioner dated 3/6/2005 and directions issued by the Deputy Commissioner, Tumakuru in his letter dated 1/8/2005 addressed to the Director of Municipal Administration, Bengaluru.
- (4) Removal of unauthorised layout in Sy. No. 356 and cancellation of kathas already effected in relations to the unauthorised sites formed in the above layout.
- (5) Recovery of arrears of rent from the municipal shops, as mentioned in the enclosed lists.
- (6) Recovery of a sum of Rs.1,50,000/- from Sri B.Nagaraj, Bill Collector, CMC, Tumakuru and his confirmation in the City Municipal Council by the Commissioner, without power or authority.

11. As per section 12(2) of the Karnataka Lokayukta Act, the Competent Authority shall intimate or cause to be intimated the

action taken on this recommendation within one month after completion of the period stated in paragraph (10) above.

Connected records are enclosed.

  
(JUSTICE N. ANANDA)  
Upalokayukta-2  
State of Karnataka,  
Bengaluru

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