

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BD-745/2007/ARE-6

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

Date: 17/05/2017.

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

Sub: Complaint filed by Sri. S.Narayana S/o. Channappa –
Chikkenahall, Chikamuduvadi Post, Kasaba Hobli,
Kanakapura in Bangalore Rural District- reg.

A complaint was registered on the basis of complaint filed by one Sri. S.Narayana S/o. Channappa – Chikkenahall, Chikamuduvadi Post, Kasaba Hobli, Kanakapura in Bangalore Rural District (hereinafter referred to as complainant for short) against Commissioner- Kanakapura TMC and Tahasildar in Kanakapura of Bangalore Rural District (hereinafter referred to as respondent No.1 and 2 for short) 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: a Government Nala (stream) flows in the limits Kanakapura Town and owners of house

sites in Land Sy.No.676/1 and in other Sy.Nos. adjoining Government Nala on either side have encroached Nala portion by putting up construction of houses/buildings and thereby reducing the width of the Nala and attempt is being made to completely fill mud in the Nala preventing free flow of water through it which runs up to 2 km and respondents have not taken action.

3. Reply was obtained from the respondent No.1 and 2. R1 has stated that there are no records in TMC about formation of brindavan layout as well as existence of Nala and so he has no comments regarding allegation of encroachment of nala by the owners of sites in Sy.No.676/1. R2 has stated that as per survey got conducted by Revenue Inspector and Surveyor encroachment of Nala by owners of houses in Sy.No.676/1 is found. An area of 2 acres in Sy.No.676/1 is converted into N.A and layout of sites is formed in it and it is included within limits of TMC and construction permissions are issued by TMC and action against encroachment of Nala has to be taken by TMC.
4. Report was obtained from Chief Officer TMC dated 15/09/2015 wherein he has stated that steps of ETS survey is already undertaken in respect of sites. The boundary of Government nala has to be fixed by conducting survey of length width and curves and the same is not undertaken and

sketch is not issued for taking work of removing encroachment of government Nala.

5. Later Tahasildar has stated in his letter dated 07/04/2017 that survey sketch identifying the extent of Nala in Kanakapura Town and Portion of encraochments made on either side is sent to the Commissioner CMC at Kanakapura. He has enclosed the copy of sketch. On persual of the survey sketch it is seen major portion (6.30 acres) Government Nala running between different Sy.Nos in the limits of Kanakapura Town is totally under encraochment reducing major length portion of Nala in toto and considerable reduction of width of nala at some places. It is stated that sites and constructed houses exist on the spot in an area of 6.30 acres of Government Nala running from Maharaja katte towards Arkavathi river in the limits of Kanakapura Town. Now, CMC, Kanakapura shall have to take steps to remove the encroachment and restore the Nala portion to it's original position throughout between Maharaja katte to Arkavathi River for free flow of water.
6. Hence, this report is made under Section 12(1) of the Karnataka Lokayukta Act, to the competent authority for taking up the work of removal of encraochment and for restoring the Government Nala, running between Maharaja Katta towards Arkavathi River in the limits of Kanakapura Town.

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.

S. B. Adi
[JUSTICE SUBASH B ADI]
ms Upalokayukta
Karnataka State, Bengaluru.