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KARNATAKA LOKAYUKTA

No. Compt/Uplok/MYS-629/2009/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bangalore, Dt. 05/04/2017.

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

Sub: Regarding complaint against illegal stone mining activities in government land Sy.No.99 of Saventhanahalli of Hassan Taluk.

On the basis of complaint filed by Sri. Cheluvegowda of Chigalli village in Shantigrama Hobli of Hassan Taluk (hereinafter referred to as complainant for short) against Sri. Tammegowda- Senior Geologist, Khanija Division, Kuvempunagar, Hassan in Hassan District (hereinafter referred to as respondent for short) alleging that illegal stone mining activities are being carried on by Sri.Ramachandra and Sri.Rangaswamy of Chigalli village in government land Sy.No.99 of Saventhanahalli of Hassan Taluk and respondent has not taken action to prevent it.

2. The respondent Sri.Thammegowda, Senior Geologist, Hassan, submitted comments dated 01/01/2010 (Flag B) stating that stone mining license dated 27/09/2002 for five years was given in respect of 1.20 acre in Sy.No.99 to Sri. Ramachandra. He had applied for it's renewal but it was not renewed. The
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land Sy.No.99 is gomal land. Some portion of land is granted in it to some persons, who had lost land in Hemavathi Reservoir Project. Due to dispute regarding grant matter is pending in the court of D.C. Some villagers of Savanthanahalli and Doddagerigere villages had indulged in illegal stone mining. It was brought under control but could not be completely stopped. Action is taken and cases are booked and penalty is imposed and collected from such illegal miners. Some persons have applied for lease for mining. Hon'ble High court in W.P. 15882/2007 has passed orders dated 15/02/2008 directing D.C to dispose of the applications in the light of government Circular dated 24/02/2009, but D.C. has not disposed of the applications. Steps are being taken to prevent illegal mining.

3. The report of Senior Geologist dated 01/01/2010, Letter of DC dated 01/03/2011, reports of Senior Geologist dated 07/11/2013, report of Police Inspector, KLA, Hassan dated 27/11/2014, report of Senior Geologist dated 20/11/2014 & 21/02/2015, report of RFO dated 18/03/2015, report of ADLR Hassan dated 12/08/2015, the report of DDLR dated 08/07/2015, report of Tahasildar dated 11/01/2017 and enclosures of surveyor dated 11/01/2017 show that:-
 - (i) Land Sy.No.99 totally measuring 126.17 acres is a government gomal land.
 - (ii) An area of 57.37 acres is given to forest department for afforestation activity.

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- (iii) An area of 66.05 acres is granted to 15 persons who had lost their lands in Hemavathi Reservoir project.
- (iv) An area of 2.17 acre is the remaining portion of government gomal land in Sy.No.99.
- II. (v) The 15 persons to whom different portions put together measuring 66.05 acres (as per report of DC dated 01/03/2011 at Flag D) are not having actual possession of respective portions and the RTC in respect of said portions are not corrected.
- (vi) As per spot position vide report of ADLR dated 12/08/2015 and sketch, area of Forest Department is only 45.05 acre as against 57.37 acres illegal mining was taking place in an area of 2.17 acres surrounded by land of Forest Department and remaining area of 78.35 acre of Sy.No.99 is illegally occupied by the villagers.
- (vii) Illegal mining has been taking place from time to time in different portions of Sy.No.99 including the area given to Forest Department and area granted to 15 persons.
- (viii) As many as 9 persons named in the report of PI dated 27/11/2014 were found carrying illegal mining activities.
- 4) The officers of Revenue, Forest and mines and Geology of Hassan Taluk and District have not taken steps to fix the boundary of land given to Forest Department in Sy.No.99, prevent illegal mining taking place in different portions of Sy.No.99 including in the area given to forest department and area of land granted to losers of land in Hemavathi Reservoir project and it is despite said activities were taking place even

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before this complaint came to be filed and have continued to take place during the course of investigation of this complaint as on date.

5. Hence, recommendation u/s 12(1) of K.L.Act is made to the competent Authorities⁴ in the departments of Revenue, Forest and Mines and Geology to take following steps
 - (i) Area of 57.37 acres in Sy.No.99 of Savanthanahalli in Hassan Taluka given to Forest Department for aforestation shall be demarcated by fixing boundaries and work of plantation of trees shall be taken up without there being any sort of delay.
 - (ii) Steps shall be taken to prevent any kind of illegal mining in any portion of land Sy.No.99 including in the portion given to Forest Department.
 - (iii) Illegal encroachment of Sy.No.99 by the villagers shall be removed by taking immediate steps in accordance with law.
 - (iv) Different portions of Sy.No.99 stated to have been granted to looser of lands in Hemavathi Project shall be surveyed and demarcated and the grantees should be put in possession of the respective portions granted to them and in case the grantees fail to take possession of portions granted to them or are not willing to accept the grant, the orders granting land to them shall be cancelled

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and Revenue department shall retain possession of entire area (other than area given to Forest Department) and keep it to use the same as gomal land.

6. 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)

Upalokayukta,

State of Karnataka.

