

**KARNATAKA LOKAYUKTA**

**NO. COMPT/UPLOK/MYS/681/2013/DRE-1** M.S.Buildings,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru 560 001.

Dated: 2/7/2019

**Report under section 12(1) of  
Karnataka Lokayukta Act**

Sub: complaint filed by Sri.Adarsha H  
S/o.H.N.Halappagowda, Agalagandi Polst,  
Koppa Taluk, Chikmagalur District.

\*\*\*\*\*

1. On the basis of complaint filed by Sri.Adarsha H S/o.H.N.Halappagowda, Agalagandi Polst, Koppa Taluk, Chikmagalur District, (hereinafter referred to as 'Complainant'), against (1) Sri.Lingappagowda, Tahsildar, Sringeri, (2) Sri.Srinivas, Tahsildar, Sringeri, (3) Sri.Mohan Bidri, Range Forest Officer, Sringeri, and (4) Sri.Mayum Honyala, Engineer, Zilla Panchayath, Chikmagalur District (hereinafter referred to as 'Respondents 1 to 4' respectively) an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The complainant has alleged that one Sri.H.R.Chandrashekara has encroached 60 acres in Government land bearing Sy.No.200 and 206 of Ginikal Village, Kasaba Hobli, Sringeri Taluk and has also encroached 28 acres of forest land in Sy.No.132 of Heggaru Village, Megunda Hobli, Koppa Taluk. Further it is alleged

that by using his political influence he has got executed the wall of construction of tank near his land in Sringeri Taluk though the approved plan was for construction of tank in Megunda Hobli of Koppa Taluk.

3. The respondent No.1 to 4 have filed comments.
4. The complainant has also filed rejoinder, further alleging that, the brother of Sri.H.R.Chandrashekara by name Sri.Ravindra has obtained 4 acres 38 guntas of land in Sringeri Taluk illegally, though he has lands in Heggaru Village.
5. The Deputy Commissioner, Chikmagalur was directed to enquire and submit report. Joint enquiry by S.P, KLA, Chikmagalur, and Assistant Commissioner, Koppa was ordered. They have submitted the report with documents.
6. From the comments of the respondents, the report of the Enquiry Officers and the documents produced by them the following points can be observed:
7. It is the specific allegation of the complainant that one Sri.H.R.Chandrashekar encroached about 60 acres of Government land in Sy.No.200 and 206 of Ginikal Village, Kasaba Hobli, Sringeri Taluk. It is also alleged that he has encroached about 25 acres in Sy.No.132 of Heggaru Village, Megunda Hobli, Koppa Taluk. Along with the complaint RTC of Sy.No.132 of Heggaru Village and village map of Sy.No.200 and 206 of Ginikal Village have been produced.
8. From the perusal of the RTC of SyNo.132, it is seen that the total extent is 484.36 acres. As per the entries in

column No.9, 100 acres is forest area, 375.11 acres is shown as Gomal land, 1.20 acres is shown as given to Taluk Panchayath under Ashraya Scheme and 2.2 acres is shown in the name of Smt.B.S.Saraswathi W/o.Shankar Rao. Therefore, according to the RTC 100 acres is forest land and 375.11 acres is Gomal land which comes within the jurisdiction of Revenue Department.

9. From the scrutiny of the documents and report filed by the Forest Officer, Tahsildar and the Enquiry Officers it is seen that Range Forest Officer has submitted the report on 30/11/2016 that an extent of 6 acres in Sy.No.132 of Heggaru Village has been encroached by Sri.H.R.Chandrashekar. It is further reported that the said 6 acres is declared as forest area under Sec.4 of Karnataka Forest Act and out of 6 acres, 3.05 acres has been cultivated and 2.35 acres is without any cultivation. In the Joint Enquiry Report submitted by the Superintendent of Police, KLA, Chikmagalur and the Assistant Commissioner, Chikmagalur, also it has been reported that Sri.H.R.Chandrashekar has encroached an extent of 6 acres in Sy.No.132 within the area declared as deemed forest under Sec.4 of the Karnataka Forest Act.
10. Further the complainant has specifically alleged that in Sy.No.200 and 206 of Ginikal Village, the said Sri.Chandrashekar has encroached more than 60 acres. From the RTC pertaining to Sy.No.200 produced by Tahsildar, it is seen that Sy.No.200 totally measured 214.14 acres, out of which 210.17.02 acres is Soppina Betta land which comes within the jurisdiction of Revenue

Department. Tahsildar has submitted the report that the following persons have been granted various extents of land as mentioned below out of Soppina Betta land:

ಖಾತೆದಾರರು	ವಿಸ್ತೀರ್ಣ	ಎಂ.ಆರ್.ನಂ.	ಷರಾ
1. ವೆಂಕಟರಮಣ	0-01.02 ಎ	26/02-03	ಅನಧಿಕೃತ ಮನೆ ನಿರ್ಮಾಣವನ್ನು ಸಕ್ರಮಗೊಳಿಸಲಾಗಿದೆ
2. ಶ್ರೀನಿವಾಸಮೂರ್ತಿ	0-00-10.7 ಎ		
3. ಎಂ.ಎಸ್.ಹರಿದಾಸ	0-00-13.30 ಎ		
4. ಹೆಚ್.ಆರ್.ಚಮದ್ರಶೇಖರ	0-03-06.50 ಎ		
5. ವೈ.ಎಸ್.ಶಿವಶಂಕರ	0-00-13.30 ಎ		
6. ನಾಗೇಶಶಾಸ್ತ್ರಿ	0-00-09.20 ಎ		
7. ಎಂ.ಆರ್.ಬಾಲಚಂದ್ರ	0-00-07	27/03-04	ತಹಶೀಲ್ದಾರ್, ಶೃಂಗೇರಿ ರವರ ಆದೇಶ ಸಂ.ಎನ್‌ಸಿಆರ್:ಸಿಆರ್:275/02-03 ದಿನಾಂಕ 27-07-2003 ರಂತೆ ಅನಧಿಕೃತ ಮನೆ ನಿರ್ಮಾಣ ಸಕ್ರಮಗೊಳಿಸಲಾಗಿದೆ. ಅದರಂತೆ ಖಾತೆ ದಾಖಲಿದೆ.
8. ಎಂ.ಎಸ್.ವೆಂಕಟರಮಣ	0-15-0.0	18/05-06	ಅನಧಿಕೃತ ಸಾಗುವಳಿಯನ್ನು ಸಕ್ರಮಗೊಳಿಸಿ ಸಾಗುವಳಿ ಚೀಟಿ ನೀಡಿದ ಮೇರೆ ಖಾತೆ ದಾಖಲಾಗಿದೆ
9. ಎಂ.ಎಸ್.ಹರಿದಾಸ	1-10 ಎ		
10. ಎಂ.ಬಿ.ಲಕ್ಷ್ಮೀಶ	1-08 ಎ		
11. ಶಾಂತಮ್ಮ ಕೋಂ ಬಾಜಿರಾವ್	0-36	ಹೆಚ್ 3/14-15	ಬಾಜಿರಾವ್ ಇವರಿಗೆ ಅನಧಿಕೃತ ಸಾಗುವಳಿ ಸಕ್ರಮವಾಗಿ ಎಂ.ಆರ್.18/05-06 ರಂತೆ ಖಾತೆ ಬಂದಿದ್ದು, ಅವರ ಮರಣಾ ನಂತರ ಶಾಂತಮ್ಮ ಇವರಿಗೆ ಖಾತೆ ಬಂದಿದೆ

11. A Mutation Register Extract has been produced which reveals that vide M.R.9/82-83, 17.14 acres of land out of 214.14 acres in Sy.No.200 was transferred to Forest Department. Another Mutation Register Extract has been produced, which discloses that vide M.R.12/99-2000 dt.24/12/1999, the said 17.14 acres transferred to Forest Department has been retransferred to Revenue Department in Sy.No.200. in the above cited report of the R.F.O, Sringeri dt.30/11/16, it has been noted that in Sy.No.200 of Ginikal Village, out of the total extent of 214.14 acres, 126.22 acres has been notified as forest area under

Sec.4(1) of Karnataka Forest Act. He has submitted the report that Sri.H.R.Chandrashekar has encroached more than 8 acres in the said area. He has also reported that the said Sri.Chandrashekar has cut the trees situated in Sy.No.200 and with regard to the same a forest case has been registered in FOC No.15/2013-14 dt.2/8/2013. He has also reported that another forest case has been registered in FOC No.11/16-17 dt.4/2/16 with regard to the encroachment made by Sri.H.R.Chandrashekar in Sy.No.200 of Ginikal Village and Sy.No.132 of Heggaru Village. In the Joint Enquiry Report dt.9/3/17 also it has been reported that in Sy.No.200 of Ginikal Village Sri.H.R.Chandrashekar has encroached more than 8 acres of Government land which is Soppina Betta land and has grown Coffee, Silver and Areca.

12. However in the rejoinder the complainant has reported that Sri.H.R.Chandrashekar has encroached more than 50 acres, but officers have given false report that only 10.17 acres has been encroached in Sy.No.200 by Sri.H.R.Chandrashekar.
13. It is pertinent to note that in the report dt.3/3/2017, Tahsildar has submitted that as per the report of the Surveyor in NCR.Cr.10/13-14 there is encroachment of 16.16 acres of Government land. He has further reported that out of the said extent, Form No.53 has been submitted by Sri.H.R.Ravindra S/o.Ramappa Gowda i.e., the brother of Sri.Chandrashekar and accordingly Saguvali Chit has been issued in his favour in NCR.Cr.2/98-99 dt.29/8/15. He has further reported that Sri.H.R.Chandrashekar

S/o.Ramappa Gowda has been granted 1.01 acres in case No.1/98-99 dt.29/8/15 at the instance of Form No.53 filed by him. He has further reported that the remaining 10.17 acres which has been encroached has been ordered to be removed and as per the report of Revenue Inspector dt.14/5/15 the encroachment has been symbolically (ಸಾಂಕೇತಿಕ) removed by placing a name board that the said land has been taken to the possession of the Government. He has also reported that in Sringeri Taluk, Sri.H.R.Chandrashekar has land to the extent of 2.27 acres in Sy.No.212, 1.10 acres in Sy.No.214 of Ginikal Village and his wife A.L.Usha has 0.26 acres in Sy.No.211 of Ginikal Village. Further it is reported that an extent of 11.01.08 acres is in the name of Sri.Ravindra S/o.Ramappa Gowda in various survey numbers of Heggaru Village. He has further reported that suppressing these facts the grant has been made in the name of Sri.H.R.Ravindra.

14. Along with the said report he has produced copy of Saguvali Chit issued in the name of Sri.H.R.Ravinda, with sketch pertaining to 4.38 guntas in Sy.No.200 of Ginikal Village. Saguvali Chit issued in favour of Sri.Chardrashekar along with the sketch pertaining to 1.01 acres in Sy.No.200 of Ginikal Village has also been produced. Therefore, from the said report of Tahsildar, it becomes clear that Tahsildar has not taken actual possession of the encroached land of 10.17 acres in Sy.No.200 of Ginikal Village. This inference gets strengthened from the report of Range Forest Officer dt.19/4/18. In the said report it is specifically recited that

as regards encroachment in Sy.No.200 of Ginikal Village, the Forest Department has presented a complaint U/s.3 & 4 of Karnataka Land Grabbing Prohibition Act 2011 with respect to encroachment of forest area, but the majority of the encroached portion comes within the Revenue Department which is a Soppina Betta land. Therefore he has reported that Tahsildar has to take steps for removal of encroachment in Soppina Betta land. Therefore, it becomes clear that even as on 19/4/18, the encroachment of Government land which comes within the jurisdiction of Revenue Department had not been removed. But the Tahsildar in his report dt.22/5/18 has contended that as per the report dt.3/3/17, the encroachment has been removed by placing a name board that it has been taken to the possession of the Government. He has further reported that there is no encroachment in Sy.No.132 of Ginikal Village. From the mahazar and the report of Revenue Inspector annexed to the report dt.3/3/17, also it can be clearly made out that actual possession of the encroached land has not been recovered by the Revenue Department. Infact in the report dt.27/9/18 also, the Tahsildar has reported that in the encroached portion Coffee plantation of Sri.H.R.Chandrashekar is still existing.

15. Further the documents have been produced pertaining to registration of case before Karnataka Land Grabbing Prohibition Special Court, Bangalore U/s.3 & 4 of the said Act for violation of Sec.33, 76, and 76a of Karnataka Forest Act and Rule 25, 42 and 42a of Forest Rules and Forest Conservation Act. It is seen that the said case has

been registered at the instance of the petition filed by the Range Forest Officer, Sringeri Range against Sri.H.R.Chandrashekar pertaining to encroachment of 12.21 guntas of Forest land in Sy.No.200 of Ginikal Village. But no documents has been produced to show that any action has been taken by the Revenue Department for removal of encroachment from the revenue land i.e., in Soppina Betta land which even according to the report of the Tahsildar and R.F.O measured an extent of 10.17 acres. Therefore, the contention of the Tahsildar that already a case has been registered before the Karnataka Land Grabbing Prohibition Special Court in LGC No.536/18 cannot be accepted, to come to the conclusion that the Revenue Department has taken steps for removal of encroachment of Revenue land in Sy.No.200 of Ginikal Village. The R.F.O, Sringeri Range has reported in his reports dt.30/11/16, 26/12/17 and 19/4/18 that the major portion of encroached land comes within the Soppina Betta category of land which comes within the jurisdiction of Revenue Department and it is the Revenue Department who has to take action for recovery of the said encroachment of land. Hence, the contention of the complainant that a false report has been submitted by the respondents regarding the actual extent of encroached land seems probable.


16. Therefore from the above discussion it becomes clear that the respondents i.e., Tahsildar, Sringeri Taluk has not taken steps till today for removal of encroachment in Revenue land in Sy.No.200 of Ginikal Village. Even the



Forest Officers have not taken steps for removal of encroachment in Sy.No.132 of Heggaru Village to an extent of 6 acres which is a forest area. LGC-536/18 has been filed only with respect to 12.21 acres of forest land in Sy.No.200 of Ginikal Village.

17. For the facts and circumstances stated above, in exercising the powers conferred under Section 12(1) of Karnataka Lokayukta Act this recommendation is made to the competent authority to take steps for removal of encroachment in Forest and Revenue land in Sy.No.200 of Ginikal Village and in Sy.No.132 of Heggaru Village and to take action against encroachers.
18. The Competent Authority shall intimate or cause to be intimated to this Authority about the action taken on the report within one month thereafter as stipulated under Section 12(2) of Karnataka Lokayukta Act, 1984.

Connected records are enclosed herewith.

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

