

188

KARNATAKA LOKAYUKTA

No.Compt./Lok/BCD-2387/2014/ARE-1

M.S.Building,
Bangalore,
Dated.03/04/2017.

**“REPORT U/S 12(3) OF THE KARNTAKA LOKAYUKTA
ACT 1984”**

Sub:- Complaint filed by Siddagangaiah B.R.,
Bangalore against Sri. Ayyappa and 2 Others
-- regarding.

Sri. Siddagangaiah S/o Late Revanna, Basnavapalya, Tavarekere Hobli, Bangalore South Taluk, Bangalore Urban District (hereinafter referred to as **Complainant** in short) has filed complaint against (1) Sri. Ayyappa, Deputy Commissioner, Bangalore Urban District, Bangalore, (2) Sri. Manjunatha, KAS, Tahsildar, Bangalore South Taluk, Bangalore and (3) Sub-Registrar, Tavarekere, Bangalore South Taluk, Bangalore Urban District (hereinafter referred to as **Respondents 1 to 3** in short) alleging that he is the owner of agriculture land measuring 3.20 acres in Sy.No.12/2 of Ajjanahalli village, Thavarekere Hobli, Bangalore South Taluk and one Gangadhara, who is said to be a developer has claimed that he has purchased the said land. Complainant has further stated that he has filed suit in Civil Court, Ramanagar in O.S. No.453/2008 and court granted injunction order on 20/04/2010 and then he gave application to Tahsildar, Bangalore South Taluk to make entry in the RTC about the court order, but the Tahsildar has neglected to make entry in the RTC about the court order. Complainant has further

12/4/17

88/ stated that he had also given application to Sub-Registrar, Thavarekere enclosing the court order requesting the Sub-Registrar not to register any document in respect of the land, but the Sub-Registrar has registered sale deed ignoring the court order.

3. After taking up investigation on the complaint, the comments of the respondents were called and respondents 2 and 3 submitted their comments. The complainant filed his rejoinder.

4. Respondent No.2 Sri. Manjunatha in his comments has stated that Sri. B.R. Siddagangaiah had given application for entering the court order in O.S. No.453/2008 on the file of Civil Court, Ramanagar and the court had granted injunction against the defendants in that suit from alienating 'B' Schedule Property mentioned in the plaint, but since B.R. Siddagangaiah did not furnish certified copy of the interim order passed by the court, the application was kept in abeyance. Respondent No.3 Sri. B.M. Janardhan, who was working as Sub-Registrar, Thavarekere during the year 2012 has stated in his comments that the complainant had furnished copy of the orders passed by Civil Court, Ramanagaram in O.S.No. 453/2008 on 23/04/2010 and he had included the court order in Cauvery Software in respect of land measuring 1 acre 29 guntas in Sy.No.12/2, Ajjanahalli village. He has further stated that on 05/11/2012 one T.P. Gangadhar GPA holder of Chandrappa, his wife and children, presented a sale deed dated: 03/11/2012 in respect of land bearing Sy.No.12/2 of Ajjanahalli village and after verifying the document he registered the sale deed. Respondent No.2 has further stated that when he verified in the computer he could not find display of injunction order passed by the civil court and

there was also difference in respect of the extent of land and therefore he registered the sale deed in question. The complainant in his rejoinder has denied the reply given by respondents No.2 and 3.

5. After considering the materials collected during investigation conducted in the complaint, it is found that;

- (1) Complainant Sri. Siddagangaiah B.R. had filed suit O.S. 453/2008 on the file of Addl. Sr. Civil Judge Court, Ramanagar claiming that he was the owner of land measuring 3.20 acres against Paramashivaiah and others and in the said suit the Civil Court by its order dated: 20/03/2010 granted an order of injunction restraining the defendants therein from alienating the property mentioned in 'B' schedule in any manner till disposal of the suit.
- (2) After the Civil Court passed injunction order in O.S.No.453/2008, the complainant gave application in the office of the Tahasildar, Bengaluru South Taluk on 10/05/2010, where respondent No.2 was working as Tahsildar at that time, requesting him to make an entry about the court order in the RTC pertaining to the land measuring 3.20 acres in Sy.No.12/2 of Ajjanahalli village.
- (3) Respondent No.2 did not make any order for entering the injunction order granted by the Civil Court in the RTC in respect of the land in Sy.No.12/2 of Ajjanahalli village on the ground that the complainant had not enclosed certified copy of the Court order. Respondent No.2 did not ask the complainant to produce certified copy of the Court order -in order to consider his application and also he did not make any efforts to find out whether any order was

passed by the civil court in respect of the said land or not. By taking advantage of the inaction of Respondent No.2, one T.P.Gangadhar, GPA holder of Chandrappa and his wife and children, got the land in dispute before the Civil Court, converted to non-agriculture purpose from the Deputy Commissioner, Bengaluru Urban District. The explanation offered by Respondent No.2 for not entering the injunction order of the court in the RTC of the land in Sy.No.12/2 of Ajjanahalli village is not acceptable one. Therefore, Respondent No.2 has committed dereliction of duty.

- (4) The complainant had given application before respondent No.2 Sri B.M.Janardhan, the then Sub-Registrar, Tavarekere, Bengaluru South Taluk along with the copy of the injunction order passed by the Addl. Sr. Civil Judge Court, Ramanagar in O.S. 453/2008 and Sri B.M.Janardhan had entered the injunction order in respect of the land in Sy.No.12/2 in the software of the computer of the Sub-Registrar Office, Tavarekere. Subsequently, on 05/11/2012 Sri. T.P.Gangadhar, GPA holder for Sri Chandrappa, his wife and children presented a sale deed in respect of 25 guntas of land in Sy.No.12/2 for registration and without verifying the Court order Sri.B.M.Janardhan, the then Sub-Registrar, Tavarekere registered the sale deed with No.3250/2012-13. It was the duty of Sri. B.M.Janardhan to make verification of the entries made in the computer of his office about the injunction order granted by the Civil Court, but he has not done so. Sri B.M.Janardhan in his reply given to the Lokayukta has admitted about the application given by the complainant along with the Court Order on 23/04/2010 itself requesting him not to register sale deed in respect of the land in

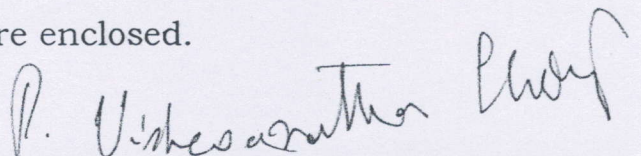
184

Sy.No.12/2 of Ajjanahalli village. Therefore it is clear that Sri B.M.Janardhan, the then Sub-Registrar, Tavarekere has exhibited utter negligence in the discharge of his duties and has registered a sale deed in respect of land in Sy.12/2 of Ajjanahalli village ignoring the Civil Court order. Therefore, his conduct amounts to dereliction of duty and grave official misconduct. It is difficult to believe that there was any error in the computer or an innocent mistake was committed by the Sub-Registrar.

6. The facts and materials on record prima facie show that respondents 2 and 3 have committed mis-conduct as per rule 3(1) of KCS (conduct) Rules 1966. Therefore, acting under section 12(3) of the Karnataka Lokayukta Act, a recommendation is made to the competent authority to initiate disciplinary proceedings against (1) Sri. Manjunatha and (2) Sri. B.M. Janardhan and to entrust the enquiry to this authority under rule 14-A of Karnataka Civil Services (Classification, control and appeal) rules, 1957.

7. Further, as per sec 12(4) of Karnataka Lokayukta Act 1984, the Competent Authority shall intimate this authority within 3 months from the date of receipt of this report, about the action taken or proposed to be taken on this report against the said persons.

Connected records are enclosed.


(JUSTICE P. VISHWANATHA SHETTY)
Lokayukta,
State of Karnataka.