

**KARNATAKA LOKAYUKTA**

No. Compt/Lok/BCD/143/2011/ARE (2)

M.S.Building,  
Bangalore,  
Date: 24-01-2014

**Sub:-** Report u/Sec. 12(3) of Karnataka Lokayukta Act 1984  
Against **(1)** Mr. Raju, K., the then M.L.A., Ramanagar  
**(2)** Sri Chandrashekaraiyah, the then Deputy Commissioner  
Ramanagar, **(3)** Sri Siddaraju, Commissioner, CMC,  
Ramanagar **(4)** Sri Natesh, the then Tahsildar, Ramanagar  
**(5)** Smt. Shailaja, C.P., Addnl. Deputy Commissioner,  
Ramanagar **(6)** T. Gopinath, Judicial Head Munsiff, D.C.  
office, Ramanagar **(7)** Sri Narayan, Revenue Officer, CMC,  
Ramanagar **(8)** Sri Nagaraju, Revenue Inspector, CMC,  
Ramanagar **(9)** Sri. Srinivas, Case worker, City Municipal  
Council, Ramanagar.

**Ref:-** Compt No. Compt/LOK/BCD/143/2011/ARE(2)

-\$\$-

This complaint involving allegations is directed against Sri K. Raju, the then MLA, Ramanagar and other officers and officials cited under above subject.

The summary of the facts alleged are as follows.

1. Complainant Sri K. Sheshadri, Member and Ex-president of City Municipal Council, Ramanagar in his complaint dated 11.07.2011 submitted to Hon'ble Lokayukta has complained that respondent no.1 Mr. Raju is a member of Legislative Assembly representing Ramanagar Constituency since 23.08.2009. And after becoming MLA, respondent no.1 indulged in illegal activities of land grabbing. The first respondent purchased 1-10guntas of land comprised in Sy.No.40/2b of Jigenahalli under registered sale deed dated 25.11.2004 from its previous owners. On 05.01.2005, he applied for conversion of the said land u/Sec. 95 of Karnataka Land Revenue Act 1964 before the Deputy Commissioner. The D.C. after obtaining reports from the Tahsildar, Ramanagar, sanctioned conversion as per the official memorandum bearing No. ALN(R) SR36/2004-05 dtd. 01.03.2005 subject to the conditions specified in the said official memorandum. Thereafter Respondent No.1 submitted lay out plan to Ramanagar Channapatna Urban

*URB*

Development Authority. The said Authority passed a resolution on 30.05.2005, approving the lay out plan, taking into consideration that the residential houses have come up in the vicinity of the said land. According to the condition imposed by RCUDA, out of 1-10guntas, 15% area had to be set apart for park, open place, 10% area had to be reserved for civic amenities. The lay out plan was approved on 12.08.2005. In the said layout plan, the total measurement of the land wherein lay out formation was proposed is mentioned as 155+156 feet X 34 feet. The total area is 54570 sq. feet. Out of

2

this, residential sites had to be carved out in 55% area, Park had to come up in 15% area, roads had to be formed in 20% of area and civic amenities had to be provided in 10% area. The area reserved for park is shown in southern portion of the above land. One road of the width of 30 feet and another road of the width 17 feet are shown in the said lay out plan. The area measuring 60X90.08inchess abutting the park area on the north is shown as civic amenity site.

2. The first respondent disposed off many of the residential sites formed by him in the said lay out as under:-

Sale deed date	Name of the Purchaser	Site No.	Measurement	Amount.
06-04-2006	H.N. Nanjappa	1	E.W. : 65 N.S. : 40	1,43,000/-
22-06-2006	Smt. Uma Nagesh	8	E.W. : 30 N.S. : 40	71,500/-
13-03-2006	D. Krishna Shetty	13	E.W. : 30 N.S. : 50	75,000/-
20-03-2006	Smt. Radamma.	9 & 10	E.W. : 30 N.S. : 45 E.W. : 45 N.S. : 45	4,05,000/-
06-04-2006	Smt. P. Latha	15	E.W. : 60 N.S. : 30	90,000/-
06-04-2006	Kum. Sindhu Vaikar	15	E.W. : 30 N.S. : 30	50,000/-
15-04-2006	Prakash	15	E.W. : 30 N.S. : 30	50,000/-
22-06-2006	P. Somalingaiah	04	E.W. : 65 N.S. : 40	1,43,000/-
13-03-2006	Puttaswamappa	12	E.W. : 60 N.S. : 40	1,26,000/-

UTB-c

As per the terms of the lay out approval, the first respondent had executed Relinquishment deed dated 10.08.2005 in favour of RCUDA in respect of the area reserved for Park, Civic amenity sites and internal roads as shown in the approved lay out plan.

The first respondent having disposed of portions of civic amenity site, representations were given to the City Municipal Council, Ramanagar, D.C. Ramanagar. The Commissioner, CMC, Ramanagar directed the cancellation of katha No. 2313/15/B(60X30feet), No. 2313/15/C/ (30X40feet, No. 2313/15/A/ (30X30feet) on 14.11.2008. On 27.08.2010, the respondent No.1 gave a representation to Deputy Commissioner, Ramanagar, stating that although the extent of land which was sold to him in Sy.No.40/2A of Jigenahalli was mentioned in the sale deed as A.1-10guntas, he was in de-facto possession of 1-00acres. He requested the Deputy Commissioner on 24.08.2010 to change the extent of land which was allowed to be converted for non agricultural use in the alienation order referred above as 1-00acres in place of 1-10guntas.

4. The complainant's grievance is that first respondent pressurised and influenced other respondents in this regard and that the other respondents namely Respondent No.2 G.L. Chandrashekaraiyah, the then Deputy Commissioner, Ramanagar, the Respondent No.3 Sri Sidda Raju, Commissioner, City Municipal Council, the respondent No.4 D.B. Natesh, the then Tahsildar, Ramanagar, the respondent no.5, Smt. C.P. Shailaja, Asst. Deputy Commissioner, Ramanagar, the respondent No.6 Sri T. Gopinath, Judicial Head Munciff, D.C. office, Ramanagar, the respondent no.7 Narayana, Revenue Officer, City Municipal Council, Respondent No.8 Sri Nagaraju, Revenue Inspector, City Municipal Council, Ramanagar and respondent No. 9 Sri Srinivas, case worker,(SDA) City Municipal Council, Ramanagar - all acted illegally and created records and recommended for limiting the area of land conversion to 1-00acre and the order for limiting the area of land sanctioned for alienation to 1-00acre came to be passed on 24.08.2010 and in this process, the respondents have caused financial loss to RCUDA and CMC , Ramanagar to the tune of about 1.5crores. The complainant thereby requested Hon'ble Lokayukta to take action.
5. When copy of the complaint was sent to the respondents for their comments, respondent-1 Mr. K. Raju, MLA submitted his comments on 05.09.2011 & 07.09.2011. The respondent no.2 submitted his comments on

UR Rao

18.08.2011, Respondent no.3 submitted his comments on 17.09.2011, Respondent no.4 submitted his comments on 05.09.2011, Respondent no.5 submitted his comments on 17.08.2011, Respondent no.6 submitted his comments on 18.08.2011, and respondent no. 7 to 9 have submitted their comments on 17.09.2011.

The first respondent in his comment sent to this office has pleaded that he purchased A.1-10guntas of land in Sy.No. 40/2A of Jigenahalli, kasaba Hobli, Ramanagar Taluk under registered sale deed dated 25.11.2004 and at that time , he had no reason to disbelieve the measurement and on the basis of the extent mentioned in the sale deed, he sought for land conversion and sanction of lay out plan and RCUDA in its meeting held on 13.05.2005, resolved that 15% of the area in Sy.No.40/2A is reserved for park, 10% Civic amenities and accordingly he obtained change of land use from RCUDA as per order dated 10.08.2005 and thereafter, the said authority approved the lay out plan on 10.08.2005. He also pleaded that in a bonafide belief, he executed unregistered relinquished deed in favour of Authority in respect of civic amenities and park area and subsequently, he got the area surveyed and after completion of survey, he was surprised to notice that actual measurement of the property in Sy.No . 40/2A was only 1-00acres and thereby he approached the Deputy Commissioner, Ramanagar for modification of conversion order dated 01.03.2005 and Deputy Commissioner on considering the case, issued modification order of conversion to the extent of 1-00acres. According to first respondent, the complainant is trying to take advantage of the date mentioned in the application filed by the respondent no.1. He has denied that he misused his position and indulged in illegal activities.

The first respondent has also pleaded that he has challenged the resolution dated 01.10.2010 passed by RCUDA and also communication dtd. 14.08.2010 issued by RCUDA in W.P. no. 25898/2011 before the Hon'ble High Court and the said Writ petition is pending.

The other respondents have fallen in line with respondent no.1 and they have taken stand that on the basis of the application which was given by the first respondent when spot inspection was held and measurement was carried out, it was found that the area belonging to the first respondent in Sy.No. 40/2A was only 1-00acre and not 1-10guntas and thereby order was issued by Deputy Commissioner on 24.08.2010. They have also taken

UBao

stand that the present complaint being filed after lapse of more than 11 months from the date of Deputy Commissioner's orders, the complaint is liable to be rejected.

6. When complainant's rejoinder was sought through communications dated 16.01.2012 and 29.08.2013, he did not send any rejoinder.

Copy of the registered sale deed dated 25.11.2004 executed by Smt. B.U. Papamma and others in favour of respondent no.1 would indicate that A.1-10guntas of land in Sy.No. 40/2A of Jigenalli was sold by them in favour of first respondent for consideration of Rs.1,75,000/- and that first respondent came forward to purchase that land out of his own volition after scrutinising the document of title and ascertaining the total extent of the properties and being satisfied that vendors had title over A.1-10guntas. The boundaries of the above land sold in favour of first respondent are given as under.

East by : land in Sy.No.38  
West by : land in Sy.No.40/1  
North by : Cart Road & land in  
Sy.No. 41 & 72; &  
South by : land in Sy.No. 40/2B,40/2C & 40/2

7. The first respondent applied before the Deputy Commissioner, Bangalore rural district (before formation of Ramanagar district) on 05.01.2005 for land conversion u/Sec. 95 of Karnataka Land Revenue Act. After following the necessary procedure and obtaining report from Tahsildar, the Deputy Commissioner issued official memorandum bearing No. ALN(R) SR 36/2004-05 DTD. 01.03.2005, sanctioning alienation in respect of 1-10guntas of land in Sy.No. 40/2A subject to the conditions mentioned in the official memorandum. Neither the O.M. dated 01.03.2005 nor the first respondent's title deed indicates that any road was running in any portion of the Sy.No. 40/2A. At the time of issue of said O.M. dtd. 01.03.2005, the alienation records were built up in respect of 1-10 guntas of land. The first respondent applied for change of land use and for formation of residential lay out in the said 1-10guntas on 13.01.2005. The said land was inspected by the concerned Revenue inspector on 14.01.2005. The Tahsildar recommended for permitting the change of land use. On 10.08.2005, the RCUDA issued order permitting change of land use subject to the conditions that residential sites can be formed in an area of 2783.17 sq.mtrs out of

UB20

which an extent of 1265.91 sq.mtrs. is to be reserved for park and other civic amenities and an extent of 972.02 sq.mtrs is to be reserved for road formation and that no portion of the above land should be used for commercial purpose. The first respondent no.1 executed relinquishment deed in favour of RCUDA on 10.08.2005 in respect of the area reserved for C.A. sites, park and internal road.

The record would show that the area measuring 60X90.08inch shown as civic amenity site in the lay out plan was subsequently sliced and sold by the first respondent in favour of several persons as referred above. The records prima facie indicate that the respondent no. 2 to 9 have built up records in order to help the first respondent in order to save the transactions pertaining to the disposal of the civic amenity site.

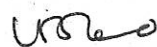
There are no reasons as to why the Authority who, after verification of the spot, sanctioned alienation in respect of 1-10guntas, subsequently, built up the records for reducing the said area to 1-00acres without finding fault with the earlier measurement and earlier official acts.

The disposal of the area reserved for civic amenity sites by the first respondent in clear violation of rules and regulations would prima facie indicates the misuse of office by the respondents. The above action of the respondents has resulted injustice to the general public including the complainant and the same needs to be remedied.

Hence, it is recommended for taking action against the following officers u/Sec. 12(3) of Karnataka Lokayukta Act 1984.

- (1) Mr. Raju, K., the then M.L.A., Ramanagar
- (2) Sri Chandrashekaraiyah, the then Deputy Commissioner Ramanagar,
- (3) Sri Siddaraju, Commissioner, CMC, Ramanagar
- (4) Sri Natesh, the then Tahsildar, Ramanagar
- (5) Smt. Shailaja, C.P., Addnl. Deputy Commissioner, Ramanagar
- (6) T. Gopinath, Judicial Head Munsiff, D.C. office, Ramanagar
- (7) Sri Narayan, Revenue Officer, CMC, Ramanagar
- (8) Sri Nagaraju, Revenue Inspector, CMC, Ramanagar
- (9) Sri. Srinivas, Case worker, City Municipal Council, Ramanagar.

Hence this report u/Sec. 12(3) of Karnataka Lokayukta Act 1984.



The Competent Authority is required to examine this report and within three months of date of this report, intimate or cause to be intimated to me the action taken or proposed to be taken on the basis of this report.

Y. Bhaskar Rao  
25-1-014

**(Dr. Justice Y. Bhaskar Rao)**  
Hon'ble Lokayukta