

**KARNATAKA LOKAYUKTA**

**No.LOK/MYS/4126/2014/ARE (2)**

M.S.Building,  
Bangalore,  
Date:30-03-2015.

**Report u/Sec. 12 (3) of Karnataka Lokayukta Act 1984**

**Sub:-** Sri Chikka Siddegowda B.S.  
S/o Late Siddaiah, Hali Budanuru, Kasaba  
Hobli, Mandya Taluk, Mandya District  
against:

- (1) Dy. Commissioner, Mandya Dist. Mandya
- (2) Tahsildar, Mandya Taluk, Mandya
- (3) Panchayath Development Officer,  
Haleboodanur Gram Panchayath &
- (4) Krishnegowda, Surveyor, Survey  
Department, Mandya
- (5) Hon'ble Minister for Housing.

**Ref:-** Complaint No. LOK/MYS/4126/2014.

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1) Sri. B.S. Chikkasiddappa S/o late Siddaiah,  
Haleboodanuru, Kasaba Hobli, Mandya Taluk in his  
complaint dated 2.12.2014 against:

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| Respondent No-1: | The Dy. Commissioner,<br>Mandya   |
| Respondent No-2: | The Tahsildar, Mandya   |
| Respondent No-3: | The Panchayath Development<br>Officer, Haleboodanuru Gram<br>Panchayath |
| Respondent No-4: | Sri. Krishnegowda, Surveyor,<br>Survey Department, Mandya               |
| Respondent No-5: | The Hon'ble Minister for<br>Housing                                     |

alleged that land in Sy.No. 143 and 144 of Haleboodanuru  
was acquired for providing house sites to the poor under  
Garibi Hatavo Scheme and on account of inaction of

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Panchayath and at the instance of politicians, the officials concerned have failed to visit spot and take needful action despite representations given since last 4 years. He has also alleged that one Ramu S/o Anthrikempaiah has been illegally given land out of said acquired land the said Ramu has constructed building therein.

2) Upon approval of preliminary note dated 4.12.2004 when comments of respondents were called the 1<sup>st</sup> respondent sent his comments on 7.1.2015, 2<sup>nd</sup> respondent sent his comments on 9.2.2015 and R-3 sent comments on 5.1.2015. The substance of the comments of respondents 1 to 3 is summarised as follows:

3) Under notification No.HLA 12/76-77 dated 24.4.1976 issued under Sec.3(1) of Karnataka acquisition of land for grant of House Sites Act, 1972 an extent of 10 guntas in the in Sy.No.144/3B of Boodanur was proposed to be acquired for the formation and distribution of house sites. The final notification bearing No.HLA 12/76-77 dated 8.7.1976 was published in Karnataka Gazette extraordinary dated 24.7.1976. The total extent of Sy.No.144/3B of Boodanur was 21 guntas inclusive of kharab of 2 guntas. Out of this 10 guntas are acquired for providing house sites to the poor. The Khatedar Sri. Siddaiah S/o Mayakonda received compensation in respect of the acquired land. His sons namely Siddappa, B.S. Chikkasiddegowda (complainant) Madaiah and Chikkaputtaiah while effecting partition of their properties included a portion of the acquired land and purported to effect partition under partition deed registered as document No. 5277/75-76 dated 1.3.1976.

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The mutation entry No.MR 506/75-76 was rejected on 23.6.1976. Under the said partition deed each of the sharers are stated to have got an extent of 5 guntas each as their respective shares and entries came to be made in the RTC. The complainant Sri. Chikkasiddegowda sold an extent of 4 guntas out of said Sy.No.144/3B in favour of one Smt. Siddamma alias Gowramma wife of Gangina Chikkasiddaiah under sale deed registered as document No. 2688/89-90 dated 2.11.1989. The said Smt. Gowramma sold the said 4 guntas in favour of Ramu S/o Thanthrikempegowdana Kempaiah under sale deed registered as document No.4017/94-95 dated 16.11.1994 and the said transaction was entered in the RTC. The complainant's brothers Madaiah and Chikkaputtaiah sold an extent of 5 guntas each in Sy. No.144/3B in favour of Ramu S/o Thanthrikempegowdana Kempaiah under sale deed registered as document No. 3354/94-95 dated 10.10.1994. As per mutation entry NO.MR.40/94-95 entries came to be made in RTC. Thereby the said Ramu S/o Thanthrikempegowdana Kempaiah became entitled to 14 guntas in Sy.No.144/3B. The said Ramu constructed his said residential house and also one Alemane in his said land. Out of the said 14 guntas in land Sy.No.144/3B an extent of 1-0 guntas was converted for non agricultural purpose as per order No. ALN.phodi 285/80-81 dated 15.5.1986 passed by Tahsildar, Mandya. The remaining 4 guntas was converted for non-agricultural use as per order No.ALN 433/88-89 dated issued by Tahsildar's office, Mandya. The entire 14 guntas of converted land came to

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included within the limits of Budnoor Gram Panchayath and was assigned property No.1054/908/1994-95 and khatha was opened in the name of said Ramu. The RTC of Sy.No.144/3B is shown in joint names of different persons and it has not not sub divided .

4) Land in Sy. No.144/3A measures 20 guntas inclusive kharab of 1 gunta . Out of 19 guntas, 10 guntas has been acquired. In Sy. No. 144/1 measuring 2 acres 17 guntas, kharab is 27 guntas and out of remaining 1 acre 30 guntas, 1 acre 7 guntas has been acquired and there remains 23 guntas. B.A. Siddappa, Rathnamma, B.Siddappa will be each entitled to 08.08 guntas. The RTC is to be rectified showing the extent of land acquired as 1 acre 7 guntas. In the RTC of sy.No.144/3B 10 guntas of acquired land is presently in possession of Ramu and in this extent there is Alemane and vacant place. The name of said Ramu is to be deleted and the said extent of 10 guntas is to be shown as acquired. Remaining 4 guntas belonging to Ramu and 5 guntas belonging to Siddappa in Sy. 144/3B is not acquired. In Sy.No.144/3A in respect of acquired extent of 10 guntas, 2 guntas is in occupation of Chikkasiddaiah, ½ gunta is in occupation of B.C. Shankar, 2 guntas is in occupation of B.C. Siddappa and 5. ½ guntas is in occupation of Madu. These extents have to be deducted out of the land in Sy.No.144/3A in occupation of the above persons and the said 10 guntas is to be shown as acquired land.

5) In RTC of Sy.No.143/1 the portion acquired is to be shown 1acre 7 guntas after deducting ½ guntas from the



portion in occupation of B.S. Siddappa, 2 ½ guntas from the portion in occupation Rathnamma and 3 guntas from the portion in occupation of Ramu. In the RTC of Sy. No.143/2,143/3,143/4,144/1 and 144/9A the entire extents namely 32 guntas, 37 guntas, 1 acre 14 guntas, 18 guntas and 1 acre 2 guntas are to be shown as acquired lands. Necessary direction for taking action under Section 136(2) of Karnataka Land Revenue Act is to be issued.

6) When copies of the comments of respondents 1 to 3 were sent to the complainant for his rejoinder, he sent his rejoinder on 16.3.2015 stating that the land Sy.No.144/3B is his ancestral property. Its extent had to be shown as 20 guntas but by mistake the extent is shown as 19 guntas. He has requested for direction to conduct survey and measurement. He has also mentioned that no licence has been obtained for constructing building by said Ramu.

7) Copy of the award dated 12.12.1978 passed by Asst. Commissioner, Mandya in case No.GLAQ 125/75-76 would show that the following lands in Sy. Nos.139,141,142,143 and 144 of Boodanur came to acquired for distribution of house sites to the weaker section of the people, as per preliminary notification HLA/12/76-77 dated 24.4.1976 issued under Sec.3(1) of the Karnataka Acquisition of land for grant of House sites Act 1972 published in Karnataka Gazette dated 22.5.1976 and final notification No.HLA 12/76-77 dated 8.7.1976 published in Karnataka Gazette extraordinary dated 24.7.1976. The names of the awardees, the extent of lands acquired and



the total compensation determined (land value and solatium ) are as under:

Sl. No	Name of the Awardees	Sy.No.	Extent	Land Value at Rs.4020/-	S.A at 15%	Total
1.	Thanthri Kenchana Kundraiah	139/9A	A - G 0 -32 ½	3266-25	489-90	3756-15
2.	Thanthri Kenchana Kempaiah	139/9(a)	0 -32 ½	3155 -25	474.75	3640.50
3.	Venkatesh S/o Honnagirigowda	139/8(A)	0-17 ½	1758.75	263.70	2022.45
4.	Mayasiddanna Honnagiri	139/8(B)	0-17 ½	1758.75	263.70	2022.45
5.	Siddappa S/o Gantebasavanagowda	139/7	0-28	2814.00	422.10	3236.10
6.	Jaya	141/7	0-29	2914.00	437.10	3351.60
7.	Siddaiah S/o Singri- Channegowda	144/1	0-18	1809-00	271.35	2080.35
8.	Kempihuchegowdana Mangaiah	142/7	1-15	5527-50	829.00	6356.50
9.	Chikkahydegowda S/o Huludevegowda	142/1	0-13	1306-50	196.00	1502.50
10.	Dyavegowdana Sidde- Gowdana, Chikkahydegowda	142/ 1/5	0-05	502.50	75.37	577.87
11.	Marisiddanakempegow -dana Kunduraiah	143/4(A)	0-28	2814.00	422.10	3236.10
12.	Marisiddanakempegow -dana Kempaiah	143/4(B)	0-27	2713.50	407.00	3120.50
13.	Chikkahydegowda S/o Siddegowda S/o Dyavegowda	143/2	0-32	3216.00	482.40	3698.40
14.	Bukkalahuchegowdana Sidda	143/ 9/3	0-37	3718.00	557.70	4276.20
15.	Madaiah S/o Channaiah	144/9(A)	1-02	4221.00	633.15	4854.15
16.	Chikkanna S/o Channaiah	144/3(A)	0-10	1005.00	150.75	1155.75
17.	Siddaiah Mayikundaiah	144/3(B)	0-10	1005.00	150.75	1155.75
18.	B.Chikkasiddaiah	143/1A	0-16	1608.00	241.20	1849.20
19.	B.Channaiah S/o Bandi- Channegowda	143/1B	0-16	1608.00	241.20	1849.20
20.	Siddaiah S/o Bandi- Channegowda	143/1C	0-15	1507-50	226-12	1733.62

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21.	Total		12.00	48240-00	7235-34	55475-34
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8) The land concerned in this complaint is Sy.No.144/3B. Its total extent is 21 guntas inclusive of kharab of 2 guntas. The cultivable portion was 19 guntas. Out of this 10 guntas were acquired for house sites as per preliminary notification No.HLA/12/76-77 dated 24.4.1976. It is not complainant's case that the said notification was challenged in any proceedings. According to Sub- Section 4 of Section 3 of the Karnataka Acquisition of land for grant of House sites Act 1972, if the State Government is satisfied that any land should be acquired for the purpose specified in the notification issued under Sub-Section (1) a declaration shall be made to that effect by means of notification in official Gazette. Such a notification has been published in gazette dated 24.7.1976. According to Sub-Section of Section 3, on publication of such final notification in official gazette the land shall vest absolutely in the State Government. Sub Section 6 of Section 3 of the Act, empowers the State Government or any person duly authorized by it, to issue notice to any person who may be in possession of the land acquired, to surrender or deliver the possession thereof within 30 days of service of such notice. If any person refuses or fails to comply with such an order the State Government or any officer authorized in this behalf may take possession of the acquired land by using such force as may be necessary. Section 4 of the Act provides for determination of compensation. The provisions of Land Acquisition Act would apply mutatis

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mutandis in respect of enquiry and award by the Dy. Commissioner, the reference to court, apportionment of compensation and payment of amount in respect of lands acquired under the Act, by virtue of section 5 of the Act. Under section 11 of Land Acquisition Act, 1894 the interested person can raise objection before the Land Acquisition Officer regarding true area of the land; the compensation in his opinion should be allowed for the land; and the apportionment of said compensation amount amongst all the persons known or believed to be interested in the land. After the publication of preliminary notification any private alienation of the land covered by notification published under Land Acquisition Act, does not bind the Government or beneficiary as held in Poornaprajna House Building Co-Operative Society, Bangalore V/s Byamma and others 1998 (3) Karnataka Law Journal page 304. The private division of property effected by the complainant and his brothers under registered partition deed dated 1.3.1976 can only give such of them the right to receive compensation for his share of land, provided the same is covered under the notification. If the acquired land is in illegal possession of any person the competent revenue authorities will have to take action for restoration of possession. The Sy. Sketch which is produced along with the report dated 1.1.2015 sent by Tahsildar Mandya to Dy. Commissioner, Mandya would indicate that the block identified as 'A B C D E F A' is 1 acre 7 guntas of land acquired in Sy. No.143/1A and 1B. In the said portion an extent of 7 guntas is shown to be in

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occupation of one Siddaraju S/o Chikkasiddaiah, 23 guntas is shown to be in possession of B. Siddappa S/o Chakikundana Channegowdana Channaiah, 16 guntas is to be in possession of Rathamma W/o Channappa, 3 guntas is shown to be in possession Ramu S/o Thanthrikempegowda. Houses are shown to be in existing in 21 guntas of land. In Sy. 144/3A measuring 20 guntas with kharab of 1 gunta, 10 guntas have been acquired. Sy.144/3B measuring 21 guntas with kharab of 2 guntas 10 guntas have been acquired for formation of sites and in the acquired portion there exists Alemane, Cocoon Raring House constructed by Ramu. The revenue officers have to be take steps for clearance of these portions.

9) Under the above circumstances it is proposed to send a report under Section 12(3) of Karnataka Lokayukta Act, to the Competent Authority for directing the 1<sup>st</sup> respondent to take steps for the restoration of the acquired lands in 143A and 143B as per law and also in Sy. Nos.143/1A and 143/1B of Boodanur village for the purpose of distribution of house sites to the weaker section of the society.

10) It is recommended to the Government to examine this report and **within three months** of date of receipt 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 as provided u/Sec.12(4) of Karnataka Lokayukta Act,1984.

*Y. Bhaskar Rao*  
30/3/015  
(Justice Dr. Y. Bhaskar Rao),  
Hon'ble Lokayukta.