

**KARNATAKA LOKAYUKTA**

Compt/Uplok/BCD/1155/2016/DRE-3

M.S. Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru, dated 22/01/2018.**REPORT UNDER SECTION 12(3) OF  
KARNATAKA LOKAYUKTA ACT, 1984**

**Sub:** Proceedings initiated against (1) Sri Anil Kumar, Tahsildar, Taluk Office, Anekal Taluk, Bengaluru Rural District, presently working as Dy. Secretary-3, Bangalore Development Authority, Bengaluru and, (2) Sri K.S. Chetan, Revenue Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, presently working as Revenue Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, about their misconduct as Public/ Government servants- reg.,

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An investigation was taken up under Section 9 of The Karnataka Lokayukta Act, 1984, on the basis of complaint filed by Sri P.Srinivas S/o Late Papanna, Kulumepalya Village, Kannanayakana Agrahara, Anjanapura Post, Bengaluru (hereinafter referred to as complainant for short) against (1) Sri Narendra Babu, the then Sub Inspector of Police, Bannerghatta Police Station, Bannerghatta, Bengaluru, presently working in Dodaballapura Police Station, Bengaluru Rural District, (2) Sri Anil Kumar, Tahsildar, Taluk Office, Anekal Taluk, Bengaluru Rural District, presently working as Dy. Secretary-3, Bangalore Development Authority, Bengaluru, (3) Sri K.S. Chetan, Revenue Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, presently working as Revenue

Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, (4) Sri Dilip, Surveyor, Anekal Taluk and, (5) Sri Balaram Gowda, Deputy Superintendent of Police, Bannerghatta, Bengaluru Rural District (hereinafter referred to as 'respondent Nos. 1 to 5' for short).

2. The allegations in the complaint are that the complainant and others are the owners of the 7 acres of land bearing Sy. No. 16, Kulumepalya Village, Kannanayakana Agrahara Dhakale, Jigani Hobli, Anekal Taluk and are cultivating it by constructing houses, rearing cattle, sheep and doing various agricultural activities. Power connection has also been connected to their houses. The alleged properties have been inherited from his ancestors and are in possession of the same from time immemorial. The entire family is depending on the income derived from the said agricultural land.
3. One Sri K.N.Tejas, Sri K.N.Shreyas, Sri K.N.Yashas, Sri Brijmohan, Sri Giridhar have forcibly tried to evict the complainant and others from the alleged land. The respondent No.1/Police Sub Inspector and respondent No. 5/Dy. S.P. colluding with the said persons and with some gunda elements tried to evict them from the alleged property by stating that respondent No. 2/Tahsildar, Anekal taluk has passed an order to provide police protection and take possession of the alleged land and hand over the same to the above said persons.
4. When complainant approached the Tahsildar, he has intimated that the eviction order has passed with respect to 34 acres of land belonging to Sri K.N.Nagendra Prasad and Sri K.L.Swamy

and not to the land which is in occupation of the complainant and others. Tahsildar had called respondent No. 1/Police Sub Inspector to clarify the same. But respondent No. 1 had not received the call. The respondent Nos. 1 and 5 taking advantage of the order of the Tahsildar have misused their position and have made the above said persons to enter into the possession of their land. They have used pepper spray on women and children assaulted them, put fire to their valuable agricultural crops, harassed them and attempted to demolish their house. Due to intervention of media and exposure in TV channels which had created the big impact on the entire illegal activities, the respondent Nos. 1 and 5 have stepped back from illegal eviction operation.

They have filed false cases against them in Cr. No. 207/2015, dated 07/08/2015 and Cr. No. 336/2015 on 28/12/2015 of Bannerghatta Police Station. They have also went ahead to open rowdy sheet against farmers and others. By alleging that the said incident had happened in collusion with the police and revenue officials, complainant has prayed to take action against all the respondents.

5. Respondent No. 1/Sub Inspector of Police has submitted his comments (undated) stating that on 07/08/2015 one Sri K.L.Swamy came to Bannerghatta police station and has registered a complaint with respect to criminal trespass of their property bearing Sy. No. 16/P30 and also has alleged that the accused persons have assaulted the securities employed there. Accordingly he has registered case in Cr. No. 207/2015 for the offence punishable under section 447, 427, 323, 504, 506 R/w 149 IPC.

Thereafter order passed by the Tahsildar, Anekal Taluk vide No. RRT/Cr-01/2015-16, dated 18/12/2015 was forwarded to him through S.P., Bengaluru District for providing necessary police protection. He has provided police protection to revenue officials for executing the order of the Tahsildar and to maintain law and order situation.

Further states that on 28/12/2015, Shadakshari Rao, security employed by Sri K.L.Swamy came to the police station and has lodged a complaint with respect to assault upon them, snatching of camera and about life threats given to them. He has registered case in Cr. No. 336/2015 for the offence punishable under section 307, 327, 384, 427, 447 of IPC which was later investigated by Sri Muruli, Police Sub Inspector and charge sheet has been filed before the court which is numbered as C.C. 1376/2016 and the same is under trial. Further states that there are no revenue records found in the department in favour of the accused persons. In view of the frequent interference of trespass and threat to life, rowdy sheets have been opened with permission from Dy. S.P. as per the provisions of Police Manual. By stating that all actions have been taken to maintain law and order situation, respondent No. 1 has prayed to drop him from the proceedings.

6. Respondent No. 2/Tahsildar has submitted his comments dated 23/06/2016 stating that the Police Sub Inspector of Bannerghatta Police Station had registered case in Cr. No. 207/2015 dated 07/08/2015 with respect to land in Sy. No. 16/P30. PSI has sought report from him by writing a letter. He has conducted enquiry vide No. MAG/Cr/68/2015-16,

RRT/Cr-01/2015-16, dated 18/12/2015 and has given his report to the Police Sub Inspector, Bannerghatta Police Station. During enquiry he has also issued notice to Sri Nagendra and also to the complainant-Sri Srinivas. Further states that his office has not interfered in any of the allegations made in the complaint.

He has produced copy of the order in MAG/Cr/68/2015-16, dated 18/12/2015 wherein he has clearly made an order for eviction of the complainant-Sri Srinivas S/o Papanna and others from the alleged land bearing Sy. No. 16/P30 of Kannanayakana Agrahara, Kulumepalya Village, Jigani Hobli, Anekal Taluk. He has also ordered for necessary police protection and has submitted copy of his order to S.P., Bengaluru District, Dy. S.P. Bengaluru Sub Division and Inspector of Police, Anekal Taluk for necessary action. He has also produced copy of the order passed by him under section 133 of Cr. P.C. dated 05/12/2015 and copy of notice dated 23/11/2015 issued to the complainant and another to produce documents pertaining to the alleged land. He has also produced copy of the mahazar dated 23/12/2015, in which it is mentioned that as per the order of the Tahsildar No. RRT/Cr-01/2015-16, dated 18/12/2015 the complainant has been evicted from the alleged property bearing Sy. No. 16/P30 totally measuring 34 acres with police protection on 23/12/2015.

7. Respondent No. 3/Revenue Inspector has submitted his comments dated 25/06/2016 similar to that of respondent No.2. Further states that he had been to the spot on 23/12/2015 along with Police Sub Inspector of Bannerghatta Police Station

and has conducted mahazar. Same documents produced by respondent No. 2 have been submitted by respondent No. 3 along with comments.

8. Respondent No. 4/Surveyor has submitted his comments (undated) stating that he has not conducted any survey with respect to the alleged land and therefore he is not related to the allegations made in the complaint.
9. Respondent No. 5/Dy. S.P. has submitted his comments dated 31/03/2017 stating that as per the order of Tahsildar, Anekal Taluk vide order No. MAG/Cr/68/2015-16, dated 18/12/2015 seeking police protection, he has provided police protection to Revenue officials, for executing the said order on 23/12/2015 with respect to Sy. No. 16/P30 of Kannanayakana Agrahara. By stating similar facts which have been stated by respondent No. 1 in his comments, respondent No. 5 has prayed to drop him from the proceedings.
10. S.P. Bengaluru District has submitted letter dated 06/01/2018 stating that upon the complaint of the present complainant Sri P.Srinivas S/o Papanna, Additional S.P., Bengaluru District had conducted preliminary enquiry and submitted his report prima-facie holding respondent No. 1-Sri M.R.Narendra Babu, Police Sub Inspector guilty. Disciplinary Action was initiated under KSP (DP) Rules, 1965/89 by issuing Articles of Charges under Rule 7. After conducting enquiry respondent No. 1 has been exonerated of the allegations made against him by the present complainant with respect to allegation of registering false cases and also with respect to

opening of rowdy sheet against the complainant and others. He has produced copy of the order passed by the Additional IGP, CID, Forest Division, Bengaluru, vide No. 09/Staff/IGP/FC/2016-17, dated 24/11/2017.

11. On perusal of the entire materials on record it is found that respondent No. 2 being the Tahsildar, Anekal has passed an order vide No. MAG/Cr/68/2015-16, dated 18/12/2015 for evicting the present complainant Sri Srinivas S/o Papanna, Kulumepalya and others from the occupation of land in Sy. No. 16/P30. He has also ordered for police protection for execution of the said order and has forwarded the copies of the same to the S.P., Bengaluru District, Dy. S.P., Bengaluru Sub Division and Police Sub Inspector, Anekal Taluk for necessary action. He has also produced an order under section 133 of Cr. P.C. dated 05/12/2015 for maintaining law and order situation in the vicinity of the Sy. No. 16/P and 16/P30 of Kannanayakana Agrahara. As per the order of the Tahsildar, the police authorities have provided police protection for execution of the said eviction order. Copy of the mahazar show that the alleged order of Tahsildar for evicting the complainant and others has been executed with police protection. The complainant states that due to the intervention of media, the efforts of the police and revenue officials to evict them were not successful. The complainant along with his complaint has produced reply/objections dated 28/11/2015 filed by him before the Tahsildar narrating that he and his family members are the owners of the land bearing Sy. No. 16/P30, Kannanayakana Agrahara, Kulumepalya Village, to an extent of 7 acres and have inherited it from his ancestors. He has

also produced the list with documents in support of his claim over the alleged properties. The objections filed by the complainant before the Tahsildar, show that there is a civil dispute with respect to 34 acres of land in Sy. No. 16 between Sri Nagendra Prasad (Kodeys) and also the complainant and others. In the order of the Tahsildar, it is clearly stated that the complainant and others are in possession of the alleged property. The alleged land is neither granted land nor a Government land. Under the circumstances the dispute is of civil in nature between the above said two parties. The Tahsildar had no authority under the Karnataka Land Revenue Act to order for evicting a person in occupation of the alleged private land. The Tahsildar in his order has not stated the provisions of law under which he has made such order. Prima-facie, the Tahsildar has exercised the powers of civil court and is found guilty of excessive exercise of jurisdiction to favour other side. Therefore respondent No. 2 is found guilty of abusing his position and showing favouritism in favour of sons of Sri Nagendra Prasad.

The respondent No. 3/Revenue Inspector without any written direction from Tahsildar/respondent No. 2 had participated in executing the alleged order of the Tahsildar and has conducted mahazar on 23/12/2015. He has also participated in execution of the illegal order which go to infer that both respondent Nos. 2 and 3 have colluded with the other side in evicting the complainant and others from the said land. Under the circumstances, respondent Nos. 2 and 3 are prima-facie found guilty for the said misconduct.




12. Respondent No. 4 in his comments states that he has not conducted any survey of the alleged land and he is not connected with the allegations made in the complaint. There are no materials on record to infer any misconduct against the Surveyor/respondent No. 4.
13. With respect to the allegations made against respondent No. 1/Police Sub Inspector, the Disciplinary Authority has already conducted enquiry and has exonerated from the charges made against him. Therefore no action can be proposed against him.
14. Moreover respondent Nos. 1 and 5 have provided police protection as per the order of the Tahsildar and therefore no misconduct can be inferred against the respondent Nos.1 and 5.
15. The facts and materials on record prima-facie show that, the respondent Nos. 2 and 3 have committed misconduct as per Rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Accordingly, now, acting under Section 12(3) of The Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against **respondent No. 2- Sri Anil Kumar**, Tahsildar, Taluk Office, Anekal Taluk, Bengaluru Rural District, presently working as Dy. Secretary-3, Bangalore Development Authority, Bengaluru (**Date of Retirement: 30/09/2040**), **respondent No. 3-Sri K.S. Chetan**, Revenue Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District, presently working as Revenue Inspector, Bannerghatta Circle, Jigani Hobli, Anekal Taluk, Bengaluru Rural District (**Date of Retirement: 30/11/2039**) and to entrust the inquiry to this Authority under Rule 14-A of

the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

16. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within one month from the date of receipt of this report, as to the action taken or proposed to be taken on the basis of this report.

Connected records are enclosed.

  
(Justice N. ANANDA), 23/1  
Upalokayukta-1,  
State of Karnataka.