

**KARNATAKA LOKAYUKTA**No:Compt/Uplok/BCD-2647/2017/ARLO-1.M.S.Building,  
Dr.B.R.Ambedkar Veedhi,  
Bengaluru, Dated: 09-09-2020.**Report U/sec.12(3) of Karnataka Lokayukta Act,1984.**

**Sub:-** Proceedings initiated against the respondents  
 (1) Sri. Basavalingaiah, Revenue Officer,  
 BBMP., Malleshwaram, Bengaluru,  
 (2) Smt. H.Jyothilaxmi, Asst. Revenue Officer,  
 BBMP.,Malleshwaram, Bengaluru,  
 (3)Sri. K.N.Danappa, SDA.,BBMP,  
 Malleshwaram Sub-Division, Bengaluru and  
 (4) Sri.S. Venkataramu, Revenue Inspector,  
 BBMP, Malleshwaram Sub-Division,  
 Bengaluru- reg.

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This complaint was filed by Sri Prakash Babu B.K. No.42/1, Ground Floor, 8<sup>th</sup> Cross, 6<sup>th</sup> Main, Malleshwaram, Bengaluru 560 003 (hereinafter referred to as "Complainant' for short) against respondents (1) Sri Basavalingaiah, Revenue Officer, (2) Smt. Jyothilakshmi H, Asst. Revenue Officer, (3) Sri. Chandrashekhar, SDA., (4) Sri. Gangadhara, Previous SDA, (5) Sri. Sreenivas, Previous SDA, BBMP, (6) Sri Danappa, the then Second Division Assistant, (7) Sri. Venkataramu, Revenue Inspector and (8) Sri Siddalingesh Bhajantri, the then Revenue Inspector – of Bruhat Bengaluru Mahanagara Palike, Malleshwaram Sub-Division, Bengaluru (hereinafter referred to as 'Respondents No: 1 to 8' for short).

2. The Complainant has alleged that he had applied for transfer of khata of his property with municipal No.162, 3<sup>rd</sup> Main Road, Malleshwaram Bengaluru on 24/7/2017 to 2<sup>nd</sup> respondent Smt. Jyothilakshmi. While following up of the matter, he was told by the 2<sup>nd</sup> &

3<sup>rd</sup> Respondents that they were unable to trace the file No. DA/KTR/48/2013-14 and DA/KTYE/49/2013-14. The complainant has submitted that there is dereliction of duty on the part of respondent No.3 and previous Second Division Assistants in the office i.e., Respondents 4 to 6.

3. The Complainant further alleged that the respondent No.2 Smt. Jyothilakshmi had transferred the Khata in respect of another portion of the property in the name Smt. B.S. Neetu, though was an objection dated 20/7/2017 submitted for not to transfer the Khata. It is stated that the transfer of khata was effected on the basis of registered sale Deed No. MLS-1/00585/2011-12 dated 6/8/2011. Therefore, the complainant alleges that the Respondents 1 and 2 have deliberately ignored the strong and legally valid objections for extraneous consideration and proceeded to transfer the Khata of Property PID No. 7-2-162/4.

4. It is alleged that the developer had filed frivolous case against the complainant praying for permanent injunction for the issue of Khata in 2013 itself, which was later dismissed in March 2017 for non-prosecution. The complainant suspects that the Respondents in connivance with the developer has harassed him unnecessarily to procure the rightful khata as per Rules and regulations.

5. The Complainant, by letter dated 9/12/2017 has submitted two sale deeds dated 9/4/2013 and copy of the order sheet in O.S. No.26168/2013 (Pearl Builders & Developers – Plaintiff Vs. Prakash Babu B.K –Defendant).

6. The comments of respondents 1 to 8 were called.

(i) The Respondent No.1 Sri Basavalingiah, Revenue Officer and Respondent No.2 Smt. Jyothilakshmi BBMP, Malleshwaram have submitted comments dated 12/1/2018 and Respondent No.7 Sri Venkataramulu S has submitted comments dated 16/1/2018. They have stated that the Complainant had submitted application for bifurcation and transfer of khata in relation to part of second floor and part of third floor on property bearing No.162, situate at Margosa Road, Malleshwaram in the year 2013. M/s. Pearl Builders and Developers had filed an objection not to consider the application for transfer of Khata made by complainant and therefore, the application was not considered. Further the Respondent No.1, 2 & 7 have submitted that the file was in correspondence with Chief Office and therefore, the application of complainant was not disposed of. They have further submitted that thereafter, the complainant has produced copy of order sheet regarding disposal of O.S and copy of the sale deeds, on the basis of which the application of complainant was considered and bifurcation and khata was effected and tax was fixed by issuing Special Notice to the complainant. The copy of the Special Notice dated 12/1/2018 was enclosed to the comments.

(ii) Respondent No.3 Sri Chandrashekar, SDA BBMP, Malleshwaram has not submitted comments. Respondent No.4 Sri N.P. Gangadhar, SDA and Respondent No.5 Sri Srinivasa R, SDA of have filed comments dated 10/1/2018 stating that the file No. KTR/48/13-14 and No.KTR/49/13-14 relate to the year 2013-14 and during the relevant period one Sri Danappa was working as Second Division Assistant and the above files were not handed over to them.

(iii) Respondent No.6 Sri Danappa has submitted comments dated 5/2/2018, wherein he has stated that the applications submitted by

complainant for bifurcation and transfer of khata was registered by him in Nos. DA KTR/48/13-14 and DA KTR/49/13-14 and sent the applications to the revenue Inspector and endorsement was issued as per the report of Revenue Inspector. Further, he has stated that he had handed over the charge to Sri Srinivas SDA and enclosed the copy of charge list.

(iv) The Respondent No.8 Sri Siddalingesh Y. Bhajantri had submitted comments dated 5/2/2018 stating that the complainant had filed application on 24/7/2017 for transfer of khata. He was on leave from 11/7/2017 to 21/8/2017 and thereafter on 29/8/2017 he has been deputed to Vijayapura Mahanagara Palike.

7. The copies of documents submitted by the complainant and the copies of documents furnished by respondents along with their comments are perused.

(i) As per the copy of the Sale Deed No. 103/2013-14 dated 9/4/2013, the Complainant had purchased residential apartment bearing No.51, Second Floor (Front Portion), in Pearl Residency measuring 750 Square feet super built up area with 326.11 Sq. ft. undivided share in the Schedule A property with proportionate share in common areas such as passages, lobbies, lift, staircases and other areas of common use.

(ii) As per the copy of the Sale Deed No. 104/2013-14 dated 9/4/2013, the Complainant had purchased residential apartment bearing No.T, Third Floor Portion, in Pearl Residency measuring 500 Square feet super built up area with 217.41 Sq.ft undivided share in the Schedule A property with proportionate share in common areas such as passages, lobbies, lift, staircases and other areas of common use.

- (iii) As per the copy of the acknowledgement given by the office of the Asst. Revenue Officer, BBMP, Malleshwaram, the Complainant had filed Application for bifurcation and change of katha on 3/6/2013.
- (iv) As per the photocopy of letter dated 24/7/2017 filed by Complainant before the 2nd respondent – Asst. Revenue Officer, M/s. Pearl Builders and Developers had filed objections for bifurcation and transfer of Khatha in respect of property purchased by complainant.
- (v) As per photocopy of order sheet in O.S. No.26168/2013 on the file of the XXVIII Addl. City Civil Court and Sessions Judge, Bengaluru City, M/s. Pearl Builders & Developers represented by Chrislyn Cardoza had filed Suit against Complainant Sri Prakash Babu B.K on 24/7/2013. The Suit came to be dismissed on 28/3/2017 for non-prosecution.
- (vi) As per the photo copy of letter dated 24/7/2017 of Complainant addressed to the 2<sup>nd</sup> respondent Asst. Revenue Officer, he had requested for Khata bifurcation and transfer of khatha in his name in relation to the properties purchased by him.
- (vii) Since the bifurcation of katha an transfer of Khata was not effected, the complainant filed the instant complaint before this Institution on 11/9/2017.
- (viii) After calling for comments from respondents on 16/12/2017, the respondents 1, 2 have submitted comments on 12/1/2018 and 7 has filed comments on 16/1/2018. They have submitted that the applications of complainant was considered and bifurcation of katha and transfer of khata was effected on 12/1/2018 by issuance of

Special Notice to complainant. As per the photocopy of the Special Notice dated 12/1/2018 furnished by respondents 1, 2 and 7, the same was served on complainant on 12/1/2018.

8. Thus, the bifurcation of Khata and transfer of Khata was effected on the basis of the application of complainant after 5 months 17 days of filing of application. As per the time stipulated by BBMP itself, 30 working days time is stipulated for bifurcation of khata and 7 days for transfer of Khata. Therefore, there is delay in attending the application of complainant in bifurcation and transfer of Khata by respondents 1, 2 and 7.

9. In relation to the allegation of effecting of transfer of Khata in the name of Mrs. Neetu, inspite of filing objections, the complainant has furnished copy of the letter dated 18/7/2017 of Sri Paulino Fernandez, No.184, Ground Floor, 4<sup>th</sup> Cross, Bannimantap 'C' Extension, Hanumanthanagar, Mysuru addressed the 2<sup>nd</sup> respondent - Asst. Revenue Officer. In the said letter, Sri Paulino Fernandez has stated that Mr. Chrislyn Cardoza of Pearl Builders had sold commercial shop No.G-01B situate measuring 285 Square feet to Smt. B.S. Neetu vide document No.MLS-1-00585 on 6/8/2011. He has stated that he had given a Power of Attorney which was registered on 6/7/2004 in favour of Pearl Builders & Developers, only for entering into agreements for sale, but he had not given right for selling the property and for transferring the khata of the property. Therefore, Sri Paulino Fernandez has filed objections stating that if any khata application is filed for transfer of katha the same shall not be given. Except furnishing the above

objections, the Complainant has not furnished the documents evidencing that the khatha has been transferred in the name of Smt. B.S. Neetu.


10. In respect of non-tracing of files bearing No. Nos. DA KTR/48/13-14 and DA KTR/49/13-14, the Respondent No.6 Danappa has stated in his comments that he had handed over those records to Respondent No.5 Sri Sreenivas. But Respondent No.5 has stated that the above files were not handed over to him. The photocopy of the alleged charge list furnished by Respondent No.6 Sri Danappa does not bear the acknowledgment for handing over the above files to Respondent No.5 Sri Sreenivas. Therefore, the respondent No.6 is responsible for missing of above files.

11. In view of the above, the respondents 1, 2 and 7 have prima facie committed misconduct by causing delay in attending the application of complainant for bifurcation and transfer of khata of the properties purchased by complainant. The respondent No.6 is prima facie committed misconduct by not handing over the files relating to application submitted by complainant in the year 2013. Therefore, it is necessary to initiate disciplinary proceedings against **Respondents 1- Sri.K.Basavalingaiah, Revenue Office, BBMP., Malleshwaram, Bengaluru his date of retirement is 31-07-2022, (2) Smt. Jyothilakshmi H., Assistant Revenue Officer, BBMP., Malleshwarm, Bengaluru her date of retirement is 31-05-2033, (3) Sri. K.N.Danappa, the then Second Division Assistant, BBMP., Malleshwarm Sub-Division, Bengaluru his date of retirement is 30-08-2027 and (4) Sri. S.Venkataramu, Revenue Inspector, BBMP.,**

**Malleshwaram Sub-Division, Bengaluru his date of retirement is 31-07-2029.**

12. Further, as per Section compliance as required u/s 12(4) of the Karnataka Lokayukta Act, 1984 of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within three 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 ]  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru.

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