

KARNATAKA LOKAYUKTA

No.Compt/Uplok/BCD-3175/2013/DRE-1 Multi Storied Buildings,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date : 26/5/2020

**REPORT UNDER SECTION 12(3) OF
THE KARNATAKA LOKAYUKTA ACT, 1984**

Sub:- Proceedings against;

- 1) Sri.Venkataramana N Nayak, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired)
- 2) Sri.B.S.Shekharappa, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired),
- 3) Sri.Shivabasavaiah, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired)
- 4) Sri.K.Hemaji Nayak, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired)
- 5) Sri.Jannappa H, the then Joint Commissioner, Bommanahalli Zone, BBMP (retired)
- 6) Sri.N.Muniraju, the then Joint Commissioner, Bommanahalli Zone, BBMP,
- 7) Sri.Veerabhadraswamy, the then Joint Commissioner, Bommanahalli Zone, BBMP,
- 8) Sri.M.Babu, the then Revenue Officer, Bommanahalli Zone, BBMP,
- 9) Smt.N.Shashikala, the then Revenue Officer, Bommanahalli Zone, BBMP,
- 10) Sri.Shaman V, the then Revenue Officer, Anjanapura Division, BBMP, (retired)
- 11) Smt.H.Gultaz Phathima, the then Revenue Officer, Anjanapura Division, BBM,
- 12) Sri.P.Dayanand, the then Assistant Revenue Officer, Bommanahalli Zone, BBMP,
- 13) Sri.Nagaraja, the then Assistant Revenue Officer, Begur Sub-Division, BBMP,
- 14) Sri.Ramaswamy, the then Assistant Revenue Officer, Bommanahalli,
- 15) Sri.G.Chandrashekar, the then Assistant Revenue Officer, Begur Sub-Division, BBMP,
- 16) Sri.J.Somashekar, the then Assistant Revenue Officer, Begur Sub-Division, BBMP,
- 17) Sri.S.Thimmaiah, the then Assistant Revenue Officer, Bommanahalli, BBMP,
- 18) Sri.P.Krishnamurthy, the then Revenue Inspector, Begur, BBMP,

- 19) Sri.D.Krishnappa, the then Revenue Inspector, Begur, BBMP,
- 20) Sri.C.Nanjundaiah, the then Revenue Inspector, Begur Sub-Division, BBMP,
- 21) Sri.G.Shivadarshan, the then Assistant Revenue Officer, Begur Sub-Division, BBMP
- 22) Sri.C.Gangadharaiah, the then Tahsildar, Bangalore South Taluk, Bangalore,
- 23) Sri.Ramachandra, the then Tahsildar, Bangalore South Taluk, Bangalore,
- 24) Sri.V.Narayanaswamy, the then Tahsildar, Bangalore South Taluk, Bangalore, (retired)
- 25) Sri.K.Sadanandappa, the then Special Tahsildar, Bangalore South Taluk, Bangalore, (retired)
- 26) Sri.K.V.Chikkabettaiah, the then Tahsildar, Bangalore South Taluk, Bangalore,
- 27) Sri.Govindaraju, the then Revenue Inspector, Begur Circle, Bangalore South Taluk, (retired),
- 28) Sri.Doddiregowda, the then Revenue Inspector, Begur, and
- 29) Sri.Nanjunda Shetty, the then Village Accountant, Begur, Bangalore South Taluk, Bangalore.

1. This is a suo-motu case registered at the instance of the complaint received by Hon'ble Upalokayukta-1 against (1) Sri.Venkataramana N Nayak, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired), (2) Sri.B.S.Shekharappa, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired), (3) Sri.Shivabasavaiah, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired), (4) Sri.K.Hemaji Nayak, the then Joint Commissioner, Bommanahalli Zone, BBMP, (retired), (5) Sri.Jannappa H, the then Joint Commissioner, Bommanahalli Zone, BBMP (retired), (6) Sri.N.Muniraju, the then Joint Commissioner, Bommanahalli Zone, BBMP, (7) Sri.Veerabhadraswamy, the then Joint Commissioner, Bommanahalli Zone, BBMP, (8) Sri.M.Babu, the then Revenue Officer, Bommanahalli, Zone, BBMP, (9)

Smt.N.Shashikala, the then Revenue Officer, Bommanahalli Zone, BBMP, (10) Sri.Shaman V, the then Revenue Officer, Anjanapura Division, BBMP, (retired), (11) Smt.H.Gultaz Phathima, the then Revenue Officer, Anjanapura Division, BBMP, (12) Sri.P.Dayanand, the then Assistant Revenue Officer, Bommanahalli Zone, BBMP, (13) Sri.Nagaraja, the then Assistant Revenue Officer, Begur Sub-Division, BBMP, (14) Sri.Ramaswamy, the then Assistant Revenue Officer, Bommanahalli, (15) Sri.G.Chandrashekar, the then Assistant Revenue Officer, Begur Sub-Division, BBMP, (16) Sri.J.Somashekar, the then Assistant Revenue Officer, Begur Sub-Division, BBMP, (17) Sri.S.Thimmaiah, the then Assistant Revenue Officer, Bommanahalli, BBMP, (18) Sri.P.Krishnamurthy, the then Revenue Inspector, Begur, BBMP, (19) Sri.D.Krishnappa, the then Revenue Inspector, Begur, (20) Sri.C.Nanjundaiah, the then Revenue Inspector, Begur Sub-Division, BBMP, (21) Sri.G.Shivadarshan, the then Assistant Revenue Officer, Begur Sub-Division, BBMP, (22) Sri.C.Gangadharaiiah, the then Tahsildar, Bangalore South Taluk, Bangalore, (23) Sri.Ramachandra, the the Tahsildar, Bangalore South Taluk, Bangalore, (24) Sri.V.Narayanaswamy, the then Tahsildar, Bangalore South Taluk, Bangalore, (retired), (25) Sri.K.Sadanandappa, the then Special Tahsildar, Bangalore South Taluk, Bangalore, (retired), (26) Sri.K.V.Chikkabettaiah, the then Tahsildar, Bangalore South Taluk, Bangalore, (27) Sri.Govindaraju, the then Revenue Inspector, Begur Circle, Bangalore South Taluk, (retired), (28)

Sri.Doddiregowda, the then Revenue Inspector, Begur, and (29) Sri.Nanjunda Shetty, the then Village Accountant, Begur, Bangalore South Taluk, Bangalore, and investigation was taken up under Sec.9 of Karnataka Lokayukta Act.

2. The brief averments of the complaint are that, Sy.No.303, 307/2 and 308 situated at Begur Hobli, Bangalore South Taluk, are the Government lands consisting of ತೋಪು, ಕಲ್ಲುಬಂಡೆ & ನೀರಿನ ಕೊಳ, and they come within Ward No.192 of BBMP at present. It is alleged that recently 423 sites have allegedly been formed in Sy.Nos.303, 308, 302, 304, 305, 306/1, 307/1, 307/2, 309 310, 311/1, 311/2, 311/3, 311/4, 311/5 and 312 illegally in a layout called 'Duo Heights' Layout and khatas have been issued to the said 423 sites by BBMP illegally, thereby causing loss of Rs.8.2 crores to the Government. It is further alleged that in Sy.No.302, 2 acres 11 guntas, in Sy.No.308, 1 acre, in Sy.No.307/2, 16 guntas and in Sy.No.306/1, 5 gunta of Government land have been grabbed by creating the documents. It is further alleged that in 28 guntas of Government land in Sy.No.303 stone quarrying is being conducted and illegal layout has been formed causing loss of about Rs.12.8 crores. It is alleged that Duo Heights Layout has been formed in agricultural land without conversion and without obtaining permission from Karnataka Town and Country Planning Act. It is also alleged that the owner of Duo Associates (builders and developers Pvt.Ltd.) colluding with politicians and Government Officers have formed

many illegal layouts like Duo City, Duo Harmony, Duo Marvel, Duo enclain and Duo rethem. It is further contended that the respondents have issued 'A' khatas to the said 423 sites formed in Duo Heights Layout even though there is no conversion and thereby fraud has been practiced in registration of the said properties causing loss to the Government exchequer.

3. The complainant has produced the RTCs of Sy.No.302, 305, 307, 308, 310, 311, 303, MR Extracts for 303, EC pertaining to Sy.No.303 and Tippani copy pertaining to Sy.No.303.
4. Case was registered against the original respondents No1 to 7 as per the orders of Hon'ble Lordship and comments were secured. Subsequently the matter had been referred to A.D.G.P, KLA, Bangalore, for investigation. Accordingly P.I, Bangalore City Division, KLA, has submitted the report with documents opining as below:

“ಸ.ನಂ.301 ರಿಂದ 312 ರ ಜಮೀನು ಕೃಷಿ ಸಾಗುವಳಿ ಹಾಗೂ ಸರ್ಕಾರಿ ಜಮೀನಾಗಿದ್ದು, ಸದರಿ ಜಮೀನುಗಳಲ್ಲಿ ಮೇಲ್ಕಂಡ ವಿವರಣೆಯಂತೆ ಭಾಗಶಃ ಭೂ ಪರಿವರ್ತನೆ ಮಾಡಿದ್ದು, ಇನ್ನುಳಿದ ಭಾಗಶಃ ಸರ್ಕಾರಿ ಜಮೀನುಗಳನ್ನು ಅನಧಿಕೃತವಾಗಿ ಒತ್ತುವರಿ ಮಾಡಿಕೊಂಡು ಡಿಯೋ ಹೈಟ್ ಸಂಸ್ಥೆ ಹಾಗೂ ಇತರರು ಲೇಔಟ್ ನಿರ್ಮಿಸಿ ಅತಿಕ್ರಮಿಸಿರುವುದು ದೃಢಪಟ್ಟಿರುತ್ತದೆ. ಸದರಿ ಲೇಔಟ್ ಒತ್ತುವರಿ ಬಗ್ಗೆ ದಾಖಲಾತಿಗಳನ್ನು ಸಲ್ಲಿಸಿರುವ ತಹಶೀಲ್ದಾರರವರು ಮೇಲ್ಕಂಡ ಸರ್ವೆ ನಂಬರ್‌ಗಳಲ್ಲಿ ಕೆಲವು ಸರ್ವೆ ನಂಬರ್‌ಗಳ ಖರಾಬು ಜಮೀನುಗಳ ಬಗ್ಗೆ ಸರಿಯಾದ ಮಾಹಿತಿ ನೀಡದೆ, ಕೈಬಿಡಬೇಕೆಂದು ಪುಟ ಸಂ.31 ರಿಂದ 35 ರಲ್ಲಿ ವಿವರಿಸಿ ಮಾಹಿತಿ ಸಲ್ಲಿಸಿರುತ್ತಾರೆ ಹಾಗೂ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಚೇರಿಯಿಂದ ಕೆಲವು ಸರ್ವೆ ನಂಬರ್‌ಗಳಲ್ಲಿ ಭೂ ಪರಿವರ್ತನಾ ಆದೇಶದ ಕಡತಗಳು ಲಭ್ಯವಿಲ್ಲವೆಂದು ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳು, ತಹಶೀಲ್ದಾರ್, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು ಕಚೇರಿಗೆ ಬರೆದ ಪತ್ರದ ಪುಟ ಸಂ.38 ರಲ್ಲಿ ನಮೂದಿಸಿರುತ್ತಾರೆ. ಅಲ್ಲದೆ, ಹಿಂದಿನ ತಹಶೀಲ್ದಾರರವರು ನಕ್ಷೆ ಮಂಜೂರಾತಿ ಇಲ್ಲದಿದ್ದರೂ 423 ಸೈಟ್‌ಗಳ ಮಾಲೀಕರಿಗೆ ಖಾತೆಯನ್ನು ಅಧಿಕೃತ ಬಡಾವಣೆಯೆಂದು ನಮೂನೆ 9 ರಲ್ಲಿ ನೀಡಿರುವುದು

ಕಂಡುಬಂದಿರುತ್ತದೆ. ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಬೇಗೂರು ಹೋಬಳಿ, ಬೇಗೂರು ಗ್ರಾಮದ ಸ.ನಂ.301 ರಿಂದ 312 ರವರೆಗಿನ ಜಮೀನಿನಲ್ಲಿ ಡಿಯೋ ಹೈಟ್ ಎಂಬ ಸಂಸ್ಥೆಯು ನಿರ್ಮಿಸಿರುವ ಲೇಔಟ್‌ನಲ್ಲಿನ 423 ನಿವೇಶನಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಪಂಚಾಯಿತಿ ವಹಿಯಂತೆ 308 ನಿವೇಶನಗಳು ನಮೂದಾಗಿದ್ದು, ಈ ಪೈಕಿ 152 ನಿವೇಶನಗಳಿಗೆ ಉಪ ಆಯುಕ್ತರು, ಬೊಮ್ಮನಹಳ್ಳಿ ಇವರ ಅನುಮೋದನೆ ಪಡೆದು ಬಿ.ಬಿ.ಎಂ.ಪಿ, ಖಾತೆಯನ್ನು ಹಿಂದಿನ ಗ್ರಾಮಪಂಚಾಯಿತಿ ವಹಿಯಲ್ಲಿ ನಮೂದಿಸಿದಂತೆ ನಮೂನೆ 9 ರೀತ್ಯ ನೀಡಲಾಗಿರುತ್ತದೆ. ಆದರೆ, ಆಯುಕ್ತರು, ಬಿ.ಬಿ.ಎಂ.ಪಿ, ಬೆಂಗಳೂರು ರವರ ಪತ್ರ ಸಂ.ಉಅ(ಕಂ) ಪಿಆರ್/5074/14-15 ದಿ.2/12/14 ಮತ್ತು ಸಂ.ಉಅ(ಕಂ)ಪಿಆರ್-2221/2012-13 ದಿ.31/1/13 ರಂತೆ ನಮೂನೆ 9 ರೀತ್ಯ ಖಾತಾ ಮಾಡಿದ್ದರೂ ಸಹ ಪುನಃ ಪರಿಶೀಲಿಸಿ, ದೃಢೀಕರಿಸಿ ಅಂದರೆ ಭೂ ಪರಿವರ್ತನೆ ಆದೇಶ ಸಂಖ್ಯೆ, ಬಡಾವಣೆ ನಕ್ಷೆ, ಮಂಜೂರಾತಿ ಮತ್ತು ನಿವೇಶನ ಬಿಡುಗಡೆ ಬಗ್ಗೆ ಮತ್ತೊಮ್ಮೆ ದೃಢೀಕರಿಸಿ ಖಾತಾಗಳನ್ನು ವರ್ಗಾವಣೆ ಮಾಡಬೇಕೆಂದು ಸುತ್ತೋಲೆ ಹೊರಡಿಸಿದ್ದು, ಈ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅಲ್ಲದೆ, ಒಟ್ಟು ನಿವೇಶನ ಸಂಖ್ಯೆ 423 ರಲ್ಲಿ ಉಳಿದ 156 ನಿವೇಶನ ಹಾಗೂ 115 ನಿವೇಶನಗಳ ಬಗ್ಗೆ ಕೆ.ಎಂ.ಸಿ.ಕಾಯಿದೆಯಡಿ 2007ನೇ ಸಾಲಿನಿಂದ ತೆರಿಗೆ ಸಂಗ್ರಹಿಸುವ ಬಗ್ಗೆ ಯಾವುದೇ ಕ್ರಮ ಕೈಗೊಳ್ಳದಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ”

5. On the basis of the said report, the respondents No.1 to 29 have been impleaded as per the orders at para No.58 and 118(i) of the note sheet. The notices sent to respondent No.8, 14, 23 and 26 could not be served due to non furnishing of correct addresses despite several communications made to the concerned Departments. The notices to respondent No.28 and 29 have not been issued. The respondent Nos.3 and 7 have not filed comments despite service of notice. The other respondents have submitted comments as below:
6. Respondent No.1 has contended that, BBMP was formed and around 107 villages were brought within the jurisdiction of BBMP during 2007-08. It is further contended that all the land records and property records maintained by the Erstwhile, TMC, CMCs and Gram Panchayaths were transferred to the respective

zones of BBMP and they were received by concerned Assistant Revenue Officer of BBMP. It is further noted that revenue records pertaining to Sy.No.302, 303, 304, 305 and 308 of Begur Village were received by the concerned ARO, who after formation of BBMP is the custodian of all the registers including property tax records, khata registers etc. Relying upon the Investigation report submitted by P.I, KLA, Bangalore, he has sought for dismissal of the complaint.

7. Respondent No.2 in his comments has stated that, 'A' khatas were issued to the sites in question by Begur Panchayath before establishment of BBMP and on 16/1/2007 the said area was transferred from Begur Panchayath to BBMP. It is further contended that for the purpose of collection of property Tax, Panchayath records have been continued. It is further stated that, out of 423 sites, as per Panchayath records entries have been made with respect to 308 sites in BBMP records and with respect to remaining 152 sites, the Deputy Commissioner of BBMP has approved and certified the panchayath records and accordingly khatas have been issued.
8. Respondent No.4 in his comments has contended that the issuance of khata during 2009 is not within his knowledge. He has further stated that during his tenure he has not issued any complained khata. He has also relied upon the investigation report submitted by PI, KLA.

9. Respondent No.5 has produced the copy of report dt.20/5/2016 furnished by ARO, Begur to Investigating Officer, and another report dt.4/7/16 of ARO, Begur submitted to this office. On the basis of said reports he has sought for closure of the case contending that during his tenure as Joint Commissioner, Bommanahalli Zone from 27/12/2012 to 8/10/2013, he has not issued 'A' khata to any of the properties formed in Sy.No.302, 303, 304, 305 and 308 of Begur Village.
10. Respondent No.6 in his comments has contended that even according to the report of PI, KLA, the alleged event has taken place from 2006 to 2012 and he is working as Joint Commissioner from 8/10/2013. Hence he sought for closure of the case against him.
11. Respondent No.9 in his comments has contended that she is working as Revenue Officer-2, Bommanahalli from 17/11/2008. She has further stated that after reorganization of wards on 6/8/2009, since 31/8/2009 she is incharge of Revenue Officer-2 of Bommanahalli Zone. She has reported that 'A' khatas were issued by Begur Panchayath prior to formation of BBMP and on 16/1/2007 the said area was handed over to BBMP from Begur Panchayath. It is further stated that on the basis of Form No.9 issued by Begur Panchayath, for the purpose of collection of property tax, the same entries have been continued in the registers of BBMP.

12. Respondent No.10 in his comments has contended that for the survey numbers which were converted, 'A' khatas had been issued by Begur Panchayath and after formation of BBMP on 16/1/2007, the said area was transferred to BBMP from Begur Panchayath. It is further contended that on the basis of the documents received from Panchayath viz., Form No.9, for the purpose of collection of property tax, 308 sites which were shown in Panchayath records were continued in BBMP records. It is further stated that with respect to the remaining 152 sites after obtaining approval from the Deputy Commissioner, (Bommanahalli zone), BBMP, panchayath records have been certified. It is further stated that on 2/9/2009 during reorganization of wards, office of Revenue Officer (Begur) has come into existence and prior to that from 16/1/2007 to 1/9/2009, the then ARO (Bommanahalli) was maintaining the records pertaining to the disputed properties. He has further stated that he has only continued the same entries in the records as revenue Officer (Anjanapura) from June 2011 and has not issued any new Khata.
13. Respondent No.11 in her comments has contended that she is working as Revenue Officer, Anjanapur from 4/3/2013. She has reiterated about issuance of 'A' khata issued by Begur Panchayath and continuation of same by BBMP after it was handed over to BBMP on 16/1/2007. She has further stated that she had not issued any fresh khata during her tenure.

14. Respondent No.12 in his comments has reiterated the contentions taken by respondent No.11. He has stated that from 31/5/2007 to 10/12/2008, he was the ARO Bommanahalli and 'A' khata had been issued to the sites formed in the complained survey numbers by Begur Gram Panchayath under RDPR Department and after handing over of the said area to BBMP along with the documents, for the purpose of collection of property tax as per Form No.9, khatas have been continued in BBMP records.
15. Respondent No.13 in his comments has reiterated the defence taken by the above respondents with respect to issuance of 'A' khata by Begur Panchayath and approval of khata to the remaining 152 sites by Deputy Commissioner, (Bommanahalli), BBMP.
16. Respondent No.15 in his comments has also reiterated the defense taken by the above respondents. He has worked as incharge ARO, Begur from 4/3/13 to 17/5/13 and working as ARO, Begur from 1/4/17.
17. Respondent No.16 in his comments has also reiterated the defense taken by the above respondents. He has worked as ARO, Begur from 13/9/2013 to 12/12/13 and 1/3/14 to 31/3/17.
18. Respondent No.17 has stated in his comments that the Survey Numbers in question came within Begur limits which now come within Ward No.192 of BBMP. He has further stated that when he was working as ARO Bommanahalli as per the order dt.11/8/2008, he was placed in charge of Hongasandra, Garvebavi Palya,

Basapura, Singasandra and Chikka Togaru areas and Begur Village did not come within his jurisdiction. He has produced the office order dt.11/8/2008. In the said office order respondent.17 S.Thimmaiah has been placed incharge of the above stated areas. Sri.P.Krishnamurthy is placed incharge of Begur Panchayath and Bommanahalli.

19. Respondent No.18 is P.Krishnamurthy. He has contended that he was working as R.I, Begur from 18/11/2009 to 24/2/2012. As regards issuance of 'A' khata by Begur Panchayath which was subsequently transferred to BBMP on 16/1/2007 and continuation of the same by BBMP, he has reiterated the defence taken by other respondents. He has stated that he has not issued any new khata during his tenure in the above survey numbers
20. Respondent No.19 is reported dead.
21. Respondent No.20 in his comments has stated that he worked as Revenue Inspector, Begur from 25/4/2014 to 19/9/2016 and as Revenue Officer from 19/9/2016. He has taken the same defence taken by other respondents with regard to issuance of 'A' khata by the then Begur Gram Panchayath and continuation of the same by BBMP on the basis of Form No.9 for the purpose of collection of property tax. He has further contended that during his tenure he has not issued any new khata.
22. Respondent No.21 in his comments has stated that, he has worked in Revenue Office, Begur from 26/9/2016

to 23/6/17 as ARO and during his tenure he has not received any application seeking for issuance of khata in the disputed survey numbers.

23. Respondent No.22 was the then Tahsildar. In his comments he has stated that he has worked as Tahsildar, Bangalore South Taluk from 20/1/2006 to 11/10/2006. He has stated that during 1995-96 the then Tahsildar has effected RTCs and mutations of 28 guntas of Kharab in Sy.No.303 to the name of Pratap Kumar and the said Tahsildar is responsible for the same. It is further stated that after receipt of spot inspection, mahazar and application, Tahsildar shall forward the same alongwith the survey sketch to the Special Deputy Commissioner with proper recommendation for conversion. It is further stated that later the Special Deputy Commissioner shall pass the order of conversion.
25. Respondent No.24 in his comments has stated that he was the Tahsildar of Bangalore South Taluk, from 8/3/2004 to 31/12/2005 and has retired and therefore now he is neither a Government servant nor a public servant. He has contended that he has not effected any khata with respect to the disputed survey numbers during his tenure. He has further stated that as per G.O.No.FD 23 ELR 93 dt.30/1/1996, making entry in the record of rights and making entries as per Sec.127 to 129 of KLR Act would come within the jurisdiction of special Tahsildar and therefore it was not within his jurisdiction. He has produced the copy of above G.O. dt.30/1/1996.

25. Respondent No.25 in his comments has stated that he was the Special Tahsildar of Bangalore South Taluk from November 2003 to November 2006 and during his tenure he has not passed any orders with respect to the disputed survey numbers 303, 308, 302, 304, 305, etc.
26. Respondent No.27 in his comments has stated that he has worked as Revenue Inspector from June 2000 to October 2004 in Begur Circle, Bangalore South Taluk and during his tenure there was no lapse on his part in performance of his duties.
27. Therefore from the above comments and the investigation report it can be noticed that Sy.No.303, 301, 304, 307, 308, 309, 312, were agricultural lands situated in Begur Village, Begur Hobli, Bangalore South Taluk. After the formation of BBMP, the areas situated within Begur Gram Panchayath have been included within BBMP jurisdiction. BBMP has come into existence on 16/1/2007. From the comments of all the respondents, it becomes clear that admittedly 423 sites have been formed in 'Duo Heights Layout' formed in the disputed survey numbers 301 to 312. It is the contention of the respondents-officers of the BBMP that even prior to inclusion of the areas of Begur Gram Panchayath to BBMP, 'A' Khata had been issued to 308 sites out of the above 423 sites and after inclusion of the said area within BBMP limits, 152 sites have been included in BBMP records as approved by the Deputy Commissioner, (Bommanahalli Zone), BBMP. It is the contention of

all the respondents that the khatas have been issued and entries have been made in the Property Register for the purpose of collection of property tax. In his comments, respondent No.22 who was the Tahsildar of Bangalore South Taluk from 20/1/2006 to 11/10/2006 has stated that during 1995-96, the then Tahsildar has entered the name of Pratap Kumar with respect to 28 guntas of Kharab land in Sy.No.303 in the concerned mutation and RTC. Therefore, it become clear that that Kharab lands which vest with the Government have been entered in the name of private persons and as per the report of the Investigating Officer even without any conversion order layout called 'Duoheight Layout' has been formed in Sy.No.301 to 312.

28. Kharab lands exist in the above survey numbers as below:

Sl. No.	Survey Number	Total extent of land as shown in the RTCs produced along with the comments of the Tahsildar dt.28/10/2014	Extent of kharab as shown in the RTCs produced along with the comments of the Tahsildar dt.28/10/2014	Extent of kharab as shown in RTCs produced with complaint	Extent of kharab as shown in I.O. report
1	301	2A 19G	11 guntas		11 guntas
2	302	3A 33G	3.33 acres (ಸರ್ಕಾರಿ ತೋಪು)	3.33 acres	
3	303	4A 33G	0.27 guntas & 0.01 gunta	0.27 & 0.01	
4	304/3	0.09G	0.02 guntas		
5	305	4A 22G	13 guntas	0.13 guntas	
6	306/1	2A 33G	0.02 guntas 0.05 guntas	0.02 guntas 0.05guntas	
7	306/2	2A 04G	0.02 guntas		

			0.09 guntas		
8	307/1	2A 12G	0.03 guntas	0.03 guntas	0.03 guntas
9	307/2	5A 11G	0.16 guntas	0.16 guntas	0.16 guntas
10	311/4	1A 28G	0.02 guntas		
11	311/3	0A 38G	0.02 guntas		
12	311/5	0A 12G	0.01 guntas	0.01 guntas	
13	312	3A 12G	0.04 guntas	0.04 guntas	0.04 guntas
14	308	4A 33G		1.00 acre	1.00 acre
15	310	1A 12G		0.10 guntas	
16	304/1	5A 05G			12 guntas

29. As per the investigation report and the conversion orders available in the record, following extent of lands in various survey numbers have been converted as per the orders of Deputy Commissioner, as below:

Sl. No.	Sy.No.	Extent	Notification No. and date
1	303	2 acres	BDS:ALN:SR(s) 149:99-2000 dt.27/4/2000 modified notification No.SR 18/2008-09 dt.18/10/-- in the name of Amitha Pratap Kumar
2	303	0.32 guntas	BDS:ALN:SR(s) 148:99-2000 dt.17/4/2000 in the name of Pratap Kumar
3	303	2 acres	BDS:ALN:SR(s) 5:2000-01 dt.31/8/2000 in the name of Sharath Chandra A.M.
4	306/1 & 311/2	13 guntas 0.26 guntas	BDS:ALN:SR(s) 102: 2000-01 dt.8/11/2000 in the name of Sharath Chandra A.M.
5	306/1	2.20 acres	BDS:ALN:SR(s) 228: 2001-02 dt.12/4/2002 in the name of Sharath Chandra A.M
6	307/1	1 acre	BDS:ALN:SR(s) 55/2003-04 dt.26/5/-- in the name of Sharath Chandra A.M.
7	294/1 307/2	0.18 guntas 0.15.08 guntas	ALN(ಪಬ್ಲಿಕ್):SR(s) 65/2009-10 dt.21/11/2009 in the name of Munireddy
8	307/2	0.07.06 guntas	BDS:ALN:SR(s) 222:2005-06 dt.7/8/2008 in the name of Krishnaraj
9	307/2	0.16 ½ guntas	BDS:ALN:SR(s) 221:02005-06

			dt.28/10/2006 in the name of B.M.Suresh
10	308	1.05 acres	BDS:ALN:SR(s) 317/2002-03 dt.21/2/2003 in the name of A.N.Sharath Chandra
11	308	2.08 acres	BDS:ALN:SR(s) 225/2002-03 dt.13/12/2002 in the name of A.N.Sharath Chandra
12	308	0.20 guntas	BDS:ALN:SR(s) 165/2002/03 dt.7/11/2002 in the name of A.N.Sharath Chandra
13	309, 310	1.02 acres	BDS:ALN:SR(s) 101/2000-01 dt.7/11/2000 in the name of A.M.Sharath Chandra
14	309, 310	1.01	BDS:ALN:SR(s) 100/2000-01 dt.8/11/2000 in the name of A.M.Sharath Chandra
15	311/1, 311/5	0.23+0.12 guntas	BDS:ALN:SR(s) 227/2001-02 dt.3/4/2002 in the name of A.M.Sharath Chandra
16	311/3	36 guntas	BDS:ALN:SR(s) 15/2001-02 dt.24/5/2001 in the name of A.M.Sharath Chandra
17	311/4	1.26 acres	BDS:ALN:SR(s) 339/2001-02 dt.15/4/2002 in the name of A.M.Sharath Chandra
18	312	2.12 acres	BDS:ALN:SR(s) 134/2000-01 dt.2/12/2000 in the name of A.M.Sharath Chandra
19	312	0.22 guntas	BDS:ALN:SR(s) 524/2004-05 dt.27/1/2005 in the name of Padmavathi
20	312	0.15 ½	BDS:ALN:SR(s)592/2004-05 dt.1/3/2005 in the name of N.Pratap Kumar

30. Therefore from the above documents, and the report of Investigating Officer it can be seen that in Sy.No.301 to 312 there is partial conversion of agricultural lands, but 'Duo Heights Layout' has been formed and 423 sites have been demarcated, including the lands which have not been converted and also including the Kharab lands which vest with the Government.

31. Infact Tahsildar has stated in his comments dt.28/10/2014 and report dt.4/1/15 that kharab lands in the above survey numbers have been encroached as detailed therein and they will be evicted as per KLR Act after issuing notices to the encroachers. In the said comments dt.28/10/14, it has been stated that illegal layouts have been formed by encroaching the kharab lands by respective khatedars including N.Pratap kumar, A.N.Sharath Chandra, Amitha Pratap Kumar, Venkatesh etc. Alongwith the report dt.4/1/2015, Tahsildar has produced information showing the extent of Kharab land encroached in various survey numbers wherein 'Duo Heights Layout' has been formed which is annexed with the said report, and it is as below:

ಸ.ನಂ.	ಆಕಾರಬಂದ್‌ನಂತೆ ವಿಸ್ತೀರ್ಣ				ಉಳಿಕೆ	ಸರ್ವೆ ವಾಖಲೆಗಳಂತೆ ಖರಾಬು	ವಿಸ್ತೀರ್ಣ	ಒತ್ತುವರಿ	ಷರಾ
	ಐನ್	ಖರಾಬು							
	ಎ	ಬಿ	ಸಿ						
301	2-19	-	-	0-11	2-08	ಕೂರಕಲು	0-11	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ ಮನೆಗಳು
302	3-33	-	-	3-33		ಸರ್ಕಾರಿ ತೋಪು		ಒತ್ತುವರಿ ಆಗಿಲ್ಲ	ಬಿಬಿಎಂಪಿ ಕಸ ವಿಂಗಡಣೆ 30 ಅಡಿ ರಸ್ತೆ
303	4-33	-	-	0-28	4-05	ಕಾಲುವೆ ಕಲ್ಲುಬಂಡೆ	0-01 0-27	ಒತ್ತುವರಿ ಆಗಿದೆ	ರಸ್ತೆ ಮತ್ತು ಖುಲ್ಲಾ ಪ್ರದೇಶ
304/3	0-09	-	-	0-02	0-07	ಕಲ್ಲುಮರಟೆ	0-02	ಒತ್ತುವರಿ ಆಗಿದೆ	ನಿರ್ಮಾಣವಾಗುತ್ತಿರು ವ ಕಟ್ಟಡ
304/5	0-32	-	-	0-12	0-20	ಕಲ್ಲುಮರಟೆ	0-12	ಒತ್ತುವರಿ ಆಗಿದೆ	ನಿರ್ಮಾಣವಾಗುತ್ತಿರು ವ ಕಟ್ಟಡ-ಪ್ರಗತಿ ಬಿಲ್ಡರ್ಸ್
305	4-22	-	-	0-13	4-09	ದಾರಿ ಕಾಣದ್ದು	0-02 0-11	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ ಮನೆ ರಸ್ತೆ ಭೂ ಪರಿವರ್ತನೆ ಕಡತವು ಕೆ.ಇ.ಟಿ.ನ್ಯಾಯಾಲಯ ರಿಕ್ಕೆ ವಿಚಾರಣೆ ಹೋಗಿರುತ್ತದೆ
306/1	2-33	-	-	0-17	2-05	ಕೂರಕಲು	0-17	ಒತ್ತುವರಿ	ಖರಾಬು

								ಆಗಿಲ್ಲ	ಒಳಗೊಂಡಂತೆ ಭೂ ಪರಿವರ್ತನೆ ಯಾಗಿರುತ್ತದೆ.
306/2	2-04	-	-	0-11	1-33	ಸರವು ಕಟ್ಟೆ ಕಾಲುದಾರಿ	0-11	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ ಮನೆಗಳು ರಸ್ತೆ
307/1	2-12	-	-	0-03	2-09	ಕಾಣದ್ದು	0-03	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ ಮನೆಗಳು ರಸ್ತೆ
307/2	5-11	-	-	0-16	4-35	ಕಾಣದ್ದು	0-16	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ ಮನೆಗಳು ರಸ್ತೆ
308	4-33	-	-	1-00	3-33	ಕಲ್ಲುಬಂಡೆ	1-00	ಒತ್ತುವರಿ ಆಗಿಲ್ಲ	ಖರಾಬು ಒಳಗೊಂಡಂತೆ ಭೂ ಪರಿವರ್ತನೆ ಯಾಗಿರುತ್ತದೆ.
310	1-12	-	-	0-10	1-02	ಕಲ್ಲುಬಂಡೆ	0-10	ಒತ್ತುವರಿ ಆಗಿದೆ	ಮನೆಗಳು ಬಡಾವಣೆ ರಸ್ತೆ
311/3	0-38	-	-	0-02	0-36	ಖರಾಬು	0-02	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ
311/4	1-28	-	-	0-02	1-26	ದಾರಿ, ಬಾವಿ, ಮಂಟಪ	0-02	ಒತ್ತುವರಿ ಆಗಿದೆ	ಬಡಾವಣೆ
311/5	0-12	-	-	0-01	0-11	ಖರಾಬು	0-01	ಒತ್ತುವರಿ ಆಗಿಲ್ಲ	ಖರಾಬು ಒಳಗೊಂಡಂತೆ ಭೂ ಪರಿವರ್ತನೆ ಯಾಗಿರುತ್ತದೆ.
312	4-17	-	-	0-05	4-02	ಸರವು, ದಾರಿ	0-02 03	ಒತ್ತುವರಿ ಆಗಿದೆ	0.01 ಬಡಾವಣೆ ಒತ್ತುವರಿ 0-04 ಗುಂಟೆ ಖರಾಬು ಒಳಗೊಂಡಂತೆ ಭೂ ಪರಿವರ್ತನೆ ಯಾಗಿರುತ್ತದೆ.

32. It is the contention of the officers of BBMP that 'A' khatas were issued by Begur Gram Panchayath prior to formation of BBMP and on 16/1/2007 the areas within the limits of Begur Gram Panchayath were included within the BBMP limits. It is their further contention that they continued the khatas issued by Begur Gram Panchayath on the basis of Form No.9 for the purpose of collection of property tax with respect to 308 sites and khatas have been issued with the approval of Deputy Commissioner, (Bommanahalli Zone), BBMP for the remaining 152 sites which is stated as below:

423 ನಿವೇಶನಗಳ ಪೈಕಿ ಪಂಚಾಯಿತಿ ವಹಿಯಂತೆ 308 ನಿವೇಶನಗಳು ಮಾತ್ರ ನಮೂದಾಗಿದ್ದು, ಈ ಪೈಕಿ 152 ನಿವೇಶನಗಳಿಗೆ ಮಾನ್ಯ ಉಪ ಆಯುಕ್ತರು (ಬೊ.ವ) ರವರಿಂದ ಅನುಮೋದನೆ ಪಡೆದು ಪಂಚಾಯಿತಿ ದಾಖಲೆಗಳನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ.

33. Hence it becomes clear that without conversion orders khatas were issued to the sites illegally formed in Duo Heights Layout by Begur Gram Panchayath and even after the said area came within the limits of BBMP, the said khatas have been continued with respect to 308 sites and fresh khatas seem to have been issued with respect to 152 sites with the approval of Deputy Commissioner, Bommanahalli Zone, BBMP between 2007 and 2009. Therefore it becomes clear that neither the officers of Revenue Department including the Tahsildars nor the officers of Begur Gram Panchayath or even the officers of BBMP have initiated any action against the owners of the properties at the respective point of time for having formed residential sites in agricultural land without following the provisions of law for conversion of land, approval of plan and licence, payment of requisite stamp fee, building bye-laws etc. as stipulated under KLR Act, Town and Country Planning Act, Karnataka Municipal Corporation Act and the relevant notifications issued by the Municipal Administration and BBMP. Because of the dereliction of duty and not taking effective steps by the concerned officers, the illegality has continued unabated. Hence the defence taken by the above respondents that during their respective tenure they having not issued fresh khatas or conversion orders, they have to be exonerated from the charges cannot be held tenable.

34. Sec.95 of Karnataka Land Revenue Act deals with the procedure for use of agricultural land for other purposes. As per the said provision if any occupant of agricultural land wishes to divert such land or any part thereof, he shall apply for permission to the Deputy Commissioner for conversion who shall pass the order in accordance with law. It is seen that in the case on hand, even as per Sec.95(2-A) of KLR Act the owner of the properties have not taken any steps for regularization of diversion.
35. Sec.96 of the KLR Act provides that, if any agricultural land is used or diverted for any other purpose without the permission of Deputy Commissioner, the occupant shall be liable for penalty and any construction made therein shall be liable for removal.
36. Further Sec.108A of Karnataka Municipal Corporation Act, 1976 deals with levy and collection of property tax in respect of BBMP. It specifically provides that the levy and collection of property tax thereunder from such unauthorized building does not confer any right to regularize the violation made or title, ownership or legal status to such building.
37. Further Sec.321-A of Karnataka Municipal Corporation Act, 1976 provides that when any construction is completed in contravention of Sec.300 and 321 and building bye-laws made under Sec.423, the Commissioner may regularize building constructed prior to 3/12/2009 subject to restrictions

and such regularization shall be subject to payment of prescribed amount.

38. Even Sec.112-C of Karnataka Municipal Corporation Act, 1976 reads as below:

Levy of penalty on unlawful building.- (1) *Whoever unlawfully constructs or reconstructs any building or part of a building-*

- (i) *on his land without obtaining permission under this Act or in contravention of any condition attached to such permission; or*
- (ii) *on a site belonging to him which is formed without approval under the relevant law relating town and country planning; or*
- (iii) *on his land in breach of any provision of this Act or any rule or Bye-law made thereunder or any direction or requisition lawfully given or made under this Act or such rules or Bye-law;*

shall be liable to pay every year a penalty, which shall be equal to twice the property tax leviable on such building, so long as it remains as unlawful construction without prejudice to any proceedings which may be instituted against him in respect of such unlawful construction:

Provided that such levy and collection of penalty shall not be construed as regularization of such unlawful construction or reconstruction.

(2) *Penalty payable under sub-section (1) shall be determined and collected by such authority and in such manner as may be prescribed. The penalty so payable shall deemed to be the property tax due.*

(3) *Notwithstanding anything contained in Section 61-A, 62 or 444 any person aggrieved by the determination of penalty under sub-section (2) may within thirty days from the date of receipt of the order appeal to the prescribed authority whose decision thereon shall be final.*

(4) *The prescribed authority may after giving a reasonable opportunity of being heard to the appellant and the Corporation pass such order as it deems fit.*

39. Therefore, mere collection of tax would not absolve the officers of BBMP from contending that they having not issued fresh khatas, there is no dereliction of duty on their part. On the other hand, it was the responsibility of the officers of BBMP before according approval to 152 sites as contended by the respondents, after transfer of the properties to the limits of BBMP on 16/1/2007, to look into the documents as regards the legality of formation of layout and issuance of khatas by the then Gram Panchayath. As conceded Form No.9 is not a document of title and it does not confer any title on the person whose name is entered therein in the absence of valid document of title.
40. Infact not only the Directorate of Municipal Administration, but also the BBMP has issued circulars from time to time regarding the procedure to be adopted while issuing 'A' khata to the properties. In the circular No.ಉಆ(ಕಂ)ಪಿಆರ್-222/2012-13 dt.31/1/2013 of the office of the Commissioner, BBMP, following procedure has been contemplated for issuing khata to the properties and also the procedure to be followed with respect to the properties which have already been issued 'A' or 'B' khata as below:

“ನಾಗರೀಕರು ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರಕ್ಕೆ ಅರ್ಜಿ ಸಲ್ಲಿಸಿದಾಗ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳು ಈ ಕೆಳಕಂಡ ವಿಧಾನಗಳನ್ನು ತಕ್ಷಣದಿಂದ ಅನುಸರಿಸಬೇಕು;

1. ಹಳೆ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಪ್ರದೇಶ
(ಈ ಪ್ರದೇಶಗಳು ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಹೆಚ್‌ಚ್‌ಯುಡಿ 247 ಎಂಎಲ್‌ಆರ್ 95 ದಿನಾಂಕ 07-11-1995 ರಲ್ಲಿದ್ದಂತಹ 100 ವಾರ್ಡ್‌ಗಳು)
ಈಗಾಗಲೇ ನಮೂನೆ ಎ ವಹಿಯಲ್ಲಿರುವ ಆಸ್ತಿಗಳು
ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಗಣಕಯಂತ್ರದ ಮೂಲಕವೇ ನೀಡಬೇಕು

ಈ ಪ್ರಮಾಣ ಪತ್ರವು ಹಳೆಯ 100 ವಾರ್ಡ್‌ಗಳಲ್ಲಿನ ಒಂದು ಸ್ವತ್ತಾಗಿರುತ್ತದೆ.

ಹೊಸದಾಗಿ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರ ನೀಡುವ ಬಗ್ಗೆ

ಈ ಸುತ್ತೋಲೆಯಲ್ಲಿ ಹೊಸ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಪ್ರದೇಶಗಳಿಗೆ ನಿಗದಿಪಡಿಸಿರುವ ವಿಧಾನವನ್ನು ಅನುಸರಿಸತಕ್ಕದ್ದು.

2. ಹೊಸ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಪ್ರದೇಶ

ಹೊಸ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಪ್ರದೇಶಗಳಲ್ಲಿನ ನಿವೇಶನ ಅಥವಾ ವಸತಿ ಸಂಕೀರ್ಣಗಳ ಪ್ಲಾಟ್‌ಗಳ (ಈ ಪ್ರದೇಶಗಳು ಸರ್ಕಾರದ ಅಧಿಸೂಚನೆ ಸಂಖ್ಯೆ:ಯುಡಿಡಿ 92 ಎಂಎನ್‌ವೈ 2006 ದಿನಾಂಕ 16-01-2007 ರಲ್ಲಿದ್ದಂತೆ) ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳು ಆಸ್ತಿಗಳು ಕಾನೂನುಬದ್ಧ/ಅಧಿಕೃತ ಆಸ್ತಿಗಳೇ ಎಂಬುದನ್ನು ಪರಿಶೀಲಿಸಬೇಕು. ಈ ಕೆಳಕಂಡ ಆಸ್ತಿಗಳು ಕಾನೂನುಬದ್ಧ/ಅಧಿಕೃತವೆಂದು ಪರಿಗಣಿಸಬೇಕು. ಈ ಪರಿಶೀಲನೆಯು ಹೊಸ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ ಪ್ರದೇಶದ ಎಲ್ಲಾ ಸ್ವತ್ತುಗಳಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆ. ಈಗಾಗಲೇ ಖಾತಾ ಎ ಅಥವಾ ಬಿ ವಹಿಯಲ್ಲಿ ದಾಖಲಾಗಿದ್ದರೂ ಸಹ ಪರಿಶೀಲನೆಯ ನಂತರ ಸೂಕ್ತ ದಾಖಲೆಗಳು ಇಲ್ಲದಿದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಅರ್ಜಿದಾರರಿಂದ ದಾಖಲೆಗಳನ್ನು ಪಡೆದು ಹಿಂಬರಹ ನೀಡಿ ಸೂಕ್ತ ದಾಖಲೆ ಸಲ್ಲಿಸಿದ್ದಲ್ಲಿ ಖಾತೆ ಎ ನೀಡಲು ಕ್ರಮ ಜರುಗಿಸುವುದು. ಇಲ್ಲದ ಪಕ್ಷದಲ್ಲಿ ಸೂಕ್ತ ಹಿಂಬರಹ ನೀಡಿ ಕಡತ ಮುಕ್ತಾಯಗೊಳಿಸುವುದು.

- ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿಯಿಂದ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳಲು ಅನುಮತಿ ಪತ್ರ (Occupancy Certificate) ನೀಡಲಾಗಿದೆಯೇ ಎಂದು ಪರಿಶೀಲಿಸತಕ್ಕದ್ದು.
- ಈ ಮೇಲಿನಂತೆ ಪರಿಶೀಲಿಸಿಕೊಂಡು ಪ್ಲಾಟ್‌ಗಳ ಮಾಲೀಕರುಗಳಿಗೆ/ನಿರ್ಮಾಣ ಸಂಸ್ಥೆಗೆ ನಮೂನೆ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರ ನೀಡಬೇಕು.
- ಈ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರದಲ್ಲಿ ಪ್ಲಾಟ್‌ಗಳ ಉಪಸಂಖ್ಯೆ ಹಾಗೂ ಅದರ ವಿಸ್ತೀರ್ಣವನ್ನು ನಮೂದಿಸತಕ್ಕದ್ದು.

ಖಾತಾ ಎ ಪ್ರಮಾಣ ಪತ್ರದೊಂದಿಗೆ ನೀಡುವ ಅನುಬಂಧದ ನಮೂನೆಯನ್ನು ಈ ಸುತ್ತೋಲೆಯೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ. ಸರ್ಕಾರದ ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆಯ ಈ ಬಗ್ಗೆ (Inspector General of Registration)ನೊಂದಣಿ ಮತ್ತು ಮುದ್ರಾಂಕ ಇಲಾಖೆಯ ಮಹಾ ನಿರ್ದೇಶಕರಿಗೆ ಈ ಬಗ್ಗೆ ತಿಳಿಸಿ ಮುಂದೆ ಮೇಲೆ ತಿಳಿಸಿರುವ ಅನುಬಂಧಗಳೊಂದಿಗೆ ನಮೂನೆ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರ ಕಡ್ಡಾಯವಾಗಿ ನೋಂದಣಿ ಸಮಯದಲ್ಲಿ ಸಾರ್ವಜನಿಕರಿಂದ ಪಡೆಯುವಂತೆ ಸೂಚಿಸುತ್ತದೆ.

ಮುದ್ರಾಂಕ ಮತ್ತು ನೋಂದಣಿ ಇಲಾಖೆಯ ಕಾಲಕಾಲಕ್ಕೆ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರದ ಆಧಾರದ ಮೇಲೆ ನೋಂದಣಿ ಮಾಡಿರುವ ಆಸ್ತಿಯ ವಿವರಗಳನ್ನು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಕಳುಹಿಸುವಂತೆ ಕೋರಲಾಗುವುದು. ಮೇಲೆ ತಿಳಿಸಿರುವ ಸೂಚನೆಗಳಂತೆ ಎ ಖಾತಾ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ನೀಡುವುದು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳ ಜವಾಬ್ದಾರಿಯಾಗಿರುತ್ತದೆ. ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಮತ್ತು ಅನುಬಂಧಗಳನ್ನು ಅಪೂರ್ಣವಾಗಿ ಅಥವಾ ತಪ್ಪಾಗಿ ನೀಡಿದ್ದಲ್ಲಿ ಸಂಬಂಧಿಸಿದ ಅಧಿಕಾರಿ/ನೌಕರರುಗಳ ವಿರುದ್ಧ ಶಿಸ್ತು ಕ್ರಮ ಜರುಗಿಸಲಾಗುವುದು.

ಎಲ್ಲಾ ಪ್ರಮಾಣ ಪತ್ರ ಹಾಗೂ ಅನುಬಂಧಗಳನ್ನು ರಕ್ಷಿಸಲ್ಪಟ್ಟ ದಸ್ತಾವೇಜಿನಲ್ಲಿ (Secured Stationary) ಹಾಲೋಗ್ರಾಮ್ ಅಂಟಿಸಿ ನೀಡತಕ್ಕದ್ದು, ಅನುಬಂಧವನ್ನು ಗಣಕಯಂತ್ರದಲ್ಲಿ ಅಳವಡಿಸುವವರೆಗೆ ಇದನ್ನು ಕೈ ಬರಹದಲ್ಲಿ ನೀಡತಕ್ಕದ್ದು. ತದನಂತರ ಗಣಕ ಯಂತ್ರದ ಮೂಲಕವೇ ನೀಡತಕ್ಕದ್ದು.

41. Further the circular No.ಉಆ(ಕಂ)ಪಿಆರ್-5074/2014-15 dt.2/12/2014 also prescribes the procedure to be followed for the transfer/ merger /division of khatas pertaining to the properties newly included in BBMP. The relevant paras have been extracted as below:

2) ಭೂಪರಿವರ್ತನೆಗೊಳ್ಳದೆ ಹಾಗೂ ಸ್ವಾಮ್ಯ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದನೆ ಪಡೆಯದ ಸ್ವತ್ತುಗಳಿಗೆ ಹಿಂದಿನ ನಗರಸಭೆ, ಪುರಸಭೆಗಳಲ್ಲಿ ಮತ್ತು ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳಲ್ಲಿ ಸರ್ಕಾರದ ಆದೇಶದ ಅನ್ವಯ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ ಆದಾಯದ ಹಿತದೃಷ್ಟಿಯಿಂದ ಆಸ್ತಿ ತೆರಿಗೆಯನ್ನು ಸ್ವೀಕರಿಸಿ ನಮೂನೆ-10 ಮತ್ತು ನಮೂನೆ-12 ರಲ್ಲಿ ದಾಖಲಿಸಿಕೊಂಡು ಆಸ್ತಿ ವಹಿ ಎಕ್ಸ್‌ಟ್ರಾಕ್ಟ್ ನೀಡಲಾಗುತ್ತಿತ್ತು. ಸದರಿ ಸವತ್ತುಗಳಿಗೆ ನಕ್ಷೆ ಮಂಜೂರಾತಿ ನೀಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

2002ನೇ ಸಾಲಿನ ನಂತರ ಹಲವು ಪ್ರಕರಣಗಳಲ್ಲಿ ಸ್ವಾಮ್ಯ ಪ್ರಾಧಿಕಾರದಿಂದ ಅನುಮೋದನೆ ಪಡೆಯದ ಹಾಗೂ ಭೂಪರಿವರ್ತನೆಗೊಳ್ಳದ ಸ್ವತ್ತುಗಳಿಗೂ ಸಹ ಆಸ್ತಿ ವಹಿಗಳಲ್ಲಿ ದಾಖಲು ಮಾಡಿ ನಮೂನೆ-9, ಎಂ.ಎ.ಆರ್-19 ರಲ್ಲಿ ನೀಡಿರುವುದು ಗಮನಕ್ಕೆ ಬಂದಿದೆ. ಅಂತಹ ಸ್ವತ್ತುಗಳಿಗೆ 2002ನೇ ಸಾಲಿನ ಮೊದಲು ಮೇಲ್ವಿಚಾರಣೆ ವೆಚ್ಚ ಪಡೆದಿರುವ ದಾಖಲೆಗಳು ಹಾಗೂ ಇನ್ನಿತರೆ ದಾಖಲೆಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ದೃಢೀಕರಿಸಿದ ನಂತರವೇ ಖಾತಾ ವರ್ಗಾವಣೆ : ವಿಭಜನೆ : ಒಂದುಗೂಡಿಸಿ ಆಸ್ತಿ ವಹಿಯಲ್ಲಿ ಮುಂದುವರಿಸಬಹುದಾಗಿದೆ.

3) ಈಗಾಗಲೇ ನಗರ ಸಭೆ : ಪುರಸಭೆ : ಗ್ರಾಮ ಪಂಚಾಯತಿಗಳಲ್ಲಿ ನಮೂನೆ-10 ಮತ್ತು ನಮೂನೆ-12 ರಲ್ಲಿ ದಾಖಲಾಗಿರುವ ಸ್ವತ್ತುಗಳಿಗೆ ಪ್ರಸ್ತುತ ಪಾಲಿಕೆಯ ಆರ್ಥಿಕ ಹಿತದೃಷ್ಟಿಯಿಂದ 2008-2009ನೇ ಸಾಲಿನಲ್ಲಿ ಸ್ವಯಂ ಘೋಷಣೆ ಆಸ್ತಿ ತೆರಿಗೆ ಪದ್ಧತಿ ಅಡಿಯಲ್ಲಿ ದಾಖಲಿಸಿ ಅಂತಹ ಸ್ವತ್ತುಗಳಿಗೆ ಖಾತಾ ವರ್ಗಾವಣೆ : ವಿಭಜನೆ : ಒಂದು ಗೂಡಿಸುವಿಕೆಗಳನ್ನು ಪರಿಗಣಿಸಿ ಬಿ ವಹಿಯಲ್ಲಿ ದಾಖಲಿಸಿ ಮುಂದುವರಿಸಬಹುದಾಗಿದೆ. ಆದರೆ ಹೊಸದಾಗಿ ಸುಧಾರಣಾ ವೆಚ್ಚವನ್ನು ಪಾವತಿಸಿಕೊಂಡು ಖಾತಾ ನೋಂದಾಯಿಸಲು ಕಾನೂನಿನಲ್ಲಿ ಅವಕಾಶವಿರುವುದಿಲ್ಲ.

ಮೇಲ್ಕಂಡ ಸೂಚನೆಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಅನುಸರಿಸಿ ಯಾವುದೇ ದೂರುಗಳಿಗೆ ಅವಕಾಶವಿಲ್ಲದಂತೆ ಖಾತಾ ವರ್ಗಾವಣೆ, ವಿಭಜನೆ ಇತ್ಯಾದಿಗಳನ್ನು ಮಾಡಲು ಸಂಬಂಧಪಟ್ಟ ಎಲ್ಲಾ ವಲಯದ ಅಪರ : ಜಂಟಿ ಆಯುಕ್ತರುಗಳು : ಉಪ ಆಯುಕ್ತರುಗಳು : ಕಂದಾಯ ಅಧಿಕಾರಿಗಳು : ಸಹಾಯಕ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಹಾಗೂ ನೌಕರರುಗಳಿಗೆ ಸೂಚಿಸಿದೆ.

42. The officers of BBMP have contended that as per the declaration of self assessment of property tax for the purpose of collection of tax based on Form No.9 issued by Begur Gram Panchayath, khatas have been issued. However, in the circular No.ಪೌನಿ:ಸ್ವಘೋಷ:

83:2003-04 dt.8/10/2003 with regard to the applicability of the above scheme, following guidelines has been laid down by the Directorate of Municipal Administration, Bangalore. The relevant portion of the above circular has been extracted below:

ಕ್ರ.ಸಂ.5. "ಸ್ವಯಂ ಘೋಷಿತ ಆಸ್ತಿ ತೆರಿಗೆ ಪದ್ಧತಿಯಡಿಯಲ್ಲಿ ಹೊಸದಾಗಿ (ಅಂದರೆ ಹಿಂದಿನ ಅಸೆಸ್‌ಮೆಂಟ್ ವಹಿಯಲ್ಲಿ ಇಲ್ಲದೆ ಇರುವ ಆಸ್ತಿಗಳು) ಆಸ್ತಿಗಳಿಗೆ ತೆರಿಗೆ ವಿವರಗಳನ್ನು ಸಲ್ಲಿಸಿದ್ದಲ್ಲಿ ಸದರಿ ಎಲ್ಲಾ ಆಸ್ತಿಗಳನ್ನು ಆಸ್ತಿ ತೆರಿಗೆ ಪುಸ್ತಕದಲ್ಲಿ ಅಂತಹ ವಿವರಗಳನ್ನು ದಾಖಲಿಸತಕ್ಕದ್ದು. ಈ ಆಸ್ತಿಗಳನ್ನು ಕಡ್ಡಾಯವಾಗಿ ಸ್ಥಳ ಪರಿಶೀಲಿಸಿ ಸರ್ಕಾರಿ ಜಾಗ, ಮುನಿಸಿಪಲ್ ಜಾಗ ಮತ್ತು ಅರಣ್ಯ ಜಾಗ ಒತ್ತುವರಿಯಾಗಿಲ್ಲದಿದ್ದಲ್ಲಿ ನಮೂನೆ III ರ ನಕಲನ್ನು ಕ್ರಮ ಸಂ.7 ರಲ್ಲಿ ವಿವರಿಸುವಂತೆ ನೀಡತಕ್ಕದ್ದು. ಯಾವುದೇ ಸರ್ಕಾರಿ ಜಾಗ, ಮುನಿಸಿಪಲ್ ಜಾಗ ಮತ್ತು ಅರಣ್ಯ ಜಾಗ ಒತ್ತುವರಿಯಾಗಿರುವುದು ದೃಢಪಟ್ಟರೆ ನಮೂನೆ III ನ್ನು ನೀಡತಕ್ಕದ್ದಲ್ಲ.

ಕ್ರ.ಸಂ.6. ಸ್ವಂತ ಜಾಗದಲ್ಲಿ ಕಾನೂನು ಬಾಹಿರ ಕಟ್ಟಡಗಳನ್ನು ನಿರ್ಮಿಸಿದ್ದರೆ ಅಂತಹ ಆಸ್ತಿ ಮಾಲೀಕರು ತೆರಿಗೆಯ ಎರಡರಷ್ಟನ್ನು ತೆರಿಗೆಯಾಗಿ ಪಾವತಿಸಬೇಕಾಗಿರುತ್ತದೆ. ಇದನ್ನು ಪರಿಶೀಲಿಸಿ ತೆರಿಗೆಯ ಎರಡರಷ್ಟು ಹಣವನ್ನು ನಿಯಮ 107 ರಂತೆ ವಸೂಲಿ ಮಾಡಲು ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳುವುದು ----- ರಲ್ಲಿ ಸೂಕ್ತ ವಿವರಗಳನ್ನು ದಾಖಲಿಸಿ ನಕಲನ್ನು ನೀಡತಕ್ಕದ್ದು".

43. Therefore the S.A.S. scheme applies only to the buildings which have been constructed by a person in his own property violating building bye-laws, but it does not apply to the building constructed in Government land, Municipal land, Forest land etc. Therefore, the contention of the Officers of the BBMP that on the basis of the Form No.9, khata has been issued for the purpose of collection of tax cannot be accepted either in law or on facts.

44. In the reports of Tahsildar and Village Accountant dt.28/10/14 and 12/1/15, interalia it has been contended that Layout has been formed including the

Kharab land, but as per the circular Kharab land can also be converted for residential purpose along with cultivable land. They have relied upon the circular No.RD 21 LGP 91 dt.16/9/94. However para No.2 and 3 of the said circular reads as below:

“2. ಭೂ ಮಾಲೀಕರು ಅವರ ಹಿಡುವಳಿ ಜಮೀನನ್ನು ಪರಿವರ್ತಿಸುವ ಸಮಯದಲ್ಲಿ ಇಂತಹ ಖರಾಬು ಪ್ರದೇಶವನ್ನು ಸೇರಿಸಿ, ಉಪಯೋಗಿಸಿಕೊಳ್ಳುತ್ತಾರೆಯೆಂದು ಸರ್ಕಾರದ ಗಮನಕ್ಕೆ ಬಂದಿದೆ. ಭೂ ಪರಿವರ್ತನೆ ಆದೇಶ ನೀಡುವಾಗ ಖರಾಬು ವಿಸ್ತೀರ್ಣವನ್ನು ಬಿಟ್ಟು ಉಳಿದ ವಿಸ್ತೀರ್ಣಕ್ಕೆ ಮಾತ್ರ ಮಂಜೂರಾತಿ ನೀಡಲಾಗುತ್ತಿದೆ. ಆದರೆ ಜಮೀನಿನ ಮಧ್ಯ ಭಾಗದಲ್ಲಿ ಖರಾಬು ವಿಸ್ತೀರ್ಣವಿದ್ದಲ್ಲಿ, ಸದರಿ ಪ್ರದೇಶವು ಸಹ ಸೇರಿಸಿ ಕೃಷಿಯೇತರ ಉದ್ದೇಶಕ್ಕಾಗಿ ಉಪಯೋಗಿಸಿಕೊಳ್ಳುವುದು ಸಾಮಾನ್ಯವಾಗಿದೆ. ಈ ಖರಾಬು ಪ್ರದೇಶಕ್ಕೆ ಪರಿವರ್ತನೆ ಶುಲ್ಕ ವಿಧಿಸುತ್ತಿಲ್ಲ. ಇಂತಹ ಸಂದರ್ಭದಲ್ಲಿ ಸರ್ಕಾರಕ್ಕೆ ಆದಾಯ ಸೋರಿಕೆ ಉಂಟಾಗುವುದು.

3. ಮೇಲೆ ಹೇಳಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಭೂ ಪರಿವರ್ತನೆ ಕಂದಾಯ ಅಧಿಕಾರಿಗಳಿಗೆ ಸೂಚನೆ ನೀಡುವುದು ಏನೆಂದರೆ ಭೂ ಪರಿವರ್ತಿಸುವ ಸಮಯದಲ್ಲಿ ಇಂತಹ ಖರಾಬು ಜಮೀನುಗಳಿಗೆ ಭೂ ಮೌಲ್ಯವನ್ನು ವಿಧಿಸಿ ಮತ್ತು ಈ ಪ್ರದೇಶಕ್ಕೂ ಸಹ ಭೂ ಪರಿವರ್ತನೆ ಶುಲ್ಕ ವಿಧಿಸಿ ಭೂ ಪರಿವರ್ತನೆ ಆದೇಶ ನೀಡಬೇಕೆಂದು ತಿಳಿಸಲಾಗಿದೆ. ಆದರೆ ಸಾರ್ವಜನಿಕ ಉಪಯೋಗಕ್ಕಾಗಿ ಮೀಸಲಾದ ರಸ್ತೆ, ಬಂಡಿದಾರಿ, ನಕಾಶೆ ಕಂಡದಾರಿ, ನದಿ, ತೊರೆ ಇತ್ಯಾದಿ ಪ್ರದೇಶಗಳನ್ನು ಕಾದಿರಿಸತಕ್ಕದ್ದು”.

45. From reading the above circular, it becomes clear that while passing conversion order with respect to Hiduvali land, the concerned authorities are not collecting conversion charges with respect to Kharab land, but such Kharab lands which are situated in the centre of the cultivable land are also utilized for the purposes other than agriculture and in such situation there will be financial loss to the Government. Therefore the said circular dt.16/9/94 mandates that while passing orders for conversion of agricultural land, the concerned authorities shall impose conversion fee for such Kharab land also. Therefore

identification of documents of Kharab land would be necessary. Even according to the said circular it was incumbent upon the concerned authority while passing the conversion orders to identify the location of the Kharab land situated in the survey number which is the subject matter of conversion and to collect conversion fee even for Kharab land in cases contemplated in the above circular.

46. Therefore from the said circular it can be gathered that the Revenue Officers were duty bound to identify the Kharab land before passing conversion orders and for this purpose the Revenue authority should have taken steps for conducting survey. But it is pertinent to note that even after filing of this complaint before this institution and despite calling several reports, the Revenue authorities have failed to take any positive steps for conducting survey, so as to identify the Kharab land. It is very peculiar to observe that in the report dt.1/2/16, the Tahsildar, Bangalore South Taluk has stated that Kharab land in Sy.No.307/1, 307/2, 310 could not be identified by the Surveyor and therefore the investigation with respect to the said survey numbers may be dropped. This shows the negligent conduct of the Revenue Officers while passing conversion orders and also in taking steps against the encroachers of Government land.
47. A representation dt.8/2/16 has been submitted by 'Duo-Heights Layout Welfare Association'. In the said

representation it has been interalia stated that after conversion during 2000-02, Layout was formed by M/s.Duo Associates, a partnership firm by Sri.A.M.Sharath Chandra and Sri.Phani Mahesh. It is further stated that plan was approved by Begur Panchayath. But the copy of Layout plan produced in this case does not bear the seal or signature of the authority who has approved the same. It is further stated that the respondents started constructing the homes in the year 2001. Therefore it is to be gathered that Layout has been formed and sites have been demarcated between the year 2000 to 2002. Neither the Revenue Officers nor the BBMP Officers have produced any Layout plan said to have been approved by the then Begur Gram Panchayath. Therefore on this ground also the contention of the respondents that Layout has been formed after conversion of land in accordance with law cannot be accepted. On the other hand the allegation of the complainant that, Layout has been formed in violation of the statutes like Karnataka Land Revenue Act, Town, Country Planning Act etc., is substantiated.

48. Infact in all the conversion orders produced before this institution there is a specific condition that the owner of the said land shall obtain the plan approved from the concerned authority. None of the respondents have produced any of the documents to show that the conditions stipulated in the above conversion orders have been applied by the concerned

owner. It was incumbent upon the Gram Panchayath and subsequently the BBMP to look into the documents regarding the conditions put forth in the conversion orders. But as could be gathered from the comments of the respondents they have callously issued the Khata to the site owners on the basis of the Form No.9 said to have been issued by Begur Gram Panchayath.

49. Infact as discussed above the Officers of BBMP have also conceded that 'A' Khatas have been issued to 152 sites out of 423 sites as per the orders of Deputy Commissioner (Bommanahalli), BBMP. Therefore it becomes clear that 'A' Khatas have been issued without any documents of title, Layout has been allowed to be formed in agricultural lands, on the basis of conversion orders with respect to a portion of the said survey numbers and thereby the Revenue Officers have allowed the owners of the lands to encroach Government land including Kharab lands, which has resulted in financial loss to the Government and also grabbing of Government land. The Revenue Officers and BBMP Officers have also allowed the owners of the agricultural lands to demarcate the sites in the Layout and to sell the same without any approved layout plan and in violation of the conditions put forth even in the conversion orders.
50. The BBMP Officers have continued the illegality and have gone to the extent of issuing 'A' Khatas to the sites formed in illegal layout without verifying the

original conversion orders, identification of the properties, identification of Kharab land and without verifying the approved Layout plan.

51. Infact BBMP itself has issued the circular No.ಉಆ(ಕಂ)ಪಿ.ಆರ್.3365/ 11-12 dt.1/7/2014 regarding collection of betterment charges. Even according to the said circular where the properties have been included in BBMP during 2007 and onwards in respect of lands applied for residential purpose, betterment charges shall be collected at the rate of Rs.250/- per Sq.mtr. No piece of document has been produced by the respondent who are BBMP Officers to show that betterment charges as per the above circular have been collected from the sites owners or the owner of the Duo Heights Layout. Infact in the last para of the said circular it has been recited as below:

‘ಭೂ ಪರಿವರ್ತನೆಗೊಳಿದೆ ಇರುವ ಆಸ್ತಿಗಳಿಂದ ಸುಧಾರಣಾ ವೆಚ್ಚವನ್ನು ಪಾವತಿಸಿಕೊಳ್ಳುವುದು ಕಾನೂನುಬಾಹಿರವಾಗಿರುತ್ತದೆ’.

52. Therefore even the said circular issued by BBMP itself has not been followed by the responsible officers of BBMP like Joint Commissioner or Deputy Commissioner.
53. Though in all the reports submitted by Tahsildar, Bangalore Souty Taluk, during 2014 to 2016, it has been recited that notice have been issued to the encroachers for eviction under Sec.192A of Karnataka Land Revenue Act, ~~but~~ but so far no action taken report

has been submitted to this institution. In the report dt.11/2/16, Tahsildar has submitted that a vacant site No.161 has been taken possession situated in Sy.No.306/2, since it is a vacant site. Further it is stated that with regard to the remaining sites, notices have been issued. Therefore it can be made out that the respondents have not taken serious/coercive steps to recover the Government land and Kharab land wherein Duo Heights Layout has been formed on the basis of conversion orders passed with respect to some portions of survey numbers. Therefore the respondents have allowed the owners of Duo Associates to form Layout by grabbing Government land including Kharab land and to form layout without following the statutory provisions.

54. Therefore from the above investigation report, the documents and the mandatory provisions of law, it becomes clear that there is dereliction of duty on the part of the Revenue Officers, Panchayath Officers and BBMP Officers continuously from the year 1995-96 till today, which has resulted in financial loss to the Government exchequer and also resulted in formation of illegal layouts and continuous illegal transfer of properties to which the respondents have remained mute spectators without taking stringent and timely action as per law. As rightly observed by the Investigating Officer the respondents have also not taken steps to collect tax as per the provisions of Karnataka Municipal Corporation Act as stated above.

Tahsildars have failed to take any action for removal of encroachment from even the Government land till today. This shows the callous attitude of the respondents in discharge of their duties as public servants.

55. From the above discussion, it can be noticed that there is continuous dereliction of duty on the part of the Revenue Officers on following grounds:

- i) Conversion orders have been passed without identification and demarcation of Kharab land by conducting proper survey.
- ii) There is no document in proof of collection of conversion fee towards Kharab land also as per the circular No.RD 21 LGP 91 dt.16/9/94.
- iii) No action taken for non compliance of conditions of conversion orders.
- iv) No Layout plan of Duo Height Layout approved by appropriate authority seems to have been verified. No such approved layout plan has been produced by any of the Revenue Officers.
- v) No steps have been taken for removal of encroachment till today.
- vi) No steps have been taken against the encroachers/land grabbers under the concerned statute.

56. From the above discussion, it can be noticed that there is continuous dereliction of duty on the part of the B.B.M.P. Officers on following grounds:

- i) There seems to be no verification of documents like conversion orders, approved layout plan etc., before issuance/continuation of Khata of sites formed in Duo Height Layout.
- ii) Only on the basis of Form No.9 Khatas have been admittedly issued by BBMP without verification of documents as stated above.
- iii) 152 New khatas have been admittedly issued by BBMP on the basis of an order passed by Deputy Commissioner, Bommanahalli, BBMP, even without any documents.
- iv) The scheme of self assessment of property tax has not been properly applied in accordance with the circular No.ಪೌನಿ:ಸ್ವಪೂಆ:83:2003-04 dt.8/10/2003. Khatas have been issued to the buildings constructed in Kharab land also which vest with the Government.
- v) As per Sec.112-C of Karnataka Municipal Corporation Act no steps have been to collect penalty equal to twice the property tax in cases of unauthorised construction.
- vi) No document has been produced to show collection of betterment charges even as per circular No.ಉಆ(ಕಂ)ಪಿಆರ್-5074/2014-15 dt.2/12/2014.
- vii) No steps have been taken against the buildings which have been constructed unauthorisedly as per Sec.108A and Sec.112-C(1) of Karnataka Municipal Corporation Act 1976.

57. The names of Officers and tenure during which they held office during the relevant period are as detailed below:

Sl. No.	Name	Designation	Period during which the said office was held (as per comments)	Period during which the said office was held (as per report of Tahsildar and Joint Commissioner)	Date of retirement
R.1	Venkataramana N Nayak	Addition Joint Commissioner (KAS), BBMP, Bommanahalli	17/1/2007 to 27/2/2008	17/1/2007 to 27/2/2008	30/4/2011
R.2	B.S.Shekarappa	Joint Commissioner, Bommanahalli	25/2/2008 to 12/8/2009	27/2/2008 to 12/8/2009	24/1/2020
R.3	Shivabasavaiah	Joint Commissioner, Bommanahalli	Not filed comments	12/8/2009 to 4/10/2012	
R.4	K.Hemaji Nayak IAS	Joint Commissioner, Bommanahalli	4/10/12 to 26/12/12	4/10/2012 to 27/12/2012	31/3/2019
R.5	Jannappa H	Joint Commissioner, Bommanahalli	27/12/12 to 8/10/13	27/12/2012 to 8/10/2013	Retired KAS
R.6	N.Muniraju	Joint Commissioner,	From 8/10/13	8/10/2013 to 9/2/2017	
R.7	Veerabhadra Swamy	Joint Commissioner, Bommanahalli	Not filed comments	From 10/2/2017	June 2027
R.8	M.Babu	R.O, Bommanahalli	Notice not served as absconding	16/1/2007 to 16/11/2008	
R.9	Shashikala	R.O. to Bommanahalli Zone	From 17/11/2008 & from 31/8/2009	17/11/2008 to 29/8/2010	31/3/2025
R.10	Shaman V	R.O, Anjanapura	June 2011 to 31/8/14	30/8/2010 to 26/4/2013	31/8/2014
R.11	H.Gultaz Phathima	R.O.Anjanapura	From 4/3/13	From 27/4/2013	30/4/2028
R.12	P.Dayanand	ARO, Bommanahalli	31/5/07 to 10/12/08	16/1/2007 to 1/9/2009	31/10/2023
R.13	Nagaraja	ARO, Begur	3/9/09 to 7/3/13	2/9/2019 to 6/3/2016	31/10/2030
R.14	Ramaswamy	ARO, Bommanahalli	Notice not served as absconding	a)7/3/2013 to 17/3/2013 b)18/5/2013 to 10/8/2013 c)13/12/2013 to	

				28/2/2014	
R.15	G.Chandrashekara	ARO, Begur	4/3/13 to 17/5/13 & from 1/4/17	18/3/2013 to 17/5/2013	30/11/2024
R.16	J.Somashekara	ARO, Begur	13/9/13 to 12/12/13 & 1/3/14 to 31/3/17	a)11/8/2013 to 12/12/2013 b)from 1/3/2014	31/7/2030
R.17	S.Thimmaiah	Not incharge of Begur		1/6/2007 to 2/8/2011	
R.18	P.Krishnamurthy	R.I, Begur	18/11/09 to 24/2/12	3/8/2011 to 24/2/2012	31/5/2020
R.19	D.Krishnappa	ಕಂದಾಯ ಪರಿವೀಕ್ಷಕರು	Reported dead	25/2/2012 to 30/4/2014	
R.20	C.Nanjudaiah	R.I, Begur	25/4/14 to 19/9/16	1/15/2014 to 21/9/2016	30/6/2021
R.21	G.Shivadarshan	ARO, Begur	26/9/16 to 23/6/17	From 26/9/2016	29/2/2037
R.22	C.Gangadharaiah	Tahsildar,	20/1/2006 to 11/10/2006	a)28/11/2000 to 3/3/2001 b)20/1/2006 to 11/10/2006	30/7/2020
R.23	Ramachandra KAS	Thasildar	Not served as addressee not traced out	3/3/2001 to 8/3/2004	
R.24	V.Narayanaswamy	Tahsildar	8/3/2004 to 31/12/2005	8/3/2004 to 31/12/2005	31/12/2005
R.25	K.Sadananda	Special Tahsildar	November 2003 to November 2006	31/12/2005 to 20/1/2006	28/2/2011
R.26	K.V.Chikkabettaiah	Tahsildar,	Not served as addressed not traced out	11/10/2006 to 14/8/2007	
R.27	Govindaraju	R.I, Begur Circle	June 2000 to October 2004	8/2000 to 6/2003	30/6/15
R.28	Doddiregowda	Revenue Inspector	notice not served	1/2005 to 8/2008	2007
R.29	Nanjunda Shetty	Village Accountant	notice not served	11/2001 to 1/2010	2011

58. Though many of the respondents noted above have retired, it is to be noted that it is a continuing offence

which has commenced when the conversion order has been passed without proper survey and identification of Kharab land and it is still continuing, as even the present Officers of Revenue Department and Officers of BBMP have failed to take any action for removal of encroachment, for cancellation of Khatas and for demolition of buildings constructed illegally. Therefore, Sec.214(2)(b) of K.C.S.R, is not applicable and the retired respondents cannot be allowed to take shelter under the said provision.

59. Infact, in the decision of the Hon'ble Apex Court in U.P.State Sugar Corporation Ltd., and others v/s Kamal Swaroop Tondon reported in (2008) 2 SCC 41, at para No.30 interalia it has been observed as below:

"No rigid, inflexible or invariable test can be applied as to when the proceedings should be allowed to be continued and when they should be ordered to be dropped. In such cases there is neither lower limit nor upper limit. If on the facts and in the circumstances of the case, the Court is satisfied that there was gross, inordinate and unexplained delay in initiating departmental proceedings and continuation of such proceedings would seriously prejudice the employee and would result in miscarriage of justice, it may quash them. We may, however, hasten to add that it is an exception to the general rule that once the proceedings are initiated, they must be taken to the logical end. It, therefore, cannot be laid down as a proposition of law or a rule of universal application that if there is delay in initiation of proceedings for a particular period, they must necessarily be quashed".

60. Infact the Hon'ble Apex Court in the decision of B.C.Chaturvedi V/s Union of India and others

reported in AIR 1996 SC 484 has observed in para 11 of its judgement as below:

“The next question is whether the delay in initiating disciplinary proceeding is an unfair procedure depriving the livelihood of a public servant offending Article 14 or 21 of the Constitution. Each case depends upon its own facts. In a case of the type on hand, it is difficult to have evidence of disproportionate pecuniary resources or assets or property. The public servant, during his tenure, may not be known to be in possession of disproportionate assets of pecuniary resources. He may hold either himself or through somebody on his behalf, property or pecuniary resources. To connect the officer with the resources or assets is a tardious journey, as the Government has to do a lot to collect necessary material in this regard. In normal circumstance, an investigation would be undertaken by the police under the Code of Criminal Procedure, 1973 to collect and collate the entire evidence establishing the essential links between the public servant and the property or pecuniary resources. Snap of any link may prove fatal to the whole exercise. Care and dexterity are necessary. Delay thereby necessarily entails. Therefore, delay by itself is not fatal in this type of case, it is seen that the C.B.I had investigated and recommended that the evidence was not strong enough for successful prosecution of the appellant under Section 5(1)(e) of the Act. It had, however, recommended to take disciplinary action. No doubt, much time elapsed in taking necessary decisions at different levels. So, the delay by itself cannot be regarded to have violated Article 14 or 21 of the Constitution.”

61. The above observations are aptly applicable to the present case, since the present complaint has been registered suo-motu on the basis of the complaint

given by a private person and after the submission of Investigation report by Police Inspector, KLA, Bangalore, the respondents were impleaded after securing necessary information from the concerned offices. There was delay in service of notice due to non furnishing of correct address and information by the concerned Departments. The compliance of Sec.9(3) of Karnataka Lokayukta Act, is mandatory and therefore the delay if any, is to be attributable to the concerned parent departments who failed to submit relevant and proper information in time. Therefore, for the reasons discussed above, there are sufficient materials to opine that disciplinary action is to be initiated against the respondents as per Rule 3 of K.C.S.(Conduct) Rules, 1966.


63. Notices to respondent No.8, 14, 23, 26, 28 and 29 have not been served so as to comply Sec.9(3) of K.L.Act. Respondent No.1 to 7 were the then Joint Commissioner of BBMP. Respondent No.4 was an officer of IAS Cadre. As per the information received from BBMP, the pay scale of respondent No.1, 3, 5 to 7 was more than the minimum as provided under Sec.7(1)(b) of Karnataka Lokayukta Act.
64. Therefore, for the above reasons, it is opined that there is dereliction of duty and lack of absolute integrity on the part of the respondents 9 to 13, 15 to 18, 20 to 22, 24, 25 and 27 in discharge of their duties as public servants which attract Rule 3 of KCS (Conduct) Rules, 1966.

65. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against respondents. 9 to 13, 15 to 18, 20 to 22, 24, 25 and 27 i.e., (9) Smt.N.Shashikala, the then Revenue Officer, (10) Sri.Shaman V, the then Revenue Officer, (retired), (11) Smt.H.Gultaz Phathima, the then Revenue Officer, (12) Sri.P.Dayanand, the then Assistant Revenue Officer, (13) Sri.Nagaraja, the then Assistant Revenue Officer, (15) Sri.G.Chandrashekar, the then Assistant Revenue Officer, (16) Sri.J.Somashekar, the then Assistant Revenue Officer, (17) Sri.S.Thimmaiah, the then Assistant Revenue Officer, (18) Sri.P.Krishnamurthy, the then Revenue Inspector, (20) Sri.C.Nanjundaiah, the then Revenue Inspector, (21) Sri.G.Shivadarshan, the then Assistant Revenue Officer, (22) Sri.C.Gangadharaiah, the then Tahsildar, (24) Sri.V.Narayanaswamy, the then Tahsildar, (retired), (25) Sri.K.Sadanandappa, the then Special Tahsildar, (retired), and (27) Sri.Govindaraju, the then Revenue Inspector, Begur Circle, Bangalore South Taluk, (retired), and to entrust the departmental inquiry to this authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957, with sanction as required under Rule 214(2)(b)(i) of Karnataka Civil Services Rules, against respondent No.10 Sri.Shaman V, respondent No.24 Sri.V.Narayanaswamy, respondent No.25 Sri.K.Sadanandappa, and respondent No.27 Sri.Govindaraju, who have already retired from

Government service on 31/8/2014, 21/12/2005, 28/2/2011 and 30/6/2015 respectively

66. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or cause to be intimated to this Authority, the action taken or proposed to be taken on this recommendation, within a period of three months from the date of receipt of this report.

Connected records are enclosed herewith.


(Justice N Ananda)
Upalokayukta-1
State of Karnataka,
Bengaluru.