

KARNATAKA LOKAYUKTA

Compt/Uplok/BCD-62/2008/ARE-5

Multi-storied Building,
Dr.B.R. Ambedkar Veedhi,
Bangalore,

Dated: 22/02/2018

REPORT U/S 12(3) OF THE KARNATAKA LOKAYUKTA ACT, 1984

Sub: Proceedings against Tejus Kumar,
Tahsildar, Bangalore East
Taluk Office, K.R.Puram, Bangalore –
regarding his misconduct as a
public servant -reg.

1. On the basis of complaint filed by M.Viswanatha Reddy, Advocate, No.13, Sri.Manjunatha Nilaya, Chikkabasavanapura, Virgp Nagar Post, K.R.Puram, Bangalore (hereinafter referred as Complainant) alleging that the Respondents have committed misconduct, suo-motu investigation has been taken up against (1)Lingesh, Village Accountant, Bangalore East Taluk Office, Bangalore and (2)Nagaraja Rao, Revenue Inspector, Bangalore East Taluk Office, Bangalore (hereinafter referred to as Respondent No.1 and 2 respectively) invoking Section 7(2) of Karnataka Lokayukta Act, 1984.

2. According to the Complainant:-

The total extent of Sy.No.1 of Basavanapura Village, Bangalore East Taluk is 16 acres 18 guntas. Out of it, 3 acres 10 guntas has been granted in favour of H.R.Srinivasa Reddy on 5.6.2006. An extent of 4 acres 38 guntas out of said land is hill area and the same

has been auctioned. Remaining land is shown as grant in the records. But the remaining land measuring 9 acres which is Government land and it has been encroached by private persons.

3. Respondent No.1 has submitted comments on the Complaint stating that the total extent of Sy.No.1 of Basavanapura Village is 16 acres 18 guntas. Out of it, 6 acres 14 guntas is formed as Chikkabasavanapura Village under Ashraya scheme and 300 houses are in existence. Government School and Samudaya Bhavana are also constructed. Graveyard is formed 20 guntas of land. Sri.Sapamma temple is constructed in 9 guntas of land. Names of Nagappa Reddy and Srinivasa Reddy are entered in the records in respect of 5 acres of land. One Balakrishna was carrying on sand filter in 05 guntas of land illegally and he is evicted and criminal case is registered against him. Remaining 4 acres 10 guntas is hilly region and it was under lease. After the lease period, it is again auctioned. But the villagers have approached court and obtained stay order.

4. Respondent No.2 has submitted comments. His comments is similar to that of Respondent No.1.

5. The Tahsildar, Bangalore East Taluk was directed to submit details of encroachment in Sy.No.1 of Basavanapura Village along with sketch of Sy.No.1 and a detailed report on the action taken to clear the encroachment.

6. In the report dt:25.3.2017 of the Tahsildar, it is stated that Sy.No.1 of Basavanapura Village is a Government land originally. There are no records for having granted land to private persons in

the said Sy.No. The names have been deleted in the computerised RTC. 'B' Kharab in Sy.No.1 has been encroached and the extent mentioned in Col.No.3 and 9 do not tally..

7. Since the report of Tahsildar was incomplete, Tahsildar, Bangalore East Taluk. K.R.Puram, was called upon to submit report on the action taken to clear the encroachment.

8. Tahsildar, Bangalore East Taluk. K.R.Puram submitted report dt: 11.4.2017 stating that he has issued notice u/s 94 and 104 of Karnataka Land Revenue Act, 1964 calling upon the unauthorised occupants to appear before him on 27.1.2017.

9. Nothing has been done after 27.1.2017 by the Tahsildar, Bangalore East Taluk. K.R.Puram regarding action taken for removal of encroached Government land and he has built up records only to satisfy the higher ups.

10. Since Tahsildar, Bangalore East Taluk. K.R.Puram did not submit further report, show cause notice was issued to him on 24.5.2017. Reply dt: 5.6.2017 has been received from the Tahsildar, Bangalore East Taluk. K.R.Puram. In the reply the Tahsildar, Bangalore East Taluk, K.R.Puram has submitted that he has prepared list of 117 encroachers and submitted the list to Land grabbing Prohibition Committee, Bangalore with a request to register cases in LGC(P):495/2007 fixing the case for enquiry on 9.6.2017.

11. Though the Complaint is of the year 2008, Sri.Tejus Kumar, Tahsildar, Bangalore East Taluk, K.R.Puram had not submitted the application before the Karnataka Land Grabbing Prohibition Committee, Bangalore till 4.5.2017. Therefore the inaction on the

part of Tahsildar, K.R.Puram, Bangalore East Taluk amounts to dereliction of duty.

12. Therefore Sri.Tejus Kumar-Tahasildar, K.R.Puram, Bangalore East Taluk was impleaded as Respondent No.3 and observation note was sent to him for his reply/comments.

13. Respondent No.3- Tejus Kumar has submitted reply stating that notice is issued in connection with encroachment over 1 acre in sy.no.1 of Basavanapura Village and after enquiry order is passed on 9.4.2015 to send proposal to the Dy.Commissioner requesting to register case under section 136 (iii) of Karnataka Land Revenue Act, 1964. Accordingly proposal is sent on 24.7.2015 and notices are issued to H.D.Nagappa Reddy and his children. Spl.Dy.Commissioner has conducted enquiry in RRT (2) CR 1/15 and passed orders on 3.12.2015 cancelling the order of the Tahsildar dt: 9.4.2015 and directed to continue the name of Ramakrishna Reddy in the records. That he reported as Tahsildar on 16.8.2016 as Tahsildar, Bengaluru East Taluk and he has identified 170 encroachers and submitted report to Karnataka Land Grab Prevention Court and the case is registered before Karnataka Land Grab Prevention Court in case No.LGC (G) 495/2017.

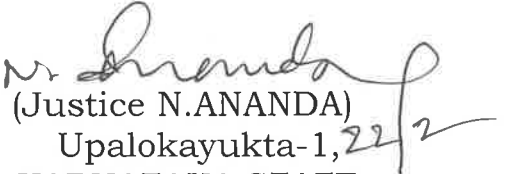
15. Though Respondent No.3- Tejus Kumar, Tahsildar, Bangalore East Taluk has reported on 16.8.2016 as Tahsildar, Bangalore East Taluk he has not taken action to clear the encroachment over Government land that is sy.no.1 of Basavanapura Village, Bangalore East Taluk and he also not taken action to report about encroachment over Government land to Karnataka Land Grab

Prevention Committee. This inaction on the part of Respondent No.3- Tejus Kumar, Tahsildar amounts to dereliction of duty.

16. Since the said facts and materials on record prima facie show that Respondent No.3- Sri.Tejus Kumar, Tahsildar, K.R.Puram, Bangalore East Taluk has committed misconduct under Rule 3(1) of KCS (Conduct) Rules, 1966 recommendation is made under section 12(3) of Karnataka Lokayukta Act, 1984 to the Competent Authority to initiate disciplinary proceedings against Respondent No.3- Sri.Tejus Kumar, Tahsildar, K.R.Puram, Bangalore East Taluk, Bangalore and to entrust the inquiry to the Hon'ble Upalokayukta-1 under Rule 14-A of Karnataka Civil Service (Classifications, control and Appeal) Rules, 1957.

17. Further, as per section 12(4) of Karnataka Lokayukta Act, 1984 the Competent Authority to intimate the Hon'ble Upalokayukta-1 within one month from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.


(Justice N.ANANDA)
Upalokayukta-1, 22/2
KARNATAKA STATE,
BENGALURU.



