

KARNATAKA LOKAYUKTA

NO.Compt/Uplok/BD-1829/2017/DRE-1 Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru 560 001.

Dated: 5/8/2021

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

Sub: Proceedings against Sri.G.Chandrashekarappa,
Panchayath Development Officer, Basavanal
Gram Panchayath, Davangere Taluk, Davangere
District.

1. On the basis of complaint filed by Sri.D.R.Manjunath S/o.Siddappa, R/o.Rampura, Kadajji Post, Davangere Taluk, Davangere District, against (1) Sri.G.Chandrashekarappa, Panchayath Development Officer, Basavanal Gram Panchayath, Davangere Taluk; (now retired) (2) Sri.R.G.Sureshkumar S/o.Guru Shankarappa, Private Person, and (3) Sri.D.P.Sathish, Senior Sub-Registrar, Davangere District (hereinafter referred to as 'Respondents 1 to 3' respectively) an investigation under Section 9 of the Karnataka Lokayukta Act, 1984 was taken up.
2. The complainant has alleged that, 1st respondent being the P.D.O Basavanal Gram Panchayath has created Form No.10 and 12 in the name of one R.G.Suresh Kumar though the properties do not come within the limits of Grama Thana of Rampura Village and even without there being khata in the panchayath registers. It is further alleged that, the 3rd respondent without verifying the

documents has registered the sale deeds in the names of B.Ramesh S/o.Basappa Madiwala, Rampura, Smt.Halamma W/o.Nagaraja Rao, Sri.Nagaraja Rao S/o.Chandrashekar, Smt.Suvarna W/o.Prakashachar, Sri.B.Yogendrachari and Maharudrachari sons of Bramhachar, Sri.Jakanachar S/o.K.Veerachari, and Sri.Nagarajaroo S/o.Chandrashekar.

3. The comments were called for from the 1st and 3rd respondents. Respondent No. 1 has not submitted any comments. Respondent No. 3 has filed comments by denying the complaint allegations inter alia contending that, as per the observation of Hon'ble High Court in W.P.No.17988/95 (Sulochanamma V/s Sub-Registrar, Kanakapura), circular of Inspector General of Registration in R.G.N. 63/2007-08 dt.29/11/2007 and as per Rule 73 of Karnataka Registration Rules 1965 he has registered the sale deeds executed by R.G.Suresh Kumar S/o.Gurushankarappa in favour of the following persons:

1. B.Ramesh S/o.Madiwala, Rampura – Property No.62
2. Halamma W/o.Nagaraj Rao – Property No.59
3. Nagaraj Rao S/o.Chandrashekar – Property No.58
4. Suvarna W/o.Prakashachari – Property No.60
5. B.Yogendrachari, B.Maharudrachari Ss/o.Bramha Char – Property No.61
6. K.Jakanachar S/o.K.Veerachari – Property No.56
7. Nagaraj Rao S/oo.Chandrashekar – Property No.58

4. As per the order of Hon'ble Upalokayukta dated 09/05/2018, the Executive Officer, Taluk Panchayath, Davangere Taluk was directed to enquire and submit report. Accordingly, he has submitted the report along with the report of the Panchayath Development Officer, Basavanal Gram Panchayath. In the said report it has

been stated that, on verification of the Gram Panchayath records, it was found that there are no records in the Gram Panchayath for having effected khata of any properties in the name of Sri.R.G.Suresh Kumar S/o.Gurushankarappa. Further, it has been reported that when the purchasers were enquired they have stated that the properties purchased by them come within Sy.No.16 and do not belong to Grama Thana.

5. Therefore, the Executive Officer, Taluk Panchayath, Davangere was directed to submit report regarding the steps taken with respect to illegal khathas and illegal entries in DCB registers. The Executive Officer, Taluk Panchayath, Davangere, relying upon the report submitted by the Panchayath Development Officer, Basavanalu Gram Panchayath on 20/8/2020, has reported that as regards property No.62, there is no entry in the name of Sri.R.G.Sureshkumar either in the Tax Register or Assessment Register.
6. On perusal of the sale deeds in question produced by respondent No. 3, it is noticed that, the said sale deeds have been executed by Sri.R.G.Sureshkumar wherein property details have been shown as follows:-

Sl. No.	No. and Date of sale deed	Name of vendor	Name of purchaser	Property details as shown in Sale Deed and schedule
1	9285/12-13 dt.11/10/12	R.G.Sureshkumar	B.Ramesh S/o.Basappa Madiwal	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.62
2	8007/12-13	R.G.Sureshkumar	Halamma	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ,

	dt.17/9/12		W/o.Nagaraja Rao	ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.59 ಸೈಟ್ ನಂ.5
3	8009/12-13 dt.17/9/12	R.G.Sureshkumar	Nagaraja Rao S/o.Chandrashekar	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.58 ಪಶ್ಚಿಮ ಭಾಗದ ಸೈಟ್ ನಂ.4
4	8722/12-13 dt.1/10/12	R.G.Sureshkumar	Suvarna W/o.Prakash Manavachari	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.60 ಸೈಟ್ ನಂ.6
5	8723/12-13 dt.1/10/12	R.G.Sureshkumar	B.Yogendrachar & Maharudrachar Ss/o.Brahmachar	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.61 ಸೈಟ್ ನಂ.7
6	8775/12-13 dt.1/10/12	R.G.Sureshkumar	K.Jakanachari S/o.K.Veerachari	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.56 ಸೈಟ್ ನಂ.1
7	8015/12-13 dt.17/9/12	R.G.Sureshkumar	Nagaraja Rao S/o.Chandrashekar	ದಾವಣಗೆರೆ ತಾಲ್ಲೂಕು, ಕಸಬಾ ಹೋಬಳಿ, ಬಸವನಾಳು ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ಸೇರಿದ ರಾಂಪುರ ಗ್ರಾಮದ ಆಸ್ತಿ ನಂ.58 ಪೂರ್ವ ಭಾಗದ ಸೈಟ್ ನಂ.3

7. In none of the above sale deeds the mode of acquisition of title by the vendor has been disclosed. The copies of the house list registers pertaining to the above properties show the name of Sri. R.G. Suresh Kumar as the kathedar and the possessor. The said copies of house list register extracts have been issued by Sri. G. Chandrashekharappa, Panchayath Development Officer, Basavanala Grama

Panchayath, Davanagere Taluk, Davanagere District i.e., the respondent No. 1. From the perusal of the D.C.B register extracts for the year 2012-13 pertaining to the above properties it is seen that in column No. 5 the name of owner is shown as Sri. R.G. Suresh Kumar, S/o. Gurushankarappa. Column No. 6 to 14, 21 to 40 have been left blank those copies have been issued by respondent No. 1.

8. In the reports of present Panchayath Development Officer, Basavanala Grama Panchayath, Davanagere Taluk dated 03/07/2018 and the report of Executive Officer, Taluk Panchayath, Davanagere Taluk, it is specifically stated that there are no records in Basavanala Grama Panchayath for having effected katha in the name of Sri. R.G. Suresh Kumar. In the said reports it has also been stated that during the said period respondent No. 1 was the Panchayath Development Officer of Basavanala Grama Panchayath. It appears that, respondent No. 1 in collusion with respondent No. 2 has created fake documents and on the basis of said documents respondent No. 2 has executed aforesaid sale deeds in the name of purchasers without having valid right, title and interest over the said properties. Therefore, the allegation of the complainant that, respondent No. 1 has created the documents in the name of Sri. R.G. Suresh Kumar in panchayath records is prima facie substantiated.
9. In the present complaint though the notice issued by this authority has been duly served to respondent No. 1, he has failed to submit his comments. That itself shows the dereliction on the part of respondent No. 1. Therefore there


are sufficient materials to proceed against respondent No. 1.

10. Respondent No. 2 is a private person and therefore investigation cannot be taken up against him under the Karnataka Lokayukta Act.
11. Respondent No. 3 is the Sub Registrar, who has registered the above said sale deeds. It is alleged by the complainant that the respondent No. 3 without properly verifying the documents has registered the sale deeds. However, as pointed out by respondent No. 3 as per the ratio laid down in Sulochanamma V/s. Nanjundaswamy and others reported in 2001 (1) KLJ 215B and also in the decision of Hon'ble High Court of Karnataka in Veerabhadrappa and others V/s. Jagadish Gowda and others, the role of Sub-Registrar in registering a document is limited and he has no power or authority to examine the rival claims. Therefore, there is no ground to proceed against respondent No. 3.
12. The facts and material on record prima facie show that respondent No. 1 being government/public servant has failed to maintain absolute devotion to duty and acted in a manner unbecoming of government/public servant and thereby committed misconduct and made himself liable for disciplinary action.
13. Therefore, acting under Section 12(3) of Karnataka Lokayukta Act, 1984, recommendation is made to the Competent Authority for initiating disciplinary proceedings against respondent No. 1 Sri.G.Chandrashekarappa, Panchayath Development Officer, Basavanal Gram

Panchayath, Davangere Taluk and District (now 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. 1.

14. As per section 12(4) of the Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate or caused 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 B.S.Patil)
Upalokayukta,
State of Karnataka, Bengaluru