

**KARNATAKA LOKAYUKTA**

No.Compt/Uplok/GLB-2467/2017/ARLO-2

M.S.Building,  
Dr, Ambedkar Veedhi,  
Bangalore-560 001  
Date: 22-07-2019.

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

**Sub: Proceedings initiated against 1. Ramesh Naik, Commissioner, City Municipal Council, Shahapura City, YadgirDist. (2) Hanamanth Gowdara, Chief Officer, ( Retired) CMC, Shahapur Yadgir Dist (3) Madara Hussen SDA O/o Project Director DUDC, Kalaburgi Dist.(4) Nilappa Chowdary, the then President, CMC Shahapur Yadgir Dist about corruption and dereliction of duty as public/Government servant. Reg**

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An investigation was taken up under section 9 of the Karnataka Lokayukta Act, 1984, on the basis of the complaint filed by **Sri. M.Mallikarjun S/o Bheemappa Edaramane H No.219, Filter Bed Ashraya Colony Ward No.01, Shahapur Yadgir District** (hereinafter referred to as complainant for short), against **1. Ramesh Naik Commissioner City Municipal Council Shahapura city Yadgir Dist (2) Hanamanth Gowdara, Chief Officer (Retired) CMC, Shahapur Yadgir Dist (3) Madara Hussen SDA o/o Project Director DUDC, Kalaburgi Dist (4) Nilappa Chowdary, the then President CMC Shahapur Yadgir Dist** (hereinafter referred to as respondent for short),

The complainant has alleged as follows:

1. The complainant has alleged that 509 sites were distributed in Sy.No.7 and 139 sites were distributed in

*M. Mallikarjun*

Sy.No.330/1 of Shapura Town Yadgiri Dist.The then Chief officer of CMC and President of Ashriya Committee misused their position and allotted sites to their relatives. The members of the same family were repeatedly selected as beneficiaries thereby defeating the purpose of the scheme. The complainant has given the following names alleging illegalities:

Sl.No.	Name of the beneficiary	Sl.No.of selection l	Hakku Pathra no.	Remarks.
1	Mahananda W/o Neelappa	424	02811	Husband of beneficiaries being the Present of Ahsraya committee has obtained site in his wife name.
2.	2) Narasamma W/o Hanumantha	298	02675	For all 5 beneficiaries Hanumantha is the only husband and has obtained the sites in their wives name.
	3) Goddamma W/o Hanumantha	286	02673	
	4) Nagamma W/o Hanumantha	28	02668	
	5) Nagamma W/o Hanumantha	271	02658	
	6) Nagamma W/o Hanumantha	305	02692	
7.	Sathyamma W/o Hanumantha	2301	02688	
8.	Savithamma W/o Bagavantharaya	02	02379	Ex. Vice President of TMC

*N. Srinivas*

2. The complainant has produced copy of the letter dated 21-09-2015 of Project Director Dist. Urban Cell, Yadgiri addressed to the Commissioner, CMC, Shahapur by mentioning the names of the above beneficiaries stating that prima facie they were illegally selected and he has sought for appropriate action against the persons who are responsible for such illegalities. He has also produced copies of the Hakupatras of the above said beneficiaries. He has also alleged that no action has been taken by the Respondent No.1 with respect to the alleged illegalities. The respondents are liable for illegalities and hence he prayed to take action against the respondent.

3. The Respondent No.1 has submitted his comments dated 19-1-2018 stating that the allegations made in the complaint are false. He worked from 19-07-2017 to 01-01-2018 for a period of only 5 months and the allegations do not relate to him. He has further stated that the complainant after knowing the real facts has withdrawn the complaint. Hence prays to close the complaint.

4. The Respondent No.1 has not produced any documents with respect to the allegations made in the complaint.

5. The Respondent No.2 has filed comments dated 15-11-2018. He has denied the entire allegations made in the

*N. Shankar*

complaint. He has stated that he is working as Chief Officer in the office of the Shahpura from 6-10-2006 to 20-11-2007. During his period he called "Ashraya Samithi meeting" on 27-12-2006 regarding allotment of the houses. The list was forwarded to the Deputy Commissioner Kalburgi on 27-12-2006. The Deputy Commissioner approved the said list forwarded by the TMC Shahapur. Since he was working as Chief Officer in TMC Shahapur from 6-10-2006 to 20-11-2007 the allegations made in the complaint are not applicable to him. The alleged incident took place in the year 2006 to 2008 and the complaint was filed on 2-8-20018. Therefore the complaint is time barred as per Section 8 of the Karnataka Lokayukta Act, 1984. The list of beneficiaries approved by the Deputy Commissioner Kalburgi is produced. After approval of the list, the office of the Deputy Commissioner sent the list to Rajeev Gandhi Rural Housing Corporation, Bangalore, for issuance of Hakupatra. The Managing director Rajeev Gandhi Rural Housing Corporation, Bangalore accepted the approval of the Deputy Commissioner on 15-3-2008. The said list is also produced. The Managing Director Rajeev Gandhi Rural Housing Corporation, Bangalore issued Hakupatra to all candidates on 27-3-2008 through Tahsildar and Chief officer. The same are also produced. He did not issue any Hakupatra during his tenure. During his service period he

*Richard*

did not violate any rules and norms. Hence prays to close the complaint against him.

6. The Respondent No.3 in his comments dated 19-12-2018 has denied the allegations made in the complaint. He has contended that he is working as Second Division Assistant in the office of the TMC Shahapur from 6-11-1997 to 31-1-2012. He being the SDA in the TMC Shahapur has to obey the orders of the higher authority and he is not responsible for preparation of list of beneficiaries. Therefore he is not responsible for any acts of the higher officers. He is not concerned with the allegations made in the complaint. The remaining contents of his comments are similar to that of the comments of Respondent No.2. Therefore in order to avoid repetition of facts the same are not extracted here. The Respondent No.3 has prayed to close the complaint against him.

7. The respondent No4 the then President Ashraya Samithi TMC Shahapur has filed his comments on 25-10-2018. He has stated that he worked as President Ashraya Samithi from 16-7-2007 to 9-10-2007 and he retired on 9-10-2007. He has admitted that Smt.Mahananda W/o Neellappa Chowdry is his wife. The allotment was made in hurry and at the time of allotment the name of his wife was in the list without his knowledge. At the last one or two sites were

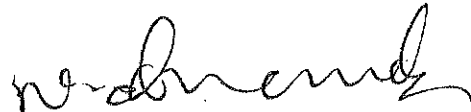
*n. chandra*

remaining and the same were allotted to Smt. Mahananda and Smt.Savitramma. The site to Savitramma was allotted due to the pressure of her husband Bhagvantharaya and there were no bad thoughts.

8. The village Goddess of our village is Hanumantha (Bheemaraya) and due to it most of the people put the name of the Goddess Hanumantha to their children. Therefore the names of husbands of five women is Hanumantha, but they are not one and the same persons. The complainant has already withdrawn the complaint and he has also informed the same to this office through letters dated 20-5-2013 and 14-12-2017. Hence prays to close the complaint against him.

9. On perusal of the records it is clear that the CMC, Shahapur Yadgir Dist, allotted 509 sites in Sy.No.7 and 139 sites in Sy.No.330/1 of Shahapur Town, Yadgiri Dist. The said fact is undisputed by both the complainant and the respondents. The complainant has produced Hakupatras wherein site was allotted to Wife of Respondent No.4 who was President of Housing Committee. The other Hakupatras reveals the name of the husband of 5 to 6 allottees is shown as Hanumantha. The said names are as under:

- 1) Narasamma W/o Hanumantha
- 2) Badamma W/o Hanumantha



- 3) Nagamma W/o Hanumantha
- 4) Nagamma W/o Hanumantha
- 5) Nagamma W/o Hanumantha
- 6) Sathyamma W/o Hanumantha.

One more grant certificate shows that site was granted to one Savithramma W/o Bhagvanthraya, Ex.TMC Vice President. The Respondent No.2 has produced list of allottees wherein the above names find place. The same reveals that sites were allotted to above persons. The Hakupatra also shows that Hakupatra were issued to the above persons. The respondent No.3 has also produced the same documents. The same reveals that as alleged by the complainant sites were allotted to wife of Respondent No.4 and Savitri who was Ex. President of TMC, Shahapur. The Respondent No.4 in his comments has admitted that the site was allotted to his wife Mahananda. He has also admitted that site was allotted to Savithramma due to the pressure of her husband Bhagvantharaya.

10. In order to decide the legality of allotment of these sites to above persons the applications of allottees and the guidelines for allotment of sites is very much necessary. The Commissioner CMC Shahapur was called upon to submit applications of eight alleged beneficiaries and the guidelines of the scheme. But he has submitted that no such

*N. Srinivas*

applications and guidelines are available in the office. The Project Director DUDC Yadgiri has submitted report and stated that there are no other documents with respect to selection of beneficiaries under Ashraya scheme for the year 2008-2009 at Municipal office except the list of beneficiaries. The Project Director Dist. Urban Development Cell Yadgiri has also submitted letter dated 7-6-2018 stating that except list of beneficiaries no other documents are available in the office of CMC Shahapur. The same reveals that the respondents have suppressed the material facts. The letter issued by CEO, CMC, Shahapur dated 26-5-2018 is also produced where the CEO has stated that the applications of eight beneficiaries and the guidelines are not available in the office. The same reveals that the respondents have suppressed material facts and they wanted to hide important facts which can reveal their illegalities.

11, The CEO CMC, Shahapur by its letter dated 19-2-2015 addressed to the Dist. Commissioner, Yadgiri Dist is also produced and in the letter he has stated that in the list out of 174 allottees the caste of 30 allottees through oversight is shown as SC & ST and hence the sites reserved for general caste were allotted to them. The same prima facie show that the caste of 30 allottees was wrongly shown



in the list. No documents were produced to show the rectification of the caste of the 30 allottees.

12. The Project Director DUDC was called upon to submit the status report. But in his report he has not made it clear that whether there was any illegalities committed in allotting the sites.

13. The grant of the sites to Mahananda who is the wife of Respondent No.4 and Savitri who is Ex - Vice president TMC Shahapur reveals that the President of Ashraya Committee misused his position and allotted sites to relatives and to influential persons. The list also reveals that five sites were allotted to the family of one Hanumantha by showing five women as wives of Hanumantha by different names. The same reveals that benefit of the scheme was given only to one family. The list of beneficiaries makes it clear that the President of the Ashraya Committee misused his powers and allotted sites to his wife and influential persons and also granted more than one sites to the said Hanumantha under different names. The respondent in order to substantiate their stand, they could have produced the applications of the allottees and the guidelines for selecting the allottees but they did not do so. The same creates doubt in the acts of the respondents. The respondents would have produced the photos of the

Hanumantha ( five persons) along with their wives to show that there are five Hanumanthas' and each had a wife. But they did not do so. The same also creates doubt in the acts of the respondents.

14. In spite of issuance of reminders to the respondents to produce the applications of allottees and guidelines for selecting the allottees they did not produce the same. The same creates serious doubt about the malafide act of the respondents, the same reveals that they have suppressed material facts and they wanted to hide some facts which would expose their illegalities. Therefore by considering the materials on record it is clear that the Respondent No.4 has misused his powers and the Respondents 1 to 3 kept mum without taking any action against Respondent No.4 and therefore the Respondents 1 to 4 have committed illegalities in allotment of the sites and the same amounts to corruption and dereliction of duty.

15. The facts and materials on record prima facie show that the respondents have committed misconduct, corruption and dereliction of duty as per Rule 3(2)(II) 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 the respondents **Ramesh Naik, Commissioner, City Municipal Council, Shahapura City, YadgirDist. (2) Hanamanth Gowdara, Chief Officer, ( Retired)**

*N. Chandra*

CMC, Shahapur Yadgir Dist (3) Madara Hussien SDA O/o Project Director DUDC, Kalaburgi Dist.(4) Nilappa Chowdary, the then President, CMC Shahapur Yadgir Dist and to entrust the enquiry to this authority under Rule 14-A of the Karnataka Civil Services ( Classification, Control and Appeal) Rules, 1957 along with sanction as required under section 214(2) (b) of KCSRs against the respondents.

16. Further as per Section 12(3) 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 to be taken or proposed to be taken and on the basis of this report.

**The date of retirement of respondents are as under:**

**The date of retirement of Respondent no.1 is not available in the records.**

**Respondent no. 3 Date of retirement-30/06/2018.**

**Respondents no. 2 and 4 are already retired.**

Connected records are enclosed.

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