

KARNATAKA LOKAYUKTA

No. Compt/Uplok/BD/101/2016/ARE-6

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru.

Date: 10/08/2018.

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

Sub: Proceedings against Sri. Rangegowda,
Tahasildar, Office of the Tahasildar, Tumkur
about their misconduct as
Public/Government servant – reg.

* * *

On the complaint filed by Sri. Raghavendra S.R, No. 389/A, Sai Mouli Apartment, 1st Cross, Bhangiyappa Garden, Shanthinagar, Bengaluru Urban District (hereinafter referred to as complainant for short) against Sri. Rangegowda, Tahasildar, Office of the Tahasildar, Tumkur (hereinafter referred to as respondent No. 1 for short), alleging that they, being Public/Government servants, have committed misconduct, an investigation has been taken up u/s 9 of the Karnataka Lokayukta Act, 1984.

2. This complaint was filed against respondent, alleging that by illegal means. He has converted 8 acres of land in Sy.No. 74/2 and 74/6 of Uruti Agrahaara village, in Kolar Taluk. Now the

Deputy Commissioner has cancelled the conversion order. Accordingly, prayed to take action against the respondent.

3. After registration of the complaint, the Deputy Commissioner, Kolar was asked to submit his report. Accordingly, the Deputy Commissioner, Kolar conducted enquiry through the Assistant Commissioner, Kolar Sub Division and submitted the report.
4. The Order dated 05/12/2017 passed by the Assistant Commissioner clearly reveals as to how the documents were manipulated in respect of Sy. Nos. 74/1, 74/2, 74/3, 74/5 and 74/06. After examining all the relevant documents, the Assistant Commissioner came to a conclusion that, original land measuring 11 acre 19 guntas in Sy.No. 74 is a government land. The Assistant Commissioner has discussed all the relevant entries pertaining to that Sy.No. and came to a conclusion that the converted land measuring 1 acre 10 guntas in the name of one Govindappa is a Government land and not a private land. Accordingly, requested the Deputy Commissioner to cancel the conversion order and accordingly ordered to mention in the in the RTC extract and survey documents as "Sarkara Bheelu".
5. Based upon the said report, the Deputy Commissioner has cancelled the conversion order and submitted the report.

6. After receipt of the said report, the respondent no. 1 was asked to submit his comments. Accordingly, the respondent no. 1 submitted his comments. It is stated that based upon the report of Tahasildar, conversion order was given and subsequently, the Assistant Commissioner has conducted an enquiry and cancelled the Revenue entries. It is also stated that based upon the registered sale deed and relevant revenue documents, conversion order was issued. Therefore, he has not committed any illegality or irregularity.
7. After, seeing the said comments the respondent no. 2 was impleaded. Accordingly, he was asked to submit his comments. He submitted his comments. He has denied the allegations made against him. According to him, he was not working as Tahasildar during relevant period and one Sri. Rangegowda was working as Tahasildar and he prepared the report for the purpose of making recommendation to the Deputy Commissioner for issuing conversion order.
8. After seeing his comments, the then Tahasildar Sri. Rangegowda has been impleaded as respondent no. 3 and he was asked to submit his comments. He submitted his comments dated 08/06/2018. The respondent no. 3 stated that one Govindappa S/o. Muniyappa, had filed application

before Deputy Commissioner, Kolar seeking for conversion 1 acre 10 guntas for residential purpose, in respect of land bearing Sy. Nos. 74/2 measuring 35 guntas and 74/6 measuring 15 guntas, situated at Uruti Agrahara village, Vemagal Hobli, Kolar Taluk. The matter was referred to Tahasildar Kolar for submission of report. Accordingly, report from Revenue Inspector, Deputy Tahasildar and Survey Department were collected. On perusal of the records, he noticed that under column No. 13 of RTC for the year 1975-76, it was mentioned as "ಕ್ರಯ ಹರಾಜು ಮೂಲಕ". With the said endorsement and along with other documents the proposal was submitted to the Deputy Commissioner for taking further decision. He also noticed that as per note no. 4 of the proceedings of Deputy Commissioner, it was noted that "ಪರಿಶೀಲನೆಗಾಗಿ ಸದರಿ ಕಡತ ತಹಶೀಲ್ದಾರರಿಂದ ಪಡೆಯಬಹುದು". But, for some reasons the said direction was not received by taluk office. If the said note was received by the Taluk Office, definitely he would have verified the relevant documents and actualities and submitted the further report. The Deputy Commissioner, Kolar being the head of single window committee has approved the request made by Govindappa and accordingly, issued conversion order for residential purpose. Therefore, he has not

committed any irregularity or illegality while submitted the report of the Deputy Commissioner.


9. On careful perusal of the order passed by the Assistant Commissioner, Kolar it is seen that the Assistant Commissioner has examined all the relevant entries pertaining to that land and came to a conclusion that the entries pertaining illegal. When the Tahasildar i.e., respondent no. 3 noticed that there was an entry to the effect that "ಹರಾಜು ಮೂಲಕ", it was his duty to verify as to how a government land was auctioned and for what purpose. It was his duty to verify the relevant previous records, as has been done by the learned Assistant Commissioner, during the course of enquiry, to find out as to whether the said applicant one Sri. Govindappa is a real owner or not. But, without going in detail about the revenue entries and only at the instance of Revenue Inspector and the documents produced by Sri. Govindappa, the 3rd respondent made a proposal for conversion of the government land for residential purpose in the name of Sri. Govindappa. Therefore, there is a serious lapse on the part of respondent no. 3 with regard to making such a recommendation pertaining to government land. Therefore, his comments cannot be accepted at this stage.

10. As per the available records and the comments of respondent no. 1, it is noticed that he has not played much role with regard to conversion of the land. Therefore, he cannot be held responsible. Since, the respondent no. 2 was not working as Tahasildar during relevant period and he has not played any role with regard to conversion of the land in question, he cannot be held responsible. Hence, his comments to that effect is accepted. Accordingly, no action is proposed against respondent no. 1 & 2.
11. In view of the aforesaid reasons and having regard to the fact that the third respondent being responsible officer has failed to discharge their official duties with utmost honesty, integrity pertaining to conversion of a government land for residential purpose in the name of private person. Therefore, the acts on the part of **Respondent No. 3** amounts to dereliction of official duty within the meaning of Rule 3(1)(i) (ii) & (iii) of KCS (CCA) Rules 1957.
12. Since said facts supported by the material on record prima facie show that the respondent No. 3, being Public/Government servant, has committed misconduct as per Rule 3(1)(i),(ii) & (iii) of KCS(Conduct) Rules 1957, now, acting under section 12(3) of the Karnataka Lokayukta Act,

recommendation is made to the Competent Authority to initiate disciplinary proceedings against the respondent and to entrust the inquiry to this authority under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957.

13. Further, as per U/s 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate this Authority as early as possible but latest within three months from the date of receipt of this report, the action taken or proposed to be taken on this report against respondent.

Connected records are enclosed.


(Justice N.ANANDA)
Incharge Upalokayukta-2, *cof*
State of Karnataka.

