

KARNATAKA LOKAYUKTA

Compt/UPLOK/GLB/3439/2019/ARE-20

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated: 18-8-2023

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

Sub: Proceedings initiated against the following,
about their misconduct as Government
servants viz;

Sri. Sharanappa,
PDO, Honigera Gram Panchayath, Yadagir
Taluk and District

And

Smt. Sarojamma,
the then PDO of Honigera Gram Panchayath
and presently working at Hothapeta Gram
Panchayath, Shahapur Taluk, Yadagir District

On the basis of complaint filed by one Smt. Girija Patil, Advocate, No.49, 57th Cross, 4th Block, Rajajinagar, Bengaluru ("complainant" for short) **against** Sri. Sharanappa, PDO, Honigera Gram Panchayath, Yadagir Taluk and District ("Resp.No.1 for short) Sri. Yankappa, Peon, Honigera Gram Panchayath, Yadgir District ("Resp.No.2" for short), investigation was taken up U/Sec.9 of Karnataka Lokayukta Act, 1984 in which Smt. Sarojamma, the then PDO of Honigera Gram Panchayath and presently working at Hothapet Gram Panchayath Taluk, Yadagir District was impleaded as Resp.No.3 ("**Resp.No.3**" for short).

2. It is alleged by the complainant in her complaint that property bearing No.3/42 of Honigera Gram Panchayath,

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Yadagir Taluk & District was in the name of her brother Sri. Vishwanath Reddy. After death of said Vishwanath Reddy one Smt. Narasamma W/o. Ningappa Gudigudi has created forged unregistered sale deed and PDO of the Gram Panchayath illegally got mutated name of said Smt. Narasamma relating to said property. In this regard, FIR No.156/2019 has been registered in Rural Police Station, Yadagir against the respondents. Hence complainant has requested to take action against the respondents.

3. Resp.No.1 has filed his comments dated 5-10-2020 stating that Smt. Narasamma W/o. Ningappa Gudigudi purchased said property from Sri. Vishwanath Reddy S/o. Balavantharaya Patil for Rs.75,000/- on 24-7-2014 in the presence of Panchas and wife and children of said Sri. Vishwanath Reddy and then she has applied to the Gram Panchayath by producing sale deed and the then PDO of the Gram Panchayath issued public notice for which no objection was raised by anybody and as such the above noted property was recorded to the name of purchaser Smt. Narasamma. Further it is stated by the Resp.No.1 that subsequently as per the request of said Smt. Narasamma and after verifying the spot, he had issued building license to said Smt. Narasamma.

4. Resp.No.2 is shown as one Sri. Yankappa, Peon of Gram Panchayath. Role played by the Resp.No.2 in alleged act is not specifically stated by the complainant. Hence the proceedings against Resp.No.2 are dropped.

5. Along with the comments, Resp.No.1 has produced copy of unregistered sale deed dated 24-7-2014.

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6. The PDO of Gram Panchayath transferred khata of property No.3/42 from the name of Sri.Vishwanath Reddy S/o. Balavantharaya Patil to the name of Smt. Narasamma W/o. Ningappa Gudigudi on the basis of unregistered sale deed dated 24-7-2014. As per provisions of Transfer of Property Act and as per Sec.17 of Indian Registration Act any deed of transfer of right/title in immovable property worth more than Rs.100/- requires registration. If it is unregistered one, it cannot convey/transfer right/title in immovable property from one person to another. Therefore transferring of khata of the property No.3/42 made by the PDO of Honigera Gram Panchayath, Yadagir Taluk and District from the name of Sri.Vishwanath Reddy S/o. Balavantharaya Patil to the name of Smt. Narasamma W/o. Ningappa Gudigudi on the basis of such unregistered sale deed/purchase deed dated 24-7-2014 is nothing but dereliction of duty committed by him.

7. The Resp.No.3 is impleaded on the basis of information furnished by the present PDO that said Resp.No.3 is the person during whose tenure as PDO of said Gram Panchayath the impugned mutation entry is made. Accordingly Resp.No.3 was called for her comments after impleading.

8. Resp.No.3 has submitted her comments dated 18-3-2022, 26-11-2022 and 31-1-2023 which reads as under;

“ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುವುದೇನೆಂದರೆ ಶ್ರೀಮತಿ ಸರೋಜಾ ಪಿ.ಡಿ.ಓ., ಪೋತಪೇಲ ಗ್ರಾಮ ಪಂಚಾಯತಿ ಶಹಪುರ ತಾಲ್ಲೂಕು ಯಾದಗಿರಿ ಜಿಲ್ಲೆ ಆದ ನಾನು ಸುಮಾರು ಒಂದುವರೆ ವರ್ಷ ಹೊನಗೇರಾ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಲ್ಲಿ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸಿರುತ್ತೇನೆ. ಆ ಅವಧಿಯಲ್ಲಿ ನಿಂಗಪ್ಪ ತಂದೆ ದೇವಿಂದ್ರಪ್ಪ ಗುಡಗುಡಿ ಮತ್ತು ಶ್ರೀ ವಿಶ್ವನಾಥರೆಡ್ಡಿ ತಂದೆ ಬಸವಂತ್ರಾಯ ಹೊನಗೇರಾ

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ಇವರ ಹೆಸರಿನಲ್ಲಿ ಮನೆ ವರ್ಗಾವಣೆಯಾಗಲಿ ಕಟ್ಟಡ ಪರವಾನಿಗೆಯಾಗಲಿ ಕೊಟ್ಟಿರುವುದಿಲ್ಲಾ ಇದರಲ್ಲಿ ನನ್ನ ತಪ್ಪು ಏನು ಇರುವುದಿಲ್ಲಾ ಎದುರುದಾರರ ಸೇವಾ ವಿವರಗಳು ಫಾರಂ ಅನ್ನು ಈ ಪತ್ರಕ್ಕೆ ಲಗತ್ತಿಸಿರುತ್ತೇನೆ. ಇದರ ಬಗ್ಗೆ ನನಗೆ ಯಾವ ಮಾಹಿತಿಯೂ ಇರುವುದಿಲ್ಲ ಅದರಿಂದ ಇದನ್ನು ಇಲ್ಲಿಗೆ ಕೈ ಬಿಡಬೇಕಾಗಿ ವಿನಂತಿ. 2016-17ನೇ ಸಾಲನಲ್ಲಿಯೇ ಹೊಸಗಿರಾ ಗ್ರಾಮ ಪಂಚಾಯತಿಯಿಂದ ಬೆಳಗುಂದಿ ಗ್ರಾಮ ಪಂಚಾಯತಿಗೆ ವರ್ಗಾವಣೆಯಾಗಿರುತ್ತದೆ. 2019 ರಲ್ಲಿ ಕಟ್ಟಡ ಪರವಾನಿಗೆ ಫಾರಂನಲ್ಲಿ ನನ್ನ ಸಹಿ ಇರುವುದಿಲ್ಲ”

9. On the scrutiny of the pleadings of the parties, documents and other material on record the following points are considered;

- On 22-11-2019 a complaint has been filed before Yadagiri Rural P.S. alleging that the then PDO Sharanappa without scrutinizing the documents has issued the building construction permission in respect of the disputed property.
- The sale deed dated 24-7-2014 on the basis of which the khata is made is an unregistered document. On the basis of said unregistered sale deed the name of one Narasamma is mutated to said property which prima facie is illegal. This mutation is passed during the tenure of Resp.No.3 Smt. Sarojamma.
- The Resp.No.3 Smt. Sarojamma though states that she had not issued the construction permission, she does not specifically deny the fact that said illegal mutation belongs to her tenure as PDO of said Gram Panchayath. The letter dated 19-9-2022 issued by CEO, ZP, Yadagiri is relevant to show that the Resp.No.3 was the then PDO. The document viz., khata extract in Form No.13 is relevant to show the signature of the then PDO.
- On the basis of said khata or mutation the Resp.No.1 Sharanappa has issued the construction permission as seen from his own objections. This is

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also illegal since the building permission is granted on the basis of an illegal mutation.

- Admittedly said khata earlier stood in the name of Vishwanath Reddy S/o. Balavanthraya Patil who is the brother of the complainant.
- The disputed khata prima facie shows that it is approved on 28-10-2014 on the basis of an application dated 26-7-2014 and that it bears the signature of then PDO viz., the Resp.No.3 Smt. Sarojamma. It also bears the seal of the said Gram Panchayath. Admittedly the building construction permission dated 21-11-2019 on the basis of application dated 2-11-2019.
- Thus the entire material on record the allegations against the Resp.No.1 Sharanappa and Resp.No.3 Smt. Sarojamma, the PDOs of Honagera Gram Panchayath as made by the complainant establish on the face of it that the alleged acts of said respondents are illegal and amount to misconduct on their part.
- The date of incident is 21-11-2019 and 22-11-2019 when the construction permission was granted and when the FIR was registered against Resp.No.1.
- Date of retirement of Resp.No.1 Sri. Sharanappa, PDO is 30-6-2034 and date of retirement of Resp.No.2 Smt. Sarojamma is 31-8-2048.

10. The facts and materials on record prima-facie show that, the respondent has committed misconduct as per Rule 3 (1) (i) to (iii) of KCS (Conduct) Rules, 1966 (presently KCS (Conduct) Rules, 2021). Accordingly, now, acting under Section 12(3) of The Karnataka

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Lokayukta Act, 1984, recommendation is made to the Competent Authority to initiate disciplinary proceedings against Resp.No.1 Sri. Sharanappa, PDO and Resp.No.3 Smt. Sarojamma, PDO and to entrust the enquiry to this Authority under Rule-14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

11. Further, as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority shall intimate to this Authority within three month from the date of receipt of this report, as to the action taken or proposed to be taken on the basis of this report.

Connected records are enclosed.

L. 12/8/23
(JUSTICE K.N.PHANEENDRA)
UPALOKAYUKTA-2
KARNATAKA STATE