

KARNATAKA LOKAYUKTA

Compt/Uplok/MYS/1561/2014/DRE-4

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, dated 23/11/2016.**REPORT UNDER SECTION 12(3) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Sri Naveen Joseph-Tahsildar, Mysuru Taluk,
Mysuru, about his misconduct as a Public/
Government servant- reg.,

One Sri L.V.Govindaraju S/o Late B.Venkategowda, No. 543, 20th Cross, 1st Main, Aravindanagar, Mysore (hereinafter referred to as "complainant" for short respectively) in their complaint dated 26/05/2014 against Sri Naveen Joseph-Tahsildar, Mysuru Taluk, Mysuru (hereinafter referred to as "respondent" for short) alleging an extent of 1 ½ guntas of land in Sy. No. 93/1, Belavatha Grama, Kasaba Hobli, Mysore Taluk was purchased by his wife Smt. Lakshmiddevamma under registered sale deed dated 04/12/1986 from Sri Nagaraju S/o Hanumegowda of Kamanakere Hundi and said Smt. Lakshmiddevamma had filed O.S. No. 98/91 on the file of Second Munsiff, Mysore against the said Sri Nagaraju for declaration of her title over the said 1 ½ guntas of land and for demarcation of the said land as per its description in the sale deed and the said suit came to decreed. On 28/03/2014 and thereafter, the said Smt. Lakshmiddevamma made a representation, but the respondent Tahsildar failed to take action. Hence, an investigation was taken up by invoking Section 9 of Karnataka Lokayukta Act, 1984.

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2. When comments of respondent were called, the respondent did not submit his comments, despite issue of reminders. Hence, a letter was addressed to the Assistant Commissioner, Mysore for providing the service particulars of the person who is working as Tahsildar at Mysore Taluk. The Assistant Commissioner in his letter dated 24/02/2015, stated that one Sri Naveen Joseph is working as Tahsildar of Mysore Taluk since 23/06/2012. In his said letter dated 24/02/2015, the Assistant Commissioner mentioned that the said Sri Naveen Joseph would retire on 31/07/2041.

3. As could be seen from the RTC of Sy. No. 93/1 of Belavatha Grama, Kasaba Hobli, Mysore Taluk, its total extent is 4 acres. Under the said deed dated 04/12/1986 executed in favour of Smt. Lakshmiddevamma W/o of the complainant and daughter of Sri Byregowda, and Smt Hombamma, by Nagaraj son of Pothappanna Hanumegowda of Kamanakere Hundi village, 1 ½ guntas of land in Sy. No. 93/1 bounded on the east by the land of Johnson's house, west by private property, south by the land of Christian Father's house north by the road, has been sold. The complainant has also produced the sketch prepared by Survey Supervisor by name Puttaswamaiah attached to the office of the Assistant Director of Land Records, Mysore on 08/09/2002, on the basis of the decree passed in O.S. No. 98/91 on the file of Second Munsiff, Mysore. The said suit was filed by the complainant's wife Smt. Lakshmiddevamma against her vendor Sri Nagaraju for declaration of her title and for directing demarcation of the plot purchased by her under the said sale deed, on 04/12/1986. The said 1 ½ guntas of land is not shown to be a non-agricultural property.



4. Under Section 128 of Karnataka Land Revenue Act, a person who has acquired a right in a land under the registered document, is exempted from reporting acquisition of right to the Revenue Officer. According to Sub-Section 4 of Section 128 of the said Act, at the time of registration of the said document, the mutation fee will also be recovered from the purchaser and hence, the registering authority has to make a report of the acquisition of right to the prescribed officer. Section 129 of the Act requires the prescribed officer to enter in the register of mutations every report made to him under Section 128 of the Act. It further requires the prescribed officer to post complete copy of the entry so made in a conspicuous place in the chavadi and shall give written intimation to all persons whose names appear in the Record of Rights or Register of Mutations and to any other person whom the prescribed officer has a reason to believe to be interested therein. If any objections are received within the prescribed period, the officer concerned has to enter the particulars of the objections in the register of disputed cases and those objections have to be enquired into and disposed by the officer and the orders disposing of such objections shall be recorded in the register of mutations. The entries in the Register of Mutations shall be tested and if found correct have to be certified by such officer and thereafter, the entries have to be transferred to the Record of Rights.
5. The Tahsildar is the officer competent to take action as mentioned above. He has not cared to send his response to the complaint, although, notice was served on him and reminders were issued thereafter. The said conduct of the Tahsildar-Sri Naveen Joseph prima facie is an act unbecoming of a Government servant and the said act would also amount to dereliction of duty.

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6. The facts and material on record prima-facie show that the respondent being a Government/Public servant, has failed to maintain absolute devotion to duty and he acted in a manner unbecoming of a Government/Public servant and the same amounts to misconduct, and thereby respondent has rendered himself liable for disciplinary action.
7. Since the said facts and material on record prima-facie show that respondent has committed misconduct as per Rule 3(1)(i)(ii) & (iii) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against respondent under Rule 14-A of Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.
8. Further as per Section 12(4) of Karnataka Lokayukta Act, 1984, the Competent Authority is required to intimate this Authority within three months from the date of receipt of this report, the action taken or proposed to be taken on this report.

Connected records are enclosed.

Sd/- 23/11/16,
(Justice Subhash B. Adi)
Upalokayukta,
State of Karnataka.