

KARNATAKA LOKAYUKTA

No.Compt/Uplok/Mys.5313/2012/DRE-5

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru, Dt. 09-05-2018

**SPECIAL REPORT UNDER SECTION 12(5) OF
KARNATAKA LOKAYUKTA ACT, 1984**

Sub: Complaint filed by Sri. Eregowda S/o Ramegowda, Nettekere Village, Bantenhally Post, Belur Taluk, Hassan District - Reg.

Ref:- Report u/s 12(3) of Karnataka Lokayukta Act dated 23-4-2016.

On the basis of a complaint filed by Sri. Eregowda S/o Ramegowda, Nettekere Village, Bantenhally Post, Belur Taluk, Hassan District **(hereinafter referred as complainant)** against (1) B.A. Jagadish, the then Tahasildar Belur Taluk, Hassan District (2) Sri. Hanumanth Reddy, the then Senior Geologist, Mines and Geology, Hassan, and (3) Sri. Hiriyanna, the then Asst. Executive Engineer, PWD, Belur Taluk, Hassan District, an investigation was taken up U/S 9 of the Karnataka Lokayukta Act, 1984, by invoking powers vested u/S 7(2) of the said Act.

2. Brief facts of the case:

It is alleged in the complaint that, the respondents have illegally allowed transportation of sand from the land in Sy.No.12, 16/1, 181, 17, 49, 24 to 27, 80/1, 77/1 etc., of Nettekere and

Rayarakoppalu villages of Belur Taluk. Hence complainant filed this complaint to initiate action against the respondents.

3. After taking up investigation, respondents have submitted comments stating that as per the new Karnataka Sand Rules 2011, a committee of 10 members has been formed under the leadership of Asst. Commissioner and Taluk Magistrate and the sand is being sold by the Public Works Department at the rate fixed by the Deputy Commissioner. But to perform this extra function, additional staffs have not been provided and there is problem in safeguarding the sand. In spite of it, several cases of illegal transportation have been detected and fine has been imposed. Hence they have contended that they have taken all possible steps and have not committed any misconduct and requested to close the complaint.

4. The complainant submitted rejoinder reiterating complaint averments and further suggested several precautionary measures to prevent illegal transportation of sand.

5. In view of the above, the complaint was referred to Superintendent of Police, Karnataka Lokayukta, Hassan, for investigation and report. The Superintendent of Police, Karnataka Lokayukta, Hassan, by name Dr.Vedamurthy has submitted report dated 15.5.2015 observing that, inspite of measures taken by the Govt. by forming a committee to prevent illegal transportation of sand from Yagachi River, the illegal transportation is going on for which (1) Sri B.A.Jagadish, Tahsildar, (2) Sri C.Hanumantha

Reddy, Senior Geologist, Hassan, (3) Sri S.R.Hiriyanna, AEE, PWD, Belur Taluk, are responsible.

6. Hence, on the basis of said report, (1) Sri B.A.Jagadish, Tahisldar, (2) Sri C.Hanumantha Reddy, Senior Geologist, Hassan, (3) Sri S.R.Hiriyanna, AEE, PWD, Belur Taluk, (**hereinafter referred as respondents 1 to 3 respectively**) were impleaded as respondents 1 to 3 respectively and comments were called from them.

(a) The respondents 1 to 3 submitted comments stating in detail the measures taken by them to prevent illegal transportation of sand and also contended that several cases have been booked under relevant provisions of law and fine amount has been collected and remitted to Govt. Hence they have requested to close the complaint.

7. **The materials on record go to show that;**

(a) Even though several cases of illegal transportation of sand have been booked by the respondents and fine amount has been collected and credited to Govt., the respondents have failed to prevent illegal transportation of sand completely and thereby they have committed misconduct and dereliction of duty and the respondents have made themselves liable for disciplinary action.

(b) The replies submitted by the respondents were not convincing and acceptable to drop the proceedings against them.

9. After conducting detailed investigation, as there was prima-facie case to proceed against the respondent Nos.1 to 3, a report

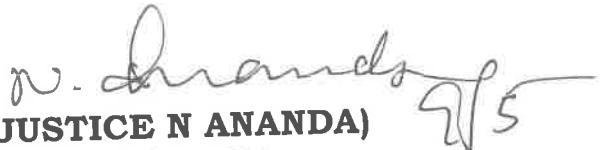
U/S.12(3) of the Karnataka Lokayukta Act was forwarded to the Competent Authority. As against respondent Nos.2 and 3 the Government has sent G.O. entrusting departmental enquiry to this authority.

10. Several reminders were sent to Govt. for entrusting the enquiry to this Authority, under Rule 14(A) of the Karnataka Civil Services (Classification, Control and Appeals) 1957, with a request to intimate the action taken within the 3 months as stipulated U/S.12(4) of the Karnataka Lokayukta Act.

11) In G.O. No.ಸಿಸುಇ 82 ಕೆ.ಇ.ವಿ 2017, Bengaluru dated 27-12-2017, the Government has refused to entrust the departmental enquiry against respondent No.1 Sri. B.A. Jagadish, the then Tahasildar, Belur Taluk, Hassan. The recommendation made U/S.12(3) of the Karnataka Lokayukta Act is refused by the Government, which is not satisfactory.

12. Hence, this Special report is made to His Excellency the Governor of Karnataka by invoking provisions under Section 12(5) of the Karnataka Lokayukta Act, for taking further needful action.

Copies of connected records are enclosed.


(JUSTICE N ANANDA)
Upalokayukta,
State of Karnataka.