

**KARNATAKA LOKAYUKTA**

No: Uplok-1/DE/1099/2017/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 29 /08/2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-**The departmental enquiry against Sri. Yellappa Subhedar, Tahasildar, Jeewargi, Kalaburagi District - reg.

**Ref:-** 1) Report U/Sec 12(3) of the Karnataka Lokayuktha Act 1984 in Complt/Uplok/GLB/8926/2017/ARE-8. Dt. 29/06/2017  
2) G.Order No.ಆರ್‌ಡಿ.165/ಎಡಿಇ/2017, ಬೆಂಗಳೂರು, dated 26/10/2017.  
3) Nomination Order No.Uplok-1/DE/1099/2017, Bangalore, dated:13/11/2017.

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Present Departmental Enquiry is directed on the basis of the complaint lodged by one Sri. Thippanna S/o Siddappa Doddamani, Retired Administrative Officer, Police Department, Shanthanagar, Jeewargi, Kalaburagi District, (herein after referred as 'Complainant') against (1) Sri. Yellappa Subhedar, Tahasildar, Jeewargi, Kalaburgi District, (herein after referred

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to as the Delinquent Government Official in short 'DGO') alleging misconduct committed by him as Tahasildar, Jeewargi, Kalaburgi District.

2. An investigation was undertaken by invoking Section 7 (2) of the Karnataka Lokayuktha Act, DGO submitted his comments. Based on the allegations of the complaint and the comments submitted by DGO and rejoinder of complainant, Hon'ble Lokayuktha submitted report U/Sec. 12(3) of Karnataka Lokayuktha Act, on 29/06/2017 to the competent authority of DGO.
3. The competent authority/State Government after verifying the materials accorded permission and entrusted the enquiry by issuing notification as per Ref.No.1. Hon'ble Lokayuktha nominated ARE-8 as per Ref. No.3.
4. Brief allegations made in the complaint are that:

Complainant Sri. Thippanna was the owner of land Sy.No.63/1, measuring 5-Acres 02-Guntas situated in Aurad village, inherited by him, by his ancestors. Family partition was effected among his brothers without his knowledge when he was away from village and said division of properties in family partition was unequal and land allotted to him was got measured with survey sketch, by forging his signatures by one Ranappa, portion of 35-guntas of his land was illegally transferred in the name of one Ranappa S/o Thimmappa

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Ranappa S/o Thimmappa

Butnal not related to his family and Tahasildar Jeewargi DGO without having been invested with powers under KLR Act, 1961, has issued a letter to local police to assist him to evict the complainant from his possession of land to the extent of 38-guntas. In this regard, local police and revenue officials have been harassing him.

5. On the basis of the nomination, article of charge was prepared under 11(3) of KCSR & CCA Rules and concerned DGO.

**ANNEXURE No.I**  
**CHARGE**

That, you DGO improperly passed an order of eviction in file No.177 and 178/2016-17, without following the procedure prescribed under S.39 of Karnataka Land Revenue Act 1964 and mis-used your power to favour one Ranappa to take possession of land bearing Sy.no.63/1 of Aurad village and also wrote a letter to the jurisdictional police to give protection for cultivation of land by Ranappa by improper exercise of your power and thereby, you DGO have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

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**ANNEXURE No.II**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

An investigation was taken up under section 9 of the Karnataka Lokayukta Act, on the basis of complaint filed by Sri Thippanna s/o Siddappa Doddamani, Retired Administrative Officer, Police Department, Shanthanagar, Jewargi, Kalaburgi district (hereinafter referred to as 'complainant' for short) against (1) Sri Yaallappa Subhedhar, Tahasildar, Jewargi taluk, Kalaburgi district (2) Sri Kallappagowda, Revenue Inspector, Jewargi, Kalaburgi district (3) Sri Anand Tanga, Village Accountant Aurad, Jewargi taluk, Kalaburgi district and (4) Sri Nagappa Kumbar, Taluk Surveyor, Jewargi, Kalaburgi district (hereinafter referred to as Respondents 1 to 4 respectively)

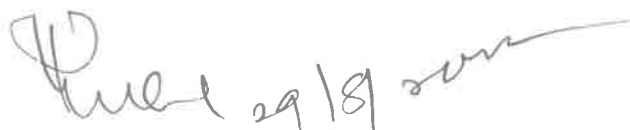
The complainant alleges that the land in Sy.no.63/1 measuring 5 acres 2 guntas of Aurad village is his ancestral property. During family partition there was unequal distribution of land among the brothers. When he was out of station for his treatment, his land has been measured and survey sketch has been prepared by forging his signature. Portion of 35 guntas of his land is illegally transferred in the name of Ranappa s/o Thippanna Buttanala. He is not related to him nor the adjacent owner of the alleged land. Also, the Tahasildar, Jwargi has written a letter to the Police for evicting the complainant from the said 38 guntas of land. They have deprived him of 38 guntas of land and are harassing for evicting him from the said land. Therefore, has prayed to take action against the respondents.

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Respondent no.1/Tahasildar has submitted comments dt.01-04-2017 stating that there is dispute of ownership between Ranappa s/o Thippanna Butnal and the complainant with respect to land in Sy.no.63/1 of Aurad village, Jewargi Taluk. Ranappa s/o Thippanna Butnal is the owner of land bearing Sy.no.63/1 measuring 2.02 acres and sy.no.63/5 measuring 1 acre of Aurad village. He has filed application stating that he complainant and another (Nagamma) have encroached his land. On his application by following due procedure of law, he has directed the sub-ordinate Revenue Officials to evict the encroacher and hand over the possession to its true owner by passing an order in file no.177/16 and 178/16-17. The said order has not been challenged till today. With respect to the same, disputes are pending before Hon'ble Civil Judge, Jewargi in O.S.no.166/2016, 167/2016 and 170/2016. By stating that if the complainant is aggrieved by the order passed by the Tahasildar, the same may be challenged before the Competent Authority respondent no.1 has sought to drop him from the proceedings.

Respondents no.2 and 3 have also filed similar comments dt.01-04-2017 denying the complaint allegations.

Respondent no.4 has submitted his comments stating that he was entrusted with the work of survey of land in Sy.no.63/1 vide application no.04070813952653 under tatkal phodi. He has issued notices to the concerned. Complainant Thippanna s/o Siddappa Doddamani refused to receive the notice. Thereafter, it was found that the applicant Ranappa s/o Thippanna Butani was not found to be in possession of the said land. Since no phodi can be conducted without possession of the applicant, without finalizing the survey of the alleged

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land, he has submitted factual report to his higher authorities. By denying other allegations made in the complaint, Respondent no.4 has sought to drop him from the proceedings.

The complainant states that his land to an extent of 38 guntas in sy.no.63/1 has been illegally transferred in the name of Ranappa s/o Thippanna Butnal. The complainant has produced copy of the mutation dt.27-01-2015 wherein the name of Ranappa s/o Thippanna is mutated to an extent of 2.02 acres in sy.no.63/1. If at all the complainant is aggrieved by the said order of the mutation, he may challenge the same before the jurisdictional Assistant Commissioner under section 135 of Karnataka Land Revenue Act. With respect to allegation of transfer of khata, the complainant may work out his remedy before the jurisdictional Revenue Court.

It is also alleged that the Tahasildar/respondent no.1 has written a letter to Jewargi Police for evicting his possession to an extent of 38 guntas. Respondent no.1 in his comments has clearly stated that he has passed order for evicting the complainant in file No.177/16 and 178/16. But has not produced any such documents pertaining to the said file to show that he has lawfully passed such order under any of the provisions of law.

It is also admitted that respondent no.1 has directed his sub-ordinate revenue officials to evict the complainant and another by name Nagamma from the encroached portion of the land. Complainant has produced letter dt.30-06-2016 wherein Tahasildar, Jewargi has sought the Sub-Inspector of Police, Jewargi Police Station to provide necessary police protection to Ranappa s/o Thippanna Butnal for cultivating the land to an extent of 2.02 acres in Sy.no.63/1.

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The comments of respondent no.4/Surveyor and his report o ADLR, Gulbarga Sub-division dt.21-08-2015 along with sketch show that one Smt.Nagamma is possession of 6.07 acres and the complainant is in possession of 6.00 acres of the land in Sy.no.63/1(P). It is also clearly stated that even though the name of Ranappa S/o Thippanna Butnal is shown to an extent of 2.02 acres in the RTC of the said land, he is not in possession of any portion of land in Sy.no.63/1. Therefore it is found that the complainant and one Smt.Nagamma W/o Shivaraya is in possession of the entire extent of 12.07 acres in Sy.no.63/1. The complainant has produced RTC's of the year 2014 to 2017 wherein the name of Ranappa S/o Thippanna is entered vide M.R. no.T51/2014-15 dt.27-01-2015 for the first time. No previous RTC's show the name of the said Ranappa S/o Thippanna to Sy.no.63/1.

Admittedly, there is a dispute of ownership between the complainant and Ranappa S/o Thippanna Butnal with respect to Sy.no.63/1 of Aurad Village. It is also admitted that the said Ranappa is not in possession of any of the extent of land in Sy.no.63/1. Surveyor has also reported that Ranappa is not in possession of the alleged 2.02 acres standing in the name in the RTC. Respondent no.1 also states that suit in O.S. no.166/2016, 167/2016 and 170/2016 are pending before Hon'ble Civil Judge, Jewargi for adjudication with respect to the alleged property. Under the circumstances, there is a serious dispute of ownership and also of possession between the said parties. Only the jurisdictional Civil Court has jurisdiction to decide the matter. In spite of it the Tahasildar has made an order for evicting the complainant exceeding his jurisdiction. He has also written a letter to the jurisdictional police to give protection for cultivation of the land to Ranappa who is not at all in possession of the land.

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The Tahasildar in his comments claims that he has passed order as per law and relied on Section 39 of the Karnataka Land Revenue Act, 1964, which reads as follows;

**“Section 39. Manner of evicting any person wrongfully in possession of land.**

*Whenever it is provided by this Act or any other law for the time being in force that the Deputy Commissioner may or shall evict any person wrongfully in possession of land or where any order to deliver possession of land has been passed against any person under this Act, such eviction shall be made or such order shall be executed, as the case may be, in the following manner, namely;-*

- (i) By serving a notice on the person or persons in possession requiring them within such time as may appear reasonable after receipt of the said notice to vacate the land, and*
- (ii) If such notice is not obeyed, by removing or deputing a subordinate officer to remove any person who may refuse to vacate the same, and*
- (iii) If the officer removing any such person is resisted or obstructed by any person, the Deputy Commissioner or the Revenue Officer, as the case may be, shall hold a summary inquiry into the facts of the case and, if satisfied that the resistance or obstruction was without any just cause and that such resistance and obstruction still continues, may, without prejudice to any proceedings to which such person may be liable under any law for the time being in force for the punishment of such resistance or obstruction, take or cause to be taken, such steps and use or cause to be used, such*

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*force as may, in the opinion of such officer, be reasonably necessary for securing compliance with the order”*

The Deputy Commissioner or any revenue officer has power to evict a person in wrongful possession if it is provided under Karnataka land Revenue Act or any other law for the time being in force. The use and occupation of the land should be wrongful under/within the meaning of one or the other provision of any of the Act. The Respondent no.1 has not stated under which provision of law, the complainant was in wrongful possession of the alleged land in Sy.no.63/1. No man can be condemned unheard. The respondent no.1 ought to have conducted proceedings by following the procedures prescribed under the above said statutory provision of law before passing any order for eviction. No such order seems to have been made by the Tahasildar holding that the possession and occupation of the land in which the complainant and another (Nagamma) are in settled possession.

The Respondent No.1 being the Tahasildar of Jewargi is guilty of favoritism and lack of integrity in his capacity as a public servant. There are prima facie materials to infer misconduct against respondent no.1. Hence, the respondent no.1 has failed to maintain absolute integrity, devotion of duty and has acted in a manner which is unbecoming of a Government servant for which he has made himself liable for departmental action.

Respondents no.2 to 4 have acted as per the directions of their higher authority. Therefore, there are no materials to infer misconduct against Respondents no.2 to 4. Accordingly, now, acting under Section

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12(3) of the Karnataka Lokayukta Act, recommendation was made to the Competent Authority to initiate disciplinary proceedings against the Respondent no.1 Sri Yallappa Subhedhar, Tahasildar, Jewargi taluk, Kalaburgi district (Date of Retirement 31-10-2033) and entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957.

Accordingly, the Competent Authority initiated Disciplinary Proceedings against the DGO and entrusted the enquiry to the Hon'ble Upalokayukta under Rule 14-A of KCS (CCA) Rules. Hence, the charge.

6. Summons was issued appended with copy of article of charge and DGO appeared through his advocate EPS and FOS was recorded, DGO has denied the charges, pleaded not guilty and claimed to be tried and enquiry was adjourned for filing the objections/W.S. of DGO.
7. DGO has filed the objections contending that dispute was existing between one Ranappa and complainant relating to Sy.No.63/1 of Aurad village, Jeewargi Taluk and said Ranappa was the owner of part of land bearing Sy.No.63/1 to the extent of 2-02 Acres and 01-Acre in Sy.No.63/5 and said Ranappa approached DGO office and filed application before his office that complainant Thippanna and another Nagamma have encroached his land and after receiving the application,

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he directed his subordinates to verify the records and evict the complainant if his possession was found to be illegal and the file registered in his office at No.177/2016 and 178/2016 relating to grievance of complainant and Ranappa was disposed off. The complainant has not challenged the order passed by DGO in No.177/2016 and 178/2016 till today. In the mean time, suits O.S.No.166/2016, O.S.No.167/2016 and O.S.No.177/2016 was seen to be pending before Civil Judge Court, Jeewargi, between complainant and said Ranappa and Nagamma and others, and he has never passed any specific eviction order to evict the complainant from the disputed land, as contemplated U/Sec. 39 of the KLR Act, 1961, but he had written a letter to local police to extend police protection to the revenue officials while conducting local inspection and to identify the complainant's land by survey authorities and survey authorities proceeded to conduct survey, since Ranappa was not in possession of the said disputed land and he was not present in spite of given previous notice, surveyor could not complete the survey and submitted report.

8. Further it is contended by the DGO that, complainant was not in possession of Sy.No.63/1, to the extent of 02-02 Acres as contended by Ranappa and he is still owner of 05-02-Acres in Sy.No.63/1, which is supported by related mutation entry. Further contended that at no point of time, no order was passed by him acting as Tahasildar, directing the local police

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to cvict complainant from Sy.No.63/1, measuring 2-02-Acres. Hence, the complaint lodged against him is not supported by records and evidence and prays to drop the proceedings. VOR was complied.

9. In order to prove the allegations, made in the articles of charges, the disciplinary authority has examined PW.1 and got marked Ex.P.1 to Ex.P.17. After the closure of the evidence of P.O., SOS was recorded, DGO in support of his defence got examined himself as DW.1, Ex.D.1 and Ex.D.1(a) and Ex.D.2 and case was posted for arguments.
10. Heard the arguments of P.O. and the defence Counsel Sri. EPS and advocate for DGO have filed written arguments and case was posted for submitting final report.
11. Following points arise for my consideration;

Whether the Charge leveled against  
DGO Sri. Yellappa Subhedar,  
Tahasildar, Jeewargi, Kalaburagi  
District, is proved by the  
Disciplinary Authority?

12. My answer to the above point is in the '**Negative**' for the following:

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**REASONS**

13. In order to prove the allegations made in the Articles of Charges, the P.O. has examined PW.1 and has got marked Ex.P.1 to Ex.P.17.
14. PW.1 complainant has stated in his oral evidence that, land bearing Sy.No.63/1, totally measuring 5-Acres-02-Guntas was inherited by him from his ancestors in the year 2017 when he made enquiry in the Tahasildar office of Jewaragi, he came to know that out of the said Sy.No.63/1, totally measuring 5-Acres-02-Guntas, part of the land measuring 2-Acres-02-Guntas has been illegally transferred in the name of one Ranappa S/o Thippanna Butnal, by manipulating and forging the documents. The said Ranappa had given application before the Tahasildar, Jewaragi, to put him in possession. In this regard, DGO-Tahasildar, Jewaragi, travelling beyond his scope of authority provided under Revenue Act has addressed a letter dtd.30/06/2016 to the local Police Inspector to make arrangement of Police Bando-bast and extend protection to the revenue staff to Ranappa to put him in possession of the land belonging to him. In this regard, PW.1 has produced series of documents like complaint, letter addressed to ADLR to conduct measurements and statement of persons related to this dispute and some of the ADLR records and more particularly Ex.P.13 relating to letter addressed by DGO to the police

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directing them to give police protection in inducting Ranappa in possession of land measuring 2-Acres 2-Guntas.

- 15.** Witness has been cross examined at length. In the cross examination PW.1 has admitted and stated that till today land bearing Sy.No.63/1, measuring totally 5-Acres 02-Guntas is standing in his name and he has not taken any legal action against those who are responsible for forging the documents and changing the land records in the name of said Ranappa. He has admitted that Tahasildar, Jeewargi has addressed a letter to the local police in Ex.P.13 on the basis of documents like Ex.P.14 and Ex.P.15, which relate to the requisition filed by said Ranappa to put him in possession of the land and also letters addressed by local police. He admits that the disputed document Ex.P.13 is a letter addressed by DGO-Tahasildar, to PSI, Jeewaragi does not disclose about evicting complainant from 2-Acres 02-Guntas of land in Sy.No.63/1, which was totally measuring 5-Acres 02-Guntas. Further admits that he has also filed civil suit relating to the dispute pertaining to Sy.No.63/1.
- 16.** Countering to this, DW.1 DGO has also got examined himself as DW.1 and he has stated as per his objections and comments filed contending that, he has not issued any eviction order or he has not directed to local police as per Ex.P.13 to help the revenue officials/authorities to induct

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said Ranappa in 2-Acres 02-Guntas of land belonging to PW.1-complainant.

17. Close assessment and examination of the evidence of PW.1 and Ex.P.1 to Ex.P.17 and evidence of DW.1 and Ex.D.1 and Ex.D.2, makes it clear that one complainant-PW.1 has no grievance of being evicted from part of 2-Acres 02-Guntas of land, which is part of Sy.No.63/1 situated at Aurad village. It is not his grievance that he has been evicted from the possession of Sy.No.63/1, measuring 05-Acres 02-Guntas.
18. His material claim is that his rival Ranappa had filed an application before Jeewargi Tahasildar to induct him in possession of 2-Acre 02-Guntas of land, which was granted to him and in this regard Tahasildar-DGO is alleged to have issued a letter or requisition to the local police to give police protection to evict complainant from 2-Acres 02-Guntas of land and induct Ranappa in the said land measuring 02-Acres 02-Guntas of land, which is part of Sy.No.63/1 and it is not within the purview of Tahasildar under KLR Act, 1961.
19. After assessing all these records and evidence now the enquiry authority has to find out whether Ex.P.13-letter issued by Tahasildar-DGO addressing PSI Jeewaragi Police Station dtd.30/06/2015 and does it indicate that he has sought protection of police to evict complainant from the said land measuring 02-Acres 02-Guntas in Sy.No.63/1 of Aurad village.

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- 20.** Meticulous reading of Ex.P.13 makes it clear that said Ranappa S/o Thippanna had filed an application before Tahasildar, Jeewargi-DGO to help him to induct him in possession of excess land of 2-Acres 02-Guntas, which is part of Sy.No.63/1 of Aurad village and in this regard the DGO- Tahasildar, Jeewargi, has insisted Jeewargi local Police that revenue officials are likely to conduct spot inspection and prepared panchanama, as per law and help the applicant Ranappa and revenue officials, by providing police protection to cultivate the land by Ranappa.
- 21.** Comprehensive reading of the letter Ex.P.13 it does not disclose anything with regard to relevant revenue order having been passed by Tahasildar-DGO that said applicant Ranappa is entitled for 2-Acres 02-Guntas of land and that is to be allotted to Ranappa. In this regard, when the revenue officials go to prepare panchanama or to take action, they may need police protection at the relevant place and time. So, it is seen that the intention behind writing letter by the DGO to local police is not to evict complainant from 2-Acres 2-Guntas forcibly to induct applicant Ranappa in the said land.
- 22.** In continuation of Ex.P.13, it is seen that the Jeewargi police have also addressed a letter to Tahasildar that they will make arrangement for Bando-Basth to prepare panchanama of

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land or taking action from revenue officials and police assistance will be given.

- 23.** So, now on the basis of the contents of Ex.P.13 or Ex.P.14, can it be construed that the DGO has issued a directory order infavour of Ranappa to induct him in possession of land by evicting complainant from the disputed land is not clear. It is the contention of the DGO that, he has not passed any specific order as to the eviction of complainant from the land as contemplated U/Sec. 39 of the Karnataka Land Revenue Act and no separate order has been passed after holding enquiry about illegal possession of complainant encroaching upon the land of Ranappa S/o Thippanna.
- 24.** Section 39 of the KLR Act provides for manner of evicting any person wrongfully in possession of land and further contemplates about the Deputy Commissioner's powers to evict a person who is in wrongful possession of land and even to do that, he has to follow the principles of natural justice like issuing notice to parties concern and hold enquiry etc.
- 25.** In the instant case, it is seen that dispute did exist between the complainant and one Ranappa relating to area of encroachment in Sy.No.63/1 of Aurad village of Jeewargi Taluk. It is also seen that the name of claimant Ranappa was entered into the mutation register and there is no discrepancy in the land records of complainant and complainant is the owner of 5-Acres 02-Guntas and he

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continues to be the owner of 5-Acres 02-Guntas, which is supported by the mutation entry and the relevant RTCs. Name of the complainant is still not disturbed from the RTC or mutation entries. It is also seen that surveyor issued notice to the complainant and said Ranappa before conducting measurement to be present and assist for identifying the land held by the applicant Ranappa or even the complainant. But it is seen from the contents of Ex.P.4 that surveyor has submitted report stating that the applicant/Ranappa is not in cultivation of Sy.No.63/1 and sought for further direction in this regard. So, it becomes clear that, the land belonging to Ranappa or occupied by Ranappa is not identified. Further earlier DGO-Tahasildar had passed certain orders about Sy.No.63/1 of Aurad village and those orders in their office enquiry file No.177/16 and 178/16-17 have not been challenged by the complainant.

- 26.** It is also seen from the records that the possession held by one Nagamma and Thippanna complainant PW.1 is marked in the map prepared by surveyor marked at Ex.P.17(A), but the area of 2-Acres 2-Guntas claimed to be in possession of Ranappa S/o Thippanna is not marked with identification which is claimed to have been in occupation of in any portion of Sy.No.63/1 to the extent of 2-Acres 2-Guntas. So these records are sufficient to comprehend the fact that complainant is in possession of the total extent of land 6-Acres 2-Guntas in Sy.No.63/1 and one Nagamma to the

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extent of 6-Acres 07-Guntas. So that goes to show that possession of complainant was intact along with other holders of the land at that relevant time.

- 27.** After assessment of all these records and evidence it can be said that, the complainant who claims that the DGO being Tahasildar has illegally issued order to Jeewargi Police to help the Revenue Officials or authorities to evict complainant from possession of 2-Acres 2-Guntas of land in Sy.No.63/1 of Aurad village is not seen to be a statutory order with the force provided U/Section 39 of the Land Revenue Act. Secondly, PW.1 himself has admitted that civil suits bearing O.S.No.166/2016, 167/2016 and 170/2016 are pending before Civil Judge, Jeewargi, relating to Sy.No.63/1.
- 28.** So comprehensive reading of all these records could not directly indicate to the fact that the DGO has issued any specific order under Revenue Act to evict the complainant PW.1 from the part of Sy.No.63/1 of Aurad village. He has only addressed a letter to the concerned police to extend police protection to revenue officials at the time of conducting survey or holding spot inspection. It is also comprehensively seen that, DGO has not interfered in conducting the measurement of disputed land or he has participated. It is seen that on the date of conducting survey applicant Ranappa was absent and others were present and further it is seen that the complainant and other owners of Sy.No.63/1

  
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are in their actual possession of the land, as per their ownership and order passed by the DGO regarding file No. 177/16 and 178/16-17 have remained unchallenged and civil suits bearing O.S.No.166/2016, 167/2016 and 170/2016 are pending before Civil Judge, Jeewargi.

- 29.** Material and the basic allegation against the DGO is that he has directed local police of Jeewargi to assist them in evicting/dispossessing the complainant-Thippanna Doddamani from the possession of his land Sy.No.63/1 of Aurad village to the extent of 2-Acres 2-guntas is not established, because no official revenue order has been passed by the DGO but on application filed by Ranappa he has registered revenue file No.177/16 and 178/16-17 and recommended for enquiry and also for conducting survey. In the mean time, he has also addressed a letter as per Ex.P.13 to local police to assist the revenue officials to conduct enquiry if necessary to assist by way of police protection to allow the cultivation of land to applicant if found legal.
- 30.** Letter addressed by DGO to Jeewargi police as per Ex.P.13 cannot be treated as revenue statutory order directing the police to help revenue officials in dispossessing or evicting the complainant-PW.1 from illegal possession.
- 31.** In view of the elaborate discussion made above, this enquiry authority is constrained to hold that, the charge framed

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against DGO is not established. In the result, above point is answered in the '**Negative**' and I proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has not proved the charges leveled against the Delinquent Government Official Sri. Yellappa Subhedar, Tahsildar, Jewaragi, Kalaburagi District, presently working as Election Tahasildar, Yadagiri Taluk, Yadagiri District.

Submitted to Hon'ble Registrar, Karnataka Lokayukta, Bengaluru for further action in the matter.

  
(RAJASHEKAR.V.PATIL)

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

### **ANNEXURES**

#### **1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:**

PW1	Sri. Thippanna Doddamani, S/o Siddappa, Retired Administrative Officer, Police Department, Jeewaragi Taluk, Kalaburagi District, dated: 12.12.2018
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**2. LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

DW1	Sri. Yellappa Subhedar S/o Bujangappa, Election Tahasildar, Yadagiri, Yadagiri District dated: 12.07.2019
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**3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:**


Ex.P1	FORM NO.I Complaint
Ex.P.1(a)	Signature of PW.1 Complainant
Ex.P2	FORM NO.II Complainant's Affidavit
Ex.P.2(a)	Signature of PW.1 Complainant
Ex.P3	Copy of Genealogical Tree of Complaint issued by Revenue Department.
Ex.P4	Copy of Letter dated:21.08.2015 by Surveyor, Jeewaragi addressed to ADLR Kalaburagi.
Ex.P5	Copy of notice dtd.28/03/2015 issued to Ranappa/applicant. Containing 3-sheets.
Ex.P6	Statement given by Ranappa dated:14.04.2015.
Ex.P7	Copy of Application dtd.02/01/2016 given by Ranappa to Tahasildar, Jeewargi.
Ex.P8	Copy of Panchanama made by Revenue Inspector dtd.13/06/2016.
Ex.P9	Copy of Report given by Revenue Inspector to Tahasildar, Jeewargi, dtd.13/06/2016.
Ex.P10	Copy of survey sketch issued by Village Accountant in the year 2012.
Ex.P.11	Copy of the documents pertaining to complainant's land PW.1 for the years from 1954-55 to 59-60 and RTCs from page No.23 to 30
Ex.P.12	Copy of the RTCs pertaining to complainant's land PW.1 for the years from 1968-69 to 2016-2017 containing page No.32 to 59.
Ex.P.13	Copy of the letter dtd.30/06/2016 issued by DGO-Tahasildar, Jeewargi, to PSI, Jeewargi

*Handwritten signature and date: 29/08/2019*

	Police Station.
Ex.P.14	Copy of the letter dtd.25/07/2016 written by PSI, Jeewargi P.S. to Tahasildar-DGO, Jeewargi.
Ex.P.15	Copy of the official memorandum dtd.02/08/2016, issued by DGO-Tahasildar, Jeewargi to Village Accountant, in respect of Sy.No.63/1 of Aurad village.
Ex.P.16	Copy of Mutation extracts pertaining to applicant-Ranappa containing page No.9 to 10
Ex.P.17	Copy of the report given by Surveyor to Hon'ble Lokayuktha, Bengaluru. Dtd.28/04/2017.

**LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:**

Ex.D1	Copy of RTCS containing 23-sheets pertaining to Sy.No.63/1 of Aurad village, Jeewargi Taluk, for the years 2003-04 to 2019-20.
Ex.D1(A)	Copy of RTC pertaining to Sy.No.63/1 of Aurad village, Jeewargi Taluk, for the year 2015-16.
Ex.D2	Objections filed by the DGO-Tahasildar, Jeewargi Taluk, to Hon'ble Lokayuktha, Bengaluru, dtd.01/04/2017.

  
**(RAJASHEKAR.V.PATIL)**  
 Additional Registrar Enquiries-8  
 Karnataka Lokayukta,  
 Bengaluru.







KARNATAKA LOKAYUKTA

No.UPLOK-1/DE.1099/2017/ARE-8

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 02.09.2022.

RECOMMENDATION

Sub:- Departmental inquiry against Sri Yellappa Subhedar, Tahsildar, Jewargi Taluk, Kalaburgi District - reg.

Ref:- Government Order No. RD 165 ADE 2017 dated 26.10.2017.

- 2) Nomination order No. UPLOK-1/DE.1099/2017 dated 13.11.2017 of Hon'ble Upalokayukta, State of Karnataka.
- 3) Inquiry report dated 29.08.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by its orders dated 26.10.2017 initiated the disciplinary proceedings against Sri Yellappa Subhedar, Tahsildar, Jewargi Taluk, Kalaburgi District, [hereinafter referred to as Delinquent Government Officer, for short as 'DGO ' ] and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No. UPLOK-1/DE.1099/2017 dated 13.11.2017 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGO for the alleged charge of misconduct, said to have been committed by him.

3. The DGO was tried for the following charge:

“That you DGO improperly passed an order of eviction in file No.177 and 178/2016-17, without following the procedure prescribed under S.39 of Karnataka Land Revenue Act 1964 and misused your power to favour one Ranappa to take possession of land bearing Sy.No.63/1 of Aurad Village and also wrote a letter to the jurisdictional police to give protection for cultivation of land by Ranappa by improper exercise of your power and thereby, you DGO have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services(Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries- 8) on proper appreciation of oral and documentary evidence has


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held that, the Disciplinary Authority has ' *not proved*' the above charge against the DGO Sri Yellappa Subhedar, Tahsildar, Jewargi Taluk, Kalaburgi District.

5. On re-consideration of report of inquiry and on perusal of the entire records, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Inquiry Officer and exonerate DGO Sri Yellappa Subhedar, Tahsildar, Jewargi Taluk, Kalaburgi District, of the charge leveled against him.

6. Action taken in the matter shall be intimated to this Authority.

Connected records are enclosed herewith.

  
(JUSTICE K.N.PHANEENDRA)  
Upalokayukta,  
State of Karnataka.

