

KARNATAKA LOKAYUKTA

No.Uplok-2/DE/376/2017/ARE-15

M.S. Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 29/08/2023.

-: ENQUIRY REPORT :-

Sub:- Departmental Inquiry against Smt. N. Gayathri, Sub Registrar, Kadur Taluk, Chikkamagaluru District – regarding.

Ref:- 1. Government Order No. ಕಂಇ/7/ಮುನೋಸೇ (2)/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/03/2017.
2. Nomination Order No. UPLOK-2/DE/376/2017, Bengaluru dated 16/03/2017 of the then Hon'ble Upalokayukta.

The Departmental Enquiry is initiated against Delinquent Government Official Smt. N. Gayathri, Sub Registrar, Kadur Taluk, Chikkamagaluru District (*hereinafter referred as **DGO** in short*).

2. In pursuance of the Government Order cited at reference No.1 above, the then Hon'ble Upalokayukta vide order dated: 16/03/2017 cited at reference No.2 above, has nominated the Additional Registrar of Enquiries-3 to frame Articles of Charge and to conduct the inquiry against the aforesaid DGO.

3. Hon'ble Upalokayukta-2 on perusal of prima facie material submitted Report Dated: 19/01/2017 under Section 12(3) of Karnataka Lokayukta Act, 1984, to initiate disciplinary proceedings against DGO.

4. The Additional Registrar of Enquiries-3 had issued the Articles of charge, Statement of Imputations of Misconduct, List of Witnesses proposed to be examined in support of the charge and List of Documents proposed to be relied upon in support of the charge.

5. The Articles of Charge issued by ARE-3 to the DGO is as under;

ANNEXURE-I
CHARGE

"You DGO, while working as Smt. N. Gayatri, Sub-Registrar, Kadur taluk, Chikkamagaluru District, has allowed registration of a rectification deed on 24/09/2015 executed by Sri. J.D. Chavda in favour of Sri. L.C. Ravindra Kumar, in respect of the property bearing sy.no.198/ and 198(3) total extent 3.39 acres with changed boundaries of the said property mentioned in the original sale deed dated 10/09/1979, thereby allowed the purchasers of the said property to claim

excess extent of 0.16 guntas of land in excess of the land purchased under the sale deed dated 10/09/1979.

Further, you have registered a sale deed on 18/02/2016 under Registration no. 6528/2015-16 with respect to property situated at Kadur town just abutting to KM road, extent 1.20 acres in favour of Sri. K.N. Veeranna Gupta and his children and while registering the said sale deed, you have failed to discharge your official function diligently and property and though the market value of the said property was more than 2.25 crores you have registered the said document for a sum of Rs. 1,25,25,000/- thereby helped the purchaser of the said property to pay lesser stamp duty to the extent of Rs. 97,000/-, thereby caused loss to the State Exchequer by registering the said sale deed for a lesser amount than the existing market value, and you did such acts probably for extraneous consideration and thereby you have failed to maintain absolute integrity, negligence and devotion to duty and committed an act which is unbecoming of a Government Servant and thereby you have committed misconduct as per Rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966.”

6. In pursuance thereof, the DGO appeared before this Inquiry Authority and her First Oral Statement was recorded on the same day and she pleaded not guilty to the charge.

7. As per order of Hon'ble Uplok-1&2/DE/Transfers/2018 of Registrar, Karnataka Lokayukta, Bengaluru, dated: 02/11/2018 this Enquiry file was transferred from ARE-4 to this Section i.e., ARE-15.

8. On 04/05/2023, DGO filed her written statement by denying the entire charge framed against her. The allegation that she had allowed the purchasers of the property bearing Sy.No.198/1 and 198/3 to claim excess extent of 0.16 guntas is not admitted and it is her case that the District Registrar had made an Enquiry and passed Order on 19/11/2016 stating that no excess land was registered. She has also denied the allegation that she had failed to discharge official functions diligently and properly while registering the Sale Deed dated: 18/02/2016 and helped the purchaser to pay lessor stamp duty and caused loss to the State Exchequer. She has performed her duty as per the guidelines issued by the Government and registered the document and she had no power to inspect the property. It is only the District Registrar, who has power to inspect the property and in case of under valuation, he has authority to direct the concerned parties to pay the deficit Stamp Duty and also impose penalty. As such, the complainant without ascertaining the true

set of facts, has filed false complaint. She has not committed any act of dereliction of duty or misconduct and therefore prays to exonerate her.

9. In order to prove the charge, the Disciplinary Authority has examined one witness as PW-1 and got marked five documents at Ex.P-1 to Ex.P-5.

10. Thereafter, the Second Oral Statement of DGO/Smt. N. Gayathri was recorded on 13/06/2023. Since, she intended to adduce evidence, matter was posted for defence evidence. DGO was examined as DW-1 and got marked four documents as Ex.D-1 to D-4.

11. Heard the oral arguments on both sides and perused the entire material on record.

12. In the aforesaid facts and circumstances, the points that arise for consideration are as follows :

(1) Whether the Disciplinary Authority proves that the DGO/Smt. Gayathri, Sub Registrar, Kadur Taluk, Chikkamagaluru District

(a) *has allowed registration of a rectification deed on 24/09/2015 executed by Sri. J.D. Chavda in favour of Sri. L.C. Ravindra Kumar, in respect of*

the property bearing sy.no.198/ and 198(3) total extent 3.39 acres with changed boundaries of the said property mentioned in the original sale deed dated 10/09/1979, thereby allowed the purchasers of the said property to claim excess extent of 0.16 guntas of land in excess of the land purchased under the sale deed dated 10/09/1979; and

(b) had registered Sale Deed on 18/02/2016 (D.No. 6528/2015-16) though the market value of the said property was more than 2.25 crores had registered the same for a sum of Rs. 1,25,25,000/- thereby helping the purchaser to pay lesser stamp duty to the extent of Rs. 97,000/- causing loss to the State Exchequer and thereby committed misconduct or dereliction of duty and acted unbecoming of Government Servants and not maintained absolute integrity thereby violating R.3(1)(i) to (iii) of K.C.S. (Conduct) Rules, 1966?

1) What Finding ?

13. My findings to the above points are :

1. In the **Negative**,
2. As per Finding for the following;

:- R E A S O N S :-

14. **Point No.1:-** The first part of the charge framed against the DGO is that she has allowed registration of a rectification deed on 24/09/2015 executed by Sri. J.D. Chavda in favour of Sri. L.C. Ravindra Kumar, in respect of the property bearing sy.no.198/ and 198(3) total extent 3.39 acres with changed boundaries of the said property mentioned in the original sale deed dated 10/09/1979, thereby allowed the purchasers of the said property to claim excess extent of 0.16 guntas of land in excess of the land purchased under the sale deed dated 10/09/1979. Sri. N. Thyagaraj and Sri. S. Chandrasekhar are the complainants. Despite giving sufficient opportunity to the Disciplinary Authority these witnesses were not kept present or examined. Summons and Warrants issued to CW-1/Sri. N. Thyagaraj were of no use. Another complainant Sri. S. Chandrasekhar was reported dead. The only witness examined by the Disciplinary Authority PW-1/Sri. Hemagirish, in his evidence has not spoken anything about the first part of the charge. The evidence adduced is mainly in respect of the second part of the charge which pertains to undervaluation of Sale Deed dated: 18/02/2016. As far as

this allegation/charge (first part), there is no iota of evidence produced by the Disciplinary Authority. Therefore, at this stage itself it can be concluded that the Disciplinary Authority has failed to prove the first part of the charge.

15. The fact that DGO/Smt. N. Gayathri was the Sub-Registrar of Kadur Town as on 18/02/2016 is not in dispute. One Sri. Ravindrakumar L.C. had sold the property bearing No. 791 (New No.1977/3) measuring 272 + 198/2 x 280 (Total 65800 Sq.ft.) in favour of one Sri.K.N. Veeranna Gupta for valuable consideration of Rs.1,25,25,000/-. The Registered Sale Deed dated: 18/02/2016 was registered by the DGO as document No.6528/2015-16. Alleging that DGO has aided the parties to the Sale Deed to undervalue the property, a complaint was given to this Institution by Sri. Thyagaraj and Sri. Chandrasekhar. They had also given a petition to the District Registrar, Chikkamagaluru complaining that DGO was hand-in-glove with the parties to the Sale Deed and her action has resulted in loss to the State Exchequer.

16. Upon receiving the petition/complaint, the then District Registrar namely Sri. Hemagirish had Suo-moto registered case No. 45ಎ(3)/ಎಸ್ಎಂ/ಕೆಡಿಆರ್/1/2016-17 and issued notices to the parties to the Sale Deed dated: 18/02/2016. After Enquiry, the said authority had quashed Ex.P-1/Order dated: 19/11/2016 holding that the actual market value of the property was Rs.2,22,07,500/-. The extent of undervaluation was arrived at Rs.96,82,500/-. Therefore, the parties to the Deed dated: 18/02/2016 was directed to pay Deficit Stamp Duty of Rs.5,47,061/-, Registration Fee of Rs.96,825/- and Penalty of Rs.2,00,000/- (in all Rs.8,43,886/-) as per Section 61 of the Stamp Act.

17. In order to establish that the DGO has committed dereliction of duty, the Disciplinary Authority has examined the then District Registrar of Chikkamagaluru/Sri. Hemagirish as PW-1. He has given evidence in respect of the aforesaid facts, Enquiry made and passing of Ex.P-1/Order dated: 19/11/2016. The Report submitted to this Institution along with documents in respect of action taken by him are marked as Ex.P-2 and Ex.P-3. The fact that the actual market value of the property was not truly set-forth in the Sale Deed appears to be correct. However,

whether acts of the parties in undervaluing the market value and getting the Deed Registered amounts to misconduct or dereliction of duty of DGO, who was the Sub-Registrar as on that day, is the crux of the matter.

17.1 **Section 45A of the Karnataka Stamp Act, 1957**

reads as follows:-

“45A. Instrument of conveyance, etc. undervalued how to be dealt with. [(1) If the registering officer appointed under the Registration Act, 1908 (Central Act XVI of 1908) while registering any instrument of,- (a) Conveyance; (b) Gift ; (c) Exchange of property; (d) Settlement (e) Reconstitution of Partnership; (f) Dissolution of partnership; (g) An agreement to sell covered under sub-clause (i) of clause (e) of Article 5; [(h) a lease covered under item 8 (i) A power of Attorney covered 7 [under clause (e), clause (ea) and clause (eb)] 7 of Article 41; (j) Release ; and (k)Conveyance under a decree or final order of any Civil Court, has reason to believe having regard to the estimated market value published by the Committee constituted under section 45B, if any or otherwise, that the market value of the property which is the subject matter of such instrument has not been truly set forth, he shall after arriving at the estimated market value, communicate the same to the parties and unless the parties pay the duty on the basis of such valuation, shall keep pending the process of registration and refer the matter along with a copy of such instrument to the Deputy Commissioner for determination of the market value of property and the proper duty payable thereon”.

[Underlined by me]

17.2 The deeming words in the above provision “*Upon reason to believe*” came up for interpretation before Hon’ble High Court in the case of ***Mohan Shet v/s State of Karnataka reported in ILR 1993 KAR 2906***. In **para 3** of the Judgment, it is observed as follows:-

“Section 45-A does not empower the Registering Officer to decline to Register the document on the ground that market value has not been truly disclosed in the deed in question. *He should have reason to believe that the property has not been properly valued and on the basis of this reason he should refer the document for valuation after registering the document....the power vested in the Registering Officer to make a reference is not an arbitrary power but a power to be exercised provided he has valid reason to believe that the property has been undervalued. The existence of the reason is the foundation for exercising the power U/s 45A.*”

17.3 Further in the case of ***M.G Kulkarni v/s State of Karnataka, ILR 1985 KAR 2152***, it is observed that *valuation of property is a question of fact and consideration as specified in the instrument, its passing, the object with which it is paid etc,*

has no relevance to the determination of market value of the property and the stamp duty payable thereon under the Act.

18. **Section 34 of the Registration Act, 1908** mandates that the Registering Officer, subject to certain provisions of Act, make an enquiry before registering the document. **Sub Section 3 of Section 34** encompasses the area of enquiry. The said provision reads as follows:-

“(3) The Registering Officer shall thereupon.-

- a) enquire whether or not such document was executed by the persons by whom it purports to have been executed;
- b) satisfy himself as to the identity of the persons appearing before him and alleging that they have executed the document; and
- c) in the case of any person appearing as a representative, assign or agent, satisfy himself of the right of such person so to appear.”

The Power of Sub Registrar to enquire before registration appears to be confined to the above 3 areas only and if he or she *has valid reason to believe* that the property has been undervalued, only such existence of a reason will be the foundation for exercising the power U/s 45A of Karnataka Stamp Act, 1957.

19. In ***A.G Shivalingappa (since deceased) by L.Rs. and Others V/s A.G Shankrappa and Another, ILR 1991 KAR 1804***, while dealing with the powers of Sub Registrar to probe into the validity or otherwise of the document tendered for Registration, it is observed as follows:-

“Section 34 of the Act lays down the nature of enquiry to be held by the Sub-Registrar before registering a document. It is quite patent that the Sub-Registrar is required to make an enquiry whether the document has really been executed by a person who purports to execute the document, and further as to the identity of the executants or his representative who appears before him. It is well-settled that the question as to the validity of the document is alien to such an enquiry. If the executant admits having executed a document, the Sub-Registrar must order registration of the document if presented in accordance with the provisions of the Act.”

[Underlined by me]

20. Upon considering the aforesaid provisions and the ratio laid down in the above mentioned case laws, it appears that the DGO did not have sufficient reasons or opportunity to make an Inquiry by exercising powers U/s ***45A of the Karnataka Stamp***

Act, 1957. In other words, there is no material placed by the Disciplinary Authority to substantiate that the DGO had sufficient reasons to believe that the market value of the property which was the subject matter of the Sale Deed dated: 18/02/2016 was not been truly set forth. As such the question of DGO committing dereliction of duty or misconduct does not arise. No adverse remark or finding is made in Ex.P-1/Order and Ex.P-2/Report against the DGO. Moreover, she was also not party to Ex.P-1/Proceedings. Whatever deficit Stamp Value arrived in Ex.P-1/Order along with penalty was imposed on the parties to the deed and realized by the State. Mere act of registering document by exercising powers under Section 34 of Registration Act without knowing that actual market value was not disclosed, will not amount to act of dereliction.

21. The DGO was examined as DW-1 and 4 documents came to be marked as Ex.D-1 to D-4. She has explained in para-16 of her cross-examination as follows;

“ಕಡೂರು ಪಟ್ಟಣ, ಕೆ.ಎಂ.ರಸ್ತೆಗೆ ಹೊಂದಿಕೊಂಡಂತೆ ಇದ್ದ 1 ಎಕರೆ 20 ಗುಂಟೆ ಆಸ್ತಿಯನ್ನು ದಿನಾಂಕ: 18/02/2016ರಂದು ಶ್ರೀ ಕೆ.ಎನ್. ವೀರಣ್ಣಗುಪ್ತ ಮತ್ತು ಅವರ ಮಕ್ಕಳ ಹೆಸರಿಗೆ ದಸ್ತಾವೇಜು ಸಂಖ್ಯೆ: 6528/2015-16ರಂತೆ ನನ್ನ ಅವಧಿಯಲ್ಲಿ ಕ್ರಯಪತ್ರ ನೋಂದಣಿಯಾಗಿತ್ತು ಅಂದರೆ ಸರಿ. ಒಟ್ಟು ವಿಸ್ತೀರ್ಣ 1

ಎಕರೆ 36 ಗುಂಟೆ ಇದ್ದು ಅದರಲ್ಲಿ 1 ಎಕರೆ 20 ಗುಂಟೆ ಕ್ರಯ ಆಗಿತ್ತು ಎಂದು ಸಾಕ್ಷಿದಾರರು ನುಡಿದಿರುತ್ತಾರೆ. ನೊಂದಣಿ ಪತ್ರದಲ್ಲಿ ವರ್ಣಿಸಿದ ಆಸ್ತಿ ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಇದೆ ಎಂಬುದನ್ನು ನಾನು ಪರಿಶೀಲಿಸಬೇಕಾಗಿತ್ತು ಎಂದರೆ ಅವರು ಪ್ರದೇಶವನ್ನು ಕ್ರಯಪತ್ರದಲ್ಲಿ ನಮೂದಿಸಿರಲಿಲ್ಲ. ಆದರೆ ಕಡೂರಿನ ಹೊರವಲಯದ ಕೆ.ಎಂ.ರಸ್ತೆ ಪಕ್ಕದಲ್ಲಿ ಇರುವ ಆಸ್ತಿ ಎಂದು ಕ್ರಯಪತ್ರದಲ್ಲಿ ನಮೂದಿಸಲಾಗಿತ್ತು ಎಂದು ಸಾಕ್ಷಿದಾರರು ನುಡಿದಿರುತ್ತಾರೆ. ಕ್ರಯಪತ್ರದಲ್ಲಿ ಆಸ್ತಿ ಇರುವ ಜಾಗವನ್ನು ತಿಳಿಸದೇ ಇದ್ದರೂ ಸದರಿ ಆಸ್ತಿ ಯಾವ ಪ್ರದೇಶದಲ್ಲಿ ಬರುತ್ತದೆ ಎಂದು ಪರಿಶೀಲಿಸಿ ನಂತರ ಆಸ್ತಿಯನ್ನು ನೊಂದಾಯಿಸಬೇಕಾಗಿತ್ತು ಎಂದರೆ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಲು ನನಗೆ ಅಧಿಕಾರ ಇರುವುದಿಲ್ಲ ಅದನ್ನು ಬಿಲ್ಲಾ ನೊಂದಣಾಧಿಕಾರಿಗಳ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತದೆ ಎಂದು ಸಾಕ್ಷಿದಾರರು ನುಡಿದಿರುತ್ತಾರೆ.”

Further in para-17, DGO has stated as follows;

“ದಿನಾಂಕ: 18/02/2016ರ ಕ್ರಯಪತ್ರದಲ್ಲಿ ಆಸ್ತಿಯ ಮೌಲ್ಯ ರೂ.1,25,25,000/- ನಮೂದಿಸಲಾಗಿದ್ದು ನಾನು ಅದನ್ನು ನೊಂದಾಯಿಸಿದ್ದೆ ಎಂದರೆ ಸರಿ. ಅಂದಿನ ಮಾರುಕಟ್ಟೆ ಬೆಲೆ ಮತ್ತು ಸರ್ಕಾರಿ ಮಾರ್ಗಸೂಚಿ ಪ್ರಕಾರ ಆ ಆಸ್ತಿಯ ಮೌಲ್ಯ ರೂ.2.25 ಕೋಟಿ ಆಗಿತ್ತು ಎಂದರೆ ಸರಿಯಲ್ಲ. ಮಾರ್ಗಸೂಚಿ ಬೆಲೆಪಟ್ಟಿಗಿಂತ ದಸ್ತಾವೇಜು ಮೌಲ್ಯ ಹೆಚ್ಚಾಗಿದ್ದರಿಂದ ಸರ್ಕಾರಿ ಆದಾಯದ ದೃಷ್ಟಿಯಿಂದ ನೊಂದಣಿ ಮಾಡಿದೆ ಎಂದು ಸಾಕ್ಷಿದಾರರು ಮುಂದುವರೆದು ನುಡಿದಿರುತ್ತಾರೆ. ಕ್ರಯಪತ್ರದಾರರಿಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡುವ ಉದ್ದೇಶದಿಂದ ಆಸ್ತಿಯ ಅಪಮೌಲ್ಯ ಮಾಡಿರುವ ವಿಚಾರ ಗೊತ್ತಿದ್ದರೂ ಅದನ್ನು ನೊಂದಾಯಿಸಿ ನನ್ನ ಕರ್ತವ್ಯಲೋಪದಿಂದ ಸರ್ಕಾರಕ್ಕೆ ರೂ.97,000/- ನಷ್ಟವುಂಟು ಮಾಡಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನನ್ನ ಕರ್ತವ್ಯದಲ್ಲಿ ನಷ್ಟ ತೋರಿಸದೆ ಕರ್ತವ್ಯಲೋಪವೆಸಗಿರುತ್ತೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ.”

22. The above explanation given by DGO/DW-1 in course of her cross-examination coupled with the aforesaid provisions and

ratio discussed herein above reflects that the DGO has not committed any acts of misconduct or dereliction of duty as stated in the charge memo.

23. On perusal of the evidence, both oral and documentary, adduced by both sides and material on record, I find that the defence taken by the DGO appears to be probable and further as there appears to no financial loss as suggested to the DGO, I am of the opinion that the Disciplinary Authority has failed to prove by preponderance of probability that DGO has committed any mis-conduct or dereliction of duty as alleged in the charge memo. Therefore, I am of the opinion that the charge framed against him is **not proved**. Hence, I proceed to record the following.

-: F I N D I N G :-

The Disciplinary Authority has **not proved** the charge leveled against the DGO.

Submitted to Hon'ble Upalokayukta for further action.



(CHANDRASHEKAR .C)

Additional Registrar of Enquiries -15,
Karnataka Lokayukta,
Bengaluru.

ANNEXURE**List of witnesses examined on behalf of D.A.**

PW-1	Sri. Hemagirish Dated: 08/06/2023 (I.O.) Original
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List of Documents marked on behalf of D.A.

Ex.P-1 Ex.P-1(a)	Copy of Order dated: 19/11/2016 (Xerox) Signature of PW-1
Ex.P-2 Ex.P-2(a)	Copy of Report dated: 15/12/2016 (Original) Signature of PW-1
Ex.P-3	Copies of documents submitted by PW-1 along with his report (Xerox)

List of witnesses examined on behalf of DGO

DW-1	Smt. N. Gayathri Dated:22/06/2023 (DGO) Original
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List of documents marked on behalf of DGO

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Ex.D-1	Copy of Circular dated: 01/12/2014 (Attested copy)
Ex.D-2	Copy of special instructions with regard to evaluation of properties (Attested copy)
Ex.D-3	Copy of with regard to estimation for cost of immovable properties of Kadur Sub-Registrar of Office jurisdiction (Attested copy)
Ex.D-4	Copy of Registered Sale Deed dated: 18/02/2016 in favour of Sri. Veeranna Gupta (Xerox)

Chandrashekar .C
29/8/23

(CHANDRASHEKAR .C)

Additional Registrar of Enquiries -15
Karnataka Lokayukta,
Bengaluru.



ಕರ್ನಾಟಕ ಸರ್ಕಾರ



ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ

ನಂ.ಉಪಲೋಕ್-2/ಡಿ.ಇ/376/2017/ಎ.ಆರ್.ಇ-15

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ,
ಡಾ:ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ,
ಬೆಂಗಳೂರು-560001.
ದಿನಾಂಕ: 30ನೇ ಆಗಸ್ಟ್ 2023.

-:: ಶಿಫಾರಸು ::-

ವಿಷಯ: ಆಪಾದಿತ ಸರ್ಕಾರಿ ನೌಕರರಾದ ಶ್ರೀಮತಿ ಎನ್.ಗಾಯತ್ರಿ,
ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಕಡೂರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ಇವರ
ವಿರುದ್ಧದ ಇಲಾಖಾ ವಿಚಾರಣೆ ಕುರಿತು.

- ಉಲ್ಲೇಖ: (1) ಸರ್ಕಾರಿ ಆದೇಶ ಸಂಖ್ಯೆ:ಕಂಇ 7 ಮುನೋಸೇ(2) 2017,
ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 02/03/2017.
(2) ಉಪಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಬೆಂಗಳೂರು ರವರ
ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ.ಉಪಲೋಕ್-2/ಡಿಇ/
376/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16/03/2017.
(3) ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15, ಕರ್ನಾಟಕ
ಲೋಕಾಯುಕ್ತ ಬೆಂಗಳೂರು ರವರ ವಿಚಾರಣಾ ವರದಿ
ದಿನಾಂಕ: 29/08/2023.

ಸರ್ಕಾರದ ಆದೇಶ ದಿನಾಂಕ: 02/03/2017 ರಂತೆ ಶ್ರೀಮತಿ ಎನ್.ಗಾಯತ್ರಿ,
ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಕಡೂರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ (ಇನ್ನು ಮುಂದೆ ಆಪಾದಿತ
ಸರ್ಕಾರಿ ನೌಕರರು ಅಂದರೆ ಚಿಕ್ಕದಾಗಿ 'ಆ.ಸ.ನೌಕರರು' ಎಂದು ಸಂಭೋದಿಸಲಾಗುವುದು)
ರವರ ವಿರುದ್ಧ ಶಿಸ್ತು ಪ್ರಕ್ರಿಯೆಯನ್ನು ಕೈಗೊಂಡು ವಿಚಾರಣೆ ಮಾಡಿ, ಪರದಿ ಸಲ್ಲಿಸುವಂತೆ ಈ
ಸಂಸ್ಥೆಗೆ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ವಹಿಸಿರುತ್ತದೆ.

2. ಈ ಸಂಸ್ಥೆಯ ನಾಮನಿರ್ದೇಶನ ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-2/ಡಿಇ/376/2017, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 16/03/2017ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-3 ರವರಿಗೆ ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣಾ ಪಟ್ಟಿ ತಯಾರು ಮಾಡಿ, ವಿಚಾರಣೆ ನಡೆಸಿ, ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ. ತದನಂತರ, ಆದೇಶ ಸಂಖ್ಯೆ:ಉಪಲೋಕ್-1 & 2/ಡಿಇ/ವರ್ಗಾವಣೆ/2018, ದಿನಾಂಕ: 02/11/2018ರ ರೀತ್ಯಾ ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರನ್ನು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ನಡೆದಿದೆ ಎನ್ನಲಾದ ದುರ್ನಡತೆ ಆರೋಪಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವಿಚಾರಣೆ ನಡೆಸಲು ವಿಚಾರಣಾಧಿಕಾರಿಯನ್ನಾಗಿ ಮರುನಾಮಕರಣಗೊಳಿಸಿದೆ.
3. ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ ಎನ್.ಗಾಯತ್ರಿ, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಕಡೂರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಈ ಕೆಳಗಿನ ದೋಷಾರೋಪಣೆಗಾಗಿ ಇಲಾಖಾ ವಿಚಾರಣೆಯನ್ನು ನಡೆಸಲಾಯಿತು.

ANNEXURE-I
CHARGE

“You DGO, while working as Smt. N. Gayatri, Sub-Registrar, Kadur Taluk, Chikkamagaluru District, has allowed registration of a rectification deed on 24/09/2015 executed by Sri. J.D.Chavda in favour of Sri. L.C.Ravindra Kumar, in respect of the property bearing sy.no.198/ and 198(3) total extent 3.39 acres with changed boundaries of the said property mentioned in the original sale deed dated 10/09/1979, thereby allowed the purchasers of the said property to claim excess extent of 0.16 guntas of land in excess of the land purchased under the sale deed dated 10/09/1979.

Further, you have registered a sale deed on 18/02/2016 under Registration no. 6528/2015-16 with respect to property situated at Kadur town just abutting to KM road, extent 1.20 acres in favour of Sri. K.N.Veeranna Gupta and his children and while registering the said sale deed, you have failed to discharge your official function diligently and property and though the market value of the said property was more than 2.25 crores you have registered the said document for a sum of Rs. 1,25,25,000/- thereby helped the purchaser of the said property to pay lesser stamp duty to the extent of Rs. 97,000/-, thereby caused loss to the

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State Exchequer by registering the said sale deed for a lesser amount than the existing market value, and you did such acts probably for extraneous consideration and thereby you have failed to maintain absolute integrity, negligence and devotion to duty and committed an act which is unbecoming of a Government Servant and thereby you have committed misconduct as per Rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966."

4. ವಿಚಾರಣಾಧಿಕಾರಿಯಾದ (ಅಪರ ನಿಬಂಧಕರು ವಿಚಾರಣೆಗಳು-15), ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರು ಮೌಖಿಕ ಮತ್ತು ದಾಖಲಾತಿಗಳ ಸಾಕ್ಷ್ಯಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಿ, ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ ಎನ್.ಗಾಯತ್ರಿ, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಕಡೂರು, ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಮೇಲ್ಕಾಣಿಸಿದ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸುವಲ್ಲಿ ಶಿಸ್ತು ಪ್ರಾಧಿಕಾರವು 'ವಿಫಲವಾಗಿರುತ್ತದೆ' ಎಂದು ಅಭಿಪ್ರಾಯಿಸಿದ್ದಾರೆ.
5. ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ದೋಷಾರೋಪಣೆಯನ್ನು ರುಜುವಾತುಪಡಿಸಲು ಒಬ್ಬರು ಸಾಕ್ಷಿಯನ್ನು ಅಂದರೆ ಪಿ.ಡಬ್ಲ್ಯೂ-1 ರಂತೆ ವಿಚಾರಣೆಗೆ ಒಳಪಡಿಸಿ ಹಾಗೂ ನಿಶಾನೆ ಪಿ-1 ರಿಂದ ಪಿ-3 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಲಾಗಿದೆ. ಆ.ಸ.ನೌಕರರು ಸ್ವತಃ ತಾವೇ ಡಿ.ಬ್ಲ್ಯೂ-1 ಎಂಬ ಸಾಕ್ಷಿಯಾಗಿ ವಿಚಾರಣೆ ಮಾಡಿಕೊಂಡು, ನಿಶಾನೆ ಡಿ-1 ರಿಂದ ಡಿ-4 ರಂತೆ ದಾಖಲಾತಿಗಳನ್ನು ಗುರುತಿಸಿಕೊಂಡಿರುತ್ತಾರೆ.
6. ಆ.ಸ.ನೌಕರರ ವಿರುದ್ಧ ಆಪಾದಿಸಿದ ಆರೋಪಗಳ ಬಗ್ಗೆ ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿ ಹಾಗೂ ಅದಕ್ಕೆ ಪೂರಕವಾಗಿ ಸಲ್ಲಿಸಿರುವ ದಾಖಲಾತಿಗಳನ್ನು ಕೂಲಂಕುಷವಾಗಿ ಪರಿಶೀಲಿಸಲಾಗಿ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡಲು ಯಾವುದೇ ಸಕಾರಣಗಳು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ, ವಿಚಾರಣಾಧಿಕಾರಿಗಳು ಸಲ್ಲಿಸಿರುವ ವಿಚಾರಣಾ ವರದಿಯನ್ನು ಅಂಗೀಕರಿಸಿ

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ಆ.ಸ.ನೌಕರರಾದ ಶ್ರೀಮತಿ ಎನ್.ಗಾಯತ್ರಿ, ಉಪನೋಂದಣಾಧಿಕಾರಿ, ಕಡೂರು,
ಚಿಕ್ಕಮಗಳೂರು ಜಿಲ್ಲೆ ರವರ ವಿರುದ್ಧ ಹೊರಿಸಲಾದ ಆರೋಪಗಳಿಂದ
'ದೋಷಮುಕ್ತಗೊಳಿಸಲು' ಈ ಮೂಲಕ ಸರ್ಕಾರಕ್ಕೆ ಶಿಫಾರಸು ಮಾಡಿದೆ.

7. ಸದರಿ ವಿಷಯದಲ್ಲಿ ತೆಗೆದುಕೊಂಡ ಕ್ರಮವನ್ನು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ತಿಳಿಸತಕ್ಕದ್ದು.
ಸಂಬಂಧಪಟ್ಟ ದಾಖಲೆಗಳನ್ನು ಇದರೊಂದಿಗೆ ಲಗತ್ತಿಸಿದೆ.



(ನ್ಯಾಯಮೂರ್ತಿ ಕೆ.ಎನ್.ಫಣೀಂದ್ರ)
ಉಪಲೋಕಾಯುಕ್ತ-2,
ಕರ್ನಾಟಕ ರಾಜ್ಯ