

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No. UPLOK-1/DE/666/2016/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001
Date:**21/10/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;
Sri N Devaraj, First Division Assistant (the then In
charge Sub Registrar, K.R. Puram, Bengaluru) –
Presently First Division Assistant at Sub Registrar
Office, Laggere, Bengaluru - Reg.

- Ref:- 1) Govt. Order No.ಕಂಇ 64 ಮುನೋಜೆ (3) 2016, Bengaluru
dated 17/10/2016
- 2) Nomination order No.UPLOK-1/DE/666/2016,
Bengaluru dated 30/11/2016 of Upalokayukta-1,
State of Karnataka, Bengaluru
- 3) Inquiry Report dated 19/10/2020 of Additional
Registrar of Enquiries-8, Karnataka Lokayukta,
Bengaluru

The Government by its order dated 17/10/2016 initiated the disciplinary proceedings against Sri N. Devaraj, First Division Assistant (the then In charge Sub Registrar, K.R. Puram, Bengaluru) – Presently working at Sub Registrar's office, Laggere, Bengaluru (hereinafter referred to as Delinquent Government Official, for short as DGO) and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/666/2016 Bengaluru dated 30/11/2016 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.

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3. The DGO Sri N. Devaraj, First Division Assistant (the then In charge Sub Registrar, K.R. Puram, Bengaluru) –Presently working at Sub Registrar’s office, Laggere, Bengaluru was tried for the following charge:-

“That, you – DGO while discharging your duties as Sub Registrar colluded with one person by name Siddappa and registered the sale deed of Site No.29, Property No.453/100/4/5, Kowdenahalli, Ramamurthynagar, Bengaluru, which was gifted by the complainant to his mother Smt. Soubhagyamma, illegally in favour of one Mahendra R.P against the provisions of Registration Act and Circular issued by the Government dated 4/5/2009. Further, the DGO by registering the sale deed dated 23/7/2013, in respect of an immovable property valuing more than Rs.100/-, on the basis of an unregistered GPA has acted against the principles laid down by the Hon’ble Supreme Court of India in Suraj Lamps case and also against the provisions and requirements of law and failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a public/Government Servant and thereby you – DGO have committed misconduct under Rule 3(1) of the Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that the Disciplinary Authority has proved the above charge against DGO Sri N. Devaraj, First Division Assistant (the then In charge Sub Registrar, K.R. Puram, Bengaluru) –Presently working at Sub Registrar’s office, Laggere, Bengaluru.

5. The inquiry officer has held that the evidence both oral and documentary placed on record by both the disciplinary authority and DGO, establishes that all the documents pertaining to the Site No.29, property No.453/100/4/5 of Kowdenahalli, Ramamurthy Nagar, Bengaluru were in the name of complainant's mother Smt. Sowbhagya as on 23/7/2013, when execution of Ex.P5 was allowed by the DGO. The DGO has failed to establish his contention by virtue of Ex.D1 to Ex.D6 that his act of allowing registration of sale deed – Ex.P5 is in accordance with law and there is no lapse on his part. Therefore, looking into the overall circumstances, it is crystal clear that the official act of DGO as Sub Registrar (in charge), K.R Puram, Bengaluru on 23/7/2013 in allowing the registration of Ex. P5 Sale deed between parties therein based on the unregistered GPA is illegal and against to the provisions of Registration Act and the Circular dated 5/4/2009 issued by the State Government. Thus, the Disciplinary Authority able to prove that the DGO while discharging duty as Sub Registrar, K.R. Puram Sub Registrars Office, Bengaluru colluded with one Siddappa and allowed registration of Sale Deed Ex P5 of Site No.29, Property No.453/100/4/5 of Kowdenahalli on 23/07/2013 in favour of Mehendra R.P illegally which was belongs to Smt. Sowbhagya against to the provisions of Registration Act and Circular dated 5/4/2009 issued by the State Government. Thereby failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public/Government Servant and liable for professional misconduct under Rule 3(1) of the KCS (Conduct) Rules, 1966.”


6. On re-consideration of inquiry report, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. It is hereby recommended to the Government to accept the report of Inquiry Officer.

7. As per the First Oral Statement submitted by DGO, he is due to retire from service on 31/1/2024.

8. Having regard to the nature of charge proved against DGO, it is hereby recommended to the Government for imposing penalty of compulsory retirement from service on DGO Sri N. Devaraj, First Division Assistant (the then In charge Sub Registrar, K.R. Puram, Bengaluru) –Presently working at Sub Registrar's office, Laggere, Bengaluru.

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

Connected records are enclosed herewith.


(JUSTICE N. ANANDA)
Upalokayukta-1,
State of Karnataka,
Bengaluru

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KARNATAKA LOKAYUKTA

NO:Uplok-1/DE/666/2016/ARE-8

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date: 19.10.2020

ENQUIRY REPORT

Sub: Departmental Enquiry against Sri.Devaraj, First Division Assistant (the then Incharge Sub Registrar, K.R.Puram, Bengaluru), Presently First Division Assistant at Sub Registrar Office, Laggere, Bengaluru - reg.


Ref: 1. Government Order No. ಕಂಇ 64 ಮುನೋಸೇ(3) 2016,
Dated:17.10.2016

2. Nomination Order No:Uplok-1/DE/666/2016/
ARE-8 Bengaluru, dated: 30.11.2016 of Hon'ble
Uplokayukta-1.

The Departmental Enquiry is initiated against Sri. Devaraj, First Division Assistant (the then Sub-Registrar K.R.Puram, Bengaluru), Presently First Division Assistant, Sub-Registrar Office, Laggere Bengaluru (hereinafter referred to as the Delinquent Government Official in short DGO) .

2. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta - 1 vide Order cited at reference No.2 has nominated Additional Registrar Enquiries - 8 to frame Articles of Charge and to conduct enquiry against aforesaid DGO.

3. The Substance of Imputations of misconduct against the Delinquent Government Official is as follows.



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“The Delinquent Government Official was working as First Division Assistant and placed in charge of Sub-Registrar, K.R.Puram, Bengaluru during the year 2010-2011. It is alleged in the complaint by Sri.Sunil.B.M, No.1077, 12th A Cross, Vyalikaval, Malleshwaram, Bengaluru (hereinafter referred to as complainant in short) that he was the owner of site No.29, Property No.453/100/4/5 of Kowdenahalli, Ramamurthy Nagar, Bengaluru East Taluk having purchased the same from one Munivenkatappa as per sale deed dated; 03.12.2010. He gifted the same to his mother Smt. Sowbhagya through a registered gift deed dated; 7.09.2011. Thereafter Khata and EC transferred to the name of Smt. Sowbhagya. That one Siddappa has created an unregistered GPA , as if it has been executed by him. Based on the unregistered GPA he has executed a sale deed dated; 23.07.2013 in favour of one Mahendra R.P. The DGO being the in charge Sub-Registrar by colluding with said Siddappa has registered the said sale deed by violating the provisions of Registration Act based on unregistered GPA though the Encumbrance Certificate and Khata was standing in the name of his mother. The DGO has allowed registration of sale deed by Siddappa when katha and other documents are standing in the name of Smt. Sowbhagya in respect of site No.29, property No.453/100/4/5 against the provisions of Registration Act illegally and comes within the act which amounts to dereliction of duty.”


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4. Additional Registrar Enquiries-8 has prepared Articles of Charge, Statement of Imputations of misconduct, List of witnesses and List of documents and copies of the same were sent to DGO for his appearance and to submit his written statement of defence. The Delinquent Government Official appeared on 19.04.2017 before this authority pursuant to service of Articles of Charge. The Plea (FOS) was recorded, the DGO pleaded not guilty and claimed enquiry into the charge. The Articles of Charge framed against DGO is as follows.

“You DGO while discharging your duties as Sub-Registrar colluded with one person by name Siddappa and registered the sale deed of Site No.29, property No.453/100/4/5 of Kowdenahalli, Ramamurthy Nagar, Bengaluru which was gifted by the complainant to his mother Smt.Sowbhagyamma illegally infavour of one Mahendra R.P. against the provisions of Registration Act and circular issued by the Government dated; 4/5/2009. Further by registering the sale deed dated; 23.07.2013 in respect of an immovable property valuing more than Rs.100/- on the basis of an unregistered GPA has acted against the provisions laid down by the Hon’ble Supreme Court of India in Suraj Lamps Case and also against the provisions and requirements of law and thereby failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public /Government Servant and have committed misconduct


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under rule 3 (1) of KCS (Conduct) Rules, 1966 .”

5. The DGO filed written statement of defence denying all the allegations made against him besides contending that the registering authority have no powers to refuse registration, when execution of the document is admitted and necessary stamp and registration fees are paid. Rule 73 of Karnataka Registration Rules prescribe that the registering authorities have no powers to question the validity of the documents produced before them and they are bound to register the document as per the decision reported in 2001 (1) Kar. U.215B- Sulochanamma V/s H.Nanjundaswamy. Section 32 of Registration Act deals with the powers of Attorneys and has stated that the stamp duty is not required for GPA when stamp duty is paid on the sale deed. The complainant can get relief from Civil Court. The complainant instead of recourse to the remedy of preferring appeal, came with this complaint and the same is barred under section 8 (1) (a) (b) of K.L.Act, 1984.

6. The Presenting officer to prove the misconduct of the Delinquent Government Official has examined one witness as PW1, got marked Ex.P1 to Ex.P12. The second oral statement of the Delinquent Government official was recorded under Rule 11 (18) C.C.A.Rules. The Delinquent Government Official denied the evidence appears against him.

7. The DGO examined himself as DW1 in support of his defence, got marked Ex.D1 to Ex.D5.

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8. Heard the arguments of Presenting Officer appearing for disciplinary authority. Perused the written arguments submitted by the DGO on 22.08.2019.

9. The point that arises for my consideration is as follows.

“Whether the Disciplinary Authority has proved the charges framed against the Delinquent Government Official Sri. Devaraj, First Division Assistant (the then I/c Sub Registrar, K.R.Puram, Bengaluru)”

10. My answer to the above point is in the 'Affirmative' for the following reasons.

REASONS

11. Before considering the evidence placed on record by the disciplinary authority and the defence, it is necessary to narrate the case of the disciplinary authority. The complainant Sunil.B.M the resident of Vyalikaval, Malleshwaram has purchased Site No.29, Property No.453/100/4/5 of Kowdenahalli, Ramamurthy Nagar, Bengaluru from one Munivenkatappa through sale deed dated; 03.12.2010 and became the owner. Later he gifted the said property to his mother Smt.Sowbhagya B.M through gift deed dated; 07.09.2011. E.C entered in the name of his mother. The name of his mother entered in Form-B Property Register Extract. One person by name M.R.Sidhappa @ Siddappa S/o Ramappa R/o


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Guttahalli, Bengaluru has concocted a unregistered General Power of Attorney (GPA) on insufficient stamp paper alleged to have been executed by the complainant on 11.02.2011. The said Sidhappa M.R is not a family member of the complainant, the power of attorney given to non-member of the family attracts huge stamp duty as per Karnataka Stamp Act based on the market value of the property in question besides registration. The DGO being aware of the applicability of Registration Act with oblique motive by joining hands with Sri.Sidhappa @ Siddappa.M.R for wrongful gain allowed the sale deed on 23.07.2013 to execute in favour of Mahendra R.P by Siddappa.M.R. According to the disciplinary authority the DGO have not performed his official duties and caused inconvenience to the complainant.

12. It is to be noted the DGO denied the charge leveled against him. The Delinquent Government Official was working as First Division Assistant and placed in charge of Sub-Registrar, K.R.Puram Sub-Registrars Office, Bengaluru during the year 2010-11 is not in dispute. The DGO did not deny the execution of sale deed dated; 23.07.2013 bet-ween Sidhappa @ Siddappa M.R (alleged GPA holder of complainant) and Mahindra.R.P. The GPA is unregistered and insufficiently stamped is not denied. According to DGO the registration of sale deed was allowed in view of Rule 73 of Karnataka Registration Rules, and stamp duty is not required on GPA when the stamp duty paid on the sale deed. The complainant


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can get relief from Civil Court. The complainant instead of recourse to the remedy of preferring appeal, came with this complaint and the same is barred under section 8 (1) (a) (b) of K.L.Act, 1984.

13. Looking to the rival contention of disciplinary authority and the DGO, the oral evidence as well as documentary evidence placed on record by both disciplinary authority and DGO is taken for consideration. During enquiry the Presenting Officer has examined PW1-Sunil B.M and got marked the documents at Ex.P1 to Ex.P12. PW1 is the complainant has stated in his evidence that he purchased Site No.29 of Kowdenahalli from its owner Munivenkatappa through sale deed dated; 03.12.2010 as per Ex.P8 and rectification deed as per Ex.P9. He gifted the same to his mother Smt.Sowbhagya through gift deed dated; 07.09.2011 as per Ex.P6. Encumbrance Certificate and katha are made in the name of his mother. The katha extract is at Ex.P7.

14. PW1 further stated that during the year 2013-2014 one person by name Siddappa created fake GPA as per Ex.P4 (Copy) alleged to have been executed by him and executed sale deed on 23.07.2013 in favour of Mahindra.R.P as per Ex.P5. PW1 further stated that he lodged complaint to K.R.Puram, Police Station against the said Siddappa as per Ex.P11 and copy of FIR is at Ex.P10. Thereafter, he gave complaint to Karnataka Lokayukta as per Ex.P1. During cross examination PW1 admits that the Site No.29 was in the name of his mother


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Smt.Sowbhagyamma on 24.02.2016 when complaint was given to Lokayukta. He has not obtained authorization from his mother to lodged complaint with Lokayukta. The complaint Ex.P1 was drafted after consulting with his advocate. PW1 denied having filed false case against DGO.

15. DGO - DW1 has re-iterated the defence taken in his written statement. DW1 has produced Ex.D1 sale deed dated; 28.09.2014 executed by Smt.Sowbhagya along with the confirming parties Smt.Radhamma, Mahendra R.P., Sunil B.M., in favour of Thimmarayappa in respect of Site No.29. Ex.D2 is the affidavit annexed to the sale deed and Ex.D3 is the Form No.1. Ex.D4 is the Form-B Property Register extract for the year 2012 stands in the name of Smt.B.M.Sowbhagya. Ex.D5 is the copy of driving licence of Mahendra.R.P. Ex.D6 is the election ID of complainant. DW1 during cross-examination has stated that;

“ಯಾವುದೇ ಸ್ಥಿರಾಸ್ಥಿಯ ನೋಂದಣಿ ಮಾಡುವ ಮೊದಲು ರಿಜಿಸ್ಟರ್ ಮಾಡಿ ಕೊಡುವವರ ಹೆಸರಿನಲ್ಲಿ ಖಾತೆ ಇರಬೇಕು. ಇಬ್ಬರೂ ಪಕ್ಷಿದಾರರು ಹಾಜರಿರಬೇಕು ಮತ್ತು ಶುಲ್ಕ ಪಾವತಿ ಮಾಡಬೇಕು”

DW1 further stated in his cross examination that;

ನಿಶಾನೆ ಪಿ-5ನ್ನು ನೋಂದಣಿ ಮಾಡಿದ ಸಮಯದಲ್ಲಿ ಸದರಿ ಸ್ಥಿರಾಸ್ಥಿಯ ಇ.ಸಿ ಮತ್ತು ಖಾತಾ ದೂರುದಾರರ ತಾಯಿ ಶ್ರೀಮತಿ ಸೌಭಾಗ್ಯರವರ ಹೆಸರಿನಲ್ಲಿ ಇತ್ತು ಎಂದರೆ ನಾವು ರಿಜಿಸ್ಟರ್ ಮಾಡುವ ಸಮಯದಲ್ಲಿ ಅದನ್ನೆಲ್ಲ ನೋಡುವುದಿಲ್ಲ. ಸುನಿಲ್ ರವರ ಹೆಸರಿನಲ್ಲಿದ್ದ ಖಾತಾವನ್ನು ನೋಡಿದ್ದೇನೆ. ನಿಶಾನೆ ಪಿ-12, 2010ನೇ ಸಾಲಿಗೆ ಸಂಬಂಧಪಟ್ಟಿದ್ದು ಎಂದರೆ ನಾನು ದಿನಾಂಕವನ್ನು ಚೆಕ್ ಮಾಡಿಲ್ಲ. ನಿಶಾನೆ ಪಿ-12 ರಲ್ಲಿ ದಿನಾಂಕ:21-12-2010 ಎಂದು ನಮೂದಿಸಲಾಗಿದೆ ಎಂದರೆ

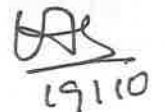

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ನಾನು ಆ ದಿವಸ ದಿನಾಂಕವನ್ನು ಗಮನಿಸಲಿಲ್ಲ. ಫೈಲ್ ಖಾತಾ ಏಕ್ಸ್‌ಟ್ರಾಕ್ಟ್ ತೆಗೆದುಕೊಂಡು ಬನ್ನಿ ಎಂದು ನಾನು ಅವರಿಗೆ ಹೇಳಲಿಲ್ಲ ಏಕೆಂದರೆ ಅವರು ನಿ.ಪಿ.-12ನ್ನು ಖಾತಾ ಎಂದು ಹೇಳಿಕೊಟ್ಟಿದ್ದರು.

DW1 further stated in his cross examination that;

“ನಿಶಾನೆ ಪಿ-4ಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಕ್ರಯ ಪತ್ರ ರಿಜಿಸ್ಟರ್ ಮಾಡಿದ ದಿನಾಂಕ:23-07-2013 ರಂದು ರೂ.65,000/- ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ಸಂಗ್ರಹಿಸಿದ್ದೇನೆ. ಅದನ್ನು ನಿಶಾನೆ ಪಿ-4 2ನೆಯ ಪುಟದಲ್ಲಿ ನಮುದಿಸಲಾಗಿದೆ. ರೂ.65,000/- ಜಿಪಿಎ ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಯನ್ನು ನಿಶಾನೆ ಪಿ-5 ಕ್ರಯ ಪತ್ರದಲ್ಲಿ ತೋರಿಸಿರುವ ಮಾರ್ಕೆಟ್ ವ್ಯಾಲ್ಯೂ ಆಧಾರದಲ್ಲಿ ಶೇ.5 ರಂತೆ ವಸೂಲು ಮಾಡಿದ್ದೇನೆ. ಅದನ್ನು ಸೇಲ್ ಡೀಡ್ ಸ್ಟಾಂಪ್ ಡ್ಯೂಟಿಗೆ ಡಿಡಕ್ಟ್ ಕೊಟ್ಟಿಲ್ಲ.”

16. Ex.P1 and Ex.P2 are FORM No.1 and 2 dated; 24.02.2016 and Ex.P3 is the copy of complaint said to have been lodged by the complainant Sri.Sunil M.B. Looking to the contents of Ex.P8, evident that the complainant became the owner of the Site No..29 of Kowdenahalli having purchased the same from one person by name Munivenkatappa on 03.12.2010. Ex.P12 evident that the katha was transferred to the name of complainant in the year 2010 itself. Ex.P6 - gift deed evident that Smt.Sowbhagya who is the mother of complainant acquired ownership of Site No.29 on 07.09.2011 and got the katha and EC transferred to her name. Ex.P7 - Property Register Extract establishes the fact that the katha of Site No.29 is in the name of Smt.Sowbhagya since from the date of she acquired ownership. The complainant disputed Ex.P4 - GPA and the sale deed Ex.P5, and contended that the


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DGO in colluding with Sri.Siddappa and Mahendra.R.P has allowed the registration of document Ex.P5 by virtue of Ex.P4 alleged to be forged document.

17. According to DGO, the registration of Ex.P5 was allowed in accordance with law and there is no lapse on his part and he has not committed any misconduct as alleged against him. The notification/circular issued by the State Government dated; 5.04.2009 mandates that in the interest of public and the Government the registering authorities to obtain the documents pertaining to the property involved in the document to be registered. If the necessary documents are not produced with the document to be registered, then the registering authority has to issue endorsement to that effect. The notification/circular stipulates that, if the property comes under the BBMP/Metropolitan Corporation Areas, the registering authority is bound to receive the katha, tax assessment extract and other documents. It is to be noted that the property transferred under Ex.P5 comes under the limits of BBMP, Bengaluru.

18. The version as stated by DW1 in his cross-examination would go to show that the katha of the property which is under sale must be in the name of vendor at the time of registration of the document. DW1 admits the contents of Ex.P12 during cross-examination. Ex.P12 is the property register extract of Site No.29 pertains to the year 2010 evident that the katha was in the name of complainant at that time. Ex.P7 the property


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register extract for the year 2012 evident that the transfer of katha was affected in the name of Smt.Sowbhagya. If the DGO were to insist so called GPA holder Siddappa to produce Property Register Extract and Encumbrance Certificate, he would be able to know in whose name katha and EC stands. The version of DW1 as stated during cross-examination would indicate that the DGO did not cared to insist the vendor to produce katha and EC for the year 2013 or at least for the year 2012. This circumstance led to draw an inference that the DGO in collusion with the vendor alleged GPA holder allowed the registration of Ex.P5 by overlooking all the procedure and circular issued by the State Government dated;05.04.2009. Therefore the contention of the disciplinary authority that the DGO acted against to the professional ethics as a public servant and lacks devotion to duty appears to be probable.

19. Ex.P4 claims to be the General Power of Attorney dated; 11.02.2011 is not a registered document. DW1 denied the suggestion made by disciplinary authority during cross-examination that the transfer of property by registration is not permissible through unregistered GPA in case where the market value of the immovable property exceeds Rs.100/-. He further denied the suggestion made by disciplinary authority during cross-examination that the GPA require compulsory registration in case of transfer property through it where the market value of the immovable property exceeds Rs.100/-. The Hon'ble Supreme Court in a case **Suraj Lamp and industries**

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(P) - V/s - State of Harayana and another ruled that GPA based on which the document is executed shall be registered one. DW1 gone to the extent of saying that section 17 of Registration Act is not compulsory. Looking to the manner in which DW1 deposed in his cross-examination, it appears that the DGO had no regard to the provisions of Registration Act while discharging his duty as a Sub-Registrar.


20. A perusal of cross-examination of DW1 together with Ex.P4 would go to show that DGO noticed deficit of stamp duty on the document Ex.P4-General Power of Attorney on 23.07.2013 when sale deed Ex.P5 was presented for execution. The DGO instead of asking the vendor to get Ex.P4 registered as required under law, had collected deficit stamp duty of Rs.65,000/- on 23.07.2013 which is 5% of the market value of the property mentioned in the sale deed Ex.P5. Mere collecting duty and penalty on Ex.P4 will not cure the defect as required under section 17 of Registration Act. Ex.P11 is the copy of complaint lodged by the complainant Sri. Sunil.B.M. to K.R.Puram Police station against Sri. Siddappa and Sub-Registrar. Ex.P10 is the FIR in Crime No. 84/2016 of K.R.Puram Police Station. Ex.P10 & 11 evident that Siddappa forged the sale deed dated:23-07-2013 as General Power of Attorney of complainant. There is no evidence placed by the DGO responding the allegations made in the complaint Ex.P11. Of course the DGO may not be directly responsible to the forgery committed by the said Siddappa. When the forgery was


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brought to the knowledge of Sub Registers Office the DGO or the I/c Sub-Registrar could have initiate some action against the said Siddappa. There is no evidence to show that the Sub Registers Office take an action against Siddappa for alleged forgery.

21. The DGO contended that the complainant can approach the Civil Court for the relief he is entitled. The DGO being public servant cannot ask the complainant to go to Civil Court because of his un integrity act committed in doing official favour to the parties of sale deed-Ex.P5.

22. The DGO Produced Ex.D1 the copy of sale deed dated; 28.09.2016 bet-ween Smt.Sowbhagya B.M and Thimmarayappa in respect of the property Site No.29. Ex.D2 and Ex.D3 are the annexures of ExD1. It is significant to note that the transaction that took place under Ex.D1 is nothing to do with the sale deed-Ex.P5. It is for the DGO to show that he acted with utmost integrity and devotion to duty when he allowed the transfer of property Site No.29 by allowing registration of Ex.P5. The evidence on record would indicate that the DGO acted by passing Laws and circulars of State Government. Thus Ex.D1 to Ex.D3 will not help the case of the DGO to exonerate from the charges. In fact Ex.D4 helps the case of the disciplinary authority rather than the case of the DGO. Ex.D5 and Ex.D6 will not help the case of the DGO. On going through the cross-examination of PW1, nothing is


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brought out by the DGO supporting his contention. Thus the dereliction of duty by the DGO is very well established.

23. The evidence both oral and documentary placed on record by both the disciplinary authority and DGO establishes that all the documents pertaining to the Site No.29, property No.453/100/4/5 of Kowdenahalli, Ramamurthy Nagar, Bengaluru were in the name complainants mother Smt.Sowbhagya as on 23.07.2013 when execution of Ex.P5 was allowed by the DGO. The DGO has failed to establish his contention by virtue of Ex.D1 to Ex.D6 that his act of allowing registration of sale deed-Ex.P5 is in accordance with law and there is no lapse on his part. Therefore looking to the overall circumstances, it is crystal clear that the official act of DGO as Sub-Registrar (in charge), K.R.Puram, Bengaluru on 23.07.2103 in allowing the registration of Ex.P5-sale deed between parties therein based on the unregistered GPA is illegal and against to the provisions of Registration Act and the Circular dated; 05.04.2009 issued by the State Government. Thus the Disciplinary Authority able prove that the DGO while discharging duty as Sub-Registrar, K.R.Puram Sub Registrars Office, Bengaluru colluded with one Siddappa and allowed registration of sale deed-Ex.P5 of Site No.29, Property No.453/100/4/5 of Kowdenahalli on 23.07.2013 in favour of Mahendra R.P illegally which was belongs to Smt.Sowghagya against to the provisions of Registration Act and Circular dated; 05.04.2009 issued by the State Government. Thereby


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failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of Public/Government servant and liable for professional misconduct under rule 3(1) of KCS (Conduct) Rules, 1966. Hence i answered the above point in the 'Affirmative' and proceed to pass the following.

ORDER

The Disciplinary Authority has proved the charges leveled against the Delinquent Government Official Sri.N.Devaraj, First Division Assistant (the then in charge Sub-Registrar, K.R.Puram, Bengaluru), Presently First Division Assistant at Sub-Registrar Office, Laggere, Bengaluru.

Submitted to His Lordship Hon'ble Upalokayukta-1 for further action in the matter.



(AMARANARAYANA. K) 19/10/2018

Additional Registrar Enquiries-8
Karnataka Lokayukta,
Bengaluru.

ANNEXURES

1. LIST OF WITNESSES EXAMINED ON BEHALF OF D.A:

PW1	Sri. Sunil B.M S/o Late D.V.Manjunath, Engineer, BDA layout, 2 nd stage, Lottegollahalli, Bengaluru, dated 31/08/2018
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2. LIST OF WITNESSES EXAMINED ON BEHALF OF DGO:

DW1	Sri. N.Devaraj S/o Narasingaiah, FDA, Office of the Sub Registrar, Bengaluru, dated 18/1/2019
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3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

Ex.P1	FORM No.1(Complaint)
Ex.P2	FORM No.2 (Complainants Affidavit)
Ex.P3	Complaint filed by complainant
Ex.P4	Copy of General Power of the Attorney dt:11-02-2011
Ex.P5	Copy of Sale Deed dtd: 23.07.2013 between Sunil B.M. by GPA holder Siddappa in favour of Mahendra R.P.
Ex.P6	Copy of Gift Deed dtd: 07-09-2011 by Sunil B.M.in favour of Smt.Sowbhagya B.M.
Ex.P7	FORM-B Property Register dtd:08-02-2012
Ex.P8	Sale Deed dtd: 03-12-2010 between Munivenkatappa & Sunil B.M.
Ex.P9	Rectification Deed dtd:27-08-2011 between Munivenkatappa & Sunil B.M.
Ex.P10	Copy of FIR in crime No. 84/2016 of K.R.Puram Police Station
Ex.P11	Copy of the complaint lodged before K.R.Puram Police Station
Ex.P12	FORM-B Property Register Extract dated: 21-12-2010 marked through DW1.

4. LIST OF DOCUMENTS MARKED ON BEHALF OF DGO:

Ex.D1	Copy of Sale Deed dtd:28-09-2016 between Smt.Sowbhagya, Smt. Radhamma, Mahendra R.P., Sunil B.M., & Thimmarayappa.
Ex.D2	Annexure-II -Affidavit.
Ex.D3	FORM No.1

[Signature]
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Ex.D4	FORM-B Property Register Extract dated: 03-12-2012.
Ex.D5	Copy of Driving License of Mahendra R.P.
Ex.D6	Copy of Election ID of Sunil B.M.



(AMARANARAYANA. K)

19/10/2020

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Karnataka Lokayukta,
Bengaluru.

