

**KARNATAKA LOKAYUKTA**

NO: UPLOK-1/DE/680/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date: 10-05-2018**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )**Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
BangaloreSub: Departmental Inquiry against Sri. S.N.Nagaraj,  
Assistant Revenue Officer, Domlur Sub-Division,  
BBMP, Bengaluru - reg.Ref: 1) Government Order No. UDD 372 MNG 2016  
ದಿ. 24/11/20162) Nomination Order No: ಉಪಲೋಕ-1/ಡಿಇ-680/2016  
ದಿ. 1-12-2016 of Hon'ble Upalokayukta-1, Bangalore.

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This Departmental Enquiry is initiated against Sri. S.N.Nagaraj, Assistant Revenue Officer, Domlur Sub-Division, BBMP, Bengaluru (hereinafter referred to as the "Delinquent Government Official" in short "DGO").

2) In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta-I vide order dated 1/12/2016 cited at reference No.2 has Nominated Addl. Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGO. Addl. Registrar of Enquiries-9 has



prepared Articles of charges, statement of imputations of misconduct, list of witnesses proposed to be examined in support of the charges and list of documents proposed to be relied on in support of the charges. The copies of the same were issued to the DGO calling upon him to appear before the Enquiry Officer and to submit his written statement of defence.

The Article of charges framed by the ARE-9 against the DGO is as under :

### **ANNEXURE-I**

#### **CHARGE**

You DGO – Sri. S.N.Nagaraj has changed the khata to site No.321 situated at Cambridge road, Bengaluru on the basis of an unregistered power of attorney executed by Sri M.Ramachandran in favour of Sri T.Jahangir before change of khata from Sri M.Ramachandran without verifying the title in the wake objection f complaint in advertently khata is accepted, thereby committed misconduct as enumerated U/R 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

### **ANNEXURE-II**

#### **STATEMENT OF IMPUTATION OF MISCONDUCT:**

The complainant, site no.321 situated at Cambridge Road, Bengaluru was allotted to her uncle M. Ramachndra, Sri Ramachandra died intestate. The father of the complainant Sri M. Ramaswamy Reddy, Smt. Uma Devi, Smt. Prabhavathi Devi, Sri Prakash Reddy and Complainant are legal heirs of M.

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Ramachandra, who died on 27.01.2011. You on the basis of certain fabricated documents changed the khata of the property in favour of Sri Rajesh P.R. Rao. You have filed objections.

2. It is seen from records that on 25.09.2014, the complainant had written letter to you stating that in endorsement issued it is stated change of khata of the above stated property has taken place due to inadvertence.

3. It is seen from the records that you-DGO changed the khata on the basis of an unregistered power of attorney said to have been executed by M. Ramachandran in favour of T. Jahangir. As per the records, the khata stood in the name of Sri Ramachandran. There is cancellation of Agreement of sale. Sri M. Ramachandran is represented by T. Jahangir. Before change of khata in favour of T. Jahangir, you the DGO bound to verify the source of title in the objections of complainant. The endorsement issued by you that, change of khata has taken place by inadvertence cannot be accepted. Therefore, there is prima facie material to hold you-DGO is guilty of dereliction of duty and misconduct. as per rule 3(1) (i) to (iii) of KCS (Conduct) Rules, 1966, now, acting under Section 12(3) of the Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against respondent-surveyor and to entrust the inquiry to this Authority under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules 1957. Hence, the charge.



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- 1) The DGO has appeared on 7/4/2017 before this enquiry authority in pursuance to the service of the Article of charges.
- 2) Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.
- 3) The DGO has filed the written statement and submitted that, he has not committed any offence as alleged by the complainant Smt. Sujata. One Sri Rajesh P R Rao has filed the application for transfer of khata in his name before the BBMP, Bangalore in respect of property No.21, Old site No.321 was allotted to Sri M. Ramachandran by the BDA, Bangalore along with the following documents. 1) Sale deed dated 24/6/14 executed in favour of Sri Rajesh P R Rao registered as document No.SHV-1-00873/14-15, 2) Power of Attorney executed by Sri M. Ramachandra in favour of T. Jahangir, 3) Tax paid receipt based on the above said document khata of the said property registered in the name of Sri Rajesh P R Rao. The complainant Smt. Sujata Suresh has filed the objection not to effect the khata of the property in the name of Rajesh P R Rao. But the complainant filed the said objections before the Revenue Officer, Jogupalya, Bangalore and not before the Asst. Revenue Officer, Bangalore. Further complainant filed the objection before the Joint Commissioner of BBMP without serving the copy to the concerned Asst. Revenue officer, Bangalore. As such the DGO was kept in dark and he was not aware of any of the objections filed by the complainant.
- 4) In the mean time, accountant of the office of the DGO Sri Jagadeesh along with Revenue Inspector, C Rajanna had

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inspected the property recommended for the khata of the property in the name of Rajesh P R Rao. Accordingly the DGO as a ARO has effected the khata of the property in the name of the applicant Rajesh P R Rao. Subsequent to the transfer of khata the objection filed by the complainant was forwarded to the concerned authority. After that, the complainant also filed the death certificate of Ramachandra along with other documents before this authority. Wherein she has objected to transfer the khata in the name Sri Rajesh P R Rao. But by the time the khata already transferred in the name of the Rajesh P R Rao. Hence, the DGO has not committed any misconduct or dereliction of duty as alleged in the charge. Hence, prayed to drop the charge leveled against him.

5) The disciplinary authority has examined the complainant Smt. Sujata Dinesh d/o M. Ramaswamy Reddy, Brunton Rustumji Apartment, Bengaluru as Pw.1 and Ex.P1 to P17 are got marked on 23/11/2017. Then this case is posted for cross examination of Pw.1 on the request of the DGO and his counsel on 14/12/17. On 14/12/2017 the DGO and Pw.1 the complainant were absent. Then the case was posted for cross examination of Pw.1 on 16/1/2018. On that day the counsel of DGO Sri K P Appaiah has reported the death of the DGO. Then issued a letter to the concerned PSI, KL, Bangalore to submit the report regarding the death of the DGO along with the death certificate.

6) The PSI, KLA, Bangalore city division submitted the Xerox copy of the death certificate of the DGO with his endorsement dated 31/3/2018. Subsequently issued the direction to produce

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the certified copy of the death certificate of the DGO. On 7/5/2018 received the endorsement of the PSI, KLA. Bangalore city division with the certificate copy of the death certificate of the DGO who died on 3/1/2018. The counsel for the deceased DGO also appeared and filed the memo dated 7/5/2018 along with the Xerox copy of the death certificate of the DGO. Considering the above said all documents clearly reveals that the DGO on 3/1/2018. Hence, came to conclusion that the DGO died on 3/1/2018.

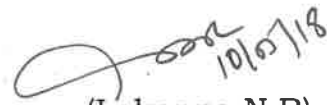
7) In this enquiry Pw.1 - complainant chief examination recorded and Ex.P1 to 17 got marked on behalf of Disciplinary authority. Mean while the DGO died on 3/1/2018.

8) There is no dispute about the death of the DGO on 3/1/2018. The enquiry was initiated against the DGO under the provision of KCS (CCA) Rules, 1957. In view of the death of the DGO there is no necessity to proceed further with the matter as no purpose will be served.

9) For the reasons stated above, in view of the death of the DGO, by name Sri S.N. Nagaraj, Assistant Revenue Officer, Domlur Sub Division, BBMP, Bengaluru, this departmental enquiry against him, stand abated.

10) Hence, this report is submitted to Hon'ble Upalokayukta-1 for further action.

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(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore

**i) List of witnesses examined on behalf of Disciplinary Authority.**

Pw.1	Smt. Sujatha Dinesh, D/o. M. Ramaswamy Reddy, R/o.B1, Brunton Rustumji Apartment, 21, Brunton Road, Bengaluru dated 23/11/2017 (Original)
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**ii) List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Complaint dated 7/10/2014 (original)
Ex.P1(a)	Signature
Ex.P2&3	Complaint Form No.I&II (Original)
Ex.P2(a)3(a)	Signatures
Ex.P4	Death Certificate (Xerox)
Ex.P5	Possession Certificate dated 4/4/1986 issued by Bangalore Development Authority (Xerox)
Ex.P6	Absolute Sale Deed dated 4/7/1989 (Xerox)
Ex.P7	Marginal Land Agreement (Xerox)
Ex.P8	Application dated 7/1/2014 given by the complainant to the Revenue officer, BBMP, Jogupalya, Ulsoor, Bangalore (Xerox)
Ex.P9	Application dated 20/8/2014 given by the complainant to the Revenue officer, BBMP, Bangalore (Xerox)
Ex.P10	Endorsement issued to the complainant by the Assistant Revenue Officer, BBMP dated 15/9/2014
Ex.P11	Rejoinder of the complainant dated 25/9/2014 (Xerox)
Ex.P12	Absolute sale deed dt: 24 <sup>th</sup> June 2014 (Xerox)
Ex.P13	Cancellation of agreement dated 24 <sup>th</sup> June 2014 (Xerox)
Ex.P14	Letter dated 29/9/14 of the Sub Registrar, Shivaji nagar, Bangalore issued to Ms Sujata Dinesh along with GPA
Ex.P15	Comments dated 5/12/2014 along with documents
Ex.P16	Rejoinder of the complainant dated 24/2/2015

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Ex.P16(a)	(Original) Signature
Ex.P17	Documents submitted along with the rejoinder (Xerox)

iii) **List of witnesses examined on behalf of DGO:**

NIL

iv) **List of documents marked on behalf of DGO:**

NIL



(Lokappa N.R)  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bangalore



**GOVERNMENT OF KARNATAKA**



**KARNATAKA LOKAYUKTA**

NO:UPLOK-1/DE/680/2016/ ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001,  
Date: 14/5/2018

**RECOMMENDATION**

Sub:- Departmental inquiry against Sri S.N. Nagaraj,  
Assistant Revenue Officer, Domlur Sub Division,  
Bruhat Bengaluru Mahanagara Palike, Bengaluru- Reg

Ref:- 1) Government Order No.ಸಅಇ 372 ಎಂಎನ್‌ಜಿ 2016 Bengaluru  
dated 24/11/2016

2) Nomination order No.UPLOK-1/DE/680/2016,  
Bengaluru dated 1/12/2016 of Upalokayukta-1,  
State of Karnataka, Bengaluru

3) Report dated 10/5/2018 of Additional Registrar of  
Enquiries-9 Karnataka Lokayukta, Bengaluru

The Government by its Order dated 24/11/2016, initiated the disciplinary proceedings against Sri S.N.Nagaraj, Assistant Revenue Officer, Domlur Sub Division, Bruhat Bengaluru Mahanagara Palike, 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/680/2016, Bengaluru dated 1/12/2016 nominated Additional Registrar of Enquiries-9, 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 them.

3. The DGO.Sri S.N.Nagaraj, Assistant Revenue Officer, Domlur Sub Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru was tried for the following charge:-


“You DGO – Sri S.N. Nagaraj has changed the chat to site No.321, situated at Cambridge Road, Bengaluru on the basis of an unregistered power of attorney executed by Sri M. Ramachandran in favour of Sri T. Jahangir before change of khata from Sri M. Ramachandran without verifying the title in the wake objection of complaint in advertently khata is accepted, thereby committed misconduct as enumerated U/R. 3(1)(i) to (iii) of Karnataka Civil Services (Conduct) Rules, 1966.”

4. The Inquiry Officer (Additional Registrar of Enquiries-9) reported that the DGO Sri S.N. Nagaraj died on 3/1/2018 (during the pendency of inquiry). Therefore, the inquiry officer recorded the abatement of inquiry proceedings against DGO.

5. It is recommended to the Government to accept the report of inquiry officer and to record the abatement of inquiry proceedings against DGO Sri S.N.Nagaraj, Assistant Revenue Officer, Domlur Sub Division, Bruhat Bengaluru Mahanagara Palike, Bengaluru

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

Connected records are enclosed herewith.

  
(JUSTICE N. ANANDA) 24/5  
Upalokayukta-1,  
State of Karnataka,  
Bengaluru