

KARNATAKA LOKAYUKTA

NO: UPLOK-1/DE 974/2017/ARE-9

M.S.Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru - 560 001.
Date:17/03/2020

:: ENQUIRY REPORT ::

:: Present ::

(Lokappa N.R)

**Additional Registrar of Enquiries-9
Karnataka Lokayukta,
Bengaluru**

Sub: Departmental Enquiry against
(1) Sri. Ravindranath S. Raval- Senior Geologist
(2) Sri.Dinesh-Geologist- Department of Mines
and Geology, Koppal - reg.

Ref: 1. G.O.No.ಸಿಐ 110 ಎಂಜಿಎಸ್ 2016, ಬೆಂಗಳೂರು, ದಿ. 22.08.2017
2. Nomination Order No: ಉಪಲೋಕ-1/ಡಿಇ-974/2017, ಬೆಂಗಳೂರು,
ದಿನಾಂಕ: 4-9/8/2017 of Hon'ble Upalokayukta-1

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This Departmental Enquiry is initiated against (1) Sri. Sri Ravindranath S. Raval- Senior Geologist (2) Sri. Dinesh-Geologist- Department of Mines and Geology, Koppal; (hereinafter referred to as the Delinquent Government Official for short "**DGO No.1 to 2**").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 4-9/8/2017 cited above at reference No.2 has Nominated Additional Registrar of Enquiries-9 to frame the charges and to conduct the enquiry against the aforesaid DGOs No.1 to 2.

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3. Additional 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.

4. The copies of the same were issued to the DGOs No.1 to 2 calling upon them to appear before the Enquiry Officer and to submit written statement of defence.

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

ANNEXURE-I
CHARGE

You DGOs -

The Deputy Superintendent of Police has submitted report dated 12.2.2015. As per the report, the following persons were carrying on blasting operations surrounding Kadur (Chittawadagi) tank, Kushtagi taluk, Koppal district.

Sl. No.	Name of Quarry owner	License Number	Survey Number	Extent of Quarry
1	Vari Marutheswara Granites, K.H. Jalihal, Holageri, Kushtagi Taluk	710	5/1/2, 5/1/3, Kadur	2 Acres
2	Sri Mallappa H. Palled, R/o. Yeregonal Village, Kushtagi Taluk	725	10/2 of Kadur Village	2 Acres 20 guntas
3	Sri Mallappa H. Palled, R/o. Yeregonal Village, Kushtagi Taluk	725	10/2 of Kadur Village	2 Acres 20 guntas
4	Dalphin International Sadashivanagar, Bengaluru	L642	6/2/5 Kadur Village	2 Acres 8 Guntas

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5	Sri Shivasharanappa Tukkappa Almel, Jainapur Building, Ilalkal, Hunagund Taluk	866	24/1/1 & 24/1/2 Turukanur Village	2 Acres 20 Guntas
6	M/s. MRK Granites, Joshi Galli, Ilalkal, Hunagund Taluk	727 (272)	1/2/10 Kadur Village	1 Acre 28 guntas
7	Vari Marutheswara Granites, K.H. Jalihal, Holageri, Kushtagi Taluk	894 (364)	30/1-1 & 30/2 Purathageri	2 Acres
8	Maruthi Exports, K.H. Jalihal, Holageri, Kushtagi Taluk	909	30/1/2 Purathageri Village	1 Acre 20 Guntas

The persons mentioned at Sl.no. 2 and 3 were holding one license. The company mentioned at Sl.No. 6 was quarrying within 500 meter radius from the river bed. From the quarrying operations of persons mentioned at Sl.Nos. 1, 2, 4, 5, 7 and 8, there is likelihood of damage to tank bund and channel. The person mentioned at Sl.No.1 was carrying on quarry operations within a distance of 100 meter from channel and there is likelihood of causing damage to the channel. Persons mentioned at Sl.No.2 and 3 had single licence and they were carrying on quarry operations on the tank bed (submersion area of tank). These quarry operations are likely to cause damage to tank area. The companies mentioned at sl.Nos. 4 and 5 were carrying on quarry operations in the area on which they were not permitted to carry on quarry operations and they have encroached the tank area. The companies mentioned at Sl.No. 7 and 8 are carrying on quarry operations near tank bund which is likely to cause damage to tank bed.

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You-DGO 1 and 2 have failed to take action against the quarry owners, who have violated the orders of Deputy Commissioner and conditions of license for quarry. Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

6. ANNEXURE NO.II

STATEMENT OF IMPUTATIONS OF MISCONDUCT

2. The complainant Sri Hanamappa S/o Nagappa Malladad R/o Annatartana, Kusthagi Taluk, Koppal has filed this complaint against (1) Sri Ravindranath Rawal – Senior Geologist and (2) Sri Dinesh- Geologist – Department of Mines and Geology, Koppal making allegations of dereliction of duty.

3. The complainant has alleged that, the DGO 1 and 2 have failed to take action against 7 quarry owners as they were carrying on quarrying and blasting within 300 meters from water tank area, which was prohibited by the order of Deputy Commissioner dated 22.7.2005.

4. The DGO have failed to submit their comments denying the allegations of the complaint, despite granting opportunity. The matter was referred to Deputy

Superintendent of Police, Karnataka Lokayukta, Koppal under Section 15(3) of Karnataka Lokayukta Act. The Deputy Superintendent of Police has submitted report dated 12.2.2015. As per the report, the following persons were carrying on blasting operations surrounding Kadur (Chittawadagi) tank.

Sl. No.	Name of Quarry owner	License Number	Survey Number	Extent of Quarry
1	Vari Marutheswara Granites, K.H. Jalihal, Holageri, Kushtagi Taluk	710	5/1/2, 5/1/3, Kadur	2 Acres
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8	Maruthi Exports, K.H. Jalihal, Holageri, Kushtagi Taluk	909	30/1/2 Purathageri Village	1 Acre 20 Guntas

5. The persons mentioned at sl.no. 2 and 3 were holding one license. The company mentioned at Sl.No. 6 was quarrying within 500 meter radius from the river bed. From the quarrying operations of persons mentioned at Sl.Nos. 1,2,4,5,7 and 8, there is likelihood of damage to tank bund and channel. The person mentioned at Sl.No.1 was carrying

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on quarry operations within a distance of 100 meter from channel and there is likelihood of causing damage to the channel. Persons mentioned at Sl.No.2 and 3 had single licence and they were carrying on quarry operations on the tank bed (submersion area of tank). These quarry operations are likely to cause damage to tank area. The companies mentioned at sl.Nos. 4 and 5 were carrying on quarry operations in the area on which they were not permitted to carry on quarry operations and they have encroached the tank area. The companies mentioned at Sl.No. 7 and 8 are carrying on quarry operations near tank bund which is likely to cause damage to tank bed.

6. The DGO 1 and 2 have failed to take action against the quarry owners, who have violated the orders of Deputy Commissioner and conditions of license for quarry. Therefore, there is prima facie material to prove the misconduct of DGO 1 and 2.

7. Since said facts supported by the materials on record prima facie show that DGOs being Public/Government servants, have committed misconduct as per Rule 3(1)(i) to (iii) of KCS(Conduct) Rules, 1966 and under Rule 14(A) of Karnataka Civil Services(Classification, Control and Appeal) Rules 1957. Hence, the charge.



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7. The DGOs No.1 to 2 have appeared on 22-03-2018 and before this enquiry authority in pursuance to the service of the Article of charges.

8. Plea of the DGOs No.1 to 2 have been recorded and they have pleaded not guilty and claimed for holding enquiry.

9. The DGO No.1 and 2 have submitted written statement, stating that all the eight quarry lease granted which is the subject matter of this complaint are granted as per the directions of the Hon'ble High Court of Karnataka in W.P.no.1693/2007 (GM-MM's). There are no violation of any Rule or any provision of any Act by the DGOs. Further submitted that complainant has filed false and fabricated complaint only with the intention to harass the DGOs. Hence, prayed for dropping the charges leveled against DGOs.

10. The disciplinary authority has examined the complainant Sri. Hanumantappa Nagappa Malladadha, S/o Nagappa Malladada, Antaratana, Yarigonala -Post, Kustagi Taluk, Koppal-District. as Pw.1, Sri.Venkanagowda Patil, S/o Niganagowda Patil, DYSP, Balki Sub-Section, Bidar District Balki in the case and he has examined as PW-2 and **Ex.P-1 to Ex.P-21** are got marked. At the stage of cross examination of PW-1, the DGO-2 reported as dead. Case against the DGO-2 is closed as per the order dt.08-01-2019 of Hon'ble Upalokayukta. Subsequent to that DGO-1 was absent and hence placed ex-parte.

11. At the stage of cross examination of PW-1, the DGO-2 reported as dead. Case against the DGO-2 is closed as per

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the order dt.08-01-2019 of Hon'ble Upalokayukta. Subsequent to that DGO-1 was absent, hence placed ex-parte. Disciplinary Authority submitted oral arguments. Heard the submissions of the disciplinary authority. I answer the above charge in '**Affirmative**' in respect of DGO-1 for the following;

REASONS

12. It is the prime duty of the disciplinary authority to prove the charges that are leveled against the DGOs.

13. The disciplinary authority has examined the complainant Sri Hanumantappa Nagappa Malladad, S/o Nagappa Malladada as PW-1. PW-1 deposed that the DGO-1 was working as Senior Geologist and DGO-2 was working as Geologist in the Department of Mines and Geology, Koppal district during the year 2014-15. Further deposed that in the surroundings of the Kadur kere (tank) of Kustagi taluk Koppal district, illegal mining activities were going on with blasting of stones. It was affected to the said Kadur tank and further the waste from the said mining were also dumped to the said tank bed. For that reason, the storage of water capacity of the said tank is decreased. PW-1 further deposed that he had submitted complaint before the DGO for taking action against the persons who were involved in the illegal mining activities and stop the same. Even though that they have not taken any action. For that, he has submitted the complaint before the Lokayukta office. PW-2 is the

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Investigating Officer who has submitted the report dt. 12-02-2016 (Ex.P-14). PW-2 has deposed in his evidence as follows;

1. ಸದರಿ ದೂರಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಗಣಿ & ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ, ಕೊಪ್ಪಳ ಇವರಿಂದ ದೂರಿನಲ್ಲಿ ಹೇಳಿರುವ ಲೈಸೆನ್ಸ್ ನಂಬರುಗಳ ಮತ್ತು ಸರ್ವೆ ನಂಬರುಗಳ ಮಾಹಿತಿಯನ್ನು ಪಡೆದುಕೊಂಡಿರುತ್ತೇನೆ. ದಿ:3/2/2016 ರಂದು ಕಡೂರು (ಚಿತ್ತವಾಡಗಿ) ಕೆರೆಗೆ ಭೇಟಿ ಸ್ಥಳಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖಾ ಅಧಿಕಾರಿಗಳಾದ ಆ.ಸ.ನೌ-2, ಶ್ರೀ.ವಿನಯ ಕುಮಾರ್, ಕಿರಿಯ ಅಭಿಯಂತರರು, ಗಣಿ & ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ, ಕೊಪ್ಪಳ, ಶ್ರೀ. ಕಲಾದಗಿ, ಎ.ಇ., ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆ, ಉಪವಿಭಾಗ, ಬಾಗಲಕೋಟೆ, ಖಾಜಾ ಹುಸೇನ್, ಉಪ ತಹಶೀಲ್ದಾರ್, ನಾಡ ಕಾರ್ಯಾಲಯ, ಹನುಮಸಾಗರ, ಶ್ರೀ. ನೂರುದ್ದೀನ್, ಭೂಮಾಪಕರು, ಯಲಬುರ್ಗಾ, ಶ್ರೀ. ಮಲ್ಲಿಕಾರ್ಜುನ, ಗ್ರಾಮಲೆಕ್ಕಿಗ ಹಾಗೂ ಅರ್ಜಿದಾರರಾದ ಹನುಮಂತಪ್ಪ ನಾಗಪ್ಪ ಮಲ್ಲಾಡದ ಇವರನ್ನು ಬರಮಾಡಿಕೊಂಡು ಸ್ಥಳ ಪರಿಶೀಲನೆ ಮಾಡಿರುತ್ತೇನೆ.

2. ಸ್ಥಾನಿಕ ಪರಿಶೀಲನೆ ಹಾಗೂ ದಾಖಲೆಗಳಿಂದ ತಿಳಿದುಬಂದಿದ್ದೇನೆಂದರೆ ಕಂದಾಯ ಇಲಾಖೆಯ ದಾಖಲೆಗಳ ಪ್ರಕಾರ ಕಡೂರು ಕೆರೆಗೆ ಒಟ್ಟು ಭೂಸ್ವಾಧೀನವಾದ ಕ್ಷೇತ್ರ 516 ಎಕರೆ 38 ಗುಂಟೆ ಪೈಕಿ 441 ಎಕರೆ 13 ಗುಂಟೆ ಮಾತ್ರ ಚಾಲ್ತಿ ಪಹಣಿಯಲ್ಲಿ ನಮೂದಾಗಿದ್ದು, ಸದ್ಯ ಅದು ಸರ್ಕಾರದ ಅಧೀನದಲ್ಲಿ ಅಂದರೆ ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆ ಉಪವಿಭಾಗ, ಬಾಗಲಕೋಟೆ ರವರ ಸುಪರ್ದಿಯಲ್ಲಿರುತ್ತದೆ. ಹೆಚ್ಚುವರಿ ಕ್ಷೇತ್ರ 75 ಎಕರೆ 25 ಗುಂಟೆ ಚಾಲ್ತಿ ಪಹಣಿಯಲ್ಲಿ ಮುಳುಗಡೆ ಜಮೀನು ಆಗಿದ್ದು, ಅದರ ಭೂಸ್ವಾಧೀನದ ಪ್ರಕ್ರಿಯೆ ಪ್ರಗತಿಯಲ್ಲಿ ಇತ್ತು.

3. ಗಣಿಗಾರಿಕೆ ನಡೆಯುತ್ತಿರುವ ಸ್ಥಳಕ್ಕೆ ಭೇಟಿ ನೀಡಿದಾಗ ಕಂಡುಬಂದಿದ್ದೇನೆಂದರೆ ಇಲ್ಲಿ ಪ್ರತಿ ಗಣಿಗಾರಿಕೆ ನಡೆಯುವ ಸ್ಥಳಕ್ಕೆ ಹದ್ದುಬಸ್ತು ಕಲ್ಲುಗಳಿದ್ದು, ಆದರೆ ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಇರುವ ಗಣಿಮಾಲೀಕರು ತಾವು ಪಡೆದ ಗಣಿ ಪರವಾನಗಿ ಕ್ಷೇತ್ರಕ್ಕಿಂತ ಹೆಚ್ಚಿನ ಕ್ಷೇತ್ರದಲ್ಲಿ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿದ್ದಿದ್ದು ಸ್ಪಷ್ಟವಾಗಿ ಕಂಡುಬರುತ್ತದೆ. ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಹಾಗೂ ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದ ಕಾಲುವೆ ಹತ್ತಿರ ಗಣಿಗಾರಿಕೆ ಮಾಡುತ್ತಿದ್ದದ್ದು ಇರುತ್ತದೆ. ಅವರೆಂದರೆ

ಕ್ರ. ಸಂ:	ಗಣಿಮಾಲೀಕರ ಹೆಸರು	ಲೈಸೆನ್ಸ್ ನಂ.	ಸರ್ವೆ ನಂ.	ಗಣಿಗಾರಿಕೆ ವಿಸ್ತೀರ್ಣ
1	ವಾರಿಮಾರುತೇಶ್ವರ ಗ್ರಾನೈಟ್, ಕೆ.ಹೆಚ್. ಜಾಲಿಹಾಳ, ಹೂಲಗೇರಿ, ತಾ: ಕುಷ್ಟಗಿ	710	ಕಡೂರು- 5/1/2, 5/1/3	2 ಎಕರೆ
2	ಶ್ರೀ. ಮಲ್ಲಪ್ಪ ಹೆಚ್. ಪಲ್ಲೇದ, ಸಾ: ಯರೇಗೋನಾಳ, ತಾ: ಕುಷ್ಟಗಿ	725	ಕಡೂರು - 10/2	2-20 ಎಕರೆ
3	ಶ್ರೀ. ಮಲ್ಲಪ್ಪ ಹೆಚ್. ಪಲ್ಲೇದ, ಸಾ: ಯರೇಗೋನಾಳ, ತಾ: ಕುಷ್ಟಗಿ	725	ಕಡೂರು - 10/2	2-20 ಎಕರೆ

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4	ಡಾಲ್ಫಿನ್ ಇಂಟರ್‌ನ್ಯಾಷನಲ್, ಸದಾಶಿವನಗರ, ಬೆಂಗಳೂರು	642	ಕಡೂರು - 6/2/5	2-08 ಎಕರೆ
5	ಶ್ರೀ. ಶಿವಶರಣಪ್ಪ ಪುಟ್ಟಪ್ಪ ಅಲಮೇಲ್, ಜೈನಮಠ ಬಿಲ್ಡಿಂಗ್, ಇಲಕಲ್, ತಾ:ಹುನಗುಂದ	866	ತುರಕನೂರು - 24/1/1 & 24/1/2	2-20 ಎಕರೆ
6	ಮೆ. ಎಂ.ಆರ್.ಕೆ. ಗ್ರಾನೈಟ್ಸ್, ಜೋಶಿಗಲ್ಲಿ ಇಲಕಲ್, ತಾ: ಹುನಗುಂದ	727 (272)	ಕಡೂರು - 11/2/1	1-28 ಎಕರೆ
7	ಪಾರಿವಾರುತೇಶ್ವರ ಗ್ರಾನೈಟ್ಸ್, ಕೆ.ಹೆಚ್. ಜಾಲಿಹಾಳ, ಹೂಲಗೇರಿ, ತಾ: ಕುಷ್ಟಗಿ	894 (364)	ಪುರತಗೇರಿ- 30/1-1 & 30/2	2 ಎಕರೆ
8	ಮಾರುತಿ ಎಕ್ಸ್‌ಪೋರ್ಟ್ಸ್, ಕೆ.ಹೆಚ್. ಜಾಲಿಹಾಳ, ಹೂಲಗೇರಿ, ತಾ: ಕುಷ್ಟಗಿ	909	ಪುರತಗೇರಿ- 30/1/2	1-20 ಎಕರೆ

4. ಮೇಲ್ಕಾಣಿಸಿದ ಗಣಿ ಮಾಲೀಕರಲ್ಲಿ ಕ್ರ.ಸಂ: 2 & 3 ಒಂದೇ ಲೈಸೆನ್ಸ್ ಆಗಿರುತ್ತದೆ. ಕ್ರ.ಸಂ: 6ನೇದರ ಗಣಿಗಾರಿಕೆಯು ಕೆರೆಯ ವ್ಯಾಪ್ತಿಯು 500 ಮೀ. ಅಂತರದಲ್ಲಿದ್ದು, ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ ಯಾವುದೇ ಹಾನಿಯಾಗುವ ಸಂಭವವಿರುವುದಿಲ್ಲ. ಕ್ರ.ಸಂ: 1, 2, 4, 5, 7 & 8 ನೇದರ ಗಣಿಮಾಲೀಕರು ನಡೆಸುವ ಗಣಿಗಾರಿಕೆಯಿಂದ ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ ಮತ್ತು ಕಾಲುವೆಗೆ ಹಾನಿಯಾಗುವ ಸಂಭವವಿರುತ್ತದೆ. ಕ್ರ.ಸಂ: 1ನೇ ಗಣಿ ಮಾಲೀಕರು ಕಡೂರು ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದ ಕಾಲುವೆಯಿಂದ ಬಹಳ ಹತ್ತಿರ ಅಂದರೆ ಅಂದಾಜು 100 ಮೀ. ಒಳಗೆ ಗಣಿಗಾರಿಕೆ ನಡೆಸಿರುತ್ತಾರೆ. ಇದರಿಂದ ಕಾಲುವೆಗೆ ಧಕ್ಕೆಯಾಗುತ್ತದೆ. ಅಲ್ಲಿಂದ ಹರಿಯುವ ನೀರು ಕಲ್ಮಶಗೊಂಡಿದ್ದು, ಅಪಾಯಕಾರಿ ಖಾಯಿಲೆಗಳು ಬರುವ ಸಾಧ್ಯತೆಗಳು ಇರುತ್ತವೆ. ಕ್ರ.ಸಂ: 2 & 3ನೇ ಲೈಸೆನ್ಸ್ ಒಂದೇ ಆಗಿದ್ದು, ಈ ಗಣಿಗಾರಿಕೆಯು ಕೆರೆಯ ಹಿನ್ನೀರು ಹೋಗುವ ಸ್ಥಳದಲ್ಲಿ ನಡೆಯುತ್ತಿದ್ದು, ಒಂದು ವೇಳೆ ಕೆರೆಯು ತುಂಬಿದಲ್ಲಿ ಅದರ ಹಿನ್ನೀರು ಹೋಗಲು ಯಾವುದೇ ಸ್ಥಳಾವಕಾಶ ಇರುವುದಿಲ್ಲ. ಕೆರೆಯ ಹೆಚ್ಚುವರಿ ನೀರು ಹೋಗಲು ಇರುವ ಜಾಗದಲ್ಲಿ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿರುತ್ತಾರೆ. ಕ್ರ.ಸಂ: 4 & 5ನೇ ಗಣಿ ಮಾಲೀಕರ ಗಣಿಗಾರಿಕೆಯು ಕೆರೆಯ ದಕ್ಷಿಣ ಮತ್ತು ಪಶ್ಚಿಮ ಭಾಗದ ಮಧ್ಯಭಾಗದಲ್ಲಿ ಇದ್ದು, ಇವರಿಗೆ ಗಣಿಗಾರಿಕೆ ಮಾಡಲು ನೀಡಿದ ಜಮೀನು ಹೊರತುಪಡಿಸಿ ಹೆಚ್ಚಿನ ಜಮೀನಿನಲ್ಲಿ ಅಕ್ರಮವಾಗಿ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿದ್ದು ಮತ್ತು ಹೆಚ್ಚಿನ ಜಮೀನು ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದ್ದು, ಕೆರೆಯ ಜಮೀನನ್ನು ಒತ್ತುವರಿ ಮಾಡಿರುವುದು ಸ್ಪಷ್ಟವಾಗಿ ಕಂಡುಬರುತ್ತದೆ. ಕ್ರ.ಸಂ: 6ನೇ ಗಣಿಗಾರಿಕೆಯು ಕೆರೆಯ ವ್ಯಾಪ್ತಿಯಿಂದ ಸುಮಾರು 500 ಮೀ. ಅಂತರದಲ್ಲಿ ಇದ್ದುದರಿಂದ ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ ಯಾವುದೇ ಹಾನಿಯಾಗುವ ಸಂಭವ ಇರುವುದಿಲ್ಲ. ಕ್ರ.ಸಂ: 7 & 8ನೇ ಲೈಸೆನ್ಸ್ ಗಣಿಗಾರಿಕೆ ಕೆರೆಯ ಪೂರ್ವ ಪಶ್ಚಿಮವಾಗಿ ನಿರ್ಮಿಸಿದ ತಡೆಗೋಡೆಗೆ ಹೊಂದಿಕೊಂಡಂತೆ ಇರುವ ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿಯೇ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿದ್ದು, ಇದರಿಂದ ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ ಧಕ್ಕೆಯಾಗುವ ಪೂರ್ಣ ಸಾಧ್ಯತೆ ಇರುತ್ತದೆ.

5. ಮೇಲೆ ಹೇಳಿದ ಗಣಿ ಮಾಲೀಕರಲ್ಲದೇ ಲೈಸೆನ್ಸ್ ನಂ.604, 730 & 961 ರ ಗಣಿ ಮಾಲೀಕರು ಸಹ ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಗಣಿಗಾರಿಕೆ ನಡೆಸಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಇವುಗಳ ಪೈಕಿ ಲೈಸೆನ್ಸ್ ನಂ. 604 & 730 ರ

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ಮಾಲೀಕರು ಕೆರೆಗೆ ಪೂರ್ವ ಪಶ್ಚಿಮವಾಗಿ ನಿರ್ಮಿಸಿದ ತಡೆಗೋಡೆಗೆ ಹೊಂದಿಕೊಂಡಂತೆ ಇರುವ ರಸ್ತೆಯ ಪಕ್ಕದಲ್ಲಿಯೇ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿದ್ದು, ಇದರಿಂದ ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ ಧಕ್ಕೆಯಾಗುವ ಪೂರ್ಣ ಸಾಧ್ಯತೆ ಇರುತ್ತದೆ. ಲೈಸೆನ್ಸ್ ನಂ.961 ರ ಗಣಿಗಾರಿಕೆ ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದ ತಡೆಗೋಡೆಯ ಉತ್ತರ ಭಾಗದಲ್ಲಿದ್ದು, ನಾಲೆಯಿಂದ ಬಹಳ ಹತ್ತಿರ ಅಂದರೆ ಅಂದಾಜು 100 ಮೀ. ಒಳಗೆ ಗಣಿಗಾರಿಕೆ ನಡೆಯುತ್ತಿರುತ್ತದೆ. ಇದರಿಂದ ಕಾಲುವೆಗೆ ಧಕ್ಕೆಯಾಗುವ ಸಂಭವ ಇರುತ್ತದೆ. ಹಾಗೆಯೇ ಹರಿಯುವ ನೀರು ಕಲ್ಮಶಗೊಂಡು ಅಪಾಯಕಾರಿ ಖಾಯಿಲೆಗಳು ಬರುವ ಸಾಧ್ಯತೆ ಇರುತ್ತದೆ.

6. ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಗಣಿಗಾರಿಕೆ ನಡೆಸುತ್ತಿರುವ ಮೇಲ್ಕಂಡ ಗಣಿ ಮಾಲೀಕರು ಗಣಿಗಾರಿಕೆ ಮಾಡುವ ಕಾಲಕ್ಕೆ ಬರುವ ತ್ಯಾಜ್ಯವನ್ನು ಕೆರೆಯ ಬದಿಗೆ ಹಾಕುತ್ತಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅಲ್ಲದೇ ಕೆರೆಯ ಹತ್ತಿರ ನಡೆಯುವ ಗಣಿಗಾರಿಕೆಗಳಲ್ಲಿ ದೊಡ್ಡ ದೊಡ್ಡ ಕಂದಕಗಳಿದ್ದು, ಅದರಲ್ಲಿ ನೀರು ಶೇಖರಣೆಯಾಗಿ ಇದರಿಂದ ಆ ಸ್ಥಳದಲ್ಲಿ ಸೊಳ್ಳೆಗಳು ಉತ್ಪತ್ತಿಯಾಗಿ ಖಾಯಿಲೆಗಳು ಹರಡುವ ಸಂಭವ ಇರುತ್ತದೆ.

7. ವಿಚಾರಣೆ ಕಾಲದಲ್ಲಿ ಸ್ಥಳೀಯ ಜಮೀನಿನ ಮಾಲೀಕರಾದ ರುದ್ರೇಗೌಡ ತಂದೆ ವೀರನಗೌಡ ಪೊಲೀಸ್ ಪಾಟೀಲ್, ಅಂದಾನಪ್ಪ ತಂದೆ ಈರಪ್ಪ ಹಾವಣ್ಣನವರ್, ಹಸನ್‌ಸಾಬ್ ತಂದೆ ಹುಸೇನ್‌ಸಾಬ್ ಪಿಂಜಾರ ಇವರುಗಳನ್ನು ವಿಚಾರಿಸಿದ್ದು, ಸದರಿಯವರು ಕಲ್ಲು ಗಣಿಗಾರಿಕೆಯಿಂದ ಕೆರೆ ಮತ್ತು ಕೆರೆಯ ಒಡ್ಡಿಗೆ ಹಾನಿಯಾಗುವ ಸಂಭವ ಇದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಅದಲ್ಲದೇ ಗಣಿಗಾರಿಕೆಯಿಂದ ತಮ್ಮ ಜಮೀನಿನ ಬೆಳೆಗಳು ಹಾಳಾಗುತ್ತಿರುವ ಬಗ್ಗೆ ಮತ್ತು ಗಣಿಗಾರಿಕೆ ತ್ಯಾಜ್ಯ ಮತ್ತು ನೀರಿನಿಂದ ರೋಗಗಳು ಹರಡುತ್ತಿರುವ ಬಗ್ಗೆ ತಿಳಿಸಿರುತ್ತಾರೆ.

8. 2014ನೇ ಸಾಲಿನಲ್ಲಿ ಗಣಿ ಮತ್ತು ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ, ಕೊಪ್ಪಳ ಇದರ ಅಧಿಕಾರಿಗಳು ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಅಕ್ರಮವಾಗಿ ಗಣಿಗಾರಿಕೆ ಮಾಡುತ್ತಿರುವ ಗಣಿ ಮಾಲೀಕರ ವಿರುದ್ಧ ಕ್ರಮ ಕೈಗೊಂಡು ದಂಡ ವಿಧಿಸಿದ್ದು ತಿಳಿದುಬಂದಿರುತ್ತದೆ. ಅದರ ನಂತರ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ. ಕರ್ನಾಟಕ ಉಪಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ 1994 ರ ಅನ್ವಯ ಕೆರೆಯ ವ್ಯಾಪ್ತಿಯಿಂದ 200 ಮೀ. ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಗಣಿಗಾರಿಕೆ ನಡೆಸದಂತೆ ಹಾಗೂ ಕೊಪ್ಪಳ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯದ ಆದೇಶ ಸಂ: ಕಂದಾಯ:ಗಣಿ: 2005-06, ದಿ:22/7/2005 ರಲ್ಲಿ ಕಡೂರು ಕೆರೆಯಿಂದ 300 ಮೀ. ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಗಣಿಗಾರಿಕೆ ನಡೆಸದಂತೆ ಆದೇಶವಿದ್ದರೂ ಸಹ ಆ ಆದೇಶಗಳ ಉಲ್ಲಂಘನೆಯಾಗುತ್ತಿರುವುದು ಸ್ಥಳ ಪರಿಶೀಲನೆಯಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ. ಅದಲ್ಲದೇ ಗಣಿಗಾರಿಕೆ ನಡೆಯುವ ಸಮಯದಲ್ಲಿ ಆಗಾಗ ಸ್ಫೋಟಕ ವಸ್ತುಗಳನ್ನು ಉಪಯೋಗಿಸುತ್ತಿರುವುದು ಸಹ ತನಿಖೆಯಿಂದ ಕಂಡುಬಂದಿರುತ್ತದೆ.

9. ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆ, ಕೊಪ್ಪಳ ಇವರು ನಿಯಮ ಉಲ್ಲಂಘಿಸಿದವರ ವಿರುದ್ಧ ಕೇವಲ ನೋಟೀಸ್ ನೀಡಿ ದಂಡವನ್ನು ತುಂಬಿಸಿಕೊಂಡಿದ್ದು, ನಂತರದ ಸಮಯದಲ್ಲಿ ಗಣಿಗಾರಿಕೆ ನಿಯಮ ಉಲ್ಲಂಘಿಸಿದವರ ವಿರುದ್ಧ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಕೈಗೊಂಡಿರುವುದಿಲ್ಲ. ಹಾಗೂ ಪರವಾನಗಿ ರದ್ದತಿಗೆ ತಮ್ಮ ಮೇಲಾಧಿಕಾರಿಗಳಿಗೆ ವರದಿ ಸಲ್ಲಿಸಿರುವುದು ಸಹ ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ.

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10. ಸಹಾಯಕ ಕಾರ್ಯನಿರ್ವಾಹಕ ಅಭಿಯಂತರರು, ಸಣ್ಣ ನೀರಾವರಿ ಉಪವಿಭಾಗ, ಬಾಗಲಕೋಟೆ ಇವರು ತಮ್ಮ ಪತ್ರ ಸಂ: ಸಕಾನಿಇಂ:ಸನಿಉವಿ/ಬಿಜಿಕೆ/ಚಿತ್ರವಾಡಗಿ ಕೆರೆ/2008-09/18, ದಿ:9/2/2009 ರ ಅನ್ವಯ ಹಿರಿಯ ಭೂವಿಜ್ಞಾನಿ, ಗಣಿ & ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆ, ಕೊಪ್ಪಳ ರವರಿಗೆ ಸದರಿ ಕೆರೆಯ ಸುತ್ತಮುತ್ತ ಒಂದು ಕಿ.ಮೀ. ಸರಹದ್ದಿನಲ್ಲಿ ನಡೆಯುತ್ತಿರುವ ಗಣಿಗಾರಿಕೆ ಬಗ್ಗೆ ತಿಳಿಸಿ ಕೆರೆಯ ಒಡ್ಡಿಗೆ ಹಾನಿಯಾಗುವ ಬಗ್ಗೆ ಪತ್ರ ಬರೆದು ತಿಳಿಸಿರುತ್ತಾರೆ. ಈ ಬಗ್ಗೆ ಗಣಿ ಮತ್ತು ಭೂ ವಿಜ್ಞಾನ ಇಲಾಖೆಯವರು ಕ್ರಮ ಕೈಗೊಂಡ ಬಗ್ಗೆ ತಿಳಿದುಬಂದಿರುವುದಿಲ್ಲ.

11. ಕಡೂರು ಕೆರೆಯು ಸಣ್ಣ ನೀರಾವರಿ ಇಲಾಖೆ ಉಪವಿಭಾಗ, ಬಾಗಲಕೋಟೆಗೆ ಒಳಪಡುತ್ತಿದ್ದು, ಸದರಿ ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳು ಕೆರೆಯ ವ್ಯಾಪ್ತಿಯ ಒಳಗೆ ಗಣಿಗಾರಿಕೆ ನಡೆಯುತ್ತಿದ್ದ ಬಗ್ಗೆ ಮತ್ತು ಕೆರೆಯ ತಡೆಗೋಡೆಗೆ, ಕಾಲುವೆಗೆ ಆಗುವ ತೊಂದರೆಗಳ ಬಗ್ಗೆ ಕೇವಲ ತಮ್ಮ ಮೇಲಾಧಿಕಾರಿಗಳಲ್ಲಿ ವರದಿಯನ್ನು ನಿವೇದಿಸಿಕೊಂಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ ಹಾಗೂ ಗಣಿ & ಭೂವಿಜ್ಞಾನ ಇಲಾಖೆಯ ಅಧಿಕಾರಿಗಳಿಗೂ ಸಹ ಪತ್ರವನ್ನು ಬರೆದಿರುತ್ತಾರೆ. ಅಲ್ಲದೇ 2010 ರಲ್ಲಿ ಒಂದು ಕ್ರಿಮಿನಲ್ ಕೇಸನ್ನು ದಾಖಲಿಸಿದ್ದು ಬಿಟ್ಟರೆ ನಂತರ ಯಾವುದೇ ಕ್ರಮವನ್ನು ಜರುಗಿಸಿರುವುದು ಕಂಡುಬಂದಿರುವುದಿಲ್ಲ.

12. ಗಣಿ ನಡೆಸಲು ಪರವಾನಗಿ ನೀಡಲು ಅಭಿಪ್ರಾಯ ಸಲ್ಲಿಸುವ ಕಾಲಕ್ಕೆ ಕರ್ನಾಟಕ ಉಪಖನಿಜ ರಿಯಾಯಿತಿ ನಿಯಮಾವಳಿ 1994 ರ ಅನ್ವಯ ಕೆರೆಯ ವ್ಯಾಪ್ತಿಯಿಂದ 200 ಮೀ. ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಗಣಿಗಾರಿಕೆ ನಡೆಸದಂತೆ ಹಾಗೂ ಕೊಪ್ಪಳ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ ಕಾರ್ಯಾಲಯದ ಆದೇಶ ಸಂ: ಕಂದಾಯ:ಗಣಿ: 2005-06, ದಿ:22/7/2005 ರಲ್ಲಿ ಕಡೂರು ಕೆರೆಯಿಂದ 300 ಮೀ. ಅಂತರದಲ್ಲಿ ಯಾವುದೇ ರೀತಿಯ ಗಣಿಗಾರಿಕೆ ನಡೆಸದಂತೆ ಆದೇಶವಿದ್ದರೂ ಸಹ ಆ ಆದೇಶಗಳ ಉಲ್ಲಂಘಿಸಿ ಪರವಾನಗಿಗಾಗಿ ಶಿಫಾರಸ್ಸು ಮಾಡಿರುವುದಾಗಿ ಕಂಡುಬಂದಿರುತ್ತದೆ. ಕೆರೆಯ ಉಸ್ತುವಾರಿ ನೋಡಿಕೊಳ್ಳುವ ಸಣ್ಣ ನೀರಾವರಿಯ ಅಧಿಕಾರಿಗಳು ಕೆರೆಯ ಜಾಗದಲ್ಲಿ ಹಾಗೂ ಕೆರೆಯ ತಡೆಗೋಡೆ ಸಮೀಪದಲ್ಲಿ ಅಕ್ರಮ ಗಣಿಗಾರಿಕೆ ನಡೆಯುತ್ತಿದ್ದ ಸಮಯದಲ್ಲಿ ಅವರ ವಿರುದ್ಧ ಸೂಕ್ತ ಕ್ರಮ ಜರುಗಿಸದೇ ಇರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಒಟ್ಟಾರೆ ಸ್ಥಳ ಪರಿಶೀಲನೆ ಹಾಗೂ ಅರ್ಜಿ ವಿಚಾರಣೆಯಿಂದ ಸಂಬಂಧಿಸಿದ ಅಧಿಕಾರಿಗಳು ತಮ್ಮ ಕರ್ತವ್ಯ ನಿರ್ವಹಿಸುವಲ್ಲಿ ಉದಾಸೀನತೆ ತೋರ್ಪಡಿಸಿದಂತೆ ಕಂಡುಬಂದಿರುತ್ತದೆ.

14. Ex.P-1 is the Complaint dt.05-05-2015 submitted by Sri Hanumantappa. Ex.P-2 Complaint in Form No.I dt.05-05-2015. Ex.P-3 is the complaint in Form No.II dt.05-05-2015. Ex.P-4 is the Documents submitted alongwith complaint. Ex.P-5 is the Letter dt.27-08-2015 of the Sri Hanumanthappa. Ex.P-6 is the Letter dt.22-08-2015 of Sri Hanumanthappa. Ex.P-7 is the letter dt.24-07-2015 of Sri R.S.Raval, Senior Geologist. Ex.P-8 is the letter dt.24-07-2015 of Sri B.K.Dinesh, Geologist. Ex.P-9 is the letter





dt.22-08-2015 of Sri Hanumanthappa. Ex.P-10 is the letter dt.09-05-2017 of Sri Hanumanthappa. Ex.P-11 is the documents showing payment of revenue to the government. Ex.P-12 is the letter dt.22-01-2007 of D.C., Koppal. Ex.P-13 is the letter dt.19-08-2015 of the Sri Hanumappa. Ex.P-14 is the Investigation report of Dy.S.P., Koppal. Ex.P-15 is the letter dt.28-10-2015 of Additional Registrar of Enquiries—3, Karnataka Lokayukta, Bengaluru. Ex.P-16 is the letter dt.23-01-2016 of the Senior Geologist, Koppal. Ex.P-17 is the letter dt.10-02-2014 of the Senior geologist, Koppal. Ex.P-18 is the letter dt.10-02-2016 of Senior Geologist, Koppal. Ex.P-19 is the letter dt.06-02-2016 of the Assistant Executive Engineer, Minor Irrigation, Bagalkot. Ex.P-20 is the statement of Venkanagowda N.Patil, Koppal. Ex.P-21 are the photographs taken during Investigation.

15. Perused the evidence of PW-1 and 2 and Ex.P-1 to 21. As per the documents, DGO-1 working as Senior Geologist and DGO-2 Geologist in Mines and Geology Department, Koppal in the year 2014-15. The DGO has not disputed that the Mining license issued to the eight persons who are (1) Vari Maruteshwara Granites K.H.Jalihal Holageri, Kustagi taluk, License no.710 in respect of Sy.no.5/1/2, 5/1/3 of Kadur village within the limits of 2 acres. (2) Sri Mallappa H.Palled r/o Yeregonal village, Kustagi taluk, License no.725 in respect of Sy.no.10/2 of Kadur village within the limits of 2 acre 20 guntas. (3) Sri Mallappa H.Palled Kustagi taluk, License no.725 in respect of Sy.no.10/2 of Kadur village within the limits of 2 acres 20 gutnas. (4) Dalphin International, Sadashivanagara, Begnaluru Kustagi taluk, License no.642 in respect of Sy.no.6/2/5

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of Kadur village within the limits of 2 acres 8 guntas (5) Sri Shivasharanappa Tukkappa Almel, Jainapura building, Ilkal, Hungunda taluk Lincese No.866 in respect of Sy.no. 24/1/1 and 24/1/2 of Turukaluru village within the limits of 2 acres 20 guntas. (6) M/s M.R.K. Granites, Joshi Galli, Ilkal, Hungunda taluk License no.727(272) of Kadur village in respect of sy.no.1/2/10 within the limits of 1 acres 28 guntas. (7) Vari Maruteshwara Granites K.H.Jalihal, Holageri, Kustagi taluk, License no.894 (364) in respect of Sy.no.30/1-1, 30/2 of Purathageri village within the limits of 2 acres. (8) Maruthi Exports, K.H.Jalihal, Hulageri, Kustagi taluk, License no.909 in respect of Sy.no.30/1/2 Puratageri village within the limits of 1 acre 20 guntas.

16. The DGO has taken defence that the license issued as per the directions of the Hon'ble High Court in W.P.No.1693/2007 (GM-MM's) Ex.P-8 page no.176-181 is the copy of the order of the Hon'ble High Court in the above said W.P. In the said W.P. Hon'ble High Court observed in para no.5 as stated below;

“It is evident from the material on record that two lease deeds were executed by the competent authorities of the department of Mines and Geology in accordance with the KMMC Rules 1994 in favour of the Petitioner in respect of the aforesaid lands (Sy.no.4, 10/4, 10/2 of Kadur village). It is also evident that the competent authorities have not initiated any action for violation of any of the terms of the lease deed in accordance with law.”

In the said order, Hon'ble High court has further observed in para no.6 that the notice/order at

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Annexure-F issued by the second respondent is hereby quashed. However, liberty is reserved to the competent authorities to initiate action in accordance with law if the petitioner contravenes any of the terms of the lease deeds or any of the provisions of KMMC Rules while carrying on quarrying activity.

The above said W.P. filed by Sri Mallappa H.Palled who was one of the licensee holder out of above said 8 persons. Perusing the above said decision of the Hon'ble High court Court, the Hon'ble High court not restricted the DGOs to take action in respect of the license holder who have violated the Mining license conditions. Further, the said order is only in respect of the sy.no.10/1, 10/2 of Kadur village.

17. PW-2 the Investigating Officer, submitted his report Ex.P-14 on 12-02-2016. As per the said report, he had visited the alleged Mining spot on 03-02-2016 in the presence of DGO-2 and Junior Engineer, Vinay Kumar and Assistant Engineer, Minor Irrigation Department, Bagalkot and Deputy Tahasildar, Hanumasagar, surveyor, Muruger Yelburga and Revenue Inspector, Mallikarjuna along with complainant Hanumantappa Nagappa Malladad. PW-2 clearly stated in his report that the said Kadur tank (Chittavadagi) having 516 acre 13 gunta area, out of that only 441 acre 13 guntas entered in the current pahani patrike. Further he has stated that the said tank comes under the control of Minor Irrigation department sub-division, Bagalkote. Further, he had stated that remaining 75 acres 25 guntas is shown in the current Pahani Patrike as submersed land. The land acquisition proceedings is going on in respect of the submersed land. Further, he has clearly

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stated in his report that the mining operation by the Vari Maruteshwara Granites going on within 100 meters from the canal of said Kadur tank and it amounts to cause damage to the said canal and also it leads to pollute the water of said tank water. Further, he has stated in his report that Mallappa H.Palled above said sl.no.2 and 3 having only one license, he had involved in the Mining activities in the area of passing the back water of said tank when the said tank fill up in the capacity. The said mining activities may obstruct to passing the back water of the said tank to the outside of the said tank after water is filled up in full capacity. PW-2 further stated in his report that the sl.no.4 and 5 stated above have involved in the illegal mining activities out of the area which was allotted to them by encroaching the tank bed area. Further, he has stated that sl.no.6 Granites company has involved in Mining activity within the limits of the 500 mtrs. of tank bed area. It may affect the protection wall constructed to the said tank. Further he has stated that Sl.no.7 and 8 Mines company also continue the mining activities towards the East and West side of protection wall of the said tank and there is a chance of damage caused to the said protection walls. Further, PW-2 stated in his report that other than above said license holder (1) Raghavendra Enterprises, (2) Raju Bora Enterprises (3) Sri Chandrahasa Herur also involved in Mining operation in the surrounding area of the said tank bed it may affect the said tank.

18. PW-2 clearly stated in his oral evidence as well as in his report, that to avoid the illegal mining activities, the DGOs have not taken any steps. Further, PW-2 deposed in his evidence as well as in his report stated that at the time of recommendation made to higher authorities to issue mining license the DGOs have not

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properly submitted their report regarding the fact that if the said mining activities carried out near the said tank and in tank bed area, it may affect the storage of water in the said tank as well as affect to the protection wall constructed to the tank and passing of backwater after water is stored in full capacity. In support of his report, PW-2 produced the photographs taken at the time of visiting the spot which are marked as Ex.P-21 and also the statement of local persons recorded by him which are marked as Ex.P-20 page no.385-387. Further, in support of the evidence of the PW-2, Ex.P-19 the report dt.16-02-2016 submitted by the Assistant Executive Engineer, Minor Irrigation sub-division. Bagalkote along with documents is there. As per the said document page no.379-380, Assistant Executive Engineer, Minor irrigation sub-division, Bagalkote wrote the letter dt.09-02-2009 to the senior Geologist, Mines and Geology Department, Koppal to stop the Mining activities within 1 k.m. area from the said tank for the reason, there is a change of damage caused to the said tank. The DGO-2 was died during the pendency of the departmental enquiry. The DGO-1 continuously absent and not made cross examination of the witness of the Disciplinary Authority to disprove the evidence of PW-1 and 2 and report submitted by the PW-2 Investigating Officer. The DGO-1 then placed ex-parte. There is no material from the side of the DGO to show that they have taken the steps against the persons who were involved in illegal mining activities and stop the same.

19. Considering the above said evidence and documents of the disciplinary authority, it is clearly reveals that the DGO-1 failed to take action against the quarry owners who have violated the order

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of Deputy Commissioner i.e., not to carry out mining activities within 500 mtr radius from the tank bed.

20. Thereby the disciplinary authority has succeeded to prove the charge leveled against the DGO no.1. The departmental enquiry is abated against DGO-2 who died on 14-10-2018.

21. In the above said facts and circumstances, charge leveled against the DGOs No.1 is proved. The departmental enquiry is abated against DGO-2 who died on 14-10-2018.

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

J. N. R.
17/03/2020

(Lokappa N.R)

Additional Registrar Enquiries-9
Karnataka Lokayukta,
Bengaluru.

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

Pw.1	complainant Sri. Hanumanthappa Nagappa Malladad - original dtd: 14-09-2018
PW-2	Sri Venkanagowda patil, Dy.S.P. Karnataka Lokayukta Bhalki sub-division, Bidar original dtd: 24-07-2019

ii) **List of Documents marked on behalf of Disciplinary Authority.**

Ex.P1	Complaint dt.05-05-2015 submitted by Sri Hanumantappa.
Ex.P 2	Complaint in Form No.I dt.05-05-2015.
Ex.P-3	Complaint in Form No.II dt.05-05-2015.
Ex.P-4	Documents submitted alongwith complaint.
Ex.P-5	Letter dt.27-08-2015 of the Sri Hanumanthappa.
Ex.P-6	Letter dt.22-08-2015 of Sri Hanumanthappa.
Ex.P-7	Letter dt.24-07-2015 of Sri R.S.Raval, Senior Geologist.
Ex.P-8	Letter dt.24-07-2015 of Sri B.K.Dinesh, Geologist.
Ex.P-9	Letter dt.22-08-2015 of Sri Hanumanthappa.
Ex.P-10	Letter dt.09-05-2017 of Sri Hanumanthappa.
Ex.P-11	Documents showing payment of revenue to the government.
Ex.P-12	Letter dt.22-01-2007 of D.C., Koppal.
Ex.P-13	letter dt.19-08-2015 of the Sri Hanumappa.
Ex.P-14	Investigation report of Dy.S.P., Koppal.
Ex.P-15	Letter dt.28-10-2015 of Additional Registrar of Enquiries—3, Karnataka Lokayukta,

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	Bengaluru.
Ex.P-16	Letter dt.23-01-2016 of the Senior Geologist, Koppal.
Ex.P-17	Letter dt.10-02-2014 of the Senior geologist, Koppal.
Ex.P-18	Letter dt.10-02-2016 of Senior Geologist, Koppal.
Ex.P-19	Letter dt.06-02-2016 of the Assistant Executive Engineer, Minor Irrigation, Bagalkot.
Ex.P-20	Statement of Venkanagowda N.Patil, Koppal.
Ex.P-21	Photographs taken during Investigation.

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

-NIL-

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

-NIL-

Jan 17/03/2020
 (Lokappa N.R)
 Additional Registrar Enquiries-9
 Karnataka Lokayukta,
 Bengaluru.

GOVERNMENT OF KARNATAKA



KARNATAKA LOKAYUKTA

No.UPLOK-1/DE/974/2017/ARE-9

Multi Storied Buildings,
Dr.B.R.Ambedkar Veedhi,
Bengaluru-560 001,
Date: **19/03/2020**

RECOMMENDATION

Sub:- Departmental inquiry against;

- 1) Sri R.S. Raval (Ravindranath S. Raval) Senior Geologist, Department of Mines and Geology, Koppal;
- 2) Sri Dinesh, Geologist, Department of Mines and Geology, Koppal – Reg.

- Ref:-1) Government Order No. ಸಿಐ 110 ಎಂಜಿಎಸ್ 2016 Bengaluru dated 22/08/2017.
- 2) Nomination order No.UPLOK-1/DE/974/2017 Bengaluru dated 4/9/2017 of Upalokayukta-1, State of Karnataka, Bengaluru.
 - 3) Inquiry Report dated of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru

The Government by its Order dated 22/08/2017 initiated the disciplinary proceedings against (1) Sri R.S. Raval (Ravindranath S. Raval) Senior Geologist, Department of Mines and Geology, Koppal and (2) Sri Dinesh, Geologist, Department of Mines and Geology, Koppal (hereinafter referred to as Delinquent Government Official's (1) and (2) for short as 'DGO-1 and DGO-2 respectively') and entrusted the Departmental Inquiry to this Institution.

2. This Institution by Nomination Order No.UPLOK-1/DE/974/2017 dated 4/9/2017 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry

Officer to frame charges and to conduct Departmental Inquiry against DGOs 1 and 2 for the alleged charge of misconduct, said to have been committed by them.

3. The DGO-1 Sri R.S. Raval (Ravindranath S. Raval) Senior Geologist, Department of Mines and Geology, Koppal and DGO-2 Sri Dinesh, Geologist, Department of Mines and Geology, Koppal were tried for the following charge:-

“The Deputy Superintendent of Police has submitted report dated 12.2.2015. As per the report, the following persons were carrying on blasting operations surrounding Kadur (Chittawadagi) tank, Kustagi taluk, Koppal district.

Sl. No	Name of Quarry owner	License Number	Survey Number	Extent of Quarry
1	Vari Marutheswara Granites, K.H. JalihaI, Holageri, Kushtagi Taluk	710	5/1/2, 5/1/3, Kadur	2 Acres
2	Sri Mallappa H. Palled, R/o. Yeregonal Village, Kushtagi Taluk	725	10/2 of Kadur Village	2 Acres 20 guntas
3	Sri Mallappa H. Palled, R/o. Yeregonal Village, Kushtagi Taluk	725	10/2 of Kadur Village	2 Acres 20 guntas
4	Dalphin International Sadashivanagar, Bengaluru	L642	6/2/5 Kadur Village	2 Acres 8 Guntas
5	Sri Shivasharanappa Tukappa Almel, Jainapur Building, Ilalkal, Hunagund Taluk	866	24/1/1 & 24/1/2 Turukanur Village	2 Acres 20 Guntas
6	M/s. MRK Granites, Joshi Galli, Ilalkal, Hunagund Taluk	727 (272)	1/2/10 Kadur Village	1 Acre 28 gutnas
7	Vari Marutheswara Granites, K.H. JalihaI, Holageri, Kushtagi Taluk	894 (364)	30/1-1 & 30/2 Purathageri	2 Acres
8	Maruthi Exports, K.H. JalihaI, Holageri, Kushtagi Taluk	909	30/1/2 Purathageri Village	1 Acre 20 Guntas

The persons mentioned at Sl.no. 2 and 3 were holding one license. The company mentioned at Sl.No. 6 was quarrying within 500 meter radius from the river bed. From the quarrying operations of persons mentioned at Sl.Nos. 1, 2, 4, 5, 7 and 8, there is likelihood of damage to tank bund and channel. The person mentioned at Sl.No.1 was carrying on quarry operations within a distance of 100 meter from channel and there is likelihood of causing damage to the channel. Persons mentioned at Sl.No.2 and 3 had single licence and they were carrying on quarry operations on the tank bed (submersion area of tank). These quarry operations are likely to cause damage to tank area. The companies mentioned at Sl. Nos. 4 and 5 were carrying on quarry operations in the area on which they were not permitted to carry on quarry operations and they have encroached the tank area. The companies mentioned at Sl. No. 7 and 8 are carrying on quarry operations near tank bund which is likely to cause damage to tank bed.

You-DGO 1 and 2 have failed to take action against the quarry owners, who have violated the orders of Deputy Commissioner and conditions of license for quarry. Thereby you -DGOs have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of a government servant and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Services (conduct) Rules 1966.”

4. The DGO-2 Sri Dinesh died on 14/10/2018 (during the pendency of inquiry). Therefore, the inquiry officer has recorded the abatement of disciplinary proceedings against DGO-1 Sri Dinesh, Geologist, Mines & Geology Department, Koppal.

5. The Inquiry Officer (Additional Registrar of Enquiries-9) on appreciation of oral and documentary evidence has held that, the Disciplinary Authority has proved the above charge against DGO-1 Sri R.S. Raval (Ravindranath S. Raval) Senior Geologist, Department of Mines and Geology, Koppal.

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. It is hereby recommended to accept the report of inquiry officer and to record abatement of disciplinary proceedings against DGO-2 Sri Dinesh, Geologist, Mines and Geology Department, Koppal.

8. As per the First Oral Statement submitted by DGO-1 Sri R.S. Raval, he is due to retire from service on 30/9/2020.

9. Having regard to the nature of charge proved against DGO-1 Sri R.S. Raval (Ravindranath S. Raval) and the time required for issuance of I & II Show cause notices and consideration of replies submitted by DGO-1 before passing final orders, it is hereby recommended to the Government for imposing penalty of withholding 10% of pension payable to DGO-1 Sri R.S. Raval

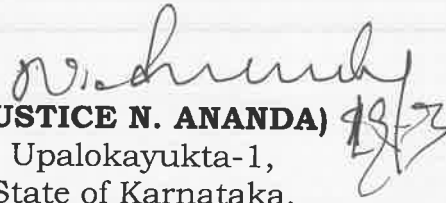
(Ravindranath S. Raval), Senior Geologist, Department of Mines and Geology, Koppal for a period of 10 years.

OR IN THE ALTERNATIVE

If the final order is passed before the retirement of DGO-1 Sri R.S. Raval, it is recommended to Government for imposing penalty of reducing the pay in the time scale of pay by four lower stages with cumulative effect on DGO-1 Sri R.S. Raval (Ravindranath S. Raval), Senior Geologist, Mines and Geology Department, Koppal.

10. 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

