

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/211/2018/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:16.12.2021

**:: ENQUIRY REPORT ::**

**:: Present ::**

**( PUSHPAVATHI.V )**

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

Sub: Departmental Inquiry against (1) Suresh,  
Village Accountant, Mangalagrama  
village, Kasaba Hobali, Chamarajanagar  
Taluk and District (2) C.Mahesh,  
Revenue Inspector, Kasaba Hobli,  
Chamarajanagara Taluk and District -  
reg.

Ref: 1. G.O.No. RD 51 BDP 2018 dated:  
10.4.2018.  
2.Nomination Order No: UPLOK-  
2/DE/211/2018/ARE-9 Bangalore  
dated:28.4.2018 of Hon'ble  
Upalokayukta-2

\* \* \* \* @ \* \* \* \*

This Departmental Inquiry is initiated against (1)  
Suresh, Village Accountant, Mangalagrama village, Kasaba  
Hobali, Chamarajanagar Taluk and District (2) C.Mahesh,  
Revenue Inspector, Kasaba Hobli, Chamarajanagara Taluk  
and District (hereinafter referred to as the Delinquent  
Government Official for short "DGO No.1 & 2").

*16-12-2021*

2. In pursuance of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 28.4.2018 cited above at reference No.2 has nominated Additional Registrar of Enquiries-9 (in short ARE-9) to issue Articles of charges and to conduct the inquiry against the aforesaid DGOs.

3. This Authority (ARE-9) has issued the 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 in support of the charges.

4. The Article of charges issued by the ARE-9 against the DGO are as under :

**ANNEXURE-I**  
**CHARGE**

The complainant has challenged the mutation No.13/2007-08 dated 15/7/2007 accepted in favour of Smt. Puttamamma in respect of sy.No.587/04 of Kasaba hobli, Mangalagrama, Chamarajnagar taluk measuring 3 acres 21 guntas before the Assistant Commissioner in RA No.130/08-09. In the said appeal Asst. Commissioner stayed the said mutation order on 14/11/2008. Meanwhile, said Puttamamma executed the registered will dated 9/3/2009 in favour of Smt. Chikkatayamma. In the said will, pendency of the Appeal RA No.130/2008-09 has been mentioned and during the pendency of the said appeal said Puttamamma died on 9/12/09. Thereafter Chikkatayamma filed an application before the

16.12.2011

Tahasildar Chamrajnagar with a request to transfer the khata to her name based upon the said registered will. You DGO No.1 and 2 without verifying whether there was any stay order granted by the Asst. Commissioner or not. Further, even though recitals of the disputed will indicates about the pendency of RA 130/08-09 and stay order granted by Asst. Commissioner in the said appeal. You-DGO as Village Accountant and Revenue Inspector took a decision to transfer the khata in favour of Chikkatayamma through MR No.32/12-13 and accept the mutation in favour of Chikkatayamma without issuing the notice to the complainant.

Thereby you - DGO/s have failed to maintain absolute integrity, devotion to duty and committed an act which is unbecoming of government servant/s and thus you are guilty of misconduct u/r 3 (1) (i) to (iii) of Karnataka Civil Service (conduct) Rules 1966.

**ANNEXURE - 2**  
**STATEMENT OF IMPUTATIONS OF MISCONDUCT**

An investigation u/s 9 of Karnataka Lokayukta Act was taken on the complaint filed by Sri. M.Mahadevashetty - S/o. Late. Madashetty, Uppar Jananga, Mangala Village, Chamarajanagar Taluk, Chamarajanagar District (hereinafter referred to as complainant for short) against Sri. Mahesh- Circle Inspector, Chamarajanagar Taluk, Chamarajanagar District, 2) Sri. Suresh- Village Accountant, Mangalagrama Village, Kasaba Hobli, Taluk Office, Chamarajanagar District (**DGO No.1**), 3) Sri. C.Mahesh- Revenue Inspector, Kasaba Hobli,

16.12.2014

Chamarajanagar (DGO No.2) and 4) Sri. M.C.Mahadevaswamy- Tahasildar, now working in the office of Regional Commissioner, Chamarajanagar District alleging maladministration and injustice.

The complainant has alleged that even though there was a stay granted by Assistant Commissioner in RA 130/2008-09, Sri. Mahesh- Circle Inspector, Chamarajanagar Taluk, Chamarajanagar District, 2) Sri. Suresh- Village Accountant, Mangalagrama Village, Kasaba Hobli, Taluk Office, Chamarajanagar District (DGO No.1), 3) Sri. C.Mahesh- Revenue Inspector, Kasaba Hobli, Chamarajanagar (DGO No.2) and 4) Sri. M.C.Mahadevaswamy- Tahasildar have deliberately transferred the katha in respect of land bearing Sy.No.587/04 measuring 3 acres 21 guntas in favour of Smt. Chikkathayamma and thereby committed mal administration and due to that he was put to injustice. Hence, suitable action is to be taken against them.

After taking up the investigation, Tahasildar, Chamarajanagar was asked to submit the report with regard to the grievances involved in the case. Accordingly, the Tahasildar, Chamarajanagar has submitted his report. In the report the Tahasildar stated that as per the information gathered from village accountant and Revenue Inspector, one Chikkathayamma D/o. Puttamamma filed an application seeking transfer of katha to her name in respect of land bearing Sy.No. 587/4 measuring 3.21 acres on the basis of registered will. After following the procedure, katha was transferred to her name on the basis of that registered will

L  
16.12.2014

through MR No. 32/2012-13. It is stated that they have not received stay order from the Assistant Commissioner and moreover it was not entered in the RTC. Accordingly, the Village Accountant and Revenue Inspector submitted a report stating that the acceptance of mutation in favour of Smt. Chikkathayamma based upon registered will was in accordance with law.

Thereafter, rejoinder from the complainant was called. Accordingly, the complainant submitted his rejoinder, stating that the report of the Tahasildar is false and the same is filed by suppressing the material facts. The DGOs were very well aware about the stay granted by the Assistant Commissioner. Therefore, action is to be taken against the respondents.

Later, report was called from AC, Chamarajanagar. Accordingly, AC Chamarajanagar submitted the report dated 15/12/2016, along with the copy of the order dated 15/04/2016 in RA 130/2008-09. It is stated that she had granted the stay and thereafter directed the Tahasildar to pass an order in accordance with law.

In the light of the above rival contentions, I have perused the records. Transferring of katha in favour of Smt. Chikkathayamma D/o. Puttamadamma, by the DGO No.1 and 2 based upon the alleged will is not in dispute. As per the available records, Sri M.C. Mahadevaswamy, Tahasildar has not played any role in that matter. Based upon the report of DGO No.1, the DGO No.2, C Mahesh has accepted the mutation. The complainant produced copy of the appeal memo in RA 130/2008-09. Through that appeal he

16.12.2016

had challenged the mutation accepted in favour of Smt. Puttamadamma. According to the complainant who was the appellant in that case, the said Puttamadamma by claiming that she is the wife of Sri. Madashetty on the basis of created and concocted documents got the katha transferred in her name. Therefore, the said mutation is illegal. Hence, it is to be set aside. On filing of the said appeal the complainant obtained interim stay order to the said mutation. It is pertinent to note that during the operation of stay order and pendency of the said appeal, the said Puttamadamma has executed registered will dated 09/03/2009 in favour of Smt. Chikkathayamma. In the said will, pendency of appeal in RA 130/2008-09 has been mentioned. During the pendency of the said appeal the said Puttamadamma died on 09/12/2009. Thereafter, Smt. Chikkathayamma filed an application before the Tahasildar, Chamarajanagar with a request to transfer the katha to her name based upon the said registered will. The copy of the will was produced along with the application. As per the admissions made by DGO No.1 and 2 they only believed a registered will and accordingly issued form No.21 and after waiting for some time, on the ground that nobody has filed objections, they took a decision to transfer the katha in favour of Chikkathayamma through M.R. No. 32/2012-13. Now, the DGO No.1 and 2 have justified their actions with regard to transferring of katha based upon the will.

It is pertinent to note that through order dated 15/04/2016, the Assistant Commissioner observed that probate is to be obtained on the basis of will. Therefore, the

16.12.2011

matter is to be adjudicated by the civil court. Accordingly, appeal has been dismissed. It is important to note that when the complainant had challenged the very transferring of katha in favour of Smt. Puttamadamma and accordingly, filed the appeal and obtained stay order to the mutation, It was the duty of the DGO No.1 and 2 to verify whether there was any stay order granted by the Assistant Commissioner or not. The recitals of the disputed will clearly indicates about the pendency of RA 130/2008-09. The alleged will was executed during the pendency of that appeal and within about 9 months thereafter the said Puttamadamma died. But, the DGO No.1 and 2, for the reasons best known to them believed the version of Smt. Chikkathayamma and also the alleged will and accordingly, accepted mutation in her favour. When they had knowledge about the pendency of that appeal before the Assistant Commissioner, it was their duty to verify as to what was the grievance made by the appellant in that appeal. They should have issued notice to this complainant and sought his opinion regarding the application filed by Smt. Chikkathayamma. Therefore, absolutely there is a serious lapse on the part of respondent Nos. 2 and 3 while accepting the mutation in favour of Smt. Chikkathayamma. They have not at all taken note of the pendency of the appeal, the challenge made by the appellant with regard to transferring of katha in favour of Smt. Puttamadamma, while accepting the mutation in favour of Smt. Chikkathayamma. They should have considered that the will was executed during the pendency of the appeal and hence it was a disputed document. The basic procedure with regard to issuance of

✓  
16.12.2024

notice to the complainant has not been followed. It was their duty to issue notice to the complainant when they had a knowledge about filing appeal by him before the Assistant Commissioner. Therefore, the comments/explanation submitted by DGO No.1 and 2 cannot be believed and accepted. Having regard to the aforesaid facts and circumstances, it is very clear that DGO no.1 and 2 have deliberately accepted the mutation in favour of Chikkathayamma based upon the disputed document i.e., will. Hence, it amounts to maladministration and dereliction of their official duty within the meaning of Rule 3(i)(ii)&(iii) of KCS(Conduct) Rules.

Since, Sri M.C Mahadevaswamy, Tahasildar has not played any role with regard to acceptance of mutation, the proceedings against Sri M.C Mahadevswamy may be dropped.

Since said facts and material on record prima-facie show that the DGOs committed misconduct, now, acting under section 12(3) of Karnataka Lokayukta Act, recommendation is made to the Competent Authority to initiate disciplinary proceedings against the DGOs and to entrust the inquiry to this Authority under Rule 14-A of Karnataka Civil Service (Classifications, Control and Appeal) Rules, 1957. Hence the charge.

5. The copies of the same were issued to the DGOs calling upon them to appear before this authority and to submit written statement.

16.12.2014



6. The DGO No.2 appeared before this inquiry authority in pursuance to the service of the Article of charges. Plea of the DGO No.2 has been recorded and he has pleaded not guilty and claimed for holding inquiry. Thereafter, he submitted written statement.

7. DGO No. 1 reported as died on 8.5.2016. Hence proceedings against DGO No. 1 has been abated.

8. DGO No.2 in his written statement has admitted that Smt.Chikkathayamma D/o Mahadevashetty had filed an application on 26.6.2013 to accept khatha in her name on the basis of the WILL executed by Smt.Puttamadamma dated 09.03.2009 in respect of Sy. No. 587/4 of Mangala grama, Kasabha hobli, Chamarajanagara Taluk and District. He further admits that he accepted mutation / khatha as per M.R. No. 32/2012-13 in the name of Smt.Chikkathayamma. But according to him, on the basis of report of village accountant, he accepted the mutation above said.

9. He has further submitted that he did not receive stay order which was passed in RA 130/2008-09 by the Assistant Commissioner. Further there was no entry of the stay order in the bhoomi branch. Even, nobody submitted copy of the stay order. Further there was no objection from anybody during 30 days from 26.6.2013 to accept mutation in the name of Smt.Chikkathayamma on the basis of WILL.

10.He further submits that it was the duty of the village accountant to give notice under section 65 of Land Revenue Act and to receive any objections within 30 days from the date of notice and if no objections were filed to report this to the

16.12.2014

revenue inspector. The village accountant has submitted no objections to accept mutation in the name of Smt.Chikkathayamma. On the basis of said report, he accepted mutation in the name of Smt.Chikkathayamma. He has not committed any dereliction of duty or misconduct as alleged. With these he prays to drop the charges leveled against him.

**11.** The disciplinary authority has examined the complainant Sri. M.Mahadevashetty S/o Late Madashetty, as PW.1. Sri. Nalini Athul, Joint Director, KMDS, JMD, KMDS, Bangalore as PW-2 and got marked documents as **Ex.P-1 to ExP-6.**

**12.** Thereafter, second oral statement of DGO No.2 has been recorded. DGO submitted he has got his evidence. So, opportunity was provided to him to adduce evidence. Accordingly, Smt. Kavitha Rajaram, W/o S.Nandish, Additional Deputy Commissioner, Hassan District is examined as DW-1 and DGO No.2 got examined himself as DW-2, got marked documents as **Ex.D-1 to Ex.D2.**

**13.** Heard, submissions of both the side. I answer the above charges against DGO No. 2 in the **AFFIRMATIVE** for the following; Proceedings against DGO No. 1 is abated.

### REASONS

**14.** The allegation is that in respect of Sy. No. 587/4 to an extent of 3 acres 21 guntas of Mangala village, Chamarajanagara Taluk, the DGO No. 2 has accepted mutation in the name of Smt. Chikkathayamma D/o

*[Handwritten signature]*  
16.12.2018

Mahadeva shetty on the basis of WILL ignoring the recitals in the WILL about pendency of RA 130/2008-09.

15. The DGO No. 1 Village Accountant died during the pendency of this proceedings. Hence case has been abated against him. There is no dispute as to DGO No.2 was working as Revenue Inspector during the period of allegation. Further there is no dispute as to DGO No. 2 accepted mutation in the name of Chikkathayamma D/o Mahadeva shetty in respect of Sy. No.587/4 of Mangala grama, Kasabha hobli, Chamarajanagara ,on the basis of the WILL produced by her. The WILL is produced before this authority at Ex.P-6. The recitals in WILL are marked at Ex.P-6 (a). These recitals are marked as DGO No. 2 admitted during cross examination when it is confronted to him. Ex.P-6(a) reads as follows;

“ಇದಲ್ಲದೆ ಈಗ ಸದರಿ ಸೆಡ್ಯೂಲು ಸ್ವತ್ತಿನ ಖಾತೆಯು ಎಂ. ಆರ್. 13/2007-08ರ ಮುಖಾಂತರ ನನ್ನ ಹೆಸರಿಗೆ ಬದಲಾವಣೆ ಆಗಿರುವುದರಿಂದ ಅದನ್ನು ಪ್ರಶ್ನಿಸಿ ನನ್ನ ಗಂಡನ ಹಿರಿಯ ಹೆಂಡತಿಯ ಮಗನಾದ ಮಹದೇವ ಶೆಟ್ಟಿಯು ನನ್ನ ವಿರುದ್ಧ ಕೊಳ್ಳೇಗಾಲದ ಉಪ ವಿಭಾಗಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಆರ್. ಎ ಸಂ: 130/08-09 ಮೇಲ್ಮನವಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾನೆ. ಸದರಿ ಮೇಲ್ಮನವಿಯು ಇನ್ನು ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಬಾಕಿ ಇದ್ದು ಒಂದು ವೇಳೆ ನಾನು ಬದುಕಿರುವವರೆಗೂ ಸದರಿ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಮೇಲ್ಮನವಿಯು ತೀರ್ಮಾನವಾಗದೆ ಇದ್ದ ಪಕ್ಷದಲ್ಲಿ ಸದರಿ ಮರಣ ಶಾಸನದ ಮುಖಾಂತರ ನಿನಗೆ ವರ್ಗಾವಣೆ ಮಾಡುತ್ತಿರುವುದರಿಂದ ಸದರಿ ಮೇಲ್ಮನವಿಯನ್ನು ನೀನೆ ನಡೆಸಿಕೊಂಡು ಹೋಗತಕ್ಕದು.”

16. So, here it is clear that in the WILL it is clearly mentioned that RA 230/2008-09 was pending before Assistant Commissioner in respect of Sy.No.587/4 of Mangala grama. In spite of it, the mutation has been accepted by DGO No. 2 in the name of Chikkathayamma.

16-12-201

17. The defence of the DGO is that he did not receive stay order which was passed in RA 130/2008-09 by the Assistant Commissioner; there was no entry of the stay order in the bhoomi branch. Even, nobody submitted copy of the stay order, there was no objection from anybody during 30 days from 26.6.2013 to accept mutation in the name of Smt.Chikkathayamma on the basis of WILL. It was the duty of the village accountant to give notice under section 65 of Land Revenue Act and to receive any objections within 30 days from the date of notice and if no objections, to report the same to the revenue inspector. The village accountant had submitted no objections to accept mutation in the name of Smt.Chikkathayamma. On the basis of said report, he accepted mutation in the name of Smt.Chikkathayamma. He has not committed any dereliction of duty or misconduct as alleged. During the chief examination he has reiterated the same. During the cross examination he admits as follows;

“ಅರ್ಜಿಯ ಜೊತೆಗೆ ಪುಟ್ಟಮಾದಮ್ಮ ರವರ ಮರಣ ಶಾಸನ ಪತ್ರ ಮತ್ತು ಮರಣ ಪ್ರಮಾಣ ಪತ್ರವನ್ನು ಹಾಜರುಪಡಿಸಿದ್ದರು ಎಂದರೆ ಸರಿ. ಮರಣ ಶಾಸನ ಪತ್ರದ ಪುಟ 3 ರಲ್ಲಿ ಆರ್.ಎ.130/2008-09 ಮೇಲ್ಮನವಿಯನ್ನು ಉಪವಿಭಾಗಾಧಿಕಾರಿಗಳ ನ್ಯಾಯಾಲಯದಲ್ಲಿ ಮಹದೇವಶೆಟ್ಟಿ ರವರು, ಸಲ್ಲಿಸಿದ್ದರ ಬಗ್ಗೆ ಉಲ್ಲೇಖ ಇದೆ ಎಂದರೆ ಸರಿ. ಇದು ಮರಣ ಶಾಸನ ಪತ್ರದಲ್ಲಿನ ಸದರಿ ಉಲ್ಲೇಖ ಎಂದರೆ ಸರಿ. ಈ ಪ್ರಕರಣದಲ್ಲಿ ನಿರ್ಬಂಧಾಕ್ಷೇ ಇದೆಯೇ ಇಲ್ಲವೇ ಎಂದು ನಾನು ಪರಿಶೀಲನೆ ಮಾಡಿದ್ದೆ. ಶಿವನಪ್ಪ ಎನ್ನುವ ಎ.ಸಿ. ಆಫೀಸಿನ ಗುಮಾಸ್ತರಿಗೆ ಫೋನ್ ಮಾಡಿ ತಿಳಿದುಕೊಂಡಿದ್ದೆ. ಅವರು ನಿರ್ಬಂಧಾಕ್ಷೇ ಇಲ್ಲ ಎಂದು ಹೇಳಿದ್ದರು. ನಾನು ಈ ಬಗ್ಗೆ ಮಾಹಿತಿ ಕೊಡುವಂತೆ ಎ.ಸಿ. ಕಛೇರಿಗೆ ಪತ್ರ ಬರೆದು ತಿಳಿದುಕೊಂಡಿಲ್ಲ. ಹಾಗೆ ಪತ್ರ ಬರೆಯಲು ನನಗೇನು ತೊಂದರೆ

16.12.2017

ಇರಲಿಲ್ಲ. ನಾನು ಶಿವನಪ್ಪ ರವರಿಗೆ ಫೋನ್ ಮಾಡಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನಾನು ಸುಳ್ಳು ಹೇಳುತ್ತಿದ್ದೇನೆ ಎಂದರೆ ಸರಿಯಲ್ಲ. ನಾನು ನಿರ್ಬಂಧಾಕ್ಕೆ ಇದೆಯೇ ಇಲ್ಲವೇ ಎನ್ನುವುದರ ಬಗ್ಗೆ ನಿಯಮದ ಪ್ರಕಾರ ವಿಚಾರ ಮಾಡಿಲ್ಲ ಎಂದರೆ ಸರಿಯಲ್ಲ. ಎಂ.ಆರ್. ಸಂ: 32/2012-13 ಮಾಡುವ ಮೊದಲು ನಾನು ದೂರುದಾರರಿಗೆ ನೋಟೀಸ್ ಕೊಟ್ಟಿಲ್ಲ. ನೋಟೀಸ್ ಕೊಡುವುದು ನನ್ನ ಕರ್ತವ್ಯ ಅಲ್ಲ. ವಿಲೇಜ್ ಆಕೌಂಟೆಂಟ್ ರವರದ್ದು. ಅವರು ನೋಟೀಸ್ ಕೊಟ್ಟಿದ್ದರೆ ಇಲ್ಲವೇ ಎಂದು ನಾನು ಕಡತವನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿದ್ದೆ. ನೋಟೀಸ್ ಕೊಟ್ಟಿರಲಿಲ್ಲ. ಪುನಃ ಕಡತವನ್ನು ವಾಪಸ್ ವಿಲೇಜ್ ಆಕೌಂಟೆಂಟ್‌ಗೆ ನೋಟೀಸ್ ಕಳುಹಿಸುವಂತೆ ನಾನು ಕೇಳಿರಲಿಲ್ಲ.”

**18.** Further, as said above during cross examination, this witness admits that Ex.P6 (a), the recitals in WILL with regard to pendency of RA 130/2008 -09 before the Assistant Commissioner. He further admits that he was having knowledge of such recitals. In spite of it he did not get information about stay order which was in force in the said RA 130/-2008-09. Of course he says that he had phoned up one Shivanappa the clerk of office of Assistant Commissioner and he said was no stay. But, he has not referred anywhere in the Mutation proceedings about he having phoned up Shivanappa and got information that there was no stay. Even in the written statement or in his chief evidence, he does not say about any information from Shivanappa that there was no stay. His defense is different that he had no information of stay in RA 130/2008-09 as on the date he accepted Mutation. Even otherwise, this is not the way of taking information in the official proceedings. The DGO No.2 had to write a letter seeking information as to whether there was stay in the

16.12.2014

proceedings. Admittedly he has not done so. Further he admits that he has not given notice to complainant before accepting mutation No. 32/2012-13 in the name of Chikkathayamma. Of course, he says it was not his duty to give notice, as it was the duty of the Village Accountant who had reported no objection to accept mutation and on the basis of his report he accepted the mutation. But, he further admits on perusal of the record, he found no notice was issued by Village Accountant. So, as he found no notice was issued, it was his duty to send the record back for issuing notice. He admits he did not send back the record to Village Accountant to issue notice. In this way DGO No. 2 himself has admitted that in spite of recitals in the WILL with regard to pendency of RA 130/2008-09 and although no notice was issued to complainant, the DGO No.2 having knowledge of the same accepted the mutation in the name of Chikkathayamma. Being a responsible government servant it was his duty to verify whether stay order was there or not once he found the recitals with regard to pendency of RA before the Assistant Commissioner. But he has not taken such diligent steps. His contention that stay order was not communicated to him is not acceptable. Of course, he has examined Smt. Kavitha Rajaram the Assistant Commissioner, who has supported DW-1 by saying that the order of stay in RA No. 130/2008-09 was passed by her on 4.12.2015. On 15.4.2016 she passed final order. On 9.10.2015 counsel for advocate brought to her notice the stay order dated: 12.12.2008 and submitted that khatha has been changed in spite of stay order. Thereafter on perusal, she came to know

*16.12.2016*

that stay order had not been served on the party and it was not even recorded in the order sheet. The DGO No. 2 having no knowledge about the stay order accepted the mutation. She has also produced xerox copy of the order sheet which has been marked at Ex. P-1. But this evidence in no way helps DGO No. 2. because, the charge is specific that the DGO ignoring the recitals made in the WILL with regard to pendency of RA 130/2008-09, accepted khatha in respect of Chikkathayamma. As said above DGO admits that the recitals Ex.P6 (a) was within his knowledge when he accepted mutation in the name of Chikkathayamma. He also admits he did not seek information from the O/o Assistant Commissioner with regard to stay order. If it was not his duty to verify the same, he could have sent back the records to get clarification in that regard from the Village Accountant. He has not acted as a prudent government servant. Overall examination of the evidence on record established the charge leveled against DGO 2. Hence I proceed to record the following:-

#### FINDINGS

19. The Disciplinary Authority has proved the charges leveled against DGO No. 2. Proceedings against DGO No. 1 is abated. Date of retirement of DGO No.2 is 30.5.2040

*Puqti V*  
(PUSHPAVATHI.V) 16.12.2024  
Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.

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

PW.1	Sri. M.Mahadevashetty S/o Late Madashetty, Mangala village, Chamarajanagar Taluk original
PW-2	Sri. Nalini Athul, Joint Director, KMDS, JMD, KMDS, Bangalore original

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

Ex.P1	Ex.p-1 is the detailed complaint submitted by PW-1 in Karnataka Lokayukta office.
Ex.P 2 & 3	Ex.P-2 and 3 are the complaint in form No. 1 and 2 submitted by PW-1 in Karnataka Lokayukta office.
Ex.P-4	Ex.P-4 are the documents submitted by PW-1 along with complaint in Karnataka Lokayukta office.
Ex.P-5	Ex.P-5 is the letter dated: 23.1.2017 from Assistant Commissioner Kollegala Sub Division, to Additional Registrar of Enquiries-7 Karnataka Lokayukta Bengaluru.
Ex.P 6	Ex.P-6 is the ವಿಲ್ ಯಾ ಮರಣ ಶಾಸನ ದಿ: 9.3.2009

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

DW-1	Smt. Kavitha Rajaram, W/o S.Nandish, Additional Deputy Commissioner, Hassan District original
DW-2	C.Mahesh, Revenue Inspector, Kasaba Hobli, Chamarajanagara Taluk and District original

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

Ex.D-1	Ex.D-1 is Order sheet of Assistant Commissioner court Kollegala Sub Division,
--------	---

*16.12.2018*



	Kollegala dated: 9.1.2009 to 15.4.2016
Ex.D-2	Ex.D-2 is the form No. 21 Rule 65 Report.

*P. V. 16.12.201*

(PUSHPAVATHI.V)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



KARNATAKA LOKAYUKTA

No.UPLOK-2/DE/211/2018/ARE-9

Multi Storied Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru-560 001.  
Dated 23.12.2021.

RECOMMENDATION

Sub:- Departmental inquiry against (1) Shri Suresh, the then Village Accountant, (now deceased), Mangalagrama Village, and (2) Sri C.Mahesh, Revenue Inspector, Kasaba Hobli, Chamarajanagar Taluk and Dist. - reg.

Ref:- 1) Government Order No.RD 51 BDP 2018 dated 10.04.2018.

2) Nomination order No. UPLOK-2/DE/211/2018 dated 28.04.2018 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 22.12.2021 of Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru.

The Government by its order dated 10.04.2018 initiated the disciplinary proceedings against (1) Shri Suresh, Village Accountant, Mangalagrama Village, and (2) Sri C.Mahesh, Revenue Inspector, Kasaba Hobli, Chamarajanagar Taluk and Dist., [hereinafter referred to as Delinquent Government

Officials, for short as 'DGOs 1 and 2' respectively] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination UPLOK-2/DE/211/2018 dated 28.04.2018 nominated Additional Registrar of Enquiries-9, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charge of misconduct, said to have been committed by them.

3. The DGOs were tried for the charge of illegally transferring katha of property in favour of Chikkatayamma in respect of Sy.No.587/04 of Kasaba Hobli, Mangalagrama, Chamarajanagar Taluk measuring 3.21 acres, in spite of stay granted in RA 130/08-09 and thereby committed misconduct.

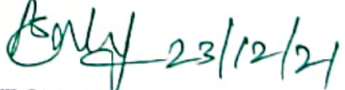
4. The Inquiry Officer (Additional Registrar of Enquiries-9) on proper appreciation of oral and documentary evidence has held that, the above charge against the DGO 2 Sri C.Mahesh, Revenue Inspector, Kasaba Hobli, Chamarajanagar Taluk and Dist., is 'not proved'.

5. Further, the Inquiry Officer has recorded abatement of enquiry against DGO 1 Shri Suresh, Village Accountant, Mangalagrama Village, Kasaba Hobli, Chamarajanagar Taluk and Dist., in view of his death on 08.05.2016.

6. On re-consideration of materials on record, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Therefore, it is hereby recommended to the Government to accept the report of Enquiry Officer and record abatement of enquiry against DGO 1 Shri Suresh, Village Accountant, Mangalagrama Village, Kasaba Hobli, Chamarajanagar Taluk and Dist. and to exonerate DGO.2 Sri C.Mahesh, Revenue Inspector, Kasaba Hobli, Chamarajanagar Taluk and Dist., of the charges leveled against him.

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

Connected records are enclosed herewith.

  
(JUSTICE B.S.PATIL)  
Upalokayukta,  
State of Karnataka.