

**KARNATAKA LOKAYUKTA**

NO:UPLOK-2/DE/288/2016/ARE-9

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Date:18.6.2020

**:: ENQUIRY REPORT ::****:: Present ::****( Lokappa N.R )****Additional Registrar of Enquiries-9  
Karnataka Lokayukta,  
Bengaluru**

Sub: Departmental Enquiry against  
Sri.A.C.Jagadeesh, Sub Registrar, Mysuru  
(East) - reg.

Ref: 1. G.O.No. RD MNS(2) 2016 dated: 27.6.2016

2. Nomination Order No: UPLOK-2/DE/288/2016/ARE-9  
Bangalore dated: 8.8.2016 of Hon'ble Upalokayukta-2

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This Departmental Enquiry is initiated against Sri.A.C.Jagadeesh, the then Sub Registrar, Mysuru (East) (hereinafter referred to as the Delinquent Government Official for short "**DGO** ").

2. In view of the Government Order cited above at reference No.1, Hon'ble Upalokayukta vide order dated 8.8.2016 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 DGO.

3. Additional Registrar of Enquiries-9 has prepared Articles of charges, statement of imputations of misconduct,

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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 copies of the same was issued to the DGO calling upon him 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, DGO- A C Jagadeesh, while working as Sub-Registrar, Mysore (East) that the complainant - Smt Pramoda Devi Wadiyar W/o Late Sri Srikantadatta Narasimharaj Wadiyar, Mysuru Palace, Mysuru has alleged that confirmation deed, supposed to have come into operation on 17/08/2013, alleged to have been executed by late Sri Shrikantadatta Narasimharaja Wodeyar in favour of Sri Suryanarayana son of Sri N.V. Krishnaiah, has been accepted for registration by Respondent. in the absence of Sri Shrikantadatta Narasimharaja Wodeyar and by mentioning that on the same day between 5.45 and 6.30 p.m., signature of Sri Shrikantadatta Narasimharaja Wodeyar was obtained at Mysore Race Club, M.G. Road, Mysore, the said document has been registered as 'MYE-1 04383-2013-14 CO No. MYED 12' by mentioning that as there was a deficit stamp duty of Rs. 20/- in respect of the said document, its registration was postponed for about six months after the death of Sri

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Shrikantadatta Narasimharaja Wodeyar, who died on 10<sup>th</sup> December 2013. The said deficit stamp duty of Rs. 20/- is shown to have been recovered, i.e. on 28/05/2014. The complainant suspected large scale fraud in the registration of the said document. She alleged that in the document which was produced by the said N. Suryanarayana, at the time of registration, there was a mention that the property mentioned there under was the self-acquired property of Sri N.V. Krishnaiah, father of the said Suryanarayana, and the property was bearing the khatha number of Alanahally Grama Panchayathi and Khatha Janjar No. 898 and Property No. 847/1 and that on 31/1/2012, on the strength of registration of gift deed, the khatha is stated to have been changed to the name of Suryanarayana. But it is not known as to how the said N.V. Krishnaiah acquired the said property. She further alleged that although no documents of title were produced, the said gift deed dated 31/1/2012 was registered by H.C.Cheluvvaraju, the then Sub-Registrar of Mysore (East), illegally and the said documents have been created in order to knock all valuable properties of late Sri Shrikantadatta Narasimharaja Wodeyar. She further alleged that earlier, the said Suryanarayana adopted the same strategy and got a gift deed dated 24/04/2006 in respect of Sy.No. 4, Kurubarahalli, registered in the name of his wife Smt. N. Anitha on a stamp paper of the value of Rs. 1,160/- in collusion with the Sub-Registrar and the said Suryanarayana is in the habit of eying on the properties of others and knocking them of, by resorting to the above illegal methods. She further mentioned that on the date of

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registration of above mentioned deed 'MYE-1 04383-2013-14 CO No. MYED 12', Sri Shrikantadatta Narasimha Raja Wodeyar was not at all at Mysore and he had not visited Mysore Race Club as could be verified from the documents of the said club and thereby you DGO has 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 under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966.

### **6. ANNEXURE NO.II**

#### **STATEMENT OF IMPUTATIONS OF MISCONDUCT**

On the basis of complaint filed by Smt Pramoda Devi Wadiyar W/o Late Sri Srikantadatta Narasimharaj Wadiyar, Mysuru Palace, Mysuru (hereinafter referred to as "complainant" for short), against (1) Sri A.C.Jagadeesh, Sub-Registrar, Mysore East Office, Mysore (hereinafter referred to as DGO), an investigation was taken up under Section 9 by invoking Section 7(2) of Karnataka Lokayukta Act, 1984.

According to the complainant; a document styled as confirmation deed, supposed to have come into operation on 17/08/2013, alleged to have been executed by late Sri Shrikantadatta Narasimharaja Wodeyar in favour of Sri Suryanarayana son of Sri N.V. Krishnaiah, has been accepted for registration by Respondent. in the absence of Sri Shrikantadatta Narasimharaja Wodeyar and by mentioning that on the same day between 5.45 and 6.30 p.m., signature of Sri Shrikantadatta Narasimharaja Wodeyar was obtained.

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at Mysore Race Club, M.G. Road, Mysore, the said document has been registered as 'MYE-1 04383-2013-14 CO No. MYED 12' by mentioning that as there was a deficit stamp duty of Rs. 20/- in respect of the said document, its registration was postponed for about six months after the death of Sri Shrikantadatta Narasimharaja Wodeyar, who died on 10<sup>th</sup> December 2013. The said deficit stamp duty of Rs. 20/- is shown to have been recovered, i.e. on 28/05/2014. The complainant suspected large scale fraud in the registration of the said document. She alleged that in the document which was produced by the said N. Suryanarayana, at the time of registration, there was a mention that the property mentioned there under was the self-acquired property of Sri N.V. Krishnaiah, father of the said Suryanarayana, and the property was bearing the khatha number of Alanahally Grama Panchayathi and Khatha Janjar No. 898 and Property No. 847/1 and that on 31/1/2012, on the strength of registration of gift deed, the khatha is stated to have been changed to the name of Suryanarayana. But it is not known as to how the said N.V. Krishnaiah acquired the said property. She further alleged that although no documents of title were produced, the said gift deed dated 31/1/2012 was registered by R.2 who was Sub-Registrar of Mysore (East), illegally and the said documents have been created in order to knock all valuable properties of late Sri Shrikantadatta Narasimharaja Wodeyar. She further alleged that earlier, the said Suryanarayana adopted the same strategy and got a gift deed dated 24/04/2006 in respect of Sy.No. 4, Kurubarahalli, registered in the name of his wife Smt. N. Anitha on a stamp

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paper of the value of Rs. 1,160/- in collusion with the Sub-Registrar and the said Suryanarayana is in the habit of eyeing on the properties of others and knocking them off, by resorting to the above illegal methods. She further mentioned that on the date of registration of above mentioned deed 'MYE-1 04383-2013-14 CO No. MYED 12', Sri Shrikantadatta Narasimha Raja Wodeyar was not at all at Mysore and he had not visited Mysore Race Club as could be verified from the documents of the said club.

When copy of complaint was sent to respondent Nos. 1 and 2 for their comments, respondent No. 1 submitted comments stating that on 28/05/2014, he was not on duty at Mysore as he was transferred to Virajpet and thereafter, from Virajpet to Piriapatna on 28/09/2013. He pleaded that allegations in the complaint are baseless and as per Section 23 of the Registration Act, when a document is brought for registration, the Registering Officer has to verify whether the document has been submitted for registration within four months from the date of its execution and at that time, there is no necessity to verify the parent document and accordingly, the confirmation deed dated 17/08/2013 has been registered after observing all legal formalities. He further pleaded that as Sub-Registrar, he cannot investigate the title and when the party once confirms the earlier document and admits the execution of the confirmation document, such confirmation document needs to be registered. He further pleaded that he cannot go into scope of the document or verify its genuineness and he is not a competent authority to annul the document

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and he has no power of adjudication. He pleaded that His Highness late Sri Shrikantadatta Narasimharaja Wodeyar, the executant had requested the office of the Sub-Registrar to cause private attendance and the same was followed and accordingly, he (Respondent No. 1) acted upon the request as per Rule 56 and 57 of Karnataka Registration Rules, 1965 read with Sections 34 and 35 of Registration Act. He further pleaded that simplest test of a person being present or not is that of the person mentioned in the document. He also pleaded that the thumb impression found in the said document can be got verified scientifically by comparing it with the documents containing admitted thumb impressions of late Sri Shrikantadatta Narasimharaja Wodeyar. He further pleaded that late Sri Shrikantadatta Narasimharaja Wodeyar was unable to climb the steps of club premises and hence, the confirmation of execution was done outside the said race club. He affirmed that he has not shown any undue favour to any person and he has not gained personally.

**A careful consideration of materials on record would disclose the following:**

- (a) In the confirmation deed dated 16/08/2013 is the land in Sy. No. 41 of Alanahalli, measuring five acres (217800 sqft), bounded on north by Lalithadripura Road, south by remaining part of the Sy.No. 41, east by remaining part of Sy.No. 41 and west by road and Guru Ravishankar Ashrama, was gifted in favour of one Nanjamma wife of

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late T. Thammaiah who was working as employee in palace and attending the work of arrangement of flowers to palace temples, by late Sri Jayachamaraja Wodeyar through registered gift deed dated 10/06/1962 (document executed by Sri D.G. Balaraj, Palace Secretary) and after the death of said Nanjamma on 05/07/1995, the said property devolved on her son M.G. Purushotham and said Purushotham sold that property in favour of N.V. Krishnaiah son of late Subbaiah and his sons and subsequently, said N.V. Krishnaiah gifted the property to his son i.e. Suryanarayana (second party in the confirmation deed) on 31/01/2012 under gift deed registered in Book No.1 and bearing No. MYN 1-24401 2011-12 CD No. MYND307 and that the execution of the said gift deed in favour of said Nanjamma by his father late Sri Jayachamaraja Wodeyar; was confirmed by late Sri Shrikantadatta Narasimharaja Wodeyar

- (b) Confirmation deed dated 16/08/2013, the above document does not recite that the so called gift deed in favour of Nanjamma has been lost or destroyed. It is also not known whether the said gift deed was registered at the Sub-Registrar's office. If the said gift deed was true and genuine, then the above property would not have become a part of the subject matter of the partition suit in OS No. 622/80 filed by the sisters of late Sri Shrikantadatta Narasimharaja Wodeyar, seeking partition of the estate of late Sri Jayachamaraja Wodeyar against late Sri Shrikantadatta Narasimharaja Wodeyar.

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According to Section 17 of the Registration Act, a gift of immovable property worth more than Rs. 100/- is to be effected through a registered gift deed.

(c) The so called confirmation deed does not recite the necessity of executing such a confirmation by late Sri Shrikantadatta Narasimharaja Wodeyar, after lapse of several decades.

(d) Mysore is a fast developing city and the properties located in the said city are very valuable. According to Rule 40 of the Karnataka Registration Rules, 1965, a document for registration other than the documents forwarded under Section 89 shall be presented in person and the fee payable thereon shall be paid directly to the Registering Officer. The person presenting the document should produce his two recent passport size photographs and one photograph should be affixed on the document at the appropriate place in the presentation endorsement made as per Rule 94 and the other one shall be similarly affixed to the thumb impression register, where the thumb impression and signature, if any of the presentant is obtained

(e) The registering officer may obtain digital photograph of the presentant and cause it to be printed at appropriate place in presentation endorsement and thumb impression register, if he is equipped with a suitable device for the said purpose. After affixing the photograph in the presentation endorsement and in the thumb

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impression register, registering authority shall sign across the same to ensure that it cannot be removed

- (f) The Sub-Registrar being a public servant as defined under Section 2(12) of the Karnataka Lokayukta Act, 1984 and a Government servant governed by Karnataka Civil Services (Conduct) Rules, 1966, is expected to maintain absolute integrity, devotion to duty and do nothing which is unbecoming of a Government servant. In all fairness, the Sub-Registrar could have video graphed the entire procedure adopted at the time of registration of the confirmation deed in question, if really late Sri Shrikantadatta Narasimharaja Wodeyar had personally appeared at the Mysore Race Club on 17/08/2013.

The facts and material on record prima-facie show that you DGO being Government/Public Servant, has failed to maintain absolute devotion to duty and acted in a manner unbecoming of Government/Public Servant and thereby committed misconduct and made himself liable for disciplinary action.

Since the said facts and material on record prima-facie show that DGO-Sri A.C.Jagadeesh has committed misconduct as per Rule 3(1)(i)(ii) & (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 DGO-Sri A.C.Jagadeesh under Rule 14-A of

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Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957. Hence, the charge.

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**7.** The DGO appeared on 9.11.2016 before this enquiry authority in pursuance to the service of the Article of charges.

**8.** Plea of the DGO has been recorded and he has pleaded not guilty and claimed for holding enquiry.

**9.** The DGO has submitted written statement, stating that he was working as Sub- Registrar Mysore East, from 1.1.2013 to 28.9.2013. Further submitted that the complaint against the DGO is nither tenable nor maintainable under law or on fact. Further submitted that deed of confirmation which was duly executed as on 16.8.2013 vide document no. 4383 dtd: 17.8.2013 by late Srikantadatha Narashimaraja wodeyar in favour of N. Suryanarayana is in accordance with the provision of law and the execution of the said document is not denied by this DGO. Further submitted that the alleged records were also sent to hand writing experts and the experts opinion is also placed on record which also holds that the said document was duly executed. The said opinion is binding on the parties unless the contrary is proved.

**10.** Further he has submitted that DGO had no power to record any video or take photographs of the proceedings of the registration. Further he had no jurisdiction to hold these kind of innovative evidence on record as the Registration Act and its notification does not permit, the DGO to carry out any such act and deeds. Further submitted that deed of

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confirmation does not create any right, title or interest, it is only a confirmation of the facts which are already carried out and this transfer of rights and interest in any property is purely a matter to be adjudicated before the civil court between the parties concerned. This will not amount to misconduct of DGO in discharge of his duties. Further submitted that there is no evidence to hold that the said document is fraudulent and no court has passed any such order against the said document and even the parties have not preferred any individual dispute in this regard. Hence pray for dropping the charges leveled against him.

**11.** The disciplinary authority has examined the complainant Smt. Pramoda Devi Wadiyar W/o Late Sri. Srikantadatta narasimharaj Wadiyar, Mysuru Palace, Mysuru as Pw.1 and **Ex.P-1 to ExP-7** are got marked. DGO Sri.A.C.Jagadeesh, Sub Registrar, Mysuru (East) has got examined himself as DW-1 and got examined Sri. V.Ravikumar, S/o Venkatasubbaiah, Lawyer, Bengaluru as DW-2, Sri. Suryanarayana.N., S/o N.V.Krishaiyah, Agriculturist, Mysore as DW-3 and has got marked **Ex.D-1 to Ex.D-3** documents.

**12.** The second oral statement of DGO has been recorded. The DGO has submitted written arguments. Heard the submissions of both the sides. I answer the above charge in the **NEGATIVE** for the following;

**REASONS**

**13.** It is the prime duty of the disciplinary authority to prove the charges leveled against the DGO.

**14.** The disciplinary authority has examined the complainant Smt. Pramoda Devi Wadiyar W/o Late Sri. Srikantadatta narasimharaj Wadiyar, Mysuru Palace, Mysuru as Pw.1. PW-1 has deposed in her evidence that vacant site bearing janjar no. 898 and site no. 847/1 in Nazarabad Mohalla Mysuru city measuring 217800 sq., ft., ( 5 acres) belongs to their family. Further she has deposed that she had heard the news that in respect of the said property some people have created documents to swallow the said property. For that she had applied for the documents in respect of the said property under RTI and came to know that on 16.8.2013 the confirmation deed was registered as executed by deceased Srikantadatta Narasimharaj Wadiyar in favour of Sri. N. Suryanarayana S/o N.V.Krishaiiah. The said document received by the sub registrar in the absence of Srikantadatta Narasimharaj Wadiyar and in the said document it appears that same day at about 5-45 PM to 6-30 PM they have obtained the signature on the said document from Sri. Srikantadatta narasimharaj Wadiyar at Mysore Race club L.G. Road Mysore. Further she has deposed that purposefully, stamp duty of Rs. 20/- only was shown as deficit and thereafter the said document was registered after the death of Srikantadatta Narasimharaj Wadiyar by accepting the said deficit stamp duty of Rs. 20/-.

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**15. PW-1** further deposed that as per the said confirmation deed, the said property came to the father of N. Suryanarayana by name N.V. Krishaiah through the gift deed. Further she deposed that said N. Suryanarayana created document in respect of some other property in the name his wife Smt. Anitha, even though said property belonged to Srikantadatta Narasimharaj Wadiyar. Further she has deposed that the sub registrar had not obtained the signature of Srikantadatta Narasimharaj Wadiyar at MRC club Mysore on 16.8.2013 as on that day Srikantadatta Narasimharaj Wadiyar had not at all visited the said club. Further she has deposed that DGO colluded with other persons involved in unlawful activities and registered the alleged deed, and hence she has filed the complaint before the Karnataka Lokayukta office on 14.10.2014.

**16. PW-1** in her cross examination deposed that she has not challenged the said confirmation deed before any civil court. Further she deposed that she is not aware of the opinion of the hand writing expert submitted to the Karnataka Lokayukta office in respect of the disputed documents.

**17. DGO Sri.A.C.Jagadeesh**, Sub Registrar, Mysuru (East) has got examined himself as DW-1. DW-1 has deposed in his evidence that he was working as Sub Registrar Mysore EAST from 1.1.2013 to september-2013. Further he has deposed that on 16.8.2013 one Sri.N. Suryanarayana S/o N.V. Krishaiah presented Ex.P-4 -confirmation deed dtd: 16.8.2013 for registration, which was executed by

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Srikantadatta Narasimharaj Wadiyar. Further he has deposed that on the date of presentation of the said document, Srikantadatta Narasimharaj Wadiyar was not personally present, but he had submitted the letter and requested to exempt his personal presence in the office and further requested to take his signature for the registration in MRC club M.G. Road, Nazarabad Mohall Mysore. As such he had received the document and obtained the thumb impression and signature of Sri. N. Suryanarayana and entered the said document in the pending register No. P5517 and on the same day after completion of the office hour went near the MRC Club as per the request of Srikantadatta Narasimharaj Wadiyar and took his photo with thumb impression and signature in the presence of witness and completed the process of registration. He has further deposed that the complainant filed the present complaint after the death of Srikantadatta Narasimharaj Wadiyar. Further SP, Karnataka Lokayukta Mysore sent the disputed and admitted signatures of Srikantadatta Narasimharaj Wadiyar to the truth lab Dikenson road Bengaluru-62. Director of the truth lab submitted his report on 20.10.2015 stating that the disputed signature and admitted signature of Srikantadatta Narasimharaj Wadiyar are one and the same.

**18.** DGO has examined Sri. V.Ravikumar, S/o Venkatasubbaiah, practicing Lawyer, Bengaluru as DW-2. DW-2 has deposed in his evidence that he is practicing advocate and he himself drafted Ex.P-4 confirmation deed as per the information given by Srikantadatta Narasimharaj Wadiyar's PA Sri. Pandeyan. After the draft was prepared,

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the same was handed over to Srikantadatta Narasimharaj Wadiyar at his Bengaluru palace. Thereafter Sri. Pandeyan informed to him to register the confirmation deed. Thereafter on 16.8.2013 he obtained the signature of Srikantadatta Narasimharaj Wadiyar to Ex.P-4 and Ex.D-1 at Mysore Palace office. Thereafter the said document was presented before the sub registrar Mysore EAST. Further he has deposed that after presentation of the said confirmation deed, on the same day at about 5-45 PM to 6-30 PM he along with DGO and witnesses came near Mysore Race Course Nazarabad Mysore city and obtained the signature and thumb impression in the presence of DGO and completed the process of registration of the confirmation deed.

**19.** DGO has examined Sri. Suryanarayana.N., S/o N.V.Krishaiyah, Agriculturist, Mysore as DW-3. DW-3 has deposed in his evidence that Ex.P-4 confirmation deed was executed by Srikantadatta Narasimharaj Wadiyar in his favour. Further he has deposed that the said disputed property was purchased by his father through the sale deed and thereafter his father transferred the said property to him through gift deed. Further he has deposed that in Mysore city people were gossiping that the properties earlier belonging to Mysore Maharaja have some problems, and hence he approached Srikantadatta Narasimharaj Wadiyar to get the confirmation deed, executed in respect of his property. As such Srikantadatta Narasimharaj Wadiyar executed the said confirmation deed in his favour. There is no fraud committed by them in respect of the said property.

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**20.** Ex.P1 is the detailed complaint submitted by PW-1. Ex.P-2 and 3 are the complaint in form no. 1 and 2 submitted by PW-1 . Ex.P-4 is the confirmation deed dtd: 16.8.2013. Ex.P-5 are the documents related to the alleged property. Ex.P-6 is the rejoinder dtd: 16.3.2015 submitted by PW-1. Ex.P-7 is the comments submitted by DGO.

**21.** Ex.D-1 is the letter from Srikantadatta Narasimharaj Wadiyar to the sub registrar Mysore East, Mysore. Ex.D-2 is the letter dtd: 29.4.2015 from SP, Karnataka Lokayukta Mysore Division, Mysore to the Director, Truth Lab, Dickenson road, Bengaluru. Ex.D-3 is the letter dtd: 20.10.2015 from the Chairman of Truth Lab to the SP Karnataka Lokayukta Mysore.

**22.** Perused the evidence of Pw-1, and DW-1, to DW-3 along with documents produced by both sides. As per the document the DGO was working as sub registrar in Mysore EAST Mysore city from 1.1.2013 to 28.9.2013. Charge against the DGO is that he had registered the document 'MYE-1 04383-2013-14 CO No. MYED 12' -confirmation deed dtd: 16.8.2013 colluding with Sri.N.Suryanarayana s/o N.V.Krishaiiah in the absence of Srikantadatta Narasimharaj Wadiyar who was not present on the date of execution of said document, at Mysore and he had not visited Mysore Race club on the date of registration of the said document.

**23.** PW-1 is the wife of deceased Srikantadatta Narasimharaj Wadiyar, she had filed the complaint Ex.P-1 on 14.10.2014 before the Karnataka Lokayukta office against the DGO and others by alleging that the disputed document

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Ex.P-4 confirmation deed was created by N.Suryanarayana and same was registered by the DGO in the absence of Srikantadatta Narasimharaj Wadiyar by manipulating his signature even though on the date of registration of said document Srikantadatta Narasimharaj Wadiyar had not at all visited Mysore Race club.

**24.** Ex.P-4 is the disputed document. As per the said document Srikantadatta narasimharaj Wadiyar executed the confirmation deed in favour of N.Suryanarayana S/o N.V.Krishnaiah on 16.8.2013 in respect of property no. 847/1 of Alanahalli extension 56 zone -09 Nazarabad Mohalla Mysore City Corporation in the land bearing sy. No. 41, measuring 217800 sq., ft., (5 acres). Further as per the said document Srikantadatta Narasimharaj Wadiyar has affixed his signature in all the pages of the said document. One M.S. Ravi and Ravi kumar V., are the witnesses to the said document. It further disclose that at page no. 126 that Srikantadatta Narasimharaj Wadiyar put his thumb impression and signature on 16.8.2013 at MRC M.G. Road, Nazarabad Mohalla Mysore, in the presence of DGO and above said witnesses in between 5-45PM to 6-30 PM. Photograph of Srikantadatta Narasimharaj Wadiyar is also affixed. The signature and thumb impression on the said document is disputed by the complainant PW-1 and she has taken the contention that on that day Srikantadatta Narasimharaj Wadiyar had not at all visited the MRC club Mysore city. Ex.p-5 page no. 140- 141 shows the list of movable property, securities and cash balance held by his highness of his maharaja of Mysore as private property as on

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26.1.1950 and page no. 142-145 is the general treaty dtd: 23.1.1950 signed by Maharaja of Mysore and secretary to the Government of India. In the said document 32 guntas in sy. No. 41 of Alanahalli was shown as private property of Mysore Maharaja Jayachamarajendra Wadiyar. Ex.P-5 page no.150-155 is the gift deed dtd: 31.1.2012 which was executed by Sri. N.V.Krishnaiah S/o late Subbaiah in favour of DW-3 N. Suryanarayana in respect of Janjar no. 898 property no. 847/1, of Alanahalli Kasaba Hobli Mysore Taluk measuring 217800 sq., ft., which also includes 6000 sq., ft., AC sheet house. Ex.P-4 is the confirmation deed alleged to have been executed by Srikantadatta Narasimharaj Wadiyar in favour of N. Suryanarayana in respect of the above said property. DGO was working as Sub registrar in Mysore EAST sub-registrar office. He has admitted the fact that he had registered the said document on 16.8.2013. The DGO has produced Ex.D-1 letter submitted by Srikantadatta Narasimharaj Wadiyar requesting for exemption of his personal appearance at the time of presentation of alleged confirmation deed and further requesting the sub registrar to visit the MRC M.G. Road, Nazarabad Mohalla, Mysore, for further proceedings. The DGO has taken the contention that DW-3 and his counsel presented the Ex.P-4 confirmation deed on 16.8.2013 along with Ex.D-1 for registration of the said document. Thereafter on the basis of Ex.D-1 he had gone near MRC M.G. Road, Nazarabad Mohalla Mysore along with DW-2, 3 and the witnesses and obtained the signature and thumb impression of Srikantadatta Narasimharaj Wadiyar and also affixed his photo on the said document.



Further DGO has produced the report of hand writing expert dtd: 19.10.2015 (Ex.D-3) which was submitted to the SP., Karnataka Lokayukta Mysore in cr. No. 06/2014 Karnataka Lokayukta Police Station Mysore. On perusal of the said report, it disclose that Hand Writing Expert has given the opinion that the signatures on Ex.P-4 confirmation deed dtd: 16.8.2013 are the signatures of Srikantadatta Narasimharaj Wadiyar. Ex.D-3 document is not disputed by the disciplinary authority and also PW-1. Therefore it is clear from Ex.D-3 that the DGO has not manipulated or forged the signature of Srikantadatta Narasimharaj Wadiyar in collusion with DW-3 Sri. N.Suryanarayana. Further DW-2, practicing advocate in Bengaluru has clearly deposed that Ex.P-4 document was drafted by him and he was also present at the time of obtaining the signature of Srikantadatta Narasimharaj Wadiyar near MRC club, M.G.Road, Nazarabad Mysore on 16.8.2013. Further DW-2 has deposed that he himself presented Ex.P-4 confirmation deed along with Ex.D-1 in the office of the DGO on 16.8.2013 along with DW-3.

**Section 32 (3) of Registration Act 1908** is as follows;

***32 (3) To obtain evidence as to the voluntary nature of the execution, the Registrar or Sub-Registrar or Magistrate may either himself go to the house of the person purporting to be the principal, or to the jail in which he is confined, and examine him, or issue a commission for his examination.***

**Section 73 Karnataka registration rules** is as follows;

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**73. Duties of the Registering Officer.— (i) It shall form no part of the Registering Officer's duty to enquire into the validity of a document brought to him for registration or to attend to any written or verbal protest against the registration of a document, provided execution is duly admitted; but in case of executants who are unable to read, the document shall be read out and if necessary explained to them. If the document is in a language which they do not understand it must be interpreted to them.**

25. As per the above said section the Sub registrar is having power to visit the house of the executants regarding the confirmation of the execution of the document. In the present case also as per the request (Ex.D-1) made by Srikantadatta Narasimharaj Wadiyar the DGO went near MRC Club M.G.Road, Nazarabad Mohalla and obtained the thumb impression and signature of the executant in the presence of the witness and completed the registration process. In support of his defence, the DGO has furnished a copy of the decision of the Hon'ble High court in writ petition no. 18939/2009 and 14050/2012 dtd: 18.3.2016 (Division bench). Hon'ble High court in para no. 20 has observed as follows;

*"the sub registrar can in no way prevent a document pertaining to the transaction, which is prohibited under various law from being registered. Once those transaction have taken place, the document pertaining to the transaction are registered under the act, when the requirement of the act are complied*



*with. Unless the document pertaining to the transaction is registered, the transaction under various Acts, which are prohibited, namely, transfer of land by sale etc., would not become invalid, as it is only when the document pertaining to the transaction is registered would result in the completion of the transaction by transfer of title and by conveyance. Therefore, merely on an apprehension that a particular transaction may be prohibited under a particular enactment, the sub registrar cannot prohibit the registration of the document pertaining to the said transaction. Rather it is only on completion of the transaction by registration wherever registration is compulsory, that the transaction prohibited under a particular law, would become null and void. Therefore, even prior to the registration of document pertaining to a transaction, it cannot be presumed that the transaction is prohibited under an enactment and thus refused the registration of the document. As already stated a transaction is not complete until the document pertaining to a transaction is registered. The sub registrar cannot assume the power of the court or an authority to come to a conclusion that the transaction is prohibited under a particular enactment and thereby prohibit its registration. Then it would be a case of "putting the cart before the horse."*

**Para no. 21.** *"Secondly annexure-1 of the impugned circular prescribe the list of document, which have to be produced along with the document of transfer at the time of registration. Even the non production of such documents (other than those documents prescribed under the registration act 1908) cannot in any way prevent registration of transaction,*



*which are null and void under certain acts. Even if an affidavit is given by the transferor and transferee of land to the effect that there is no violation of any statute in the transfer of land, the sadi affidavit would not in any way be of any assistance when subsequently it is discovered that there was in fact an infraction of any of the provisions of a statute when the transfer of land took place. Further, at the time of registration of documents pertaining to transfer of land, the sub registrar cannot hold an enquiry as to whether any of the statutes or local laws have been violated. If by transfer of land, there is an infraction of any of the local laws, then the particular laws have the machinery for invalidating the transfer and may also contain penal provisions in that regard. Therefore, prior to the registration of the document, the transaction relating to the transfer of land being incomplete, the sub registrar at that stage cannot prevent the transaction pertaining to transfer of land being completed on the assumption that there may be a violation of the local laws."*

**26.** DGO has also furnished the citation reported in 2001(1) Kar.L.J., page no. 215 Smt. Sulochanamma V/s H.Nanjundaswamy and others. In the said judgement Hon'ble High court has held that **"when the document was presented for registration fulfilling all the requirement then the sub registrar has no options but to register the document unless the document is not in conformity with the provision of the Indian Registration Act and relevant rules"**.

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**27.** Considering the oral and documentary evidence in light of relevant provision of law, it has to be said that the DGO registered Ex.P-4 confirmation deed as per the provision of Registration Act 1908. Further PW-1 has not challenged the said document before the competent court, even though she was having alternative remedy. There is no material evidence placed on record by the disciplinary authority to show that the DGO colluded with DW-3 N.Suryanaraya and created Ex.D-4 document and registered the same in the absence of Srikantadatta Narasimharaj Wadiyar. Thereby the disciplinary authority has failed to prove the charge leveled against the DGO.

**28.** In the above said facts and circumstances, I hold that the charge leveled against the DGO is not proved. It is made clear that these findings are confined to inquiry into the alleged misconduct of the DGO not regarding the validity or otherwise of the Confirmation Deed. Hence, report is submitted to Hon'ble Upalokayukta for further action.



(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



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

|      |  |
|------|--|
| Pw.1 | Smt. Pramoda Devi Wadiyar W/o Late Sri. Srikantadatta narasimharaj Wadiyar, Mysuru Palace, Mysuru original |
|      |  |

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

|            |   |
|------------|---|
| Ex.P1      | Ex.P1 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 is the confirmation deed dtd: 16.8.2013.   |
| Ex.P5      | Ex.P-5 are the documents related to the alleged property.   |
| Ex.P6      | Ex.P-6 is the rejoinder dtd: 16.3.2015 submitted by PW-1 in Karnataka Lokayukta office.             |
| Ex.P7      | Ex.P-7 is the comments submitted by DGO in Karnataka Lokayukta office.                              |


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

|      |   |
|------|---|
| DW-1 | DGO Sri.A.C.Jagadeesh, Sub Registrar's office, Mysuru (East) original     |
| DW-2 | Sri. V.Ravikumar, S/o Venkatasubbaiah, Lawyer, Bengaluru original         |
| DW-3 | Sri. Suryanarayana.N., S/o N.V.Krishaiyah, Agriculturist, Mysore original |

*gn*

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

|        |   |
|--------|---|
| Ex.D-1 | Ex.D-1 is the letter from Srikantadatta narasimharaj Wadiyar to the sub registrar Mysore East, Mysore.  |
| Ex.D-2 | Ex.D-2 is the letter dtd: 29.4.2015 from SP, Karnataka Lokayukta Mysore Division, Mysore to the Direcotr, Truth Lab, Dickenson road, Bengaluru. |
| Ex.D-3 | Ex.D-3 is the letter dtd: 20.10.2015 from the Chairman of Truth Labs to the SP Karnataka Lokayukta Mysore Davison                               |

  
(Lokappa N.R)

Additional Registrar Enquiries-9  
Karnataka Lokayukta,  
Bengaluru.



## KARNATAKA LOKAYUKTA

No.Uplok-2/DE/288/2016/ARE-9

Multi-storeyed Building,  
Dr.B.R. Ambedkar Veedhi,  
Bengaluru, dt.08.07.2020.**RECOMMENDATION**

Sub: Departmental Enquiry against Sri. A.C.  
Jagadeesh, Sub-Registrar, Sub-Registrar's  
Office, Mysuru(East)-reg.

- Ref: 1. G.O.No. RD MNS (2) 2016, Bengaluru,  
dated 27.6.2016.
2. Nomination Order No: UPLOK-2/DE/288/2016  
/ARE-9, Bangalore, Dt.08.08.2016.
3. Report of ARE-9, Karnataka Lokayuktra, Bengaluru,  
dated 19.6.2020.

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Government, by order dated 27.06.2016, initiated the disciplinary proceedings against Sri. A.C. Jagadeesh, Sub-Registrar, Sub-Registrar's Office, Mysuru(East) [hereinafter referred to as the Delinquent Government Official, for short 'DGO'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No: UPLOK-2/DE/288/2016 dated 08.08.2016 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 him.

3. The charge framed against the DGO, Sri. A.C. Jagadeesh, Sub-Registrar, Sub-Registrar's Office, Mysuru(East), is as follows;

“You, DGO- A C Jagadeesh, while working as Sub-Registrar, Mysore (East) that the complainant - Smt Pramoda Devi Wadiyar W/o Late Sri Srikantadatta Narasimharaj Wadiyar, Mysuru Palace, Mysuru has alleged that confirmation deed, supposed to have come into operation on 17/08/2013, alleged to have been executed by late Sri Shrikantadatta Narasimharaja Wodeyar in favour of Sri Suryanarayana son of Sri N.V. Krishnaiah, has been accepted for registration by Respondent. in the absence of Sri Shrikantadatta Narasimharaja Wodeyar and by mentioning that on the same day between 5.45 and 6.30 p.m., signature of Sri Shrikantadatta Narasimharaja Wodeyar was obtained at Mysore Race Club, M.G. Road, Mysore, the said document has been registered as 'MYE-1 04383-2013-14 CO No. MYED 12' by mentioning that as there was a deficit stamp duty of Rs. 20/- in respect of the said document, its registration was postponed for about six months after the death of Sri Shrikantadatta Narasimharaja Wodeyar, who died on 10<sup>th</sup> December 2013. The said deficit stamp duty of Rs. 20/- is shown to have been recovered, i.e. on 28/05/2014. The complainant suspected large scale fraud in the registration of the said document. She alleged that in the document which was produced by the said N. Suryanarayana, at the time of registration, there was a

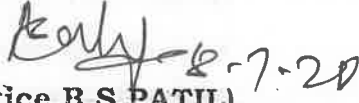
mention that the property mentioned there under was the self-acquired property of Sri N.V. Krishnaiah, father of the said Suryanarayana, and the property was bearing the khatha number of Alanahally Grama Panchayathi and Khatha Janjar No. 898 and Property No. 847/1 and that on 31/1/2012, on the strength of registration of gift deed, the khatha is stated to have been changed to the name of Suryanarayana. But it is not known as to how the said N.V. Krishnaiah acquired the said property. She further alleged that although no documents of title were produced, the said gift deed dated 31/1/2012 was registered by H.C.Cheluvvaraju, the then Sub-Registrar of Mysore (East), illegally and the said documents have been created in order to knock all valuable properties of late Sri Shrikantadatta Narasimharaja Wodeyar. She further alleged that earlier, the said Suryanarayana adopted the same strategy and got a gift deed dated 24/04/2006 in respect of Sy.No. 4, Kurubarahalli, registered in the name of his wife Smt. N. Anitha on a stamp paper of the value of Rs. 1,160/- in collusion with the Sub-Registrar and the said Suryanarayana is in the habit of eyeing on the properties of others and knocking them off, by resorting to the above illegal methods. She further mentioned that on the date of registration of above mentioned deed 'MYE-1 04383-2013-14 CO No. MYED 12', Sri Shrikantadatta Narasimha Raja Wodeyar was not at all at Mysore and he had not visited Mysore Race Club as could be verified from the documents of the said club and thereby you DGO has 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 under Rule 3(1)(i) to (iii) of KCS (Conduct) Rules 1966".

4. The Inquiry Officer, Additional Registrar of Enquiries-9 on consideration of materials on record, has held that, the charge levelled against Sri. A.C. Jagadeesh, Sub-Registrar, Sub-Registrar's Office, Mysuru(East) is not proved. The Enquiry Officer has rightly stated in paragraph 28 of his report that findings recorded by him holding that the charge leveled against the DGO is not proved was confined only to the inquiry into the alleged misconduct of the DGO and not regarding the validity or otherwise of the Confirmation Deed.

5. On re-consideration of the entire matter, I do not find any reason to interfere with the findings recorded by the Inquiry Officer. Hence, it is hereby recommended to the Government to accept the report of the Inquiry Officer and to '**Exonerate**' Sri. A.C. Jagadeesh, Sub-Registrar, Sub-Registrar's Office, Mysuru(East), of the charge levelled against him.

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

Connected records are enclosed here with.

  
(Justice B.S. PATIL)  
Upalokayukta,  
State of Karnataka,  
Bengaluru.

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