



KARNATAKA LOKAYUKTA

No.Uplok-2/DE/440/2018/ARE-8

Multi Storied Building,
Dr. B.R. Ambedkar Veedhi,
Bengaluru-560 001.
Dated 4.5.2022.

RECOMMENDATION

Sub:-Departmental inquiry against (1)Sri. Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri. Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District-reg.

Ref:- 1) Govt. Order No. RD 237 BMM 2016, Bengaluru, dated 12.9.2018.

2)Nomination order No.Uplok-2/DE/440/2018 Bengaluru dated 18.9.2018 of Upalokayukta, State of Karnataka.

3) Inquiry report dated 26.4.2022 of Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru.

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The Government by its order dated 12.9.2018 initiated the disciplinary proceedings against (1)Sri. Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri. Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District [hereinafter referred to as

Delinquent Government Officials, for short as 'DGOs'] and entrusted the departmental inquiry to this Institution.

2. This Institution by Nomination Order No. Uplok-2/DE/440/2018 Bengaluru dated 18.9.2018 nominated Additional Registrar of Enquiries-8, Karnataka Lokayukta, Bengaluru, as the Inquiry Officer to frame charges and to conduct departmental inquiry against DGOs for the alleged charges of misconduct, said to have been committed by them.

3. The DGOs (1) Sri. Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri. Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District were tried for the following charge :-

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

"i) You DGO-1 while working as village accountant at Kudligi, in respect of the registered sale deed said to be executed on 29/03/2009, before issuing form No: 21 and before forwarding it to Revenue Inspector for carrying out mutation you DGO-1 has not published the notice received from Taluk Office in the village Chawadi for a period of 30 days as

required under Rule-64 of Karnataka Land Revenue Rules 1966; and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

ii) You DGO-2 while working as Revenue Inspector at Kudligi, in respect of the registered sale deed said to be executed on 29/03/2009, while making entry in mutation register as required under section 129(ii) of the Karnataka Land Revenue Act, the complete copy of entry as not been posted by you in a conspicuous place in the chawadi and written intimation was not given to all persons appearing from the records of rights of register of mutations to be entrusted in the mutation or to any other person whom there are reasons to believe to be interested therein; and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966”.

4. In order to establish the charges leveled against the DGOs, the Disciplinary Authority has examined one witness, i.e., PW-1 and got marked documents Ex.P1 to P18. The DGOs are examined as DW-1 and DW-2 and got marked documents D1 to D6.

5. The allegations made by the complainant against DGO 1 and 2 with reference to the certificate of mutation entry in the name of purchaser as per the registered sale deed is not sustainable in view of the legal formalities should be taken under Section 128 and 129 of Karnataka Land Revenue Act, 1964. It is not the duty of DGO's to examine the genuineness of the sale deed, nor it is the duty of the registering authority to do the same. Therefore, the changing of the revenue entries and certifying to the name of the purchaser by virtue of a registered sale deed is a legal Corollary that had happened according to the above said provisions.


6. The Inquiry Officer (Additional Registrar of Enquiries-8) on proper appreciation of oral and documentary evidence has held that, the Disciplinary Authority has 'not proved' the above charge against the DGOs (1) Sri. Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri. Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District.

7. On re-consideration of report of inquiry and all other 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 Inquiry Officer and to exonerate DGOs (1) Sri. Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri. Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District.

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

Connected records are enclosed herewith.

  
04/05/22  
**(JUSTICE K.N. PHANEENDRA)**  
**Upalokayukta-2,**  
**State of Karnataka.**



**KARNATAKA LOKAYUKTA**

No: UPLOK-2/DE/440/2018/ARE-8

M.S.Building,  
Dr. B.R. Ambedkar Veedhi,  
Bengaluru - 560 001.  
Dated: 26/04/2022

**ENQUIRY REPORT**

**Present :** Rajashekar.V.Patil  
Addl. Registrar of Enquiries-8,  
Karnataka Lokayukta,  
Bengaluru.

**Sub:-** The departmental enquiry against (1) Sri Channabasappa, Village Accountant, Kudligi Taluk, Ballari District and (2) Sri Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District – Reg.

**Ref:-** 1. Government Order Kam E 37/BMM 2016  
Bengaluru dated 12/09/2018.  
2. Nomination Order No.UPLOK -2/ DE-440/  
2018/ARE - 8, Bengaluru, Dated: 18/09/2018.

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The Departmental Enquiry is initiated against DGO-1 and 2 on the basis of the complaint lodged by one B. Pampapathi of Kudligi, (herein after referred as 'Complainant') against Channabasappa, Village Accountant and Ramesh Naik, Revenue Inspector (herein after referred to as the Delinquent Government Official in short 'DGO-1 and 2') respectively.

2. In view of Government Order cited at reference No.1 the Hon'ble Upalokayukta-2 vide Order cited at reference No.2 has nominated



Additional Registrar Enquiries-8 to frame Articles of Charge and to conduct enquiry against aforesaid DGO.

3. Additional Registrar Enquiries-8 has prepared Articles of Charge, Statement of Imputations of misconduct, List of witnesses and List of documents and copies of the same were sent to DGO-1 and 2 for their appearance and to submit written statement of defense. The Delinquent Government Officials appeared on 31/12/2018 before this authority pursuant to service of Articles of Charge. The Plea (FOS) was recorded, the DGO-1 and 2 pleaded not guilty and claimed enquiry into the charge. The Articles of Charge framed against DGO-1 and 2 are as follows.

“i) You DGO-1 while working as village accountant at Kudligi, in respect of the registered sale deed said to be executed on 29/03/2009, before issuing form No: 21 and before forwarding it to Revenue Inspector for carrying out mutation you DGO-1 has not published the notice received from Taluk Office in the village Chawadi for a period of 30 days as required under Rule-64 of Karnataka Land Revenue Rules 1966; and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

ii) You DGO-2 while working as Revenue Inspector at Kudligi, in respect of the registered sale deed said to be executed on 29/03/2009, while making entry in mutation register as required under section 129(ii) of the Karnataka Land Revenue Act, the complete copy of entry has not been posted by you in a conspicuous place in the chawadi and written intimation was not given to all persons appearing from the records of rights of register of mutations to be entrusted in the mutation or to any other person whom there are

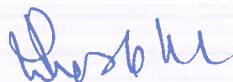
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reasons to believe to be interested therein; and committed dereliction of duty and have failed to maintain absolute integrity and devotion to duty, the act of which is unbecoming of a Government Servant and you have committed misconduct as enumerated under Rule 3(1) of Karnataka Civil Services (Conduct) Rules, 1966.

4. The Substance of Imputations of misconduct against the Delinquent Government Officials is as follows.

- i. An investigation was taken up under section 9 of Karnataka Lokayukta Act, 1984 based on the complaint filed by Sri B.Pampathi resident of Kudligi lodged complaint before the Hon'ble Upalokayukta. The allegations are that, land in Sy.No. 607/2008 measuring 87 cents belong to his maternal grandfather Malagi Nagappa, his elder daughter is Obavva is the mother of the complainant. She owned 8 cents. The said maternal grandfather died on 27/08/1988 and his mother Obavva has also died on 05/10/2010. Since then, the complainant B. Pampapathi is in actual cultivation and enjoyment of land in Sy.No. 607/2008 which was hold by his maternal grandfather.
- ii. On 29/09/2009 DGO-1, Village Accountant and DGO-2, Revenue Inspector and some documents writer with falsely fabricated documents and interested three persons, misrepresented themselves as Malagi Nagappa before Sub-Registrar and forged the signature of seller and in collusion with DGO-1 and 2 got mutated the revenue entry in the name of One Halyada Obappa. The

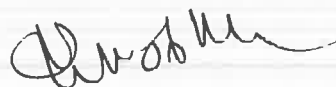


complainant came to know about it and he approached the Sub-Registrar office and office of the DGO-1 and 2 and enquired about the false entry and also filed petition before the revenue superior officials to take action against DGO-1 and 2. Could not succeed, in the result, filed complaint before Hon'ble Upalokayukta. After verifying the complaint Hon'ble Upalokayukta investigated into the papers and arrived at a conclusion that, material on record prima facie showed that, DGO-1 and 2 have committed misconduct as per rule 3(i) to (iii) of KCSR (CCA) Rules, 1966. So acting u/s 12(3) of Karnataka Lokayukta Act, 1984 recommended the competent authority to initiate proceedings against DGO-1 and 2 and entrust the inquiry under Rule 14-A of KCS (CCA), 1957.

- iii. Accordingly, the government in its order No. Kam E 237/BMM 2016 Bengaluru dated 12/09/2018 entrusted the enquiry and ARE-8 was nominated as an enquiry officer to frame articles of charges and conducted departmental enquiry against aforesaid officials DGO-1 and 2.
- iv. ARE-8 prepared articles of charges, statement of imputation misconduct, list of witness, list of documents and copies of the same were sent to DGO-1 and 2 for their appearance and to submit written statement of defense.

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- v. DGO-1 and 2 appeared on 31/12/2018. Later DGO-1 and 2 did not plead guilty and filed written statements.
- vi. DGO-1, Channabasappa in his written statement has contended that, allegations made against him are all false and mutation entry was not recommended for certification in collusion with Sub-Registrar and he has not played any role in registration of sale deed in favour of purchaser. It is further contended that, one Nagappa S/o Byrappa on 29/03/2009 purchased the land under regular sale deed in respect of Sy.No. 607/B measuring 0.87 cents. On the basis of the same Form No.21 was issued to the purchaser, Obappa S/o Sudugadappa of Kudligi and seller Malagali Nagappa and also one B. Narayanappa and Mugappa and S. Gadrerappa and called for any objections with regard to execution of sale deed and recommended for certification of mutation entry and DGO-1 did not receive any objections from any persons, having right/title interest in respect of the property sold and accordingly, recommended for the certification of mutation entry as per their office document No.MR/116/Admin/121 and further contended that, he has not fabricated any documents relating to sale transactions. Accordingly, prayed to drop proceedings against him.
- vii. DGO-2 also filed his written statement in the form of explanation in respect to the articles of charges leveled against him contending that, he has acted as per the



provisions of Karnataka Land Revenue Act, 1964 after receiving the registered sale deed document for certification of mutation entry, on the basis of sale deed executed by seller in favour of the purchaser registered documents as required under law. Karnataka Land Revenue Act, 1964 notice was issued under Form No.21 and accordingly, the Village Accountant, DGO-1 submitted his report of no objection raised by any interested persons in properly or certification of the mutation entry.

- viii. Acting on his report in No.MR/116/Admin/121 having been satisfied for attending the requirement of provisions in section 128 and 129 of Karnataka Land Revenue Act, 1964, he has issued order to effect mutation entry in favour of the purchase of the property under registered sale deed and contend that, acting as Revenue Inspector it is beyond his authority and power to question the jurisdiction and property of registration of the sale deed Registered under the Registration Act, and he is bound to recommendation for effecting mutation entry if no objections is received in response to issuing of notice in From No.21 inspite of giving wide publicity in the concerned village.
- ix. Further it is contended that, as per the observations made in W.P.No.11323/2001 dated 17/04/2002 passed by Hon'ble High Court of Karnataka that, Revenue Authority has no jurisdiction to cause enquiry of

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registered sale deed genuineness. Hence, prays to drop the charges against him.

5. The learned presenting officer in order to prove the charge leveled against DGO-1 and 2 has examined PW-1 and got marked as Exhibit P-1 to P-18 and closed his side. Before the enquiry could commenced it was reported that, DGO-1, Channabasappa expired before order was passed on 17/08/2019 by ARE-8 and sought abatement order against DGO-1 and also sought permission to proceed with departmental inquiry against DGO-2, Revenue Inspector Sri Ramesh Naik, the same was approved by Hon'ble Upalokayukta and departmental enquiry was continued as against DGO-2, Sri Ramesh Naik, Revenue Inspector, Kudligi Taluk, Ballari District (presently working as Deputy Thasildar, Hosapete Taluk, Vijayanagara District). DGO-1 (Since deceased)/abated.
6. In support of the defense DGO-2 got examined himself as DW-1 and got marked as Exhibit D-1 to 6 and defense side was closed. Heard arguments of presenting officer and advocate for DGO-2, filed his written arguments.

Heard, arguments of PO & DGO advocate

The Point that arises for my consideration is as under;

- 1) Whether Disciplinary Authority has proved AOC 1 & 2. framed and leveled against DGO-2 (since DGO 1 is deceased)?



7. My answer to the above point is in the 'negative' for the following reasons.

### REASONS

8. Before proceeding to discuss about the alleged misconduct committed by DGO-2 the then Revenue Inspector, Kudligi, Ballari District, presently working as Deputy Tahasildar, Hosapete Taluk, Vijayanagar District. It is relevant to bring on record before the court of enquiry that, DGO-1, Sri Channabasappa was reported dead and with the approval of Hon'ble Upalokayukta the abatement order was got approved. Now, with available evidence placed, the inquiry authority has to find out "whether as a Revenue Inspector, DGO-2, Sri Ramesh Naik committed misconduct as a public servant in falsely recommending for certifying the mutation entries in favour of the buyer on the basis of the false sale deed believed to have been got registered before the Sub-Registrar of the concerned district."
9. In order to substantiate the claim, the presenting officer has examined complainant B. Pampapathi as PW-1 who has stated before the enquiry authority that, the Sy.No. 607/B situated in Kudligi Taluk totally measuring 87 cents was standing in the name of Malagi Nagappa his grandfather. He died in the year 1988, his wife Smt. Obavva had predeceased him and grandfather Malagi Nagappa had 2 sons and 3 daughters among them Obavva was Mother of the complainant died in the year 2010 and the said land in question in Sy.No. 607/B was in personal cultivation of the complainant B. Pampapathi and his Brother.

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10. In the year 2015, when he went to get the name of his grandfather changed in the name of his successor in RTC he was able to see the name of Halyada Obappa in the owner column (column No.9) and cultivator column of the RTC and he was not aware about it till 2015 and came to know that, acting on a bogus sale deed/fabricated false sale deed and manipulated records, sale deed was got registered on 29/03/2009 in the name of one Halyada Obappa without giving any notice. Further DGO-1 and 2 without issuing adequate publication as required under section 127 & 128 of Karnataka Land Revenue Act in Form No.D/21 effected mutation entry in favour of said Obappa purchaser of the land under registered sale deed.
11. PW-1 has further stated that, in this regard, deceased DGO-1 has created false documents and submitted false report to DGO-2 and DGO-2 as a Revenue Inspector without verifying records has ordered for certification of mutation entry on the basis of said sale deed said to have been executed on 29/03/2009 in favour of above said person on the basis of false and fabricated documents as because his grandfather Malagi Nagappa had died on 27/08/1988 and even the thumb impression of his grandfather has been manipulated and thumb impression in Form No.21 is also manipulated.
12. PW-1 has got marked as P-1 to P-18. Documents they are pertaining to the complainant, relating to death certificate of his grandfather, family genealogical tree and Form No.21, Form No.12 are of the respondent proceedings records like mutation entry certification and RTC and the land pertaining to the year

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2015-16 and the Tahasildar report of Kudligi Taluk against DGO-1 and 2 and the statement recorded, written statement of Gadrerappa, written statement, cross examination, PW-1 has been conducted by the defense advocate at length in order to elicit that, land in question belonging to his grandfather Malagi Nagappa and his successors other than his brothers are alive and deceased Malagi Nagappa left behind 8 successor/heirs and endeavor has been made to elicit that, deceased grandfather of complainant Malagi Nagappa had sold the said land to Halyada Obappa on 23/09/2009 and it was within the knowledge of the complainant and it is made to be shown in the cross examination that, the complainant has not produced any record to show that, he is in cultivation of land.

13. However, admission in cross examination of PW-1 discloses that, he has also lodged criminal complaint relating to forgery before the Kudligi Police Station in respect of selling of the land by executing false sale deed and no records have been produced in this regard and several questions have been put to witness in the form of suggestions relating to the certification of mutation entry on the basis of registered documents like sale deed by the revenue authority are concerned and about the procedure to be adopted for certification of mutation entry to be effected on the basis of registered sale deeds.
14. However, PW-1 has admitted that, he has not filed any civil suit against the said purchaser for setting aside the said sale deed and further about the admission of the PW-1 that, he came to know about the execution of the sale deed in respect of the said

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persons for about 6 to 7 years back before filing this complaint looks improbable. In support of his oral evidence 18 documents have been filed by complainant marked as P-1 to 18.

15. It is relevant to note that, enquiry against DGO-1 Channabasappa was abated as he was reported dead in the course of enquiry and the enquiry was concluded against DGO-2, Ramesh Naik.
16. Deceased DGO-1 has filed detailed written statement stating that, after registration of the sale deed it was referred to him for enquiry as contemplated in Karnataka Land Revenue Act and accordingly he issued notice in Form No.21 including to the residents of village related to the property like Malagi Nagappa, B. Narayanappa, Mugappa and others and none of the interested persons in the land came forward and filed objections when recommended it for certification for mutation entry and after waiting for 30 days he handed over the file to DGO-2 office in No. MRNo.11/Admin/121.
17. DGO-2 as a Revenue Inspector having been satisfied about the recommendation of certification of relevant services mutation entry evidence of DGO-1 was not made available because he was reported dead and case against him was abated. So his contentions raised in his WS remained unsubstantiated.
18. DGO-2 the Revenue Inspector has stated that, on the basis of the enquiry report of DGO-1 relating to recommendation of certification of entry and being satisfied about the procedures followed by him as per section 128 and 129 of Karnataka Land

*Ramesh Naik*

Revenue Act, finally has ordered for effecting certification of mutation entry in the name of the purchaser of the land under registered sale deed. He has also stated about the procedure to be followed by the revenue authorities like DGO-1 before recommending for certification of mutation entries and the agricultural land.

19. After assessing evidence made available from both sides, material facts in question that arises for consideration is that, what was the restricted role of DGO-1 and 2 in certification of mutation entry based on the registered document like sale deed.
20. Claim of the complainant is that, DGO-1 and 2 have acted upon false and fabricated registered sale deed and have certified mutation entry in favour of the purchaser Halyada Obappa.
21. It is relevant to note that in the Karnataka Land Revenue Act, section 128 and 129 are worded as under ;

**128. Acquisitions of rights to be reported.**—(1) Any person acquiring by succession, survivorship, inheritance, partition, purchase, mortgage, gift, lease or otherwise, any right as holder, occupant, owner, mortgagee, landlord or tenant of the land or assignee of the rent or revenue thereof, shall report orally or in writing his acquisition of such right to the prescribed officer of the village within three months from the date of such acquisition, and the said officer shall at once give a written acknowledgment of the receipt of the report to the

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person making it: 1964: KAR. ACT 12] Land Revenue 519.

**129. Registration of mutations and register of disputed cases.**—(1) The prescribed officer shall enter in the Register of Mutations every report made to him under sub-section (1) of section 128 or received by him under sub-section (2) or sub-section (4) of the said section. (2) Whenever a prescribed officer makes an entry in the Register of Mutations, he shall at the same time post up a complete copy of the entry in a conspicuous place in the chavadi and shall give written intimation to all persons appearing from the Record of Rights or Register of Mutations to be interested in the mutation, and to any other person whom he has reason to believe to be interested therein. (3) Should any objection to any entry made under sub-section (1) in the Register of Mutations be made either orally or in writing to the prescribed officer, it shall be the duty of the prescribed officer to enter the particulars of the objection in a Register of Disputed Cases. (4) The objections entered in the Register of Disputed Cases and such other objections as may be made during the enquiry shall be enquired into and disposed of by such officer and in such manner as may be prescribed. Orders disposing of such objections shall be recorded in the Register of Mutations by such officer. (5) The officer holding an enquiry under sub-section (4) shall have all the powers under Chapter III, that a Revenue Officer has in making a formal or summary

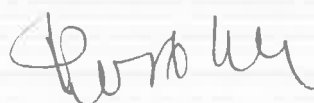
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enquiry under this Act. (6) Entries in the Register of Mutations shall be tested and if found correct or after correction, as the case may be, shall be certified by such officer as may be prescribed. (7) The transfer of entries from the Registers of Mutations to the Record of Rights shall be effected in the prescribed manner, provided that an entry in the Register of Mutations shall not be transferred to the Record of Rights until such entry has been duly certified. 1[129A. Patta Book.—(1) Every holder of agricultural land (including a tenant if he is primarily liable to pay land revenue therefore), shall be supplied by the prescribed officer with a patta book containing a copy

22. However, section 129 of Karnataka Land Revenue Act permits with regard to the registration of properties and registration of disputed case by the revenue officer after receiving such application for certification of mutation entries relating on registered documents have been including the registered sale deed. Revenue officer will make before registration of mutation give vide publication in the village and post up complete copy of the same on a conspicuous place of chavadi and shall give notice to witness statement to persons apart from names mentioned in records of rights for registration of mutation and also to any such who believed to have interest in the property. In case if he receives any objections from persons interested either orally or in writing, he will enter the particulars of objections in the register for special cases and send the same for inquiry to the Revenue Inspector. This is the limited role of Village Accountant.

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23. Further, any document which is registered in Sub-Registrar office such as partition deed, sale deed etc., record in section 128 automatically other than the online internet J-Form will be received in the bhoomi Kendra of revenue office and then the Shirestheadar will generate Form No.21 and send to concerned Tahasildar and the Tahasildar like DGO-2 after receiving the same shall forward it to jurisdictional Village Accountant like DGO-1 acting under Rule 129 give wide publicity and affix copy of the statement on office and issue notice to the persons interested in the property and receive objections, if raised send it to Revenue Inspector like DGO-2 for further enquiry.
24. If no objections raised by any persons interested in the property, then automatically Revenue Inspector, DGO-2 after verifying and strictly following the requirement mentioned in Section 128 and 129 recommend for certification of mutation and entries to be made in the RTC relating to change of names in the holders column of the land in question.
25. So it becomes to that, if registered sale deed is executed by some person by exercising fraud, misrepresentation aggrieved persons has to embark upon initiating civil and criminal proceedings against concerned persons who have got it registered without any right having in the land.
26. In this case, allegation of the complainant is that, Khata has been changed as result of somebody committing fraud relating to the land belonging to his grandfather and got registered sale deed by misrepresentation in that case, Sub Registered then he is left with two options;



- i. He should have filed civil suit for setting aside of false and fabricated sale deed executed as against the persons in whose favour the said sale deed is executed.
  - ii. Complainant would have filed criminal case before the local police as against Halyada Obappa who is believed to have purchased the land fraudulently misrepresenting before the Sub-Registrar.
27. In the instant case, the Sub-Registrar who has registered sale deed which is alleged to be false is not made a party as DGO, instead PW-1 has made allegations against the revenue officers like DGO-1 and 2 for certification of mutation entry on the basis of false registered sale deed by Sub-Registrar in respect of the land dated 29/03/2010.
28. Complainant has lodged complaint before this authority on 01/12/2015/ (02/12/2015) that means from 2010 to 2014 complainant was unaware of about change of mutation entries in revenue records of land and complainant has also produced the earlier RTC's disclosing the name of his grandfather, Obappa pertaining to the year 2009-10 when he was alive.
29. So DGO-1, Village Accountant could not issue notice to the family members of the deceased Obappa grandfather of the complainant.
30. My attention is drawn to Exhibit P-18, it is a report submitted by Tahasildar, Kudligi Taluk on 24/12/2018 with regard to holding of enquiry against DGO-1 and 2 pertaining to this, case of



enquiry filed, before filing this complaint before Hon'ble Upalokayukta. In which it is seen that, the Tahasildar has conducted enquiry and has summoned Halyada Obappa in whose favour the sale deed was executed who has stated before the Tahasildar that, about 8 years back he was taken to Sub-Registrar under false pretext that, the agreement for grant of land by government will be made in his favour and he was made to affix thumb impression and sign some papers and later he came to know that, a false sale deed has been got executed in his favour believed to have been sold and executed by Malagi Nagappa.

31. He has also stated that, in this regard criminal case was registered against him and trial was conducted in criminal court and he was acquitted. Further, stated that, he was unaware about involvement of DGO-1 and 2 and getting the sale deed executed and also certification of mutation entry.
32. So now it becomes clear to understand that, alleged sale deed alleged to have been got executed by making false representation somewhere in 2010 and in 2015. Grandson of Obappa original owner and family members of complainant filed complaint before Upalokayukta alleging that, DGO-1 and 2 have committed misconduct in certifying the mutation entry based on false and fabricated sale deed in 2015 this delay is not adequately explained.
33. Further, advocate for DGO-2 has produced certified copy of the order passed by Hon'ble High Court of Karnataka in W.P.

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No.11323/2001 dated 17/04/2002 wherein his Lordship has observed that;

*“in view of the meaningful reading of the provisions of section 128 of the act, whenever the registered document is there, it is just and necessary for the land revenue authorities to mutate the names of the persons who have acquired right by virtue of registered document. If any person challenges or disputes the validity or legality of the document, it is for the person taking such stand to approach the civil court and vindicate his rights”.*

34. So, when documents like sale deed, joint lease etc., are registered under Registration Act, presumption arises that, the title in the property has been transferred and it becomes incumbent on revenue officers to certify the mutation entry without probing into the credibility and genuineness of registered sale deed and Section 128 provides procedure that, how the registered documents have to be reported and intimated to revenue authorities to effect mutation entries. When registered instrument is presented for certification of mutation entry automatically generate J-Form in Bhoomi Kendra of Revenue officer, after that Revenue Inspector forward the registered documents and the relevant records to the jurisdictional Village Accountant in turn Village Accountant acting u/s 129 make vide publicity by affixing the documents in conspicuous part office of panchayath calling upon the interested persons to file their objections. If objections

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are not filed he would wait for 30 days and forward the file to the Revenue Inspector for certification of mutation entry as nobody disputed about the registered document if objections are raised he will send the file to Tahasildar to hold enquiry into disputed certification book.

35. So close reading of the section 128 and 129 of Karnataka Land Revenue Act, 1964 observation made by his Lordship makes it clear to understand that, whenever registered document is sent for enquiry, the revenue authorities have to mention the names of the persons who have acquired right by virtue of registered documents if any person challenges and disputes the validity and legality of the documents it is for the person taking such stand to approach civil court and get adjudicated his rights. However, the revenue authorities like DGO-1 and 2 cannot refuse any registered document for effecting mutation entry after following procedure as per section 128 and 129.
36. So to sum up allegations made in the complaint by the complainant alleging that DGO-1, Village Accountant and DGO-2, Revenue Inspector for committing misconduct as a public servant by certification of mutation entry in the name of the purchaser under registered sale deed is not sustainable because the role to be played by Revenue Inspector is very limited as contemplated u/s 128 & 129 of Karnataka Land Revenue Act, 1964 particularly when the application is placed for certification of mutation entry based on the registered documents registered Sub-Registrar like sale deed related to this case. So it cannot be said that, DGO-1 and 2 have committed any misconduct or dereliction of duty in

*D. S. S. S.*

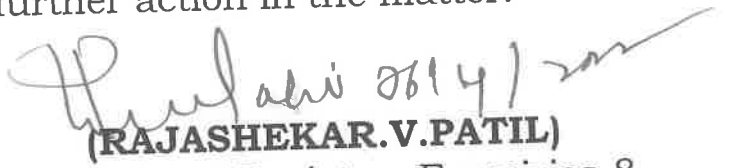
certifying the mutation entry in favour of the purchaser Halyada Obappa and needless to repeat and say that, DGO-1 was reported dead and case against him was abated.

37. DGO-2 Revenue Inspector will only act upon the report of Village Accountant and verify whether requirement u/s 129 are followed or not such as giving wide publicity in the village about the documents placed for certification of mutation entry.
38. So, in view of the discussion made above it becomes crystal clear that, the evidence placed on record by the disciplinary authority has failed to prove that, DGO-1 and 2 have failed to maintain absolute integrity and devotion to duty and the act of which is of unbecoming of Public/Government servant. Therefore, working as Revenue Inspector, DGO No 2 is not held liable for professional misconduct under rule 3 (i) to (iii) of KCS (Conduct) Rules, 1966. Hence above point for consideration is answered in 'negative' and proceed to record the following;

### **FINDINGS**

The Disciplinary Authority has not proved the charges leveled against the Delinquent Government Officials (1) Sri Channabasappa, Village Accountant (Since deceased abated) and also (2) Ramesh Naik, Revenue Inspector (presently working as Deputy Tahasildar, Hosapete Taluk, Vijayanagara District)

Submitted to His Lordship Hon'ble Upalokayukta-2 for further action in the matter.



**(RAJASHEKAR.V.PATIL)**

Additional Registrar Enquiries-8  
Karnataka Lokayukta, Bengaluru.

## ANNEXURES

### 1. LIST OF WITNESSES EXAMINED ON BEHALF OF DISCIPLINARY AUTHORITY:

|     |                                                                                |
|-----|--------------------------------------------------------------------------------|
| PW1 | Sri. Pampapathi S/o B. Gangappa, 5 <sup>th</sup> Ward,<br>Near Dargh, Kudligi. |
|-----|--------------------------------------------------------------------------------|

### 2. LIST OF WITNESSES EXAMINED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:

|     |                                                                           |
|-----|---------------------------------------------------------------------------|
| DW1 | Sri Channabasappa, Village Accountant, Kudligi<br>Taluk, Ballari District |
| DW2 | Sri Ramesh Naik, Revenue Inspector, Kudligi<br>Taluk, Ballari District    |

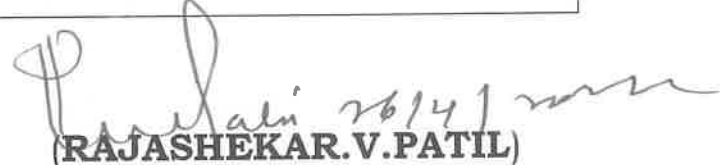
### 3. LIST OF DOCUMENTS MARKED ON BEHALF OF DISCIPLINARY AUTHORITY:

|               |                                                                 |
|---------------|-----------------------------------------------------------------|
| Ex.P1         | Xerox copy of sale deed                                         |
| Ex.P2         | Xerox copy of Death Certificate of Malagi<br>Nagappa            |
| Ex.P3         | Xerox copy of Death Certificate of Obavva                       |
| Ex.P4         | Xerox copy of Genealogical tree                                 |
| Ex.P5         | Xerox copy of Form No.21                                        |
| Ex.P6         | Xerox copy of Form No.12                                        |
| Ex.P7         | Xerox copy of declaration form                                  |
| Ex.P8         | Xerox copy of Form No.1                                         |
| Ex.P9 &<br>10 | Xerox copy of certificates                                      |
| Ex.P11        | Xerox copy of Mutation in MR116/2009-10                         |
| Ex.P12        | FORM NO.I (Complaint)                                           |
| Ex.P13        | FORM NO.II (Complainant's Affidavit)                            |
| Ex.P14        | Complaint addressed to Lokayukta dated<br>02/12/2015 (Original) |
| Ex.P15        | Xerox copy of Pahani pertaining to the year 2009-10             |
| Ex.P16        | Xerox copy of Pahani pertaining to the year 2015-16             |

|        |                                               |
|--------|-----------------------------------------------|
| Ex.P17 | Rejoinder of the complainant dated 04/05/2016 |
| Ex.P18 | Documents (13) pertaining to this complaint   |

**4. LIST OF DOCUMENTS MARKED ON BEHALF OF DELINQUENT GOVERNMENT OFFICIAL:**

|       |                                                      |
|-------|------------------------------------------------------|
| Ex.D1 | Xerox copy of sale deed dated 29/03/2009             |
| Ex.D2 | Xerox copy of mutation register for the year 2009-10 |
| Ex.D3 | Xerox copy of mutation register for the year 2016-17 |
| Ex.D4 | Pahani for the year 2009-10                          |
| Ex.D5 | Pahani for the year 2010-11                          |
| Ex.D6 | Pahani for the year 2020-21                          |

  
**(RAJASHEKAR.V.PATIL)**  
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 Karnataka Lokayukta,  
 Bengaluru.