

Acknowledgement
Karnataka Lokayukta
(Under Section 7 of the Karnataka Lokayukta Act, 1984)



CASE NUMBER : **COMPT/LOK/BCD/2512/2018**
District : **Bengaluru (U)**

BY :

1. H.S. DORAISWAMY,
FREEDOM FIGHTER, NO 868, 38TH CROSS,
JAYANAGAR 4TH T BLOCK, BANGALORE
560041. Order of Honble Lokayukta Dated:
31/08/2018

COMPLAINANT/S

AGAINST :

1. COMMISSIONER,
BBMP, Thalaghattapura Lake, BENGALURU.
2. SECRETARY,
Pollution Control Board, BENGALURU.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of Duty.

Received From : ARE-1 Sec
Received On : 04-09-2018

Complaint stands
allotted to : **SECRETARY**

Phone Number :

KARNATAKA LOKAYUKTA, BENGALURU

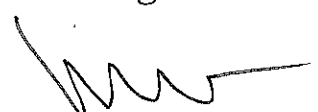
(4)

No:Compt/LOK/BCD-2512/2018 Date : 11-09-2018

ORDER

The complaint filed by Sri.H.S.Doreswamy for rejuvenation of lakes was originally registered in No.Compt/LOK/BCD-2253/2017. Subsequently, I passed an order for splitting of that complaint into several complaints confining to each one of the lakes in respect of which grievance has been made by Sri.H.S.Doreswamy. Accordingly, the grievance in respect of **Thalaghattapura Lake** has been registered in this complaint.

2. Sri Jagannath is present on behalf of the 1st respondent. Though, on the last date of hearing a submission was made on behalf of the BBMP that they are not in a position to take up the work relating to **Talaghattapura Lake** on account of financial constraint, today Sri Jagannath submitted that the government is likely to release the funds for the development of Talaghattapura Lake. In that event the BBMP will take up the sewage diversion



(5)

work and cleaning of the lake immediately after calling for tenders as prescribed. He submits that the BBMP will be able to execute necessary works within about six months' time from the date of the order made regarding release of funds. The works herein below are required to be carried out by the BBMP:

- a) Diversion of sewage and cleaning of lake.
- b) Formation of walk path.
- c) Construction of police and security rooms.
- d) Lighting wherever is required.

3. Sri Rajashekar on behalf of BWSSB submitted that JICA fund is released for installation of pipelines running through 110 villages which has become part of the present BBMP. He submitted that the work has already been entrusted to the contractors and the work is required to completed within the period of three years as per the terms of the contract.

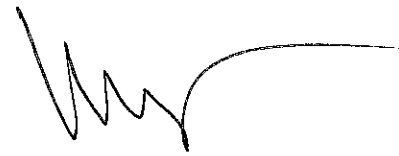


6

4. At this stage Sri Pabbi Shetty submitted that it is desirable for the BBMP to take a decision to execute necessary work after consulting the BWSSB and also in consultation with Karnataka State Pollution Control Board.

5. Having regard to the facts and circumstances of the case, in my view, it is desirable to convene a joint meeting with the officers of the BBMP (Lakes), KSPCB and the officers of BWSSB in the chambers of the Chief Engineer of the BBMP and to take a considered joint decision to execute necessary work to rejuvenation and maintenance of lake.

6. It is pointed out that lot of debris are being dumped inside the lake area and the garbages are burnt. Sri Jagannath to take immediate steps to prevent dumping of debris and burning of garbage near the lake area. He assures me that, they will immediately deploy sufficient number of Home Guards.



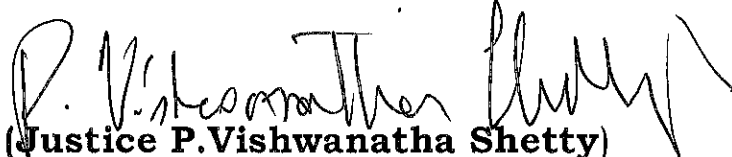
Lok/B CD - 2512/18 4 - 6-

(7)

7. Office to implead the Chairman, BWSSB as respondent in this complaint and issue notice of this complaint to him.

8. Communicate this order to the complainant and to the respondents forthwith both by E-mail as well as by means of postal service.

List this matter on 13-11-2018 at 3.00 p.m.


(Justice P. Vishwanatha Shetty)
Lokayukta, State of Karnataka

ck*

ARE-1)

1) 13/11/2018.

ARE-1.

ನೌ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಅಧೀನದಲ್ಲಿ
ನಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿ-
- ಗಳಿಗೆ ನೋಟೀಸ್ ಜಾರಿ
ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ ಮಂಚಿಸಿದೆ.

✓

KARNATAKA LOKAYUKTA : BENGALURU



No: Compt/Lok/BCD-2512/2018/ARE-1

Date: 13-11-2018

ORDER

On behalf of Sri. H.S.Doreswamy, who is the Complainant in this case, Smt. Chaitanya is present.

2. Sri. T. Jagannatha Rao, Deputy Conservator of Forest, Bruhat Bengaluru Mahanagara Palike is present. He has filed copy of the Proceedings of Meeting dated 07-11-2018 held with various officers under the Chairmanship of Chief Engineer (Lakes), Bruhat Bengaluru Mahanagara Palike. The said Meeting Proceedings reads as hereunder:

“ದಿನಾಂಕ: 07-11-2018 ರಂದು ಮುಖ್ಯ ಅಭಿಯಂತರರು ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ. ರವರ ಅಧ್ಯಕ್ಷತೆಯಲ್ಲಿ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಕರ್ನಾಟಕ ಸರ್ಕಾರ ರವರು ತಲಘಟ್ಟಪುರ ಕೆರೆಯ ಅಭಿವೃದ್ಧಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ದಿನಾಂಕ: 11/09/2018 ರಂದು ನೀಡಿರುವ ನಿರ್ದೇಶನದ ಮೇರೆಗೆ ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ ಹಾಗೂ ಬೆಂಗಳೂರು ನೀರು ಸರಬರಾಜು ಮತ್ತು ಒಳಚರಂಡಿ ಮಂಡಳಿ ಅಧಿಕಾರಿಗಳೊಂದಿಗೆ ನಡೆಸಲಾದ ಸಭೆಯ ನಡವಳಿಗಳು.

ಸಮಯ:11.00 ಗಂಟೆ

ಹಾಜರಿದ್ದವರು:

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹಾಜರಿದ್ದ ಅಧಿಕಾರಿಗಳು (ಹೆಸರು ಮತ್ತು ಹುದ್ದೆ)	ಇ-ಮೇಲ್/ಮೊಬೈಲ್ ಸಂಖ್ಯೆ	ಸಹಿ
1	ಶ್ರೀ. ಬಿ.ವಿ.ಸತೀಶ್, ಮುಖ್ಯ ಅಭಿಯಂತರರು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ		
2	ಶ್ರೀ. ಟಿ.ಜಗನ್ನಾಥ್ ರಾವ್, ಉಪ ಅರಣ್ಯ		

(a)

	ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ		
3	ಶ್ರೀ. ಎಸ್.ಎನ್. ಹೆಗಡೆ, ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ		
4	ಶ್ರೀಮತಿ. ಭೂಪ್ರದ, ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ		
5	ಶ್ರೀ. ದಿನೇಶ್.ಎಸ್ ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಕೆ.ಎಸ್.ಪಿ.ಸಿ.ಬಿ ಬೆಂಗಳೂರು		
6	ಶ್ರೀ. ನಾಗಭೂಷಣ್ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಬೃಹತ್ ಮಳೆನೀರು ಗಾಲುವೆ. ಆರ್.ಆರ್.ನಗರ ವಲಯ ಬಿಬಿಎಂಪಿ		
7	ಶ್ರೀ. ಚಂದ್ರಶೇಖರ್.ಎಸ್ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಬಿ.ಡಬ್ಲ್ಯು.ಎಸ್.ಎಸ್.ಬಿ ಬೆಂಗಳೂರು		
8	ಶ್ರೀಮತಿ. ಉಷಾರಾಣಿ.ಕೆ. ಸಹಾಯಕ ಅಭಿಯಂತರರು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ		

ಹಾಜರಿದ್ದ ಅಧಿಕಾರಿಗಳನ್ನು ಮುಖ್ಯ ಅಭಿಯಂತರರು ಕೆರೆಗಳು ರವರು ಸಬಗೆ ಸ್ವಾಗತಿಸಿ ತಲಘಟ್ಟಪುರ ಕೆರೆಯ ಅಭಿವೃದ್ಧಿ ಸಲುವಾಗಿ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಕರ್ನಾಟಕ ಸರ್ಕಾರ ರವರು ದಿನಾಂಕ:11-09-2018 ರಂದು ವಿಚಾರಣೆ ನಡೆಸಿ ನೀಡಿರುವ ನಿರ್ದೇಶನದ ಅನ್ವಯ ಜಂಟಿ ಸಭೆಯನ್ನು ಕೆರೆಯಲಾಗಿದ್ದು ತಲಘಟ್ಟಪುರ ಕೆರೆಗೆ ಅವಶ್ಯವಿರುವ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಲು ಇಲಾಖಾ ವಾರು ಚರ್ಚಿಸಿ ಈ ಕೆಳಗಿನಂತೆ ನಿರ್ಣಯಿಸಲಾಯಿತು.

ತಲಘಟ್ಟಪುರ ಕೆರೆಗೆ ಎರಡು ಮಾರ್ಗಗಳಿಂದ ಕೊಳಚೆ ನೀರು ಹರಿದು ಬರುತ್ತಿದ್ದು ಈ ಕಾರಣ ಕೆರೆಯು ಮಲಿನಗೊಂಡು ಸಾರ್ವಜನಿಕರ ಉಪಯೋಗಕ್ಕೆ ತೊಂದರೆ ಯಾಗುತ್ತಿರುವುದಾಗಿ ಮೊದಲನೇ ಹಂತದಲ್ಲಿ ಕೆರೆಗೆ ಸೇರುತ್ತಿರುವ ಕೊಳಚೆ ನೀರನ್ನು ಪ್ರತ್ಯೇಕ ಮಾರ್ಗದಿಂದ ಸುರಕ್ಷಿತ ವಾಗಿ ಕೆರೆಯಿಂದ ಹೊರಗೆ ಬಿಡಬೇಕಾಗಿದ್ದು ಕೊಳಚೆ ತಿರುವು ಗಾಲುವೆ ಮಾರ್ಗಗಳನ್ನು ನಿರ್ಮಿಸಲು ಕನಿಷ್ಠ 900.00 ಎಂ.ಎಂ. ವ್ಯಾಸದ ಪೈಪ್‌ಗಳನ್ನು ಅಳವಡಿಸಿ ಕಾಮಗಾರಿಗಳನ್ನು ಕೈಗೊಳ್ಳಬೇಕಾಗಿರುವುದಾಗಿ ಈ ಬಗ್ಗೆ ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಬಿ.ಡಬ್ಲ್ಯು.ಎಸ್.ಎಸ್.ಬಿ ಮತ್ತು ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಕೆ.ಎಸ್.ಪಿ.ಸಿ.ಬಿ ಬೆಂಗಳೂರು ರವರ ಅಭಿಪ್ರಯಗಳನ್ನು ಕೇಳಲಾಗಿ ಸದರಿ ರವರುಗಳು ಕೊಳಚೆ ನೀರು ತಿರುಗಾಲುವೆಗಾಗಿ ಪ್ರತ್ಯೇಕ ಮಾರ್ಗಗಳನ್ನು 900.00 ಎಂ.ಎಂ. ವ್ಯಾಸದ ಪೈಪ್‌ಗಳನ್ನು ಅಳವಡಿಸಿ ನಿರ್ಮಿಸಿದಲ್ಲಿ ಕೊಳಚೆ ನೀರನ್ನು ಸುರಕ್ಷಿತವಾಗಿ ಹೊರಗೆ ಹರಿದು ಬಿಡಬಹುದಾಗಿರುತ್ತದೆ ಎಂದು ಸಭೆಯಲ್ಲಿ ಅಭಿಪ್ರಾಯಿಸಿರುತ್ತಾರೆ.

ಮುಂದುವರೆದು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಬಿ.ಡಬ್ಲ್ಯು.ಎಸ್.ಎಸ್.ಬಿ ತಲಘಟ್ಟಪುರ ಕೆರೆಯ ಮೇಲಿನ ಪ್ರದೇಶಗಳಲ್ಲಿ ಕೊಳಚೆ ನೀರಿಗೆ ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆ ಕಲ್ಪಿಸಲು ಬಿ.ಬಿ.ಎಂ.ಪಿ ಯ 110 ಹೆಚ್‌ಗಳ ಯೋಜನೆಯನ್ನು ರೂಪಿಸಲಾಗಿದ್ದು, ಸದರಿ ಯೋಜನೆಯಲ್ಲಿ ಕೇವಲ 300.00 ಎಂ.ಎಂ. ವ್ಯಾಸದ ಪೈಪ್‌ಗಳನ್ನು ಅಳವಡಿಸಲು ಉದ್ದೇಶಿಸಲಾಗಿದ್ದು ಹೆಚ್ಚುವರಿ ವ್ಯಾಸದ ಪೈಪ್‌ಗಳನ್ನು

20x/BLD - 2512/18

10

ಅಳವಡಿಸಲು ಯೋಜನೆಯಲ್ಲಿ ಅವಕಾಶ ಇಲ್ಲದಿರುವುದಾಗಿ ಮತ್ತು ಕೆರೆಗೆ ಪ್ರತ್ಯೇಕವಾಗಿ ತಿರುಗಾಲುಪೆಯನ್ನು ನಿರ್ಮಿಸಲು ಸಹ ಯೋಜನೆಯಲ್ಲಿ ಅವಕಾಶ ಇಲ್ಲದಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಸಹಾಯಕ ಕಾರ್ಯಪಾಲಕ ಅಭಿಯಂತರರು, ಬೃಹತ್ ಮಳೆನೀರು ಗಾಲುವೆ, ಆರ್.ಆರ್.ನಗರ ವಲಯ ರವರು ತಲಘಟ್ಟಪುರ ಕೆರೆಯಲ್ಲಿ ಕೊಳಚೆ ನೀರು ತಿರುವುಗಾಲುವೆ ನಿರ್ಮಾಣಕ್ಕಾಗಿ ತಮ್ಮ ವಿಭಾಗದಿಂದ ಯಾವುದೇ ಕಾರ್ಯಕ್ರಮವನ್ನು ರೂಪಿಸಿರುವುದಿಲ್ಲವಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಸಭೆಯಲ್ಲಿ ಈ ಬಗ್ಗೆ ಚರ್ಚಿಸಲಾಗಿ ಕೆರೆಯಲ್ಲಿ ತುರ್ತಾಗಿ ಕೊಳಚೆ ನೀರನ್ನು ಸುರಕ್ಷಿತವಾಗಿ ಪ್ರತ್ಯೇಕ ಮಾರ್ಗ ಕಲ್ಪಿಸಿ ಹೊರ ಹಾಕಿ ಕೆರೆಯನ್ನು ಅಭಿವೃದ್ಧಿಪಡಿಸಿ ಕೇವಲ ಮಳೆ ನೀರನ್ನು ಸಂಗ್ರಹಿಸಬೇಕಾಗಿದ್ದು ಕೂಡಲೇ ಅಗತ್ಯವಿರುವ ಕೊಳಚೆ ನೀರು ತಿರುವುಅಲುಪೆ ಮಾರ್ಗಗಳನ್ನು ಪಾಲಿಕೆಯ ಕೆರೆ ವಿಭಾಗದಿಂದ ಕೈಗೊಳ್ಳಲು ಅಭಿಪ್ರಾಯಿಸಲಾಯಿತು.

ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಪರಿಸರ ಅಧಿಕಾರಿಗಳು ಕೆ.ಎಸ್.ಪಿ.ಸಿ.ಬಿ ಬೆಂಗಳೂರು ರವರು ಕೆರೆಯಲ್ಲಿ ಮಳೆ ನೀರು ಶೇಖರಣೆಗೊಂಡ ನಂತರ ನೀರಿನ ಗುಣಮಟ್ಟದ ಪರೀಕ್ಷೆಗಳನ್ನು ನಿಯಮಿತವಾಗಿ ಕೈಗೊಂಡು ಮಂಡಳಿಯ ವೆಬ್‌ಸೈಟ್‌ನಲ್ಲಿ ಪ್ರಕಟಿಸುವ ಕ್ರಮ ಕೈಗೊಳ್ಳುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಮುಖ್ಯ ಅಭಿಯಂತರರು ಕೆರೆಗಳು ಬಿ.ಬಿ.ಎಂ.ಪಿ ರವರು ಸಭೆಯಲ್ಲಿ ಹಾಜರಿದ್ದ ಎಲ್ಲಾ ಅಧಿಕಾರಿಗಳಿಗೆ ವಂದಿಸಿ ಸಭೆಯನ್ನು ಮುಕ್ತಾಯಗೊಳಿಸಲಾಯಿತು.

ಸಹಿ/-

ಮುಖ್ಯ ಅಭಿಯಂತರರು

ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ”.

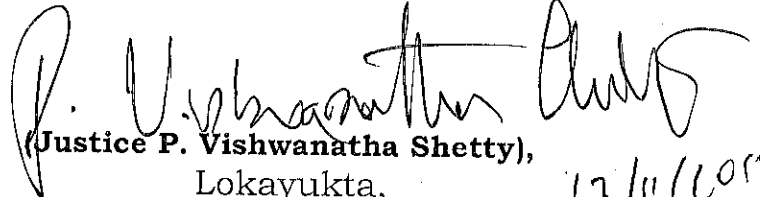
2. Sri. T. Jagannath Rao further submitted that they have made a request with the Government for release of Rs.5.00 Crores. He submitted that he expects the Government to release the said amount for the development of lake in question in few days and on receipt of amount, developmental work will be taken to develop the lake. He also submitted that within six months from the release of the funds, the development work will be carried out. He is directed to file status report showing the steps

11

taken by Bruhat Bengaluru Mahanagara Palike in this regard.

3. Communicate this order to the parties.

List this case on **06-02-2019 at 03-00 p.m.**


(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State. 13/11/2018

AS*

10) 06/02/2019

ARE-1

ನೌ. ಲೋಕಾಯುಕ್ತೆ -
-ರವರ ಆದೇಶದಂತೆ
ಎದುರುದಾರರಿಗೆ ನೋಟಿಸ್
ಕೂಲಿ ಮಾಡಿದ್ದು, ಸ್ವಲ್ಪ
ಮಾಡಿಸಿದೆ.

1

KARNATAKA LOKAYUKTA, BENGALURU

12

No.Compt/LOK/BCD-2512/2018/ARE-1

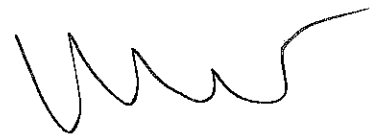
Date : 06.02.2019

O R D E R

THALAGHATPURA LAKE

On behalf of the complainant Sri H.S.Doraiswamy, Sri Lakshmikanth and Miss.Chaintanya are present along with Sri Babu. Sri Bhat, Law Officer is present along with Sri D.R.Kumaraswamy, Regional Senior Environmental Officer of Karnataka State Pollution Control Board (herein after for short KSPCB), Bengaluru. Sri Chandrashekar, Assistant Executive Engineer is present on behalf of the BWSSB. On behalf of the BBMP Smt.Bupradha, Assistant Executive Engineer is present.

2) On behalf of the complainant, a letter dated 7.12.2018 is filed by Miss.Chaitanya setting out the issues that are required to be attended by the authorities concerned. It is useful to extract the said letter which reads as follows –



Lok Sabha - 25/2/2018

-12-

(13)

"Thalaghattapura Lake"

Located in Hemmigeppura ward (RR Nagar) covers an area of 19 acres 16 guntas. According to Koliwad Committee Report, 2 acres 29 guntas has been encroached.

Current Issues:

- The lake has a continuous inflow of untreated sewage that flows through multiple entries having resulted in frothing in the lake.
- This also has led to the excessive growth of water Hyacinths.
- Sight of the sewage flowing across the road (culvert), stench and mosquitoes adds to the woes.
- The lake has not been maintained, though it was developed by BDA and handed over to BBMP.
- Dumping of construction debris on the lake bed and increasing day by day.
- Dumping and burning of mixed waste (including hair from saloons)
- Open defaecation continues on the lake bed.

Solutions suggested:

- Complete the remaining fencing around the encroached area. Survey of the lake is yet to be completed and encroachment cleared.
- Address the sewage inlet issue by laying UGD / STP in the area on priority basis.
- Address the open defecation issue by building and maintaining public toilets around the area. The honourable Justice has already passed the order on this, which is to be implemented on priority.
- Ensure maintenance of the lake once the lake is completely rejuvenated."



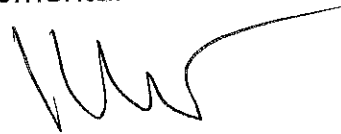
- 13 - Lok/BCD - 25.12/2018

(U)

3) A copy of the said letter is also furnished to all the authorities. The authorities concerned may examine the issue raised and address the issues for the purpose of rejuvenation, protection and maintenance of lake.

4) Sri Chandrashekar, Assistant Executive Engineer, appearing on behalf of BWSSB submitted that they have taken-up the work of providing Under Ground Drainage system for 110 villages within the limits of BBMP and the same is planned for three years and work will be carried out in phased manner.

5) Smt. Bupradha, Assistant Executive Engineer of BBMP, Bengaluru submitted that since, ~~now~~ the State Government has sanctioned ₹5 crores for the development of the lake, the BBMP would take effective steps for the development of the lake with the assistance and co-operation of BWSSB and KSPCB. The said statement is placed on record. The Assistant Executive Engineer further submitted that since the Government has sanctioned the finance only on 1.2.2019, the BBMP has to take steps for tender process to entrust the work to the contractor and for other developmental activities.



Lok/BCO-2512/2018.

: 1A-

(15)

According to her, it will take 6 to 8 months to rejuvenate and carry out necessary work for development of the lake.

6) It was pointed out on behalf of the complainant that since there is an encroachment in respect of the portion of the lake, it is necessary to get the lake resurveyed by the survey department to protect the said lake. In the light of the submission made, the Joint Director of Land Records, Bengaluru Urban District and the jurisdictional Tahsildar are directed to get the land surveyed and point out the encroachment ~~portion~~ portion if any within a period of eight weeks from today.

7) Communicate this order to the Joint Director of Land Records, Bengaluru South and the Tahsildar, Bengaluru South. They are directed to file the Status Report with regard to the survey conducted before the Lokayukta **within a period of eight weeks time from today**, After serving of the copy of the Status Report to the complainant and all the authorities, GN such survey being done, the BBMP and the Tahsildar to take effective steps for eviction of the unauthorized encroachment



-15-

Lok/BW-2512/2018 (16)

and file the Status Report. The authorities of BBMP, BWSSB and KSPCB is given ten weeks time to file their Status Report.

Communicate this Order to all the parties concerned.

List this case on 25th April 2019 at 3.00 p.m.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty) 6/2/19
Lokayukta
State of Karnataka

*vi

8) Additional Registrar of Enq.1

11) 25/04/2019.

ARE-1.

ನಾ. ಲೋಕಾಯುಕ್ತೆ -

-ರವರ ಆದೇಶದಂತೆ

ಬಹುಮತದಿಂದ

ಮಾನ್ಯರಾದ

ಮುಖ್ಯ, ಸ್ವಾಸ್ಥ್ಯ

ಮಂಡಳಿ.

ಬಹುಮತದಿಂದ

ನಿರ್ದೇಶಿಸಿ, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳ

ಕಛೇರಿ, ಬೆಂಗಳೂರು

ಬಹುಮತದಿಂದ ಸಹಾಯಕ

ನಿರ್ದೇಶಿಸಿ, ಬೆಂಗಳೂರು

ಜಿಲ್ಲಾ ಉಪನಿರ್ದೇಶಕರಿಗೆ

ಕಳುಹಿಸಿರುವ ಆದೇಶ

ಮಂಡಳಿ.

-16-

(17)

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2512/2018 Date : 25-04-2019

ORDER

No one is present on behalf of the complainant.


2. Sri R.V.Bhat, Legal Officer of KSPCB is present along with Sri Kumaraswamy, Chief Environmental Officer and Dr. B.Madhavi, Deputy Environmental Officer.

3. A status report dated 25-04-2019 is filed on behalf of KSPCB. It is useful to extract the same, which reads as hereunder:

“Sub: Complaint filed by Sri. H.S. Doreswamy before the Hon’ble Lokayuktha and the Compliant No Compt. Lok - BCD 2512/18 – reg.

Ref: 1.Inspection of the Thalagatapura Tank on 20.09.2018.

With reference to the above subject, as per the direction of Hon’ble Lokayuktha, the Thalagatapura Tank area was inspected on 20.09.2018 and already submitted the detailed report to Hon’ble Lokayuktha office on 11.09.2018. This tank is located in Thalagatapura Tank village limits and comes under BBMP Hemgepura ward, Rajarajeswari Nagar Zone. The GPS reading of the tank is N-12° 52’ 04.08” & E-77° 32’ 06.90” respectively. This tank is developed by the BDA. But, at present this tank is not being used for any purpose. Fencing and earthen bund is provided all along the boundary of the tank. But, not maintained the tank. Hence, the tank bed is

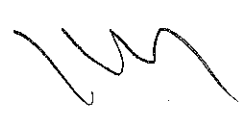


(18)

completely covered by weeds and also water hyacinth was covered inside the lake water body. Further, at some portion of the tank, the fencing was found to be damaged. Lot of municipal solid waste is being disposed inside the tank bed area. As per the physical observation the catchment area the tank is part of Thalagatapura village limit, Ganagerepalya and Adharsha layout. The untreated sewage from these areas is being entering into the tank through storm water drain. Hence, the tank is completely covered by weeds and water hyacinth. The tank water was not clear. Further, there is a Kalyani inside the lake and the kalyani is not visible since, the Kalayani area is completely filled with weeds & water hyacinth. Further, the water samples of the tank collected on 06.04.2017 and 20.09.2018 shows that, the analysis results are conforms to Class E & D Standards respectively. Copy of analysis reports enclosed for your kind reference.”

4. In my earlier order dated 06-02-2019 at paragraph 7, I have observed as follows:

“7) Communicate this order to the Joint Director of Land Records, Bengaluru South and the Tahsildar, Bengaluru South. They are directed to file the Status Report with regard to the survey conducted before the Lokayukta **within a period of eight weeks time from today**. After serving of the copy of the Status Report to the complainant and all the authorities, on such survey being done, the BBMP and the Tahsildar to take effective steps for eviction of the unauthorized encroachment and file the Status Report. The authorities of BBMP, BWSSB and KSPCB is given ten weeks time to file their Status Report.”



5. A status report dated 24-04-2019 is filed on behalf of the Assistant Director of Land Records, Bengaluru South Taluk, Bengaluru which reads as hereunder:

“....ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತರ ಆದೇಶ ಅನುಸಾರ ತಕ್ಷಣ ಪಾಲನಾ ಕ್ರಮ ಜರುಗಿಸುವ ಸಂಬಂಧ ಪತ್ರದ ನೋಟೀಸ್‌ನಲ್ಲಿ ವಿಳಾಸಿಸಿರುವವರಿಗೆ ಜಂಟಿ ಅಳತೆ ಬಗ್ಗೆ ಮುಂಚಿತವಾಗಿ ತಿಳುವಳಿಕೆ ನೀಡಿ ಸದರಿಯವರ ಸಮಕ್ಷಮ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.

..... ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ತಲಘಟ್ಟಪುರ ಗ್ರಾಮದ ಸ.ನಂ: 73 ರ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ತುರ್ತಾಗಿ ಸಂಬಂಧಿಸಿ ವೃತ್ತ ಭೂಮಾಪಕರನ್ನು ನಿಯೋಜಿಸಿ ಕೆರೆ ಜಮೀನಿನ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ನಕ್ಷೆಯೊಂದಿಗೆ ಸ್ಪಷ್ಟವಾದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಉಲ್ಲೇಖ ಪತ್ರದಂತೆ ಸೂಚಿಸಿದ್ದರೂ ಮೇರೆಗೆ ನಿಯಮಾನುಸಾರ ಜಂಟಿ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ನಕ್ಷೆಯೊಂದಿಗೆ ತುರ್ತಾಗಿ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ. ಬಿಬಿಎಂಪಿ ಕಾರ್ಯಾಲಯದ ಸಿಬ್ಬಂದಿಗಳು ಹಾಗೂ ತಹಶೀಲ್ದಾರ್ ಕಾರ್ಯಾಲಯದ ಸಿಬ್ಬಂದಿಗಳು ಚುನಾವಣಾ ಕೆಲಸದಲ್ಲಿ ತೊಡಗಿರುವುದರಿಂದ ಜಂಟಿ ಸರ್ವೆ ಕೆಲಸ ಕೈಗೊಳ್ಳಲು ಕಾಲಾವಕಾಶವನ್ನು ಕೋರಿರುತ್ತಾರೆ. ಅದರಂತೆ, ಸ.ನಂ: 73 ರ ಕೆರೆ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಅಳತೆ ಕೆಲಸ ನಿರ್ವಹಿಸಿ ವರದಿ ಸಲ್ಲಿಸಲು 2 ತಿಂಗಳ ಕಾಲಾವಕಾಶ ನೀಡಬೇಕೆಂದು ಮಾನ್ಯ ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.”

6. The above extracted report shows that the steps are being taken to depute a surveyor for the purpose of survey of encroached land in Sy.No.73 of Talaghattapura. It is submitted that, in view of the elections, the officers being busy in the election



70

works, effective steps could not be taken. He prays for six weeks time.

7. In the light of what is stated above, list this matter on 09-07-2019. By then all the concerned are directed to comply with the earlier directions given.

8. Communicate this order to all the parties concerned.

List this matter on 09-07-2019 at 3.00 p.m.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty)
Lokayukta, State of Karnataka *29/7/2019*

ck*

ARE-1)

12) 09/07/2019.

ARE-1

ಗೌ. ಲೋಕಾಯುಕ್ತರು
- ರವರ ಆಜ್ಞಾನುಸಾರ
ಮುಖ್ಯವಾಗಿ ನೋಡಿಸಿ
ಇತರ ಮಾಹಿತಿ, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿ.
ಬೃ. ಕಾಲೇಜಿನಲ್ಲಿ ಸಹಾಯಕ
ನಿರ್ದೇಶಕರು, ಬೆಂ. ದಕ್ಷಿಣ
ಅ. ರವರ ವಿರೂಪಾಡು: 27/06/19
ಬಂದಿರುತ್ತದೆ.

KARNATAKA LOKAYUKTA, BENGALURU

22

No.Compt/LOK/BCD-2512/2018/ARE-1

Date : 09.07.2019

O R D E R

THALAGHATPURA LAKE

On behalf of the complainant Sri H.S.Doraiswamy, Sri Lakshmikanth, Miss.Chaintanya and Sri Gajaraj are present along with others. Smt.Bupradha, Assistant Executive Engineer, BBMP, Bengaluru is present. Sri Niranjan.K.C. Surveyor, Taluk Office, Bengaluru South Taluk is present.

2) On behalf of the Karnataka State Pollution Control Board, a Status Report dated 25.4.2019, had already been filed which was extracted by me in my earlier Order dated 25.4.2019. A Status Report dated 27.6.2019 has been filed on behalf of the Surveyor. It is useful to extract the same which reads as hereunder –



23

“ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರ ಕಾರ್ಯಾಲಯ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ
ತಾಲ್ಲೂಕು ಬೆಂಗಳೂರು. ಕಂದಾಯ ಭವನ, 1ನೇ ಮಹಡಿ ಕೆ.ಜಿ.ರಸ್ತೆ ಬೆಂಗಳೂರು-
560009.

ಸಂಖ್ಯೆ: ಭೂಸನಿ/ಪಿಆರ್/1735/2018-19

ದಿನಾಂಕ: 27.06.2019

ರವರಿಗೆ,

ಮಾನ್ಯ ಅಪರ ನಿಭಂದಕರು,
ವಿಚಾರಣೆಗಳು-1,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

- ವಿಷಯ:- ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ತಲಘಟ್ಟಮರ ಗ್ರಾಮದ ಸ.ನಂ: 73 ರ ಕೆರೆ ಯ ಜಂಟಿ ಅಳತೆ ಕೆಲಸ ಪೂರೈಸಿ ನಕ್ಷೆ ತಯಾರಿಸಿ ವರದಿ ಸಲ್ಲಿಸುವ ಕುರಿತು
- ಉಲ್ಲೇಖ:- 1. ಗೌರವಾನ್ವಿತ ಅಪರ ನಿಭಂದಕರು, ವಿಚಾರಣೆಗಳು-1, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ನೋಟೀಸ್ ಸಂಖ್ಯೆ: ಕಂ.ಲೋಕ್/ ಬಿ.ಸಿ.ಡಿ/2512/2018, ದಿ: 16.02.2019.
2. ಭೂದಾಖಲೆಗಳ ಜಂಟಿ ನಿರ್ದೇಶಕರ ಕಾರ್ಯಾಲಯದ ಪತ್ರ ಸಂಖ್ಯೆ: ಬೂ.ಜಂ.ನಿ/ತಾಂ(7)ವಿ.ವ. 106/2018-19.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಮತ್ತು ಉಲ್ಲೇಖ ಪತ್ರ (1)ಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಗೌರವಾನ್ವಿತ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತರ ಆದೇಶ ಅನುಸಾರ ತಕ್ಷಣ ಪಾಲನಾ ಕ್ರಮ ಜರುಗಿಸುವ ಸಂಬಂಧ ಪತ್ರದ ನೋಟೀಸಿನಲ್ಲಿ ವಿಳಾಸಿಸಿರುವವರಿಗೆ ಜಂಟಿ ಅಳತೆ ಬಗ್ಗೆ ಮುಂಚಿತವಾಗಿ ತಿಳುವಳಿಕೆ ನೀಡಿ ಸದರಿಯವರ ಸಮಕ್ಷಮ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲೇಖ ಪತ್ರ (2) ರ ಸೂಚನೆಯಂತೆ ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ತಲಘಟ್ಟಮರ ಗ್ರಾಮದ ಸ.ನಂ: 73 ರ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ತುರ್ತಾಗಿ ಸಂಬಂಧಿಸಿ ವೃತ್ತ ಭೂಮಾಪಕರನ್ನು ನಿಯೋಜಿಸಿ ಕೆರೆ ಜಮೀನಿನ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ನಕ್ಷೆಯೊಂದಿಗೆ ಸ್ಪಷ್ಟವಾದ ವರದಿಯನ್ನು ಸಲ್ಲಿಸಲು ಉಲ್ಲೇಖ ಪತ್ರದಂತೆ ಸೂಚಿಸಿದ್ದರ ಮೇರೆಗೆ ನಿಯಮಾನುಸಾರ ಜಂಟಿ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ನಕ್ಷೆಯೊಂದಿಗೆ ತುರ್ತಾಗಿ ವರದಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿರುತ್ತದೆ. ಮಾನ್ಯ ಆಯುಕ್ತರು, ಭೂಮಾಪನ ಕಂದಾಯ ವ್ಯವಸ್ಥೆ ಮತ್ತು ಭೂದಾಖಲೆಗಳ ಇಲಾಖೆ ರವರ ಅಧಿಕೃತ ಜ್ಞಾಪನ ಸಂಖ್ಯೆ: SSLR/EST/GC/025/2015-16, Dt: 28.05.2015 ರ ಆದೇಶದಂತೆ ಅಳತೆ ಮಾಡಿ

24

ಗಡಿ ಗುರುತಿಸಿ ತಯಾರಿಸಿದ ಒತ್ತುವರಿ ನಕ್ಷೆಗೆ ತಾಳೆಯಿಟ್ಟು, ಬಿಬಿಎಂಪಿ ಕಾರ್ಯಾಲಯದ ಸಿಬ್ಬಂದಿಗಳು ಹಾಗೂ ತಹಶೀಲ್ದಾರ್ ಕಾರ್ಯಾಲಯದ ಸಿಬ್ಬಂದಿಗಳ ಸಮಕ್ಷಮ ಅಳತೆ ಕೆಲಸವನ್ನು ಪೂರೈಸಿ ಗಡಿ ಗುರುತಿಸಿ ನಕ್ಷೆಯೊಂದಿಗೆ ಭೂಮಾಪಕರು ವರದಿಯನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ನಕ್ಷೆಯನ್ನು ಲಗತ್ತಿಟ್ಟು ಮಾನ್ಯ ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.

ಸಹಿ/-

ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ

ನಿರ್ದೇಶಕರು

ಬೆಂಗಳೂರು ದಕ್ಷಿಣ

ತಾಲ್ಲೂಕು

ಬೆಂಗಳೂರು.”

3) The report filed by the Surveyor extracted above indicates that lake has been surveyed and as per the Survey Report, out of total 19 acres and 16 guntas in all measuring 2 acres 29 guntas has been encroached upon. The details of which has been set out in survey report reads as follows –

- (1) In the possession of BDA – 17 guntas.
- (2) Sri Nanjundaswamy owns – 04 guntas
- (3) Smt.Rama Reddy Gowramma – 08 guntas
- (4) In the occupation of others – 02 acres

4) The above details of which have been set out, is as per the list enclosed. It is well settled that it is not permissible to anyone to encroach upon the lake area or the lake bed. Under





these circumstances, the Tahsildar, Bengaluru South is directed to take effective steps for removal of the encroachment of the lake area/lake bed in accordance with law. However, it is needless to mention, if some of the members are in settled possession over the years, the authorities of the State should consider providing them alternative sites. At this stage Sri Gajaraj and Sri Dhanjeya submitted that near the lake, there is some Government land around 12 acres at Thalaghatpura close to the lake and a layout could be formed or flat can be constructed for allotment of such of those poorer sections of the people, who are in unauthorized occupation of the lake area. In this connection, it is desirable that Sri Gajaraj gives representation to the Deputy Commissioner, Bengaluru Urban District and also to the Tahsildar, Bengaluru South Taluk and to the BBMP authorities for appropriate steps. On such representation being submitted by Sri Gajaraj, the Deputy Commissioner, Bengaluru Urban District, the Tahsildar, Bengaluru South Taluk and the BBMP to examine the representation and also find out the feasibility of making alternative arrangement for such of those persons who are in

unauthorized occupation of the lake area and who belong to the poorer section of the Society.

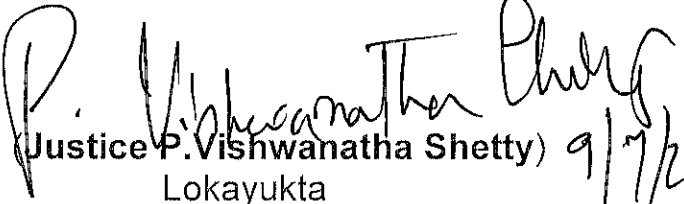
5) However, it is made clear that the observation made above would apply only to such of those persons who are poorer sections of the Society. The Tahsildar, Bengaluru South Taluk to submit the report with regard to the steps taken within four months from today.

6) Smt.Bupradha, Assistant Executive Engineer, BBMP, Bengaluru, submitted that the tender process for development of the lake has been completed and the papers have been forwarded to the Government for approval and as soon as the BBMP receives the approval, the Work Order will be executed to the successful contractor and BBMP would take effective steps to get the work executed as per the terms of the contract. She submitted that it may take about 11 months. She also submitted that though the fencing of the lake has been done, the same has been done excluding the encroachment portion. It is her further submission that once the encroachment is removed, steps will be taken to fence the area which is under

(27)

encroachment and it becomes the part of the lake area. The said submission is placed on record.

Communicate this Order to all the parties concerned. List this case on **12th December, 2019 at 3.00 p.m.**


(Justice P. Vishwanatha Shetty) 9/7/2019.
Lokayukta
State of Karnataka

*VI

7) Additional Registrar of Enq.1

R₁ to R₆ Ack. received.
Report not received from
R₁ to R₆.

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2512/2018 Date : 12-12-2019

ORDER

On behalf of the complainant
Sri H.S.Doreswamy, Sri Lakshmikanth is present.

2. On behalf of Pollution Control Board
Sri R.V.Bhat, Law Officer is present along with
Sri Dinesh, Environmental Officer.

3. Smt. Usha Rani.K, Assistant Engineer, Lakes
Division, BBMP is present.

4. On behalf of the Tahsildar, Bengaluru South
Taluk Smt. Sharmila.G, SDA, Tahsildar Office is
present. A status report dated 12-12-2019 is filed
on behalf of the Tahsildar. It is useful to extract the
same, which reads as hereunder:

“ವಿಷಯ:- ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ
ಹೋಬಳಿ, ತಲಘಟ್ಟಪುರ ಗ್ರಾಮದ ಸ.ನಂ. 73 ರ
ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ
ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲಾಗಿರುವ
ಬಗ್ಗೆ

ಉಲ್ಲೇಖ:- ಗೌರವಾನ್ವಿತ ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು -1
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬೆಂಗಳೂರು ರವರ ಪತ್ರದ
ಆದೇಶದ ಸಂಖ್ಯೆ: ಕಂ. ಲೋಕ್.ಬಿಸಿಡಿ/ 2512/2018
ದಿನಾಂಕ: 20/07/2019.

(24)

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ತಲಘಟ್ಟಪುರ ಗ್ರಾಮದ ಸ.ನಂ. 73 ರ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ಪ್ರಕರಣ ದಾಖಲಿಸಿರುತ್ತಾರೆ. ಸದರಿ ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರವರು ಸಲ್ಲಿಸಿರುವ ನಕ್ಷೆಯಂತೆ ಒತ್ತುವರಿದಾರರು ಒತ್ತುವರಿ ಮಾಡಿರುವುದನ್ನು ತೆರವುಗೊಳಿಸಲು ಕಾನೂನಿನನ್ವಯ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಹಾಗೂ ಒತ್ತುವರಿದಾರರು ಸದರಿ ಜಾಗದಲ್ಲಿ ಈಗಾಗಲೇ ಮನೆಗಳನ್ನು ಕಟ್ಟಿಕೊಂಡು ವಾಸಿಸುತ್ತಿರುವುದರಿಂದ ಸದರಿ ಒತ್ತುವರಿದಾರರಿಗೆ ಬದಲಿ ವ್ಯವಸ್ಥೆ ಕಲ್ಪಿಸಿ 4 ತಿಂಗಳೊಳಗಾಗಿ ಒತ್ತುವರಿ ತೆರವುಗೊಳಿಸಲು ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಸೂಚಿಸಿ ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

ಸದರಿ ತಮ್ಮ ಆದೇಶದಂತೆ ಕ್ರಮ ಕೈಗೊಳ್ಳುವೇಕಾಗಿರುವುದರಿಂದ ಒತ್ತುವರಿದಾರರಿಗೆ ಬದಲಿ ವ್ಯವಸ್ಥೆ ಕಲ್ಪಿಸುವ ಅಧಿಕಾರ ವ್ಯಾಪ್ತಿ ಈ ಪ್ರಾಧಿಕಾರಕ್ಕೆ ಇರುವುದಿಲ್ಲವಾದ್ದರಿಂದ ಒತ್ತುವರಿದಾರರಿಗೆ ಬದಲಿ ವ್ಯವಸ್ಥೆ ಮಾಡಿಕೊಡುವ ಬಗ್ಗೆ ಮಾನ್ಯ ಜಿಲ್ಲಾಧಿಕಾರಿಗಳಿಗೆ ಪತ್ರ ಬರೆಯಲಾಗಿದ್ದು, ಜಿಲ್ಲಾಧಿಕಾರಿಗಳವರಿಂದ ಈ ವಿಚಾರದಲ್ಲಿ ಸೂಕ್ತ ನಿರ್ದೇಶನ ಬಂದ ನಂತರ ಪರಿಶೀಲಿಸಿ ನಿಯಮಾನುಸಾರ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು ಎಂಬ ಅಂಶವನ್ನು ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.”

5. The report extracted above indicates that the Tahsildar is awaiting the direction from the Deputy Commissioner for removal of the encroachment. It is needless to point out that the concerned are required to comply with my earlier order for removal of the encroachment.

6. Sri Lakshmikanth submits that, the actual survey of the lake has not been done and the statement made on the last date of hearing i.e. on 09-07-2019 regarding survey relates to the survey conducted by the Koliwad Committee. The complainant is given 4 (four) weeks time to file his

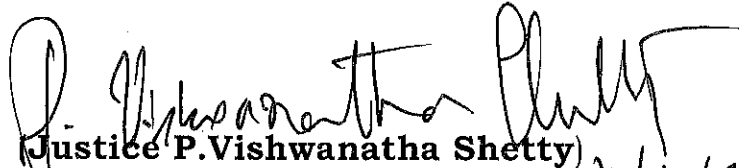


objections before DRE-3 after serving a copy of the same to the concerned Deputy Commissioner and also to the concerned ADLR, Bengaluru South Taluk. The ADLR, Bengaluru South Taluk to file his response to the objection if any filed by the complainant within 4 (four) weeks thereafter. In the meanwhile, in terms of the order dated 25-04-2019 made by me, the necessary steps are to be taken for removal of the encroachment.

7. The presence of the Officers of the Pollution Control Board is dispensed with on the next date of hearing.

8. Communicate this order to all the parties concerned.

List this matter on 20-02-2020 at 3.00 p.m.


Justice P. Vishwanatha Shetty
Lokayukta, State of Karnataka 12/12/2019

ck*

DRE-3)

Complied para. 8.

ACK. received

(31)

As per the directions
of Hon'ble Cokayunsh,
the matter is adjourned
to 25-2-2025 at 3.00 p.m.

 25/2/2025

KARNATAKA LOKAYUKTA, BENGALURU

(32)

No:Compt/LOK/BCD-2512/2018 Date : 25-02-2020

ORDER

The complainant is not present.

2. Smt. Nithya.J, Assistant Executive Engineer, Lakes Division, BBMP, Bengaluru is present along with Smt. Usha Rani.K, Assistant Engineer, Lakes Division, BBMP, Bengaluru.

3. It is submitted by them that once the encroachment is removed, steps will be taken to fence the lake area. It is also submitted by them that subsequent to the order dated 12-12-2019 made by me, the officials of the Survey Department have not visited the area and surveyed the land. Neither the Tahsildar, Bengaluru South Taluk, Bengaluru is present nor ADLR is present. In this connection, it is useful to extract the relevant portion of my order dated 12-12-2019, which reads as hereunder:

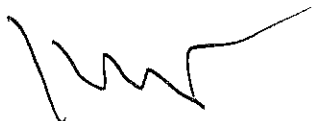
"6. Sri Lakshmikanth submits that, the actual survey of the lake has not been done and the



33

statement made on the last date of hearing i.e. on 09-07-2019 regarding survey relates to the survey conducted by the Koliwad Committee. The complainant is given 4 (four) weeks time to file his objections before DRE-3 after serving a copy of the same to the concerned Deputy Commissioner and also to the concerned ADLR, Bengaluru South Taluk. The ADLR, Bengaluru South Taluk to file his response to the objection if any filed by the complainant within 4 (four) weeks thereafter. In the meanwhile, in terms of the order dated 25-04-2019 made by me, the necessary steps are to be taken for removal of the encroachment."

4. The order extracted above indicates that, in terms of the order dated 25-04-2019, the steps were required to be taken for the removal of the encroachment. However, having regard to the facts and circumstances of the case, another eight weeks' time is granted to the Surveyor to survey the lake area. On such survey being carried out, the Tahsildar is required to remove the encroachment in accordance with law, if need be by taking necessary steps to rehabilitate the unauthorised occupants by providing them alternative sites as per the government schemes. I am sure, the Deputy



(34)

Commissioner and all other concerned will examine the matter and take appropriate decision on that behalf.

5. Communicate this order to all the parties concerned and also to the Deputy Commissioner, Bengaluru Urban District for information.

List this matter on 05-06-2020 at 3.00 p.m.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty) 25/4/2020
Lokayukta, State of Karnataka

ck*

DRE-3)


*Complied para. 5
on 27/2/2020.*

*ACK. received. But Report
not received from concerned
authorities. & submitted for
kind orders.*

6. Secretary to Hon'ble Lokayukta:-

LOK/BCD/2512/2018

7. Though the notices were served upon the parties referred in the order dated 25.02.2020, neither they are present today nor submitted the status reports. Hence, issue notice to the complainant as well as the officers referred to in the order dated 25.02.2020 to appear before Hon'ble Lokayukta **on 06.08.2020 at 3.00 p.m** with the status reports about the steps they have taken to comply with the directions issued in the earlier order dated 25.02.2020.


Secretary to Hon'ble Lokayukta

Complied para

A.C. B¹ lde Urban

*Letter dt: 2/6/2020 received. &
also letter dt: 14-7-2020
received.*

As per O.M. No:LOK/Reg/Complaints/2020, dated:28.05.2020 this file is transferred from DRE-3 to Secretary to Hon'ble Lokayukta.

As per the direction of Hon'ble Lokayukta, this matter is adjourned.

Issue intimation to the complainant and Reminder to the authorities concerned to submit the status report as directed in the earlier order dated 25.2.2020.

Call on 27.10.2020.


Secretary


complied para

*Tahasildar letter dtr 3.8.2020
received.*

*AEE. BBMP. letter dt 15-7-2020
received.*

*→ Reports are not received from
the Commissioner, B.B.M.P, Bengaluru,
AE, BBMP, Lakes Division Bengaluru,
ADLR, Bengaluru South Taluk and
the law officer, KSP.C.B. Bengaluru*

Submitted for kind orders

*
27/10/2020*

10] Secretary :-

LOK/BCD/2512/2018

(37)

10. Secretary)

Received a report dated 15.07.2020 from the AEE (Lakes), BBMP stating that they have taken up the developmental work of the lake in question and in order to take steps for removal of encroachment, they have addressed a letter to the ADLR, Bengaluru South Taluk to locate the boundaries of lake in question and they are awaiting reply from ADLR, Bengaluru South Taluk.

11. Received a letter dated 03.08.2020 from the Tahasildar, Bengaluru South Taluk stating that he is awaiting the directions from the Deputy Commissioner for removal of encroachment in accordance with law and in this regard he has also written a letter dated 20.07.2020 to the Deputy Commissioner, Bengaluru Urban District.

12. Reports are not received from the ADLR, Bengaluru South Taluk and KSPCB.

13. Hence, my lord, if approved;

(i) Notice will be issued to ADLR, Bengaluru South Taluk to take immediate steps for survey of lake in question and submit report to this authority as well as to the Tahasildar, Bengaluru South Taluk and BBMP for the purpose

LOK/BCD/2512/2018

of enabling them to take steps for removal of encroachment in the lake in question.

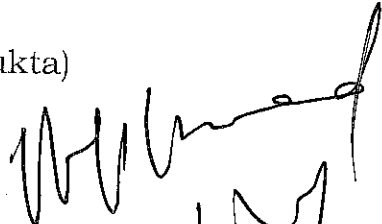
(ii) Notice will be issued to the D.C., Bengaluru Urban District and the Tahasildar, Bengaluru South Taluk to submit further action taken report about the steps taken by them for removal of encroachment in the lake in question.

Call on 12.01.2021.

Submitted for kind orders.


Secretary

14. Hon'ble Lokayukta)



Copied
→ Letter from the Complainant
dtd. 2.11.2020 received

29/10/2020

→ Copy of letter dtd. 27.10.2020
received from the Special D.C.,
Bengaluru Urban District.

→ Acknowledgements received,
but reports are not received
from the ADLR & Tahasildar,
Bengaluru South Taluk.

Submitted for kind orders.
12/01/2021

(39)

15) Secretary:-

15. Received a copy of letter dated 27.10.2020 from the Special Deputy Commissioner, Bengaluru Urban District addressed to the Addl. Deputy Commissioner, Bengaluru Urban District stating that the Tahasildar, Bengaluru South Taluk has addressed a letter to the Deputy Commissioner, Bengaluru Urban District for taking steps to make alternative arrangement for such of those persons who are in unauthorised occupation belonging to poorer section of the society. Therefore, he has requested to the Addl. Deputy Commissioner to take steps on the basis of the report of Tahasildar as the LND branch comes within the jurisdiction of Addl. Deputy Commissioner.

16. Received a letter dated 02.11.2020 from the complainant Sri. H.S. Doreswamy about his present address and requesting to forward the copies of all correspondence relating to his complaints to the address

(40)

mentioned in the said letter. Therefore, in the cause title of the note sheet, the present address of the complainant is required to be updated.

17. Reports are not received from the ADLR and Tahasildar, Bengaluru South Taluk.

18. Hence, My Lord, if approved,

- i. Reminder will be issued to the ADLR and Tahasildar of Bengaluru South Taluk to submit status reports as directed earlier. In the event of failure to submit the reports, they will be directed to appear in person on 27.02.2021 at 3.00 p.m along with explanation for the delay.
- ii. Reminder will be issued to the Deputy Commissioner, Bengaluru Urban District to submit the status report as directed earlier. In the event of failure to submit the report, he will be directed to depute a responsible officer to appear in person on 27.02.2021 at 3.00 p.m along with explanation for the delay.

(41)

iii. The present address of the complainant Sri. H.S. Doreswamy will be updated in the cause title of note sheet and the copy of this note will be forwarded to him for his information

Call on 27.02.2021.

Submitted for kind orders.

19. Hon'ble Lokayukta)


Secretary



16/1/2021

→ A.D.L.R. Bengaluru South
report dtd. 19.02.2021 received.

→ Tahasildar, Bengaluru South
Taluk report dtd. 25.02.2021
received.

→ Acknowledgement received, but
report is not received from
the D.C., Bengaluru Urban
District.

Submitted for kind orders


01/3/2021

42

Secretary

LOK/BCD/2512/2018

20. A report dated 25.02.2021 is received from the Tahasildar, Bengaluru South Taluk stating that for the purpose of taking steps to make alternative arrangements for such of those persons who are in unauthorized occupation of lake area belonging to poorer section of the society, a letter has been addressed to the Deputy Commissioner, Bengaluru Urban District and he is awaiting the orders from the Deputy Commissioner, Bengaluru Urban District for taking further steps.

21. Received a report dated 19.02.2021 from the ADLR, Bengaluru South Taluk along with the survey sketch. The report submitted indicates that the steps are required to be taken by the Tahasildar, Bengaluru South Taluk to remove the encroachment in the lake in question.

22. Report is not received from the Deputy Commissioner, Bengaluru Urban District.


13

43


23. Hence, My Lord, if approved,

- i. Notice will be issued to the Deputy Commissioner, Bengaluru Urban District to submit the status report, on the recommendation made by the Tahasildar, Bengaluru South Taluk for making alternative arrangements for such of those persons who are in unauthorized occupation of lake area belonging to poorer section of the society and submit the status report to this authority and also to the Tahasildar, Bengaluru South Taluk to enable him to take steps for removal of encroachment in the lake in question.

Call on 11.05.2021.

Submitted for kind orders.

24. Hon'ble Lokayukta)


3/3/2021


Secretary

→ letters dtd 27.02.2021 & 2.01.2024
received from the Complainant
Submitted for kind orders

(44)

6

KARNATAKA LOKAYUKTA, BENGALURU

43

No.Compt/LOK/BCD-2512/2018
(Thalaghattapura Lake)

Date : 10.03.2021

O R D E R

The complainant in this complaint had written two letters dated 02.01.2021 and 27.02.2021. It is useful to extract the contents of the said two letters which reads as hereunder –

Letter dated 02.01.2021 –

“ಸ್ವಾಮಿ,

ನಾನು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯಿಂದ ಮಾಹಿತಿ ಹಕ್ಕು ಕಾಯ್ದೆಯಡಿ ಬೃಹತ್ ಬೆಂಗಳೂರುಮಹಾನಗರಪಾಲಿಕೆಯ ವಶದಲ್ಲಿರುವ ಕೆರೆಗಳ ಅಭಿವೃದ್ಧಿಗೆ 2009-10 ರಿಂದ 2020-21ರವರೆಗೆ ಆಗಿರುವ ಖರ್ಚುಗಳ ವಿವರಗಳನ್ನು ಕೇಳಿದ್ದೆ.

ಬಿಬಿಎಂಪಿ ಎಕ್ಸ್‌ಕ್ಯೂಟಿವ್ ಇಂಜಿನಿಯರ್ (ಕೆರೆಗಳ ವಿಭಾಗ) ಅವರು ಕಳಿಸಿರುವ ಪಟ್ಟಿಯ ಜಿರಾಕ್ಸ್ ಪ್ರತಿಯನ್ನು ತಮಗೆ ಸಲ್ಲಿಸುತ್ತಿದ್ದೇನೆ.

ಈ 12 ವರ್ಷಗಳಲ್ಲಿ ಬೆಂಗಳೂರಿನ 168 ಕೆರೆಗಳ ಮೇಲೆ ಸುರಿದಿರುವ ಹಣದ ವಿವರಗಳನ್ನು ಅವರು ನೀಡಿದ್ದಾರೆ.

ಈ 12 ವರ್ಷದಲ್ಲಿ ಕೆರೆಗಳನ್ನು ಶುದ್ಧಗೊಳಿಸಿ, ಬೆಂಗಳೂರಿನ ಜನರಿಗೆ ಶುದ್ಧ ನೀರು ಒದಗಿಸುವ ಸಲುವಾಗಿ ಒಟ್ಟು ಸುಮಾರು



ಕೋಟಿ ರೂ.ಗಳನ್ನು ವ್ಯರ್ಥಮಾಡಿದೆ. ಕೆಲವು ಕೆರೆಗಳಾದರೂ ಶದ್ಧ ನೀರನ್ನು ಒದತಿಸುವ ಸ್ಥಿತಿಯಲ್ಲಿದೆಯೇ? ಈ ನಾಟಕಕ್ಕೆ ಕೂಡಲೇ ಇತಿಶ್ರೀ ಹಾಡಬೇಡವೆ?

ತಾವು ಈ ರೀತಿ ಪೋಲಾಗುತ್ತಿರುವ ಹಣವನ್ನು ತಡೆಗಟ್ಟಲು ಕಠಿಣ ಕ್ರಮ ತೆಗೆದುಕೊಳ್ಳಬೇಕೆಂದು ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ನೀವು ವಿಚಾರಣೆಗೊಳಪಡಿಸಿರುವ ಕೆರೆಗಳನ್ನಾದರೂ ದೋಷಮುಕ್ತಗೊಳಿಸುವ ಸರ್ತ್ಯಾಯ ನಿಮ್ಮಿಂದಾಗಲಿ."

Letter dated 27.02.2021

"ದಿನಾಂಕ: 27-02-2021

ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರು,
ಬೆಂಗಳೂರು, ಇವರಿಗೆ ನಮಸ್ಕಾರ.

ನಾನು ಈ ಹಿಂದೆ ಬಿ.ಬಿ.ಎಂ.ಪಿ ಕಚೇರಿಯಿಂದ ಬಂದಿರುವ 18 ಕೆರೆಗಳ ಮೇಲೆ ವರ್ಷ ವರ್ಷವೂ ಸುರಿಯುತ್ತಿರುವ ಹಣದ ವಿವರಗಳನ್ನು ತಮಗೆ ಕಳುಹಿಸಿದ್ದೆ.

ಯುನೈಟೆಡ್, ಬೆಂಗಳೂರು ವತಿಯಿಂದ ನಾನು ಸಲ್ಲಿಸಿರುವ ಕೆಲ ಅರ್ಜಿಗಳ ವಿಚಾರಣೆಯನ್ನು ತಾವು 3 ವರ್ಷದಿಂದ ನಡೆಸುತ್ತಿದ್ದೀರಿ.

ಈ ಕೆರೆಗಳಿಗೆ ಬಂದು ಬೀಳುತ್ತಿರುವ ಕಸದ ರಾಶಿ, ಆಗಿರುವ ಒತ್ತುವರಿಯ ತೆರವು, ಹರಿದು ಬರುತ್ತಿರುವ ಕೊಳಚೆ ನೀರು, ಕೆರೆಯ ಅಂಗಳದ ಸ್ವಲ್ಪ ಜಾಗವನ್ನು ಬಳಸಿಕೊಂಡಿರುವ ಬಹುಮಹಡಿ ಕಟ್ಟಡಗಳು ಇವೆಲ್ಲವೂ ತೆರವಾಗುವ ಮೊದಲು ಪ್ರತಿ ವರ್ಷವೂ ಬಿ.ಬಿ.ಎಂ.ಪಿ ಖರ್ಚು ಮಾಡುತ್ತಿರುವ ಇತರೇ ಲಕ್ಷಾಂತರ ರೂ.ಗಳನ್ನು ದುರ್ವ್ಯಯ ಮಾಡದಂತೆ



(47)

ತಡೆಗಟ್ಟುವ ಕೆಲಸವನ್ನು ತಾವು ಜರೂರಾಗಿ ಮಾಡಬೇಕೆಂದು
ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ.

ಕೆರೆಗೆ ಮಲಿನ ನೀರು ಸೇರದಂತೆ, ಕಸಕಡ್ಡಿ ಕೆರೆಯಂಗಳದಲ್ಲಿ
ಬೀಳದಂತೆ ಕ್ರಮಕೈಗೊಂಡಲ್ಲದೆ, ಕೆರೆಯ ಅಭಿವೃದ್ಧಿಯ ಹೆಸರಿನಲ್ಲಿ ಪ್ರತಿ
ವರ್ಷ ಸುರಿಯುವ ಹಣ ದುರ್ವ್ಯಯವಾಗುತ್ತಿದೆ ಎಂಬುದು ನನ್ನ
ಆಪಾದನೆ.

ಆದ್ದರಿಂದ, ಘನತೆವೆತ್ತ ತಾವು, ಕೆರೆ ಕಲುಷಿತವಾಗಲು ಬಿಡದಂತೆ
ಮಾಡುವ ಖರ್ಚುಗಳನ್ನು ಕೂಡ ಬಹುದೆಂದು, ಈ ಕೆಲಸ
ಮುಗಿಯುವವರೆಗೆ ಯಾವ ಕೆರೆಯಲ್ಲೂ ಬೇರೆ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಂಡು
ಪ್ರತಿ ವರ್ಷ ಲಕ್ಷಗಟ್ಟಲೆ ಹಣ ದುರ್ವ್ಯಯವಾಗದಂತೆ ಬಿ.ಬಿ.ಎಂ.ಪಿ ಗೆ
ತಾಖೀತು ಮಾಡಲೇಬೇಕೆಂದು ವಿನಯಪೂರ್ವಕವಾಗಿ
ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇನೆ.

ಈ ಕಟ್ಟುನಿಟ್ಟಾದ ಆರ್ಡರನ್ನು ತಾವು ಕೂಡಲೇ ಮಾಡದಿದ್ದರೆ
ಇನ್ನೂ ನೂರು ವರ್ಷ ಕಳೆದರೂ ಬೆಂಗಳೂರಿನ ಒಂದು ಕೆರೆಯು
ಸ್ವಚ್ಛಗೊಳ್ಳುವ ಸಂಭವವಿಲ್ಲ. ನಮ್ಮ ಗುರಿ ಈ ಕೆರೆಗಳ ನೀರು ಕುಡಿಯಲು
ಯೋಗ್ಯವಾಗಬೇಕು. ಬೆಂಗಳೂರು ಜನರ ಕಾವೇರಿ ನೀರಿನ ಅವಲಂಬನೆ
ಕಡಿಮೆಯಾಗಿ, ಈ ಕೆರೆಗಳ ನೀರನ್ನು ಜನ ಬಳಸುವುದಾಗಬೇಕು.
ತಮ್ಮಿಂದ ಈ ಮಹತ್ತರ ಕೆಲಸ ಆಗಬೇಕು ಎಂಬುದು ನನ್ನ ಹಂಬಲ.

ತಮ್ಮ ವಿಧೇಯಕ,

ಸಹಿ/-

ಹೆಚ್.ಎಸ್. ದೊರೆಸ್ವಾಮಿ"



48

2) As it can be seen from the contents of the letters extracted above, it is the grievance of the complainant that though substantial money has been spent for the development of the lakes, it has not produced the desired results, by rejuvenating the lakes up to the standard it is required to be rejuvenated. These are the matter which calls for investigation, after seeking the comments of the respondent. On account of prevailing Covid-19 situation, though the matter was being heard earlier, the above matter was not listed for some time. Having regard to the facts and circumstances of the case, it is desirable to fix this proceeding for hearing. The respondents are directed in the meanwhile to submit the Status Report with regard to the steps taken on the following matters –

- (i) Steps taken to rejuvenate the lake.
- (ii) For removal of the encroachment.
- (iii) The report of the Karnataka State Pollution Control Board, with regard to the quality of the water in the lake.
- (iv) Steps taken to prevent entry of sewage water in to the lake.
- (v) Steps taken for removal of garbage.

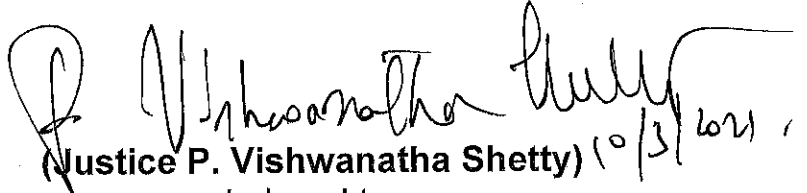


49

(vi) Steps taken to fence the lake.

(vii) The details of the NGOs if any who are associated in developing the lake.

3) Four weeks time is granted to file the report/comments as stated above. **List this proceeding on 05.05.2021 at 3.30 p.m.** Communicate this order to the complainant and his representative "Namma Bengaluru Foundation" and also the concerned respondents.


(Justice P. Vishwanatha Shetty) 10/3/2021
Lokayukta,
State of Karnataka,
Bengaluru

*vi

50

32. As directed by the order of Hon'ble Lokayukta in view of the surge in Covid-19 cases, the matter is adjourned to 09.07.2021. However, the respondents are directed to submit their up-to-date action taken reports by 09.07.2021 with regard to the steps taken for rejuvenation of lake in question as directed by the Hon'ble Lokayukta in the order dated 10.03.2021.


Secretary