

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

CASE
NUMBER COMPT/LOK/BCD/2555/2018

District: **Bangalore (U)**

BY :

1. H.S. DORESWAMY,
United Bangaluru, No. 54, Ground Floor, Richmond
Road, BENGALURU. Order of Honble Lokayukta
Dated: 31/08/2018
09972099576

COMPLAINANT/S

AGAINST :

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

3) Chairman, BWSSB, B'lore.

RESPONDENT/S

Allegation/Grievance Dereliction of Duty.
Brief :

Received From : ARE-1 Sec
Received On : 10-09-2018

Seal and Signature *[Handwritten Signature]*

Complaint stands ARE-1
allotted to :

SCRUTINY AND OPINION

- 2 -

KARNATAKA LOKAYUKTA, BENGALURU


No:Compt/LOK/BCD-2555/2018 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 **Gubbalala Lake** has been registered in this complaint.

2. While dealing with the grievance in respect of all the lakes in my order dated 17-01-2018, so far as **Gubbalala Lake** is concerned, at paragraph 10 & 20 of the order, I have observed as follows:-

“10. The report submitted by Sri. B.V.Satish, Chief Engineer (Lakes), BBMP in respect of the lakes referred to in his report indicates that there has been large scale encroachment. Since 17 lakes are involved for survey and identification of the encroached portions, Sri. B.V.Satish prays for three months time. I find that that the request made is fair and reasonable. In the facts and circumstances of the case, three months time is




granted to get all the 17/18 lakes referred to in his report surveyed and identified with reference to the encroachment made. It is also needless to point out that after survey and identification of the encroachment, the effective steps are required be taken by the BBMP to protect the lake from further encroachment and to prevent discharge of effluent substance and for the purpose of rejuvenating the said lakes”

“20. Sri. B.V.Satish, Chief Engineer has also agreed that by the next date of hearing, he will also submit a detailed project report indicating as to how each one of the lakes which are within the jurisdiction of Bruhat Bengaluru Mahanagara Palike referred to above, can be developed. The said statement is placed on record. All the authorities referred to above are required to file a status report with regard to the steps taken by the next date of hearing positively.”

3. It is noticed that, so far as **Gubbalala Lake** is concerned, further report regarding the action taken by the respondents has not been placed in the present complaint. It is noticed by me that, after splitting up of this case, notice to the respondents of this newly registered case has not been issued.

4. Having regard to the facts and circumstances of the case, I am of the view that, apart from the respondents impleaded for the present case, it is desirable to implead the Chairman, BWSSB as




Respondent-3, who has to submit the status report regarding the action taken for rejuvenation of **Gubbalala Lake.**

5. Office is directed to issue notice to all the respondents to submit status report as stated above by the next date of hearing.

6. 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 11/9/2018.

ck*

ARE-1)

a) 13/11/2018.

ARE-1.

ನೌ. ಲೋಕಾಯುಕ್ತೆ-
-ರವರ ಆದೇಶವಂತೆ
ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿ-

- ಗೃಹ ನೋಟನ್ ಕೂಡಿ
ಮಾಡಿವು, ಸ್ವೀಕೃತಿ ಮುಡಿಪು.
10

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KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-2555/2018/ARE-1

Date: 13-11-2018

ORDER

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

2. Sri. T. Jagannath Rao, Deputy Conservator of Forest, Bruhat Bengaluru Mahanagara Palike is present.

3. Sri. Sadiq Ahmed, Senior Environmental Officer, Karnataka State Pollution Control Board (hereinafter referred to as 'KSPCB'), Bengaluru South is present along with Sri. R.V.Bhat, Legal Officer of KSPCB. He has filed status report dated 13-11-2018. It is useful to extract the same, which reads as follows:

“ಸಂಖ್ಯೆ: ಕರಾಮಾನಿಮಂ/ಬೆಂ-ಉ/ಹಿಪಅ/ಲೋಕಾಯುಕ್ತ/2018-19 ದಿನಾಂಕ: 13.11.2018

ಇವರಿಗೆ,

ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-1,

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,

ಬಹುಮಹಡಿ ಕಟ್ಟಡ,

ಬೆಂಗಳೂರು

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಶ್ರೀ. ಹೆಚ್. ಎಸ್. ದೊರೆಸ್ವಾಮಿಯವರು ನೀಡಿರುವ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1. ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪತ್ರ ಸಂಖ್ಯೆ: ಲೋಕ್.ಬಿಸಿಡಿ

2555/2018 ದಿನಾಂಕ. 24.09.2018

ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರು ದಿನಾಂಕ: 11.09.2018ರಂದು ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ (ಎದುರುದಾರ-2) ರವರಿಗೆ ನೀಡಿದ ನಿರ್ದೇಶನದಂತೆ ಮಂಡಳಿಯ

ಅಧಿಕಾರಿಗಳು ಸಂಬಂಧಪಟ್ಟ ವ್ಯವಹಾರವತಿ ಕೆರೆ (ಕೊಳ್ಳ) ಹಾಗೂ ಇನ್ನಿತರ ಕೆರೆ ಮತ್ತು ಸುತ್ತಮುತ್ತಲಿನ ಪ್ರದೇಶಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ವರದಿಯನ್ನು ಮಾನ್ಯರವರಲ್ಲಿ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

1. **ಗುಬ್ಬಲಾಲ ಟ್ಯಾಂಕ್:** ಈ ಕೆರೆಯು ಅರಣ್ಯ ಇಲಾಖೆಯ ಅಧೀನದಲ್ಲಿದೆ. ಸದ್ಯಕ್ಕೆ ಈ ಕೆರೆಯ ನೀರನ್ನು ಯಾವುದಕ್ಕೂ ಉಪಯೋಗಿಸುತ್ತಿಲ್ಲ.

ಕೆರೆಯನ್ನು ಪರಿಶೀಲಿಸಿದಾಗ ಈ ಕೆಳಕಂಡ ಅಂಶಗಳು ಕಂಡು ಬಂದಿರುತ್ತವೆ.

- ಕೆರೆಯ ಸುತ್ತ ಭೇಲಿಯನ್ನು ಹಾಕಲಾಗಿದೆ ಇದರಲ್ಲಿ ಸ್ವಲ್ಪ ಭಾಗ ಕಿತ್ತುಹೋಗಿರುತ್ತದೆ. ಆದರೆ ಕೆರೆಯನ್ನು ಸರಿಯಾಗಿ ನಿರ್ವಹಿಸುತ್ತಿಲ್ಲ. ಆದ್ದರಿಂದ ಕೆರೆಯಲ್ಲಿ ಕಳೆಬೆಳೆದಿದೆ ಹಾಗೂ ಸುತ್ತಲೂ ಗಿಡಫೆಂಟಗಳು ಬೆಳೆದಿರುತ್ತವೆ.
- ಕೆರೆಗೆ ಘನ ತ್ಯಾಜ್ಯವನ್ನು ಸುರಿದಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ.
- ಈ ಕೆರೆಯ ಮೇಲ್ಭಾಗದಲ್ಲಿ ರಾಘವನ ಹಳ್ಳಿ, ಗುಬ್ಬಲಾಲ, ಸುಬ್ರಮಣ್ಯಪುರದ ಸ್ವಲ್ಪ ಭಾಗ, ಬಾಲಾಜಿ ಲೇಔಟ್, ಮತ್ತು ರಾಘವೇಂದ್ರ ಲೇಔಟ್‌ಗಳು ಸ್ಥಾಪಿತಗೊಂಡಿದೆ.
- ಮೇಲೆ ತಿಳಿಸಿದ ಪ್ರದೇಶದಿಂದ ಬರುವ ರೊಚ್ಚುನೀರು ಚರಂಡಿಗಳ ಮೂಲಕ ಕೆರೆಯನ್ನು ಸೇರುತ್ತಿದೆ. ಇದರಿಂದಾಗಿ ಕೆರೆಯ ನೀರು ಕ್ಷುಣ್ಣಿತವಾಗುತ್ತಿದೆ.

ಮಂಡಳಿಯು ಬೆಂಗಳೂರಿನ ಮತ್ತು ಸುತ್ತಮುತ್ತಲಿನ 75 ಕೆರೆಗಳ ನೀರನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ಸಂಗ್ರಹಿಸಿ ವಿಕ್ಷೇಪಿಸಿರುತ್ತದೆ. ಇವುಗಳ ವಿಶ್ಲೇಷಣೆಯ ಪ್ರಕಾರ, ಕೇಂದ್ರ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿಯ ವರ್ಗೀಕರಣದನ್ವಯ 25 ಕೆರೆಗಳು 'ಡಿ' ವರ್ಗಕ್ಕೂ 50 ಕೆರೆಗಳು 'ಇ' ವರ್ಗಕ್ಕೆ ಸೇರಿವೆ. ಈ ಕೆರೆಗಳ ಗುಣಮಟ್ಟ ಕೆಟ್ಟಿರುವುದಕ್ಕೆ ಕಾರಣ ಸುತ್ತಮುತ್ತಲಿನ ಒಳಚರಂಡಿಗಳಿಂದ ಪ್ರದೇಶಗಳ ಗೃಹ ರೊಚ್ಚುನೀರು. ರಾಜಕಾಲುವೆಗಳಲ್ಲಿ ಹರಿದು ನೇರವಾಗಿ ಕೆರೆಯನ್ನು ಸೇರುತ್ತಿದೆ. ಇದಕ್ಕೆ ಸೂಕ್ತ ಕ್ರಮ (ಯು.ಜಿ.ಡಿ ಮತ್ತು ಎಸ್.ಟಿ.ಪಿ) ಕೈಗೊಳ್ಳುವಂತೆ ಸಂಬಂಧಿಸಿದ ಇಲಾಖೆಗಳಿಗೆ (ಬಿಬಿಎಂಪಿ, ಬಿಡಬ್ಲ್ಯೂ.ಎಸ್.ಎಸ್.ಬಿ, ಬಿಡಿಎ) ಮಂಡಳಿಯಿಂದ ನಿರ್ದೇಶನ ನೀಡಲಾಗಿದೆ. ಕೆರೆ ಪ್ರದೇಶದ ಅತಿಕ್ರಮಣ ಮಂಡಳಿಯ ವ್ಯಾಪ್ತಿಗೆ ಬರುವುದಿಲ್ಲ.

ಕಲಂ: 15 BWSSB 1964 ರಂತೆ ರೊಚ್ಚು ನೀರನ್ನು ಸಂಸ್ಕರಣೆ ಮಾಡಿ ಸರಿಯಾದ ನೀರನ್ನು ಸಾರ್ವಜನಿಕರಿಗೆ ನೀಡುವ ಕರ್ತವ್ಯವು BWSSB ಸಂಸ್ಥೆಯ ವ್ಯಾಪ್ತಿಗೆ ಬರುತ್ತಿದ್ದು ಈ ಬಗ್ಗೆ ಮಂಡಳಿಯಿಂದಲೂ ಸಾಕಷ್ಟು ನಿರ್ದೇಶನಗಳನ್ನು ನೀಡಲಾಗಿರುತ್ತದೆ. ಅದರಂತೆ ಕಲಂ 63 ಹಾಗೂ 64 ರಂತೆ ರೊಚ್ಚು ನೀರು ಸಂಸ್ಕರಣಾ ಘಟಕಗಳ ಸ್ಥಾಪನೆ ಮಾಡುವ ಜವಾಬ್ದಾರಿಯು BWSSB ಸಂಸ್ಥೆಯ ಮುಖ್ಯ ಕರ್ತವ್ಯವಾಗಿರುತ್ತದೆ.

ಘನತ್ಯಾಜ್ಯ ನಿರ್ವಹಣೆ ನಿಯಮ 2016ರ ಕಲಂ 15ರ ಅನ್ವಯ ಸ್ಥಳೀಯ ಸಂಸ್ಥೆಗಳ (ಬಿಬಿಎಂಪಿ) ಘನತ್ಯಾಜ್ಯ ನಿರ್ವಹಣೆ ಮಾಡುವ ಜವಾಬ್ದಾರಿಯನ್ನು ಹೊಂದಿದ್ದು ಹಾಗೂ ಕಟ್ಟಡ ತ್ಯಾಜ್ಯ ನಿರ್ವಹಣೆ ನಿಯಮಗಳಂತೆ ನಿರ್ವಹಣಾ ಜವಾಬ್ದಾರಿಯನ್ನು ಬಿಬಿಎಂಪಿ ಹೊಂದಿದ್ದು ಈ ಬಗ್ಗೆ ಮಂಡಳಿಯಿಂದ ಬಿಬಿಎಂಪಿಗೆ ನಿರ್ದೇಶನಗಳನ್ನು ಕಾಲಕಾಲಕ್ಕೆ ನೀಡಲಾಗಿರುತ್ತದೆ.

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Lok | BLD | 2555/18

ಆದ್ದರಿಂದ ಗೌರವಾನ್ವಿತ ಲೋಕಾಯುಕ್ತರಲ್ಲಿ ಈ ಸಂಸ್ಥೆಗಳಾದ ಬಿಬಿಎಂಪಿ ಮತ್ತು ಬಿಡ್ಲೋಎಸ್‌ಎಸ್‌ಬಿಗಳಿಗೆ ಕೆರೆಗೆ ರೊಚ್ಚುನೀರು ಸೇರುವುದನ್ನು ತಡೆಯುವ ಕುರಿತು ಹಾಗೂ ಘನ ತ್ಯಾಜ್ಯಗಳನ್ನು ಸೂಕ್ತ ನಿರ್ವಹಣೆ ಕುರಿತು ಕೆರೆ ಅಥವಾ ನದಿಗೆ ಸೇರದಂತೆ ಸೂಕ್ತ ನಿರ್ದೇಶನ ನೀಡುವ ಬಗ್ಗೆ ಮಂಡಳಿಯ ಪ್ರಾರ್ಥನೆ ಇರುತ್ತದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

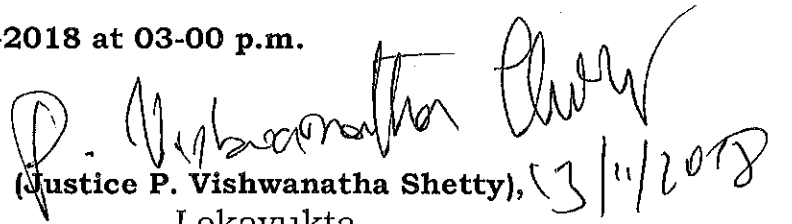
ಸಹಿ/-

ಹಿರಿಯ ಪರಿಸರ ಅಧಿಕಾರಿ,
ಬೆಂಗಳೂರು ಉತ್ತರ".

4. Sri. T. Jagannath Rao, Deputy Conservator of Forests submits that the Bruhat Bengaluru Mahanagara Palike will require around Rs.4.00 Crores for the development of the lake in question and they have made a request with the Government. He is hopeful to get the money from the State Government. As soon as the money is released, the developmental activities will be taken up. According to him, a detailed project report is ready. His statement is placed on record.

6. Communicate this order to the concerned parties.

List this case on 12-03-2018 at 03-00 p.m.


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

AS*

3) 12/03/2019.

ARE-1.

ಗಾ. ಲೋಕಾಯುಕ್ತೆ -
-ರವರ ಆಡಳಿತದಂತೆ
ಎದುರುದಾರಣೆಗೆ ನೋಟಸ್
ಜಾರಿ ಮಾಡಿದ್ದು, ಸ್ವಲ್ಪ
ಮುಂದಿರಬೇಕು.

16.

-a-

KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-2555/2018

Date: 12-03-2019

ORDER

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

2. Sri. M. Devaraju, Additional Chief Engineer, Bengaluru Water Supply and Sewerage Board, Bengaluru (herein after referred to as '**BWSSB**' for short) is present.

Smt. K.L. Gangalakshamma, Assistant Executive Engineer and Sri. K.V.Chetan, Assistant Executive Engineer, BWSSB are present.

3. Sri. R.V.Bhat, Law Officer of Karnataka State Pollution Control Board, Bengaluru (herein after referred to as '**KSPCB**' for short) is present along with Sri. Sadiq Ahmed, Senior Environmental Officer, KSPCB, Bengaluru South.

4. Sri. R.V.Bhat, Law Officer has filed a status report dated 12-03-2019. It is useful to extract the same, which reads as follows:



10
"No: KSPCB/ZSEO-South/2018-19/

Date: 12-03-2019

To

Additional Registrar Enquiry-1
Karnataka Lokayukta,
M S Building, Bengaluru – 560 001.

Sir,

Sub: Complaint filed by Sri. H.S. Doreswamy before the Hon'ble
Lokayukta and the Compliant No Compt. Lok - BCD 2555/18 – Reg.

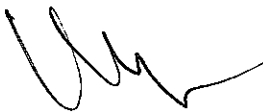
Ref: Regional Officer – RR Nagar letter vide no. 1649, Dt: 12.03.2019.

With reference to the above subject, as per the direction of Hon'ble Lokayukta, the Environmental officer Regional office RR Nagar has inspected the Gubbalala Tank area on 21.09.2018 and submitted the detailed inspection report. As per the inspection report, this tank is located in Gubbalala village limits and comes under BBMP Hemgepura ward, Rajarajeswari Nagar Zone. The GPS reading of the tank is N-12° 55' 56.50" & E-77° 32' 26.90" respectively. This tank is developed by the Karnataka Forest Department (KFD). 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 completely covered by weeds and water hyacinth was covered inside the tank water body. Also, at some portion the fencing was found to be damaged. Lot of solid waste is being disposed in the tank bed area. As per the physical observation the catchment area the tank is part of Raghuvanahalli, Gubbalala, part of Subramanyapura village limit, Balaji layout & Raghavendra Layout. The untreated sewage from these Residential areas is being entering into the tank through storm water drain. The water in the tank was not clear. Water sample of the same was collected during inspection & submitted to Board Central Laboratory for analysis. Results are awaited. Further, the water samples of the tank collected on 17.01.2017, 05.04.2017, 18.12.2017 and 20.09.2018 shows that, the analysis results are conforms to Class D, E, D & D Standards respectively. Copy of analysis reports enclosed for your kind reference.

Yours faithfully

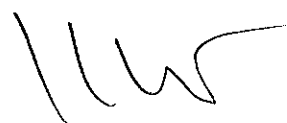
Sd/-

Senior Environmental Officer,
Bangalore South Zone".



5. The report indicates that Gubbalala lake was inspected by the officer of KSPCB. The report also indicates the status of the lake. The copy of the status report is made available to the Additional Chief Engineer, BWSSB and also to the Complainant.

6. Sri. M.Devaraju, Additional Chief Engineer submitted that Gubbala lake is one of the lake which falls within 110 villages in respect of UGD net work has been taken by BWSSB. He pointed out that completion period of UGD net work for the entire 110 villages is till the end of March 2021. He pointed out that since a comprehensive design is required to the prepared, it is not desirable and practical to install STP for each individual lakes as it would cost huge money and labour. He submits that every effort will be made to complete UGD project within the time specified if not earlier. Sri. R.V. Bhat, Law Officer pointed out that whatever the direction KSPCB is required to give for the purpose of development of lake and maintain quality of water in the lake, the KSPCB has given.



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7. It is needless to point out that BBMP and BWSSB are required to carry out the observation made by KSPCB as a part of the remedial measures that the authorities concerned are required to take and to submit a status report by the next date of hearing with regard to the steps taken.

8. [✓] ~~In the light of what is stated above,~~ ⁴
Sri. Lakshmikanth pointed out that since there has been dumping of debris and inflow of untreated sewage, which flows under the BWSSB water supply line and is diverted into Rajakaluve before entering the lake, the lake is inaccessible to public. The BBMP to take effective steps to prevent the dumping of debris.

9. In the mean while, the Complainant is reserved liberty to file an additional statement setting out the details of the steps to be carried out by the authorities, within two weeks from today. If such a statement is filed, all the authorities concerned are directed to examine the same and take appropriate steps.



10. Communicate this order to the parties.

List this case on **28-05-2019 at 03-00 p.m.**

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty), 12/3/2018
Lokayukta,
Karnataka State.

AS*

1) 28/05/2019.
ಗೃಹ ಉಪಾಧ್ಯಕ್ಷರು -
ರವರ ಆದೇಶದಂತೆ
ಎದುರುದಾರರಿಗೆ
ನೋಟಿಸ್ ಜಾರಿ ಮಾಡಿತ್ತು.
ಜ್ಞಾಪಕಿ ಮಾಡಿಸಿದೆ.

ARE-1.

KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-2555/2018/ARE-1

Date: 28-05-2019

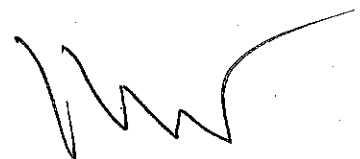
ORDER

On behalf of Sri. H.S.Doreswamy, who is the Complainant in this case, Sri. Lakshmikanth is present along with others.

2. On behalf of Bruhat Bengaluru Mahanagara Palike, Bengaluru (herein after referred as '**BBMP**' for short), Sri. K.V.Ravi, Executive Engineer, BBMP (Lakes) is present along with Sri.Lingegowda, Asst. Executive Engineer, BBMP (Lakes).

3. On behalf of Bengaluru Water Supply and Sewerage Board, Bengaluru (herein after referred to '**BWSSB**' for short), Sri. Rangaswamy, Executive Engineer is present.

4. On behalf of Karnataka State Pollution Control Board, Bengaluru (herein after referred to as '**KSPCB**' for short), Sri. S.Rajasekhar, Environmental Officer, Bengaluru City (East) is present, along with Sri. Ramesh, Deputy Environmental Officer.



5. Sri. Ravi H.R., Surveyor, Bengaluru East is present along with Sri. Yadunandan. P, Surveyor.

6. The complainant has filed a statement dated 28-05-2019. The statement of the Complainant indicates the work required to be attended to, by the authorities. It is useful to extract the said statement, which reads as here under:

ದಿನಾಂಕ-28-05-2019

“ಗೆ,

ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-1
ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರಛೇರಿ
ಎಂ.ಎಸ್.ಬಿಲ್ಡಿಂಗ್, ಡಾ. ಬಿ.ಆರ್.ಅಂಬೇಡ್ಕರ್ ವೀದಿ, ಬೆಂಗಳೂರು-560001

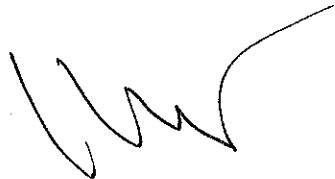
ಮಾನ್ಯರೇ,

ವಿಷಯ :ಗುಬ್ಬಲಾಳ ಕೆರೆಯ ಬಗ್ಗೆ ಸ್ಥಿತಿಗತಿ ವರದಿ ಸಲ್ಲಿಕೆ
ಉಲ್ಲೇಖ :ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರ ಆದೇಶ ಸಂಖ್ಯೆ Comp/Lok/BCD-2555/2018

ಕಂದಾಯ ಇಲಾಖಾ ದಾಖಲೆಗಳ ಪ್ರಕಾರ ಗುಬ್ಬಲಾಳ ಕೆರೆಯು ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ಗುಬ್ಬಲಾಳ ಸರ್ವೆ ನಂ 25ರಲ್ಲಿ ಒಟ್ಟು 8 ಎಕರೆ 10 ಗುಂಟೆ ವಿಸ್ತೀರ್ಣವನ್ನು ಹೊಂದಿದೆ.

ಈ ಕೆರೆಯಲ್ಲಿ ಕೆಲವು ಸಮಸ್ಯೆಗಳಿದ್ದು, ಅವುಗಳನ್ನು ಈ ಕೆಳಗಿನಂತೆ ತಿಳಿಸಲಾಗಿದೆ.

1. ಈ ಕೆರೆಯು ಕೋಳಿವಾಡ ಸಮಿತಿಯ ವರದಿ ಮತ್ತು ಕಂದಾಯ ದಾಖಲೆಗಳ ಪ್ರಕಾರ ಒಟ್ಟು 8 ಎಕರೆ 10 ಗುಂಟೆ ವಿಸ್ತೀರ್ಣ ಇದ್ದು, ಅದರಲ್ಲಿ 05 ಗುಂಟೆ ಒತ್ತುವರಿಯಾಗಿದೆ.



2. ಕಂದಾಯ ಇಲಾಖಾ ದಾಖಲೆಯ ಪ್ರಕಾರ ಈ ಕೆರೆಯನ್ನು 24-07-2015ರಂದು ಸರ್ವೆ ಮಾಡಿದ್ದು, ಇಂದಿಗೆ 4 ವರ್ಷಗಳು ಕಳೆದಿರುತ್ತವೆ. ಹಾಗಾಗಿ ಪ್ರಸ್ತುತ ಖಾಸಗಿ ಒತ್ತುವರಿ ಆಗಿರುವ ಸಾಧ್ಯತೆ ಇದ್ದು, ಈ ಕೆರೆಯನ್ನು ಸರ್ವೆ ಮಾಡಬೇಕಿದೆ.
3. ಈ ಕೆರೆಗೆ ಸಂಪೂರ್ಣ ಬೇಲಿ ಹಾಕಿರುವುದಿಲ್ಲ. ಕೆರೆಯ ಸುತ್ತ ಸಂಪೂರ್ಣ ಬೇಲಿಯನ್ನು ಹಾಕಬೇಕಿದೆ
4. ಕೆರೆಗೆ ತ್ಯಾಜ್ಯವನ್ನು ಸುರಿಯಲಾಗುತ್ತಿದ್ದು, ಇದನ್ನು ತಡೆಗಟ್ಟಬೇಕಿದೆ.
5. ಸುತ್ತಮುತ್ತಲ ಪ್ರದೇಶಗಳಿಂದ ಕೊಳಚೆ ನೀರು ಹರಿದು ಕೆರೆ ಸಂಪೂರ್ಣ ಕಲುಷಿತಗೊಂಡಿದೆ. ತ್ಯಾಜ್ಯ ನೀರು ಕೆರೆಗೆ ಹರಿಯುವುದನ್ನು ತಡೆಗಟ್ಟಬೇಕಿದೆ.

ಈ ಮೇಲಿನ ಸಮಸ್ಯೆಗಳನ್ನು ಶೀಘ್ರ ಪರಿಹರಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಸಂಬಂಧಪಟ್ಟ ಇಲಾಖಾ ಅಧಿಕಾರಿಗಳಿಗೆ ತಾವು ಆದೇಶ ನೀಡಬೇಕೆಂದು ತಮ್ಮಲ್ಲಿ ವಿನಂತಿಸಿಕೊಳ್ಳುತ್ತೇವೆ.

ಧನ್ಯವಾದಗಳೊಂದಿಗೆ,

ಇಂತಿ ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಿ/-

ಎನ್‌ಆರ್ ಸುರೇಶ್, ಸಂಚಾಲಕರು, ಯುನೈಟೆಡ್ ಬೆಂಗಳೂರು”.

7. Sri. Rangaswamy, Executive Engineer, BWSSB, has filed a status report dated 27-05-2019. It is useful to extract the said report, which reads as here under:

“ಬೆಂಗಳೂರು ನೀರು ಸರಬರಾಜು ಮತ್ತು ಒಳಚರಂಡಿ ಮಂಡಲ

ಸಂಖ್ಯೆ:ಬೆಂ.ಜ.ಮಂ/ಕಾ.ನಿ.ಅ.(ನಿ)&(ಯೋ)12/ಸ.ಕಾ.ನಿ.ಅ.(ನಿ&ಯೋ)12-2/ಸ.ಅ/19-20

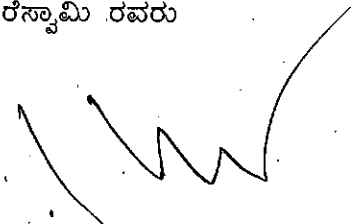
ದಿನಾಂಕ: 27/05/2019.

ಗೆ,

ಮಾನ್ಯ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ರವರಿಗೆ
ಬಹುಮಹಡಿ ಕಟ್ಟಡ,
ಬೆಂಗಳೂರು-01

6.

ವಿಷಯ: ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ಬಹುಮಹಡಿ ಕಟ್ಟಡ, ಬೆಂಗಳೂರು
ರವರ ಆದೇಶದಂತೆ ಶ್ರೀ.ಹೆಚ್. ಎಸ್.ದೊರೆಸ್ವಾಮಿ ರವರು



17
ಗುಬ್ಬಲಾಳ ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ನೀಡಿರುವ ದೂರಿನ ಕುರಿತು
ಬೆಂಜಮಂ ವತಿಯಿಂದ ವರದಿ ಸಲ್ಲಿಸುವ ಕಾಮಗಾರಿಯ ಕುರಿತು.

ಉಲ್ಲೇಖ: ನಂ. ಕ.ಲೋಕ್. ಬಿಸಿಡಿ 2555/2018 ದಿನಾಂಕ:20.03.2019

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಗಳಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬಿ.ಬಿ.ಎಂ.ಪಿ
ವ್ಯಾಪ್ತಿಯ ಹೆಮ್ಮಿಗೇಪುರ ವಾರ್ಡ್-197ರಲ್ಲಿರುವ ಗುಬ್ಬಲಾಳ ಕೆರೆಯ ಅಸುಪಾಸಿನ
ಬಡಾವಣೆಗಳಿಂದ ಕಲುಷಿತ ಕೊಳಚೆ ನೀರು ನೇರವಾಗಿ ಕೆರೆಗೆ ಹರಿದು ಬರುತ್ತಿದ್ದು
ಕೆರೆಯನ್ನು ಸಂರಕ್ಷಿಸುವ ನಿಟ್ಟಿನಲ್ಲಿ ಬೆಂಗಳೂರು ಜಲಮಂಡಲಿ ವತಿಯಿಂದ
ಕೈಗೊಳ್ಳಬಹುದಾದ ಸೂಕ್ತ ಕ್ರಮಗಳ ಕುರಿತು ವರದಿ ಸಲ್ಲಿಸುವಂತೆ ಮಾನ್ಯ ಕರ್ನಾಟಕ
ಲೋಕಾಯುಕ್ತರವರು ಸೂಚಿಸಿರುತ್ತಾರೆ.

ಈ ಹಿನ್ನೆಲೆಯಲ್ಲಿ, ಸದರಿ ಕೆರೆಯ ಪರಿಶೀಲನೆಯನ್ನು
ಸ.ಕಾ.ನಿ.ಅ.(ನಿ&ಯೋ)-12-2 ರವರಿಂದ ನಡೆಸಲಾಗಿದ್ದು, ಕೆರೆಯು ಅತಿಯಾಗಿ
ಮಾಲಿನ್ಯಗೊಂಡಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ. ಸದರಿ ಕೆರೆಯ ಪಕ್ಕದಲ್ಲಿರುವ ಪ್ರದೇಶದಿಂದ
ಮಾತ್ರ ಕಲುಷಿತ ನೀರು ಹರಿದು ಬರುತ್ತಿದ್ದು, ಸದರಿ ಕೆರೆಯು ಬಿ.ಬಿ.ಎಂ.ಪಿ ವ್ಯಾಪ್ತಿಗೆ
ಹೊಸದಾಗಿ ಸೇರ್ಪಡೆಗೊಳಿಸಿರುವ 110 ಹಳ್ಳಿಗಳಿಗೆ ಮೂಲ ಸೌಕರ್ಯ ಒದಗಿಸುವ
ಯೋಜನೆಗೆ ಒಳಪಟ್ಟಿದ್ದು, ಹೆಮ್ಮಿಗೇಪುರ ವಾರ್ಡ್-197 ರಲ್ಲಿ ಇನ್ನು ಕುಡಿಯುವ ನೀರಿನ
ಕೊಳವೆಗಳನ್ನು ಅಳವಡಿಸಲಾಗುತ್ತಿರುತ್ತದೆ.

ಆದ್ದರಿಂದ ಸದರಿ ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಕೆರೆಯ ಅಕ್ಕ ಪಕ್ಕದಲ್ಲಿರುವ
ಹಳ್ಳಿಗಳಿಗೆ ಒಳಚರಂಡಿ ಕೊಳವೆಗಳನ್ನು ಅನುಮೋದಿತ ನಕ್ಷೆ ಮತ್ತು ವಿನ್ಯಾಸಗಳ
ಆಧಾರದ ಮೇಲೆ ಅಳವಡಿಸಬೇಕಾಗಿದ್ದು, ನಂತರದಲ್ಲಿ ಸಂಸ್ಕರಣಾ ಘಟಕ(STP)ಕ್ಕೆ
ತ್ಯಾಜ್ಯವನ್ನು ಹರಿಸಬೇಕಾಗಿರುತ್ತದೆಂದು ಈ ನಿಟ್ಟಿನಲ್ಲಿ ಅತಿ ಶೀಘ್ರವಾಗಿ ಕಾಮಗಾರಿಯನ್ನು
110 ಹಳ್ಳಿಗಳ ಯೋಜನೆಯಡಿಯಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗುವುದೆಂದು ಆದ್ಯ ಗಮನಕ್ಕೆ
ತರ ಲಾಗಿದೆ.

ಸಹಿ/-

ಕಾ.ನಿ.ಅ.(ನಿ&ಯೋ)-12

8. On behalf of BBMP, Sri. K.V.Ravi, Executive Engineer (Lakes) has filed a status report dated 27-05-2019, which reads as here under:

“ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ

ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ, ಕೆರೆಗಳು ರವರ ಕಛೇರಿ, ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆ, 3ನೇ ಮಹಡಿ, ಅನೇಕ್ ಕಟ್ಟಡ-03, ಎನ್.ಆರ್ ಜೌಕ, ಬೆಂಗಳೂರು-02.

ಸಂ: ಉ.ಅ.ಸಂ/(ಕೆರೆಗಳು)/ಪಿ. ಆರ್/ 54/2019-20

ದಿನಾಂಕ: 27/5/19

ರವರಿಗೆ,

ಅಪರ ನಿಬಂಧಕರು,
ವಿಚಾರಣೆಗಳು-1
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ: ಹೆಚ್.ಎಸ್. ದೊರೆಸ್ವಾಮಿ ಎಂಬುವವರು ಗುಬ್ಬಲಾಳ ಕೆರೆಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ನೀಡಿರುವ ದೂರಿನ ಕುರಿತು.

ಉಲ್ಲೇಖ: 1. ತಮ್ಮ ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಂ.ಲೋಕ್.ಮಿಸಲೇನಿಸ್ 2555/2018, ದಿನಾಂಕ: 20-3-2019.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಬೊಮ್ಮನಹಳ್ಳಿ ವಲಯದಲ್ಲಿ ಬರುವ ಗುಬ್ಬಲಾಳ ಕೆರೆಗೆ ಗುಬ್ಬಲಾಳ ಗ್ರಾಮ ಸರ್ವೆ ನಂ 25 ರಲ್ಲಿನ 8 ಎಕರೆ 10 ಗುಂಟೆ ಪ್ರದೇಶ ಸೇರಿದ್ದು, ಸದರಿ ಕೆರೆಯ ಬಗ್ಗೆ ಶ್ರೀ.ಹೆಚ್.ಎಸ್. ದೊರೆಸ್ವಾಮಿ ರವರು ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರು, ಕರ್ನಾಟಕ ಸರ್ಕಾರ ರವರಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ್ದು, ಸದರಿ ದೂರಿನ ಬಗ್ಗೆ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರಲ್ಲಿ ನಂ. ಕಂ.ಲೋಕ್.ಮಿಸಲೇನಿಸ್ 2555/2018 ರಂತೆ ದಾಖಲಾಗಿದ್ದು, ಈ ಪ್ರಕರಣವು ದಿನಾಂಕ: 21/11/2018 ರಂದು ವಿಚಾರಣೆಗೆ ಬಂದ ಅವಧಿಯಲ್ಲಿ ಪಾಲಿಕೆಯಿಂದ ಸದರಿ ಕೆರೆಯನ್ನು ಅಭಿವೃದ್ಧಿ ಪಡಿಸಲು ರೂ.4.00 ಕೋಟಿಗಳ ಅವಶ್ಯಕತೆಯಿದ್ದು, ಈ ಬಗ್ಗೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸರ್ಕಾರಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿದ್ದು, ಅನುದಾನ ಬಿಡುಗಡೆಯಾದ ಕೂಡಲೇ ಅಭಿವೃದ್ಧಿ ಕೆಲಸಗಳನ್ನು ಕೈಗೊಳ್ಳಲಾಗುವುದು ಎಂದು ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತರವರಲ್ಲಿ ವರದಿ ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ.

ಮುಂದುವರೆದು ಪ್ರಕರಣವು ದಿನಾಂಕ:19/3/2019ರಂದು ವಿಚಾರಣೆಗೆ ಬಂದಿದ್ದು, ಮಾನ್ಯ ಲೋಕಸಭಾ ಚುನಾವಣೆ ಪ್ರಕ್ರಿಯೆಗಳು ಪ್ರಾರಂಭವಾಗಿರುವ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಮಾನ್ಯ ಲೋಕಯುಕ್ತರು ವಿಚಾರಣೆಯನ್ನು ದಿನಾಂಕ:30/5/2018ಕ್ಕೆ ನಿಗದಿಪಡಿಸಿ, ಪ್ರಕರಣಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ವರದಿಯನ್ನು ಅಪರ ನಿಬಂಧಕರು, ವಿಚಾರಣೆಗಳು-1, ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ, ರವರಿಗೆ ದಿನಾಂಕ:28/5/2019ರ ಒಳಗೆ ಸಲ್ಲಿಸುವಂತೆ ಆದೇಶಿಸಿರುತ್ತಾರೆ.

ಗುಬ್ಬಲಾಳ ಕೆರೆಯ ಸಮಗ್ರ ಅಭಿವೃದ್ಧಿಗಾಗಿ 2019-20ನೇ ಸಾಲಿನ ರಾಜ್ಯ ಸರ್ಕಾರದ ಆಯವ್ಯಯದಲ್ಲಿ ರೂ.4.00 ಕೋಟಿಗಳನ್ನು ಸರ್ಕಾರದ ಆದೇಶ ಸಂಖ್ಯೆ:ನಅಇ 375 ಎಂಎನ್‌ವೈ 2018, ಬೆಂಗಳೂರು, ದಿನಾಂಕ: 01/02/2019 ರಂತೆ ಬಿಡುಗಡೆಗೊಳಿಸಲಾಗಿರುತ್ತದೆ. ಸದರಿ ಕೆರೆಯಲ್ಲಿ ಆದ್ಯತೆ ಮೇರೆಗೆ ಕೊಳಚೆ ನೀರು ತಿರುವುಗಾಲುವೆ ನಿರ್ಮಾಣ, ಸದರಿ ಕೆರೆಯಲ್ಲಿ ಕ್ರೋಢೀಕೃತವಾಗಿರುವ ಹೂಳನ್ನು ತೆಗೆಯುವುದು, ಏರಿ ನಿರ್ಮಾಣ ಮತ್ತು ಅಭಿವೃದ್ಧಿ, ಕೆರೆಯ ಗಡಿ ಭಾಗಕ್ಕೆ ಬೈನ್ ಲಿಂಕ್ ತಂತಿ ಬೇಲಿ ನಿರ್ಮಿಸುವುದು, ಒಳ ಹರಿವು ಹಾಗೂ ಹೊರ ಹರಿವುಗಳನ್ನು ನಿರ್ಮಿಸುವ ಕ್ರಮ ಕೈಗೊಳ್ಳಲು ಈಗಾಗಲೇ ಟೆಂಡರ್ ಕರೆದಿದ್ದು, ಟೆಂಡರ್ ಅನುಮೋದನೆ ಕೋರಿ ಸರ್ಕಾರಕ್ಕೆ ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸಲಾಗಿರುತ್ತದೆ. ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆ ದೊರೆತ ನಂತರ ಕೆಲಸಗಳನ್ನು ಪ್ರಾರಂಭಿಸಲಾಗುವುದು. ಎಂಬ ಮಾಹಿತಿಯೊಂದಿಗೆ ಸರ್ಕಾರದಿಂದ ಅನುಮೋದನೆಯಾಗಿರುವ ಕ್ರಿಯಾ ಯೋಜನೆಯ ಪ್ರತಿ ಹಾಗೂ ಟೆಂಡರ್ ನೋಟೀಫಿಕೇಷನ್ ಪ್ರತಿಗಳನ್ನು ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ

ಸಹಿ/-

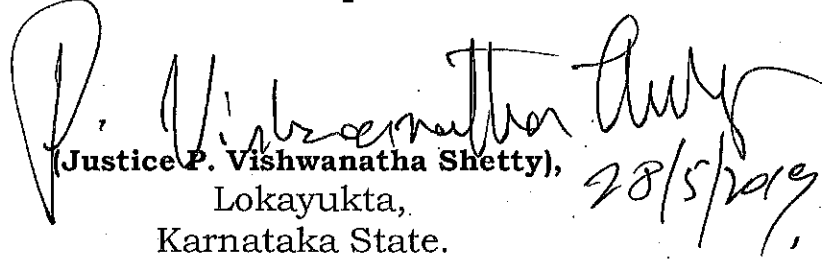
ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿ
ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿ.

9. The officers concerned will consider the suggestions given by the Complainant in his statement dated 28-05-2019 as extracted above and take appropriate steps, if need be.

10. In the light what is stated above, I am of the view, that it would be in the interest of justice to give three months time to show further progress in the matter.

11. Communicate this order to the concerned.

List this case on **05-09-2019** at **03-00 p.m.**


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

AS*

05) 05/09/2019.

ARE-1.

ಗಾ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಆದೇಶದಂತೆ
ಎದುರುಪಾಲರಾಗಿ ನೋಟೀಸ್
ಜಾರಿ ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿದೆ.
ಎದುರುಪಾಲರಂದೆ ಅನುಪಾಲನಾ
ವರದಿ ಬಾಡಿಯುಳ್ಳದ್ದು.

→

KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BCD-2555/2018/ARE-1

Date : 05.09.2019

GUBBALALA LAKE -

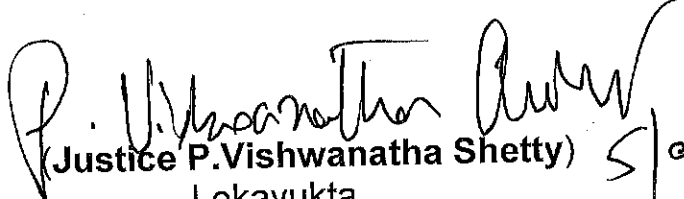
O R D E R

On behalf of the complainant Sri H.S.Doreswamy, Sri Lakshmikanth is present. On behalf of Karnataka State Pollution Control Board, Bengaluru Sri R.V.Bhat, Law Officer is present. Sri Ravi.H.R. Surveyor, K.R.Puram, Bengaluru East is present along with Sri Yadunandan.P, Surveyor.

2) Sri Ravi.H.R. Surveyor, K.R.Puram, Bengaluru East submitted that by mistake instead of issuing notice to the Assistant Director of Land Records and Tahsildar, Bengaluru South Taluk, notice has been issued to him. Hence, office is directed to carry out the direction given in my earlier Order dated 28.5.2019. A copy of the earlier order may be sent to them along with this Order.



List this case on 19th November, 2019 at 3.00 p.m.


(Justice P. Vishwanatha Shetty) 5/9/19
Lokayukta
State of Karnataka

*vi

3) Additional Registrar of Enq.1

ಸೌ. ಉಪಾಧ್ಯಕ್ಷರವರ ಸಿಬ್ಬಿಳಿ ಸಂವಿ
ಸಂಬಂಧಪಟ್ಟ ಅಧಿಕಾರಿಗಳಿಗೆ ಆದೇಶದ
ಪ್ರತಿಯನ್ನು ರವಾನಿಸಿ, ಸ್ವೀಕೃತಿ ಪಡೆದಿರುತ್ತೇನೆ.
ಆದರೆ ವರದಿ ಬಂದಿರುವುದಿಲ್ಲ ಎಂದು
ಮಾನ್ಯರ ಮುಂದಿನ ಆದೇಶಕ್ಕೆ ಸಲ್ಲಿಸಿದೆ.

೫೦

KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BCD-2555/2018

Date : 19.11.2019

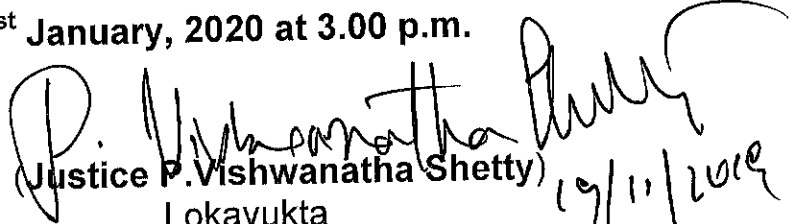
GUBBALALA LAKE -

O R D E R

On behalf of the complainant Sri H.S.Doreswamy, Sri Lakshmikanth is present. On behalf of Karnataka State Pollution Control Board, Bengaluru Sri R.V.Bhat, Law Officer is present. The Tahsildar, Bengaluru South Taluk nor the Assistant Director of Land Records are present.

2) The Tahsildar and Assistant Director of Land Records, Bengaluru South Taluk are directed to remove all the encroachments and comply with my earlier orders dated 28.5.2019 (refer para 6 & 9) and 5.9.2019 and required to file a Status Report by the next date of hearing. They are also directed to be present on the next date of hearing.

List this case on 31st January, 2020 at 3.00 p.m.


(Justice P. Vishwanatha Shetty)
Lokayukta
State of Karnataka
19/11/2019

*VI

Complied para. 2
on 26/11/19.

-24-

KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-2555/2018/Secy.

Date: 31-01-2020

ORDER

On behalf of the Complainant Sri. H.S.Doreswamy, Sri. Lakshmikanth M of Namma Bengaluru Foundation is present.

2. Sri. C.Siddaramaiah, Senior Environmental Officer, Karnataka State Pollution Control Board (herein after referred to as '**KSPCB**' for short), Zonal Office, Bengaluru North is present along with Sri. R.V.Bhat, Law Officer.

3. Smt. Bhupradha, Assistant Executive Engineer (Lakes), Bruhat Bengaluru Mahanagara Palike (herein after referred to as '**BBMP**' for short) is present along with Smt. Sapna, Assistant Engineer (Lakes).

4. Smt. G.Sharmila, SDA, South Taluk Office, Bengaluru, is present on behalf of Tahsildar, Bengaluru South Taluk. She has submitted a status report dated 31-01-2020 on behalf of Tahsildar, Bengaluru South Taluk, which reads as follows:



95-



ಕರ್ನಾಟಕ ಸರ್ಕಾರ

ತಹಸೀಲ್ದಾರ್ ಕಾರ್ಯಾಲಯ,
ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಕಂದಾಯ ಭವನ, ನೆಲಮಹಡಿ, ಕೆ.ಜಿ.ರಸ್ತೆ,
ಬೆಂಗಳೂರು -560009

ಸಂಖ್ಯೆ:ಎನ್.ಸಿ.ಆರ್/(ಉ) ಸಿಆರ್/22/18-19

ದಿನಾಂಕ: 31-01-2020

ಗೆ,
ಗೌರವಾನ್ವಿತ ಅಪರ ನಿಬಂಧಕರು,
ವಿಚಾರಣೆ-1,
ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ,
ಬೆಂಗಳೂರು.

ಮಾನ್ಯರೇ,

ವಿಷಯ:- ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ ಹೋಬಳಿ, ಗುಬ್ಬಲಾಳ
ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 25ರ ಕೆರೆ ಒತ್ತುವರಿ ಬಗ್ಗೆ ಲೋಕಾಯುಕ್ತದಲ್ಲಿ
ದಾಖಲಾಗಿರುವ ಪ್ರಕರಣದ ಕುರಿತು.

- ಉಲ್ಲೇಖ:-
1. ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ, ಕರ್ನಾಟಕ ಸರ್ಕಾರ ರವರ ಆದೇಶದ
ಸಂಖ್ಯೆ: ಲೋಕ್/ಬಿಸಿಡಿ:2555/2018, ದಿನಾಂಕ:11-09-2018.
 2. ಉಪ ಅರಣ್ಯ ಸಂರಕ್ಷಣಾಧಿಕಾರಿಗಳು, ಕೆರೆಗಳು, ಬಿಬಿಎಂಪಿರವರ ಪತ್ರ
ಸಂಖ್ಯೆ: ಉಅಸಂ/ಕೆರೆಗಳು/ಪಿಆರ್/41/2018-19, ದಿನಾಂಕ:03-11-2018.
 - 3.ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರು, ರವರಿಗೆ ಈ ಕಛೇರಿಯಿಂದ
ಬರೆದಿರುವ ಪತ್ರದ ದಿನಾಂಕ: 23-11-2018 ಮತ್ತು 27-01-2020.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಉತ್ತರಹಳ್ಳಿ
ಹೋಬಳಿ, ಗುಬ್ಬಲಾಳ ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 25ರಲ್ಲಿರುವ ಗುಬ್ಬಲಾಳ ಕೆರೆಯನ್ನು ಅಭಿವೃದ್ಧಿ ಪಡಿಸಿ
ನಿರ್ವಹಣೆ ಮಾಡಲು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಗೆ ಹಸ್ತಾಂತರಿಸಲಾಗಿದ್ದು, ಮಾನ್ಯ
ಲೋಕಾಯುಕ್ತರವರು ದಿನಾಂಕ:11-09-2018ರಂದು ಸದರಿ ಕೆರೆಯ ಬಗ್ಗೆ ವಿಚಾರಣೆ ಕೈಗೊಂಡು
ಗುಬ್ಬಲಾಳ ಸರ್ಕಾರಿ ಕೆರೆಯಲ್ಲಿರುವ ಒತ್ತುವರಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ
ಉಲ್ಲೇಖ(1)ರಂತೆ ತಾವು ಆದೇಶ ಹೊರಡಿಸಲಾಗಿರುತ್ತದೆ.

ಅದರಂತೆ ಗುಬ್ಬಲಾಳ ಕೆರೆಯಲ್ಲಿರುವ ಅನಧಿಕೃತ ಒತ್ತುವರಿಗಳನ್ನು ಸ್ಥಳದ ಮೇಲೆ ಗುರುತಿಸಿ
ಸದರಿ ಅನಧಿಕೃತ ಒತ್ತುವರಿಗಳನ್ನು ತೆರವುಗೊಳಿಸಲು ಅಗತ್ಯ ಕ್ರಮ ಕೈಗೊಂಡು ಲೋಕಾಯುಕ್ತ ರವರಿಗೆ
ವರದಿ ಸಲ್ಲಿಸಲು ಉಲ್ಲೇಖ(2)ರಂತೆ ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯವರು

ಸೂಚಿಸಿರುವನ್ವಯ ದಿನಾಂಕ: 23/11/2018 ರಲ್ಲಿ ಈ ಕಛೇರಿಯಿಂದ ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರವರಿಗೆ ಪತ್ರ ಬರೆಯಲಾಗಿರುತ್ತದೆ.

ಆದರೆ ಸದರಿ ಕೆರೆ ಜಮೀನಿನ ಒತ್ತುವರಿ ಬಗ್ಗೆ ಅಳತೆ ಮಾಡಿ ನಕ್ಷೆಯೊಂದಿಗೆ ಈ ತಹಲ್‌ವರೆವಿಗೂ ಈ ಕಛೇರಿಗೆ ಸದರಿಯವರಿಂದ ವರದಿ ಸ್ವೀಕೃತವಾಗಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಉಲ್ಲೇಖ(3) ರಂತೆ ದಿನಾಂಕ: 27/01/2020 ರಂದು ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರವರಿಗೆ ಮತ್ತೊಮ್ಮೆ ಪತ್ರ ಬರೆಯಲಾಗಿರುತ್ತದೆ. ಆದರೆ ಅವರಿಂದ ನಕ್ಷೆಯೊಂದಿಗೆ ಒತ್ತುವರಿದಾರರನ್ನು ಗುರ್ತಿಸಿ ವರದಿ ಸ್ವೀಕೃತವಾದ ಕೂಡಲೇ ಒತ್ತುವರಿದಾರರುಗಳಿಗೆಲ್ಲಾ ನೋಟೀಸು ನೀಡಿ, ಒತ್ತುವರಿ ತೆರವುಗೊಳಿಸಲು ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು ಎಂಬ ಅಂಶವನ್ನು ತಮ್ಮ ಅವಗಾಹನೆಗೆ ಸಲ್ಲಿಸಿದೆ.

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಿ/-

ತಹಸೀಲ್ದಾರ್,

ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು

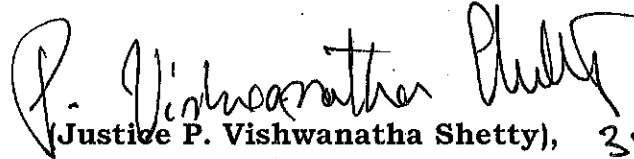
ಬೆಂಗಳೂರು".

5. In the report, it is pointed out that the Surveyor has not yet surveyed the land in Sy.No.25 pertaining to Gubbala lake and submitted the survey report and therefore he has not been able to take steps to remove the encroachments. It is also brought to my notice that the earlier order was communicated to the ADLR, Bengaluru South Taluk. In the light of the statement made on behalf of Tahsildar, **issue notice to the ADLR, Bengaluru South Taluk, as to why action should not be taken against him for not complying with my earlier order.** However, in the mean while, he is directed to ensure the survey of the lake area is conducted within six weeks from the date

of receipt of this order and survey sketch along with the report is submitted to the Tahsildar, Bengaluru South Taluk, for appropriate action by him. On receipt of the said survey sketch, it is needless to point out that the Tahsildar is required to comply with the earlier order.


6. Communicate this order to the parties concerned.

List this case on **23-04-2020 at 03-00 p.m.**


(Justice P. Vishwanatha Shetty), 3.11/2020
Lokayukta,
Karnataka State.

AS*

Complied Para. 6
on 5/2/2020


WBF

LOK/BCD/2555/2018

DRE-3)

This matter was directed to be listed on 23/04/2020. However, in view of the Circular No.LOK/Admin-1/60/2019-20 dated 24/03/2020 and Official Memorandum dated 20/04/2020, the functioning of Lokayukta Institution was suspended from 24/03/2020 to 03/05/2020, to prevent the spread of COVID-19 Pandemic outbreak. Hence, this matter could not be listed on that day.

As per order dated 31/01/2020 the ADLR, Bengaluru South Taluk was required to carry out the survey of Gubbala lake and submit the status report and ~~non~~^{non}-receipt of the survey sketch the Tahasildar was required to take steps for removal of encroachment if any. But not such reports are received from the ADLR and Tahasildar, Bengaluru South Taluk.

Hence, issue reminder to the ADLR and Tahasildar, Bengaluru South Taluk to comply with the directions issued in the order dated 31/01/2020 issued by Hon'ble Lokayukta.

Call on 18/08/2020.


DRE-3

Complied para.

-29-

LOK/BCD/2555/2018

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.

ACK. received.

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

to

Secretary L

LOK/BCD/2555/2018

1) Secretary)

As per the order dated 31.01.2020, the ADLR, Bengaluru South Taluk was required to carryout the survey of Gubbala lake and submit the status report and on receipt of the survey sketch, the Tahasildar was required to take steps for removal of encroachment if any. But no such reports are received from the ADLR and Tahasildar, Bengaluru South Taluk.

2) Hence, my lord, if approved, reminder will be issued to the ADLR and Tahasildar, Bengaluru South Taluk to comply with the directions issued in the order dated 31.01.2020 by the Hon'ble Lokayukta.

Call on 20.11.2020.

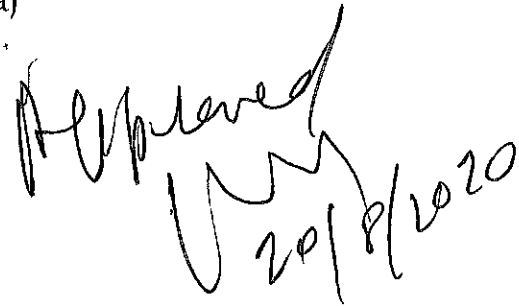
Submitted for kind orders.


Secretary

3) Hon'ble Lokayukta)

complied prepare.

*AEE. BBMP Report
dt. 28-8-2020 received.*


20/8/2020

*→ Letter from the Complainant
dt. 2.11.2020 received.*

→ B. E. B.W.S.S.B., Bengaluru

Letter dtd. 7.11.2020 received.

→ Reports are not received from the
A.D.L.R. and Tahasildar, Bengaluru
South Taluk.

Submitted for kind orders.

P. Jolurao

4] I/c Secretary:-

Printed on

7-12-2020

P
20/4

5] Secretary:-

5) Secretary)

Received a report dated 07.11.2020 from the Executive Engineer (SWM-1), BWSSB stating that the work relating to UGD network is in progress within the jurisdiction of 110 villages and immediately after completion of UGD network, the sewage water will be connected to STP.

6) Received a report dated 28.08.2020 from the AEE-4, Lakes, BBMP stating that for the purpose of removal of encroachment in the lake in question, a letter has been addressed to the ADLR and Tahasildar of Bengaluru South Taluk and after identifying the boundaries of lake in question, the fencing work will be completed.

7) Reports are not received from the ADLR and Tahasildar of Bengaluru South Taluk.

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

9) Hence, my lord, if approved;


(i) Notice will be issued to the ADLR and Tahasildar of Bengaluru South Taluk with a specific direction to comply with the direction issued in the order dated 31.01.2020 without fail and in the event of failure to comply with the order referred to above, they will be directed to be present in person on **20.01.2021 at 3:00 P.M.** with explanation for the delay.

(ii) The notice will be issued to the Executive Engineer (SWM-1), BWSSB to submit further action taken report regarding the steps taken for preventing discharge of sewage into the lake in question.

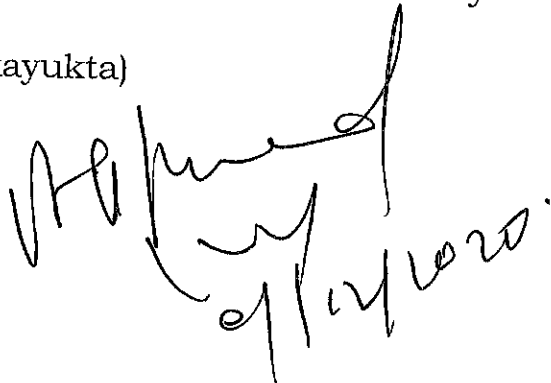
(iii) The present address of the complainant Sri. H.S. Doreswamy will be updated in the cause title of note sheet and the copy of this note will be forwarded to him for his information.

Call on 20.01.2021.

Submitted for kind orders.


Secretary

10) Hon'ble Lokayukta)



11. Secretary)

Received a report dated 13.01.2021 from the Tahasildar, Bengaluru South Taluk stating that as per the order of Government of Karnataka dated 14.09.2016, the lake in question is within the control of BBMP and the BBMP is required to take steps for preservation and rejuvenation of the lake in question.

12. By means of an order dated 31.01.2020, the Hon'ble Lokayukta has directed to issue notice to the ADLR, Bengaluru South Taluk as to why action should not be taken against her for not complying with the earlier order. It is useful to extract the para-5 of the order dated 31.01.2020, which reads as here under:

"5. In the report, it is pointed out that the Surveyor has not yet surveyed the land in Sy. No.25 pertaining to Gubbala lake and submitted the survey report and therefore he has not been able to take steps to remove the encroachments. It is also brought to my notice that the earlier order was communicated to the ADLR, Bengaluru South Taluk. In the light of the statement made on behalf of Tahasildar, **issue notice to the ADLR,**

Bengaluru South Taluk, as to why action should not be taken against him for not complying with my earlier order. However, in the mean while, he is directed to ensure the survey of the lake area is conducted within six weeks from the date of receipt of this order and survey sketch along with the report is submitted to the Tahasildar, Bengaluru South Taluk, for appropriate action by him. On receipt of the said survey sketch, it is needless to point out that the Tahasildar is required to comply with the earlier order.

6. Communicate this order to the parties concerned.

List this case on 23-04-2020 at 03-00 p.m.”

13. The Show Cause Notice in terms of the order extracted above was issued and it was served to the ADLR, Bengaluru South Taluk. However, she has neither submitted reply to the notice nor complied with the direction issued by the Hon'ble Lokayukta in the order dated 28.05.2019 and 05.09.2019 i.e., to carryout survey of lake in question to identify the encroachment. Therefore, as per the note dated 05.05.2020 and 19.08.2020, reminders were issued to the ADLR, Bengaluru South Taluk to submit the

status report complying with the order dated 30.01.2020 passed by the Hon'ble Loakyukta. Despite service of reminders, no report is received from the ADLR, Bengaluru South Taluk. Therefore, as per the note dated 08.12.2020, which was approved by the Hon'ble Loakyukta on 09.12.2020, a notice was issued to the ADLR, Bengaluru South Taluk with a direction to comply with the direction issued in the order dated 31.01.2020 without fail and in the event of failure to comply with the order referred to above, she was directed to be present in person on 20.01.2021 at 3:00 P.M. with explanation for the delay.

14. Though, the said notice was served to the ADLR, Bengaluru South Taluk, she has neither appeared in person with explanation for the delay nor submitted any report for having complied with the directions issued in the earlier orders passed by the Hon'ble Lokayukta. Thus, it becomes clear that the ADLR, Bengaluru South Taluk has deliberately failed to comply with the direction issued by the Hon'ble Lokayukta in the order dated 31.01.2020 directing her to carry out the survey of the lake area. Even after service of show cause notice, she has failed to submit her reply.

15. It is ascertained from the office of ADLR, Bengaluru South Taluk that Smt. Ashakumari is working as ADLR since 15.07.2019 and she being the public servant within the meaning of Sec. 2(12) of the Karnataka Lokayukta Act, she is bound to answer/respondent to the notice sent from the institution of Lokayukta.

16. In this connection, it is useful to refer to the decision of Hon'ble Supreme Court in the case of Secretary to Government and others V/s A.C.J. Britto,, reported in **(1997) 3 SCC 387** wherein the Hon'ble Supreme Court has taken a view that failure on the part of employee to obey the direction given by his/her superior officer to appear before the Medical Board amounts to misconduct. The principle declared by the Apex Court in the case of A.C.J. Britto referred to above would apply to the facts and circumstances of the present case. In the case on hand as observed earlier, the ADLR has failed to comply with the direction issued by the Hon'ble Lokayukta to carryout the survey of lake in question to identify the encroachment and submit report and as such it amounts to misconduct. It is useful to extract the relevant portion of the Judgment referred to above, which reads as follows;

"The respondent, a Sub-Inspector of Police proceeded on casual leave from 13.11.1980 to 19.11.1980. Instead of resuming duty on

20.11.1980 he applied for medical leave and thereafter went on extending it continuously. The Superintendent of Police by his memos dated 22.04.1981 and 04.06.1981 directed him to appear before the District Medical Officer for being presented before the Medical Committee for examination regarding his fitness to return to duty but the respondent did not comply with the same. **Considering such omission on the part of the Sub-Inspector as an act of misconduct, a departmental enquiry was initiated against him and on being found guilty he was dismissed from service.** The respondent contended that in absence of any rule treating non-compliance with an order of a superior police officer or non-appearance before a Medical Board as an act of misconduct no disciplinary proceedings should have been initiated against him. Rejecting this contention, the Supreme Court Held;

The Rules applicable in the case do not specify acts of misconduct for which a delinquent officer can be punished. Rule 2 empowers the competent authorities to impose upon members of the Service penalties specified therein "for good and sufficient reason". Therefore, before holding that there was no justification to initiate disciplinary proceeding

against the respondents, the Administrative Tribunal ought to have considered whether there was "good and sufficient reason" for initiating such proceedings against him. It was not justified in taking that view on the ground that such an act of delinquency has not been specified in the Rules as an act of misconduct. **Not obeying a legitimate order of his superior by a member of the Police Force has to be regarded as an act of indiscipline and would certainly provide a good and sufficient reason for initiating a disciplinary proceeding**".

17. The willful negligence on the part of the ADLR, Bengaluru South Taluk in not responding to the notice issued from the institution of Lokayukta would not only amounts to dereliction of duty, but also amounts to mal-administration within the meaning of Sec.2(10) of the Karnataka Lokayukta Act. Therefore, in the facts and circumstances of this case, it is desirable to issue a show-cause notice to the ADLR, Bengaluru South Taluk as to why a recommendation Under Sec.12(3) of Karnataka Loakyukta Act should not be sent to the Competent Authority for initiating Disciplinary Proceedings against her for not complying with the order made

by the Hon'ble Lokayukta to carry out the survey of lake in question.

18. Hence, My Lord, if approved;

(i) Show Cause Notice will be issued to the ADLR, Bengaluru South Taluk as to why a recommendation Under Sec.12(3) of Karnataka Loakyukta Act should not be sent to the Competent Authority for initiating Disciplinary Proceedings against her for not complying with the order made by the Hon'ble Lokayukta.

(ii) The copy of this note will be forwarded to the Deputy Commissioner, Bengaluru Urban District and DDLR, Bengaluru Urban District to ensure that the ADLR, Bengaluru South taluk to comply with the direction issued by the Hon'ble Lokayukta for survey of the lake in question and submit report to this authority.

(iii) Since, the Hon'ble Lokayukta has initiated su-motu proceedings in relation to the preservation and rejuvenation of lakes situated in all the districts of the State and has been issuing directions to the ADLRs to carryout the survey of lakes situated in the State of Karnataka and submit report, it is desirable to forward the copy of this note to the Commissioner,

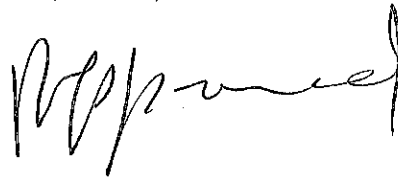
Survey Settlement and Land Records, Bengaluru for his information and to issue necessary instructions/circulars to all the DDLRs and ADLRs of the State for compliance the orders/directions issued by the Hon'ble Lokayukta for carrying out the survey of lakes to identify the encroachment in the larger public interest.


Call on 16.02.2021

Submitted for kind orders.


Secretary

19) Hon'ble Lokayukta)




27/1/2021

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2555/2018 Date : 22-01-2021

ORDER

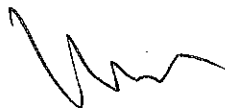
Smt. Asha, Assistant Director of Land Records, Bengaluru South Taluk is present along with Sri Suresh, Podi case worker (Surveyor), Bengaluru South Taluk.

2. The materials on record show that, though several reminders were sent, there was no response from the concerned officials. On the failure of the officers to comply with the earlier direction, a note dated 22-01-2021 is prepared by the Secretary, wherein he has recommended for disciplinary proceedings against the concerned officials. The Assistant Director of Land Records, Bengaluru South Taluk has explained in detail the circumstances under which she was not able to comply with the earlier order. According to her, since the notices sent by this office were not placed before her, she could not submit the action taken report.



3. Having regard to the facts and circumstances of the case, explanation submitted by the Assistant Director of Land Records, Bengaluru South Taluk is accepted and further proceeding against Assistant Director of Land Records, Bengaluru South Taluk is dropped. She has also submitted that the survey work has already been done and she has submitted a report before me in that regard and the same is placed on record. However, it is further submitted that the Tahsildar, Bengaluru South Taluk is required to take effective steps for removal of the encroachment and survey sketch indicates the encroachment and the names of the encroachers. According to the survey report placed, 3 guntas of land is occupied by a road and in another 2 guntas of land vegetables crops are being raised.

4. Sri Shivappa Lamani, Tahsildar, Bengaluru South Taluk has submitted a report dated 13-01-2021 stating that since, the lake in question is in the custody of BBMP as per the order of government of Karnataka dated 14-09-2016, BBMP is required to




take steps for removal of encroachment. It is needless to point out that, it is the duty of the Tahsildar to remove the encroachment, if need be ^{by} to taking the assistance from the concerned officials of BBMP and the concerned surveyor.

5. In the light of what is stated above, the Tahsildar, Bengaluru South Taluk is directed to take steps for removal of encroachment of the lake bed and submit a report on or before 24-02-2021. If he fails to submit the report by the next date as directed above, the Tahsildar, Bengaluru South Taluk is directed to be present personally on 24-02-2021 at 04.00 p.m. with his explanation for not complying with the order.

6. Communicate this order to Sri Shivappa Lamani, Tahsildar, Bengaluru South Taluk and also Assistant Executive Engineer, BBMP (Lakes), Bengaluru.

List this matter on 24-02-2021.


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

ck*

7. Secretary)

coupled

→ Acknowledgements received
but reports are not received
from the Tahasildar, Bengaluru
South Taluk and the A. E. E.,
Lakes, B.B.M.P.,
Submitted for kind orders.
P
23/2/2021

Secretary.

20. Though, the notice was served to the Tahasildar, Bengaluru South Taluk, he has neither submitted the status report with regard to the steps taken for removal of encroachment in the lake in question nor has he appeared in person on 24.02.2021 at 4.00 p.m with explanation. Therefore, a reminder may be issued to the Tahasildar, Bengaluru South Taluk to comply with the direction issued by the Hon'ble Lokayukta in the order dated 22.01.2020.

21. Hence, My Lord, if approved,

- i. Reminder will be issued to the Tahasildar, Bengaluru South Taluk to submit the status report as directed earlier. In the event of failure to submit the report, he will

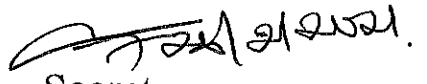
Lok/B.C.D/2555/2018

be directed to be present in person on 27.04.2021 at 3.00 p.m along with explanation for the delay.


- ii. Reminder will be issued to the Assistant Executive Engineer, Lakes, BBMP to submit the status report as directed earlier. In the event of failure to submit the report, he will be directed to be present in person on 27.04.2021 at 3.00 p.m along with explanation for the delay.

Call on 27.04.2021.

Submitted for kind orders.


Secretary

22. Hon'ble Lokayukta)


1/3/2021

→ A.D.L.R, South Taluk
report dtd. 25.02.2021
received.

→ Letter dtd. 27.02.2021 & 2.01.2021
received from the Complainant
Submitted for kind orders.

KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BCD-2555 /2018
(Gubbalala 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



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"



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 –

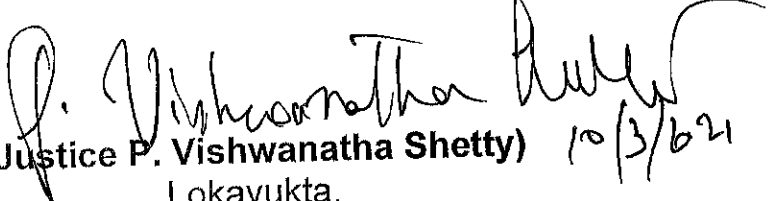
- (i) Steps taken to rejuvenate the lake.
- (ii) For removal of the encroachment.
- (iii) The report of the Karnataka State Pollution Control Board, with regard to the quality of the water in the lake.
- (iv) Steps taken to prevent entry of sewage water in to the lake.
- (v) Steps taken for removal of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



(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 27.04.2021 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) 10/3/21
Lokayukta,
State of Karnataka,
Bengaluru

*VI

→ Chief Engineer, Lakes,
B.B.M.P report dtd. 31.03.2021
received.

21. As directed by the order of Hon'ble Lokayukta in view of the surge in Covid-19 cases, the matter is adjourned to 01.07.2021. However, the respondents are directed to submit their up-to-date action taken reports by 01.07.2021 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

→ E.E., N.W.M. B.W.S.S. B report dttd. 26.11.2021
is received.