



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

CASE NUMBER : **COMPT/LOK/BCD/2686/2018**

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:
11/09/2018

COMPLAINANT/S

AGAINST :

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

RESPONDENT/S

Allegation/Grievance Dereliction of Duty.
Brief :

Received From : **By Lok/Bcd/2523/2018/ARE-1**

Received On : **25-09-2018**

Complaint stands **SECRETARY**
allotted to :

Phone Number :

(3)

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2526/2018 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-2526/2017. 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 **Sarakki Lake (Chokkasandra)** has been registered in this complaint.

2. Prof. K.S.Bhat is present along with Advocate Sri Y.Hariprasad. On behalf of the BBMP Sri Jagannath is present. Sri Santhosh, ADLR, Sri Manjappa, Tahsildar, Bengaluru South Taluk and Sri Rajashekar on behalf of BWSSB are also present.

3. Prof. Bhat pointed out that the fencing work is going on very slowly. In response to the said

(4)

2 - 3 -

statement, Sri Jagannath submitted that within about 15 days time the pipeline work will be completed and subsequent to that the BBMP will take up de-silting work. Thereafter they will take up formation of walk path and other accessory works. He also pointed out that the ADLR will identify as to whether any lake area has been encroached upon. Sri Jagannath submitted that within two weeks time the Tahsildar will submit the action taken report, since he has already surveyed the lake area. Sri Manjappa, Tahsildar submitted that he will take appropriate steps in accordance with law for removal of encroachment, if any.


4. It is needless to point out that as soon as the lake area is ^{surveyed} notified by the Survey Department and Revenue Department, the BBMP is required to fence the area and maintain the lake area without further encroachment. The status report to be filed on or before 10th October 2018.

WY

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

6. Communicate this order to the complainant and to the respondents forth with both E.mail as well as by means of postal service.

List this matter on 10-10-2018 at 12 noon.


(Justice P. Vishwanatha Shetty) 10/10/2018
Lokayukta, State of Karnataka

ck*

ARE-1)

೩) 10/10/2018.

ಗಾ. ಯೋಜನಾಧಿಕಾರಿಗಳ
ಆದೇಶದಂತೆ ಇಂಃ
10/10/2018 ರ ಪ್ರಕರಣ -
ವನ್ನು 16/11/2018ಕ್ಕೆ
ಮುಂದೂಡಲಾಗಿದೆ ಎಂಬ
ಮಾಹಿತಿಯನ್ನು ಸಂತ್ರಾಪಿಸಿ.
ADLR ಕವರಿಗೆ ಕರೆಮಾಡಿ
1.00ಕ್ಕೆ ತಿಳಿಸಲಾಗಿದೆ.
ಮುಖಪುಟ, ತಡೆಗಟ್ಟಲಿ.
- ಕವರಿಗೆ ಕರೆ ಮಾಡಲಾಗಿ
ತಿಳಿಸಲಾಗಿದೆ. ಕರೆ ಸ್ವೀಕರಿಸುತ್ತಲ್ಲ.
Chairman, BWSSB
- ಕವರಿಗೆ ಕರೆ ಮಾಡಿ
3.00ಕ್ಕೆ ತಿಳಿಸಲಾಗಿದೆ.

CEO, ಕವಲಿ

- 5 -

Lok/Bcd - 2686/18.

6

ಕುಜಿಲಗಿ ಕರಿ ಮಾಡಿ
3.05ಕ್ಕೆ ಗೀತನವರಿಗೆ
ಆಜ್ಞಿಸಲಾಗಿದೆ.

೩

3) 16/11/2018.

ARE-1.

ನೌ. ಲೋಕಾಯುಕ್ತೆ -
- ಕವಲಿ ಅಧೀನದಂತೆ
ಸಂಬಂಧಪಟ್ಟ ಅಧಿ-
- ಕಾರಿಗಳಿಗೆ ನೋಟೀಸ್
ಹಾಕಿ ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿದೆ.

Connected cases pertaining
to takes are posted to
19.3-19. Therefore, if
affirmed, this case may be
posted to 19.3-19.

[Signature]
16/11/18
E/c ARE-1

೩

Hon'ble Lokayukta

[Signature]
16/11/2018

4) 19/03/2019.

ARE-1.

ನೌ. ಲೋಕಾಯುಕ್ತೆ -
- ಕವಲಿ ಅಧೀನದಂತೆ
ಎದುರುದಾರರಾಗಿ ನೋಟೀಸ್
ಹಾಕಿ ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿದೆ.

ಮುಖ್ಯ ಕಾರ್ಯನಿರ್ವಾಹಕ
ಅಧಿಕಾರಿ, ಸಮೀಪ ಬೆಂಗಳೂರು
ಪ್ರತಿಪಾಸಕವಲಿ ಪತ್ರದ ದಿ: 13/12/18
ಮಾಡಿಸುತ್ತದೆ.

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2686/2018 Date : 19-03-2019

ORDER

On behalf of complainant Sri H.S.Doreswamy, Prof. K.S.Bhat, Sri Lakshmi kantha. M, Sri Babu and Sri N. Manjunnath are present.

Sri S.N.Hegde, Deputy Conservator of Forest, BBMP Lakes; Sri K.G.Sundresh, Junior Engineer, BBMP, Yelahanka Project are present.

Sri K.Lakshmikanth, Executive Engineer, BWSSB, Bengaluru South is present; On behalf of Sri Rajashekhar, Addl. Chief Engineer (Project-1), BWSSB Sri V.Prakash, Assistant Executive Engineer is present; Sri Chandrashekar.S, AEE, BWSSB is present; Smt. Gangalakshamma K.L. AEE, BWSSB is present and Sri S. Venkataravanappa.S, AE, BWSSB is present.

Sri Sadik Ahmed, Senior Environmental Officer, KSPCB, Bengaluru South is present; Sri D.R.Kumaraswamy, Senior Environmental Officer,



KSPCB, Bengaluru North is present; Sri Dinesh, Executive Officer, KSPCB is present; Sri Anilkumar, KSPCB is present; Sri Rajesh Venkararamu, KSPCB is present.

Sri K.N.Nandish, AEE- Projects, Yelahanka is present; Sri B.Raghu, Village Accountant, Jakkur Circle, Yelahanka Taluk Office is present and Sri Avinash Kumar, Surveyor, O/o the Assistant Director of Land Records, Yelahanka, Bengaluru is present.

Since, the election to the Parliament has been announced and officers of BBMP, BWSSB and KSPCB are entrusted with the election work, I am of the view, it is in public interest to adjourn the proceedings till last week of May 2019. However, in the meanwhile, such of those officers/authorities, who have not submitted the status report, may submit the same before ARE-1 as soon as possible, at any event of the matter not later than 28th May 2019.



Communicate this order to all the parties concerned.

9

List this matter on 30th May 2019.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty)
Lokayukta, State of Karnataka 19/3/2019

ck*

ARE-1)

5) 28/05/2019.

ARE-1.

ನಾ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಆದೇಶದಂತೆ
ಎದುರುದಾರರಾಗಿ ನೋಟೀಸ್
ಹಾಕಿ ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿದೆ.
ಎದುರುದಾರರಿಂದ ಅನು-
-ಪಾನಾ ವರದಿ ಬಂದಿರು-
-ತ್ತಿದ್ದು, ಮಾನ್ಯರ ಮೂಲಿನ
ಆದೇಶಕ್ಕಾಗಿ ಮಾಡಿಸಿದೆ.

Prof. K.S. ಭಟ್.
ಸಾರ್ಥಕ ಲೋಕಾಯುಕ್ತೆ -
- ರವರ E-mail ದ: 23/02/18
ಬಂದಿರುತ್ತದೆ.

1.

(10)

Lok/BW-2686/2018

-9-

JARE-1

A letter is received from Pro. K.S.Bhat. Though a direction was issued in the order dtd: 19.3.2019, status report is not received from any of the officers / authorities.

Proceedings of this case was deferred till the last week of May 2019 in view of the parliamentary election. Since the election procedure is completed it is necessary to fix the next date of hearing. *If approved case will be listed on 2/7/2019 at 3. P.M.*

S

C. Chandy
28/5

ARE-1

6) Hon'ble Lokayukta)
For Kind orders

4) 28/05/2019.
ಮುಖ್ಯ ಅಭಿಯಂತರರು-3,
BWSR ರವರ ಪತ್ರ
ತ: 16/03/2019
ಬಾಂಧವರು.

Approved
(C)
30/5

5) 02/07/2019.

ARE-1

ಗೌ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಆಹ್ವಾನದಂತೆ
ಎದುರುದಾರಲಗಿ ನೋಟಿಸ್
ಜಾರಿ ಮಾಡಿದ್ದು, ಸ್ವೀಕೃತಿ
ಮಾಡಿದೆ.
ಇಂಫ. ಟೆಲಿಫೋನ್ E-mail
ತ: 27/05/2019 ಬಾಂಧವರು,
ಮುಖ್ಯ ಅಭಿಯಂತರ ಆಹ್ವಾನದಂತೆ
ಮಾಡಿದೆ.

-10-

draft

(11)

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2686/2018 Date : 03-07-2019

ORDER

On behalf of the complainant, Sri Hari Prasad, Advocate is present. He has filed a memo setting out the work required to be attended to by the various departments. Copy of the memo is made available to all the parties.

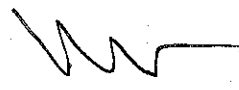
2. No one is present on behalf of the Bruhath Bengaluru Mahanagara Palike, Bengaluru.

3. On behalf of Karnataka State Pollution Control Board, Bengaluru, Sri Bhat, Law Officer, Sri D.R. Kumaraswamy, Senior Environmental Officer and Dr. Niranjana are present. They have submitted a status report dated 01-07-2019 along with certain photographs setting out the work that is being carried out. It is useful to extract the said status report, which reads as hereunder:

“ವಿಷಯ: ಸಾರಕ್ಕಿ ಕೆರೆಯ ಪರಿವೀಕ್ಷಣಾ ವರದಿಯನ್ನು ಸಲ್ಲಿಸುವ ಬಗ್ಗೆ.

(Case No: 2686/18).

ಉಲ್ಲೇಖ: 1. ಶ್ರೀ. ಹೆಚ್. ಎಸ್. ದೂರಸ್ವಾಮಿಯವರು ನೀಡಿರುವ ದೂರು.



12

2. ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಪತ್ರ ಸಂಖ್ಯೆ: ಲೋಕ್.ಬಿಸಿಡಿ
2529/2018 ದಿನಾಂಕ. 24.09.2018.
3. ಕರೆಯ ಪರಿವೀಕ್ಷಣೆ ದಿನಾಂಕ: 1.7.2019.

ಮೇಲಿನ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಂಡಳಿಯು ಬೆಂಗಳೂರಿನಲ್ಲಿರುವ ಕೆರೆಗಳನ್ನು ಪ್ರತಿ ತಿಂಗಳು ಪರಿವೀಕ್ಷಣೆ ಮಾಡುತ್ತಿರುತ್ತದೆ. ಕೆರೆಗಳ ಜಲನಾಯನ ಪ್ರದೇಶದಲ್ಲಿ ಜನ ವಸತಿ ಪ್ರದೇಶಗಳು, ವಾಣಿಜ್ಯ ಮಳಿಗೆಗಳು ಹಾಗೂ ಸಣ್ಣ ಪ್ರಮಾಣದ ಕೈಗಾರಿಕೆಗಳು ಸ್ಥಾಪಿತವಾಗಿವೆ. ಸಾಮಾನ್ಯವಾಗಿ ಇಲ್ಲಿಂದ ಹರಿದು ಬರುವ ರೊಚ್ಚಿನೀರು ಕೆರೆಗಳನ್ನು ಸೇರುತ್ತಿರುವುದರಿಂದ ಕರೆಯ ನೀರು ಕಲುಷಿತವಾಗಿದೆ.

ಮಂಡಳಿಯು ಯಾವುದೇ ಉದ್ಯಮಗಳಿಗೆ ಅಥವಾ ಇತರ ಚಟುವಟಿಕೆಗಳಿಗೆ ಸಮ್ಮತಿ ಪತ್ರ ನೀಡುವಾಗ ತ್ಯಾಜ್ಯ ನೀರು ಕೆರೆಗೆ ಸೇರದಂತೆ ನಿಬಂಧನೆಯನ್ನು ವಿಧಿಸಿದೆ. ಕಾನೂನು ಬಾಹಿರವಾಗಿ ಸಣ್ಣ ಕೈಗಾರಿಕೆಗಳು ಕಲುಷಿತ ನೀರನ್ನು ಕೆರೆಗೆ ವಿಸರ್ಜಿಸುವುದು ಕಂಡುಬಂದಲ್ಲಿ ಮಂಡಳಿಯು ಕಾನೂನಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳುತ್ತದೆ.

ಮುಂದುವರೆದಂತೆ, ಸಾರಕ್ಕಿ ಕರೆಯು ಬಿಬಿಎಂಪಿ ವ್ಯಾಪ್ತಿಗೆ ಒಳಪಡುತ್ತದೆ. ಈ ಕಛೇರಿಯ ಪರಿಸರ ಅಧಿಕಾರಿರವರು ಸದರಿ ಕರೆಯನ್ನು ಇತ್ತೀಚೆಗೆ ದಿನಾಂಕ. 1.7.2019 ರಂದು ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿರುತ್ತಾರೆ.

- ಸಾರಕ್ಕಿ ಕರೆಯು ಸುಮಾರು 82.19 ಎಕರೆಯಷ್ಟು ವಿಸ್ತೀರ್ಣ ಇರುವುದಾಗಿ ತಿಳಿದುಬಂದಿರುತ್ತದೆ.
- ಈ ಕೆರೆಗೆ ಆಜುಬಾಜಿನ ವಸತಿ ಪ್ರದೇಶಗಳಿಂದ ಸೇರುತ್ತಿದ್ದ ರೊಚ್ಚಿನೀರನ್ನು ತಡೆಗಟ್ಟಲು ಮತ್ತು ರೊಚ್ಚಿನೀರು ಸಂಸ್ಕರಣ ಘಟಕಕ್ಕೆ ತಿರುಗಿಸಿ ಸಂಸ್ಕರಣೆ ಮಾಡಿ ವಿಸರ್ಜಿಸಬೇಕೆಂದು ದಿನಾಂಕ: 8.8.2017 ರಂದು ಪ್ರಾದೇಶಿಕ ಅಧಿಕಾರಿಗಳು, ಪ್ರಾದೇಶಿಕ ಕಛೇರಿ ಬೆಂಗಳೂರು ನಗರ-ದಕ್ಷಿಣ ರವರು ಮುಖ್ಯ ಅಭಿಯಂತರರು (ಎಸ್.ಡಬ್ಲ್ಯೂ.ಡಿ) ಬಿ.ಡಬ್ಲ್ಯೂ.ಎಸ್.ಎಸ್.ಬಿ ಬೆಂಗಳೂರು ರವರಿಗೆ ಪತ್ರವನ್ನು ಬರೆದಿರುತ್ತಾರೆ.
- ಈ ಪತ್ರ ಬರೆದ ನಂತರ, ಈ ಕರೆಯನ್ನು ಬಿಡಬ್ಲ್ಯೂ.ಎಸ್.ಎಸ್.ಬಿ ಯವರು ಮುನ್‌ಚೇತನಗೊಳಿಸುವ ದೆಸೆಯಲ್ಲಿ ಕರೆಯ ಪಶ್ಚಿಮ ದಿಕ್ಕಿನಲ್ಲಿ (Upstream Side) ಕೆರೆಗೆ ಹೊಂದಿಕೊಂಡಂತೆ 5 ಎಮ್.ಎಲ್.ಡಿ ಸಾಮಾನ್ಯದ ರೊಚ್ಚಿನೀರಿನ ಸಂಸ್ಕರಣ ಘಟಕದ ನಿರ್ಮಾಣವನ್ನು ನಡೆಸುತ್ತಿದ್ದಾರೆ. ಈಗಾಗಲೇ ಶೇಖಡ 90% ಕಾಮಗಾರಿಗಳು ಮುಗಿದಿರುತ್ತವೆ. ಕಾಂಟ್ರಾಕ್ಟ್ ಒಪ್ಪಂದಂತೆ, ಈ ಸಂಸ್ಕರಣ ಘಟಕದಲ್ಲಿ ಎಸ್.ಬಿ.ಆರ್. ಟೆಕ್ನಾಲಜಿಯನ್ನು ಅಳವಡಿಸಲಾಗುತ್ತಿದೆ.
- ಈ ಕರೆಯ ವರಾಸುದಾರರು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯಾಗಿರುತ್ತದೆ. ಈ ಮಹಾನಗರ ಪಾಲಿಕೆಯವರು ಕರೆಯ ಸುತ್ತಲು ತಂತಿ ಬೇಲಿಯನ್ನು ಹಾಕಿರುತ್ತಾರೆ. ಈ ಕೆರೆಗೆ ಎಂ.ಎಸ್. ರೆಸಿಡೆನ್ಸಿಯಲ್ ಲೇಔಟ್, ಚುಂಚೆಗಟ್ಟ ಪ್ರದೇಶ, ಗಣಪತಿ ನಗರ, ಬೀರೇಶ್ವರ ನಗರ ಮತ್ತು ಶ್ರೀನಿಧಿ ಲೇಔಟ್‌ಗಳಿಂದ ಬಂದು ಸೇರುತ್ತಿದ್ದ ರೊಚ್ಚಿನೀರು ಕೆರೆಗೆ ಸೇರದಂತೆ, ಕರೆಯ ಬಲಭಾಗದಲ್ಲಿ ಸುಮಾರು 1 ಕಿ.ಮೀ.ವರೆಗೆ ಕರೆಯ ಪ್ರಾರಂಭದಿಂದ ಕೆರೆ ಕೋಡಿಯವರೆಗೆ ಬಾಕ್ಸ್ ಡ್ರೈನ್‌ನ್ನು ಅಳವಡಿಸಿ, ಈ ಬಾಕ್ಸ್ ಡ್ರೈನ್‌ಲ್ಲಿ ರೊಚ್ಚಿನೀರು ಕೆರೆಗೆ ಸೇರದ ಹಾದುಹೋಗುವಂತೆ ಮಾಡಿರುತ್ತಾರೆ. ಇದೇ ರೀತಿ ಕರೆಯ ಎಡ ಭಾಗದಲ್ಲಿ 1200 ಮೀ.ಲಿ.ಮೀ. ವ್ಯಾಸದ ಪೈಪನ್ನು ಸುಮಾರು ಒಂದು ಕಿಲೋ ಮೀಟರ್ ಉದ್ದವರೆಗೆ ಭೂಮಿ ಒಳಗೆ ಅಳವಡಿಸಿ

ರೂಚ್ಚು ನೀರನ್ನು ಈ ಪೈಪ್ ಮುಖಾಂತರ ಹಾಯಿಸಿ ಕೆರೆಗೆ ರೂಚ್ಚು ನೀರು ಸೇರದಂತೆ ಕ್ರಮ ಕೈಗೊಂಡಿರುತ್ತಾರೆ. ಆದುದರಿಂದ, ಈ ಕ್ರಮಗಳಿಂದಾಗಿ ರೂಚ್ಚು ನೀರು/ಕಲುಷಿತ ನೀರು ಕೆರೆಗೆ ಸೇರುವುದನ್ನು ಬಹುತೇಕವಾಗಿ ತಡೆಗಟ್ಟಲಾಗಿದೆ.

• ಹಿಂದಿನ ಪರಿವೀಕ್ಷಣೆಯ ಸಂದರ್ಭದಲ್ಲಿ ಅಂದರೆ ದಿನಾಂಕ: 24.6.2019 ರಂದು ಕೆರೆಯ ನೀರಿನ ಮಾದರಿಗಳನ್ನು ಸಂಗ್ರಹಿಸಿ ಮಂಡಳಿಯ ಪ್ರಯೋಗಶಾಲೆಗೆ ವಿಶ್ಲೇಷಣೆಗೆ ಕಳುಹಿಸಲಾಗಿರುತ್ತದೆ. ಹಿಂದಿನ ವಿಶ್ಲೇಷಣಾ ವರದಿಯ ಪ್ರಕಾರ ಕೆರೆಯ ನೀರು Class 'D' ವರ್ಗದಲ್ಲಿ ಬರುತ್ತದೆ. ಈ ವರ್ಗದಲ್ಲಿ ಇರುವ ನೀರು Propagation of wild life & Fisheries ನಡವಳು ಕೈಗೊಳ್ಳಬಹುದಾಗಿರುತ್ತದೆ.”

4. On behalf of BWSSB Sri Rajashekhar, Additional Chief Engineer is present. He has submitted a status report dated 02-07-2019 along with annexure. It is useful to extract the said status report, which reads as hereunder:

“ವಿಷಯ: ಶ್ರೀ ಹೆಚ್‌ಎಸ್‌ದೊರೆಸ್ವಾಮಿರವರು ಸಾರಕ್ಕಿ ಕೆರೆಯ ವಿಚಾರವಾಗಿ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ನೀಡಿರುವುದೂರಿನಕುರಿತು
ಉಲ್ಲೇಖ: 1. ಸಂ. ಬೆಂ.ಜ.ಮಂ/ಪ್ರಮುಅ/ಮುಅ(ನಿ)/ಅಮುಅ(ನಿ)-3/1324/2019-20 ದಿನಾಂಕ 24.06.2019 ಸಂ: ಕಂ.ಲೋಕಾ.ಬಿ.ಸಿ.ಡಿ 2686/2018-ಸಾರಕ್ಕಿ ಕೆರೆ

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಶ್ರೀ ಹೆಚ್‌ಎಸ್‌ದೊರೆಸ್ವಾಮಿರವರು ಸಾರಕ್ಕಿ ಕೆರೆಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಯಲ್ಲಿ ದೂರು ಸಲ್ಲಿಸಿದ್ದು, ಸಾರಕ್ಕಿ ಕೆರೆಗೆ ಒಳಚರಂಡಿ ನೀರು ಹರಿಯದಂತೆ ತಡೆಗಟ್ಟಲು ತಮ್ಮ ವಿಭಾಗದಿಂದ ತೆಗೆದುಕೊಂಡಿರುವ ಕ್ರಮಗಳ ಬಗ್ಗೆ ವಿವರವಾದ ವರದಿಯನ್ನು ತಯಾರಿಸಿ ಸೂಕ್ತ ದಾಖಲೆಗಳೊಂದಿಗೆ ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿಗೆ ನೀಡಲು ಸೂಚಿಸಲಾಗಿದೆ.

ಮೇಲ್ಕಂಡ ವಿಚಾರವಾಗಿ ಸಾರಕ್ಕಿ ಕೆರೆಗೆ ಒಳಚರಂಡಿ ನೀರು ಹರಿಯುವುದನ್ನು ಶಾಶ್ವತವಾಗಿ ತಡೆಗಟ್ಟಲು ಈ ವಿಭಾಗದಿಂದ ಸಾರಕ್ಕಿ ಕೆರೆಯ ಏರಿಯ ಮೇಲೆ ಹೊಸದಾದ 600 ಮಿ.ಮೀ ವ್ಯಾಸದ NP-3 RCC ಕೊಳವೆಯನ್ನು ಅಳವಡಿಸುವ ಕಾಮಗಾರಿಗೆ ಮೂರು ಟೆಂಡರ್ ಕರೆಯಲಾಗಿದ್ದು, ಅದರ ವಿವರಗಳನ್ನು ಈ ಪತ್ರದ ಜೊತೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.”

ಸಾರಕ್ಕಿ ಕೆರೆಯ ಏರಿಯ ಮೇಲೆ ಹೊಸದಾದ 600 ಮಿ.ಮೀ ವ್ಯಾಸದ NP-3 RCC ಕೊಳವೆಯನ್ನು ಅಳವಡಿಸುವ ಕಾಮಗಾರಿಯ ವಿವರಗಳು.

14

ಕ್ರ.ಸಂ	ಕಾಮಗಾರಿಯ ಹೆಸರು	ಕಾಮಗಾರಿಯ ವಿವರ	ಷರಾ
1.	ಸಾರಕ್ಕಿ ಕೆರೆಯ ಏರಿ ಮೇಲೆ ಅಶ್ವತ್ಥ ಕಟ್ಟೆಯಿಂದ 5 ಎಂ.ಎಲ್.ಡಿ ಎಸ್.ಟಿ.ಪಿ ವರೆಗೆ 600 ಮಿ.ಮೀ ವ್ಯಾಸದ ಎನ್.ಪಿ.-3 ಆರ್.ಸಿ.ಸಿ ಕೊಳವೆಯನ್ನು ಅಳವಡಿಸುವ ಕಾಮಗಾರಿ.	ದಿನಾಂಕ 05-04-2019 ರಂದು ಕಾಮಗಾರಿಯ ಟೆಂಡರ್ ಅನ್ನು ತೆರೆಯಲಾಗಿದ್ದು ಒಟ್ಟು 02 ಗುತ್ತಿಗೆದಾರರು ಬಾಗವಹಿಸಿರುತ್ತಾರೆ, ಆದರೆ ಆ ಎರಡೂ ಗುತ್ತಿಗೆದಾರರು ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಂದ ಅನರ್ಹರಾಗಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಎರಡನೆ ಬಾರಿ ಟೆಂಡರ್ ಕರೆಯಲಾಗಿದ್ದು ದಿನಾಂಕ: 24-06-2019 ರಂದು ತೆರೆಯಲಾಗಿದ್ದು ಒಟ್ಟು ಗುತ್ತಿಗೆದಾರರು ಬಾಗವಹಿಸಿರುತ್ತಾರೆ. ಹಾಗೂ ಅನುಮೋದನೆಗಾಗಿ ಕೆಂದ್ರ ಕಛೇರಿಗೆ ಸಲ್ಲಿಸಲಾಗಿದೆ.	
2.	ಸಾರಕ್ಕಿ ಕೆರೆಯ ಏರಿ ಮೇಲೆ ಅಶ್ವತ್ಥ ಕಟ್ಟೆಯಿಂದ ಪುಟ್ಟನಹಳ್ಳಿ ದೊಡ್ಡ ಮೋರಿಯವರೆಗೆ 600 ಮಿ.ಮೀ ವ್ಯಾಸದ ಎನ್.ಪಿ.-3 ಆರ್.ಸಿ.ಸಿ ಕೊಳವೆಯನ್ನು ಅಳವಡಿಸುವ ಕಾಮಗಾರಿ.	ದಿನಾಂಕ 05-04-2019 ರಂದು ಕಾಮಗಾರಿಯ ಟೆಂಡರ್ ಅನ್ನು ತೆರೆಯಲಾಗಿದ್ದು ಯಾವುದೇ ಗುತ್ತಿಗೆದಾರರು ಬಾಗವಹಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಎರಡನೇ ಬಾರಿ ಟೆಂಡರ್ ಕರೆದು ದಿನಾಂಕ: 10-06-2019 ರಂದು ತೆರೆಯಲಾಗಿದ್ದು ಇದರಲ್ಲೂ ಯಾವುದೇ ಗುತ್ತಿಗೆದಾರರು ಬಾಗವಹಿಸಿರುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಮೂರನೆ ಬಾರಿ ಟೆಂಡರ್ ಕರೆಯಲು ಕೇಂದ್ರ ಕಛೇರಿಯಿಂದ ಅನುಮೋದನೆ ಪಡೆಯಲಾಗಿದ್ದು ಶೀಘ್ರವೇ ಟೆಂಡರ್ ಕರೆಯಲಾಗುವುದು.	
3.	ಸಾರಕ್ಕಿ ಕೆರೆಯ ಏರಿ ಮೇಲೆ ಪುಟ್ಟನಹಳ್ಳಿ ದೊಡ್ಡ ಮೋರಿಯಿಂದ ಇಂಚರಾ ಹೊಟೆಲ್ ವರೆಗೆ 600 ಮಿ.ಮೀ ವ್ಯಾಸದ ಎನ್.ಪಿ.-3 ಆರ್.ಸಿ.ಸಿ ಕೊಳವೆಯನ್ನು ಅಳವಡಿಸುವ ಕಾಮಗಾರಿ.	ದಿನಾಂಕ 05-04-2019 ರಂದು ಕಾಮಗಾರಿಯ ಟೆಂಡರ್ ಅನ್ನು ತೆರೆಯಲಾಗಿದ್ದು ಒಟ್ಟು ಗುತ್ತಿಗೆದಾರರು ಬಾಗವಹಿಸಿರುತ್ತಾರೆ, ಆದರೆ ಆ ಗುತ್ತಿಗೆದಾರರು ತಾಂತ್ರಿಕ ಕಾರಣಗಳಿಂದ ಅನರ್ಹರಾಗಿರುತ್ತಾರೆ. ಆದ್ದರಿಂದ ಎರಡನೆ ಬಾರಿ ಟೆಂಡರ್ ಕರೆಯಲಾಗಿದ್ದು ಇದನ್ನು ದಿನಾಂಕ: 06-07-2019 ರಂದು ತೆರೆಯಲಾಗುತ್ತದೆ.	

5. Sri Rajashekhar submitted that, within about 2 to 3 months time, STP will be installed and starts functioning. Once the STP is installed, all the sub-lines will be connected to STP and in that event, there won't be any sewage ^{entering} enter into the lake. He further submits, along with the installation of STP work, the work referred to above also will be




completed. The statement made by Sri Rajashekhar is placed on record.

6. Once the STP installed and the work is completed, the KSPCB is required to monitor the water quality regularly and take all steps that are required to prevent entering the sewage into the lake.

7. Sri Hari Prasad pointed out that, laying down of the walking path and completing the fencing work is required to be done by the BBMP. I am sure, the BBMP will complete the work of laying down of the walking path and fencing of the lake by the next date of hearing. The respondents are given three months time to file status report.

8. However, the liberty is also reserved to the complainant to give representation to all the authorities, pointing out the steps that are required to be taken by each one of the authorities/respondents to rejuvenate/develop the lake. Such representation shall be given, if they so




16

-15-
6

desire within six weeks from the date of communication of this letter.

9. Communicate this order to all the parties concerned.

List this matter on 06-11-2019.


(Justice P. Vishwanatha Shetty) 3/7/2019
Lokayukta, State of Karnataka

ck*

ARE-1)

Ack. received R. to Ru.

ನರಣ್ಣ ಕೆಂ ಸಾಕ್ಷಿಗಳ ದತ್ತ ದಿ: 19-7-2019
ಶ್ರೀಕಂಠ. ಎಸ್ಕೆ. ಎಂಜಿನ್ ಲಭ್ಯವಿಲ್ಲದ.

KARNATAKA LOKAYUKTA, BENGALURU

No:Compt/LOK/BCD-2686/2018 Date : 06-11-2019

ORDER

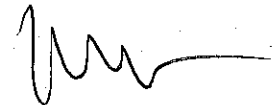
On behalf of the complainant Sri.H.S.Doreswamy, Sri Lakshminath is present.

2. On behalf of BBMP Smt Bhupradha, Assistant Executive Engineer is present along with Smt. Usha, Assistant Engineer.

3. On behalf of BWSSB, Sri C.R.Raghavendra, Assistant Executive Engineer is present. He has submitted a status report dated 27-05-2019. It is useful to extract the same, which reads as hereunder:

ವಿಷಯ: ಹೆಚ್.ಎಸ್.ದೊರೆಸ್ವಾಮಿ ರವರು ಮಾನ್ಯ ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಸಂಸ್ಥೆಯಲ್ಲಿ ನೀಡಿರುವ ದೂರಿನ ಕುರಿತು.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಮಾನ್ಯ ಲೋಕಾಯುಕ್ತ ರವರ ದಿನಾಂಕ:-10.10.2018ರ ಮೇಲ್ಕಾಣಿಸಿದ ಉಲ್ಲೇಖಿತ ಪತ್ರ-1ರ ಆದೇಶದಲ್ಲಿ ಸಾರಕ್ಕಿ ಕೆರೆಗೆ ತ್ಯಾಜ್ಯ ನೀರು ಹರಿಯುತ್ತಿರುತ್ತದೆ ಎಂದು ಉಲ್ಲೇಖಿಸಲಾಗಿರುತ್ತದೆ. ಈ ಸಂಬಂಧ ಈಗಾಗಲೇ ಉಲ್ಲೇಖ ಪತ್ರ-2ರಲ್ಲಿ ತಮ್ಮಗಳ ಆದ್ಯ ಮಾಹಿತಿಗೆ ಸಲ್ಲಿಸಿರುವಂತೆ ಸಾರಕ್ಕಿ ಕೆರೆ ಪ್ರದೇಶವನ್ನು ಆ ಪ್ರದೇಶದ ಅಭಿಯಂತರರುಗಳಾದ ಕಾ.ನಿ.ಅ(ದ) ಮತ್ತು ಸ.ಕಾ.ನಿ.ಅ(ದ)-2 ರವರು ಪರಿವೀಕ್ಷಣೆ ಮಾಡಿದ್ದು, ಸಾರಕ್ಕಿ ಕೆರೆ ಪ್ರದೇಶವು ಬಿಬಿಎಂಪಿ ವ್ಯಾಪ್ತಿಯ ಹಳೆಯ ಸಿ.ಎಂ.ಸಿ. ಪ್ರದೇಶವಾಗಿದ್ದು, ಪ್ರಸ್ತುತ ಈ ಪ್ರದೇಶಗಳಲ್ಲಿ ಬೆಂಗಳೂರು ಜಲಮಂಡಳಿಯಿಂದ ಒಳಚರಂಡಿ ವ್ಯವಸ್ಥೆಯನ್ನು ಅಳವಡಿಸಲಾಗಿರುತ್ತದೆ ಆದರಲ್ಲಿ ಸದರಿ ಕೆರೆಗೆ ಈ ಮೂರು ಸ್ಥಳಗಳಿಂದ ಅಂದರೆ 1)ಎಂ.ಎಸ್ ಬಡಾವಣೆ, ಜರಗನಹಳ್ಳಿ 2)ಅಶ್ವಥ್ ನಾರಾಯಣ ಬಡಾವಣೆ, ಪುಟ್ಟೇನಹಳ್ಳಿ ಹಾಗೂ 3)ಜರಗನಹಳ್ಳಿ ಹಳೆಯ ಊರಿನ ಕಡೆಯಿಂದ ಸ್ವಲ್ಪ ಪ್ರಮಾಣದಲ್ಲಿ ತ್ಯಾಜ್ಯ ನೀರು ಒಳಚರಂಡಿ ಜಾಲದಿಂದ ಹರಿದು ಕೆರೆ ಪ್ರದೇಶಕ್ಕೆ ಬರುತ್ತಿರುವುದು ಕಂಡುಬಂದಿರುತ್ತದೆ ಎಂದು ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿರುತ್ತಾರೆ



(12)

ಮುಂದುವರಿದಂತೆ, ಉಲ್ಲೇಖ ಪತ್ರ-6ರಲ್ಲಿ ಸ.ಕಾ.ನಿ.ಅ.(ದ-2) ಮತ್ತು ಕಾ.ನಿ.ಅ.(ದ) ರವರು ಮೇಲೆ ತಿಳಿಸಿರುವ ಒಂದನೇ ಮತ್ತು ಎರಡನೇಯ ಸ್ಥಳಗಳಲ್ಲಿ ಒಳಚರಂಡಿ ನೀರು ಕೆರೆಗೆ ಹರಿಯದಂತೆ ಸಂಪೂರ್ಣವಾಗಿ ತಡೆಗಟ್ಟಲಾಗಿರುತ್ತದೆ ಮತ್ತು ಸಾರಕ್ಕಿ ಕೆರೆಯ ಅಂಗಳದಲ್ಲಿ ಜಲಮಂಡಳಿ ಯೋಜನಾ ವಿಭಾಗದಿಂದ ಬದು ಎಂ.ಎಲ್.ಡಿ ಸಾಮರ್ಥ್ಯವುಳ್ಳ ಎಸ್.ಟಿ.ಪಿ.ಯ ಕಾಮಗಾರಿಯು ಪ್ರಗತಿಯಲ್ಲಿರುತ್ತದೆ. ಈ ಕಾಮಗಾರಿಯು ಪೂರ್ಣಗೊಂಡ ನಂತರ 3ನೇ ಸ್ಥಳದಿಂದ ಅಂದರೆ ಜರಗನಹಳ್ಳಿ ಹಳೆಯ ಊರಿನ ಪ್ರದೇಶದಿಂದ ಬರುವ ತ್ಯಾಜ್ಯ ನೀರನ್ನು ಎಸ್.ಟಿ.ಪಿ ಗೆ ಸಂಪರ್ಕಗೊಳಿಸಿ ಸಾರಕ್ಕಿ ಕೆರೆಗೆ ತ್ಯಾಜ್ಯ ನೀರು ಸೇರ್ಪಡೆಯಾಗುವುದನ್ನು ಸಂಪೂರ್ಣ ತಡೆಗಟ್ಟಲಾಗುವುದು ಎಂಬ ಮಾಹಿತಿಯನ್ನು ಕಾ.ನಿ.ಅ.(ದ) ಮತ್ತು ಸ.ಕಾ.ನಿ.ಅ.(ದ)-2 ರವರು ತಮ್ಮ ವರದಿಯಲ್ಲಿ ತಿಳಿಸಿದ್ದು ಸದರಿ ಕಾಮಗಾರಿ ಅಂತಿಮ ಹಂತದಲ್ಲಿದ್ದು ಮೇಲ್ಕಾಣಿಸಿದ ಅಧಿಕಾರಿಗಳ ಮೇಲ್ವಿಚಾರಣೆಯಲ್ಲಿ ಅವರು ನೀಡಿರುವ ವರದಿಯಂತೆ ಸದರಿ ಎಸ್.ಟಿ.ಪಿ ಕಾಮಗಾರಿಗಳನ್ನು ಪೂರ್ಣಗೊಳಿಸಿ ತ್ಯಾಜ್ಯ ನೀರು ಕೆರೆಗೆ ಸೇರುವಂತೆ ತಡೆಹಿಡಿಯಲಾಗುವುದು ಎಂಬ ಮಾಹಿತಿಯನ್ನು ತಮ್ಮ ಆದ್ಯ ಗಮನಕ್ಕೆ ಸಲ್ಲಿಸಲಾಗಿದೆ."

4. Sri C.R. Raghavendra submitted that, some work relating to laying of the pipeline is being undertaken. He is directed to file status report with regard to the steps taken by the next date of hearing. He has also submitted that the work relating to STP has already been completed.
5. In my order dated 11-09-2018 at paragraph 3, I have observed as follows:

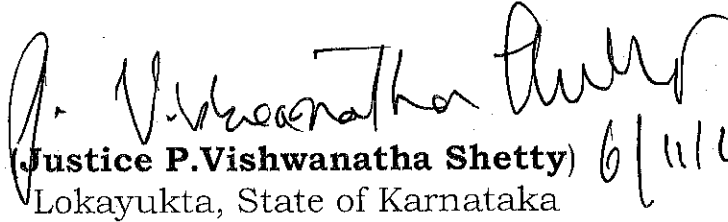
"3. Prof. Bhat pointed out that the fencing work is going on very slowly. In response to the said statement, Sri Jagannath submitted that within about 15 days time the pipeline work will be completed and subsequent to that the BBMP will take up de-silting work. Thereafter they will take up formation of walk path and other accessory works. He also pointed out that the ADLR will identify as to whether any lake area has been encroached upon. Sri Jagannath submitted that within two weeks time the Tahsildar will submit

the action taken report, since he has already surveyed the lake area. Sri Manjappa, Tahsildar submitted that he will take appropriate steps in accordance with law for removal of encroachment, if any."

6. Notice was also issued to the Tahsildar and ADLR of Bengaluru South Taluk directing them to submit report pursuant to the order made by me earlier and the notice was served on 13-06-2019. But, so far the report has not been submitted complying with my direction given in my earlier order. They are directed to comply with the ^{said} order by the next date of hearing.

7. Communicate this order to all the parties concerned and also to the Tahsildar and ADLR of Bengaluru South Taluk.

List this matter on 06-02-2020 at 3.00 p.m.


(Justice P. Vishwanatha Shetty) 6/11/2019
Lokayukta, State of Karnataka

ck*

Secretary)

complied para. 7
on 12/11/19

(20)

-19-

Compliant letter dt 6/12/2020

received.

KARNATAKA LOKAYUKTA : BENGALURU

(21)

No: Compt/Lok/BCD-2686/2018
c/w Compt/Lok/BCD-2608/2017

Date: 06-02-2020

ORDER

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

2. Prof. K.S.Bhat, who is one of the resident and Trustee of Sarakki Lake Improvement Trust, Bengaluru, is present.

3. Smt. Asha Kumari, Assistant Director of Land Records, Bengaluru South Taluk, is present along with Sri. D.T.Srinivasachar, Surveyor.

4. On behalf of Bengaluru Water Supply and Sewerage Board, Bengaluru, Sri. L.R.Raghavendra, Assistant Executive Engineer, S-2, is present.

5. On behalf of Bruhat Bengaluru Mahanagara Palike, Bengaluru, Smt. Bhupradha, Assistant Executive Engineer (Lakes), is present.



-21-

22

6. Sri. K. Babu, Revenue Inspector, Agara Circle, Bengaluru South is Present.

7. Smt. Sharmila G, SDA, is present representing the Tahsildar, Bengaluru South Taluk.

8. It is pointed out by Smt. Bhupradha, AEE (Lakes), Bruhat Bengaluru Mahanagara Palike (herein after referred to as 'BBMP' for short), that in view of the interim order obtained by certain persons before the Civil Court/Hon'ble High Court of Karnataka, the BBMP is not in a position to proceed to fence the entire lake area and on account of that, the BBMP is unable to remove the existing encroachment in the lake area. However, on behalf of the Tahsildar, Bengaluru South Taluk, Smt.G.Sharmila submitted that since the survey of Sarakki lake area has not yet been completed, the Tahsildar has not been able to take steps to evict the unauthorized occupants. In response to the said submission, Smt. Asha Kumari, ADLR submitted that the lake in question was surveyed in the year 2015 and survey report was submitted to the



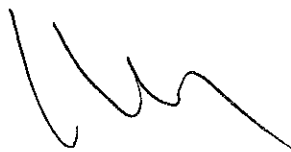
Tahsildar. She assured to file a copy of the survey sketch and survey report before the Lokayukta, by the next date of hearing. She is also directed to hand over the copy of the survey sketch and survey report to the Tahsildar within a week's time from today. The Tahsildar, Bengaluru South Taluk and the BBMP to examine the report and in the absence of any interim order operating against them, it is needless to point out that, they are required to evict the unauthorized occupants of the lake area and the BBMP to fence the lake area.

9. Further, it is also needless to point out that the effective steps are required to be taken both by the Revenue authorities and also by the BBMP to actively participate in the proceedings pending before the Civil Court and if it is before the Hon'ble High Court of Karnataka, before the Hon'ble High Court and to seek modification of the interim order granted or to get the proceedings disposed of keeping in mind the larger public interest.



(24)

10. In the course of discussion, it was brought to my notice that though all the encroachments were earlier once removed, it is subsequent to 2015 survey, the fresh encroachments are taking place which are now on the lake area. It is further pointed out that on account of the manipulated survey prepared at the time of enquiry by Sri. Koliwad Committee certain persons have encroached upon the lake area. It is also pointed out that if an independent fresh survey is held, it will be clear that the survey prepared at the time of enquiry by Sri. Koliwad Committee does not represent the true and correct facts. In this connection, Prof. K.S.Bhat has filed a Memo before me. It is useful to place the said Memo on records which reads as follows:



- 24 -

BEFORE THE LOK AYUKTHA AT BENGALURU

Complaint No. BED/2608/2017 - Sarakki Lake

(29)

Between :

Prof. K.S. Bhat
Sarakki Area Improvement Trust (R)
JP Nagar 7th Phase
Bengaluru -560 078

Complainant

And

The Commissioner, BBMP, Tahsildar
& Others

Respondents

M E M O

The Complainant begs to submit as follows :

1. Respectfully I submit that the holistic rejuvenation of the work of the Sarakki Lake is being stalled by few officials primarily responsible which is resulting in inordinate delay, rendering several crores of public funds invested so far as wasteful expenditure besides continuing environmental damages.
2. It is submitted that non-removal of the few remaining illegal encroachments on the lake land, due to pending court cases and interim injunction granted in such cases, it is submitted in spite of repeated directions from this Hon'ble Lok Ayuktha, the revenue authorities have not taken any action to vacate the pending injunctions which has stopped full fencing of lake boundary and same has lead to continuing dumping C & D debris, etc.,



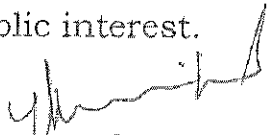
3. The Complainant submits that the officials of the Revenue Department by doing a wrong thing by creating false survey sketches by Surveyor Sri Anantha Raju and ADLR Sri Anand Kumar, who acted not only in violation of established administrative procedure, but also aided and abetted with illegal encroachers. It is submitted that in order to help the encroachers, suppressed the original survey report filed by the Survey Department officials in Public Interest Litigation before the Hon'ble High Court of Karnataka and the Hon'ble Chief Justice heading the Bench relied upon the said survey sketch and passed the order and the above said officials acted by unwarrantedly manipulated the above said plan by substituting manipulated plan in order to help the encroachers. Hence, I pray this Hon'ble Authority to take serious view in this regard and immediately summon the above said officials before your Hon'ble Authority and issue necessary direction in this regard and enquire the matter. It is submitted that due to the above illegal actions of the above said officials delayed the entire fencing of the lake and due to the same, several crores of public funds invested so far has become wasteful expenditure, besides continuing environmental damages. It is pertinent to note that due to not taking any action for disposal of the pending suits and injunctions operating in the said suits, is not proceeded to vacate and disposal of the said suits by the Revenue Officials including Tahsildar

26

(27)


so far, on that aspect the above said Tahsildar is clearly negligent and disobeyed the order of this Hon'ble Authority. It is submitted that in this context, I state that due to the litigation wherever the fence is not put up in such non-fencing places, the public are dumping the C & D debris and throwing the municipal waste and indulging in open defecation. This leads to delay the work of development of the lake by putting the walking path and tree plants and children play area, etc., Hence, I pray in this regard to direct the Tahsildar and other Governmental authorities to take immediate action before the concerned courts seeking the disposal of the pending suits in respect of entire Sarakki Lake Area encroachers forthwith.

Wherefore, I pray that this Hon'ble Authority to issue directions in relation to the above said prayer to the concerned authorities to do the necessary action, in the public interest.


Advocate for Complainant


Complainant

Place :Bengaluru
Date : 06.02.2020



28

11. Prof. K.S.Bhat has also relied upon the judgement of the Division Bench of the Hon'ble High Court of Karnataka at Bengaluru made in W.P.No. 17464/2013 (GM-RES-PIL) in support of his submission. At this stage, in view of the interim order stated to have been passed by the Civil Court, it is not permissible for me to make any positive direction to the authorities to remove the encroachments so long as the interim order granted by the Civil Court/Hon'ble High Court of Karnataka is in operation. Therefore, the only thing that is required to be done for effective adjudication of the rights of the parties, is for the BBMP, DC/Tahsildar and the Revenue authorities to implead themselves in the pending suits and other proceedings and seek for modification of the interim order, if they are not already made as parties and if they are parties, to take effective steps to contest the suit to protect the lake in question. It is needles to point out that it is also open to the Sarakki Lake Area Improvement Trust, Bengaluru, to implead themselves in the pending

proceedings and effectively contest the suit to protect the lake.

12. So far as the grievance of Prof. K.S.Bhat that the sketch regarding the lake area has been manipulated is concerned, I am of the view, since it is pointed out to me by Smt. Asha Kumari, ADLR, that the matter is under consideration before the Commissioner of Survey Settlements and he is examining the same, I am of the view, I find it is not desirable for me to make any observations as I am sure that the Commissioner would examine the matter and take appropriate decision in accordance with law preferably within a period of three months from today. It is also open to Prof. K.S.Bhat that if there is any manipulation of records by the officials of the Survey Department, to file a complaint before me in Form No. 1 and 2 for investigation with regard to any mal-administration committed by the officials of Survey Department.

13. The Tahsildar to take steps to remove the unauthorized encroachment in the absence of any interim

order operating issued by the Civil Court against the authorities. **Three months time is granted to all the authorities concerned, to file the status report.**

14. Sri. C.R.Raghavendra, Assistant Executive Engineer, S-2, on behalf of BWSSB submitted that, the installation of STP work has been completed and it is in operation. He further pointed out that the Waste Water Management Wing of the BWSSB is under progress regarding laying of pipe lines. He submits that the said work will be completed within about two months. He is directed to file the status report, by the next date of hearing.

15. Communicate this order to the parties and also to the Commissioner of Survey Settlement and Land Records, K.R.Circle, Bengaluru - 560 001.

List this case on **06-05-2020 at 03-00 p.m.**

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State. *6/2/2020*

AS*

*Complied Para. 15
on 12/2/2020*

LOK/BCD/2686/2018

As per the direction of Hon'ble Lokayukta, this matter is adjourned. Issue fresh notice to the parties.

List this matter on 07/08/2020, *at 3.45 p.m.*

Amplified par.

JGLS

DRE-3

As per O.M. No:LOK/Reg/Complaints/2020, dated:28.05.2020 this file

B.W.S.S.S., A.C.C. is transferred from *DRE-3* to Secretary to Hon'ble Lokayukta.

dt: 20-3-2020 received.

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

~~Issue fresh notice to the parties concerned.~~

~~Call on 28.10.2020.~~

~~Secretary~~

(32)

-31-

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 order dated 06.02.2020.

Call on 28.10.2020.


Secretary

Complied para.

Tahasildar letter dt: 5-8-2020

Received.

AEE. BWSSB letter dt: 5-8-2020 & 23-7-2020
received.

RI, Babu letter & NIL - Received.

Sr. E.O. KSP CB Report dt: 4/9/2020
Received.

→ Reports are not received from
The Commissioner, Survey Settlement
and Land Records, Bengaluru;
The Commissioner, B.B.M.P.; Surveyors
ADLR, Bengaluru South Taluk;
A.E.E. B.B.M.P., Bengaluru and
Trustee, Sarakki Lake

Submitted for kind Orders
C.E. letter dt: 21.10.2020 received
28/10/2020

(33)

LOK/BCD-2686/2018

9.1] Secretary (Secretary)

Received a report dated 05.08.2020 from the Tahasildar, Bengaluru South Taluk stating that one Smt. Lathadevi .C. W/o Nagaraju .G who is the encroacher of lake in question has filed a Civil Suit in O.S. No. 144/2018 before the Principal City Civil and Sessions Judge, Bengaluru and in order to ascertain the area encroached upon by the said Lathadevi .C, a letter dated 04.02.2020 is addressed to the ADLR to survey the lake and submit the report. Further, the report indicates that after receipt of survey report from the ADLR, the Tahasildar will take steps for removal of encroachment.

22) Received a report dated 05.08.2020 from the AEE, BWSSB, Bengaluru stating that they have taken up the work of providing and laying 600 mm dia RCC NP-3 sewer line from Ashwathkatte to Newly constructed 5 MLD STP at Sarakki, work of providing and laying 600 mm dia RCC NP-3 sewer line from puttenahalli SWD to Ashwathkatte, Sarakki and work of providing 600 mm dia RCC NP-3 sewer line from puttenahalli SWD to Inchara Hotel. Along with the report, photographs relating to the work in progress and work orders are produced.

23) Received a report dated 04.09.2020 from the Sr. Environmental Officer, KSPCB, Bengaluru City about the inspection of lake in question. The report submitted indicates that;

- i. The area of the Sarakki lake is around 82.19 Acres.
- ii. The custodian of the lake is BBMP
- iii. The tank is completely fenced.
- iv. All the rejuvenation works of Sarakki lake is completed. The concrete work for walking path around the lake is under progress.
- v. The BMRCL has proposed to do plantations of 3000 saplings all around the tank. So far, they have planted about 300 plants. The whole plantation of saplings will be done in 3 phasses.
- vi. The department of fisheries have put 60,000 fingerlings in the month of Oct 2019 to do fish culture.
- vii. The BWSSB authorities have established, commissioned and operating the Sewage treatment plant of capacity of 5.0 MLD in the premises of Sarakki lake.
- viii. The sewage generated from the residential area like Govindappa layout, Jaraganahally and Jaraganahally village, new line of Banashankari & J.P. Nagar is treated in this STP. The average sewage flow to the STP was 4.0 MLD at the time of inspection.
- ix. There was no entry of sewage into the lake at the time of inspection.
- x. As per the analysis report of the lake water sample collected in the month of May-2020 falls under **Class D-Propagation of Wild life and fisheries**. The lake water sample

collected in the month of June-2020 & July-2020 is submitted to Board laboratory for analysis. The analysis report is awaited.

24) Received a report dated 21.10.2020 from the CE (Lakes), BBMP stating that they are awaiting the reports from the ADLR and Tahasildar of Bengaluru South Taluk relating to the survey of lake in question and removal of encroachment in the lake in question for the purpose of fencing the lake area.

25) The report is not received from the ADLR, Bengaluru South Taluk with regard to the survey of lake in question.

26) Hence, my lord, if approved;

×(i) Reminder will be issued to ADLR, Bengaluru South Taluk to submit the status report about the survey of lake in question.

×(ii) Notice will be issued to the Tahasildar, Bengaluru South Taluk to submit further action taken report about the steps taken for removal of encroachment in the lake in question and also about the status of civil suit filed by Smt. Lathadevi .C W/o Nagaraju .C.

—(iii) Notice will be issued to the AEE, BWSSB to submit the status report about the

(36)

35-

works taken up by the BWSSB to prevent the discharge of sewage into lake in question.

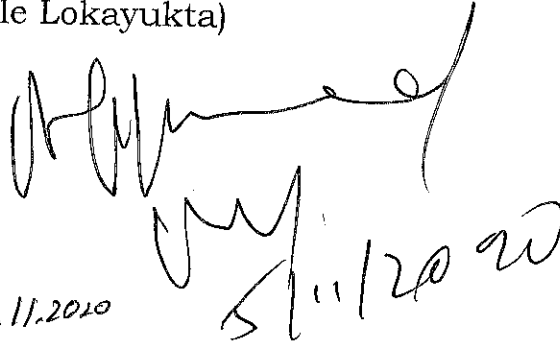
(iv) Notice will be issued to the CE (lakes), BBMP, Bengaluru to submit ~~the~~ further action taken report about the steps taken for rejuvenation of lake in question.

Call on 13.01.2020.

Submitted for kind orders.


Secretary

27) Hon'ble Lokayukta)


5/11/2020

→ Letter from the complainant dtd. 2.11.2020 received.

→ Report dtd. 24.11.2020 received from the A.E.E., B.W.S.S.B.

→ Report from the E.E., B.W.S.S.B. dtd. 4/12/2020 received

→ Acknowledgements received but reports are not received from the Tahasildar ADLR, Bengaluru South Taluk and CE, Lakes BBMP. Submitted for kind orders @ 13/1/21

28] Secretary:-

Received the copies of letters dated 04.12.2020 and 24.11.2020 from the Executive Engineer (Administration)-2, BWSSB and Assistant Executive Engineer (Administration)-5, BWSSB respectively addressed to the AEE, SWM (K & T)-2, BWSSB to take steps for preventing discharge of sewage into the lake in question and submit status report to this report to this authority. But, this office has not received any report from the said officer.

29) Reports are not received from the Tahasildar and ADLR of Bengaluru South Taluk and Chief Engineer (Lakes), BBMP.

30) 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 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.

31) Hence, my lord, if approved;

(i) Notice will be issued to the AEE, SWM(K & T)-2, BWSSB to submit the status report about the works taken up by the BWSSB to

38

prevent the discharge of sewage into the lake in question.

(ii) Reminder will be issued to the Tahasildar and ADLR of Bengaluru South Taluk and also to Chief Engineer (Lakes), BBMP, Bengaluru to submit the status reports as directed earlier and in the event of failure to submit the status report, they will be directed to be present in person on **03.03.2021 at 3:00 P.M.** with explanation for the delay.

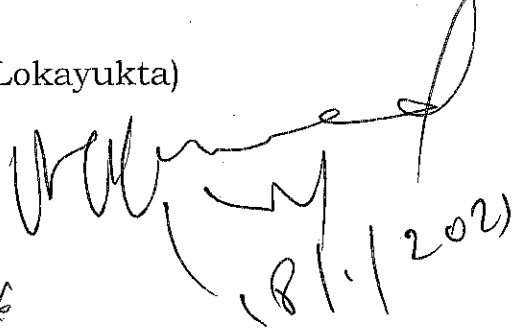
(iii) The present address of the complainant Sri. H.S. Doreswamy will be updated in the cause title of note sheet and the copy of this note will be forwarded to him for his information.

Call on 03.03.2021.

Submitted for kind orders.


Secretary

32) Hon'ble Lokayukta)


18/1/2021

→ Tahasildar, South Taluk
report dtd. 9/01/2021
received.

→ Chief Engineer, Lakes, B.B.M.P
report dtd. 30.01.2021 received.

(39)

→ A.D.L.R., Bengaluru South
Talak report dtd. 26.02.2021
received.

→ Acknowledgement received,
but report is not received
from the A.E.E, SWM [K&T]-2
B.W.S.S.B.
Submitted for kind orders
P

28) Secretary :-

Issue reminder
to A.E.E, SWM [K&T]-2
B.W.S.S.B. by 21-5-
2021
P
3/3

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

6

(50)

KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/LOK/BCD-2686/2018
(Sarakki 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



(41)

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 ಸರ್ತ್ಕಾಯ 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



(42)

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.

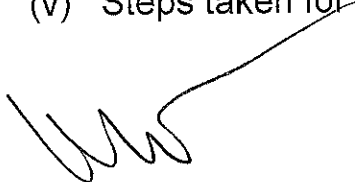
ತಮ್ಮ ವಿಧೇಯಕ,
ಸಹಿ/-
ಹೆಚ್.ಎಸ್. ದೊರೆಸ್ವಾಮಿ



U3

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.

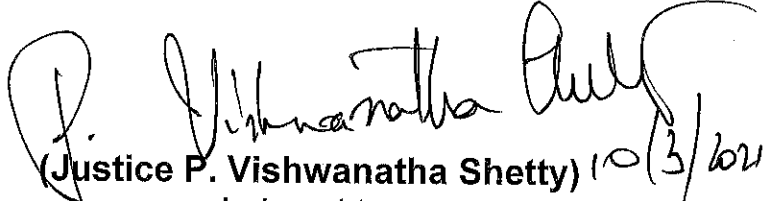


(44)

(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

→ Prof. K.S. Bhat letter
dtd. 12.03.2021 received
by mail.

(48)

29. As directed by the order of Hon'ble Lokayukta in view of the surge in Covid-19 cases, the matter is adjourned to 08.07.2021. However, the respondents are directed to submit their up-to-date action taken reports by 08.07.2021 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