

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

CASE NUMBER : **COMPT/LOK/BCD/646/2016**
District : **Bangalore (U)**

BY :

1. G.V. SUBRAMANYAM,
Akshaya, No. 3, BBMP 506, 11th Cross,
Vignana Nagar, New Thippasandra Post,
BENGALURU.

560075

Mobile/Landline:

COMPLAINANT/S


AGAINST :

- 1. COMMISSIONER,**
Bengaluru Development Authority,
BENGALURU.
- 2. COMMISSIONER,**
BBMP, BENGALURU URBAN District.
- 3. CHAIRMAN,**
Bengaluru Water Supply and Sewerage Board,
BENGALURU.
- 4. DEPUTY COMMISSIONER,**
DC Office, Bengaluru Urbana District.
- 5. CHIEF ENGINEER,**
Lakes BBMP, Bengaluru Urban District.
- 6. TAHASILDAR,**
Taluk Office, Bengaluru East Taluk,
BENGALURU.

RESPONDENT/S

Allegation/Grievance Brief : Dereliction of Duty.

Received From : By Hand-Received.
Received On : 08-03-2016


Seal and Signature

Complaint stands allotted to : ARE-1

SCRUTINY AND OPINION

put up on 1/6

8/10/13

- 5 -

KARNATAKA LOKAYUKTA : BENGALURU

NO: COMPT/Misc.506/2017
NO: COMPT/UPLOK/BCD/45/2017
NO: COMPT/LOK/BCD/646/2016

Date: 09-08-2017

ORDER

Chinnappannahalli Lake:

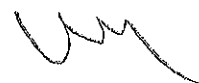
Smt. Seema Garg, Chief Executive Officer of Karnataka Lake Conservation & Development Authority along with Sri.K.G.V.Murthy, Legal Advisor is present.

2. Sri. V.V.Satish, Chief Engineer, Bruhat Bengaluru Mahanagara Palike (incharge of Lakes), Sri. Jagannatha Rao, Deputy Conservator of Forest, BBMP, are present.

3. Smt. Swetha Vijaykumar, Corporator of the area is present along with other residents of the area.

4. Sri. V.V. Satish, Chief Engineer, submitted that pursuant to the direction given by the Lokayukta, by means of order dated 25-07-2017, he has carried out the following directions:

- i. BBMP has fenced the area surrounding the temple;
- ii. Got cleaned the immersion pond provided for immersion of Ganesha statues/idols.



Sri. V.V.Satish has produced photographs showing the fencing of the surrounding temple area and also cleaning the pond. The photographs are placed on records.

5. Smt. Swetha Vijaykumar and other residents admitted that the work referred to above has been carried out by the BBMP. Smt. Swetha Vijaykumar submitted that, as assured by her on the last date of hearing, she would take immediate steps to get the solar lights installed surrounding the lake. The said submission is placed on record.

6. It was suggested by Smt. Swetha Vijaykumar, Corporator and Sri. Vijayakumar Reddy, Sri. Aravind Keerthi, Smt. Vidya Chaudhuri, Smt. Indira - residents of Chinnappanahally Lake area that they may have to raise at least a sum of Rs.1.50 Crore for the purpose of installing STP near Chinnappanahalli Lake. At this stage, Sri. Vijayakumar Reddy, submitted that, from his family Trust known as 'H.Thippa Reddy Foundation Trust' he will be able to organize and provide at least a sum of Rs.10.00 lakhs for the purpose of installing STP. The others referred to above, submitted that, they need some time to contact the corporate sector and find out their response for donating substantial money out of CSR funds. They submitted that they need at least six weeks time from the time the authorities of BBMP give the estimate and drawing.

7. Sri. V.V.Satish, Chief Engineer and Sri. Jagannatha Rao, Deputy Conservator of Forests of BBMP submitted that within five days from today they will give the estimate/project report and drawing to the residents to give a rough idea as to how they can go about to install STP. They agreed to give copies to Sri.Vijayakumar Reddy and Smt. Swetha Vijayakumar and Sri. Aravind Keerthy and Smt. Vidya Chaudhuri. Sri. Aravind Keerthy also assured everyone here that he will actually associate himself with all the residents of Chinnappanahally Lake area to organize funds and guide the members of the area to organize fund and more particularly from corporate sector.

8. Sri. V.V.Satish, Chief Engineer and Sri. Jagannatha Rao, Deputy Conservator of Forests of and also Smt.Vasanthi, Joint Commissioner of BBMP assured their full official support to the residents in their effort to install STP. Their statement is placed on record.

9. Sri. Vijayakumar Reddy also submitted that he along with his family members has already handed over an area measuring 1000 ft. length x 5 ft. width of land to enable for flow of sewage water surrounding the lake in Sy.Nos. 21, 22 and 23 of Chinnappanahalli, which is on the western side of the lake. Pursuant to the handing over possession of the said portion of the land a large extent work has also been done for the purpose of sewage. Sri. Ramakrishna

K.R, Executive Engineer, BWSSB submitted that, the remaining work will be done within two weeks. The statement of Sri. Ramakrishna K.R is placed on record. Sri. Vijayakumar Reddy also graciously agreed to consider executing Relinquish Deed conveying the title in respect of the property referred to above after discussing and securing the consent of his family members. For this he requires another eight weeks time. The Relinquishing Deed has to be executed in favour of Commissioner of BBMP. However, it is made clear that the statement made by Sri. Vijayakumar Reddy about his handing over 100 ft. x 5 ft., length of land etc., should not be understood as Lokayukta or anyone also in anyway approving the title in respect of the said property one way or the other.

10. It is pointed out by the residents of the area, the UGD work to connect the discharge of sewage water on the road running from apartments measuring about 200-300 meters work has not been carried out. Sri. Ramakrishna and Sri. Ramanand to speak to the concerned officers of BWSSB and suggest to them the work required to be done in the light of the suggestion made by the residents by the next date of hearing. Smt. Vijayalakshmi, Regional Environmental Officer, Karnataka State Pollution Control Board, Bengaluru, has submitted that she has visited some apartment there. In some of the apartments which are having less than 50 apartments, do not come under the control of Pollution Control Board. She submitted that the

- 9 -

Lok/B.C. - 646/2016

discharge of sewage water from the building which contains of 50 as lesser number of apartments may have to be linked with BWSSB sewerage line and since the sewerage line has not yet been done, the discharge of sewage water problem has arisen. The BWSSB has to take effective steps to attend the problem regarding discharge of sewage water from the buildings which are having less than 50 apartments. The progress report with regard to the discussion and the decision taken above, to be filed by the next date of hearing, by all the concerned.

List this on 08-11-2017 at 03-00 p.m.

Munekolalu Lake:

Smt. Vijayalakshmi, Regional Environmental Officer submitted that since the residents/owners of the association are due substantial money to Pollution Control Board towards renewal or grant of sanction to existing license, she could not made any order modifying the license conditions, as assured by her on the last date of hearing (i.e., on 25-07-2017). She submitted that she has already approached Vintage Owners Association and they have agreed to submit the application along with the payment of the amount due within five days time. She assured that needful would be done as assured by her on the late date of hearing within two weeks from today and submit a report to the Lokayukta, provided the number of

Lok/Bcd - 646/16 - 10 -

applications is made by the Association after payment of the amount due.

2. Sri. V.V. Satish, Chief Engineer submitted that needful will be done as stated on the last date of hearing with regard to the fixing of gate if need be.

Kundalahalli Lake:

It is pointed out that there is a land belonging to KIADB and a private person. In the said land on the south west garbage and debris are being dumped which emanate poisonous smell and health hazard. The Joint Commissioner, Bruhat Bengaluru Mahanagara Palike is to examine the grievance made and take the remedial measures and also to submit status report by the next date of hearing.

List this on 08-11-2017 at 03-00 p.m.

Doddanekkundi Lake:

Sri. P.N. Nayak, Engineer Member of Bengaluru Development Authority has submitted that about two days back Rs.1.00 Crore has been sanctioned for the purpose of fencing remaining 50% of the lake area and BDA will commence the fencing work within about 10-12 days time.

2. With regard to the grievance of President and other members of NeTRA, Sri. P.N. Nayak submitted that already a provision is made with regard to the electrification and

work will commence about 10-12 days. The above statement made by Sri. P.N.Nayak is placed on record.

3. Sri.Subramanya submitted that as they assured on the last occasion, they will install 4 mld STP at the earliest point of time. However, he submitted that the Association requires some time to organize the funds. He also suggested that the authorities may be directed to furnish estimate, design and cost including sketch/drawing, which is required for installing STP.

4. Sri. V.V.Satish, Chief Engineer, on my suggestion, though the lake does not fall within his jurisdiction, agreed to provide the design, estimate, etc., referred to above, to NeTRA within two weeks time. It is needless to mention that the President and other members of the Association are required to give all assistance to Sri. V.V.Satish, Chief Engineer to prepare the necessary estimate and the plan. Sri. Subramanya and other members of the Association submitted that they commence the work within about three months time from today i.e., from the date Sri. V.V.Satish furnishes the project, estimate, etc. The said statement is placed on record.

4. Members of VIKAS Team and Sri. Dattatreya Bhat submitted that they have taken positive steps to organize collection of funds. They submitted that they hope to start the work for installation of STP within a period of three months. Sri. V.V.Satish, Chief Engineer and other officers

of BBMP assured their co-operation to the Association in the matter of installation of STP.

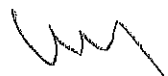
Vibhuthipura Lake:

Smt. Shubha Srinivas, Secretary of VIKAS Team submitted that they intend going for Bio-STP technology and in that connection, they have contacted 'ecoparadigm' (Paradigm Environmental Strategies (P) Ltd., and they intend to proceed with the work through them.

2. Smt. Vasanthi Amar Joint Commissioner, BBMP submitted that BBMP has already processed and taken effective steps for installing 44 CC Cameras, as assured on the last occasion and they were only required to identify the building with the assistance of the Association to install CC Cameras and only installation work is required to be done. She submitted that she will be able to get it done within about 10 days time.

3. Sri. Tejas Kumar, Tashildar, Bengaluru (East) and Survey Supervisor Sri. Krishna are present and they submitted that some portion of the land measuring about 13 guntas which have been encroached, the encroachments have been removed.

4. Since it is stated that are some slum occupants and also colony known as Shivashakti Colony, I am of the view, it would be in the interest of justice to suggest Sri. V.V.Satish, Chief Engineer and Tahsildar Sri. Tejas



Kumar and Survey Supervisor Sri. Krishna, to inspect the area and to give a status report and to suggest the ways and means by which the lake area could be protected/fenced. The Revenue authorities to explore the possibility of either shifting the slum people or take other steps to rehabilitate them if permissible. On the last occasion, on behalf of Bhoomi, it was submitted that they will meet the expenditure of fencing.

5. The Taluk Surveyor to comply with the direction given in the statement made on 07-07-2017 with a week.
6. Sri. Tejas Kumar has filed a report. The same is placed on record. The report submitted does not reflect the correct factual position with regard to proceedings pending before the court. He is directed to furnish the details regarding the proceedings pending before the court with reference to position as to whether any interim order granted by the court restraining the authorities from removal of the encroachment, etc.
7. Sri. Tejas Kumar, Tahsildar and Survey Supervisor Sri. Krishna submitted that they will take steps to finalize the survey and identify the boundary within ten days from today. However, they have pointed out, that the BBMP Engineers will have to put the boundary stones. Smt. M.S. Bhagyamma, has agreed to co-operate with the Tahsildar and ADLR. They submitted that they will be

visiting the lake area for the purpose of survey for fixing the boundary on 17-08-2017 at 09-30 a.m.

8. It is pointed out by the members of the Association, some unauthorized construction is put up within the lake area. The Bruhat Bengaluru Mahanagara Palike Zonal Engineer Smt. Bhagyamma to examine the grievances and submit status report.

9. On behalf of the BBMP, it is submitted that six Home Guards have been employed as agreed on the last date of hearing. It is also submitted on behalf of BBMP that the Gate has also been fixed, as assured.

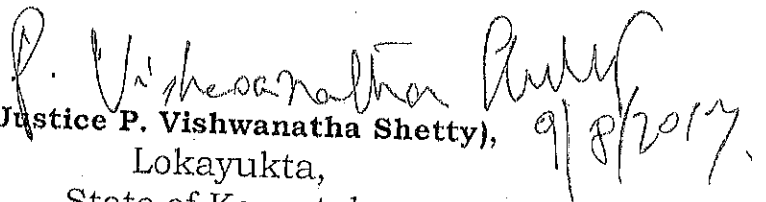
10. Smt. M.S.Bhagyamma, Asst. Executive Engineer, HAL Airport Sub-Division, BBMP submitted that with regard to two building in respect of objections were raised on the ground they have been constructed within the buffer zone of the lake, she has already written to the higher authorities, who have sanctioned the plan and she has also issued notice to builders to stop further construction of the building. She further submitted that she has also given a complaint to the local Police.

11. The Secretary and members of VIKAS Team submitted that the grant of license and the plan for construction of two buildings within the buffer zone, is totally illegal and unauthorized. It is needless to point out that, if building plan and the license had been granted in

violation of the Zonal Regulations, the concerned authorities will have to take remedial measures and withdraw the plan and license granted and stop further construction of the buildings in accordance with law. The Zonal Engineer i.e., Assistant Director of Town Planning, Office of the Joint Commissioner, Mahadevapura Zone, BBMP, White Field Main Road, Bengaluru-48 and the Joint Director of Town Planning, BBMP (North), N.R.Square, Bengaluru, are directed to **file status report within two weeks from today (i.e., on or before 23-08-2017).**

12. Further, it is needless to mention that the concerned authorities of the BBMP have a statutory obligation to ensure no construction is put up in violation of the Zonal Regulations 2015 and the license and plan granted by the BBMP.
13. Communicate the relevant portion of the order relating to unauthorized construction of two buildings referred to above to ADTP and JDTP, referred to above.
14. Communicate this order to the parties by post and also through e-mail.

List this case on 08-11-2017 at 03-00 p.m.


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

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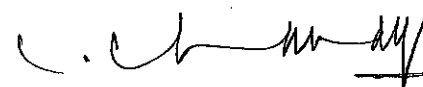
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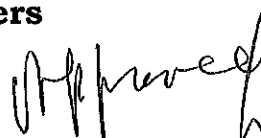
Lok/BCD-646/2016

This complaint is registered in respect the grievance made by Sri.G.V.Subramanyam representing NeTRA which is a registered society in respect of Doddanekundi lake, about pollution of Doddanekundi lake. The case was initially clubbed with No.compt/Lok/BCD-2253/2017. After wards by order dtd: 11.9.2017 this case was ordered to be listed separately for hearing.

Therefore this case may be taken up separately for hearing on 7.2.2019 at 3-00 PM.


ARE-1 5/12

12) **Hon'ble Lokayukta)**
For Kind orders


5/12/2019

13) 07/02/2019.

ಕಾ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಆದೇಶದಂತೆ
ಎದುರು ದಾರಲಗೆ ನೋಟಿಸ್
ಇೂ ಮೊಡಿದ್ದು ಸ್ವೀಕೃತಿ
ಮಂಡಿಸಿದೆ.

ARE-1.



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KARNATAKA LOKAYUKTA, BENGALURU

No.Compt/Misc.506/2017/ARE-1

Date :14.11.2018

O R D E R

Doddanekundi Lake -

Sri M.S.Chenniappan, President is present along with Sri G.V.Subramaniam, Ex-President of Nekkundi Tank Rejuvenation Association (NeTRA), Bengaluru. Pursuant to my order dated 16.8.2018, though the notice has been served on the Additional Director of Town Planning, BBMP, Bengaluru and Sri Vedamurthy, Assistant Executive Engineer, BDA, Bengaluru, nobody is present on behalf of BBMP and BDA.

2) However, Sri Vedamurthy.T, Assistant Engineer, BDA, Bengaluru has submitted a report dated 29.09.2018, wherein he has stated that the engineers concerned to Doddanekundi lake are Sri K.T.Thippeswamy, Technical Assistant-2 and Sri K.S.Swamy, Assistant Engineer, BDA, Bengaluru.

3) In the light of the request made in the said Status Report dated 29.09.2018 **issue notices to (1) Sri K.T.Thippeswamy,**



18

Lok | BCD-3283/18

Technical Assistant-2 & (2) Sri K.S.Swamy, Assistant Engineer, both working at BDA Head Office, Bengaluru.

They are directed to submit their Status Report by the next date of hearing.

4) Sri M.S.Chenniappan in the course of the proceedings submitted that the Doddanekkundi lake is in the process of development and if its custody is handed over from BDA to the BBMP, developmental activities can be expedited. He further submitted that it is appropriate to give direction to the BDA, if it cannot proceed with the developmental activities to fully rejuvenate the lake. He also further submitted that the BDA has completed the task assigned by the Government and the BDA is now required to handover the lake to the BBMP for maintenance and further development of the lake. In the light of the said submission made by Sri M.S.Chenniappan, BDA to consider handing over the lake to the BBMP in accordance with law and such decision shall be taken by the BDA within eight weeks from the date of receipt of this Order.

5) I am of the view, it is also desirable to make the Commissioner, BBMP, Bengaluru as respondent to this

LOR/BCD-3283/18³
- 19 -

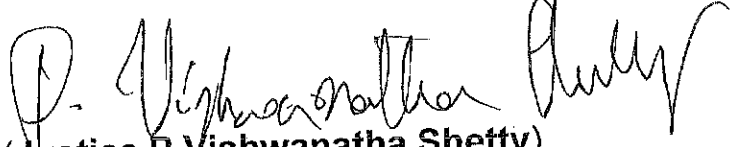
proceeding and the office shall implead Commissioner, BBMP, Bengaluru as respondent. BDA to file the Status Report with regard to the steps taken to handover the lake to the BBMP on or before 7th February 2019 at 3.00 p.m.

Communicate this order to the parties concerned. List this case on 7th February, 2019 at 3.00 p.m.

Chinnappannahalli Lake -

Nobody is present on behalf of the members of the public. Smt.Bupradha, Assistant Executive Engineer is present on behalf of the Commissioner, BBMP, Bengaluru.

List this case on 7th February, 2019 at 3.00 p.m.


(Justice P.Vishwanatha Shetty)
Lokayukta
State of Karnataka

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Additional Registrar of Enq.1

18) 07/02/2019.

ARE-1

ನಿ. ಕುಸುಮಯ್ಯ
- ಕವರ ಅಧಿಕಾರಿ
ವಿಧಾನಸಭೆಯ ಸುಯೋಗ
ಕೋ ಮುಖ್ಯಸ್ಥರು ಸಹಜ
ಮುಖ್ಯಸ್ಥರು
ಸರ್ಕಾರಿ ಅಧಿಕಾರಿ.

ತಾಂತ್ರಿಕ ಸಹಾಯಕರು-೨ ಸೆ.ಆರ್.ಆರ್.

ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ

ಪ್ರಾಧಿಕಾರ & ತಾಂತ್ರಿಕ

ಸಹಾಯಕರು - ೨, ಬೆಂ.ಅ.ಪ್ರಾ.

- ಸವರೆ ಜಿಲ್ಲೆ ದಿ: 16/01/2019

ಬಂದಿರುತ್ತದೆ.

- 21 -

KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-646/2016/ARE-1

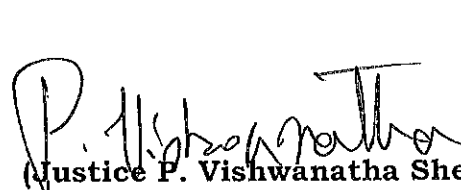
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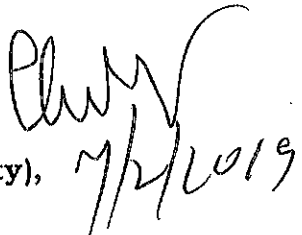
ORDER

Chinnappanahalli Lake:

So far as **Chinnappanahalli lake is concerned**, nobody is present on behalf of the public. Smt. Bhupradha, Asst. Executive Engineer (Lakes), Bruhat Bengaluru Mahanagara Palike has submitted that the pathway has been reset and Kerbs have been laid and diversion drain has also been carried out. She submitted that since the money has been sanctioned, steps are being taken to install STP, which will take around eight months time from today. In the light of said statement made by Smt. Bhupradha, by the next date of hearing, status report to be filed with regard to the steps taken.

List this case on **14-05-2019 at 03-00 p.m.**


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



AS*

22 -
KARNATAKA LOKAYUKTA : BENGALURU

No: Compt/Lok/BCD-646/2016/ARE-1

Date: 07-02-2019

ORDER

Shri. M.S.Chenniappan, President of Nekkundi Tank Rejuvenation Association (NeTRA), Bengaluru is present along with Sri. G.V.Subramaniam, Ex-President of the Association.

2. In my order dated 14-11-2018 at Paragraph 4, I have observed as follows:

“Sri M.S.Chenniappan in the course of the proceedings submitted that the Doddanekkundi lake is in the process of development and its custody is handed over from Bengaluru Development Authority to the BBMP, developmental activities can be expedited. He further submitted that it is appropriate to give direction to the Bengaluru Development Authority, if it cannot proceed with the developmental activities to fully rejuvenate the lake. He also further submitted that the BDA has completed the task assigned by the Government and the BDA is now required to handover the lake to the BBMP for maintenance and further development of the lake. In the light of the said submission made by Sri M.S.Chenniappan, BDA to consider handing over the lake to the BBMP in accordance with law and such decision shall be taken by the

Bengaluru Development Authority within eight weeks from the date of receipt of this Order”.

3. Smt. Deenapavana, Assistant Executive Engineer, BDA is present. She submitted that the BDA has already sent a proposal to the State Government for handing over the lake to Bruhat Bengaluru Mahanagara Palike. She further pointed out that the order is yet to be passed by the Government to hand over the lake to Bruhat Bengaluru Mahanagara Palike. Smt. Bhupradha, Asst. Executive Engineer (Lakes), Bruhat Bengaluru Mahanagara Palike fairly admitted that the file is before the Additional Chief Secretary to Government, Urban Development Department, Government of Karnataka, and as soon as the lake is handed over to the Bruhat Bengaluru Mahanagara Palike, steps will be taken by the Bruhat Bengaluru Mahanagara Palike to develop the lake.

4. Since the observation made by me in my earlier order dated 14-11-2018 as extracted above, nothing appears to have been done by the concerned authorities.

5. In the light of what is stated above, I am of the view, that it is in the interest of justice to direct the Additional

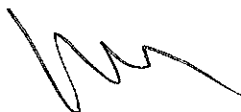
Chief Secretary to Government, Urban Development Department, Government of Karnataka, Bengaluru to take appropriate decision for the purpose of handing over the lake to the Bruhat Bengaluru Mahanagara Palike in the light of the proposal made by the Bengaluru Development Authority within four weeks from the date of receipt of this order. It is needless to point out that any delay in taking the decision will have adverse effect on public interest. I am sure, the matter will be considered by the concerned objectively and immediate decision will be taken keeping in mind the public interest. On receipt of the order that may be passed by the Government, it is needless to point out that steps are required to be taken by the Bruhat Bengaluru Mahanagara Palike for the purpose of rejuvenation of the lake. The Bruhat Bengaluru Mahanagara Palike is given another eight weeks time to file the status report with regard to the steps that may take for the rejuvenation of the lake.

6. Sri. M.S.Chenniappan is reserved liberty to give appropriate representation to the Bruhat Bengaluru Mahanagara Palike for the purpose of development of the

lake. On such representation being submitted by Sri. M.S.Cehnniappan, I am sure, the Bruhat Bengaluru Mahanagara Palike will consider it keeping in mind the larger public interest. Sri. M.S.Chenniappan submitted that recently some member of the public have encroached upon the lake bed and removed the fencing put by the Bengaluru Development Authority and shifted the fencing. According to him, this is not permissible and at the instance of the Association, the Bengaluru Development Authority has given a Police complaint against the encroachers. I am sure, the jurisdictional Police will examine the complaint given and take appropriate action against the person who is stated to have encroached upon the lake bed/lake land, in accordance with law.

Communicate this order to the Police Inspector, HAL Police Station, Bengaluru.

7. It is also needless to mention that till the lake is handed over to the Bruhat Bengaluru Mahanagara Palike, it is the responsibility of the Bengaluru Development Authority to protect the lake and lake area. If somebody has encroached the lake area, it is the duty of the

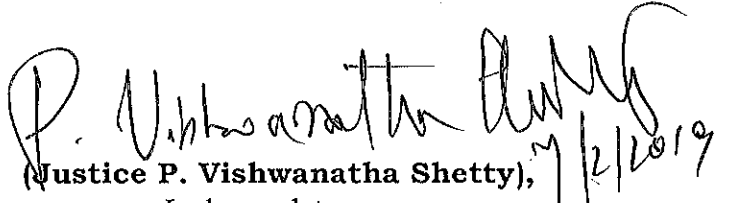


26 - Lok/BCD - 646/2016 .

Bengaluru Development Authority to remove the encroachment and restore the lake area to its original position.

Communicate this order to the parties concerned.

List this case on 14-05-2019 at 03-00 p.m.


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

AS*

14) 14/05/2019.

ARE-1.

ನಾ. ಲೋಕಾಯುಕ್ತೆ -
- ರವರ ಆದೇಶದಂತೆ
ಮಾಹಿತಿಗಾರರು & ಎದುರು -
ದಾರರಿಗೆ ನೋಟೀಸ್
ಜಾರಿ ಮಾಡಿ, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿ.
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ,
ನಗರಾಭಿವೃದ್ಧಿ ಇಲಾಖೆ
- ರವರ ಪತ್ರದ ದಿ: 19/03/2019
ಬಂದಿದ್ದು, ಮಾನ್ಯರ ಮೂಲಿನ
ಆದೇಶಕ್ಕಾಗಿ ಮುಂಡಿಸಿದೆ.

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KARNATAKA LOKAYUKTA

No:Compt/LOK/BCD-646/2016

Date: 14-05-2019

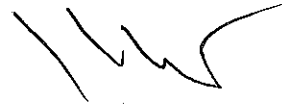
ORDER

Doddanekkundi Lake:

On behalf of the complainant Sri M.S.Chenniappan, President of Nekkundi Tank Rejuvenation Association (NeTRA) is present along with Sri G.V.Subramaniam and Sri Somegowda.

2. On behalf of BBMP Smt. Bhupradha, Assistant Executive Engineer is present. On behalf of BDA Smt. Deenapavana, Assistant Executive Engineer is present.

3. In my order dated 07-02-2019, the Additional Chief Secretary to Government, Urban Development Department, Government of Karnataka was directed to take appropriate decision for the purpose of handing over the lake to the Bruhath Bengaluru Mahanagara Palike (BBMP) in the light of the



Lok/BCD-646/2016

- 28 -

proposal made by the Bengaluru Development Authority (BDA).

4. Smt Bhupradha has filed a status report dated 14-05-2019 along with copy of the Government Order dated 27-02-2019 passed by the State Government handing over Doddanekkundi Lake from BDA to BBMP pursuant to my order dated 07-02-2019 at para 5, directing the Additional Chief Secretary to take appropriate decision for the purpose of handing over the lake to BBMP. It is useful to extract para 5 of my order dated 07-02-2019 as well as the status report dated 14-05-2019 submitted by Smt Bhupradha, which reads as hereunder:

"5. In the light of what is stated above, I am of the view, that it is in the interest of justice to direct the Additional Chief Secretary to Government, Urban Development Department, Government of Karnataka, Bengaluru to take appropriate decision for the purpose of handing over the lake to the Bruhat Bengaluru Mahanagara Palike in the light of the proposal made by the Bengaluru Development Authority within four weeks from the date of receipt of this order. It is needless to point out that any delay in taking the decision will have adverse effect on public interest. I am sure, the matter will be considered by the concerned objectively and immediate decision will be taken keeping in mind the



public interest. On receipt of the order that may be passed by the Government, it is needless to point out that steps are required to be taken by the Bruhat Bengaluru Mahanagara Palike for the purpose of rejuvenation of the lake. The Bruhat Bengaluru Mahanagara Palike is given another eight weeks time to file the status report with regard to the steps that may take for the rejuvenation of the lake.”

“ವಿಷಯ: ಶ್ರೀ. ಚೇನಿಯಪ್ಪ ರವರು ದೊಡ್ಡನೆಕ್ಕುಂದಿ ಕೆರೆಯ ಅಭಿವೃದ್ಧಿ ಬಗ್ಗೆ ನೀಡಿರುವ ದೂರಿನ ಕುರಿತು.

- ಉಲ್ಲೇಖ: 1. ಸರ್ಕಾರ ಆದೇಶ ಸಂಖ್ಯೆ: ನಅಇ24 ಬೆಂಆಸೇ 2019, ದಿನಾಂಕ: 27-2-2019
2. ತಮ್ಮ ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಕಂ.ಲೋಕ್.ಮಿಸಲೇಸಿಸ್ 646/ 2016, ದಿನಾಂಕ: 15-2-2019.

ಮೇಲ್ಕಂಡ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಬೆಂಗಳೂರು ಪೂರ್ವ ತಾಲ್ಲೂಕು, ವರ್ತೂರು ಹೋಬಳಿಯಲ್ಲಿರುವ ದೊಡ್ಡನೆಕ್ಕುಂದಿ ಕೆರೆಯು ಈ ಹಿಂದೆ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದ ವಶದಲ್ಲಿದ್ದು ಉಲ್ಲೇಖ (1) ರ ಆದೇಶದಂತೆ ದಿನಾಂಕ: 6-5-2019 ರಂದು ಬೃಹತ್ ಬೆಂಗಳೂರು ಮಹಾನಗರ ಪಾಲಿಕೆಯ ಕೆರೆ ವಿಭಾಗಕ್ಕೆ ಹಸ್ತಾಂತರಿಸಿಕೊಳ್ಳಲಾಗಿರುತ್ತದೆ.

ಉಲ್ಲೇಖ (2) ರಲ್ಲಿ ತಾವು ತಿಳಿಸಿರುವಂತೆ ಶ್ರೀ. ಚೇನಿಯಪ್ಪ ರವರು ದೊಡ್ಡನೆಕ್ಕುಂದಿ ಕೆರೆಯಲ್ಲಿರುವ ಒತ್ತುವರಿವನ್ನು ತೆರವುಗೊಳಿಸುವ ಬಗ್ಗೆ ಹಾಗೂ ಅಭಿವೃದ್ಧಿ/ನಿರ್ವಹಣೆ ಕಾಮಗಾರಿಯನ್ನು ಕೈಗೊಳ್ಳಲು ಕೋರಿರುವ ಮೇರೆಗೆ ಸದರಿ ಕೆರೆಯನ್ನು ಈ ಕಛೇರಿಯಿಂದ ತಪಾಸಣೆ ಕೈಗೊಂಡು ಸಂಬಂಧಪಟ್ಟ ತಹಶೀಲ್ದಾರ್ ಹಾಗೂ ಭೂದಾಖಲೆಗಳ ಸಹಾಯಕ ನಿರ್ದೇಶಕರವರೊಂದಿಗೆ ವ್ಯವಹರಿಸಿ ಮುಂದಿನ ಕ್ರಮ ಕೈಗೊಳ್ಳಲಾಗುವುದು. ಈಗಾಗಲೇ ಸದರಿ ಕೆರೆಗೆ ಪಾಲಿಕೆ ವತಿಯಿಂದ ಗೃಹ ರಕ್ಷಕ ಸಿಬ್ಬಂದಿಯನ್ನು ನಿಯೋಜಿಸಲಾಗಿದ್ದು ಯಾವುದೇ ಮುಂದಿನ ಒತ್ತುವರಿಯಾಗದಂತೆ ಕ್ರಮ ವಹಿಸಲಾಗುವುದು.

ಸದರಿ ಕೆರೆಯನ್ನು ಈಗಾಗಲೇ ಬೆಂಗಳೂರು ಅಭಿವೃದ್ಧಿ ಪ್ರಾಧಿಕಾರದಿಂದ ಅಭಿವೃದ್ಧಿ ಪಡಿಸಲಾಗಿದ್ದು, ದೂರು ದಾರರು ಕೋರಿರುವಂತೆ ಸದರಿ ಕೆರೆಯ ಅಭಿವೃದ್ಧಿ/ನಿರ್ವಹಣೆ ಕೈಗೊಳ್ಳಲು ಅವಶ್ಯವಿರುವ ಅಂದಾಜನ್ನು ತಯಾರಿಸಿ ಪಾಲಿಕೆಯ ಅನುದಾನದಲ್ಲ ಮೀಸಲಿಡಿಸಲು ಪ್ರಸ್ತಾವನೆಯನ್ನು ಸಲ್ಲಿಸುವ ಕ್ರಮ ವಹಿಸಲಾಗುವುದು.”

5. The status report extracted above indicates that the steps are being taken to develop the lake. However, it is necessary to refer the statement made on behalf of the NeTRA and the complainant that

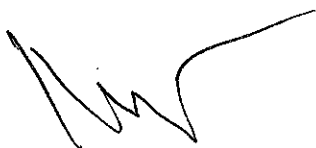


they would install 4 MLD STP to the lake in question at the earliest. In this connection, it is useful to extract paragraph 3 & 4 of my order dated 09-08-2017:

"3. Sri. Subramanya submitted that as they assured on the last occasion, they will install 4 mld STP at the earliest point of time. However, he submitted that the Association requires some time to organize the funds. He also suggested that the authorities may be directed to furnish estimate, design and cost including sketch/drawing, which is required for installing STP.


4. Sri. V.V. Satish, Chief Engineer, on my suggestion, though the lake does not fall within his jurisdiction, agreed to provide the design, estimate, etc., referred to above, to NeTRA within two weeks time. It is needless to mention that the President and other members of the Association are required to give all assistance to Sri. V.V. Satish, Chief Engineer to prepare the necessary estimate and the plan. Sri. Subramanya and other members of the Association submitted that they commence the work within about three months time from today i.e., from the date Sri. V.V. Satish furnishes the project, estimate, etc. The said statement is placed on record."

6. However, Sri Subramanya and others submitted that, they have made some progress in the matter of consulting experts for the purpose of installing STP and they also pointed out, though a statement was made by the then Chief Engineer Sri V.V. Satish, that he would give necessary design



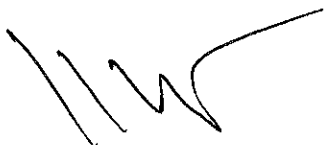
for the purpose of installing STP, till now the same has not been given.

7. Smt Bhupradha submitted that, she would be visiting the lake within about a week's time in the presence of the members of the NeTRA and other experts and in the light of the discussion that may take place, she would make concrete suggestion to the members of the NeTRA and give proposal for the purpose of installing 4 MLD STP to the lake in question. On behalf of the NeTRA it is submitted, since the lake is handed over to the BBMP, they would be able to raise fund from the members of the public and after examining the requirement of the nature of the STP to be installed, they will make all the efforts to install 4 MLD STP within a period of eleven months from the date of handing over of the design and the project report to the complainant. Smt. Bhupradha submitted that, she will give the design and the project report for the purpose of installation of STP within two weeks after inspection



of the lake. The statement made by Smt. Bhupradha is placed on record. It is needless to point out that the BBMP is required to cooperate with the complainant in the matter of installation of 4 MLD STP by the NeTRA and other members. Smt Bhupradha to submit status report with regard to the design and project report to be given by her to the complainant within four weeks from today. The complainant to submit a status report setting out the details of the steps they intend to take/have already taken within three months from today. On such status report being filed, ARE-1 to go through the same and submit his scrutiny note.

8. It is pointed out by Sri Chenniappan that steps are required to be taken by the BBMP to remove the encroachments and prevent removal of fencing already in existence. It is submitted by Smt. Bhupradha that homeguards are deputed to prevent any such encroachment. Since, it is pointed out by the complainant that there are encroachment, BBMP



is required to remove the encroachment and for the said purpose the Joint Director of Survey and Settlement, Bengaluru East and the Tahsildar, Bengaluru East are directed to get the lake surveyed and identify the encroached portion within eight weeks from the date of receipt of this order. Smt Bhupradha also to make a request to the Joint Director of Survey and Tahsildar to survey the lake as indicated above.

9. Communicate this order to Joint Director of Survey and Settlement, Bengaluru East and the Tahsildar, Bengaluru East. The Joint Director and the Tahsildar should file the status report with regard to the survey conducted by them within a week from the date of survey. On such survey being done, the BBMP to take steps for removal of the encroachment if any as stated above in the light of the survey report.

10. It is needless to point out that the jurisdictional police are required to give necessary assistance to



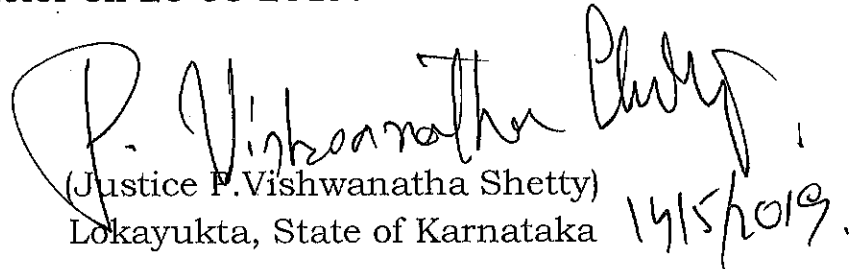
the BBMP for the purpose of removal of encroachment.

11. List this after three months to consider the status report to be filed for the purpose stated above.

The presence of the parties on the next date of hearing is dispensed with.

12. Communicate this order to the parties concerned and to the Joint Director, Survey & settlement, Bengaluru East, the Tahsildar, Bengaluru East and to the Jurisdictional police.

List this matter on 20-08-2019.


(Justice P. Vishwanatha Shetty)
Lokayukta, State of Karnataka 14/5/2019.

ck*

ARE-1)

- 35 -

KARNATAKA LOKAYUKTA

No:Compt/LOK/BCD-646/2016

Date: 14-05-2019

ORDER

Chinnappannahalli Lake:

So far as Chinnappannahalli lake is concerned, nobody is present on behalf of the public.

2. In my earlier order dated 07-02-2018 Smt. Bhupradha, Assistant Executive Engineer (Lakes), Bruhath Bengaluru Mahanagara Palike has assured that the pathway has been reset and Kerbs have been laid and diversion drain has also been carried out. Since the money has been sanctioned, steps are being taken to install STP. But no status report is filed by her.

3. Therefore, Smt. Bhupradha is directed to submit her status report on the above said matter within three months from the date of receipt of this order.



4. Communicate this order to the parties concerned.

List this matter on 20-08-2019.

P. Vishwanatha Shetty
(Justice P. Vishwanatha Shetty) 17/5/2019
Lokayukta, State of Karnataka

ck*

ARE-1)

15) 20/08/2019.

ARE-1.

ಸೌ. ಲೋಕಾಯುಕ್ತೆ -
-ರವರ ಆದೇಶದಂತೆ
ಎಡುರುದಾಕುರಿಗೆ ನೋಟೀಸ್
ಜಾರಿ ಮಾಡಿತ್ತು, ಸ್ವೀಕೃತಿ
ಮಾಡಿಸಿದೆ.

16

In the order dated 14.05.2019 the Joint Director of Survey and Settlement, Bengaluru East and Tahasildar, Bengaluru East taluk were directed to get Doddanekkundi lake area surveyed and identify the encroached portions if any and to submit status report within nine weeks. Though the case was listed on 20.08.2019 either Joint Director of Survey and settlement or Tahasildar, East taluk have not submitted report.

Therefore if approved a reminder will be issued to Joint Director of Survey and Settlement and Tahasildar, Bengaluru East taluk to immediately get Doddanekkundi lake area surveyed and submit report, failing which they may be directed to appear in person on 27.11.2019 to explain the reasons why they did not comply the direction.

L. Chandraiah
ARE-1
21/8

16) Hon'ble Lokayukta)
For Kind orders

Approved
22/8

president, NETRA letter dt: 06/10/19

received.

ACK. received from Tahasildar, B'lore East.

But Report not received. & submitted
for kind orders.

17) ARE-3 -

LOK/BCD-646/2016

17) DRE-3)

Received letter dated 06.10.2019 from the President, Nekkundi Tank Rejuvenation Association (NeTRA) stating that recently some members of the public had encroached upon the lake area by removing the fencing put up by the BDA. The said letter is placed on record.

18) Though the reminder has been served upon the Joint Director of Survey and Settlement and Tahasildar, Bengaluru East Taluk, they have not submitted status report with regard to the steps taken for survey of lake in question and removal of encroachment.

19) As per order dated 14.05.2019, the Assistant Executive Engineer (Lakes), BBMP, Bengaluru was required to submit status report with regard to the installation of STP. But, no such report is received.

20) Hence, my lord, if approved,

(i) notice will be issued to the ADLR & Tahasildar of Bengaluru East Taluk to carryout the survey work of Doddanekkundi lake area and to take immediate steps for removal of

encroachments if any in accordance with law and submit report within 30.01.2020. In the event of failure to submit report, they will be directed to appear before the Hon'ble Lokayukta on 14.02.2020 at 3:00 P.M. to explain the reason for not complying with the direction of Hon'ble Lokayukta.

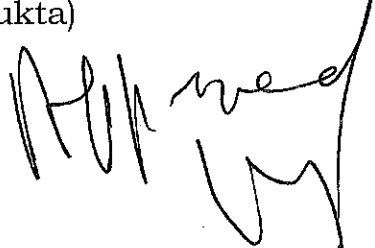
(ii) Notice will be issued to the authorities of BBMP to submit report regarding installation of STP.

Call on 14.02.2020.

Submitted for kind orders.


DRE-3

21) Hon'ble Lokayukta)


27/11/2019

Complied Para. 20
on 28/11/19

ADLR Report dt. 10-2-2020
received.

Tahasildar of BBMP. ABE Report
not received. Acknowledgment received
& submitted for kind orders.

22) DRE-3.

LOK/BCD/646/2016

22) DRE-3)

Received report dated:10.2.2020 from the ADLR, Bangalore East Taluk, Bangalore along with survey sketch of Doddanekkundi Lake. The report submitted indicates that the survey work of Lake in question has been carried out and an extent of 2 acres 6 guntas of lake area in Sy.No.200 of Doddanekkundi Village has been encroached upon.

In this regard the Tahasildar, Bangalore East Taluk, Bangalore is required to take steps for removal of encroachment as indicated in the survey report submitted by ADLR, Bangalore East Taluk, Bangalore.

23) Though, the notice was served upon the authorities of BBMP, report regarding installation STP at Doddanekkundi lake is not received.

Hence, my lord, if approved:

- i) Notice will be issued to Tahasildar, Bangalore East to take steps for removal of encroachment report to have been made in Doddanekkundi lake area and submit report.

41-BED/646/16-DRE-3

- ii) Reminder will be issued to the authorities of BBMP to submit report regard the status of installation of STP at Doddanekkundi Lake and submit report.

Call on 02.05.2020

Submitted for kind orders.


DRE-3

24) Hon'ble Lokayukta)


14/2/2020

Complied para. 23

BBMP. CE. Letter dt 18/2/2020

received

This matter was directed to be listed on 02.05.2020. 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

- 42 -

COVID-19 Pandemic outbreak. Hence, this matter could not be listed on that day.

Issue reminder to the Tahasildar, Bangalore East Taluk to submit the status report by 10.08.2020.

Copyied para


DRE-3

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.

*Report not received
from tahasildar &
submitted for kind
orders.*

25) Secretary :-

LOK/BCD/646/2016

25. The report is not received from the Tahasildar, Bengaluru East Taluk, Bengaluru.

26. Hence, issue reminder to Tahasildar, Bengaluru East Taluk, Bengaluru to submit the report as directed earlier by 03.11.2020.


Secretary

Complied para.

*Tahasildar Lett dt 10-8-2020
received.*

*Submitted for kind orders
@
3/11/2020*

27/11/2020
Secretary:-

Purush

10-11-2020

 ic

28] Secretary :-

LOK/BCD-646/2016

28) Secretary)

Received a report dated 10.08.2020 from the Tahasildar, Bengaluru East Taluk, K.R. Pura stating that they have addressed a letter to the ADLR for furnishing the survey sketch and report with respect to the encroachment in the lake in question and so far they have not received the report. Further, it is stated that since the Tahasildar is engaged in Covid-19 duty, some more time is required for taking steps in the matter for removal of encroachment. The material on record indicates that on 10.02.2020, the ADLR, Bengaluru East Taluk has submitted a report along with the survey sketch indicating the area of encroachment in the lake in question. The copy of the survey report may be forwarded to the Tahasildar to enable him to take steps for removal of encroachment in the lake in question.

29. Received a report dated 18.02.2020 from the Chief Engineer (lakes), BBMP. The report submitted indicates that the lake in question is in the control/supervision of BBMP since 06.05.2019, letters have been addressed to the Deputy Commissioner, Bengaluru Urban District for taking steps for removal of encroachment in the lake in question, for the purpose of rejuvenation of lake in question, BBMP has

entered into a Memorandum of Understanding dated 25.10.2019 with Nekkundi Tank Rejuvenation Association under Corporate Social Responsibility funds and BBMP in its 2019-20 Budget reserved Rs.18 lakhs for the purpose of maintenance of the lake in question. In this connection, the tender process has already been initiated. Along with the report, the copy of Memorandum of Understanding, Tender document etc., are produced.

30) Hence, my lord, if approved;

(i) The survey report dated 10.02.2020 submitted by the ADLR, Bengaluru East Taluk will be forwarded to the Tahasildar, Bengaluru East Taluk to enable him to take steps for removal of encroachment in the lake in question and submit the status report.;


(ii) Notice will be issued to the Chief Engineer (Lakes), BBMP to submit further action taken report with respect to the rejuvenation of lake in question.

Call on 19.01.2021.

Submitted for kind orders.



Secretary

31) Hon'ble Lokayukta)


18/11/2020

→ Chief Engineer, Lakes.
BBMP, report dtd. 5.1.2021
received.

→ Acknowledgement received
but report is not received
from the Tahasildar
Bengaluru East taluk.
Submitted for kind orders


19/01/2021

32] Secretary

32. Received a report dated 05.01.2021 from the Chief Engineer, Lakes, BBMP. The report submitted indicates that the survey of lake in question is under progress for the purpose of identifying the encroachment. Further, the report indicates that for the purpose of maintenance of the lake in question Rs.18 lakh was reserved in 2019-20 budget of BBMP and the work order has been issued for the purpose of cleaning, pitching and deweeding.

33. Report is not received from the
Tahasildar, Bengaluru East Taluk.

34. Hence, My Lord, if approved,

- i. Reminder will be issued to the
Tahasildar, Bengaluru East Taluk
to submit the status report with
regard to the steps taken for
removal of encroachment in the
lake in question. In the event of
failure to submit the report, he will
be directed to appear in person on
19.03.2021 at 3.00 p.m along with
explanation for the delay.

Call on 19.03.2021.

Submitted for kind orders.


35. Hon'ble Lokayukta)


21/1/2021


Secretary

→ Tahasildar, Bengaluru
East Taluk report dtd.
16.03.2021 received.

→ Submitted for kind orders.


19/3/2021

36) Secretary :-

36. Received a report dated 16.03.2021 from the Tahasildar, Bengaluru East Taluk stating that letters dated 30.10.2019 and 12.06.2020 have been addressed to the ADLR, Bengaluru East Taluk to furnish the survey sketch with regard to the lake in question and after securing the survey sketch steps will be taken for removal of encroachment.

37. Hence, My Lord, if approved,

- i. Notice will be issued to the ADLR, Bengaluru East Taluk to submit the status report with regard to the survey of lake in question.
- ii. Notice will be issued to the Tahasildar, Bengaluru East Taluk to submit further action taken report with regard to the removal of encroachment in the lake in question.
- iii. Notice will be issued to the Chief Engineer, Lakes, BBMP to submit further action taken report with

regard to the rejuvenation of lake in question.

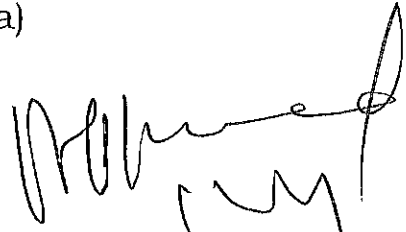
- v. Notice will be issued to the Chief Engineer, Lakes, BBMP, Tahasildar and ADLR, Bengaluru East Taluk to be present in person for hearing on the next date of hearing along with the status reports about the steps taken by them for rejuvenation of lake in question.

Call on 31.05.2021.

Submitted for kind orders.

38. Hon'ble Lokayukta)


Secretary


22/3/2021

→ Reports are not received from the A.D.L.R., Tahasildar, Bengaluru East Taluk and the Chief Engineer, Lakes, B.B.M.P.
Submitted for kind orders.
31/05/2021

39) Secretary

39. As directed by the Hon'ble Lokayukta in view of the surge in Covid-19 cases, the matter is adjourned to 30.08.2021. However, the concerned parties are directed to submit their up-to-date action taken reports by 30.08.2021 with regard to the steps taken by them for rejuvenation of lake in question as directed by the Hon'ble Lokayukta in the order dated 22.03.2021.


Secretary