

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

CASE NUMBER **COMPT/LOK/BCD/2577/2019**
:
District : **Bangalore (U)**

BY :

1. V.S. KANAKARAJ

No. 53, 80Ft Road, 3rd Blokck HBR Layout,
Bengaluru.

560043

Mobile/Landline: 09844040351

2. VASATHA KOKILAM

No. 53, 80Ft Road, 3rd Blokck HBR Layout,
Bengaluru.

560043

Mobile/Landline: 09844040351

COMPLAINANT/S

AGAINST :

1. COMMISSIONER

BDA, Bengaluru.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of duty

Received From : In Person

Received On : 18-09-2019

Seal and Signature

Complaint stands
allotted to : ARE-1

SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA

No:Compt/LOK/BCD-2577/2019 Date:02-08-2021

ORDER

The complainant Sri V.S.Kanakaraj and his wife Smt. Vasantha Kokilam Kanakaraj are present.

2. Pursuant to my order dated 28-07-2021 Sri C.L.Anand, Secretary, Bengaluru Development Authority (hereinafter referred to as 'BDA' for short) is present along with Sri Manjunath, First Division Assistant, BDA, Bengaluru.

3. Sri Anand has filed a Letter of Confirmation dated 31-07-2021 confirming that the site bearing No.3504/C measuring 2500 sq.ft situated at HAL 2nd Stage, Bengaluru which was sold to the complainants Sri V.S.Kanakaraj and his wife Smt. Vasantha Kokilam Kanakaraj in an auction was confirmed in their favour. It is useful to extract the said Letter of Confirmation which reads as hereunder:



"ದಿನಾಂಕ:31.07.2021

ನಿವೇಶನದ ಸ್ಥಿರೀಕರಣ ಪತ್ರ

ವಿಷಯ: ಹೆಚ್.ಎ.ಎಲ್. 2ನೇ ಹಂತ ಬಡಾವಣೆಯ 13.72x18.29

ಮೀ ಅಳತೆಯ ನಿವೇಶನ ಸಂಖ್ಯೆ 3504/ಸಿ ನ್ನು

ಸ್ಥಿರೀಕರಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ:ಮಾನ್ಯ ಆಯುಕ್ತರವರ ಆದೇಶ ದಿನಾಂಕ 31.07.2021.

* * * * *

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ದಿನಾಂಕ 23.08.2003 ರಂದು ನಡೆದ ಹರಾಜಿನ ಮೂಲಕ ಹೆಚ್.ಎ.ಎಲ್ 2ನೇ ಹಂತ ಬಡಾವಣೆಯ 13.72x18.29 ಮೀ ಅಳತೆಯ ನಿವೇಶನ ಸಂಖ್ಯೆ 3504/ಸಿ ನ್ನು ಶ್ರೀ ಎಸ್.ವಿ. ಕನಕರಾಜ್ ಮತ್ತು ಶ್ರೀಮತಿ ವಸಂತ ಕೋಕಿಲಂ ಆದ ತಾವುಗಳು ಹರಾಜಿನಲ್ಲಿ ಖರೀದಿಸಿದ್ದು, ದಿನಾಂಕ 23.03.2005 ರಂದು ಹರಾಜು ಮಾರಾಟ ಕ್ರಯಪತ್ರ ನೋಂದಾಯಿಸಿ, ಸ್ವಾಧೀನ ಪತ್ರವನ್ನು ನೀಡಲಾಗಿರುತ್ತದೆ.

ನಂತರ ಬೆಂಗಳೂರು ದಕ್ಷಿಣ ತಾಲ್ಲೂಕು, ಯಡಿಯೂರು ಗ್ರಾಮದ ಸರ್ವೆ ನಂ. 41/2 ಮತ್ತು 42/1 ರಲ್ಲಿನ 19.5 ಗುಂಟೆ ಜಮೀನನ್ನು ಹಿಂದಿನ ವಿಶ್ವಸ್ತ ಮಂಡಳಿಯು ಉಪಯೋಗಿಸಿಕೊಂಡಿರುವುದರಿಂದ, ಇದಕ್ಕೆ ಬದಲಿಯಾಗಿ ಮಾರ್ಪಡಿತ ಬಡಾವಣೆ ನಕ್ಷೆಯಂತೆ ಇದೇ ಮೇಲ್ಕಂಡ ನಿವೇಶನಕ್ಕೆ 2293 ಎಂದು ಹೊಸ ಸಂಖ್ಯೆಯನ್ನು ನೀಡಿ, ಸದರಿ ನಿವೇಶನವನ್ನು ಪ್ರಾಧಿಕಾರದಿಂದ ಭೂಮಾಲೀಕರಾದ ಶ್ರೀ ರವಿಕುಮಾರ್ ಮತ್ತು ಶ್ರೀ ರಮೇಶ್ ರವರುಗಳ ಜಂಟಿ ಹೆಸರಿಗೆ ದಿನಾಂಕ 07.06.2017 ರಂದು ಹಂಚಿಕೆಮಾಡಿ, ದಿನಾಂಕ 15.03.2018 ರಂದು ಕ್ರಯ ಪತ್ರ ನೋಂದಾಯಿಸಲಾಗಿರುತ್ತದೆ. ನಂತರ ನಿವೇಶನಕ್ಕೆ 2293 ನ್ನು ಶ್ರೀ ಶಶಿಕುಮಾರ್ ನಾಯ್ಕ ಎಂಬುವವರು ದಿನಾಂಕ 23.07.2018 ರಂದು ಭೂಮಾಲೀಕರಿಂದ ಖರೀದಿಸಿರುತ್ತಾರೆ.

ಈ ಸಂಬಂಧ ಪ್ರಾಧಿಕಾರದ ಆರಕ್ಷಕ ಅಧೀಕ್ಷಕರು(ಜಾರಿದಳ) ವಿಭಾಗದಿಂದ ವರದಿ ಪಡೆಯಲಾಗಿ, ಹರಾಜು ನಿವೇಶನದಾರರಾದ ಶ್ರೀ ವಿ.ಎಸ್. ಕನಕರಾಜ್ ಮತ್ತು ಶ್ರೀಮತಿ ವಸಂತ ಕೋಕಿಲಂ ಎಂಬುವವರಿಗೆ ಹಂಚಿಕೆಯಾಗಿರುವ ನಿವೇಶನ ಸಂಖ್ಯೆ 3504/ಸಿ ಇದು ಕ್ರಮಬದ್ಧವಾಗಿರುವುದು ಕಂಡುಬಂದಿರುವುದರಿಂದ ಸದರಿಯವರಿಗೆ ಈ ನಿವೇಶನವನ್ನು ಸ್ಥಿರೀಕರಿಸಬಹುದಾಗಿರುತ್ತದೆ ಎಂದು ತಿಳಿಸಿರುತ್ತಾರೆ.

ಈ ಮೇಲ್ಕಂಡ ಅಂಶಗಳ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಹೆಚ್.ಎ.ಎಲ್ 2ನೇ ಹಂತ ಬಡಾವಣೆಯ 13.72x18.29 ಮೀ ಅಳತೆಯ ನಿವೇಶನ ಸಂಖ್ಯೆ 3504/ಸಿ ನ್ನು ಹರಾಜು ಮೂಲಕ ಖರೀದಿಸಿ, ಮೊದಲು ಕ್ರಯಪತ್ರ ನೋಂದಾಯಿಸಿ, ಸ್ವಾಧೀನ ಪತ್ರವನ್ನು ಪಡೆದಿರುವ ಶ್ರೀ ಎಸ್.ವಿ. ಕನಕರಾಜ್ ಮತ್ತು ಶ್ರೀಮತಿ ವಸಂತ ಕೋಕಿಲಂ ಆದ ನಿಮ್ಮಗಳ ಹೆಸರಿಗೆ ಸದರಿ ನಿವೇಶನವನ್ನು ಸ್ಥಿರೀಕರಿಸಿ ಮುಂದುವರಿಸಲಾಗಿದೆ ಎಂದು ಈ ಮೂಲಕ ತಿಳಿಸಿದೆ".

4. In the course of hearing Secretary, BDA pointed out that the entitlement of Sri Ravikumar and Sri Ramesh for allotment of a site on the ground that the land measuring 19.5 guntas in Sy.No.41/2 and 42/1 of Yadiyur Village, Bengaluru South Taluk was utilized by the BDA for the purpose of road has been referred to the SP, STF, BDA and on the basis of the report that may be submitted by the SP, STF, BDA after investigation further action will be taken with regard to the entitlement of Sri Ravikumar and Sri Ramesh for allotment of a site by the BDA or any other malpractice committed by the said two persons in collusion with the officials of the BDA or others. He explained to me that the reference made at paragraph two of the Letter of Confirmation is only narration of the facts set out in the records and by that it should not be understood as BDA accepting that the land measuring 19.5 guntas in Sy.No.41/2 and 42/1 belonging to Sri Ravikumar and Sri Ramesh was utilized by the BDA. I find, the stand taken by the BDA under the facts and



circumstances of the case is fair and reasonable. It is also necessary to place on record that in the proceedings dated 07-01-2020 the then Deputy Secretary-1 has made a statement which reads as follows:

"3) Sri M.S.N.Babu, Deputy Secretary-1, BDA, Bengaluru, submitted that the steps have already been taken to allot alternative sites to Sri Ravi Kumar and Sri Ramesh and it will be done within a period of one month from today. He further submitted that effective steps will be taken to clear the cloud that has been caused on the title of the complainant within a period of one month from today. The said statement is placed on record.


4) In the light of the assurance given by Sri M.S.N.Babu, Deputy Secretary-1, BDA, Bengaluru, I find it is unnecessary at this stage to make any further order in this case."

5. The materials on record shows that the complainants have purchased the site bearing No. 3504/C in a public auction held on 23-08-2003 from the BDA for a sum of Rs.64,74,252/-. In this



connection it is useful to extract para-3 of my order dated 05-11-2019, which reads as follows:

"3) It is the case of the complainant that the site in question was purchased by him in a public auction conducted by the BDA by paying valuable sale consideration of ₹64,74,252/-. Thereafter a sale deed dated 29.08.2005 was also registered in the name of the complainant and khata has also been transferred and possession certificate was issued in his name. He submits that all the documents stands in his name and he is also in possession of the site in question. His grievance is when he has become the absolute owner of the site having purchased the same in an auction held by BDA, Bengaluru, as back as on 23.8.2003, a document is purported to have been created by showing that the BDA has allotted the very site by giving a different number, while showing the schedule of the site of complainant, on 13.3.2018, to one Sri Ravi Kumar and Sri Ramesh for a sum of ₹2,580/- of the site measuring 2500 sq.ft. which was purchased by the complainant for a sum of ₹64,74,252/-, in the year 2005. It is also the case of the complainant that the said Ravi Kumar and Suresh by means of a Registered sale deed dated 23.7.2018 purported to have



sold the said site to one Sri G.Shankar & Sri Shashishekar Nayak s/o.Haridas Nayak, R/o.No.22, 4th Main, 2nd Cross, Katriguppe village, Banashankari 3rd Stage, Bengaluru - 560 085."

Therefore, it was not permissible for the BDA to allot the very site which was purchased by the complainants in a public auction to anyone else. However, it is explained to me that actually as a matter of fact the site in question was not allotted but a fake number was incorporated to a site which was not in existence by showing the boundaries of the site allotted to the complainants.

6. It is needless to point out that whoever prepared the records to superimpose to site No.3505/C by showing the boundaries of the site sold to the complainant in a public auction held on 23-08-2003 in respect of which a registered sale deed was executed has committed an act of fraud, cheating. Since it is pointed out by the Secretary, BDA that the matter is already referred to SP, STF,



BDA, I do not propose to say anything further in the matter except observing that nobody should disturb or interfere with the right, title, interest and possession of site No.3504/C sold to the complainants. If the site No. 2293 allotted to Sri Ravikumar and Sri Ramesh was a fake allotment showing the boundaries of the site of the complainant, it is needless to point out Sri Ravikumar and Sri Ramesh did not acquire any title or the interest in respect of the said site. Further, the said site was also allotted free of cost. It also prima-facie appears to me that the site No.2293 stated to have been purchased by Sri Shashishekar Naik from the allottees Sri Ravikumar and Sri Ramesh also will not get any title as the said allottees have not acquired any title. Further, on an investigation, if it is found that the actual land measuring 19.5 guntas in Sy.No. 41/2 and 42/1 belonging to Sri Ravikumar and Sri Ramesh was acquired and utilised by the BDA and they were eligible for allotment of any alternative sites under



“incentive scheme”, it is open to the BDA to allot any alternative site after strictly complying with the procedures prescribed without being influenced by the observations made by me in this order. But, their entitlement for allotment of an alternative site should not be understood as absolving the persons who are involved in creating false documents and putting the complainants in serious jeopardy and hardship and preventing ~~him~~ ^{them} from developing the site by putting up construction and action including initiation of criminal action against them in accordance with law.

7. The complainants, in the course of the proceedings submitted that they have already paid a sum of Rs.1,00,000/- (one lakh) as fees to their advocate Sri D.R.P. Babu and the total fees fixed was Rs.2,00,000/-(two lakhs) and therefore they should be compensated. **I am of the view having regard to the facts and circumstances of this case ~~that~~ ^{and} in order to relieve the hardship that is being faced**



by the complainants who are the senior citizen on account of the maladministration on the part of the concerned officials of the BDA, the complainants are entitled for some compensation from the BDA and regard being had to the facts and circumstances of case, compensation is fixed ^{at 2} to Rs.50,000/- to be paid by the BDA to the complainants within a period of eight weeks from today. However, the BDA is entitled and required to recover the said sum of Rs.50,000/- (fifty thousand) payable to the complainant with interest of 12% per annum from the concerned officials of the BDA who have built up fake records as stated above. The BDA is also directed to ensure that the possession of the site by the complainants is not disturbed either by Sri Ravikumar and Sri Ramesh or any one claim under them by providing necessary assistance, if required. BDA is also directed to file the action taken report including recovery of the compensation of a sum of Rs.50,000/- paid by them to the complainant from the concerned officials.



8. In terms stated above, this complaint is disposed of.

Communicate the copy of the order to all the parties concerned.


(Justice P. Vishwanatha Shetty) 2/8/2021
Lokayukta, State of Karnataka

ck*

ARE-1)