

CASE NUMBER : **COMPT/LOK/BCD/780/2021**

District : **Bengaluru (U)**

BY :

1. SUO MOTO

As per the Order of Honble Lokayukta, Dated.
20.03.2021.

Mobile/Landline:

COMPLAINANT/S

AGAINST :

1. CHIEF SECRETARY TO GOVERNMENT

Government of Karnataka, Vidhana Soudha,
Bengaluru.

**2. ADDITIONAL CHIEF SECRETARY TO
GOVERNMENT**

Urban Development Department, Vikasa Soudha,
Bengaluru.

3. SECRETARY TO GOVERNMENT

Urban Development Department, Vikasa Soudha,
Bengaluru.

4. DIRECTOR

Town Planning Department, M.S. Building,
Bengaluru.

5. COMMISSIONER

Bengaluru Development Authority, Bengaluru.

6. MEMBER SECRETARY

BIAPPA, No. 333/1, 1st Floor, V.J. Complex,
Nagondanahalli Main Road, Devanahalli,
Bengaluru Rural District.

7. JOINT DIRECTOR

Town Planning Department, Bengaluru Division,
Bengaluru.

8. JOINT DIRECTOR

Town Planning Department, Mysore Division,
Mysore.

9. JOINT DIRECTOR

Town Planning Department, Belagavi Division,
Belagavi.

10. JOINT DIRECTOR

Town Planning Department, Kalaburgi Division,
Kalaburgi.

11. ASSISTANT DIRECTOR

Town Planning Department, Udupi District, Udupi.

12. ASSISTANT DIRECTOR

Town Planning Department, Kolar District, Kolar.

13. ASSISTANT DIRECTOR

14. ASSISTANT DIRECTOR

Town Planning Department, Chitradurga District,
Chitradurga.

15. ASSISTANT DIRECTOR

Town Planning Department, Davanagere District,
Davanagere.

16. ASSISTANT DIRECTOR

Town Planning Department, Shivamogga District,
Shivamogga.

17. ASSISTANT DIRECTOR

Town Planning Department, Chikkaballapur
District, Chikkaballapura.

18. ASSISTANT DIRECTOR

Town Planning Department, Mysuru District,
Mysuru.

19. ASSISTANT DIRECTOR

Town Planning Department, Mandya District,
Mandya.

20. ASSISTANT DIRECTOR

Town Planning Department, Hassan District,
Hassan.

21. ASSISTANT DIRECTOR

Town Planning Department, Chikkamagaluru
District, Chikkamagaluru.

22. ASSISTANT DIRECTOR

Town Planning Department, Madikeri District,
Madikeri.

23. ASSISTANT DIRECTOR

Town Planning Department, Mangaluru District,
Mangaluru.

24. ASSISTANT DIRECTOR

Town Planning Department, Chamarajanagara
District, Chamarajanagara.

25. ASSISTANT DIRECTOR

Town Planning Department, Belagavi District,
Belagavi.

26. ASSISTANT DIRECTOR

Town Planning Department, Nippani.

27. ASSISTANT DIRECTOR

Town Planning Department, Dharwad District,
Dharwad.

28. ASSISTANT DIRECTOR

Town Planning Department, Gadag District, Gadag.

29. ASSISTANT DIRECTOR

Town Planning Department, Haveri District,
Haveri.

30. ASSISTANT DIRECTOR

Town Planning Department, Karwar District,

Town Planning Department, Sirsi.

32. ASSISTANT DIRECTOR

Town Planning Department, Vijayapura District,
Vijayapura.

33. ASSISTANT DIRECTOR

Town Planning Department, Bagalakote District,
Bagalakote.

34. ASSISTANT DIRECTOR

Town Planning Department, Jamakhandi.

35. ASSISTANT DIRECTOR

Town Planning Department, Kalaburgi District,
Kalaburgi.

36. ASSISTANT DIRECTOR

Town Planning Department, Yadagiri District,
Yadagiri.

37. ASSISTANT DIRECTOR

Town Planning Department, Raichur District,
Raichur.

38. ASSISTANT DIRECTOR

Town Planning Department, Koppal District,
Koppal.

39. ASSISTANT DIRECTOR

Town Planning Department, Ballari District,
Bellari.

40. ASSISTANT DIRECTOR

Town Planning Department, Bidar District, Bidar.

RESPONDENT/S

Allegation/Grievance
Brief : Dereliction of duty

Received From : Suo-Moto

Received On : 22-03-2021

Complaint stands
allotted to : ARE-1

22/03/2021
Seal and Signature
Filing Counter
Karnataka Lokayukta
Bengaluru
SCRUTINY AND OPINION

KARNATAKA LOKAYUKTA, BENGALURU

No:

20-03-2021

ORDER

In **'The New Indian Express'** daily dated '20.03.2021, a news item with the caption **"Approval for conversion of land upto 10 cents must be decentralized:MLAs"** highlighted the anguish and concern of the four Hon'ble Members of the Legislative Assembly of Karnataka i.e., (i) Sri. Raghupathi Bhat, representing Udupi Assembly Constituency, (ii) Sri. K.G. Bopaiah, representing Virajpet Assembly Constituency, (iii) Sri. Abhay Patil, representing Belagavi Assembly Constituency and (iv) Sri. K. Ramesh Kumar, representing Srinivasapura Assembly Constituency in the matter of mal-administration on the part of the Town Planning Authority of Urban Development Department, Bengaluru. I am



of the view that instead of repeating the news item published, it is useful extract the same which reads as hereunder;

Approval for conversion of land up to 10 cents must be decentralised: MLAs

BJP legislators on Friday demanded that the State Government should decentralise the authority to grant approvals for conversion of agriculture land up to 10 cents for construction of houses.

By Express News Service

BENGALURU: BJP legislators on Friday demanded that the State Government should decentralise the authority to grant approvals for conversion of agriculture land up to 10 cents for construction of houses.

Raising the issue in the Council, Udupi MLA Raghupathy Bhat said that it has been two years since the Udupi Urban Development Authority approved the conversion of land for residential purposes, but it is pending before the Town Planning Authority of Urban Development Authority in Bengaluru.

"This is systemic corruption. We have passed the resolution and sent it to UDD, but nothing has been done. We even met Chief Minister B S Yediyurappa, who assured us of a solution, but there is still a status quo. We are the ruling party and we cannot sit on dharnas like Opposition parties. . Where are we supposed to go? Poor people are made to run around for conversion of even small plots," he added.

K G Bopaiah, another BJP MLA from Virajpet in Kodagu, said that most of the applications are from poor people seeking conversion of small plots to construct houses. "At least 2,000 such applications are pending. These people do not get loans from banks if the land is not converted," he added. Abhay Patil,



BJP MLA from Belgavi, said the conversion of land is a big racket. "Many people are waiting for their applications to be cleared. This has to be probed," he added. Congress MLA K Ramesh Kumar sought a uniform policy where such approvals can be granted by the local body".

2. The news item extracted above indicates the anguish and concern of the four Hon'ble Members of the Legislative Assembly of Karnataka with regard to the negligence, dereliction of duty including corruption which amounts to mal-administration within the meaning of Sec. 2(10) of the Karnataka Lokayukta Act, 1984. Further, the news item extracted above indicates that atleast 2000 applications which are filed seeking grant of approval for conversion of agricultural land are pending and most of the applications are from poor people seeking conversion of small plots to construct houses. Further, the news item also indicates that Udupi Urban Development Authority had approved the conversion of land for residential purposes and forwarded the same to the Town

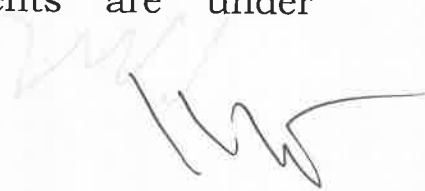


Planning Authority of Urban Development Department in Bengaluru which is pending for about two years.

3. Under Rule 36(2) of the Karnataka Planning Authority Rules, 1965, the Planning Authorities are required to dispose of the applications submitted by the members of the public seeking approval of the plans within ninety days from the date of receipt of the application. However, the news item extracted above indicates that even after lapse of two years, the concerned Planning Authorities have not taken any decision either to grant or refuse to grant the approval of the plan. The object of the Karnataka Town and Country Planning Act, 1961 is to have the uniform law for the regulation of the planned growth of land use and development and for the making and execution of town planning schemes in the State and also to prevent the unauthorized and haphazard construction of



buildings and to provide better, healthier and happier environment for the people and orderly growth of the town/city. If, the Planning Authorities make delay in approving the plan submitted to them, it will cause serious hardship and inconveniences resulting in increasing in the cost of construction to the people and in such circumstances they will be tempted to make unauthorized constructions for which, the Planning Authority is required to be directly held accountable for such violations. Instead of supporting for developmental activities, the Planning Authority should not obstruct for the developmental activities by making delay in processing the applications for approval of plans submitted by the public. Similarly, Sec. 32 of the Bengaluru Development Authority Act, 1976 prescribes six months time limit for sanction of plan. Therefore, the respondents are under



statutory obligation to sanction the plans within the time stipulated under the statutory provisions referred to above. Failure to do so without just and valid cause is required to be treated and considered as mal-administration on the part of the concerned public servants.

4. I am of the view that the news item published in the News Paper referred to above regarding the deep concern expressed by the Hon'ble Members of the Legislative Assembly of Karnataka should be sufficient to treat as a source material to institute a suo-motu proceeding in exercise of the powers conferred upon me under Sec. 7(1)(b) and 9(3)(a) of the Karnataka Lokayukta Act, 1984 to get an investigation conducted with regard to the mal-administration if any against the concerned public servants of the department and also to redress the grievances of the members of the public.



5. For the said purpose, it is necessary to implead and issue notice to the public servants mentioned herein below;

1.	The Chief Secretary to Government, Government of Karnataka, Vidhana Soudha, Bengaluru.
2.	The Additional Chief Secretary to Government, Urban Development Department, Vikasa Soudha, Bengaluru.
3.	The Secretary to Government, Urban Development Department, Vikasa Soudha, Bengaluru.
4.	The Director, Town Planning Department, M.S. Building, Bengaluru.
5.	The Commissioner, Bengaluru Development Authority, Bengaluru.
6.	The Member Secretary, BIAPPA, NO. 333/1, 1 st Floor V.J. Complex, Nagondanahalli Main Road, Devanahalli, Bengaluru Rural District.

7.	The Joint Director, Town Planning Department, Bengaluru Division, Bengaluru.
8.	The Joint Director, Town Planning Department, Mysuru Division, Mysuru.
9.	The Joint Director, Town Planning Department, Belagavi Division, Belagavi.
10.	The Joint Director, Town Planning Department, Kalaburgi Division, Kalaburgi.
11.	The Assistant Director, Town Planning Department, Udupi District, Udupi.
12.	The Assistant Director, Town Planning Department, Kolar District, Kolar.
13.	The Assistant Director, Town Planning Department, Tumakuru District, Tumakuru.
14.	The Assistant Director, Town Planning Department, Chitradurga District, Chitradurga.



15.	The Assistant Director, Town Planning Department, Davanagere District, Davanagere.
16.	The Assistant Director, Town Planning Department, Shivamogga District, Shivamogga.
17.	The Assistant Director, Town Planning Department, Chikkaballapura District, Chikkaballapura.
18.	The Assistant Director, Town Planning Department, Mysuru District, Mysuru.
19.	The Assistant Director, Town Planning Department, Mandya District, Mandya.
20.	The Assistant Director, Town Planning Department, Hassan District, Hassan.
21.	The Assistant Director, Town Planning Department, Chikkamagaluru District, Chikkamagaluru.
22.	The Assistant Director, Town Planning Department, Madikeri District, Madikeri.



23.	The Assistant Director, Town Planning Department, Mangaluru District, Mangaluru.
24.	The Assistant Director, Town Planning Department, Chamarajanagar District, Chamarajanagar.
25.	The Assistant Director, Town Planning Department, Belagavi District, Belagavi.
26.	The Assistant Director, Town Planning Department, Nippani.
27.	The Assistant Director, Town Planning Department, Dharwad District, Dharwad.
28.	The Assistant Director, Town Planning Department, Gadag District, Gadag.
29.	The Assistant Director, Town Planning Department, Haveri District, Haveri.
30.	The Assistant Director, Town Planning Department, Karwar District,



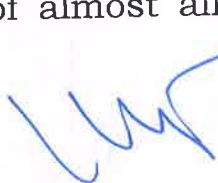
	Karwar.
31.	The Assistant Director, Town Planning Department, Sirsi.
32.	The Assistant Director, Town Planning Department, Vijayapura District, Vijayapura.
33.	The Assistant Director, Town Planning Department, Bagalkot District, Bagalkot.
34.	The Assistant Director, Town Planning Department, Jamakhandi.
35.	The Assistant Director, Town Planning Department, Kalaburgi District, Kalaburgi.
36.	The Assistant Director, Town Planning Department, Yadagiri District, Yadagiri.
37.	The Assistant Director, Town Planning Department, Raichur District, Raichur.
38.	The Assistant Director, Town Planning Department,



	Koppal District, Koppal.
39.	The Assistant Director, Town Planning Department, Ballari District, Ballari.
40.	The Assistant Director, Town Planning Department, Bidar District, Bidar.

6. The concern expressed by the Hon'ble Members of the Legislative Assembly of Karnataka, in my view must be considered as the concern expressed by them on behalf of all the representatives of the people in the State with regard to the functioning of the Town Planning Authority of Urban Development Department.

7. It will not be out of context, if I also place it on record that I have been hearing the similar concern and grievances of the members by larger sections of the people throughout the State in the functioning of almost all the departments of the Government



starting from the bottom of the each department to the higher level. It is really painful to anyone to hear the grievances of the members of the public who are made to run all around from one public servant to another and one office to another office weeks together, months together and years together without there being corresponding response from the concerned public servants to redress the grievances of the public are take effective punitive action against such public servants, who indulge in commission of serious mal-administration of which corruption is also one part. May be in some cases, the grievances may not have been able to be redressed on account of genuine reasons that need to be considered. But in most of the cases that is being done only for extraneous, irrelevant considerations and other reasons which are not genuine or bonafide in discharge of the duties and responsibilities



conferred upon the public servants. These are the matters which are required to be dealt with very seriously, if there has to be clean and transparent administration in the State Administration.

8. The institution of Lokayukta on many occasions also has to be a silent spectator for these maladministration and suffer the pain for not being able to redress the grievances of the members of the public. I am glad and appreciate the concern expressed by the Hon'ble Members of the Legislative Assembly of Karnataka who expressed their views before the Assembly. I am sure, it would draw the attention of the executives of the State and they will take a serious note of this and set the things in place by without waiting for me initiating action in terms of the provisions of the Karnataka Lokayukta Act, 1984 at the department level.



9. In the light of the discussions made above, I am of the view as observed by me earlier that this is a case which required to be registered as a suo-motu proceeding in exercise of the powers conferred on me under Sec. 7(1)(b) and 9(3)(a) of the Karnataka Lokayukta Act, 1984. Accordingly, the office is directed to register the same.

10. **The respondents referred to above are directed to submit their comments/report to the Lokayukta within three weeks from today** on the issues referred to in the news item extracted above, various issues referred to above in my order and also on the following issues;

(i) The respondents no. 2 and 3 shall secure a report from the Director of Town Planning Department and all the Joint Directors and Assistant Directors of Town Planning Authority regarding;



(a) Number of requests/applications pending before them till the date of this order with specific observations regarding the applications pending beyond the period prescribed for disposal;

(b) Duration/time taken by them for disposal of such applications;

(c) Whether such applications have been disposed of within ninety days as required under Rule 36(2) of the Karnataka Planning Authority Rules, 1965,

(d) If not, the reasons for not disposing of the applications within ninety days.

(ii) Each one of the authorities of the public servants i.e., respondents no.4, 6, 7 to 10 and 11 to 40 referred to above are also directed to furnish the specific observations and a specific note with regard to the applications which have not been disposed of within ninety days as required under



Rule 36(2) of the Karnataka Planning Authority Rules, 1965.

(iii) Respondents No. 4 to 40 are required to furnish the details of the applications disposed of for the last two years with the copies of the orders for examining whether the decisions are taken arbitrarily and in total disregard to the exercise of powers conferred on them.

(iv) The respondents no.5 shall submit the status report on the following;

(a) Number of requests/applications for sanction of plan pending before the BDA till the date of this order with specific observations regarding the applications pending beyond the period prescribed for disposal;

(b) Duration/time taken by them for disposal of such applications;



(c) Whether such applications have been disposed of within six months as required under Sec.32(4) & (8) of the Bengaluru Development Authority Act, 1976;

(d) If not, the reasons for not disposing of the applications within six months;

11. Though at one stage, I was inclined to refer the matter for investigation to Additional Director General of Police, Anti Corruption Bureau, Bengaluru in exercise of the powers conferred on me under Sec. 15(3) of the Karnataka Lokayukta Act, 1984, however, I refrain from doing so for the present with a pond of hope that all concerned will address the issues raised by the Hon'ble Members of Legislative Assembly referred to above and will be immediately attended to and redressed.

12. I am sure the concern expressed by the ~~the~~ Hon'ble Members of the Legislative Assembly of Karnataka would atleast make the concerned



public servants to realize their responsibilities and work in furtherance of the public interest and for the purpose for which they are entrusted with the responsibilities with the time schedule. It is useful to refer to Sec.2(2), 2(8) and 2(10) of the Karnataka Lokayukta Act, 1984, which reads as hereunder;

“Sec. 2(2) Allegation: *in relation to a public servant includes any affirmation that such public servant-*

- a. *has abused his position as such public servant to obtain any gain or favour to himself or to any other person or to cause undue harm or hardship to any other person;*
 - b. *was actuated in the discharge of his functions as such public servant by personal interest or improper or corrupt motives;*
 - c. *is guilty of corruption, favouritism, nepotism or lack of integrity in his capacity as such public servant;*
- OR
- d. *has failed to act in accordance with the norms of integrity and conduct which ought to be followed by public servants of the class to which he belongs:*

Sec. 2(8) “grievance” *means a claim by a person that he sustained injustice or undue hardship in consequence of mal-administration;*

Sec. 2(10) “Mal-administration” *means action taken or purporting to have been taken in the*

exercise of administrative function in any case where,-

(a) such action or the administrative procedure or practice governing such action is unreasonable, unjust, oppressive or improperly discriminatory; or



(b) there has been wilful negligence or undue delay in taking such action or the administrative procedure or practice governing such action involves undue delay”;

13. It is my statutory obligation and duty under Sec. 2(8) of the Karnataka Lokayukta Act, 1984 to redress the grievance of the members of the public wherever the grievances of the public are not redressed by the public servants and also to conduct an enquiry and make a recommendation under Sec. 12(3) of the Karnataka Lokayukta Act, 1984 to the concerned Competent Authorities fixing up the responsibilities, wherever it is proved that the public servants committed mal-administrations within the meaning of Sec. 2(10) of the Karnataka Lokayukta Act, 1984.



14. Though, this order pertains to Urban Development Department, I have no hesitation to say that in my experience as the Lokayukta after hearing the grievances of the members of the public, the similar problems and hardships are being faced by the members of the public in almost all the departments of the State and more particularly within the Municipal Corporations, Local Bodies, Revenue Offices, Sub-Registrar Offices, RTO Offices etc. No doubt the State Government has introduced the scheme of Sakala and various other monitoring methods with a view to provide speedy and hassle free services to the members of the public, however they are being frustrated by one way or the other.

15. In the light of the discussions made above, the respondents referred to above are directed to submit their reports/comments with supporting documents within three weeks from today. For the



purpose of considering the report and hearing the concerned representatives of the officers/public servants who are directly concerned in disposal of the applications are directed to be present along with the connected records for the purpose of enquiry/hearing. However, so far as respondents no. 1 to 3 are concerned, their presence is dispensed with for the purpose of hearing on the next date of hearing subject to the condition that they submit their detailed report/comments with supporting documents by the next date of hearing.

16. However, it is made clear that the initiation of this proceeding will not come in the way of respondents or such other public servants to redress the grievances of the members of the public in disposing of the applications pending and submit the report on that behalf.

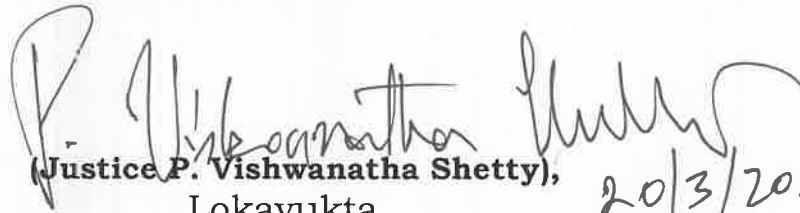
16. Communicate copy of this order along with the copy of news item to the respondents no. 2 to



40 and also communicate the copy of this order along with copy of the news paper clipping referred to above to the Chief Secretary to Government, Government of Karnataka for his information.

List this matter on 27.04.2021 at 3:30

P.M.


(Justice P. Vishwanatha Shetty),
Lokayukta,
Karnataka State. 20/3/2021.

17) ARLO-4 (Complaints Section)}