

4 P. 16

ARE-2

Comp/UPDK/BCD-64/99-2000/164

OK



Note-Sheets

K'S JHB Co. 9.

ರಿಜಿಸ್ಟ್ರಾರ್

6-02-2001

ಕರ್ನಾಟಕ ಲೋಕಾಯುಕ್ತ ಕಛೇರಿ

27-2-01

9-4-01

ಬಹುಮಹಡಿಗಳ ಕಟ್ಟಡ, ಡಾ|| ಬಿ. ಆರ್. ಅಂಬೇಡ್ಕರ್ ವೀಧಿ, ಬೆಂಗಳೂರು-೧.

14-3-01

9-4-01

24-4-01

30/9/01
30/11/09

2-5-01

SP

ಕಡತದ ಸಂಖ್ಯೆ :

18-07-2001

Not given

ವಿಭಾಗ :

36-01-09

ವಿಷಯ :

11



KARNATAKA STATE VIGILANCE COMMISSION

Pet. No. Compt/Uplok/BCD-64/99-2000

Date of registration : 17.06.99

1. Name of the Petitioner : Shri
Suo-motu investigation

Date of the petition : -

2. Nature of the Petition
Signed/Pseudonymous/Anonymous

Place from which written
Bangalore.

3. Name/s of the AGO/s. with
designation ;

1) Shri Secretary,
Karnataka State Judicial
Dept. Employees Housing Co.op
Shri Society, Bangalore.

2) Shri Directors,
Karnataka State Judicial
Dept. Employees Housing
Shri Co.Operative society, Bangalore

) The Chief Officer,
Town Municipality, Yelahanka.

4. Petition addressed to

5. Copies of petition sent to Hon'ble Upalokayukta

The allegations are as follows :—

True Copy
Sankar 20/11/12
Additional
Karnataka Lokayukta
Bangalore



1. Name of the person: _____
 2. Date of the person: _____
 3. Place from which arrested: _____
 4. Name of the person: _____

5. Name of the person: _____
 6. Name of the person: _____
 7. Name of the person: _____
 8. Name of the person: _____
 9. Name of the person: _____
 10. Name of the person: _____

The allegations are as follows:—

[Handwritten signature]
 11/1/14

Complaint file No. Compt/uptok/
 BCD.6/2000, there is a sketch map which
 is out 3'x3". As per the oral
 instructions of Hon'ble DRE-2, the same
 has to be got xeroxed & ~~four~~ three
 copies has to be taken. The said map is
 placed in the file.

2) On enquiry, by ~~it~~ it is ascertained
 that such a big map cannot be xeroxed
 in our office xerox machine. Therefore,
 it has to be xeroxed outside, where such
 a big xerox ~~can~~ ~~take~~ can be done.
 Therefore, it is submitted that,
 if approved, a note will be put up
 to DRA, for getting the same making
 arrangements to get the said map
 xeroxed. Sir. ~~27/11/99~~

4) DRE-2

As per the instruction

given by Hon. D. P. Lokayukta. for

needful action.

27/11/99

True Copy

20/11/99

Additional Registrar Enquiries

Karnataka Lokayukta

Bengaluru

5) DRA Shri Lakshminarayana is directed to
 please ~~depute~~ ~~one~~ ~~of~~ to get the
 xerox copies and make payment of
 required amount.

3
6) AS per orders at para 5. exact
copies of the map is made and
submitted for further work
3/12/99.

7) DRA) Seven copies of maps as
directed are obtained and sent
to ARE-2 for further need full action

8) Home to ARE-2.

//True Copy//
Additional Registrar
Karnataka Lokayukta
Bangalore

- 20
- 4
1. Taken up for suo-motu investigation.
 2. The following irregularities, mal-practice, nepotism and corrupt activities on the part of the Directors of Karnataka State Judicial Department Employees Housing Co. Operative Society Limited are highlighted in the hand bills.

- 1) Three acres Twentyfive guntas of land reserved for playground and land reserved for the swimming pool have been alienated.
- 2) The land reserved for the garden was converted into sites and sold to persons of their choice.
- 3) Sites were allotted illegally to persons who are relatives of the Directors though they were not members of the society.
- 4) Corner sites were sold to third persons, without making public auction, in violation of bye-law of the society.
- 5) Collection of 85 paise per square feet from the members of the society for making khata not credited to the account of the society, misappropriating lakhs of rupees.
- 6) Though exorbitant amount was spent for providing electricity, no electricity connection was given to hundreds of houses till date.

- 7) Execution of civil work was entrusted to persons of their choice, without calling tender.
- 8) The execution of the proposed layout work at Talaghattapura is entrusted to the private agent, in violation of bye-law of the society.
- 9) As per records, 7 lakhs of rupees were spent for digging 6 bore-wells, but no water facility has been provided to the residents of the layout.
3. The handbills do not disclose the names of the Directors of the society. The society is registered under the Karnataka Co.Operative Societies Act. Therefore, the Directors of the society are public servants as per Section 2(12) of the Karnataka Lokayukta Act.
4. The names of the members of Board of Directors are secured through the Annual report of the said society.
5. There are serious allegations against the Secretary and members of Board of Directors, as such, there are verifiable materials. Therefore, it is desirable that copies of the handbills ~~is~~ ^{are} sent to the Secretary

Handwritten signature: S. Narasimhaiah

Additional Registrar
Karnataka Lokayukta
Bangalore

of the Co-operative society, for his comments in fifteen days.

Submitted for kind perusal and orders.

B. A. ^{S.}
4/6/99
(B.A. MUCHANDI)
ARE-2

6. Hon'ble Upalokayukta taken up for suo-motu investigation.

para 5 - yes.

facing sheet in the prescribed form with names of the parties etc to be put up.

Call on 8/7/99.

T. R. 14/6

7) ARE-2

To Register

AM

14/6

8) ARL(0)

Please register & put up.

T. R. 15/6/99

Handwritten signature/initials with a large arrow pointing to the left.

Contd on P. No. 4

BY THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

WYOMING

OFFICE OF THE ASSISTANT SECRETARY FOR LAND MANAGEMENT

1000 G Street, N.W.
Washington, D.C. 20004

(202) 755-1200
1-800-551-4226

Department of the Interior, Bureau of Land Management, 1000 G Street, N.W., Washington, D.C. 20004

Dear Sirs:
I am writing to you regarding the
Bureau of Land Management's
proposal for the
management of the
public lands in the
area of the
Bureau of Land Management
in the State of Wyoming.

I am writing to you regarding the
Bureau of Land Management's
proposal for the
management of the
public lands in the
area of the
Bureau of Land Management
in the State of Wyoming.

I am writing to you regarding the
Bureau of Land Management's
proposal for the
management of the
public lands in the
area of the
Bureau of Land Management
in the State of Wyoming.

7

No. Compt/Uplok/ BCW/64/99-2000

As per the orders of Hon'ble Upalokayukta at Para-6

9. Case Worker: Suo-motus complaint is registered under the jurisdiction of Hon'ble Upalokayukta. For kind further orders.

(w)
17/6/99


10. O.S.) : For kind orders regarding entrustment of this complaint for scrutiny.

17/6

11. A.R.L.O.) : The complaint has been registered. For kind orders on entrustment of complaint for scrutiny.

T.M. can
17/6/99

12. Hon'ble Registrar): Complaint No. Compt/Uplok/ BCW/64/99-2000 is entrusted to ARE-2 for scrutiny.


Registrar,
K.L.A., Bangalore.


13. ARE-2

Call for comments as per

// True Copy //

para 5 N.F.

National Registrar
Kannataka Lok
Bangalore


17/6

14. (w) True Copies of the endorsed addressed to the Secretary, Karnataka State Judicial Dept. Employees' Co-op. Society, Bangalore, endorsing the

his comments, on or before 30.6.99,
are put up for signature, Sir,
18/6/99

15. ARE-2

send
on
18/6.

True Copy
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

16] Letter dated 30-6-99 bearing NO K.S.S.D.E.H.B.C.S./21/99-2000
to the Secretary Karnataka State Judicial Dept Employees
Co-operative Society. The comments sent forth from office is
put up for kind perusal Sir.

2-7-99

17. ARE-2

The Respondent Society has offered
comments by his letter dt.29-6-99 and by denying
all the allegations contained in the printed pamphlets
against the Society.

18. It is further stated by them the new
Managing Committee ~~can~~ can go into all the aspects
complained of and will soon be submitting a report.

19. The Respondent by his letter dt.30-6-99
has further requested to grant three months time to
give reply in detail.

20. Considering the fact that a New Managing

Committee has been elected a months time
may be granted for offering the coments.

21) For kind perusal and orders.

B. J. 5/7/99
Addl. Registrar, Enq.2

22) Hon'ble Upalokayukta

para 20 - yr
Call on 2/9/99.

F. 8/7

1/True Copy
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

23) ARE-12)

seen
my

Inhimati
my

24) c/w] fair copies of the endorsement
addressed to the Respondents,
extending time upto 13-8-99, to
offer their comments, are put up
for signature, Sir, 12/7/99.

25) ARE-2)

Send.

my
12/7/99.

26) Letter date 13-8-99 bearing no K.SJWRHBCS/3:
99-2000 to the Secretary Karnataka State Federation
Wept Employees Co-operative Society Ltd. B.lore
the endorsement to the respondents. Sent to this off
18. Put (10.7) - kind. Do not send and order.

27. ARE-2]

The respondent society has offered its comments and has furnished a copy of the proceeding dt.30.5.99, regarding its VII Annual Genl. Body Meeting, held at the Karnataka State Govt. Employees Association Building, Cubbon Park, Bangalore-1.

28. The respondent society has denied the allegations levelled against it in the pamphlets contending that they are baseless and that they have not committed any illegality or irregularity and allegations are made only with intention to mis-lead the members and to get votes in the election.
29. It is further contended by the respondent society, that the complaint pamphlets have already been answered and accepted by the General Body in its meeting held on 30.5.99.
30. It is further stated by them that, two are the persons who have lodged complaint pamphlets have themselves been elected as members of the management committee. Lastly, they have contended that all the matters will be considered in the policy decisions.

True Copy

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

31. The respondent society has not specifically offered their comments in respect of each of the allegations that has been made in the complaint pamphlet.
32. The respondent society has not produced any documentary evidence in support of their contentions that they have not committed any illegality or irregularity and to prove that the allegations made against them are false.
33. Therefore, in order to find out the truthfulness in the allegation made in the complaint pamphlets and in order to ascertain the correctness of comments offered by the respondent, following other documents are required to be called up for from the respondent society; Registrar of Co.Operative Societies, Bangalore, B.D.A. and the Town Municipality, Yelahanka. The relevant documents and registers viz.,
- a) List of members of the society
 - b) List of members to whom the sites are allotted
 - c) List of members who have purchased the corner sites
 - d) Register and receipts regarding collection of money received from the members towards membership fees, towards price of the sites, betterment charges, water, land tax etc.

.. 9

// True Copy

[Signature]
Additional Registrar Enquiries
Kannataka Lokayukta
Bangalore

- e) Tenders given and bills paid for providing electricity and towards the execution of civil work.
- f) Approved plan of layout and order passed by the B.D.A. in respect of Yelahanka/Jakkur etc. layout.
- g) Tenders given and the bills etc., regarding digging of six bore-wells
- h) The tender entrusted to private agent regarding execution of proposed layout work at Talaghattapura.

Submitted for kind perusal and orders.

As A ✓ 28/8
 (B.A. MUCHANDI)
 AnE-2

34. Hon'ble Upalokayukta I

para 33 - yes.
 Since Yelahanka Town Municipality is the civic body for maintenance of parks/play grounds, roads etc and future approval of layout in accordance with plan approved by the Council, Yelahanka Municipality is one of the dependants. No - work investigation is ordered as against him also. He has to be shown as additional dependant in the Cause file.
 Call on 30/9/99.

// True Copy //

Additional Registrar Enquiries
 Karnataka Lokayukta
 Bangalore

35) ARE-2)

Seen

phurip

2/9
3/9

36. c/w] As per orders, endorsements addressed to Respondent's Secretary of the Society & ~~Secy~~ Chief Officer, Town Municipality Yelahanka & letter to Secretary, B.D.A., calling for the documents, are put up for final perusal & signature, Sir,

6/7/99

37. ARE-2]

Send
an
copy.

Further, perused order in para 34 n.f., Since Yelahanka Town Municipality is a civic body for maintenance of park/playgrounds, roads etc., and ensure formation of layout in accordance with plan approved, it is added as Respondent No.2 and cause title is amended.

Issue notice to Respondent No.2, and call for comments.

B. A. Muchandi
(B.A. MUCHANDI)
ARE-2

38. c/w] Fair copies of the endorsement addressed to the Respondent, calling for his comments, are put-up for

// True Copy
mark

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

14

Signature, 10/9/99

39. ARE-2] Send
10/9

40. C/W) ಕಾರ್ಯದರ್ಶಿ, ಕೃಷಿ ಮತ್ತು ಜಲ ಸಂಪನ್ಮೂಲ ಇಲಾಖೆ
ನಿರ್ದೇಶಕರು ಕೃಷಿ ನಿರ್ಮಾಣ, ಭವನದ ಸಂಸ್ಥೆಗೆ
ದಿನಾಂಕ 20-9-99 ರ ಪತ್ರವನ್ನು ಕಡೆಗೆ ವಿವರಿಸಿ
ಮುಂಬಡಿಸಿ. ಉದ್ದೇಶವು ಕಾರ್ಯದರ್ಶಿ
ವಾಹಿನಿ ಸಂಸ್ಥೆ ಕಾಲವಾರ್ಷಿಕ ವ್ಯಯ ಕುರಿತು.
10/9/99

41. ARE-2] Discussed with Hon. Upalokayukta.

Discussed with Hon'ble Upalokayukta.
The request of the respondent for granting two months time for production of documents and records as called for cannot be said to be granted since the Asst. Registrar of Co.Operative can take up inspection subsequently. Hence, respondent society has to be directed to produce the documents and registers before 30th September 1999.

(B.A.MUCHANDI)
ARE.2

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Additional Registrar
Karnataka Lokayukta
Bengaluru

42. c/w] Letter. no. KSIDCHBCS/38/99-2000,
dt. 30.9.99 of the Manager/Secretary
of the Respondent Society as for
kind perusal. 15

In their letter, the Respondent
Society have requested for
extension of one month time
to submit their comments.
For kind perusal & further

orders, Sd/- 30/9/99

43. ARE-2]

The respondent has prayed for one month's time
to produce the records, since they have submitted
all the relevant records to the Dept. of Co. Operation.
So far, one month's time has been granted to the
respondents to produce the documents. But,
considering the fact that the records have been
submitted to the Dept. of Co. operation, fifteen
days time may be granted to the respondent, for
production of all the relevant ~~documents~~ records
and if they fail to produce the same within
fifteen days, then, action as contemplated under
the Act will have to be taken.

Submitted for kind perusal and orders.

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Additional Registrar Enquires
Karnataka Lokayukta
Bangalore

B. A. M. S.
(B. A. MUCHANDI)
ARE-2

44. Hon'ble Upalokayukta X

Twice extended till 22/10/99.

Call on that day

Ascertain the particulars of the proceedings in which the Dept. of cooperation has taken the records for inspection.

What about Commissioner, Yelahanka Municipality & if has not responded summon him to appear before you to furnish the particulars called for & is layout plan showing the roads, park, playgrounds & civic amenity sites.

Call on 22/10/99.

T. 20/9

45) ARE 2)

46: C/W] though the ~~the~~ endorsement (asking for certain documents) dt. 6.9.99, was received on 8.9.99 and the endorsement dt 10.9.99 has been received on 16.9.99 by the Chief officer, Town Municipality, Yelahanka, no reply has been received from them till to this date.

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 Karnataka Lokayukta
 Bangalore

Hence, Submitted for kind
Perusal & orders to issue reminder
to the Chief Officer, Town Municipality,
Yelahanka; Sir,
7/10/99.

47. ARE-2

48. C/W] ~~the~~ Before taking steps to
issue reminder, the letter
dt 4.10.99 of the Commissioner,
TMC, Yelahanka requesting for
15 days time to submit report
and also letter dt 8.10.99 of the
Town planner member, BDA, Bangalore
have been received in this office.
The letters are put-up for
kind perusal & further orders, Sir,
13/10/99

49. ARE-2

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Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

50. The letter dated on 15-10-99 of the Secretary,
Karnataka State Judicial Dep Employees; House-
Building co-op Society, Ltd - B. loc has been
relevant records received in this office. The put-up
for kind perusal and orders.
20-10-99

15

True Copy

20/11

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

125, ARE-2]

The Town Planner Member, B.D.A., Bangalore, by his letter dt.7/8.10.99, has informed that the (a) B.D.A. has not issued any approved layout plan in favour of Karnataka State Judicial Dept. Employees Housing Co.Op.Society, in Yelahanka Jakkur etc. and as such there is no question of issuing sanction plan in favour of said society (b) there was no order for having handedover this layout to Municipal Council since the layout has not been approved by B.D.A. (said letter is placed on record, for kind perusal)

52. The Commissioner, Town Municipal Council, Yelahanka through his letter dt.4.10.99 has requested for grant of fifteen days time, said letter is placed on record for perusal. If approved, some time may be granted though the time has been lapsed.

53. The Secretary, Karnataka State Judicial Dept. Employees' House Building Co.Op. Society, by his letter dt.15.10.99 has produced the following;

- 1) Copy (Extract) of the list of members
- 2) Copy of the members to whom the sites were allotted
- 3) List of members who have purchased the corner sites.
- 4) Regarding the Register, Receipts regarding collection of money are mentioned in the list extract.
- 5) The Society has not collected any deposit from the members seperately for betterment charges, water and land tax etc.

54. 1) The Society has not produced the original records and registers. 19
- 2) The copies (Extract) produced in this case have not been duly certified.
- 3) The copies produced in this case appear to be incomplete and incorrect.
- 4) The society has also failed to give particulars of the proceeding in which the dept. of co-operation has taken the records for inspection inspite of specific direction given to them in endorsement dt. 6.9.99.

55. Therefore, the society will have to be directed to produce all the original registers, documents and receipts etc. and if they fail to produce the same, search warrant as contemplated U/S 10 will have to be issued for seizure of above mentioned register, documents, receipts etc. to proceed further AP* in this case.

Submitted for kind perusal and orders,

//True Copy//

Additional Registrar
Karnataka Lokayukta
Bangalore

B. A. M. S.
2/10
(B.A. MUGHANDI)
ARE-2

56. Hon'ble Upalokayukta }

M. speak on 27/10/99.

P. 22/10

57) ARE-2)

Discussed as per order in para 56 n.f.

58. As observed by the Hon'ble Upalokayukta, the respondent society have not furnished plan regarding lay-out. The B.D.A. has also not sent the layout plan. Therefore, as per direction of Hon'ble Upa.Lokayukta, a notice will have to be issued to the respondent society, calling upon them to produce layout plan within 7 days without fail or else, the seizure warrant will be issued and President and Secretary of the Society will have to appear before the Hon'ble Upalokayukta.

59. The Commissioner, City Municipal Council, Yelahanka, be directed to offer his comments within seven days from the date of this order.

AP*

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Karnataka Lokayukta

(B.A. MUCHANDI)
ARE-2

60. Bangalore

The letter write on 2-11-99 the comm. sione city municipal council yelahanka 560064. B.lore north Taluk. B.lore the received letter in the offices. Submitted the letter put up for kind perusal and further order S.M.

4-11-99

~~64 ARE 27~~

61. The letter dt. 5-11-99 of the Manager Secretary of KSTDE ABC Society, in response to our notice dt. 28-10-99, is put up for kind perusal, dt. 10/11/99.

62. AR E-2 X

The respondent no.1, Society has sent the following documents viz., copy of layout plant, letter dt. 28.11.92 addressed by BDA to the society intimating the resolution passed by the B.D.A. approving the layout subject to certain conditions, copies of orders got by preferring Writ Petition and copies of letters addressed by the Yelahanka Municipal Council demanding betterment charges and handingover the layout to Yelahanka Municipal Council.

63. Further, the respondent no. 2, Commissioner, C.M.C. Yelahanka, has not offered his comments inspite of sufficient opportunity being given to him, on the contrary, he has requested for some information from this office, which is at this stage, not required to be furnished. Therefore, it will have to be taken as respondent no. 2 the Commissioner, C.M.C. Yelahanka, has no comments to offer and will have to be informed accordingly, stating that search and seizure warrant will be issued against them for securing relevant documents.

AP*

Submitted for kind perusal and orders.

B.A. Muchandi
(B.A. MUCHANDI)
ARE-2

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Additional Registrar
Karnataka Lokayukta
Bangalore

64. Hon'ble Upalokayukta X

In the first instance summon the officer concerned to appear before you with all the documents required. Tell me how when he appears. Call on 19/11/99.
-P. 12/11

2
65. ARE-2

As per notice dt. 10.11.99.

Sr. R.T. Gowda, Commission -
C.M.C. Yelahanka appeared
and submitted that the Society
has not submitted approved
plan with CA. sites etc. He
further submitted that he will
produce documents called for
and file his comments in due
course and prayed for time

Hon'ble

B. A. S.

17/11

He further submitted that
the entire lay out has not
been handed over to C.M.C.
Yelahanka by the Society

B. A. S.

17/11

Hon'ble CA.

66.

In response to notice issued to Sri R.T. Gowda, Commission C.M.C., Yelahanka appeared in person. He submits that till no copy of the Lay-out Plan in respect of the area in question has been furnished to him by the office bearers. He stated that no part of the Lay-out has been handed over to the Municipality for purposes of maintenance of Parks/Play-grounds. He also submitted that requests are being made by the office bearers of the Society for issue of Khatha numbers in respect of new plots in the area.

Call on 19.11.99.

Upalokayukta.
Dt. 17.11.99.

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Karnataka Lokayukta
Bangalore

23

67. In response to the Notice dt.10.11.99,
Sri R.T.Gowda, Commissioner C.M.C. Yelahanka,
appeared and submitted firstly that the Society
has not submitted approved plan with C.A. sites
etc. in respect of the layout; Secondly, He
submitted that he would produce all relevent
documents called for and offered his comments
in due course of time. Thirdly, he submitted
that the entire layout has not been handedover to
AP* C.M.C. Yelahanka by the Society.

Submitted for kind perusal and orders.

B. A. Muchandi
18/11
(B.A.MUCHANDI)
ARE-2

68. Hon'ble Upalokayukta I

*Shri D.B. Dargirikal, Advocate and member
one of the Directors of the Housing Society presents
a petition dated 24/11/99 with certain documents.
The same is taken on record. Pl. put up with
your scrutiny note.*

Call on 1/12/99.

F. 24/11

69. ARE-2 I

Examined the petition and the documents annexed
there to, filed by Sri D.B.Devgirikar, Advocate.

True Copy
made
20/11
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

22

70. The petition contains averments mainly that Sri Devgirikar is the founder member of the Housing Co-operative Society since its registration in 1993 and he is the present Director. The petitioner has also given details regarding the public interest litigation filed by him in W.P.No.35837/94 before the Hon'ble High Court of Karnataka.
71. The petitioner has made certain allegations against Sri Shivalingaiah.
72. The nature of allegations made in the petition are personal in nature. He has produced certain documents such as Annual Report of the Society, Xerox copies of the application or the order U/R 10 of C.P.C. filed in the High Court, copies of application given by one Sri Shivakumar, Director of the Society, copy of the Sale Deed, copy of newspaper cutting, copies of pamphlets. The petitioner has prayed for allowing him to participate in the inquiry since he knows the activities of the Society from its beginning.
73. Considering the allegations made in the petition and the documents annexed there to, I feel that Sri Devgirikar may be allowed to participate in this case as a witness only.

AP*

Submitted for kind perusal and orders.

B.A. MUCHANDI
27/11
(B.A. MUCHANDI)
A&E-2

74. Hon'ble Upalokayukta I

Date 73-11-11

The Subsequent

75) ARE-2

Issue endorsement to Sri Devgirikar, to participate in this case as a witness.

76. Issue endorsement to respondent no.2, Commissioner, C.M.C. Yelahanka, sending copy of complaint and to offer his comments and also issue direction to produce documents/ records on or before 18.12.99.

B.A. Muchandi
(B.A.MUCHANDI)
ARE-2

77: c/w) Fair copies of the endorsement addressed to the Advocate, Sri Devgirikar, as well as, the Commissioner, CMC, Yelahanka, are put up for kind perusal & signature, Sir. *20/12/99*

78. ARE-2

Send.
M
21/12

//True Copy//

20/11
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

26

79. As per the oral instructions, the sketch map is xeroxed & xerox copy is kept in this file & the original map produced by the society is kept in separate file & kept alongwith this file, for kind perusal.

8/12/99

//True Copy//

80. ARE-2

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

The sketch/map produced by the society is kept in separate file and xerox copy is kept in this file, for kind perusal.

Seen

21/12

81. It is further submitted Sri Devajirakar Adv. has been served with an endorsement and he appeared before me today. He is asked to appear whenever witness summons is issued to him.

Seen
Kewar
21-12-99

21/12

82. It is further submitted that the The Commissioner CMC Yelahanka has not offered his comments so far. Submitted for kind perusal & order
R. D. T S.

83. Hon'ble upalokayukta]

to para 82 - Reminder to be issued to the Commission.

Call on 11/1/2000.

F. 2/12

84) ARE-2)

Issue reminder

M

22/12

85) C/W] As per the orders, four copies of the reminder addressed to the C.M.C. Yelahanka, are put up for kind perusal & signature, &c.,
23/12/99

86. ARE-2]

Letter Signed

23/12

87. C/W] Till to this date, the C.M.C. Yelahanka, has not sent neither the documents nor the records. The letter dt. 23-12-99, is duly served on the Commission, Sir,
11/1/2000

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Additional
Bangalore

28

88. ARE-2

The Commissioner, City Municipal Council, Yelahanka has neither offered his comments nor submitted the documents so far inspite of service of endorsements dt.6.9.99 and notice dt.10.11.99 and endorsement dt.2.12.99.

89. Therefore, firstly, in this case we have to proceed against the Commissioner, C.M.C. Yelahanka as if has no comments to offer.

Secondly, a search warrant will have to be issued for securing necessary documents required for the purpose of investigation in this case.

AP*

Submitted for kind perusal and orders.

B.A. M. 11-1-2000
(B.A. MUCHANDI)
ARE-2

90. Hon'ble Upalokayukta X

H. H. H. on 31/1/2000

F. 28/1

91) ARE-2

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Karnataka Lokayukta
Bangalore

92. Perused the file and discussed.

93. The respondent No.2, Commissioner, C.M.C. Yelahanka was directed to offer comments and to produce the documents as per endorsement dt.6.9.99.

Similar endorsement was served on the respondent on 10.11.99 and 2.12.99. But, he has failed to offer the comments and produce the documents.

Therefore, a direction will have to be issued to the respondent No.2, to appear in person before the Hon'ble Upalokayukta and produce the documents as mentioned in endorsement dt.6.9.99 and to file

AP* his comments.

Submitted for kind perusal and orders.

By: A. [Signature] 31.1.
(B.A. MUCHANDI)
ARE-2

94. Hon'ble Upalokayukta X

para 93 - the document accordingly
Call on 24/2/2000.
P. 1/2

95) ARE-2.

Issue summons to R.2

Commissioner CMC Yelahanka to

appear on 24.2.2000 at 3.00 P.M.

accordingly

[Signature]

// True Copy //

Additional Registrar
Kannada Upalokayukta
Bangalore

30

96. c/w] Fair copies of due notice to the Respondent, as per orders at para 95 u.f., are put up for signature, d.d. 3/2/2000

97. ARE-2]

Send
B
3/2

For appearance and for production of documents and for filing comments by R-2.

B. A. I

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Karnataka Lokayukta
Bangalore

98) Hon'ble Uplokayukta.

you may put up on 29/2/00.
3/2/20

99) ARE-2)

R-2 Municipal Commissioner Yelhanur appeared in person.

and produced documents i.e. three Assent registers and thirty with frame tax receipt books & copy of Resolution book & Reply to the question & prayed for counter which ruled 1/1

Handwritten signature/initials

Handwritten signature/initials

100) The Respondent.2, Municipal Commissioner, CMG, Yelahanka, has already produced certain registers and receipt books and documents. Today, he appeared before me and has prayed for extension of time to file his counter.

A P* Kindly, same may be granted as last chance.

Submitted for kind perusal and orders.

B. A. M. ^{1/3}
(B.A.MUCHANDI)
ARE-2

101) Hon'ble Upalokayukta X

Time extended till 20/3/00
call on 21/3/00.
1/3

102) ARE-2)

Seen
1/3

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Bangalore

103.

ದಿನಾಂಕ 6-3-2000 ಇಂದು ನಗರಾಭಿವೃದ್ಧಿ ಕಾರ್ಯದರ್ಶಿಗಳು ಮುಖ್ಯ
ಮಂತ್ರಿಗಳ ಕಛೇರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿರುವುದು. ಇದರ ಮೇಲೆ
ಈ ಕಡೆಗೆ ಮನವಿ ಸಲ್ಲಿಸಿರುವುದು. ಮುಖ್ಯ ಮಂತ್ರಿಗಳ
ಕಛೇರಿಗೆ ಮನವಿ ಸಲ್ಲಿಸಿರುವುದು.

104, ARE-2]

putrup
1/3
6/3

32
 104) The Respondent No.2, the Commissioner, CMC, Yelahanka has submitted his comments and furnished the documents and has denied the allegations made against CMC. The Respondent No.1, the Housing Society has already submitted comments and filed the documents. Since this is a case taken up for suo motu investigation, now, this case will have to be taken up for scrutiny.

Submitted for kind perusal and orders.

B. A. M. 21/3
 (B.A.MUCHANDI)
 ARE-2

105) Hon'ble Upalokayukta)

put up scrutiny work on 10/4/00.
 P. 21/3.

//True Copy/

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 Karnataka Lokayukta
 Bangalore

106) ARE-2 Been

21/3

107) The Commissioner, C.M.C., Yelahanka had produced the xerox copy of the letter dt.17.11.97 sent by the President of Respondent No.1 Society alongwith his comments dt.6.3.2000. In the said letter the President of the said Society had requested the Commissioner, C.M.C., Yelahanka

to grant three months time to complete the work and assured to handover the layout alongwith the civic amenities to the C.M.C., Yelahanka. But, on going through the records it appears that the R.1 Society has not handedover layout alongwith civic amenity sites to R.2 C.M.C., Yelahanka.

108) Therefore, it is necessary to direct the R.1 Society to furnish all the details such as site numbers, dimension, nature of use mentioned in the approved plan etc. regarding civic amenities with further direction to R.1 to handover the civic amenity sites alongwith the layout to R.2, C.M.C. Yelahanka for needful action in the interest of the members of the Society or else suitable action in accordance with law will be taken to get said work done through the Competent Authority.

AP*

Submitted for kind perusal and orders.

B.A. Muchandi
10/4
(B.A.MUCHANDI)
ARE-2

109) Hon'ble Upalokayukta I

para 108 - yr. Also indicate in the later that if they fail to comply, action in terms of S. 13 may be taken.

Call on 4/5/00.

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Bangalore

110) ARE 2)

Put up
10/4

34

111) ARE-2. Send the
 endowment faithfully
 by hand.

Call for explanation
 of the official regarding
 the delay in sending an
 endowment through order uses
 made on 10/4 itself.

// True Copy //

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 Karnataka Lokayukta
 Bangalore

B. A. S.
 3/5 -

112) C/W] Explanation submitted by the
 case worker, dt. 3.5.2000, is put up
 for kind perusal Sir, ~~3/5/2000~~
 3/5/2000.

113) ARE-2]

In pursuance of the orders in para 109 ~~it~~ n.f.,
 the concerned case worker was directed to put up
 the notice on 10.4.2000 itself. However, said
 case worker has put up the same on 3.5.2000.
 On the same day, the endorsement was issued and

served on the respondent No.1. Therefore, there is a delay on the part of the case worker due to inadvertedness. His explanation has been called for. The said case worker has submitted his explanation and prayed for excuse. Hence, the delay may be condoned.

114) Under these circumstances, the respondent No.1 may be given two week's time for compliance of endorsement
AP* dt.3.5.2000.

Submitted for kind perusal and orders.

B.A. Muchandi
(B.A. MUCHANDI)
ARE-2

115) Hon'ble Upalokayukta

para 114 - yes
put up on 22/6/00
P. 4/5

116) ARE-2)

*Intimate RI to comply
order within fifteen days*

117) *dw* Fair copies of the endorsement addressed to the R.I, on the above lines. Are put up for signature. *S/S*

118) ARE-2)

Send
M
S/S

True Copy 1-2
M. M. M.
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

36
119) Letter No.KSJD/HBCS/4/2000-2001 dated 16th May 2000 received from the Secretary, Karnataka State Judicial Department Employees' House Building Co-operative Society Ltd., may kindly be perused. In the said letter, he has requested for grant of extension of one Month's time on the ground that there is vacation for the Hon'ble High Court and some of the Directors of the said Society are on leave. The letter is put up for kind perusal and further orders.

S
20/6/2000

120) ARE-2)

Respondent No.1 was granted time till 22.6.2000 for compliance of the order in para 109 n/f.

121)

Respondent No.1, by letter dated 16.5.2000, had sought one month's time for the compliance of the order. However, even after lapse of one month's time, the Respondent No.1 has not furnished the details as called for in our report till to-day (22.6.2000).

122)

Therefore, it is submitted that action as contemplated under Section 13 of K.L. Act will have to be taken against the Respondent No.1.

Submitted for kind perusal and orders.

1/True Copy

20/6/00

B.A. Muchandi
20/6
(B.A. Muchandi)
ARE-2

Additional Registrar
Karnataka Lokayukta
Bangalore

Further submitted

123

Subsequently, Respondent No.1 has sent a letter dated 21.6.2000 stating that the meeting of the Board of Directors has been postponed to 28.6.2000 to discuss the abovementioned subject and, therefore,

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Karnataka Lokayukta
Bangalore

has sought two weeks time.

124) The same is submitted for kind perusal and orders.

B. A. Muchandi
(B A Muchandi)
ARE- 2
22/6
22-6-2000

125) Hon'ble Upalokayukta)

Time is being taken over & over again.
Time is extended finally by -2- weeks.
Call on 14-7-00.

126) ARE-2)

Intimate a issue dicution to
comply positively within two weeks.

24/6.

127) As per orders at para 126 above, draft endorsement
is put up for kind perusal and approval.

128) ARE-2)

Department Employees' House Building Co-operative Society
Ltd., along with the Vice President of the said Society
appeared before me on 7.7.2000 and submitted a letter seek-
ing one month's time to report compliance as per the
endorsement dated 26th June 2000.

7.7.2000

(CY Ilur)
ARE 2

129)

At for

There are several allegations made against the management of the Society, including violation of ~~the~~ fire safety rules, fire loads, sub-sites, and allotments made to outsiders. It is unfortunate that this Housing Society which should be a model for other Housing Societies in the matter of ~~the~~ its management and upkeep of the layout has given room for allegation of corruption of nepotism.

Soon after the formation of the layout, all fire safety rules and loads ought to have been handed over to the Municipality. The fact that it is not done as yet is a serious lapse on the part of the management and gives room for suspicion regarding the conduct of the office bearers.

The matter is pending for over one year. Time extended till 31st August to comply failing which further action will be taken as per law.

Let the above order be communicated forthwith by RPAJ or a copy ^{thereof} may be given to the office bearer ~~that~~ if he were to appear tomorrow under acknowledgment. Let the name of the office bearer be clearly written up in the order sheet. put up on 1/8/00.

P. 12/7

130) ARE-2)

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 Karnataka Lokayukta
 Bangalore

130 Please communicate the order at para 129 of n/f accordingly for the work.

39

P A :

131 Draft endorsement to the ~~Manager~~ Secretary of the said Society is put up for kind perusal & approval.
S. Karim
13/7

132 ARE 2)

Draft approved. put up F.C.

hr 13/7

133 Fair copies of the endorsement are put up for kind perusal & signature
S Karim
13/7

134 ARE 2)

F.C. Signed along with two copies. Please send F.C. to The Secretary of the Society by RPMD and furnish copy of the order under acknowledgement to the office bearer if he has to appear today.

hr 13/7/10

As ordered at para 134 n/f. original copy of the

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Karnataka Lokayukta
Bangalore

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endorsement was sent to the Secretary of the said Society by R.P.A.D.

Shri Suresh Kumar, Secretary of the said Society appeared at 12.30 p.m. and a copy ~~xxx~~ of the endorsement handed over to him under acknowledgment.

Received

S Kastur 13/7/2000

Suresh S. (SURESH KUMAR S.) 13-7-2000

135. One of the members of the Society appears and alleges that portion of Road has been sold by one of the Directors. He makes many more allegations against the Management / office bearers. In this regard it is necessary to secure Certified Copies of the following registered documents.

- 1) Sale deed dated 21/3/1941 executed by Narasimha of Bidde alias Hammurajaj. No: 2848/1941-42 in Book I, Vol: 542, Pages 203-204 at the office of Sub-Registrar, B'lore TR now Sub-Registrar, Bangalore North TR property situated at Abalasaundra Village, Yelahanka Hobli - S. No 104/3
- 2) Sale deed dtd 23/3/95 executed by the Mysore Stone Ware Works of potteries Ad in Taluk of Hammurajaj Raju + S. Muniyappa Regd. No: 8828/94-95, Book I, at the office of Sub-Registrar Vol: 599, Pages 238-245 at the office of Sub-Registrar, Yelahanka

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Karnataka Lokayukta
Bangalore

As ordered by the...
2) Sale deed dated 05/11/1999 executed by the Karnataka State Judicial Department Employees Union Sdya Cooperative Society

P.S. Sri Subramanya to apply for Certified Copies and obtain the same at the earliest.
Call on 1-8-2000.

41

26/7

136) ARE(2)

Please issue letter under signature of ARE(2) to the P.S. Sri Subramanya to enable him to collect the certified copies of the documents as per order of Hon'ble Upalokayukta in para 135 of H/J.

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Karnataka Lokayukta
Bangalore

26/7/00

137) e/w

As per orders at para 136 above, letter to the Sub Registrar, Bangalore North taluk, Yelahanka, is put up for kind perusal and signature.

5 Kastur
26/7

138) ARE 2)

Signed.

26/7/00

139)

In response to our letter dated 26.7.2000, the Sub Registrar, Yelahanka, has sent the documents mentioned at Sl.Nos. (ii) and (iii) of our letter dated 26.7.2000, vide his letter dated 27.7.2000 and the same are placed in the file for kind perusal. These documents were produced by Shri B C Subramanya, P.S. to the Hon'ble Upalokayukta.

140)

In his letter, he has further stated that the document at Sl.No. (i) mentioned in our

letter dated 26.7.2000, is available in the office of the Sub Registrar, Bangalore North, Adeppa Layout, Basaveshwaranagara, Modi Hospital road, Bangalore.

- 142) Kind orders may be passed to write a letter to the Sub Registrar, Bangalore North, requesting him to send the above document and to hand over the same to Shri B C Subramanya, PS to the Hon'ble Upalokayukta.

For kind orders.

S. Kastur 27/7

- 142) ARE 2)

para 141 approved
by 28/7/00

143.

Letter put up for kind perusal and signature
S. Kastur 28/7

ARE 2

Additional Registrar
Karnataka Lokayukta
Bangalore

- 144) As per orders at para 134 of the note file, the ~~refer~~ original copy of the endorsement was sent to the Secretary of the Society by RPAD and the same has been received in the Society's office on 14.7.2000 as per the postal acknowledgment is placed in the file for kind perusal. The second copy of the endorsement has been personally handed over to Shri S Suresh Kumar on 13.7.2000 and his acknowledgment is obtained in the file.

- 145) As per the orders of the orders of the Hon ble Upalokayukta at para 135 of the note file, letters were addressed to the Sub Registrars of Bangalore North Taluk, Yelahanka and Sub Registrar, Bangalore North, requesting them to produce certified copies of the documents mentioned at para 135 (1), (2) and (3). Accordingly, they have given the certified copies of the said documents and Shri B C Subramanya, P.S. to the Hon'ble Upalokayukta, have produced them. The same are placed in the file for kind

perusal and further orders. 43

S. Karthi 31/8

146) ARE 2)

Due to closure of Government offices on 1.9.2000 on account of bundh observed due to kidnapping of cine artist Dr. Rajkumar, this file was not placed on 1.8.2000.

147)

As per the orders of the Hon'ble Upalokayukta vide para 129 of the note file, the order dated 12.7.2000 has been communicated by R.P.A.D. to the Secretary, Karnataka State Judicial Employees' House Building Co-operative Society Ltd., Bangalore, and the same has been served on the Society on 14.7.2000 and the postal acknowledgment is kept in the file for kind perusal. A copy of the order has also been personally handed over to Shri S Suresh Kumar, Manager-cum-Secretary of the said Society on 13.7.2000 and his signature along with his name has also been obtained on 13.7.2000 in para 134 of the note file. The Society has been called upon to intimate the compliance of the order dated 12.7.2000 on or before 31.8.2000. Hence, this file may be called ^{after} on 31.8.2000 expecting the intimation from the Society.

148)

As per the orders vide para 135 of the note file, Shri B C Subramanya, P.S. to the Hon'ble Upalokayukta has collected the certified copies of the three Sale Deeds called for and the same are kept in the file for kind perusal.

149)

Therefore, this file may be recalled

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Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

after 31.8.2000.

Submitted for kind orders on para 149 of the note file.

(C Y Ilur)
ARE 2

sk

150) Hon'ble Upalokayukta)

From the copy of the sale deed dated 5/11/99, I notice that the dimension of the site in the body of the sale deed is given as 90' x 90' (see page 4), whereas in the schedule it is shown as $\frac{98' + 92'}{2} \times \frac{72.64 + 65.3}{2}$.

Besides, the boundary on the western side is shown as site No: 1252.

From the layout plan produced by the society, I notice that between site no: 1253 and 1252 a road exists of 40' feet width.

prima facie it appears to me that while executing the sale deed to Mr. N. Shivanna, on behalf of the society, has included ~~part~~ the road portion in site no: 1253 and received consideration amount in ~~the~~ excess. This is a fraudulent act. We have to ascertain the names and addresses of all the directors of the society in this regard, especially those members who are

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Karnataka Lokayukta
Bangalore

WS

Sitting part of the road, contrary to the layout is a serious mistake. This would also inconvenience all the residents of the area.

The address of Mr N. Shivanna is furnished by one of the members of the society who appeared before me. It is as follows:

Mr N. Shivanna, Phone: 6672060.
No. 54, 3rd cross,
Kampegonda Nagar,
Jeximipura, Bangalore - 560 019.

It would be necessary to obtain copy of sale deed in respect of Site No: 1252 for purpose of investigation.

Draw up separate proceedings and put up on 10/8/00.

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Karnataka Lokayukta
Bangalore

This file to be put up along with the new proceedings file on 10/8/00.

151) ARE-2)

Call on 7/9/00 vide page 129.

Additional Registrar Employees
K:152) Upalokayukta
Bangalore

In our office endorsement dated 13.7.2000 the Secretary, Karnataka State Judicial Department Employees' House Building Co-operative Society Ltd., Bangalore, has submitted his comments, vide letter dated 31.8.2000. The same is put up for kind perusal and orders.

S. Kantu
2/9

153) ARE-2)

As per the orders vide para 129 of the note file, the Society had been called upon to intimate the compliance of the orders of the Hon'ble Upalokayukta dated 12.7.2000 on or before 31.8.2000. Order dated 12.7.2000 at para 129 of the note file may kindly be perused.

154)

In response to our notice, Shri S. Suresh Kumar, Manager/Secretary, K.S.J.D.E.G.B.C.S., in short, 'Society', has submitted his detailed reply dated 31.8.2000 and the same may kindly be perused. The Society has been repeatedly told to hand over the layout along with civic amenity sites to Yelahanka Municipality and from time to time request to hand over the layout of civic amenity sites though extended, lastly till 31.8.2000, it appears from their reply that layout has not been handed over.

155)

In the reply, the Society denies all the allegations and it is stated that ^{no} most civic amenity sites in the layout have been converted into sites and sold to outsiders. The allotment is made only to the Members including Associate Members as per the by-laws. In respect of some owners whose lands were not acquired by the Government, the Society had to enter into agreement of sale without conveyance, who have filed suits before the court, the Society inevitably got the matters compromised providing some sites to them to protect the interests of the Society.

u7

156) With regard to conversion of roads into sites, while denying this allegation, it is stated that, by oversight and mistake, the road portion was included while describing the boundaries in respect of the site allotted to the former Hon'ble Chief Justice, Mr. Y. Bhaskar Rao. Subsequently, the mistake has been got rectified by Rectification Deed by bringing the mistake to the notice of the former Hon'ble Chief Justice, Mr. Y. Bhaskar Rao. With regard to allegation of corruption and nepotism, while denying these allegations, it is stated that the same appears to have been made by persons, who are either disgruntled or unable to secure a site or other benefits.

157) With regard to handing over the layout along with civic amenity sites, it is stated that since some lands could not be actually acquired and thereby execution and formation of the entire layout was delayed. The persons whose lands have not been actually acquired approached the Civil Courts, as a result, the society could not complete 10 per cent of the layout work. Hence, the layout could not be handed over to the Municipality or the civic amenity sites. In spite of all these, the Society is taking up the issue of handing over the layout before the general body scheduled to be held on 24.09.2000 on "As is where is" basis immediately after obtaining the approval from the general body. Hence, the Society has requested to consider the explanation and drop further proceedings and sought permission to complete the execution of the remaining developmental work and hand over the layout to the Municipality after obtaining the permission of the general body of the Society.

// True Copy
 Submitted for kind orders.
 K. S. Lokayukta
 Bangalore

(C.Y. Ilur)
 ARE- 2
 6/9/00

158) Hon'ble Upalokayukta)

M. put up this file with BCD/125 of 2000-01
 on 13/9/00
 10/9

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Additional Registrar Enquiries
Kannataka Lokayukta
Bangalore

48

159) ARE-2

As per orders at para 158 of the note file, this file is submitted along with File No. Compt/ Uplok/BCD.125/2000-2001.

(C.Y. Illur)
ARE-2

160) Hon'ble Upal okayukta)

Draw up separate proceedings as regards the following:

161) We have obtained certified copies of two sale deeds dated 21.3.1941 and 23.3.1995 in Compt/Uplok/BCD-64/99-2000 in respect of Sy.No.104/3 of Allalasaandra Village of Yelahanka Hobli. The area marked and shown as parks and play grounds in the lay-out plan produced by the Society comprises land in Sy.No.104/3. If these lands belong to private parties, as it appears from the sale deeds, the same could not be shown as parks and play grounds forming part of the lay-out, since S.No.104/3 is not included in the acquisition notifications.

162) The recitals in the sale deed dated 21.3.1941 indicate that the said land was granted by the Government of His Highness the Maharaj of Mysore on 16.7.1937 in favour of Narasimha and Gidda alias Hanuma sons of "Adidravida - Duma", Allalasaandra Village, Yelahanka Hobli. It is necessary to

49

examine the terms of the grant for ascertaining whether the sale deed dated 21st March 1941 is valid, since the grant was made in favour of Narasimha and Gidda who belong to Scheduled Caste and therefore, whether the sale violated any of the provisions of the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of certain lands) Act, 1978. You may refer to Karnataka Act & Rules - Volume 19. Sections 4 and 5 of the Act are relevant.

163) For this purpose, draft of Sec.15(3) Order be put up addressed to the Deputy Commissioner, Bangalore Rural District, to investigate whether the grant made on 16.7.1937 by the then Government of His Highness the Maharaj of Mysore contained any restrictive clauses against alienation. (Please get a copy of the same). If so, whether the sale of such land under the sale deed dated 21st March 1941 was valid.

Call on 29.9.2000.

F. 18/9
UPALOKAYUKTA.

164) A.R.E.2)

pl purup draft of Section 15(3) or rec. no after drawing separate proceedings.
18/5/00

165) PR)

~~Draft order under Section 15 (3) of K.L. Act is put up for kind perusal and approval.~~

~~S. Kastur~~
Kf

166) ARE-2)

[Signature]
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore
20/11

165) As per orders 18.9.2000, of the Hon'ble Upalokayukta, in File No.Compt/Uplok/BCD,64/99-2000 AR-2, separate proceedings are drawn and case is registered in vide No.Compt/Uplok/BCD.164/2000-01.

Submitted for kind perusal and orders.

S. Kastur 22/9
166) ARE-2)

As per orders at para 163 of the note file, the file is submitted for kind perusal and orders.

lu 23/9/00
(C.Y. Ilur)
ARE-2

167) Hon'ble Upalokayukta)

Refer para 157 - Issue from the Management of the Society the minutes of the meeting of the General Body held on 24-9-00. Ascertain whether layout has since been handed over to the Municipality.

The chief officer of the Town Municipality, Yelahanka while taking over the layout for the Management of the Society should ask the Management to demarcate clearly in the layout plan, the civic amenity site, provided.

Call on 2/11/00.

2/11/00

168) ARE-2) *Sen* *ms*

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Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

50

51
As per order of Para 168, above letter to
Secretary K.S. J.A.S.H.B. Co. Bldg and the
Commissioner Yelahanka City Municipal Council
Bldg North, Yelahanka 18 Put-up for
Kond Perusal and Signature sir.

23-10-2000

164,

ARE-2,

Signed

l.

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Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

170) Commissioner, Town Municipal Council,

Yelahanka, has submitted a letter dated 16-10-2000 stating that on 24-2-2000 three assessment registers have been produced in this case for the purpose of investigation as directed. Now he has received applications from various persons for change of katha of the plots. Since these registers are produced in this case, he is unable to dispose off those applications seeking change of katha and as a result, applicants are put to hardship. Hence, he has requested to return those three assessment registers to attend his day-today business.

171) It is noticed from para 99 of the note file dated 29-2-2000 that Municipal Commissioner, Yelahanka, has appeared in person and produced three assessment

registers, thirty nine tax receipt books and copy of the Resolution book.

172) Investigation, with regard to the allegations against Society is already taken up and is in progress. But, these three assessment registers are required to the Commissioner, Yelahanka Municipality for his day-to-day work and for transfer of katha as and when the and also for disposal of applications seeking licence applications are received for construction of the buildings.

173) Hence, it is submitted ~~seeking~~ for kind orders for return of three assessment registers to Commissioner, Town Municipality,

0008-01-Yelahanka on a condition to produce those registers before the Hon'ble Authority as and when again required for the purpose of investigation.

174) Submitted for kind orders.

(C.Y. ILLUR)
A.R.E. 2

23/10/02

175) Hon'ble Upalokayukta

para 173 - yes.
To be called on the date given at para 16)

24/10

176) ARE-2

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Bangalore

Pl in limbo the Commission and Yelahanka
to release back the three registers
Conditionally as per order in para 173 R/10
177 of n/10
h 24/10/00

53

177)C/10

As ordered, three Assessment Registers have given to one Sri.M.V.Mutturaj, FDA, Office of the C.M.C.Yelahanka, who authorised by the Commissioner, Yelahanka with a condition to produce the said registers as and when called for by this office.

178. Endorsement dated:25.10.2000 to the Commissioner CMC, Yelahanka is prepared and submitted for kind approval and signature.

25-10-2000
179) ARE-2

In pursuance of the Order ^{vide} in para 167 of the note file, a letter dated:23.10.2000 has been addressed to the Secretary of the Society to furnish the minutes of the meeting of General Body held on 24.9.2000 and to intimate whether the layout has been handedover to Municipality. In response to that the Secretary, of the Society has forwarded the copy of the minutes of the General Body dated:24.9.2000 under his letter dated:31.10.2000. From which it appears that General Body has unanimously resolved to handover the layout

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Bangalore

to the Municipality after completion of the remaining work of the layout and after allotment of the sites to the persons who have paid the entire amount. Thus the Society so far has not handedover the layout along with civic amenity sites to the Municipality inspite of our repeated request .

Submitted for further kind orders.

rv.

180) Hon'ble Upalokayukta

(C.Y. ILLUR)
ARE-2

please speak tomorrow is 3/11/2000

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Bangalore

181) ARE-2)

Discussed the matter with Hon'ble Upalokayukta

on 3.11.2000.

182) Scrutiny Note in para 179 of the note file may kindly be perused.

183) For the purpose of further investigation the following documents/information may be ordered to be called from Secretary/President of the Karnataka State Judicial Department Employees House Building Co-Operative Society Limited, Bangalore.

- (I) Site allotment resolution book.
- (II) Information regarding number of sites allotted to associated members along with site

55

number, date of allotment and name of allottee.

III. With regard to the non-handing over of layout to C.M.C.Yelahanka due to incompleteness of the work, Society may be called upon to furnish the information of the pending works and time schedule and steps taken to complete those pending works.

IV. Number of sites which are remain^{ing} unallotted as on this date and their numbers.

V. Procedure followed for allotment of ~~this~~ site^s.

VI. Particulars of the sites auctioned, indicating site No. date of auction, ^{and} amount fetched ⁱⁿ on the auction, and ^{size}.

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184)

It is also indicated by the Society that they would handover the layout along with civic amenities sites to the C.M.C. only after completion of the pending works of the lay-out and after allotment of the sites to the persons who ^{have} paid the entire amount. In order to prevent the possible allotment of civic amenities ^{sites} to others, it is necessary to write a letter to C.M.C. to ensure that civic amenities sites are duly maintained. From the file it is noticed that the Society has furnished the copy of the Lay-out plan approved by the C.M.C.Yelahanka.

185)

Therefore, orders may be passed to address a letter to Commissioner, C.M.C. Yelahanka directing him to ensure that civic amenities sites are duly maintained and no fresh khata is made contrary to the Lay-out

plan approved by the C.M.C.

186) It is also desirable to summon the Sub-Registrar Bangalore North Taluk, Yelahanka to appear and to enlighten the procedure followed by them for registration of the sites of the new lay-out along with the copies of the relevant circulars, rules and provisions for further course of action. So that, illegal allotment and registration of the sites can be prevented after hearing from the Sub-Registrar.

Submitted for kind orders on paras 183, 184, and 186 of the note file.

Am 10/11/00
(C.Y. ILLUR)
ARE-2

187) Hon'ble Upalokayukta

Paras 183, 184, 185 and 186

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Bangalore

Approved

Call on 14/12/00

F. 20/11

188) ARE-2)

M put up enclosure on para 183, 185 and 186 of n/f.

Am 20/11/00

(83) *QW 2*

As per order at para 188 above letter to the Commissioner City Municipal Council the Secy Retired

56

rv.

For kind perusal and signature Sir.

[Signature]
24-11-2000

5

190, ARE-2,

Signed. Reply by Sir and
appearance of Sub Registrar 7/12/00
letter to Po. only be surely
madam. Endowment to care
and Sub Registrar RPTD.

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Additional Registrar
Kannada Lokata
Bangalore

[Signature]
24/11/00

191) Letter dated 7-12-2000 received from the Sr.
Sub-Registrar, Yelahanka along with copies of
documents as mentioned in his letter dt. 7-12-2000.
The same are submitted for kind perusal.

7/12

192) ARE-2

Senior Sub Registrar Mr. Venkatesh
appeared before me and heard him orally.
He produced the copies of notification and
Circular under his letter.

[Signature]
7/12/00

193) Call date is on 14.12.2000. But in the mean-while in pursuance of the Order in para 187 of the note file, letter dated: 23.11.2000 was addressed to the Commissioner, City Municipal Council, Yelahanka requesting him to ensure that civic amenity sites are duly maintained and no fresh khata's are made contrary to the layout plan approved by the Municipal Council. In respect of Judicial Employees Lay-out, Jakkur, he was called upon to submit the compliance in this regard to the Hon'ble Authority on or before 8.12.2000. This endorsement is delivered by RPA and acknowledgement is kept in the file. In spite of our endorsement, the Commissioner, City Municipal Council, Yelahanka has not responded.

Hence, orders may be passed to summon the Commissioner, City Municipal Council, Yelahanka to appear and to showcause why he did not submit the compliance on our endorsement dated: 23.11.2000. He shall also be called upon to state as to whether Karnataka State Judicial Employees House Building Society has submitted the application for fresh khata's of the lands in Judicial Lay-out at Jakkur. If so, to produce the copies thereon for the purpose of further investigation, during his appearance.

195) In pursuance of the order in para 187 of the note file, summon dated: 23.11.2000 was addressed to Sub.Registrar, Bangalore North, Yelahanka to

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 Bangalore
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appear in person on 7.12.2000 along with copies of the relevant circulars, Rules and provisions to enlighten the procedure followed by him for registration of the sites of the new lay-outs. In response to the summon Sri.Venkatagiri, Senior Sub.Registrar, Yelahanka appeared on 7.12.2000 and produced along with his letter dated:7.12.2000, xerox copies of the extract of Section 22(A) and 71 of Registration Act 1908, Rules 427⁷¹ of Karnataka Registration Rules 1965 and Government Notification No.RD 56 MUNOSEA 99 dated: 10.5.1999, Government Circular No.(I), Circular No.(II) Circular No.(III) and endorsement and same may kindly be perused.

196) In pursuance of the ^{order in} para 187 of the note file an endorsement dated:23.11.2000 was issued to Secretary/President of the Society calling upon *to furnish* the documents and information as indicated in our endorsement. One of the informations called for was with regard to the non-handing over of the lay-out along with civic amenity sites on account of in completion of the pending works. So Society was called upon to furnish the particulars/^{of} pending works, time schedule and steps taken to complete those pending works by the Society. Society was also called upon to furnish the number of sites remained unallotted along with their numbers,

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[Signature] 20/11

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Karnataka Lokayukta
Bangalore

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procedure followed for allotment of sites, particulars of the sites auctioned, indicating site number, dimension, date of auction and amount fetched in the auction. Though Society has given a reply dated: 1.12.2000, the required documents and information called for in our letter dated: 23.11.2000 have not been furnished.

197.

There are serious allegations of irregularities, malpractice, nepotism and corrupt activities on the part of the Directors of the Society are made. One of the allegations is that ~~to~~ 3 acres 25 guntas of the lands reserved for playground and swimmingpool have been alienated and the land reserved for park was converting^{ed} into sites and sold to the persons of their choice. So in order to protect the interest of the Society and to preserve the civic amenity sites though we called upon the Society by issuing Notice repeatedly to handover the layout along with civic amenity sites, Society did not respond and failed to handover the civic amenity sites to the Municipality. There is every likely-hood of converting the park and other civic amenity sites into residential sites and selling the same to the persons of their choice. So pending investigation it is desirable to issue directions to the Sub-Registrar, Bangalore North (Yelahanka), to stop registration of the documents presented by the

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Bangalore

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Society alienating the lands of the layout in question till further orders in order to maintain the civic amenity sites and to safeguard the interest of the bonafide allottees of the layout. It has been held in AIR 1996 Supreme Court 2450 in Rama Rao Vs Lokayukta and others (A.P) that the power to submit the final report with recommendation to take punitive or penal action includes the power to submit the interim report.

198. Since the Society failed to produce the required documents and information to enable the Hon'ble Authority to investigate the serious allegations made against its directors, pending investigation, it is necessary to issue interim direction to the Sub.Registrar with a sole object of ~~maintaining~~ Civic amenity sites to protect the interest of the bonafide allottees of the layout and to ^{check} ~~check~~ the further possible malpractice of conversion of civic amenity sites into residential sites for allotment by the Society.

199. Hence, interim direction may be ordered to be issued to the Sub.Registrar, Bangalore North(Yelahanka) not to register the documents presented by the Society alienating the land in Judicial Layout, Jakkur till the further orders.

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20/11

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Bangalore

Submitted for kind orders on para 194 and 199 of the note file.

13/12/00
(C.Y. ILLUR)
ARE-2

200) Hon'ble Upalokayukta

~~Dr. M. Jayaramaiah and Mr. G.S. Jayakumar, Registrar and Estate officer respectively~~

Dr. M. Jayaramaiah, Registrar, GKVK and Mr. G.S. Jayakumar, Estate officer, GKVK present in person in response to the telephone call made by the Registrar to inquire regarding formation of Linky Road through GKVK Campus to the layout in question

P. 17/1

para 197 — yes. An Interim order is made restraining the jurisdictional Sub-Registrar ~~to~~ from registering the sale deeds ~~presented~~ ^{executed} by the Society in respect of sites ~~situated~~ ^{situated} in the layout. Hence the Interim order immediately.

Summon the president of the Association and record his evidence in respect of all allegations. Have all the documents produced ~~at~~ by the Society marked as Exhibits. Call on 6/2/01

P. 14/1

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Bangalore

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rv.

201) ARE-2)

In pursuance of the Order in para 200 of the note file, draft Interim Order is submitted for kind perusal and approval.

by 18/01/01
(G.Y.ILLUR)
ARE-2

202) Hon'ble Upalokayukta

put up FC as per draft approved.

18/1

FC typed. copy on record. Done.

Call on 6/2/01 before which para 200 A be amplified with

18/1

203) ARE-2)

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Bangalore

Pl give along with covering letter. Put up covering letter.

by 18/01/01

204) Ad order covering letter addressed to the Sub-Regy, B'lore North, Yelahanka is submitted for kind approval and signature.

18/1
205)

205 (A) covering letter signed.

(B) deliver the order along with covering letter by messenger to Sub Registrar Bangalore North Taluk Yelahanka immediately.

hm
18/01/01

206) As ordered interim order dt. 18.1.2001 along with covering letter to Sub. Regr. is dispatched by messenger.
R
18/1

207) As ordered Summons to the President of K S J D E Co-op Society, BLE is prepared and submitted for panel approval and signature.
R
23/01

208) ABE-2 signed. Pl dispatch. Statement by
2/2
hm
23/01

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mark

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

209) CW. As ordered Summons to President of K S J D E H B Co-op Society BLE has been dispatched.
R
2/1

65

210) Letter dated: 2-02-2001 received from the Secretary, KSID EHB Co-op Society, Blare. The same is placed for kind perusal and orders.

211) ARE-2

In pursuance of the order in para 200-A of the note file, summons dated: 23.01.2001 was served on Sri.C.Shivalingaiah, President of the Karnataka State Judicial Dept. Employees' House Building Co-Operative Society, to appear before ARE-2 on 2.02.2001 for recording his statement. On 2.2.2001 Sri.S.Suresh Kumar, Secretary, appeared and submitted a letter dated: 2.2.2001 stating that Sri.C.Shivalingaiah's brother-in-law has passed away last week and he has gone to his native place to attend the obsequies ceremony on 2.2.2001 and hence, he is unable to attend for giving his statement and requested a month's time. Along with Sri.S.Suresh Kumar, Sri.T.N.Mahadeva Swamy, Advocate appeared and presented a joint vakalath signed by himself and one Sri.M.Shivappa for Sri.C.Shivalingaiah and he also sought time.

212) With regard to the appearance of the Advocate for Sri.C.Shivalingaiah, there is no specific provision in the K.L.Act to allow the advocate to

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Swamy 20/11
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Karnataka Lokayukta
Bangalore

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appear for the parties or witness during the course of investigation. Of course, advocates have right to appear before the Courts and also before the tribunals if there is specific provision for their appearance. With regard to the appearance of the Advocates before the statutory authorities unless there is a specific provision to represent their parties, it appears to me, appearance of the parties by advocates is impermissible. Hence, it is submitted that this aspect may kindly be examined and appropriate orders in the matter of the acceptance or rejection of the vakalath; may be passed.

213) In view of the letter dated:2.2.2001 of Sri.S.Sureshkumar, with regard to the summoning of the president for recording his statement, further orders may kindly be passed.

214) One Smt.Gowri, No.15, 18th Cross, 5th Main, Jayanagar, Bangalore has submitted a petition along with enclosures to Hon'ble Upalokayukta on 19.1.2001. The Hon'ble Upalokayukta, is pleased to make an order for scrutiny on the application of Mrs.Gowri.

215) Applicant Mrs.Gowri, has sought an action against one Sri.B.Ramakrishna, working as a clerk in the Society, on the ground that he is responsible for mal-administration of the K.S.J.D.E.H.Co-Op.Society

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and illegal allotment of sites by which he has amassed the wealth worth more than 4 crores. Thereafter, He has invested the said money in the Kautilya Credit Co-Operative Society, ~~for~~ which he is President.

216) Though, Sri.B.Ramakrishna is a Public Servant U/S 2(12) of K.L.Act, the allegations of amasement of wealth disproportionate to known source of income is impermissible under the K.L.Act , in view of the Judgement pronounced by the Apex Court in the State of Karnataka and others Vs. Kempaiah . Secondly, Employee of the Co-Operative Society does not become a public servant under the provisions of P.C.Act. Therefore, it is not permissible to forward the application and enclosures to the Police Wing for action against him under the Prevention of Corruption^{Act}. Hence, this application along with enclosures may be ordered to be filed.

Submitted for kind orders on para 212, 213 and 216 of the Note file.

lm
(C.Y. ILLUR) 3/02/01
ARE-2

rv.

217) Hon'ble Upalokayukta

Re para 211 & 212 — The subject matter is under investigation in accordance with the provisions of KL Act. At the stage of investigation, Advocate cannot be permitted to represent the public servant against whom allegations are made. Reject the vakalat.
para 213 — The fresh summons in the form prescribed, complete ready the statement of the public servant within fifteen days. Call on 27/2/01.

Re: para 216

yc
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Karnataka Lokayukta
Bangalore

3/2/01

218) ARE-2)

219) As ordered, Summons to Sri C. Shivalingappa, President of the KSDDEHB Co-op. Society, [unclear] Ltd is prepared and submitted for [unclear] approval and signature.

220) ARE-2

Signed and the summons for personal service on the [unclear] party - [unclear] [unclear] Bangalore.

221) As ordered, Summons to Sri. C. Shivalingappa has been sent through Police wing and the same has been duly served on him and acknowledgment is kept in the file.

The Secretary, KSDDEHB CS, has submitted a letter dated 20.02.2001, where in he has requested to furnish him a certified copy of proceedings. The same is kept for [unclear]

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Karnataka Lokayukta
Bangalore

223)

Sri. C. Shivalingaiah, President,
 KSJDEHBCS, has submitted a
 Representation dated: 22-02-2001,
 where in he has requested to with
 draw the Summons on the ground that
 he is the present President of the
 Society, but the Complaint is against
 the Secretary/President of the said Society.
 The same is submitted for kind

22/02/2001
 perusal

224)

ARE-2

In pursuance of the order in para 217
 of the note file fresh summons in the form
 prescribed was issued on 8.2.2001 through
 Lokayukta Police directing the President
 of Karnataka State Judicial Department
 Employees House Building Co-Operative Society
 Sri.C.Shivalingaiah to appear before the
 Addl.Registrar Enq-2 on 22.02.2001 at 11 A.M.
 The summons was duly served on the President
 on 15.2.2001. But the President of the
 Society did not appear, on the other hand

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this Hon'ble Authority to withdraw the summons on the ground that complaint is against the President/Secretary and Director of the Society, hence he cannot be a witness in the above proceedings.

225. On 20.02.2001 Sri.Sureshkumar filed an application dated:20.02.2001 requesting to provide him a certified copy of all the proceedings in respect of Complaint: BCD/64/99-2000 on the ground that, same has to be placed before the meeting of the Society. But the copy of the proceedings in the complaint cannot be granted in view of the bar contained in Section 16 of the K.L.Act that any information obtained in the course of or for the purpose of investigation and any evidence recorded or collected in connection with such information shall be treated as confidential.

226. Hence application filed by Sri.Suresh Kumar claiming to be a Secretary, may be rejected and if ordered the result of the application would be intimated.

227. Further orders may kindly be made with regard to the enforcement of the attendance of the President Sri.C.Shivalingaiah for recording his statement.

Submitted for kind orders on para 226 and 227 of the note file.

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26/2/01
(C.Y. ILLUR)
ARE-2

Additional Registrar
Karnataka Lokayukta
Bangalore

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228. ARE-2

With a view to maintain civic amenity sites for the enjoyment and benefit of the bonafide allottees and to prevent the possible mal-practice of conversion of civic amenity sites into residential sites for allotment by the Society, Interim Order dated:18.1.2001 was issued restraining the Sub.Registrar, Bangalore North (Yelahanka) from registering the sale deeds executed by the Society in respect of the sites formed in the Karnataka Judicial Layout at Jakkur.

229.

On account of interim stay the Sub-Registrar has stopped the registration of the sale deeds executed by the Society. Now Hon'ble Mr. Justice M. Ramakrishna , Chief Justice(Retd) have given representation dated:7.3.2001 stating that the Society has allotted site No.858 measuring 80' x 120' and he has remitted to the Society the cost of this site of Rs.4,34,650-00, because of the stay order Sub.Registrar is unable to register the sale deed presented by the Society and requested to relax the stay order, so as to enable the Sub.Registrar to register the document in respect of Site No.858 allotted by the Society.

230.

As the Society failed to produce the required documents and information to enable the Hon'ble Authority to investigate into the serious allegations made against the Director and Office bearers, pending

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Bangalore
20/11

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investigation to preserve the civic amenity sites
 the stay order was granted restraining the Sub-
 Registrar from registering any sale deeds in
 respect of the layout in question still further
 orders, on account of which the bonafide allottees
 who have not yet obtained the sale deeds from the
 Society have been put to hardship . To avoid,
 such hardship to the bonafide allottees to get
 their sale deeds registered and at the same time
 while maintaining the civic amenity sites, it is
 necessary to modify the interim order dated:

18.1.2001 permitting the Sub-Registrar to register
 the Sale deeds executed by the Society in respect
 of the sites covered under the approved lay-out plan
 strictly maintaining the civic amenity sites intact
 and copy of the approved lay-out plan may also be
 ordered to be sent to Sub.Registrar. Hence,
 Interim Order dated:18.1.2001 may be modified.

Submitted for kind orders on para 230 of
 the note file.

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 Bangalore

(C.Y. ILLUR)
 ARE-2
 9/3/01

rv.
 231) Hon'ble Upalokayukta

para 230 A - ye. Interim order
 is modified accordingly. The registering
 authority may register the sale deeds
 presented for registration in accordance with
 law after being satisfied that the site
 sought to be conveyed under the sale deed
 is shown in the layout plan and is identified.
 In no doubt, registering authority

Should seek clarification.

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para 226 - yes

para 227 - Enforce his attendance and record his statement.

Call on 9/4/01.

9/3.

232) ARE-2)

Draft Modified Interim Order is prepared and submitted for kind approval.

(C.Y. ILLUR)
ARE-2
12/3/01

233) Hon' ble Upalokayukta

Draft modified I.O is approved.

to be put up for F.C. on 14/3/01.

Call on 12/3.

F.C. completed
14/3/01

to be typed, copy on record. The

Call on 9/4/01 vide para 231.

14/3

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234) ARE-2)

235) As ordered, covering letter dt. 14.03.2001 to the Sub-Registrar, Yelahanka enclosing a Original Modified I.O. and copy of the Layout plan is prepared and submitted for kind approval and

Signature

236) ARE-2

Signed.

14/3/01

237) ARE-2

With reference to the order on para 227 of the note file, it is submitted that though summons dated:8.2.2001 served personally on Sri.C.Shivalingaiah for his appearance before me on 22.2.2001, he failed to appear before me. So for the purpose of enforcement of his appearance to record his statement, coercive steps needs to be taken. As per Section, 11(2) of K.L.Act for the purpose of investigation in respect of summoning and enforcing the attendance of any person and examining him on oath, Hon'ble Upalokayukta have all the powers of Civil Court as if ^{trying} drawing a suit under the Code of Civil Procedure 1908. Therefore under order XVI Rule 1 summons were issued for his appearance. In spite of service of summons he remained absent. Therefore, he is liable to be subjected to the consequence of non-attendance under Order XVI Rule 10^{of} C.P.C. Statement of of this person is material for the ^u purpose of investigation. As he failed to appear without

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B
14/03

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lawful excuse, so under order XVI 10(iii) in lieu of proclamation orders may be passed to issue a Bailable Warrant against him for Rs.1000-00 to secure his attendance and orders may be passed to serve the Bailable Warrant through the Police Wing, K.L.A.

Submitted for kind orders on para 237 of the note file.

[Signature] 15/3/01
(C.Y. ILLUR)
ARE-2

238) Hon' ble Upalokayukta

para 237 - yes.
Call on 20/4/01

[Signature] 16/3

238) ARE-2)

239) It ordered in ~~the~~ Endorsement Order to the Secretary Sri. S. Suresh Kumar is prepared and submitted for kind approval and signature.

19/03

240) ARE-2

Signed.
[Signature] 19/3/01

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[Signature] 20/1/11
Additional Registrar Emeritus
Karnataka Lokayukta
Bangalore

241) This file is put up before me at my instance.

242) A representation dated 26.3.2001 is submitted by Mr. A.K. Doreraj, an employee of the High Court of Karnataka Bangalore. It is taken on record. He has stated in the representation that he is a member of the Karnataka Judicial Department Employees House Building Co-operative Society Limited, since the year 1991, bearing Membership No. 2215. It appears, he participated in the auction sale for corner sites (situated in the layout formed by the Society in Yelahanka) conducted by the said Society on 21.2.1999 and that since he was the highest bidder, corner site No. 482 measuring approximately $\frac{49' 3''}{49'}$ x $\frac{36' 6''}{35'}$ for a sum of Rs. 2.84 Lakhs and the offer was accepted by the Society on the same day itself. This is evident from the endorsement dated 26.5.1999 and the receipt dated 30th August 1999, issued by the said Society.

243) The grievance of Mr. A.K. Doreraj is that the Sub-Registrar, Yelahanka is declining to register the sale deed in view of the ^{Modified} interim restraint order passed by me on 14.3.2001. In view of the fact that the site purchased by A.K. Doreraj is an authorised site, as I see from the layout plan sanctioned by Yelahanka Municipality which is on record, the Interim restraint order would be inapplicable to the aforesaid site purchased by Mr. A.K. Doreraj. Therefore, an endorsement may be issued under copy to Mr. A.K. Doreraj, stating that the Sub-Registrar may register the sale deed executed by the said Society in respect of site No. 482

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Bangalore

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situated in the layout formed by the said Society,
in favour of Mr. A.K. Doreraj.

Call on 20/4/01
P. 27/3/01
UPALOKAYUKTA.

244) A.R.E-2)

245) As ordered. Enclosurement dt: 27.03.2001
to the Sub-Registrar, B'lore North, Yelahanka
is prepared and submitted for kernel
approval and signature.

P
27/03

246) ARE-2

signed.

by 28/3/01

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Karnataka Lokayukta
Bangalore

247)

Mr. A.K. Doreraj is present in person.
One more copy of the Enclosurement be handed
over to him.

P. 28/3/01

ARE (2)

248)

pl issue one more copy.

by 28/3/01

249)

As ordered "certified copy" of the
Enclosurement dt: 27.03.2001 handed over
to Sri. A.K. Doreraj, on 28/03/2001.

P
28/03

250) vide para 238 - Available warrant
need not be issued till further orders.
put up on 24/4/01

28

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Karnataka Lokayukt
Bangalore

Meantime ascertain from the registering authority
the number of documents executed by the
and presented for registration.

24/4
24/4

251) ARE-2

252) As ordered Endorsement to the Sub-Registrar
Bangalore North Taluk, Yelahanka is prepared
and submitted for kind approval and
signature.

18/04

253) ARE2

Signer: M. Anurag, Reply of 2014
11/4/01

254) In response to our letter/Endorsement
dt: 11.04.2001, the Sub-Registrar, Yelahanka
has furnished the information called for
The same is submitted in the file
for kind perusal

18/04

256) ARE-2

By addressing a letter dated:11.04.2001 the Sub.Registrar, Bangalore North Taluk, Yelahanka had been requested to intimate the number of documents registered by him on or after 18.1.2001 presented by the Karnataka State Judicial Department Employees House Building Co-Operative Society Ltd. Bangalore in respect of the sites situated in Judicial Layout at Allalasangra Village in the format containing site No., name of the purchaser, dimension of site, date of presentation, date of Registration and consideration amount.

257)

Accordingly, Sub.Registrar, Bangalore North Taluk, Yelahanka has furnished the required information in the format vide his letter dated:17.4.2001 from which it is found that as many as 48 documents presented by the Society after 18.1.2001 are registered. 47 documents are registered on 31.3.2001 and one document is registered on 30.3.2001. I have compared the measurements of the ^{S, B, or} documents registered with reference to the site number ^{with} the approved layout plan furnished by the Society and found no variation with regard to the measurements of the ^{S, B, or} documents ^{are} registered ~~with reference to the approved lay-out plan.~~

Which

258)

Order with regard to issuance of Bailable Warrant against Sri.C.Shivalingiah was kept in

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 Karnataka Lokayukta
 Bangalore

abeyance till 24.4.2001 vide order of Hon'ble
Upalokayukta dated:9.4.2001 . Hence, further
orders may be passed with regard to issuance of
Bailable Warrant against Sri.C.Shivalingaiah, and
for execution of the order on para 238 of the
note file.

Submitted for kind orders on para ~~238~~ 258
of the note file.

(C.Y. ILLUR)
ARE-2

iv.

259) Hon'ble Upalokayukta)

M. Speak on 2/5/01

It appears that there ^{is} a stay of these proceedings
~~260) ARE~~ by the Hjt. Court. Call on 18/7/01

260)ARE-2

Judicial
Karnataka State/Department Employees House

Building Co-Operative Society, Bangalore has filed
an Writ Petition against the Hon'ble Upalokayukta
in W.P.No.15101/2001 (GM-RES) and obtained Interim
Order dated:18.04.2001, wherein the further proceedings
before the Hon'ble Upalokayukta in Compt:Uplok:BCD-64:
99-2000/ and all connected proceedings are stayed.

261)

Now, the D.P.A.R. issued an Order No:DPAR
225/L.G./2001 Bangalore dated: 12.07.2001 authorising

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80
Additional Registrar
Karnataka Lokayukta
Bangalore

81

Sri.Ashok Harnahalli , High Court Advocate, Bangalore
to appear before the High Court on behalf of the
Hon'ble Upalokayukta in the Writ Petition.

261) In view of the stay of all the further proceedings
this file may be ordered to be called after vacation
of stay in the W.P.

Submitted for kind orders on para 261 of the
note file.

lu 17/1/01
(C.Y. ILLUR)
ARE-2

262) Hon'ble Upalokayukta

para 261 - yes.
18/7

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20/1/01
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Karnataka Lokayukta
Bangalore

263) ARE-2)

264) Letter dated 21-1-2002 received from Hon'ble
Mr. Justice M. Ramakrishna (Chief Justice (etd)),
Wherein it is requested to furnish a
true copy of the order dt. 14.3.2001.
Submitted for kind perusal and order.
Hon'ble Upalokayukta has made an order on the letter
dt. 21.1.2002 for issue of copy.

B
21/1/2002

265) ARE-2

True copy

lu 24/1/02

266) As per oral instructions of Hon'ble Upalokayukta
file is forwarded to Hon'ble Upalokayukta Section.

lu 25/1/02
(C.Y. ILLUR)

267) Hon'ble Upalokayukta

On 20-10-2002 registration, certain allegations made against the office bearers of Co-op Society was being examined.

This matter has been pending for ~~over~~ almost three years. I was mainly concerned to preserve parks and playgrounds and tree line specially sites for the common good of the residents of the locality.

Now, I find that no useful purpose would be served in keeping this matter pending. Jurisdiction deleted. file.

P. 13/3

268) ACE-2

I put up the Enclosure attached to the first society intimating the closure of the file incorporating the extract of the order of Hon'ble upalokayukta dt 13-3-02.

13/02/02

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Karnataka Lokayukta
Bangalore

269) As ordered, Endorsement addressed to the Respondent Society is prepared and submitted for kind approval and signature.

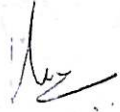
83

Q
1463

270) ARE-2

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Karnataka Lokayukta
Bangalore
20/11

Signed Endorsement per your



15/03/02

271) As ordered, Endorsement dt: 15-03-2002 addressed to the Secretary, KSJDEH. B. Co-op Socy B'lore. If, approves this file will be forwarded to Complaint Section for recording.

272) ARE-2

273) Kindly Peruse the orders of Honble Upalokayukta dt: 13/3/02, of the at Note Para 267, Supra. There are 39 Revenue Receipt Books pertaining to CMC, Yelahanka, Bangalore North Tal, which were pending in this file which were

84
received in this office, in connection with the investigation of the complaint matter on hand.

At present, these ^{books} are not required to be maintained in this office.

If approved, a letter will be addressed to the ^{Commr.} CHC, Yelohantia, Bidar Dist. Tq. to depute a responsible officer/ officers to collect these 39 Revenue Receipt Books.

✓
15/11/05

279) ARE (2)

280) kindly peruse the letter dtd. 21/11/05 of Sri Panduraya Acharya, Advocate for Sri H. Anjanappa, of Allobesandra, Ank post, Bagalkot, requesting to issue an endorsement (No objection).
Submitted for kind perusal and further orders.

281) ARE-2)

1/True Copy/✓

Additional Registrar
Karnataka Lokayukta
Bangalore

20/11/12
Next page

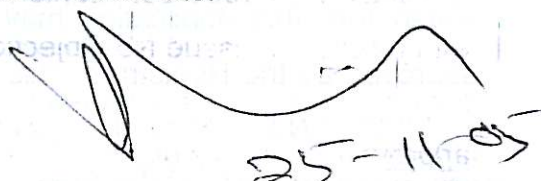
281) A.R.E.-2

85

The application given by Sri M. Anjanappa of Allalasanra, GKVK Post, Bangalore-65, may kindly be seen. He has enclosed two endorsements dated 30/5/1998 and 23/1/1990 and has requested our office to issue No-Objection-Certificate. He has stated that the land bearing Sy.No. 14/2 measuring one acre 22 guntas has been given up from acquisition for Judicial Employees House Building Cooperative Society.

The perusal of the file goes to show that in our office, the file is closed. This fact is clear from the perusal of Para 267 of N.F. recorded by Hon'ble Upalokayukta. However, 39 Revenue Receipt Books have been with our office and they pertain to CMC Yelahanka, Bangalore North Taluk. However, the applicant has not shown as to under what provision of law he is entitled to receive, or our office is duty bound to issue No-Objection-Certificate and what is the nature of "No-Objection-Certificate". Therefore, this application may be rejected and he may be directed to approach other concerned authorities for No-Objection-Certificate.

True Copy
For approval.
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore


25-11-05
(A.L. Pujar)
Addl. Registrar of Enquiries (2)

282) The Hon'ble Registrar

para 281 Approved.

Intimate the party that Lokayukta is not competent authority to issue certificate regarding matter referred by him
Arguments
No-objection by him
25/11

282) ARE-2 with letter of

per para 281 and 282


26-11-05

86
283)

Kindly peruse the letter dtd. 30/11/05
of Sri Panduranga Acharya, Advocate, Sutodakalle,
Bangalore-91, requesting to recall the stay
order i compt no. 64/99-00 and to issue
letter to the Sub-Registrar, Bangalore North,

Submitted for kind orders.
✓ 2/12/05

284)

284) A.R.E.-2

The letter dated 30/11/2005 may kindly be perused. The petitioner has requested to recall the Stay Order dated 18/01/2001 in Complaint No. Uplok/BCD/64/1999-00. Earlier, he had also filed a letter dated 21/11/2005 with a prayer to issue No Objection Certificate. On that letter, this office had stated that this application may be rejected. Further, that opinion was approved by the Registrar. This fact is clear from the perusal of Para 281 and 282 of N.F. Now, the applicant has come up with another application with a prayer to recall the Stay Order dated 18/01/2001. The perusal of the records goes to show that the complaint was registered in Complaint No. Uplok/BCD/64/1999-00 and that the investigation was in progress. on 18/1/2001, an Interim Order was passed by the Hon'ble Upalokayukta restraining the Sub-Registrar, Yelahanka from registering the sale-deed executed by the society in respect of the sites formed in the Karnataka Judicial Employees' Layout at Jakkur. However, in respect of the transactions of the said society, a case is also pending in the Hon'ble High Court of Karnataka in WP No. 15101/2001 (GM-RES). The perusal of the notes goes to show that at Para 267 Hon'ble Upalokayukta has recorded thus:

(True Copy)
20/11/05

Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

"On suo-motu investigation, certain allegations made against the office bearers of Cooperative Society was being examined.

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This matter has been pending for almost three years. I was mainly concerned to preserve parks and playgrounds and other civic amenity sites for the common good of the residents of the locality.

Now, I find that no useful purpose would be served in keeping this matter pending. Investigation discontinued. File"

From the above notes recorded by the Hon'ble Upalokayukta, it is clear that the investigation in this complaint has been discontinued and there is an order to file.

Now, the applicant has come up with his application dated 30/11/2005 stating that on account of the Stay Order dated 18/01/2001, this applicant has not been able to register the said land in the Office of the Sub-Registrar. He has made reference to Sy.No. 14/2 measuring 1 acre 22 guntas. Whatever may be his merits regarding his contention and regarding his right to go for registration, however, this much is clear that as he contends that our interim order is coming in the way of the Registering Authority, and as the said complaint at our office has been closed, it is just and proper on our part to recall the order dated 18/01/2001 issued by the Hon'ble Upalokayukta. Therefore, in my opinion, Hon'ble Upalokayukta may be requested to recall the order dated 18/01/2001. In view of this, the Hon'ble Registrar is requested to recommend to Hon'ble Upalokayukta for withdrawal of the said Interim Order. However, by way of clarification, it may also be added that our office shall not be taken as having given any express or implied permission for alienation which would otherwise be illegal.

(Handwritten signature)
3-12-05

(A.L. Pujar)
Addl. Registrar of Enquiries (2)

1/True Copy/...
20/11
Additional Registrar Enquiries
K... Lokayukta
285 The Hon'ble Registrar
Bangalore

286) ARE-2]

88

In view of the notes recorded by me on 3/12/2005 at Para 284 and in view of the directions issued by the Registrar on 3/12/2005 at Para 285, Hon'ble Upalokayukta is requested to recall the Order dated 18/01/2001. However, by way of clarification it may also be added that our office shall not be taken as having given any express or implied permission for alienation which would otherwise be illegal.

If approved, a letter will be written accordingly to the Sub-Registrar, Bangalore North (Yelahanka).



(A.L. Pujar)
Addl. Registrar of Enquiries (2)

287) The Hon'ble Upalokayukta

1/True Copy//
Additional Registrar Enquiries
Karnataka Lokayukta
Bangalore

On a matter that is closed,
it would not be proper to pass
any order. File.

K. D. Rao
12/12/05

288) The Advocate for the complainant Applicant Sri H. Anjanappa, has submitted the Application dtd. 2/12/05 requesting to furnish the copy of the order dtd. 18/1/01 and final order copy dtd. 13/2/02. If approved, copies will be given to them, with an instruction to pay the prescribed fee in the office.

✓ 20/11/05

289) AREC2)

Certified Copy may be issued after due certification

~~290) DDA~~

Certified copies signed and issued to the concerned Advocate.

20-12-01

291) Hoible ARE-2

21/12/01

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Bangalore

Seen
21-12-01

292) Kindly passed the letter dtd. 15/12/05 of Sri Panduranga Acharya, Advocate to Sri M. Anjanappa praying to recall the stay order pending before the Sub Registrar, Talabanka, to issue certified copy of the Final order.

It is submitted that certified copy of order dtd. 18/11/01 and final order dtd. 13/3/02 has already been issued to the Advocate.

Submitted for kind perusal and further orders.
23/12/05

293) AREC2)

It is seen that certified copy has already been issued

However, now no action is required from our side.

90

23-12-05

294) Kindly peruse Nde Rasas 278 & 279, submitted for approval to send back 39 Revenue Receipt Books to the CMC, Belshankar.

One again submitted for kind approval.

27/10/06

295) AREC) As per note at para 267, then Hon'ble Wpa. Lokayukta ordered for discontinuation of investigation and for filing. Hence two receipt books referred to at para 294 are not required for us. If approved they would be sent back.

S. R. Sankaranarayanan
ARE - II

27/7/06

296) Hon'ble Wpa. Lokayukta
Copy applied by... D. G. Prasad Ramachandra
Prepared and Verified by... Kumar S. Sankar
This Copy contains... 01-834 in total
Copying Charges of Rs. 1668
Vide G.R. No. 332529 dated 7.11.2012

Signature of P.A.

1/True Copy/
Additional Registrar
Karnataka Lokayukta
Bangalore



