CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH : BANGALORE

ORIGINAL APPLICATION No. 170/00184/2017

W I T H

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TODAY, THIS THE 13TH DAY OF DECEMBER, 2017

HON'BLE DR. K.B. SURESH ... MEMBER (J)
HON'BLE SHRI PRASANNA KUMAR PRADHAN ... MEMBER (A)

1. O.A. No. 170/00184/2017

M.V. Savithri,
D/o. Late M. Venkataramaiah,
Aged about 57 years,
Working as Managing Director,
Karnataka Small Scale Industrial Development Corporation,
Bangalore,
Residing at
No. 17, 35th Main, 4th Cross,
BTM Lay Out, 2nd Stage,
Bangalore : 560 068 …Applicant.

(By Advocate Shri M.S. Bhagwat & Shri K. Satish)

Vs.

1. Union of India,
   Through its Secretary,

   Department of Personnel & Training (DOPT),

   Ministry of Personnel, public Grievances & Pensions,

   North Block, New Delhi – 110 001

2. The State of Karnataka,

Represented by its Chief Secretary,
Vidhana Soudha, Dr. Ambedkar Veedhi,
Bangalore : 560 001

3. The Deputy Secretary to Government,
(Services),
Department of Public Administration Reforms,
Dr. Ambedkar Veedhi,
Bangalore : 560 001

4. The Department of Promotion Committee
(headed by 2nd respondent),
O/o. The Chief Secretary,
Vidhana soudha,
Bangalore : 560 001 …Respondents.

(By Shri J. Bhaskar Reddy, Counsel for Respondent No.1 &
Shri T.S. Mahantesh, Counsel for Respondent Nos. 2,3,& 4)

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O R D E R

Hon'ble Dr. K.B. Suresh, Member (J) :

Dr. B.R. Ambedkar said, what is the constitutional parameters under which this issue is to be resolved? ***"if I was asked to name any particular Article in this Constitution as the most important - without which the Constitution would bea nullity – I could not refer to any other Article except this one. It is the heart and soul of the Constitution".*** (When discussing about judicial review in Constitutional Assembly Debates Volume VII at page 953).

In the Judges Transfer case reported in AIR 1982 SC 149, their Lordship held:**"In view of the poverty, ignorance, illiteracy, deprivation and exploitation, the insistence of straight jacket formula *would become* self defeating."**

The Constitution of Bench of the Hon'ble Apex Court reported in AIR 2010 SC 1476 held "**It is the duty of the Country to uphold constitutional values ---- Judicial review itself is a basic feature of the**

Constitution---- it cannot be extinguished by constitutional or statutory provisions".

The Hon'ble Apex Court in A.C. Jhalwal vs. High Court of H.P.held "**The Constitutional Scheme aims at securing an independent judiciary which is the bulwark of democracy".**

The Hon'ble Apex Court held in various cases, such as -

(1) **Indira Gandhi vs. Raj Narain reported in AIR 1975 SC 2299**

(2) **S.R. Bommai vs. Uion of India and Others reported in 1994 SCC (3) 1**

(3) **Kihoto Hollohan vs. Zachillhu and Others reported in 1992 (Supplement 2) SCC 651**

(4) **Special Reference No. 1 of 2002 reported in AIR 2003 SC 87**

(5) **Sub Committee on Judicial Accountability vs. Union of India reported in 1991(4)SCC 699 –**

held in effect that

"***The heart and care of a democracy lies in the judicial process and that means independent and fearless Judges free from executive control brought up in judicial traditions and trained to judicial ways of working and thinking*".**

Here is a case wherein the State Government seeks that a quasi judicial officer must act as it's agent and protect the agenda of the Government. We have examined the issue and had come to a prima facie conclusion that the situation as it

existed in the year 1836 A.D, 1948 A.D and 1968 A.D is being sought to be tangentially reviewed apparently for the protection of certain private interests who has newly come into the scene. **So masked and clouded private interest is sought to be arrayed as public interest.** We decline to say more as the Hon'ble High Court of Karnataka may be in seisin of the this side of the issue.

By the same token, the State **also should not have interfered and issued a positive order and that too against the detailed initial report issued by the Hon'ble Law Minister.**

The Hon'ble Apex Court in Aruna Roy vs. Union of India held**"Bereft of moral values, Secular Society or Democracy may not survive**."

The Hon'ble Apex Court in Union of India vs. Ramesh Ram and Others held that **"Affirmative action measures should be scrutinized as per standard of proportionality. Criteria for any form of dfferential treatment should have a rational co-relation with legitimate governmental objective."**

If, Administrative Officers posted as a quasi judicial officer, even for a moment imagine that they are the Agents of Executive Government, the concept of fairness and impartiality, deemed necessary for adjudication. Falls down dead. As a consequence the faith of people in the system crambles.

In fact, the contention of the State Government rests as the principle of the Government domain as an attribute of Sovereignty and as created by the Inam Abolition Act of 1977. But as the civil court have in 1948 and thereafter settled the question of title and the then Deputy Commissioner, acting under law had granted patta, the question of title is already settled. The Hon'ble Apex Court in Mahendra Pal vs. State of Haryana reported in AIR 2009 SC 3220 has held as follows :

"It is to be stated that the obligation to pay compensation Flows from entry 42 of List III which survives even after repeal of Article 31(2).

Therefore, since the process and procedures of the Inam Abolition Act and the Land Reforms Act and the Tenancy Act, having not been completed, the rights of the Government seems suspect. It is in this background we must see the emergence of the private interests in the guise of the public interest.

Therefore, in this backdrop we will examine the elements and factors of both these cases which arises from same set of facts and have the same consequence and thus heard together.

But we will not enter into the question of whether the report of the Regional Commissioner is right or wrong but will only focus on the last paragraph of the report when she says that the applicant's order is with mistakes and illegal as this question is before the Hon'ble High Court. But in this context, the mistake means only error of judgement as ***no other stipulations exist***.

2. **The song of the meek, will darken any brow, as they cry aloud and beseech Justice. But how to find strength, to do the right, so that the meek shall also survive?is the question. The story of an ass who was sacrificed so**

that the powerful can survive and even benefit seems to be the moral of this story as well. The great poet Jonathan Swift describes as how the powerful wriggles out of their sins of commission and omission, while, the poor ass finds himself sacrificed even though innocent.

3. **Even though long, this poem is illustrative of the issue at hand.**

One time a mighty plague did pester
All beasts domestic and sylvester,
The doctors all in concert join'd,
To see if they the cause could find;
And tried a world of remedies,
But none could conquer the disease.
The lion in this consternation.
Sends out his royal proclamation,
To all his loving subjects greeting,
Appointing them a solemn meeting:
And when they're gather'd round his den,
He spoke,--My lords and gentlemen,
I hope you're met full of the sense
Of this devouring pestilence;
For sure such heavy punishment,
On common crimes is rarely sent;
It must be some important cause,
Some great infraction of the laws.
Then let us search our consciences,
And every one his faults confess:
Let's judge from biggest to the least
That he that is the foulest beast,
May for a sacrifice be given
To stop the wrath of angry Heaven.
And since no one is free from sin,

I with myself will first begin.

I have done many a thing that's ill

From a propensity to kill,

Slain many an ox, and, what is worse,

Have murder'd many a gallant horse;

Robb'd woods and fens, and, like a glutton,

Devour'd whole flocks of lamb and mutton;

Nay sometimes, for I dare not lie,

The shepherd went for company.

He had gone on, but Chancellor Fox

Stands up----What signifies an ox?

What signifies a horse? Such things

Are honour'd when made sport for kings.

Then for the sheep, those foolish cattle,

Not fit for courage, or for battle;

And being tolerable meat,

They're good for nothing but to eat.

The shepherd too, young enemy,

Deserves no better destiny.

Sir, sir, your conscience is too nice,

Hunting's a princely exercise:

And those being all your subjects born,

Just when you please are to be torn.

And, sir, if this will not content ye,

We'll vote it nemine contradicente.

Thus after him they all confess,

They had been rogues, some more some less;

And yet by little slight excuses,

They all get clear of great abuses.

The Bear, the Tiger, beasts of flight,

And all that could but scratch and bite,

Nay e'en the Cat, of wicked nature,
That kills in sport her fellow-creature,
Went scot-free; but his gravity,
An ass of stupid memory,
Confess'd, as he went to a fair,
His back half broke with wooden-ware,
Chancing unluckily to pass
By a church-yard full of good grass,
Finding they'd open left the gate,
He ventured in, stoop'd down and ate
Hold, says Judge Wolf, such are the crimes
Have brought upon us these sad times,
'Twas sacrilege, and this vile ass
Shall die for eating holy grass.

4. It seems to us that there is a parallel here.

5. Apparently before Independence of India, in 1836 AD the rulers thought it fit to appoint a Jagirdar and granted him an Inam of a large parcel of land which remained with his family and later on ended in a suit for partition and after apparently the passing away of late Shri Triplicane Ramaswamy Mudaliar, the Jagirdar which he had obtained as per Charter of British Government which culminated in dispute later between his legal representatives. The lands were apparently situated in Survey No. 1 to 8 and 174 of Sattegal Village, Kollegal Taluk and which is the lands in issue. This partition suit OS No. 84/1948 was compromised between parties on 10.06.1949 between Smt Annapoornamma and Shri Bhakthvalsalam and others and in the Plaint A Schedule refers to Survey No.s 1 to 8 of Sathegala village of Shiva Samudram Jahageer Estate and bounded on three sides by River Kaveri and Shivasamudram channel. It appears to be the property in

issue here. It appears that this parcel of land roughly comprising of an extent of 1360 acres, which, according to the Government, is the crux of the issue, but as per the present contention between 200 to 300 acres is the matrix.

6. **Apparently disputes relating to possession is raging between the Government on the one hand, two Power Generation Companies, A Tourism Promotion Company, 100s of local people to benefit who, on the support of the present and former M.L.A's (according to the report of the Regional Commissioner, Mysore) the Government authorities themselves had constructed many kilometres of roads, drawn miles of electric lines and developed the area. Thus this became a valuable property and a raging fight ensues for a right to title and possession.**

7. In this fluid situation, the Hon'ble High Court of Karnataka issued an order in WP 16254/12 to the DC of the area to dispose of the appeals pending with them as it was found to have a chequered litigational history:

8. The Hon'ble High Court of Karnataka in Writ Petition Nos. 16254-16256/2012 (LR-RES) dated 12.06.2012 issued an order. In paragraph 5 of the order it is stated as below:

> ***"5. However, the petitioner is shown to have moved the Deputy Commissioner. It appears that as per the respondents, the land belongs to the Forest Department and also there is no growth of crops, etc. It is for the Deputy Commissioner before whom appeal / application is said to have been filed to consider the same in accordance with law and also to consider whether the land is a forest land or not, within three months from the date of the receipt of the order without being***

influenced by any observations made above. Accordingly, petition is disposed of."

Apparently for some reason or the other this was not disposed off at that point of time.

9. In Writ Petition No. **16515/2014 and connected cases (KLR-RR/SUR) dated 16.04.2014,** the Hon'ble High Court of Karnataka had passed yet another order in paragraph 13 onwards which is extracted below:

"13. The contention of these side has received my consideration. As recorded in the para supra, the acquisition of land by Sri. Ravikumar, petitioner in W.P. No. 16515/2014 to an extent indicated in their writ petition and acquisition of the land by the petitioners' in *W.P.NOS.16516-16518/2014 as averred by them is not in dispute. The copies of the revenue records in these writ petitions evidences the fact that the predecessor in title of the petitioners in these petitions were not only grantees but were personally cultivating the land till they sold the property to the petitioners herein. Therefore, we are concerned as to whether they were cultivating the lands as personally as on the date the Karnataka Land Reforms Act came into force. The revenue records which are not brought in question by the respondent/State puts at rest any contention to the contrary. As on the date Land Reforms Act came into force, the lands being in personal cultivation of the petitioners' vendors could not have vested in the State. Besides, no claim of tenancy has been urged against the predecessor in title and consequently in the absence of any claim of tenancy, mere opinion of the Assistant Commissioner that the petitioners have not cultivated the land and therefore action under Section 84 and 85 of the Act is attracted can hardly be sustained.

14. Be that as it may, the Deputy Commissioner has examined all these issues in a statutory appeal preferred by Sri. Ravikumar.The petitioner in W.P. No. 16515/2014 and also the predecessors in title of the petitions in *W.P. NOS. 16516-16518/2014 as seen from the proceedings in R.A. No. 50/2011-12. The Deputy Commissioner on merit has allowed the appeal, set aside the order passed by the Assistant Commissioner on

13.12.2011. Therefore, the order passed by the Deputy Commissioner which is at Annexure-F is important. The Deputy Commissioner has accepted the plea of the petitioners and set aside the order of the Assistant Commissioner. Therefore, mutation in the revenue records deleting the name of the petitioners in these writ petitions showing the name as "SARKAR", as also deletion of name of the Processors in title of the petitioners in *W.P. NOS. 16516-16518/2014 needs to be set aside and names of the petitioners' in these writ petitions needs to be entered.

Being of this opinion, I accept the petitioners contention that respondents No. 3 and 4 have no justification in refusing to comply with the orders of the Deputy Commissioner dated 8.7.2013 passed in R.A. No. 50/2011-12. Hence, these the writ petitions are allowed as prayed for. Rule is made absolute. By writ of mandamus, the 4th respondent-Tahsildar is directed to restore the name of the petitioners' in the revenue records as it is stood before the order dated *13.12.2011 passed by the Assistant Commissioner and further directed to implement the order dated 8.7.2013 passed by the Deputy Commissioner in R.A. No. 50/2011-12 as prayed for in these writ petitions within the outer limit of 8 months from the date of receipt of the copy of this order."

Therefore, the order passed by the applicant now lies submerged in the judgement of the Hon'ble High Court in WP No. 16515/2014 (KLR-RR-SUR) dated 16.04.2014.

10. The government after perusing the issue was of the view that the Hon'ble High Court in its order passed in Writ Petition No. **1884/1993 dated 20.11.1988**the land bearing Survey No. 174 is forest land and this land, without following the conditions of the Karnataka Forest Act, the question of sanction/grant does not arise and **hence the unauthorized persons in this area must be evicted**. Further the Hon'ble High Court in **Writ Petition No. 3514/1999 and Writ**

Petition No. 7796-8021/1999 vide order dated 18.01.2000, the order passed in **Writ Petition No. 1884/1993 dated 20.11.1998** was withdrawn **and the Writ Petition filed for cancellation of unauthorized cultivation was rejected.** They would say that the land bearing Survey No. 1 and 174 as per Inam Abolition Act has come under the government and with regard to the awardment of compensation the case is pending with the Regional Commissioner. They would also say that the file relating to this in the Deputy Commissioner's office are Xerox copies and not certified copies. In Adangal there is a difference between the name written in original writing and the letter written later. Further Madras Region Alathur District Munsiff Court O.S. No. 84/1948 order is related to the original plaintiff's family. It is not related to this case, (all these people may now be dead and gone – but apparent fight is with stranger to title and others) they would say, though it does not appear to be correct as the Survey No. asreported in the Schedule A of O.S. No. 84/1949 is Survey No. 1 to 8 and 174 of Sathegala Village of Kollegal Taluk. They would also say that in Sathegala Survey No. 1 RTC the area is mentioned as Shivana Samudra Kadu but then as early as the records show in 1948 it is recorded as Shiva Samudra Jahageer Estate only and Kadu is never mentioned. The boundaries also seem to be correct as it is bounded on two sides by Kaveri River and the Shivasamudra channel**. That being so, the identity of the property may not be in question but the view taken by the government may be factually incorrect.** In the report issued by Shri Basavaraju, Principal Secretary to the Government in Revenue Department in paragraph 6 it is stated that ***"actually in the said case the order passed by the Deputy Commissioner is quasi judicial order and mostly it is not questionable but in spite of this relating to this larger quantity of government land ownership,***

establishing the rights to private persons is questionable or at least it provides a room for discussion." The government also holds that it is not possible at the Deputy Commissioner's level **(but then they do not say anything as to the findings of the Hon'ble High Court of Karnataka in the both Writ Petitions No. 16254-16256/2012 and 16515/2014 wherein the Hon'ble High Court of Karnataka seems to have taken a contradictory view).**

11. But the government, keeping this in view and as stated by the learned Government Counsel the **commitments made by the government to the power generation company as well as the tourism promotion initiative taken by the government in conjunction with the private industrialists and in view of the present high value of the property thought it fit that as stated in paragraph 6 of this order of the Principal Secretary, Revenue that this issue is not possible at the Deputy Commissioner's level.** This raises three questions:

> ***1) If this is not possible at the Deputy Commissioner's level, on whose level it is possible?***
>
> ***2) Had this issue that it cannot be resolved by the Deputy Commissioner why it has to be so advised to the Hon'ble High Court in 2012?***
>
> ***3) If the Hon'ble High Court is wrong, why was not the Hon'ble Supreme Court approached?***

In other words, who should be the authority to decide these matters as prima facie issue under existing law of the land against the order passed by the Assistant Commissioner under revenue judicial process an appeal must lie to the Deputy Commissioner and in fact this had been followed in earlier cases also as the very same issue had agitated the attention of the earlier Deputy Commissioner as well. However it is seen that on 31.12.2013 the Hon'ble Minister for Revenue seem to have ordered to initiate necessary action. But the order of the Deputy Commissioner dated 8.7.2013 now is submerged in the judgement of Hon'ble High Court of Karnataka in Writ Petition No. 16515 dated 16.04.2014. Therefore, State Government has no power to attach the High Court judgement tangentially.

Thus if the Hon'ble High Court of Karnataka is wrong in its judgement dated 16.04.2014, the Government can only approach the Hon'ble Supreme Court and cannot tangentially attach the High Court judgement by focussing on the applicant who had only upheld Civil Court judgements and grant of Patta by the then Deputy Commissioner as early as 1968 A.D.

12. Under the transaction of business rules, the same seems to have been placed before the Ministry of Law for their opinion and in the proceedings in paragraph 38 it is noted that ***"the Deputy Commissioner, Chamarajanagar by***

exercising the quasi judicial powers the orders passed is fit for filing an appeal, for that reason/ground against the public officer who had passed the said order, whether a departmental enquiry can be held this is a question which has arisen in the case in question. And for this question to be resolved, the principle observed by the Hon'ble Apex Court is to be looked into."

13. In paragraph 39 they would say that

"by utilizing the quasi judicial powers the passed order is filled with mistakes under such circumstances against the officer who had passed such an order whether departmental enquiry can be held? The department considered this in the light of Union of India and Others Vs. A.N. Saxena reported in AIR 1992 SC Page 1232 the need for extreme care and action before initiation of disciplinary proceedings against an officer performing judicial or quasi judicial functions in the discharge of his function but it is not that such action cannot be taken at all. Where the action of such an officer indicate culpability, namely, a desire to oblige himself or unduly favour one of the parties or an improper motive there is no reason why disciplinary action should not be taken. They would also refer to Union of India and Others Vs. K.K. Dhawan reported in AIR 1993 SC Page 1478 "for a mere technical violation or merely because the

order is wrong and the action is not falling under the above enumerated instances, disciplinary action is not warranted."

They also rely on Union of India and Others Vs. Upendra Singh reported in 1994 (3) SCC Page 357.

14. In paragraph 41 of the said order proceedings it is stated as ***"the order passed by the DC, Chamarajanagar exercising quasi judicial powers is filled with mistakes, only on that single ground there is no provision to conduct departmental enquiry against him. Not only that, to challenge the said order the government have also taken action to file appeal. Therefore the Deputy Commissioner of Chamarajanagar while passing the quasi judicial proceeding may not have exhibited dishonesty and behaved with misconduct and, in order to make it convenient to the party in the case, the impugned order is passed. The materials in the file is not available to believe that his service integrity is questionable. Therefore the Hon'ble Minister for Law and Justice Shri T.B. Jayachandra held that there is no provision to order for departmental enquiry in this stage, with this opinion, for perusal and approval is placed."***

15. But even though the Hon'ble Revenue Minister and the Hon'ble Law Minister was against any departmental proceedings to be initiated against the said officer, at the initial stage Shri Koushik Mukherjee, Chief Secretary, in paragraph 48 pointed out that **the basic responsibility of the Deputy Commissioner is to**

protect the government propertyand in the instant case the District Magistrate passing judgment how much the common people will have regard to government and prima facie he felt that the concerned officer might have behaved irresponsibly. He said in paragraph 49 that **in order to stop any such future instances**it is necessary to take action against all the officers concerned with this issue and placed before the Hon'ble Chief Minister who had again returned the matter to the Hon'ble Law Minister Shri T.B. Jayachandra. **Therefore in paragraph 54 it is stated again that earlier in paragraph 35 to 41 there is no provision for departmental enquiry at this stage when there is no sufficient materials are available which can be believed.** But then in paragraph 55 it goes on to say that but since the Chief Secretary to the Government in paragraph 43 to 50 have recorded an opinion that there are materials available against the officer and in the file enclosed the Hon'ble Supreme Court decision in K.K. Dhawan's case then he would say that further suitable action can be initiated. **(It appears that he may not have seen any such new materials but is guided by the Chief Secretary)**.

16. But apparently it cannot be thought that the Dhawan's judgment had been examined by either the Chief Secretary or the Hon'ble Law Minister.

17. Thereafter in paragraph 56 in view of the Regional Commissioner's report the Hon'ble Chief Minister Shri Siddaramaiah granted approval for disciplinary action. Thereafter it is seen that a notice is issued in relation to RD 138 LGM 2013 as paragraph 77 wherein action is postulated against **10 people from Smt. M.V.**

Savithri, Shri Chakravarthy Mohan, Shri B. Sathyabhama, Shri M.B. Basavaraju, Shri Satish Babu, Shri Maligaiah, Shri B.V. Nandakishore, Shri G.N. Mahadeva, Shri Paramesh, Shri M. Pradeep. But in paragraph 81 it is stated that Smt. M.V. Savithri, earlier Deputy Commissioner of Chamarajanagar in her order dated 8.7.2013, the order passed by the Assistant Commissioner, Kollegal dated 13.1.2011 is cancelled and resulting in establishing the ownership rights of the appellants on the land to an extent of 1360.25 acres**. It goes on to say that the said order is filled with several lapses and defects.** It is noted therein that the Deputy Commissioner who has to basically protect the government property have issued an order against the law which is objectionable, hence it is suitable that as already decided against her to initiate disciplinary action. The Regional Commissioner draft charge sheet is prepared in Kannada and for further action it is submitted. But in IAS officer cases, the disciplinary case is to be conducted in English. In view of this, the draft charge sheet and the supporting entire documents are to be obtained in English and further action is to be initiated. (These are quotes from the files).

18. Apparently, smelling that something is going to happen against her, the applicant had issued Annexure-A2 to the Chief Secretary of Karnataka which is quoted below:

> ***"Sub**: Reconsideration of the proposal to initiate disciplinary action against me in pursuance of the report submitted by Regional Commissioner, Mysore dated 31/12/2013*
>
> ***Ref**: Report of regional commissioner, Mysore division, Mysore in LND(1) CR 33/2014-14 dated 31/12/2013.*
>
> *It is reliably learnt that a disciplinary action is being proposed to take action against me on the basis of the report of the regional commissioner Mysore referred above, and in this regard I would like to state certain facts which are necessary to reconsider the said decision.*

Let me humbly submit that prior to February 2013 I was working as the Deputy Commissioner Raichur district and there after I was transferred to charmrajnagar district. In view of the declaration of elections to the Karnataka assembly I was busy with the election work. In the meanwhile, the order of the hon'ble high court in WP NO. 16254-16256/2012 dated 12/6/2012 was brought to my notice. The direction to DC was to dispose the RA with in 3 months from the date receipt of the order.

In view of the fact that non passing of the order with in the period as directed by the high court would amount to contempt of court order. I have taken up the said cases for hearing despite the fact that I was busy with the election duties. Finally, after giving opportunities to all the concerned parties and also hearing the government pleader in the matter and also taking the written arguments from them I have passed the speaking order in the open court on 08/07/2013. As the matter was referred by the hon'ble high court, the order of the Assistant Commissioner was examined completely and his order was set aside as it contained many lacunae. When malicious allegations were made in the press I could not rebut the same as I was undergoing training at mussorie. Taking advantage of my absence in Bangalore vested interest tried to tarnish my reputation. Basing on the media reports the Regional Commissioner, Mysore has submitted a report to the government on 31/12/2013. In the report the RC has recommended action from village accountants to level of DCs.

No opportunity was provided to me to explain and rebut the allegations made in the media.

Now, it is reliably learnt that disciplinary action is being proposed against me. Hence I submit the following facts for your perusal.

Some of the allegations made in the media and in the report of the RC are given below with my clarification.

1) ***In a hurry judgement was given to favour a party. The allegation is not true. The high court in its order WP NO. 16254-56/2012 dated 12/6/2012 had directed DC chamrajnagar to hear and dispose within 3 months. In view of the fact that non passing of the order within the period as directed by the high court would amount to contempt of court order, I had taken up the said cases for hearing despite the fact that I was busy with the election duties.***

2) ***Judgement was made after my transfer from Chamrajnagar. Which is not correct. The judgement was delivered in the open court on 8/7/2013 and I was transferred on 31/08/2013. How could I smell my transfer one and half months in advance.***

3) ***In the report very strangely the RC has stated in para No. 34 at page No. 153 that I have wrongly admitted the appeal even though***

the DC has no jurisdiction to hear the appeal under section 49B of the Karnataka land revenue act. Infact, the appeal was entertained by the previous DC Mr. N. Jayaram during the year 2012 itself I was asked to dispose of the same on merits by the honourble high court with in three months. Further the government pleader also at no point of time raised the issue of maintainability before me. Therefore, the very finding of the RC is full of contradictions which are based on surmises and conjectures.

4) ***It is not true to say that by quashing the order of the Assistant Commissioner I have conferred right on the private parties. Infact the appellants in the appeals were given the right over that lands by then DC of Mysore by his order bearing number RAT 178/68-69 dated 11/12/1968 itself. Therefore, in my order I have taken note of the same and I found irregularities in action of Assistant Commissioner in the order which was impugned in the appeal. Therefore I have not given any right to the parties therein afresh as wrongly observed by RC in her report.***

5) ***In her report the RC has indicted many officials starting from village accountants to the DCs. It is learnt that even after obtaining approval of the CM to initiate disciplinary action against all officials as observed in the RC report charges have been dropped on many officials without the notice of the honourable Chief minister.***

6) The RC has discussed so many issues in the report which were never brought to my notice and were never part of the records while hearing the appeal.

7) I have passed the said order dated 8/7/2013 which is quasi-judicial in nature and the same is under challenge before the honourable high court of Karnataka in WP NO. 29553/2014. Since the writ petition is pending in the high court in which my order has been questioned is it fair and legal to initiate disciplinary action when the matter is pending before the honourable high court. This fact has not been reportedly brought to the notice of the honourable CM before getting his approval to initiate the disciplinary action.

8) ***It is learnt that the honourable revenue minister and the law minister have not agreed to the recommendation of the RC to initiate disciplinary action basing upon the supreme court judgements this was a quasi-judicial order.***

9) ***The decision of the supreme court which is reported in 1994 see volume 3 page 357 Union of India VS uppendra singh has clearly held that in para 9 of the judgement that, mere technical violation or merely because the order is wrong the disciplinary action against the officer who had passed an order in exercise of quasi-judicial function is not permissible under law. Under such circumstances, keeping in view guidelines framed by the supreme court be accepted in the eyes of law and the same is contrary to supreme court guide lines.***

10) ***The finding given by the RC in its report cannot be relaid upon at this stage in view of the fact that my order has been questioned before hon'ble high court on the basis of the recommendation submitted by the RC and the same it yet to be decided by the hon'ble high court of Karnataka. That being the case the findings given by the RC cannot be treated as sacrosanct at this stage to initiate disciplinary against me without waiting for the final outcome in the writ petition."***

19. But apparently the statement of imputation of charges along with Annexure-A1 have been issued to her which makes for an interesting reading. It seems to be vitiated by non-application of mind. It is quoted herewith:

"*Smt M.V. Savithri, IAS (KN: 2001) presently Managing Director, Karnataka State Small Industries Development Corporation Limited was holding the charge of Deputy Commissioner and District Magistrate, Chamarajnagara District, Chamarajanagara from 15-02-2013 to 02-09-2013. During 2007-08 Smt Vasundara c/o late Bhaktavatsala and others had submitted applications before the Assistant Commissioner, Kollegal sub-division for grant of ownership rights over government lands in survey no 1 and 174 of Sattegala village, Palya hobli, Kollegal taluk by creating false documents. Since the said lands were part of Shivanasamudra forest land as per records, the Assistant Commissioner rejected the request and thereafter the applicants submitted further Appeals to the Deputy Commissioner, Chamarajanagara district in which the Deputy Commissioner in exercise of the powers conferred under section 49(B) of Karnataka Land Revenue Act, 1964 quashed the order of the Assistant Commissioner, Kollegal sub-division and remitted back the case to him for further disposal. Subsequently, after thorough examination of all the records, and keeping in view the orders of courts in this regard, the Assistant Commissioner, Kollegal sub-division in his order no LRF 116/2007-08 dated 13-12-2011 rejected the request of the Applicants for grant of ownership rights over government land in survey no 1 and 174 of Sattegala village, Palya hobli, and directed the tahsildar Kollegal taluk to declare all the lands in that survey not as government land and make necessary entries to that effect in the records.*

Aggrieved by the said order dated 13-12-2011 of the Assistant Commissioner, Kollegal sub-division, Smt. Vasundara c/o Late L. Bhaktavatsala and others preferred six appeals dated 18-02-2012, 12-03-2012, 07-05-2012, 10-07-2012 and 03-08-2012 before Smt. M.V. Savithri, IAS Deputy Commissioner, Chamarajanagara district. She conducted combined enquiry on all the six appeals in RA No. 46,50/2011-12, and RA No. 5,11,21,22/2012-13 and passed an order dated 08-07-2013 granting ownership rights to the Appellants and quashing the order dated 13-12-2011 of the Assistant Commissioner, Kollegal sub-division. While passing the said order dated 08-07-2013, Smt. M.V. Savithri, IAS has failed to take into consideration the following factors.

a) *The then Deputy Commissioner, Chamarajanagara District, had made a reference to the order dated: 30-03-2009 of the former Assistant Commissioner, Kollegal (Smt P. Sathyabhama) and wrote to Regional Commissioner, Mysuru on 14-09-2009 to recommend to Government to release Inam compensation amount. Since the proposal of DC contained some lacunae, the Regional Commissioner, Mysuru after examining the proposal ordered an enquiry in the matter as per the powers vested under section 27 of Karnataka Inam Abolition Act 1977 and the date of enquiry was fixed on 27-06-2011. When the case was still under enquiry in the Regional Commissioner's office, Smt. M.V. Savithri, IAS on the Appeals filed by Vasundara and others, illegally issued an order dated : 08-07-2013 favouring the Appellants.*

b) *The Assistant Commissioner, Kollegal sub-division in his order dated 13-12-2011, has rightly rejected the request as the applicants have not obtained Patta and registered their names in 'Pahani' and have not taken up agriculture in the lands and thereby violated the provisions of Land Revenue Act and Inam Abolition Act. Although there was a provision for further appeal before the Regional Commissioner under section 118 (A) of Karnataka Land Revenue Act, Smt. M.V. Savithri, IAS illegally entertained appeals before her and passed the order dated 08-07-2013 favouring the Appellants.*

c) *In the order sheet in case no RA 50/2011-12, RA 5/2012-13, RA 11/2012-13, RA 21/12-13 and RA 22/12-13, although it is noted as 'Posted for orders', orders have been passed without there being a mention in the order sheet to that effect. Moreover, orders passed in case no RA 46/11-12, has been noted in the order sheet whereas, orders have been passed in the same file by clubbing all the cases in violation of rules.*

d) *In the instant case, the Assistant Commissioner, Kollegal sub-division had ordered to declare forest land in survey no 1 and 174 of Sattegala village as government kharab land and subsequently in 2011 the Assistant Commissioner declared the said land as government land. Smt M.V. Savithri, IAS has passed the order dated 08-07-2013*

illegally without enquiring and verifying the records and without taking the opinion of forest department. She has also not considered the fact that the then Tahsildar Kollegal taluk in his letter no FOR/PR/1/1980-81 dated 09-03-1981 had transferred 12,200.00 acres of land in the survey no 174 Sattegala village to the DFO/RFO, Hanur circle.

e) *In the order dated 08-07-2013, Smt. M.V. Savithri has referred to the order dated 10-06-1949 of District Munsiff Court Alattur, Tamil Nadu in O.S. No. 84 of 1948 and order dated 28-07-1982 of Land Tribunal Kollegal. However, without obtaining the certified copies of the said orders, Smt. M.V. Savithri has relied on the translated version of the photo copies of the orders and passed the orders without verifying the veracity or correctness of the documents.*

f) *As per their opinion of the government advocate in letter No. 1744 dated 08-10-1968, it was decided to issue joint Patta vide memo no RT168/68/69 dated 11-12-1968 of the then Deputy Commissioner, Mysuru. Accordingly, the Deputy Tahsildar, Kollegal taluk in his order no RRTPR61/67-68 dated 05-09-1968 issued joint Patta. Mysore Land Code 1888 was in vogue before Land Revenue Act, 1964 came into force. Smt Savithri failed to examine the records properly and passed the order dated 08-07-2013 in gross violation of rules with a view to favouring the private individuals.*

g) *In the order dated 08-07-2013, Smt M.V. Savithri has concluded that the lands in question have been classified as kharab in Akarabhand column 5(A) and 5(B). But she has unilaterally passed the order without verifying the reasons for not having declared the said durast lands as 'Podu' even after 40 years.*

h) *In the order dated 13-12-2011, the Assistant Commissioner, Kollegal sub-division has concluded that the lands in question are not in the possession of any individual nor do the crops grown in the said land. But in the order dated 08-07-2013, it is mentioned that inspection of the lands has been carried out. However there is no mention in the connected file nor is there a note to that effect as to which land has been inspected etc.*

i) *In the order dated 08-07-2013 Smt. M.V. Savithri has referred to the order of the Assistant Commissioner, Kollegal sub-division in which it is stated that section 79(a) and 79(b) of Karnataka Land Reforms Act, 1961 have been violated. But she has passed the order without*

obtaining the legal opinion and without ascertaining whether the order passed by the Assistant Commissioner is in order or not.

j) *In respect of lands in question, in the order dated 28-07-1982 of the Land Tribunal, Kollegal in case no LRF 1214, the family of the applicant Shri L Bhatavatsala (father of Appellants 2 and 3) were said to have lands in excess of the permitted extent and that the issue had to be verified and declaration had to be taken under sec 66a(i)b of Karnataka Land Revenue Act in form 11 and investigation had to be done under Sec 24. But, Smt. M.V. Savithri has accepted the translated copies of the orders which were hand written and passed the order dated 08-07-2013 without verifying the correctness of the records.*

k) *In the order dated 13-12-2011 of the Assistant Commissioner, Kollegal sub-division, a reference has been made to the order dated 12-12-1996 of the Hon'ble SC in WP (civil) 171/96 wherein it is clarified as to how a forest land should be. However Smt. M.V. Savithri without clearly understanding the spirit of the order has passed order dated 08-07-2013, by quashing the order dated 13-12-2011 of the Assistant Commissioner, Kollegal sub-division.*

l) *In the order dated 08-07-2013 Smt. M.V. Savithri has also made a reference to the Appellants having been sanctioned land and their names registered in the Adangal account. But she has not verified the difference in the hand writing and the ink used in entering the names of the Appellants and others in the Adangal Account Register of 1968-69 in survey no 1 and 174 of Sattegala village before sanctioning the land to private persons.*

m) *The Deputy Commissioner being the head of the district administration, and disciplinary authority, is expected to identify and initiate disciplinary action on those subordinate officers/officials under her control who indulge in illegal sanction of government lands to private persons. It is the prime duty of the Deputy Commissioner to safeguard the government land. But, rather than doing this, Smt. M.V. Savithri, IAS herself has taken a stand against the interest of government and conferred rights to the private persons over government lands.*

n) *By her order dated 08-07-2013, Smt. M.V. Savithri has not only created an opportunity to the private individuals to acquire the government land by creating false documents but she has caused huge financial loss to government exchequer.*

Thus, Smt. M.V. Savithri, IAS has failed to maintain absolute integrity and total devotion to duty and therefore violated rule 3(i) and 3(ii) of AIS (conduct) Rules, 1968."

In this Annexure A-2 is not referred at all, hence the charge sheet also seems to be vitiated by non application of mind.

20. The applicant produced another judgment of the Hon'ble High Court of Karnataka in Writ Petition No. 38900/2016 dated 08.12.2016. the Hon'ble High Court after examining the decision in ***(1) State of Gujarat Vs. Bhilalbhai Hemarajbhai Unadkat decided on 11.09.2014 and (2) Zunjarrao Bhikaji Nagarkar Vs. Union of India and Others reported in 1999 (7) SCC page 409 (3) State of Punjab Vs. Ram Singh Ex-Constable reported in 1992 4 SCC 54 (4) K.K. Dhawan Vs. Union of India reported in 1993 (2) SCC 56*** and several other cases held that in the circumstances as aforesaid in this case ***"the entire system of administrative adjudication whereunder quasi judicial powers are conferred on administrative authorities, would fall into disrepute if officers performing such functions are inhibited in performing their functions without fear or favour because of the constant threat of disciplinary proceedings."***

21. The Bench went on to say that ***"if the decisions per se are made as basis for treating the action as misconduct, no quasi judicial authority will be in a position to independently exercise power in a fair and safe manner."***The Bench further also observed following the Hon'ble High Court of Gujarat decision ***"In other words, to maintain any***

charge-sheet against a quasi judicial authority something more has to be alleged than a mere mistake of law, e.g., in the nature of some extraneous consideration influencing the quasi judicial order." The State seem to have objected in reply 1) The gravity of charge has to be examined, 2) She had passed the order against rules. Other than this, the State has not raised any viable grounds for sustaining the chargesheet against the applicant. **But which Rules?** What is this order in issue therefore?

22. The State Government had very graciously produced translated copies of the necessary documents:

Court of the District Commissioner, Chamarajanagar District, Chamarajanagar

Case No.RA:46, 50:2011-12 and RA:05,11,21,22:12-13 Dated: 08-07-2013

Presence**: **M.V.Savithri, I.A.S.,
District Commissioner,
Chamarajanagar District,
Chamarajanagar

Appellants ***V/s.*** ***Opponents***

Case no: RA:46:2011-12

1) Smt. Vasundhara, W/o late L.Bhaktavatsala
2) Sri B.Vijayavenkataswamy,
S/o late L.Bhaktavatsala
3) Sri B.Lakshminarayana,
S/o L.Bhaktavatsala
Address of the above: No.629, Tiruchi Road, Singanallur Post, Koimbatore, Tamilnadu.
4) Sri A.R.Rangaswamy, S/o S.S.Ramaswamy, Iyengar, Sattegala village, Kollegala taluk,
(Lawyer: for appellants 1 to 3 – Sri C.Ravi
For appellant 4 - Sri Nagaraju)

1)Sub-divisional Officer
Kollegala Sub-division
Kollegala
(Lawyer: K.Balasubramanyam
District Government Prosecutor,
Chamarajanagar)

Case no: RA:50:2011-12

1. M.Sulochanammal
W/o M.Chalapati Rao,
House no: 937, Sheshadri road,
Lakshmipuram, Mysuru, and
C.Vijayaraghavan,
S/o Late JanardhanaNaydu
House no.1641
Narayanashastry Road.
K.R.Mohalla, Mysuru.

Sub-divisional Officer
Kollegala Sub-division,
Kollegala

(LawyerK.Blasubramanyam
District Government Prosecutor
Chamarajanagar)

2. Y.SumatiAmmal
W/o Y.B.Chowdhri, House No.984/1&2,
NarayanaShastry Road, K.R.Mohalla,
Mysuru.

3. ManikyaAmmal, w/o Late Ramaswamy,
House no.984/1&2.
NarayanaShastry Road,
K.R.Mohalla, Mysuru.
Representative for appellants 1 to3 –
G.P.A.C.Vijayaraghavan,
S/o Late JanardhanaNaydu.

4. R.Ravikumar, S/o Late R.Gurappanaydu,
House no.1641, Sharadavilas,
Lakshmipuram, Mysuru,

(Lawyer: K.M.S.Bhat)

Case no: RA:05:2012-13

Heerasingh Pal Negi
S/o Late Vidyachand Negi,
House no.910, 6th cross, BTM Layout
Bengaluru
Represented by GPA holder D.P.Negi
S/o Late VidyachandNegi,
House no.910, 6th cross, BTM Layout,
Bengaluru,
(Lawyer – C.Ravi)

Sub-divisional officer, Kollegal
Subdivision, Kollegal
(Lawyer:K.Balasubramanyam
District government Prosecutor)

Case no.RA:11:2012-13

H.Veeranna, s/o K.Hosalayya
Devarahosahalli village,
Nelamangalataluk
Bengaluru district
(Lawyer: C.Ravi)

Sub divisional officer
Kollegala subdivision
Kollegala
(Lawyer:K.Balasubramanyam
District government prosecutor)

Case no:RA:21:2012-13

S.P.Mohankumar, s/o Late Puttaswamy
Chikkanahalli village
Nagavara post, Kasbahobli.
Ramangaral district
(Lawyer: C.Ravi)

Sub divisional officer
Kollegala Subdivision
Kollegala,
(Lawyer: K.Balasubramanyam
District government prosecutor)

Case No: RA:22:2012-13

Sureshdasappa, S/o Dasappa
C/o S.P.Mohan Kumar, ChikkanahalliVig.
Nagavara post, Kasbahobli
Ramanagara district
(Lawyer: C.Ravi)

Sub-divisional officer
Kollegala subdivision
Kollegal
(Lawyer:K.Balasubramanyam
District Government Prosecutor)

Proposal:

The lawyers for the appellants of the case number RA:46:2011-12, ra:50:20111-12, ra:5:2012-13, RA:11:2012-13, ra:21:2012-13, and RA:22:2012-13, have submitted appeals on 18.02.2012, 12.03.2012, 07.05.2012, 10.07.2012 and 03.08.2012 respectively under the secion 49(b) of the Karnatka Land Revenues Act, 1964, to cancel the order no.LRF:116-2007-08, dated 13.12..2011 of the Kollegal sub-divisional officer. The appeals were accepted and examination was started after notices were given to both the parties.

In the examination done on 19.11.2012 the 4th appellant in case no.46:11-12 submitted an impeding application through his lawyer and requested to consider him as the 4thappellant in the case. As there was no objection about this from the appellants 1 to 3 the impeding application was considered and the applicant was considered as the 4th appellant. In the examination done on 21.01.2013 lawyers were appointed for all the 6 opponents and the opponents were ordered to provide information about the case.

So the district public prosecutor appeared on behalf of all the 6 opponents and submitted the 'memo of appearance' for all the 6 cases on 25-02-2013. In the examination done on 15-04-2013 the lawyer for the appellants presented his argument and requested for time to submit his argument in writing. And as the lawyer for the opponents requested for time to present his argument the case was postponed to 22-04-2013. On that date the lawyer for the appellants submitted his argument in wiring and the lawyer for the opponents submitted his objection writing. The case was finally kept pending for judgement. Meanwhile, the appellants 01 to 03 of the case No. RA 46/11-12 submitted a writ petition No. 16254-16256/2012 at the High Court of Karnataka against the order of the Kollegal sub-divisional officer's order dated 13-12-2011. The writ was ordered on 12-06-2012 and it ordered to verify whether the proposed lands in the appeal submitted to the D.C. are forest lands or not within three months.

A single lawyer represented the appellants in the cases RA:46:11-12, RA:5:12-13, RA:11:12-13, RA:21:12-13, and RA:22:12-13, and in the examination done on 22-04-2013 he requested that the arguments and records related to case RA:46:11-12 apply to all the 5 cases and therefore the same have to be considered for those cases. The lawyer for the opponents

submitted similar written objections for all the 6 cases. As the same order of the lower court is questioned in all the 6 cases and the issue addressed to in all these cases is also same the following order is passed in common to all these cases.

Written argument submitted by the lawyer for the appellants in the cases RA:46:11-12, RA:5,11,21,22:12-13:

The lawyer for the appellants has stated in his argument that the Kollegal sub-divisional officer has passed a resolution, case no: LRF/116/2007-08, that the land of survey No. 01, at Sattegala village, Kollegala taluk, is government land and that a few individuals have illegally got the land registered in their names. The sub-divisional officer has passed the order on 19-03-2008 without giving any notice, or any chance to explain to the appellants and not without conducting any examination as per the Karnataka Land Revenue Act. The aforesaid order stated that 1360.5 acres of land in Sy. No. 1 belongs to government as per records and directs the Tahsildar to enter it as "government kharab" in revenue documents and prohibit the entry of people into that land. Affected by the order the appellants filed an appeal, case No. RA 06/2008-09, at the court. The court after examining the case cancelled the order and ordered for re-examination of the case. The opponents attended the court as per the order and requested the court to order the appellants to bring documents of RRT 78/1968-69 that favours them. Along with accepting the written arguments submitted by the appellants the oral argument made by them is also listened to. The opponent has passed the order in question on 13-12-2011 without considering the documents, and therefore it is uncertain, unfair and illegal. The appellants have appealed against that order. The land at su.no.1 and 174 Sattegala village has been sanctioned to Shri L. Bhaktavatsala. The rights of the appellants 01 to 03 and their relatives over the lands in question have been clearly stated in the Mysuru D.C.'s order of 11-12-1968 and the order of the tahsildar sanctioning patta on 05-02-1969. The opponents refer to the notice issued in the order and say that it was issued to Late L. Bhaktavatsala and the appellants 01 to 03 through the GPA holder Latif. But this is completely far from truth because the GPA holder Latif had already died on 02-11-2003. This proves that the opponents are wrong in saying that they have given the notice to Latif. Moreover the opponents also have claimed that the notice was given to one Kandaswamy, who according to them was the GPA holder of Late Bhaktavatsala L. and his family. But the truth is that neither Bhaktavatsala nor the other appellants have made any Kandaswamy their GPA holder. This proves that the opponents' claim is completely wrong.

The sub-divisional officer has passed the resolution in case LRF 06/2008-09 for Sy. No. 1 of Sattegala village. The order for re-examination dated 07-04-2010 was also related to the same land. But the sub-divisional officer has passed the order including the su.no. 174 also. This has not given opportunity to the appellants to submit arguments for the su.no. 174. This amounts to violation of natural law by the opponents. According to the sub-divisional officer the appellants have violated the section 63 (2) of the Land Reforms Act by possessing land beyond the limits permitted by law. But this is not true according to rules. Because the Land Justice Committee formed as per the Karnataka Land Reforms Act examined case No. LRF 1214 and the excess lands were taken back from L. Bhaktavatsala. The sub-divisional officer has come to wrong conclusions without considering the above act. One more

point to be noted here is that the Land Justice Committee has said that the proposed lands are private lands and not inam lands. The lands in question are patta lands and as they have been sanctioned before the Inam Canellation Act came into effect, there is no need for the appellants to submit declaration application under the act. Once patta is given to the lands then they cease to be inam lands and become private patta lands. Moreover the appellants are not tenants or farmers of inam lands. But the opponents have wrongly concluded that the lands are jahgir lands. Further the opponents have put forth the opinion that the patta was sanctioned to the appellants as per the decree of the civil court in which there is no reference to whether the names of the appellants were present in the earlier revenue document. But it is not right on the part of the opponents to explain the court decree in that way. And they have no right to cancel or modify the court order, which has to be respected. The opponents have wrongly concluded the lands in question to be jahgir lands. No notification was passed to this effect under the Forest Act. There is point in the order of case No. CC 667/05/ dated 06-04-2005 related to this case which states that while passing the aforesaid order the su.no. 174 of Sattegala village does not come under section 23 of the Karnataka Forest Act. The opponents have also wrongly concluded that the appellants have violated the section 84 of the Karnataka Land Reforms act by not cultivating the land. But according to the aforesaid act the government can take back the land if it is not cultivated even after two years from the date of sanctioning. But in this case no revenue officer has given any notice to the appellants. Giving notice to cultivate the land is compulsory according to section 85 and 86. The High Court has referred to this in the case of Dyamavva and other opposite sub-divisional officers. In spite of this the appellants had grown medicinal plants in the land. It is hereby made clear from the above explanation that the appellants have not violated the Section 84. Moreover the case T.N. Godavarman Tirumalkpad Vs. Union of India referred to by the sub-divisional officer cannot be applied to this case. Because there is no flora and fauna in the lands in question, and there are no reports about this. There are no jungle trees also. As the land is being cultivated it is not forest land. There are no records for the land to be demarcated for acquisition by the Department of Tourism for development of tourism. According to the decree of the civil court and the order of the D.C. of Mysore on 11-12-1968 the tahshildar's order of 05-02-1969 sanctioning the patta originally the husband of the 1st appellant and the father of 2nd and 3rd appellants have the rights over the lands in question. Later the rights are hereditarily passed on to the appellants. Considering all the above explained points the appellants hereby request to cancel the order made by the opponents on 13-12-2011.

Written argument submitted by the lawyer for the appellant 4 in case No. RA: 46:11-12.

The 4th appellant states as follows in his written argument. The 4th appellant has the rights of enjoyment over 9.5 acres of land in Sy. No. 1/1 at Sattegala village of Kollegal taluk. This right has come to him by the patta sanctioned on 05-02-1969 by the tahshildar. The land has been given patta according to khata No. 97/7. The appellant has been cultivating the land as its owner since the day of its sanction. The appellant and other 20 people submitted an application under section 4 to Kollegala Land Justice Committee. The application was taken as case No. 1214 and an examination was ordered. One Channegowda s/o Lingegowda had submitted a 7(A) application for the

appellant's land under Karnataka Land Reforms Act, which was cancelled on 10-09-2001 after the aforesaid examination. Further it becomes clear that the land in question is not government property. A total of 1369 acres in the su.no.1 of the Sattegala village belongs to private persons and the 4th appellant has rights of enjoyment over 9.5 acres of land in su.no.1/1. The appellant has already proved his rights over the land in question in front of the court which ordered the sub-divisional officer for a re-examination. The sub-divisional officer has said in his order that the appellant is not cultivating the land and that there has been violation of Land Reforms Act and Inam Cancellation Act dismissing the case on 13-12-2011.

This is not correct. Therefore it is hereby requested that the documents and arguments presented by the appellants 01 to 03 must be considered and the order of the lower court must be cancelled to provide equality and justice.

Written argument submitted by the advocate on behalf of the RA: 21:2012-13 case appellants:

The advocate on behalf of the appellants has submitted the argument stating that in the case No. L.R.F.: 74:2007 with regard to the questioned land it has been mentioned that Karnataka Land Reforms Act Section 79A and 79B has not been violated. Late the concerned authority has agreed that it is titled land. Revenue has also been paid to the questioned land Sy. No. 174's land is titled land and one part of this land has been acquired by K.P.T.C.L. and have paid the compensation. The forest department also has paid the compensation for loss of crop. It has been requested to consider the documents submitted in the case No. RA: 46: 2011-12 for this case also. And based on the above mentioned causes it has been requested to uphold the appeal and cancel the order of the respondent dated 13-12-2011.

Written argument submitted by the advocate on behalf of the RA: 50:2011-12 case appellants:

The advocate on behalf of the appellants in the written argument has stated that the sanctioned land is not the common land. The sanction of this land has been done to the jahagirdars by the government and the said sanction has been given before the independence and the land has been mentioned and registered as Jahagirinam land in the survey settlement register and village holding cultivation files. With regard to the rights on this land case has been registered in Alattur District Muncif Court under case No. OS: 84:1948 and in Mysore Civil Court under 8:1957. As per the decree orders of the said courts the property has been divided and the rights have been handed over to the parties. Later the tahasildar of Kollegal took up the case no. RRT:78:1968-69 and issued an order and as per the order it was mentioned in the R.T.C. column No. 9 and 12 and the title has been issued in the name of the parties. In the case No. L.R.F. 176:2006-07 an order was done and this order was questioned in the case No. R.A. 18:2008-09. After the enquiry the district commissioner has issued the final order on 07-04-2010. As per the directions of the district commissioner the sub divisional officer has taken up the file under L.R.F. No. 116:2007-08 and issued an order on 13-12-2011. The validity of the said order has been questioned in the present appeal. The sub divisional officer in the order dated 13-12-2011 has stated that the district commissioner has issued a notice to all the concerned persons and provided ample of time, conducted complete enquiry and after examining all the

documents had directed to issue the order. This matter is in the last sentence of first page of order dated 13-12-2011. But the respondents have not taken action as directed by the district commissioner. In the order No. L.R.F. No. 116:2007-08 dated 13-12-2011 the subject matter in the first sentence of first page is in survey No. 1 of Sattegala village 1360.25 acres of land has been re registered as O.S. 8/57. Since the parties had come to a compromise, the case was decreed. As per the opinion of the government advocate the district commissioner had directed to give joint title. The title has been given to survey No. 1/1, 1/2, 1/10, 1/1D of Shivanasamudra village and survey No. 174/1 to 174/7 lands of Sattegala village. In survey No. 1 and survey No. 174 there is 650 acres area of land and this land had been distributed among 3-4 families. Due to this the Karnataka Land Reforms Act and Land Ceiling Act has been violated. As per section 63(2) one family will have the permission to hold upto 10 units of Khushki land. But since the present appellant families are having lands exceeding the maximum limits it is like violating the Land Reforms Act completely. There are no documents to show that the appellant families had rights of possession over this land before the decree order of the court. As per the records upto 1966 as per K.D.T. records all the lands were in the name of phootkharab and only through compromise decree and as per the opinion of the government advocate Mysore district commissioner has given the joint title. Before the division of states based on language Sattegala village belonged to Tamil Nadu after the linguistic division of the states the said village belong to Karnataka state. The said land is jahagirinam land according to the Inam Abolition Act complete village belongs to the government. If any land has to be sold or leased or transferred there will be permission to transfer the land only after the permission of the government which means the district commissioner. Every individual cultivating the land should submit the application within time as per the Section 5 (1) of Inam Abolition Act 1977. But the present appellants and other applicants have not submitted any application. They have not registered their names in the revenue records. They have not been cultivating the lands and they have not submitted any documents to show that they had revenue records in their names before the sanctioning of tile. As per Inam Abolition Act section 11 any person holding Inam lands should submit an application and should _____ under Inam Abolition Act. If the person possessing rights is the inamdar he has to pay 6 times the revenue to the government under section 12 (1). If he is other applicant he should remit 100 times the revenue to the government. The Inamdar cannot sell, lease or transfer the lands without the permission of the district commissioner. But some of the inamdars have completely violated the law and have transferred. The name of the title holders have been mentioned in column 9 of revenue records but column 12/2 is completely blank. The crop column is also blank and has been mentioned as "barren". According to the village accountant it is mentioned as Jahagirdarparampoku and in the ajamayishidaarashara column the lands of survey No. 174/1 to 174/8 and Sy. No. 1 has been mentioned as jahgirdar personal forest. The title holders of Sy. No. 1 and 174 have not done cultivation at any time. Presently in Sy. No. 1 and survey No. 174 lands the land is surrounded with natural forest and is in possession of the forest department. It has been 40 years since the title has been sanctioned and no cultivation has been done at anytime. The 1360.25 acres area of land of survey No. 1 is photo kharab even after the revision settlement the said phootkharab lands belong to the government. The land of Sy. No. 1 is surrounded by natural forest and Gaganahukii and Bharachukki falls are there. Tourism has been developed

though the Tourism Development Board. But the Karnataka government has considered this land for tourism. _____ related to area land. But respondents have issued an order for survey No. 174/1 to 174/7 lands and the said land belong to the revision appellants. The respondents have included this land crossing their administration limits. In the 9th and 10th line of the first page of order dated 13-12-2011 discussing about to whom the notice has been issued it has been mentioned that Shri Lathif has received the notice on 10-02-2008. But the said person Shri Lathif has expired on 02-11-2003 and the death certificate has also been produced in this connection. As per the Land Sanction rules without giving notice to the sanctioned and without giving a chance to do cultivation the land cannot be taken into the custody of the government from the sanctioned. But in this case such notice has not been issued anywhere. In the first parah of the 4th page of the questioned order it has been mentioned that the 650.00 acres area of land of survey No. 1 and survey No. 174 has been distributed among 3 to 4 families but the respondents are not sure whether it has been distributed among 3 or 4 families. The sub-divisional officer in the first paragraph of his order has stated that notice has been issued to the owners of land of Sy. No. 1. But the said order belongs to Sy. No. 174/1 to 174/7 but the notice has not been issued to these owners and proper chance has not been given. The subject matter of this case is land and this belongs to the area limits of the sub-divisional officer but no notice has been issued to the land owners or person have possession of this land and it is against the order issued by the district commissioner on 07-04-2010. The respondents in their order have stated that the land has not been cultivated. But the land has been cultivated. By this it can be noted that the respondents have not done the spot verification of the questioned land or may have done the spot verification of some other land or may have issued an order based on the available revenue records. As per the law once the title of the revenue land is sanctioned as per the order of the district commissioner the respondents will not have any power to acquire the said lands and mention it in the name of the government in the revenue records. On the basis of all the above mentioned facts the order issued by the sub-divisional officer is illegal. Hence it is requested to dismiss the said order and uphold the appeal in view of law and equality.

Written objection submitted by the advocate on behalf of the respondents of all the above 6 cases:

The advocate on behalf of the respondents in their written objection has stated that the lands of Sy. No. 1 and Sy. No. 174 are jahagir lands and has 1800.00 acres area of land. Seeking ownership of land of Sy. No. 1 and 174, under Inam Abolition Act Section 4, 21 applications have been submitted dated 28-07-1982 under case No. L.R.F. 1214 the said applications have been produced in the Land tribunal. Among them Shri Bhaktavatsala S/o Lakshmaiahnaidu holds lands exceeding the maximum limit and in relation to this investigation has been done under section 24 and as per the order the detailed report has been received under 66-A-1B. In connection with the Sy. No. 1/1 to 1/8 of Shivanasamudra with 200-24 area civil proceedings has taken place in the Alathur District Muncif Court and for the Sy. No. 174/1 to 174/6 having 500-00 acres area Shri E. Annapurnamma had registered a case under 84/48 seeking 1/5 share, this case was transferred to Mysore Civil Court and was marked for development. The order issued by the respondents is within the limits of law as already said the case of government of India V/s.

T.N. Madhavavarman Thirumalkad case directly applies to this case. Hence it is requested to cancel the appeal and uphold the order of the respondents.

After thoroughly examining of arguments, rejoinder, written arguments, documents and files of lower court the following aspects have been found in all the above 6 cases.

1. *It has been found that the respondents in their order No. L.R.F. No. 116:2007-08 dated 19-03-2008 annexure A have created illegal documents claiming their rights over their land 1360.25 acres of land under Sy. No. 1 of Sattegala village, Kollegala taluk and hence spot verification was done of the said land and found that one had taken up any agricultural activity and as per the permanent cost and supplement and since it has been mentioned as government kharab in the akaarbandh the Tahasildar was directed to mentioned it as government kharab in the R.T.C. and order was issued. The respondents had appealed to the court against this order the said case was taken for enquiry under case No. R.A.:6:2008-09, enquiry was done and the case was ordered for re-examination on 07-04-2010. As per the order (Annexure B) the respondents had taken the case for re-investigation, did the re-investigation and issued the questioned order (Annexure C). Questioning this order the respondents have submitted their appeal.*

2. *The order issued by the Sub-divisional officer on 19-03-2008 is related to the land of Sy. No. 1. and have opined that they have created illegal documents for survey No. 1 land. But the same divisional officer in the order dated 13-12-2011 for re-enquiry have included survey No. 174/1 to survey No. 174/7 along with Sy. No. 1 and has discussed that issued an order and the said lands as per the decree order of the court the Mysore district commissioner in his order R.A.T. 78:1968-69 dated 20-07-1986 had given a memo to give joint title and as per that on 05-09-1968 revenue was fixed and title was given on 05-02-1969. There is no dispute regarding this. But including the survey No. 174/1 to 174/7 along with the disputed survey No. 1 and issuing the order is not a correct method.*

3. *The sub-divisional officer in his order has stated that the 650-00 acres of land for which the title has been given has been divided among only 3-4 families and have crossed the land ceiling limits and violated the Land Reforms Act. But in connection with the questioned land under Kollegala Land Tribunal case No. L.R.F. 1214 dated 28-07-1982's order (Annexure-D) the Land Tribunal, among the applicants Shri L. Bhaktavatsala (Father of respondents 02 and 03) and his family is having lands crossing the maximum limits, regarding this an order was issued to the Tahasildar to make a detailed and correct declaration be taken under section 66 A(1)(B) form No. 11 and conduct the enquiry under section 24 and produce before the Land Tribunal. If the title holders are retaining the lands crossing the maximum limits there is provision to conduct complete investigation and on the basis of only one aspect that 650-00 acres of land has been divided between 3-4 families has come to the conclusion that they have violated the Karnataka Land Reforms Act which is not correct.*

4. *The sub-divisional officer in his order has stated that as per the court order title has been given, but did the said have rights over the land much before that? Did they have revenue records in their names? All these have not been mentioned, but analyzing the court order in this manner is not correct. By analyzing in this manner it is traducement of court. Hence the analysis of sub-divisional officer is not correct.*

5. *The sub-divisional officer in his order has opined that as per the Inam Abolition Act 1977 Sattegala village belongs to the government and as stated in article 11 of Inam Abolition Act 1977, every person having inam lands should submit an application in the land tribunal, the said application should be disposed under the Inam Abolition Act and the person having the rights of land is the inamdar as per Act 12(1) he has to pay 6 times the revenue or as per 12(ii) if he is the inamdar he has to pay 100 times the Land revenue amount to the government. But the respondents have registered their names within the stipulated time but have not paid the premium to be paid. But as per the decree order of the court the 21 people who have received the titles have submitted their applications in front of the Kollegala Land Tribunal the said applications were registered under Land Tribunal Case No. LRF 1214, investigation was made and order (Annexure-D) was issued on 28-07-1982. In the said order it has been mentioned that the 21 applications submitted does not come under some of the Inam Abolition Act section 11 and since already they have received the ownership of lands there is no need of enquiry. Apart from that since the titles of the lands have been distributed much before the enactment of Inam Abolition Act the said case does not come under Inam Abolition Act. The opinion of the sub-divisional officer is not correct.*

6. *The adangal copy of the lands of survey No. 174 and 174/1 to 174/7 (Annexure-E) has been examined, with regard to the survey No. 174 the area has been mentioned as 12760-93, it is vacant in title holders column and in the ajamayishidaara shara column it has been mentioned as Jahgir personal forest parampok. After survey No. 174, survey nos. 174/1,174/2, 174/3,174/4, 174/5,174/6, 174/7 land details have been mentioned and in the title holders column it has been mentioned as jahagir parampok and the ajamayishidaara shara column is vacant. Hence the lands of survey No. 174/1 to 174/7 are all title holders land and not forest land. There is no document to show that the said titled lands are forestlands. After giving titles for survey No. 1/1 and ½ until the orders of the sub-divisional officer dated 19-03-2008 the khata was registered in private people's name. In the survey No. 174/1 to 174/7 also the khata was registered in private people's name until the questioned order was issued by the sub-divisional officer. Hence the case of government of India Vs. T.N. Madhavavarman Thirumalkad mentioned in the order by the sub-divisional officer does not apply to this case.*

7. *The sub-divisional officer in his order has mentioned that the complete land of survey No 174 belongs to the forest department. But the said land as per RTC has 12260.93 acres and the sub-divisional officer who was the forest management officer had issued a notification in the Karnataka State budget as per Forest Act section 5 on 06-09-2006 to make the land of survey No. 174 as reserved forest (Annexure-F). In that the area has been mentioned as 3766.00 hectares. When it is calculated in acres it comes to around 9415 acres. In the said survey No. the remaining will be 2845.93 acres. Hence, as mentioned by the sub-divisional officer the land of survey No. 174 is not the complete land given to forest department.*

8. *The lands of survey No. 1 as per the survey records as per permanent cost (Annexure-G) records total 1360.25 acres area of land is in phootkharab column. This survey number land had been considered as government land by the sub-divisional officer but after the distribution of titles to the said land since it has not been renovated there is possibility that it has continued to be waste land. Hence the lands of this survey number for which the title has been distributed belongs to the government is not correct.*

9. *As per the decree order of the court agriculture has not been done continuously in the lands for which title has been distributed and since it has been three years that an order has been issued that it is for the government and no agricultural activity has been taken up the sub-divisional officer opines that there is no necessity to take action under Land Reforms Act Section 84. But since no agricultural activity has been taken up, under Land Reforms Act section 84 actions should be taken. But in this case no notice has been issued as per Land Reforms Act section 84. Hence the opinion that there is no necessity of giving notice is not correct.*

10. *The sub-divisional officer in his order has mentioned about the case of the High Court stating that under the Land Sanction Act within three years of sanctioning the land should be cultivated. If it is not brought under cultivation the said land will be seized by the government. But the questioned lands, as per the decree order of the court has been given the titles this case does not come under Land Sanction Act limits.*

11. *In Sy. No. 174 the land of 8.57 ½ acres area has been acquisitioned for Karnataka Power Corporation road and in this connection compensation has been given to L. Bhaktavatsalam, Vasundaradevi and Lakshminarayana which has been found after*

verification of the letter dated 03-07-2001 written by the sub-divisional officer (Annexure-H) and award notice copy (Annexure-E) submitted by the respondents. From this it is clear that the sub-divisional officer is the Land acquisition officer and has acquired the said land and given the compensation and is now claiming that the said lands are forest lands which is not correct. It has been found that in Sy. No. 174/5,6 and 7 the coconut trees were destroyed by the wild elephants Conservators of Forest, Mysore Circle, Mysore had sanctioned a compensation of Rs. 7500/- to Shri L. Bhaktavatsala on 27-03-1991 (Annexure-J). Since the Forest Officer himself has sanctioned the compensation it is confirmed that these lands are not forest lands and these are title holders lands. The advocate on behalf of the respondents has not denied the fact about giving compensation to the acquired lands, sanctioning of compensation by the forest department for loss of crops and have not given any documents against the statement to the court.

12. *The sub-divisional officer in his order has stated that it has been 40 years since the title has been given to the questioned lands and till date cultivation has not been done. In this connection spot examination has been done with the revenue officers in Sy. No. 174 and Sy. No. 1 lands. The lands for which the title had been given of survey No. 174 during the time of verification it was found that the land owners had done the fencing and compound around their land, built a farm house and grown coconut, plantain and other trees and was found that the said coconut trees were 25 years old. Among the title holders of Sy. No. 1 the 4th appellant Shri A.R. Rangaswamy showed the cultivated land and it was found that he had grown sesame here and there. And hence as the sub-divisional officer has stated in his order that no cultivation is being done is not correct.*

13. *The appellant of case No. 5: 12-13 has purchased 30.00 acres of land of Sy. No. 174/6(1) from title holder Shri L. Bhaktavatsala through registered sale deed on 12-08-1994. Later the Khata has been registered for the said person. The appellant of case No. R.A: 11:12-13 has purchased 20.00 acres of land of survey No. 174/7 from title holder Shri B. Lakshminarayana through registered sale deed on 27-01-2000. Later the Khata has been registered for the said person. The appellant of case No. R.A.: 21:12-13 has purchased 21.91 and 1/2 acres of land of survey No. 174/7 from title holder Shri B. Lakshminarayana through registered sale deed on 18-08-2006. Later the Kollegala sub-divisional officer conducted an enquiry about the violation of 79(a) and 79(b) and issued an order dated 06-06-2007 that 79(a) and 79(b) has not been violated. The appellant of case No. R.A: 22:12-13 has purchased 20.00 acres of land of Sy. No. 174/5 from title holder Shri B. Lakshminarayana through registered sale deed on 18-08-2006. Later the Kollegala sub-divisional officer conducted an enquiry about the violation of 79(a) and 79(b) and issued an order dated 06-06-2007 that 79(a) and 79(b) has not been violated. In the above mentioned cases*

the lands have been transferred and khata has been registered in the names of the purchased. While transferring the Khata of these lands all the facts such as are these government lands, forest lands, title holders lands, and whether it is in the acquisition of the person who sold it need to be verified. If any lacuna is found there will be no option for countersign. Among the cases in 2 cases the khata has been countersigned directly and in the other two cases sub-divisional officer conducted an enquiry about the violation of 79(a) and 79(b) and issued an order to countersign the khata knowing that 79(a) and 79(b) has not been violated. After all these proceedings the sub-divisional officer stating that in the present case land Reforms Act, Inam Abolition Act, Land Sanction Act has been violated and the disputed land is government land is not correct.

14. *The case which the sub-divisional officer has mentioned in his order of Hon'ble Supreme Court in the case of Government o India V/s. T.N. Godhavarman Thirumalkad is about saving the forest and the order is not about seizing the private land to the government. Though the said land is needed for tourism as per the rights given by the Constitution in that,*

> ***"Second (II) Proviso to article 31-A: provided further that where any law makes provision for the acquisition by state and where any land comprised therein is held by a person under personal cultivation it shall not be lawful for the state to acquire any portion of such land as his within the ceiling limit applicable to him under any law for time being infce or any building or structure standing there on or apprtuenant there no unless the law relating to the acquisition of the such land, building or structure provides for payment of compensation at arate which shall not be less than market value"***

The appellant has stated that if in the act it is not mentioned to take stipulated time to take up the enquiry of any self motivated case as in the ***Hon'ble Supreme Court case of Mohammed Kavi, Mohammed Hamir V/s. Fathima Bai Ibrahim (1997) 6ACC 71 verdict, enquiry*** *has to be done within one year. But the said case has been taken up by the sub-divisional officer* ***exceeding 40 years****.*

On the basis of all these matters it has been ordered as hereunder;

Order

The above 06 appeals have been upheld.

The order No. LRF:116:2007-08 dated 13-12-2011 of Kollegala Sub-divisional Officer has been cancelled.

Dictation has been given and the typed copy has been revised and declared in the open court on 08-07-2013.

Sd/-
District Commissioner
Chamarajanagar District, Chamarajanagar

Enclosures: Annexure A to J"

23. The Regional commissioner, Mysore, as instructed by the Revenue Secretary's telephone calls and media reports indicating that several kinds of loss has been occasioned to the Government and other people who have since acquired an interest in the said property, she seems to have inferred that certain issues existing in the concluding paragraph submitted to the Hon'ble Minister that **the order of the applicant herein suffers from mistakes and legal infirmity.** She had observed several factors in her report to the Government, these are enumerated below along withobservations:

1. The decision of the Hon'ble Apex Court in T.N. Godaverman Tirunalkpad vs. Union of India is squarely applicable to the facts and circumstances of the present case **(are about 100 cultivators and inamdars mentioned in all the Government records were parties to this case ?).**

2. She observes that in the order of the Assistant Commissioner No. LRF.116:2007-08 dated 19.03.2008 it had been directed to be recorded as Government Kharab land in the RTC in Survey Nos. 1 to 8 of Sattegala Village, Kollegal.

(What is then the effect of the Civil Suit and the declaration therein which was culminated in the then Deputy Commissioner's order in 1968 itself?).

3. She observes that the documents in respect of land therein Sy. No.1 are illegally fabricated as per the Assistant Commissioner. But the same Assistant Commissioner have noted that the **patta is issued** on 5.2.1969 by assessing revenue on 05.09.1968 as per the memo issued under**RT.78/1968-69 dated 20.07.1968 by the Deputy Commissioner, Mysore,** directing to issue joint

patta as per the Court decree of the said land. **(Therefore, if vide Civil Court decree joint patta has been issued to the possessors in 1969, how can the possession be taken over by the Government without due process of law before the Court?).**

4. She observes that in 1977 Inam Abolition Act has been passed by the Government but in the cogent Section it is stipulated that when the possessors of the land do not cultivate for three years then the Government can issue a notice and even for one year it is not cultivated thereafter such land can be assumed on notice. **(It is an admitted case that no such notice was ever issued to anybody).**

5. She observes that the Assistant Commissioner had noted in his order that about 650 acres of land for which patta has been issued in 1969 is allotted to 3-4 families which amounts to violation of Land Ceiling Act and Land Reforms Act. But in the order of the Land Tribunal dated 20.07.1982 the lands in dispute in LRF 1214 dated 22.2.1982 holds the land in excess of maximum limit and in this connection, had directed the Tahsildar to produce detailed declaration before the Land Tribunal. It was also noted that a thorough enquiry could be conducted as per Karnataka Land Reforms Act. But apparently, the Assistant Commissioner did not conduct a thorough enquiry. **(Therefore, if there are Land Tribunal proceedings, what is the culmination of theproceedings?).**

6. She observes that the Assistant Commissioner had raised a doubt as to whether the pattedar stated above has patta or title to the land prior to 1969. (This question cannot arise for the very simple reason that the competent Court has declared the title of the people in question and only where upon the then Dy. Commissioner , Mysore (as is then was) directed issue of patta to all these people. ***(Even otherwise how can the Assistant Commissioner or***

the Regional Commissioner tangentially challenge a declaration of a Civil Court ?).

7. She observes that the Assistant Commissioner held that in accordance with Section 11 of the Inam Abolition Act, the possessors in the land had to pay a premium of six times of revenue as per Section 12(1) and as per Section 12(2) hundred times of revenue and 21 peoplehaving received pattas as per the Court decree filed applications and it is registered as case No. LRG:1214. But apparently without finding that there is a need to hold an enquiry,it seems to be held that the ownership of the land was already acquired (Therefore, **acquired by whom?**).

8. She observes that in relation to Sy. No. 1/1 and Sy. No. 174/1 to 174/7, are patta lands and not forest lands. No documents are found to show that the said patta lands are transformed into forest lands. Due to this, the judgement in the case of T.N. Godaverman Thirumalkpad vs. Union of India is not applicable**. (If it is so, then the stand taken by the applicant seems to be correct).**

9. She observes that the Assistant Commissioner had recorded in his order that entire land in Sy. No. 174 belongs to Forest Department. By RTC, it has an extent of 12260.93 acres. But under Section 5 of the Karnataka Forest Act, the gazette notification of 6.9.2006 mentions 9415 acres. The balance alone would be 2845.93 acres. (**Therefore, there is a question of identity of the property and a conflict in the contentions of the Government, admittedly**).

10. She observes that the Assistant Commissioner had opined that there is no necessity to issue notice under Section 84. But according to the Act, without issuing such anotice and if agricultural activities are not commenced even after a lapse of one year, an action under Section 84 of the said Act, has to be

initiated. (Therefore, there seems to be a conflict in contentions of the Government).

11. She observes that theland measuring 8.57 ½ (1.57)acres in Sy. No. 174 is acquired for Karnantaka Forest Corporation road and compensation has been distributed in favour of Shri Bhaktavatsala, Vasundhara Devi and Lakshminarayana vide letter dated 3.7.2001 and award notice copies, it is stated, issued by the very same Assistant Commissioner. It is also noted that a wild elephant had destroyed the coconut trees that existed in Sy. No. 174/5, 6 and 7, the Conservator of Forests, Mysore Circle, had granted compensation to Shri Bhaktavatsala on 27.03.1991, as it was confirmed by the Forest Officer that the said land remained patta land and not forest land.

So when did this became Government Land?

12. She observes that even after 40 years of the issuance of patta though agriculture is carried out , but on spot inspection it is found that the owner of the land has put up a compound wall surrounding the land and had constructed a farm house,have put up arope wire fencing and cultivated coconut trees, bananas and other crops and said coconut trees are aged more than 25 years. Some other cultivators cultivate still these. **(Then who found that the lands were not being cultivated?).**

24. The Government has relied on a copy of the direction issued by the Deputy Tehsildar, Kollegal Taluk, vide No. RRTPR/67-68 dated 05.09.1968 relating to the application made by Shri C.S. Chowduri, Retired District and Sessions Judge for transfer of patta as per court orders in Sathegal village, Kollegal Taluk. This relates to the position as obtained by the said parcel of property and the possessors and the title holders thereof in relation to 1968 to 1969. It is extracted as shown below. The details

of the parties and their extent of possession and other further details are available thereof. **That having been known to the Government at that time itself one cannot now understand the stand of the Government that the said property related back to the Government by assumption under Inam Abolition Act. However, it is produced herewith for easy elucidation**:

> "(31) Directions issued by the Deputy Tehsildar, Kollegal Taluk, Kollegal vide No. RRT PR 61/67-68 dated 5.9.1968 as under. Copy made available in the office of the Tahsildar, Kollegal, Kollegal Tq vide RRT PR-61/68-69, vide document No. 95-97 (copy Appendix 137 enclosed)
>
> Subject : Application of Shri C.S. Chowdri Retired District & Sessions Judge for Transfer of pattas as per Court orders in Satthegal Village, Kollegal Taluk.

ORDERS

1. ***In view of the directions issued by the Deputy Commissioner, in Memo No. RAT 78/6-69 dated 20.07.1968 and Section 44 and Section 129 of Mysore Land Reforms Act, pattas will be issued to the decree holders of E.P.R 70/52 and E.P.R 91/32 who are in possession as mentioned therein and in the application of Shri C.S. Chowdri and in the statement of the village karnam as owners as per the Court decree mentioned in the said EPR proceedings.***

2. ***As regards the plots in possession of Sriyuts S.A. Lateef, A.R. Rangaswami and V.S. Ramapriya of Sathegal, the Government Pleader of Mysore has taken the view that in the pattas to be issued in their names of their plots as shown in schedule 3 of the application of Sri C.S. chowdri, the names of decree holders of EPR 91/52 should also be included as land lords. Pattas will be issued in favour of Sriyuts S.A. Lateef, A.R. Rangaswami and V.S. Ramapriya for their plots mentioned in Schedule 3 of the application of Sri C.S. Chowdri with the names of the decree holders of E.P.R 91/52 also namely Smt. E. Annaporunamma, C. Saraswati Ammal, Y. Sumathi Ammal, V. Sujatha Ammal and M. Sulochana Ammal.***

3. ***Joint pattas for the lands of Schedule 1 of the application of Sri C.S. Chowdri will be granted to the persons mentioned in the said schedule as shown in the appended statement.***

4. ***Pattas for the other plots of Schedule 3 of the application of Sri C.S. Chowdri will be issued in the names of the decree holders of E.LP.R 91/52 and their families as shown in the appended statement.***

5. ***Pattas for the lands of Schedules 2& 4 will be issued in their names of the decree holders of E.P.R. 70/52 and their families as shown in the appended statement.***

6. ***Communicated the above orders to Sri C.S. Chowdri.***

25. Annexure to order No. RRT PR 61/67-68 dated 5.9.98 :

STATEMENT SHOWING THE NAME OF PERSONS AND THE EXTENT IN POSSESSION ... ENJOYMENT OF LAND NIN SIVASAMUDRAM AND SATTIGAL VILLAGE PERTAINING SURVEY NOS. 1 TO 8.

	Name of the applicant	Sivanasudram				Sattegal	Total extent
	Sarvasri	A Cents				A Cents	A Cents
	E. Annapornamma	9.50				Nil	9.50
	C. Sarawsati Ammal	9.50				Nil	9.50
	Y. Samathi Ammal	9.50	Joint Patta No.1			42 acres along with her husband Y.B. Chowdri	9.50
	V. Sujatha ammal	9.50 for herself and her daughter V. Vijayalakshmi	Joint Patta No.2			70 acres in joint possession of V. Sujatha Devi and her daughter V. Vijayalakshmi	79.20
	Sulochana Devi	9.50	Joint Patta No.3			56 Acres along with her husband M. Chalaplathi Rao and C. Vijayaraghava n as joint	65.50
	S.A. Lateef	9.50	Joint Patta No.4			42 Joint npatta for allthese 3 persons along with the decree holders of EPR 91.52	51.50
	V.S. Ramapriya	9.50	Joint Patta No.5			14 EPR 91/52 250.00	23.50
	A.R. Rangaswamy	9.50	Joint Patta No.6			14	23.50
	C. Vijaraghavan S/o. G. Janardhan Naidu	9.50					9.50
	C.S.Chowdri	9.50	Separate Patta No.5			12	21.50
	Krishna Bhat	3.00					3.00
	L.Ramaswamy	About 17.47				About 34 2/3 acres (i.e. 54.66)	52.13 (about)
	L. Bhakthavatasal	About 17.47				About 34 2/3 acres (i.e. 54.66)	52.13 (about)
	B. Vasundara Devi	About 17.47				About 34 2/3 acres (i.e. 54.66)	52.13 (about)
	Manika Ammal	About 17.47				About 34 2/3 acres (i.e. 54.66)	52.13 (about)

	Shanta Ammal	About 17.47				About 34 2/3 acres (i.e. 54.66)	52.13 (about)
	B. Venkataswamy					About 34 2/3 acres (i.e. 54.66)	52.13 (about)
	C.S. Chowdri	About 17.47 (in joint possession with numbers 12 to 17 as mentioned in Sch 2)	Separate Patta No.7			42 acres (Separate Possession)	59.47
	Total	220.26				499.96	720.55

Sd/-
Deputy Tahsildar
Kollegal Taluk

(32) Government Pleader Letter No. 1744 dated 8.10.1968 to the Deputy Commissioner, Kollegal Taluk, Kollegal, which is available in the office of the tahsildar, Kollegal, Kollegal Tq vide RRT/PR-61/68-69, vide document No. 89 (Copy Appendix 133 enclosed).

Sub: Application of Sri C.S. Chowdri, for transfer of patta.
Ref: RAT/178/68-69

In returning herewith the file relating to the above sent with your letter dated 3-10-68, I write to state that the order of the Deputy Tahsildar, for pattas being issued in favour of Sriyuths S.A.Lathief, A.R. Ramaswamy and V.S. Rampriya, with the names of the Decree holders in EPR 91/52 mentioned in para 2 of his order, I feel, is quite in accordance with the rules. In the application dated 6.9.1998 by Sri C.S. chowdri, it is stated that Sri Lathief, Sri rangaswamy and Sri Ramapriya afore said are entitled for the separate pattas under their arrangements with the decree holders in EPR 91/52, I am of the view that this is not correct unless it be by a transfer of title.

(33) Memo issued by the Deputy Commissioner, Mysore District, Mysore in No. RAT 178/68-69 dated 11.12.1968 to the Tahsildar, Kollegal Taluk, Kollegal, as under. Copy made available in the office of the Tahisildar, Kollegal, Kollegal Tq. vide RRT/PR-61/68-69, vide document No. 87 (Copy Appendix 134 enclosed).

Sub: Application of Shri C.S. chowdri, Retd. District and Sessions Judge, for transfer of patta as per Court orders in Sathegal Village, Kollegal taluk.

Ref: This memo of even number dated 20.07.1968 issuing instructions to take action to fix up assessment and to grant joint pattas as per opinion of the Government Pleader, Mysore.

2. Order No. RYT. PR 61/67-68 dated 5.9.98 of the Deputy Tahsildar, ercordds of Rights, Kollegal for the grant of joint pattas as per annexure to the order dated 5.9.98.

3. Petition of Sri C.S. Chowdri dated 6.9.98 requesting to exclude the names of decree holders and to grant pattas.

4. Report No. RRT PR 61/67-68 dated 6.9.98 of the Deputy Tahsildar, Kollegal seeking orders on the petition of Sri C.S. Chowdri.

5. Letter No. 1744 dated 8.10.68 of the Government Pleader , Mysore, furnishing opinion that the order passed by the Deputy Tahsildar, Kollegal dated 5.9.98 is in

accordance with rules and issue of separate pattas is not correct unless it be by transfer of title.

"MEMO"

The Tahsildar Kollegal Taluk is requested to take immediate action as per opinion of the government Pleader, Mysore cited 5 above, to issue joint pattas along with decree holders as per orders dated 5.9.1968 passed by the Deputy Tahsildar, Kollegal Taluk.

The petitioner may be informed accordingly.

(34) Memo issued by the Tahsildar, Kollegal Taluk, Kollegal, vide No. RRT/PR/61/68-69 dated 5.2.1969, copy available in the office of the Tahisildar, Kollegal, Kollegal Tq. vide RRT/PR-61/68-69, document No. 63 to 70 (Copy Appendix 135 enclosed).

(1) Subject – Patta relating to Sy. No. 1 of Sivasamudram/Hamlet of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT 178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore issuing orders on the application of Sri C.S. Chowdri dated 6.9.98

In pursuance of the directions issued by the Deputy Commissioner, Mysore District in his memo cited. Joint Patta in respect of the land described below is issued jointly as under :

Name of the Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sivasamudram	1/1	E. Annapoornamma	9.50	49.21	Area covered by EPR 91/52
		C. Sarswathi Ammal	9.50	49.21	
		Y. Sumathi Ammal	9.50	49.21	
		V. Sujatha ammal	9.50	49.21	
		M. Sulochana Devi	9.50	49.21	
		S.A. Lateef	9.50	49.21	
		V.S. Ramapriya	9.50	49.21	
		A.R. Rangaswamy	9.50	49.21	
		C. Vijayaraghavan, S/o. G. Janardha Naidu	9.50	49.21	
		C.S. Chowdri	9.50	49.21	
		Krishna Bhat	3.00	18.50	

(2) Subject : Patta relating to Sy. No. 1 of Sivasamudram / hamlet of Sathegal Village, Kollegal Taluk

Reference Memo No. RAT 178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Sri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore District in his memo cited Joint Patta in respect of the land described below issued as hereunder:

Name of the Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sivasamudram	½	L. Ramaswamy	17.47	9.50	Area covered by EPR 70/52
		L. Bhakthavatsal	17.47	9.50	
		Vasundhara Devi	17.47	9.50	
		Manik Ammal	17.47	9.50	
		Shanha Ammal	17.47	9.50	
		B. Venktaswamy	17.47	9.50	
		C.S. Chowdri	17.47	9.50	

(3) Subject - Patta relating to Sy. No. 174/1 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner , Mysore District, Mysore .

Issuing orders on the application of Sri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy commissioner, Mysore District in his memo cited Joint Patta in respect of the land described below issued as under:

Name of Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sathegal	174/1	Y Sumathi Ammal and her husband (2) Y.B. Chudri	42.00	217.56	Area covered by EPR 91/52

(4) Subject - Patta relating to Sy.No. 174/2 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of Village	Sy.No.	Name of Pattedar	Extent	Dry	Remarks

				Assessment	
Sathegal	174/2	Y Sujatha Ammal and her daughter (2) V. Vijayalakshmi	70.00	362.60	Area covered by EPR 91/52

(5) Subject - Patta relating to Sy.No. 174/4 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of the Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sivasamudram	174/4	E. Annapoornamma			Area covered by EPR 91/52
		C. Sarswathi Ammal			
		Y. Sumathi Ammal			
		V. Sujatha ammal			
		M. Sulochana Devi (Decree holders of EPR 91/52			
		S.A. Lateef	42.00	217.56	
		V.S. Ramapriya	14.00	72.52	
		A.R. Rangaswamy	14.00	72.52	

(6) Subject - Patta relating to Sy.No. 174/3 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sathegal	174/3	M. Sulochana Devi	56.00	290.08	Area covered

		(Decree holders of EPR 91/52)			by EPR 91/52

(7) Subject - Patta relating to Sy.No. 174/5 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sathegal	174/5	Sri C.S. Chowdri	12.00	62.16	Area covered by EPR 91/52

(8) Subject - Patta relating to Sy.No. 174/6 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of the Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sivasamudram	174/6	L. Ramaswamy	34.66	179.56	Area covered by EPR 91/52
		L. Bhakthavatsal	34.66	179.56	
		Vasundhara Devi	34.66	179.56	
		Manik Ammal	34.66	179.56	
		Shanha Ammal	34.66	179.56	
		B. Venktaswamy	34.66	179.56	

(9) Subject - Patta relating to Sy.No. 174/7 of Sathegal Village, Kollegal Taluk.

Reference Memo No. RAT/178/68-69 dated 11.12.1968 of the Deputy Commissioner, Mysore District, Mysore.

Issuing orders on the application of Shri C.S. Chowdri dated 6.9.98.

In pursuance of the directions issued by the Deputy Commissioner, Mysore district in his memo cited Joint Patta in respect of the land described below issued as hereunder :

Name of Village	Sy.No.	Name of Pattedar	Extent	Dry Assessment	Remarks
Sathegal	174/7	Sri C.S. Chowdri	42.00		Area covered by EPR 70/52

(35) Details of transaction from 1.1.1948 to 30.10.2013 in respect of Sy. No. 174, situated at Suthegal Village, Palya Hobli, Kollegal Tq in the Office of the Sub Registrar, Kollegal vide No. RGN/CR/03/2013-14 dated 30.10.2013, copy enclosed of Sub Clause 14 of rule 148 vide No. 15 (148 Rule) (Appendix 141).

(36) Letter by the Special Deputy Commissioner to the Deputy Secretary, Revenue Department regarding implementation of the provisions of the Karnataka Certain Abolition Act, 1977 (Karnataka Act No. 10 of 1078) and rules 1979 vide letter No. ISA/CR/112/79-80 dated 3.2.1981 as under (Appendix 142).

Sub: Implementation of the provisions of the Karnataka Certain Inam Abolition Act, 1977 (Karnataka Act No. 10 of 1978) and rules, 1979.

The Jagir Sathegala Village of Kollegal Taluk has been abolished under Karnataka Certain Inam Abolition Act, 1977 and the Jagir Inam lands vested in the Government under Section 4 of the said Act with effect from 5.6.1978 vide Notification No. RD 31 IMA 78 dated 15/16-6-78 published in Karnataka Gazette (extra-ordinary) Part-IV-2-C(4) dated 16.06.1978. The Karnataka Certain Inam Abolition Rules, 1978 has come into force with effect from 9th February, 1979. The last date for receipt of applications for registration as occupants was extended till 31.12.1980. **About 2000 applications have been received for registering the applicants as occupants as per the provisions of the said Act. Out of the above applications, there are some applications filed by the purchaser of the lands belonging to the Jagirdar for registering them as pattadars. The Certain Inams Abolition Act provides for registering the either the Inamdar or the tenants as occupants by the Land Reforms Tribunal after enquiry under the Land Reforms Act. But the said Act does not contemplate the cases of the purchasers/transferees of the Agricultural land belonging to the Jagirdar for registering them as pattadars. Hence, I request you kindly to get it examined, and clarify as to how the cases of purchasers of the Agricultural land belong to Jagirdar, prior to the date of vesting can be considered.**

This may kindly be treated as urgent, since the Hon'ble Minister for revenue who visited Kollegal on 31.1.1981 has instructed me to make a reference to that effect and take further action after getting clarification.

(37) The following is the copy of the letter received from Chief Conservator Forest Officer, Office of the Forest Reservation Department, M.S. Building, Bangalore bearing No. A5(3)MISC.CR 30/2013-14 dated 14/11/2013 (Appendix 143).

Sub: Effecting alteration in the Col-9, of RTC of Sy.1& 174 of Sattegala Village in Kollegal Taluk - regarding.

Ref: (1) Letter No. B2/LND/Sy.No.1/2012-13 dated 27.2.2013 & 29.10.2013 of the Deputy Conservator of Forests, Kollegal Division, Kollegal addressed to the Regional Commissioner, Mysore.

(2)Letter of even No. dated 6.9.2013 of the Deputy Conservator of Forests addressed to the Deputy Commissioner, Chamarajanagar District and copy communicated to this officer.

I, invite your kind attention to the letter of the Deputy conservator of Forests, Kollegal Division addressed to the Regional Commissioner, Mysore and Deputy Commissioner, Chamarajanagar under reference (1) and (2) above. From the letters it is clear that the status of forest land in Sy. No.1 of Sattegala has been changed from Forest (Shivanasamudra Kadu) to Kharabu in violation of Forest (conservation) Act, 1980, Karnataka Forest Act, 1963 and Karnataka Forest Rules, 1969 and various Hon'ble Supre Court orders. Subsequently, the said forest lands were illegally ordered to be released to 6 applicants by the Deputy Commissioner, Chamarajanagar as per her order No. RA 46, 50:2011-12 and RA 05, 11,21:2012-13 dated 8.7.2013 both in Sy. No. 1 and Sy. No. 174 of Sattegala Village and requested for restoration of the status of forest lands. In this regard, the following facts are placed hereunder:

The entire land in Sy.No.1 and Sy. No. 174 of Sattegala Village in Kollegal Taluk are forest lands known as "Shivananasamudrada Kadu and Sattegagala Forest, respectively which is substantiated by the following :-

(1) As per RTC extract issued by Revenue Authorities upto 2012-13 in column 9 the status was Shivanasamudrada Kadu.

(2) As per RTC of Sy.No. 174 of Sattegala Village of the total extent of 12260.93.00 acres of land, 8494.00.00 acres is reserved as Sattegala Forest and the extent of 3766.93.00 acres has been notified under Section 4 of the Karnataka Forest Act, 1963, vide notification No. FEE 2 FAF 1994 dated 21.02.1994. thus it is clear that the entire 12260.93.00 Acres if forest land.

(3) The Hon'ble Supreme Court of India in its order dated 12.12.1996 in W.P. No. 202/1995 has directed as under –

The Forest Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalances and therefore, the provisions made therein for the conservation of forests and forest matters

connected therewith, must apply to all forests irrespective of the matter of ownership or classification thereof. The word "forest " must be understood according to its dictionary meaning. This description cover all statutorily recognised forests, whether designated as reserved, protected or otherwise for the purpose Section 2(j) of the Forest Conservation Act. The term forest land occurring in Section 2 will not only include forest as understood in the dictionary sense, **but also nay area recorded as forest in the Government record irrespective of the ownership**. …

Since Sy.No. 1 and Sy. No. 174 are recorded as "forest" in the RTC, their status remains as "forest" for the purpose of Forest Conservation Act, 1980 and diversion of such lands for non forestry purpose requires prior approval of Government of India.

(4) An extent of 4.223 ha (Revised 4.863 ha) of forest land for Ranganathaswamy Mini Hydel Project at Shivanasamudra on Cauvery river in favour of M/s. Pioneer Power Corporation was diverted under the provisions of Forest (conservation) Act, 1980 for non forestry purpose vide Government of India letter No. 4-KRB 080/2005-BAN dated 13.10.2005.

26. But then it is shown in that Satagal Village is an Inam land and the land has been granted as Sannada land by the British Government in favour of Sri Triplicane Ramaswamy Modaliyar during 1836 A.D. Apparently thereafter, its legal heirs and successors held the properties, may be cultivated or may not be cultivated. But under the Inam Abolition Act, if it is not cultivated for more than 3 years then the Government can only issue notices to them urging cultivation and even after it is not cultivated for more than 1 year, the government can assume the land. The mentioning of property of Shivanasamudra kadu seems to be available only after the year 1981 when the Government has issued the letter to the Forest Department.

27. If one has to give something away, one has to have title and possession to it. Without having title and possession of this land, how the government can give away this land to the Forest Department and also to the private parties, cannot lie in the realm of law.

28. In the report given by the Tahsildar after the orders were passed and after the Regional Commissioner enters the scene, it is seen mentioned that the order issued by the applicant is in violation of Forest Conservation Act, 1980 and the Karnataka Forest Act, 1963 and the Karnataka Forest Rules, 1969. ***For these to be made applicable, Forest must have some right in it. The letter issued by the Government in 1981 may not have any effect at all prima facie, as the land concerned was involved whether in the statutory conflagration of the Inam Abolition Act or Civil cases. Only after it is settled finally and the government can assume the possession and title, can it be thought that the property has to be handed over as forest land or not.***

29. All these have been stated only for the reason to find out whether there is any substantial issue involved in the contention raised by the State Government.

30. Since the matter has been put up before us, we had held a random search of acts and rules to find out the extent of quasi judicial functioning available under various acts and rules. We found that about 30 to 40% of litigation in the country is handled by quasi judicial authorities under one statute or other. Therefore, the position of a quasi judicial officer is of nodal nature in the justice delivery system. If the department under which he is working is in a position to exert any sort of control over his working it will have an impact on his mental make up and impartiality. The quasi judicial officer is enjoined and called upon to and pass judgment in respect of the matters in which his department is deeply interested. But yet he is called upon to deliver judgments passed by depending on his conscious knowledge of law and based on his ability and without any

bias. If any control is to be exercised by superior officers of the department over the quasi judicial officer, it is so perverse that it will defeat the whole structure of quasi judicial determination and in such a situation a quasi judicial determination becomes an adjunct to a department decision and therefore, detrimental to public interest.

31. ***The independence of judiciary requires protection to judges for the decision taken by him, so it may probably be construed that a judgment of a judicial officer whether if he be right or not is the issue but the rightness and wrongness of a judicial order has to be contested only through the hierarchy provided throughout the judicial system and not by collateral means. Such a rule providing for collateral control under whatever guise will reduce the independence of judiciary and render quasi judicial activity to the level of being only an exercise in futility by already taken departmental decision which he will be called upon to blindly support and this will defeat the system of quasi judicial determination.***

32. We have carefully examined the articles of charges against the applicant the **articles of charge is absolutely in the realm of judicial determination**. If the

department is aggrieved by judicial determination the only way available to them is to approach the appellate or revisional authority as the case may be. They cannot, definitely hold a disciplinary enquiry against the applicant for a decision he had taken in the course of his working as a quasi judicial officer for a factor within the scope of such judicial determination. Since requirement of independence of quasi judicial forums over shadow smaller lacunae like this in greater public interest. **The respondents would submit that the adjudication officer should be guided by superior officer, but this averment create dangerous precedents and tantamount to a Magistrate being guided by a police officer in the discharge of his duty and that it can only be hoped that the respondents said so without understanding the gravity of it, it is important that process and procedures of a quasi judicial authority are also protected.**

34 **The quasi judicial authorities are created within the department itself to ensure that a process of determination which is balanced and unbiased is made available. The process and procedures of a judicial officer are also made and organised to ensure the independence of a judicial officer and unless this cardinal factum is maintained the quasi judicial authority lose its relevance and reverence in the public mind. Therefore, in the larger aspect it is in greater judicial importance to work out a method by which independence and integrity**

are matched. The volume of litigation in the country as handled by quasi judicial authorities points out the need to afford them also the same protection given to Judges; in greater and larger public interest. This exercise of impartial is to ensure justice to the citizens also.

35. The Hon'ble Supreme Court in ***UNION OF INDIA & OTHERS VS. K.K.DHAWAN*** (1993) 2 SCC 56, in para 28 & 29 had come to the following conclusion on this aspect;

> "28. Certainly, therefore, the officer who exercises judicial or quasi judicial powers acts negligently or recklessly or in order to confer undue favour on a person he is not acting as a Judge, Accordingly, the contention of the respondent has to be rejected. It is important to bear in mind that in the present case, we are not concerned with the correctness or legality of the decision of the respondent but the conduct of the respondent in discharge of his duties as an officer. The legality of the orders with reference to the nine assessment may be questioned in appeal or revision under the Act. But we have no doubt in our mind that the Government is not precluded from taking the disciplinary action and it can be taken in the following cases:
>
> (i) ***Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;***
>
> ***(ii) if there is prima facie material to show recklessness or misconduct in the discharge of his duty;***
>
> ***(iii) if he has acted in a manner which is unbecoming of a Government servant;***
>
> ***(iv) if he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;***
>
> ***(v) if he had acted in order to unduly favour a party;***

(vi) if he had been actuated by corrupt motive, however small the bribe may be because Lord Coke said long ago "though the bribe may be small, yet the fault is great"

"29. The instances above catalogued are not exhaustive. However, we may add that for a mere technical violation or merely because the order is wrong and the action not falling under the above enumerated instances, disciplinary action is not warranted. Here, we may utter a word of caution. Each case will depend upon the facts and no absolute rule can be postulated."

And, therefore, the respondents would submit that they had a right to initiate disciplinary action against the applicant even though he was a quasi judicial officer. **But we heard the respondent specifically on this point and had examined the pleadings only to find that these factors are not involved.**

36. We were taken through the decision of the Hon'ble Supreme Court in ***V.D.TRIVEDI Vs. UNION OF INDIA*** 1993 (2) SCC 55, ***UNION OF INDIA Vs. R.K.DESAI*** (1993) 2 SCC 49 and ***UNION OF INDIA VS..A.N.SAXENA*** 1(992) 3 SCC 124. The respondents submitted that it is not the degree of infraction which is material and it should be the decision of the authorities. **But then this appears to be a case of no evidence at all in view of the Hon'ble Supreme Court judgment there may not be any issue at all. Therefore at best this only a tangential attack against the Hon'ble Supreme Court judgment and the consistent civil court declaration and patta of 1969. This is true even if we ignore the question of quasi judicial functioning and judicial independence.**

"When we talk of negligence in a quasi judicial adjudication, it is not

negligence perceived as carelessness or inadvertence or omission but as culpable negligence. This is how this court in ***STATE OF PUNJAB AND OTHERS Vs. RAM SINGH*** Ex-Constable (1992) 4 SCC 54 interpreted 'misconduct' not coming within the purview of mere error in judgment, carelessness or negligence in performance of the duty. In the case of **K.K.Dhawan (1993) 2 SCC 56,** the allegation was of conferring undue favour upon the assessees. It was not a case of negligence as such. In **Upendra Singh's case (1994) 3 SCC 357**, the charge was that he gave illegal and improper directions to the assessing officer in order to unduly favour the assessee. **Case of K.S.Swaminathan (1996) 11 SCC 498,** was not where the respondent was acting in any quasi judicial capacity. **This Court said that at the stage of framing of the charge the statement of facts and the charge-sheet supplied are required to be looked into by the Court to see whether they support the charge of the alleged misconduct.** In **M.S.Bindra's case (1998) 7 SCC 310** where the appellant was compulsorily retired this court said that **judicial scrutiny of an order imposing premature compulsory retirement is permissible if the order is arbitrary or mala fide or based on no evidence.** Again in the case of **Madan Mohan Choudhary (1999) 3 SCC 396**, which was also a case of compulsory retirement this court said that there should exist material on record to reasonably form an opinion that compulsory retirement of the officer was in public interest. In **K.N.Rmamaurthy's case (1997) 7 SCC101,** it was certainly a case of culpable negligence. One of the charges was that the officer had failed to safeguard Government revenue. In **Hindustan /steel Ltd.'s case (AIR 1970 SC 253),** it was said that the penalty will not also be imposed merely because it is lawful so to do. In the present case, it is not that the appellant did not impose penalty because of any negligence on his part but he said it was only a case of approving the report.

37. ***Initiation of disciplinary proceedings against an officer cannot take place on an information which is vague or indefinite. Suspicion has no role to play in such matter. There must exist reasonable basis for the disciplinary authority to proceed against the delinquent officer. In this case it seems to be absent.***

> **If, every error of law were to constitute a charge of misconduct, it would impinge upon the independent functioning of quasi judicial officers like the applicant**. Since in sum and substance misconduct is sought to be inferred by the appellant having committed an error of law, the charge-sheet on the face of it does not proceed on any legal premise rendering it liable to be quashed***. In other words, to maintain any charge-sheet against a quasi judicial authority something more has to be alleged than a mere mistake of law, e.g., in the nature of some extraneous consideration influencing the quasi judicial order. Since nothing of the sort is alleged herein the impugned charge-sheet is rendered illegal. The charge-sheet, if sustained, will thus impinge upon the confidence and independent functioning of a quasi***

judicial authority. The entire system of administrative adjudication where quasi judicial powers are conferred on administrative authorities, would fall into disrepute if officers performing such functions are inhibited in performing their functions without fear or favour because of the constant threat of disciplinary proceedings.

38. **Considering the whole aspect of the matter, we are of the view that it was not a case for initiation of any disciplinary proceedings against the applicant. Charge of misconduct against her was not proper. It has to be quashed" as otherwise it will be an abuse of powers and challenge against the declaratory jurisdiction of competent Civil Court.**

39. The counsel for the applicant took us through the judgment of Hon'ble Supreme Court in ***P.C.JOSHI VS. STATE OF U.P. AND OTHERS*** dated 08.08.2001, which was available in the internet at Https://JUDIS.NIC.IN. After examining the crux of the matter the Hon'ble Supreme Court held as under:

> " The test to be adopted in such cases is as stated by this Court in the cases of **Union of India & Ors., Vs. A.N.Saxena, 1992 (3) SCC 124 and Union of India & Anr., Vs. K.K.Dhawan, 1993 (2) SCC 56. In K.K.Dhawan case (supra), this Court indicated the basis** upon which a disciplinary action can be initiated in respect of a judicial or a quasi-judicial action as follows:
>
> Where the Officer had acted in a manner as would reflect

on his reputation for integrity or good faith or devotion to duty;

(i) Where the judicial officer has conducted in a manner as would reflect on his reputation or integrity or good faith or devotion to duty;

(ii) That there is prima facie material to show recklessness or misconduct in the discharge of his duty;

(iii) That if he has acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;

(iv) That if he had acted in order to unduly favour a party;

(v) That if he had been actuated by corrupt motive.

Dealing with a matter of similar nature in Ishwar Chand Jain Vs. High Court of Punjab & Haryana & Anr., 1968 Supp. (1) SCR 396, the following observations were made by this Court:

> ***"....While exercising control over the subordinate judiciary under the Constitution, the High Court is under a constitutional obligation to guide and protect judicial officers. An honest, strict judicial officer is likely to have adversaries. If complaints are entertained on trifling matters relating to judicial officers which may have been upheld by the High Court on the judicial side, and if the judicial officers are under constant threat of complaints and enquiry on trifling matters, and if the High Court encourages anonymous complaints, no judicial officer would feel secure, and it would be difficult for him to discharge his duties in an honest and independent manner. An independent and honest judiciary is a sine qua non for the Rule of law. It is imperative that the High Court***

should take steps to protect its honest judicial officers by ignoring ill-conceived or motivated complaints made by unscrupulous lawyers and litigants. [p.409]"

40. In***A.K.KRAIPAK VS. UNION OF INDIA*** reported in AIR 1970 SC 150 the Hon'ble Supreme Court had held:

"The dividing line between an administrative power and a quasi-judicial power is quite thin and is gradually being obliterated. For determining whether a power or a quasi-judicial power one has to look to the nature of the power conferred, the persons or person on whom it is conferred, the framework of the law conferring that power, the consequences ensuring from exercise of that power and the manner in which that power is expected to be exercised. Under the Constitution of India, the rule of law pervades over the entire field of administration. Every organ of the State under the Constitution is regulated and controlled by the rule of law. In a Welfare State like ours it is inevitable that the jurisdiction of the administrative bodies is increasing at a rapid rate. The concept of the rule of law would lose its vitality if the instrument elites of the State are not charged with the duty of discharging their functions in a fair and just manner. The requirements of acting judicially in essence is nothing but a requirement to act justly and fairly and not arbitrarily and capriciously. The procedures which are considered inherent in the exercise of a judicial power are merely those which

facilitate, if not ensure a just and fair decision. In recent years the concept of quasi-judicial power has been undergoing a radical change. What was considered as an administrative power some years back is now being considered as quasi-judicial power. With the increase of the power of the administrative bodies it has become necessary to provide guidelines for the just exercise of their power. To prevent the abuse of that power and to see that it does not become a new depositism Courts are gradually evolving the principles to be observed while exercising such powers. In matters like these public good is not advanced by a rigid adherence to precedent. New problems call for new solution. It is neither possible nor desirable to fix the limits of a quasi judicial power".

41. In ***ZUNJARRAO BHIKAJI NAGARKAR Vs. UNION OF INDIA***, AIR 1999 SC 2881, The Hon'ble Supreme Court had held:

"If every error of law were to constitute a charge of misconduct, it would impinge upon the independent functioning of quasi-judicial officers, like the appellant. Since in sum and substance misconduct is sought to be inferred by the appellant having committed an error of law, the charge-sheet on the face of it does not proceed on any legal premise rendering it liable to be quashed. In other words, to maintain any charge-sheet against a quasi-judicial authority something more has to be alleged than a mere mistake of law, e.g. in the nature of some extraneous

consideration influencing the quasi-judicial order. Since nothing of the sort is alleged herein the impugned charge-sheet is rendered illegal. The charge-sheet, if sustained, will thus impinge upon the confidence and independent functioning of a quasi judicial authority. The entire system of administrative adjudication where under quasi-judicial powers are conferred on administrative authorities would fall into disrepute if officers performing such functions are inhibited in performing their functions without fear or favour because of the constant threat of disciplinary proceedings".

42. Hon'ble Apex Court in the case of Union of India and Others Vs. K.K.Dhawan vide order dated 27.01.1993 has laid down following six conditions to initiate disciplinary proceedings against the authority while discharging quasi-judicial functions. Therefore with the help of both the counsel we have examined these things

(i) Where the Officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;

The Civil Court's order in 1949, and the then DC's order in 1968 settles this.

(ii) If there is prima facie material to show recklessness or misconduct in the discharge of his duty;

Other than allegations of mistakes and the illegality there is no ground /material.

(iii) If he has acted in a manner which is unbecoming of a government servant;

The averment is that she should act as an agent of government.

(iv) If he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;

No such allegation.

(v) If he had acted in order to unduly favour a party;

That she had acted against the interest of the Government but what is pointed out is that private interest.

(vi) If he had been actuated by corrupt motive however, small the bribe may be.

No such allegation.

Therefore, what is the infraction?

43. The learned counsel for the respondents also rely on ***TRANSPORT COMMISSIONER MADRAS VS. A.RADHA KRISHNA MURTHY*** reported in (1995) 1 SCC 332 wherein the **Hon'ble Apex Court had held that the correctness or not of the charges is out side the scope of judicial review and only on the basis of no evidence that brings in the jurisdiction of the Tribunal or the High Court. The learned counsel for the applicant submits that there must be some prima facie case to meet that pretenable for the very simple reason that the charge is based on an approval alleged to have been made of Civil court declaration.**

44. The learned counsel for the applicant relies on ***P.V.MAHADEVAN Vs. M.D.TAMIL NADU HOUSING BOARD, CHENNAI*** where the Hon'ble Apex Court had held that **" there is a duty to avoid anyway the procedure for a delay of 10 years. The Hon'ble Apex court had held that this kind of impropriety should be avoided but also in public interest and also in the interest of inspiring**

confidence in the minds of government employees".

45. The Hon'ble Apex Court there upon held that the applicant will be entitled to all the retiral benefits and it should be paid within a period of 3 months. In the case of ***STATE OF MADHYA PRADESH VS. BANSILAL SINGH AND ANOTHER*** Hon'ble Apex Court had **held that the delay of 12 years in the disciplinary proceedings were unfair and therefore should not permit the departmental enquiry to proceed.**

46. The learned counsel relies on the decision of the Hon'ble Apex Court in ***STATE OF MADHYA PRADESH VS. RADHAKRISHNAN*** 1998 (4) SCC 154 and the Hon'ble Apex Court had held against the **generalisation of charges without attributing any specific positive input against the delinquent employee. The learned counsel for the applicant would submit that here also there is no specific input** and whatever inputs there is, it has been promoted by the respondents is that covered by the Hon'ble Apex court's judgment. Therefore the Hon'ble Apex Court had held that the Tribunal was justified in quashing the Charge Memo dated 26.07.1995 and 01.06.1996. The learned counsel for the applicant would say that in the situation here also the applicant ought to have been promoted as super time IAS officer and as the DPC has approved his promotion also. The learned counsel relies on the ***COMMISSIONER OF INCOME TAX VS. GREEN WORLD CORPORATION*** wherein the Hon'ble Apex Court had held that ***"the Board is not a competent authority to give direction regarding the exercise of any judicial powers by its***

subordinates. (Therefore, Government cannot dictate).

47. Therefore, with anxious eyes we had examined this matter since the basic issue raised by the Government seems to be that if the order of the applicant as Dy. Commissioner is to succeed**, it may suffer a heavy loss as well as persons extraneously has also acquired an interest in the said property following the stand taken by the Government that it is the Government land and they also will sustain a loss if the said properties are not protected as Government land especially the two power generation company, the tourism initiative of the Government of Karnataka along with some private parties, some industrialist who had raised an interest in the properties.** Therefore, we have perused with great anxiety whether the question of title in its prima facie form will lie for Government of Karnataka to find out whether there is any ground for its apprehension. We found that on examining it, the property in question had not been in the hands of the Government from 1836 onwards, even though all along it has been involved in daily disputes or other. After the Civil Court judgement had culminated in finality, the Government of Karnataka itself through the agency of the then Dy. Commissioner of Mysore under whose jurisdiction the property was then settled the whole issue by granting joint pattas to all these people in the year 1968 itself. The Inam Abolition Act, 1977 and the Land Regulations of 1982 will not cancel out the right to title of these persons. If the right to title of these persons are to be taken out **it can only be through a process known to law**. Nobody, even the Government, using its brute strength can subjugate this title into a confirmed right for a 3rd person without going through the process under law, especially Sections 11 and 12 of the Inam Abolition Act. It is admitted by everyone that no such notice as provided under Sections 84 and 85 of the Land Reforms Act has

ever been given. Therefore, **decision of Hon'ble Andhra Pradesh High Court in Durga Matha Building Constructions Co. Op. Housing Society Ltd. and Another vs. Sada Yellaiah and Others reported in AIR 2010 AP 231, assumes significance**. The Hon'ble High Court held that "**Parties to a Suit will not accrue any rights over specific items of property until allotment is made and the principle that each share holder will have a right over every inch of property will continue till the passing of a final decree**". Therefore, even if it is to be assumed that under the Land Ceiling Act the pattadar holds more property unless through **a thorough enquiry it is to be measured out and identified as to which land or which parcel of land is the excess land and which is not, and unless such an exercise is carried out fully, no government can hold that it can utilize its power to decide unilaterally for itself which is the parcel of land, it will forcefully acquire and thus be able to evict the possessors of land.** Even according to the Government all these possessors of the land whether they be original pattedars or their successors are still enjoying their roles and according to the version of the Government itself through an agency of the former and present MLA, miles of roads have been constructed in that property and miles of electric lines were also drawn to facilitate development and made easier for the persons living there. Even though the areais stipulated as 1360 acres, it has come out that there might be hundreds of possessors of this land. So even though the total areas seem to be large, but in actual fact, each possessors may not possess, on an average much more than the law allows them. But we must leave this for further adjudication on a different level..

48. Therefore, that being so, prima facie, we do not find anything wrong in the order passed by the applicant as it is basically based on the Civil Court declaration as stated above and the grant of patta in 1968 itself. The matter became complicated only on the emergence of the private contestants who are not on the record but rely on the Government executives to contest their cases

for them. In this context, when new observations made by the Regional Commissioner as a conclusion of her report as if the government enabling the Government to take action it seems to be relevant.

(1) The order of the applicant covers mistake;

(2) The order of the applicant is illegal.

49. Since the Government had taken a stand that, not only the Government, but several projects initiated through the Government will also be hit if the order of the applicant is not set aside and as a preventive measure to do something so that in future also such things will not occur. Therefore, it appears that as an anticipatory measure the present charge sheet is to be observed as issued and we could not prima facie find any mistakes in the order of the applicant as it is based on concluded civil declaration issued by a competent Civil Court as well as the proceedings initiated in 1968 itself by the then Deputy Commissioner of Mysore, under whose jurisdiction the entire area was. ***"If it was not an infraction in 1968, how can it suddenly become an infraction in 2013?"*** But we do not want to say anything more other than remarks on the prima facie issues involved in, as the Hon'ble High Court of Karnataka is already in seisin of an appeal filed by the Government of Karnataka against the order passed by the applicant in this case. Therefore, we will leave this matter safely in the hands of the Hon'ble High Court of Karnataka.

50. **Therefore, the question arises as to what is the propriety of the proceedings in tangential opposition to the seisin of the Hon'ble High Court of Karnataka**?. Quite obviously if the Hon'ble High Court of Karnataka at its very best set aside the order of the applicant, **then what is the result**? Even then there cannot be any infraction attributed to the applicant as at the most it will be an error in judgement and nothing more. But at the same time if the Hon'ble High Court of Karnataka accepts

substantially the views of the applicant, **then what happens**? Nobody can wipe out the humiliation suffered by the applicant.

51. The applicant would submit that within days of duly informed of her promotion to the Supertime Scale of IAS and integrity certificate as stated earlier has been issued by the Government, she alone has been taken out of the list and charge sheeted. She would further submit that none of the other officers have stated there is any issue as the issue would have come in at least from 1968 when the orders were issued by the then Deputy Commissioner, Mysore.

52 We have examined it and found that there is some ground for the apprehension for the applicant as her right to be promoted to the Supertime Scale of IAS as on 1.1.2017 onwards seem to be protected by the grant of integrity certificate. At this point of time, the Government has raised a contention that even all this while , the issue had been in the consideration of the Government. As the order has been passed long back and Hon'ble Minister of Law after ascertaining the position from the Revenue Department had indicated that there does not seem to be any reason for charge sheeting a quasi judicial officer. But as stated above, the Chief Secretary thereafter has come in between and had noted that there may be materials against the applicant. The material against the applicant has been explained as she had committed a mistake in the realm of propriety. They enumerated it as shown below.

(i) Every Deputy Commissioner is the agent of the Government and has a duty to protect the interest of the Government. Therefore, **what is the interest of the Government**? Is it assertation of the private property without payment of compensation or is it to divert private land holding to other private holders without them paying any compensation to the original owners? If it is so, the Government which should have acted in a fiduciary capacity must be edging away from this responsibility. **Thus the way in which the function of the Deputy Commissioner is formulated, it is for him or her to act as an independent**

arbiter and not that as an agent of any party in the dispute. If he or she acted as an agent,then thewhole concept of quasi judicial arbitration falls to the ground.

(ii) It was the duty of the Deputy Commissioner as to formulate its policy in such a way that the subordinates are inspired to act in support of the Government. Apparently, by Brute force, the Government seems to have diverted portions of the land to various private persons without payment of a single rupee to the original owners. These private people seems to have considerably benefitted**. Is it the duty of the Deputy Commissioner to protect such private interest?**

53. ***The answer to this can only be in the negative. Therefore, the Deputy Commissioner acting as a quasi judicial functionary is never an agent of the Government. He is an independent arbiter and acts as such as otherwise there is no justification for his presence in the firmament of law.***

54. Therefore, we hold and declare that issuance of the charge sheet to the applicant is highly unethical and improper. The said charge sheet and all its consequences are hereby quashed as illegal, arbitrary, against law and legality and as a challenge against lawful propriety.

The State Government contends that rules stipulate that on factors coming to light before promotions are actually made, Government has a right to withhold promotion. It has no application in this case, as we had found that in issuing the order, the applicant had acted within parameters of judicial propriety and the contentions of the Government seems to be prima facie wrong.

We have found that the applicant had only acted as a fair and Just Judge and nothing more.

55. The Hon'ble Apex Court in Union of India Vs. Hamraj Singh Chauhan and others reported in AIR 2010 SC 1682 held ***"The right of eligible employees to be considered for promotions is virtually a part of their fundamental right guaranteed under Article 16. The guarantee of a fair consideration is the matter of promotion under Article 16 virtually flaws from guarantee of equality under Article 14 of the Constitution."***

56. **In consequence thereof, let there be an order to the respondents to promote and appoint the applicant as a Super time Scale officer of IAS with effect from 1.1.2017 with all consequences of monetary benefits and seniority**.

57. The O..As are allowed as above. No order as to costs.

(PRASANNA KUMAR PRADHAN)
ADMINISTRATIVE MEMBER

(DR. K.B. SURESH)
JUDICIAL MEMBER

Cvr.

ANNEXURES ANNEXED WITH OA NO.184/2017:-

Annexure A1: Copy of the proceedings of the Government with relevant extract of translation typed copy of the Kannada version Annexure A1.
Annexure A2: Copy of the recommendation of the 3rd respondent to fill up the Vacancy at Super time Scale of IAS.
Annexure A3: Copy of the notes put up to the Department Promotion Committee Meeting dated 20.12.2016.
Annexure A4: Copy of the Proceedings of the Departmental Promotion Committee Meeting held on 20.12.2016.
Annexure A5: Copy of the decision taken on 29.12.2016 not to promote the Applicant on the ground that disciplinary proceeding has been imitated.
Annexure A6: Copy of the letter dated 02.01.2017

Annexure A7: Copy of theinterim order in W.P. No. 62950/16 (GM-RES) dated 10.02.2017.

ANNEXURES WITH THE REPLY STATEMENT:

Annexure R1: Copy of O.M. dated 14.09.1992
Annexure R2: Copy of O.M. dated 02.11.2012

ANNEXURES WITH THE REJOINDER:

Nil

ANNEXURES FILED BY THE APPLICANT VIDE MEMO DATED 17.08.2017:

English translations of the :

1. Order of the Assistant Commissioner, Kollegal Sub Division, Kollegal Dated 13.12.2011
2. Order of the Deputy Commissioner dated 08.07.2013
3. Report of the Regional Commissioner, Mysore Division, Mysore, dt. 31.12.2013

ANNEXURES WITH THE ADDITIONAL REPLY:

Nil.

ANNEXURES FILED BY THE ADDL. GOVT. ADVOCATE VIDE MEMO DATED 08.11.2017:

1. The English version of the Report of the Regional Commissioner, Mysuru Division, Mysuru dated 31.12.2013.

ANNEXURES ANNEXED WITH OA NO.185/2017:-

Annexure A1: Copy of the proceedings of the State Govt. with relevant extract of translation typed copy of the Kannada version Annexure A1.
Annexure A2: Copy of the applicant's representation to the 2nd respondent dated 20.07.2016
Annexure A3: Copy of the Order Sheet made available to the applicant dated 14.11.2016
Annexure A4: Copy of the papers put up to the Department Promotion Committee Meeting dated 20.12.2016.
Annexure A5: Copy of the Proceedings of the Departmental Promotion Committee Meeting held on 29.12.2016.
Annexure A6: Copy of the decision taken on 29.12.2016 not to promote the

Applicant on the ground that disciplinary proceeding has been initated.
Annexure A7: Copy of the Charge Memo dated 22.12.2016.
Annexure A8: Copy of the guidelines issued by DoPT, Govt. of India No. 20011/4/92-AIS-II dated 02.11.2012.
Annexure A9: Copy of the order passed by the Hon'ble High Court in W.P. No. 38900/2016(S-KAT) dated 08.12.2016.
Annexure A10: Copy of the letter dated 02.01.2017
Annexure A11: Copy of the Interim Order passed by the Hon'ble High Court in W.P. No. 62950/2016 (GM-RES) dated 10.02.2017

ANNEXURES WITH THE REPLY STATEMENT:

Nil

ANNEXURES WITH THE REJOINDER:

Nil

ANNEXURES FILED BY THE APPLICANT VIDE MEMO DATED 07.09.2017:

1. Copy of the order dated 12.06.2012 passed in Writ Petition No. 16254-256/2016
2. Copy of the order dated 12.04.2014 passed in Writ Petition No. 16515/2014 and connected matters.
3. Copy of query details in Writ Petition No. 29553/2014.

ANNEXURES WITH THE ADDITIONAL REPLY:

Nil.