

Anti Land-Grabbing Action Committee

ಭೂಕಬಳಿಕೆ ವಿರೋಧಿ ಹೋರಾಟ ಸಮಿತಿ

No. 759, 5th Main, 8th Cross, R.T.Nagar, II Block, Bangalore 560032
Website : <http://savekarnataka.in>

Ph: 094481 20305
email: karnatakasave@gmail.com

NOTE GIVEN ON 8/5/2015 TO HON'BLE CHIEF MINISTER ABOUT ABOUT LAND GRABBING IN KARNATAKA

(Note excludes issues raised in the Memorandum given to the Hon'ble Lokayukta on 2nd May 2015, as the Hon'ble Lokayukta has already taken suo-moto cognizance of the three specific cases and has already issued notices to the government)

Very large extents of government lands have been encroached/ grabbed all over Karnataka. Encroachers of government lands are only unauthorised occupants without title of the land . Encroachments are done either for living purpose or for commercial purpose. Clearing of encroachments have to be done differently keeping in view the purpose of encroachment .The identification of such encroachers is easy and the encroachments can be cleared anytime as they cannot sell the land and cheat innocent people. But the more serious and dangerous offence is grabbing of government land by creating false documents in connivance with government officials. The government officials who are the custodians of government lands and documents have themselves indulged in the most heinous crime of supporting the land mafia to grab vast extents of government land. Very senior officers have deliberately ignored reports given by Legislative Committees and Expert Groups to help land grabbers. Even specific directions given by the Courts have been ignored to allow huge land grabbing. Our Committee has been making persistent efforts to not only force the government to get back the grabbed land, but also to punish the land grabbers and officials who helped the land grabbers. The recent demolition drive by the government ignoring the specific directions given by the Courts has affected large number of innocent citizens who have not only lost all their life earnings, but also have been mercilessly thrown on streets. In this connection, our Committee would like to bring to the notice of the Hon'ble Chief Minister the following points for immediate necessary action:

- 1. CRIMINAL PROCEEDINGS SHOULD BE INITIATED IMMEDIATELY AGAINST THE CHIEF SECRETARIES AND OTHER CONCERNED OFFICERS WHO FAILED TO ACT TILL TODAY AS PER SPECIFIC DIRECTIVES GIVEN IN HIGH COURT JUDGMENT DATED 11/4/2012:** The High Court while hearing WP No.817/2008 & others, constituted a Committee under the Chairmanship of Hon'ble Justice Sri N.K. Patil to examine the ground realities and prepare an action plan for preservation of lakes in the City of Bangalore. The Committee submitted the report to the Hon'ble Court on 3/3/2011. The Court accepted the Report. WP Nos 13690/2009, 31343/1995, 18030/2005 and 6036/2006 were C/W WP No. 817/2008 and in the judgment dated 11/4/2012, in the final Order, it was clearly stated that all the recommendations of the Report must be implemented by the First Respondent,i.e., the Chief Secretary. What was the Administration doing since the pronouncement of the judgment. It had ample time to prepare a suitable Action-plan for the eviction process. Since no action has been taken as per the Court Order, FIRs should be filed on all the officers who were responsible for

proper maintenance and preservation of lakes. No steps have been taken to create awareness among the innocent public to avoid being cheated by land grabbers. If action had been taken, at least those people who constructed houses after the date of judgment would not have lost their hard-earned life savings and thrown onto streets.

2. **LAND GRABBING ALLOWED EVEN AFTER JOINT LEGISLATURE COMMITTEE REPORT WAS MADE PUBLIC IN 2007** – Since the submission of the Joint Committee Report, massive land grabbing has taken place with the connivance of officers/officials. Since even in well established cases of forgery, land grabbers were not punished and officers were not prosecuted, it continued unabated without any fear of punishment.
3. **SANGLIANA’S CASE** – Though 8 acres of land grabbed by forgery by Sangliana’s family members was taken back by the District Administration, no criminal case has been filed against Sangliana and his family members. No action has been initiated against officers/officials who assisted in creating the false documents. The DPAR instead of initiating action against Sangliana has even denied the information sought under the RTI Act. This is just an example. The Revenue department itself has information about thousands of other similar cases. Why no action is being taken? Action must be immediately initiated against officers in DPAR who failed to act even after our Committee gave information about Sangliana’s case to the government. The case was also widely reported in all major newspapers.
4. **MIS-USE OF QUASI-JUDICIAL POWERS** - The quasi judicial powers has been extensively misused by the Special Deputy Commissioners to help land grabbers. In Union of India Vs K.K.Dhawan (1993(2) SCC 56), Hon’ble Supreme Court has held that the disciplinary action can be taken against an officer who acts negligently or recklessly or in order to confer undue favour on a person while exercising judicial or quasi-judicial powers. There are thousands of cases where this power has been misused to help land grabbers and cheat innocent public of their hard earned money. Why no criminal action has been initiated on them? Action should also be initiated against Appellate authorities who have suo-moto powers to review such decisions but have failed to do so till today.
5. **3.7 LAKH ACRES ENCROACHMENT/LAND GRABBING ALLOWED FROM 2011 TO 2014** : In 2014, the government submitted an affidavit to the High Court that the revenue land encroached/grabbed had increased to 13 lakh acres, besides the forest land encroachments/grabbing of 1.7 lakh acres. Serious action has to be initiated against all those who allowed such massive land grabbing even after exhaustive reports about land grabbing had been made public.
6. **LAND GRABBING SURROUNDING BANGALORE URBAN AREA SINCE JOINT LEGISLATIVE COMMITTEE REPORT WAS GIVEN HAS NOT BEEN MADE PUBLIC EXCEPT FILING AFFIDAVIT BEFORE THE HIGH COURT:** Government is paying some attention to only Bangalore Urban district encroachments/Grabbing. Bangalore Urban district is only 2,200 sq. kms. The so-called Bangalore Rural District (Hosakote, Nelamangala, Devanahalli and Doddaballapur) is no longer rural and has become fully urbanized. Similarly, Ramanagaram district, is also almost urbanized. These three districts were till 1980 one Bangalore Composite district and these three are now together known as Bangalore Metropolitan Region Development Authority (about 8,000 sq. kms) of which the Chief Minister is the Chairman. It is this

B.M.Region which is fast getting urbanized and massive government lands are being grabbed and innocent people are cheated

7. **ABSOLUTELY NOTHING IS BEING DONE TO RECOVER THE LANDS JUST OUTSIDE BANGALORE URBAN AREA:** In the BMRDA area there is still about 90,000 acres of government land under encroachment/grabbing which are mostly in Bangalore Rural and Ramanagaram districts, worth about Rs.1 lakh crores at a conservative estimate of Rs.1 crore per acre
8. **TIME BOUND ACTION PLAN-** Since the problem is unprecedented in nature and is all pervasive, the government should have come out with an accurate Time-Bound Action Plan applicable Statewide. Clearing/recovering encroachments/grabbed lands as per individual Court Orders will not solve the problem. The problem needs to be addressed in a top-down approach and not a bottom-up approach. **Identification of landgrabbers – preparing a list of the officers/officials who connived with them - filing of FIRs on both the land grabbers and the listed officers/officials, - confiscating their assets - providing for rehabilitation/compensation of the displaced innocent public cheated by these land-grabbers and officers – and finally evicting the illegal occupants. No leniency should be shown to enforcers of law like government servants, former and present Ministers and legislators, retired and sitting judges as even ordinary are not excused on the ground of ignorance of law and their houses have already been mercilessly demolished without making proper alternate arrangement though they had enough time to do so.**
9. **NOT A SINGLE OFFICIAL HAS BEEN PROSECUTED FOR PREPARING BOGUS RECORDS AND PUNISHED SO FAR EVEN THOUGH SECTION 192 OF THE KARNATAKA LAND REVENUE ACT WAS AMENDED AS EARLY AS IN 2007:** Section 192A has been added to the Karnataka Land Revenue Act to punish not only encroachers but persons who grabbed lands by fabricating false documents with the sole intention of selling the land to cheat innocent people. It also provides for punishment with imprisonment of officers/officials who supported the land grabbers in creating false documents . 192 B provides for punishing the abettors of land grabbers. In spite of clear provisions, why no action has been initiated against land grabbers and officials under the provisions of Sec 192?
10. **LAND GRABBERS ALLOWED TO RETAIN TITLE OF THEIR GRABBED LAND AND HELP THE LAND GRABBERS TO CHEAT THE INNOCENT PUBLIC OF THEIR HARD-EARNED LIFE SAVINGS:** About 20,000 acres have been under occupation of landlords and builders in the name of UNAUTHORIZED CULTIVATORS' APPLICATION (FORM 50 AND 51) in Bangalore Urban district, even though no such land within 18 km limit of BBMP can be regularized. A former Special DC of Bangalore Urban District, Mr.Ramanjaeya had “regularized” lands over 1,042 acres in 428 cases as has been documented in 6 volumes of enquiry report by Regional Commissioner, Bangalore in 2011. These reports are available with Revenue Department. No action has been initiated in any of the cases.
11. **3000 ACRES OF LAND ACQUIRED BY BDA IS UNDER THE POSSESSION OF LAND GRABBERS/ENCROACHERS :**The BDA has so far acquired since 1962 about 20,000 acres of land in its 1,300 sq.km area of which about 4,000 acres have been de-notified. Of the balance about 16,000 acres, 25% or about 4,000 acres should be Civic Amenities and open spaces available

with BDA. But BDA has only about 800 acres and over 3,000 acres are under encroachment. These are under occupation of landlords, builders and political leaders. The BDA should recover these lands and should rehabilitate the innocent poor and middle class people who have been duped by land sharks by selling these sites without title. The BDA itself has made layouts in over 21 lake-beds illegally like Sarakki and Banswadi. Those innocent persons who are thrown out of their houses should be rehabilitated by BDA by recovering its own land under encroachment.

12. **60000 FILES AVAILABLE IN GOVERNMENT ITSELF WHICH THROWS LIGHT ON SPECIFIC LANDS GRABBED BY CREATING BOGUS RECORDS HAVE NOT BEEN EXAMINED FOR THE LAST DECADE AND LAND GRABBERS HAVE BEEN ALLOWED TO CHEAT INNOCENT PUBLIC OF THEIR HARD EARNED MONEY:** There are about 60,000 files relating to government lands grant applications dumped in the record room of Viswesvaraya Towers Taluk Office. It contains mostly bogus records created by the Revenue Officials. Efforts made to get these files examined have been deliberately ignored by concerned officers. If these files are examined one by one, the magnitude of bogus records creation by revenue officials will be known. Officers who have been vested with responsibility of examining these files but failed to do so should be severely punished as many innocent people have been cheated because of their inaction. The provisions of The Inam Abolition Act have been violated and proper Orders of the Land Tribunals have not been acted upon to facilitate land grabbers and the government has not furnished any information to our Committee about the identification and action taken in such cases even when we wrote to the revenue department. Even information sought about cases examined under 136(3) of KLR Act have not been furnished.
13. Lakshman Rao Committee did not say that Lakes which have lost characteristics of lake should be distributed as sites. On the other hand it said that such lake bed lands should be converted into
Tree Parks.
14. In the case relating to Race Course shifting to Chika Jala- Dodda Jala vilalge limits in Devanahalli, the Karnataka High Court judgment by Justice Gopala Gowda in 2010 specifically said that part of the lake which had lost its characteristics as a water body, should be restored to its original position.
15. **IN THE RECENT DEMOLITION CARRIED OUT BY DC, BANGALORE URBAN, HE VIOLATED SUPREME COURT'S SPECIFIC DIRECTIVE REGARDING DEMOLISHING RELIGIOUS STRUCTURES, ETC, IN LAKE BED AREA:** The reason why lakes lose their water storage is because of the deliberate action of encroaching upon the 850 kilometers of Rajakaluwe in Bangalore Urban district and builders dumping debris into the lakes and encouraging construction of "*Didheer temples*" (*instant temples*) so that no government officials will dare to remove them. There is a Supreme Court Order in 2010 that all unauthorized religious structures by the road side and government lands must be removed within one year and a report must be sent by the Chief Secretary to the Supreme Court. This has been disregarded by government itself to help land grabbers.
16. **By allowing a mis-classification of "lakes having lost their characteristics should be allowed for building sites" government walks into the trap of Land Mafia which will destroy the remaining few lakes also.**

- 17. FAILURE TO USE 326 ACRES AND 18 GUNTAS OF LAND GIVEN BY GOVERNMENT AT CONCESSIONAL RATES GIVEN TO BDA FOR DISTRIBUTION AMONGST VERY POOR AND DISPLACED FAMILIES. BDA CRIMINALLY MISUSING PART OF THE ABOVE LAND BY ALLOTING IT TO PEOPLE WHO WERE NOT ELIGIBLE:** Government in its GO dated 21/6/2007 had handed over 326 acres 18 guntas of land to BDA to construct houses and distribute to families displaced as a result of eviction process of government lands. BDA had to use this land and complete these projects within a time frame of 3 years. BDA had to form a committee to identify the beneficiaries, prepare a list and allot the houses. DC, Bangalore Urban District was also one of the members of this Committee. Most of land has not been used and is lying vacant today, in spite of clear action plan. The DC Bangalore being a member was aware that such land was available to be distributed among the displaced innocent public, but took no steps to rehabilitate them before demolishing their houses as per the Court orders recently.
- 18. NO ACTION TAKEN TILL TODAY AGAINST OFFICERS WHO ALLOWED MULTI-STOREYED BUILDINGS TO COME UP IN LAKE BED AREA** - The Government cannot claim ignorance of the unauthorised layouts which have come up in the lake beds. What were the officers doing when multi-storied buildings were coming up in the lake bed area and the public were being cheated by land grabbers?
- 19. WATER BODIES DEPLETING** - Most of the lakes today have become sewage tanks. Instead of preserving and ensuring that the ground water level improves, the opposite has been done by blocking the inlet channels and the lake have been deliberately made to dry up to facilitate land grabbers and big builders to grab the land by creating false documents, form layouts and cheat the innocent public .
- 20. UNREGULATED GROWTH OF CITIES** – The Country and Town Planning Act and other specific Acts applicable to Bangalore have been deliberately not enforced resulting in extremely haphazard growth of Bangalore affecting not only the air but also water and transport. Large number of layouts have been allowed to come up without reserving 50% of the mandatory area for public purposes resulting in congestion and lack of lung space. The situation today has been so created that in the event of any natural calamity, a large number of innocent people will be affected for failing to properly regulate the growth.

Bengaluru
Date: 8th May 2015

(A.T.Ramaswamy)
Convener
Anti Land-Grabbing Action Committee