



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. JUSTICE S.G.PANDIT

AND

THE HON'BLE MR. JUSTICE RAJESH RAI K

WRIT PETITION NO. 8377 OF 2024 (S-KSAT)

BETWEEN:

THE REGISTRAR
KARNATAKA LOKAYUKTA
M.S.BUILDING,
BENGALURU – 560 001

...PETITIONER

(BY SRI. K.S.MALLIKARJUN REDDY., ADVOCATE)

AND:

1. SHRI V.RAVISHANKAR
S/O LATE R VIJAYA KUMAR
AGED ABOUT 63 YEARS
RETIRED AS EXECUTIVE ENGINEER
RA/T NO 13, 1ST A MAIN
2ND STAGE, KARNATAKA LAYOUT,
BASAVESHWARNAGAR,
BENGALURU – 560 079.

2. SHRI S.B.RAHUL
S/O LATE BHUJAN RAO
AGED ABOUT 62 YEARS
ASSISTANT EXECUTIVE ENGINEER
SOLID WASTE MANAGEMENT CELL
BASAVANAGUDI DIVISION,
BBMP, BENGALURU – 560 004



3. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF PUBLIC WORKS
PORTS AND INLAND WATER TRANSPORT
VIKASA SOUDHA,
BENGALURU – 560 001.
4. THE STATE OF KARNATAKA
REP. BY ITS PRINCIPAL SECRETARY
DEPARTMENT OF URBAN DEVELOPMENT
VIKASA SOUDHA,
BENGALURU – 560 001.

...RESPONDENTS

(BY SRI. SATHISH.K FOR
SRI. LOKESH.M, ADVOCATE FOR R1&R2;
SRI. RAJENDRA, AGA FOR R3 & R4)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI OR ANY OTHER WRIT, ORDER OR DIRECTION IN THE NATURE OF A WRIT THEREBY QUASHING THE ORDER DATED 02/09/2022 PASSED BY THE KARNATAKA ADMINISTRATIVE TRIBUNAL AT BENGALURU IN APPLICATION NOS. 1475 AND 1476/2020, AS PER ANNEXURE-B AND AWARD THE COST OF THIS WRIT PETITION AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.G.PANDIT
AND
HON'BLE MR. JUSTICE RAJESH RAI K



ORAL ORDER

(PER: HON'BLE MR. JUSTICE RAJESH RAI K)

Karnataka Lokayukta has preferred this writ petition assailing order dated 02.09.2022 passed by the Karnataka State Administrative Tribunal at Bengaluru (for short, 'the Tribunal') in Application Nos.1475 & 1476/2020, whereby the Tribunal allowed the application filed by the respondent Nos.1 and 2 herein by setting aside the order dated 13.11.2019 passed by respondent No.4.

2. The brief facts necessary for the adjudication of the present writ petition are that one Sri M.L. Rajanna lodged a complaint before the Karnataka Lokayukta on 02.05.2010 alleging that a three-storied building had been unauthorizedly constructed over the Rajakaluve situated on 9th Main Road, Srinagar, which is abutting the Lord Venkataramana Swamy Temple, without obtaining the requisite licence and in violation of the provisions and bye-laws framed under the Karnataka Municipal Corporations Act, 1976 (for short, "the KMC Act"). It is further stated that the complainant had also submitted a



representation/complaint to the Commissioner, BBMP, on 04.03.2010 raising similar allegations.

3. At the relevant point of time, respondent No.1 was serving as Assistant Executive Engineer in the Basavanagudi Sub-Division of BBMP, Bengaluru, from 15.11.2010 to 31.03.2011, whereas respondent No.2 was serving in the very same capacity in the said Sub-Division during the period from 16.05.2011 to 24.08.2012.

4. The complaint submitted by the complainant was forwarded to the aforesaid officers for taking appropriate action in accordance with law. Pursuant thereto, respondent No.1 and the predecessor-in-office of respondent No.2 issued a notice under Section 308 of the KMC Act on 04.10.2010. Thereafter, a provisional order/notice under Section 321(1) and (2) of the KMC Act came to be issued on 03.08.2012, followed by a confirmation order under Section 321(3) of the KMC Act dated 30.08.2012 directing demolition of the unauthorized construction.



5. It is the case of the petitioner-State that, notwithstanding the issuance of the aforesaid notices and orders, respondent Nos.1 and 2 failed to take effective steps for demolition of the unauthorized construction and remained inactive in the matter. In view of the allegations made in the complaint and the findings emerging from the investigation undertaken by the Karnataka Lokayukta, the Government, by order dated 06.03.2015, entrusted the enquiry against respondent Nos.1 and 2 under Rule 14-A of the Karnataka Civil Services (Classification, Control and Appeal) Rules, 1957 (for short, "the CCA Rules"). Pursuant thereto, the Enquiry Officer initiated disciplinary proceedings and framed the following articles of charge/imputations against the respondents:

"That you D.G.O-1 and 2 by name 1) Sri.V.Ravishankar, Asst. Executive Engineer 2) Sri.S.B.Rahul, Assistant Executive Engineer, BBMP, Basavanagudi Sub-Division, Bangalore while working in the said capacity one Sri.M.L.Rajanna S/o Late Lakkanna R/o House No.175, Opposite to Srinagara Bus Stop in Srinagara at Bangalore has filed complaint against Assistant Executive Engineer in B.B.M.P., Basavanagudi Sub-Division, Bangalore alleging that Rajagopur to the Sri Venkataramana Swamy temple situated in Ward No.156 of Banashankari 1st stage, 1st



block in Srinagar at Bangalore and adjacent to it a huge 3 storied building has been constructed over Rajakaluve in 9th main road of Srinagar at Bangalore, due to which the free flow of light and air to the neighbouring buildings have been obstructed/cut off. The construction of the said unauthorized building in violation of bye-laws of K.M.C. Act 1976 was the result of misuse of power and corruption on the part of Assistant Executive Engineer in B.B.M.P.”

6. To prove the said imputation of the articles, before the Enquiry Officer, the Presenting Officer examined the witness i.e., complainant as PW1 and got marked 7 documents as Ex.P1 to Ex.P7. However, the respondent Nos.1 and 2 neither examined any witnesses nor marked any documents before the Enquiry Officer.

7. On assessment of the oral and documentary evidence available on record, the Enquiry Officer recorded a finding that the charges levelled against the respondent Nos.1 and 2 stood proved and accordingly submitted his report to the State Government i.e. respondent No.4. Based on the said report, a second show-cause notice was issued to the respondent Nos.1 and 2, to which they submitted their replies. After considering the enquiry report and the explanations



offered by the respondents, respondent No.4, being satisfied that the charges had been duly established, passed an order imposing the penalty of reduction of pay by two stages in the time scale of pay with cumulative effect and withholding of one annual increment with cumulative effect in respect of both respondent Nos.1 and 2.

8. Being aggrieved by the aforesaid order of penalty, the respondent Nos.1 and 2 approached the Tribunal by filing applications, as noticed hereinabove. The Tribunal, upon re-appreciation of the material available on record, allowed the said applications and set aside the order of penalty. Aggrieved by the same, the Lokayukta has preferred this writ petition.

9. We have heard learned counsel Sri.Mallikarjuna Reddy for petitioner, learned counsel Sri.Sathish.K., for Sri.Lokesh.M., for respondent Nos.1 and 2 and learned Additional Government Advocate Sri. K.R. Rajendra for respondent Nos.3 and 4.

10. Apart from urging several contentions, learned counsel for the Lokayukta primarily contended that the Tribunal



erred in setting aside the penalty order passed by the Disciplinary Authority by erroneously appreciating the evidence on record. He submitted that PW-1, the complainant, had categorically deposed regarding the inaction of respondent Nos.1 and 2 in failing to demolish the unauthorized construction despite the issuance of an order under Section 321(3) of the KMC Act. It was further contended that the enquiry proceedings clearly established that respondent Nos.1 and 2 were the officers concerned during the relevant period and had failed to take necessary action against the illegal construction. According to him, the testimony of PW-1, coupled with Exs.P1 to P7, sufficiently proved the charges levelled against the respondents. He further submitted that, in the absence of any oral or documentary evidence led by the respondent Nos.1 and 2 in defence, the Tribunal was not justified in interfering with the penalty imposed by the Disciplinary Authority. With these submissions, he prays to allow the writ petition.

11. *Per contra*, learned counsel for respondent Nos.1 and 2 supported the impugned order and submitted that the Tribunal, upon due consideration of the material on record,



rightly set aside the penalty order and the same warrants no interference. He further contended that the evidence of PW-1 does not establish any inaction on the part of respondent Nos.1 and 2 during the relevant period. It was further submitted that the respondent Nos.1 and 2 held the concerned posts only for a limited period i.e., for a period of four months and one year 3 months respectively. He also pointed out that O.S. No.27061/2010 relating to the subject construction was pending and that Appeal No.868/2012 challenging the notice issued under Section 321(3) of the KMC Act was also pending before the Karnataka Appellate Tribunal, wherein an interim order had been granted. In view of the said proceedings, the respondents were unable to proceed with the demolition. He further contended that the Enquiry Officer recorded a finding of guilt solely on the basis of the testimony of PW-1 without any corroborative evidence. According to him, the case is one of "no evidence". He therefore submitted that the Tribunal was justified in setting aside the penalty order and sought dismissal of the writ petition.



12. We have given our anxious consideration on the submissions made by the learned counsel appearing for the respective parties and so also perused the entire material placed before us including the impugned order.

13. As could be gathered from record, the charge against respondent Nos.1 and 2 was that, while serving as Assistant Executive Engineers in the Basavanagudi Sub-Division of BBMP, Bengaluru, they failed to take effective action for removal of an unauthorized construction raised in violation of the building bye-laws and the provisions of the KMC Act, despite notices having been issued by their predecessors under Sections 308, 321(1) & (2) and 321(3) of the KMC Act. It was alleged that no action was taken for a period of 1 year, 9 months and 26 days, until the unauthorized builder secured an order of stay from the Karnataka Administrative Tribunal. Such conduct was alleged to constitute misconduct under Rule 3(1)(i) to (iii) of the Karnataka Civil Services (Conduct) Rules, 1966.

14. To substantiate the charge, the Department examined one witness, namely PW-1, and marked Exs.P1 to



P7. A careful reading of the testimony of PW-1 reveals that, he had brought the unauthorized construction to the notice of the BBMP authorities by lodging complaints and that the officials concerned had failed to take necessary steps for its demolition.

15. Upon a careful perusal of the enquiry report, it is not in dispute that the predecessors of respondent Nos.1 and 2 had issued notices under Sections 321(1) & (2) and 321(3) of the KMC Act to the person who had put up the unauthorized construction. It is also true that no demolition action was taken for a considerable period thereafter. However, the specific defence of respondent Nos.1 and 2 was that they held the concerned posts only for a limited period and that proceedings relating to the subject property were pending before competent forums. It is their case that O.S. No.27061/2010 was pending before the Civil Court and that the constructor had subsequently challenged the notice issued under Section 321 of the KMC Act before the Karnataka Administrative Tribunal, where an interim order of stay had been granted. Consequently, they were not in a position to proceed with the demolition.



16. The pendency of the civil suit and the proceedings before the Karnataka Administrative Tribunal has not been seriously disputed by the learned counsel for the Lokayukta. Further, the Department has not placed any material in the enquiry proceedings to establish that respondent Nos.1 and 2 had deliberately refrained from taking action for any extraneous consideration or unlawful gain. The testimony of PW.1 is also conspicuously silent in this regard.

17. It is also relevant to note that respondent Nos.1 and 2 served in the concerned office only for a limited period. The delay in taking demolition action cannot, therefore, be viewed in isolation, particularly when proceedings concerning the subject property were pending before judicial and quasi-judicial forums and an interim order was operating in favour of the constructor.

18. In the aforesaid circumstances, this Court is of the considered view that the findings recorded by the Enquiry Officer are unsupported by legally acceptable evidence and the case falls within the ambit of a "no evidence" case. The Tribunal, having properly appreciated the material available on



record, was justified in setting aside the penalty imposed by the Disciplinary Authority. We find no infirmity in the impugned order warranting interference in exercise of writ jurisdiction. Accordingly, the writ petition, being devoid of merit, stands ***dismissed.***

**Sd/-
(S.G.PANDIT)
JUDGE**

**Sd/-
(RAJESH RAI K)
JUDGE**

NC
List No.: 1 Sl No.: 30