

MEDICAL COUNCIL OF INDIA
ASSESSMENT FORM FOR 150 - MBBS ADMISSIONS REPORT
 (INCREASE IN ADMISSION CAPACITY FROM ____ TO ____)

Verification of Compliance
 Part - A-III (2019-20)
 (To be filled by the Assessors)

106870
 06.05.19

1.1 1. Type of Assessment

U/S 10A-regular/compliance: Letter of Permission(), 1st renewal(), 2nd renewal (), 3rd renewal (✓), 4th renewal ()

U/S 10A-Increase Admission Capacity :Regular/Compliance: Letter of Permission(), 1st renewal(), 2nd renewal(), 3rd renewal (), 4th renewal ()

U/S 11- Recognition - Regular/Compliance - Compliance

Continuation of Recognition - Regular / Compliance () - Compliance

Any Other: _____

2.

Name of the Institution	:	Akash Institute of Medical Sciences & Research Centre
Address	:	Prasannahalli Road, Devanahalli, Near Bangalore (Kempegowda) International Airport, Bangalore Rural - 562110, Karnataka

Dr. Manu Koush
 Signature of Assessors

Dr. Manu Koush
 29/4/19

Dr. Manu Koush
 29/4/19

Date 29/4/19

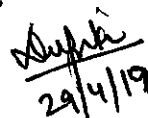
Dr. Manu Koush
 Signature of Dean/Principal
 Dr. Manu Koush
 Principal
 Akash Institute of Medical Sciences
 & Research Centre,
 Devanahalli, Bengaluru Rural - 562 110.

Telephone No.	:	080 - 71159900/78		
E-mail	:	aimsrcprincipal@aimsrc.com		
College Website :		www.aimsrc.com		
Council Letter No. & Date	:	Email on dated: 28.04.2019		
Assessment Date:	29.04.2019	Last Assessment Date :	03 rd & 04 th December 2018	
PG Courses	:	Yes/No - No		

3. Particulars of Assessors

Name of the Assessors	Correspondence Address	Contact No.	Email
Dr. Dinesh Kansal	Prof. & HOD, Department of Pharmacology, Dr. RPGMC, Tanda. Kangra - 176002	9418454624	Dinesh.kansal56@gmail.com
Dr. (Mrs.) Leela Gul Abichandani	Prof. & HOD, Department of Biochemistry, GGMC, Mumbai - 400008	9820900807	Leela.abichandani@yahoo.com
Dr. Deepika Singhal	Prof & HOD, Department of Ophthalmology, GMERS, SOLA, Ahmedabad - 380059	9426541167	Deepika1103@yahoo.com


Signature of Assessors


29/4/19


29/4/19

Date 29.4.2019


Dr. Manju Prakash
Principal
Signature of Dean/Principal
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

4. Verification of compliance submitted by institute:

4. Verification of compliance submitted by institute:											
Sr. No.	Deficiencies reported from GOI/MCI	Compliance by College sent to GOI/MCI	Remarks of the Assessors after the assessment								
1	Bed occupancy - 54%	The Assessors have assessed bed occupancy and arrived at 54% bed occupancy arbitrarily without actually counting the bed occupancy. Presuming 54% as bed occupancy the number of inpatients would be 221.4 which is not possible. The actual inpatients were 339. While assessing they have not counted bed occupancy of the patients shifted to the following departments which has been assessed by the assessors in the given report: Annexure I - page no. 14 & 15 of assessor's report. 1. To the major OT Theatre - 12 patients 2. To the minor OT Theatre - 32 patients 3. To the labour room - 01 patient 4. To the radiology department for x-ray - 22 patients 5. To the radiology department for USG - 17 patients 6. Patients with discharge on 03-12-2018	Bed Occupancy - 343 / 410 (84%) OPD attendance <table><tr><td>New Visit</td><td>- 764</td></tr><tr><td>Revisit</td><td>- 154</td></tr><tr><td>Casualty</td><td>- 30</td></tr><tr><td>Total -</td><td>- 948</td></tr></table> No. of Admissions - 65 No. of Discharges - 58 ANNEXURE 1 <i>Mani Thallam</i>	New Visit	- 764	Revisit	- 154	Casualty	- 30	Total -	- 948
New Visit	- 764										
Revisit	- 154										
Casualty	- 30										
Total -	- 948										

Signature of Assessors
Signature of Assessors

Signature
29/4/19

Signature
29/4/19

Date 29.4.2019

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		- 43 patients All the above mentioned patients were not considered as bed occupancy. The above facts of 127 patients are mentioned in this assessment report by the assessors. All together the total teaching bed occupancy was 339, accounts for a total of 82.68% of teaching bed occupancy on the day of inspection i.e., 03rd & 04th December 2018. This has been highlighted by me while signing the report by stating that the method of calculation is not satisfactory in regards to bed occupancy done by the assessors. Our hospital bed occupancy at any given point of time is not less than 75%.	
2	Caesarian Section Nil, Barium, IVP - Nil, CT- Nil (IPD) OPD (Histopathology) - Nil	There were 3 cases of pregnant women for delivery on 02nd & 03rd December 2018. All the three turned out to be normal deliveries. None of them had any indications for caesarian section (LSCS). Two Women delivered on 03rd evening itself and the other one delivered on 04th early morning. Annexure - II Barium & IVP are not preferred investigations since we have CT scan. Hence, there were no	Major OT operations - 23 Minor OT operations - 36 Normal Delivery - 01 LSCS - 01 CT - 02 X-ray - 35 Ultrasonography - 25 Special Radiological investigations - 02 Barium, IVP studies - Nil ANNEXURE 1

Dr. Manu Prakash
Signature of Assessors

Dr. Manu Prakash
29/4/19

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29/4/19

Date 29.4.19

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Dr. Manu Prakash
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		barium & IVP on 03rd December. There were 2 CT scans done on 03rd December, 03 CT were done on 04th December as IPD. Annexure - III The day of inspection 05 histopathology was done. The requisition was received after 02.00 pm. The procedures were done in the morning and all the specimens were collected, preserved and labeled in the Minor OT & sent to the lab after 02.00 pm which is the regular procedure in our hospital. Copy of request forms, reports and register extract are enclosed as Annexure - IV	Annexure -1 Laboratory Investigations <table> <tr> <th>Department</th><th>OP</th><th>IP</th><th>Total</th></tr> <tr> <td>Biochemistry</td><td>120</td><td>100</td><td>220</td></tr> <tr> <td>Serology</td><td>55</td><td>67</td><td>122</td></tr> <tr> <td>Microbiology</td><td>15(S)</td><td>13(S)</td><td>28(S)</td></tr> <tr> <td>Parasitology</td><td>8(S)</td><td>8(S)</td><td>16(S)</td></tr> <tr> <td>Haematology</td><td>110</td><td>90</td><td>200</td></tr> <tr> <td>Clinical Patho.</td><td>150</td><td>60</td><td>210</td></tr> <tr> <td>Histopathology</td><td>02(S)</td><td>15(S)</td><td>17(S)</td></tr> <tr> <td>Cytopathology</td><td>13(S)</td><td>01(S)</td><td>14(S)</td></tr> </table>	Department	OP	IP	Total	Biochemistry	120	100	220	Serology	55	67	122	Microbiology	15(S)	13(S)	28(S)	Parasitology	8(S)	8(S)	16(S)	Haematology	110	90	200	Clinical Patho.	150	60	210	Histopathology	02(S)	15(S)	17(S)	Cytopathology	13(S)	01(S)	14(S)
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Cytopathology	13(S)	01(S)	14(S)																																				
3	No equipment in Septic OT	Equipment available in the septic OT 1. OT Table, 2. Boyle's apparatus, 3. OT lights, 4. Drug cart, 5. Sterile Bins & cart, 6. Instruments cart, 7. Biomedical waste disposal bins, 8. IV infusion stand, Photos of septic OT attached as Annexure - V.	Fully equipped septic OT is available																																				
4	Static X-ray machine 100mA - Short	At the time of Inspection on 03rd & 04th December 2018, the purchase order copy was given to the assessors. Now the X-ray machine 100mA has been delivered, installed &	Static X-ray machine 100mA is installed & functioning Annexure II																																				

Dr. Manjunath
Signature of Assessors

Manjunath
29/4/19

Dr. Manjunath
29/4/19

Date 29.4.19

Manjunath
Signature of Dean/Principal
Dr. Manjunath
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

		functional. Tax Invoice & AERB certificate enclosed as Annexure - VI	
5	Research projects compiled - Nil	Ongoing research projects list enclosed Vide Annexure - VII	16 Research projects are going on in the institute Annexure III
6	Accommodation and cooking facilities in RHTC - Not available	Accommodation & cooking facilities has been arranged for RHTC training enclosed as Annexure - VIII	Accommodation in 2 house is available which can accommodate 12 students and kitchen is available Annexure IV
7	No students posted in UHTC	Students have been posted for training at UHTC & RHTC photos enclosed as Annexure - IX	Students of IVth & Vth term are regularly posted for training in RHTC & UHTC Annexure V
8	Deficiency of faculty - 10.25%	Deficiency in the department of Pathology - 01 Assoc. Professor Deficiency in the department of Community Medicine - 1 Statistician Both the above mentioned deficiencies remains vacant. Below mentioned deficiencies are rectified. Deficiency in the department of General Medicine 02 Asst. Prof., 1. Dr. Pankaja B, Asst. Prof., General Medicine	Deficiency of Faculties in various departments are as follows- Pathology - 01 Associate Professor Community Medicine - 1 Statistician General Surgery - 02 Assistant Professor Anaesthesia - 01 Assistant Professor 4.27% deficiency

Signature of Assessors

Date 29.4.19

Signature of Dean/Principal

Dr. Manju Prakash
Principal

Akash Institute of Medical Sciences
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Signature
29/4/19

Signature
29/4/19

		2. Dr. Praveen M, Asst. Prof., General Medicine Deficiency in the department of Paediatrics 01 Assoc Prof., 01 Asst. Prof. 1. Dr. K. M. Bopanna, Assoc. Prof., Paediatrics 2. Dr. Amar P, Asst. Prof., Paediatrics Deficiency in the department of Dermatology 01 Asst. Prof., 1. Dr. Manoj S, Asst. Prof., Dermatology Deficiency in the department of General Surgery, 01 Asst. Prof. 1. Dr. Vishal C Rathkal, Asst. Prof, General Surgery Deficiency in the department of Anaesthesiology, 03 Asst. Prof. 1. Dr. Mahesh V, Assistant Professor, Anaesthesia 2. Dr. Madhu Kumar B.S, Assistant Professor, Anaesthesia 3. Dr. Sridhara N.V, Assistant Professor, Anaesthesia Deficiency in the department of Radio-Diagnosis, 01 Assoc. Prof,	
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Dr. Manu Prakash
Signature of Assessors

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29/4/19

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29/4/19

Date 29.4.19

Manu Prakash
Signature of Dean/Principal
Dr. Manju Prakash
Principal
Akash Institute of Medical Sciences
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		1. Dr. Jagadeesh K.S, Assoc. Prof., Radiology Above mentioned deficiencies are rectified however, 02 deficiencies remains in the faculty category. One each in the department of Pathology & Community Medicine. The deficiency has been reduced to 1.7%. The copies of the declaration forms of the above faculty are enclosed for your kind perusal. Annexure - X	
9	Deficiency of residents - 10.60%	Deficiency in the department of General Medicine 01 Senior Resident 1. Dr. Sarath Reddy, Senior Resident, General Medicine Deficiency in the department of General Surgery, 03 Senior Residents 1. Dr. Arun Valmiki, Senior Resident, General Surgery 2. Dr. Tejas S.K, Senior Resident, General Surgery 3. Dr. Kiran K.J, Senior Resident, General Surgery Deficiency in the department of Orthopaedics, 02 Senior Residents	Deficiency of Residents General Medicine -01 JR 1.5% Deficiency

Signature of Assessors

Supri
29/4/19

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29/4/19

Date 29.4.19

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Principal
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		1. Dr. Rafeeq, Senior Resident, Orthopaedics 2. Dr. Ravivarma, Senior Resident, Orthopaedics Deficiency in the department of Radio-Diagnosis, 01 Senior Resident 1. Dr. Nagesh M, Senior Resident, Radiology All the deficiencies in the resident category is rectified. Thereby the deficiency is reduced to Nil. The copies of the declaration forms of the above faculty are enclosed for your kind perusal. Annexure - XI	
10	Other deficiencies as pointed out in the assessment report."	Mannequin in the department of Microbiology – as per Minimum Standard Requirement for 150 admissions, Mannequin is not required in the department of Microbiology. However, it is required in department of Pharmacology. 15 Mannequin limbs are present in the department of Pharmacology and 2 whole bodies (Mannequin) is present. Photos enclosed as Annexure - XII, for your kind perusal.	Two numbers whole body mannequin are available in the Pharmacology department and 10 individual limbs are also available. Annexure VI

Mani Kumar
Signature of Assessors

Supriya
29/4/19

SA
29/4/19

Date 29.4.19

Manju Prakash
Signature of Dean/Principal
Manju Prakash
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

5. Clinical material:

Item	On Day of assessment		Remarks
O.P.D. attendance at 2.PM on first day	948		
Casualty attendance (24 hrs. data)	62		
No of admissions	65		
No. of discharges	58		
Bed occupancy% at 10.00 AM on first day	84%		
<u>Operative Work</u>			
No, of major surgical operations	23		
No. of minor surgical operations	36		
No. of normal deliveries	01		
No. of caesarian sections	01		
<u>Radiological Investigations</u> (No. of patients)	O.P. D	I.P.D	
X-ray	20	15	
Ultrasonography	15	10	
Barium, IVP etc.	Nil	Nil	
C.T. Scan	01	01	

Dr. Manjula
Signature of Assessors

Dr. Manjula
29/4/19

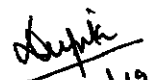
SA
29/4/19

Date 29.4.19

Manjula
Signature of Dean/Principal
Dr. Manju Prakash
Principal
Aakash Institute of Medical Sciences
& Research Centre,
70, 1st Halli, Bengaluru - 562 110.

Item	Day of assessment		Remarks
	O.P. D	I.P.D	
Laboratory Investigations - No. of Patients/samples			
Biochemistry	120	100	
Microbiology	15	13	
Serology	55	67	
Hematology	110	90	
Clinical Pathology	150	60	
Histopathology	02	15	
Cytopathology	13	01	


Signature of Assessors


29/4/19


29/4/19

Date 29.4.19


Signature of Dean/Principal
Dr. Akash Prakash
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 502 110.

6. Medical College-Staff Strength:

Name of College:

AKASH INSTITUTE OF MEDICAL SCIENCES & RESEARCH CENTRE, DEVANAHALLI, BANGALORE RURAL - 562110

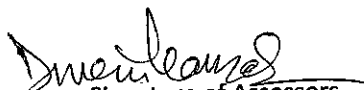
Number of students - **150 SEATS**

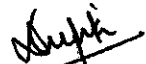
PG Courses (Yes/No): 1. NO 2. _____ 3. _____ 4. _____ 5. _____

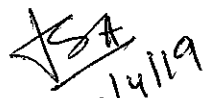
6. _____ 7. _____ 8. _____ 9. _____ 10. _____

11. _____ 12. _____ 13. _____ 14. _____ 15. _____

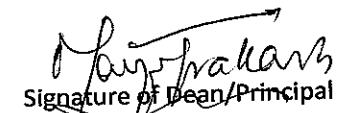
16. _____ 17. _____ 18. _____ 19. _____ 20. _____


Signature of Assessors


29/4/19


29/4/19

Date 29.4.19


Signature of Dean/Principal

Dr. Manju Prakash
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

Calculation Sheet (Date: 29.04.2019)

Department	Designation	Requirement as per MSR (UG)	Additional faculty required for running PG courses (if any)	Total (UG + PG)	Accepted	Deficiency
Anatomy	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	2		2	2	Nil
	Tutor	3		3	3	Nil
Physiology	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	2	Nil
	Asstt.Prof.	2		2	2	Nil
	Tutor	3		3	2	Nil
Biochemistry	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	3	Nil
	Asstt.Prof.	2		2	1	Nil
	Tutor	4		4	3	Nil
Pharmacology	Professor	1		1	2	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	2		2	4	Nil
	Tutor	3		3	Nil	Nil
Pathology	Professor	1		1	1	Nil
	Assoc. Prof.	3		3	2	1
	Asstt.Prof.	3		3	5	Nil
	Tutor	5		5	3	Nil

D. Venkatesh
Signature of Assessors

Supriya
29/4/19

SA
29/4/19

Date 29.4.19

M. Jayaprakash
Signature of Dean/Principal
All India Institute of Medical Sciences
& Research Centre
Davanahalli, Bengaluru Rural - 562 019

Department	Designation	Requirement as per MSR (UG)	Additional faculty required for running PG courses (if any)	Total (UG + PG)	Accepted	Deficiency
Microbiology	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	2		2	3	Nil
	Tutor	4		4	3	Nil
Forensic Medicine	Professor	1		1	2	Nil
	Assoc. Prof.	1		1	Nil	Nil
	Asstt.Prof.	1		1	2	Nil
	Tutor	1		1	Nil	Nil
Community Medicine	Professor	1		1	2	Nil
	Assoc. Prof.	2		2	1	Nil
	Asstt.Prof.	3		3	7	Nil
	Epidemio-Logist-Cum-Asstt.Prof.	1		1	1	Nil
	Statistician-Cum-Tutor	1		1	Nil	1
	Tutor	4		4	Nil	Nil
General Medicine	Professor	1		1	1	Nil
	Assoc. Prof.	3		3	3	Nil
	Asstt.Prof.	4		4	4	Nil
	Sr. Resident	4		4	4	Nil
	Jr. Resident	8		8	7	1
Paediatrics	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	2		2	3	Nil
	Sr. Resident	2		2	4	Nil
	Jr. Resident	4		4	5	Nil
Tuberculosis & Respiratory Diseases	Professor	0		0	0	Nil
	Assoc. Prof.	0		0	0	Nil
	Asstt.Prof.	1		1	1	Nil

Signature of Assessors

29/4/19 *SA*
29/4/19

Date 29.4.19

Signature of Dean/Principal
Prakash
Principal
Prakash Institute of Medical Sciences
& Research Centre,
Davanahalli, Bengaluru Rural - 562 410.

Department	Designation	Requirement as per MSR (UG)	Additional faculty required for running PG courses (if any)	Total (UG + PG)	Accepted	Deficiency
	Sr. Resident	1		1	1	Nil
	Jr. Resident	1		1	1	Nil
Dermatology, Venereology & Leprosy	Professor	0		0	1	Nil
	Assoc. Prof.	1		1	Nil	Nil
	Asstt.Prof.	1		1	1	Nil
	Sr. Resident	1		1	1	Nil
	Jr. Resident	1		1	1	Nil
Psychiatry	Professor	0		0	0	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	1		1	1	Nil
	Sr. Resident	1		1	2	Nil
	Jr. Resident	1		1	1	Nil
General Surgery	Professor	1		1	2	Nil
	Assoc. Prof.	3		3	3	Nil
	Asstt.Prof.	4		4	1	2
	Sr. Resident	4		4	4	Nil
	Jr. Resident	8		8	9	Nil
Orthopaedics	Professor	1		1	2	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	2		2	3	Nil
	Sr. Resident	2		2	4	Nil
	Jr. Resident	4		4	5	Nil
Oto-Rhino-Laryngology	Professor	0		0	0	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	1		1	3	Nil

Signature of Assessors

Signature Date 29/4/19

Signature of Dean/Principal
Principal

Akash Institute of Medical Sciences
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Department	Designation	Requirement as per MSR (UG)	Additional faculty required for running PG courses (if any)	Total (UG + PG)	Accepted	Deficiency
	Sr. Resident	1		1	1	Nil
	Jr. Resident	1		1	1	Nil
Ophthalmology	Professor	0		0	1	Nil
	Assoc. Prof.	1		1	Nil	Nil
	Asstt.Prof.	1		1	1	Nil
	Sr. Resident	1		1	1	Nil
	Jr. Resident	1		1	1	Nil
Obstetrics & Gynaecology	Professor	1		1	2	Nil
	Assoc. Prof.	2		2	2	Nil
	Asstt.Prof.	3		3	2	Nil
	Sr. Resident	3		3	3	Nil
	Jr. Resident	6		6	6	Nil
Anaesthesiology	Professor	1		1	1	Nil
	Assoc. Prof.	2		2	2	Nil
	Asstt.Prof.	4		4	3	1
	Sr. Resident	3		3	3	Nil
	Jr. Resident	4		4	5	Nil
Radio-Diagnosis	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	1		1	2	Nil
	Sr. Resident	3		3	2	Nil
Dentistry	Professor	1		1	1	Nil
	Assoc. Prof.	1		1	1	Nil
	Asstt.Prof.	1		1	1	Nil
	JR	1		1	1	Nil

Signature of Assessors

Signature
29/4/19

Signature
29/4/19

Date 29.4.19

Signature of Dean/Principal

Dr. Manju Prakash
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

Notes:
For purpose of working out the deficiency:
(1) The deficiency of teaching faculty and Resident Doctors shall be counted separately.
(A) For Teaching Faculty:
(a) For calculating the deficiency of faculty, Prof., Assoc Prof., Asst. Prof & Tutor in respective departments shall be counted together.
(b) Any excess teaching faculty in higher cadre can compensate the deficiency of lower cadre of the same department only.
(c) Any excess teaching faculty of lower cadre/ category in any department cannot compensate the deficiency of any teaching faculty in the higher cadre/ category of the same department or any other department. e.g. excess of Assistant Professor cannot compensate the deficiency of Associate Professor or Professor.
(d) Excess/Extra teaching faculty of any department cannot compensate the deficiency of any teaching faculty in any other department.
(B) For Resident Doctors:
(a) Excess of SR can be compensated to the deficiency of JR of the same department only.
(b) Excess SR/JR of any department cannot compensate the deficiency of SR/JR in any other department.
(c) Any excess of JR cannot compensate the deficiency of SR in same or any other department.
(d) Any excess/ extra teaching faculty of same or any other department cannot compensate the deficiency of SR/JR. e.g. excess of Assistant Professor cannot compensate the deficiency of SR or JR.
(2) A separate department of Dentistry/Dental faculty is not required where a dental college is available in same campus/ city and run by the same management.

Dr. Manjushree
Signature of Assessors

Supriya
29/4/19

SA
29/4/19

Date 29.4.19

Manjushree
Signature of Dean/Principal
Dr. Manjushree
Principal
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Devanahalli, Bengaluru Rural - 562 110.

(3) Colleges running PG program require additional staff, beds & other requirements as per the PG Regulations - 2000.

7. Details of Faculty/Residents not counted/accepted.

(Only faculty/residents who signed attendance sheet before 11:00 am on the first day of assessment should be verified. (In case of Junior Residents/Senior Residents on night duty, 12:00 noon.) No verification of Declaration forms should be done for the faculty/residents coming after 11:00 am of the first day of assessment)

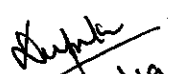
Sr. No	Name	Designation	Department	Remarks/Reasons for Not Considering

8. 1) Deficiency of Teaching Faculty: 4.27 %

2) Deficiency of Resident doctors: 1.5 %

9. Any other deficiency/remarks


Signature of Assessors


29/4/19

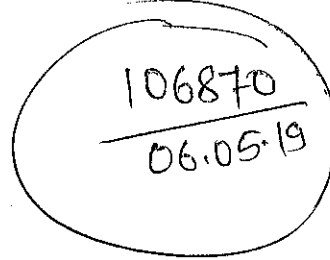

29/4/19 Date 29.4.19


Signature of Dean/Principal
Principal
Akash Institute of Medical Sciences
& Research Centre,
Devanahalli, Bengaluru Rural - 562 110.

Date: 29.04.2019

From

Dr. Dinesh Kansal
Prof. & HOD, Department of Pharmacology,
Dr. RPGMC,
Tanda. Kangra - 176002



To

Secretary
Medical Council of India
Pocket - 14, Sector - 8,
Dwarka Phase - 1,
New Delhi - 110077.

Sir / Madam,

Sub: Submission of replies by Institute with regard to Complaint dated 27-02-2019 raised by Dr. Satish Babu, Neurosurgeon & Trustee of Akash Institute of Medical Sciences & Research Centre, Devanahalli, Bangalore Rural - 562110, managed by Akash Education & Development Trust - regarding.

Herewith I am enclosing the replies submitted by the Institute with regard to the Complaint dated 27-02-2019 raised by Dr. Satish Babu, Neurosurgeon and Trustee of Akash Institute of Medical Sciences & Research Centre, Devanahalli, Bangalore, managed by Akash Education & Development Trust along with the relevant Annexures I - IV which has been verified for your kind information.

Thanking you,

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Dinesh Kansal'.

Dr. Dinesh Kansal
Co-ordinator
Compliance Inspection

AKASH EDUCATION & DEVELOPMENT TRUST

Prashanth Nagar, Devanahalli, Bangalore Rural District - 562 110.

Phone : +918071159900, +918071587900

e-mail : akasheducationtrust@gmail.com, info.aimsrc@gmail.com

Ref. No.

Date :

AEDT/AIMSRC/Dr.SB Comp./MCI REFLY/2019-20

Date: 29-04-2019

To:
The Secretary,
Board of Governors
In Supersession of Medical Council of India,
Pocket - 14, Sector - 8,
Dwarka, Phase - I,
New Delhi - 110 077.

Respected Sir,

Sub: Submission of replies to complaint raised by Dr. Satish Babu in his letter dated 27-02-2019 with regard to certain issues related to Akash Institute of Medical Sciences and Research Centre, Devanahalli, Bangalore, managed by Akash Education & Development Trust - reg.

With respect to the above subject, we wish to inform you that the Assessors conducting the Compliance Inspection of Akash Institute of Medical Sciences and Research Centre, Devanahalli, Bangalore on 29-04-2019, sought information/explanation regarding the complaints/issues raised by Dr. Satish Babu and provided a copy of his letter to the MCI dated 27-02-2019. In pursuant to the above, we have herewith submitted the point-to-point replies to the complaints/issues raised by Dr. Satish Babu along with documentary evidence, wherever applicable, for your kind perusal as detailed hereunder:

- a) The project has been financed by Canara Bank, Hebbal Branch during the year 2013 and since then we have been making the loan repayments as per the norms of the bank and the said loan accounts

R. Murthy

AKASH EDUCATION & DEVELOPMENT TRUST

Prashanth Nagar, Devanahalli, Bangalore Rural District - 562 110.

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Ref. No.

Date :

were regular. However, since the past eight to ten months, there has been a delay in loan repayments due to mismatch in cash flow in the short-term due to the fact that the renewal permission for 3rd Batch of 150 MBBS Students was not granted for the academic year 2018-19. We have brought this matter to the notice of the bank authorities and based on our submissions, the authorities at the bank have granted us time to regularize the loan accounts. With regard to the classification of our loan accounts as NPA, we wish to clarify that once we repay the outstanding amount within the time granted by the bank, the account will be re-classified as standard and regular. The actions contemplated by the Bank under the SARFAESI Act will be recalled/put on hold.

- b) Salaries to all Staff of AIMSRC have been paid up to the month of March 2019. The Trust has been paying the salaries to all staff regularly. Despite the fact that the renewal permission of AIMSRC was not granted by the MCI for the Academic Year 2018-19, the Institution has made all efforts to ensure that the salaries and other recurring expenses are met on a regular basis.
- c) The Trust has constructed, established and running the Institution based on the Norms of the MCI and has put in place adequate infrastructural facilities in the form of Staff, Equipment, Buildings, Clinical Material, Other Assets along with other ancillary facilities. These have been periodically verified by the Assessors of the MCI since the LOP Stage as mentioned in the Assessment Reports. The in-

K. Murthy

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Ref. No.

Date :

patients and the Out-patients are also available and are treated in accordance of the norms of the MCI. The OPD and the IPD Bed Strength has also been verified by the Assessors during their visits. All the Faculty members, Doctors at the Hospital along with Residents have been appointed adequately in accordance with the MCI Norms. Likewise, Nursing and Para-Medical Staff have also been adequately appointed.

The qualification and the experience and eligibility of the staff will be scrutinized before confirming their appointment and we wish to clarify that all these appointments are made strictly in accordance with the MCI Norms and there has been no irregularities of any nature whatsoever in regards to these matters.

- d) The Trust has also provided adequate Quarters, Hostel, Canteen, and other ancillary facilities to the staff and students which are independent and for the sole purpose of the Institution. None of the physical facilities provided for the Institution is shared by any other institution belonging to the Trust and all the institutions run by the Trust are self-reliant in all parameters. A Governing Council has been formed for the AIMSRC involving members of the Trust and the Senior Staff of the College & Hospital and all decisions are taken in consultation with all the members of the Governing Council. The Governing Council meets regularly and takes decisions in accordance with the established norms and procedures of the Institution keeping in mind the Norms of the MCI. The Trust/Trustees are not engaged in

K. M. M. M.

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e-mail : akasheducationtrust@gmail.com, info.aimsrc@gmail.com

Ref. No.

Date :

any act of cooking up of IP and OP data and these departments are working independently gathering actual data on a day-to-day basis.

- e) We wish to inform you that land in Sy. No. 71 of Akkupete Village, which is part of the project has been duly purchased from Sri. Guduru Dasaratha Rami Reddy and the Title Deed of this land have already been submitted to the MCI at the time of application for grant of LOP. We also wish to state that all the lands earmarked for the project has duly been converted for commercial purposes and has been purchased by the Trust from its erstwhile bonafide owners as certified by the Thasildar, Devanahalli Taluk and the Town Municipal Council, Devanahalli. These documents have already been submitted to the MCI. However, copy of the letters issued by the Thasildar and the TMC Devanahalli is attached herewith for your kind perusal and records as Annexure I & II.
- f) With regard to the case filed by one Mr. Madhusudhan, we hereby wish to inform you that the Hon'ble Karnataka Land Grabbing Prohibition Special Court, Bangalore has passed the Orders on 07-03-2019 in all 17 (seventeen) cases related to various survey numbers involved in the construction and establishment of Akash Institute of Medical Sciences & Research Centre, Devanahalli, Bangalore Rural, Karnataka, managed by Akash Education & Development Trust, duly stopping the proceedings under the Karnataka Land Grabbing Prohibition Act, 2011 and rejecting the claims of the Complainant Mr. B. R. Madhusudhan. In this regard we have already sent the Orders

12 March

AKASH EDUCATION & DEVELOPMENT TRUST

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Ref. No.

Date :

dated 07-03-2019 passed by the Hon'ble Special Court in all the seventeen (17) cases for your kind perusal and records on 19-03-2019 by Registered Post. However, copies of the orders are attached herewith for your records as Annexure III. Kindly take note of the above and treat the said matter as resolved.

- g) We also wish to clarify that the Trust/Trustees have not violated any Zoning Regulations nor have usurped any lands from the local landlords. The Trust has obtained the necessary sanction /approval of the Development Plan from the Town Municipal Council, Devanahalli, the competent authority. Copy of the same is attached herewith for your kind perusal as Annexure IV.
- h) We further wish to state that the Complainant Dr. Satish Babu was an erstwhile staff of AIMSRC holding the position of a Trustee & Director. He has since been removed from his position by the Trust during the month of February 2018 as a disciplinary action due to the fact that he was involved in anti-establishment activities. We sincerely believe that as fallout of his unceremonious exit and being disgruntled, he has written to the Council against the Institution and its Trustees bearing a grudge. We wish to humbly submit that all the allegations made by the Complainant are frivolous and baseless and not based on facts. The Trust/Trustees vehemently denies any and all of the allegations made by the Complainant as false and misleading and far from facts. The Trust sincerely believes that the Complainant is

12 Muna

AKASH EDUCATION & DEVELOPMENT TRUST

Prashanth Nagar, Devanahalli, Bangalore Rural District - 562 110.

Phone : +918071159900, +918071587900

e-mail : akasheducationtrust@gmail.com, info.aimsrm@gmail.com

Ref. No.

Date :

making false allegations to malign the Institution and the Trust/Trustees.

- i) Finally, we wish to state that we have always adhered to the Norms and Regulations of the MCI and have established the Institution based on these Norms and will continue to do so in the future.

In view of the above, we humbly request you to accept the submissions and documents/information provided by us. Kindly oblige and do the needful.

Thanking you,

Yours sincerely,



(K. MUNIRAJU)
TRUSTEE & SECRETARY

Encl: Annexure - I to Annexure - IV.

ANNEXURE-I

1249
No.TQ/CR/ /2015-16

Office of the Tahasildar
Devanahalli Taluk
Devanahalli, Dated 19th Aug 2015

To,
The Secretry,
Akash Education & development Trust
Ward No.22, Prashanth Nagar,
Devanahalli,
Bangalore R.D-562110.

Sir,

sub: Issue certificate with respect to lands bearing Sy No. 65/1, 65/2, 68, 69/1, 69/2, 69/3, 70/1, 70/2, 71/1, 72/1, 72/7, 72/8, 71/3, 71/4, 71/5, 71/6, 71/7, 71/8 Totally measuring 20 acers 38 Guntas of Akkupete Village, Kasaba Hobli Devanahalli Taluk is registered in the name of Akash Education & Development Trust regarding its status and ownership.

Ref: The Secretry, Akash Education & development Trust, Ward No.22, Prashanth Nagar, Devanahalli, Bangalore vide AEDT/AIMSRC. DEV. Thasildar/ MCI/LOP.2015-16, Dated: 17/08/2015.

With respect to the above subject and reference, a Certificate is issued as requested in your letter and after verification of the records which is available in our office.

Your's
Keshav
Tahsildar
Devanahalli Taluk
19/8/15

1249
No.TQ/CR/ /2015-16

Office of the Tahasildar
Devanahalli Taluk
Devanahalli, Dated 19th Aug 2015

CERTIFICATE

This is to certify that the land measuring 20 Acres 38 Guntas (Twenty Acers Thirtyeight Guntas) Bearing Survey Nos. 65/1, 65/2, 68, 69/1, 69/2, 69/3, 70/1, 70/2, 71/1, 72/1, 72/7, 72/8, 71/3, 71/4, 71/5, 71/6, 71/7, 71/8 of Akkupete Village, Kasaba Hobli Devanahalli Taluk, Bangalore rural Dist. (As per Annexure Enclosd) is registered in the name of Akash Education & Development Trust by way of ownership. The above lands are a single contiguous piece of land.

There is no dispute pertaining to the said lands and the lands are free from all encumbrances. The Building Plan for the building constructed on the aforesaid lands is duly approved by the Authority of Town Municipal Council of Devenahalli which is competent to approve the said building plan in Devanahalli Area. The land and building is fit to be used for running a Medical Collage.

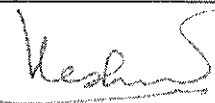
Date: 19/08/2015

Place: Devanahalli.


Tahasildar,
Devanahalli Taluk

ANNEXURE TO TAHASILDAR CERTIFICATE, Dated: 19/08/2015

Sl No	Name of Village	Survey No	Registration No & Date	Land Area in Acre (A-G)	conversion Order No.
1.	Akkupete	65/1	DNHD-1-02330/2015-16, Dated: 04/06/2015	00-21	ALN(DEV)SR 92/12-13
2.	Akkupete	65/2	DNHD-1-02335/2015-16, Dated: 04/06/2015	00-21	ALN(DEV)SR 149/12-13
3.	Akkupete	68	DNHD-1-02330/2015-16, Dated: 04/06/2015	02-01	ALN(DEV)SR 91/12-13
4.	Akkupete	69/1	DNHD-1-02331/2015-16, Dated: 04/06/2015	01-13	ALN(DEV)SR 56/05-06
5.	Akkupete	69/2	DNHD-1-02393/2015-16, Dated: 06/06/2015	01-00	ALN(DEV)SR 94/12-13
6.	Akkupete	69/3	DNHD-1-02331/2015-16, Dated: 04/06/2015	00-15	ALN(DEV)SR 89/12-13
7.	Akkupete	70/1	DNHD-1-06864/2013-14, Dated: 03/12/2013	03-04	ALN(DEV)SR 31/13-14
8.	Akkupete	70/2	DNHD-1-07141/2013-14, Dated: 13/12/2013	06-09	ALN(DEV)SR 12/13-14
9.	Akkupete	71/1	DNHD-1-10724/2013-14, Dated: 15/02/2014	00-32	ALN(DEV)SR 10/12-13
10.		72/1		00-15	ALN(DEV)SR 147/12-13
11.		72/7		00-27	ALN(DEV)SR 148/12-13
12.		72/8		00-15	ALN(DEV)SR 150/12-13
13.	Akkupete	71/3	DNHD-1-07357/2013-14, Dated: 20/12/2013	00-04	ALN(DEV)SR 100/12-13
14.	Akkupete	71/4	DNHD-1-07359/2013-14, Dated: 20/12/2013	00-04	ALN(DEV)SR 98/12-13
15.	Akkupete	71/5	DNHD-1-03152/2013-14, Dated: 17/07/2013	00-04	ALN(DEV)SR 87/12-13
16.	Akkupete	71/6	DNHD-1-03150/2013-14, Dated: 17/07/2013	00-04	ALN(DEV)SR 88/12-13
17.	Akkupete	71/7	DNHD-1-06829/2013-14, Dated: 02/12/2013	00-16	ALN(DEV)SR 101/12-13
18.	Akkupete	71/8	DNHD-1-08263/2013-14, Dated: 21/01/2014	02-31	ALN(DEV)SR 84/12-13
Total				20-38	


Tahasildar,
Devanahalli Taluk.

ANNEXURE-II



ಪುರಸಭಾ ಕಾರ್ಯಾಲಯ, ದೇವನಹಳ್ಳಿ
(ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ)

080-27682221
080-27682211
www.devanahallitown.gov.in

E-Mail:- itstaff_ulb_devanahalli@yahoo.co.in

Phone No. 080-27682221
PGR Phone No. 080-27682211
Website:- www.devanahallitown.gov.in

Ref. No. Dev/TMC/A.E./R.O./ ೩೩ /2015-16

Office of the Chief Officer,
Town Municipal Council,
Devanahalli,
Bangalore Rural District.
Devanahalli, Dated 22-08-2015

To:
The Secretary,
Medical Council of India,
Sector - 8, Pocket - 14,
Dwaraka, New Delhi - 110 077.

Sir,

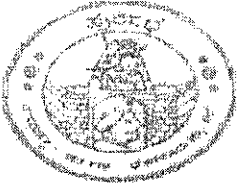
Sub: Confirmation of immovable properties owned by Akash
Education & Development Trust.

Ref: (1) Application dated 17-08-2015 given by Akash Education
& Development Trust on the basis of Advisory issued
by Medical Council of India.

(2) Report dated 19-08-2015 submitted by Assistant
Engineer & Revenue Officer.

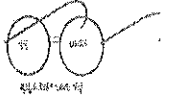
With reference to the above subject, details of the immovable properties
belonging to **Akash Education & Development Trust**, situated at
Akkupete Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural
District are as follows:

Sl. No.	Survey No.	Registration No. & Date	Land Area in Acres	Conversion Order No.
1	65/1	DNHD-1-02330/2015-16 dated 04-06-2015	00-21	ALN (DEV)SR-92/12-13
2	65/2	DNHD-1-02335/2015-16 dated 04-06-2015	00-21	ALN (DEV)SR-149/12-13



ಪುರಸಭಾ ಕಾರ್ಯಾಲಯ, ದೇವನಹಳ್ಳಿ

(ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ)



Phone No. 080-27682221

PGR Phone No. 080-27682211

Website:- www.devamahallitown.gov.in

E-Mail:- itstaff_ulb_devanahalli@yahoo.co.in

3	68	DNHD-1-02330/2015-16 dated 04-06-2015	02-00	ALN (DEV)SR-91/12-13
4	69/1	DNHD-1-02331/2015-16 dated 04-06-2015	01-13	ALN (DEV)SR-56/2005-06
5	69/2	DNHD-1-02393/2015-16 dated 06-06-2015	01-00	ALN (DEV)SR-94/2012-13
6	69/3	DNHD-1-02331/2015-16 dated 04-06-2015	00-15	ALN (DEV)SR-89/12-13
7	70/1	DNHD-1-06864/2013-14 dated 03-12-2013	03-04	ALN (DEV)SR-31/13-14
8	70/2	DNHD-1-07141/2013-14 dated 13-12-2013	06-06	ALN (DEV)SR-12/13-14
9	71/1	DNHD-1-10724/2013-14 dated 15-02-2014	00-32	ALN (DEV)SR-10/12-13
10	72/1		00-15	ALN (DEV)SR-147/12-13
11	72/7		00-27	ALN (DEV)SR-148/12-13
12	72/8		00-15	ALN (DEV)SR-150/12-13
13	71/3	DNHD-1-07357/2013-14 dated 20-12-2013	00-04	ALN (DEV)SR-100/12-13
14	71/4	DNHD-1-07359/2013-14 dated 20-12-2013	00-04	ALN (DEV)SR-98/12-13
15	71/5	DNHD-1-03152/2013-14 dated 17-07-2013	00-04	ALN (DEV)SR-87/12-13
16	71/6	DNHD-1-03150/2013-14 dated 17-07-2013	00-04	ALN (DEV)SR-88/12-13
17	71/7	DNHD-1-06829/2013-14 dated 02-12-2013	00-16	ALN (DEV)SR-101/12-13
18	71/8	DNHD-1-08263/2013-14 dated 21-01-2014	02-31	ALN (DEV)SR-84/12-13
		TOTAL	20-32	



ಪುರಸಭಾ ಕಾರ್ಯಾಲಯ, ದೇವನಹಳ್ಳಿ

(ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ)

22/8/15

Phone No. 080-27682221

PGR Phone No. 080-27682211

Website:- www.devanahallitown.gov.in

E-Mail:- itstaff_ulb_devanahalli@yahoo.co.in

Total extent of 20 Acres 32 Guntas (excluding 06 Guntas of Kharab Land) have been approved by the Deputy Commissioner, Bangalore Rural District, for the purpose of construction and establishment of Medical College & Hospital and its ancillary Buildings. On the basis of the Report submitted by the Assistant Engineer and Revenue Officer permission has been given in respect of all the lands for construction of Medical College & Hospital and its ancillary Buildings.

This is to bring to your kind notice that all these properties are still continuing in the name of Akash Education & Development Trust as Owner.

Thanking you,

AHN
Chief Officer,
Town Municipal Council,
Devanahalli,
Bangalore Rural District.

Town Municipal Council, Devanahalli
Bangalore Rural -562110

No. DEVA/TMC/72/2012-14

Date: 22.08.2013

COMMENCEMENT CERTIFICATE

Sub: Construction of Teaching Hospital, Medical College, Hostel, Staff Quarters and other Buildings.

Ref: 1.Represntation by Secretary, Akash Education and Development Trust on 18/07/2013
2.Office Report dated 02/08/2013.

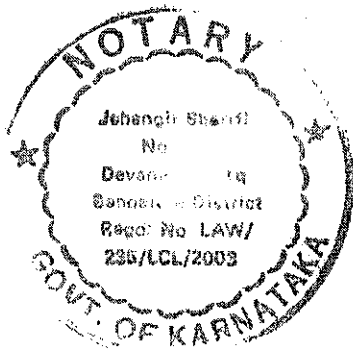
With respect to the above subject and reference, under the limits of TMC, Devanahalli, and in Consideration of the application Submitted by Akash Education and Development Trust, we herby accord permission to Construct the aforesaid building in accordance of the Building Plan Sanctioned by us vide No:68/2013-14 dated 22/08/2013.

Sd/-
Chief Officer
TMC, Devanahalli
Bangalore Rural District

CC. to:

1. Akash Education & Development Trust, Devanahalli.
2. Office copy

Translation from Kannada to English approved
LD 11/5/2014
JENANGIR SHARIFF, S.A.B.
ADVOCATE & NOTARY
Valk Office Road, Devanahalli
Bangalore District - 562110





ಪುರಸಭಾ ಕಾರ್ಯಾಲಯ ದೇವನಹಳ್ಳಿ

ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ-562110

TOWN MUNICIPAL COUNCIL DEVANAHALLI

BANGALORE RURAL DISTRICT-562110.

E-Mail:- staff@devanahalli@yahoo.co.in

Fax No. 080-27682211

Website:- www.devanahallitown.gov.in

ಸಂಖ್ಯೆ: ದೇಪು:

ದಿನಾಂಕ:

ಸ.ಅ.ಸಂ.72/2013-14

ದಿನಾಂಕ:22/08/2013

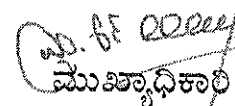
ಪ್ರಾರಂಭಿಕ ಪ್ರಮಾಣ ಪತ್ರ

ವಿಷಯ: ಆಸ್ಪತ್ರೆ, ವೈದ್ಯಕೀಯ ಶಿಕ್ಷಣ ಕಾಲೇಜು ಮತ್ತು ಹಾಸ್ಟೆಲ್ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡಲು ಕೋರಿ.

ಉಲ್ಲೇಖ: 1) ಅರ್ಜಿದಾರರ ಅರ್ಜಿಯ ದಿನಾಂಕ:18/07/2013.

2) ಕಛೇರಿಯ ವರದಿಯ ದಿನಾಂಕ:02/08/2013.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ ದೇವನಹಳ್ಳಿ ಟೌನ್, ಪುರಸಭೆ ವ್ಯಾಪ್ತಿಯಲ್ಲಿರುವ "ಆಕಾಶ್ ಎಜುಕೇಷನ್ ಅಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಟ್ರಸ್ಟ್"ರವರು ನೀಡಿರುವ ಅರ್ಜಿಯನ್ನು ಪರಿಶೀಲಿಸಲಾಗಿ, ಸದರಿಯವರಿಗೆ ಅನುಮೋದನೆಗೊಂಡ ನಕ್ಷೆಯ ಸಂಖ್ಯೆ:68/2013-14 ದಿನಾಂಕ:22/08/2013ರ ನಕ್ಷೆಯ ಅನುಗುಣವಾಗಿ ಕಟ್ಟಡ ನಿರ್ಮಾಣ ಮಾಡಲು ಅನುಮತಿ ನೀಡಲಾಗಿದೆ.

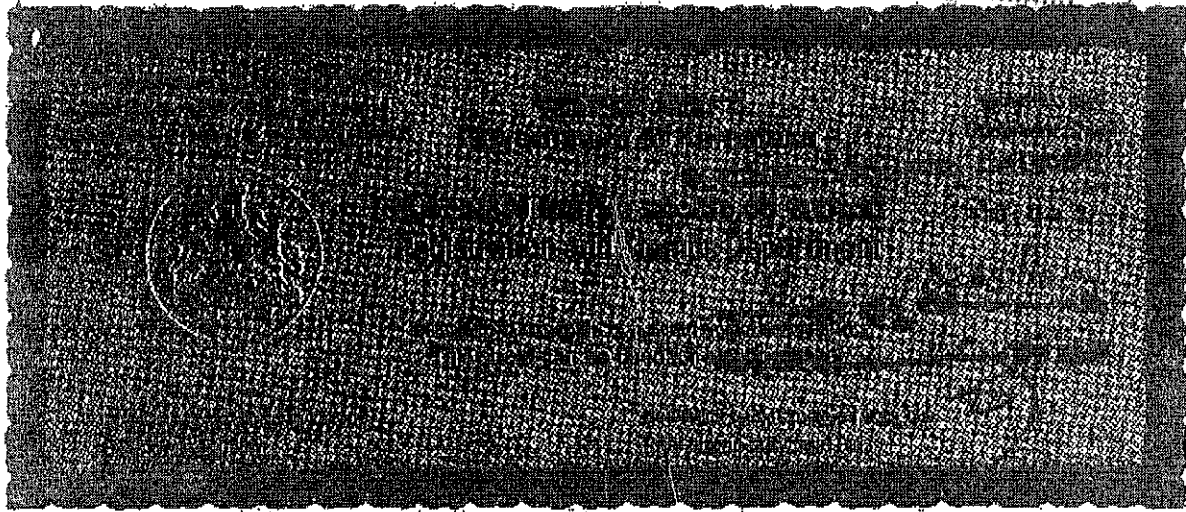

ಮುಖ್ಯಾಧಿಕಾರಿ 22/8/13

ಪುರಸಭೆ, ದೇವನಹಳ್ಳಿ

ಬೆಂಗಳೂರು ಗ್ರಾಮಾಂತರ ಜಿಲ್ಲೆ

ಪ್ರತಿಯನ್ನು:

1. ಆಕಾಶ್ ಎಜುಕೇಷನ್ ಅಂಡ್ ಡೆವಲಪ್‌ಮೆಂಟ್ ಟ್ರಸ್ಟ್, ಪ್ರಸನ್ನಹಳ್ಳಿ ರಸ್ತೆ, ದೇವನಹಳ್ಳಿ.
2. ಕಛೇರಿಯ ಕಡತಕ್ಕೆ



7-8263
13-14

ANNEXURE - II

ABSOLUTE SALE DEED

This Deed of Absolute Sale is made and executed on this the TWENTY-FIRST DAY OF JANUARY YEAR TWO THOUSAND FOURTEEN (21-01-2014) at Devanahalli;

BY:

Sri. G. DASARATH RAMI REDDY,
Aged about 56 Years,
S/o Sri. Papi Reddy,
Office at No.628/2, 2nd Floor, 1st Main Road,
11th Cross, Indiranagar 1st Stage,
Bangalore - 560 038.

Represented by his SPA Holder:

Sri. B. R. MADHUSUDHAN,
Aged about 30 Years,
S/o B. N. Ramamurthy,
Residing at Bidalur Village,
Devanahalli Taluk,
Bangalore Rural District.

Hereinafter referred to as the "**VENDOR**" of the FIRST PART;

IN FAVOUR OF:

AKASH EDUCATION AND DEVELOPMENT TRUST,
A Registered Trust registered under the provisions of Indian Trust Act 1882, and having its registered office at Ward No.22, Prashanth Nagar, Devanahalli, Bangalore - 562 110;
Represented by its **Trustee & Chairperson Smt. M. PUSHPA.**

For Akash Education & Development Trust

G. Dasarath Rami Reddy

P. M. Pushpa
Chairman

2
ಕೆ.ಎಸ್.ಎಸ್. ಸಂಖ್ಯೆ: 7580/15-18

Print Date & Time : 21-01-2014 03:21:34 PM

ಪ್ರಾಥಮಿಕ ಸಂಖ್ಯೆ : 8263

ಈ ರಜಿಸ್ಟ್ರಾರ್ ಪದವಿಪತ್ರ ರವರ ಕಛೇರಿಯಲ್ಲಿ ದಿನಾಂಕ 21-01-2014 ರಂದು 03:00:13 PM ಗಳಿಗೆ ಈ ಪದವಿ ಪಡೆದವರ ಹೆಸರು:

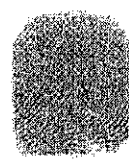
ಕ್ರಮ ಸಂಖ್ಯೆ	ವಿವರ	ರೂ. ಪೈ
1	ಸೋನಂಬೆಳೆ ಶುಲ್ಕ	749250.00
2	ಕಾನ್ಸಲ್ಟೇಷನ್ ಶುಲ್ಕ	420.00
3	ತರಬೇತಿಧರಣಿ ಶುಲ್ಕ	35.00
4	ಪೀಠಿಕೆ ಮುದ್ರಾಂಶ ಶುಲ್ಕ	40.00
	ಒಟ್ಟು :	749745.00

ಪ್ರಾಚೀ Akash Education & Development Trust rep by its Trustee & Chairperson Smt. M Pushpa ಎಂಬರ ಹೆಸರಿನಲ್ಲಿ
ಮಾಡಲ್ಪಟ್ಟಿದೆ

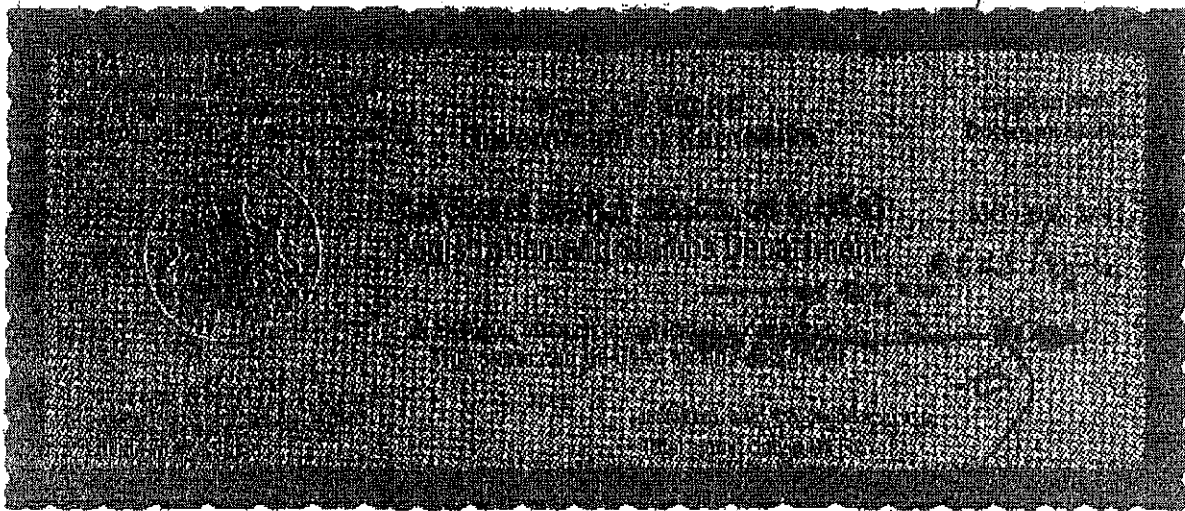
ಹೆಸರು	ಚಲಾಯಕ	ಹಸ್ತಚಿಹ್ನೆ	ಸಹಿ
ಪ್ರಾಚೀ Akash Education & Development Trust rep by its Trustee & Chairperson Smt. M Pushpa			For Akash Education & Development Trust Chairperson

8.21/14
ಸಹಿ ರಜಿಸ್ಟ್ರಾರ್
ಉಪನಿರ್ದೇಶಕರು

ಬರೆದುಕೊಟ್ಟಿದ್ದಾಗಿ ಒಪ್ಪಿರುತ್ತಾರೆ

ಕ್ರಮ ಸಂಖ್ಯೆ	ಹೆಸರು	ಚಲಾಯಕ	ಹಸ್ತಚಿಹ್ನೆ	ಸಹಿ
1	Akash Education & Development Trust rep by its Trustee & Chairperson Smt. M Pushpa (ಬರೆದುಕೊಂಡವರು)			For Akash Education & Development Trust Chairperson
2	G Dasarathi Rami Reddy S/o Papi Reddy rep by BPA Holder B R Machusudhan S/o B N Ramamurthy (ಬರೆದುಕೊಂಡವರು)			

8.21/14
ಉಪನಿರ್ದೇಶಕರು



Hereinafter referred to as "**PURCHASER**" of the OTHER PART;

WHEREAS the expressions, the **VENDOR**, the **PURCHASER**, unless inconsistent with or repugnant to the context shall mean and include their respective heirs, successors, assigns, administrators, legal representatives, executors, successors-in-interest, etc.

PREAMBLE:

WHEREAS the **VENDOR** is the sole and absolute owner in lawful possession and enjoyment of immovable property bearing **Sy. No. 71/8 (Old Sy. No.71)** measuring 02 Acres 30 Guntas plus 01 Gunta of "A" Kharab Land, totally measuring **02 Acres 31 Guntas**, situated in **Akkupete Village, Kasaba Hobli, Devanahalli Taluk, Bangalore Rural District**, more fully described in the Schedule hereunder written and herein after called as the **SCHEDULE PROPERTY**.

WHEREAS, the **VENDOR** acquired the Schedule Property from its erstwhile owner Sri. Doddavenkateshappa S/o Late Munivenkatappa by way of an Absolute Sale Deed dated 21-10-2005, registered as Document No. DNH-1-03473/2005-06, of Book-I, stored in CD No.DNHD64, in the Office of the Sub-Registrar, Devanahalli Taluk, Bangalore.

WHEREAS, since then the Vendor has been in possession and enjoyment of the above Schedule Property and paying taxes and revenues thereon, as sole and absolute owner thereof.

For Akash Education & Development Trust

Dr. Dattatreya Reddy

Chairman
Chairman

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7580/15-16
ಗುರುಸುವವರು

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8263/13
ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ಕರ್ನಾಟಕ ಸರ್ಕಾರ

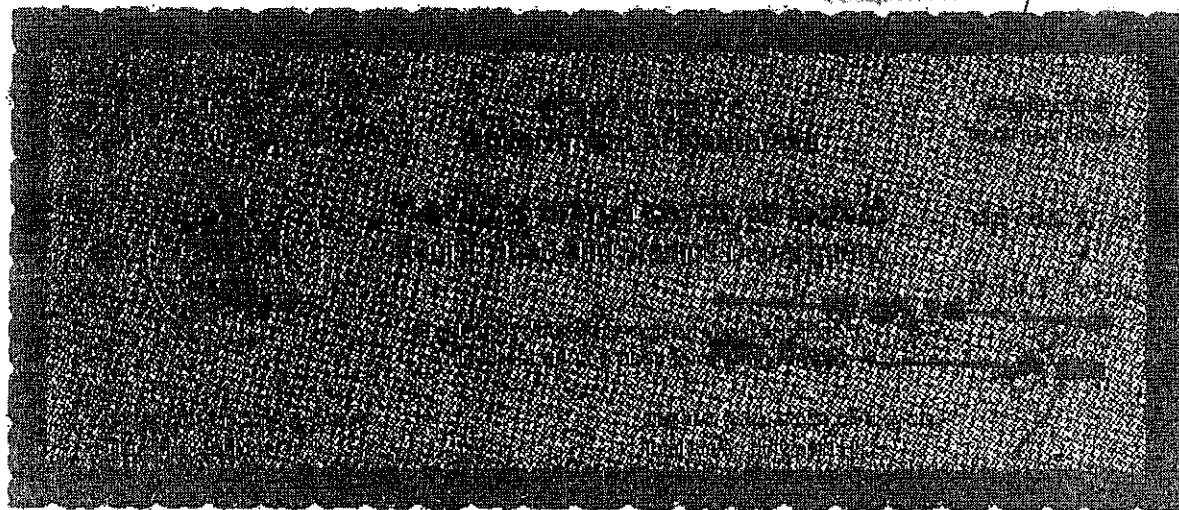
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ಕ್ರಮ ಸಂಖ್ಯೆ	ಹೆಸರು ಮತ್ತು ವಿಳಾಸ	ಹೆಸರು
1	Amar S/o Krishnappa Prashanth Nagar, Devanahalli Town	Amar
2	Vinod S/o Kempanna Prashanth Nagar, Devanahalli Town	Vinod

8/2/01
ಸಹಿ
ಕರ್ನಾಟಕ ಸರ್ಕಾರ

1 ನೇ ಪ್ರವರ್ತಕ ದಸ್ತಾವೇಜು
NH-1-08263-2013-14 ಅಗ
ಸ.ಡಿ. ಸಂಖ್ಯೆ DNHD360 ನೇ ಧರಲ್ಲಿ
ದಿನಾಂಕ 21-01-2014 ರಂದು ಮೊಂಡಾಯಿಸಲಾಗಿದೆ
8/2/01
ಕರ್ನಾಟಕ ಸರ್ಕಾರ (ಪ್ರವರ್ತಕರು)
ಕರ್ನಾಟಕ ಸರ್ಕಾರ

18.15
7580/15-16



WHEREAS, the RTC/Khatha and other records in respect of the Schedule Property stands in the name of Vendor in terms of Mutation Register No.65/2005-2006 dated 25-02-2006, and the Vendor has had been paying all taxes, cesses and land revenue to the concerned authorities regularly.

WHEREAS, the Schedule Property is converted for Non-agricultural Purposes in terms of Official Memorandum bearing No.ALN (DEV. KA.) SR / 84 / 2012-13 dated 20-04-2013 issued by the Deputy Commissioner, Bangalore Rural District.

IN VIEW OF THE ABOVE ACTS and DEEDS, the Vendor has become the absolute owner and is in lawful & peaceful possession and enjoyment of the Schedule Property without any litigation free from all encumbrances.

WHEREAS the Vendor for his legal and family necessities has offered to sell the Schedule Property and the Purchaser has accepted the offer of the Vendor and has agreed to purchase the Schedule Property free from all encumbrances, for a valuable sale consideration of **Rs.49,00,000/- (Rupees Forty-nine Lakhs only)**.

WHEREAS the Vendor has extended out and assured unto the Purchaser the following:

- a) That the Vendor is the absolute owner and is in possession and enjoyment and personal occupation of the Schedule Property;
- b) That the Schedule Property is the self-acquired property of the Vendor and the title of the Vendor to the Schedule Property hereby conveyed is

For Akash Education & Development Trust

G. Dhanraj Reddy

R. S. S. S.
Chairman

7580/15-16

8263/12-13



ಕರ್ನಾಟಕ ಸರ್ಕಾರ
ನೋಂದಣಿ ಹಾಗೂ ಮುದ್ರಾಂಕ ಇಲಾಖೆ
Department of Stamps and Registration

ಪ್ರಮಾಣ ಪತ್ರ

1957 ರ ಕರ್ನಾಟಕ ಮುದ್ರಾಂಕ ಕಾಯ್ದೆಯ ಕೆಲಂ 10 ಎ ಅಡಿಯಲ್ಲಿಯ ಪ್ರಮಾಣ ಪತ್ರ

ಶ್ರೀಮತಿ Akash Education & Development Trust rep by its Trustee & Chairperson Smt. M Pushpa ಇವರು 4233265.00 ರೂಪಾಯಿಗಳನ್ನು ನಿಗದಿತ ಮುದ್ರಾಂಕ ಶುಲ್ಕವಾಗಿ ಪಾವತಿಸಿರುವುದನ್ನು ದೃಢೀಕರಿಸಲಾಗಿದೆ

ಪ್ರಕಾರ	ಮೊತ್ತ (ರೂ.)	ಹಣದ ಪಾವತಿಯ ವಿವರ
ಇತರ ಬ್ಯಾಂಕ್ ಡಿ.ಡಿ.	4233265.00	DD No. 252754. Dt. 21/01/2014. Drawn on Canara Bank, Bangalore
ಒಟ್ಟು :	4233265.00	

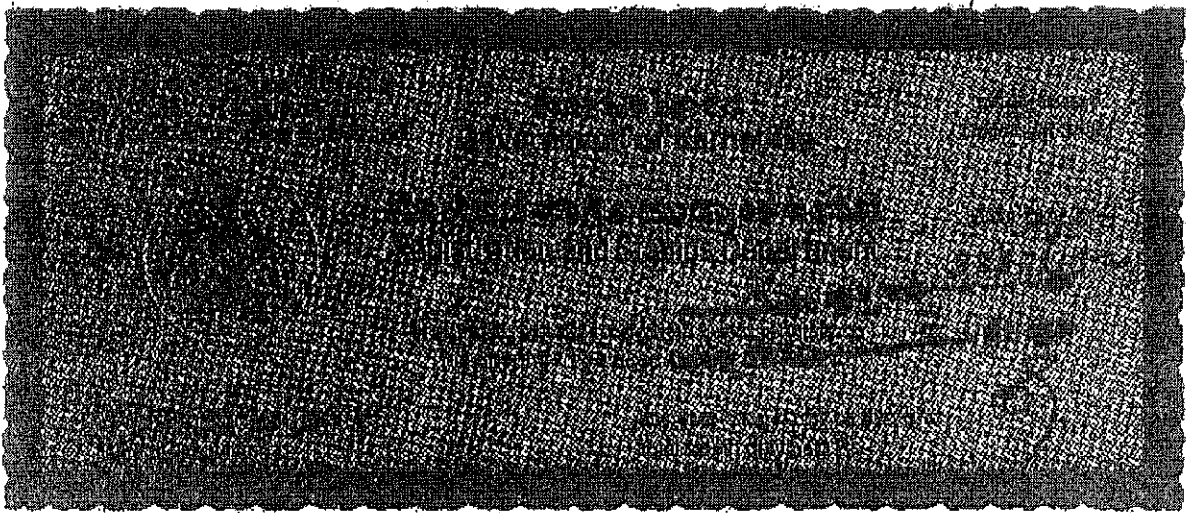
ಸ್ಥಳ : ದೇವನಹಳ್ಳಿ

ದಿನಾಂಕ : 21/01/2014



21/01
ಉಪ-ನೋಂದಣಿ ಮತ್ತು ರಜಿಸ್ಟ್ರಾರ್ ಅಧಿಕಾರಿ
ದೇವನಹಳ್ಳಿ
ದೇವನಹಳ್ಳಿ

Designed and Developed by C-DAC, AICTE, Pune



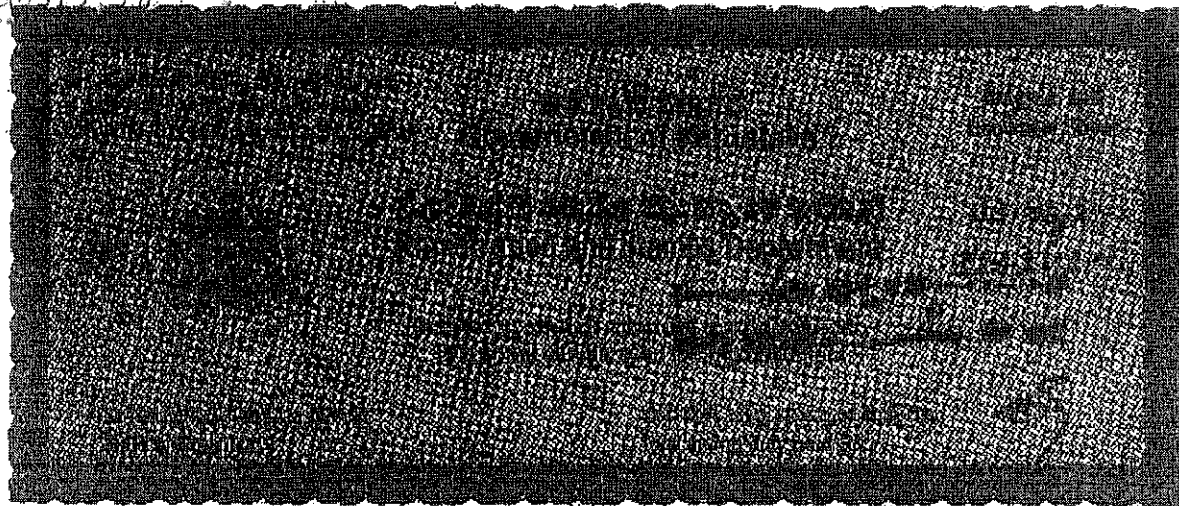
absolute, good, marketable and subsisting and he has the power to convey the same and that there is no impediment for this sale under any law, order, decree or contract;

- c) That the Vendor shall whenever so required by the Purchaser, do and execute all such acts, deeds and things for more fully and perfectly assuring the title of the Purchaser to the Schedule Property hereby conveyed;
- d) That the Schedule Property is not subjected to any attachments before or after Judgment, encumbrances, Court proceedings in execution or otherwise, mortgages, charge or lien or minor claim;
- e) That the Vendor has not entered into any agreement/arrangement for sale or transfer of the Schedule Property or portions thereof with anyone else;
- f) That there are no tenancy claims in regard to the Schedule Property under the Karnataka Land Reforms Act;
- g) The Vendor declares that he is an Agriculturist and belongs to a family of agriculturists and no proceedings under sections 79A, 79B and 80 or under any of the Provisions of the Karnataka Land Reforms Act are pending in respect of the Schedule Property or portions thereof before any Authority.
- h) That the Schedule Property is not a property in respect of which there is a prohibition regarding sale and that there is no bar or prohibition to acquire, hold or to sell the Schedule Property;
- i) That the Vendor has paid up-to-date land revenue, taxes and other statutory charges with regard to the Schedule Property;

For Akash Education & Development Trust

Dr. D. S. Srinivasan

R. Srinivasan
Chairman



- j) That the Vendor does not have any pending liabilities with regard to income tax, wealth tax, gift tax or any other tax, which would affect his title to the Schedule Property;

WHEREAS the Purchaser herein, who has paid the entire agreed sale consideration to the Vendor, has sought the execution of the sale deed. Whereas the Vendor has agreed and come forward to execute the sale deed in favour of the Purchaser herein and hence this deed of sale.

NOW THIS DEED OF ABSOLUTE SALE WITNESSETH AS FOLLOWS:

That in pursuance of the above common intention and agreement and in consideration of the Purchaser having paid the entire mutually agreed sale consideration of **Rs.49,00,000/- (Rupees Forty-nine Lakhs only)** in the following manner:

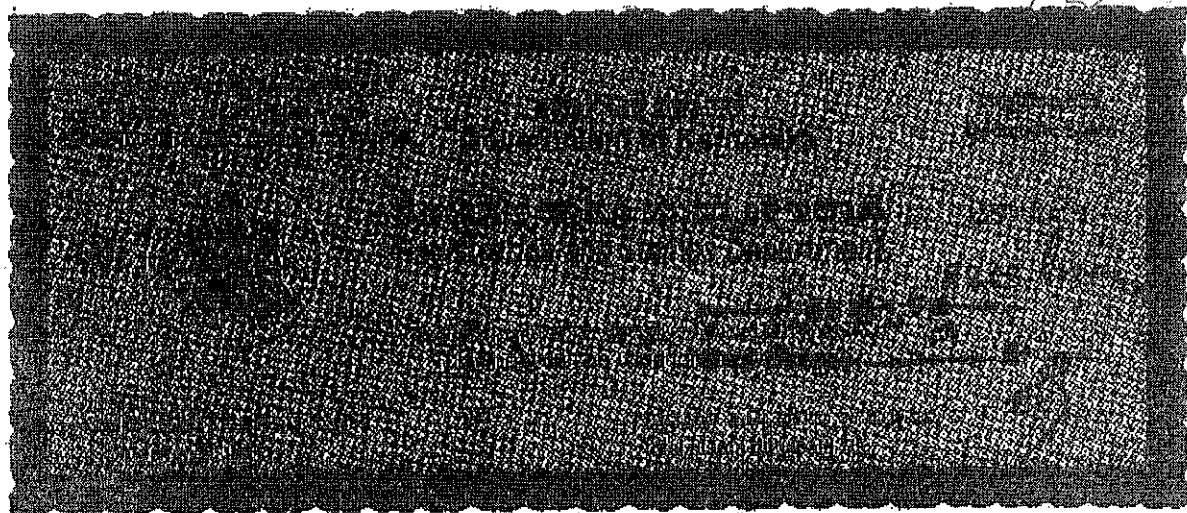
- **Rs.20,00,000/- (Rupees Twenty Lakhs only)** by way of Cheque No.538309, dated 07-10-2013, drawn on Canara Bank, Hebbal Branch, A/c No.0425101048976, Bangalore in favour of the Vendor, in the presence of the witnesses attesting hereunder;
- **Rs.29,00,000/- (Rupees Twenty-nine Lakhs only)** paid by way of Cash to the Vendor on various dates in the presence of the witnesses attesting hereunder to this deed of absolute sale;

the Vendor, hereby acknowledges the receipt of the same, acquits and discharges the Purchaser of such payment, the Vendor as the full, absolute, sole, exclusive, beneficial owner of the Schedule Property, hereby convey, sell, transfer, alienate, grant, assign UNTO the Purchaser all that piece and parcel of the Schedule Property TO HAVE AND TO HOLD the same as its full, absolute, sole, exclusive, beneficial owner thereof with all privileges, benefits, easements, hereditaments and absolutely free from encumbrances of whatsoever nature, subject to the covenants hereinafter appearing:

For Akash Education & Development Trust

(Signature)

(Signature)
Chairman



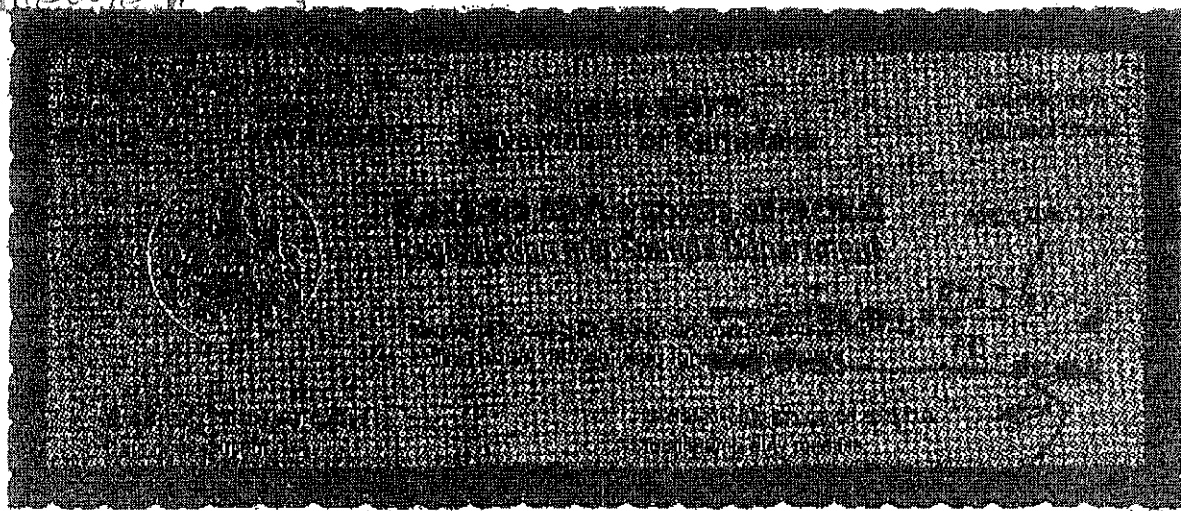
- a) That the Purchaser shall be entitled to quietly enter upon, hold, possess and enjoy the Schedule Property hereby conveyed and receive the income and profits there from, as absolute owner, without any interference or disturbance by the Vendor, his legal heirs and/or his predecessors-in-title or any one claiming through or under him or any person claiming any legal title thereto;
- b) The Vendor has this day delivered the vacant physical possession of the Schedule Property to the Purchaser, pursuant to this sale deed and the Purchaser hereby acknowledges having taken the vacant possession of the Schedule Property.
- c) The Vendor has no objection for the Purchaser approaching the relevant Revenue Authorities, Thasildar, seeking transfer/registration of Khatha and the Special Deputy Commissioner, Bangalore and for payment of taxes by the Purchaser herein.
- d) The Purchaser shall be liable to pay all out goings in regard to the Schedule Property including taxes due to the Revenue Authorities, for the purposes of registration of Khatha in regard to the Schedule Property.
- e) Subject to the Purchaser discharging the obligations and observing the terms and conditions contained herein, the Vendor covenants with the Purchaser that the Purchaser shall be entitled to hold, possess, build upon and enjoy the Schedule Property, as its full, absolute, beneficial, exclusive owner thereof.
- f) That the Vendor shall keep the Purchaser fully indemnified and harmless at all times, against any action or proceedings, loss, liability, cost or claim that may arise against the Purchaser or the Property hereby conveyed, by reason of any defect in or want of title on the part of the Vendor, his legal heirs and/or his predecessors-in-title or by breach of the covenants herein above contained or against any consequential

For Akash Education & Development Trust

Dr. Jyoti S. Joshi

R. S. M.

Chairman Page 6 of 8



disturbance or interference to the peaceful possession and quiet enjoyment of the Schedule Property by the Purchaser or if any proceedings commenced by any person or persons or by any statutory authorities;

- g) The Vendor hereby represents that the Schedule Property hereby conveyed, is absolutely free from encumbrances of whatsoever nature and free from any claims, attachments, etc.
- h) The Vendor will do and execute at the request and the cost of the Purchaser, all such other acts and deeds and things, as may be required, for more fully and perfectly assuring the title of the Purchaser in relation to the Schedule Property, which is hereby conveyed, pursuant to and under this sale deed.
- i) That the Vendor has delivered to the Purchaser all the original title deeds relating to the Schedule Property along with the copies of all the relevant/incidental records supporting the title of the Vendor pertaining to the Schedule Property on the date of registration of this Sale Deed;
- j) The expenses of stamp duty and registration charges of this sale deed are borne by the Purchaser herein exclusively.

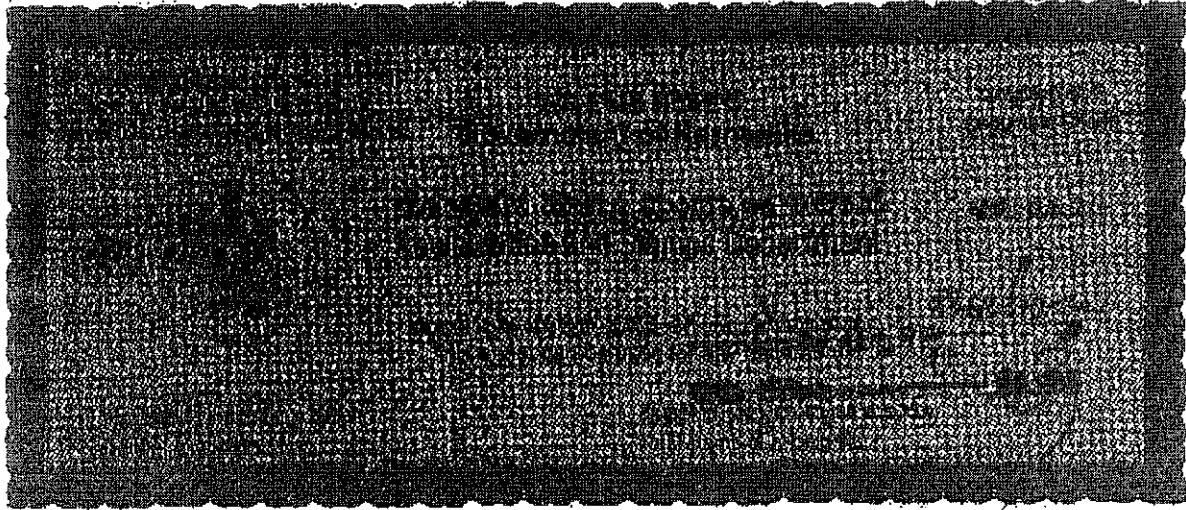
SCHEDULE PROPERTY

All that piece and parcel of the Converted Land bearing **Sy. No. 71/8 (Old Sy. No. 71)**, measuring 02 Acres 30 Guntas plus 01 Guntā of "A" Kharab Land, totally measuring **02 Acres 31 Guntas**, (Two Acres Thirty-one Guntas), situated at **Akkupete** Village, Kasaba Hobli, Devanahalli Taluk, in terms of Official Memorandum bearing No.ALN (DEV) SR/84/2012-13 dated 20-04-2013 issued by the Deputy Commissioner, Bangalore Rural District, and bounded on the:

For Akash Education & Development Trust

G. Dattamurthy Reddy

Chairman
Chairman



East By : Land in Survey Number 71/2;
West By : Land in Survey Number 71/6 & 71/7;
North By : Land in Survey Number 70;
South By : Land in Survey Number 72.

IN WITNESS WHEREOF, the Parties herein have signed this Deed of Absolute Sale on the day, month and the year first above written in the presence of the Witnesses attesting hereunder;

WITNESSES:

1. *Anur Ag K. K. K. K. K.*
Dhu

G. Dasarath Ram Reddy
(G. DASARATH RAMI REDDY)
VENDOR
Rep. by his SPA Holder
Sri. B. R. Madhusudhan

2. *Vinod S. K. K. K. K.*
Dhu

For Akash Education & Development Trust

M. Pushpa
Chairman
(AKASH EDUCATION & DEVELOPMENT TRUST)
PURCHASER
Rep. by its Chairperson & Trustee
Smt. M. PUSHPA

Drafted by:

(Signature)
(Date)

Handwritten notes and stamps on the right side of the page, including a large circular stamp and various signatures.

Prashanth Nagar, Devanahalli, Bangalore Rural District - 562 110.

Phone : +918071159900, +918071587900

e-mail : akasheducationtrust@gmail.com, info.aimsrc@gmail.com

J/C

BY ROAD

Ref No

Date

AEDT/AIMSRC/MCI/BRM/Spl. Court Orders/2018-19

19-03-2019

To:

Smt. S. Savitha

Assistant Secretary,

Board of Governors in supersession of Medical Council of India,

Plot No. 18, Pocket - 14, Dwarka,

New Delhi - 110 077.

Sub: Submission of Special Court Orders related to Land Grabbing Cases filed by Mr. B. R. Madhusudhan with regard to various survey numbers involved in Akash Institute of Medical Sciences & Research Centre, Devanahalli, Bangalore Rural - 562 110.

Ref: Our earlier reply Letter dated 23-11-2017 submitted to MCI
MCI Letter No. MCI-34(41)(Gen.)/2016-Med./176249 dtd 10-04-2017
MCI Email Letter No. MCI-34(41)(R 79)/2018-19-Med/161073 dated 20-12-17
MCI Letter No. MCI-34(41)(Gen.)/2017-Med./170457 dtd 25-01-2018
MCI Letter No. MCI-34(41)(Gen.)/2018-Med./149393 dtd 30-11-2018
MCI Letter No. MCI-34(41)(Gen.)/2018-Med./172530 dtd 10-02-2019

In continuation with the above subject and references, we hereby wish to inform you that the Hon'ble Karnataka Land Grabbing Prohibition Special Court, Bangalore has passed the Orders on 07-03-2019 in all 17 (seventeen) cases related to various survey numbers involved in the construction and establishment of Akash Institute of Medical Sciences & Research Centre, Devanahalli, Bangalore Rural, Karnataka, managed by Akash Education & Development Trust, duly stopping the proceedings under the Karnataka Land Grabbing Prohibition Act, 2011 and rejecting the claims of the Complainant Mr. B. R. Madhusudhan. In this regard we have attached the Orders dated 07-03-2019 passed by the Hon'ble Special Court in all the seventeen (17) cases for your kind perusal and records. Kindly take note of the above and treat the said matter as resolved.

Yours faithfully,

Respectfully,

For AKASH EDUCATION & DEVELOPMENT TRUST,

R. MURAJU

(R. MURAJU)

Managing Trustee & Secretary

Encl: Spl. Court Orders

Chal 1800 266 6800

HRI/11/10/19

EN26112190410 IN:1897526112190410
SP DEWANAHALLI S.O (530110)
Counter No:3, 19/03/2019, 13:26
To: S. SAVITHA..

EN2611219077 Raj Nagar - II S.O
To: S. SAVITHA..

Rs:425005
Amt:94.40(Cash)Tax:16.40

(Track on www.indiapost.gov.in)
Chal 1800 266 6800

Adv. for complainant

ANNEXURE - III

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.888/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under

9/3

S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

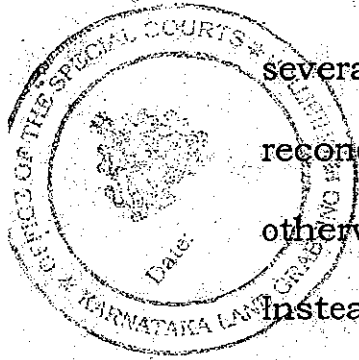
4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

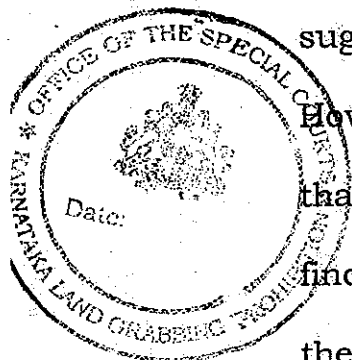
6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant.



9/3

The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.04 acre in Sy.No.71/6 of Akkupete village, Devenahalli taluk.

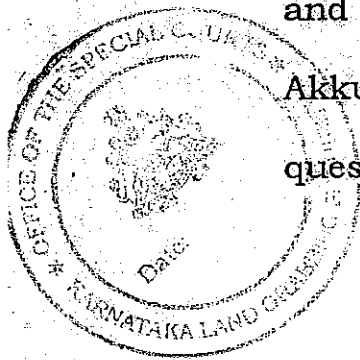
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.04 acre in Sy.No.71/6 of Akkupete village does not belong to the government. The complainant has not placed any material before court even to indicate or suggest that there exists raja kaluve in Sy.No.71/6. However RTC extract produced by the complainant shows that the said land belongs to one Kempanna, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence the question of its grabbing cannot arise at all.



0/3

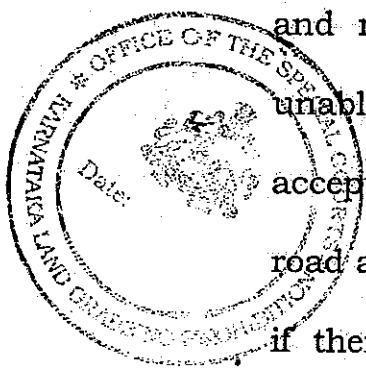
8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.04 acre of land in Sy.No.71/6 of Akkupete village is a converted land, giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India ~~are two~~ to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.



10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.65/1 to 71/8 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/6. We are just unable even to appreciate his argument let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/6. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the

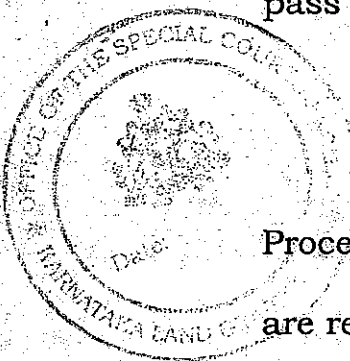


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complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S.258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.



(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

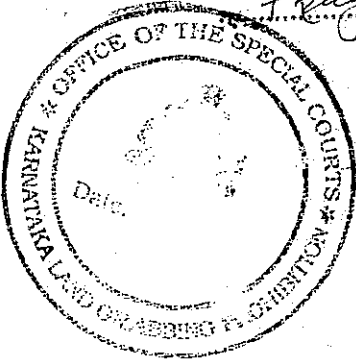
H.N. Narayan 4/3/19
(Justice H.N. Narayan)

Chairman

B.D. Pz 19
(Balakrishna.B.)

Judicial Member

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July 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.901/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

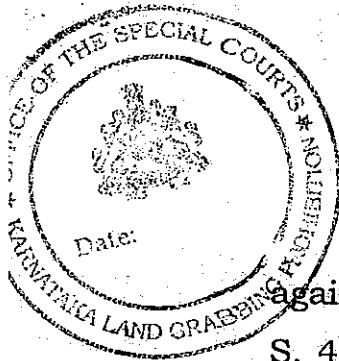
Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)

ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under
S. 4(3) of the Karnataka Land Grabbing Prohibition Act,
2011.

073



2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

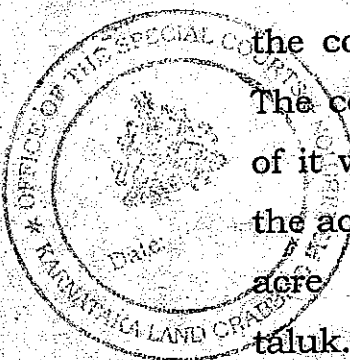
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.15 acre in Sy.No.72/8 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



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of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.15 acre of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.72/8. However RTC extract produced by the complainant shows that the said land belongs to one M.Manjunath, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.15 acre of land in Sy.No.72/8 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

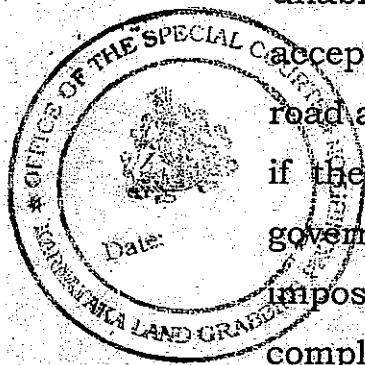
9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to

0/3

him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.72/8 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy. No. 72/8 We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No. 72/8. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance.



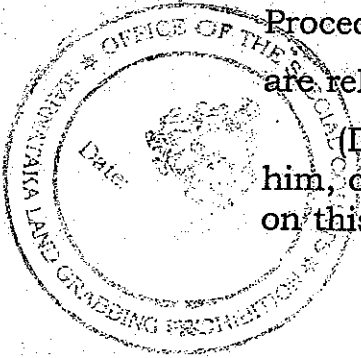
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Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



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H.N. Narayan 7/3/19
 (Justice H.N. Narayan)
 Chairman
B.B. 18/3/19
 (Balakrishna.B.)
 Judicial Member

July 18/3/19
 Section Officer
 Karnataka Land Grabbing Prohibition
 Special Courts, Bengaluru.

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.896/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

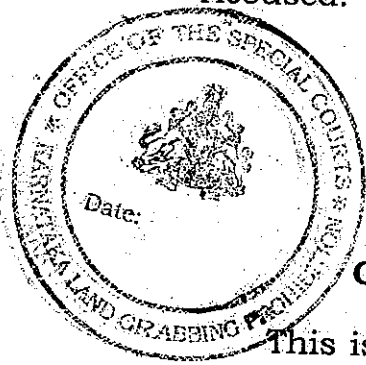
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under
S. 4(3) of the Karnataka Land Grabbing Prohibition Act,
2011. *Oh*

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

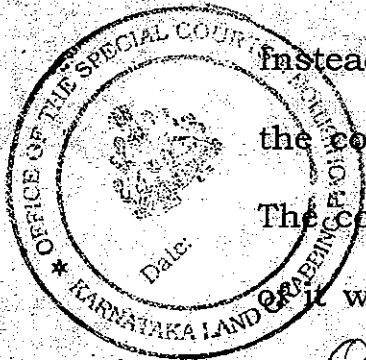
4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

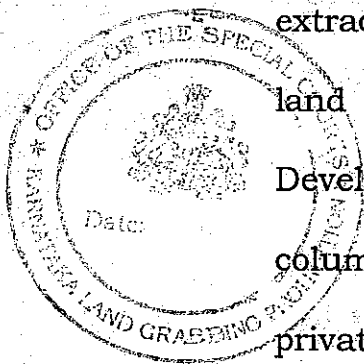
REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that



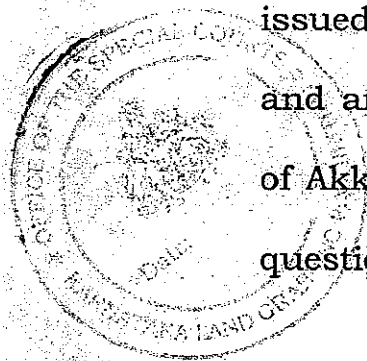
the accused have grabbed raja kaluve to an extent of 4.02 acres in Sy.No.69/1 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 4.02 acres in Sy.No.69/1 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exists raja kaluve in Sy.No.69/1. However RTC extract produced by the complainant shows that the said land belongs to one M/s. Akilesh Reality and Development Pvt. Ltd., as its name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.



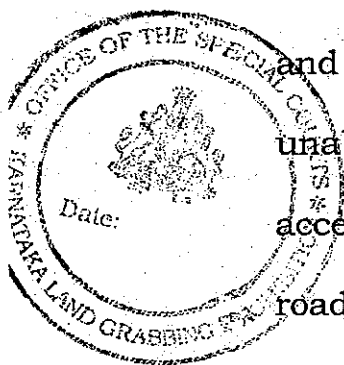
8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 4.02 acres of land in Sy.No.69/1 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupet and they have nothing to do with the land in question.



10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.69/1 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.69/1. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.69/1. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the

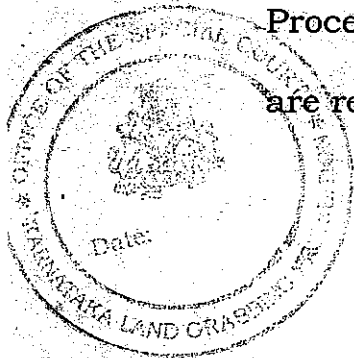


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complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision under S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.



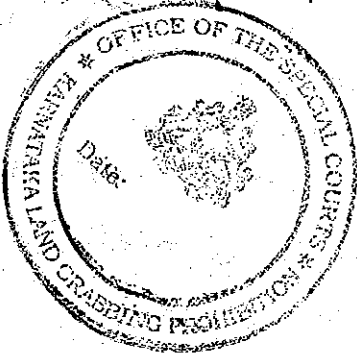
(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

H.N. Narayan 7/3/19
(Justice H.N. Narayan)

Chairman

B.B. Krishna 7/3/19
(Balakrishna.B.)
Judicial Member

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J. S. S. S. 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.900/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

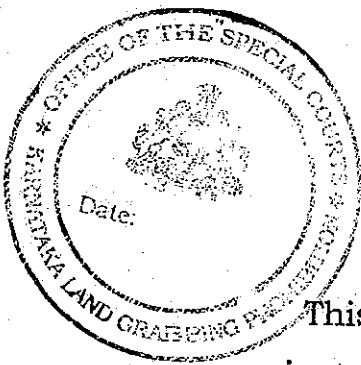
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

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2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

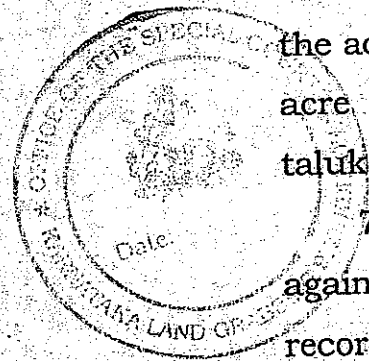
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.27 acre in Sy.No.72/7 of Akkupete village, Devenahalli taluk.

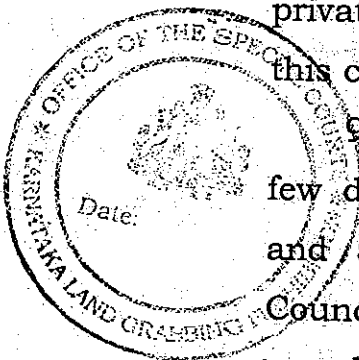
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.27 acre in Sy.No.72/7 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.72/7. However RTC extract produced by the complainant shows that the said land belongs to one M.Manjunath, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.27 acre of land in Sy.No.72/7 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to

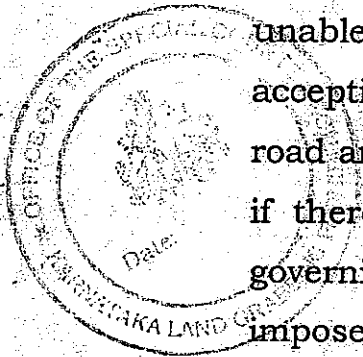


9/3

him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acre in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.72/7 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.72/7. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.72/7. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach



073

the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

H.N. Narayan
(Justice H.N. Narayan) 7/3/19

Chairman

B.B. Krishna
(Balakrishna.B.)
Judicial Member

Copy Applied by *Advocate for Complaint*
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Copy Prepared by
Copy Compared by *efh*
Copy Ready on *18-3-19*
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Shree 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.897/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

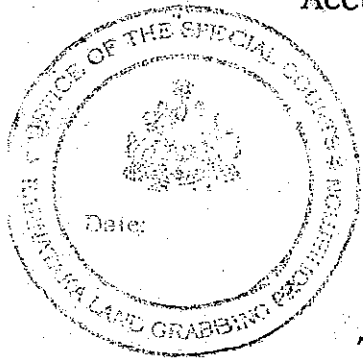
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under
S. 4(3) of the Karnataka Land Grabbing Prohibition Act,
2011.

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2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that

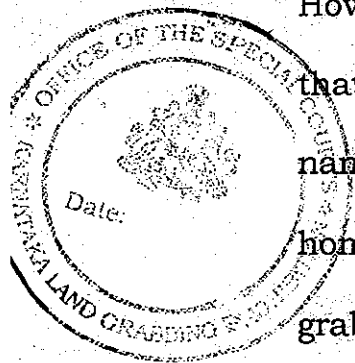
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the accused have grabbed raja kaluve to an extent of 2.16 acres in Sy.No.65/2 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 2.16 acres in Sy.No.65/2 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.65/2. However RTC extract produced by the complainant shows that the said land belongs to one M.Manjunath, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. The question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a

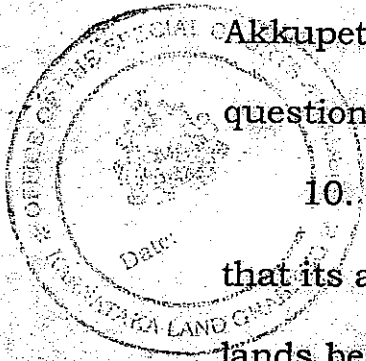
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report dated 7.10.2017. It amply points out that 2.16 acres of land in Sy.No.65/2 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupet and they have nothing to do with the land in question.

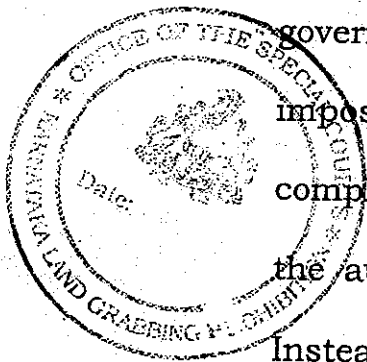
10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.65/2 of Akkupete village. Even if it is



9/3

presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.65/2. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.65/2. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has



hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

[Signature]
(Justice H.N. Narayan) 7/3/19

Chairman

[Signature]
(Balakrishna.B.)
Judicial Member

Copy Applied by *Adv. for comp 17.*
Copy Applied on *13-3-19*
Copy Prepared by
Copy Compared by
Copy Ready on *18-3-19*
Copy Delivered on *18-3-19*
6 page *12/2*

[Signature] 10/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.898/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

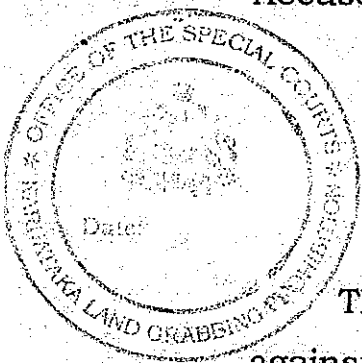
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

073

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

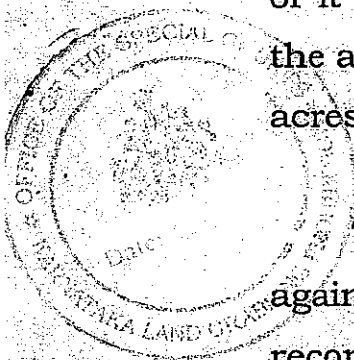
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 2.00 acres in Sy.No.68 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



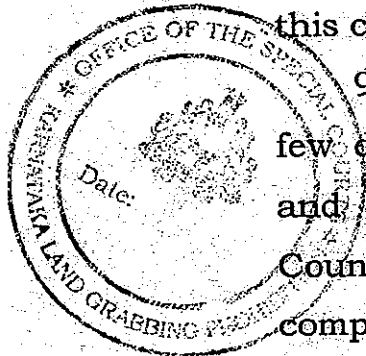
023

of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation there, should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 2.00 acres in Sy.No.68 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.68. However RTC extract produced by the complainant shows that the said land belongs to one K.Muniraju, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 2.00 acres of land in Sy.No.68 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to

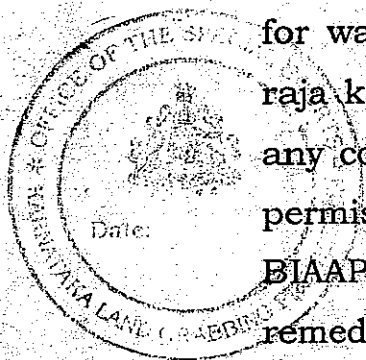
9/3



him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupet and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.68 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.68. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.68. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of



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availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision under S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

H.N. Narayan
(Justice H.N. Narayan)

Chairman

Balakrishna B.
(Balakrishna B.)
Judicial Member

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Copy Applied on *18-3-19*
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Copy Compared by *18-3-19*
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Shy
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

532/2019

Bipin Hegde
Adv. for Complaint

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.895/2017

Dated this the 7th March 2019

Complainant:

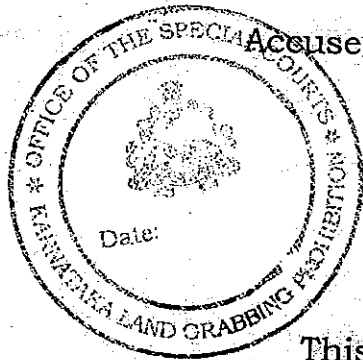
Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



Accused:

ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

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2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

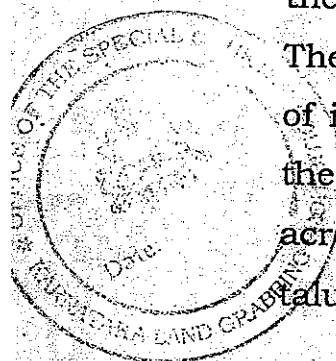
5. Our finding on the above point is the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.16 acre in Sy.No.71/7 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation

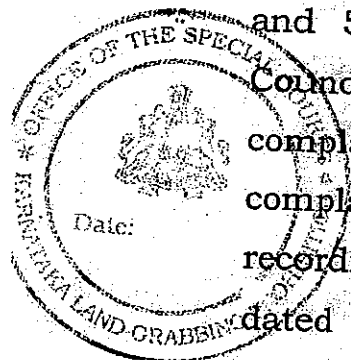
073



of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exists raja kaluve in Sy.No.71/7. However RTC extract produced by the complainant shows that the said land belongs to one Gowramma, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. The question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.16 acre of land in Sy.No.71/7 of Akkupete village is a converted land. Giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017



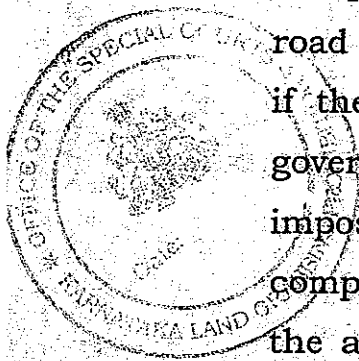
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issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupet and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.71/7 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/7. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/7. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance.

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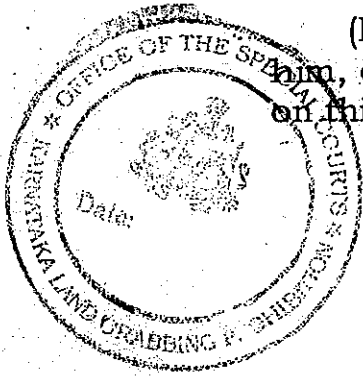


Instead of availing an option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision under S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



H.N. Narayan 7/3/19
(Justice H.N. Narayan)
Chairman

B.B. Krishna B.
(Balakrishna.B.)
Judicial Member

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Copy Ready on *13-3-19*
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Chand 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

200525/2019

Bipin Hegde, Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.902/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

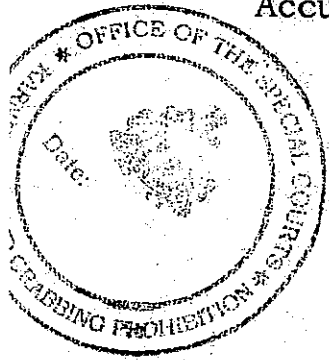
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

073

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

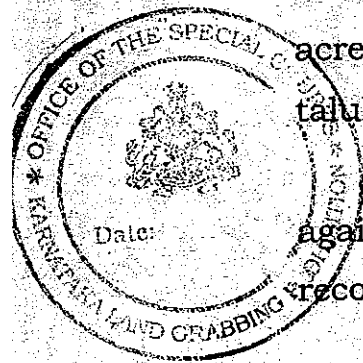
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.04 acre in Sy.No.71/5 of Akkupete village, Devenahalli taluk.

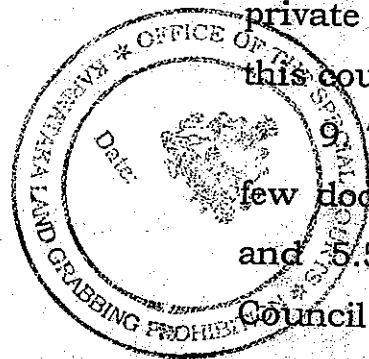
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.04 acre in Sy.No.71/5 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.71/5. However RTC extract produced by the complainant shows that the said land belongs to one Narayanaswamy, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.04 acre of land in Sy.No.71/5 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to

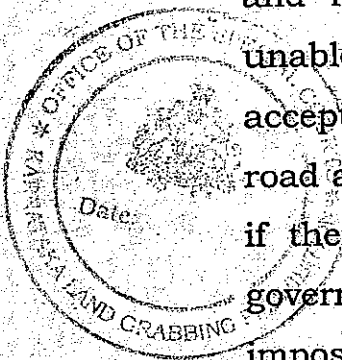


93

him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in land bearing Sy.No.71/5 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/5. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/5. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance.



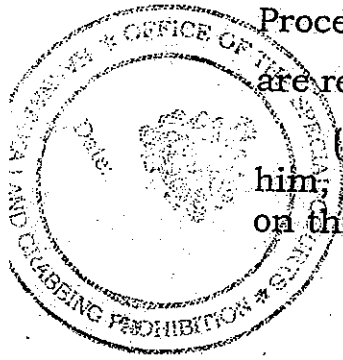
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Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



H.N. Narayan 7/3/19
(Justice H.N. Narayan)

Chairman

Balakrishna B.
(Balakrishna B.)

Judicial Member

Copy Applied by *Advocate for complainant*
Copy Applied on *18-3-19*
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— 7/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bangalore.

(R.No. 50712017)
Bipin Hegde Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.903/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.15 acre in Sy.No.72/1 of Akkupete village, Devenahalli taluk.

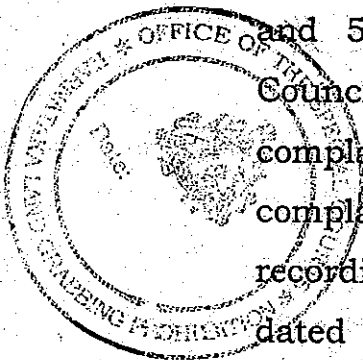
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation

9/3

of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.15 acre in Sy. No.72/1 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.72/1. However RTC extract produced by the complainant shows that the said land belongs to one Manjunath, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.15 acre of land in Sy.No.72/1 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to



him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in the land bearing Sy.No.72/1 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.72/1. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.72/1. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance.

973

Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

H.N. Narayan 7/3/19
(Justice H.N. Narayan)

Chairman

B.B. Krishna B.
(Balakrishna B.)
Judicial Member

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...
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

CR 150, 500, 2017
Bipin Hegde, Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.904/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)

ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under
S. 4(3) of the Karnataka Land Grabbing Prohibition Act,
2011. *07/3*



2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

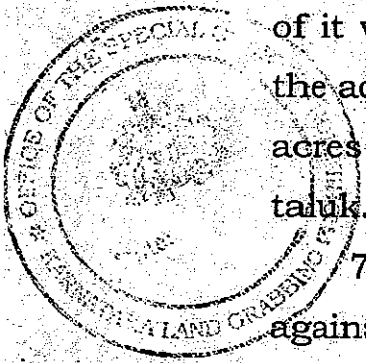
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 6.09 acres in Sy.No.70/2 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



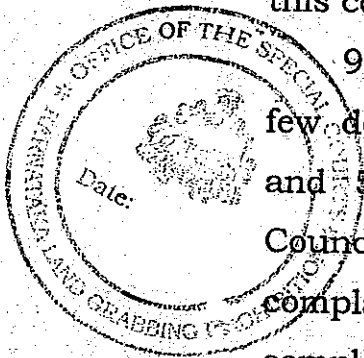
Q3

of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 6.09 acres in Sy.No.70/2 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No. 70/2. However RTC extract produced by the complainant shows that the said land belongs to one D.S. Adhinarayan, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 6.09 acres of land in Sy. No. 70/2 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to

Q3



him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.70/2 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.70/2. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy. No. 70/2. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance.

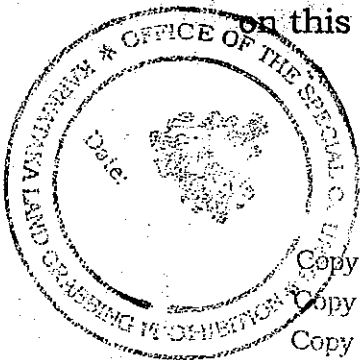
Q3

Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



Copy Applied by Bipin Hegde (Advocate for Court)
 Copy Applied on 18-3-19
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 Copy Compared by ---
 Copy Ready on 18-3-19
 Copy Delivered on 18-3-19
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H.N. Narayan 2/3/18
 (Justice H.N. Narayan)

Chairman
Balakrishna.B. 2/3/19
 (Balakrishna.B.)
 Judicial Member

Section Officer
 Karnataka Land Grabbing Prohibition
 Special Courts, Bengaluru.

Bipin Hegde Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.889/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)

ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

973

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

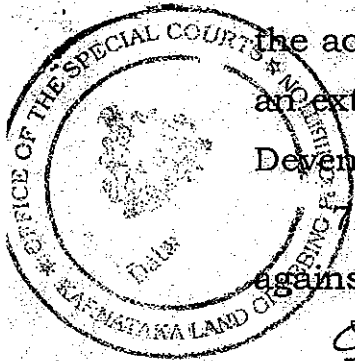
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed public road and raja kaluve to an extent of 0.04 acre in Sy.No.71/3 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be



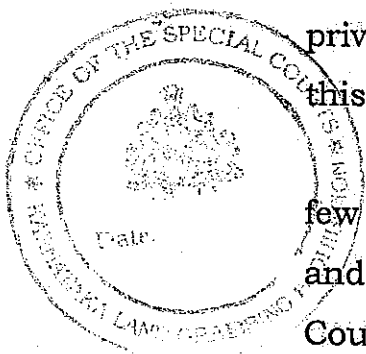
0/3

recorded as a matter of course, for even a mere allegation of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.04 acre in Sy.No.71/3 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.71/3. However RTC extract produced by the complainant shows that the said land belongs to one Chinnappa, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.04 acre of land in Sy.No.71/3 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum

93



dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.71/3 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/3. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/3. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach



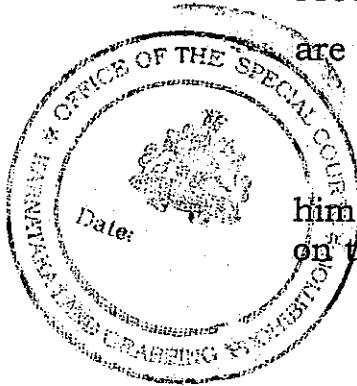
93

the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



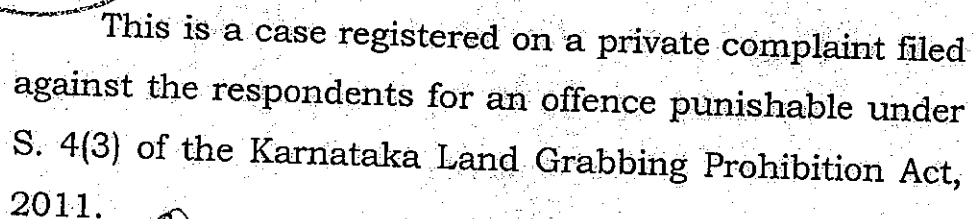
H.N. Narayan 7/3/19
(Justice H.N. Narayan)
Chairman

Balakrishna B. 19/3/19
(Balakrishna B.)
Judicial Member

Copy Applied by *Ripin Hegde* (Advocate for Comply)
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July 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

Bipin Hegde,
Adv.



2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

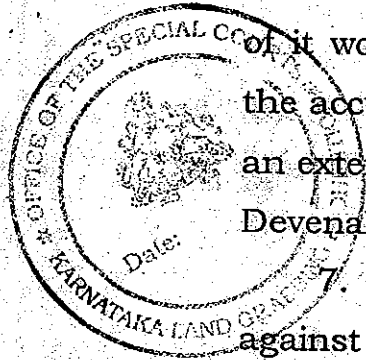
"Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? "

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed public road and raja kaluve to an extent of 3.04 acres in Sy.No.70/1 of Akkupete village, Devenahalli taluk.

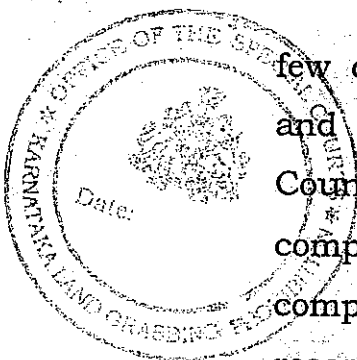
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



073

of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 3.04 acres in Sy.No.70/1 of Akkupete village belongs to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.70/1. However RTC extract produced by the complainant shows that the land belongs to government which is contrary to the report dated 7.10.2017 of the tahsildar of Devanahalli taluk to the effect that 3.04 acres of land in Sy.No.70/1 is permitted to convert for non-agriculture purpose. Between the RTC extract and the report of the tahsildar, the latter needs to be preferred. When once it is preferred what emerges is that the land in Sy.No.70/1 is a private land. Hence, the question of its grabbing cannot arise at all.

8. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum

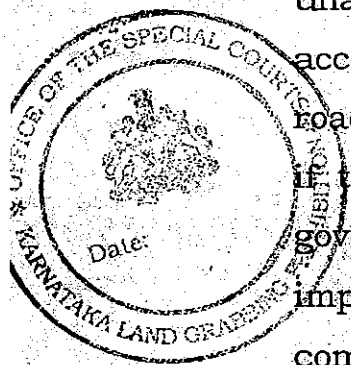


073

and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

9. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.70/1 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

10. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.70/1. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.70/1. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known



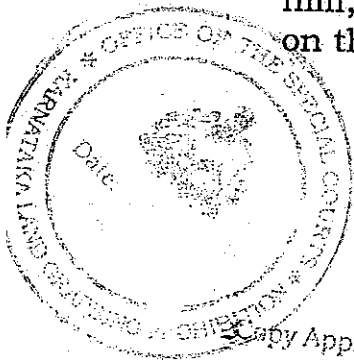
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saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



H.N. Narayan 7/3/19
(Justice H.N. Narayan)
Chairman
Balakrishna.B.
(Balakrishna.B.)
Judicial Member

Copy Applied by *Adv. For Compt.*
Copy Applied on *13-3-19*
Copy Prepared by *JA*
Copy Compared by *JA*
Copy Ready on *15-3-18*
Copy Delivered on *15-3-18*
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Sham 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

533/2019

Bipin Hegde
Adv. for Comp/1+

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.894/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

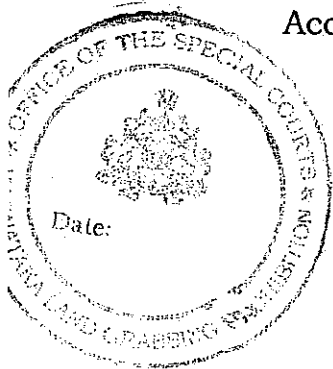
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011. 073

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

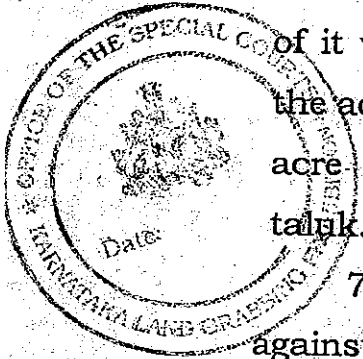
“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.04 acre in Sy.No.71/4 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation

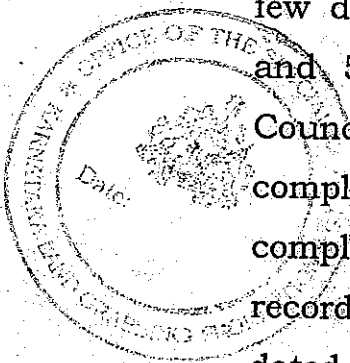


9/3

of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that of Akkupete village belongs to government. The complainant has not placed any material before court even to indicate or suggest that there exists raja kaluve in Sy.No.71/4. However RTC extract produced by the complainant shows that the said land belongs to one Muniraju, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. The question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.04 acre of land in Sy.No.71/4 of Akkupete village is a converted land. Giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017

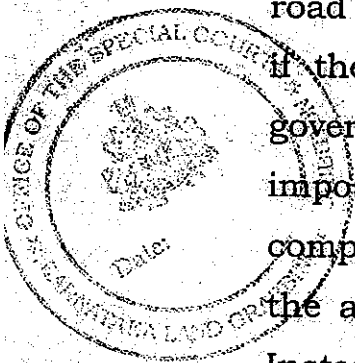


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issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupet and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in land bearing Sy.No.71/4 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/4. We are just unable even to appreciate his argument let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/4. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing an option open to him, hurriedly come



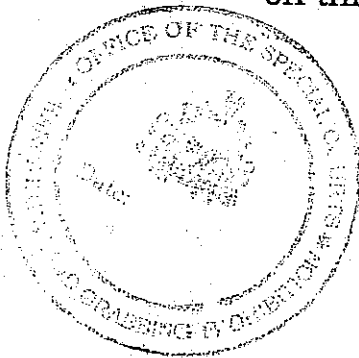
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before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision under S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



H.N. Narayan 13/3/19
(Justice H.N. Narayan)

Chairman

Balakrishna B.
(Balakrishna B.)
Judicial Member

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[Signature] 13/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

534/2019

Bipin Hegde
Adv. for Complt

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.893/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

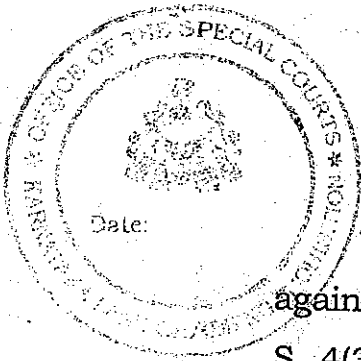
(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011. 9/3

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

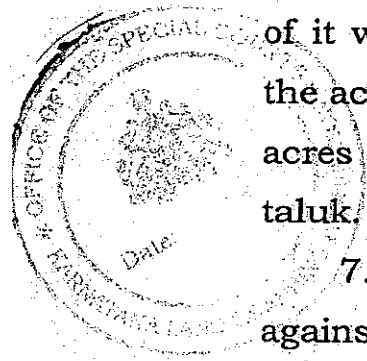
5. Our finding on the above point is the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 2.14 acres in Sy.No.65/1 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation

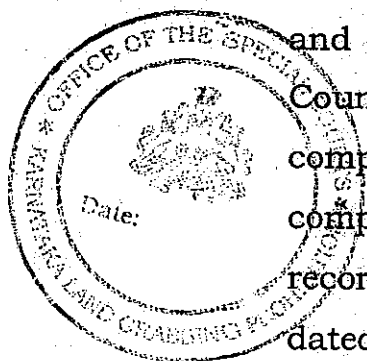




of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation there, should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 2.14 acres in Sy.No.65/1 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exists raja kaluve in Sy.No.65/1. However RTC extract produced by the complainant shows that the said land belongs to one K.Muniraju, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017 in respect of 0.04 acre in Sy.No.71/4. It has nothing to do with the land in question. As the land in question is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017

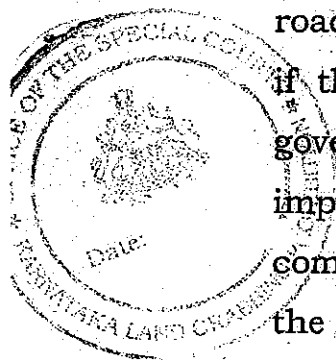


93

issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.69/3 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.65/1. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.65/1. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has



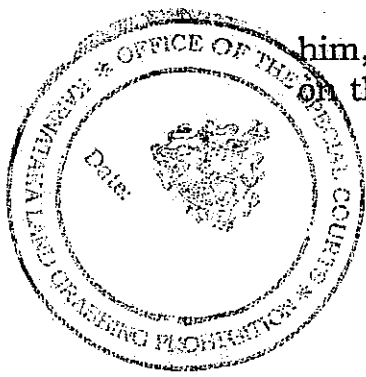
073

hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



H.N. Narayan
(Justice H.N. Narayan) 7/3/19

Chairman

Balakrishna.B.
(Balakrishna.B.)

Judicial Member

Copy Applied by *Adv. for Comp H*
Copy Applied on *13-3-19*
Copy Prepared by *—*
Copy Compared by *—*
Copy Ready on *18-3-19*
Copy Delivered on *19-3-19*
5 page *10p*

Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.
18/3/19

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.892/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

73

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.32 acre in Sy.No.71/1 of Akkupete village, Devenahalli taluk.

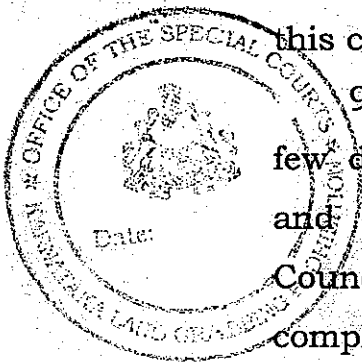
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation



of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.32 acre in Sy.No.71/1 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist public road and raja kaluve in Sy.No.71/1. However RTC extract produced by the complainant shows that the said land belongs to one M.Manjunath, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.32 acre of land in Sy.No.71/1 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for recording substance of accusation. Official memorandum

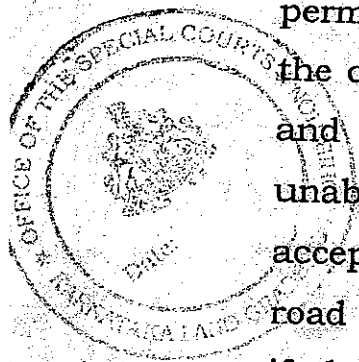


9/3

dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in land bearing Sy.No.71/1 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/1. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/1. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach



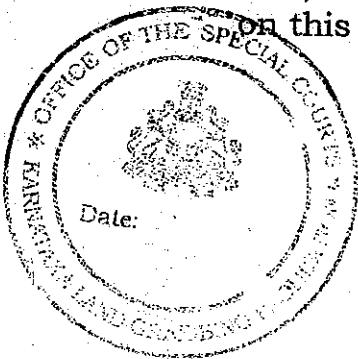
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the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

ORDER

Acting under S. 258 of the Code of Criminal Procedure, the proceedings are stopped and the accused are released.

(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).



[Signature]
(Justice H.N. Narayan) 7/3/19

Chairman

[Signature]
(Balakrishna.B.)
Judicial Member

Copy Applied by *Advocate for Compt*
Copy Applied on *13-3-19*
Copy Prepared by *[Signature]*
Copy Compared by *[Signature]*
Copy Ready on *18-3-19*
Copy Delivered on *18-3-19*
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[Signature] 18/3/19
Section Officer
Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.

Bipin Hegde
Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.891/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)

ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed
against the respondents for an offence punishable under
S. 4(3) of the Karnataka Land Grabbing Prohibition Act,
2011. 13



2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

5. Our finding on the above point is in the negative for the following:

REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve to an extent of 0.15 acre in Sy.No.69/3 of Akkupete village, Devenahalli taluk.

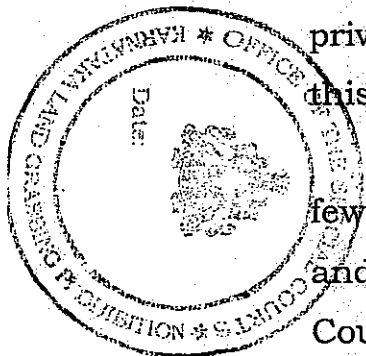
7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be

9/3

recorded as a matter of course, for even a mere allegation of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 0.15 acre in Sy.No.69/3 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there exist raja kaluve and roads in Sy.No.69/3. However RTC extract produced by the complainant shows that the said land belongs to one M.Puspa, as his name finds a place both in column 9 and 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 0.15 acre of land in Sy.No.69/3 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for



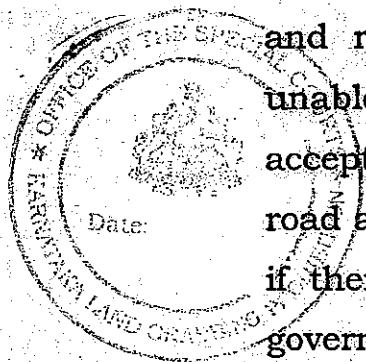
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recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 13.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.69/3, of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.69/3. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.69/3. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition

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imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

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(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

Copy Applied by Bijith Hegde (Justice H.N. Narayan)

Copy Applied on 13-3-2019 (by court)

Copy Prepared by etw

Copy Compared by etw

Copy Ready on 18-3-2019

Copy Delivered on 18-3-2019

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Chairman

(Balakrishna.B.)

Judicial Member

Section Officer

Karnataka Land Grabbing Prohibition
Special Courts, Bangalore.

(K-100, 518/2017)
Bipin Hegde, Advocate

**IN THE KARNATAKA LAND GRABBING PROHIBITION
SPECIAL COURT, BENGALURU**

Present

Justice H.N. Narayan,
Hon'ble Chairman

and

Sri. Balakrishna.B.,
Hon'ble Judicial Member

L.G.C.(P) No.890/2017

Dated this the 7th March 2019

Complainant:

Sri Madhusudhan B.R.

(Represented by advocate
Sri. S.Mohan)

vs.

Accused:

Sri Muniraju K. and
another

(Represented by advocate
Sri. Bipin Hegde)



ORDER ON SUBSTANCE OF ACCUSATION

This is a case registered on a private complaint filed against the respondents for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011.

073

2. By an order dated 7.7.2017, cognizance of an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 (for the sake of brevity, it will hereinafter be referred to as the Act only) was taken against the respondents.

3. Heard.

4. A short point that falls for our determination is:

“Whether substance of accusation for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 is to be recorded against the respondents? “

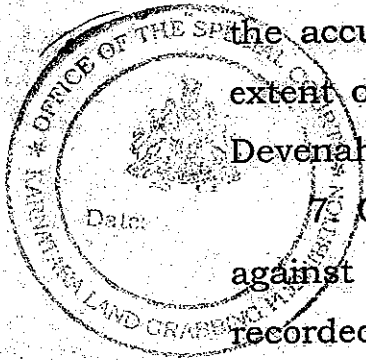
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REASONS

6. Albeit the complainant has placed on record several facts, the method adopted by him is not reconcilable with the intention behind Form I. Even otherwise, the complaint is not presented in Form I. Instead of furnishing the particulars absolutely needed, the complainant has pleaded several facts not relevant. The complaint is ambiguous and vague. A plain reading of it would drive home the complainant's grievance that the accused have grabbed raja kaluve and roads to an extent of 2.30 acres in Sy.No.71/8 of Akkupete village, Devenahalli taluk.

7. On the premise that cognizance is already taken against the accused, substance of accusation cannot be recorded as a matter of course, for even a mere allegation

9/3



of land grabbing is sufficient to take cognizance. Whereas for recording substance of accusation, there should be some material capable of driving the court further proceed against the accused. It is pertinent to note that 2.30 acres in Sy.No.71/8 of Akkupete village does not belong to government. The complainant has not placed any material before court even to indicate or suggest that there existing public road and raja kaluve in Sy.No.71/8. However RTC extract produced by the complainant shows that the said land belongs to one G.Dasaratharami Reddy, as his name finds a place both in column 9 and 12 in addition to the names of other persons in column 12 of it driving home the fact that it is a private land. Hence, the question of its grabbing cannot arise at all.

8. Pursuant to the complaint, a detailed report was called from the tahsildar, Devenahalli. He submitted a report dated 7.10.2017. It amply points out that 2.30 acres of land in Sy.No.71/8 of Akkupete village is a converted land giving enough indication that it is a private land and thus it is well outside the jurisdiction of this court.

9. The complainant has produced xerox copies of a few documents. Amongst them, letter dated 27.3.2017 and 5.5.2017 written by Akash Institute of Medical Council of India to Dr. Rajendra Wabale and the complainant respectively. They do not help the complainant in making out a case against the accused for

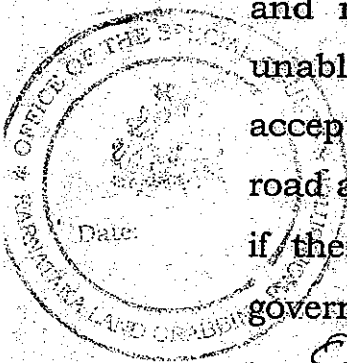


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recording substance of accusation. Official memorandum dated 9.1.2014 and letter dated 2.2.2017 addressed to him by BIAAPA and an endorsement dated 9.2.2017 issued to him are also relied upon. Official memorandum and an endorsement relate to 6.06 acres in Sy.No.70/2 of Akkupete and they have nothing to do with the land in question.

10. The letter dated 2.2.2017 of BIAAPA points out that its approval is not obtained to put up construction in lands bearing Sy.No.71/8 of Akkupete village. Even if it is presumed that the land in question is also included in the said letter, there cannot be any hesitation in saying that the remedy open to the complainant is before BIAAPA and not before this court. Thus, the documents relied upon by the complainant cannot make out a case for recording substance of accusation against the accused.

11. Notwithstanding the facts on record, the complainant repeatedly argued that without obtaining the permission of BIAAPA, the accused have proceeded with the construction work encroaching upon the public road and raja kaluve existing in Sy.No.71/8. We are just unable even to appreciate his argument, let alone accepting it, for want of any material to show that public road and raja kaluve exist in Sy.No.71/8. Even otherwise if there is any contravention or violation of any term governing the permission for conversion or condition



imposed by BIAAPA, it cannot be said that the complainant has no remedy at all. He has to approach the authorities concerned in redressal of his grievance. Instead of availing the option open to him, he has hurriedly come before this court ignoring the well known saying "haste always make waste". On the basis of the materials made available, it is not possible to drive the accused to their trial for an offence punishable under S. 4(3) of the Karnataka Land Grabbing Prohibition Act, 2011 by recording a substance of accusation against them. To put it in other words, as substance of accusation for the said offence cannot be recorded against the accused, the proceedings have to be dropped invoking the provision contained in S. 258 of the Code of Criminal Procedure and the accused have to be released. In the result and for the reasons aforesaid, we proceed to pass the following:

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(Dictated to the Judgment Writer, transcribed by him, corrected and then pronounced by us in open court on this the 7th day of March 2019).

(Justice H.N. Narayan)

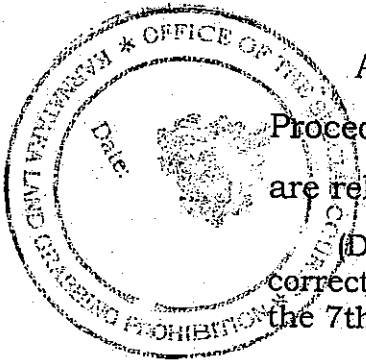
Chairman

(Balakrishna.B.)

Judicial Member

Section Officer

Karnataka Land Grabbing Prohibition
Special Courts, Bengaluru.



Copy Applied by Bipin Hegde (Advocate for Complainant)
Copy Applied on 13-3-19
Copy Prepared by -
Copy Compared by -
Copy Ready on 18-3-19
Copy Delivered on 18-3-19
5 page, 10/-

BANGALORE INTERNATIONAL AIRPORT AREA PLANNING AUTHORITY, DEVANAHALLI

No. 333/1, 1st Floor, V.J. Complex, Shanthinagar, Sulibele Road, Devanahalli Town, Bangalore Rural District-562 110. Website : www.biaapa.in

No. BIAAPA/TP2/MIS/68/2015-16/1896

Date: 21 AUG 2015

To,

Chairperson,
Akash Education & Development Trust,
Ward No. 22, Prashanthnagara, Devanahalli,
Bangalore Rural District

Sir,

Sub: Request for issue of Certificate for the ownership of various lands in Akkupete Village, Kasaba Hobali, Devanahalli Taluk, Bangalore Rural District, duly certifying the Land Usage of the Purpose for which the lands are converted, in the name of Akash Education and Development Trust;

Ref: Your Request letter dated: 17-08-2015

With reference to the above vide reference (1) The Secretary, Akash Education & Development Trust, has requested this authority to issue land use of the following survey no's of Akkupete Village, Kasaba Hobali, Devanahalli Taluk has directed in your letter under reference (2) to submit a land use certificate in original certificate issued by competent authority.

In this connection, as verified from the Master Plan- 2021 for Local Planning area Bangalore International Airport Area Planning Authority are as follows.

S.No.	Name of Village	Survey No.	Extent of Land (A-G)	Conversion order No.	Land Use as per Master Plan - 2021
1)	Akkupete	65/1	0-21	ALN (DEV)SR/92/2012-13	Public and Semipublic
2)	Akkupete	65/2	0-21	ALN (DEV)SR/149/2012-13	Public and Semipublic
3)	Akkupete	68	0-22	ALN (DEV)SR/91/2012-13	Public and Semipublic
			1-18		Proposed Road and Road Buffer
4)	Akkupete	69/1	1-13	ALN (DEV)SR/56/2005-06	Public and Semipublic, Road
5)	Akkupete	69/2	1-00	ALN (DEV)SR/94/2012-13	Public and Semipublic
6)	Akkupete	69/3	0-15	ALN (DEV)SR/89/2012-13	Public and Semipublic
7)	Akkupete	70/1	3-04	ALN (DEV)SR/31/2013-14	Public and Semipublic and Road Buffer

P.T.O.....

S.No.	Name of Village	Survey No.	Extent of Land (A-G)	Conversion order No.	Land Use as per Master Plan - 2021
8)	Akkupete	70/2	6-06	ALN (DEV)SR/12/2013-14	Public and Semipublic
9)	Akkupete	71/1	0-32	ALN (DEV)SR/10/2012-13	Public and Semipublic
10)	Akkupete	72/1	0-15	ALN (DEV)SR/147/2012-13	Public and Semipublic
11)	Akkupete	72/7	0-27	ALN (DEV)SR/148/2012-13	Public and Semipublic
12)	Akkupete	72/8	0-15	ALN (DEV)SR/150/2012-13	Public and Semipublic & Residential
13)	Akkupete	71/3	0-04	ALN (DEV)SR/100/2012-13	Public and Semipublic
14)	Akkupete	71/4	0-04	ALN (DEV)SR/98/2012-13	Public and Semipublic
15)	Akkupete	71/5	0-04	ALN (DEV)SR/87/2012-13	Public and Semipublic
16)	Akkupete	71/6	0-04	ALN (DEV)SR/88/2012-13	Public and Semipublic
17)	Akkupete	71/7	0-16	ALN (DEV)SR/101/2012-13	Public and Semipublic
18)	Akkupete	71/8	2-31	ALN (DEV)SR/84/2012-13	Public and Semipublic & Proposed Road
Total			20-32		

This is only for specific use as requested by the applicant. This letter will not be a document for any other purposes.

Yours Faithfully,

P. S. 24.8.15
Joint Director, Town & Country
Planning & Member Secretary,
Bangalore International Airport Area
Planning Authority,
Devanahalli 24.8.15