

IN THE HIGH COURT OF KARNATAKA AT BANGALORE
(Original Jurisdiction)

W.P. No. 15500 / 2013 (PIL)

Serial No. _____

Address for Service

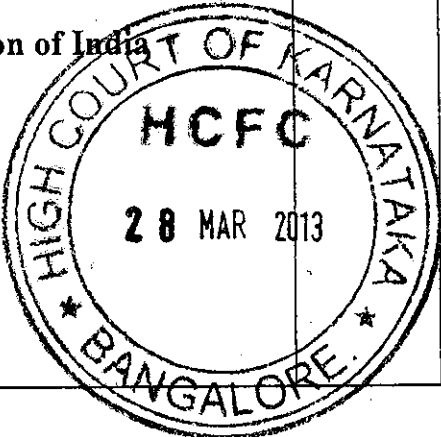
Nalina Myegowda
Advocates & Solicitors
'The Estate', Level One
121 Dickenson Road
Bangalore 560 042

Between
Namma Bengaluru Foundation

And

State of Karnataka & Another

Sl. No.	Description of Paper Presented	Court fees Affixed on the Paper
1.	Memorandum of Writ Petition under Articles 226 and 227 of the Constitution of India	
	TOTAL	



Number of Copies Furnished

Other side Served

Presented by

Advocate for Petitioner

Received Paper with
Court-fee labels as above

Advocate's Clerk

Date: 28/03/2013

Receiving Clerk

**IN THE HIGH COURT OF KARNATAKA
AT BANGALORE**

(Original Jurisdiction)

Writ Petition No. 15500/2013 (PIL)

BETWEEN

NAMMA BENGALURU FOUNDATION

...PETITIONER

AND

STATE OF KARNATAKA AND ANOTHER

...RESPONDENTS

I N D E X

Sl. No.	Description	Page No
1.	Synopsis	1-8
2.	Memorandum of Writ Petition	9-52
3.	Verifying Affidavit	53
4.	Annexure "A": Copy of the order dated February 15, 2013 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 67/2013.	54
5.	Annexure "B": Copy of the JLC report dated 01.02.2007.	55-154
6.	Annexure "B": Typed copy and Translated copy	155-244
	<u>Volume II</u>	
7.	Annexure "C": Copy of the JLC report dated 26.07.2007.	245-383
8.	Annexure "C": Typed copy and Translated copy	384-471
	<u>Volume III</u>	
9.	Annexure "D": Copy of the stay order issued by the Hon'ble Chief Minister bearing No. MuMu/203/grutha/2009 dated 16.12.2009	472-473
10.	Annexure "D": Typed copy and Translated copy	474-475
11.	Annexure "E": Copy of the letter dated 19.12.2009 addressed by the Managing Director of Karnataka Public Lands Corporation Limited to the Chief Secretary of the State of Karnataka.	476-477

12.	Annexure "F": Copy of the note bearing reference No.PSCM/3495/2010 dated 19.11.2010 issued by the Secretary to the Hon'ble Chief Minister.	478
13.	Annexure "F": Translated copy	479-480
14.	Annexure "G": Copy of the order issued by Respondent No. 1 bearing number GO No. RD 897LGB 2010 dated January 04, 2011.	481-484
15.	Annexure "G": Translated copy	485-490
16.	Annexure "H": A tabular chart indicating the various task forces / commissions set up by the Government of Karnataka.	491-494
17.	Annexure "H": Translated copy	495-504
18.	Annexure "J": Copy of the Task Force Report dated 30.06.2011.	505-787
Volume No.IV		
19.	Annexure "J": Typed copy and Translated copy	788-922
20.	Annexure "K": Copy of the letter dated September 13, 2009 addressed by His Excellency the Governor of Karnataka to the Hon'ble Chief Minister of Karnataka.	923
21.	Annexure "K": Typed Copy	924-925
22.	Annexure "L": Copy of the report dated 05.08.2011.	926-927
23.	Annexure "L": Translated and Typed copy	928-930
24.	Annexure "M": Copies of documents indicating encroachment, above 10 acres in the Chikmagalur division and Bhadra Wildlife division.	931-948
25.	Annexure "N": Copy of a news report indicating encroachment by former speaker of the Karnataka Legislative Assembly Mr. K. R. Ramesh Kumar.	949-950
26.	Vakalathnama and Authorization letter	951-952

Bangalore
Date: 28.03.2013

Advocate for Petitioner

	Council
12/07/2007	The Joint Legislature Committee had prepared its Interim Report Part II and approved it.
26/07/2007	The Interim Report Part II was submitted before the Legislative Assembly and Legislative Council
December 2008	The Karnataka Public Lands Corporation was incorporated with Rs. 5 crores of paid up share capital with an objective to protect the government lands recovered from encroachment.
19/09/2009	The Task Force for Recovery of Public Land and its Protection was constituted <i>vide</i> G.O. No. RD 556 LGB 2009
04/01/2011	The Task Force for Recovery of Public Land and its Protection was ordered to be disbanded <i>vide</i> GO No. RD 897 LGB 2010
28/01/2011	The Hon'ble Supreme Court in <i>Jagpal Singh & Ors. v. State of Punjab and Ors.</i> Issues direction the chief secretaries of all the States to prepare schemes for speedy eviction of illegal/ unauthorised occupants of common lands.
30/06/2011	The Chairman of the Task Force for Recovery of Public Land and its Protection prepared the Chairman's Report detailing the task force's activities and extent of encroachment.

04/07/2011	The Chairman's Report/ Task Force Report was submitted to Respondent No.1, However the Respondent No.1 refused to accept the report.
13/09/2011	The Governor of Karnataka took serious note of the large scale encroachment of public land and addressed a letter to the Hon'ble Chief Minister of Karnataka inquiring into the steps taken by Respondent No.1 State of Karnataka towards implementation of the Task Force Report.
25/07/2012	Letter issued by the Petitioner to the Chief Secretary, Government of Karnataka, (VidhanaSoudha) to take urgent and effective implementation of the Report dated 30.06.2011 i.e. the "Report of the Task Force for Recovery of Public Land and its Protection".
27/08/2012	Since no response was received by the Petitioner with respect to the letter dated 25/07/2012 another reminder was issued to the office of the Chief Secretary, however, no response till date has been received by the Petitioner.
	Writ Petition (Civil) No. 67/2013 filed before the Hon'ble Supreme Court.
15/02/2013	The Hon'ble Supreme Court observed that, the issues raised in Writ Petition (Civil) No. 67/2013 were indeed grave and directed that, the issues be raised before this Hon'ble Court first. Petition withdrawn.
	Hence the Present Petition

BRIEF FACTS

A. The Petitioner is filing this writ petition in public interest, being aggrieved by the extensive and unbridled encroachment of public lands *inter alia* within the State of Karnataka and especially in the vicinity of Bangalore, as indicated in the reports submitted by the Joint Legislative Committee of the Legislature of Karnataka and the subsequent report of the Task Force for Recovery of Public Land and its Protection and for strict compliance of laws for protection of public land from encroachment. Approximately 11 lakh acres of public land, especially 1,65,796 (One Lakh Sixty Five Thousand Seven Hundred and Ninety Six) acres of forest land, of which 1,04,497 (One Lakh Four Thousand Four Hundred and Ninety Seven) acres in ecologically sensitive Western Ghats, in three districts alone is under encroachment, the value of which has been estimated by the Task Force for Recovery of Public Land and Protection to be Rs.1,95,000 Crores (Rupees One Lakh Ninety Five Thousand Crores Only), which is far greater than the estimated value of loss caused to the public exchequer in the Telecommunication 2G spectrum scam and the illegal mining scam in Karnataka and Andhra Pradesh, cumulatively.

B. The Petitioner is also filing this petition praying for strict compliance with the significant orders passed by the Hon'ble Supreme Court in W.P. No. 202 of 1995, i.e. *T.N. Godavarman Thirumalpad v. Union of India* and the order dated 28.01.2011 passed in Civil Appeal No. 1132/2011 i.e., *Jagpal Singh and others*

v. State of Punjab and others AIR 2011 SC 1123. It is submitted that, the orders passed by the Hon'ble Supreme Court have led to the protection of the forest lands and the Public Commons which have played a vital role in sustaining the biodiversity and the livelihood needs of the rural poor. It is a matter of deep concern that the State of Karnataka has not only failed to implement effectively the said orders of the Hon'ble Supreme Court but also in many instances colluded with the powerful and the mighty who have encroached the forest and the Public Commons and continue to be illegally in possession of the same causing great adverse impact on the environment and livelihoods of the poor and heavy pollution of the water bodies that includes important lakes, tanks, ponds which have been sources of drinking water for the population. Though the GOK (Government of Karnataka) had constituted a Task Force at the instance of the legislature in September 2009, the same was disbanded hastily in June 2011 when the Task Force was in the process of identifying and removing the encroachments.

- C. On 17.06.2006, the Legislature of Karnataka had appointed a Joint Legislature Committee comprising of 14 MLAs and 6 MLCs to enquire into and submit a detailed report on encroachment of government lands in Bangalore and adjoining areas. In the year 2007, the JLC published two reports (hereinafter collectively referred to as the "**JLC Reports**"), whereunder it was concluded that the State and its instrumentalities have failed in their duty to protect government and public land and have become helpless, tolerant

witnesses and in many cases, active participants, abettors and promoters in land grabbing crimes.

- D. Karnataka Legislative Assembly was dissolved in the year 2007. Thereafter, the new government set up a Task Force for Recovery of Public Land and its Protection to reinforce implementation of various laws for preventing encroachment and recovering encroached public land.
- E. During the course of its functioning, the Task Force encountered Herculean difficulties such as lack of administrative will and coordination, for recovering encroached public land. The attempts of the Task Force were also, at times, foiled by passing of Government Orders, which were apparently without authority and illegal. It is respectfully submitted that although the Task Force was undertaking tremendous efforts for recovering encroached public land, the then Minister of Revenue Department of the State of Karnataka, with *mala fide* intention, disbanded the Task Force with effect from July 04, 2011. At this juncture, it is pertinent to submit that the Respondent No. 1 had set up sixteen (16) Task Forces, in or about the year 2009. However, except for the Task Force for Recovery of Public Land and its Protection, the rest of the Task Forces continue to remain in existence till this date.
- F. Since the Task Force was to be disbanded with effect from July 04, 2011, a report dated 30/06/2011 (hereinafter referred to as the “**Task Force Report**”) was prepared and submitted by the Task Force (the JLC Reports and the Task Force Report are collectively referred to


as "the Reports"). From newspaper reports, it appears that the said report has not been accepted by the State, on account of certain alleged procedural irregularity.

- G. The JLC Reports and the Task Force Report indicate that around 27,336 acres of land has been usurped within and in the vicinity of Bangalore. The Reports state that the estimated value of such encroachments in the Bangalore Urban District alone is Rs. 40,000 Crores.
- H. The adjoining taluks of Bangalore Urban district such as Hoskote, Nelamangala, Doddaballpur, Devanahalli, etc. are only nominally classified as Bangalore Rural District whereas they are as urban as the taluks in Bangalore Urban District. The encroachment in the Bangalore Rural District is nearly 50,000 acres valued conservatively under the Guidance Value at over Rs.23,000crores.
- I. The Petitioner respectfully submits that the Respondent No. 1 has failed to effectively comply with order dated 28/01/2011 passed by the Hon'ble Supreme Court in Civil Appeal No. 1132/2011 i.e., *Jagpal Singh and others v. State of Punjab and others* AIR 2011 SC 1123. It is respectfully submitted that by the aforesaid order, the Hon'ble Supreme Court had directed that effective steps be taken for protection of public land from encroachment, by all States.
- J. It is most respectfully submitted that the JLC Reports and the Report of Task Force clearly demonstrate the inability of the State to take effective measures for protection of public land from encroachment

and recovery, thereby necessitating immediate intervention of this Hon'ble Court.

K. It is respectfully submitted that public land/government land constitutes a shared heritage of not only the current citizenry but also for posterity. The State is the trustee of such land and is bound to ensure that such land is applied for the common benefit of all current and future citizens. Moreover, it is trite law that Right to Life includes Right to Life with dignity and access to State resources. Moreover, every citizen is equally entitled to benefit out of the State's property and the acts and/or omissions of the State result in inequality and discrimination to the common citizens of India as against the high and the mighty. Therefore, the inaction of the State is tantamount to violation of the fundamental and the legal rights of the citizens. The continued inaction of the State to take effective steps to combat encroachment of public land has left the Petitioner with no other option but to approach this Hon'ble Court, under Article 226 of the Constitution of India.

Bangalore
Date:


Advocate for Petitioner
(Nalina Mayegowda)

Nalina Mayegowda
Advocate
The Estate, Level One
No. 121, Dickenson Road
Bangalore - 560.042

**IN THE HIGH COURT OF KARNATAKA
AT BANGALORE**

(Original Jurisdiction)

Writ Petition No. _____/2013 (PIL)

BETWEEN

Namma Bengaluru Foundation
A registered public charitable trust,
Having its registered office at
No.3J, NA Chambers, 7th 'C' Main
3rd Cross, 3rd Block, Koramangala,
Bangalore – 560 034,
Represented by Mr.Suresh N.R.

...Petitioner

AND

1. State of Karnataka
Through its Chief Secretary
VidhanaSoudha
Bangalore -560001

2. Karnataka Public Lands Corporation Limited
2nd Floor, Deputy Commissioner's Office Building,
K.G. Road, Bangalore - 560009
Represented by its Managing Director

...Respondents

**MEMORANDUM OF WRIT PETITION UNDER ARTICLE 226 OF
THE CONSTITUTION OF INDIA**

The Petitioner above named most respectfully submits as follows:

ADDRESS FOR SERVICE

1. The addresses of the Petitioner for service is as mentioned in the cause title above and the Petitioner may also be served through its counsel Nalina Mayegowda, Advocates and Solicitors, 1st Floor, The Estate, 121 Dickenson Road, Bangalore – 560 042.

Nalina Mayegowda

2. The Petitioner is filing this writ petition in public interest, being aggrieved by the extensive and unbridled encroachment of public lands in the State of Karnataka, as indicated in the Reports submitted by the Joint Legislative Committee of the Legislature of Karnataka and the subsequent Report of the Task Force for Recovery of Public Land and its protection and for strict compliance of laws for protection of public land from encroachment. Approximately 11 lakh acres of public land, especially 1,65,796 (One Lakh Sixty Five Thousand Seven Hundred and Ninety Six) acres of forest lands of which 1,04,497 (One Lakh Four Thousand Four Hundred and Ninety Seven) acres in ecologically sensitive Western Ghats in three districts alone, has been encroached in the state of Karnataka. The value of the land has been estimated by the Task Force for Recovery of Public Land and Protection to be Rs.1,95,000 Crores (Rupees One Lakh Ninety Five Thousand Crores Only), which is far greater than the estimated value of loss caused to the public exchequer in the Telecommunication 2G spectrum scam and the illegal mining scam in Karnataka and Andhra Pradesh, cumulatively. The Reports record various instances of blatantly illegal regularization of unauthorized occupation of government land to an extent of 20,000 acres falling within the 18 km limit of Bruhat Bangalore Mahanagara Palike. The Petitioner is also filing this petition praying for strict compliance with order dated 28/01/2011 passed by the Hon'ble Supreme Court in Civil Appeal No. 1132/2011 i.e., *Jagpal Singh and others v. State of Punjab and others* AIR 2011 SC 1123 and in W.P. No. 202 of 1995, i.e. *Godavarman Thirumulpad v. Union of India*. It is submitted that, vide the said order, the Hon'ble Supreme Court had

Handwritten signature

directed that effective steps be taken for protection of public land from encroachment, by all States. Despite the aforesaid order, the State of Karnataka not only failed to take effective steps for compliance with the said order but also disbanded the Task Force for Recovery of Public Land and its Protection.

3. This Petitioner, in Writ petition (Civil) No. 67/2013, had approached the Hon'ble Supreme Court seeking the similar reliefs as sought in this petition. The Hon'ble Supreme Court observed that, the issues raised in this petition were indeed grave and directed that, the issues be raised before this Hon'ble Court first. Copy of the order dated February 15, 2013 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No. 67/2013 as obtained from the website of the Hon'ble Supreme Court is produced as Annexure "A".

Facts of the Case:

4. The Petitioner is a public charitable trust settled by Mr.Sanjay Prabhu *inter alia* with the objectives of assisting and participating in developmental activities for the general public of Bengaluru. The true copy of the original of Trust Deed as well as the authorisation for filing the present petition is being filed with the vakalatnama. The Petitioner aims to serve the people by proactively participating in and addressing various problems faced by Bengaluru and its citizens, through advocacy, partnership and activism. Petitioner is actively involved in hosting various public awareness programmes such as fire safety awareness, water

Sanjay Prabhu

conservation awareness, garbage segregation and waste management etc. to promote civic awareness amongst general public.

5. Respondent No.1, State of Karnataka is the guardian of the common lands, which are a common and shared heritage not only for the current citizenry of the state, but also for posterity. It is the solemn duty of the State to ensure that such common lands are preserved intact and not usurped illegally. Respondent No.1 is also duty bound to ensure strict and effective implementation of all laws for protection and preservation of public land.
6. Respondent No.2 Karnataka Public Lands Corporation Limited was incorporated by the State of Karnataka to *inter alia* to protect government lands recovered from encroachment.
7. On 17.06.2006, the Legislature of Karnataka had appointed a Joint Legislature Committee ("JLC") comprising of 14 MLAs and 6 MLCs under the chairmanship of Sri A.T.Ramaswamy to inquire into and submit a detailed Report on encroachment of government land in Bangalore and the adjoining areas. The JLC, during its tenure of 18 months, received 1,101 complaints, conducted 40 meetings, visited 90 sites of encroachments on 20 days and conducted over 200 internal review meetings. All the complaints received by the JLC were registered and enquired into by the JLC. Twenty eight (28) departments and statutory bodies were summoned before the JLC,

who explained the implementation process in respect of cases referred to them by the JLC.

8. After the aforesaid detailed enquiry, the JLC submitted two reports on 01.02.2007 and 26.07.2007, to the Legislature ("JLC Reports"). Original versions of the JLC reports dated 01.02.2007 and 26.07.2007 are produced as Annexure "B and "C" respectively.
9. The JLC reports conclude that various State instrumentalities such as the Bruhat Bangalore MahanagaraPalike ('BBMP') and Bangalore Development Authority ('BDA'), City and Town Municipal Councils etc., have failed in their duty to protect Government and public land, and have become helpless, tolerant witnesses, and in many cases, active participants, abettors and promoters in land grabbing crimes in tandem with the land mafia.
10. Further, the Adviser to the JLC, the former Additional Chief Secretary, Mr.V.Balasubramanian, IAS (Retd.); the Secretary for Parliamentary Affairs and Legislation; and the Principal Secretary to the Revenue Department visited Hyderabad to study the functioning of the Special Courts established under the provisions of the Andhra Pradesh Land Grabbing (Prohibition) Act, 1984 and the mechanisms adopted by the Hyderabad Urban Development Authority and the Municipal Corporation of Hyderabad for preventing encroachments. Pursuant to the aforesaid study and the JLC report, the Karnataka Land Grabbing (Prohibition) Bill, 2007 was passed by both the

Handwritten signature/initials

houses of the Karnataka legislature, unanimously. Moreover, the Revenue Department also piloted a legislation for incorporating an amendment to the Karnataka Land Revenue Act, 1964 ("KLR Act") to make land grabbing and abettors of land grabbers liable for imprisonment and fine under Section 192-A of the KLR Act.

11. Although the JLC submitted detailed reports, the Karnataka Legislative Assembly was dissolved in 2007 and the JLC also came to be defunct consequent to the imposition of President's rule. Upon formation of the new Government, immediate action was not taken to implement the recommendations of the JLC.
12. The JLC reports state that an area of 1099 acres of forest land is encroached by 312 persons in Bangalore Urban District Forest Division, besides 313 acres of tank bed land by 553 persons. The Bannerghatta National Park which spans over 7374 acres have been encroached by 813 persons for an extent of 767 acres.
13. The JLC reports further state that, in Uttarahalli Manavarathe Kaval Minor Forest in Turahalli Village in Bangalore, certain real estate agents including some builders from Hyderabad have created bogus records for sale of forest land and in turn have grabbed 344 acres of pristine forest land. Out of this area, the Bangalore Development Authority has proceeded to acquire 42 acres as Banashankari VI Stage and also passed an award for Rs.3.6 Crore in favour of persons claiming to be unauthorized cultivators. The report *inter alia* states that this land lies within 15 kilometres from the Bruhat Bangalore

7/10/2011

Mahanagara Palike limits and therefore is prohibited under the Karnataka Land Revenue Act to regularize any such unauthorized occupation of land. Even after being aware of the fact that this land lies within the 15 kilometre limit, and above all it is a forest land, the Bangalore Development Authority and Land Tribunal have disregarded this and have passed award in respect of forest land in favour of private persons.

14. In December 2008, the Karnataka Public Lands Corporation Limited, Respondent No.5 was incorporated with Rupees Five (5) Crores of paid up capital *inter alia* to protect government lands recovered from encroachment.
15. In order to effectively implement the recommendations of the JLC, a Task Force for Recovery of Public Land and its Protection was constituted under the chairmanship of former Additional Chief Secretary, Mr.V.Balasubramanian, IAS (Retd.) *vide* G.O. No.RD 556/LGB/2009 dated 19.09.2009 ("Task Force"). As per G.O. No.RD 556/LGB/2009 dated 19.09.2009, the Task Force was required to issue directions to government departments and statutory bodies to take appropriate actions to remove encroachments, i.e., the Task Force was effectively set up to reinforce the implementation of various laws for recovering encroached public land. Unlike the JLC report, which confines itself to encroachment of public lands in Bangalore and surrounding areas, the jurisdiction of the Task Force extended to the entire State of Karnataka including all Government lands and lands belonging to statutory and local bodies.

Handwritten signature

16. The Task Force undertook enormous efforts to identify encroached public land throughout the state of Karnataka and took various steps including conducting spot inspections, verification of property documents and issuing numerous instructions to concerned authorities to take immediate steps for recovery of public land. The Petitioner respectfully states that the Task Force not only issued a final report but also issued / ensured issuance of numerous reports in respect of certain glaring instances of encroachment. The report of the Task Force records that its efforts to recover encroached public land were defeated *inter alia* on account of lack of administrative will. A few such instances are set out hereinbelow.

17. The Task Force *inter alia* conducted a detailed investigation in respect of encroachments in Gollahalli village, Anekal Taluk, Bangalore Urban District. The Task Force report *inter alia* states that a road was formed in the middle of lake land encroaching approximately 2 acres and 11 guntas of lake land. At the penultimate moment, when the entire machinery of the Taluk office and Deputy Commissioner's office along with members of the Special Task Force were on the spot to carry on demolition of encroachments, the persons in occupation of such land obtained an order of injunction / stay from the Chief Minister of Karnataka that no action be taken to remove the encroachments (road) and that *statusquo* be continued. The Petitioner respectfully submits that the aforesaid stay order was issued for vested interests and not for public good and this in fact

Handwritten signature and scribbles

resulted in obstruction of public servants carrying on their public duties. Consequently, the Managing Director of Karnataka Public Land Corporation, issued a letter dated 19.12.2009 to the Chief Secretary of the State of Karnataka requesting for vacation of the stay order/ withdrawal of the directions given on 16.12.2009, but to no avail. Copy of the stay order issued by the Hon'ble Chief Minister bearing No.MuMu/203/grutha/2009 dated 16.12.2009 is produced as Annexure "D". Copy of the letter dated 19.12.2009 addressed by the Managing Director of Karnataka Public Lands Corporation Limited to the Chief Secretary of the State of Karnataka is produced as Annexure "E".

18. The Task Force inquired into and ascertained multiple instances of encroachment of forest land by plantation owners and consequently addressed various letters to the concerned departments to take necessary action. To the utter shock and dismay of the Task Force, the Secretary to the Chief Minister issued a note dated 19.11.2010, whereby it was ordered that *inter alia* no precipitative action be taken without considering the submissions of the alleged encroachers and without a final decision being taken by the Government. The Petitioner respectfully submits that the aforesaid note had been issued with vested interests and private gains and had the effect of scuttling the efforts of the task force. Copy of the aforesaid note bearing reference No.PSCM/3495/2010 dated 19.11.2010 issued by the Secretary to the Hon'ble Chief Minister is produced as Annexure "F".

19. Thus, the Petitioner respectfully states that, the efforts of the Task Force were time and again foiled by the acts and/or omissions of the Respondents.
20. At this juncture, it is pertinent to submit that, the Respondent No. 1 set up 16 task forces such as the Knowledge Commission, Vision Group of Karnataka 2020, etc. and including the Task Force for Recovery of Public Land and its Protection. For reasons best known to Respondent No.1, it was communicated to the Task Force that the Task Force shall be disbanded with effect from July 04, 2011 vide GO No. RD 897 LGB 2010. Copy of the order issued by Respondent No. 1 bearing number GO No. RD 897LGB 2010 dated January 04, 2011 is produced as Annexure "G". The reasons denoted for disbanding the Task Force were factually incorrect and the decision was taken in haste. However, the other 15 task forces continued to remain in operation after disbanding the Task Force for Recovery of Public Land. The action of the Respondent No. 1 in singularly targeting and disbanding the Task Force smacks of *malafide* intention on the part of Respondent No. 1 encouraging land grabbers. A tabular chart indicating the various task forces / commissions set up by the Government of Karnataka is produced as Annexure "H".
21. The Task Force issued its Report dated 30.06.2011 titled 'Greed and Connivance', which was submitted to Respondent No.1 the State of Karnataka on 04.07.2011 (the report is hereinafter referred to as the "Task Force Report"). However, Respondent No.1 appears to have declined to accept the Task Force Report on account of alleged

गाल-गाल-र

procedural irregularities. Copy of the Task Force Report dated 30.06.2011 issued by the Task Force is produced as Annexure "J".

22. Subsequent to the submission of the Task Force Report, his Excellency the Governor of Karnataka took serious note of the large scale encroachment of public land and addressed a letter dated September 13, 2011 to the Hon'ble Chief Minister of Karnataka inquiring into the steps taken by Respondent No.1 State of Karnataka towards implementation of the Task Force Report. It was noted in the said letter that the loss to the public exchequer on account of the encroachment of public land is in the amount of approximately Rs.1,95,000 Crores (Rupees One Lakh Ninety Five Thousand Crores Only). Copy of the said letter dated September 13, 2009 addressed by His Excellency the Governor of Karnataka to the Hon'ble Chief Minister of Karnataka is produced as Annexure "K".
23. The Petitioner has reliably learnt that His Excellency the Governor of Karnataka inquired and also instructed the Respondents to act upon the Report and take action for recovering encroached public land. The Petitioner has further reliably learnt that the following three committees have been constituted by Respondent No.1:
- (i) Committee - Revenue Department, headed by Secretary to the Revenue Depart. The Petitioner has learnt that, whilst a meeting or two has been conducted, no concrete steps have been taken thus far.

Handwritten signature/initials

(ii) Committee – Forest Department, headed by the Principal Secretary, Forests, Environment and Ecology. The Petitioner has learnt that no meetings have been conducted by the Committee and that the Forest Department is not even aware of the constitution of such a Committee in respect of land grabbing.

(iii) Committee – Urban Development, headed by the Secretary, Urban Development Department. The Petitioner has learnt that no meetings have been conducted thus far, by this Committee.

24. The Task Force Report and JLC Reports (both these report are hereinafter collectively referred as “**Reports**”) opine that, despite various legal provisions for protection against encroachment and for removal of encroachment of public land, blatant encroachments of public land have become the rule than the exception due to the refusal to act or incompetence of various ‘Competent Authorities’ which is due to ignorance of legal powers, lethargy, fear of taking action, interference by powerful persons and, last but not the least, collusion with encroachers. The Task Force quotes JLC and proceeds to state that powers vested in various officers are in fact wasted on them.

25. The Task Force Report states that, of about One Lakh Thirty Thousand (1,30,000) acres of government land, about Twenty Seven Thousand Three Hundred and Thirty Six (27,336) acres, i.e. Twenty

27/01/2017

One percentage (21%) of the land, has been illegally usurped around and within the vicinity of Bangalore. The Reports state that the estimated value of the encroachments in the Bangalore urban District consisting of the five taluks of Bangalore North, Bangalore North Additional, Bangalore East, Bangalore South and Anekal Taluks, on a conservative estimate of Rupees One and half (1.5) Crore per acre, on average, is Rupees Forty Thousand (40,000) crores.

26. The JLC Report enumerates the details of encroachment, which is extracted hereinbelow:

Sl.	Name of the Department	Encroachment in acres	Approximate value in crores
1.	Revenue Department	9294.00	18,588.00
2.	Bangalore Development Authority	2,878.20	5,236.25
3.	Mujrai	38.09	165.55
4.	a) Forest b) Tank bed	719.34 219.20	1,877.08
5.	Karnataka Industrial Area Development Board	33.22	66.44
6.	Town Municipal Councils/ City Municipal Councils	8.08	32.32
7.	Bangalore Mahanagara Palike	7.08	46.00
8.	Karnataka Housing Board	34.08	152.00
9.	Wakf Board	259.33	780.00
10.	Housing Co-operative Societies	86.19	170.00
11.	Bangalore University	11.22	96.11
12.	Transport Department	3.31	18.00
13.	Health Department (NIMHANS)	3.20	25.00
14.	Animal Husbandry	45.00	100.00

	Department		
15.	Slum Clearance Board	12.19	25.00
	Total	13,614.37	27,377.75

27. The Task Force Report observes that Bangalore's rapid development and the consequent scramble for land has resulted in encroachments on Government and Public lands, land grabbing by powerful builders and land mafia with active involvement of persons in power and in politics within and in the vicinity of Bangalore. The extensive growth in Bangalore Urban and Bangalore Rural districts fuelled by the high value of lands and availability of large area of Government lands like gomal, gunduthope, tank-beds, parks and civic amenities sites have led to their extensive encroachments. The Reports states that the extensive growth of Bangalore in the last 20 years has resulted in an exponential increase in the value of land, consequently resulting in extensive encroachments of government land.
28. The JLC report observes that Bangalore Urban District contains a large extent of erstwhile Inam lands which became government land after the abolition of Inams. However, such erstwhile Inam lands which have not been validly regranted, such as Community Lands, have also been encroached. Another observation made by the Task Force was the illegal use of agricultural lands for non-agricultural purposes, chiefly residential development. For instance, Epsilon Ventures Pvt. Ltd. has facilitated construction of Villas in Bangalore without due regard to land laws. The Petitioner states that the said project was touted as Beverly Hills of Bangalore. The Task Force

Handwritten signature