

## **SYNOPSIS AND LIST OF DATES**

That the present Special Leave Petition is being filed by the Petitioner impugning the final judgment/ order dated 24.03.2017 passed by the Division Bench of the Hon'ble High of Karnataka, at Bengaluru, in Writ Petition No. 9781 of 2017, whereby the High Court has rejected the Writ Petition filed by the Petitioner, inter alia, praying for investigation by the Central Bureau of Investigation (CBI), into the allegation of corruption / misappropriation of funds by the officials of the Watershed Development Department, Kollegala, Karnataka. The High Court has rejected the Writ Petition on the ground the Lokayukta has already closed the matter. In fact the Lokayukta closed the case without considering the two enquiry reports submitted by the authorized officials showing that there is huge misappropriation of MGNREGA funds, corruption etc and, recommending disciplinary action against the employees and further detailed enquiry. The decision of the Lokayukta was on the basis of a motivated report filed by CEO Zilla Panchayat, Chamarajanaar who, in the middle of the investigation by the Ombudsman, directed the Ombudsman to withdraw from investigation, and himself submitted a report, without being authorized by any authority, to protect the officials of his own department and gave clean chit to all the persons engaged in corruption, misappropriation of Government Funds and irregular practices.

The First Enquiry Report was submitted to the District Watershed Development officer and all the concerned higher officers including the Principal Secretary of RDPR on 17/11/2012, by the Assistant Director, Agriculture recommending immediate disciplinary action against the employees and further enquiry, as it is evident from the overall view that funds were misutilised by paying crores of Rupees without preparing the work estimates, without obtaining approvals of the Executive officer, Kollegal, not recording the works executed in the measurement book, issuing false declaration and paying amount to private suppliers who have issued fake supply bills.

The Second interim progress report dated 08.05.2014 was prepared by Ombudsman and was submitted to the concerned authorities

including Upa-Lokayukta, Annexure P-6. In his report the Ombudsman has clearly opined that there were irregularities and mismanagement of the NREG funds. The report also described non co-operation of officers from the lower cadre to higher cadre in the proceedings of the Ombudsman. The Highlights of the observations made by the ombudsman are hereunder:

- The addresses of the suppliers of goods found to be fraudulent. None of them were registered with the commercial tax department.
- Violation of Karnataka Financial Code by the respondents.
- Some of the entries in the pass sheet do not mention the name of the person to whose account the money has been credited.
- From Account No. 177122000080540 of the syndicate bank Rs. 2,31,51,572.65 has been withdrawn and used for payment of daily wages from 17/01/2012 to 31/03/2014.
- From Account No. 177122000080540 of the Syndicate Bank Rs. 7,23,51,572.65 has been withdrawn and spent for the purpose of purchase of goods.
- MGNREG scheme mandates that the funds shall be used in the ratio of 60:40 proportions for payment of wages and purchases. In this case the proportion is 24:76, which is a gross violation of MGNREG scheme. Hence the intension of the scheme has not been fulfilled.
- The activities executed under the scheme were of low quality and substandard work.
- For the period from 27/07/2010 to 31/02/2014 a total sum of Rs. 10,15,99,452.00 has been withdrawn from NREG account for the purpose of purchasing materials. But the said purchases have not been reflected in the returns submitted by the traders to the commercial tax department.

Without looking into the above-mentioned fact finding report submitted by the Ombudsman, the Hon'ble Lokayukta closed the case by an order dated 04.09.2014.

That the Petitioner is a social worker and RTI activist located at Bangalore city. He is an active member of the organization called

India Against Corruption, and the organizing secretary of Karnataka Janasangrama Parishath.

That the petitioner noticed rampant corruption / misappropriation of Government funds and irregularities in implementation of Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), in the District Watershed Department, Chamarajnagar. There were complaints filed by public at large regarding misappropriation of large amount of NREG funds in the implementation of development works of the Watershed Department, for the year 2011-12, and 2012-13.

The Chief Executive Officer, Zilla Panchayat, Chamarajnagar, Respondent No. 4, who received the complaints, found prima-facie evidence of irregularities and directed the District Watershed Development Officer, Chamarajanagar to enquire into the allegations and submit a report. Based on the said letter, the District Watershed Development Officer, Respondent No. 9 issued directions to the Agricultural Officer, Kollegala, Karnatakato set right the anomalies.

The Assistant Director of Agriculture inspected the office of Taluk Agricultural Officer and on perusal of the records, he found *culpable mismanagement, misappropriation of fund, irregularities in the implementation of the scheme, non- maintenance of the cash book (day book) through money has been drawn from the account from 23.06.2012 to 07.11.2012 (Annexure P-1) and falsification of records for the purpose of drawing money*. Therefore, the Assistant Director Agriculture prepared a report recommending *immediate disciplinary action against the concerned officials of the Department and opined that there shall be high level investigation in to the matter*.

That, on 23.11.2012, the Assistant Director of Agriculture went for a field inspection to the areas coming under his jurisdiction and he was brutally assaulted by a group of persons who are the supporters of the person against whom the report dated 17.11.2012 was filed. In this regard a case has been filed and the same is pending trial before the District and Sessions Judge, Chamarajanagar for the offences involving attempt to commit murder and other relevant sections of the Indian Penal Code.

Pursuant to filing of the report by the Assistant Director of Agriculture, one Mr. Shivaraju of Kollegala, filed a complaint before the Lokayukta, Bangalore, alleging misappropriation of funds in the Scheme of NREGA and requested for an investigation in the matter. The Chief Engineer, Lokayukta, Bangalore invited a report from the District Watershed Development officer Chamarajanagar. The District Watershed officer did not respond to the said letter. Therefore, the Lokayukta written a letter to the CEO, ZillaPanchayat, Chamaranagar and directed him to enquire into the matter and send a report.

That in furtherance of the said letter by the Chief Engineer, Lokayukta, Bangalore, the CEO, ZillaPanchayat, Chamaranagar District issued an official Memorandum dated 21.12.2013 to the Ombudsman, NREGS to conduct a thorough enquiry into the allegations made by B. Shivraraju and submit report within 15 days. The Ombudsman, MGNREGAZillaPanchayat, Chamarajanagar initiated an investigation into the allegations and conducted proceedings from 13.01.2014 to 29.04.2014. But he could not complete the investigation and enquiry proceedings within the stipulated period due to non co-operation by the concerned officers and departments. The Ombudsman also requested the CEO, ZillaPanchayat, CEO, KollegalaTalukPanchayat, Chief Accounts Officer of the Zilla Panchayat, District Watershed Development Officer and Assistant Director of Agriculture to produce relevant documents pertaining to the implementation of the Scheme. But all the above officers have failed to supply the required documents to the Ombudsman for the purpose of investigation.

That, on 30.04.2014, the CEO of ZillaPanchayat, Chamarajanagar issued a letter to the Ombudsman saying that his services were no more necessary and informed that the CEO himself conducted the enquiry and filed a report to lokayukta, Bangalore on 9.4.2014 and the said report was accepted. It was informed that the CEO has prepared the said report on the basis of oral instructions dated 3.2.2014 by Lokayukta, Bangalore.

That being aggrieved by the high handed activities of the respondents, the Petitioner filed a Writ Petition in Public interest in the Hon'ble High Court of Karnataka at Bengaluru seeking a thorough investigation by a specialized agency to unearth corruption and misappropriation of the public funds allocated under the MGNREGA Scheme in the District Watershed Development Department of Kollegala Taluk. The Hon'ble High court without considering the interim report of Ombudsman, which clearly states that there were serious irregularities and mismanagement of MNREGA funds and needs detailed investigation, has rejected the Writ Petition vide the Impugned Judgment/ Order dated 24.03.2017.

Hence the instant Special Leave Petition.

2011-13        There were complaints filed by the members of the public regarding misappropriation of large amount of MNREGA funds in the implementation of the developmental works of the Watershed Department for the year 2011-12 and 2012-13. The Chief Executive Officer, Zilla Panchayat, Chamarajanagar, who received the complaints, found prima-facie evidence of irregularities and directed the District Watershed Development Officer, Chamarajanagar to enquire into the allegations and submit a report. Based on the said letter issued by the Chief Executive Officer, Zilla Panchayat, Chamarajanagar, the District Watershed Development Officer issued a letter to the Agricultural Officer, Kollegala to set right the anomalies. A copy of the said letter was sent to the Assistant Director of Agriculture of the Sub-division to take appropriate action.

17.11.2012    The Assistant Director of Agriculture along with his staff inspected the office of Taluk Agricultural Officer and on perusal of the

records, he found culpable mismanagement, misappropriation and irregularities in the implementation of the scheme, non-maintenance of the cash book (day book) through money has been drawn from the account from 23.06.2012 to 07.11.2012 and he also found falsification of records for the purpose of drawing money. Therefore the Assistant Director Agriculture prepared a report recommending immediate disciplinary action against the concerned officials of the Department and opined that there shall be high level investigation in to the matter. Copy of the said report was submitted by the Assistant Director, Agriculture to the District Watershed Development officer on 17.11.2012 with copies to all the concerned higher officers including the Principal Secretary of RDPR. Translated copy of the Report of the Assistant Director, Agriculture dated 17.11.2012 is annexed herewith as **Annexure P-1 (Pages \_\_\_\_\_)**).

23.11.2012 The Assistant Director of Agriculture went on for a filed inspection to the areas coming under his jurisdiction and he was brutally assaulted by a group of persons who are the supports of the person against whom the report dated 17.11.2012 as filed. In this regard a case has been filed and the same is pending trial before the District and Sessions Judge, Chamarajanagar for the offences involving attempt to commit murder and other relevant sections of the Indian Penal Code.

11.02.2013 Pursuant to filing of the report by the Assistant Director of Agriculture, one Mr.

Shivaraju of Kollegala, filed a complaint before the Lokayukta, Bangalore, alleging misappropriation of funds in the Scheme of NREGA and requested for an investigation in the matter. Translated copy of the complaint dated 11.02.2013 filed by Mr. Shivaraju before the Lokayukta is attached herewith as **Annexure P-2(Pages \_\_\_\_\_)**.

28.11.2013 The Chief Engineer, Lokayukta, Bangalore invited a report from the District Watershed Development Officer, Chamarajanagar. The District Watershed Development officer did not respond to the said letter. Therefore the Lokayukta wrote a letter to the CEO, ZillaPanchayath, Chamarajanagar and directed him to enquire into the matter and send a report. Translated copy of letter dated 28.11.2013 send by Lokayukta to the CEO, ZillaPanchayat, Chamarajnagar is attached herewith as **Annexure P-3(Pages \_\_\_\_\_)**.

21.12.2013 In furtherance of the letter dated 28.11.2013 by the Chief Engineer, Lokayukta, Bangalore, the CEO, ZillaPanchayath, Chamaranagar District issued an official Memorandum dated 21.12.2013 to the Ombudsman, NREGS to conduct a thorough enquiry into the allegations made by B. Shivraraju and submit report within 15 days. Translated copy of the Office Memorandum dated 21.12.2013 issued by CEO, ZillaPanchayat, Chamranagar District to Ombudsman, MGNREGA is attached herewith as **Annexure P-4(Pages \_\_\_\_\_)**.

13.01.2014 The Ombudsman, MGNREGAZillaPnachayat, to Chamarajanagar initiated an investigation

29.04.2014 into the allegations and conducted proceedings. But he could not complete the investigation and enquiry proceedings within the stipulated period due to non co-operation by the concerned officers and departments. The Ombudsman issued notices to the concerned persons on several occasions directing them to produce relevant documents before him and to cooperate with the proceedings. But the said notices were deliberately ignored. The Ombudsman also requested the CEO, ZillaPanchayath, CEO, KollegalaTalukPanchayath, Chief Accounts Officer of the ZillaPanchayath, District Watershed Development Officer and Assistant Director of Agriculture to produce relevant documents pertaining to the implementation of the Scheme. But all the above officers have failed to supply the required documents to the Ombudsman for the purpose of investigation.

30.04.2014 The CEO of ZillaPanchayat, Chamarajanagarsend a letter to the Ombudsman saying that his services were no more necessary and informed that the CEO himself conducted the enquiry and filed a report to lokayukta, Bangalore on 9.4.2014 and the said report was accepted. It was informed that the CEO has prepared the said report on the basis of oral instructions dated 3.2.2014 by Lokayukta, Bangalore. Translated copy of letter dated 30.04.2014 issued by CEO,ZillapanchayatChamarajanagar to Ombudsman is attached herewith as **Annexure P-5 (Pages \_\_\_\_\_)**.

08.05.2014 The Ombudsman prepared an interim



progress report dated 08.05.2014 and submitted the same to the concerned authorities including Upa-Lokayukta. In his report the Ombudsman has clearly opined that there were irregularities and mismanagement of the MGNREGA funds. The report also described non co-operation of officers from the lower cadre to higher cadre in the proceedings of the Ombudsman. The Highlights of the observations made by the ombudsman are hereunder:

- a. Non co-operation by the respondents and Government officers.
- b. Required documents were not supplied though demanded by the Ombudsman.
- c. The addresses of the suppliers of goods found to be fraudulent. None of them were registered with the commercial tax department.
- d. Violation of Karnataka Financial Code by the respondents.
- e. Rs. 2,98,36,394/- withdrawn from Grameen Bank under the scheme and spent for purchases and other expenses.
- f. Some of the entries in the pass book sheet do not mention the name of the person to whose account the money has been credited.
- g. From Account No. 177122000080540 of the syndicate bank Rs. 2,31,51,572.65 has been withdrawn and used for payment of daily wages from 17/01/2012 to 31/03/2014.
- h. From Account No. 177122000080540 of the Syndicate Bank Rs. 7,23,51,572.65 has been withdrawn and

spent for the purpose of purchase of goods.

- i. MGNREG scheme mandates that the funds shall be used in the ratio of 60:40 proportions for payment of wages and purchases. In this case the proportion is 24:76 which is a gross violation of MGNREG scheme. Hence the intension of the scheme has not been fulfilled.
- j. It was observed during the spot inspection by the ombudsman that the activities executed under the scheme were of low quality and substandard work.
- k. From date 27/07/2010 to 31/03/2014 a total of Rs. 10,15,99,452.00 has been withdrawn from NREG account for the purpose of purchasing materials. But the said purchases have not been reflected in the returns submitted by the traders to the commercial tax department.

Translated copy of Interim report dated 08.05.2014 submitted by the Ombudsman is attached herewith as **Annexure P-6(Pages \_\_\_\_\_)**.

14.09.2014 Without looking into the fact finding report submitted by the Ombudsman, the Hon'ble Lokayukta closed the case by an order dated 04.09.2014. Translated copy of the order dated 4.9.2014 passed by the Lokayukta is attached herewith as **Annexure P-7 (Pages \_\_\_\_\_)**.

- 17.01.2015 The Lokayukta issued a letter dated 17.01.2015 to the Respondent NO. 13 herein and informed that the proceedings on the complaint filed by him have been closed. Translated copy of the letter dated 17.01.2015 issued by the Lokayukta to Respondent No. 13 is attached herewith as **Annexure P-8 (Pages \_\_\_\_\_)**.
- 03.03.2017 The Petitioner has filed Writ Petition No. 9781 of 2017 with the High Court of Karnataka at Bengaluru seeking direction for investigation by the Central Bureau of Investigation in respect of allegations made against the officials of the Watershed Development Department, Kollegala in furtherance of the Report filed by the Ombudsman dated 8.5.2014. Copy of the Writ Petition filed by the Petitioner before the Hon'ble High Court of Karnataka at Bengaluru is attached here with as **Annexure P-9 (Pages \_\_\_\_\_)**.
- 24.03.2017 The Hon'ble Division Bench of High Court of Karnataka, Bengaluru passed order against the Writ Petition and rejected the Writ Petition filed by the Petitioner herein (Impugned Judgment/ Order).
- \_\_.08.2017 Hence the present SLP

1.	THE GOVERNMENT OF KARNATAKA REPRESENTED BY THE PRINCIPAL CHEIF SECRETARY VIDHANA SOUDHA BANGALORE-560 001	Respondent No.1	Respondent No.1
2.	DEPARTMETN OF RURAL DEVELOPMENT AND PANCHAYATRAJ REPRESENTED BY ADDL CHIEF SECRETARY AND PRINCIPAL SECRETARY GOVERNMENT OF KARNATAKA M S BUILDING DR .AMBEDKAR	Respondent No. 2	Respondent No.2

VEEDHI  
BANGALORE-560  
001

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|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|
| 3. | DEPARTMENT OF<br>AGRICULTURE<br>REPRESENTED BY<br>THE<br>ADDITIONAL<br>PRINCIPAL CHIEF<br>SECRETARY<br>GOVERNMENT OF<br>KARNATAKA,<br>M.S.BUILDING<br>DR.AMBEDKAR<br>VEEDHI,<br>BANGALORE - 560<br>001. | Respondent No.3  | Respondent No.3     |
| 4. | THE CEO<br>ZILLA PANCHAYATH,<br>CHAMARAJANAGARA<br>DISTRICT - 571 122.                                                                                                                                  | Respondent No. 4 | Respondent No.4     |
| 5. | DR.<br>K.H.NARASIMHAMUR<br>THY<br>EX.CEO,<br>ZILLA PANCHAYTH,<br>CHAMARAJANAGARA<br>DISTRICT - 571 122.                                                                                                 | Respondent No. 5 | Respondent No.5     |
| 6. | THE DEPUTY<br>COMMISSIONER<br>CHAMARAJANAGAR<br>DISTRICT-571122                                                                                                                                         | Respondent No. 6 | Respondent No.6     |
| 7. | THE COMMISSIONER<br>MGNREGA<br>DEPARTMENT OF<br>RDPR<br>M.S.BUILDING-560<br>001                                                                                                                         | Respondent No.7  | Respondent No.7     |
| 8. | THE COMMISSIONER<br>WATERSHED<br>DEVELOPMENT<br>DEPARTMENT,<br>CAUVERY BHAVAN<br>KHB COMPLEX<br>K.G.ROAD-560 001                                                                                        | Respondent No.8  | Respondent No.8     |
| 9. | DISTRICT<br>WATERSHED                                                                                                                                                                                   | Respondent No.9  | Respondent No.<br>9 |

DEVELOPMENT  
OFFICER  
CHAMARAJANAG  
ARA DISTRICT,  
CHAMARAJANAG  
ARA-571122

- |     |                                                                                                                                                                               |                   |                      |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|----------------------|
| 10. | SIDDE GOWDA<br>ASSISTANT<br>DIRECTOR OF<br>AGRICULTURE,<br>GUNDLUPET<br>TALUK<br>CHAMARAJANAG<br>ARA DISTRICT-<br>571 122                                                     | Respondent No. 10 | Respondent No.<br>10 |
| 11. | SRIKANTASWAMY<br>RETIRED<br>ASSISTANT<br>AGRICULTURAL<br>OFFICER,<br>HOUSE NO.LIG-<br>49<br>KARNATAKA<br>HOUSING BOARD<br>COLONY,<br>CHAMARAJANAG<br>ARA DISTRICT-<br>571 122 | Respondent No. 11 | Respondent<br>No.11  |
| 12. | B MAHADEV<br>AGRICULTURAL<br>ASSISTANT,<br>C/O ASSISTANT<br>DIRECTOR OF<br>AGRICULTURE,<br>KOLLEGALA<br>TALUK<br>KOLLEGALA-572<br>123                                         | Respondent No. 12 | Respondent<br>No.12  |
| 13. | SHIVARAJU<br>HOUSE NO.4/20<br>KALLUBAVI<br>BEEDI,<br>BHEEMA<br>NAGARA,<br>KOLLEGALA<br>TALUK-572 123                                                                          | Respondent No. 13 | Respondent<br>No.13  |
| 14. | MR. RATNA<br>NAYAK<br>EX.OMBUDSMAN                                                                                                                                            | Respondent No. 14 | Respondent<br>No.14  |

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MGNREGS, ZILLA  
PANCHAYATH,  
CHAMARAJANAG  
AR DISTRICT-571  
122

- |     |                                                                                                                                                        |                   |                      |
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| 15. | D.HUCHAIAH<br>RETIRED<br>ASSISTANT<br>DIRECTOR OF<br>AGRICULTURE,<br>NO.M 79, JTK III<br>STAGE,<br>K.H.B.COLONY,<br>KUVEMPUNAGAR<br><br>,<br>MYSORE-23 | Respondent No. 15 | Respondent<br>No.15  |
| 16. | THE<br>SUPERINTENDEN<br>T OF POLICE<br>CENTRAL<br>BUREAU OF<br>INVESTIGATIONS<br><br>,<br>GANGANAGAR,<br>BANGALORE-<br>560074                          | Respondent No. 16 | Respondent No.<br>16 |

**TO,  
THE HON'BLE CHIEF JUSTICE OF INDIA AND HIS COMPANION  
JUSTICES OF THE HON'BLE SUPREME COURT OF INDIA**

THE HUMBLE PETITION ON BEHALF  
OF THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the present Special Leave Petition is being filed by the Petitioner impugning the final judgment/ order dated 24.03.2017 passed by the Division Bench of the Hon'ble High of Karnataka, at Bengaluru, in Writ Petition No. 9781 of 2017, whereby the High Court has rejected the Writ Petition filed by the Petitioner, inter alia, praying for investigation by the Central Bureau of Investigation (CBI), into the allegation of corruption /

misappropriation of funds by the officials of the Watershed Development Department, Kollegala, Karnataka.

**2. QUESTIONS OF LAW:-**

- A. Whether the High Court and Lokayukta are right in passing the Judgment / order by not considering the interim enquiry report submitted by the Ombudsman showing that there is serious allegation of corruption / misappropriation of fund in implementation of MGNREGA, which needs further detailed enquiry?
- B. Whether the High Court is right in rejecting the Writ Petition filed by the Petitioner alleging corruption, by citing that Lokayukta has closed the matter, without going into the two investigation reports filed by the officers who were authorized to investigate it?
- C. Whether the High Court and Lokayukta are right in accepting the Enquiry Report filed by the CEO, Zilla Panchayat favoring his own department, without proper instruction and authority for enquiry?
- D. Whether the High Court and Lokayukta are right in accepting the termination letter issued by the CEO, Zilla Panchayat to the Ombudsman for not completing the investigation within the prescribed time (15 days), when the concerned officers and employees in the department of the CEO, Zilla Panchayat were not cooperated to complete the investigation?

**3. DECLARATION IN TERMS OF RULE 3(2):**

That no other Petition seeking leave to Appeal has been filed by the Petitioner against the final judgment and order dated 24.03.2017 passed by the Ld. Division Bench of High Court of Karnataka at Bengaluru in Writ Petition No. 9781 of 2017.

**4. DECLARATION IN TERMS OF RULE 5:**



That the Annexures filed with the Present Petition are true copies of the pleadings/ documents forming part of the records before courts below.

**5. GROUNDS:**

That the present special leave to Appeal is being filed on the following, amongst other, grounds without prejudice to each other;

- i. Because the Hon'ble High Court failed to appreciate that the Assistant Director of Agriculture inspected the office of the Taluk Agricultural Officer and on perusal of the records, he found culpable mismanagement, misappropriation and irregularities in the implementation of the scheme, non- maintenance of the cash book (day book) though money has been drawn from the account from 26.06.2012 to 07.11.2012 and he also found falsification of records for the purpose of drawing money. Therefore the Assistant Director of Agriculture prepared a report recommending immediate disciplinary action against the concerned officials of the Department and opined that there shall be high level investigation into the matter.
- ii. Because the Hon'ble High Court erred in not considering the fact that the Assistant Director of Agriculture was brutally assaulted by a group of persons who are the supporters of the persons against whom the report dated 17.11.2012 was filed. In this regards, a case has been filed and the same is pending trial before the District and Sessions Judge, Chamarajanagar for the offences involving attempt to commit murder and other relevant sections of the Indian Penal Code. This fact clearly shows that the persons involved in the case do not wish fair investigation to be done.
- iii. Because the Hon'ble High Court erred in not considering the fact that on the basis of complaint given to Hon'ble Lokayukta which was forwarded to CEO of Zilla

Panchayat, who in turn directed the Ombudsman to conduct investigation and submit report and the ombudsman conducted an investigation and found that there were high degrees of misappropriation, corruption and mismanagement, which required to be investigated in depth and there was no cooperation from the concerned officials. However, in the middle of the investigation, the Chief Executive Officer of Zilla Panchayat directed the Ombudsman to withdraw from investigation on the ground that he himself has conducted investigation and submitted a report which resulted in closure of the case before Lokayukta.

- iv. Because the Hon'ble High Court has failed to appreciate the fact that all series of events narrated above clearly show that the investigation about the allegation of misappropriation of public money to the tune of more than Rs. 10 crores has been closed in a very manipulative manner and unless and until the allegations are investigated by an independent investigating agency, truth will not come to light.
- v. Because the Hon'ble High Court erred in not appreciating the fact that the MGNREG scheme is made with some specific object to achieve the constitutional mandate and if the public money is allowed to be misappropriated and allegations of misappropriation is allowed to be closed in such a manner in active collusion of all the agencies of the Government, the same will result in great injustice to general public. Hence such an allegation is required to be investigated by an independent agency.
- vi. Because the Hon'ble High Court failed to consider the fact that the manner in which the complaint is allowed to be closed by the CEO of Zilla Panchayat and Lokayukta clearly shows that the investigation by the concerned authority is not proper and there will not be a fair and proper investigation by the said agency and hence it is

just and proper that the investigation may be assigned to the Central Bureau of investigation.

- vii. Because the Hon'ble High Court failed to consider the fact that the Lokayukta ought to have taken cognizance of the interim progress report filed by the Ombudsman and should order detailed and meticulous investigation in to the allegations.
- viii. Because the Hon'ble High Court not appreciated that the interim progress filed by the Ombudsman shows that there were prima-facie evidences of misappropriation and corruption by the officers of the Taluk Watershed Development Department.
- ix. Because the Hon'ble High Court failed to consider the fact that the Lokayukta failed to note that the CEO's interference and direction to stop the inquiry by the Ombudsman is illegal and bad in law.
- x. Because the Hon'ble High Court failed to consider the fact that the Lokayukta ought to have directed CEO, Zilla Panchayath, Chamaranagar to furnish necessary documents to the Ombudsman to complete the investigation.
- xi. Because the Hon'ble High Court not appreciated the fact that interim progress report filed by the Ombudsman shows that 76% of the money has been spent from the NREG account for the purpose of purchasing materials which is against the scheme and intent of NREGS.
- xii. Because the Hon'ble High Court failed to consider that the Lokayukta ought to have taken cognizance of violations under the Karnataka Code by the Government Offices and proceeded with the investigation of the case.
- xiii. Because the Hon'ble High Court failed to consider that the lokayukta ought to have taken cognizance under the prevention of corruption Act against the erring officials. The Lokayukta ought to have taken cognizance under the relevant sections of the Indian Penal Code against the culprits.

- xiv. Because the Hon'ble High Court not appreciated the fact that the case involves financial fraud to the tune of more than Rs. 10 crores and the same requires to be investigated by a specialised agency.

**6. GROUND FOR INTERIM RELIEF**

It is respectfully submitted that unless and until an immediate investigation by an independent agency is ordered grave prejudice will be caused as the officials involved in the said corruption will continue to hold the same positions and thus, it would not only give them further opportunity to commit similar corruption but also to wipe out all crucial evidences.

**7. MAIN PRAYERS:**

In view of the facts and circumstances as mentioned above, it is most humbly prayed that this Hon'ble Court may graciously be pleased to;

- i. Grant Special Leave to Appeal against the final order dated 24.03.2017 passed by the Hon'ble High Court of Karnataka at Bengaluru in Writ Petition No. 9781 of 2017;
- ii. Pass such other or any further order(s) as may be deemed fit and appropriate by this Hon'ble Court in the facts and circumstances of the present case.

**8. INTERIM PRAYERS**

- (i) stay the impugned judgment dated 24.03.2017 passed by the Hon'ble High Court of Karnataka at Bengaluru in Writ Petition No. 9781 of 2017;
- (ii) direct an independent and fair investigation into the allegation of corruption / misappropriation of funds by the officials of the Watershed Development Department, Kollegala, Karnataka.

FILED BY:

**PRASHANT BHUSHAN**  
**ADVOCATE FOR THE PETITIONER**

Drawn by:OMANAKUTTAN.K.K., Advocate

Drawn on: 17August 2017

Filed on :\_\_ August2017