

Witness Duly sworn on 05-03-2019

Cross Examination of DW.1 by Sri. SBM Advocate for Plaintiff.

I am working as junior civil engineer of CMC Basavakalyan. It is true to suggest that, my work nature is in field. The file No. na/sa/ba/sibbandi/01/2017-18 mentioned in Ex.P-5 is not in my custody but it is in the custody of case worker of our office. It is in the custody of construction permission section case worker by name Vijay Mahantesh. It is true to suggest that, there is manager in our CMC office. It is true to suggest that, manager supervises the office work.

I do not remember how many times the said file mentioned in Ex.P-5 is put up before Commissioner CMC Basavakalayan. I endorse on file before put up before Commissioner CMC. It is true to suggest that, from our office file put up before Commissioner through manager of CMC.

It is false to suggest that, I do not have authority to depose in this case on behalf of defendant. It is false to suggest that, Commissioner CMC Basavakalyan has no authority to give authorization to me.

It is true to suggest that, Ex.P-9 is the application filed in our office for seeking permission for construction. There is no endorsement of applicant on Ex.D-6 to show that Ex.D-6 is served to applicant. I do not have authority to issue construction permission. As per mandatory provision construction permission has to be issue within 15 days from the date of application. It is false to suggest that, within 15

days of application we have not issued objections for giving permission to applicant, witness volunteers we have issued objection through message to applicant. It is false to suggest that, I am deposing falsely as we have issued notice through message.

Suit shops are situated in land sy.no. 154 measuring 3 acres. Land sy.no. 154 is Govt agriculture land. Boundries of 3 acres of land sy.no. 154 is north: land of Idiga Samaj, West: N.H road, East: land of Idiga Samaj and south: complex, I do not know who is the owner of that complex. In land sy.no. 154 apart from portion of suit shops there are temporary teen sheds installed. There is open space in land sy.no. 154 but I do not know how much it is measuring because I have not measured the land. It is false to suggest that, there is no Govt land in that location. It is false to suggest that, there is no open space in that location.

Masaji, Sharanappa, Limbaji have illegally sold suit plots 10 years back. I do not know to how many persons and how many plots Masaji, Sharanappa and Limbaji have sold. It is true to suggest that, on the bases of sale transactions of Masaji, Sharanappa and Limbaji mutation have been made in our office, witness volunteers those mutations have been made on fake documents. I do not know how many sale transactions and mutations have been taken place in land sy.no. 154.

It is true to suggest that, after mutation khata will be prepared. It is true to suggest that, on the bases of khata we receive tax. I do not know whether our office is receiving tax in respect of suit shops. We have not challenged the sale

transactions till today. It is false to suggest that, I am deposing falsely as suit shops are situated in Govt parampuk land.

It is false to suggest that, plaintiffs have started construction after waiting 45 days from the date of application. It is false to suggest that, we have never objected plaintiffs for construction while they were constructing. It is false to suggest that, I am deposing falsely as under the Mohammedan law there is no any concept of ownership and possession of the properties.

During the period of issuance of notice to plaintiffs Asst. Commissioner of Basavakalyan was the incharge commissioner of CMC. He has issued notice to 10 other persons. It is false to suggest that, CMC Commissioner has no authority to issue notice for demolition of unauthorized construction. It is false to suggest that, we have issued notice to plaintiffs to harass them. It is false to suggest that, I am deposing falsely.

ROI & AC.

Re-Exam-Nil.

(Types to my dictation
in the Open Court).

Civil Judge, Basavakalyan.

O.S No. 1/2018.
DW-1