

**LOKPAL OF INDIA**  
**(Plot No.6, Institutional Area, Phase-II, Vasant Kunj)**  
**New Delhi- 110070**

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**Complaint No.** : 221/2024

**Date** : 05.03.2025

**Coram** : **Shri Justice A.M. Khanwilkar**  
**Chairperson**

**Shri Justice Sanjay Yadav**  
**Member**

**Shri Sushil Chandra**  
**Member**

**Shri Justice Ritu Raj Awasthi**  
**Member**

**Shri Pankaj Kumar**  
**Member**

**Shri Ajay Tirkey**  
**Member**

**ORDER**

1. In furtherance to our order dated 13.02.2025, the Central Bureau of Investigation has placed on record document relating to SB (civil) Misc. Recall application No.212/2024 in the High Court of Judicature of Rajasthan at Jodhpur and of case No.13/2024 in the Arbitration Court.



2. In the case at hand, Preliminary Inquiry was ordered on 08.11.2024 into the allegations that a Member of Legislative Assembly, State of Rajasthan in collusion with the officials of National Highway Authority of India converted selective agricultural land into residential and commercial including in the allocation of disproportionate and unrealistic market price for such land, in the guise of required for construction of National Highway No.325, which included Siwana and Mokalsar Bypass.
  
3. The Inquiry Officer found and has recorded in Preliminary Inquiry Report that similar allegations were verified by the Anti-Corruption Bureau, Jodhpur Rajasthan in a complaint bearing No. 291/2018; wherein, Director General, Anti-Corruption Bureau, Rajasthan recommended to register a case against Shri Hameer Singh Bhayal, MLA, Siwana, Shri Arjun Tahir Samma, Sub-Divisional Magistrate Siwana, Shri Kalluram Kumhar, Tehsildar, Siwana and other under section 7, 13 (2) read with 13 (1) (d) Prevention of Corruption Act 1988 and section 120 B of IPC. The Inquiry Officer has further recorded that on verification sought from Anti-Corruption Bureau, Jodhpur and the statement of Shri Manish Vaishnav, Inspector ACB, it got revealed that the said complaint was closed vide letter No.ACB/Complaint/2022/12005-06 dated 28.12.2022, office of Director General, Anti-Corruption Bureau, Rajasthan. The letter was



forwarded to Secretary Revenue, Rajasthan for necessary action, and revert if any criminality was found under the Act of 1988.

4. The Inquiry Officer further records that Special Secretary, Revenue, Rajasthan vide letter dated 16.02.2023 directed District Collector, Barmer, Rajasthan to inquire into the allegation of conversion of land use. The Collector while withholding disbursement of compensation of land acquisition of NH: 325, vide order dated 22.11.2019 appointed one Shri Krishna Kumar Goyal, Assistant Director, Public Services, Barmer to inquire into said conversion order. The Inquiry Officer while taking note of the fact that the Assistant Director, though in his report dated 26.12.2019 mentioned no error in conversion order; however he did not examine the conversion order on the anvil of rule 4 (b) of the Rules of 2007 (Rajasthan Land Revenue (conversion of agricultural land for non-agricultural purposes in rural areas) Rule 2007) which clearly prohibits conversion of the types of land which find mention therein.
5. In the context of conversion of land use, the Inquiry officer has returned following findings in the Preliminary Inquiry Report:

*"Inquiry revealed that most of the alleged Khasra Numbers were bought by the current landowners or gifted to them and*

got converted its Land type from Agriculture to Residential/Commercial after Public Consultancy Meeting i.e. 27/05/2016 and before appointment of SDM Siwana as Competent Authority for Land Acquisition u/s 3(a) of the NH Act 1956) i.e. 28/12/2016.

Inquiry also revealed that Public Consultancy Meeting was attended by Sh. Hameer Singh Bhayal, the then MLA, Siwana, Rajasthan vide which Option 1 was chosen/recommended for the Siwana Bypass and Mokalsar Bypass. It shows that he was in the knowledge of route of bypass and land packets which might be acquired by Govt. of India for NH-325 and further compensation to be paid.

Inquiry revealed that the alleged conversion orders of alleged Khasra Numbers from Agriculture to Residential/Commercial Land Type were issued by Sh. Anjum Tahir Samma, the then Sub-Divisional Officer, Siwana and Sh. Kalu Ram, the then Tehsildar, Siwana.

Though the Land Conversion of alleged 23 Land Packets were made before the issue of Gazette Notification u/s 3A of NH Act, 1956, yet the same is not permitted as per Para 4(b) of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007 which reads as "No permission shall be granted for conversion of the Land falling within the boundary limits of any Railway Line, National Highway, State Highway or any other road maintained by the Central or State Government or any Local Authority as specified in any Act or Rules of the Central or State Government made in this behalf....."



*Inquiry revealed that the Public Consultancy meeting for Siwana Bypass and Mokalsar Bypass of NH-325 was held on 27/05/2016 and was attended by Sh. Hameer Singh Bhayal, the then MLA, Siwana, Rajasthan due to which he had the knowledge of route of Siwana Bypass and Mokalsar bypass which has the possibility of approval. Thereafter, taking advantage of the same, the above said land pieces were got transferred to the current landowners including the family members of Sh. Hameer Singh Bhayal (through sale/gift) which were agriculture land type.*

*Inquiry further revealed that Sh. Anjum Tahir Samma, the then SDM, Siwana and Sh. Kalu Ram, the then Tehsildar, Siwana approved the Change in Land Use of the above 23 land pieces from Agriculture to Residential/Commercial before the Gazette Notification u/s 3(a) of the NH Act 1956) i.e. 28/12/2016 vide which SDM Siwana (Sh. Anjum Tahir Samma) was appointed as Competent Authority for Land Acquisition of Siwana District, Rajasthan.*

*Inquiry revealed that the Respondent Public Servant Sh. Hameer Singh Bhayal, the then MLA, Siwana, Rajasthan had the knowledge of the proposed route of Siwana Bypass and Mokalsar Bypass by attending the Public consultancy Meeting on 27/05/2016. Thereafter, the family members of Sh. Hameer Singh Bhayal purchased lands on proposed routes and the nature of the said lands was got converted as per procedure prescribed in the NH Act, 1956.*

*Inquiry revealed that though all the Land Conversion in the said case is before the publication of Gazette Notification u/s 3A of*



*the NH Act, 1956 which is allowed as per the NH Act 1956 yet Sh. Anjum Tahir Samma, the then SDM, Siwana, Rajasthan and Sh. Kalu Ram, the then Tehsildar, Siwana, Rajasthan ignored Para 4 (b) of the Rajasthan Land Revenue (Conversion of agricultural land for non-agricultural purposes in rural areas) Rules, 2007 which reads that "No permission shall be granted for conversion of the land falling within the boundary limits of any Railway Line, National Highway, State Highway or any other road maintained by the Central or State Government or any Local Authority as specified in any Act or Rules of the Central or State Government made in this behalf.. ." and converted the land 11 type of above 23 land pieces from Agriculture to Residential /Commercial.*

*The inquiry could not reveal the relation between the current landowners with the Respondent Public Servant Sh. Hameer Singh Bhayal, the then MLA, Siwana, Rajasthan due to its limitations of confidentiality and jurisdiction except Khasra No. 1168/353, 1169/353 and 1170/353 which are in the name of his son, daughter-in-law and wife respectively, the ownership of which is self explanatory."*

6. On the basis of these findings the Inquiry Officer while concluding that "No role of any NHAI official in the alleged offence has come to light," observed that "in respect of Public Servant who are engaged in the affairs of the state, the Central Bureau of Investigation is precluded from exercising its jurisdiction in any matter involving a Public Servant engaged in the affairs of the state without the consent

*of said State Government as per section 6 of the Delhi Special Police Establishment Act, 1946.”*

7. When the allegations in respect of the role of NHAI officials in the alleged offence is examined in the light of the facts unraveled in the Preliminary Inquiry Report, we agree with the conclusion that the same are not substantiated.
8. Further, in the case at hand it is borne out from record that the alleged act of commission of offence is between the period from 04.11.2016 to 27.02.2017; whereas, the complaint is filed on 26.09.2024. This is plainly beyond the period of SEVEN YEARS. Section 53 of the Act of 2013 mandates that:

*“The Lokpal shall not inquire or investigate into any complaint, if the complaint is made after the expiry of a period of seven years from the date on which the offence mentioned in such complaint is alleged to have been committed.”*

9. Be that as it may. It is borne out from the material placed on record, that NHAI through its officials has taken up the issue of collision in its challenge to the Award in Arbitration case No.13/2024, and we have

no manner of doubt that the same will be dealt with appropriately on its own merits and taken to its logical end.

10. The complaint is accordingly disposed of in above terms.

**Sd/-**  
**(Justice A.M. Khanwilkar)**  
**Chairperson**

**Sd/-**  
**(Justice Sanjay Yadav)**  
**Member**

**Sd/-**  
**( Sushil Chandra)**  
**Member**

**Sd/-**  
**(Justice Ritu Raj Awasthi)**  
**Member**

**Sd/-**  
**(Pankaj Kumar)**  
**Member**

**Sd/-**  
**(Ajay Tirkey)**  
**Member**

/AKA/

  
**(COURT MASTER)**