

KAHS010035792022



Presented on : 06-07-2022
Registered on : 08-07-2022
Decided on : 04-08-2026
Duration : 04 years, 00 months, 27 days

**IN THE COURT OF I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

PRESENT:

**SMT. SHEILA B.M.
M.COM., LL.M,
I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

Dated This the 4th Day Of August 2026

LAC. No.412/2022

Petitioner:-

M.S.Kalyanagowda S/o Shivegowda,
Represented by his legal heir,
M.K.Basavaraju,
Aged about 50 years,
R/o: Manjalagudu Village,
Palya Hobli, Aluru Taluk,
Hassan District.

(Rep. By Sri.T.A.K, Advocate)

// Vs. //

Respondents:-

1. Special Land Acquisition Officer,
Yettinahole project,

4th Cross, Masti Venkatesh Iyengar Road,
Kuvempu Nagara, Hassan.

2. Executive Engineer,
Yettinahole project, Aluru,
Aluru Taluk, Hassan District.
3. The Managing Director,
Vishveshwaraiah Jalanigama Niyamitha,
Infantry road, Embassy Building,
Bangalore.
4. The Deputy Commissioner,
Hassan.

**(R1 & 4 Rep. by learned DGP.,
R2 – Rep. By Sri.MDG Advocate
R3- Exparte)**

JUDGMENT

The petitioner has filed this petition U/s 64(1) and 64(2) of Right to Fair Compensation, Transparency In Land Acquisition, Rehabilitation and Resettlement Act 2013 (referred to as Act) seeking for direction to respondent to send reference to this court U/s 64(1) of the Act and to enhance the compensation to Rs.1,00,000/- per gunta along with interest and to pay all statutory interest.

2. The case of the petitioner is that, land bearing Sy.No.3/2 measuring 0.06 guntas of Manjalagudu village,

Palya Hobli, Aluru Taluk, Hassan District has been acquired for the purpose of Yettinahole Drinking Water Project. He has received the compensation under protest. It is stated that, acquired land has a high market value of Rs.1,00,000/- per gunta. So he has filed an application to refer the matter to the court. The respondent has not sent the reference. Hence, this petition.

3. The learned D.G.P for respondent No.1 and 4 and panel advocate for respondent No.2 have filed objections stating that, application filed by the petitioner is not in accordance with law and same is liable to be dismissed; the application is not in time. It is stated that, respondent received compensation, which is proper and just according to the land acquisition Act. The present petition is malicious and petitioner is not entitled for higher compensation. Hence, prayed for dismissal of the petition. The respondent no.3 has not appeared before the Court, hence he has been placed exparte.

4. The petitioner has been examined himself as PW-1 and got marked Ex.P1 to Ex.P6. The respondents have not chosen to lead any evidence.

5. Heard arguments.

6. The points that arise for determination are;

- 1) *Whether the petitioner has made out sufficient grounds to direct the respondents to refer the matter to the court?*
- 2) *Whether the petitioner entitled for enhancement of compensation?*
- 3) *What order or award ?*

7. My answers to above points are as under:

Point No.1 : In affirmative,

Point No.2 : Does not survive for consideration,

Point No.3 : As per final order for following;

:R E A S O N S:

8. **POINT No.1:** It is undisputed fact that, land bearing Sy.No.3/2 measuring 0.06 guntas of Manjalagudu Village has been acquired for the purpose of Yettinahole Drinking Water Project. The respondent has awarded compensation of Rs.7,50,813/-. Ex.P3 is payment voucher it discloses that the award amount has been credited to the account of petitioner. Ex.P4 is copy of Order sheet in O.S.No.230/2019 which discloses that the said suit came to be decreed in terms of the compromise petition before lok-adalath. Ex.P5 is copy of compromise petition in O.S.No.230/2019 which discloses

that the land in Sy.No.3/2 measuring 1 acre 06 guntas fallen to his share. Ex.P6 is the copy of application under section 5 of limitation Act. It is the case of the petitioner that, compensation awarded is not in accordance to the prevailing market value so he has filed application U/s 64 of Act before respondent seeking for direction to refer the matter to this court. In support of said contention petitioner has produced award notice dated: 20-09-2021 as per Ex-P-1 and petition filed before the respondent U/s 64 of RFCTLARR Act as per Ex-P-2. Ex-P-2 discloses that said petition has been filed on 24-06-2022.

Section 64(1) & (2) of RFCTLARR Act state as follows;

64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested: Provided that the Collector shall, within a period of thirty days from

the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

9. In the present case, award has been passed on 16-08-2021. The application is filed on 24-06-2022. There is delay in filing the application under section 64 before the SLAO. The petitioner has filed application under section 5 of the

Limitation Act to condone the delay before the LAO. Under Section 64(2)(b) of the Act, 2013 claimant were required to file a reference application within 6 weeks of the Collector's award, or within further one year period if sufficient cause is demonstrated for the delay as per second proviso. This provision clearly stipulates that the collector may condone the delay if sufficient cause is shown.

10. The Hon'ble High Court of Karnataka in W.P.No.103914/2021 has remitted the matter to respondent no.2 to consider the application for condonation of delay filed by private respondent herein and pass appropriate orders within a period of 6 weeks. The said decision applies to the case on hand.

11. PW1 has been cross-examined, nothing substantial has been elicited to disbelieve his evidence. So it is clear that, application is filed along with condonation of delay application. It is stated that, inspite of receipt of the application respondent has not sent the reference to the court within 30 days. Therefore, under the above circumstances, I am of the opinion that, the petitioner has made out a case to direct the respondents to pass orders on the application for condonation of delay and if the delay is condoned to send

the reference to the court. Hence, point No.1 is answered in Partly in affirmative.

12. **Point No.2:-** The reference is not sent by the respondents to the court U/s 64 of the Act. This court does not get jurisdiction to examine whether the compensation award is adequate or not. So the question with regard to the enhancement of compensation is left open. It is for the petitioner to agitate the same when reference is sent to the court. Accordingly, point No.2 does not survive for consideration.

13. **Point No.2:-** In view of my findings on point No.1, I proceed to pass following:

ORDER

The petition filed by the petitioner U/s 64(1) (2) of Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 is partly allowed.

The respondent is directed to pass order on application of condonation of delay within 6 weeks from the date of this Order and communicate the same to the petitioner.

If the respondents condone the delay the respondent is directed to send the reference in respect of land bearing Sy.No.3/2 measuring 0.06 guntas of Manjalagudu village pertaining to award notice No. ಎಹೋಯೋ/ಭೂಸ್ವಾ./18/ಮಂಜಲಗೂಡು/ 2021-22, dated: 20-09-2021 within 30 days if not sent earlier.

The parties to bear their own cost.

(Dictated to Stenographer, transcribed and typed by him and corrected by me and then pronounced in open court on this the 4th day of August 2026).

04.08.2026

(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS
& SPL. JUDGE, HASSAN.

ANNEXURE

LIST OF WITNESSES ON BEHALF OF PETITIONER:

PW-1 : M.K.Basavaraju

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/S:- -NIL-

LIST OF EXHIBITS GOT MARKED ON BEHALF OF PETITIONER:-

Ex.P1 Award notice
Ex.P2 Application U/s 64(1) of RFCTLARR Act
Ex.P3 Payment Voucher

- Ex.P4 Copy of Order sheet in O.S.No.230/2019
Ex.P5 Copy of compromise petition in O.S.No.230/2019
Ex.P6 Application under section 5 of Limitation Act.

**LIST OF DOCUMENTS GOT EXHIBITED ON
BEHALF OF RESPONDENTS:- -NIL-**

**I Addl. Dist., Sessions & Spl. Judge,
Hassan.**