



IN THE COURT OF I ADDL. DISTRICT & SESSIONS
JUDGE AND THE LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
AUTHORITY, TUMAKURU.

Dated this the 30th day of July 2026.

PRESENT

Sri. Mohamed Ashraf Aris, B.A., LL.M.,
I ADJ and Presiding Officer,
Land Acquisition, Rehabilitation and
Resettlement Authority, Tumakuru.

LAC Misc.No.213/2025

Petitioner: Sadashivappa B. Dead by L.Rs.,

1(a) B.S.Dayananda
S/o late Sadashivappa B.
Aged about 35 years.

1(b) Smt. Jayamma
W/o late Sadashivappa B.
Aged about 62 years.

1(c) Shyla D/o late Sadashivappa B.
Aged about 33 years.

All are R/at Byrapura village,
Kibbanahalli hobli, Tiptur taluk
and Tumakuru District.

(By Sri C.K.Mahendra, Adv.)

-VERSUS-

Respondents: 1. The District Commissioner cum
Competent Authority Constituted
under RFCTLARRA for Ettinahole
Project, office at Tumakuru
District Commissioner,



Tumakuru City, Tumakuru.

2. The Special Land Acquisition Officer,
Ettinahole Project,
office at Gandhinagara, Tumakuru.

3. The Chief Executive Engineer,
Ettinahole Project,
Near Saibaba Temple,
Kunigal Road, Tumakuru city.

(R-1 By District Govt. Pleader)

(R-2 By Sri. M.B.N., Adv.)

(R-3 -Exparte)

ORDER

This petition is filed U/Sec.64(1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (referred to as 'Act', herein after), by the L.Rs., of original petitioner seeking for a direction to the respondent No.1 to refer the matter to this authority for determination U/Sec.64 of the Act.

2. The contention of the L.Rs., of petitioner in brief is as follows:

Land bearing Sy.No.31/2 measuring 0.19 guntas of Byrapura village, Kibbanahalli hobli, Tipturu taluk, Tumakuru District has been acquired for the purpose of Yettinahole Drinking Water Project. An



award of Rs.17,17,072/- has been fixed and award notice has been issued in the name of the petitioner as per notice dated:19.12.2024. The award amount was received by the petitioner under protest. The 2nd respondent has not determined the compensation amount properly. The L.Rs., of petitioner has filed an application U/Sec.64(1) of the Act on 19.04.2025 to refer the matter to the court, but the respondent has not sent the reference. The application is within time. Hence, prays to allow this petition.

3. The learned DGP for respondent No.1 has filed objections stating that the application filed by the L.Rs., of petitioner is not in accordance with law and is liable to be dismissed and that the application is not in time. The petitioner has received fair compensation which is proper and just according to the Land Acquisition Act. The present petition is malicious and the L.Rs., of petitioner are not entitled for higher compensation. Hence, prays to dismiss the petition.



4. The respondent No.2 has filed objections. The objections of respondent No.2 in brief are as follows:-

The L.Rs., of petitioner have filed the petition seeking reference after lapse of the limitation period. The award notice issued on 19.12.2024 and the protest petition was filed on 19.04.2025. There are no valid grounds for making the reference. Hence, prays to dismiss the application with costs.

5. Respondent No.3 remained absent and placed exparte.

6. The L.Rs., of petitioner and respondents have not chosen to lead any evidence.

7. Heard arguments.

8. The points that arise for determination are as follows:

1. Whether the L.Rs., of original petitioner have made out sufficient grounds to direct the respondents to refer the matter to this Authority?

2. What order or award?

9. The answer to the aforesaid points are as



follows:

Point No.1: In the **Affirmative**

Point No.2: As per final order for the following:

REASONS

10. **Point No.1:** It is an undisputed fact that land bearing Sy.No.31/2 measuring 0-19 guntas, situated at Byrapura village has been acquired for the purpose of Yettinahole Drinking Water Project. The L.Rs., of petitioner contends that the respondent No.1 has awarded meager amount as compensation. The L.Rs., of petitioner contends that the compensation which has been awarded is not in accordance with the prevailing market value. Hence, the L.Rs., of petitioner have filed the application U/Sec.64(1) of the Act before the respondent No.1 seeking for a direction to refer the matter to this court. The L.Rs., of petitioner have produced the RTC extract of the said land for the year 2025-26, which shows name of L.R., of petitioner (wife) in column No.9.

11. The L.Rs., of petitioner have produced the



copy of the award notice dated:19.12.2024 and the petition filed before the respondent U/Sec.64(1) on 19.04.2025.

12. Sec.64(1) and (2) of the Act reads 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) if the 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:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

13. In the case on hand, it is not the case of the respondent that the petitioner was present at the time of making the award. Further there is no



document to show as to when section 21 notice has been served on the petitioner. Here it is necessary to look into section 21 of the Act. Section 21 is the public notice which the Collector is required to publish in the website and to affix at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land. This is a stage prior to passing of the Award. Therefore, filing objections or protest petition to the award does not arise. Hence the question of starting of period of limitation at that stage would not arise.

The next section to be looked into is Section 37 of the Act. It reads as follows

Sec.37. Awards of Collector when to be

final:-

“ (1) The Awards shall be final in the Collector office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and



the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired under this Act on the website created for this purpose.”

Therefore, it is the duty of the Collector to issue notice of award immediately to the persons interested, if such persons were not personally present when the award was passed. Unless the interested person knows about the passing of award and goes through the award, he will not be able to submit his protest.

14. In the present case, the award has been passed on 16.12.2024 and the award notice has been issued on



19.12.2024. The application seeking reference is filed on 19.04.2025. It is filed within 6 months from the date of Award. In the absence of any contrary evidence it could be presumed that the L.Rs., of petitioner have filed the application within the statutory period prescribed in the Act. Hence, it could be concluded that the application is in time. The respondent has not sent the reference to this authority within 30 days from the date of receipt of the application.

15. For the aforesaid reasons, this authority is of the opinion that the L.Rs., of petitioner have made out a case to direct the respondents to send the reference to this authority. Hence, point No.1 is answered in the **Affirmative.**

16. **Point No.2:** In view of the findings given on point No.1, the following order is passed:

ORDER

The petition filed by the L.Rs., of petitioner
U/Sec.64(1) of the Right to Fair
Compensation, Transparency in Land



Acquisition, Rehabilitation and
Resettlement Act, is allowed.

The respondent is directed to make the
reference in respect of the land bearing
Sy.No.31/2 measuring 0-19 guntas of
Byrapura village pertaining to award notice
No: SLAO/SR/33/2020-21 dated:
19.12.2024 within 30 days, if not sent
earlier.

Parties to bear their own cost.

(Typed to my dictation by Stenographer-III directly on
computer, corrected, signed and then pronounced by me in the
Open authority, on this the 30th day of July, 2026)

(Mohamed Ashraf Aris)
I Addl. Dist. & Sessions Judge,
Tumakuru.