

KAHS010044442024



Presented on : 06-07-2024
Registered on : 08-07-2024
Decided on : 18-12-2025
Duration : 1 years 05 month 10 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 18th Day Of December 2025.

LAC.No.166/2024

Petitioner:-

The Special Land Acquisition Officer,
Vishweshwaraiah Jala Nigama,
Yettinahole Project, Housing Board,
Hassan.

(Rep. By T.P., Advocate)

// Vs. //

Respondents:-

1) Siddashetty Dead by Lrs.

R-1(a) Manjappa B.S. S/o Siddashetty,
Aged about 56 years.

R-1(b) Dhananjaya B.S. S/o Siddashetty,
Aged about 54 years.

R-1(c) Jagadeesh S/o Siddashetty,
Aged about 52 years.

R-1(a) to (c) are R/o Adaguru Village,
Madihalli Hobli, Belur Taluk,
Hassan District.

- 2) Jayamma D/o Shiddalingashetty,
W/o Shivanna,
Aged about 69 years,
R/o Haranahalli village, Kasaba Hobli,
Arasikere Taluk, Hassan District.
 - 3) Sharadhamma
D/o Shiddalingashetty
W/o Gangashetty,
Aged about 68 years,
R/o Yalagunda Village,
Salagame Hobli, Hassan Taluk,
Hassan District.
 - 4) Gangamma D/o Shiddalingashetty,
W/o Rajashetty @ Rajanna,
Aged about 66 years,
Sanenahalli village,
Halebeedu Hobli, Belur Taluk,
Hassan District.
 - 5) Shivamma D/o Shiddalingashetty,
W/o Kariyappa,
Aged about 58 years,
R/o Kembalu Village & Post,
Bagur Hobli, Channarayapattana Taluk,
Hassan District.
- (R1 and 5 by Sri. K.T.M., advocate
(R2 to 4 by Sri. A.G.D., advocate)**

JUDGMENT

The Special Land Acquisition Officer, Vishweshwaraiah Jala Nigam has filed this reference U/s 77(2) R/w Section 64 of Right to Fair Compensation, Transparency In Land Acquisition, Rehabilitation and Resettlement Act 2013. During the pendency of the case the respondent no.1 is expired, his legal representatives were brought on record

2. The brief facts of the case is that the dry land bearing Sy.No.99 measuring 0.38 guntas situated at Adaguru village, Madihalli hobli, Belur taluk has been acquired by the petitioner for the purpose of Yettinahole Project. Preliminary notification was published on 21.7.2022 general award was passed fixing compensation of Rs.21,25,657/- and in this regard notice was issued to the respondents. The land losers have not submitted any documents regarding the acquired land and not received awarded compensation amount till today. Under Section 77(2) the compensation amount of Rs.21,25,657/- in favour of the respondents have been deposited before the court. The said amount has been kept in FD in the Axis Bank Ltd., Hassan Branch.

3. After receipt of reference, this court has issued notice to the respondents. The respondents have entered their appearance before this Court and has filed claim statement.

The respondent no.2 to 4 have filed claim statement contending that land bearing Sy.No.99 measuring 1 acre 5 guntas has been transferred to the name of respondent under pavathi khatha in M.R.No.44/1982-83. Out of 1 acre 5 guntas 35 guntas has been acquired and award has been passed. The 1st respondent expired on 25.02.2022. His wife Huchhamma expired on 27.05.2021. The respondent Siddashetty died leaving behind his sons Manjappa, Dhananjaya and Jagadeesh. The respondent no.1(b) and 1(c) have executed release deed in favour of respondent no.1(a). It is stated that the respondent No.1(a) is absolute owner of the property and he is entitle to receive the compensation amount.

4. In order to prove their case, the respondent No.1(a) has been examined as RW1 and has got marked Ex.R1 to Ex.R14. The petitioner has not chosen to lead evidence.

5. Heard arguments. Perused records.

6. *The points that arise for my consideration are as under;*

- 1) ***Whether the respondents are entitled for compensation amount and to what extent?***
- 2) ***What order or award ?***

7. My answers to above points are as under:

Point No.1 : In affirmative,

**Point No.2 : As per final order
for following;**

:REASONS:

8. **POINT No.1:** It is undisputed fact that land bearing Sy.No.99 measuring 0.38 guntas situated at Adaguru village, Madihalli hobli, Belur taluk which belonged to the respondent has been acquired.

9. The respondent no.1(a) has been examined as RW1. He has stated that his father Siddashetty has got property in Sy.No.99 measuring 1 acre 5 guntas and pavathi khatha in M.R.N No.44/1982-83. Out of 1 acre 5 guntas 38 guntas has been acquired for Ettinahole project. His father Siddashetty expired on 25.02.2022 and his mother Huchamma expired on 27.05.2021.

10. To substantiate the said contention he has produced death certificate of his father and mother. Ex.R1 is Death certificate of Siddashetty which discloses he died on 15.02.2022. Ex.R2 is death certificate of Huchamma which discloses that she died on 07.05.2021. Ex.R10 is a genealogical tree of the family of the Siddashetty. Ex.R.4 is a RTC (3 in number) for the period from 1987-1993 The

name of Siddashetty is entered in the column no.9 to an extent of 3 acre 14 guntas. Ex.R5 is RTC extract for the period from 2016 to 2025. The name of Siddashetty is entered to an extent of 1 acre 5 guntas in pursuance of M.R.No.10/96-97 for the period of 2016 to 2022. The name of Dhananjay S/o Siddashetty has been entered to an extent of 29 guntas. Ex.R.6 is mutation extract in M.R.No.44/1982-83. From the document it is seen that under pavathi khatha, Siddashetty got property in Sy.No.98P measuring 3 acre 13 guntas. Ex.R.7 is mutation extract in M.R.No.B1/2022-23. From the said document it is seen that the name of respondent no.1(a), 1(b) and 1(c) has been mutated from the joint name to the name of Manjappa and Jagadeesh in respect of 1 acre 5 guntas. From the name of Manjappa and Jagadeesh an extent of 38 guntas have been mutated in the name of petitioner. Ex.R8 is Encumbrance certificate. From the said document it is seen that Dhananjaya has executed release deed in favour of Manjappa and Jagadeesh. Ex.R9 is endorsement issued by the Tahasildar stating that Sy.No.98 and 99 do not come under PTCL Act. Ex.R10 is Genealogical tree pertaining to the family of Siddashetty. Ex.R11 is no tenancy certificate issued in respect of Sy.No.99 by the Tahasildar, Belur Taluk. Ex.R12 is Bhu Hiduvali pathra which discloses that respondent no.1(c) is hiduvalidhar of Sy.No.99 measuring 1

acre 5 guntas . Ex.R13 discloses that petitioner no.1(a) and 1(c) had obtained crop loan of Rs.1,10,000/- and said loan has not been discharged. Ex.R14 is identification of Jagadeesh and Manjappa.

11. The petitioner advocate has submitted no cross-examination. The entire evidence of RW-1 stands unrebutted. There are no rival claimants. The oral and documentary evidence clearly discloses that respondents are owners of land bearing Sy.No.99 measuring 0.38 guntas of Adaguru village has been acquired.

12. Subsequent to the death of Siddashetty khatha has been made in the name of respondent no.1(a) and 1(c). The respondent no.1(b) has released his rights in respect of the property in favour of the respondent no.1(a) and 1(c). The document discloses that Siddashetty had two daughters.

13. The respondent no.1(a) to (c) and 2 to 5 have filed compromise petition under Order XXIII rule 3 of CPC. As per the compromise petition the respondent no.1(a) and 1(c) are entitled for Rs.14,25,657/- along with accrued interest for the entire compensation amount. The respondent no.2 to 4 are entitled for Rs.1,87,500/- each. The respondent no.5 is entitled for Rs.1,37,500/-. Therefore, I am of the view that

the respondent is entitled for compensation deposited by the petitioner along with interest accrued. ***Accordingly, I answer point No.1 in affirmative.***

14. POINT No.2: In result, I proceed to pass following:

A W A R D

The reference made by the petitioner U/s 77(2) R/w Section 64 of Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 is allowed.

The the respondent no.2 to 4 are entitled to compensation of Rs.1,87,500/- each, the respondent no.5 is entitle to compensation of Rs.137,500/- and respondent no.1(a) and 1(c) is entitled to compensation of Rs.14,25,657/- along with entire accrued interest thereon, in respect of land bearing Sy.No.99 measuring 0.38 guntas of Adaguru village, Madihalli Hobli, Belur taluk.

The respondent No.1(a) and 1(c), respondent no.2 to 5 have to execute indemnity bond with one surety, undertaking to re-deposit the compensation

amount either in this court or in any other court if order to do so which amount they are going to receive in this case.

(Dictated to stenographer, transcribed and typed by him and corrected by me and then pronounced in open court on this the **18th day of December 2025**).

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

ANNEXURE

LIST OF WITNESSES ON BEHALF OF PETITIONER:

-NIL-

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/S:

RW-1 : Manjappa B.S.

LIST OF EXHIBITS GOT MARKED ON BEHALF OF PETITIONER:-

-NIL-

LIST OF DOCUMENTS GOT EXHIBITED ON BEHALF OF RESPONDENTS:-

Ex.R-1	Death certificate of Siddasheety
Ex.R-2	Death certificate of Huchamma
Ex.R-3	Award notice
Ex.R-4	RTC (3 in nos)
Ex.R-5	RTC extract (14 in nos)

Ex.R-6	Mutation
Ex.R-7	Mutation
Ex.R-8	Encumbrance
Ex.R-9	Endorsment
Ex.R-10	G-Tree
Ex.R-11	No tenancy certificate
Ex.R-12	Bhoo Hiduvali Patra
Ex.R-13	Clearance certificate
Ex.R-14	Photo identity (2 in nos)

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