

KAHS010021252020



Presented on : 03-07-2020  
Registered on : 04-07-2020  
Decided on : 13-02-2026  
Duration : 5 years 7 months 9 days

IN THE COURT OF PRINCIPAL DISTRICT &  
SESSIONS JUDGE, HASSAN.

Dated this the 13<sup>th</sup> day of February 2026

PRESENT

**Smt. Hemavathi**, BBM, LL.B.  
Principal District & Sessions Judge,  
Hassan.

AC No.22/2020

Petitioner: The Special Land Acquisition  
Officer & Competent Authority,  
National Highway -206,  
Tumkur – Shivmogga Section,  
Tumkur Unit, Tumakuru-572102.

*(Represented by Sri. B.V. Prakash Angadi Advocate)*

Vs.

Respondents: 1. Sri. Ashok,  
S/o Nanjegowda,  
Aged about 55 years,  
(Dead represented by his Legal  
heirs)

1(a) Smt. Jayalakshmi,  
W/o Late Ashok,  
Aged about 42 years.

1(b) Sri. Rakesh,  
S/o Late Ashok,  
Aged about 18 years.

1(c) Mohan,  
S/o Late Ashok,  
Aged about 16 years,  
Since minor,  
Represented by his natural  
guardian mother i.e.,  
Respondent No.1(a)  
Smt. Jayalakshmi.

Respondent Nos.1(a) to 1(c)  
are residing at Thirupathihalli  
Village,  
Kasaba Hobli,  
Arasikere Taluk.

2. Sri.Sathish,  
S/o Siddaveeregowda,  
Aged about 50 years,  
R/t Thirupathihalli Village,  
Kasaba Hobli,  
Arasikere Taluk,  
Hassan District.  
(Dead represented by his  
Legal heirs)

2(a) Smt. Asha,  
W/o Late Sathish.

2(b) Sri. Udaya,  
S/o Late Sathish.

2(c) Chandan,  
S/o Late Sathish.

Respondent Nos.2(a) to 2(c) are  
residing at Thirupathihalli Village,  
Arasikere Taluk,  
Hassan District.

3. Sri. Ravi,  
S/o Siddaveeregowda,  
Aged about 75 years.

4. Sri. Nanjegowda,  
S/o Ningegowda,  
Aged about 70 years.

The respondent Nos.3 & 4 are  
Residing at Thirupathihalli Village,  
Kasaba Hobli,  
Arasikere Taluk.

***(R1(a) to (c)- Represented by  
Sri. K.P.D./D.P. Advocate,  
R2(a) and (c)- Represented by Sri. M.A.M.  
Advocate,  
R2(b)- Represented by Sri. A.S. Advocate  
R3- Placed exparte  
R4- Represented by Sri. B.R.N. Advocate)***

### JUDGMENT

This petition is filed by the petitioner under Section 3H(4) of the National Highways Act, 1956 read with Section 151 of Civil Procedure Code praying to permit him to deposit the award amount of Rs.5,73,240/- in the office of this court and also to adjudicate who are entitled for the said compensation and disburse the same to the respondents who were entitled to receive it.

2. Brief fact of the petitioner case is that the National Highways Authority of India Act has taken up the work of the development, maintenance and management of the National Highways entrusted to the National Highways Authority -206 falling within the stretch of the land of Tumkur – Shivamogga Section, Tumkur Unit in Hassan District, for that the said authority had appointed the petitioner as Special Land Acquisition Officer cum Competent Authority, for the purpose of acquisition of the property and determining the

compensation and to disburse the same to the owners of the land. Accordingly, the petitioner amongst the other lands acquired the portion of land bearing Sy.No.12/1 and 12/4 measuring 151 Sq.mtrs., and 1112 Sq.mtrs situated at Tirupathihalli Village, Kasaba Hobli, Arasikere Taluk, Hassan District. For that, the petitioner also issued a Notification as provided under Section 3D(1) dated 26.07.2017 published in the Government of India official Gazette No.2328(E) for the knowledge of general public and same was also published in two popular daily newspapers i.e., Vijayavani and Deccan Herald dated 10.08.2017. Subsequently, the petitioner has passed an Award bearing No.SLAO/CA/NH-206/AWD/CR-21/2018-19 dated 03.09.2018. After passing of the award, notice was issued to the respective owners of the land asking them to produce the supporting documents to establish the ownership to receive the compensation as per the award. The respondent No.1 Sri. Ashok S/o Nanjegowda had filed an objection not disburse the compensation amount stating that

O.S.No.580/2019 is pending before the Prl., Civil judge and JMFC Court, Arasikere. On examining the document it is seen that there is civil dispute between the parties. Since, the petitioner has no power to decide the dispute between the parties and apportionment of the compensation amount, he exercising power under Section 3(H)4 of National Highways Act passed an order to produce the said amount before this court and adjudicate who are entitled for compensation. Hence, he filed this petition.

3. The respondent No.1 died during pendency of the petition. His legal heirs are brought on record. The respondent No.1(a) to (c) filed objection stating that the property bearing Sy.No.12/4 measuring 1112 Sq.mtrs., and 12/1 measuring 151 Sq.mtrs., at Tirupathihalli Village, Kasaba Hobli, Arasikere Taluk belonged to this respondent it has been acquired by the petitioner for widening the National Highway and in relation to the said property suit in O.S.No.580/2019 is pending before

Prl., Civil Judge and JMFC Court at Arasikere filed by respondent No.1 for relief of declaration and permanent injunction. Wherein, the respondent No.4 herein is the defendant No.1 in that case. Said suit was compromised between the parties on 12.04.2021. As per the compromise decree Sy.No.12/4, 8/1 and 12/3 allotted to the share of respondent No.1. Hence, respondent No.1 had paid Rs.5,00,000/- to his brother respondent No.4 herein and as per the order of National Highways Authority dated 03.10.2020 Pahani in respect of Sy.No.12/4 measuring 14 gunta is mutated in the name of National Indian National Development Authority, New Delhi. The property acquired by the petitioner had been allotted to the share of the respondent No.1. So, he is entitled to be compensation in respect of Sy.No.12/4 measuring 1112 Sq.mtrs. He is the only person entitled to the said compensation. In view of his death on 09.05.2024 legal heirs of respondent No.1(a) to (c) are entitled to receive the

said amount. Hence, prayed to release the said amount in their favour.

4. The respondent No.4 filed his objection statement admitting that there was a suit filed by the respondent No.1 herein against this respondent in O.S.No.580/2019 is pending before Prl., Civil Judge and JMFC Court at Arasikere, for relief of declaration and permanent injunction and it was decreed on 12.04.2021. As per the compromise decree Sy.No.12.04 acquired by National Highway was allotted to the share of the respondent No.1. For that the respondent No.1 paid Rs.5,00,000/- to him and even the name of National Highways Authority is entered in the RTC in respect of the said acquired property. So, he is the only person entitled to receive the compensation amount. He has no objection to release the same in favour of the respondent No.1(a) to (c) being the legal heirs of respondent No.1 who expired on 09.05.2024. Hence, prayed to pass the necessary order.



5. The notice issued to respondent No.2 returned as 'dead'. His legal heirs are brought on record. But inspite of their appearance they did not filed objection statement. The respondent No.3 inspite of service of notice did not appear. Hence, placed exparte.

6. The petitioner neither chosen to adduce any oral evidence nor got marked any documents on its behalf. In respect of the case of the respondents, respondent Nos. 1(a) and respondent No.1(b) got themselves examined as R.W.1 and R.W.2 and marked document at Ex.R.1 to 4.

7. Heard counsel for the petitioner. The Respondents counsel did not address arguments in spite of opportunity has been given. Hence, argument taken as nil.

8. Now the points that arise for my consideration are:

- 1) *Whether the petitioner is right in referring this case to this Court?*

- 2) *Who is entitled for receive the compensation amount deposited in this case?*
- 3) *What order?*

9. My findings on the above points are as hereunder:

Point No.1: In the Affirmative,

Point No.2: The legal heirs of respondent No.1,  
2 and respondent No.3 are entitled  
for compensation,

Point No.3: As per final order

For the following:

### **REASONS**

10. **POINT NO.1 AND 2:** As these points are inter related, they are taken up for consideration together to avoid repetition of discussion and appreciation of the facts and evidence of the case.

11. The petitioner to prove that the land bearing Sy.No.12/1 and 12/4 measuring 151 Sq.mtrs., and 1112 Sq.mtrs situated at Tirupathihalli Village, Kasaba Hobli,

Arasikere Taluk, Hassan District has been acquired for widening the National Highway-206 in the stretch of land at Tumkur – Shivamogga Section has produced the award dated 16.09.2019 bearing No.SLAO/CA/NH-206/AWD/CR-31/2019-20. Wherein at page No.5 in Serial No.9 and 10 the acquisition of Sy.No.12/1, 12/4 measuring 151 and 1112 Sq.mtrs respectively are shown. Further the name of respondent No.2, 3 are shown as Kathedhaar/Anubavadhaar as per RTC in respect of Sy.No.12/1 and the name of the respondent No.4 shown as Kathedhaar/Anubavadhaar as per RTC in respect of Sy.No.12/4. Further the petitioner has produced the copy of objection by respondent No.1 dated 02.02.2020 to the petitioner stating that as per the compromise decree in O.S.No.580/2019 he was allotted Sy.No.12/1 and 10. Hence, prayed not to release the amount anybody.

12. The petitioner also produced his objection dated 06.11.2019 filed by the respondent No.1 to the petitioner

stating that the suit in respect of Sy.12/4 along with the other survey number properties are pending before the Prl., Civil Judge and JMFC Court, Arasikere. Hence, prayed not to release the amount anybody.

13. The petitioner also produced copy of the order sheet in OS.No.580/2019 which reveal that the respondent No.1 filed a suit against respondent No.4 and Mallegowda, Saroja for relief of declaration and permanent injunction and the copy of the IA under Order 39 Rule 1 and 2 filed in that case reveals that the said suit was in respect of Sy.No.12/4, 12/3 and 8/1. The petitioner has produced order dated 16.09.2019 passed by him seeking permission to deposit the amount before this court. In view of the objection filed by respondent No.1.

14. The petitioner has not adduced any evidence. The respondent No.1(a) and 1(b) adduced their evidence. In spite of opportunity has been given legal heirs of respondent No.2 and

4 have not cross-examined this witness. Even respondent No.4 has not adduced any evidence. Apart from oral evidence of respondent No.1(a) and 1(b) produced Ex.R.1 to 3 the certified copy of the order sheet plaint copy, compromise decree in O.S.No.580/2019 and Ex.R4 the RTC. These documents reveal that the respondent No.1 herein being a plaintiff filed suit in OS.No.580/2019 before Prl., Civil Judge and JMFC Court, Arasikere for relief of declaration and permanent injunction in respect of property bearing Sy.No.12/4 measuring 36 gunta, 12/3 measuring 1 acre and 8/1 measuring 20 gunta situated at Tirupathihalli Village to declare that he is the absolute owner in possession and enjoyment of the suit schedule those properties and also for permanent injunction to restrain the defendants for the respondent No.4 herein and one Mallegowda, Smt. Saroja from interfering with this possession and said suit was compromised between the parties on 27.03.2021. The said properties were allotted to share of this respondent No.1 and the respondent No.4 herein being a

defendant No.1 in that suit and given up his right over the said properties and he had received Rs.5,00,000/- from this respondent No.1 and defendant No.2 towards his share. Ex.R4 reveals that 14 gunta in Sy.No.12/4 was acquired by National Highways Authority and the name of the National Highways Authority entered in the RTC after acquisition. So, it clearly shows that the property bearing Sy.No.12/4 measuring 1112 Sq.mtrs acquired by the petitioner as on the date of acquisition belongs to the ownership of the respondent No.1 and it has been confirmed in view of the compromise decree in OS. No.580/2019 between the respondent No.1, 4 and two others. He is entitled to the compensation amount awarded in respect of Sy.No.12/4 measuring 14 gunta.

15. The legal heirs of respondent No.2 has not appear before the court inspite of service of notice. The respondent No.3 did not appear inspite of service of notice. Hence, placed exparte. This respondent No.1 and 4 have not claimed any

right over Sy.No.12/1. Even in the award the name of respondent No.2 and 3 are shown as Kathedaars/Anubavadhaars in the said property. So, the respondent No.1 and 4 is not having any right over Sy.No.12/1 measuring 151 Sq.mtrs acquired by the petitioner. So, they are no entitled for the said compensation only the respondent No.2 and 3 are entitled for the compensation for acquisition of Sy.No.12/1.

16. Since, the respondent No.1 filed objection for release of the amount in respect of the Sy.No.12/4 measuring 1112 Sq.mtrs. In view of the dispute raised by the respondents about disbursing the award amount, and the petitioner being the competent authority has no power to decide the said dispute, he is right in referring the case to this court.

17. Total Rs.5,73,240/- amount is deposited before this court. As per the award the amount of Rs.66,561/- is the

compensation in respect of acquisition of 151 Sq.mtrs in Sy.No.12/1 and Rs.5,06,679/- is the compensation towards the acquisition of 1112 Sq.mtrs in Sy.No.12/4. So, the legal heirs of respondent No.1 is entitled to compensation amount of Rs.5,06,679/- in respect of acquisition of Sy.12/4 measuring 1112 Sq.mtrs and the legal heirs of respondent No.2 and respondent No.3 are entitled the compensation amount of Rs.66,561/- for the acquisition of Sy.No.12/1 measuring 151 Sq.mtrs. Therefore, I answer **Point No.1 in the affirmative** and **Point No.2 is in favour of the legal heirs respondent No.1, 2 and respondent No.3.**

18. **POINT NO.3:** From the discussion made herein above, I proceed to pass the following:

### **ORDER**

The petition filed by the petitioner under Section 3H(4) of National Highways Act, 1956 read with Section 151 of Civil Procedure Code is hereby allowed.



Consequently, the legal heirs of respondent No.1 is entitled to receive the compensation amount of Rs.5,06,679/- and the legal heirs of respondents No.2 as one party and 3 are entitled to receive the compensation amount Rs.66,561/- deposited in the case with accrued interest thereon.

The legal heirs of respondent No.1 and 2 and respondent No.3 shall execute the indemnity bond in favour of this court.

*(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in Open Court on this the 13<sup>th</sup> day of February 2026)*

**(Hemavathi)**  
Principal District & Sessions Judge,  
Hassan.

### ANNEXURE

**Witnesses examined for petitioner: NIL**

**Witnesses examined for respondents:**

R.W.1 : Jayalakshmi

R.W.2 : Rakesh T.A.

**Documents marked for petitioner: NIL**

**Documents marked for respondents:**

Ex.R.1 : Certified copy of the order sheet in  
O.S.No.580/2019

Ex.R.2 : Certified copy of the plaint in  
O.S.No.580/2019

- Ex.R.3 : Certified copy of the compromise decree  
in O.S.No.580/2019
- Ex.R.4 : Copy of the RTC

**(Hemavathi)**  
Principal District & Sessions Judge,  
**Hassan.**