



**IN THE COURT OF I ADDITIONAL DISTRICT &
SESSIONS JUDGE AND LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT Authority
AT CHIKKAMAGALURU**

Dated this the 28th day of November, 2025

:PRESENT:

Smt. Bhanumathi B.C., B.A.L., LL.B.
I Addl. District and Sessions Judge
Presiding officer of LARR Authority
Chikkamagaluru

LAC Misc.No.47/2024

Petitioner : K.K. Nagarajappa
S/o late Kallappa,
Aged about 63 years,
R/at Kunkanadu Village,
Yagati Hobli,
Kadur Taluk,
Chikkamagaluru District.

(Represented by Sri.BSA, Adv)

-V/s-

Respondents : 1. Deputy Commissioner,
Chikkamagaluru District,
Chikkamagaluru.

2. The Land Acquisition Officer
and Assistant Commissioner,
Tarikere Sub-Division,
Tarikere.



3. The Executive Engineer,
Karnataka Neeravari Nigam Ltd.
Upper Bhadra Project,
Kadur Division, Kadur Taluk,
Chikkamagaluru District.

(R1 and R2 represented by DGP,
R3 represented by Sri.KMJ,
Advocate)

ORDER

The petitioner, the land loser has filed this petition under section 64(1) and (2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as 'RFCTLARR Act' for the sake of brevity) with a prayer to direct the Land Acquisition Officer, the respondent No.2 herein (hereinafter referred as 'LAO' for the sake of brevity) to make the reference of his application dated 18.11.2023 filed under aforesaid provision for determination of compensation amount pertaining to acquisition of his land to this Authority.

2. After service of notice of this petition, the respondents No.1 and 2 appeared through District Government Pleader and respondent No.3 appeared through the counsel on their panel. The respondents contested the petition by filing statements of objections.

3. In the petition, it is stated by the petitioner that his land bearing Sy.No.14/9 to an extent of 0.08 guntas situated at Kunkanadu village, Yagati hobli, Kadur Taluk, Chikkamagaluru District was acquired by the



respondent for the purpose of Upper Bhadra Project. By awarding a sum of Rs.6,36,232/- as compensation, the LAO issued award notice dated 05.10.2023 to him. The petitioner had received said amount under protest and filed application under section 64 of RFCTLARR Act before the respondent No.2 on 18.11.2023 and sought for referring the matter to this Authority for determination of higher compensation, but said application is not yet referred to this Authority by the respondent despite repeated requests. With this, the petitioner sought this Authority to issue direction to the respondent No.2 to make reference of his application and the relevant record pertaining to acquisition of his land to this Authority for the determination of compensation.

4. On the other hand, it is contended by respondents that the present petition is filed beyond the period prescribed by the statute and the same is not maintainable either in law or on facts. With these, the respondents sought for dismissing the petition.

5. In the enquiry, the petitioner got examined himself as PW.1 and got exhibited the award notice dated 05.10.2023 as Ex.P1. In the cross-examination of PW.1, the counsel for respondent No.3 confronted the application filed by the petitioner under section 64 of RFCTLARR Act and got it marked as Ex.R1.

6. Heard both sides and perused the record.

7. The points that arise for the consideration of this court are:



POINTS

1. Whether this petition is within the time prescribed under RFCTLARR Act?
2. Whether the petitioner is entitled for the relief as prayed in the petition?
3. What order ?

8. The answers to the above said points are;

Point No.1	: In Affirmative
Point No.2	: Partly in Affirmative
Point No.3	: As per final order for the following;

REASONS

9. **Point No.1 & 2:-** In the case on hand, it is not in dispute that the land bearing Sy.No.14/9 to an extent of 0.08 guntas situated at Kunkanadu village, Yagati hobli, Kadur Taluk, Chikkamagaluru District belonging to this petitioner was acquired by the respondent for the purpose of Upper Bhadra Project and a sum of Rs.6,36,232/- was awarded as compensation and the award notice dated 05.10.2023 was issued to the petitioner. It is the case of the petitioner that he received the award amount under protest and on 18.11.2023, he filed an application under section 64 of RFCTLARR Act before the LAO with a prayer to refer said application and the relevant record pertaining to acquisition of aforesaid land to this Authority for determination of



compensation, but the same is not yet referred to this Authority by the respondent No.2. Being aggrieved by the same, he has come up with this petition with a prayer to direct the respondents to make reference of his application to this Authority for determination of compensation. On the other hand, it is contended by the respondents that the present petition is filed beyond the period prescribed by the statute and the same is not maintainable either in law or on facts.

10. During enquiry, the petitioner got examined himself as PW.1 by filing affidavit in lieu of his examination-in-chief, wherein he reiterated the averments made in his petition and got exhibited the award notice dated 05.10.2023 as Ex.P1. In the cross-examination of PW.1, the counsel for respondent No.3 confronted the application filed by the petitioner under section 64 of RFCTLARR Act and got it marked as Ex.R1.

11. Before considering the entitlement of the petitioner to get his matter referred to this Authority, it is necessary to see whether the present application is filed within the time stipulated under section 64 of RFCTLARR Act.

12. For better appreciation, it is necessary to have a glimpse at the provision envisaged in section 64 of RFCTLARR Act and the same is reproduced hereunder for immediate reference:-

“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. A bare perusal of the aforesaid provision makes it clear that any person who has not accepted the award may file an application in writing to the Collector/LAO with a prayer to refer the matter to the Authority for determination of his objection to the measurement of land, amount of compensation, the person to whom it is payable, apportionment of the compensation among the persons interested or other rights under Chapter-V and VI of aforesaid Act. As per the provision envisaged in clause (a) to the proviso appended to subsection (2) of section 64, if a person filing said application was present or represented before the Collector at the time when he made his award that means to say if a person interested in the land had participated in the award proceedings, then he has to file reference application under section 64 within six weeks from the date of Collector’s award and in any other cases, the application has to be filed within six weeks from the date of the receipt of the award notice or within six months from the date of award, whichever period shall first expire as per the provision envisaged in clause (b) of the proviso appended to subsection (2) of section 64.

14. Further as per the first proviso appended to subsection (1) of section 64, the Collector shall make a reference to the Authority within a period of 30 days from the date of receipt of the written application by the interested person and as per the second proviso appended to said section, if the Collector fails to make such reference within the period so specified, the



applicant may apply to the Authority with a prayer to direct the Collector to make the reference to it within a period of 30 days. A perusal of said provisions makes it clear that the Collector/LAO has to make reference to the Authority within 30 days from the date of receipt of application and if the LAO fails to do so, the applicant has to apply to this Authority within a period of 30 days seeking direction to the LAO to make the reference to it. In the case on hand, it is not in dispute that the petitioner had filed the application under section 64 of RFCTLARR Act before the LAO on 18.11.2023, but apparently, the LAO has not referred the matter to this Authority within 30 days as specified. Hence, the petitioner was required to file this application within 30 days after the lapse of aforesaid 30 days prescribed for the LAO to make reference to the Authority. Thus the present application ought have been filed within sixty days from the date of filing of the application i.e., from 18.11.2023. The petitioner was required to file this petition within sixty days from 18.11.2023 i.e., on or before 17.01.2024. The present petition was presented before this Authority on 11.01.2024 and it was registered on 19.01.2024. Thus the petition was filed within the time stipulated under the proviso appended to section 64(1) of RFCTLARR Act. Hence there is no impediment for this court to proceed with the matter.

15. The learned DGP for R1 and R2 and the learned counsel for R3 have vehemently contended that the petitioner has not filed the application before the LAO raising his objection regarding the compensation within the time stipulated under section 64 of RFCTLARR Act and as such he is not entitled to get



his application referred to this Authority. As noted in the preceding paragraphs, the provision envisaged in clause (a) to the proviso appended to section 64(2) of RFCTLARR Act mandates that if any person entrusted in the acquired land had participated in the award proceedings, then he has to file reference application under said section within six weeks from the Collector's award and in any other case, said application has to be filed within six weeks from the date of receipt of award notice or within six months from the date of award, whichever period shall first expire as provided in clause (b) of the proviso appended to section 64(2) of RFCTLARR Act.

16. In the case on hand, it is not the case of the respondents that the petitioner was present or represented before the LAO at the time when he passed the award and further there is nothing on record to show that the petitioner had participated in award proceedings. Hence, the limitation prescribed in the aforesaid clause (a) is not applicable to the case on hand. Hence, it is necessary to examine whether reference application is filed within the time stipulated in aforesaid clause (b), which mandates that the application under section 64 of RFCTLARR Act has to be filed before the LAO within six weeks from the date of receipt of award notice or within six months from the date of Collector's award whichever shall first expire.

17. A true copy of the award passed by the LAO is made available on record in LAC Misc.No.1/2024 and it is said to have been passed on 16.11.2022. As noted in the preceding paragraphs, as per the provision envisaged in clause (b) appended to section 64(2) of



RFCTLARR Act, if the interested person had not participated in the award proceedings, he has to file reference application under said provision within six weeks from the date of receipt of award notice or within six months from the date of award, whichever period shall first expire. As noted above, the award is dated 16.11.2022. Further the award notice as per Ex.P1 is dated 05.10.2023, but there is no material to show the date on which said notice was served on the petitioner. As noted in the preceding paragraphs, if the interested person had not participated in the award proceedings, then he has to file application seeking reference under section 64 of RFCTLARR Act within six months from the date of award or within six weeks from the date of receipt of award notice. Further in the last proviso appended to section 64(2) of RFCTLARR Act, it has provided that the LAO may entertain an application after the expiry of 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 aforesaid first proviso. Thus as per the said proviso, the LAO has the discretion to entertain an application filed after the expiry of aforesaid period within a further period of one year if he is satisfied that there was sufficient cause for not filing it within said period.

18. In the case on hand, the award is dated 16.11.2022, the award notice is dated 05.10.2023 and the petitioner had filed the reference application before the LAO on 18.11.2023. There is nothing on record to show that whether the petitioner had filed any application before the LAO to satisfy him that he was prevented by a sufficient cause in not filing the reference application within the period specified in clause (b) of section 64(2) of RFCTLARR Act. Further



as noted above, the Collector may entertain an application filed after the expiry of the period mentioned in Clause (b) of said section within a further period of one year subject to the satisfaction that the claimant was prevented by a sufficient cause in not filing the application within said period. It is seen from the record that the petitioner had filed the reference application within six weeks from the award notice dated 05.10.2023 and in any case within the aforesaid extended period of one year. Hence, it is for the LAO to see whether the application seeking reference is made within the time or not and to see whether the applicant was prevented by any sufficient cause in not filing the application within the specified time.

19. In the light of above discussion, it is evident that the present application is filed within the time stipulated in section 64 of RFCTLARR Act, but there the material placed on record is not sufficient to examine whether the reference application filed by the petitioner before the LAO is within time or not. Moreover there is no material to show whether the petitioner had filed any application before the LAO to explain that he was prevented by a sufficient cause in not filing the reference application within the time. Further as noted above, as per the second proviso appended to section 64(2) of RFCTLARR Act, the Collector may entertain an application after the expiry of the period mentioned in clause (a) and (b) appended to the first proviso of said section. Furthermore it is not the case of the respondents that the reference application was filed beyond the period mentioned in the second proviso appended to section 64(2) of RFCTLARR Act. Having regard to these aspects and further having regard to the



aforesaid conclusion reached by this Authority that the present application is filed within the time stipulated in section 64 of RFCTLARR Act, this Authority is of the view that if the suitable direction is given to the LAO to pass necessary order on the application filed by the petitioner under section 64 of RFCTLARR Act seeking reference to this Authority, it would serve the ends of justice. Accordingly, point No.1 is answered in affirmative and point No.2 is answered partly in affirmative.

20. Point No.3:- In the light of above discussion, I proceed to pass the following:-

ORDER

The petition filed by the petitioner under section 64(1) and (2) of RFCTLARR Act is allowed in part.

The respondent No.2 is hereby directed to pass necessary order on the application filed by the petitioner seeking reference to this Authority within a period of two months from the date of communication of this order.

Office is directed to communicate this order to respondent No.2 forthwith.

(Dictated to the Stenographer Grade-III on computer, typed by her, corrected and pronounced by me in the open court on this 28th day of November, 2025).

Sd/-

(BHANUMATHI. B.C.)

I Addl. District & Sessions Judge
Presiding officer of LARR Authority
Chikkamagaluru



ANNEXURE

List of witnesses examined on behalf of petitioner:

PW.1 K.K.Nagarajappa

List of documents exhibited on behalf of petitioner:

Ex.P1 True copy of award notice

List of witness examined on behalf of respondents:

Nil

List of documents marked on behalf of respondents:

Ex.R1 Copy of reference application

Sd/-

(BHANUMATHI. B.C.)

I Addl. District & Sessions Judge
Presiding officer of LARR Authority
Chikkamagaluru