

KABK010014792024



**IN THE COURT OF THE II ADDL. DISTRICT JUDGE AND
ADDL. LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY, BAGALKOTE.
ITINERARY COURT, HUNGUND.**

Present: Sri. G. A. Mulimani, M.A., LL.M.,
II Addl. District Judge & the Land Acquisition,
Rehabilitation and Resettlement Authority, Bagalkote,
Sitting at Itinerary Court, Hungund.

Dated this the 6th day of March 2026

L.A.C. No.396/2024

Petitioner:

The Additional Special Land Acquisition Officer,,
No.1, UKP, Navanagar, Bagalkote.

(By Ld. Special Government Counsel)

Vs.

Opponents:

1. Sidramappa S/o Shivappa Badakannavar Govt.
2. Parasappa S/o Shivappa Badakannavar

...Awardees

(Opponent No.1 & 2: By Smt.H.H.Kengar, Advocate)

AWARD

The petitioner has submitted this reference U/Secs.76 & 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for depositing the award amount of Rs.2,26,236/- through K-2 Voucher No.71 dated 11.09.2023, in respect of land bearing R.S.No.65/6 measuring 08 Guntas, situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal under Timmapur Lift Irrigation Scheme.

2. The opponent No.1 and 2/Awardee have appeared through their counsel and filed claim statement inter alia contending that, the petitioner/ASLAO, No.1, UKP, Navanagar, Bagalkot has acquired the property bearing R.S.No.65/6 measuring 08 Guntas situated at Kadiwal Kallapur village of Hungund Taluka, for the purpose of construction of Canal under Timmapur Lift Irrigation Scheme under LAQ/SR/No.35/2019-20. They are the

awardees for the above said acquired property and they are only absolute owners of the above said acquired property and hence entitled for compensation. Accordingly they prayed to declare them as they are the owners of aforesaid acquired property and subsequently order to pay the above said compensation of Rs.2,26,236/-, which is deposited under CCD No.32/2024-25 dated 19.07.2024 in their favour jointly.

3. In the objections filed by the petitioner, it is contended that, petitioner referred the matter and deposited the compensation as per the procedure laid down in Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The LAO is empowered to refer the matter to the court if there is dispute regarding apportionment between the parties or if the landlords are not available or cannot be found then the compensation amount will be deposited with the court or authority.

4. Further contended that, this petitioner is not liable to pay any interest to the awarded amount from the date of referring the matter to the court. In the present case landlords are not ready to receive the compensation. Hence referred this case for adjudication. There is no error on the part of LAO in dealing with the matter and in contrary opponents failed to comply their part of obligation in receiving the compensation awarded by the LAO to the land in question.

5. In order to prove the claim statement, opponent No.1 has been examined as RW.1 and got marked the documents at Ex.R.1 to 4 and closed their side of evidence. On the other hand, learned SGC for petitioner has submitted no evidence, hence petitioners' evidence is closed. Hence, posted for arguments.

6. Heard the arguments of both sides and perused the case papers, the point that arises for my consideration is as under:

POINTS

1. Whether the opponent No.1 and 2 are entitled for compensation amount of Rs.2,26,236/- deposited by the petitioner, if so in what proportion?

2. What award or order?

7. My answers to the above points are as under:

Point No.1 : Affirmative;

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

REASONS

8. Point No.1:- Admittedly, the ASLAO, No.1, UKP, Navanagar, Bagalkot has referred this reference U/Secs.76 & 77 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for depositing the award amount of Rs.2,26,236/- through K-2 Voucher No.71 dated 11.09.2023 in respect of land bearing R.S.No.65/6 measuring 08 Guntas situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal under Timmapur Lift Irrigation Scheme. Further the ASLAO, No.1, UKP,

Navanagar, Bagalkot has awarded the compensation of Rs.2,26,236/- in LAQ.SR.No.35/2019-20 dated 14.11.2022. Since the ASLAO, No.1, UKP, Navanagar, Bagalkot has deposited this amount under this reference petition, stating that, there is a dispute between the opponents, due to which the opponents have not received the amount.

9. On perusal of the check-slip, it is clearly mentioned that, the though opponent No.2 is the co-awardee, has not ready to receive the amount, as such the Petitioner treated him as objector. However, the opponent No.1 and 2 have not received the amount and not produced any document to show that, among them, one is the absolute owner of the acquired land. Hence has referred the reference to settle the dispute and distribute the amount.

10. On perusal of the check-slip, it is clearly mentioned that, the opponent No.1 and 2 have not received the amount, as such they treated as objectors. Further,

among the Objector No.1 and 2 have not produced any documents to show that objector No.1 or 2 are the absolute owner of the acquired land before the Petitioner/ASLAO. Hence has referred the reference to settle the dispute and distribute the amount. Ex.R.1 is the RTC extract standing in the name of opponent No.1 and 2 and KBJNL. However, the Petitioner has acquired the land bearing R.S.No.65/6 of Kadiwal Kallapur village to the extent of 08 Guntas. Ex.R.2 is the Copy of Mutation. Ex.R.3 is the copy of order passed by Assistant Commissioner, Bagalkot regarding deleting the name of KBJNL in revenue records in respect of acquired land. Ex.R.4 is the Certificate under section 63 of BSA. Since the Ex.R.1 to 3 are the Online Copies of RTC , Mutation Entry and Order of A.C., Bagalkot.

11. Admittedly, the opponent No.1 and 2 are the owners of the said acquired land. However, they are not ready to receive the amount, as both are claiming them are individually absolute owner of the acquired land, as such there is a dispute between Opponent No.1 and 2 in respect

of ownership of the land regarding apportionment. As such, landlords are not ready to receive the compensation. Hence, the petitioner has referred this reference for adjudication of apportionment.

12. In the cross-examination of RW.1 has stated that, the Petitioner has issued Notice under section 4(1) and 12(1) of the Act, which were served on him. In spite of service of the said notices, the opponents No.1 and 2 have not received the award amount as both of them have claimed absolute ownership of the acquired land individually. Further has admitted that, now the opponent No.1 and 2 are ready to receive the amount jointly. Further has admitted that, since the opponents have not received the award amount, hence the Petitioner has deposited the said award amount as disputed amount. Further has admitted that, no fault has been committed by the Petitioner while depositing the award amount before this court. Further has denied that, the Petitioner is not liable to pay the interest. Further has admitted that, if any body

claim the said deposited amount, he and opponent No.2 are ready to execute the indemnity bond.

13. On taking into consideration of the above evidence of R.W.1, which clearly reveal that, the dispute raised between the Opponent No.1 and 2, though the opponent No.1 and 2 are the absolute owners of the acquired property which was acquired by the Petitioner. Since the opponent No.1 and 2 have individually claimed their ownership over the acquired land. The Petitioner has no option except to deposit the amount in this court. Now, the opponent No.1 and 2 are ready to received the award amount jointly in respect of the acquired land. Therefore, the Opponent No.1 and 2 are absolute owners of the acquired land, as such the opponent No.1 and 2 are proved that, they are absolute owners of the acquired land.

14. On taking into consideration of the oral and documentary evidence, it is clearly goes to show that, the awardees/opponent No.1 and 2 are the absolute owners of the acquired land. Therefore, there is no any impediment to

allow the reference petition, as such I answer the **Point No.1 in the Affirmative.**

15. **Point No.2:** For the reasons discussed in supra paras, I proceed to pass the following:

ORDER

The petition referred by the petitioner U/Secs.76 & 77 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for apportionment of compensation amount Rs.2,26,236/- in view of the acquisition made in respect of property/land bearing R.S.No.65/6 measuring 08 Guntas situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal under Timmapur Lift Irrigation Scheme is hereby disposed as under:

The opponent No.1 and 2 are declared as absolute owners of the schedule property bearing R.S.No.65/6

measuring 08 Guntas situated at Kadiwal Kallapur village of Hungund Taluka jointly.

Under these circumstances, no order as to costs.

Office is need not to draw another separate Award/Decree as per the Oral Order passed by the Hon'ble High Court of Karnataka, at Dharwad in MFA No.104109/2023 (LAC) dated 08.07.2025 vide Letter bearing No.DJA/81/2020 dated 12.08.2025 issued by the Hon'ble Registrar General, Hon'ble High Court of Karnataka, Bengaluru communicated through Email.

(Dictated to the Stenographer Grade-III directly on the computer, script corrected and signed by me, then pronounced in open court on this the 6th day of March 2026).

(G.A.Mulimani)
II Additional District Judge &
Additional Land Acquisition,
Rehabilitation & Resettlement Authority,
Bagalkote, Sitting at Itinerary Court,
Hungund.

ANNEXURE

List of the witnesses examined and documents on behalf of
Petitioner: -

NIL-

List of documents marked on behalf of Petitioner:

-NIL-

List of the witness examined on behalf of the Opponents:

RW.1 : Sidramappa S/o Shivappa Badakannavar

List of documents marked on behalf of Opponents:

Ex.R.1 : Online copy of RTC

Ex.R.2 : Mutation Copy

Ex.R.3 : Revenue Department Letter dated 02.08.2024

Ex.R.4 : Certificate U/Sec.63 of BSA.

II Additional District Judge &
Additional Land Acquisition,
Rehabilitation & Resettlement Authority,
Bagalkote, Sitting at Itinerary Court,
Hungund.