

KABK010014902024



**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 6<sup>th</sup> day of March 2026**

**L.A.C. No.400/2024**

**Petitioner:**

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

**(By Ld. Special Government Counsel)**

**Vs.**

**Opponents:**

1. Shivagangavva W/o Mahadevvappa Herkal

2. Parasappa S/o Mahadevappa Herakal

3. Laxman S/o Mahadevappa Herakal

**...Awardees**

4. Canara Bank, Kamatagi

5. PKPS Bank, Kamatagi

**...Anubhavadararu**

**(Opponent No.1 to 3: By Smt.H.H.Kengar., Advocate)**

**(Opponent No.4: By Sri.I.S.C., Advocate)**

**(Opponent No.5: Absent)**

**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.5,37,310/- through K-2 Voucher No.111 dated 11.09.2023, in respect of land bearing R.S.No.11/1 measuring 19 Guntas, situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal No.1 under Timmapur Lift Irrigation Scheme.

2. The opponent No.1 to 3/Awardees 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.11/1 measuring 19 Guntas, situated at Kadiwal Kallapur village of Hungund Taluka, for the purpose of construction of Canal No.1 under Timmapur Lift Irrigation Scheme. They are the awardees for the above said acquired property and are entitled to receive above said compensation jointly. Accordingly prayed to order to pay the above said compensation of Rs.5,37,310/- deposited under CCD No.44/2024-25 dated 24.06.2024 in their favour jointly.

3. On the other hand, opponent No.4 though appeared through their counsel has not filed any statement of claim and opponent No.5 placed absent.

4. 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 Land Acquisition Act. 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.

5. 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 the landlords are not ready to receive the compensation and hence referred to this court 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.

6. In order to prove the claim statement, opponent No.2 has been examined as RW.1 and got marked the documents at Ex.R.1 and 2 and closed his side of evidence. On the other hand, learned SGC for petitioner has submit

no evidence, hence petitioners' evidence is closed and posted for arguments.

7. 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 to 3 are entitled for compensation amount of Rs.5,37,310/- deposited by the petitioner, if so in what proportion?
2. What award or order?

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

Point No.1 : Affirmative;

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

### **REASONS**

9. **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.5,37,310/- through K-2 Voucher No.111 dated 11.09.2023 in respect of land bearing R.S.No.11/1 measuring 19 Guntas situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal No.1 under Timmapur Lift Irrigation Scheme. Further the ASLAO, No.1, UKP, Navanagar, Bagalkot has awarded the compensation of Rs.5,37,310/- 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, the opponents have not received the amount.

10. On perusal of the check-slip, it is clearly mentioned that, the opponent No.4 and 5 are the objectors and objectors have not produced any documents 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 to 3. However, the Petitioner has acquired the land bearing

R.S.No.11/1 of Kadiwal Kallapur village to the extent of 19 Guntas. Ex.R.2 is the Certificate under section 63 of BSA, as Ex.R.1 is the Online Copy of RTC. Admittedly, the opponent No.1 to 3 are the owners of the said acquired land. However, there is a Bhoja in favour of the Canara Bank, Kamatagi and PKPS, Kamatagi, as there is a dispute between landlords and opponent No.4 and 5 regarding apportionment. As such, landlords are not ready to receive the compensation. Hence, the petitioner has referred this reference for adjudication of apportionment.

11. 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 to 3 have not received the award amount as the Opponent No.4 and 5 have raised objections. Further has admitted that, now the opponent No.1 to 3 are ready to receive the amount jointly. Further has admitted that, opponent No.1 to 3 are have not objection to release the amount to opponent No.4

and 5 in respect of their share. 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.1 and 3 are ready to execute the indemnity bond.

12. On taking into consideration of the above evidence of R.W.1, which clearly reveal that, the dispute raised between the Opponent No.1 to 3 and opponent No.4 and 5, though the opponent No.1 to 3 are the absolute owners of the acquired property which was acquired by the Petitioner. The Opponent No.4 and 5/Objectors are being the Canara Bank and PKPS Bank, Kamatagi. The Opponent No.1 to 3 have raised the loan in the Opponent No.4 and 5/Objector's i.e. Canara Bank and PKPS Bank,

Kamatagi, as such there is a charge on the revenue records in respect of the loan raised by the Opponent No.1 to 3. Therefore, the Opponent No.1 to 3 are absolute owners of the acquired land. So far as charge of Objectors/Opponent No.4 and 5 is concerned, the Opponent No.1 to 3 are liable to receive the amount, subject to payment of the loan of Canara Bank, Kamatagi and PKPS Bank, Kamatagi. Under such condition the opponent No.1 to 3 are proved that, they are absolute owners of the acquired land.

13. On taking into consideration of the oral and documentary evidence, it is clearly goes to show that, the awardees/opponent No.1 to 3 are the absolute owners of the acquired land. The Opponent No.4 and 5/Objectors i.e. Canara Bank, Kamatagi and PKPS, Kamatagi are entitled their respective loan amount. Therefore, there is no any impediment to allow the reference petition, as such I answer the **Point No.1 in the Affirmative.**

14. **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.5,37,310/- in view of the acquisition made in respect of property/land bearing R.S.No.11/1 measuring 19 Guntas situated at Kadiwal Kallapur village of Hungund Taluka acquired for the purpose of construction of Canal No.1 under Timmapur Lift Irrigation Scheme is hereby disposed as under:

The opponent No.1 to 3 are declared as absolute owners of the acquired property bearing R.S.No.11/1 measuring 19 Guntas situated at Kadiwal Kallapur village of Hungund Taluka subject to payment of loan amount of Opponent No.4 and 5.

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 6<sup>th</sup> 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 : Parasappa S/o Mahadevappa Herakal

List of documents marked on behalf of Opponents:

Ex.R.1 : Online Copy of RTC of R.S.No.11/1

Ex.R.2 : Certificate U/Sec.63 of BSA

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