

KABR400004912023



IN THE COURT OF IV ADDITIONAL DISTRICT & SESSIONS JUDGE
SITTING AT DODDABALLAPURA, BENGALURU RURAL DISTRICT

Dated 01st Day of August 2026

: PRESENT:

SMT. NIRMALA .K, B.A. M.L.,
IV Additional District and Sessions Judge,
Doddaballapura, Bengaluru Rural District.

CIVIL MISC. No. 10025 / 2023

PETITIONER : **The Special Land Acquisition**
Officer and Competent Authority
National Highways Authority of India
NH-207 (Hosakote-Dabbaspet Section)
Site Office : Nelamangala

(By Sri. B.V.P., Advocate)

V/s

RESPONDENTS : **1) Sri. Ramanjinappa**
S/o. Bhagavanthappa
Aged about 65 years

2) Smt. Muniramakka
W/o. Late Munirajappa
Aged about 60 years

3) **Sri. Pillanjinappa**
S/o. Late Muniyappa
Aged about 55 years

4) **Sri. Shankarappa**
S/o. Late Muniyappa
Aged about 51 years

Respondent No.1 to 4 are
R/at. Majar Moparahalli Village
Kasaba Hobli
Doddaballapura Taluk
Doddaballapura – 561203

(Resp.No.1 by Sri. A.R.N., Advocate,

Resp.No.2 by Sri. R.M.R., Advocate,

Resp. No.3 and 4 - Ex-parte)

JUDGMENT

This petition has been filed by the petitioner – the Special Land Acquisition Officer U/s.3-H(4) of the National Highways Act 1956 for the relief to determine the person who is entitled to receive the compensation amount awarded on acquisition of the schedule property.

2. Brief facts of the case is that:

The petitioner is National Highway Authority of India situated under National Highway Authority of India Act 1956 which is acquired for the development and management of the National Highways and other matters communicated understandly thereto. The petitioner

authority has taken up work of development maintenance mangagement upgradation widening of four line to six line of NH-207 falling within stretch of Hosakote – Sompura section from K.M.57.740 to K.M.138.320 in Bengaluru Rural District. Land bearing Sy.No.78/4, measuring 223+267 square meters situated at Adinarayanahosahalli Village, Doddaballapura Taluk, Bengaluru Rural District and notified for acquisition. Petitioner prepared award for a payment of compensation amount to the rightful and true owner of the said property. The total amount awarded in respect of the schedule property is Rs.29,31,242/-. Further, petitioner has issued notice to the respondent to produce the documents in respect of the property acquired by them. But the respondent failed to produce any document. But the petitioner came to know that there is dispute in O.S.No.214/2013 pending before the Senior Civil Judge & J.M.F.C., Doddaballapura. The petitioner exercising power under the provisions of Section 3-H(4) of National Highways Act 1956 by its order dated 31-07-2023 bearing No.NHAI/NH-207/Doddaballapura/CR-682/2022-23 has referred to this court. Hence, the petition.

3. On the other hand, in pursuance of the court notice, respondent no.1 and 2 appeared through their advocates and filed their objection statements. Respondent no.3 and 4 did not appeared despite service of notice and hence, they are placed ex-parte.

4. The respondent no.1 has admit the acquisition of proceedings in respect of suit property and that a sum of Rs.29,31,242/- is deposited by the petitioner in this court. He further submit that, property bearing Sy.No. 78/4 of Adinarayanahosahalli Village Doddaballapura Taluk belonged to one Munimarappa. He had filed Form No.7 in respect of the said land against one Hotel Mahadev in LRF 328/75-76, 328/A and 328/B-1975-76 before the Land Tribunal, Doddaballapura. Later occupancy right was granted in his favour by the Land Tribunal by order dated 18.09.1980 and issued Form No.10. Later katha of the property was changed in the name of Munimarappa vide M.R.No.4/1986-87. R.T.C.s stood in the name of Munimarappa. After his death, katha was changed in the name of his wife Smt. Gundahanumakka in IHC 21/1986-87. Thus, Gundahanumakka and her children were enjoying the property. Since they were in need of money to discharge previous family debts, she along with her children Chikkamuniyappa, Anjinappa, Pillegowda and Muniyappa have sold the property in favour of respondent no.1 under registered sale deed dated 03.07.1998 and since then, respondent no.1 is in peaceful possession and enjoyment of the said property by virtue of M.R.No.2/1998-99. R.T.C. Extracts stood in his name. When things stood like this, Munimarakka and her two sisters have filed suit in O.S.No.214/2014 on the file of Additional Senior Civil Judge and JMFC Court, Doddaballapura. Respondent no.1 submit that since the sale deed in favour of respondent no.1 is on 03.07.1998, the suit is barred by limitation.

5. Further, respondent no.2 submit in his objection statement that respondent no.2 and her four sisters are having share over the land bearing Sy.No.78/4 measuring 2 acre 37 guntas and during the life time of this respondent's father, he has acquired it by way of grant. The other children of Munimarakka have alienated the property in favour of respondent no.1 which is not binding on this respondent. Since O.S.No.214/2013 for partition is pending, the present suit is not maintainable. This respondent is the absolute owner of the property and respondent no.1 colluded with the petitioner officials illegally trying to release the compensation amount. Hence, she prayed for dismissal of the petition and prayed not to release the compensation amount in favour of respondent no.1.

6. The petitioner has not adduced any oral or documentary evidence. On the other hand, the **G.P.A. Holder of respondent no.1 examined as RW-1** and got marked the **Ex.R-1 to Ex.R-12** documents. **and S.P.A. Holder of respondent no.2 examined as RW-2** and got marked the **Ex.R-13 and Ex.R-14** documents.

7. Heard the **arguments** of learned counsels for petitioner and respondent no.1 and Perused the materials on record and also the **Written Arguments submitted by respondent no.1.**

8. In the light of the submissions made by the Learned counsels appearing for the petitioner and respondent no.1 and 2, the

following **points arose for my consideration to determine** in this petition.

- 1) Whether petitioner has made out grounds to allow this petition?
- 2) Whether respondent no.1 is entitled for entire compensation amount?
- 3) Whether respondent no.2 is entitled for entire compensation amount?
- 4) What Order?

9. On going through the evidence on record, this court has answered the above said points as follows:

- Point No.1 : answered accordingly,
Point No.2 : in the Negative,
Point No.3 : in the Negative,
Point No.4 : As per final order for the following:

REASONS

10. **Point No.1 to 3:-** Since these points are interlinked with one another, they are taken up together for consideration, for avoiding repetition of discussion on the facts of the case and also regarding point of law.

11. It is undisputed fact that the petitioner authority is constituted under the provisions of National Highway Authority Act 1956 and it is entrusted with the job of developing the Highways in and around India for the purpose of widening and development of the Highways. No doubt, the properties are required under the provisions of the Act. This National Highways Authority of India having absolute power to make acquisition of the land belongs to the public which are situated by the side of the public road, it is to be developed as a National Highway.

12. Further, it is also undisputed fact that the property bearing Sy.No.78/4 measuring 223+267 square meters situated at Adinarayanahosahalli Village, Doddaballapura Taluk, Bengaluru Rural District was acquired for the purpose of development, maintenance management upgrading and widening of four line to six line NH-207 falling within stretch of Hosakote – Sompura Section. The acquisition proceedings are completed in accordance with the provisions of National Highway Authorities Act of 1956. Further, the petitioner has awarded a sum of Rs.29,31,242/- as compensation. Since O.S.No.214/2013 was pending and in spite of award notice, the respondent owners of the land did not produced supporting documents. The present petition is filed by the petitioner exercising powers vested under Section 3-H(4) of National Highways Act 1956 which reads as follows:

“ If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the Principal Civil Court of Original jurisdiction within the limits of whose jurisdiction the land is situated. ”

After going through the said provision of law, it is revealed to this court that if any dispute arises between the claimants about the apportionment of the compensation amount was awarded under the Act under the matter is required to be adjudicated by the Civil Court having original jurisdiction. Hence, the petitioner has approached this court by filing this petition for the decision of this court to ascertain the exact person, who is eligible to receive the compensation amount awarded towards the schedule property.

13. The contesting respondent no.1 submit that one Munimarappa was the original owner of petition schedule property bearing Sy.No.78/4, measuring 02 acre 37 guntas which was granted to him by Tahasildar on 18.09.1980. Accordingly, katha was entered in his name vide M.R.No.4/1986-87. All the R.T.C. Extracts stood in his name. After his death, his wife Gundahanumakka changed katha in her name vide IHC 21/1986-87. The said Gundahanumakka and her children Chikkamuniyappa, Anjinappa, Pillegowda and Muniyappa have sold the property in favour of respondent no.1 under registered sale deed dated 03.07.1998 and accordingly, the name of respondent no.1 was entered in the

revenue records vide M.R.No.2/1998-99. Therefore, he submit that by virtue of the revenue records he is the absolute owner in possession of the petition schedule property. Therefore, he contend that he is entitled to receive the compensation amount.

14. Respondent no.1 in support of his contention got examined his P.A. holder Sri. Anilkumar .R S/o. B. Ramanjinappa as RW-1 and got marked the documents as per Ex.R-1 to Ex.R-12. Ex.R-2 is the Form No.7 submitted by Munimarappa. Accordingly, proceedings in LRF 328/1975-76, 328/A and 328/B-1975-76 was held before the Land Tribunal and Form No.10 was issued as per Ex.R-1. Accordingly, name of Munimarappa was entered in the revenue records vide M.R.No.4/1986-87 as per Ex.R-3. After the death of Munimarappa, katha was entered in the name of his wife Gundahanumakka and she along with her children sold the property in favour of respondent no.1 under registered sale deed dated 03.07.1998 as per Ex.R-4. Subsequently, the name of respondent no.1 was entered in the revenue records as per M.R.No.2/1998-99 as shown in Ex.R-5. The R.T.C. Extracts as per Ex.R-6 to Ex.R-8, Ex.R-10 to Ex.R-12 indicate the name of Munimarappa, Gundahanumakka and later name of respondent no.1 is entered. Therefore, by producing the above documents, respondent no.1 contended that he is the absolute owner in peaceful possession and enjoyment of the petition schedule property by virtue of the sale deed.

15. On the other hand, respondent no.2 contended that she is the daughter of Munimarappa. Her brothers, along with mother Gundahanumakka have sold the property in favour of respondent no.1 without her notice and hence, it is not binding on her. The said property is the joint family property and she is also entitled for share. According to this, she along with her two sisters have filed O.S.No.214/2013, which is still pending until the said suit is disposed off, the present petition cannot be entertained.

16. Respondent no.2 in support of her contention has produced Ex.R-13 and Ex.R-14 – plaint and ordersheet of O.S.No.214/2013. On perusal of these documents, Smt. Munimarakka / respondent no.1 along with her two sisters have filed suit against mother and other brothers seeking the relief of partition and declaration, wherein, item no.3 property of the said suit is shown as land bearing Sy.No.78/4 measuring 2 acre 37 guntas. Respondent no.1 Ramanjinappa is impleaded as defendant no.11 in the said suit. Hence, it is clear that substantial suit for partition and declaration is pending before the learned Additional Senior Civil Judge and J.M.F.C. Doddaballapura in respect of the petition schedule property.

17. Respondent no.2 got examined his Special Power of Attorney holder Sri. Anjinappa S/o. Late Anjinappa as RW-2, who has admitted in his cross-examination that: “ ಸರ್ವೆ ನಂಬರ್ 78/4 ಮೂಲತಃ ಮುನಿಮಾರಪ್ಪನಿಗೆ ಸೇರಿದ್ದು, ಎಂದರೆ ಸರಿ. ಭೂ ಪ್ರಾಧಿಕಾರದವರು

ಸದರಿ ಸ್ವತ್ತನ್ನು ಮುನಿವಮಾರಪ್ಪನಿಗೆ ಮಂಜೂರು ಮಾಡಿದ್ದರು ಎಂದರೆ ಸರಿ. ಸದರಿಯವರು ನಿಧನ ಆದ ನಂತರ ಅವರ ಹೆಂಡತಿ ಗುಂಡಹನುಮಕ್ಕರವರಿಗೆ ಪವತಿ ಖಾತೆ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಮುನಿಮಾರಪ್ಪರವರ ಮನೆಯನ್ನು ಹೆಂಡತಿ ಹಾಗೂ 3 ಮಕ್ಕಳು ನೋಡಿಕೊಳ್ಳುತ್ತಿದ್ದಾರೆ. ಅವರ ಮಕ್ಕಳು ಚಿಕ್ಕಮುನಿಯಪ್ಪ, ಅಂಜೀನಪ್ಪ, ಪಿಳ್ಳೇಗೌಡ ಮತ್ತು ಮುನಿಯಪ್ಪ. ಇವರೆಲ್ಲರೂ ಸೇರಿ ಸ್ವತ್ತನ್ನು 1 ನೇ ಎದುರುದಾರಿಗೆ ದಿನಾಂಕ 03.07.1998 ರಲ್ಲಿ ಮಾರಾಟ ಮಾಡಿರುತ್ತಾರೆಂದರೆ ಸರಿ. ನಂತರ ಎಂ ಆರ್ 2/1998-99 ರ ಪ್ರಕಾರ ಖಾತೆ ಅವರ ಹೆಸರಿಗೆ ಆಗಿರುತ್ತದೆ ಎಂದರೆ ಸರಿ. ಹೆಣ್ಣು ಮಕ್ಕಳಿಗೆ ಆ ಕಾಲಕ್ಕೆ ಮಾರಾಟ ವಿಷಯ ಗೊತ್ತಿತ್ತು ಎಂದರೆ ಮಾರಾಟ ಮಾಡಿದ ವಿಷಯ ಗೊತ್ತಾಯಿತು. ನಂತರ ನಾನು ದಾವೆ ಹಾಕಿದ್ದೇನೋ ಇಲ್ಲವೋ ಎಂದು ಗೊತ್ತಿಲ್ಲ. ಮುನಿಮಾರಪ್ಪನಿಗೆ ಮುನಿರಾಮಕ್ಕ, ರತ್ನಮ್ಮ, ಗೌರಮ್ಮ ಹಾಗೂ ಮುನಿಲಕ್ಷ್ಮಮ್ಮ ಎಂಬ ಹೆಣ್ಣು ಮಕ್ಕಳು ಇದ್ದಾರೆ. ಇವರುಗಳಿಗೆ ಸ್ವತ್ತು ಮಾರಾಟ ಆಗುವ ಪೂರ್ವದಲ್ಲೇ ಮದುವೆ ಆಗಿತ್ತು. ಹೆಣ್ಣು ಮಕ್ಕಳ ಮದುವೆಯನ್ನು ತಂದೆ-ತಾಯಿ ಸೇರಿ ಮಾಡಿರುತ್ತಾರೆಂದರೆ ಸರಿ. ಆ ಸಮಯದಲ್ಲಿ ಕಷ್ಟ ಇದ್ದರಿಂದ ಮದುವೆ ಕಾಲದಲ್ಲಿ ಯಾವುದೇ ಒಡವೆ ಉಡುಗೊರೆ ಕೊಟ್ಟಿರಲಿಲ್ಲ.

ಮುನಿಮಾರಪ್ಪ ಕೂಲಿ ಕೆಲಸ ಮಾಡುತ್ತಿದ್ದರು. ಆತನ ಹೆಂಡತಿ ಗುಂಡಹನುಮಕ್ಕ ಗೃಹಿಣಿ ಆಗಿದ್ದಳು. ಗಂಡು ಮಕ್ಕಳಿಗೂ ಯಾವುದೇ ಕೆಲಸ

ಇರಲಿಲ್ಲ, ಹಿಗಾಗಿ ಮನೆಯ ಅವಶ್ಯಕತೆಗಾಗಿ ಸ್ವತ್ತನ್ನು ಮಾರಾಟ ಮಾಡಿದ್ದರು ಎಂದರೆ ಸರಿ. ”

The above cross-examination clearly indicate that RW-2 has clearly admitted the suggestions of respondent no.1. Similarly, the GPA holder of respondent no.1 who is examined as RW-1 state in his cross-examination that: “ ದಾವಾಸ್ತಿಯು ಮುನಿರಾಮಕ್ಕ ಅವರ ತಂದೆಗೆ ಸೇರಿದ ಆಸ್ತಿ ಎಂದರೆ ಸರಿ.

5. ಮುನಿಮಾರಕ್ಕನ ತಂದೆ ಮುನಿಮಾರಪ್ಪ ತೀರಿಕೊಂಡ ನಂತರ ಅವರ ತಾಯಿ ಮತ್ತು ಗಂಡು ಮಕ್ಕಳಿಂದ ದಾವಾಸ್ತಿಯನ್ನು ನಮ್ಮ ತಂದೆ ಖರೀದಿಸಿರುತ್ತಾರೆಂದರೆ ಸರಿ. ಸದರಿ ಕ್ರಯಪತ್ರಕ್ಕೆ ಮುನಿಮಾರಕ್ಕ ಮತ್ತು ಅವರಿಬ್ಬರು ಸಹೋದರಿಯವರು ಸಹಿ ಮಾಡಿದೆ ಇರುವುದರಿಂದ ಸದರಿ ಆಸ್ತಿಯಲ್ಲಿ ಅವರಿಗೂ ಸಹ ಹಕ್ಕು ಇರುತ್ತದೆಂದರೆ ಸರಿ. ”

The above cross-examination of RW-1 and RW-2 clearly indicate that respondent no.1 admit that respondent no.2 who has not put her signature to his sale deed, she is also entitled for share in the property. Respondent no.2 admit that property was sold to respondent no.1 for legal necessity. Therefore, whether the property was joint family property of Munimarappa or whether it was his separate property and whether the allegation was made for legal necessity or not shall be decided in O.S.No.214/2013. This court cannot go into aspect of title.

18. Now the material point that arises for consideration is whether this Court can go into the aspect of title and give finding regarding entitlement of the shares. In this regard, Section 3(4) of National Highway Authority Act reads as follows:

“ If any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the competent authority shall refer the dispute to the decision of the Principal Civil Court of Original jurisdiction within the limits of whose jurisdiction the land is situated. ”

As per the above said provision, this Court will not decide the question of title independently, if a comprehensive Civil Suit for declaration is already pending because Section 3H(4) references are usually summary / Miscellaneous proceedings especially to resolve disbursement and it will defer the final title determination to the pending declaratory civil suit. Anyway, the deposited money remains securely deposited in the court's custody / in the Nationalized Banks earning interest and its ultimate release shall be strictly subject to the final outcome of pending civil suit for declaration. In this regard, it is beneficial to note the decision rendered in **F.M.A.No.1845/2013** between **Nibaran Kumar Roy V/s. Netai Chandra Roy and Others**, dated 25.03.2014 rendered by the **Justice Jyotirmay Bhattacharya**, wherein, the Hon'ble Court directed compensation amount to be deposited in the Civil suit / partition suit and the distribution shall be subject to the result of civil suit. Similarly

Hon'ble Bombay High Court in the case of **Aashrafbee Maujan Inamdar V/s. Competent Authority, I.E. Deputy Collector Others** Judgment dated **18.12.2014** has observed that “ **In so far as Section 3-H(4) is concerned, it pertains to a dispute that arises at the time of apportionment of the amount or any part thereof, to any person to whom some or any part thereof is payable.**”

“ **In the light of above, writ petition is disposed of with the above observations. Needless to state, the apportionment of the compensation amount to the respondent no.2, 3 and 4 shall be subject to the result of RCS No.348/2013. There will be no order as to costs.**”

19. In **Abdul Aziz Bhat V/s. UT of J & K and others (Neutral Citation : 2026: JKLHC-SGR:60-DB)**. Hon'ble High Court has held that ‘in view of the above, this Court finds substance in the contention that the impugned order could not have been passed directing release of the entire compensation in favour of the private respondent alone, when serious disputes regarding title, co-ownership, and apportionment of compensation were already raised and were pending adjudication before the competent civil court as well as before the authority under Section 3H(4) of the National Highways Act, 1956. It is a settled position of law that where there is a dispute as to entitlement or apportionment of compensation, the competent authority is under a statutory obligation to refer such dispute to the Principal Civil Court of original jurisdiction and withhold disbursement till the dispute is resolved.’

20. In the light of above decisions and considering the title dispute between the parties, in the interest of equity and justice, I am of the opinion that the ends of justice will be met by directing the parties to get the compensation amount after disposal of comprehensive civil suit in O.S.No.214/2013.

21. As of now, from the materials available on record, it is clear that the relationship between the parties is admitted. There is substantial suit for partition pending between the parties, wherein, rights of the parties will be determined. Till the rights of parties for the share in the property is determined, it is not possible to award compensation. It becomes difficult to determine the persons who are entitled for compensation. So, the entitlement of the compensation depends upon the out come of partition suit. **Accordingly, point no.1 is answered accordingly and point no.2 and 3 in the Negative.**

22. Point No.4:- In view of my findings given on point No.1 to 3, I proceed to pass the following;

ORDER

The Miscellaneous petition filed by the petitioner under section 3-H(4) of National Highways Act 1956 R/w. Section 151 of C.P.C. is hereby disposed off.

Right of respondent no.1 and 2 to receive the compensation amount is subject to the result of O.S.No.214/2013 pending on the file of learned Senior Civil Judge and J.M.F.C., Doddaballapura.

Parties to bear their own costs.

(Dictated to the Stenographer, transcribed and computerized by him, corrected and then pronounced by me in the open Court dated this day the 01st Day of August 2026)

**(NIRMALA .K.)
IV Addl. Dist. & Sessions Judge,
Doddaballapura**

ANNEXURE

List of witnesses examined on behalf of petitioner:

- Nil -

List of documents marked on behalf of petitioner:

- Nil -

List of witnesses examined on behalf of respondent/s:

R.W-1 : Anil Kumar .R

R.W-2 : Anjinappa

List of documents marked on behalf of respondent/s:

Ex.R-1 : Form No.X

- Ex.R-2 : Form No.VII
Ex.R-3 : Mutation register extract
Ex.R-4 : Copy of sale deed dated 03-07-1998
Ex.R-5 : M.R. Extracts
Ex.R-6 - 8 : R.T.C. Extracts
Ex.R-9 : M.R. Extracts
Ex.R-10-11 : R.T.C. Extracts
EX.R-12 : Government Gazette Notification
Ex.R-13 : Copy of Complaint in O.S.No.214/2013
Ex.R-14 : Copy of order sheet in O.S.No.214/2013

(NIRMALA .K.)
IV Addl. District & Sessions Judge,
Doddaballapura