

**IN THE COURT OF 1<sup>st</sup> ADDL. SR. CIVIL JUDGE &  
JMFC., PUTTUR. D.K.,**

**DATED THIS THE 1<sup>st</sup> DAY OF APRIL 2026**

**:PRESENT:**

**Sri.Devaraj.Y.H., B.A.L., L.L.B.,  
1<sup>st</sup> ADDL. SR. CIVIL JUDGE & JMFC.,  
PUTTUR.**

**Exc.No.6/2024**

|           |   |                                                   |
|-----------|---|---------------------------------------------------|
| Plaintiff | : | <b>B. Shivashankar Bhat</b>                       |
|           |   | Vs.                                               |
| Defendant | : | <b>The Asst. Commissioner/LAO and<br/>another</b> |

**IA no.3/2025**

|            |   |                                                                            |
|------------|---|----------------------------------------------------------------------------|
| Applicant  | : | <b>The Land Acquisition<br/>Officer/Assistant Commissioner,<br/>Puttur</b> |
|            |   | Vs.                                                                        |
| Respondent | : | <b>B. Shivashankara Bhat</b>                                               |

**ORDERS ON THE APPLICATION FILED BY THE  
APPLICANT/JDr No.1 UNDER SECTION 47 OF THE CPC**

This IA filed by the Counsel for the JDr No.1 and prays to  
dismiss this petition against the JDr No.1 and grant such

other reliefs as this Court deems fit to grant under the circumstances of this case.

2. In support of the IA, Counsel for the JDr No.1 filed memorandum of facts and stated that filing of this petition against the JDr No.1 is false, frivolous, vexatious and not maintainable at law on facts of the case.

3. It is stated that the order passed in LAC 7/2013 on reference under Section 18 of the Land Acquisition Act, regarding the determination of the just market value of the land acquired from the claimant is nothing but an modification of the award passed by the referring Officer/ land Acquisition Officer, who is the JDr No.1 of this petition. Hence executing the award against the authority which passed the award is unknown to law, logical reasoning and rationality.

4. It is stated that there is no order against the JDr No.1. JDr No.1 is only a referring officer in LAC 7/2013 and JDr No.1 is erroneously arrayed as a party in this

execution proceedings. There is no decree against the JDr No.1 and the authority is not a judgment debtor.

5. It is stated that JDr No.1 of this petition is a referring officer in LAC 7/2013. In the jurisprudence there is no law which enables the Court to pass a decree against a referring officer.

6. It is stated that final order in LAC No. 7/2013 dated 11.10.2023, nowhere states that referring officer is liable to pay amount. When there is no decree against JDr No.1, execution petition itself is not maintainable. It is stated that the Order and decree states that the petitioner is only entitled to the amount. Order or decree nowhere states that referring officer who passed the award is liable to pay compensation amount. It is stated that the JDr No.1 is only adjudicating authority who passed award. It is the beneficiary of acquisition who would be liable to pay the amount as per law.

7. It is stated that the Assistant Commissioner is by virtue of her office is the special Land Acquisition Officer. Asst. Commissioner is different juridic person and Land acquisition officer is different person. The payment of amount would be done by the beneficiary of acquisition and not the referring officer or Assistant Commissioner. The Assistant Commissioner is not a party to the legal proceedings. In the guise of attaching the property of land acquisition officer, property of the Assistant Commissioner is different from the officer of the Special Land Acquisition Officer.

8. It is stated that only when there is acquisition of properties, Land Acquisition Officer will be discharging duties mentioned under statute. Merely because by virtue of notification Assistant Commissioner is given as additional duty of land Acquisition Officer, Assistant Commissioner property can not be attached. Movables mentioned by the decree holder are belonging to the

Assistant Commissioner. Only when property has to be acquired Special Land Acquisition Officer follows the procedure of Land Acquisition Act and passes the award. By attaching the movables of office of the Assistant Commissioner and Asst. Commissioner Court, public cannot be put to inconvenience who approach said office or court to redress their grievance in revenue matters. It would be travesty of justice to attach properties of Assistant Commissioner and jeopardize public functions of the Assistant Commissioner and revenue court.

9. It is stated that JDr No.1 as Land Acquisition Officer has only fixed compensation as per the provisions of the Land Acquisition Act as a part of the statute. JDr No.1 is the statutory authority who is exercising quasi judicial authority. Court cannot attach property of quasi judicial authority that too without decree against the said authority. Only if the amount is deposited by beneficiary of acquisition with the JDr no.1, the same would be disbursed to the

petitioner. In the event of enhancement the same is recoverable from the beneficiary and moreover, the LAO already disbursed the compensation amount to the petitioner which was deposited by the JDr No.2 as per award.

10. It is stated that the liability of the payment of compensation is of the beneficiary of the acquisition. The beneficiary is made party in all the proceedings. Hence any amount recoverable are to be recovered from the beneficiary and not from the JDr No.1. Unnecessarily to cause inconvenience and hardship to the JDr no.1, the DHr has filed for recovery of the amount by attaching the property of the Assistant Commissioner, causing inconvenience to the general public. It is stated that the Assistant commissioner is not a party to the legal proceedings, and discharge of public duties cannot be hindered by claimant. Action of the claimant are abuse of process of law, thereby hindering the works of the public.

11. It is stated that when the compensation is enhanced, beneficiary (Beneficiary in this case is JDR No.2) has to take necessary steps regarding the matter. The adjudicating authority who is the referring officer is not at all liable to pay the amount. By contending all these grounds Counsel for the JDr No.1 prays to dismiss this petition.

12. Counsel for the DHr filed objections to the IA. It is argued that JDr No.1 acquired the land from DHr and that the referral sent by JDr No.1 to this Court itself shows that LAO and A.C. is one and the same. It is stated that the above execution petition is filed by the DHr for execution of Award passed by this Hon'ble court in L.A.C. 7/2013 dated 11-10-2023 for recovery of enhanced compensation amount with interest till its realization. It is stated that the judgment and award passed on 11-10-2023 and till today the JDrs' have not paid the amount awarded and failed to satisfy the claim by paying the said amount awarded, hence a huge decree amount of more than 15 lakhs remains due.

13. It is stated that JDrs' have filed memo before this Hon'ble court in above proceedings on 25-09-2024, 20-11-2024 and filed IA no.1 seeking time for payment of amount awarded to DHr. Therefore the JDr No.1 now cannot contend otherwise. It is stated that after filing of the above petition the JDrs' appeared before this Hon'ble court and filed memo seeking time for payment of amount awarded. It appears that JDr no.2 filed an appeal before Hon'ble High Court of Karnataka in MFA no.4189/2025 which was rejected on the ground of jurisdiction. Now to prolong the above petition JDr no.1 filed false application seeking dismissal of petition which is totally incorrect and wrong. It is stated that after taking sufficient long time, now JDr No.1 filed objections.

14. It is stated that as a land acquisition officer/referring officer JDr no.1 is represented before this Hon'ble court and JDr no.1 has not lead his evidence and nor gave statement as averred in the memo of facts annexed in this IA.

It is stated that till today order of this Hon'ble court made in LAC 7/2013 is not challenged by JDr No.1, hence new plea cannot allowed to be raised for the first time in execution proceedings. By contending all these grounds Counsel for the DHr prays to dismiss the IA.

15. Perused the IA, objections as well the rest of the material particulars available on record. Below mentioned points arisen for my consideration.

### **POINTS**

1. Whether the JDr No.1 made out grounds to consider the IA No.3 filed under Section 47 of CPC and grant the relief as prayed for ?

2. What order?

16. Heard counsel for both parties. Counsel for the JDr No.1 filed notes of arguments. Counsel for the JDr No.1 in support of their arguments relied on and produced Xerox copy of page 54 of CPC, citation reported in 2024 0 Supreme (Kar) 575 in between Gangabayamma Vs. Special Land Acquisition Officer, decision of the Hon'bel High court of Karnataka passed in the case Sri. Annegowda Vs. The Special Land

Acquisition Officer(MSA no.115/2022), decision of the Hon'ble High court of Karnataka passed Hanume Gowda Vs. The Special Land Acquisition Officer (MSA No.888/2022 clubbed with 102/2022 (LA)), decision of Hon'ble High court of Karnataka passed in Miscellaneous Second Appeal no.108/2023(LA) in between Boregowda K. T. Vs. Special Land Acquisition Officer and others, Xerox copy of page no.8 of CPC, Xerox copy of page no.73 of Karnataka Land Revenue Act, 1964, Xerox copy of part II, part III of Land Acquisition Act, decision of the Hon'ble Supreme Court passed in Himalayan Co-Op Ground Housing Society Vs. Balwan Singh and others, decision of the Hon'ble Supreme court reported in 2004(3) SCC 628 in between Union of India and Ors Vs. Mohanlal Likumal Punjabi & Ors, decision of Hon'ble High Court of Karnataka passed in MFA no.4189/2025 (LAC) in between The Assistant Executive Engineer, PWD, Puttur, D.K. Vs. Shivashankara Bhat and another, decision of the Hon'ble Supreme Court reported in 2010 Supreme (S.C) 1157 in between Arunlal & Ors Vs. Union of India & Ors and decision of Hon'ble Supreme Court reported in 2018 Supreme (Mad) 4039 in between Trichy City Municipal Corporation Vs. M. Sellammal (died) and another.

17. Perused the IA, objections and other relevant material particulars available on record. My findings to the above points is as hereunder.,

**Point No.1:** In the Negative.

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

**REASONS**

**18. Point No.1:** The present IA filed by the Counsel for the JDr No.1 and prays to dismiss this Petition against the JDr No.1.

19. Counsel for the JDr No.1 argued that the Execution Petition against the JDr No.1 is not maintainable since JDr No.1 is only the referring officer in the proceedings L.A.C No.7/2013 and is not a judgment debtor. The judgment debtor is defined under Section 2(10) of the Code of Civil Procedure, 1908. On perusal of the order in LAC No. 7/2013 dated 11.10.2023 nowhere states that the decree has been passed against the Referring acquisition officer/JDr No.1. The order only states that the Claimant is entitled to the amount mentioned in the order. Since the Land Acquisition Officer who

is not a judgment debtor, the execution petition is not maintainable against the JDr No.1 herein.

20. It is argued that in the present case, only the beneficiary i.e., the JDr No.2 would be liable to pay enhanced amount. It is argued that the Land Acquisition Officer is the authority which made the Award and it is a quasi-judicial authority who has to decide the rights of the Claimants and fixing the compensation amount. Beneficiary is depositing the amount before the Land Acquisition Officer, and the said amount will be disbursed by the Land Acquisition Officer just like a Court which issues the cheque to the decree-holder when the amount is deposited by the judgment debtor. When the Claimant seeks enhancement of the compensation, the Land Acquisition Officer only refers the matter to the Civil Court as required under Section 18 of the Land Acquisition Act. If the Court allows the claim of the Claimant and decides to enhance the amount legally it amounts to modification of the award passed by the Land Acquisition Officer. Merely

because the amount is modified, the authority which passed the award is not liable to pay the amount.

21. It is argued that the Claimant can go up in appeal against the order of the Civil Judge Court to the High Court seeking further enhancement and if the High Court enhances the amount, the Claimant cannot file execution petition against the referral Court. Similarly, merely because the referral Court enhanced the amount, the execution petition cannot be filed against the quasi-judicial authority which passed the Award.

22. It is argued that the execution petition is not maintainable against the Land Acquisition Officer who passed the award. It is argued that in the above execution petition, the assets of the Assistant Commissioner and the Assistant Commissioner Court are sought to be attached. Land Acquisition Officer is different from Assistant Commissioner. The Assistant Commissioner as well as the Assistant Commissioner Court is a competent officer under the

Karnataka Land Revenue Act. Merely by way of notification the powers of the Land Acquisition Officer under provisions of Land Acquisition Act are given to the Assistant Commissioner, Properties of the Assistant Commissioner and the AC Court cannot be attached. Land Acquisition Officer under the Land Acquisition Act is quite different from the Assistant Commissioner under the provisions of the Land Revenue Act. By way of notification, the powers of the Land Acquisition Officer could be given either to the DC or to the Tehsildar or any other officers of the government. The general public is approaching the Assistant Commissioner for their various needs, and the general public cannot be put to inconvenience. The Petitioner cannot insist honorable judicial authority to hamper the functioning of the quasi-judicial authority and put the litigants before the revenue Court to inconvenience.

23. It is argued that the executing court cannot go beyond the decree. Executing court has no jurisdiction to go beyond the decree and hold that Referring Officer is liable to

pay the amount when there is no such order. Thus by addressing all these grounds Counsel for the JDr No.1 prays to dismiss this petition against the JDr No.1.

24. Heard Counsel for the DHr. Counsel for the DHr argued that the above execution petition is filed by the DHr for execution of Award passed by this Hon'ble court in L.A.C. 7/2013 dated 11-10-2023 for recovery of enhanced compensation amount with interest till its realization. It is argued that the judgment and award passed on 11-10-2023 and till today the JDrs' have not paid the amount awarded and failed to satisfy the claim by paying the said amount awarded, hence a huge decree amount of more than 15 lakhs remains due. It is argued that JDrs' have filed memo before this Hon'ble court in above proceedings on 25-09-2024, 20-11-2024 and filed IA no.1 seeking time for payment of amount awarded to DHr. Therefore the JDr No.1 now cannot contend otherwise. It is argued that after filing of the above petition the JDrs' appeared before this Hon'ble

court and filed memo seeking time for payment of amount awarded. Now to prolong the above petition JDr no.1 filed false application seeking dismissal of petition which is totally incorrect and wrong. It is argued that as a land acquisition officer/referring officer JDr no.1 is represented before this Hon'ble court and till today order of this Hon'ble court made in LAC 7/2013 is not challenged by JDr No.1, hence new plea cannot allowed to be raised for the first time in execution proceedings. By contending all these grounds Counsel for the DHr prays to dismiss the IA.

25. Heard counsels appearing for JDr No.1 and the DHr. Perused the IA, objections as well rest of the material particulars available on record. Admittedly this execution petition is filed by the DHr for to execute the decree of award passed in L.A.C No. 7/2013 dated 11.10.2023. The operative portion of the order passed in L.A.C No. 7/2013 is extracted herein below.

**ORDER**

The Reference made by LAO Under Sec. 18 of Land Acquisition Act is partly allowed.

The market value of the agricultural converted land is hereby is fixed at Rs.2,00,000/-per cent and damages amount of Rs.60,000/- towards compound wall. The compensation already paid by the LAO, Puttur shall be given deduction.

The claimant is entitled to statutory benefit provided under Sec.23 (1A) of Land Acquisition Act towards additional market value at 12% p.a. from the date of Sec.4(1) notification till the date of award or date of taking possession of the land whichever is earlier.

The claimant is also entitled for solatium at the rate of 10% on the enhanced market value less the amount paid by the LAO.

The claimant is entitled for interest at the rate of 9% p.a. under Sec.28 on such enhanced amount for a period of one year from the date of taking possession and thereafter at the rate of 15% p.a. till the date of deposit or payment.

Under the circumstances the parties shall bear their own costs.

Draw award accordingly.'

26. On perusal of the records, it clarifies that the DHr who was the land loser has not been paid with the enhanced compensation amount, as such DHr filed this execution petition for executing the decree of award passed in L.A.C.

No.7/2013. JDr No.1 appeared in response of the notice issued by this Court. JDr No.1 & 2 after their appearance have not filed any objections and even not complied as per the award passed by this Court in L.A.C.No. 7/2013. On perusal of the records, it reflects on 20.11.2024, 16/01/2025 and on 01/08/2025 Counsel appeared for the JDrs' filed memos' and sought time to deposit the compensation amount. Later this Court has issued Attachment Warrant of Movables of JDrs' and at this stage on 22.09.2025 learned District Government Pleader put his appearance for JDr No.1 and filed this IA as well IA No.2 along with objections to the main petition.

27. On perusal of the records, it clarifies that claim petition is arises out of the acquisition proceedings in respect of land measuring Sy.No.30/10 measuring to an extent of 00.00.50 cents and Sy.No. 30/7 measuring to an extent of 00.02.00 situated at Shringara, Pangalya, Puttur village, which were notified for acquisition by the state for the purpose

of widening the National Highway from Mani to Sampaje National Highway.

28. That on 1.12.2011 as per the preliminary notification under section 4(1) of L.A. Act, notification under section 6(1) dated: 6.9.2012 in respect of acquiring the land in Shringara, Pangalya. Puttur village, award was passed on 25.5.2013, the same is challenged by the above DHr by referring the matter to this court.

29. Admittedly the reference was made by the JDr No.1 under Sec. 18 of the Land Acquisition Act, for determining the just market value of the land acquired from the DHr. This claim petition is arises out of the acquisition proceedings in respect of land measuring Sy.No.30/10 Sy.No.30/7 measuring measuring cents and 00.02.00 situated at Shringara, Pangalya, Puttur village, were notified for acquisition by the state for the purpose of widening the National Highway from Mani to Sampaje National Highway. The preliminary notification for the acquisition was made by the JDr No.1,

later issued notice to the DHr, received the objections, issued final notification with regarding to the acquisition of the above stated lands belonged to the ownership of the DHr as well passed the award and later disbursed the award amount to the DHr.

30. From the date of issuance of preliminary notice till completion of the procedures for acquisition of the lands stated above belonged to the DHr and after disbursed of the awarded amount till the reference made to this Court under Section 18 of the Land Acquisition ACT for determining the just market value of the land acquired from the DHr, JDr No.1 made active participation in the acquisition proceedings. Admittedly JDr No.1 is the authority which acquired the land belonged to the DHr for the benefit of JDr No.2 (who alleged to be the beneficiary), it is the obligation on part of the JDrs' to satisfy the decree by making payment of the enhanced compensation amount.

31. JDr No.1 is a proper and necessary party to this proceedings and on their instance only the properties belonged to the DHr have been acquired for the benefit of the JDr No.2, as such now they can not escape from their liability stating that they are not Judgment Debtor in this case and no executable order passed against them in L.A.C No.7/2013. On perusal of the records, it clarifies that JDr No.1 has not made out grounds to consider this IA and pass orders to dismiss this petition failed against them.

32. I have gone through with the decisions relied by the Counsel for the JDr No.1. The ratio laid down by the Hon'ble High Court of Karnataka in the above said decisions are not applicable to the case putforth by the JDr No.1 as such the same is not helpful to the JDr No.1 to prove their grounds raised through this IA. With all these discussions I proceed to answer Point No.1 in the Negative.

33. **Point No.2:** As discussed above in point No.1, I proceed to pass the following.,

**ORDER**

IA No.3 filed by he Counsel for the  
JDr No.1 under Section 47 of CPC is  
hereby dismissed.

Parties to bear their own cost.

(Typed myself on the Laptop, print out taken by stenographer, revised,  
corrected, signed and then the Order pronounced in the open court this  
the 1<sup>st</sup> Day of April 2026)

(Devaraj Y.H.)  
**I ADDL. SR. CIVIL JUDGE & JMFC  
PUTTUR**