

KADW010027062025



Presented on : 11.09.2025
Registered on : 12.09.2025
Decided on : 17.08.2026
Duration : 00 years, 11 months, 05 days

**IN THE COURT OF THE IV ADDITIONAL DISTRICT AND
SESSIONS JUDGE, AT: DHARWAD.**

DATED THIS THE 17th DAY OF AUGUST, 2026.

Present:

**SMT. POORNIMA N. PAI
B.Com.,LL.M.
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.**

MISCELLANEOUS CASE No.298 / 2025.

PETITIONER: The Special Land Acquisition Officer,
National Highway Authority of India,
N.H-48, Dhara Mahal, 1st Floor,
U.B.Hills, Dharwad-580007.

(By Shri. B.P.Mathapati, Advocate)

Vs.

RESPONDENTS: **1** Imamhussain S/o. Mahammedgouse
Lakkundi,
R/o. Gabbur, Hubballi,
Tq: Hubballi, Dist: Dharwad.

2 Veerabasappa Muddappa
Lingashetter, R/o. Gabbur, Hubballi,
Tq: Hubballi, Dist: Dharwad.

(Respondent No.1 Absent)

(Respondent No.2 By D.M. Manjunath Advocate)

ORDER

The present petition is filed under Section 3-H(4) of National Highways Act, 1956 R/w. Section 151 of Code of Civil Procedure to pass an order determining who is entitled to the compensation, which of the respondent is entitled to receive the compensation amount of Rs.6,44,271/- for acquisition of the Structures in Sy.No.118/11, after conducting enquiry.

2. The brief facts of the petitioner's case are as under:

That, the Government of India, for the purpose of development, maintenance, management, upgradation and widening of 6-laning of National Highway No.48 falling within stretch of land (Hubli to Dharwad bypass section) from K.M. 402.600 to K.M. 433.000 in Dharwad District in the State of Karnataka, appointed the petitioner i.e. the Special Land Acquisition Officer (SLAO) for the purpose of determining the compensation and other purpose for the land acquired

under the Act. Further, the petitioner / SLAO has acquired land bearing Survey No. Sy.No.118/11 of Gabbur Village in Hubballi Taluk of Dharwad District Structure (Type III Building AC Sheet Roof) and has passed 3G Award bearing No.SLAO/LAQ/NH-48/Gabbur/CR-01/2024-25 dated: 29.11.2024 by awarding Rs.6,44,271/-. After passing the Award, notice has been issued to the owner of the land asking him to produce the supporting documents to establish the ownership to receive the compensation as per Award. After issuance of award notice, the respondent has not approached the petitioner with relevant documents to claim the compensation amount. Further, the awardees may obstruct the road works. Hence, in the absence of relevant documents, the petitioner is not in a position to make payment except to deposit the compensation amount before the Court, as he is not supposed to keep the amount un-disbursed in the Account. Non-disbursal of award amount causes financial burden on the Central Government on account

of payment of high rate of interest and petitioner is not in a position to take the possession of land to complete the project within time. Hence, the present petition seeking permission to deposit the compensation amount as per the provisions of the Act.

3. Notice of present petition were issued to the respondents. D.N. Manjuntha, Advocate filed vakalat for the respondent No.2. Shri. M.Y.R advocate undertakes to file vakalath for respondent No.1. Later he submits that, party was present in another case, but he refused to sign the vakalath. Hence, the respondent No.1 is taken as absent.

4. It is contended by the respondents that, the said property has been acquired by the SLAO / petitioner for widening of National Highway No.4 under and passed an Award bearing No.SLAO/LAQ/NH-48/ Gabbur/CR-01/2024-25 dated 29-11-2024 and sent notice to the respondents to receive the compensation amount of Rs.6,44,271/- by furnishing the relevant property

documents. It is further contended that in spite of furnishing documents, the petitioner has not disbursed the amount to the respondents and deposited the amount before the Court stating that the respondents have not furnished the relevant documents. Same is far away from truth. Now, in order to take possession of the property, by depositing the amount before the Court making force to vacate the property. Now, the petitioner has deposited the amount before the Court. Hence, the respondents pray to release the deposited amount in their favour.

5. During the course of formal enquiry, the respondent No.2 got examined himself as R.W.1 and got marked totally 13 documents as Ex.R.1 to Ex.R.13. Advocate for the petitioner has submitted that he has no objection to release the amount already deposited before the Court.

6. Now, the points that arise for my consideration are as under:

1. Whether the respondent No.2 is the competent person and entitled to get the compensation amount deposited by the petitioner before the Court as per Award?
 2. What order?
7. My findings to the above points are as follows:

Point No.1 : In the Affirmative.

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

REASONS

8. **Point No.1 :** The present petition is filed under Section 3-H(4) of National Highways Act, 1956 R/w. Section 151 of Code of Civil Procedure to determine the person who is entitled to get the deposited compensation amount as per Award bearing No.SLAO/LAQ/NH-48/Gabbur/CR-01/2024-25 dated 29-11-2024.

9. After formal enquiry and upon going through the documents filed by the respondent, the above referred award has been passed by the petitioner in the name of respondent No.2 herein in respect of acquired land

bearing Survey No. 811/11 of Gabbur Village, Taluk: Hubballi.

10. The relevant documents like Notarized copy of Aadhaar card and PAN Card of respondent No.2 are marked as Ex.R.1 to Ex.R.3, which are obtained during enquiry, shows that the respondent No.2 is the permanent resident of Eshwar Nagar, Hubli. Ex.R.4 is the original unregistered sale deed dated 27.07.2000. Ex.P.5 to Ex.P.9 are the Tax paid receipt dated 27.04.2024 for the assessment year 2016-17 to 2025-26. Ex.P.10 is the tax paid list register dated 22.05.2026. Ex.P.11 is the Property tax register for the year 2009-10. Ex.P.12 is the Award Proceedings wherein at page No.24 shows the name of respondent No.2 regarding the ownership of the structure. Ex.P.13 is the notice has been issued by the NHAI regarding deposit of Rs.6,44,271/- in the name of Veerabasappa Muddappa Lingashetter, who is respondent No.2 in this case. Hence, this Court is of the opinion that the present

respondent No.2 is a fit person to receive the compensation amount awarded by the petitioner / SLAO and there are no other rival claimants.

11. The petitioner has submitted that he has no objection to release the amount to the respondent No.2 as per award dated 29.11.2024 wherein the structure compensation amount has been awarded in the name of respondent No.2- Veerabasappa Muddappa Lingashetter. Hence, this Court is satisfied about the validity of all the documents produced by the respondent No.2 and there is no impediment to issue cheque in favour of the present respondent No.2. With these observations, I have answered **Point No.1 in Affirmative.**

12. **Point No.2:** Upon discussion made above, I proceed to pass the following,

ORDER

The petition filed under Section 3-H(4) of National Highways Act, 1956 R/w. Section

151 of Code of Civil Procedure is hereby allowed.

Respondent-2 **Veerabasappa Muddappa Lingashetter**, R/o. Gabbur, Tq Hubballi, District Dharwad is competent person to receive the compensation amount of Rs.6,44,271/- deposited by the petitioner before the Court.

Office is directed to issue Khajane-II cheque in favour of respondent No.2 after proper identification by Advocate for the respondent.

(Dictated to the stenographer directly on computer, typed her, corrected, print out signed and then pronounced by me in open court on this 17th day of August, 2026.)

(Smt. POORNIMA N. PAI)
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD.

ANNEXURE

I. LIST OF WITNESSES EXAMINED FOR PETITIONER:

-NIL-

II. LIST OF WITNESSES EXAMINED FOR RESPONDENT:

R.W.1 : Veerabasappa Muddappa Lingashetter.

III. LIST OF DOCUMENTS EXHIBITED FOR PETITIONER:

-NIL-

IV. LIST OF DOCUMENTS EXHIBITED FOR RESPONDENT/S:

- Ex.R.1 : Notarized copy of Aadhaar card of respondent No.2.
- Ex.R.2 : Notarized copy of PAN card of respondent No.2.
- Ex.R.3 : Notarized copy of Bank Passbook card of respondent No.2.
- Ex.R.5 }
and } Tax paid receipt for the Assessment Year
Ex.R.9 } 2016-17 and 2025-26.
- Ex.R.10 : Un-registered Sale deed.
- Ex.R.11 : Tax paid list register.
- Ex.R.12 : Award
- Ex.R.13 : Notice issued by SLAO

(Smt. POORNIMA N. PAI)
IV ADDITIONAL DISTRICT AND SESSIONS JUDGE,
DHARWAD