

IN THE COURT OF THE PRINCIPAL SENIOR CIVIL
JUDGE HUBBALLI

PRESENT : Yamanappa Karehanumanthappa,
Prl. Senior Civil Judge, Hubballi.

Dated this the 6th day of July - 2026
MISC. No.11/2020

Petitioners

- 1: Smt. Bibijan S/o. Peersab Nayakar,
since deceased by her L.Rs.
- 1a: Smt. Mahabubi W/o. Saidusab Shirkol,
since deceased by her L.Rs.
- 1a(a): Smt. Pyarijanm W/o. Mahammedsab
Dharwad, Age: 41 years,
Occ: Household, R/o. Kamadolli,
Tq: Kundgol, Dist: Dharwad.
- 1a(b): Mamtaz W/o. Hussain Nayakar,
Age: 38 years, Occ: Household,
R/o. Ingalhalli, Tq: Hubballi,
Dist: Dharwad.
- 1a(c): Maktumsab S/o. Saidusab Shirkol,
Age: 34 years, Occ: Agriculturist,
R/o. Are-Kurahatti, Tq: Navalgund,
Dist: Dharwad.
- 1a(d): Moulasab S/o. Saidusab Shirkol,
Age: 31 years, Occ: Agriculturist,
R/o. Hubballi, Dist: Dharwad.
- 1a(e): Smt. Pyarijan W/o. Babusab Nayakar @
Kamadolli, Age: 64 years,
Occ: Household, R/o. Ingalhalli,
Tq: Hubballi, Dist: Dharwad.

- 1a(f): Smt. Ammenabi W/o. Mohammed Rafiq Kamadolli,
since deceased by her L.Rs.
- 1a(f) (a): Mahammed Rafiq S/o. Abdulsab Kamadolli, Age: 44 years,
Occ: Agriculturist, R/o. Hubballi,
Dist: Dharwad.
- 1a(f) (b): Afreenbanu D/o. Mohammed Fariq Kamadolli, Age: 22 years,
Occ: Household, R/o. Hubballi,
Dist: Dharwad.
- 1a(f) (c): Mohin S/o. Mohammed Rafiq Kamadolli, Age: 20 years, Occ: Agriculturist,
R/o. Hubballi, Dist: Dharwad.
- 1a(f) (d): Nasrinbanu D/o. Mohammed Rafiq Kamadolli, Age: 17 years,
Occ: Household, R/o. Hubballi,
Dist: Dharwad.
Since minor represented by her natural father petitioner No.1(a)(f)(a).
- 1a(f) (e): Fatima D/o. Mohammed Rafiq Kamadolli, Age: 13 years,
Occ: Student, R/o. Hubballi,
Dist: Dharwad.
Since minor represented by her natural father petitioner No.1(a)(f)(a).
- 1(b): Peersab S/o. Babusab Nayakar, Age: 39 years, Occ: Agriculturist,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(c): Mohammed Gouse S/o. Babusab Nayakar, Age: 37 years,
Occ: Agriculturist, R/o. Ingalhalli,
Tq: Hubballi, Dist: Dharwad.

- 1(d): Shabbirsab S/o. Babusab Nayakar,
Age: 35 years, Occ: Agriculturist,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(e): Rajesab S/o. Babusab Nayakar,
Age: 33 years, Occ: Agriculturist,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(f): Davalsab S/o. Peersab Nayakar,
Age: 60 years, Occ: Agriculturist,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(g): Mohammedsab S/o. Peersab Nayakar,
Age: 58 years, Occ: Agriculturist,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(h): Smt. Bibijan W/o. Maktumsab Janjal,
Age: 56 years, Occ: Household,
R/o. Ingalahalli, Tq: Hubballi,
Dist: Dharwad.
- 1(i): Hussainsab S/o. Peersab Nayakar,
Age: 54 years, Occ: Agriculturist,
R/o. Kamadolli, Tq: Kundgol,
Dist: Dharwad.
- 1(j): Smt. Noorjan S/o. Mabubsab Tadas,
Age: 52 years, Occ: Household,
R/o. Kamadolli, Tq: Hubballi,
Dist: Dharwad.
- 1(k): Smt. Jaitunabi D/o. Peersab Nayakar,
after marriage Jaitunabi W/o. Davalsab
Annigeri @ Nayakar, Age: 50 years,
Occ: Household, R/o. Ingalahalli,
Tq: Hubballi, Dist: Dharwad.

[By Sri. C.M. Jaladi, Advocate]

.Vs.

- Respondents**
- 1: The Special Land Acquisition Officer and Assistant Commissioner, Dharwad, Sub-Division, Dharwad.
 - 2: The Deputy Chief Engineer, (construction), S.W. Railway, Hubballi, Dist: Dharwad.

[R.1 – By Sri. A.G.A., Advocate]

ORDER

This petition is filed U/s.18(3)(b) of Land Acquisition Act, as against respondent No.1 S.L.A.O. and respondent No.2 beneficiary.

2. The case of the petitioner in brief is as under:

The petitioners are the owners of the land bearing block No.685 measuring 10 guntas situated within the limits of Ingalahalli village, Tq: Hubballi. The said property was acquired for the purpose of Hubballi-Hebsur doubling of railway track at Ingalahalli village under LAQ/SR No.12/2008-09. The respondent has passed the award for the acquired land the notices of the award are not served on the petitioners personally. Recently the petitioners came to know that the adjoining land owners have received award amount whose lands were acquired for the same purpose. The petitioners approached the respondent to enquiry regarding the award amount on 24.03.2019. They came to know that already award amount is passed by the LAO under protest on 24.03.2019. On 21.05.2019 the petitioners

have filed reference application for enhancement of award amount. Hence, the reference petition of the petitioners is in time from the date of knowledge. The respondents have not referred the said reference petition to this court

3. On issuance of notice on the petition, respondent No.2 has filed objection to the main petition denying the contents of the petition in parawise. It has contended that the application is barred by time. The petitioners have no locus standi or right to file the application. It has specifically denied that the petitioners are interested persons and they are having right, title to the acquired land at the relevant time and they had authority to file the application. The claimant has not accepted the compensation awarded by the respondent No.1 under protest. The respondent No.1 has passed the award after giving full opportunity to the claimant and the claimant has not produced any material in support of his claim before respondent No.1 in spite of opportunity provided to him. The notice of award was served upon the petitioners, but the petitioners have not filed reference application within the prescribed period of limitation. Hence, prayed to dismiss the application.

4. In order to prove the case, petitioner No.1(g) has got examined himself as PW.1 and got marked Ex.P.1 and 2. In order to rebut the case of the petitioner, the respondents have not adduced any oral or documentary evidence.

5. I have heard the learned counsel for the petitioners. Perused the evidence oral and documentary and materials on record. The following points arise for my consideration:

1. Whether the petitioners are entitle for reference to court U/s.18 of Land Acquisition Act?
2. Whether respondent No.2 proves that this petition is barred by time / limitation prescribed under said Section 18 (2) of Land Acquisition Act and hence, applicants are not entitle for reference?
3. What order?

6. My answer to the above points are as under.

Point No.1	: In the Affirmative.
Point No.2	: In the Negative.
Point No.3	: As per final order and for the following:

:R E A S O N S:

7. **Points No.1 and 2:** It is not in dispute that the land of the petitioners was acquired under acquisition proceedings. It is also not in dispute that petitioners have received compensation under protest and filed reference application for enhancement of award amount. So, this Court has to consider the evidence on record. Petitioner No.1(g) filed evidence affidavit and got examined himself as PW.1 by reiterating contents of the petition. Ex.P.1 is the copy of

reference application given by the petitioners, it is dated 21.05.2019. Ex.P.2 is the payment voucher. The petitioners received compensation on 24.03.2019 under protest. According to petitioners from the date of receipt of the compensation amount, their application for reference dated 21.05.2019 is within the period of 90 days. They are claiming that they received the compensation on 24.03.2019 and immediately, they applied for a reference under Ex.P.1 dated 21.05.2019. The seal on Ex.P.1 discloses that on 21.05.2019 SLAO received reference application filed by the claimants.

8. It is the specific contention of the respondent No.1 that notice of award was served upon the petitioners, but the petitioners have not filed reference application within the prescribed period of limitation. Hence, petition is barred by time.

9. PW.1 during his cross-examination by learned counsel for the respondent No.1 he simply shown his ignorance stating that he was not aware, but he never said notice was not served. The relevant admissions given by him are as under:

“ನಾವು ಐ-ತೀರ್ಪು ಯಾವಾಗ ಆಗಿದೆ ಎಂದು ತೋರಿಸಲು ಅದರ ದೃಢೀಕೃತ ನಕಲನ್ನು ಮಾನ್ಯ ನ್ಯಾಯಾಲಯಕ್ಕೆ ಸಲ್ಲಿಸಿಲ್ಲ ಅಂದರೆ ಸರಿ. ಮಾನ್ಯ ವಿಶೇಷ ಭೂ-ಸ್ವಾಧೀನಾಧಿಕಾರಿಗಳಿಂದ ನಮಗೆ ಪ್ರತಿಯೊಂದು ನೋಟಿಸು ಬಂದಿತ್ತು ಅಂದರೆ ಸರಿಯಲ್ಲ. ಜಮೀನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಳ್ಳುವ ಮೊದಲು ದಿನಪತ್ರಿಕೆಗಳಲ್ಲಿ ಪ್ರಕಟಣೆ ಸಹ

ಕೊಟ್ಟಿದ್ದರು ಅಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಯಾರ ಜಮೀನು ಹೋಗಿದೆ ಅವರಿಗೆ ಪ್ರತ್ಯೇಕವಾದ ನೋಟಿಸು ಕೊಡುತ್ತಾರೆ ಅಂದರೆ ನನಗೆ ನೋಟಿಸು ಕೊಟ್ಟಿಲ್ಲ. ಐ-ಶೀಪು ಆದ ನಂತರ ಸಹ ನನಗೆ ನೋಟಿಸು ಕೊಟ್ಟಿದ್ದಾರೆ ಅಂದರೆ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ನಾನು ಭೂ-ಸ್ವಾಧೀನಾಧಿಕಾರಿಗಳ ಮುಂದೆ ರೆಫರನ್ಸ್ ಅರ್ಜಿ ಕೊಟ್ಟಿಲ್ಲ ಅಂದರೆ ಸರಿ. ದಿ: 24.3.2019 ರ ಪರಿಹಾರದ ಹಣವನ್ನು ತಕರಾರಿಗೆ ಒಳಪಟ್ಟು ಪಡೆದಿದ್ದೇವೆಂದು ತೋರಿಸಲು ಯಾವುದೇ ದಾಖಲೆ ಹಾಕಿಲ್ಲ ಅಂದರೆ ಸರಿ. ನಮ್ಮ ಅರ್ಜಿ ಕಾಲವಿಳಂಬವಾಗಿದೆ ಆ ಕಾರಣ ನಮ್ಮ ಅರ್ಜಿಯನ್ನು ವಿಶೇಷ ಭೂ-ಸ್ವಾಧೀನಾಧಿಕಾರಿಗಳಿಗೆ ರೆಫರನ್ಸ್ ಮಾಡಲು ಬರುವುದಿಲ್ಲ ಅಂದರೆ ಸರಿಯಲ್ಲ.”

On careful perusal of Ex.P.1 it reveals that under Section 18(1) of the Land Acquisition Act and the said application was submitted on 21.05.2019 though the said Award amount was received on 24.03.2019 and the said application appears to be well within the time. However the SLAO has not referred the Reference Application before the learned Civil Judge Court. Further, it can be seen from Ex.P.2 payment voucher, wherein the names of the petitioners shown as owners and have received award amount on 24.03.2019. Therefore, it appears that the SLAO failed to refer the Reference Application, which was submitted by the petitioners under Section 18(1) of the Land Acquisition Act.

10. On careful perusal of the documents placed by the petitioners, one thing is crystal clear to the Court that though the land was acquired under LAQ/SR/H/12/2008-09 and then also a Special Award was passed in favour of the

petitioners herein and thereafter the present petitioners have submitted their Reference Application on 21.05.2019. Under such circumstances, it is just and necessary to direct the respondents to refer the Reference Application before this Court.

11. Further, it is relevant to note that, the petitioners have filed the Reference Application on 21.05.2019 and award amount was received on 24.03.2019 and it appears that the said Reference Application is well within the Statutory period. Therefore, it is bounden duty on the part of the SLAO to refer the Reference Application before this Court.

12. Therefore, from the documentary evidence and oral evidence of P.W.1 it can be held that the present petition is deserves to be allowed. Otherwise, definitely much hardship would be caused to the petitioners who have lost their valuable land for the benefit of the Railway Department. Accordingly, I answer this **point No.1 in the affirmative and 2 in Negative.**

13. **POINT No.3:** In view of finding on the above points, I proceed to pass the following,

ORDER

The petition filed by the petitioners under Section 18(3)(B) of the Land Acquisition Act is hereby allowed.

Consequently, hereby directed the respondents to forward the Reference Application submitted by the petitioners on 21.05.2019 to this Court within 30 days from the date of passing this order.

No order as to costs.

(Dictated to the Stenographer directly on computer, script corrected and then pronounced by me in the Open Court on this the 6th day of July - 2026).

(Yamanappa Karehanumanthappa)
Prl. Senior Civil Judge, Hubballi.

ANNEXURE

1.List of witnesses examined on behalf of Petitioners:

PW.1 : Mohammedsab Peersab Naykar.

2.List of documents exhibited on behalf of Petitioners:

Ex.P.1 : Copy of application.

Ex.P.2 : C.C. of payment voucher.

3.List of witnesses examined on behalf of Respondents:

-NIL-

4.List of documents exhibited on behalf of Respondents:

-NIL-

Prl. Senior Civil Judge,
Hubballi.