

KAHS010008102025



Presented on : 04-02-2025
Registered on : 05-02-2025
Decided on : 22-04-2026
Duration : 01 year 02 months 17 days

**IN THE COURT OF I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

PRESENT:

**SMT. SHEILA B.M.
M.COM., LL.M,
I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

Dated This 22st Day Of April 2026.

LAC.Misc.No.61/2025

Petitioner:-

1. Channabasamma W/o Panchaksharappa,
Aged about 74 years,
2. Sharadamma W/o Channabasappa,
Aged about 74 years,

Both are R/o: #13, Milanahalli village,
Kasaba Hobli, Arasikere Taluk,
Hassan District.

(Rep. By N.C.M., Advocate)

// Vs. //

Respondents:-

1. Special Land Acquisition Officer,
Vishveshwaraiah Jalanigama Niyamitha,

Yettinahole Project,
4th Cross, Masti Venkatesh Ayangar Road,
Kuvempu Nagara,
Hassan Town, Hassan

2. The Assistant Executive Engineer,
Vishveshwaraiah Jalanigama Niyamitha,
Yettinahole Project Sub-division,
Arasikere, Hassan District.
3. Deputy Commissioner,
Hassan District,
Hassan.

**(R1 & R3 – Rep. By learned D.G.P.,
R2 – By Smt.TP Advocate)**

JUDGMENT

The petitioners have filed this petition U/s 64(1) and 64(2) of Right to Fair Compensation, Transparency In Land Acquisition, Rehabilitation and Resettlement Act 2013 (referred to as Act) seeking for direction to respondent to send reference to this court U/s 64(1) of the Act.

2. The case of the petitioners is that, land bearing Sy.No.38/3 measuring 15 guntas of Mailanahalli village, Kasaba Hobli, Arasikere Taluk, Hassan District has been acquired for the purpose of Yettinahole Drinking Water Project. They have the compensation under protest. It is stated that, award of Rs.9,43,425/- has been fixed and award notice has been issued to the petitioner dated:05-09-2022.

They have filed application under Section 64(1) of RFCTLARR Act on 23.01.2023. So they have filed application to refer the matter to the court. The respondent has not sent the reference. Hence, this petition.

3. The learned DGP for respondent No.1 and 3 and panel advocate for respondent no.2 has filed objection and stating that, application filed by the petitioner is not in accordance with law and same is liable to be dismissed; the application is not in time. It is stated that, respondent received compensation, which is proper and just according to the land acquisition Act. The present petition is malicious and petitioner is not entitled for higher compensation. Hence, prayed for dismissal of the petition.

4. The petitioner no.2 has been examined herself as PW-1 and got marked Ex.P1 and Ex.P2. The respondents have not chosen to lead any evidence.

5. Heard arguments.

6. The points that arise for determination are;

1) ***Whether the petitioner has made out sufficient grounds to direct the respondents to refer the matter to the court?***

2) ***What order or award ?***

7. My answers to above points are as under:

Point No.1 : In affirmative,

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

:REASONS:

8. **POINT No.1:** It is undisputed fact that, land bearing Sy.No.38/3 measuring 15 guntas of Milanahalli village has been acquired for the purpose of Yettinahole Drinking Water Project. The respondent have awarded compensation of Rs.9,43,425/-. It is the case of the petitioners that, compensation awarded is not in accordance to the prevailing market value so they have filed application U/s 64(1) of Act before respondent seeking for direction to refer the matter to this court. In support of said contention petitioners have produced award notice dated: 05-09-2022 as per Ex-P-1 and petition filed before the respondent U/s 64(1) of RFCTLARR Act as per Ex-P-2. Ex-P-2 discloses that said petition has been filed on 23.01.2023.

Section 64(1) & (2) of RFCTLARR Act state as follows;

64. Reference to Authority.-(1) Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement

of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested: Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made—

(a) person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

9. In the present case, award has been passed on 18-08-2022 and award notice has been issued on 05-09-2022. The application is filed on 23.01.2023. The respondents have not placed any materials to show with regard to the date of service of notice nor respondent has cross-examined the petitioner in this regard. In the absence of any contrary evidence it can be presumed that petitioner has filed application within 6 months from the date of award. The entire evidence of PW-1 stands unrebutted. So it is clear that, application is in time. It is stated that, inspite of receipt of the application respondent has not sent the reference to the court within 30 days. Therefore, under the above circumstances, I am of the opinion that, the petitioner has made out a case to direct the respondents to send the reference to the court. Hence, point No.1 is answered in affirmative.

10. Point No.2: In view of my findings on point No.1, I proceed to pass following:

ORDER

The petition filed by the petitioners U/s 64(1)(2) of Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 is allowed.

The respondent is directed to send the reference in respect of petitioner's land bearing

Sy.No.38/3 measuring 15 guntas of Milanahalli village pertaining to award notice No.ಎ.ಹೋ.ಯೋ/ಭೂಸ್ವಾ/34/ಮೈಲನಹಳ್ಳಿ/2022-23 dated 05-09-2022 within 30 days if not sent earlier.

The parties to bear their own cost.

(Dictated to stenographer, transcribed and typed by her and corrected by me and then pronounced in open court on this the 22nd day of April 2026).

22.04.2026

(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS
& SPL. JUDGE, HASSAN.

ANNEXURE

LIST OF WITNESSES ON BEHALF OF PETITIONER:

PW-1 : Sharadamma

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/S:- NIL-

LIST OF EXHIBITS GOT MARKED ON BEHALF OF PETITIONER:-

Ex.R1	Award notice
Ex-R-2	Application U/s 64(1) of RFCTLARR Act.

LIST OF DOCUMENTS GOT EXHIBITED ON BEHALF OF RESPONDENTS:- -NIL-

I Addl. Dist., Sessions & Spl. Judge,
Hassan.