

KAHS010043532024



Presented on : 03-07-2024
Registered on : 04-07-2024
Decided on : 18-03-2026
Duration : 1 year 08 month 15 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 18th Day Of March 2026.

LAC.No.134/2024

Petitioner:-

The Special Land Acquisition Officer,
Vishweshwaraiah Jala Nigama,
Yettinahole Project, Housing Board,
Hassan.

(Rep. By Smt.T.P., Advocate)

// Vs. //

Respondents:-

- 1) T.P. Shankamma
D/o Late Puppegowda.
- 2) Parvathamma
D/o Late Puppegowda,
Major.

Both are R/o Talalutore Village,
Kasaba Hobli, Arasikere Taluk,
Hassan District.

(By Sri.K.B.D., advocate)

JUDGMENT

1. The Special Land Acquisition Officer, Vishweshwaraiah Jala Nigam has filed this reference U/s 77(2) R/w Section 64 of Right to Fair Compensation, Transparency In Land Acquisition, Rehabilitation and Resettlement Act 2013.

2. The brief facts of the case is that the land bearing Sy.No.77/3 measuring 0.02 guntas situated at Talalutore village, Kasaba hobli, Arasikere taluk has been acquired by the petitioner for the purpose of Yettinahole Project. Preliminary notification was published. On 7.7.2022 general award was passed fixing compensation of Rs.94,570/- and in this regard notice was issued to the respondents. The land losers have not submitted any documents regarding the acquired land and not received awarded compensation amount till today. Under Section 77(2) the compensation amount of Rs.94,570/- in favour of the respondents have been deposited before the court.

3. After receipt of reference, this court has issued notice to the respondents. The respondents have entered their appearance before this Court and have filed claim statement.

The respondents in claim statement contending that Sy.No.77/3 measuring 30 guntas of Talalutore village, Kasaba Hobli, Arsikere taluk is the ancestral property of the respondents and katha has been transferred to their name in M.R.No.8/2019-2020. 02 guntas of the said property has been acquired for Yettinahole project. The respondents were not in position to furnish documents to the petitioner within time. As they are the owners in possession of the property, they are entitled to receive the compensation amount.

4. In order to prove their case, the respondent No.1 has been examined herself as RW1 and has got marked Ex.R1 to Ex.R9. The petitioner has not chosen to lead evidence.

5. Heard arguments. Perused records.

6. *The points that arise for my consideration are as under;*

1) Whether the respondents are entitled for compensation amount and to what extent?

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.77/3 measuring 0.02 guntas situated at Talalutore village, Kasaba hobli, Arasikere taluk belonged to the respondents has been acquired for the purpose of Yettinahole Project.

9. The respondent No.1 has been examined as RW1. She has stated that she has deposing on behalf of her sister also. It is stated that her father Late Puppegowda had expired and they are the legal heirs. To corroborate the said contention she has produced Genealogical tree as per Ex.R.3. From document it is seen that the respondents are the children of Puppegowda and Siddamma.

10. RW.1 has stated that her father owned Sy.No.77/3 measuring 30 guntas of Talalutore village out of which 02 guntas has been acquired for Yettinahole project. Ex.R.1 is the award notice, which discloses that in Sy.No.77/3 2 guntas has been acquired. The name of the respondents are shown to be the owners of the property. Ex.R.2 is the RTC extract for the year 2022 to 2023. The name of the respondents are mentioned in column No.9 and 12(2) and in column No.10 it is mentioned as M.R.H.2019-20 dated 12.10.2019 Pavati. Ex.R.5 is the RTC extract in 5 numbers

for the year 2017 to 2018, the name of Puppegowda is mentioned in column No.9 and 12(2) and in column No.10 it is mentioned as M.H.88/82-83 Vibhaga. RTC extract for the period from 2019 to 2022 the name of respondents have been entered in column No.9 and 12(2). Ex.R.6 is a mutation No.MR.H.8/2019-20, Sy.No.77/3 from the name of Puppegowda, the name of respondents 1 and 2 have been entered. Ex.R.4 is an endorsement issued by the Tahsildar, Arsikere taluk stating that no proceedings in respect of Sy.No.77 under PTCL Act. Ex.R.7 is the Nil-Encumbrance for the period from 1.4.2007 to 19.3.2023. Ex.R.8 is the Bhoo Hiduvali Patra which discloses that the respondents are Hiduvalidar of Sy.No.77/3 measuring 30 guntas. Ex.R.9 is the No-tenancy certificate issued in respect of Sy.No.77/3 by Tahsildar, Arsikere taluk.

11. The oral and documentary evidence discloses that the respondents are the owners of 02 guntas. Our Hon'ble High Court of Karnataka in **2020(3) KCCR 1966 (Smt. Jayamma Venkatram and another Vs Smt. Ashraf Jahan Begum and another)** has opined that;

“whenever a person has been in possession of an immovable property, especially ancestral in character, for quite a long time, and revenue entries stand in the lineage of his family continuously

without any challenge to it, or if challenged, the same being overruled or rejected; and being not in a position to produce any document conferring title other than revenue records, there is no impediment to declare title based on possession which is otherwise called possessory title”.

The said decision applies to the case on hand.

12. The petitioner advocate has submitted no cross-examination. The entire evidence of RW-1 stands unrebutted. There are no rival claimants. The oral and documentary evidence clearly discloses that respondents are owner of land bearing Sy.No.77/3 measuring 0.02 guntas of Talalutore village has been acquired. The entire evidence of RW-1 stands unrebutted. Therefore, I am of the view that the respondents are equally entitled for compensation deposited by the petitioner along with interest accrued. **Accordingly, I answer point No.1 in affirmative.**

13. POINT No.2: In result, I proceed to pass following:

AWARD

The reference made by the petitioner U/s 77(2) R/w Section 64 of Right to Fair Compensation, Transparency in Land Acquisition,

Rehabilitation and Resettlement Act 2013 is allowed.

The the respondents are equally entitled to compensation of Rs.94,570/- in respect of land bearing Sy.No.77/3 measuring 0.02 guntas of Talalutore Village, Kasaba Hobli, Arasikere taluk along with accrued interest thereon.

The respondents have to execute indemnity bond with one surety, undertaking to re-deposit the compensation amount either in this court or in any other court if order to do so which amount they are going to receive in this case.

(Dictated to stenographer, transcribed and typed by him and corrected by me and then pronounced in open court on this the 18th day of March 2026).

18.03.2026

(SMT. SHEILA B.M.)

I ADDL.DISTRICT AND SESSIONS
& SPL. JUDGE, HASSAN.

ANNEXURE

LIST OF WITNESSES ON BEHALF OF PETITIONER:

-NIL-

LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENT/S:

RW-1 : T.P. Shankaramma

LIST OF EXHIBITS GOT MARKED ON BEHALF OF PETITIONER:-

-NIL-

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

Ex.R-1	Award notice
Ex.R-2	RTC
Ex.R-3	G-Tree
Ex.R-4	Endorsement
Ex.R-5	RTC (4 in nos)
Ex.R-6	Mutation
Ex.R-7	Form No.16
Ex.R-8	Bhoo Hiduvali Patra
Ex.R-9	No tenancy certificate

**I ADDL. Dist., Sessions & Spl. Judge,
Hassan.**