

KAHS010044102022



Presented on : 19-08-2022
Registered on : 20-08-2022
Decided on : 17-03-2026
Duration : 03 Year 06 months 25 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 17th Day of March 2026

LAC.No.472/2022

Petitioner:-

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

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

// Vs. //

Respondents:-

- 6) Smt.Gowramma D/o Ningashetty,
Major,
R/o Haluvalli village,
Palya Hobli, Alur Taluk,
Hassan District.

(R6 by Sri K.R.I., Advocate)

JUDGMENT

1. The Special Land Acquisition Officer, Vishweshwaraiah Jala Nigam, Yettinahole Project, Hassan 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.54/3 measuring 3 acres situated at Haluvalli village, Palya Hobli, Alur Taluk, has been acquired by the petitioner for the purpose of Yettinahole Project. Preliminary notification was issued and compensation of Rs.31,70,401/- was fixed. Award notice was issued to the respondents. The land looser have not submitted any documents regarding the acquired land and had not received awarded compensation amount till today. Under Section 77(2) the compensation amount of Rs.31,70,401/- in favour of the respondents has been deposited before the court.

3. Subsequently, the petitioner has filed joint survey report and the amended petition. As per joint survey report the survey no.54/3 has been renumbered as 54/1 measuring 2 acres, Sy.No.54/2 measuring 25 guntas and Sy.no.54/3 measuring 15 guntas respectively has been acquired.

4. After receipt of reference, this court has issued notice to the respondents. The respondent No.6 has entered her appearance before this Court and has filed claim statement.

5. The respondent No.6 has filed objections stating that she is the owner of Sy.No.54 renumbered as 54/3 measuring 3 acre 20 guntas of J.J.Koppalu Village, Palya Hobli, Aluru Taluk under registered sale deed dated 29.07.1976. Patel Mallegowda and his sons have executed the sale deed in favour of the 6th respondent in respect of Sy.no.54 and khatha has been transferred to the name of 6th respondent. In pursuance of the sale she has been paying taxes. She is absolute owner of the said property. The said property has been acquired for Yettinahole project and the petitioner has passed award in respect of Sy.No.54 measuring 10 acres 26 guntas at Rs.1,33,76,896/-. It is stated that the respondent subsequently after joint survey had filed report stating that 15 guntas of the 6th respondent in Sy.no.54/3 has been acquired and compensation of Rs.4,01,452/- has been awarded. It is stated as she is the owner of the property, she is entitled to receive the said compensation amount.

6. In order to prove her case, the respondent No.3 has been examined as RW3 and has got marked Ex.R38 to Ex.R47. The petitioner has not chosen to lead evidence.

7. Heard arguments. Perused records.

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

1) Whether the respondent No.6 is entitled for compensation amount and to what extent?

2) What order or award ?

9. My answers to above points are as under:

Point No.1 : In affirmative,

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

:REASONS:

10. POINT No.1: It is undisputed fact that, land bearing Sy.No.54/3 measuring 15 guntas situated at Haluvalli village, Palya Hobli, Alur Taluk belonging to the respondent No.6 have been acquired by the petitioner for the purpose of Yettinahole Project.

11. The respondent No.6 has been examined as RW3. She has stated that as the land was not phoded , she could not give the documents in time to the petitioner. Subsequent to the re-survey report, she is entitled to compensation of Rs.4,01,452/-.

12. To corroborate the said contention the respondent No.6 has relied upon Ex.R38 to Ex.R47. Ex.R38 is the RTC extract in respect of Sy.No.54/3, the name of the 6th respondent is shown in column No.9 to an extent of 3 acres 10 guntas and her name has been entered in pursuance to partition in M.R.No.13/98-99 for the year 2016-2017, 2020-21, 2022-24. Ex.R.39 is a M.R.No.13/98-99 from which it is seen that Gowramma has got the property in Sy.No.54/1P measuring 3 acres 10 guntas in pursuance to partition. Ex.R40 is Encumbrance certificate for the period from 1st April 2009 to 21st November 2022, which discloses Nil Encumbrances. Ex.R.41 is form No.15. From the document it is seen that there is no transaction made by the 6th respondent. Ex.R.42 is the No-tenancy certificate issued in respect of Sy.No.54/3 measuring 3 acres 10 guntas. Ex.R3 is tax paid receipt. Ex.R.44 is an endorsement that property in Sy.No.54/3 does not come under PTCL Act. Ex.R.45 is a genealogical tree of the family of the 6th respondent. Ex.R.46 is a No-due certificate issued by the Chief Executive Officer, Talur Primary Agricultural Credit Co-operative Society Limited. Ex.R.47 is an original sale deed dated 29.7.1976 which discloses that Malleshagowda and his brothers Rangegowda, Thimmegowda had sold the property in Sy.No.54 measuring 6 acres 20 guntas to Ningashetty. Ningashetty is the husband of Gowramma.

13. The oral and documentary evidence clearly discloses that the respondent No.6 was owner of the property at the time of acquisition. The petitioner has not chosen to cross-examine the RW6. Hence the entire evidence of RW3 stands un rebutted.

14. The joint survey report disclose that in Sy.No.54/3 measuring 15 guntas has been acquired and a sum of Rs.4,01,452/- has been awarded as compensation. There are no rival claimants. So, the entire compensation amount of Rs.4,01,462/- is ordered to be paid to respondent No.6 along with accrued interest. 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 respondent No.6 Gowramma is entitled to receive compensation in respect of property bearing Sy.No.54/3 measuring 15

guntas of Haluvalli village amounting to Rs.4,01,452/- along with accrued interest thereon.

The respondent No.6 has 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 she is 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 17th day of March 2026)

17.03.2026

(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-3 : Gowramma

LIST OF EXHIBITS GOT MARKED ON BEHALF OF PETITIONER:-

-NIL-

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

Ex.R-38	RTC 7 in no.
Ex.R-39	Mutation
Ex.R-40	Encumbrance
Ex.R-41	Form No.15
Ex.R-42	No Tenancy Certificate
Ex.R-43	Tax Receipt
Ex.R-44	Endorsement issued by Tahasildar with regard to PTCL proceedings
Ex.R-45	Genealogical certificate
Ex.R-46	No due certificate
Ex.R-47	Original Sale deed

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