

KAHS010067722024



**BEFORE THE III ADDL. DISTRICT & SESSIONS COURT AT
HASSAN**

**PRESENT: Sri. Ananda, B.A.L., LL.B., LL.M.
III Additional District and Sessions
Judge, Hassan.**

Dated this 1st day of August, 2025

LAC(APPL) No.373/2024

Appellant/s : Dharmegowda S/o Late Chikkegowda,
Dead by Lr's.

1) Parvathamma W/o Dharmegowda,
Aged about 77 years.

2) Eregowda S/o Dharmegowda,
Aged about 52 years.

3) Yashoda D/o Dharmegowda,
Aged about 50 years.

R/o Yarehalli village, Karagada post,
Belur Taluk, Hassan district.

(By Sri. B.S.R. Advocate)

V/s

Respondent/s : 1. Special Land Acquisition Officer,
H.R.P.II, Hassan.

2. District Commissioner, Hassan.
3. Executive Engineer,
Cauvery Neeravari Nigama,
Yagachi Project, Belur,
Hassan district.

**(R-1 & 2 By Learned D.G.P.)
(R-3 By Sri. S.H.M. Advocate)**

ORDER ON I.A. NO. I/2024 FILED BY THE APPELLANT
UNDER SECTION.5 OF LIMITATION ACT

I.A.No.I has been filed by the appellant seeking condonation of delay of 7078 days in filing the appeal. The appeal is against the award passed by the Learned Additional Senior Civil Judge at Hassan in LAC No.88/2001 dated 18-03-2005.

2. The appellant has filed this appeal against the order passed by the Learned Additional Senior Civil Judge at Hassan in LAC No.88/2001 dated 18-03-2005. The property in question are the lands bearing 1) Sy. No.112/3 measuring 0.4 1/2 guntas, 2) Sy. No.116/1 measuring 0.13 guntas, situated at Karagada village, Belur Taluk, Hassan District. The appellant received the compensation but sought further enhancement under Section 18 of the Act, leading to the application being referred to the Court of the Additional Senior Civil Judge at Hassan in LAC No.88/2001

dated 18-03-2005. The application was registered as LAC No.88/2001. The market value of the acquired land is determined at Rs.26,000/- per acre over and above the market value so fixed by the respondent which the appellant considers inadequate and thus filed this appeal seeking additional compensation. The trial Court has passed the impugned order in LAC No.88/2001 dated 18-03-2005. It is contended that the compensation awarded by the trial Court is very meager. As against the said order they ought to have preferred appeal within the stipulated period, but there is a delay of 7078 days in doing so. He could not contact his Counsel within time and he was suffering from ill-health and did not have knowledge about law. Moreover, the fact that the adjacent land owners provided with additional compensation did not come their knowledge. The appellant asserts that, the delay was unintentional and not motivated by malicious intent. The appellant respectfully prays to this Hon'ble Court to condone the delay of 7078 days in filing this appeal. Failing to condone the delay would cause irreparable losses to the appellant and their family, depriving them of the rightful additional compensation. The condonation of the delay would not cause any hardship to the respondents. Therefore, the appellant earnestly requests this

Court to consider and grant the Delay Condonation Application and proceed with the hearing of the main appeal.

3. During the proceedings, the learned DGP appeared on behalf of respondent No.1 & 2 and counsel Sri. S.H.M., appeared on behalf of respondent No.3 and have filed objections to I.A. No.I.

4. The appellant was examined as P.W.1, but no documents were produced as evidence. Additionally, the respondents did not present any evidence to support their position.

5. Following points that arise of my consideration are:

1. *Whether Appellants have made out sufficient grounds to condone the delay of 7078 days in filing the appeal?*
2. *What order?*

6. My answer to the above points are:

*Point No.1 : In the **Affirmative**.*

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

::REASONS::

7. **Point No.1:** The appellants assert that, the property in question are the lands bearing 1) Sy. No.112/3 measuring 0.4 1/2 guntas, 2) Sy. No.116/1 measuring 0.13 guntas, situated at Karagada village, Belur Taluk, Hassan District. The appellants received the compensation but sought further enhancement under

Section 18 of the Act, leading to the application being referred to the Court of the Additional Senior Civil Judge at Hassan in LAC No.88/2001 dated 18-03-2005. The application was registered as LAC No.88/2001. The market value of the acquired land is determined at Rs.26,000/- per acre over and above the market value so fixed by the respondent which the appellant considers inadequate and thus filed this appeal seeking additional compensation. The trial Court has passed the impugned order in LAC No.88/2001 dated 18-03-2005. It is contended that, the compensation awarded by the trial Court is very meager. As against the said order they ought to have preferred appeal within the stipulated period, but there is a delay of 7078 days in doing so. He could not contact his Counsel within time and he was suffering from ill-health and did not have knowledge about law. Moreover, the fact that the adjacent land owners provided with additional compensation did not come their knowledge. The appellant asserts that, the delay was unintentional and not motivated by malicious intent. The appellant respectfully prays to this Hon'ble Court to condone the delay of 7078 days in filing this appeal. Failing to condone the delay would cause irreparable losses to the appellant and his family, depriving them of the

rightful additional compensation. The condonation of the delay would not cause any hardship to the respondents.

8. The present appeal pertains to the compensation under the Land Acquisition Act, which is a beneficial legislation aimed at ensuring just and equitable compensation to land owners, whose properties have been acquired. Courts have consistently emphasized that in such cases, procedural technicalities should not defeat substantive justice. The Hon'ble Supreme Court in ***Dhiraj Singh (D) Through LRs & Ors. vs Haryana State & Ors. [(2014) 14 SCC 127]*** held that delays in seeking enhanced compensation should be liberally condoned to prevent land owners from being deprived of rightful dues. The appellant has cited ill-health, ignorance and lack of knowledge as reasons for the delay. Courts have recognized that these are valid grounds, particularly when the affected party is unable to access legal resources in time. In ***Collector, Land Acquisition, Anantnag v. Mst. Katiji & Ors. [(1987) 2 SCC 107]***, the Hon'ble Supreme Court held that "A litigant does not stand to benefit by resorting to delay. Refusing to condone delay can result in a meritorious matter being thrown out, and the cause of justice being defeated. As against this, when delay is condoned, the highest that can

happen is that a cause is decided on merits after hearing the parties.” The appellants have brought to light that, the land owners of adjacent villages have been granted higher compensation. Denying the appellant an opportunity to contest the award would result in gross inequity and inconsistency. The principle of equal treatment under the same notification must be upheld, as recognized in ***Union of India v. Pradeep Kumari & Ors. [(1995) 2 SCC 736]*** by the Hon’ble Supreme Court.

9. It is pertinent to highlight that limitation laws are meant to discipline litigants, not to defeat justice. In ***State of Bihar v. Kameshwar Prasad Singh [(2000) 9 SCC 94]***, the Hon’ble Supreme Court opined that the courts should be flexible in cases involving procedural delays, particularly when the underlying dispute pertains to the rights of individuals under welfare legislation. It is further brought to the notice of this court by the counsel for the appellant is that there has been no uniformity or proper distribution of compensation to the land owners whose lands have been acquired under the same notification. Discrepancies in the awarded compensation to similarly situated landowners violate the principle of equality and fairness. The appellant has raised a valid concern that other landowners from

adjacent villages under the same notification were awarded higher compensation by subsequent proceedings. Denying the appellant the opportunity to seek parity in compensation would perpetuate this inequity, contrary to the objectives of the Land Acquisition Act, which seeks to ensure just and fair compensation for all affected landowners.

10. It is further noted that Cauvery Neeravari Nigama Limited, which is the primary beneficiary of the land acquisition, was not a party before the Reference Court. This omission has significant consequences for the adequacy and fairness of the compensation determined. Without the presence of the beneficiary entity, the Reference Court could not have comprehensively assessed the value of the acquired land and the necessity of enhancement. Allowing the appeal to proceed would provide an opportunity for the rightful adjudication of compensation. If the delay is not condoned, the appellant may seek alternative legal remedies to challenge the disparity in awarding the compensation, leading to a multiplicity of proceedings. This Court finds it prudent to address the issue at this stage itself to prevent further litigation and ensure a comprehensive resolution of the matter. Based on the above discussed precedents and considering the

facts and circumstances of the case, it becomes necessary to thoroughly examine the merits of the appeal.

11. Furthermore, the learned counsel for the appellants has placed reliance on the decision of the Hon'ble High Court of Karnataka in *MSA No.200186/2019 (LAC) – Chandrakanth vs. The Special Land Acquisition Officer and Another*, wherein it was held that it is the bounden duty of the State to inform the landowners, who have lost their lands under the very same notification, about the enhanced compensation awarded by the Reference Court in other matters. The Hon'ble Court emphasized that the State, being in possession of all relevant details such as the particulars of the acquisition, the identity and address of the landowners, the extent of the lands acquired, and the redetermined compensation, cannot remain passive and must act fairly to ensure that all similarly situated landowners are informed and treated alike. In the present case, the appellant's land was acquired under the same notification, and the compensation awarded to adjacent land owners are substantially higher. The failure of the State to inform the appellant about such enhanced compensation at the relevant time, despite having complete knowledge and access to such information, constitutes a gross procedural lapse and unfair

treatment, resulting in denial of equal benefit to the appellant. Thus, in the interest of justice and equity, and in keeping with the principle laid down by the Hon'ble High Court, based on the above discussed precedents and considering the facts and circumstances of the case, it becomes necessary to thoroughly examine the merits of the appeal. Considering the testimonies provided by P.W.1, who has stated that, due to his ill-health and lack of information, the appeal could not be filed within the prescribed time. The delay of 7078 days requires condonation. Therefore, the appellant has presented sufficient grounds to justify condoning the delay. However, the appellant is not entitled to any interest and other statutory benefits for the period of delay in filing the appeal, as held by the Hon'ble Supreme Court in the case of **New Okhla Industrial Development Authority Vs. Rameshwar @ Ramesh Chandra Sharma (Dead) by their legal heirs and another as reported in 2022 SAR Online (SC) 1318**. Consequently, the I.A.No. I filed by the appellant deserves to be allowed. Accordingly, Point No.1 is answered in the **Affirmative**.

12. Point No.2: For the reasons stated above, I proceed to pass the following:

::O R D E R::

I.A.No. I is allowed and delay of 7078 days is condoned. However, it is important to note that, the appellants are not entitled for interest and other statutory benefits arising from the grant of compensation for a period of 7078 days.

*(Dictated to Stenographer directly on computer, typed by her taken print out, corrected by me and then pronounced in the Open-Court on **1st day of August, 2025**)*

[Sri. Ananda]

*III Additional District & Sessions
Judge, Hassan.*