

KAHS010078522025



Presented on : 21-11-2025
Registered on : 24-11-2025
Decided on : 30-06-2026
Duration : 1 years 0 months 6 days

IN THE COURT OF PRINCIPAL DISTRICT &
SESSIONS JUDGE, HASSAN.

Dated this the 30th day of June 2026

PRESENT

Smt. Hemavathi, BBM, LL.B.
Principal District & Sessions Judge,
Hassan.

AC No.59/2025

Petitioner:

The Special Land Acquisition
Officer & Competent Authority,
National Highway-206,
Tumkur - Shivamogga Section,
Bettashri Complex,
Renuka Super Bazaar Upstairs,
5th Cross, 60 feet road,
Sapthagiri Layout,
Tumkur-572102.

(Represented by Smt. K.G. Vijayalakshmi Advocate)

Vs.

Respondent:

1. Sri. Veerabadrappa,
S/o Basappa,

2. Sri. Marulasiddappa,
S/o Basappa,
3. Smt. Bhagyamma,
W/o Rajappa,

Respondent Nos.1 to 3 are
R/at Bendekere Village,
Banavara Hobli,
Arasikere Taluk,
Hassan.

(Exparte)

JUDGMENT

This petition is filed by the petitioner under Section 3H(4) of the National Highways Act, 1956 read with Section 151 of Civil Procedure Code praying to permit him to deposit the award amount of Rs.1,49,123/- before this Court and also to direct the office to invest the same in fixed deposit in any nationalised bank till disposal of the petition and for such other relief.

2. Brief fact of the petitioner case is that the National Highways Authority of India Act has taken up the work of the

development, maintenance and management of the National Highways entrusted to the National Highways Authority -206 falling within the stretch of the land of Tumkur – Shivamogga Section, Tumkur Unit in Hassan District, for that the said authority had appointed the petitioner as Special Land Acquisition Officer cum Competent Authority, for the purpose of acquisition of the property and determining the compensation and to disburse the same to the owners of the land. Accordingly, the petitioner amongst the other lands acquired the portion of land bearing Sy.No.343/1 measuring to an extent of 98 sq. mtrs., and 98 sq.mtrs., and Sy.No.343/2 measuring 49 sq. mtrs. situated at Bendekere Village, Banavara Hobli, Arasikere Taluk, Hassan District. The petitioner has passed an Additional Award bearing No.SLAO/CA/NH-206/Adl-AWD/CR-27/2019-20 dated 03.06.2020. The petitioner had determined the compensation amount of Rs.1,49,123 in respect of acquired land. After passing the award, the notice issued to the respective owner of

the land asking them to produce the supportive document to establish the ownership to receive the compensation as per the award. In spite of that the respondents have not given any reply nor submitted any documents to the authority. The exercising power under Section 3(H)4 of National Highways Act passed an order to produce the said amount before this court and adjudicate who are entitled for compensation. Hence, filed this petition.

3. In spite of service of notice the respondents did not appear before the Court. Hence, they are placed *ex parte*.

4. In support of the case of petitioner, one Tahasildar, D.N. Varadaraju examined himself as P.W.1 and got marked 8 documents at Ex.P.1 to Ex.P.8.

5. Heard counsel for the petitioner.

6. Now the points that arise for my consideration are:

- 1) *Whether the petitioner is right in referring this case to this Court?*
- 2) *Who is entitled for receive the compensation amount deposited in this case?*
- 3) *What order?*

7. My findings on the above points are as hereunder:

Point No.1: Negative,

Point No.2: Negative,

Point No.3: As per final order

For the following:

REASONS

8. **POINTS No.1 & 2:** As these points are inter related, they are taken up for consideration together to avoid repetition of discussion and appreciation of the facts and evidence of the case.

9. The petitioner to prove that the land bearing Sy.No.343/1 measuring to an extent of 98 sq.mtrs., and 98 sq.mtrs., and Sy.No.343/2 measuring 49 sq.mtrs. situated at Bendekere Village, Banavara Hobli, Arasikere Taluk, Hassan District has been acquired for widening the National Highway-

206 in the stretch of land at Tumkur – Shivamogga Section has produced the award bearing No.SLAO/CA/NH-206/Adl-AWD/CR-27/2019-20 dated 03.06.2020.

10. The petitioner, Tahasildar, D.N. Varadaraju examined himself as P.W.1 and got marked 8 documents at Ex.P.1 to Ex.P.8. Ex.P.1 is the copy of authorization letter dated 13.02.2026. Ex.P.2 is the copy of notification dated 19.01.2018. Ex.P.3 is the copy of notification dated 18.06.2018. Ex.P.4 is the copy of letter dated 03.06.2020 to approve the award, addressed to the Project Director National Highways Authority in respect of acquisition of land at Bendekere Village and award of compensation Rs.2,25,17,763/- for acquisition of 3.0455 hectare. Ex.P.5 is the copy of statement of award of land acquisition do not disclose about the acquisition of land in Sy.No.343/1 measuring 98 Sq.mtrs., and 343/2 measuring 49 Sq.mtrs and also determination the compensation of Rs.1,49,123/-. Ex.P.6 is the copy of additional arbitration proceedings issued to the

one Shekaranaika S/o Appinaika, Kamalabai W/o Shekaranaik, Peeryanaika S/o Krishnanaik, Sonabai – Peeryanaika, Ramanaik S/o Gundanaik, Shivlibai W/o Ramanaik, Ninghanaik S/o Tavaranaik, Jayaramnaik S/o Sakranaik to receive compensation in respect of acquisition of 2479 Sq.mtrs in Sy.No. 48 of Bendekere Village and the compensation amount is shown as Rs.17,87,648/-. On going through these document it is very clear that the petitioner has not produced any document to show that the land in Sy.No.343/1 and 2 of Bendekere Village belonged to these respondents acquired and determined compensation of Rs.1,49,123/-. Ex.P.7 is the copy of order dated 26.09.2025 bearing No.SLAO/CA/NH-206/ಅರಸೀಕೆರೆ/ಹೆಚ್ಚುವರಿ-18/2025-26 reveal that in view of the objection raised by the respondent, the petitioner passed an order seeking permission to deposit the amount. Ex.P.8 is the copy of award of arbitrator dated 17.02.2023.

11. Of-course respondent inspite of notice served on them did not appear before the tribunal. But, merely because that it cannot be said that the property belonged to them in Sy.No.343/1 and 2 as mentioned in the petition are acquired and the petitioner had determined the compensation of Rs.1,49,123/-. They were served with the notice to receive the said compensation.

12. Considering all these facts, I hold that the petitioner has failed to prove Point No.1 and 2. Hence, the petitioner is deserves to be dismissed. Accordingly, I answer the point No.1 2 in the negative.

13. **POINT No.3:** From the discussion made herein above, I proceed to pass the following:

ORDER

The petition filed by the petitioner under Section 3H(4) of National Highways Act, 1956 read with Section 151 of Civil Procedure Code is hereby dismissed.

Office is directed to send back the deposited amount to the petitioner office.

(Dictated to the Stenographer Grade-III, transcribed by her, corrected and then pronounced by me in Open Court on this the 30th day of June 2026)

(Hemavathi)
Principal District & Sessions Judge,
Hassan.

ANNEXURE

Witnesses examined for petitioner:

P.W.1 : D.N. Varadaraju

Witnesses examined for respondents: NIL

Documents marked for petitioner:

Ex.P.1: Authorization letter
Ex.P.2: Notification
Ex.P.3: Notification
Ex.P.4: Letter
Ex.P.5: Statement showing the enhanced compensation
Ex.P.6: Award notice
Ex.P.7: Copy of the order dated 26.09.2025
Ex.P.8: Arbitration award

Documents marked for respondents: NIL

(Hemavathi)
Principal District & Sessions Judge,
Hassan.