

KAHS010078542025



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.61/2025

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: Sri. Kumar,

S/o Melagirigowda,
Aged about 45 years.

2. Sri. Melagirigowda,
S/o Sannathimmaiah,
Aged about 75 years.
3. Sri. Thimmappa,
S/o Melagirigowda,
Aged about 50 years.
4. Sri. Marulappa,
S/o Melagirigowda,
Aged about 48 years.
5. Sri. Mallikarjunaiah,
S/o Melagirigowda,
Aged about 43 years.
6. Shendivana.

All respondents are
R/at Bendekere Village,
Banawara 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.5,31,178/- 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.175 measuring to an extent of 780 sq. mtrs. and additional extent of 270 Sq.mtrs situated at Bendekere Village, Banavara Hobli, Arasikere

Taluk, Hassan District. The petitioner has passed an Award bearing No.LAQ/NHAI/NH-206/Supplymentary-AWD-55/Bendekere/2020-21 dated 18.11.2020 and LAQ/NHAI/NH-206/ARS/Adl.award-27/2023-24 dated 24.04.2023. The petitioner had determined the compensation amount of Rs.3,32,970/- and Rs.1,98,208/- (Total Rs.5,31,178/-) 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. Inspite 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 exparte.

4. In support of the case of petitioner, one Tahasildar, D.N. Varadaraju examined himself as P.W.1 and got marked 9 documents at Ex.P.1 to Ex.P.9.

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.175 measuring to an extent of 780 sq. mtrs. and additional extent of 270 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.LAQ/NHAI/NH-206/Supplymentary-AWD-55/Bendekere/2020-21 dated 18.11.2020 and LAQ/NHAI/NH-206/ARS/Adl.award-27/2023-24 dated 24.04.2023.

10. The petitioner, Tahasildar, D.N. Varadaraju examined himself as P.W.1 and got marked 9 documents at Ex.P.1 to Ex.P.9. Ex.P.1 is the copy of authorization letter dated 13.02.2026. Ex.P.2 is the copy of notification dated 21.10.2020. Ex.P.3 is the copy of notification dated 10.05.2021. Ex.P.4 is the copy of letter dated 24.04.2023 reveals that total 0.2270 hectare land was acquired and compensation of Rs.20,25,394/- was determined. But, it does

not disclose the survey number of the property acquired. Ex.P6 is the copy of statement showing compensation awarded wherein acquisition of land in Sy.No.175 measuring 270 Sq.mtrs and determined the compensation of Rs.1,98,208/- is shown. But, it does not disclose acquisition of 780 Sq.mtrs in the same survey number and also determination of the compensation of Rs.3,32,970/-. Ex.P5 is the copy of arbitration award proceedings dated 24.04.2023 wherein also acquisition of 270 Sq.mtrs in Sy.No.175 along with other properties shown and the determined total compensation of Rs.20,25,394/-. Ex.P7 is the copy of arbitration award notice issued to respondent No.1 to 5 and also Jagadeesh S/o S.N.Basappa, Prasanna Kumar S/o B.S.Basappa. Said Jagadeesh and Prasanna Kumar children of S.N.Basappa are not a party in this case. Ex.P8 is the copy of order dated 26.09.2025 bearing No.SLAO/CA/NH-206/ಅರಸೀಕೆರೆ/ಹೆಚ್ಚುವರಿ-2(3)/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.9 is the copy of award of arbitrator dated 17.02.2023. None of the document disclose whether they held the katha jointly or they are having right independently. In the absence of these details this court cannot determine how much amount out of the compensation deposited before this court is to be paid to the respondents and also Jagadesh and Prasanna Kumar whose name found in Ex.P7.

11. Of-course respondents in spite of notice served on them did not appear before this tribunal. But, because of that it cannot be said that they are holding joint katha. It is the petitioner who has to prove it. In the absence of detail this court cannot determine the same. The petitioner has failed to convince the court that the respondent No.1 to 5 alone are entitled for the compensation. Apart from that respondent No.6 is shown as Shendivana. It is not described whether it is any structure, building or name of the person having right over the property.

12. Considering all these facts, I hold that the petitioner is deserves to be dismissed. The petitioner has not made out any ground to refer this case to determine as sought for by not furnishing the required details. Accordingly, I answer the points No.1 and 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: Additional award
Ex.P.6: Statement showing the enhanced compensation
Ex.P.7: Award notice
Ex.P.8: Order dated 26.09.2025
Ex.P.9: Arbitrator award

Documents marked for respondents: NIL

(Hemavathi)
Principal District & Sessions Judge,
Hassan.