

KAHS010078552025



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.62/2025

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. Rajappa,
S/o Sannaramegowda,
Aged about 60 years.

2. Smt. Channabasamma,
W/o Chandrappa,
Aged about 52 years,
3. Sri. Siddamariyappa,
S/o Sannaramegowda,
Aged about 64 years.

Respondents all 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.1,79,446/- before this Court and also to direct the office to invest the same in fixed deposit in any nationalized 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 Nat 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.167 measuring to an extent of 200 sq. mtrs. situated at Bendekere Village, Banavara Hobli, Arasikere Taluk, Hassan District. The petitioner has passed an Award bearing No.LAQ/NHAI/NH-2006/ARS/Adl.award-27/2023-24 dated 24.04.2023. The petitioner had determined the compensation amount of Rs.1,79,446/- 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 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: Affirmative,

Point No.2: Respondent No.1 to 3 are equally entitled to receive compensation amount.

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.167 measuring to an extent of 200 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-2006/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 total 0.2270 hectare land of Bendekere Village was acquired and compensation of Rs.20,25,394/- was awarded. It is does not discloses the survey number of property acquired. Ex.P6 is the copy of statement showing enhanced compensation in respect of acquisition of land in Sy.No.167 measuring 200 Sq.mtrs wherein name of the

Kathedaar or Anubavadaar shown Rajappa S/o Sannaramegowda, Channabasamma W/o Chandrappa, Siddamariyappa S/o Sannramegowda and the compensation amount of Rs.1,79,446/- was awarded. Ex.P5 is the copy of additional award proceedings dated 24.04.2023 by the petitioner wherein the name of the respondents found in respect of portion of Sy.No.167 measuring 200 Sq.mtrs and Sy.No.168, 175 and 177/4b1 also acquired and the compensation amount for Rs.20,25,394/- was determined for the acquisition of all the lands. Ex.P.7 is the copy of Additional-2 Award Notice dated 13.09.2023 which reveals that the petitioner had issued a notice to the respondents to receive the compensation amount of Rs.179,446/- for acquisition of 200 Sq.mtrs in Sy.No.167 of Bendekere Village. Ex.P.8 is the copy of order dated 26.09.2025 bearing No.SLAO/CA/NH-206/ಅರಸೀಕೆರೆ/ಹೆಚ್ಚುವರಿ-2(1)/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 award of arbitrator dated 17.02.2023.

11. The respondents in spite of notice served on them did not appear before this tribunal. So, it shows that they have accepted the amount of compensation determined based on the award passed by the petitioner is correct. Hence, they are equally entitled to receive it.

12. The petitioner being Special Land Acquisition Officer has no power to decide the right or title of the parties. So the petitioner is right in referring the matter to this court. Hence, I answer the points No.1 and 2 in the affirmative.

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 allowed.

Consequently, the respondent No.1 to 3 are equally entitled to receive the compensation of Rs.1,79,446/- deposited in the case with accrued interest thereon.

The compensation amount of Rs.1,79,446/- with accrued interest thereon shall be disbursed to the respondents accordingly, on execution of indemnity bond.

No order as to costs.

Award shall be drawn accordingly.

(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.