



IN THE COURT OF THE PRL.DISTRICT JUDGE, MANDYA

PRESENT

**SRI.SUBRAMANYA J.N.,
B.A., LL.M.**

**Prl.District and Sessions Judge,
Mandya**

Dated this the 2nd day of April, 2026.

A.P. NO.: 35/2024

Petitioner:-

Srinivasa,
S/o Govindgowda,
Aged about 55 years,
R/at Hosapere Basavanapura
Village, Halgooru Hobali,
Malavalli Taluk,
Mandya District.

(By Sri.Dr.M.Puttegowda,
Advocate.)

-VS-

Respondents:-

1. Spl.Land Acquisition Officer
and Competent Authority,
National Highway-209,
No.37, Byraveshwara Complex,
Appaju Nursing Home Road,
Malavalli-570430,
Mandya District.
2. The Project Director, N.H.209,
Bangalore-Mysore Division,
Ramadevara Pada,
Basavanapura, Ramanagara.

3. The Deputy Commissioner
& Arbitrator, Mandya District,
Mandya.

(R-1 & 2 Rptd. by
Sri.G.Sandeepkumar,Advocate)

(R-3 Rptd. by District
Government Pleader)

JUDGMENT

The petitioner being owner of land bearing Sy.No. 18 block A of Hosapete Basavanapura Village, Malavalli Taluk, Mandya District in which respondent No.2 acquired 100 Sq.Mtrs dry land to form NH-209 feeling aggrieved by the award dated 14.12.2023 passed by the respondent No.3/ Arbitrator rejecting case No.LAQ/ARB (Malavalli)60/2019 presented petition under Section 34 of the Arbitration and Conciliation Act, 1996 R/w under Order VII Rule 1 and 2 CPC.

2. In response to the notice of the petition the respondent No.3 appeared through District Government Pleader and on 08.04.2024 filed objection.

3. In response to the notice respondent No.2 appeared through his Advocate and on 14.10.2024 filed objection.

4. In response to the notice respondent No.1 appeared through his Advocate and on 14.10.2024 filed memo stating that respondent No.1 adopted the objection filed by respondent No.2.

5. On 04.09.2025 and 03.12.2025 learned Advocate appearing for the petitioner filed notes of argument.

6. On 24.02.2026 learned Advocate appearing for the respondent No.1 and 2 filed notes of argument along with rulings.

7. Records pertaining to impugned award dated 14.12.2023 has been secured from the office of the respondent No.3.

8. I Heard arguments submitted on behalf of both parties and perused the records. On the basis of the materials on record, following points would arise for my consideration:-

- 1) Whether the petitioner made out sufficient grounds to allow the petition i.e. to interfere in the impugned ward dated 14.12.2023

passed by the respondent
No.3/Arbitrator?

2) What order ?

9. On the basis of the materials available in the file, my finding to the above Points are as follows:-

Point No.1 : **In the Affirmative**
Point No.2 : As per final order
for the following:-

REASONS

10. **Point No. 1** :- In the lengthy argument and in the petition learned Advocate appearing for the petitioner asserted the following points;

a) Petitioner is the owner and possessor of the land bearing Sy.No.18 block A of Hosapete Basavanapura Village, Malavalli Taluk, in which respondent No.2 acquired 100 Sq.Mtrs land to form NH-209 under preliminary notification dated 07.01.2013, then, respondent No.1 passed award dated 26.12.2014 by determining market value for dry land at Rs.6,39,100/- per acre, then through revised order dated

24.08.2016 awarded compensation at Rs.2,08,480/- per acre.

- b) The respondent No.1 has not awarded adequate compensation by considering the potentiality of the acquired land and also not awarded all statutory benefits as contemplated under the provisions of RFCTLARR Act, 2013.
- c) The 1st respondent has no legal authority to pass two awards for the same acquired land. When the 1st respondent passed 1st award dated 26.12.2014 by determining the market value at Rs.6,28,834/- per acre, he has no power to pass revised award dated 24.08.2016 by reducing the market value from Rs.6,28,834/- per acre to Rs.2,08,480/- per acre.
- d) The compensation awarded by the respondent No.1 is highly inadequate and the value of the land in and around the acquired property of the petitioner is more than Rs.3 crores per acre.

11. In the lengthy objection District Government Pleader appearing for the respondent No.3/Arbitrator defended the impugned award dated 14.12.2023.

12. In the lengthy objection and notes of argument respondent No.1 and 2 by noting several Judgments of Hon'ble Apex Court and Hon'ble High Court of Karnataka defended the impugned award dated 14.12.2023 i.e. asserted that the market value determined by the respondent No.1 with respect to the acquired 100 Sq.Mtrs. land in Sy.No.18 block A of Hosapete Basavanapura Village, Mallavalli Taluk fixed at Rs.51.52/- per Sq.Mtr. as proper and correct.

13. The record shows that through preliminary notification dated 07.01.2013, final notification dated 26.12.2013 respondent No.2 acquired 100 Sq.Mtrs dry land in Sy.No.18 block A of Hosapete Basavanapura Village, Malavalli Taluk owned by the petitioner to form NH-209.

14. The record shows that through award dated 26.12.2014 respondent No.1 estimated

market value of the acquired land at Rs.6,39,100/- per acre, however, through 2nd award dated 24.08.2016 respondent No.1 estimated the market value of the acquired land at Rs.2,08,840/- per acre i.e. total compensation at Rs.42,335/- and issued notice dated 11.10.2017 to the petitioner.

15. Feeling aggrieved by the award dated 24.08.2016 the petitioner filed petition under Section under Section 3G(5) (6) (7) (a) (b) (c) (d) of the National Highways Act, 1956 dated 07.09.2019 before the respondent No.2, which has been referred to the respondent No.3 wherein registered as LAQ/ARB/(Malavalli)60/2019.

16. In the petition filed under Section 3G(5) (6) (7) (a) (b) (c) (d) of the National Highways Act, 1956 petitioner requested to estimate market value of the acquired land at Rs.20,000/- per Sq.Mtr., Rs.1,00,000/- with respect to One coconut tree and compensation under various heads.

17. In response to the notice respondent No. 2 appeared through their Advocate before respondent No.3 and on 15.09.2022 filed objection along with 3 Rulings.

18. Before the respondent No.3 petitioner on 25.05.2023 through his Advocate filed notes of argument requested to estimate market value of the acquired land at Rs.27,400/- per gunta by relying on the following judgments:

1) 2011 ILR KAR 3580 (National Highway Authority of India Vs Asst.Commissioner & Competent Authority, Kolar)

2) 2015 (4) KCCR 3249.

19. In the lengthy petition petitioner asserted that land acquired by the respondent No.2 is having more value than the value determined by the respondent No.1 and confirmed by the respondent No.3 through award dated 14.12.2023 i.e., Rs.3 crores.

20. In the lengthy objection respondent No.1 and 2 pleaded that the compensation determined

by the respondent No.2 confirmed by the respondent No.3/Arbitrator are in accordance with law by relying the following judgments:

- (1). ILR 2010 KAR 3711 [H.M.Shankaramurthy Vs. National Highways Authority of India and Others].
- (2). ILR 2016 Karnataka 413 [Bhaskar Industrial Development Limited Vs South Western Railway]
- (3). AIR 2022 SC 301 [I-Pay Clearing Services Ltd. Vs ICICI Bank]
- (4). MANU/SC/0484/2024z [A.Parthasarthy & Othes Vs E sprints Avenues Pvt.Ltd. & Others].

21. The record shows that the respondent No.3/arbitrator after verification of the records on 14.12.2023 passed award making observation that

A. ಈ ಮೇಲಿನ ಅಂಶಗಳಲ್ಲಿ ವಿವರವಾದ ಸಕಾರಣಗಳೊಂದಿಗೆ ವಿವರಿಸಿದ ಪ್ರಕಾರ ವಿಶೇಷ ಭೂ ಸ್ವಾಧೀನಾಧಿಕಾರಿಗಳು ಸಕ್ಷಮ ಪ್ರಾಧಿಕಾರಿರವರು ಈ ಪ್ರಕರಣದಲ್ಲಿ ಭೂ ಸ್ವಾಧೀನಗೊಂಡ ಜಮೀನಿಗೆ/ಪ್ರದೇಶಕ್ಕೆ ನಿಗದಿಪಡಿಸಿರುವ ಪರಿಹಾರ ಮೊತ್ತವು Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013

ರಂತೆ ಹಾಗೂ National Highways Act, 1956 ರಂತೆ ಕ್ರಮಬದ್ಧವಾಗಿರುತ್ತದೆ ಹಾಗೂ ಸರಿಯಿರುತ್ತದೆ. ಆದ್ದರಿಂದ ಇದರಲ್ಲಿ ಹಸ್ತಕ್ಷೇಪ ಮಾಡುವುದಕ್ಕೆ ಅಥವಾ ತಿರಸ್ಕರಿಸಿ ಹೆಚ್ಚುವರಿ ಪರಿಹಾರ ಮೊತ್ತವನ್ನು ನಿಗದಿಪಡಿಸಲು ಸಮರ್ಥನೀಯ ಕಾರಣಗಳು ಇರುವುದಿಲ್ಲ.

B. ಈ ಮೇಲಿನ ಅಂಶಗಳಲ್ಲಿ ವಿವರಿಸಿದಂತೆ ಎಲ್ಲಾ ಮಾನದಂಡಗಳನ್ನು ಹಾಗೂ ಮಾರ್ಗಸೂಚಿಗಳನ್ನೇ ಪಾಲಿಸಿಕೊಂಡು, ಕಾಯಿದೆಯಂತೆ ಜಮೀನಿನ ಭೂಮೌಲ್ಯವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ. ಆದ್ದರಿಂದ ನಿಯಮಗಳನ್ವಯ ಪರಿಹಾರವನ್ನು ನಿಗದಿಪಡಿಸಿರುವುದು ಲಭ್ಯ ದಾಖಲೆಗಳಂತೆ ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ಆದರೆ ನಿಯಮಗಳನ್ನು ಮೀರಿ ಕಡಿಮೆ ಮೊತ್ತವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ ಎಂಬುದನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಅರ್ಜಿದಾರರು/ಪರ ವಕೀಲರು ವಿಫಲರಾಗಿದ್ದಾರೆ.

E. ಕಟ್ಟಡದ ಬಗ್ಗೆ ಪರಿಹಾರ ಕೋರಿದ್ದು, ಕಟ್ಟಡವು ಭೂಸ್ವಾಧೀನವಾಗಿದೆ ಎಂಬುದರ ಬಗ್ಗೆ ಸೂಕ್ತ ದಾಖಲೆ ಸಮೇತ ಸಾಬೀತುಪಡಿಸಿರುವುದಿಲ್ಲ.

22. The order sheet maintained by the respondent No.1/Arbitrator, Deputy Commissioner, Mandya in LAQ/ARB/(NH-209)60/2019 shows that on 25.05.2023 Advocate for the appellant present and filed written argument, copy furnished to the respondents and posted for orders. On 14.12.2023 respondent No.3/Arbitrator passed the impugned award.

23. The above noted circumstances shows that before respondent No.3/Arbitrator neither

petitioner (land loser) nor respondent No.1 and 2/Land Acquisition Authority have submitted oral evidence/documentary evidence, however, respondent No.3/Arbitrator passed the impugned award dated 14.12.2023 rejecting the petition filed under Section 3G(5) of the National Highways Act, 1956 which neither permissible under law nor in accordance with law nor sustainable.

24. Hence, I came to the conclusion that the impugned award dated 14.12.2023 is to be set aside and matter is to be remanded to the respondent No.3/Arbitrator to decide afresh by providing suitable opportunities to both petitioner (land loser) and respondent No.1 and 2/Land Acquisition Authority to produce evidence, make submission in accordance with law with a clarification that both petitioner and respondent No.1 and 2 have to make arrangement to produce evidence/ make submission before the respondent No.1 in accordance with law and suggested to co-operate with the respondent No.3/Arbitrator to disposal of the matter as early

as possible. Hence, I answer Point No.1 in the **“Affirmative”** and pass the following:-

ORDER

The petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 R/w under Order VII Rule 1 and 2 of CPC is hereby allowed.

The award dated 14.12.2023 passed by the respondent No.3/Arbitrator in LAQ/ARB/(Malavalli)60/2019 is hereby set aside.

The matter is remanded to the respondent No.3/Arbitrator to decide the dispute afresh by providing suitable opportunity to the petitioner (land loser) and respondent No.1 and 2/Land Acquisition Authority to produce evidence/make submission in accordance with law as early as possible.

It is suggested to the petitioner and respondent No.1 and 2 to co-operate with the respondent No.3/Arbitrator to decide the dispute as early as possible.

No order as to cost.

Office to return the records received
from the respondent No.3/Arbitrator
along with a copy of this Order/
Judgment forthwith.

Dictated to the Stenographer directly on the computer,
fed by him, corrected, print taken and pronounced by
me in the Open Court on this the **2nd day of April,**
2026.

(SUBRAMANYA J.N.)

Prl.District and Sessions Judge,
Mandya.