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**IN THE COURT OF SENIOR CIVIL JUDGE AND
J.M.F.C., GANGAVATHI.**

**PRESENT: Sri.Ramesh S. Ganiger,
B.Com., L.L.B., L.L.M.,
Senior Civil Judge,
Gangavathi.**

Dated 25th day of November 2022

:: Civil Misc.No.12/2022 ::

**Petitioner: The Special LAO, KRDCL,
Bengaluru.**

(By Sri. P.K.G., Advocate)

**V/s.
Respondent: Sri. Devappa S/o Kanteppa
Hugar, Age: R/o Marali, Tq:
Gangavathi, Dist: Koppal.**

:: Order on maintainability ::

It is the petition filed by The Special Land Acquisition officer KRDCL, Bengaluru seeking permission to deposit award amount before this court.

2. It is the contention of the petitioner officer that their office has acquired 01 acre land in Sy. No. 94/4 in Marali village of Gangavathi Taluka belongs to respondent to construct Toll Plaza. Under the government notification No. ೮೦೬೯/39/ಇಎಪಿ/2015 dated 16.09.2016 is concerned, their office is directed to acquired the above said property. But, the respondent could not furnished any title documents pertaining to the said acquired property as per sec. 27 of Karnataka State High Way Act 1964. In the absence of respondent and his title documents, office was passed general award amount of Rs. 35,64,318/- . Thereafter, their office was also give statutory period to receive the said award and issued award notice. Inspite of receiving the said notice, the respondent could not approached their office and received the general award amount. Already they approached the Hon'ble Prl. District and Sessions Court and filed LAC No. 02/2018 and deposited above said award amount. But,

the said petition was dismissed on 24.09.2021. Now, it is necessary to disburse award amount to the respondent. On that count, seeking permission to deposit the said amount before this court.

3. On going through the petition averments, presently the land has been acquired as per **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013**. The present petitioner seeking permission to deposit the award amount before this court. As per Sec. 64(1) R/w sec. 77 (2) of the above said act is concerned, it is question arise before the court regarding maintainability of the petition. Accordingly, the following points are arises for my consideration :

1. Whether the petition is maintainable before this court in accordance with law?

2. What Order ?

4. Learned counsel for the petitioner was argued.

5. My findings on the points are as follows:-

Point No.1 :Petition is not maintainable.

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

:: REASONS ::

6. **Point No.1:** The petition averments clearly shows that the State Government has acquired the land under the provisions of above said **The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (in short RFCTLARR Act)**. So for the said enactment is concerned, if any dispute arises regarding land acquisition, rehabilitation and resettlement authority, at that time the parties have to approach **The Land Acquisition, Rehabilitation and Resettlement Authority** as per sec. 51 of RFCTLARR Act. Further, sec. 52 and 53 of said act clearly shows that the District Judge has power to deal with the said disputes and he is

the lawful authority to deal the disputes in respect of land acquisition matters.

7. Furthermore, Sec. 76 and sec. 77 of RFCTLARR Act reads as follows:

76. Dispute as to apportionment.

When the amount of compensation has been settled, if any dispute arises as to the apportionment of the same or any part thereof, or as to the persons to whom the same or any part thereof is payable, the Collector may refer such disputes to the Authority.

77. Payment of compensation or deposit of same in Authority.

(1) On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in sub-section (2).

(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:

PROVIDED that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:

PROVIDED FURTHER that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:

PROVIDED ALSO that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto.

8. As per sec 76 of the above said act if there is any dispute arises on apportionment, at that time the Collector may refer the dispute to the authority and further as per sec. 77 (2) of the above said act, if the person did not receive the award amount, at that time the collector shall deposited the compensation amount before the authority. So for the above provisions, it is cleared that if any dispute arises in between D.C. or Authorized Officer with opponent parties, at that time aggrieved party may approach the authority which is constituted U/sec. 51 of this act and same is District Judge court. Accordingly, herein the above discussed provisions are concerned, The District Judge court has

jurisdiction to resolve the dispute between parties and this court would not have any kind of jurisdiction to entertain the dispute between the Acquisition Officer with Land losers. Accordingly, this court has statutorily barred to receive this kind of petition.

9. In the course of arguments, learned counsel for the petitioner was vehemently contended that as per **Sec. 3H(4) of the National Highway Act 1956** is concerned, the Prl. Civil court has original jurisdiction to resolve the dispute arises between the parties regarding the apportionment of the amount. The said provision clearly states that the dispute resolving authority is the Prl. Civil court. Accordingly as per **Sec. 14(1) of Karnataka Civil Courts Act 1964** is concerned, the District Court shall be deemed to be the Prl. Civil Court of original jurisdiction within the local limits of its jurisdiction. This provision is concerned, the District Court become the Prl. Civil Court and not this court. On

this count also, the present petition is not maintainable before this court and **I answered point No.1 that the petition is not maintainable.**

10. Point No.2 : For the foregoing reasons, I proceed to pass the following:

: ORDER :

The petition filed by the petitioner official is not maintainable and hereby dismissed.

The petitioner has liberty to approach the jurisdictional court in accordance with law.

(Dictated to the stenographer, typed by her, corrected by me and then pronounced in open Court this the **25th day of November 2022**)

(Sri. Ramesh S.Ganiger)
Senior Civil Judge, Gangavathi.