

ORDER

IA No.III u/O VI Rule 17 r/w Sec.151 of C.P.C. filed on behalf of Petitioner for amendment of the petition.

2. The application is enclosed with the memorandum of fact, wherein it is stated that the Petitioner having filed reference protest petition u/Sec.64(1) of RFCTC Act 2013. The Executive Engineer, Manchanabele Project, Ramanagara has written letter to Spl.LAO, Ramanagara on 07.12.2013 praying to prepare common award in one common notification of all the 115 villages of Channapatna Taluk. In the connected case, for the same notification the Hon'ble Court has awarded Rs.45,00,000/- per acre and the Petitioners acquired land and judgment land was acquired for the same notification for same purpose and of same taluk. As per the judgment of the Apex Court, if the acquisition of the property is for same purpose, same notification uniform rate of compensation is to be awarded. But in the reference petition, the Petitioner had claimed only Rs.15,00,000/- per acre. Petitioner is an agriculturist, his land having acquired, he should get fair compensation and State should be fair and reasonable in compensating the up-routed agriculturist and it shall not be permitted

to make unlawful gain while exercising eminent domain power under the act or any other statute. Hence, this application to amend the quantum portion from Rs.15,00,000/- to Rs.50,00,000/- in the reference petition. The amendment of the pleadings are necessary for determining the true value of acquired land. Due to amendment, it will not cause injustice or prejudice to the other side. It will not change the cause of action or nature of the suit. By amendment, other side will not lose valid defence. The prayer of amendment is not with malafide intention. Hence, prayed for allowing the application.

3. Application is opposed on behalf of Respondent No.1 on the ground that the evidence had already commenced. Fair compensation is already paid. Now only with an intention to knock-out heavy money from the Respondent No.1 this application is filed. The reason for which land is acquired is already fulfilled and the pipelines are inserted 7 to 8 feet deep the ground level and property has been leveled and the Petitioner is enjoying the land by doing agriculture in the very same land. In spite of it, to gain more profit now with malafide intention, this application is filed. Hence, prayed for dismissal of the application.

4. Heard both the counsels.

5. On the above contention of the parties, the following point arise for my consideration:

Point No.1: Whether the Petitioner/Applicant proves that the amendment sought is necessary for determining the real question in controversy?

Point No.2: What Order?

6. The findings on the above points are as under;

Point No.1 : In the Negative.

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

REASONS

7. POINT NO.1 :- Petition is filed u/Sec.64(1) of RFCTC Act 2013 claiming fair compensation. Petitioner had prayed to enhance the market value of the property at the rate of Rs.15,00,000/- per acre or Rs.100/- per square feet along with up to date interest. Respondent No.2 had acquired the property and it is having non-agricultural potentiality and it is near Channapatna City and the Respondent No.2 had failed to consider the same and the market value of the property is very high and the market value is increasing in the locality. So on that ground, Petitioner had claimed enhanced compensation amount at the rate of Rs.15,00,000/- per acre or Rs.100/- per square feet.

8. Now in this amendment application, the Petitioner had taken the contention that in connected cases of same notification, court has awarded

Rs.45,00,000/- per acre and the petition schedule property is also acquired for same notification in the same Taluk so as per the Apex Court Judgment if the acquisition of the property is for same purpose under same notification uniform rate of compensation to be awarded.

9. Hear the fact that has to be considered is that the amendment can be considered if it is necessary for determining the real question in controversy. On the other hand, the application for amendment should be filed before commencement of the trial and the applicant should make out the reasons that in spite of due diligence he could not rise the fact of amendment earlier. Now if the contention in the application is taken into consideration, whereby the applicant is aware of the previous judgment and merely for the reason that higher amount is awarded in connection to the cases of same notification, Petitioner had sought for amendment of the petition now in the course of trial. He had nowhere pleaded with regard to award in other cases in connection to same notification.

10. Petitioner had relied on judgment reported in **2018 SAR (Civil) 42 SC (Narendra & others v/s The State of UP and Others) and 2012(1) SCC (Civil) 591 SC: 2010(14) SCC 506 (State of MP and Others v/s Kashiram dead by LR's and others).**

11. This court had gone through the above referred case law and it can be made applicable at the final decision of the case so as to access the compensation if the Petitioner proves that he is entitled for enhanced compensation. So at that time, the judgment in connection to common notification can be taken into consideration. On the other hand, Petitioner by accessing the real and fair compensation, he is entitled too, he has filed the present petition. It is for the court to arrive at just and fair compensation as held in judgment relied on behalf of Petitioner i.e., in **2018 SAR (Civil) 42 SC (Narendra & others v/s The State of UP and Others)**. So for determining this fact being in controversy based on the objection of the Respondent, now at this stage, amendment is not necessary for determining real question in controversy. So in the circumstance, this court does not find any reasonable grounds for amendment of the petition. Hence, I hold the above point in Negative.

12. **Point No.2:** In view of the findings on Point No.1, this court proceeds to pass the following:

ORDER

IA No.III filed u/O VI Rule 17 of CPC on behalf of the Petitioner is dismissed.

No order as to costs.

For Petitioner evidence.

Adjourned by **18.07.2026.**

(PANCHAKSHARI.M.)
I Addl. Dist. & Sessions Judge/Spl. Judge.,
Ramanagara. Dt: 05.06.2026

Date: 18.07.2026.

Ptr: BRJ

R1: LBA.

R2 to R4: DGP

For Petitioner evidence.