



**IN THE COURT OF THE I ADDL. DISTRICT AND SESSIONS
JUDGE, TUMAKURU.**

Present:

Sri. Anantha H. B.Sc., LL.B, PGDCL & IPR,
I Addl. District and Sessions Judge,
Tumakuru

Dated this the 29th day of November 2025

Civil Misc.No.186/2024

Petitioner: The Special Land Acquisition Officer,
Tumakuru-Rayadurga and
Tumakuru-Davanagere Railway Project,
Tumakuru.

(By District Govt. Pleader)

-Vs-

Respondents: 1. Doddakalamma,
D/o Chikkahuchhaiah,
Aged about 56 years.
2. Sannakalamma,
D/o Chikkahuchhaiah,
Aged about 56 years,
Both are R/at Tharati Village,
C.N. Durga Hobli,
Koratagere Taluk,
Tumakuru District.

(R-1 by Sri.T.G. Devaraju Adv.
R-2 exparte)

**ORDER**

The petitioner/SLAO has filed the present petition U/Sec.77(2) of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 praying to keep the bond bearing No.24401710 dated 30.07.2024 for Rs.5,77,762/- in safe custody and also to direct the respondents to receive the said deposited award amount. Accordingly, this court ordered to keep the said bond in safe custody.

2. The brief facts of the case are that the property bearing Sy.No.41 measuring 0-06 guntas of dry land situated at Tharati Village, C.N.Durga Hobli, Koratagere Taluk, Tumakuru District was acquired by the petitioner for the purpose of Tumakuru-Rayadurga Railway Project through Notification under Section 19(4) published in Official Gazette for the knowledge of general public and as per Section 19(4) which was published in popular newspapers i.e.



'Sogadu' dated 09.09.2023 and 'Gangavahini' dated 10.09.2023 for publishing notification. Petitioner passed an award No.SLAO:SR:(Tu-Ra Railway): 17/2021-22 dated 12.12.2023 a sum of Rs.5,77,762/- as compensation and also issued notice to the respondents on 25.01.2024 to produce the supporting documents to establish the ownership to receive the compensation, but respondents have not submitted the documents, the petitioner has come up with the present petition.

3. After filing the present petition, this court has issued notice to the respondents. The respondent No.1 appeared through her counsel filed her Claim Statement. After service of notice, respondent No.2 remained absent and placed exparte.

4. In the Claim Statement, respondent No.1 stated that the petitioner has filed petition under Section 77(2) of Land Acquisition Act, 2013



depositing the compensation amount of Rs.5,77,762/- for which SLAO has acquired the land bearing Sy.No.41 measuring 0-06 guntas of land situated at Tharati Village C.N.Durga Hobli, Koratagere Taluk, Tumakuru District for Tumakuru-Rayadurga Railway project. The said property stands in the names of respondents No.1 and 2. The said survey number came to their possession through Gift Deed and they are the owners in joint possession and enjoyment of the same and katha and pahani stood jointly in their names. They are entitled to get the said amount equally and prays to release the compensation amount in respect of her half share.

5. In support of the case of respondents, respondent No.1 examined as RW.1 got marked documents at Exs.R.1 to R.7.

6. Heard arguments of both sides.



7. From the above facts, the following points arise for my consideration:

1. *Whether the respondent No.1 and 2 entitled to receive their share of award amount deposited by the S.L.A.O./petitioner?*
2. *What order ?*

8. My answer to the above points is as fallows:

Point No.1 :- In the **affirmative**;

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

R E A S O N S

9. **POINT No.1:-** In support of the claim statement of the respondent No.1, she filed affidavit in lieu of chief-examination before this court and examined as RW.1. In her evidence, RW-1-Doddakalamma has reiterated the averments made in the claim statement and produced documents at Ex.R.1 to R.7.



10. I have gone through the evidence of RW.1 and documents marked at Exs.R.1 to R.7. Ex.R.1 is the RTC shows Sy.No.41 was standing in the joint names of respondents No.1 and 2 and their names appear in column No.9 and 12(2) of RTC extract. Ex.R.2 is the Mutation Register Extract shows the mutation in respect of Sy.No.41 was made in the joint names of respondents No.1 and 2 under MR No.H32/2013-14 dated:30.05.2014 and mode of acquisition shown as "Gift". Ex.R.3-Gift Deed shows that the mother of respondents-Rangamma W/o Late Chikkahuchaiah executed the Gift Deed in favour of respondents. Further, on perusal of Ex.R.6-ಅವಾರ್ಡ್ ತಃಖ್ತೆ at Sl.No.36, the names of respondent No.1 and 2 shown as owners of the land in Sy.No.41 and 0.06 guntas of land along with 04 Neem trees, 7 Honge trees and 08 Thagguli trees have been acquired by the petitioner authority and awarded compensation to the respondent No.1 and 2. In this regard, petitioner



authority has issued award notice as per Ex.R.7 to the respondent No.1 and 2 on 05.01.2024. Though, the learned counsel for the petitioner has cross examined RW.1, nothing worth was elicited to deny the contentions raised by RW.1 and also to deny the documents furnished by the Respondent No.1. Thus, it is crystal clear that respondent No.1 and 2 are the owners of the acquired land as on the date of notification. In view of oral and documentary evidence and no rival claims are forthcoming, absolutely there is no impediment for this court to consider the claim made by RW.1. Consequently, Respondent Nos.1 and 2 are entitled to receive the award amount deposited before the Court in equal proportion. Hence, respondent No.1 entitled to receive her share of award amount deposited by the petitioner. Accordingly, point No.1 is answered in the **Affirmative.**



11. Even though court notice served upon respondent No.2 on 10.03.2025, in spite of receipt of the notice, respondent No.2 not appear before this court and not contest the petition till 25.06.2025. Hence, this court placed exparte to respondent No.2. Deposited amount not claimed by the respondent No.2, office is directed to keep alive the present petition till the respondent No.2 claim the deposited amount is in no way serve the purpose.

12. Point No.2:- In view of findings on point No.1, I proceed to pass the following:

ORDER

The petition filed by the petitioner U/Sec.77(2) of The Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 is closed at present and respondent No.2 is at liberty to reopen the petition if she is interest in claim the deposited amount.

Consequently, it is held that Respondent Nos.1 and 2 are entitled



equal proportion in the award amount of Rs.5,77,762/- (Rupees Five Lakhs, Seventy Seven Thousand Seven Hundred and Sixty two only) deposited by the petitioner.

Respondent No.1 has to furnish her Bank details, affidavit and also the indemnity bond to receive her half share of the compensation amount.

The share amount of respondent No.2 is ordered to be kept in FD in the name of Prl. District and Sessions Judge for a period of six months and it is auto renewal till the respondent No.2 claim the amount.

The concerned official is hereby directed not to destroy the record till the disbursement of remaining award amount.

(Dictated to the Stenographer directly on computer, revised and then pronounced by me in the open Court on this the 29th day of November, 2025).

(Anantha.H.)

I Addl. Dist & Sessions Judge,
Tumakuru.

ANNEXURE

List of witnesses examined for the petitioner:

-Nil-

List of documents marked for the petitioner:

-Nil-



List of witnesses examined for the respondent:

RW-1 : Doddakalamma

List of documents marked for the respondent:

Ex.R-1 : RTC bearing Sy.No.41

Ex.R-2 : MR.No.H32/13-14

Ex.R-3 : Copy of registered sale deed

Ex.R-4 : Encumbrance Certificate

Ex.R-5 : Certified copy of Proceedings of SLAO

Ex.R-6 : ಅವಾರ್ಡ್ ತಃಖ್ತೆ

Ex.R-7 : Award Notice dated 25.01.2024

I Addl. Dist & Sessions Judge,
Tumakuru.