



IN THE COURT OF I ADDL. DISTRICT & SESSIONS
JUDGE AND THE LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
AUTHORITY, TUMAKURU.

Dated this the 08th day of July 2026.

PRESENT

Sri. Mohamed Ashraf Aris, B.A., LL.M.,
I ADJ and Presiding Officer,
Land Acquisition, Rehabilitation and
Resettlement Authority, Tumakuru.

LAC Misc.No.98/2024

Petitioner: Kempanarasaiah S/o Mudlagiriyappa,
Aged about 67 yeears,
R/at Rajathadripura village,
Kibbanahalli hobli,
Tiptur taluk and Tumakuru District.

(By Sri C.K.Mahendra, Adv.)

-VERSUS-

Respondents: 1. The District Commissioner cum
Competent Authority Constitute
under RFCTLARRA for Ettinahole
Project, office at Tumakuru
District Commissioner,
Tumakuru City, Tumakuru.

2. The Special Land Acquisition Officer,
Ettinahole Project,
office at Gandhinagara, Tumakuru.

3. The Chief Executive Engineer,
Ettinahole Project,
Near Saibaba Temple,



Kunigal Road, Tumakuru city.

(R-1 By District Govt. Pleader)

(R-2 By Sri. D.N.R., Adv.)

ORDER

This petition is filed U/Sec.64(1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (referred to as 'Act', herein after), by the petitioner seeking for a direction to the respondent No.1 to refer the matter to this authority for determination U/Sec.64 of the Act.

2. The contention of the petitioner in brief is as follows:

Land bearing Sy.No.91 measuring 1 acre 0.2 guntas of Hatna village, Kibbanahalli hobli, Tipturu taluk, Tumakuru District has been acquired for the purpose of Yettinahole Drinking Water Project. An award of Rs.30,26,508/- has been fixed and award notice has been issued in the name of the petitioner as per notice dated:24.08.2023. The award amount was received by the petitioner under protest. The 2nd respondent has not determined the compensation



amount properly. The petitioner has filed an application U/Sec.64(1) of the Act on 29.11.2023 to refer the matter to the court, but the respondent has not sent the reference. The application is within time. Hence, prays to allow this petition.

3. The learned DGP for respondent No.1 has filed objections stating that the application filed by the petitioner is not in accordance with law and is liable to be dismissed and that the application is not in time. The petitioner has received fair compensation which is proper and just according to the Land Acquisition Act. The present petition is malicious and the petitioner is not entitled for higher compensation. Hence, prays to dismiss the petition.

4. The respondents No.2 and 3 have filed objections. The objections of respondents No.2 and 3 in brief are as follows:-

The petitioner has filed the petition seeking reference after lapse of the limitation period. The award notice issued on 24.08.2023 and the protest



petition was filed on 29.11.2023. There are no valid grounds for making the reference. Hence, prays to dismiss the application with costs.

5. Respondent No.3 is the Chief Executive Engineer, Yethinahole Project and is only a formal party.

6. The petitioner and respondents have not chosen to lead any evidence.

7. Heard arguments.

8. The points that arise for determination are as follows:

1. Whether the petitioner has made out sufficient grounds to direct the respondents to refer the matter to this Authority?

2. What order or award?

9. The answer to the aforesaid 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:** It is an undisputed fact that land bearing Sy.No.91 measuring 1 acre 0.2 guntas, situated at Hatna village has been acquired for the purpose of Yettinahole Drinking Water Project. The petitioner contends that the respondent No.1 has awarded meager amount as compensation. The petitioner contends that the compensation which has been awarded is not in accordance with the prevailing market value. Hence, the petitioner has filed the application U/Sec.64(1) of the Act before the respondent No.1 seeking for a direction to refer the matter to this court. Petitioner has produced the RTC extract of the said land for the year 2024-25 and 2025-26, which shows his name in column No.9.

11. The petitioner has produced the copy of the award notice dated:24.08.2023 and the petition filed before the respondent U/Sec.64(1) on 29.11.2023.

12. Sec.64(1) and (2) of the Act reads as follows:

“64. Reference to Authority- (1) Any person



interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of thirty days from the date of receipt of application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days.

(2)The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made-



(a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;

(b) in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or within six months from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

13. In the present case, the award has been passed on 23.08.2023 and the award notice has been issued on 24.08.2023. The application seeking reference is filed on 29.11.2023. It is filed within 6 months from the date of Award. The respondents have not placed any materials regarding the date of service of Award notice. In the absence of any contrary evidence it could be presumed that the petitioner has filed the application within the statutory



period prescribed in the Act. Hence, it could be concluded that the application is in time. The respondent has not sent the reference to this authority within 30 days from the date of receipt of the application.

14. For the aforesaid reasons, this authority is of the opinion that the petitioner has made out a case to direct the respondents to send the reference to this authority. Hence, point No.1 is answered in the **Affirmative**.

15. **Point No.2**: In view of the findings given on point No.1, the following order is passed:

ORDER

The petition filed by the petitioner
U/Sec.64(1) of the Right to Fair
Compensation, Transparency in Land
Acquisition, Rehabilitation and
Resettlement Act, is allowed.

The respondent is directed to make the
reference in respect of the land bearing
Sy.No.91 measuring 1 acre 0.2 guntas of
Hatna village pertaining to award notice



No: SLAO/SR/47/2020-21 dated:
24.08.2023 within 30 days, if not sent
earlier.

Parties to bear their own cost.

(Typed to my dictation by Stenographer-III directly on
computer, corrected, signed and then pronounced by me in the
Open authority, on this the 08th day of July, 2026)

(Mohamed Ashraf Aris)
I Addl. Dist. & Sessions Judge,
Tumakuru.