

IN THE COURT OF ADDL. SENIOR CIVIL JUDGE & JMFC,
MADHUGIRI

PRESENT:

Sri SAGAR GURUGOUDA PATIL
B.A., LL.B(Spl.)
Addl. Senior Civil Judge & JMFC, Madhugiri

Dated: 18-09-2021.

LAC 2/2015

Petitioner/s :
K.Raghavendra Rao S/o Krishna Rao, a/a
53 years, r/o Door No.600, 44th cross, 8th
block, Jayanagar, Bengaluru - 560 070.

(Smt/Sri D.V.S)

VS

Respondent/s :
1) Land Acquisition Officer & Asst.
Commissioner, Madhugiri sub-
division, Madhugiri.
2) Executive Engineer, Minor Irrigation
Department, Tumakuru.

(R1 : A.G.P
R2 : Smt/Sri B.K.C, Advocate)

J U D G M E N T

This is a petition filed by the petitioner u/s 18 of Land Acquisition Act (hereinafter referred to as the Act) and arises under the following circumstances.

2) The land bearing Sy.No.141/3 (now phoded as 141/4) totally measuring 11-26 guntas, excluding kharab of 0-28 guntas, originally belonged to one Sri Kokatte Murali Krishna Reddy. In the said land to an extent of 5 acre 33 guntas of land was purchased by the petitioner from Kokatte Murali Krishna Reddy under a registered sale deed dated 09-06-2008 for a consideration of Rs.4,10,000-00. The said land is classified as wet land having the asara of the Kalidevapura tank.

3) The government through 2nd respondent i.e. Executive Engineer Minor Irrigation department, Tumakuru having jurisdiction over the landed property through the 1st respondent had acquired certain lands of Kalidevapura village for the existing Kalidevapura tank, Madhugiri taluk. According 4(a) notification was published in the gazettee on 14-08-2006 and further 6(1) notification was also published in the gazette on 01-02-2008. The said lands was also acquired by the respondents for the existing Kalidevapura

village tank.

4) In pursuance to the final notification u/s 6(a) of the Land Acquisition Act, the 1st respondent LAO, Madhugiri has also passed an award on 11-01-2010 in LAC No.3/2008-09 awarding compensation amount of Rs.1,67,663-00 was awarded by 1st respondent only to the extent of 4-25 guntas of land, out of 5-33 guntas acquired for the purpose of tank.

5) The petitioner after purchase of land got the khata & pahani of the said land bearing Sy.No.141/3 and he was also in possession & enjoyment of the said land. The petitioner also by mortgaging the lands in PLD bank, Madhugiri has developed the said land by spending huge sums of money. To the surprise of the petitioner while the petitioner was developing the land from the one of the adjacent land owner came to know that this land was acquired by the government for tank purpose. Then only the petitioner on enquiry in the office of Assistant Commissioner, Madhugiri came to know the acquisition of the land. The petitioner submits that his vendor suppressing the acquisition of property had sold the said land to the petitioner.

6) The petitioner also came to know that his vendor Sri Kokatte Murali Krishna Reddy also filed petition before

1st respondent and requested the 1st respondent to refer the matter to Civil Court for awarding higher compensation and also he has stated that he has sold the said land to petitioner and he has no objection to pay the compensation amount to the petitioner. Further he has stated that he was not present at the time of passing of award and also no award notice is served on him. As such he was not aware when the award was passed.

7) Further on 11-01-2018 the petitioner vendor has filed a petition before LAO, Madhugiri and requested to pay the compensation amount to the petitioner.

8) Subsequently the petitioner after coming to know the fact that the land was acquired by the government has represented the 1st respondent to pay the compensation amount on 17-05-2013. Further also requested by filing petition on 02-01-2014; and sought information under RTI Act; to issue award notice to his name. At last after a lapse of nearly one year the Assistant Commissioner, Madhugiri in letter No. RTI CR 181/2013-14 dated 27-1-2014 replied to the petitioner to take action as per rules.

9) Further the petitioner after complying all legal formalities with the consent of the previous land owner Sri

Kokatte Murali Krishna Reddy received the compensation amount of Rs.1,67,633-00 under protest from the LAO, Madhugiri. Further he has also filed petition on 30-06-2015 before LAO, Madhugiri seeking higher compensation of Rs.6,00,000-00 per acre and further requested the LAO, Madhugiri to refer the petition to Civil Court for fixing higher compensation.

10) The 1st respondent inspite of representations of previous owner and also representations by the petitioner did not refer the petition to Civil Court as contemplated u/s 18 of the LAC Act for awarding higher compensation.

11) The land acquired by the LAO, Madhugiri is a valuable land having the asara of tank and the petitioner purchased the land for a valuable consideration of Rs.4,10,000-00 on 09-06-2008. The award was passed by the LAO, Madhugiri on 11-01-2010. The 1st respondent neither relied upon the sale transaction on the date of passing the award nor looked into the nature of the land which is classified as wet land. The 1st respondent without proper enquiry in the village regarding fertility of the land, yield, etc. bluntly on a old statistics furnished by the Registrar has fixed a very low compensation to the acquired land. The

land as on the date of passing of the award worth Rs.6,00,000-00 per acre. This fact has not been considered by the LAO, Madhugiri while passing the award. The value fixed by the LAO, Madhugiri is without any basis and without proper calculation and not supported with any technicalities.

12) The petitioner was raising jowar, housegram, thogari, etc. in the land and getting nearly Rs.1.5 lakh per annum. This fact was also not considered. The LAO, Madhugiri did not assess the yield per year in the acquired land as on the date of passing the award and not considered these facts at the time of spot inspection. The petitioner is entitled to interest at the rate of Rs.9% and 15% per annum and also solatium at 30% on the award amount from the date of taking possession of the land acquired and the petitioner is entitled to Rs.6,00,000-00 compensation per acre and also entitled to interest and solatium on that amount from the date of taking possession of the property.

13) The cause of action arose when the petitioner took the compensation amount under protest and also when the petitioner filed petition for enhancement of compensation for referring to the Civil Court and since the respondents neither awarded higher compensation nor refer the petition to Civil Court for fixing higher compensation situated at

Kalidevapura village, Kodigenahalli hobli, Madhugiri taluk, within the jurisdiction of this Hon'ble Court.

14) On issuance of the summons, the respondent No.1 has put his appearance through learned AGP and respondent No.2 appeared through his counsel learned advocate B.K.C.

15) The respondent No.1 in his objections contended that the petition is not maintainable in law and there are no valid & tenable ground to allow the same. The contents of the petition are all false and denied herewith. It is false to say that the land in question valued as stated in the petition as on the date of the acquisition and the entire averments of the petition are all false and denied herewith and the said land is dry land. It is submitted that whatever the award passed by this respondent is consent award and the respondent paid the compensation as per the market value of the property and hence the petition itself is not maintainable in law and the same is liable to be rejected. The petition itself is very vague and there is no specific prayer sought by the claimant and as per the consent award this reference petition does not survive at all.

16) The petitioner in order to prove his case has got

examined himself as PW 1 and he has filed his affidavit under Order 18 rule 4 of CPC containing his examination-in-chief by reiterating the petition averments and got marked 15 documents as Exs.P1 to P15. The respondents claimed to justify the award passed by the Land Acquisition Officer. However the respondents have not chosen to lead evidence.

17) In view of the materials available on record the point that arise for my consideration are as follows:

- 1) Whether the petition in the present form is maintainable?
- 2) Whether the claim of the petitioner for enhanced amount of compensation is extinguished by lapse of time and also barred by the Law of Limitation?
- 3) What order?

18) Heard argument. Perused the records.

19) Now, my findings to the above points are as under:

- 1) IN THE NEGATIVE
- 2) IN THE AFFIRMATIVE
- 3) AS PER THE FINAL ORDERS

for the following:

REASONS

11) **POINT Nos.1 and 2:** It is undisputed fact that one Kokatte Murali Krishna Reddy was the owner of the land measuring 11-26 guntas excluding kharab of 28 guntas in Sy.No.141/3 (now phoded as 141/4). Out of it the petitioner had purchased land measuring 5 acres 33 guntas under a registered sale deed dated 09-06-2008 for a consideration of Rs.4,10,000-00 from the above said Kokatte Murali Krishna Reddy.

12) It is also undisputed fact that the government through the respondents acquired certain lands of Kalidevapura village for the existing Kalidevapura tank, Madhugiri taluk. Accordingly 4(a) notification was published in the gazette on 14-08-2006 and further 6(1) notification was also published in the gazette dated 01-02-2008. The 1st respondent passed award on 11-01-2010 awarding compensation amount of Rs.1,67,663-00 for the land to an extent of 4 acres 25 guntas out of 5 acres 33 guntas.

13) In order to prove his case the petitioner has got examined himself as PW 1. He has filed affidavit under Order 18 rule 4 of CPC containing his examination-in-chief by reiterating the petition averments and got marked 15

documents as Exs.P1 to P15. The 4(1) notification dated 19-10-2006 is at Ex.P1, wherein it was declared that lands in Madhugiri taluk including the land in petition survey number is required for extension of tanks. The 6(1) notification dated 01-02-2008 is at Ex.P2. The amended notification was published in the gazette notification dated 14-02-2008. These notifications show that the lands including petition survey number were acquired by the respondents. The award dated 11-01-2010 passed by the LAO is at Ex.P4, wherein compensation was awarded for the land in Sy.No.141/3. The endorsement dated 22-06-2015 shows that the petitioner received compensation amount of Rs.1,67,663-00 towards acquisition of his land measuring 4 acres 25 guntas in Sy.No.141/3. The application dated 15-02-2010 moved by the vendor of the petitioner to the Assistant Commissioner is at Ex.P13, wherein the vendor of the petitioner claimed additional compensation and sought to refer the matter to the Civil Court.

14) The learned counsel for the petitioner has argued that the market value fixed by the respondent is meager & insufficient. He has further argued that land measuring 5 acres 33 guntas in Sy.No.141/3 belonged to the petitioner was acquired but compensation was awarded in respect of

land measuring 4 acres 25 guntas. The learned counsels for the respondents have argued that this petition in the present form is not maintainable. There is no reference from the LAO as required u/s 18 of the Act and therefore this court cannot exercise its jurisdiction to enhance amount of compensation awarded by the LAO.

15) In order to adjudicate the contentions raised by the learned counsels, it would be necessary to note the relevant dates & particulars which would have bearing on the issue and same are as under:

Date	Particulars
11-01-2010	Award u/s 12 of the Act came to be passed
15-02-2010	Vendor of the petitioner submitted an application to the Assistant Commissioner - LAO seeking reference to Civil Court
27-12-2014	The petitioner received an amount of compensation awarded under the award dated 11-01-2010

16) In view of the above noted facts it is useful to refer the decision of the Hon'ble High Court of Karnataka in

B.P.Basava Reddy & others VS Land Acquisition Officer -cum- Asst. Commissioner, Chitradurga sub-division, Chitradurga, reported in (2015) 2 KCCR 1486, wherein the Hon'ble High at para No.5 & 6 of its judgment held as under:

5. Reading of section 18(3)(a) of the Land Acquisition Act, 1894 (as amended in State of Karnataka) (hereinafter referred to as the 'Act' for brevity) would indicate that Deputy Commissioner shall within 90 days from the date of receipt of an application under sub-section (1) make a reference to the Court. If for any reason Deputy Commissioner does not make such reference to the Court, under clause (b) of sub-section (3) of Section 18, such land looser or claimant would get right or cause of action to seek for a direction to the Land Acquisition Officer by filing a petition before the Civil Court within three years from the said date namely, after expiry of 90 days. Unlike in the Central enactment where period fixed under Section 18(2)(a) and (b) of the Act being six weeks and and six months, Karnataka amendment provides for 90 days and three years respectively.

6. If for any reason, Assistant Commissioner or Special Land Acquisition Officer as the case may be, does not act upon the representation of claimant/s to make a reference under clause (a) of sub-section (3) of Section 18 of the Act as noticed above, claimants would get right to seek for reference after completion of 90 days or lapse of 90 days and cause of action which arose on the 91st day would be alive and ticking till completion of three years. Thus, Section 18(3) of Land Acquisition Act (Karnataka Amendment) would clearly indicate that Karnataka Amendment has provided buffer Zone for the claimants namely, second alternate to approach the Civil Court namely

in case of Special Land Acquisition Officer or Deputy Commissioner as the case may be does not perform his statutory duty in sending reference. Hon'ble Apex Court in the case of STATE OF KARNATAKA VS LAXUMAN reported in (2005) 8 SCC 709 has examined the very same provision and held that limitation of period of three years and 90 days would start from the date of accrual of cause of action and on expiry of three years and 90 days, prayer to approach the Court under Section 18(3)(b) of the Act gets extinguished. It had also been held that Deputy Commissioner has no power to revive a claim which has become unenforceable after expiry of 90 days and it has been held that delay cannot be condoned by invoking Section 5 of the Limitation Act. It has been held by the Apex Court in Laxuman's case as under:

"19. Extinguishment of a right can be expressly provided for or it can arise by the implication from the statute. Section 18 of the Act as in Karnataka sets out a scheme. Having made an application for reference within time before the Deputy Commissioner, the claimant may lose his right by not enforcing the right available to him within the time prescribed by law. Section 18(3)(a) and Section 18(3)(b) read in harmony, casts an obligation on the claimant to enforce his claim within the period available for it. The scheme brings about a repose. It is based on a public policy that a right should not be allowed to remain a right indefinitely to be used against another at the will and pleasure of the holder of the right by approaching the court whenever he chooses to do so. When the right of the Deputy Commissioner to make the reference on the application of the claimant under Section 18(1) of the Act stands extinguished on the expiry of 3 years and 90 days from date of application for reference, and the right of the claimant to move the

Court for compelling a reference also stands extinguished, the right itself loses its enforceability and thus comes to an end as a result. This is the scheme of Section 18 of the Act as adopted in the State of Karnataka. The High Court is, therefore, not correct in searching for a specific provision bringing about an extinguishment of the right to have a reference and on not finding it, postulating that the right would survive for ever.

20. Under the scheme of Section 18 of the Act as in Karnataka, thus the claimant loses his right to move the Court for reference on the expiry of three years and 90 days from the date of his making an application to the Deputy Commissioner under Section 18(1) of the Act within the period fixed by Section 18(2) of the Act. This position is now settled by the decision of this Court in *The Addl. Spl. Land Acquisition Officer, Bangalore VS Thakoredas, Major (supra)*. This loss of right to move the court precludes him from seeking a remedy from the court in terms of Section 18 of the Act. This loss of right in the claimant puts an end to the right of the claimant to seek an enhancement of compensation. To say that the Deputy Commissioner can make a reference even after the right in that behalf is lost to the claimant, would be incongruous. Once the right of the claimant to enforce his claim itself is lost on the scheme of Section 18 of the Act, there is no question of the Deputy Commissioner who had violated the mandate of sub-Section 3(a) of Section 18 of the Act, reviving the right of the claimant by making a reference at his sweet-will and pleasure, whatever be the inducement or occasion for doing so. On a harmonious understanding of the scheme of the Act in the light of the general principle that even though a right may not

be extinguished, the remedy may become barred, it would be appropriate to hold that on the expiry of three years and 90 days from the date of an application for reference made within time under Section 18(1) of the Act, the remedy of the claimant to have a reference gets extinguished and the right to have an enhancement becomes unenforceable. The Deputy Commissioner would not be entitled to revive a claim which has thus become unenforceable due to lapse of time or non-diligence on the part of the claimant".

17) Keeping the above principles laid down by the Hon'ble Apex Court in mind and the dates above referred to, when facts on hand are examined it would not detain this court too long to reject the present petition. The vendor of the petitioner submitted a representation on 15-02-2010 as required u/s 18(1) of the Act to the Assistant Commissioner - LAO seeking reference and enhancement of compensation. The Assistant Commissioner - LAO ought to have made a reference within 90 days from the date of receipt of said representation viz. on or before 14-05-2010. Undisputedly, in the instant case, it was not referred to Civil Court. Further it is to be noted that the land loser - the petitioner herein had received an amount of compensation amount from the LAO on 27-12-2014 and the same is evidenced by letter of endorsement dated 27-12-2014 at Ex.P12. As per Sec.18(2) of Karnataka Amendment Act application on seeking reference to Civil Court shall be made within 90 days from

the date of service of the notice from the Deputy Commissioner under sub-section (2) of Sec.12. In the instant case there is no document evidencing the service of award notice to the petitioner. but the endorsement at Ex.P12 shows that the petitioner received award amount on 27-12-2014. Therefore if at all the said date is deemed to be the date of service of notice of award then also the petitioner was required to file application seeking reference to Civil Court within 90 days i.e. on or before 26-03-2015. But he did not file any such application before the Assistant Commissioner - LAO seeking reference to Civil Court. The same makes it clear that the said right of the petitioner is extinguished by the lapse of time.

18) As already noticed herein above, remedy which was available to the claimant u/s 18(3)(b) of the Act has not been availed by him for the reasons best known to him. The vendor of the petitioner submitted representation on 15-02-2010 and on expiry of 90 days period (14-05-2010) he ought to have sought for a direction to the LAO to refer their application for enhancement by filing a petition to the Civil Court to consider their claim for enhancement of compensation within 3 years from said date viz. on or before 13-05-2013. It is to be noted that such application is even

not filed by the claimant also. Undisputedly, no such exercise was made by either the vendor of the claimant or the claimant or otherwise they have not moved the Civil Court at all seeking for such direction. As such, only remedy which was available to them u/s 18(3) of the Act has not been availed by them. The above view of mine is supported by the decision of the Hon'ble High Court of Karnataka in B.P.Basava Reddy & others VS Land Acquisition Officer -cum- Asst. Commissioner, Chitradurga sub-division, Chitradurga, reported in (2015) 2 KCCR 1486, wherein in paras 5 to 8 of its decision the Hon'ble High Court held as under:

5. Reading of section 18(3)(a) of the Land Acquisition Act, 1894 (as amended in State of Karnataka) (hereinafter referred to as the 'Act' for brevity) would indicate that Deputy Commissioner shall within 90 days from the date of receipt of an application under sub-section (1) make a reference to the Court. If for any reason Deputy Commissioner does not make such reference to the Court, under clause (b) of sub-section (3) of Section 18, such land looser or claimant would get right or cause of action to seek for a direction to the Land Acquisition Officer by filing a petition before the Civil Court within three years from the said date namely, after expiry of 90 days. Unlike in the Central enactment where period fixed under Section 18(2)(a) and (b) of the Act being six weeks and and six months, Karnataka amendment provides for 90 days and three years respectively.

6. If for any reason, Assistant Commissioner or Special Land Acquisition Officer as the case may be, does not act upon the representation of claimant/s to make a reference under clause (a) of sub-section (3) of Section 18 of the Act as noticed above, claimants would get right to seek for reference after completion of 90 days or lapse of 90 days and cause of action which arose on the 91st day would be alive and ticking till completion of three years. Thus, Section 18(3) of Land Acquisition Act (Karnataka Amendment) would clearly indicate that Karnataka Amendment has provided buffer Zone for the claimants namely, second alternate to approach the Civil Court namely in case of Special Land Acquisition Officer or Deputy Commissioner as the case may be does not perform his statutory duty in sending reference. Hon'ble Apex Court in the case of STATE OF KARNATAKA VS LAXUMAN reported in (2005) 8 SCC 709 has examined the very same provision and held that limitation of period of three years and 90 days would start from the date of accrual of cause of action and on expiry of three years and 90 days, prayer to approach the Court under Section 18(3)(b) of the Act gets extinguished. It had also been held that Deputy Commissioner has no power to revive a claim which has become unenforceable after expiry of 90 days and it has been held that delay cannot be condoned by invoking Section 5 of the Limitation Act. It has been held by the Apex Court in Laxuman's case as under:

"19. Extinguishment of a right can be expressly provided for or it can arise by the implication from the statute. Section 18 of the Act as in Karnataka sets out a scheme. Having made an application for reference within time before the Deputy Commissioner, the claimant may lose his right by not enforcing the right available to him within the time prescribed by law. Section 18(3)(a) and Section 18(3)(b) read in

harmony, casts an obligation on the claimant to enforce his claim within the period available for it. The scheme brings about a repose. It is based on a public policy that a right should not be allowed to remain a right indefinitely to be used against another at the will and pleasure of the holder of the right by approaching the court whenever he chooses to do so. When the right of the Deputy Commissioner to make the reference on the application of the claimant under Section 18(1) of the Act stands extinguished on the expiry of 3 years and 90 days from date of application for reference, and the right of the claimant to move the Court for compelling a reference also stands extinguished, the right itself loses its enforceability and thus comes to an end as a result. This is the scheme of Section 18 of the Act as adopted in the State of Karnataka. The High Court is, therefore, not correct in searching for a specific provision bringing about an extinguishment of the right to have a reference and on not finding it, postulating that the right would survive for ever.

20. Under the scheme of Section 18 of the Act as in Karnataka, thus the claimant loses his right to move the Court for reference on the expiry of of three years and 90 days from the date of his making an application to the Deputy Commissioner under Section 18(1) of the Act within the period fixed by Section 18(2) of the Act. This position is now settled by the decision of this Court in *The Addl. Spl. Land Acquisition Officer, Bangalore VS Thakoredas, Major (supra)*. This loss of right to move the court precludes him from seeking a remedy from the court in terms of Section 18 of the Act. This loss of right in the claimant puts an end to the right of the claimant to seek an enhancement of compensation. To say that

the Deputy Commissioner can make a reference even after the right in that behalf is lost to the claimant, would be incongruous. Once the light of the claimant to enforce his claim itself is lost on the scheme of Section 18 of the Act, there is no question of the Deputy Commissioner who had violated the mandate of sub-Section 3(a) of Section 18 of the Act, reviving the right of the claimant by making a reference at his sweet-will and pleasure, whatever be the inducement or occasion for doing so. On a harmonious understanding of the scheme of the Act in the light of the general principle that even though a right may not be extinguished, the remedy may become barred, it would be appropriate to hold that on the expiry of three years and 90 days from the date of an application for reference made within time under Section 18(1) of the Act, the remedy of the claimant to have a reference gets extinguished and the right to have an enhancement becomes unenforceable. The Deputy Commissioner would not be entitled to revive a claim which has thus become unenforceable due to lapse of time or non-diligence on the part of the claimant".

7. Keeping the above principles laid down by the Hon'ble Apex Court in mind and the dates above referred to, when facts on hand are examined it would not detain this Court too long to reject the present revision petition and uphold the order passed by the reference Court. Undisputedly, under Section 12(2) of the Act, award notice was served on the claimant on 06-07-1991. They submitted a representation on 03-09-1991 as required under Section 18(1) of the Act to the Assistant Commissioner - Land Acquisition Officer seeking reference and enhancement of compensation. The Assistant Commissioner - Land Acquisition Officer ought to have made a reference within 90 days from the date of receipt of said representation

namely, on or before 02-12-1991. Undisputedly, in instant case, it was not referred to Civil Court within 90 days but reference came to be made on 01-01-1992. Thus, it was beyond the period of 90 days. As such, reference was not in accordance with law.

8. As already noticed herein above, remedy which was available to the claimants under Section 18(3)(b) of the Act has not been available by them for reasons best known namely, they have submitted representation on 03-09-1991 and on expiry of 90 days period (02-12-1991) they ought to have sought for a direction to the Special Land Acquisition Officer to refer their application for enhancement by filing a petition to the Civil Court to consider their claim for enhancement of compensation within 3 years from said date namely, on or before 01-12-1994. Undisputedly, no such exercise was undertaken by the claimants or otherwise they have not moved the Civil Court at all seeking for such direction. As such, only remedy which was available to them under Section 18(3) of the Act has not been availed by them. Undisputedly, after expiry of 90 days reference has been made to Civil Court by Land Acquisition Officer i.e. on 01-01-1992 which right had stood extinguished.

19) Under Sec. 18 of the Land Acquisition Act any person who refuses to accept an award of the Assistant Commissioner or receives an award amount under protest has to apply to the Assistant Commissioner himself requiring him to make reference of the dispute to a Civil Court and he cannot move the Civil Court without first going to the Assistant Commissioner. This is apparent from the plain reading of sub-section (1) of Sec.18 of Land Acquisition Act.

The Civil Court gets the jurisdiction to deal with the matter only after a reference is made to him u/s 18 of the Act. Thus, the reference by the Assistant Commissioner is a pre-requisite for the Civil Court to proceed further with the reference. It is only when Assistant Commissioner requires to make reference or fails to make reference within 90 days from the date of receipt of an application under sub-section (1), the applicant may apply to the court to direct the Deputy Commissioner to make the reference and the court may direct the Deputy Commissioner to make reference within such time as the court may fix. It means if the Deputy Commissioner / Assistant Commissioner refuses or fails to refer the matter to the Civil Court then applicant has to approach the Civil Court by filing Civil Misc. and sought direction to the Deputy Commissioner / Assistant Commissioner to refer the matter to the Civil Court. After such direction the Deputy Commissioner / Assistant Commissioner shall refer the matter to Civil Court and only when such reference is made the Civil Court gets jurisdiction to deal with the matter. The applicant is not authorized to approach the Civil Court directly and initiate the proceedings u/s 18 of the Act. The initiation of the proceedings by the land loser / claimant / applicant / petitioner u/s 18 of the Act is unknown to law. Therefore this petition in the present form is

not maintainable.

20) Now the claim of the petitioner to claim enhanced compensation is also extinguished by lapse of time. The right of the claimant to move the application before the Assistant Commissioner / LAO is also barred by time since he had not moved such application within 90 days from the date of receipt award amount. Therefore viewed from any angle the petitioner is not entitled for any of the remedies provided under the Act. Hence I answer Point No.1 in the negative and Point No.2 in the affirmative.

21) **Point No.3:** For the foregoing reasons this court proceeds to pass the following:

ORDER

The petition filed by the petitioner u/s 18 of the Land Acquisition Act is hereby dismissed.

No order as to costs.

Draw award accordingly.

(Typed to my dictation by the Judgment Writer, the same revised, corrected and pronounced in the open court on 18-09-2021.)

(SAGAR GURUGOUDA PATIL)
Addl. Senior Civil Judge & JMFC, Madhugiri.

ANNEXURE**LIST OF WITNESSES EXAMINED:**

FOR PETITIONER/S

PWs 1 : K.Raghavendra Rao

FOR RESPONDENT/S

- NIL -

LIST OF DOCUMENTS MARKED:

FOR PETITIONER/S

Exs. P1 & P2	:	C.C of notification
P3	:	Karnataka Gazette
P4	:	C.C of orders in LAC 3/2008-09
P5	:	Consideration receipt
P6	:	Undertaking letter
P7	:	2 RTCs
P8 & P9	:	2 applications to A.C
P10	:	Application under RTI Act
P11	:	Letter to AC
P12	:	Endorsement
P13 to P15:	:	3 applications

FOR RESPONDENT/S

- NIL -

(SAGAR GURUGOUDA PATIL)
Addl. Senior Civil Judge & JMFC, Madhugiri.