

KAUK020035342025



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE AND JMFC, KARWAR, UTTARA KANNADA**

Dated this the 13th Day of March, 2026

PRESENT : **SRI. GANESHA PADIYAR U.,**
B.Com. LL.B.
Addl. Senior Civil Judge & JMFC.,
Karwar.

LAC No.3/2025

Referring Officer : The Special Land Acquisition
(Respondent No.2) Officer,
Seabird, Karwar, U.K District.

(By District Government Pleader)

- Vs -

Claimants : 1. Shri Vijay Harischandra Kalgutkar
Age: 70 years, Occ: Retired,
R/o: IMP Road, Baithkol,
Karwar U.K.

2. Smt. Vasanti Harischandra Kalgutkar
@ Pooja Prakash Pednekar,
Age: 60 years, Occ: Housewife,
R/o. Kodibag, Karwar.

(By Smt. Renuka P. Bharadwaj Advocate)

- Respondents** :
1. Shri Dayanand Harischandra Kalgutkar
Age: 65 years, Occ: Coolie,
R/o: IMP Road, Baithkol,
U.K. Karwar.
 2. Special Land Acquisition Officer
Sea Bird Project/Deputy
Commissioner, Karwar.
 3. Defence Estate Officer,
Karnataka and Goa Circle.
- (R-1 by Sri G. V. Naik Advocate)
(R-2 Exparte)
(R-3 by Sri Sadanand Bhat Advocate)

JUDGMENT

This is a reference by Special Land Acquisition Officer, Sea Bird Project, Karwar under Sections 30 & 31 of the Land Acquisition Act, 1894 for apportionment of compensation among the claimants and respondent No.1.

2. In respect of various lands acquired by the Government for Sea Bird Project, Karwar in Sy.No.487 measuring 1-10-0 extent of land and in Sy.No.518/9A measuring 0-6-0 extent of land in Amadalli Village of Karwar Taluk, the Special Land Acquisition Officer, Sea Bird Project,

Karwar has passed an award determining the compensation under Section 28A of the Land Acquisition Act, 1984 in his Proceedings No.1730/2017-18 and accordingly, he has determined the compensation to the tune of Rs.43,57,155/- which came to be deposited before this Court as there is no consensus between the parties and therefore, the matter has been referred to this Court for apportionment of the amount of compensation.

3. After receipt of reference, this Court has ordered for issuance of notice to all the parties. Respondents No.1 & 3 have appeared through their respective counsels. Respondent No.2 has not appeared before this Court and hence placed *exparte*.

4. Respondent No.1 has filed objection stating that he has $\frac{1}{3}$ rd share in the amount of compensation deposited by respondents No.2 & 3 before this Court.

5. This Court has formulated the following issues for consideration:

ISSUES

1. **To whom the amount of compensation has to be apportioned and how much they are entitled to?**
2. **What Order?**

6. In support of their case, the 1st claimant Shri Vijay Harischandra Kalgutkar has examined himself as PW.1. On the other hand, the 1st respondent Shri Dayanand Harischandra Kalgutkar has examined himself as DW.1.

7. I have heard the arguments of both sides.

8. I have perused the entire records of the case.

9. My findings are as under :

*Issue No.1 : **As stated below.***

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

REASONS

10. **ISSUE NO.1**: I have carefully perused the entire materials on record.

11. The award passed by the Special Land Acquisition Officer is not in dispute.

12. The material on record discloses that the Special Land Acquisition Officer has deposited a sum of Rs.43,57,155/- before this Court in pursuance of his award passed in the Land Acquisition Proceedings, since there has been difference of opinion between the claimants and respondent No.1. It can be noticed that the said sum of Rs.43,57,155/- lying in CCD has been ordered to be placed in Fixed Deposit Scheme in the name of the Court for a period of one year with auto renewal clause at State Bank of India, Karwar Branch. The records also disclose that the said amount is also placed in Fixed Deposit with SBI, Karwar. The Order-sheet maintained concerning this case reflects all these realm of affairs, which are not in dispute.

13. The 1st claimant who has examined himself as PW.1 has deposed that the amount of compensation deposited by SLAO has to be apportioned among the legal heirs of his father Mr. Harischandra Kalgutkar. In the cross-examination, PW.1 has deposed that his father late Harischandra Kalgutkar has three children who are the claimants and respondent No.1. He has also deposed that the claimants No.1 and 2 and

respondent No.1 have equal share over the amount of compensation deposited before this Court.

14. The respondent No.1 who has examined himself as DW.1 has also mentioned that he has got $\frac{1}{3}^{\text{rd}}$ share in the amount of compensation deposited before this Court.

15. On careful perusal of the reference made herein and the evidence tendered by the respective claimants and respondent No.1 so also the entire materials on record, this Court is of the considered opinion that the reference made by the Special Land Acquisition Officer deserves to be allowed and the amount of compensation deposited before this Court needs to be apportioned equally between the claimants and respondent No.1 holding that the claimants and respondent No.1 are entitled to $\frac{1}{3}^{\text{rd}}$ share each in the amount of compensation deposited before this Court with interest accrued on Fixed Deposit placed in the name of the Court. Hence, this issue is answered accordingly.

16. **ISSUE NO.2:** For the forgoing reasons and discussion, I make the following:

ORDER

- (i) The Reference made by the Special Land Acquisition Officer, Sea Bird Project, Karwar under Sections 30 & 31 of the Land Acquisition Act, 1984 is *allowed*.
- (ii) The claimants and respondent No.1 are entitled to $\frac{1}{3}$ rd share each in the amount of compensation deposited by the aforesaid SLAO before this Court which is now kept in Fixed Deposit with State Bank of India, Karwar Branch with upto date accrued interest.
- (iii) Both claimants and respondent No.1 are entitled to get the Fixed Deposit amount with upto date accrued interest called for from the Bank concerned and file necessary application for release of their share as determined above.
- (iv) There is no order as to costs.

(v) Draw award accordingly.

(Dictated to the Stenographer directly on computer, typed by her, corrected and then initialed by me and pronounced in the Open Court on the 13th day of March, 2026)

(Ganesha Padiyar U)
Addl. Senior Civil Judge & JMFC,
Karwar

A N N E X U R E

1. List of witnesses examined for the claimants :

PW.1 : Shri Vijay Harischandra Kalgutkar

2. List of witnesses examined for the respondents:

DW.1 : Shri Dayanand Harischandra
Kalgutkar

3. List of documents exhibited for the claimants :

- Nil-

4. List of documents exhibited for the respondents :

- Nil-

(Ganesha Padiyar U)
Addl. Senior Civil Judge & JMFC,
Karwar