



IN THE COURT OF THE PRL.DISTRICT JUDGE, MANDYA

PRESENT

**SRI.SUBRAMANYA J.N.,
B.A., LL.M.**

**Prl.District and Sessions Judge,
Mandya**

Dated this the 16th day of July, 2026.

A.P. NO.: 37/2024

Petitioner:-

B.Ramegowda,
S/o Boregowda,
Aged about 75 years,
R/at Rudrakshipura Village,
Athaguru Hobli,
Maddur Taluk,
Mandya District.

(By Sri.Dr.M.Puttegowda,
Advocate.)

-VS-

Respondents:-

1. Spl.Land Acquisition Officer
and Competent Authority,
National Highway-275,
Bangalore-Mysore Division,
Old Municipal Building,
1st floor, Mahaveera Circle,
Mandya-571401.
2. The Project Director, N.H.275,
Bangalore-Mysore Division,
Ramadevara Pada,
Basavanapura, Ramanagara.

3. The Deputy Commissioner
& Arbitrator, Mandya District,
Mandya.

(R-1 & 2 Rptd. by
Sri.G.Sandeepkumar,Advocate)

(R-3 Rptd. by District
Government Pleader)

JUDGMENT

The petitioner being owner of plantation land bearing Sy.No.94/3 of Rudrakshipura Village, Athaguru Hobli, Maddur Taluk, Mandya District in which respondent No.2 acquired 1744 Sq.Mtrs to form NH-275 feeling aggrieved by the award dated 05.10.2023 passed by the respondent No.3/Arbitrator rejecting case No.LAQ/ARB (NH-275)209/2018 presented petition under Section 34 of the Arbitration and Conciliation Act, 1996.

2. Along with petition Advocate for the petitioner filed I.A.No.I under Section 5 of the Limitation Act R/w Section 34(3) of Arbitration and Conciliation Act, 1996 seeking to condone the delay of 30 days caused in filing the petition.

3. In response to the notice of the petition the respondent No.3 appeared through District Government Pleader and on 06.04.2024 filed objection.

4. In response to the notice respondent No.2 appeared through his Advocate and on 24.07.2024 filed objection.

5. In response to the notice respondent No.1 appeared through his Advocate and on 19.08.2024 filed memo stating that respondent No.1 adopted the objection filed by respondent No.2.

6. On 12.01.2026 learned Advocate appearing for the petitioner filed notes of argument.

7. On 24.06.2026 learned Advocate appearing for the respondent No.1 and 2 filed notes of argument with 5 judgments.

8. Records pertaining to impugned award dated 05.10.2023 has been secured from the office of the respondent No.3.

9. I Heard arguments submitted on behalf of both parties and perused the records.

10. On the basis of the materials on record, following points would arise for my consideration:-

- 1) Whether the petitioner made out sufficient grounds to allow I.A.No.I?
- 2) Whether the petitioner made out sufficient grounds to allow the petition i.e. to interfere in the impugned ward dated 05.10.2023 passed by the respondent No.3/Arbitrator?
- 3) What order ?

11. On the basis of the materials available in the file, my finding to the above Points are as follows:-

Point No.1	:	In the Affirmative
Point No.2	:	In the Affirmative
Point No.3	:	As per final order for the following:-

REASONS

12. **Point No. 1** :- In the affidavit filed in support of I.A.No.I petitioner stated that after passing award dated 05.10.2023 respondent No.3 sent copy of the award through ordinary post, same has been received by him on 14.11.2023.

13. The petitioner stated that after discussion with his Advocate taken decision to challenge the impugned order/award dated 05.10.2023 passed by the respondent No.3/Arbitrator.

14. The petitioner stated that he was admitted to Jayadeva Institute of Cardiovascular Sciences and Research, Bengaluru in the month of August-2023 and he was undergone heart surgery in the month of September-2023. In view of the heart surgery he was stayed in Bengaluru till January-2024 in the house of his daughter.

15. The petitioner stated that he came to Rudrakshipura in 1st week of February-2024, thereafter came to know about impugned order. Thereafter, he contacted his Advocate and decided to file petition challenging the impugned order. Hence, he could not able to file the petition against the impugned order within time. The delay is not intentional, but for the bonafide reason.

16. In this case respondents have not filed objection to I.A.No.I.

17. In this case there are no reasons to disbelieve the reasons tendered by the petitioner for the delay caused in filing the petition. Hence, I have inferred that it is fit and proper to believe the reason tendered by the petitioner regarding the delay caused in filing the petition. Hence, I came to the conclusion that the petitioner made out sufficient grounds to allow I.A.No.1. Hence, I answer point No.1 in the **Affirmative**.

18. **Point No.2:-** In the lengthy argument and in the petition learned Advocate appearing for the petitioner asserted the following points;

- a) Petitioner is the owner and possessor of the plantation land bearing Sy.No.94/3 of Rudrakshipura Village, Maddur Taluk, in which respondent No.2 acquired 1744 Sq.Mtrs land to form NH-275 i.e., Bangalore-Mysore Highway under preliminary notification dated 01.02.2016,

then, respondent No.1 passed award dated 15.02.2018 by determining market value at Rs.32,85,537/- per acre.

- b) The respondent No.1 has not awarded adequate compensation by considering the potentiality and actual market value of the acquired land while passing award dated 15.02.2018. The respondent No.1 fixed the market value at Rs.32,85,537/- per acre.
- c) The petitioner produced documents regarding market value fixed by the Civil Court in land acquisition cases, in which state Government acquired land at Rudrakshipura Village during 2004 to form Bangalore-Mysore Highway in which market value of the acquired land are fixed at Rs.2,72,200/- per gunta if escalation 10% per year is added the market value become Rs.6,26,175/- per gunta.
- d) The compensation awarded by the respondent No.1 is highly inadequate and

the value of the land in and around the acquired property of the petitioner is more than Rs.4 crores per acres.

19. In the lengthy objection District Government Pleader appearing for the respondent No.3/Arbitrator defended the impugned award dated 05.10.2023.

20. In the lengthy objection and notes of argument respondent No.1 and 2 by noting several Judgments of Hon'ble Apex Court and Hon'ble High Court of Karnataka defended the impugned award dated 05.10.2023 i.e., asserted that the market value determined by the respondent No.1 with respect to the acquired 1744 Sq.Mtrs land in Sy.No.94/3 of Rudrakshipura Village fixed at Rs.811/- per Sq.Mtr. as proper and correct.

21. The record shows that through preliminary notification dated 01.02.2016, respondent No.2 acquired 1744 Sq.Mtrs land in Sy.No.94/3 of Rudrakshipura Village owned by the petitioner to form NH-275.

22. The record shows that through award dated 15.02.2018 respondent No.1 estimated the market value of the acquired land at Rs.811/- per Sq.Mtr. for acquired land i.e., total compensation at Rs.45,79,349/- and issued notice dated 03.07.2018 to the petitioner.

23. Feeling aggrieved by the award dated 15.02.2018 the petitioner filed petition under Section under Section 3G(5) (6) (7) (a) (b) (c) (d) of the National Highways Act, 1956 dated 20.07.2018 before the respondent No.2, which has been referred to the respondent No.3 wherein registered as LAQ/ARB/(NH-275)209/2018.

24. In the petition filed under Section 3G(5) (6) (7) (a) (b) (c) (d) of the National Highways Act, 1956 petitioner requested to estimate market value at Rs.30,000/- per Sq.Foot to the acquired land.

25. In response to the notice respondent No.1 and 2 appeared through their Advocate before respondent No.3 and filed objection.

26. Before the respondent No.3 petitioner through his Advocate filed notes of argument along with the copy of compromise award dated 14.12.2019 passed in LAC No.26/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/3 of Rudrakshipura Village, Maddur Taluk and compromise award dated 14.12.2019 passed in LAC No.27/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/1 of Rudrakshipura Village, Maddur Taluk which are acquired by the State Government in which fixed the market value of the acquired land at Rs.250/- Per Sq.Foot.

27. The record shows that the respondent No.3 after verification the records including notes of argument filed by the petitioner, passed the impugned award dated 05.10.2023 making observation that:

B. ಅಪೀಲು ಮೆಮೊ/ಲಿಖಿತವಾದದಲ್ಲೂ
ತಿಳಿಸಿರುವ/ಕೋರಿರುವ ಎಲ್ಲಾ ನ್ಯಾಯಾಲಯಗಳ ಆದೇಶಗಳನ್ನು
ಮತ್ತು ಇತರೆ ಅಂಶಗಳನ್ನು ಗಮನಿಸಲಾಗಿ ಪ್ರಸ್ತುತ ಜಮೀನಿನ
ಬಗ್ಗೆ ಹೆಚ್ಚಿನ ಪರಿಹಾರ ನೀಡಬೇಕೆಂದು ಮಾಡಿರುವ ಯಾವುದೇ
ನ್ಯಾಯಾಲಯದ ಆದೇಶದ ಪ್ರತಿಯನ್ನು ಲಗತ್ತಿಸಿರುವುದಿಲ್ಲ.

ಭೂ ಸ್ವಾಧೀನ ಕಾಯಿದೆ 2013 ರ ಕಲಂ 26 ರ ವಿವರಣೆ 3 ರಲ್ಲಿ ಇರುವಂತೆ ಅದೇ ಜಿಲ್ಲೆಯಲ್ಲಿ ಹಿಂದಿನ ಯಾವುದೇ ಸಂದರ್ಭದಲ್ಲಿ ಸಂದಾಯ ಮಾಡಿದ ಯಾವುದೇ ಬೆಲೆಯನ್ನು ಪರಿಗಣನೆಗೆ ತೆಗೆದುಕೊಳ್ಳತಕ್ಕದ್ದಲ್ಲ ಎಂದಿರುತ್ತದೆ.

C. ಈ ಮೇಲಿನ ಅಂಶಗಳಲ್ಲಿ ವಿವರಿಸಿದಂತೆ ಎಲ್ಲಾ ಮಾನದಂಡಗಳನ್ನು ಹಾಗೂ ಮಾರ್ಗ ಸೂಚಿಗಳನ್ನೇ ಪಾಲಿಸಿಕೊಂಡು, ಕಾಯಿದೆಯಂತೆ ಜಮೀನಿನ ಭೂ ಮೌಲ್ಯವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ. ಆದ್ದರಿಂದ ನಿಯಮಗಳನ್ವಯ ಪರಿಹಾರವನ್ನು ನಿಗದಿಪಡಿಸಿರುವುದು ಲಭ್ಯ ದಾಖಲೆಗಳಂತೆ ವ್ಯಕ್ತವಾಗುತ್ತದೆ. ಆದರೆ ನಿಯಮಗಳನ್ನೇ ಮೀರಿ ಕಡಿಮೆ ಮೊತ್ತವನ್ನು ನಿಗದಿಪಡಿಸಲಾಗಿದೆ ಎಂಬುದನ್ನು ಸಾಬೀತುಪಡಿಸಲು ಅರ್ಜಿದಾರರು/ಪರ ವಕೀಲರು ವಿಫಲರಾಗಿದ್ದಾರೆ.

F. ಪರಿಹಾರವನ್ನು ಹೆಚ್ಚಳ ಮಾಡುವುದಕ್ಕೆ ಯಾವುದೇ ಪ್ರಾರಂಭ ಮತ್ತು ಸಮರ್ಥನೀಯ ಕಾರಣಗಳು ಅಥವಾ ದಾಖಲೆಗಳನ್ನು ಒದಗಿಸಿರುವುದಿಲ್ಲ.

28. In the argument learned Advocate appearing for the respondent No.1 and 2 by analyzing the evidence available in the file submitted that compensation with respect to acquired land i.e., 1744 Sq.Mtrs land in Sy.No.94/3 of Rudrakshipura Village fixed at Rs.811/- per Sq.Mtr. is correct and proper by relying on the following Judgments:

(1). ILR 2010 KAR 3711 [H.M.Shankaramurthy Vs. National Highways Authority of India and Others].

- (2).ILR 2016 Karnataka 4136 [Bhaskar Industrial Development Limited Vs South Western Railway]
- (3).AIR 2022 SC 301 [I-Pay Clearing Services Ltd., Vs ICICI Bank].

29. In the lengthy argument learned Advocate appearing for the petitioner by analyzing the material available in the file submitted that respondent No.3/Arbitrator without considering the consequence and effect of compromise award dated 14.12.2019 passed in LAC No.26/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/3 of Rudrakshipura Village, Maddur Taluk and compromise award dated 14.12.2019 passed in LAC No.27/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/1 of Rudrakshipura Village, Maddur Taluk which are acquired by the State Government in which fixed the market value of the acquired land at Rs.250/- Per Sq.Foot., is neither in accordance with law nor correct.

30. In the award dated 05.10.2023 respondent No.3/Arbitrator has properly neither

considered nor discussed regarding effect and consequence of compromise award dated 14.12.2019 passed in LAC No.26/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/3 of Rudrakshipura Village, Maddur Taluk and compromise award dated 14.12.2019 passed in LAC No.27/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/1 of Rudrakshipura Village, Maddur Taluk which are acquired by the State Government in which fixed the market value of the acquired land at Rs.250/- Per Sq.Foot. passed the impugned order.

31. There are difference of approximately 12 to 13 years between 2004/2005 and 2016 when lands of Rudrakshipura are acquired to form Bangalore-Mysore Highway and NH-275 (elevated Bangalore-Mysore Highway).

32. In the petition filed under Section 34 of the Arbitration and Conciliation Act, this Authority is having limited power to appreciate the material available in the file.

33. The record shows that award dated 05.10.2023 passed by the respondent No.3/Arbitrator under which petition filed under Section 3G(5) (6) (7) (a) (b) (c) (d) of the National Highways Act, 1956 which is registered as LAQ/ARB (NH-275/209/2018 came to be rejected without properly considering the effect and consequence of compromise award dated 14.12.2019 passed in LAC No.26/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/3 of Rudrakshipura Village, Maddur Taluk and compromise award dated 14.12.2019 passed in LAC No.27/2013 on the file of Senior Civil Judge, Maddur with respect to land bearing Sy.No.85/1 of Rudrakshipura Village, Maddur Taluk which are acquired by the State Government in which fixed the market value of the acquired land at Rs.250/- Per Sq.Foot., is neither in accordance with law nor sustainable.

34. Hence, I came to the conclusion that impugned award dated 05.10.2023 passed in LAQ/ARB (NH-275)209/2018 by the respondent

No.3/Arbitrator is to be set aside and matter is to be remanded to the respondent No.3 to decide afresh by providing suitable opportunities to both petitioner (land loser) and respondent No.1 and 2/Land Acquisition Authority to make submission, then by considering the entire materials placed by the parties in accordance with law, with a suggestion to both the parties to co-operate with the respondent No.3/Arbitrator to disposal of the matter as early as possible. Hence, I answer Point No.2 in the “**Affirmative**” and pass the following:-

ORDER

I.A.No.1 filed under Section 5 of the Limitation Act R/w Section 34 (3) of the Arbitration and Conciliation Act, 1996 is hereby allowed.

The petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 by the petitioner is hereby allowed.

The award dated 05.10.2023 passed by the respondent No.3/Arbitrator in

LAQ/ARB(NH-275)209/2018 is hereby set aside.

The matter is remanded to the respondent No.3/Arbitrator/Deputy Commissioner, Mandya District to decide the dispute afresh by providing suitable opportunities to the petitioner (land loser) and respondent No.1 and 2/ Land Acquisition Authority to make submission in accordance with law as early as possible.

It is suggested to the petitioner and respondent No.1 and 2 to co-operate with the respondent No.3/Arbitrator to decide the dispute as early as possible.

No order as to cost.

Office to return the records received from the respondent No.3/Arbitrator along with a copy of this Order/ Judgment forthwith.

Dictated to the Stenographer directly on the computer, fed by him, corrected, print taken and pronounced by me in the Open Court on this the **16th day of July, 2026.**

(SUBRAMANYA J.N.)

Prl.District and Sessions Judge,
Mandya.