



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE V SRISHANANDA

CIVIL REVISION PETITION NO. 9 OF 2019 (LAC)

BETWEEN:

1. MOHAMMED SALEEM
S/O LATE M.ABDUL ALI
AGED ABOUT 53 YEARS
 2. ASLAM PASHA
S/O LATE M.ABDUL ALI,
AGED ABOUT 44 YEARS
 3. NASREEN TAJ
D/O LATE M.ABDUL ALI
AGED ABOUT 38 YEARS,
 4. ASHRAFUNISSA
D/O LATE M.ABDUL ALI
AGED ABOUT 33 YEARS,
- ALL ARE RESIDING AT
HOUSE NO.764, 8TH MAIN,
3RD CROSS, BTM 2ND STAGE,
BENGALURU-560 076.

...PETITIONERS

(BY SRI.SYED ABDUL SABOOR, ADVOCATE)

AND:

THE SPECIAL LAND ACQUISITION OFFICER
BENGALURU DEVELOPMENT AUTHORITY,
KUMARA PARK, BENGALURU-560 001.

Digitally signed
by SOWMYA
DODDAMARAIAH
Location: HIGH
COURT OF
KARNATAKA



REP BY ITS COMMISSIONER.

...RESPONDENT

(BY SRI. MARIGOWDA, ADVOCATE)

THIS CRP IS FILED UNDER SEC.115 OF CPC AGAINST THE JUDGMENT AND DECREE DATED 03.10.2018 PASSED IN LAC NO.14/2012 ON THE FILE OF THE II ADDL. CITY CIVIL AND SESSIONS JUDGE, BENGALURU DISMISSING THE PETITION FILED UNDER SEC.18(3)(b) OF LA ACT 1894.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE V SRISHANANDA

ORAL ORDER

Heard learned counsel for the petitioners and learned counsel for the respondent.

2. The present revision petition is filed challenging the order passed by the II Additional City Civil and Sessions Judge (CCH-17) on 03.10.2018 in LAC No.14/2012 whereby the reference application filed by the petitioners came to be dismissed as time barred.

3. Facts in the nutshell which are utmost necessary for disposal of the present petition are as under:



Petitioners filed an application under Section 18(3)(b) of Land Acquisition Act, praying for re-determination of the compensation amount in respect of acquisition of the land belonging to them to the extent of one acre in SY.No.28/3 of Anjanapura Village, Uttarahalli Hobli, Bangalore South Taluk.

4. The said reference application was adjudicated by the learned trial judge after notifying the respondent - Land Acquisition Officer.

5. Evidence was also recorded and the first petitioner namely Mohammed Salem got examined himself as PW1 and placed on record 5 documents. The 5 documents comprises power of attorney, certified copy of the Judgment passed in LAC No.301/2002, certified copy of the Misc. petition No.383/2006, acknowledgment and endorsement issued by the respondent. Learned trial judge thereafter heard the arguments of the parties. In the light of the contentions heard on behalf of the



petitioners, the trial Judge raised following points for consideration:

- "1) Whether the respondent be directed to make reference to this court as provided u/s. 18 of L.A. Act?
- 2) What order?"

6. While so considering the points, learned trial Judge in paragraphs 10 & 11 held as under and consequently dismissed the reference application.

10. Their Lordships in the ruling reported in ILR 1991KAR 1109 (In the case of Special Land Acquisition Officer Vs. Gurappa Channabasappa Paramaj), among others, have ruled that the land looser/claimants whose lands are acquired if filed petition u/s. 18(1) of L.A. Act within 90 days from the date of service of notice u/s. 12(2) of L.A. Act, the L.A.O. has to make a reference within 90 days after receipt of such petition u/s. 18(1) of L.A. Act, failure to which, the claimants shall enforce their right for reference before the Civil court within 3 years 90 days from the date of reference application filed u/s. 18(1) of L.A. Act and after 3years 90 days, from the date of such reference, the claimant will loose right to enforce the reference u/s. 18 of L.A. Act and the L.A.O. has no power to make a reference u/s. 18 of L.A. Act. The similar principles are being laid down by their Lordships in the



ruling reported in (2005)8 Supreme Court Cases 709 (In the case State of Karnataka Vs. Laxuman). The relevant portion reads under:

"A. Land Acquisition At, 1894-S. 18(3)(b) & (2) (as in force in Karnataka)-Limitation-Dy. Commissioner's power to make a reference under, held, stands extinguished simultaneously with the extinction of the claimant's right to get a reference called for on expiry of three years and 90 days from the date of reference application made within the time prescribed by S.18(2)-Limitation Act, 1963, Art. 137"

11. The evidence of PW. 1. petition averments as well written argument filed on behalf of petitioners, evidences that the petitioners filed the reference petition u/s. 18(1) of L.A. Act, dated 27.08.2009, which is being received in LAO. office/respondent on 31.08.2009, as evidenced through Ex.P.4 and Ex.P.4(a). Under the circumstances, even if it is considered that on the last date of 2009 year, the petitioners 1 to 4 and deceased petitioner No.5 were brought on record in Misc. petition No.383/2006, then also they ought to have filed the petition u/s. 18(1) of L.A. Act, copy of which is marked at Ex.P.4 within 90 days from 1 January 2009, but the Ex.P.4 and Ex.P.4(a) evidences that the petitioners have filed the petition u/s. 18(1) of L.A. Act beyond 90 days, thereafter when they came to know about the acquisition of their land and even as per the evidence on record, the petitioners came to



know about the acquisition of land in the year 2008 itself. Under the circumstances, the respondent has issued an endorsement dated 05/06-04.2010 intimating the petitioners that their petition u/s. 18(1) of L.A. Act is time barred, hence, their application is being rejected. This apart, the petitioners have filed this petition u/s. 18(3)(b) of L.A. Act, on 16.01.2012. This fact also evidences that the petitioners have filed the instant petition u/s. 18(3)(b) of L.A. Act, after period of more than 3 years 90 days from 2008 itself in which year they came to know about the acquisition of acquired land. Therefore, viewed from any angle and also in view of the ratio and the principles laid down by their Lordships in the rulings cited supra, reported in (1) ILR 1991 KAR 1109 and (2)(2005)8 SCCC 709, there is no hesitation to hold that the instant petition of the petitioners filed u/s. 18(3)(b) of L.A. Act is time barred and not within the limitation and the same is not maintainable under law and liable to be dismissed as devoid of merits. Hence, I hold point No.1 in the negative, for consideration."

7. Being aggrieved by the same, petitioners are before this Court in this revision on the following grounds:

- *"The Trial court erred in dismissing the petition in LAC 14/12 dt. 3.10.18 is contrary to material facts on record. The petitioners submit that the trial court has erred in considered while calculating the limitation from the date*



of impleading the petitioners on the records of mis. Petition 383/06.

- *The order passed by the trial court dismissing the LAC 14/12 dt. 3.10.18 as per Annexure A is contrary to law and facts and probabilities of the case accordingly the impugned order dt. 3.10.18 as per annexure-A passed by the trial court in LAC 14/12 is liable to set aside. No other petition or any matter pending before any court or tribunal."*

8. Sri. Syed Abdul Saboor, learned counsel for the revision petitioner reiterating the grounds uttered in the revision petition, vehemently contented that learned trial Judge failed to consider the case on merits and dismissal of the reference application on the ground that it is time barred which has resulted in grave miscarriage of justice and sought for allowing the revision petition.

9. Per contra, Sri. Marigowda learned counsel for the respondent-LAO supports the impugned order by contending that admittedly, the reference application was time barred and the ground that is urged on behalf of the revision petitioners that the petitioners were away from



there native place and therefore, they could not file the reference application in time cannot be counted as in law, in view of the timeline that is prescribed under the statute and thus, sought for dismissal of the revision petition.

10. Having heard the arguments of both the learned counsel, this Court perused the material on record meticulously.

11. On such perusal of the material on record, it is crystal clear that in respect of the land that was acquired petitioners filed an application under Section 18 of the Land Acquisition Act on 27.08.2009 which was received in the office of the LAO on 31.08.2009 as could be seen from Ex.P4 and Ex.P4A.

12. Admittedly, the claimants had to file petition under Section 18(1) of the Land Acquisition Act within 90 days before the LAO after the service of notice under Section 12(2) of the Land Acquisition Act seeking



enhancement of the market value as is contemplated under Section 18(3)(a) of the Act.

13. Thereafter, it is the LAO who has to make a reference to the Civil Court within 90 days from the date of receipt of the petition under Section 18(1)(a) of the Land Acquisition Act. However, if the LAO fails to make reference within 90 days then the claimant shall file a petition under Section 18(3)(b) of the Land Acquisition Act before the Civil Court requesting the Court to direct the LAO to make a reference under Section 18 of the Act.

14. In the case on hand, admittedly, the application filed by the claimants is beyond 90 days and therefore, the learned trial Judge has recorded a categorical finding that the reference is not maintainable on account of limitation.

15. The factual aspects is borne out by the records and timeline fixed in the Act is to be strictly adhered to and there is no scope to condone the delay on any ground.



16. Under such circumstances, dismissal of the revision petition is just and proper. Hence, the following:

ORDER

CRP is hereby ***dismissed***.

**Sd/-
(V SRISHANANDA)
JUDGE**

DS
CT:TSM
List No.: 1 Sl No.: 38