



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO. 3 OF 2022 (LA)

BETWEEN:

H. LINGAIAH
(DECEASED BY LRs)

- 1 KUMAR S.K
S/O KARIGOWDA
AGED ABOUT 52 YEARS
RESIDING AT SIDDARAMANAHUNDI VILLAGE
YEDAKOLA POST, VARUNA HOBLI
MYSORE TALUK
MYSORE DISTRICT-570 010

...APPELLANT

(BY SRI. TIMMANNA BHAT, ADVOCATE)

AND:

1. SPECIAL LAND ACQUISITION OFFICER
KABINI RESERVOIR PROJECT
NEAR ANDOLANA CIRCLE
RAMAKRISHNA NAGAR
MYSURU - 570 022
2. THE EXECUTIVE ENGINEER NO.2
KAVERI NEERAVARI NIGAMA NIYAMITHA
MYSORE DIVISION
VARUNA NALA ESTABLISHMENT





GOKULAM, 4TH STAGE
MYSORE-570 020

...RESPONDENTS

(BY SMT. RANSA VASANTHI D.L, HCGP FOR R1;
SRI. PRASHANTH B.R, ADVOCATE PROPOSED R2)

THIS MSA IS FILED UNDER SECTION 54(2) OF LAND ACQUISITION ACT, AGAINST THE JUDGMENT DATED 28.10.2014 PASSED IN LACA 45/2014 ON THE FILE OF THE V ADDITIONAL DISTRICT AND SESSIONS JUDGE, MYSORE, ALLOWING THE APPEAL AND MODIFYING THE JUDGMENT DATED 10.07.2007 PASSED IN LAC NO.386/2005 ON THE FILE OF THE I ADDITIONAL CIVIL JUDGE (SR.DN) AND CJM, MYSORE, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18 OF THE LAND ACQUISITION ACT.

THIS APPEAL, COMING ON FOR DISMISSAL, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

This appeal is filed against the judgment and decree in Land Acquisition Appeal No.45/2014 on the file of the V Additional District Judge, Mysuru.

2. The Appellant's land was acquired in terms of notification dated 19.07.2001 issued under the provisions of



the Land Acquisition Act, 1894. The Special Land Acquisition Officer determined the market value of ₹48,400/- per acre. Aggrieved by the said award, the land losers sought reference. The market value of ₹1,80,548/- per acre was determined by the Reference Court with consequential statutory benefits. The land loser filed an appeal before the Appellate Court.

3. The appellant filed an appeal against the said judgment of the Reference Court and the appeal was allowed in part and the Appellate Court awarded ₹3,90,000/- per acre. Still not being satisfied, the land loser is before this Court seeking higher compensation. The admitted factual position is, the beneficiary who is now impleaded as respondent No.2 was not made a party either before the Reference Court or before the First Appellate Court. Without hearing the beneficiary, the impugned award and the decree are passed. Under the circumstances, the Court is of the view that award and decree cannot be sustained.



4. Learned counsel for the appellant would submit that the District Court has awarded ₹11,26,627/- per acre in LACA 45/2014. The Court is of the view that the said valuation cannot be straight away applied unless the appellant is able to establish that market value of his land is ₹11,26,627/-. It is also relevant to notice that entire adjudication has taken place behind the back of respondent No.2.

5. Merely because the Reference Court or the Appellate Court has awarded higher compensation in LACA 45/2014 is not a ground to contend that same compensation is to be awarded to the appellant. It is for the appellant to establish that lands are similar to the lands in question in LACA No.45/2014.

6. Hence, the following:-

ORDER

- (i) The appeal is ***allowed in part.***
- (ii) The matter is remitted back to the Reference



Court to consider the case afresh by permitting respondent No.2 to contest the matter.

- (iii) Both parties are permitted to lead evidence.
- (iv) The parties shall appear before the Reference Court on **26.03.2026** without any further notice.
- (v) Appellant is entitled to refund of Court.
- (vi) It is made clear that this Court has not expressed anything on the merits of the matter.
- (vii) All contentions kept open.
- (viii) Registry to refund the Court fee.

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE