



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO.63 OF 2025 (LA)

BETWEEN:

MR. THIRUMALAI AH
S/O. LATE VENKATAIAH
AGED ABOUT 83 YEARS
GADENAHALLI VILLAGE
KATTAYA HOBLI
HASSAN TALUK
HASSAN DISTRICT-573 201

... APPELLANT

(BY SRI SOHAN NAYAK M. FOR
SRI MOHAN KUMAR B.M. AND SRI. KARIGOWDA
HENCHINAMANE S., ADVOCATES)

AND:

1. SPEICAL LAND
ACQUISTITON OFIFCER
HRP-II, HASSAN CITY
HASSAN-573 201
2. EXECUTIVE ENGINEER
YAGACHI DAM DIVISION
BELUR, HASSAN DISTRICT
HASSAN-573 134

amendment carried
out vide Court order
dated 10.02.2026

... RESPONDENTS

(BY SMT. RANSA VASANTHI D.L., HCGP FOR R-1;
SRI B.R. PRASHANTH, ADVOCATE FOR R-2)

THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER
SECTION 54(2) OF THE LAND ACQUISITION ACT, 1984
AGAINST THE JUDGMENT AND DECREE DATED 14.11.2019
PASSED IN LAC (APPEAL) NO.156/2016 ON THE FILE OF THE





PRINCIPAL DISTRICT AND SESSIONS JUDGE, HASSAN, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND AWARD DATED 03.03.2015 PASSED IN LAC.74/2012 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, HASSAN, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18(1) OF LAND ACQUISITION ACT, 1984.

THIS APPEAL COMING ON FOR FURTHER ORDERS, 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 award dated 14.11.2019 passed in LAC (Appeal) No.156/2016 by the Principal District Judge, Hassan (for short, 'the First Appellate Court') confirming the judgment and award dated 03.03.2015 passed in LAC.No.74/2012 by the Additional Senior Civil Judge, Hassan (for short, 'Reference Court').

2. Learned counsel appearing for appellant would submit that the compensation awarded by the Reference Court is not just and adequate compensation. The documentary evidence placed in support of the claim for higher compensation is not properly appreciated and considered by the First Appellate Court. Thus, urged that the compensation be enhanced by allowing the appeal.



3. Learned counsel appearing for respondent-State would oppose the appeal on the premise that just compensation is awarded and there is no merit in the appeal and the appeal has to be dismissed.

4. Learned counsel for respondent No.2 submits that beneficiary is not a party before the Reference Court and Appellate Court.

5. The Court has considered the contentions raised at the Bar and perused the records.

6. It is noticed that respondent No.2, the beneficiary, has neither been made as a party before the Reference Court nor before the First Appellate Court.

7. It is a settled position of law that in a proceeding for enhancement of compensation under the provisions of the amended Land Acquisition Act, 1984, the beneficiary of the land acquisition proceeding is a necessary party. Hence, any award or any decree passed against the beneficiary without making the beneficiary as a party is not sustainable, as the beneficiary is the person who is paying the compensation to the land loser.



8. Since the entire judgment and award passed by the both the Courts are contrary to the settled position of law, the judgment and award passed by both the Courts are to be set aside. The matter has to be remitted to the Reference Court for fresh consideration in accordance with law.

Hence, the following:

ORDER

- i) The appeal is ***allowed-in-part***;
- ii) The Judgment and Award dated 14.11.2019 passed in LAC (Appeal) No.156/2016 by the Principal District Judge, Hassan confirming the judgment and award dated 03.03.2015 passed in LAC.No.74/2012 by the Additional Senior Civil Judge, Hassan, are set aside;
- iii) The matter is remitted to the Reference Court for fresh consideration in accordance with law;
- iv) The parties shall appear before the Reference Court on ***27.03.2026***, without any further notice;
- v) The appellant shall implead the beneficiary i.e. respondent No.2 herein before the Reference Court as respondent No.2;



- vi) Respondent No.2 is permitted to file statement of objections before the Reference Court;
- vii) Both parties are permitted to lead evidence before the Reference Court in support of their respective claims;
- viii) It is made clear that this Court has not expressed any opinion on merits of the matter;
- ix) All contentions of both parties kept open;
- x) However, in the event of higher compensation being determined, the appellant is not entitled to interest for delayed period;
- xi) Registry to refund the Court fee to the appellant, on proper identification.

Sd/-

(ANANT RAMANATH HEGDE)
JUDGE

LB

List No.: 1 Sl No.: 8