



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 26TH DAY OF MARCH, 2026
BEFORE
THE HON'BLE MR. JUSTICE R. NATARAJ
REGULAR FIRST APPEAL NO. 236 OF 2023 (RES)

BETWEEN:

1. THE ASSISTANT COMMISSIONER
(LAND ACQUISITION),
KARNATAKA STATE HIGHWAY
DEVELOPMENT PROJECT,
GROUND FLOOR
CRESENT TOWERS
BEHIND MALLIGE NURSING HOME
CRESCENT ROAD,
BANGALORE - 01.
2. THE ASSISTANT EXECUTIVE ENGINEER
KARNATAKA STATE HIGHWAY
DEVELOPMENT PROJECT,
SUB-DIVISION
GOWRISHANKARA NILAYA
1ST CROSS ROAD
LEELAVATHI LAYOUT
MADDUR - 571 428.
3. THE DEPUTY COMMISSIONER
MANDYA DISTRICT
MANDYA - 571 428.

...APPELLANTS

(BY SMT. HEMALATHA V., AGA)

AND:

1. K. SWAMYNATH





S/O LATE KEMPORAIAH
AGED ABOUT 50 YEARS

2. K. SIDDARAMAIAH
S/O LATE KEMPORAIAH
AGED ABOUT 62 YEARS

3. K DEVARAJU
S/O LATE KEMPORAIAH
AGED ABOUT 56 YEARS

ALL ARE RESIDING AT
S I KODIHALLI,
KEREGODU HOBLI
MANDYA DISTRICT - 571 428.

...RESPONDENTS

(BY SRI. RAJA L, ADVOCATE FOR R1 TO R3)

THIS RFA IS FILED UNDER SECTION 96 OF CPC, AGAINST THE JUDGMENT AND DECREE DATED 16.02.2019 PASSED IN LAC NO.169/2016 ON THE FILE OF THE I ADDITIONAL SENIOR CIVIL JUDGE AND CJM, MANDYA, PARTLY ALLOWING THE APPEAL AND FILED AGAINST THE JUDGMENT AND AWARD DATED 13.10.2017 PASSED IN LAC.17/2016 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, MANDYA, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SPECIAL LAND ACQUISITION ACT.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ



ORAL JUDGMENT

The appellants have challenged the judgment and award dated 16.02.2019 passed in L.A.C.No.169/2016 by the I Additional Senior Civil Judge, CJM, Mandya.

2. In view of section 54 of the Land Acquisition Act, 1894, the appellant is bound to file a Miscellaneous First Appeal and not a Regular First Appeal under Section 96 of the Code of Civil Procedure. Hence, the appeal is ***dismissed*** as not maintainable.

3. It is open for the appellant to file an appeal before the concerned Court.

**Sd/-
(R. NATARAJ)
JUDGE**