



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

WRIT APPEAL NO.200067 OF 2026 (KLR-CON)

BETWEEN:

THE DEPUTY GENERAL MANAGER (TECH.),
AND PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA,
PROJECT IMPLEMENTATION UNIT – RAICHUR,
HAVING OFFICE AT PLOT NO.37, "D" BLOCK,
KRISHNADEVARAYA NAGAR,
BOLMANDODDI ROAD,
NEAR YEGANOR TEMPLE, RAICHUR – 584 103.

...APPELLANT

(BY SMT. SRUTI C., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS
PRINCIPAL SECRETARY
REVENUE DEPARTMENT
M.S.BUILDING,
BANGALORE – 560 001.
2. THE DEPUTY COMMISSIONER,
RAICHUR DISTRICT
BASAVESHWARA CIRCLE SAATH KUTCHERY,
RAICHUR - 584 101.
3. THE ARBITRATOR (NH-748A),
AND ADDITIONAL DEPUTY COMMISSIONER,
RAICHUR





BASAVESHWARA CIRCLE
SAATH KUTCHERY,
RAICHUR - 584 101.

4. THE SPECIAL LAND ACQUISITION OFFICER,
NHAI, 1ST FLOOR ANUSHA COMPLEX,
OPPOSITE TO NAVODAYA, MEDICAL COLLEGE,
MANTRALAYA ROAD, RAICHUR - 584 103.
5. THE SPECIAL LAND ACQUISITION OFFICER
AND COMPETENT AUTHORITY NHAI,
D.C. COMPLEX NAVANAGAR,
BAGALKOT - 587 103.
6. SHRI. PAMPANAGOUDA
S/O PARVATHREDDY,
AGED ABOUT 38 YEARS,
OCC: AGRICULTURE,
R/O: OF MALLAT VILLAGE,
SIRVAR TALUK,
RAICHUR DISTRICT - 584 129.
7. SHRI CHANNABASANAGOUDA
S/O MALLANAGOUDA,
AGED ABOUT 68 YEARS,
OCC: AGRICULTURE,
8. SHRI SHIVARAJA
S/O MALLANAGOUDA,
AGED ABOUT 67 YEARS,

RESPONDENT NO.7 AND 8 ARE
R/AT: MALLAT VILLAGE,
SIRAVAR TALUK,
RAICHUR DISTRICT - 584 129.

...RESPONDENTS

(BY SMT. MAYA T.R., HCGP FOR R1 AND R2;
SRI MAHANTESH PATIL, ADVOCATE FOR C/R6 TO C/R8)

THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE
KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER
DATED 03.02.2026 PASSED BY THE LEARNED SINGLE JUDGE IN
W.P.NO.204181/2025 (KLR-CON) AND ETC.



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

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R.NATARAJ)

The appellant has challenged an Order dated 03.02.2026 passed by the learned Single Judge in W.P.No.204181/2025 and connected petitions.

2. The appellant representing the National Highways Authority of India, challenged an Award passed under Section 3-G(5) of the National Highways Act, 1956 (for short, 'the N.H.Act, 1956') before the District Court under Section 34 of the Arbitration and Conciliation Act, 1996 (for short, 'the Arbitration Act, 1996'). However, the application under Section 34 was belated and beyond 120 days prescribed under sub-section(3) of Section 34 of the Act, 1996. The appellant has thus challenged the award passed by the arbitrator and the orders of conversion of the lands that were the subject matter of the arbitral awards before this Court in W.P.No.204181/2025 and connected petitions. The learned Single Judge in terms of



the impugned order, dismissed the writ petitions on the ground that a writ petition under Article 226 of the Constitution of India is not maintainable. Being aggrieved by the said order, this appeal is filed.

3. The learned counsel for the appellant submitted that the challenge to the arbitral award under Section 34 of the Arbitration Act, 1996 was dismissed not on merits but on the ground of delay and therefore, it cannot be construed that the award of the arbitrator is ratified by the District Court. She contends that the appellant is now left remediless and thus submits that a writ petition is maintainable. Besides this, she contends that the power of the High Court to exercise jurisdiction under Article 226 of the Constitution of India is not excluded. In this regard, she submits that under Section 3-G(6) of the N.H. Act, 1956, subject to the provisions of N.H. Act, 1956, the provisions of the Arbitration Act, 1996 is applicable. She also invited the attention of the Court to Section 2(4) of the Arbitration Act, 1996 and contended that Part-I of the Arbitration Act, 1996 except sub-section (1) of Section 40 and Sections 41 and 43 shall apply to every arbitration under any other enactment for the time being in force, as if the arbitration



were pursuant to an arbitration agreement and as if that other enactment were an arbitration agreement. She therefore contends that the awards in question need not be construed as one passed under the Arbitration Act, 1996, but must be construed as one under the provisions of the N.H. Act, 1956. Therefore, she contends that a writ petition under Article 226 of the Constitution of India is maintainable and Section 34 of the Arbitration Act, 1996 is not the only remedy available to the appellant. She also contends that if the applicant has no efficacious remedy, the Courts under Article 226 of the Constitution of India cannot shut out the appellant and the award passed by the arbitrator could still be challenged before this Court.

4. We have considered the submissions of learned counsel for the appellant.

5. What was challenged before the learned Single Judge were the awards passed by the arbitrator which was unsuccessfully questioned in proceedings under Section 34 of the Arbitration Act, 1996. If the appellant had subjected itself to the provisions of the Arbitration Act, 1996 by challenging it



under Section 34 of the Act, 1996, it cannot now turn around and claim that the award was one passed under the N.H. Act, 1956 and that by virtue of the rejection of the challenge under Section 34 of Act, 1996, it is left remediless. It is not the case of the appellant that there was no remedy provided under the Arbitration Act, 1996, but the remedy was lost by the appellant by not approaching the District Court within the time prescribed. Therefore, the appellant cannot question the award passed by the arbitrator before this Court under Article 226 of the Constitution of India. If this is allowed, then it would open the crest gates for challenging awards before this Court under Article 226 of the Constitution of India.

6. As regards the challenge to the orders of conversion in respect of the lands that were the subject matter of the arbitral awards, there was no bar for the revenue authorities to convert the land for non-agricultural purposes, prior to the preliminary notification issued on 09.11.2022. Therefore, the appellant does not have locus to challenge the orders of conversion. However, the question whether such orders of conversion could be looked into for the purpose of determining compensation, was something that had to be canvassed before



the arbitrator and in a petition under Section 34 of the Act, 1996. The grounds of challenge to an award are circumscribed under Section 34 of the Act, 1996 and hence, the appellant cannot assail the award on any other ground other than what is mentioned under Section 34 of the Arbitration Act, 1996.

7. In that view of the matter, as rightly held by the learned Single Judge, this Court cannot entertain a petition under Article 226 of the Constitution of India to challenge an arbitral award or the order of conversion of land that were the subject matter of the awards. Hence, this appeal lacks merit and is ***dismissed***.

In view of disposal of the main appeal, I.A.No.2/2026 stands disposed off.

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

**Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE**