



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

CIVIL CONTEMPT PETITION NO. 200109 OF 2025

C/W

WRIT APPEAL NO. 200224 OF 2025 (LA-RES)

IN CCC NO. 200109/2025

BETWEEN:

SRI. PRAHALLAD
S/O PANDURANGACHARYA,
SINCE DECEASED BY LRS.

1. SRI. GOPAL
S/O. PRAHALLAD GADDANAKERI,
AGED ABOUT 53 YEARS
2. SMT. BHARATI
W/O. RAGHAVENDRA DESHPANDE
D/O. PRAHALLAD GADDANAKERI,
AGED ABOUT 51 YEARS,
3. SRI. KRISHNAMURTHY
S/O. PRAHALLAD GADDANAKERI,
AGED ABOUT 49 YEARS,
4. SMT. SUDHABAI
W/O. PRAHALLAD GADDANAKERI,
AGED ABOUT 74 YEARS,
ALL ARE R/O. YALAGUR,
TQ: NIDAGUNDI, DIST: VIJAYAPUR.



COMPLAINANT NO.2 TO 4 ARE REPRESENTED BY
THEIR GPA HOLDER COMPLAINANT NO.1.

...COMPLAINANTS

(BY SMT. RATNA N.SHIVAYOGIMATH, ADVOCATE)

AND:

1. SRI. RAJENDRA KUMAR KATARIA I.A.S.,
PRINCIPAL SECRETARY,
DEPARTMENT OF REVENUE,
VIKAS SOUDHA, BENGALURU-2.
2. SRI. SHIVANAND SAGAR
THE SPECIAL LAND ACQUISITION OFFICER
(UPPER KRISHNA PROJECT) UKP,
ALAMATTI, TQ: NIDAGUNDI,
DIST: VIJAYAPURA-586 101.
3. SHRI. T. BHOOBALAN, IAS
DEPUTY COMMISSIONER, VIJAYAPURA,
DIST: VIJAYAPURA-586101
4. SRI. C. SATHYANARAYANA
THE SECRETARY,
PUBLIC WORKS DEPARTMENT,
BENGALURU-02.
5. SRI. C.B. CHIKKALAGI
THE EXECUTIVE ENGINEER,
PWD DIVISION,
VIJAYAPURA-586 101.
6. THE STATE OF KARNATAKA
BY ITS SECRETARY
REVENUE DEPARTMENT,
M.S. BUILDING, BENGALURU.

...ACCUSED/RESPONDENTS

(BY SRI. KEMPANNA, ADDITIONAL ADVOCATE GENERAL ALONGWITH
SRI. MALLIKARJUNA SAHUKAR, ADDITIONAL GOVERNMENT
ADVOCATE FOR RESPONDENT NOS.1 TO 4 AND 6;
SRI. SHIVAKUMAR R. TENGLI, ADVOCATE FOR RESPONDENT NO.5)



THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURT ACT, 1971 READ WITH ARTICLE 215 OF CONSTITUTION OF INDIA PRAYING TO INITIATE CONTEMPT OF COURT PROCEEDINGS AGAINST THE ACCUSED FOR DISOBEDIENCE AND DISRESPECTING THE ORDER DATED 01.06.2023 IN WP NO.201384/2022 (LA- RES) VIDE ANNEXURE-A AND ETC.

IN WA NO. 200224/2025

BETWEEN:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
VIKASA SOUDHA,
BENGALURU-560 001.
THROUGH ITS PRINCIPAL SECRETARY
2. THE SPECIAL LAND ACQUISITION OFFICER
(UPPER KRISHNA PROJECT)
(UKP) ALMATTI, TQ: NIDAGUNDI,
DIST: VIJAYAPURA-586101
3. THE DEPUTY COMMISSIONER
VIJAYAPURA-586101
4. THE SECRETARY
PUBLIC WORKS DEPARTMENT,
BENGALURU-560 001
5. THE EXECUTIVE ENGINEER
PWD DIVISION,
VIJAYAPURA-560001

...APPELLANTS

(BY SRI. KEMPANNA, ADDITIONAL ADVOCATE GENERAL
ALONGWITH SRI. MALLIKARJUNA SHUKAR, ADDITIONAL
GOVERNMENT ADVOCATE)

AND:

PRAHALLAD
S/O PANDURANGACHARYA,



AGED ABOUT 78 YEARS,
OCC: NIDAGUNDI,
DQ. AND DIST: VIJAYAPURA.

...RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADVOCATE)

THIS WRIT APPEAL IS FIELD UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT, PRAYING TO SET ASIDE THE ORDER OF THE LEARNED SINGLE JUDGE DATED 01.06.2023 PASSED IN WRIT PETITION NO.201384/2022 AND ETC.

THIS CCC AND WRIT APPEAL HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 04.02.2026 AND COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, THE COURT DELIVERED THE FOLLOWING:

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

CAV JUDGMENT

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

W.A.No.200224/2025 is filed by the State Government challenging the order dated 01.06.2023 passed by the learned Single Judge in W.P.No.201384/2022.

2. CCC No.200109/2025 is filed by the complainant alleging the non-compliance of the order dated 01.06.2023 passed by the learned Single Judge in W.P.No.201384/2022.



3. Briefly stated the facts that can be gathered from the records are that the complainants claimed to be the owner of 14 acres 16 guntas in Sy.No.128 including 10 guntas of phot kharab at Araladinni Village, Nidagundi Taluk, Vijayapura District. A part of the aforesaid land measuring 13 acres 12 guntas was acquired in the year 1968 for the purpose of Almatti Dam, Upper Krishna Project and compensation was paid. As regards to 01 acre 04 guntas including 10 guntas phot kharab, he claimed that though the said land was utilised by the respondents, they neither acquired it nor paid any compensation. In that regard, the complainant had approached this Court in W.P.No.8262/2019 seeking for a direction to consider his representation to acquire 01 acre 04 guntas of land and pay the compensation. This Court in terms of an order dated 06.01.2020 had directed the respondent to consider the representation within two months. On 30.07.2020, a notification under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to "the Act, 2013" for short) was issued. However the same



was not proceeded with. Thereafter, an endorsement was issued on 14.06.2021 that the Public Works Department had earlier handed over possession of the entire extent of land, the acquisition proceedings cannot be proceeded with. In the said endorsement, the Special Land Acquisition Officer informed the petitioner that 01 acre 04 guntas would not be acquired. The complainant therefore filed W.P.No.201384/2022 challenging the said endorsement. A learned Single Judge of this Court in terms of the order dated 01.06.2023, quashed the endorsement and issued a direction to the respondent No.2 to proceed with the notification under Section 11(1) of the Act, 2013 and complete the process of acquisition within a period of 60 days, failing which acquisition would be deemed to have lapsed. As regards 10 guntas of kharab land, it was held that if the State did not want to acquire the same, the possession of the same would have to be handed over to the complainant. However, it was held that if the State wanted to acquire the said land, it had to issue a notification under Section 11(1) of the Act, 2013 and pay compensation in accordance with law.



4. The State Government being aggrieved by the aforesaid order in W.P.No.201384/2022 has filed an appeal while the complainant has filed contempt petition alleging the non-compliance of the said order.

5. The State Government has filed an application under Order XLI Rule 27 of CPC read with Section 151 CPC to place on record additional documents in support of its claim that an award was passed by the Land Acquisition Officer on 29.03.1968 in respect of 34 guntas of the land belonging to the complainant and that the award amount was received by the father of the respondent in the year 1968. Since the said documents are material for the purpose of considering this case, the same is taken on record by allowing I.A.No.2/2025.

6. The learned Additional Advocate General submitted that an award was passed in respect of 34 guntas out of 01 acre 04 guntas belonging to the petitioner and as per the said award, the father of the petitioner has received the award amount as per the register maintained. He therefore submitted that out of 01 acre 04 guntas which allegedly was not acquired, an award was already passed in respect of 34 guntas and no



award was passed in respect of 10 guntas as it was the kharab that belonged to the State Government. He thus contends that the impugned endorsement issued by the Land Acquisition Officer is just and proper and no interference is warranted and that the impugned order passed by the learned Single Judge is liable to be set aside.

7. However this is disputed by the learned counsel for the complainant who submits that the award which is purportedly passed in respect of 34 guntas was only a draft award and the same was not approved. She also contends that the acquittance register which was submitted along with the application for additional documents shows that someone had affixed his thumb impression to the register for collecting the award amount. She contends that the father of the petitioner was a Vidwans and that he knew to read and write. She also referred to a letter addressed by the father of the petitioner, where his signature was found. Thus, she contends that the thumb impression found on the acquittance registered is fraudulent and that the petitioner has not received any compensation.



8. In reply, the learned Additional Advocate General has placed on record an order passed by the Deputy Commissioner approving the award passed by the Land Acquisition Officer dated 03.03.1966 and contends that the award was approved and therefore in the usual course, the compensation was also paid. The learned Additional Advocate General submitted that the complainant after having received the award cannot file the petition after nearly 50 years from the date of the acquisition. He therefore contends that the impugned endorsement issued by the Special Land Acquisition Officer is just and proper and the order passed by the learned Single Judge is liable to be set aside.

9. However, the learned counsel for the complainant submitted that delay in approaching the Court would not efface the rights of the complainant to seek compensation. In support of this contention, she relied upon the judgment of the Apex Court in ***Vidya Devi v. State of Himachal Pradesh and others*** [(2020) 2 SCC 569], ***Tukaram Kana Joshi and others v. Maharashtra Industrial Development Corporation and others*** [(2013) 1 SCC 353] and the



judgment of the High Court of Bombay in W.P.No.8716/2024 dated 06.10.2025 and contended that delay in itself cannot deprive the complainant for the compensation.

10. In reply, the learned Additional Advocate General has relied upon the judgment in the case of ***Assam Industrial Development Corporation Limited vs. Gillapukri Tea Company Limited and others*** [(2021) 3 SCC 388] and contended that that once the acquisition of the land is completed, there is no question of reopening the acquisition proceedings by way of a re-notification of the already acquired land under Section 4 of the Land Acquisition Act. He also contended that the complainant had handed over possession of the property in question and the same was evident from the mutation extract and relied upon the judgment in the case of ***Banda Development Authority, Banda v. Moti Lal Agarwal and others*** [(2011) 5 SCC 394] to contend that once the possession of the property is taken over, the complainant cannot contend that he was still in possession of the property or that the land in question was not acquired. He also relied upon the judgment of the Hon'ble Supreme Court in the case of



D.Hanumanth SA and others v. State of Karnataka and others [(2010) 10 SCC 656] where it was held that once the land stands vested in the Government, no question of acquisition of such a land by issuing a second notification would arise as Government cannot acquire its own land. He relied upon the decision of the Division Bench of this Court in W.A.No.1926/2024 dated 01.08.2025, which too was in similar facts and circumstances and the Division Bench after considering the contentions urged that a delayed claim, particularly in the light of payment already made, is not entertainable. He has also relied upon the judgment of the High Court of Calcutta in ***W.A.No.3729/2018 dated 30.08.2023*** which was also on similar terms.

11. We have considered the submissions of the learned Additional Advocate General for the State as well as the learned counsel for the complainant.

12. The additional documents filed by the learned Additional Advocate General would establish that a notification under Section 6 of the Land Acquisition Act, 1894 was issued in respect of 34 guntas of land in Sy.No.128 of Araladnni Village.



A draft award was prepared on 31.12.1965 in respect of the lands notified under Section 6 of the Land Acquisition Act and compensation of Rs.250/- was determined in respect of the land bearing Sy.No.128 measuring 34 guntas in the name of Ramachandra Subbacharya. The draft award was approved on 10.03.1966. The total award amount determined under the said award in respect of all the lands in Araladinni Village and Yalagur Village was a sum of Rs.11,398.65. A document is placed on record which shows that the said sum of Rs.11,398.65 that was determined in respect of the lands acquired including the land bearing Sy.No.128 measuring 34 guntas was paid to the owners. In respect of 34 guntas, the same was received and an LTM of Mr.Ramachandra Subbacharya is found in the register. The mutation extracts also indicate that the possession of 34 guntas of land was also delivered to the State Government. Therefore, it cannot now lie in the mouth of the complainant that land measuring 34 guntas was not acquired. As regards the phut kharab of 10 guntas, Mr. Pandurangacharya had received the compensation in respect of 13 acres 12 guntas amounting to Rs.3,738.80 which included the compensation towards 10 guntas of kharab.



Therefore, the land that was already acquired by the State Government in respect of which compensation was paid, cannot be now questioned on the ground that the person who received the compensation in respect of 34 guntas was not the owner of the land. Since there is ample material to show that compensation was indeed paid, the question of the State Government issuing a fresh notification and paying compensation to the complainant in respect of 34 guntas does not arise. Insofar as phot kharab of 10 guntas is concerned the award passed in respect of 13 acres 12 guntas, also carried a reference that 10 guntas of phot kharab was also acquired in respect of which compensation was not given to the land owner as the land belonged to the State Government.

13. In that view of the matter and in view of the documents now placed on record, the order passed by the learned Single Judge has to be set aside as these documents were not placed before the learned Single Judge while passing the impugned order.

14. In that view of the matter, W.A.No.200224/2025 is **allowed** and the order dated 01.06.2023 passed in



NC: 2026:KHC-K:2732-DB
CCC No. 200109 of 2025
C/W WA No. 200224 of 2025

W.P.No.201384/2022 by the learned Single Judge is set aside and the W.P.No.201384/2022 is dismissed. Consequently, contempt petition is also ***dismissed***.

Sd/-
(R.NATARAJ)
JUDGE

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

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List No.: 19 SI No.: 1