



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 9TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

WRIT PETITION NO.202121 OF 2025 (LA-RES)

BETWEEN:

MOHANRAO DIED BY LR.,

1. MANDODARI W/O MOHAN RAO,
AGE: 58 YEARS
2. ANILKUMAR S/O LATE MOHAN RAO,
AGE: 42 YEARS
3. PRIYA W/O ANILKUMAR BIRADAR,
AGE: 39 YEARS
ALL OCCPN: AGRI
R/O VILLAGE BHOSGA TQ.BASAVAKALYAN
DIST.BIDAR-585445.

...PETITIONERS

(BY SRI AMEET J. HATTI AND
SRI. FAIZUDDIN K. ZARDI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH DEPUTY COMMISSIONER, BIDAR
DIST. BIDAR-585401.
2. THE SPECIAL LAND ACQUISITION OFFICER,
(KARANJA MINOR IRRIGATION PROJECTS)
DEPUTY COMMISSIONER OFFICE COMPLEX, BIDAR
DISTRICT, BIDAR-585401





3. THE EXECUTIVE ENGINEER,
MINOR IRRIGATION DIVISION,
NAUBAD INDUSTRIAL AREA, NAUBAD,
TQ. AND DIST. BIDAR-585401.

...RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO A) ISSUE A WRIT, ORDER OR DIRECTION IN NATURE OF CERTIORARI, QUASHING THE IMPUGNED ORDER AT ANNEXURE-D VIZ, THE ORDER DATED 12.02.2025 PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE AND PRESIDING OFFICER OF THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR DISTRICT BIDAR ON IA NO. I, IN LAC NO. 08/2024, DISMISSING THE SAME A WITHDRAWN WITHOUT GRANTING LIBERTY AS SOUGHT FOR, AND FURTHER ALLOW THE SAID IA NO I IN LAC NO. 08/2024 ON FILE OF THE I ADDL DISTRICT AND SESSIONS JUDGE AND PRESIDING OFFICER OF THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR DISTRICT BIDAR AS PRAYED FOR, FAIR PLAY IN RESPECT OF 01 ACRES 20 GUNTAS ACQUIRED IN LAND SY NO. 153/3 OF BHOSGA VILLAGE OF BASAVAKALYAN TALUK IN BIDAR DISTRICT B) SUCH FURTHER OR OTHER RELIEFS BE GRANTED TO WHICH THE PETITIONERS WOULD BE FOUND ENTITLED TO ON THE FACTS AND CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S.R.KRISHNA KUMAR

ORAL ORDER

This petition by the claimants in LAC No.08/2024 is directed against the impugned order dated 12.02.2025



passed by the I Additional District and Sessions Judges, Bidar [for short, 'the Reference Court'], whereby the Reference Court allowed the application filed by the petitioners under Order XXIII Rule 1(3) read with Section 151 CPC and permitted the petitioner to withdraw the reference proceedings but declined/refused to grant him liberty/permission to proceed under Section 73 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [for short, 'the Act of 2013'].

2. A perusal of the material on record will indicate that the petitioner is claimant in the aforesaid LAC No.08/2024 filed by him against the respondents before the Reference Court. During the pendency of the said proceedings, the petitioner filed an application I.A.No.I seeking permission/leave to withdraw the reference proceedings by reserving his right to proceed against the respondents on the same cause of action under Section 73 and other relevant provisions of the Act of 2013. The said



application having been opposed by the respondents, the Reference Court passed the impugned order partly allowing the application by permitting the petitioner to withdraw the reference proceedings but declined/refused to grant them permission to institute fresh proceedings under the Act of 2013, aggrieved by which the petitioner is before this Court by way of the present petition.

3. A perusal of the material on record, including the impugned order will indicate that apart from the fact that the impugned order is completely non-speaking, laconic, cryptic and unreasoned order, without application of mind and without assigning reasons as to why liberty was not being granted in favour of the petitioner to initiated fresh proceedings under the Act of 2013, the petitioner has made out valid and sufficient grounds in his affidavit in support of the application, which was sufficient to come to the conclusion that the petitioner was entitled to initiate fresh reference proceedings under the provisions of the Act of 2013. Under these circumstances, I am of the



considered opinion that the impugned order passed by the Reference Court has occasioned failure of justice warranting interference by this Court in the present petition by setting aside the impugned order and allowing the application filed by the petitioner in full and by issuing certain directions in this regard.

4. In the result, the following:

ORDER

- (i) The petition is hereby ***allowed***.
- (ii) The impugned order dated 12.02.2025 is hereby set aside.
- (iii) The application I.A.No.I filed by the petitioner under Order XXIII Rule 1(3) read with Section 151 CPC is hereby allowed in full and the petitioner is permitted to withdraw the reference proceedings by reserving right/liberty in his favour to proceed against the respondents on the same cause of action under Section 73 and other relevant statutory provisions contained in the Right to Fair Compensation and Transparency in Land



Acquisition, Rehabilitation and Resettlement
Act, 2013 in accordance with law.

Sd/-
(S.R.KRISHNA KUMAR)
JUDGE

SMP
LIST NO.: 1 SL NO.: 5
CT:SI