



**IN THE HIGH COURT OF KARNATAKA
KALABURAGI BENCH**

DATED THIS THE 24TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 201546 OF 2024 (GM-CPC)

BETWEEN:

PUSHPA
W/O RAJUGOUDA PATIL
AGED ABOUT 50 YEARS
R/O YADGIRI

...PETITIONER

(BY SRI J AUGUSTIN, ADV.)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
NATIONAL HIGHWAYS AUTHORITY OF INDIA
NH-150C PLOT NO.22, 23 JAKA COMPLEX
OPP TO ICICI BANK VIVEKANANDA NAGAR
YAGIRI

2. RAJESHVARI
W/O BHEEMANNA
AGED ABOUT 52 YEARS

3. BHEEMANNAGOUDA
S/O DEVINDRAPPA
AGED ABOUT 50 YEARS

4. BHEEMANNA
S/O NINGAPPA
AGED ABOUT 45 YEARS

R/AT KONAHALI VILLAGE
WADAGERA TALUKA
YADGIRI DISTRICT

...RESPONDENTS





(BY SRI B.V.PRAKASHA ANGADI, ADV. FOR R-1;
SRI ARUNKUMAR AMARGUNDAPPA, ADV. FOR R-2 TO R-4;
SRI SHESH DRI JAISHANKAR.M., AGA FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DATED 22.04.2024 PASSED BY THE DISTRICT AND SESSIONS JUDGE, YADGIRI IN MISCELLANEOUS CASE NO. 33/2023 AT ANNEXURE G ORDER ON I.A U/O 26 RULE OF CPC ORDERING THE APPOINTMENT OF THE COMMISSIONER FOR SURVEYING THE LAND, SURVEY NO. 11/2 OF VILLAGE KONALLI, TALUKA WADGERA DISTRICT YADGIRI, ETC.

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

CORAM: HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

ORAL ORDER

1. Petitioner is before this Court under Article 227 of the Constitution of India, with a prayer to quash the order dated 22.04.2024 passed on the interim application filed under XXVI Rule CPC by respondent no.3 herein by the Court of District & Sessions Judge, Yadgir, in Misc. Case No.33/2023.
2. Heard the learned Counsel for the parties.
3. Land bearing Sy. No.11/2 of Konalli village, Wadgera Taluk, Yadgir District, was acquired by the National Highways Authority of India for the purpose of formation of national highway. After an award was passed by the Special Land



Acquisition Officer, since there was a dispute between the petitioner and respondent nos.2 to 4 herein with regard to the ownership of the aforesaid property and entitlement of compensation awarded by the Special Land Acquisition Officer, the Special Land Acquisition Officer had approached the jurisdictional Court of District Judge by invoking the provisions of Section 3-H(4) of the National Highways Act, 1956 read with Section 151 of CPC and had filed a petition with a prayer to adjudicate about the entitlement of the petitioner and respondent nos.2 to 4 for payment of compensation amount. It is under these circumstances, Miscellaneous Case No.33/2023 was registered and in the said proceedings, an application was filed on behalf of respondent no.3 herein under Order XXVI Rule 9 of CPC to appoint a Court Commissioner. The said application was allowed by the order impugned by the learned District Judge. Aggrieved by the same, the petitioner is before this Court.

4. During the pendency of this writ petition, this Court by order dated 02.08.2024 had appointed the Senior Surveyor attached to National Highways Authority of India and also the



Assistant Director of Land Records, Wadgera Taluk, as Commissioners to carry out the measurement of the property and to ascertain the location of the disputed property based on the memo of instructions submitted by the rival parties. It appears that subsequent to the said order, the Court Commissioner has visited the property and after surveying the said property, has submitted a report dated 25.06.2025 before this Court. Petitioner herein has filed objections to the said report.

5. Since this Court has already appointed a Commissioner to survey the property, the order impugned in this writ petition needs to be formally set aside and the survey report submitted by the Court Commissioner appointed by this Court is required to be forwarded to the Court of District Judge, Yadgir, along with the objection of the petitioner which is filed to the said survey report, with a direction to the learned District Judge to consider the objections of the petitioner and pass appropriate orders in accordance with law. Accordingly, the following order:

6. Writ petition is allowed. The impugned order at Annexure-G dated 22.04.2024 passed on the interim application filed



under XXVI Rule CPC by respondent no.3 herein, is set aside. The survey report dated 25.06.2025 submitted by the Court Commissioner appointed by this Court vide the order dated 02.08.2024 and the objections filed to the said report by the petitioner are directed to be forwarded to the Court of District Judge, Yadgir, who shall consider the objections filed by the petitioner to the survey report and pass appropriate orders in accordance with law, and thereafter, dispose of the main matter as expeditiously as possible. All contentions urged by both the parties are kept open.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

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