



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.203043 OF 2025 (LA-RES)

BETWEEN:

SMT. PANDURANG DIED BY LR,
RUPA BAI W/O PANDURANG KARBHARI,
AGE: 60 YEARS, OCC: AGRICULTURE
R/O VILLAGE BHOSGA, TQ.BASAVAKALYAN,
DIST.BIDAR - 585445.

...PETITIONER

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

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 ARTICLE 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REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR DISTRICT, BIDAR, ON IA NO.I, IN LAC NO.20/2024, DISMISSING THE SAME AS WITHDRAWN WITHOUT GRANTING LIBERTY AS SOUGHT FOR, AND FURTHER ALLOW THE SAID I.A.NO.I IN LAC NO.20/2024 ON FILE OF THE I ADDL. DISTRICT AND SESSIONS JUDGE AND PRESIDING OFFICER OF THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR DISTRICT, BIDAR IN RESPECT OF 0 ACRE 10 GUNTAS ACQUIRED IN SY.NO.378/1 OF KOHINOOR VILLAGE.

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 claimant in LAC No.20/2024 is directed against the impugned order dated 12.02.2025 passed by the Additional District and Sessions Judge, Bidar



[for short, 'the Reference Court'], whereby the Reference Court partly allowed the application filed by the petitioner 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.20/2024 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.: 9
CT:SI