



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 25TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S.VISHWAJITH SHETTY

WRIT PETITION NO. 202314 OF 2023 (LA-RES)

BETWEEN:

1. REVAMMA DIED BY LRS,
 - A) SUBHASH S/O MANIKAPPA PATIL,
AGED ABOUT 70 YEARS,
OCC: AGRICULTURE,
R/O MUCHALAM,
NOW AT J.P. NAGAR,
BIDAR, DIST. BIDAR.
 - B. VAIJINATH S/O MANIKAPPA PATIL,
AGED ABOUT 58 YEARS,
OCC: AGRICULTURE,
R/O MUCHALAM,
TQ. HULSOOR,
DIST. BIDAR.
 - C. BASAVTHIRTH S/O MANIKAPPA PATIL
AGED ABOUT 55 YEARS,
OCC: AGRICULTURE
R/O MUCHALAM,
NOW AT BASAVAKALYAN,
DIST. BIDAR.
02. SRI CHANDRAPPA S/O RACHAPPA
AGED ABOUT 82 YEARS,
OCC: AGRICULTURE,
R/O MUCHALAM VILLAGE,



TQ. HULSOOR,
DIST. BIDAR.

3. GURUNATH S/O CHANDRAPPA,
AGED ABOUT 47 YEARS,
OCC: AGRICULTURE,
R/O MUCHALAM VILLAGE,
TQ. HULSOOR,
DIST. BIDAR.

...PETITIONERS

(BY SRI RAVI B. PATIL, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
THROUGH ITS SECRETARY TO THE
DEPARTMENT OF REVENUE M.S.BUILDING,
BANGALORE-560001.
2. THE DEPUTY COMMISSIONER
BIDAR, D.C.OFFICE,
BIDAR-585101.
3. THE ASSISTANT COMMISSIONER
SPECIAL LAND ACQUISITION OFFICER,
KARANJA PROJECT, BIDAR
D.C.OFFICE, BIDAR-585101.

...RESPONDENTS

(BY SRI SHESHADRI JAISHANKAR M., AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA, PRAYING TO, I) ISSUE A WRIT OF CERTIORARI TO QUASH THE IMPUGNED ENDORSEMENT DATED 06-06-2023 ISSUED BY THE 3RD RESPONDENT BEARING NO.ಎಲ್.ಎ.ಕ್ಯೂ:ಸಿಎನ್‌ಪಿ/ಸಿಆರ್-13/2023-24/170,168,166 AS AT ANNEXURE-O; II) ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT NO.3 TO CONSIDER THE APPLICATION



PREFERRED BY THE PETITIONERS INVOKING SEC.28(A) OF LAND ACQUISITION ACT, 1894 DATED 20-11-2006 AS AT ANNEXURE C,C1 AND C2 WITHIN SUCH STIPULATED TIME AS THIS COURT DEEMS FIT, IN THE CIRCUMSTANCES OF THE CASE; III) TO ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENT 1 AND 2 TO HOLD NECESSARY ENQUIRY IN THE MATTER FOR PASSING IMPUGNED ORDER AND FOR SWEARING A WRONG AFFIDAVIT CONTRARY TO THE RECORDS; IV) PASS ANY SUCH ORDER'S AS THIS COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE.

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

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

ORAL ORDER

This Writ Petition under Article 226 of the Constitution of India is filed seeking for the following reliefs:

- "i) Issue a writ of certiorari to quash the impugned endorsement dated 06-06-2023 issued by the 3rd respondent bearing No.ಎಲ್.ಎ.ಕ್ಯೂ:ಸಿಎನ್‌ಪಿ/ಸಿಆರ್-13/2023-24/170,168,166 as at Annexure-O;
- ii) Issue a writ of mandamus directing the respondent no.3 to consider the application preferred by the petitioners invoking Sec.28(A) of Land Acquisition Act, 1894 dated 20-11-2006 as at Annexure C,C1 and C2 within such stipulated time as this Court deems fit, in the circumstances of the case;
- iii) To issue a writ of mandamus directing the respondent 1 and 2 to hold necessary enquiry in the



matter for passing impugned order and for swearing a wrong affidavit contrary to the records;
iv) Pass any such order's as this court deems fit in the circumstances of the case."

2. Heard the learned counsel for the parties.

3. Petitioners, who claim to be the owners of the land which was subject matter of the acquisition proceedings under the preliminary notification under Section 4(1) of the Land Acquisition Act, 1894 [for brevity, 'the Act'] published in the Karnataka Gazette on 09.08.1973, had filed applications under Section 28-A of the Act vide Annexure-'C' series before respondent No.3 with a prayer to grant enhanced compensation in the light of the order passed by the Reference Court in LAC No.1/2005. The said applications were considered and rejected by respondent No.3 vide endorsement dated 06.06.2023 at Annexure-O. Aggrieved by the same, the petitioners are before this Court.

4. Learned counsel for the petitioners, having reiterated the grounds urged in the writ petition, submits



that impugned endorsement has been issued by respondent No.3 on the ground that petitioners had not filed any application under Section 28-A of the Act and there was no record available in the office, relating to the application filed by the petitioners. He submits that copy of the applications are produced at Annexure-C series and the said applications also bear the seal and signature of respondent No.3.

5. *Per contra*, learned Additional Government Advocate, on instructions, submits that the applications filed by the petitioners under Section 28-A of the Act at Annexure-C series have been received in the office of respondent No.3 and the said applications shall be considered afresh and appropriate orders shall be passed in accordance with law in the light of the orders passed by the Reference Court in LAC No.1/2005.

6. The said submission is placed on record.



7. Accordingly, the following:

ORDER

- (i) The Writ Petition is ***allowed***.
- (ii) The impugned order/endorsement at Annexure-O dated 06.06.2023 bearing No. ಎಲ್.ಎ.ಕ್ಯೂ:ಸಿಎನ್‌ಪಿ/ಸಿಆರ್-13/2023-24/170,168,166 issued by respondent No.3 is quashed.
- (iii) The matter is remitted to respondent No.3 to consider the applications of the petitioners at Annexure-C series submitted by them under Section 28-A of the Land Acquisition Act, 1894 in accordance with law and pass appropriate orders on the same, as expeditiously as possible, but not later than a period of ***four months*** from the date of receipt of copy of this order, after granting an opportunity of being heard to the petitioners.



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(iv) The petitioners are at liberty to produce additional documents in support of their claim.

Sd/-
(S.VISHWAJITH SHETTY)
JUDGE

SWK
List No.: 1 Sl No.: 91
Ct:pk