



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 788 OF 2023 (LA-RES)

BETWEEN:

UNION OF INDIA,
REPRESENTED BY
DEPUTY CHIEF ENGINEER (CONSTRUCTION-IV),
SOUTH WESTERN RAILWAY,
CANTONMENT RAILWAY STATION,
NO.18, MILLERS ROAD,
BANGALORE- 560 046

...PETITIONER

(BY SRI. CHANDRACHUD A., ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY
THE SPECIAL LAND
ACQUISITION OFFICER,
H.R.P.-II,
HASSAN- 573 201.
2. SMT. MANNAMMA
W/O LATE GUNDEGOWDA,
SINCE DEAD BY LRS,
- 2(A) RAMACHANDRA G.,
S/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,

Digitally signed
by VIJAYA P
Location: HIGH
COURT OF
KARNATAKA



AGED ABOUT 71 YEARS,
RESIDING AT
GAVENAHALLI,
HASSAN - 573201.

2(B) SMT. DAVEERAMMA,
D/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,
W/O SRI. S.R. HOPANNA,
AGED ABOUT 67 YEARS,
RESIDING AT DODDAPURA POST,
KASABA HOBLI,
SANKENAHALLI VILLAGE,
HASSAN TALUK,
HASSAN DISTRICT-573118.

2(C) SMT. SANNAME,MMMA,
D/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,
W/O SRI. BASAVARAJU,
AGED ABOUT 60 YEARS,
RESIDING AT DUDDA HOBLI,
THIMMENAHALLI GRAMA,
KITTANKERE, HASSAN-573162.

2(D) SMT. LEELAMMA,
D/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,
W/O SRI. K. THIMMEGOWDA,
AGED ABOUT 58 YEARS,
RESIDING AT NO.449,
B. KATEHALLI, KOPPAL,
GAVENAHALLI POST,
KASABA HOBLI,
HASSAN-573201.



- 2(E) SRI. JAGADEESHA,
S/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,
AGED ABOUT 57 YEARS,
RESIDING AT NO.67,
RAJARAJESHWARI NAGAR,
RAMAKRISHNA NAGAR,
MYSURU-570022.
- 2(F) SMT. MOHANAKSHI G.,
D/O LATE J. GUNDEGOWDA AND
LATE MANNAMMA,
W/O SRI. J.R. MANJUNATHA,
AGED ABOUT 54 YEARS,
RESIDING AT SRIRANGA GOWTHAM NILAYA,
3RD CROSS, 12TH MAIN ROAD,
HEMAVATHI NAGARA,
HASSAN-573201.

...RESPONDENTS

(BY SRI. A.S. HARISH, AGA FOR R1;
SRI. SHESHADRI B.T., ADVOCATE FOR R2(A TO F))

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO QUASH THE
IMPUGNED JUDGEMENT AND AWARD DATED 07.01.2016 IN
LAC. NO.5/2011 PASSED BY THE HON'BLE PRINCIPAL SENIOR
CIVIL JUDGE AND CJM AT HASSAN AS PER ANNEXURE-A AND
ETC.,

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

CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV



ORAL ORDER

I.A.No.1/2023 has been filed seeking to bring the legal representatives of deceased respondent No.2 on record. In light of the averments made out, the application is allowed and the legal representatives of deceased respondent No.2 are permitted to come on record. Petitioner is permitted to carry out the amendment. Learned counsel Sri. Sheshadri B.T. submits that application may be allowed and he would appear for the legal representatives.

The matter is taken up by consent of both parties.

2. Learned counsel for the legal representatives of respondent No.2 submits that matter may be disposed of in terms of the order passed in W.P.No.4092/2023.

3. It is noticed that the present petition has been filed by the beneficiary seeking to set aside the judgment and award passed in LAC.No.5/2011, which is an award passed as regards the reference under Section 18(1) of



the Land Acquisition Act, 1894 (for short 'the Act'). It is the contention of the counsel that the petitioner being beneficiary ought to have been made parties.

4. Perused the order passed in W.P.No.4092/2023.

The observations made are as follows:

"The petitioner – Union of India represented by Deputy Chief Engineer (Construction-IV), South Western Railway which is the beneficiary has challenged the correctness of the Award passed by the learned II Additional Senior Civil Judge & J.M.F.C., at Hassan (for short "Trial Court") in LAC No.128/2013, whereby the Trial Court has allowed the reference under Section 18 (1) of the Land Acquisition Act, 1894 and enhanced the compensation.

2. It is the submission that the Railways being the beneficiary is a necessary party and the land having been acquired for the purpose of Hassan-Bangalore Railway Project, for which purpose Preliminary Notification under Section 4(1) of the Land Acquisition Act, 1894 having been passed and subsequently award has been passed under Section 11 on



31.12.2008 awarding compensation of Rs.3,42,760/- per acre.

3. It is submitted that the claimant being aggrieved by the grant of compensation while contending that the amount awarded requires to be enhanced, has sought for reference to the Civil Court for enhancement of compensation apart from raising certain other grounds.

4. It is borne out from the records that compensation quantified by the Land Acquisition Officer has been accepted under protest. The Court on receiving the reference under Section 18(1), has issued notice and after recording the evidence and marking of documents produced by the claimant has eventually allowed the petition under Section 18(1) of the Land Acquisition Act, 1894, enhancing the compensation in terms of the order passed in LAC No.7/2013 which is extracted below:

"ORDER

The reference petition filed by the claimant is allowed in part with costs as follows:-

- a. The market value of the acquired land is determined at Rs.1,00,000/- per Gunta.*



- b. *U/Sec.23(2) of the Act the claimants are entitled for solatium at 30% on the enhanced amount of compensation.*
- c. *U/Sec.23(a)(A) of the Act the claimants are entitled for additional amount at 12% per annum on such market value from the date of 4(1) notification till the date of award.*
- d. *U/Sec.28 of the Act the claimants are entitled for interest at the rate of 9% per annum for a period of one year from the date of taking possession and thereafter at 15% per annum on the enhanced amount till the date of realization of the entire amount.*
- e. *Out of the above compensation the amount already paid by the respondent is liable to be deducted."*

5. *Learned counsel Sri.A.Chandrachud appearing on behalf of the petitioner submits that a perusal of the cause-title of the order passed in LAC No.128/2013 would reveal that the petitioner herein is not arrayed as a party. He submits that it is settled position of law as held by the Constitution Bench of the Hon'ble Apex Court in the case of **U.P. AWAS EVAM VIKAS PARISHAD V/S. GYAN DEVI (DEAD) BY L.RS., AND ANOTHER ETC., (AIR 1995 SC 724)**, that the beneficiary is a necessary*



participant in the proceedings for enhancement and in the event beneficiary is not made a party, it would be open for the beneficiary to have the award set aside with appropriate directions.

6. *The factual matrix as narrated above is not in dispute. It is clear that the beneficiary i.e., the Railways for whose benefit, land is acquired for the purpose of Hassan-Bangalore Railway Project is admittedly not arrayed as a party. It is the beneficiary that eventually has to pay enhanced compensation. The Hon'ble Apex Court in the case of **U.P. AWAS EVAM VIKAS PARISHAD** (supra) in a judgment rendered by the Constitution Bench has observed as follows:*

"25. *To sum up, our conclusions are:*

1.

2.

3.

4.

5.

6. *The local authority is a proper party in the proceedings before the reference court and is entitled to be impleaded as a party in those proceedings wherein it can defend the determination of the amount of compensation by the Collector and oppose enhancement of*



the said amount and also adduce evidence in that regard."

7. In the light of the above position of law, the Judgment and Award passed in LAC No.128/2013 is set aside. The matter is remitted for fresh adjudication before the Trial Court, as regards the petition under Section 18(1) of the Land Acquisition Act, 1894 while directing the Trial Court to implead the petitioner herein who is the beneficiary as an additional respondent and take steps for conclusion of the proceedings under Section 18(1) of the Land Acquisition Act, 1894. It is open to the parties to make joint mention to the Court that if portion of the proceedings can be kept intact which does not prejudice the interest of the petitioner and the Court to take note of the same and resume and conclude the further proceedings. The Trial Court to take steps for expeditious disposal of the matter, taking note of the acquisition relates to the year 2009.

In terms of the above, writ petition stands allowed."



5. It is affirmed by both sides that facts are identical and the petition may be disposed of in terms of the above.

6. Noticing the observations made in W.P.No.4092/2023, the present petition also deserves to be disposed of on the same terms. Accordingly, the Judgment and Award passed in LAC.No.5/2011 is set aside. Matter is remitted for fresh adjudication before the trial Court, as regards the petition under Section 18(1) of the Act.

7. The trial Court is directed to implead the petitioner herein who is the beneficiary as an additional respondent and take steps for conclusion of the proceedings under Section 18(1) of the Act. It is open to the parties to make joint mention to the Court that if the portion of the proceedings can be kept intact which does not prejudice the interest of the petitioner as well as the claimants, the Court may take note of the same and



resume and conclude the further proceedings as per procedure. The trial Court to take steps for expeditious disposal of the matter.

8. In terms of the above, the writ petition is ***allowed.***

Sd/-
(S SUNIL DUTT YADAV)
JUDGE

MCR