



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 23<sup>RD</sup> DAY OF APRIL, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE**

**MISCELLANEOUS SECOND APPEAL NO. 28 OF 2025 (LA)**

**BETWEEN:**

1. SMT. PREMA  
D/O. LATE THIMMEGOWDA  
AND RANGAMMA,  
AGED ABOUT 43 YEARS
2. SMT. VASANTHA,  
D/O. LATE THIMMEGOWDA AND RANGAMMA,  
AGED ABOUT 40 YEARS
3. SMT. P.T. PREMA,  
W/O. HEMANTH KUMAR,  
AGED ABOUT 45 YEARS
4. SMT. D.H. SOUJANYA  
D/O HEMANTH KUMAR  
AGED ABOUT 21 YEARS

Digitally signed  
by BELUR  
RANGADHAMA  
NANDINI

Location: HIGH  
COURT OF  
KARNATAKA

ALL ARE RESIDENTS OF  
DEVARAYAPATANA VILLAGE,  
KASABA HOBLI, HASSAN TALUK  
HASSAN DISTRICT-573201.

...APPELLANTS

(BY SRI. BALARAJ A.C., ADVOCATE)

**AND:**

1. THE SPECIAL LAND ACQUISITION OFFICER,  
H.R.P.-2,  
HASSAN-573201.



2. THE DEPUTY COMMISSIONER,  
HASSAN DISTRICT,  
HASSAN-573201.
3. THE EXECUTIVE ENGINEER,  
KAVERI NIRAVARI NIGAMA LIMITED,  
YAGACHI RESERVOIR PROJECT,  
SURFACE WATER DATA CENTRE BUILDING,  
3<sup>RD</sup> AND 4<sup>TH</sup> CROSS, AVENUE ROAD,  
GANDHINAGAR, BENGALURU-560 009.

...RESPONDENTS

(BY SMT. RANSA VASANTHI, HCGP FOR R1 & R2;  
SRI. B.R. PRASHANTH, ADVOCATE FOR R3)

THIS MSA IS FILED UNDER SECTION 54(2) OF LAND ACQUISITION ACT., AGAINST THE JUDGMENT AND DECREE DATED 19.10.2019 PASSED IN LAC (APPL) NO.285/2016 ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, HASSAN, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND AWARD DATED 16.10.2015 PASSED IN LAC NO.4/2015 ON THE FILE OF THE ADDITIONAL SENIOR CIVIL JUDGE, HASSAN, ALLOWING REFERENCE PETITION FILED UNDER SECTION 18(1) OF THE LAND ACQUISITION ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:



CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

**ORAL JUDGMENT**

Application in IA No.3/2025, seeking permission to prosecute the appeal is allowed. Though it is noticed that the Court fee is not paid, since, the matter requires remand the appellant is not directed to pay the Court fee and there is no order for refund as well.

2. Sri B.R.Prashanth, learned counsel is directed to accept notice for respondent No.2.

3. There is a delay of 1132 days in filing the appeal. The application in IA No.1/2025 is filed to condone the delay. The appellants in their affidavit submit that they are uneducated agriculturalists and their land was acquired in terms of the Notification dated 25.09.1997 under Section 4 (1) of the Land Acquisition Act, 1894 and award dated 26.10.2000 was passed fixing Rs.78,000/- per acre as compensation.



4. It is stated that compensation is enhanced on a reference in terms of the Judgment and Award passed by the Reference Court on 16.10.2015 wherein, the market value is fixed at ₹20,000/- per gunta. It is further stated that, in respect of a neighbouring village, the compensation is awarded at a rate of Rs.1,00,000/- per gunta and the appellants being uneducated and incapable of paying Court fee, could not file appeal seeking enhancement in time. Under these circumstances, the appellants have sought to condone the delay in filing the appeal.

5. Learned counsel for the respondents would oppose the application on the premise that, the sufficient grounds are not made out to condone the delay and would urge to dismiss the application.

6. It is noticed that, the beneficiary of the award is made a party to the proceedings for the first time before this Court, and the compensation awarded to the land



loser is without hearing the beneficiary who is required to pay the compensation. The law requires that the beneficiary should be heard before determining the compensation payable in respect of the land acquired.

7. Under these circumstances, this Court is of the view that the delay has to be condoned subject to the condition that, the appellants are not entitled to interest for the delayed period on the compensation to be determined. It is made clear that, the order condoning the delay should not be construed as having reflected any opinion on the entitlement of the appellants for compensation at the rate of ₹1,00,000/- per gunta.

8. The present appeal is against the judgment and decree passed by the Appellate Court and the Reference Court. The Appellate Court has dismissed the appeal and the Reference Court has granted compensation of Rs.20,000/- per gunta.



9. The learned counsel appearing for the appellants would submit that, in respect of the similar notification issued for the same project the market value in the neighboring village is determined at Rs.1,00,000/- per gunta, as such, the appellants are entitled for compensation at the rate of Rs.1,00,000/- per gunta for the land acquired.

10. Learned counsel appearing for the respondents would submit that, the entire procedure in determining the compensation is erroneous, inasmuch as the beneficiary is not made a party to the proceedings.

11. The law requires that, for determining the compensation in respect of the lands acquired, the beneficiary should be made as party. Since, the beneficiary is not heard and the compensation is determined without hearing the beneficiary, this Court is of the view that the appeal has to be allowed and judgment and decree passed by the Appellate Court as



well as the judgment and award passed by the Reference Court have to be set aside and the matter has to be heard afresh to give opportunity to the beneficiary to participate in the proceedings. Hence, the following:

**ORDER**

- [a] The appeal is ***allowed-in-part***.
- [b] The judgment and decree dated 19.10.2019 in LAC (Appeal) No.285/2016 on the file of the Principal District Judge, Hassan and the judgment and award dated 16.10.2015 in LAC No.4/2015 on the file of Additional Senior Civil Judge, Hassan are set aside.
- [c] The matter is remitted to the Reference Court for fresh consideration in accordance with law.
- [d] The beneficiary of the acquisition proceedings should be made as party to the proceedings.
- [e] The parties shall appeal before the Reference Court on **10.06.2026** without any further notice.



- [f] The Reference Court shall record fresh evidence by including the beneficiary as a part of the proceeding and thereafter, pass appropriate award.
- [g] It is made clear that, the appellants are not entitled to any interest on the compensation determined for the delayed period of 1132 days in filing the appeal.
- [h] It is made clear that, the Court has not expressed any opinion on the claim of the appellants that the market value is fixed at ₹1,00,000/- per gunta.
- [i] All contentions are kept open.

**Sd/-**

**(ANANT RAMANATH HEGDE)**  
**JUDGE**

SA  
List No.: 1 Sl No.: 2