



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCELLANEOUS FIRST APPEAL NO. 3080 OF 2015 (LAC)

BETWEEN:

1. RADHAMMA
W/O MAGANNA GOWDA
AGED ABOUT 55 YEARS
2. SAROJA
W/O CHINNIGIRI GOWDA
AGED ABOUT 50 YEARS
3. HONNE GOWDA
S/O LATE BASAVE GOWDA
AGED ABOUT 45 YEARS
4. SOME GOWDA
S/O LATE BASAVE GOWDA
AGED ABOUT 42 YEARS
5. LAKSHMANNA
S/O LATE BASAVE GOWDA
AGED ABOUT 40 YEARS
ALL ARE R/AT ECHALAHALLI VILLAGE
KANDLI POST, KASABA HOBLI
HASSAN TALUK.

...APPELLANTS

(BY SRI. NARENDRA GOWDA.,ADVOCATE)



AND:

1. STATE OF KARNATAKA
SPECIAL LAND ACQUISITION OFFICER
HASSAN

2. MANAGING DIRECTOR
CAUVERY NEERAVARI NIGAM,
SURFACE WATER DATA CENTER BUILDING
ANANDRAO CIRCLE, BENGALURU

...RESPONDENTS

(BY SRI.B.J.ESHWARAPPA., AGA FOR R1)

(BY SRI.B.R.PRASHANTH., ADVOCATE FOR R2 (VK NOT FILED))

THIS MFA IS FILED U/S.54(1) OF THE LAND ACQUISITION ACT, AGAINST THE JUDGMENT AND ORDER DATED 23.03.2013 PASSED ON LAC NO.59/2011 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, HASSAN, ALLOWING THE REFERENCE PETITION FOR CLAIMING PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR



ORAL JUDGMENT

The appellants, who are the claimants in this appeal, are questioning the judgment and award passed by the learned Principal Senior Civil Judge, Hassan, in LAC.No.59/2011 for awarding meager compensation.

2. It is the case of the appellants that land bearing survey No.74/2 measuring 13 guntas situated at Echalahally village, Hassan Taluk and District, belonged to the appellants, and other lands were acquired by the respondents for the purpose of the Yagachi Reservoir Project vide notification dated 30.03.2006. In pursuance there to, an award was passed on 31.01.2009 granting compensation at Rs.63,800/- per acre with respect to the lands acquired under the said notification.

3. Aggrieved by the amount of compensation, appellants had sought for reference of the said award before the Civil Court by filing an application under Section 18(1) of the Land Acquisition Act, seeking



re-determination of the compensation, on the ground that the market value of the said lands was more than Rs.40 lakhs per acre. The said aspect was defended and contested by the respondent-state. However, it is seen that the beneficiary - respondent No.2 herein was not made a party before the reference Court and an award was passed.

4. It is the contention of learned counsel for the appellants that the judgment and award passed by the reference Court is illegal, arbitrary and liable to be modified by enhancing the compensation suitably. Several other contentions are taken to the effect that the question of the distance between the main road has not been considered while granting the compensation. Several other factors have been ignored, and meager compensation amount is awarded. It is also contended that the market value is about Rs.40,00,000/- per acre, which has not been considered. Learned counsel for the appellants contends that, hence, the appeal requires to be allowed.



5. In the meanwhile, learned counsel for the appellants also submits that before the reference Court, the respondent No.2 - Cauvery Neeravari Nigam, was not arrayed a party, who is made a party before this Court for the first time who is the beneficiary of the project. Therefore, without making the respondent No.2 as a party in the reference Court, the present appeal is filed, though the respondent No.2 has been made a party herein. However, learned counsel for the appellants seeks the matter to be allowed.

6. Per contra, learned Additional Government Advocate and learned counsel for the respondent No.2 contend that the matter would have to be sent back for providing an opportunity to the parties to adduce evidence and place materials with regard to similar notification and the land in question and the potentiality of the land.

7. Learned counsel for the respondent No.2 further contends that the appeal cannot be allowed per se; it would have to be sent back to decide the matter afresh, as



the beneficiary was not a party before the reference Court. Therefore, he seeks that the matter be remanded for reconsideration once again by providing an opportunity to the respondent No.2 i.e. Cauvery Neeravari Nigam. Similar is the argument put forth by the learned Additional Government Advocate.

8. Learned counsel for the appellants relies upon a judgment of this Court in MFA.No.7278/2015 (LAC). A similar situation had arisen wherein the beneficiary was not made a party and an appeal was preferred. The Division Bench of this Court in MFA.No.7278/2015 (LAC) vide order dated 27.10.2025 at paragraph No.9(b) has passed the following order.

9. b) The learned counsel for the appellant seeks for enhancement of the market value by re-appreciating the evidence on record by contending that the similarly placed land losers have received higher compensation. However, no judgment in support of his contention is produced. The learned counsel for the respondent No.2 fairly conceded that the impugned judgment and award of the Reference Court is without arraying the respondent No.2 in the appeal as a party to the proceedings who is the beneficiary of the acquisition. The learned counsel for the respondent No.2 also seeks to remand the



matter to the Reference Court by permitting them to adduce evidence. Considering the rival submissions and taking note of the fact that the beneficiary of the acquisition i.e. Cauvery Neeravari Nigam was not a party before the Reference Court who is required to satisfy the award, we are of the view that the matter requires remand to the Reference Court with a direction to provide sufficient opportunity to the parties to adduce the evidence.

9. The facts are similar herein as well, as the respondent No.2 - the beneficiary, has not been made a party before the reference Court, the matter requires interference. Under the circumstances, it would be in the interest of all parties that the matter be remanded by providing an opportunity to the respondent No.2 to contest the matter, and the reference Court shall pass an order on merits by providing suitable opportunity.

Accordingly, I pass the following order.

ORDER

- 1) The appeal is ***allowed- in-part.***
- 2) Impugned judgment and award dated 23.03.2013 in LAC No.59/2011 passed by



the Principal Senior Civil Judge, Hassan, is hereby set aside.

- 3) Matter is remitted back to the reference Court for adjudication of the reference petition afresh in accordance with law on merits.
- 4) The reference Court shall provide suitable opportunity to the appellants as well as the respondents herein.
- 5) It is made clear that this Court has not expressed any opinion on the merits of the matter.
- 6) The parties shall appear before the reference Court on **20.07.2026**.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

RCK
List No.: 1 Sl No.: 25