



CNR: KAHC010367282021

NC: 2026:KHC:39866
WP No. 18839 of 2021

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

WRIT PETITION NO. 18839 OF 2021 (GM-CPC)

BETWEEN:

SMT. VENKATALAKSHMAMMA
W/O LATE K.A. NARASIAH
AGED ABOUT 65 YEARS
R/A BODALINGANAPALYA KASABA HOBLI
KUNIGAL TALUK, TUMKUR DISTRICT-572130.

...PETITIONER

(BY SMT. JAHNAVI M., ADVOCATE FOR
SRI CHANDRAKANTH R. GOULAY., ADVOCATE)

AND:

1. SPECIAL LAND ACQUISITION OFFICER
OFFICE AND COMPETENT AUTHORITY
HASSAN BENGALURU
NEW RAILWAY LINE
TUMKUR-572101.

2. EXECUTIVE ENGINEER
SOUTH WESTERN RAILWAY
WEST CANTONMENT
BENGALURU-560001.

3. SRI K.N. BHASKAR
S/O NARASIMHAIAH K.P.
AGED ABOUT 30 YEARS
R/A BORALINGANAPALYA VILLAGE
KASABA HOBLI, KUNIGAL TALUK
TUMKUR DISTRICT-572130
(NOW AT NO.11, 4TH CROSS
SIDDAPPA LAYOUT)

Digitally signed
by RUPA V

Location: HIGH
COURT OF
KARNATAKA



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KONANAKUNTE CROSS
DODDAKALLASANDRA
BENGALURU-560062.

...RESPONDENTS

(BY SMT. K.P. YASHODHA, AGA FOR R1;
SRI G.S. MANJUNATH, ADVOCATE FOR R3;
V/O DATED 13.07.2023
SRI H. SHANTHIBHUSHAN, DSGI FOR R2)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO SET ASIDE THE ORDER OF THE TRIAL COURT DATED 11.08.2021 PASSED ON IA FILED BY THE R3 U/S 151 OF CODE OF CIVIL PROCEDURE IN LAC. NO.219/2011 VIDE ANNEXURE-G AND CONSEQUENTLY REJECT THE APPLICATION FOR IMPEADING AS WELL AS DIRECTION AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL ORDER

This petition is filed challenging the order dated 11.08.2021 passed on an application filed by respondent No.3 in LAC.No.219/2011 by the Senior Civil Judge and JMFC, Kunigal (for short 'the reference Court').

2. Heard Smt.Jahnavi M., learned counsel appearing for Sri.Chandrakanth R. Goulay, learned counsel for the petitioner, Smt.K.P.Yashodha, learned AGA for



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respondent No.1, Sri.H.Shanthibhushan, learned DSGI for respondent No.2, Sri.G.S.Manjunath, learned counsel for respondent No.3, and meticulously perused the material available on record.

3. The petitioner in the present petition assails the order passed by the reference Court, wherein the reference Court had allowed the applications filed by respondent No.3 in LAC.No.219/2011, by permitting respondent No.3 to come on record and directing the petitioner to deposit the compensation amount already withdrawn by her. It is to be noticed that the petitioner – Smt.Venkatalakshmamma, had sought a reference under Section 18(1) of the Land Acquisition Act, 1894 (for short 'the Act') seeking for higher compensation on the ground that the award passed by respondent No.1, the Special Land Acquisition Officer was inadequate. The petitioner/claimant had examined herself as PW1 and got marked Ex.P1 to Ex.P24. The respondents adduced oral



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evidence as RW1. Upon consideration of the material on record, the reference Court re-determined the compensation amount at Rs.22,500/- per gunta with statutory benefits. It is further to be noticed that the parties to the said proceedings were the petitioner/claimant and the respondents were the Special Land Acquisition Officer and Competent Authority, Hassan-Bengaluru New Railway Line, Tumakuru and the Executive Engineer, South Western Railway, (West) Cantonment, Bengaluru, being the beneficiary of the acquisition.

4. The reference Court allowed the reference vide judgment and award dated 31.03.2018, enhancing the compensation to Rs.22,500/- per gunta with the statutory benefits as per law. The records indicate that after award being drawn by the office, the claimant withdrew the compensation amount. More than one year thereafter, respondent No.3, claiming to be the son of late Sri.Narashimaiah K.P., filed an application under Order I



Rule 10 of the Code of Civil Procedure, 1908 (for short 'CPC') seeking impleadment in LAC.No.219/2011, also filed an applications seeking a direction to the petitioner/claimant to re-deposit the compensation amount of Rs.10,86,372/- withdrawn by her. The reference Court, under the impugned orders allowed the impleadment as well as directed the petitioner/claimant to re-deposit the compensation amount of Rs.10,86,372/-, which is assailed in this petition.

5. At the outset, it is required to be noticed that once the reference petition is disposed of by the reference Court by enhancing the compensation, the said Court would become *functus officio*. Consequently, entertaining any application for impleadment and further directing the petitioner to re-deposit the compensation amount by accepting the contention of respondent No.3 is illegal, perverse and without any jurisdiction.



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6. The case of respondent No.3 is that he is the son of late Sri.Narashimaiah, born to the second wife and that late Sri.Narasimaya had executed a Will dated 31.01.2001. Be that as it may, the right to seek compensation and the correctness of the Will is required to be gone into by the appropriate forum. Until that is done, respondent No.3 has no right whatsoever to seek impleadment and further direction to re-deposit the compensation amount already withdrawn by the petitioner.

7. It is further required to be noticed that the award that came to be passed by the Special Land Acquisition Officer is in the name of the petitioner. Thereafter, the petitioner sought reference under Section 18(1) of the Act seeking higher compensation, which came to be allowed. After a period of one year from allowing the reference, the reference Court entertained the application filed by respondent No.3 for impleadment and further



directed the claimant to re-deposit the compensation amount without there being any adjudication, as to whether respondent No.3 has any right over the land. The reference Court, without considering the fact that once the reference petition is answered, the reference Court becomes *functus officio*, allowed the application, which is a perverse and without jurisdiction that calls for interference.

8. The contention of the learned counsel for respondent No.3 is that the petitioner/claimant had played fraud and wrongfully received the compensation cannot be gone into after the closure of the reference proceedings, before the reference Court under Section 18(1) of the Act. It is open to respondent No.3 to work out his remedies in accordance with law. With the aforesaid observations, I proceed to pass the following:

ORDER

- i. The writ petition is ***allowed***.



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- ii. The impugned order dated 11.08.2021 passed on an application filed by the respondent No.3 in LAC.No.219/2011 by the Senior Civil Judge and JMFC, Kunigal is hereby set aside.

No order as to costs.

**Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE**

ABK
List No.: 1 Sl No.: 30