



CNR: KAHC010378652019

NC: 2026:KHC:49216
WP No. 22600 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 22600 OF 2019 (GM-RES)

BETWEEN:

T. MAHANTESH
S/O G. TARANATHA
AGED ABOUT 46 YEARS
R/O GIDDOBANAHALLI VILLAGE
IMANGALA HOBLI - 577 501
CHITRADURGA-TQ & DIST.

...PETITIONER

(BY SRI. S.B. HALLI, ADVOCATE)

AND:

1. ASSISTANT COMMISSIONER
(LAND ACQUISITION)
AND COMPETENT AUTHORITY,
GAIL INDIA LIMITED, DABOOL-BENGLAURU,
NATURAL GAS SUPPLY PIPELINE SCHEME,
332/1, THIMMAIAH ROAD, VASANTH NAGAR,
BENGALURU - 560 052.
2. SENIOR MANAGER
GAIL INDIA LIMITED,
NEAR HOTEL NAVEEN RESIDENCY,
N.H-4, ROAD, CHITRADURGA - 577 501.

...RESPONDENTS

(BY SRI. MANJUNATH RAYAPPA, AGA FOR R1;
SRI. N.J. KUMAR, ADVOCATE FOR R2)

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by
ANNAPURNA
G
Location: High
Court of
Karnataka



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THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED ORDER PASSED BY THE LEARNED IST ADDITIONAL DISTRICT AND SESSIONS JUDGE CHITRADURGA IN CIVIL MISC NO.502/2016 DATED 9.4.2018 VIDE ANENXURE-F 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 SACHIN SHANKAR MAGADUM

ORAL ORDER

Petitioner is before this Court calling in question the order passed by the learned I Additional District and Sessions Judge, Chitradurga, in C.Misc.No.502/2016, whereby the application filed by the petitioner under Section 10(2) of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as 'the Act, 1962'), seeking enhancement of compensation, has been rejected.

2. The grievance of the petitioner is essentially against the quantum of compensation determined by the competent authority under Section 10(1) of the Act, 1962. The petitioner claims that the compensation determined towards the use of



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the agricultural land for laying the pipeline, as also towards the standing fruit-bearing trees, is grossly inadequate and has been determined without properly taking into consideration the market value of the land.

3. Learned counsel appearing for the petitioner would contend that the competent authority has failed to adopt the method contemplated under the Act, 1962, while determining the compensation. It is his submission that the market value of the land over which the pipeline has been laid has not been properly assessed and that the learned District Judge, while exercising jurisdiction under Section 10(2) of the Act, 1962, has failed to appreciate the specific grounds urged by the petitioner seeking enhancement. According to learned counsel, the material on record would justify further enhancement and, therefore, the impugned order warrants interference.

4. Learned standing counsel appearing for respondent No.2, however, would support the impugned order. Referring to the written submissions filed before the learned District Judge, particularly paragraph 12 thereof, he would contend that the competent authority has adopted the prescribed method for



determination of compensation. It is submitted that the market value of the land was taken at Rs.3,00,000/- per acre and 10% thereof was taken towards compensation for the right of user, which works out to Rs.30,000/- per acre. On conversion into the relevant unit, the compensation was determined at Rs.750/- per gunta. To the said amount, 10% towards *ex gratia* and 20% towards solatium were added, resulting in determination of compensation at Rs.95,550/- towards the land utilised for laying the pipeline.

5. It is further submitted that compensation towards the standing horticultural trees was separately assessed after taking into consideration the number of trees and their assessed value, with the prescribed multiplier being applied. According to the learned standing counsel, the competent authority has thus followed the statutory methodology and there is no material warranting interference with the determination either by the learned District Judge or by this Court.

6. Having heard the learned counsel for the parties and having perused the records, the short question that arises for



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consideration is whether the petitioner has made out any ground warranting interference with the determination of compensation made by the competent authority and affirmed by the learned District Judge.

7. The petitioner seeks enhancement essentially on the premise that the compensation determined is inadequate. However, such contention is not supported by any cogent or acceptable material. The petitioner has not placed before the learned District Judge any valuation report, comparable sale instances or other documentary material to establish that the market value adopted by the competent authority is erroneous or that the methodology adopted for determination of compensation is contrary to the provisions of the Act, 1962.

8. The records, on the contrary, indicate that the competent authority has taken into consideration the extent of land over which the right of user has been acquired for laying the pipeline and has determined compensation by applying the prescribed percentage to the market value adopted for the land. The compensation payable towards the standing fruit-bearing trees has also been separately considered. The learned



District Judge, on examination of the material placed before him, has found that the petitioner has failed to establish any error in the determination made by the competent authority. This finding cannot be said to be either perverse or contrary to the material on record.

9. It is significant that the jurisdiction under Section 10(2) of the Act, 1962, is invoked by a person who disputes the amount determined under Section 10(1). Therefore, the burden lies on the claimant seeking enhancement to place before the competent forum material demonstrating that the amount determined under Section 10(1) is not the compensation legally payable. A mere assertion that the compensation is inadequate, without supporting material establishing the correct market value or demonstrating an erroneous application of the statutory formula, would not justify enhancement. In the present case, the petitioner has failed to discharge that burden.

10. This Court is also unable to accept the contention that the learned District Judge has mechanically affirmed the determination of the competent authority. The order under challenge reflects due consideration of the rival contentions and



the material placed before the Court. The learned District Judge has specifically noticed the absence of supporting material to establish that the compensation determined by the competent authority was inadequate. No perversity or patent error in such appreciation is demonstrated before this Court.

11. The supervisory jurisdiction under Article 227 of the Constitution of India is not intended to provide a further avenue for re-appreciation of evidence merely because a different view on the quantum of compensation is sought to be canvassed. Interference is warranted only where the order of the Court below suffers from jurisdictional error, manifest illegality, perversity or failure to exercise jurisdiction vested in it. None of these circumstances is demonstrated in the present case.

12. More importantly, the petitioner has not been able to demonstrate, even before this Court, the precise basis on which the compensation determined by the competent authority requires enhancement. The pleadings and submissions remain substantially in the realm of assertion. In the absence of credible evidence establishing a higher market value or demonstrating an incorrect application of the statutory method,



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this Court cannot undertake an exercise of enhancing compensation on the basis of conjecture or assumption.

13. For the foregoing reasons, this Court finds no infirmity in the order passed by the learned I Additional District and Sessions Judge, Chitradurga, in C.Misc.No.502/2016. The petitioner has failed to establish that the compensation determined under Section 10(1) of the Act, 1962, is contrary to law or that the petitioner is entitled to further enhancement under Section 10(2) of the Act.

Accordingly, the writ petition is ***dismissed***.

No order as to costs.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

HDK
List No.: 1 Sl No.: 0