



CNR: KAHC010388432026

NC: 2026:KHC:46073
WP No. 17812 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 17812 OF 2026 (LA-RES)

BETWEEN:

SMT. SUKANYA
W/O B.T. GOPALAPPA
AGED ABOUT 40 YEARS
RESIDING AT VENGASANDRA VILLAGE,
SRB LAYOUT, KOLAR ROAD,
KYASAMBALLI HOBLI
KGF TALUK, KOLAR DISTRICT

...PETITIONER

(BY SRI. NOOR UL HUSSAIN, ADVOCATE)

AND:

1. DEPUTY COMMISSIONER
KOLAR DISTRICT,
KOLAR-563101
2. SPECIAL LAND ACQUISITION OFFICER AND
COMPETENT AUTHORITY BANGALORE-CHENNAI
NATIONAL HIGH WAY-EXPRESS WAY
NO. 678/3, NEERUBHAVI KEMPANNA BADAVANE,
HEBBAL, BANGALORE -560024
3. DEPUTY CHIEF MANAGER (TECHNICAL) AND
PROJECT DIRECTOR,
BANGALORE-CHENNAI EXPRESS WAY AND
PIU NO.84/11, UTTARAHALLI MAIN ROAD,
KENGARI, BANGALORE-560060

...RESPONDENTS

(BY SMT. POOJA M. KOORSE, HIGH COURT GOVERNMENT PLEADER
FOR RESPONDENT NO.1;

SRI. N. KUMAR, ADVOCATE FOR RESPONDENT NOS.2 AND 3)

Digitally
signed by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT AGAINST THE ORDER PASSED BY THE DEPUTY COMMISSIONER ARBITRATOR, KOLAR DATED 30.01.2024 VIDE ARB/BCE/KGF 355/2021-2022 KOLAR REJECTING THE APPLICATION FILED BY THE PETITIONER, WHICH IS PRODUCED AS ANNEXURE-A 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 R. NATARAJ

ORAL ORDER

The petitioner has sought for a writ in the nature of certiorari to quash an order bearing No.ಎ.ಆರ್.ಬಿ./ಬಿ.ಸಿ.ಇ/ಕೆ.ಜಿ.ಎಫ್/355/2021-22 dated 30.01.2024 passed by respondent No.1, in respect of the land bearing Sy.No.14, situate at Vengasandra Village, Kyasamballi Hobli, K.G.F. Taluk, Kolar District.

2. The petitioner claims that her husband was the owner of land in Sy.No.14 of Vengasandra Village, Kyasamballi Hobli, K.G.F. Taluk, Kolar District, a portion of which was acquired for the purpose of the Bengaluru-Chennai expressway. An award bearing No.ಎಲ್.ಎ.ಕ್ಯೂ / ಇ.ಎಕ್ಸ್.ಪಿ.ಬಿ.ಸಿ / ಎಸ್.ಆರ್ / ಬಿ.ಪಿ.ಟಿ. 30/2016-17 dated 31.01.2017 was passed, determining the compensation. In the meanwhile, husband of the petitioner



died. An award notice was issued to the petitioner on 12.07.2017. In view of the COVID-19 pandemic, the petitioner belatedly approached the respondent No.1 on 01.10.2021 requesting enhancement of the compensation. The said application was rejected in terms of the impugned order on the ground that the request was not made within three years from the date of the service of the notice of the award. Being aggrieved by the same, the petitioner is before this Court.

3. The learned counsel for the petitioner submitted that the notice of the award was served on the petitioner on 12.07.2017 and that a reference for enhanced compensation was maintainable within three years therefrom. However, by the time the outer limit prescribed expired, the country was gripped by COVID-19 pandemic and therefore, the petitioner could not file the request for enhancement within the three years time prescribed. He submits that the Hon'ble Apex Court in Miscellaneous Application No.29/2022 and Miscellaneous Application No.665/2021 in *Suo Motu Writ Petition (C) No.3/2020*, has held that wherever time is fixed and expires during the COVID-19 pandemic, the same should be excluded



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for the purpose of determining the limitation. He therefore submits that the application filed by the petitioner for enhancement was well within time and hence, the impugned order passed by the respondent No.1, is liable to be set at nought.

4. The learned High Court Government Pleader for respondent No.1 and learned counsel for respondent Nos.2 and 3 after receipt of notice submitted that the issue is squarely covered by various judgments of this Court.

5. In view of the above, the contention of the learned counsel for the petitioner that the application could not be filed within the time prescribed due to Covid-19 merits acceptance as the Hon'ble Apex Court in *Suo Motu* Writ Petition(C) No.3/2020 had extended the period of limitation due to COVID-19. Consequently, the following order is passed:

ORDER

i. The petition is ***allowed***;

ii. The impugned order bearing
No.ಎ.ಆರ್.ಬಿ./ಬಿ.ಸಿ.ಇ/ಕೆ.ಜಿ.ಎಫ್/355/2021-22 dated



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30.01.2024 passed by the respondent No.1 is quashed.

iii. The respondent No.1 is directed to refer the request of the petitioner for enhancement of compensation as prescribed under Section 3G(5) of the National Highways Act, 1956.

iv. This shall be done within a period of three months from the date of receipt of certified copy of this Order.

Learned High Court Government Pleader for respondent No.1 and Sri. N. Kumar, learned counsel for respondent Nos.2 and 3 are permitted to file memo of appearance within ten days.

**Sd/-
(R. NATARAJ)
JUDGE**

PMR
List No.: 1 Sl No.: 87