



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO. 105 OF 2023 (LA)

BETWEEN:

SRI MOHAMMED RAFI
SINCE DEAD BY HIS LRs

1. SMT. APSHNA BEGUM,
S/O LATE MOHAMMED RAFI,
AGED ABOUT 52 YEARS,
2. SRI YASAR ARAFAT
S/O LATE MOHAMMED RAFI
AGED ABOUT 25 YEARS
3. SMT. ASMA BANU
D/O LATE MOHAMMED RAFI
AGED ABOUT 22 YEARS
4. KUM. ALMAS
D/O LATE MOHAMMED RAFI
AGED ABOUT 18 YEARS

ALL ARE R/AT MANIKSAB PALYA
KASABA HOBLI, GUBBI TALUK
TUMAKURU DIST - 572 216.

...APPELLANTS

(BY SRI MOHAN KUMAR T., ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
HEMAVATHI CANAL ZONE
TUMAKURU - 572 101.

Digitally signed
by ANUSHA V
Location: High
Court of
Karnataka



**NC: 2026:KHC:20670
MSA No. 105 of 2023**

2. THE CHIEF ENGINEER,
HEMAVATHI CANAL ZONE,
TUMAKURU - 572 010.

...RESPONDENT

[BY SMT. RANSA VASANTHI, HCGP FOR R1;
SRI B.R. PRASHANTH, ADV. FOR R2 (V/O/D 16.04.2026)]

THIS MSA IS FILED UNDER SECTION 54(2) OF LAND ACQUISITION ACT, AGAINST THE JUDGMENT AND AWARD DATED 04.02.2016 PASSED IN RA No.47/2015 ON THE FILE OF THE II ADDITIONAL DISTRICT JUDGE, TUMAKURU, PARTLY ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND AWARD DATED 08.02.2012 PASSED IN LAC No. 186/2006 ON THE FILE OF THE SENIOR CIVIL JUDGE, GUBBI, ALLOWING THE REFERENCE PETITION UNDER SECTION 18(1) OF LAND ACQUISITION ACT.

THIS APPEAL IS COMING ON FOR HEARING ON I.A., THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

This appeal is filed against the judgment and decree dated 04.02.2016 in R.A.No.47/2015 on the file of II Additional District Judge, Tumakuru, as well as judgment and award dated 08.02.2012 in LAC No.186/2006 on the file of Senior Civil Judge, Gubbi. This appeal is by the land loser.

2. It is submitted that the appellant's land bearing Sy.No.201/3 measuring 27 guntas in Kodagihalli, Kasaba Hobli,



Gubbi Taluk, Tumakuru District was acquired pursuant to preliminary Notification dated 21.11.2001. The land loser was not satisfied with the compensation awarded by the Land Acquisition Officer and as such, sought reference.

3. The Reference Court allowed the claim in part and awarded compensation of Rs.54,000/- for 27 guntas and also awarded compensation of Rs.8,320/- for 2 Coconut trees; Rs.52,910/- for 11 Mango trees and Rs.74,690/- for 70 Arecanut trees. The consequential statutory benefit is also granted.

4. The land loser again filed appeal before the Appellate Court. The Appellate Court allowed the appeal in part and confirmed the award except in respect of Mango trees and in respect of Mango trees, the compensation is enhanced to Rs.18,000/- for each tree. The appellant is before this Court seeking enhancement in respect of the entire claimant before the Reference Court.

5. It is to be noticed that the beneficiary was not made a party either before the Reference Court or the First Appellate Court. The beneficiary is made a party for the first



time before this Court. The compensation is required to be paid by the beneficiary and the beneficiary is not given any opportunity to contest the matter.

6. Under the circumstances, the Court is of the view that the impugned judgment and decree as well as the judgment and award are to be set aside and the matter has to be remitted to the Reference Court for fresh consideration.

7. Hence, the following:

ORDER

- (i) Appeal is ***allowed in part***;
- (ii) Impugned judgment and decree dated 04.02.2016 in R.A.No.47/2015 on the file of II Additional District Judge, Tumakuru, as well as judgment and award dated 08.02.2012 in LAC No.186/2006 on the file of Senior Civil Judge, Gubbi, are set-aside;
- (iii) The matter is remitted to the Reference Court for fresh consideration, wherein the beneficiary shall be added as a party to the said proceedings and be given opportunity to contest the matter;



- (iv) The parties shall appear before the Reference Court on **06.08.2022**;
- (v) Both parties are permitted to lead evidence in respect of their respective claims. Thereafter, the Reference Court shall pass appropriate award without being influenced by earlier award;
- (vi) It is made clear that this Court has not expressed any opinion on merits of the matter. All contentions are kept open;
- (vii) However, it is observed that in case, the compensation determined is higher than what is awarded by the Reference Court, the appellant is not entitled to the interest for 1968 days delay in filing the appeal; and
- (viii) Registry shall refund the court fee to the appellant.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**