



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE R. NATARAJ

WRIT PETITION NO. 23164 OF 2025 (LA-RES)

BETWEEN:

1. GOPAL NAIDU
S/O LATE VENKATARAMANA NAIDU
AGED ABOUT 65 YEARS
R/AT SRINIVASA NAGARA
1ST MAIN ROAD, HANUR POST
HANUR, KOLLEGALA TALUK
CHAMARAJANAGAR DISTRICT-571 439.
2. RAJU NAIDU
S/O LATE KRISHNA
AGED ABOUT 73 YEARS
R/AT HULIPURA VILLAGE
KOLLEGALA TALUK
CHAMARAJANAGARA DISTRICT-571 439.

...PETITIONERS

(BY SRI. T.A. KARUMBIAH, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE
M.S. BUILDING
DR. AMBEDKAR VEEDHI
BANGALORE-560 001
REP. BY ITS SECRETARY.
2. THE DEPUTY COMMISSIONER
CHAMARAJANAGARA DISTRICT
CHAMARAJANAGARA-570 005.
3. THE ASSISTANT COMMISSIONER
AND SPECIAL LAND ACQUISITION
OFFICER, KOLLEGALA TALUK
KOLLEGALA-571 440.

Digitally signed
by
HEMALATHA J
Location:
HIGH COURT
OF
KARNATAKA



4. THE RAJIV GANDHI HOUSING BOARD LIMITED
KAVERI BHAVANA, 9TH FLOOR
E AND F BLOCK, K.G.ROAD
BANGALORE-560 009
BY ITS DIRECTOR
REGISTERED UNDER CO-OP SOCIETIES ACT, 1956.
...RESPONDENTS
(BY SMT. POOJA M KOORSE, HCGP FOR R1 TO R3;
SMT. SUMANA BALIGA, ADVOCATE FOR R4)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI TO QUASH ANNEXURE-N THE ENDORSEMENT DATED 29.05.2025 ISSUED BY THE 3RD RESPONDENT BEARING NO.CHAAC-REV/LAQ/6/2025-REV SEC-ASSISTANT COMMISSIONER KOLLEGALA AND CHAAC-REV/LAQ/7/2025-REV SEC-ASSISTANT COMMISSIONER, KOLLEGALA AND ETC.

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

CORAM: HON'BLE MR. JUSTICE R. NATARAJ

ORAL ORDER

The petitioners have sought for a writ in the nature of certiorari to quash an endorsement bearing No.CHAAC-REV/LAQ/6/2025-REV SEC-ASSISTANT COMMISSIONER KOLLEGALA and REV/LAQ/7/2025-REV SEC-ASSISTANT COMMISSIONER KOLLEGALA dated 29.05.2025 issued by the respondent No.3. The petitioners have sought for a writ in the nature of mandamus to direct the respondent No.3 to comply



the order dated 22.11.2024 passed by this Court in W.P.No.21031/2023 and to pay the re-determined compensation along with all statutory benefits.

2. (i) The petitioners contend that the petitioner No.1 was the owner of land measuring 2 acres 11 guntas in Sy.Nos.220/1 and 2.24 acres in Sy.No.223/1, while the petitioner No.2 was the owner of Sy.No.206/A, measuring 1.24 acres, both situate in Hanur Village, Hanur Taluk, Chamarajanagar District. The respondent No.1 acquired the land for formation of Rajiv Gandhi Housing Scheme and the respondent No.3 passed an award. The petitioners feeling aggrieved by the quantum of compensation determined sought enhancement in terms of a representation dated 29.05.1981.

(ii) In the meanwhile, the land in Sy.No.208/A of Hanur Village belonging to petitioner No.2 was also acquired and he sought reference under Section 18 of the Land Acquisition Act, 1894 (henceforth referred to as 'the Act, 1894') which was referred to the Civil Court and numbered as LAC No.454/2006. The reference Court passed a judgment and award dated 06.03.2010, enhancing the compensation to Rs.1,10,420/- per



acre. An appeal was preferred by the land acquisition officer in LAC Appeal No.84/2011, which was dismissed in terms of the judgment dated 02.07.2014.

(iii) The petitioners thus made an application under Section 28A of the Act, 1894 for enhancement of compensation in terms of the order dated 06.03.2010 in LAC No.454/2006. Since the same was rejected by the respondent No.3 on the ground of delay, petitioners challenged it before this Court in W.P.No.14588/2021. The Writ Petition was disposed of directing the respondent No.3 to reconsider the same after holding an enquiry under Section 28A of the Act, 1894. The respondent No.3 thereafter forwarded a letter to the respondent No.2 stating that the petitioner No.1 is entitled for enhanced compensation of Rs.48,69,706/- while petitioner No.2 is entitled to Rs.12,60,016/-.

(iv) Later, the respondent No.2 addressed a letter dated 18.01.2023 to the respondent No.4 for release of the compensation as determined by the respondent No.3. The respondent No.4 then addressed a letter dated 10.02.2023 to the respondent No.2 that it cannot release the compensation in



favour of the petitioners. The petitioners thus approached this Court in W.P.No.21031/2023 for direction of the respondents to release the compensation as awarded by the respondent No.3. The said Writ Petition was disposed of directing respondent Nos.2 and 3 to consider the request of the petitioners for re-determination of the compensation as determined by the respondent No.3.

(v) Following the above, the petitioners gave a representation dated 06.12.2024 to the respondent Nos.2 and 3 to comply the order passed in W.P.No.21031/2023. In response to the same, the respondent No.2 forwarded the representation to the respondent No.3 on 07.12.2024 for compliance. The respondent No.3 forwarded a letter stating that the State Government intends to file an appeal against the order passed in W.P.No.21031/2023. Since the respondent Nos.2 and 3 did not pass any order, the petitioners submitted a representation to respondent No.3 requesting him to make the payment. This was followed by another representation dated 26.05.2025.



(vi) In response to the above, the respondent No.3 issued an endorsement to the petitioners on 29.05.2025 stating that the enhanced compensation cannot be paid as the claim of petitioners under section 28-A was beyond the time prescribed and hence rejected the request of the petitioners. The petitioners are aggrieved by the said endorsement and are therefore before this Court.

3. Learned counsel for the petitioners submitted that the petitioners' land mentioned *supra* was acquired and another land belonging to petitioner No.2 in Sy.No.208/A was acquired for the very same purpose and compensation was re-determined at the rate of Rs.1,10,420/- per acre and an appeal filed there against by the respondent No.3 was dismissed on 02.07.2014. He therefore contends that the judgment and award passed by the reference Court stood merged in the order passed by the appellate Court and hence the petitioners were entitled to the benefit of the order passed in LAC No.454/2006. He contends that the award of the reference Court was enforceable only after the disposal of the appeal before the District Court in LAC Appeal No.84/2011 and hence, the



petitioners are entitled to enhanced compensation as determined in LAC No.454/2006 by applying Section 28A of the Act, 1894. He thus contends that the impugned endorsement issued by the respondent No.3 is violative of the right guaranteed to the petitioners under Section 28A of the Act, 1894 and hence is liable to be set aside.

4. Per contra, the learned High Court Government Pleader submitted that the petitioners were bound to seek a reference under Section 28A of the Act, 1894 within three months from the date of the order passed in LAC No.454/2006. She contends that the petitioners did not make any request within three months from the date of the judgment and award passed in LAC No.454/2006, but the request was made on 14.08.2014. She therefore contends that the request of the petitioners is barred by time and hence, the respondent No.3 was justified in issuing the impugned endorsement. She contends that the endorsement was issued after obtaining the opinion from the Law Department.



5. I have considered the submissions of the learned counsel for the petitioners and the learned High Court Government Pleader for the respondents.

6. The petitioners claim to be the owners of land bearing Sy.No.220/1, 223/1 and 206/A of Hanur Village, which were acquired by the respondent No.1 for Rajiv Gandhi Housing Scheme. Likewise, the land in Sy.No.208/A belonging to the petitioner No.2 was acquired for the said scheme. The petitioner No.2 sought reference under Section 18 of the Act, 1894, in respect of land in Sy.208/A, which was registered as LAC No.454/2006 and the reference Court, in terms of the order dated 06.03.2010 enhanced the compensation to a sum of Rs.1,10,420/- per acre. An appeal was filed by the respondent No.3 herein in LAC appeal No.84/2011, which was dismissed on 02.07.2014. The petitioners therefore sought the benefit of enhanced compensation in LAC No.454/2006 by filing a representation on 14.08.2014. As rightly contended by the learned counsel for the petitioners, the judgment and award passed by the reference Court in LAC No.454/2006 merged with the judgment dated 02.07.2014 passed by the District and



Sessions Court, Chamarajanagara, in LAC Appeal No.84/2011. The judgment and award passed by the reference Court was enforceable only with effect from 02.07.2014 and not prior thereto. In this regard it is profitable to refer to the judgment of the Hon'ble Apex Court in the case of ***Union of India and Another vs. Hansoli Devi and Others - (2002) 7 SCC 273***, held as follows:

"3. The aforesaid provision was inserted by way of an amendment by Act 68 of 1984, which came into force w.e.f. 24-9-1984. Prior to the present reference in Jose Antonio Cruz Dos R. Rodrigueses v. Land Acquisition Collector two learned Judges of this Court had referred the following two questions for being answered by a larger Bench of five Judges. The said questions being:

"1. Whether the award of the court i.e. civil court made under Section 26 on reference under Section 18 would also include judgment and decree of the appellate court under Section 54?

2. Whether each successive award or judgment and decree (if answer on Question 1 is positive) would give cause of action to file application under Section 28-A; if so construed, does not such a construction violate the language used in Section 28-A when Parliament advisedly did not use such expressions?"



HC-KAR

NC: 2026:KHC:34108
WP No. 23164 of 2025

4. *The aforesaid order of the two learned Judges indicates that they did not agree with the ratio of this Court in the case of Union of India v. Pradeep Kumari. But the said two points stood answered by the three-Judge Bench in the case of Jose Antonio Cruz Dos R. Rodrigues v. Land Acquisition Collector as already stated. The genesis of the dispute can be referred to Babua Ram v. State of U.P. In Babua Ram the provisions of Section 28-A of the Act came up for consideration and a Bench of two learned Judges came to hold that the period of three months prescribed for making an application for redetermination of compensation must be computed from the date of earliest award of the court made under Section 26 of the Land Acquisition Act and not from the date of judgment and decree of the court of appeal. It was also held that successive awards made by the reference court at different times in respect of the land covered by the same notification do not furnish a fresh cause of action. In the case of Union of India v. Karnail Singh a Bench of two learned Judges reiterated the aforesaid view expressed in Babua Ram and held that the earliest award of the reference court by which the compensation awarded by the Land Acquisition Officer stood enhanced, would be the starting point of limitation of three months, enabling the landowners whose lands had also been acquired under the same notification and who had not made any reference under Section 18 of the Act earlier. The views expressed in the aforesaid two judgments however stood overruled by a three-Judge Bench in the case of Union of India v.*



Pradeep Kumari. In Pradeep Kumari case it was held that the benefit of redetermination of the amount of compensation under Section 28-A, can be availed of, on the basis of any one of the awards that has been made by the court after coming into force of Section 28-A and the period of limitation of three months would start from the date of making of the award on the basis of which redetermination is sought. The learned Judges felt that there is nothing in sub-section (1) of Section 28-A to indicate that the right is confined in respect of the earliest award that is made by the court. The Court further held: (SCC pp. 742-43, para 10)

"By restricting the benefit of Section 28-A to the first award that is made by the court after the coming into force of Section 28-A the benefit of higher amount of compensation on the basis of the subsequent award made by the court would be denied to the persons invoking Section 28-A and the benefit of the said provision would be confined to redetermination of compensation on the basis of lesser amount of compensation awarded under the first award that is made after the coming into force of Section 28-A. There is nothing in the wordings of Section 28-A to indicate that the legislature intended to confer such a limited benefit under Section 28-A."

7. Therefore, if we consider the purport of Section 28-A of the Act, 1894, which is to grant equal compensation to all



land losers similarly placed, the petitioners are entitled to the benefit of Section 28-A of the Act, 1894. The reasoning of the respondent No.3 rejecting the request of the petitioners on the ground that they were required to seek enhancement within three months from the date of the award of the reference Court warrants interference.

8. The words *"within three months from the date of the award of the Court require that the amount of compensation payable to them"* found in Section 28-A(1) of the Act would invariably mean *"three months from the date of the award of the compensation becoming payable."*

9. In that view of the matter, the impugned endorsement issued by the respondent No.3 rejecting the request of the petitioners for the benefit of Section 28-A of the Act, 1894 is liable to be quashed.

10. In view of the above, the following order is passed:

ORDER

i. The Writ Petition is ***allowed***;



- ii. The impugned endorsement bearing No.CHAAC-REV/LAQ/6/2025-REV SEC-ASSISTANT COMMISSIONER KOLLEGALA and REV/LAQ/7/2025-REV SEC-ASSISTANT COMMISSIONER KOLLEGALA dated 29.05.2025 issued by the respondent No.3 is quashed;
- iii. The respondent No.3 is directed to pass an award under Section 28-A of the Land Acquisition Act, 1894 in respect of the land bearing Sy.No.220/1, 223/1, measuring 2 acres 11 guntas and measuring 2 acres 24 guntas respectively, situated at Hanur Village, Hanur Taluk, Chamarajanagara District in the name of the petitioner No.1 and in respect of Sy.No.206/A, of Hanur Village, Hanur Taluk, Chamarajanagara District, measuring 1 acre 24 guntas in the name of petitioner No.2 by treating the market value of the acquired lands at a sum Rs.1,10,420/- per acre;



- iv. The respondent No.3 shall also grant the statutory benefits and interest as permissible in law;
- v. This shall be complied within a period of three months from the date of receipt of a copy of this order.

Sd/-
(R. NATARAJ)
JUDGE

BKN
List No.: 1 Sl No.: 21