



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF JANUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 33046 OF 2025 (LA-RES)

BETWEEN:

1. SRI A M MAYANNA
S/O M MADIAH,
AGED ABOUT 57 YEARS,
ALSO R/AT APL STORES,
KEMPEGOWDA SCHOOL ROAD,
GANANNA BADAANE,
SANNAKI BAYALU,
VRUSHABHAVATHI NAGARA
VRUSHABHAVATHI NAGARA WARD,
BANGALORE - 560 079
2. SRI A M KUMARA
S/O M MADIAH,
AGED ABOUT 53 YEARS,
R/AT ANKANATHAPURA VILLAGE,
ATHAGUR HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428
3. SRI A M RAVI
S/O M MADIAH,
AGED ABOUT 49 YEARS
R/AT ANKANATHAPURA VILLAGE,
ATHAGURU HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428

... PETITIONERS

(BY SRI. DEVARAJ A S., ADVOCATE)



AND:

SRI MAYIGA @ KUNTEGOWDA
R/AT ANKANATHAPURA VILLAGE
ATHAGURU HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428
(THIS PERSON IS THE GRAND FATHER OF
PETITIONER HE DIED WAY BACK TO 1946, BUT
REVENUE RECORDS STANDS IN HIS NAME, AWARD
WAS PASSED IN HIS NAME EVEN THOUGH HE DEAD)

1. A M MAYANNA
S/O LATE A M MADAIAH,
AGED ABOUT 62 YEARS,
R/AT ANKANATHAPURA VILLAGE
ATHAGUR HOBLI, MADDUR TALUK
MANDYA DISTRICT - 571 428
2. ASSISTANT EXECUTIVE ENGINEER
CAUVERY NEERAVARI NIGAMA LTD.,
V.C. NALA DIVISION, MADDUR,
MANDYA DISTRICT - 571 428
3. THE SPECIAL LAND ACQUISITION OFFICER
MANDYA, MANDYA DISTRICT - 571 428
4. THE PRL. SECRETARY
REVENUE DEPARTMENT
BENGALURU - 560 001.
5. THE DEPUTY COMMISSIONER
MANDYA
MANDYA DISTRICT - 571 428

... RESPONDENTS

(BY SRI. HARISH A.S., AGA FOR R3 TO R5)



THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR ENTIRE RECORDS IN LAC NO. 38/2018 ON THE FILE OF THE II ADDL. DISTRICT AND SESSIONS JUDGE AT MANDYA AND A) ISSUE WRIT OF CERTIORARI OR ORDER OR DIRECTION IN THE FORM OF WRIT TO QUASH THE ORDER DATED 27.01.2020 PASSED BY THE II ADDL. DISTRICT AND SESSIONS JUDGE AT MANDYA IN LAC.NO.38/2020 UNDER ANNEXURE-A AND ETC.

THIS PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE S SUNIL DUTT YADAV

ORAL ORDER

Learned AGA accepts notice for respondent nos.3 to 5.

The present petition has been filed calling in question the correctness of the order passed in LAC 38/2018 by the II Additional District & Sessions Judge, Mandya.

2. Learned counsel for petitioner submits that respondent no.1 who was the claimant in the reference proceedings in LAC 38/2018 has suppressed the facts and obtained an order.

3. In LAC 38/2018, the trial court has allowed the reference petition under Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and has enhanced the market value.



4. The petitioner would submit that the claimant has misrepresented before the Reference Court and has not brought to the notice of the Reference Court the proceedings in O.S.No.3/2013 which is still pending between the petitioners and respondent no.2.

5. It is further submitted that an application under Order 6 Rule 17 was filed seeking to amend the prayer in the suit. It is submitted that the order passed is on misrepresentation and amounts to fraudulent order obtained by the private respondents by misrepresenting the facts and on the basis of suppression of material facts.

6. Learned AGA would submit that the question of fraud is a mixed question of fact and law and that it would be appropriate for the petitioner to file an appeal under Section 74 of the New Act.

7. There is a distinction between maintainability and entertainability. No doubt, the writ petition is maintainable before this court, however taking note of dense factual matrix and allegation of fraud, the appropriate remedy would be to



remit the petitioner to challenge orders passed under Section 64 by way of appeal under Section 74 of the Act.

8. No doubt, the petitioners submit that they were not parties in the reference proceedings, however Section 74 provides for any person aggrieved by the award could file an appeal.

9. Taking note that the petitioners were not aware of the proceedings, it would be appropriate that the aspect of limitation be taken note of appropriately in the event appeal is filed.

10. All contentions of the petitioners regarding fraud and criminal acts stated to have been committed by the private respondents are kept open to be agitated before the appropriate authorities. The contention of absence of knowledge of the petitioners of the proceedings in the Reference Court may be taken note of appropriately considering that petitioners were not parties in the proceedings in the Reference Court.



11. Accordingly, the petition is disposed of. All contentions are kept open. Petitioners are at liberty to take appropriate proceedings as is permissible in law for redressal of their grievance.

12. Learned counsel for petitioners submit that private respondents have filed Execution proceedings in Ex.No.52/2021 and there is an apprehension that in such proceedings the private respondents may withdraw the compensation amount.

13. It is made clear that the Executing Court is restrained from passing any orders so as to release the amount in terms of the order in LAC 38/2018 for a period of four weeks from today.

**Sd/-
(S SUNIL DUTT YADAV)
JUDGE**

NP