



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO. 291 OF 2025 (LA)

BETWEEN:

SRI BELURIAIAH
S/O BELURIAIAH
AGED ABOUT 71 YEARS
R/A IBBADI VILLAGE,
DODDAMAGGE HOBLI, ARAKALGUD TALUK.
HASSAN DIST - 562157

...APPELLANT

(BY SRI. SUBHASH.R., ADVOCATE FOR
SRI. MANOJ KUMAR. J. Y., ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
H.R.P-2, 1ST FLOOR
DEPUTY COMMISSIONER BUILDING
HASSAN- 560058
2. THE DEPUTY COMMISSIONER,
DEPUTY COMMISSIONER BUILDING
HASSAN- 560058
3. KAVERI NEERAVARI NIGAMA,
K.R.S ROAD, GOKULAM
4TH STAGE, MYSORE,
HASSAN- 570020

...RESPONDENTS



(BY SMT. RANSA VASANTHI, HCGP FOR R1 AND R2;
SRI. B.R.PRASHANTH, ADVOCATE FOR R3)

THIS MSA IS FILED UNDER SEC.54(2) OF LAND ACQUISITION ACT., AGAINST THE JUDGMENT AND DECREE DATED 20.09.2019 PASSED IN LAC(APPEAL) NO. 356/2016 ON THE FILE OF THE PRINCIPAL DISTRICT JUDGE AT HASSAN, DISMISSING THE APPEAL AND CONFIRMING THE JUDGMENT AND DECREE DATED 13.03.2006 PASSED IN LAC.1/2006 ON THE FILE OF THE CIVIL JUDGE (SR. DN) HOLENARASIPURA, PARTLY ALLOWING THE PETITION FILED UNDER 18 OF LAND ACQUISITION ACT.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

There is delay of 1,476 days in filing the appeal and I.A.No.1/2025 is filed to condone the delay.

2. Heard the learned counsel for the appellant as well as the learned counsel for respondents.

3. Learned counsel for the appellant submits, that the appellant could not file appeal in time, as he was aged about 71



years and due to his advanced age and poor health, he was facing considerable difficulty in frequently meeting his advocate and in giving timely instructions. Consequent upon acquisition of land, he was deprived of his sole source of livelihood and was unable to promptly arrange the necessary court fee. It is further submitted that he is an illiterate agriculturist and having no knowledge or understanding of legal procedures involved in preferring an appeal. In case, the delay is not condoned, the right of appeal will be curtailed and he will have to be content with the meager compensation awarded by the Appellate Court as well as the Reference Court.

4. It is also submitted that the issue raised in the present appeal is covered in terms of the judgment of the Co-ordinate Bench in ***Gowramma Vs. Special Land Acquisition Officer and Another¹*** and the Court has remanded the matter to implead the beneficiary.

5. Learned counsel for the respondents would oppose the application on the premise that, delay is not satisfactorily

¹ ***MSA.No.124/2025***



explained and sufficient reasons are not shown for condoning the delay.

6. The Court has considered the contentions raised at the Bar and perused the records.

7. It is relevant to notice that beneficiary of the land acquisition proceedings was not made a party before the Reference Court. The acquisition is of the year 1984. The reference is filed in the year 2006.

8. Whether the reference is in time or not is one of the question that is required to be considered by hearing the beneficiary as well. That question was not decided after hearing the beneficiary. This being the position, the Court is of the view that, the delay has to be condoned and the matter has to be remitted back to the Reference Court.

9. For reasons stated above, I.A.No.1/2025 is ***allowed***. Delay of 1,476 days in filing the appeal is condoned. However, it is made clear that the appellant is not entitled to interest on the market value or compensation in case it is enhanced by the Reference Court for the delayed period.



10. It is noticed from the judgment and decree passed by the Appellate Court as well as the judgment and award passed by the Reference Court, the beneficiary was not made as a party to the proceedings. The compensation was determined without hearing the beneficiary and the beneficiary is now required to pay the compensation.

11. Under these circumstances, the impugned judgment and decree passed in LAC.No.1/2006 dated 13.03.2006 by the Civil Judge (Sr.Dn), Holenarasipura as well as impugned judgment and award passed in LAC(Appeal) No.356/2016 dated 20.09.2019 by the Principal District Judge, Hassan ***are set aside.***

12. The matter is remitted to the Reference Court to hear the case afresh and the Reference Court shall consider all questions including the question relating to the limitation insofar as the reference sought by the land loser.

13. The beneficiary shall be made as a party to the proceedings before the Reference Court and the Reference Court shall record fresh evidence and thereafter, pass appropriate orders.



14. It is made clear that this Court has not expressed anything on the merits of the matter.

15. In case, the compensation is determined and market value is enhanced, the land loser/appellant is not entitled to the interest on the delayed period.

16. The appellant is also entitled to refund of the court fee.

17. The parties shall appear before the Reference Court on **11.06.2026** with any further notice.

The appeal is accordingly ***allowed-in- part.***

Sd/-
(ANANT RAMANATH HEGDE)
JUDGE

RJ
List No.: 1 Sl No.: 7