



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF AUGUST, 2024

BEFORE

THE HON'BLE MR JUSTICE M.I.ARUN

WRIT PETITION NO. 7143 OF 2024 (LA-RES)

BETWEEN:

SOUTH WESTERN RAILWAY,
NO. 18, MILLERS ROAD,
BANGALORE CANTONMENT - 560 046.
REPRESENTED BY
THE DEPUTY CHIEF ENGINEER,
CONSTRUCTION - IV.

...PETITIONER

(BY SRI. NARASIMHAN.S, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
HASSAN RAILWAY PROJECT,
HASSAN - 573 201.
2. KESHAVA,
S/O.THIMMEGOWDA,
AGED ABOUT 65 YEARS,
RESIDING AT GAVENAHALLY VILLAGE,
KASABA HOBLI, HASSAN TALUK - 573201.

...RESPONDENTS

(BY SRI. RAJAKUMAR, AGA FOR R1,
MISS. PAVANA B.K, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO-SET ASIDE THE
IMPUGNED ORDER DATED 19.09.2014 PASSED BY THE



LEARNED ADDL. SENIOR CIVIL JUDGE, HASSAN IN LAC NO. 12/2011 AT 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 M.I.ARUN

ORAL ORDER

1. Aggrieved by the order dated 19.09.2024 passed in LAC.No.12/2011, by the Additional Senior Civil Judge, Hassan, the beneficiary-South Western Railway has filed this writ petition.

2. The case of the petitioner is that the land, which was the subject matter of LAC.No.12/2011, was acquired for the purpose of the petitioner herein. Proceedings in LAC.No.12/2011 was initiated for the purpose of enhancement of compensation, but the petitioner who has not been made a party to the proceedings and the same is violative under Section 20 of the Land Acquisition Act, 1984 (Karnataka Amendment).



3. The respondents are not in a position to contravene the submission made by the petitioner.

4. As per Section 20 of the Land Acquisition Act, 1984 (Karnataka Amendment), the notice is required to be served on the person if the acquisition is not made for the government and for a separate authority. In the instant case, the lands have been acquired for the purposes of South Western Railway and notice of proceedings in LAC.No.12/2011 had to be served on the petitioner. In case of not doing so, the proceedings are liable to be set aside. Hence, the following:

ORDER

- i. The impugned order dated 19.09.2014 passed in LAC.No.12/2011, by the Additional Senior Civil Judge, Hassan, is hereby set aside;
- ii. The matter is remitted back to the Additional Senior Civil Judge, Hassan, for fresh consideration.
- iii. The parties shall appear before the Additional Senior Civil Judge, Hassan Court on **30.09.2024**, without further notice.



- iv. Accordingly, the Writ Petition is hereby
disposed of.
- v. Pending Interlocutory Applications, if any,
stand disposed of.

Sd/-
(M.I.ARUN)
JUDGE

PK
List No.: 1 Sl No.: 41