HC-KAR

NC: 2026:KHC:54712
WP No. 27196 of 2019

CNR: KAHC010181002019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 27196 OF 2019 (GM-CPC)

BETWEEN:

1. SRI. K. R. KRISHNAPPA
S/O LATE RANGAPPA,
AGED ABOUT 55 YEARS,
BANASHANKARI LAYOUT
TUMKUR - 572 106.

...PETITIONER

(BY SRI. ANANDEESWARA .D.R, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
K.I.A.D.B. DIVISIONAL OFFICE,
KHANIJA BHAVAN, RACE COURSE ROAD,
BANGALORE - 560 009.

2. SRI. SIDDARAMAIAH
S/O GURUSIDDEGOWDA,
AGED ABOUT 41 YEARS

3. SMT. SHIVAMMA
W/O SRI. LATE BASAVARAJU,
AGED ABOUT 79 YEARS,

4. SRI. SHIVARAJ
S/O SRI. LATE BASAVARAJU,
AGED ABOUT 60 YEARS,

5. SMT. SIDDALINGAPPA
S/O SRI. LATE BASAVARAJU,

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AGED ABOUT 57 YEARS,

6. SRI. PARAMESHWARA
S/O SRI. LATE BASAVARAJU,
AGED ABOUT 54 YEARS,

7. SRI. PARASHIVA MURTHY
S/O SRI. LATE BASAVARAJU,
SINCE DEAD BY LRS

7(A) SMT. ANITHA
W/O LATE PARASHIVAMURTHY
AGED ABOUT 55 YEARS

7(B) RAKSHITHA
D/O LATE PARASHIVAMURTHY
AGED ABOUT 32 YEARS

7(C) CHETHAN
S/O LATE PARASHIVAMURTHY
AGED ABOUT 30 YEARS

R7(A) TO (C) ARE R/AT CHANDRAMOULESHWARA
BADAVANE, 3RD CROSS, KYATHASANDRA
TUMKUR-572 104.

8. SRI. PRAMOD S
S/O SHIVARAH .B
AGED ABOUT 26 YEARS

9. SRI. PRAJWAL S
S/O SHIVARAJ,
AGED ABOUT 24 YEARS,

10. SMT. YELLAMMA
W/O SRI LATE SIDDAPPA,
AGED ABOUT 51 YEARS,

11. SRI. KUMAR
S/O LATE SIDDAPPA,

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SINCE DEAD BY LRS

11(A) SMT. NAGARATHNAMMA
W/O LATE KUMAR
AGED ABOUT 40 YEARS

11(B) CHETHAN
S/O LATE KUMAR
AGED ABOUT 23 YEARS

11(C) SIDDARAJU
S/O LATE KUMAR
AGED ABOUT 21 YEARS

R11(A) TO (C) ARE ALL R/AT
MAHALAKSHMI LAYOUT, 80 FEET ROAD
BATAWADI, TUMKUR-572 103.

12. SRI. PRAKASH
S/O LATE SIDDAPPA,
DEAD

13. SRI. GANGAPPA
S/O LATE BADRAIAH,
DEAD

14. SMT. LALITHAMMA
W/O GANGAPPA,
DEAD

15. SRI. SHIVARAJ
S/O GANGAPPA,
AGED ABOUT 40 YEARS,

16. SRI. NAGARAJU
S/O LATE BHADRAIAH,

16(A) BASAVARAJU
S/O LATE NAGARAJU
AGED ABOUT MALUR

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R/AT PRAVEEN PUNCTURE SHOP
TUMKUR HIGH WAY, DABASPETE
NELAMANGALA, TUMKUR-562 111.

16(B) SMT. GOWRAMMA
D/O LATE NAGAMMA
AGED MAJOR
R/AT VEERABHADRESHWARA NILAYA,
UPPARA HALLI, TUMKUR-571 201.

17. SMT. RAJAMMA
W/O NAGARAJU,
DEAD

R2 TO R17 ARE R/AT GANGASANDRA LAYOUT
WARD NO.11, TUMKUR CITY.

…RESPONDENTS

(BY SRI. H.L. PRADEEP KUMAR, ADVOCATE FOR R1;;
SRI. BHARATH KESHAVA MURTHY, ADVOCATE FOR R4-R8, R10 AND R15;
SRI. R.B. PRAKASH, ADVOCATE FOR R6, R7, R10 AND R15 (NOC)
SRI. BHARATH .K, ADVOCATE FOR R9;
SRI. RAMESHA K.R. ADVOCATE FOR R6 AND R10 (NOC);
R2 AND PROPOSED R16(A) ARE SERVED AND UNREPRESENTED;
R2 DELETED FROM ARRY OF PARTIES;
V/O DATED 23.06.2025 R3 DEAD AND R4 TO R7 ARE THE LRs;
R13 AND R14 DIED LEAVING BEHIND R15 AS THE LR;
PROPOSED R7(A) SERVED;
PROPOSED R7(B) AND R16(B) ARE SERVED AND UNREPRESENTED)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO QUASH THE IMPUGNED ORDER DATED 11.6.2019 PASSED BY THE COURT OF SENIOR CIVIL JUDGE AT NELAMANGALA MADE IN LAC

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NO.14/2010 ON I.A. FILED UNDER ORDER 1 RULE 10(2) OF CIVIL PROCEDURE CODE (ANNEXURE-A); AND ETC.

THIS PETITION, COMING ON FOR FURTHER ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

Captioned writ petition is filed by the petitioner, assailing the order passed by Reference Court on I.A.No.3, whereby the application filed by the petitioner under Order I Rule 10(2) read with Section 151 of the Code of Civil Procedure, 1908, (for short 'CPC') seeking permission to come on record in the reference proceedings, has been rejected.

2. Reference Court, having considered the claim asserted by the petitioner, has recorded a finding that the petitioner claims an interest in the acquired properties on the basis of an Agreement of Sale. Having regard to the nature of the right claimed by the petitioner, the Reference Court was of the view that the petitioner cannot be treated as a necessary party to the reference

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proceedings. Consequently, the application came to be rejected, reserving liberty to the petitioner to work out his remedies in an independent proceeding.

3. Learned counsel appearing for respondent Nos.4, 8, 9 and 15, on instructions, submits that the petitioner has already instituted a suit seeking specific performance of the Agreement of Sale and that the said suit is pending consideration before the Senior Civil Judge, Nelamangala, in O.S.No.443/2019.

4. Having heard the learned counsel for the parties and having perused the material on record, this Court finds no infirmity in the order passed by the Reference Court. The scope of a reference under Section 18(1) of the Land Acquisition Act, 1894, is circumscribed by the statutory parameters prescribed therein. A person claiming an independent right or interest in the acquired property, particularly on the basis of an Agreement of Sale, cannot, merely on that basis, seek impleadment in the reference

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proceedings and thereby enlarge the scope of enquiry before the Reference Court. The determination of such independent contractual or proprietary rights does not fall within the limited ambit of the reference proceedings under Section 18(1) of the Act.

5. In the present case, the petitioner does not claim any right arising from the acquisition proceedings itself, but asserts a contractual right under an Agreement of Sale. Such a claim necessarily requires adjudication in appropriate independent proceedings. The petitioner has, in fact, already instituted O.S.No.443/2019 before the Senior Civil Judge, Nelamangala, seeking specific performance of the alleged Agreement of Sale. Therefore, the petitioner cannot seek adjudication of such rights in the pending reference proceedings.

6. It is, therefore, made clear that the rejection of I.A.No.3 by the Reference Court shall not, in any manner, be construed as an adjudication upon the rights, title or

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interest claimed by the petitioner under the Agreement of Sale. The rights and contentions of the petitioner shall remain subject to the result of O.S.No.443/2019 and shall be adjudicated in accordance with law by the competent Civil Court.

7. For the foregoing reasons, this Court finds no ground warranting interference with the impugned order passed by the Reference Court.

Accordingly, the writ petition stands ***disposed of***.

Liberty is reserved to the petitioner to work out all such remedies as may be available to him in O.S.No.443/2019, and the observations made herein shall not prejudice the rights and contentions of the parties in the said proceedings.

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(SACHIN SHANKAR MAGADUM)
JUDGE

NBM
List No.: 1 Sl No.: 5