HC-KAR

NC: 2026:KHC:60519
WP No. 27383 of 2024

CNR: KAHC010574882024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE B.PRAMOD

WRIT PETITION NO. 27383 OF 2024 (GM-RES)

BETWEEN:

SRI. JINNAPPA GOWDA
SINCE DECEASED
REPRESENTED BY HIS WIFE,
SMT. CHANDRAVATHI,
AGED ABOUT 59 YEARS,
R/AT DORME HOUSE,
PERNE POST, BILIYOOR,
BANTWAL TALUK,
DAKSHINA KANNADA-574 325.

...PETITIONER

(BY SRI. DHANANJAY KUMAR, ADVOCATE)

Digitally signed by SHARADAVANI B
Location: HIGH COURT OF KARNATAKA

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF REVENUE,
M.S. BUILDING,
BANGALORE-560 001,
REP. BY ITS SECRETARY.

2. THE DEPUTY COMMISSIONER
AND ARBITRATOR
DAKSHINA KANNADA DISTRICT,
MANGALORE-575 008.

3. NATIONAL HIGHWAY
AUTHORITY OF INDIA
PIU-MANGALORE,
REP. BY PROJECT DIRECTOR
DOOR NO. 3-29, BETHEL,
THARETHOTA,
NEAR PUMPWELL (NH-66),
MANGALORE-575 005.

4. THE COMPETENT AUTHORITY
AND SPECIAL LAND ACQUISITION OFFICER
N.H. 48, HASSAN, B. C. ROAD SECTION,
OPP. H.D.C.C. BANK,
B.M. ROAD, HASSAN-573 201.

…RESPONDENTS

(BY SRI. MAHANTESH SHETTAR, AGA)

THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO-QUASH THE ORDER PASSED BY R-2 IN NO. C.DIS.ARB(3) NHLAQ.CR.124/2018-19 DTD 24.08.2021 ON THE FILE OF ARBITRATOR (N.H) AND DEPUTY COMMISSIONER D.K, MANGALURU, VIDE ANNEXURE-A AND ENHANCE THE COMPENSATION AFTER RE-DETERMINING THE COMPENSATION AT THE PRESENT RATE OF MARK VALUE IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE B.PRAMOD

ORAL ORDER

The petitioner, in the present writ petition, has called in question the order dated 24.08.2021 passed by respondent No.2, the Arbitrator (N.H.) and Deputy Commissioner, Dakshina Kannada, Mangaluru, in

No.C.DIS.ARB(3) NHLAQ.CR.124/2018-19 at Annexure-A, seeking enhancement of compensation.

2. Heard Sri Dhananjay Kumar, learned counsel appearing for the petitioner and Sri Mahantesh Shettar, learned Additional Government Advocate appearing for respondent No.1-State.

3. It is not in dispute that the petitioner has an alternatively, effective and efficacious statutory remedy to challenge the order dated 24.08.2021 at Annexure-A before the competent forum. In view of the availability of such statutory remedy, this Court is not inclined to entertain the present writ petition in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

4. Accordingly, the writ petition stands disposed of, reserving liberty to the petitioner to avail of the appropriate statutory remedy against the impugned order at Annexure-A, if so advised and in accordance with law.

5. It is needless to observe that, in the event of the petitioner availing of the said remedy, it is open to the petitioner to seek exclusion of the period spent in prosecuting the present writ petition while computing the period of limitation, subject to the applicable provisions of the Limitation Act, 1963.

All contentions of the parties are kept open.

Ordered accordingly.

Sd/-
(B.PRAMOD)
JUDGE

BSV
List No.: 1 Sl No.: 8