HC-KAR

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MS. JUSTICE JYOTI M

MISCELLANEOUS SECOND APPEAL NO. 100 OF 2026 (LA)

BETWEEN:

THE DIRECTOR,
CENTRAL SERICULTURAL RESEARCH
AND TRAINING INSTITUTE,
MANANDAWADI ROAD,
SRIRAMPURA, MYSURU-570008.

...APPELLANT

(BY SRI. CHANDRACHUD A., ADVOCATE)

AND:

1. SRI. VISWANATHAIAH,
   S/O. LATE MANNARA KRISHNAIAH,
   AGED ABOUT 79 YEARS,
   RESIDING AT NO.8,
   7TH CROSS, 1ST MAIN ROAD,
   SARASWATHIPURAM,
   MYSURU-570009.

2. THE ASSISTANT COMMISSIONER
   AND SPECIAL LAND ACQUISITION OFFICER,
   MYSURU SUB-DIVISION,
   MYSURU-570001.

...RESPONDENTS

(BY SMT. MAMATHA SHETTY, AGA FOR R2;
R1 SERVED AND UNREPRESENTED)

THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER SECTION 54(2) OF THE LAND ACQUISITION ACT.

Digitally signed by GEETHA P G
Location: HIGH COURT OF KARNATAKA

THIS MISCELLANEOUS SECOND APPEAL IS LISTED FOR ORDERS, THIS DAY, THE JUDGMENT IS DELIVERED AS UNDER:

ORAL JUDGMENT

Sri.Chandrachud A., counsel for the appellant appeared in person.

Emergent notice was issued to respondent No.1 returnable by 06.04.2026 vide order dated 17.03.2026. The appeal was listed on 06.04.2026 and service of notice to respondent No.1 was awaited and it was ordered to be listed on 04.06.2026. As ordered by this court, the appeal was listed on 04.06.2026 and by that time, the respondent No.1 was served as is evident from the office note dated 02.06.2026. In the cause list also, it was shown as served. Taking note of the office note that the notice was served to the respondent No.1, the delay was condoned and it was ordered to be listed under the appropriate caption. The appeal was listed for admission on 12.06.2026 and the Court formulated the question of law and directed the Registry to list this matter today i.e., 19.06.2026. Accordingly, the matter is listed today. In the cause list, it is shown that respondent No.1 is served, however he is

unrepresented. Hence, the Court has proceed to pass orders on the merits of the case.

2. The second respondent was notified the lands for the appellant for the establishment of a Training and Research Institute at Mysuru. During this process, the land of the first respondent was also acquired. The second respondent having published the notification, completed the process of acquisition by passing an award and handing over the acquired portion to the beneficiary, the appellant.

3. It is noted that first respondent received the compensation amount and filed a reference application before the second respondent, which was forwarded to the jurisdictional Civil Court and is currently being processed in LAC No. 79 of 2011. The Reference Court allowed the reference by passing an award on 16.12.2013, increasing the compensation payable to the first respondent with statutory benefits and interest. Based on the award, the first respondent filed execution petition in No.244 of 2014. It is observed that the appellant deposited an amount of Rs.1,57,92,775/- as per the award dated 16.12.2013, along with the interest and statutory

benefits before the Executing Court. After the deposit of the amount, the first respondent filed a memo stating that the entire amount is deposited and he may be permitted to withdraw the same. The proceedings of the Executing Court on the memo were referred to Lok Adalat, and the Adalat recording the memo filed by the first respondent about the complete satisfaction of the award, accepted the memo and closed the execution proceedings as satisfied on 22.06.2015.

4. As things stood thus, the first respondent filed an appeal before the Appellate Court in LAC (Appeal) No.187 of 2023. Along with the appeal, an application for condonation of delay was filed (IA No.1) and the appellant opposed the application by filing a detailed statement of objections. However, the Court allowed the application. The Court, after condoning the delay, proceeded to conduct the proceedings and the appeal was allowed and the award dated 16.12.2013 was modified. The first respondent filed an Execution Petition in No.392 of 2025 and the Court issued warrant of attachment of the amount of the appellant department. Under these circumstances, the present appeal is filed on several grounds as

set out in the memorandum of appeal and also framed substantial question of law.

5. Counsel appearing for the respective parties presented several contentions. Heard the arguments and perused the papers with care.

6. This Court vide order dated 12.06.2026 framed the following substantial question of law:

> *(i) Whether the respondent No.1 could file LAC (APPEAL) No.187/2023 even after filing a memo in the execution proceedings Ex. petition No.244/2014, which was recorded before the Lok Adalat on 22.06.2015, closing the execution proceedings as satisfied?*

7. The facts are sufficiently said and they do not require reiteration. It is not in dispute that the first respondent accepted the compensation amount; however, he suppressed this fact and filed an appeal seeking enhancement after a lapse of nine years. I may venture to say that the concealing of the collection of an accepted settlement to seek further compensation a decade later is a blatant abuse of process. The first respondent's decision to file an appeal for enhanced

compensation after nine years constitutes an abuse of process, particularly, since he accepted the initial compensation and failed to disclose this material fact.

The Appellate Court committed an error in entertaining and allowing the appeal, particularly because the first respondent had previously accepted the compensation amount by submitting a memo and subsequently concluded the execution proceedings.

The substantial question of law is answered accordingly.

8. Resultantly, the appeal is ***allowed***. The interim judgment dated 24.04.2025 passed by the Court of V Additional District and Session Judge, Mysuru in LAC (Appeal) No.187 of 2023 is set aside.

Sd/-
(JYOTI M)
JUDGE

SS
List No.: 1 Sl No.: 7