HC-KAR

NC: 2026:KHC-D:8453
WP No. 114819 of 2015

IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO.114819 OF 2015 (LA-RES)

BETWEEN:

1. SMT. SHANKREWWA,
   W/O. DODDANAGOUDA GOUDRA @ PATIL,
   AGE: 52 YEARS, OCC: AGRICULTURE,

2. SRI. HANUMAGOUDA,
   S/O. BASANAGOUDA PATIL,
   AGE: 48 YEARS, OCC: AGRICULTURE,

   BOTH ARE R/O: VARAGODADINNI VILLAGE,
   TQ: HUNAGUND, DIST: BAGALKOTE.

…PETITIONERS

(BY SRI. LAXMAN T. MANTAGANI, ADVOCATE)

AND:

Digitally signed by YASHAVANT NARAYANKAR
Date: 2026.07.01 14:23:46 +0530

1. THE CHIEF SECRETARY,
   GOVERNMENT OF KARNATAKA,
   VIDHAN SOUDHA, BENGALURU.

2. THE SECRETARY,
   GOVERNMENT OF KARNATAKA,
   REVENUE DEPARTMENT, M.S. BUILDING,
   BENGALURU.

3. THE COMMISSIONER,
   REHABILITATION RESETTLEMENT
   AND LAND ACQUISITION, GOVERNMENT OF KARNATAKA,
   UPPER KRISHNA PROJECT, NAVANAGAR, BAGALKOTE.

4. THE GENERAL MANAGER,
   LAND ACQUISITION,
   GOVERNMENT OF KARNATAKA,

UPPER KRISHNA PROJECT,
NAVANAGAR, BAGALKOTE.

5. THE SPECIAL DEPUTY COMMISSIONER,
LAND ACQUISITION UPPER KRISHNA PROJECT,
NAVANAGAR, BAGALKOTE.

6. THE SPECIAL LAND ACQUISITION OFFICER,
UPPER KRISHNA PROJECT, NAVANAGAR,
BAGALKOTE.

7. THE GENERAL MANAGER,
REHABILITATION RESETTLEMENT
AND LAND ACQUISITION,
GOVERNMENT OF KARNATAKA,
UPPER KRISHNA PROJECT,
NAVANAGAR, BAGALKOTE.

…RESPONDENTS

(BY SRI. ASHOK KATTIMANI, AGA FOR R1 TO R7)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING to A. ISSUE A WRIT OF CERTIORARI QUASHING THE PARTIAL AWARD PASSED BY THE RESPONDENTS NO. 6, DATED 31-12-2013 VIDE ANNEXURE-B IN NO. ಎಲ್ಎಕ್ಯೂ:ಎಸ್ಆರ್–10/11–12, VPC NO. 9/A AND V.P.C. NO. 8 RESPECTIVELY IN SO FAR AS PETITIONERS ARE CONCERNED. B. ISSUE A WRIT OF MANDAMUS DIRECTING THE RESPONDENTS NO. 3 TO 6 TO DETERMINE THE AMOUNT OF COMPENSATION IN ITS ENTIRETY UNDER THE FINAL NOTIFICATION VIDE ANNEXURE-A. VIDE NO. RD/LAQ/2B/CR166/2011-12 DATED: 12/04/2012, AS PER SECTION 24 OF THE 'ACT 2013' IN SO FAR AS PETITIONERS ARE CONCERNED AND ETC.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present petition is filed seeking for the following reliefs:

> *"WHEREFORE, it is most respectfully prayed that, this Hon'ble Court be pleased to:*
>
> *a. Issue a Writ of Certiorari quashing the partial award passed by the Respondents No. 6, dated 31-12-2013 vide Annexure-B in No. ಎಲ್ಎಕ್ಯೂ:ಎಸ್ಆರ್–10/11–12. VPC No. 9/A and V.P.C. No. 8 respectively in so far as petitioners are concerned.*
>
> *b. Issue a Writ of mandamus directing the Respondents No. 3 to 6 to determine the amount of compensation in its entirety under the Final notification vide Annexure-A. vide No. RD/LAQ/2B/CR166/2011-12 dated: 12/04/2012, as per Section 24 of the 'Act 2013' in so far as petitioners are concerned.*
>
> *c. Issue any other order or direction as this Hon'ble Court deems fit in the circumstances of the case, in the interest of justice and equity."*

2. It is the case of the petitioners that a preliminary notification dated 11.11.2011 was issued under the provisions of the Land Acquisition Act, 1894[1], to acquire 313 houses/structures/plots in Varagodadinni

[1] Hereinafter referred to as the 'old L.A. Act'

village, in view of the said lands having been affected and submerged from the backwaters of the Narayanpur Reservoir. A final notification dated 12.04.2012 (Annexure-A to the writ petition) was issued, consequent to which, award dated 31.12.2013 (Annexure-B to the writ petition) was passed only in respect of 112 houses/structures/plots.

3. It is the further case of the petitioners that, having regard to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013[2], having come into force with effect from 01.01.2014, the award dated 31.12.2013 (Annexure-B to the writ petition) passed with respect to the property of the petitioners is liable to be quashed in view of the fact the proviso contained under sub-section (2) of Section 24 of the new L.A. Act, under which the petitioners are entitled to compensation under the provisions of the new L.A. Act.

[2] Hereinafter referred to as the 'new L.A. Act'

4. Reliance is placed on the Division Bench judgment of this Court in the case of ***Shri. Mahadevappa S/o Honnappa Hadimani and Others V/s. The Chief Secretary and Others***[3]. Hence, learned counsel seeks for allowing of present writ petition and granting of the relief sought for.

5. Learned AGA does not dispute the legal possession as enunciated in the case of ***Shri. Mahadevappa***[3].

6. Section 24 of the new L.A Act reads as under:

> *"24. Land acquisition process under Act No.1 of 1894 shall be deemed to have lapsed in certain cases.- (1) Notwithstanding anything contained in this Act, in any case of land acquisition proceedings initiated under the Land Acquisition Act, 1894.-*
>
> *(a) where no award under Section 11 of the said Land Acquisition Act has been made, then, all provisions of this Act relating to the determination of compensation shall apply; or*

[3] 2015:KHC-D:3566-DB

(b) where an award under said Section 11 has been made, then such proceedings shall continue under the provisions of the said Land Acquisition Act, as if the said Act has not been repealed.

(2) Notwithstanding anything contained in sub-section (1), in case of land acquisition proceedings initiated under the Land Acquisition Act, 1894, where an award under the said Section 11 has been made five years or more prior to the commencement of this Act but the physical possession of the land has not been taken or the compensation has not been paid the said proceedings shall be deemed to have lapsed and the appropriate Government, if it so chooses, shall initiate the proceedings of such land acquisition afresh in accordance with the provisions of this Act:

Provided that where an award has been made and compensation in respect of a majority of land holdings has not been deposited in the account of the beneficiaries, then, all beneficiaries specified in the notification for acquisition under Section 4 of the said Land Acquisition Act, shall be entitled to compensation in accordance with the provisions of this Act."

7. It is clear from a plain reading of the proviso of Sub-Section 2 of Section 24 of the new L.A. Act that when

the award amount has not been deposited in the account of the beneficiaries, the beneficiaries are entitled to compensation under the provisions of the new L.A Act.

8. In the present case, admittedly the partial award dated 31.12.2013 (Annexure-B to the writ petition) has been passed only in respect of 112 houses/structures/plots while the total lands that was the subject matter of the acquisition notification is 313 houses/structures/plots.

9. The Division Bench of this Court in the case of ***Shri. Mahadevappa***[3], while considering a similar fact situation, after noticing the proviso to Sub-Section 2 of Section 24 of the new L.A. Act, has held as under:

> *"14. The present cases are clearly covered and governed by the proviso because the New Act came into force on 01.01.2014. Preliminary Notification in respect of 183 properties has been published on 11.11.2011. Award has been passed on 19.12.2013. Therefore, in the absence of the proviso, the State would have been right in contending that as the award has been passed prior to the Act*

coming into force, the land owners would be entitled for compensation under the provisions of the Old Act and not under the provisions of the New Act. The effect of the proviso has not been considered by the learned Single Judge. The effect of the proviso being, at the risk of repetition, that even if an award has been passed prior to the Act coming into force, if majority of land holders have not been deposited with the amount of compensation, then they would also be entitled for compensation under the provisions of the New Act.

15. If the facts of the present case are explained with some more details, the fallacy of the contention of the State would be clear. Section 4(1) notification and Section 6(1) notification pertain to 183 properties. Awards are passed only in respect of 53 persons and properties, allegedly as a first stage, deferring passing of the awards in respect of 130 other cases to a future date. Even in respect of these 53 land owners, admittedly no amount is paid as compensation nor any amount has been deposited either into the Court or in their accounts. It is thus clear that if in respect of persons in whose favour awards have been passed prior to the commencement of the New Act, no amount has been deposited, then as per the proviso to Section 24 compensation has to be paid as per the New Act. The requirement of the proviso is that in order to be governed by the provisions of the

> *Old Act, atleast in majority of cases where awards have been passed, compensation amount ought to have been deposited in the account of the land owners. When the factual matrix discloses that not even in a single case award amount has been deposited though awards have been passed earlier to the commencement of the New Act, question of depriving the writ petitioners of their entitlement to have compensation paid in terms of the New Act does not arise. If such a contention is accepted, it will run counter to the intent and purpose of the legislation. When the proviso expressly provides remedy to the land owners to seek compensation under the New Act, question of driving the petitioners to agitate their rights under Sections 18 or 28A of the Old Act does not arise. Therefore, we hold that the appellants are entitled to the benefit of compensation under the New Act."*

10. Having regard to the proviso to Sub-Section 2 of Section 24 of the new L.A. Act and the legal position as enunciated in the case of ***Shri. Mahadevappa***[3], the relief sought for in the present writ petition merits consideration.

11. Hence, the following:

ORDER

i. The writ petition is ***partly allowed***;

ii. The partial award dated 31.12.2013, insofar as the property of the petitioners, i.e., VPC No.9/A and VPC No.8 are quashed;

iii. A writ of mandamus is issued directing respondent Nos.3 to 6 to determine the compensation, insofar as the property of the petitioners in terms of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as expeditiously as possible.

SD/-
(C.M. POONACHA)
JUDGE

PMP para Nos.1 to 3
RKM para Nos.4 to end
CT:PA, LIST NO.: 1 SL NO.: 36