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**IN THE HIGH COURT OF KARNATAKA, AT DHARWAD**

**DATED THIS THE 23<sup>RD</sup> DAY OF SEPTEMBER, 2025**

**BEFORE**

**THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ**

**WRIT PETITION NO. 106967 OF 2025 (LA-RES)**

**BETWEEN:**

1. SHRI LOKANNA S/O. RAMAPPA BIRADARPATIL,  
AGE: 53 YEARS,  
OCC. ADVOCATE AND AGRICULTURE,
2. SMT. BHARATI W/O. LOKANNA BIRADARPATIL,  
AGE: 45 YEARS, OCC. HOUSEHOLD WORK,
3. SANKET S/O. CHANNAPPA HOSAMANI,  
AGE: 28 YEARS, OCC. BUSINESS,

ALL ARE R/O. VIDYAGIRI,  
BAGALKOTE-587102,  
TQ. AND DIST. BAGALKOTE.

...PETITIONERS

(BY SRI. N.L. BATAKURKI, ADVOCATE)

**AND:**

1. THE STATE OF KARNATAKA  
REP. BY ITS SECRETARY,  
DEPARTMENT OF REVENUE,  
M.S. BUILDING, BENGALURU-01.
2. MANAGING DIRECTOR  
KRISHNA BHAGYA JAL NIGAM LTD.,  
(KBJNL), PWD ANNEXE BUILDING,  
3<sup>RD</sup> FLOOR, K.R. CIRCLE,  
BENGALURU-560001.





\*AMENDED AS PER VIDE ORDER DATED 23.09.2025  
ON IA NO. 1.\*

3. THE SPECIAL DEPUTY COMMISSIONER  
UPPER KRISHNA PROJECT,  
JAMKHANDI-587101,  
TQ. AND DIST. BAGALKOTE.
  
4. THE SPECIAL LAND ACQUISITION OFFICER  
BAGALKOT TOWN DEVELOPMENT AUTHORITY,  
VIDYAGIRI, BAGALKOTE-587102,  
TQ. AND DIST. BAGALKOTE.

...RESPONDENTS

(BY SRI. P.N. HATTI, HCGP FOR R1, R3 AND R4;  
SMT. SURABHI KULKARNI, ADVOCATE FOR R2)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE  
CONSTITUTION OF INDIA, PRAYING THE HON'BLE COURT TO  
ISSUE WRIT IN THE NATURE OF MANDAMUS OR APPROPRIATE  
DIRECTION OR ORDER DIRECTING THE RESPONDENT NO.4  
HEREIN TO PAY COMPENSATION WITHIN A WEEK AS PER  
NOTICE AT ANNEXURE-B DATED 05.10.2024 AND ETC.

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



## **ORAL ORDER**

(PER: THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ)

1. The petitioners are before this Court seeking for the following reliefs:

*i. The Hon'ble court be pleased to issue writ in the nature of mandamus or appropriate direction OR order directing the Respondent No. 4 herein to pay compensation within a week as per notice at Annexure-B dt 05-10-2024.*

*ii. Issue any other writ or direction as this Hon'ble Court thinks fit and proper in the interest of justice and equity.*

2. The petitioners claim to be the owners of Plot No.1 in RS. No.18/B situated at Bagalkot, Ward No.11, Gaddankeri, Bagalkot taluk. A preliminary notification had been published under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'RFCTLARR Act, 2013', for short) on 21.01.2021 and the final notification under Section 19(1) of the RFCTLARR Act, 2013 came to be published on 07.09.2023. Thereafter, a general award was published on 05.10.2024. A notice also came to be issued under Section 37 of the RFCTLARR Act, 2013 to submit relevant papers



for payment of compensation. Pursuant to which, the petitioners are stated to have submitted all the relevant documents, despite which, the payments have not been made and it is in that background, the petitioners are before this Court seeking for the aforesaid reliefs.

3. The submission of Sri.N.L.Batakurki, learned counsel for the petitioners is that, once a general award is passed under Section 30 of the RFCTLARR Act, 2013 and it has but required for the Collector to deposit the amount in the account of the petitioners and same not having been done, the writ petition is maintainable and a mandamus is required to be issued to respondents No.2 and 4 to deposit the necessary amounts.
4. Respondent No.2 being the beneficiary is required to make payment of the amount and respondent No.4 being the delegated authority of the state is required to formally deposit the amount. In this background, the writ petition is required to allowed.



5. Sri.P.N.Hatti, learned HCGP for respondents No.1, 3 and 4 as well as Smt.Surabhi Kulkarni, learned counsel for respondent No.2 submit that a writ petition would not be maintainable. The petitioners have alternative efficacious remedy of filing execution proceedings and as such a mandamus cannot be issued in the matter and the petitioners would have to approach the Execution Court.
6. Heard Sri.N.L.Batakurki, learned counsel for the petitioners, Sri.P.N.Hatti, learned HCGP for respondents No.1, 3 and 4 and Smt.Surabhi Kulkarni, learned counsel for respondent No.2. Perused the papers.
7. A short question that could arise for consideration is *whether the general award passed under Section 30 of the RFCTLARR Act, 2013, would entitle the land loser to approach this Court for a mandamus if the respondents did not deposit the amount covered under the general award in the bank account of the petitioners?*
8. Once a final notification under Section 19 of the RFCTLARR Act, 2013 is published, under Section 20, the land is



required to be marked, under Section 21, notice is required to be issued to the persons interested, stating that the possession of the land would be taken and inviting any objections in relation thereto. Thereafter, under Section 23A, being the KARNATAKA AMENDMENT to the RFCTLARR Act, 2013, Section 24 to Section 30 of the RFCTLARR Act, 2013, by considering the parameters laid down therein, and the final award is to be passed under Section 30 of the RFCTLARR Act, 2013, which is required to consider the amounts to be paid, including solatium. In terms of Section 30(3) of the RFCTLARR Act, 2013, interest would also be required to be paid as stated therein.

9. In terms of Section 77 of the RFCTLARR Act, 2013, payment of compensation is to be made by way of deposit in the bank account of the land loser. Section 77 of the RFCTLARR Act, 2013 is reproduced hereunder for easy perusal:

**"77. Payment of compensation or deposit of same in Authority.**-(1) *On making an award under section 30, the Collector shall tender payment of the compensation awarded by him to the persons interested*



*entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies mentioned in 38 sub-section (2).*

*(2) If the person entitled to compensation shall not consent to receive it, or if there be no person competent to alienate the land, or if there be any dispute as to the title to receive the compensation or as to the apportionment of it, the Collector shall deposit the amount of the compensation in the Authority to which a reference under section 64 would be submitted:*

*Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount:*

*Provided further that no person who has received the amount otherwise than under protest shall be entitled to make any application under sub-section (1) of section 64:*

*Provided also that nothing herein contained shall affect the liability of any person, who may receive the whole or any part of any compensation awarded under this Act, to pay the same to the person lawfully entitled thereto."*

10. Section 77 categorically provides that on making of an award under section 30 the Collector **shall** tender payment of the compensation awarded by him to the persons



interested and entitled thereto according to the award and shall pay it to them by depositing the amount in their bank accounts unless prevented by someone or more of the contingencies as mentioned in sub-Section 2.

11. Thus, the general rule is for the Collector to deposit the amounts in the bank account of the land loser and the only exceptions are those covered under sub-Section 2 of Section 77. Sub-Section 2 of Section 77 provides that if a person who is entitled to compensation does not consent to receive it or if there is no person competent to alienate the land or raises any dispute as to title, then the Collector shall deposit the amount of compensation in the Authority to which reference under section 64 would be submitted.
12. The first proviso to sub-Section 2 of Section 77 provides that, even if a person were not to accept the quantum of compensation, the payment could be received under protest as regards sufficiency of the amount and the second proviso provides that unless the amount have been received under protest, such person shall not be entitled to make any application under sub-Section 1 of Section 64.



The third proviso provides that any person who receives the compensation will not take away the liability of such person to make payment of said amount to a person lawfully entitled thereto.

13. Thus, in terms of sub-Section 1 of Section 77, it being clear that the Collector is required to deposit the amount awarded into the bank account of the land loser, the Collector can only withhold the deposit amount if there is a dispute as regards the title to the property and not otherwise since even if the consent is not provided by land loser as regards the quantum of compensation, the same would only entitle the land loser to file a reference under sub-Section 1 of Section 64 and does not empower the collector to withhold the money. It is thus clear that even if the quantum of compensation is under dispute, it is the duty of the Collector to remit the amount into the bank account of the land loser without delay.

14. In that background, I answer the above point raised by holding that once an award under Section 30 is passed, it is for the Collector to as expeditiously as possible,



preferably within a period of 30 days to deposit the amount so awarded under a general award into the bank account of the land loser unless there is a dispute as regards the title to the property acquired. Once the amount is received into the bank account of the land loser, land loser could always protest the quantum of compensation and if so protested, then the proceedings under sub-Section 1 of Section 64 could be undertaken. If no protest is made within a reasonable period of time, then it would be deemed that the land loser has received the amount as compensation into his bank account and has conceded to quantum of compensation so awarded under Section 30.

15. In view of the answer to the point raised, it is clear that, there is a duty on part of the Collector to tender payment of compensation awarded by remitting the same into the bank account of the land loser. There would therefore be no requirement to initiate any execution proceedings. There is a bounden duty on part of the Special Land Acquisition Officer/ Collector to deposit the amount. In the present case, the general award being passed on



05.10.2024, no such remittance has been made. Though nearly a year has lapsed. In that background, I proceed to pass the following:

**ORDER**

- (i) The writ petition is ***allowed***.
- (ii) A mandamus is issued directing respondent No.4 to make payment of the compensation as awarded in the award passed under Section 30 of the RFCTLARR Act, 2013 along with applicable interest within a period of 4 weeks from the date of receipt of a certified copy of this order.
- (iii) The petitioners having filed reference as regard to quantum of compensation, the Reference Authority shall consider the same in accordance with law as there being no particular objection as regards the title to the property.

**Sd/-  
(SURAJ GOVINDARAJ)  
JUDGE**

RH  
CT:PA  
List No.: 1 Sl No.: 13