



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 9TH DAY OF AUGUST, 2023
BEFORE
THE HON'BLE MR JUSTICE S.G.PANDIT
WRIT PETITION NO. 4745 OF 2023 (GM-CPC)

BETWEEN:

1. SMT BASAVALINGAMMA
W/O MALLAIAH
D/O KEMPAIAH @ CHIKKONU
AGED ABOUT 60 YEARS,
R/AT ARKADAKALLU VILLAGE,
MARALAWADI HOBLI,
KANAKAPURA TALUK
RAMANAGARA DISTRICT 562 117.
2. SMT. SHOBHA
W/O CHIKKARAJU
D/O KEMPAIAH @ CHIKKONU
AGED ABOUT 46 YEARS,
R/AT JAKKASANDRA VILLAGE,
KANAKAPURA TALUK
RAMANAGARA DISTRICT 562 117.
3. SMT. PAVITHRA
W/O LOKESH
D/O KEMPAIAH @ CHIKKONU
AGED ABOUT 40 YEARS,
R/AT M MANIYAMBAL VILLAGE,
MARALAWADI HOBLI,
KANAKAPURA TALUK,
RAMANGARA DISTRICT 562 117.

...PETITIONERS

(BY SRI. NATARAJ BABA K.,ADVOCATE)





AND:

1. SRI K BASAVEGOWDA
S/O KARIBASEGOWDA
AGED MAJOR,
2. SRI. BASAVARAJU C A
S/O KEMPAIAH @ CHIKKONU
AGED MAJOR,
3. SMT. KALAMMA
WO LATE MOTEGOWDA
AGED ABOUT 70 YEARS,
4. SRI. MANJUNATHA M
AGED ABOUT 33 YEARS,
5. JAYALAXMAMMA
W/O LATE BASAVEGOWDA @ BASAVARJU
MAJOR,

RESPONDENT Nos. 1 TO 5 ARE
RESIDING AT:

R/O CHEELURU VILLAGE,
MARALAWADI HOBLI,
KANAKAPURA TALUK
RAMANGAR DISTRICT 562 117

6. THE SPL. LAND ACQUISITION OFFICER
R/AT OFFICER -1, KIADB
NO. 14/3,
MAHARSHI ARAVINDA BHAVAN
1st FLOOR, NRUPATUNGA ROAD,
BENGALURU 560001

...RESPONDENTS

(BY R1 AND R2 SERVED AND UNREPRESENTED
SRI. V.MAHESHA FOR R3, R4 AND R5
SRI. P.V. CHANDRASHEKAR FOR R6)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA, PRAYING TO ASIDE THE
IMPUGNED ORDER TO 13.01.2023 PASSED BY THE SENIOR
CIVIL JUDGE AND JMFC AT KANAKAPURA IN L.A.C.NO.



107/20D15 ON IA DT 18.07.2022 VIDE ANNEXURE-A BY ALLOWING THE APPLICATION FILED BY THE PROPOSED CLAIMANT NO.4 TO 6/ PETITIONERS UNDER ORDER-1 RULE-10(2) OF THE CPC Dated 18.07.2022 VIDE ANNEX-D AND ETC.

THIS PETITION, COMING ON FOR ORDERS6, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

The petitioners/impleading applicants to L.A.C.107/2015 on the file of Senior Civil Judge and JMFC, Kanakapura are before this court under Article 227 of the constitution of India, questioning the correctness and legality of the order dated 13.01.2023 rejecting IA filed under Order 1 Rule 10(2) r/w Section 151 of CPC, seeking to come on record as proposed claimant Nos. 4 to 6 in the above said proceedings.

2. Heard learned counsel Sri.Nataraj Baba K. for petitioners and learned counsel Sri.V.Mahesha for Respondent Nos.3, 4 and 5 and learned counsel Sri.P.V. Chandrashekar for respondent No.6. Perused the writ petition papers.

3. Learned counsel for petitioners would submit that petitioners are sisters of respondent No.2, one of the



claimants in a proceeding under Section 30 of the Land Acquisition Act, 1894, (for short 'the Act'). The petitioners filed application under order I Rule 10(2) r/w Section 151 of CPC to come on record as additional claimants in the above stated proceedings. The said application is rejected under impugned order only on the ground that only the objectors to the acquisition proceedings would be proper and necessary parties. Learned counsel for petitioners would submit that, since the sisters of respondent No.2 herein are also interested parties and the acquisition was opposed by claimant No.2/respondent No.2 on their behalf also. They would be proper parties to the LAC proceedings. Hence, the trial Court could not have rejected the application for impleading.

4. Learned counsel appearing for respondent Nos.3 to 5 would support the order passed by the trial Court and submits that the petitioners would not be necessary or proper parties to the LAC proceedings. Learned counsel for respondent No.6/Acquiring Authority



would support the case of the petitioners and submits the petitioners/applicants could come on record as claimants along with respondent No.2.

5. Having heard the learned counsel for the parties and on perusal of the writ petition papers, I am of the view that the trial Court is not justified in rejecting the I.A. filed by the petitioners under Order I Rule 10(2) of CPC to come on record in the LAC proceedings.

6. The petitioners/Impleading applicants herein are none other than sisters of the respondent No.2. Admittedly, reference proceedings is under Section 30 of the Act. The impleading applicants are rival claimants for the amount payable under the award passed on acquisition. The Court could decide the dispute or adjudicate the claims upon hearing all the concerned parties. Hence, the petitioners/impleading applicants are proper parties to the LAC proceedings.



7. Accordingly, the writ petition is allowed and impugned order dated 13.01.2023 passed on I.A. for impleading is set aside. I.A filed by petitioners under Order 1 Rule 10(2) of CPC is allowed and petitioners are permitted to come on record as additional claimants in LAC.No.107/2015 on the file of the Senior Civil Judge and JMFC, Kanakapura.

Trial Court shall endeavour to dispose of the LAC proceedings in an expeditious manner with the co-operation of the parties.

**Sd/-
JUDGE**

LDC
List No.: 1 Sl No.: 28