



**IN THE HIGH COURT OF KARNATAKA,
DHARWAD BENCH
DATED THIS THE 30TH DAY OF JANUARY, 2025
BEFORE
THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ
WRIT PETITION NO. 107745 OF 2024 (GM-CPC)**

BETWEEN:

GOVIND MALLAPPA MORE,
SINCE DECEASED BY HIS LR'S.

1. SMT RUKMABAI W/O. GOVIND MORE,
AGE: 67 YEARS, OCC: HOUSEHOLD WORK,
R/O. SAVALAGI,
NOW RESIDING AT JAMBAGI K.D.
TQ: JAMAKHANDI, DIST: BAGALKOT-587301.
2. SRI. ASHOK S/O. GOVIND MORE,
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O. SAVALAGI,
NOW RESIDING AT JAMBAGI K.D.
TQ: JAMAKHANDI, DIST: BAGALKOT-587301.
3. SMT. SANGEETA W/O. SHRIMANT WAGHANVKAR,
AGE: 54 YEARS, OCC: HOUSEHOLD WORK,
R/O. SAVALAGI, TQ: JAMAKHANDI,
DIST: BAGALKOT-587301.
4. SMT. LALITA W/O. SUDHAKAR WAGHANVKAR,
AGE: 52 YEARS, OCC: HOUSEHOLD WORK,
R/O. SAVALAGI, TQ: JAMAKHANDI,
DIST: BAGALKOT-587301.
5. SMT. ANITA W/O. RAGHUNATH MORE,
AGE: 55 YEARS, OCC: HOUSEHOLD WORK,
R/O. SAVALAGI, NOW RESIDING AT JAMBAGI K.D.
TQ: JAMAKHANDI, DIST: BAGALKOT-587301.
6. SMT. MAHADEVI W/O. NARAYAN KULE,
AGE: 44 YEARS, OCC: HOUSEHOLD WORK,
R/O. SAVALAGI, TQ: JAMAKHANDI-587301,
DIST: BAGALKOT.





7. SRI. VILAS S/O. GOVIND MORE,
AGE: 43 YEARS, OCC: AGRICULTURE,
R/O. SAVALAGI, NOW RESIDING AT JAMBAGI K.D.
TQ: JAMAKHANDI, DIST: BAGALKOT-587301.
8. SRI. SUBHASH S/O. GOVIND MORE,
AGE: 33 YEARS, OCC: AGRICULTURE,
R/O. SAVALAGI, NOW RESIDING AT JAMBAGI K.D.
TQ: JAMAKHANDI, DIST: BAGALKOT-587301.
9. SRI. SHRIMANT BALU BAGOANVAKAR,
AGE: 70 YEARS, OCC: AGRICULTURE,
R/O. SAVALAGI, TQ: JAMAKHANDI-587301,
DIST: BAGALKOT.

...PETITIONERS

(BY SRI. ANIL KALE, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
HIPPARAGI PROJECT, ATHANI-591304,
DIST: BELAGAVI.
2. THE KARNATAKA NEERAVARI NIGAM LTD.,
HBC, REPRESENTED BY ITS EXECUTIVE ENGINEER,
ATHANI-591304, DIST: BELAGAVI.

...RESPONDENTS

(BY SRI. D.S. SANGRESH, HCGP FOR R1;
SRI. CHETAN MUNNOLI, ADVOCATE FOR R2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI BY QUASHING THE ORDER DATED 15.11.2024 PASSED BY THE ADDITIONAL SENIOR CIVIL JUDGE, JAMKHANDI IN L.A.C.NO.127/2011 PRODUCED AT ANNEXURE-D; AND CONSEQUENTLY, ALLOW THE APPLICATION FOR RELEASE OF AMOUNT IN L.A.C NO.127/2011 AND RELEASE THE DEPOSITED AMOUNT OF RS.35,77,363/- IN THE JOINT NAME OF PETITIONER NO.2 AND 9 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:

1. *Issue a writ in the nature of certiorari by Quashing the order dated 15.11.2024 Passed by the Additional Senior Civil Judge, Jamkhandi in L.A.C.No.127/2011 produced at Annexure-D.*
2. *And consequently, allow the application for release of amount in L.A.C No.127/2011 and release the deposited amount of Rs.35,77,363/- in the joint name of petitioner No.2 and 9.*
3. *Pass such other order or orders as this Hon'ble court may deems fit in circumstances of the case.*

2. The land of the propositus Govinda Mallappa More has been acquired. Compensation having been awarded, a Reference Application having been filed, compensation was enhanced by an order dated 30.08.2013 in LAC No.127/2011, awarding an enhanced amount of Rs.3,05,500/-, which came to be challenged before this Court in MFA No.102773/2020, wherein again the compensation was enhanced to Rs.35,77,363/-.



3. In furtherance thereof, an application had been filed before the LAC Court seeking for the release of the entire deposited amount in favor of claimants No.1(B) and claimant No.2 jointly, since a General Power of Attorney had been issued by claimants No.1(A) and 1(C) to 1(H) to make payment in their favor.
4. The Trial Court, being of the opinion that the claimants No.1(A) to 1(H), and claimant No.2 were jointly entitled to receive the compensation, directed the release of the amounts jointly through e-payment upon proper verification. Challenging the same, the petitioner is before this court.
5. Sri. Anil Kale, learned counsel for the petitioner, submits that in view of the order passed, that a joint account be opened by claimants No.1(A) to 1(H) and claimant No.2 and thereafter, the transfer could happen, such opening of a joint account of all the



parties is not feasible, which has not been considered by the Trial Court.

6. Having gone through the said order, I am of the considered opinion that there is substance in the submission made by Sri.Anil Kale. The Trial Court could not have expected one single joint account by all the claimants to be opened, wherein the amount could be transferred.
7. In view of the matter, the impugned order would require modification inasmuch as, if the account details of each of the claimants were to be submitted, the said compensation amount could be transferred to each of their accounts in the proportion they are entitled to.
8. An amount of ₹35,77,363/- being in deposit, claimants No.1 and 2 would be entitled to the said amount in equal proportion, that is, each of them would be entitled to ₹17,88,681/-. Claimants



No.1(A) to 1(H) being entitled to the compensation, would jointly receive ₹17,88,681/-, which is to be divided into 8 portions, that is, each of claimants No.1(A) to 1(H) would be entitled to ₹2,23,585/-, which would be required to be transferred to their respective bank accounts. Hence, I pass the following:

ORDER

- i. The writ petition is **partly allowed**.
- ii. The order dated 15.11.2024, passed by the Additional Senior Civil Judge, Jamkhandi, in LAC number 127/2011, will stand modified as under:

"The office of the said Court is directed to release the amount of ₹35,77,363/- to the petitioners in the following manner:

- a. An amount of ₹17,88,681/- to the claimant No.2.



- b. An amount of ₹2,23,585/- each to claimants No.1(A) to 1(H).
- c. The amounts shall be transferred electronically to the bank account details furnished by the claimants No.1(A) to 1(H) and claimant No.2 to the said Court, after necessary verification in the manner provided, within one week of the details being provided and formalities being fulfilled."

iii. Order accordingly.

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

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CT-MCK
List No.: 1 SI No.: 45