

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 27th DAY OF MAY 2002

BEFORE

THE HON'BLE MR. JUSTICE V. GOPALA GONDA

CIVIL REVISION PETITION NO.1803 OF 2002

**BETWEEN:**

The Assistant Commissioner,  
And Land Acquisition Officer  
KOPPAL ..... Petitioner

(By Sri.M. Shivaprasad, HCGP)

**AND:**

T. Nageshwara Rao  
S/o. T. Satyanarayana  
Major, Occ: Agriculture  
R/o. Kotaiah Camp  
Taluk Gangavathi  
District Koppal ..... Respondent

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This civil revision petition is filed under Sec.115 of CPC against the order dated 1.2.2002 passed in Misc.No.15/01 on the file of the Civil Judge(Sr.Dn.),Gangavathi, allowing the petition filed by the petitioner under Sec.18(3)B of LA Act for reference.

This civil revision petition coming on for admission this day, the Court passed the following:-



ORDER

This petition is filed by the state questioning the order passed by the Reference Court in exercise of the power under Sec.18(3)(B) of the Karnataka Land Acquisition Act,1961, in allowing the miscellaneous application No.15/2001 and directing the Deputy Commissioner of the District to refer the application to the Court within a period of one month from the date of receipt of the said order,urging various grounds.

2. The grievance of the petitioner is that the respondent/claimant was not diligent in filing the necessary application to get the matter referred to the Reference Court for determination of the correct market value of the land acquired by the Government as after lapse of -11- years from the date of service of notice under sec.12(2) of the Act, the respondent has filed the application.

3. The reference Court has exercised its discretionary power after having considered the



explanation offered by the respondent/claimant. In the case reported in ILR 1998 KAR 809, the Full Bench of this Court reversing the Division Bench judgment of this Court reported in ILR 1998 KAR 4071 has held that even beyond the period of limitation as provided under the Karnataka Land Acquisition Act, 1961 the application of the claimant can be considered for condoning the delay in making the reference for determination of the market value of the lands acquired. In this view of the matter, there is neither any illegality nor irregularity in the impugned order which calls for interference with by this Court. Hence, the petition must fail.

4. Accordingly, this petition is dismissed.

Sd/  
Judge

alb/--.