



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 7<sup>TH</sup> DAY OF JANUARY, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE M.G.S. KAMAL**

**WRIT PETITION NO. 32680 OF 2018 (GM-RES)**

**C/W**

**WRIT PETITION NO. 32679 OF 2018 (GM-RES)**

**IN WP No. 32680/2018**

**BETWEEN:**

1. HINDUSTAN PETROLEUM CORPORATION LIMITED  
REPRESENTED BY  
SHRI R.V.RAJASEKARAN,  
GENERAL MANAGER (MHMSPL),  
MHMB LPG PIPE LINE  
VILLAGE: BALA, VIA: KATIPALLA,  
MANGALORE-575 030.
2. THE COMPETENT AUTHORITY & SPECIAL  
LAND ACQUISITION OFFICER (MHMSPL PROJECT)  
HINDUSTAN PERTOLEUM CORPORATION LIMITED,  
MANGALORE DISPATCH STATION,  
MHMB LPG PIPE LINE,  
VILLAGE: BALA, VIA: KATIPALLA,  
MANGALORE-575 030.

...PETITIONERS

(BY SRI. B PRAMOD., ADVOCATE)

**AND:**

MR VIJAYAPRABHA BHAT K  
D/O. SUBRAMANYA BHAT,  
AGED MAJOR,





**NC: 2026:KHC:912**  
**WP No. 32680 of 2018**  
**C/W WP No. 32679 of 2018**

R/AT KUKKALA VILLAGE,  
BELTHANGADY TALUK - 574 240.

...RESPONDENT

(BY SRI. K CHANDRANATH ARIGA.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE ABOVE PETITION AND TO DIRECT AND SET ASIDE THE ORDER DATED 27.04.2018 PASSED IN MISCELLANEOUS CASE NO.46/2015 BY THE COURT OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, D.K. MANGALURU VIDE ANNEX-A AS ILLEGAL, ARBITRARY AND UNTENABLE.

**IN WP NO. 32679/2018**

**BETWEEN:**

1. HINDUSTAN PETROLEUM CORPORATION LIMITED  
REPRESENTED BY  
SHRI R.V.RAJASEKARAN,  
GENERAL MANAGER (MHMSPL)  
MHMB LPG PIPE LINE  
VILLAGE:BALA, VIA:KATIPALLA,  
MANGALORE - 575 030.
2. THE COMPETENT AUTHORITY & SPECIAL  
LAND ACQUISITION OFFICER (MHMSPL PROJECT)  
HINDUSTAN PERTOLEUM CORPORATION LIMITED,  
MANGALORE DISPATCH STATION,  
MHMB LPG PIPE LINE, VILLAGE:BALA,  
VIA:KATIPALLA, MANGALORE-575 030.

...PETITIONERS

(BY SRI. B PRAMOD.,ADVOCATE)



**NC: 2026:KHC:912**  
**WP No. 32680 of 2018**  
**C/W WP No. 32679 of 2018**

**AND:**

K UDAYA SHANKAR BHAT  
S/O.LATE KRISHNA BHAT,  
(AGED ABOUT 55 YEARS)  
R/AT KUKKALA VILLAGE,  
BELTHANGADY TALUK-574 240.

...RESPONDENT

(BY SRI. K CHANDRANATH ARIGA.,ADVOCATE)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR RECORDS PERTAINING TO THE ABOVE PETITION AND TO SET ASIDE THE ORDER DATED 27.04.2018 PASSED IN MISCELLANEOUS CASE NO.47/2015 BY THE COURT OF THE II ADDL. DISTRICT AND SESSIONS JUDGE, D.K.MANGALURU VIDE ANNEX-A AS ILLEGAL, ARBITRARY AND UNTENABLE

THESE PETITIONS, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

**ORAL ORDER**

In these petitions, petitioner-Corporation and its competent authority are before this Court assailing the orders dated 27.04.2018 passed in Miscellaneous Case No.47/2015 (W.P.No.32679/2018) and in Miscellaneous Case No.46/2015 (W.P.No.32680/2018) by the II Additional District and Sessions



Judge, D.K. Mangaluru (hereinafter referred to as Reference Court).

2. **Facts in brief are:** that land in Sy.No.123/2A measuring 16 cents (subject matter of W.P.No.32679/2018) and land in Sy.No.157/1, measuring 35 cents (subject matter of W.P.No.32680/2018) both situated at Kukkala village, Belthangady Taluk, were identified and utilised by the petitioner No.1 for the purpose of laying pipeline under the provisions of Petroleum and Mineral Pipeline (Acquisition of Right of User in Land) Act, 1962 ('Act' for short). The competent authority of the petitioner No.1 under the Act while determining the compensation to the extent of 16 cents of land in Sy.No.123/2A has taken 90 arecanut trees into consideration awarding Rs.2,32,108/- for the said trees (as per Ex.R2 in W.P.No.32679/2018) and in respect of land measuring 35 cents in Sy.No.157/1, it has taken 50 plantain plantation and 14 arecanut trees into consideration, awarding compensation of Rs.63,406/- (for plantain plantation Rs.27,300 and for arecanut trees Rs.36,106 as per Ex.P7 in W.P.No.32680/2018). Being aggrieved by the same, respondents preferred Reference which



was registered in Misc. Case No. 46/2015 and Misc. Case No. 47/2015 respectively. Reference Court by the separate orders of even date 27.04.2018 enhanced the compensation to Rs.8,00,000/- and Rs.6,00,000/- with interest at 6% p.a. from the date of petition till realization from the respondent respectively. Aggrieved by which, the petitioners are before this Court.

3. Counsel appearing for the petitioners taking this Court to the records, submits that the impugned orders passed by the Reference Court suffers from perversity. In that the Reference Court has not adverted to the documentary evidence placed on record. He submits that in the award passed by the competent authority, as regards land in Sy.No.123/2A, the competent authority had taken 90 arecanut trees based on the mahazar which was drawn as per Ex.R5, (page 121 of W.P.No.32679/2018) and as regards land in Sy.No.157/1, measuring 35 cents, had taken to consideration 50 plantain plantations and 14 arecanut trees, based on the mahazar which was drawn, produced as per Ex.R5, (page 111 of the WP No.32680/2018). He further submits that contrary to this



documentary evidence, the Reference Court has erroneously relied upon the mahazar report produced by the respondents/ claimants marked as Ex.P9 (produced at page 59 of the writ petition in W.P.No.32680/2018) and while carrying out the inspection at the initial stage, erroneously number of arecanut trees were mentioned as 91 in respect of Sy.No.157/1 which was corrected subsequently in the mahazar produced Ex.R5 wherein the said number of arecanut trees was reduced to 14. He submits that as regards Sy.No.123/2A is concerned, though in the mahazar only 90 arecanut trees were shown, the Reference Court has taken the same as 114. He submits no reason of any nature whatsoever is assigned by the Reference Court in taking these erroneous numbers of arecanut trees into consideration while awarding the compensation which reflect non-application of mind to the material evidence placed on record. Therefore, he submits the orders impugned in these writ petitions suffer from perversity and warranting interference. He further submits that the quantum or the value determined by the Reference Court is without any basis. Similar is the situation in respect of compensation awarded in respect of compound wall.



4. In response, learned counsel for the respondents taking this Court through the deposition of Tahsildar who was examined as RW1, more particularly, paragraphs 10 and 11 of the cross-examination, submits that the Tahsildar has categorically and unambiguously admitted to the existence of the arecanut trees as per Ex.P9. Such admission read in conjunction with the contents of Ex.P9 clarify the existence of 91 arecanut trees in Sy.No.157/1. As such, there is no perversity in the order passed by the Reference Court. He submitted that the award of compensation in respect of compound wall is reasonable, warranting no interference of the matter.

5. Heard. Perused the records.

6. Exercise of right of usage by the petitioner-corporation over the lands belonging to the respondents as above is not in dispute. There is also no dispute to the fact that the land consisted of arecanut trees and other plantation. Anomaly is only an account of two mahazar reports which have been brought on record by the petitioner- corporation as found at page No.59 and 121 of W.P. No.32679/2018 and at Page



Numbers 59 and 111 of WP No.32680/2018. In the mahazar which is found at page number 59 of the writ petitions, the number of arecanut trees are shown as 91 and number of plantain plantation are also shown as 50. However, in the mahazar report produced at page number 123 (in W.P.No.32679/2018), the said number of arecanut trees is shown as 14 instead of 90, while the Plantain plantation number is shown as 50. Except this there is no other anomaly on record.

7. As rightly pointed out by learned counsel for the respondents, Tahsildar who has been examined by the petitioner-corporation as RW.1 in the cross-examination at paragraphs 10 and 11 has deposed as under;

"10. ಈ ಕೇಸಿಗೆ ಸಂಬಂಧಪಟ್ಟಂತೆ 2 ಬಾರಿ ಪಂಚನಾಮೆ ಮಾಡಲಾಗಿದೆ. ನಿಜಿ1 ರಿಂದ 10 ದಾಖಲೆಗಳನ್ನು ನೋಡಲಾಗಿ ಸದರಿ ಪಂಚನಾಮೆಗಳು ಕಂಡುಬರುವುದಿಲ್ಲ.

11. ಸ್ಥಳ ಮಹಜರು ಮಾಡುವಾಗ ಮಜಹರಿನಲ್ಲಿ ಸದರಿ ಸ್ಥಳದಲ್ಲಿ ಸಾಗುವಾನಿ ಮರ-17, ಆಕೇಶಿಯಾ-1, ಮಾವಿನ ಮರ-1, ಹೆಬ್ಬಲಸು-2 ಹಾಗೂ ಕಾಡು ಮರಗಳು ಇವೆ. ನಮೂದು ಮಾಡಿದ್ದೇವೆ ಸರಿ. ನಿಜಿ-9), ಸದರಿ ನಿಜಿ 9 ರ ವರದಿಯಲ್ಲಿ ಅಡಿಕೆ ಮರ ಮತ್ತು ಬಾಳೆಗಿಡಗಳ ವಯಸ್ಸು ನಮೂದು ಮಾಡಿದ್ದೇವೆ ಎಂದರೆ ಸರಿ".



8. Thus, the said documents more particularly Ex.P9 mahazar have been confronted to the said witness, who has not disputed the contents of the same.

9. The Reference Court in the impugned orders has indeed referred to Ex.P9 and has proceeded to take into consideration the existence of 91 arecanut trees as shown therein. Therefore, the contention that the order passed by the Reference Court is without appreciating the material evidence placed on record cannot be countenanced. Discrepancy, even if any, as sought to be made out by the petitioner or of not that significant in nature to go to the root of the matter. As such, no grounds are made out warranting interference. Petitions lack merit and same are **dismissed** accordingly.

**Sd/-**  
**(M.G.S. KAMAL)**  
**JUDGE**