

KACD010011132021



Presented on : 26-03-2021
Registered on : 26-03-2021
Decided on : 22-04-2024
Years. Moths. Days.
Duration : 03. 00. 27.

IN THE COURT OF 1ST ADDL. DISTRICT AND SESSIONS JUDGE
AT CHITRADURGA, CHITRADURGA

(Presided Over by :- SRI. SHANKARAPPA NIMBANNA KALKANI)
B.Com., LLM

1st Addl. Dist & Sessions Judge,
Chitradurga

Dated this 22nd day of April 2024

L.A.C. No.39/2021

Claimant:- Hanumanthappa s/o Thimmappa, aged about 41 years, Occ: Coolie work, R/o. Jaknahalli, Ramagiri Hobli, Holalkere Taluk, Chitradurga District.

(By Sri. Manjunatha N.D., advocate)

/Vs/

Respondents: 1) Special Land Acquisition Officer, Special Land Acquisition Office, Upper Bhadra Project, Opposite to Deputy Commissioner Bungalow, Rajendra Circle, Chitradurga - 577 501.
2) Executive Engineer, Vishweshwaraiah Jala Nigam Niyamitha, Division No.5, Office of the

Upper Bhadra Project, Opposite to Deputy
Commissioner Bungalow, Rajendra Circle,
Chitradurga - 577 501.

(By Sri. G.S.A., advocate)

J U D G M E N T

This is a reference petition filed by the claimant U/Section.64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 praying to redetermine compensation awarded by the SLAO.

2) The facts of the case of claimant is as under:-

The claimant is the owner of site bearing khatha Sy.No.22/17 situated at Jaknahalli village, Ramagiri Hobli, Holalkere which is nearer to the PWD road and nearby site owners have constructed their houses in their sites and surrounding the site schools and other government buildings are existing and the claimant had planned to construct residential house and collected some building materials but the respondents have acquired maximum portion of the site and the remaining extent is very small and not fit for construction of house and it is fully developed area and respondents have acquired 1755 square feet for the purpose of formation of sub channel under the Upper Bhadra Scheme and awarded Rs.37/- per square feet and totally awarded Rs.64,935/- and other statutory benefits i.e., solatium and additional market

value etc., which comes to Rs.2,74,620/- under all the heads, but the market value of the said acquired site is more than Rs.26,32,500/- as per guidelines value and sub-registrar value was at the rate of Rs.1,500/- at the time of acquisition but awarded amount is very meager and while awarding, the land acquisition officer has not at all taken into consideration actual market value, potential value. It is further averred that at the time of acquisition of the sites for the development of the Railway projects, in the said acquisition, the KIADB has fixed the higher value than that of the rate fixed by the respondents. The award notice was served on 12.11.2020 and the Deputy Commissioner, Chitradurga has issued endorsement on 26.02.2021. Therefore, the claimant requested this court to direct SLAO to refer the matter to the Reference Authority/Court for re-determination of compensation.

3) That in response to the issuance of notices, respondents appeared through Sri. G.S.A., advocate and filed objection contending that respondents have acquired 1755 square feet space in Sy.No.22/17 belonged to father of claimant situated at Jaknahalli village for the purpose of Upper Bhadra Project under Preliminary Notification 11(1) dated 27.09.2018 and final notification U/Section 19(1) and (2) dated 17.10.2019 under L.A. Act and on 29.12.2020 paid Rs.2,74,620/- to the petitioner (as khatha was changed in the name of claimant in view of death of his father) by considering value

of three years as per Section 26 of L.A. Act with 100% solatium, and 12% additional interest and paid the same to the petitioner. Hence, the respondents prayed to reject the reference petition.

4) During the course of proceedings, inspite of sufficient time granted but both the parties have not led oral and documentary evidence and inspite of sufficient opportunities both counsels have not argued hence it is taken as no evidence and taken as heard the arguments of the both the sides on merits of the case.

5) The points that would arise for my consideration are: -

- 1) Whether the market value of the acquired land determined by the SLAO is not just and proper?
- 2) Whether the amount of compensation awarded by the SLAO is not adequate and reasonable?
- 3) Whether the claimant is entitled for enhanced compensation?
- 4) What order or decree?

6) My findings to the above points are as under :

Point No.1 : In the negative.

Point No.2 : In the negative.

Point No.3 : In the negative.

Point No.4 : As per final order for the following :

REASONS

7) **POINT Nos.1 to 3:-** As all the three points are interrelated, considered together to avoid repetition of facts and evidence.

8) As could be seen from the petition filed U/Section.64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and sought for compensation of Rs.28,32,500/- with 18% interest p.a. with costs from the date of Preliminary notification as per the market value.

9) In this case inspite of sufficient opportunity granted to the claimant and respondents but they have not adduced any oral or documentary evidence in their behalf and hence it is taken no evidence on the respective parties and it is taken heard the arguments.

10) The claimant has not produced any documents to show that the acquired site belonged to him was worth Rs.1,500/- per square feet at the time of acquisition and the petitioner also not appeared before the court to give evidence nor denied the payment

made by the respondents for acquired 1755 square feet space to show that respondents have paid meager amount of compensation. Hence the petitioner is not entitle for enhanced compensation as sought for. Hence I answer point Nos.1 to 3 in the negative.

11) **Point No.4** : In view of the above discussions and my findings to the points No.1 to 3, I proceed to pass the following :

ORDER

The reference petition filed Under section 64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is dismissed.

Draw award accordingly.

There is no order as to cost.

(Dictated to the Stenographer Grade I on computer, feeded by him, corrected by me in the computer, print taken and pronounced by me in the open court this the 22nd day of April 2024)

(Shankarappa Nimbanna Kalkani)
1st Addl. Dist & Sessions Judge
Chitradurga.

ANNEXURE

1. List of witnesses examined for the claimant:-
- N I L -
2. List of documents exhibited for the petitioner:-
- N I L -

3. List of witnesses examined for the respondents:-
- N I L -
4. List of documents exhibited for the respondents:-
- N I L -

(Shankarappa Nimbanna Kalkani)
1st Addl. Dist & Sessions Judge
Chitradurga.

Pj