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IN THE COURT OF THE II ADDITIONAL CITY CIVIL AND
SESSIONS JUDGE AT BANGALORE (C.C.H. No.17)

Dated this the 2nd day of December 2024.

PRESENT:

Sri. Padma Prasad, B.A.Law.LL.B.
II Addl. City Civil and Sessions Judge, Bangalore.

: LAND ACQUISITION CASE No.205/2001:

CLAIMANTS

:

- 1) **G.V. Gopal**
No. 115, 23rd Main road
3rd Cross, Srinagar
Bengaluru-50.
- 2) **Munipillappa**
S/o Adiyappa
Kengeri,
Bangaluru South Taluka
Bengaluru District.
- 3) **M.A. Majid**
S/o Mohammed Abdul Rehaman
H. No.520, Upper street
Kengeri
Bengaluru-560 060
- 4) **Nijalingappa**
No.207,
Kengeri village
Bengaluru.

4(1) Hafeeja Begum

4(2) Mohammd Usuf

4(3) Mohammed Ismail

4(4) Jakeer Hussain

4(5) Rajiya Begum

4(6) Jakiya Begum

4(7) Mehartaj

4(8) Shajiya Begum

All are children of late. Akbar Sharif
R/at no.11,
Padmavathamma Temple road
Motinagara
Bengaluru.

5) Smt. Ammayyamma

W/o late. G.V. Narasimhaiah
No. 45, Gavipura village
Bengaluru-19.

6) K.R. Siddalingappa

Since dead by LR's

6(a) Smt. K.S. Prema

D/o K.R. Siddalingappa
Aged about 70 years
W/o Honnangappa
Maralavadi Main Road
Harohalli
Kanakapura Taluk.

6(b) Sri. Muralibasappa

Aged about 40 years

S/o K.S. Basavaraja
No. 250, Budikere road
Kanakapura
Ramanagara District

6(c) Gowramma

Aged about 42 years
D/o Basavaraju
No. 250, Budikere road
Kanakapura
Ramanagara District

6(d) Nagarathnamma

Aged about 53 years
W/o Likanath

6(e) K.L. Bharatha

Aged about 26 years
S/o Lokanath.

6(f) K.L. Bhanumathi

Aged about 23 years
D/o Lokanath

6(g) K.L. Shruthi

Aged about 19 years
D/o Lokanath

No.6(d) to 6(g) are residing at No.
207

Lingayath Street, Kengeri
Bengaluru – 60.

6(h) Samudram

Aged about 60 years
S/o late.Siddalingappa
No. 207, Lingayath street
Kengeri
Bengaluru -60.

6(i) Sumathi

W/o Shivakumar
Aged about 56 years
No. 158, Post Office Building
Near Railway Gate
Kodigehalli
Bengaluru -92.

6(j) Manjula

W/o Nagaraj
No. 60, Kethanahalli
Dasanapura Hobli
Bengaluru North Taluka

6(k) Madhumathi

Aged about 45 years
W/o S. Renukaiah
Bijjalli post
Kodihalli Hobli
Kanakapura Taluk.

(Sri. NCK, Advocate for C-2)

-VERSUS-

RESPONDENTS :

1) Addl. Land Acquisition Officer,
B.D.A.
Bengaluru-560 020.

2) Commissioner
B.D.A.
T. Chowdaiah Road
Bengaluru -20.

(Sri. MG, Advocate)

: J U D G M E N T :

The respondent No.1/Special Addl. LAO, Bangalore Development Authority, Bangalore has sent this reference under Sections 30 and 31(2) of L.A. Act, 1894 (hereinafter referred as 'L.A. Act' for short) for apportionment of compensation amount.

.2. At this juncture, it is relevant to note that the claim petition filed by claimant No.1 and 5 have been allowed by this Court vide judgment dated 17.01.2003. The present L.A.C. case No. 205/2001 is only in respect of claim made by the claimant No.2.

.3. The brief facts of the case is that the land bearing Sy.No.98/1 measuring 4 acres 6 guntas, situated at Valagere village, Kengeri Hobli, Bengaluru South Taluka has been acquired for the purpose of formation of Jnanabharathi layout. Preliminary notification was issued on 02.02.1989 and final notification was issued on 03.03.1994. The award passed on 26.08.1996 by fixing market value at Rs.1,30,000/- per acre. As there was dispute with

regard to title of the interested persons, matter has been referred to this Court. The L.A.O. has deposited a sum of Rs.11,60,306/-. The said amount has been kept in F.D. in Rathnakar Bank Ltd., (Scheduled Commercial Bank) No. 197, 6th Cross, Gandhinagar, Bengaluru.

.4. On receipt of the reference, the claimant No.2 has entered appearance and filed claim statement stating that the property measuring 20 guntas of land in Sy. No.98/1 of Valagerehalli village has been granted to him by the Land Tribunal in the order passed in LRF No. 2137/1974-75. On the basis of the said grant of occupancy rights, the property has been mutated in his name as per MR No.24/1982-83. Accordingly, claimed that he is in actual possession and enjoyment of the said property. The claimant No.2 also claims that the said property has been acquired by the respondent No.1 and hence, he is entitled for compensation for the said 20 guntas of land.

.5. The respondents have not filed any objections to the claim statement filed by the claimant No.2.

.6. In order to prove his case, claimant No.2 Munipillappa @ Munipullappa is examined as PW.3 and got marked the Documents at Ex.P.14 to 25. The respondents have not adduced any oral evidence.

.7. On the basis of the above, the point for consideration is that:

“Whether claimant No.2 is entitled for compensation in-respect of the land bearing Sy.No.98/1 measuring 20 guntas of Valagerehalli village, Kengeri Hobli, Bangaluru South Taluka?”

.8. Heard the arguments, perused the materials on record, on that basis my finding on the above point is in the affirmative, for the following:

REASONS

.9. **POINT:** This reference has been made under Sections 30 and 31(2) of L.A. Act in respect of acquisition of property bearing Sy. No. 98/1 measuring 4 acres 6 guntas of land. This Court vide judgment dated 17.01.2003 allowed the claim petition of claimant No.1 G.V. Gopal to an extent of 17

guntas of land and claimant No.5 Smt. Ammayamma to an extent of 37 guntas of land. In this case, the claimant No.2 claims right over 20 guntas of land. Accordingly, he is claiming compensation to an extent of 20 guntas of land in respect of Sy. No. 98/1 of Valagerehalli village.

.10. In view of the aforesaid fact, it is for the claimant No.2 to prove that he is exclusive right, title and interest over 20 guntas of land in Sy. No.98/1. As stated earlier, the claimant No.2 made out specific case in his claim statement as well as evidence affidavit that he is the absolute owner of the property bearing Sy. No. 98/1 measuring 20 guntas of land as per the Land Tribunal order passed in LRF No. 2137/1974-75 and on the basis the said grant, the property was mutated in his name and hence, he is in actual possession and enjoyment of the said property till that has been acquired.

.11. The claimant No.2 in support of the said contention, produced the documents at Ex.P.14 to 25. Ex.P.14 is the Land Tribunal order. As per the said document, 20 guntas of land in Sy. No. 98/1 has been

granted in favour of claimant No.2 as on 16.08.1976. The boundaries of 20 guntas of land granted to claimant No.2 has been described in the order of the Land Tribunal. The respondents have also not disputed the extent of 20 guntas of land with boundaries stated in the Land Tribunal order that has been granted to the claimant No.2. Hence, identity or extent of property granted to claimant No.2 is not in dispute. The only defence taken by the respondents during the cross-examination of PW.3 that the Land Tribunal in its order directed to pay premium to the Government. The claim of the respondents is that as the claimant No.2 has not produced any documents to show payment of premium, the claimant No.2 is not entitled for compensation. The said contention cannot be accepted particularly as the property has been mutated in the name of claimant No.2 on the basis of the land Tribunal order and also RTC extracts produced and marked at Ex.P.15 to 22 clearly reveals that the property has been mutated in the name of claimant No.2 and also the extent of property measuring 20 guntas of land shown in the name of claimant No.2 as per RTC extracts. Further the encumbrance

certificates as per Ex.P.24 and 25 also shows the name of claimant No.2. Therefore, there is no material on record to disbelieve the claim of claimant No.2. Hence, the materials on record clearly shows that 20 guntas of land in Sy. No. 98/1 belongs to the claimant No.2 that has been acquired by the respondents. Hence, the claimant No.2 is entitled for compensation to an extent of 20 guntas of land. Accordingly the above point is answered in the affirmative. In the result, I proceed to pass the following:

ORDER

The reference made by the respondent No.1/SLAO under Sections 30 and 31 of the Land Acquisition Act, 1894 is hereby allowed in respect of claimant No.2.

Claimant No.2 Munipillappa @ Munipullappa is entitled to receive compensation in-respect of 20 guntas of land in Sy. No.98/1 of Valagerehalli village, Kengeri Hobli, Bangaluru South Taluka along with statutory benefits.

The above claimant No.2 shall has to execute an indemnity bond with one surety, undertaking to re-deposit the

compensation amount either in this court or in any other court, if ordered to do so, which amount he is going to receive in this case.

The compensation payable in-respect of remaining extent of acquired land to be continued in F.D. until further orders.

Draw award accordingly.

(Padma Prasad)
II Addl. City Civil and Sessions Judge,
& Spl. Judge, Bangalore .

A N N E X U R E

1. WITNESSES EXAMINED FOR CLAIMANT No.2:

P.W.3 : Munipillappa

2. DOCUMENTS MARKED FOR THE CLAIMANTS:

Ex. P.14	Land Tribunal Order
Ex. P.15 to 22	RTCs
Ex. P.23	Mutation
Ex. P.24 & 25	Encumbrance certificates

3. WITNESSES EXAMINED FOR THE RESPONDENTS: Nil

4. DOCUMENTS MARKED FOR THE RESPONDENTS: Nil

(Padma Prasad),
II Addl. City Civil & Sessions Judge,
& Spl. Judge Bangalore.

