

KABG010080692022



Presented on : 07-11-2022
Registered on : 07-11-2022
Decided on : 16.07.2026
Duration : 3 years 8 months 9 days

**IN THE COURT OF IV ADDL. DISTRICT JUDGE,
BELAGAVI AND THE LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
AUTHORITY, BELAGAVI.**

PRESENT

Smt. Sandhya S., M.A., LL.B.(spl.)

V Addl. District and Sessions Judge and holding
C/C of IV Addl. District and Sessions Judge and
the Land Acquisition, Rehabilitation and
Resettlement Authority, Belagavi.

LAC No:893/2022

DATED THIS THE 16th DAY OF JULY, 2026

Claimants	1] Sri.Ramanna S/o Bharamappa Khatakabanvi, Age 42 yrs, Occ: Agriculture 2: Lagamappa S/o Basappa Agasar Age 54 yrs , Occ: Agriculture 3: Kadappa S/o Parappa Nayak
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	Age 63 yrs, Occ: Agriculture 4: Lagamanna S/o Parappa Nayak Age 72 yrs, Occ: Agriculture 5: Ningappa S/o Parappa Nayak, Age 62 yrs, Occ: Agriculture 6: Balappa S/o Parappa Nayak, Age 54 yrs, Occ: Agriculture 7: Satteppa S/o Rayappa Patil, Age 38 yrs, Occ: Agriculture 8: Desai S/o Rayappa Patil, Age 42 yrs, Occ: Agriculture 9: Balappa S/o Mallappa Nayak, Age 44 yrs, Occ: Agriculture 10: Bharamanna S/o Ramanna Karkinaik, Age 63 yrs, Occ: Agriculture 11: Shivanand S/o Ramanna Karkinaik Age 48 yrs, Occ: Agriculture 12: Smt Shobha W/o Babu Ulloli, Age 39 yrs, Occ: Agriculture 13: Smt Kasturi W/o Ramappa Hadiganal, Age 42 yrs, Occ: Agriculture
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	14: Smt Suvarna W/o Kempanna Ravadi, age 29 yrs, Occ: Agriculture 15: Kempanna S/o Parappa Khadakabanvi, Age 49 yrs, Occ: Agriculture 16: Kallappa S/o Mallappa Karkinaik, Age 38 yrs, Occ: Agriculture 17: Mahantesh S/o Mallappa Karkinaik Age 21 yrs, Occ: Agriculture 18: Bapu S/o Ramanna Nayak, Age 19 yrs, Occ: Agriculture 19: Smt Kasturi W/o Jinnappa Nayak Age 44 yrs, Occ: Agriculture 20: Basavaraj S/o Jinnappa Nayak, Age 35 yrs , Occ: Agriculture 21: Umesh S/o Jinnappa Nayak, Age 61 yrs, Occ: Agriculture 22: Vinayak S/o Jinnappa Nayak, Age 25 yrs, Occ: Agriculture 23: Channamall S/o Mallappa Nayak Age 44 yrs, Occ: Agriculture 24: Arjun S/o Mallappa Nayak,
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	Age 33 yrs, Occ: Agriculture 25: Pundalik S/o Bapu Nayak, Age 58 yrs, Occ: Agriculture 26: Smt Sharawwa W/o Kempanna Nayak, Age 41 yrs, Occ: Agriculture 27: Gopal S/o Kempanna Nayak, Age 32 yrs, Occ: Agriculture 28: Smt Sumitra W/o Arjun Babbarageri, Age 42 yrs, Occ: Agriculture 29: Shantawwa W/o Ramanna Avarasingi, Age 30 yrs, Occ: Agriculture, 30: Jayashri W/o Ningappa Busari Age 28 yrs Age: 28, Occ: Agriculture. All are resident of Belavi, Taluk Hukkeri,
[For claimants by Sri.S.D.Jadhav, Advocate]	
Vs.	
Respondents	[1] The S.L.A.O, Hidkal Dam, Hidkal. Tal: Hukkeri, Dist: Belagavi. [2] The Executive Engineer, Karnataka Neeravati Nigam Ltd., GRBCC Division No.4, Chikkodi, Dist: Belagavi.

[For Respondent No.1 by learned District Government Pleader]

[For Respondent No.2 by Smt.M.Patil, Advocate]

AWARD

This reference application is filed by the claimants against the respondents before the Special Land Acquisition Officer/S.L.A.O, Hidkal Dam under section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, to refer the same to the competent Authority for proper determination of compensation, in the interest of justice.

2. In view of the said reference this file is made over to this Authority for adjudication. In the said application it is prayed by the claimants for enhancement of compensation amount in respect of claimants acquired land situated at Belavi which was acquired for the purpose of construction of Kotabagi Lift Irrigation Project-II stage of Right Bank Canal of Ghataprabha Project, acquired under Award No.**LAQ-JSR/1766** dated **01.09.2020** by issuing preliminary notification under section 11[1] of RFCTLARR Act, which was published in Karnataka Gazette on **22.02.2018**.

3. The particulars of acquired land of the claimants is as under:

Sy.No.	Village	Measurement Ac-Gn-An	Type of land (As per the Award)
121	Belavi	02 - 09 - 00	Irrigated land

4. The particulars of award amount paid by S.L.A.O which is mentioned in Annexure-IV is as follows:

Village	Sy.No	Type of land	Area A - G-Anna	Particulars	Particulars of amount paid (Rs.)
Belavi	121	Irrigated land	02 – 09 - 00	1]Land Value	15,78,112
				2]Multiple X 2	31,56,225
				3]Trees and Structures value	--
				4]Total[2+3=4]	31,56,225
				5]100% solution	31,56,225
				6] 12 % U/s. 30[3] AMV	4,72,137
				7] Total [4+5+6]	67,84,586

5. The claimants have sought reference based on the following grounds, stating that claimants are the owners of the acquired land and received compensation amount 'Under Protest'. That the award passed by the S.L.A.O is too low as compared to the market value of the acquired land. That the respondents have not issued any notice under provisions of the RFCTLARR Act, before award, the

same is mandate on the part of S.L.A.O. That S.L.A.O has not visited acquired land and has not made spot inspection before passing the award. That the compensation amount awarded by the respondents is too low as compared to present market value of the irrigated lands and the same is meager and inadequate as the present market value of the acquired land under acquisition per acre is Rs.50,00,000/-, this aspect is not considered by the respondents while passing the award. That the land in question is irrigated land, fertile and is capable of growing commercial crops in the said land like sugarcane, banana, grapes, DCH Cotton, Maize and vegetables etc., the said crops were attached with the land at the time of acquisition. That S.L.A.O has not considered value of the damages of the said crops while passing the award and there was a residential building and water tank for purpose of cultivation, but at the time of award the concerned officers have not considered valuation of the above said building and trees. Totally, said house, water tank and all the trees are valued more than Rs.75,00,000/-. That the net annual income of the acquired land is Rs.20,00,000/- per acre after deducting the expenses. That the respondents have

not considered the highest value of the sale deed/agreements for sale while passing the award. That the respondents have not considered the bunds situated in acquired land which fetches the market value of Rs.1,00,000/- per bund, therefore claimants are entitled for the compensation towards bunds. That the respondents have not adopted the correct method of calculation and in determination of the market value and there is well settled law for determination of the market value and net income is to be considered. That the notice under section 37(2) of RFCTLARR Act, is not served upon the claimant. Hence the said application is filed before the S.L.A.O within the prescribed period as per Land Acquisition Act. Hence, on these grounds and for other grounds as mentioned in the reference application, the claimants have prayed for enhancement of the compensation.

6. The notice of the reference application was issued to the respondents which was served on them and respondent No.1 entered appearance through learned District Government Pleader and respondent No.2 is represented by Smt.M.Patil, Advocate, and they have filed objections.

7. In the objection filed by **respondent No.1 through learned District Government Pleader**, it is stated that the contents of the reference application filed by the claimants are false, frivolous and vexatious and application is not tenable in the eye of law. That while passing the award, S.L.A.O has followed all the relevant procedures, prescribed under the RFCTLARR Act. That S.L.A.O has conducted a fair and proper enquiry and considered all the materials available along with survey of surrounding area, nature of land, Government Valuation of land, recent preceding 3 years sale deeds and average sale price of the similar land situated in and nearby villages. That S.L.A.O has considered standing crops, structures, trees, livestock, water courses and beneficial interest, which are available in the lands and reflecting in the R.T.C. That there is no violation of the provisions of RFCTLARR Act, while fixing the market value and S.L.A.O has fixed the market value correctly. That S.L.A.O has issued proper notices to the owners of lands under section 4[1], 6, 9, 11 as required by law and at that time claimants have not put forth their claim before the S.L.A.O with legal documents. Therefore, they have no locus-standi to file this

application. Further objected that though, notice under section 21 of RFCTLARR Act was duly served, but the claimants did not file any objections with regard to the measurement, state of affairs of the land, compensation payable nor have produced any documents entitling them for higher compensation. It is further objected that acquired land is dry land and does not have any source of irrigation and claimants are purely depending on rain. That the land is located in hillock area and therefore, the award price fixed by S.L.A.O is proper. That the compensation amount is received by the claimants and respondent is not liable to pay interest. That the reference petition is barred by period of limitation and hence, on these grounds, the respondent No.1 has prayed for rejecting the reference application.

8. Further counsel **Smt.M.Patil, advocate for respondent No.2**, has filed objection stating that the reference application filed under section 64 (1) and (2) of the RFCTLARR Act, is wholly misconceived and not tenable in the eyes of Law. That the claimants have not received the compensation amount 'Under Protest' and the averments made in the reference petition are denied

as false. That the claimants are claiming compensation much higher than the irrigated land. That the reference application is barred by period of limitation and S.L.A.O has not referred the reference application within time. That the registered sale deed came into existence after issuance of 11(1) notification, should not be considered and S.L.A.O has rightly fixed the highest market value per acre and awarded other statutory benefits in accordance with law. That S.L.A.O has followed all the procedures as contemplated under section 26 to 30 of the RFCTLARR Act and this authority cannot rely on the previous judgments in order to fix the market value. Further objected that no loss has been caused to the claimants as a result of acquisition and respondent No.1 has followed all the provisions of RFCTLARR Act. Hence, award does not suffer from any irregularity or infirmity and claimants are not entitled for enhancement of compensation as the compensation awarded by respondent No.1 is just and proper. Hence on these grounds and for other grounds as mentioned in the objection, respondent No.2 has prayed for dismissal of reference petition.

9. In order to prove the case of the claimant, claimant no.24 is examined as P.W.1 and he got marked 20 documents as **Ex.P.1 to 20**. The respondents have not stepped into the witness box, but got marked 1 document as **Ex.R.1**.

10. The learned counsel appearing for claimants and respondents have vehemently argued on the case.

11. On the basis of the claim made by the claimants and rival contentions of the parties, following Points are framed by this Authority :

Point No.1: **Whether the reference petition is filed within stipulated time?**

Point No.2: **Whether the claimants prove that respondent has not determined the proper market value for the acquired lands and that they are not awarded fair compensation?**

Point No.3: **Whether the claimants are entitled for the relief as sought for?**

Point No.4: **What order?**

12. This Authority has answered the above points as hereunder:-

Point No.1: **In the Affirmative**

Point No.2: **In the Affirmative**

Point No.3: **Partly in the Affirmative**

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

REASONS

13. **Point No.1:** On considering all the papers on record, as per the cannon of civil Adjudication, claimants have to bring home cogent and satisfactory evidence with production of valid and supportive documents in order to prove their case.

14. **The argument of counsel for claimants Sri.S.D.Jadhav, Advocate,** is that the claimants have received the compensation amount 'under protest' and claimants are the owners of the acquired land. Further argued that the award passed by the S.L.A.O is too low as compared to the market value of the acquired land and respondents have not issued any notice under provisions of the RFCTLARR Act. Further argued that S.L.A.O has not visited acquired land and has not made spot inspection before passing the award and compensation amount awarded by the respondents is too low as compared to present market value of the irrigated lands and the same is meager and inadequate as the present market value of the

acquired land under acquisition per acre is Rs.50,00,000/-. Further argued that the land in question is irrigated land and S.L.A.O has not considered value of the damages of the said crops while passing the award. Further argued that the net annual income of the acquired land is Rs.20,00,000/- per acre after deducting the expenses and respondents have not considered the highest value of the sale deed/agreements for sale while passing the award. Further argued that respondents have not adopted the correct method of calculation and in determination of the market value. Hence, enhancement of the compensation may be awarded to the claimants is the argument of counsel for the claimant. Further learned counsel for claimants has filed written argument.

15. On the other hand **learned District Government Pleader representing respondent No.1** has argued that while passing the award, S.L.A.O has followed all the relevant procedures, prescribed under the RFCTLARR Act and S.L.A.O has conducted a fair and proper enquiry and considered all the materials available along with survey of surrounding area, nature of land,

Government Valuation of land, recent preceding 3 years sale deeds and average sale price of the similar land situated in and near-by villages. Further argued that S.L.A.O has fixed the market value correctly and that acquired land is dry land. Further argued that the reference petition is barred by period of limitation. Hence, enhancement of the compensation may not be awarded to the claimants and this petition be dismissed, is the argument of learned District Government Pleader.

16. **Further the argument of counsel for respondent No.2 Smt.M.Patil, Advocate**, is that claimants have not received the compensation amount 'Under Protest' and claimants are claiming compensation much higher than the irrigated land. Further argued that the reference application is barred by period of limitation and no loss has been caused to the claimants as a result of acquisition. Further argued that the award does not suffer from any irregularity or infirmity and claimants are not entitled for enhancement of compensation. Hence, enhancement of the compensation may not be awarded to the claimants and this petition be dismissed is the argument of counsel for respondent

No.2.

17. The documents exhibited in this petition by the claimants reveal that **Ex.P.1** is the R.T.C of land bearing Sy.No.121 for the year 2025-2026, **Ex.P.2** is the certificate issued by Village Administrative Officer regarding supply of water, dated 17.01.2026, **Ex.P.3** is the certified copy of sale deed dated 26.05.2016 with respect to the land bearing Sy.no.766/2 measuring 4 guntas, situated at Belavi village which sold for Rs.2,05,000/-, **Ex.P.4** is the certified copy of sale deed dated 03.10.2016 with respect to the land bearing Sy.no.249/2 measuring 10 guntas, situated at Belavi village which sold for Rs.2,55,000/-, **Ex.P.5** is the certified copy of sale deed dated 14.12.2015 with respect to the land bearing Sy.no.766/2 measuring 4 guntas, situated at Belavi village which sold for Rs.1,44,000/-, **Ex.P.6** is the certified copy of agreement for sale dated 15.04.2017 with respect to the land bearing Sy.No.11 measuring 11 guntas, 10 anna, Sy.No.10 measuring 6 guntas, Sy.No.237 measuring 12 guntas, 11 anna, situated at Shirahatti K.D. village, agreed to sell for Rs.5,55,000/-, **Ex.P.7** is the certified copy of sale deed dated 04.01.2016 with respect to the land bearing Sy.No.14/19 measuring

4 guntas, situated at Shirahatti K.D. village, sold for Rs.1,44,000/-, **Ex.P.8** is the certified copy of the registered agreement of sale dated 26.10.2016 with respect to the land bearing Sy.No.161 measuring 5 acres situated at Shirahatti K.D. which agreed to sell for Rs.76,25,000/-, **Ex.P.9** is the certified copy of sale deed dated 04.06.2018 in respect of the land bearing Sy.No.190 measuring 2 acres situated at Shirahatti B.K, which sold for Rs.28,00,000/-, **Ex.P.10** is the certified copy of the registered agreement of sale dated 03.08.2015 with respect to the land bearing Sy.No.190/2 measuring 1 acre situated at Shirahatti K.D. which agreed to sell for Rs.14,25,000/-, **Ex.P.11** is the certified copy of sale deed dated 17.02.2023 in respect of the land bearing Sy.No.190/30 measuring 1 acres situated at Shirahatti B.K, which sold for Rs.14,25,000/-, **Ex.P.12** is the certified copy of decree passed in O.S. No.139/2018, **Ex.P.13** is the Certified copy of Amaljari application in Amaljari No.52/2022. **Ex.P.14** is the Certified copy of order sheet in Amaljari No.52/2022, **Ex.P.15** is the certified copy of judgment and award passed in LAC No.791/2022, **Ex.P.16** is the certified copy of award passed in LAC No.426/2022, **Ex.P.17** is the village map of Shirahatti K.D, **Ex.P.18** is the village map of Shirahatti B.K, **Ex.P.19** is the village map of Belavi and **Ex.P.20** is the certified of sugarcane weight certificate.

18. On the other hand respondents got marked Award Statement as **Ex.R.1**.

19. As per the provision of section 64(1) of the RFCTLARR Act, the aggrieved person must make reference before S.L.A.O within 6 months from the date of award and in other cases within 6 weeks from the date of service of notice under section 21, or within 6 months from the date of the collector's award which period shall first expire. It is stated in the award that while determining the market value, the respondent No.1 has taken into account the sale statistics value of **Belavi village**. The claimants have contended that the respondent No.1 has not considered the sale deeds of nearest village or nearby vicinity area and sale deeds considered by the respondent No.1 are of meager value. The claimants have claimed for enhancement of compensation to the extent of Rs.50,00,000/- per acre as against Rs.7,09,264/- per acre. Hence, the claimants have sought for redetermination of the compensation by considering the sale deeds of nearby vicinity area. This reference is made by the claimants dissatisfied with the award passed by the S.L.A.O and the claimants have filed the reference

application before S.L.A.O on **11.05.2021**, which could be seen from the record and the S.L.A.O submitted reference application to the Hon'ble Principle District and Sessions Court, Belagavi on **19.09.2021**, which could be seen from the record forthwith. The S.L.A.O has also sent statement in Annexure-IV showing particulars of date of issuance of notice under section 9 and 10 and date of service of notice under section 37(2) to the claimant, date of declaration of award, date of receipt of notice under section 37(2), date of application for reference to the court/Authority and also mentioned the particulars, whether the reference application is within stipulated time and whether amount of compensation is received 'under protest'.

20. The provision of law as per section 64 of RFCTLARR Act, reads as follows:

"64. Reference to Authority.(1)Any person interested who has not accepted the award may, by written application to the Collector, require that the matter be referred by the Collector for the determination of the Authority, as the case may be, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, the rights of Rehabilitation and Resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested:

Provided that the Collector shall, within a period of **thirty days** from the date of receipt of

application, make a reference to the appropriate Authority:

Provided further that where the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case maybe, requesting it to direct the Collector to make the reference to it within a period of **thirty days**.

(2) The application shall state the grounds on which objection to the award is taken:

Provided that every such application shall be made

[a] if the person making it was present or represented before the Collector at the time when he made his award, **within six weeks** from the date of the Collector's award; [b] in other cases, within six weeks of the receipt of the notice from the Collector under section 21, or **within six months** from the date of the Collector's award, whichever period shall first expire:

Provided further that the Collector may entertain an application after the expiry of the said period, within a **further period of one year**, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso."

21. On the plain reading of provision under section 64[2][a] and [b] of RFCTLARR Act, it is clear that aggrieved person shall file reference application within 6 weeks from the date of Award. In other cases within 6 weeks from the date of receipt of notice from the Collector under section 21 or within 6 months from the date of Collector's Award, whichever shall first expire. Further on perusal of **Annexure-IV** and award, it shows that the S.L.A.O pronounced award on

01.09.2020 and later issued notice under section 37(2) of RFCTLARR Act to claimants on **10.04.2021** and same was served to the claimants on **10.04.2021**. Thereafter, the claimants filed the reference application on **11.05.2021**, which is within 1 month from the date of service of notice of award. Thus, on perusal of reference application as well as Ex.R.1/award and its statement, it goes to show that the claimants have filed reference application well within time prescribed. Since the S.L.A.O has sent reference application within 3 years from the date of its receipt, this Authority is of the opinion that reference application filed by the claimants are well within time. Hence, this Authority answers **Point no.1 in the Affirmative.**

22. **Point No.2 and 3:-** Both these Points are taken up for consideration together for convenience and also for avoiding repetition of discussion on the facts of the case and also regarding point of law.

23. Papers reveal that the land of claimants are acquired for the purpose of construction of Kotabagi Lift Irrigation Project-II stage of Right Bank Canal of Ghataprabha Project, acquired under Award No.**LAQ-JSR/1766** dated **01.09.2020** by issuing

preliminary notification under section 11[1] of RFCTLARR Act, which was published in Karnataka Gazette on **22.02.2018**, which is not in dispute. The award and its statement are marked by consent on the side of respondent No.1 as Ex.R.1. On perusal of Ex.R.1 award and its statement, it goes to show that the S.L.A.O has relied on sale statistics of Irrigated lands, which are mentioned in Kostak-2 of the award, S.L.A.O has calculated the market value of acquired Irrigated lands at the rate of **Rs.7,09,264/- per acre** and fixed the market value of the acquired land at rate of **Rs.7,09,264/- per acre**. Aggrieved by the same, claimants filed the reference application claiming compensation for an amount of **Rs.50,00,000/-** per acre.

24. During the evidence, claimant no.24 has got examined as P.W.1 and in his affidavit filed during examination-in-chief, he has deposed that land bearing **Sy.No.121 measuring 02 acre 09 guntas** which is situated at Belavi village and the award passed by respondent is not reasonable. Further he has reiterated the contents of the reference petition and respondent has awarded very meager amount of compensation to the acquired lands. Hence, he

received the award amount 'Under Protest'. **During the cross-examination of P.W.1 by learned District Government Pleader**, he admitted that Belavi comes under Gram Panchayat and that in different areas of Belavi there are different types of land. Further admitted that value of irrigated land and land adjacent to their village is higher than other lands. Further deposed that the distance between Belavi to Shirahatti K.D. and Shirahatti D.K. is around 1 kilometers. Further admitted that he has not furnished any document to show the distance between Belavi to Shirahatti D.K. and Shirahatti K.D and admitted that Shirahatti D.K. and Shirahatti K.D villages are bigger than Belavi. Further deposed that he has furnished Ex.P.1 RTC of acquired land of the year 2024-25. Further admitted that Ex.P.2 is of the year 2025, issued by Accounts officer and admitted that he has not furnished any document to show that at the time of acquisition his land was irrigated land. Further deposed that he used to send the sugarcane grown in his land to the sugar factory. Further admitted that sugarcane factory has issued weigh bill and payment from the sugar factory would be deposited to the bank account. Further admitted that apart from the acquired land they have other lands and the said land

is irrigated land and admitted that in Ex.P.20 survey number of his acquired land is not mentioned and Ex.P.20 is pertaining to his land only. Further admitted that Ex.P.20 is obtained in the year 2026. Further deposed that he has no hurdle to furnish the bank statement of his bank account. Further admitted that Ex.P.3 to Ex.P.5 are of irrigated land and he has not furnished any expert opinion to show that the acquired land and lands at Ex.P.3 to Ex.P.5 are similar lands. Further admitted that he has not furnished any document to show that the acquired land and lands at Ex.P.6 to Ex.P.10 are adjacent land. Further admitted that lands at Ex.P.6 to Ex.P.10 are not present near the boundary of his acquired land and admitted that he has not furnished any expert opinion to show that the lands under Ex.P.6 to Ex.P.15 and acquired land are similar. Further admitted that notification is dated 22.02.2018 and after the notification S.L.A.O has issued them notice. Further admitted that both S.L.A.O and KNNL have conducted joint survey of the land and lands at Kostak 2 are of the years 2016 and 2017 and lands at Kostaka 2 are irrigated land. Further this witness has denied other suggestions put to him as false. **During the cross-examination of P.W.1 by learned counsel for**

respondent no.2, he admitted that notification is dated 09.03.2018. Further admitted that both S.L.A.O and KNNL have visited their land and conducted joint survey and admitted that they have conducted spot inspection in order to ascertain whether it is dry land or irrigated land. Further admitted that award was passed by S.L.A.O on 01.09.2020 and S.L.A.O has issued award notice to them dated 10.04.2021 and he is not aware whether the lands at Kostak 2 are adjacent land. Further this witness has denied other suggestions put to him as false.

25. It is important to note the provisions under section 26 of RFCTLARR Act which reads thus:-

"26. Determination of market value of land by Collector.-

(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:-

a) The market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

b) The average price for similar type of land situated in the near village or nearest vicinity area; or

c) Consented amount of compensation as agreed upon under sub-section

(2) of Section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

provided that the date for determination of market value shall be the date on which the notification has been issued under Section 11.

Explanation 1:- The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in Explanation 1, one-half of the total number of sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value."

26. Further it is also important to know the provision under section 69 of RFCTLARR Act, which reads thus:-

"Determination of award by authority"

(1) In determining the amount of compensation to be awarded for land acquired including the Rehabilitation and Resettlement entitlements, the Authority shall take into consideration whether the Collector has followed the parameters set out under Section 26 to Section 30 and the provisions under Chapter V of this Act.

(2) In addition to the market value of the land, as above provided, the Authority shall in every case award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the preliminary notification

under section 11 in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier.

Explanation- In computing the period referred to in this sub-section, any period or periods during which the proceedings for the acquisition of the land were held up on account of any stay or injunction by the order of any Court shall be excluded.

(3) In addition to the market value of the land as above provided, the Authority shall in every case award a solatium of one hundred per cent. over the total compensation amount."

27. In this petition the claimants have claimed that their acquired land fetches more than Rs.50,00,000/- per acre as on 11[1] notification. On perusal of Ex.R.1 award passed by the S.L.A.O it goes to show that when S.L.A.O compared with sale statistics of 3 years preceding to 11[1] notification, based on SR Guidance value, the S.L.A.O has fixed the market value of the acquired land at **Rs.7,09,264/-** per acre. There is no bar to fix the market value based on the sale deeds of the lands situated in the same area or same vicinity or nearby village.

28. This Authority has to fix uniform rate of compensation for the acquired lands which are similarly situated to the adjoining village. Since the acquired land of claimants are situated at Belavi we can fix the market value based on the average price for similar type land situated in the near village or near

vicinity area. The mandate of section 64 of the Act is to consider whether the respondent has followed the parameters set-up under section 26 to section 30 of the RFCTLARR Act. To determine the market value of the acquired land respondent No.1 has taken into consideration the SR Guidance value of Belavi village registered during immediately preceding three years. Further, out of the available sale deeds the sale deeds in which the highest sale price has been mentioned are taken into consideration. Since this Authority has to re-determine the compensation, the re-determination of the compensation must also be done as per section 26 of the RFCTLARR Act.

29. Further the argument of counsel for claimants are that S.L.A.O has awarded meager amount as compared with the market value as on 11[1] notification which is more than Rs.50,00,000/- per acre and the beneficiary is respondent No.2. In view of above argument this Authority has to assess the market value of the acquired land based on the documents, which are as follows.

Sl. No	Sy. No.	Date of Registration	Sale consideration	A - G	Exhibits
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			Rs.		
1	766/2 sale deed	26.05.2016	2,05,000	00-04-00	Ex.P.3
2	249/2 sale deed	03.10.2016	2,55,000	00-10-00	Ex.P.4
3	766/2 sale deed	14.12.2015	1,44,000	00-04-00	Ex.P.5
4	237 Agreement for sale	15.04.2017	5,55,000	00-29-00	Ex.P.6
5	14/19 sale deed	04.01.2016	1,44,000	00-04-00	Ex.P.7
6	161 agreement for sale	26.10.2016	76,25,000	05-00-00	Ex.P.8
7	190 sale deed	04.06.2018	28,00,000	02-00-00	Ex.P.9
8	190/2 agreement for sale	03.08.2015	14,25,000	01-00-00	Ex.P.10
9	190/2 sale deed	17.02.2023	14,25,000	01-00-00	Ex.P.11

30. On perusal of the papers on record, in this case the preliminary notification is passed on **22.02.2018**. Further the claimant has got marked Ex.P.3 to Ex.P.5 and Ex.P.7 which are sale deeds pertaining to Belavi village and Shirahatti K.D village. On perusal of **Ex.P.3** is the certified copy of sale deed dated 26.05.2016 with respect to the land bearing Sy.no.766/2 measuring 4 guntas, situated at Belavi village which sold for Rs.2,05,000/-,

Ex.P.4 is the certified copy of sale deed dated 03.10.2016 with respect to the land bearing Sy.no.249/2 measuring 10 guntas, situated at Belavi village which sold for Rs.2,55,000/-, **Ex.P.5** is the certified copy of sale deed dated 14.12.2015 with respect to the land bearing Sy.no.766/2 measuring 4 guntas, situated at Belavi village which sold for Rs.1,44,000/- and **Ex.P.7** is the certified copy of sale deed dated 04.01.2016 with respect to the land bearing Sy.No.14/19 measuring 4 guntas, situated at Shirahatti K.D. village, sold for Rs.1,44,000/-. Since the land sold in Ex.P.3 to Ex.P.5 and Ex.P.7 are small extent of land of 4 guntas, 10 guntas, 4 gunats and 4 guntas respectively, it can be easily construed by a prudent person that such small extent of land cannot be purchased for the purpose of cultivation, but it must be for the use other than agriculture and therefore Ex.P.3 to Ex.P.5 and Ex.P.7 cannot be considered while re-determining the amount of agricultural land which is acquired by the S.L.A.O. Hence Ex.P.3 to Ex.P.5 and Ex.P.7 are not taken for re-determination purpose in this case. Further **Ex.P.11** is the sale deed for the agreement of sale as per Ex.P.10 and therefore Ex.P.11 is not considered

while re-determining the amount of agricultural land which is acquired by the S.L.A.O.

31. In order to re-determine the compensation to the claimant, this Authority has taken into consideration 50% of the sale deeds/agreements for sale at Ex.P.6, Ex.P.8 to Ex.P.10 in which the highest sale price is mentioned and since there are 4 sale deeds/agreements for sale. **Ex.P.6** is the certified copy of agreement for sale dated 15.04.2017 with respect to the land bearing Sy.No.11 measuring 11 guntas, 10 anna, Sy.No.10 measuring 6 guntas, Sy.No.237 measuring 12 guntas, 11 anna, situated at Shirahatti K.D. village, agreed to sell for Rs.5,55,000/-, **Ex.P.8** is the certified copy of the registered agreement of sale dated 26.10.2016 with respect to the land bearing Sy.No.161 measuring 5 acres situated at Shirahatti K.D. which agreed to sell for Rs.76,25,000/-, **Ex.P.9** is the CC of sale deed dated 04.06.2018 in respect of the land bearing Sy.No.190 measuring 2 acres situated at Shirahatti B.K, which sold for Rs.28,00,000/- and **Ex.P.10** is the certified copy of the registered agreement of sale dated 03.08.2015 with respect to the land bearing Sy.No.190/2

measuring 1 acres situated at Shirahatti K.D. which agreed to sell for Rs.14,25,000/-. Further 50% of highest sale price of such sale deeds/agreements for sale is to be considered and therefore, out of Ex.P.6, Ex.P.8 to Ex.P.10, out of 4 such sale deeds/agreements for sale, this Authority has considered highest 2 sale deed/agreement for sale which are **Ex.P.8 and Ex.P.10**. Further the sale consideration in total as above for Ex.P.8 and Ex.P.10 for 240 guntas land, is Rs.90,50,000/-. The average sale price of land per gunta as per Ex.P.8 and Ex.P.10 is **Rs.37,708.33** (Rs.76,25,000/- + Rs.14,25,000/- = Rs.90,50,000/ divided by 240 guntas). The average sale price of the land per gunta as per Ex.P.8 and Ex.P.10 is **Rs.37,708.33** per gunta and **when calculate per gunta to per acre it comes to Rs.15,08,333.2** (Rs.37,708.33 X 40 = **Rs.15,08,333.2 per acre, which is rounded of to Rs.15,08,350/-**). It can be seen that the S.L.A.O has granted an award amount of **Rs.7,09,264/- per acre** to the claimant, and claimant prayed for enhancement of award amount to **Rs.50,00,000/-**, for which this petition is referred for re-determination. Based on the documents exhibited and evidence adduced, the highest market value has

to be fixed to the acquired property. Hence, this Authority proceeds to consider average sale price as per Ex.P.8 and Ex.P.10. Thus, the market value of the present acquired land is re-determined for **Rs.15,08,350/- per acre**. Hence, this Authority fixed the market value of the acquired land at the rate of **Rs.15,08,350/- per acre** which is fair market value of the acquired land and it would meet the ends of justice.

32. The RFCTLARR Act, is beneficial legislation for the land losers and the provisions of the Act, are to be interpreted for the benefit of the land losers. Further there is no bar to rely upon the said document exhibited by the claimant, as it is of near vicinity area of acquired land and is in accordance as per provision under section 26 of RFCTLARR Act.

33. **Solatium:** This Authority is of the opinion that the claimants are entitled for enhanced market value of **Rs.15,08,350/- per acre** under the present notification. Further as per the observations in the impugned award, it is clear that the land of the claimants are situated far away from the urban area and hence, claimants are entitled for double the

market value with multiplier factor in accordance with the I schedule and for solatium at the rate of 100% of the market value as per section 30(1) and claimants are also entitled for an additional amount calculated at the rate of 12% per annum on the market value for a period commencing on and from the date of publication of the notification of the Social Impact Assessment Studies till the date of award by the collector or the the date of taking possession of the land, whichever is earlier as per under section 30(3) of the RFCTLARR Act. So far as this case is concerned, there is no evidence on record to show specific date of taking possession, hence the date of award is taken into consideration and claimants are entitled for 12% additional market value from date of notification/22.02.2018 till the date of award/01.09.2020 under section 30(3) of the Act.

34. Further the claimants are also entitled for interest at 9% per annum on excess compensation for a period of one year from the date of dispossession i.e. 01.09.2020 and thereafter, at 15% per annum for the subsequent period till the date of

deposit of enhanced compensation as per section 72 of the RFCTLARR Act.

35. Therefore, the claimants are entitled for the enhancement of the market value of the lands acquired with all statutory benefits as discussed above. On considering **Ex.P.8 and Ex.P.10** as furnished by the claimants this Authority re-determines the market value of the acquired land in favour of the claimants as they are entitled for the same. Hence, the claimants are entitled for a market value at the rate of **Rs.15,08,350/- per acre** with respect to the acquired land. Hence this Authority answers **Point No.2 in-the-Affirmative and Point no.3 answered partly-in-the-Affirmative.**

36. **Point No.4:** In view of the discussions made as above by this Authority and for the answers to Point No.1 to 3 as above, I proceed to pass the following:

ORDER

The reference petition filed under section 64 (1) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, is **Allowed-in-part.**

The claimants are entitled for a compensation of **Rs.15,08,350/-** per acre for the acquired land, bearing **Sy.No.121, measuring 02 acre 09 guntas of Belavi** Village, Belagavi District and respondents shall deposit the said amount within three months from the date of this order.

The respondent authorities are directed to pay solatium at the rate of 100% of the market value of acquired land under section 30(1) of RFCTLARR Act.

The claimants are also entitled for additional compensation at the rate of **12%** per annum on market value from the date of publication of the notification of the Social Impact Assessment Studies from the date of notification/22.02.2018 till the date of award/01.09.2020 under section 30(3) of the RFCTLARR Act.

The claimants are also entitled for interest at 9% per annum on excess compensation for a period of one year from the date of dispossession i.e. 01.09.2020 and thereafter, at 15% per annum for the

subsequent period till the date of deposit of enhanced compensation as per section 72 of the RFCTLARR Act.

In case any amount is already paid to the claimants, the same shall be deducted in the above determined enhanced compensation amount.

The claimants are also entitled to double the market value with multiplier factor as per the first schedule of RFCTLARR Act.

[Dictated to the stenographer directly on computer and same is corrected by me and pronounced in the open court on this the 16th day of JULY, 2026]

(Smt.Sandhya S.)

V Addl. District and Sessions Judge
and holding
C/C of IV Addl. District and Sessions
Judge and Land Acquisition,
Rehabilitation and Resettlement
Authority, Belagavi.

<u>ANNEXURE</u>	
List of witnesses examined for the petitioner/s:-	
P.W.1	Arjun S/o Mallappa Nayak,

List of witnesses examined for the respondent/s:-	
Nil	
List of documents marked for the petitioner/s:-	
Ex.P.1	Copy of RTC of land bearing Sy.No.121
Ex.P.2	Certificate issued by Village Administrative Officer regarding supply of water
Ex.P.3	Certified copy of Sale deed dated 26.05.2016
Ex.P.4	Certified copy of Sale deed dated 03.10.2016
Ex.P.5	Certified copy of Sale deed dated 14.12.2015
Ex.P.6	Certified copy agreement of sale deed dated 15.04.2017
Ex.P.7	Certified copy of sale deed dated 04.01.2016
Ex.P.8	Certified copy of agreement of sale deed dated 26.10.2016
Ex.P.9	Certified copy of sale deed dated 04.06.2018
Ex.P.10	Certified copy of agreement of sale deed dated 03.08.2015
Ex.P.11	Certified copy of sale deed dated 17.02.2023
Ex.P.12	Certified copy of decree in OS No.139/2018
Ex.P.13	Certified copy of petition in EP No.52/2022
Ex.P.14	Certified copy of order sheet in EP No.52/2022
Ex.P.15	Certified copy of judgment and award passed in LAC No.791/2022
Ex.P.16	Certified copy of judgment passed in LAC No.426/2022
Ex.P.17	True copy of village map Shirahatti K.D
Ex.P.18	True copy of village map Shirahatti B.K

Ex.P.19	True copy of village map Belavi
Ex.P.20	Cane weight certificate
List of documents marked for the respondent/s:-	
Ex.R.1	Award

(Smt.Sandhya S.)

V Addl. District and Sessions
Judge and holding
C/C of IV Addl. District and
Sessions Judge and Land
Acquisition, Rehabilitation and
Resettlement Authority,
Belagavi.