KABG010082402018

Presented on	:	01.09.2018
Registered on	:	03.09.2018
Decided on	:	16.06.2026
Duration	:	7 years 9 months 12 days

IN THE COURT OF I ADDITIONAL DISTRICT JUDGE AND LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BELAGAVI

Present :
SRI. SUBHASH SANKAD,
B.A., LL.M
I Additional District Judge, Belagavi.

Dated: This the 16th day of June, 2026

L.A.C. No.597/2018

PETITIONER: 1. Sri Mahadev S/o.Basappa Pidashetti,
Age:40 Yrs,
R/o.Yakkanchi, Tal Athani, Dist Belagavi

(Sri S.H. Shedshyal, Advocate)

//Vs//

RESPONDENTS: 1. The Special Land Acquisition Officer,
Hipparagi Barrage Project, Athani,

2. The Executive Engineer,
Karnataka Niravari Nigam Ltd.
Athani

(R-1:R/by DGP) (R-2: R/by Sri SNG, Adv.)

Meta Data

Sl. No.	Particulars	Details
1	Act under which the acquisition is made	The Right to Fair Compensation and

		Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013
2	Nature of project	Hipparagi Barrage Project
3	Purpose of acquisition	For formation of east canal of Karimasuri Lift Irrigation Scheme
4	Beneficiary of acquisition	Karnataka Niravari Nigam Limited., Hipparagi Barrage Project, Athani
5	Acquisition file No.	LAQ.SR. No.480/2010-2011
6	Date of social impact report	Not applicable
7	Date of preliminary notification (Gazette Publication)	25.11.2010
8	Date of final notification (Gazette Publication)	12.04.2012
9	Date of possession/Date of award	15.12.2014
10	Location of property (District/Taluk/Village)	Yakkanchi Village, Athani Taluk, Belagavi District
11	Survey number	Sy.No.6/2
12	Extent of land acres/ guntas/ sq.meters / sq.feet	2 guntas dry land
13	Market value awarded by acquiring authority (per acre/Gunta/Sq.Mtr/ Sq. Ft) with factor	Rs.84,000/-per acre Factor-2
14	Market value awarded by Reference Court/Authority (Per Acre/Gunta/ Sq.mtr.,/Sq.Ft.,) with factor	Rs.4,48,500/- per acre Factor-2
15	Market value awarded by appellate court (Per Acre/Gunta/Sq.Mtr/ Sq. Ft) with factor, if applicable	---

16	Date of filing reference	16.05.2016
17	Date on which issues were framed	--
18	Date on which evidence commenced and concluded	Commenced on 20.11.2025 Concluded on 20.11.2025
19	Date of disposal	16.06.2026
20	Amount awarded by Reference Court	Rs.4,48,500/- Per acre
21	Amount awarded by appellate court (if applicable)	--
22	Compensation amount already paid by the SLAO to the claimant/s	Rs.12,004.79 paise

JUDGMENT (AWARD)

The Special Land Acquisition Officer, Hipparagi Barrage Project, Athani has made this reference under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (hereinafter referred as 'Act' for short), on the application made by the petitioner for re-determination of compensation in award bearing No.LAQ/JSR-480/2010-11 dated 15.12.2014.

2. The brief facts of the case are as under:

The petitioner is the owner of acquired land bearing Sy.No.6/2 measuring to the extent of 2 guntas situated at

Yakkanchi village. The said land has been acquired by the respondents for the purpose of Karimasuti Lift Irrigation Project. The respondent No.1 has passed the award. Being dissatisfied with the quantum of compensation awarded by the respondent No.1, the land owner has submitted application before respondent No.1 under section 64 of the Act, seeking reference to this Authority for re-determination of the compensation. Accordingly, the present reference is made by the respondent No.1 for re-determination of the compensation.

3. The notice on the reference was caused on the applicant and the respondents as required under Section 66 of the Act. Upon service of notice, the applicant has appeared through his counsel. The respondent No.1 has appeared through DGP and the respondent No.2 is represented by the panel advocate. The respondent No.1 and 2 have filed separate objections.

4. The petitioner has contended in the Reference Application that while determining the compensation, the respondents have not given proper opportunity of hearing. The respondents have awarded meager compensation to the acquired

land without any basis. The petitioner has further contended that he was growing various commercial crops in the acquired land. Due to acquisition of land by the respondent Authorities, he has suffered huge loss. The acquired land is fertile irrigated land, without considering the fertility and income generated from the said land, the respondents have awarded meager compensation. With these contentions, the petitioner has prayed to enhance the compensation as prayed in the reference petition.

5. The respondent No.1 has stated in the objection that the application for reference filed under section 64 (1) and (2) of the Act is barred by limitation. Hence, the same is not maintainable. It is further contended that while passing the award, the respondent No.1 has followed all the procedures under the Act and conducted the inquiry properly. By considering all the materials arrived at proper conclusion and awarded the compensation as per the provisions of the Act. The respondent No.1 has given notice to the owner before passing the award. Before passing the award, the petitioner not put-forth his claim before the respondent No.1. Therefore, the petitioner has no *locus standi* to file this application for enhancement of the

compensation on any grounds. The respondent No.1 has further contended that while passing the award, the respondent No.1 has considered the sales statistics in the nearby vicinity area for the relevant period. Absolutely, there is no illegality in the amount of compensation fixed by the respondent No.1. With these objections, he has prayed to dismiss the petition.

6. The respondent No.2 has also contended that application for reference is not filed within prescribed time limit. Hence, the same deserves to be dismissed as time barred. It is further stated that the petitioner has not received compensation amount under protest. The respondent No.2 has further denied the contentions of the petitioner in the reference petition regarding the compensation awarded is on lower side and the respondent No.1 has not given opportunity to the petitioner. The respondent No.2 has further contended that the respondent No.1 after complying all the formalities prescribed under the Act and also considering the soil, fertility and locality, proximity of the village has awarded the compensation. The compensation awarded by the respondent No.1 is just and proper. As such, no interference is required by this authority. With these

submissions, the respondent-2 has prayed to dismiss the petition as time barred.

7. To support his claim, the petitioner has examined himself as PW1 and produced documents as per Ex.P.1 to Ex.P.13. The respondents have not adduced oral evidence. However, they have got marked two documents as Ex.R.1 and 2 with consent of petitioner's counsel.

8. Heard both sides.

9. In view of the contentions raised in the reference petition & objections, the following points arise for consideration:

Point No.1:	Whether the petitioner has not made the application seeking reference before the respondent No.1 within time limit?
Point No.2:	Whether the reference made by the respondent No.1 the Special Land Acquisition Officer is time barred?
Point No.3:	Whether the petitioner proves that the respondent while passing the award has not determined the proper market value for the acquired land and not awarded the fair compensation?
Point No.4:	Whether the petitioner has made out reasonable grounds for enhancement of the compensation and consequently the reference petition filed by the petitioner deserve to be allowed?
Point No.5:	What Order?

10. The petitioner has produced the documents as per Ex.P.1 to Ex.P.13. Ex.P.1 is the Reference Application, Ex.P.2 is the record of rights of Sy.No.6 of Yakkanchi village, Ex.P.3 is the electricity bill, Ex.P.4 is the sugarcane weighment slips, Ex.P.5 is the Certified copy of yield certificate of sugarcane, Ex.P.6 is the Certified copy of sugracane price list, Ex.P.7 is the Certified copy of map of Yakkanchi village, Ex.P.8 is the Certified copy of agreement to sell dated 14.07.2010 of Athani, Ex.P.9 is the Certified copy of agreement to sell dated 03.12.2010 of Athani, Ex.P.10 is the Certified copy of sale deed dated 08.05.2012 of Kasaba Athani, Ex.P.11 is the Certified copy of sale deed dated 19.07.2010 of Chamakeri village, Ex.P.12 is the Certified copy of common judgment in LAC No.576/2018 and other connected cases dated:10.06.2024 and Ex.P.13 is the Certified copy of judgment in LAC No.320/2017 dated 02.08.2021.

11. My answer to the above points are as under:

Point No.1:	In the Negative
Point No.2:	In the Negative
Point No.3:	In the Affirmative
Point No.4:	Partly in the Affirmative
Point No.5:	As per the final order, for the following:

R E A S O N S

12. **Point Nos.1 and 2:** Since these points required common discussion to avoid repetition of discussion, these points are taken for common consideration.

13. Respondent Nos.1 and 2 have stated in their objections that the application seeking reference filed by the petitioner is not within time and the same is time barred. The suggestions in this regard was also put to PW-1 by the counsel for respondents. PW-1 has denied the said suggestions and he has stated that he has filed application for reference in time.

14. As per section 64(1) of the Act, the aggrieved person must make an application seeking reference to the Authority within 6 weeks from the date of the award, if the person making the application was present or represented before the Collector at the time when the award is made by him. 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. There is no materials on record to show that the petitioner has participated in the award proceedings. Hence, the 2nd clause i.e., within 6 weeks from the date of service

of notice has to be taken into account to decide the limitation point. In the present case, the award was published on 15.12.2014. As per the schedule prepared under section 64(1) and (2) of the Act, which form the part of the award, the notice which is issued after passing the award was served on the petitioner on 02.04.2016. Thereafter the petitioner has made the application for reference on 16.05.2016.

15. The application for reference made on 16.05.2016 is not within 6 weeks from the date of service of notice i.e. 02.04.2016 neither it is within 6 months from the date of award i.e. from 15.12.2014. Though the application for reference appears to be made beyond 6 months from the date of award or 6 weeks from the date of service of notice, same cannot be considered as beyond limitation. Because, except schedule as per Ex.R.1 no other documents are available to show the service of notice. Further, though the Reference is made beyond 6 months from the date of award, however no materials are available on record to show that the petitioner herein has got knowledge of passing of the award. It is only after service of notice, the petitioner herein has filed application seeking reference. As it is

stated herein above notice came to be served on 02.04.2016 as per the schedule which is part of Ex.R.1. When the reference was made on 16.05.2016, for the purpose of computation of limitation, it is the date of service of notice which has to be considered as date of knowledge. Under such circumstances, the petitioner cannot be deprived of his right of making application for reference.

16. Therefore, considering the date of service of notice, i.e. 02.04.2016 as starting point of limitation, application for reference made on 16.05.2016 is within time. Though there is no specific order regarding condonation of delay by the respondent no.1, in view of provision contained under proviso to section 64(2), the application for reference made needs to be considered as within the limitation. In that view, the reference application made by the petitioner is the in time. Hence, it is held that application made by the petitioner for reference is filed within time. Accordingly point no.1 is answered in the Negative.

17. The respondent No.2 has contended that, the SLAO has to send the reference to the Authority within 30 days from the date of receipt of the application. In the event, if he fails to make

reference to this Authority, petitioner shall make an application before this Authority. It is further stated that in the present case, neither the respondent No.1 has sent the reference to this Authority within 30 days nor the petitioner has filed application before this Authority under section 64(1) of the Act seeking direction to the respondent No.1 to send the reference. With this respondent No.2 has contended that reference petition is beyond limitation.

18. In view of the aforementioned contentions, it is necessary to refer section 64 of the Act. The 1st proviso to section 64(1) of the Act casts duty on the Collector/SLAO to make reference to the Authority within 30 days. Further, 2nd proviso provides that, if the Collector fails to make such reference within the period so specified, the applicant may apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days. The 1st and 2nd proviso to section 64(1) corresponds to sub-section (3) clause (a) and (b) to section 18 of the L.A. Act, 1894. Section 18(3)(a) casts the same duty on the Deputy Commissioner to make the reference within 90 days. In the event, the Deputy Commissioner

fails to make the reference, the applicant may make application to the Court requesting the court to direct the Deputy Commissioner to make the reference. This provision further provides that the court may direct the Deputy Commissioner to make the reference within such time as the court may fix. Though 90 days limitation was fixed for Deputy Commissioner to make the reference to the court under section 18(3)(a) of the old Act, no time limit was fixed under clause (b) to section 18(3). The discretion was left with the court to fix the date for reference to be made by the Deputy Commissioner. However, 2nd proviso to section 64(1) of the Act provides that the petitioner may directly apply to the Authority, as the case may be, requesting it to direct the Collector to make the reference to it within a period of thirty days. In the case on hand, the petitioner has made the application before the SLAO seeking for reference on 16.05.2016 and SLAO has forwarded the same to this Authority on 25.08.2018.

19. At this juncture, I feel it appropriate to refer the judgment of the Hon'ble Apex Court in the case of **State of Karnataka Vs Laxuman** reported in **(2005) 8 Supreme Court**

Cases 709. In this case, while considering identical provision under section 18(3) of L.A. Act (as in force in the State of Karnataka) which is in *pari materia* with the 1st and 2nd proviso to section 64 of the act, the Hon'ble Apex Court has held that object of providing time of 90 days to Deputy Commissioner to make reference was to prevent undue delay in making highly belated references, sometimes based on applications clandestinely received. It is further held that since no time limit for applying to the court is fixed by the statute since the application is to the court, under a special enactment, Article 137 of the Limitation Act, 1963, which is residuary article would apply. It is therefore held that such application has to be made within three years of the application for making a reference or the expiry of 90 days after such application. The Hon'ble Apex Court has specifically held that, having made an application for reference within time before the Deputy Commissioner, the petitioner may loose his right by not enforcing the right available to him within the time prescribed by law. In the circumstances of the case, Hon'ble Apex Court has held that right of the Deputy Commissioner to make the reference on the application of the petitioner stands extinguished and right of the petitioner to move the Court for compelling a reference also stands extinguished on the expiry of 3 years and 90 days from the date of application for reference.

20. If the principle laid down by the Hon'ble Apex Court is applied to the case on hand, it is clear that SLAO shall make reference to this Authority within a period of 3 years from the date of application or expiry of 30 days thereafter.

21. In the present case, the reference petition was received on 25.08.2018 whereas the application for reference was made before the SLAO on 16.05.2016. The same is within 3 years. Hence, the reference made by the SLAO is not time barred. In the result point No.2 is answered in the Negative.

22. **Point No.3 and 4:** Since these points required common discussion to avoid repetition of discussion, these points are taken for common consideration.

23. First contention with regard to enhancement of compensation, raised by the respondent No.1 is that the petitioner has not raised objection before the respondent No.1 by producing necessary documents showing actual sale price. Hence, he has no *locus standi* to claim enhancement of

compensation. This contention does not have any force. Because only because soon after passing the award or before passing the award, the petitioner has not made any request for re-consideration or re-determination of compensation, that itself will not take away the right of the petitioner for seeking enhancement of compensation. Further, section 64(1) of the Act confers the right on the land looser to make application before Collector to refer the reference to the Authority for re-determination of the compensation. This is a statutory right conferred by the Act on the land looser. The same cannot be denied only because the land looser has not made any request before the Collector. Therefore, it is held that there is no force in the contention of the respondents that petitioner has no *locus-standi* for claiming any enhancement of compensation.

24. The petitioner has claimed for enhancement of compensation to the extent of Rs.25,00,000/- per acre. It is stated in the award that while determining the market value, the respondent No.1 has taken into account the sale deeds of Yakkanchi village. The petitioner has contended that the respondent No.1 has not considered the sale deeds of nearest

village or nearby vicinity area. The sale deeds considered by the respondent No.1 are of meager value. Hence, the petitioner has sought for redetermination of the compensation by considering the sale deeds of nearby vicinity area. In the background of this contention, it is necessary to refer section 64 of the Act.

25. 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 Act. To determine the market value of the acquired land the respondent No.1 has taken into consideration the sale deeds of Yakkanchi village registered during immediately preceding 3 years. It is stated in the award that, 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 redetermine the compensation, the re-determination of the compensation must also be done as per Section 26 of the Act.

26. The Collector has adopted the criteria mentioned under section 26 (1) (b) of the Act. Under such circumstances, this authority has to resort to adopt the same criteria mentioned under Clause-b of Section 26(1) of the Act.

27. The respondent No.1 has taken into account the average sale price of the land situated in Yakkanchi village for the reason that the acquired land is situated at Yakkanchi village. During the course of oral arguments, the Learned DGP appearing for respondent No.1 and the learned counsel for the respondent No.2 have submitted that while passing the award, the respondent No.1 has taken into account the average sale price of similar type of land of Yakkanchi village registered within preceding 3 years. In view of this submission, it is appropriate to refer Section 26 of the Act.

28. Section 26 (1) (b) of the Act says that it is the average sale price for the similar type of land situated in the nearest village or nearest vicinity area which has to be considered, which includes the same village. But, if only the sale deeds of the same village in which the acquired land is situated are considered, it appears to be hyper technical approach. Because, in my opinion, what needs to be given much significance is the average sale price for similar type of land. If the land available in the same village is not of similar type, it cannot be considered for determination of average sale price. If the similar type of land is situated in the

nearest village or nearest vicinity area, it is more appropriate to take the average sale price of such land into account for determination of the market value. If the hyper technical approach is adopted in considering the sale deeds of same village in which the acquired land is situated, in my humble opinion, it would tend to defeat the object of the Act which is to award the fair compensation. Therefore, the compensation can be fair enough only if the average sale price for similar type of land situated in the nearest village or nearest vicinity area including the same village are considered.

29. The petitioner herein have produced agreements to sell and sale deeds. Ex.P.8 and Ex.P.9 are agreements to sell and Ex.P.10 and Ex.P.11 are sale deeds. When the sale deeds are available, it is not necessary to take into account the agreement to sell. Ex.P.10 is the sale deed pertaining to Kasaba Athani. Ex.P.11 is the sale deed of Chamakeri village. Among these sale deeds, only the sale deed as per Ex.P.11 is registered within preceeding 3 years from the date of notification, since the notification of acquisition is dated 25.11.2010 whereas the sale deed as per Ex.P.11 is dated 19.07.2010. Hence, it is only Ex.P.11

the sale deed of Chamakeri village is to be taken into consideration.

30. Further, the petitioner has produced Ex.P.12 Certified copy of common judgment in LAC No.576/2018, 577/2018, 578/2018, 579/2018 & 580/2018 dated 10.06.2024, passed by this Authority. In these cases, the market value of the lands were redetermined at Rs.7,87,500/- per acre. The petitioner has further contended that the lands in question in LAC No.576/2018, 577/2018, 578/2018, 579/2018 and 580/2018 is situated at the same village. Hence prays to award the same compensation. The argument of learned DGP for respondent No.1 and counsel appearing for respondent No.2 is that, in the said cases, the market value was not determined as per the provisions of section 26 of the Act. So also, the materials available on record were not considered. Hence, prays not to consider the same in the instant case. It is true that, the market value in LAC NO.576/2018, 577/2018, 578/2018, 579/2018 and 580/2018 was fixed by considering the judgment passed by this Authority in LAC No.320/2017 as a base. Further, the petitioner has also produced Ex.P.13 the Certified copy of

judgment in LAC No.320/2017 dated 02.08.2021. In that case, this Authority has considered the market value fixed by Senior Civil Judge Athani in LAC No.81/2015 in respect of land acquired in Abbihal village and by adopting escalation method, has quantified the market value of Yakkanchi village at Rs.7,87,500/- per acre. However as per section 64 of the RFCTLARR Act, this Authority has to see whether the SLAO has followed the parameters under sections 26 to 30 of the Act. In that view, in my humble opinion, it may not be appropriate to consider the judgments cited above, without looking into the material available on record produced in the instant case. Hence, I proceed to consider the material available on record.

31. As discussed above, it is only Ex.P.11 sale deed of Chamakeri village which is to be considered for determination of market value in the present case. The extent of land sold under Ex.P.11 is 6 guntas for sale consideration of Rs.1,12,000/-. Thus the sale price of land per gunta will come at Rs.18666.666 paise (Rs.1,12,000 ÷ 6 guntas = Rs.18,666.666 paise). Same is

Rs.7,46,666.64 per acre (Rs.18,666.666 X 40 = Rs. 7,46,666.64 per acre) and same is rounded to Rs.7,46,700/- per acre.

32. The sale deed Ex.P.11 is pertaining to Chamakeri village. The extent of land sold under Ex.P.11 is 6 guntas. Certainly, it is a small extent of land. Normally small extent of land will not represent the proper market value. Hence, it is necessary to adopt some measure to make it appropriate.

33. At this juncture, it is appropriate to refer the judgment of Hon'ble Apex Court in the the case of **Tarlok Singh Vs State of Haryana and others** reported in **(2020) 20 Supreme Court Cases 572**. In this case, the Hon'ble High Court of Punjab and Haryana had rejected Ex.P.8 to Ex.P.10 for the reason that they belong to small pieces of land and therefore, do not represent the correct market value of acquired land. In an appeal, the Hon'ble Apex Court has held that view taken by High Court of Punjab and Haryana in rejecting Ex.P.8 to Ex.P.10 while determining the market value of acquired land was erroneous. However, the Hon'ble Apex Court has specifically observed that there is substance in the view taken by the Hon'ble High Court

since Ex.P.8 to Ex.P.10 relates to small pieces of land and they do not represent the correct market value of acquired land. Though the Hon'ble Apex Court has held that action of Hon'ble High Court in rejecting these exhibits is erroneous, but has upheld the observation made by the High Court small pieces of land do not represent the correct market value. It is appropriate to extract the observation of Hon'ble Apex Court which is as below:

> "7. We, therefore, find that the second ground on which the High Court rejected Exts.P.8 to P-10 while determining the market value of the acquired land was erroneous. However, there is substance in the view taken by the High Court that since Exts.P.8 to P.10 relate to small pieces of land and therefore, do not represent the correct market value of the acquired land. But what extent Exts.P.8 to P.10 are relevant for determining the market value of acquired land, it is for the court of fact to decide."

34. In the light of the aforementioned judgment and in the circumstances of the present case, it is necessary to mention here that the extent of land sold under Ex.P.11 is 6 Guntas. It is further appropriate to observe here that whenever small extent of lands are purchased, same cannot be for the purpose of agriculture. Though it is clearly mentioned in the sale deed that

the piece of land is going to be used for agriculture, it is practically impossible to believe that this small piece of land measuring 6 guntas can be used for the purpose of agriculture. It cannot be actually used for cultivation. Submission of learned counsel the petitioner is that though it cannot be used for cultivation, it can be used for some other agriculture purpose. No doubt this submission is worthy of acceptance. But the question that remains is whether this small piece of land can actually be used for cultivation. As it is already discussed this small piece of land cannot be actually used for cultivation. Using the land for other purpose cannot be equated with the actual cultivation. In that view, it is not appropriate to consider the sale price of this land to determine the average sale price. Therefore, as it is held by Hon'ble Apex Court in the aforementioned judgment that to what extent the small piece of land are relevant for determining the market value has to be decided by this court. It is appropriate to adopt some method of deduction in order to arrive as proper market value of this acquired land.

35. In the circumstances of the case, i.e. taking into account that land sold under Ex.P.11 is situated at Chamakeri

village and the extent of land sold, I feel it appropriate to deduct 40% of the average sale price to make it proper market value. 40% of Rs.7,46,700/- is Rs.2,98,680/-. After deducting the same, the amount will be Rs.4,48,020/- (Rs.7,46,700-2,98,680/-= Rs.4,48,020/-) and it is rounded to Rs.4,48,500/-. This appears to be proper market value of the acquired dry land of Yakkanchi village. Thus the market value of acquired land in the present case is re-determined at Rs.4,48,500/- per acre.

36. The acquired land is situated in rural area. So, the market value has to be multiplied by Factor-2 as per First Schedule of the Act. Further, the petitioner is also entitled for 100% solatium as per Section 30(1) and Schedule-1 of the Act. Further, the petitioner is also entitled for additional market value @ 12% per annum on the market value from the date of publication of the notification of the Social Impact Assessment Study till the date of award of the Collector or the date of taking possession of the land, whichever is earlier, under section 30(3) of the Act. In the case on hand, there is no evidence on record to show the specific date of taking possession. Hence, the date of the award is considered to calculate the 12% Additional Market

Value. Therefore, the petitioner is entitled for 12% additional market value on the market value from 25.11.2010 to 15.12.2014 as per section 30(3) of the Act.

37. Further, the petitioner is also entitled for interest @ 9% per annum for a period of one year, on the excess compensation from the date of taking possession. Thereafter, interest @ 15% per annum till deposit of the amount as per Section 72 of the Act.

38. Though, the respondent No.1 has stated in the Award that, he has considered the sale deeds of Yakkanchi village, registered within preceding 3 years from the date of notification and taken into account 50% of the sale deeds wherein highest sale price is mentioned, he has failed to award fair compensation. By producing the sale deeds as per Ex.P.11, there are reasonable grounds for enhancement of the compensation. The petitioner has claimed enhancement of compensation to the extent of Rs.25,00,000/- per acre with statutory benefits. However, by reconsidering the material available on record, the market value of the acquired land is re-determined at Rs.4,48,500/- per acre. In the result, petition deserves to be allowed in part. Accordingly,

Point No.3 is answered in the affirmative and Point No.4 is answered partly in the affirmative.

39. **Point No.5:** In view of reasons on Point Nos.1 to 4, I 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 by the petitioner is hereby partly allowed with costs.

The market value in respect of the acquired land bearing Sy.No.6/2 measuring to the extent of 2 guntas situated at Yakkanchi village is re-determined at Rs.4,48,500/- per acre.

The acquired land is situated in Rural Area, hence, the market value shall be multiplied by Factor-2 as per Schedule-I of the Act. Further, the petitioner is entitled for 100% solatium as per Section 30(1) and Schedule-I of the Act.

The petitioner is the entitled for additional market value @ 12% per annum on the market value from the date of publication of the notification of the Social Impact Assessment Studies till the date of the award i.e from 25.11.2010 to 15.12.2014 as per Section 30(3) of the Act.

Further, the petitioner is the also entitled for interest @ 9% per annum on excess compensation for a period of one year from the date of dispossession i.e from 15.12.2014 and thereafter, @ 15% per annum for the subsequent period till the date of deposit of enhanced compensation as per Section 72 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The petitioner is entitled for enhancement of compensation in the above terms.

The amount, if any, already paid to the petitioner, shall be deducted in the total compensation.

(Dictated to the Stenographer Grade-III directly on the computer, script corrected by me and then pronounced by me in the Open Court on this 16th day of June, 2026)

SUBHASH BASAVANNEPPA SANKAD
Digitally signed by SUBHASH BASAVANNEPPA SANKAD
Date: 2026.06.16 17:14:10 +0530

(SUBHASH SANKAD)
I ADDITIONAL DISTRICT JUDGE
& LAND ACQUISITION,
REHABILITATION & RESETTLEMENT
AUTHORITY, BELAGAVI

ANNEXURE

List of Witness examined on behalf of petitioner:

PW-1 : Mahadev Basappa Pidashetti,
R/o. Yakkanchi village, Tal Athani

List of Documents marked on behalf of petitioner:

Ex.P.1	:	Reference application
Ex.P.2	:	Record of right of land Sy.No.6/2
Ex.P.3	:	Electricity bill
Ex.P.4	:	Sugarcane weighment slips
Ex.P.5	:	Certified copy of yield certificate of sugarcane
Ex.P.6	:	Certified copy of sugarcane price list
Ex.P.7	:	Village map of Yakkanchi village
Ex.P.8	:	Certified copy of agreement to sell dated 14.7.2010 of Athani
Ex.P.9	:	Certified copy of agreement to sell dated 03.12.2010 of Athani
Ex.P.10	:	Certified copy of sale deed dated 08.05.2012 of Athani village
Ex.P.11	:	Certified copy of sale deed dated 19.7.2010 of Chamakeri villge
Ex.P.12	:	Certified copy of common judgment in LAC Nos:576/2018, 577/2018, 578/2018, 579/2018 and 580/2018 dated 10.06.2024
Ex.P.13	:	Certified copy of judgment in LAC No.320/2017 dated 02.08.2021

List of Witnesses examined on behalf of Respondents:

-Nil-

List of Documents marked on behalf of Respondents:

Ex.R.1: Notice
Ex.R.2: Award

SUBHASH BASAVANNEPPA SANKAD

Digitally signed by SUBHASH BASAVANNEPPA SANKAD
Date: 2026.06.16 17:14:03 +0530

(SUBHASH SANKAD)
I ADDITIONAL DISTRICT JUDGE
& LAND ACQUISITION,
REHABILITATION & RESETTLEMENT
AUTHORITY, BELAGAVI