



**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS
JUDGE AND LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY AT CHIKKAMAGALURU**

**PRESENT: KIRAN KINI,
I Addl. District And Sessions Judge,
Presiding Officer of LARR Authority,
Chikkamagaluru.**

DATED THIS THE 1st DAY OF JULY, 2026

L.A.C. No.83/2017

Someshwarappa,
S/o Murudappa,
Aged about 75 years,
Agriculturist,
R/at Galihalli,
Tarikere Taluk.

.....Claimant

(Represented by Sri.TSG, Advocate)

-V/s-

1. The Special Land Acquisition Officer,
Upper Bhadra Project,
Tarikere,
Chikkamagaluru District.

2. The Executive Engineer,
Upper Bhadra Project,
B.R.Project,
Bhadravathi Taluk.

.....Respondents

(R1 is represented by DGP, R2 by Sri.KMJ, Advocate)

**ORDER**

1. It is a petition filed under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as 'the Act' for the sake of brevity) with a prayer for enhancement of the compensation.

2. It is the contention of the claimant that he is the owner of the land bearing Sy.No.51/1 measuring 04 acres 12 guntas of Haliyuru village, Tarikere Taluk which was acquired by the respondent No.1 for the benefit of respondent No.2 and the respondent No.1 issued notice of award dated 13.08.2015 awarding compensation amount of Rs.37,65,675/- and the said amount is very low and he has received the same under protest and the respondent No.1 has not issued any notice of hearing at the time of passing of the award and he has not complied with various mandatory provisions of the Act and the respondent No.1 has not considered the N.A potential value of the land and the land is very near and adjoining to the village and the same is having non-agricultural potential value and the market value of the land is more than Rs.2 lakhs per gunta at the time of publication of preliminary notification and the land is adjoining to the Bengaluru-Honnavaara road, N.H.206 having the importance and the value of national highway and the area is having commercial sites, factories, educational institutions, tourism and holy places attracting thousands of people and the land is garden and plantations, fruit bearing trees like coconut, betal nut, rubber trees, teak, rosewoods and tamarind trees and the yearly income of the land is Rs.20 lakhs per acre and the LAO has not



taken the consideration of the same and the application is well within time and hence has prayed for determination of compensation for enhancement.

3. The respondent No.2 has filed the objections contending that the land in question was acquired for its benefit and he has denied all the contentions of the claimant and has denied the contention that the award is inadequate and insufficient and not based on market value and the respondent No.1 has properly valued the land and awarded the compensation with solatium with interest as per the provisions of the Act and the claimant is not entitled for any enhancement of the compensation and the claimant has not made any application before the respondent No.1 within the period of limitation for reference and as such he has received the award amount without any protest and hence has prayed for dismissal of the petition.

4. The respondent No.1 has adopted the objections of respondent No.2.

5. To prove his contentions, the claimant has examined PW.1 and got marked Ex.P1 to Ex.P6. Ex.C1 has been marked.

6. The respondents have not led any evidence and have not marked any document.

7. I have heard the arguments.

8. The following points arise for my consideration:

- 1) Whether the claimant proves that the market value of the land acquired was more than Rs.2 lakhs per gunta at the time of publication of preliminary notification and**



the respondent No.1 has not considered the same at the time of passing of the award?

- 2) Whether the claimant proves that the respondent No.1 has not considered N.A. potential value of the land acquired?**
- 3) Whether the claimant proves that the respondent No.1 has not considered the value of trees standing on the land acquired?**
- 4) What order?**

9. My findings on the above points are as follows:

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

10. Point No.1:-

- a.** It is the contention of the claimant that the value of the land acquired was more than Rs.2 lakhs per gunta at the time of publication of preliminary notice.
- b.** Section 26 of the Act deals with determination of market value of land by collector and the same reads as follows:

“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 sale price for similar type of land situated in the nearest 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 II.

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”.

- c.** On perusal of the section 26 of the Act, it gets clear that the collector shall determine the market value of the land being the market value specified in Indian Stamp Act for registration of sale deeds, agreement to sell etc or the average sale price for similar types of land situated in the nearest village or nearest vicinity area or at the consented amount.
- d.** To prove that the market value of the land as per the Indian Stamp Act for registration of sale deeds, agreement to sell etc, the claimant has produced Ex.P4 and Ex.P5. Ex.P4 is the sale deed dated 21.08.2012 and Ex.P5 is the sale deed dated 03.08.2012. On perusal of Ex.P4 and Ex.P5, it gets clear that the same pertain to sites situated within Tarikere Town. The land acquired is situated in Haliyuru village. As such, the said sale deeds cannot be taken into consideration in proof of the valuation of the land situated in Haliyuru village. Further the properties involved in both the sale deeds are sites and sites cannot be equated with agricultural properties. Hence also, Ex.P4 and Ex.P5 cannot be taken into consideration in proof of valuation of the land acquired. Further as per section 26, the sale deeds or agreements for sale



should be taken into consideration if they pertain to the properties situated within the vicinity of the land acquired or within the neighbouring village. On perusal of Ex.P4 and Ex.P5, it gets clear that the same do not pertain to the properties situated in the vicinity of the land acquired whereas on perusal of Ex.P6, it gets clear that the properties involved in Ex.P4 and Ex.P5 are situated in Kasaba Tarikere which is situated after the Uppara Basavanahalli, Galihalli villages on the western side of Haliyur village. So it can be concluded that the sale deeds do not pertain to the properties situated in the neighbouring village. Hence also, Ex.P4 and Ex.P5 cannot be taken into consideration in proof of enhanced valuation of the land acquired.

- e.** On perusal of the entire materials on record, it gets clear that the claimant has not produced any material to show that the land acquired is valuable more than Rs.2 lakhs per gunta as contended and deposed.
- f.** Further PW.1 has stated that the rate is to be fixed at Rs.226/- per square feet. This rate can be fixed if only the land acquired is a site. In the case on hand, land acquired is an agricultural land and not a site and hence, this contention of the claimant cannot be taken into consideration.



- g.** It is the argument of the learned counsel for the claimants that Haliyuru village has been included within Tarikere Town Municipality and hence, the valuation of the lands in Tarikere Town Municipality requires to be considered while determining the market value of the acquired land. From the award it can be made out that the property has been included in the Town Municipality, but the villages continue to exist. If that be so, the land in the villages cannot be equated with the land in Town Municipality. Further on perusal of the award in page No.16, it has been stated that the lands in Haliyuru village are situated at a distance of 05 kilometer from Tarikere Municipality and hence, the lands in Town Municipality cannot be equated with the lands in villages. Hence, the argument of the learned counsel for the claimant in this regard, cannot be accepted.
- h.** It is the contention and argument of the claimant that the claimant was getting yearly income of Rs.20,00,000/-. In this regard there is no any evidence and hence, the same cannot be taken into consideration.
- i.** Hence, I answer the above point accordingly.

**11. Point No.2:-**

- a.** It is the contention of the claimant that the respondent No.1 has not considered NA potential value of the land acquired.
- b.** PW.1 has deposed that by the side of his land B.H.road is situated and adjoining thereto, private sites, APMC, KSRTC, Government hospital, School, colleges, railway track and railway station are situated and hence, the land acquired has more value than determined by the respondent No.1 as the land acquired is having NA potential. Except the oral evidence of PW.1, there is no evidence in proof of said facts deposed. Further PW.1 has not stated as to when the same were established. In the absence of the evidence in this regard, the contention of the claimant in this regard, cannot be accepted.
- c.** Hence, I answer the above point accordingly.

12. Point No.3:-

- a.** It is the contention of the claimant that the respondent No.1 has not considered the trees situated in the land acquired while awarding the compensation.
- b.** On perusal of evidence of PW.1, it gets clear that he has not stated about the existence of any tree at the time of preliminary notification. Further on



perusal of Ex.P2 and Ex.P3 which are RTCs do not depict the existence of any tree in the land acquired and they show the growing of Ragi during the year 2011 and 2012. Under the circumstances, the contention of the claimant in this regard cannot be accepted.

- c.** It is the argument of the learned counsel for the claimant that the respondent No.1 has made discrimination in the fixation of the valuation on the trees. The claimant has not proved the existence of particular tree and one class of tree cannot be equated with the other class of tree. Under the circumstances, the argument of learned counsel for the claimant in this regard, cannot be accepted.

- d.** Hence, I answer the above point accordingly.

13. It is the argument of the learned counsel for the claimant that the respondents have not led any evidence in proof of the fair valuation of the lands acquired and hence, the award cannot be taken into consideration in proof of fair valuation. The claimant either in the petition or in his evidence has stated that the valuation made by the respondent No.1 was not by collecting the sale deeds to arrive at average valuation as required. As such, it has to be considered that the claimant has admitted impliedly that the respondent No.1 determined the valuation by having average valuation by taking into consideration the sale deeds. Hence, the argument of the learned counsel for the claimant in this regard cannot be accepted.



14. It is the argument of the learned counsel for the claimant that the respondent No.1 has not followed mandatory provisions of the Act before passing the award. On perusal of the entire materials on record, it gets clear that the claimant has not made out which of the mandatory provisions has been not followed by the respondent No.1. Hence, the argument of the learned counsel for the claimant in this regard, cannot be accepted.

15. **Point No.4:-** For the reasons discussed herein above, I proceed to pass the following:

ORDER

1. The claim of the claimant for enhancement of valuation of the land acquired, is rejected and the petition is dismissed.
2. The petition is disposed off accordingly.
3. Draw decree accordingly.

(Dictated to Stenographer Grade-III, directly on the computer, typed by her, corrected and pronounced by me in open Court on this 1st day of July 2026).

(KIRAN KINI)
I ADDL. DISTRICT & SESSIONS JUDGE
PRESIDING OFFICER OF LARR AUTHORITY
CHIKKAMAGALURU

ANNEXURE

LIST OF WITNESSES EXAMINED FOR CLAIMANT:

PW.1 Someshwarappa @ Someshappa



LIST OF DOCUMENTS EXHIBITED FOR CLAIMANT:

Ex.P1	Award Notice
Ex.P2-P3	RTC extracts
Ex.P4	Copy of sale deed dated 21.08.2012
Ex.P5	Copy of sale deed dated 03.08.2012
Ex.P6	Sketch

LIST OF DOCUMENTS EXHIBITED AS PER THE DIRECTION OF THE COURT:

Ex.C1	C/c of Award with enclosures
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LIST OF WITNESSES EXAMINED ON BEHALF OF RESPONDENTS:

-Nil-

LIST OF DOCUMENTS MARKED ON BEHALF OF RESPONDENTS:

-Nil-

(KIRAN KINI)
I ADDL. DISTRICT & SESSIONS JUDGE
PRESIDING OFFICER OF LARR AUTHORITY
CHIKKAMAGALURU