

Award in LAC. cases.

Govt.of Karnataka.

**IN THE COURT OF THE SENIOR CIVIL JUDGE & MAMACT.
AT TARIKERE.**

LAC.No. 8/2013

PETITIONER: B.N.Shivaprakash S/o Nanjundappa, aged about 52 years, Agriculturist, R/o Bettathavarekere Village, Amruthapura Hobli, Tarikere Taluk.

(By Sri.B.P.Rajashekar, Advocate)

- Vs -

RESPONDENTS: 1. Assistant Commissioner/Land Acquisition Officer, Upper Bhadra Project, Tarikere.
2 Assistant Executive Engineer, Upper Bhadra Project, Tarikere.

(Respondent No.1 by Addl. Govt. Pleader and Sri.K.M.Jayaram, Advocate for respondent No.2).

CLAIM PETITION FILED ON 06-12-2013 U/Sec.18(1) of Land Acquisition Act.

CLAIM :-

The applicant require that the matter be referred to the Senior Civil Judge Court, Tarikere for the determination of the compensation for enhancement, in pursuance of the award in respect of

Sy.No.28/1, measuring 4-21 gunta of Bettathavarekere Village, Ajjampura Hobli, Tarikere Taluk award passed dated 27-05-2013.

This reference coming on this 22nd day of February 2021 for final disposal before Sri.M.C. Nanje Gowda, B.A.L., LL.M. Senior Civil Judge Prl.JMFC at Tarikere in the presence of Sri. B.P.Rajashekar, advocate for Petitioner and Respondent No.1 by Addl. Govt. Pleader and Sri.K.M.Jayaram, Advocate for respondent No.2.

After contest and by pronouncing judgment, it is ordered and awarded that, the reference is partly allowed and petitioner is entitled for enhanced compensation of **Rs.30,01,574/-** in addition to what has been awarded by the land acquisition officer (R1).

It is further ordered and awarded that the petitioner is entitled for statutory benefit of additional market value at the rate of 12% per annum as provided under section 23(1-A) and solatium at the the rate of 30% as provided under section 23(2) and also interest at the rate of 9% per annum from the date of taking possession of the land

by the respondent No.1 and thereafter at the rate of 15% per annum from the date of expiry of a period of one year till the payment of entire compensation by the respondents as provided under section 28 of the land Acquisition Act, 1894 on the compensation awarded by the L.A.O. as well as enhanced compensation awarded by this court.

It is further ordered and awarded that the petitioner is also entitled for cost of the litigation as provided under section 27 of the land Acquisition Act, 1894

It is further ordered and awarded that, the advocate fee is fixed at Rs.1000/-.

Sd/-

**SENIOR CIVIL JUDGE & PRL. JMFC.,
TARIKERE.**

MEMORANDUM OF CALCULATION

Sl. No	Particulars	Amount (Rs.)
1	a) Enhanced award. b) Solatium at 30 %	30,01,574-00 9,00,472-00
	Total	39,02,046-00
2	9% interest from 28/11/2010 to 29/11/2011	3,51,184-00

3	12% interest from 28/11/2010 to 29/11/2011	4,68,245-00
4	9% interest from 29/11/2011 to 29/11/2012	3,51,184-00
5	15% p.a. from 29/11/2012 to 29/03/2021	48,74,884 -00
	Total	99,47,543-00
Sl. No	Particulars	Amount (Rs.)
1	Award passed by L.A.O	25,22,546-00
2	Solatum at 30 %	7,56,763-00
	Total	32,79,309-00
3	9% interest from 28/11/2010 to 29/11/2011	2,95,137-00
4	12% interest from 28/11/2010 to 29/11/2011	3,93,517-00
5	9% interest from 29/11/2011 to 29/11/2012	2,95,137-00
6	15 % p.a. from 29/11/2012 to 29/03/2021	40,96,890-00
	Total	58,37,444-00
7	Less amount Received	25,22,546-00
	Total	33,14,898-00

That the enhanced award with all statutory benefits calculated at **Rs.99,47,543 + 33,14,898/- = 1,32,62,441/-** (Rs. One crore thirty two lakhs sixty two thousand four hundred forty one only) is payable by the respondents to the petitioner by way of enhanced compensation with interest till realization thereon. From the date of decree up to the date of deposit together with court costs as per memo of costs given below.

Given under my hand and the seal of this court, on
22nd day of February 2021.

Sd/-

**SENIOR CIVIL JUDGE & PRL.JMFC.,
 TARIKERE.**

Award Signed on: 10-03-2021.

Sd/-

**SENIOR CIVIL JUDGE & PRL.JMFC.,
 TARIKERE.**

MEMORANDUM OF COST INCURRED IN THIS PETITION.

Sl. No	Particulars	By the petitioner	R-1	R-2
1	Court Fee for petition	-	-	-
2	Court Fee on vakalath	-	-	-
3	Advocate Fee (F.C. filed)	1000-00	-	-
4	Process Fee	12-00		
5	Copying Charges	14-00	-	-
	<u>Total</u>	1026-00	-	-

Sd/-

**SENIOR CIVIL JUDGE & PRL.JMFC.,
 TARIKERE.**