

KAHS010002282019



Presented on : 14-01-2019
Registered on : 14-01-2019
Decided on : 18-03-2026
Duration : 7 years 02 months 04 days

**IN THE COURT OF I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

PRESENT:

**SMT. SHEILA B.M.
M.COM., LL.M,
I ADDL. DISTRICT, SESSIONS &
SPL. JUDGE, HASSAN.**

Dated This 18th Day Of March 2026

LAC. Appeal No.31/2019

Appellant:-

Rangegowda S/o Sannegowda
Aged 58 years,
R/o Gadenahalli village,
Kattaya Hobli,
Hassan taluk.

(By Sri. G.D., Advocate)

// Vs. //

Respondents:-

1. Special LAO, HRP-2, Hassan.
2. Executive Engineer,
Hemavathi/Yagachi Reservoir Project,
Gorur/Hassan.

3. Chief Secretary,
Vidhana Soudha,
Bengaluru.
4. Deputy Commissioner,
Hassan.

**(R1, 3 and R4 by DGP)
(R-2 - Exparte)**

JUDGMENT

This appeal is filed by the appellant/claimant challenging the judgment and decree passed by the Addl. Senior Civil Judge, Hassan in LAC No.62/2012 dated 11-09-2014.

2. For the sake of convenience the parties would be referred as per their original rank before the referred court.

3. The brief facts of the case is as under;

The appellant is the claimant and the respondent is the respondent before the referred court. The respondent has acquired the land of the claimants situated at Gadenahalli village, Hassan taluk for the purpose of Yagachi Reservoir Project. The particulars of the acquired property is furnished in the following table;

LAC	Sy. No. and extent	Date of 4(1) notification	Date of award	Date of protest application	Date of service of section 12(2) notice
62/2012	12/4 & 1 gunta	14-06-2007	07-08-2010	14-02-2011	15-11-2010

4. The respondent had passed the award fixing market value at Rs.60,000/- per acre. The claimant had received the compensation amount awarded under protest and had filed petition seeking for enhancement of compensation. The respondent had referred the matter U/s 18(1) of the Act to the Civil court for determining the correct market value.

5. The claimant in the claim petition had contended that the compensation awarded by the LAO is too low as compared with the present market value of the property which were valued more than Rs.10,00,000/- per acre. The LAO has not considered the quality, fertility and potentiality of the lands. The acquisition of the land is wrong. For the said reasons claimant had prayed to refer the matter to the civil court for determination of the correct market value.

6. After receiving the application U/s 18(1) of the Land Acquisition Act, this court has issued notice to the respondents. In response to the service of the notice, the respondent had appeared through District Government Pleader. The learned DGP has filed objection contended that the application is false, frivolous and not maintainable. The application is not legal and valid. The reference is barred by limitation. The amount claimed by the claimant is false, excessive and exorbitant. It is contended that the LAO has

considered all the relevant provisions of the LA Act at the time of passing the award. The LAO has awarded reasonable and proper compensation on considering the various factors discussed in the award. Hence, prayed for dismissal of the claim petition

7. On the basis of the above materials the reference court had framed following points:-

- 1) Whether the claim petitions are time barred U/s 18(1) of the Land Acquisition Act?**
- 2) Whether the compensation awarded by the opponent is inadequate? If so, for what quantum of compensation the claimants are entitled?**
- 3) What order or decree?**

8. The reference court has clubbed LAC No.58/2012 to 63/2012 and has passed the common judgment. The claimant in LAC No.58/2012 has been examined himself as PW-1 and got marked Ex-P-1 to Ex-P-35. The respondents have not chosen to lead any evidence.

9. The reference court after perusal of the materials available before it had answered point No.1 in the negative and point No.2 in the affirmative and has allowed the reference petition with cost. The claimant is entitled enhanced compensation of Rs.5,000/- per gunta with all

statutory benefits. The reference court has directed to deduct the compensation amount already paid by the opponent.

10. Being aggrieved by the same the claimant has preferred this appeal on the following grounds. It is stated that the finding of the reference Court, that the appellant has received compensation for the land acquired by the respondents, is erroneous both on facts and in law and is undervalued. Therefore, the order passed by the reference Court awarding enhanced compensation is liable to be set aside, and the enhanced compensation ought to be increased substantially (doubled). Before the reference Court, the appellant had produced reliable documentary evidence and also adduced supporting oral evidence seeking higher compensation for the acquired land. However, without properly considering this material, the Court has wrongly awarded only Rs.5,000/- per gunta as compensation. The appellant had produced registered sale deeds of lands situated in Hassan village, showing that the lands are located adjacent to the highway, but the Trial Court failed to consider these documents while passing the judgment. Further, it was stated in evidence before the Hon'ble Court that the appellant was cultivating two crops per year on the acquired land, such as maize and potato, and was earning more than Rs. 3,00,000/- (Rupees Three Lakhs) annually

from such produce. However, the Hon'ble Court has failed to properly appreciate these aspects, evidence, and materials, and the compensation awarded is therefore grossly inadequate. In this case, during the course of arguments, the appellant has produced a copy of the judgment and decree passed by the Principal/Additional Civil Judge, Hassan, in respect of lands in the same village, pertaining to the same 4(1) notification, wherein enhanced compensation of Rs. 1,00,000/- (Rupees One Lakh) per gunta has been awarded. It is essential that similar enhanced compensation be granted to the appellant in this case also. The lands belonging to the appellant and other claimants are adjacent to each other and fall under the same notification and the same canal project purpose. Moreover, this appeal falls within the jurisdiction of the said Hon'ble Court. The reference Court, in its judgment, has referred to decisions of the Hon'ble High Court and the Hon'ble Supreme Court, which mandate that earlier judgments relating to nearby lands must be considered. Despite such binding principles, the Trial Court has failed to properly apply them while determining compensation, which is against the principles of natural justice. The reasons assigned by the learned Judge for awarding such lesser enhanced compensation are neither satisfactory nor reasonable and appear to be based on conjectures. On the above grounds and among other

grounds, appellant has prayed to modify the impugned judgment and decree passed by the trial court.

11. The notice of the appeal was served on the respondents. The DGP had appeared and has filed objections stating that stating that appeal is not maintainable; that the market value fixed by the respondent is proper as per Land Acquisition Act. The present appeal has been filed to make unlawful gain. Hence, prayed for dismissal of the appeal.

12. Along with the appeal the appellant has filed an application U/s 5 of the Limitation Act seeking to condone the delay of 1545 days in preferring the appeal. This court by order dated:29-07-2024 has condoned the delay of 1545 days in filing the appeal on the condition that the appellant is not entitle to any interest for the period of delay.

13. Heard the learned counsel for the appellant and respondents. The appellant advocate has filed memo with documents.

14. The points that arise for determination are;

- 1) ***Whether the judgment and decree passed by the trial court is as per law? If not, what is the award the appellant is entitled for?***

- 2) *Whether the appeal is deserve to be allowed?*
- 3) *What order ?*

15. My answers to above points are as under:

Point No.1 : In partly affirmative

Point No.2 : In affirmative,

**Point No.3 : As per final order
for following;**

:REASONS:

16. **POINT No.1 & 2:** Since both points are interconnected with each other, to avoid repetition of facts and findings, both points are taken together for consideration. The facts of the case with regard to the nature, extent, ownership, identity of the property are not in dispute. The date of 4(1) notification and notice U/s 12(2) are not in dispute. The contention of the respondent that the appeals are barred by time was rejected by the reference court and the same is not challenged in the appeal by the respondent. Therefore, reconsideration of the same is not required. The reference court has rightly held that the appeal filed by the claimant are in time as per Section 18 of the Land Acquisition Act and hence it needs to be confirmed.

17. This court has secured the records from the court. I have gone through the oral and documentary evidence and impugned judgment and the award passed by the reference court. The general award passed in the case is not available in the record only the individual award is available. On perusal of the trial court records and judgment and award passed by the reference court discloses that reference court has passed a common judgment in LAC No.58/2012 to 63/2012. The reference court after going through the oral and documentary evidence adduced by the parties and the relied upon the previous judgment and award passed in LAC No.62/2013 has enhanced the compensation to Rs.5,000/- per gunta with statutory benefits as against the market value fixed by the LAO.

18. It is pertinent to note that the law mandates that date of preliminary notification is to be taken into consideration for arriving at the market value of the property acquired. The land involved in the present appeal was acquired for the Yagachi Reservoir project. The date of preliminary notification U/s 4(1) of the Land Acquisition Act is dated 14-06-2007.

19. A perusal of the reference court records discloses that claimant has not produced any documents like yield

notification, price list of crops grown or any expert opinion to determine the value of the acquired land. The claimant has mainly relied upon the judgment and award passed in LAC No.69/2013 passed by the Prl. Senior Civil Judge at Hassan.

20. Though several ground were urged in the memorandum of appeal, the learned counsel for the appellant has relied on the certified copy of judgment in LAC appeal No.23/2019 and judgment in LAC No.69/2013.

21. In LAC Appeal No.23/2019 it is seen that the land situated at Gadenahalli village, Hassan Taluk has been acquired for the purpose of Yagachi Reservoir Project under Preliminary notification dated 14.6.2007. The LAO has fixed the market value at Rs.60,000/- per acre. The reference court has enhanced the market value at the rate of Rs.5,000/- per gunta with all statutory benefits. The learned II Addl. District and Sessions Judge, Hassan has modified the order of the reference court and has enhanced the market value to Rs.1,00,000/- per gunta. The land in the present case is situated in Gadenahalli village has been acquired for the same purpose. So, the judgment in LAC Appeal No.23/2019 is relevant in this case for fixing the market value.

22. In LAC No.69/2013 it is seen that the land situated at Kattehosahalli village, Kattaya Hobli, Hassan

taluk has been acquired under Preliminary Notification dated 30.4.2007 for Yagachi Reservoir Project. The LAO has fixed the compensation at the rate of Rs.40,000/- per acre. The Prl. Senior Civil Judge, Hassan has enhanced the compensation to Rs.1,00,000/- per gunta. The land in the present case is situated in Gadenahalli village whereas the land in LAC No.69/2013 is situated in Kattehosahalli as both these villages are different, I do not intend to rely upon this judgment.

23. It is pertinent to note that it is settled law that in the matter relevant to Land Acquisition, the award of a Court in regard to similar lands would be a relevant piece of evidence. The previous award in respect of similarly situated land is a safe guide for determination of compensation.

24. The land involved in the present appeal and also the land involved in LAC Appeal No.23/2019 are situated in the same village and acquired for the same purpose.

25. In M.F.A. No.8760/2018 the Hon'ble High Court of Karnataka has observed in its judgment para No.9 as follows;

8. The Apex Court in the case of Union of India Vs Bal Ram and another reported in 2010 (5) SCC 747

has held that when the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would be unfair to discriminate between the land owners to pay more to some of the land owners and less compensation to others. This view is reiterated by the Apex Court in the case of Ali Mohammad Beigh and others Vs State of Jammu and Kashmir reported in 2017 (4) SCC 717.

26. The respondents have not disputed the applicability of the judgments nor have stated that above judgments have been stayed or has been set-aside by the appellate court. On the other hand appellant advocate has submitted payment of compensation has been made.

27. Therefore, on the principle of parity the claimant herein is also entitled for enhanced compensation at the rate of Rs.1,00,000/- per gunta and this would be just and fair compensation. The claimant is entitle for statutory benefits. Therefore, the judgment and award passed by the reference court is liable to be modified in appeal. Hence, I answer point No.1 in party affirmative and point No.2 in affirmative.

28. **POINT No.3:** In view of my findings on points No.1 and 2, I proceed to pass following:

ORDER

The appeal preferred U/o 43 Rule 1 of CPC R/w Section 54 of Karnataka Land Acquisition Act by the appellant is partly allowed with costs.

The judgment and award passed by the learned Addl. Senior Civil Judge, Hassan in LAC No.62/2012 dated 11-09-2014 is hereby modified and the market value of the land acquired in the above case is fixed at Rs.1,00,000/- per gunta.

The appellant is entitle for statutory benefits including solatium, additional market value and the interest on the enhanced amount.

The appellant is not entitle for any interest over the delay of 1545 days in filing of the appeal.

The appellant shall pay the balance court fee on the enhanced compensation amount within three months from today.

Out of the above compensation, the amount already paid by the respondent shall be deducted.

Office is directed to draw award on payment of deficit court fee accordingly.

Send back the LCR along with the copy of
this judgment to the trial court.

(Dictated to stenographer, transcribed and typed by him and corrected
by me and then pronounced in open court on this the 18th day of March 2026)

**(SMT. SHEILA B.M.)
I ADDL.DISTRICT AND SESSIONS
& SPL. JUDGE, HASSAN.**