

KAHS700002612011



**IN THE COURT OF SENIOR CIVIL JUDGE & JMFC,
HOLENARASIPURA**

Presented : Smt. Nivedita M.Munavallimath
B.Com., LL.M.

Senior Civil Judge & JMFC,
Holenarasipura.

Dated 06th day of August 2026

L.A.C.No.39/2011 club with LAC No.90/2010 and

LAC No.91/2010

Petitioners in LAC No.39/2011: Puttamma,
W/o. Annabhovi,
Since dead by his Lrs,

1.Manjunatha,
S/o. Late Annabhovi,
Aged about 56 years,

2.Gangadhara,
S/o. Late Annabhovi,
Aged about 54 years,

3.Lokesha,
S/o. Late Annabhovi,
Aged about 50 years,

4.Shankara,
S/o. Late Annabhovi,
Aged about 48 years,

the petitioner No.1 to 4 are
R/at Vaddarapalya village,
Halekote hobli,
Holenarasipura taluk.

5.Ramesha,
S/o. Late Annabhovi,
Aged about 46 years,
R/at Magadi road,
Police quarters,
Govindarajanagara,
Bengaluru.

6. Meenakshi,
W/o. Manjunatha,
Aged about 52 years,
R/at Kariyappa building,
Gangenahalli village,
K.R.Pete taluk,
Mandya district.

7.Yashoda,
W/o. Swamy,
Aged about 60 years,
R/at Makanahalli village,
Ravanduru hobli,
Periyapatna taluk,
Mysuru district.

(By Sri.K.V.N., Advocate)

Petitioner in LAC No.90/2010:

Nanjundappa,
S/o. Late Erappa,
Since dead by his Lrs,

Revanna,
S/o. Late Nanjundappa,
Aged about 60 years,
R/at Channapura village,
Halekote hobli,
Holenarasipura taluk.

(By Sri.K.V.N., Advocate)

Petitioners in LAC No.91/2010: Lingarajappa @ Swamy,
S/o. Gurulingappa,
Since dead by his Lrs,
1.Chandramma,
W/o. Late Lingarajappa @ Swamy,
Aged about 62 years,

2.Mahadevappa,
S/o. Late Lingarajappa @ Swamy,
Aged about 39 years,

3.Nagaraja,
S/o. Late Lingarajappa @ Swamy,
Aged about 37 years,
All are R/at Channapura village,
Halekote hobli,
Holenarasipura taluk.

(By Sri.K.V.N., Advocate)

V/s

Respondents : 1. Spl. Land Acquisition Officer, HRP-II
District Commissioner building,
1st floor, B.M.Road, Hassan.

2. Deputy Commissioner,
B.M.Road,
Hassan, Hassan district.

3. Chief Secretary,
Government of Karnataka,
Vidhana soudha, Bengaluru.

4. Executive Engineer,
Hemavathi River Project,
Kaveri Neeravari Nigama Niyamitha,
Holenarasipura taluk,
Hassan district.

(R1 to 3 by A.G.P)
(R4 by Adv., Sri.S.H.M.)

J U D G M E N T

These claim petitions are arising out of the reference made by the 1st respondent/Special Land Acquisition Officer, U/Sec.18(1) of Land Acquisition Act, based on the protest memo filed by the deceased Puttamma, deceased Nanjundappa and deceased Swamy for determination of proper market value of acquired lands.

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

The respondent No.1 has acquired the land bearing Sy.No.29 measuring 3 acre 30 guntas, Sy.No.33 measuring 2 acre 0.06 guntas and Sy.No.33 measuring 1 acre situated at Channapura Village, Halekote Hobli, Holenarasipura Taluk belongs to the petitioners under preliminary notification U/Sec.4(1) of the Land Acquisition Act and passed Gazatee notification on 30.08.2007 for the purpose of providing rehabilitation to the people. The respondent No.1 after following procedure contemplated under Land Acquisition Act, passed award No.LBC LAQ 59/07-08 dated 31.05.2010 and determined the marked value of the acquired land for Rs.32,000/- per acre and awarded compensation. The deceased Puttamma, deceased Nanjundappa and deceased Swamy @ Lingarajappa received the award amount under protest. Aggrieved by the award passed by respondent No.1, the deceased Puttamma, deceased Nanjundappa and deceased Swamy @

Lingarajappa filed applications U/Sec.18(1) of Land Acquisition Act, before respondent No.1 to refer the matter to Civil Court for determination of proper market value.

3. It is contended in the reference applications that the acquired lands are more fertile and valuable lands, but the compensation determined by respondent No.1 is not adequate. The award made by respondent No.1 is arbitrary and unjust. The respondent No.1 has not considered the potential value of acquired lands and hence, pray to allow the petitions.

4. In response to the notice issued by this court after remand respondent No.1 to 3 appeared through AGP and not filed any objection. The respondent No.4 appeared through Sri.SHM advocate and filed objection to the main petition.

5. In the objection, the respondent No.4 denied the averments of the petitions and inter-alia contended that the market value fixed by the Land Acquisition Officer is fair and reasonable and the same is as per the provisions of Land Acquisition Act and as such, the petitions are liable to be dismissed. Further contended that the petitions are barred by law of limitation and non -joinder of necessary party.

6. In order to prove the claim petition, after remand from the Hon'ble High Court of Karnataka, Bengaluru, petitioner No.2 in LAC No.39/2011 examined as PW.1, petitioner in LAC No.90/2010 examined as PW.2 and petitioner No.3 in LAC No.91/2010 examined as PW.3 and got marked thirty eight documents as Ex.P1 to Ex.P38. On the other hand, the Executive Engineer by name Mahesha S/o. Late Rangegowda and in-charge Sub-registrar of Holenarasipura by name Rakesha.E S/o. Late K.K.Eshwaraiah are examined as RW.1 and 2 respectively and got marked one document as Ex.R1.

7. Heard the arguments addressed by both counsel and perused the records and written arguments, citations. The points that arise for my consideration is as follows:-

1. **Whether the respondents prove that the petition is barred by law of limitation?**
2. **Whether the petitioners have made out a case that the award passed by respondent No.1 in No.LBC.LAQ 59/07-08 dated 31.05.2010 is inadequate and it is required to be enhanced?**
3. **Whether the petitioners are entitled for enhancement of compensation? If so, at what rate?**
4. **What order?**

8. My findings to the above points are as follows:-

- Point No.1 : In the **Negative**
- Point No.2 : In the **Affirmative**
- Point No.3 : **Partly in the affirmative and**
- Point No.4 : As per final order for following;

REASONS

9. **Point No.1:-** The respondent No.4 has taken the stand that the petitions are barred by law of limitation. The counsel for respondent No.4 vehemently argued that as per section 18 of Land Acquisition Act, the claimants have to submit protest petition within 90 days from the date of receipt of award notice and SLAO has to refer the matter to the civil court within three years from the date of such protest petitions. But, in the instant case, SLAO refereed the matter to this court after the expiry of three years 90 days and as such, the petitions are hopelessly barred by limitation.

10. In the light of above contention, I have gone through the materials available on record. Before discussing the evidence placed by the parties, I feel it is just and necessary to discuss the scope of Sec-18 of Land Acquisition Act, and it reads as under:

Sec 18(1) Any person interested who has not accepted the award or amendment thereof, may by written application to the Deputy Commissioner require that the matter be referred by the Deputy Commissioner for determination of the court, whether his objection be to the measurement of the land, the amount of the compensation, the person to whom it is payable, or the apportionment of the compensation among the persons interested.

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

Provided that every such application shall be made within ninety days from the date of service of the notice from the Deputy Commissioner under sub-section (2) of Section 12.

(3). (a) The Deputy Commissioner shall, within ninety days from the date of receipt of an application under sub-section (1) make a reference to the Court.

(b) If the Deputy Commissioner does not make a reference to the Court within a period of ninety days from the date of receipt of the application, the applicant may apply to the court to direct the Deputy Commissioner to make the reference, and the Court may direct the Deputy Commissioner to make the reference within such time as the Court may fix.

11. The above provisions of Land Acquisition of the Act, states that a person interested in a land acquired and who has not accepted the award of compensation by the Collector, could apply to the Collector for a reference of his claim within six weeks of the date of the award if he was present at the time of making of the award and within six weeks of the notice from the

Collector under Section 12(2) of the Act if he was not so present. In a case that may not be covered by either of the above situations, the claimant has to make his application within six months of the date of the award of the Collector. The State Legislature by an amendment brought to Section 18 of the Land Acquisition Act, substituted the proviso to Section 18(2) by replacing the period of six weeks by a period of 90 days and making the starting point, the date of service of notice from the Deputy Commissioner under Section 12(2) of the Act. Sub-section (3) was added directing that the Deputy Commissioner should make the reference to the court within a period of 90 days from the date of receipt of the application under sub-section (1) of Section 18 of the Act. If he failed to do so within the period of 90 days, the party was given a right under Section 18(3)(b) of the Land Acquisition of the Act, to apply to the court to direct the Deputy Commissioner to make the reference and the court was conferred the power to direct the Deputy Commissioner to make the reference within such period as may be fixed by the court.

12. It is worthful note that no time for applying to the court in terms of sub-section (3) is fixed by the statute. But since the application is to the court, though under a special enactment, Article 137, the residuary article of the Limitation Act, 1963, would be attracted and the application has to be

made within three years of the application for making a reference or the expiry of 90 days after the application. The position is settled by the Hon'ble Apex Court in the case of the **Addl. Spl. Land Acquisition Officer, Bangalore vs. Thakoredas, Major and others** reported **in AIR 1994 SC 2227** and held as under:

"Admittedly, the cause of action for seeking a reference had arisen on the date of service of the award under Section 12(2) of the Act. Within 90 days from the date of the service of notice, the respondents made the application requesting the Deputy Commissioner to refer the cases to the Civil Court under Section 18. Under the amended sub-section 3(a) of the Act, the Deputy Commissioner shall, within 90 days from September 1, 1970 make reference under Section 18 to the Civil Court which he failed to do . Consequently, by operation of sub-section 3(b) with the expiry of the aforesaid 90 days, the cause of action had accrued to the respondents to make an application to the Civil Court with a prayer to direct the Deputy Commissioner to make a reference. There is no period of limitation prescribed in sub-section 3(b) to make that application but it should be done within limitation prescribed by the Schedule to the Limitation Act. Since no Article expressly prescribed the limitation to make such application, the residuary article under Article 137 of the Schedule to the Limitation Act, gets attracted. Thus, it could be seen that in the absence of any special period of limitation prescribed by clause (b) of sub-section (3) of Section 18 of the Act, the application should have been made within three years from the date of expiry of 90 days prescribed in Section 18(3)(b) i.e. the date on

which cause of action had accrued to the respondent-claimant”.

Thus, Section-18 of the Land Acquisition of the Act, is simplified as under:

Sec-18(1): Allows a person affected by land acquisition to apply for the to review and possibly enhance the compensation awarded.

Sec-18(2): Specifies that such an application must be made within 90 days from the date of service of notice.

Sec-18(3)(a): Mandates that upon receiving an application under Section 18(1), the Deputy Commissioner must refer the case to the court within 90 days.

Sec-18(3)(b): If the Deputy Commissioner fails to make the required reference within 90 days, the claimant has the right to apply to the court to compel the Deputy Commissioner to do so within a prescribed period of three years.

13. It is relevant to note that in the instant case admittedly, the preliminary notification U/Sec.4(1) was published on 30.08.2007 and Special LAO/respondent No.1 has passed a general award on 31.05.2010. The Ex.P6 discloses that the original petitioner in LAC 39/2011 Smt.Putamma has received the award amount on 21.01.2011 and Ex.P4 discloses that she submitted protest petition U/Sec.18(1) of Land Acquisition Act, on 26.07.2010. The respondent No.1 has not submitted award notice and even not disclosed the date on which the award notice has been served on Smt.Putamma. The documents goes to show that the petitioner in

LAC.No.39/2011 Smt.Putamma has submitted protest petition prior to receipt of award amount. The Ex.P20 discloses that award notice has been served on the original petitioner in LAC.No.90/2010 Nanjundappa on 20.07.2010. The Ex.19 discloses that the original petitioner Nanjundappa submitted protest petition U/Sec.18(1) of Land Acquisition Act, on 26.07.2010. Thus, it appears that deceased Nanjundappa has filed the protest petition within 90 days from the receipt of award notice. The Ex.P30 discloses that award notice has been served on the original petitioner in LAC.No.91/2010 Swamy @ Lingarajappa on 20.07.2010. The Ex.P29 discloses that the original petitioner Swamy @ Lingarajappa submitted protest petition U/Sec.18(1) of Land Acquisition Act, on 26.07.2010. It shows that the original claimant Swamy @ Lingarajappa has submitted protest petition within 90 days from the date of receipt of award notice. The first order sheet clearly discloses that this court has received the reference of LAC.No.39/2011 on 05.02.2011, LAC.No.90/2010 and LAC.No.91/2010 on 04.12.2010. Thus, it appears that these petitions are within statutory period of three years from the date of filing protest petition. Therefore, the petitions are maintainable. Accordingly, I answer the above **Point No.1 in the Negative.**

14. **Points No.2 and 3:-** These points are inter-related to each other hence, I have taken these two points together for my discussion in order to avoid repetition of facts and evidence.

15. It is the specific contention of the petitioners that the acquired lands are more fertile and valuable lands, but the compensation determined by respondent No.1 is not adequate and hence, the award passed by respondent No.1 is arbitrary and unjust. In order to prove the averments of the petitions, after remand, the Lrs of original claimants deposed as PW.1 to PW.3 by filing affidavit in lieu of chief examination. In the chief examination affidavits, PW.1 to 3 categorically stated that the acquired lands are more valuable lands.

16. The PW.1 to PW.3 further deposed that this court in LAC.No.17/2014 pertaining to Haradanahalli village determined the market value of the acquired lands at Rs.1,00,000/- per gunta. Further, the Hon'ble District Court, Hassan in LAC(Appeal).No.292/2019 pertaining to Chittanahalli village of Kasaba Hobli, enhanced the compensation amount to Rs.1,00,000/- per gunta. Further, the Hon'ble District Court, Hassan in LAC(Appeal).No.485/2025 and LAC(Appeal).No.486/2025 pertaining to Chittanahalli village of Kasaba Hobli, enhanced the compensation amount to

Rs.74,664/- per gunta. The acquired lands of the present petitions are adjacent lands and year of notification is also same and hence, it is just and reasonable to determine the market value of the acquired lands of the present petitions at Rs.74,664 /- per gunta.

17. On the other hand, the respondents taken the stand that the market value fixed by the Land Acquisition Officer is fair and reasonable and the same is as per the provisions of Land Acquisition Act and moreover, the petitioners have not placed sale deed pertaining to the adjacent land, therefore, the petitioners have made out reasonable grounds to enhance the compensation. The Executive Engineer by name Mahesha S/o. Late Rangegowda and in-charge Sub-registrar of Holenarasipura by name Rakesha.E S/o. Late K.K.Eshwaraiah are examined as RW.1 and 2 respectively and got marked sale statistics of Channapura village pertaining to the year 2006-2007 at Ex.R1.

18. The counsel for the petitioners relying on Ex.P14 and Ex.P15 vehemently argued that the Hon'ble II nd Additional District and Sessions Judge, Hassan in LAC(Appeal) No.485/2025 and LAC(Appeal) No.486/2025 determined the market value of the acquired land at Rs.74,664/- per gunta and the present land is adjacent land and hence, it is just and reasonable to determine the market value of the acquired lands at Rs.74,664/- per gunta.

19. As against this the counsel for respondent No.4 relying on the Judgments rendered by the Hon'ble Apex Court in the case of **Manojkumar and Others V/s. State of Haryana and Others**, reported in **(2018) 13 Supreme Court Cases 96, Surender Singh V/s. State of Haryana** reported in **AIR 2018 Supreme Court 1013**, and **Vithal Rao V/s. Special LAO** reported in **2017 AIAR (Civil) 764 Supreme Court**, vehemently argued that the court is not supposed to follow previous judgments without due consideration of facts and circumstances and evidence adduced by the claimants. The previous judgments are only piece of evidence and the court cannot solely rely on the previous judgments to determine the market value. In the instant case, the petitioners have not placed any iota of documents to prove the potentiality of the lands and income as referred in their affidavits and even not placed sale deeds and hence, this court cannot enhance the amount only on the bases of previous judgments.

20. In the light of above contentions of both counsels, I have gone through the above refereed citations and materials available on record. It is well-settled principle of law that, the market value of the land is to be determined by any one of the following recognized modes namely:-

1. Capitalization of income method.
2. Sale statistics method.
3. Opinion of experts.
4. Following the judgments of courts.

21. In the instant case, the petitioners relied upon the previous judgments passed by this court in LAC.No.17/2014 C/w other cases and Judgment passed by the Hon'ble Dist Court Hassan in LAC(Appeal).No.292/2019,LAC(Appeal)No.60/2022 LAC(Appeal)No.485/2025, LAC(Appeal)No.486/2025. It is pertinent to note that in the citation reported in **(2018) 13 Supreme Court Cases 96**, which relied by the counsel for respondent No.2, the Hon'ble Apex Court discussed the relevancy of previous judgments and its applicability and held that as under:

A. Land Acquisition Act, 1894-S. 23-Compensation-Award/compensation granted by court qua land in close vicinity-Relevance of-Previous award/judgment -When is not binding.

Held, the court has to apply the judicial mind and is not supposed to follow the previous awards without due consideration of the facts and circumstances and evidence adduced in the case in question- Further, previous awards/judgments are piece of evidence on a par with comparative sale transactions and similarity of the land covered by previous judgment/ award is required to be proved like any other comparative exemplar- When the previous award/judgment is based on exemplar, which is not similar or acceptable, previous award/judgment of court cannot be said to be binding and such determination has to be outrightly rejected- Further, when some mistake has been done in awarding

compensation, it cannot be followed, as on the ground of parity an illegality cannot be perpetuated.

22. In the above referred Judgment, the Hon'ble Apex Court laid down a dictum that previous judgments are the piece of evidence and the same can be considered along with facts and circumstances of the case in question. The Hon'ble Apex Court, at para No.19 and 20 of the Judgment categorically observed that when there are several comparable sales or awards pertaining to different lands are produced, the court has to choose the sale deed or award of previous judgment which is closely or nearly compares with market value of the lands. The claimants have to adduce the evidence to show the similarity of the lands in question to the one covered by the previous judgment/award and they have to tender the same in the evidence. Then only the previous judgment can be considered to fix the market value of the lands in question.

23. It is relevant to note that the Hon'ble II nd Additional District and Sessions Judge, Hassan in LAC(Appeal) No.485/2025 and LAC(Appeal) No.486/2025 relied the judgment passed by this court in LAC.No.17/2014. But, the lands covered in LAC.No.17/2014 C/w other cases and LAC (Appeal) No.60/2022 have been acquired for Kamasamudra lift irrigation. Further the lands involved in LAC (Appeal).No.292/2019 has been acquired for

construction of Morargi school. Thus, it appears that the purpose of acquisition in the above refereed cases are different from the present petitions.

24. It is relevant to note that during the argument, the counsel for respondent No.4 placing reliance on the order passed by the ***Hon'ble Apex Court in Special Leave Petition (Civil).No.48595/2024***, vehemently argued that the Hon'ble Apex Court in the review petition granted liberty to the Corporation i.e., the present respondent No.4 to adduce and rely upon appropriate exemplar and sale instances before the Hon'ble High Court to distinguish the judgment passed in Civil Appeal No.6047-6048/2024 dated 03.05.2024. Further, the Hon'ble High Court while remanding the present petitions, directed the claimants to adduce evidence to prove their stand and hence, after remand, they have placed sales statistics of Channapura village from 2006-2007 at Ex.R1. These documents clearly establishes the fact that the market value of the acquired land as on the date of 4(1) notification is Rs.60,000/- to Rs.80,000/- per acres. But, the petitioners have not placed any cogent evidence to show that the acquired lands fetches market value at Rs.1,00,000/- per gunta and hence, the petitioners are not entitled for enhancement of compensation.

25. It is pertinent to note that the present respondent No.4 has challenged the Judgment passed by the Hon'ble High Court in ***MFA.No.4325/2021 and MFA.No.4260/2021 before the Hon'ble Apex Court in Special Leave Petition (Civil).No.48595/2024.*** The Hon'ble Apex Court dismissed the review petition with following observation:

It goes without saying that the petitioner -Corporation shall be at liberty to adduce and rely upon appropriate exemplar and sale instances before the High Court to distinguish the judgment dated 03.05.2024 passed by this court in C.A.Nos.6047-6048/2024.

The special leave petitions are, accordingly, disposed of in above terms.

26. The above observation of the Hon'ble Apex Court makes it clear that liberty is granted to the present respondent No.4 to adduce relevant sale instances and exemplar to distinguish the judgment passed in Civil Appeal No.6047-6048/2024 dated 03.05.2024. In the instant case, though the year of 4(1) notification of present petition is one and same in LAC.No.17/2014, MFA.No.4325/2021, but village and purpose of acquisition are different. The lands covered in LAC.No.17/2014 are acquired for Kamasamudra Lift irrigation and lands covered in MFA.No.4325/2021 are acquired for construction for bridge exit road or outer ring road across Hemavati river. The petitioners failed to show that the acquired in LAC.No.17/2014 and MFA.No.4325/2021 are similar lands and as such the

petitioners are not entitled for enhancement of compensation as ordered by the Hon'ble High Court in MFA.No.4325/2021 C/w MFA.No.4260/2021. On the other hand Ex.R.1 placed by respondent No.4 is pertaining to Channapura village, which discloses that the land situated at Channapura village have been sold from 2006 to 2007 for Rs.60,000/- to Rs.80,000/- per acres. Thus, these documents shows that the market value of the lands acquired in LAC.No.17/2014 and MFA.No.4325/2021 are different from the lands situated at Channapura village.

27. It is relevant to note that respondent No.1 has fixed the market value of the acquired land at Rs.32,000/- per acre. Upon the reference made by respondent No.1, this court enhanced the compensation amount to Rs.2,66,666/-per acre and passed award on 25.02.2012. Aggrieved by the same, the original claimants have preferred appeal before the Hon'ble Principal Dist and Sessions Judge, Hassan in LAC(Appeal) No.169/2016, LAC(Appeal) No.196/2016 and LAC(Appeal) No.25/2020 respectively. After considering the sale deed produced by the claimants pertaining to Channapura village in earlier proceedings, the Hon'ble Principal Dist and Sessions Judge, Hassan enhanced the compensation amount to Rs.4,66,397/- per acre. Aggrieved by the same, the original petitioners have approached the Hon'ble High Court of Karnataka in MSA.No.174/2024(LA),

MSA No.172/2024(LA) and MSA No.33/2023(LA) the respectively. The present respondent No.4 who is beneficiary was not party in earlier proceedings and hence, they opposed to enhance the compensation and urged before the Hon'ble High Court to remand the matter to this court. By considering the materials available on record, the Hon'ble High Court of Karnataka remanded the matter to this court with a direction to receive the additional evidence on both side and decide the matter a fresh. After remand, the Lrs of original claimants have adduced additional evidence and relied upon Judgments rendered by the Ho'ble Dist Court, Hassan in LAC(Appeal No.485/2025 and LAC(Appeal)No.486/2025. But, before remand the original claimants have placed sale deed dated 11.08.2003 in respect of Channapura village. This court relying on the said sale deed enhanced the compensation amount to Rs.2,66,666/- per acre. Similarly, the Hon'ble Principal Dist and Sessions Judge, Hassan in LAC(Appeal) No.169/2016, LAC(Appeal) No.196/2016 and LAC(Appeal) No.25/2020 filed by the petitioners, placing reliance on the said sale deed enhanced the compensation amount to Rs.4,66,397/- per acre. But, after remand ,the petitioners neither placed any sale deed pertaining to Channapura village nor placed any cogent and reliable evidence to show that the market value of their lands fetches more than Rs.4,66,397/- per acre.

28. It is relevant to note that in the citation reported in **(2018) 13 Supreme Court Cases 96**, which relied by the counsel for respondent No.3, the Hon'ble Apex Court discussed the relevancy of previous judgments and its applicability and laid down a dictum that previous judgments are the piece of evidence and the same can be considered along with facts and circumstances of the case in question and para No.19 and 20 of the Judgment categorically observed that when there are several comparable sales or awards pertaining to different lands are produced, the court has to choose the sale deed or award of previous judgment which is closely or nearly compares with market value of the land. In the instant case, sale deed dated 11.08.2003 pertaining to Channapura village which produced before remand is pertaining to same village and it is very closely compares the market value of the acquired land. Therefore, I am of the considered opinion that it would be just, reasonable and adequate to enhance the compensation amount to Rs.4,66,397/- per acre to the acquired lands of the petitioners.

29. The petitioners further entitled to all the statutory benefits as concluded by the Hon'ble Apex Court in the case of **Sundar V/s Union of India**, reported in **2001 SAR (Civil) 799**. Therefore, the petitioners are entitled to additional market value at the rate of 12% per annum on the

enhanced amount from the date of preliminary notification till the date of award. Apart from this, the petitioners further entitled to 30% solatium on the enhanced market value as provided under Sec.23(2) of Land Acquisition Act. Further, as per Sec.28 of Land Acquisition Act, the petitioners are entitled to the interest at the rate of 9% per annum on the enhanced compensation amount in the first year and they are further entitled for 15% p.a. for the subsequent years till realization. Thus, I am of the considered opinion that, the petitioners are entitled to enhanced compensation amount of Rs.4,66,397/- per acre, along with other benefits as mentioned above. Accordingly, I answer point No.2 in the **Affirmative** and point No.3 **Partly in the Affirmative**.

30. **Point No.4:** For the foregoing reasons on the above points, I proceed to pass the following:-

ORDER

The reference made by respondent No.1 U/Sec. 18(1) of Land Acquisition Act, is hereby partly allowed with cost.

- a. The market value of the acquired lands is enhanced to Rs.4,66,397/- per acre.
- b. The petitioners are entitled to 12% additional market value on the enhanced compensation amount from the date of preliminary notification till the date of award.

- c. The petitioners are entitled to 30% solatium on the enhanced market value.
- d. As per Sec.28 of Land Acquisition Act, the petitioners are entitled to interest at the rate of 9% per annum on the enhanced compensation amount in the first year and they are further entitled for 15% p.a. for the subsequent years till realization.
- e. The respondent No.1 shall deposit the enhanced compensation amount within the statutory period of 90 days from the date of award.

Advocate's fee is fixed at Rs.1,000/-.

Draw award accordingly.

copy of judgment kept in LAC No.90/2010
and LAC No.91/2010.

(Dictated to the stenographer through computer, typed by his, revised by me and after corrections, pronounced in the open Court on this the 06th day of August 2026)

(Smt. Nivedita M.Munavallimath)
Senior Civil Judge & JMFC,
Holenarasipura.

: ANNEXURE :

List of witnesses examined on behalf of the petitioners:

- PW.1 : Manjunatha S/o. Late Annabhovi
- PW.2 : Revanna S/o. Late Nanjundappa
- PW.3 : Nagaraju S/o. Late Swamy @ Gurulingappa

List of exhibits marked on behalf of the petitioners:

- Ex.P1 : Certified copy of 4(1) notification

Ex.P2	:	Certified copy of 6A notification
Ex.P3	:	Certified copy of general award
Ex.P4	:	18(a) application
Ex.P5	:	Certified copy of personal award order
Ex.P6	:	Certified copy of voucher for payment of award
Ex.P7	:	Certified copy of form B
Ex.P8	:	Certified copy of personal award order
Ex.P9	:	Certified copy of Muchalika
Ex.P10	:	Certificate
Ex.P11	:	Form of reference to the court
Ex.P12	:	Certificate
Ex.P13	:	Check list
Ex.P15	:	Certified copy of judgment passed by the Hon'ble 2nd Additional District and Sessions, Judge Hassan in LAC (appeal) No.485/25
Ex.P16	:	Certified copy of judgment in LAC (appeal) 60/22
Ex.P17	:	Certified copy of judgment in MFA No.4325/2021 c/w MFA No.4260/2021
Ex.P18	:	Certified copy of judgment in LAC No.17/14 c/w LAC 4/14 to 9/14, 11/14 to 16/14, 18/14 to 21/14
Ex.P19	:	18(1) application
Ex.P20	:	Certified copy of award notice
Ex.P21	:	Certified copy of voucher for payment of award
Ex.P22	:	Certified copy of Personal award order

Ex.P23	:	Certified copy of form B
Ex.P24	:	Certified copy of muchalika
Ex.P25	:	Form reference to the court
Ex.P26	:	Certificate
Ex.P27	:	Certificate
Ex.P28	:	Check list
Ex.P29	:	18(1) application
Ex.P30	:	Certified copy of award notice
Ex.P31	:	Certified copy of voucher for payment of award
Ex.P32	:	Certified copy of Personal award order
Ex.P33	:	Certified copy of form B
Ex.P34	:	Certified copy of muchalika
Ex.P35	:	Form reference to the court
Ex.P36	:	Certificate
Ex.P37	:	Certificate
Ex.P38	:	Check list

List of witnesses examined on behalf of the respondents:

RW.1	:	Mahesh S/o. Late Rangegowda
RW.2	:	Rakesh.E. S/o. Late K.K.Eshwaraiah

List of documents marked on behalf of the respondents:

Ex.R1 : Sale statistics

Senior Civil Judge & JMFC,
Holenarasipura.