

KAVP010016442021



Presented on : 26-02-2021

Registered on : 02-03-2021

Decided on : 09-01-2026

D M Y

Duration : 07 10 04

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

:Present:

**Sri.H.A.Mohan, B.A.L., LL.B.
I Additional District & Sessions Judge,
Vijayapura**

Dated this the 9th day of January 2026

L.A.C.No.1020/2021

Claimants/petitioners:

1. Yamanawwa Bhimanna Sajjan Age-60, Occ- Agri., R/o. Honawad, Tq. & Dist- Vijayapura.

(By Sri A.A.Huddar, Advocate)

// Versus //

Respondent/s:

1. The Asst. Commissioner & LAO, Sub-Division Vijayapura.
2. The Chief Administrative Officer, KNN. Ltd. Dharwad
3. The Managing Director, Karnataka Niravari Nigam Ltd. Bengaluru

4. The Executive Engineer, Karnataka Niravari Nigam Niymit Ltd. Athani.
 5. The Assistant Commissioner & LAO, Vijayapura.
 6. The Secretary, Water Resources Department, Bengaluru.
- (R-1,5,6 - By learned AGP)
(R-2to4 By Sri. M.G.Pattanashetti, Advocate)

J U D G M E N T

1. This Reference petition is filed under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred as 'Act'), being aggrieved by the award passed in LAQ:SR:No.1/2015-16 dated 8.12.2017, seeking enhancement of compensation.

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

The petitioners herein are the owners of the acquired dry land bearing Sy.No.388/2A measuring 24 guntas, situated at Honawad village. The said land has been acquired by the respondents for the purpose of construction of Tubachi-Babaleshwar

Lift Irrigation Canal. The respondent No.1 has awarded compensation Rs.96,594/- per acre. It is stated that while passing the award and fixing the compensation, the respondents have not considered all the factors in a proper perspective. The petitioners herein have not been given proper opportunity to put-forth their claim before Special LAO. Without following proper procedure the respondents have acquired the land and awarded the less compensation.

3. It is further contended that they were growing commercial crops and earning lakhs together per year. But on account of acquisition of land they have lost the land as well as regular source of income. Accordingly, prayed to grant the enhanced compensation as prayed for.

4. In response to the notice, the respondents appeared through learned AGP and filed objections.

5. It is stated in the objections that the Reference Petition is not filed within time. Further the respondents have fixed the market value of the land and passed the award, by taking into consideration all the factors, according to law. The respondents while fixing the market value has considered all the parameters. The petitioner has not sustained any loss due to the acquisition of the land. Instead the petitioner has been benefited as their land became irrigated due to the construction of the canal. The award passed by the respondents are just and proper and the same does not require enhancement. With this they have sought for rejection of the Reference Petition and prayed to confirm the award passed by the respondent.

6. To support the claim, the petitioner has filed affidavit in lieu of evidence as PW-1 and got marked documents as per Ex.P.1 to 12 and closed evidence.

7. On behalf respondents award notice and Award are marked as Ex.R.1 and 2 without any objection. No oral evidence is adduced.

8. Now, the points that arise for consideration are as under:

- 1) Whether the Claim petition filed is within the period of limitation?
2. Whether the claimant proves that the SLAO while passing the award has not fixed the fair compensation?
- 3) Whether the Reference petition filed by the Claimant deserves to be allowed?
- 4) What Order?

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

- 1) In the affirmative
- 2) In the affirmative
- 3) Partly in the affirmative
- 4) As per the final order, for the following:

REASONS

10. **Point No.1:** After having heard the learned counsel for the parties, it is seen that the

award was passed on 8.12.2017. The reference petition was filed on 8.2.2018. That shows that, the reference was filed within 42 days from the date of service of notice. Hence the reference filed was within period of limitation as per Section 64(1) of the Act. Hence without much discussion, I answer this point in the affirmative.

11. **Point No.1 & 2:** Since both these points are interconnected with each other, for the sake of convenience, they are taken up together for consideration.

12. This Court in LAC No.427/2021 has examined all the relevant factors and determined the compensation at Rs.23,109/- per gunta in respect of dry land of Honawad village. Hence, there is no necessity to discuss about same documents produced in the case.

13. In view of the law laid down by the Hon'ble Supreme Court and Hon'ble High Court of

Karnataka in many judgments and in the latest judgment in Krishan Kumar Vs. The state of Hariyana and others, equality and equity shall be maintained in respect of the lands acquired under the same notification. Accordingly I hold that the claimant is entitled to get compensation at Rs.23,109/- per gunta as against the compensation determined by the respondent No.1.

14. Since the land is situated in rural area, the claimants are entitle to get Factor-II and 100% solatium as per Schedule-I and Section 30 of the Act.

15. Further, the claimant is also entitle to get interest at 9% and 15% as per Section 72 and 80 of the RFCTLARR Act 2013. Accordingly, point No.2 is answered in affirmative and point No.3 partly in the affirmative.

16. **Point No.4:** In the result, I proceed to pass the following:

O R D E R

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 petitioner in respect of the acquired land bearing Sy.No.388/2A measuring 24 guntas situated at Honawad village is entitled for compensation at the rate of Rs.23,109/- per gunta.

Further, the petitioner is entitled to get factor-II compensation as per Schedule-I of the Act.

Further, the petitioner is entitled for 100% solatium on market value redetermined U/Sec. 26 of the Act, as provided U/Sec.30(1) and First Schedule of RFCTLARR Act 2013.

Further, in addition to market value as redetermined U/Sec.26 of the Act, the petitioner is also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publication of the notification of the Social impact Assessment Study till the date of the award of the Collector i.e. from 25.8.2016 till 8.12.2017, as provided U/sec.30(3) of RFCTLARR Act 2013.

The petitioner is also entitled for interest at the rate of 9% per annum on excess/enhanced compensation for a period of one year from the date of dispossession and thereafter, at the rate of 15% per annum for the subsequent period till the date of deposit of enhanced compensation, as provided under Section 72 and 80 of the RFCTLARR Act 2013.

Further, the respondents are entitled to deduct the interest if any, for the period ordered by the Court during the course of proceedings.

The amount, if any, already paid to the claimants, shall be deducted from the total compensation amount, excluding the amount paid towards buildings and trees.

Draw Award, accordingly.

(Dictated to the Stenographer directly on the Computer, script corrected and then pronounced by me in the Open Court on this the 9th day of January 2026)

(H.A.Mohan)

I Additional District Judge
& Land Acquisition, Rehabilitation &
Resettlement Authority,
Vijayapura.

ANNEXURE

List of Witnesses examined on behalf of Claimants:

PW-1 : Yamanavva Bhimanna Sajjan

List of Documents marked on behalf of Claimants:

Ex.P:

- 1 : Reference application
- 2 : RTC
- 3 : Vijayapura taluka map
- 4to10 : CC of sale deeds
- 11 : CC of judgment in LAC No.4/2014
- 12 : CC of award

List of Witnesses examined on behalf of Respondents:

- NIL -

List of Documents marked on behalf of Respondents:

Ex.R-1 : Copy of Notice
Ex.R-2 : Copy of Award

I Additional District Judge
& Land Acquisition, Rehabilitation &
Resettlement Authority,
Vijayapura.