

KAMS010006532026

LAC(APPL)/9/2026

**IN THE COURT OF THE IV ADDL. DISTRICT AND
SESSIONS JUDGE, MYSURU**

Dated this the 4th day of July 2026

:PRESENT:

**Sri Anantha H. B.Sc., LL.B., PGDCL & IPR.,
IV Addl. District & Sessions Judge
Mysuru**

LAC(APPL)/9/2026

Appellants:

1. Sri Rajashekara Murthy S
S/o Late Srikantappa
Aged about 61 years,
Residing at
#2, Tank Road,
Gururu Village,
Kasaba Hobli,
Mysuru Taluk.
2. Sri Revanna
S/o late Srikantappa,
Aged about 65 years,
Residing at
Gururu Village,
Kasaba Hobli,
Mysuru Taluk.

(By Sri.Girisha P -Adv.,)

versus

Respondent/s: The Special Land
Acquisition Officer,
Sub-Division Officer office,
Mysuru-Sub-Division, Mysuru

(By **II ADGP**)

::JUDGMENT::

This is a memorandum of Appeal under Sec. 54 of Land Acquisition Act and sought to set aside the judgment and decree passed in L.A.C.No.456/1996 on the file of II Addl.Senior Civil Judge, Mysuru dated 05.11.1999 in respect of the land bearing Sy.No.184/1A, measuring 32 guntas of Srirampura Village, Mysuru Taluk, and remand the case to the trial Court to lead fresh further evidence and for production of documents and re-fixing the market value of the land which acquired by the Respondent with all other statutory benefits.

2. **Nut shell of the appeal are as under:**

The Appellants being the claimants in the memorandum of appeal has alleged that they being the claimants in L.A.C. No.456/1996 are the owners of the land bearing Sy.No.184/1A, measuring 32 guntas of Srirampura Village,

Kasaba Hobli, Mysuru Taluk, has been acquired by the respondent for the purpose of formation of Varuna Nala and had received the award amount under protest and filed application U/s 18 of the Land Acquisition Act before the respondent and on the said application, the respondent has sent the reference to the II Addl.Senior Civil Judge., at Mysuru and the same has been re-numbered as L.A.C. No.456/1996 and had appeared before the Court through their Advocate and adduced evidence and the said Court passed the award on 05.11.1999 by awarding a sum of Rs.1,70,000/- per acre, so feeling aggrieved by the said award, has filed the instant appeal for the following:

::GROUNDS::

1. The Judgment and Decree which passed by the Court below is not in accordance with law and is against to the principles of natural justice.
2. The trial Court has failed to consider the real market value of the acquired land at the time of fixing the market value of the claimant's land. The Appellants are the poor persons and agriculturist and seeking livelihood through this

land only.

3. The Court below has not given opportunity to the claimant to lead evidence and to produce relevant documents and adduce evidence to establish his claim for higher compensation.
4. The learned II Addl.Senior Civil Judge, Mysuru, has awarded the compensation at the rate of Rs.1,70,000/- per acre with all other statutory benefits in L.A.C.No.456/1996 on 05.11.1999 and their land and the land of the Appellants in LAC No.161/2012 are situated at neighbouring Village, Mysuru Taluk, and acquired for the same purpose and their land was acquired under 4(1) Notification on **03.02.1994** and the land of the Appellant in LAC No.161/2012 was also acquired under the 4(1) Notification dated **02.06.1994**. Both land are acquired on the notification for the same purpose, thereby they are entitled to get enhanced compensation, which not taken into consideration by the Court below.
5. The land which acquired are fertile one, both lands are one and the same and prays to allow the appeal.

3. The Appellants have also filed an application under Order 41 Rule 27 R/w sec. 151 of CPC with affidavit of Appellant No.2 and sought for permission to produce additional documents, on the ground that the II Addl.Senior Civil Judge at Mysuru awarded the compensation of Rs.1,70,000/- per acre with all statutory benefits in L.A.C.No.456/1996 on 05.11.1999 and their land and the land which involved in LAC No.161/2012 are situated in the same village and their land was acquired under the 4(1) Notifications for the same purpose. Therefore, it is necessary to accord permission to produce the additional evidence.

4. In response of the notice, the learned Counsel appeared on behalf of the Respondent and filed the objection stating that the Application which filed is not maintainable either in law or on facts which is frivolous and misconceived liable to be dismissed and the Appellant No.2 sworn a false facts in the affidavit by suppressing the real facts with an intention to create the confusion to the Court

and all the averments made in the affidavit are false and created to file the instant Application.

5. The document produced by the Appellants are not the material documents which is a creating neither same notification nor entitled to higher enhancement and alleged documents has been created behind the back by the Appellants, the alleged document is not necessary to determine the case on hand. The Appellants in order to drag the matter filed the instant Application without any valid grounds and prays for reject the Application.

6. Heard the arguments.

7. The points that arise for Court consideration are as under:

1. Whether the Appellants have made out the grounds that the market value which fixed by the Court below in respect of their land is not fair and reasonable?

2. Whether the Appellants have made out the grounds that they are entitled for enhancement of compensation?

3. Whether the Appellants have made out the grounds that the judgment and award which passed by the Court below is warranted for interference of this Court?

4. What order?

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

Point No.1: In the ***Affirmative.***

Point No.2: In the ***Affirmative.***

Point No.3: In the ***Affirmative.***

Point No.4: As per final order for the following:

::REASONS::

9. **Point No.1** : The Appellants who are said to be claimants in L.A.C.No.456/1996 have approached the Court on the ground that they are the owners of the land bearing Sy.No.184/1A, measuring 32 guntas of Srirampura Village, Mysuru Taluk has been acquired by the respondent for the purpose of Varuna Nala and the claimants had received the award amount under protest and thereafter filed application U/s 18 of the Land Acquisition Act which was referred to the Civil Court, but while passing the award, the Court below

fixed the market value at Rs.1,70,000/- per acre, but not taken into consideration of the present market value as on the date of the notification, so feeling aggrieved by the said award, the Appellants have filed the instant appeal.

10. The learned counsel for the Appellants in his arguments submitted that the Appellants who are the claimants in L.A.C.No.456/1996, have filed the appeal as the land bearing Sy.No.184/1A, measuring 32 guntas, of Srirampura Village Mysuru Taluk belonging to the Appellants have been acquired by the respondents for the purpose of Varuna Nala under 4(1) Notification on 03.02.1994 and the Appellants are the owners of the land situated at Srirampura Village and the land of the claimant in LAC No.161/2012 is situated in Goruru Village, Mysuru Taluk, and the land of the Appellant and the land of the claimant in LAC No.456/1996 have been acquired for the same purpose i.e.,Varuna Nala under the different notifications and the reference application has been sent to II Addl.Senior Civil Judge, Mysuru, which was numbered as L.A.C.No.456/1996 and the

market value has been fixed at Rs.1,70,000/- But, whereas in LAC No.161/2012 the market value was fixed at Rs.8,10,000/- per acre. There is a lot of difference between the land which acquired for the purpose of formation of Varuna Nala. Therefore, this fact was came to the knowledge of the Appellants and the Appellants have filed the instant appeal. If the market value is not modified with statutory benefits, the Appellants will be put to irreparable loss and injustice and prays to allow the appeal by considering the additional evidence without remanding the case to the Court below by taking judicial notice on the judgment which produced along with the application.

11. Per contra, the learned counsel for the respondent in her arguments has submitted that the appeal is not maintainable in law or on facts since the Appellants have already received the enhanced compensation in L.A.C.No.456/1996, so question of enhancing the compensation by re-fixing the market value with statutory benefits does not arise as the respondents had acquired the

property of the Appellants to the extent of totally 32 guntas situated at Srirampura Village, Mysuru Taluk and fixed the market value would be appropriate at the time of acquisition and during the pendency of the trial had given enough opportunity to the Appellants to adduce additional evidence, but did not do so and the earlier judicial orders fixing the market value, is appropriate as per the then market value and the Court below fixed the market value which acquired by the respondent, so question of re-fixing the market value as sought for, does not arise and the Appellants are not entitled to claim enhanced compensation and the Appellants have not approached the Court with clean hands and he has not made out any prima facie case to consider the relief as sought for and prays to reject the appeal.

12. So, before considering the arguments which advanced by both the parties, it is just and necessary to consider the legal aspects first for the proper appreciation as the Appellants have filed the instant appeal under Order 41 Rule 27 of CPC of the Land Acquisition Act and sought for

enhancement of the compensation by relying the judgments which passed by the I Addl.Senior Civil Judge, Mysuru. Thus, this Court drawn its attention on Sec.54 of the Land Acquisition Act which reads like thus:

**"54.[Appeals in proceedings before Court
[Substituted by Act 19 of 1921, Section 3.]**

Subject to the provisions of the Code of Civil Procedure, 1908 (5 of 1908), applicable to appeals from original decrees, and notwithstanding anything to the contrary in any enactment for the time being in force, an appeal shall only lie in any proceedings under this Act to the High Court from the award, or from any part of the award of the Court and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to [the Supreme Court] subject to the provisions contained in section 110 of the Code of Civil Procedure, 1908 (5 of 1908), and in Order XLV thereof.]"

13. The above provision is very much clear subject to the provisions of the CPC., an appeal shall lie from the award or from any part of award of the Court in any proceedings under the act. So the words "in any proceedings" under the Act occurring in sub section (1) of the section reveal that the necessary intendment of that sub section is that if the

proceeding before the Court in which the award was made is a proceeding under the Act and the value of the subject matter of that proceeding does not exceed Rs.10,000/- , the appeal lies to the Court of the District Judge. Therefore, the old right of appeal to prefer appeals to the High Court is no longer available. Thus as per Sec. 54 of the Act empowers this Court to entertain the appeal which filed by the Appellant. Now, the question arises what are the main factors to be taken into consideration while determining the compensation in respect of the land which acquired for the public purpose. Thus this Court drawn its attention on Sec.23 of Land Acquisition Act which reads like thus:

"23. Matters to be considered in determining compensation

(1) In determining the amount of compensation to be awarded for land acquired under this Act, the court shall take into consideration first , the market value of the land at the date of the publication of the [notification under section 4, sub-section (1)] *[Substituted by Act 38 of 1923, Section 7,*

for " declaration relating thereto under section 6" .];secondly , the damage sustained by the person interested, by reason of the taking of any standing crops or trees which may be on the land at the time of the Collectors taking possession thereof; thirdly, the damage (if any) sustained by the person interested, at the time of the Collectors taking possession of the land, by reason of severing such land from his other land;fourthly, the damage (if any) sustained by the person interested, at the time of the Collectors taking possession of the land, by reason of the acquisition injuriously affecting his other property, movable or immovable, in any other manner, or his earnings;fifthly, if, in consequence of the acquisition of the land by the Collector, the person interested is compelled to change his residence or place of business, the reasonable expenses (if any) incidental to such change; and sixthly, the damage (if any) bona fide resulting from diminution of the profits of the land between the time of the publication of the declaration under section 6 and the time of the Collectors taking possession of the land.

[(1-A) In addition to the market value of the

land, as above provided, the court shall in every case award an amount calculated at the rate of twelve per centum per annum on such market value for the period commencing on and from the date of the publication of the notification under section 4, sub-section (1), in respect of such land to the date of the award of the Collector or the date of taking possession of the land, whichever is earlier."

14. The above provision is very much clear in determining the amount of compensation to be awarded, for the land acquired under the Act, shall take into consideration of the market value of the land as on the date of publication and consider the damage sustained by the person interested by taking of any reason of taking of any standing crops or trees which may be on the land at the time of the Collectors taking possession and also to consider the damages of the interested person who is in the possession of the said property at the time of taking of possession and also consider the damage to the persons who is interested at the time of taking of possession and also consider diminution of

the profits of the land between the time of the publication of the declaration under section 6 of Land Acquisition Act in addition to the market value of the land, the court has to consider all other facts while determining the compensation. So, keeping the provisions which referred above in mind, now let me know the oral and documentary evidence on record and the arguments advanced by both parties.

15. The learned counsel for the respondent while canvassing her arguments have much argued that the Appellants have filed the instant appeal after lapse of time, on this ground alone, the appeal is not maintainable and the Appellants are not entitled the relief as sought for. It is an admitted fact, the Appellants have also filed the application to condone the delay in filing the instant appeal and the said application was came to be allowed on 22.04.2026, but the reasons best known to the respondents have not challenged the orders passed by this Court on I.A.I U/s 5 of the Limitation Act to show that the respondent has challenged the said orders nor obtained the stay order. In the absence

of the materials from the respondent side, it is clear the respondent has not challenged the orders passed by this Court on I.A.I which remained unchallenged.

16. The learned counsel for the Appellants while canvassing his arguments has submitted that the land which involved in LAC No.161/2012 is situated at Goruru Village and the land involved in the present appeal are of the neighbouring village and acquired for same purpose and acquired under the 4(1) notifications. But, the respondent has not disputed the said facts as alleged in the grounds of appeal which are remained unchallenged as the judgment of the II Addl.Senior Civil Judge at Mysuru in L.A.C. No.456/1996 land bearing Sy.No.184/1A, measuring 32 guntas, of Srirampura Village, Mysuru Taluk, has been acquired by the Government under preliminary notification dated 20.01.1993 published in official gazated on 03.02.1994 and final notification was published in the official gazette on 12.01.1995 and the market value fixed by the L.A.O. is not in accordance with law and passed the general

award and the award notice has been served on the claimant and he filed the application U/s 18 of the Land Acquisition Act which was referred to Civil Court, wherein the matter was adjudicated and the II Addl.Senior Civil Judge, Mysuru enhanced the compensation, feeling aggrieved by the said award, has filed the instant appeal. So, one thing is clear the respondent has not disputed the property which was acquired by the Government in respect of the property which involved in LAC No.161/2012 and the property which belongs to the Appellants. So one thing is clear, the present land is situated in Srirampura Village, Mysuru Taluk, and the land which involved in LAC No.161/2012 is situated at Goruru Village which were acquired under the notifications, wherein in LAC No.161/2012 the market value was fixed at Rs.**8,10,000/-** but in L.A.C. No.456/1996 the market value fixed at Rs.**1,70,000/-** per acre which apparently clear that there is lot of difference in between the market value which fixed by the Court below. Thereby, they have filed the instant appeal for enhancing the compensation. On perusal

of the materials on record, it is clear the land which involved in LAC No.161/2012 has been acquired under 4(1) Notification for the purpose of Varuna Nala and the property which involved in the present appeal was also acquired under the notification for same purpose, and both the land are situated in the neighbouring village, which clearly reflects both the lands are acquired for similar purpose and the Appellants have drawn the Court attention on the judgment which passed by the I Addl.Senior Civil Judge at Mysuru. Now, the question arises whether this Court can draw its attention on the Judgment which passed by the I Addl.Senior Civil Judge at Mysuru, for the purpose of re-fixing the market value of the property which acquired by the Respondents for public purpose. Thus this Court drawn its attention on the **judgment of the Hon'ble HighCourt of Karnataka passed in 1983(2) Karnataka Law Journal 234 in between the Spl. LAO Vs Chief Officer.** In the said judgment, his Lordship held that the judgment of

the Court in earlier cases can be relied upon by the Court, to determine the market value for the land in question.

17. In the instant case also, the Appellants have produced the judgment which passed by the I Addl.Senior Civil Judge, Mysuru in LAC No.161/2012 in which the market value of the property has been re-fixed at Rs.**8,10,000/-**. So, in view of the judgment which referred above and considering the land which involved in LAC No.456/1996, it is just and necessary to fix the market value at Rs.**8,10,000/-** per acre as the property which involved in the present appeal and the property involved in LAC No.161/2012 are situated in the neighbouring village and comes within the same hobli and taluk. Therefore, it is just and necessary to accord permission to the Appellants for production of the additional evidence and the additional evidence which placed on record is the judgment of I Addl.Senior civil Judge at Mysuru. Thus, the Court can take judicial notice, thus question of remanding the case for fresh adjudication to the Court below

does not arise. Hence, I am of the opinion that ***Point No.1*** is answered in the ***Affirmative***.

18. **Point Nos.2 and 3:** The Appellants being claimants in L.A.C. No.456/1996 have approached the Court for enhancement of the compensation on the ground that the II Addl.Senior Civil Judge, Mysuru, had fixed the market value at Rs.1,70,000/- per acre instead of fixing Rs.**8,10,000/-** per acre as per the market value fixed in LAC No.161/2012 on the ground that the property which involved in the present appeal and the property which involved in L.A.C.No.456/1996 are situated in the neighbouring village and acquired for the same purpose.

19. The learned counsel for the Appellants while canvassing his arguments has submitted that the II Addl. Civil Judge, Mysuru, in L.A.C.No.456/1996 fixed the market value at the rate of Rs.1,70,000/- per acre. Therefore, it is just and necessary for enhancement of the compensation by re-fixing the market value as per the

judgment and award passed in LAC No.161/2012. Therefore, one thing is clear the respondent has not disputed the market value which fixed at Rs.**8,10,000/-** in LAC No.161/2012 and the property which involved in the present appeal and the property which involved in the above case are situated in the neighbouring Village and same taluk and acquired for same purpose. So, the market value which fixed by the I Addl.Senior Civil Judge, Mysuru, in L.A.C. No.161/2012 and the property involved in the present case, have been acquired for the same purpose which comes under same Village, Mysuru taluk under notifications. Thus this Court drawn its attention on the **judgment of the Hon'ble High Court of Karnataka, passed in ILR No.2003 Kar. 236 in between State of Karnataka by Spl. LAO and others Vs Mallappa and others**. In the said judgment his Lordship held that enhancement of compensation made by the 1st Appellate Court is sought to be challenged by the State. Enhancement was made on the basis of the judgment and award made by the Court in

similar other cases, wherein the similar natures of land of adjoining villages acquired under the notification and for the same purpose uniform rate compensation for all the acquired land which are similarly situated to the same village cannot be faulted liable to be confirmed. In the instant case also, the land which involved in the present appeal and the land which involved in the similar other case are situated in the same village. Therefore, the judgment which referred above is directly applicable to the case on hand.

20. Thus this Court drawn its attention on the **judgment of the Hon'ble High Court of Karnataka passed in 1983(2) KLJ 234** in the said judgment, his Lordship held that the Judgment and decree of a Court awarding compensation to the similar land can be relied upon to determine the market value of the land in question.

21. In the instant case also, the land in question involved not only in the present appeal but also in the similar cases comes within the same hobli and taluk which are

situated in the neighbouring village. Therefore, considering the market value which fixed by the I Addl.Senior Civil Judge, Mysuru it is just and necessary to consider the market value of the property which involved in the instant case at Rs.**8,10,000/-** per acre otherwise the losers of the land will be put to irreparable loss and injustice. Therefore, considering the materials which placed on record, the Appellants are entitled to enhance compensation.

22. It is an admitted fact, the II Addl.Senior Civil Judge, Mysuru passed the judgment and award in L.A.C.No.456/1996 on 05.11.1999 and the Appellants have filed the instant appeal on 22.01.2026. Therefore, the Appellants are not entitled interest for the period from the date of the judgment in L.A.C.No.456/1996 till the date of filing the present appeal.

23. It is an admitted fact, the Appellants in the petition filed under Sec. 54 of Land Acquisition Act though sought for remand of the matter, but considering the judgment which placed on record, Court can take judicial

notice. Therefore, there is no need to remand the matter for fresh consideration. But, considering the materials on record it is just and necessary to enhance the compensation with statutory benefits. Hence, I am of the opinion that points **2 & 3 are answered in the Affirmative.**

24. **Point No.4:-** In view of my answer on the above points as stated above, I proceed to pass the following:

::ORDER::

The memorandum of appeal filed under Sec.54 of Land Acquisition Act along with IA filed under Order 41 Rule 27 R/w.Sec.151 of CPC., is hereby **Allowed**.

Consequently, the judgment and award passed by the II Addl.Senior Civil Judge, Mysuru in L.A.C.No.456/1996 on 05.11.1999 is hereby **modified**.

The market value of the land belonging to the Appellants are fixed at Rs.**8,10,000/-** per acre.

The Appellants are entitled for additional benefit of 12% p.a. on the market value of the land acquired from the date of preliminary notification till

date of award or taking possession of the land whichever is earlier.

The Appellants are entitled for solatium at the rate of 30% of the market value as prescribed U/s 23(2) of Land Acquisition Act.

The Appellants are entitled for interest at the rate of 9% per annum of enhanced compensation from the date of preliminary notification for the period of one year and afterwards they are entitled for interest at the rate of 12% p.a.

The Appellants are not entitled the interest for the period from the date of Judgment in L.A.C.No.456/1996 till the date of filing of the instant appeal.

No order as to cost.

Send copy of the judgment to the Trial Court.

(Dictated to the Stenographer Grade-III directly on computer, then corrected by me, signed and pronounced in the Open Court this the **4th day of July 2026**).

(ANANTHA H)

IV Addl. District & Sessions
Judge, Mysuru.
04.07.2026