

KAMS010040362022



**IN THE COURT OF THE I ADDITIONAL DISTRICT &
SESSIONS JUDGE AT MYSURU**

Dated this the 9th day of March 2026

Present: Sri D.Puttaswamy, B.A., LL.B.
I Addl. Dist. & Sessions Judge
Mysuru.

:LAC(APPL)/146/2022:

Appellant/s: Puttegowda S/o Late
Jajjegowda, aged about 76
years. R/o Dadadahalli Village,
Jayapura Hobli, Mysuru Taluk.
(By Sri.Rajesha M., Adv.)

Respondent: V/s.
The Special Land Acquisition
Officer, Kabini Reservoir
Project, Near Andolana Circle,
MUDA Building,
Ramakrishnanagara, Mysuru.
(By learned DGP)

J U D G M E N T

The appellant has preferred this appeal U/sec.54 of the Land Acquisition Act, calling in question the legality and correctness of the Judgment and award dated

13.01.2010 passed in LAC No.157/2007 on the file of Principal Senior Civil Judge, Mysuru.

2. There was a delay of 4527 days in preferring the instant appeal and appellant has filed an application U/sec.5 of Limitation Act, seeking condonation of delay and the said application was allowed by separate order disentitling the appellant for interest for the said delay.

3. The appellant was claimant and respondent was the respondent in LAC No.157/2007 before the Reference Court which was filed by the claimant U/sec.18 of Land Acquisition Act, seeking enhancement of compensation awarded by the respondent with respect to acquisition of his land. Thereafter, he has preferred this appeal.

4. The brief facts of the Claimant's case are that, the appellant was the owner of land measuring 0.06.25 guntas in Sy.No.113/22 & 113/3 of Dadadahalli Village, Jayapura Hobli, Mysuru Taluk. The respondent acquired the said land for the purpose of formation of Varuna Canal under preliminary Notification dated:13.08.2004, which was published on 26.08.2004. The respondent without taking into consideration the potential, the actual market

value of the land and yield, awarded meager compensation. Being dis-satisfied with the said award, the Claimant sought reference U/sec.18 of Land Acquisition Act, seeking proper adjudication with respect to the quantum of compensation.

5. On receipt of the reference, the same was numbered as LAC No.157/2007 before the Principal Senior Civil Judge, Mysuru. After receipt of notice, the respondent entered appearance through ADGP. The learned Prl. Senior Civil Judge & CJM, Mysuru by clubbing the LAC Nos.157/2007 and 159/2007, recorded the common evidence.

6. The Claimant herein got examined as PW1 on his behalf and on behalf of another claimant also and got marked Ex.P1 to 4. The respondent not chosen to adduce oral evidence, but got marked 3 documents as Ex.R1 to 3.

7. After hearing the arguments on both sides, the Reference Court formulated the following points for consideration;

1. Whether the claim petitions of the claimants are barred by limitation?
2. Whether the claimants have proved that the market value determined by the Land Acquisition Officer is inadequate?
3. If so, what was the just and proper market value of the acquired lands as on the date of the preliminary notification?
4. What order?

8. After appreciating the oral and documentary evidence available on record, the learned Reference Judge answered Point No.1 in the Negative, point No.2 in the Affirmative and awarded compensation of Rs.4,55,000/- per acre with all other statutory benefits, by passing common Judgment.

9. Being aggrieved by the said Judgment and decree passed by the Reference Court the appellants have preferred the instant appeal before this Court assailing the Judgment and decree passed by the Trial Court on the following and among other grounds:

- a) That the Judgment and Decree passed by the Trial Court is not in accordance with law

and the same is against the principles of natural justice.

b) The Trial Court has failed to consider the real market value of the acquired land at the time of fixing the market value to the land of the appellant.

c) That the IV Additional Senior Civil Judge at Mysuru has awarded the compensation at Rs.18,86,800/- per acre with all other statutory benefits in LAC No.46/2017 dt:21.08.2018. The land of the claimant in LAC No.46/2017 was acquired under 4(1) notification on 02.09.1999 whereas the land of appellant herein was acquired under 4(1) notification on 26.08.2004. Both the lands are acquired under different notifications. The land of the appellant and the land of claimant in LAC No.46/2017 are situated at same Village and acquired for the same purpose. The appellant is entitled to get 10% appreciation of difference years as both the lands were

acquired for the same purpose and the soil fertility of both the lands are one and the same. When such being the case, appellant is also entitled for enhanced compensation with all statutory benefits. Hence, the award passed in favour of appellant has to be modified.

On the above grounds, the appellants have prayed to set aside the judgment and decree passed in LAC No.157/2007 dt:13.01.2010 on the file of Principal Senior Civil Judge, Mysuru and prayed to modify the award and to fix the market value to his acquired land along with all other statutory benefits.

10. After registration of the appeal, notice was ordered to the respondent and the respondent appeared through DGP and filed objections to I.A.No.II contending that, the documents produced by the appellant is not material document and it is a created one. It is not required to determine the case on hand. In order to drag on the matter, the appellant filed this appeal without any

valid grounds. Therefore, he sought to dismiss the application.

11. The Trial Court records are secured. Heard arguments of learned counsel appearing for appellant & DGP. Perused the Trial Court records.

12. In view of the submissions made by the learned counsel for the appellant and the respondent and on perusal of the Trial Court records, the following points that arise for my consideration are:-

1. Whether the I.A.No.II filed U/o.41 Rule 27 R/w Sec.151 of CPC by the appellant deserves to be allowed?
2. Whether the appellant proves that the compensation awarded by the Reference Judge with respect to the land is inadequate?
3. Whether the appellant proves that the impugned Judgment and award needs to be modified?
4. What order?

13. 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

14. **Point No.1 to 3**: These points are taken up together for discussion to avoid repetition. The instant appeal is preferred by the appellant seeking for an order to set-aside the Judgment and decree dated 13.01.2010 passed in LAC No.157/2007 on the file of learned Principal Senior Civil Judge, Mysuru and to modify the award and to fix the market value to his acquired land along with all other statutory benefits.

15. The learned counsel for appellant argued that, the learned IV Additional Senior Civil Judge, Mysuru in LAC No.46/2017 determined & fixed the market value of the land at Rs.18,86,800/- per acre, the land involved in the said case and the land in the present case are situated adjacent to each other in the same village and have been

acquired for the same purpose. Judgment and decree passed in LAC No.46/2017 has been attained finality. Therefore, it is prayed to determine and fix the value of land of appellant at the rate of more than Rs.18,86,800/- per acre. Under I.A.No.II, the appellant has produced certified copy of Judgment & decree passed in LAC No.46/2017 dt:21.08.2018.

16. In the arguments, learned DGP has contended that, the appellant has already received the just and proper compensation amount fixed by the Trial Court for the acquired land and as such, the appellant is not entitled to claim higher compensation, the additional evidence not relevant to this appeal and the appellant has not paid sufficient Court fee on the basis of higher enhancement sought to be claimed.

17. I have perused the Judgment and award passed in LAC No.46/2017. The learned IV Additional Senior Civil Judge, Mysuru basing on the Judgment and award passed in LAC No.306/2003 has fixed the market value of acquired land at the rate of Rs.18,86,800/- per acre, which was acquired under preliminary Notification dated

10.06.1999. The land in LAC No.46/2017 and the land in present case are situated in the same village and have been acquired for the same purpose.

18. The learned IV Additional Senior Civil Judge, Mysuru in LAC No.46/2017 dt:21.08.2018 by taking note of the fact that, the land of claimant therein and the land in LAC No.306/2003 are similarly situated and have been acquired for the same purpose under different Notifications and by relying on the decisions reported in ILR 2003 SC 4382 and ILR 2004 KAR 2371 (Special Land Acquisition Officer V/s. Fakirappa Moogabasavappa and others) has enhanced the compensation and fixed at Rs.18,86,800/- per acre. As the land involved in this case and the land in LAC No.46/2017 are similarly situated and have been acquired for the same purpose, the Judgment and decree passed in LAC No.46/2017 can be made applicable to the case in hand. Moreover, it is not the case of respondent that, said Judgment is stayed or set-aside by higher Courts.

19. There is no dispute that, the land of appellant herein and the land in LAC No.46/2017 are situated at

same Village and have been acquired for the same purpose i.e., for formation of Varuna Canal under different Notifications. In the present case, the land of appellant has been acquired under preliminary Notification dated 13.08.2004, whereas the land in LAC No.46/2017 has been acquired under Preliminary Notification dated 02.09.1999. Though the difference between two notifications is 5 years, the learned IV Addl. Senior Civil Judge, Mysuru in LAC No.46/2017 has fixed the market value of acquired land at the rate of Rs.18,86,800/- per acre, which is on higher side and that has been conceded by the learned counsel for appellant and therefore, without taking into consideration of escalation for 5 years in the present case, the market value fixed at Rs.18,86,800/- per acre could be considered. Therefore, I feel that, fixing the market value at the rate of Rs.18,86,800/-per acre, in respect of the acquired land in question would be just, proper and reasonable.

20. Looking to the facts and circumstances of the case and submissions made on behalf of the appellant, I am of the opinion that, I.A.No.II deserves to be allowed and

the appellant has proved that the compensation awarded by the Reference Judge with respect to his acquired land is inadequate and consequently, the impugned Judgment and award passed by the Reference Judge needs to be modified. Therefore, I answer Point No.1 to 3 in the **Affirmative.**

21. **Point No.4:** For the reasons stated and findings given to Point Nos.1 to 3, I proceed to pass the following:

ORDER

I.A.II filed U/o.41 Rule 27 R/w.Sec.151 CPC is allowed.

The Appeal preferred by the appellant is hereby allowed in part.

The Judgment and decree passed by the Principal Senior Civil Judge & CJM, Mysuru in LAC No.157/2007, dated:13.01.2010 is modified.

The market value of the land acquired from the claimant in this case is fixed at the rate of **Rs.18,86,800/- per acre (Rupees Eighteen lakh**

eighty six thousand eight hundred only) along with additional statutory benefits as per sections 23(1)(a), 23(2) of Land Acquisition Act, with interest U/s.28 of the Act, on the enhanced compensation amount.

The appellant is not entitled for the interest for the period of delay of 4527 days in preferring this appeal.

Draw Award, if Court fee paid is correct.

Send back the records along with copy of this Judgment to the Trial Court forthwith.

[Dictated to the Stenographer on Computer, corrected and then pronounced by me in the open Court on this the 9th day of March 2026]

[D.Puttaswamy]
I Addl. Dist. & Sessions Judge,
Mysuru.