



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

Dated this the 4th day of April, 2026.

:: PRESENT ::

Sri Mallanagouda, B.Com., LL.M.,
II Addl. District & Sessions Judge,
Mysuru.

LAC(APPL)/73/2025

APPELLANT:

Narayanappa,
S/o Late Byarappa,
Since dead by Lrs,

1. Smt. Nagarathna,
W/o Late Narayanappa,
Aged about 62 years.
2. Sri Prashanth B.N,
S/o Late Narayanappa,
Aged about 43 years.
3. Sri Pradeep B.N,
S/o Narayanappa,
Aged about 41 years.

All R/at #782/F1,
8th Cross, Ramanuja Road,
K.R.Mohalla,
Mysuru.

(By : Sri. D.A.N., Adv.,)

V/s.

RESPONDENT : The Special Land Acquisition
Officer, K.R. Project, Mysuru.
Office at Near, Andolana Circle,
MUDA Building,
Ramakrishnanagara,
Mysuru.

[By : A.D.G.P.,]

::JUDGMENT::

This Appeal is filed by the Appellants U/Sec.54 of the Land Acquisition Act challenging the Judgment passed by the learned I Addl. Senior Civil Judge and CJM, Mysuru in LAC No.302/2007 dated 03.06.2025.

2. The land of the Appellant bearing Sy.No.267 measuring 27 guntas situated at Kesare Village has been acquired for Varuna Channel, the Appellants' father has received the compensation amount under protest and on the basis of Section 18 of Land Acquisition Act the matter was referred to I Addl. Senior Civil Judge, Mysuru and it was registered under LAC 302/2007 on the file of I Addl. Senior Civil Judge and CJM, Mysuru. In the said matter the Court has passed

the judgment and decree without appreciating the documents and enhanced the compensation at the rate of Rs.8,16,750/- per annum. Aggrieved by the said judgment Appellants have preferred LACA No.176/2023 in which matter was remanded to the Trial Court for fresh adjudication. After remand Appellants have produced additional evidence but the Trial Court has failed to verify the document produced by the Appellant and dismissed the petition.

3. In fact the Trial Court has not considered the documents produced by the Appellant, judgment of the Trial Court is against the law, facts and principles of natural justice. Judgment of the Trial Court is highly erroneous and Trial Court has failed to consider Ex.P.1. In fact Appellant's land and land involved in Ex.P1 are belonging to same Village. In case if there is a time gap between 4(1) notifications the Court would have calculated appreciation or depreciation. Therefore the Trial Court judgment is against the law, hence it is

necessary to set-aside the judgment of the Trial Court and remand the matter once again to Trial Court for fresh disposal.

4. On the basis of the above facts, the following points have arisen for my consideration are :

1. Whether the Appellant proves that the market value fixed by the Trial Court in respect of his land is not fair and reasonable ?
2. Whether the Appellant proves that he is entitled for enhancement of compensation ?
3. Whether the Appellant further proves that the Judgment and Award of the Trial Court calls for interference by this Court ?
4. What Order ?
5. Heard the arguments. Perused records.
6. My findings on the above points are as follows;

Point No.1 :	In the Negative
Point No.2 :	In the Negative
Point No.3 :	In the Negative
Point No.4 :	As per the final order for the following:

::REASONS::

7. **POINT No.1 TO 3 :** Learned counsel for the Appellant has submitted his arguments and filed written arguments also in which he has concentrated his most of the arguments regarding enhancement of the compensation to the land owners in LAC No.42/2013 and he has contended as land in present case and land in LAC No.42/13 are situated in the same village, the Trial Court ought to have considered said judgment and awarded similar compensation to the present Appellants by deducting depreciation for the time gap between 4(1) notification.

8. On perusal of the Trial Court records and arguments of counsel for Appellants it appears that it is true that land belonging to Appellants is situated at Kesare Village and acquired under the 4(1) notification dated 17.03.2005 and in LACA No.42/2013 also the land acquired has been situated at Kesare Village and the said land has been acquired under 4(1) notification

dated 30.01.2010 and to the land involved in LAC No.42/2013 the Court has now enhanced compensation by fixing market value at Rs.70,24,932/- per acre, but here in the present case to the Appellants land the Trial Court has fixed marked value at Rs.8,16,750/- per acre., However as submitted by Appellants' counsel only, previously after disposal of LAC No.302/2007 vide judgment dated 21.01.2009 when respondent herein had filed appeal in LACA No.160/2010 the said Appeal came to be dismissed and Trial Court judgment has been confirmed. As against the said judgment in LACA No.162/2010 the Respondent herein has filed MSA No.180/2011 and in that case also Hon'ble High Court of Karnataka vide judgment dated 16.11.2020 has dismissed appeal of the present Respondent and confirmed the judgment of the Trial Court. Therefore when the Trial Court judgment has been confirmed by Hon'ble High Court of Karnataka now question arised is as to whether once again the parties to the proceedings

can challenge the judgment of the Trial Court on the ground that the court has enhanced compensation by fixing more market value to the other lands owners of the same village. In my opinion answer to the said question is Negative. Furthermore as rightly argued by the Trial Court land of the present Appellants and land involved in LAC No.42/2013 though situated in the same village are not acquired under the same notification or in the same year but there is difference of 5 years between 4(1) notifications in the present case and LAC No.42/2013. Therefore when the judgment passed in the present matter dated 23.01.2019 awarding compensation by fixing market value at Rs.8,16,750/- has been confirmed by Hon'ble High Court once again it is not proper to enhance the compensation only for the reason that in subsequent judgment court has fixed higher compensation to the land situated in the same village that too when there is 5 years difference in between 4(1) notifications. If there is no appeal filed

earlier then in such cases this court can consider the request made by the land owners for enhancement of the compensation in view of fixing higher market value to the lands situated in the same village in some other matters, but when the Trial Court judgment has been confirmed by Hon'ble High Court of Karnataka it is not proper to once again enhance the compensation. Therefore appeal filed by the Appellant is liable to be dismissed. **Hence, the Point Nos.1 to 3 is answered in the Negative.**

9. **Point No.4:-** In the result, I proceed to pass the following;

ORDER

The Appeal filed by Appellant is ***dismissed.***

The judgment in LAC No.302/2007 dated 03.06.2025 on the file of I Addl. Sr.Civil Judge and CJM., Mysuru, is hereby **confirmed.**

Send copy of this Judgment in
this Appeal to Trial court.

File be consigned to Record Room.

[Dictated to the Stenographer, directly on computer, corrected and then
pronounced by me in the open Court on this the **4th day of April 2026**]

[Mallanagouda]

II Addl. District & Sessions Judge,
Mysuru.