

KARC020000962001



**IN THE COURT OF THE ADDITIONAL SENIOR CIVIL
JUDGE & JMFC-I., RAICHUR,**

Present: Sri. Shankarappa Malashetti
B.com, L.L.B.,(Spl)

**Addl. Senior Civil Judge & JMFC-I
Raichur.**

Dated: this 25th day of August-2026

LAC No.69/2001

Between:

1. M. Basawarajappa since dead by his LRs,
- 1(a). Ayyamma W/o Late. Basavaraj,
Age: 60 years, Occ: Household,
Dead by LR's already on record.
- 1(b). M. Siddarama Reddy S/o Late. Basavaraj,
Age: 42 years, Occ: Household,
Both are R/o: Mallapur Village,
presently residing at Raichur.
- 1(c). M. Sharanagouda S/o Late. Basavaraj dead by his LR:
Hema D/o Late. M. Sharanagouda,
Age: 24 years, Occ: Household and Agriculture,
R/o: H.No.10-1-124/1/A, G.C. Compound,

Makthalpet, Railchur-584101.

...Claimants

And:

1. The Land Acquisition Office /
Assistant Commissioner,
Raichur.

... Respondents.

**(Claimants By Shri.S.G., Advocate)
(Respondent By Shri. D.G.P.)**

JUDGMENT

This case arise out of reference made by the Land Acquisition Officer in view of protest petition filed by the claimant U/sec.18(1) of L.A.Act for the enhancement of the compensation amount with respect to their land in LAQ/SR.No.49/1997-98 dated 19.03.1999.

2. The original claimant is the owner of acquired land bearing Sy.No.528 measuring 24 guntas and Sy.No.529 measuring 35 gunta situated at Jagarkala Village, Kalamala Hobali Tq and Dist:Raichur. Original Claimant / petitioner has received compensation of Rs.28,456/- and 81,745/- respectively in respect of said lands under protest and sought for

enhancement of the compensation on the ground that the said land is irrigated land based on the well. The LAO has not determined the value of the said well and the engineers opinion. He alleged that the value of the said well is not less than of Rs. 1,50,000/-. In 4(1) notification the portion of acquired land is shown as 1 acre 19 gunta but in the notification under section 6(1), 9(1) and 12(2) the measurement shown as 01 acre 14 gunta. The LAO has awarded compensation only for 1 acre 14 guntas instead of 1 acre 19 gunta. The LAO has acquired the portion of the land for constriction of road from Jagarakala to Arshanagi. The compensation award by the LAO is not adequate. At the time of passing award the LAO has not considered the nature of land and also the existing market value and passed the award arbitrarily. The protest petition under section 18(1) before LAO is filed within 90 days from the date of service of notice under section 12(2). Therefore prays to award suitable compensation with other statutory benefits.

3. The respondent filed objection to the petition stating that the reference petition is not maintainable either in law and

facts of the case. He admitted about the acquisition of the land of the petitioner for construction of road from Jagarakal to Arshanagi. He has initiated acquisition proceedings as per the approval of Government and acquired the land of the petitioner. He denied that the award passed by him is not proper and arbitrary. He further contended that before passing award he has verified all the concerned documents and fixed market value properly. The claimants / petitioner has not made definite claim before LAO so the LAO give reasons for rejecting the exorbitant claim made by the claimant / petitioner. Hence prays to reject the petition.

4. During pendency of case the original claimants / petitioners expired and his legal heirs brought on record.

5. Earlier this case was allowed by my predecessor on 31.03.2009 by confirming the award of LAO. Against the said order the claimants / petitioners have filed MA.No.15/2012 before Hon'ble Second Additional District and Session Judge, Raichur. The said MA was dismissed on 20.09.2014 so again aggrieved by the said order, the claimants / petitioners approached the Hon'ble High Court of Karnataka at Kalburgi

Bench. The Hon'ble High Court of Karnataka at Kalburgi bench in MSA No. 200001/2015(LAC) dated 05.04.2018 allowed the said petition and remanded the matter to lower appellate court. Thereafter the Hon'ble Second Additional District and Session Judge, Raihcur passed order in MA No.15/2012 dated 02.11.2023 and remanded the matter to this court. But while remanding the matter by Hon'ble High Court and also the Hon'ble District Court it is clearly held that the claimants / petitioners are not entitled for interest for delayed period of 3 years 3 months 14 days i.e., 1199 days. Further the Hon'ble District Court has also confirmed about the awarding of compensation of Rs.95,000/- to the acquired well.

6. Before remanding the case the claimants / petitioners No.1(c) examined as PW-1 and got marked the 4(1) notification as Ex.C-1, 6(1) notification as Ex.C-2, award as Ex.C-3, award statement marked Ex.C-4 and 18(1) petition marked as Ex.C-5. The sketch prepared by Hanumantharao Majumdar, Civil Engineer marked Ex.P-1 and report as Ex.P-2. Another sketch marked Ex.P-3. The certified copy of award passed in

LAC.no.106/2001 marked as Ex.P-4. APMC price list marked as Ex.P-5. Certified copy of judgment and award passed in LAC No.26/2008 C/w. LAC.No.24, 27/2008 and 30/2009 dated 17.03.2016 marked as Ex.P-6. Certified copy of order passed by Hon'ble High Court in MSA No.200001/2015 (LAC) is marked as Ex.P-7. Certified copy of order of MA.No.15/2012 marked as Ex.P-8.

7. After remanding the case the claimant / petitioner No.1 (b) again examined as PW-1 and he got marked the another price list issued by APMC as Ex.P-9 and the book published by Agricultural University Dharawad marked as per Ex.P-10 and relevant pages marked as Ex.P-10(a) to (e).

8. On the other hand respondent has not entered the witness box.

9. Heard arguments and perused the materials on record.

10. Based on the above materials, the following points that arise for consideration:

- (1) Whether the market value fixed by Land Acquisition Officer is adequate and proper?
- (2) Whether the claimants prove that

they are entitled for enhanced market value as claimed in the petition?

(3) What order or award

11. My findings on the above points are as under:

Point No.1: In the Negative.

Point No.2: Answered as claimants / *petitioners are entitled for enhanced market value of Rs. 80,000/- per acre for the acquired land with statutory benefits and they also entitled for compensation of Rs.95,000/- to the acquired well.*

Point No.3: As per final order;
for the following:

REASONS

12. POINT No.1 :- It is pertinent to note that as per Sec.18 of the L.A., Act any person interested, who has not accepted the award may, by written application to the Collector require that the matter be referred by the Collector for the determination of the Court, whether his objection is in respect of measurement of the land, the amount of compensation, the persons to whom it is payable or the apportionment of the compensation among the persons interested. As per Sec.18(2) of the Act, the said reference application has to be made

within 90 days from the date of service of notice from the Dy. Commissioner, U/s. 12 (2) of the L.A. Act the said provision is mandatory in nature and period of limitation will commence only upon service of notice as stated in Sec.12(2) of the said Act. The claimant has stated that after service of 12(2) notice he has filed protest petition before LAO on 22.06.2000 within 90 days, even then the LAO has not referred the petition to this court as early possible. Thereafter the LAO has referred the petition to this court. The acquisition of land, is not in dispute but the measurement of acquired land and market value / compensation awarded is in question. It is alleged by the claimants / petitioners that the in the acquired land they have constructed the well and use to cultivate the land by using the water from said well. The market value of the acquired well is already awarded by this court as Rs. 95,000/- which was also confirmed by Hon'ble District Court.

13. The question is what is the exact measurement of the acquired land. As per 4(1) notification the measurement of acquired land is mentioned as 24 gunta in Sy.No.528 and 35 guntas in Sy.No.529 which totally comes to 1 acre 19 gunta. But in the 6(1) notification,

12(2) notice the measurement of acquired land is mentioned as 24 gunta in SY.No.528 and 30 gunta in Sy.No.529. Why there is change of the measurement in acquired land is not explained by the respondent. In absence of materials it is held that 1 acre 19 gunts was totally acquired by the respondent.

14. Further the claimant / petitioner have alleged that the compensation awarded by the LAO as Rs. 12,000/- per acre is not proper. In the 18(1) application the petitioners have not at all pleaded anything about market value of acquired land. In the deposition, before remanding the case also the claimant / petitioner No.1(c) has disposed that in covered judgment passed by this court in LAC No.106/2001 this court has enhanced the compensation at the rate of Rs. 41,000/- per acre and the said land was also acquired under the same notification. He has not at all the deposed what was the market value of the acquired land they sought. They simply stated about the value of the well. The PW-1 deposed that they used to grow only one crop per year, that is also based on the rain. The PW-1 has **filed** his further chief examination after the remanding the case and got marked certified copy of judgment passed by this court in LAC.No.24,27/2008 and LAC.No.30/2009 as Ex.P-6 and the order of

Hon'ble High Court in MSA and order of Hon'ble District Court in MA were respectively marked as Ex.P-7 and 8. In para No.8 of the chief examination first time they deposed that they used to grow two crops in a year with irrigation facilities and they used to grow cotton, paddy and chilly etc., from using lift irrigation from the well. Thereafter again the claimant No.1(b) / petitioner has filed the chief examination affidavit and got marked the price list of the crops, issued by APMC Raichur as Ex.P-9 and the original book published by Agricultural University Dharwad as Ex.P-10 and the relevant pages in the said book marked Ex.P-10(a) to (e) which pertaining to growing of Toordal, Bengal gram, sunflower, cotton and chilly. In the said book it is mentioned about particulars regarding method of growing of crops, types of crops, quantity of seeds to sow and its yield. But the petitioner / claimants have not at all produced the record of rights to show that which crops actually they have grown in the acquired land. They also not mentioned anything about the crops in 18(1) application. Therefore in the absence of documents regarding growing of crops the version of the claimants / petitioner is not acceptable.

15. The respondent has awarded compensation as per Ex.C-4 and the value of the acquired land per acre is fixed at Rs. 12,000/-. The respondent in the award stated he had considered the sale statistics of 3 years and fixed the market value. In the award he has considered the acquired land as dry land but in the award at page No.9, para No.4 it is clearly mentioned that there is a open well situated in the acquired land and LAO has awarded compensation to the acquired land including the said well. When there is reference about the existence of the well, the value of the land fixed by the respondent is not appropriate. He would have considered the acquired land as irrigated land. As per the petitioners the LAO has not given opportunity to the petitioners to produce documents and not considered the opinion of the petitioners before passing award. The Respondent has also not produced any documents to show that an opportunity has been given to the claimants to dispute the correctness of the sale statistics. It is settled principle of law that fixation of market value based on average sale statistics without giving an opportunity to the claimants to dislodge the same cannot be accepted. The said proposition of law is held in 1976(2) Kant.L.J

345 between, SLAO Vijayanagar Steel Plant Bellary V/s Sannasubbanna and others.

16. Further the claimants / petitioners have relied on covered judgment passed in LAC No.26/2008 C/w. Other 3 cases in the said case the predecessors in office has also referred LAC.No.103/2001 to LAC No.106/2001, in the said cases the market value of the land was fixed at Rs. 41,000/- per acre based on capitalization method. But in LAC.No.26/2008 C/w. 3 other cases the the market value of the land fixed at Rs. 2,50,000/- for 07 gunta, 1,61,000/- for 09 gunta, 1,00,000/- for 12 gunta and Rs. 50,000/- for 17 gunta. On what bases the said market value fixed, there is no discussion in the said judgment. In LAC.No.103/2001 to 106/2001 the market value of the acquired land fixed at Rs. 41,000/- per acre but that was not considered while passing judgment in LAC.No.26/2008 C/w. other 3 cases.

17. In this case the claimants / petitioners without proper evidence and documents they sought to fix the market value on Capitalization method, but without proper document or materials the capitalization method could not be used. Any how in the covered judgment in LAC No.103/2001 the market value was fixed at Rs.41,000/- per acre for

dry land on 19.12.2002, but in this case the lands are irrigated. So it is appropriate fix the market value at Rs. 80,000/- per acre. Other wise knocking the door of this court by the claimants for justice would be futile effort and deprivation of natural justice and equality under the equity. Further the claimants / petitioners also entitled for statutory benefit of additional market value under section 23(1) (a) at the rate of 12 % per annum from the date of 4(1) notification to till passing of the award that means from 19.03.1999 to 19.06.2000. Further the claimants / petitioners entitled for 30% solutium under section 23(2) on the differential market value of Rs.68,000/- per acre. Further as per section 28 the claimants / petitioners are also entitled for interest at the rate of 9% per annum from the date of dispossession upto one year and thereafter interest at the rate of 15% per annum after 1 year from the date of dispossession till the entire amount is paid or deposited which ever is earlier on the additional market value and solutium. The parties shall furnish the date of dispossession either by way of producing notification issued for the same or document which shall be accepted by the court and after furnishing said date of dispossession, only the interest shall be charged and calculated. Therefore. Point No.1 is held in Negative

and point No.2 answered as claimants / petitioners are entitled for enhanced market value of Rs. 80,000/- per acre.

18. Point No.3:- As per the findings and discussion on the above, points, I proceed to pass the following:

:ORDER:

Reference application filed by the claimants / petitioners U/Sec. 18(1) of the Land Acquisition Act, 1894 is allowed in part with costs.

The market value of the acquired is fixed at Rs.80,000/- per acre.

(Rs. 80,000/- per acre divided into 40 gunta = $2000 \times 59 = 1,18,000/-$)

The claimants are entitled for enhanced compensation of Rs.1.18,000/-. In respect of acquired land.

Further claimants are also entitled for compensation of Rs. 95,000/- in respect of acquired well.

The Claimants are entitled for additional market value at the rate of 12% per annum U/Sec.23(1A) of L.A.Act from the date of preliminary notification

till the date of award passed by the L.A.O. or from the date of dispossession, whichever is earlier.

The Claimants are entitled for solatium U/Sec. 23(2) of the Act at the rate of 30% on the enhanced differential market value of Rs.68,000/-.

As per section 28 The Claimants are entitled for interest at the rate of 9% per annum on the enhanced market value for the first year and thereafter 15% interest per annum till payment of actual amount of entire compensation. The claimant is also entitled for interest on solatium.

It is further ordered that the claimants are not entitled for any type of interest for 1199 days as per the order of Hon'ble High Court Karnataka at Kalburig bench in MSC.No.200001/2015 (LAC) dated 05.04.2018.

The claimants are not entitled for solatium and any type of interest on the market value / compensation of well that is Rs. 95,000/-.

The compensation amount already paid by the L.A.O. or received by the claimants shall be deducted while computing the enhanced compensation.

The claimant's Advocates fee is fixed at Rs.1000/-.

Office to draw award accordingly.

(Dictated to the stenographer and transcribed by her, corrected by me and then signed and pronounced in the open court on this the 25th day of August-2026)

Sd/-
(Shankarappa Malashetti)
Addl. Senior Civil Judge
& JMFC-I., Raihcur.

ANNEXURE

Witnesses examined for the Claimants:-

PW-1 : M. Sharagouda S/o Late. Basavaraja
PW-1 : M. Siddarama Reddy S/o Late. Basavaraja
PW-2 : Hanumnatharao Mazumadar.

Documents marked for the Claimants:-

Ex.C.1 : 4(1) notification
Ex.C.2 : 6(1) notification
Ex.C.3 : Award
Ex.C.4 : Statement of Award
Ex.C.5 : 18(1) Application

- Ex.P.1 : Letter issued by Civil Engineer
Ex.P.1(a) : Signature of PW-2
Ex.P.2 : Report of Valuation of property
Ex.P.2(a) : Signature of PW-2
Ex.P.3 : Sketch
Ex.P.4 : Certified copy of award passed in
LAC.No.106/2001
Ex.P.5 : APMC price list
Ex.P.6 : Certified copy of judgment and award
passed in LAC.No.26/2008 C/w.
LAC.No.24, 27/2008 and 30/2009
dated 17.03.2016.
Ex.P.7 : Certified copy of order passed by Hon'ble
High Court in MSA No.200001/2015(LAC)
Ex.P.8 : Certified copy of order of MA.No.15/2012
Ex.P.9 : Price list issued by APMC
Ex.P.10 : Book by name ಸುಧಾರಿತ ಬೇಸಾಯ ಕ್ರಮಗಳು
published by Agricultural University
Dharwad
Ex.P.10(a) to (e) : Relevant pages in Ex.P-10.

Witnesses examined for the Respondent:-

-NIL-

Documents marked for the Respondent:-

-NIL-

Sd/-

**Addl. Senior Civil Judge
& JMFC-I., Raichur.**