



Presented on : 12-09-2022
Registered on : 10-10-2022
Decided on : 29-03-2025
Duration : 2 years 5 months 19 days.

**IN THE COURT OF I ADDITIONAL DISTRICT & SESSIONS JUDGE,
KALABURAGI &
THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT
AUTHORITY, KALABURAGI.**

PRESENT:- Sri A.V. Srinath
B.Sc., LL.M.,
I Additional District & Sessions Judge and
The Land Acquisition, Rehabilitation &
Resettlement Authority, Kalaburagi.

Dated this the 29th day of March 2025

**LAC No.166/2022 C/w LAC Nos.164/2022, 165/2022, 168/2022 and
169/2022,**

Claimant in LAC No.166/2022:

Sharan Kumar S/o Vasant Sahu,
Age: 45 years, Occ: Agriculture,
R/o Kollur village,
Taluk Chittapur, District Kalaburagi.
Now residing at H.No.1-10/3, Kuba
Plot, Station road, Kalaburagi.

Claimant in LAC No.164/2022:

1. Manohar s/o Sharanu,
Age: 38 years, Occ: Agriculture,
2. Rupla,
Age: 65 years, Occ: Agriculture,



3. Lalya S/o Ramachandrappa,
Age: 42 years, Occ: Agriculture,
R/o Kollur village, Taluk Chittapur,
District Kalaburagi.

Claimant in LAC No.165/2022:

1. Mehaboob Sab S/o Galimsab,
Age: 50 years,
2. Chandsa S/o Davalsab,
Age: 41 years,

All are R/o Kollur village,
Taluk Chittapur, District Kalaburagi.

Claimant in LAC No.168/2022:

Sabamma W/o Sabanna Ambiger,
Age: 45 years,
R/o Kollur village,
Taluk Chittapur, District Kalaburagi.

Claimant in LAC No.169/2022:

Sabamma W/o Sabanna Ambiger,
Age: 52 years,
R/o Kollur village,
Taluk Chittapur, District Kalaburagi.

(By Smt. Malati S Reshmi, Advocate)

Vs.

**Common Respondents:**

1. The Special Land Acquisition Officer,
UKP, Bheemarayanagudi,
Taluk Shahapur.
2. Deputy Commissioner,
Kalaburagi.
3. Krishna Bhagya Jala Nigam Limited,
by its Managing Director,
K.R. Circle, Bengaluru.

(R-1: By Special Government Pleader)
(R-2: By District Government Pleader)
(R-3: By Sri Subhaschandra D. Rathod, Advocate)

COMMON JUDGMENT

1. These References are made by the Respondent No.1 – Special Land Acquisition Officer under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the 'Act'), whereby the Claimants have sought for enhancement of the compensation in respect of their lands situated in Kollur village, Taluk Chittapur, District Kalaburagi acquired pursuant to the Preliminary Notification dated 22-01-2015.



2. Since these References relate to the lands situated in the same village acquired through the same Preliminary Notification, they are clubbed together for common trial and disposal with the Reference in LAC No.166/2022 as the main case.
3. The details of the acquired lands of the Claimants are as under:

LAC Nos.	Name of the Claimants	Survey Number		Extent Acre-Guntas.
		As per Section 4(1)	As per JMC	
166/2022	Sharan Kumar S/o Vasant Sahu.	301	301/3	23 guntas
164/2022	1. Manohar s/o Sharanu, 2. Rupla, 3. Lalya S/o Ramachandrappa.	325/2 (325/2, 5,6)	325/6	28 guntas
165/2022	1. Mehaboob Sab S/o Galimsab. 2. Chandasa S/o Davalsab.	367/2	367/6	12 guntas
168/2022	Sabamma W/o Sabanna Ambiger.	326/2	326/3	1 gunta
169/2022	Sabamma W/o Sabanna Ambiger.	327/A (327/2)	327/4	5 guntas



4. The State Government has acquired certain lands situated in Kollur and Tarakaspeta villages, Taluk Chittapur, District Kalaburagi for the purpose of construction of a Distributary Canal under Sannati Lift Irrigation Project by issuing a Preliminary Notification on 22-01-2015.
5. The Respondent No.1 - SLAO has framed and passed the Award on 06-08-2018 by determining the market value of the acquired lands at Rs.1,09,000/- per acre.
6. The Award Notice issued by the SLAO to the land owner in LAC No.166/2022 has been served upon him on 06-08-2019. The Award Notices issued by the SLAO to the land owners in other clubbed matters have been served upon them on 26-12-2018 and 01-01-2019. Being dissatisfied with the quantum of compensation awarded by the SLAO, the land owner in LAC No.166/2022 has submitted his Objections/Protest Petition on 17-08-2019. The land owners in the other clubbed matters have submitted their Objections / Protest Petitions before the SLAO on 25-01-2019.



7. The Objections filed by the land owners and other Reference papers have been forwarded by the SLAO to this Authority on 03-09-2022.
8. In the Protest Petitions/Objections, the Claimants have stated as under :

The market value of the acquired lands was more than Rs.25,00,000/- per acre. The acquired lands are irrigated lands and having 24 hours of irrigation facilities through pipe line from the river. The Claimants used to grow wheat, onion, sunflower, channagram, moongdal, groundnuts, papaya, BT cotton, chilli and other crops in the acquired lands. The land owners have spent Rs.5,00,000/- per acre for the construction of mud, stone bunds and for leveling the lands. The acquired lands are at a distance of 10 km from Taluka place and less than 30 km from District Head Quarters and are situated very near to the National High Way. The market value of the acquired lands determined by the SLAO in the present matter is not as per the prevalent market value at the time of the Preliminary Notification. The



compensation awarded by the SLAO is too meager and inadequate and is without any basis.

9. The Respondent No.1 is represented by the Special District Government Pleader. The Respondent No.2 is represented by the learned District Government Pleader. The Respondent No.3 is represented by its Advocate. The Respondent No.1 on the one hand and the Respondent No.2 on the other have filed their separate Statement of Objections. The Respondent No.3 has adopted the Objections filed by the Respondent No.2.
10. In the Statements of Objections, the Respondents have stated that the References are barred by limitation as the Claimants have failed to seek reference within the time prescribed by law. It is further stated to the effect that the SLAO has determined fair compensation for the acquired lands by verifying all the documents and by conducting survey of the lands. The Respondents have further stated that the Claimants have not produced any materials before this Authority to show that the



market value of the acquired lands was more than the one determined by the SLAO.

11. The Claimant in LAC No.166/2022 has examined himself as P.W.1 and got marked 20 documents as Ex.P-1 to Ex.P-20. On behalf of the Respondents, it has been submitted to this Authority that they have no oral evidence to lead.
12. I have heard the arguments of the learned Counsel for the Claimants, the learned Special Government Pleader for the Respondent No.1, the learned District Government Pleader for the Respondent No.2 and the learned Counsel for the Respondent No.3. Besides, the learned Counsel for the Respondent No.3 has submitted written arguments. I have perused the materials placed on record.
13. The following Points arise for my consideration:
 1. Whether the delay caused in the submission of the References to this Authority may be condoned?



2. Whether the determination of the market value of the acquired lands by the SLAO calls for interference by this Authority?

3. Whether the Claimants are entitled for enhancement of compensation ? If so, to what extent?

4. What Order or Award?

14. My findings on 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

15. **Point No.1:** In the Statement of Objections, the Respondents have contended that the References are barred by limitation. The SLAO has filed I.As. under Section 5 of the Limitation Act seeking condonation of the delay caused in the submission of the References. In the affidavits accompanying the applications, the SLAO has stated to the effect that after the coming into force of



the Act, 2013, the matter was referred to the Court of Senior Civil Judge, Kalaburagi, but the files were returned on the ground that the said Court has no jurisdiction under the new enactment and that in the process, delay has been caused in the submission of the References to this Authority.

16. The records reveal that the land owners have submitted their Objections/Protest Petitions within the time prescribed by law. However, there is delay on the part of the SLAO himself in submitting the References to this Authority. Having regard to the reasons stated on behalf of the State for the delay caused in the submission of the References to this Authority and having regard to the object behind the enactment of land acquisition legislation, I am of the opinion that in the ends of justice, the delay may be condoned. Accordingly, I answer Point No.1 in the Affirmative.
17. **Points No.2 and 3:** As these Points are interconnected, they are taken together for discussion to avoid repetition.



18. It is the case of the Claimants that the determination of the market value of the acquired lands by the SLAO is not in accordance with law and that the market value of the acquired lands requires to be redetermined. On the other hand, it is the contention of the Respondents that the SLAO has rightly assessed the market value of the acquired lands and has awarded fair compensation to which the Claimants are entitled.
19. In his examination-in-chief, P.W.1 has, in sum and substance, reiterated the contents of the Protest Petitions. P.W.1 has stated that the market value of the acquired land is determined by the SLAO without taking into consideration the prevalent market value in the area. P.W.1 has further stated that the acquired lands are fertile black cotton soil lands. P.W.1 has further stated that the market value of the acquired lands was more than Rs.25 lakhs per acre. P.W.1 has further stated that the market value of the acquired lands determined by the SLAO is too meager. In his examination-in-chief, P.W.1 has referred to the Judgment passed by this Authority in LAC No.316/2019.



20. Ex.P-1, Ex.P-4, Ex.P-6, Ex.P-8 and Ex.P-10 are the Protest Petitions filed by the respective Claimants. Ex.P-3 is the copy of the Award dated 06-08-2018 passed by the SLAO. Ex.P-12 to Ex.P-15 are the Records of Rights. Ex.P-16 is the certified copy of the Judgment passed by this Authority in LAC No.316/2019. Ex.P-17 is the certified copy of the Judgment passed by this Authority in LAC No.255/2019 and clubbed matters. Ex.P-18 is the certified copy of the Judgment passed by this Authority in LAC Nos.357/2022 and clubbed matters. Ex.P-19 and Ex.P-20 are the copies of Sale Deeds.
21. In his cross-examination, P.W.1 has admitted the suggestion that the acquired lands are dry lands. P.W.1 has further admitted the suggestion that the SLAO and his team had visited the acquired lands before acquisition of the lands. P.W.1 has denied the suggestion that the acquired lands are not as fertile as the lands acquired in LAC No.316/2019 and LAC No.255/2019.
22. Section 69 of the Act casts an obligation upon the Authority to consider whether the Collector/SLAO has followed the



parameters set out under Sections 26 to 30 of the Act in determining the amount of compensation to be awarded for the land acquired. Sections 26 to 30 of the Act provide for the manner in which the compensation payable to the land loser is to be determined. The method of determining the market value of the acquired land is provided under Section 26 of the Act.

23. In the Award, the SLAO has classified the acquired lands as dry lands. The SLAO has mentioned that there are no open wells or borewells in the acquired lands. Though in the Objections/ protest petitions the Claimants have stated that the acquired lands are irrigated lands, no acceptable evidence is adduced by them in proof of the same. In his cross-examination, P.W.1 has categorically admitted that the acquired lands are dry lands.

24. For determining the market value of the acquired lands situated in Kollur village, the SLAO has considered 33 sale deeds. Of these 33 sale deeds, the SLAO has considered 17 sale deeds of highest sale consideration and has reckoned the average sale



price of the dry lands to be Rs.1,09,000/- per acre and has further granted other statutory benefits as per the provisions of the Act.

25. It is a settled position of law that the Judgments and Awards passed in respect of acquisition of lands made in the same village or neighboring villages may be considered for determining the market value of an acquired land.
26. The Claimants have produced copies of the Judgments as per Ex.P-16 and Ex.P-17 passed by this Authority in LAC No.316/2019 and LAC No.255/2019 wherein in respect of the dry lands therein situated in Kollur village, taluk Chittapur acquired through the Preliminary Notification dated 21-03-2013, this Authority has determined the market value of the lands at Rs.6,37,500/- per acre. As the acquired lands in the present matter and the lands acquired in LAC No.316/2019 and LAC No.255/2019 are situated in the same village, I am of the opinion that the market value of the acquired lands herein may be determined on the basis of the market value determined in LAC No.316/2019 and LAC No.255/2019.



27. In the present matter, the Preliminary Notification under Section 11(1) of the Act, 2013 has been issued on 22-01-2015. In LAC No.316/2019 and LAC No.255/2019, the Preliminary Notification was issued on 21-03-2013. There is a time gap of 1 year 10 months between the dates of Preliminary Notifications. The same may be rounded off to 2 years for the purpose of determining the market value of the acquired lands.
28. As regards the rate of escalation to be considered, it is profitable to refer to the decisions of the Hon'ble Supreme Court of India reported in (2008) 14 SCC 745 (General Manager, ONGC Ltd., Vs. Rameshbhai Jivanbhai Patel and another) and (2021) 11 SCC 177 (Acquainted Realtors LLP and others Vs. State of Haryana and others).
29. In the decision in ONGC case, the Hon'ble Supreme Court has laid down a thumb rule regarding consideration of the rate of escalation in respect of lands situated in rural areas and the lands situated in urban or semi-urban areas. At paragraphs No.13 and 14 of the decision, the Hon'ble Supreme Court has held as under:



“13. Primarily, the increase in land prices depends on four factors: situation of the land, nature of development in surrounding area, availability of land for development in the area, and the demand for land in the area. In rural areas, unless there is any prospect of development in the vicinity, increase in prices would be slow, steady and gradual, without any sudden spurts or jumps. On the other hand, in urban or semi-urban areas, where the development is faster, where the demand for land is high and where there is construction activity all around, the escalation in market price is at a much higher rate, as compared to rural area. In some pockets in big cities, due to rapid development and high demand for land, the escalation in prices have touched even 30% to 50% or more per year, during the nineties.

“14. On the other extreme, in remote rural areas where there was no chance of any development and hardly any buyers, the prices stagnated for years or rose marginally at a nominal rate of 1% or 2% per annum. There is thus a significant difference in increases in market value of lands in urban/semi-urban areas and increases in market value of lands in the rural areas. Therefore, if the increase in market value in urban/semi-urban areas is about 10% to 15% per annum, the corresponding increases in rural areas would at best be only around half of it, that is, about 5% to 7.5% per annum. This rule of thumb refers to the general trend in the nineties, to be adopted in the absence of clear and specific evidence relating to increase in prices. Where there are special reasons for applying a higher rate of increase, or any specific evidence relating to the actual increase in prices, then the increase to be applied would depend upon the same.”



30. In the decision in Acquainted Realtors, relying on its decision in ONGC case, the Hon'ble Supreme Court has held that the land owners therein are entitled for 8% flat increase over the market value assessed in respect of the lands from villages which were found to be comparable.
31. From the above decisions of the Hon'ble Supreme Court, it is clear that in case of the lands situated in rural areas, escalation at the rate of 5% to 8% may be considered. In the present case, the acquired lands are situated in a village and not in urban or semi-urban area. As such, I am of the opinion that in the present case, escalation at the rate of 8% p.a. may be considered.
32. With the market value of Rs.6,37,500/- per acre of dry land as the basis, the market value of the acquired lands in the present matter is calculated as under:
- 8% of Rs.6,37,500/- = Rs.51,000/-.
- Rs.51,000/- X 2 = Rs.1,02,000/-.
- Rs.6,37,500/- + Rs.1,02,000/- = Rs.7,39,500/-.



33. Thus, the market value of the acquired dry lands would be Rs.7,39,500/- per acre.
34. The determination of the market value of the acquired lands by the SLAO does not depict the correct market value of the acquired lands. As such, the same calls for interference by this Authority in terms of Section 69 of the Act. The land owners are entitled for enhancement of the market value of the acquired lands. For the above reasons, I answer Point No.2 in the Affirmative. Point No.3 is answered in the Affirmative by holding that the land owners are entitled for enhancement of the market value of their acquired dry lands to Rs.7,39,500/- per acre.
35. **Point No.4:** In view of my findings on Points No.2 and 3, the Claimants are entitled for enhancement of the compensation in respect of the acquired lands as discussed under Points No.2 and 3. In the result, I proceed to pass the following:

ORDER

The Reference Petitions under Section 64 of the
Right to Fair Compensation and Transparency in



Land Acquisition, Rehabilitation and Resettlement Act, 2013 are allowed in part with costs.

The market value of the acquired dry lands is assessed and re-determined at Rs.7,39,500/- per acre and the Claimants are entitled for the same.

As per Section 26(2) of the Act, the Claimants are entitled for double the market value in line with the multiplier factor prescribed in the First Schedule to the Act.

The Claimants are entitled for solatium equivalent to 100% of the market value of the acquired lands as provided under Section 30(1) of the Act.

The Claimants are entitled for additional amount @ 12% per annum on the market value of the acquired lands as per Section 30(3) of the Act.

The Claimants are also entitled for interest on the enhanced market value as per Sections 72 and 80 of the Act.

The compensation amount, if any, already paid to the Claimants shall be deducted while reckoning



the enhanced compensation to which they are entitled.

The Advocate's Fee is fixed at Rs.1,000/- in each case.

Draw Award accordingly.

The Judgment shall be kept in the file of LAC No.166/2022 and a copy each shall be kept in the files of the other clubbed matters.

(Dictated to the Grade-3 Steno directly on the Computer System, typed by him, corrected, signed and then pronounced by me in the Open Court on this the 29th day of March 2025).

(A.V.Srinath)
I Addl. District Judge
and L A R & R A Kalaburagi.

APPENDIX

Witnesses examined on behalf of the Claimants:

PW.1: Sharan Kumar S/o Vasant Sahu.

Witnesses examined on behalf of the Respondents:

- Nil-

Documents marked as Exhibits on behalf of the Claimants:

Ex.P-1: Protest Petition in LAC No.166/2022.

Ex.P-2: Copy of Award Notice.

Ex.P-3: Copy of SLAO Award.



- Ex.P-4: Protest Petition in LAC No.169/2022.
- Ex.P-5: Copy of Award Notice.
- Ex.P-6: Protest Petition in LAC No.168/2022.
- Ex.P-7: Copy of Award Notice.
- Ex.P-8: Protest Petition in LAC No.165/2022.
- Ex.P-9: Copy of Award Notice.
- Ex.P-10: Protest Petition in LAC No.164/2022.
- Ex.P-11: Copy of Award Notice.
- Ex.P-12 to Ex.P-15: Records of Rights.
- Ex.P-16: Certified copy of Judgment in LAC No.316/2019.
- Ex.P-17: Certified copy of Judgment in LAC No.255/2019 and clubbed matters.
- Ex.P-18: Certified copy of Judgment in LAC No.357/2022 and clubbed matters.
- Ex.P-19 and Ex.P-20: Copies of Sale Deeds.

Documents marked as Exhibits on behalf of the Respondents:

-Nil-

I Addl. District Judge
and L A R & R A Kalaburagi.