



IN THE COURT OF I ADDL. DISTRICT & SESSIONS
JUDGE AND THE LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT
AUTHORITY, TUMAKURU.

Dated this the 17th day of August, 2026.

PRESENT

Sri. Mohamed Ashraf Aris, B.A., LL.M.,
I ADJ and Presiding Officer,
Land Acquisition, Rehabilitation and
Resettlement Authority, Tumakuru.

LAC.No.14/2024

Petitioner: H. Jagadeesh
S/o Late T.Hanumanthaiah,
Aged about 51 years,
R/at Bhovipalya village,
Kasaba hobli,
Tumakuru Taluk.

(By Sri. Sannalingaiah, Adv.)

-VERSUS-

Respondents: 1. The Special Land Acquisition Officer,
Tumakuru-Rayadurga Railway
Project, Tumakuru.

2. The Chief Engineer,
Southern Railway West Cantonment
Bengaluru.

3. The Deputy Chief Engineer,
Southern Railway West Cantonment
Bengaluru.



(R.1 By Dist. Govt. Pleader)
(R.2 & 3 By Sri. H.S.R., Adv.)

JUDGMENT

This reference is made U/Sec.64 of the Right to Fair Compensation, Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (referred to as 'Act' herein after) by the respondent. The claimant has sought for enhancement of compensation in respect of his sites situated in katha No.58, 61 and 62 at Oorukere Part 2 village, Kasaba hobli, Tumakuru taluk measuring 1200 sq.ft each which have been acquired pursuant to the preliminary notification dated 10.11.2020 issued U/Sec.11(1) of the Act.

2. The land has been acquired for the purpose of Tumakuru-Rayadurga Railway Project. Sec.19(1) notification has been published on 05.09.2022. Separate award notices have been issued on 16.08.2023 in respect of katha No.58, 61 and 62 respectively. The Land Acquisition Officer has passed the award on 27.07.2023 and has determined the



market value in respect of the aforesaid property at the rate of Rs.636/- per sq.ft.

3. Being dis-satisfied with the market value fixed by the SLAO in respect of the aforesaid acquired lands and also dissatisfied with the manner, method and mode of computing the compensation amount, the petitioner has filed the protest petition before the SLAO on 07.09.2023 requesting to refer the petition to the concerned Authority. Considering the said request, the SLAO has made this reference. The protest petition along with connected papers have been forwarded by the SLAO to this Authority on 10.01.2024.

4. The contention of the claimant in the claim petition in brief is as follows;

The compensation paid is meager. The SLAO has not applied the proper provisions and not followed the procedure while fixing the market value of the land. The acquired land is situated near Oorukere village and is abutting to National Highway NH-4 and is near



to Tumakuru City Corporation. The land possess all the basic necessities for using it for residential or commercial purpose. Tumakuru City is at a distance of 5 k.m from the said land. The procedure followed by the respondent by taking into consideration the sale deeds of 3 years prior to the date of issuing preliminary notification is unscientific though the land value has been increasing at the rate of 10 to 15% every year. The yardstick followed by the SLAO is not proper. The property comes within the limits of Tumakuru City and has all those potentiality which the other wards of the city possess. The market value should have been fixed at Rs.2,000/- per sq.ft. Hence, prays to enhance the compensation of determining the market value at the rate of Rs.2,000/- per sq.ft.

5. After receipt of the reference, this case has been registered and notice was issued to both the parties. In response to the notice, the claimant has appeared through his counsel. The respondent No.1 SLAO is represented by the learned DGP. The



respondents No.2 and 3 are represented by their counsel. The respondents have filed their objections.

6. The respondent No.1 has filed objections. The objections of respondent No.1 in brief are as follows:

The SLAO has fixed proper market value and has given proper compensation. The petitioner has received the award amount without any objections and hence, he is not entitled to claim enhanced compensation. The acquired land comes under the Grama Panchayath limits where the population density is less. As per the JMC report proper compensation has been paid. All the monetary benefits which the land loser is entitled as per the Act, has been given to the petitioner. It is denied that there are industrial or commercial establishments around the acquired land. The protest petition has not been filed within time. The petition is barred by limitation. The petitioner has been given 100% solatium and 12% additional compensation and have



paid compensation of Rs.30,33,991/-, Rs.25,33,991/- and Rs.25,33,991/- respectively for the three sites. The judgments relied by the petitioner i.e., LAC.No.26/2018 and LAC.No.21/2018 pertain to different notification. Hence, the petitioner is not entitled for enhancement of compensation.

7. Respondents No.2 and 3 have filed their objections. Their contentions in brief are as follows:

The petition is barred by limitation. The land acquired is for public purpose i.e., for the formation of Tumakuru-Rayadurga Broadguage Railway line Project. It is not for any commercial exploitation. Respondent No.1 after completion of the acquisition process, has passed the award in favour of the petitioner awarding compensation towards the sites. The compensation awarded is very much adequate to the prevailing market value as on the date of acquisition proceedings. The respondent No.1 while passing the award had issued notice as per law and had given sufficient opportunity to the petitioner, but



he did not produce any documents nor filed proper objections for enhancement of compensation. The award amount was calculated based on registration carried out for the adjacent land which covered the potential value of the land. The valuation of the property for the 3 years has been considered and it is a well settled method of assessing the market value. The market value of the property is fixed as per law and alienation of the property in and around was also considered while passing award. The total amount of the compensation was calculated by duly considering 100% solatium and 12% additional market value. The claim made by the petitioner is hypothetical and has no basis. The compensation now claimed is exorbitant, whimsical, arbitrary and is liable to be rejected. The respondent has paid sufficient compensation. The village map clearly shows that the acquired sites are actually situated in a place where there are no development activities. The katha extract shows the reality of the acquired property. The sale



deeds establish the real market value of the surrounding and neighbouring property. The petitioner has not produced any documents to show that the land acquired is NA potential sites or having building over it. The site was given by Government of Karnataka for construction of new broad-guage railway line at 50:50 sharing cost. The respondents No.2 and 3 are not liable to pay further award amount. Hence, prays to dismiss the petition.

8. The points that arise for determination are as follows:

- 1) Whether the petition was filed in time before the SLAO?
- 2) Whether the determination of market value of the acquired land by the SLAO calls for interference by this authority?
- 3) Whether the petitioner is entitled for enhancement of compensation? If so, at what rate?
- 4) What Order or Award?

9. The petitioner has examined himself as PW.1



and has got marked documents at Ex.P1 to P20. On behalf of respondent No.1, the SLAO has been examined as RW.2. On behalf of respondent No.2 and 3, the Senior Section Engineer has been examined as RW.1.

10. Heard both sides.

11. The answer to the aforesaid points are as follows:

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

12. **Point No.1**: The following table shows some basic facts pertaining to this case.

1.	Project	Tumakuru -Rayadurga Railway Line
2.	11(1) Notification dated	09.11.2020
3.	Village	Oorukere (Part-II)
4.	Hobli	Kasaba
5.	Taluk	Tumakuru
6.	Katha No.	58, 61 and 62
7.	Sy.No.	-
8.	Extent	1200 sq.ft ., each=3600 sq.ft.



9.	Trees	Nil
10.	Award notice dated	16.08.2023
11.	Protest petition filed on	07.09.2023 before the Deputy Commissioner
12.	Market value of the land fixed by SLAO	Rs.636/- per sq.ft

13. The award notices in respect of Sy.No.58, 61 and 62 are marked as Ex.P4, 19 and 20 respectively. Those notices are dated 16.08.2023. The payment receipt dated 30.08.2023 is marked as Ex.P13. It shows that the petitioner has received the award amount in respect of the three sites on 30.08.2023. The petitioner has filed the protest petition on 07.09.2023. The protest petition is marked as Ex.P1 and index is marked as Ex.P2. As per Sec.64 of the Act, the protest petition shall be made within the period mentioned in it; i.e.,

- a) if the person making it was present or represented before the Collector at the time when he made his award, within six weeks from the date of the Collector's award;
- b) in other cases, within six weeks of the receipt of the notice from the Collector



under section 21, or within six months from the date of the Collector's award, whichever period shall first expire;

Provided further that the Collector may entertain an application after the expiry of the said period, within a further period of one year, if he is satisfied that there was sufficient cause for not filing it within the period specified in the first proviso.

14. In the case on hand, it is not the case of the respondent that the petitioner was present at the time of making the award. Further there is no document to show as to when section 21 notice has been served on the petitioner. Here it is necessary to look into section 21 of the Act. Section 21 is the public notice which the Collector is required to publish in the website and to affix at convenient places on or near the land to be taken, stating the intention of the Government to take possession of the land. This is a stage prior to passing of the Award. Therefore, filing objections or protest petition to the



award does not arise. Hence the question of starting of period of limitation at that stage would not arise.

The next section to be looked into is Section 37 of the Act. It reads as follows:

Sec.37. Awards of Collector when to be final:-

“ (1) The Awards shall be final in the Collector office and shall, except as hereinafter provided, be final and conclusive evidence, as between the Collector and the persons interested, whether they have respectively appeared before the Collector or not, of the true area and market value of the land and the assets attached thereto, solatium so determined and the apportionment of the compensation among the persons interested.

(2) The Collector shall give immediate notice of his awards to such of the persons interested who are not present personally or through their representatives when the awards are made.

(3) The Collector shall keep open to the public and display a summary of the entire proceedings undertaken in a case of acquisition of land including the amount of compensation awarded to each individual along with details of the land finally acquired



under this Act on the website created for this purpose.”

Therefore, it is the duty of the Collector to issue notice of award immediately to the persons interested, if such persons were not personally present when the award was passed. Unless the interested person knows about the passing of award and goes through the award, he will not be able to submit his protest. The petitioner in this case has anyhow filed the protest petition within six months from the date of the award. The award is dated 27.07.2023. Therefore, the protest petition is within time. Hence, point No.1 is answered in the **Affirmative**.

15. Point No.2 and 3 : These points are taken up together as they are interconnected and it will avoid repetition of facts. The land acquired in this case are sites measuring 1200 sq.ft each. They are situated at Oorukere village (part 2), Kasaba hobli, Tumakuru taluk. The preliminary notification U/Sec.11(1) was published on 09.11.2020 in respect of all three sites.



The land has been acquired for Tumakuru-Rayadurga Railway Project. Three the sites stands in the name of the petitioner. Ex.P5 is the preliminary notification U/Sec.11(1). Ex.P6 to 8 are the notices issued U/Sec.11(1). Thereafter, Sec.19(1) notification was published on 29.08.2022. The copy of the same is marked as Ex.P9. Sec.21 notice which is marked as Ex.P10, is dated 20.09.2022. The JMC report is marked as Ex.P12. The award proceedings is marked as Ex.P3. The award Thakthe is marked as Ex.P11.

16. The petitioner has examined himself as PW.1. He has reiterated the facts stated in his protest petition. The petitioner mainly relies on the sale deeds Ex.P17 and P18 which are dated 10.10.2018 and 02.05.2018 respectively. They are of the same village.

17. The award proceedings shows that the SLAO has looked into 298 sale deeds and out of that, he has considered 146 sale deeds for the purpose of determining the market value and on the basis of



those sale deeds, he has fixed the market value at Rs.636/- per sq.ft. The award proceedings shows that the total market value determined for the entire site of 1200 sq.ft is at Rs.7,63,200/-. On the said amount, the factor 1.5 is applied as per first schedule of the Act. Thereafter, 100% solatium has been added. 12% additional market value compensation has been granted for the period 26.11.2020 to 27.07.2023 at the rate of 12% amounting to Rs.2,44,391/-. Further a lump-sum amount of Rs.5,00,000/- has been granted to the petitioner in lieu of rehabilitation and resettlement in respect of acquisition of both sites as seen in award notice pertaining to site No.58. The total compensation paid for site No.58, 61 and 62 is $\text{Rs.}30,33,991 + 25,33,991 + 25,33,991 = 81,01,973/-$. The rehabilitation amount is given together as Rs.5,00,000/- for the petitioner and not separately for each site.

18. The petitioner contends that his site values at Rs.2,000/- per sq.ft and that his site is abutting to



the National Highway NH-4 and it comes within Tumkur City Municipality and there are Petrol bunk, rice mill, reputed Medical college surrounding the area and that it was fit for residential and commercial purpose. Further, the petitioner has stated that the manner in which the market value has been fixed by considering the old sale deeds is not proper, since the property rate has been increasing at the rate of 10 to 15% per year.

19. The sale deed Ex.P17 is dated 10.10.2018 in respect of a site measuring 130.17 sq.meter, situated at Oorukere village, Oorukere Grama Panchayath, kasaba hobli, Tumakuru taluk.

20. Ex.P18 is the sale deed dated 02.05.2018 in respect of site measuring 111.48 sq.meter situated at Oorukere village, Oorukere Grama Panchayath, Kasaba hobli, Tumakuru taluk.

21. PW.1 has been cross-examined by the counsel for respondent No.2 and 3 and the same was adopted by the respondent No.1. The cross-examination is



only denial of the contents of the chief affidavit.

22. RW.2 who is the SLAO in his chief-examination, has stated about the manner in which the market value has been determined. He has stated that the value has been assessed as per the Sub-Registrar's assessment of the lands for the last 3 years from the date of preliminary notification, as per Sec.26(1) explanation 2 of the new Act. In the cross-examination, it was suggested that in several cases pertaining to the same village judgments have been delivered enhancing the compensation and that the compensation as awarded by the authority has been paid. The petitioner relies on the Judgments of this court passed in LAC.21/2018 and 26/2018.

23. RW.1 who is the Senior Section Engineer of South Western Railway has also reiterated the facts stated in the objections filed by respondent No.2 and 3. In his cross-examination, he has admitted that National Highway NH-48 passes through Oorukere village. He has admitted that there are rice mills,



schools, colleges and industries in the said village. He has admitted that there are layouts around the Oorukere village.

24. As per the Act, the SLAO has to determine the award in accordance with the provisions of Sec.26 to 30 of the Act. For the sake of easy reference these sections are extracted here below;

26. Determination of market value of land by Collector.—

(1) The Collector shall adopt the following criteria in assessing and determining the market value of the land, namely:—

(a) the market value, if any, specified in the Indian Stamp Act, 1899 (2 of 1899) for the registration of sale deeds or agreements to sell, as the case may be, in the area, where the land is situated; or

(b) the average sale price for similar type of land situated in the nearest village or nearest vicinity area; or

(c) consented amount of compensation as agreed upon under sub -section (2) of Section 2 in case of acquisition of lands for private companies or for public private partnership projects, whichever is higher:

Provided that the date for determination of market value shall be the date on which the notification has been issued under Section 11.

Explanation 1.—The average sale price referred to in clause (b) shall be determined taking into account the sale deeds or the agreements to sell registered for similar type of area in the near village or near vicinity area during immediately preceding three years of the year in which such acquisition of land is proposed to be made.

Explanation 2.—For determining the average sale price referred to in Explanation 1, one-half of the total number of



sale deeds or the agreements to sell in which the highest sale price has been mentioned shall be taken into account.

Explanation 3.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid as compensation for land acquired under

the provisions of this Act on an earlier occasion in the district shall not be taken into consideration.

Explanation 4.—While determining the market value under this section and the average sale price referred to in Explanation 1 or Explanation 2, any price paid, which in the opinion of the Collector is not indicative of actual prevailing market value may be discounted for the purposes of calculating market value.

(2) The market value calculated as per sub-section (1) shall be multiplied by a factor to be specified in the First Schedule.

(3) Where the market value under sub-section (1) or sub-section (2) cannot be determined for the reason that— (a) the land is situated in such area where the transactions in land are restricted by or under any other law for the time being in force in that area; or

(b) the registered sale deeds or agreements to sell as mentioned in clause (a) of sub-section (1) for similar land are not available for the immediately preceding three years; or

(c) the market value has not been specified under the Indian Stamp Act, 1899 (2 of 1899) by the appropriate authority, the State Government concerned shall specify the floor price or minimum price per unit area of the said land based on the price calculated in the manner specified in sub-section (1) in respect of similar types of land situated in the immediate adjoining areas:

Provided that in a case where the Requiring Body offers its shares to the owners of the lands (whose lands have been acquired) as a part compensation, for acquisition of land, such shares in no case shall exceed twenty-five per cent of the value so calculated under subsection (1) or sub-section (2) or sub-section (3) as the case may be:

Provided further that the Requiring Body shall in no case compel any owner of the land (whose land has



been acquired) to take its shares, the value of which is deductible in the value of the land calculated under sub-section (1):

Provided also that the Collector shall, before initiation of any land acquisition proceedings in any area, take all necessary steps to revise and update the market value of the land on the basis of the prevalent market rate in that area:

Provided also that the appropriate Government shall ensure that the market value determined for acquisition of any land or property of an educational institution established and administered by a religious or linguistic minority shall be such as would not restrict or abrogate the right to establish and administer educational institutions of their choice.

27. Determination of amount of compensation.—*The Collector having determined the market value of the land to be acquired shall calculate the total amount of compensation to be paid to the land owner (whose land has been acquired) by including all assets attached to the land.*

28. Parameters to be considered by Collector in determination of award.—*In determining the amount of compensation to be awarded for land acquired under this Act, the Collector shall take into consideration—*

firstly, the market value as determined under Section 26 and the award amount in accordance with the First and Second Schedules;

secondly, the damage sustained by the person interested, by reason of the taking of any standing crops and trees which may be on the land at the time of the Collector's taking possession thereof;

thirdly, the damage (if any) sustained by the person interested, at the time of the Collector's 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 Collector's 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, 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;
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 19 and the time of the Collector's taking possession of the land;
and
seventhly, any other ground which may be in the interest of equity, justice and beneficial to the affected families.

29. Determination of value of things attached to land or building.—

(1) The Collector in determining the market value of the building and other immovable property or assets attached to the land or building which are to be acquired, use the services of a competent engineer or any other specialist in the relevant field, as may be considered necessary by him.

(2) The Collector for the purpose of determining the value of trees and plants attached to the land acquired, use the services of experienced persons in the field of agriculture, forestry, horticulture, sericulture, or any other field, as may be considered necessary by him.

(3) The Collector for the purpose of assessing the value of the standing crops damaged during the process of land acquisition, may use the services of experienced persons in the field of agriculture as may be considered necessary by him.

30. Award of solatium.—*(1) The Collector having determined the total compensation to be paid, shall, to arrive at the final award, impose a "Solatium" amount equivalent to one hundred per cent of the compensation amount.*

Explanation.—For the removal of doubts it is hereby declared that solatium amount shall be in addition to the compensation payable to any person whose land has been acquired.



(2) The Collector shall issue individual awards detailing the particulars of compensation payable and the details of payment of the compensation as specified in the First Schedule.

(3) In addition to the market value of the land provided under Section 26, the Collector shall, in every case, award an amount calculated at the rate of twelve per cent per annum on such market value for the period commencing on and from the date of the publication of the notification of the Social Impact Assessment study under sub-section (2) of Section 4, in respect of such land, till the date of the award of the Collector or the date of taking possession of the land, whichever is earlier. Chapter

25. The first schedule of the Act is also necessary to be looked into. It says about the factor to be applied in cases considering whether it is rural area or urban area.

26. Apart from the compensation so determined, the land loser is also entitled to interest as per Sec.72 and 80 of the Act. The same are extracted here below for the sake of convenience;

72. Collector may be directed to pay interest on excess compensation-*If the sum, which in the opinion of the Authority concerned, the Collector ought to have awarded as compensation is in excess of the sum which the Collector did award as compensation, the award of the Authority concerned may direct*



that the Collector shall pay interest on such excess at the rate of nine percent. Per annum from the date on which he took possession of the land to the date of payment of such excess into Authority.

Provided that the award of the Authority concerned may also direct that where such excess or any part thereof is paid to the Authority after the date or expiry of a period of one year from the date on which possession is taken, interest at the rate of fifteen percent. Per annum shall be payable from the date of expiry of the said period of one year on the amount of such excess or part thereof which has not been paid into Authority before the date of such expiry.

80. Payment of interest-*When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine percent. Per annum from the time of so taking possession until it shall have been so paid or deposited;*

Provided that if such compensation or any part thereof is not paid or deposited within a period of one year from the date on which possession is taken, interest at the rate of fifteen percent, per annum shall be payable from the date or expiry of the said period of one year on the amount of compensation or part thereof which has not been paid or



deposited before the date of such expiry.

27. On reading the aforesaid provisions, it is clear that the person whose land has been acquired is entitled for compensation on the basis of the market value determined U/Sec.26 of the Act and the same has to be multiplied by applying relevant factor as specified in the first schedule, along with solatium at 100%, on the market value. The excess compensation will also carry interest @ 9% and 15% respectively as provided U/Sec.72 of the Act. When there are no documents to show what is the market value fixed by the Indian Stamp Act, then the next provision i.e., sec.26(b) has to be considered. Among the three methods as provided in Sec.26(1) clauses a, b and c, the SLAO has to arrive at the market value and choose the highest among the a, b, c method.

28. Clause (a) prescribes the consideration of the market value specified in the Stamp Act for the registration of agreements/sale deeds in the area where the concerned land is situated. (This is also



explained at para 19 ad 42 of the decision of the Hon'ble Apex Court in the case of **Madhya Pradesh Road Development Corporation Vs. Vincent Daniel, (2025) 7 SCC 798**). Therefore, clause(a) refers to the market value specified under the Stamp Act i.e., the Guidance value fixed under the Stamp Act for the relevant period. In the case on hand, clause(a) does not arise for consideration, since neither the respondents nor the petitioner is relying on it. Further, it is not the case of the petitioner that the Guidance value is higher than the market value arrived at by the SLAO under clause(b). To determine the market value U/Sec.26(b), the SLAO has to take into consideration the explanations 1 to 4 to Sec.26 and the sale deeds registered for similar type of land in the nearby village during the period immediately preceding 3 years prior to the preliminary notification.

29. The learned DGP argued that under the old Land Acquisition Act 1894, there was no specific



method mentioned in the act for determining the market value, but in the new Act Sec.26 specifically deals as to how the market value has to be arrived. Further, the learned DGP argued that the judgments passed by this authority in other cases cannot be a basis for fixing the market value, unless the petitioner is able to show that his land is having same potential and that he should place reliable materials and evidence in this case to show the potentiality of the land.

30. The award proceedings which is marked as Ex.P3 shows that the SLAO has taken up 298 sale deeds pertaining to the period from 26.11.2017 to 26.11.2020. He has arranged them in the ascending order and has taken up the first 50% of the sale deeds. While taking those sale deeds, the SLAO has not included 6 sale deeds which are mentioned in page No.17 stating that they are unnatural and do not show the actual market value. Among 298 sale deeds 50% of the sale deeds in which the sale



consideration is on the higher side have been considered and he has taken the average and has arrived at the market value per sq.ft at Rs.636/- as discussed in page No.33 of the proceedings.

31. The petitioner relies on the registered sale deed dated 10.10.2018 of the same village pertaining to a site bearing No.10 measuring 130.17 sq.ft for which the sale consideration is shown as Rs.13,50,000/-. This sale deed bears document No.TMK-1-11069-2018-19. The said sale deed has been considered by the SLAO which is at No.1 at page No.28. As per this sale deed, the value of the land per sq.ft is Rs.963.49 (i.e., 13,50,000 divided by 130.70 sq.meters = 10,371/- per sq.meter, which comes to Rs.963.49 per sq.feet.)

32. The petitioner has relied on another registered sale deed dated 02.05.2018 which is marked as Ex.P18. It bears document No.TMK-1-01575-2018-19. This sale deed is in respect of a site which measures 111.48 sq. meters for which the sale



consideration is shown as Rs.11,25,000/-. This has also been considered by the SLAO at serial No.2 of page No.28.

33. Therefore, the sale deeds Ex.P17 and 18 which are relied by the petitioner are considered by the SLAO at serial No.1 and 2 out of the 50% of the sale deeds, as seen at page No.28 of the award proceedings.

34. The petitioner relies on the judgment of this court rendered in LAC.No.21/2018 and LAC.No.26/2018 in which this authority has determined the compensation at Rs.375/- per square feet for similar type of land situated in the same village and acquired for the same purpose but under different notification. The counsel for the petitioner has argued that the market value should be fixed as arrived in the said LAC case. He has relied on the decision of the Hon'ble Apex Court in the case of **Ali Mohammad Beigh and Others Vs. State of Jammu and Kashmir, reported in (2017) 4 SCC 717,**



wherein the Hon'ble Apex Court has held that when the lands are more or less situated nearby and acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owner unless there are any strong reasons.

35. The counsel for the petitioner also pointed out to the decision of the Hon'ble Apex Court, in the case of **Union of India Vs. Balram and another, reported in 2010(5) SCC 747**. The Hon'ble Apex court has held that if the parties of the acquisition is same and when the lands are identical and similar though lying in different villages, there is no reason to make any discrimination between the lands owners, to pay more to some of the land owner and less to others.

36. On the other hand, the learned DGP has relied on the following decision of the Hon'ble Apex Court.

1)(2018) 13 SCC 96 (Manoj Kumar and others Vs. State of Haryana and others), wherein the Hon'ble



Apex Court has held as follows:

“The awards and judgment in the cases of others not being inter partes are not binding as precedents. Recently, we have seen the trend of the courts to follow them blindly probably under the misconception of the concept of equality and fair treatment. The courts are being swayed away and this approach in the absence of and similar nature and situation of land is causing more injustice and tantamount to giving equal treatment in the case of unequals. As per situation of a village, nature of land, its value differ from distance to distance, even 2 or 3 k.m distance may also make the material difference in value. Land abutting highway may fetch higher value but not land situated in interior villages.”

Further at para 16, it is held as follows;

16. “To base determination of compensation on a previous award/judgment, the evidence considered in the previous judgment/award and its acceptability on judicial parameters has to be necessarily gone into, otherwise, gross injustice may be caused to any of the parties. In case some gross mistake or illegality has been committed in previous award/judgment of not making deduction, etc. and/or sufficient evidence had not been adduced and better evidence is adduced in case at hand, previous award/judgment being not inter partes cannot be followed and if land is not similar in nature in all aspects it has to be outrightly rejected as done in the case of comparative exemplars. Sale



deeds are on a par for evidentiary value with such awards of the court as court bases its conclusions on such transaction only, to ultimately determine the value of the property."

37. In the case on hand, the petitioner relies on the judgment of this Authority passed in LAC No.21/2018 dated 08.02.2023 wherein this Authority has fixed the market value of one sq.ft., at Rs.375/- in respect of acquisition of land in the same village which was acquired in the year 2011. The counsel for the petitioner has produced the certified copy of the said judgment. On perusal of the said judgment, it shows that this authority has relied on its earlier judgment passed in LAC No.57/2018 dated 15.12.2022 and on the basis of the said judgment has fixed the value at Rs.375/- per sq.ft. The digitally signed copy of the judgment passed in LAC. No.57/2018 dated 15.12.2022 was perused in e-courts website. On perusal of the said judgment, it shows that this Authority has considered a sale transaction dated 13.06.2011 and the market value



has been fixed at Rs.375/- per sq.ft.

38. In the case on hand, the preliminary notification is dated 09.11.2020. Even if the aforesaid judgments are taken into consideration, the market value fixed by the SLAO is nearly double the value of land fixed by this court in the aforesaid LAC cases. However, it needs to be noted that there is a gap of nearly 09 years from the date of notification in the aforesaid judgments relied by the petitioner and the date of preliminary notification in this case, needs to be taken into consideration.

39. It is an undisputed fact the Tumakuru district has been growing rapidly, largely due to its geographical advantages and being located 70 k.ms away from Bengaluru. Further, it is also not disputed that Oorukere village is situated to the North of Tumakuru city and is within a distance of around 10 k.ms from the centre of Tumakuru city. RW.1 who is the Senior Section Engineer in the South-Western Railways, has admitted in his cross that National



Highway NH-48 passes through this village and that there are Rice Mills, Schools, Colleges and Industries. These facts indicate the potential value of the land. Under these circumstances, the counsel for the petitioner argued that the sale deed showing the highest value has to be taken into consideration. In this regard the decision of the Hon'ble Apex Court, rendered in the case of **Mehrawal Khewaji Trust (R) and others Vs. State of Punjab, reported in (2012) 5 SCC 432**, could be relied upon. In the said decision the Hon'ble Apex Court has held as follows:

“17. It is clear that when there are several exemplars with reference to similar lands, it is general rule that the highest of the exemplars, if it is satisfied, that it is a bonafide transaction, has to be considered and accepted. When the land is being compulsorily taken away from a person, he is entitled to the highest value which similar land in the locality is shown to have fetched in a bonafide transaction entered into between a willing purchaser and a willing seller near about the time of the acquisition. It seems to be only fair that where sale deeds pertaining to different transactions are relied on behalf of the State, the transaction representing the



highest value should be preferred to the rest unless there are strong circumstances justifying a different course. It is not desirable to take an average of various sale deeds placed before the authority/court for fixing fair compensation. ”

40. Though the aforesaid decision has been rendered under the old Land Acquisition Act, this Authority is of the opinion that the principle laid down in the aforesaid decision could be applied to the case on hand also.

41. In the case on hand, the sale deed relied by the petitioner i.e., Ex.P17 shows the highest price in that area at Rs.965/- per sq.ft. Ex.P18 is the next sale deed which shows the second highest price in that area at Rs.938/- per sq.ft. The other sale deeds below it are at a gap of few rupees against each one below it in the descending order. These sale transactions cannot be said to be unnatural. These sale deeds have been considered as bonafide transactions and therefore it has been taken into consideration. They are the sale deeds of the same village. The SLAO has taken the average of 149 sale



deeds. Though the method adopted by the SLAO is correct, it does not depict the actual market value as on the date of preliminary notification. Among the sale deeds relied by the SLAO, there are three sale deeds, where the price of one square feet is shown as more than Rs.930/-. The petitioner's counsel argued that in many of the transactions, the parties may have not shown the actual market value, to avoid payment of stamp duty. The possibility of showing lesser sale consideration than the actual one, in order to avoid Stamp duty, in some of the transactions cannot be ruled out. Considering all these aspects and applying the principles laid down by the Apex Court in the decision of Mehrawal Khewaji Trust case (supra), this Authority is of the opinion that the sale deed Ex.P17 depicting the highest value needs to be preferred in the facts and circumstances of this case and the market value of the land in this case could be determined at Rs.965/- per square feet.



42. For the reasons stated above, this Authority is of the opinion that the market value of the sites determined by the SLAO does not depict the true market value of the acquired sites. Hence, interference by this Authority U/Sec.69 of the Act is necessary. As discussed above, the market value of the sites is determined at Rs.965/- per sq.ft. Hence, the petitioner is entitled for enhancement of the compensation. Therefore, points No.2 and 3 are answered in the '**Affirmative**'.

43. **Point No.4**: In view of the findings on points No.2 and 3, the petitioner is entitled for enhanced market value for the acquired sites at Rs.965/- per sq.ft. In the result, the following order is passed:

ORDER

The reference made by the SLAO U/Sec.64 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is partly allowed with costs as follows:

The market value of the acquired sites



bearing Khatha No.58, 61 and 62 situated at Oorukere (Part-II) village, Kasaba hobli, Tumakuru taluk is assessed and re-determined at Rs.965/- per sq.ft.

The market value so arrived at, shall be multiplied by factor 1.5 as per Section 26(2) of the Act R/w first schedule of the Act.

The petitioner is entitled for solatium equivalent to 100% of the compensation amount as provided under Section 30(1) of the Act.

In addition to the market value of the land provided under Section 26, the petitioner is entitled to an additional amount calculated at the rate of 12% per annum on the market value for the period commencing from the date of publication of the preliminary notification till the date of the award of the SLAO or the date of taking possession of the land, whichever is earlier, as provided under Section 69(2) of the Act.

The petitioner is entitled for interest at the rate prescribed in Section 72 and 80 of the Act.

If any compensation amount is already paid to the petitioner, the same shall be deducted,



while computing the enhanced amount of compensation.

Advocate fee is fixed at Rs.1,000/-.

(Dictated to the Stenographer after transcribed, typed and corrected and then pronounced by me in open Court on this the 17th day of August, 2026.)

(Mohamed Ashraf Aris)
I Addl. Dist. & Sessions Judge,
Tumakuru.

ANNEXURE

List of witnesses examined on behalf of the petitioner/claimant:

PW.1 - H.Jagadeesh

List of Documents exhibited on behalf of the petitioner/claimant:

Ex.P.1	- Reference petition dt:07.09.2023
Ex.P.2	- Index form
Ex.P.3	- Proceedings dt:27.07.2023
Ex.P.4	- Award notice dt:16.08.2023 of site No.61
Ex.P.5	- 11(1) notification
Ex.P.6 to 8	- Notices U/s.11(1)issued to petitioner
Ex.P.9	- 19(1) notification
Ex.P.10	- Notice u/s.21(1)(2) issued to petitioner
Ex.P.11	- Award Thakthe
Ex.P.12	- JMC thakthe
Ex.P.13	- Payment receipt
Ex.P.14	- Attested photo & signature of petitioner



- Ex.P.15 - Indemnity bond
- Ex.P.16 - Affidavit of petitioner
- Ex.P.17 - Certified copy of sale deed
dated;10.10.2018
- Ex.P.18 - Certified copy of sale deed
dated;02.05.2018
- Ex.P.19 - Award notice
- Ex.P.20 - Award notice

List of witnesses examined on behalf of the Respondents:

- R.W.1 - Satyanarayana
- R.W.2 - Dharmapal

List of Documents exhibited on behalf of the Respondents:

- Nil -

I Addl. Dist. & Sessions Judge,
Tumakuru.