

KATK010060412025



**IN THE COURT OF II ADDL. DISTRICT & SESSIONS JUDGE
AT TUMAKURU**

Dated: This the 2nd day of June 2026

PRESENT: Smt. N.Narasamma B.A.L., LL.B,

II Addl. District and Sessions Judge,
Tumakuru

LAC APPEAL No.82 OF 2025

APPELLANT:

Thirumalamma
Since Dead by Her L.Rs
Lakshmaiah
S/o Mudlagiraiah,
A/a 72 Years,
R/at Mudlagiriaiahnapalya,
Majare, Kattigegollahalli,
Hebbur Hobli,
Tumakuru Taluk.
(By Sri. AG., Advocate)

-VERSUS-

RESPONDENTS:

1. Special Land Acquisition Officer,
Hemavathi Canal Division,

Behind Chief Engineer Office,
Kunigal road,
Banashankari,
Tumakuru City.

2. The Chief Engineer,
Hemavathi Canal Project,
Behind Chief Engineer Office,
Kunigal road,
Banashankari,
Tumakuru City.

(R-1 by Sri. JKA., advocate
R-2 exparte)

J U D G M E N T

The appellant has preferred this appeal Under Section 54(1) of the Karnataka Land Acquisition Act, R/w Sec.96 of C.P.C., against the respondents, being aggrieved by the impugned judgment and award passed by the II Addl., Senior Civil Judge , Tumakuru in L.A.C.No.124/1998, dated 18.07.2025 seeking further

enhancement of the compensation under Sec.18(1) of the L.A.Act.

2. For the sake of convenience, the parties herein are referred with the original ranks occupied by them before the trial Court.

3. The facts leading to this appeal are that, the 1st respondent has acquired 8 acres of land out of 9 acres in Sy.No.89/35, 89/34, Sy.No.89/166-2 belongs to the claimant of Puradakatte Kaval village, Hebbur Hobli, Tumakuru Taluk for the purpose of formation of Hemavathi channel and awarded meager compensation towards the land and trees when compared with the potential value of the land and malki value of the trees existed in the said land and the

respondent has awarded meager compensation. The appellant prayed for enhancement of compensation.

4. After service of notice, the respondents appeared before the reference court through their counsel but not filed any objection .

5. The reference court has framed the following points;

1.Whether the reference is in time?

2.Whether the petitioner proves that market value of the acquired land determined by the 1st respondent is unreasonable and inadequate?

3.Whether the petitioner has made out grounds for enhancing the market

value fixed by the 1st respondent ? If so,
at what rate?

4. What order or award?

6. During the course of trial before the Reference Court, legal heir of the claimant was examined himself as PW.1 and got marked 20 documents at Ex.P-1 to P-20. The respondents have not adduced any oral evidence and not produced any documentary evidence on their behalf.

7. After hearing the arguments and appreciating oral and documentary evidence available on record, the Reference Court by the impugned judgment and award allowed the reference petition in part filed U/sec.18 of Land Acquisition Act by holding

that the claimant is entitled for enhanced market value of the acquired land determined at the rate of Rs.3,500/- per gunta, Rs.2,520/- per coconut tree, Rs.12,000/- for big jack fruit tree, Rs.6,000/- for small jack fruit tree, Rs.5,000/- for Bamboo bush and Rs.8,000/-per baniyan tree, Rs.6,000/- per jolly tree, Rs.1,000/- per eucalyptus tree, Rs.1,000/- for soap nut tree, And Rs.500/- for toddy tree along with 30% of solatium and 12% of additional amount on the market value from the date of preliminary notification and the claimant is also entitled for the interest at the rate of 9% p.a. on the enhanced amount for the first year from the date of taking possession and for the remaining years at the rate of 15% p.a. till the date of deposit.

8. Being aggrieved by the judgment and award passed by the Reference Court, the claimant has come up with this appeal contending inter-alia among other grounds to the effect that the enhancement made by the reference court is erroneous, opposed to law, the trial court has not at all considered the documents filed by the appellants and the valuation made is very low, with respect to the land and therefore submitted that the appeal be allowed.

9. As there was delay of 2 months 8 days in preferring this appeal, the appellant is also filed an application U/S.5 of Limitation Act.

10. The Reference court records are also secured. After service of notice, respondents have appeared before the court and not filed objections.

11. Heard the arguments of both the counsels.

12. Now, the following points would arise for my consideration:

1. Whether the compensation awarded by the reference court is proper and correct?
2. What order or award ?

13. My findings on the above points are as follows;

Point No.1 : **Partly in the Affirmative;**

Point No.2 : As per the final order, for the following:

REASONS

14. Point No.1:- The appellant is come up with an appeal by contending that the valuation done by the reference court with respect of land and trees are very less. Hence, the appellants claiming additional compensation amount.

15. During the course of argument, the learned counsel for appellant placed the reliance upon the earlier judgment passed in LAC Appeal No.27/2022 dated 29.09.2022 on the file of II Addl., District Judge at Tumakuru in which Rs.50,000/- is determined as compensation towards 1 gunta of land situated at Mallappanahalli village, Hebbur Hobli Tumakuru Taluk

and the same was acquired for the purpose of Hemavathi Channel.

16. The learned counsel for the appellants has relied upon the decision of Hon'ble Apex Court in the case of **Narendra Vs. State of Uttar Pradesh** as well as in **ILR 2017 Karnataka 3368 in Waheeda Patel (since dead by Lrs) v/s the Chief Engineer, Gulbarga.**

17. And another decision **ILR 2003 KAR 2336 and AIR 2004 SC 3981**, it is held that, for the purposes of enhancement of compensation was made on the basis of the Judgment and award made by the Court in similar cases-wherein, the similar nature of lands of adjoining villages acquired under the same year notification and same purposes, uniform rate of

compensation for all the acquired lands, which are similarly situated to the adjoining village cannot be faulted.

18. So, in view of the settled principle laid down by the said rulings, in respect of similarly situated land can be safely considered to fix the correct market value of the acquired land. In the case on hand, the land which was acquired situated at Puradakatte Kaval of Hebbur Hobli, Tumakur Taluk and the same was acquired for the purpose of Hemavathi Channel. Since it is proved that the land acquired in the case on hand is also situated in the adjacent village of same hobli, the appellants are also entitled for enhancement at the same rate as enhanced in the LAC. Appeal No.27/2022.

19. Under these circumstances, in view of the principle laid down in the aforesaid rulings, and also the enhancement made in LAC. Appeal No.27/2022 dated 29.09.2022, the appellant is also entitled for enhanced market value at the rate of Rs.50,000/- per gunta along with statutory benefits on the enhanced amount.

20. With regard to the trees the appellant has not produced any document before the court to enhance the compensation in respect of trees. Hence the appellant is not entitled for any enhancement regarding the trees mentioned in the appeal. In view of the said reasons, I answer Point No.1 **Partly in the Affirmative.**

21. **Point No.2:** In view of my finding on the above points and the reasons assigned thereunder, I proceed to pass the following:

ORDER

The appeal filed under Sec.54(1) of Land Acquisition Act r/w Sec.96 of C.P.C., by the appellant is hereby partly allowed with costs.

The impugned judgment and award passed by the II Addl., Senior Civil Judge and JMFC., at Tumakuru in L.A.C.No.124/1998 dated 18.07.2025 is hereby modified as under;

The appellant is entitled for enhanced compensation at the rate of Rs.50,000/- per gunta towards 8 acres of land in Sy.No.89/35, Sy.No.89/34, Sy.No.89/166-2 situated at Puradakatte Kaval village, Hebbur Hobli, Tumakur Taluk with all statutory benefits.

But the appellant is not entitled for any interest for the delay period, that is 2 months 8 days.

The respondents are at liberty to deduct the amount of compensation if any, which was already paid to the appellants.

Draw the award accordingly.

The appellant is directed to pay necessary court fee, if not sufficiently paid.

Send back the trial Court records along with copy of this judgment and award forthwith.

(Directly on computer typed by the Stenographer, script corrected, signed and then Judgment pronounced by me in the open Court on this the 2nd day of June 2026.)

(N.Narasamma)

II Addl. District and Sessions Judge
Tumakuru.