

KAVP010013152021



Presented on : 20-02-2021
Registered on : 24-02-2021
Decided on : 27-06-2026
Duration : 5Y-4M-03D

**IN THE COURT OF III ADDL.DISTRICT JUDGE AND
ADDL. LAND ACQUISITION, REHABILITATION AND
RESETTLEMENT AUTHORITY, VIJAYAPURA**

Present:

SRI.Khadarsab Husensab Benakatti,

B.A., LL.M.,

III Addl.District & Sessions Judge,
Vijayapura.

Dated this 27th day of June 2026

L.A.C.No.762/2021

Claimants:

1. Madevi W/o Shrishail Masali,
Age: major, Occ: HH work & agri.,
R/o Dindwar, Tq.B.Bagewadi,
Dist. Vijayapura.
2. Gangappa S/o Shrishail Masali,
3. Parvati W/o Irappa Chattaraki,
4. Siddappa S/o Shrishail Masali,
5. Anasuyabai Shrishail Masali,

[C-1/By Sri.B.S.Biradar/S.B.Majjagi, Advocates]

// Versus //**Respondents:**

1. The Spl. Land Acquisition Officer,
UKP, Almatti, Tq.B.Bagewadi,
Dist. Vijayapura.
2. The Managing Director,
KBJNL, K.R.Circle, Bengaluru,
Branch Office at Almatti.

[R1/By Sri.S.S.Garasangi, Spl.G.C.]

[R2/By Sri.S.S.Shiradon, Advocate]

**Meta Data incorporated as per Circular No.48/2012
issued by the Hon'ble High Court of Karnataka,
Bengaluru, dated:16.04.2026**

Sl. No	Particulars	Details
1.	Act under which acquisition is made	The RFCTLARR Act
2.	Name of Project	Upper Krishna Project
3.	Purpose of Acquisition	Mulawad Lift Irrigation Project, B.Bagewadi Division Canal
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.10/2018-19
6.	Date of Social Impact Report	--
7.	Date of Preliminary Notification (Gazette Publication)	17.07.2018
8.	Date of Final Notification (Gazette Publication)	24.12.2019
9.	Date of Possession	24.12.2019
10.	Location of Property (District/Taluk/Village)	Dist.Vijayapura, Tq. B.Bagewadi, Village-Dindawar.
11.	Survey Number	Sy.No.205/Sheemi Land (205)
12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	Dry: 24 Guntas including 1 Gunta of Phot Kharab land
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./	Rs.1,52,160/- Per Acre with Factor-2

	Sq.ft.) with Factor	
14.	Market value awarded by Reference Court/Authority (Per Acre/Gunta/Sq.Mtr./Sq.ft.) with Factor	Confirmed the Award passed by the acquiring authority.
15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	09.01.2020
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	21.10.2022 & 17.03.2023
19.	Date of Disposal	27.06.2026
20.	Amount awarded by Reference Court	- NIL -
21.	Amount awarded by Appellate Court (if applicable)	- -
22.	Compensation amount already paid by the SLAO to the Claimant	Rs.3,62,337/-

A W A R D

The claimant No.1 herein has filed this Reference Petition U/Sec.64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred as 'RFCTLARR Act'], being dis-satisfied with the award passed in LAQ:SR:No.10/2018-19 dated:24.12.2019, stating that compensation awarded to the acquired land is inadequate and against the actual market value of the land under acquisition and accordingly, sought for enhancement of compensation to the tune of

Rs.One Crore Per Acre, along with other statutory benefits.

2. Originally, the claimant No.1 alone has filed instant reference petition. However, on perusal of Ex.R2-Award passed by the respondent No.1, names of claimants No.2 to 5 are also mentioned as the joint owners along with claimant No.1 in respect of acquired land. The claimant No.1 has neither produced Power of Attorney as claimed by her, nor taken any steps to implead claimants No.2 to 5 in the instant reference petition. Hence, the claim of claimant No.1 alone is considered under this reference petition.

3. It is the case of the claimant No.1 that she is the PA holder for the claimants No.2 to 5 in respect of land bearing Sy.No.205/Sheemi Land (205) measuring 24 Guntas including 1 Gunta of Phot Kharab land situated at Dindawar village, Tq.B.Bagewadi. Said land has been acquired by the SLAO for construction of Mulawad Lift Irrigation Project. She has filed the reference petition on behalf of other claimants. The respondent No.1-SLAO has awarded compensation of Rs.1,52,160/- Per Acre

under dry land category. Said award amount is too meager and inadequate when compared to the present market value of the land in and around land acquired by the respondents. The acquired land is wet land consists of alluvial/black soil/red soil and they were growing crops like Sunflower, Groundnut, Redgram, Wheat Jawar, Maize, etc., and getting annual agricultural income of Rs.5 Lakh Per Acre. The SLAO has not considered all these facts and has wrongly awarded meager amount. Even the SLAO has not considered the fertility and crop pattern, has passed the Award. The method adopted by the SLAO is not on any legal basis and has not considered the relevant provisions of the RFCTLARR Act while fixing the market value of acquired land. Therefore, the claimant No.1 is entitled to the enhanced compensation of 4 times from the market value and also entitled for all other statutory benefits provided under the RFCTLARR Act. Accordingly, the claimant No.1 prayed for awarding Rs.One Crore Per Acre to the land under acquisition, along with other statutory benefits.

4. Initially, the claimant No.1 has filed petition against the respondent No.1 only. After referring the matter to this Authority, the Managing Director, KBJNL, K.R.Circle, Bengaluru, Branch Office at: Almatti has been impleaded as respondent No.2.

5. The respondents have appeared through their respective counsels and have filed their separate objection statements.

6. It is the sum and substance of their objections is that the reference petition filed by the claimant No.1 is barred by time. The SLAO has fairly and properly determined the market value of the land under acquisition. While passing the award, the SLAO has considered the fertility of the land, pattern of cropping and other relevant facts. The award passed by the SLAO is in accordance with law. The claimants have filed the present petition only with an intention to get more compensation. The claimant No.1 has claimed Rs.One Crore Per Acre, not produced any relevant documents. The claimant No.1 has not suffered any loss due to the acquisition of the land. The SLAO has awarded compensation two times of the

market value arrived in addition to 100% solatium and 12% additional market value. That in all more than 4 times than the average market value. Thus, the SLAO while fixing the market value has considered all the parameters. Therefore, the claim petition filed by the claimant No.1 is not maintainable in the eyes of law. Accordingly, prayed for dismissal of claim petition by confirming the award passed by the SLAO.

7. In order to establish her claim, the claimant No.1 has been examined as PW.1 and got marked documents at Ex.P1 to P10. The respondents have not adduced any oral evidence. As per request of the advocate for respondents, Ex.R1 & R2 have been marked, with consent of advocate for claimant No.1.

8. Heard both sides and perused the written arguments and all other relevant records.

9. For disposal of this petition, the following Points would arise for my consideration:

- 1. Whether the Reference Petition filed by the claimant No.1 is maintainable in the present form?*
- 2. Whether the claimant No.1 establishes that she is entitled for enhanced compensation for the acquired land, along with other benefits, as prayed for?*
- 3. What Order?*

10. My findings on the above Points are as under;

Point No.1: In the Negative.

Point No.2: In the Negative.

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

REASONS

11. **Points No.1 & 2:** These two points are interconnected and interdependent, hence they are taken together for common discussion, in order to avoid repetition of similar facts.

12. In order to prove her case, the claimant No.1 herself examined as PW.1 and got marked the documents Ex.P1 to 10. PW.1 clearly deposed that she is the claimant and she is deposing on behalf of the other claimants based on the Power of Attorney executed by other claimants. The respondent No.1 has acquired 24 Guntas of land including 1 Gunta Phot Kharab land under Mulawad Lift Irrigation Project. The SLAO has awarded meager compensation and has not considered the sale deeds/agreements to sell of surrounding village i.e. Kudari-Salawadagi which are marked at Ex.P2 to 7. The cropping

patterns and fertility of the land under acquisition and the land situated in the above said villages are one and the same. Respondent No.1 has not considered the above said sale deeds and the value of acquired land is more than Rs.90 Lakh Per Acre. SLAO has not considered all these facts and has passed the Award. Hence, she is also entitled for compensation for the acquired land Rs.90 Lakh Per Acre. Accordingly, prayed for allowing the petition.

13. The counsel for the respondents cross-examined PW.1. She has admitted that acquired land is dry land. She deposed that the lands mentioned in Ex.P2 to 7 situated at Kudari-Salawadagi are 3-4 kms away from the acquired land and they have been purchased for commercial purpose. Except this, nothing worth has been elicited from her mouth during the course of cross-examination. The claimant No.1 has failed to produce the sale deeds or agreements to sell pertaining to the Dindawar village or its surrounding villages.

14. In the instant case, the claimant No.1 is claiming that she is absolute owner of acquired land

on the basis of alleged Power of Attorney for the claimants No.2 to 5. The claimant No.1 has not made any efforts to implead the claimants No.2 to 5 in the reference petition. The claimant No.1 has failed to produce the Power of Attorney before this authority. As discussed supra, the claimant No.1 herself has admitted the passing of Award in favour of claimants No.1 to 5 and the rights of claimants No.2 to 5 over the acquired land. Hence, claimant No.1 alone not entitled for compensation.

15. The respondents have not adduced their oral evidence.

16. Even on perusal of Ex.R1 and Sl.No.17 of Ex.R2-Award which has been marked with consent, it has been clearly mentioned that all the claimants No.1 to 5 are the joint owners of acquired land. Though, Award has been passed in the names of claimants No.1 to 5, the claimant No.1 alone has filed reference petition claiming entire compensation in respect of acquired land based on the Extract of Payment Register marked at Ex.P10. Though, claimant No.1 has claimed that she has been

authorized to file reference petition through Power of Attorney executed by the claimants No.2 to 5, but on careful perusal of Ex.P1-reference petition, the names of claimants No.2 to 5 are not at all mentioned. Even the claimant No.1 has failed to produce the alleged Power of Attorney said to have been executed by the claimants No.2 to 5. Though, claimant No.1 has produced Ex.P10-Extract of Payment Register wherein the SLAO has made payment of compensation based on the Power of Attorney in favour of the claimant No.1, same is not sufficient to hold that claimant No.1 alone is authorized to file reference petition and to receive the compensation on behalf of the claimants No.2 to 5 in the absence of non-production of Power of Attorney. Thus, the claimant No.1 has filed reference petition on his individual capacity.

17. The claimant No.1 claims that she is the absolute owner of the land under acquisition. In support of her contention, she has not produced any reliable evidence. It is well settled law that pleadings without evidence is not admissible. That in a

decision reported in **(2008) 17 SCC 491** (*Bachhaj Nahar Vs. Neelima Mandal*) wherein the Hon'ble Apex Court has held that "without pleading an opportunity of hearing to defendant, no amount of evidence can be looked into to grant any relief." In another decision reported in **(2022) 1 SCC 115** (*V. Prabhakara Vs. Basavaraj K (dead) by legal representatives and another*), wherein the Hon'ble Apex Court held that "a relief can only be on the basis of pleadings alone. Evidence also be based on such pleadings." Thus, there is no reliable evidence available on record to hold that the claimant No.1 alone is entitled for enhancement of market value of the acquired land.

18. Looking from any angle, except leading evidence of PW.1, the claimants No.1 has not produced any relevant documents to prove that she alone is the absolute owner of the land under acquisition and her land alone, has been acquired by the respondent No.1. As per Section 104 of Bharatiya Sakshya Adhiniyama, 2023, burden of proving of fact always lies upon person who asserts the fact. Until

such burden is discharged, the other party is not required to be called upon to prove his case. The Court has to examine as to whether the presumption upon whom the burden lies has been able to discharge his/her burden. Until he/she arises at such conclusion he cannot proceed on the basis of weakness of other party. In this case also, the claimant No.1 has to prove her case on her own, she cannot take the advantages of the weakness of the respondents. In a decision reported in **(2011) 12 SCC 220** (*Rangammal Vs. Kuppaswamy*), it is held that;

“Section 101 of Evidence Act has clearly laid down that the burden of proving a fact always lies upon the person who asserts the fact. Until such burden is discharged, the other party is not required to be called upon to prove his case. The Court has to examine as to whether the person upon whom the burden lies has been able to discharge his burden. Until he arises at such conclusion, he cannot proceed on the basis of weakness of the other party.”

19. The said decision is aptly applicable to the case in hand. The claimant No.1 has to establish her case on her own and she cannot take the weakness of the respondents. In this case, the claimant No.1 has utterly failed to prove that the respondent No.1 has acquired 24 Guntas belonging to her and she alone is

entitled for the enhancement of compensation. Accordingly, the Points No.1 & 2 are answered in the ***Negative.***

20. **Point No.3:** In view of above discussion, I proceed to pass the following:

ORDER

The Reference Petition filed by the claimant No.1 U/Sec.64 of the RFCTLARR Act, 2013 is hereby dismissed.

Consequently, the Award passed by the respondent No.1-SLAO in favour of claimant No.1 herein under LAQ.SR.No.10/2018-19 dated 24.12.2019 with respect to the acquired land bearing Sy.No.205/Sheemi Land (205) measuring 24 Guntas including 1 Gunta of Phot Kharab land situated at Dindawar village, Tq.B.Bagewadi is hereby confirmed.

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

In view of Sec.70 of the RFCTLARR Act, 2013 and the judgment passed by the Hon'ble High Court of Karnataka in MFA No.104109/2023 (LAC) on the file of Dharwad Bench dated 08.07.2025, passing of separate Award is not necessary.

[Dictated to the Steno-Gr-I directly on the Computer, script corrected and then pronounced by me in the Open Court on this the 27th day of June, 2026]

[Khadarsab Husensab Benakatti]
III Additional District Judge
& Additional Land Acquisition,
Rehabilitation & Resettlement Authority,
Vijayapura.

ANNEXURE

List of Witnesses examined for Claimant No.1:

PW.1: Madevi W/o Shrishail Masali

List of Documents marked for Claimant No.1:

Ex.P1 : Reference Petition
Ex.P2 to 7: C/C of sale deeds
Ex.P8 : B.Bagewadi Taluka Map
Ex.P9 : C/C of judgment in LAC.1587/2020
Ex.P10 : Extract of Payment Register

List of Witnesses examined for Respondents:

-Nil-

List of Documents marked for Respondents:

Ex.R1 : Copy of Notice U/S.37(2) of LARR Act
Ex.R2 : Copy of Award No.LAQ:SR:10/2018-19

III Additional District Judge
& Additional Land Acquisition,
Rehabilitation & Resettlement Authority,
Vijayapura.