KAVP010017212021

Presented on : 27-02-2021
Registered on : 04-03-2021
Decided on : 20-06-2026
Duration : 5Y-3M-16D

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 20th day of June 2026

L.A.C.No.1076/2021

Claimant:

Shantabai W/o Ningappa Chimmalagi (Kumbar), Age: 65 yrs, Occ: --,
R/o Mulawad, Tq.Kolhar,
Dist. Vijayapura.

[By Sri.M.S.Bidarkundi, Advocate]

// Versus //

Respondents:

1. The Spl. Land Acquisition Officer,
UKP, Almatti, Tq.B.Bagewadi,
Dist. Vijayapura.

2. The Spl. Deputy Commissioner,
R & R, Land Acquisition Division,
Navanagar, Bagalkot.

3. The Managing Director,
KBJNL, K.R.Circle, Bengaluru,
Branch Office at Almatti.

[R1 & 2/By Sri.S.S.Garasangi, Spl.G.C.]

[R3/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, Stage-3 Babaleshwar Division Canal
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.136/2017-18
6.	Date of Social Impact Report	ಸರಕಾರದ ಆದೇಶ ನಂ:ಕಂಇ:36: ಭೂಸ್ವಾವಿ: 2014 ದಿನಾಂಕ:13/03/2014ರನ್ವಯ ಮತ್ತು ತಿದ್ದುಪಡಿ ಆದೇಶ ದಿನಾಂಕ:22/04/2014ರನ್ವಯ ಕಲಂ 6(2)ರ ಅಡಿಯಲ್ಲಿ ನೀರಾವರಿ ಯೋಜನೆಗಳಿಗಾಗಿ ಭೂಸ್ವಾಧೀನಪಡಿಸುವಾಗ ಪರಿಸರದ ಮೇಲಿನ ಪರಿಣಾಮ ನಿರ್ಧರಣದ ಅಂಶ (Environment Impact Assessment) ಪ್ರಕ್ರಿಯೆಯನ್ನು ಬೇರಾವುದೆ ಕಾಯ್ದೆಗಳಡಿಯಲ್ಲಿ ಮಾಡಬೇಕಾದಲ್ಲಿ ಸಾಮಾಜಿಕ ನಿರ್ಧರಣದ ಅಂಶ (Social Impact Assessment) ಕೃಷ್ಣಾ ಮೇಲ್ದಂಡೆ ಯೋಜನೆಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟೀಕರಿಸಿದೆ.
7.	Date of Preliminary Notification (Gazette Publication)	30.05.2018
8.	Date of Final Notification (Gazette Publication)	04.06.2020
9.	Date of Possession	04.06.2020
10.	Location of Property (District/Taluk/Village)	Dist.Vijayapura, Tq.Vijayapura, Village-Karjol.
11.	Survey Number	Sy.No.367/3

12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	Wet: 38 Guntas
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.1,48,000/- Per Acre with Factor-2
14.	Market value awarded by Reference Court/ Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	**Rs.29,978/- Per Gunta with Factor-2**
15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	22.07.2020
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	02.09.2023 & 24.09.2025
19.	Date of Disposal	20.06.2026
20.	Amount awarded by Reference Court	**Rs.29,978/- X 38 Guntas = Rs.11,39,164/- with all other statutory benefits.**
21.	Amount awarded by Appellate Court (if applicable)	- -
22.	Compensation amount already paid by the SLAO to the Claimant	Rs.5,93,602/-

A W A R D

The claimant 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.136/2017-18 dated:04.06.2020, 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.90,00,000/- Per Acre, along with other statutory benefits.

2. It is the case of the claimant that she is the owner of land bearing Sy.No.367/3 measuring 38 Guntas situated at Karjol, Tq.Vijayapura. Said land has been acquired by the SLAO for construction of Mulawad Lift Irrigation Project. That the respondent No.1-SLAO has awarded compensation of Rs.1,48,000/- Per Acre under wet land category. Said award amount is too meager and inadequate when compared to the present market value of the land in and around lands acquired by respondents. The acquired land is irrigated/wet land and she was growing crops like Sugarcane, Grapes, Groundnut, Sunflower, Maize, Cotton, Onion, Garlic etc., and getting annual income of Rs.2 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 is entitled to the enhanced compensation 4 times from the market value and also entitled for all other statutory benefits provided under the RFCTLARR Act. Accordingly, the claimant prayed for awarding Rs.90,00,000/- Per Acre to the land under acquisition, along with other statutory benefits.

3. Initially, the claimant has filed petition against the respondents No.1 & 2 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.3.

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

5. It is the sum and substance of their objections is that the reference petition filed by the claimant 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 claimant has filed the present petition only with an intention to get more compensation. The claimant has claimed Rs.90,00,000/- Per Acre, not produced any relevant documents. The claimant 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 is not maintainable in the eyes of law. Accordingly, prayed for dismissal of claim petition by confirming the award passed by the SLAO.

6. In order to establish her claim, the claimant has been examined as PW.1 and got marked documents at Ex.P1 to 9. The respondents have not adduced any oral evidence. As per request of the advocate for respondents, Ex.R1 to R4 have been marked, with consent of the advocate for the claimant.

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

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

1. *Whether the instant Reference Petition filed by the claimant before SLAO is within the prescribed period of limitation?*

2. *Whether the claimant proves that the SLAO has not awarded fair and adequate compensation, for her acquired land?*

3. *Whether the claimant establishes that she is entitled for enhanced compensation for her acquired land along with other statutory benefits, as prayed for?*

4. *What Order?*

9. 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 Partly Affirmative.

Point No.4: As per the final order for the following:

REASONS

10. **Point No.1:** The main contention of the respondents is that claim petition filed by claimant is

barred by limitation. Section.64 of the RFCTLARR Act prescribes time limit for filing Reference Petition. As per Sec.64 of the Act, the claimant has to file reference petition within 30 days from the date of receipt of notice. In the instant petition, Award was passed on 04.06.2020. As per Ex.R1-notice issued U/Sec.37(2) of the Act has been served upon the claimant on 04.06.2020. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before the SLAO on 22.07.2020. As per Letter of SLAO dated:-nil-, the respondent No.1 has condoned the delay and has submitted Reference to this Authority. Once the respondent No.1 has condoned the delay, subsequently they cannot raise issue regarding limitation. It is well settled law that no one is permitted to aprobate and reprobate. The respondents are estopped from raising contention regarding limitation.

11. Admittedly, the RFCTLARR Act is a social legislation. The land-losers who are entirely depending their livelihood on the acquired land, have filed the petition for enhancement of compensation. The claim of the claimant cannot be rejected at the threshold.

Once the claim petition has been filed within time, it is the duty of acquisition authority to refer the same to the concerned authority/court. They cannot shift their burden upon the poor rustic farmers. Mere delay in filing the claim petition under RFCTLARR Act is not sole ground to deny the claim. Delay is not absolute bar to consideration of the claim particularly when the merits of the case warrants examination.

12. It is well settled law that a failure by the Collector to make the necessary reference is not a ground to reject, if the reference is properly filed within the statutory period. It is the Collector who has to send the reference to the competent authority within time.

13. As discussed supra, the claimant has filed the reference within the prescribed period, but the respondent No.1 has not referred the matter to the concerned authority within stipulated period. In the administrative process, the acquisition authority is required to refer the application to the appropriate authority within 30 days. Failure on the part of acquisition authority, the claimant cannot suffer. The failure of the acquisition authority to send reference

within the stipulated time does not negate the claimant' rights.

14. It is well settled law that cases merit should not be discarded solely on technical grounds of delay. That, the procedural rules are essential for orderly conduct of legal proceedings but they should not be applied rigidly to defeat the ends of justice. Hence, there is no water in the arguments advanced by the learned counsel for the respondents that the petition filed by the claimant is barred by time. On careful perusal of Ex.P1-claim petition, Ex.R1-Notice, Ex.R4-Award passed by the SLAO and Letter issued by SLAO clearly goes to show that delay has been condoned and the petition filed by claimant is well within the time. Accordingly, I answered Point No.1 in the Affirmative.

15. **Points No.2 & 3:** These two points are interconnected and interdependent, hence they are taken together for common discussion, in order to avoid repetition of similar facts.

16. In order to prove case, the claimant herself examined as PW.1 and got marked the documents Ex.P1 to 9. PW.1 clearly deposed that the respondent No.1 has acquired her land under Mulawad Lift

Irrigation Project. The acquisition authority has not considered the sale deeds of adjoining villages. The SLAO has accordingly awarded Rs.1,48,000/- Per Acre under wet land category, which is meager one. She was growing Wheat, Sunflower, Groundnut, Tordal, Bengal-Gram, Cotton and other commetcial crops and getting annual agricultural income of Rs.2 Lakh Per Acre. The respondent No.1 has not considered the sale deeds/agreement to sell pertaining to surrounding village i.e. Mulawad which are produced at Ex.P4 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 the acquired land is more than Rs.90,00,000/- Per Acre. The SLAO has not considered all these facts and has passed the award. Hence, she is also entitled for compensation for the acquired land to the tune of Rs.90,00,000/- Per Acre. Accordingly, prayed for allowing the petition.

17. The counsel for the respondents cross-examined PW.1. She denied that acquired land is dry land. She admitted that Gunta land will be purchased

for construction of house/shops. She deposed that the landd of Mulawad str 1 km away from acquired land. She further deposed that lands mentioned in Ex.P2 & 3-sale deeds of Karjol are situated adjacent to the acquired land.

18. The entire evidence of PW.1 coupled with Ex.P8-Vijayapura District Map, it clearly goes to show that acquired land is situated within the vicinity of Karjol village. Mulawad is away from Karjol village. Hence, Ex.P4 to 7-sale deeds of Mulawad are not relevant for determination of market value of the acquired land.

19. It is admitted fact that claimant is the owner of land bearing Sy.No.367/3 measuring 38 Guntas situated at Karjol village, Tq.Vijayapura. It has been acquired by the SLAO for construction of canal under Mulawad Lift Irrigation Project. Respondent No.1 has fixed the market value of the acquired land at Rs.1,48,000/- Per Acre under wet land category. The claimant being dis-satisfied with the said Award, filed reference petition for enhancement of compensation on the ground that

compensation awarded by the respondent No.1 is inadequate and against the actual market value of the land.

20. In this case, the respondent No.1 has fixed the market value on the basis of guidance value and sale statistics. It is well settled law that guidance value are not only sole criteria for determining the market value. That in a decision reported in **(1994) 4 SCC 595** (*Jawajee Nagatham Vs. Revenue Divisional Officer, Adilabad, AP and others*) and in another decision reported in **(2004) 2 SCC 283** (*Krishi Utpadana Mandi Samithi, Sahaswan, District Badaun Vs. Bipin Kumar and another*) wherein the Hon'ble Apex Court held that "the market value under the Land Acquisition Act cannot be fixed solely on the basis of the rates mentioned in the basic valuation registers. These registers are maintained to curb the under valuation of land, a practice adopted to evade the payment of proper stamp duty." In *Jawajee Nagatham* (supra), the Hon'ble Apex Court observed that "the basic valuation register is maintained to ensure the collection of stamp duty."

21. As discussed supra, the SLAO has fixed the market value for the acquired land based on the statistics relating to the market value of lands of Karjol village, furnished by concerned Sub-Registrar; but there is no evidence, either oral or documentary, adduced by the respondents' side, in that regard. Under such circumstances, this authority has to resort to adopt the criteria mentioned in Clause (b) of Sec.26(1) of the Act.

22. In this case, the claimant has produced sale deeds of Karjol village at Ex.P2 & 3. In this case, respondent No.1 has published the Notification U/Sec.11(1) of the Act on 30.05.2018. As per Sec.26 of the said Act, the sale deed/agreement to sell must be immediately preceding 3 years of the year in which such acquisition of land is proposed to be made. Above said sale deeds have been executed immediately preceding 3 years from the date of Notification U/Sec.11(1) of the Act. Hence, Ex.P2 & 3 are vital important for determination of market value of the acquired land.

23. The counsel for the respondents have vehemently argued that Ex.P2 & 3-sale deeds of Karjol produced by the claimant, are not situated nearby Karjol village. Hence, said sale deeds cannot be considered. It is well settled law that mere sale deeds/agreements to sell produced by the claimant are not nearest to Karjol village, the claim of claimant cannot be rejected. If the land mentioned in the sale deeds/agreements to sell are within the vicinity, they can be relied upon and this authority can fix the market value. That in a decision reported in ***(2017) 4 SCC 717*** *(Ali Mohammad Beigh and Others Vs. State of Jammu & Kashmir),* wherein the Hon'ble Apex Court has held at paras-13 & 14 as under;

> *"13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In Union of India Vs. Bal Ram and Another (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India Vs. Harinder Pal Singh and Others (2005) 12 SCC 564, where this Court held as under;*

> *"15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value of the acquired lands was fixed at a uniform rate of Rs 40,000 Per Acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.*
>
> *16. In our view, in the absence of any contemporaneous document, the market value of the acquired lands of Village Kala Ghanu Pur which were acquired at the same time as the lands in the other five villages was correctly taken to be a comparative unit for determination of the market value of the lands comprising the lands forming the subject-matter of the acquisition proceedings under consideration……."*

14. When the lands are acquired at the same time and for the same purpose that is for resettlement of Dal dwellers, the lands situated in three different villages namely, Chandapora, Bhagichandpora and

> *Pazwalpora, and since the land is similar land, it would be unfair to discriminate between the land owners and other references and the appellants who are the land owners in Reference No.15 and pay less that is Rs.2,50,000/- per Kanal to the appellants and pay more to other land owners that is Rs.4,00,000/- per Kanal. Impugned judgments of the High Court in CIA No. 211/2009 and Cross Appeal No. 64/2011 are to be set aside by enhancing the compensation to Rs.4,00,000 per Kanal. As a sequel to this, the order passed in review is also to be set aside."*

24. In another recent judgment of Hon'ble High Court of Madhya Pradesh, Gwalior Bench passed on 13.02.2025 in **First Appeal No.1411/2023** (*Roshan Meena Vs. U.P. Mukhaya Engineer and another*), held that "*if the acquired properties are similar in nature, same compensation is to be awarded to such properties.*" The property involved in this case and the properties involved in Ex.P2 & 3, are situated within the vicinity. In the above said judgment of Hon'ble Madhya Pradesh High Court at paras-9 & 12 it is further held that;

> *"9. Thus, it is clear that for ascertaining the market value, the Court has to consider the pro-visions of Section 26(1)(a) or (b) or (c) whichever is higher. Therefore either 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 is to be considered.*
>
> *12. Section 26(1)(a) and (b) of Act 2013 have already been reproduced in previous paragraphs. Collector guideline can be one of the guiding factor for ascertaining the market value but Collector guideline cannot be a solitary guideline for ascertaining the market value. Section 26(1)(b) of Act, 2013 provides that for ascertaining market value, the average sale price for similar type of land situated in the nearest village or nearest vicinity area can also be a guiding factor and the higher market value has to be fixed."*

25. The counsel for the respondent No.3 vehemently argued that the land involved in this case and the lands involved in Ex.P2 & 3, are situated in different villages and they cannot be relied upon. In support of his argument, he has relied upon judgment passed by the Hon'ble Apex Court in **2024 SCC Online SC 2990** (*Horrmal (deceased) through his L.Rs. & Others Vs. State of Haryana & Others*) wherein at para-24 held that;

> *"24. Apart from these sale deeds that were not proximate temporally, we also deem it appropriate to exclude the sale deeds that are not comparable geographically. It is now a firmly entrenched principle of law that, in the ordinary course, sale exemplars of lands located in the surrounding villages should be generally not be relied upon, as land valuation*

may vary significantly by locality. In the landmark decision of Kanwar Singh V. Union of India, this Court held that sale exemplars of lands situated in an adjacent village cannot be used to determine the market value of the acquired land since such lands may differ in terms of quality and other attributes. On this ground, the sale deeds enumerated Ex.R8 to Ex.R16 and Ex.R18 shall have to be excluded from consideration, as they pertain to a different village, namely Gwarka, whereas the acquired land is situated in village Tauru."

26. There is no dispute as regard the law laid down by the Hon'ble Apex Court in the aforesaid judgment. That in a recent decision passed by the Hon'ble Apex Court in **SLP.(C).Nos.9732-9734/2023** dated:07.05.2025 (*Krishan Kumar Vs. State of Haryana & Ors*), wherein at paras-20 & 56 held that;

"20. Consequently, we find no justification for the disparity in compensation for lands from both villages situated in the inner belt. The High Court itself has offered no factual finding to support the conclusion that lands abutting NH-8 in Kukrola must be valued differently from those in Fazalwas. Accordingly, we hold that the differential compensation is unsustainable and must be set-aside. The quantum of compensation across both villages should remain at par."

56. Considering the foregoing analysis, it is evident that the differential compensation awarded to Kukrola and Fazlwas for lands in the inner belt lacks a sound evidentiary basis and violates the principle of equal treatment for similarly situated landowners. The High Court's reliance on isolated sale exemplars, without sufficient justification for the disparity, cannot be sustained. Given the established principles

> *that adjacent lands with comparable potential must be awarded parity in compensation, we find it appropriate to rectify this anomaly. Accordingly, the compensation for lands abutting NH-8 up to a depth of 5 acres in Kukrola is enhanced to INR 1,21,00,000 Per Acre, bringing it at par with Fazalwas. Thus, while the claims for enhancement beyond this rate stand rejected, the appeals concerning Kukrola's inner belt lands succeed to the extent indicated above."*

27. Under the law of precedent, recent decision has to be followed. The above said judgment of the Hon'ble Apex Court is recent one and hence it has to be followed.

28. Though the respondents have contended that they have considered the sale deeds of Karjol village and fixed the market value, have not stepped into witness box. Except argument that the respondents have considered the sale deeds, they have not placed on record any such sale deeds and in the absence of the same, their contentions cannot be accepted.

29. In legal proceedings, pleadings and arguments must be supported by evidence. While pleadings outline the claims and defenses and arguments, present the legal reasoning. Argument is not substitute for the evidence. A party must present

evidence to prove the facts asserted in their pleadings. Arguments based solely on unproven pleadings are unlikely to succeed. A party must present evidence to support their claims, even if those claims are clearly stated in the pleadings. As discussed supra, the respondents have failed to step into witness box, hence an adverse inference is drawn against the respondents.

30. That in a decision reported in **(2025) SCC OnLine SC 666** (*Madhya Pradesh Road Development Corporation Vs. Vincent Daniel and others*), wherein the Hon'ble Apex Court at para-21 held as under;

> *"21. It is important to note that the values computed in terms of clauses (a), (b) and (c) of Section 26(1) of the Acquisition Act, 2013 are not to be averaged. The highest of the values as determined by clauses (a), (b) and (c) is to be treated as the market value under Section 26(1) of the Acquisition Act 2013."*

As per said decision, the highest market value is to be considered.

31. As discussed supra, the lands mentioned in Ex.P2 & 3 and the land involved in this case, are more or less situated nearby, are identical, it is not proper to discriminate between land owners unless there are strong reasons.

32. The acquired land is situated in Karjol village. The sale deeds of Karjol marked at Ex.P2 & 3 have been executed for highest sale price. Therefore, Ex.P2 & 3 are taken into consideration for determining the market value of the acquired land, in the absence of contrary evidence of the respondent side.

33. Ex.P2 & 3 are sale deeds pertaining to Karjol village. Ex.P2 has been executed in respect of 10 Guntas in Sy.No.32/*/2 for sale consideration amount of Rs.1,97,000/-. Ex.P3 has been executed in respect of 5 Acres in Sy.No.270/*/1B for sale consideration amount of Rs.40,00,000/- The total sum of sale price of Ex.P2 & 3 comes at Rs.41,97,000/-. When said amount of Rs.41,97,000/- is divided by 210 Guntas [total sum of extent of Ex.P2 & 3], then the amount per Gunta would come at Rs.19,985.71 and same is rounded-of to Rs.19,985/- Per Gunta. Hence, in this case also, it is just and proper to redetermine the market value of the acquired lands at Rs.19,985/- Per Gunta under dry land category.

34. Admittedly, the land under acquisition is wet land. The wet land fetches more yield due to the availability of the water and the value of the land is more because of the availability of the water. Under such situation, it is not justifiable to award the same compensation to the wet land which is given to the dry land. That the Hon'ble Apex Court in the case of *Hirabai & others Vs. LAO-Cum-Assistant Commissioner and another* reported in ***(2010) 10 SCC 492*** has laid down the ratio that "*Market value of irrigated land would be taken as about one and half times of value of dry land*". Further, in ***MSA No.1138/2013*** *and other connected matters (Naganna and Others Vs. The Special Land Acquisition Officer),* the Hon'ble High Court of Karnataka has considered this aspect and held that "*It should be calculated as one and half of times more proportionate to the award passed in respect of dry lands.*" By applying this Judgment to the present case, the sale price of the acquired land Per Acre in the present case is increased by one-half of the sale price given to the dry land. Thus, one-half of Rs.19,985/- would come at Rs.9,992.5 and after

addition of said amount of Rs.9,992.5 with Rs.19,985/-, then the final amount comes at Rs.29,977.5 and same is rounded-of to Rs.29,978/- Per Gunta. Thus, the amount of Rs.29,978/- Per Gunta is the market value of the acquired land in the present case, under Wet land category.

35. As the acquired land is situated in Rural area, therefore, the market value has to be multiplied by the 'Factor Two' as per First Schedule of RFCTLARR ACT-2013. Further, the claimant is entitled for 100% solatium on market value as per Section 30(1) and First Schedule of Act.

36. Further, in addition to market value as determined U/Sec.26 of the Act, the claimant is also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publication of the notification of the Social Impact Assessment Study till the date of the award of the Collector i.e. from 30.05.2018 to 04.06.2020, as provided U/Sec.30(3) of the Act.

37. Further, the claimant is also entitled for interest at the rate of 9% per annum for a period of

one year, on excess compensation from the date of taking possession and thereafter, at the rate of 15% per annum for subsequent period till date of deposit of amount as provided U/Sec.72 & 80 of RFCTLARR ACT-2013. Accordingly, I answered Point No.2 in the ***Affirmative*** & Point No.3 as *in the* ***Partly Affirmative***.

38. **Point No.4:** In view of above discussion, I proceed to pass the following:

ORDER

The Reference Petition filed by the claimant U/Sec.64 of the RFCTLARR Act, 2013 is hereby allowed in part, with costs.

The claimant is entitled for compensation at the rate of Rs.29,978/- [Rupees Twenty Nine Thousand Nine Hundred & Seventy Eight Only] Per Gunta under wet land category, in respect of her acquired land to the extent of 38 Guntas in Sy.No.367/3 situated at Karjol village.

As the acquired land is situated in Rural area, therefore, the market value has to be multiplied by the 'Factor Two' as per First Schedule of the RFCTLARR ACT 2013.

Further, the claimant is entitled for 100% solatium on the market value as re-determined U/Sec.26 of the Act, as provided U/Sec.30(1) and First Schedule of the RFCTLARR ACT 2013.

Further, in addition to market value re-determined U/Sec.26 of the Act, the claimant is also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publication of notification of Social Impact Assessment Study till the date of award of Collector i.e. 30.05.2018 to 04.06.2020, as provided U/Sec.30(3) of the Act 2013.

The claimant is also entitled for interest at the rate of 9% per annum on excess compensation for a period of one year from the date of dispossession and thereafter, at the rate of 15% per annum for the subsequent period till the date of deposit of excess/enhanced compensation, as provided U/Secs.72 and 80 of RFCTLARR ACT 2013.

The amount, if any, already paid to the claimant, shall be deducted from the total compensation amount.

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 20th day of June, 2026]

KHADARSAB HBENAKATTI Digitally signed by KHADARSAB HBENAKATTI Date: 2026.06.20 15:38:09 +0530

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

ANNEXURE

List of Witnesses examined for Claimant:

PW.1: Shantabai W/o Ningappa Chimmalagi (Kumbar)

List of Documents marked for Claimant:

Ex.P1 : Reference Petition
Ex.P2 & 3: C/C of sale deeds of Karjol
Ex.P4 to 7: C/C of sale deeds of Mulawad
Ex.P8 : Vijayapura District map
Ex.P9 : RoR of Sy.No.367/*/3

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 Schedule U/S.65(2) of LARR Act
Ex.R3 : Copy of Form of Reference
Ex.R4 : Copy of Award No.LAQ:SR:136/2017-18

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

*UCT/-...