KAVP010018572021

Presented on : 02-03-2021
Registered on : 09-03-2021
Decided on : 29-07-2026
Duration : 5Y-4M-20D

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 29th day of July 2026

L.A.C.No.1180/2021

Claimants:

1. Basappa S/o Bhimappa Biradar

   [Reported dead with no L.Rs on 24.05.2024]

2. Sharanabasappa S/o Basappa Biradar
   Age: 48 yrs, Occ: agri.,

3. Sangappa S/o Basappa Biradar
   Age: 46 yrs, Occ: agri.,

4. Basavva W/o Bhimappa Biradar-
   deceased by her L.Rs. i.e. claimants

5. Ningavva W/o Parappa Hanamakatti
   Age: 57 yrs, Occ: HH work,

6. Sanganabasappa S/o Gaddeppa Indavar
Since deceased by his L.Rs.

6A. Hanumanta S/o Sanganabasappa Indavar
Age: 48 yrs, Occ: agri.,

6B. Basamma W/o Kareppa Talaginamani,
Age: 65 yrs, Occ: HH work,

6C. Sanganabasavva W/o Hanumant Kilarhatti,
Age: 60 yrs, Occ: HH work,

6D. Siddavva W/o Gaddeppa Talaginamani,
Age: 47 yrs, Occ: HH work,

6E. Siddappa S/o Sanganabasappa Indawar,
Age: 52 yrs, Occ: agri.,

6F. Basappa S/o Sanganabasappa Indawar,
Age: 54 yrs, Occ: agri.,

7. Basappa S/o Gaddeppa Indawar
Since deceased by his L.Rs.

7A. Siddappa S/o Basappa Indawar,
Age: 51 yrs, Occ: agri.,

7B. Sanganna S/o Basappa Indawar,
Age: 34 yrs, Occ: agri.,

7C. Devamma W/o Basappa Undi,
Age: 34 yrs, Occ: agri.,

7D. Channavva W/o basappa Indawar,
Age: 74 yrs, Occ: agri.,

8. Basalingavva W/o Doddappa Telaginamani
since deceased by her L.Rs.

8A. Basappa S/o Doddappa Telaginamani
Age: 55 yrs, Occ: agri.,

8B. Kareppa S/o Doddappa Telaginamani
Age: 50 yrs, Occ: agri.,

8C. Gaddeppa S/o Doddappa Telaginamani
Age: 48 yrs, Occ: agri.,

8D. Saganabasavva W/o Ningappa Pujari
Age: 50 yrs, Occ: HH work,

8E. Channamma W/o Basappa Indavar
Age: 55 yrs, Occ: agri.,

9. Sanganabasavva W/o Hulagappa Kuri
Age: 70 yrs, Occ: HH work,

10. Balavantraya S/o Basappa Biradar
Age: 60 yrs, Occ: agri.,

11. Balappa S/o Basappa Biradar **[Dead]**
Deleted as per Order dt:31.1.2023.

12. Makalevva W/o Malappa Biradar
Age: 60 yrs, Occ: HH work,

13. Sangappa S/o Malappa Biradar
Age: 48 yrs, Occ: agri.,

14. Basalingappa Malappa Biradar
Age: 46 yrs, Occ: agri.,

15. Bhimaraya S/o Malappa Biradar
Age: 35 yrs, Occ: agri.,

16. Siddraya S/o Malappa Biradar
Age: 30 yrs, Occ: agri.,

17. Hanamavva W/o Basalingappa Indavar
Age: 60 yrs, Occ: HH work,

18. Gaddeppa S/o Basalingappa Indavar
Age: 38 yrs, Occ: agri.,

19. Hulagavva D/o Basalingappa Indavar
Age: 45 yrs, Occ: agri.,

20. Devamma D/o Basalingappa Indavar
Age: 42 yrs, Occ: HH work,

21. Mahadevi D/o Basalingappa Indavar
Age: 30 yrs, Occ: HH work,

22. Laximbai W/o Chandappa Madar **[Dead]**
Deleted as per Order dt:31.1.2023.

23. Pavadeppa S/o Chandappa Madar
Age: 48 yrs, Occ: agri.,

24. Basappa S/o Chandappa Madar
Age: 48 yrs, Occ: agri.,

25. Gaddeppa S/o Channappa Indavar
Age: 49 yrs, Occ: agri.,

26. Sayabanna S/o Channappa Indavar
Age: 35 yrs, Occ: agri.,

27. Hanamavva W/o Channappa Indavar
Age: 65 yrs, Occ: HH work,

All are R/o Mavinabhavi, Tq. Muddebihal,
Dist. Vijayapura.

[By Sri.B.B.Helawar, Advocate]

// Versus //

Respondents:

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

2. The Commissioner, R &R.,
Secretary for Land Acquisition Division,
Navanagar, Bagalkot.

3. The General Manager,
Rehabilitation and Resettlement,
Navanagar, Bagalkot.

4. The Spl. Deputy Commissioner
Rehabilitation and Resettlement,
Navanagar, Bagalkot.

5. The Executive Engineer,
KBJNL, ALBC Division,
Chimmalagi Lift Irrigation Project,
Almatti, Tq.B.Bagewadi.

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

[R1 to R4/By Sri.S.S.Garasangi, Spl.G.C.]

[R5 & R6/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	Chimmalagi Lift Irrigation Project
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.28/2013-14
6.	Date of Social Impact Report	--
7.	Date of Preliminary Notification (Gazette Publication)	04.02.2014
8.	Date of Final Notification (Gazette Publication)	29.08.2016
9.	Date of Possession	29.08.2016
10.	Location of Property (District/Taluk/Village)	Dist.- Vijayapura, Tq.- Muddebihal, Village.- Mavinabhavi.

11.	Survey Number	Sy.No.6
12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	**Wet**: 1 Acre 5 Guntas
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.1,20,000/- Per Acre with Factor-2
14.	Market value awarded by Reference Court/ Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	**Rs.25,521/- Per Gunta with Factor-2**
15.	Market value awarded by Appellate Court (PerAcre/Gunta/Sq.Mtr./Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	08.12.2016
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	10.10.2025 & 02.03.2026
19.	Date of Disposal	29.07.2026
20.	Amount awarded by Reference Court	**Rs.25,521/- X 45 Guntas = Rs.11,47,445/- 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.5,64,500/-

<u>A W A R D</u>

The claimants herein have filed 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.28/2013-14 dated: 29.08.2016, 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.80,00,000/- Per Acre, along with other statutory benefits.

2. It is the case of the claimants that they are the owners of land bearing Sy.No.6 measuring 1 Acre 5 Guntas situated at Mavinabhavi, Tq.Muddebihal. Said land has been acquired by the SLAO for construction of Chimmalagi Lift Irrigation Project. That the respondent No.1-SLAO has awarded compensation of Rs.1,20,000/- 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 they were growing first crops like Sugarcane, Chilly, Onion etc., second crops like Wheat, Jawar, Maize etc., and allied crops like Potato, Garlic etc., and fetching annual income of Rs.6 Lakh Per Acre. There were fruit bearing trees like 20 Mango trees, 10 Chikko trees, 5 Coconut trees and non-fruit bearing trees like 5 Neem trees & 4 Teekwood trees existed in

the acquired land. 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 claimants are 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 claimants prayed for awarding Rs.80,00,000/- Per Acre to the land under acquisition, along with other statutory benefits.

3. Initially, the claimants have filed this petition against the respondents No.1 to 5 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.6.

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

5. It is the sum and substance of their objections is that the reference petition filed by the claimants 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 claimants have claimed Rs.80,00,000/- Per Acre, not produced any relevant documents. The claimants have 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 claimants 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 their claim, the claimant No.23 has been examined as PW.1 and got marked documents at Ex.P1 to 10. 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 claimants.

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 claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 before SLAO is within the prescribed period of limitation?*

2. *Whether the claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 prove that the SLAO has not awarded fair and adequate compensation, for their acquired land*

3. *Whether the claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 establish that they are entitled for enhanced compensation for their 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 claimants 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 claimants has to file reference petition within 6 weeks from the date of receipt of notice. In the instant petition, award was passed on 29.08.2016. As per Ex.R3-Schedule, the notice issued U/Sec.37(2) of the RFCTLARR Act has been served upon the claimants on 27.09.2016. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before the SLAO on 08.12.2016. The respondents have not denied the service of notice U/Sec.37(2) of the Act upon the claimants on 27.09.2016. Hence, the claimants have filed the reference petition within stipulated time.

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 claimants 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 claimants have 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 6 weeks. Failure on the part of acquisition authority, the claimants cannot suffer. The failure of the acquisition authority to send reference within the stipulated time does not negate the claimant's 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 claimants is barred by time. On careful perusal of Ex.P1-claim petition, Ex.R3-Schedule, 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 claimants is well within the time. Accordingly, I answered the 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 their case, the claimant No.23 examined as PW.1 on behalf of himself and other claimants and got marked the documents Ex.P1 to 10. PW.1 clearly deposed that the respondent No.1 has acquired land under Chimmalagi Lift Irrigation Project. The SLAO has awarded compensation of Rs.1,20,000/- Per Acre under wet land category, which is meager one. They were growing two crops in a year and growing crops like Tor, Sunflower, Wheat, Kusube, Jawar etc. and getting annual agricultural income of Rs.2-3 Lakh Per Acre. The acquisition authority has not considered the sale deeds/agreement to sell pertaining to the said village i.e. Ex.P2 to 10. The cropping patterns and fertility of the land under acquisition and the land situated in the above said village is one and the same. Respondent No.1 has not considered the above said sale deeds/

agreements to sell and the value of the acquired land is more than Rs.60 Lakh Per Acre. The SLAO has not considered all these facts and has passed the Award. Hence, they are also entitled for compensation for the acquired land Rs.60 Lakh Per acre. Hence, prayed for allowing the petition.

17. The counsel for the respondents cross-examined PW.1. He adhered to his original version. PW.1 denied that acquired land is dry land. She further admitted that Gunta land will be purchased for construction of house/shops. He deposed that lands of Shirol are 20 kms away from acquired land, land of Kuntoji is 20 kms away from acquired land, land of Madari is 15 kms away from acquired land, land of Bidarkundi is 16 kms away from acquired land and lands of Nalatwad are 3 kms away from acquired land. Except this, nothing has been elicited from his mouth during the course of cross-examination.

18. The counsel for the respondents himself made a suggestion that Nalatwad village is the adjoining village to Mavinabhavi village. The entire

evidence of PW.1 coupled with Muddebihal Taluka Map, it clearly goes to show that Nalatwad village is the nearest village to Mavinabhavi village. Shirol, Kuntoji, Bidarkundi and Madari villages are far away from Mavinabhavi village. Hence, Ex.P2 to 7 are not relevant for determination of market value of acquired land.

19. It is admitted fact that claimants are the owners of land bearing Sy.No.6 measuring 1 Acre 5 Guntas situated at Mavinabhavi village, Tq.Muddebihal. Said land of claimants have been acquired by the SLAO for construction of canal under Chimmalagi Lift Irrigation Project. Respondent No.1 has fixed the market value of the acquired land at Rs.1,20,000/- Per Acre under wet land category. The claimants 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 land of

Mavinabhavi 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. The claimants have produced agreements to sell/sale deed pertaining to Nalatwad village marked at Ex.P8 to 10. In this case, respondent No.1 has published the notification U/Sec.11(1) of the Act on 04.02.2014. 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. All the sale deed/agreements to sell have been executed immediately preceding 3 years from the date of Notification U/Sec.11(1) of Act. Hence, Ex.P8 to 10 are vital important for determination of the market value of acquired land.

23. The claimants have produced Ex.P8 to 10-sale deed/agreement to sell of Nalatwad village. As discussed supra, the counsel for the respondents

himself made a suggestion to PW.1 that acquired land is adjoining to the lands situated at Mavinabhavi village. It is clear case of the claimants that respondent No.1 has not taken into account with respect to said documents in which higher sale price has been mentioned.

24. The counsel for the respondents have vehemently argued that Ex.P8 to 10 produced by the claimants are not pertaining to Mavinabhavi village. Hence, said documents cannot be considered. It is well settled law that mere documents produced by the claimants are not pertaining to Mavinabhavi village, the claim of claimants cannot be rejected. If the land mentioned in the sale deeds/agreement to sell is 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 J & K),* 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.”*

25. 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.P8 to 10, 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 para-graphs. 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."*

26. The counsel for the respondent No.6 vehemently argued that the land involved in this case and the lands involved in Ex.P8 to 10, 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."*

27. 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."*

28. 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.

29. Though the respondents have contended that they have considered the sale deeds of Mavinabhavi 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.

30. 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.

31. 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.

32. As discussed supra, the lands mentioned in Ex.P8 to 10 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.

33. The acquired land is situated in Mavinabhavi village. The sale deed/agreements to sell pertaining to Nalatwad marked at Ex.P8 to 10 have been executed for highest sale price. Therefore, Ex.P8 to 10 are taken into consideration for determining the market value of the acquired land, in the absence of contrary evidence of the respondent side.

34. As per Ex.P8, the land owner of Nalatwad has agreed to sell 25 Guntas in Sy.No.297/*5 for consideration of Rs.8,00,000/-. As per Ex.P9, the land owner of Nalatwad has agreed to sell 2 Acres in Sy.No.24/*/1K for consideration of Rs.20,00,000/-. As per Ex.P10, the land owner of Nalatwad has sold 4 Guntas in Sy.No.899/*/* for consideration of

Rs.1,35,000/-. The total sum of sale price of Ex.P8 to 10 comes at Rs.29,35,000/-. When said amount of Rs.29,35,000/- is divided by 69 Guntas [total sum of extent of Ex.P8 to 10], then the amount per Gunta would come at Rs.42,536/- Per Gunta.

35. Admittedly, Ex.P8 to 10-agreements to sell/ sale deed pertains small piece of land and there is no prohibition for relying said agreements to sell. Hence, it is necessary to mention here that whenever small extent of land purchased in Guntas, the same cannot be for the purpose of agriculture, it must be for some other commercial purpose like construction of commercial buildings and residential houses etc. Normally, the sale price of the small extent of land would be considered compared to the sale price of the large extent of land. The sale price of the small extent of land would also include the development charges. Hence, it is necessary to deduct some portion of the amount from the average sale price. That, in a decision reported **2024 SCC Online SC 2990** (*Horrmal (deceased) through his L.Rs. & Others Vs.*

State of Haryana & Others) wherein at para-29 & 30, the Hon'ble Apex Court held that;

> *"29. In these extenuating circumstances, there exists significant disparity among the sale exemplars presently under consideration. Amongst these sale exemplars, being Ex. P2-P8 and Ex. P10, the highest sale instance values the land at Rupees 1,81,33,867 per acre, whereas the lowest values it at Rupees 16,94,000 per acre. Given this wide range and in light of the judicial precedents cited above, we are of the opinion that we should rely upon the highest sale exemplar, which is Ex. P5, rather than solely depending upon an average of the multiple sale deeds produced before us. Despite the Respondents' vehement contention that Ex. P5 should not be relied upon owing to it being a significantly smaller parcel of land—the detailed analysis conducted above indicates no reason why Ex.P5 cannot be utilised to determine the amount of compensation to be awarded to the Appellants for the acquired land.*
>
> *30. Thus, having established the sale exemplar being relied upon and consequentially the base price to be Rupees 1,81,33,867 per acre, we now proceed to the aspect of deductions to be applied to the amount so determined. In this regard, there is no hard and fast rule on the amount of deduction to be applied towards development charges. Instead, such deductions may, for the purpose of making a small area of land comparable to larger tracts, range from a minimum of 20% to a maximum of 75%.*

36. As per above said decision, this authority can very well consider the sale deeds of small plots. Admittedly, the RFCTLARR Act is beneficial legislation. The land owner will get more benefits than the old Acquisition Act. Therefore, the authority shall fix the proper market value by considering the small piece of land by deducting 60%. Therefore, after deduction of 60% in the amount of Rs.42,536/- remaining amount will come to Rs.17,014.4 and same is rounded-of to Rs.17,014/- Per Gunta for dry land category.

37. 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.17,014/- would come at Rs.8,507/- and after addition of said amount of Rs.8,507/- with Rs.17,014/-, then the final amount comes at Rs.25,521/- Per Gunta. Thus, is the market value of the acquired land is determined at the rate of Rs.25,521/- Per Gunta under Wet land category.

38. The claimants in their reference petition pleaded that there were fruit bearing trees like 20 Mango trees, 10 Chikko trees, 5 Coconut trees and non-fruit bearing trees like 5 Neem trees & 4 Teekwood trees existed in the acquired land. On perusal of Ex.R4-Award, there is no mention about existence of

any kind of fruit bearing or non-fruit bearing trees in the acquired land. Even the PW.1 in his evidence has not deposed anything about existence of any kind of fruit bearing or non-fruit bearing trees in the acquired land. It is well settled law that pleading 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 compensation awarded to above horticulture trees is inadequate. Hence, this authority is of the opinion that the claimants are entitled for enhanced compensation only in respect of irrigated/wet land and they are not entitled for any compensation towards any kind of fruit bearing or non-fruit bearing trees.

39. 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 ACT-2013. Further, the claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are entitled for 100% solatium on market value as per Section 30(1) and First Schedule of Act.

40. Further, in addition to market value as determined U/Sec.26 of the Act, the claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are 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 04.02.2014 to 29.08.2016, as provided U/Sec.30(3) of the Act.

41. Further, the claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are 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 the date of deposit of amount as provided Under Sections 72 and 80 of RFCTLARR ACT-2013. Accordingly, I answered the Point No.2 in the ***Affirmative*** and Point No.3 as ***in the Partly Affirmative***.

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

ORDER

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

The claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are entitled for compensation at the rate of Rs.25,521/- [Rupees Twenty Five Thousand Five Hundred & Twenty-One Only] Per Gunta under wet land category, in respect of their acquired land to the extent of 1 Acre 5 Guntas in Sy.No.6 situated at Mavinabhavi 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 claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are 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 claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are 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. 04.02.2014 to 29.08.2016, as provided U/Sec.30(3) of RFCTLARR Act 2013.

The claimants No.2, 3, 5, 6A to 6F, 7A to 7D, 8A to 8E, 9, 10, 12 to 21 & 23 to 27 are 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 the ACT 2013.

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

In view of Order dated:15.12.2023, the L.Rs. of claimant No.7 are not entitled for interest for delayed period i.e. from 28.01.2017 to 31.01.2023.

In view of Order dated:09.02.2026, the claimants are not entitled for interest from 01.01.2025 to 09.02.2026.

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 29th day of July, 2026]

KHADARSAB H BENAKATTI
Location: III ADDL. DIST. & SESSIONS JUDGE, VIJAYAPURA
Date: 2026.07.30 10:31:31 +0530

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

ANNEXURE

<u>List of Witnesses examined for Claimants</u>:

PW.1: Pavadeppa S/o Chandappa Madar

<u>List of Documents marked for Claimants</u>:

Ex.P1 : Reference Petition
Ex.P1(a) : Amended Reference Petition
Ex.P2 to 7: C/Cs of sale deeds
Ex.P8 & 9: C/Cs of agreement to sell
Ex.P10 : C/C of sale deed

<u>List of Witnesses examined for Respondents</u>:

-Nil-

<u>List of Documents marked for Respondents</u>:

Ex.R1 : Copy of Form of Reference
Ex.R2 : Copy of Notice U/S.37(2) of LARR Act
Ex.R3 : Copy of Schedule U/S.65(2) LARR Act
Ex.R4 : Copy of Award No.LAQ:SR:28/2013-14

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

*UCT/-....