KAVP010020082021

Presented on : 04-03-2021
Registered on : 19-03-2021
Decided on : 27-06-2026
Duration : 5Y-3M-08D

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.1449/2021

Claimants:

1. Prabhu S/o Basavantappa Pyati,
Age: 35 yrs, Occ: agri.,

2. Arjun S/o Rayappa Allichand,
Age: major, Occ: agri.,

3. Shivappa S/o Rayappa Allichand,
Age: major, Occ: agri.,
[Claimants No.2 & 3 impleaded as per Order on I.A.No.II dt:27.07.24]

All R/o Hallur, Tq.Muddebihal,
Dist. Vijayapura.

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

// Versus //

Respondents:

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

2. The Commissioner,
Rehabilitation and Resettlement,
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,
Dist. Vijayapura.

6. The Managing Director,
KBJNL, K.R.Circle, Bangalore,
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, Chimmalagi Eastern Canal
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.78/2012-13
6.	Date of Social Impact Report	--
7.	Date of Preliminary Notification (Gazette Publication)	04.02.2013
8.	Date of Final Notification (Gazette Publication)	24.11.2015
9.	Date of Possession	24.11.2015
10.	Location of Property (District/Taluk/Village)	Dist.- Vijayapura, Tq.- Muddebihal, Village.- Hallur.
11.	Survey Number	39/1 **[As per Ex.R2]**
12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	Dry: 1 Acre 13 Guntas **[As per Ex.R2]**
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.65,000/- Per Acre with Factor-2.0
14.	Market value awarded by Reference Court/Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	**Rs.17,500/- Per Gunta with Factor-2.0 in respect of acquired land of the claimant No.1 & - Claim of claimants No.2 & 3 dismissed**
15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	08.01.2016
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	28.02.2023 & 14.10.2025
19.	Date of Disposal	27.06.2026
20.	Amount awarded by Reference Court	**Rs.17,500/- X 53 Guntas (1 Acre 13 Guntas) = Rs.9,27,500/- 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.3,74,484/- **[As per Ex.R2]**

A W A R D

Initially 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.78/2012-13 dated: 24.11.2015, 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.60,00,000/- Per Acre, along with other statutory benefits.

2. Thereafter by virtue of Further Office Order passed by the SLAO marked at Ex.R2, the learned counsel for the claimant No.1 filed I.A.No.II praying to implead claimants No.2 & 3 in the Reference Petition and consequently, as per Order dated: 27.07.2024 the claimants No.2 & 3 came to be impleaded in the Reference Petition. Hence, the claim of claimants No.1 to 3 is considered under this reference petition.

3. It is the case of the claimants that they are the owners of land bearing Sy.No.39/1 measuring 1 Acre 13 Guntas situated at Hallur village, Tq.Muddebihal. Said land has been acquired by the SLAO for construction of irrigation canal. That the respondent No.1-SLAO has awarded compensation of Rs.65,000/- 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. That the acquired land is irrigated land and they were growing first crops like Sugarcane, Onion, Capsicum, Potato, Sunflower, Groundnut, Redgram etc., second crops like Wheat, Jawar, Maize etc., and allied crops like Agasi, Kadale, Kusubi etc., and fetching annual agricultural income of Rs.5 Lakh Per Acre. There was bund of stone, 8 Mango trees, 5 Tamarind trees and 20 Neem 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.60,00,000/- Per Acre to the lands under acquisition, along with other statutory benefits.

4. Initially, the claimants have filed petition against the respondents No.1 to 5 only. After referring the matter to this Authority, the Managing Director, KBJNL, Almatti has been impleaded as respt. No.6.

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 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.60,00,000/- 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.

7. In order to establish their claim, the claimant No.1 has been examined as PW.1 and got marked documents at Ex.P1 to 8. The respondents have not adduced any oral evidence. As per request of the advocate for respondents, Ex.R1 to R3 have been marked, with consent of advocate for the claimants.

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 instant Reference Petition filed by the claimants before SLAO is within the prescribed period of limitation?*

2. *Whether the claim of claimants No.2 & 3 can be entertained in this reference petition without pleadings and evidence?*

3. *Whether the claimant No.1 proves that the SLAO has not awarded fair and adequate compensation, for their acquired land?*

4. *Whether the claimant No.1 establishes that he is entitled for enhanced compensation for his acquired land along with other statutory benefits, as prayed for?*

5. *What Order?*

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

Point No.1: In the Affirmative.

Point No.2: In the Negative.

Point No.3: In the Affirmative.

Point No.4: In the Partly Affirmative.

Point No.5: As per the final order for the following:

REASONS

11. **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 have to file reference petition within 6 weeks from the date of receipt of notice. In the instant petition, Award was passed on 24.11.2015. As per Ex.R1, notice issued U/Sec.37(2) of the RFCTLARR Act, has been served upon the claimants on 01.12.2015. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before the SLAO on 08.01.2016 which is within 6 weeks from the date of receipt of notice. The respondents have not denied the service of notice U/Sec.37(2) of Act upon the claimants on 01.12.2015. Hence, the claimants have filed reference petition within 6 weeks from the date of receipt of notice.

12. 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.

13. 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.

14. As discussed supra, the claimants have filed the reference within the prescribed period, but the SLAO 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.

15. 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.R1-Notice and Ex.R3-Award passed by the SLAO clearly goes to show that petition filed by the claimants is well within the time. Accordingly, I answered the Point No.1 in the Affirmative.

16. **Point No.2:** By virtue of Ex.R2-Office Order of SLAO and the Order on I.A.No.II, the claimants No.2 & 3 have been impleaded as claimants No.2 & 3 and reference petition has been amended accordingly. However, on perusal of Ex.P1-the reference petition and the amended reference petition, it is the claim of

claimant No.1 is the owner of land measuring 1 Acre 13 Guntas in Sy.No.39/1 situated at Hallur village, Tq. Muddebihal. Even on perusal of 1st paragraph of chief-examination of PW.1, he clearly deposed that "**ನಾನು ಎಲ್.ಎ.ಸಿ ನಂ.1449/2021 ರಲ್ಲಿ ಅರ್ಜಿದಾರರಿದ್ದು, ನಾನು ನನ್ನ ಪರವಾಗಿ ಸದರಿ ಮೇಲಿನ ಕೇಸಿನಲ್ಲಿ ಸಾಕ್ಷಿ ನುಡಿಯುತ್ತಿದ್ದೆನೆ.**" On further perusal of examination-in-chief of PW.1, claimant No.1 has claimed that he is the owner of land measuring 1 Acre 13 Guntas in Sy.No.39/1 situated at at Hallur village. Thus, the claimant No.1 has deposed on behalf of himself and claimed enhancement of compensation only in respect of his acquired land. There is no whisper as to the ownership and claim of the claimants No.2 & 3 over the acquired land as mentioned in Ex.R2. The claimant No.1 has filed reference petition on his individual capacity.

17. On perusal of Ex.R1-Notice and Sl.No.1 of Ex.R3-Award which has been marked with consent, it has been clearly mentioned that claimants are the joint owners of land totally measuring 1 Acre 27 Guntas in Sy.No.39/1A, 39/2B, 39/2 (39) situated at

Hallur village. On perusal of Ex.R2-Office Order of SLAO which has been marked with consent, it has been clearly mentioned that claimant No.1 is the owner of land measuring 1 Acre 13 Guntas in Sy.No.39/1 and the claimants No.2 and 3 are the joint owners of land measuring 14 Guntas in Sy.No.39/2 situated at Hallur village. Though, Award has been passed in the above said names, the claimant No.1 alone has filed reference petition claiming enhancement of compensation only in respect of 1 Acre 13 Guntas of the acquired land.

18. The claimants No.2 & 3 claim that they are the absolute owners of 14 Guntas of land as per Ex.R2. In support of their contention, they have not produced any reliable evidence. Except impleading themselves as claimants No.2 & 3, they neither pleaded in the amended reference petition nor lead evidence in this regard 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 claimants No.2 & 3 are entitled for enhancement of market value of the acquired land.

19. Looking from any angle, except impleading themselves as claimants No.2 & 3, they have not adduced any kind of evidence to prove that the market value determined by the SLAO is unjust and unfair. 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 claimants No.2 & 3 have to prove their case on their own, they 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."*

20. The said decision is aptly applicable to the case in hand. The claimants No.2 & 3 have to establish their case on their own and they cannot take the weakness of the respondents. Thus, the claimants No.2 & 3 have utterly failed to plead and adduce any kind of evidence to entertain their claim for enhancement of compensation awarded by the SLAO. Accordingly, the Point No.2 is answered in the ***Negative***.

21. **<u>Points No.3 & 4</u>:** These two points are interconnected and interdependent, hence they are taken together for common discussion, in order to avoid repetition of similar facts.

22. In order to prove his case, the claimant No.1 himself examined as PW.1 and got marked the documents Ex.P1 to 8. PW.1 clearly deposed that the SLAO has acquired his land under Chimmalagi East Canal Project and has awarded Rs.65,000/- Per Acre under dry land category, which is meager one. The acquired lands are irrigated lands. The acquisition authority has not considered the sale deeds of adjoining villages. He deposed that the Nalatwad, Bidarakundi, Hadalageri villages and Muddebihal town are adjoining to Hallur village. The respondent No.1 has not considered the sale deeds/agreements to sell of said villages i.e. Ex.P2 to 5. The cropping patterns and fertility of the land under acquisition and the land situated in the above said villages are one and the same. The SLAO has not considered the above said sale deed/ agreements to sell. The value of acquired lands is

more than Rs.80,00,000/- Per Acre. The SLAO has not considered all these facts and has passed the Award. They are also entitled for compensation for acquired land Rs.80,00,000/- Per Acre. Accordingly, prayed for allowing the petition.

23. The counsel for the respondents cross-examined PW.1. He denied that acquired land is dry land. He further admitted that Gunta land will be purchased for construction of house/shops. He deposed that the land of Nalatwad is situated 6 kms away from acquired land, the land of Bidarakundi is situated 3 kms away from acquired land, the land of Hadalageri is situated 4 kms away from acquired land and the land of Muddebihal is situated 4-5 kms away from acquired land. Except this, nothing worth has been elicited from the mouth of PW.1.

24. The entire evidence of PW.1 coupled with Ex.P6-Muddebihal taluka map, it is clear that the Bidarakundi village is the nearest to Hallur village and Nalatwad, Hadalageri and Muddebihal are far away from Hallur village. Hence, sale deed/ agreements to sell pertaining to Nalatwad, Hadalageri

and Muddebihal marked at Ex.P2, 4 & 5 are not relevant for determination of market value of acquired lands in this case.

25. It is admitted fact that claimant No.1 is the owner of land bearing Sy.No.39/1 measuring 1 Acre 13 Guntas ***[As per Ex.R2-Office Order of SLAO]*** situated at Hallur village, Tq.Muddebihal and it has been acquired the SLAO for construction of canal under Chimmalagi East Canal Project. Respondent No.1 has fixed the market value of the acquired lands at Rs.65,000/- Per Acre under dry land category. The claimant No.1 being dis-satisfied with the said Award, filed reference petition for enhancement of compensation on the ground that compensation awarded by the SLAO is inadequate and against the actual market value of the land.

26. In this case, the SLAO 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."

27. 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 Hallur 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 (a) of Sec.26(1) of the Act.

28. In this case, the claimants have produced Ex.P3-agreement to sell pertaining to Bidarakundi village. Respondent No.1 has published the notification U/Sec.11(1) of the Act on 04.02.2013. 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. Ex.P3-has been executed immediately preceding 3 years from the date of Notification U/Sec.11(1) of the Act. Hence, Ex.P3 pertaining to Bidarakundi village, is considered to be relevant for determination of the market value of acquired land.

29. PW.1 denied that the property involved in Ex.P3 is situated far away from acquired land. He admitted denied that SLAO has considered the sale deeds/agreements to sell of relevant years and has fixed the fair compensation. It is clear case of the claimants that SLAO has not taken into account with respect to Ex.P3-agreement to sell in which higher sale price has been mentioned.

30. The counsel for the respondents argued that the land involved in Ex.P3 are far away from

lands under acquisition, hence said documents cannot be considered. It is well settled law that if the lands 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 J & K),* wherein the Hon'ble Apex Court 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;*
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> > *"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 othis 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."

31. 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 property involved in Ex.P3, 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."

32. The counsel for the respondent No.6 vehemently argued that the lands involved in this case and the land involved in Ex.P3, are far away from each other 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."

33. 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."*

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.

34. Though the respondents have contended that they have considered the sale deeds of Hallur 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.

35. In legal proceedings, pleadings and arguments must be supported by evidence. While pleadings outline the claims and defenses and arguments, present the legal reasoning, he has not substituted 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.

36. 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.

37. As discussed supra, the lands mentioned in Ex.P3 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.

38. The acquired land is situated in Hallur village. The agreement to sell pertaining to

Bidarakundi village marked at Ex.P3 has been executed for highest sale price. Therefore, Ex.P3 is taken into consideration for determining the market value of the acquired land, in the absence of contrary evidence of the respondent side.

39. As per Ex.P3, land owners of Bidarakundi have agreed to sell 6 Acres 23 Guntas of their land in Sy.No.176/*/1B and 8 Acres 4 Guntas of their land in Sy.No.176/*/2 for consideration of Rs.4,54,92,500/-. When said amount of Rs.4,54,92,500/- is divided by 587 Guntas [total sum of extent of Ex.P3], then the amount per Gunta would come at Rs.77,500/- Per Gunta.

40. The learned counsel for the claimants has argued that already this authority has fixed the market value of the acquired land situated at Hallur at Rs.17,500/- Per Gunta for dry land category in LAC No.1081/2021 and hence, prays to award same compensation in this case also. On perusal of the judgment passed in LAC No.1081/2021 it shows that the market value of the acquired land situated at Hallur has been determined at Rs.17,500/- Per Gunta

under dry land category. The LAQ.SR. Numbers, location of acquired land and the date of acquisition in the instant and in LAC No.1081/2021 are one and same. The claimants have not produced the sale deeds/agreements to sell pertaining to Hallur village for the relevant period. Hence, it is just and proper to fix the market value of the acquired land to the tune of Rs.17,500/- Per Gunta under dry land category.

41. The claimants have claimed that acquired land is irrigated/wet land. In support of their contention, they have produced Ex.P7-Service Certificate issued by the Hescom Muddebihal. On perusal of Ex.P7, it reveals that claimant No.1 has got electricity connection service on 28.12.2018. It neither disclose the survey number of the acquired land nor any signature of authorized person. PW.1 has clearly admitted in his cross-examination that Ex.P7 has been obtained in the year 2018. In the instant case, the SLAO has issued 11(1) notification on 04.02.2013 and there is no mention of any water supply to the acquired land in the award-Ex.R4. The

claimants have also produced RTC extract of Sy.No.39/*/1 marked at Ex.P8. As per Sec.136 of the Karnataka Land Revenue Act, entry made in the revenue records has got presumptive value unless contrary is proved or new entry has been lawfully effected. On perusal of Column No.13(3) of Ex.P8, there is no mention about existence of borewell/well in respect of acquired land of claimant No.1. If at all, acquired land is irrigated through well or borewell, it should have been mentioned in Ex.P8. Hence, there is no reliable evidence in order to come to the conclusion that land under acquisition is irrigated/ wet land. Hence, the claimant No.1 is only entitled for compensation with respect to acquired dry land.

42. It is clearly pleaded by the claimant No.1 in his reference petition that there was bund of stone, 8 Mango trees, 5 Tamarind trees and 20 Neem trees existed in the acquired land. However, on perusal of Ex.R3-Award, wherein the SLAO has clearly mentioned the acquired land is dry land and there were no borewell, bund and trees existed in the acquired land. Even PW.1 has not whispered anything

about the existence of said trees and bund 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 there was bund of stone and any kind of trees existed in the acquired land. Hence, the claimant No.1 is only entitled for enhanced compensation with respect to acquired dry land.

43. 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 No.1 is

entitled for 100% solatium on market value as per Section 30(1) and First Schedule of Act.

44. Further, in addition to market value as determined U/Sec.26 of the Act, the claimant No.1 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 04.02.2013 to 24.11.2015, as provided U/Sec.30(3) of the Act.

45. Further, the claimant No.1 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 the date of deposit of amount as provided Under Sections 72 and 80 of RFCTLARR ACT-2013. Accordingly, I answered the Point No.3 in the ***Affirmative*** and Point No.4 as ***in the partly Affirmative***.

46. **Point No.5:** 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 allowed in part, with costs.

Claim made by the claimants No.2 & 3 U/Sec.64 of the RFCTLARR Act, 2013 is hereby dismissed as not maintainable without pleadings and evidence.

The claimant No.1 is entitled for compensation at the rate of Rs.17,500/- [Rupees Seventeen Thousand Five Hundred Only] Per Gunta under dry land category, in respect of his acquired land to the extent of 1 Acre 13 Guntas in Sy.No.39/1 ***[As per Ex.R2-Office Order of SLAO]*** situated at Hallur 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 No.1 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 No.1 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. 04.02.2013 to 24.11.2015, as provided U/S.30(3) of RFCTLARR Act 2013.

The claimant No.1 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 No.1, 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 27th day of June, 2026]

KHADARSAB HBENAKATTI
Digitally signed by KHADARSAB HBENAKATTI
Location: III ADDL. DISTRICT AND SESSIONS JUDGE,VIJAYAPURA
Date: 2026.06.29 10:44:57 +0530

[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: Prabhu S/o Basavantappa Pyati

List of Documents marked for Claimant No.1:
Ex.P1 : Reference Petition
Ex.P2 : C/C of sale deed
Ex.P3 to 5: C/Cs of agreements to sell
Ex.P6 : Muddebihal Taluka map
Ex.P7 : Service Certificate of Hescom
Ex.P8 : RoR of Sy.No.39/*/1

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 Office Order of SLAO
Ex.R3 : Copy of Award No.LAQ:SR:78/2012-13

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