KAVP010008802022

Presented on : 28-01-2022
Registered on : 22-03-2022
Decided on : 02-06-2026
Duration : 4Y-1M-11D

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 02nd day of June 2026

L.A.C.No.678/2022

Claimants:

1. Gangadhar @ Muttanna S/o Shankrayya Salimath, Age: 44 yrs, Occ: agri.,

2. Basavaraj S/o Shankrayya Salimath, Age: 56 yrs, Oc: agri.,

3. Shivanand S/o Shankrayya Salimath, Age: 54 yrs, Occ: agri.,

4. Gurunath @ Gururaj S/o Shankrayya Salimath, Age: 42 yrs, Occ: agri.,

5. Vijayamahantesh S/o Shankrayya Salimath, Age: 40 yrs, Occ: agri.,

All are R/o Muddebihal,
Dist. Vijayapura

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

// 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,
Land Acquisition Division,
Navanagar, Bagalkot.

4. The Spl. Deputy Commissioner,
Rehabilitation and Resettlement,
Land Acquisition Division,
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
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.24/2012-13
6.	Date of Social Impact Report	01.10.2012
7.	Date of Preliminary Notification (Gazette Publication)	13.11.2012
8.	Date of Final Notification (Gazette Publication)	24.11.2014
9.	Date of Possession	20.12.2014
10.	Location of Property (District/Taluk/ Village)	Dist.Vijayapura, Tq.Muddebihal, Village-Hadalageri.
11.	Survey Number	72/E, Plot No.107
12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	**NA: 127.68 Sq. Meters**
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.694/- Per Sq.Mtr., with Factor-1.5
14.	Market value awarded by Reference Court/ Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	**Rs.1,388/- Per Sq. Mtr., with Factor-1.0**
15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	21.01.2015
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	19.03.2024 14.08.2025
19.	Date of Disposal	02.06.2026
20.	Amount awarded by Reference Court	Rs.1,388/- X 127.68 = Rs.1,77,219.84 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.2,84,888/-

A W A R D

The claimants have 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.24/2012-13 dated:24.11.2014, stating that compensation awarded for their acquired plot is inadequate and against the actual market value of the plot under acquisition and accordingly, sought for enhancement of compensation to the tune of Rs.5,000/- Per Sq. Feet., or Rs.53,820/- Per Sq. Meter., along with other statutory benefits.

2. It is the case of the claimants that they are the owners of NA plot bearing No.107 carved in Sy.No.72/E measuring 127.68 Sq. Meters situated at Hadalageri village, Tq. Muddebihal. Said plot has been acquired by the SLAO for Chimmalagi Lift Irrigation Project and awarded Rs.694/- Per Sq. Meters under NA plot category as compensation for

their acquired plot. That the said award amount is too meager and inadequate, when compared to the present market value of the acquired plot. The acquired plot is situated nearby Muddebihal City and also near KHB Colony. The claimants have incurred heavy developmental expenses for conversion into non-agriculture purpose. That the method adopted by the SLAO is not on any legal base and has not considered the relevant provisions of the RFCTLARR ACT-2013, while fixing the compensation. Therefore, the claimants are entitled for enhanced compensation four times on the market value and also entitled for all other statutory benefits provided under the RFCTLARR ACT-2013. Accordingly, the claimants herein prayed this Authority, by way of this reference, to enhance the compensation to the tune of Rs.5,000/- Per Sq. Feet., or Rs.53,820/- Per Sq. Meter., for their acquired plot, along with other statutory benefits.

3. 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.

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 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.5,000/- Per Sq. Feet., or Rs.53,820/- Per Sq. Meter., 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 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.1 has been examined as PW.1 and got marked documents at Ex.P1 to P13. 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 before SLAO is within the prescribed period of limitation?*

2. *Whether the claimants prove that the SLAO has not awarded fair and adequate compensation, for their acquired plot?*

3. *Whether the claimants establish that they are entitled for enhanced compensation for their acquired plot 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 have to file reference petition within 6 weeks from the date of receipt of notice. In the instant petition, Award was passed on 24.11.2014. As per Ex.R3-Schedule, the Notice issued U/Sec.37(2) of RFCTLARR Act to the claimants on 20.12.2014. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before the SLAO on 21.01.2015 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 the Act upon the claimants on 20.12.2014. Hence, the

claimants have filed reference petition within 6 weeks from the date of receipt of notice.

11. Admittedly, the RFCTLARR Act is a social legislation. The land-losers who are entirely depending their livelihood on the acquired plot, 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 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 claimants' 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 and Ex.R4-Award passed by the SLAO clearly goes to show that reference petition filed by the claimants is within

stipulated 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 their case, the claimant No.1 examined as PW.1 on his behalf and on behalf of other claimants and got marked the documents Ex.P1 to P13. PW.1 clearly deposed that the respondent No.1 has acquired their plot for Chimmalagi Lift Irrigation Project and awarded Rs.694/- Per Sq. Meters under NA plot category as compensation, which is meager one. The plot under acquisition is situated nearby Muddebihal Town limits. The respondent No.1 has not considered actual market value of the adjoining NA sites situated in Muddebihal town and Kuntoji i.e. Ex.P2 to 5, 12 & 13. The value of acquired plot is more than Rs.53,820/- Per Sq. Meter. Hence, they are entitled for compensation to acquired plot to the

tune of Rs.53,820/- Per Sq. Meter. Accordingly, prayed for allowing the petition.

17. The counsel for the respondents cross-examined PW.1 in length. He adhered to his original version. He admitted that his plot has been considered NA plot by the SLAO. Though, counsel for the respondents cross-examined PW.1, has not denied the fact that the plot under acquisition is considered as NA plot situated at Hadalageri and further not denied that surrounding lands have been converted from agriculture to non-agriculture use. Even on perusal of Ex.R4-Award, the SLAO has stated that acquired plot is situated at Hadalageri which is within radius 5 kms from Muddebihal town. Hence, it is admitted fact that SLAO has considered acquired plot as NA plot and awarded Rs.694/- Per Sq. Meters under NA plot category. Even the claimants have produced the NA Order in respect of Sy.No.72/*/4 marked at Ex.P6 which shows that land measuring 6 Acres 8 Guntas has been converted into non-agricultural purpose on 02.12.2011 i.e. prior to 11(1) notification dated:13.11.2012.

18. On perusal of evidence of PW.1 coupled with Ex.P8-Vijayapura District Map, it is clear that Kuntoji is situated on the northern side of Muddebihal town whereas as Hadalageri is situated towards Southern side of Muddebihal town. Hence, sale deed of Kuntoji produced at Ex.P12 cannot be relied upon.

19. As discussed supra, the plots under Ex.P2 to 5 & 13 are situated within the vicinity of Muddebihal Town. Hadalageri is the nearest to Muddebihal town. Hence, this court can safely hold that it is a developed area, even prior to the date of 11(1) notification and hence it had NA potential value, because it comes within radius of 5 kms from the city limits of Muddebihal town. The documents produced by the claimants clearly goes to show that plot under acquisition had more commercial value. Inspite of availability of documents, the respondent No.1 had not taken note of the same, but simply relying upon some sale deeds, has passed the Award.

20. It is admitted fact that claimants are the owners of NA plot bearing No.107 carved in Sy.No.72/

E measuring 127.68 Sq. Meters situated at Hadalageri village, Tq. Muddebihal. Said plot has been acquired by the SLAO for Chimmalagi Lift Irrigation Project and respondent No.1 has fixed the market value of the acquired plot at Rs.694/- Per Sq. Meters under NA plot 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.

21. 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.”

22. As discussed supra, the SLAO has fixed the market value for the acquired plot based on the statistics relating to the market value of lands of Hadalageri, 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 Sec.26(1)(a) of the Act.

23. In this case, the claimants have produced Ex.P2 to P5 & 13-sale deeds of plots situated in Muddebihal. In this case, respondent No.1 has published the notification U/Sec.11(1) of the Act on 13.11.2012. 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 plot is proposed to be made. Above sale deeds have been executed immediately preceding 3 years from the date of Notification U/Sec.11(1) of the Act. Hence, Ex.P2 to 5 & 13 are relevant for determination of market value of the plot under acquisition.

24. It is clear case of the claimants that respondent No.1 has not taken into account with respect to said sale deeds in which higher sale price has been mentioned.

25. The counsel for the respondents have vehemently argued that sale deeds produced by the claimants are situated far away from land under acquisition. Hence, said sale deeds cannot be considered. Admittedly, the plots involved in Ex.P2 to 5 & 13 are situated at Muddebihal and the plot under acquisition is situated in Hadalageri which is within the radius of 5 kms from Muddebihal City Centre. It is well settled law that if the lands mentioned in the sale deeds 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 and 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 Hadalageria 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 Hadalageria 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 land 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.*
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> *16. In our view, in the absence of any contemporaneous document, the market value of the acquired land 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."

26. 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 to 5 & 13, 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 Hadalagerian 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.*
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> *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."*

27. 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 & Others*), wherein 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 fHadalagering 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 Hadalagericated 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.

28. Though the respondents have contended that they have considered the sale deeds of Hadalageri 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, 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.

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 properties mentioned in Ex.P2 to 5 & 13 and the property 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 plot is situated in Hadalageri, which is within radius of 5 kms from Muddebihal Town. The claimants have produced the sale deeds of Muddebihal marked at Ex.P2 to 5 & 13 which were executed for highest sale price. Therefore, Ex.P2 to 5 & 13 are taken into consideration for determining the

market value of the acquired plot, in the absence of contrary evidence of the respondent side.

33. Though Ex.P2 to 5 & 13-sale deeds pertains to fully developed plots, there is no prohibition for relying said sale deeds. 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%.*

As per above said decision, this authority can very 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.

34. The claimants have claimed Rs.53,820/- Per Sq. Meter and in support of their claim, they have produced sale deeds marked at Ex.P2 to 5 & 13. It is prudent knowledge that the developed plots developed by Karnataka Housing Board or Muddebihal Town Development Authority by providing all the facilities, will fetch more price. Therefore, same cannot be basis for awarding compensation in respect of the undeveloped land.

35. Admittedly, the property acquired by the respondent No.1 is NA plot. It is undisputed fact that along with the present NA plot, so many plots have

been acquired by the respondent No.1 belonging to the claimants herein. The land under acquisition has been converted into non-agricultural purpose prior to 11(1) notification and allotted separate plot numbers, including the present property under reference. Mere conversion of property into non-agriculture purpose does not mean it has been fully developed into residential lay-out or commercial lay-out.

36. Though, PW.1 has deposed at para-3 in his examination-in-chief that after conversation of land into non-agricultural purpose as per the Orders of the competent authority, infrastructures have been developed i.e. formation of road, civic amenities, drinking water, drainage, electricity etc., but same has not been pleaded in his reference petition. It is well settled law that evidence without pleadings 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 after conversation of land into non-agricultural purpose as per the Orders of competent authority, claimants have developed infrastructures i.e. formation of road, civic amenities, drinking water, drainage, electricity etc. Thus, 75% of land will go towards formation of roads, civic amenities, park, drainage etc., after conversation of land into non-agricultural purpose as per the Orders of the competent authority.

37. As discussed supra, under Ex.P2, the Karnataka Housing Board has sold residential site No.190 MIG extension Sy.No.79, 85/1, 86/2, 87/2 situated in Muddebihal measuring 227.50 Sq. Meters for Rs.15,81,104/-. Under Ex.P3, the Karnataka Housing Board has sold residential site No.152 MIG extension Sy.No.79, 85/1, 86/2, 87/2 situated in Muddebihal measuring 98.40 Sq. Meters for

Rs.9,53,262/-. Under Ex.P4, the Karnataka Housing Board has sold residential site No.172 MIG extension Sy.No.79, 85/1, 86/2, 87/2 situated in Muddebihal measuring (15 meters X 15 meters) 225 Sq. Meters for Rs.13,80,483/-. Under Ex.P5, the Karnataka Housing Board has sold residential site No.173 MIG-II extension Sy.No.79, 85/1, 86/2, 87/2 situated in Muddebihal measuring (15 meters X 15 meters) 225 Sq. Meters for Rs.13,44,155/-. Under Ex.P13, the owner of City Sy.No.1908/A/1 of Muddebihal measuring (2450 Sq. feet) 227.61 Sq. Meters sold for Rs.22,05,000/-. If we convert the total extent of Ex.P2 to 5 & 13 into Sq. Meters, it comes to 1003.51 Sq. Meters. The total sale amount of Ex.P2 to 5 & 13 comes to Rs.74,64,004/-. If Rs.74,64,004/- divided by 1,003.51 Sq. Meters, it will come to Rs.7,437.89 and same is rounded-of to Rs.7,438/- Per Sq. Meter, which is average sale price for fully developed land.

38. As per decision of the Hon'ble Apex Court, in Rs.7,438/- Per Sq. Meters, if 75% is deducted towards development activities, it will meet the ends of justice. If we deduct 75% of

earmarking of roads, drainage & other civil amenities, that will come to Rs.1,859.5/- and same is rounded-of to Rs.1,860/- Per Sq. Meter.

39. On perusal of judgment passed in LAC No.291/2022 dated: 07.11.2025, it reveals that I Additional District Judge & Additional Land Acquisition, Rehabilitation & Resettlement Authority, Vijayapura has determined market value for the NA property situated at Hadalageri village by doubling the market value awarded by SLAO (Rs.684/- X 2 = Rs.1,388/- Per Sq. Meter). The LAQ.SR. Number, date of 11(1) Notification, situation of acquired property and the documents relied therein and even the parties in above case and in the instant case are one and same. Hence, there is no hurdle to rely on the above said judgment. Thus, in order to maintain the consistency in the judgments and in view of judgment rendered by said authority in LAC No.291/2022, it is just and proper to fix the market value of the acquired land to the tune of

Rs.1,388/- Per Sq. Mtr., to the acquired property herein.

40. On perusal of Ex.R4-Award, the respondent No.1 himself admitted that acquired land is situated within the radius of 5 kms from Muddebihal City and it has been converted into non-agricultural purpose. The acquired plot is situated in Urban area, therefore, the market value has to be multiplied by the 'Factor One' as per First Schedule of RFCTLARR ACT-2013. Further, the claimants are entitled for 100% solatium on market value as per Section 30(1) and First Schedule of Act.

41. Further, in addition to market value as determined U/Sec.26 of the Act, the claimants are also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publicat ion of the notification of the Social Impact Assessment Study till the date of the award of the Collector i.e. from 13.11.2012 to 24.11.2014, as provided U/Sec.30(3) of the Act.

42. Further, claimants 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***.

43. **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 are entitled for compensation at the rate of Rs.1,388/- [Rupees One Thousand Three Hundred & Eight Eight Only] Per Sq. Meter under NA potential category, in respect of their acquired plot No.107 to the extent of 127.68 Sq. Meters in Sy.No.72/E situated at Hadalageri.

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

Further, the claimants 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 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. 13.11.2012 to 24.11.2014, as provided U/S.30(3) of RFCTLARR Act 2013.

The claimants 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 ACT 2013.

The amount, if any, already paid to the claimants, 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 02nd day of June, 2026]

KHADARSAB HBENAKATTI

Digitally signed by KHADARSAB HBENAKATTI
Date: 2026.06.03 10:15:07 +0530

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

ANNEXURE

List of Witnesses examined for Claimants:

PW.1: Gangadhar @ Muttanna S/o Shankrayya Salimath

List of Documents marked for Claimants:

Ex.P1	: Reference Petition
Ex.P2 to 5	: C/Cs of Auction Sale deeds
Ex.P6	: NA Order
Ex.P7	: C/C of Compromise Decree in OS-17/2014
Ex.P8	: Vijayapura District Map
Ex.P9	: Muddebihal Local Planning Area Map
Ex.P10	: Muddebihal Master local Planing map
Ex.P11	: Hadalageri village map
Ex.P12	: C/C of sale deed of Kuntoji
Ex.P13	: C/C of sale deed of Muddebihal

List of Witnesses examined for Respondents:

-Nil-

List of Documents marked for Respondents:

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) of LARR Act
Ex.R4 : Copy of Award No.LAQ:SR:24/2012-13

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

*UCT/-...