KAVP010028752022

Presented on : 06-04-2022
Registered on : 14-06-2022
Decided on : 29-06-2026
Duration : 4Y-0M-15D

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 June 2026

L.A.C.No.1225/2022

Claimant:

Shekhappa S/o Dundappa Janoji,
Age: 42 yrs, Occ: agri.,
R/o Sangapur SH, Tq.Babaleshwar,
Dist. Vijayapura.

[By Sri.M.A.Haridas, Advocate]

// Versus //

Respondents:

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

2. The Spl. Deputy Commissioner,
KBJNL, Navanagar, Bagalkot.

3. The Commissioner,
KBJNL, Navanagar, Bagalkot.

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

[R1 to R3/By Sri.S.S.Garasangi, Spl.G.C.]
[R4/By Sri.S.S.Shiradon, Advocate]

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

Sl. No	Particulars	Details
1.	Act under which acquisition is made	The RFCTLARR Act
2.	Name of Project	Upper Krishna Project
3.	Purpose of Acquisition	Mulawad Lift Irrigation Project, Malaghan West Canal
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.22/2016-17
6.	Date of Social Impact Report	ಸರಕಾರದ ಆದೇಶ ನಂ:ಕಂಇ:36: ಭೂಸ್ವಾವಿ: 2014 ದಿನಾಂಕ:13/03/2014ರನ್ವಯ ಮತ್ತು ತಿದ್ದುಪಡಿ ಆದೇಶ ದಿನಾಂಕ:22/04/2014ರನ್ವಯ ಕಲಂ 6(2)ರ ಅಡಿಯಲ್ಲಿ ನೀರಾವರಿ ಯೋಜನೆಗಳಿಗಾಗಿ ಭೂಸ್ವಾಧೀನಪಡಿಸುವಾಗ ಪರಿಸರದ ಮೇಲಿನ ಪರಿಣಾಮ ನಿರ್ಧರಣದ ಅಂಶ (Environment Impact Assessment) ಪ್ರಕ್ರಿಯೆಯನ್ನು ಬೇರಾವುದೆ ಕಾಯ್ದೆಗಳಡಿಯಲ್ಲಿ ಮಾಡಬೇಕಾದಲ್ಲಿ ಸಾಮಾಜಿಕ ನಿರ್ಧರಣದ ಅಂಶ (Social Impact Assessment) ಕೃಷ್ಣಾ ಮೇಲ್ದಂಡೆ ಯೋಜನೆಗೆ ಅನ್ವಯಿಸುವುದಿಲ್ಲವೆಂದು ಸ್ಪಷ್ಟೀಕರಿಸಿದೆ.
7.	Date of Preliminary Notification (Gazette Publication)	25.01.2017
8.	Date of Final Notification (Gazette Publication)	15.03.2021
9.	Date of Possession	15.03.2021
10.	Location of Property (District/Taluk/Village)	Dist.- Vijayapura, Tq.- Vijayapura, Village.- Halagani.

11.	Survey Number	Sy.No.194/5 ***[As per Ex.P10/Ex.R2]***
12.	Extent of Land/property Acres/Guntas/Sq.Meters/Sq.Feet	Dry: 5 Guntas ***[As per Ex.P10/Ex.R2]***
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.78,000/- Per Acre with Factor-2
14.	Market value awarded by Reference Court/ Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	**Rs.13,708/- Per Gunta with Factor-2**
15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./ Sq.ft.)with Factor, if applicable.	- -
16.	Date of filing Reference	01.07.2021
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	25.06.2024 & 27.01.2025
19.	Date of Disposal	29.06.2026
20.	Amount awarded by Reference Court	**Rs.13,708/- X 5 Guntas = Rs.68,540/- 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.43,395/- ***[As per Ex.P10/Ex.R2]***

A W A R D

The claimant herein has filed this Reference Petition U/Sec.64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred as 'RFCTLARR Act'], being dis-satisfied with the award passed in LAQ:SR:No.22/2016-17 dated: 15.03.2021, stating that compensation awarded to the acquired land is inadequate and against the actual market value of the land under acquisition and accordingly, sought for enhancement of compensation to the tune of Rs.One Crore Per Acre, along with other statutory benefits.

2. It is the case of the claimant that he is the owner of land bearing Sy.No.194/5 measuring 5 Guntas ***[As per Ex.P10/Ex.R2-Office Order of SLAO]*** situated at Halagani village, Tq.Vijayapur. Said land has been acquired by the SLAO for construction of irrigation canal. That the respondent No.1-SLAO has awarded compensation of Rs.78,000/- 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. The acquired land is irrigated land and he was growing crops like Sugarcane, Tora, Groundnut, Sunflower, Maize, Wheat, Onion, Cotton, Chilly etc., and getting annual agricultural income of Rs.6 Lakh Per Acre. The SLAO has not considered all these facts and has wrongly awarded meager amount. Even the SLAO has not considered the fertility and crop pattern, has passed the Award. The method

adopted by the SLAO is not on any legal basis and has not considered the relevant provisions of the RFCTLARR Act while fixing the market value of acquired land. Therefore, the claimant is entitled to the enhanced compensation 4 times from the market value and also entitled for all other statutory benefits provided under the RFCTLARR Act. Accordingly, the claimant prayed for awarding Rs.One Crore Per Acre to the land under acquisition, along with other statutory benefits.

3. Initially, the claimant has filed petition against the respondents No.1 to 3 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.4.

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

5. It is the sum and substance of their objections is that the reference petition filed by the claimant is barred by time. The SLAO has fairly and properly determined the market value of the land

under acquisition. While passing the award, the SLAO has considered the fertility of the land, pattern of cropping and other relevant facts. The award passed by the SLAO is in accordance with law. The claimant has filed the present petition only with an intention to get more compensation. The claimant has claimed Rs.One Crore Per Acre, not produced any relevant documents. The claimant has not suffered any loss due to the acquisition of the land. The SLAO has awarded compensation two times of the market value arrived in addition to 100% solatium and 12% additional market value. That in all more than 4 times than the average market value. Thus, the SLAO while fixing the market value has considered all the parameters. Therefore, the claim petition filed by the claimant is not maintainable in the eyes of law. Accordingly, prayed for dismissal of claim petition by confirming the award passed by the SLAO.

6. In order to establish his claim, the claimant has been examined as PW.1 and got marked documents at Ex.P1 to P12. 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 the advocate for claimant.

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

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

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

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

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

4. *What Order?*

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

Point No.1: In the Affirmative.

Point No.2: In the Affirmative.

Point No.3: In the Partly Affirmative.

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

REASONS

10. **Point No.1:** The main contention of the respondents is that claim petition filed by claimant is barred by limitation. Section.64 of the RFCTLARR Act prescribes time limit for filing Reference Petition. As per Sec.64 of the Act, the claimant has to file reference petition within 30 days from the date of receipt of notice. In the instant petition, Award was passed on 15.03.2021. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before SLAO on 01.07.2021. As per Letter of SLAO dated 24.09.2021, the respondent No.1 has submitted Reference to this Authority. Once the respondent No.1 has submitted reference to this authority, it is implied that delay has been condoned. It is well settled law that no one is permitted to aprobate and reprobate. The respondents are estopped from raising contention regarding limitation.

11. Admittedly, the RFCTLARR Act is a social legislation. The land-losers who are entirely depending their livelihood on the acquired land, have filed the petition for enhancement of compensation. The claim

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

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

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

failure of the acquisition authority to send reference within the stipulated time does not negate the claimant' rights.

14. It is well settled law that cases merit should not be discarded solely on technical grounds of delay. That, the procedural rules are essential for orderly conduct of legal proceedings but they should not be applied rigidly to defeat the ends of justice. Hence, there is no water in the arguments advanced by the learned counsel for the respondents that the petition filed by the claimant is barred by time. On careful perusal of Ex.P1-claim petition, Ex.R3-Award and the Letter of SLAO dated 24.09.2021, clearly goes to show that delay has been condoned by SLAO and petition filed by the claimant 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 his case, the claimant himself examined as PW.1 and got marked the documents Ex.P1 to 12. PW.1 clearly deposed that the respondent No.1 has acquired 5 Guntas of land under Mulawad Lift Irrigation Project. The acquisition authority has not considered the sale deeds of adjoining villages. The acquired land is dry land and the SLAO has accordingly awarded Rs.78,000/- Per Acre under dry land category, which is meager one. The acquired land is irrigated land and he was growing crops like Sugarcane, Groundnut, Onion, Chilly and other crops and getting annual agricultural income of Rs.6 Lakh Per Acre. The acquisition authority has not considered the sale deeds of adjoining villages. He deposed that the Babaleshwar, Kambagi, Yakkundi, Nidoni and Mamadapur villages are adjoining to Halagani village. The respondent No.1 has not considered the sale deeds of said villages i.e. Ex.P2 to 8, 11 & 12. The cropping patterns and fertility of the land under acquisition and the land situated in the above said villages are one and the same. He is also entitled for

compensation for the acquired land Rs.80 Lakh Per Acre. The SLAO has not considered all these facts and has passed the award. Accordingly, prayed for allowing the petition.

17. The counsel for the respondents cross-examined PW.1. He admitted that acquired land is dry land. He further admitted that Gunta land will be purchased for construction of house/shops. He deposed that the lands of Babaleshwar, Kambagi, Yakkundi and Mamadapur villages are 5 kms away from acquired land and the land of Nidoni village is 10 kms from acquired land.

18. The entire evidence of PW.1 coupled with Ex.P9-Vijayapura Taluka Map, Babaleshwar, Kambagi, Yakkundi, Nidoni and Mamadapur villages are far away from Halagani village. The claimant has produced the sale deeds of Halagani village. Hence, the sale deeds of Babaleshwar, Kambagi, Yakkundi, Nidoni and Mamadapur marked at Ex.P2 to 8 are not relevant for determination of market value of the acquired land in this case.

19. It is admitted fact that claimant is the owner of land bearing Sy.No.194/5 measuring 5 Guntas ***[As per Ex.P10/Ex.R2-Office Order of SLAO]*** situated at Halagani village, Tq.Vijayapura. It has been acquired by the SLAO for construction of canal under Mulawad Lift Irrigation Project. Respondent No.1 has fixed the market value of the acquired land at Rs.78,000/- Per Acre under dry land category. The claimant being dis-satisfied with the said Award, filed reference petition for enhancement of compensation on the ground that compensation awarded by the respondent No.1 is inadequate and against the actual market value of the acquired land.

20. In this case, the respondent No.1 has fixed the market value on the basis of guidance value and sale statistics. It is well settled law that guidance value are not only sole criteria for determining the market value. That in a decision reported in **(1994) 4 SCC 595** (*Jawajee Nagatham Vs. Revenue Divisional Officer, Adilabad, AP and others*) and in another decision reported in **(2004) 2 SCC 283** (*Krishi*

Utpadana Mandi Samithi, Sahaswan, District Badaun Vs. Bipin Kumar and another) wherein the Hon'ble Apex Court held that "the market value under the Land Acquisition Act cannot be fixed solely on the basis of the rates mentioned in the basic valuation registers. These registers are maintained to curb the under valuation of land, a practice adopted to evade the payment of proper stamp duty." In *Jawajee Nagatham* (supra), the Hon'ble Apex Court observed that "the basic valuation register is maintained to ensure the collection of stamp duty."

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

22. In this case, the claimant has produced Ex.P11 and 12-sale deeds of Halagani village. In this

case, respondent No.1 has published the Notification U/Sec.11(1) of the Act on 25.01.2017. As per Sec.26 of the said Act, the sale deed/agreement to sell must be immediately preceding 3 years of the year in which such acquisition of land is proposed to be made. Above sale deeds have been executed immediately preceding 3 years from the date of Notification U/Sec.11(1) of the Act. Hence, the sale deeds of of Halagani village marked at Ex.P11 & 12 are relevant for determination of market value of the acquired land.

23. The claimant has produced the sale deeds pertains to Babaleshwar, Kambagi, Yakkundi, Nidoni and Mamadapur villages and said villages are far-away from Halagani village. Hence, said sale deeds cannot be considered. It is well settled law that mere sale deeds produced by the claimant is not pertaining to Halagani village, the claim of claimant cannot be rejected. 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 & Kashmir), wherein the Hon'ble Apex Court has held at paras-13 & 14 as under;

> *"13. When the lands are more or less situated nearby and when the acquired lands are identical and similar and the acquisition is for the same purpose, it would not be proper to discriminate between the land owners unless there are strong reasons. In Union of India Vs. Bal Ram and Another (2010) 5 SCC 747, this Court held that if the purpose of acquisition is same and when the lands are identical and similar though lying in different villages, there is no justification to make any discrimination between the land owners to pay more to some of the land owners and less compensation to others. The same was the view taken in Union of India Vs. Harinder Pal Singh and Others (2005) 12 SCC 564, where this Court held as under;*
>
> > *"15. We have carefully considered the submissions made on behalf of the respective parties and we see no justification to interfere with the decision of the Division Bench of the Punjab and Haryana High Court which, in our view, took a pragmatic approach in fixing the market value of the lands forming the subject-matter of the acquisition proceedings at a uniform rate. From the sketch plan of the area in question, it appears to us that while the lands in question are situated in five different villages, they can be consolidated into one single unit with little to choose between one stretch of land and another. The entire area is in a stage of development and the different villages are capable of being developed in the same manner as the lands comprised in Kala Ghanu Pur where the market value*

> > *of the acquired lands was fixed at a uniform rate of Rs 40,000 Per Acre. The Division Bench of the Punjab and Haryana High Court discarded the belting method of valuation having regard to the local circumstances and features and no cogent ground has been made out to interfere with the same.*
> >
> > *16. In our view, in the absence of any contemporaneous document, the market value of the acquired lands of Village Kala Ghanu Pur which were acquired at the same time as the lands in the other five villages was correctly taken to be a comparative unit for determination of the market value of the lands comprising the lands forming the subject-matter of the acquisition proceedings under consideration.......”*
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> *14. When the lands are acquired at the same time and for the same purpose that is for resettlement of Dal dwellers, the lands situated in three different villages namely, Chandapora, Bhagichandpora and Pazwalpora, and since the land is similar land, it would be unfair to discriminate between the land owners and other references and the appellants who are the land owners in Reference No.15 and pay less that is Rs.2,50,000/- per Kanal to the appellants and pay more to other land owners that is Rs.4,00,000/- per Kanal. Impugned judgments of the High Court in CIA No. 211/2009 and Cross Appeal No. 64/2011 are to be set aside by enhancing the compensation to Rs.4,00,000 per Kanal. As a sequel to this, the order passed in review is also to be set aside.”*

24. In another recent judgment of Hon’ble High Court of Madhya Pradesh, Gwalior Bench passed on 13.02.2025 in **First Appeal No.1411/2023** (*Roshan Meena Vs. U.P. Mukhaya Engineer and another*), held

that "*if the acquired properties are similar in nature, same compensation is to be awarded to such properties.*" The property involved in this case and the properties involved in Ex.P11 & 12, 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.*
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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."*

25. The counsel for the respondent No.4 vehemently argued that the land involved in this case and the lands involved in Ex.P11 & 12, 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."*

26. There is no dispute as regard the law laid down by the Hon'ble Apex Court in the aforesaid judgment. That in a recent decision passed by the

Hon'ble Apex Court in **SLP.(C).Nos.9732-9734/2023** dated:07.05.2025 (*Krishan Kumar Vs. State of Haryana & Ors*), wherein at paras-20 & 56 held that;

> *"20. Consequently, we find no justification for the disparity in compensation for lands from both villages situated in the inner belt. The High Court itself has offered no factual finding to support the conclusion that lands abutting NH-8 in Kukrola must be valued differently from those in Fazalwas. Accordingly, we hold that the differential compensation is unsustainable and must be set-aside. The quantum of compensation across both villages should remain at par."*
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> *56. Considering the foregoing analysis, it is evident that the differential compensation awarded to Kukrola and Fazlwas for lands in the inner belt lacks a sound evidentiary basis and violates the principle of equal treatment for similarly situated landowners. The High Court's reliance on isolated sale exemplars, without sufficient justification for the disparity, cannot be sustained. Given the established principles that adjacent lands with comparable potential must be awarded parity in compensation, we find it appropriate to rectify this anomaly. Accordingly, the compensation for lands abutting NH-8 up to a depth of 5 acres in Kukrola is enhanced to INR 1,21,00,000 Per Acre, bringing it at par with Fazalwas. Thus, while the claims for enhancement beyond this rate stand rejected, the appeals concerning Kukrola's inner belt lands succeed to the extent indicated above."*

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

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

29. In legal proceedings, pleadings and arguments must be supported by evidence. While pleadings outline the claims and defenses and arguments, present the legal reasoning. Argument is not substitute for the evidence. A party must present evidence to prove the facts asserted in their pleadings. Arguments based solely on unproven pleadings are unlikely to succeed. A party must present evidence to support their claims, even if those claims are clearly stated in the pleadings. As discussed supra, the respondents have failed to step into witness box, hence an adverse inference is drawn against the respondents.

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

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

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

31. As discussed supra, the lands mentioned in Ex.P11 & 12 and the land involved in this case, are more or less situated nearby, are identical, it is not proper to discriminate between land owners unless there are strong reasons.

32. The acquired land is situated in Halagani village. The sale deeds of Halagani marked at Ex.P11 & 12 have been executed for highest sale price. Therefore, Ex.P11 & 12 are taken into consideration for determining the market value of the acquired land, in the absence of contrary evidence of the respondent side.

33. Ex.P11-sale deed has been executed in respect of 6 Guntas in Sy.No.221*4 for sale consideration of Rs.1,20,000/- and Ex.P12 has been executed in respect of 6 Guntas in Sy.No.275*1 for sale consideration of Rs.1,15,000/-. The total sum of sale price of Ex.P11 & 12 comes at Rs.2,35,000/-. When said amount of Rs.2,35,000/- is divided by 12 Guntas [total sum of extent of Ex.P11 & 12], then the amount per Gunta would come at Rs.19,583.33 and same is rounded-of to Rs.19,584/- Per Gunta.

34. However, 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%.*

35. 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 considering the small piece of land by deducting 30%. Therefore, after deduction of 30%, the claimant is entitled for market value of the acquired land at the rate of Rs.13,708/- Per Gunta. Hence, it is just and proper to redetermine the market value of the acquired land at Rs.13,708/- Per Gunta under dry land category.

36. The claimant in his reference petition has pleaded that acquired land is irrigated land. Even in the examination-in-chief, PW.1 has deposed that acquired land is irrigated land. During the course of cross-examination, he has clearly admitted that acquired land is dry land. Thus, there is no iota of evidence adduced by the claimant in order to establish that acquired land is irrigated land. On

perusal of Ex.R3-Award, the SLAO has clearly mentioned the acquired land as dry 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 acquired land is irrigated land. Hence, claimant is only entitled for enhanced compensation in respect of acquired dry land.

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

Further, claimant is entitled for 100% solatium on market value as per Sec.30(1) and 1st Schedule of Act.

38. Further, in addition to market value as determined U/Sec.26 of the Act, the claimant is also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publication of the notification of the Social Impact Assessment Study till the date of the award of the Collector i.e. from 25.01.2017 to 15.03.2021, as provided U/Sec.30(3) of the Act.

39. Further, the claimant is also entitled for interest at the rate of 9% per annum for a period of one year, on excess compensation from the date of taking possession and thereafter, at the rate of 15% per annum for subsequent period till date of deposit of amount as provided U/Sec.72 & 80 of ACT-2013. Accordingly, I answered Point No.2 in the ***Affirmative*** & Point No.3 in the ***Partly Affirmative***.

40. **<u>Point No.4</u>:** In view of above discussion, I proceed to pass the following:

ORDER

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

The claimant is entitled for compensation at the rate of Rs.13,708/- [Rupees Thirteen Thousand Seven Hundred & Eight Only] Per Gunta under dry land category, in respect of his acquired land to the extent of 5 Guntas in Sy.No.194/5 ***[As per Ex.P10/Ex.R2-Office Order of SLAO]*** situated at Halagani village.

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

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

Further, in addition to market value re-determined U/Sec.26 of the Act, the claimant is also entitled for additional compensation at the rate of 12% per annum on such market value from the date of publication of notification of Social Impact

Assessment Study till the date of award of Collector i.e. 25.01.2017 to 15.03.2021, as provided U/S.30(3) of RFCTLARR Act 2013.

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

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

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

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

[Dictated to the Steno-Gr-I directly on the Computer, script corrected and then pronounced by me in the Open Court on this the 29th day of June, 2026]

KHADARSAB HBENAKATTI

Digitally signed by KHADARSAB HBENAKATTI
Location: III ADDL. DISTRICT AND SESSIONS JUDGE,VIJAYAPURA
Date: 2026.07.01 11:07:54 +0530

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

ANNEXURE

List of Witnesses examined for Claimant:

PW.1: Shekhappa S/o Dundappa Janoji

List of Documents marked for Claimant:

Ex.P1	: Reference Petition
Ex.P1(a)	: Amended Reference Petition
Ex.P2 to P8	: C/Cs of sale deeds
Ex.P9	: Vijayapura Taluka Map
Ex.P10	: Office Order of SLAO
Ex.P11 & 12	: C/Cs of sale deeds

List of Witnesses examined for Respondents:

-Nil-

List of Documents marked for Respondents:

Ex.R1 : Copy of Schedule U/S.65(2) of LARR Act
Ex.R2 : Copy of Office Order of SLAO
Ex.R3 : Copy of Award No.LAQ:SR:22/2016-17

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