

KAVP010050372021



Presented on : 28-07-2021
Registered on : 05-08-2021
Decided on : 16-07-2026
Duration : 4Y-11M-12D

**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 16th day of July 2026

L.A.C.No.2473/2021

Claimant:

Mantappa S/o Mallappa Kumbar,
Age: 70 yrs, Occ: agri.,
R/o. Takkalaki, Tq:Muddebihal,
Dist: Vijayapura.

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

// Versus //

Respondents:

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

2. The Commissioner, R/R.,
Secretary for Land Acquisition Division,
Navanagar, Bagalkot.
3. The Managing Director,
KBJNL, K.R.Circle, Bangalore,
Branch Office at Almatti.

[R1 & R2/By Sri.S.S.Garasangi, Spl.G.C.]

[R3/By Sri.S.S.Shiradon, Advocate]

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

Sl. No	Particulars	Details
1.	Act under which acquisition is made	The RFCTLARR Act
2.	Name of Project	Upper Krishna Project
3.	Purpose of Acquisition	Almatti Left Bank Canal – Distributory Canal-22
4.	Beneficiary of Acquisition	KBJNL
5.	Acquisition File No.	LAQ:SR:No.69/2017-18
6.	Date of Social Impact Report	- -
7.	Date of Preliminary Notification (Gazette Publication)	23.01.2018
8.	Date of Final Notification (Gazette Publication)	15.07.2020
9.	Date of Possession	15.07.2020
10.	Location of Property: (District/Taluk/Village)	Dist.- Vijayapura, Tq.- Muddebihal, Village.- Takkalaki.
11.	Survey Number	Sy.No.15/1
12.	Extent of Land/property: Acres/Guntas/Sq.Meters/Sq.Feet	Dry: 4 Guntas
13.	Market value awarded by acquiring authority (Per Acre/Gunta/Sq.Mtr./ Sq.ft.) with Factor	Rs.1,50,000/- Per Acre with Factor-2
14.	Market value awarded by Reference Court/ Authority (Per Acre/Gunta/ Sq.Mtr./Sq.ft.) with Factor	Confirmed the Award passed by the acquiring authority.

15.	Market value awarded by Appellate Court (Per Acre/Gunta/Sq.Mtr./Sq.ft.) with Factor, if applicable.	- -
16.	Date of filing Reference	10.09.2020
17.	Date on which Issues were framed	- -
18.	Date on which evidence commenced & concluded	14.08.2025 & 29.05.2025
19.	Date of Disposal	14.07.2026
20.	Amount awarded by Reference Court	- NIL -
21.	Amount awarded by Appellate Court (if applicable)	- -
22.	Compensation amount already paid by the SLAO to the Claimant	Rs.64,181/-

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.69/2017-18 dated:15.07.2020, stating that compensation awarded for his 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.70,00,000/- 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.15/1 measuring 4 Guntas

situated at Takkalaki village, Tq.Muddebihal. Said land has been acquired by the SLAO for construction of irrigation canal and has awarded compensation of Rs.1,50,000/- 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/wet land and they were growing crops like Tora, Sunflower, Groundnut, Wheat, Onion, Cotton, Chilly, Maize etc., and getting annual agricultural income of Rs.4 Lakh Per Acre. That the SLAO has not considered the fertility of the land before passing Award. 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 RFCTLARR Act. Accordingly, the claimant prayed for awarding Rs.70,00,000/- Per Acre

to the land under acquisition, along with other statutory benefits.

3. Initially, the claimant has filed petition against the respondents No.1 & 2 only. After referring the matter to this Authority, the Managing Director, KBJNL, Almatti has been impleaded as respt. No.3.

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

5. It is the sum and substance of their objections is that the reference petition filed by the claimant is barred by time. The SLAO has fairly and properly determined the market value of the land under acquisition. While passing the Award, the SLAO has considered the fertility of the land, pattern of cropping and other relevant facts. The Award passed by the SLAO is in accordance with law. The claimant has filed the present petition only with an intention to get more compensation. The claimant has claimed Rs.70,00,000/- Per Acre, not produced any relevant documents. The claimant has not suffered any loss due to the acquisition of the land. The SLAO has

awarded compensation two times of the market value arrived in addition to 100% solatium and 12% additional market value. That in all more than 4 times than the average market value. Thus, the SLAO while fixing the market value has considered all the parameters. Therefore, the claim petition 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 5. 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 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 Negative.

Point No.3: In the Negative.

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 15.07.2020. As per Ex.R3-Schedule, the notice issued U/Sec.37(2) of the RFCTLARR Act has been served

upon the claimant on 02.09.2020. As per Ex.P1, reference petition U/Sec.64 of the Act has been filed before the SLAO on 10.09.2020 which is within 30 days 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 claimant on 02.09.2020. Hence, the claimant has filed reference petition within 30 days from 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 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's rights.

14. It is well settled law that cases merit should not be discarded solely on technical grounds of delay. That, the procedural rules are essential for orderly conduct of legal proceedings but they should not be applied rigidly to defeat the ends of justice. Hence,

there is no water in the arguments advanced by the learned counsel for the respondents that the petition filed by the claimant 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 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 5. PW.1 deposed that the respondent No.1 has acquired 4 Guntas of his land under Alamatti Left Bank Canal and has awarded Rs.1,50,000/- Per Acre under dry land category, which is meager one. That the acquired land is dry land and he was growing crops like Togari, Sunflower, Wheat, Kadale, Kusube, Jawar etc., and getting annual agricultural income of Rs.2-3 Lakh Per Acre.

Bidarkundi and Yaragal villages are nearest to Takkalaki village. The SLAO has not considered the sale deeds/agreement to sell pertaining to adjoining villages as per Ex.P2 to 5. The land value per acre is more than Rs.70 Lakh. Hence, he is also entitled for compensation for the acquired land Rs.70 Lakh Per Acre. 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 denied that respondent No.1 has considered the sale deeds of relevant years and has fixed the fair compensation. He deposed that lands of Bidarkundi are situated 7 kms away from acquired land and the land of Yaragal is situated 10 kms away from acquired land.

18. The entire evidence of PW.1, it clearly goes to show that Bidarkundi and Yaragal villages are far away from Takkalaki village. PW.1 has further deposed in Para-7 of his cross-examination that “ಟಕ್ಕಳಕಿಯಿಂದ ಬಿದರಕುಂದಿ ಗ್ರಾಮಕ್ಕೆ ಹೋಗಬೇಕಾದರೆ ಬಲದಿನ್ನಿ, ಬಂಗಾರಗುಂಡ, ಕಪನೂರ, ಹುಣಕುಂಟಿ, ಯರಗಲ್, ಮುದ್ದೆಬೀಹಾಳ ನಂತರ ಬಿದರಕುಂದಿ ಗ್ರಾಮ ಬರುತ್ತದೆ. ಟಕ್ಕಳಕಿಯಿಂದ ಬಲದಿನ್ನಿ 5 ಕಿಮೀ,

ಬಲದಿನ್ನಿ ಯಿಂದ ಬಂಗಾರಗುಂಡ 5 ಕಿಮೀ, ಬಂಗಾರಗುಂಡದಿಂದ ಕಪನೂರ 5 ಕಿಮೀ, ಕಪನೂರದಿಂದ ಹುಣಕುಂಟೆ 5 ಕಿಮೀ, ಹುಣಕುಂಟೆಯಿಂದ ಯರಗಲ್ ಕಿಮೀ, ಯರಗಲನಿಂದ ಮುದ್ದೆಬೀಹಾಳ 6-7 ಕಿಮೀ, ಮುದ್ದೆಬೀಹಾಳದಿಂದ ಬಿದರಕುಂದಿ 5 ಕಿಮೀ ಅಂತರದಲ್ಲಿ ಇರುತ್ತದೆ.”

PW.1 has further deposed in Paras-8 & 11 of his cross-examination that “ಟಕ್ಕಳಕಿ ಗ್ರಾಮದಲ್ಲಿ ಜಮೀನುಗಳ ಮಾರಾಟ ಆಗುತ್ತವೆಯೋ ಅಥವಾ ಇಲ್ಲವೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ.

..... ಟಕ್ಕಳಕಿ ಗ್ರಾಮದ ಸುತ್ತಮುತ್ತ ಇಂಗಳಗಿ, ಬಲದಿನ್ನಿ, ಗಾಳಪೂಜಿ ಗ್ರಾಮಗಳು ಇರುತ್ತವೆ. ಟಕ್ಕಳಕಿ ಮತ್ತು ಸುತ್ತಮುತ್ತ ಗ್ರಾಮಗಳಲ್ಲಿ ಜಮೀನುಗಳ ಮಾರಾಟ ಆಗುತ್ತವೆಯೋ ಅಥವಾ ಇಲ್ಲವೋ ನನಗೆ ಗೊತ್ತಿಲ್ಲ. ಟಕ್ಕಳಕಿ ಗ್ರಾಮದ ಸುತ್ತಮುತ್ತ ಇಂಗಳಗಿ, ಬಲದಿನ್ನಿ, ರಕ್ಕಸಗಿ, ಬಂಗಾರಗುಂಡ, ಗಾಳಪೂಜಿ ಗ್ರಾಮಗಳ ಖರೀದಿ ಪತ್ರಗಳನ್ನು ಹಾಜರುಪಡಿಸಿರುವುದಿಲ್ಲ.....” Thus, PW.1 has clearly admitted that Takkalaki village is surrounded by Ingalagi, Baladinni, Ghalapuji, Kapanur villages and he does not know whether any sale transaction taken place in respect of Takkalaki and its surrounding villages. Hence, the claimant has failed to produce sale deeds/agreements to sell of Takkalaki or its surrounding villages.

19. The properties involved in Ex.P2 to 5-sale deeds/agreements to sell are situated far away from the land under acquisition. Therefore, as rightly

pointed-out by the learned advocate for the respondents, in order to get fair compensation, the claimant has to produce sale deeds/agreements to sell pertaining to Takkalaki village or its surrounding villages, but the claimant has produced the sale deeds of villages which are far away from Takkalaki village. Therefore, relaying on the said documents will defeat the very object of the RFCTLARR Act. Except Ex.P2 to 5 and oral testimony of PW.1, the claimant has not produced any other reliable documents in order to come to the conclusion that the market value of acquired land fixed by the SLAO is inadequate and unjust.

20. The respondents have not adduced their oral evidence.

21. On careful perusal of Sl.No.8 of Ex.R4-Award passed by the SLAO it reveals that acquired land is dry land. In order to rebut the observation made in the Award, there is no reliable evidence on record. In spite of this authority granting sufficient opportunity to the claimant, he failed to produce relevant documents of Takkalaki village or at-least

nearby villages. Hence, there is no reliable evidence on record to conclude that market value fixed by the SLAO is inadequate and improper. Unless and until, the claimant establishes that Award passed by the SLAO is contrary to law, his claim cannot be considered.

22. Since the claimant is claiming that the market value arrived by the SLAO is inadequate, he has to prove that his land fetches more value, he cannot take the weakness of the respondents as a trump-card. In a decision reported in **2004 (1) KCCR 662** [*K.Gopala Reddy (deceased) by L.Rs Vs. Suryanarayan and others*], wherein Hon'ble High Court of Karnataka held that;

“Whenever party approaches the Court for the relief based on the pleadings and issues, he has to prove his case. A suit has to be decided based on merits and demerits of the party who approach the Court. Weakness of the defendants cannot be considered as a trump card for the plaintiff.”

23. Looking from any angle, except evidence of PW.1, the claimant has failed to prove that the market value fixed by the SLAO is inadequate. As per Section 104 of Bharatiya Sakshya Adhiniyama, 2023, the 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 claimant has to prove his case on his own, he cannot take the advantage of the weakness of the respondents. In a decision reported in **(2011) 12 SCC 220** (*Rangammal Vs. Kuppaswamy*), it is clearly 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.”

The said decisions are aptly applicable to the case in hand. The claimant has to establish his case on his own and he cannot take the weakness of the respondents.

24. On careful perusal of the Ex.R4-Award passed by the SLAO, it reveals that before passing Award, SLAO has considered sale deeds of Takkalaki and has fixed the market value of the dry land at

Takkalaki at the rate of Rs.1,50,000/- Per Acre. The Award itself speaks that before fixing the fair market value, SLAO has obtained many sale deeds of Takkalaki village and has considered all the parameters for fixing the market value. There is no irregularity or perversity in the market value fixed by the SLAO. Even there is no other evidence to disbelieve the market value fixed by the SLAO. The claimant utterly failed to prove that market value fixed by the SLAO is too meager or contrary to law. Hence, claimant is not entitled for enhancement of market value of the acquired land. Accordingly, Points No.2 & 3 are answered in the ***Negative***.

25. **Point No.4:** In view of my finding on above said Points, I proceed to pass the following:

ORDER

The Reference Petition filed by the claimant U/Sec.64 of the RFCTLARR Act, 2013 is hereby dismissed.

Consequently, the Award passed by the respondent No.1-SLAO in favour of claimant herein under LAQ.SR.No.69/2017-18 dated 15.07.2020 with respect to the acquired land bearing Sy.No.15/1 measuring 4

Guntas situated at Takkalaki, Tq.
Muddebihal is hereby confirmed.

No order as to the cost.

In view of 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 16th day of July, 2026]

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

ANNEXURE

List of Witnesses examined for Claimant:

PW.1: Mantappa S/o Mallappa Kumbar

List of Documents marked for Claimant:

Ex.P1 : Reference Petition
Ex.P1(a) : Amended Reference Petition
Ex.P2 to 4: C/Cs of sale deeds
Ex.P5 : C/C of agreement to sell

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:69/2017-18

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

*UCT/-...