



Presented on : 04-02-2022
Registered on : 04-02-2022
Decided on : 11-06-2026
Duration : 4 years 4 months 7 days

**IN THE COURT OF THE I ADDITIONAL DISTRICT JUDGE
AT:YADGIR**

:Present:

Sri. A. EARANNA, M.Com., L.L.M.,
I Addl. Dist. & Sessions Judge, Yadgir

LAC No.1/2022

DATED THIS THE 11th DAY OF JUNE 2026

Petitioner/Claimant:

Parasappa S/o Hulagappa Harijan,
Age:40 Years, Occ:Agri, R/o Madalinganal,
Tq.Shorapur, Dist.Yadgiri.

(By Sri.B.B.Helawar, Advocate)

// Versus //

Respondents:

- 1) The Spl.Land Acquisition Officer, UKP,
Bhimarayanagudi, Tq.Shahapur,
Dist:Yadgir.
- 2) The Deputy Commissioner, Yadgir, Dist:Yadgir.
- 3) Krishna Bhagya Jala Nigam Ltd., Represented by its
Managing Director, K.R.Circle, Bangalore.

(By Sri.M.S.P. Advocate for R.1)
(DGP for R.2)



(By Sri.S.N.Advocate for R.3)

JUDGMENT

- 1) This reference petition is made under section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (For short herein after referred as the L.A. Act 2013.)
- 2) The land of the claimant is situated at Madalinganal village, Tq. Shorapur, Dist.Yadgir acquired by the respondent authorities for the purpose of construction of Upper Krishna Project Budihal-Pirapur Lift Irrigation project work by publishing preliminary notification in the State Gazette on 8.02.2018 by fixing the market value to the dry land at the rate of Rs.75,000/- per acre. The same is taken in the tabulated form as under:-

Sl No	LAC No.	Name claimants	of Sy.No.	Extent	Types of land
1.	1/2022	Parasappa	26/Yri hola (26/3)	00 Acres 07 Guntas	Dry

- 3) The claimant being aggrieved by the meager market value and compensation paid to his land by the respondent authorities



filed his protest petition on 2.2.2022. He contended that his acquired land has not been valued properly. The acquired land is consist of rich alluvial soil and the acquired land is dry land, net agriculture income of Rs.3,00,000/- per acre in every year. In the said land growing Groundnut, Sunflower, Wheat, Agasi, Kusabi, Kadale, Redgram (Togari), Onion, Zaware, Maize etc., crops the cost incurred for raising the crops is for below the 75% of the net annual agriculture income. The respondents have handed over the acquired area for the purpose of construction of Budihal-Pirapur Lift Irrigation project work. It is contended that the petitioner has not accepted the rate of compensation granted by the respondent for the acquired area planned and received under the protest. The actual market value prevailing in that area is not considered. The fertility of the soil and improvement made by the petitioner in the land is not considered and also average yield of the land with various types of crops during the assessment is not considered. The petitioner has become permanent losers of land and no rehabilitation and



resettlement was awarded. The interest is not calculated. The market value of the land is not less than Rs.70,00,000/- per acre which is less than prevailing rate in the village and sought for enhancement of the compensation.

- 4) After receiving the reference and serving notice on claimant appeared through learned counsel B.B.H. Advocate and respondent No.1 is appeared through Sri.M.S.P. Advocate. The respondent No.2 appeared through DGP Advocate. Respondent No.3 appeared through Sri.S.N.Advocte.
- 5) The learned Advocate for respondent No.1 filed objection by contending that, the land acquired in land bearing Sy.No.26/yri hold (26/3) measuring 00 acres 7 guntas of Madalinganal village. But denied about acquisition of the entire land. There is no irrigation facility found in the acquired area. The claimant accepted the compensation under protest. He has received compensation 3 times of the market value and 100% solatium as per the sale statistics. The market value considered. The interest was awarded as per law. The amount is imaginary one and prays to dismiss the petition.



- 6)** The objection filed by the respondent No.1 counsel is adopted by DGP as objection to the claim petition. Counsel for respondent No.3 filed objection.
- 7)** The claimant in support of his case examined as claimant as PW.1 and got marked Ex.P.1 to P.13 documents. There is no evidence led in on behalf of respondent but 1 document is marked as Ex.R.1.
- 8)** Heard the arguments, perused the grounds of petition, oral and documentary evidence on record.
- 9)** The following points that arise for my consideration are;

 1. Whether the claimant proves that he has filed the reference petition within stipulated time?
 2. Whether the claimant proves that the SLAO while passing the award has not fixed the fair compensation?
 3. Whether the reference petition filed by the claimant is deserved to be allowed?
 4. What order?



10) My findings to the above points are as under:-

Point No.1: In the Affirmative

Point No.2: In the Affirmative

Point No.3: In the Affirmative

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

REASONS

11) Point No.1:- Respondents have taken contention that the reference is not filed within time same is time barred. PW.1 has stated in his evidence on 11.2.2020 he has filed the reference petition from the date of award and award passed on 8.1.2020. Therefore, he has stated he filed the reference petition within limitation. As per Sec.64(1) of act aggrieved person must make the reference within 6 weeks from the date of collectors award, if the person making it was present or represented before the collector at that time when he made his award. In other cases within 6 weeks from the date of service of notice. Notice U/Sec.21 or within 6 months from the date of collector award which period shall be Ist expire. In the case on hand, the award passed on 8.01.2020 and reference petition was sent on 2.2.2022.



Therefore, there is a delay in sending the reference. Petitioner is the loser of the land. Merely not send the reference within prescribed time. The court may considered the entire facts of the case. Merely on technical grounds reference petition cannot be dismissed as petitioner is loser of the land. Therefore, delay is condoned. Hence, I answer point No.1 in the Affirmative.

- 12) Points No.2 and 3**:- Both these points are interlinked with each other. Hence, to avoid repetition of facts I have taken these points together for common discussion.
- 13)** On going through the records, claimant has stated that the land bearing Sy.No.26/Yri hola (26/3) to the extent of 7 guntas situated at Madalinganal village, Shorapur Taluk, Dist.Yadgir. SLAO has acquired the said land for Budihal-Pirapur Lift Irrigation Project by considering the said land is dry land awarded the market value of the said land Rs.75,000/- per acre. Acquired land is situated in the said place and is value is more than 70,00,000/-. In the acquired land growing the Ground nut, Sunflower, Wheat,



Kusabi, Kadale, Redgram (togari) onion, Jawar, Maize etc., crops were growing in the said land getting yearly income of Rs.3,00,000/- per acre by spending the less expenditure same is not considered by the SLAO without conducting the joint measurement for the acquired land awarded the lesser compensation amount and not considered the interest without visiting to the acquired land SLAO has passed the meager compensation. Therefore, he has filed protest petition seeking enhancement of compensation for the acquired land.

- 14)** In order to prove his case, petitioner himself examined as PW.1 and got marked Ex.P.1 to 13. Ex.P.1 is the copy of protest petition. Ex.P.2 is the amendment protest petition. Ex.P.3 is the award notice. Ex.P.4 is the award copy. Ex.P.5 is the judgment in LAC No.49/2021. Ex.P.6 is the judgment in LAC No.422/2020. Ex.P.7 is the judgment in LAC No.443/2020. Ex.P.8 is the judgment in LAC No.12/2022. Ex.P.9 is the judgment in LAC No.26/2022. Ex.P.10 is the copy of sale deed pertaining to Maradi village. Ex.P.11 is the



copy of sale deed pertaining to Maradi village. Ex.P.12 is the copy of sale deed pertaining to Maradi village. Ex.P.13 is the copy of sale deed pertaining to Talikoti village. Based on these documents petitioner seeking enhancement of compensation. Further, he has stated in his evidence acquired land is dry land and growing the crops like cotton, chilly, wheat, Kusubi, greengram per acre 10 to 15 quintals and chilly per acre 10 to 15 quintals. Jawar per acre 20 quintals, wheat per acre 10 quintals by spending less expenses for agriculture getting yearly income of Rs.2 to 3 lakhs per acre. SLAO has acquired the land pertaining to Masabinal, Talikoti and Masknal lift irrigation. SLAO has not considered the factors passed the lesser compensation amount of Rs,75,000/- wherein I Addl. Dist. Court Vijayapura awarded an amount of Rs.8,00,000/- per acre. In LAC No.446/2020, 439/2020, 422/2020 and 442/2020 wherein court has awarded the compensation after passing the award legal cell has gave opinion these cases are not fit for appeal. Further, in LAC No.6/2022, 47/2021, 48/2021,



45/2021 wherein in LAQSR No.18/2017-18 wherein courts awarded an amount of Rs.8,40,000/- per acre for the same purpose land was acquired by the SLAO but not considered the fair market value and passed the lesser compensation amount. Therefore, petitioner has taken the compensation amount under protest with dissatisfied order passed by the SLAO and reference was made U/sec.64 of the said Act seeking enhancement of compensation when reference was sent to this authority, this authority has to assess the evidence and document and compensation awarded for the acquired land. Further, SLAO has not considered the factors. As per the Ex.P.3 SLAO has awarded the compensation amount of Rs.75,000/- per acre. PW.1 has stated in his evidence acquired land is dry land. He further deposed he has not produced the yield certificate nor price list. Without producing the yield certificate nor price list he has stated he has growing the crops as stated supra. Further petitioner has produced the Ex.P.10 to 13 are the sale deed pertains to the Talikoti village wherein bit of land



purchased for an amount of Rs.6,35,000/-, 15,75,000/-, 2,50,000/-, 3,45,000/-. Based on the Ex.P.8 and 13 he seeks enhancement of compensation. Apart from this, petitioner has produced the Ex.P.4, Ex.P.8 this court has awarded the compensation for the acquired land to the extent of 8,40,000/- and 10,10,000/- wherein the acquired land is wet land then the court has awarded an amount of Rs.8,40,000/- and 10,10,000/-. Further, Ex.P.6 and 7 awarded compensation amount of Rs.41,91,000/- per acre and Rs.20,455/- per guntas. Based on these documents counsel for the petitioner argued that acquired land is fertile land. SLAO has not considered the fair market value of the acquired land. As per Ex.P.3 acquired land is dry land. SLAO has passed the award amount of of Rs.75,000/- per acre. On perusal of the Ex.P.5, 8 and 9 court has considered acquired land is wet land and passed the award. Further, Ex.P.6 and 7 as well as Ex.P.10 to 13 belongs to the Talikoti village. Based on the aforesaid documents it reveals that SLAO has not considered the factors and



awarded the compensation amount of Rs.75,000/- per acre. SLAO has not awarded crop compensation. Petitioner is permanent loser of the land and not awarded resettlement and rehabilitation. Land was acquired in the year 2011. After considering the aforesaid document this authority come to conclusion petitioner is entitled 10% escalation to the market value assessed. Therefore, taking into the Ex.P.10 to 13 that the petitioner is entitled to get award to the extent of dry land is Rs.6,00,000/- per acre. Therefore, the award passed on 2.2.2022 and period of difference is and the escalation price is 60,000/- comes to 6,60,000/- per acre is awarded against 75,000/- per acre for dry land.

- 15)** Reference was sent to this court, this court ought to see that the price list, yield certificate nor market value of the land nor judgment passed by the court. In the present case, petitioner has not placed yield certificate nor price list pertaining to the acquired land. Under such circumstances, it is necessary to see the judgments passed by the court for the dry land. Here in this case, respondents have not



placed any other document. As per the Ex.P.3 SLAO has passed the award for an amount of Rs.75,000/- for dry land. Preliminary notification in this case is 2.2.2020 and also land acquired in LAC No.49/2021 is of same notification and for same purpose and in the same taluk. Both the lands are situated some distance while this authority enhancing the compensation then the Dist. and Sessions Court has awarded compensation amount of Rs.8,40,000/- for dry land. Therefore, land acquired in LAC No.49/2021 and in the present case is on the same notification as on the same purpose as on the same Taluk and nearby the place then this court come to conclusion SLAO has not passed fair compensation. Therefore, considering the Ex.P.10 to 13 petitioner is entitled for compensation amount of Rs.6,60,000/- for dry land.

16) 2012 (4) Kar L.J. 84 in case of **SLAO Mysuru Vs. Channbasavagouda. Hon'ble High Court of Karnataka observed that (A) LAND ACQUISITION ACT, 1894 SEC.23(1)** Land compensation-market value-determination



of reliance passed by reference court on judgment and award already given in respect of land similarly situated and acquired for same purpose. Which having mean accepted by Govt, as become final, held, on facts, justified-no interference is called for with judgment and award passed by reference court and affirm the first appellate court. By considering the aforesaid judgment that as per Ex.P.4 and acquired land is near by the land of Yanniwadagera village and same taluka. Under these circumstance with due respect the ratio laid down in the said judgment is applicable to the present case on hand.

- 17) In MFA No.201099 of 2016 (LAC) between Shaik Hussain And The State of Karnataka through Spl.L.A.O. UKP Bheemarayanagudi, Shahapur Taluk, Dist:Yadgir, dated:7.8.2016 in para No.17.** The lands are situated in two different villages. The plan showing the location of the land vis-a-vis National Highway 18 had not been placed before us. From the award of the learned reference Judge, it appears that the lands situated in Pasupula village are



better placed than the lands situated in B.Thandrapadu village. Such a distinction had also been kept in mind not only by the Land Acquisition Collector but also by the Reference Court. Further as per the ruling reported in **AIR 2002 S.C. 1558** in case of **SLAO BYDA Bagalkot Vs. Mohd. Hanif Sahib Bawa Sahib**, wherein the Hon'ble Supreme Court of India observed that the notification of market value by taking price fixed under old comparable sale transaction as base value and grant of appreciation in value of land at 10% per annum per every subsequent year is neither excessive nor unreasonable.

- 18)** In the present case on hand also 10% escalation has to be awarded. The award of Rs75,000/- is awarded. The sale deed produced by the PW.1 shows that the property of Talikoti village is sold at Rs.6,35,000/-, Rs.15,75,000/-, 2,50,000/- and 3,45,000/- shows that all these documents establishes that the amount awarded is very less. By taking into consideration of all these aspects the court has to award 10% escalation. The transaction were even prior to



the acquisition. The claimant is entitled to escalation of market value of their lands from the date of preliminary notification otherwise the court has to fix the market value by considering the sale statistics as per the sale deeds and also the award passed in other LAC No.49/2021, 422/2020, 443/2020 and 12/2022. Thus, these acquired land is dry land. The SLAO has fixed the market value of Rs.75,000/- to the dry land which is very low. The award passed on 2.2.2022. Thus, the court has to take escalation at 10% applied to the market value assessed.

19) With respect to escalation is concerned, the preliminary notification published on 2.02.2022 and the award was passed on 8.1.2020. The period of difference is and the escalation price is 75,000/- comes to 6,60,000/- per acre is awarded as against Rs.75,000/- per acre and the category of dry land.

20) Further, the claimants are entitled for solatium at the rate of 100% to the market value under section 30(1) and 1st Schedule to the L.A. Act 2013. The claimants are also



entitled for additional compensation the rate of 12% per annum on market value under section 30(3) including simple interest on the enhanced compensation as per section 72 and 80 of New L.A. Act 2003, except to the delayed period of reference made to this court and condoned by this court under the separate application considered under point No.1 above. Accordingly, I answer points No.2 and 3 in the affirmative.

21) POINT No.4:- In view of my discussion on above points, I proceed to pass the following:-

ORDER

The claim petition filed U/sec.64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, are hereby partly allowed with costs.

The claimant is entitled to the enhanced market value from Rs.75,000/- to Rs.6,60,000/- per acre of dry land situated at Madalinganal village Tq. Shorapur Dist.Yadgir subject to deposit/payment of compensation if any.



The claimant is entitled for 100% solatium on enhanced market value under section 30(1) and 1st Schedule to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The claimant is entitled to two fold of the market value as per 1st Scheduled the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

The claimant is entitled to additional market value at the rate of 12% per annum on the enhanced market value.

The claimant is entitled to 9% of interest per annum on the enhanced market value as per Sec.72 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Further, the claimant is also entitled for payment of interest at the rate of 15% per annum as per section 80 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



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

Draw award accordingly.

(Dictated to the Stenographer Grade-II directly on computer typed by her on computer, script corrected, signed and then pronounced by me in the open court dated this the 11th day of June 2026).

(A. Earanna)

I Addl. District Judge,
Yadgir &
The Land Acquisition,
Rehabilitation & Resettlement
Authority, Yadgir.

ANNEXURE

WITNESS EXAMINED ON BEHALF OF THE CLAIMANT:

PW.1 : Parasappa Harijan S/o Hulagappa

WITNESS EXAMINED ON BEHALF OF THE RESPONDENTS:

- Nil -

EXHIBITS MARKED ON BEHALF OF THE CLAIMANT:

- Ex.P.1 : Copy of protest petition
- Ex.P.2 : Protest amendment petition
- Ex.P.3 : Award notice
- Ex.P.4 : Award copy
- Ex.P.5 : Certified copy of judgment and award in LAC No.49/2021 of Dist. Court, Yadgir.
- Ex.P.6 : Certified copy of judgment in LAC No.422/2020 of I Addl. Dist. Court, Vijaypur.
- Ex.P.7 : Certified copy of judgment in LAC No.443/2020 of I Addl. Dist. Court, Vijaypur.



- Ex.P.8 : Certified copy of judgment in LAC No.12/2022 of
Yadgir Dist Court.
Ex.P.9 : Certified copy of judgment in LAC No.26/2022 of
Yadgir Dist Court.
Ex.P.10 : Sale deed
Ex.P.11 : Sale deed
Ex.P.12 : Sale deed
Ex.P.13 : Sale deed

EXHIBITS MARKED ON BEHALF OF THE RESPONDENTS:

Ex.R.1 Part portion statement of Ex.P.3.

I Addl. District Judge,
Yadgir &
The Land Acquisition,
Rehabilitation & Resettlement
Authority, Yadgir.