



Presented on : 21-03-2022
Registered on : 22-03-2022
Decided on : 07-03-2026
Duration : 3 years 11 months 17 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.42/2022

DATED THIS THE 7th DAY OF MARCH 2026

Petitioner/Claimant:

Shivappa S/o Holeppa Gaddi,
Age:52 Years, Occ:Agri,
R/o Yanniwadagera, Tq.Shorapur,
Dist:Yadagiri.

(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 Yanniwadagera 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.91,080/- per acre for dry land. The same is taken in the tabulated form as under:-

Sl No	LAC No.	Name claimants	of Sy.No.	Extent	Types of land
1.	42/2022	Shivappa	61/A (61/3)	00 30 Guntas	Acres 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 15.3.2022. 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, Sugarcane, 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 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.Advocate.
- 5)** The learned Advocate for respondent No.1 filed objection by contending that, the land acquired in land bearing Sy.No.61/A (61/3) measuring 00 acres 30 guntas of Yanniwadagera 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.9 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 argued that reference is not filed within time same is time barred. PW.1 cross-examined by the respondents regarding petition was not filed within a stipulated time same is denied by the petitioner. Award was passed on 22.6.2020. Notice was served on 3.7.2020 i.e., after service of notice the reference petition was filed on 15.3.2022. 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 of U/Sec.21 or within 6 months from the date of collector award which period shall be Ist expire. Collector has to send the reference within a time if not send the collector then the delay in sending the reference is caused by the collector then based on the delay we cannot dismiss the petition as petitioner has served the notice but reference was not sent by the collector. Petitioner is the looser of the land and considering the entire facts of the case that the reference petition has not filed within 6 weeks from the date of the collectors award. Therefore, there is delay in sending the reference. Petitioner is the looser of the of the land and considering the entire fact of the case delay is condoned in the interest of justice and equity. In view of the above said fact. 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.61/A (61/3) to the extent of 30 guntas situated at Yanniwadagera 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.91,080/- per acre. Acquired land is situated in the said place and its value is more than 70,00,000/-. In the acquired land growing the Groundnut, Sunflower, Sugarcane, Wheat, Agasi, Kusabi, Kadale, Redgram (togari), Onion, Zaware, 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 9. Ex.P.1 copy of protest petition. Ex.P.1(a) protest amendment petition. Ex.P.2 Copy of award notice. Ex.P.3 copy of award. Ex.P.4 is the copy of judgment and decree passed in LAC No.49/2021 passed by the Dist. Court Yadgir. Ex.P.5 copy of judgment and award passed by the Dist. Court Vijayapura in LAC No.446/2020. Ex.P.6 copy of judgment and award passed by the Dist. Court Vijayapura in LAC No.422/2020. Ex.P.7 is the copy of sale deed pertaining to the Talikoti village. Ex.P.8 another copy of sale deed of Talikoti village dated:17.2.2018. Ex.P.9 RTC pertaining to Sy.No.61 for the year 2020-2021 of Yanniwadagera village. Based on these documents claimants is claiming that the acquired land is irrigated land. Therefore, he prays to enhance the compensation amount.
- 15)** PW.1 was cross-examined by the respondents. He denied he has not filed the referenced petition within a time. He denied in the acquired land getting yearly income of Rs.2 to



3 lakhs. He denied he was not grown crops as stated supra and he denied he was not getting 15 to 20 quintals toordal, 10 to 15 quintals of cotton, 10 to 20 quintals Sunflower and 20 quintals of Jawar, 10 quintals of wheat per acre. He denied he has filed the reference petition to get the more compensation. On going through the evidence of PW.1 he has stated at the time of acquisition acquired land is dry land. In order to support of his case he has produced the Ex.P.2 and P.3 where the acquired land is of dry land. He has stated that while considering the market value of the acquired land SLAO has not conducted joint survey nor fertility of the land and without considering the factors passed the meager compensation amount of Rs.91,080/- per acre. Petitioner has received the compensation amount awarded by the SLAO under protest and he is dissatisfied with the award passed by the SLAO. Therefore, he seeks to refer the petition U/sec.64 of the said Act. After getting the reference this authority has to see that the SLAO without considering the factors passed the lesser compensation as



per sec.69 of the said Act this authority has to see the evidence and documents and award passed by the SLAO. Here in this case, acquired land is dry land. Petitioner has produced the Ex.P.4 to 6 are the judgments of Dist. Court Yadgir and I Addl. Dist. Court Vijayapura. Apart from this he has produced the Ex.P.7 copy of sale deed of Talikoti village. Ex.P.8 is the another sale deed of same village and Ex.P.9 which is the RTC pertaining to the land bearing Sy.No.61 of Yanniwadagera village. However, based on the Ex.P.4 to 8 petitioner has seeks enhancement of compensation. On perusal of the records SLAO has not awarded resettlement and rehabilitation the petitioner is the permanent loser of the land and market value of the land considered by the SLAO. As per the Ex.P.4 for the same notification for the same purpose for the same village court has awarded an amount of Rs.8,40,000/- for dry land. Therefore, he seeks enhancement of compensation. On going through the Ex.P.7 and 8 purchased in the year 2016-17 and for the year 2017-18. Ex.P.7 & 8 reveals that 10



guntas of land of Talikoti village was purchased for an amount of Rs.6,35,000/- and 11 guntas for an amount of Rs.2,50,000/- that those documents pertaining to the prior to the acquisition of land by the SLAO. After considering the Ex.P.7 and 8 it reveals that SLAO has not considered the factors and passed the fair market value of the acquired land. Under these circumstances this authority come to conclusion that SLAO has not awarded fair compensation for the acquired land. As per sec.69 of the said Act. All the parameters should be taken into consideration while enhancing the compensation. Ex.P.7 and 8 purchased in bit by bits of Talikoti village of Muddebihal taluk acquired land is of Shorapur Taluk i.e., Talikoti and Yanniwadagera is too much distance. Considering the Ex.P.7 and 8 as well as Ex.P.4 that the petitioner is is entitled for enhanced compensation.

- 16)** PW.1 has not placed yield certificate from the competent authority nor documents from APMC to come to conclusion he was growing the aforesaid crops in the acquired land. On



going through the Ex.P.3 SLAO has awarded compensation amount of Rs.91,080/- per acre for wet land. In the Ex.P.3 it does not reveals acquired land is of irrigated land getting the water sources from the well. No document is placed by the petitioner.

- 17)** In this case, these documents clearly goes to shows that acquired land is dry land. SLAO has fixed the market value of Rs.91,080/-. Therefore, the award passed in the year i.e. 22.6.2020. Thus, this authority to take escalation at 10% to the market value assessed and gazette publication is 8.8.2018. Even though it has stated in the year 2010/11 the property possession was taken.
- 18)** **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.

- 19) 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.

- 20)** In the present case on hand also 10% escalation has to be awarded. The sale deed produced by the PW.1 belongs to Talikoti village for the year 2016-17 and another sale deed of same village for the year 2017-18. In this case, by taking into consideration of all these aspects the court has to award 10% escalation the said transaction are even prior to the acquisition. The claimant is entitled escalation of market value of his land 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 as per the award passed in LAC No.49/2021 at



Rs.8,40,000/- per acre by taking into consideration of Ex.P.4. Land acquired in the Ex.P.4 of Yanniwadagera village vide Gazette Notification No.8.2.2018 by fixing the market value of the acquired land at the rate of 91,080/-. Further, in the present case land bearing Sy.No.61/3 of Yanniwadagera village and dry land for the same notification and for the same purpose and same village was acquired by the SLAO. After considering the Ex.P.4 petitioner is entitled for enhancement of compensation.

- 21)** With respect to escalation is concerned, the preliminary notification published on 2.08.2018 and the award was passed on 22.6.2020. The period of difference is and the escalation price is 91,080/- comes to 8,40,000/- per acre is awarded as against Rs.91,080/- per acre and the category of dry land.
- 22)** 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.

23) 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.91,080/- to Rs.8,40,000/- per acre of dry land situated at Yanniwadagera village Tq.



Shorapur Dist.Yadgir subject to deposit/payment of compensation if any.

The claimant is entitled for 100% solatium o 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 7th day of
March 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 : Shivappa Gaddi S/o Holeppa

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 : Copy of award notice
- Ex.P.3 : Award copy
- Ex.P.4 : Certified copy of judgment in LAC No.49/2021 of
I Addl. Dist. Court, Vijaypur.
- Ex.P.5 : Certified copy of judgment in LAC No.446/2020 of
I Addl. Dist. Court, Vijaypur.
- Ex.P.6 : Certified copy of judgment in LAC No.422/2020 of
I Addl. Dist. Court, Vijaypur.
- Ex.P.7 : Sale deed
- Ex.P.8 : Sale deed
- Ex.P.9 : ROR

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.