



Presented on : 21-03-2022
Registered on : 22-03-2022
Decided on : 10-03-2026
Duration : 3 Years 11 Months 20 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.50/2022

DATED THIS THE 10th DAY OF MARCH 2026

Petitioner/Claimant:

Bhimappa S/o Shatyavva Chalavadi,
Age:58 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 wet land at the rate of Rs.1,74,000/- per acre for wet 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.	50/2022	Bhimappa	45/5	00	AcresWet
			(45/5/12	14	Guntas
)		



- 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 wet land, net agriculture income of Rs.5,00,000/- per acre in every year. In the said land growing Sugarcane, Groundnut, Wheat, Onion, Zavar, Maize, Chilli 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 even though it is irrigated land it was considered as wet land. 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.45/5 (45/5/12) measuring 00 acres 14 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.8 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 argued that the reference is not filed within time same is time barred. PW.1 has stated in his evidence award passed on 22.6.2020. Thereafter, on 3.7.2020 received the notice. He has stated filed the reference petition within time. On going through the records, reference was sent by the collector on 15.7.2022. As per Sec.64(1) of act aggrieved person must make the reference within 6 week 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 first expire. In the case on hand, the award passed on 22.06.2020 and reference petition was sent on 15.3.2022. Therefore, there is a delay in sending the reference. Petitioner is the looser of the land collector has not sent the reference within 6 weeks from the service of notice because of delay in sending the reference petitioner cannot suffer. Father, court may considered the entire facts of the case. Merely on technical grounds reference petition cannot be dismissed as petitioner is looser 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)** In the petition petitioner has stated land bearing Sy.No.45/5 measuring 0 acre 14 guntas of Yanniwadagera village acquired by the SLAO. Acquired land is comprehending of black cotton soil having good fertility and irrigation facility respondents have acquired land for utilization of water from the bridge to Mini Hydle power project for generating electricity. SLAO has not considered the bunds, wells, trees, IP sets pipelines are left without valuation and not considered the same. Market value of the acquired land not less than 70,00,000/- without considering the market value of the acquired land passed the meager sum of Rs.1,74,000/- per acre. Therefore, he prays to enhance the compensation amount.
- 14)** In order to prove his case, petitioner himself examined as PW.1 and got marked 8 documents i.e. copy of protest petition Ex.P.1. Amendment petition is Ex.P.1(A). Copy of award notice is Ex.P.2. Award copy is Ex.P.3. Copy of judgment in LAC No.6/2022 and 49/2021 of Yadgiri Dist. Court marked as Ex.P.4 and 5. Copy of judgment in LAC



No.446/2020, 422/2020 of I Addl. Dist. Court Vijayapura marked as Ex.P.6 and 7. RTC bearing Sy.No.45/5 of Kamalapur village for the year 2025-26 marked as Ex.P.8. Land Acquisition officer has not properly awarded compensation value of the acquired land not less than Rs.70,00,000/-. Land Acquisition Officer has awarded an amount of Rs.1,74,000/- per acre considering the acquired land as wet land. Land Acquisition Officer without visiting the acquired land passed the lesser compensation amount. He further stated in the acquired land he is getting various types of crops and having bunds, wells, trees, IP set and pipelines are not valued and not considered. Further, joint measurement was not made properly. Therefore, he prays to enhance the compensation amount for the acquired land.

- 15)** In the cross-examination he has stated said land was acquired for the purpose of Budihal-Peerapur lift Irrigation. He denied he was not getting yearly income of Rs.4-5 lakhs per acre. He denied he was not grown the sugarcane, cotton, onion, wheat, kadale, Kusabi and jawar and getting



the 80 to 90 quintals sugarcane and 40 to 50 quintal onion, 10 quintals jawar. He denied he seeking more compensation.

- 16)** Petitioner was received the compensation under protest and dissatisfied with the award passed by the SLAO. The reference was sent as per sec.64 of the said Act stating that SLAO has not considered the factors and passed the lesser compensation amount. Reference was made to this authority as per sec.69 of the said Act this authority has got right to consider the evidence and documents placed by the petitioner. Petitioner is permanent looser of the land. No rehabilitation and resettlement was awarded. Petitioner has stated SLAO has not conducted the joint survey and not considered the bunds of stone and mud constructed at cost incurred of Rs.1,00,000/-. Without considering the aforesaid factors considered the lesser market value of the acquired land and passed the meager compensation amount of Rs.1,74,000/-. On going through the Ex.P.3, 2 and 8 reveals that acquired land is wet land. Petitioner has stated



he was growing the crops as stated supra and not awarded the compensation for crops. In this case, petitioner has not produced the price list nor yield certificate and he has not produced the sale deeds at the time of acquisition of the land. In the said taluk that the lands are sold more than 40 to 50 lakhs per acre. While considering the market value of the land this authority may take price list nor yield certificate nor sale deeds. Petitioner has not produced the sale deeds to come to conclusion at the time of acquisition of the land in the said taluka lands are sold an amount of Rs.40 to 50 lakhs per acre. Petitioner has produced the Ex.P.4 to 7. Based on the Ex.P.4 to 7 petitioner seeks enhancement of compensation. While considering the market value of the acquired land aforesaid factors may be taken into consideration. Here in this case, SLAO has passed an amount of Rs.1,74,000/- per acre of wet land. On going through the aforesaid evidence as well as documents produced by the petitioner it shows that SLAO has not passed the fair compensation. Under these



circumstances as per sec.69 of the said Act this authority has got right to consider the evidence as well as documents placed by the petitioner. Ex.P.4 & 5 reveals that court has awarded compensation for dry lands. Ex.P.6 and 7 lands are situated Maileshwar village, Talikoti village. At the time of argument counsel for the petitioner has produced the copy of judgment passed in LAC No.12/2022. Based on the said judgment petitioner seeks enhancement of compensation. In the LAC No.12/2022 awarded the compensation an amount of Rs.10,10,000/- for wet land and land acquired in this case is of same notification, same purpose and for in the same Taluka. While considering the said judgment as well as Ex.P.4 to 7 SLAO has not awarded the fair compensation. On considering the Ex.P.4 to 7 that the SLAO has not awarded the fair compensation. Hence, this authority has enhanced the compensation.

- 17)** In this case, these documents clearly goes to show that acquired land is wet land. SLAO has fixed the market value of Rs.1,74,000/-. 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 8.2.2018.

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.7 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. 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 and other cases at Rs.10,10,000/- per acre by taking into consideration of Ex.P.3.
- 21)** With respect to escalation is concerned, the preliminary notification published in 8.2.2018 and the award was passed on 22.06.2020. The period of difference is and the escalation price is 1,74,000/- comes to 10,10,000/- per acre is awarded as against Rs.1,74,000/- per acre and the category of wet land.
- 22)** Further, the claimant is 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 claimant is 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 point 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.1,74,000/- to Rs.10,10,000/- per acre of wet lands situated at Yanniwadagera village, Taluk: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 10th 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 : Bhimappa S/o Satyavva Chalawadi

WITNESS EXAMINED ON BEHALF OF THE RESPONDENTS:

- Nil -

EXHIBITS MARKED ON BEHALF OF THE CLAIMANT:

Ex.P.1 : Copy of protest petition
Ex.P.1(a): Protest amendment petition



- Ex.P.2 : Copy of award notice
Ex.P.3 : Award copy
Ex.P.4 : Certified copy of judgment and award in LAC
No.6/2022 of Yadgir Dist Court.
Ex.P.5 : Certified copy of judgment in LAC No.49/2021 of
Dist. Court, Yadgir.
Ex.P.6 : Certified copy of judgment in LAC No.446/2020 of
I Addl. Dist. Court, Vijaypur.
Ex.P.7 : Certified copy of judgment in LAC No.422/2020 of
I Addl. Dist. Court, Vijaypur.
Ex.P.8 : 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.