



Presented on : 21-11-2022
Registered on : 01-12-2022
Decided on : 30-06-2026
Duration : 3 years 7 months 9 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.166/2022

DATED THIS THE 30TH DAY OF JUNE 2026

Claimant/Petitioner:

Neelkant S/o Goudappa,
Age:46 Years, Occ:Agri,
R/o Godihal (T), Tq.Shorapur,
Dist:Yadgir.

(By Sri.Syed Ibrahim, Advocate)

// Versus //

Respondents:

- 1) The Spl.Land Acquisition Officer, UKP,
KBJNL, Bhimarayanagudi, Tq.Shahapur,
Dist:Yadgir.
- 2) The Deputy Commissioner, Yadgir, Dist:Yadgir.
- 3) Krishna Bhagya Jala Nigam Ltd., Represented by its
Managing Director, Nrupatunga Road, 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 Godihal (T) village Tq. Shorapur Dist.Yadgir acquired by the respondent authorities for the purpose of construction of Raigera to Godihal (T) tank canal work by publishing preliminary notification in the State Gazette on 27.02.2020 by fixing the market value to the dry land at the rate of Rs.24,1728/-to the wet land per acre. The same is taken in the tabulated form as under:-

Sl No	LAC No.	Name claimant	of Sy.No.	Extent	Types land	of
1.	166/2022	Neelkanth	94/ A,AA,E As per ROR Sy.No.94 /2 and as per JMC Sy.No.94	00 10 Guntas	AcresWet	



- 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 9.11.2022. He contended that his acquired land has not been valued properly. The land comprises of black cotton soil having good fertility and irrigation facility and the respondents have handed over the acquired area for Raigera to Godihal (T) tank canal 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 dry 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 bounds, wells, trees, IP set and pipelines are left without valuation and 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.20,00,000/- 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 S.I., 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.94/4, A,AA,E (As per ROR 94/2 & as per JMC Sy.No.94/3) measuring 00 acres 10 guntas of Godihal 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. There were no IP Sets, pipeline were found in



that acquired area. 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.11 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. On going through the records, reference was sent by the collector on 9.11.2022. 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 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 30.06.2022 and



reference petition was sent on 9.11.2022. Therefore the reference petition was filed within time. 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 order to prove his case, petitioner himself examined as PW.1 and got marked Ex.P.1 to 11. Ex.P.1 copy of protest petition. Ex.P.2 award notice. Ex.P.3 copy of award. Ex.P.4 RTC bearing Sy.No.94/೨ for the year 2015-16. Ex.P.5 RTC bearing Sy.No.94/೨ for the year 2019-20. Ex.P.6 RTC bearing Sy.No.94/2 for the year 2025-26. Ex.P.7 and 8 are the copy of judgment and award in LAC No.57/2018 of Yadgir Dist. Court. Ex.P.9 Yield certificate. Ex.P.10 Certified copy of Price list of APMC Surpur. Ex.P.11 Yield certificate of Raichur Agriculture University. Petitioner has stated in his evidence acquired land is measuring Sy.No.Sy.No.94/4, A,AA,E (As per ROR 94/2 & as per JMC Sy.No.94/3) measuring 00 acres 10 guntas of Godihal (T)



village of Shorapur Taluka. SLAO has awarded compensation to the extent of 00 acres 10 guntas but not awarded compensation to the extent of 20 guntas. Therefore, he prays to enhance the compensation. He further deposed in the acquired land growing the multiple crops in a year from the said land they have getting the income of Rs.2,00,000/- per year and value of the acquired land is more than Rs.20,00,000/- but SLAO has not considered the same. He further deposed acquired land is irrigated land and without considering fertility without inspecting the acquired land SLAO has considered acquired land is wet land awarded compensation of Rs.2,41,728/- per acre which is meager one. Therefore, he prays to allow the petition and award compensation amount Rs.20,00,000/- per acre.

- 14)** In order to prove his case, petitioner himself examined as PW.1. He has stated in his evidence acquired land is irrigated land obtained by IP set and pumpset are left out without valuation and not considered. By spending the less



expenses and getting the yearly income of Rs.2,00,000/- per acre without considering the factors passed the meager compensation. Therefore, sent to the reference to this authority seeking for enhancement of compensation. Further, joint measurement was not made properly and interest was not calculated 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 construction of Raigera to Godihal (T) tank canal work. He has stated acquired area is more than 20 guntas but awarded compensation only for 10 guntas. He denied he was not getting yearly income of Rs.2 lakh per acre. 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 further 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. Social impact and assessment has not considered. No rehabilitation and resettlement was awarded. Without considering the aforesaid factors considered the lesser market value of the acquired land and passed the meager compensation amount of Rs.24,1728/. Petitioner has produced the Ex.P.7 & 8 which are the copy of judgment and award passed by the Dist. Court Yadgir wherein court has awarded compensation amount of Rs.13,30,000/ for wet land. Apart from this, petitioner has produced Ex.P.8 yield certificate issued by the APMC Shorapur. Ex.P.9 is the yield certificate issued by the Agriculture University Raichur. Ex.P.10 is the price list issued by the APMC Shorapur. Ex.P.11 is the price list issued by the Raichur APMC. He has stated value of the land increases yearly and same is not considered by the SLAO. Based on the aforesaid documents petitioner has stated SLAO has not



considered the market value of the acquired land. As per Ex.P.3 acquired land is irrigated land. No crop compensation was awarded. Petitioner is permanent loser of the land in which his family is depending upon the said land. Petitioner has not produced any sale deed pertaining to the near by the acquired lands. While considering the market value of the land authority has to take the sale deeds nearby the acquired land nor price list and yield certificate. If not authority may award appropriate compensation for the acquired land. On perusal of the Ex.P.7 and 8 court has awarded compensation amount of Rs.13,30,000/- per acre for wet land situated at Kalladevanahalli village of Hunsgi taluk and land acquired for the purpose of construction of canal. These documents reflects that SLAO has not considered the factors and passed the award. This court has relied the judgment passed by the Dist. Court Yadgir in LAC No.4/2015 along with connected cases. In the said judgment land was acquired for construction of canal by awarding



compensation amount of Rs.2,20,000/- per acre for wet land. This court has considered the judgment wherein awarded the compensation amount of Rs.10,00,000/- by relying the said judgment. As well as considering the evidence of PW.1 and Ex.P.3, 7 to 11 it is just and necessary for enhance the compensation for the acquired land. 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.2,41,728/-. Therefore, the award passed in the year i.e. 30.6.2022. Thus, this authority to take escalation at 10% to the market value assessed and gazette publication is 27.2.2020.

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 & 8 and acquired land is near by the land of Godihal village, Tq.Shorapur. 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.7 & 8.



- 21)** With respect to escalation is concerned, the preliminary notification published in 27.2.2020 and the award was passed on 30.06.2022. The period of difference is and the escalation price is 2,41,728/- comes to 10,10,000/- per acre is awarded as against Rs.2,41,728/- 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.2,41,728/- to Rs.10,10,000/- per acre of wet land situated at Godihal (T) 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/- in
each case.

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 30st 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 : Neelkanth S/o Goudappa

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 : Award notice



- Ex.P.3 : Award copy
Ex.P.4 : RTC bearing Sy.No.94/೨ for the year 2015-2016
Ex.P.5 : RTC bearing Sy.No.94/ ೨ for the year 2019-2020
Ex.P.6 : RTC bearing Sy.No.94/೨ for the year 2025-2026
Ex.P.7 & 8 :Certified copy of judgment and award in LAC
No.57/2018.
Ex.P.9 : Yield certificate issued by Raichur Agriculture
University.
Ex.P.10 : C.C. of price list of Surpur APMC
Ex.P.11 : Yield certificate of Raichur Agriculture University.

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.