



**IN THE COURT OF THE VII ADDL. DISTRICT & SESSIONS JUDGE,
TUMAKURU**

Dated this the 7th day of July 2026

PRESENT BEFORE:

Smt.Yasmin Parveen.Ladkhan

B.A.LL.B(Spl.)

VII Addl. District & Sessions Judge
Tumakuru

L.A.C(Appeal) No.11/2026

Appellants:

Chikkanna

Dead by LR's.,

1. Vasanthaiah
S/o Late Chikkanna,
aged about 58 years,
- 2 Renukaiah,
S/o Late Chikkanna,
aged about 41 years,
- 3 Somashekaraiah
S/o Late Chikkanna,
aged about 49 years,

R/at. Uddehosakere, Nittur Hobli,
Gubbi Taluk, Tumakuru District.

(By Sri T.N.S. Adv.)

V/s.



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Respondents : 1. Special Land Acquisition Officer,
Hemavathi Canal Division,
Kunigal Road,
Tumakuru.

(By Sri S.R. Adv.)

2. The Chief Engineer,
Hemavathi Canal Division,
Kunigal Road, Tumakuru.

(Exparte)

Date & nature of appeal	:	Appeal against the Judgment and Award of Senior Civil Judge & J.M.F.C., Gubbi in L.A.C.No.67/2015 dated 07.04.2017		
Date of institution of appeal	:	19.01.2026		
Date of pronouncement of judgment	:	07.07.2026		
Duration of appeal	:	Year/s	Month/s	Day/s
		00	05	18

**JUDGMENT**

The appellants have preferred this appeal under section 54(1) of Karnataka Land Acquisition Act R/W Sec.96 of CPC against the respondents being aggrieved by the impugned judgment and award passed by Prl. Senior Civil Judge & J.M.F.C. Gubbi, in L.A.C No.67/2015 dated 07-04-2017.

II. For the sake of convenience, the parties herein are referred with the original rank before the Trial Court.

III. The protest petition filed by the claimants was referred to the reference Court which has numbered as L.A.C. No.67/2015 by Prl. Senior Civil Judge & JMFC, Gubbi.

IV. The brief facts of the case is that the claimants are the owners of the land bearing Sy.No.16/01 measuring 0-30 guntas of land and 30 Mango trees, 10 Honge trees, 6 neem trees, 5 eucalyptus trees, 10 Hercules trees situated at



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Uddehosakere village, Nittur Hobli, Gubbi Taluk. The respondents have acquired the land of claimants/ appellants for formation of Hemavathi Canal and claimants received the award amount under protest, hence prayed for enhancement of the compensation.

IV. After service of notice, the respondents have appeared before the Trial court, but have not filed any objection statement, but para wise remarks is available with the records wherein the respondents have contended that the award passed is in accordance with law and documents submitted by the claimants. The award is accepted by the claimants, hence, prayed for dismissal of the reference petition.

V Before the Trial court the above claimant No.4 by name Somashekaraiah got examined himself as P.W.1 on behalf of



other claimants also and got marked 17 documents as Ex.P.1 to Ex.P.17.

Respondents have not lead any evidence and not got marked any documents as on their behalf.

VI. The Trial Court after hearing the arguments and perusing the materials placed before the court, passed the award on 07-04-2017 as under.

“The reference petition is partly allowed.

The claimants are entitled for a compensation of
Rs.1,68,000/- towards the value of 30 guntas of dry land,
Rs.1,00,000/- towards the value of 5 eucalyptus trees,
Rs.18,18,990/- towards the value of 18 mango trees,
Rs.40,000/- towards the value of 10 Honge trees,
Rs.1,00,000/- towards the value of 10 Hercules trees,
Rs.60,000/- towards the value of 3 tamarind trees,
Rs.60,000/- towards the value of 6 neem trees in



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Sy.No.16/1 of Uddehosakere village, Nittur Hobli, Gubbi Taluk.

The claimants are also entitled for all the benefits U/Sec.23 of Land Acquisition Act.

The claimants are also entitled for an interest at the rate of 9% for the year in which acquisition is done and for further years at the rate of 15% p.a. and gave directions to office to draw award accordingly."

VII. Being aggrieved by the said award, the appellants have preferred this appeal on the following grounds:

That impugned enhancement of compensation amount made by the Trial Court is otherwise erroneous, opposed to law, facts and probabilities of the case. The Trial Court has not at all considered the proper and actual market value of the land, which was in existence at the time of acquisition of the land in question. Even though at the time of acquisition



of the land in question the value of the land was more than Rs.1,00,000/- per gunta and Rs.1,00,000/- each for trees, but the Trial Court has wrongly fixed the value at the rate of Rs.1,68,000/- towards the value of 0-30 guntas of dry land, Rs.1,00,000/- towards the value of 5 eucalyptus trees, Rs.18,18,990/- towards the value of 18 mango trees, Rs.40,000/- towards the value of 10 Honge trees, Rs.1,00,000/- towards the value of 10 Hercules trees, Rs.60,000/- towards the value of 3 tamarind trees, Rs.60,000/- towards the value of 6 neem trees at the time of the acquisition. In this regard, the Trial Court has not considered the documents produced by the appellant and awarded without assigning proper reasons. The Trial Court has not considered as to payment of interest by the respondents on the compensation amount. The Trial Court has not properly assessed the value of the land while enhancing the



compensation, the reasoning and finding given by the Trial Court while assessing the value of the land is not proper. The Trial Court has errorred in placing reliance on the evidence of P.W.1 and the documents Ex.P.1 to Ex.P.17. Even otherwise the impugned Judgment and award is perverse, capricious and liable to be set-aside. The appellants preferred this appeal along with an application under section 5 of the Limitation Act.

VIII. After due service of appeal memo, respondent No.1 has appeared through Sri S.R. Advocate and filed objections to appeal memo and memo of adoption to I.A.No.I.

Inspite of due service of notice of appeal memo, respondent No.2 remained absent, as such was placed exparte.

IX. The objections to appeal memo and memo of adoption filed by the respondent No.1 is as under:



The appeal filed by the appellants is not maintainable either in law or on facts and liable to be dismissed. The learned reference court was rightly considered the case on merits and dismissed the reference, confirm the award passed by the respondents. The land bearing Sy.No.16/01 measuring 0-30 guntas, 30 Mango trees, 10 honge trees, 2 neem trees, 10 coconut trees were acquired by the respondents by the Land acquisition Officer through the notification, appellants filed the protest petition before the Land Acquisition Officer seeking enhancement of compensation without producing the iota of documents to claim. However, the Land Acquisition Officer referred the reference before the jurisdictional court. Whereas, the Jurisdictional court was numbered the reference as L.A.C.No.67/2015 and passed the judgment and award given the findings awarding the compensation at the rate of



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Rs.1,68,000/- towards the value of 0-30 guntas of dry land,
Rs.1,00,000/- towards the value of 5 eucalyptus trees,
Rs.18,18,990/- towards the value of 18 mango trees,
Rs.40,000/- towards the value of 10 Honge trees,
Rs.1,00,000/- towards the value of 10 Hercules trees,
Rs.60,000/- towards the value of 3 tamarind trees, Rs.60,000/-
towards the value of 6 neem trees was proper and
appropriate. No documents have been produced to prove and
claim the compensation. However the reference court was
rightly considered the award. The said order was challenged
before this court seeking enhancement. Hence, Under order
41 this court having limited jurisdiction entertain and
interfering in the appeal on the order passed by the
reference court, seek the interference by this court the
appellants have to substantiate the ground to interfere. The
appellants simply seek the enhancement without making any



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ground and the appeal is not sustainable in the law and appeal is liable to be dismissed. The appellants have not been made out the case and ground to entertain the appeal condone the delay of more than 08 years, no proper and cogent explanation has been demonstrate before this court with the support of documents. The reference court was passed the Judgment dated 07-04-2017 the appeal preferred before this court in the year 2025 after lapse of more than 08 years without any substantial documents and the reasons stated in the affidavit are vague and without support of any documents. Hence, the appeal deserves to be dismissed on law of limitation. Hence the respondent has prayed for dismissal of the appeal.

X. The appellants have also filed an application u/sec.5 of Limitation Act, seeking to condone the delay of 3209 days in preferring this appeal contending that, due to his ill-health



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i.e., jaundice, he took some time to recover himself and only property had also been acquired for their livelihood there is no much income and they have suffered a lot at the time of demonetization and Covid-19, they could not prefer the appeal in time. Hence some delay is caused for preferring this appeal, as they could not contact their advocate. The said delay caused is not intentional and it is bonafide one. Hence, prayed to allow the application in the ends of justice.

The respondent has filed memo of adoption stating that objection to appeal memo be treated as objection to I.A.No.I hence, the same is not repeated.

XI The Trial Court records were summoned.

XII. The appellant No.2 examined himself as P.W.1 by filing affidavit evidence pertaining to I.A.No.1 filed under section 5 of Limitation Act but no documents got marked and P.W.1 is fully cross examined by counsel for respondent No.1.



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XIII I have heard the arguments of learned counsel appellants and respondent.

XIV. The counsel for appellants filed memo with list of 13 documents as under:

1. Judgment passed in L.A.C.(A) No.77/2022 dated 04.02.2023 before II Addl.District & Sessions Judge, Tumakuru.(Land only)
2. Judgment passed in L.A.C.(A) No.14/2025 dated 02.04.2026 before II Addl.District & Sessions Judge, Tumakuru.(Neem Tree and Honge tree only)
3. Judgment passed in L.A.C.(A) No.16/2025 dated 08.04.2026 before II Addl.District & Sessions Judge, Tumakuru.
4. Xerox copy of the order passed in K.Subbarayadu Vs Special Deputy collector in Hon'ble Supreme Court of India.
5. Xerox copy of the order passed in Union of India Bal Ram and another in Hon'ble Supreme Court of India.



6. Xerox copy of the order passed in State of Karnataka and others Vs Mallappa and others in Hon'ble High Court of Karnataka.
7. Xerox copy of the order passed in Saragapani Vs Special Deputy collector in Hon'ble Supreme Court of India.
8. Xerox copy of the order passed in Saibanna Vs Assistant Commissioner and Land Acquisition Officer in Hon'ble High Court of Karnataka.
9. Xerox copy of the order passed in S.L.A.O. Vs M.K.Rafeek Sab in Hon'ble Supreme Court of India.
10. Xerox copy of the order passed in Defense Research and Development Organization Vs Anjanappa & others in Hon'ble Supreme Court of India.
11. Xerox copy of the order passed in Suresh Kumar Vs State of Hariyana in Hon'ble Supreme Court of India.



12. Xerox copy of the order passed in Yemunappa & Others Vs Land Acquisition Officer and Assistant Commissioner in Hon'ble High Court of Karnataka.

13. Xerox copy of the order passed in Shyamasundrar Mantri Vs Land Acquisition Collector dated 26.08.1992 in Hon'ble High Court of Karnataka.

XV. I have perused the materials placed before the court.

XVI. The following points have arisen for my consideration:

1. Whether the appellants have made out sufficient cause to condone the delay of 3209 days in preferring this appeal?
2. Whether the appellants have made sufficient grounds for enhancement of the compensation amount as prayed for in this appeal?
3. Whether the impugned Judgment and award calls for any interference from this court?
4. What order?



XVII. My answer to the above points is as under:

Point No.1 : In the Affirmative

Point No.2 : Partly In the Affirmative

Point No.3 : In the Affirmative

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

REASONS

XVIII.**Point No.1:** The appellant No.2 by name Renukaiah is examined as P.W.1 by filing affidavit evidence has reiterated the contents of I.A.I filed U/Sec.5 of Limitation Act seeking to condone the delay of 3209 days in preferring this appeal contending that, due to his ill-health i.e., jaundice, he took some time to recover himself and they have only one property, which has been acquired. For their livelihood there is no much income and they have suffered lot at the time of demonetization and Covid-19, they could not prefer the appeal in time. Hence some delay is caused for preferring



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this appeal, as they could not contact their advocate. The said delay caused is not intentional and it is bonafide one. Hence, prayed to allow the application in the ends of justice.

P.W.1 is fully cross-examined by counsel for respondent No.1.

I would like to rely upon the Judgment of Hon'ble Supreme court in the case of K.Subbarayudu V/s Special Deputy Collector (Land Acquisition) reported in (2017) 8 scale 61, wherein the Hon'ble Supreme court while condoning the delay of 3671 days on a condition that the appellant shall not be entitled to any interest during the period of delay, it is held as here under:

" When the concerned court has exercised its discretion either condoning or declining to condone the delay, normally the superior court will not interfere in exercise of such discretion. The true guide is whether the litigant has acted with due diligence. Since the appellants/claimants are the agriculturists whose lands



were acquired and when similar situated agriculturists were given a higher rate of compensation, there is no reason to decline the same to the appellants. Merely on the ground of delay such benefit cannot be denied to the appellants. The interest of justice would be served by declining the interest on the enhanced compensation and also on the solutium and other statutory benefits for the period of delay."

No-doubt there is a delay, in view of the above dictum of Hon'ble Supreme Court, point No.1 is answered in the Affirmative.

XIX **Point No.2:** The appellants being aggrieved by the impugned judgment and award passed in LAC No.67/2015 dated:07-04-2017 of Prl.Senior Civil Judge & JMFC, Gubbi has preferred this appeal, on the following grounds.

(A) That impugned enhancement of compensation amount made by the Trial Court is otherwise erroneous, opposed to law, facts and probabilities of the case. The Trial Court has



not at all considered the proper and actual market value of the land, which was in existence at the time of acquisition of the land in question. Even though at the time of acquisition of the land in question the value of the land was Rs.1,00,000/- per gunta and Rs.1,00,000/- each for trees, but the Trial Court has wrongly fixed the value of the land at Rs.1,68,000/- towards the value of 0-30 guntas of dry land, Rs.1,00,000/- towards the value of 5 eucalyptus trees, Rs.18,18,990/- towards the value of 18 mango trees, Rs.40,000/- towards the value of 10 Honge trees, Rs.1,00,000/- towards the value of 10 Hercules trees, Rs.60,000/- towards the value of 3 tamarind trees, Rs.60,000/- towards the value of 6 neem trees. In this regard, the Trial Court has not considered the documents produced by the appellants and awarded without assigning proper reasons. The Trial Court has not considered as to payment of interest by the respondents on the



compensation amount. The Trial Court has not properly assessed the value of the land while enhancing the compensation, the reasoning and finding given by the Trial Court while assessing the value of the land is not proper. The Trial Court has errorred in placing reliance on the evidence of P.W.1 and the documents Ex.P.1 to Ex.P.17. Even otherwise the impugned Judgment and award is perverse, capricious and liable to be set-aside.

(B) It is submitted that it is a well settled principle of law that if any adjoining land is awarded with fair compensation, that compensation has to be awarded to the adjoining lands also where the meager compensation amount was awarded in other case.

(C) It is well settled principle of law that the market value of the land is to be determined by any one of the following recognized methods.



- (I) Capitalization method.
- (ii) Sale statistics method.
- (iii) Opinion of experts.
- (iv) Following the judgments of Courts.

(D) At this juncture it is relevant to rely upon a ruling reported in **ILR 2003 KAR. 2336**, in the case of **State of Karnataka by Spl. Land Acquisition Officer and others Vs. Mallappa and others**. Wherein it is held that,

"Enhancement was made on the basis of the judgment and award made by the Court in similar other cases-Wherein, the similar nature of lands of adjoining villages acquired under the same notification and for the same purpose-held on facts- Uniform rate of compensation for all the acquired lands which are similarly situated to the adjoining villages cannot be faulted, liable to be confirmed".

(E) I would like to rely upon following citations reported in 2015(5) SCC 801 (**Bhupal Singh and others Vs. State of**



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Haryana) wherein their lordships have held that “ based on the value of adjacent land – cut off date – held – Fair market value of acquired land is required to be determined based on market rate of adjacent lands, similarly situated acquired lands prevailing on date of acquisition or prior to acquisition but not subsequent date of acquisition – In appropriate cases addition of 10% p.a. escalation in prices specified in the sale deeds in relation to adjacent similarly situated lands for fixing the market value of acquired land may be permitted”. In another ruling reported in **2015(2) KCCR 1943(D.B.)** the Hon'ble High Court of Karnataka at Gulbarga Bench, in case of **Abdul Khadar and others Vs. The Assistant Commissioner and land acquisition officer, Bijapur and another** has clearly held that “award passed in respect of comparable lands particularly the lands which are acquired under same notification for same purpose having same



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advantages will become valid and acceptable piece of evidence to determine market value in connected cases”.

In another ruling reported in **ILR 2003 KAR. 2336**, in case of **State of Karnataka by Spl. Land Acquisition Officer and others Vs. Mallappa and others**, our Hon'ble High Court of Karnataka has held that “enhancement of compensation made by the first appellate court is sought to be challenged by the State – enhancement was made on the basis of the judgment and award made by the court in similar other cases – wherein the similar nature of land of adjoining villages acquired under the same notification and for the same purpose – uniform rate of compensation for all the acquired lands which are similarly situated to the adjoining villages cannot be faulted, liable to be confirmed.

The Hon'ble Supreme Court of India in its decision reported in **Civil Appeal No.3677 of 2010** in the case of **Udho**



Dass Vs. The State of Haryana and others clearly held as under:

“ From the date of Notification under Section 4 and 14 years from the date of the award of the Collector on which date the possession of the land must have been taken from the land owner. Concededly, the Act also provides for the payment of the solatium, interest and an additional amount but we are of the opinion, and it is common knowledge, that even these payments do not keep pace with the astronomical rise in prices in many parts of India, and most certainly in North India, in the land price and cannot fully compensate for the acquisition of the land and the payment of the compensation in dribblets. The 12% per annum increase which courts have often found to be adequate in compensation matters hardly does justice to those land owners whose land have been acquired as judicial notice can be taken of the fact



that the increase is not 10 or 12 or 15% per year but is often up to 100% a year for land which has the potential of being urbanized and commercialized such as in the present case. Be that as it may, we must assume that the land owners were entitled to the compensation fixed by the High Court on the date of the award of the Collector and had this amount been made available to the land owners on that date, it would have been possible for them to rehabilitate their holdings in some other place".

(F) Hence, in view of this settled principle laid down in the aforesaid rulings, the market value fixed in the previous judgments relating to land and trees situated adjacently or same village may be considered. In the case on hand, as already observed, the land acquired in the present case is situated at same village and same Taluk and acquired under different notification for same purpose as acquired in above



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said appeals. When such being the case the appellant in the present case also entitled for the same compensation as awarded in the above said appeals. Under these circumstances and also in view of settled principle laid down in the aforesaid rulings, the market value fixed for similarly situated land is to be considered and hence the appellant is also entitled for enhanced market value.

(G) It is pertinent to note here that, inspite of due service of notice of appeal memo have appeared and filed objections to appeal memo and hereby respondents impliedly admit and that it is not the case of the respondent that the judgment and award passed by this court and Hon'ble Prl.District and Sessions Judge were challenged before the Hon'ble High Court of Karnataka and they were set aside. When the respondents have accepted the said judgment and award, in view of the settled principle laid down in the aforesaid



rulings, this Court is bound to follow the same, otherwise it will discriminate the appellant who has lost his land under the different notification in the same year. While awarding the compensation, a fair compensation has to be awarded by the courts and that fairness requires that all those similarly situated lands are treated similarly and that determination of the market value of the land acquired from different or same villages for the same purpose which is reasonable also. The judgment and award in above said appeals have attained finality. Since the appeals have attained finality there is nothing wrong by relying upon the judgment and award passed in the above said appeals for the purpose of awarding enhanced compensation to the land of the appellant. If the compensation is not enhanced the appellant being loser of land will be put to irreparable loss, injury which is for his livelihood. Therefore, it is just and proper to adopt the



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judgment passed in above said appeal with respect to the land in the present appeal. Therefore, in my considered view, in this appeal also the appellant is entitled for enhanced market value at the rate of Rs.14,000/- per gunta of land with all statutory benefits.

(H) The compensation awarded in respect of other malkies by the learned Trial court appears to be proper and correct hence, the same is hereby confirmed. Hence, the point No.2 is answered **partly in the Affirmative.**

XX. **Point No.3:** Since the reference Court has not considered the value of the land as compared to the value of other lands, it has awarded the less compensation, which is not accepted by the appellant. The appellants have relied upon previous judgments passed by the Trial court and the Appellate Court in respect of the lands situated adjacent to the land of the present case on hand, acquired for the same



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purpose under the same notification. The impugned judgment and award passed by the reference court calls for interference by this appellate court. Hence, point No.3 is answered in the Affirmative.

XXI. **Point No.4:** For the reasons stated and discussed as above, I proceed to pass the following :-

ORDER

The appeal filed by the appellants U/Sec.54(1) of Karnataka Land Acquisition Act R/w.Sec.96 of CPC is hereby partly allowed with costs.

Consequently, the judgment and the award passed by the learned Prl. Senior Civil Judge and JMFC, Gubbi in LAC No.67/2015 dated 07-04-2017 is hereby modified by enhancing the compensation in respect of acquired land.



Consequently, it is ordered that the appellants are entitled for compensation at the rate of Rs.14,000/- per gunta for the acquired land bearing Sy.No.16/01 measuring 0-30 guntas, situated at Uddehosakere village, Nittur Hobli, Gubbi Taluka.

The appellants are not entitled for the interest and other statutory benefits for the delay period of 3209 days.

The rest of the judgment and award of the trial Court is hereby confirmed.

The respondents are at liberty to deduct the amount of compensation if any, which was already paid to the appellant.

The appellants are directed to pay necessary court fee, if not sufficiently paid.



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Draw award accordingly.

Transmit the Trial Court records along
with the copy of this Judgment forthwith.

(Dictated to the Typist online, print out taken by Stenographer Grade-I,
corrected and then pronounced by me in the open Court on this the 7th
day of July 2026)

(Smt.Yasmin Parveen. Ladkhan)
VII Addl.District & Sessions &
Tumakuru