IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.5730/2021 (LAC)

C/W

MISCELLANEOUS FIRST APPEAL NO.5732/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5733/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5735/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5736/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5737/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5738/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5741/2021 (LAC)

MISCELLANEOUS FIRST APPEAL NO.5742/2021 (LAC)

M.F.A. CROSS OBJECTION NO.52/2022

M.F.A. CROSS OBJECTION NO.54/2022

M.F.A. CROSS OBJECTION NO.55/2022

M.F.A. CROSS OBJECTION NO.56/2022

M.F.A. CROSS OBJECTION NO.57/2022

M.F.A. CROSS OBJECTION NO.58/2022

M.F.A. CROSS OBJECTION NO.59/2022

M.F.A. CROSS OBJECTION NO.60/2022

M.F.A. CROSS OBJECTION NO.60/2023

IN M.F.A. NO.5730/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD
BENGALURU-560 094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. PARASAPPA
S/O GIDDAPPA BHAGYANAGAR
AGED 69 YEARS
RETD. LECTURER
R/AT. NO.206, NEAR DEPOT NO.3
VIDHYANAGAR
GULBARGA-585 103.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR -561 203.

…..RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.9/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.9/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE

LAC NO.9/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5732/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD
BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. CHANDRASHEKARA P.M.
S/O MALLIKARJUNAPPA
AGED 58 YEARS
REP. BY LR'S.

1(a) SMT. PALAXI
W/O LATE CHANDRASHEKAR
AGED ABOUT 63 YEARS.

1(b) VIJETH
S/O LATE CHANDRASHEKAR
AGED ABOUT 38 YEARS.

1(c) SMT. VIDUTA C
D/O LATE CHANDRASHEKAR
AGED ABOUT 34 YEARS.

ALL ARE R/OF.
H.NO.1873/1, JEWARGI ROAD
NGO'S COLONY, KALABURGI
TQ & DIST, KALABURAGI.

[AS PER ORDER DATED 15.06.2023
AMENDMENT CARRIED OUT]

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR -561203.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR LR'S OF R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.18/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.18/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.18/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5733/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD
BENGALURU-560 094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. MATASHANTHAIAH
S/O PARAMAIAH MATA

AGED 70 YEARS
RETD. COMMERCIAL TAX OFFICER
R/AT. NO.10/32, PAVANAGANGA
COLONY, SHAHABAD ROAD
GULBARGA-585103.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR-561203.

….RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.06/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.06/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.06/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5735/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD,
BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. BASAVALINGAPPA
S/O MAHADEVAPPA POLISPATIL
AGED ABOUT 63 YEARS
LECTURER
R/AT. NO.2-907/43, H 1
PRAGATHI COLONY, SEDAM ROAD
GULBARGA 585103.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUSITION OFFICER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR 561203.

…RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.08/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.08/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.08/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5736/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD, BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. AMARANATHA DEVARAMANI
S/O MALASIDDAPPA N. DEVARAMANI
AGED 35 YEARS
SOFTWARE ENGINEER
R/AT. VEERENDRA PATIL NAGAR
B.D.A. LAYOUT, SEDAM ROAD
GULBARGA-585 105.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR-561 203.

…RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.12/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.12/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.12/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5737/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD, BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. SHIVASHARANAPPA
S/O GURUSHANTHAPPA BIRAHARA
AGED 64 YEARS
R/AT. 91, GURUKRUPA BUILDING
PRAGATHI COLONY, SEDAM ROAD
GULBARGA-585 105.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR-561 203.

….RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.11/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.11/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.12/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5738/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD, BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. KASHIRAO H. PATTANKAR
S/O HANUMANTHA RAO
AGED ABOUT 70 YEARS
R/AT NO.K H COLONY
SHANTHINAGARA M.S.K. MILLS ROAD
GULBARGA -585103.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPURA SUB DIVISION
DODDABALLAPURA -561203.

…RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.02/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.02/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.02/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5741/2021:

BETWEEN:

UNION OF INDIA
REPRESENTED BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVANA
NEW BEL ROAD, BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . SRI. SUDHAKAR K. PATAVARI
S/O KRISHNAJI PATAVARI
AGED ABOUT 72 YEARS
RETD. ENGINEER
R/AT QUARTERS NO.70
VIDHYANAGAR
M.S.K. MILLS ROAD
GULBARGA-585103.

2. DR. DINKAR K. PATAVARI
S/O KRISHNAJI PATAVARI
AGED ABOUT 64 YEARS
RETD. ENGINEER
R/AT. QUARTERS NO.70
VIDHYANAGAR
M.S.K. MILLS ROAD
GULBARGA - 585103.

3. THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR 561203.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R3
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1 & R2)

THIS MFA IS FILED U/S.54(1) OF THE LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.10/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC NO.10/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.10/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. NO.5742/2021:

BETWEEN:

UNION OF INDIA
REP. BY DIRECTOR
ADMINISTRATIVE SERVICES
ISRO HEADQUARTERS
ANTARIKSH BHAVAN
NEW BEL ROAD
BENGALURU-560094.

...APPELLANT

(BY SRI. MADHUKAR M. DESHPANDE, ADV.,)

AND:

1 . DR. SRI SANGAMESHA C. PATIL
S/O CHANNAVEERA GOWDA
AGED 69 YEARS
PRIVATE DOCTOR
R/AT. SAIKUNJA, NO.4-801/72, F-8
NEAR KANNDA CONVENT SCHOOL
AADHARSHA NAGAR
GULBARGA-585 103.

2 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR -561203.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R2
SRI. CHANDRASHEKAR P. PATIL, ADV., FOR R1)

THIS MFA IS FILED U/S.54(1) OF THE LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR THE ENTIRE RECORDS PERTAINING TO LAC NO.07/2017 ON THE FILE OF SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI. SET ASIDE THE JUDGMENT AND AWARD DATED 06.07.2018 PASSED BY THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI, IN LAC

NO.07/2017 (ANNEXURE-A) AND CONSEQUENTLY DISMISS THE LAC NO.07/2017 IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

IN M.F.A. CROB NO.52/2022:

BETWEEN:

SRI. AMARANATHA DEVARAMANI
S/O MALASIDDAPPA N. DEVARAMANI
AGED 35 YEARS
R/AT. 258, VEERENDRA PATIL NAGAR
B.D.A. LAYOUT, SEDAM ROAD
GULBARGA-585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR-561 203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD
BENGALURU - 560231.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.12/2017 DATED 06.07.2018 BY ALLOWING THIS

CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.54/2022:

BETWEEN:

SRI. SHIVASHARANAPPA
S/O GURUSHANTHAPPA BIRADAR
AGED ABOUT 64 YEARS
R/AT. 91, GURUKRUPA BUILDING
PRAGATHI COLONY, SEDAM ROAD
GULBARGA 585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR - 561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD, BENGALURU 560 021

….RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.11/2017 DATED 06.07.2018 BY ALLOWING THIS

CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.55/2022:

BETWEEN:

DR. SRI. SANGAMESH C. PATIL
S/O CHANNAVEERA GOWDA
AGED ABOUT 69 YEARS
R/AT. SALKUNJA NO.4-801/72, F-8
NEAR KANNADA CONVENT SCHOOL
ADARSHA NAGAR, GULBARGA 585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR - 561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD
BENGALURU 560 021.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.7/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS

OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.56/2022:

BETWEEN:

SRI. KASHIRAO H. PATTANKAR
S/O HANUMANTHARAO
AGED 70 YEARS
R/AT NO. K H B COLONY
SHANTHINAGAR
M S K MILLS ROAD
GULBARGA 585 103.

...CORSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR - 561 203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD
BENGALURU 560 231.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN

LAC NO.2/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.57/2022:

BETWEEN:

1 . SRI. SUDHAKAR K. PATAVARI
S/O KRISHNAJI PATAVAI
AGED ABOUT 71 YEARS
RTD. ENGINEER.

2 . DR. SRI. DINAKAR K. PATAVARI
S/O KRISHNAJI PATAVARI
AGED ABOUT 64 YEARS.

BOTH ARE R/AT. QUARTERS NO.70
VIDHYANAGAR, M S K ROAD
GULBARGA 585 105.

...CROSS OBJECTORS

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR- SUB DIVISION
DODDABALLAPUR-561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKASHA BHAVAN
NEW BEL ROAD
BENGALURU-560231.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.10/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.58/2022:

BETWEEN:

SRI. BASAVALINGAPPA
S/O MAHADEVAPPA POLISPATIL
AGED ABOUT 63 YEARS
R/AT. SALKUNJA, NO.2-907/43
H-1, PRAGATHI COLONY
SEDAM ROAD, GULBARGA 585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR - 561 203.

2. THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKASHA BHAVAN
NEW BEL ROAD
BENGALURU-560231.

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.8/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.59/2022:

BETWEEN:

SRI. MATA SHANTHAIAH
S/O PARAMAIAH MATA
AGED 70 YEARS
R/AT NO.10/32
PAVANA GANGA COLONY
SHAHABAD ROAD
GULBARGA 585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR - 561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD, BENGALURU 560 021

...RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.6/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.60/2022:

BETWEEN:

SRI. PARASAPPA
S/O GIDDAPPA
AGED ABOUT 69 YEARS
R/AT NO.206, NEAR DEPOT NO.3
VIDYANAGAR, GULBARGA 585 105.

...CROSS OBJECTOR

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR - 561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKSHA BHAVAN
NEW BEL ROAD, BENGALURU 560 021.

….RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT

OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.9/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

IN M.F.A. CROB NO.60/2023:

BETWEEN:

CHANDRASHEKAR P.M.
SINCE DECEASED BY HIS LR'S.

1(a). SMT. PALAXI
W/O LATE CHANDRASHEKAR P.M.
AGED 63 YEARS.

1(b). VIJETH
S/O CHANDRASHEKAR P.M.
AGED 38 YEARS.

RESIDENTS OF H.NO. 1873/1, JEWARGI ROAD,
NGOS COLONY, KALABURAGI,
TQ AND DIST. KALABURAGI

1(c). SMT. VIDUTA .C
D/O LATE CHANDRASHEKAR P.M.
AGED 34 YEARS.

ALL ARE R/OF. H.NO.1873/1
JEWARGI ROAD
NGO'S COLONY, KALABURAGI
TQ AND DIST. KALABURAGI.

[LR'S ARE BROUGHT ON RECORD AS
PER ORDER DATED 15.06.2023]

...CROSS OBJECTORS

(BY SRI. CHANDRASHEKAR P. PATIL, ADV.,)

AND:

1 . THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER
DODDABALLAPUR SUB DIVISION
DODDABALLAPUR - 561203.

2 . THE DIRECTOR
ISRO P AND P.R. UNIT
ISRO MAIN OFFICE
ANTHARIKASHA BHAVAN
NEW BEL ROAD
BENGALURU - 560231.

….RESPONDENTS

(BY SRI. JAYALINGAYYA MUDENOORMATH, AGA FOR R1
SRI. MADHUKAR M. DESHPANDE, CGC FOR R2)

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THIS MFA CROB IS FILED U/O.41 RULE 22 OF CPC R/W U/SEC.54(1) OF LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD PASSED BY THE COURT OF THE SENIOR CIVIL JUDGE AND JMFC AT DEVANAHALLI IN LAC NO.18/2017 DATED 06.07.2018 BY ALLOWING THIS CROSS OBJECTION AND ENHANCE THE AWARD AMOUNT, IN THE INTEREST OF JUSTICE AND EQUITY.

THESE APPEALS CONNECTED WITH M.F.A. CROSS OBJECTIONS HAVING BEEN HEARD AND RESERVED ON 13.02.2026, COMING ON FOR PRONOUNCEMENT OF JUDGMENT, THIS DAY ***VIJAYKUMAR A. PATIL J.,*** DELIVERED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

CAV JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

These Miscellaneous First Appeals and MFA.Cross Objections arise out of the judgment and award dated 06.07.2018 passed in LAC Nos.2, 6 to 12 & 18 of 2017 by the Senior Civil Judge and J.M.F.C, Devanahalli (hereinafter referred to as the ***'Reference Court'***).

2. The particulars of the land with respect to the appeals and cross objections filed are mentioned in the table below:

Sl. No.	Miscellaneous First Appeal	MFA Cross-objection	LAC Number	Extent of Land
1.	MFA.No.5730/2021	MFA CROB. No.60/2022	LAC No. 9/2017	Site Measuring 30 x 40 Ft = 1200 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
2.	MFA.No.5732/2021	MFA CROB. No.60/2023	LAC No. 18/2017	Site Measuring 72 x 51 Ft = 3672 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.

3.	MFA.No.5733/2021	MFA CROB. No.59/2022	LAC No. 06/2017	Site Measuring 30 x 40 Ft = 1200 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
4.	MFA.No.5735/2021	MFA CROB. No.58/2022	LAC No. 08/2017	Site Measuring 30 x 40 Ft = 1200 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
5.	MFA.No.5736/2021	MFA CROB. No.52/2022	LAC No. 12/2017	Site Measuring 30 x 40 Ft = 1200 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
6.	MFA.No.5737/2021	MFA CROB. No.54/2022	LAC No. 11/2017	Site Measuring 30 x 40 Ft = 1200 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
7.	MFA.No.5738/2021	MFA CROB. No.56/2022	LAC No. 02/2017	Site Measuring 72 x 50 Ft = 3600 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk.
8.	MFA.No.5741/2021	MFA CROB. No.57/2022	LAC No. 10/2017	Site Measuring 72 x 48 Ft = 3456 Sq feet in Sy No.24 situated at Abbachikkanahalli Village, Kasaba Hobli, Devanahalli Taluk
9.	MFA.No.5742/2021	MFA CROB. No.55/2022	LAC No. 7/2017	Site Measuring 46 x 72 Ft = 3312 Sq feet in Sy No.24 situated at Abbachikkanahalli Village,

				Kasaba Hobli, Devanahalli Taluk.

3. The parties are referred to as per their ranking before the Reference Court.

4. The brief facts leading to filing of these appeals as well as cross objections are that the claimants are the owners of the lands referred to in the above table. The State Government issued a preliminary notification dated 28.01.2010 under Section 4(1) of the Land Acquisition Act, 1894 (hereinafter referred to as the '***LA Act***') for acquisition of the said lands. The State Government issued a final notification dated 30.05.2011 under Section 6(1) of the Act for acquisition of the land in question for the benefit of Union of India/Indian Space Research Organization (hereinafter referred as ***'ISRO'***). The Land Acquisition Officer (hereinafter referred to as the ***'LAO'***) determined the market value and passed an award dated 10.06.2013 at Rs.180/- per sq.ft. The claimants aggrieved by the meagre compensation amount awarded by the LAO,

sought for enhancement of the compensation by filing reference before the Reference Court. The Reference Court recorded common evidence. The claimants adduced oral evidence by examining as PWs-1 to PW-10 and got marked Exhibits P-1 to P-34. The Reference Court after appreciation of oral and documentary evidence re-determined the market value of the lands and enhanced the compensation amount from Rs.180/- per sq.ft. to Rs.960/- per sq.ft. Being aggrieved by the Judgement and Award of the Reference Court, the beneficiary of acquisition-ISRO as well as the claimants are in appeals and cross-objections.

5. Sri. Madhukar M. Deshpande, the learned counsel appearing on behalf of the beneficiary-ISRO submits that the Reference Court has erred in passing the impugned judgement without any justifiable reason enhancing the market value of the land in question to Rs.960/- per sq.ft. It is further submitted that the Reference Court failed to appreciate the fact that the sites

carved out of Sy.No.24 are though converted lands, cannot be considered as developed sites. It is also submitted that the Reference Court has made an erroneous assumption that the lands in question are developed sites and situated in a layout. It is contended that the Reference Court has erred in concluding that the acquired lands have access to electricity, water, sewage connection, although the claimants have failed to produce any documents for the same. It is further contended that the Bangalore International Airport Area Planning Authority (hereinafter referred to as '***BIAAPA***') has issued a letter dated 15.09.2021 that it has not approved any layout in respect of the lands in question. It is also contended that the compensation awarded by the Reference Court at the rate of Rs.960/- per sq.ft. is highly exaggerated and contrary to the evidence on record. Hence, the Judgement and Award passed by the Reference Court is required to be interfered with. It is submitted that the sale deed cannot be gospel truth and in support of this submission, he placed reliance on the decision of this Court in the case of ***The Special Land Acquisition Officer and Another vs. Smt.B.Hanumanthi and another***[1]. Hence, he seeks to allow the appeals filed by the Beneficiary-ISRO.

6. *Per contra,* Sri.Chandrashekar P.Patil, learned counsel appearing on behalf of the claimants submits that the Judgement and Award passed by the Reference Court is contrary to law and material on record. It is submitted that Reference Court has erroneously awarded Rs.960/- per sq.ft. instead of Rs.1,500/- per sq.ft as per their claim and valuation report. It is submitted that the Reference Court has failed to properly assess the evidence on record and erroneously determined the market value of the lands at the rate of Rs.960/- per sq.ft. It is further submitted that the Reference Court though relied on Exs.P.2 and Ex.P.3-sale deeds of 2008, applied escalation at only at 10% which is contrary to settled law and it ought to have

[1] MFA No.100979/2022 and connected appeals Dtd. 26.11.2024

applied at least an escalation of 30% per year. It is also submitted that the Reference Court has failed to consider the valuation reports of Land Evaluator, who has opined that the lands are fully developed and the market value of the acquired lands is more than Rs.1500/- per sq.ft. In support of his contention, he has relied on the following decisions:

i. ***General Manager Oil and Natural Gas Corporation Ltd. Vs. Rameshabhai Jivanbhai Patel and Another***[2]

ii. ***Ramrao Shankar Tapase vs. Maharashtra Industrial Corporation Ltd. and others***[3]

iii. ***U.P.Awas Evam Vikash Parishad vs. Asha Ram (D) Thr.LRs. and others***[4]

iv. ***Sri.C.Krishnappa vs. The Special Land Acquisition Officer, Bengaluru and others***[5]

Hence, he seeks to allow the cross objections of the claimants by enhancing the market value at Rs.1500/- per sq.ft. by dismissing the appeals of the beneficiary-ISRO.

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[2] (2008) 14 SCC 745
[3] Civil A. 2732/2022 and connected appeals dtd.19.04.2022
[4] 2021 SCC OnLine SC 250 : AIR 2021 SC 2832
[5] MFA 10313/2018 Dtd. 02.07.2021

7. We have heard the arguments of the learned counsel appearing for the beneficiary-ISRO, learned counsel appearing for the claimants and perused the material available on record including the Reference Court Records. We have given our anxious considerations to the submissions advanced.

8. The only point that arises for our consideration in these appeals and cross objections is:

> ***"Whether the impugned common Judgment and Award of the Reference Court calls for any interference?"***

9. The aforementioned point is answered in the affirmative for the following reasons:

a) The Hon'ble Supreme Court has laid down broader guidelines to determine the market value of the acquired land in the case of ***Chimanlal Hargovinddas v. Special Land Acquisition Officer***[6]**,** wherein it was held as under:

> ***"4.*** *The following factors must be etched on the mental screen:*
>
> *(1) A reference under Section 18 of the Land Acquisition Act is not an appeal against the award and the court cannot take into account the material relied upon by the Land Acquisition Officer in his award unless the same material is produced and proved before the court.*
>
> *(2) So also the award of the Land Acquisition Officer is not to be treated as a judgment of the Reference court open or exposed to challenge before the court hearing the reference. It is merely an offer made by the Land Acquisition Officer and the material utilised by him for making his valuation cannot be utilised by the court unless produced and proved before it. It is not the function of the court to sit in appeal against the award, approve or disapprove its reasoning, or correct its error or affirm, modify or reverse the conclusion reached by the Land Acquisition Officer, as if it were an appellate court.*
>
> *(3) The court has to treat the reference as an original proceeding before it and determine the market value afresh on the basis of the material produced before it.*
>
> *(4) The claimant is in the position of a plaintiff who has to show that the price offered for his land in the award is inadequate on the basis of the materials produced in the court. Of course the materials placed and proved by the other side can also be taken into account for this purpose.*

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[6] (1988) 3 SCC 751

(5) The market value of land under acquisition has to be determined as on the crucial date of publication of the notification under Section 4 of the Land Acquisition Act (dates of notifications under Sections 6 and 9 are irrelevant).

(6) The determination has to be made standing on the date line of valuation (date of publication of notification under Section 4) as if the valuer is a hypothetical purchaser willing to purchase land from the open market and is prepared to pay a reasonable price as on that day. It has also to be assumed that the vendor is willing to sell the land at a reasonable price.

(7) In doing so by the instances method, the court has to correlate the market value reflected in the most comparable instance which provides the index of market value.

(8) Only genuine instances have to be taken into account. (Sometimes instances are rigged up in anticipation of acquisition of land.)

(9) Even post-notification instances can be taken into account (1) if they are very proximate, (2) genuine and (3) the acquisition itself has not motivated the purchaser to pay a higher price on account of the resultant improvement in development prospects.

(10) The most comparable instances out of the genuine instances have to be identified on the following considerations:

(i) proximity from time angle,

(ii) proximity from situation angle.

(11) Having identified the instances which provide the index of market value the price reflected therein may be taken as the norm and the market value of the land under acquisition may be deduced by making suitable adjustments for the plus and minus factors vis-à-vis land under acquisition by placing the two in juxtaposition.

(12) A balance-sheet of plus and minus factors may be drawn for this purpose and the relevant factors may be evaluated in terms of price variation as a prudent purchaser would do.

(13) The market value of the land under acquisition has thereafter to be deduced by loading the price reflected in the instance taken as norm for plus factors and unloading it for minus factors.

(14) The exercise indicated in clauses (11) to (13) has to be undertaken in a common sense manner as a prudent man of the world of business would do. We may illustrate some such illustrative (not exhaustive) factors:

Plus Factors	*Minus Factors*
1. smallness of size	*1. largeness of area*
2. proximity to a road	*2. situation in the interior at a distance from the road*
3. frontage on a road.	*3. Narrow strip of land with very small frontage compared to depth*
4. nearness to a development area	*4. lower level requiring the depressed portion to be filled up*
5. regular shape	*5.remoteness from developed locality*
6. level vis-à-vis	*6.some special*

land under acquisition	*disadvantageous factor which would deter a purchaser.*
7. special value for an owner of an adjoining property to whom it may have some very special advantage	

(15) The evaluation of these factors of course depends on the facts of each case. There cannot be any hard and fast or rigid rule. Common sense is the best and most reliable guide. For instance, take the factor regarding the size. A building plot of land say 500 to 1000 sq. yds. cannot be compared with a large tract or block of land of say 10,000 sq. yds. or more. Firstly while a smaller plot is within the reach of many, a large block of land will have to be developed by preparing a lay out, carving out roads, leaving open space, plotting out smaller plots, waiting for purchasers (meanwhile the invested money will be blocked up) and the hazards of an entrepreneur. The factor can be discounted by making a deduction by way of an allowance at an appropriate rate ranging approximately between 20 per cent to 50 per cent to account for land required to be set apart for carving out lands and plotting out small plots. The discounting will to some extent also depend on whether it is a rural area or urban area, whether building activity is picking up, and whether waiting period during which the capital of the entrepreneur would be locked up, will be longer or shorter and the attendant hazards.

(16) Every case must be dealt with on its own fact pattern bearing in mind all these factors as a prudent purchaser of land in which position the judge must place himself.

(17) These are general guidelines to be applied with understanding informed with common sense."

b) It is not in dispute that the subject matter of the lands owned by the claimants in Sy.No.24 situated in AbbachikKanahalli Village, Kasaba Hobli, Devanahalli Taluk was acquired by the State Government by issuing preliminary notification under Section 4(1) of the Act on 28.01.2010 and final notification under Section 6 of the Act was issued on 30.05.2011. The LAO determined the market value and passed an award on 10.06.2013 awarding compensation of Rs.40,00,000/- (Rupees Forty Lakhs only) per acre of agricultural land and Rs.180/- per sq.ft for non-agricultural land. In the cases on hand, admittedly, the lands are converted from agriculture to non-agriculture and thereafter they were acquired. The claimants sought reference under Section 18 of the LA Act for enhancement of the compensation.

c) The Reference Court recorded the evidence, the claimants examined themselves as PWs-01 to PW-09 and jointly deposed that the acquired lands are located close to Bengaluru City and Bengaluru Kempegowda International Airport, many software companies are situated within the projected area. It was further deposed that the National Highway-7 Bengaluru-Hyderabad four lane road is situated adjacent to the acquired lands and the lands in question have electricity, water, road, sewage and is a developed layout. The claimants examined one Sri.C.Manohar-Land Evaluator as PW10, he deposed that he carried out spot inspection of the lands and collected the documentary evidence and based on such material he is of the opinion that the market value of the acquired lands is Rs.1500/- per sq.ft. PW-10-Land Evaluator was cross-examined by the beneficiary of acquisition, however, nothing has been elicited. It is to be noticed that the evidence of expert i.e., PW-10, has not been relied by the Reference Court on the ground that the valuer has failed to substantiate the market value by cogent and acceptable evidence. In our considered view, the appreciation of evidence by the

Reference Court insofar as evidence of PW-10 is justified, we do not find any perversity or error. On re-appreciation of the evidence of PW-10 and valuation report at Exs.P-26 to P-34 does not inspire the confidence of the Court to accept the same in the absence of supporting acceptable evidence to assess the market value at Rs.1,500/- per sq.ft.

d) It is not in dispute that the claimants are the owners of the residential sites carved out in a layout formed. The records indicate that the lands were converted from agricultural land to non-agricultural land and thereafter a proper layout is formed. Merely because the layout is not approved by the BIAAPA itself is not sufficient to come to a conclusion that the lands in question is not a developed layout. There is substantial evidence on record to accept the contention of the claimants that the layout was formed and the sites were ready for putting up construction and to disprove the said assertion of the claimants, the beneficiary-ISRO has not produced any evidence. It is further noticed that the beneficiary-ISRO has failed to adduce oral and documentary evidence before the Reference Court hence, in the absence of any contrary evidence, the Reference Court has rightly accepted the evidence adduced by the claimants. We do not find any error in accepting the oral and documentary evidence of the claimants by the Reference Court.

e) The claimants got marked and relied on Ex.P1 and Ex.P6 to P13, which are the objections to the application, Ex.P2 & P3 - Certified copy of sale deeds dated 01.07.2008, Ex.P4 & P5 - Sub-registrar's property valuation list, Ex.P14-Certified Copy of Original Memo, Ex.P15 & P16 - Certified copy of degree certificates, Ex.P17-Certificate of IT Department, Ex.P18 to 21-Certificate of Registration, Ex.P22 to P25 - Bank Letters and Ex.P-26 to P34 - Valuation Reports dated 22.03.2018. The beneficiary-ISRO neither adduced anyone as a witness nor produced any exhibits. The Reference Court on perusal of the evidence and material on record, enhanced the compensation to Rs.960/- per square feet on the basis of Exs-P2 and P3 - Sale deeds, wherein the land was sold for Rs.800/- per square feet and further escalation of 10% applied for two years.

f) It would be useful to refer to the case of the Hon'ble Supreme Court in the case of ***Pehlad Ram v. HUDA***[7], where it was held as under:

> "***10.*** *In State of Haryana v. Gurbax Singh [(2008) 11 SCC 65] this Court approved the principle adopted by the High Court while assessing the market value under Section 23 of the Act, or giving marginal enhancement of compensation @ 12% per annum for two years since acquisition, comparing the value with the land notified under Section 4 of the Act, two years prior to the notification under Section 4 involved in the case.*
>
> ***11.*** *In ONGC Ltd. v. Rameshbhai Jivanbhai Patel [(2008) 14 SCC 745] this Court has applied the same formula giving cumulative rate of escalation @ 7.5% per annum, though found that cumulative increase of 10 to 15% was permissible.*
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> ***15.*** *This Court in Dollar Co. [Dollar Co. v. Collector of Madras, (1975) 2 SCC 730] has categorically laid down that in case the land of the claimant has been acquired in close vicinity of the*

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[7] (2014) 14 SCC 778

purchase, the consideration paid by such claimant to the vendor is the best evidence of the market value of the land. The court should not award more unless it is possible to reach a different conclusion. Even the appellate court should not interfere in such a fact situation unless the judgment is based on wrong application of principle or because some important point affecting valuation has been overlooked or misapplied. The consideration paid by the owner only a few months ago presents bona fide evidence of value subject to certain exceptions such as relationship of the parties, market conditions and terms of sale and the date of sale.

17. *It is also evident from the law referred to hereinabove that a cumulative increase of 10 to 15% per year in the market value of the land may be accepted unless the State agencies or acquiring authority prove otherwise."*

g) It would also be useful to refer to the decision of the Hon'ble Supreme Court in the case of ***U.P. Awas Evam Vikash Parishad*** referred *supra*, wherein it was held as under:

*"**29.** The potentiality of the acquired land is one of the primary factors to be taken into consideration to determine the market value of the land. Potentiality refers to the capacity or possibility for changing or developing into the state of actuality. The market value of a property has to be determined while having due regard to its existing conditions with all the existing advantages and its potential possibility when led out in its most advantageous manner. The question whether a land has potential value or not primarily depends upon its condition,*

situation, use to which it is put or its reasonable capability of being put and also its proximity to residential, commercial or industrial areas/institutions. The existing amenities like water, electricity as well as the possibility of their further extension, for instance whether near about town is developing or has prospects of development have to be taken into consideration. It also depends upon the connectivity and the overall development of the area.

30. *The record in the present matter does not suggest that there were large-scale development activities. The evidence is rather of sale of small areas. There is nothing on record as to when the industrial units were set up and what was the cost of land. Furthermore, there are no sale instances of land situated in Village Makanpur prior to date of Notification i.e. 26-6-1982. The sale instances produced by the landowners pertain to Village Sahibabad and Jhandapur which are at a distance of about 3.5 km from Delhi border. This Court in Mohd. Raofuddin v. LAO [Mohd. Raofuddin v. LAO, (2009) 14 SCC 367 : (2009) 5 SCC (Civ) 361] while dealing with comparable sale instances has held that : (Mohd. Raofuddin case [Mohd. Raofuddin v. LAO, (2009) 14 SCC 367 : (2009) 5 SCC (Civ) 361] , SCC p. 372, para 14)*

"14. Thus, comparable sale instances of similar lands in the neighbourhood at or about the date of notification under Section 4(1) of the Act are the best guide for determination of the market value of the land to arrive at a fair estimate of the amount of compensation payable to a landowner. Nevertheless, while ascertaining compensation, it is the duty of the Court to see that the compensation so determined is just and fair not merely to the individual whose property has been acquired but also to the public which is to pay for it."

h) Similar view was also taken by this Court in the case of ***Sri.C.Krishnappa*** referred supra.

i) Keeping in mind, the aforesaid enunciations of law laid down by the Hon'ble Supreme Court, we are of the considered view that the Reference Court was justified in relying on the Exs-P2 & P3-Sale deeds to arrive at the market value of the acquired lands as the property involved in the said sale deeds is from the same village and also close to the acquired lands. Exs.P2 and P-3 are the sale deeds dated 01.07.2008 and the preliminary notification to acquire the land in question is dated 28.01.2010, hence, there is a gap of nearly 2 years from the execution of Exs.P-2 and P-3. Having considered Exs.P-2 and P-3 as the basis to determine the market value, now the question is what should be the percentage of escalation required to be applied to Exs.P-2 and P-3 for a period of two years. On the other hand, the beneficiary-ISRO has contended that the sale deed cannot be basis to determine market value. Such a contention is liable to be rejected for the reason that Ex.P2 and P3 are the best piece of evidence available on record to determine the market value of the acquired land.

j) Insofar as the application of principle for escalation of the market value is concerned, it would be useful to refer to the decision of the Hon'ble Supreme Court in the case of ***General Manager Oil and Natural Gas Corporation Ltd*** referred supra, wherein it was held at paragraph 13 & 18 as under:

> *"**13.** Primarily, the increase in land prices depends on four factors: situation of the land, nature of development in surrounding area, availability of land for development in the area, and the demand for land in the area. In rural areas, unless there is any prospect of development in the vicinity, increase in prices would be slow, steady and gradual, without any sudden spurts or jumps. On the other hand, in urban or semi-urban areas, where the development is faster, where the demand for land is high and where there is construction activity all around, the escalation in market price is at a much higher rate, as compared to rural areas. In some pockets in big cities, due to rapid development and high demand for land, the escalations in prices have touched even 30% to 50% or more per year, during the nineties.*
>
> ***18.** The increase in market value is calculated with reference to the market value during the*

immediate preceding year. When market value is sought to be ascertained with reference to a transaction which took place some years before the acquisition, the method adopted is to calculate the year to year increase. As the percentage of increase is always with reference to the previous year's market value, the appropriate method is to calculate the increase cumulatively and not applying a flat rate. The difference between the two methods is shown by the following illustration (with reference to a 10% increase over a basic price of Rs 10 per square metre):

Year	*By flat rate increase method*		*By cumulative increase method*	
1987 (Base year)		*10.00*		*10.00*
1988	*10 + 1 =*	*11.00*	*10.00 + 1.00 =*	*11.00*
1989	*11 + 1 =*	*12.00*	*11.00 + 1.10 =*	*12.10*
1990	*12 + 1 =*	*13.00*	*12.10 + 1.21 =*	*13.31*
1991	*13 + 1 =*	*14.00*	*13.31 + 1.33 =*	*14.64*
1992	*14 + 1 =*	*15.00*	*14.64 + 1.46 =*	*16.10*

k) The aforesaid enunciation of law laid down by the Hon'ble Supreme Court makes it clear that the escalation rates will be higher for urban/semi-urban areas as compared to rural areas. In the instant case, the lands in question are located in urban vicinity and are also located at a proximate distance from the Bengaluru International Airport. The neighbouring lands have been rapidly developed, there is a four-lane highway abutting the lands and software companies have already come up in the area. The records further indicate that the entire area was in the process of rapid development. In view of the same, we are of the considered view that the escalation in the instant case is required to be enhanced to 15% per annum of the market value determined by the Reference Court. The Exs.P4 and P5, which are the notifications issued under the Karnataka Stamp Act, 1957 i.e the guidance value for the registration of the sale deeds. As per the said exhibits, the guidance value for the purpose of payment of stamp duty and registration fees is Rs.400/- per sq. ft. for converted lands and Rs.100/- per sq. ft. for gramatana sites. It is to be noticed that the guidance value notification cannot be the sole basis to arrive at a correct conclusion with regard to the market value of the property in question. It is common knowledge that the actual market value would be more than the guidance value. The market value of the land depends on several factors like potentiality of the land, development of neighbouring areas, availability and demand for the land. It is to be noticed that the present acquisition is for the purpose of international airport and there is sufficient evidence to show that the surrounding lands of the proposed international airport are developed and there is a continuity of development from the Bengaluru City to the proposed airport on the date of issuance of preliminary notifications. Hence, the guidance value in the notification cannot be the basis for determination of correct market value of the acquired land. The other documentary evidence produced by the claimants also would not help in seeking higher compensation. Having accepted the reasoning of the Reference Court with regard to the Exs.P2 and P3, comparative sale deeds and also for the reasons recorded supra, the Reference Court after appreciating the evidence on record, has rightly considered Ex.P2 and P3 and determined the market value of the land at Rs.800/- per sq.ft., which in our view is correct. However, insofar as the escalation is concerned, the same is required to be enhanced to 15% on the market value determined by the Reference Court. There is nearly 2 years gap between Ex.P2 and P3 and the preliminary notification. Hence, by applying the principle of escalation at 15% per annum on Rs.800/- per sq ft for two years, the market value of the acquired land would be at Rs.1040/- per sq ft. It is needless to observe that the claimants are entitled to solatium, statutory benefits and interests as per the provisions of the LA Act.

10. For the aforementioned reasons, we proceed to pass the following:

ORDER

i. The appeals filed by the beneficiary-ISRO are ***dismissed***

ii. The Cross-objections of the claimants are ***allowed-in-part*** with costs.

iii. The compensation is re-determined at Rs.1040/- per sq.ft. It is needless to observe that the claimants are entitled to solatium, statutory benefits and interests as per the provisions of the LA Act.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE

BSR/ABK
List No.: 2 Sl No.: 1