

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS SECOND APPEAL NO.100073 OF 2023 (LA)

BETWEEN:

THE EXECUTIVE ENGINEER,
KNNL, MBC DIVISION NO.1,
GADDANAKERI, BAGALKOT,
TQ. AND DIST. BAGALKOT-587103.

...APPELLANT

(BY SRI. K.S. PATIL, ADVOCATE)

AND:

1. DESAI S/O SUBHAS @ SUBBRAY SALAMANTAPI
AGE. 63 YEARS, OCC. AGRICULTURE,
R/O. CHINCHAKANDI BK,
TQ. MUDHOL, DIST. BAGALKOT-587313.

2. THE SPECIAL LAND ACQUISITION OFFICER,
M.P.III, DHARWAD,
NOW AT BAGALKOT, DIST. BAGALKOT-587101.

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R2;
NOTICE TO R1 IS SERVED)

THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER 54 (2) OF LAND ACQUISITION ACT, 1984 (KARNATAKA ACT NO.17/1961) R/W UNDER ORDER 43 RULE 1 OF THE CODE OF CIVIL PROCEDURE, PRAYING TO SET ASIDE THE JUDGMENT DATED 11.01.2022 AND AWARD DATED 24.01.2022 IN LAC (A) NO.169/2020 PASSED BY THE I ADDITIONAL DISTRICT AND SESSIONS JUDGE, BAGALKOT TO SIT AT JAMAKHANDI, AT JAMKHANDI, AND THE JUDGMENT DATED 30.07.2012 AND AWARD DATED 06.08.2012 IN LAC NO.245/2009 ON THE FILE OF THE SENIOR CIVIL JUDGE AT MUDHOL, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MSA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 20.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO



CAV JUDGMENT

1. This Miscellaneous Second Appeal has been filed under Section 54(2) of the Land Acquisition Act, 1984 (Karnataka Act No.17/1961) read with Order 43 Rule 1 of the Code of Civil Procedure, seeking to challenge the Judgment dated 11.01.2022 and Award dated 24.01.2022 in LAC (A) No.169/2020 passed by the I Additional District & Sessions Judge, Bagalkot to sit at Jamakhandi as well as the Judgment dated 30.07.2012 and Award dated 06.08.2012 in LAC No.245/2009 passed by the Senior Civil Judge, Mudhol.

2. Brief facts of the case are that, the land in question bearing R.S.No.139/1, measuring 0 Acres 7 Guntas at Chinchakhandi B K village, Mudhol Taluk, Bagalkot District, was acquired for the Ghataprabha Project. The Special Land Acquisition Officer initially awarded Rs.30,537/- per acre, treating the land as irrigated land. The reference proceedings under Section 18 of the Land Acquisition Act resulted in enhancement to Rs.1,80,000/- per acre. Subsequently, LAC Appeal No.169/2020 was filed after a delay of 2,961 days. The Lower Appellate Court enhanced the compensation to Rs.2,00,000/- per acre.

3. Learned counsel for the appellant contended that the delay in filing LAC (A) 169/2020 was improperly condoned. The Lower Appellate Court erred in enhancing compensation without considering the nature, fertility, and other aspects of the land. The enhancement was unjustified, and there was no proper explanation for the delay.

4. The following substantial questions of law were raised by the appellant:

- i. Whether condonation of delay of approximately 2961 days was justified?*
- ii. Whether the enhancement of compensation to Rs.2,00,000/- per acre was legally sustainable?*
- iii. Whether the Lower Appellate Court was justified in enhancing compensation without properly evaluating land characteristics?*

5. The Hon'ble Supreme Court in SLP Nos. 215-216/2023 has reiterated that delay in filing appeals in land acquisition matters, if adequately explained and within the framework of the Land Acquisition Act, cannot automatically be a ground for dismissal. Enhancements made by Lower Appellate Courts in land acquisition cases under beneficial legislation must be respected unless found to be wholly arbitrary or violative of statutory norms. Courts are to exercise judicial restraint in re-evaluating compensation awarded under statutory provisions,

particularly where the appellate courts have considered nature and market value of land.

6. On perusal of the record in the present appeal, it is clear that the Lower Appellate Court had exercised its discretion in condoning delay and enhancing compensation in line with the judgment passed in SLP Nos. 215–216/2023. There is no material to show any illegality or perversity in the order passed by the Lower Appellate Court. The present appeal essentially seeks a re-appraisal of facts and market valuation, which is not permissible under Section 54(2) read with established Supreme Court guidance in SLP 215–216/2023.

7. In view of the above, this appeal lacks merit. The substantial questions of law raised do not warrant interference with the impugned judgments and awards. The findings of the Lower Appellate Court are consistent with the legal principles laid down by the Supreme Court. Hence, this Court proceeds to pass the following:

ORDER

- i. The Miscellaneous Second Appeal is ***dismissed***.
- ii. The Judgment dated 11.01.2022 and Award dated 24.01.2022 in LAC (A) No.169/2020 passed by the I

Additional District & Sessions Judge, Bagalkot to sit at Jamakhandi as well as the Judgment dated 30.07.2012 and Award dated 06.08.2012 in LAC No.245/2009 passed by the Senior Civil Judge, Mudhol are ***confirmed***.

iii. No costs.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

KGK,CT:VP