



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 5TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. JUSTICE R.NATARAJ

AND

THE HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

MISCL. FIRST APPEAL NO.202402 OF 2017 (LAC)

BETWEEN:

SMT. MALLAWWA
W/O SIDDAPPA BY HER LRS,

1. SAIBANNA
S/O SIDDAPPA,
AGE: 48 YEARS,
OCC: AGRICULTURE,
2. YELLAWWA
M/O SUGLABAI,
AGE: 40 YEARS,
OCC: AGRICULTURE,
3. CHANDRAKALA
D/O ANAND,
AGE: 35 YEARS,
OCC: AGRICULTURE,
4. SIDRAMAPPA
S/O ANNARAYA,
AGE: 53 YEARS,
OCC: AGRICULTURE,
5. ABDUL GAFUR S/O WALISAB,
SINCE DECEASED ON 22.09.2020
LIVING BEHIND AS

Digitally signed
by SACHIN
Location: HIGH
COURT OF
KARNATAKA



5a. IMRAN

S/O LATE ABDUL GAFAR,
AGE: 40 YEARS,
OCC: AGRICULTURE,
R/O: MANNUR VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI.

ALL ARE R/O: MANNUR VILLAGE,
TQ: AFZALPUR,
DIST: KALABURAGI.

NOW AT ISLAMPUR ROAD,
POLICE ASHTATE WALWA ASHATE,
ASHTA WALWE SANGLI,
(MAHARASTRA STATE).

AMENDED AS PER
ORDER DATED
19.03.2021

...APPELLANTS

(BY SRI A.M.BIRADAR, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
VIKAS BHAVAN, KALABURAGI.
2. THE CHIEF ENGINEER,
KNNL, IPC ZONE KALBURAGI.
3. THE EXECUTIVE ENGINEER,
KNNL, BLI DIVN. AFZALPUR.
4. THE SPECIAL LAND ACQUISITION,
OFFICER M & MIP,
VIKAS BHAVAN, KALBURAGI.

...RESPONDENTS

(BY SMT MAYA T.R., HCGP FOR R1 AND R4;
SRI SANJEEV KUMAR C. PATIL, ADVOCATE FOR R2 AND R3)



THIS MFA IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, 1894 PRAYING TO ALLOW THE APPEAL WITH COSTS, AND THE JUDGMENT AND AWARD DATED 01.04.2016 PASSED BY THE SENIOR CIVIL JUDGE, AFZALPUR, IN LAC NO.195/2015 TO BE MODIFIED BY ENHANCING THE AMOUNT OF COMPENSATION FROM RS.5,47,800/- TO RS.6,59,580/- PER ACRE FOR WET LAND, WITH ALL STATUTORY BENEFITS, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL COMING ON FOR FINAL HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE R.NATARAJ
and
HON'BLE MR. JUSTICE TYAGARAJA N. INAVALLY

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE R.NATARAJ)

The appellants are aggrieved by the judgment and award dated 01.04.2016 passed by the Senior Civil Judge, Afzalpur in LAC Nos.195/2015 enhancing the compensation from Rs.3,65,200/- per acre to Rs.5,47,800/- per acre.

2. The appellants herein were the owners of land bearing Sy.Nos.848/Po2/1/1, measuring 10 acre 16 guntas situated at Mannur village, Afzalpur Taluk, Kalaburagi district. A notification dated 16.09.2010 under



Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') was issued proposing to acquire the aforesaid lands for Bhima Lift Irrigation Project. After the final notification, an award was passed on 10.07.2012 determining the market value of the land at a sum of Rs.52,500/- per acre for wet land and Rs.42,500/- per acre for dry land. The appellants received the compensation under protest and sought reference under Section 18(1) of the Act. The Reference Court registered the case in LAC No.195/2015.

3. In support of their claim petitions, the claimants adduced the evidence of PW1 and marked Exs.P1 to P20. The beneficiary marked the award copy as Ex.D1. Based on the oral and documentary evidence, the Reference Court enhanced the compensation to a sum of Rs.5,47,800/- per acre for wet land and Rs.3,65,200/- for dry land. Being aggrieved by the judgment and award passed by the Reference Court, the claimants are in appeal.



4. The learned counsel for the claimants contended that the Reference Court had failed to award compensation by taking the award passed in LAC No.161/2011, which was in respect of acquisition of land for the same project in the year 2006. He contends that this was a correct exemplar for deciding the market value of the land acquired by factoring escalation for 4 years. On the contrary, the Reference Court, relied upon the judgment passed in MFA No.7498/2006 and MFA No.31613/2012 where the compensation was determined at Rs.4,15,000/- per acre for wet land and Rs.2,76,660/- for dry land. He further contends that the beneficiary has satisfied the award passed in LAC No.161/2011 and therefore the beneficiary has admitted the value of a similarly situated property at a sum of Rs.5,80,800/- in the year 2006. He therefore pray that the impugned judgment and award passed by the Reference Court be modified and the compensation enhanced to a sum of Rs.5,80,800/- and factor 8% enhancement every year.



5. The learned counsel for the beneficiary on the other hand contended that the compensation determined in LAC No.161/2011 cannot be an exemplar as the compensation in that case was determined by taking into account the order passed in LAC No.495/2010 which was in respect of an acquisition in the year 2008. Thus, he contends that appellants cannot claim the benefit of the higher compensation awarded in LAC No.161/2011. He also contends that the joint measurement in MFA No.31613/2012 and connected appeals showed sugarcane as the crop grown in the village and therefore the Reference Court determined the compensation at a sum of Rs.4,15,000/- for wet land and Rs.2,76,660/- per acre for dry land. He therefore contends that the Reference Court was therefore justified in determining the compensation at the aforesaid rates.

6. We have considered the submissions of learned counsel for the appellant as well as learned counsel for the beneficiary.



7. The fact that a similarly situate land in the same village was acquired in the year 2006 for the same project is not in dispute. It is also not in dispute that in respect of that land, the Reference Court had decided the compensation at a sum of Rs.5,80,800/- per acre. The preliminary notification in respect of the land that was subject matter of LAC No.161/2011 was issued in the year 2006. Therefore, as rightly contended by learned counsel for the appellants, this was an indicator and could be the basis for determining the compensation by factoring escalation at 8%.

8. In that view of the matter, we deem it appropriate to enhance the compensation from a sum of Rs.4,15,000/- per acre awarded by the Reference Court to a sum of Rs.7,66,656/-per acre for wet land.

9. Consequently, this appeal is allowed and the compensation of Rs.4,15,000/- per acre awarded by the Reference Court is enhanced to Rs.7,66,656/- per acre for



wet land. It is needless to mention that the appellants shall be entitled to interest and benefits as provided under law. The appellants shall not be entitled for interest during the delayed period of 535 days.

Office is directed to draw an award after difference in the Court fee is paid.

Sd/-
(R.NATARAJ)
JUDGE

Sd/-
(TYAGARAJA N. INAVALLY)
JUDGE

BL
List No.: 1 Sl No.: 41