

**Santoshkumar and Others Vs. the Chief Engineer and Others**

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**Court :** Karnataka Gulbarga

**Decided On :** Mar-21-2013

**Judge :** Huluvadi G. Ramesh

**Appeal No. :** Miscellaneous First Appeal No.30578 of 2013 (LAC)

**Appellant :** Santoshkumar and Others

**Respondent :** The Chief Engineer and Others

**Judgement :**

(Prayer: This first appeal is filed under Section 54(1) of L.A.Act against the Judgment and award dated 21.04.2007 on the file of the Civil Judge (Sr.Dn.) at Aland, partly allowing the reference petition and seeking enhancement of compensation.)

1. There is a delay of 2058 days in preferring the appeal. The counsel appearing for respondent Nos.1 and 2 has vehemently objected for condonation of delay. In the interest of maintaining the uniformity in the matter of award, as it is submitted by the appellant that in other cases in respect of the same notification the same compensation has been awarded, however, without awarding any interest for the delay period, this appeal is taken up for disposal and delay is condoned as it would not cause any inconvenience to the State also. However, the claimants are not entitled for interest for the delay period, on the enhanced amount.

2. In this appeal, the appellants are seeking for enhancement of compensation as against the award passed by the Reference Court namely, Civil Judge (Sr.Dn.), Aland in LAC No.208/2003.

3. The property in Sy.No.105 measuring 18 acres 8 guntas has been acquired by the notification dated 18.09.1997 and the award was passed on 28.03.2000. The property was acquired for the purpose of Gandorinala Project, situated at Dhammur village, Aland taluk, Gulbarga district.

4. The award is passed by the Reference Court fixing the market value at Rs.1,22,000/- per acre. According to the learned counsel for the appellants, the Apex Court in Civil Appeal No.2489/2011, an appeal arising out of the land acquired for Gandorinala Project of the adjacent village in respect of the same appellants, has awarded compensation of Rs.1,82,000/- per acre along with statutory benefits and interest. Accordingly, he has sought for enhancement of compensation from Rs.1,22,000/- to Rs.1,74,000/-.

5. Heard the learned counsel appearing for respondents.

6. In respect of the acquisition of the properties for Gandorinala Project, the Apex Court in respect of the land adjacent to the village in question, has awarded compensation of Rs.1,82,000/- per acre with statutory benefits and it would necessarily meet the ends of justice and since the claimants have restricted their claim for Rs.1,74,000/-, as against the award passed by the Reference Court fixing the market value of Rs.1,22,000/- has to be enhanced to Rs.1,74,000/- with all statutory benefits and interest excluded for the delay period . Accordingly, the appeal is allowed with costs.

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