

Sidramappa and Ors vs the Special Land Acquisition and Ors

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Court : Karnataka Kalaburagi

Decided On : Mar-28-2025

Judge : Anant Ramanath Hegde

Appeal No. : MSA/200226/2018

Appellant : Sidramappa and Ors

Respondent : The Special Land Acquisition and Ors

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH DATED THIS THE 28TH DAY OF MARCH, 2025 BEFORE THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE MISCL SECOND APPEAL NO. 200226 OF 2018 (LA) BETWEEN:

1. SIDRAMAPPA S/O TUKKAPPA AGE: 54 YEARS, OCC: AGRICULTURE,

2. TUKKAPPA S/O SIDRAMAPPA BY LRS a. SMT. TARABAI W/O LATE TUKKAPPA AGE: 73 YEARS, OCC: HOUSEHOLD, b. KUPENDRA S/O LATE TUKKAPPA AGE: 51 YEARS, OCC: AGRICULTURE, ALL R/O: VENKATABENNUR VILLAGE,

Digitally signed by NOW H.NO.163, HEERAPUR VILLAGE, BASALINGAPPA SHIVARAJ TQ: DIST: KALABURAGI PIN5 101. DHUTTARGAON APPELLANTS Location: HIGH COURT OF KARNATAKA (BY SRI S.S. SAJJANSHETTY AND SMT SHIVALEELA S.S., ADVOCATES) AND:

1. THE SPECIAL LAND ACQUISITION OFFICER M & MIP, ROOM NO.7, MINI VIDHAN SOUDHA, KALABURAGI - PIN NO.585 101.

2. THE DEPUTY COMMISSIONER, -2- MINI VIDHAN SOUDHA, KALABURAGI - 585 101.

3. THE EXECUTIVE ENGINEER, FOR MIP, KALABURAGI - 585 101. RESPONDENTS (BY SMT. MAYA T.R., H.C.G.P.,) THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER

SECTION 54 (2) OF THE LAND ACQUISITION ACT, 1894, PRAYING TO MODIFY THE JUDGMENT AND AWARD DATED 14.07.2014 PASSED BY THE III ADDITIONAL DISTRICT JUDGE AT GULBARGA IN L.A.C. APPEALNO.398/2013 VIDE ANNEXURE- A AND PLEASED TO MODIFY THE ALLOWING THE APPEAL BY ENHANCING THE COMPENSATION AT RS.1,73,780/- PER ACRE DRY LAND FROM RS.88,320/- PER ACRE AS AWARDED BY THE LOWER APPELLANT COURT, AND PRAYED TO AWARD MORE BY PERMITTING TO PAY DCF IN THE EVENT OF DISPOSAL, WITH ALL STATUTORY BENEFITS, INTEREST AND WITH COST, TO MEET THE REAL ENDS OF JUSTICE AND EQUITY.

THIS MISCELLANEOUS SECOND APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE -3-

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE) This appeal is arising from the judgment and award passed in LAC No.304/1995 on the file of I Additional Civil Judge, Kalaburagi and also the judgment and decree passed in LAC Appeal No.398/2013 on the file of III Additional District Judge, Kalaburagi.

The appellants are seeking higher compensation on the premise that in respect of the land acquired under same Notification for the same project, the Co-ordinate Bench of this Court in MSA No.200099/2016 has awarded market value of Rs.1,43,863/- per acre for dry land.

2. Heard the learned counsel appearing for the appellants and the learned Government Advocate appearing for the respondents.

3. The appellants' land bearing Sy.No.97A and 97C

measuring 9 acres 30 guntas in Venkatbennur Village, District and Taluk: Kalaburagi were acquired under Section 4(1) Notification dated 08.11.1990. The Special Land Acquisition Officer awarded Rs.8,000/- per acre as market value and the Reference Court determined Rs.20,000/- per acre as market -4- value and the First Appellate Court determined Rs.88,320/- per acre as market value. The appellants seek enhancement on the premise that the Co-ordinate Bench of this Court in MSA No.200099/2016 has determined the market value at Rs.1,43,863/- per acre for dry land in Venkatbennur village, District and Taluk:Kalaburagi.

4. It is submitted that the market value of the wet

land would be one and half times the value of the dry land and in the aforementioned appeal, the Co-ordinate Bench of this Court has awarded Rs.2,15,800/- per acre as market value towards wet land and applying the aforementioned formula, the market value for the dry land would be Rs.1,43,863/-.

5. Learned Government Advocate appearing for the

respondents does not dispute the formula to determine the market value of the dry land with reference to the market value of wet land. It is also noticed that in respect of an adjoining village pursuant to the Notification dated 08.11.1990, the market value of Rs.1,43,863/- is determined for a dry land.

6. After considering the materials on record, this Court has noticed that the land acquired in the present appeal is from -5- the same village which was the subject matter of the appeal in MSA No.200099/2016 and project is also one and the

same.

7. For the aforementioned reasons, the appeal has to

be allowed in part and the appellants are entitled to the market value of Rs.1,43,863/- per acre with all the statutory and consequential benefits and interest.

8. Hence, the following:

ORDER

(i) The appeal is allowed in-part.

(ii) The judgment and award dated 18.09.1996 passed in L.A.C. 304/1995 on the file of I Additional Civil Judge, Kalaburagi are modified.

(iii) The judgment and decree dated 14.07.2014 in LAC Appeal No.398/2013 on the file of III Additional District Judge, Kalaburagi are modified.

(iv) The market value of the appellants' land bearing Sy.No.97A and 97 C measuring 9 acres 30 guntas is determined at Rs.1,43,863/- per acre.

(v) Appellants are not entitled to interest on the enhanced compensation for 1475 days delayed period in filing the appeal and also 990 days for the -6- period during which the appeal was dismissed for non-prosecution.

(vi) The appellants are entitled to other statutory benefits and also to proportionate cost. Sd/- (ANANT RAMANATH HEGDE) JUDGE GVP List No.: 1 SI No.: 0

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