

Union of India and Others Vs. State of Karnataka and Another

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Court : Karnataka

Decided On : Aug-21-2000

Reported in : 2001(4)KarLJ410

Judge : B.K. Sangalad, J.

Acts : [Land Acquisition Act, 1894](#) - Sections 18(1) and 54(1); Karnataka Civil Courts Act, 1964 - Sections 19

Appeal No. : Civil Revision Petition No. 244 of 2000

Appellant : Union of India and Others

Respondent : State of Karnataka and Another

Advocate for Def. : Sri B. Krishnappa, Adv.

Advocate for Pet/Ap. : Sri Ashok Haranahalli, Adv

Judgement :

ORDER

1. This case has come up for admission. By consent of both the parties, it is taken for final disposal.

2. The lands measuring 36 guntas in Sy. No. 347/1 situated in Navbad, Bidar District were acquired for the benefit of the appellant vide final notification dated 6-8-1987. The Land Acquisition Officer awarded the compensation of Rs. 9,600/- per

acre. The claimant filed an application under Section 18(1) of the Land Acquisition Act seeking for enhancement of the compensation. As such the Civil Judge, Bidar now has passed the judgment and decree on 10-11-1995 in LAC No. 346 of 1991 enhancing the compensation to Rs. 43,000/-, Being aggrieved by this, the petitioners herein approached the District Judge. The learned District Judge has returned the appeals with a direction to present it before the proper Court on the ground that he has no jurisdiction.

3. According to Mr. Haranahalli, learned Counsel for the petitioner the jurisdiction of the District Judge is up to one lakh, as such there is an error in returning the appeal filed by the petitioners.

4. On the other hand Mr. Manikappa Patil, learned Counsel for respondent 2 submits that the amount claimed as a whole is to be taken for the purpose of jurisdiction. He also relied upon the decision in the case of K. Malkoji Rao alias Kapathappa v Assistant Commissioner and Land Acquisition Officer, Bellary .

5. It is pertinent to note that the respondent 2 has not preferred any appeal being aggrieved by the judgment and award. On the other hand, the petitioners have approached the District Judge for rectification. The amount awarded as compensation is Rs. 43,000/- per acre along with solatium and other benefits, it comes to Rs. 75,530/-. As such this amount is well-within jurisdiction of the District Judge. The submission of Mr. Manikappa Patil would have been accepted if respondent 2 had preferred an appeal being aggrieved by the judgment and award. The distinction can be made on this basis. As such no hardship, irreparable loss or illegality shall be committed if the District Judge disposes of this appeal. Hence, the impugned order is set aside with a direction to dispose of the appeal. Both the parties should be present before the lower Court on 9-10-2000 and the petitioners are further permitted to represent the appeal papers returned.

6. Mr. B. Krishnappa, learned High Court Government Pleader is permitted to file the memo of appearance within 2 weeks.