IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 29TH DAY OF JANUARY, 2025

PRESENT

THE HON'BLE MR JUSTICE S.SUNIL DUTT YADAV

AND

THE HON'BLE MR JUSTICE RAJESH RAI K

MISCL. FIRST APPEAL NO. 200973 OF 2022 (LAC-)
C/W
MISCL. FIRST APPEAL NO. 200598 OF 2022
MISCL. FIRST APPEAL NO. 200633 OF 2022
MISCL. FIRST APPEAL NO. 200634 OF 2022
MISCL. FIRST APPEAL NO. 200970 OF 2022
MISCL. FIRST APPEAL NO. 202003 OF 2022
MISCL. FIRST APPEAL NO. 202151 OF 2022
MFA CROSS OBJ NO. 200008 OF 2023
MFA CROSS OBJ NO. 200009 OF 2023
MFA CROSS OBJ NO. 200033 OF 2023
MFA CROSS OBJ NO. 200040 OF 2023
MFA CROSS OBJ NO. 200047 OF 2023

IN MFA NO.200973/2022:

Digitally signed by RAMESH MATHAPATI
Location: HIGH COURT OF KARNATAKA

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER ,
UKP, ALMATTI,
DIST. VIJAYAPURA – 586203.

…APPELLANT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

DAVALSAB S/O BAPUSAB TAKKALAKI
AGE: MAJOR, OCC: AGRICULTURE,
R/O KOGGOD, TQ. AND DIST. VIJAYPURA – 586128.

…RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 08.09.2021 PASSED BY THE LEARNED III ADDL. DIST. JUDGE AND THE LAND ACQUSITION REHABILITATION, AND RESETTLEMENT AUTHORITY, VIJAYAPURA IN LAC NO.04/2019.

IN MFA NO.200598/2022:

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER ,
UKP ALMATTI,
DIST. VIJAYAPURA – 586102.

…APPELLANT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

1. NINGAPPA SIDRAMAPPA AWATI
   AGE: MAJOR,
   R/O KAGGOD,
   TQ & DIST: VIJAYAPURA – 586127.

2. SMT. BOURAMMA W/O CHANNABASAPPA
   @ CHANNAYYA HIREMATH
   AGE: MAJOR,
   R/O KAGGOD,
   TQ & DIST: VIJAYAPURA – 586127.

…RESPONDENTS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 13.08.2021 IN LAC-13/19 PASSED BY THE LEARNED III ADDL. DIST. JUDGE AND THE LAND ACQUSITION REHABILITATION, AND RESETTLEMENT AUTHORITY, VIJAYAPURA.

IN MFA NO.200633/2022:

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER ,
UKP ALMATTI,
DIST. VIJAYAPURA – 586203.

…APPELLANT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

HANAMANT S/O YAMANAPPA HARIJAN
AGE: MAJOR, OCC: AGRICULTURE,
R/O KAGGOD,
TQ & DIST: VIJAYAPURA – 586127.

…RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 08.09.2021 PASSED BY THE LEARNED III ADDL. DIST. JUDGE AND THE LAND ACQUSITION

REHABILITATION, AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.09/2019.

IN MFA NO.200634/2022:

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER ,
UKP ALMATTI,
DIST. VIJAYAPURA – 586203.

…APPELLANT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

AYYAPPA S/O SANGAPPA HEGADIHAL
AGE: MAJOR, OCC: AGRICULTURE,
R/O KAGGOD, TQ. & DIST: VIJAYAPURA – 585127.

…RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 08.09.2021 PASSED BY THE LEARNED III ADDL. DIST. JUDGE AND THE LAND ACQUSITION REHABILITATION, AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.18/2019.

IN MFA NO.200970/2022:

BETWEEN:

THE SPECIAL LAND ACQUISITION OFFICER ,

UKP ALMATTI,
DIST. VIJAYAPURA.

…APPELLANT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

BASAVARAJ S/O HANAMANT HARIJAN,
AGE: MAJOR,
R/O KAGGOD,
TQ & DIST: VIJAYAPURA – 586127.

…RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 31.07.2021 IN LAC-438/19 PASSED BY THE LEARNED III ADDL. DIST. JUDGE AND ADDL. LAND ACQUSITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA.

IN MFA NO.202003/2022:

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, ALMATTI – 586201.

2. THE COMMISSIONER,
   REHABILITATION AND RESETTLEMENT,
   SECRETARY FOR LAND ACQUISITION DIVISION,
   BAGALKOT – 587103.

3. THE GENERAL MANAGER,
   REHABILITATION AND RESETTLEMENT,

LAND ACQUISITION DIVISION,
NAVANAGAR, BAGALKOT – 587103.

4. THE SPECIAL DEPUTY COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
BAGALKOT – 587103.

5. EXECUTIVE ENGINEER,
UKP M.LI. DIV.4,
DEVARA HIPPARAGI – 586115.

…APPELLANTS

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

NINGAPPA SIDRAMAPPA AWATI
AGE: MAJOR,
R/O KAGGOD,
TQ & DIST: VIJAYAPURA – 586127.

…RESPONDENT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 04.10.2021 PASSED BY III ADDL. DIST. JUDGE AND ADDITIONAL LAND ACQUSITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.06/2019.

IN MFA NO.202151/2022:

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
UKP, ALMATTI – 586201.

2. THE COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
SECRETARY FOR LAND ACQUISITION DIVISION,
BAGALKOT – 587103.

3. THE GENERAL MANAGER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
NAVANAGAR, BAGALKOT – 587103.

4. THE SPECIAL DEPUTY COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
BAGALKOT – 587103.

5. EXECUTIVE ENGINEER,
UKP M.LI. DIV.4,
DEVARA HIPPARAGI – 586115.

…APPELLANTS

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

AND:

SANGAPPA S/O BASAPPA HAGADIHAL,
SINCE DECEASED BY HIS LRS.

1. SMT. SUSALABAI W/O SANGAPPA HAGADIHAL,
AGE: 63 YEARS, OCC: HOUSEHOLD WORK,
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA – 586127.

2. SMT. GURUBAI W/O SANGAPPA HEGADIHALI,
AGE: 68 YEARS, OCC: HOUSEHOLD WORK,
R/O KAGGOD VILLAGE,

TQ & DIST: VIJAYAPURA – 586127.

3. KALLYANI S/O SANGAPPA HEGADIHAL,
AGE: 51 YEARS, OCC: AGRICULTURE,
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA – 586127.

4. MANJUNATH S/O SANGAPPA HEGADIHAL,
AGE: 47 YEARS, OCC: AGRICULUTURE,
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA – 586127.

…RESPONDENTS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV)

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT-2013, PRAYING TO ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 04.10.2021 PASSED BY III ADDL. DIST. JUDGE AND ADDITIONAL LAND ACQUSITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.16/2019.

IN MFA CROB NO.200008/2023:

BETWEEN:

SRI RACHAPPA S/O BASAPPAUKMNAL,
AGED ABOUT 32 YEARS, OCC: AGRICULTURE,
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA.

...APPELLANT

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV.)

AND:

1. THE SPL. LAND ACQUISITION OFFICER
UKP, ALMATTI

VIJAYAPURA – 586201.

2. THE COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
SECRETARY FOR LAND ACQUISITION DIVISION,
BAGALKOT – 587101.

3. THE GENERAL MANAGER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
NAVANAGAR, BAGALKOT – 587101.

4. THE SPECIAL DEPUTY COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
BAGALKOT – 587101.

5. EXECUTIVE ENGINEER,
UKP M.LI. DIV.4,
DEVARA HIPPARAGI, MATTIHAL – 586115.

…RESPONDENTS

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

THIS CROSS APPEAL IS FILED UNDER ORDER 41 RULE 22 OF THE CIVIL PROCEDURE CODE, PRAYING TO MODIFYING THE JUDGMENT AND AWARD DATED 4/10/2021 PASSED BY THE LEARNED III ADDL. DIST JUDGE AND LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.6/2019 AND AWARD COMPENSATION AT THE RATE OF RS.9,07,692/- PER ACRE.

IN MFA CROB NO.200009/2023:

BETWEEN:

SRI SANGAPPA S/O BASAPPA HAGADIHAL,
SINCE DECEASED BY HIS LRS.

1A. SMT. SUSALABAI W/O SANGAPPA HAGADIHAL,
AGED ABOUT 64 YEARS, OCC: HH WORK,

1B. SMT. GURUBAI W/O SANGAPPA HAGADIHALI,
AGED ABOUT 69 YEARS, OCC: HH WORK,

1C. SMT. KALLYANI S/O SANGAPPA HAGADIHAL,
AGED ABOUT 51 YEARS, OCC: AGRL,

1D. SRI MANJUNATH S/O SANGAPPA HEGADIHAL,
AGED ABOUT 47 YEARS, OCC: AGRL,
ALL ARE R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA – 586127.

...CROSS OBJECTORS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV.)

AND:

1. THE SPL. LAND ACQUISITION OFFICER
UKP, ALMATTI
VIJAYAPURA – 586201.

2. THE COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
SECRETARY FOR LAND ACQUISITION DIVISION,
BAGALKOT – 587101.

3. THE GENERAL MANAGER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
NAVANAGAR, BAGALKOT – 587101.

4. THE SPECIAL DEPUTY COMMISSIONER,
REHABILITATION AND RESETTLEMENT,
LAND ACQUISITION DIVISION,
BAGALKOT – 587101.

5. EXECUTIVE ENGINEER,
UKP M.LI. DIV.4,
DEVARA HIPPARAGI, MATTIHAL – 586115.

…RESPONDENTS

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

THIS CROSS APPEAL IS FILED UNDER ORDER 41 RULE 22 OF THE CIVIL PROCEDURE CODE, PRAYING TO MODIFYING THE JUDGMENT AND AWARD DATED 4/10/2021 PASSED BY THE LEARNED III ADDL. DIST JUDGE AND ADDL. LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.16/2019 AND AWARD COMPENSATION AT THE RATE OF RS.9,07,692/- PER ACRE.

IN MFA CROB NO.200033/2023:

BETWEEN:

SRI AYYAPPA S/O SANGAPPA HEGADIHAL,
AGED ABOUT 52 YEARS, OCC: AGRL.
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA.

...CROSS OBJECTORS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV.)

AND:

THE SPL. LAND ACQUISITION OFFICER
UKP, ALMATTI
VIJAYAPURA.

…RESPONDENT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

THIS CROSS APPEAL IS FILED UNDER ORDER 41 RULE 22 OF THE CIVIL PROCEDURE CODE, PRAYING TO MODIFYING THE JUDGMENT AND AWARD DATED 8/9/2021 PASSED BY THE

LEARNED III ADDL. DIST JUDGE AND LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.18/2019 AND AWARD COMPENSATION AT THE RATE OF RS.9,07,692/- PER ACRE.

IN MFA CROB NO.200040/2023:

BETWEEN:

SRI BASAVARAJ S/O HANAMANT HARIJAN
AGED ABOUT 40 YEARS, OCC: AGRICULTURE,
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA – 586127.

... CROSS OBJECTORS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV.)

AND:

THE SPL. LAND ACQUISITION OFFICER
UKP, ALMATTI
VIJAYAPURA – 586201.

…RESPONDENT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

THIS CROSS APPEAL IS FILED UNDER ORDER 41 RULE 22 OF THE CIVIL PROCEDURE CODE, PRAYING TO MODIFYING THE JUDGMENT AND AWARD DATED 31/7/2021 PASSED BY THE LEARNED III ADDL. DIST JUDGE AND LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.438/2019 AND AWARD COMPENSATION AT THE RATE OF RS.9,07,692/- PER ACRE.

IN MFA CROB NO.200047/2023:

BETWEEN:

SRI HANAMANTH
SINCE DECEASED BY HIS LR

SRI BASAVARAJ S/O HANAMANT HARIJAN
AGED ABOUT 40 YEARS, OCC: AGRL.
R/O KAGGOD VILLAGE,
TQ & DIST: VIJAYAPURA.

... CROSS OBJECTORS

(BY SMT. RATNA N. SHIVAYOGIMATH, ADV.)

AND:

THE SPL. LAND ACQUISITION OFFICER
UKP, ALMATTI
VIJAYAPURA – 586212.

…RESPONDENT

(BY SRI SHIVAKUMAR R. TENGLI, AGA)

THIS CROSS APPEAL IS FILED UNDER ORDER 41 RULE 22 OF THE CIVIL PROCEDURE CODE, PRAYING TO MODIFYING THE JUDGMENT AND AWARD DATED 31/7/2021 PASSED BY THE LEARNED III ADDL. DIST JUDGE AND ADDL. LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN L.A.C. NO.9/2019 AND AWARD COMPENSATION AT THE RATE OF RS.9,07,692/- PER ACRE.

THESE APPEALS, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE S.SUNIL DUTT YADAV
AND
HON'BLE MR JUSTICE RAJESH RAI K

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE S.SUNIL DUTT YADAV)

All these appeals are filed on behalf of the Special Land Acquisition Officer, Upper Krishna Project (UKP), Almatti, calling in question correctness of the orders of the reference Court passed in common.

2. The appeals are filed by the State challenging the orders passed by the reference Court in LAC Nos.16/2019, 4/2019, 13/2019, 9/2019, 18/2019, 438/2019 and 6/2019.

3. In the above said matters, the reference Court had disposed off the reference applications with respect to the lands of Kaggod Village that was notified as per preliminary notification dated 02.05.2016 with regard to Mulwad Lift Irrigation Scheme, III Stage of UKP. The notifications having been made on 02.05.2016, the reference application was filed under Section 64(1) of the Land Acquisition Act, 2013 (for short 'the Act'). In all

these matters, to substantiate their claim, the claimants had let-in independent evidence to claim compensation above the amount as awarded by the Land Acquisition Officer by relying on common exemplars in all these matters. The reference Court in various batches have disposed off the references by enhancing compensation to Rs.8,50,000/- per acre in all these matters as also awarding with consequential statutory benefits. These orders of the reference Court have been challenged in the present batch of appeals.

4. The State has raised various contentions while contending that the award of the reference Court is exorbitant that the sale deeds relied upon at Exs.P4, P7, P9 and P10, where as regards sale for Wind Power Project i.e., Industrial purpose and accordingly same could not be taken as an exemplar insofar the present case. It is further submitted that the Re-Settlement Authority ought to have taken note of sale deeds during the preceding three years. It is also contended that the sale deeds relied

upon by the claimants as is admitted by PW.1 was with respect to conveyance for commercial purpose and accordingly could not have been taken note of and various other contentions have been raised. Accordingly, it is submitted that the order of the reference Court is to be set aside.

5. Learned counsel appearing for the cross-objectors/respondents-claimants submit that insofar as the same notification as regards dry lands of Kaggod Village, for the same project, the order of the reference Court passed in LAC Nos.11, 435, 437, 439, 17, 7, 12, 5, 8 and 3 of 2019 were challenged by the State in MFA Nos.201002, 200526, 200586, 200917, 200612, 200635, 200632, 200638, 200639 and 200968 of 2022 and all said appeals were disposed off by order dated 16.12.2024 and in light of the said orders passed in the appeals with respect to the lands relating to the same village, same purpose and same notification upholding the order of the reference Court, the value of the land at Rs.8,50,000/- per

acre is to be extended by dismissing the present appeals also. It is further submitted that the order in the appeals in MFA No.201002/2022 and connected matters having attained finality upholding the market value of Rs.8,50,000/- per acre fixed by the reference Court. Same ought to be extended on parity in the present matters also.

6. Learned counsel for the appellants further submits that in the event the order of the reference Court is upheld taking note of the order in MFA No.201002/2022 and connected matters and the market value is affirmed at Rs.8,50,000/- per acre with all other statutory benefits, they would not press the cross objections.

7. Learned AGA is unable to controvert such assertion by the learned counsel for the appellants and submits that the orders relied upon by the appellants including in MFA No.201002/2022 and connected matters are matters of record.

8. The point for consideration:

Whether the appeals are to be dismissed taking note of the orders in MFA No.201002/2022?

9. It is noticed that the orders passed in the batch in MFA No.201002/2022 and connected matters relate to the lands of Kaggod Village as regards the same notification on 02.05.2016. In the present case, the learned counsel for the appellants submits that the nature of lands as in MFA No.201002/2022 and connected matters was described as dry lands and irrespective of the nature of the lands in the present appeals, appellants are ready to accept the compensation by treating the market value of dry lands as one acceptable to them.

10. In light of the orders passed in MFA No.201002/2022 and connected matters, taking note that the present case as well the lands are situated in the same village and are described to be dry lands and the notification referred to as of 02.05.2016 and that the

subject matter of lands in the present appeals was also the subject matter of common award by the Special Land Acquisition Officer including as regards those lands which were subject matter in MFA No.201002/2022 and connected matters. On parity, the present appellants are also entitled for extending the market value of Rs.8,50,000/- per acre in the present matters as well.

11. In light of the above discussion the point for consideration is answered in the diffirmative?

12. Accordingly, the present appeals of the State are ***dismissed*** affirming the orders of the reference Court taking note that the orders of the reference Court fixing identical rates as fixed in the present orders of the reference Court with respect to the lands of the same village has been upheld in MFA No.201002/2022 and connected matters. In light of the stand and memo filed, cross objections are ***dismissed as withdrawn*** with a further direction of refund of Court fees in terms of Section

66(2)(c) of the Karnataka Court Fees and Suits Valuation Act, 1958.

Sd/-
(S.SUNIL DUTT YADAV)
JUDGE

Sd/-
(RAJESH RAI K)
JUDGE

MSR
List No.: 1 Sl No.: 2
CT: PS