



NC: 2024:KHC:42468-DB
MFA No. 5876 of 2016
C/W MFA No. 5875 of 2016
MFA No. 5877 of 2016

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF OCTOBER, 2024

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MR JUSTICE UMESH M ADIGA

MISCELLANEOUS FIRST APPEAL NO. 5876 OF 2016 (LAC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 5875 OF 2016(LAC)

AND

MISCELLANEOUS FIRST APPEAL NO. 5877 OF 2016 (LAC)

IN MFA No. 5876 OF 2016

BETWEEN:

THE DEPUTY CHIEF ENGINEER
(CONSTRUCTIONS),
SOUTH WESTERN RAILWAY,
MYSORE - 570 001.

...APPELLANT

(BY SRI. ABHINAY Y.T., ADVOCATE)

AND:

- 1 . DEVEGOWDA,
SON OF LATE ANNAIAH,
AGED MAJOR,
- 2 . APPAJI,
SON OF LATE ANNAIAH,
AGED MAJOR,
- 3 . BORALINGEGOWDA,
SON OF LATE ANNAIAH,
AGED MAJOR,
- 4 . BYRAPPA,
SINCE DEAD REPRESENTED BY
RESPONDENT NO.1 TO 3.



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ALL ARE RESIDING AT:
METAGALLI VILLAGE,
KASABA HOBLI,
MYSORE TALUK- 570 001.

- 5 . THE ASSISTANT COMMISSIONER,
MYSORE SUB-DIVISION,
KARNATAKA STATE- 570 001.

...RESPONDENTS

- (BY SRI. SRINIVASA D.C., ADVOCATE FOR R1 TO R3,
SRI. MAHANTESH SHETTAR, AGA FOR R5,
VIDE ORDER DATED 09/07/2021,
R1 TO R3 ARE TREATED AS LR'S OF DECEASED R4)

THIS MFA IS FILED UNDER SECTION 54(1) OF LAND
ACQUISITION ACT AGAINST THE JUDGMENT AND AWARD
DATED: 28.04.2014 PASSED IN LAC NO.217/2010 ON THE FILE OF
THE II ADDITIONAL SENIOR CIVIL JUDGE, & CJM, MYSORE, PARTLY
ALLOWING THE REFERENCE PETITION FOR ENHANCED
COMPENSATION.

IN MFA NO.5875 OF 2016

BETWEEN:

THE DEPUTY CHIEF ENGINEER
(CONSTRUCTIONS),
SOUTH WESTERN RAILWAY,
MYSORE - 570 001.

...APPELLANT

- (BY SRI. ABHINAY Y.T., ADVOCATE)

AND:

1. BORELINGEGOWDA,
SON OF LATE ANNAIAH,
AGED MAJOR,
RESIDING AT NO. 211,
4TH CROSS, KUMBARAKOPPAL,
MYSORE - 570 001.
2. THE ASSISTANT COMMISSIONER,
MYSORE SUB-DIVISION,
KARNATAKA STATE - 570 001.

...RESPONDENTS

- (BY SRI. SRINIVASA D.C., ADVOCATE FOR R1,
SRI. MAHANTESH SHETTAR, AGA FOR R2)



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THIS MFA IS FILED UNDER SECTION 54(1) OF LAND ACQUISITION ACT AGAINST THE JUDGMENT AND AWARD DATED: 28.04.2014 PASSED IN LAC NO.218/2010 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, CJM, MYSORE, PARTLY ALLOWING THE REFERENCE PETITION FOR ENHANCED COMPENSATION.

IN MFA No.5877 OF 2016

BETWEEN:

THE DEPUTY CHIEF ENGINEER
(CONSTRUCTIONS),
SOUTH WESTERN RAILWAY,
MYSORE - 570 001.

...APPELLANT

(BY SRI. ABHINAY Y.T., ADVOCATE)

AND:

1. SUBBEGOWDA,
SON OF LATE ANNAIAH,
METAGALLI VILLAGE,
KASABA HOBLI,
MYSORE TALUK - 570 001.
2. THE ASSISTANT COMMISSIONER,
MYSORE SUB - DIVISION,
KARNATAKA STATE- 570 001.

...RESPONDENTS

(BY SRI. SRINIVASA D.C., ADVOCATE FOR R1,
SRI. MAHANTESH SHETTAR, AGA FOR R2)

THIS MFA IS FILED UNDER SECTION 54(1) OF LAND ACQUISITION ACT AGAINST THE JUDGMENT AND AWARD DATED:28.04.2014 PASSED IN LAC NO.220/2009 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE, CJM, MYSORE, PARTLY ALLOWING THE REFERENCE PETITION FOR ENHANCED COMPENSATION.

THESE APPEALS, HAVING BEEN RESERVED FOR JUDGEMENT, COMING ON FOR PRONOUNCEMENT THIS DAY, **UMESH M. ADIGA, J.,** PRONOUNCED THE FOLLOWING:



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CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
and
HON'BLE MR JUSTICE UMESH M ADIGA

CAV COMMON JUDGMENT

(PER: HON'BLE MR JUSTICE UMESH M ADIGA)

All these appeals arise out of the common judgment and award dated 28.04.2014, passed in LAC.No.217/2010, LAC.No.218/2010 and LAC.No.220/2009, passed by the learned II Addl.Senior Civil Judge & CJM, Mysuru, (for short `Reference Court'). All these cases were clubbed together and common evidence was recorded and common judgment has been passed by the Reference Court. Therefore all these appeals are taken up together and common judgment is passed.

2. The respondent No.2/South Western Railway the beneficiary of the land acquisition in LAC.No.217/2010, LAC No.218/2010 and LAC No.220/2009, preferred these appeals challenging the correctness of determination of market value by the impugned judgment and decree passed in the above said cases.



3. For the sake of convenience, we refer to the parties as per their ranks before the Reference Court.

4. We have heard the arguments of learned counsels appearing for both the sides.

5. The learned counsel for the appellant vehemently contended that the claim petitions filed under Section 18 of Land Acquisition Act, 1894, are barred by time. They ought to have filed petitions within 90 days from the date of receipt of notice of award. But petitions were filed during the year 2010. Therefore, reference applications are filed beyond the period of limitation and hence the Reference Court ought not to have considered the petitions on the ground of limitation and it committed an error in accepting the reference petitions without considering the question of limitation.

6. Learned counsel for the appellant further submitted that the Special Land Acquisition Officer (SLAO in short) awarded the compensation on the basis of sale deed executed a year prior to issuance of notification



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under Section 4(1) of Land Acquisition Act. The said land is situated nearby Survey Nos.3 and 5 at Metagalli Village, Kasaba Hobli, Mysuru Taluk, which are the subject matter in the present appeals. On the basis of the same, compensation was awarded at the rate of Rs.2,50,000/- per acre. The Reference Court has not considered the said sale deed. In the previous litigations in LAC.No.16/2013, LAC.No.17/2013 and LAC.No.568/2007, the compensation was awarded to Rs.13,00,000/-. But in these cases, relying on Ex.P-22, which was executed on 03.03.2008, enhanced the compensation and awarded the compensation at the rate of Rs.128/- per sq.ft. which is exorbitant. The sale statistics pertaining to the land surrounding the acquired property long after acquisition cannot be considered for assessment of the market value. Therefore, the assessment of the market value by the Reference Court is highly erroneous, arbitrary and perverse. Therefore, prayed for allowing the appeals by reconsidering the market value of the suit property in question.



7. Learned counsel for the respondents/land owners submit that claimants filed applications under Section 18 of the Land Acquisition Act, to refer the matter to the Civil Court for determination of the market value. The SLAO did not refer the matter to the Civil Court for assessment of the market value. Even after repeated enquiry with SLAO and persuasion through concerned acquisition authority, they did not refer the matter to the Civil Court. Hence, claimants have filed applications under Section 18(3) of Land Acquisition Act, 1894 (Karnataka Amendment), before the Civil Court. The Civil Court after hearing the parties allowed the said applications and directed the concerned authority to refer the reference applications to the Court for determination of the market value. Therefore, it was total inaction of the acquiring authority to refer the applications to the Civil Court for determination of market value. The appellant and competent authority who were responsible to acquire the land had committed mistake in not referring the cases to the Civil Court and they cannot take defence that claim



petitions are barred by time, which is not tenable. Moreover, this point was considered by the Reference Court while calling for the records from the acquisition authority under Section 18(1) of Land Acquisition Act. That finding was not challenged by the appellant and again they cannot challenge the same before this Court.

8. Learned counsel for the claimants/land owners have further submitted that claimants were examined as PWs.1 to 3 and in their evidence, they have stated about the situation of the land, development of the land, the lands acquired in and around the lands in question, as well as their market value. In the award, it is stated that, except sale deed in respect of one of the properties i.e., Survey No.84, the other lands situated in and around the acquired land have not been sold, therefore, the claimants could not produce recent sale deeds in respect of sale of the properties nearby the acquired lands. As such, the claimants produced Ex.P-22, which was executed about five years after the issuance of preliminary notification.



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The learned trial Judge considered these facts and appreciated the price of the land at the rate of 10% p.a. for a period of five years. The said findings are proper and correct and hence prayed for dismissal of the appeals.

9. Learned advocate for the claimants further submitted that the claimants produced the maps and photographs to show that acquired property is situated within the Municipal Corporation limit of Mysuru. They have also produced copies of the sale deeds of the sites which are situated nearby acquired property. The guideline value of the property maintained by the Sub-Registrar, Mysuru, is produced, which indicates that value of the property per square foot situated in Metagalli main road and cross road is Rs.200/- per sq.feet.

10. Learned advocate for the claimants further submitted that the claimants have produced the copy of the judgment passed in MFA.No.6083/2006 (LAC), disposed of on 16.08.2006, in respect of acquisition of



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land situated in Metaganahalli. This Court in the said judgment confirmed the judgment of the Reference Court in assessing the market value at Rs.9,50,000/- per acre and the land therein was acquired during the year 1990. Therefore, the assessment of market value of the acquired land on the basis of the documents by the trial Court is not erroneous.

11. The learned counsel for the claimants submitted that the Hon'ble Apex Court held that, if the previous sale statistics are not available, then the Court can rely on the sale deeds executed subsequent to acquisition of the land, subject to condition that sale transactions should be *bona fide* and by deducting 10% of the property value per each year from the date of acquisition till the date of the said sale. The learned trial Judge followed the said principle of law laid down by the Hon'ble Apex Court, which is not erroneous. With these reasons, learned counsels for the respondents/land owners prayed to dismiss the appeals.



12. The learned Addl.Government Advocate appearing for the State/SLAO supported the contentions of the appellant and prayed for reducing the compensation awarded by the Reference Court.

13. Following questions arise for our determination :

(i) Whether learned trial Judge is justified in holding that the applications filed under Section 18 of Land Acquisition Act, 1894 (Karnataka Amendment), to refer the cases to Civil Court for determination of market value is not barred by time?

(2) Whether Reference Court is justified in enhancing the market price ?

Our answer on above questions both in the affirmative for the following reasons :

14. The appellant-respondent No.2 before the Reference Court did not raise the question of limitation in the statement of objections filed by them. The Reference Court in issue No.1 has considered in detail about the question of limitation. It is pertinent to note that particulars of service of notice under



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Section 12(2) of Land Acquisition Act on the claimants, date of service of notice and receipt of applications filed by the land losers under Section 18 of the Land Acquisition Act, are available with the concerned land acquisition authority/SLAO. The SLAO has to produce the said particulars before the Court to determine whether the reference petitions filed under Section 18 of the Land Acquisition Act before the SLAO was within 90 days as provided under Section 18(3) of Land Acquisition Act, 1894 (Karnataka Amendment) or not. The said particulars were not produced by the SLAO and appellant before the Reference Court. Without any such materials, appellant is contending that reference application was barred by time. There were no materials before the Reference Court to hold that said applications were filed beyond time.

15. Exs.P-1 to P-3 are the reference applications filed before the SLAO. In Ex.P-1, it is stated that sanction letter (ಮಂಜೂರಾತಿ ಪತ್ರ) was issued on 23.12.2005. Thereafter, the claimant filed Writ Petition No.3403/2006.



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According to the orders passed in the writ petition on 28.03.2006, he received the compensation and filed the reference application. But, the particulars stated above are not clear in the said letters. Therefore, on the basis of assumption and presumption, the Court cannot hold that reference applications were not furnished to the SLAO within 90 days.

16. The claimants filed reference applications before the SLAO to refer the matter to the Civil Court for determination of the market value and they were filed during the year 2006, which is revealed in Exs.P-1 to P-3. The concerned authorities did not refer the matter to the Civil Court. Therefore, the claimants filed applications under Section 18(3) of Land Acquisition Act, 1894 (Karnataka Amendment), before the Civil Court to direct Deputy Commissioner to refer the case to the Court for determination of the market value. The Civil Court after considering such applications passed an order directing the SLAO to refer the applications filed by the claimants to the



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Civil Court. The said order passed in LAC.No.290/2009, dated 25.06.2010 is available in the Reference Court records, wherein the learned trial Judge considered the question of limitation. At that point of time also, it was held that application was in time. The said order was not at all challenged by the SLAO or appellant herein. Now they cannot make grievance before this Court without production of the relevant materials regarding dates stated above to hold that such reference applications were filed beyond the period of 90 days by the claimants.

17. The SLAO was responsible for causing delay in referring the applications to the Civil Court for determination of the market value. Only after the orders passed by the Civil Court under Section 18(3) of Land Acquisition Act, 1894 (Karnataka Amendment), it appears that they have referred the applications to the Civil Court for determination of the market value. While condoning the delay in filing the appeals, this Court passed order directing the appellant to hold an enquiry against the



wrong doer who is responsible for causing the delay in filing these appeals and submit a report in this regard. Therefore, the contention of the learned counsel for the appellant in this regard is not at all acceptable.

18. The learned counsel for the appellant relied upon a judgment of Hon'ble Apex Court in the case of ***Mahadeo Bajirao Patil -vs- State of Maharashtra and others***¹, wherein it is held in Para-14 as below :

"14. We are here not concerned with the correctness of the decision, but the fact remains that having considered the claim of the appellant for compensation, the Special Land Acquisition Officer rejected the claim. This does amount to the making of an award, commonly described as "nil award". If the appellant was aggrieved by such an award, it was open to him to seek reference under Section 18 of the Act which the appellant actually did. We, therefore, cannot hold that no award as envisaged by Section 11 of the Act was declared on 29-8-1994, since the claim of the appellant was considered and was totally rejected. There was, therefore, no question of giving any calculation of the manner in

¹ (2005) 7 SCC 440



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which the compensation was computed. Since, the application under Section 18 was not filed within six weeks of the receipt of notice under Section 12(2) of the Act, the High Court did not commit any error in holding that the application was barred by limitation. It was not disputed before us that the Land Acquisition Officer making a reference, or the Court considering a reference under Section 18 of the Act has no power of condonation of delay in making an application under the aforesaid Section.”

In the said case, the particulars are furnished to the Court by the concerned SLAO and on that basis, High Court held that application filed under Section 18(1) of Land Acquisition Act by the concerned party before the SLAO was delayed and it was beyond the period of six weeks. Therefore, the High Court rejected the claim petition on the point of limitation. But, in this case the appellant failed to prove that the said reference application was beyond the period of 90 days as per Section 18(3) of Land Acquisition Act, 1894 (Karnataka Amendment). Therefore the contention of appellant that reference



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application filed was beyond period of limitation is not tenable.

19. The claimants led oral evidence before the Reference Court. In their evidence, they have stated in detail about the location of the property acquired under the notifications. They have stated about the developments in and around the property acquired. In their cross-examination, the said evidence was not seriously disputed, but, it was suggested that the said developments had taken place during the year 2005 and 2008. The claimants are land losers. They may not have documents to place it before the Court regarding forming of the layouts as stated in their evidence. The SLAO could have secured these documents and placed on record to show that the evidence given by the claimants were not reliable and said layouts were formed long after the acquisition of the property. Therefore, the evidence of PW-1 was rightly accepted by the Reference Court and the contention of the appellant that the said developments had



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taken place subsequent to 2005 was not acceptable. We do not find any reason to interfere in the said findings.

20. The oral evidence of PWs.1 to 3 is corroborated by the document at Ex.P-27 – map prepared by Mysuru City Municipal Corporation pertaining to revised comprehensive development plan, which was approved by the Government on 16.05.1997. Metagalli village is coming within the jurisdiction of Mysuru City Municipal Corporation as per Ex.P-27. The village map and portion of the village map pertaining to Metagalli and Maragodanahalli are produced at Exs.P-16 to P-18. Ex.P-16 and Ex.P-17 shows that property bearing Survey Nos.3 and 5 are situated at the side of the main road. Roads are situated on both side of the property. One of such roads is said to be outer ring road which is abutting both Survey Nos.3 and 5. The photographs are produced at Exs.P-28 to P-30. According to the submission of learned counsel for the respondents/claimants, the said photographs are of the developed area near the acquired



property, which are not disputed. Exs.P-9 and P-10, which are also the photographs, show that the said acquired land is situated in the developed area.

21. The claimants have also produced the guideline value obtained from the office of the Sub-Registrar at Ex.P-23. The guideline value of the property during the year 2001 to 2003-04 situated at Metagalli main road and cross road was Rs.200/- per sq.ft. And during the year 2004-2005, it was revised to Rs.250/- per sq.ft. All these facts indicate that the acquired property got NA potential and they are situated in a fully developed area and it has lost its nature as an agricultural land.

22. The claimants have produced Ex.P-22 i.e., registered sale deed in respect of property bearing Survey No.5/1 of Metagalli, dated 3rd March 2008. The property bearing Survey No.5/1, measuring 1 acre 17 guntas of Metagalli village was sold for Rs.1,32,00,000/-. In the cross-examination of claimants/PWs.1 to 3, it was not brought out that Ex.P-22 is created or concocted sale deed



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or nominal sale deed executed only to claim higher compensation in respect of the acquired land. The said land is part of Survey No.5. The learned trial Judge considered Ex.P-22 and on that basis, determined the market value of the property. The learned trial Judge also reduced the value of the said land at the rate of 10% p.a. and in total reduced 40% of the said sale consideration and taken into account only 60% to determine the market value of the acquired land which is situated adjacent to the said land.

23. The learned trial Judge has discussed in detail about accepting the said value of the property for assessment of the market value. There is nothing wrong in the said finding. In the award passed by the SLAO, it is specifically mentioned that, except Survey No.84, no other surrounding properties situated nearby the acquired properties were sold, therefore, they could not collect sale statistics in respect of nearby properties and he has collected copy of the sale deed in respect of Survey No.84



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of Metagalli village and on that basis, assessed the market value at the rate of Rs.2,50,000/- per acre.

Looking to Exs.P-17 and P-18, which are not in dispute, Survey No.84 is situated at the far distant place from Survey Nos.3 and 5. Towards eastern and western side of Survey Nos.3 and 5, main roads are situated and one is said to be at outer ring road and both the properties are in fully developed area. The appellant has not produced any materials to show that even Survey No.84 is situated in fully developed area as on the date of sale of said land. Under these circumstances, the statistics relied by the appellant to determine the market value of land in question are not acceptable. The learned trial Judge has properly appreciated the materials available on record and rightly determined the market value which does not call for interference.

24. In the appeal memo, the appellant has contended that the Reference Court in LAC.No.16/2013, LAC.No.17/2013 and LAC.No.568/2007 awarded



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compensation of Rs.13,00,000/- pr acre in respect of similarly situated land and acquired under the same notification. But the said awards were not produced before the Reference Court while deciding the compensation in LAC.Nos.220/2009, 217/2010 and 218/2010. The appellant has not produced the award passed in LAC.No.568/2007 before this Court. It is submitted that MFA was filed against the judgment passed in LAC.No.568/2007, but the said judgment is also not placed on record.

Along with citations, the appellant produced the copy of judgment in LAC.No.327/2008 in respect of the property bearing Survey No.70/1. In the said judgment, it is not clear as to whether the said Survey No.70/1 is pertaining to Metagalli village or some other place. The award passed in the said case is also not placed on record. On the basis of judgment passed in one of the land acquisition cases produced at Ex.P-1 of that case, the market value was determined. Without sufficient



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materials, the Reference Court was not in a position to consider the said judgment. The appellant herein challenged the said judgment before this Court in MFA.No.12213/2011 (LAC) and it was decided on 05.09.2013. This Court upheld the award passed by the Reference Court without detailed discussion in respect of assessment of the market value.

25. The appellant did not place the required materials before the Reference Court while determining the market value and now they cannot make grievance before this Court that the Reference Court did not consider the judgment passed in LAC.No.327/2008, LAC.No.568/2007, LAC.No.16/2013 and LAC.No.17/2013.

26. It is also worth to note that SLAO did not enter the witness box to rebut the evidence of PWs.1 to 3. Having failed to prosecute effectively, now they are contending that the determination of the market value by the Reference Court is erroneous. The said contention itself is not tenable.



27. Learned counsel for the appellant submitted that market value cannot be determined on the basis of sale deed which was executed long after acquisition notification. He relied upon the judgment of Hon'ble Apex Court in the case of **General Manager, Oil and Natural Gas Corporation Limited -vs- Rameshbhai Jivanbhai Patel and another²**. Para-15 of the said judgment reads as under :

"15. Normally, recourse is taken to the mode of determining the market value by providing appropriate escalation over the proved market value of nearby lands in previous years (as evidenced by sale transactions or acquisition), where there is no evidence of any contemporaneous sale transactions or acquisitions of comparable lands in the neighbourhood. The said method is reasonably safe where the relied-on-sale transactions/acquisitions precedes the subject acquisition by only a few years, that is upto four to five years. Beyond that it may be unsafe, even if it relates to a neighbouring land. What may be a reliable standard if the gap is only a few years, may become unsafe and unreliable

² (2008) 14 SCC 745



standard where the gap is larger. For example, for determining the market value of a land acquired in 1992, adopting the annual increase method with reference to a sale or acquisition in 1970 or 1980 may have many pitfalls. This is because, over the course of years, the 'rate' of annual increase may itself undergo drastic change apart from the likelihood of occurrence of varying periods of stagnation in prices or sudden spurts in prices affecting the very standard of increase."

28. The facts of the above said case are different. In the present case, the land was acquired for the purpose of construction of goods terminal and not for any other purpose. The said acquired land will be used without any development. By the said acquisition, there may not be any development in and surrounding area. As discussed above, prior to acquisition of the land, surrounding area was fully developed. There were residential layouts, colleges, resorts etc. It appears that due to acquisition of the property, the value of nearby land might not be escalated. Appellant has not produced any evidence in this regard. Hence it is difficult to believe that land value in



and around the acquired property was increased due to acquisition and hence relying on the value of Exp22 was not proper. Looking to the facts and circumstances of the present case, sale deed at Ex.P-22 could be considered for determination of the market value.

29. Learned counsel for the appellant relied upon the judgment of Hon'ble Apex Court in the case of ***Ranvir Singh and another -vs- Union of India³***, wherein it is held at Para-29 as under :

"29. While adopting the said method, in our opinion, the High Court committed manifest errors. The market value of fully developed land cannot be compared with wholly underdeveloped land although they may be adjoining or situated at a little distance. For determining the market value, it is trite, the nature of the land plays an important role. "

30. In the present case, Ex.P-22 is not the sale deed of any other land situated in any developed area. On the contrary, it is part of Survey No.5 which is adjacent to

³ AIR 2005 SC 3467



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acquired property and the said land is still an agricultural land and it was sold as an agricultural land. The claimants have also produced the sale deeds at Ex.P-20 and Ex.P-21 in respect of sites formed in a layout measuring 40 ft. x 60 ft. Both the lands were sold at the price of Rs.4,80,000/-. If we consider the square feet, they were sold at the rate of Rs.200/- per sq.ft. and both the said sites were situated in Metagalli village. According to the claimants, it was situated nearby their property. The Reference Court did not consider the same because it was site in a layout. The Reference Court considered the agricultural land sold under Ex.P-22 for determination of the market value. Therefore, the above said judgment in no way helps the contention of the appellant.

31. Learned counsel for the respondents/claimants have relied upon judgment of Hon'ble Apex Court in the case of ***Union of India -vs- Raj Kumar Baghal Singh***



(Dead) Through Legal Representatives and others, ⁴.

Para-31 of the said judgment reads as under :

"31. In University of Agricultural Sciences –vs- Balanagouda, Civil Appeals Nos.62-65 of 2000, order dated 10.12.2003 (SC). whereupon Mr. Ranjit Kumar placed strong reliance, the Court noticed that if the acquisition is made for agricultural purpose, question of development thereof would not arise; but if the sale instance was in respect of a small piece of land whereas the acquisition is for a large piece of land, although development cost may not be deducted, there has to be deduction for largeness of the land and also for the fact that these are agricultural lands. In that view of the matter, deduction at the rate of 33% made by the High Court was upheld. it may not, therefore, be correct to contend, as has been submitted by Mr Ranjit Kumar, that there cannot be different deductions, one for the largeness of the land and another for development costs".

32. In view of the above said discussions, the findings of the Reference Court is proper and it does not call for any interference by this Court. Accordingly, we proceed to pass the following :

⁴ (2014) 10 SCC 422



ORDER

The Appeals are ***dismissed*** with cost.

The common judgment and award dated 28.04.2014, passed by the learned II Addl. Senior Civil Judge & CJM, Mysuru, in LAC.No.217/2010, LAC.No.218/2010 and LAC.No.220/2009, is confirmed.

Registry is directed to transmit the records along with copy of this judgment to the concerned Court without delay.

**Sd/-
(SREENIVAS HARISH KUMAR)
JUDGE**

**Sd/-
(UMESH M ADIGA)
JUDGE**