



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF FEBRUARY, 2025

PRESENT

THE HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR

AND

THE HON'BLE MR JUSTICE K. V. ARAVIND

MISCELLANEOUS FIRST APPEAL NO. 945 OF 2015 (LAC)

Between:

1. Narasimhaiah
S/o Gadikoppala Hanumaiah,
2. H.Govindappa,
Since dead by his LR's
- 2(a). Smt. Jayamma,
W/o Late H.Govindappa
Since dead by his LR's
(Deleted as per order dated
08.07.2024 LRS of 2(a)
already on record as 2(b) to 2(g))
- 2(b). Sri Nagesh H.G.,
S/o Late H.Govindappa,
Aged about 50 years,
- 2(c). Sri Suresh H.G.,
S/o Late H.Govindappa,
Aged about 48 years,
- 2(d). Sri Sathish H.G.,
S/o Late H.Govindappa,
Aged about 46 years,
- 2(e). Sri Narasimhamurthy H.G.,
S/o Late H.Govindappa,
Aged about 44 years,

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by VEERENDRA
KUMAR K M
Location: HIGH
COURT OF
KARNATAKA



- 2(f). Sri Thippeswamy H.G.,
S/o Late H.Govindappa,
Aged about 42 years,
- 2(g). Sri Rajkumar H.G.,
S/o Late H.Govindappa,
Aged about 40 years,
3. Sri H.Ramappa,
S/o Gadikoppala Hanumaiah,
Aged about 72 years,
4. Sri H.Nanjappa,
S/o Gadikoppala Hanumaiah,
Aged about 70 years,

All are residing at Vaddigakopa,
Shivamogga Taluk,
Presently R/o Vidyanagar,
M.R.Pura Road, Shivamogga.

...Appellants

(By Sri Sangamesh G.Patil, Advocate)

And:

1. The Special Land Acquisition
Officer, U.T.P.,
Shivamogga-577 201.
2. The Executive Engineer,
U.T.P., Shivamogga-577 201.

...Respondents

(By Sri R.A.Machakanur AGA for R1;
Sri Prashanth B.R., Advocate for R2)

This MFA is filed u/s 54(1) of Land Acquisition Act against the judgment and decree dated 23.05.2011 passed in LAC No.112/2004 on the file of the Principal Senior Civil Judge, CJM, Shivamogga, partly allowing the reference petition for compensation and seeking further enhancement of compensation.



This MFA, coming on for hearing, this day, judgment was delivered therein as under:

CORAM: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR
AND
HON'BLE MR JUSTICE K. V. ARAVIND

ORAL JUDGMENT

(PER: HON'BLE MR JUSTICE SREENIVAS HARISH KUMAR)

This is an appeal filed under Section 54(1) of the Land Acquisition Act against the award passed in LAC No.112/2004 on the file of the Prl. Senior Civil Judge, Shivamogga.

2. Heard the arguments of Sri Sangamesh G Patil, learned counsel for the appellants, Sri R.A.Machakanur, learned Additional Government Advocate for respondent No.1 and Sri B.R.Prashanth, learned counsel for respondent No.2.

3. The undisputed facts are that an extent of 3 acres 13 guntas of land in Sy.No.49/1 and 49/3 of Alkola village, Shivamogga taluk were



notified for acquisition under Section 4(1) of the Land Acquisition Act on 29.01.2001. Final notification under Section 6(1) of the Land Acquisition Act was published on 04.02.2001. The purpose of acquisition was for upliftment of Tunga channel. The Land Acquisition Officer awarded a sum of Rs.19,31,446/- for the entire land towards compensation. Not being satisfied with the said award, the appellants sought reference to the Civil Court, which after enquiry, by the impugned award enhanced the compensation @ Rs.47/- per sq.ft., with other statutory benefits. The appellants still being aggrieved have preferred this appeal.

4. While arguing, learned counsel for the appellants brought to our notice the judgment of the Co-ordinate Bench of this court in MFA No.7123/2014 connected with MFA Nos.6704/2014, 3946/2013, 8839/2015 & 6705/2014 (LAC) where



the compensation has been enhanced to Rs.105/- per sq.ft., with other statutory benefits.

5. Though these referred cases are in respect of Gaddikoppa village, Shivamogga taluk, the purpose of acquisition of the lands of that village was for upliftment of Tunga channel and preliminary notifications were issued on 11.08.2000, 21.12.2001 and 21.01.2002.

6. Learned Additional Government Advocate and Sri B.R.Prashanth submit that the judgment of the Co-ordinate Bench can be followed in this appeal also. In addition, Sri B.R.Prashanth brings to our notice that in respect of same village i.e., Alkola, this court in MFA No.7998/2014 connected with MFA Nos.8598/2014, 7004/2007, 7005/2007, 7007/2007, 8842/2013, 8843/2013, 10473/2013, 10474/2013, 10477/2013 & 6238/2016(LAC) enhanced the compensation to Rs.105/- per sq.ft.



and this enhancement was confirmed by the Hon'ble Supreme Court in Civil Appeal No.7587/2021. In view of these facts, we are of the opinion that in this appeal also the compensation can be enhanced to Rs.105/- per sq.ft., for the acquired land with other statutory benefits. Hence the following:

ORDER

The appeal is partly allowed.

Impugned award is modified.

The appellants are entitled to enhanced compensation of Rs.105/- per sq.ft., for the acquired land with other statutory benefits.

The appellants are not entitled to interest for the delay period of 1234 days as per order dated 02.06.2016.

Draw award accordingly.



*Send back the trial court records with a
copy of this judgment forthwith.*

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

**Sd/-
(K. V. ARAVIND)
JUDGE**

KMV
List No.: 1 Sl No.: 21