

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 17TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.101336 OF 2016 (LAC)

BETWEEN:

THE EXECUTIVE ENGINEER,
H.P.R AND R. DIV. ATHANI-591304.

...APPELLANT

(BY SRI. K.S. PATIL, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
HIPPARAGI PROJECT, ATHANI-591304.
2. SRI. RAMU S/O SANTARAM NAGARALE
AGE: MAJOR, OCC: AGRICULTURE,
R/O: DIGGEWADI, TQ: RAIBAG,
DIST: BELAGAVI-590006.
3. SRI. NAIKAPPA S/O MAHADEV NAGARALE
AGE: MAJOR, OCC: AGRICULTURE,
R/O: DIGGEWADI, TQ: RAIBAG, DIST: BELAGAVI.
4. SRI. SHRIMANT S/O MAHADEV NAGARALE
AGE: MAJOR, OCC: AGRICULTURE,
R/O: DIGGEWADI, TQ: RAIBAG, DIST: BELAGAVI.

...RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
NOTICE TO R2 TO R4-SERVED)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, PRAYING TO ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT AND AWARD PASSED BY THE LEARNED SR. CIVIL JUDGE AND JMFC COURT RAIBAG, IN LAC NO.30/2015 DATED 24.04.2015 BY LIMITING THE ENHANCEMENT OF MARKET VALUE OF THE ACQUIRED LAND TO RS.3,21,500/- PER ACRE INSTEAD OF RS.6,17,760/- AND ETC.

THIS MFA HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.02.2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE DR. JUSTICE K.MANMADHA RAO

CAV JUDGMENT

The appellant has preferred the present appeal challenging the judgment and award dated 24.04.2015 passed by the learned Senior Civil Judge and JMFC, Raibag, in LAC No.30/2015.

2. The facts of the case are that;

The agricultural lands belonging to the claimants situated at Diggewadi village, Raibag Taluk, were acquired for the Hipparagi Project pursuant to a notification issued under Section 4(1) of the Land Acquisition Act, 1894, dated 15.01.2009. The Special Land Acquisition Officer passed an award on 21.06.2012, fixing the market value at Rs.47,097/- per acre for dry lands and Rs.1,88,283/- per acre for irrigated lands, treating the acquired lands as irrigated. Dissatisfied with the compensation awarded, the claimants sought reference under Section 18(1) of the Act, contending that the lands were fertile, fully irrigated and capable of yielding commercial crops. Before the Reference

Court, the claimants asserted that the acquired lands were irrigated by Krishna river, canal, borewell and open well and were used for cultivation of sugarcane and other commercial and horticultural crops. Oral and documentary evidence was adduced to establish crop yield and income. Relying upon the capitalization method and placing reliance on an earlier judgment in LAC No.110/2014 relating to similarly situated lands acquired for the same project, the Reference Court enhanced the market value to Rs.6,17,760/- per acre along with statutory benefits, leading to the present appeal by the acquiring authority.

3. The learned counsel appearing for the appellant submits that the Reference Court has committed an error in enhancing the compensation by placing reliance on the judgment passed in LAC No.110/2014. It is contended that the said judgment was carried in appeal before this Court in MFA No.103598/2015 filed by the beneficiary-KNNL and this Court, by judgment dated 18.01.2018, was pleased to modify the award and reduce the market value to

Rs.4,61,250/- per acre. It is submitted that when the very judgment relied upon by the Reference Court has been modified by this Court, the impugned award cannot be sustained and requires interference. It is further submitted that on the principle of parity, the compensation in the present case also requires to be fixed at Rs.4,61,250/- per acre.

4. Learned High Court Government Pleader appearing for respondent No.1 fairly submits that in view of the judgment passed by this Court in MFA No.103598/2015, the compensation awarded by the Reference Court may be reduced to Rs.4,61,250/- per acre and has no objection for passing appropriate orders.

5. Respondent Nos.2 to 4, though served, remain unrepresented.

6. Having considered the submissions made by the learned counsel for the appellant and the learned HCGP for respondent No.1, and on perusal of the impugned judgment and award, it is clear that the Reference Court has enhanced the compensation solely by relying upon the

judgment passed in LAC No.110/2014. It is not in dispute that the said judgment has been subsequently modified by this Court in MFA No.103598/2015 dated 18.01.2018, wherein the market value has been reduced and fixed at Rs.4,61,250/- per acre.

7. When the very foundation for enhancement relied upon by the Reference Court has been altered by this Court, the compensation awarded in the present case cannot be allowed to stand at a higher rate. The lands involved in the present appeal and the lands involved in LAC No.110/2014 are similarly situated and acquired for the same project. Therefore, the principle of uniformity and parity necessarily applies.

8. In view of the above, this Court is of the considered opinion that the judgment and award passed by the Reference Court in LAC No.30/2015 requires modification in terms of the judgment passed by this Court in MFA No.103598/2015.

9. Accordingly, this court proceeds to pass the following:

ORDER

- i) The appeal is allowed in part.
- ii) The judgment and award dated 24.04.2015 passed by the learned Senior Civil Judge and JMFC, Raibag, in LAC No.30/2015 is modified.
- iii) The market value of the acquired land is fixed at Rs.4,61,250/- (Rupees Four Lakhs Sixty One Thousand Two Hundred Fifty only) per acre.
- iv) The claimants shall be entitled to statutory benefits under Sections 23(1A), 23(2) and 28 of the Land Acquisition Act, 1894 on the modified compensation amount.
- v) The amount already paid, if any, shall be given due set-off.

No order as to costs.

Sd/-
(DR. K.MANMADHA RAO)
JUDGE

MBS,CT:VP