HC-KAR

NC: 2026:KHC-D:1862
MFA No. 101406 of 2016

IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 9TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE DR. JUSTICE K.MANMADHA RAO

MISCELLANEOUS FIRST APPEAL NO.101406/2016 (LAC)

BETWEEN:

SHRI MALAGOUDA ALAGOUDA JAGADEV,
AGE: 34 YEARS, OCC: AGRICULTURIST,
R/O: SATTI, TQ: ATHANI, DIST: BELAGAVI-591 304.
... APPELLANT
(BY SRI. SANGAMESH S. GHULAPPANAVAR, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
   HIPPARAGI-PROJECT, ATHANI,
   DIST: BELAGAVI, PIN-591 304.

2. THE EXECUTIVE ENGINEER,
   KARNATAKA NIRAVARI NIGAM NIYAMIT,
   HBC DIVISION, ATHANI, DIST: BELAGAVI-591 304.
   ... RESPONDENTS

(BY SRI. ABHISHEK MALIPATIL, HCGP FOR R1;
SRI. LINGESH V. KATTEMANE, ADVOCATE FOR R2)

Digitally signed by MOHANKUMAR B SHELAR
Location: High Court of Karnataka, Dharwad Bench

THIS MFA IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, 1894, PRAYING TO CALL FOR RECORDS AND ALLOW THIS APPEAL BY MODIFYING THE JUDGMENT AND AWARD DATED 06.03.2013 PASSED IN L.A.C. NO.771/2011 ON THE FILE OF THE ADDL. SENIOR CIVIL JUDGE AND JMFC, ATHANI, AND ENHANCE THE COMPENSATION AMOUNT FROM RS.2,85,715/- PER ACRE TO RS.3,44,750/- PER ACRE, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS APPEAL IS COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

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

ORAL JUDGMENT

The land loser, being aggrieved by the judgment and award passed by the Reference Court in LAC No.771/2011 has preferred this appeal seeking enhancement of compensation.

2. The land belonging to the appellant was acquired for the purpose of Hipparagi Barrage Project under the preliminary notification dated 12.02.2008 issued under Section 4(1) of the Land Acquisition Act, 1894. The Land Acquisition Officer passed an award determining the market value at ₹1,25,560/- per acre. Being dissatisfied with the same, the appellant sought reference under Section 18 of the Act. The Reference Court enhanced the compensation to ₹2,85,715/- per acre. Still being aggrieved, the appellant has preferred the present appeal.

3. Learned counsel for the appellant submits that the issue involved in the present appeal is squarely covered by the judgment of the Division Bench of this Court in MFA No.101409/2016, wherein, in respect of lands acquired under the *very same notification*, the compensation has been determined at ₹5,00,000/- per acre. It is submitted that the lands involved in the present appeal are similarly situated, having identical

potential and advantages. Therefore, the appellant is also entitled to the same rate of compensation.

4. In support of his submission, learned counsel for the appellant has produced a certified copy of the judgment passed by the Division Bench of this Court in MFA No.101409/2016, wherein this Court, following its earlier decision in MFA No.101402/2016, has enhanced the compensation to ₹5,00,000/- per acre in respect of lands acquired under the same notification. He submits that the principle of parity is required to be applied and the appellant cannot be discriminated against.

5. Learned counsel appearing for the respondents fairly submits that the issue is covered by the judgment of the Division Bench of this Court in MFA No.101409/2016. However, it is submitted that the appellant is not entitled to interest for the delayed period, as there was a delay in filing the present appeal, which has been condoned subject to the condition that no interest shall be paid for the delayed period.

6. I have carefully considered the submissions made by the learned counsel for the parties and perused the records.

7. It is not in dispute that the lands involved in the present appeal were acquired under the same preliminary notification as in MFA No.101409/2016. It is also not in dispute that the lands are similarly situated and possess similar potential. The Division Bench of this Court in MFA No.101409/2016, following its earlier judgment in MFA No.101402/2016, has enhanced the compensation to ₹5,00,000/- per acre.

8. In view of the settled position and in order to maintain consistency and parity, I am of the considered opinion that the appellant is also entitled to compensation at the rate of ₹5,00,000/- per acre, along with all statutory benefits.

9. It is also brought to the notice of this Court that there was a delay in filing the present appeal, which was condoned subject to the condition that the appellant shall not be entitled to interest for the delayed period. Hence, the appellant shall not be entitled to interest on the enhanced compensation

for the period of delay in preferring the appeal. Accordingly, the following:

ORDER

(i) The appeal is allowed in part.

(ii) The judgment and award passed by the Reference Court in LAC No.771/2011 are hereby modified.

(iii) The appellant is entitled to compensation at the rate of ₹5,00,000/- (Rupees Five Lakhs only) per acre, along with all statutory benefits.

(iv) The appellant shall not be entitled to interest for the period of delay in filing the appeal, as already directed while condoning the delay.

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

RSH, CT:BCK
LIST NO.: 1 SL NO.: 14