



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

MISCELLANEOUS FIRST APPEAL NO.846/2024 (LAC)

BETWEEN:

RENUKA
W/O LATE KUMARA
AGED ABOUT 50 YEARS
R/O KADAVINAKOTE VILLAGE
HALEKOTE HOBLI
HOLENARSIPURA TALUK
HASSAN DIST. - 573 211.

...APPELLANT

(BY SRI. SYED AKBAR PASHA, ADV.,)

Digitally signed by
ARSHIFA BAHAR
KHANAM

Location: HIGH
COURT OF
KARNATAKA

AND:

1. SPECIAL LAND ACQUISITION OFFICER
OFFICE AT DEPUTY COMMISSIONER'S OFFICE
HASSAN - 573 222.
2. THE EXECUTIVE ENGINEER
HLBC HOLENARSIPURA
HASSAN DIST. - 573 211.
3. THE CHIEF SECRETARY
GOVT. OF KARNATAKA
VIKASA SOUDHA
BENGALURU 560 001.



4. THE DEPUTY COMMISSIONER
HASSAN DIST. - 573 222.

...RESPONDENTS

(BY SMT. RADHA RAMASWAMY, AGA FOR R-1, R-3 & R-4
SRI. B.R. PRASHANTH, ADV., FOR R-2)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, AGAINST THE JUDGMENT AND AWARD DATED 15.06.2023 PASSED IN LAC NO.10/2022 ON THE FILE OF THE SENIOR CIVIL JUDGE AND JMFC, HOLENARASIPURA, PARTLY ALLOWING THE REFERENCE PETITION U/S.18(1) OF LAND ACQUISITION ACT.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE VIJAYKUMAR A. PATIL)

This appeal is filed challenging the judgment and award dated 15.06.2023 passed in LAC No.10/2022 by the Senior Civil Judge and JMFC, Holenarasipura (hereinafter referred to as 'the Reference Court') seeking for higher compensation.



2. For the sake of convenience, the parties are referred to as per their ranking before the Reference Court.

3. The brief facts leading to the filing of this appeal are that the appellant's land in Sy.Nos.29/1, 29/2, 29/3, 64/1 and 66/3 totally measuring 38.25 guntas situated at Kadavinakote Village, Halekote Hobli, Holenarasipura Taluk, was acquired under the preliminary notification dated 03.04.2008 for the purpose of construction of bridge across the Hemavathi River. The Land Acquisition Officer passed an award by determining the market value at Rs.1,887/- per gunta. The claimant sought reference under Section 18 of the Land Acquisition Act, 1894 (for short, the Act). The Reference Court registered the case as LAC No.10/2022. The claimant examined herself as PW-1 and got marked Exs.P1 to P25. The respondents did not adduce any evidence. The Reference Court, after considering the evidence on record, re-determined the market value of the land at Rs.37,332/-



per gunta with statutory benefits and interest. Being aggrieved, this appeal is filed by the claimant seeking for higher compensation.

4. Sri.Syed Akbar Pasha, learned counsel for the appellant submits that the similarly placed claimants have challenged the judgments of the Reference Court before this Court in the case of ***K.MANJEGOWDA Vs. LAND ACQUISITION OFFICER AND OTHERS¹***, wherein the compensation was enhanced to Rs.74,664/- per gunta. The claimants in the said appeal challenged the said order before the Hon'ble Supreme Court in the case of ***K.MANJEGOWDA ETC. Vs. SPECIAL LAND ACQUISITION OFFICER²*** and the Hon'ble Supreme Court enhanced the compensation to Rs.1,00,000/- per gunta. Hence, he seeks to allow the appeal by re-determining the market value at Rs.1,00,000/-.

¹ MFA No.2325/2021 and connected appeal dt.24.3.23

² Civil Appeal Nos.6047-6048/2024 dt. 3.5.24



5. *Per contra*, Sri.B.R.Prashanth, learned counsel appearing for the respondent No.2 and the learned Additional Government Advocate support the impugned judgment and award of the Reference Court and submit that the respondent-beneficiary has filed a review petition and the Hon'ble Supreme Court, vide order dated 31.01.2025 has observed that the Corporation is at liberty to adduce and rely upon appropriate exemplar and sale instances before the High Court to distinguish the judgment dated 03.05.2024 passed in Civil Appeal Nos.6047-6048/2024. It is submitted that the Division Bench in the case of **K.MANJEGOWDA**, referred *supra* had referred that the acquired land is abutting to the National Highway and in the case on hand, the claimant is required to show that the land is abutting the National Highway and therefore, the appellant cannot claim compensation of Rs.1,00,000/- per gunta. Hence, they seek to dismiss the appeal.



6. We have heard the learned counsel for the appellant, the learned counsel for respondent No.2, the learned Additional Government Advocate and perused the material available on record. We have given our anxious consideration to the submissions advanced on both the sides.

7. The records indicate that the appellant's land in Sy.Nos.29/1, 29/2, 29/3, 64/1 and 66/3 totally measuring 38.25 guntas of Kadavinakote Village, Halekote Hobli, Holenarasipura Taluk, was acquired under the preliminary notification dated 03.04.2008 for the purpose of construction of bridge across the Hemavathi River. The Land Acquisition Officer passed the award by determining the market value at Rs.1,887/- per gunta. The Reference Court, after considering the evidence on record and the judgment passed in LAC Nos.9/2018 and 306/2006, re-determined the market value of the land at Rs.37,332/- per gunta with all statutory benefits and interest. The Co-ordinate Bench in the case of **K.MANJEGOWDA**, referred



supra, considering the evidence on record and taking note of the fact that the preliminary notification is dated 28.06.2007, re-determined the market value at Rs.74,664/- per gunta. The claimants in the said case have challenged the judgment of the Co-ordinate Bench before the Hon'ble Supreme Court in the case of **K.MANJEGOWDA ETC.** referred *supra*, wherein the Hon'ble Supreme Court has enhanced the market value of the acquired land at Rs.1,00,000/- per gunta with all statutory benefits. It is to be noticed that the beneficiary of the acquisition i.e. the appellant No.2 sought the review of the aforesaid order of the Hon'ble Supreme Court and the Hon'ble Supreme Court, vide order dated 31.01.2025 held that it is not inclined to interfere with the impugned judgment of the High Court and further observed that the Corporation shall be at liberty to adduce and rely upon appropriate exemplar and sale instances before the High Court to distinguish the judgment dated 03.05.2024 passed in C.A.Nos.6047-6048/2024. The respondent-



beneficiary of the acquisition has failed to place any evidence to distinguish the decision of the Hon'ble Supreme Court dated 03.05.2024 passed in C.A.Nos.6047-6048/2024. The respondent-beneficiary has contended that the Division Bench in the case of **K.MANJEGOWDA** referred *supra*, has referred that the lands in the said appeal was abutting to the National Highway and the appellant, in the case on hand is required to prove the said aspect. In our considered view, such a contention is devoid of merit. Admittedly, the lands covered in the case of **K.MANJEGOWDA** referred *supra* and the case on hand are acquired for the purpose of the construction of the bridge across the Hemavathi River. Hence, the lands covered in the case on hand as well as in the referred case are having the same potentiality.

8. It is further noticed that the learned Single Judge of this Court has dismissed the appeal filed in the case of **EXECUTIVE ENGINEER, CAUVERY NEERAVARI NIGAM LTD., HASSAN VS. SPECIAL LAND**



ACQUISITION OFFICER AND OTHERS³. In the said case, the acquisition was for the purpose of the construction of the bridge across the Hemavathi River and the First Appellate Court has determined the compensation at Rs.1,00,000/- per gunta for the acquired land. It is also noticed that the First Appellate Court, in similarly placed claimant in the case of **ANNAPPA Vs. THE SPECIAL LAND ACQUISITION OFFICER AND OTHERS⁴**, allowed the appeal of the claimant and enhanced the market value of the land to Rs.1,00,000/- per gunta. In the said case also, the acquisition was for the purpose of the construction of the bridge across the Hemavathi River. Admittedly, the acquired land is for the purpose of the construction of the bridge to cross the Hemavathi river and similarly placed land losers have received the compensation at Rs.1,00,000/- per gunta as is evident from the decisions referred *supra*. We are of the considered view that the appellant-land loser cannot be

³ MSA No.90/2025 dt. 24.9.25

⁴ LAC (Appl) No.99/2021 dt. 11.9.24



treated dissimilarly in awarding the compensation when the land in question is acquired for the same purpose and having the same potentiality.

9. The appellant has valued the appeal for a sum of Rs.25,28,605/- and accordingly, paid the Court fee. In view of the aforesaid finding, the appellant has agreed to make good the deficit Court fee and she is permitted to pay the deficit Court fee within six weeks from the date of drawing of the award.

10. Accordingly, the appeal is ***allowed-in-part*** with costs.

The market value of the land in Sy.Nos.29/1, 29/2, 29/3, 64/1 and 66/3 totally measuring 38.25 guntas situated at Kadavinakote Village, Halekote Hobli, Holenarasipura Taluk is re-determined at Rs.1,00,000/- per gunta with all statutory benefits and interest as per the provisions of the Act.



The impugned judgment and award in this appeal is modified to the aforesaid effect.

The Registry shall calculate the Court fee payable by the appellant as per the enhanced compensation amount and on such calculation, the appellant shall make good the Court fee within a period of six weeks.

The Registry to draw the decree accordingly.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VIJAYKUMAR A. PATIL)
JUDGE