



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

MISCELLANEOUS FIRST APPEAL NO.2519 OF 2019 (LAC)

BETWEEN:

BASAPPA
SINCE DEAD BY HIS LRS

1. LAKKAMMA
W/O. LATE BASAPPA
AGED ABOUT 65 YEARS.
2. PRAKASH
S/O. LATE BASAPPA
AGED ABOUT 45 YEARS.
3. VANI
D/O. LATE BASAPPA
AGED ABOUT 42 YEARS.
4. ROOPA
D/O. LATE BASAPPA
AGED ABOUT 40 YEARS.
5. USHA
D/O. LATE BASAPPA
AGED ABOUT 37 YEARS.
6. NARENDRA
S/O. LATE BASAPPA
AGED ABOUT 35 YEARS

ALL ARE RESIDING AT
SEEGEHATTI, SHIMOGA.

...APPELLANTS

(BY SRI SANGAMESH G. PATIL, ADVOCATE)

Digitally
signed by
RAKSHA
Location:
High Court
of
Karnataka



AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
UTP, SHIMOGA.
2. THE EXECUTIVE ENGINEER
KNNL, UTP SHIMOGA

...RESPONDENTS

(BY SRI ARUNA G.S., H.C.G.P. FOR R-1;
SRI B.R. PRASHANTH, ADVOCATE FOR R-2)

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THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, PRAYING TO SET ASIDE/MODIFY THE JUDGMENT AND AWARD DATED 22-11-2010 IN LAC NO.34 OF 2006 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, SHIVAMOGGA, PARTLY ALLOWING THE REFERENCE APPLICATION UNDER SECTION 18 OF LAND ACQUISITION ACT.

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

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)

This appeal is filed by the claimant under Section 54(1) of the Land Acquisition Act, 1894 (hereinafter referred to as '**the Act**') challenging the judgment and award dated 22.11.2010 passed in LAC No.34/2006 by the Court of the



Principal Senior Civil Judge at Shivamogga (hereinafter referred to as '**the Reference Court**') seeking for higher compensation.

2. Sri. Sangamesh G. Patil, learned counsel for the appellants submits that the Reference Court has committed a grave error in determining the market value of the land in question at Rs.1,50,000/- per acre as the land in question is a non-agricultural land and is having potentiality of being used for residential and commercial purpose. It is submitted that the co-ordinate Bench of this Court in the case of **A.SURESH v. THE SPECIAL LAND ACQUISITION OFFICER AND ANOTHER¹** has enhanced the market value of the subject land in the said appeal at Rs.105/- per square feet. It is further submitted that in the said case, the acquisition of land was for the same purpose and of neighbouring village of same Taluk. Hence, the appellants in the instant case are also entitled to the similar benefit and seek to allow the appeal.

3. *Per contra*, learned HCGP for respondent No.1 and Sri.Prashanth B.R., learned counsel for respondent No.2 support the impugned judgment and award of the Reference

¹ M.F.A.No.4641/2014 and connected matters dtd 25.02.2020



Court and submit that the Reference Court has determined the market value based on the evidence available on record, which does not call for any interference. It is further submitted that the judgment of the co-ordinate Bench cannot be the sole basis to enhance the compensation. It is also submitted that the appellants are required to adduce evidence to prove the market value of the land in question. Hence, they seek to dismiss the appeal.

4. We have heard the arguments of the learned counsel appearing for the appellants, the learned HCGP for respondent No.1, the learned counsel for respondent No.2 and meticulously perused the material available on record. We have given our anxious consideration to the submissions advanced. The point that arises for our consideration in this appeal is:

"Whether the impugned judgment and award passed by the Reference Court calls for any interference?"

5. The pleadings and evidence on record indicate that the appellants' land measuring 2 acre 32 guntas in Sy.No.67/2, situated at Kalluru Village, Shivamogga Taluk was



acquired pursuant to a preliminary notification issued under Section 4(1) of the Act, dated 14.04.1996, for the purpose of the Upper Tunga Project. The Special Land Acquisition Officer (SLAO) passed an award determining the market value of the land at Rs.1,86,244/-. Being aggrieved by the said award, appellants sought a reference under Section 18(1) of the Act. Upon reference, the Reference Court re-determined the market value at Rs.1,50,000/- per acre. The learned counsel for the appellants, however, relied on the judgment of co-ordinate Bench of this Court in the case of **A.SURESH** referred supra wherein, the market value of the lands situated in the nearest locality i.e., Gopishettikoppa Village, Shivamogga Taluk, acquired for the same purpose under the similar notification was re-determined at Rs.105/- per square feet.

6. Having perused the said judgment, we find that the lands involved in the aforesaid judgment and the appellants' land in the present case are similar in nature, location, and potentiality, and were acquired for the same purpose. The evidence on record viz., the village map, categorically establishes that the subject land is contiguous to



Gopishettikoppa village and is situated in close proximity to Shivamogga municipal limits, sharing identical characteristics in terms of nature, location, and non-agricultural potentiality. Furthermore, the testimony of PW-1, asserting the land's proximity to a developed industrial hub, remained unchallenged by the respondents in any manner. It is a settled principle of law that similarly situated landholders must be treated uniformly in the matters of compensation to prevent arbitrariness. Consequently, this Court is of the considered view that the appellants are entitled to parity in the matter of compensation. Accordingly, the market value of the land in question is hereby enhanced to Rs.105/- per square feet, consistent with the rate awarded in the aforementioned comparable case.

7. For the aforementioned reasons, the appeal is ***allowed in part*** with costs.

8. The market value of the land measuring 2 acre 32 guntas in Sy.No.67/2, situated at Kalluru Village, Shivamogga Taluk is re-determined at Rs.105/- per square feet with interest and statutory benefits as per law.



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

10. The appellants are not entitled to the interest for the delayed period of 2950 days in filing the appeal.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

AM
List No.: 3 Sl No.: 1