



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

MISCELLANEOUS FIRST APPEAL NO. 2738 OF 2015 (LAC)

BETWEEN:

1. NANDYAPPA (DEAD HIS LRs)
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TQ & DIST - 577 201.
- a. N. DEVENDRAPPA,
S/O LATE NANDYAPPA,
AGED ABOUT 49 YEARS,
AGRICULTURIST,
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TALUK AND DISTRICT - 577 201.
- b. N. RAJASHEKARAPPA
S/O LATE NANDYAPPA,
aged 46 YEARS,
AGRICULTURIST,
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TQ & DIST - 577 201
- c. SMT.SHARADAMMA
W/O LATE NANDYAPPA,
AGED ABOUT 83 YEOARS,
HOUSE WIFE,
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TQ & DIST - 577 201
- d. SMT.YASHODAMMA
W/O NAGAPPA,
62 YEARS,
HOUSE WIFE,
R/O NYAMATHI, HONNALLI TQ,
DAVANAGERE DISTRICT - 577 217.

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signed by
ANJALI M
Location:
High Court
of
Karnataka



- e. SMT.SUMITHRA
W/O ANNAPPA,
49 YEARS,
HOUSE WIFE
R/O BETTADA TAVAREKERE,
TAREKERE TQ,
CHIKKAMAGALORE DIST - 560 081.
2. B.K.HALAPPA
S/O KRIYAPPA,
MAJOR,
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TQ & DIST - 577 201
3. SRI.M. MAHENDRAPPA
S/O LATE NANDYAPPA,
AGED ABOUT 60 YEARS,
R/O BASAVANAGANGURU VILLAGE,
SHIMOGA TQ & DIST - 577 201.

...APPELLANTS

(BY SRI RAJU BHAT, ADVOCATE)

AND:

1. SPECIAL LAND ACQUISITION OFFICER
UPPER THUNGA PROJECT,
SHIMOGA - 577 201.
2. THE EXECUTIVE ENGINEER
UPPER THUNGA PROJECT,
SHIMOGA - 577 201.

...RESPONDENTS

(BY SRI S. B. MATAPATHI, ADVOCATE FOR R1;
SRI PRASHANTH B.R., ADVOCATE FOR R2)

THIS MISCELLANEOUS FIRST APPEAL IS FILED U/S 54(1) OF
LAND ACQUISITION ACT AGAINST THE JUDGMENT AND AWARD
DATED.20.10.2008 PASSED IN LAC NO.51/2001 ON THE FILE OF THE
I ADDITIONAL CIVIL JUDGE (SR.DN), AND CJM, SHIMOGA, PARTLY
ALLOWING THE CLAIM PETITION FOR COMPENSATION AND SEEKING
ENHANCEMENT OF COMPENSATION.



THIS 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 20.10.2008 passed in LAC No.51/2001 by the I Additional Senior Civil Judge, Shivamogga (hereinafter referred to as '**the Reference Court**') seeking for higher compensation.

2. Sri. Raju Bhat, 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.2,00,000/- per acre. It is submitted that the co-ordinate Bench of this Court in the case of ***Eshwarappa and Others vs. The Special Land***



Acquisition Officer and Another¹ has enhanced the market value at Rs.105/- per square feet. It is further submitted that the acquisition of land in the said case and the acquisition of land in the present case were for the same purpose, of the same village and under the same notification. Hence, the appellants in the instant case are also entitled to the similar benefit and seeks to allow the appeal.

3. *Per contra*, Sri. S.B. Matapathi, learned counsel for respondent No.1 and Sri. Prashanth B.R., learned counsel for respondent No.2 support the impugned judgment and award of the Reference 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 appellant is required to adduce evidence to prove

¹ M.F.A. No.8200/2015 c/w M.F.A No. 5782/2015 dtd 13.01.2020



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 counsel for respondent Nos.1 and 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' are the absolute owners of the land bearing Sy. No.64 and 72/5 measuring 1 acre 37 guntas of dry land and 4 acre 13¹/₂ guntas of tank fed land respectively situated at Basavanaganguru Village, Holaluru Hobli, Shivamogga Taluk was acquired pursuant to a preliminary notification dated 11.09.1997 issued under



Section 4(1) of the Act 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.1,00,000/- per acre. 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.2,00,000/- per acre. The learned counsel for the appellants, however, relied on judgment of the Co-ordinate Bench of this Court in the case of ***Eshwarappa*** referred *supra* wherein, the market value of the lands situated in the very same locality i.e. Basavanaganguru Village, Holaluru Hobli, Shivamogga Taluk, acquired for the same purpose and under the same notification was re-determined at Rs.105/- per square feet.

6. Having perused the said judgment, we find that the lands involved therein and the appellants' land in the present case are similar in nature, location, and potentiality, and were acquired for the same purpose



under the same notification. It would therefore be unjust and inequitable to treat the appellant dissimilarly in the matter of compensation. Accordingly, we are of the considered view that the appellants are entitled to the same rate of compensation as awarded in the earlier case, i.e., at Rs.105/- per square feet.

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

The market value of land bearing Sy. No.64 and 72/5 measuring 1 acre 37 guntas of dry land and 4 acre 13¹/₂ guntas of tank fed land respectively situated at Basavanaganguru Village, Holaluru Hobli, Shivamogga Taluk, is re-determined at Rs.105/- per square feet with interest and statutory benefits as per law.

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

However, the appellants are not entitled to interest for the delayed period of 2269 days in filing the appeal as



well as the delayed period of 1176 days in filing the recalling applications.

All pending interlocutory applications shall stand disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(VENKATESH NAIK T)
JUDGE**

AM
List No.: 3 Sl No.: 17