



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

MISCELLANEOUS SECOND APPEAL NO. 93 OF 2022 (LA)

BETWEEN:

B.D. CHIKKANNA,
S/O LATE BHADRAIAH,
AGED ABOUT 65 YEARS,
R/AT BELAVATHA VILLAGE,
KADABA HOBLI, GUBBI TALUK-572 219
TUMKUR DISTRICT.

...APPELLANT

(BY SRI M C BASAVARAJU, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
HEMAVATHI CANAL ZONE, TUMKUR-572 101.
2. THE CHIEF ENGINEER,
HEMAVATHI CANAL ZONE,
TUMKUR-572101.

...RESPONDENTS

Digitally
signed by

PRAMILA G V (BY SRI K S BHEEMAIAH, ADVOCATE FOR R2,

Location: SRI M RAJAKUMAR, AGA FOR R1)

HIGH COURT
OF
KARNATAKA

THIS MSA IS FILED UNDER SECTION 54(2) OF THE LAND ACQUISITION ACT., AGAINST THE JUDGMENT AND DECREE DATED 07.06.2018 PASSED IN RA.NO.294/2017 ON THE FILE OF THE VI ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU., PARTLY ALLOWING THE APPEAL AND MODIFYING THE JUDGMENT AND DECREE DATED 13.09.2013 PASSED IN LAC.NO.26/2009 ON THE FILE OF THE SENIOR CIVIL JUDGE, GUBBI, PARTLY ALLOWING THE PETITION FOR SEEKING ENHANCEMENT.



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

CORAM: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

ORAL JUDGMENT

This appeal is filed by the land loser seeking enhancement of compensation in respect of the lands acquired in terms of preliminary Notification dated 25.06.2004 under the Land Acquisition Act, 1894 (for short 'Act of 1894'). Lands in Survey No.61 measuring 9 guntas and Survey No.72 measuring 2 guntas in Belavatha Village, Kadaba Hobli, Gubbi Taluk, Tumkur District were acquired.

2. The land loser claims that in Survey No.61, he had grown 04 Eucalyptus trees, 04 Pongamia trees, 02 Neem trees, 05 Mango trees and 02 Teakwood trees and in Survey No.72, 08 Areca nut trees, 04 Chiku trees and 02 Coconut trees and 01 Mango tree.

3. Admittedly, the land was acquired for formation of Hemavathi canal. The land acquisition officer awarded Rs.41,329/- vide Ex.P1 and Rs.63,586/- vide Ex.P2 as compensation. Aggrieved by the compensation awarded, the



appellant sought reference and Reference Court on considering the evidence on record, re-determined the market value and awarded Rs.26,775/- for 7 guntas of land in Survey No.61 and Rs.7,650/- for 2 guntas of land in Survey No.72.

4. In addition, the Reference Court also awarded Rs.11,340/- for 2 Coconut trees in Survey No.72 and Rs.8,000/- for 8 Chiku trees in Survey No.72, Rs.13,130/- for 1 Mango tree in Survey No.72 and Rs.14,400/- for 8 Areca nut trees in Survey No.72, Rs.16,000/- for 4 Pongamia trees in Survey No.61, Rs.9,000/- for 3 Neem trees in Survey No.61, Rs.14,220/- for 4 Eucalyptus trees in Survey No.61, Rs.20,000/- for 5 Mango trees in Survey No.61, Rs.30,000 for 2 teak wood trees in Survey.No.61.

5. The land loser filed appeal before the First Appellate Court seeking enhancement in the market value in R.A.No.294/ 2017 and same was allowed in part in terms of the judgment dated 07.06.2018 by the District Court, Tumkuru. First Appellate Court condoned the delay of 4 years, 1 month and 2 days in filing the appeal and held that under Section 23 of the



Act of 1984 the appellant is not entitled to any benefit and interest during the period of delay in preferring the appeal.

6. First Appellate Court awarded a determined market rate of Rs.5,093/- per gunta. First Appellate Court also enhanced the market value of the trees standing in the aforementioned lands.

7. Aggrieved by the rejection of certain claim in respect of the market value of the land, the appellant is before this Court.

8. Learned counsel appearing for the appellant would submit that in LAC Appeal No.50/2023, in terms of Judgment dated 16.12.2024, the VI Additional District Judge at Tumkuru, has awarded Rs.14,000/- per gunta as the market value in respect of a similar land in the same village and in respect of an acquisition which has taken place in the year 2005-06.

9. Learned counsel for the respondents would urge that the compensation awarded is more than the just compensation and there is no scope for enhancement. It is also urged that the Reference Court as well as the Appellate



Court have awarded higher compensation on the trees standing in the lands and, as such, the appellant is not entitled to any further enhancement in the market value of the lands in question.

10. The Court has considered the contentions raised at the Bar and perused the records.

11. As can be noticed from the judgment in LAC Appeal No.50/2023, it is evident that the property measuring 2 guntas in Survey No.61 and 1.14 guntas in Survey No.72 in the same village were acquired in the year 2005-06.

12. It is relevant to notice that the Survey numbers in both cases are the same. However, the extent is different. In the case on hand, the extent is slightly larger than what is acquired in the LAC Appeal No.50/2023. It is also noticed in the lands covered in LAC Appeal No.50/2023, there were fruit growing trees. The judgment would reveal that Areca nut, Drumstick, Chiku and Neem were grown in the aforementioned properties bearing Survey Nos.61 and 72, which were subject matter of LAC Appeal No.50/2023.



13. It is submitted that the appeal is not filed against the aforementioned judgment in decree in LAC Appeal No.50/2023. This submission is not disputed and no material is placed to show that the award passed in the aforementioned proceeding is under challenge in any Court.

14. Admittedly, the preliminary Notification was issued on 25.06.2004. Considering the extent of land acquired and considering the nature of the properties acquired, the Court is of the view that market value of Rs.14,000/- per gunta as determined in LAC Appeal No.50/2023 appears to be just market value for the year 2024.

15. Under the circumstances, the appellant has made out a case for enhancement of compensation.

16. Hence the following:

ORDER

- (i) Appeal is ***allowed in part.***
- (ii) The Judgment and decree dated 07.06.2018 in R.A.No.294/2014 passed by VI Additional District Court, Tumakuru and the judgment and award dated 13.09.2013 in LAC No.26/2009



passed by Senior Civil Judge, Gubbi are modified.

- (iii) The market value of the lands acquired is determined at Rs.14,000/- per gunta.
- (iv) The appellant is not entitled to interest for 757 days of delay in filing the present appeal.
- (v) Appellant is also not entitled to the benefit denied by First Appellate Court in terms of judgment and decree dated 07.06.2018.
- (vi) The judgment and decree passed by the First Appellate Court are modified, as held above.
- (vii) The appellant is also entitled to proportionate costs.

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**