



NC: 2026:KHC:32373-DB
MFA No. 8033 of 2024
C/W MFA No. 7948 of 2024
MFA No. 8228 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH 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. 8033 OF 2024 (LAC)

C/W

MISCELLANEOUS FIRST APPEAL NO. 7948 OF 2024

MISCELLANEOUS FIRST APPEAL NO. 8228 OF 2024

IN MFA No. 8033/2024

BETWEEN:

H S VENKATESHA MURTHY
S/O LATE H.V. SUBBARAYA SHETTY,
AGED ABOUT 84 YEARS,
R/AT NO. 4140/A, S V CENTRE,
BASEMENT FLOOR P.B.NO.78
GANDHIBAZAR CIRCLE,
B M ROAD,
HASSAN 573 201

...APPELLANT

(BY SRI. PAVANA CHANDRA SHETTY H.,ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
LAND ACQUISITION OFFICER,
HASSAN DISTRICT
HASSAN 573 201
2. THE EXECUTIVE ENGINEER
PWD,
HASSAN DIVISION,

Digitally
signed by
PAVANA CHANDRA N

Location:
High Court
of Karnataka



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HASSAN 573 201

...RESPONDENTS

(BY SRI. ARUNA G.S., HCGP FOR R1 & R2)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, AGAINST THE JUDGMENT AND AWARD DATED 10.12.2014 PASSED IN LAC NO.20/2010 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, HASSAN, PARTLY ALLOWING THE REFERENCE PETITION U/S.18(1) OF LAND ACQUISITION ACT.

IN MFA NO. 7948/2024

BETWEEN:

H V SAPTHAGIRI RAJU
S/O. H.S. VENKATESH MURTHY,
AGED ABOUT 50 YEARS,
R/AT NO.16, SHRICHAKRA,
2ND MAIN CROSS,
BEHIND JEWEL ROCK,
KUVEMPU NAGAR,
HASSAN-573 201

...APPELLANT

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER,
HASSAN DISTRICT,
HASSAN-573 201



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2. THE EXECUTIVE ENGINEER,
PWD,
HASSAN DIVISION,
HASSAN-573 201

...RESPONDENTS

(BY SRI. ARUNA G.S., HCGP FOR R1 & R2)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT,1894, AGAINST THE JUDGMENT AND AWARD DATED 10.12.2014 PASSED IN LAC.NO. 33/2010 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, HASSAN, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18(1) OF THE LAND ACQUISITION ACT.

IN MFA NO.8228/2024

BETWEEN:

H S RAVIKUMAR
S/O LATE H V SUBBARAYASHETTY
SINCE DEAD BY LRS

1. H S KASTHURI
W/O. H.S. RAVI KUMAR,
AGED ABOUT 79 YEARS,
2. H.R. SANJAY,
S/O. H.S. RAVI KUMAR,
AGED ABOUT 57 YEARS,
3. H.R. VINAY,
S/O. H.S. RAVI KUMAR,
AGED ABOUT 54 YEARS,
4. H.R. BHADRIPRASAD,
S/O. H.S. RAVI KUMAR,
AGED ABOUT 48 YEARS,



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ALL ARE CO-OWNERS OF
M/S. VENKATESHWARA BUILDING,
SRI VENKATADRI TRANSPORT COMPANY,
R/AT 1ST FLOOR,
LAKSHMI JANARDHANA COMPLEX,
B.M.ROAD, HASSAN-573 201.

...APPELLANTS

(BY SRI. PAVANA CHANDRA SHETTY H., ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER
AND LAND ACQUISITION OFFICER,
HASSAN DISTRICT,
HASSAN-573 201

2. THE EXECUTIVE ENGINEER,
PWD, HASSAN DIVISION,
HASSAN-573 201

...RESPONDENTS

(BY SRI. ARUNA G.S., HCGP FOR R1 & R2)

THIS MFA IS FILED U/S.54(1) OF LAND ACQUISITION ACT, 1894, AGAINST THE JUDGMENT AND AWARD DATED 09.02.2015 PASSED IN LAC.NO. 19/2010 ON THE FILE OF THE II ADDITIONAL SENIOR CIVIL JUDGE AND JMFC, HASSAN, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18(1) OF LAND ACQUISITION ACT.

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

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



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ORAL JUDGMENT

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

Miscellaneous First Appeals No.8033/2024, 7948/2024 and 8228/2024 are filed challenging the judgment and award dated 10.12.2014, 10.12.2014 and 09.02.2015 passed by the II Additional Senior Civil Judge, and JMFC at Hassan ('Reference Court' for short) in LAC.No.20/2010, 33/2010 and 19/2010, respectively.

2. We have heard Shri. Pavana Chandra Shetty H, learned counsel appearing for the appellant in all the appeals and Shri. Aruna G.S, learned High Court Government Pleader appearing for respondents No.1 and 2- State in all the appeals.

3. It is submitted that the 4(1) Notification in the instant cases is 28.12.2005 and the 6(1) Notification is on 06.07.2006. It is submitted that the land was acquired for the purpose of widening of B.M. Road at Hassan and that an award was passed by fixing market value at the rate of



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Rs.2,137.58/- per sq.ft. It is submitted that reference was filed under Section 18 of the Land Acquisition Act, 1894 ('the Act' for short) and the reference Court had enhanced compensation to Rs.5,000/- per sq.ft. with statutory benefit.

4. It is submitted that MFA No.457/2019 c/w MFA No.3803/2017 (arising from LAC No.379/2014) are arising out of the very same Notification. This Court considering an identical situation has enhanced compensation to Rs.7,000/- per sq.ft. with all statutory benefits and interests. It is submitted that the present appeals are also filed on identical grounds and that the land value is liable to be enhanced as has been done in MFA No.457/2019 c/w MFA No.3803/2017.

5. We have meticulously perused the material available on record including the Reference Court record. We have given our anxious consideration to the submissions advanced by both the sides.



6. The point that arises for our consideration in these appeals is:-

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

7. The answer to the above point is in the affirmative for the following reasons:-

(a) The pleadings and evidence on record indicate the land and building of the claimants situated in B.M. Road, Gandhi Bazaar Circle, Hassan, was acquired under Section 4(1) of the Act under the Preliminary Notification dated 28.12.2005 followed by the final declaration of the State Government. The Land Acquisition Officer passed an award on 19.11.2009, 09.06.2008 and 19.11.2007 by determining the market value of the acquired land and building at Rs.7,36,399/-, 16,46,676/- and 48,42,943/-. The claimant sought the reference under Section 18 of the Act. The claimants adduced the oral and documentary



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evidence by examining witnesses and got marked documents. The respondents-State did not adduce any evidence. The Reference Court, under the impugned judgment, re-determined the market value of the land at Rs.5000/- per sq. ft. with statutory benefits and interest.

b) Learned counsel for the claimant has contended that the Reference Court ought to have awarded compensation at the rate of Rs.7,000/- per sq. ft. The Reference Court, though provided an opportunity to the respondents-State to disprove the assertion of the claimant with regard to the market value, the respondents-State failed to discharge the burden by adducing the evidence. The Co-ordinate Bench of this Court in the cases of **LAKSHMEGOWDA Vs. SPECIAL LAND ACQUISITION OFFICER AND OTHERS¹** and **SANNEGOWDA Vs. SPECIAL LAND ACQUISITION OFFICER AND OTHERS²** has considered the law laid down by the Hon'ble Supreme Court in the case of **UNION**

¹ MFA No.8703/2018 dt. 25.09.21

² MFA No.8760/2018 dt. 24.09.21



OF INDIA Vs. BAL RAM AND ANOTHER³ and held that when the acquired lands are more or less situated nearby, when the acquired lands are identical and similar and acquired for the same purpose, it would be unfair to discriminate between the land owners to pay more compensation to some of the land owners and less compensation to the others.

c) Hence, this Court, considering the reasoning of the Reference Court in LAC No.397/2014 dated 23.04.2016, is of the considered view that the acquired property in this appeal and the property covered in LAC No.397/2014 are having similar potentiality, situated within the city limits and are required to be treated alike by awarding similar compensation.

8. For the preceding analysis, we are of the considered view that the appellant-claimant is entitled to the compensation at the rate of Rs.7,000/- per sq. ft. as

³ (2010) 5 SCC 747



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against Rs.2,000/- awarded by the Reference Court.

Hence, we proceed to pass the following:

ORDER

Miscellaneous First Appeals No.8033/2024, 7948/2024 and 8228/2024 are allowed-in-part with costs. The impugned judgment and award dated 10.12.2014, 10.12.2014 and 09.02.2015 passed by the II Additional Senior Civil Judge, and JMFC at Hassan in LAC.No.20/2010, 33/2010 and 19/2010, respectively, is modified by re-determining the market value of the land at Rs.7,000/- per sq. ft. with all statutory benefits and interest.

Registry to draw award accordingly.

Sd/-
(ANU SIVARAMAN)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE