IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 18TH DAY OF DECEMBER, 2024

PRESENT

THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD

AND

THE HON'BLE MR. JUSTICE VENKATESH NAIK T

MISCELLANEOUS FIRST APPEAL NO. 101046 OF 2024 (LAC)

BETWEEN:

1. SIDDAPPA S/O. SATYAPPA KADAPATTI,
   AGE 67 YEARS, OCC: AGRICULTURE,
   R/O. UNKAL, TQ. HUBBALLI, DIST. DHARWAD-580031.

2. CHANNAPPA S/O. SATYAPPA KADAPATTI,
   AGE 61 YEARS, OCC: AGRICULTURE,
   R/O. UNKAL, TQ. HUBBALLI, DIST. DHARWAD-580031.

3. ASHOK S/O. SATYAPPA KADAPATTI,
   AGE 55 YEARS, OCC: AGRICULTURE,
   R/O. UNKAL, TQ. HUBBALLI, DIST. DHARWAD-580031.

4. KEDARAPPA S/O. SATYAPPA KADAPATTI,
   AGE 51 YEARS, OCC: AGRICULTURE,
   R/O. UNKAL, TQ. HUBBALLI, DIST. DHARWAD-580031.

...APPELLANTS

(BY SRI. V. G. BHAT, ADVOCATE)

AND:

1. THE ASSISTANT COMMISSIONER AND
   LAND ACQUISITION OFFICER,

Digitally signed by JAGADISH T R
Location: High Court of Karnataka, Dharwad Bench

DHARWAD-580001.

2. THE UNION OF INDIA,
R/BY. SENIOR DIVISIONAL ENGINEER,
SOUTH WESTERN RAILWAYS,
KESHWAPUR, HUBBALLI, TQ. HUBBALLI.
DIST DHARWAD-580023.

3. THE PRINCIPAL REVENUE SECRETARY,
GOVERNMENT OF KARNATAKA,
REVENUE DEPARTMENT, M. S. BUILDING,
BENGALURU-560001.

4. THE CHIEF PROJECT MANAGER,
RAIL VIKAS NIGAM LIMITED,
SOUTH WESTERN RAILWAYS,
HUBBALLI-580023.

…RESPONDENTS

(BY SRI. PRAVEEN K. UPPAR, AGA FOR R1 & R3;
SRI. VENKATESH M. KHARVI, ADV. FOR R2 & R4)

THIS MFA IS FILED U/SEC.54(1) OF LAND ACQUISITION ACT, PRAYING TO CALL FOR RECORDS AND MODIFY THE JUDGMENT AND AWARD DATED 30.09.2020 IN LAC NO.91/2013 PASSED BY PRL. SENIOR CIVIL JUDGE HUBLI AND BE PLEASED TO DETERMINE THE MARKET VALUE OF THE APPELLANTS LANDS BEARING R.S. NO.400/1 MEASURING 08 ACRES 04 GUNTAS SITUATED AT UNAKAL VILLAGE, HUBBALLI TALUK AND DHARWAD DISTRICT AND OUT OF THE SAID LAND TO AN EXTENT OF 11G, HUBBALLI TALUK AND DHARWAD DISTRICT AT RS.2,50,000/- PER GUNTA AND TO AWARD ALL STATUTORY BENEFITS, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: THE HON'BLE MR. JUSTICE H.T.NARENDRA PRASAD
AND
THE HON'BLE MR. JUSTICE VENKATESH NAIK T

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE VENKATESH NAIK T)

This appeal is heard and taken up for disposal.

2. This appeal is filed challenging the judgment and award dated 30.09.2020 passed in L.A.C. No.91/2013 on the file of the Principal Senior Civil Judge, Hubballi.

3. Learned counsel appearing for claimants as well as the Union of India fairly submit that the issue involved in this appeal is covered by the judgment of this Court in M.F.A. No.102332/202 and connected matters and M.F.A. No.103562/2022 and connected matters disposed of on 10.10.2023 and 25.09.2024 respectively.

4. We have perused the facts and grounds urged in the judgment of the Co-ordinate Bench. We are of the view that the issue involved in these appeals is one and the same. Hence, this appeal is disposed of in terms of the above judgments dated 10.10.2023 and 25.09.2024 passed in M.F.A.

No.102332/2020 and connected matters and M.F.A. No.103562/2022 and connected matters.

5. In view of the above, we proceed to pass the following:

ORDER

(i) The appeal is **allowed in part with costs**.

(ii) The impugned judgment and award of the Reference Court is modified to the extent that the claimants are entitled for compensation of Rs.2,50,000/- per gunta with all statutory benefits as contemplated under the Land Acquisition Act, 1894.

(iii) Registry to draw decree accordingly and is directed to refund the admissible Court fee to the respective parties, if any, in accordance with law.

Sd/-
(H.T.NARENDRA PRASAD)
JUDGE

Sd/-
(VENKATESH NAIK T)
JUDGE

SMM/ct-an
List No.: 1 Sl No.: 36