

(2012) 01 KAR CK 0261
In the Karnataka High Court
Case No : M.F.A. 4806 of 2010 (LAC)

D. Muni Reddy

APPELLANT

Vs

The Spl. Land Acquisition Officer, Bangalore Development
Authority, Dr. T. Chowdaiah Road, Bangalore

RESPONDENT

Date of Decision : 06-01-2012

Acts Referred:

Land Acquisition Act, 1894 — Section 18 (1), 23

Citation : (2012) 01 KAR CK 0261

Hon'ble Judges : N.K. Patil, J;C.R. Kumaraswamy, J

Bench : Division Bench

Advocate : Narendra, for Sri. M.V. Chandra Shekara Reddy, for the Appellant;
Basavaraj V. Sabarad, for the Respondent

Final Decision : Allowed

Judgement

N.K. Patil, J.—This appeal by the claimant appellant- is directed against the impugned Judgment and Award dated 23/12/2006 passed in LAC No. 48/2002 by the XXIII Addl. City Civil and Sessions Judge, Bangalore (SCCH-24), (hereinafter referred as "Reference Court" for short). The Reference Court, by its impugned Judgment and Award has awarded a sum of Rs. 6,00,000/- per acre instead of Rs. 3,30,000/- awarded by the Land Acquisition Officer, with consequential benefits as envisaged u/s 23 of the Land Acquisition Act, in respect of the land in question, which was notified and acquired for the purpose of formation of 150 ft. outer ring road. Being aggrieved by the said Judgment and Award, claimant has presented this appeal, for enhancement of compensation, on the ground that, the compensation awarded by the Reference Court is inadequate.

2. The brief facts of the case are: the land bearing Sy. No. 77/1A measuring 30 guntas situated at Bellandur village, Varhur Hobli, Bangalore South Taluk belonging to the claimant was acquired by the competent authority of the State for the purpose of formation of 150 ft. outer ring road between Varthur road to Sarjapura Road vide Preliminary Notification published in the Gazette on

17.9.1992, followed by Final Notification published in the Gazette on 24.11.1995. The Special Land Acquisition Officer, has passed the award, fixing the market value at Rs. 3,30,000/- per acre for dry land. Not being satisfied with the market value fixed by the Land Acquisition Officer, claimant has filed an application u/s 18 (1) of the Act, for enhancement, of compensation with a request to refer the matter to the jurisdictional Reference Court and accordingly, it was referred to the jurisdictional Reference Court and numbered as LAC 48/2002. The Reference Court, considering the evidence of PW1 and Exs.P1 to P3 has allowed the same in part determined the market value of the land in question at Rs. 6,00,000/- per acre instead of Rs. 3,30,000/- per acre Being dis-satisfied with the same, the present appeal is filed by the claimant seeking further enhancement of market value determined by the Reference Court.

3. We have heard the learned counsel appearing for the appellant and learned counsel for respondent.

4. Learned counsel appearing for both the parties, at the outset, submitted that, the subject matter involved in this case is directly covered by the Judgment and award passed by the Division Bench of this Court dated 21st February 2011 in M.F.A. No. 7463/2009 (Nagaraj Reddy Vs. The Special Land Acquisition Officer, Bangalore Development Authority, Bangalore and another) and dated 15th December 2011 passed in M.F.A. No. 7461/2009 A.W. Misc.Cvl.19319/2009 (Smt. Kamamma and another Vs. The Land Acquisition Officer, Bangalore Development Authority and another). Therefore, they submitted that, following the aforesaid judgments passed by this Court, the instant appeal may also be disposed of.

5. The above submissions made by learned counsel for both the parties are placed on record. In the light of the submissions made by learned counsel for both the parties and following the judgment of the Division Bench of this Court dated 21st February 2011 in M.F.A. No. 7463/2003 Nagaraj Reddy Vs. The Special Land Acquisition Officer, Bangalore Development Authority, Bangalore and another and dated 15th December 2011 passed in M.F.A No. 7461/2009 A.W. Misc. Cvl. 19318/2009 Smt. Kamamma and another Vs. The Land Acquisition Officer, Bangalore Development Authority and another and for the reasons stated therein, the instant appeal is disposed of as follows:

The appeal is allowed in part with costs.

The impugned Judgment and Award dated 23rd December 2006 passed by the Reference Court in L.A.C. No. 48/2002 is hereby modified, fixing the market value at the rate of Rs. 75/- per Sq.Ft., with all consequential benefits as envisaged u/s 23 of the Land Acquisition Act. Ordered accordingly.