

(2013) 01 KAR CK 0159
In the Karnataka High Court
Case No : M.F.A.No. 1032 of 2008

M.V. Shankaraiah and Others

APPELLANT

Vs

Rudraiah

RESPONDENT

Date of Decision : 29-01-2013

Acts Referred:

Land Acquisition Act, 1894 — Section 30, 54

Citation : (2013) 01 KAR CK 0159

Hon'ble Judges : B.S. Patil, J

Bench : Single Bench

Advocate : Satish M. Doddamani and Basavaraj, for the Appellant; B.M. Siddappa for R2 Sri I.G. Gachchinamath, for R3-4, for the Respondent

Judgement

B.S. Patil, J.—Office has raised some objections regarding non-filing of Reference Petition, etc. Office intended to refer to the Reference petition filed by the appellants herein before the Land Acquisition Officer only for the purpose of finding out the value of the subject matter involved in the reference, so as to examine the jurisdictional point. Learned counsel for the appellants submits that the value of the claim which is the subject matter of reference u/s 30 of the Land Acquisition Act is less than Rs. 10,00,000/- If that is so, appeal against the judgment and award passed by the learned Civil Judge (Sr. Dn.), Hiriya, in LAC No. 8/2006 does not lie to this Court, but it lies to the jurisdictional District Court.

2. In fact, a similar question came up for consideration before this Court and Full Bench of this Court in the case of INDIAN COUNCIL OF AGRICULTURAL RESEARCH, REPRESENTED BY ITS DIRECTOR VS. SMT. VARIJA & OTHERS - ILR 2011 kar 499 has held that where the value of the claim is less than Rs. 10,00,000/-, the appeal u/s 54 of the Land Acquisition Act, would lie before the jurisdictional District Court and not before the High Court.

3. In paragraph 16 of the judgment, the Full Bench has held as under:

16. As regards MFA No. 422/2010 which is filed by the applicants who wanted to

come on record in the proceedings before the Reference Court commenced on the reference made u/s 30 of the Land Acquisition Act, wherein the Civil Court has passed the judgment and order holding that they are not entitled for any share in the amount deposited before the Court by the Land Acquisition Officer, the jurisdiction of the Appellate Forum depends on the value of their share which they have claimed before the Reference Court. The appellants have not furnished the copy of the application/claim petition filed in this regard either before the Land Acquisition Officer or before the Reference Court. Depending on the value of their share in the compensation amount which is the subject matter of reference u/s 30, the jurisdiction of the Appellate Forum has to be determined. Hence, the appellants therein have to furnish their claim petition/application disclosing the extent of share claimed by them in the compensation amount. If the share claimed by the appellants exceeds Rupees Ten Lakhs, then only the appeal is maintainable before this Court. The Registry shall verify the same and take appropriate action. If the value of the share of the appellants in the amount of compensation deposited before the Court below is less than Rupees Ten Lakhs, then the Registry shall post the appeals before the Learned Single Judge for appropriate further orders.

In the instant case, learned counsel for the appellants submits that the value of the share of the appellants as per the Reference Petition filed would not exceed Rs. 10,00,000/-. In that view of the matter, this appeal is not maintainable as the appellants have to approach the jurisdictional District Court. Therefore, the registry is directed to return the appeal papers to the appellants to enable them to present the appeal papers before the District Court on or before 11.02.2013. The appeal is accordingly disposed of.