

(2014) 08 KAR CK 0072
In the Karnataka High Court
Case No : M.F.A. No. 1789 OF 2013 (LAC)

Parvathamma

APPELLANT

Vs

The Special Land Acquisition Officer

RESPONDENT

Date of Decision : 26-08-2014

Acts Referred:

Land Acquisition Act, 1894 — Section 10, 18(1), 23, 4(1), 6(1)

Citation : (2014) 08 KAR CK 0072

Hon'ble Judges : N.K. Patil, J;B. Sreenivas Gowda, J

Bench : Division Bench

Advocate : K.T. Gurudeva Prasad, Advocate for the Appellant; T.K. Vedamurthy, HCGP and Shivaprabhu. S. Hiremath, CGSC, Advocate for the Respondent

Final Decision : Allowed

Judgement

N.K. Patil, J.—The appellants/claimants, assailing the correctness of the impugned judgment and award dated 08/11/2012 passed in LAC. No. 13/2006, by the Senior Civil Judge and JMFC, Devanahalli, ("Reference Court") have presented this appeal.

2. The Reference Court, by its judgment and award, has fixed the market value of the land in question at Rs. 4,45,500/- per acre, with all statutory benefits as envisaged u/s 23 of L.A. Act. The market value fixed by the Reference Court is on the lower side and liable to be enhanced substantially, the appellants have presented this appeal.

3. Brief facts of the case are, land bearing Sy. No. 109/2, measuring 09 acres 36 guntas situate at Handarahalli village, Channarayapatna Hobli Devanahalli taluk, belonging to the claimants has been notified and acquired in favour of the beneficiary/Defence Research and Development Organization(DRDO) for the purpose of establishment of Electronic Warfare Range Project vide Preliminary Notification dated 15.5.1999 issued u/s 4(1) of the Land Acquisition Act, followed by Final Notification dated 23.6.2000 issued u/s 6(1) of the Act. Thereafter, the

Special Land Acquisition Officer, after issuing notices under Sections 9 and 10 of the Act, calling for claim/objections from the notified Khatedars and other interested persons and after considering the nature of soil and potentiality of the land acquired, passed the Award on 2.5.2001 fixing the market value at the rate of Rs. 1,50,000/- per acre. Not being satisfied with the said market value fixed by the Special Land Acquisition Officer, the appellants/claimants sought reference by filing an application u/s 18(1) of L.A. Act and accordingly, it was referred to the jurisdictional Reference Court and numbered as LAC No. 13/2006. The Reference Court, after appreciation of the oral and documentary evidence and other materials available on file, taking into consideration the purpose for which it has been notified and acquired, its potentiality and the development of the locality and also considering the fact that, the prices of land in and around the Bengaluru International Airport have sky rocketed and considering its high commercial value and also following the judgment rendered by this Court at Exs. P7 and P8 and also taking note of the ratio of law laid down by the Punjab and Haryana High Courts and other material available on file, allowed the same in part and refixed the market value of the acquired land at Rs. 4,45,500/- per acre with all statutory benefits envisaged u/s 23 of the Land Acquisition Act. Being not satisfied with the same, the present appeal is filed by the appellants/claimants seeking further enhancement of market value on the ground that the compensation awarded by Reference Court is meagre and on the lower side.

4. We have heard the learned counsel appearing for the appellants and learned Government Pleader appearing for first respondent and learned Central Government Standing counsel appearing for second respondent.

5. During the course of the submissions, learned counsel appearing for the parties, submitted that, the subject matter involved in this case is directly covered by the judgment passed by this Court dated 10th July 2014 in M.F.A. No. 11539 of 2012 (Sri. R. Narayanappa Vs. The Special Land Acquisition Officer and another) wherein, the market value has been determined at the rate of Rs. 12,88,000/- per acre (i.e. Rs. 7,00,000/- per acre + 12% appreciation value) with all statutory benefits envisaged u/s 23 of the Land Acquisition Act. Therefore, they submitted that, following the said judgment, the instant appeal may also be disposed of by refixing the market value of the land in question with all statutory benefits as envisaged u/s 23 of L.A. Act.

6. The above submissions made by learned counsel for the parties are placed on record.

7. In the light of the submissions made by learned counsel for the parties, after careful perusal of the materials available on record, including the judgment and award passed by the Reference Court and following the judgment passed by this Court dated 10th July 2014 in M.F.A. No. 11539 of 2012 (Sri. R. Narayanappa Vs. The Special Land Acquisition Officer and another) and for the reasons stated therein and in terms of the said judgment, the appeal filed by the appellants is allowed.

The impugned judgment and award dated 08/11/2012 passed in LAC. No. 13/2006, by the Senior Civil Judge and JMFC, Devanahalli, is hereby modified, fixing the market value of the acquired land at the rate of Rs. 12,88,000/- per acre (i.e. Rs. 7,00,000/- per acre + 12% appreciation value) with all consequential benefits as envisaged u/s 23 of the Land Acquisition Act, as against Rs. 4,45,500/- per acre awarded by the Reference Court.

Learned Government Pleader is permitted to file memo of appearance on behalf of respondent No. 1 within four weeks from today.

Sri. Shivaprabhu S. Hirermath, learned counsel is permitted to file vakalth on behalf of second respondent within four weeks from today.