

(2012) 12 KAR CK 0096
In the Karnataka High Court
Case No : M.S.A. No. 659 of 2011

Special Land Acquisition Officer

APPELLANT

Vs

Neelkantappa and Another

RESPONDENT

Date of Decision : 05-12-2012

Acts Referred:

Citation : (2013) 1 AKR 462

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Malikarjun Sahukar, HCGP, for the Appellant;

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar, J.—There is a delay of 52 days in filing the appeal. Accepting the cause shown, delay of 52 days in filing the appeal stands condoned. I.A. No. 1/2012 is allowed accordingly. The State has filed this appeal against the judgment and award passed in LACA No. 181/2009, by which the compensation is enhanced to Rs. 75,543/- per acre.

Learned High Court Government Pleader submits that the first appellate Court was not justified in condoning the delay of about 3172 days in filing the appeal and that the first appellate Court is not justified in enhancing the compensation to Rs. 75,543/-.

2. Valid reasons are assigned by the Court below while condoning the delay.

The claimants are entitled to similar compensation as granted to the similarly situated persons whose lands are acquired under the same notification. In the matter on hand, the first appellate Court though has condoned the delay, has rightly held that the claimant will not be entitled for interest on compensation for the delayed period. Hence, no prejudice is caused to the State by condoning the delay.

This Court does not find any ground to interfere with the quantum of

compensation awarded by the first appellate Court. This Court in MFA Nos. 7496/2006 and 7498/2006 has awarded Rs. 65,000/- per acre in respect of similar/adjoining lands which are acquired under the notification in the year 1991. The lands in question are acquired in the year 1993. If it is so, the claimant is entitled to certain escalation every year. In the matter on hand, the claimant is entitled to escalation for two years. Thus, the claimant is awarded Rs. 75,543/- per acre as the claimant has restricted his claim for the said amount. Since the award made by the First Appellate Court is just and proper, no interference is called for.

Appeal fails and the same stands dismissed.