

(2012) 12 KAR CK 0095

In the Karnataka High Court

Case No : Miscellaneous Second Appeal No. 665 of 2011 (LAC)

Special Land Acquisition Officer, Gulbarga

APPELLANT

Vs

Rehemansab Badesab since deceased by his L.Rs. and
Another

RESPONDENT

Date of Decision : 05-12-2012

Acts Referred:

Citation : (2013) 1 AKR 461

Hon'ble Judges : Mohan Shantanagoudar, J

Bench : Single Bench

Advocate : Mallikarjun Sahukar, HCGP, for the Appellant;

Final Decision : Dismissed

Judgement

Mohan Shantanagoudar, J.—There is a delay of 477 days in filing the appeal. Accepting the cause shown, delay of 477 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. 93/2009, by which the compensation is enhanced to Rs. 65,000/- per acre.

Learned High Court Government Pleader submits that the First Appellate Court was not justified in condoning the delay of about 3162 days in filing the appeal and that the First Appellate Court is not justified in enhancing the compensation to Rs. 65,000/-.

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

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. The Court below has

enhanced compensation to Rs. 65,000/- based on the judgment of this Court in MFA Nos. 7496/2006 and 7498/2006. The lands in question are acquired under the very notification, which was the subject-matter in MFA No. 7496/2006 and MFA No. 7498/2006. Thus, the claimant is entitled to the compensation of Rs. 65,000/- per acre. Since the judgment of the First Appellate Court is just and proper, no interference is called for.

Appeal fails and the same stands dismissed.