

(2011) 07 KAR CK 0131
In the Karnataka High Court
Case No : M.F.A. 4169 of 2010

The Special Land Acquisition Officer

APPELLANT

Vs

Smt. Uma K. Naika

RESPONDENT

Date of Decision : 07-07-2011

Acts Referred:

Mysore Court-fees and Suits Valuation Act, 1958 — Section 64

Citation : (2011) 07 KAR CK 0131

Hon'ble Judges : N.K. Patil, J;Arali Nagaraj, J

Bench : Division Bench

Advocate : T.P. Vivekananda, for P.S. Manjunath, for the Appellant; C.M. Jagadeesh, for the Respondent

Judgement

N.K. Patil, J.—Admit.

2. This appeal by the Appellant the Special Land Acquisition Officer, MUDA, is directed against the impugned judgment and Award dated 25/01/2010 passed in LAC. No. 31/2006 by the I Additional Civil Judge(Sr. Dn) and CJM, Mysore. (hereinafter referred as "Reference Court" for short).

3. The Reference Court, by its impugned judgment and Award has awarded a sum of Rs. 10,61,000/- per acre in respect of the lands in question, which were notified and acquired by the Appellant for the purpose of formation of layout. Being aggrieved by the said judgment and Award, Appellant has presented this appeal, for reduction of compensation, on the ground that, the compensation awarded by the Reference Court is on higher side.

4. We have heard the learned Counsel appearing for the Appellant and learned Counsel for Respondent.

5. 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 of the Division Bench of this Court dated 24th February 2011 passed in M.F.A. No. 7564/2008 (The Special Land Acquisition Officer, Mysore Urban Development

Authority, Mysore v. Shri. Mahadevappa) and connected matter. Therefore, they submitted that, following the aforesaid judgment passed by this Court, the instant appeal may also be disposed of.

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

7. 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 24th February 2011 passed in M.F.A. No. 7564/2008 (The Special Land Acquisition Officer, Mysore Urban Development Authority, Mysore v. Shri. Mahadevappa) and connected matter and for the reasons stated therein, the instant appeal is disposed of as follows:

The appeal is allowed in part.

The impugned judgment and Award dated 25th January 2010 passed by the Reference Court in L.A.C. No. 31/2006 is hereby set aside and the matter is remitted back to the Reference Court with a direction to re-determine the market value of the land in question, after affording reasonable opportunity of hearing to both the parties and decide the same in the light of the directions issued by the Division Bench of this Court in the aforesaid judgment.

Office is directed to refund the Court fee paid by the Appellant as envisaged u/s 64 of the Karnataka Court Fees and Suits Valuation Act, 1958 immediately.

The claimant is permitted to withdraw 50% of the amount deposited by the Appellant, without furnishing any security or surety, subject to the result of the judgment to be passed by the Reference Court,. Ordered accordingly.