

**(2012) 04 KAR CK 0164**

**In the Karnataka High Court**

**Case No :** Miscellaneous Second Appeal No. 187 of 2011 (LA)

The Special Land Acquisition Officer K.R. Project Mysore-570  
001

**APPELLANT**

**Vs**

Sannadasegowda

**RESPONDENT**

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**Date of Decision :** 20-04-2012

**Acts Referred:**

Land Acquisition Act, 1894 — Section 18 (1), 4 (1), 6 (3)

**Citation :** (2012) 04 KAR CK 0164

**Hon'ble Judges :** Ram Mohan Reddy, J

**Bench :** Single Bench

**Advocate :** Nasrulla Khan, HCGP, for the Appellant;

**Final Decision :** Dismissed

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## **Judgement**

Ram Mohan Reddy

1. 0.31/2 guntas of land in Sy. No. 186/2 of T. Katur Village, Jayapura Hobli, Mysore Taluk, amongst other small extents of land when acquired by the state government in exercise of its eminent domain power to wit for "Varuna Nala" by issuing a preliminary notification dt. 3/3/2005 under Sec. 4(i) of the Land Acquisition Act, 1894, for short "the Act", followed by a final notification under Sec. 6(1) on 10/5/2006, the Special Land Acquisition Officer, based on sales statistics, fixed the market value of the acquired land at Rs. 31,500/- per acre, by award dt. 23/7/2007. The land loser's application under Sec. 18(1) of the Act for enhancement of compensation when referred to the II Addl. Civil Judge (Sr.Dn.) & CJM, Mysore, was registered as LAC No. 910/2007. The claimant adduced evidence by examining himself as PW-1 and marked one document as Ex.P1. The Special Land Acquisition Officer did not lead evidence, however the general award and individual awards were marked as Ex.R1 & R2, by consent. The Reference Court, placing reliance upon Ex.P1, the judgment and award in LAC No. 907/2007, the market value of the acquired land in the very same village under the preliminary notification dt. 10/6/2004, 8 months 24 days prior

to the preliminary notification, subject matter of reference, accepted the market value of Rs. 2,40,686/- per acre, and applying 5% per year appreciation for the said period arrived at Rs. 2,49,711/-, following the opinion of this Court in Bhim Singh and Others Vs. State of Haryana and Another, holding that the rate of compensation for all the acquired lands similarly situated in the adjoining villages cannot be found fault with and liable to be confirmed, therefore, by judgment and award dated 21/11/2009, allowed the Reference and enhanced the market value of the acquired land to Rs. 2,49,711/- per acre. The Special Land Acquisition Officer, aggrieved by the judgment and award, preferred LACA No. 258/2010 before the Principal District Judge at Mysore, by judgment dated 5/4/2011, having found no merit, dismissed the appeal. Hence, this second appeal.

2. The only contention advanced by the learned HCGP for the appellant is that the land measuring 0.31/2 guntas in T. Katur Village is not similar to the lands subject matter of LAC No. 907/2007, though the lands are situated in the very same village, acquired under the notification dated 10/6/2004, i.e. 8 months and 24 days prior to the notification in question and for the very same public purpose of forming Varuna Nala. Having heard the learned HCGP, perused the pleadings and examined the judgment and award of the Courts below, in the absence of any distinct material brought on record in the evidence, both oral and documentary, before the reference court, this court cannot hasten to conclude that the acquired lands did not offer a comparable value in particular, when the award earlier passed in LAG No. 90.7/2007, has already attained finality.

No substantial question of law arise for decision making and the appeal is accordingly dismissed.