

IN THE HIGH COURT OF KARNATAKA, KALABURAGI BENCH

DATED THIS THE 20^{TH} DAY OF AUGUST, 2025 BEFORE

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR MISCL SECOND APPEAL NO. 200074 OF 2018 (LA)

BETWEEN:

THE UNION OF INDIA,
THROUGH DEPUTY CHIEF ENGINEER,
CENTRAL RAILWAY, PUNE,
(MAHARASHTRA STATE)
REPRESENTED BY R.N.GUPTA,
EXECUTIVE ENGINEER CENTRAL RAILWAY.

...APPELLANT

(BY SRI MANVENDRA REDDY, ADVOCATE)

AND:

1. KALYANI

S/O SIDDAPPA DANDIN,

AGED: 62 YEARS,

R/O: NANDUR VILLAGE,

TQ: DIST: KALABURAGI - 585 103.

- THE ASST. COMMISSIONER & LAO, SEDAM SUB-DIVISION, SEDAM DIST: KALABURAGI – 585 103.
- 3. THE DEPUTY COMMISSIONER, KALABURAGI MINI VIDHAN SOUDHA, STATION ROAD, KALABURAGI – 585 102.

...RESPONDENTS

(BY SRI B.K.HIREMATH, ADVOCATE FOR R1; SRI VEERANAGOUDA R.MALIPATIL, H.C.G.P., FOR R2 AND R3)





THIS MISCELLANEOUS SECOND APPEAL IS FILED UNDER ORDER 54 (2) OF THE LAND ACQUISITION ACT, PRAYING TO ALLOW THE APPEAL BY SETTING ASIDE THE JUDGMENT AND AWARD DATED 28.11.2016 **PASSED** BY LEARNED ADDITIONAL DISTRICT JUDGE KALABURAGI ΙN NO.129/2012 AND CONFIRM THE JUDGMENT AND AWARD DATED 28.06.2007 PASSED BY THE LEARNED CIVIL JUDGE (SR.DN), SEDAM, IN LAC NO.463/2002, IN THE INTEREST OF JUSTICE AND EQUITY.

THIS MISCELLANEOUS SECOND APPEAL, COMING ON FOR HEARING, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

ORAL JUDGMENT

- 1. This second appeal is filed praying to set aside the Judgment and award dated 28.11.2016 passed by III Additional District Judge, Kalaburagi (for short 'the appellate Court') in LACA No.129/2012 and confirm the Judgment and award dated 28.06.2007 passed by the Civil Judge (Sr. Dn.), Sedam, (for short 'the Reference Court') in LAC No.463/2002.
- 2. Heard the learned counsel for the appellant/beneficiary, learned counsel for the respondent



No.1/claimant and learned High Court Government Pleader for respondent Nos.2 and 3.

3. The land bearing Survey No.41/2, measuring 2 acres 33 guntas of Martur village of Chittapur taluk, was acquired by the State for the purpose of 'Double Railway Track' for the appellant by issuing 4(1) Notification dated 31.05.1990. The Special Land Acquisition Officer has fixed the compensation of Rs.5,500/- per acre for the dry land. The respondent No.1 dissatisfied with the award amount has submitted a Protest Petition under Section 18(1) of the Land Acquisition Act, before the respondent No.2 seeking reference to Civil Court for enhancement of compensation. The petition filed by respondent No.1 was referred to Reference Court i.e. Senior Civil Judge, Sedam, for enquiry and decision. The Reference Court after enquiry and appreciating the evidence on record, has determined the market value at the rate of Rs.7,200/- per acre with all statutory benefits. The respondent No.1 challenged the said Judgment/award of the Reference LACA Court in No.129/2012 before the appellate Court. The appellate Court



after hearing the arguments and re-appreciating the evidence on record, has enhanced the market value to Rs.85,480/- per acre as against Rs.7,200/- per acre awarded by the Reference Court with all statutory benefits. Aggrieved by the said Judgment of the appellate Court, the beneficiary has filed the present appeal.

- 4. Learned counsel for the appellant would contend that, the acquisition notification has been issued on 31.05.1990 and the price of the yield has been taken by the appellate Court for the year 1990-1991, but it ought to have taken the price of the yield for the year 1989-1990. With this, he prays to allow the appeal and reduce the market value as fixed by the appellate Court.
- 5. Learned counsel for the respondent No.1/claimant would contend that, the market value fixed by the appellate Court is proper and correct.
- 6. Having heard the learned counsels, this Court has perused the impugned Judgment and the trial Court records.



7. The land of the respondent No.1/claimant has been acquired under notification dated 31.05.1990. Considering the said aspect, the yield for the year 1989-1990 has to be taken into consideration. The appellate Court has taken the price of the yield for the year 1990-1991 and it is not proper and correct. The price-list marked at Ex.P.3 indicates that, the maximum price of Jawar is Rs.380/- for the year 1989-1990 per quintal and Rs.878/- as price of Toor. The appellate Court has rightly taken four cart loads of Jawar fodder at the rate of Rs.250/- per cart load. Considering the said aspect, the computation of the market value of the land of respondent No.1 is as follows:

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1	Jawar 6 quintals X Rs.380/-	Rs.2,280/-
2	Toor 8 quitals X Rs.838/-	Rs.7,024/-
	Total	Rs.9,304/-
3	Less 40% cultivation charges	Rs.3,721/-
	Total	Rs.5,583/-
4	Jawar Fodder 4 X Rs.250/-	Rs.1,000/-
	Total	Rs.6,583/-
5	Multiplier of 10	X 10
	Market value	Rs.65,830/-



- 8. In view of the above, the market value fixed by the appellate Court at Rs.85,480/- per acre, requires to be reduced to Rs.65,830/- per acre.
 - 9. In the result, the following:

ORDER

- (i) The appeal is allowed in part;
- (ii) The Judgment and award of the first appellate Court passed in LACA No.129/2012 dated 28.11.2016 is modified only to the extent of market value;
- The market value as fixed by the appellate (iii) Court at Rs.85,480/- per acre has been reduced to Rs.65,830/- per acre;
- (iv) The respondent No.1/claimant is entitle to compensation at the rate of Rs.65,830/- per acre with all statutory benefits.

Sd/-(SHIVASHANKAR AMARANNAVAR) **JUDGE**

List No.: 1 SI No.: 39