

Karnataka High Court

Smt Mangala W/O Shripati @ Basayya ... vs The Spl Lao Upper Krishnaproject on 7 September, 2010

Author: A.S.Bopanna

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DI-IARWAD

DATED THIS THE 7TH DAY OF AUGUST

BEFORE

THE HONOURABLE MR. JUSTICE: A.S.BOPANNA 'V:

MFA No. 10195/2001-02; A.C)

BETWEEN:

SMT. MANGALA w/ Q:- S.H.RI
BASAYYA MATHAPATI', " V
R/O. ZUNJURWAD, V
TQ: ATHANIV- ' %

'V APPELLANT

(SR1. B.1\I AN_QA~D_i', ' GB 85
SR1. MANTESHTASTVTHOSAMAIH, ADVS.)

AND:

sPfiC}--AIJ 'L.ANDHA'CQ'U1s1T1oN OFFICER,

(BY'.S1\V2I.T;'KOLEKAR, HCGP)

UPPER KRI_SHN_A" PROJECT, ATHANI.
X ' - * % ...RESPONDENT

g £52 is.) THIS MFA IS FILED U/S 54(1) OF LA ACT, AGAINST THE JUDGEMENT AND AWARD DATED 25.08.2006, PASSED ON LAC NO.208/2004 ON THE FILE OF "C'T\./IL JUDGE (SRIHVL ATHANL PARTLY ALLOWMM3EiHE"_ REFERENCE PEHTKH€ FOR ENEANcEexp, COMPENSAHONI AND sEEKEK;1wpEUETHERr_'» ENHANCEMENT OF COMPENSATION;»V 1EHs APPEAL COAENG ON EORQAEAHESHEEEESC DAY, THE COURT DELIVERED. FO.iIE;IOWIoDI}Gx:.

JUDoMENEpp I S 00

The appellant of
compensation as in LAC
No .208 / 2004 .. the market

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2. I heard, the learned Counsel for the parties and the learned appellants.

' which are not in dispute in this appeal rare the E1__ai'1cV1s in question situated in Zunjurwad. :Dopi'_:«.._).?i11age Taluk was acquired for the purpose of . _U'pVperooKrishna Project. In respect of the said acquisition, i *% the land losers were dissatisfied with the market Value assessed by the Land Acquisition Officer. 'I'herefor_e,i had filed application under Section 18(1) of the Land Acquisition Act seeking for reference for if considering the enhancement of the Reference Court after consideration, if the market value has enhanced the market value to Rs. 9,000/- per acre. The land losers are before that the said fixation of value Reference Court is not appropriate as the market value has enhanced further.

4. It emerges that this Court while considering; the similar situation in respect of the V4. -vlar1dsv»»s: situated in the same area being subject matter of the notification of the year 2003 has enhanced the market value to Rs. 10,000/- per acre. The said enhancement was made relying on an earlier judgment passed by this MFA No. 12195/2006 and connected matters.

Therefore, since there is no other material to indicate that 5% is the correct value.

In the lands in the present case are not similar to the lands therein and more particularly, taking note of the fact that the Reference Court has come to the conclusion that lands in question are irrigated sugarcane groves, the same market value is to be fixed in the instant case. 2 V V_1

5. Accordingly, the judgment dated 15.08.2006 passed by the Reference Court holding that the appellants' lands are valued at Rs. 2,18,000/- each, entitled to the statutory interest in this appeal. In terms of the appeal stands disposed of.