

Karnataka High Court

The Spl Land Acquisition Officer vs B Govindappa S/O Byrappa on 26 June, 2008

Author: V.Gopalagowda & Nagaraj

IN THE HIGH court or KARNATAKA AT
nwmn THIS Tim 269* DAY or JUNE ~

PRESENT

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BANGALORE .% APPELLAM'

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1 4 ' " V Cihegnna 1*" ayapatna Hobli,
" e 'i){:v.-agnahalfi Taluk

' file Chief Construction b.'ny'neer (RFD),

' "'DI~Z'{}0, Bangalore, Cambridge Road,

{pp.<.)MS Office, Agaram Post,

Bangalerc. RESPONDENP3

(By Sri P.KR\SHNAP}'A-ADV FOR R1-2
Sri N.DE'VADAS-»Sr.ADV AND SR1
1*;£.C.SUNDAKESH FOR R3)

THIS M.i«'.A IS 1«m«;1) u/s:e;<;.54(1) _-<fiu%' '

AGAINST TILE' JUDGMENT' AND AWARD"? 19/#2003
PASSED 1:»; LAC No.24/02 ON 'l'Hh'._ i2'.!LJ;3 0%-1+' '1'H:s;»9RL;_ .AvVc:%y1L%.
JUDG1'1(SR.DN.} BANGALGRE 'A *m\$'i*:\$1c1*,
BANGALORE, PARTLY A£A,()WlaN({)?__ T "THE. g{n';«'i::1s:.s;;2~:(;1a:

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3RD FLOOR, PODIUM BLOCK,
BANGALORE --- 560 001

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BANGALORE

land acquisition eases namely LAC Noshe to 68 of 1997; 43

to 51 and 53 of 1993 1 1 to 31 of 2001 and 24 and 25jof2uu2.

2. The respondents in the present

claimants in LAC No.24/02. '1'he;'e1jpe£1ant Cress-objectors herein are the judg1ner1t and
respective 'Hiéeferenee Court. The SpLLAO, wh\$~..was" the said 37 land acquisition Court, has
awards and the r--.K""*.v-\a\ preferred 3'?

said "gvthe 37 appeals namely M.1+'A.Noë~¢_49%\$9,'Oe:V:e;nd» 5050 of 2094 along with the
corresponding are disposed of by passing the }}i\$igmen€"as----~etated above. Now the present
appeal crossmobjection are taken up for of our said common judgment.

* :3..'_ The cross~objectors have claimed initially, in their .'e:'eeeYe'hjections enhanced market value at the rate of T i,00,0U()/- per acre in addition to the market value of .u1:<s.3,30,000/-- awarded by the Reference Court. Subsequent (hold in this appeal also that the amendment petitio□ by the cross~objector under Order 6 Rule 17 151 and Order 41 Rule. 3 of UPC seeking _ prayer column claiming ex111ancf;' -d ::§:tiarl{ot': , 'fhe"~.._ acquired land at the rate of as per acre in addition to by the Reference Court desaorv6:i\$4_._t::3 we hold that the market: value Adete1*I;;ino(l.. Court in the impugned :k's:.3,30,0Uo/-- per acre in respect of being inadequate reeqtiires to l<s.7 lakhs per acre with all conscquon□al thereon as awarded by the Refozgfoiaoc tho said common judgment. V' }:'o1*:ALho""m-asons aforesaid, We pass the following: _ T 9...}?-!E_.,R if" 'jllaoznendment application filed under Order 6 A Rlll□fl-Emmad with Section 151 and Order 41 Rule : 3 of UPC in the cross-objcctions by the objoctor-- owners hereirl is allowed. The cross-objectors 3' shall make necessary amendment to the prayer column in the <:ross--objections. The present appeal M.F.A.No.5072li\$B\$€? the Sp1.LAO is neneby dismissedr'ér1d.:T31;F;A..Ceeb';» No.27?'I2004 □led by :seee nemby allowed in part Wittiv_eesj:s. L rfhe c1'oss---objeCtor'.§,_ = . . 'the in L.A.C.No.241vI\$'}'..1xY'.e to the market value the per acre, with leerre□s as awarded by the the said common judgment easjvérwgiil JNos.€)€>/97 and other 36 cases, 'V eiess V _am:ou::1t of compensation which the '._A'm.

have already received.

snan he modi□ed accordingly. The court fee shall be deposited by the cross- Vwobjeetor claimants within eight weeks from the date of drawing up of the modi□ed award. The eross~abjector/ owners are also entitled for costs (--..3-')""I---v-\b___' Sgsl thatane directed to be paid on the enh□ compensation amount in this judgment. sd/-5 Judge sdl-%~%%