Karnataka High Court

Shivasharanappa S/O Bhimshetty vs The Spl Land Acquisition Officer on 17 April, 2008

Author: Ram Mohan Reddy IN THE HIGH COURT 01?

DATED THIS THE 17TH DAY' ''L
1 kk

THE'. HG?-€'BLE M. u"J3?.'lQE 15".".-?e.w.1._\.».'.' 1 SHIVAQHARANAPPA S['o"B_HIlvES.HE'l'TY-' ~ 1?:JociAmL1NGA *HAu.iaj TQ c:.r.I:'fNéi»=n':1;i..iJ*%-'%_%'.%%%% --ms': auwaaua';.n»i_AL;;;s:%rA% sjoT.iBAsAwANNAPPA gNiAJC1R'.% "."!;'C.,G.'*.DI!.F.!*!£.3.i'!';D1.4..I'\...-L-1 TQ QH:N'cH'oLi DESTGULBARGA "% 344 Gi;rDADAPPA sic SiD1Tu'1iviAP'r'-A "». K'-'5JC?.R V'i_R]Q'GADII.INGADHALLI, T«{§CHlNCHOLl'_'mgr GULBARGA imsponnmm % A.lrk. wit, Lrr''i'- Ivilmu i'v'iai-"i Prjwt, by isuuu IO {By ...A.PA. Am. PA. AG.

THIS MFA FILED ms 54(1) OF LA Nae? ...AGi'§i:.:"""sa«.a V JUDGMENT AND AWARD DATE-3:" 29.1.--i2001"PASSED 'IN 4% LAC No. 625/'I:-3 Cm Ti-TE l"+'iLE C317" THEj:.FRL; .C;iViL (swan), GULBARGA, PARTLY M..1;ow1N'G THE REFERENCE PETITION FOR ENHANCED »CQMPEF'!SFI.TION» 'FiF€D'- SEEQKING " E. FLJRTHER ENHANCEMENT 'V THE APPE:u.." ,,---1'Qs.'}Iv□-'~13. 'Gl'wi"'-E-"OR OELERE, THIS DAY THE COURT DELIVEJ-REi!)V'1'HE FOLLOWING: JUDG□E□\$Q§ of chi1j¢h01i Taluk, Gulbarga Distijct._v:□\$§11. the state through the Special Land 85 MIP, Gulbarm ('SLAO' for 3111:. _. }. L11. -f _.__'_11t:.11t ti_11;-1:1 pawn', for at public I .-.u Q-I-A10 ...'l1_.

2 dated 25-03-1993 under swung 4(N1) of the Land Acquisition Act, 1394, for short "'Agt' 'the SLAO, after conducting award enqtniry based on

->=5-\(\text{L}\) = 1.a\(\text{L}\) = 1.a\(\text

--up .::i___,,,_ a LiA.=c,Ngs,§§é;;9s,c,p gg5;9a, 527 as 623;' 1998 by land of arx"1i.1'i"'□"1 of lands undc1f_:;t.'1c notzi□cation located very some public of coinpcllsation, were clubhpd' t.:.~-gs.~'-._.}1;~;',V':*,..%c.,1%..'1.rs._..';i;1 '93 hcld a.1.d y a nn1um-1_ judgement and -__awras1*d~~'idateo '29-01-2061 "cc-o"' the valuc"'oi'-----\$he acquired land to Rs.33,000/-- per i this appeal by the land owners in LAC ii the market value.

Learned counsel for the parties submit that in = identical circumstances relating to acquisition of 'In-n.-I knuinn 1-ha un-rvu anmnn nnfnn□hlifu in 119 'IP11! IUS, 11.151.711.15 l...l.l.\.: tux' I:m|.|..|u yuuuaucnuuj ua mu-.2 nun.' same village, for the very same public purpose, under N U '\ noti□cation dated 27-12-1992, subject *=J Ea-

'R E» "'5.

ha DD "P r i"--deteImi1)g1tion a Division Bench of this 2006 determined the msrkgt salsa L' lands, therein at Rs.47, :ls.nt.1, and that the said j1.1c_lg_m:-:r-gt. .appE§ss its fcrur'

3. V. c"urr~'i for the judgment and award and dated 1-7-2006 in M.1r_,_A.€}6(§i i1:A:."-tVlA1"s case of BASWANNAPPA AND SPECIAL LAO, .85 MIP, G._;ILB!\$.R.Q:§.;" is appare..-it that 'the 131163 in question 5:

''st for a public purpose under preliminary ncu deaéion dated 25-03-1993 while the lands subject? of M.F.A.466/2002 of the same withsimilarit;ies and potentialities, wars .9'; the very st-I.....m.,s pu.@se, thcum, "'1du:-.r- a 'T€iiIl1iI1□'.Y ntitification %\ {J1 A..¢-ui o'7' 1 o-

':1 if .I. 'Glluhll Qoo I-1'-in }'rhnI'I In ' '. Htrn 'I J I. .7 7H, lollla lll□nllil "Jh"\iWflI " . Ll noti□cations being apploi□meteiy f_i1I'*ee.i: "A Division Bench of this relevant materials, Rs.47,100/-- per lands in _._.1':.....'--1-.%;.'tv_

-...4.:-.._ 4.. 1..:..._d. "H.- 53" I aim L115 , " ' 55\$!'-511,53, I. q . muuer (if M.F.A.466/3602 dissimilar or that they dc} a1_1_c_l_ therefore, the of Counsel for the appellant L T dated 1-7-2905 in'I......

'll 1-__ Au'. 1'." .11'; fi \Box hka, _:I...4.._..._'...._'..._'. L1..- _ 4.. M.r.n.IVxg.-=u3oi_z rq4a.1=c-uuuariuumig us mun I. 'tii"i:h.-e..f9.cts of this case deeerveeasweptance. ' f ' , the appe'nan" 'i; Has" ' " 'r'eSti'ieteu' 5; tiiie EtIJ'],)ca1"' A "izo -vibe-dete1111i11at:ion of the market value at AA .-Rs.4'2:,000/- per acre, nevertheless, in the of the "jtidgment of the Division Bench in M.F.A.N_o.-466/2002, me apmllai:-.t is din-;cf.ed. * mv "1 - d... \Box ei.e f h - 'C I.L't 'Mr W up-In aw in w I .M I "P fee a period of seven weeks irom §:

«S Ea: »

5. In the result, this appeal it;-:__ %'1\$1t¢ mpuglltzd j_dt:11t: a_;l1ti_l t_i_s -3 Vise-» AV .1 ._ ..._.1...4. -._1--..",...l.'. .=..'l__ _...'.-:L.»...::1 1v=....'.-1-3.4. u unuu: us H.111 l. gnu ; nu qguuuu nuts 1, Rs.47,000/- per acre 1 and the appcllantsnalfe pay the de \Box tit Court fee on the appeal today. . It is mac 1311:? n_t C_!1titl!.':d_ to tiays. "i"né is only after the deposit of th \Box Sd/-3 Iudge