

# In L.A.C. No.04/2004 vs ) The Slao And Estate Officer on 24 May, 2022

1

IN THE COURT OF THE II ADDITIONAL CITY CIVIL AND  
SESSIONS JUDGE AT BANGALORE (C.C.H. No.17)

Dated this the 24 th day of May, 2022.

PRESENT:

Smt. Sheila B.M., M.Com., LL.M.  
II Addl. City Civil and Sessions Judge & Special Judge,  
Bangalore.

LAND ACQUISITION CASE No.4/2004 C/w LAC Nos.76,  
77, 78, 79, 80, 81, 82, 83, 85, 180, 181, 183, 184, 185,  
226, 227, 228 of 2003,  
L.A.C. No.14, 323, 324, 325, 326, 327, 328, 329, 330,  
331, 334, 335, 336, 337, 338 of 2004  
L.A.C. No.30, 31, 38, 43, 44, 275, 276 of 2005

CLAIMANT IN L.A.C. No.04/2004:

C. Rangaswamy  
S/o Chikkanna  
Muneswara Estate  
Peenya, Yeshwanthpura Hobli  
Bengaluru North Taluka

CLAIMANTS IN L.A.C. No.76/2003:

- 1) Smt. Savithramma,  
Since dead by her LR's
- 1(a) Smt. Vishalamma  
W/o late Krishnappa,  
D/o Late Savithramma,  
Aged about 50 years,  
R/at Yemalur Village, H.A.L. Post,  
Bengaluru.
- 1(b) Sri. Krishnamurthy  
S/o late Savithramma  
Aged about 46 years,  
R/at No. 764, 2nd Cross,

2

S.R.S. Road, Peenya,  
Bengaluru-560 058.

- 1(c) Sri. Y. Venkatesh  
S/o late Savithramma  
Since deceased by his LR's  
1(c-i) Sri. Navin Kumar,  
S/o late Y. Venkatesh  
Aged about 23 years.  
Residing at D.No. 764,  
Dhanush Nilaya, 2nd Cross,  
1st Stage, 2nd Block, S.R.S. Road, Peenya,  
Bengaluru- 560 058.  
1(c-ii) Smt. B.S. Uma  
W/o late Y. Venkatesh  
Aged about 47 years,  
Residing at D.No. 764, Dhanush Nilaya, 2nd Cross,  
1st Stage, 2nd Block, S.R.S. Road, Peenya,  
Bengaluru- 560 058.

- 1(d) Smt. Meenakshi  
W/o Nataraj,  
D/o late Savithramma  
Aged about 43 years,  
R/at Yemalur Village, H.A.L. Post,  
Bengaluru.

CLAIMANT IN L.A.C. No.77/2003:

Muniyappa  
Since dead by LRs  
P.M. Munichikkanna  
S/o late. Muniyappa  
Aged about 28 years  
Residing at Peenya village  
Bengaluru North Taluka

CLAIMANT IN L.A.C. No.78/2003:

V. Narasimhaiah  
S/o late. Veerappa

3

R/at Siddarodha Ashram  
Peenya village, Bengaluru North Taluka

CLAIMANT IN L.A.C. No.79/2003:

[

C.R. Ramaiah  
Since dead by LRs  
1(a) Smt. Jayamma  
W/o late. C.R. Ramaiah  
Aged about 82 years  
R/at Peenya village  
Bengaluru -560 058.  
1(b) Smt. Yashodha  
D/o late. C.R. Ramaiah

W/o Ramachandrappa  
Aged about 60 years  
R/o Venkatapura village, Koratagere Taluk  
Tumkur District  
1(c) Smt. Meena  
D/o late. C.R. Ramaiah  
W/o Mallesh  
Aged about 56 years, R/at Peenya village  
Bengaluru -560 058.  
1(d) Smt. Manjula Devi  
D/o late. C.R. Ramaiah  
W/o Gagabyraiah  
Aged about 52 years  
Residing at T. Dasarahalli  
Bengaluru -560 057.  
1(e) Sri. Arun Kumar  
S/o late. C.R. Ramaiah  
Aged about 50 years  
R/at No.320/A, 1st Cross  
I Block, Peenya  
Bengaluru -560 058.  
1(f) Smt. Saroja R  
D/o late. C.R. Ramaiah  
Since dead by her LRs  
1(f)(i) Smt. R. Savitha  
D/o Saroja R & Ramachandraiah D  
W/o Nataraj Kumar S

4

Aged about 45 years

1(f)(ii) Smt. Chandrika R  
D/o Saroja R & Ramachandraiah D  
W/o Ravi Kiran T  
Aged about 43 years  
Both are residing at  
No.707, 18th Main road, 8th B Cross, MEI Layout  
Nagasandra, Bengaluru -560 073.  
1(g) Smt. R. Savithri  
D/o late. C.R. Ramaiah  
W/o D. Ganga Byraiah  
Aged about 57 years  
R/at No.682/1, 8th B Main road  
MEI Layout, Nagasandra,  
Bengaluru -560 073.

1(h) Sri C.R. Hariprasad  
S/o late. C.R. Ramaiah  
Aged about 51 years  
R/at No.595/1, Tumkur Road  
Near Govt. School  
Peenya 1s Block, Peenya Small Industries  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.80/2003:

P.N. Kaggalaiah  
S/o late. Narasappa  
Aged about 39 years  
No.534, II Block, Peenya  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.81/2003:

1) Hanumakka  
w/o late. C. Hanumaiah is dead  
Represented by her LR claimant No.2

2) P. H. Narasimhamurthy  
S/o late. C. Hanumaiah  
Aged about 52 years  
No.691, II Block, Peenya  
5

Bengaluru -560 058.

CLAIMANT IN L.A.C. No.82/2003:

M. Chowdappa

Since dead by LRs

1) Smt. Janamma  
W/o late. Chowdappa  
Aged about 70 years

2) Earappa  
S/o late. Chowdappa  
Aged about 48 years

3) Chikkagiriyappa  
S/o late. Chowdappa  
Aged about 42 years

4) P.C. Ranganna  
S/o late. Chowdappa  
Aged about 36 years

All are residing at Peenya villagesban -58.

CLAIMANT IN L.A.C. No.83/2003:

M. Chowdappa

Since dead by LRs

1) Smt. Janamma  
W/o late. Chowdappa

Aged about 70 years

2) Earappa  
S/o late. Chowdappa  
Aged about 48 years

3) Chikkagiriyappa  
S/o late. Chowdappa  
Aged about 42 years

6

4) P.C. Ranganna  
S/o late. Chowdappa  
Aged about 36 years

All are residing at Peenya village  
Bengaluru -58.

CLAIMANTS IN L.A.C. No.85/2003:

Erappa  
S/o late. Appanna

Since dead by LRs

1) Smt. Gangamma  
W/o late. Erappa  
Aged about 60 years

2) Raju  
S/o late. Erappa,  
Aged about 35 years

3) Venkatesh  
S/o late. Erappa,  
Aged about 29 years

All are residing at Peenya village,  
Bengaluru -58.

CLAIMANT IN L.A.C. No.180/2003:

Smt. Padma  
W/o late. Lokanath  
Aged about 32 years  
Residing at Peenya village,  
Bengaluru -58.

CLAIMANTS IN L.A.C. No.181/2003:

Jogappa  
S/o Byrappa

Since dead by LRs

1) Sri. Siddagangappa  
S/o late. Jogappa  
Aged about 49 years

2) Shankar  
S/o late. Jogappa  
Aged about 47 years

3) Smt. Venkatalakshamma  
W/o late. Krishnamurthy  
Aged about 38 years

4) Ramaswamy  
S/o late. Jogappa  
Aged about 36 years

All are residing at Peenya village  
Yeshwanthpura Hobli,  
Bengaluru North Taluka.

CLAIMANT IN L.A.C. No.183/2003:

Sri. B. Venkataramana

Since dead by his LR's

1(a) M. Manjula  
Aged about 50 years,  
W/o late B. Venkataramana

1(b) Smt. Shruthi  
Aged about 29 years,  
D/o late B. Venkataramana

Both are residing at No.1606/2,  
Shruthi Nilaya,  
Peenya 1st Stage, 2nd Block,  
Bengaluru-Tumkur Road(NH-4)  
Bengaluru-560 058.

CLAIMANTS IN L.A.C. No.184/2003:

Smt. Akkamma

Since dead by LRs

1(a) Shankar  
Aged about 45 years  
S/o late. Akkachamma  
R/at No.358, 2nd main, Peenya I Block  
Bengaluru -560 058.

1(b) Basavaraju  
Aged about 43 years  
S/o late. Akkachamma  
R/at No.358, 2nd Main  
Peenya I Block, I stage  
Bengaluru -560 058

CLAIMANTS IN L.A.C. No.185/2003:

1) Munichikkanna

Since dead by LRs

1(a) P.M. Nagaraju  
Aged about 47 years  
S/o late. Munichikkanna

1(b) P.M. Shivakumar  
Aged about 29 years  
S/o late. Munichikkanna

2) P.C. Hanumantharayappa  
S/o late. Chowdappa  
Residing at Peenya  
Bengaluru -58.

CLAIMANTS IN L.A.C. No.226/2003:

1) Sri. M. Munivenkatappa  
9

Since dead by LR's

1(a) Smt. Siddalingama  
W/o late M. Munivenkatappa,  
Aged about 68 years.

1(b) Sri. M. Srinivasa  
S/o late M. Munivenkatappa,  
Aged about 39 years.

1(c) Sri. M. Lakshmikantha  
S/o late M. Munivenkatappa,  
Aged about 37 years.

- 1(d) Smt. Padmavathi  
D/o late M. Munivenkatappa,  
Aged about 32 years.

All are residing at No. 822,  
New extension, Near S.R.S. Road,  
1st Cross, 1st Stage, 2nd Block, Peenya,  
Bengaluru-560 058.

- 2) Sri. M. Muniyappa  
Since dead by his LR's

- 2(a) Smt. Gangamma  
W/o late. Muniyappa,  
Aged about 53 years.

- 2(b) Sri. Arun Kumar  
S/o late. Muniyappa,  
Aged about 33 years.

- 2(c) Smt. Hemavathi  
D/o late. Muniyappa,  
Aged about 36 years.

- 2(d) Smt. M. Lalitha  
D/o late. Muniyappa,  
Aged about 31 years.

10

- 2(e) Smt. M. Vasanthi  
D/o late. Muniyappa,  
Aged about 29 years.

All are residing at No. 384,  
1st Stage, 1st Block, Peenya,  
Bengaluru-560 058.

CLAIMANTS IN L.A.C. No.227/2003:

R. Doraiswamy

Dead by LRs

- 1(a) D. Vajravelu  
Aged about 53 years  
S/o late. Doraiswamy  
R/at No.8, 3rd cross,  
I Block, Peenya P.O.  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.228/2003:

Smt. Channamma



Since dead by LRs

1) Mahesh P.S.

Aged about 41 years

S/o late. M. Shivalingappa

2) Basavaraju P.S.

Aged about 39 years

S/o late. M. Shivalingappa

3) Smt. Puttamma

Aged about 60 years

W/o late. M. Shivalingappa

All are Residing at No.297,  
Annapoorna, 7th Main, 3rd Cross  
1st stage, 1st Block, near RT0 Driving Track  
Peenya P0

11

Bengaluru -560 058.

CLAIMANT IN L.A.C. No.14/2004:

Dodda Narasaiah  
S/o late. Narasappa  
Lakshminarasimha Nilaya  
# 364/5, 5th Main, 2nd Cross,  
Post office Road, peenya  
Bengaluru -560 058

CLAIMANT IN L.A.C. No.323/2004:

Sri. T. Ramachandra  
Aged about 56 years  
S/o late. Thatappa  
Residing at No.165  
18th Cross, 10th Main, M.C. layout  
Vijyanagar  
Bengaluru -560 040.

CLAIMANT IN L.A.C. No.324/2004:

Papanna  
Aged about 75 years  
S/o late. Tumbadi Chikkanna  
II Block, Peenya  
Bengaluru Tumkur Road  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.325/2004:

1) Sri. B. Venkataramana  
Since dead by his LR's

1(a) M. Manjula  
Aged about 50 years,  
W/o late B. Venkataramana  
12

1(b) Smt. Shruthi  
Aged about 29 years  
D/o late B. Venkataramana

Both are residing at No. 1606/2,  
Shruthi Nilaya,  
Peenya 1st Stage, 2nd Block,  
Bengaluru-Tumkur Road (NH-4),  
Bengaluru-560 058.

2)Smt. Akkachamma  
65 years  
W/o late. Mariyappa  
R/at I Block, Peenya  
Bengaluru -58.

CLAIMANT IN L.A.C. No.326/2004:

Chikkamuniyappa  
Since deceased by his LR's

1(a) Sri. M. Raja  
Aged about 51 years  
S/o late. Chikkamuniyappa

1(b) Sri. Anand  
Aged about 36 years  
S/o late. Chikkamuniyappa

Both are R/at No.377  
6th Cross, 7th Main,  
1st Block, Peenya,  
Bengaluru -560 058.

1(c) Smt. Anjinamma  
Aged about 40 years  
D/o late. Chikkamuniyappa,

W/o Siddagangappa,  
Chunchenahally, Kortagere Taluk  
Tumkur District.

- 1(d) Smt. Gowramma  
Aged about 38 years  
D/o late. Chikkamuniyappa  
W/o Veerabhadrapa  
No. 356/3, 1st Block,  
7th Cross, Peenya,  
Bengaluru-560 058.
- 1(e) Smt. Anusuya  
Aged about 34 years,  
D/o late. Chikkamuniyappa,  
W/o Narasimharaju,  
No. 302/6, 7th Main,  
1st Block, Peenya,  
Bengaluru-560 058.
- 1(f) Smt. Anandamma  
Aged about 32 years,  
D/o late. Chikkamuniyappa,  
W/o Hanumanthappa,  
No. 223/2, 1st Block,  
7th Main, Peenya,  
Bengaluru-560 058.
- 1(g) Kum. Lakshmi  
Aged about 28 years  
D/o late. Chikkamuniyappa  
No. 223/2, 1st Block,  
7th Main, Peenya,  
Bengaluru-560 058.

CLAIMANT IN L.A.C. No.327/2004:

R. Umashankar  
40 years  
S/o late. Revanna

14

IV Block, Bengaluru Tumkur road  
Peeya  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.328/2004:

B.Venkataramana

Since dead by his LR's

1(a) Smt. M. Manjula  
Aged about 50 years,  
W/o late Venkataramana

1(b) Smt. Shruthi  
Aged about 29 years  
D/o late Venkataramana

Both are residing at No. 1606/2,  
Shruthi Nilaya,  
Peenya 1st Stage, 2nd Block,  
Bengaluru-Tumkur Road (NH-4)  
Bengaluru-560 058.

CLAIMANTS IN L.A.C. No.329/2004:

1) Sri. C. Muniraju, 55 years

2) Sri. M.C. Vijayakumar  
40 years

both are sons of late. Patel Channappa  
R/at No.570, "Shivakrupa"  
ward No.11, Kuvempu road  
II Block, Peenya P0  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.330/2004:

Narasimhamurthy

15

Aged about 45 years  
S/o late. Chikkanarasimhaiah  
R/at Kuvempu road, II Block, Peenya P0  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.331/2004:

Smt. Akkachamma  
Aged about 65 years  
W/o late. Mariyappa  
R/at I Block, Peenya  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.334/2004:

Sri. M. Narasimhamurthy

Since dead by LRs

1) Sri. M.N. Ravishankar - Son - 52 years

2) Sri. M.N. Ramakrishna- Son - 50 years

Since dead by his LR's

2(a) Smt. Sukanya S.K.,  
W/o late Ramakrishna M.N.  
Aged about 55 years.

2(b) Sri. N.R. Prahlad,  
S/o late Ramakrishna M.N.,  
Aged about 34 years.

Both are residing at No. 764,  
Pradhvaya Nilaya,  
1st Cross, S.R.S. Road,  
1st Stage, 2nd Block, Peenya,  
Bengaluru-560 058.

2(c) Smt. Prathima  
W/o Raghu K.S.,  
16

D/o M.N. Ramakrishna M.N.,  
Aged about 36 years,  
Residing at No. 206,  
Kamadhenu Nilaya,  
Kamala Residency Apartment,  
S.R.S. Road, 1st Stage,  
2nd Block, Peenya,  
Bengaluru- 560 058.

3) Sri. M.N. Dwarakanath - son - 46 years

4) Sri. Lakshmikanth - 42 years

5) Sri. Sachidanand - 38 years

6) M.N. Ramesh - 36 years

7) Sri. M.N. Vasudeva Murthy - 34 years

8) Sri. M.N. Raghavendra - 32 years

All are sons of deceased M. Narasimhamurthy

9) Smt. Kamalakshamma - 62 years  
W/o late.M. Narasimhamurthy

claimants 1, 3 to 9 are residing at  
No.515, Harinivasa  
Sri. Anjaneya Temple Street  
II Block, Peenya P.O.  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.335/2004:

1) Sri. M. N.N. Murthy  
S/o late. M.Nanjundaiah

2) Smt. Puttaramakka  
W/o late. M. Nanjundaiah  
Aged about 62 years

17

Both are residing  
at Ramakrishna Nilay, II Block  
Kuvempu road, Peenya P0  
Bengaluru 58.

CLAIMANTS IN L.A.C. No.336/2004:

1) Sri. S. Devanand  
Aged about 45 years

2) Sri. S. Jivan Kumar  
Aged about 35 years

Sons of late. T. Srinivasan  
R/at No.349, 7th Cross, I Block  
Ward No.1, eenya P0  
Bengaluru Tumkur road  
Bengaluru -58.

CLAIMANTS IN L.A.C. No.337/2004:

M. Narasimhamurthy

Since dead by Lrs:

1) Sri. M.N. Ravishankar - Son - 52 years

2) Sri. M.N. Ramakrishna- Son - 50 years

3) Sri. M.N. Dwarakanath - son - 46 years

- 4) Sri. Lakshmikanth - 42 years
  - 5) Sri. Sachidanand - 38 years
  - 6) M.N. Ramesh - 36 years
  - 7) Sri. M.N. Vasudeva Murthy - 34 years
  - 8) Sri. M.N. Raghavendra - 32 years
- 18

All are sons of deceased M. Narasimhamurthy

- 9) Smt. Kamalakshamma - 62 years  
W/o late.M. Narasimhamurthy

claimants 1 to 9 are residing at  
No.515, Harinivasa  
Sri. Anjaneya Temple Street  
II Block, Peenya P.O.  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.338/2004:

D. Muniyappa

Since dead by LRs

- 1) M. Gopi @ Gopal,  
Aged about 42 years  
S/o late. Muniyappa
- 2) P.D. Venkataramaiah  
S/o Pete Dasappa, Brother
- 3) Akkamma  
Aged about 65 years, Sister
- 4) Muniyamma  
Aged about 58 years, Sister
- 5) D. Venkatesh  
Aged about 56 years, Brother
- 6) D. Govindaiah  
Aged about 54 years, Brother
- 7) D. Muniraju @ Chikkamuniyappa,  
Aged about 40 years, Brother
- 8) Lakshamma

Aged about 62 years, Sister

19

9) Jayamma

Aged about 52 years, Sister

All are residing at No.565  
Peenya, Bengaluru - Tumkur Road  
Bengaluru -560 058.

CLAIMANTS IN L.A.C. No.30/2005:

Smt. Puttamma

Since dead by his LR's

1(a) Sri. P.N. Shivaramaiah (Door No. 2)

Aged about 74 years

1(b) Sri. P.N. Ramalingaiah (Door No. 3)

Aged about 68 years

1(c) Sri. P.N. Basavalingaiah (Door No. 1)

Aged about 66 years

1(d) Sri. P.N. Neelakanta (Door No. 6)

Aged about 62 years

1(e) Sri. P.N. Channakeshava (Door No. 5)

Aged about 60 years

1(f) Sri. P.N. Sadashiva (Door No. 4)

Aged about 58 years

Sl. No. 1(a) to (f) are the sons of the  
deceased claimant Puttamma who  
who are all residing separately At  
House No. 279, 7th Main, 3rd Cross,  
1st Block, BBMP Ward No. 38, Peenya,  
Bengaluru-560 058.

CLAIMANTS IN L.A.C. No.31/2005:

Smt. Chowdamma

20

Since dead by LRs

Sri. Chikkachowdappa

Since dead by his LRs



1) Smt. Kamakka  
W/o late. Chikkagowdappa

2) Sri. P.C. Muniraju  
S/o late. Chikkachowdappa

3) Sri. P.C. Suresh  
S/o late. Chikkachowdappa

All are residing at  
Peenya village  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.38/2005:

The Vice Principal  
Government Pre Univesity College  
Peenya  
Bengaluru -58.

CLAIMANTS IN L.A.C. No.43/2005:

Sri. Chikkachowdappa P.M.

Since dead by LRs

1) Smt. Kamakka  
W/o late. Chikkagowdappa

2) Sri. P.C. Muniraju  
S/o late. Chikkachowdappa

3) Sri. P.C. Suresh  
S/o late. Chikkachowdappa

All are residing at  
Peenya village

21

Bengaluru -560 058.

CLAIMANT IN L.A.C. No.44/2005:

Smt. Poornima S.K. Singh  
W/o Sri. Santosh Kumar Singh  
Aged about 44 years  
No.6, II Cross,  
Subedarpalya  
Yeshwanthpura  
Bengaluru -560 022.

Presently residing at

No.8A, Waltair Park  
Visakhapatnam-530 003.  
A.P.

CLAIMANT IN L.A.C. No.275/2005:

Shivalingaiah

Since dead by LRs

Ramakrishna  
S/o late. Shivalingaiah  
Aged about 47 years  
Residing at Peenya village  
Bengaluru -560 058.

CLAIMANT IN L.A.C. No.276/2005:

1.V. Kumbaiah

Since dead by his LR's

1(a) Sri. V.K. Parthasarathy  
S/o late V. Kumbaiah  
Aged about 59 years,

1(b) Sri. V.K. Narasimhamurthy  
22

S/o late V. Kumbaiah,  
Aged about 57 years,

Both are residing at No. 19,  
22nd cross, Muneshwara Block,  
Pipeline, Mallasandra,  
Dasarahalli Post,  
Bengaluru-560 057.

1(c) V.K. Prabhamani  
D/o late V. Kumbaiah,  
Aged about 55 years,  
R/at No. 515, Hari Nivasa,  
2nd Block, Peenya,  
Bengaluru- 560 058.

1(d) V.K. Sarvamangala  
D/o late V. Kumbaiah,  
Aged about 53 years,  
R/at No. 1208, 2nd Cross,  
Prashanthnagar, Pipeline,  
Dasarahalli Post,  
Bengaluru-560 057.

1(e) Sri. V.K. Suresh  
S/o late V. Kumbaiah,  
Aged about 46 years,  
Residing at No. 22,  
22nd cross, Muneshwara Block,  
Pipeline, Mallasandra,  
Dasarahalli Post,  
Bengaluru-560 057.

(Sri. MNR/PR      Advocates)

RESPONDENTS:

1) The SLAO and Estate Officer  
NH-7, K.R. Circle  
Bengaluru -560 001.

2) The Executive Engineer  
23

National Highway No.4  
PWD Building, K.R. Circle  
Bengaluru -560 001.

3) The Project Director  
And Deputy General Manager  
National Highway Authorities of India  
MSR Enclave, Dasarahalli-Sy.No.13, 14 Kms  
Bengaluru - Tumkur Road  
Bengaluru -560 073.

(R-1 & R-2 - DGP)  
(Sri. SJP, Advocate for R-3)

COMMON JUDGMENT

All these references are made under Section 18 of L.A.  
Act, 1894 (hereinafter called as L.A Act for short) by the  
respondent No.1, S.L.A.O./BDA, Bengaluru.

.2. The brief facts of the cases are as follows:

The Special Land Acquisition Officer, NH-4, Bengaluru  
has acquired the lands belonging to the claimants/petitioners  
situated at Peenya village, Yeshwanthpura Hobli, Bengaluru  
North Taluka, Bengaluru for the purpose of widening of NH-4.

Preliminary notification was Gazetted on 31.05.1991 and final notification was Gazetted on 16.09.1993. The award was passed on 20.10.1995. The L.A.O. has fixed the market value at Rs.170/- per sq. meter in-respect of NAK lands and Rs.1,00,000/- per acre in-respect of dry lands. Being

24

aggrieved by the compensation fixed by the L.A.O., the above claimants have filed the application under Section 18 of L.A. Act. In pursuance to the said applications, the respondent has sent the following reference to this Court under Section 18 of L.A. Act.

L.A.C. No.	Extent sq. meters	CTS No.
4/2004	2404	1118
76/2003	127	1139
77/2003	94	963
78/2003	125	4218
79/2003	76	935
80/2003	118	1140
81/2003	76	953
82/2003	95	959
83/2003	88	962
85/2003	35	1129
180/2003	71	1153
181/2003	108	1152
183/2003	70.5 out of 282	1174
184/2003	70.5	1174
185/2003	70.09	932
226/2003	120	1123
227/2003	116	1120
228/2003	110	1122
14/2004	129	1121
323/2004	400	1103
324/2004	50	937
325/2004	332.5	1119
	25	
326/2004	60	1151
327/2004	11	1309
328/2004	223	1119
329/2004	42.5	1272
330/2004	23.06	933
331/2004	99	1119

334/2004	33	1272
335/2004	52	1272
336/2004	89	1168
337/2004	35	946
338/2004	60.50	940
30/2005	30.25	956
31/2005	92	961
38/2005	133	896
43/2005	90	960
44/2005	116	1173
275/2005	92	1124
276/2005	48	1125

.3. The claimants have contended that the compensation awarded in-respect of the lands is below the actual market value. Further they have stated that the valuation given to the malkies in the acquired portion of the lands and details of the malkies were also much less than the actual market value and existing malkies. The compensation that has been awarded for structures is less than the market value and so, the reference has been made to the court

26

.4. The respondent No.3 in L.A.C. No.76/2003, 77/2003, 78/2003, 79/2003, 85/2003, 180/2003, 181/2003 has filed objections stating that for the purpose of widening of National Highway No.4, several lands situated in Peenya village was sought to be acquired by the Executive Engineer, National Highways Division. The SLAO after conducting spot inspection of the acquired lands on 8th June 1995 fixed the compensation for NAK at Rs.170/- per sq. meters. The compensation for structures was valued based on the report on structures prepared and submitted by the

Executive Engineer, National Highways Division,  
Bengaluru by taking into consideration the S.R. Rates  
prescribed for the year 1990-91. It is stated that the  
compensation was fixed in accordance with Sections 23  
and 24 of the said Act. It is stated that the claim made by  
the claimant is exorbitant. It is stated that the claimant  
except for claiming higher compensation has not  
produced even an iota of evidence in substantiating her  
claim. It is stated that the onus is on the claimant to  
27

show that she is entitled to enhancement of  
compensation. The SLAO has fixed the compensation as  
per the prevailing market value as on the date of  
preliminary notification. It is stated that the valuation of  
structure was done by the SLAO based on the inspection  
report which is in accordance with law. It is stated that  
the claimant has not produced any evidence to establish  
that the value of the structures was much higher than  
what has been awarded by the Special Land Acquisition  
Officer. Hence, payed for dismissal.

.5. To substantiate the case of the Claimants, in all  
examined 45 witnesses as PWs.1 to 45. in L.A.C.  
No.78/2003, one witness has been examined as PW.1. In  
L.A.C. No.77/2003, one witness has been examined as  
PW.1. In L.A.C. No.30/2005, one witness has been  
examined as PW.1. In L.A.C. No.41/2005, one witness  
has been examined as PW.1. In L.A.C. No. 38/2005, one

witness has been examined as PW.1. In L.A.C. No.14/2004, one witness has been examined as PW.1

and got marked the documents as per Ex.P-1 to 90. In  
28

L.A.C. No.14, 5 documents have been marked as Ex.P.1 to 5. In L.A.C. No.77/2003, one document has been marked as Ex.P.1. In L.A.C. No.44/2005, 27 documents have been marked as Ex.P.1 to 27. In L.A.C. No.78/2003, one document has been marked as Ex.P.1. PW.22 and PW.44 are removed and placed in L.A.C. No.32/2007 and 33/2007 as delinked from the case. Ex.P.36 and 90 are removed from L.A.C. No.4/2004 and placed in L.A.C. No.32/2007 and 33/2007 respectively as L.A.C. No.32 and 33 of 2007 are delinked from L.A.C. No.4/2004

.6. Heard the arguments of both sides. Written arguments filed by both sides.

.7. The following points arise for my consideration:

1. Whether the reference u/s.18 of L.A. Act, made by the respondent No.1/SLA0, is valid and in time?
2. Whether the Claimants prove that the market value of the property determined by the respondent/S.L.A.0. is not reasonable and adequate?
3. Whether the claimants are entitle for higher compensation to the acquired property? If so, at what rate?
4. What Order or Award?

29

.8. My findings on the above points are as follows:-

Point No.1 : In the affirmative,  
 Point No.2 : In the partly affirmative  
 Point No.3 : In the partly affirmative  
 Point No.4 : As per the final order for the  
 following:-

# R E A S O N S

.9. Point No.1:- From the records along with  
 reference sent by the L.A.O., it is clear that the General award  
 was passed on 28.02.2004.

L.A.C. Number	Date of service of notice under Section 12(2)	Date of filing application U/s.18	Date of receipt of reference
4/2004	02.08.2002	14.08.2002	04.12.2002
76/2003	02.08.2002	13.11.2002	19.12.2002
77/2003	02.08.2002	25.10.2002	19.11.2002
78/2003	02.08.2002	06.11.2002	24.01.2002
79/2003	02.08.2002	06.11.2003	24.01.2003
80/2003	02.08.2002	12.11.2003	24.01.2003
81/2003	02.08.2002	12.11.2002	24.01.2003
82/2003	02.08.2002	25.10.2002	19.12.2002
83/2003	02.08.2002	25.10.2002	19.12.2002
85/2003	02.08.2002	25.10.2002	19.12.2002
180/2003	02.08.2002	30.10.2002	04.07.2003
181/2003	02.08.2002	25.10.2002	04.07.2002
183/2003	02.08.2002	02.11.2002	04.07.2002

30

184/2003	02.08.2002	02.11.2002	04.07.2002
185/2003	02.08.2002	02.11.2002	04.07.2003
226/2003	02.08.2002	02.11.2002	31.07.2003
227/2003	02.08.2002	02.11.2002	31.07.2003
228/2003	02.08.2002	02.11.2002	31.07.2002
14/2004	02.08.2002	01.10.2002	04.12.2002
323/2004	02.08.2002	28.12.2002	05.08.2004
324/2004	02.08.2002	28.12.2002	05.08.2004
325/2004	02.08.2002	18.11.2002	20.10.2004
326/2004	02.08.2002	18.11.2002	05.08.2004
327/2004	02.08.2002	02.11.2002	05.08.2004
328/2004	02.08.2002	18.11.2002	05.08.2004
329/2004	02.08.2002	22.11.2002	05.08.2004
330/2004	02.08.2002	18.11.2002	05.08.2004
331/2004	02.08.2002	18.11.2002	05.08.2004
334/2004	02.08.2002	22.11.2002	05.08.2004
335/2004	02.08.2002	22.11.2002	05.08.2004
336/2004	02.08.2002	18.11.2002	05.08.2004
337/2004	02.08.2002	22.11.2002	05.08.2004



338/2004	02.08.2002	02.11.2002	05.08.2002
30/2005	02.08.2002	16.11.2002	27.10.2004
31/2005	02.08.2002	25.10.2002	27.10.2004
38/2005	02.08.2002	22.11.2002	27.10.2004
43/2005	02.08.2002	30.10.2002	27.10.2004
44/2005	02.08.2002	20.09.2002	27.10.2004
275/2005	23.08.2002	25.10.2002	02.09.2005
276/2005	23.08.2002	02.11.2002	05.09.2005

31

.10. From the above table, it is clear that the claimants in the above cases have filed the application under Section 18 of L.A. Act, within 90 days from the date of service of notice.

.11. The award notice to the claimants was issued on 02.08.2002. From the above table, it is seen that the respondent has sent the reference within 3 years 90 days from the date of receipt of application. Hence, the references sent by the L.A.O. in all cases are valid and within the period of limitation. Accordingly, I answer point No.1 in the affirmative.

.12. Point No.2: The preliminary notification has been published on 30.05.1991. As per Ex.P.5 award, it is seen that the L.A.O. has fixed Rs.170/- per sq. meters for NA lands and for dry lands at Rs.1,00,000/- per acre. It has come in evidence that there are number of commercial complex and on either side of National Highway. There are number of industries, factories and the said areas are within Bengaluru City Corporation. The L.A.O. has in the award stated that there are no vacant lands. From Ex.P.20 it is seen that in-respect of acquisition in the year 1988 for widening of road at Chikkasandra village which is at a distance of 1 km far away

32

from the land acquired in this case, this court has fixed market value at Rs.500/- per sq. yard or Rs.166/- per sq. feet. So it is clear that the L.A.O. has not taken into consideration potential value of the land. The market value fixed by the L.A.O. is in-adequate and on the lower side. Hence, the point No.2 for consideration is answered in the affirmative.

.13. Point No.3:

AIR 1988 Supreme court 1652 (Chimanlal Hargovinddas Vs. Special Land Acquisition Officer, Poona and another).

Wherein their Lordship have held that:

"(1) A reference under Section 18 is not an appeal against the award and the court cannot take into account the material relied upon by the Land Acquisition Officer in his Award unless the same materials is produced and proved before the court.  
(2) So, also the Award of the Land Acquisition Officer is not to be treated as a judgment of the trial court open or exposed to challenge before the court hearing the Reference. It is merely an offer made by the Land Acquisition Officer and the material utilized by him for making his valuation cannot be utilized by the court unless produced and proved before it. It is not the function of the court to sit in appeal against the Award, approve or disapprove its reasoning or correct its error or affirm, modify or reverse the conclusion reached by the Land Acquisition Officer, as if it were an appellate court.

33

(3) The court has to treat the reference as an original proceeding before it and determine the market value afresh on the basis of the material produced before it.  
(4) The Claimant is in the position of a plaintiff who has to show that the price offered for his land in the award is inadequate on the basis of the materials produced in the court. Of course the materials placed and

proved by the other side can also be taken into account for this purpose."

.14. The evidence of PWs.1 to 7 discloses that at the time of acquisition, the area was full of commercial establishment industrial premises including residential premises around the area. PW1 has stated that big industries like WIPRO, Ingersoll Rand, Triveni, ISRO, Karmobiles, Kirloskar Electric Company, Dynametic Technologies, Fouress Engineering, Central Machine Tools, Bharath Fritz Werner and there are other 3000 industries around Peenya; that there are several nationalized Banks like Canara Bank, Vijaya Bank, State Bank of India, Central Bank of India, State Bank of Mysore, Punjab National Bank etc; that the BMTC 9 th Depot is situated within the proximity of I km distance and there are several senior and junior colleges both technical and non-technical Acharya Institute of Technology, Industrial Training institute, FTI, KLE, Dental college etc., so many apartments

34

have grown up abutting to National Highway at Peenya, they are platinum city, Gruhalakshmi Apartments, KIADB quarters, SRS quarters etc, totally Peenya is the one of the biggest industrial center in Asia Continent. Even before the acquisition all most all the factories have come up, all those factories were in existence, these facts prove that this area was fully developed industrially commercially at the time of acquisition of the land in question. The acquired land therefore suited not only commercial purpose but also

industrial purpose.

.15. The claimants have not produced any map of the area of documents to show that the said establishment existed at the time of preliminary notification. Subsequent development cannot be taken into consideration while determining the market value.

.16. The award discloses that the acquired land consist of structures and there are no vacant land. It also discloses that the acquired lands are within the Bengaluru City Corporation Limits. However, the award does not disclose that there are industries situated near the acquired area. The lands being situated within Corporation Limits and are

35

abutting National Highways the lands have potentiality for commercial purpose.

.17. The claimants have stated that the L.A.O. has not properly valued the cost of the building which was in existence at the time of passing the award. The basis for determining the compensation for building obtained from the Executive Engineer, National Highway No.4 is not proper. The Executive Engineer had failed to take notice of the potential value of the building and the valuation made is against the prevailing standard rates of the Government notification issued from time to time. So, they have got valued the building by separate approved valuer who has valued based on the schedule rate of the PWD as on 1990-91. They have produced the assessment report and sketch prepared by

approved value.

.18. In L.A.C. No.4/2004 the claimant C. Rangaswamy has been examined as PW1. From the General award, the details of acquired property

Corp No.	CTS No.	Extent Sq. m	Type	Land Value Rs.	Malkies Rs.	Structure Rs.
3/1,	1118	3842	NAK	6,53,140	46,453	17033 1,69,237
36						

.19. The reference has been sent to an extent of 2404 sq. meters plus building. In the award, it is mentioned that Sri. Rangaswamy S/o Chikkanna, Bharat, Basant Singh Narang S/o Prakash are khathedars. In the application under Section 18 the claimant has mentioned the extent as 3842 sq. meters. However, in his evidence the claimant has stated that the land acquired totally measures 2404 sq. meters. So, the extent of reference is confined to 2404 sq. meters.

.20. PW.1 has stated that the above property is his ancestral property and has been converted for non-agricultural purpose in the year 1977. He has constructed RCC roof building measuring 106.78 sq. meters and AC sheet roof building measuring 123.10 sq. meters. He has let out the same for running hotel and commercial establishment.

.21. PW.1 has stated that the award fixed by the L.A.O. is inadequate, insufficient, arbitrary and one sided. He has stated that the L.A.O. has not properly valued the cost of building which was in existence at the time of passing of

award. The Executive Engineer had failed to take notice of the potential value of the building. So, he got valued the

37

building by approved valuer based on the schedule rate of PWD. Ex.P.22/53 is the valuation report prepared by H.G. Ramegowda. As per report, the valuer has taken the land value at Rs.16.96 per sq. meters based on sale deed executed by T. Radhakrishna in-respect of Industrial plot No.173. In the report the valuer has valued land at Rs.40,77,184/- , building at Rs.3,59,787/- and malkies at Rs.46,453/-.

.22. During cross-examination the claimant has denied that the buildings were illegally constructed and that he has not leased any building.

.23. It is relevant to note that the valuation report is not corroborated by any document with regard to the extent and type of building. The award does not specify the extent of RCC roof and AC sheet roof. PW.1 has also not produced assessment extract to know the type of building.

.24. In L.A.C. No.76/2003, Krishnamurthy legal heir of claimant Smt. Savithramma has been examined as PW.42.

From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
480	1139	127	21,590	49,620

38

.25. PW.42 has stated that his mother died long back. Thereafter, all the LRs were brought on record and are together claiming compensation. The above property

constructed by his father Yalakki Narasimhaiah and he constructed the commercial building abutting to the NH-4 and after the death of his parents, LRs were living in joint possession and enjoyment of the said property as absolute owners. He has stated that the market value fixed by the L.A.O. is not correct.

.26. To corroborate his contention, he has examined Ramegowda as PW.31 and got marked valuation report as per Ex.P.53. He valued land at Rs.16.96 per sq. meter. He valued the RCC building at Rs.2,264 per sq. meters, ACC and Mangalore tiled at Rs.1,585/- per sq. meter based on the rate in 1990-91. He has calculated the compensation for land at Rs.2,15,392/- and building at Rs.72,301/-. The valuation report is not supported by any of the document with regard to extent and type of building.

.27. The claimant P.M. Munichikkanna in L.A.C. No.77/2003 has been examined as PW.1. From the General award, It is seen that the details of the acquired property

39

Khanesh CTS No. umari No.	Extent Sq. m.	Type	Land Value Rs.	Building/ structure value Rs.	
128	963	94	NAK	15,980	24,105

.28. He has stated that the claiming compensation of Rs.1,000/- per sq. feet as sital value and Rs.8,00,000/- for building which was in existence as on the date of preliminary

notification. He has produced valuation report as per Ex.P.1 marked in L.A.C. No.77/2003. The valuation has been prepared by C. Suryanarayana Shetty. It is stated in the report that he has inspected the acquired land on 14.06.2002 and 15.06.2002. He has valued the land at Rs.1692 based on sale deed executed by T. Radhakrishna. He has calculated the compensation for land at Rs.1,59,424/- and for building at Rs.53,816, in total Rs.2,13,240/-.

.29. During cross-examination, PW.46 has stated that Suryanarayana Shetty has expired. Death certificate has not been produced. So, the valuation report cannot be accepted.

40

PW.1 has not produced any document with regard to the type of building and extent.

.30. In LAC No. 78-2003 the claimant Narasimhaiah has been examined as P.W. 1. From the General Award it is seen that the details of the acquired property

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building / structure value Rs.	Trees
280	1218	125	21,250	33,048	8246

.31. P.W. 1 has stated that he is absolute owner of the above property the amount awarded by the LA0 is meager. As on the date of preliminary notification the sital value is about Rs. 1,000/- sq. ft. and the value of the building is about Rs. 3,00,000/-. He has produced valuation report as per Ex.P. 1



in LAC No. 78/2003. The valuation has been prepared by Sri.

C. Suryanarayana Shetty. It is stated in the report that he has inspected the land on 14-06-2002 and 15-06-2002. He has valued the land at Rs. 1692/- based on sale deed executed by T. Radhakrishna. He has valued the structure based on the schedule rates of PWD on 1990-91. He has calculated the compensation of land at Rs. 2,12,000/- and for the building  
41

at Rs. 58,613/-. During cross examination P.W. 1 has stated that in the acquired land there was one stone building, one tiled building and one AC sheet roof building. It is elicited that the buildings were 60-70 years. His evidence discloses that Suryanarayana Shetty has expired. Death certificate of valuer has not been produced and so valuation report cannot be relied. P.W. 1 has not produced any document with regard to the extent and type of building.

.32. In L.A.C. No.79/2003, Arunkumar the legal heir of claimant has been examined as PW.45. From the General award, it is seen that the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
205	935	76	12,920	54,524

.33. PW.45 has stated that his father C. Ramaiah (claimant) died on 21.10.2007 leaving behind his Lrs. He has stated that the valuation made by L.A.O. is not proper and is claiming compensation at Rs.2,000/- per sq feet. He has not produced valuation report pertaining to his property. He

admits that he has not produced conversion order.

42

.34. Claimant in L.A.C. No.80/2003 has been examined as PW.23. From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
352	1140	118	20,060	68,537

.35. PW.23 has stated that he acquired the property under partition deed dated 15.12.2000. Ex.P.58A is the sale deed dated 16.08.1938. Ex.P.59 is the sale deed dated 28.08.1941. Ex.P.60 is the partition deed. Ex.P.61 is the City Survey sketch. Ex.P.62 is the City Survey Enquiry report. Ex.P.63 is the award. The title of claimant is not in dispute. The L.A.O. has acquired portion of land measuring 118 sq. meters. The property acquired by the respondent was consisting of commercial building to the front side of the road and residential to the back side and it was facing the Highway road. As on the date of acquisition the market value of the site attaching to the main road was more than Rs.5,000/- per sq. feet. The above said property was consisting of ground floor and first floor. In the ground floor 3 commercial shops were there and out of 3 shops, two shops were let out for

43

retail business purpose and one was let out for clinic purpose. He was getting monthly income from 3 shops Rs.7,500/- and in the 1st floor, the 3 residential accommodation were let out

and fetching a monthly rent of Rs.6,000/-. The built up area of the property was approximately 1300 sq. feet and the building life was more than 60 years. When the possession of the property was taken the building was 20 years old and it valued at Rs.9,00,000/-.

.36. PW.23 has stated that he lost monthly rent of Rs.13,500/- every month and it will come to Rs.1,62,000/- per year. If it is calculated to 20 years, it will come to more than Rs.33,00,000/-. The market value of the property was Rs.63,50,000/-. The SLAO has passed the award unreasonably and unjust compensation of Rs.2,15,941/- for acquisition of 118 sq. meters of his land. The basis for determining the compensation for building obtained from the Executive Engineer is not just and proper. So, he got a separate approved Engineer to assess the correct valuation of the building based on the schedule rate of the PWD.

.37. In support of his contention, he has produced valuation report pertaining to his property as per Ex.P.37  
44  
prepared in the year 2003. From Ex.P.37, it is seen that the valuer visited the spot on 12.04.2003 and valued the property on prevailing market rate. He has valued the ground floor at Rs.3,12,500/- and 1st floor at Rs.2,50,000/-, in total Rs.5,62,500/- in-respect of property measuring 1750 sq. feet. The valuation report is prepared by N.D. Devaraj. He visited the spot on 12.04.2003 for the purpose of assessing correct value on 1990-91.

.38. During cross-examination PW.23 admits that he has not produced documents for having received rent; that he has not produced the income tax returns as he is not having income. He has examined valuer as PW.28 to corroborate his contention.

.39. N.D. Devaraj is examined as PW.29. He has stated that he inspected the property bearing CTS No. 1140, situated at Peenya village and found that the property was consisting of two storied building with a built up area of 625 sq. feet each in ground floor and first floor. The building is built on a well laid size stone masonry with the super structure built with brick masonry in cement mortar, plastered and painted on both the sides of the walls, the flooring is of cement

45

concrete, rolling shutters and honne/sal wood for joineries, steel grills with glass panes for windows frames and shutters. Basic civic amenities are available in the locality. The building is more than 20 years old and has a future estimated life of about 20 years against proper repairs and maintenance. Considering the type of construction, age of the building, the valuation of the building after depreciation works out to Rs.5,62,500/- as on 12.04.2003.

.40. During cross-examination PW.29 admits that he has not produced any documents to show that he is registered valuer. In this case he has valued only the structure. At the time of valuation, he has not examined the sanctioned plan. He has stated that the front portion was used for commercial

purpose and the back portion was used for residential purpose. On perusal of Ex.P.37, the basis of valuation is the prevailing market rate. The detail calculation with regard to valuation is not produced. The valuation ought to have been made on the date of preliminary notification. As the valuation is made on prevailing market rate, the same cannot be relied for fixing the market value of the acquired land.

46

.41. It is to be noted that the claimant has not produced any document with regard to the type and nature of the structure.

.42. The claimant in L.A.C. No.81/2003 has been examined as PW.24. From the General award, it is seen about details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
191	953	76	12,920	44,653

.43. PW.24 has stated that he is the owner of the above property. After the death of his father, he has been enjoying the said property as absolute owner. Ex.P.64 is the sale deed dated 12.08.1957. Ex.P.65 is the property card. Ex.P.66 is the survey sketch. Ex.P.67 is the survey enquiry report. Ex.P.68 is the award. Ex.P.69 is the death certificate of Hanumakka. The title of the claimant is not in dispute. Ex.P.24 has stated that major portion of the property has

been acquired, which consist of commercial building facing to the National Highway road and as on the date of acquisition of the said property, the market value of the said site

47

attaching to the main road was more than Rs.5,000/- per sq. feet.

.44. PW.24 has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. He got appointed a separate approved Engineer to assess the correct valuation of his building based on the schedule rate of the PWD and the valuer has given his report.

.45. To corroborate his contention, he has produced valuation report as per Ex.P.38. From Ex.P.38, it is seen that N.D. Devaraju, Civil Engineer has given valuation report pertaining to the building of the claimant. The said report discloses that he visited the spot on 12.04.2003 and the basis of valuation is prevailing market rate. He has valued the ground floor of the building at Rs.3,25,000/-.

.46. N.D. Devaraj is examined as PW.30. He has stated that on 12.04.2003 he inspected the spot and found that the property was consisting of single storied building with build up area of 650 sq. feet of ground floor. The building is built on a well laid size stone machinery with the super structure built with brick machinery in cement mortar, plastered and

48

painted on both the sides of the walls, the flooring is of cement concrete rolling shutters and honne/sal wood for

joineries, steel grills with glass panes for windows frames and shutters. He has stated that the basic civil Amenities are available in the locality. The building is more than 20 years old and has a future estimated life of about 20 years against proper repairs and maintenance. Considering the type of construction, age of the building, valuation of the building, after depreciation works out to Rs.3,25,000/- as on 12.04.2003 and he prepared a report to that effect on 14.04.2003.

.47. During cross-examination he admits that PW.24 has not produced documents to show that he is registered valuer. It is elicited that he valued the property on the basis of comparable sale method and sale deeds pertaining to neighbouring lands. In the present case, he has valued only for building. He has stated that at the time of valuation, he has not seen sanctioned plan. He has stated the building is commercial land. During the year 1993 for construction of 1 sq. meters, cost would be Rs.150/-. He has identified the valuation report as per Ex.P.38.

49

.48. During cross-examination PW.24 has admitted that he has not produced the documents to show that land is converted land. He has stated that the land is situated within the gramathana. With regard to document relating to permission of construction, he has stated that his advocate knows. He has not paid property tax as he has no income. He has not produced rental receipt. From the report, it is

seen that valuation is made in the year 2003 based on the market value. The acquisition in the present case has taken place in the year 1991 and so, the valuation made is not as on the date of acquisition and so, it cannot be looked into. The claimant has not produced document with regard to the nature and extent of structure.

.49. Ranganna S/o late. Chowdappa (claimant) in L.A.C. No.82/2003 and L.A.C. No.83/2003, has been examined as PW.35. From the General award, the details of acquired property (L.A.C. No.82/2003):

Khaneshu mari No.	CTS No.	Extent Sq.m	Land Value Rs.	Building value Rs.
129	959	95	16,150	1,94,467

(L.A.C. No.83/2003):

50

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
129/A	962	88	14,960	62,220

.50. PW.35 has stated that the above property is an ancestral property of his family. PW.35 has stated that he is one of the LRs of claimant No.1(c) in the above case. He is the owner of the above property to an extent of 88 sq. meters situated at Peenya village. After the death of his father, LRs are entitled to equal share and claiming equal compensation. He has stated that land has not been properly valued, the cost



of the building which was in existence at the time of passing compensation for building obtained from the Executive Engineer is not just and proper. The L.A.O. has failed to take notice of the potential value of the building and that the valuation made therein is highly illegal, incorrect and arbitrary and against prevailing standard rate of the Government notification issued from time to time. He got valued the building by approved valuer to assess the correct value of the individual building based on the schedule rate of 51

the PWD as on 1990-91. To corroborate his contention, PW.35 has not produced valuation report.

.51. Venkatesh (Legal heir) S/o late. Claimant Gangamma in L.A.C. No.85/2003 has been examined as PW.41. From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
246	1129	35	5,950	22,618

.52. PW.41 has stated that he is the owner of the above property with structure situated at Peenya village. After the death of his father, his mother and other LRs are entitled to the share. He has stated that the award passed by L.A.O. is inadequate; that with regard to the building, valuation has not been properly done. Though the Executive Engineer is competent to determine the market value of the buildings, he has failed to take notice of the potential value of the building.

He got appointed a separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91.

52

.53. Ex.P.54 is the valuation report prepared by Ramegowda. Ex.P.71 is same as Ex.P.54 valuation report. The report of the valuer discloses that he has inspected the land on 14.06.2002 and 15.06.2002. For the purpose of assessing correct value on 1990-91, he has based his valuation on schedule of rates of PWD. He has valued the land at Rs.59,360/- and building value at Rs.39,942/-. Ex.P.72 are the 2 photos along with negative pertaining to this claimant's property.

.54. During cross-examination PW.41 has stated that his property is situated at a distance of 100 meters from NH-4. The photos have been taken in the year 2005. He does not know Ramalingegowda. He has given evidence on 05.10.2021 and has stated that Ramegowda was not well. So, he could not been examine regarding acquisition in the present case. Ramegowda valuer has been examined as PW.32. In his evidence he has stated with regard to valuation made by him with regard to this claimant property as per Ex.P.54. The photographs are taken in the year 2005. As the date of preliminary notification is 30.05.1991 a lot of changes would

53

have taken place from 1991 to 2005 and so Ex.P.72 cannot be relied for assessing the market value.

.55. The claimant Padma in L.A.C. No.180/2003 has been examined as PW.37. The memo has been filed adopting deposition of PW.28.

.56. From the General award, it is seen about details of acquired property:

Khaneshu mari Nos.	CTS Nos.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
266, 265, 112	1153, 1152, 1151	273	46,410	4,91,497

.57. PW.37 has stated that the property bearing Khaneshumari No. 266, CTS No. 1153 to an extent of 71 sq. meters along with structure is her ancestral property and she got it under the partition deed. Ex.P.85 is the partition deed. From the said document, it is seen that claimant Padma has been allotted D schedule property. From the schedule D property it is seen that Khaneshumari and CTS numbers are not mentioned. However, from 19 particulars sent by the L.A.O. it is seen that compensation amount has been paid to her. So, she is entitled for enhanced compensation if ordered

54

to an extent of 71 sq. meters. Ex.P.84 is the partition deed. Ex.P.86 is demand register extract.

.58. Ex.P.87 is the death certificate of Munibyaiah. Ex.P.88 is the death certificate of Lokanath. Ex.P.89 is the death certificate of Jogappa. Munibyaiah is one of the parties to the Partition deed. Jogappa is grand father of the claimant. Lokanath is one of the beneficiaries in the partition

deed. Ex.P.86 is the demand register extract. The document stands in the names of Munibyaiah and Jogappa. Schdule D property No.45 has been allotted to the claimant. There is no dispute with regard to the title. The claimant has stated during cross-examination that National Highway is near to her property and she knows Ramegowda, when he came for survey. Ex.P.85 is the valuation report prepared by Ramegowda. She has got the building valued by approved valuer as per the PWD rates. Ex.P.85 is one page report. From the report, it is seen that valuation is made as per rates of the PWD as on 1990-91. The report does not disclose the date when he inspected the spot. Ramegowda has been examined as PW.28. In his evidence he has not stated that he has prepared valuation report pertaining to this case. So, the

55

valuation report is not in accordance with law and the same cannot be relied to fix the market value of the acquired land.

.59. The claimant Siddagangappa in L.A.C. No.181/2003 has been examined as PW.43. The reference has been sent in-respect of Khaneshumari No. 265, CTS No. 1152. From the General award, it is seen about details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
266, 265, 112	1153, 1152, 1151	273 (total)	46,410	4,91,497

.60. The reference is sent in-respect of Khaneshumari

No. 265 - 1152, extent 273 sq. meters. The claimant has been paid compensation in-respect of 108 sq. meters plus building.

.61. PW.43 has stated that Khaneshumari No. 266, CTS No. 1153 is totally measuring 160.80 sq. meters. The above property is an ancestral property and his father was kartha of the joint family. He has stated that his father had constructed 5 shops which were commercial buildings in the said property and his father died on 08.08.1987. He has stated that a part

56

of the above said land and building measuring 108 sq. meters has been acquired. The compensation awarded is meager. He has stated that the Executive Engineer has failed to take notice of the potential value of the building and that the valuation made by him is incorrect. He got separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91.

.62. To corroborate his contention, he has produced notice dated 18.07.2005 as per Ex.P.77. From the notice, it is seen that in-spite of receiving compensation, he has not vacated the land and building. So, he has been directed to vacate the premises within a week. Ex.P.78 is the notice under Section 9(1) of L.A. Act. Ex.P.79 is the notice under Section 12(2) of L.A. Act. Ex.P.80 is the property register extract. The property stands in the name of Jogaiah. Ex.P.81 is the City Survey Field Book. Ex.P.82 is the enquiry register of Urban Survey. Ex.P.83 is the Form-9 in-respect of building

site and holding certificate in-respect of CTS No. 1153 measuring 168.8 sq. meters. As portion of the property only is acquired, the claimant is entitled to receive enhanced compensation to an extent of 108 sq. meters if ordered.

57

.63. PW.43 has stated that the valuation made by the Executive Engineer is not correct. In this regard he has examined valuer Ramegowda as PW.33 and has produced valuation report as per Ex.P.55. He has stated that he has fixed for RCC at Rs.2,264 per sq. meters and for ACC and Mangalore tiled structure at Rs.1585 based on the rates for the year 1990-91.

.64. He has valued the compensation fixed for land at Rs.4,63,000/- and for building at Rs.5,57,333/-

.65. During cross-examination PW.43 pleads ignorance about the date when report was prepared. To the question whether he would examine Ramegowda, he has stated that he does not know Ramegowda.

.66. The claimant has not produced any document with regard to the type of structure.

.67. The claimant B. Venkataramana in L.A.C. No.183/2003 has been examined as PW.2. The reference has been sent in-respect of Khaneshumari No. 278A, CTS No. 1174. From the General award, it is seen about details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure
----------------------	---------	------------------	-------------------	------------------------

58

				value
				Rs.
278A, B, C, D	1174	282	47,940	87,745

.68. PW.2 has stated that he is the absolute owner of the land with building. After the death of his father, he has been in possession and enjoyment of the said property. He gave property for rent to run commercial establishment and was getting rent of Rs.2,500/- p.m. A part of the above said land as well as the building measuring 282 sq. meters (out of which his share is property measuring 70.5 sq. meters) have been acquired for the purpose of formation of service roads on either side of the National Highway No.4. He has received his share of Rs.82,677/- i.e., 1/4th share of total award amount. He has sought for enhancement of compensation and to make apportionment of the amount equally for all the Co-parceners, wh are entitled for 1/4th share in the property. This claimant is entitled for compensation to an extent of 1/4th of the enhanced amount if ordered.

.69. PW.2 has stated that the L.A.O. has awarded meager amount and the valuation fixed by the Executive Engineer for determining the market value of the building is

59

not correct and against the prevailing standard rates of the Government notification. He got appointed a separate approved Valuer to assess the correct valuation of his building based on the schedule rate of the PWD as on 1990-91. He has filed assessment report with sketch prepared by approved

valuer.

.70. Ex.P.51 is the valuation report prepared by Suryanarayana Shetty. He has stated that he inspected the property on 14.06.2002 and 15.06.2002. He has valued on 1990-91 based on the rates of PWD. He has valued the compensation for the land measuring 70.5 sq. meters at Rs.1,19,563/- and building at Rs.69,128/-. PW.29 has stated that Suryanarayana Shetty is his colleague and now he is bed-ridden. He has identified the signature of Suryanarayana Shetty on the report.

.71. During cross-examination PW.2 admits that he has not produced conversion order and he is not having permission or completion certificate with regard to structure. He is not having rental agreement nor rental receipt for having received the rent. He has stated that he is not income tax payee. He has not produced income tax returns. The

60

claimant has not produced any documents with regard to the type of structure.

.72. General Power of Attorney holder M. Gopal of claimant Akkachamma is examined as PW.11 in L.A.C. No.184/2003.

From the General award, it is seen about details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
278A	1174	282	47,940	87,745



.73. The reference has been sent in-respect of Khaneshumari No. 278C, CTS No. 1174. This case is connected to L.A.C. No.183/2003. As per the statement under Section 19 the amount of award is Rs.3,30,709/- and this claimant has received Rs.82,677/-. PW.11 has stated that the property bearing Khaneshumari No. 278, CTS No. 1174 of Peenya village measuring 20 X 80 feet was acquired by claimant under the family partition deed. The claimant received the award amount under protest. He has stated that the amount awarded by the L.A.O. is meager. Though he has stated that valuation made by Executive Engineer is not correct with regard to the structure, the claimant has not produced the valuation report. As the claimant has received only 1/4th of compensation awarded, the LRs of the claimant are entitled for 1/4th of the enhanced compensation if ordered.

.74. P.M. Nagaraju the legal heir of claimant No.1 is examined as PW.20 in L.A.C. No.185/2003. The reference is sent in-respect of Khaneshumari No. 158E, CTS No. 932 measuring 70.09 sq. meters, for land a sum of Rs.2905.

.75. From the General award, it is seen about details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
158E	932	70.09	2,905	-

.76. He has stated that the above property is an ancestral property. Khatha of the property stands in the name of his father and his brother i.e., claimant No.2 Hanumantharayappa and they are entitled to equal share. His father had constructed shops and commercial building in the said property. A part of land and building measuring 3 sq has been acquired. The award passed by the L.A.O. is inadequate and that the Executive Engineer has failed to take notice of the potential value of the building and that the valuation made by him is incorrect. He got separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To corroborate his contention, he has not produced valuation report. Ex.P.34 is the death certificate of his father Munichikkanna, who died on 17.07.2008.

.77. PW.28 Ramegowda in his evidence has stated that he has inspected the land and has prepared valuation report, for the reasons best known to him the report has not been produced.

.78. During cross-examination PW.20 admits that he has not produced conversion order. He has not produced the documents relating to construction of shop like building permission or completion certificate. He admits that he has not produced rental agreement and rental receipt. The L.A.O. has not awarded any compensation towards structure. The claimant has not produced any document with regard to type

of structure and existence of building in the acquired land.

So, he is not entitled for compensation in-respect of structure.

63

.79. M. Munivenkatappa and his brother M. Muniyappa are claimants 1 and 2 in L.A.C. No.226/2003. Siddalingamma W/o Munivenkatappa (Lr of claimant No.1) has been examined as PW.7.

.80. From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
427	1123	120	20,400	-

.81. PW.7 has stated that after purchase by her father-in-law, they have constructed a shop building and residential house in the rear portion and the same was let out. She has stated that the valuation fixed by the L.A.O. is not correct. To corroborate her contention, she has not produced any documents. Ramegowda, valuer has been examined as PW.28. He has stated that he filed valuation report in this case. For the reasons best known to him, the valuation report has not been produced.

.82. During cross-examination, PW.7 admits that she has not produced conversion order. She has not produced building permission or completion certificate like wise she has

64

not produced any rental agreement or rental receipt. It is elicited that she is not income tax payee. The L.A.O. has not

awarded any compensation towards structure. The claimant has also not produced any documents with regard to the type of structure and the existence of building in the acquired land. So, they are not entitled for compensation in-respect of structure.

.83. B. Vajravelu the legal heir of claimant Doraiswamy is examined as PW.8 in L.A.C. No.227/2003. From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
239	1120	169.06	28,740	51,784

.84. The reference is sent in-respect of 116 sq. meters. The claimant has been paid compensation for 116 sq. meters plus building.

.85. PW.8 has stated that the above property was purchased by his father from Kamashettappa and after the purchase of the property from his father, he has constructed shop premises and he has been in possession and enjoyment of the said property as the owner.

65

.86. He has stated that after the deed of partition, they have constructed two shops building and the residential house in the rear portion and they have let out the same. A part of the above said land as well as the building measuring 169.06 sq. meters have been acquired for the purpose of formation of service roads on either side of the National Highway No.4. The award passed by L.A.O. is inadequate. He

has stated that the Executive Engineer has failed to take notice of the potential value of the building and that the valuation made by him is incorrect. He got separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91 as per Ex.P.26.

From Ex.P.26, it is seen that valuation report is prepared by Ramegowda. In the report, it is stated that he has inspected the land on 14.06.2002 and 15.06.2002 for the purpose of assessing correct value on 1990-91 based on schedule of rates of PWD. He has valued the land at Rs.1,74,688/- and building value at Rs.1,63,255/- for 103 sq. meters. The valuation is made as per SR rates of 1990-91.

.87. During cross-examination PW.8 admits that he has not produced conversion order and building permission order.

66

He has stated that he has paid income tax. But he has not produced the documents. He denies that valuation report is created for the purpose of this case. The claimant has not produced any documents with regard to the extent of land acquired. As the reference and the compensation paid is only to an extent of 116 sq. meters. The claimant is entitled for enhanced compensation to an extent of 116 sq. meters if ordered.

.88. General Power of Attorney holder Shivalingappa of claimant is examined as PW.14 in L.A.C. No.228/2003.

Ex.P.31 is the Special power of attorney. From the General award, the details of acquired property:

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
240	1122	110	18,700	96,352

.89. PW.14 has stated that the above property was purchased by his mother on 22.08.1956 under the registered sale deed vide Reg. No.4005 of 1956-57. After the purchase, his mother had constructed 3 shop building in the ground floor with a residential house in the rear portion and office accommodation in the 1st floor and let out all the shops and office accommodation in the said building.

.90. He has stated that with regard to the building, valuation has not been properly done. Though the Executive Engineer is competent to determine the market value of the buildings, he has failed to take notice of the potential value of the building and that the valuation made therein is highly illegal, incorrect and arbitrary and much against the prevailing standard rates of the Government notification issued from time to time. He got appointed a separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91.Ex.P.32 is the valuation report prepared by Ramegowda. From the valuation report it is seen that the valuer has inspected the land on 14.06.2002 and 15.06.2002 for the purpose of assessing correct value on 1990-91. The land rates applied are based on the rate adopted to khata No.A/173 for 854.88

In L.A.C. No.04/2004 vs ) The Slao And Estate Officer on 24 May, 2022  
sq. meters on 11.10.1989 by Special Land Acquisition Officer.  
He has valued the land at Rs.1,11,809/- and building at  
Rs2,81,529.

68

.91. During cross-examination it is elicited from PW.14  
that the structure might have been constructed about 30-40  
years back. He has not produced any documents to show that  
the building is RCC structure.

.92. The claimant Doddanarasaiah has been examined  
as PW.1 in L.A.C. No.14/2004. From the General award,  
details of the property acquired

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
240/1	1121	299	50,830	2,30,127

.93. The reference has been sent in-respect of 129 sq.  
meters. The statement under Section 19 the compensation  
awarded at Rs.3,20,000/- to an extent of 129 sq. meters plus  
building. The claimant is entitled for enhanced compensation  
only to an extent of 129 sq. meters if ordered.

.94. PW.1 has stated that he is the absolute owner of  
the property, having purchased the same under registered  
sale deed dated 31.01.1973. After the purchase he has  
constructed a RCC roofed with dressed stone building  
measuring 45 X 25 feet and let out 4 shops in the ground  
floor and 4 office accommodation in the 1st floor. He has

69

constructed commercial building in the rear portion of the

said property and let out the same. The said building was constructed in the year 1983. He has stated that a part of the said land measuring 129 sq. meters and the building including ground floor and 1st floor measuring 165.31 sq. meters has been acquired for the purpose of formation of service roads. He has stated that the award passed by the L.A.O. is meager and the L.A.O. has not properly valued the cost of building. The Executive Engineer has failed to take notice of the potential value of the building. He has got appointed a separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91.

.95. To corroborate his contention, he has relied upon the following documents. Ex.P.1 is the sale deed dated 31.01.1973. The title of the claimant is not dispute. So, it is not necessary to discuss the same. Ex.P.2 is the letter dated 16.10.2007 written by Asst. Executive Engineer, BESCO, Bengaluru confirming that he has taken power sanction to the building. From Ex.P.2 it is seen that there is no details with regard to the extent of building. The claimant has produced

70

lease agreement dated 01.09.2003 executed by him in-favour of one K. Ramaswamy, Proprietor as per Ex.P.3. The award in the case has been passed in the year 1998. So, this document is not relevant for determining the market value of the property. Ex.P.4 is the photographs of the building. Ex.P.5 is the negative. The claimant has not stated that as to when



photographs have been taken.

.96. During cross-examination he admits that he has not produced any documents in-respect of building certificate/ completion certificate. The claimant has not produced any documents with regard to the extent and type of structure.

.97. The claimant Ramachandra is examined as PW.18 in L.A.C. No.323/2004. From the General award, It is seen that he is the owner of the property bearing

Khanesh CTS No. umari No.	Extent Sq. m.	Land Value Rs.	Building/ Malkies structure value Rs.	
286	1103	400	68,000	983 100

.98. PW.18 has stated that he is the owner of the property totally measuring 5986 sq. feet with built up area of 15 square RCC roof and 10 square feet with built up area of 71

15 sq. RCC roof and 10 SQ. AC sheet building out of which, commercial site measuring 4875 sq. feet abutting to National Highway and industrial site measuring 55,986 sq. feet on the rear portion of the above said property have been acquired. A part of the building measuring 400 sq. meters have been acquired. The award passed by L.A.O. is inadequate.

.99. PW.18 has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got valued the separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To

corroborate his contention, he has not produced valuation report. He has not produced any document with regard to extent and type of building.

.100. The legal heir Suresh S/o claimant Papanna is examined as PW.9 in L.A.C. No.324/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
203B	937	50 72	8,500	22,448

.101. PW.9 has stated that the above property was allotted to brother of claimant which was the ancestral property. After purchase of the property by Thumbadi Chikkanna he had constructed a residential building and he had been in physical possession and enjoyment of the said property with the joint family members as an absolute owner till his death and thereafter his father. Land measuring 60 sq. meters has been acquired. The award passed by L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. He has produced valuation report as per Ex.P.27. The said report is prepared by Suryanarayana Shetty. In the report, it is stated that he has inspected the land on 14.06.2002 and 15.06.2002 for the purpose of assessing

correct value on 1990-91. He has valued the land at Rs.64,448/- and building at Rs.43,117/-. However, Ramaswamy valuer examined as PW.28 has stated that he and Suryanarayana Shetty his colleague had gone to the spot

73

on 14.06.2002 and 15.06.2002 and inspected each and every properties. Sri. Ramaswamy has not identified the signature of Suryanarayana Shetty in the report Ex.P.27. No document is produced with regard to type of structure.

.102. PW.9 admits that he has not produced building permission and that he is not income tax payee.

.103. The claimant B. Venkataramana is examined as PW.16 in L.A.C. No.325/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs. (trees)
1/1	1119	1937	3,29,290	26,829

.104. The reference is sent only in-respect of 332.5 sq. meters.

.105. PW.16 has stated that the above property is the joint family property and part of the land totally measuring 1937 sq. meters, out of which, his share is 223 sq. meters has been acquired for the purpose of formation of service road. Out of which 1/4th share of property has been acquired. He is claiming enhancement of compensation amount and to

74

make apportionment of amount equally for 1/4th share. The award passed by L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To corroborate his contention, he has not produced valuation report. He admits that he has not produced any notification issued by the Government including Sy.No.1/1 as semi urban, urban, town or municipality. He has not produced any document with regard to type of building. This claimant is entitled to enhanced compensation only to an extent of 332.5 sq. meters if ordered.

.106. The legal heir C.M. Raja S/o claimant Chikkamuniyappa is examined as PW.26 in L.A.C. No.326/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
266	1151	60	10,200	-
75				

.107. PW.26 has stated that the above property was allotted in the partition to his father Chikkamuniyappa. After the partition, his father had constructed the shop building and a residential building in the rear portion and let out the same and was getting rent of Rs.3,500/- per month in-respect of shop premises and he was getting rent of Rs.2,000/- per

month from the residential house. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Ex.P.43 is the death certificate of Chikkamuniyappa and Ex.P.44 is the ration card. It discloses the names of heirs of deceased claimant. He has stated that the award passed by L.A.O. is inadequate. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. He has produced assessment report with sketch as per Ex.P.40 and 41. Ex.P.42 is the khatha extract, which stands in the name of his father Muniyappa. Ex.P.40 is the valuation report given by Ramegowda. It is seen that he has inspected the land on 15.06.2002 and has prepared the report on the basis of the

76

rates adopted in khatha No.A/1. He has valued the land at Rs.1,40,768/- and building at Rs.1,15,184/-.

.108. During cross-examination PW.26 admits that he has not produced conversion order, building permission and completion certificate. He has not produced the rental agreement or rental receipt. He has stated that he is not income tax assessee. No document is produced with regard to the type of structure.

.109. The claimant R. Umashankar has been examined as PW.12 in L.A.C. No.327/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure
----------------------	---------	------------------	-------------------	------------------------

				value
				Rs.
363	1309	11	1,870	-

.110. PW.12 has stated that the above property was purchased by him under sale deed dated 19.02.1987. After purchase of the said property he has reconstructed the building into commercial shops and has been in physical possession and enjoyment of the same. He has stated that a part of the above said land as well as the building measuring 68 sq. meters have been acquired. But as per the reference

77

only 11 sq. meters has been acquired. The claimant has not led any evidence to show that 68 sq. meters has been acquired. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91 as per Ex.P.29. Ex.P.29 is the valuation report prepared by Ramegowda. As per valuation report, the valuer Ramegowda has inspected the land on 14.06.2002 and 15.06.2002 and prepared the report on the basis of rate adopted to khatha No.A/173 dated 11.10.1989. He has assessed the value of the land at Rs.1,41,667/- and building at Rs.1,89,112/-. The valuation is made in-respect of 83.53 sq. meters. The land acquired in the present case is only 11 sq. meters.

.111. During cross-examination, PW.12 admits that he has not produced conversion order, building permission and

completion certificate. He has not produced the rental agreement or rental receipt. He has stated that he is not income tax assessee. He has not produced any document with regard to the nature and extent of structure.

78

.112. The claimant Venkataramana has been examined as PW.17 in L.A.C. No.328/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
1/1	1119	1937	3,29,290	26829 (trees)

.113. The L.A.O. has sent the reference in-respect of 223 sq. meters.

.114. PW.17 has stated that the above property measuring  $84 \times 22 + 56 / 2$  was allotted to him in panchayath palupatti. A part of the above said land as well as the building measuring 1937 sq. meters have been acquired. Out of which his share is 223 sq. meters. It is stated that the award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To corroborate his

79

contention, he has not produced the valuation report. During cross-examination, nothing substantial has been elicited. This claimant is entitled to enhanced compensation only to an extent of 223 sq. meters if ordered.

.115. The claimant C. Muniraju has been examined as PW.4 in L.A.C. No.329/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
418	1272	99.07	16,842	1,77,875

.116. The L.A.O. has sent the reference in-respect of 42.5 sq. meters.

.117. PW.4 has stated that the above property measuring 20 x 27 is an ancestral property of his joint family. He got the said property under the registered partition deed. After the partition, he has constructed 2 shops building and the residential house in the rear portion and has let out the same. A part of the above said land as well as the building measuring 48 sq. meters have been acquired. He is claiming enhancement of compensation of 1/3rd share. He has stated that the award passed by the L.A.O. is inadequate and the

80

L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. PW.28 Ramegowda valuer has produced



the valuation report as per Ex.P.47 along with enclosure. As per the report the valuer visited the spot on 14.06.2002 and 15.06.2002. He has assessed the value of land at Rs.88,226/- and that of building Rs.2,60,768/-.

.118. During cross-examination, PW.4 admits that he has not produced conversion order, building permission and completion certificate. He has not produced the rental agreement or rental receipt. He has stated that he is not income tax assessee. He has not produced any documents to show that his property measuring 48 sq. meters. He has not produced document to show that the building is RCC. The claimant is entitled to enhanced compensation to an extent of 42.5 sq. meters if ordered.

.119. The claimant P.N. Narasimhamurthy has been examined as PW.21 in L.A.C. No.330/2004. From the  
81

General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
696	933	23.06	3,920	15,404

.120. In the reference the Khaneshumari number has been wrongly mentioned as 214 instead of 696. PW.21 has stated that the above property is an ancestral property of his joint family. He got the said property under the registered partition deed. A part of the above said land as well as the

building measuring 23.6 sq. meters have been acquired. The award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. He has produced valuation report as per Ex.P.35. From Ex.P.35, it is seen that valuation report has been prepared by Ramegowda. The valuer has inspected the land on 14.06.2002 and 15.06.2002 and prepared the report on the basis of rate adopted to khatha

82

No.A/173 dated 11.10.1989. He has assessed the value of land at Rs.39,110/- and building at Rs.27,369/-. During cross-examination, nothing substantial has been elicited. He has not produced document with regard to the type of structure.

.121. The claimant M. Gopal, SPA holder of claimant has been examined as PW.15 in L.A.C. No.331/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs. (trees)
1/1	1119	1937	3,29,290	26,829

.122. The L.A.O. has sent the reference in-respect of 99 sq. meters and compensation has been paid only in-respect of

99 sq. meters and the compensation has been paid only in-  
respect of 99 sq. meters. PW.15 has stated that claimant in  
L.A.C. No.331/2004 and L.A.C. No.184/2004 is her father's  
sister and she had given SPA as per Ex.P.33.

.123. PW.15 has stated that the above property he got  
in the family partition. A part of the above said land as well as  
83

the building measuring 282 sq. meters have been acquired.  
He has stated that the award passed by the L.A.O. is  
inadequate. The L.A.O. has not properly valued the cost of the  
building, which was in existence at the time of passing the  
award. Hence, he got property valued by separate approved  
valuer to assess the correct value of the building based on the  
schedule rate of the PWD as on 1990-91. He has not  
produced valuation report.

.124. During cross-examination, PW.1 pleads ignorance  
as to when the land bearing survey number 1/1, in numbered  
as CTS No. 1119. He admits that he has not produced any  
notification issued by the Government including Sy.No. 1/1  
as semi urban, urban, town or municipality. He admits that  
at the time of requisition, Sy.No. 1/1 was vacant land. He has  
not produced any documents to prove the extent and title of  
building. The claimant will be entitled to enhanced  
compensation only to an extent of 99 sq. meters if ordered.

.125. The claimant M. N. Ramakrishna has been  
examined as PW.27 in L.A.C. No.334/2004. From the  
General award, It is seen that he is the owner of the property

bearing

84

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
418	1272	99.07	16,842	1,77,875

.126. The L.A.O. has sent the reference in-respect of 33 sq. meters.

.127. PW.27 has stated that he and his brother got the above said property under the Registered Partition Deed among the members of the joint family. He and his brother M.N. Vasudevamurthy entitled equal share in the said property. After the deed of partition, they have constructed 2 shops in the ground floor and commercial establishment in the first floor and has let out the same. Ex.P.45B is the partition deed. Schedule C and h has fallen to his share and the share of his brother Vasudevamurthy. So, they are entitled for compensation amount. He has stated that CTS Number is wrongly mentioned. So, he has produced rectification deed as per Ex.P.45. From the rectification deed, it is seen that CTS Number has been corrected as 1271 and 1272, panchayath khatha No.360/A totally measuring 20 X 50 feet. Ex.P.47 is the assessment register extract measuring

85

to an extent of 20 X 50 feet and Anubhavadar is mentioned as Narasimhamurthy.

.128. A part of the above said land as well as the building measuring 48 sq. meters have been acquired for the

purpose of formation of service roads. The claimants herein are claiming enhanced compensation of 1/3rd share. The award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. He has produced valuation report as per Ex.P.46. Ex.P.46A is the valuation report prepared by Ramegowda. From Ex.P.46A, it is seen that he has inspected the land on 14.06.2002 and 15.06.2002 and prepared the report on the basis of rate adopted to khatha No.A/173 dated 11.10.1989. He has awarded the land at Rs.88,226/- and building at Rs.2,37,149/-.

.129. During cross-examination, it is elicited from PW.27 that the land acquired is gramathana land. He has stated that he has given evidence in-respect of 110 sq. meters

86

which comes within the limits of BBMP. He denied the suggestion that the land is not situated within the area of industrial or commercial area. The claimant has not placed document to show that his land measuring 110 sq. meters acquired. He received compensation to an extent of 33 sq. meters. The claimants M.N. Ramakrishna and M.N. Vasudevamurthy are entitled each equal share in the enhanced amount if ordered in-respect of 33 sq. meters of acquired land.

.130. The claimant M. N. N. Murthy has been examined as PW.5 in L.A.C. No.335/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
418	1272	99.07	16,842	1,77,875

.131. The L.A.O. has sent the reference in-respect of 52 sq. meters.

.132. PW.5 has stated that the above said property is an ancestral property of his joint family. He got the above said property under the Registered Partition Deed among the members of the joint family. After the deed of partition, he has

87

constructed 2 shops in the ground floor and 2 commercial shops in the first floor and has let out the same. Ex.P.45 is the rental agreement and Ex.P.46 are the 2 photos. The rental agreement is dated 04.09.1998. It is subsequent to the acquisition in this case. In the absence of any corroborative evidence or document only on the basis of rental agreement value of the land cannot be fixed. A part of the above said land as well as the building measuring 110 sq. meters have been acquired for the purpose of formation of service roads. He has stated that the award passed by the L.A.O. is inadequate. He has received the compensation only to an extent of 52 sq. meters. So, he is entitled for enhanced compensation to an extent of 52 sq. meters if ordered.

.133. PW.5 has stated that the L.A.O., has not properly

valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. PW.28 Ramegowda has produced the valuation report as per Ex.P.48. He has valued the land at Rs.88,226/- and building at Rs.2,60,768/-.

88

.134. In the cross-examination PW.5 admits that the rental agreement has been signed by his mother and tenant. He admits that he has not produced rental receipts and licence. He admits that he obtained permission to use property for commercial purpose, he has not produced any documents in this regard. He has stated that he has paid income tax, but he has not produced any documents. He has not produced any document to show that the structure is RCC.

.135. The claimant S. Devanand has been examined as PW.6 in L.A.C. No.336/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
285	1168	89	15,130	46,196

.136. PW.13 has stated that the above said property is the property of claimant T. Srinivasan. After his father death, he and his brother are entitled to equal share. His father

purchased the property and thereafter he has constructed building for commercial purpose. His father died on 29.10.2001. A part of the above said land as well as the

89

building measuring 89 sq. meters have been acquired for the purpose of formation of service roads. The award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To substantiate the same, he has not produced the valuation report as per Ex.P.30. He admits during cross-examination that he has not produced rental receipts and permission to put up construction. From Ex.P.30 it is seen that the valuer has visited the spot on 14.06.2002 and 15.06.2002. He has valued the land at Rs.1,50,944/- and building at Rs.2,01,496/-.

.137. The claimant Ramesh has been examined as PW.19 in L.A.C. No.337/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
360B	946	35	5,950	-

90

.138. PW.19 has stated that the above said property is an ancestral property of his joint family. He got the above said property under the Registered Partition Deed among the



members of the joint family. In the said property, he and his brother M.N. Sachidanana are entitled for equal share.

Ex.P.45B is the partition deed, schedule G and F have fallen to the share of claimant Ramesh and Sachidananda respectively. So, they are entitled for equal share. A part of the above said land as well as the building measuring 48 sq. meters have been acquired for the purpose of formation of service roads. He has not produced any materials to show 48 sq. meters has been acquired. He has stated that the award is inadequate. The L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. PW.28 Ramegowda valuer has stated that he has inspected the land and prepared valuation report. To substantiate the same, he has not produced the valuation report. In the cross-examination nothing substantial has been elicited. So, the claimant failed

91

to prove that 48 sq. meters has been acquired he is entitled to enhanced compensation to an extent of 35 Sq. meters.

Claimant Ramesh and Sachidananda are equally entitled to enhanced compensation if ordered in-respect of 35 sq. meters.

.139. The legal heir P.D. Venkataramanaiah S/o late.

Pete Dasappa has been examined as PW.10 in L.A.C.

No.338/2004. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
209	940	60.50	10,285	49,719

.140. PW.10 has stated that the above said property was purchased by his father Pete Dasappa from one Doddagangappa under a registered sale deed dated 15.05.1930. After the purchase of said property, his father had constructed a residential building and he had been in possession and enjoyment of the said property with the joint family members. A part of the above said land as well as the building measuring 60.50 sq. meters have been acquired for the purpose of formation of service roads. The award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has

92

not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To substantiate the same, he has produced the valuation report as per Ex.P.28. From Ex.P.28, it is seen that Ramegowda has prepared the valuation report and he has inspected the land on 14.06.2002 and 15.06.2002 and prepared the report on the basis of rate adopted to khatha No.A/173 dated 11.10.1989. He has awarded the land at Rs.1,59,424/- and building at Rs.1,48,990/-. During cross-examination PW.10 has stated that construction has been

made long back. In support of the said construction, he has not produced any documents. He has not produced any documents with regard to nature and type of structure.

.141. In LAC No. 30/2005 the Basavalingaiah LR of claimant Puttamma has examined as P.W.1 from the General Award.

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building / structure value Rs.	Trees
194	956	30.25	5,142	59,872	-

93

.142. P.W. 1 has stated that the above property is a self acquired property of his father after the death of his father Khata has been transferred to the name of his mother Puttamma. He has stated that the amount awarded by the LAO is meager and they are claiming compensation of Rs. 2,000/- per Sq. ft. He has stated that the executive engineer has failed to take notice of the potential value of the building. He has got appointed approved valuer to assess the correct value of the building based on the schedule rate of Public Works Department as on 1990-91. To substantiate the same P.W. 1 has failed to produce the valuation report. The claimant has fail to produce any document to show the extent and type of structure in the acquired land.

.143. The legal heir C. Muniraju S/o late. P.M. Chikka Chowdappa has been examined as PW.38 in L.A.C. No.31/2005. From the General award, It is seen that he is

the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
127	961	92 94	15,640	1,13,413

.144. PW.38 has stated that the above said property is an ancestral property of his family and all claimants are entitled for equal share in the compensation. He has stated that the award passed by the L.A.O. is inadequate. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. To substantiate the same, he has not produced the valuation report. In the cross-examination, he has stated that there are 12 shops in the property. The said shops were constructed in the year 1971. He has denied the suggestion that as per Ex.P.57, there is no mentioning of shops

.145. The legal heir C. Muniraju S/o late. P.M. Chikka Chowdappa has been examined as PW.39 in L.A.C. No.43/2005. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
158D	960	90 95	15,300	-

.146. PW.39 has stated that the above said property is

an ancestral property of his family and all claimants are entitled for equal share in the compensation. He has stated that in the acquired portion, there were commercial shops in the ground floor and commercial establishment in the first floor and the same was let out. He has stated that the L.A.O. has not properly valued the cost of the building, which was in existence at the time of passing the award. Hence, he got property valued by separate approved valuer to assess the correct value of the building based on the schedule rate of the PWD as on 1990-91. He has stated that the award passed by the L.A.O. is in-adequate. To substantiate the same, he has produced the valuation report as per Ex.P.57. Sri. Ramegowda valuator has prepared the report. As per the report, he has inspected the spot on 14.06.2002 and 15.06.2002. He has valued the land at Rs.48,420.

.147. During cross-examination PW.39 has stated that Ramegowda had given the report to his father and till date of cross-examination he had kept the report with him.

96

.148. The Principal of Government Pre-University College has been examined as PW.1 in L.A.C. No.38/2005. From the General award, details of property acquired

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
1	896	133	22,610	10,602

.149. PW.1 Smt. Manjula Kumari has stated that the

above property was acquired and her predecessor has filed claim statement seeking compensation at Rs.1,000/- per sq. feet. The award passed by the L.A.O. is in-adequate. To corroborate her contention, the value of the land is at Rs.1,000/-. She has relied upon evidence of claimant in L.A.C. No.4/2004.

.150. The claimant Poornima S.K. Singh has been examined as PW.1 in L.A.C. No.44/2005. From the General award, the details of property acquired

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
281	1173	116 97	19,720	-

.151. PW.1 has stated that her mother-in-law on account of her love and affection towards her has settled the 'A' schedule property under the registered settlement deed dated 28.01.1988. A portion of 'A' schedule property to an extent of 116 sq. meters has been acquired. She has filed the application under Section 18(3) seeking for reference. The property is situated in commercial and industrial area and market value of the 'B' schedule property is not less than Rs.15,00,000/-. To corroborate her contention, she has produced General Award as per Ex.P.1. Notice under Section 12(2) as per Ex.P.2. Settlement deed as per Ex.P.3. Khatha certificate as per Ex.P.4. Tax paid receipts as per Ex.P.5 to 9. From the statement under Section 19 it is seen that claimant has received the compensation. So, there is no dispute with

regard to her title and discussion on this aspect does not arise.

.152. The claimant Ramakrishna has been examined as PW.40 in L.A.C. No.275/2005. From the General award, It is seen that he is the owner of the property bearing

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building/ structure value Rs.
		98		
240	1124	92	15,640	-

.153. PW.40 has stated that his father owned the above property and after the death of his father, he has become the absolute owner of the said property to an extent of 92 sq. meters, which has been acquired. The award passed by the L.A.O. is inadequate. So, he and other owners have got appointed a separate approved valuer to assess the correct value of the buildings based on the schedule rate of the PWD as on 1990-91. Ex.P.58 is the valuation report prepared by Ramegowda. From the report, it is seen t hat valuer

Ramegowda has visited the land on 14.06.2002 and 15.06.2002 and has fixed the value on the basis of schedule rates of PWD. He has valued the land at Rs.49,496/- and building value at Rs.66,712/-. The respondent has failed to cross-examine the witness. This claimant has failed to produce any documents to corroborate the existence of building in the property which has been acquired. The valuer Ramegowda has been examined as PW.28. His evidence does

not disclose that he has prepared valuation report. So,

Ex.P.58 valuation report cannot be relied.

99

.154. Sri. V. Kumbaiah LR of claimant has been examined as P.W. 3 in LAC No. 276/2005. From the General Award it is seen that the details of the acquired property.

Khaneshu mari No.	CTS No.	Extent Sq. m.	Land Value Rs.	Building / structure value Rs.	Trees
242	1125	48	8,160	-	-

.155. P.W. 3 has stated that the above property was purchased and after purchase he has reconstructed a shop building and residential house in the rear portion. He has let out the shop and residential house. He is getting rent of Rs. 3000/- per month from the shop and Rs. 2500/- from the residential house. A part of the said property measuring 48 sq. mt. has been acquired. The award passed by the LAO is inadequate.

.156. He has stated that the executive engineer has failed to take notice of the potential value of the building. He has got appointed approved valuer to assess the correct value of the building based on the schedule rate of Public Works Department as on 1990-91. To substantiate the same P.W. 1 has produce the valuation report as per Ex.P. 52.

100

.157. Ex.P. 52 valuation report has been prepared by Suryanarayana Shetty . The report discloses that the valuer



inspected the land on the 14-06-2002 and 15-06-2002. He has valued the land at Rs. 81,408/- and building at Rs. 30,523/-.

.158. P.W. 28 Ramegowda has stated that he and Suryanarayana Shetty were colleagues. He and Suryanarayana Shetty have visited the acquired land to assess the valuation and in this regard he has also prepared valuation report. It is stated that Suryanarayana Shetty is bedridden. So he has identified the report Ex.P. 52 and the signature of the Suryanarayana Shetty at Ex. P 52(a).

.159. P.W. 3 during cross examination admits that the building is an old building and he has not produced the building permission. He has stated that he has paid the tax towards the building but no documents has been produced. The LAO has not awarded any compensation towards structure. This claimants has not produced any corroborative document to show that building has been acquired. This claimant is not entitled for compensation towards building.

101

.160. PW.28 Ramegowda has stated that he is retired Superintending Engineer, PWD, Government of Karnataka. After the retirement, he has enrolled as a Register Valuer to assess the value of the properties. He and his colleague C. Suryanarayana Shetty inspected each and every properties mentioned below. The properties under valuation are in a well developed commercial area constructed earlier with different specification explained in detail under each

assessment of their properties.

.161. The names of the owners and description of their properties are mentioned below:

LAC Case No.	Name	Property No. CTS No.
4/2004	C. Rangaswamy	1118
183/2003	B. Venkataramana	1174
184/2003	Akkachamma	1174
185/2003	P.C. Munichikkanna	900
	Since dead by LRs	
226/2003	Munivenkatappa	1123
	Since dead by LRs	
227/2003	Doraiswamy	1120
	since dead by LRs	
228/2003	Channamma	1122
	since dead by LRs	
324/2004	Papanna	937
	since dead by LRs	
326/2004	Chikkamuniyappa	1151
	since dead by LRs	
327/2004	Umashankar	1245
	102	
329/2004	Patel Channappa	1271
	since dead by LRs	
330/2004	P.H.	993
	Narasimhamurthy	
334/2004	M. Narasimhamurthy	1271
	since dead by LRs	
335/2004	M. Nanjundaiah	1272
	since dead by LRs	
336/2004	T. Srinivasa	1168
	since dead by LRs	
337/2004	M. Narasimhamurthy	946
	since dead by LRs	
338/2004	D. Muniyappa	940
	since dead by LRs	
30/2005	Putamma	956
	since dead by LRs	
276/2005	V. Kumbaiah	1125
32/2007	M. Rangaswamy and others	1169
33/2007	R. Rangaswamy	1127
149/2007	C. Narasimhamurthy	1101
14/2004	Doddanarasaiah	1121

.162. He has stated that the award passed by the

L.A.O. is inadequate and insufficient as on the date of preliminary notification. While determining the market value of the land and building, the L.A.O. has not considered the sale transaction took place which are similarly and identically situated in that area on the date of preliminary notification or earlier to the said notification. They have gone to the concerned office of the Sub Registrar and obtained certified

103

copies of the sale deeds pertaining to the lands situated to the said area. He has stated that differences are shown in the sale transactions, while determining the market value of comparable lands which are similarly and identically situated, the sale consideration shown in the sale transaction which is on higher side has to be preferred to determine the market value of the land. So, the land rate adopted on the sale deed executed by T. Radhakrishna and N.A. Abraham in-favour of Harshed C. Vasa pertaining to khatha No. 173, Peenya 1 st stage, Bengaluru to fix the rate of Rs.1,696/- per sq. meters in the said area as on the date of preliminary notification.

.163. Ex.P.9 is the said sale deed. From Ex.P.9 it is seen that sale is made in-respect of immovable property and industrial shed which includes structures and machinery. As the sale consideration includes consideration for machinery the market value per sq. meters fixed on the basis of this sale deed is not correct.

.164. During cross-examination PW.28 admits that he has not produced documents to show that he is registered

valuer. In his letter head, registered number has been mentioned. He has stated that when he inspected the land is  
104

mentioned in his affidavit, but he does not remember the date now. The report has been prepared on the basis of inspection made by them. He admits that valuation has been made as on the date when he had inspected the land.

.165. The Hon'ble Bombay High Court in Bombay Suburban District Municipal Corporation Vs. Vishanji Virji Mepani in Appeal No.700 of 1993 C/w case dated 06.06.1996 has observed the following:

"As far as the evidence of experts is concerned as noticed they visited the acquired land in the year 1990. Their evidence also does not render any assistance as the same lacks objectivity required of a professional. The material date for determination of the compensation was of the year 1972 and experts in these cases have visited and inspected the property in the year 1990"

.166. PW.28 has inspected the land of the claimants on 14.06.2002 and 15.06.2002. The award is of the year 1995 and the acquisition is of the year 1991. Many changes would have taken from 1991 to 2002. So, Court has to be very cautious in relying an such report.

.167. It is elicited from PW.28 that for preparing report he inspected the land, took measurement, particulars of the boundaries, details of building with regard to details of  
105  
building flooring, woodwork, roofing and type of construction facilities provided. It is elicited that there is no sanction plan

in number of buildings. He has stated that building are old buildings; that on the basis of the statement of owners, sanction plan and materials used in the construction, he valued the land. It is elicited from PW.28 that construction has taken place prior to the preliminary notification and during the year 1991, all these lands are commercial lands and there was no agricultural lands. He admits that he has not produced any documents that all the lands were commercial and no agricultural operation took place; that value of the land in-respect of agricultural land is lower than the land used for commercial purpose and for industrial purpose; that sale deeds relied upon by him are in-respect of commercial and industrial lands. He denied the suggestion that report has been prepared on the say of claimants and not on factual situation of the land.

.168. The respondent No.3 has filed Written arguments stating that in some of the cases it is admitted the fact that the approved valuer has not been examined, which ultimately deems the valuation report irrelevant. It is stated that in

106

many of the cases claimants have claimed compensation for structures when there were no structures existing on the acquired lands. According to Section 60 of the Indian Evidence Act, if oral evidence refers to the opinion of the experts or to the grounds on which the opinion is held, it must be the evidence of the person who holds the opinion. In the cases where valuer has not been examined. The author of

the opinion has not been examined and there is no proof as to the genuineness of the opinion, it cannot be relied upon. Only in L.A.C. cases referred to in page 100, 101 the valuer has been examined.

.169. It is stated that as per the report prepared by the valuer, it is admitted that the lands acquired were inspected by the valuer on 14th June 2002 and 15th June 2002 for the purpose of assessing the market value of the property as on the date of publication of preliminary notification 30 th May 1991. It is stated that valuation report is of no assistance to this Court since the same is completely inconsequential.

.170. The Hon'ble Apex Court in SLA0 and another Vs. Siddappa Omannu Tumari and others 1995 Supp (2) SCC

168 has made the following observation:

107

"It has become a matter of common occurrence with the claimants who seek enhanced compensation for their acquired lands from Court to produce the reports of valuation of their lands in Court purported to have been prepared by the experts. No doubt, courts can act on such expert evidence in determining the market value of the acquired lands, but the Court having regard to the fact that experts will have prepared the valuation reports produced in the Court and will depose in support of such reports, at the instance of the claimants, must with care and caution examine such experts and evidence given in support thereof. Whenever valuation report made by an expert is produced in Court, the opinion on the value of the acquired land given by such expert can be of no assistance in determining the market value of such land, unless such opinion is formed on relevant factual data or material, which is also produced before the Court and proved to be genuine and reliable, as any other evidence."

.171 The general award does not disclose the type and nature of the structure. Burden is upon the claimants to prove whether RCC roof or AC roof or Mangalore tiled structure was acquired. The valuation report is not accompanied by any document with regard to extent and type of structure. In view of the above discussion, the valuation reports cannot be relied for fixing the market value of the land acquired.

108

.172. The Hon'ble Apex Court in Periya & Parekanni rubbers Ltd Vs. State of Kerala reported in AIR 1990 SC 2192 has held that:

" ---- Therefore, the transaction relating to the acquired lands of recent dates or in the neighborhood lands that possessed of similar potentiality or fertility or other advantageous features are relevant pieces of evidence. When the Courts are called upon to fix the market value of the land in compulsory acquisition, the best evidence of the value of the property is the sale of the acquired land to which the claimant himself is a party, in its absence the sale of the neighbouring lands.

.173. It is well settled that the land and building are construed as one unit and the value of the entire unit must be determined with all its advantages and its potentialities and it has been held by the Hon'ble Supreme Court in the decision reported in Rathanlal Tandan Vs. State of U.P. (1997) 2 SCC page 161, that the claimant is not entitled to the assessment of the value of the land and building separately and compensation on both and if the value of the land is assessed, value of the building cannot again be separately assessed. The

assessment of the building should be based on either the rent received from the property with suitable multiplier or the  
109

value of the building. The claimant is entitled to compensation on either of the two methods, but not both.

.174. In the case on hand, except the oral evidence of claimants there is no cogent evidence with regard to rent which the claimants have received from the structures. In the absence of any satisfactory evidence regarding the rental value of the structure, it is not possible to assess the market value by adopting the capitalization method.

.175. The claimants have stated that market value of the acquired property was Rs.2,000/- per sq. feet at the time of acquisition. There is no evidence to substantiate the same. So, the claim of claimants that market value of the acquired land was at the rate of Rs.2,000/- per sq. feet cannot be accepted.

.176. The other evidence placed by the claimants are the certified copies of the sale deeds.

.177. Sale deed dated 04.10.1989 is executed by Radhakrishna and V.A. Abraham in-favour of Smt. Harshat C Vara with respect to the industrial plot bearing No.173 situated at Peenya 1st stage, Bengaluru measuring 8750 sq. feet for a valuable consideration of Rs.14,50,000/- as per  
110

Ex.P.9. From Ex.P.9, it is seen that sale is made in-respect of immovable property and industrial shed, which includes



structures and machinery. As per the sale deed the value is Rs.1,696/- per sq. meters or Rs.157.62 per sq. feet. As the sale transaction includes the consideration for machinery, this sale deed can not be considered as exemplar for determination of market value of the acquired land.

.178. The claimant has relied upon the lease cum sale agreement dated 28.05.1988 executed by KIADB in-favour of M/s. Associated Business Corporation represented by its Partner Sri. Deepak Mallik with respect to the industrial plot bearing Nos.9A, 9B, 8G, 8H formed in Sy.No. 93 of Peenya Industrial area, Bengaluru measuring 246.675 sq. meters for a valuable sale consideration of Rs.3,96,000/-. He has stated that as per the lease cum sale agreement, the sale transaction of said property is valued at Rs.1,605/- per sq. meter which is the highest value for the year 1988-89.

.179. Ex.P.10 is the said document. On perusal of the said document, it is seen that the lease cum sale agreement in-respect of building measuring 14.60 meters towards North-South and 8.05 meters towards East-West. The lease sum

111

sale agreement is for a period of 5 years. It contains Clause that after 5 years lessor fixed the price of the property, at which, it will be sold to the lessee. The claimants have not produced the price fixed by the lessor. The said lease cum sale agreement cannot be relied as exemplar for fixing the market value of the land.

.180. The claimant has relied upon sale deed dated

04.07.1989 executed by the Executive Member, KIADB in-  
favour of H.R. Saluja S. Sri. Sandagarmal, proprietor of M/s.  
Bengaluru Engineering Industries in-respect of Industrial plot  
bearing No.4A, formed in Sy.No. 12 and 32 of Peenya village  
measuring 110.39 Sq. meters for a sale consideration of  
Rs.1,38,447/-. Ex.P.11 is the said sale deed. According to  
PW.1, the sale transaction of the said property is valued at  
Rs.1254 per sq. meters or Rs.116.54 per sq. feet, which is  
second highest value in the year 1989-90. The said value is  
relevant for fixing the market value in the present case.

.181. PW.1 has relied upon sale deed dated 12.09.1990  
executed by A.J. Rathnam Philip and Samual & Samual  
represented by the Trustees of Emmanuel Church, Bengaluru  
in favour of Lalitha Singh W/o Samual Singh with respect to  
112

the site bearing khatha No.511, House list No.19/1, situated  
at Peenya village, Bengaluru and site bearing No. 299, House  
list No.3/1 situated at Dasarahalli, Bengaluru measuring  
139.40 sq. meters or 1500 sq. feet for a valuable sale  
consideration of Rs.1,02,000/-. Ex.P.12 is the said sale deed.  
From the said document, it is seen that it consists of property  
measuring 12 X 30 feet along with 1 sq. AC sheet house. The  
sale transaction is valued at Rs.732/- per sq. meters or  
Rs.66.02 per sq. feet. This value is less than the value per sq.  
feet when compared to the value per sq. feet in-respect of sale  
deed dated 04.07.1989. Ex.P.11 is referred above.

.182. PW.1 has relied upon sale deed dated 07.09.1989

In L.A.C. No.04/2004 vs ) The Slao And Estate Officer on 24 May, 2022  
executed by K.A. Kantharaj S/o Adinarayana Shetty in-favour  
of P.R. Rajan with respect to site bearing No.A-185, situated  
at Peenya 1st stage, Peenya Industrial state measuring 813.10  
sq. meters or 8750 sq. feet for a valuable sale consideration of  
Rs.5,25,000/-. Ex.P.13 is the sale deed in-respect of above  
property. From the sale deed it is seen that it consists of land  
with building. The land is measuring 8750 sq. feet. The  
building which is built in 7550 sq. feet. The sale transaction  
of the property is valued at Rs.645/- per sq. meters or  
113

Rs.59.94 per sq. feet. This value is less than the value per  
square feet when compared to the value per sq. feet in-respect  
of sale deed dated 04.07.1989 Ex.P.11 referred to above.

.183. PW.1 has relied upon sale deed dated 07.01.1990  
executed by KSSIDC represented by its Managing Director H.  
Basavaiah, in-favour of S.L. Narayana, with respect to the  
Industrial site bearing No.C-279, 1 st stage, Peenya Industrial  
Estate, Bengaluru measuring 144.76 sq. meters for valuable  
consideration of Rs.99,778/-. Ex.P.14 is the said sale deed.  
From the document, it is seen that schedule consists of  
factory building. Vacant land measuring 460.41 sq. meters  
covered area of 144.76 sq. meters measuring 9.40 X 15.40  
meters compound bounded by a Wall and having the following  
buildings in the compound (A) Block of latrine and urine  
measuring together with the fittings listed separately and  
attached here with schedule at Industrial Estate Peenya 1 st  
stage, Bengaluru. Industrial shed bearing No.C-279

measuring 29 meters X 15.90 Meters. The claimant has stated that as per sale deed the property is valued at Rs.645/- per sq. meters or Rs.64.36 per sq. feet, which is valued in the year 1989-90. This value is less than the value per sq. feet when  
114  
compared to the value per sq. feet in-respect of sale deed dated 04.07.1989 Ex.P.11 referred to above.

.184. PW.1 has stated that while determining the market value the market value of comparable lands which are similarly and identically situated, the sale consideration shown in the sale transactions which is on higher side has to be preferred.

.185. In support of the said contention, he has relied upon the decision reported in ILR 2004 KAR 4240 (Agricultural Produce Market Committee, by its Secretary and another Vs. The Asst. Commissioner Cum L.A.O., Chikkodi and others), wherein our Hon'ble High court has held that:

"When there are more than one sale transaction, the Court has to consider the sale transactions, which is more proximate in point of time to the land acquired."

.186. It is also held when there is difference in the sale consideration shown in the above sale transactions, while determining the market value of compensation. The lands which are similarly situated, the sale consideration shown in sale transactions which is on the higher side has to be generally preferred while determining the market value of the land acquired.

.187. In (2012)5 SCC 432 Mehrawal Khewaji Trust Vs.

State of Punjab, the Hon'ble S.C. has held that:

"where the land is being compulsorily taken away from a person, he is entitled to highest value which similar land in the locality is shown to have fetched in a bonafide transaction".

.188. PW.1 at page 8 in L.A.C. No.4/2004 has stated that when the land and building is situated abutting to NH-4, the extra 50% weightage shall be included while determining the market value of the land and building.

.189. Ex.P.15 is the letter dated 09.11.2012 of the Superintending Engineer, National Highways Circle, Bengaluru. Along with the letter rates to be adopted for valuation of structure has been enclosed.

.190. In page 3 Sl. No.3 it is mentioned:

"Extra rate of 50% for shop sites in shopping area and corner site of main roads (20 x 100) feet with BTS route".

.191. The acquired lands are abutting the National way. In view of Ex.P.15 additional rates have to be given to the acquired land.

.192. The claimants have stated that the Government of Karnataka by order dated 08.07.1985 has fixed the minimum  
116

value for residential and commercial site and the same has to be followed. In support of their contention, they have produced Government of Karnataka order dated 08.07.1985 along with Government circular dated 08.07.1985. For

Yeshwanthpura localty, the minimum commercial value is fixed at Rs.500/- per sq. yard. The acquired lands in Peenya village are situated near to Yeshwanthpura. The rates for Peenya village are not included in the list.

.193. The claimants have contended that the respondent has committed error in treating the land as agricultural land; the land in question has potential value as building site as it comes within the jurisdiction of Bengaluru Mahanagara Palike and so compensation has to be fixed treating the same as non-agricultural, industrial and commercial land. From the award, it is seen that the claimants have been paid compensation as NA lands.

.194. The claimants have relied upon the judgment in L.A.C. No.112/1991 as per Ex.P.20. From the judgment, it is seen that preliminary notification was issued on 01.02.1988 for acquisition of land in Sy.No. 7 of Chokkasandra village, Yeshwanthpura for widening f NH-4 in between 10 to 12 kms  
117

(Bengaluru to Nelamangala). The L.A.O. had fixed the market value at Rs.60,000/- per acre. This Court on reference after inquiry had fixed the market value of the acquired land at Rs.500/- per sq. yard as on the date of preliminary notification.

.195. The Court in L.A.C. No.112/1991 had relied upon the sale deed dated 17.05.1985 under which property situated at T. Dasarahalli measuring 47.35 sq. meters with structures which also abuts the National Highway was sold for

Rs.33,000/- . As the sale deed includes land, structures. No separate market value is fixed for structures in L.A.C. No.112/1991.

.196. In the present case the lands have been acquired for the purpose of formation of service roads on either side of NH-4 in between 10 to 12 kms at Peenya, Bengaluru.

Preliminary notification has been published in the Gazette dated 30.05.1991. If the judgment in Ex.P.20 is relied an escalation in the market value of 10% for period of 3 years 3 months has to be given. Then market value would be Rs.662.5 per sq. yard (500 + 150 + 12.5) based on Ex.P.20 judgment.

118

.197. From the award as per Ex.P.5, it is seen that the lands in the present case is within Corporation limits and is situated in Bengaluru - Tumkur National Highway. The evidence of claimants discloses that the land acquired in Ex.P.20 is situated 1 km from Peenya village and it does not come within the jurisdiction of Bengaluru City Corporation. Hence the potential value of land and building in the present case is higher than what is decided in L.A.C. No.112/1991.

.198. The claimants have stated that members who own the lands and building adjoining to the National Highway No.4 passing through Peenya village, Bengaluru have formed an association called Rastriya Heddari Mane Mathu Niveshana Malikara Sangha. The said Sangha had filed a Writ Petition vide W.P. No.30555/94 against the respondents herein

challenging the acquisition proceedings contending that (I) the final declaration in Annexure-B has been published after more than one year from the date of preliminary notification and also (ii) in issuing of final notification the State Government had acted in a hostile manner by omitting over 43 items of the properties belonging to various owners and for which omission, there is no explanation from the respondents

119

with regard to the non-inclusion of the above stated properties and without which the purpose for which the lands are being acquired can never be implemented i.e., no roads can be laid out without acquisition of those 43 items of properties left out from the acquisition. In fact those properties were included in the preliminary notification.

.199. Ex.P.7 is the order in W.P. No.30555/94. From the order, it is seen that the SLAO had filed affidavit stating that :

"the contentions of the petitioners that 46 items of properties were left out in the final notification is factually incorrect. Only the items which are shown in annexure R1 by Green shade were left out due to the fact that at the time of joint measurement after the preliminary notification there was difference between survey numbers, Khaneshumari Numbers and CTS numbers.

As soon as the said discrepancy was noticed with respect to said items of property the Special Land Acquisition Officer, National Highways, Bengaluru by letter dated 30.06.95 as per annexure R2 brought to the notice of the then Executive Engineer, National Highways Division, Bengaluru with a request to send fresh proposal in-respect of the said left out items of the property for acquisition. Further proceedings could not be taken due to the pendency of the present writ petition.



I respectfully submit that there was no oblique motive in not notifying the green shaded items in the final notification but for the confusion in the survey numbers/ Khaneshumari numbers and

120

city survey numbers. This was a bonafide mistake without any malafide intention on the part of either the acquiring authority or the beneficiary. The apprehension of the petitioners that the authorities may not acquire the green shaded items in order to help the owners is untrue and misplaced. Without acquiring the said items, the project of widening National Highway-4 will itself be in jeopardy."

.200. The Hon'ble Court being satisfied with the statement made on behalf of the respondents disposed after the writ petitions with directions that until the portion of the land shown in green shade is acquired in accordance with law status quo with regard to the possession of the petitioners shall be maintained.

.201. From the order of the Hon'ble High Court it is clear that as there was no malafide on the part of the respondent; the prayer of the claimants for quashing the acquisition has not been granted. As per the say of the claimants, they continued to be in possession of the lands till the respondent took possession of the lands which were left out in the earlier notification.

.202. The claimants have stated that after a lapse of 10 years i.e., on 02.03.2000, the respondent has published the said preliminary notification under Section 4(1) of said Act and final notification published on 03.05.2001 under Section

121

6(1) of the L.A. Act, with regard to the properties left out in

the previous notifications. Ex.P.3 and 4 are the preliminary and final notification. The L.A.O. has passed the award dated 15.03.2002, approved by the concerned authority on 28.02.2004 as per Ex.P.6.

.203. The claimants have contended that the concerned authorities have acquired the properties at two times in piece meal , the award was passed by the SLAO twice for the same purpose of forming service road abutting to NH-4 in between 10th to 12th kms. It is stated that the owners of the land mentioned in both the award have received the award amount simultaneously and handed over the possession of their respective lands with buildings simultaneously. There is a great discrimination while determining the market value of the land and building in between two awards passed by the L.A.O. with no fault of the land owners. The first award passed by the SLAO has fixed the land value at the rate of Rs.170/- per sq. meter, where as the second award passed by the said L.A.O. has fixed the land value of Rs.1614/- per sq. meter, which is highly discriminative.

122

.204. The claimants have contended that the claimants in L.A.C. No.35/2007 and 125/2008 have challenged the award passed on 01.12.2003 (2nd award). This Court has fixed the market value of acquired land at Rs.1,000/- per sq. feet or Rs.10,764/- per sq. meter instead of Rs.150/- per sq. feet and Rs.1614/- per sq. meter with all statutory benefits. Ex.P.74 and 75 are the judgment and award in L.A.C.

No.35/2007 and 125/2008. It is stated that the properties involved in the above cases are situated in Peenya village and acquired for the same purpose. So, the claimants are entitled to compensation as awarded in L.A.C. No. 35/2007 and 125/2008 as per Ex.P.74 and 75.

.205. The claimants in L.A.C. No.80/2003 and 81/2003 have relied upon the judgment in L.A.C. No.273/2005 C/w L.A.C. No.272, 278 of 2005, 142, 144, 145, 146 of 2006 in the written arguments filed by them. This Court has awarded compensation at Rs.1,000/- per sq. feet in-respect of acquisition dated 02.03.2000. The Court has relied upon the judgment in L.A.C. No.35/2007.

.206. In support of their contention claimants have relied on the decision reported in ILR 2003 Kar. 2336 wherein  
123  
it is held that uniform rate of compensation for all the acquired lands which are similarly situated to the adjoining village cannot be found fault with and liable to be confirmed.

.207. In (2010) 5 SCC 747 Union of India Vs. Balram another. The Hon'ble SC has held "No justification to make any distinction between lands which are identical and similar though lying in different villages".

.208. In (2017) 4 SCC 717 Ali Mohd Beigh and others Vs. State of Jammu and Kashmir. The Hon'ble SC has held that

"where lands are more or less situated

nearby and when resettlement of Dal Dewellus, it would not be proper to discriminate between land-owners unless there are reasons."

.209. In the above decisions, the acquisition has taken place in the same year, whereas in the present case and the case L.A.C. No.35/2007 and 125/2007 relied by the claimants. the acquisition is for different period. Hence, the above decision is not applicable to the case on hand.

.210. It is true that acquisition in the present cases and in L.A.C. No.35/2007 and L.A.C. No.125/2008 are in-respect of the same project. In the present case, acquisition is  
124

pertaining to preliminary notification dated 31.05.1991, whereas, in-respect of L.A.C. No.35/2007 and 125/2008 it is pertaining to preliminary notification dated 23.12.1999. The claimants in the present case have challenged the acquisition before the Hon'ble High Court in W.P. No.30555/1994 and the Hon'ble High Court has not quashed the acquisition proceedings. On the other hand, the claimant were permitted to be in possession till portion of land shown in green shade in annexure R.1 is acquired in accordance with law. The claimants have not filed any appeal against the order passed by the Hon'ble High Court.

.211. The award in the first case has been passed on 20.10.1995. The Hon'ble High Court were aware about the award in the said case. The acquisition is for public purpose and since there was no malafide on the respondent at the time of final notification, the claimants cannot plea equity and

seek compensation as paid to claimants in L.A.C. No.35/2007 and 125/2008.

.212. The respondents have contended that they have preferred M.F.A. No.3485/2021 against the judgment in 125 L.A.C. No.125/2008 which is pending adjudication before the Hon'ble High Court.

.213. Further the respondents have contended that in L.A.C. No.35/2007 passed by this Court, compensation for structure has not been enhanced although the same has been sought for.

.214. In L.A.C. No.35/2007 the Court has observed at page No.12 that:

"The SLA0 has observed in the award passed by him on 01.12.2003 that the acquired land comes within the limit of BBMP and adjacent to National Highway -4 and it was fully developed area having acquired land basic amenities. He further observed that he has enquired the public regarding the sale of lands adjacent to the acquired lands. On enquiry it reveals that the lands adjacent to the acquired land were sold at the rate of Rs.1,000/- per sq. feet. Though the SLA0 verified the sale deeds for the period from 25.07.98 to 14.01.2020 to arrive for fixing the market value, as observed, he has not fixed the average market value on the basis of the value mentioned in the said sale deeds but has fixed the market value on the basis of guidance value of the Sub-registrar, which prevailed as on the date of preliminary notification".

.215. The Court at page 14 observed "Considering the nature of acquired land as discussed above, if the market value fixed by SLA0 is enhanced from 150 per sq. feet to

Rs.1,000/- per sq. feet or Rs.1614 per sq. feet to Rs.10764 per sq. feet would be just and fair market value."

.216. The preliminary notification in the present case is of the year Gazette 1993 and the preliminary notification gazette in-respect of L.A.C. No.35/2007 and L.A.C. No.125/2008 is on 02.03.2000. The market value is fixed based on the sales in the above case. The market value immediately preceding the notification dated 02.03.2000 cannot be taken as the market value for the acquisition of the year 1993 as the sales could not have taken place.

.217. It is relevant to note that the present claimants were in possessing of property till 2003 and they have also received interest at 15% on the compensation payment was made in 2003. The claimants in acquisition during 2000 (2 nd time acquisition) would not be getting the interest as the award is passed in the year 2003.

.218. Although there is no dispute with regard to the existence of structure in the acquired land. The claimants have failed to substantiate their claim with regard to extent of structure and type of structure i.e., RCC, AC sheet, Mangalore tiles by cogent evidence.

.219. The respondents have not led any evidence in support of their contention that the market value fixed by the L.A.O. is adequate.

.220. Our Hon'ble High Court in the decision reported

in ILR 1992 KAR page 3501 has held that

"the Court will have to make a serious attempt to arrive at the market value on the basis of existing material placed before it. It is well settled law that an element of guess work is inevitable in determining the market value though the speculation by the Court is absolutely unwarranted, a honest guess work is certainly permitted because the very nature of the exercise such that the Court will have to analyze several economic factors and in this exercise, the judges are expected to draw from their experience and draw the requisite inference and apply to them".

.221. Therefore, taking into consideration all the above factors and circumstances of the case i.e., judgment in L.A.C. No.112/91, the potential value of the land as well as building situated in Peenya is of higher value than what is decided in L.A.C. No.112/91; the L.A.O., in the award Ex.P.1 has stated that "

. 4 .

."; that the

128

adjacent land owner in-respect of very same project in subsequent notification being paid Rs.1000/- per sq. feet and the evidence placed on record, I am of the considered opinion that it would be just and reasonable to fix the market value of the acquired land consisting of land and structure at Rs.750/- per sq. feet and property consisting of only land at Rs.600/- per sq. feet.

.222. The appreciation of oral and documentary evidence on record leads to unmistakable fact that the

claimants prove that market value fixed by the L.A.O. in-  
respect of acquired land in this case is unjust, inadequate  
and on lower side. The claimants in these cases whose land  
and building acquired are entitled for enhanced market value  
at Rs.750/- per sq. feet with all statutory benefits and the  
claimants whose land is only acquired are entitled to market  
value at Rs.600/- per sq. feet with all statutory benefits from  
the date of publication of preliminary notification. Hence, I  
answer point No.3 partly in the Affirmative.

.223. Point No.4:- In view of my findings on the afore-  
mentioned points 1 to 3, I proceed to pass the following:-  
129

#### COMMON ORDER

The reference made by the SLAO under Section 18 of L.A. Act, 1894 is partly allowed.

The market value of the acquired property consisting of land and building is fixed at Rs.750/- per sq. feet and market value of acquired property consisting of only land is fixed at Rs.600/- per sq. feet. The following claimants whose land and building are acquired is entitled to enhanced market value of Rs.750/-. The amount paid by SLAO shall be deducted from the enhanced market value.

L.A.C. No.	CTS No.	Extent sq. meters
4/2004	1118	2404
183/2003	1174	70.5 out of 282
184/2003	1174	70.5



325/2004	1119	332.5
329/2004	1272	42.5
330/2004	933	23.06
338/2004	940	60.50
30/2005	956	30.25

In-respect of L.A.C. No.334/2004 only claimant Ramakrishna and M.N. Vasudevamurthy are entitled for equal share.

In-respect of L.A.C. No.337/2004 only claimant Ramesh and Sachidananda are entitled for equal share.

The following claimants whose land only acquired is entitled to enhanced market value of Rs.600. The amount paid by SLAO shall be deducted from the enhanced market value.

L.A.C. No.	CTS No.	Extent sq. meters
185/2003	932	70.09

The award of L.A.O. with regard to malkies/trees is accepted.

The above Claimants are entitled for additional market value under Section 23(1-A) of L.A. Act, at the rate of 12% p.a., on the enhanced market value from the date of publication of Preliminary notification till date of passing award.

The above Claimants are entitled for solatium at the rate of 30% on the enhanced market value as per Section 23(2) of L.A. Act.

The above Claimants are entitled for interest at the rate of 9% p.a., on the enhanced market value, solatium and additional market value for a period of one year from the date of taking possession of acquired land and further interest at the rate of 15% p.a., for subsequent years, till deposit of entire compensation amount.

Advocate fee is fixed at Rs.1000/- in each cases.

Draw separate Award in each case accordingly.

Original Judgment be kept in LAC No.4/2004 and copies of the same be kept in connected L.A.C. cases.

(Dictated to the JW, transcribed by her, corrected by me and then pronounced in open Court on this the 24 th day of May, 2022.) (Sheila B.M.), II Addl. City Civil and Sessions & Spl. Judge, Bengaluru.

## ANNEXURE

### 1. WITNESSES EXAMINED FOR CLAIMANTS:

PW.1	C. Rangaswamy
PW.2	B. Venkataramana
PW.3	V. Kumbaiah
PW.4	C. Muniraju
PW.5	M.N.N. Murthy
PW.6	M.N. Vasudevamurthy
PW.7	Smt. Siddalingamma
PW.8	B. Vajravelu
PW.9	Suresh
PW.10	P.D. Venkataramanaiah
PW.11	M. Gopal
PW.12	R. Umashankar
PW.13	S. Devanand
PW.14	Shivalingappa
PW.15	M. Gopal
PW.16	B. Venkataramana
PW.17	B. Venkataramana
PW.18	T. Ramachandra
PW.19	M.N. Ramesh
PW.20	P.M. Nagaraju
PW.21	P.N. Narasimhamurthy
PW.23	P.N. Kaggalaiah
PW.24	P.H. Narasimha Murthy
PW.25	C. Narasimha Murthy
PW.26	C.M. Raja
PW.27	M.N. Ramakrishna

PW.28, 31 to H.G. Ramegowda 34 PW.29 & 30 N.D. Devaraj PW.35 P.C. Ranganna PW.36 P.C. Ranganna PW.37 Padma PW.38 C. Muniraju PW.39 C. Muniraju PW.40 Ramakrishna PW.41 Venkatesh PW.42 Krishnamurthy PW.43 Siddagangappa PW.45 C.R. Arun Kumar Witness

examined in L.A.C. No.78/2003:

PW.1 : V. Narasimhaiah Witness examined in L.A.C. No.77/2003:

PW.1 : Munichikkanna Witness examined in L.A.C. No.30/2005:

PW.1 : Basavalingaiah Witness examined in L.A.C. No.41/2005:

PW.1 : Poornima Singh Witness examined in L.A.C. No.38/2005:

PW.1 : Manjula Kumari Witness examined in L.A.C. No.14/2004:

PW.1 : Doddanarasaiah Witness examined in L.A.C. No.44/2005:

PW.1 : Poornima S.K. Singh

## 2. DOCUMENTS MARKED FOR THE CLAIMANT:

Ex.P.1 Preliminary notification dated 30.05.1991 Ex.P.2 Final notification dated 16.09.1993 Ex.P.3 Preliminary notification published in Gazette dated 02.03.2000 Ex.P.4 Final notification published in Gazette dated 09.04.2001 Ex.P.5 Award dated 30.06.1995 nr lands in question Ex.P.6 Award dated 01.12.2003 in-respect of land acquired under Ex.P.3 and 4 Ex.P.7 Order in W.P. No. 30555/1994 Ex.P.8 Sketch in-respect of land acquired under Ex.P.3 and 4 Ex.P.9 Certified copy of sale deed dated 04.10.1989 Ex.P.10 Certified copy of sale deed dated 28.05.1988 Ex.P.11 Certified copy of sale deed dated 04.07.1989 Ex.P.12 Certified copy of sale deed dated 12.09.1990 Ex.P.13 Certified copy of sale deed dated 07.09.1989 Ex.P.14 Certified copy of sale deed dated 07.01.1990 Ex.P.15 Certified copy letter written by Superintendent Engineer Ex.P.16 Circular enclosed to letter Ex.P.15 Ex.P.17 Certified copy of Government circular dated 08.07.1985 Ex.P.18 Annexure I enclosed to Ex.P.17 Ex.P.19 Circular issued by Executive Engineer Ex.P.20 & 21 Judgment and award in L.A.C. No.112/91 Ex.P.22 Valuation report Ex.P.23 Conversion sanction certificate in-respect of conversion of 2 acres of land in Sy.No. 3/1 of Peenya village Ex.P.24 Registered Will dated 20.05.2003 Ex.P.25 Another registered Will dated 20.05.2003 Ex.P.26 Valuation report Ex.P.27 Valuation report issued by Suryanarayana Shetty Ex.P.28 Valuation report issued by Ramegowda Ex.P.29 Valuation report Ex.P.30 Valuation report Ex.P.31 Special Power of Attorney Ex.P.32 Valuation report Ex.P.33 Special Power of Attorney Ex.P.34 Death certificate of Munichikkanna Ex.P.35 Valuation report Ex.P.37 Valuation report Ex.P.37(a) Signature Ex.P.38 Valuation report Ex.P.38(a) Signature of valuator Devaraj Ex.P.39 Valuation report Ex.P.40 Valuation report marked in L.A.C. No.326/2004 Ex.P.41 City survey sketch marked in L.A.C. No.326/2004 Ex.P.42 Khatha extract Ex.P.43 Death certificate of Chikka Munivenkatappa marked in L.A.C. No.326/2004 Ex.P.44 Ration card Ex.P.45 Rental agreement Ex.P.46 2 photos Ex.P.47 House land tax

assessment extract Ex.P.47(1) Valuation report Ex.P.47(a) Enclosure Ex.P.47(b)& c Signatures Ex.P.45B Partition deed Ex.P.45A Rectification deed Ex.P.46A Valuation report Ex.P.48 Valuation report Ex.P.48(a) Signature Ex.P.49 Valuation report Ex.P.49(a) Enclosure Ex.P.49 b & c Signature of the valuer Ex.P.50 Valuation report marked in L.A.C. No.14/2004 Ex.P.50A Enclosure Ex.P.50 b & c Signatures of valuer Ex.P.51 Valuation report in L.A.C. No.183/2003 Ex.P.51A Enclosure Ex.P.51 b & c Signatures of valuer Ex.P.52 Valuation report in L.A.C. No.276/2005 Ex.P.52A Enclosure Ex.P.52 b & c Signatures of valuer Ex.P.53 Valuation report marked in L.A.C. No.76/2003 Ex.P.53A Signature of valuer Ex.P.54 Valuation report marked in L.A.C. No.85/2003 Ex.P.54A Signature of valuer Ex.P.55 Valuation report in L.A.C. No.181/2003 Ex.P.55A Signature of valuer Ex.P.56 Valuation report in L.A.C. No.43/2005 Ex.P.56A Signature of valuer Ex.P.57 Valuation report marked in L.A.C. No. 43/2005 Ex.P.58 Valuation report Ex.P.58A Sale deed dated 16.08.1938 Ex.P.59 Sale deed dated 28.08.1941 Ex.P.60 Partition deed Ex.P.61 City Survey sketch Ex.P.62 City Survey Enquiry report Ex.P.63 Award dated 30.06.1995 Ex.P.64 Sale deed dated 12.08.1957 Ex.P.65 Property card Ex.P.66 Survey sketch Ex.P.67 Survey Enquiry report Ex.P.68 Award dated 30.06.1995 Ex.P.69 Death certificate of Hanumakka Ex.P.70 Valuation report Ex.P.71 Valuation report Ex.P.72 2 photographs Ex.P.73 General Award dated 30.06.1995 Ex.P.74 Judgment and award in L.A.C. No.35/2007 Ex.P.75 Judgment and award in L.A.C. No.125/2008 Ex.P.76 Notice under Section 12(2) of L.A. Act Ex.P.77 Notice dated 18.07.2005 Ex.P.78 Notice dated 13.10.1993 Ex.P.79 Award notice Ex.P.80 Property register card Ex.P.81 City Survey field Book Ex.P.82 Enquiry register of Urban survey Ex.P.83 Certified copy of building site and hiduvali certificate Ex.P.84 Partition deed Ex.P.85 Valuation report Ex.P.86 Demand Register Extract Ex.P.87 Death certificate of Munibyaiah Ex.P.88 Death certificate of Lokanath Ex.P.89 Death certificate Jogappa Documents marked in L.A.C. No.14/2004:

Ex.P.1 Sale deed dated 31.01.1973 Ex.P.2 Letter dated 16.10.2007 Ex.P.3 Agreement of lease dated 01.09.2003 Ex.P.4 Photographs Ex.P.5 Negative Documents marked in L.A.C. No.77/2003:

Ex.P.1 Valuation report Documents marked in L.A.C. No.44/2005 Ex.P.1 General Award Ex.P.2 Notice under Section 12(2) Ex.P.3 Settlement deed Ex.P.4 Khatha certificate Ex.P.5 to 9 Tax paid receipts Ex.P.10 Certified copy of statement of PW.1 Ex.P.11 Certified copy of preliminary notification dated 30.05.1990 Ex.P.12 Certified copy of final notification dated 16.09.1993 Ex.P.13 Certified copy of preliminary notification dated 02.03.2000 Ex.P.14 Certified copy of final notification dated 09.04.2001 Ex.P.15 Certified copy of judgment in W.P. No. 30555/1994 Ex.P.16 Certified copy of registered sale deed dated 04.09.1989 Ex.P.17 Rental agreement dated 28.05.1988 Ex.P.18 Certified copy of registered sale deed dated 04.07.1989 Ex.P.19 Certified copy of registered sale deed dated 12.09.1990 Ex.P.20 Certified copy of registered sale deed dated 07.09.1989 Ex.P.21 Certified copy of registered sale deed dated 07.01.1990 Ex.P.22 Certified copy of letter written by Executive Engineer

dated 09.11.1992 Ex.P.23 Circular Ex.P.24 Government circular dated 08.07.85 (Wrongly mentioned as 09.11.1992) Ex.P.25 Certified copy of circular issued by Executive Engineer Ex.P.26 Certified copy of judgment in L.A.C. No.112/1991 Ex.P.27 Notice Documents marked in L.A.C. No.78/2003:

Ex.P.1 Valuation report

3. WITNESSES EXAMINED FOR THE RESPONDENTS:

Nil

4. DOCUMENTS MARKED FOR RESPONDENTS:

Nil (Sheila B.M.), II Addl. City Civil and Sessions & Spl. Judge, Bengaluru.

140