

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT DHARWAD

DATED THIS THE 17TH DAY OF SEPTEMBER 2008

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

W.P. No.20388/2007 (LA-RES)

BETWEEN:

- 1 SRI HANUMANTHAPPA G HARIJAN
S/O GANGAPPA HARIJAN
AGED 70 YEARS
- 2 BORAWWA GIRIMALLA HARIJAN
W/O RAMAPPA HARIJAN
AGED 60 YEARS
- 3 GURUPADAPPA RAMAPPA HARIJAN
S/O RAMAPPA HARIJAN
AGED 55 YEARS
- 4 PEERAWWA DUNDAPPA HARIJAN
W/O DUNDAPPA HARIJAN
AGE 62 YEARS
- 5 CHANDRAWWA T. HARIJAN
W/O BHIMAPPA HARIJAN
AGE 62 YEARS
- 6 RAMACHANDRA B HARIJAN
S/O BHIMAPPA HARIJAN
AGE 62 YEARS
- 7 SHIVAPPA B. HARIJAN
S/O BASAPPA HARIJAN
AGE 65 YEARS

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- 8 PUTTALAWWA I HARIJAN
W/O ISHWARAPPA HARIJAN
AGE 63 YEARS
- 9 SAYAWWA M HARIJAN
W/O MARTHAPPA HARIJAN
AGE 70 YEARS
- 10 SHIVAPPA MA HARIJAN
S/O MALLAPPA HARIJAN
AGE 75 YEARS
- 11 YALLAPPA B HARIJAN
S/O BASAPPA HARIJAN
AGE 55 YEARS
- 12 SUBBAWWA H HARIJAN
W/O HANUMAPPA HARIJAN
AGE 78 YEARS
- 13 DODDABASAPPA B HARIJAN
S/O BHAGAWWA HARIJAN
AGE 72 YEARS
- 14 RANGAWWA B HARIJAN
S/O BHIMAPPA HARIJAN
AGE 78 YEARS
- 15 BALAPPA R HARIJAN
S/O RANGAPPA HARIJAN
AGE 70 YEARS
- 16 GIRIMALLAPPA S HARIJAN
S/O SATHAPPA HARIJAN
AGE 78 YEARS
- 17 BASAPPA B HARIJAN
S/O BHAGAWWA HARIJAN
AGE 80 YEARS
- 18 SANGAPPA P HARIJAN
S/O PARASAPPA HARIJAN
AGE 82 YEARS



- 19 MAREWWA G HARIJAN
D/O GOWRAWWA HARIJAN
AGED 75 YEARS
- 20 THIPPANNA Y HARIJAN
S/O YAMUNAPPA HARIJAN
AGE 65 YEARS
- 21 BHIMAPPA S HARIJAN
S/O YELLAPPA HARIJAN
AGE 75 YEARS
- 22 KALAPPA Y HARIJAN
S/O YELLAPPA HARIJAN
AGE 63 YEARS
- 23 ANNAWWA S HARIJAN
W/O SHIVALINGAPPA HARIJAN
AGE 65 YEARS
- 24 PARASAPPA B HARIJAN
S/O BALAVANTH HARIJAN
AGE 55 YEARS
- 25 RACHAVVA G HARIJAN
W/O GYBAPPA HARIJAN
AGE 72 YEARS
- 26 DURGAPPA G HARIJAN
S/O GYBANNA HARIJAN
AGE 80 YEARS
- 27 SHITHAWWA D HARIJAN
W/O DHARMAPPA HARIJAN
AGE 78 YEARS
- 28 PARASAPPA H HARIJAN
S/O HUSANAVVA HARIJAN
AGE 82 YEARS
- 29 KRISHNAWWA S HARIJAN
W/O SHANKARAPPA HARIJAN
AGE 80 YEARS

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- 30 BHAGAWWA R HARIJAN
W/O RAMAPPA HARIJAN
AGE 80 YEARS
- 31 LAKUMAPPA H HARIJAN
S/O HALLEPPA HARIJAN
AGE 75 YEARS
- 32 SYDAPPA M SAMAGAR
S/O MAHALINGAPPA SAMAGAR
AGE 60 YEARS
- 33 HASANAPPA R MADAR
S/O RAMAPPA MADAR
AGED 60 YEARS
- 34 HANUMANTHA Y MADAR
S/O YELLAPPA MADAR
AGE 55 YEARS
- 35 SATHYAWWA Y MADAR
W/O YELLAPPA MADAR
AGE 48 YEARS
- 36 YELLAPPA Y MADAR
S/O HANUMAPPA MADAR
AGE 52 YEARS
- 37 ARJUN H MADAR
S/O HANUMAPPA MADAR
AGE 58 YEARS
- 38 YALLAPPA S MADAR
S/O SANTHAPPA MADAR
AGE 62 YEARS
- 39 DUNDAPPA K MADAR
KASJAPPA MADAR
AGE 62 YEARS
- 40 HANUMANTHA S MADAR
S/O SANTHAPPA MADAR
AGE 60 YEARS



- 41 SANTHAPPA Y MADAR
 S/O YALLAPPA MADAR
 AGE 50 YEARS
- 42 LALAPPA B MADAR
 S/O BHIMAPPA MADAR
 AGE 70 YEARS
- 43 HUSANAPPA K MADAR
 S/O KASHAPPA MADAR
 AGE 59 YEARS
- 44 YALLAWWA Y MADAR
 W/O YALAPPA MADAR
 AGE 59 YEARS
- 45 HIREGOPPA N MADAR
 S/O NINGAWWA MADAR
 AGE 62 YEARS
- 46 YAMUNAPPA B MADAR
 S/O BASAPPA MADAR
 AGE 60 YEARS
- 47 LAYAWWA Y MADAR
 W/O YALAPPA MADAR
 AGE 65 YEARS
- 48 DURGAPPA R MADAR
 S/O RAMAPPA MADAR
 AGE 50 YEARS
- 49 KASHAPPA S MADAR
 S/O SANTHAPPA MADAR
 AGE 75 YEARS
- 50 LALAPPA P MADAR
 S/O PARAPPA MADAR
 AGE 45 YEARS

ALL ARE R/OF GALAGALLI VILLAGE
TQ BILAGI, DIST BAGALKOT
ALL ARE REP BY THEIR GPA HOLDER
VASANTHA M HARIJAN

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S/O MARIYAPPA HARIJAN
AGED ABOUT 54 YEARS
R/O GALAGALLI VILLAGE
TQ BILAGI DIST BAGALKOT ..PETITIONERS

(By Sri.R.Manjunath, Adv. for Sanket Yenagi Assts.)

AND :

- 1 THE SPECIAL LAND ACQUISITION OFFICER
UPPER KRISHNA PROJECT
NO.2, UKP ALMATTI
NAVANAGAR, BAGALKOT.
 - 2 THE GENERAL MANAGER
LAND ACQUISITION UKP,
NAVANAGAR, BAGALKOT DIST.
- ... RESPONDENTS

(By Sri K.B.Adhyapak, GA)

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THIS WRT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPONDENTS TO PASS AWARD FOR INTEREST AT THE RATE OF 9% ON THE ADDITIONAL MARKET VALUE FOR THE 1ST YEAR AND 15% FOR THE SUBSEQUENT YEARS AND 30% INTEREST ON SOLATUM FROM THE DATE OF THE AWARD.

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, THE COURT MADE THE FOLLOWING;

ORDER

1. The petition coming up for preliminary hearing is taken up for final disposal.

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2. Government Advocate is directed to take notice for the respondents.

3. The petitioners are the owners of land in Sy.Nos.315/B measuring 28 acres 3 guntas of Galagali village, Bilagi taluk, Bagalkot district. The respondent-authorities are said to have acquired their lands for the purpose of Upper Krishna Project and the petitioners received compensation in terms of the award passed therein. The other land owners whose lands had been notified under the very Notification under which the lands of the petitioners are stated to have been acquired invoked Section 18 of the Land Acquisition Act, 1894 (for short 'the Act') and are stated to have received the enhanced compensation. The petitioners herein are stated to have been invoked Section 28-A of the Act and sought for re-determination of compensation. The petitioners grievance is that the application was not considered by the respondents. The petitioners had filed a writ petition before this Court in W.P.No.3270/2006 and this Court had directed the respondents to consider the application of the petitioners. The respondents have now re-determined the compensation but have not granted statutory

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interest on the additional market value and on the solatium amount under Section 28 of the Act. Aggrieved by this the petitioners are before this Court.

4. The petitioners' sole grievance being denial of interest for the corresponding period is in accordance with law. There is no serious objection to this from the counsel representing the State.

5. Accordingly, the petition is allowed. The respondents are directed to award interest at the rate of 9% p.a. on the additional market value for the first year and 15% p.a. for the subsequent years and 30% interest on solatium from the date of the award in accordance with law. The petition is disposed of accordingly.

Sd/-
Judge

Jm/-