

**IN THE HIGH COURT OF KARNATAKA**

**CIRCUIT BENCH AT GULBARGA**

**DATED THIS THE 25<sup>TH</sup> DAY OF JULY 2011**

**BEFORE**

**THE HON'BLE MR. JUSTICE H.G.RAMESH**

**Miscellaneous Second Appeal No.543/2011**

BETWEEN:

BEERAPPA  
S/O DODDAPPA  
SINCE DECEASED BY HIS LR  
NAGAMMA  
W/O BEERAPPA  
AGE: 50 YEARS, OCC: COOLIE  
R/O YELMAMDI  
TQ : CHINCHOLI  
DIST: GULBARGA

... APPELLANT

(BY SRI K D BHANTANUR, ADV.)

AND:

THE SPECIAL LAND ACQUISITION  
OFFICER, M & MIP  
GULBARGA

... RESPONDENT

(BY SRI MALLIKARJUN SAHUKAR, HCGP)

THIS MSA IS FILED UNDER SECTION 54(2) OF THE LAC ACT, AGAINST THE JUDGMENT AND AWARD DATED 29.01.2002 PASSED IN LACA NO.36/2001 ON THE FILE OF THE PRL. DISTRICT JUDGE AT GULBARGA, ALLOWING THE APPEAL AND SETTING ASIDE THE JUDGMENT AND AWARD DATED 20.02.1989 PASSED IN LAC NO.105/1986 ON THE FILE OF THE ADDL. CIVIL JUDGE AT GULBARGA.

THIS MSA COMING ON FOR FINAL HEARING, THIS DAY, THE COURT DELIVERED THE FOLLOWING:

**J U D G M E N T**

This second appeal by the claimant is directed against the judgment and award dated 29.01.2002 passed by the Lower Appellate Court namely the Court of the Principal District Judge, Gulbarga in LAC Appeal No.36/2001. By the impugned judgment, the Lower Appellate Court has allowed the appeal filed by the appellant, by fixing the market value of the land in question at ₹11,500/- per acre with all the statutory benefits inclusive of interest.

2. Learned counsel appearing for the appellant and the learned High Court Government Pleader appearing for the respondent jointly submit that in view of the judgment of this Court rendered in MSA No.546/2010 (D.D. 08.03.2011), the appellant is entitled for the market value @ ₹35,750/- per acre in respect of the land in question with all the statutory benefits less the amount of compensation already received by him.

3. In view of the joint submission made by the learned counsel for the parties, the market value of the



appellant's land is determined at ₹35,750/- per acre; the appellant is accordingly held entitled for the said amount along with all the statutory benefits inclusive of interest @ 9% & 15% as provided under Section 28 of the Land Acquisition Act, 1894, less the amount already received by him. However, the appellant is not entitled for any interest on the amount enhanced in this second appeal for the period of the delay of 3255 days in filing this appeal in view of the order passed by this Court on 19.04.2011. The appellant is also entitled for proportionate costs of this appeal. The appeal stands disposed of in the above terms.

***Appeal disposed of.***

Sd/-  
JUDGE

hkh.