

IN THE HIGH COURT OF KARNATAKA

CIRCUIT BENCH AT GULBARGA

DATED THIS THE 8<sup>TH</sup> DAY OF NOVEMBER, 2012

BEFORE

THE HON'BLE MR.JUSTICE B.S.PATIL

**W.P.No.85688/2012 (LA-RES)**

**BETWEEN:**

1. Shankrappa  
S/o Gundappa  
Age about 62 years  
Occ: Agriculture  
R/o Village Bombalgi  
Tq. and Dist. Bidar – 585 401
2. Manikrao  
S/o Gundappa  
Age about 57 years  
Occ: Agriculture  
R/o Village Bombalgi  
Tq. and Dist. Bidar – 585 401
3. Shamrao S/o Gundappa  
Age about 47 years  
Occ: Agriculture  
R/o Village Bombalgi  
Tq. and Dist. Bidar – 585 401

**... PETITIONERS**

**(By Sri R.J.Bhusare, Adv.)**

**AND:**

1. The State of Karnataka,  
Deprt. of Irrigation,  
M.S.Building,  
Bangalore – 01,  
Rep. by its Secretary.

2. The Deputy Commissioner,  
Dist: Bidar – 585 401.
3. The Special Land Acquisition Officer,  
Karanja Project,  
Bidar – 585 401.

**... RESPONDENTS**

**(By Sri Shivakumar R.Tengli, AGA)**

This Petition is filed under Articles 226 & 227 of the Constitution of India praying to direct the 3<sup>rd</sup> respondent to re-determine the compensation as claimed by the petitioner in terms of Annexure-A dated 23.11.2010 bearing No.LAQ/KP/CR/246/79-80 and etc.

This petition coming on for Preliminary Hearing this day, the Court made the following:

**ORDER**

1. Learned Additional Government Advocate takes notice for the respondents.
2. In this writ petition, petitioners are seeking a direction to the 3<sup>rd</sup> respondent to re-determine the compensation as claimed by them in the petition made under Section 28-A read with Section 18(1) of the Karnataka Land Acquisition Act (for short, 'the Act').
3. It is submitted at the Bar by the counsel for both the parties that similar matter has been disposed of by this Court in W.P. No.85683/2012 (LA-RES) vide order dated 08.10.2012 and that similar direction may be issued in this case also.

4. In the light of above submission, the matter is taken up for final disposal with the consent of both the parties.

5. Petitioners are the owners of the land bearing Sy.No.120 measuring 3 acres situated at Bombalgi Village, Bidar Taluk. This land has been acquired for Karanja Project at Bidar. The Land Acquisition Officer has fixed a sum of Rs.3,100/- per acre as market value. According to the petitioners, one of the land owners whose land was the subject matter of acquisition as per the Preliminary Notification issued under Section 4(1) of the Act had got his matter referred to the Civil Court for enhancement. According to the petitioners, the Civil Court has enhanced the market value and fixed the same at Rs.33,990/- per acre in L.A.C.No.24/2004. In MFA.No.5578/2008 filed by the claimants therein, the market value was enhanced to Rs.40,000/- per acre. It is also contended by the petitioners that in LAC.No.20/2004 the market value was fixed at Rs.46,200/- per acre. In this background, petitioners claims to have made an application under Section 28-A read with Section 18(1) of the Act for redetermination of the compensation based on the judgment and award passed by the Reference Court in the comparable cases in respect of the lands acquired under the same Preliminary Notification issued under Section 4(1) of the Act. As the said application is not

disposed of, petitioners have approached this Court seeking a direction to the Special Land Acquisition Officer – respondent No.3 herein to redetermine the compensation as claimed by the petitioners vide Annexure-A – petition filed on 23.11.2010.

6. Learned Additional Government Advocate submits that the judgment rendered in MFA.No.5578/2008 (LAC) disposed of on 05.01.2011 which is produced at Annexure-B to the writ petition does not arise out of LAC No.20/2004 or LAC No.24/2004. Instead, the said judgment arises out of LAC No.2/2004. He therefore contends that the petitioner may not be justified in placing reliance on an unconnected judgment rendered by this Court in MFA.No.5578/2008.

7. It is unnecessary for this Court to go into the said question, as it is for the Special Land Acquisition Officer to examine the matter and find out whether the said judgment in MFA.5578/2008 arises out of the land acquired under the same Preliminary Notification in respect whereof the Reference Court enhanced compensation in LAC.Nos.20 or 24/2004.

8. The grievance of the petitioners can be effectively addressed, if the Special Land Acquisition Officer is directed to consider the petition filed under Section 28-A of the Act in accordance with law

as expeditiously as possible at any rate within a period of six months from the date of receipt of a copy of this order. It is made clear that no opinion is expressed on the merits of the matter. Writ Petition is accordingly disposed of.

Learned Additional Government Advocate is permitted to file memo of appearance within three weeks from today.

**Sd/-  
JUDGE**

LG