



NC: 2026:KHC:25830-DB  
MFA No. 1134 of 2017  
C/W MFA No. 1132 of 2017  
MFA No. 1133 of 2017

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 2<sup>nd</sup> DAY OF JUNE 2026**

**PRESENT**

**HON'BLE MRS. JUSTICE ANU SIVARAMAN**

**AND**

**HON'BLE MS. JUSTICE TARA VITASTA GANJU**

**MISCELLANEOUS FIRST APPEAL NO. 1134 OF 2017(LAC)**

**C/W**

**MISCELLANEOUS FIRST APPEAL NO. 1132 OF 2017**

**MISCELLANEOUS FIRST APPEAL NO. 1133 OF 2017**

**IN MFA No. 1134 OF 2017 :**

**BETWEEN:**

1. CHIEF ENGINEER (CONSTRUCTIONS),  
SOUTH WESTERN RAILWAY,  
HASSAN-BANGALORE (NEW BG LINE),  
#18, MILLERS ROAD, BENGALURU-560 001.
2. DEPUTY CHIEF ENGINEER (CONSTRUCTIONS),  
(ARRAYED AS DEPUTY ENGINEER BEFORE THE  
REFERENCE COURT)  
SOUTH WESTERN RAILWAY,  
HASSAN-BANGALORE (NEW BG LINE),  
NEAR RAILWAY STATION  
BENGALURU-560 001.

...APPELLANTS

(BY SRI. B.PRAMOD., ADVOCATE)

**AND:**

1. SRI. CHANDRASHEKARA  
SON OF PAPANNA,



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AGED 52 YEARS,  
RESIDING AT KORAVANGALA VILLAGE,  
DUDDA HOBLI, HASSAN DISTRICT – 573 103.

2. THE CHIEF SECRETARY,  
GOVERNMENT OF KARNATAKA,  
SPECIAL LAND ACQUISITION OFFICER,  
VIDHANA SOUDHA,  
BENGALURU-560 001.
3. ASSISTANT COMMISSIONER,  
HASSAN-573 103.

...RESPONDENTS

(BY SRI. CHETHAN.B., ADVOCATE FOR R1;  
SMT. RADHA RAMASWAMY., AGA FOR R2 & 3)

THIS MFA FILED UNDER SECTION 54(1) OF THE LAND ACQUISITION ACT, AGAINST THE JUDGMENT AND AWARD DATED 06.01.2016 PASSED IN LAC NO.255/2014 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE HASSAN, ALLOWING THE CLAIM PETITION FILED UNDER SECTION 18(1) OF THE L.A. ACT.

**IN MFA No. 1132 OF 2017 :**

**BETWEEN:**

1. CHIEF ENGINEER (CONSTRUCTIONS),  
SOUTH WESTERN RAILWAY,  
HASSAN-BANGALORE (NEW BG LINE),  
#18, MILLERS ROAD, BENGALURU-560 001.
2. DEPUTY CHIEF ENGINEER (CONSTRUCTIONS),  
(ARRAYED AS DEPUTY ENGINEER BEFORE THE  
REFERENCE COURT)  
SOUTH WESTERN RAILWAY,  
HASSAN-BANGALORE (NEW BG LINE)  
# 18, MILLERS ROAD, BENGALURU-560 001.

...APPELLANTS

(BY SRI. B.PRAMOD., ADVOCATE)



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**AND:**

1. SRI. PUTTASWAMY GOWDA  
SON OF LATE K.SANNEGOWDA,  
AGED 34 YEARS,  
RESIDING AT KORAVANGALA VILLAGE,  
DUDDA HOBLI,  
HASSAN DISTRICT - 573 103.
2. THE CHIEF SECRETARY,  
GOVERNMENT OF KARNATAKA,  
SPECIAL LAND ACQUISITION OFFICER,  
VIDHANA SOUDHA,  
BENGALURU-560 001.
3. ASSISTANT COMMISSIONER,  
HASSAN-573 103.

...RESPONDENTS

(BY SRI. CHETHAN.B., ADVOCATE FOR R1;  
SMT. RADHA RAMASWAMY., AGA FOR R2 & 3)

THIS MFA FILED U/S 54(1) OF LAND ACQUISITION ACT,  
AGAINST THE JUDGMENT AND AWARD DATED 06.01.2016  
PASSED IN LAC.NO.253/2014 ON THE FILE OF THE PRINCIPAL  
SENIOR CIVIL JUDGE, HASSAN, ALLOWING THE CLAIM  
PETITION FOR ENHANCED COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

**IN MFA No. 1133 OF 2017 :**

**BETWEEN:**

1. CHIEF ENGINEER (CONSTRUCTIONS),  
SOUTH WESTERN RAILWAY,  
HASSAN-BANGALORE (NEW BG LINE),  
#18, MILLERS ROAD, BENGALURU-560 001.
2. DEPUTY CHIEF ENGINEER (CONSTRUCTIONS),  
(ARRAYED AS DEPUTY ENGINEER BEFORE THE  
REFERENCE COURT)  
SOUTH WESTERN RAILWAY,



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HASSAN-BANGALORE (NEW BG LINE),  
NEAR RAILWAY STATION  
BENGALURU-560 001.

...APPELLANTS

(BY SRI. B.PRAMOD., ADVOCATE)

**AND:**

1. SRI. SHIVANNA  
SON OF ARASEGOWDA,  
AGED 50 YEARS,  
RESIDING AT KORAVANGALA VILLAGE,  
DUDDA HOBLI, HASSAN DISTRICT - 573 103.
2. THE CHIEF SECRETARY,  
GOVERNMENT OF KARNATAKA,  
SPECIAL LAND ACQUISITION OFFICER,  
VIDHANA SOUDHA,  
BENGALURU-560 001.
3. ASSISTANT COMMISSIONER,  
HASSAN-573 103.

...RESPONDENTS

(BY SRI. CHETHAN.B., ADVOCATE FOR R1;  
SMT. RADHA RAMASWAMY., AGA FOR R2 & 3)

THIS MFA FILED U/S 54(1) OF THE LAND ACQUISITION ACT,  
AGAINST THE JUDGMENT AND AWARD DATED 06.01.2016  
PASSED IN LAC NO.254/2014 ON THE FILE OF THE PRINCIPAL  
SENIOR CIVIL JUDGE, HASSAN, ALLOWING THE REFERENCE  
PETITION FOR ENHANCED COMPENSATION AND SEEKING  
ENHANCEMENT OF COMPENSATION.

THESE APPEALS HAVING BEEN RESERVED FOR JUDGMENT ON  
**08.04.2026**, COMING ON FOR PRONOUNCEMENT OF



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JUDGMENT, THIS DAY, **HON'BLE MS. JUSTICE TARA VITASTA GANJU** WAS PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN  
&  
HON'BLE MS. JUSTICE TARA VITASTA GANJU

**CAV JUDGMENT**

**(PER: HON'BLE MS. JUSTICE TARA VITASTA GANJU)**

1. These Miscellaneous First Appeals are filed under Section 54(1) of the Land Acquisition Act, 1894, (hereinafter referred to as the 'LA Act') by the appellants seeking to challenge the common Judgment and Award dated 06.01.2016, passed in LAC Nos.252/2014 to 255/2014 by the Principal Civil Judge, Hassan (hereinafter referred to as the 'Impugned Judgment').
2. By the Impugned Judgment, the learned Reference Court has allowed four claim petitions filed by the respondent No.1/claimant including the three under challenge in these appeals and has enhanced the compensation of land acquired to Rs.1,00,000/- per gunta together with solatium at 30% and interest as per the provisions of the LA Act.



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3. The appellants, being aggrieved by the said enhancement have filed MFA No.1132/2017, as against the Impugned Judgment in LAC No.253/2014 filed by the claimant/Sri. Puttaswamygowda; MFA No.1133/2017 as against the Impugned Judgment in LAC No.254/2014 filed by the claimant/Sri. Shivanna and MFA No.1134/2017 as against the Impugned Judgment in LAC No.255/2014 filed by the claimant/Sri. Chandrashekara.

3.1 These appeals were dismissed by this Court on 07.09.2017 and were subsequently restored by an order dated 19.01.2021. This Court has by an order dated 25.03.2026 directed that the further proceedings in execution shall not be precipitated by the respondents till the next date of hearing.

3.2. Since the evidence formed part of the record in LAC 252/2014, the file was requisitioned from the Reference Court.



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4. The brief facts of the case are that Notifications dated 23.12.2010 and 24.01.2011 were issued by the Special Land Acquisition Officer under Section 4(1) of the LA Act [hereinafter referred to as 'Notification'] for acquisition of the land in Survey Nos.27 and 28, admeasuring 5 and 7½ guntas, belonging to the respondent No.1 in MFA No.1132/2017; Survey No.29/1 admeasuring 18 guntas belonging to the respondent No.1 in MFA No.1133/2017 and Survey No.28 admeasuring 35 guntas belonging to the respondent No.1 in MFA No.1134/2017, all situated at Koravangala Village, Dudda Hobli, Hassan Taluk [hereinafter collectively referred to as 'the Acquired Lands']. The final notification was issued on 01.08.2011 under Section 6(1) of the LA Act. The purpose of the acquisition was for the extension of the railway line at Hassan of the Hassan–Arasikere Railway project [hereinafter referred to as 'the Project'].

4.1 Subsequently, the Special Land Acquisition Officer, by an Award dated 24.09.2011, affixed the compensation at



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Rs.1,04,800/- per acre or Rs.2,620/- per gunta (approx.) [hereinafter referred to as 'the Award']. Being dissatisfied with the Award, the claimants sought enhancement of compensation by filing a Reference Petition under Section 18(1) of the LA Act. The appellants and respondent Nos.2 and 3 filed objections to the petition contending that the appellants have adopted a including the three under challenge a scientific method of assessment of the Acquired Lands and also obtained an expert opinion before award of the compensation. It was further stated that they have not acquired fertile land and have acquired only waste land for forming Railway New Broad-gauge and they have invested huge amounts in the project for the interest of public.

5. Based on the contentions of the parties, the learned Reference Court framed the following issues for consideration:

- 1. Whether the claim petitions are time barred under Section 18 of the Land Acquisition Act?*
- 2. Whether the compensation awarded by the opponent is inadequate? If so, for what quantum of compensation the claimants are entitled?*



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6. In order to prove their case, the claimants in LAC Nos.252/2014, 253/2014, 254/2014 and 255/2014 were examined as P.W.1 to P.W.4 respectively and documents were marked as Exhibits P1 to P29. The Respondents neither examined any witness nor filed any documents on their behalf.

7. After examining the evidence on record, the learned Reference Court held that the claimants have produced Exhibit's P5 to P7 to show that they were growing crops and the said crops had the yield described. In addition, reliance was placed on the judgments passed in LAC No.23/2013<sup>1</sup> and LAC No.275/2014<sup>2</sup> (Exhibits P28/P29 respectively) by the 2<sup>nd</sup> Addl. Senior Civil Judge, Hassan, (hereinafter referred to as '*relied upon judgments*') in respect of the acquisition of land for the same project and in the same village. The learned Reference Court also relied on the judgments of this Court in the cases of ***Special Land***

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<sup>1</sup> R.Rajagopalashetty Vs. The Special Land Acquisition Officer and another, decided on 24.06.2024

<sup>2</sup> Eeramma & Others Vs. The Special Land Acquisition Officer and others, decided on 12.12.2022



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***Acquisition Officer Vs. The Chief Officer<sup>3</sup> and Spl. L.A.O Vs. Fakirappa Mugubasappa and others<sup>4</sup>*** to enhance the compensation to Rs.1,00,000/- per gunta thereby allowing the claim petitions.

**Contention of the Appellants:**

8. The learned counsel for the appellants submits that the Impugned Judgment is unsustainable. It is contended that the learned Reference Court has erred in placing reliance upon the Judgments in LAC No.23/2013 and LAC No.275/2014 without undertaking an independent assessment of comparability. It is submitted that a mere identity of village or Notification, cannot justify adoption of the same rate. It is further submitted that the lands considered in the said judgments are advantageously situated, adjoining main roads and developed areas, whereas the lands in the present case are agricultural in nature and not similarly situated, which material distinctions have not been appreciated. It is contended that

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<sup>3</sup> 1983 SCC OnLine Kar 72

<sup>4</sup> ILR 2004 KAR 2371



the Acquired Lands are not comparable to such lands, and therefore the chain of reliance adopted by the learned Reference Court is fundamentally erroneous.

8.1 It is further contended that the learned Reference Court has not undertaken an independent determination of market value as required under law but has mechanically adopted the rate from the *relied upon judgments* without evaluating the statutory factors governing valuation including the requirement to consider the location, nature and potentiality of the land.

8.2 The appellants have placed reliance on ***Ranvir Singh v. Union of India***<sup>5</sup> to challenge the learned Reference Court's valuation, relying on the ratio that the market value of "wholly underdeveloped" agricultural land cannot be equated with "fully developed" land, even if the properties are in close proximity. In the present case, the appellants argue that the learned Reference Court committed a manifest error by mechanically applying the compensation

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<sup>5</sup> (2005) 12 SCC 59



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rates from the *relied upon judgments* without accounting for the fundamental developmental differences between the claimants' agricultural holdings and the developed or differently situated lands relied upon in those precedents. It was contended that the burden of proving comparability rests on the claimant and that the Court's failure to differentiate the nature of the lands renders the current enhancement to Rs.1,00,000/- per gunta unsustainable. Reliance was placed on the following extract of ***Ranvir***

***Singh case:***

*"26. While adopting the said method, in our opinion, the High Court committed manifest errors. **The market value of a fully developed land cannot be compared with a wholly underdeveloped land although they may be adjoining or situated at a little distance. For determining the market value, it is trite, the nature of the land plays an important role.**"*

[Emphasis Supplied]

8.3 It is further submitted that the enhancement from Rs.1,04,800/- per acre to Rs.1,00,000/- per gunta is excessive and not supported by any independent or cogent evidence. Without prejudice to the foregoing, it is contended that the *relied upon judgments* have



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subsequently been set aside and re-determined, and therefore since the foundation of the Impugned Judgment no longer survives, the judgment itself cannot be sustained.

**Contention of the Respondent No.1/Claimants:**

9. The learned counsel for the respondent No.1/claimants on the other hand submits that the Impugned Judgment passed by the learned Reference Court is just, proper and does not call for interference. It is contended that the Acquired Lands are similarly situated, arising out of the same Notification, pertaining to the same village and acquired for the very same Project. Thus, the reliance placed on the *relied upon judgments*, wherein compensation has been determined at Rs.1,00,000/- per gunta in respect of similarly situated lands acquired under the same Notification, is justified.

9.1. The learned counsel submits that in a series of connected proceedings, including LAC Nos.252/2014 to 255/2014, the learned Reference Court has consistently determined compensation at Rs.1,00,000/- per gunta,



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thereby maintaining uniformity in respect of similarly placed landowners. It is further submitted that in LAC (Appeal) No.70/2017, the District Court, Hassan, by judgment dated 18.12.2024, has dismissed the appeal and confirmed the compensation at Rs.1,00,000/- per gunta. It is contended that no further appeal has been preferred against the said judgment and the same has attained finality.

9.2 It is further contended that the Acquired Lands possess significant potential value, being situated in close proximity to the Bengaluru–Mangaluru National Highway, within about half a kilometre from the Hassan Airport, and in the vicinity of the Hassan District Headquarters. It is further submitted that the lands are adjacent to a residential layout developed by the Hassan Urban Development Authority, namely S.M. Krishna Nagara. It is therefore submitted that the lands cannot be treated as purely agricultural lands, but have substantial non-agricultural and developmental potential, which has been



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rightly taken into account by the learned Reference Court while determining the compensation.

9.3. It is therefore contended that there cannot be any discrimination in awarding compensation to landowners whose lands are adjoining and acquired under the same Notification, and the Impugned Judgment is liable to be upheld.

9.4. The learned counsel for the respondents has placed reliance on the judgment of a Coordinate Bench of this Court in ***M.F.A.No.10457/2018 and M.F.A.No.10456/2018***<sup>6</sup> to contend that where lands are similarly situated, acquired under the same or proximate notifications, and for the same project, uniform compensation ought to be awarded to avoid discrimination between landowners. It is submitted that in the said judgment, after noticing that earlier determinations fixing compensation at Rs.1,00,000/- per gunta had attained finality and that the lands were identical

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<sup>6</sup> Kuppegowda and Anr vs The Special Land Acquisition Officer, Hassan - Order dated 05.02.2025



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in nature and potentiality, held that it would be unfair to award different rates to similarly placed land losers and accordingly re-determined the compensation at Rs.1,00,000/- per gunta. It is therefore contended that the respondents herein are also entitled to the same rate on the principle of parity.

10. In light of the rival submissions and the material on record, the following issues arise for consideration:

*(i) Whether the Reference Court was justified in relying upon LAC No.23/2013 and LAC No.275/2014 for determining the market value of the acquired lands?*

*(ii) Whether the enhancement of compensation to Rs.1,00,000/- per gunta is sustainable in view of subsequent developments affecting the basis of such determination?*

11. The principal contention that has been raised by the appellants is that the learned Reference Court has placed reliance on non-comparable sale instances/exemplars without properly appreciating material distinctions in



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location and potentiality of the Acquired Lands. It is further contended that the settled principles governing determination of market value have been ignored and that agricultural/fallow lands have been erroneously equated with developed lands, resulting in an excessive and unsustainable enhancement.

12. Undisputably, the learned Reference Court, by the Impugned Judgment, has enhanced the compensation to Rs.1,00,000/- per gunta primarily relying upon the *relied upon judgments*, including LAC No.23/2013, which pertains to an acquisition under the same Preliminary Notifications dated 23.12.2010 and 24.01.2011, for the Hassan-Arasikere Railway Project. However, this judgment in LAC No.23/2013 has been set aside by a Single Judge of this Court in W.P.No.7679/2023 by order dated 19.06.2023, and the matter was remanded for fresh consideration. Further, the judgment in LAC No.275/2014 dated 01.09.2015 has also been set aside by a Coordinate Bench of this Court by order dated 16.01.2021 in MFA No.5460/2019.



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13. In order to better understand the *relied upon cases*, it is apposite to refer to the tabular chart below, which sets out the compensation awarded and the appellate Court decision:

<b>Sl. No.</b>	<b>LAC No.</b>	<b>Date of Notification + Area</b>	<b>Date of Judgment/ Award</b>	<b>Decision of Appellate Court / High Court</b>
01	252/2014	S. 4(1) dt. 23.12.2010 S 6 (1) dt. 24.01.2011  Koravangala Village, Hassan District <b>Hassan-Arasikere Railway Project</b>	06.01.2016  Rs.1,04,800/- per acre & other consequential benefits	LA (Appl) 70/2017 Challenged before the Appellate (Reference) Court and awarding of Rs.1,00,000/- per gunta was upheld <b>on 18.12.2024.</b>  Not challenged further.
02 (a)  (b)  (c)	<b>253/2014</b>  <b>254/2014</b>  <b>255/2014</b>	S. 4(1) dt. 23.12.2010  S 6 (1) dt. 24.01.2011  Koravangala Village, Hassan District <b>Hassan-Arasikere Railway Project</b>	06.01.2016  Rs.1,04,800/- per acre & other consequential benefits	MFA 1132/2017 (Present Case)  MFA 1133/2017 (Present Case)  MFA 1134/2017 (Present Case)
03	23/2013	S. 4(1) dt. 23.12.2010	03.10.2015	WP 7679/2023 Impugned Judgment was set aside by this



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		S. 6 (1) dt 01.08.2011  Koravangala Village, Hassan District <b>Hassan- Arasikere Railway Project</b>	Rs.1,00,000/- per gunta	Court and remitted for fresh adjudication.  Upon reconsideration compensation re- determined at <b>₹65,000/- per gunta</b> by the Reference Court on <b>24.06.2024</b>  Not challenged thereafter
04	275/ 2014	S. 4(1) dt. 15.10.2008 S.6(1) dt. 08.10.2009  Kommanahalli village, Hassan District <b>Hassan Town Ring Road project</b>	01.09.2015  Rs.1,00,000/- per gunta	MFA 5460/2019 Appeal disposed of in terms of MFA No.6390/2019  Upon reconsideration compensation re- determined at <b>₹64,490/- per gunta</b> by the Reference Court on <b>12.12.2022</b>  Not challenged thereafter.

13.1 As can be seen from the above, the learned Reference Court has re-adjudicated LAC No.23/2013 by order dated 24.06.2024 and LAC No.275/2014 by order dated 22.12.2022, re-fixed the market value of the acquired lands at Rs.65,000/- per gunta. However, the District Court,



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in LAC (Appl.) No.70/2017 arising out of LAC No.252/2014, by judgment dated 18.12.2024, has confirmed the compensation at Rs.1,00,000/- per gunta.

14. The Supreme Court in ***Special Land Acquisition Officer v. Karigowda***<sup>7</sup>, has categorically held that where direct evidence in the form of contemporaneous sale instances or exemplars pertaining to the same village is available, such evidence constitutes the most desirable and preferred basis for determination of market value under the Land Acquisition Act. It was observed as follows:

**"75. It is a settled principle of law that lands of adjacent villages can be made the basis for determining the fair market value of the acquired land. This principle of law is qualified by clear dictum of this Court itself that whenever direct evidence i.e. instances of the same villages are available, then it is most desirable that the court should consider that evidence. But where such evidence is not available court can safely rely upon the sales statistics of adjoining lands provided the instances are comparable and the potentiality and location of the land is somewhat similar. The evidence tendered in relation to the land of the adjacent villages would be a relevant piece of evidence for such determination. Once it is shown that situation and potential of the land in two different villages are the same then they could be**

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<sup>7</sup> (2010) 5 SCC 708



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**awarded similar compensation or such other compensation as would be just and fair.**

76. The cases of acquisition are not unknown to our legal system where lands of a number of villages are acquired for the same public purpose or different schemes but on the commonality of purpose and unite development. **The parties are expected to place documentary evidence on record that price of the land of adjoining village has an increasing trend and the court may adopt such a price as the same is not impermissible. Where there is commonality of purpose and common development, compensation based on statistical data of adjacent villages was held to be proper.** Usefully, reference can be made to the judgments of this Court in *Kanwar Singh v. Union of India* [(1998) 8 SCC 136 : AIR 1999 SC 317 : JT (1998) 7 SC 397] and *Union of India v. Bal Ram* [(2010) 5 SCC 747 : AIR 2004 SC 3981] .

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82. This Court in **Shaji Kuriakose [(2001) 7 SCC 650 : AIR 2001 SC 3341]** held that **out of the three aforestated methods, the courts adopt comparable sales method of valuation of land while fixing the market value of the acquired land. Comparable sales method of valuation of land is preferred than the other methods such as capitalisation of net income method or expert opinion method. Comparable sales methods of valuation is preferred because it furnishes the evidence for determination of the market value of the acquired land which a willing purchaser would pay for the acquired land if it has been sold in open market at the time of issue of notification under Section 4 of the Act.** In *Kantaben Manibhai Amin v. Land Acquisition Officer* [(1989) 4 SCC 662 : AIR 1990 SC 103] this Court also stated that **latest sale instance closer to the date of notification for acquisition of the land should be taken into consideration.**



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**83. It is also an accepted judicial norm that the claimants can be given the benefit of awarding compensation on the basis of the genuine sale instance containing the highest rate, provided it has been proved in accordance with law and is a comparable instance. Such sale instance must satisfy all the requirements and prerequisites stated in the Act. It should be a bona fide transaction and should also be in reasonable proximity to the date of notification under Section 4 of the Act. Since the SLAO had referred to the four sale instances which were produced before him and being part of the reference file, they were duly noticed by the Reference Court as well as by the High Court. But the courts held that it was not appropriate to apply sales statistics method in the facts and circumstances of the case. Admittedly, the claimants produced no sale instances. In our view, these sale instances can be taken into consideration by the Court and benefit of the highest instance can be granted to the claimants in accordance with law in fixing the market value of the acquired land. Whatever benefit accrues to the claimants from the record produced and proved by the respondents, cannot be denied to them just because they have not produced evidence by way of sale instances."**

[Emphasis Supplied]

15. In addition, it is settled principle of law that while exemplar awards/sale instances may legitimately form the basis for determination of compensation, the Court is nevertheless required to independently assess comparability and surrounding circumstances before



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mechanically adopting the rate determined therein. The judgment of the Supreme Court in ***Lal Chand v. Union of India***<sup>8</sup>, while considering reliance upon awards relating to neighbouring villages/acquisitions, has held that contemporaneous sale transactions or awards pertaining to the very same village constitute the best evidence for determination of market value. However, such reliance is permissible only upon establishing similarity and comparability of the lands concerned. The relevant extract reads as under:

*"90. The learned counsel for DDA submitted that a rate in that range (Rs 15,700 to Rs 18,500 per bigha) should therefore be adopted for the Rithala lands also. But that decision relating to Poothkalan is not of any assistance with reference to the Rithala acquisitions for the following reasons:*

**(i) It is now well settled that sale transactions or awards relating to neighbouring village will not be relied on when acceptable evidence by way of contemporaneous sale transactions or awards are available in regard to the very village where the acquisition took place. (Where there are no contemporaneous sale deeds or awards relating to the same village, then the sale transactions or awards of the same period relating to the neighbouring village can be considered provided there is evidence to show that the acquired lands and the lands covered by the exemplar deeds of the neighbouring village are similarly situated.)**

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<sup>8</sup> (2009) 15 SCC 769



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(ii) *The decision in Ram Phool [(2003) 10 SCC 167] itself lays down as follows: (SCC p. 168, para 6)*

**"6. ... Contemporaneous award no doubt is a useful guide for every court to determine the market value but that award must be taken into evidence in accordance with law by giving an opportunity to the other side for rebutting the same and that had not been done in the case in hand."**

*In this case while the learned counsel for the respondents contended that the lands at Rithala and Poothkalan were similar, the learned counsel for the appellants submitted that the acquired lands in Rithala were far more valuable than the lands in Poothkalan and that Rithala was nearer to the city when compared to Poothkalan. **Neither stand is supported by any evidence or material on record. In the absence of any evidence, we cannot assume that acquired lands in Rithala and lands acquired in Poothkalan were similarly situated.***

*(iii) In Ram Phool [(2003) 10 SCC 167] this Court set aside the decision of the High Court and restored the award of the Reference Court, **not because it came to the conclusion that the market value was only Rs 15,700/Rs 18,500 as decided by the Reference Court, but because the only piece of evidence that was relied on by the High Court to fix the market value of Rs 30,000 was found to be not reliable and no other evidence was available.** Therefore, the decision of this Court in Ram Phool [(2003) 10 SCC 167] was not a positive determination of market value of Poothkalan lands, but the rejection of a determination of a higher value by the High Court for want of acceptable evidence."*

[Emphasis Supplied]

16. In the present case, the learned Reference Court has enhanced the compensation to Rs.1,00,000/- per gunta. It



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would thus be apposite to examine whether the evidence produced by the respondent No.1/claimants before the Reference Court justified the enhancement awarded. PW 1 to PW4 – being the Respondent No. 1/claimants in these Appeals as well as in LAC 252/2014, entered the witness box and gave evidence in support of their respective claims. They have adverted to the fact that the Acquired Land had several crops growing having a good yield. The relevant extract of the Impugned Judgement is set out below:

*"12. Point No.2: In order to prove the case of claimant, the claimant in LAC 252/2014 himself examined as P.W.1. PW.1 has deposed that his land was wet and fertile land and **in the first crop, he was growing crop like Potato and getting yield of 25-30 bags, and he was growing maize as 2nd crop and getting yield of 25-30 bags and he was growing Ragi, Hosige gram and Black Til as 3rd crop and getting income of Rs.10,00,000/- per year. The acquired land at the time of acquisition was valued at Rs.2,50,000/- to 5,00,000/- lakhs per acre.** He has further deposed that his land is situated near Bangalore-Mangalore highway and it is 1/2 kilometer away from the Airport.*

*13. P.W.2 Puttaswamygowda petitioner in LAC 253/2014 deposed that there is a bore well measuring 300 feet, 10 JA pipe, 7 1/2 H.P Motor and 15 coconut trees and 10 teak trees. In the **first crop, he was growing crop like Potato and getting yield of 25-30 bags, and he was growing maize as 2nd crop and getting yield of 25-30 bags and he was growing Ragi, Hosige gram and Black Til as 3<sup>rd</sup> crop and getting income of Rs.4,00,000/- per year. The acquired land at the time of acquisition was valued at Rs.2,50,000/- to 5,00,000/- lakhs per acre.** He has further deposed that*



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his land is situated near Bangalore-Mangalore highway and it is ½ kilometer away from the Airport.

14. P.W.3 Shivanna petitioner in LAC 254/2014 deposed that there is two brick making houses, one water tank 10 x 10 feet and bore well measuring 300 feet a bore well measuring 300 feet, 10 JA pipe, 7 1/2 H.P Motor and forest trees. **In the first crop, he was growing crop like Potato and getting yield of 25-30 bags, and he was growing maize as 2nd crop and getting yield of 25-30 bags and he was growing Ragi, Hosige gram and Black Til as 3rd crop and getting income of Rs.4,00,000/- per year. The acquired land at the time of acquisition was valued at Rs.2,50,000/- to 5,00,000/- lakhs per acre.** He has further deposed that his land is situated near Bangalore-Mangalore highway and it is 1½ kilometer away from the Airport.

15. P.W.4 Chandrashekar petitioner in LAC 255/2014 deposed that his land was wet and fertile land and **in the first crop, he was growing crop like Potato and getting yield of 25-30 bags, and he was growing maize as 2nd crop and getting yield of 25-30 bags and he was growing Ragi, Hosige gram and Black Til as 3rd crop and getting income of Rs.4,00,000/- per year. The acquired land at the time of acquisition was valued at Rs.2,50,000/- to 5,00,000/- lakhs per acre.** He has further deposed that his land is situated near Bangalore-Mangalore highway and it is 1½ kilometer away from the Airport.

16. The Land Acquisition Officer has not considered all these above said factors and awarded meager amount as compensation. Hence, prayed for enhancement of compensation. In support of his case, he has got marked the following documents:

<b>Exhibit No.</b>	<b>Description</b>
Ex.P.1, 18, 21, 25	18(1) applications
Ex.P.2, 19, 22, 26	Award Notices
Ex.P.3, 20, 23, 27	Individual award Orders
Ex.P.4	Order of Deputy Commissioner in ALN 80/07



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<i>Ex.P.5</i>	<i>Letter dated 17.1.2015 issued by Horticulture department</i>
<i>Ex.P.6</i>	<i>Letter dated 2.2.2015 issued by APMC</i>
<i>Ex.P.7</i>	<i>Letter dated 6.2.2015 issued by Agriculture Officer</i>
<i>Ex.P.8</i>	<i>Sale deed dated 25.3.2013</i>
<i>Ex.P.9</i>	<i>Sale deed dated 22.8.2012</i>
<i>Ex.P.10</i>	<i>Sale deed dated 19.8.2011</i>
<i>Ex.P.11</i>	<i>Hassan Taluk road map</i>
<i>Ex.P.12 &amp; 14</i>	<i>Koravangala Village map</i>
<i>Ex.P.13</i>	<i>Vathajkommanahalli village map</i>
<i>Ex.P.15</i>	<i>Buvanahalli Village map</i>
<i>Ex.P.16</i>	<i>Certified copy of Judgement and Decree in LAC 118/2011</i>
<i>Ex.P.17</i>	<i>Certified copy of Judgement and Decree in LAC 216/2011 and other cases</i>
<i>Ex.P.28</i>	<i>Certified copy of Judgement and Decree in LAC 23/2013</i>
<i>Ex.P.29</i>	<i>Certified copy of Judgement and Decree in LAC 275/2014 and other cases</i>

[Emphasis Supplied]

16.1 In addition, Sale Deeds have also been produced at Exhibits P8 to P10. However, the learned Reference Court did not take these documents into account holding that these are "*not being pressed*" by the Respondents/ Claimants. The relevant extract of the Impugned Judgement is set out below:



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" 17. **The petitioners have produced the documents as per Ex.P.5 to 7 to show that they were growing crops and the said crops were having yield as described in the document. Further the documents like sale deed are also produced as per Ex.P.8 to 10. In spite of those documents, the petitioners are not pressing to award compensation under those methods and have also not produced the oral evidence of the persons who have issued the said yield** notifications as well as parties to the sale. Hence, the petitioners have not produced sufficient documents to award compensation under the capitalization method as well as sale statistics method.

18. The petitioners have produced Ex.P.16 and 17 i.e. the certified copies of judgment in LAC 118/2011 and 216/2011. Those judgments are not in respect of properties situated in the same village.

19. Further when the case was posted for arguments, the **Learned counsel for petitioners has reopened the case and produced Ex.P.28 and 29 i.e. certified copies of judgment in LAC-23/2013 and 275/2014. Those documents are in respect of same village i.e. Koravangala Village. The present petitions are also the reference of same village.** The learned counsel for petitioner has vehemently argued stating that they are relying on the judgment and decree passed by the 2<sup>nd</sup> Addl. Senior Civil Judge, Hassan in LAC 23/2013 and 275/2014. Hence, in my opinion those judgments are to be considered while fixing the just and fair compensation. I have gone through the contents of said judgment. **The lands under acquisition in the same village and for same purpose. In this event, I am opinion that in order to place the petitioners of this case on par with the petitioners of the said case,** award passed in the said case may be considered. In this respect, I rely on the decision reported in **1983(2) KLJ Page 234** in the case of **Spl. LAO Soundathi Vs Chief Officer, Soundatti Municipality**, the method of following the previous judgments of competent civil courts is recognized. Further, in ILR 2004 page 2371 in the case of **Spl. L.A.O. Vs. Fakirappa Mugubasappa and others**. As per the said decisions, this court can rely on the judgments of the competent civil courts. Hence, by relying on the said judgment, I am of the opinion that the petitioners may also



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*be awarded compensation of Rs.1,00,000/- per gunta and the same would be just and fair compensation."*

[Emphasis Supplied]

17. The learned counsel for the respondent No.1/claimants has laid emphasis on the fact that the connected reference petition being LAC No.252/2014 was challenged before the appellate Court and this challenge upheld the award of Rs.1,00,000/- per gunta and since the challenge in LAC (Appl).70/2017 has been accepted by the appellants, the issue has attained finality.

17.1 The learned counsel for the appellants, on the other hand, has contended that the LAC (Appl). 70/2017 was decided considering the *relied upon judgments* and without being aware that the *relied upon judgments* had been set aside.

18. An examination of the judgment in LAC(Appl).70/2017 shows that it bases itself once again entirely on the *relied upon judgments*. Undisputably, the compensation *qua* these *relied upon judgments* has been re-determined. In addition,



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although the *relied upon judgments* were passed prior in time to the judgment in LAC(Appl).70/2017, an examination of the judgment in LAC(Appl).70/2017 shows that these *relied upon judgments*, were not taken into consideration by the learned Reference Court. The relevant extract of the judgment in LAC(Appl).70/2017 is set out below:

*"16. On the other hand, the learned counsel for the respondent No. 1 has submitted that the reference court by considering the entire materials placed before it has rightly determined the market value of the lands in question. The reference Court while determining the market value of the lands in question has considered the fertility and potentiality of the lands and its vicinity to the city. Further, the trial Court has relied upon the judgment passed by the II Addl. Senior Civil Judge, Hassan in LAC 23/2013 and LAC 275/2014. **The lands in question of the instant case and the lands which were the subject matter of the LAC 23/2013 and LAC 275/2014 are of Koravangala Village.** The reference Court while passing the judgment in 252/2014 has relied on the judgment passed by the II Addl. Senior Civil Judge, Hassan in LAC 23/2013 and LAC 275/2014 of Koravangala Village, Hassan. **The lands under acquisition in LAC 23/2013 and LAC 275/2014 are of the same village and same purpose. Hence, the market value determined by the reference is proper and correct. There are no grounds to interfere with the impugned judgment passed by the reference Court.**"*

[Emphasis Supplied]

19. The judgment in LAC No.275/2014 was challenged in M.F.A.No.5460/2019 and it was disposed of in terms of



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judgment passed by the Division Bench on 16.01.2021 in M.F.A.No.6390/2019.

19.1 Upon remand, the compensation was re-determined by the Reference Court approximately by the learned Reference Court, by order dated 12.12.2022. However, an examination of this judgement reflects that these lands were acquired under a different notification and for a completely different purpose – for the Hassan ring road. In addition, the learned Reference Court finding that the acquired land is a distance away from Busthenalli and Hassan city deducted 50% from the value of the comparable land and awarded Rs.64,490/- per gunta as compensation in the following manner:

*"21. In the present case on hand, **as per Ex.P-33, the lands were acquired under notification dated 18-01-2007 pertaining to Nelamangala – Hassan N.H-48 for the purpose of conversion of Nelamangala – Hassan road as 4/6 lane, and the said lands were situated at Busthenahalli.** As per Ex.P-33, an amount of Rs.32,245/-per acre was awarded by the Land Acquisition Officer. Under Ex.P-33 the said amount has been enhanced upto 4 times. Admittedly, the lands of Busthenahalli were acquired for Nelamangala- Hassan National Highway. **But, in the present case on hand lands were acquired for Hassan ring road.** In the present case on hand, there is no dispute that, under Ex.P-33 compensation has been enhanced 4 times with respect*



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to the lands situated at Busthenahalli which were acquired for National highway. **The said Busthenahalli is not adjoining village of Kommanahalli village. The Busthenahalli village is situated within 3 kilometers from Hassan city. But, Kommanahalli village where the acquired land is 8 kilometers away from Hassan city.** Therefore, the petitioner cannot claim the same compensation as enhanced under Ex.P-33 for the lands acquired situated at Bustenahalli village. The distance between Busthenahalli and Kommanahalli village from Hassan city would be relevant factor in determining the compensation in the present case. Ex.P.33 can be taken into consideration as comparable sale factor to determine the compensation in the present case for the acquired land. Ex.P.33 can be taken into consideration as a comparable factor to determine the compensation for the acquired land in the present case.

22. With respect to consideration of Ex.P-33 which is the order passed by District Commissioner and Arbitrator N.H-48 enhancing the compensation with respect to the land acquired situated at Bustenahalli to determine the compensation by comparable method it is useful to refer decision reported in AIR 2003 SC 4382 in case of Bhim Singh vs. State of Hariyana. In this decision their Lordships have held that "Best method would be to look at the earlier judgments and awards and sale instances". **It is also not the case of the respondents that the acquired land in the present petitions are not possessing similar advantages as par with the lands located at Busthenahalli.** By considering the facts and circumstances of the case and in view of the order passed in Ex.P-33, **I am of the considered view that the value determined under Ex.P-33 by the District Commissioner/Arbitrator of N.H-48 would be the relevant evidence for determination of the compensation of the acquired land. Kommanahalli village is situated 8 kilometers away from Hassan city, but Busthenahalli is located within 3 kilometers from Hassan city.** By considering this aspect it would be necessary to fix the market rate of acquired land. **Since the acquired land is situated interior away from Busthenahalli and Hassan city as compared to the land situated at Busthenahalli mentioned in Ex.P-33, deduction of 50% would be appropriate and reasonable on account of distance of 8 kilometers**



**between Kommanahalli village and Hassan city. So, the value of the acquired land in the present case as on the date of Section.4(1) notification comes to Rs.64,490/- per gunta. Accordingly, same would be the market value of the acquired land as on the date of 4(1) notification. Therefore, it is to be held that, the claimant is entitled for compensation of Rs.64,490/- per gunta to the acquired lands with statutory benefits."**

[Emphasis Supplied]

20. An examination of the order passed by the learned Single Judge of this Court in the challenge to LAC No.23/2013 shows that the remand was based on the fact that the beneficiary/Railways was not impleaded as a party before this Court. The relevant extract of the judgment dated 19.06.2023 passed by a learned Single Judge in Writ Petition No.7679/2023 is set out below:

**"3. It is not in dispute that acquisition is by the State Government for the purpose of formation of Hassan-Arasikere Railway Project. The beneficiary in the present acquisition process is the Railways."**

4. It is noticed that the Apex Court in the case of **U.P. AWAS EVAM VIKAS PARISHAD v. GYAN DEVI (DEAD) BY L.R.s AND ANOTHER [AIR 1995 SC 724]** which is the judgment of the Constitution Bench has observed as follows:

"24. To sum up, our conclusions are:

- 1.....
- 2.....
- 3.....
- 4.....



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5.....

6. *The local authority is a proper party in the proceedings before the reference court and is entitled to **be impleaded as a party in those proceedings wherein it can defend the determination of the amount of compensation by the Collector and oppose enhancement of the said amount and also adduce evidence in that regard.***

5. *In light of the above position of law, the judgment and award passed in LAC No.23/2013 is set aside and the **matter is remitted for fresh adjudication before the Reference Court** as regards the petition under Section 18 (1) of the Land Acquisition Act."*

[Emphasis Supplied]

20.1 Thereafter, once remanded, the learned Reference Court, by its order dated 24.06.2024 relied essentially on the judgment passed in LAC No.26/2013 since both lands were situated in Koravangala Village and in respect of the same Notification, to award at Rs.65,000/- per gunta. However, this compensation was made in view of the fact that the claimants in LAC No.23/2013 did not produce sufficient evidence in support of their claim as can be seen from the extract below:

*"14. In this case during the cross-examination of P.W-1 he has categorically stated that at the time of acquisition of land it was an agricultural land and he was growing crops like Ragi, Jawar, Potato and other commercial crops. But, he has not produced document to show that he was growing two crops in a year by taking help from the*



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adjacent Borewell. He has also not produced any documents like Yield certificate, Price list of crops grown by the claimant to determine the correct market value on the basis of capitalization income method. The claimant has also not produced any sale deeds or expert opinion in respect of market value of his land. **However, he has mainly relied on Judgment and Award passed by Additional Senior Civil Judge Court, Hassan, in LAC.No.26/2013 marked at Ex.P-11 and the acquired lands in the said case was situated at Koravangala village. In the present case the land acquired is also situated at Koravangala village. The date of notification in the relied Judgment is on 24-01-2011 and in the present case is on 23-12-2010.** The purpose of acquisition in both the cases are one and the same. Hence, claimant relied on the above said Judgment in support of his claim. **It is noted that after examining the entire material on record the Court has awarded compensation at the rate of Rs.65,000/- per gunta. The land involved in the relied Judgment and in the present case are one and the same. The purpose of acquisition in both the case are also for Construction of Hassan - Arasikere Railway Project. Hence, this Court can rely on the Judgment passed in L.A.C.No.26/2013.** The respondent has neither made any submission nor produced any material to show that the Judgment relied by the petitioner is stayed by any of the Appellate Court. **The land referred in the said Judgment are acquired for the same purpose. Therefore, on the principles of parity the claimant herein is also entitled for compensation at the rate of Rs.65,000/- per gunta and this would be a just and fair compensation in my opinion.** Hence, I answer Point No.2 in the affirmative.”

[Emphasis Supplied]

21. Thus, insofar as concerns the decision in LAC No.275/2014, the decision cannot be relied upon, since the Preliminary Notification was of a different date and the land was not similarly situated. Further, the purpose of



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acquisition was also entirely separate. Thus, the decision in LAC No.23/2013 was in view of the fact that the claimants in did not produce sufficient evidence in support of their claim.

22. In the present case, however the learned Reference Court did not take into account the evidence produced by the respondent No.1/claimants. The respondents/claimants shows that the respondents/ claimants had produced several documents in support of the valuation of the acquired lands. The respondents/claimants had produced Exhibits P5 to P7, which were letters of 2005 issued by the Horticultural Department, giving information with regard to the age and yield of the plants and trees that were growing on the acquired lands. Thus, the fact that the land had crops and yield as was referenced by the respondents/claimants, could not be refuted. In addition, by way of exemplars, the respondents/claimants produced three Sale Deeds being Exhibit P8, Exhibit P9 and Exhibit P10. All three Sale Deeds were of the same vicinity as the Acquired Land. The prices



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for the lands in Sale Deeds were, however, at variance, reflecting the amount from Rs.1.07 lakhs (approx.) per gunta as the highest exemplar. A tabular setting out the details *qua* the Sale Deeds (Exhibits P8 to P10) is set out below:

**Exhibit P8**

<b>Details</b>	Sale Deed dated:25.03.2013,No.12234/12-13
<b>Vendor Name:</b>	Sri. C. Lakkaiah s/o Cheluvappa
<b>Purchaser:</b>	Sri. Rangaswami s/o Javaregowda
<b>Property:</b>	No.268 (Site No.173), Koravangala Village, Duddha Hobli, Hassan Taluk, <b>measuring 30X40ft. =1200 sq.ft.) = 1.10 guntas</b>
<b>Price:</b>	<b>1.10 guntas - they have sold at Rs.80,000/-</b> <b>The amount for 1 gunta = <u>Rs.72,727/-</u>.</b> (80,000/1.10 = 72,727/- Per Gunta)

**Exhibit P9**

<b>Details</b>	Sale Deed dated:22.08.2012, No.4857/12-13
<b>Vendors Name:</b>	Srinath s/o late Venkatesh
<b>Purchaser:</b>	Dinesh s/o Thirumale Gowda.
<b>Property:</b>	Land bearing Survey No.32/1 in Doddapura Grama, Kasaba Hobli, Hassan Taluk & District, <b>measuring 1.40 guntas.</b>
<b>Price</b>	<b>(1.40 guntas –They have sold at Rs.1,50,000/-</b> <b>The amount for 1 gunta = <u>Rs.1,07,142.85.</u></b> 1,50,000/1.40 = 1,07,142.85 Per Gunta)



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**Exhibit P10**

<b>Details</b>	Sale Deed dated:19.08.2011, No.I-5009/11-12
<b>Vendor Name:</b>	Manjegowda s/o Late Rangegowda
<b>Purchaser:</b>	B.Rangaswamy s/o Giddeygowda
<b>Property:</b>	Land bearing survey No.32/1 in Doddapura Grama, Hassan Taluk & District <b>measuring 1¼ guntas</b>
<b>Price</b>	<b>1¼ gunta is = 1.25 guntas –They have sold at for Rs.50,000/-</b> <b>The amount for 1 gunta = <u>Rs.40,000/-</u></b> 50,000/1.25=40,000/- Per Gunta

22.1 In addition, Exhibits P16 and P17 were also produced by the respondents/claimants, wherein with respect to judgments passed in LAC No.118/2011 and LAC No.216/2011 respectively, the market value of the land determined at Rs.81,675/- per gunta (Ex.P16) and Rs.1,00,000/- per gunta (Ex.P17). Exhibits P16 and P17 were, however, not taken into consideration by the learned Reference Court, since they were not in respect of the properties situated in the same Village. The respondents/claimants also produced other documents like tax demand register at Ex.P27, reflecting a demand of Rs.1,26,546/-. Thus, the respondents/claimants had produced adequate evidence in support of their claim



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including the sale exemplar of the value Rs.1.07 lakhs (approx.) per gunta (Ex.P9).

23. Additionally, and as stated above, the claimants themselves also gave evidence as PW 1 to PW 4, in support of their case. It was contended by the respondent No.1/claimants that the land acquired had good potentiality. It is only 0.5 km from the Hassan Airport and is adjacent to the Highway and the District Headquarters. It is further contended that the acquired land is adjacent to S.M. Krishna Nagara Layout as well. These contentions have not been disputed by the appellants/respondent Nos.2 and 3.

24. However, the learned Reference Court relied upon the judgments in LAC No.23/2013 and LAC No.275/2014, both of which were challenged before this Court. Given the fact that the judgment in LAC No.23/2013 premises itself entirely on the judgment in LAC No.26/2013 and the respondent No.1/claimants therein had not produced any evidence showing the crop yields or any sale deeds, whereas in the present case the contemporaneous evidence



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was produced, including a sale deed reflecting a price of Rs.1.07 lakhs per gunta, it would not be apposite to reduce the compensation awarded.

25. In view of the foregoing discussions, this Court is not inclined to interfere with the Impugned Judgment. Accordingly, MFA No.1132 of 2017; MFA No.1133 of 2017 and MFA No.1134 of 2017 are ***dismissed***. However, in the circumstances of the case, there shall be no order as to costs. All pending applications stand disposed of.

**Sd/-  
(ANU SIVARAMAN)  
JUDGE**

**Sd/-  
(TARA VITASTA GANJU)  
JUDGE**

JJ/BMV