



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 29TH DAY OF APRIL 2026

PRESENT

THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR

MISCELLANEOUS FIRST APPEAL NO.101464 OF 2025 (LAC)

BETWEEN:

1. THE EXECUTIVE ENGINEER
SINGATALURU LIFT IRRIGATION PROJECT,
KNNL DIVISION MUNDARGI,
DIST: GADAG-582 101.

2. CHIEF ADMINISTRATIVE OFFICER,
KARNATAKA NIRAVARI NIGAM NIYAMITH
CENTRAL OFFICE, VIJAY COMPLEX,
SHRINAGAR CROSS,
HALIYAL ROAD,
DHARWAD-580008.

...APPELLANTS

(BY SRI. S.M.KALWAD, ADVOCATE)

AND:

PARAMMA DECEASED BY LRs.,

SMT. AKKAMMA
W/O. CHANNAYYA YALAATTIMATH,
AGE: MAJOR,





OCC: AGRICULTURE,
R/O. KAVALOOR,
TQ. AND DIST: KOPPAL-583231.

...RESPONDENT

(BY SRI. AMIT A.ANANDALLI AND
SRI. SANKET S.AMBALI,
ADVOCATE FOR CAVEATOR RESPONDENT)

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013, PRAYING TO SET ASIDE THE JUDGMENT AND AWARD DATED 19.12.2024 MADE IN LAC NO. 182/2022 PASSED BY THE COURT OF PRINCIPAL DISTRICT AND SESSIONS JUDGE AND LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY KOPPAL BY ALLOWING THIS APPEAL, IN THE INTEREST OF JUSTICE AND EQUITY; AND ETC.

THIS APPEAL COMING ON FOR ADMISSION THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE B.M.SHYAM PRASAD
AND
THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR



ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR)

The beneficiary has filed the present appeal challenging the enhancement of the compensation awarded in judgment and award dated 19.12.2024 passed in LAC No.182/2022 passed by the Principal District and Sessions Judge and the Land Acquisition, Rehabilitation and Resettlement Authority, Koppal (herein after referred to as 'authority' for brevity).

2. Heard learned counsel for appellants and learned counsel for the respondent -claimant.

3. Learned counsel for appellants contends the following:

The authority without following the provisions of New Land Acquisition Act passed the award fixing the market value at Rs.3,80,000/- per acre which is exorbitant and not based upon the real



facts of the case. The authority ignored the principles laid down in ***Manoj Kumar v. State of Haryana***¹, wherein it is held that the previous judgment can be relied only when there is no other evidence available as last resort but the authority relying on the judgment passed by it earlier has enhanced the compensation. The authority has not conducted enquiry. The authority has not given opportunity to the parties to lead evidence. The averments in the judgment indicate that the authority has rejected the prayer of the claimants to adduce evidence. The authority has passed the judgment without any evidence and only based on the judgment rendered by it in another claim petition. The authority has not considered the nature of the land etc,. The authority has only enhanced compensation on the ground of parity placing reliance on the judgment and award rendered in another case. On these grounds, he prayed to set aside the impugned judgment, award

¹ In Civil Appeal No.13132-41 of 2017



and remand the matter back to the authority for fresh consideration.

4. Learned counsel for respondent – claimant has not disputed the fact that the authority has not given opportunity to the parties to lead evidence and that the prayer of the claimants to lead evidence has been rejected.

5. Having heard the learned counsels, we have perused the impugned judgment and other materials placed on record.

6. The reference petition pertains to acquisition of land under Singatalur Irrigation Project. The respondent -claimant is the owner of the land acquired for Singatalur Irrigation Project. The Special Land Acquisition Officer (herein after referred to as 'SLAO' for brevity) has fixed market value of the acquired land situated in Kavaloor Village at Rs.72,000/- per acre. The SLAO has taken sales statistics for a period of 03 years from 25.09.2011 till 25.09.2014 and by adopting sales statistics method,



arrived at the aforesaid market value. The respondent -claimant has filed claim petition and the same has been referred to the authority. As per Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'Act' for brevity), it is incumbent upon the authority to consider whether the SLAO has followed the parameters contained in Section 26 of the Act.

7. The authority, while considering the reference has rejected the prayer of the claimant to adduce the evidence and the same is noted in para No.4 of the impugned judgment. The authority placing reliance on the judgment rendered in LAC No.83/2020 clubbed with LAC Nos. 79, 80, 87, 89, 93, 187, 190 of 2020 by it has determined the market value at Rs.3,80,000/- per acre. The authority has not considered whether the land in the case on hand is similar to the land acquired in the said cases, the



nature, the potential of conversion to non-agriculture etc.,.

8. The powers of the authority and procedure before it has been enumerated in Section 60 of the Act. Section 60 is as under

“60. Powers of Authority and procedure before it:(1) The Authority shall, for the purposes of its functions under this Act, shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document or other material object producible as evidence;

(c) receiving evidence on affidavits;

(d) requisitioning of any public record;

(e) issuing commission for the examination of witnesses;

(f) reviewing its decisions, directions and orders;

(g) any other matter which may be prescribed.



(2) The Authority shall have original jurisdiction to adjudicate upon every reference made to it under section 64.

(3) The Authority shall not be bound by the procedure laid down in the Code of Civil Procedure, 1908 (5 of 1908) but shall be guided by the principles of natural justice and subject to the other provisions of this Act and of any rules made thereunder, the Authority shall have the power to regulate its own procedure.

(4) The Authority shall, after receiving reference under section 64 and after giving notice of such reference to all the parties concerned and after affording opportunity of hearing to all parties, dispose of such reference within a period of six months from the date of receipt of such reference and make an award accordingly.

(5) The Authority shall arrange to deliver copies of the award to the parties concerned within a period of fifteen days from the date of such award.”

As per sub-section (4) of Section 60 of Act, the authority, after receiving reference under Section 64 and after giving notice of such a reference to all



the parties concerned, should afford opportunity of hearing to all the parties and dispose of such reference and make an award. The authority in case on hand has rejected the prayer of the claimant to adduce evidence. The authority, without any evidence on record and only placing reliance on the judgment and awards passed in LAC No.83/2020 and connected matters, has determined the compensation at Rs.3,80,000/- per acre. The authority has not considered other aspects which are to be considered under Section 26 of the Act.

9. Considering the above aspects, the matter requires to be remanded back by setting aside the impugned judgment and award for giving an opportunity to the parties to lead evidence and thereafter, dispose of the matter in accordance with law.

10. In view of the above, the following

ORDER

- i) The appeal is ***allowed.***



- ii) The impugned judgment and award dated 19.12.2024 passed in LAC No.182/2022 passed by the Principal District and Sessions Judge and the Land Acquisition, Rehabilitation and Resettlement Authority, Koppal is set aside.
- iii) The matter is remanded to the Principal District and Sessions Judge and Land Acquisition, Rehabilitation and Re-assessment Authority, Koppal with a direction to provide opportunity to the parties to lead evidence and thereafter, determine the market value of the acquired land.
- iv) The parties are directed to appear before the authority on 02.06.2026.

In view of the remand, as per Section 64 of the Karnataka Court Fee and Suit Valuation Act,



1958, appellants are entitled to refund of full amount
of Court fee paid on memorandum of appeal.

**Sd/-
(B.M.SHYAM PRASAD)
JUDGE**

**Sd/-
(SHIVASHANKAR AMARANNAVAR)
JUDGE**

DSP
CT:VH
List No.: 1 Sl No.: 10