

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 15TH DAY OF NOVEMBER 2005

PRESENT

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

AND

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

MISC. FIRST APPEAL NO.4483/2002 (LAC)

BETWEEN:

The Special Land Acquisition
Officer and Estate Officer
National Highways
BANGALORE.

.. APPELLANT

(By Sri.M.Narayanappa, AGA)

AND:

B.V.Neelakanta
S/o B.M.Venktasha Setty
Sonnavadi Village
Mulbagal Taluk
Kolar District.

..RESPONDENT

(By Sri.B.N.Muralidhar, Adv.)

This Miscellaneous First Appeal is filed under Section 54(1) of LA Act against the judgment and award dt.17.4.98 passed in LAC No.25/94 on the file of the Addl.Civil Judge (Sr.Dn.), Kolar allowing the reference for enhanced compensation.

This Appeal coming on for Further Hearing this day, **VISHWANATHA SHETTY J.**, delivered the following:

JUDGMENT

The appellant in this appeal is the Special Land Acquisition Officer. This appeal is directed against the judgment and award dated 17.4.1998 made in L.A.C.No.25/1994 by the Additional Civil Judge (Sr.Dr.), Kolar (hereinafter referred to as 'the Reference Court'). In the impugned judgment, the Reference Court has determined the market value of the acquired land at Rs.1,65,000/- per acre for dry land and Rs.1,70,000/- per acre for wet land. As noticed by us earlier, aggrieved by the said judgment and award, this appeal is filed.

2. Sri.B.N.Muralidhar, learned Counsel appearing for the respondent submitted that under identical circumstances in respect of the similar land, which is situated adjacent to the acquired land in this appeal, this Court by means of its judgment dated 6th April 2005 made in M.F.A.No.5550/2002 and connected appeals has confirmed the award passed by the Reference Court determining the market value of the land acquired in the said proceeding at Rs.1,65,000/- per acre for dry land and

Rs. 1,70,000/- per acre for wet land. He submits that since the acquired land and the lands, which are the subject matter of acquisition in M.F.A.No.5550/2002 being similar, identical and adjacent to each other, this appeal is liable to be dismissed following the judgment of this Court rendered in M.F.A.No.5550/2002 and connected appeals.

3. Sri.Narayanappa, learned Additional Government Advocate is unable to dispute that the question raised in this appeal is covered by the judgment of this Court rendered in M.F.A.No.5550/2002 & connected appeals on 6th April 2005. Therefore, following the judgment of this Court rendered in M.F.A.No.5550/2002 & connected appeals, this appeal is dismissed. However, no order is made as to costs.

KNM/-

Sd/-
Judge

Sd/-
Judge