

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 14TH DAY OF JUNE 2002

BEFORE

THE HON'BLE MR. JUSTICE K BHAKTAVATSALA

MISCELLANEOUS FIRST APPEAL NO.1840/2002

BETWEEN:

The Special Land Acquisition
Officer, M & M.I.P., Gulbarga.

Appellant.

(By Sri Mohamed Ather, Addl. G.A.)

AND:

Malkajappa,
S/o Devappa,
Age: major,
R/o Savathkhed,
Tq. Chittapur,
Gulbarga District.

Respondent.

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This Miscellaneous First Appeal is filed under Sec.54(1) of the Land Acquisition Act, against the Judgment and award dated 27.11.2001 in LAC No.966/1997 passed by the Principal C.J. (St.De.), Gulbarga, partly allowing the reference for compensation.

This Appeal coming on for admission this day, the Court made the following:-



JUDGMENT

This Miscellaneous First Appeal filed under Sec.54(1) of the Land Acquisition Act by the Special Land Acquisition Officer, M & MIP, Gulbarga, directed against judgment and award dated 27.11.2001 passed in LAC No.966/1997 on the file of the Principal Civil Judge (Sr. Division), Gulbarga. It is pertinent to mention that the Special Land Acquisition Officer acquired the land of the respondent for the purpose of construction of Besniturai Project. The claimant had sought for enhancement of compensation. On receipt of reference from the Special Land Acquisition Officer, the learned Civil Judge, Sr. Division, on the basis of the evidence adduced and the documents marked in support of the claimant, answered the points formulated in favour of the claimant holding that the reference was proper, intime and the compensation awarded was inadequate. Therefore, he held that the claimant was entitled to get enhanced compensation towards the acquired property at the rate of 50% over and above the market value fixed by the Land Acquisition Officer. This is impugned in this appeal. The learned Civil Judge relying upon the decision of this Court rendered in MFA No.2172/1990 fixed the market value of the acquired land at the rate of 50% over and above the market value fixed by the Special Land Acquisition Officer.



The learned Government Advocate utterly failed to establish any infirmity or illegality in the impugned judgment and award in this case. Therefore, there is no merit in the Appeal. Hence, I pass the following order:-

The Appeal fails and the same is hereby dismissed at the stage of admission itself. No costs.

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Sd/-
Judge

Bjs