

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 4TH DAY OF FEBRUARY, 1999

BEFORE

THE HON'BLE MR. JUSTICE H. RANGAVITTALACHAR

MISCELLANEOUS FIRST APPEAL NO. 343 OF 1998

BETWEEN:

The Special Land
Acquisition Officer,

U.K.P.,

Awarad Taluk,

Jewargi,

District: Gulbarga.

.. Appellant

(By Sri. H.C. Surendra, H.C.G.P)

A N D :

Abdul Razak,

s/o. Hussain Sab Teli,

Major,

R/o. Gudur,

Taluk: Jewargi,

Dist: Gulbarga.

.. Respondent

(By Sri. V.N. Madhava Reddy, adv)

Miscellaneous first Appeal against the

Judgment and award passed by the Pri. Civil Judge (Sr. Dn)

Gadag, in L.A.C. No.839/1995, on his file dated 15-10-97.

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

O R D E R

State has preferred this appeal against the award of the Reference Court, Gulbarga.

Land measuring 2 acres 11 guntas in Sy. No.83/3 of Gudur village was notified for acquisition dtd.2.9.83 for purposes of Upper Krishna Project. The L.A.O awarded a sum of Rs.6000/- per acre as compensation. On matter being referred to the Reference Court, the Reference Court has enhanced the same to Rs.24,000/- per acre. This has been questioned by the State as excessive.

Reference Court has adopted the capitulation method for arriving at the market value. On the basis of an award passed in respect of a neighbouring village, the

has fixed the annual yield at 6 quintals of Jowar or 4 quintals of Thoor per acre. Striking an average price between Jowar and the Thoor, it has held that the annual yield according to the price list furnished by the APMC is at Rs.4164/-and deducting 40% towards cultivation expenses, it has held that the annual yield per acre will work out to Rs.2376/-and adopting a multiplier of 10, it has arrived at the figure of Rs.23760/- rounded off to Rs.24,000/- per acre. These facts are not in dispute.

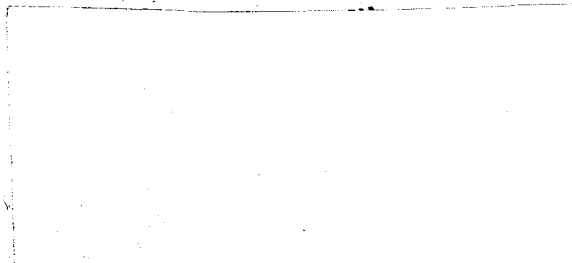
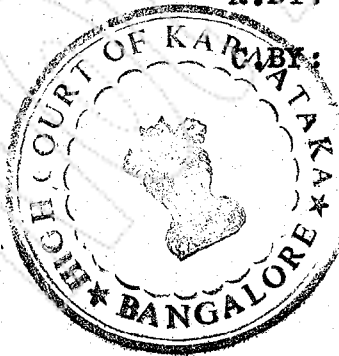
Having regard to the same, it cannot be said that the amount awarded is excessive or unreasonable calling for interference.

No merit. Appeal dismissed.

Sd/- JUDGE

CR.

R.BY: I



1/2/99