

IN THE HIGH COURT OF KARNATAKA
CIRCUIT BENCH AT DHARWAD

DATED THIS THE 27TH DAY OF FEBRUARY 2013

BEFORE

THE HON'BLE MR.JUSTICE A.N.VENUGOPALA GOWDA

MISCELLANEOUS FIRST APPEAL NO.25148/2012 (LAC)

BETWEEN:

1. AMBHAJI S/O SAKHARAMA DEVALI,
AGE: MAJOR, OCC: AGRICULTURIST,
R/O: KANAKUMBI VILLAGE,
TALUK: KHANAPUR, DIST: BELGAUM.
2. NARAYAN S/O FHATA DEVALI,
AGE: MAJOR, OCC: AGRICULTURIST,
R/O: KANAKUMBI VILLAGE,
TALUK: KHANAPUR,
DIST: BELGAUM. ...APPELLANTS

[BY SHRI S. N. HATTI, ADV.]

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
MALAPRABHA PROJECT III,
DHARWAD, AT DHARWAD.
2. THE EXECUTIVE ENGINEER,
KALASA NALA PROJECT,
KHANAPUR, TALUK: KHANAPUR,
DIST. BELGAUM.
3. THE CHIEF ADMINISTRATIVE OFFICER,
KARNATAKA NIRAVARI NIGAMA NIYAMIT,
WALMI BUILDING,

BELGAUM-DHARWAD ROAD,
TQ:DIST: DHARWAD.

...RESPONDENTS

THIS MISCELLANEOUS FIRST APPEAL IS FILED UNDER SECTION 54(1) OF THE LA ACT AGAINST THE JUDGMENT AND AWARD DATED 01.10.2012 PASSED IN LAC.NO.38/2011 ON THE FILE OF THE SENIOR CIVIL JUDGE, KHANAPUR, PARTLY ALLOWING THE REFERENCE PETITION FOR COMPENSATION AND SEEKING ENHANCEMENT OF COMPENSATION.

THIS MISCELLANEOUS FIRST APPEAL COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING: -

JUDGMENT

This appeal has been filed by the claimants seeking enhancement of the compensation amount. Reference Court has determined the market value of the acquired property at Rs.6,250/- per gunta. Enhancement has now been sought at the rate of Rs.12,500/- per gunta. Total amount of enhanced compensation claimed in this appeal is Rs.2,52,242/- and the Court fee as Rs.17,271/-. By paying nominal sum of Rs.100/-, the appeal was filed with defects on 15.11.2012. Deficit Court fee of Rs.17,171/- has been paid on 25.02.2013. Evidently, the value of the subject matter of this appeal is Rs.2,52,242/- only.

2. Learned advocate for the appellants submitted that since more than Rs.10,00,000/- was claimed in the reference proceedings, this appeal was presented before this Court. He submitted that the appeal in this Court is maintainable in view of a judgment in the case of ***Indian Council of Agricultural Research vs. Varija, 2011 AIR Kar R-2-73.***

3. Since, subject matter of this appeal has now been restricted and has been shown in the details of valuation annexed to the appeal memorandum, at Rs.2,52,242/-, in my opinion, the appeal has to be presented before the Jurisdictional District Court only. There is wrong presentation of the appeal in this Court.

In the circumstances, the appeal memorandum is directed to be returned to the learned advocate for the appellants for presentation of the same before the Jurisdictional District Court.

Return of the appeal memorandum is directed to be obtained within three weeks and the same be

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presented before the Jurisdiction District Court, within one week from the date of obtaining of the return. The District Court is directed to decide the appeal on its merit.

Ordered accordingly.

SD/-
JUDGE

Rsh

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