

IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH

DATED THIS THE 31st DAY OF AUGUST 2015

BEFORE

THE HON'BLE MR JUSTICE K.N. PHANEENDRA

MISCELLANEOUS FIRST APPEAL NO.22273 OF 2011(LAC)

BETWEEN:

THE CHIEF ENGINEER
THE KONKAN RAILWAY CORPORATION
LTD., TQ. KARWAR (A GOVERNMENT
OF INDIA UNDERTAKING)
HAVING ITS HEAD OFFICE
BELAPUR BHAVAN, SECTOR 11,
CBD BELAPUR, NAVI MUMBAI 400 614
NOW REP. BY CHIEF ENGINEER
KARWAR

.. APPELLANT

(BY SRI. G.K. HIREGOUDAR, ADVOCATE)

AND:

1. GANDADHAR SATYA GUNAGA,
AGE MAJOR, R/O KUMTA.
2. RAMACHANDRA SATYA GUNAGA,
AGED MAJOR, R/O KUMTA.
3. TH SPECIAL LAND ACQUISITION
OFFICER,(FOR KONKAN RAILWAY
CORPORATION) KARWAR.

.. RESPONDENTS

(BY SMT. K. VIDYAVATI, AGA FOR R3.
SRI. VENKATESH M. KHARVI, ADV. FOR R1 AND R2.)

THIS APPEAL IS FILED UNDER SECTION 54(1) OF LA ACT
AGAINST THE JUDGMENT AND AWARD DATED 27/05/2010

PASSED IN LAC NO.444/2006 ON THE FILE OF THE CIVIL JUDGE(SR.DN) KUMTA, AWARDING THE COMPENSATION OF RS.25,000/- PER GUNTA.

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

JUDGMENT

Learned Counsel Sri. Venkatesh M. Kharvi, has already filed vakalat for respondents 1 and 2.

Government Advocate is directed to take notice for respondent No.3.

Vakalat filed by Sri. Venkatesh M. Kharvi, is hereby accepted. Office to show the name of Sri. Venkatesh M. Kharvi, as counsel for respondents 1 and 2.

2. Heard the learned counsel for the petitioner and the respondent.

3. Konkan Railway Corporation has preferred this appeal challenging the judgment and award dated 27/05/2010 in LAC No.444/2006 on the file of the Civil Judge(Senior Division), Kumta.

4. The appellant, for the purpose of laying broad gauge railway line between Mangalore to Mumbai, acquired the land of the respondents bearing Sy.Nos.442/1A1A/11 measuring 1 acre 13 guntas and 442/1A1A/14 measuring 36 guntas. In the preliminary notification under Section 4(1) of the Land Acquisition Act, which was issued on 20/02/992, the Land Acquisition Officer has fixed the value of the said lands at Rs.2,500/- per gunta. On considering the evidence on record, on reference under Section 18 of the Land Acquisition Act, the reference Court fixed the market value of the lands at Rs.25,000/- per gunta. The said order is called in question before this Court.

5. In similar matters, the Division Bench of this Court by judgment dated 24th June 2015 in Miscellaneous First Appeal No.22269 of 2011 c/w Miscellaneous First Appeal Nos.22270 of 2011 and 22272 of 2011 has upheld the market value that was fixed by the reference Court at Rs.25,000/- per gunta. The present appeal is also arising out

of the same judgment passed by the reference Court. Therefore, there is no merit in this appeal in view of the covered judgment noted above. Hence, the appeal deserves to be dismissed.

Accordingly, dismissed.

Sd/-
JUDGE

kmv