IN THE HIGH COURT OF KARNATAKA,

DHARWAD BENCH

DATED THIS THE 13TH DAY OF AUGUST, 2024

PRESENT

THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT

AND

THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

MISCELLANEOUS FIRST APPEAL NO. 101293 OF 2023 (LAC)

BETWEEN:

RAMACHANDRA S/O. NAGESH DESAI,
SRI GANESH, PLOT NO.45, AGE 67,
RAJ NAGAR, HUBBALLI-580032.

...APPELLANT

(BY SRI. R. H. ANGADI, ADVOCATE)

Digitally signed by YASHAVANT NARAYANKAR
Location: High Court of Karnataka, Dharwad Bench.

AND:

1. ASSISTANT COMMISSIONER AND LAND
   ACQUISITION OFFICER,
   D.C COMPOUND,
   DHARWAD-580001.

2. THE UNION OF INDIA,
   R/BY. DEPUTY CHIEF ENGINEER,
   CONSTRUCTION,

SOUTH WESTERN RAILWAYS,
KESHAVAPUR, HUBBALLI-580020.

3. THE PRINCIPAL SECRETARY,
GOVERNMENT OF KARNATAKA,
REVENUE DEPARTMENT,
M. S. BUILDING,
BENGALURU 560001.

4. THE CHIEF PROJECT MANAGER,
RAIL VIKAS NIGAM LIMITED,
SOUTH WESTERN RAILWAYS,
KESHVAPUR, HUBBALLI-580020.

…RESPONDENTS

(BY SRI. M. C. HUKKERI, ADV. FOR R2 AND R3;
SRI. V. S. KALASURMATH, HCGP FOR R1 AND R3)

THIS MFA IS FILED U/SEC.54(1) OF LAND ACQUISITION ACT, AGAINST THE JUDGMENT AND AWARD DATED 01.08.2022 PASSED IN LAC.NO.125/2014 ON THE FILE OF THE PRINCIPAL SENIOR CIVIL JUDGE, HUBBALLI, PARTLY ALLOWING THE REFERENCE PETITION FILED UNDER SECTION 18(1) OF LAND ACQUISITION ACT, 1894.

THIS APPEAL, COMING ON FOR HEARING ON INTERLOCUTORY APPLICATION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT
AND
THE HON'BLE MR. JUSTICE VIJAYKUMAR A.PATIL

ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE KRISHNA S.DIXIT)

The subject matter in this appeal, it is unanimously submitted at the Bar, is substantially covered by a Co-ordinate Bench of judgment dated 10.10.2023 entered in MFA No.102332/2020 (LAC) & other connected matters, and therefore, this appeal be accordingly disposed off in terms thereof.

2. The operative portion of the order at paragraph No.22 of the Co-ordinate Bench reads as under:

"22. For the aforesaid reasons and discussions, we proceed to pass the following:

ORDER

i. The appeals in MFA Nos.102332 of 2020 C/W MFA No.103072 of 2017, MFA No.103073 of 2017, MFA No.100259 of 2020, MFA No.102333 of 2020, MFA No.102334 of 2020, MFA No.100064 of 2021, MFA No.100472 of 2021, MFA No.104594 of 2022 are allowed with costs.

ii. The award dated 26.02.2020 passed by the Reference Court in LAC Nos.140, 141 and 22 of

2014; judgment and award dated 01st September, 2015 passed in LAC No.6 and 3 of 2014; judgment and award dated 27th November, 2019 passed in LAC No.100 of 2014; judgment and award dated 30th September, 2020 passed in LAC No.98 of 2014 and LAC No.93 of 2013; and judgment and award dated 01st August, 2022 passed in LAC No.99 of 2022 by the First Additional Senior Civil Judge, Hubballi is modified as under:

iii. The appellants/claimants are entitled for compensation of Rs.2,50,000/- per gunta with all statutory benefits as contemplated under Section 23(2), 23(1-A) and Section 28 of Land Acquisition Act, 1894.

iv. Draw award accordingly."

3. The Division Bench of this Court has held that where a relief has been granted to a litigant in a set of circumstances, other similarly circumstanced litigant ordinarily needs to be accorded same relief, there being no repugnant conditions. We do not find any repugnant conditions as such.

In the above circumstances, this appeal is also disposed off in accordance with the Co-ordinate Bench judgment, subject to verification and payment of deficit Court Fee. No decree shall be drawn till deficit is made good.

Costs made easy.

Sd/-
(KRISHNA S.DIXIT)
JUDGE

Sd/-
(VIJAYKUMAR A.PATIL)
JUDGE

SSP/ct-an
List No.: 1 Sl No.: 17