

ಜಿಲ್ಲಾಧಿಕಾರಿ, ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರರವರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ

No. RB/LAQ/NH-66/ARB/CR-124/16-17

1. Smt Mookambika W/o Rama Shetty
Represented through her G.P.A holder
Sri. Bhaskar Hegde, Manager
Prathvish Tiles Po: Anatvadi,
Tq: Honnavara

... ಅರ್ಜಿದಾರರು

ಎರಡು

1. Special Land Acquisition Officer and Competent Authority
National Highway Authority of India 66(17)
Shri. Hariprasad Building, Royalkeri, Ambedkar Road
Honnavar-581334.
2. Project Director, National Highway Authority of India,
Project Implementation Unit, Door No. 3-29,
Bethel, Tharethota Near Pumpwell, Mangalore-575005

... ಎದುರುದಾರರು

ದಿನಾಂಕ

ನ್ಯಾಯಾಲಯದ ನಡವಳಿಕೆ

26/3/18

c.c. R₁₊₂ ಪರ ವಕಾಲತ filed by RSP adv .

P adv present .

Call on 18/6/18.

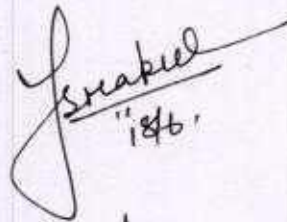

26/3

18/6/18

c.c. R₁₊₂ adv files obj .

P adv present .

for WA by P side, call on 9/7/18.


"18/6"

9/7/18

c.c. R₁₊₂ adv present


P adv present & pleads time for WA
Call on 20/8/18


9/8

20/8/18

Case Called P advocate present.

P advocate presents W.A 6115/2002 and pleads time. But it is not having any direct stay on this arbitration. Call on 1-10-2018 finally.


20/8

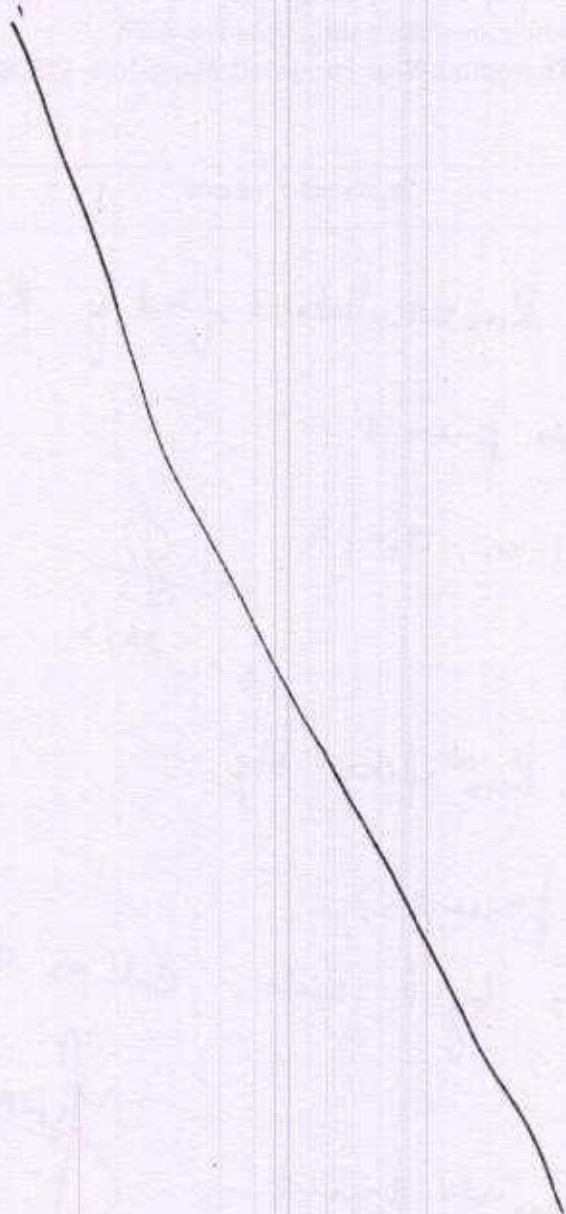
1-10-18

Case Called P advocate present. P advocate pleads time.

Already sufficient opportunity Provided.

Hence case PO with opportunity to both sides to file any WA within 15 days.





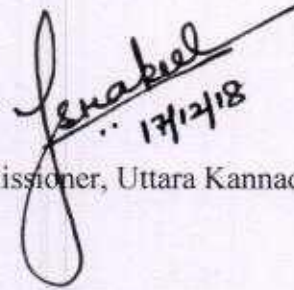
The petition and respondent's objection along with written arguments have been perused in detail. Petitioner has claimed that the land should be considered as converted based on potential as Rs 1500000/- per gunta should be considered. Further he has claimed that one open well worth Rs 800000/-, 3 cashew trees worth 600000/-, one mango tree worth 500000/-, one jungle tree worth 300000/-, business loss of 3000000/- have not been considered and paid by CALA. Hence petitioner has claimed for enhanced compensation.

Respondent advocate has stated that CALA has rightly fixed land valuation, and claim for capitalization method of determination of market value of structure including damages etc does not arise as it is not contemplated by section 3G of the Act. Further the valuation of structures as well as trees have been done by authorised valuers as per PWD SSR and rates fixed by concerned State Government Departments and hence enhancement is not acceptable. Respondents have also claimed that valuation provided by sub-registrar have been considered and are correct with respect to land and hence no enhancement is payable.

It is observed that the respondent's mere claim of commercial potentiality cannot be taken up as basis for considering it as converted land. Further the sale deed no. HON-1-02683-2011-12 dated 28-03-2012 produced by petitioners cannot be taken as relevant document for valuation since it is a sale deed of an officially converted land. Further no records (apart from case laws which have already been incorporated by CALA) have been produced to substantiate claim for enhanced compensation for claimed structures nor for trees and since CALA has considered valuation based on authorised valuers only, there arises no cause of action for enhanced compensation. Hence, I proceed to order as below:

Order

Petition for enhanced compensation is hereby rejected.


.. 17/12/18

Deputy Commissioner, Uttara Kannada and Arbitrator.