

ಜಿಲ್ಲಾಧಿಕಾರಿ, ಉತ್ತರ ಕನ್ನಡ, ಕಾರವಾರರವರ ನ್ಯಾಯಾಲಯದಲ್ಲಿ

No. RB/LAQ/NH-66/ARB/CR-128/16-17

-1-

1. Sri Ganapati Krishna Naik
R/o Guladakeri, Manki Tq: Honnavara

... ಅರ್ಜಿದಾರರು

ವಿರುದ್ಧ

1. Special Land Acquisition Officer and Competent Authority
National Highway Authority of India 66(17) AC Bhatkal
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

28/3/18

Case Called R1+2ರ ವಕಾಲತ filed by SNS adv.

P adv absent.

Call on 18-6-2018.

18/6/18

Case called R₁₊₂ advocate files objection,
P advocate present. For W A by P side. Call on 9-7-2018.

9/7/18

Case Called R1+2 advocate present.
P advocate present and pleads time for WA.
Call on 20-8-2018

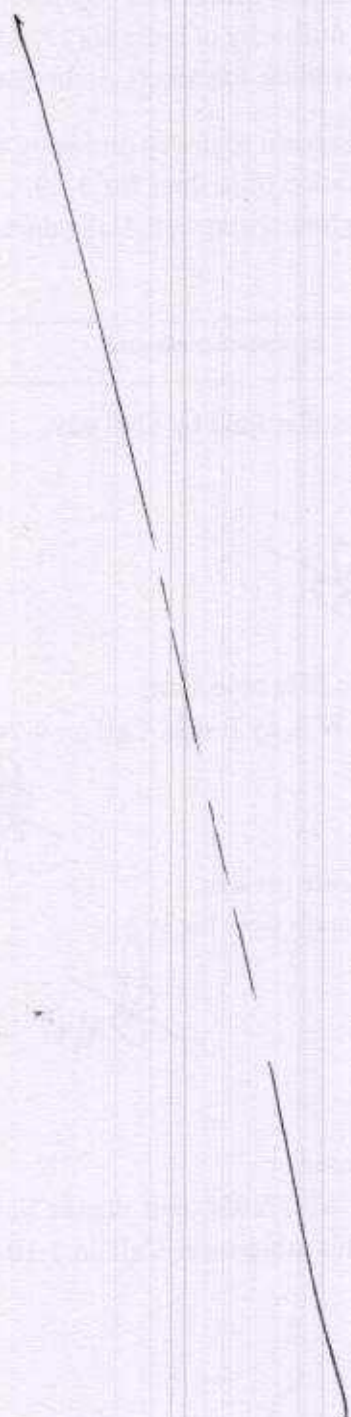
20/8/18

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.

1-10-2018 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.



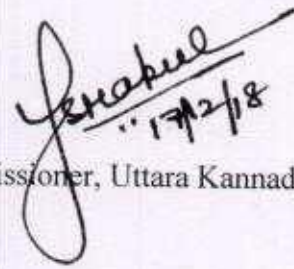
The petition and respondent's objection along with written arguments have been perused in detail. Petitioner has claimed that the land should be considered as converted based on potential as Rs 1500000/- per gunta should be considered. Further he has claimed that one laterite stone masonry RCC slab building worth Rs 3000000/- and business loss of 1000000/- but mentioned as twenty five lakh in words, 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 have been done by authorised valuers as per PWD SSR 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 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.



Deputy Commissioner, Uttara Kannada and Arbitrator.