IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO. 201258 OF 2023 (LAC-)

BETWEEN:

1. THE CHIEF ENGINEER
   KNNL, ZONE, KALABURAGI-585102

2. THE EXECUTIVE ENGINEER
   KNNL, BLI DIVISION, TQ. AFZALPUR
   DIST. KALABURAGI-585 302

...APPELLANTS

(BY SRI. SHARANABASAVA C. PASTAPUR, ADVOCATE)

AND:

1. ABDUL SHUKAR
   S/O SAHEB HUSSAIN KHAJI
   AGE. 61 YEARS, OCC. AGRICULTURE
   R/O ATNOOR VILLAGE
   TQ. AFZALPUR, DISTRICT. KALABURAGI-585 301.

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Location: HIGH COURT OF KARNATAKA

2. THE DEPUTY COMMISSIONER
   KALABURAGI-585 102.

3. THE SPECIAL LAND ACQUISITION OFFICER
   KNNL, BNT KALABURAGI-585 102.

...RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R2 AND R3)

THIS MFA IS FILED U/S. 74(1) OF RFCTLARR ACT, PRAYING TO CALL FOR THE RECORDS IN LAC NO. 125/2018 PASSED BY THE HONOURALBE I ADDL. DIST. AND SESSION JUDGE, AT KALABURAGI, ALLOW THE APPEAL AND SET ASIDE

THE JUDGMENT AND AWARD DATED 12.04.2022 IN LAC NO. 125/2018 PASSED BY THE HONOURABLE I ADDL. DIST. AND SESSION JUDGE, AT KALABURAGI AND ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

The present appeal, filed under Section 74(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, challenges the judgment and award dated 12.04.2022 in LAC No.125/2018. However, the appeal is filed after a delay of 206 days beyond the statutory limitation period of 120 days prescribed under Section 74(1) of the Act. This Court, following the Division Bench ruling in MFA No.102543/2022 dated 23.09.2024, holds that the limitation period under the Act is mandatory and non-extendable. Relying on precedents, including *Union of India vs. Popular Construction Co.* and *State of Kerala vs. V.R. Kalliyanikutty*[1], the appeal is dismissed as time-

[1] AIR 1999 SC 1305

barred, without addressing the merits. Parties shall bear their respective costs.

In view of disposal of main appeal, pending applications, if any, stand rejected.

The Court fee paid, if any, shall be refunded in accordance with law.

SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 3 Sl No.: 15