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. 202873 OF 2023 (LAC)

BETWEEN:

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

2. THE EXECUTIVE ENGINEER
   BLI DIVISION, TQ. AFZALPUR-585301
   DIST.KALABURAGI.

...APPELLANTS

(BY SRI. SHARANABASAVA C. PASTAPUR, ADVOCATE)

AND:

1. CHANDRASHA
   S/O SHARANAPPA PADSHETTY
   AGE. 43 YEARS, OCC. AGRICULTURE
   R/O ATNUR VILLAGE-585301
   TQ. AFZALPUR, DISTRICT KALABURAGI

2. THE DEPUTY COMMISSIONER
   KALBURAGI-585102.

3. THE SPECIAL LAND ACQUISITION OFFICER
   KNNL, BNT, KALABURAGI-585102.

...RESPONDENTS

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

THIS MFA IS FILED U/S 74(1) OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO CALL

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

FOR THE RECORDS IN LAC NO. 14/2018 PASSED BY THE HONOURABLE I ADDL DISTRICT AND SESSIONS JUDGE AT KALABURAGI, ALLOW THE APPEAL AND SET ASIDE THE JUDGMENT AND AWARD DATED 14.01.2022 IN LAC NO. 14/2018 PASSED BY THE HONOURABLE I ADDL DISTRICT AND SESSIONS 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 14.1.2022 passed in LAC No.14/2018. However, the appeal is filed after a delay of 283 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 [AIR 1999 SC 1305], the appeal is dismissed as time-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

ALB
List No.: 3 Sl No.: 45