NC: 2024:KHC-K:10004
MFA No. 201884 of 2024

IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO. 201884 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER,
   UKP, BHIMARAYANAGUDI,
   TALUKA: SHAHAPUR,
   DISTRICT: YADGIRI
2. THE DEPUTY COMMISSIONER,
   KALABURAGI DISTRICT,
   KALABURAGI

...APPELLANTS

(BY SRI. Y.H. VIJAYAKUMAR, AAG AND VEERANAGOUDA MALIPATIL, HCGP)

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

AND:

1. BASHU MIYA S/O MOHAMMAD HAFEEZ,
   AGE: 58 YEARS,
   OCC: AGRICULTURE,
   R/O: HULANDGERA,
   TALUKA: CHITTAPUR,
   DISTRICT: KALABURAGI
2. KRISHNA BHAGYA JALA NIGAM LTD.,
   REPRESENTED BY ITS MANAGING DIRECTOR,
   KR CIRCLE,
   BENGALURU

...RESPONDENTS

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO, A) CALL FOR THE RECORDS IN LAC NO. 05/2021 PASSED BY THE I ADDL. DISTRICT JUDGE KALABURAGI AND LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, KALABURAGI DT. 05.04.2023 B) ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGEMENT AND AWARD DT. 05.04.2023 PASSED BY I ADDL. DISTRICT JUDGE KALABURAGI AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, KALABURAGI.

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 dated 05.04.2023 in LAC No.05/2021. However, the appeal is filed after a delay of 219 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 **In *Union of India vs. Popular Construction Co.*[1]** and ***State of Kerala vs. V.R. Kalliyanikutty*[2]** , 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

NJ
List No.: 2 Sl No.: 30
CT-AK

[1] 2001 (8) SCC 470

[2] 1999 (3) SCC 657