NC: 2024:KHC-K:10163
MFA No. 201604 of 2024

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. 201604 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, BHIMARAYANAGUDI
   TQ SHAHAPUR, DISTRICT YADGIRI-585223.

2. THE DEPUTY COMMISSIONER
   KALABURAGI DISTRICT
   KALABURAGI-585101.

...APPELLANTS

(BY SRI. Y.H. VIJAYAKUMAR, AAG A/W
SRI. VEERANAGOUDA MALIPATIL, HCGP)

AND:

1. NAZEER
   S/O MAHIBOOB SAB
   AGE 40 YEARS, OCCUPATION AGRICULTURE
   RESIDENCE OF HULANDGERA, TQ CHITTAPUR
   DISTRICT KALABURAGI-585211.

2. KRISHNA BHAGYA JALA NIGAM LIMITED
   REPRESENTED BY ITS MANAGING DIRECTOR
   K R CIRCLE, BENGALURU.-560001.

...RESPONDENTS

Digitally signed by
AL BHAGYA
Location: HIGH
COURT OF
KARNATAKA

THIS MFA IS FILED U/S. 74(1) OF RIGHT TO FAIR COMPENSATION TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO, CALL FOR THE RECORDS IN LAC NO. 11/2021 PASSED BY THE LEARNED I ADDITIONAL DISTRICT JUDGE KALABURAGI AND

THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, KALABURAGI, DATED 06-04-2023, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 06-04-2023 PASSED BY THE I ADDITIONAL DISTRICT JUDGE, KALABURAGI AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, KALABURAGI, IN LAC NO. 11/2021, IN THE INTEREST OF JUSTICE AND EQUITY.

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 06.04.2023 in LAC No.11/2021. 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 *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

CA
List No.: 3 Sl No.: 65