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.201489 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, BHIMARAYANAGUDI
   TQ. SHAHAPUR DISTRICT
   YADGIRI-589210.

2. THE DEPUTY COMMISSIONER
   KALABURAGI DISTRICT
   KALABURAGI-585101.

3. KRISHNA BHAGYA JALA NIGAM LIMITED
   REPRESENTED Y ITS MANAGING DIRECTOR
   NRUPATUNGA ROAD
   BENGALURU-560001.

...APPELLANTS

Digitally signed by NAGARAJA B M
Location: HIGH COURT OF KARNATAKA

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

AND:

1. SAHEB PATEL
   S/O MAHIBOOB PATEL
   AGE 58 YEARS
   OCCUPATION AGRICULTURE
   RESIDENCE OF HULANDGERA, TQ CHITTAPUR
   DISTRICT KALABURAGI-586101.

2. FATRU PATEL
   S/O MAHIBOOB PATEL

AGE 43 YEARS
OCCUPATION AGRICULTURE
RESIDENCE OF HULANDGERA
TQ CHITTAPUR
DISTRICT KALABURAGI-586101.

…RESPONDENTS

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. 12/2021 PASSED BY THE LEARNED I ADDITIONAL DISTRICT JUDGE 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 IN LAC NO. 12/2021 PASSED BY THE LEARNED I ADDITIONAL DISTRICT JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, KALABURAGI, IN THE INTEREST OF JUSTICE AND EQUITY 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 06.04.2023 in LAC No.12/2021. 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*[1], 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

NBM
List No.: 3 Sl No.: 64

[1] AIR 1999 SC 1305