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. 201266 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, ALMATTI, TQ B BAGEWADI
   DISTRICT VIJAYAPURA.

2. THE COMMISSIONER
   REHABILITATION AND RESETTLEMENT
   SECRETARY FOR LAND ACQUISITION DIVISION
   NAVANAGAR, BAGALKOT.

3. THE SPECIAL DEPUTY COMMISSIONER
   REHABILITATION AND RESETTLEMENT
   LAND ACQUISITION DIVISION
   NAVANAGAR, BAGALKOT.

...APPELLANTS

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

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

AND:

1. SHIVAMMA
   W/O BASAVANTHRAYA GANJYAL

2. ANAND
   S/O BASAVANTHRAYA GANJYAL

   BOTH ARE RESIDENCE OF SINDAGERI
   TQ B. BAGEWADI, DISTRICT VIJAYAPURA.

...RESPONDENTS

THIS MFA IS FILED UNDER SECTION 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO CALL FOR THE RECORDS IN L.A.C.NO.746/2018 PASSED BY THE LEARNED III ADDL. DISTRICT JUDGE AND ADDL. LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPUR DATED 09.12.2022, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 09.12.2022 PASSED BY THE LEARNED III ADDL. DISTRICT JUDGE AND ADDL. LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPUR, 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 09.12.2022 in LAC No.746/2018. However, the appeal is filed after a delay of 291 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

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List No.: 2 Sl No.: 43