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. 201200 OF 2023 (LAC)
C/W
MISCL. FIRST APPEAL NO. 201097 OF 2023 (LAC)

IN MFA NO.201200/2023

BETWEEN:

1. KANTAPPA
   S/O SHARANAPPA
   AGE.52 YEARS, OCC. AGRICULTURE

2. NIJAGUNAMMA
   W/O GURUPADAYYA
   AGE. 66 YEARS, OCC. AGRICULTURE

3. LAXMIBAI W/O VAIJANATH
   AGE.54 YEARS, OCC. AGRICULTURE

   ALL ARE R/O TOTNALLI VILLAGE
   TQ.SEDAM, DIST.KALBURGI.

...APPELLANTS

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

(BY SRI. SAKRY .K.S, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
   KALBURGI-585102

2. THE CHIEF ENGINEER
   KNNL, ZONE, KALBURGI-585102

3. THE EXECUTIVE ENGINEER
BNT DIVISION HEBBAL, TQ.CHITTAPUR

4. THE SPECIAL LAND ACQUISITION OFFICER
KNNL, BNT, KALBURGI-585102.

…RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R1 AND R4;
SRI. SUDARSHAN .M, ADVOCATE 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 ALLOW THE MISC FIRST APPEAL, INTERFERE WITH THE JUDGMENT AND AWARD DATED 31.1.2022 PASSED BY THE I ADDL. DISTRICT JUDGE, AT KALBURGI, IN LAC NO. 262/2019, BY MODIFIED BY ENHANCING MARKET VALUE AT RS, 1,08,200/- PER ACRE OF LAND WITH STATUTORY BENEFITS AND ETC.

IN MFA NO.201097/2023

BETWEEN:

1. MAHALINGAPPA
S/O RAMANNA
AGE 82 YEARS, OCC. AGRICULTURE
R/O MEENHABAL VILLAGE
TQ.SEDAM, DIST.KALBURGI.

…APPELLANT

(BY SRI. SAKRY .K.S, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER
KALBURGI-585102

2. THE CHIEF ENGINEER
KNNL, ZONE, KALBURGI-585102

3. THE EXECUTIVE ENGINEER
BNT DIVISION HEBBAL, TQ.CHITTAPUR

4. THE SPECIAL LAND ACQUISITION OFFICER
KNNL, BNT, KALBURGI-585102.

…RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R1 AND R4;
SRI. SUDARSHAN .M, ADVOCATE 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 ALLOW THE MISC. FIRST APPEAL, INTERFERE WITH THE JUDGMENT AND AWARD DATED 31.1.2022 PASSED BY THE I ADDL. DISTRICT JUDGE, AT KALBURGI, IN LAC NO. 114/2019, BY MODIFIED BY ENHANCING MARKET VALUE AT RS, 1,08,200/- PER ACRE OF LAND WITH STATUTORY BENEFITS AND ETC.

THESE APPEALS, 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 appeals, 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 31.1.2022 passed in LAC Nos.262/2019 and 114/2019. However, the appeals are filed after a delay of 301 and 305 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 appeals are dismissed as time-barred, without addressing the merits. Parties shall bear their respective costs.

In view of disposal of main appeals, 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.: 8