NC: 2024:KHC-K:10044
MFA No. 201674 of 2023

**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.201674 OF 2023 (LAC)**

**BETWEEN:**

1. THE CHIEF ENGINEER
   KNNL, ZONE AWAN-E-SHAHI ROAD
   KALABURAGI-585 101.

2. THE EXECUTIVE ENGINEER
   BLI DIVISION, AFZALPUR
   DIST. KALABURAGI-585 101.

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

**AND:**

1. NAZEER PATEL
   S/O HASAN PATEL
   AGE. 48 YEARS, OCC. AGRICULTURE
   R/O VILLAGE ATNOOR AND BHOGANALLI
   TQ. AFZALPUR, DIST. KALABURAGI-585 103.

2. THE DEPUTY COMMISSIONER
   KALABURAGI-585101.

3. THE SPECIAL LAND ACQUISITION OFFICER
   KNNL BNT, KALABURAGI-585101.

...RESPONDENTS

(BY SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R2 AND R3;
SRI. HARSHAVARDHAN R. MALIPATIL, ADVOCATE FOR R1)

Digitally signed by AL BHAGYA
Location: HIGH COURT OF KARNATAKA

THIS MFA IS FILED U/S. 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO CALL FOR THE RECORDS FROM THE I ADDL DISTRICT AND SESSIONS JUDGE, KALABURAGI, IN LAC NO. 161/2018 AND SET ASIDE THE JUDGMENT AND AWARD DATED 08.02.2022 IN LAC NO. 161/2018, ON THE FILE OF THE I ADDL DISTRICT JUDGE, KALABURGI, 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 08.02.2022 in LAC No.161/2018. However, the appeal is filed after a delay of 311 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.: 23