NC: 2024:KHC-K:10504
MFA No. 201865 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. 201865 OF 2024 (LAC)

BETWEEN:

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

2. THE DEPUTY COMMISSIONER
   VIJAYAPURA.

...APPELLANTS

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

AND:

1. MALLESHAPPA
   S/O CHANDAPPA NILUGALL
   AGE 71 YEARS, OCCUPATION AGRICULTURE
   R/O MUTTAGI, TQ. B. BAGEWADI
   DIST. VIJAYAPURA.

...RESPONDENT

(BY SRI. S.S. MAMADAPUR, ADVOCATE FOR C/RESPONDENT)

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

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 IN L.A.C. NO.1691/2021 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 07.08.2023 PASSED BY THE LEARNED I ADDITIONAL SESSIONS JUDGE AND THE LAND ACQUISITION

REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA IN LAC NO. 1691/2021.

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 07.08.2023 in LAC No.1691/2021. However, the appeal is filed after a delay of 129 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-

[1] AIR 1999 SC 1305

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.: 101