



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 9TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO. 201705 OF 2023 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
KNNL ZONE, KALABURGI
2. THE EXECUTIVE ENGINEER
KNNL, BLI DIVISION
AFZALPUR, DIST KLABURGI

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

AND:

CHANDAPPA S/O HANAMANTH
SINCE DECEASED BY HIS LRS

1. MAPAVVA
W/O CHANDAPPA
AGE 64 YEARS, OCC AGRICULTURE
R/O VILLAGE AURAD, TQ AFZALPUR
DIST. KALABURAGI-585101.
2. THE DEPUTY COMMISSIONER
KALABURGI-585101.
3. THE SPECIAL LAND ACQUISITION OFFICER
KNNL, BNT, KALABURGI-585101

...RESPONDENTS

(BY SMT. ARATI PATIL, HCGP FOR R2 AND R3)



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 SESSION JUDGE, KALABURAGI. IN LAC NO. 45/2018, SET ASIDE THE JUDGEMENT AND AWARD IN LAC NO. 45/2018 DATED 11.03.2022 ON THE FILE OF THE I ADDL DISTRICT AND SESSIONS JUDGE, KALABURAG, 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 11.03.2022 in LAC No.45/2018. However, the appeal is filed after a delay of 309 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. Kalliyankutty reported in 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