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. 201834 OF 2023 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
   KNNL ZONE, KALABURAGI

2. THE EXECUTIVE ENGINEER
   BLI DIVISION, AFZALPUR
   DIST KALABURGI.

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

AND:

1. BHAGAPPA
   S/O SIDDAPPA MADGUND
   BY HIS LRS
   ANUSUBAI
   W/O BHAGAPPA MADGUND
   AGE 45 YEARS, OCC. AGRICULTURE
   R/O VILLAGE TELLUR, TQ AFZALPUR
   DIST KALABURGI-585103.

2. THE DEPUTY COMMISSIONER
   KALABURAGI-585101

3. THE SPECIAL LAND AQCUISITION 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 CHAITHRA A
Location: HIGH COURT OF KARNATKA

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 CALL FOR THE RECORDS FROM I ADDL. DISTRICT AND SESSIONS JUDGE, KALABURAGI, IN LAC NO. 230/2018 AND SET ASIDE THE JUDGMENT AND AWARD IN LAC NO. 230/2018, DATED 05.02.2022, ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS JUDGE, KALABURAGI, 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 5.2.2022 passed in LAC No.230/2018. However, the appeal is filed after a delay of 322 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

ALB
List No.: 3 Sl No.: 35