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. 201881 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, KBJNL, BHIMARAYANAGUDI
   TQ- SHAHAPUR, DIST-YADGIRI.

2. THE DEPUTY COMMISSIONER
   KALABURAGI.

...APPELLANTS

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

AND:

1. GANGAMMA W/O SANMUKHAYYA
   DECEASED SINCE BY HER LRS

1(A) KALLAYYA
   D/O LATE SHANMUKHAYYA
   AGE 55 YEARS, OCC. AGRICULTURE

1(B) BASAMMA
   D/O LATE SHANMUKHAYYA
   AGE 53 YEARS, OCC. HOUSEHOLD

1(C) LALITA
   D/O LATE SHANMUKHAYYA
   AGE 50 YEARS, OCC. HOUSEHOLD

1(D) KASTURI
   D/O LATE SHANMUKHAYYA

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AGE 45 YEARS
OCC. HOUSEHOLD

1(E) SANGAYYA SWAMY
S/O LATE SHANMUKHAYYA
AGE 42 YEARS, OCC. AGRICULTURE

1(F) NAGARATNA
D/O LATE SHANMUKHAYYA
AGE 38 YEARS, OCC. HOUSEHOLD

ALL R/O SATHKHED
TQ. YADRAMI, DIST. KALABURAGI

2. THE MANAGING DIRECTOR
KRISHAN BHAGYA JALA NIGAM LIMITED
NRUPATUNGA ROAD, BENGALURU.

…RESPONDENTS

THIS MFA IS FILED UNDER SECTION 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 PRAYING TO CALL FOR THE RECORDS IN L.A.C NO.19/2021, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 19.04.2023 PASSED BY THE LEARNED I ADDITIONAL DISTRICT 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 19.04.2023 in LAC No.19/2021. However, the appeal is filed after a delay of 279 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.: 103