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. 202969 OF 2023 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP, ALMATTI, TQ.B.BAGEWADI
   DISTRICT VIJAYAPURA-586101

2. THE SPECIAL DEPUTY COMMISSIONER
   REHABILITATION AND RESETTLEMENT
   LAND ACQUISITION DIVISION
   NAVANAGAR, BAGALKOT-587101

...APPELLANTS

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

AND:

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

1. SANGAYYA ALIAS ANNAYYA
   S/O BASAVARAJAYYA KODAKELLAMATH
   AGE MAJOR, OCC. AGRICULTURE
   R/O HOKRANI, TQ. MUDDEBIHAL
   DIST. VIJAYAPURA-586101.

...RESPONDENT

(BY SRI. SANGANABASAVA B. PATIL, ADVOCATE)

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 LAC NO. 745/2019 PASSED BY THE LEARNED III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION REHABILITATION AND RESETTLEMENT

AUTHORITY, VIJAYAPURA, DATED 16.09.2022, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGEMENT AND AWARD DATED 16.09.2022 IN LAC NO. 745/2019 PASSED BY THE LEARNED III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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 16.09.2022 passed in LAC No.745/2019. However, the appeal is filed after a delay of 132 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.: 46