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. 202540 OF 2023 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
   KNNL ZONE, KALABURAGI-585 101.

2. THE EXECUTIVE ENGINEER
   BLI DIVISION
   AFZALPUR DIST. KALABURAGI-585 101.

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

AND:

1. BHIMASHANKAR
   S/O DATTAPPA
   AGE. 63 YEARS, OCC. AGRICULTURE
   R/O VILLAGE SIDDANOOR, TQ. AFZALPUR
   DIST. KALABURAGI-585 101.

2. THE DEPUTY COMMISSIONER
   KALABURAGI-585101

3. THE SPECIAL LAND ACQUISITION OFFICER
   KNNL, BNT, KALABURAGI-585101

...RESPONDENTS

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

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 THE I ADDL DISTRICT AND SESSIONS JUDGE, KALABURAGI IN LAC NO. 149/2018 AND

SET ASIDE THE JUDGEMENT AND AWARD IN LAC NO. 149/2018 DATED 11.02.2022, ON THE FILE OF THE I ADDL DISTRICT AND SESSION 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 11.02.2022 in LAC No.149/2018. However, the appeal is filed after a delay of 341 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-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.: 59

[1] AIR 1999 SC 1305