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. 202162 OF 2023 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
   KNNL ZONE, KALABURAGI,
   PIN CODE-585102.

2. THE EXECUTIVE ENGINEER
   BLI DIVISION, AFZALPUR,
   DIST: KALABURAGI-585102

   (THE APPELLANT NO.2 IS ALSO
   REPRESENTING THE APPELLANT NO.1)

...APPELLANTS

(BY SRI. SUDARSHAN M, ADVOCATE)

AND:

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

KASHIBAI
W/O SIDDAPPA DHARIGOND
SINCE DIED BY HER LR'S

1. HAVANNA S/O SIDDAPPA,
   AGE: 73 YEARS,
   OCC: AGRICULTURE
   R/O TELLUR VILLAGE,
   TALUK: AFZALPUR,
   PIN CODE:585307

2. THE DEPUTY COMMISSIONER
   KALABURAGI-585102

3. THE SPECIAL LAND ACQUISITION OFFICER
KNNL BNT PROJECT,
KALABURAGI, PINCODE-585012

…RESPONDENTS

THIS MFA IS FILED UNDER SECTION 74(1) OF THE RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 PRAYING TO CALL FOR THE RECORDS FROM THE COURT BELOW IN LAC NO.212/2018 AND SET ASIDE THE IMPUGNED JUDGMENT AND AWARD DATED: PASSED IN LAC NO.212/2008 BY THE I ADDL. DIST. JUDGE AT 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 17.10.2022 in LAC No.212/2018. However, the appeal is filed after a delay of 93 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.: 362