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. 202714 OF 2024 (LAC)

BETWEEN:

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

2. THE COMMISSIONER
REHABILITAITON AND RESETTLEMENT AND
SECRETARY FOR LAND ACQUISITION DIVISION
GOVT. OF KARNATAKA, NAVANAGAR
BAGALKOT-587103.

3. THE GENERAL MANAGER
REHABILITATION AND RESETTLEMENT
SECRETARY FOR LAND ACQUISITION DIVISION
NAVANAGAR, BAGALKOT-587103.

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Location: HIGH COURT OF KARNATKA

4. THE SPECIAL DEPUTY COMMISSIONER
REHABILITATION AND RESETTLEMENT
SECRETARY FOR LAND ACQUISITION DIVISION
NAVANAGAR, BAGALKOT-587103.

5. EXECUTIVE ENGINEER
KBJNL, ALBC DIVISION
CHIMMALAGI LIFT IRRIGATION PROJECT
ALMATTI, TALUKA B. BAGEWADI
DISTRICT VIJAYAPURA-586101.

...APPELLANTS

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

AND:

1. MAHANTAGOUDA
S/O SHARANAPPA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

2. RAMANAGOUDA
S/O SHARANAPPA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

3. BASANAGOUDA
S/O SHARANAPPA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

4. SHANTAVVA
W/O SHARANAPPA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

5. BASALINGAMMA
W/O SHANTAGOUDA BIRADAR
SINCE DIED BY HER LRS

5(A) SUMITRA
W/O BASANAGOUDA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

5(B) RENUKA
W/O TAMMANAGOUDA HALEKORI
AGE. MAJOR, OCCUPATION AGRICULTURE

5(C) SHARANAMMA
W/O BASANAGOUDA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

5(D) SHARANABASU
S/O SHANTAGOUDA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

6. AVVAMMA
W/O KANAKARADDI KANAKARADDI
AGE. MAJOR, OCCUPATION AGRICULTURE

7. MADIVALAVVA
W/O KANAKARADDI KANAKARADDI
AGE. MAJOR, OCCUPATION AGRICULTURE

8. PRABHAVATI
W/O MALLANAGOUDA
AGE. MAJOR, OCCUPATION AGRICULTURE

9. SHASHIKALA
W/O SIDDANAGOUDA BIRADAR
AGE. MAJOR, OCCUPATION AGRICULTURE

ALL RESIDENCE OF BALAWAT
TALUKA MUDDEBIHAL
DISTRICT VIJAYAPURA.

…RESPONDENTS

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 L.A.C. NO.263/2019 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 24.02.2023 IN L.A.C NO.263/2019 PASSED BY THE LEARNED III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA.

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 24.02.2023 in LAC No.263/2019. However, the appeal is filed after a delay of 342 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.: 148

[1] AIR 1999 SC 1305