NC: 2024:KHC-K:10233
MFA No. 202396 of 2023

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. 202396 OF 2023 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
   KNNL, AWAN-E-SHAHI ROAD
   KALABURAGI.

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

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

AND:

BHAGAPPA
S/O MALKAPPA
SINCE DECEASED BY HIS LRS

1. GANGAMMA @ GANGABAI
   W/O SHARANGOUDA
   AGE MAJOR, OCC. AGRICULTURE

2. MALKAPPAGOUDA PATIL
   S/O SHARANGOUDA PATIL
   AGE MAJOR, OCC. AGRICULTURE

3. BASAWARAJ
   S/O SHARANGOUDA
   AGE MAJOR, OCC. AGRICULTURE

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

4. SHANKARGOUDA
S/O BHOGAPPAGOUDA
AGE MAJOR, OCC. AGRICULTURE

5. NIRMALA
W/O SHANKARGOUDA
AGE MAJOR, OCC. AGRICULTURE

6. PRASHANT PASODI
S/O SHANKARGOUDA PASODI
AGE MAJOR, OCC. AGRICULTURE

7. NISHANT
S/O SHANKARGOUDA
AGE MAJOR, OCC: AGRICULTURE

ALL ARE R/O VILLAGE AWARAD
TQ. AFZALPUR, DIST KALABURAGI-585101.

8. THE DEPUTY COMMISSIONER
KALABURAGI-585101.

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

…RESPONDENTS

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADVOCATE
FOR R1 TO R7;
SRI. VEERANAGOUDA MALIPATIL, HCGP FOR R8 AND R9)

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, KALABURAG N LAC NO. 78/2018 AND SET ASIDE THE JUDGEMENT AND AWARD IN LAC NO. 78/2018 DATED 02.03.2022 ON THE FILE OF THE I ADDL. DISTRICT AND SESSIONS 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 02.03.2022 passed in LAC No.78/2018. However, the appeal is filed after a delay of 355 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.: 39