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. 202566 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER, UKP
ALMATTI, TQ. B. BAGEWADI
DIST. VIJAYAPURA

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

3. THE GENERAL MANAGER
REHABILITATION AND RESETTLEMENT
SECRETARY FOR LAND ACQUISITION DIVISION
GOVT OF KARNATAKA, NAVANAGAR
BAGALKOT

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

4. THE SPECIAL DEPUTY COMMISSIONER
REHABILITATION AND RESETTLEMENT
SECRETARY FOR LAND ACQUISITION DIVISION
GOVT OF KARNATAKA
NAVANAGAR
BAGALKOT

5. THE EXECUTIVE ENGINEER
MULAWAD LIFT IRRIGATION
MATTIHAL DIVISION
GOVT OF KARNATAKA

NAVANAGAR
BAGALKOT

…APPELLANTS

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

AND:

1. SANGAPPA
S/O DUSANGAPPA KARIGAR
AGE MAJOR
RESIDENT OF CHIKKAGARASANGI
TQ. B. BAGEWADI, DIST VIJAYAPURA

2. IRAPPA
S/O DUSANGAPPA KARIGAR
AGE MAJOR
RESIDENT OF CHIKKAGARASANGI
TQ. B. BAGEWADI, DIST VIJAYAPURA

…RESPONDENTS

THIS MFA IS FILED UNDER SECTION 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.1684/2019 PASSED BY THE LEARNED I ADDL. DISTRICT JUDGE AND ADDL. LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPUR DATED 06.01.2022, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 06.01.2022 I L.A.C. NO.1684/2019 PASSED BY THE LEARNED I ADDL. DISTRICT JUDGE AND ADDL. LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPUR, 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 06.01.2023 in LAC No.1684/2019. However, the appeal is filed after a delay of 461 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.: 125