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. 202625 OF 2024 (LAC)

BETWEEN:

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

2. THE STATE OF KARNATAKA
   REPRESENTED BY
   SPECIAL DEPUTY COMMISSIONER
   UKP, BAGALKOT-587101.

3. THE COMMISSIONER FOR UKP
   BAGALKOT-587101.

...APPELLANTS

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

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

AND:

1. KEMU
   S/O SHANNKAR LAMANI @ CHAVAN
   AGE. MAJOR, OCCUPATION AGRICULTURE
   RESIDENCE OF BHUTANAL
   TALUKA AND DISTRICT VIJAYAPURA-586 101.

...RESPONDENT

(BY SRI. YASHAS S. DIKSHIT, ADVOCATE FOR R1)

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.1692/2020 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 02.11.2023 IN L.A.C NO.1692/2020 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 02.11.2023 in LAC No.1692/2020. However, the appeal is filed after a delay of 139 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 reported in 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

NBM
List No.: 3 Sl No.: 137