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. 202738 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER,
   UKP, ALMATTI, TQ. B. BAGEWADI,
   DIST. VIJAYAPURA-586101

2. THE COMMISSIONER
   REHABILITATION, RESETTLEMENT AND
   LAND ACQUISITION,
   EX-OFFICIO SECRETARY TO THE GOVERNMENT,
   REVENUE DEPT., UKP, NAVANAGAR,
   BAGALKOT-587101.

3. THE CHIEF SECRETARY
   STATE OF KARNATAKA
   REPRESENTED BY DEPUTY COMMISSIONER,
   VIJAYAPURA-586101.

...APPELLANTS

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

AND:

1. BANUBAI W/O DASTAGIRSAB TONSHYAL
   SINCE DECEASED BY HER LRS
   WHO ARE ALREADY ON RECORD AS
   CLAIMANTS NO.2 TO 11

2. SALIM S/O DASTAGIRSAB TONSHYAL
   AGE: 57 YEARS, OCC: AGRI

3. MAHIBOOBSAB S/O DASTAGIRSAB TONSHYAL

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

AGE: 53, YEARS: OCC AGRI

4. MOHAMMAD URF MOHAMMOD RAFIQ
S/O DASTAGIRSAB TONSHYAL
AGE: 51 YEARS, OCC: AGRI

5. BASHEERAHMAD S/O DASTAGIRSAB TONSHYAL
AGE: 47 YEARS, OCC: AGRI

6. MUBARAK S/O DASTAGIRSAB TONSHYAL
AGE: 37 YEARS, OCC: AGRI

7. MALANABI W/O RAHEMANASAB MULLA
AGE: 59 YEARS, OCC: H H WORK

8. BISMILLA URF NOORJAN W/O MOULASAB AHERI
AGE: 55 YEARS, OCC: HH WORK AND AGRI

9. JUBEDA W/O HASHIMPEER KANOOR
AGE: 54 YEARS, OCC: HH WORK

10. SHAMSHYAD W/O RASOOLSAB CHALLIGIDAD
AGE: 45 YEARS, OCC: HH WORK AND AGRI.

11. NOUSHAD W/O DASTAGIRSAB TONSHYAL
AGE: 43 YEARS, OCC: HH WORK AND AGRI

12. LAXMAN S/O SIDDAPPA UKAMANAL
AGE: 64 YEARS, OCC: AGRI

13. PARASAPPA S/O SIDDAPPA UKAMANAL
AGE: 60 YEARS, OCC: AGRI

14. GOURAWWA S/O SIDDAPPA UKAMANAL
AGE: 90 YEARS, OCC: HH WORK AND AGRI

ALL ARE R/O MADHABAVI,
TQ. AND DIST. VIJAYAPURA-586101.

…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 IN

L.A.C.NO.157/2019 PASSED BY THE III ADDITIONAL DISTRICT AND SESSIONS JUDGE AND ADDITIONAL LAND ACQUISITION, REHABILITTION AND RESETTLEMENT AUTHORITY, VIJAYAPUR, DATED 19.01.2024 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 19.01.2024 PASSED BY THE III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION, REHABILITTION AND RESETTLEMENT AUTHORITY, VIJAYAPURA L.A.C.NO.157/2019.

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 19.01.2024 in LAC No.157/2019. However, the appeal is filed after a delay of 75 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.: 151