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. 202949 OF 2024 (LAC)

BETWEEN:

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

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

3. THE GENERAL MANAGER
REHABILITATION AND RESETTLEMENT,
NAVANAGAR, BAGALKOT.

4. THE SPECIAL DEPUTY COMMISSIONER
REHABILITATION AND RESETTLEMENT,
NAVANAGAR, BAGALKOT.

5. THE EXECUTIVE ENGINEER
KBJNL, ALBC DIVISION,
CHIMMALAGI LIFT IRRIGATION PROJECT,
ALMATTI, TQ: B. BAGEWADI

...APPELLANTS

(BY SRI. Y.H.VIJAYAKUMAR, AAG ALONGWITH SMT. ARATI PATIL, HCGP)

Digitally signed by AL BHAGYA
Location: HIGH COURT OF KARNATKA

AND:

1. HANAMAPPA S/O BALAPPA MASKI
DEAD BY HIS LRS

1A BASAMMA W/O HANAMANTRAYA MASKI @ BHOVI
AGE: 62 YEARS, OCC: HOUSEHOLD WORK
R/O AREMURAL, TQ: MUDDEBIHAL,
DISTRICT VIJAYAPURA

1B YANKAPPA S/O HANAMANTRAYA MASKI @ BHOVI
AGE: 38 YEARS, OCC: AGRICULTURE
R/O AREMURAL, TQ: MUDDEBIHAL,
DISTRICT VIJAYAPURA

1C NAGAPPA S/O HANAMANTRAYA MASKI @ BHOVI
AGE: 35 YEARS OCC: AGRICULTURE
R/O AREMURAL, TQ: MUDDEBIHAL,
DISTRICT VIJAYAPURA

1D SANTOSH S/O HANAMANTRAYA MASKI @ BHOVI
AGE: 35 YEARS, OCC: AGRICULTURE,
R/O AREMURAL, TQ: MUDDEBIHAL,
DISTRICT VIJAYAPURA

…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.390/2019 PASSED BY THE III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPUR, DATED 02.03.2023 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 02.03.2023 PASSED BY III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYPUR, IN L.A.C. NO.390/2019, 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 2.3.2023 passed in LAC No.390/2019. However, the appeal is filed after a delay of 365 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.: 173