NC: 2024:KHC-K:10295
MFA No. 202851 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. 202851 OF 2023 (LAC)

BETWEEN:

BORAMMA
W/O SHARANAYYA JERATGI,
AGE: 53 YEARS,
OCC: AGRICULTURE,
R/O SATKHED, TQ. JEWARGI,
DIST. KALABURAGI-585310.

...APPELLANT

(BY SRI. SHIVALING.N.PADSHETTY, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER,
   UKP, KBJNL, BHIMARAYANGUDI,
   TQ. SHAHAPUR, DIST. YADGIRI 585227

2. THE DEPUTY COMMISSIONER
   STATION ROAD,
   KALABURAGI-585102.

3. KRISHNA BHAGYA JALA NIGAM LTD.
   BY ITS MANAGING DIRECTOR,
   NRUPATUNGA ROAD, BANGALORE-560002

...RESPONDENTS

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

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 ALLOW THE APPEAL WITH COSTS AND

MODIFY THE JUDGMENT & AWARD PASSED BY I ADDL. DISTRICT JUDGE, KALABURAGI IN LAC NO.225/2019 AND FIX THE MARKET VALUE FOR LAND ACQUIRED AT THE RATE OF RS.6,45,120/- PER ACRE AND AWARD ALL STATUTORY BENEFITS. FURTHER GRANTED OTHER RELIEF, WHICH THIS HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE, 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 18.01.2023 in LAC No.225/2019. However, the appeal is filed after a delay of 100 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.: 368