NC: 2024:KHC-K:10292
MFA No. 203160 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. 203160 OF 2023 (LAC)

BETWEEN:

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

2. THE COMMISSIONER
   REHABILITATION AND RESETTLEMENT AND
   SECRETARY FOR LAND ACQUISITION DIVISION,
   GOVERNMENT OF KARNATAKA,
   NAVANAGAR, BAGALKOT-587103.

3. THE GENERAL MANAGER
   REHABILITATION AND RESETTLEMENT
   SECRETARY FOR LAND ACQUISITION DIVISION,
   NAVANAGAR, BAGALKOT-587103.

4. THE SPECIAL DEPUTY COMMISSIONER
   REHABILITATION AND RESETTLEMENT
   SECRETARY FOR LAND ACQUISITION DIVISION,
   NAVANAGAR, BAGALKOT-587103.

5. EXECUTIVE ENGINEER
   KBJNL, ALBC DIVISION,
   CHIMMALAGI LIFT IRRIGATION PROJECT,
   ALMATTI, TQ: B. BAGEWADI,
   DIST: VIJAYPURA-586101

...APPELLANTS

(BY SRI. Y.H.VIJAYAKUMAR, AAG A/W SRI. VIRANAGOUDA BIRADAR, AGA)

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

AND:

1. MAKALEVVA W/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: HH WORK

2. SANGAPPA S/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: AGRICULTURE

3. BASALINGAPPA S/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: AGRICULTURE

4. BHIMARAYA S/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: AGRICULTURE

5. SIDDRAYA S/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: AGRICULTURE

6. BASAPPA S/O MALLAPPA BIRADAR,
   AGE: MAJOR, OCC: AGRICULTURE

   ALL R/O MAVINABHAVI,
   TQ: MUDDEBIHAL,
   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.2153/2019 PASSED BY THE I ADDL. DISTRICT AND SESSIONS JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, DATED 09.02.2023 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 09.02.2023 IN L.A.C.NO.2153/2019 PASSED BY THE LEARNED I ADDITIONAL DISTRICT JUDGE AND LAND THE I ADDL. DISTRICT AND SESSIONS JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, 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 09.02.2023 in LAC No.2153/2019. However, the appeal is filed after a delay of 76 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.: 371