



**IN THE HIGH COURT OF KARNATAKA,
KALABURAGI BENCH**

DATED THIS THE 10TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO.203902 OF 2023 (LAC)

BETWEEN:

1. SHALIWAN
S/O BANDAPPA
AGE 40 YEARS, OCC: AGRICULTURE
RESIDENT OF RAJNAL VILLAGE
TQ AND DIST BIDAR

...APPELLANT

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND:

1. THE SPECIAL LAND ACQUISITION OFFICER
MINOR IRRIGATION, BIDAR
2. THE EXECUTIVE ENGINEER
MINOR IRRIGATION, BIDAR

...RESPONDENTS

THIS MFA IS FILED U/S. 74(1) OF RIGHT TO FAIR COMPENSATION TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO ALLOW THIS APPEAL WITH COSTS AND MODIFY THE JUDGMENT AND AWARD PASSED BY THE I ADDL. DIST. JUDGE AND ADDITIONAL LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR DATED 16.01.2023 PASSED IN LAC NO. 25 OF 2018 AND ETC.

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 16.01.2023 in LAC No.25/2018. However, the appeal is filed after a delay of 135 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. Kalliyankutty*¹, the appeal is dismissed as time-barred, without addressing the merits. Parties shall bear their respective costs.

¹ AIR 1999 SC 1305



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 SI No.: 66