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. 203519 OF 2023 (LAC)

BETWEEN:

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

...APPELLANT

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

AND:

SHIVAYYA
S/O RACAHAYYA HIREMATH
AGE: MAJOR
OCC: HH WORK
R/O: UPPALADINNI L.T.
TQ: B. BAGEWADI
DIST: VIJAYAPURA-586101

Digitally signed by CHAITHRA A
Location: HIGH COURT OF KARNATKA

...RESPONDENT

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.04/2022 PASSED BY THE LEARNED I ADDL. DISTRICT AND SESSIONS JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY VIJAYAPURA, DATED 28.02.2023 AND ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGMENT AND AWARD DATED 28.02.2023 IN L.A.C.NO.04/2022 PASSED BY THE

LEARNED 1ST 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 28.02.2023 in LAC No.4/2022. However, the appeal is filed after a delay of 95 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.: 377