IN THE HIGH COURT OF KARNATAKA,

KALABURAGI BENCH

DATED THIS THE 18TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO. 200644 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   UKP RAILWAY STATION
   INDI,
   DISTRICT VIJAYAPURA - 586 101.

2. THE GENERAL MANAGER (LAQ)
   UKP, NAVANAGAR,
   BAGALKOT - 587 101.

...APPELLANTS

(BY SRI. Y.H. VIJAYAKUMAR, AAG ALONG WITH
SRI. VEERANAGOUDA MALIPATIL, HCGP)

AND:

Digitally signed by NAGARAJA B M
Location: HIGH COURT OF KARNATKA

SOMASHEKHAR
S/O SHARANAPPA GORANAL,
AGE. MAJOR,
OCCUPATION AGRICULTURE,
RESIDENCE OF BENAKANAHALLI,
TALUKA INDI,
DISTRICT VIJAYAPURA - 586 101.

...RESPONDENT

THIS MFA IS FILED UNDER SECTION 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 PRAYING TO ALLOW THE ABOVE APPEAL AND SET ASIDE THE JUDGMENT AND AWARD DATED 05.01.2023 IN LAC

NO.833/2018 PASSED BY THE LEARNED III ADDITIONAL DISTRICT JUDGE AND ADDITIONAL 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 05.01.2023 in LAC No.833/2018. However, the appeal is filed after a delay of 119 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.: 2 Sl No.: 36