



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

DATED THIS THE 12TH DAY OF DECEMBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

MISCL. FIRST APPEAL NO. 203359 OF 2024 (LAC)

BETWEEN:

1. THE CHIEF ENGINEER
KNNL, IPZ, KALABURAGI - 585301
2. THE EXECUTIVE ENGINEER
BHIMA LIFT IRRIGATION PROJECT
AFZALAPUR - 585301

...APPELLANTS

(BY SRI. SUDARSHAN .M, ADVOCATE)

AND:

1. TARABAI
W/O KALYANSING
AGE 51 YEARS, OCC.AGRICULTURE
R/O GOUR(B), TQ. AFZALPUR - 585301
DIST. KALABURAGI
2. THE SPECIAL LAND ACQUISITION OFFICER
KNNL, BNT PROJECT, KALABURAGI - 585102
3. THE DEPUTY COMMISSIONER
KALABURAGI - 585102

...RESPONDENTS

THIS MFA IS FILED U/S 72(1) OF RIGHT TO FAIR
COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT ACT, PRAYING TO CALL
FOR RECORDS AND SET ASIDE THE IMPUGNED JUDGMENT
AND AWARD DATED 03.04.2024 PASSED IN LAC NO. 79/2023



BY THE I ADDL. DIST. JUDGE AND ADDL. LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BIDAR, 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 03.04.2024 passed in LAC No.79/2023. However, the appeal is filed after a delay of 126 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*, 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

ALB
List No.: 3 Sl No.: 43