NC: 2024:KHC-K:9968
MFA No. 203887 of 2024

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.203887 OF 2024 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITON OFFICER,
   UKP, ALMATTI, TQ: B. BAGEWADI,
   DIST: VIJAYAPUR
2. THE COMMISSIONER,
   REHABILITATION AND RESETTLEMENT SECRETARY,
   FOR LAND ACQUISITION DIVISION,
   GOVERNMENT OF KARNATAKA,
   NAVANAGAR, BAGALKOT
3. THE GENERAL MANAGER,
   REHABILITATION AND RESETTLEMENT,
   NAVANAGAR, BAGALKOT
4. THE SPECIAL DEPUTY COMMISSIONER,
   REHABILITATION AND RESETTLEMENT,
   LAND ACQUISITION DIVISION,
   NAVANAGAR, BAGALKOT

...APPELLANTS

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

AND:

BASALINGAPPA S/O KARABASAPPA SHIVAPUJI
(SINCE DECEASED BY HIS LRS)

1A. KARABASAPPA S/O BASALINGAPPA SHIVAPUJI,
AGE: MAJOR, OCC: AGRICULTURE,
R/O: KESAPUR, TQ: MUDDEBIHAL,
DIST: VIJAYAPURA

Digitally signed by RENUKA
Location: HIGH COURT OF KARNATAKA

1B. SHANTAGOUDA S/O BASALINGAPPA SHIVAPUJI,
AGE: MAJOR, OCC: AGRICULTURE,
R/O: KESAPUR, TQ: MUDDEBIHAL,
DIST: VIJAYAPURA

2. THE EXECUTIVE ENGINEER,
KBJNL, ALBC DIVISION, CHIMMALAGI,
LIFT IRRIGATION PROJECT, ALMATTI,
TQ: B. BAGEWADI, DIST: VIJAYAPURA

…RESPONDENTS

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO, A) CALL FOR THE RECORDS IN LAC NO. 1540/2019 PASSED BY THE I ADDL. DISTRICT JUDGE AND LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA DT. 19.03.2024 B) ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGEMENT AND AWARD DT. 19.03.2024 PASSED BY I ADDL. DISTRICT JUDGE AND LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA.

THIS APPEAL COMING ON FOR FINAL HEARING, 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 dated 19.03.2024 in LAC No.1540/2019. However, the appeal is filed after a delay

of 151 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 **In *Union of India vs. Popular Construction Co.*[1]** and ***State of Kerala vs. V.R. Kalliyanikutty*[2]** , 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

Srt
List No.: 2 Sl No.: 11
CT-AK

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[1] 2001 (8) SCC 470
[2] 1999 (3) SCC 657