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. 200272 OF 2024 (LAC)

BETWEEN:

YAMANAPPA
SINCE DECEASED BY LRS

SURESH S/O YAMANAPPA UPPAR
AGE: 52, OCC: AGRICULTURE,
R/O KUDARI SALAVADAGI
TQ: B. BAGEWADI, DIST. VIJAYAPURA

...APPELLANT

(BY SRI. HARSHAVARDHAN R. MALIPATIL, ADVOCATE)

AND:

THE SPECIAL LAND ACQUISITION OFFICER,
UKP, ALMATTI, TQ: B. BAGEWADI

...RESPONDENT

Digitally signed by AL BHAGYA
Location: HIGH COURT OF KARNATKA

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 ALLOW THIS APPEAL WITH COSTS AND MODIFY THE JUDGMENT AND AWARD PASSED BY THE I ADDL. DISTRICT JUDGE AND THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYPURA DATED: 16.08.2023 PASSED IN LAC NO.539 OF 2020 AND FIX THE MARKET VALUE FOR LAND ACQUIRED AT THE RATE OF RS.44,100/- PER GUNTA AND AWARD ALL STATUTORY BENEFITS, FURTHER GRANT ANY OTHER RELIEF, WHICH THIS

HON'BLE COURT DEEMS FIT IN THE CIRCUMSTANCES OF THE CASE, 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 16.8.2023 passed in LAC No.539/2020. However, the appeal is filed after a delay of 65 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

ALB
List No.: 2 Sl No.: 47