NC: 2024:KHC-K:10070
MFA No. 203420 of 2023

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. 203420 OF 2023 (LAC)

BETWEEN:

1. THE SPECIAL LAND ACQUISITION OFFICER
   INDI, (R.S)

2. THE GENERAL MANAGER
   R/R & LAQ
   NAVANAGAR, BAGALKOT.

...APPELLANTS

(BY SRI. Y.H. VIJAYAKUMAR, AAG A/W
SRI. VEERANAGOUDA MALIPATIL, HCGP)

AND:

1. BHAGWANTRAY
   S/O VITTOBHA BADIGER
   AGE 55 YEARS, OCCUPATION AGRICULTURE
   R/O GORNAL VILLAGE-586 215.
   TALUK INDI, DISTRICT VIJAYAPURA.

2. RAMMANNA S/O VITTOBHA BADIGER
   AGE 55 YEARS, OCC: AGRICULTURE
   R/O GORNAL VILLAGE-586215
   TQ. INDI, DIST. VIJAYAPURA.

3. BASAVARA J S/O VITTOBHA BADIGER
   AGE 55 YEARS, OCC: AGRICULTURE
   R/O GORNAL VILLAGE-586215
   TQ. INDI, DIST. VIJAYAPURA.

...RESPONDENTS

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

THIS MFA IS FILED U/S 74(1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, PRAYING TO CALL FOR THE RECORDS IN LAC NO. 125/2019 PASSED BY THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, DATED 02.01.2023, ALLOW THE ABOVE APPEAL AND TO SET ASIDE THE JUDGEMENT AND AWARD DATED 02.01.2023 IN LAC NO. 125/2019 PASSED BY THE LEARNED III ADDITIONAL DISTRICT AND SESSIONS JUDGE AND THE LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY, VIJAYAPURA, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.

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 02.01.2023 in LAC No.125/2019. However, the appeal is filed after a delay of 150 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*[1], 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

NBM
List No.: 3 Sl No.: 52

[1] AIR 1999 SC 1305