



NC: 2024:KHC-D:16000
MFA No. 102698 of 2024
C/W MFA No. 102699 of 2024
MFA No. 102967 of 2024

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

DATED THIS THE 30TH DAY OF OCTOBER, 2024

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

MISCELLANEOUS FIRST APPEAL NO.102698 OF 2024 (LAC)
C/W
MISCELLANEOUS FIRST APPEAL NO.102699 OF 2024
MISCELLANEOUS FIRST APPEAL NO.102967 OF 2024

IN MFA.NO.102698/2024:

BETWEEN:

THE UNION OF INDIA,
R/BY DEPUTY CHIEF ENGINEER
CONSTRUCTION UBL
SOUTH WESTERN RAILWAY, CLUB ROAD,
KESHWAPUR HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD – 580 020.

...APPELLANT

(BY SRI M. C. HUKKERI, ADVOCATE)

AND:

1. SMT. VASANTA H. M.
W/O. SANJAY P. GUDAGUDI,
AGE: 44 YEARS,
OCC: SERVICE A.O.LIC OF INDIA,
R/O: JUDGES QUARTERS NEAR
NEW BUSTAND DHARWAD,
POST: DHARWAD
TQ AND DIST: DHARWAD – 580 001.
2. ASSISTANT COMMISSIONER,
THE LAND ACQUISITION
OFFICER DHARWAD,
TQ AND DIST DHARWAD – 580 001.
3. THE CHIEF PROJECT MANAGER
RAIL VIKAS NIGAMA LTD.,



NC: 2024:KHC-D:16000
MFA No. 102698 of 2024
C/W MFA No. 102699 of 2024
MFA No. 102967 of 2024

SOUTH WESTERN RAILWAY
CLUB ROAD,
KESHWAPUR, HUBBALLI,
TQ: HUBBALLI,
DIST: DHARWAD – 580 001.

4. THE PRINCIPAL REVENUE
SECRETARY GOVT OF KARNATAKA,
REVENUE DEPARTMENT,
M. S. BUILDING,
BENGALURU – 560 001.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R2 AND R4)

THIS MFA IS FILED U/SEC.74 (1) OF RIGHT TO FAIR
COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION,
REHABILITATION AND RESETTLEMENT ACT, 2013, PRAYING TO,
CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND
AWARD PASSED IN LAC NO.13/2019 BY THE IIND ADDITIONAL
DISTRICT AND SESSIONS JUDGE AND LAND ACQUISITION
REHABILITATION AND RESETTLEMENT AUTHORITY DHARWAD
DATED 27.09.2023 AND TO CONFIRM THE AWARD PASSED BY THE
SLAO OF RS.2,78,784/- PER GUNTA WITH ALL STATUTORY BENEFITS
IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

IN MFA.NO.102699/2024:

BETWEEN:

THE UNION OF INDIA,
R/BY DEPUTY CHIEF ENGINEER
CONSTRUCTION UBL
SOUTH WESTERN RAILWAY, CLUB ROAD,
KESHWAPUR HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD – 580 023.

...APPELLANT

(BY SRI M. C. HUKKERI, ADVOCATE)

AND:

1. SHRI ARAVIND
S/O. RACHAPPA GANIGER,
AGE: 54 YEARS, OCC: GOVT. SERVICE,
R/O: GOPANAKOPPA HUBBALLI,
POST: HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD – 580 023.



2. ASSISTANT COMMISSIONER,
THE LAND ACQUISITION
OFFICER DHARWAD,
TQ AND DIST DHARWAD – 580 001.
3. THE CHIEF PROJECT MANAGER
RAIL VIKAS NIGAMA LTD.,
SOUTH WESTERN RAILWAY CLUB ROAD,
KESHWAPUR, HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD – 580 023.
4. THE PRINCIPAL REVENUE SECRETARY,
GOVT OF KARNATAKA,
REVENUE DEPARTMENT,
M. S. BUILDING,
BENGALURU – 560 001.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R2 AND R4)

THIS MFA IS FILED U/SEC.74 (1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013, PRAYING TO, CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD PASSED IN LAC NO.12/2019 BY THE II ND ADDITIONAL DISTRICT AND SESSIONS JUDGE AND LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY DHARWAD DATED 27.09.2023 AND TO CONFIRM THE AWARD PASSED BY THE SLAO OF RS.2,78,784/- PER GUNTA WITH ALL STATUTORY BENEFITS IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

IN MFA.NO.102967/2024:

BETWEEN:

THE UNION OF INDIA,
R/BY DEPUTY CHIEF ENGINEER
CONSTRUCTION UBL
SOUTH WESTERN RAILWAY, CLUB ROAD,
KESHWAPUR HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.

...APPELLANT

(BY SRI M. C. HUKKERI, ADVOCATE)



NC: 2024:KHC-D:16000
MFA No. 102698 of 2024
C/W MFA No. 102699 of 2024
MFA No. 102967 of 2024

AND:

1. SHRI VIJAYKUMAR
S/O. GURUNATHRAO URANAKAR,
AGE: 56 YEARS, OCC: SERVICE,
R/O: H.NO.17 TIMMASAGAR GALLI,
NEAR DAKAPPA TEMPLE HUBBALLI,
POST: HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.
2. ASSISTANT COMMISSIONER,
THE LAND ACQUISITION
OFFICER DHARWAD,
TQ AND DIST DHARWAD.
3. THE CHIEF PROJECT MANAGER
RAILU VIKAS NIGAMA LTD.,
SOUTH WESTERN RAILWAY CLUB ROAD,
KESHWAPUR, HUBBALLI, TQ: HUBBALLI,
DIST: DHARWAD.
4. THE PRINCIPAL REVENUE SECRETARY,
GOVT OF KARNATAKA, REVENUE DEPARTMENT,
M. S. BUILDING, BENGALURU.

...RESPONDENTS

(BY SMT. KIRTELATA R. PATIL, HCGP FOR R2 AND R4)

THIS MFA IS FILED U/SEC.74 (1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013, PRAYING TO, CALL FOR THE RECORDS AND SET ASIDE THE JUDGMENT AND AWARD PASSED IN LAC NO.11/2019 BY THE IIND ADDITIONAL DISTRICT AND SESSIONS JUDGE AND LAND ACQUISITION REHABILITATION AND RESETTLEMENT AUTHORITY DHARWAD DATED 27.09.2023 AND TO CONFIRM THE AWARD PASSED BY THE SLAO OF RS.2,78,784/- PER GUNTA WITH ALL STATUTORY BENEFITS IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

THESE APPEALS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: THE HON'BLE MR. JUSTICE C.M. POONACHA



ORAL JUDGMENT

(PER: THE HON'BLE MR. JUSTICE C.M. POONACHA)

Learned HCGP takes notice for respondent No.2 and 4-State in all these appeals. Notice is not issued to respondent Nos.1 and 3, since the appeals are disposed off on a question of law.

2. These appeals are filed under Section 74(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013¹ laying a challenge to the Judgment & Award dated 27.09.2023 passed by the Reference Court in LAC Nos.11/2019, 12/2019 and 13/2019, whereunder enhancement of compensation has been accorded. The above appeals are filed beyond the prescribed period of 60 + 60 = 120 days and there is a delay of 175 days in filing these appeals. Applications are filed seeking condonation of delay in all these appeals.

¹ Hereinafter referred as "the 2013 Act"



3. Section 74(1) along with the Proviso thereto (sub-section (2) not being relevant) of the 2013 Act is noticed for ready reference:

"74. Appeal to High Court.

(1) The Requiring Body or any person aggrieved by the Award passed by an Authority under section 69 may file an appeal to the High Court within sixty days from the date of Award:

Provided that the High Court may, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal within the said period, allow it to be filed within a further period not exceeding sixty days."

4. The language of Sub-section (1) of Section 74 and the proviso thereof of the 2013 Act is clear. Further, a Division Bench of this Court in the case of **THE DEPUTY COMMISSIONER AND SPECIAL LAND ACQUISITION OFFICER, BENGALURU VS. M/S. S.V. GLOBAL MILL LIMITED, CHENNAI**², has examined the matter in great detail and held that Section 74 of the 2013 Act is mandatory in nature and an application for condonation of

² ILR 2020 KAR 1897



delay beyond the statutorily permissible time limit is not liable to be favourably considered. Further, a Division Bench of this Court in the case of **THE EXECUTIVE ENGINEER VS. SPECIAL LAND ACQUISITION OFFICER**³ has declined the request for referring the matter for reconsideration to a larger Bench.

5. In view of the aforementioned, the applications, in all these appeals, seeking condonation of delay are dismissed. Consequently, the appeals are also dismissed.

6. It is made clear that this Court has not examined the matter on merits with regard to the sustainability of re-determination of market value and consequent enhancement of compensation awarded by the reference Court. The dismissal of these appeals is subject to the decision in SLP Nos.215 -2016 of 2023 (**M/s S.V Global Mill Limited**) pending before the Hon'ble Apex Court.

³ Order dated 23.09.2024 passed in MFA No.102543/2022



NC: 2024:KHC-D:16000
MFA No. 102698 of 2024
C/W MFA No. 102699 of 2024
MFA No. 102967 of 2024

7. In view of dismissal of these appeals, the Registry to transmit the amount in deposit, if any, to the Reference Court immediately for being released in favour of claimants in accordance with law.

Sd/-
(C.M. POONACHA)
JUDGE

HMB
CT-ASC
List No.: 1 SI No.: 8