

The Executive Engineer vs Sri Siddappa Suraappa Surannavar

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Court : Karnataka Dharwad

Decided On : Sep-30-2024

Judge : Shivashankar Amarannavar

Appeal No. : MFA/101265/2023

Appellant : The Executive Engineer

Respondent : Sri Siddappa Suraappa Surannavar

Judgement :

-1- IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH DATED THIS THE 30TH DAY OF SEPTEMBER, 2024 BEFORE THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR MISCELLANEOUS FIRST APPEAL NO. 101265 OF 2023 (LAC) BETWEEN: THE EXECUTIVE ENGINEER, KNNL, GRBCC DIV.NO.2, HIDAKAL DAM, TQ. HUKKERI, DIST. BELAGAVI-591309 APPELLANT (BY SRI. S M KALWAD, ADVOCATE) AND:

1. SRI. SIDDAPPA SURAAPPA SURANNAVAR, AGE. 54 YEARS, OCC. AGRICULTURE, R/O. VANNUR, TQ. BAILHONGAL DIST. BELAGAVI-590001.

2. THE SPL. LAND ACQUISITION OFFICER,

HIDAKAL DAM, TQ. HUKKERI, DIST. BELAGAVI-590001 Digitally signed by MANJANNA E RESPONDENTS Location: HIGH COURT OF KARNATAKA DHARWAD (BY SRI. GANGADHAR J.M., AAG FOR BENCH Date: 2024.10.19 SMT. GIRIJA S. HIEMATH, HCGP FOR R2) 11:43:45 +0530 THIS MFA IS FILED U/SEC.74 (1) OF RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013, AGAINST THE

JUDGMENT AND AWARD DATED 22.03.2022 PASSED IN

LAC.NO.468/2019 ON THE FILE OF THE I ADDITIONAL DISTRICT JUDGE AND THE LAND ACQUISITION, REHABILITATION AND RESETTLEMENT AUTHORITY, BELAGAVI. THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, THE COURT DELIVERED THE FOLLOWING: CORAM: THE HON'BLE MR. JUSTICE SHIVASHANKAR AMARANNAVAR -2-

ORAL JUDGMENT

This appeal is filed under Section 74(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 laying a challenge to the Judgment & Award dated

22.03.2022 passed by the Reference Court

filed beyond the prescribed period of $60 + 60 = 120$ days. There is an admitted delay of 186 days in filing the appeal.

2. Section 74(1) along with the Proviso thereto (sub-section (2) not being relevant) of the 2013 Act has the following text: 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. -3-

The language of this provision being as clear as Gangetic waters, in my view, does not admit any interpretation. A Coordinate Bench of this Court in THE

DEPUTY COMMISSIONER AND SPECIAL LAND ACQUISITION OFFICER, BENGALURU VS. M/S. S.V. GLOBAL MILL LIMITED, CHENNAI, ILR 2020 Kar 1897, having deeply examined all aspects of the said provision, has held that the same is mandatory and therefore, an application for condonation of delay beyond the statutory limit of sixty days, is impermissible. In

recent Division Bench judgment dated 23.09.2024r

ACQUISITION OFFICER, Division Bench declined the request for referring the matter for consideration at the hands of a Larger Bench of this Court u/s 7 of the Karnataka High Court Act, 1961, having respectfully agreed with the ratio laid down in the said decision. -4-

3. I reiterate that the limitation for filing appeal of

the kind, as prescribed under Section 74(1) of the Act is 60 days; the condonable limit of delay as specified in the Proviso to sub-section (1) of this section is 60 days, as a maxima. Thus, in all, 120 days do avail for preferring the appeal, and after the expiry of this period, application for

condonation of delay cannot be entertained. As a consequence, the appeal filed beyond 120 days also cannot be entertained. Concomitant of this is: the award passed by the Reference Court under the provisions of 2013 Act would become final once for all, consistent with the Parliamentary Policy enacted in the subject Proviso to sub-section (1) of section 74.

4. In the above circumstances, the appeal is barred by limitation and as a consequence, the appeal is also dismissed, costs having been made easy. As consequence, pending application, if any, does not survive for consideration. -5-

5. It is made clear that Court has not examined on merits, the sustainability of re-determination of market value and consequent enhancement of compensation

awarded by the reference Court. The dismissal of this appeal is subject to decision in SLP Nos.215 -2016 of 2023 (M/s S.V Global Mill Limited) pending before the Honble Apex Court.

6. In view of dismissal of this appeal, the Registry to transmit the amount in deposit to the Reference Court immediately for being released in favour of claimants in accordance with law. Sd/- (SHIVASHANKAR AMARANNAVAR)
JUDGE RKM/PMP CT:CNB List No.: 2 SI No.: 36

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