



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 3RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

MISCL SECOND APPEAL NO.200258 OF 2024 (LA)

BETWEEN:

1. THE CHIEF ENGINEER,
KNNL, IPC ZONE,
AIWAN-E-SHAHI ROAD,
KALABURAGI-585101.

2. THE EXECUTIVE ENGINEER,
KNNL, BNT DIVISION NO.1,
KALABURAGI-585101.

...APPELLANTS

(BY SRI. KRUPA SAGAR PATIL, ADVOCATE)

AND:

1. MALLIKARJUN S/O SHANKARRAO,
AGE: 46 YEARS, OCC: AGRICULTURE,
2. REVANASIDDAPPA S/O SHANKARRAO,
AGE: 40 YEARS, OCC: AGRICULTURE,
BOTH R/O ARAJAMBAGA VILLAGE,
TQ. CHITTAPUR DIST. KALABURAGI-585101.

3. THE SPECIAL LAND ACQUISITION OFFICER,
M & MIP NO.7, MINI VIDHAN SOUDHA,
KALABURAGI-585101.

4. THE DEPUTY COMMISSIONER,
KALABURAGI-585101.

...RESPONDENTS

(BY SMT. ARCHANA P. TIWARI, AAG A/W
SRI. VIRANAGOUDA M. BIRADAR, AGA R3 & R4)





THIS MISC. SECOND APPEAL IS FILED UNDER SEC. 54(2) OF LAND ACQUISITION ACT, PRAYING TO CALL FOR THE RECORDS FROM THE REFERENCE COURT AS WELL AS THE APPELLATE COURT IN LAC NO.70/2007 AND LACA NO.204/2016. II) SET ASIDE THE JUDGMENT AND AWARD IN LAC APPEAL NO.204/2016, DATED 22.02.2017, ON THE FILE OF THE IV ADDL. DISTRICT JUDGE, KALABURAGI.

THIS APPEAL, COMING ON FOR ORDERS THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL JUDGMENT

Heard learned counsel for the appellants.

2. This appeal is preferred by the beneficiary-KNNL, challenging the judgment and award dated 22.02.2017, passed in LACA No.204/2016, by the IV Additional District Judge, Kalaburagi, whereby the appeal preferred by the claimants came to be allowed, modifying the judgment and award dated 19.08.2015, passed in LAC No.70/2007, consequently enhancing the compensation amount.



3. It is contended by the learned counsel for the appellants that the proceedings were initiated in terms of preliminary notification under Section 4(1) of the Land Acquisition Act (for short, 'the LA Act') published under official Gazette Notification dated 26.02.2004 for the purpose of construction of right bank canal under the Bennetora Irrigation Project. Subsequently, the final notification was issued in the official Gazette and an award came to be passed, fixing the market value of the land of the claimant at the rate of Rs.26,000/- per acre. The same was protested by filing a petition under Section 18(1) of the LA Act.

4. The matter was referred to the Reference Court in LAC No.70/2007. The Reference Court awarded compensation of Rs.91,600/- per acre with 30% solatium on the enhanced compensation and also awarded additional amount at the rate of 12% per annum from the date of notification till the date of award.



5. The claimant, being dissatisfied with the award of the Reference Court, preferred an appeal in LACA No.204/2016 before IV Additional District Judge, Kalaburagi. The Appellate Court on appreciation, enhanced the compensation to Rs.2,48,994/- per acre as against Rs.91,600/- per acre awarded by the Reference Court along with statutory benefits excluding the period of delay in preferring the appeal. Being aggrieved by the said judgment of the Appellate Court, the appellants are before this Court.

6. Along with the appeal, the appellants have filed an application for condonation of delay of 1707 days in filing the present appeal. Before taking up the main matter, it would be necessary for this Court to first take up the application for condonation of delay.

7. On careful perusal of the affidavit annexed to the application for condonation of delay, the reasons assigned and cause shown in the affidavit by the



appellants are made out in paragraph Nos.3 to 5, which read as under:

"3. I state that several grounds have been urged in the Misc. Second Appeal and it is prayed that the same may be treated as part and parcel of this application. I state that, the Appellate Court had disposed of the appeal, in LAC No.204/2016 on 22.02.2017. The Counsel before the trial court upon receiving the certified copy of the Final Order has sent the same to the Central Office. The Central Office after securing the papers from KNNL Division Kalaburagi, has handed over the entire case docket to the counsel on panel to opine feasibility in preferring any Appeal in the matter. The said counsel after through verification of papers provided by the KNNL Central Office, the said counsel had sought for some more papers from the court below to arrive at conclusion and also having two rounds of meeting with the KNNL Legal Cell, have finally decided to file Second Appeal before the Hon'ble High Court questioning Judgment and Award passed by the Appellate Court.

4. I state that, after receiving the opinion, our legal cell has entrusted the entire case docket to the present counsel for preferring second Appeal to this Hon'ble Court.. I state that, securing required papers and also transit of papers from one office to another and thereafter the passing of papers to the present counsel to do the needful, it has consumed



time which is unintentional, but in a bonafide nature.

5. I state that if this Hon'ble Court be pleased to condone the delay in filing the above appeal which is due to the reasons submitted as above, no harm or prejudice would be caused to the respondents. On the other hand, if the delay is not condoned the appellants will be subjected to great hardship and irreparable loss which cannot be compensated in any terms."

8. This Court is required to examine, on the basis of the averments made on oath in the affidavit annexed to the application, whether the appellants have made out sufficient grounds for condonation of delay by satisfactorily explaining the delay and by demonstrating bonafide reasons for not preferring the appeal within the prescribed period.

9. The Co-ordinate Bench of this Court has dealt with the similar matter in MSA No.200452/2023 in the case of ***The Chief Engineer and Another vs. Gurubasappa S/o Veerbasappa and others*** disposed



of on 26.07.2024 by relying upon several judgments of this Court as well as the Hon'ble Apex Court which would be squarely applicable to the present case on hand.

Paragraph No.3 of the said judgment reads as under:

"3. The law of limitation finds its routes in the legal maxim "Interest reipublicae ut sit fanis litum" which means that in the interest of the State as whole there should be a limit to litigation and "vigilantibus non dormeientibus jura subveniunt" which means the law will assist only those who are vigilant to their rights and not those who sleep upon it. The law of limitation specifies the statutory time frame within which a person may initiate a legal proceedings or a legal action can be brought. If the suit is filed after the expiry of the time prescribed, it will be barred by limitation, it means that the suit brought before the Court after the expiry of the time within which a legal proceedings to be initiated will be restricted."

10. The Co-ordinate Bench of this Court relied upon the following judgments of the Hon'ble Apex Court:



- i. Ramlal, Motilal and Chhotelal Vs. Rewa Coalfields Ltd., [AIR 1962 SC 361]*
- ii. Lanka Venkateswarlu (Dead) By LRs Vs. State of Andhra Pradesh and Others [(2011) 4 SCC 363]*
- iii. Ajay Dabra Vs. Pyare Ram and Ors [2023 LiveLaw (SC) 69]*
- iv. Pathapati Subba Reddy (Died) by L.Rs. and Ors Vs. The Special Deputy Collector (LA) [2024 SCC Online SC 513]*

11. The Hon'ble Apex Court, in the case of ***Shivamma (Dead) by LRs vs. Karnataka Housing Board and Others [2025 SCC OnLine SC 1969]*** after appreciating several prior judgments of the Hon'ble Apex Court including that of ***Delhi Development Authority Vs. Tejpal and Ors. [(2024) 7 SCC 433]*** came to the conclusion as under:

"261. Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as



a sufficient ground for condonation of delay, and we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out, wherein the State-machinery is able to establish that it acted with bona fides and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude.

262. *The High Courts ought not give a legitimizing effect to such callous attitude of State authorities or its instrumentalities, and should remain extra cautious, if the party seeking condonation of delay is a State-authority. They should not become surrogates for State laxity and lethargy. The constitutional courts ought to be cognizant of the apathy and pangs of a private litigant. Litigants cannot be placed in situations of perpetual litigations, wherein the fruits of their decrees or favourable orders are frustrated at later stages. We are at pains to reiterate this. everlasting trend, and put all the High Courts to notice, not to reopen matters with inordinate delay, until sufficient cause exists, as by doing so the courts only add insult to the injury, more particularly in appeals under Section 100 of the CPC, wherein its jurisdiction is already limited to questions of law.*



263. *Limitation periods are prescribed to maintain a sweeping scope for the lis to attain for finality. More than the importance of judicial time, what worries us is the plight of a litigant with limited means, who is to contest against an enormous State, and its elaborate and never-exhausting paraphernalia. Such litigations deserve to be disposed of at the very threshold, because, say if a party litigating against the State. for whatever reason, is unable to contest the condonation of delay in appeal, unlike the present case, it reopens the lis for another round of litigation, and leaves such litigant listless yet again. As courts of conscience, it is our obligation that we assure that a litigant is not sent from pillar to post to seek justice.*

264. *No litigant should be permitted to be so lethargic and apathetic, much less be permitted by the courts to misuse the process of law."*

12. The Hon'ble Apex Court, in the case of **Tejpal** (supra), upon placing reliance on various earlier judgments of the Hon'ble Supreme Court rendered in similar circumstances relating to land acquisition matters, wherein substantial delays were sought to be condoned, has held at paragraphs 51, 54, 62 and 64 as under:



"51. *This Court has again in State of M.P. v. Bherulal, reiterated the reasoning of the Postmaster General and held that the Collector (LA) could not be relied upon any longer as it was laid down in a different bureaucratic and technological period. The proposition that Government entities ought to be afforded greater latitude on issues of delay on account of administrative exigencies, is no longer a precedent to be followed routinely.*

54. *It seems to us that acceding to the appellants' request on the aforesaid account would also have undesirable consequences. If delay were to be condoned merely on the basis of a broad general assertion of bureaucratic indifference, without requiring demonstration of bona fides or an act of mala fides on the part of specific individuals, it would create an artificial distinction between the private parties and the Government entities vis-à-vis the law of limitation. This would not be in conformity with the spirit of equality before law as guaranteed under our Constitution. Allowing such latitude would further distort incentives for the Government and encourage more laxity by the bureaucracy in its general functioning, thereby undermining quality governance.*

62. *We are not inclined to accept the abovestated plea as a good ground to condone the delay. Even if the appellants' contention is believed to be true that some of the SLPs were dismissed on the strength of the then governing law as laid down in Pune Municipal Corpn., this could not be an*



impediment for filing SLPs on time. Had it been so, this Court would not have had the opportunity to reconsider Pune Municipal Corpn. and Sree Balaji Nagar Residential Assn. That apart, some of the cases which are part of this batch were filed before Shailendra, which belies the appellants' stance. Instead, it is likely that the appellants took a careful, considered and conscious call of not agitating their claims as they perceived their chances of success to be bleak.

64. *We agree in principle with the respondents to the extent that deliberate, reckless or negligent delays ought not to be condoned, even if counterweighed by public interest since it may unfairly affect third-party rights that may have vested during the period of lapse. This simplistic framing would, however, not be apt for the present fact situation which is far more complex."*

13. Now coming back to the present case on hand, this Court has to see the specific reasons assigned for the cause for delay. The relevant paragraphs have already been extracted hereinabove.

14. On careful perusal of the above stated paragraphs, it is apparently seen that there is absolutely no cogent reason much less satisfactory to be considered



for condonation of delay. What is merely stated is that some time was spent in applying certified copy, the same was sent to the Central office by the appellants. Thereafter, it was handed over to the counsel to opine feasibility in preferring any appeal who again sought for few more papers from the Court below to arrive at a conclusion and held two round of meetings. Thereafter, the present appeal came to be filed challenging the judgment and award of the First Appellate Court. It is further stated that in this process, it has consumed time which is unintentional, but in a bonafide nature. It is also stated that the delay caused is unavoidable. It is further stated that the appellants, being the beneficiary and holding public money have to be very cautious in spending and accordingly, after holding several round of meetings with the concerned and also approval from the concerned, have prepared to file the present appeal and filed it before the Court. It is also stated that the appellants have good case on merits and that no harm or injustice would be



caused if delay is condoned. It is seen from catena of judgments of the Hon'ble Apex Court and Co-ordinate Bench of this Court that the issue of condonation of delay has been dealt with extensively by relying upon several judgments. The core issue would be the reasons assigned and cause shown for condonation of delay.

15. In the present case on hand, there is inordinate delay of 1707 days. It is not in dispute that the appellants were aware of the award, enhancement, modification and the final judgment and award of the Appellate Court further enhancing the compensation in favour of the claimants. However, no steps are taken to immediately challenge the award. The appellants are an agency of the State/Statutory Body. No doubt, in the earlier judgment in the case of **Collector (LA) Vs. Katiji [(1987) 2 SCC 107]**, the Apex Court has laid down that the Court must take a pragmatic view and no hyper technical approach while condoning the delay but again later in the case of **Tejpal** (supra), the Hon'ble Apex Court has held that



parties are required show sufficient cause for condoning the inordinate delay, where the appellants have gone into 'slumber' or slept over a matter like 'Kumbhakarna' should not be given any benefit when there is absolute negligence and inordinate delay. Therefore, considering all these catena of judgments of the Hon'ble Apex Court and on perusal of the affidavit annexed to the application for condonation of delay, there being no proper reasons assigned, no satisfactory explanation given and sufficient cause shown, the delay cannot said to be genuine or bonafide.

16. In view of the same, this Court is not satisfied with the explanation so provided to condone the delay. Accordingly, I.A.No.1/2024 filed for condonation of delay is devoid of merits and same is rejected.

17. In view of dismissal of the application for condonation of delay, the question of entertaining the appeal would not arise and consequently, the appeal also



would have to be dismissed. Accordingly, I pass the following:

ORDER

- (a) The Miscellaneous Second Appeal is ***dismissed*** on the ground of delay and laches.
- (b) In view of the dismissal of the appeal, the Court Fee, if any, paid by the appellants shall be refunded to the appellants as per Section 63 of the Karnataka Court Fees and Suits Valuation Act, 1958.
- (c) Pending interlocutory applications, if any, would not survive for consideration, the same pale into insignificance.

**Sd/-
(PRADEEP SINGH YERUR)
JUDGE**

VNR
LIST NO.: 2 SL NO.: 8
CT:SI