

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.40434 of 2015

Date:14.12.2015

Between:

Annapureddy Bali Reddy,
S/o Late Papi Reddy

..... Petitioner

And:

The State of A.P., repled., by its
Principal Secretary, Revenue (Endowments)
Department, Hyderabad and six others.

.....Respondents

Counsel for the Petitioner: Mr. P.Kamalakar

For Mrs. S.Siva Kumari

Counsel for Respondent Nos.1 to 3: AGP for Endowments
(AP)

Counsel for Respondent Nos.5 to 7: AGP for Revenue (AP)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to set aside letter No.M2/6488/2003, dated 16.03.2003, of respondent No.2 in respect of property admeasuring Acs.9.43 cents in Survey No.721/2B of Nandirajupalem Village, Bellamkonda Mandal, Guntur District.

The petitioner claimed that he is a permanent resident of Kotanemalipuri Village, Rajupalem Mandal, Guntur District; that his grand father was a donor and

worshiper of Sri Kodanda Ramanjaneyaswamy temple (for short 'the temple'); that his grand father along with other philanthropists has endowed more than Acs.25.00 cents of agricultural lands in and around the said village in favour of the temple.

The petitioner further pleaded that in recent times, he came to know that some third parties are doing cultivation in the temple's lands; that his enquiries revealed that the said lands were allotted to them by the Government; and that possession of the said lands were handed over to them without there being any acquisition.

I have heard Mr. Kamalakar, learned counsel representing Mrs. S.Siva Kumari, learned counsel for the petitioner and perused the record.

The proceedings impugned in the Writ Petition were issued as far back as 16.3.2003, whereunder respondent No.2 has accorded permission to respondent No.5 under Section-80 of the Andhra Pradesh Charitable and Hindu Religion Institutions and Endowments Act, 1987, for purchase of Agricultural land to an extent of Acs.2,344.54 cents belonging to 57 endowment institutions in Palanadu area of Guntur District under the Land Purchase Scheme for the benefit of Scheduled Caste landless Agricultural Labourers at the rates to be fixed as per the guidelines issued by the Government. It is in pursuance thereof, that appropriate steps were initiated and after identification of the eligible landless poor persons belonging to the Scheduled Caste Community, the lands were distributed after paying the market value to various temples including that of respondent No.4-temple in respect of the lands acquired from the respective temples.

The petitioner who has been in oblivion for 12 years appeared to have suddenly waken up from the slumber and filed Writ Petition No.39579 of 2015 in the first week

of December, 2015 and has withdrawn the same, purportedly on the ground that certain events came to his knowledge after filing of the said Writ Petition, with liberty to file a fresh Writ Petition.

It is trite that though no limitation for filing a Writ Petition is prescribed, the Constitutional Courts have placed self-imposed restrictions on themselves while entertaining the Writ Petitions and a Writ Petition has to be filed within a reasonable period from the time of arising of cause of action. (See ***State of Madhya Pradesh v. Bhailal Bhai***,^[1] ***Tilokchand Motichand v. H.B. Munshi***^[2] and ***Roshan Lal v. International Airport Authority of India***^[3]).

No where in the affidavit, the petitioner has explained his failure to question the impugned proceedings for 12 years. He has raised a vague plea that recently he came to know about the impugned proceedings. If the petitioner is really interested in the well being of respondent No.4-temple and if he had shown a reasonable degree of diligence, he would not have failed to come to know about the impugned proceedings within a reasonable time. Not only that the land of respondent No.4-temple along with that belonging to various temples was purchased through negotiations, but also they were distributed to the members of the District Scheduled Caste Service Co-Operative Society Limited and were put in possession long back. It is, therefore, not possible for this Court to believe that the petitioner was not aware of these events for more than 12 years. By raising a stale claim, the petitioner is seeking to unsettle the settled rights of the third parties.

At any rate, the proceeding under Article-226 of the Constitution of India being discretionary in nature, this Court will not entertain a Writ Petition which suffers from

unconardonable laches and that too, at the instance of a person who does not have any direct interest in the institution.

For the above-mentioned reasons, the Writ Petition is dismissed.

As a sequel to dismissal of the Writ Petition, W.P.M.P.No.52204 of 2015 filed by the petitioner for interim relief is dismissed as infructuous.

*JUSTICE C.V.NAGARJUNA
REDDY*

*14th December, 2015
DR*

[\[1\]](#) AIR 1964 SC 1006

[\[2\]](#) AIR 1970 SC 898

[\[3\]](#) AIR 1981 SC 597