

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

WRIT APEAL No. 2217 OF 2004

17-06-2015

Between:

P. Tatamma Reddy @ Kami Reddy (died per LRs) and four others

... Appellants

And

Chairman, Land Reforms Tribunal, Kakinada, E.G. District and three others

... Respondents

-
-
-
-
-
-

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-

WRIT APEAL No. 2217 OF 2004

JUDGMENT: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against the order dated 29-04-2004 dismissing Writ Petition No.12647 of 1994 filed by one Tatamma Reddy @ Kami Reddy seeking writ of *mandamus* declaring the action of the 1st respondent in not considering the objection/petition dated 01-07-1994 filed by him, as illegal, arbitrary and void. He further prayed for consequential direction to the 1st respondent to take petition dated 01-07-2014 on file and dispose of the same on merits.

Appellants are the legal representatives of Tatamma Reddy @ Kami Reddy. The writ petition was dismissed solely on the ground of delay and laches. The relevant observations made by learned Judge while dismissing the petition read thus:

“The case of the petitioner is that he filed a declaration before the second respondent in 1978 under the provisions of the Land Ceiling Act and orders have been passed on it on 10.3.1978 holding that the family of the petitioner was having excess of 1.1902 SH. Aggrieved by the said orders, the petitioner filed appeal before the first respondent and the first respondent modified the orders on 2.2.1980. But, however, the petitioner having come to know that Inam Land was also included in the computation of his lands, he filed a petition on 1.7.1994 before the first respondent. But, the first respondent did not consider the same. Hence, he filed the present Writ petition.

However, it has to be mentioned that the petitioner filed the petition on 1.7.1994 i.e., nearly after 14 years of passing of the order by the first respondent. It has also to be seen that the order of the first respondent has attained finality and hence it has to be held that the filing of the petition itself suffers due to delay and laches and therefore no relief could be granted in this writ petition.”

We have perused the application/petition dated 01-07-1994. It does not give any particulars in support of the case that the inam land was wrongly included in the computation of his total holding. Even before this Court, he has not placed any material on record to show that the inam lands were wrongly included in his holding.

The questions whether inam land was re-granted and if it was, in whose favour it was re-granted also remained unanswered by him in the writ petition.

Keeping that in view, we do not find any reason to interfere with the order passed by learned single Judge dismissing the writ petition on the ground of delay and laches. It is not in dispute that the writ petition was filed after 14 years of passing of the order by the 1st respondent.

In the circumstances, the writ appeal is dismissed.

Miscellaneous petitions, if any, also stand disposed of. No order as to costs.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

17-06-2015

ks