

HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.2554 of 2016

Date:29.01.2016

Between:

Gangidi Mahipal Reddy,
S/o Late Gangidi Yella Reddy
and three others.

..... Petitioners

And:

The State of Telangana,
reptd by its Principal Secretary,
Municipal Admn. & Urban Development
Department, Hyderabad and four others.

.....Respondents

Counsel for the Petitioners: Mr. M.Ramakanth
For Mr. M.S.N.Prasad

Counsel for Respondent No.1: GP for Municipal Admn. (TS)
Counsel for Respondent Nos.2 & 4: AGP for Revenue (TS)

The Court made the following:

ORDER:

This Writ Petition is filed for a *Mandamus* to declare proceedings No.C/2713/LA/UCD/MCH/95-07/6, dated 18.01.2007, of respondent No.3 as illegal and arbitrary.

After hearing Mr. M.Ramakanth, learned counsel representing Mr. M.S.N.Prasad, learned counsel for the petitioners, this Court is of the opinion that the Writ Petition suffers from uncondonable laches as the impugned order was passed as far back as 18.01.2007. The petitioners have not offered any semblance of explanation as to why they have not questioned the said order for more than nine years.

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 they do not entertain Writ Petitions which are not filed within a reasonable period from the time of arising of cause of action. (See ***State of Madhya Pradesh v. Bhailal Bhai, Tilokchand Motichand v. H.B. Munshi*** and ***Roshan Lal v. International Airport Authority of India***).

The petitioners failed to offer any explanation for not questioning the impugned order for nine long years. The petitioners averred that they made a representation in 2011 and that was kept pending. Even this plea was raised as a statement of fact and not as an explanation for the long delay in filing the Writ Petition. In any view of the matter, mere pendency of a representation cannot constitute sufficient cause for ignoring the delay of 9 years. The petitioners cannot be permitted to revive a stale dispute at this length of time. Hence, the Writ Petition is dismissed solely on the ground of laches.

As a sequel to dismissal of the Writ Petition, WPMP.No.3198 of 2016 shall stand dismissed as infructuous.

JUSTICE C.V.NAGARJUNA REDDY

29th January, 2016

DR