

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE S.V. BHATT

WRIT APPEAL No. 1069 OF 2015

06-01-2016

Between:

P. Krishna Reddy

... Appellant

And

Andhra Pradesh Southern Power Distribution Company Ltd., rep., by
Chairman and Managing Director, Tirupati, Chittoor District and others
... Respondents

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND

HON'BLE SRI JUSTICE S.V. BHATT

-
WRIT APPEAL No. 1069 OF 2015

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

Heard learned counsel for the parties.

This writ appeal is directed against the order dated 27-11-2014 dismissing Writ Petition No.36161 of 2014 filed by the appellant. The appellant sought mandamus to declare the action of respondents in violating his ownership rights over Ac.1.01 cents of land in Sy.No.185/2 of Mambadu Village, Vedurukuppam Mandal, Chittoor District, as illegal and arbitrary. It is not in dispute that the land has been used for construction of sub-station and construction was completed in 2007 itself. Writ petition was filed in 2014. In view of the delay and laches, learned single Judge refused to invoke the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India and left it open to the appellant to invoke common law remedy of a civil suit for appropriate relief.

The appellant, in the writ petition, sought declaration that the action of respondents in trespassing, disturbing and interfering with his ownership/peaceful possession and enjoyment of the land in dispute as illegal, arbitrary and without power, authority and jurisdiction and against Articles 14, 21 and 300A of the Constitution of India. We are informed by learned Government Pleader that the land was surrendered by the appellant for construction of sub-station in view of some understanding between the villagers and the appellant. He

submits that the villagers paid compensation to the appellant. We do not wish to examine correctness of the submissions made by learned Government Pleader. The appellant has not disclosed all true and correct facts in the writ petition, apart from the fact that he approached this Court belatedly. Learned Judge has rightly dismissed the writ petition on the ground of delay and laches. We are not inclined to interfere with the order and dismiss the writ appeal keeping it open to the appellant to take appropriate remedy as observed in the impugned order for redressal of his grievance. It is made clear that if the appellant takes remedy of civil suit, the concerned Court shall deal with the suit on merits and strictly in accordance with law.

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

06-01-2016
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