

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT APPEAL No.216 of 2016

Date: 2.06.2016

Between:

Gangidi Mahipal Reddy S/o Late Gangidi Yella Reddy
R/o Flat No. 201, 2nd floor, G S Heights
Manikonda, Hyderabad and others

..... Appellants/

and

The State of Telangana
Rep by its Principal Secretary,
Department of Municipal Administration,
Secretariat, Hyderabad and others

.... Respondents/

The Court made the following:

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
HON'BLE SRI JUSTICE P. NAVEEN RAO**

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WRIT APPEAL No.216 of 2016

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

This writ appeal is directed against the order dated 29.01.2016 passed in W.P. No. 2554 of 2016, whereby, the appellants writ petition has been dismissed on the ground of laches. Relevant portion of the order reads thus:

“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.”

It appears, the appellants had filed Writ Petition bearing W.P. No. 16087 of 1987 challenging the very same notification published in the Gazette No.11 dated 12.3.1987, issued under Section 3 (1) of the A.P. Slum Improvement (Acquisition of Lands) Act, 1956, which is impugned in the present writ petition, and that writ petition was disposed of vide order dated 28-08-2006 issuing certain directions. In short, by that order, the matter was remitted to the Commissioner, Municipal Corporation of Hyderabad for fresh adjudication of the objections filed by the appellants in response to the notice dated 9.7.1987. After remand, the objections were considered and decided by the concerned authority vide order dated 18.1.2007. By this order, all the objections were considered and rejected by a reasoned order. It is not the case of the appellants that they were not aware of the order dated 18.1.2007, and in this back-drop, the learned single Judge dismissed the writ petition on the ground of laches.

We do not find any reason to interfere with such order. Hence, the appeal is dismissed. Miscellaneous petitions if any pending shall stand closed. No costs.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date :2.6.2016
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