

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE MS JUSTICE J.UMA DEVI

W.A.M.P.No.808 of 2017

In/And

Writ Appeal No.377 of 2017

COMMON JUDGMENT: (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

W.A.M.P.No.808 of 2017 is filed by the respondents in the writ petition to condone the delay of 2992 days in presenting the appeal. The order under appeal is dated 05.12.2008 whereby the proceedings dated 24.08.1993, issued under Section 8 (4) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act"), was declared void as it was passed against a dead person. The other notifications and notices, issued under different sub-sections of Section 10 of the Act, were also declared void. Since the Act itself was repealed by the A.P.State Legislature, the writ petition was allowed holding that the appellants herein were not entitled to proceed against any property held by Smt. Kausalya, and by the respondent-writ petitioners after her death.

The dispute in the writ petition related to an extent of 287.74 square meters of land. While the writ petition was allowed by order of the Learned Single Judge dated 05.12.2008, the present appeal came to be filed on 14.02.2017 more than 9 years after the order was passed on 05.12.2008. The explanation submitted, for the inordinate delay of more than 9 years, is that the delay was caused because of the agitation for the separate State of Telangana; the frequent change of officers; and the proceedings issued by the Government of Telangana for regularisation of lands. These are all said to have resulted in the failure of the appellants to file the appeal in time.

While this Court may not be justified in calling upon the appellants to explain each day's delay, in the present case the delay is of more than 9 years. The explanation for the inordinate delay is woefully inadequate,

and would not justify exercise of the discretionary jurisdiction of this Court to condone the delay.

W.A.M.P.No.808 of 2017, filed to condone the inordinate delay of more than 9 years in preferring the appeal, is dismissed. Consequently, the Writ Appeal stands dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J.UMA DEVI, J)

07th August, 2017
JSU



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