

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No.663 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No.5853 of 2018 dated 22.2.2018. The appellant herein filed the Writ Petition seeking a mandamus to declare the action of the respondents in not allotting the petitioner and his family members patta over the land admeasuring 14.00 acres at Kachavaram Revenue Village, Yerrupalem Mandal, Khammam District, as illegal and arbitrary.

In the order under appeal, the learned Single Judge observed that it was the case of the petitioner that his father purchased the said land and, after his death, he has been cultivating the land; his grievance is that his father's name was removed and the name of Sri K. Sambaiah was included in the revenue records; when his father submitted a representation to the Mandal Revenue Officer, in the month of October, 1998, notices were issued to his father and to Sri Sambaiah to attend the enquiry on 4.11.1998; and pursuant to the said notice, his father attended, but Sri K. Sambaiah did not.

As no details of the events, subsequent to 4-11-1998, were forthcoming, except to state that the petitioner had submitted a representation to the District Collector, the learned Single Judge observed that it was not known what sort of justice the petitioner had claimed in his representation; and since the Writ Petition was filed 19 years after the date of enquiry ie 4.11.1998, the Writ Petition as filed was mis-conceived. The Writ Petition was dismissed. The learned Single Judge made it clear that the order did not preclude the petitioner from taking appropriate steps in accordance with law.

Any title dispute, which the appellant-writ petitioner may have with Sri K. Sambaiah or anyone else, can be agitated by way of a Civil Suit before the Civil Court of competent jurisdiction. It is not even known when Sri K.Sambaiah's name was included in the revenue records. Except to state that the appellant-writ petitioner's father had submitted a representation in October, 1998, and notice was issued on 4.11.1998 for an enquiry to be caused, no information is forthcoming as to what transpired thereafter, or whether the name of Sri K. Sambaiah continues to be reflected in the revenue records. The learned Single Judge has, in our opinion rightly, dismissed the Writ Petition on the ground of un-explained delay and laches. The appellant-writ petitioner's interests have been adequately safeguarded by the learned Single Judge observing that the order passed by him did not prevent the appellant-writ petitioner from taking appropriate steps in accordance with law. Suffice it, in addition, to make it clear that any title dispute, which the appellant-writ petitioner may have with Sri K. Sambaiah, can always be agitated by him before the competent Civil Court.

Subject to the above observations, the Writ Appeal fails and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

26th April, 2018

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THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
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Date:26.04.2018

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