

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.26065 of 2005

ORDER:

Heard Mr.Kishore, counsel for petitioners and learned Assistant Government Pleader for Revenue.

The petitioners pray for mandamus declaring the resumption of assigned land of petitioners of an extent of Ac.1.92 cents in S.No.297/2 and an extent of Ac.2.60 cents in S.No.294/1 of Thammavaram Village, Kakinada Rural Mandal, E.G.District by respondents, as illegal, arbitrary and without jurisdiction.

On 05.12.2005, the writ petition was filed. The case of the petitioners is that respondent No.3 granted D-Form pattas of subject matter of writ petition to petitioners in the year 1970. The petitioners claim to be in possession and enjoyment of the assigned land. The respondents on 25.01.1986, without affording opportunity, resumed petition lands from petitioners for establishment of "Amphibious Welfare Training School" by Indian Navy. The petitioners contend that even if the land is resumed for public purpose; the respondents are required to pay compensation. From the affidavit, it is clear that the writ petition is filed after 19 years from the date of alleged resumption relying on the law declared by this Court in Mekala Pandu's case.

The 3rd respondent filed counter affidavit and also placed before the Court, the record dealing with the resumption of land. The 3rd respondent issued show cause notice dated 19.07.1985, ordered resumption and restored possession to Indian Navy about three decades back from today. The petitioners now complain resumption and alternatively pray for compensation.

This Court *prima facie* is of the view that the writ prayer suffers from serious latches, not explained in any manner by petitioners and further there is no challenge to resumption order to consider whether resumption of land is for public purpose, if so legal or not.

In view of the chronology referred to above and particularly the stand taken in the counter affidavit and after perusing the record produced by the respondents, this Court is of the view that no ground is made out exercising the jurisdiction or discretion of the Court.

Writ petition fails and accordingly dismissed. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 14.02.2018
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