

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

Writ Appeal No.1936 of 2017

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.30646 of 2017 dated 12.09.2017. The appellant herein filed the writ petition seeking a mandamus to declare the action of the respondents, in not considering his legal notice dated 18.01.2017 and representation dated 29.05.2017, as illegal and arbitrary.

The petitioner's case, as stated in the representation, was that, while a total extent of Ac.0.49 guntas of land in different survey numbers was acquired, he was paid compensation only for Ac.0.16 guntas; and, with respect to the other lands, no compensation was paid.

When the appellant-writ petitioner was asked as to when the acquisition took place, he informed the Learned Single Judge that it took place in 1994. The Learned Single Judge has, in the order under appeal, observed that, since there was no explanation whatsoever in the writ affidavit for the inordinate delay of 23 years in invoking the jurisdiction of this Court, the writ petition could not be entertained on the ground of delay and laches. Even before us, no explanation is forthcoming for the inordinate delay of more than 23 years.

In an intra-court appeal, under Clause 15 of the Letters Patent, interference is justified only if the order under appeal suffers from a patent illegality. The order of the Learned Single

Judge, dismissing the writ petition on the ground of inordinate delay and laches of around 23 years, does not suffer from any such infirmity.

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)

16th March, 2018
JSU



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Date: 16.03.2018

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