IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF AUGUST
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4767 OF 2019

Between:

1. Modapothula Ramanaiah, S/o Subbaiah,
   Aged about 49 years

2. Vondrasi Narayana, S/o Penchalaiah,
   Aged about 50 years

3. Juguntla Narasimhulu, S/o Ramaiah,
   Aged about 54 years

4. Vontimitta Krishnaiah, S/o Narasaiah,
   Aged about 65 years

5. Dara Narasamma, W/o Narasimhulu,
   Aged about 43 years

6. Diwanapu Lakshmidevi, W/o Vinay,
   Aged about 38 years

7. Mosalikoppu Lakshminarasamma,
   W/o. Subbaiah, aged about 62 years LR of M.Subbaiah

8. Diwanapu Narasamma, W/o Lakshminarasaiah,
   Aged about 55 years.

9. Diwanapu Vasanthamma, W/o Lakshumaiah,
   Aged about 53 years

10. Diwanapu Bujjamma, W/o Narayana,
    Aged about 65 years

11. Diwanapu Thirupaiah, S/o Narayana,
    Aged about 42 years

12. Vondrasi Penchalaiah, S/o Chinnaiah,
    Aged about 57 years

13. Pambala Chinnakka, W/o Tirupaiah,
    Aged about 68 years

14. Pambala Sudakar, S/o Tirupaiah,
    Aged about 41 years

15. Pambala Nagabhusanam, S/o Subbarayudu,
    Aged about 46 years

16. Pambala Sivaramaiah, S/o Subramanyam,
Aged about 40 years

17. Pambala Subramanyam, S/o Nagaiah,
Aged about 68 years

18. Balli Venkateswarlu, S/o Krishnaiah,
Aged about 41 years

19. Vanarasi Lakshumma, W/o Balakrishnaiah,
Aged about 50 years

20. Kukatlapalli Narayanamma, W/o. Penchaladasu,
Aged about 66 years

21. Vontimitta Atchamma, W/o. Srinivasulu, (LR of V.Srinivasulu)
Aged about 56 years

22. Vontimitta Ramanaiah, S/o Chinnaiah,
Aged about 44 years

23. Obulam Adilakshmi, W/o Sreenivasulu, (LR of O.Sreenivasulu)
Aged about 38 years

24. Vaddi Yanadamma, W/o Sivaiah,
Aged about 42 years

25. Bandaru Nagasubbamma, W/o Penchalaiah,
Aged about 66 years

26. Galisetty Venkatarathnamma, W/o Subbarayudu
Aged about 40 years

27. Vontimitta Sankaraiah, S/o Narayana,
Aged about 43 years

28. Vontimitta Lakshmidevi, W/o Subbaiah,
Aged about 55 years

29. Obulam Haribabu, S/o Venkataiah,
Aged about 38 years

30. Bommi Gangamma, W/oPenchalaiah, (LR of B.Penchalaiah)
Aged about 66 years

31. Vontimitta Pedda Narayanamma, W/o Gangadaram,
Aged about 62 years

32. Vontimitta Jayanna, S/o. Bakkaiah,
Aged about 63 years

33. Vontimitta Ramachandraiah, S/o Jayanna
Aged about 35 years

34. Vontimitta Ravikumar, S/o Bakkaiah,
Aged about 45 years

35. Cheruvupalli Ayyavaramma, W/o Yanadaiah,
Aged about 56 years

36. Marevenkata Narasaiah, S/o Obaiah
(LR of M.Jayamma), aged about 68 years

37. Pambala Narasimhulu, S/o Peddaguravaiah,
Aged about 65 years

38. Vontimitta Sreenivasulu, S/o Subbaiah,
Aged about 43 years

39. Vontimitta Sarojamma, W/o Bakkaiah,
Aged about 55 years

40. Vontimitta Subbamma, W/o Naraiah,
Aged about 63 years

41. Vontimitta Ramachandraiah, S/o Gangulaiah,
(LR of V.Chinnakka) aged about 56 years

42. Nellore Narasamma, W/o Chandra Bhanu,
Aged about 55 years

43. Gadde Salamma, W/o Sreenivasulu,
Aged about 62 years

44. Galisetty Bujjamma, W/o Ramanaiah,
(LR of G. Yellamma) aged about 46 years

45. Vontimitta Subbaiah, S/o Chinnaiah,
Aged about 68 years

46. Cheekati Penchalaiah, S/o Kammaiah,
Aged about 62 years

47. Kommeti Sreenivasulu, S/o Govindaiah,
Aged about 41 years

48. Koppala Narasamma, W/o Narasaiah,
Aged about 65 years

49. Mekapati Lakshminarasamma,
W/o Subbarayudu, aged about 42 years

50. Koppala Chinna Penchalaiah, S/o Narasaiah
Aged about 39 years

51. Galisetty Sreenivasulu, S/o Subbaiah
Aged about 38 years

52. Mekapati Narasimhulu, S/o Venkataiah,
Aged about 58 years.

53. Grabhayamma, W/o Ramachandra
(LR of V.Lakshumma), aged about 42 years

54. Gorla Atchamma, W/o Narasimhulu
(LR of G.Narasimhulu), aged about 68 years

55. Parigala Penchalaiah, S/o Chinna Narasaiah
Aged about 58 years

56. Eedi Hemalatha, W/o Venkata Narasimhulu
Aged about 32 years

57. Pambala Kannaiah, S/o Subbaiah
Aged about 58 years

58. Pambala Venkata Subbamma, W/o Lakshumaiah
(LR or P. Lakshumaiah) aged about 62 years

59. Pambala Padmavathamma,
W/o Subbarayudu, aged about 46 years

60. Pambala Penchalaiah, S/o Nagaiah,
Aged about 46 years,

61. Obulam Chinnakka, W/o Venkataiah,
Aged about 62 years

62. Galisetty Narasaiah, S/o Obaiah,
Aged about 45 years

63. Vontimitta Kamalamma, W/o Santaiah,
Aged about 62 years

64. Mosalikuppa Jayamma, W/o Chandra
Aged about 48 years

65. Yannam Subbamma, W/o Krishnaiah
(LR of Y.Krishanaiah), aged about 58 years

66. Yannam Subbalakshumma,
W/o Yanadaiah, aged about 55 years

67. Pambala Nagarani, W/o Venkataiah,
Aged about 39 years

68. Mekapati Narasimhulu, S/o Penchalaiah,
Aged about 65 years

69. Pambala Pattabi, S/o Nagaiah (LR of S.Lakshumma),
Aged about 56 years

70. Gali Ramanaiah S/o. Balaramaiah
aged 44 years LR of G. Penchalamma

71. Gali Lakshumaiah, S/o Balaramaiah
aged 33 years

72. Eedi Leela Srihari, S/o Venkatanarasimhulu
aged 33 years

73. Gali Ramanaiah, S/o Balaramanaiah
aged 44 years

74. Cheekati Jayamma, W/o Rosaiah
aged 59 years

75. Cheekati Ramasubbamma, W/o Penchalaiah
aged 46 years

76. Koppla Atchamma W/o. Ramaiah
aged 56 years LR of E Penchaliah

77. Pambala Parvathamma, W/o Ramanaiah,
aged 55 years

78. Pambala Sreenivasulu, S/o Balaiah
aged 58 years

79. Pambala Ramachandraiah, S/o Balaiah
aged 40 years

80. Pambala Venkatasubbamma, W/o Lakshumaiah
aged about 55 years.

81. Pambala Narasimhulu, S/o Pedda Guravaiah
aged 65 years

82. Koppala Narasamma, W/o Narasaiah
aged 62 years

83. Chinthalapoori Kondaiah, S/o Subbaiah
aged 55 years

84. Cheekati Narasamma W/o. Narsimhulu
aged 63 years LR of C. Narasimhulu

85. Chinthalapoori Venkateswarlu, S/o Subbaiah
aged 42 years

86. Koppala Nagamma, W/o Venkataiah
aged 63 years

87. Koppala Adilakshumma, W/o Yanadaiah
aged 64 years

88. Pambala Subbarayudu, S/o Gangulaiah
aged 65 years

89. Koppala Rajakumuar, S/o Ramaiah
aged 32 years

90. Koppala Ramaiah, S/o Peddanna
aged 63 years

91. Pambala Nagaraju, S/o Subbarayudu
aged 32 years

92. Yannam Pakeeraiah, S/o Kanakaiah
aged 58 years

93. Koppala Chinnaiah, S/o Yanadaiah
aged 32 years

94. Koppala Ramanaiah, S/o Yanadaiah
aged 34 years

95. Koppala Kanthamma, W/o Yanadaiah
aged 63 years

96. Gali Jayaramaiah S/o. Balaramaiah
aged 29 years

97. Pambala Subbarayudu, S/o Bujjaiah
aged 32 years

98. Pambala Vasanthamma, W/o Kannaiah
aged 40 years

99. Pambala Penchalamma W/o. Penchalaiah
aged 62 years LR of V. Penchalaiah

100. Pambala Sreenivasulu, S/o Subbaiah
aged 63 years

101. Pambala Ramalakshumma W/o. Srinivasulu
Aged 53 years LR of P. Srinivasulu

102. Koppala Ravi, S/o Ramaiah
aged 35 years

103. Pambala Sreenivasulu, S/o Balaiah
aged 55 years

104. Vandrasi Narasimhulu, S/o Subbaiah
aged 50 years

105. Pambala Sivaiah, S/o Subbaiah
aged 50 years

106. Obulam Venkataramana, S/o Narayana
aged 50 years

107. Obulam Sreenivasulu, S/o Narayana
aged 48 years

108. Vontimitta Subbamma, W/o Gangulaiah
aged 62 years

109. Vontimitta Kamalamma, W/o Santaiah
aged 60 years

110. Koppala Lakshumma, W/o Pitchaiah
aged 65 years

111. Muddala Rameshbabu, W/o Penchalaiah
aged 40 years

112. Muddala Ramachandraiah, S/o Penchalaiah
aged 58 years

113. Muddala Sivaiah, S/o Penchalaiah
aged 55 years

114. Vandrasi Chandrasekhar, S/o Subbaiah
aged 42 years

115. Vandrasi Subbaiah, S/o Narasaiah
aged 75 years

116. Vandrasi Gangamma, W/o Penchalaiah
aged 68 years

117. Vandrasi Kanthamma, W/o Penchalaiah
aged 55 years

118. Pambala Lakshumma, W/o Balaiah
aged 68 years

119. Modapothula Rathnamma, W/o Ramanaiah
aged 45 years

120. Cheekati Jayamma W/o. Rosaiah
aged 62 years

121. Vandrasi Chinnakka, S/o Balakrishnaiah
aged 26 years

122. Pambala Jayamma, W/o Sivaiah
aged 42 years

123. Pambala Sudhakar, S/o Thirupaiah
aged 40 years

124. Pambala Prameela, W/o Sudhakara
aged 38 years

125. Pambala Sivaiah, S/o Thirupalaiah
aged 42 years

126. Pambala Neelamma, W/o Sreenivasulu
aged 56 years

127. Diwanapu Balasubbamma, W/o Thirupaiah
aged 40 years

128. Naguluru Lakshumamma, W/o Bramhaiah
aged 52 years

129. Cheruvupalli Ayyavaramma, W/o Yanadaiah
aged 56 years

130. Vandrasi Narasamma, W/o Ramachandra
aged 48 years

131. Vandrasi Narayanamma, W/o Jayanarasimhulu
aged 54 years

132. Vandrasi Arunamma, D/o Balakrishnaiah
aged 26 years

133. Vandrasi Penchaliah, S/o Chinnaiah
aged 58 years

134. Vandrasi Chandrakala W/o. Chandra Sekar
aged 38 years

135. Vandrasi Lakshumma, W/o Balakrishnaiah
aged 54 years

136. Garapati Ramalakshumma, W/o Chinnaiah
aged 68 years

137. Musalikoppa Jayamma, S/o Subbaiah
aged 52 years

138. Koppala Prabhakar, S/o Yanadi aged 35 years

139. Koppala Prasad, S/o Yanadi aged 33 years

140. Yeddulapalli Subbalakshumma, W/o Sreenivasulu
Aged 65 years

141. Pambala Subbarayudu, S/o Nagaiah aged 40 years

142. Pambala Yanadi, S/o Nagaiah aged 52 years

143. Pambala Sivaiah, S/o Subbaiah aged 50 years

144. Pambala Adilakshumma, W/o Sivaiah aged 45 years

145. Vandrasi Penchalaiah, S/o Mugaiah aged 62 years

146. Dasari Narasamma, W/o Jayaramaiah aged 45 years
147. Ittam Venkatalakshumma, S/o Narasimhulu aged 52 years
148. Ittam Yanadamma, W/o Ramanaiah aged 52 years
149. Vandrasi Yanadamma, W/o Pitchaiah aged 62 years
150. Vandrasi Narayana, S/o Pitchaiah aged 51 years
151. Muddala Madhu, S/o Penchalaiah 36 years
152. Pambala Ranamma, W/o Pattabhi aged 52 years
153. Pambala Subhadra , W/o Dharmarao aged 35 years
154. Penigalapati Krishnaiahnaidu, S/o Ramanaidu aged 60 years
155. Andra Narayanareddy, S/o Venkataramireddy aged 65 years
156. Veerapareddy Vidyavathamma, W/o Seetharamireddy aged 61 years
157. Nagaluru Reddaiah, S/o Venkatasubbaiah aged 51 years

... Petitioners

AND

1. State of Andhra Pradesh, rep. by its Principal Secretary, Water Resources Management Department (Irrigation and Command Area Development), Secretariat, Velagapudi, Amaravathi.

2. The Special Collector, Galerunagari Sujala Sravanthi Project, Kadapa, Kadapa District.

3. Special Deputy Collector Unit-IV, Somasila Project, Rajampet, Kadapa District.

... Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an order or direction or writ, more particularly one in the nature of Writ of Mandamus declaring the action of the respondent authorities in not referring the applications filed by the petitioners U/s 18 of the Land Acquisition Act to Civil Court for fixing fair and just compensation in respect of the award bearing No. 3 of 2005-06, dated 28.03.2006 as highly arbitrary, illegal, null and void principles of natural justice violative of fundamental rights apart from the Article 300-A of the Constitution of India and contrary to Provisions of U/s 18 of the Land Acquisition Act and consequently to direct the respondent authorities to refer the applications dated 22.04.2006 to the Competent Civil Court U/s 18 of the Land Acquisition Act.

IA NO: 1 OF 2019

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to refer the applications filed by the petitioners U/s 18 of the Land Acquisition Act to competent Civil Court for fixing just and fair compensation, pending disposal of the writ above petition.

Counsel for the Petitioners : SRI BALAJI MEDAMALLI

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.4767 OF 2019

Between:

Modapothula Ramanaiah, S/o Subbaiah, Aged about 49 years and 156 others.

... Petitioners

Versus

The State of Andhra Pradesh, represented by its Principal Secretary, Water Resources Management Area Development (Irrigation and Command Area Development), Secretariat, Velagapudi, Amaravati and two others.

... Respondents

Counsel for the petitioner : Sri Balaji Medamalli

Counsel for respondent Nos.1 to 3 : GP for Land Acquisition

ORDER

The present writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

> "... to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent authorities in not referring the applications filed by the petitioners under Section 18 of the Land Acquisition Act to Civil Court for fixing fair and just compensation in respect of the award bearing No.3 of 2005-06, dated 28.03.2006 as highly arbitrary, illegal, null and

void principles of natural justice violative of fundamental rights apart from the Article 300-A of the Constitution of India and contrary to provisions of under Section 18 of the Land Acquisition Act and consequently direct the respondent authorities to refer the applications dated 22.04.2006 to the Competent Civil Court under Section 18 of the Land Acquisition Act and to pass such other order or orders ..."

2. The grievance of petitioners in the writ petition is that the respondent authorities are not referring the applications filed by the petitioners under Section 18 of the Land Acquisition Act, 1894 (for short "The Act") to the Civil Court for fixing fair and just compensation pursuant to the award bearing No.3 of 2005-2006, dated 28.03.2006.

3. Averments in affidavit, in brief, are that the State of Andhra Pradesh started construction of Somasila project on river Penna and acquired several villages in various Mandals of Kadapa District for the purpose of foreshore submersion. Pothapi Harijanawada Village is one of such villages. Petitioners are residents of Pothapi Harijanawada Village. Notification under Section 4(1) of the Act was published on 22.10.2005 and Declaration under Section 6 of the Act was published on 02.11.2005. Respondent authorities invoked urgency clause

under Section 17 of the Act and dispensed with enquiry under Section 5-A of the Act. Award was passed on 28.03.2006 *vide* Award No.3 of 2005-06. Since the determination of the compensation is inadequate, in respect of structures and lands, petitioners made application to respondent No.3 under Section 18 of the Act, requesting to refer the matter to the Civil Court. Applications dated 22.04.2006, were made through their counsel on 25.04.2006 along with covering letter. The same was acknowledged by the respondent authorities. Though, the applications were filed within the limitation, the respondent authorities are not referring the same to the Civil Court. Petitioners made several efforts to meet the respondent Nos.2 and 3 on several occasions, requesting them to refer the matter to the Civil Court, however, their efforts went in vain.

(a) In award, it was mentioned that awardees entered into an agreement and signed on Rs.10/- stamp paper in Form-IV declaring that he/she will not claim for payment of compensation under Section 18 and 28(2) of the Act. In fact, petitioners never executed any agreement as stated in the award. Petitioners protested while receiving compensation and

made applications within the time stipulated. Legal notice was issued on 10.08.2018, through their counsel to refer the matter under Section 18 of the Act, to the Civil Court. Since, the authority failed to refer to the Civil Court, the above writ petition was filed.

4. Respondent Nos. 2 and 3 filed counter-affidavit. Respondent No.3 deposed to the counter affidavit. It was contended *inter-alia*, that Pothapi Village, Nandalur Mandal, Y.S.R Kadapa District is one among the submerged villages under foreshore water of Somasila Project. The Executive Engineer, Somasila Project, Division-IV, Atmakur requisitioned acquisition of 272 structures of Pothapi Harijanawada Village, Nandalur Mandal, Y.S.R Kadapa District, liable for foreshore submersion under Somasila Project. After publication of draft notification and declaration, award enquiry under Section 11 of the Act was conducted at Pothapi Harijanawada Village on 15.03.2006. No objections were received from the interested persons. Consent award was passed *vide* Award No.3/2005-06 dated 28.03.2006, to the structures in Pothapi Harijanawada Village, Nandalur Mandal, Kadapa District. Awardees have

received compensation under Consent Award. Awardees entered agreement duly signed on Rs.10/- stamp paper in Form-IV declaring that they will not claim for payment of higher compensation under Section 18 of the Act. All the original awardees received compensation to their structures without any protest under Consent Award. The applications said to have been submitted through the Counsel dated 22.04.2006, to refer the matter to the Civil Court under Section 18(1) of the Act, are not genuine applications. One Sri K.B.Laxmidas was working as SDC (LA), Somasila Project, Unit-IV, Rajampet, YSR Kadapa District at that time. Applications under Section 18 of the Act were not received by the then SDC and he did not sign on the applications. On verification of the award statements and acquittances (Form-CC), it was noticed that signatures/thumb impressions on Section 18 claim applications are not tallied with those original signatures and thumb impressions of the awardees. Applications under Section 18 of the Act are recorded in the relevant register of the concerned office. Petitioners filed this writ petition after lapse of 13 years with false averments and thus prayed to dismiss the writ petition.

5. Heard Smt.Vijayeswari, learned counsel representing Sri M.Balaji, learned counsel for the petitioners and learned Assistant Government Pleader for Land Acquisition appearing for the respondents.

6. Learned counsel for the petitioners would contend that the award was passed on 28.03.2006. Applications to refer the matter under Section 18 of the Act, were filed before the authority on 25.04.2006. Since, the authorities failed to refer the matter under Section 18 of the Act, notice was issued on 10.08.2018.

7. Learned Assistant Government Pleader, *per contra*, would contend that the applications filed along with the writ petition did not contain the initial of the concerned officer, in fact, those applications were not filed immediately within the time stipulated. He also would submit that writ petition is liable to be dismissed on the ground of laches. He also would submit that the original awardees received compensation without any protest under Consent Award. Thus, prayed to dismiss the writ petition.

8. The point for consideration in the above writ petition is:

"Whether the respondent authorities failed to refer the matter under Section 18 of Land Acquisition Act?"

9. As seen from the record, there is no dispute regarding the initiation of proceedings under Land Acquisition Act, 1894 by publishing notification under Section 4(1) of the Act, on 22.10.2005, and declaration on 02.11.2005. Award enquiry was conducted on 15.03.2006 and award was passed on 28.03.2006 *vide* Award No.3 of 2005-06.

10. A perusal of Exhibit P.1 filed along with the writ petition, applications under Section 18 of the Act, dated 22.04.2006, were submitted in the Office of the Special Deputy Collector, Land Acquisition, Somasila Project, Unit-IV, Rajampet. Those applications were submitted along with covering letter of Sri Sudarsana Reddy, Advocate on 25.04.2006. Copies of applications did not contain initial of the concerned officer. However, the covering letter of Advocate contain the signature of the then Officer. In the counter affidavit, it was specifically contended that one K.B.Laxmidas working as SDC (LA), Somasila Project, Unit-IV, Rajampet, YSR Kadapa District at that time and his signature is totally different and not tallied with the signature appended on covering letter of Advocate filed

along with the writ petition. Counter affidavit was filed by the respondent No.2 and 3 on 29.03.2023. However, no reply was filed by the petitioners rebutting that averment made in the counter affidavit qua the signature of the officer.

11. Legal notice dated 10.08.2018 was issued and the present writ petition was filed in the month of April, 2019. There is no averment in the affidavit as to the steps taken by the petitioners from the year 2006 till date of issuance of legal notice i.e. on 10.08.2018. Thereafter, the present writ petition was filed in the month of April, 2019. Petitioners 157 in number filed the above writ petition. The cause title does not even reflect the complete address of the petitioners, except name, father or husband of the individual.

12. This Court while exercising its jurisdiction under Article 226 of Constitution of India, should consider whether adjudication of writ petition involves any complex and disputed questions of facts and if so, they can be resolved satisfactorily; whether the petitioner reveals all material facts; whether the petitioner has any alternative or effective remedy for resolution

of the dispute and whether the person invoking the jurisdiction is guilty of unexplained delay and laches.

13. Delay and laches is one of the factors to be determined. In **Karnataka Power Corpn. Ltd. through its Chairman & Managing Director v. K. Thangappan and another**[1] the Hon'ble Apex Court observed as under;

> *"Delay and laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case, the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party....."*

14. In **State of Madhya Pradesh v. Nandlal Jaiswal**[2] the Apex Court observed as under;

> *"The High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate*

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[1] (2006) 4 SCC 322

[2] (1986) 4 SCC 566

delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction. The evolution of this rule of laches or delay is premised upon a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy under the writ jurisdiction because it is likely to cause confusion and public inconvenience and bring in its train new injustices. The rights of third parties may intervene and if the writ jurisdiction is exercised on a writ petition filed after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties....."

15. In **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T.Murali Babu**[3] the Apex Court observed as under;

"... the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep

[3] (2014) 4 SCC 108

itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the Court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the Court. Delay reflects inactivity and inaction on the part of a litigant – a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix...."

16. In **Londhe Prakash Bhagwan vs Dattatraya Eknath Mane And Ors**[4] the Apex Court observed as under;

"....Now, the sole question which falls for our consideration is : when an aggrieved person can apply before the Court, if no limitation is prescribed in the statute for filing an appeal before the appropriate forum. We have duly considered the said question. Even if we assume that no limitation is prescribed in any statute to file an application before the court in that case, can an aggrieved person come before the court at his sweet will

[4] (2013) 10 SCC 327

at any point of time? The answer must be in the negative. If no time-limit has been prescribed in a statute to apply before the appropriate forum, in that case, he has to come before the court within a reasonable time. This Court on a number of occasions, while dealing with the matter of similar nature held that where even no limitation has been prescribed, the petition must be filed within a reasonable time. In our considered opinion, the period of 9 years and 11 months, is nothing but an inordinate delay to pursue the remedy of a person and without submitting any cogent reason therefore. The court has no power to condone the same in such case...."

17. Though the learned counsel for the petitioners placed reliance upon the judgment of **Tukaram Kana Joshi and others v. Maharashtra Industrial Development Corporation and others**[5], the ratio laid down in the said case will not apply to the facts of this case. In *Tukaram Kana Joshi's* case, land was acquired without following the procedure and the compensation was denied (not paid). The predecessors-in-interest of the appellants were illiterate farmers. However, certain similarly situated persons granted compensation in the year 1966. Considering the facts and circumstances of the case and

[5] (2013) 1 SCC 353

keeping Article 300-A of Constitution of India, the Apex Court observed as under:

> "***Para 10:-*** *In the case at hand, there has been no acquisition. The question that emerges for consideration is whether, in a democratic body polity, which is supposedly governed by the rule of law, the State should be allowed to deprive a citizen of his property, without adhering to the law. The matter would have been different had the State pleaded that it has right, title and interest over the said land. It however, concedes to the right, title and interest of the appellants over such land and pleads the doctrine of delay and laches as grounds for the dismissal of the petition/appeal.*
>
> ***Para 13:-*** *The question of condonation of delay is one of discretion and has to be decided on the basis of the facts of the case at hand, as the same vary from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the delay arose. It is not that there is any period of limitation for the courts to exercise their powers under Article 226, nor is it that there can never be a case where the courts cannot interfere in a matter, after the passage of a certain length of time. There may be a case where the demand for justice is so compelling, that the High Court would be inclined to interfere in spite*

of delay. Ultimately, it would be a matter within the discretion of the Court and such discretion, must be exercised fairly and justly so as to promote justice and not to defeat it. The validity of the party's defence must be tried upon principles substantially equitable."

18. Case at hand, as seen from the pleadings, award was passed on 28.03.2006. Petitioners would contend that the applications under Section 18 of the Act along with acknowledgment, was submitted on 25.04.2006. Legal notice was issued on 10.08.2018. Writ petition was filed in the month of April, 2019. The affidavit does not contain any reason much less valid reason regarding the petitioners, not approaching, this Court from the year 2006 onwards. The only averment made in the affidavit is that petitioners made several efforts to meet respondent No.2 and 3 on several occasions requesting them to refer the matter to the Civil Court. However, their efforts went in vain.

19. The reason offered by the petitioners, in the opinion of this Court is concocted for the purpose of filing of writ petition. No prudent person would wait till such a long time. In the absence of any reasonable explanation regarding the abnormal delay,

this Court is of opinion that the writ petition is liable to be dismissed on the ground of latches.

20. Since, this Court is dismissing the writ petition on the ground of laches, the grounds pleaded by the learned Assistant Government Pleader regarding the signature of officer appearing on the acknowledgment, the difference of signatures on original award and that no reference can be maintained against the Consent Award, are only academic. Hence, they are not dealt with in detail. There are no merits in the writ petition. Writ petition is liable to be dismissed.

21. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to Sri Balaji Medamalli, Advocate [OPUC]
2. Two CCs to GP for Land Acquisition, High Court of Andhra Pradesh. [OUT]
3. Three C.D. Copies

Cnr
Lakshmi

HIGH COURT

DATED:28/08/2023



ORDER

WP.No.4767 of 2019

6 Copies
4 vss
18/10/23

DISMISSING THE W.P.
WITHOUT COSTS