HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HONOURABLE SMT JUSTICE RENUKA YARA

WRIT APPEAL NO: 464 OF 2025

Writ Appeal under clause 15 of the Letters Patent preferred against the order dated 25/03/2025 in W.P.No.30366 of 2016 on the file of the High Court.

Between:

1. K. Ram Reddy, S/o Late Sathireddy, Aged 59 years, Occ. Agriculture, R/o H. No.3-14-3617/441A, Viveknagar, Ramanthapur, Hyderabad.
2. K. Nirmala, W/o K. Ram Reddy, Aged 58 years, Occ. Housewife, R/o H. No.3-14-3617/441A, Viveknagar, Ramanthapur, Hyderabad.

...APPELLANTS/WRIT PETITIONERS

AND

1. The State of Telangana, Panchayat Raj and Rural Development Department, Rep. by its Principal Secretary, Telangana Secretariat, Hyderabad.
2. The Mandal Parishad Development Officer/ Programme Officer, NREGS, Choutuppal (Village and Mandal), Yadadri-BhuVanagiri District (Erstwhile Nalgonda District).
3. The Additional Programme Officer, NREGS, Choutuppal (Village and Mandal), Yadadri-Bhuvanagiri District (Erstwhile Nalgonda District).
4. Pinenti Sudhakar Reddy, S/o Malla Reddy, Aged 53 years, Occ. Agriculture, R/o Peddakondur Village, Choutuppal Mandal, Yadadri-Bhuvanagiri District (Erstwhile Nalgonda District).
5. Bodapatla Malla Reddy, S/o Narsi Reddy, Aged 56 years, Occ. Agriculture, R/o Peddakondur Village, Choutuppal Mandal, Yadadri-Bhuvanagiri District (Erstwhile Nalgonda District).
6. Muppide Ashok, S/o Yadaiah, Aged 48 years, Occ. Agriculture, R/o Peddakondur Village, Choutuppal Mandal, Yadadri-Bhuvanagiri District (Erstwhile Nalgonda District).

...RESPONDENTS

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondent nos.2 and 3 to remove the road illegally laid in the Petitioners patta land in the northern side of Sy. No. 87 abutting the colony in Sy. No. 88 and between Sy. Nos. 87/8 and 89, contrary to the Gramasabha Resolution dated 17-10-2012, pending disposal of the Writ Appeal.

Counsel for the Appellant: SRI P.LAKSHMA REDDY

Counsel for the Respondent No.1: Ms. SHAZIA PARVEEN,
GP FOR PANCHAYAT RAJ RURAL DEV

Counsel for the Respondent No.2: SRI K.PRADEEP REDDY, SC FOR ZPP

The Court delivered the following: JUDGMENT

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL
AND
THE HON'BLE SMT. JUSTICE RENUKA YARA

WRIT APPEAL No.464 of 2025

JUDGMENT *(Per the Hon'ble the Acting Chief Justice Sujoy Paul)*:

Sri P. Lakshma Reddy, learned counsel for the appellants; Ms. Shazia Parveen, learned Government Pleader for Panchayat Raj & Rural Development Department, for respondent No.1 and Sri K. Pradeep Reddy, learned Standing Counsel for Zilla Praja Parishad, for respondent No.2.

2. With the consent, finally heard.

3. The appellants/writ petitioners filed W.P.No.30366 of 2016 with the following relief:

> "...to issue any appropriate writ order or direction particularly one in the nature of writ of mandamus declaring the action of the Respondents No.2 and 3 in laying the road in northern side of Sy.No.87 abutting the colony in Sy.No.88 between Sy.No.87/8 and Sy.No.89 under the guise of the Gramasabha Resolution contrary to the Gramasabha Resolution which was passed for laying the road from Bodapatla Shiva Reddy land to Komarelli Pratap Reddy dry land and the action of the Respondents No.4 to 6 filming the road in the Petitioners land in Sy.No.89 by extending the road laid doom by the 2nd and 3rd Respondents in Sy.No.87 abutting the colony established in Sy.No.88 without acquiring the land without payment of any

> compensation and without the consent of the Vendors of the Petitioners as arbitrary illegal and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the Respondents No.2 to 6 to remove the road illegally formed in the Petitioners land contrary to the Gramasabha Resolution and pass...".

4. The aforesaid relief was declined by the learned Single Judge by impugned order dated 25.03.2025 by holding thus:

> "6. Having regard to the rival contentions and the material on record, this Court finds that the petitioners are the purchasers of the subject land and have purchased the land on 01.07.2016. The alleged legal notice given by the vendors of the petitioners is dated 09.06.2016 and admittedly the same was received by the respondent officers on the very same day itself by hand. However, in the legal notice, there is no averment that any objection or complaint was raised at the time of laying of the road. It is only stated that prior consent of the vendors of the petitioners was not obtained as required under law, even as per the MGREG Act and MGREG Scheme. However, it is also not in dispute that the road was laid in the years 2012-2013 and the vendors of the petitioners have issued the legal notice only in the year 2016 i.e., just prior to the sale of the property on 01.07.2016. The petitioners were very much aware of the existence of the road through their land and have knowingly purchased the same. Therefore, they cannot now seek removal of the road or compensation for the road going through the land of the petitioners. The compensation, if any, ought to be paid only to the owners of the property at the relevant point of time and not to the successors of interest. However, since the vendors of the petitioners have not raised any objection at the relevant point of time or within a reasonable period of time, but have raised objection after more than a three years, this Court does not find any merit in this writ petition."

5. Learned counsel for the appellants submits that as per aforesaid finding of learned Single Judge coupled with the stand taken by Gram Panchayat mentioned in paragraph No.4 in the impugned order makes it clear that the land in question is belonging to the vendors of the appellants. The only reason for which the writ petition was dismissed is that the road was laid in the year 2012-13 and vendors of the appellants did not raise any objection with quite promptitude. They sent legal notice only on 01.07.2016. Thus, on the ground of delay, the learned Single Judge has dismissed the writ petition. By placing heavy reliance on the paragraph No.12.12 of the judgment of the Supreme Court in **Vidya Devi v. State of Himachal Pradesh**[1], learned counsel for the appellants submits that the delay and laches cannot be ground for rejection of the writ petition of this nature. The deprivation of the appellants from the land in question and compensation is a continuous cause of action. Thus, the matter needs to be re-adjudicated.

6. Learned counsel for the other side supported the impugned order but could not cite any judgment wherein any different view is taken than the view taken in **Vidya Devi** (supra).

[1] (2020) 2 SCC 569

7. No other point is pressed.

8. We have heard learned counsel for the parties at length.

9. A plain reading of paragraph No.6 of the impugned order of the learned Single Judge shows that the operative reason for rejecting the writ petition was that the road was laid in the year 2012-13 and vendors of the appellants kept quiet till 01.07.2016 when they, for the first time, sent a legal notice. For this reason, learned Single Judge opined that the writ petition is not entertainable and has no merits.

10. In **Vidya Devi** (supra), in paragraph No.12.12, the Supreme Court opined as under:

> **12.12.** The contention advanced by the State of delay and laches of the appellant in moving the Court is also liable to be rejected. Delay and laches cannot be raised in a case of a continuing cause of action, or if the circumstances shock the judicial conscience of the Court. Condonation of delay is a matter of judicial discretion, which must be exercised judiciously and reasonably in the facts and circumstances of a case. It will depend upon the breach of fundamental rights, and the remedy claimed, and when and how the delay arose. There is no period of limitation prescribed for the courts to exercise their constitutional jurisdiction to do substantial justice.

11. In the light of this judgment, the delay and laches cannot come in the way of the appellants because a matter of

this nature is pregnant with a continuous cause of action. In other words, a person/citizen, whose land has been utilized without following the due process, is at least entitled to get compensation. He/she deserves a hearing on merits and his/her claim cannot be rejected on the ground of delay.

12. Resultantly, the impugned order dated 25.03.2025 is **set aside**. W.P.No.30366 of 2016 is restored to its original number with the request to the learned Single Judge to rehear the parties and decide the matter afresh on merits.

13. With aforesaid and without expressing any opinion on merits of the case, this Writ Appeal is **disposed of**. No costs.

Interlocutory applications, if any pending, shall also stand closed.

SD/-M.MANJULA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Panchayat Raj and Rural Development Department, Telangana Secretariat, Hyderabad, State of Telangana.
2. The Mandal Parishad Development Officer/ Programme Officer, NREGS, Choutuppal (Village and Mandal), Yadadri-BhuVanagiri District (Erstwhile Nalgonda District).
3. The Additional Programme Officer, NREGS, Choutuppal (Village and Mandal), Yadadri-Bhuvanagiri District (Erstwhile Nalgonda District).
4. The Section Officer, Posting Section, High Court for the State of Telangana at Hyderabad.
5. The Section Officer, Writ Non-Service Section, High Court for the State of Telangana at Hyderabad.
6. One CC to SRI P.LAKSHMA REDDY, Advocate [OPUC]
7. One CC to SRI K.PRADEEP REDDY, SC FOR ZPP [OPUC]

Cont...

8. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court for the State of Telangana at Hyderabad [OUT]

9. Two CD Copies

BSR
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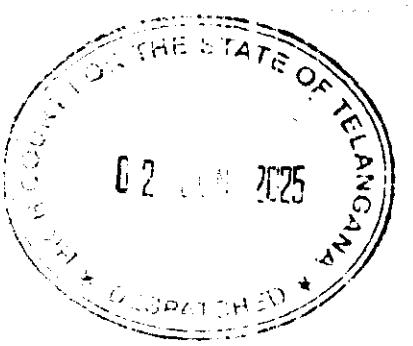
CHR

HIGH COURT

DATED:29/04/2025

JUDGMENT

WA.No.464 of 2025



DISPOSING OF THE WRIT APPEAL,

WITHOUT COSTS

(12) CHP 2/05/25