IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY,THE TWENTY FOURTH DAY OF JULY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH AND THE HONOURABLE SRI JUSTICE P.SAM KOSHY

WRIT APPEAL NO: 793 OF 2025

Writ Appeal under clause 15 of the Letters Patent Preferred Against the Order Dated 04/04/2025, Passed in W.P. No. 10173 of 2025 on the file of the High Court.

Between:

1. M.Sathish, S/o. Shankar, Aged 40 years, Occ.Unemployee, R/o.H.No.12-5-261, FCI, Laxmipuram, Palakurthi Mandal, Peddapally District.
2. M.Ravinder, S/o. Shankaraiah, Aged 47 years, Occ.Unemployee, R/o.H.No.12-5-277/1, FCI, Laxmipuram, Palakurthi Mandal, Peddapally District.
3. M.Pranender Rao, S/o.Satyanarayana Rao, Aged 30 years, Occ.Unemployee, R/o.H.No.12-05-64-1, FCI, Laxmipuram, Palakurthi Mandal, Peddapally District.

...APPELLANTS

AND

1. The State of Telangana, Rep. by its Prl. Secretary, Revenue Department, Secretariat, Hyderabad.
2. The District Collector, Peddapally District, Peddapallly.
3. The Revenue Divisional Officer, Peddapally, Peddapally District.
4. The National Termal Power Corporation Ltd., Rep. by its General Manager (HR), Ramagundam, Jyothinagar, Peddapally District.
5. The District Employment Officer, Employment Exchange, Peddapally, Peddapally 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 no.3 to consider the cases of the petitioners for granting land oustee certificate as nominee of original land oustee or awardee, dehorse the

impugned Memo Nos.B1/4419/2024, B1/4418/2024, dt.23/01/2025 and B1/517/2024, dt.18/05/2024, during the pendency of writ appeal, in the interest of justice

Counsel for the Appellants: SRI. B MAHENDER REDDY

Counsel for the Respondent Nos.1 to 3: SRI KATRAM MURALIDHAR REDDY GP FOR REVENUE

Counsel for the Respondent No.4: Ms. G.SUDHA SC FOR NTPCL

Counsel for the Respondent No.5: SRI T. VENKAT RAJU GP FOR LABOUR

The Court made the following: JUDGMENT

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH

AND

THE HON'BLE SRI JUSTICE P.SAM KOSHY

W.A.No.793 of 2025

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Aparesh Kumar Singh)*

Mr. B.Mahender Reddy, learned counsel for the appellants.

Mr. Katram Muralidhar Reddy, learned Government Pleader for Revenue appearing for respondent Nos.1 to 3.

Ms. G.Sudha, learned Standing Counsel for National Thermal Power Corporation Limited (NTPC) representing respondent No.4.

Mr. T.Venkat Raju, learned Government Pleader for Labour appearing for respondent No.5.

2. The petitioners approached the writ Court as allegedly respondent No.3 had refused to change the name of the nominee of the original land oustees of the designated plot. The land was sought to have been acquired for establishment of the National Thermal Power Corporation (NTPC) in the year 1979. According to the petitioners, since the original land oustees became over aged by now, the

names of the petitioners were sought to be included as the nominees of the original land oustees so that they can avail the benefit of the Land Loser Scheme, under which employment was being given by the NTPC. The learned writ Court upon hearing learned counsel for the parties dismissed the same on the sole ground of delay and laches. It, however, gave liberty to the petitioners to take appropriate steps in accordance with law by approaching the competent civil Court. Being aggrieved, petitioners are before this Court in appeal.

3. Learned counsel for the appellants submits that the process of conferring employment to the land losers is still underway. He has also referred to the decision rendered in a batch of writ petitions lead by W.P.No.24886 of 2001 wherein the writ Court had *vide* its order dated 28.12.2001 held that if any of the candidates who were earlier nominated have become ineligible by virtue of over age or not acquiring the necessary qualification, they can certainly nominate one among the family members who are eligible to be considered for such appointment. Be it also indicated that the learned writ Court has also observed that once the land losers or their

nominees, who have earlier participated in the selection and could not be selected, they cannot be permitted to participate again in the selection process under the garb of changing nomination, as their cases were already rejected in the year 1989. It is the case of the petitioners that since the consideration of such land losers is being done by the NTPC and they are being conferred employment, the petitioners be also included as nominees of the original land losers so that they can stake a claim.

4. The prayer has been opposed by the learned counsel for the NTPC and learned counsel for the State.

5. Learned counsel for the NTPC submits that the process of conferring employment after sponsoring of their names through the Employment Exchange though has been going on, but the petitioners cannot claim parity of consideration after lapse of 36 years when the original land oustees have never made any effort to seek employment in that category. Many of such original land losers had small parcels of land which could also not qualify under the Land

Losers Scheme. The writ Court has rightly refused to interfere in the matter on the ground of delay and laches.

6. Learned counsel for the State has also referred to the judgment referred to above as back as the year 2001. He submits that these petitioners are not one of those who have become ineligible by virtue of over age or not acquiring necessary qualification and that too when the process of consideration was underway. At this stage, after 36 years, they cannot claim parity with those who approached the writ Court in the year 2001. Therefore, their claim may be rejected.

7. Learned counsel for the appellants in reply has referred to an order passed by learned writ Court in W.P.No.31630 of 2013 on 05.12.2013 and also the decision rendered in W.P.No.27927 of 2013 on 26.09.2013 and submitted that upon the directions of the learned writ Court, such certificates have been issued in favour of the nominees like the present petitioners as late as 2022.

8. We are, however, not convinced with the claim of parity only on the sole ground of the delay and laches which

surround the appellants in approaching the Court after 36 years of the acquisition. Much water has flown down since the acquisitions were made and consideration of land oustees were made. Such Land Losers Scheme cannot be expected to be kept alive for conferring employment to the successors of the original land losers at such length of time. The learned writ Court, therefore, rightly dismissed the wit petition on the ground of delay and laches, but with a liberty to them to approach the competent civil Court in accordance with law. We do not find any error in the impugned judgment.

9. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous applications pending, if any, shall stand closed.

SD/-N. SRIHARI
DEPUTY REGISTRAR

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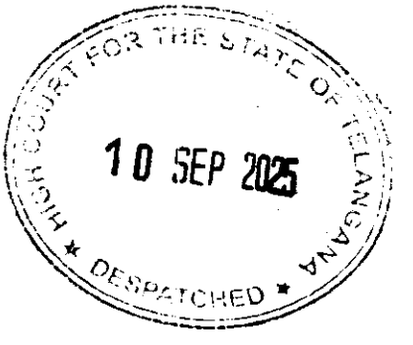
To,

1. One CC to SRI. B MAHENDER REDDY Advocate [OPUC]
2. One CC to Ms. G.SUDHA SC FOR NTPCL [OPUC]
3. Two CCs to GP for Labour, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CCs to GP FOR REVENUE ,High Court for the State of Telangana. [OUT]
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HIGH COURT

DATED:24/07/2025



JUDGMENT

WA.No.793 of 2025

DISMISSING THE WRIT PETITION WITHOUT COSTS

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