
(2014) 1 ALD 5 : (2014) 2 ALT 27

Andhra Pradesh High Court

Case No: Writ Petition No: 20187 of 2013 and WPMP No. 24753 of 2013

Samudrala
Satyanarayana

APPELLANT

Vs

The State of Andhra
Pradesh and Others

RESPONDENT

Date of Decision: July 11, 2013

Acts Referred:

Constitution of India, 1950 – Article 226#Penal Code, 1860 (IPC) – Section 379

Citation: (2014) 1 ALD 5 : (2014) 2 ALT 27

Hon'ble Judges: Noushad Ali, J

Bench: Single Bench

Advocate: J. Ch.Y. Narasimham, for the Appellant;

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Noushad Ali, J.

This writ petition suffers from serious laches since the incidents, which the petitioner claims as cause of action to this writ

petition, have occurred in 2001 and even the last representation was made in the year 2004. The petitioner is alleged to have been wrongfully

confined by respondent No. 5, who was the then Sub-Inspector of Police at Madhira Police Station, during 29-05-2001 to 04-06-2001 in

connection with Crime No. 218/SI-CI/2001 dated 09-04-2001 for the offence u/s 379 IPC. In the said crime, the petitioner was not shown as

accused and it was registered against some unknown persons. It is alleged that during the investigation of the matter, the petitioner was taken into

custody on 29-05-2001 and was wrongfully confined in the police station upto 04-06-2001 and the 5th respondent had allegedly collected Rs.

30,000/- from his sister and father to release him on bail.

2. It appears that after investigation, one Ramiseeti Hanumantha Rao was shown as the accused and he was prosecuted in C.C. No. 361 of 2001

in the Court of the Judicial Magistrate of First Class, Madhira. According to the petitioner, he was shown as LW. 6 in the aforesaid criminal case

and he was not even examined as witness in the matter. The petitioner, therefore, alleges that his confinement in jail was illegal. He submitted a

complaint to the Superintendent of Police, Khammam on 15-06-2001 to the said effect and according to him, no action was taken. The petitioner

is said to have made representations to other authorities including the Hon"ble Governor and the Director General of Police on 17-06-2001 and

the said representations also did not find favour. His efforts through the Legal Services Authority also failed in 2001. Likewise, he made

representation to the Chief Minister on 12-07-2004. According to the petitioner, none of the representations yielded any result. It is on these

allegations the petitioner has filed this writ petition seeking a direction to initiate action against the 5th respondent for wrongful confinement.

3. I am afraid I am unable to entertain the writ petition. The petitioner has approached this Court after lapse of more than 12 years. The petitioner

has not shown any reason for filing the writ petition after such a long time. A feeble attempt is made by the petitioner to show that due to his ill-

health, he could not approach the Court. It is well settled that even if there is justification for the parties on merits, unexplained delay for such long

time is a serious deterrent and disables them for relief.

4. In P.V. Narayana and Others Vs. A.P. State Road Transport Corporation and Others, , a Full Bench of this Court held that though no period

of limitation is prescribed for the Writ Court to exercise their powers under Article 226 of the Constitution of India or to file a writ petition, a

person aggrieved should approach the Court without loss of time and the Courts in their discretion may refuse to exercise their extraordinary

powers under Article 226 of the Constitution of India in the case of persons who do not approach expeditiously for relief and who stand by and

allow things to happen and then approach the court to put forward state claims and try to unsettle settled matters.

The Full Bench further observed that where there is remiss or negligence on the part of a party approaching the Court for relief after an inordinate

and unexplained delay, in such cases, it would not be proper to enforce even the fundamental rights. As a general rule, if there has been

unreasonable delay the Court ought not ordinarily to lend its aid to a party in exercise of the extraordinary power of Mandamus.

5. In the instant case, as noticed above, except a feeble attempt to show that the petitioner was ill and had no financial support, nothing has been

explained with regard to the inordinate delay of over 10 years in approaching this Court.

6. For the aforesaid reasons, this writ petition is dismissed. No costs. In view of the disposal of the writ petition, W.P.M.P. No. 24753 of 2013 is

closed as unnecessary.