

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.22247 of 2015

BETWEEN

Mohd. Shafiuddin.

... PETITIONER

AND

The Commissioner, Transport Department, Telangana State, Hyderabad and another.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 03.08.2015

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SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

1. Whether Reporters of Local newspapers may be No
allowed to see the Judgments?
2. Whether the copies of judgment may be marked No
to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to see the No fair copy of the Judgment?

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ORDER:

Petitioner states that one M. Ravinder, who was working in the Office of the State Transport Department, Government of Andhra Pradesh, as Motor Vehicle Inspector, has taken an educational loan of Rs.1,50,000/- from his employer and as security, he has mortgaged his house property bearing No.9-4-116/26, being on Plot No.26, Sy.nos.149 and 150/1 (paiki) admeasuring 300 sq. yards at Bal Reddy Nagar, Tolichowki, Hyderabad. The said security was with reference to the loan aforesaid. However, the said Ravinder expired on 17.05.1996 leaving behind his wife and two daughters as legal heirs.

2. It is stated that in pursuance of G.O.Ms.No.401 Finance and Planning Department dated 14.11.1990, the aforesaid loan where the employee died in harness was eligible for waiver and consequently,

it is stated that no such amount of loan is repayable in terms of the said G.O. It is stated that the wife and daughters of the deceased employee, thereafter, entered into an agreement of sale cum GPA vide registered document No.1282 of 2004 dated 03.04.2004 with one Mohd. Nazeer Khan and petitioner claims to have purchased the very same property from the said Mohd. Nazeer Khan under sale deed bearing document No.3994/2014 dated 16.09.2014 and claimed to be in possession. Petitioner, however, came to know of the subsisting encumbrance of the Government when he obtained Encumbrance Certificate relating to the said property on 16.09.2014.

Hence, he made a representation to the Commissioner, Transport Department, Telangana State dated 01.07.2015 requesting to execute reconveyance and register the same. Since

no action is taken on the said application, the present writ petition is filed.

3. Though the application of the petitioner is filed recently i.e. on 01.07.2015, the first respondent is required to consider the said application by verifying the record and pass necessary orders by taking into consideration G.O.Ms.No.401 dated 14.11.1990, referred to above.

4. Learned Government Pleader had twice taken time to get instructions. However, no instructions are forthcoming.

Hence, the writ petition is disposed of directing the first respondent to consider the application of the petitioner dated 01.07.2015 and take an appropriate decision in the matter, as observed above, expeditiously. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 3, 2015

DSK