

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 22531 of 2004

ORDER:

1) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings No.320/ E9/ 2000 dated 12.12.2000 passed by the second respondent as illegal, arbitrary and against the principles of natural justice; and consequently direct the respondents to deliver possession of H.No.320, MIG II of A.P.H.B.Colony, Karimnagar.

2) The averments in the affidavit filed in support of the writ petition would show that the Andhra Pradesh Housing Board has constructed independent houses at APHB Colony, Karimnagar and invited applications for allotment of the said houses. The petitioner applied for a house. Pursuant thereto, lots were drawn on 25.09.2007 and the petitioner was allotted MIG 320. The same was intimated to the petitioner. Thereafter, the husband of the petitioner paid Rs.38,300/- by way of demand draft No.583844 dated 05.11.1997, and the petitioner also paid Rs.32,750/- vide D.D.No.348516 dated 22.04.1999. Receipts to that effect were issued by the Housing Board. It is stated that physical possession of the house has to be delivered after deposit of 30%cost of the house. In the month of August, 2001, the petitioner approached the first respondent, requesting the authorities to deliver physical possession of the house. But to her surprise, it was informed that the house was allotted to the second respondent as there was no

response from the petitioner. Challenging the same, the present writ petition came to be filed.

3) A counter came to be filed on behalf of the respondents disputing the averments made in the affidavit filed in support of the writ petition. It is stated in the counter that a letter dated 18.11.1998 was sent to the petitioner informing that H.No.320, which was allotted to her, would be ready for occupation by 31.12.1998 and requested her to pay the balance 30% of the down payment, but there was no response from the petitioner. Hence, the same was cancelled for non-fulfilment of the conditions.

4) It is mainly urged that the husband of the petitioner was working in Nizam's Sugar Factory at Muthyampet, Metpalli Mandal, Karimnagar District and in the year 1999 they got themselves shifted to Nellore as the husband of the petitioner was appointed as a Deputy General Manager in Gayathri Sugars at Podalakuru. It is her case that while sending the D.D., he has informed the change of address which was not noted in the records. Accordingly, she did not receive any communication from the authorities for payment of the balance amount and also for taking possession of the said house.

5) Learned counsel for the petitioner would submit that the husband of the petitioner died and she is under great difficulties at this point of time. He further submits that though the said house was subsequently allotted to another person, but the same

was again cancelled and the said house is still vacant. Hence seeks allotment of the said house.

6) Learned Standing Counsel appearing for the respondents would submit that if the petitioner makes an application before the authorities for allotment of the said house, the same will be considered in accordance with the provisions under law.

7) Having regard to the above, the writ petition is disposed of directing the petitioner to make an application before the Vice Chairman, Housing Board, Gruhakalpa, Hyderabad, seeking allotment of House No.320, MIG II of A.P.H.B.Colony, Karimnagar, in which event the same shall be considered in accordance with law, provided the said house is still vacant.

8) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

14.09.2017

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