

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 13939 of 2010

ORDER:

This writ petition is filed seeking to issue a writ of mandamus declaring the letter dated 21.05.2010 issued by the respondents informing the petitioner to pay Rs.38,853/- so as to issue clearance certificate and release HBA original documents, as illegal and arbitrary. A consequential direction is also sought to release the original documents of the petitioner forthwith.

Heard Sri P. Govinda Rajulu, learned counsel for the petitioner, and Sri A. Ravi Babu, learned standing counsel for the respondents.

It has been contended by the petitioner that he was initially appointed as Driver in the respondent corporation in the year 1965. While he was discharging his duties as Driver, he applied for house building advance from the respondent corporation and the corporation sanctioned an amount of Rs.48,900/- on 123.12.1984 with EMI for 96 months @ Rs.510/- per month. It is further contended that the amounts were deducted from his salary until he attained the age of superannuation and the corporation also issued no due certificate on 28.10.1998. The grievance of the petitioner is that though the corporation had recovered the entire house building advance and also issued no due certificate, the corporation is not releasing the original documents of the house which were deposited by him with the corporation at the time of taking the house building advance. It is

further contended that after nearly 12 years from the date of his retirement, the corporation issued the proceedings dated 21.05.2010 to the effect that he has to still pay a sum of Rs.38,853/- towards house building advance and until the said amount is paid, the original documents will not be returned. Aggrieved by the same, he filed the present writ petition.

Learned counsel for the petitioner has contended that when once the respondent corporation issued no due certificate, the question of paying again Rs.38,853/- to them would not arise and the impugned proceedings are liable to be set aside and appropriate orders may be issued to the respondent corporation to return the original documents of the house of the petitioner by allowing the writ petition.

On the other hand, learned standing counsel for the respondent corporation has contended that the instalments of the house building advance were not recovered from September, 1985 to August, 1998 for various reasons and this has come to light during the course of verification of the records and, accordingly, the corporation passed the impugned orders directing the petitioner to pay Rs.38,853/-, so that the corporation may return the original documents of the house of the petitioner. There are no merits in the writ petition and the same is liable to be dismissed.

I have considered the rival submissions made by the learned counsel on either side and perused the record. I am of the view that

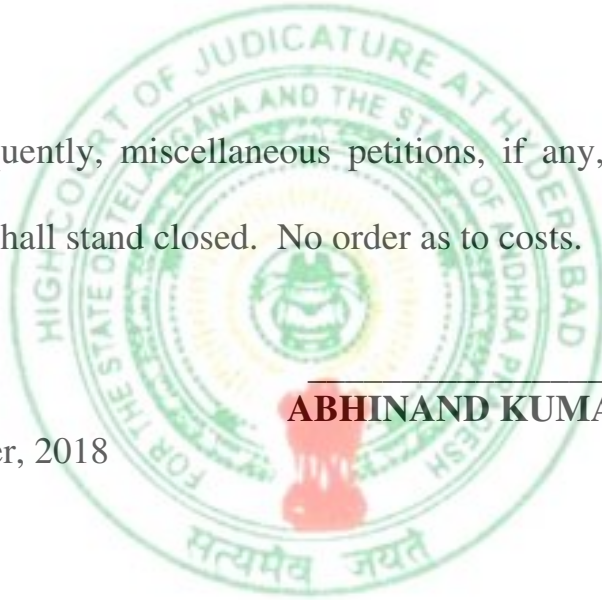
the writ petition can be disposed of directing the petitioner to submit a representation to the respondents.

Accordingly, the writ petition is disposed of directing the petitioner to submit a detailed representation to the respondents seeking return of the original documents of his house and furnishing the particulars of the recoveries made from his salary, and upon receiving such representation, the respondents shall consider the same and pass appropriate orders, in accordance with law, within four weeks.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed. No order as to costs.

29th November, 2018
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 13939 of 2010
(disposed of)

29th November, 2018

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