

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

28

HYDERABAD BENCH : AT HYDERABAD

DA 260/94.

Dt. of Order: 17-3-94.

Between :-

G.Ganesh

....Applicant

And

1. Union of India,
rep. by its Secretary to Govt.,
Dept., of Economic Affairs,
(Presses Division) North Block,
New Delhi.
2. The General Manager,
Security Printing Press,
Saifabad, Hyderabad.

....Respondents

Counsel for the Applicant : Shri N.Rama Mohana Rao

Counsel for the Respondents : Shri V.Bhimanna, ,Addl.CGSC

CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE SHRI A.B.GORTHI : MEMBER (A)

....2.

BBR

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri N. Ram Mohan Rao, learned counsel for the applicant and Sri V. Bhimanna, learned standing counsel for the respondents.

2. The applicant was given Rs.88,000/- towards House Building Advance. The applicant alongwith others purchased the site. It is stated that all the site owners constructed their respective apartments in the said site and the apartment of the applicant is B-4, 1st Floor, Taranaka Towers, Taranaka, Secunderabad. The recoveries were effected by way of instalments commencing from December, 1992.

3. On 5-2-1994, a notice (Annexure-4) was given to the effect that if the applicant fails to register, the said flat registered in his name by 19-2-1994, and if he fails to submit the deed to the Administrative Officer of Security Printing Press (R.2) should the applicant would refund the balance of amount with interest, in lumpsum by 25-2-1994 and in default suitable disciplinary action would be initiated against him as per rules.

4. This OA was filed praying for a declaration that action of the respondents in insisting upon the applicant to secure a registered sale deed for the Flat No.B-4, first floor, Taranaka Towers, Taranaka, Secunderabad, before he can mortgage the same in favour of the Union of India, is illegal, unsustainable and contrary to law; and for a direction to the respondents to furnish the necessary format to the applicant to enable him to register the mortgage deed in regard to the said flat; and further direction to the respondents not to propose any recovery of House Building

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2/2/1994

(36)

Advance in one lumpsum or ^{cancel} cancel the said advance already availed by the applicant.

5. When it is the case of the applicant that he alongwith others purchased the site of an extent of 39.86 Sq.Yds. in Survey No.165/5, Lallaguda village, Tarnaka, where upon the apartments were constructed and when the same is not disputed, there cannot be any title deed in favour of the applicant in regard to the super structure ~~and when~~ ^{as} the applicant himself is the first owner of the super structure i.e. in regard to Flat No.B-4, 1st Floor, Tarnaka Towers, Taranaka, there cannot be any question ^{as} ~~of~~ the applicant obtaining a title deed from any in his favour for the same.

6. Section 2 of A.P. Apartments (Promotion of construction and ownership) Act, 1987 states that Chapter-III of the said Act shall apply only when the registered declaration as envisaged under section 14 of the said Act is obtained. Section 8(ii) which is in Chapter III of the Act lays down that each apartment together with its undivided interest, with its common areas, facilities, shall for all purposes constitute heritable and transferable immovable property. As it is necessary for the applicant to mortgage the flat No.B.4 referred to supra in favour of the President of India, in regard to House Building Advance, it is necessary for the applicant alongwith others to submit declaration as envisaged under section 14, and after getting it registered he ^{has} ~~is~~ to submit ^{it} to the administrative officer of R-2 so that mortgage deed can be obtained from him.

7. Learned counsel for the applicant submitted ~~for the~~ applicant that if the notification in regard to authorisation of competent authority authorising an authority as competent authority is not yet issued, then there may be a delay on the part of the applicant in complying with this order. So in

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20/2/94

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the circumstances it is just and proper to dispose of this OA by the following order :

The applicant alongwith other owners has to be subjected to the declaration referred to under section 14 of the AP Apartments (Promotion of construction and ownership) Act, 1987 by the end of April 30, 1994, if competent authority is already appointed and if such authority is not yet notified within one month from the date of notification authorising any other person or authority as competent authority under section 3 G, and then within a week after declaration as submitted the same has got to be registered, and within a week after its registration the same has to be submitted to the Administrative Officer of R-2.

8. If the above order is not complied with, the Administrative Officer is free to proceed with in accordance with the memo dated 5-2-1994 (vide annexure-4). Either of the parties is free to move this Tribunal for any direction, if they are necessarily in regard to direction owing interested. No costs.

Joseph
(A.B. Garthi)
Member (Admn.)

Neladri
(V. Naeladri Rao)
Vice Chairman

Dated : March 17, 1994
Dictated in the Open Court

Pratap 3.30 pm.
Deputy Registrar (J) CC

To

1. The Secretary to Govt., Union of India,
Dept. of Economic Affairs, (Presses Division)
sk North Block, New Delhi.

2. The General Manager, Security Printing Press,
Saifabad, Hyderabad.

3. One copy to Mr. N. Ramamohan Rao, Advocate, CAT. Hyd.

4. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.

5. One copy to Library, CAT. Hyd.

6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE T
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI R
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(AD)

AND

THE HON'BLE MR.TC CHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

Dated: 17-3-1994

ORDER/JUDGMENT

M.A/R.A./C.A./No.

O.A.No. 260/ in 94.

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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Central Administrative Tribunal
DESPATCH *Am*
6 APR 1994
HYDERABAD BENCH.

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