

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

WRIT PETITION No.27463 of 2022

JUDGMENT:-

1. Heard Sri S.V.S.Sivaram, learned counsel for the petitioner and Sri V.Surya Kiran Kumar, learned counsel for the respondent No.2, Visakhapatnam Municipal Development Authority.
2. With the consent of the parties counsels present, the writ petition is being disposed of finally at this stage itself.
3. This writ petition under Article 226 of the Constitution of India has been filed for the following relief:-

“It is therefore, prayed that this Honourable Court may be pleased to issue a writ, order or direction more particularly one in the nature of the writ of mandamus declaring inaction of the Respondents in not considering the Petitioner’s application for transfer the allotted flat under Haritha Housing Scheme with Flat/House No.502, HIG Godavari Block-1, Haritha Apartments, Haritha Housing Scheme, Madhurawada, Visakhapatnam to the name of the petitioner from that of her late husband Late Sri Varahala Raju as wholly illegal, arbitrary, unjust besides being violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents to transfer the flat/house No.502, HIG Godavari Block-1, Haritha Apartments, Haritha Housing Scheme, Madhurawada, Visakhapatnam to the name of

the petitioner and to pass such other order or orders as this Hon'ble Court may think fit and proper in the facts and circumstances of the case."

4. Learned counsel for the petitioner submits that the petitioner's late husband Sri Varahala Raju was allotted flat No.502, HIG Godavari Block-I, Harinath Housing Scheme, Madurawada, Visakhapatnam. He having died, the petitioner applied for transfer of that flat in the petitioner's name, being the widow, *vide* letter dated 13.07.2021, upon which the respondent No.2 issued letter No. Flat NO.502/HIG/Harita/G3, dated 17.11.2021, informing that the matter was under examination and requested to pay transfer fee and furnish the requisite mentioned documents. The petitioner deposited the transfer fee as also furnished the documents sought for, including the family member certificate, on 26.11.2021, but till date the final decision has not been taken and the flat in question has not been transferred in the name of the petitioner.

5. Learned counsel for the respondent No.2 submits that the petitioner's matter will be considered and finalised within a period of six (06) weeks from the date of production of copy of this order before the respondent No.2, but he further submits that if there is some other requirement which has not been completed by the petitioner, the same shall be communicated to

the petitioner, to which the learned counsel for the petitioner submits that, if there is some other requirement, the petitioner shall complete the same within reasonable time of communication.

6. In view of the aforesaid, the writ petition is disposed of finally with a direction to the respondent No.2 finally to decide the matter of the petitioner, for transfer of the flat in question in her name, as per law, expeditiously and preferably within a period of six (06) weeks from the date of production of copy of this order before the respondent No.2.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI,J

Date: 30.08.2022
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