



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3329]

TUESDAY ,THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**

WRIT PETITION NO: 8302 OF 2025

Between:

M/s. Cholamandalam Investment And Finance Company Limited, **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. PEETA RAMAN

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS

The Court made the following:



**IN THE HIGH COURT OF ANDHRA PRADESH
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TUESDAY ,THE SIXTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 10397 OF 2025

Between:

Cholamandalam Investment And Finance Company Limited **...PETITIONER**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner:

1. PEETA RAMAN

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NOS: 8302 & 10397 OF 2025

ORDER:

The grievance of the petitioner in both the writ petitions is the inaction of the respondents, particularly Respondent No.4 herein in not registering the sale certificates dated 03.10.2024 and 23.01.2025 of the petitioner's company under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002/Act) in respect of the property situated in D.No.823 at Ankireddypalem Village of Guntur Rural Mandal, Guntur District, Andhra Pradesh (Flat No.206, 1st Floor, Kanna Towers, Ankireddy Village, Challavaripalem Gram Panchayat, Guntur Rural Mandal, Guntur District) and in T.S.No.59/1, D.No.5-51-62, Brodipet, Guntur Municipal Corporation Area, Guntur, Guntur District, Andhra Pradesh, on the pretext that the said properties got included in the list of prohibited category in view of the order of attachment through notification dated 19.01.2021 and 13.7.2021 ignoring the fact that the petitioner company is having priority being the secured creditor.

2. Heard learned counsel for the petitioner and learned counsel for the respondents.

3. The claim of the petitioner herein is that the petitioner's company is a finance company registered as M/s.Cholamandalam Investment & Finance Company Limited, with the Reserve Bank of India. Pursuant to the same, the

petitioner is entitled to do finance business of lending and borrowing its finances in the process of its business. Petitioner herein is also incorporated as Private Limited Company under the provisions of the Companies Act, 1956. The petitioner herein invoked the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, 'the SARFAESI Act'] and issued sale certificates in favour of the 7th respondent who is the auction sale purchaser pursuant to the sale conducted by the petitioner-company.

4. Learned counsel for the petitioner submits that even though the petitioner company issued sale certificates under the provisions of SARFAESI Act in favour of the 7th respondent, the 3rd and 4th respondents herein are not adhering to the provisions of Registration Act, 1908 and for not registering the said sale certificates in favour of the 7th respondent, hence the present writ petitions are filed.

5. On the other hand, learned Government Pleader furnished written instructions dated 28.4.2025 wherein it is submitted that if the petitioner submits the sale certificate in compliance of the SARFEASI Act, 2002 the 3rd and 4th respondents will process the same in accordance with law. The petitioner also relied on the common order passed by the Division Bench of this Court in W.P.Nos.9214, 3181 and 13728 of 2024.

6. In view of the principle laid down by this Court, the petitioner is hereby directed to furnish the duly executed sale certificates in compliance with the provisions of Registration Act, 1908 as well as the Indian Stamp Act, 1899. Upon the said submission, the 3rd and 4th respondents are hereby directed to process the same in accordance with law.

7. With the above direction, the writ petitions are disposed of. There shall be no order as to costs.

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

06.05.2025
TJN

VENKATESWARLU NIMMAGADDA, J

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NOs: 8302 & 10397 OF 2025

06.05.2025

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HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION NOS: 8302 & 10397 OF 2025

PROCEEDING SHEET

Sl.No	DATE	ORDER	OFFICE NOTE
01.	06.5.2025	<u>NV, J</u> The writ petitions are disposed of. (Vide Separate Order) TJN NV, J	