

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

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



PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NOS: 8302 AND 10397 OF 2025

WRIT PETITION NO: 8302 OF 2025

Between:

M/s. Cholanandalam Investment and Finance Company Limited, Rep.
by its Authorized Officer Beeram Gangadharam S/o. Sivananda Rao
Age- 45 years, Occ- Employee, O/o.59-14-2A, 4th Floor, Santhi Plaza,
Gayatri Nagar, Benz Circle, Vijayawada, NTR District, Andhra Pradesh-
520008.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary,
Department of Stamps and Registration Secretariat, Velagapudi,
Amaravati, Guntur District, Andhra Pradesh.
2. The Commissioner and Inspector General of Registration and Stamps,
KSR Park Road, Ward No.2, Tadepalli, Guntur District, Andhra
Pradesh.
3. The District Registrar, O/o. the District Registrar, Collectorate
Compound, Guntur, Guntur District, Andhra Pradesh
4. The Sub-Registrar, Guntur Sub-Registrar Office, O/o.28-5-34,
Collectrate Compound Guntur, Guntur District, Andhra Pradesh-
522004.

5. Mr. Tallam Satyanarayana, S/o. Amarnath Age- 40 years, Occ- Business, R/o.5-51-62, 5/15 Lane, Brodipet, Guntur, Guntur District, Andhra Pradesh-522002.
6. Grandhi Sri Swathi, W/o. Tallam Satyanarayana Age- 32 years, Occ- Housewife, R/o.5-51-62, 5/15 Lane, Brodipet, Guntur, Guntur District, Andhra Pradesh-522002.
7. Peram Karunakar, S/o. Ananda Kumar, Age- 37 years, Occ- Doctor, R/o.26-20-401, 15th Lane, Sivaram Nagar, Near Medical Club, Guntur, Guntur District, Andhra Pradesh-522004.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus-

- I. declaring the action of the 4th respondent in not registering the sale certificate dt.23-01-2025 of the petitioner 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 subject property situated in T.S.No.59/1 Door No.5-51-62, Brodipet, Guntur Municipal Corporation Area, Guntur, Guntur District, Andhra Pradesh on the pretext of the said property got included in the list of prohibited category in view of the order of attachment through notification dt.13-07-2021 ignoring the fact that the petitioner company is having priority being the secured creditor as illegal arbitrary, discriminative, non-application of mind, opposed to doctrine of promissory estoppel and doctrine of legitimate expectation, contrary to the Memo No.G1/E5831041/2022, dt.13- 05-2022 of the 2nd respondent R/w. Section 26-E of the Act besides violative of Articles 14, 21 and 300-A of the Constitution of India and

- II. consequently, direct the 4th respondent to register sale certificate dt.23-01-2025 issued by the petitioner company in favour of the 7th respondent without reference to the fact that the schedule property is shown under prohibited category list in view of the attachment through notification dt. 13-07-2021.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased may be pleased to direct the 4th respondent to register sale certificate dt.23-01-2025 issued by the petitioner company in favour of the 7th respondent pursuant to the Memo No.G1/E5831041/2022, dt.13-05-2022 of the 2nd respondent R/w. Section 26-E of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Counsel for the Petitioner: SRI. PEETA RAMAN

Counsel for the Respondent Nos. 1 to 4: GP FOR REGISTRATION AND STAMPS

WRIT PETITION NO: 10397 OF 2025

Between:

M/s Cholamandalam Investment And Finance Company Limited, Rep. by its Authorized Officer Beeram Gangadharam S/o. Sivananda Rao Age 45 years, Occ: Employee, O/o.59-14-2A, 4th Floor, Santhi Plaza, Gayatri Nagar, Benz Circle, Vijayawada, NTR District, Andhra Pradesh-520008.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Stamps and Registration Secretariat, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
2. The Commissioner and Inspector General of Registration and Stamps, , KSR Park Road, Ward No.2, Tadepalli, Guntur District, Andhra Pradesh.
3. The District Registrar, O/o. the District Registrar, Collectorate Compound, Guntur Guntur District, Andhra Pradesh
4. The Sub-Registrar, Nallapadu Sub-Registrar Office, O/o.1-97A, Ankammabottu Center, Nallapadu, Guntur District, Andhra Pradesh.
5. Mr. Manoj Kumar Devarapu, S/o. Malyadri Age 36 years, Occ Self-employed, R/o.3-3-21/A, Near SB Jute Mill, Chandramouleswari Agraharam, Guntur, Guntur District, Andhra Pradesh-522006.
6. Devarapu Guravamma, W/o. Malyadri, Age 61 years, Occ Housewife, R/o.3-3-21/A, Near SB Jute Mill, Chandramouleswari Agraharam, Guntur, Guntur District, Andhra Pradesh-522006.
7. Talupuri Madhavi Krishna Priya, W/o. Taluri Lakshmi Vara Prasad, Age about 55 years, Occ Housewife, R/o.9-4-12, Mask Street, 3rd Lane, Railpet, Kottapeta, Guntur, Guntur District Andhra Pradesh-522001.

...Respondents

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ or order, orders or directions more particularly one in the nature of Writ of Mandamus –

- I. declaring the action of the 4th respondent in not registering the sale certificate dt.03-10-2024 of the petitioner 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 subject property situated in D.No.823 at Ankireddypalem Village of Guntur Rural Mandal, Guntur District, Andhra Pradesh (Flat

No.206, 1st Floor, Kanna Towers, Ankireddypalem Village, Challavaripalem Gram Panchayat, Guntur Rural Mandal, Guntur District) on the pretext of the said property got included in the list of prohibited category in view of the order of attachment through notification dt.19-01- 2021 pursuant to the order passed in IA No.33 of 2021 in OS No.13 of 2021 on the file of the Hon'ble Principal Junior Civil Judge Court Mangalagiri ignoring the fact that the petitioner company is having priority being the secured creditor as illegal, arbitrary, discriminative, non-application of mind, opposed to doctrine of promissory estoppel and doctrine of legitimate expectation, contrary to the Memo No.G1/E5831041/2022, dt.13- 05-2022 of the 2nd respondent R/w. Section 26-E of the Act besides violative of Articles 14, 21 and 300-A of the Constitution of India and

- II. consequently, direct the 4th respondent to register sale certificate dt.03-10-2024 issued by the petitioner company in favour of the 7th respondent without reference to the fact that the schedule property is shown under prohibited category list in view of the attachment order passed in IA No.33 of 2021 in OS No.13 of 2021 on the file of the Hon'ble Principal Junior Civil Judge Court Mangalagiri.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the 4th respondent to register sale the certificate dt.03-10-2024 issued by the petitioner company in favour of the 7 respondent pursuant to the Memo No.G1/E5831041/2022, dt.13-05-2022 of the 2nd respondent R/w. Section 26-E of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

Counsel for the Petitioner: SRI. PEETA RAMAN

Counsel for the Respondent Nos. 1 to 4: GP FOR REGISTRATION AND STAMPS

The Court made the following common order:



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
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: 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.

Sd/- M SRINIVAS
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Department of Stamps and Registration Secretariat, State of Andhra Pradesh, Velagapudi, Amaravati, Guntur District, Andhra Pradesh.
2. The Commissioner and Inspector General of Registration and Stamps, KSR Park Road, Ward No.2, Tadepalli, Guntur District, Andhra Pradesh.
3. The District Registrar, O/o. the District Registrar, Collectorate Compound, Guntur, Guntur District, Andhra Pradesh
4. The Sub-Registrar, Guntur Sub-Registrar Office, O/o.28-5-34, Collectrate Compound Guntur, Guntur District, Andhra Pradesh-522004.
5. The Sub-Registrar, Nallapadu Sub-Registrar Office, O/o.1-97A, Ankammabottu Center, Nallapadu, Guntur District, Andhra Pradesh.
6. One CC to Sri. Peeta Raman Advocate [OPUC]

7. Two CCs to GP for Registration and Stamps, High Court Of Andhra Pradesh. [OUT]

8. Three CD Copies

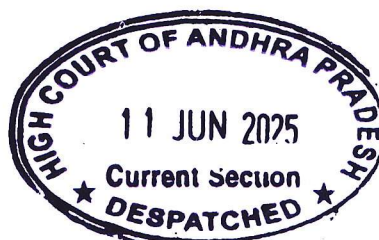
GSC

HIGH COURT

DATED:06/05/2025

COMMON ORDER

WP.Nos.8302 and 10397 of 2025



DISPOSING OF THE WPS

WITHOUT COSTS