

APHC010386032025



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

[3602]

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 20107/2025

Between:

1. UNION BANK OF INDIA, ASSERTS RECOVERY BRANCH, RR APPA RAO STREET, VIJAYAWADA - I REP BY ITS AUTHORIZED OFFICER.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY THE SECRETARY, STAMPS AND REGISTRATION, SECRETARIAT, VELAGAPUDI, ANDHRA PRADESH
2. THE SUB REGISTRAR GUNTUR, REGISTRATION OF STAMPS AND REVENUE, GUNTUR MANDAL, GUNTUR DISTRICT.
3. M/S SRI MITHRA SEEDS, PROPRIETOR MODEPALLINARASIMHA RAO, S/O ATCHIAH, R/O DOOR NO.9-96, PEDAPARIMI POST, TULLURU MANDAL, GUNTUR.
4. SRI KSR SEEDS, REP BY ITS MANAGING PARTNERS KONDAVEETISRINIVASARAO, S/O CHINA RAJA RAO, FLAT NO.401, SVR MAISONATTE, 1/2 CHANDRAMOULI NAGAR, GUNTUR.
5. SMT KONDAVEETI SIVA KUMARI, W/O SRINIVASA RAO, FLAT NO.401, SVR MAISONATTE, A CHANDRAMOULI NAGAR, GUNTUR.
6. VELAMAARUNA, W/O V V NARASIMHA RAO, R/O FLAT NO.402, VIGNAN TOWERS, 1ST LINE, RAMANNAPET, GUNTUR CITY.

7. MODEPALLINARASIMHA RAO, S/O ATCHAIAH, R/O DOOR NO.9-96, PEDDAPARIMI POST, TULLURU MANDAL, GUNTUR.

8. SURE VENKATARAMMOHANA RAO, S/O VENKATASUBBAIAH, R/O D.NO.3-1-2A, RAJENDRA NAGAR, PATTABIPURAM, GUNTUR.

...RESPONDENT(S):

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 or direction, more particularly one in the nature of Writ of Mandamus declaring the action of the 2nd Respondent in registering the Sale Deed No.1546/2025 dated 31.01.2025 as null and void and against the provisions of SARFAESI Act and consequentially to cancel the registered Sale Deed No. 1546/2025 dated 31.01.2025 as illegal, null and void and against to the provisions of SARFAESI Act 2002 and to pass

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 prayed to pass Interim orders pending the disposal of the main Writ Petition may take considerable time. As such, in the interest of justice, the Petitioner prays the Hon'ble Court to pass Interim orders directing the 2nd Respondent to not to entertain any further registrations in relation to the subject property i.e., commercial land admeasuring 52.6/9 Sq. yards and two storied RCC Roof mixed building constructed thereon situated at old Ward No.5, Block No.8, T.S.No.649, covering in an extent of 19.261 Sq. Feet and out of its Municipal Door No. 11-4-168, Assessment No. 14195 situated at Rajagarithota, Guntur Municipal Corporation Area, Guntur and to pass

IA NO: 1 OF 2026

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 grant leave to the Respondent No.2 in the Writ Petition No. 20107 of 2025 to file counter affidavit in the above Writ Petition and pass

Counsel for the Petitioner:

1. VEMURU VP LAKSHMINARASIMHA MURTHY

Counsel for the Respondent(S):

1.K V VIJAYA KUMAR

2.GP FOR REGISTRATION AND STAMPS

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

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ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of the 2nd respondent in refusing to register the Sale Deed No.1746 of 2025, dated 31.01.2025 as illegal, arbitrary and against to the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Stamps and Registration appearing for 2nd respondent.

3. a) The case of the petitioner is that the 3rd respondent represented by Respondent No.7 as its managing director availed business loan facilities to a tune of Rs.4,45,00,000/- from the petitioner-bank and executed necessary loan documents in favour of the petitioner-bank. As a security to the said loan, Respondent Nos.4 to 7 has created a registered equitable mortgage by deposit of title deeds relating to the property described under Sale Deed Doc.No.5767 of 2012, dated 10.05.2012 with the petitioner-bank. It is confirmed by executing a mortgage deed which was registered with the Sub-Registrar Office, Guntur under Document No.14688 of 2012. Since the borrower have failed to discharge the loan amount as per the repayment

schedule, the loan account of the borrower has been classified as NPA on 29.10.2018 and the petitioner-bank being a secured creditor under the provisions of the SARFAESI Act, 2002 has invoked proceedings under the said Act and issued demand notice on 19.02.2024.

b) Thereafter, possession notice and presale notice were issued. After issuance of pre-sale notice, the 8th respondent issued legal notice to the petitioner-bank stating that the 8th respondent purchased the mortgaged property from the 4th respondent on 11.03.2016 for consideration of Rs.25,00,000/- and the 4th respondent executed an agreement of sale on the same day in favour of the 8th respondent. Thereafter, the 4th respondent failed to perform their part of contract. Accordingly, the 8th respondent filed a suit in O.S.No.140 of 2022 on the file of I Additional Senior Civil Judge, Guntur against the 4th respondent and the said suit was decreed on 06.09.2012 in favour of the 8th respondent in terms of the agreement of sale, dated 11.03.2016. As per the orders of the I Additional Senior Civil Judge Guntur, the 8th respondent deposited the balance sale consideration of Rs.5,00,000/- in the account of the 4th respondent and thereafter filed E.P.No.68 of 2024. The Court below passed orders directing the JDRs to execute the registered sale deed in favour of the 8th respondent.

4. Learned counsel for the petitioner submits that Respondent Nos.3 to 7 in collusion with Respondent No.8 to defeat the interest of mortgage created in favour of the petitioner-bank and to avoid the debt amount, initiated civil proceedings before the concerned Civil Court and got registered the

subject property in favour of the 8th respondent. In view of the same, the petitioner approached this Court by filing this Writ Petition seeking for a direction to the 2nd respondent to cancel the Sale Deed No.1746 of 2025, dated 31.01.2025.

5. Counter affidavits are filed by Respondent Nos.2 and 8 raising several contentions.

6. Learned counsel for the petitioner at this juncture has drawn the attention of this Court to the Notification issued by the Government of Andhra Pradesh vide G.O.Ms.No.235 Revenue (Registration.I) Department, dated 09.07.2025, wherein it is notified that 09.07.2025 is the date on which the provisions of the said Act came into force. By virtue of the said G.O., the Government of Andhra Pradesh has inserted Section 77-A into the Registration Act, 1908 after Section 77 of the said Act. Section 77-A of the Registration Act, 1908 reads as follows:-

77-A: Cancellation of registered documents in certain

cases:- “The Registrar, either suo-motto or on a complaint received from any person, is of the opinion, that registration of a document is made in contravention of Section 22-A or Section 22-B or Section 22-C, shall issue a notice to the executants and all the parties to the document and parties to subsequent documents, if any, and all other persons who in the opinion of the Registrar, may be affected by the cancellation of the document, to show cause as to why the registration of the document shall not be cancelled. On consideration of reply, if any received thereof, the Registrar may cause the material facts to be put up a committee, headed by the District Collector as defined in the rules thereof, within a specific time frame to cancel the registration of the

document and cause to enter such cancellation in the relevant books and indexes.

2) The power under sub-section (1) may also be exercised by the inspector general of Registration.

7. On perusal of Section 77-A of the Registration Act, 1908 it is provided that the Registrar, either suo-motto or on a complaint received from any person with regard to the registration of documents which is made in contravention of Section 22-A or Section 22-B or Section 22-C shall issue a notice to the executants and if the registrar comes to an opinion that the documents has to be cancelled he shall cause notice to all the concerned parties and after considering their reply he has to place the issue along with all connected material before the committee headed by the concerned District Collector.

8. In view of the fact that the petitioner has an alternative remedy to approach the 2nd respondent to ventilate his grievance raised in the present writ petition, we are not inclined to interfere in this case on merits.

9. Accordingly, this Writ Petition is dismissed. However, liberty is granted to the petitioner-bank to approach the 2nd respondent in accordance with Section 77-A of the Registration Act, 1908 to ventilate their grievance. It is made clear that if the petitioner-bank submits any complaint to the 2nd respondent by invoking Section 77-A of the Registration Act, 1908, the 2nd respondent shall act upon the said complaint as per the procedure provided under Section 77-A of the said Act. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE SUNITHA GANDHAM

Dated: 20.07.2026
TM

THE HONOURABLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 20107/2025

Dated: 20.07.2026

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