

[3488]
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

FRIDAY, THE FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

And

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION NO: 22598 OF 2024



Between:

DARABATTULA NAGARAJU, S/o Mahankali Aged about 36 years, Occ-
Business R/o D.No.5-37, Rayalam Thota, Near No.2, Elemntary School,
Rayalam (Rural), Bhimavaram Mandal, West Godavari District, Andhra
Pradesh - 534 208

Petitioner

AND

1. The Union of India, Represented by its Secretary Ministry of Finance
Floor, Jeevan Deep Building Sansad Marg, New Delhi - 110 001
2. The State of Andhra Pradesh, Rep.by its Principal Secretary to
Government Stamps And Registration department A.P Secretariat,
Velagapudi, Guntur District Andhra Pradesh - 522 238
3. The State Bank of India, Head office-State Bank Bhavan Madame
Gama Marg, Mumbai - 400 021 Rep.by its Chairman And Managing
Director
4. The Stessed Assets Management Branch-II The State Bank of India,
H.No.3-4-1013,/a. New Bus Station 1st Floor, Comupter Amenity Centre
TSRTC, Kachiguda, H5tderabad Telangana State - 500 027 Rep.by its
Authorised Officer
5. The Deputy General Manager, Stessed Assets Management Branch-II
State Bank of India , Kachiguda, Hyderabad Telangana State - 500 027
6. The Assistant General Manager, Stessed Assets Management Branch-
II H.No.3-4-1013,/a, New Bus Station 1st Floor, Comupter Amenity
Centre TSRTC, Kachiguda, Hyderabad Telangana State - 500 027

7. The Directorate of Enforcement, Visakhapatnam Sub-Zonal Office
Srinivasa Plaza, D.No. 1-83-47 Plot No.HIG-244, Sector-4, M.V.P
Colony Visakhapatnam, Visakhapatnam District Andhra Pradesh - 530
017 Rep .by its Deputy Director
8. The Joint Sub-Registrar-1, O/o the Sub-Registrar Stamps And
Registration Department Bhimavaram, Bhimavaram Mandal West
Godavari District, Andhra Pradesh - 534 201

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 an order, writ or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents especially the respondents 3 to 6 in demanding me to pay the balance sale consideration of Rs. 2,56,23,000/- pursuant to e-auction dated 12- 07-2024, and threatening to forfeit Rs.87,30,000/- which was paid by me towards part consideration, and not refunding the same though the auctioned properties became non-transferable, pursuant to the Provisional Attachment Order No.01/2024, dated 30-07-2024, passed by the 7th respondent herein, and not taking any actions to raise the attachment of auctioned properties, despite knowing that the 7th respondent herein passed Provisional Attachment Order No. 1/2024, dated 30-07-2024, against auctioned properties, and not considering my representations including the legal notice dated 24-09-2024, as is arbitrary, illegal and unconstitutional and against the well settled principles of natural justice, and set aside the impugned Demand-cum- forfeiture notice bearing SBI/SAMB/ACH/451, dated 24-09-2024, by calling for the entire record, and consequentially direct the respondents 3 to 6 to take steps to raise the attachment of the auctioned properties, and/or alternatively, direct the respondents 3 to 6 to refund Rs.87,30,000/-, along with interest @ 24percent p.a, till realization.

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 stay all further proceedings, including any coercive action/forfeiture of Rs.87,30,000/- paid by me, and to refund the same along with interest @ 24% p.a, by considering my representations including the legal notice dated 24-09-2024, Pending disposal of WP 22598 of 2024, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri LEO LAW ASSOCIATES LLP Advocate for the Petitioner and of GP FOR REGISTRATION AND STAMPS for the Respondent(s) and the Court made the following.

ORDER

“Post on 14.10.2024 along with W.P.No.22496 of 2024.

In the meanwhile, the amount paid by the petitioner shall not be forfeited.”

SD/- B.PRASAD RAO
ASSISTANT REGISTRAR
ch
SECTION OFFICER

//TRUE COPY//

For A

To,

1. The Secretary Ministry of Finance Floor, Jeevan Deep Building Sansad Marg, New Delhi, Union of India - 110 001.
2. The Principal Secretary to Government , Stamps And Registration department A.P Secretariat, Velagapudi, Guntur District Andhra Pradesh - 522 238 (by special messenger)
3. The Chairman And Managing Director State Bank of India, Head office- State Bank Bhavan Madame Gama Marg, Mumbai - 400 021.
4. The Authorised Officer, Stessed Assets Management Branch-II The State Bank of India, H.No.3-4-1013,/a. New Bus Station 1st Floor,

Computer Amenity Centre TSRTC, Kachiguda, Hyderabad Telangana State - 500 027 .

5. The Deputy General Manager, Stessed Assets Management Branch-II State Bank of India , Kachiguda, Hyderabad Telangana State - 500 027
6. The Assistant General Manager, Stessed Assets Management Branch-II H.No.3-4-1013,/a, New Bus Station 1st Floor, Comupter Amenity Centre TSRTC, Kachiguda, Hyderabad Telangana State - 500 027 .
7. The Deputy Director, Directorate of Enforcement, Visakhapatnam Sub-Zonal Office Srinivasa Plaza, D.No. 1-83-47 Plot No.HIG-244, Sector-4, M.V.P Colony Visakhapatnam, Visakhapatnam District Andhra Pradesh - 530 017.
8. The Joint Sub-Registrar-1, O/o the Sub-Registrar Stamps And Registration Department Bhimavaram, Bhimavaram Mandal West Godavari District, Andhra Pradesh - 534 201 (Addresses 1 to 8 by RPAD)
9. One CC to SRI. LEO LAW ASSOCIATES LLP Advocate [OPUC]
10. Two CCs to GP FOR REGISTRATION AND STAMPS, High Court of A.P.
11. **Two spare copies.**

HIGH COURT

RRR,J&
HN,J

DATED:04/10/2024

POST ON 14.10.2024 ALONG WITH W.P.NO.22496 OF 2024

ORDER

WP.No.22598 of 2024

DIRECTION

