

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI  
(SPECIAL ORIGINAL JURISDICTION)

MONDAY, THE FOURTEENTH DAY OF OCTOBER  
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI DHIRAJ SINGH THAKUR, CHIEF JUSTICE

AND

HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 22598 OF 2024

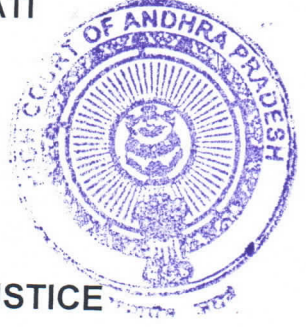
Between:

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 3<sup>rd</sup> Floor, Jeevan Deep Building Sansad Marg, New Delhi - 110 001
2. The State of Andhra Pradesh, Rep.by its Principal Secretary to Government Stamps & 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 & Managing Director
4. The Stessed Assets Management Branch-II The State Bank of India, H.No.3-4-1013,/a. New Bus Station 1<sup>st</sup> Floor, Comupter Amenity Centre TSRTC, Kachiguda, Hyderabad 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 1<sup>st</sup> Floor, Comupter Amenity Centre TSRTC, Kachiguda, Hyderabad Telangana State - 500 027
7. The Directorate,of Enforcement, Visakhpatnam 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 Re.by its Deputy Director
8. The Joint Sub-Registrar-1, O/o the Sub-Registrar Stamps & Registration Department Bhimavaram, Bhimavaram Mandal West Godavari District, Andhra Pradesh - 534 201

### **Respondents**

Petition under Article 226 of the Constitution of India is filed 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 7<sup>th</sup> respondent herein, and not taking any actions to raise the attachment of auctioned properties, despite knowing that the 7<sup>th</sup> 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 @ 24% p.a, till realization.

**IA NO: 1 OF 2024**

Petition under , Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to stay all further 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 representaitons 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 the order of the High Court dated:04.10.2024 and upon hearing the arguments of M/s. LEO LAW ASSOCIATES LLP, Advocate for the Petitioner, SRI PASALA PONNARAO, Deputy Solicitor General of India for Respondent No.1, learned GP FOR STAMPS & REGISTRATION for the Respondent Nos.2&8, Sri JOSYULA BHASKARA RAO (SC FOR DIRECTORATE OF ENFORCEMENT) for the Respondent No.7, the Court made the following

**ORDER:**

**“Learned Standing Counsel for the Directorate of Enforcement seeks and is granted six weeks’ time to file the counter-affidavit.**

**List on 25.11.2024.**

**In the meantime, the petitioner in WP.No.22598 of 2024 is permitted to deposit the balance amount of Rs.2,56,23,000/- with the respondent Bank, which will be kept in a Fixed Deposit along with the money already deposited by him representing the auction amount in regard to the secured asset.**

The deposit of the amount by the petitioner in WP.No.22598 of 2024 shall not be deemed to create any rights or equity in his favour and shall remain subject to the outcome of the present petitions. In case the petitioners do not succeed, the amounts shall be refunded to the petitioner in WP.No.22598 of 2024 along with interest.

The aforementioned arrangement has been ordered with a view to prevent the forfeiture of the amount already deposited by the petitioner in WP.No.22598 of 2024 in terms of Rule 9(5) of the Security Interest (Enforcement) Rules, 2002."

//TRUE COPY//

For

SD/-B.CHITTI JOSEPH  
ASSISTANT REGISTRAR  
*ch*  
SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Finance 3<sup>rd</sup> Floor, Jeevan Deep Building Sansad Marg, New Delhi - 110 001
2. The Principal Secretary to Government Stamps & Registration department A.P Secretariat, Velagapudi, Guntur District Andhra Pradesh - 522 238, State of Andhra Pradesh **(BY SPECIAL MESSENGER)**
3. The Chairman & 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 1<sup>st</sup> Floor, Comupter 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 1<sup>st</sup> Floor, Comupter Amenity Centre TSRTC, Kachiguda, Hyderabad Telangana State - 500 027
7. The Deputy Director, Directorate of Engorcement, Visakhpatnam 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 & Registration Department Bhimavaram, Bhimavaram Mandal West Godavari District, Andhra Pradesh - 534 201 (Addressee Nos.1, 3 to 8 by RPAD)
9. One CC to M/s. LEO LAW ASSOCIATES LLP Advocate [OPUC]
10. Two CCs to GP FOR STAMPS & REGISTRATION, High Court of Andhra Pradesh. [OUT]
11. One CC to Sri PASALA PONNA RAO, DEPUTY SOLICITOR GENERAL [OPUC]
12. One CC to SRI. JOSYULA BHASKARA RAO ( SC FOR E D) Advocate [OPUC]
13. Two spare copies

HIGH COURT

HC, J&  
RC,J

DATED:14/10/2024

LIST ON 25.11.2024

ORDER

WP.No.22598 of 2024

DIRECTION

