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APHC010475442025



**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: 27727/2025

Between:

1.UNION BANK OF INDIA, REP. BY ITS AUTHORIZED OFFICER, SUSHANTA KUMAR DAS, S/O JOGENDRA NATH DAS, AGED 45 YEARS. ASSISTANT GENERAL MANAGER, ASSET RECOVERY BRANCH, VISAKHAPATNAM.

...PETITIONER

AND

1.THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE (STAMPS REGISTRATION) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2.THE COMMISSIONER AND INSPECTOR GENERAL, STAMPS REGISTRATION DEPARTMENT, V-SQUARE, K.S.R. PARK ROAD, WARD NO.2, TADEPALLI, GUNTUR DISTRICT, ANDHRA PRADESH - 522501.

3.THE DISTRICT REGISTRAR, STAMPS AND REGISTRATION DEPARTMENT EAST GODAVARI DISTRICT.

4.THE JOINT SUBREGISTRAR, SUB-REGISTRAR OFFICE, ANAPARTHI EAST GODAVARI DISTRICT.

5.PUNNAM CHANDER AKUBATHINI, S/O. AKUBATHINI SATEESH,
R/O. HOUSE NO. 3-2-95, NEW RAIPURA MAIN ROAD,
HANUMAKONDA, WARANGAL - 506 001.

...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 an order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent Nos. 1 to 4 in not deleting the 'Petition Scheduled Property' from the prohibited list of properties and consequently not receiving the Sale Certificate in respect of the said Respondent No.5 under the guise that the said property is under prohibitory property and not process the same for registration in favour of the list under the letter vide Lr.C.No. 42/2023 dated 25.04.2023 in violation of the provisions of the SARFAESI Act 2002 and is arbitrary, illegal and contrary, in violation of fundamental rights of the schedule property form the Prohibitory category and to receive the Sale consequently direct the respondent Nos. 1 to 4 to delete the petition Certificate issued in favour of the respondent No.5, process the same for registration and release the same to them in the interest of justice and 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 to direct the Respondent No.1 to 4 to receive the Sale Certificate issued in favour of the respondent No.5, process the same for registration and release the same to them with regard to petition schedule property and pass

Counsel for the Petitioner:

1.HANUMANTHA RAO BACHINA

Counsel for the Respondent(S):

1.GP FOR REGISTRATION AND STAMPS

The Court made the following:

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

WRIT PETITION NO: 27727 of 2025

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

This Writ Petition is filed seeking to issue a Writ of Mandamus declaring the action of Respondent Nos.1 to 4 in not deleting the petition schedule property from the prohibited property list and not receiving the sale certificate for registration in favour of Respondent No.5 as illegal, arbitrary and violative of provisions of Securitization 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 Respondent Nos.1 to 4.

3. The grievance of the petitioner is that Respondent Nos.1 to 4 refused to register the sale deed submitted by the petitioner-bank in favour of the auction purchaser.

4. On behalf of the 4th respondent a counter affidavit has been filed. Basing on the averments made in the counter affidavit, the learned Government Pleader would submit that as per the attachment order, dated 27.02.2019 passed by the Deputy Commercial Tax Officer-II, Ramachandrapuram vide Notification No.18 of 2019, the registration authorities had included the subject property in the prohibited property list.

Learned Government Pleader further submits that respondent authorities has not been received any document related to the petitioner-bank seeking registration. Whenever the petitioner-bank submits sale certificate with all enclosures and requisite Stamp Duty, Registration Fee and user chargers, they will take steps to register the sale certificate.

5. Having considered the submissions of the learned counsel for the petitioner and the learned Government Pleader, it appears that the only point of difference between them is that the learned counsel for the petitioner-bank is contending that Respondent Nos.1 to 4 refused to register the sale deed. On the other hand, learned Government Pleader appearing for Respondent Nos.1 to 4 contends that the petitioner-bank never submitted sale certificate or any document before Respondent Nos.1 to 4 for registration. However, considering the fact that against the subject property there is an attachment order passed by the Deputy Commercial Tax Officer-II, Ramachandrapuram *vide* Notification No.18 of 2019 on 27.02.2019, it appears that Respondent Nos.1 to 4 are not permitting the petitioner to submit the sale deed for registration.

6. The issue as to whether Respondent Nos.1 to 4 who are registering authorities can refuse to register the sale certificate on the ground that the attachment order was passed by Deputy Commercial Tax Officer-II, Ramachandrapuram has already been considered by this Court on various occasions. In the case of ***M/s Manasa Hotels Private Limited Vs Union of***

India and others¹, it was held that the attachment affected subsequent to the mortgage created in favour of the bank do not affect the rights of the secured creditor over the subject property and such attachments have no impact on the sale conducted under the Act. The said view has been followed by this Court in the case of **City Union Bank Ltd Vs. Sub-Registrar, Peddapalli, Karimnagar District and others**². Learned counsel for the petitioner also placed reliance on the Judgment of the Co-ordinate Bench of this Court in W.P.No.1779 and 1856 of 2025, wherein similar view has been taken.

7. Admittedly, in the present case, mortgage in favour of the petitioner-bank was created on 20.05.2014 and the attachment order was passed by Deputy Commercial Tax Officer-II, Ramachandrapuram vide Notification No.18 of 2019 on 27.02.2019. As such, it is clear that the attachment order was passed subsequent to mortgage created in favour of the petitioner-bank. Thus, in our considered view the said attachment order do not affect the rights of the secured creditor over the subject property.

8. Accordingly, this Writ Petition is allowed with the following direction:-

Respondent Nos.1 to 4 shall register the sale deed in accordance with the provisions of the Registration Act, 1908 upon payment of requisite registration fee and other charges, if any, permitted under law notwithstanding the existence of

¹ W.P.No.12458 of 2024

² 2018 SCC online Hyd 370

the attachment order, dated 27.02.2019, within a period of one week from the date of presentation of document.

There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE SUNITHA GANDHAM

Dated: 20.07.2026

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

WRIT PETITION NO: 27727/2025

Dated: 20.07.2026

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