

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010502502025



**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: 25924/2025

Between:

1. UNION BANK OF INDIA, ASSET RECOVERY BRANCH,
VIJAYAWADA 4TH FLOOR, ANDHRA BANK BUILDING, R.R.
APPARAO STREET, VIJAYAWADA, ANDHRA PRADESH - 520 001
REPRESENTED BY ITS AUTHORIZED OFFICE

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT
VELAGAPUDI, AMARAVATHI, ANDHRA PRADESH

2. DIRECTOR AND INSPECTOR GENERAL OF REGISTRATION AND
STAMPS, D. NO. 5/59, R.K. SPRING VALLEY APARTMENTS,
MANDAL, EDUPUGALLU, KANKIPADU, KRISHNA DISTRICT,
ANDHRA PRADESH -521151.

3. THE SUB REGISTRAR OF ASSURANCES, GUNIPUDI, BHIMAVARAM
BYPASS ROAD, BHUPATHIRAJU RAMURTHY RAJU NAGAR,
NARASAYYAAGRAHARAM, BHIMAVARAM, ANDHRA PRADESH
534201.

4. THE SUB REGISTRAR OF ASSURANCES, NARSAPUR, STEAMER

ROAD, NARSAPUR, BHIMAVARAM, ANDHRA PRADESH - 534275.

5. SRI GUDDATI YEDUKONDALU, S/O GUDDATI SUBBARAO, R/O D. NO. 27-3-71, NETHAJI STREET, SRIRAMPURAM, BHIMAVARAM, WEST GODAVARI DISTRICT - 534 202.

6. M/S SHRIRAM FINANCE LIMITED, BHIMAVARAM BRANCH, D NO 27/16/9, RAVINDRA PLAZA, RAYALAM ROAD, BEHIND PADMALAYA THEATRE, RAAYALAM, BHIMAVARAM, ANDHRA PRADESH 534202

...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 inaction and refusal on the part of the Respondent No. 3 and 4 to register the Sale Certificate/s being issued by the Petitioner in favour of the auction purchaser/s under SARFAESI Act in respect of (1). Flat No. S1, admeasuring 1250 Sft including common area together with undivided share of 44.26 Square Yards in Second Floor of Divya Sai Apartment bearing Door No. 24-11-27, 33 ward (old P' ward and New 35th Ward) in R.S. No. 441/AI in Bhimavaram Municipality and Mandal, West Godavari District and (2). Open land admeasuring 4840 Square Yards or Ac. 1.00 Cents comprising of Ac. 0.88 Cents in R.S. No. 173/2E (before subdivision R.S. No. 173/2A, 173/1) and Ac. 0.12 Cents in R.S. No. 173/IA of Rusthumbadh Village, Nearest door No. 1-23, Narsapur Mandal, West Godavari District as arbitrary, illegal, capricious and violative of principles of natural justice and against the provisions of SARFAESI Act, 2002 and the Rules framed there under. Section 48 of Transfer of Property Act and Memo No.G1/E5831041/2022, dt. 13.05.2022 issued by Respondent No. 1 and consequently direct the Respondent No.3 and 4 to register the Sale Certificate/s being executed by the Petitioner Bank under SARFAESI Act

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 Respondent No. 3 to register the Sale Certificate/s being issued by the Petitioner in favour of the auction purchaser in respect of Flat No. S1, admeasuring 1250 Sft including common area together with undivided share of 44.26 Square Yards in Second Floor of Divya Sai Apartment bearing Door No. 24-11-27, 33 ward (old 1st ward and New 35*

Ward) in R.S. No. 441/AI in Bhimavaram Municipality and Mandal, West Godavari District pending disposal of the above Writ Petition

Counsel for the Petitioner:

1.V DYUMANI

Counsel for the Respondent(S):

1.O UDAYA 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

WRIT PETITION NO: 25924 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.3 & 4 in refusing to register the Sale Deed in favour of the auction purchaser(s)/bidder(s) as illegal, arbitrary and contrary to the provisions of the Enforcement of Security Interest and Recovery of Debts laws and Miscellaneous provisions (Amendment) Act, 2016 (Act 44 of 2016).

2 Heard the learned counsel for the petitioner and the learned Government Pleader for Stamps and Registration appearing for Respondent Nos.2 to 4.

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

4. On behalf of the 3rd 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 14.06.2024 passed by the Arbitrator in A.I.A.No.13 of 2024 in A.C.No.09 of 2024, respondent authorities had included the subject property in the prohibited property list. It is further averred in the counter affidavit that the office of the registration 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 the 3rd respondent refused to register the sale deed. On the other hand, learned Government Pleader appearing for Respondent Nos.2 to 4 contends that the petitioner-bank never submitted sale certificate or any document before the 3rd respondent for registration. However, considering the fact that against the subject property there is an attachment order passed by the Arbitrator on 14.06.2024 in A.I.A.No.13 of 2024 in A.C.No.09 of 2024, it appears that Respondent Nos.3 and 4 are not permitting the petitioner to submit the sale deed for registration.

6. The issue as to whether Respondent Nos.3 and 4 who are registering authorities can refuse to register the sale certificate on the ground that the attachment order was passed by the concerned Civil Court 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 others***¹, 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

¹ W.P.No.12458 of 2024

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 15.05.2019 & 02.07.2020 and the attachment order was passed by the Arbitrator in A.I.A.No.13 of 2024 in A.C.No.09 of 2024 on 14.06.2024. 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:-

The 3rd respondent 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 the attachment order, dated 14.06.2024, within a period of one week from the date of presentation of document.

² 2018 SCC online Hyd 370

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

TM

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

WRIT PETITION NO: 25924/2025

Dated: 20.07.2026

TM

