

Date of reserved for orders :

Date of pronouncement :

Date of uploading :

APHC010630252025



**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: 32697/2025

Between:

1. MAXIMUS ARC LIMITED, 302B, JAIN SADGURU IMAGES CAPITAL PARK, IMAGES GARDEN ROAD, VIP HILLS, MADHAPUR, HYDERABAD-500 081. REP. BY ITS VICE PRESIDENT, MR.K.HARI KRISHNA

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY THE SECRETARY, STAMPS AND REGISTRATION, SECRETARIAT, VELAGAPUDI, ANDHRA PRADESH

2. INSPECTOR GENERAL OF STAMPS AND REGISTRATIONS, GOVERNMENT OF ANDHRA PRADESH, V SQUARE BUILDING, KSR PARK ROAD, WARD NO.2, TADEPALLI, GUNTUR-522501.

3. THE SUBREGISTRAR OF ASSURANCES, TIRUPATI SUB REGISTRAR OFFICE, 340, OPP TATA NAGAR, TIRUPATI, ANDHRA PRADESH-517 501.

4. M/S SUDALAGUNTA HOTELS LIMITED, REP BY ITS. MANAGING DIRECTOR, S. JAYARAM CHOWDARY, NOS 209, TP AREA CHITTOOR, TIRUPATI, ANDHRA PRADESH - 517501.

- 5.MRS SUDALAGUNTA PRAMEELA, W/O. SUDALAGUNTA JAYARAM CHOWDARY, D.NO.19-3-20G/1, KAKATHIYA NAGAR, TIRUPATI CITY CHITHOOR DISTRICT, A.P- 517501.
- 6.MR SUDALAGUNTA RAMANAIAH NAIDU, S/O LATE S.PENCHALA NAIDU, D.NO.19-3-20G/1, KAKATHIYA NAGAR, TIRUPATI CITY, CHITHOOR DISTRICT, A.P- 517 501.
- 7.MR SUDALAGUNTA JAYARAM CHOWDARY, S/O LATE S.PENCHALA NAIDU, D.NO.19-3-20G/1 KAKATHIYA NAGAR, TIRUPATI CITY, CHITHOOR DISTRICT, A.P-517 501
- 8.MR KOORAPATI SUDHAKAR CHOWDARY, S/O. LATE RAMACHANRA NAIDU, D.NO. 3-2-56, KOORAPATI FARM, VIDYA NAGAR COLONY, CHANDRAGIRI ROAD, TIRUPATI, THIRUPATI DISTRICT, AP 517502.
- 9.M/S AUTHUM INVESTMENT AND INFRASTRUCTURE LIMITED AML, ERSTWHILE M/S RELIANCE CAPITAL LIMITED, SAI JBM COMPLEX BUILDING NO.536,1ST FLOOR, NEW.NO.1057, PLOT.NO.5, POONAMALEE HIGH ROAD, ARUMBAKKAM,CHENNAI, TAMILNADU STATE-600 106

...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 topleased to issue a Writ or Order or direction more particularly the one in the nature Writ of Mandamus declaring the inaction of the 3rd Respondent in registering the Assignment Agreement dated 27-05-2024 bearing provisional Doct.No.P27/2024 entered into by and between the Petitioner Company and the 9th Respondent under the provisions of SARFAESI Act in relation to the mortgaged properties i.e., four commercial lands each admeasuring Ac 0.1 Scents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A, situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents , Ac 0.13 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A, situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents Ac 0.15 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A situated at near Chintalachenu, Tirupati village total land measuring Ac 0.33 cents,Ac 0.13 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents mentioned as Item.Nos. 1 to 4 of the Assignment Agreement along with all the constructions, improvements, easementary

rights existing and appurtenant thereon on the pretext that the 8th Respondent has obtained an order of Attachment on the said properties in i.A.No.86/2022 in O.S.No.36/2022 dated 14-03-2023 on the file of the Honble X Addl. District Judge, Tirupati against the 7th Respondent and the said property has been included in the list of prohibited properties as illegal, arbitrary and against to the provisions of SARFAESI Act,2002 and the rules framed there under and consequentially to direct the 2nd Respondent to register the Assignment Agreement dated 27-05-2024 bearing provisional doct.No.P27/2024 entered into by and between the Petitioner Company and the 9th Respondent under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest 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 prays the Hon'ble Court to pass Interim orders pending disposal of the Writ Petition directing the 3rd Respondent to register the Assignment Agreement dated 27-05-2024 issued by the Petitioner Company in relation to the mortgaged properties i.e., three commercial lands each admeasuring Ac 0.13cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A, situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents , Ac 0.13 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A, situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents, Ac 0.15 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A situated at near Chintalachenu, Tirupati village total land measuring Ac 0.33 cents, Ac 0.13 cents in Sy.No 27/4 and Ac 0.18 cents in Sy.No 30/A, situated at near Chintalachenu, Tirupati village total land measuring Ac 0.31 cents and to pass

Counsel for the Petitioner:

1.V.V.L.N.PURNESH

Counsel for the Respondent(S):

1.DASAM DURGA SHIVA SAI

2.PAWAN KUMAR MALAPATI

3.GP FOR REGISTRATION AND STAMPS

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

WRIT PETITION NO: 32697 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 the 3rd respondent in not registering the assignment agreement, dated 27.05.2024 entered between the petitioner company and the 9th respondent as illegal, arbitrary and contrary to the provisions of the 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 3.

3. The grievance of the petitioner is that Respondent No.3 refused to register the assignment agreement, dated 27.05.2024 entered between the petitioner company and the 9th respondent.

4. On behalf of Respondent Nos.3 & 8 counter affidavits have been filed. Basing on the averments made in the counter affidavit, the learned Government Pleader would submit that as per the attachment order passed by the X Additional District Judge Court, Tirupati in I.A.No.86 of 2022 in O.S.No.36 of 2022, dated 14.03.2023, the 3rd respondent had included the

subject property in the prohibited property list. It is further averred in the counter affidavit that the 3rd respondent office has not been received any document related to the petitioner company seeking registration. Whenever the petitioner company submits assignment agreement with all enclosures and requisite Stamp Duty, Registration Fee and user chargers, they will take steps to register the same.

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-company is contending that the 3rd respondent refused to register the assignment agreement. On the other hand, learned Government Pleader appearing for the 3rd respondent contends that the petitioner company never submitted assignment agreement 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 X Additional District Judge Court, Tirupati on 14.03.2023 in I.A.No.86 of 2022 in O.S.No.36 of 2022, it appears that the 3rd respondent is not permitting the petitioner to submit the assignment agreement for registration.

6. The issue as to whether the 3rd respondent who is the registering authority can refuse to register the assignment agreement 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 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 company was created on 04.02.2016 and the attachment order was passed by the X Additional District Judge Court, Tirupati in I.A.No.86 of 2022 in O.S.No.36 of 2022 on 14.03.2023. As such, it is clear that the attachment order was passed subsequent to mortgage created in favour of the petitioner-company. 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 No.3 shall register the Assignment agreement, dated 27.05.2024 in accordance with the provisions of the Registration Act, 1908 upon payment of requisite registration fee and other charges, if any, permitted

¹ W.P.No.12458 of 2024

² 2018 SCC online Hyd 370

under law notwithstanding the existence of the attachment order, dated 14.03.2023, 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: 32697/2025

Dated: 20.07.2026

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