Date of reserved for orders :
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APHC010488002025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3602]**
(Special Original Jurisdiction)

MONDAY, THE 20th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 25707/2025

Between:

1. UNION BANK OF INDIA, ASSERTS RECOVERY BRANCH, RR APPA RAO STREET, VIJAYAWADA - 1 REP BY ITS AUTHORIZED OFFICER.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY THE SECRETARY, STAMPS AND REGISTRATION, SECRETARIAT, VELAGAPUDI, ANDHRA PRADESH
2. THE SUB REGISTRAR NALLAPADU, REGISTRATION OF STAMPS REVENUE, GUNTUR WEST MANDAL, GUNTUR DISTRICT.
3. M/S SRI VENKATA SRINIVASA COTTON GINNING MILL, REP BY ITS MANAGING PARTNER, VECHA KRISHNA MURTHY S/O CHINA MALLAIAH FLAT NO.29, 6THLANE, SWAMIJI APARTMENT, CHANDRAMOULI NAGAR, GUNTUR CITY-522 007
4. VECHA KRISHNA MURTHY, S/O CHINA MALLAIAH FLAT NO.29, LANE, SWAMIJI APARTMENT, CHANDRAMOULI NAGAR, GUNTUR CITY-522 007
5. VECHA SUNITHA, W/O KRISHNA MURTHY FLAT NO.29, 6TH

LANE, SWAMIJI APARTMENT, CHANDRAMOULI NAGAR, GUNTUR CITY-522 007 M

6. JITTAPALLI RAJENDRA BABU, S/O PANDU RANGARAO DOOR NO.3-29-13, 4TH LANE, KRISHNA NAGAR, PATTABHIPURAM, GUNTUR CITY - 522 006
7. SUDA VENKATESWARLU, S/O CHINA BHADRAIAH DOOR NO.9-6, OPP ANDHRA BANK STREET PIDUGURALLA POST AND MANDAL, GUNTUR DISTRICT, A.P., 522 413 08
8. CHITLA SRIKANTH, . S/O SUBBA RAO, FLAT NO.504, SVR MAISONETTE, CHANDRAMOULI NAGAR, BHASYAM VISWA KARMA CAMPUS, GUNTUR - 522 007
9. MOHAMMAD BILAL, S/O ABDUL RAKHEEB, DOOR NO.16-156/1, JANDA CHETTU STREET, MOULA NAGAR, GOLLAPUDI, VIJAYAWADA RURAL NTR DISTRICT, A.P.
10. SUBREGISTRAR, SUB REGISTRAR OFFICE, KORITEPADU, GUNTUR DISTRICT. RESPONDENT NO.10 WAS IMPLEADED AS PER C.O.DT.13.11.2025 VIDE I.A.NO.2 OF 2025 IN W.P.NO.25707 OF 2025.

...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 one in the nature of Writ of Mandamus declaring the inaction of the 2nd Respondent in registering the Sale Certificate dated 26.07.2023 issued by the Petitioner Bank under the provisions of SARFAESI Act in relation to the auctioned property of land admeasuring an extent of 155.55 sq. yards of vacant house site bearing Plot No.6 in D.No.266 from out of the total extent of Ac.2.84 cents situated in Koritapadu Village, Guntur Municipal Corporation Area, Guntur City, Guntur District along with all the improvements, easementary rights existing and appurtenant thereon on the pretext that Respondent No.8 has obtained an 15 order of attachment before Judgment on the said property passed in I.A. No. 47 of 2022 in O.S.No.23 of 2022, dated 02.02.2022 on the file of the Honble IV Addl. Senior Civil Judge, Guntur against one Vecha Krishna Murthy who is the Managing partner of Respondent No.1 and the said property has been included in the list of prohibited properties as illegal and consequentially to direct the 2nd

Respondent to register the Sale Certificate issued by the Petitioner Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in favour of the Respondent in relation to the said property pertaining to the Schedule properties of Mortgage deed Doct.No.292 of 2015, dated 27.03.2015 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 For the reasons stated in the affidavit filed in support of the main WP, it is hereby prayed the Hon'ble Court to pass Interim orders pending disposal of the Writ Petition directing the 2nd Respondent to register the Sale Certificate dated 26.07.2023 issued by the Petitioner Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in favour of the 9thRespondent in relation to the property and to pass such other order or orders which the Hon'ble Court deems just and proper in the circumstances of the case.

IA NO: 2 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 pleased to permit me to implead the Sub Register, Koritepadu as Respondent Nos. 10 the main writ petition and pass

Counsel for the Petitioner:

1. V.V.L.N.PURNESH

Counsel for the Respondent(S):

1. A SASIKANTHA PHANI
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: 25707 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 2nd respondent 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.1,2 and 10.

3. The grievance of the petitioner is that registration authorities refused to register the sale deed submitted by the petitioner-bank in favour of the auction purchaser.

4. On behalf of Respondent Nos.8 & 10 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 IV Additional Senior Civil Judge Court, Guntur in I.A.No.47 of 2022 in O.S.No.23 of 2022 the 2nd respondent had included the subject property in the prohibited property list. It is further averred in the counter affidavit that the

2nd respondent office 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 2nd respondent refused to register the sale deed. On the other hand, learned Government Pleader appearing for the 2nd respondent contends that the petitioner-bank never submitted sale certificate or any document before the 2nd respondent for registration. However, considering the fact that against the subject property there is an attachment order passed by the IV Additional Senior Civil Judge Court, Guntur on 02.02.2022 in I.A.No.47 of 2022 in O.S.No.23 of 2022, it appears that the 2nd respondent is not permitting the petitioner to submit the sale deed for registration.

6. The issue as to whether the 2nd respondent who is the registering authority 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 subject property

[1] W.P.No.12458 of 2024

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 27.03.2015 and the attachment order was passed by the IV Additional Senior Civil Judge Court, Guntur in I.A.No.47 of 2022 in O.S.No.23 of 2022 on 02.02.2022. 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.2 and 10 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* 02.02.2022, *within a period of one week from the date of presentation of document.*

There shall be no order as to costs.

[2] 2018 SCC online Hyd 370

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: 25707/2025

Dated: 20.07.2026
TM