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APHC010720422025



**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: 327/2026

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.522237

2. THE SUB REGISTRAR, PATAMATA REGISTRATION OF STAMPS
AND REVENUE VIJAYAWADA, NTR DISTRICT. 520010

3. MR MYSORE VENU GAPALA SHRIRAMA NAIDU, AGED ABOUT NOT
KNOWN S/O.M.VENUGOPALA NAIDU, R/O.FF6, 2ND FLOOR,
SEETHARAMA TOWERS, D.NO.74-7-21/1, PATAMATA DONKA
ROAD, VIJAYAWADA, NTR DISTRICT - 520 010

4. MYSORE SRI VIDYA, , W/O.VENUG GOPALA SHRIRAMA NAIDU,
AGED ABOUT NOT KNOWN C/O.BONAM SRIDEVI, R/O.D.N0.14-4-
26/2, RANGAMANNARPET, PALAKOL, EAST GODAVARI
DISTRICT.534260,

5.MYSORE YASHASHWINADH, S/O VENUG GOPALA SHRIRAMA NAIDU C/O BONAM SRIDEVI, BEING MINOR, REP BY HIS GUARDIAN MOTHER MYSORE SRI VIDYA I.E., 4TH RESPONDENT

6.VALETI RAVITEJA, C/O VALETI VENKATA SESHIAH, R/O FLAT NO.TF-5, SITARAMA TOWERS, 4TH FLOOR DONKA ROAD, PATAMATA, NEAR RATNADEEP SUPER MARKET, VIJAYAWADA, NTR DISTRICT -520 010.

...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 of the 2nd Respondent in removing the mortgaged schedule property from prohibited list in order to enable the Petitioner Bank from issuing sale Certificate and registered the Property in the name of the 6th Respondent auction purchaser under the provisions of SARFAESI Act in relation to the auctioned property of residential flat with an extent of 26.47 sq. yards of undivided share along with plinth area on 1078 sq. feets located at R.S.No. 190/10, Flat No.6, Old Asst No.31600/584, New Asst No.248575, D.No.74-7-21/1, Seetha Rama Towers, First Floor, Donka Road, Patamata, Vijayawada, NTR District 520 010 along with all the constructions, improvements, easementary rights existing and appurtenant thereon on the pretext that Respondent No.4 and 5 has obtained an order of attachment before Judgment on the said property passed in LA. No. 2021 of 2019 in O.S.No.229 of 2019, dated 21.10.2019 on the file of the Hon ble Principal Junior Civil Judge Court at Palakol against the 3rd Respondent and the said property has been included in the list of prohibited properties as illegal and consequentially to direct the 2nd Respondent to remove the said property from prohibited list enabling the Petitioner Bank to issue sale Certificate and register the said property in favour of the 6th Respondent auction purchaser under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 pertaining to the Schedule property of Mortgage deed Doct.No.2583/2014, dated 17.04.2014 and to pass

IA NO: 1 OF 2026

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 Hon'ble Court to pass Interim orders pending disposal of the Writ Petition

directing the 2nd Respondent to remove the subject property from prohibited list of properties in view of the request letter dated 09.12.2025 issued by the Petitioner Bank under the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 in relation to the property and to pass

Counsel for the Petitioner:

1.V.V.L.N.PURNESH

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

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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 not removing the mortgaged schedule property from the prohibited property list in order to enable the petitioner-bank from issuing sale certificate and registered the subject property in the name of the 6th respondent-auction purchaser as illegal and arbitrary.

2 Heard the learned counsel for the petitioner and the learned Government Pleader for Stamps and Registration appearing for the 2nd respondent.

3. The grievance of the petitioner is that the 2nd respondent who is the registering authority refused to register the sale deed submitted by the petitioner-bank in favour of the auction purchaser.

4. On behalf of the 2nd 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 21.10.2019 passed by the Principal Junior Civil Judge, Palakol in I.A.No.2021 of 2019 in O.S.No.229 of 2019 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 Principal Junior Civil Judge, Palakol on 21.10.2019 in I.A.No.2021 of 2019 in O.S.No.229 of 2019, 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 17.04.2014 and the attachment order was passed by the Principal Junior Civil Judge, Palakol in I.A.No.2021 of 2019 in O.S.No.229 of 2019 on 21.10.2019. 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:-

The 2nd 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 21.10.2019, 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: 327/2026

Dated: 20.07.2026

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