



IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI
(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF FEBRUARY TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU

WRIT PETITION NO: 946 OF 2022

Between:

Kolla Rattamma, W/o Hanumantha rao, Hindu, aged about 77 years, Occ. House Wife,
R/o. Annaparru post, Pedanandipadu Mandal, Guntur District.

Petitioner

AND

1. The State Of Andhra Pradesh, Represented by its Principal Secretary, Revenue (Stamps and Registration) Department, Velagapudi at Amaravathi, Guntur District.
2. The District Registrar, Guntur District at Guntur.
3. The Sub Registrar, Koritepadu, Koritepadu main Road, Guntur, Guntur District
4. Punjab National Bank, Represented by its Authorized Officer, Circle Sastra Center, D.No. 27-33-40, First Floor, Gudavalli ~~van~~ Street, Besant Road cross, Governorpet, Vijayawada, Krishna District

Respondents

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 action of the Respondents herein particularly Respondent No.3 in not registering the sale deed in favour of the Petitioner on the sale certificate being issued by the Respondent No.4, dated 14.12.2021 under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 despite the Respondent No. 4 issuing the certificate by enclosing the copies of the judgments rendered by the Honorable Apex court and also by the Honorable Supreme Court of India not to have any objection and also with regard to the registration is concerned as nothing but illegal, arbitrary, erroneous, high handed and violative of Articles 21 & 300 A of The Constitution of India and consequently direct the Respondent No. 3 to register the sale deed submitted by the petitioner on the execution made by the Respondent No. 4 basing on the sale certificate, dated 14.12.2021 issued under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002;

IA NO: 1 OF 2022

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.3 to register the sale deed submitted by the petitioner on the execution made by the Respondent No. 4 basing on the sale certificate dated 14.12.2021 issued under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, pending disposal of the Writ Petition No. 946 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI.A.K.KISHORE REDDY Advocate for the Petitioner and of learned GP for Registration & Stamps, for the Respondents, the Court made the following.

ORDER:

Challenging the inaction of the 3rd respondent in registering the sale deed in favour of the petitioner on the sale certificate being issued by the 4th respondent, dated 14.12.2021, under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002, despite the 4th respondent issuing the certificate by enclosing the copies of the judgments rendered by the Hon'ble Apex Court, the present Writ Petition is filed.

This Court is of the opinion that the Registrar can only reject the document by passing appropriate order under Section 71 of the Registration Act, 1908. The petitioner is, therefore, directed to present his document in accordance with law. The Registrar, is thereafter, directed to decide the correctness of the document presented and if for any reason he is of the opinion that it cannot be registered, he has to pass necessary order under Section 71 of the Act.

List the matter on 08.03.2022.

Sd/- M. SRINIVAS
ASSISATNT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Stamps and Registration) Department, State Of Andhra Pradesh, Velagapudi at Amaravathi, Guntur District.
2. The District Registrar, Guntur District at Guntur.
3. The Authorized Officer, Sub Registrar, Koritepadu, Koritepadu main Road, Guntur, Guntur District
4. Punjab National Bank, Circle Sastra Center, D.No. 27-33-40, First Floor, Gudavalli van Street, Besant Road cross, Governorpet, Vijayawada, Krishna District (1 to 4 by RPAD)
5. One CC to SRI.A.K.KISHORE REDDY Advocate [OPUC]
6. Two CCs to GP for Registration & Stamps, High Court Of Andhra Pradesh. [OUT]
7. One spare copy

SRL

HIGH COURT

DVSSJ

DATED:08/02/2022

NOTE: LIST THE MATTER ON 08.03.2022

ORDER

WP.No.946 of 2022

DIRECTION

17 FEB 2022