

**HON'BLE SRI JUSTICE R.SUBHASH REDDY
AND
HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT PETITION No.25396 of 2015

ORDER : (per Hon'ble Sri Justice R.Subhash Reddy)

This writ petition is filed by the petitioner-Bank seeking *Mandamus* to declare the action of the 2nd respondent in refusing to register the Sale Certificate issued by it in favour of Smt. Radhika Gandrathi, w/o. G. Srikanth in respect of Ac.1.20 guntas of land in Sy.No.634, situated at Chatanpally Village, Farooqnagar Mandal, Mahabubnagar District, as arbitrary and illegal, and consequently, sought a direction to the 2nd respondent to register the said Sale Certificate.

2. The petitioner-Bank is a secured creditor in respect of Ac.1.20 guntas of land in Sy.No.634, situated at Chatanpally Village, Farooqnagar Mandal, Mahabubnagar District, by virtue of mortgage created by respondent No.5-borrower for availing loan from the petitioner-Bank. As respondent No.5 defaulted in repayment of the loan amount, pursuant to the proceedings initiated by the petitioner-Bank under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity 'the SARFAESI Act'), the said property was sold in the auction conducted on 29.03.2014 in favour of one Smt. Radhika Gandrathi, w/o. Srikanth, who is the highest bidder, and Sale Certificate was also issued in her favour.

However, when the petitioner-Bank presented the said Sale Certificate before the 2nd respondent – Sub-Registrar, Farooqnagar, for registration, the same was refused on the ground that in view of the attachment order passed by the 3rd respondent – Registrar of Chits/Arbitrator, Hyderabad, in respect of the said property, the same cannot be registered. Hence, the present writ petition.

3. When the matter is called for hearing, it is represented that pursuant to the order dated 30.09.2015 passed by this Court, the 3rd respondent has passed orders dated 28.10.2015 in I.A.No.63 of 2013 in ABR.CF.No.474 of 2013, directing the 2nd respondent to raise the attachment against the aforesaid property.

4. In view of the said orders, there is no impediment for registration of the Sale Certificate issued in respect of the aforesaid property, provided such document is in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899.

5. Therefore, we deem it appropriate to dispose of the writ petition directing the 2nd respondent to consider the request of the petitioner-Bank to register the Sale Certificate in respect of Ac.1.20 guntas of land in Sy.No.634, situated at Chatanpally Village, Farooqnagar Mandal, Mahabubnagar District, taking into account the order passed by the 3rd respondent raising attachment on the said property, provided

such document is in accordance with the provisions of the Registration Act, 1908 and the Indian Stamp Act, 1899.

6. Subject to the above direction, this writ petition is disposed of, at the admission stage. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No order as to costs.

JUSTICE R. SUBHASH REDDY

JUSTICE A.SHANKAR NARAYANA

18.11.2015.

Msr

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