

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH

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WRIT PETITION No.21462 of 2015

BETWEEN

State Bank of Hyderabad.

... PETITIONER

AND

M/s. Lakshmi Paper Mills Pvt. Ltd. and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 27.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. | Whether Reporters of Local newspapers may be allowed to see the Judgments? | No |
| 2. | Whether the copies of judgment may be marked to Law Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

State Bank of Hyderabad had auctioned 936 sq. yards in Sy.No.1099/1B of Hukumpeta village, Rajahmundry Rural Mandal, East Godavari District under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

After the said auction, when the petitioner bank sought registration, the Sub-Registrar, Kadiyam, declined registration under the impugned endorsement dated 15.06.2015 on the ground that the said land is recorded as railway land in the Government list of lands as per the letter of the Tahsildar dated 09.08.2013. Questioning those proceedings, the present writ petition is filed.

2. On the last date of hearing, the instructions received by the learned Government Pleader from the Tahsildar, Rajahmundry, were placed before this Court, which state as follows:

“As per the Revenue village records the above said Sy.No.1099/1A of Ac.0.91 (0.35298 sq. yards, Sy.No.1099/1B1 is of Ac.0.33 cts is mentioned as Railway line (Government Land) And Sy.No.1099/1B2 measuring an extent of Ac.9.70 cts are classified as Zeroyiti Dry, on ground the lands are House sites, roads and some of the lands are Grass Lands.

In view of the above it is submitted that the Sy.No.1099/1A of Ac.0.81 cts and Sy.No.1099/1B1 of Ac.0.33 cts is Railway Line And Sy.No.1099/1B2 of Ac.9.70 cts is Zeroyiti Dry. And it is requested to Apprise the above matter before the Hon'ble high Court of AP, Hyderabad.”

In view of that, this Court directed the Government Pleader to get clear instructions.

3. Today, when the matter is taken up for hearing, learned Government Pleader states that he has not received further instructions. However, during the hearing, it is found appropriate to direct the Tahsildar, Rajahmundry Rural, to physically verify the land in Sy.No.1099/1B and to ascertain whether the land sold by the petitioner bank to the auction

purchaser under the Act is as per the schedule of auction notice and give report to the Sub-Registrar, Kadiyam as to whether the said 936 sq. yards would fall within Ac.9.70 cents classified as Zeroyiti land. The Tahsildar, Rajahmundry Rural shall complete the exercise, as directed above, within a period of three (3) weeks from the date of receipt of a copy of this order.

Once the report of this nature is presented before the Sub-Registrar by the Tahsildar, Rajahmundry Rural, the Sub-Registrar shall re-examine the impugned endorsement and shall pass further orders.

The writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 27, 2015

Note:

Registry to mark a copy of this order to the
Tahsildar, Rajahmundry (Rural)

(**B/o**) DSK