THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

W.P.Nos.23443 & 26375 of 2005, 36265 of 2014 and 18665 of 2015

COMMON ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

In all these writ petitions, the action of the banks/financial institutions in subjecting the mortgaged properties, of the borrowers, to sale for recovery of their dues is questioned on the ground that the sales tax authorities have a statutory first charge on the subject properties in terms of Section 16-C of the A.P.General Sales Tax Act, 1957, and Section 26 of the A.P.Value Added Tax Act, 2005.

This question is no longer *res integra* as the Supreme Court, in ***Central Bank of India vs. State of Kerala***[1]*,* has held that a statutory charge for recovery of sales tax, would have preference over the charge, in respect of the properties, created in favour of the banks concerned.

Following the said judgment, and in terms thereof, these writ petitions are also disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M. SATYANARAYANA MURTHY, J

Date:21.03.2016
JSU

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

W.P.Nos.23443 & 26375 of 2005, 36265 of 2014 and 18665 of 2015

-

-

Date:21.03.2016

JSU

---

[1] 2009(4) SCC 94