

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No.9670 of 2016

Between:

Mohammed Ahmedulla

PETITIONER

And

1. State Bank of India, Stressed Assets Management Branch, rep. by its Authorized Officer, D.No.6-2-915, 5th floor, Rear Block, HMWSSB Compound, Khairtabad, Hyderabad, and others.

RESPONSENTS



THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
AND
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ORDER: (Per Hon'ble Sri Justice V. Ramasubramanian)

Challenging an order passed under Section 14 of the SARFAECI Act, a person claiming to be an agreement holder in possession of the property, has come up with the present writ petition.

2. Heard Mr. Mirza Safiulla Baig, learned counsel for the petitioner and Mr. B.S. Prasad, learned counsel for the Bank.

3. The agreement of sale on the basis of which the petitioner had laid a claim, is stamped on stamp papers of Rs.100 and is also unregistered. Under Clause (1) of the agreement of sale the vendors are supposed to have conveyed and transferred the property as well as possession, in praesenti. It means the said agreement of sale, which is insufficiently stamped and not registered, is virtually a deed of conveyance, which is not admissible in evidence. On the basis of such an agreement no writ petition can be entertained. Therefore, the writ petition is dismissed.

As a sequel, pending miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

JUSTICE V. RAMASUBRAMANIAN

JUSTICE G. SHYAM PRASAD

16th November, 2016
Js.

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN
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Date: 16-11-2016

Js.