

**THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA
RAO
AND
THE HON'BLE DR. JUSTICE B.SIVA SANKARA RAO**

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WRIT PETITION No.24012 of 2014

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ORDER : (per the Hon'ble Sri Justice Nooty Ramamohana Rao)
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This writ petition is instituted by the auction purchaser seeking a declaration that the action of the 1st respondent-Chief Manager, State Bank of India in not coming forward to register the conveyance deed for the immovable property sold under the sale certificate dated 26.03.2014 by mentioning the current boundaries and the structures standing thereon as per the draft sale deed enclosed by the petitioner as bad in law.

In view of the order proposed to be passed by us, it may not be relevant to deal with all the facts set out in the writ petition, suffice it to notice that when State Bank of India has taken measures of securitisation of the debt due by the borrower, under Section 13 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act'), the petitioner herein has emerged as the best bidder and his bid of Rs.83,70,000/- has been accepted. Since he deposited the said money, the State Bank of India has issued the sale certificate in his favour

on 26.03.2014. In the schedule of the property appended to the said sale certificate, both the items of immovable properties sold to the petitioner have been completely delineated with boundaries specified clearly. Therefore, that part of the prayer, where the writ petitioner sought for a direction to the respondents to make a mention about the current boundaries of the schedule of the properties sold to him, cannot be acceded to. Therefore, the respondent-Bank is liable to register either the sale certificate dated 26.03.2014 or any separate conveyance deed which the petitioner has prepared incorporating properly and correctly of the terms and conditions, subject to which the sale of the secured asset is carried out by the bank and so long as the boundaries of the properties tally exactly to the details mentioned in the schedule of property appended to the sale certificate dated 26.03.2014, the same can be registered.

In so far as the contention of the learned counsel for the petitioner that the structures standing thereon must be measured by the respondent-bank and their details also be made a mention in the conveyance deed or at least in a separate form as Annexure-IA to the sale certificate is concerned, the learned counsel for the respondent-Bank is right in pointing out that when the security interest has been created in its favour by way of

creating mortgage over the property, the title deeds of the secured asset have been deposited with the bank by the principal borrower which contained that the built up area is approximately 530 sft in the ground floor and 530 sft in the first floor and so far as second property is concerned, 335 sft in the ground floor and 335 sft in the first floor is mentioned. Therefore, to that extent alone, the Bank has got an obligation to mention in the separate conveyance deed or Annexure-IA to the sale certificate.

Particularly when the respondents have undertaken sale on 'as is where is condition', it is for the purchaser to inspect the property which is offered for sale and then take it or leave it. He cannot, after having purchased the property, insist for a better title to be conveyed to him than what was available with the respondent-bank. Hence, to the extent of the prayer seeking a direction to the respondents to measure the existing structures on the properties which are offered and to make a mention of the same either in the sale certificate or in Annexure-IA or in a separate conveyance is concerned, it cannot be undertaken as there is no such right in favour of the writ petitioner and there is no such corresponding obligation on the part of the respondent-Bank to be enforced or discharged.

The writ petition is disposed of with this order. No

costs. Consequently, miscellaneous petitions, if any shall stand closed.

NOOTY RAMAMOHANA RAO, J

Dr.B.SIVA SANKARA RAO, J

15-03- 2016
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