

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.37064 OF 2016

ORDER:

This writ petition is filed by State Bank of India-petitioner declaring the action of the 3rd respondent in refusing to register the Sale Certificate dated 17.10.2016 issued by the Recovery Officer, Debts Recovery Tribunal in respect of the land admeasuring Ac.0.80 cents out of total extent of Ac.2.60 cents, as remaining part Ac.1.80 cents was submerged in Krishna River in Sy/D.No.23/2 of Rayapudi Village & Gram Panchayath, Mangalagiri, Guntur District on the ground that the Adangal and Record of Rights were not updated, as illegal and arbitrary

Learned counsel for the petitioner submits that as the guarantor, who owned the subject lands failed to repay the loan amount sanctioned by the petitioner, the petitioner approached the Debt Recovery Tribunal by filing an application in O.A.No.736/1996 for recovery of the said amounts. The said application was allowed on 20.03.2002 and a certificate was also issued for a sum of Rs.35,62,455/- (Rupees Thirty Five Lakhs Sixty two thousand and four hundred and fifty five only) together with future interest @ 16% p.a from the date of Recovery Certificate till realization is due to the bank. Thereafter, auction was conducted by the petitioner on 09.09.2016 in respect of the subject land and Certificate of Sale was also issued to the highest bidders in

the said auction. On 19.10.2016, when the said auction purchasers approached the 3rd respondent for registration of said subject property, the 3rd respondent refused to register on the pretext that Adangal and ROR are not updated.

Counter affidavit is filed by the 3rd respondent stating that since the document presented by the auction purchasers is chargeable with stamp duty of 6.5% and 1% registration fees under Article 47-A of Indian Stamp Act, 1899, the Recovery Officer appointed under SARFAESI Act, 2002 shall pay the deficit stamp duty and deficit registration fees on behalf of the auction purchaser and the same shall be presented for registration after complying the other conditions.

Learned counsel for the petitioner submits that necessary stamp duty and registration fees will be paid as per the provisions of the Stamps and Registration Act.

In view of the same, the petitioner is directed to present the Sale Certificate before the 3rd respondent by paying necessary Stamp duty and registration fee in terms of the Stamps and Registration Act and the Rules made thereunder and on presentation of the same, the 3rd respondent is directed to entertain the said document, if the same is in order as per the provisions of Stamps and Registration Act and the Rules thereunder and accordingly register the same by taking into account the declaration filed by the petitioner

under Section 6(D) of A.P.Rights in Land and Pattadar Pass Books Act, 1971.

With the above direction, the writ petition is disposed of. There shall be no order as to costs. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

30.01.2017

Note:

CC by one week

(B/o) dv

