

HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN

AND

HON'BLE MS. JUSTICE J. UMADEVI

Writ Petition No.45399 of 2016

Order: *(per V.Ramasubramanian, J.)*

The petitioners, the first of whom was an Additional Director in a Private Limited company, which happened to be a dealer under the A.P.G.S.T. Act, 1957 and the second of whom has purchased the private property of the 1st petitioner, have come up with the present writ petition challenging the action of the 2nd respondent in not withdrawing a notice of attachment and also challenging the action of the 5th respondent-Sub-Registrar in refusing to register the sale deed executed by the 1st petitioner in favour of the 2nd petitioner.

2. Heard Mr. Bhaskar Reddy Vemireddy, learned counsel for the petitioners and Sri T. Vinod Kumar, learned special standing counsel for the respondents.

3. Admittedly, a company by name Maha Cement Products Private Limited was the dealer in default. The 1st petitioner was the Additional Director of the said Private Limited Company. For the default committed by the Company, the property of the 1st petitioner was sought to be brought to sale. But the same was set at naught by this Court by an order dated 12-02-2007 passed in W.P.No.24186 of 2004.

4. Despite the fact that this Court recorded a categorical finding that the private properties of the Directors cannot be attached

unless a charge had been created over the same, the attachment continues on account of which the Sub-Registrar refused to register the document executed by the 1st petitioner in favour of the 2nd petitioner.

5. After getting instructions, it was reported by the learned standing counsel that the 1st petitioner has not mortgaged or created a charge in respect of his private property for the defaults committed by the company of which he was the Additional Director. Therefore, the judgment dated 12-02-2007 passed by this Court in W.P.No.24186 of 2004, has not only attained finality, but also has clinched the issue. The attachment is no longer valid and the Sub-Registrar cannot refuse to register unless there are any other difficulties such as non-payment of stamp duty etc.

6. Therefore, the writ petition is disposed of directing the 5th respondent Sub-Registrar to treat the order of attachment served in Form-5 on 02-02-2001 as *non-existent* and proceed in accordance with law.

As a sequel thereto, miscellaneous petitions, if any, pending shall stand closed.

V.RAMASUBRAMANIAN, J

J. UMA DEVI, J

Date: 20-02-2017

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