

THE HON'BLE SRI JUSTICE SANJAY KUMAR  
AND  
THE HON'BLE SRI JUSTICE GUDI SEVA SHYAM PRASAD

WRIT PETITION No.29984 of 2016

ORDER: (Per Justice Sanjay Kumar)

Challenge in this writ petition was to the sale notice dated 19.02.2016 issued by the State Bank of Hyderabad proposing to hold the sale of the secured asset which is allegedly in the possession of the petitioner company.

The petitioner company claims to be a tenant in possession of the secured asset. However, perusal of the lease deed under which it claims tenancy rights reflects that it was executed on 23.02.2007 reserving a monthly rent of Rs.26,000/- but the document is not registered. In terms of Section 17 of the Registration Act, 1908, as it is applicable in the State of Telangana, a lease of immovable property, irrespective of the length of the lease period, is compulsorily registerable.

That being so, in the light of the law laid down by the Supreme Court in Harshad Govardhan Sondagar v. International Assets Reconstruction Company Limited<sup>1</sup>, the petitioner company cannot assert any rights under the unregistered lease document.

This apart, Sri A.V.S. Rama Krishna, learned counsel for the State Bank of Hyderabad, would inform us that the auction sale proposed under the impugned sale notice dated 19.02.2016 did not materialize. Challenge to the said sale notice is therefore rendered purely academic and does not warrant consideration on merits.

On both grounds, the writ petition is liable to be dismissed and it is accordingly dismissed.

Interim order dated 07.09.2016 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

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SANJAY KUMAR, J

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GUDI SEVA SHYAM PRASAD, J

3<sup>rd</sup> July, 2017  
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<sup>1</sup> (2014) 6 SCC 1