

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

WRIT PETITION No.34804 of 2015

ORDER: (Per Justice Sanjay Kumar)

This writ petition was filed assailing the notice dated 16.09.2015 issued by the Andhra Pradesh State Financial Corporation under Rule 8(6) of the Security Interest (Enforcement) Rules, 2002, informing the second respondent, the borrower, of its intention to put the secured assets to sale.

Sri Y.N. Vivekananda, learned counsel for the Andhra Pradesh State Financial Corporation, would state that the sale took place pursuant to the impugned sale notice but the auction purchaser has not been impleaded as a party to this writ petition even thereafter.

Sri Deepak Mishra, learned counsel representing Sri P. Vamseedhar Reddy, learned counsel for the petitioner, would point out that this Court directed that confirmation of the sale would be subject to further orders to be passed in this writ petition.

Even if that be so, perusal of the material on record reflects that the petitioner claims to be the holder of agreements of sale executed by the second respondent, the borrower, in relation to both the secured assets and claims that these agreements were executed prior to creation of the mortgage in favour of the Andhra Pradesh State Financial Corporation. However, the admitted fact remains that there was no actual conveyance of title in favour of the petitioner and the suit filed by him seeking specific performance of the agreements of sale is still pending consideration before the civil court. It is also brought to our notice that

the agreements of sale under which the petitioner claims rights are unregistered agreements of sale.

In the light of the amendment of Section 17 of the Registration Act, 1908, under the Act 4 of 1999 with effect from 01.04.1999 in so far as the erstwhile State of Andhra Pradesh is concerned, agreements of sale relating to immovable property are to be compulsorily registered.

Sri Deepak Mishra, learned counsel, admits that the agreements of sale under which the petitioner seeks to assert rights were executed in the year 2009.

That being so, this Court is of the opinion that the petitioner has no crystallized right whereby he can claim that the Andhra Pradesh State Financial Corporation cannot proceed against the secured assets offered by the second respondent on mortgage in relation to the loan facilities availed by him. The petitioner's grievance, if any, can only be against his vendor and no redressable lawful grievance is demonstrated before this Court in so far as the action of the Andhra Pradesh State Financial Corporation is concerned.

The writ petition is accordingly dismissed.

Pending miscellaneous petitions, if any, shall also stand dismissed.

No order as to costs.

SANJAY KUMAR, J

GUDI SEVA SHYAM PRASAD, J

13th July, 2017
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