

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

COMPANY APPLICATION NO.505 OF 2018

IN

Company petition No.1098 of 2001

ORDER:

This Company Application is filed seeking a direction to the Official Liquidator to execute and register a deed of rectification for correcting the survey numbers 453/2 as 453/2a, 453/3 as 453/3a and 459/3 as 459/3b of Penugonda village in the sale deed dated 12.02.2018.

The brief averments are that the respondent company in liquidation was the owner of an extent of Ac.16.60 cents of land in Penugonda Village and Mandal, Anantapuram District situated in Sy.Nos. 453/2a (Acs.11.60.), 453/3a (Acs.3.91), 459/3b (Ac.0.26), 196/4 (Ac..0.54) and 453/1b (Ac.0.29.), having acquired the same from the erstwhile Government of Andhra Pradesh for setting up of an industry. The respondent company was directed to be wound up and the said lands were put to sale through public auction, wherein the petitioner became the successful bidder by offering a sum of Rs.6,60,00,000/- and the sale was confirmed in his favour by this Court on 05.09.2011. The petitioner paid the entire amount and possession of the land was taken over along with buildings and civil works at Penugonda. Thereafter, the Official Liquidator, on behalf of the respondent company executed a Sale Deed dated 12.02.2018, wherein the schedule of property was mentioned as Ac.16.60 cents (Ac.11.60 in Sy.No.453/2, Ac.3.91 in Sy.No.453/3, Ac.0.26 in Sy.No.459/3, Ac.0.54 Sy.No.196/4 and Ac.0.29 in Sy.No.453/1B) along with Buildings and Civil Work at Penugonda, Ananthapur District. The said sale deed is kept pending as

P.No.12/2018 for scrutiny stating that the records available in their office shows the lands situated in the survey numbers as follows:

Name of the Village	Sy.No.	Extent	Remarks
Penukonda	432/2A	11.60	Patta Land
	453/2B	3.50	Government Land
	453/3A	3.91	Patta Land
	453/3B	1.00	Government Land
	459/3	0.76	Government Land
	196/4	0.54	Patta Land
	453/1B	0.29	Patta Land

However, on verification of the web land in Sy.No.453/2B an extent of Acs. 3.50 and in Sy.No.453/3B an extent of Ac.1.00, in Sy.No.459/3 an extent of Ac.0.76 was recorded as Government land and the District Collector, Anantapur vide reference No. E2/644/2016, dated 22.03.2016 had issued prohibitory orders under Section 22(A) (1) (b) of the Indian Registration Act, 1908. Survey Nos. 453/2B and 453/3B were occupied by the Police Superintendent Bungalow and Excise Police Station. On enquiry, the applicant understood that Survey Nos.453 and 459 were subdivided and only a portion of land came to be acquired for the purpose of company in liquidation and that it has become necessary for the respondent Official Liquidator to execute a rectification deed so as to be in conformity with the land as available on ground.

A counter-affidavit was filed by the Official Liquidator admitting the sale of the lands in favour of the petitioner through auction and the payment made by him and execution of the sale deed dated 12.02.2018. Further, it is averred that the enquiry by the Tahasildar disclosed that the land in Sy.No.453/2B (Acs.3.50) was occupied by the Police Superintendent Bungalow and the land

in Sy.No.453/3B (Ac.1.00) by the Excise Police Station. In the counter-affidavit, the Official Liquidator sought direction from the Court to the Sub-Registrar Tahasildar, Penukoda to clarify the change of survey numbers pertaining to the company in liquidation and also to verify the survey numbers as per the link document No.1935 of 1999 of the company in liquidation.

Heard the learned Senior Counsel appearing for the applicant and the learned counsel for the Official Liquidator.

A perusal of the material on record discloses that the company in liquidation acquired the land from the Government through G.O.Ms.No.1275, dated 20.09.1983. In the said G.O. reads as under:

“In the circumstances reported in the reference read above, Government hereby accord permission to M/s Allwyn Metal Works Ltd., Hyderabad to mortgage the land admeasuring 16.31 acs., in S.Nos.453/2A, 453/3A, 459/3A and 196/AB situated in Penukonda town of Anantapur District which was alienated in favour of M/s. Allwyn Metal Works Ltd., A.P., Hyderabad in G.O. Ms.No.353, Revenue dated: 23.02.1979 in favour of Central Financial Institutions like IDBI, IFCI, ICICI, LIC, UTI and GIC to enable them to obtain loans.”

The above G.O. makes it clear that the land which was acquired by the company in liquidation in 1983 and it was subdivided, which is in conformity with the records available with the Sub-Registrar's Office as well as the Tahasildar's Office.

In those circumstances, it is just and necessary for the Official Liquidator to clearly specify the sub-division numbers in the documents so as to avoid future complication with respect to the precious extent of land purchased through auction, rather than

specifying private survey numbers, which, admittedly, pertain to other extent of land not covered by the sale deed.

In those circumstances, this Application is allowed directing the Official Liquidator to execute a rectification deed with respect to Survey No.453/2 as 453/2A, 453 as 453/3A and 459 as 459/3B of Penugonda Village, specifying the extent of lands against each sub-survey number, as expeditiously as possible, at any rate within four weeks from the date of receipt of a copy of this Order.

Date: 20.12.2018.

CHALLA KODANDA RAM, J

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THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



COMPANY APPLICATION No.505 of 2018
IN c.p.No.108 of 2001

Date: .12.2018

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