2026:AHC:226888-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 44282 of 2026

Pramod Kumar Yadav

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Om Prakash Chaube
Counsel for Respondent(s)	:	C.S.C., Ramesh Kumar Shukla

Court No. - 2

HON'BLE J.J. MUNIR, J.
HON'BLE VIVEK SARAN, J.

1. The petitioner is a price contractee in regard to property, which is a secured asset. The petitioner has in his favour from the borrower an unregistered agreement to sell dated 03.10.2023. The property, subject matter of the agreement, is a secured asset in the hands of the Punjab National Bank, who have lent money to the petitioner's vendee and the loan has become a Non-Performing Asset.

2. A notice under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the SARFAESI Act') was issued by the Bank on 21.12.2022 and measures were taken under Section 13(4) of the SARFAESI Act on 04.03.2023. The notice under Section 13(4) of the SARFAESI Act was duly published in the 'Times of India' and 'Swadesh' issues dated 04.03.2023 and 10.03.2023. After taking these proceedings, the Bank have applied to the District Magistrate, Jhansi under Section 14 of the SARFAESI Act for delivery of possession of the secured asset. Those proceedings are pending before the Additional District Magistrate (Finance & Revenue), Jhansi. The Additional District Magistrate has passed an order on 01.04.2025 directing delivery of physical possession to the secured creditor, that is to say, the Bank. The petitioner filed an objection before the Additional District Magistrate (Finance & Revenue), Jhansi against the order directing delivery of possession under Section 14 of the SARFAESI Act. The aforesaid objection has been rejected by the other order impugned dated 17.09.2026. The petitioner seeks to assail

these orders.

3. Upon hearing learned counsel for the petitioner at considerable length, Mr. R.K. Shukla, learned counsel for the Bank and Mr. A.B. Sinha, learned Standing Counsel, what we find is that the petitioner has no *locus standi* to question the proceedings taken by the Bank against the secured asset and his vendee. The petitioner claims whatever kind of a right he has to resist on the foot of an unregistered agreement to sell, which under the law, at least in this State, is not enforceable since 01.07.1977. Now, there is a central amendment to the Registration Act making an unregistered agreement to sell not receivable in evidence. To our mind, the petitioner's endeavour is a last ditch effort to serve the interest of the borrower by bringing proxy litigation and protecting the borrower's possession. We do not find any good ground to interfere with the impugned order.

4. This petition is **dismissed**.

(Vivek Saran,J.) (J.J. Munir,J.)

November 2, 2026
gp

Digitally signed by :-
GANESH PRAKASH
High Court of Judicature at Allahabad