

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

WRIT PETITION NO: 24457 OF 2022

Between:

Union Bank of India (Erstwhile Andhra Bank), Sultan Bazar branch, Sultan Bazar, Andhra Bank Building, Ground Floor, Koti, Hyderabad Represented by its Asst. General Manager.

...PETITIONER

AND

1. The Commissioner and Inspector General of Registration and Stamps, 5-3-953, Registration Bhavan, 4th and 5th floor, N.S. Road, Osmangunj, M.J. Market, Hyderabad - 500 001
2. The District Registrar of Assurances, Hyderabad South, Erragadda, Hyderabad, Telangana State.
3. The Joint Sub Registrar of Assurances - I, Hyderabad South, Banjarahills, Erragadda, Hyderabad, Telangana State.
4. G. Siva Rama Krishna, S/o Late G. Sambasiva Rao, Aged about 57 years, Occ. Business R/o Plot No. A-9, Film Nagar, Jubileehills, Hyderabad
5. KVN Annapurna, Dy. Registrar/ Liquidator Jawahar Cooperative Urban Bank Limited (under liquidation) Office of the Commissioner Coop and Registrar of Coop Societies in 4th Floor, Gruhakalpa Building, Nampally, Hyderabad, T.S.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or order or direction more particularly in the nature of Writ of Mandamus declaring the inaction on the part of the Respondent No. 3 in removing the All that the Flat bearing No. 302 bearing Municipal No. 8-3-903/F/11/302, on the 3rd floor, together and Car parking No. 6 in the Cellar, admeasuring 100 Square Feet allotted to the said Flat No. 302 of the building named as Surbhi Lotus admeasuring 1400 sft and undivided share of land of an extent of 41 Square Yards out of 583.11 Square Yards forming part of the premises No. 8-3-903/F/11 situated at Yellareddyguda, Ameerpet, Hyderabad from

prohibited property list and register the sale certificate/s being issued by the Petitioner in favour of the auction purchaser/s under SARFAESI Act as arbitrary, illegal, capricious and violative of principles of natural justice and against the provisions of SARFAESI Act, 2002 and the Rules framed there under and consequently direct the Respondent No.3 to remove the above said properties from the prohibited list and allow registration of Sale Certificate/s being executed by the Petitioner Bank under SARFAESI Act.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No. 3 to remove the Flat bearing No. 302 bearing Municipal No. 8-3-903/F/11/302, on the 3rd floor, together and Car parking No. 6 in the Cellar, admeasuring 100 Square Feet allotted to the said Flat No. 302 of the building named as "Surbhi Lotus" admeasuring 1400 sft and undivided share of land of an extent of 41 Square Yards out of 583.11 Square Yards forming part of the premises No. 8-3-903/F/11 situated at Yellareddyguda, Ameerpet, Hyderabad from prohibited property list and allow registration of Sale Certificate being executed by the Petitioner Bank under SARFAESI Act in favour of the auction purchaser , pending disposal of the above Writ Petition.

Counsel for the Petitioner: M/s. ALKA THAKUR FOR M/s V.DYUMANI
Counsel for the Respondent Nos.1 TO 3: SRI MURALIDHAR REDDY KATRAM,
GP FOR REVENUE

Counsel for the Respondent Nos.4 & 5: --

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.24457 of 2022

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Ms. Alka Thakur, learned counsel representing
Ms. V.Dyumani, learned counsel for the petitioner.

Mr. Muralidhar Reddy Katram, learned Government
Pleader for Revenue for respondent Nos.1 to 3.

2. In this writ petition, the petitioner *inter alia* is aggrieved by inaction on the part of the Joint Sub-Registrar of Assurances-I, Hyderabad South, Banjarahills, Erragadda, Hyderabad in removing Flat No.302 bearing Municipal No.8-3-903/F/11/302, on the 3rd floor, together and car parking No.6 in the Cellar, admeasuring 100 square feet allotted to the said Flat No.302 of the building named as "Surabhi Lotus" admeasuring 1400 square feet and undivided share of land

of an extent of 41 square yards out of 583.11 square yards forming part of the premises No.8-3-903/F/11, situated at Yellareddyguda, Ameerpet, Hyderabad from the list of prohibited property and register the sale certificate being issued by the petitioner in favour of the auction purchaser.

3. Learned counsel for the parties jointly submit that the controversy involved in the instant petition is squarely covered by an order dated 19.12.2018 passed in W.P.No.44014 of 2018.

4. . Relevant extract of the order dated 19.12.2018 passed in W.P.No.44014 of 2018 reads as under:

"7. Therefore, the writ petition is disposed of directing the Sub-Registrar to register the sale certificate. However, if after adjustment of the entire loan amount, any surplus money remains out of the auction sale proceeds, the Bank shall not pay it to the 7th respondent borrower but shall pay it to the 5th respondent-company, after notice to the 7th respondent. There will be no order as to costs."

5. In view of aforesaid joint submission made by learned counsel for the parties and for the reasons assigned by a Division Bench of this Court in order dated 19.12.2018 passed in W.P.No.44014 of 2018, this Writ Petition is disposed of on same terms and with similar directions.

Miscellaneous petitions, pending if any, shall stand closed. There shall be no order as to costs.

SD/-P.CH.NAGABHUSHAMBA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Commissioner and Inspector General of Registration and Stamps, 5-3-953, Registration Bhavan, 4th and 5th floor, N.S. Road, Osmangunj, M.J. Market, Hyderabad - 500 001
2. The District Registrar of Assurances, Hyderabad South, Erragadda, Hyderabad, Telangana State.
3. The Joint Sub Registrar of Assurances - I, Hyderabad South, Banjarahills, Erragadda, Hyderabad, Telangana State.
4. One CC to M/s. V.DYUMANI, Advocate [OPUC]
5. Two CCs to GP FOR REVENUE, High Court for the State of Telangana, at Hyderabad. [OUT]
6. Two CD Copies

PSK.

BSK 

HIGH COURT

DATED:13/12/2024

ORDER

WP.No.24457 of 2022

**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

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G.B

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