

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

**THURSDAY, THE TWELFTH 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: 22518 OF 2024**

**Between:**

UNION BANK OF INDIA, Asset Recovery Branch #249/3RT, 1St Floor, Main Road, S.R. Nagar, Hyderabad - 500 038 Rep by its Authorised Officer

**...PETITIONER**

**AND**

1. The State of Telangana, Represented by its Principal Secretary Department of Revenue, State Tax Dept., Secretariat Building, Saifabad, Hyderabad, T.S.
2. The District Registrar, Stamps and Registration Department, Medchal Malkajgiti, Hyderabad, T.S.
3. Sub Registrar office, Kukatpally, Hyderabad, Telangana.
4. The Deputy Registrar of Chits/Arbitrator, Medchal-Malkajgiri District, Medchal, T.S
5. L. Ramana, S/o L. Srinivasa Rao, Aged Major, Years, Occ. Business, R/o. 5-5-35/292, Mitrinagar, Kukatpally, Hyderabad - 500 072
6. Margadarsi Chit Fund Pvt Ltd, 7-10, 1stFloor, Saroja Complex, Opp. KPHB Colony, Kukatpally, Hyderabad - 500 072

**...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 No. 402, in fourth floor of SWAPNA SREE RESIDENCY with a built up area of 1000 Sq feet ( including common area), and car parking area of 80 Square Feet, and parking No. 11, along with an undivided share of land admeasuring 43 square yards ( out of 540 square yards) constructed in H. No. 5-35-322, on Plot No. 90, in Survey Nos. 454/A, 454/AA and 454/E, admeasuring 540 Square yards or 451.44 square metres situated at Sri Sai Baba Colony, Ph-1, Mytrinagar, Kukatpally Village, under GHMC Kukatpally Circle,

Balanagar Mandal, Ranga Reddy District from the list of 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 property from the prohibited list and allow registration of Sale Certificate/s being executed by the Petitioner Bank under SARFAESI Act

**IA NO: 1 OF 2024**

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 No. 402, in fourth floor of " SWAPNA SREE RESIDENCY" with a built up area of 1000 Sq feet ( including common area), and car parking area of 80 Square Feet, and parking No. 11, along with an undivided share of land admeasuring 43 square yards ( out of 540 square yards) constructed in H. No. 5-35-322, on Plot No. 90, in Survey Nos. 454/A, 454/AA and 454/E, admeasuring 540 Square yards or 451.44 square metres situated at Sri Sai Baba Colony, Ph-1, Mytrinagar, Kukatpally Village, under GHMC Kukatpally Circle, Balanagar Mandal, Ranga Reddy District 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: SRI V. MURALI MANOHAR FOR MS. V DYUMANI**

**Counsel for the Respondent No.1: SRI SWAROOP OORILLA Special Govt  
Pleader for State Tax**

**Counsel for the Respondent Nos.2 to 4: GP FOR REVENUE**

**Counsel for the Respondent NO.5: ---**

**Counsel for the Respondent No.6: SRI KOPPULA GOPAL FOR SRI P. DURGA  
PRASAD**

**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.22518 of 2024**

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

Mr. V.Murali Manohar, learned counsel representing  
Ms. V.Dyumani, learned counsel for the petitioner.

Mr. Swaroop Oorilla, learned Special Government  
Pleader for State Tax for respondent No.1.

Mr. Koppula Gopal, learned counsel representing  
Mr. P.Durga Prasad, learned counsel for respondent No.6.

2. In this writ petition, the petitioner *inter alia* is aggrieved by inaction on the part of the Sub-Registrar, Kukatpally, Hyderabad in removing Flat No.402, in fourth floor of "SWAPNA SREE RESIDENCY" with a built up area of 1000 square feet (including common area) and car parking area of 80 square feet and parking No.11 along with an undivided share of land admeasuring 43 square

yards (out of 540 square yards) constructed in H.No. 5-35-322 on Plot No.90 in Survey Nos.454/A, 454/AA and 454/E, admeasuring 540 square yards or 451.44 square meters, situated at Sri Sai Baba Colony, Ph-1, Mytrinagar, Kukatpally Village, under Greater Hyderabad Municipal Corporation (GHMC) Kukatpally Circle, Balanagar Mandal, Ranga Reddy District 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

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pay it to the 7<sup>th</sup> respondent borrower but shall pay it to the 5<sup>th</sup> respondent-company, after notice to the 7<sup>th</sup> 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/- K.SREERAMA MURTHY  
ASSISTANT REGISTRAR**

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**SECTION OFFICER**

To,

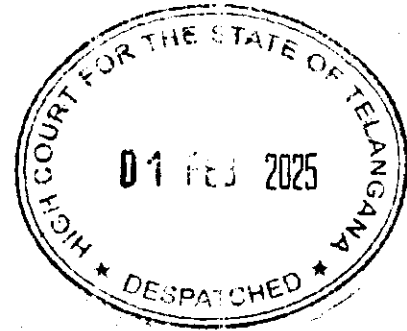
1. The Principal Secretary Department of Revenue, State Tax Dept., Secretariat Building, Saifabad, Hyderabad, T.S.
2. The District Registrar, Stamps and Registration Department, Medchal Malkajgiti, Hyderabad, T.S.
3. Sub Registrar office, Kukatpally, Hyderabad, Telangana.
4. The Deputy Registrar of Chits/Arbitrator, Medchal-Malkajgiri District, Medchal, T.S
5. One CC to SRI. V DYUMANI Advocate [OPUC]
6. One CC to SRI P. DURGA PRASAD Advocate [OPUC]
7. Two CCs to GP for State Tax, High Court for the State of Telangana at Hyderabad. [OUT]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

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RSR

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**HIGH COURT**

**DATED:12/12/2024**



**ORDER**

**WP.No.22518 of 2024**

**DISPOSING OF THE WRIT PETITION  
WITHOUT COSTS**

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