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APHC010000532018



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI  
(Special Original Jurisdiction)**

**[3333]**

WEDNESDAY, THE TWENTY FOURTH DAY OF JUNE  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

**WRIT PETITION NO: 338 OF 2018**

**Between:**

1. SORNAPUDI CHINNA RAO,, S/O LATE NARASIMHULU, AGED ABOUT 62 YEARS, R/O FLAT NO. G-2, D.NO. 11-144/2, VIJAYA SAI SIMHADRI RESIDENCY, BACK SIDE MARUTHI KALYANA MANDAPAM, GOSALA, SIMHACHALAM, VISAKHAPATNAM.

**...PETITIONER**

**AND**

1. PRL SECY STAMPS AND REGISTRATION DEPT, THE STATE OF ANDHRA PRADESH, REP. BY PRL. SECRETARY, STAMPS AND REGISTRATION DEPT. SECRETARIAT, VELAGAPUDI, KRISHNA DIST.

2. THE DISTRICT REGISTRAR, VISAKHAPATNAM, VISAKHPATNAIN DISTRICT.

**...RESPONDENT(S):**

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, order or direction, especially one in the nature of Writ of Mandamus declaring the notice vide C.No. 1560/G1/2016, dt 28-11-2017 issued by the 2<sup>nd</sup> respondent is illegal, arbitrary, violative of the provisions of Indian Registration Act and usurping the powers vested with the Civil Court

and consequently desist the 2nd respondent to act upon the notice dated 28-11-2017 and pass

**IA NO: 1 OF 2018**

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 suspend the notice C.No. 1560/G1/2016, dt 28-11-2017 issued by the 2nd respondent, pending disposal of the above writ petition and pass

**IA NO: 1 OF 2026**

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 grant leave to the Respondent No.2 in the Writ Petition No.338 of 2018 to file counter affidavit in the above Writ Petition and pass

**Counsel for the Petitioner:**

1. T V JAGGI REDDY

**Counsel for the Respondent(S):**

1. GP FOR REVENUE

2. GP FOR REGISTRATION AND STAMPS (AP)

**The Court made the following:**

**THE HONOURABLE SMT JUSTICE V.SUJATHA****WRIT PETITION NO: 338 OF 2018****ORDER:-**

The present Writ Petition is filed questioning the notice, vide C.No. 1560/G1/2016, dated 28.11.2017 issued by the Respondent No.2 as illegal, arbitrary, violative of the provisions of Indian Registration Act and usurping the powers vested with the Civil Court and consequently desist the Respondent No.2 to act upon the notice dated 28.11.2017.

2. The case of the Petitioner is that his father Mr.S.Narasimhulu purchased the land to an extent of Ac. 2.26 cents, covered by Patta No.10, Sy.No.14/2 situated in Mudasarlova Village, Visakhapatnam District under a registered sale deed dated 10.07.1926, vide document No.972 of 1926 for valid sale consideration from one Mr. Ch. Kannayya and Others. The father of the Petitioner died intestate on 18.12.1986. The Petitioner being the only son has succeeded the property of his father and the name of the Petitioner was also mutated in the revenue records. Out of the said properties, the Petitioner has sold an extent of Ac. 1.00 cents i.e 4840 Sq.yds under a registered sale deed dated 27.04.2009 to M/s Srinivasa Enterprises, vide registered Sale Deed for valid sale consideration. Out of remaining extent, the Petitioner sold a Plot No.6 in Sy.No.14/2 admeasuring 345 Sq.yds to one Mrs. Neelam Varalakshmi by way of a registered sale deed dated 23.08.2016 and handed over the plot to his vendee on the same day.

3. As the matter stood thus, the Petitioner has received a notice, vide C.No.1560/G1/2016, dated 28.11.2017 issued by the Respondent No.2 directing him to attend an enquiry with all relevant documentary evidence to prove his title as against the property under dispute on 19.12.2017. Aggrieved by which, the present Writ Petition came to be filed.

4. When the Writ Petition came up for admission, this Court passed the interim order on 24.01.2018 that *"As this Court is satisfied, prima facie, with the lack of jurisdiction of the Registrar to enquire into the matter, as indicated in the notice, there shall be interim suspension of the notice dated 28.11.2017 until further orders"*.

5. The Respondent No.2 has filed a detailed Counter-Affidavit duly admitting the facts as stated by the Petitioner. But however it is stated that the Petitioner along with his two sons have executed a registered sale deed bearing No.643 of 2009 conveying an extent of 4840 Sq.yds in Sy.No.14/2 in favour of M/s Srinivasa Enterprises, who thereafter created an equitable mortgage in favour of the State Bank of India by deposit of title deeds. Upon default in repayment of the loan, the account was classified as Non-Performing Asset and proceedings were initiated by the Bank before the Debt Recovery Tribunal and simultaneously under the provisions of the SARFAESI Act, 2002. In pursuance thereof, an e-auction was conducted on 10.08.2016, wherein Plot No.6 admeasuring 345 Sq.yds was sold to M/s VST Fabricators and a sale certificate, dated 26.08.2016 was issued by the secured creditor and after receipt of full consideration physical possession has been delivered.

Subsequently, it came to the notice of the Bank that the Petitioner executed the said Sale Deed, vide document No.4833 of 2016 in favour of one Mrs. Neelam Varalakshmi in respect of the very same property after the auction sale. On receipt of the complaint from the Assistant General Manager, SBI, SAR Branch, alleging fraudulent registration, the Respondent No.2 verified the records and found that the schedule property covered under the bank auction and document No.4833 of 2016 is one and the same.

6. Respondent No.2 issued impugned notice dated 28.11.2017 calling upon the concerned parties to appear for enquiry on 19.12.2017 as per the Circular memo No.G1/1843/2015, dated 08.04.2015, which deals with the procedure to be adopted while dealing with the fraudulent registrations. It is further contended that the impugned notice does not cancel the document, nor does it decide the title or civil rights. It is issued only to conduct a preliminary administrative enquiry to ascertain whether the registration was vitiated by fraud, suppression of material facts, or abuse of process of law, as such, requested to dismiss the Writ Petition.

7. Admitted facts in the present case are that the Petitioner succeeded an extent of Ac. 2.26 cents covered by Patta No.10, Sy.No.1/2 of Mudasarlova Village, Visakhapatnam District, from his father, who purchased the same in the year 1926. The Petitioner has sold an extent of Ac.1.00 cents i.e 4840 sq.yds under a registered sale deed dated 27.0.2009 to M/s Srinivasa Enterprises. Out of remaining extent, he has sold Plot No.6 in Sy.No.14/2

admeasuring 345 Sq.yds to Mrs. Neelam Varalakshmi under a registered sale deed dated 23.08.2016.

8. While the matter stood thus, the impugned notice has been issued by the Respondent No.2 on the ground that the Respondent No.2 has received a complaint from the Assistant General Manager, State Bank of India, SAR Branch, Visakhapatnam alleging that M/s Srinivasa Enterprises in whose favour the Petitioner sold an extent of Ac. 1.00 cents in the year 2009 has availed a loan from State Bank of India by mortgaging the title deeds vide document No. 643 of 2009. As the said firm was defaulted in payment of loan amount and became Non-Performing Asset, proceedings were initiated by the Bank before the Debt Recovery Tribunal and simultaneously under the provisions of the SARFAESI Act, 2002 as per Reserve Bank of India norms and an auction was conducted on 10.08.2016 and Plot No.6 was sold to M/s VTS Fabricators, issued Sale Certificate, dated 26.08.2016 and handed over the possession to them.

9. Subsequently, the M/s VTS Fabricators has brought to the notice of the State Bank of India, Visakhapatnam that the subject land, which was purchased in the auction was again fraudulently sold in favour of one Mrs. Neelam Varalakshmi, vide document No. 4833 of 2016 by the Petitioner under a registered Sale Deed dated 29.08.2016. As such, requested to cancel the Sale Deed. In pursuance of the said complaint, the Assistant General Manager, SAR Branch, State Bank of India, Visakhapatnam, Respondent No.2 got issued a notice directing the Petitioner as well as others to appear

before him on 19.12.2017 with all relevant documentary evidence to prove the title over the property under dispute.

10. However, the impugned notice is under challenge before this Court on the ground that Respondent No.2 has no authority/jurisdiction to issue impugned notice, to conduct an enquiry on the complaint made by the Assistant General Manager, SAR branch, State Bank of India, Visakhapatnam. Therefore, this Court feels it appropriate to refer to Section 75 (4) of the Registration Act, 1908, which is extracted hereunder for ready reference.

***“75. Order by Registrar to register and procedure thereon.:***

(1) .....

(2) ....

(3) .....

*(4) The Registrar may, for the purpose of any enquiry under section 74, summon and enforce the attendance of witness, and compel them to give evidence, as if he were a Civil Court and he may also direct by whom the whole or any part of the costs of any such enquiry shall be paid, and such costs shall be recoverable as if they had been awarded in a suit under the Code of Civil Procedure, 1908 (5 of 1908).*

11. Admittedly, in the present case, though Counter-Affidavit filed by the Respondent No.2 states that notice is issued only with regard to causing production of the documentary evidence to prove the title, but not to proceed to cancel the sale deed. However, a complaint has been lodged by the Assistant General Manager, SAR, State Bank of India, Visakhapatnam to the extent of cancellation of the Registered Sale Deed executed by the Petitioner

on 29.08.2016, which admittedly is not within the jurisdiction of respondent No.2. Therefore, this Court is of the opinion that Respondent No.2 can conduct an enquiry under Section 75 (4) of the Registration Act by issuing notice to the Petitioner directing him to appear with all relevant documentary evidence to prove the title, but cannot further proceed to cancel the sale deed.

12. In the present case, as the impugned notice was issued only directing the Petitioner to appear before Respondent No.2 with all relevant documentary evidence to prove his title over the disputed property, this Court is not inclined to interfere with the impugned notice.

13. In view of the same, the Petitioner is directed to appear before Respondent No.2 within a period of four (4) weeks from the date of receipt of a copy of this order with all relevant documents to prove his title over the disputed property, on his appearance, Respondent No.2 shall conduct enquiry under Section 74 of the Registration Act.

14. With the above observations, the writ petition is disposed of. There shall be no order as to costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

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**JUSTICE V.SUJATHA**

Date: 24.06.2026

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Whether the order is:

Speaking              Reasoned

Reportable          Non-reportable.