APHC010443342026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3564]**
(Special Original Jurisdiction)

MONDAY, THE 24th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 24152/2026

Between:

1. KAKARLA VENKATA SIVA RAMA RAO, , S/O. KRISHNA MURTHY, AGED ABOUT 60 YEARS, R/O.D.NO.19-3-35, PADARTHIVARI STREET, SANGADIGUNTA, GUNTUR.
2. KAKARLA KASI RATNAM KUMARI,, W/O. VENKATA SIVA RAMA RAO, AGED ABOUT 55 YEARS, R/O. R/O.D.NO.19-3-35, PADARTHIVARI STREET, SANGADIGUNTA, GUNTUR.

...PETITIONER(S)

AND

1. THE UNION BANK OF INDIA, REP. BY ITS AUTHORIZED OFFICER, ASSET RECOVERY BRANCH (79170), 4TH FLOOR, ANDHRA BANK BUILDING, RR. APPARAO STREET, VIJAYAWADA, ANDHRA PRADESH - 520 001.
2. THE DEBT RECOVERY TRIBUNAL, REP. BY ITS REGISTRAR, 31-32-54, CHITRALAYA ROAD, NEAR LEELAMAHAL ROAD, DABA GARDENS, JAGADAMBA JUNCTION, VISAKHAPATNAM, ANDHRA PRADESH -530 020.

...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 toissue appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus or any Appropriate Writ by declaring the action of the 1st Respondent Bank in making attempts to take over the

Physical Possession of Schedule property i.e., Residential house bearing D.No's.19-3-35, 19-3-36 86 19-3-37 situated in 5th Block, old Ward- 14, Padartivari Street, Sangadigunta, Guntur measuring an extent of 210 Sq.yards as per the orders in Crl.M.P.No.471 of 2026 through Advocate Commissioner warrant issued by the Principal Assistant Sessions Judge, Guntur - Cum - Chief Judicial Magistrate, Guntur., without notice is illegal, arbitrary, contrary to Principles of Natural Justice, consequently to direct the 1st Respondent Bank not to take Possession of the aforementioned property till I.A.No's.3553, 3552 and 3551 of 2026 in S.A.No.723 of 2025 on the file of the 2nd Respondent are decided

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 direct the 1st Respondent Bank not to take Physical Possession of the Schedule property i.e., Residential house bearing D.No's.19-3-35, 19-3-36 86 19-3-37 situated in 5th Block, old Ward-14, Padartivari Street, Sangadigunta, Guntur measuring an extent of 210 Sq.yards till the I.A.No's.3553, 3552 and 3551 of 2026 in S.A.No.723 of 2025 before the 2nd Respondent are decided

Counsel for the Petitioner(S):

1.S DILIP JAYA RAM

Counsel for the Respondent(S):

1.

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.24152 of 2026

ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

The proceedings initiated against the petitioners under the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 [for short, 'the SARFAESI Act'] have been challenged by the petitioners before the Debts Recovery Tribunal, Visakhapatnam, by way of an S.A.No.723 of 2025 on 29.11.2025. The S.A was also accompanied by an I.A praying for some interim relief.

2. It is stated that the matter has now been fixed for hearing on 28.09.2026. In the meantime, it is stated, auction has been proposed for 11.08.2026 and the physical possession would be taken within the time prescribed in the warrant issued in favour of the Advocate Commissioner which expires on 15.09.2026. It is thus stated that the S.A which has been filed by the petitioners before the DRT would be rendered academic in case appropriate orders were not passed protecting the possession of the petitioners

3. Considering the fact that the petitioners are already before the DRT and there is likelihood of the petitioners being dispossessed from the property in question, it becomes necessary to protect the interest of the petitioners till such time as the IA filed by the petitioners is considered on its merits and appropriate orders passed.

4. We need to highlight the fact that recently a number of petitions are being filed by petitioners whose assets are being proceeded against in terms of the provisions of the SARFAESI Act; these petitioners have approached the Debts Recovery Tribunal and sought interim protection but no orders have been passed on the I.A. and only notices are being issued. In the interregnum it appears that the petitioners are being inconvenienced and are also being dispossessed despite the fact that they are before the said forum. It would be appropriate for the DRT to look at the I.As and consider the *prima facie* case if at all it is made for purposes of granting interim protection.

5. Be that as it may, we dispose of the Writ Petition with a direction to the DRT to dispose of the IA filed by the petitioners in the S.A within four weeks from today. *Status quo* be maintained with regard to the possession of the petitioners till the IA is disposed of.

6. There shall be no order to costs.

Miscellaneous petitions pending, if any, shall stand closed.

A Copy of this order be marked to DRT, Visakhapatnam, for doing the needful.

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Date: 24.08.2026
SA

104

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.24152 of 2026

Date: 24.08.2026

SA