APHC010452322025

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

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 22987/2025

Between:

1. VEGENNA VENKATA RAMAKRISHNA SUBBARAJU, S/O VEGESNA SURYANARAYANARAJU, GUARANTOR, AGED ABOUT 48 YEARS, R/O H.NO.3-173, GANDHINAGAR, NEAR HANUMA TEMPLE, GANAPAVARAM, WEST GODAVARI DISTRICT.
2. VATSAVAYI LAKSHMI SUREKA, W/O SRINIVASA RAJU, AGED ABOUT 46 YEARS OWNER, R/O. 27-3-85, NETAJI VEEDHI, SRI RAMA PURAM, BHIMAVARAM SIVRAOPETA, WEST GODAVARI, ANDHRA PRADESH - 534202.

...PETITIONER(S)

AND

1. THE BANK OF MAHARASHTRA, VIJAYAWADA BRANCH, KOTHAPETA, VIJAYAWADA, WEST GODAVARI DISTRICT - 520001, REP. BY ITS CHIEF MANAGER.
2. THE ADVOCATE COMMISSIONER, APPOINTED IN CRL.M.P.NO.445/2025, COURT OF THE CHIEF JUDICIAL MAGISTRATE, RAJAHMUNDRY, EAST GODAVARI DISTRICT.
3. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, AP. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRIC

...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 1. Issue a writ of Mandamus or any other appropriate writ, order, or direction declaring the Advocate Commissioners notice dated 26.08.2025 in CrLM.P.No.445/2025 on the file of the Chief Judicial Magistrate, Rajahmundry, as illegal, arbitrary, unconstitutional, and violative of the provisions of the SARFAESI Act. 2002 2. Set aside the said notice and consequential proceedings for taking possession of my schedule property Direct the 1st respondent-Bank not to dispossess me from the property without following due process of law 3. and to pass

IA NO: 1 OF 2025

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 operation of the Advocate Commissioner's notice dated 26.08.2025 in Crl.M.P.No.445/2025 and restrain the respondents from dispossessing me from my schedule property pending disposal of the above writ petition and to pass

IA NO: 2 OF 2025

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 may be pleased to vacate the interim orders of Status Quo dated: 02-09-2025 passed in I.A.No.1 of 2025 in W.P.No. 22987 of 2025 and the Writ Petition may be dismissed with exemplary costs 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 may be pleased to grant leave to the Petitioners to file the accompanying Reply Affidavit to the counter affidavit and vacate stay petition files by the 1st Respondent in W.P No. 22987 of 2025 and take the same on record and pass

Counsel for the Petitioner(S):

1. VASAVI RATNA KUMARI DANDAMUDI

Counsel for the Respondent(S):

1. GP FOR HOME
2. CH MARKONDAIAH

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO.22987 OF 2025

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

Heard learned counsel for the petitioners and learned Standing Counsel for 1st respondent-bank and perused the material available on record.

2) The 2nd petitioner availed loan from 1st respondent-bank and 1st petitioner is the guarantor to the said loan. As 2nd petitioner failed to pay the dues to 1st respondent-bank, proceedings under the provision of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "SARFAESI Act") are initiated against the petitioners. Notice under Section 13(2) of the SARFAESI Act also served on the petitioners. The contention of 1st petitioner is that a notice under Section 13(4) of the SARFAESI Act and Rule 8 of the Security Interest (Enforcement) Rules, 2002 are not served. The 1st respondent-bank filed a petition under Section 14 of the SARFAESI Act before the Chief Judicial Magistrate, Rajahmundry in Crl.M.P.No.445 of 2025, seeking for appointment of Advocate-Commissioner and accordingly, Advocate-Commissioner was appointed and issued a notice, dated 26.08.2025 proposing to take physical possession of the subject property on 03.09.2025. Aggrieved by the said action of the respondent-bank, the present writ petition is filed.

3) Learned counsel for 1st respondent-bank would submit that against the initiation of proceedings under Section 13(2) of the SARFAESI Act, the petitioners filed Securitization Application in S.A.No.496 of 2025 before the Debts Recovery Tribunal (for short “DRT”), Visakhapatnam and it is pending.

4) Having considered the facts stated above, it appears that the petitioners already approached the DRT, Visakhapatnam by filing S.A.No.496 of 2025 against the measures taken by 1st respondent-bank under the SARFAESI Act and as such the petitioners have to pursue the proceedings pending before the DRT, Visakhapatnam.

5) Having considered the facts and circumstances, in our considered view, it is appropriate and reasonable to direct the DRT, Visakhapatnam to consider and dispose of the S.A.No.496 of 2025, by following due process of law, as expeditiously as possible, preferably within a period of six weeks, to meet the ends of justice.

6) Accordingly, this writ petition is disposed of with a direction to the Debts Recovery Tribunal, Visakhapatnam to consider and dispose of the S.A.No.496 of 2025, by following due process of law, as expeditiously as possible, preferably within a period of six (06) weeks from the date of receipt of copy of this order.

7) There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Dated: 02.11.2026
PGR

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO.22987 OF 2025

Dated: 02.11.2026
PGR