APHC010533402026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3625]**
(Special Original Jurisdiction)

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE D. RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT PETITION NO: 29018/2026

Between:

1. KONISETTY DURGA DEVI, W LO. NARASIMHA RAO, HINDU, AGED 52 YEARS, RESIDENT OF D. NO. 9-6/27, BHAVANIPURAM COLONY, LALPURAM, ETUKURU, GUNTUR- 522 017, ANDHRA PRADESH

...PETITIONER

AND

1. THE DEBTS RECOVERY TRIBUNAL, REP. BY ITS CHAIRMAN, VISAKHAPATNAM - 530 020.
2. THE STATE BANK OF INDIA, REP.BY ITS AUTHORIZED OFFICER, RACPC, MANGALAGIRI BRANCH, 1ST FLOOR, CA-5, CFC AREA, BEHIND HONDA SHOWROOM, AUTONAGAR, MANGALAGIRI, GUNTUR DISTRICT 522 503,
3. THE STATE BANK OF INDIA, REP. BY ITS BRANCH MANAGER, NAGARJUNA UNIVERSITY BRANCH, MANGALAGIRI, GUNTUR DISTRICT 522 530

...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 an appropriate Writ, order or direction mostly one which is in the nature of a Writ of Mandamus declaring the action of the Respondent No.1 in not adjudicating the I.A. No. 4342/2026 (Stay Petition) in S.A No. 660/2026 pertaining to the Advocate Commissioner notice dated 01.08.2026 and Sale Notice dated 05.09.2026 with respect to R.C.0 house bearing D.No 9-6A/27

in plot no. 215 admeasuring an extent of 151 sq.yards in Ankireddypalem village, Nallapadu Sub District, Guntur District of the Petitioner as illegal, arbitrary and violative of principles of natural justice and Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the Respondents not to conduct sale and dispossess the petitioner in pursuant to Advocate Commissioner notice dated 01.08.2026 till disposal of I.A. No. 4342/2026 (Stay Petition) in S.A No. 660/2026 before the Debt Recovery Tribunal, Visakhapatnam 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 pleased to stay all further proceedings in pursuance of Advocate Commissioner notice dated: 01.08.2026 and Sale Notice dated: 05.09.2026 issued by the Respondent Bank with respect to the Petitioner property i.e. R.C.0 house bearing D.No 9-6A/27 in plot no. 215 admeasuring an extent of 151 sq.yards in Ankireddypalem village, Nallapadu Sub District, Guntur District pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. SODUM ANVESHA

Counsel for the Respondent(S):

1.

The Court made the following:

THE HONOURABLE SRI JUSTICE D. RAMESH

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT PETITION NO: 29018/2026

ORDER: ***(Per Hon'ble Sri Justice D. Ramesh)***

The present writ petition is filed seeking a direction to the respondents not to proceed with the sale of the subject property or dispossess the petitioner pursuant to the notice issued by the Advocate Commissioner, dated 01.08.2026, pending disposal of I.A. No. 4342 of 2026 in S.A. No. 660 of 2026 on the file of the Debt Recovery Tribunal, Visakhapatnam.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents.

3. The contention of the petitioner is that she has been regularly paying the equated monthly instalments (EMIs) towards the housing loan. She further submits that, even after the loan account was classified as a non-performing asset (NPA) *vide* order dated 03.11.2025, she made several payments towards the outstanding loan amount, some of which were made in instalments.

4. It is further submitted that, even after the issuance of the possession notice, the petitioner paid a sum of Rs.1,50,000/- on 21.01.2026 and a further

sum of Rs.25,000/- on 23.01.2026. The receipts evidencing the said payments have also been placed on record along with the writ petition.

5. The petitioner further submits that, questioning the measures taken by the respondent-Bank, particularly the taking of possession of the subject property, she filed I.A. No. 4342 of 2026 in S.A. No. 660 of 2026 before the Debt Recovery Tribunal, Visakhapatnam. However, according to the petitioner, the said interlocutory application has not been adjudicated despite the matter having been adjourned on several occasions. In the meantime, the respondent-Bank has proceeded with the steps for conducting the auction of the subject property, which is stated to be scheduled for today, i.e., 07.10.2026.

6. The petitioner contends that, if the auction is conducted and the sale is confirmed before the interlocutory application is decided, her rights and interests in the subject property, which is stated to be her dwelling house, may be seriously prejudiced. The petitioner has also undertaken to pay certain amounts towards the outstanding loan dues.

7. Having regard to the submissions made by the learned counsel for the petitioner, the material placed on record, including the payment receipts, and the fact that the subject property is stated to be the petitioner's dwelling house, this Court is not inclined to enter into the merits of the controversy at this stage.

8. In the circumstances, this Court is of the *prima facie* view that the interests of justice would be served by directing the Debt Recovery Tribunal, Visakhapatnam, to consider and dispose of I.A. No. 4342 of 2026 in S.A. No. 660 of 2026 expeditiously, preferably within a period of one month from the date of receipt of a copy of this order.

9. Accordingly, the Debt Recovery Tribunal, Visakhapatnam, is directed to dispose of I.A. No. 4342 of 2026 in S.A. No. 660 of 2026 within the aforesaid period, in accordance with law.

10. Pending disposal of the said interlocutory application, the proposed auction of the subject property by the respondent-Bank shall be deferred.

11. In view of the foregoing observations and directions, the Writ Petition is disposed of. There shall be no order as to costs.

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

JUSTICE D. RAMESH

JUSTICE A. HARI HARANADHA SARMA

7th October, 2026
cbn/cst

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