APHC010579802026

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

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 31749 OF 2026

Between:

1. Madala Sarojini, W/o Late Madala Govardhana Rao, Aged about 86 years, Sex Female, Occ Housewife, R/o D.No. 5-90-65, 4/2, Chandramouli Nagar, Near IDBI Bank, Guntur, Guntur District, Andhra Pradesh- 522 007.

2. Jagarlamudi Venkata Anil Kumar, S/o Late Sri Krishna Murthy Babu, Aged about 64 years. Sex Male, Occ Business, R/o D.No. 4-109-4/1, ILTD Extension Colony, Kothapeta Village, Chirala, Vetapalem Mandal, Bapatia District (formerly Prakasam District), Andhra Pradesh- 523 157.

3. Jagarlamudi Sunil Kumar, S/o Late Sri Krishna Murthy Babu, Aged about 58 years. Sex Male, Occ Business, R/o D.No. 4-110-1, Kothapeta, Near DSP Office, Chirala, Vetapalem Mandal, Bapatia District (formerly Prakasam District), Andhra Pradesh- 523 157, presently residing at 3511 Waverley Street, Palo Alto, California 94306, United States of America, represented by his Special Power of Attorney holder, Sri Jagarlamudi Venkata Anil Kumar (Petitioner No. 2).

...Petitioners

AND

1. UCO Bank, a body corporate constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, Head Office at 10,

B.T.M. Sarani, Kolkata-700 001, Rep. by its Authorised Officer and Chief Manager, Guntur Mid Corporate Branch (0223), 9/1, Arundelpet, Guntur, Andhra Pradesh 522 002. Ph 9230500223, 0863-2241789 Email guntur@ucobank.co.in

2. M/s Emgee Infrastructure Holdings India Pvt Ltd, (formerly Aswini Projects Pvt. Ltd.), Rep. by its Director, No. 6/11, Brahadambal Street, Nungambakkam, Chennai, Tamil Nadu- 600 006, Also at 11-476/B, Villa No. 7, NSR Villas, NH-16, Mangalagiri, Andhra Pradesh- 522 503.

3. The Debts Recovery Tribunal, Visakhapatnam, Rep. by its Registrar, Ground and 1st Floor, 31-31-21, Sai Baba Street, Narayan Bhawan, Dabagardens, Visakhapatnam, Andhra Pradesh- 530 020.

...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 topleased to issue a Writ Order or Direction more particularly one in the nature of Writ of Mandamus a declaring the action of the 3rd Respondent Tribunal in not considering IA No 4880 of 2026 in SA No 747 of 2026 and in posting it for the counter of the 1st Respondent Bank to 12112026 the very date fixed for the eauction of the Petitioners properties under the eauction sale notice dated 29092026 as arbitrary illegal contrary to Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 read with Section 1925 of the Recovery of Debts and Bankruptcy Act 1993 and violative of Articles 14 and 300A of the Constitution of India b consequently direct the 3rd Respondent Tribunal to hear and dispose of IA No 4880 of 2026 in SA No 747 of 2026 on merits on or before such date as this Honble Court may fix and pending such disposal direct that the eauction sale notice dated 29092026 be kept in abeyance insofar as it relates to Property No 1 and Property No 4 in the notice the Petitioners properties 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 direct the 3rd Respondent Tribunal to advance I.A. No. 4880 of 2026 in S.A. No. 747 of 2026 and to hear and dispose of it before 12.11.2026, and pass

IA NO: 2 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 Please to pending disposal of I.A. No. 4880 of 2026 by the 3rd Respondent Tribunal, direct that the e-auction sale notice dated 29.09.2026 be kept in abeyance and pass

Counsel for the Petitioners: KOMARA PRUDHVI RAJ

Counsel for the Respondents: SREEDHAR VALIVETI

The Court made the following order:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 31749 OF 2026

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

This Writ Petition is filed seeking Writ of Mandamus declaring the action of respondent No.3-Tribunal in not considering I.A.No.4880 of 2026 in S.A.No.747 of 2026 and posting the same to 12.11.2026, on the date where the petitioners' properties are also put to auction, pursuant to the e-auction sale notice dated 29.09.2026, as arbitrary, illegal and contrary to the provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act').

2. Sri Unnam Muralidhar Rao, learned Senior Counsel appearing for the petitioners, would submit that the petitioners stood as guarantors for the financial assistance availed by respondent No.2. At the time of sanctioning the loan to respondent No.2 by respondent No.1-bank, the petitioners mortgaged their properties. Thereafter, as respondent No.2 committed default in clearing the dues, respondent No.1-bank initiated proceedings under the Act and pursuant to the same, respondent No.1 issued an e-auction sale notice dated 29.09.2026 to sell the mortgaged properties. At that stage, the petitioners approached the DRT, Visakhapatnam, by filing S.A.No.747 of 2026 along with I.A.No.4880 of 2026, seeking stay of the e-auction sale proceedings.

3. Learned Senior Counsel further contended that without passing any orders on the stay application filed by the petitioners, the Tribunal adjourned the interlocutory application to 12.11.2026. He would submit that the auction is also scheduled to be conducted on the same date. Under these circumstances, if respondent No.1-bank is permitted to proceed with the auction without consideration of the stay application, third-party interests may be created, thereby causing irreparable loss and hardship to the petitioners. Accordingly, he seeks appropriate directions to the DRT, Visakhapatnam, for early disposal of the interlocutory application.

4. Sri Sreedhar Veliveti, learned counsel appearing for respondent No.1-bank, on instructions, would submit that the facts submitted by the learned Senior Counsel may be true. But, the petitioners approached the DRT, Visakhapatnam, against the sale notice issued on 29.09.2026 only on 27.10.2026 and it is listed before the DRT, Visakhapatnam, on 28.10.2026. The Tribunal issued notice to the respondent in Securitization Application on 28.10.2026 and posted the matter to 12.11.2026. Accordingly, he submits that as the Securitization Application along with interlocutory application, are posted to 12.11.2026 and the auction also scheduled on the same day, no further orders are required by this Court in this writ petition as the Tribunal itself will decide the interlocutory application on 12.11.2026.

5. Having considered the submissions of the respective counsels, it appears that there is no dispute with regard to the admitted facts of the case.

The petitioners stood as guarantors, mortgaged their properties, which are mentioned as item Nos.1 and 4 in the e-auction sale notice dated 29.09.2026. Respondent No.2, who is borrower, committed default in clearing the debts due to respondent No.1-bank. Accordingly, securitization proceedings are initiated.

6. Respondent No.1-bank issued e-auction sale notice dated 29.09.2026 to sell the properties mentioned in the e-auction notice under different heads. It is also an admitted fact that the petitioners' properties are item Nos.1 and 4 only. On perusal of the record and as per the submissions of the respective counsels, now, it is clear that the securitization application in S.A.No.747 of 2026 filed along with interlocutory application seeking stay of sale proceedings, is posted to 12.11.2026 by ordering notice to the respondents therein by the DRT, Visakhapatnam, on 28.10.2026. Auction also scheduled on the same date i.e., 12.11.2026. Therefore, there is every possibility for asking time for counter-affidavit by the respondents in the Securitization Application. In such circumstances, whether the tribunal may decide the said application or not is doubtful. Under these circumstances, it is desirable and reasonable to protect the interest of the petitioners. In view of the same, without going into the merits of the case, we intend to dispose of this writ petition at the stage of admission with the consent of both parties with certain directions to the DRT, Visakhapatnam, to meet the ends of justice.

7. Accordingly, this writ petition is disposed of with the following directions.

(i) The DRT, Visakhapatnam-respondent No.3 herein, shall dispose of the I.A.No.4880 of 2026 in S.A.No.747 of 2026, pending on its file as early as possible by following due process of law.

(ii) Till disposal of I.A.No.4880 of 2026 by the DRT, Visakhapatnam, the auction of the properties mentioned at item Nos.1 and 4 in the e-auction sale notice dated 29.09.2026 is stayed. There shall be no order as to costs.

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

BATTU DEVANAND, J

TUHIN KUMAR GEDELA, J

Dated:30.10.2026

TJN

24

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 31749 OF 2026

Dated: 30.10.2026

TJN

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

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PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	30.10.2026	**DEV,J& GTK,J** This writ petition is disposed of. (Vide Separate Order) **DEV, J** **GTK,J** TJN	