APHC010579972026

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

TUESDAY, THE 3rd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 32038 OF 2026

Between:

1. Kamula Praveen Kumar,, S/o. Jagadeeswara Rao,
aged about 49 years,
Resident of D.No.18/414, Bapu Nagar,
Near Rama Krishna Seva Samithi,
Nuzvid, Krishna District, Andhra Pradesh.
Pin code 521 201

...Petitioner

AND

1. The Union of India, represented by its Secretary,
Department of Financial Services,
Ministry of Finance, Government of India,
3rd Floor, Jeevan Deep Building,
Sansad Marg (Parliament Street),
New Delhi, Delhi 110001.
2. The Reserve Bank of India, represented by its Governor,
Central Office, Shahid Bhagat Singh Road,
Fort, Mumbai, Maharashtra 400001.
3. The Assistant Registrar/Sale Officer, The Krishna District Co-operative Central Bank Limited,
Nuzvid Branch, Krishna District, Andhra Pradesh.
Pin code 521 201

4. The Krishna District Cooperative Central Bank Limited, represented by its Chief Executive Officer,
Dr. Y.S.R. Sahakara Bhavan, Jagannadhapuram,
Head Office, Machilipatnam, Krishna District, Andhra Pradesh. Pin code 521 003

...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 toissue an
appropriate Writ, Order or Direction, more particularly one in the nature of a Writ of Mandamus, declaring the action of the 4th Respondent Bank in issuing the impugned demand notice dated 22.09.2026 under Section 13(2) of the SARFAESI Act, demanding an alleged outstanding amount of Rs.32,06,791/- (Rupees Thirty-Two Lakhs Six Thousand Seven Hundred and Ninety-One only) as on 21.09.2026 in respect of a loan originally sanctioned for Rs.17,97,000/- (Rupees Seventeen Lakhs Ninety-Seven Thousand only), without showing the statement of account of the payments made by the petitioner, as illegal, arbitrary and contrary to law, if found to be inconsistent with the order dated 06.08.2024 passed by the Andhra Pradesh Co-operative Tribunal, Vijayawada, in O.A. No.3 of 2023, or to have been issued without satisfying the applicable statutory requirements, including the requirements governing the 4th Respondent Bank's entitlement to invoke the SARFAESI Act and consequently, to set aside the impugned demand notice dated 22.09.2026 issued by the 4th Respondent Bank under Section 13(2) of the SARFAESI Act, 2002

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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 stay all further proceedings in impugned demand notice

dated 22.09.2026, issued by 4th respondent under Section 13(2) of the SARFAESI Act 2002, pending disposal of the main writ petition,

Counsel for the Petitioner: SYAM VARA PRASAD RAO P
Counsel for the Respondents:

The Court made the following order:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 32038 OF 2026

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

This writ petition is filed challenging the notice issued under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act').

2. The case of the petitioner is that the petitioner availed housing loan for an amount of Rs.17,97,000/- *vide* sanction letter dated 31.12.2020 by respondent No.4-bank. Thereafter he failed to pay monthly installments. Respondent No.4-bank initiated recovery proceedings against the petitioner under the Andhra Pradesh Cooperative Societies Act, Vijayawada, 1964, by issuing Form-9 sale notice in E.P.No.548/OSD/2021-2022 in certificate No.1391/AR/SO/2021-22, dated 20.01.2022. Aggrieved by the said proceedings, petitioner approached the Andhra Pradesh Cooperative Tribunal, Vijayawada. The tribunal, by its order dated 06.08.2024 in O.A.No.3 of 2023, allowed the said appeal and set aside the Form-9 sale notice giving liberty to the petitioner to approach appropriate forum for recovery of debts.

3. Thereafter, the respondent-bank initiated proceedings under SARFAESI Act and notice is issued under Section 13(2) of the SARFAESI Act' instructing the petitioner to clear the outstanding amount of Rs.32,06,791/- as on 21.09.2026. In the said notice, the petitioner is called upon to discharge

his liability with interest and incidental expenses costs within sixty (60) days from the date of notice, failing which, it is made clear that the bank shall be entitled to exercise its rights under Section 13(4) of the Act. Aggrieved by the said notice, the present writ petition is filed.

4. On perusal of the notice issued under Section 13(2) of the SARFAESI Act by the respondent-bank, it appears that there is no infirmity or illegality in issuing the notice. If the petitioner is aggrieved by the same, it is always open to him to approach the Debts Recovery Tribunal having the jurisdiction raising all his contentions by filing the Securitization Application under Section 17 of the S.A.R.F.A.E.S.I Act. Without availing such remedy, the petitioner approached this Court. We find no merits in this writ petition for interference.

5. Accordingly, the writ petition is dismissed. 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:03.11.2026
TJN

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THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

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Dated: 03.11.2026

TJN

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

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PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01	03.11.2026	**DEV,J& GTK,J** The writ petition is dismissed. (Vide Separate Order) **DEV, J** **GTK, J** TJN	