



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

**[3418]**

FRIDAY, THE THIRTEENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**AND**

**THE HONOURABLE SRI JUSTICE V. GOPALA KRISHNA RAO**

**WRIT PETITION No.4172 of 2026**

**Between:**

1.E.RAMACHANDAR RAO, S/O.LATE GURUVULU, R/O.48-11-30/3, ASHOK NAGAR, ASILMETTA, VISAKHAPATNAM.

**...PETITIONER**

**AND**

1.THE UNION OF INDIA, REP.BY ITS PRINCIPAL SECRETARY, MINISTRY OF FINANCE, NEW DELHI -110 001.

2.THE AUTHORIZED OFFICER/CHIEF MANAGER, KANAKA MAHALAKSHMI COOPERATIVE BANK LTD., D.NO.49-34-22, AKKAYYPALEM, VISAKHAPATNAM - 530 016.

3.DHANASHREE RICE & HOME NEEDS, REP.BY ITS PROPRIETOR BODDEPALLI GIRI BABU S/O. NARAYANA, 39-8-12/1, MURALINAGAR, VISAKHAPATNAM -530 007.

4.KANTIMAHANATHI SARASWARI, W/O. LATE KRISHNA PATNAIK, FLAT NO.F-604, AWHO VIJAY VIHAR, MORE WASTI RD, BESIDE FIRE STATION WAGHOLI, PUNE -412 207, MAHARASHTRA STATE.

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.K SAIRAM MURTHY

**Counsel for the Respondent(S):**

1.

**The Court made the following:**

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY  
AND**

**THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO**

**WRIT PETITION No.4172 of 2026**

**ORDER:** *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Heard learned counsel for the petitioner.

2. The 3<sup>rd</sup> respondent is the principal borrower, who availed loan from the 2<sup>nd</sup> respondent - Cooperative bank, and the 4<sup>th</sup> respondent is the guarantor. They mortgaged the secured asset as security for repayment of the loan amount. As the 3<sup>rd</sup> respondent has committed default in repayment of the loan amount, the bank has initiated measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act'). The possession of the secured asset is sought to be taken under Section 14 of the SARFAESI Act, pursuant to the order passed by the learned Magistrate.

3. The order of the learned Magistrate, appointing an Advocate Commissioner to take possession of the secured asset, is now sought to be assailed by the petitioner, who is a third party to the loan transaction. He is neither a borrower nor a guarantor in respect of the said loan transaction. According to him, he is the owner of the secured asset and he got it in his family partition. But, the material on record shows that the 3<sup>rd</sup> and 4<sup>th</sup> respondents have deposited the registered sale deed relating to the secured asset with the bank in connection with the loan transaction. The said sale deed establishes their title over

the property. The petitioner has suppressed the fact as to who executed the said sale deed in their favour. He did not deny the title of the vendor of respondent Nos.3 and 4. Moreover, the petitioner did not produce any evidence at least to *prima facie* show that he got right over the said property and that the said property was part of his joint family property and it was allotted to him in the family partition. Therefore, except making a bald assertion that he is the owner of the property and he got it in his family partition, no evidence worth the name is produced by the petitioner to prove his title over the said property.

**4.** Therefore, when the petitioner could not establish his title to the property as claimed by him and when he is a third party to the loan transaction, in the considered view of this Court, he cannot seek to challenge the proceedings initiated by the bank under the SARFAESI Act for realization of the loan amount from the 3<sup>rd</sup> respondent, who is the principal borrower.

**5.** If at all the petitioner got any right or title over the said property and if it is his case that the said property was mortgaged by the 3<sup>rd</sup> and 4<sup>th</sup> respondents without any valid title, the petitioner has to seek redressal of his grievance in the appropriate forum. As disputed questions of fact are involved in view of the plea taken by the petitioner regarding the title of the property in question and as the same cannot be decided by the writ Court, he has to pursue his remedy in the appropriate forum in the given facts and circumstances of the case. Therefore, we are not inclined to entertain this writ petition.

**6.** Ergo, the writ petition is dismissed. However, the petitioner is at liberty to pursue his remedy in the appropriate forum.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed. There shall be no order as to costs.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

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**JUSTICE V. GOPALA KRISHNA RAO**

Date: 13.02.2026  
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