



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

**[3558]**

**TUESDAY, THE ELEVENTH DAY OF NOVEMBER  
TWO THOUSAND AND TWENTY FIVE**

**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 4916/2022**

**Between:**

1.V. LEELA RANI,, W/O. V. GANGU NAIDU, AGED ABOUT 35 YEARS,  
R/ O. MARUTHI NAGAR, 4TH LANE, DOLAPETA, RAJAM VILLAGE  
AND MANDAL, SRIKAKULAM DISTRICT.

**...PETITIONER**

**AND**

1.LIFE INSURANCE CORPORATION HOUSING FINANCE LTD, REP.  
BY ITS AUTHORIZED OFFICER, 4TH FLOOR, NORTH WING,  
JEEVANA SAMRIDHI NEW INVESTMENT BUILDING, THIKKANNA  
ROAD, VISAKHAPATNAM.

2.BRANCH MANAGER, LIC HOUSING FINANCE LTD., KRISHNA PARK,  
PALAKONDA ROAD, SRIKAKULAM TOWN. .

**...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 be issued writ of mandamus declaring action of 1st respondent in issuing possession notice 06.01.2022 for taking symbolic possession of the house No. C54 me situated at 4th land in S.No.112-7, Maruthi Nagar, Vidya Junior College Road, Ponugutivalasa Village, Razaam Mandal, Srikakulam District as illegal, arbitrary, contrary to law and violation of principles of natural justice and set aside the same and consequently direct respondents not to interfere with the possession of the petitioner residential house No. C54 me situated at 4th land in S.No.112-7, Maruthi Nagar, Vidya Junior College Road, Ponugutivalasa Village, Razaam Mandal, Srikakulam District and pass

**IA NO: 1 OF 2022**

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 direct the respondents not to take any coercive steps with regard to house bearing No. C54 me situated at 4th land in S.No.112-7, Maruthi Nagar, Vidya Junior College Road, Ponugutivalasa Village, Razaam Mandal, Srikakulam District in pursuant to the notice dt: 06.01.2022 issued by 1st respondent pending WP and 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 May be pleased to vacate the interim order passed in W.P.No.4916 of 2022, Dt.25-02-2022 in the interest of justice and to pass

**Counsel for the Petitioner:**

1.ARAVALA RAMA RAO

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

1.BATHULA RAJ KIRAN

**The Court made the following:****ORDER:** *(Per Hon'ble Sri Justice Cheekati Manavendranath Roy)*

Assailing the notice dated 06.01.2022 issued under Section 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'SARFAESI Act'), for taking symbolic possession of the residential house of the petitioner, which is a secured asset, the present writ petition has been filed by the petitioner.

2. Heard learned counsel for the petitioner and Sri Suresh Kumar, learned counsel representing Sri B.Raj Kiran, learned Standing Counsel for respondent No.1-Life Insurance Corporation Housing Finance Limited and also for respondent No.2.

3. The petitioner is the principal borrower, who has availed loan from respondent No.1. She has offered her house property as a security for the two loans availed by her from respondent No.1. As the petitioner has committed default in re-payment of the loan amount, respondent No.1 has initiated SARFAESI proceedings and issued notice under Section 13(4) of the Act to take symbolic possession of the secured asset. The petitioner now seeks to assail the legal validity of the said notice issued under Section 13(4) of the Act on various grounds which are pleaded in the writ petition.

4. An efficacious remedy is available to the petitioner even to challenge the said notice under Section 13(4) of the Act on the grounds which are now urged in the writ petition, before the Debts Recovery Tribunal (for short, 'DRT')

concerned. Infact, as per the submissions made by learned counsel for the respondents when a similar notice was issued earlier by respondent No.1 to the petitioner, she has approached the DRT assailing the said notice and the DRT has passed an order directing the petitioner to deposit 20% of the outstanding amount within the time of twenty (20) days stipulated by the Tribunal and to pay another 20% of the outstanding amount within another twenty (20) days period. But the petitioner failed to comply with the said direction and she did not deposit the outstanding amount of 20%, as directed and she has deposited only some of the amount. Therefore, it appears that the S.A.No.197 of 2017 that was filed by the petitioner was dismissed. Now, again the Bank has initiated fresh proceedings by way of issuing notice under Section 13(4) of the Act. But, the petitioner suppressing the said fact of earlier litigation before the DRT and that she has failed to comply with the direction issued by the DRT to deposit 20% of the outstanding amount, she has approached the Writ Court by invoking jurisdiction of this Court under Article 226 of Constitution of India. The petitioner is not justified in approaching this Court by suppressing the material facts relating to the earlier round of litigation. She has conveniently chosen to approach this Court, as she failed to comply with the direction of the DRT in the previous round of litigation.

5. Therefore, in the said facts and circumstances of the case, we are not inclined to interfere in this writ petition and to entertain the writ petition. However, the petitioner is at liberty to approach the DRT and avail her remedy for redressal of her grievance.

6. Therefore, the Writ Petition is disposed of, granting liberty to the petitioner to approach the Debts Recovery Tribunal for redressal of her grievance within a period of four (4) weeks from date of this order. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

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**JUSTICE CHEEKATI MANAVENDRANATH ROY**

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**JUSTICE TUHIN KUMAR GEDELA**

Date: 11.11.2025  
MDP