



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

**[3418]**

THURSDAY, THE TWELFTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA  
KRISHNA RAO**

**WRIT PETITION NO: 4139/2026**

**Between:**

1. S PULLAIAH, S/O LATE SESHIAH, AGED 64 YEARS R/O D.NO.2-22/2/2, TELEPHONE COLONY, SRINIVASAPURAM, TIRUPATI CITY
2. SMT S.DHANA KONDAMMA, W/O PULLAIAH AGED 58 YEARS, R/O D.NO.2-22/2/2, TELEPHONE COLONY, SRINIVASAPURAM, TIRUPATI CITY
3. S.VENKATA PAVAN KUMAR, S/O PULLAIAH, AGED 38 YEARS, R/O D.NO.2-22/2/2, TELEPHONE COLONY, SRINIVASAPURAM, TIRUPATI CITY
4. S.MAMATHA, D/O PULLAIAH, AGED 37 YEARS R/O D.NO.2-22/2/2, TELEPHONE COLONY, SRINIVASAPURAM, TIRUPATI CITY

**...PETITIONER(S)**

**AND**

1. AUTHORIZED OFFICER CUM CHIEF MANAGER, CANARA BANK, MAIN BRANCH II, SIDDANTHA TOWERS. OPPOSITE OLD MATERNITY HOSPITAL, TIRUPATI
2. BRANCH MANAGER, SPECIALIZED ASSETS RECOVERY MANAGEMENT CANARABANK, 3RD FLOOR, 13-1, KVC ARCADE, RC ROAD TIRUPATI CITY
3. ASSISTANT GENERAL MANAGER, REGIONAL OFFICER, CANARA BANK, TIRUPATI

**...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 issue a writ in the nature of a writ of mandamus or any other appropriate writ, direction order or orders declaring the action of the respondents Bank herein in issued the sale notice dt.22-01-2026 as well as E-auction notice dt.24-01-2026 published in Eenadu Telugu daily under Rule 8(6) of the Security Interest ( Enforcement ) Rules 2002, auction will be held on 12-02-2026 at 10. 30 am to 11-30 am in respect of the petitioners residential RCC duplex model house in an extent of 200 sq.yards or 50 ankanams situated at new ward No.2 Old Ward No.1, Srinivasapuram residential area, Avilala village accounts, Tirupati Rural Mandal, Tirupati District for Rs.2,14,84,000/-(two crores fourteen lacs eighty four thousand only), despite the present market value of the property is more than Rs.5 crores, though the respondents bank with the help of police in the presence of the court commissioner the petitioners were forcibly necked out from the residential villa on 17-01-2026 without following the procedure contemplated under the Act as wholly arbitrary, illegal and without jurisdiction and violated the principles of natural justice and affected the petitioners rights guaranteed under article 14, 19(1)(g), 21 and 300(A) of the Constitution of India and consequently, set aside the sale notice dt.22-01-2026 as well as e- auction notice dt.24-01-2026 by direct the respondents bank authorities to receive the pending EM Is from December 2024 till date and open the lock and key in respect of the petitioners residential RCC model house bearing No.2- 22/2/2, situated at Srinivasapuram, Tirupati City, Tirupati District 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 to stay of all further proceedings relating to the sale notice dt.22-01-2026 as well as e auction notice dt.24-01-2026 published in Eenadu Telugu daily in respect of the residential RCC model house bearing D.No.2-22/2-2, situated at Srinivasapuram Tirupati by open the lock and key pending disposal of the writ petition and pass

### **Counsel for the Petitioner(S):**

1.VEERAPANENI TARUN KUMAR CHOWDARY

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

1.

### **The Court made the following:**

**The Court made the following:**

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

Heard learned counsel for the petitioners.

2. The petitioners are the principal borrowers and guarantors. As the principal borrower committed default in repayment of the loan amount availed from the Bank, the Bank has initiated measures under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act') for realisation of the entire loan amount. Challenging the said proceedings initiated by the Bank, the instant writ petition has been filed.

3. The petitioners have got an efficacious remedy of filing an application under Section 17 of the SARFAESI Act before the Debts Recovery Tribunal, which is an appropriate forum, constituted under the Act with special mechanism for redressal of grievances relating to the measures initiated under the SARFAESI Act, 2002. But, without approaching the Tribunal, the petitioners have approached this Court, invoking its extraordinary jurisdiction under Article 226 of Constitution of India. The Apex Court has time and again deprecated the practice of the High Court entertaining the writ petitions without relegating the parties to the Debts Recovery Tribunal, which is constituted under the Act with special mechanism for redressal of such grievances.

4. Therefore, in the said facts and circumstances, we are not inclined to interfere in the matter and to entertain the writ petition.

5. Resultantly, the Writ Petition is disposed of with a direction to the petitioners to approach the Debts Recovery Tribunal concerned for redressal of their grievance. As it is stated that the petitioners are ready to pay the balance loan amount which is outstanding, they are at liberty to approach the Bank with a representation and make the payment. There shall be no order as to costs.

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

---

**JUSTICE CHEEKATI MANAVENDRANATH ROY**

---

**JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO**

Date: 12.02.2026  
SA/SCS

102

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**  
**&**  
**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA**  
**KRISHNA RAO**

**WRIT PETITION NO: 4139/2026**

**Date:- 12.02.2026**

**SA/SCS**