

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

TUESDAY, THE TWENTIETH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE A V SESA SAI

AND

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WP NO: 4479 OF 2024



Between:

Sri Reddy Sanyasi Naidu, S/o Demudu (late), R/at Flat No.GF-1 MIG-112, Ratnagiri Housing Board Colony P.M.Palem, Madhuruvada, Visakhapatnam.

...Petitioner

AND

1. Union of India, Ministry of Finance, Represented by its Secretary Sastry Bhavan, New Delhi.
2. Axis Bank, registered office at Trishul, 3rd floor opp. Samarthewar temple, Near Law Garden Ahmedabad and branch office at Sri Gayatri Towers D.No.43-9-141, 4th Floor, Dondparthy, Visakhapatnam 16 Represented by its Authorized Officer
3. Sri G. Jayababu, Advocate Commissioner (Appointed in CrI M.P.2118/2019 of Chief Metropolitan Magistrate, Visakhapatnam.) Visakhapatnam.
4. The Station House Officer, P.M.Palem Police Station , P.M.Palem Visakhapatnam.
5. Mr. Brahamayya Sape, S/o S.Appala Swamy Aged major ,R/at Q.No.MIG -17 Auto Nagar, Gajuwaka B.H.P.V. Post Visakhapatnam.

...Respondents

WHEREAS the Petitioner above named through his Advocate Sri RAVURI LEELA SAI SAMPATH presented this 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 May be pleased to pass an Order to Issue a Writ or Order or Direction more particularly in the Nature of a Writ of Ceritorai to Call for the Records pertaining to the CrI M.P.No.2118/2019 on the file of Chief Metropolitan Magistrate Court at Visakhapatnam as filed by the 2nd Respondent by Invoking U/s 14 of SARFEASI Act on that Issued a Commissioner Warrant directing the Advocate-Commissioner (R-3) to take out the Physical Possession of the Property Schedule Covered in CrI M.P. No.2118/2019 relates to the Petitioner on that the 2nd Respondent along with the 3rd and 4th Respondents made Attempts to take out the Physical Possession of the Property Covered under Schedule in CrI MP No.2118/2019 by any Cost for that threatens the petitioner family that they will thrown out by Invoking the Commissioner Warrant (New) issued by Cheif Metropolitan Magistrate Court at Visakhapatnam all are Illegal, Unlawful, Violation of Principles of Natural Justice, Violation of Article 14, 19, 21, 300-A of the Constitution of India Consequently to Direct the Respondents 2, 3 and 4 not to Execute the Commissioner Warrant issued by Cheif Metropolitan Magistrate Court at Visakhapatnam in CrI M.P.No.2118/2019 in the interest of the justice;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Ravuri Leela Sai Sampath, Advocate for the Petitioner and Deputy Solicitor General for the Respondent No.1 and GP for Home for the Respondent No.4, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Secretary, Union of India, Ministry of Finance, Sastry Bhavan, New Delhi.
2. The Authorized Officer, Axis Bank, registered office at Trishul, 3rd floor opp. Samarthwar temple, Near Law Garden Ahmedabad and branch office at Sri Gayatri Towers D.No.43-9-141, 4th Floor, Dondparthy, Visakhapatnam 16.
3. Sri G. Jayababu, Advocate Commissioner (Appointed in CrI M.P.2118/2019 of Chief Metropolitan Magistrate, Visakhapatnam.) Visakhapatnam.
4. The Station House Officer, P.M.Palem Police Station , P.M.Palem Visakhapatnam.
5. Mr. Brahamayya Sape, S/o S.Appala Swamy, R/at Q.No.MIG -17 Auto Nagar, Gajuwaka B.H.P.V. Post Visakhapatnam.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted.

IA NO: 2 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased stay of all the further proceedings in CrI M.P.No.2118/2019 on the file of Chief Metropolitan Magistrate Court at Visakhapatnam U/s 14 of the SARFEASI Act including the execution of the Commissioner Warrant in CrI M.P.No.2118/2019 as against the Property of petitioner i.e., Flat No.GF-I(W) in Ground Floor In Reddy Twin Castle-I D.NO.11-74 bearing Plot No.MIG 112 of Pothenamallyapalem, Visakhapatnam, pending disposal of WP No.4479 of 2024, on the file of the High Court.

**The Court made the following:
ORDER:**

"Notice before admission.

Heard the learned counsel for the petitioner.

It is submitted by the learned counsel for the petitioner reiterating the averments made in the Writ affidavit that the petitioner is neither a borrower nor a guarantor to the subject loan transaction.

Considering the submissions of the learned counsel for the petitioner, for a period of Six (06) weeks from today *status-quo* existing as on today with regard to subject property shall be maintained.

Post after four (04) weeks."

//TRUE COPY//

Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

For ASSISTANT REGISTRAR

To,

1. The Secretary, Union of India, Ministry of Finance, Sastry Bhavan, New Delhi.
2. The Authorized Officer, Axis Bank, registered office at Trishul, 3rd floor opp. Samarthewar temple, Near Law Garden Ahmedabad and branch office at Sri Gayatri Towers D.No.43-9-141, 4th Floor, Dondparthy, Visakhapatnam 16.
3. Sri G. Jayababu, Advocate Commissioner (Appointed in Crl M.P.2118/2019 of Chief Metropolitan Magistrate, Visakhapatnam.) Visakhapatnam.
4. The Station House Officer, P.M.Palem Police Station , P.M.Palem Visakhapatnam.
5. Mr. Brahamayya Sape, S/o S.Appala Swamy, R/at Q.No.MIG -17 Auto Nagar, Gajuwaka B.H.P.V. Post Visakhapatnam. (Addressee Nos.1 to 5 by RPAD- along with a copy of petition and affidavit)
6. One CC to Sri. Ravuri Leela Sai Sampath, Advocate [OPUC]
7. One CC to Deputy Solicitor General [OPUC]
8. Two CCs to GP for Home, High Court of AP [OUT]
9. Two spare copies

MM

HIGH COURT

**AVSS,J
&
JS,J**

DATED:20/02/2024

NOTE: POST AFTER FOUR (04) WEEKS

NOTICE BEFORE ADMISSION

WP.No.4479 of 2024

STATUS QUO

