

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE NINETEENTH DAY OF MARCH,
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 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 Swarmy Aged major ,R/at Q.No.MIG -17 Auto Nagar, Gajuwaka B.H.P.V. Post Visakhapatnam.

...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 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 Crl 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 Crl 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 Crl 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 Crl M.P.No.2118/2019 in the interest of the justice;

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 Petition coming on for hearing perusing the petition and affidavit filed herein support thereof and the earlier order of the High Court dated. 20.02.2024, made 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, The Court made the following

ORDER:

For filing counter, post after four (04) weeks.

Interim order granted earlier is extended till then.

//TRUE COPY//

SD/- A. VIJAYA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to Sri. Ravuri Leela Sai Sampath, Advocate [OPUC]
2. One CC to Deputy Solicitor General [OPUC]
3. Two CCs to GP for Home, High Court of AP [OUT]
4. Two spare copies

PSR

HIGH COURT

AVSS,J
&
JS,J

DATED:19.03.2024.

NOTE: POST AFTER FOUR (04) WEEKS.

ORDER

WP.No.4479 of 2024

INTERIM ORDER EXTENDED

