

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI ✓
(Special Original Jurisdiction) ✓

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE ✓



PRESENT

HON'BLE SRI JUSTICE DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE
AND
HON'BLE SRI JUSTICE R RAGHUNANDAN RAO ✓

WRIT PETITION NO: 7115 OF 2025 ✓

Between:

M/s. Sai Agri Corporation, Office at 22-61, GPR Complex, Beside Vidyuth Kalabarathi, Gooty Road, Anantapuram, Rep. by its Managing Partner Pemmaka Ramdas Reddy, S/o. P. Laxmi Reddy, Aged 83 Years, Occ: Business, Residing at D.No. 12-586, P. Kondapuram Village, Pamidi Mandal, Anantapuramu District. ✓

...Petitioner ✓

AND

1. Union of India, Rep. by its Principal Secretary, Finance Department, New Delhi. ✓
2. M/s. The KarurVysya Bank Ltd., Rep. by its Branch Manager, D.No.11-181, Meda Ramayya Mansion, Subash Road, Anantapuram, Anantapuram District. ✓
3. M/s. The Karur Visya Bank Limited, Rep. by its Authorized Officer, Asset Recovery Branch, 5-8-356 to 362, III Floor, Chirag Ali Lane, Abids, Hyderabad-500001. ✓
4. The Commissioner and Director of Agriculture, Old Mirchi Yard, Nallapadu Road, Chuttagunta, Guntur, Guntur District. ✓

...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 to issue an appropriate Writ, Order or Direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 3rd respondent bank in issuing fresh notice dated 04.02.2025 under Section 13(2) of the SARFAESI Act, is totally illegal, arbitrary and against the principles of natural justice and also against the observation given by this Honble Court in W.P.No.28365 of 2021 and consequently set aside the same.

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 to suspend the operation of the fresh notice dated 04.02.2025 issued under Section 13(2) of the SARFAESI Act by the 3rd respondent, pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. SESHADRI GOALLA

Counsel for the Respondent No. 4: GP FOR AGRICULTURE

Counsel for the Respondent No.1: SRI PASALA PONNA RAO, DEPUTY SOLICITOR GENERAL OF INDIA

The Court made the following order:



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench Sr.No:-17
[3446]

WRIT PETITION NO: 7115 of 2025

M/s. Sai Agri Corporation

...Petitioner

Vs.

Union of India and others

...Respondents

Advocate for Petitioner : Mr. Seshadri Goalla
Advocate for Respondents : GP for Agriculture

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R RAGHUNANDAN RAO**

DATE : 20th March 2025

P C :

Learned counsel for the petitioner challenges the notice, dated 04.02.2025, issued under Section 13(2) of the SARFAESI Act, 2002, primarily on the ground that an earlier Section 13(2) notice and the auction notice issued by the Bank had since been challenged by the petitioner in S.A.No.102 of 2022. It is stated that unless and until the previous notice issued under Section 13(2) was withdrawn, the second notice under Section 13(2) would not have been issued at all.

2. On a perusal of the scheme of the Act, 2002, shows that, whenever a notice under Section 13(2) is issued, a borrower or the guarantor is entitled to submit objections to the same, which are required to be

considered by the Bank or Financial Institution under Section 13(3A) of the Act, 2002.

3. In the present case, the petitioner has not admittedly filed objections and has rushed this Court to file present petition. It would be too presumptuous on the part of learned counsel for the petitioner to believe that the objections if at all filed would not be considered in its correct perspective and a speaking order would not be passed.

4. Be that as it may, we dispose of this writ petition by giving liberty to the petitioner to file its objections to the Section 13(2) notice, which has been issued, which should be considered by the Bank in its correct perspective and a reasoned order passed. No costs.

Consequently, connected miscellaneous applications, if any, shall stand closed.

Sd/- M. PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Union of India, Finance Department, New Delhi.
2. The Branch Manager, KarurVysya Bank Ltd., D.No.11-181, Meda Ramayya Mansion, Subash Road, Anantapuram, Anantapuram District.
3. The Authorized Officer, Karur Visya Bank Limited, Asset Recovery Branch, 5-8-356 to 362, III Floor, Chirag All Lane, Abids, Hyderabad-500001.
4. The Commissioner and Director of Agriculture, Old Mirchi Yard, Nallapadu Road, Chuttagunta, Guntur, Guntur District.
5. One CC to Sri. Seshadri Goalla Advocate [OPUC]
6. One CC to Sri. Pasala Ponna Rao, Deputy Solicitor General of India [OPUC]

7. Two CCs to GP for Finance Planning, High Court Of Andhra Pradesh.
[OUT]

8. Three CD Copies

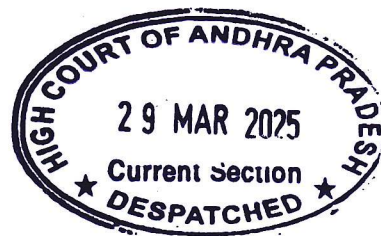
GSC

HIGH COURT

DATED:20/03/2025

ORDER

WP.No.7115 of 2025



DISPOSING OF THE WP

WITHOUT COSTS