

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

**TUESDAY, THE TWENTY NINTH DAY OF JULY
TWO THOUSAND AND TWENTY FIVE**



:PRESENT:

HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 11805 OF 2025

Between:

Badampudi Ravi Kumar, S/o B.Agasthi Rao, Aged about 48 years, R/o 4-74,
Vinayaka Street, Siddantam, Penugonda Mandal, West Godavari District - 534
326

...Petitioner

AND

1. The Reserve Bank of India, C/o CGM and Secretary, Secretarys Department, Reserve Bank of India 16th Floor, Central Office Building, Shahid Bhagat Singh Road, Mumbai-400 001.
2. Canara Bank, A Government of India Undertaking, Represented by its Authorized Officer/Manager, Regional Office, Kakinada, D.No.2-26-1, Ward No.5, 50 Buildings Center, Srinagar, Kakinada, Andhra Pradesh - 533003
3. The Chief Manager, Canara Bank, D.No.8-872/1, Mallidi Kanikireddy Papavardhana Complex, Vedireswaram Road, Ravulapalem, Dr.B.R.Amdekar Konaseema District - 533 238.

...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 a writ, order or direction, more particularly like one in the nature of Writ of Mandamus declaring the action initiated under the

SARFAESI Act, 2002, by the Respondent bank, in allegedly issuing a Demand Notice dated 04/01/2025 and issuance of Possession Notice dated 02/04/2025 under Section 13(4) of the Act, read with Rule 8 of the Security Interest (Enforcement) Rules, 2002 vide. Ref. No. 01/ROK/Possession-2777/2025 dated 02/04/2025 in respect of the Loan Account No. 2777667000002 of the Petitioner in lieu of the building (Nearest D.No.1-666) in Plot No.231 (Part) admeasuring 150 Sq.yds (out of 300 Sq.yds) layout land ad-measuring Ac.0-88 Cents (out of Ac.2.50 Cents) middle out of Ac.80-44 Cents (out of total extent of Ac.86-90 Cents), situated in R.S.No.73, Bommuru, Kadiyam Sub Registrar, Rajamundry Rural, East Godavari District, along with structures therein, as illegal, arbitrary and violate of principles of natural justice and violative of the SARFAESI Act and Articles 14, 19, 21 and 300 A of the Constitution of India and consequently quash the Demand Notice dated 04/01/2025, Possession Notice dated 02/04/2025 issued by the Respondent Bank under Sections 13(2) and 13(4) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Security Interest (Enforcement) Rules, 2002 and to refund an amount of Rs.3,10,000/- to the Petitioner towards rental income for the period from 04/08/2022 till 31/03/2025 @ Rs. 10,000/- per month. ✓

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 stay all further proceedings pursuant to the Demand Notice dated 04/01/2025 and Possession Notice dated 02/04/2025 including Auction/Sale of the Petitioner's building (Nearest D.No.1-666) in Plot No.231 (Part) admeasuring 150 Sq.yds (out of 300 Sq.yds) layout land ad-measuring Ac.0-88 Cents (out of Ac.2.50 Cents) middle out of Ac.80-44 Cents (out of total extent of Ac.86-90 Cents), situated in R.S.No.73, Bommuru, Kadiyam Sub Registrar, Rajamundry Rural, East Godavari District, Pending disposal of WP 11805 of 2025, on the file of the High Court. ✓

IA NO: 2 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 direct the Respondent Bank to handover possession of the Petitioner's Building with Nearest D.No.1-666 in Plot No.231 (Part) admeasuring 150 Sq.yds (out of 300 Sq.yds) layout land ad-measuring Ac.0-88 Cents (out of Ac.2.50 Cents) middle out of Ac.80-44 Cents (out of total extent of Ac.86-90 Cents), situated in R.S.No.73, Bommuru, Kadiyam Sub Registrar, Rajamundry Rural, East Godavari District, Pending disposal of WP 11805 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Writ Petition and the affidavit filed in support thereof and the earlier Order of the High Court dated 05.05.2025 made herein and upon hearing the arguments of Sri M R K CHAKRAVARTHY, Advocate for the Petitioners and of Sri S SATYANARAYANA MOORTHY Advocate for the Respondents, the Court made the following

ORDER

“Learned counsel for the petitioner states that no notice under Section 13(2) of the SARFAESI Act, 2002, was ever served upon the petitioner.

**Learned counsel for the respondents seeks time to file objections.
List on 12.08.2025.**

In the meantime, *Status quo* be maintained as on date.”

//TRUE COPY//

**SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR
SECTION OFFICER**

To,

1. The Reserve Bank of India, C/o CGM and Secretary, Secretarys Department, Reserve Bank of India 16th Floor, Central Office Building, Shahid Bhagat Singh Road, Mumbai-400 001.
2. The Authorized Officer/Manager, Canara Bank, A Government of India Undertaking, Represented by its Regional Office, Kakinada, D.No.2-26-1, Ward No.5, 50 Buildings Center, Srinagar, Kakinada, Andhra Pradesh - 533003
3. The Chief Manager, Canara Bank, D.No.8-872/1, Mallidi Kanikireddy Papavardhana Complex, Veditreswaram Road, Ravulapalem, Dr.B.R.Amdekar Konaseema District - 533 238. **(Addressees 1 to 3 by RPAD)**
4. One CC to SRI. M R K CHAKRAVARTHY Advocate [OPUC]
5. One CC to SRI. S **SATYANARAYANA MOORTHY** Advocate [OPUC]
6. **Two spare copies**

HIGH COURT

**HC,J
&
RC,J**

DATED:29/07/2025

NOTE: List on 12.08.2025.

WP.No.11805 of 2025

STATUS QUO

