



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

[3585]

THURSDAY, THE FOURTEENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION NO: 14527/2026

Between:

1. KONDURI SIVA SANKARA REDDY, S/O LATE KONDURI VEERA REDDY, AGED ABOUT 62 YEARS. BUSINESS, R/O D.NO.22C-12-33, POWERPET, GUNTURVARI STREET, ELURU, ELURU DISTRICT.

...PETITIONER

AND

1. IKF FINANCE LIMITED, REP. BY ITS AUTHORIZED OFFICER, D.NO.40-1-144, M.G. ROAD, VIJAYAWADA, N.T.R. DISTRICT - 520010

2. KONDURI SIVA KUMAR REDDY, S/O LATE K. SIVA KOTI REDDY, R/O D.NO.22C-12-32, POWERPET, GUNTURVARI STREET, ELURU, ELURU DISTRICT - 534002.

3. KONDURI BRAMARAMBHA, W/O LATE K. SIVA KOTI REDDY, R/O D.NO.22C-12-32, POWERPET, GUNTURVARI STREET, ELURU, ELURU DISTRICT - 534002.

4. BEZAWADA RAMYA KONDURI RAMYA, W/O B. RAMA KRISHNA REDDY, R/O D.NO.4-6-40/4, 1ST LANE, CHANDRAMOULI NAGAR, GUNTUR - 522007.

...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 an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st Respondent in proceeding to take physical possession of the entire schedule property situated at Old West Godavari District, present Eluru District, Eluru Sub-Registration limits, Mothevari Satram Road/Powerpet, Eluru, in T.S.No.539, to an extent of 222 sq. yards, near Door No.22C-12- 31/22C-12-32, within Eluru Municipal Corporation limits, Eluru including the petitioner's lawful 1/3rd undivided share, under the guise of SARFAESI proceedings and pursuant to the order, dated 11-05-2026 passed in Crl.M.P.No.578 of 2025 by the learned Chief Judicial Magistrate-cum-Principal Senior Civil Judge, consequential Advocate Commissioner notice proposing to execute the Eluru, and the warrant on 27-05-2026 at 10.00 a.m., as illegal, arbitrary, high-handed, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the 1st Respondent not to interfere with the petitioner's lawful 1/3rd undivided right, share and possession over the schedule property, pending adjudication of O.S.No.168 of 2023 on the file of the learned Special Judicial Magistrate of First Class (Excise)-cum-IV Additional Junior Civil Judge, Eluru, 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 grant stay of all further proceedings pursuant to the order, dated 11-05-2026 passed in Crl.M.P.No.578 of 2025 by the learned Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Eluru, and the consequential Advocate Commissioner notice proposing to execute the warrant on 27-05-2026 at 10.00 a.m., insofar as the petitioner's lawful 1/3rd undivided share in the schedule property is concerned and pass

Counsel for the Petitioner:

1.VENKATA DURGA RAO ANANTHA

Counsel for the Respondent(S):

1.

The Court made the following:

ORDER:-

(Per Hon'ble Sri Dr.Justice Y. Lakshmana Rao)

The writ petition is filed for the following relief:

“...to issue an appropriate Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 1st Respondent in proceeding to take physical possession of the entire schedule property situated at Old West Godavari District, present Eluru District, Eluru Sub-Registration limits, Mothevari Satram Road/Powerpet, Eluru, in T.S.No.539, to an extent of 222 sq. yards, near Door No.22C-12- 31/22C-12-32, within Eluru Municipal Corporation limits, Eluru including the petitioner's lawful 1/3rd undivided share, under the guise of SARFAESI proceedings and pursuant to the order, dated 11-05-2026 passed in Crl.M.P.No.578 of 2025 by the learned Chief Judicial Magistrate-cum-Principal Senior Civil Judge, consequential Advocate Commissioner notice proposing to execute the Eluru, and the warrant on 27-05-2026 at 10.00 a.m., as illegal, arbitrary, high-handed, without jurisdiction, violative of principles of natural justice and violative of Articles 14, 21 and 300-A of the Constitution of India, and consequently direct the 1st Respondent not to interfere with the petitioner's lawful 1/3rd undivided right, share and possession over the schedule property, pending adjudication of O.S.No.168 of 2023 on the file of the learned Special Judicial Magistrate of First Class (Excise)-cum-IV Additional Junior Civil Judge, Eluru, and pass...”

2. Heard Sri A.Venkata Durga Rao, learned counsel for the petitioner and Sri J.Krishna Praneeth, learned Assistant Government Pleader for respondents. Perused the material on record.
3. Sri A.Venkata Durga Rao, learned counsel for the petitioner submits that the petitioner is a third party and he has neither a borrower nor a guarantor and he has got only 1/3rd of the undivided share in the scheduled property which is an open site.
4. He further submits that the learned Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Eluru, passed an order dated 11.05.2026 in Crl.M.P.No.578 of 2025 appointing an Advocate Commissioner to execute warrant against the petitioner by taking the possession of the immovable property.

5. Though the petitioner has got alternative efficacious remedy by filing an application under Section 17 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, (for brevity 'SARFAESI Act'), he has not approached the Debt Recovery Tribunal. As the learned Advocate Commissioner has been appointed to execute the warrant to take out possession of the property, a liberty is granted to the petitioner to approach the learned Debt Recovery Tribunal by filing an application under Section 17 of Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, within a period of four (04) weeks from the date of receipt of a copy of this order. Until such time, the learned Advocate Commissioner is directed not to take the possession of the property by executing the warrant.

6. With the above directions, this writ petition is disposed of. No costs

As a sequel, miscellaneous petitions, if any, shall stand closed.

DR JUSTICE Y. LAKSHMANA RAO

JUSTICE BALAJI MEDAMALLI

Date: 14.05.2026
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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

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THE HONOURABLE SRI JUSTICE BALAJI MEDAMALLI

WRIT PETITION No: 14527 of 2026

Date: 14.05.2026

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