

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

MAIN CASE: W.P.No.15623 of 2025

PROCEEDINGS SHEET

Sl. No.	DATE	ORDER	OFFICE NOTE
9.	11.02.2026	<u>CMR, J & GTK, J</u> The petitioner, who is the principal borrower, challenges the measures initiated by the 1st respondent-bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the SARFAESI Act') to take possession of the secured asset and to sell the same in the public auction, on the ground that the secured asset is an agricultural land and it is exempted from the proceedings to be initiated under the SARFAESI Act under Section 31(i) of the said Act. 2. Learned Standing Counsel for the bank, while relying on the judgment of the Apex Court rendered in the case of K. Sreedhar v. M/s. Raus Constructions Pvt. Ltd. [2023 AIR(SC) 306], submits that the mere fact that the land is shown as agricultural land in the revenue records is not sufficient to exempt it from the SARFAESI proceedings and it must be shown that the land in question is, in fact, being used for cultivation as on the date of creating security interest in respect of the said land and at present. 3. Both the parties have filed certain photographs.	

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		But, the identity of the land cannot be ascertained from the said photographs. 4. Therefore, it is a disputed fact whether the land in question is, in fact, being used for cultivation or not. 5. So, the petitioner is directed to produce the cultivation adangal as on the date of creating the security interest on 08.07.2015 for the relevant Fasli year. 6. Further, as there is a controversy as per the submissions made by both the learned counsel for the petitioner and the learned Standing Counsel for the bank regarding the use of the said land at present, we also deem it appropriate to appoint an Advocate Commissioner to inspect the land physically and to ascertain whether there is any crop on the said land at present or not and also to ascertain whether the land is being used for agricultural purpose by raising crop in it or not, as it is required to resolve the controversy involved in the writ petition. 7. Therefore, Mr. Balu Anil Kumar Palla, Advocate (Ph.No.8142824777), is appointed as an Advocate Commissioner to inspect the subject land, which is the secured asset, covered by Sy.Nos.43/1A2 and 43/1A3 situated in Nadimpalem Village, Prathipadu Mandal, Guntur District, and ascertain whether there is any crop standing on the land at present and also to ascertain whether the land is being used for agricultural purpose for the last ten years i.e., since 2015 or not and submit	

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		his report. 8. The fee of the Advocate Commissioner is fixed at Rs.25,000/- (Rupees Twenty Five Thousand only) to be paid directly to him. 9. The learned Advocate Commissioner shall, after issuing prior notice to both parties and their counsel, inspect the land in their presence and submit his report, as stated supra, within two weeks. 10. List the matter on 25.02.2026. CMR, J GTK, J IBL	

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