

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

**WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY SIX**



:PRESENT:

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND**

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 15623 OF 2025

Between:

Mr. Jampani Satyanarayana, S/o. late Mr. Tatarao, Aged about 62 years,
R/o.A/2, D.No.15-13-235, 2nd Line, RTC Colony, near Sai Baba Temple, Guntur
City and District.

...Petitioner

AND

1. Canara Bank, rep.by its Branch Manager, ARM Brnach, Circle Office,
Door No.54-15-4B, 2ndFloor, Lakshmi Aveue, Srinivas Nagar Bank
Colony, Ring Road, Vijayawada - 520008.
2. Mr. Balagani Venkata Rao, S/o. Mr. BalaganiVenkaiah, R/o.H.No.19-10-
42, Etukuru Road, Darga Manyam, Guntur - 522 003, Cell No. 99636
37566 And Also Telugu Teacher, ZPH School, Katrapadu Village,
Vatticherukuru Mandal, Guntur District - 522 017, Cell No. 99636 37566
3. Mr. CH. Basava Mohan Rao, Approved Valuer, R/o.D.No.32-27-3,
Sri Nagar, Maruthi Nagar, Vijayawada-520034.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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 one in the nature of 'Writ of Mandamus', declaring that the petitioner is entitled to exercise the statutory 'Right of Redemption' under Section 60 r/w. Sec.83 of the Transfer of Property Act to redeem the mortgaged property of agricultural

lands of an extent of Ac.0- 73 cents in Sy.No.43/1A2 and Ac.0-87 cents in Sy.No.43/1A3, respectively, situated at Nadimpalem Village, PrathipaduMandal, Guntur District, mortgaged with the 1strespondent bank, and consequently direct the 1strespondent bank to receive the sum of Rs.81,50,000/- (Rupees Eighty One Lakhs Fifty Thousands Only) and release the mortgage of the above said agricultural lands by returning all the original title deeds etc., to the petitioner herein in respect of extent of Ac.0-73cents in Sy.No.43/1A2 and Ac.0-87 cents in Sy. No.43/1 A3, respectively, situated at Nadimpalem Village, PrathipaduMandal, Guntur District.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 issuance of the Sale Certificate by the 1strespondent bank in favour of the 2ndrespondent in respect of the agricultural lands of an extent of Ac.0-73 cents in Sy.No.43/1A2 and Ac.0-87 cents in Sy.No.43/1A3, respectively, situated at Nadimpalem Village, PrathipaduMandal, Guntur District, pursuant to the e-auction Sale Notice dated 10-03-2025 held on 28-03-2025, issued by the 1strespondent bank, pending disposal of WP No. 15623 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 01.07.2025, 22.07.2025, 11.09.2025, 25.09.2025, 27.11.2025, 27.11.2025 & 21.01.2026 made herein and upon hearing the arguments of Sri Venkata Rao Burla, Advocate for the Petitioner and Sri T.B.L.Murthy, Standing Counsel for the Respondent No.1, the Court made the following;

ORDER:

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. 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 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.

//TRUE COPY//

**SD/-SK MD RAFI
DEPUTY REGISTRAR
SECTION OFFICER**

To,

1. The Branch Manager, Canara Bank, ARM Branch, Circle Office, Door No.54-15-4B, 2ndFloor, Lakshmi Aveue, Srinivas Nagar Bank Colony, Ring Road, Vijayawada - 520008.
2. Mr. Balagani Venkata Rao, S/o. Mr. Balagani Venkaiah, R/o.H.No.19-10-42, Etukuru Road, Darga Manyam, Guntur - 522 003, Cell No. 99636 37566 And Also Telugu Teacher, ZPH School, Katrapadu Village, Vatticherukuru Mandal, Guntur District - 522 017, Cell No. 99636 37566
3. Mr. CH. Basava Mohan Rao, Approved Valuer, R/o.D.No.32-27-3, Sri Nagar, Maruthi Nagar, Vijayawada-520034. (Addressee Nos.1 to 3 by RPAD)
4. One CC to Sri Balu Anil Kumar Palla, Advocate (Advocate Commissioner) [OPUC]
5. One CC to Sri.Venkata Rao Burla, Advocate [OPUC]
6. One CC to Sri T.B.L.Murthy, Advocate [OPUC]
7. Two spare copies

HIGH COURT

CMR,J

&

GTK,J

DATED: 11/02/2026

LIST THE MATTER ON 25.02.2026

ORDER.

WP.No.15623 of 2025

DIRECTION

