

APHC010320732018



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

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 14613 OF 2018

Between:

1. M/s.Esskay Shipping Private Ltd., Esskay House, D.No.25-40-40, Gangulavari Street, Visakhapatnam - 530 001, Rep.by its Director K.Mohan Nageswar.
2. Smt.Kukkala Krishna Kumari, W/o.late K.Nageswara Rao, Aged about 56 years, Occ. Household, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.
3. Kukkala Venkata Rama Vidya Sagar, S/o.late K.Nageswara Rao, Aged about 38 years, Occ. Business, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam 3.
4. Kukkala Mohan Nageswar, S/o.late K.Nageswara Rao, Aged about 36 years, Occ. Business, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.

...Petitioners

AND

1. Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad - 001, Rep.by its Managing Director.
2. The Managing Director, Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad - 001.
3. Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam - 530 013, Rep.by its Branch Manager and Collector.

4. Suresh Kumar Jain, S/o. not known, Aged about major, Occ. Business, C/o. Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam - 530 013.

...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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents corporation in issuing tender notification vide Form-7 and 7A Under Section 32 (G) of SFC Act 1951 and Section 36 of A.P. Revenue Recovery Act 1864 dated 02.02.2018 for sale of petitioners personal properties contrary to the procedure contemplated under Section 36 of the A.P. Revenue Recovery Act 1864 and further finalizing the same in favour of the 4th respondent in the auction conducted on 28.03.2018 as illegal, arbitrary and contrary to the terms and conditions of the auction and the procedure contemplated under Section 36 of the Revenue Recovery Act 1864 and set aside the same and further direct the respondents to receive the payments as per one time settlement letter dated 31.03.2016 by also declaring that the cancellation of one time settlement is illegal, arbitrary and pass

IA NO: 1 OF 2018

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 interim stay of all further proceedings pursuant to the auction conducted on 28.03.2018 as per the tender notice dated 02.02.2018 in relation to the sale of petitioners personal property, pending disposal of the above writ petition and pass

IA NO: 2 OF 2018

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 reconsider the petitioners request for one time settlement payment upto June, 2018 made vide letter dated 06.01.2018, 07.03.2018, 30.03.2018. 04.04.2018 and 10.04.2018, pending disposal of the above writ petition and pass

IA NO: 3 OF 2018

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 vacate the interim order dated 24.4.2018 granted in IA No. 1 of 2018 in WP No.14613 of 2018

Counsel for the Petitioners: V SESHAKUMARI

Counsel for the Respondents: G R SUDHAKAR

The Court made the following order:

APHC010526092018



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

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 24868 OF 2018

Between:

1. M/s.Esskay Shipping Private Ltd., Esskay House, D.No.25-40-40, Gangulavari Street, Visakhapatnam - 530 001, Rep.by its Director K.Mohan Nageswar.
2. Smt.Kukkala Krishna Kumari, W/o.late K.Nageswara Rao, Aged about 56 years, Occ. Household, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.
3. Kukkala Venkata Rama Vidya Sagar, S/o.late K.Nageswara Rao, Aged about 38 years, Occ. Business, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.
4. Kukkala Mohan Nageswar, S/o.late K.Nageswara Rao, Aged about 36 years, Occ. Business, R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.

...Petitioners

AND

1. Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad 001, Rep.by its Managing Director.
2. The Managing Director, Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad - 001.
3. Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam-530013, Rep.by its Branch Manager and Collector.

4. Suresh Kumar Jain, S/o. not known, Aged about major, Occ. Business, C/o. Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam-530013.

...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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents in issuing letters Ref.AFCNSP/2017-18/306 dated 12.06.2018 and Ref.AFC/VSP/2017-18/388 dated 28.06.2018 withdrawing from the one time settlement sanctioned on 31.03.2016 in relation to the petitioners loan account as illegal, arbitrary, malafide and non-application of mind and set aside the same and further direct the respondent corporation to accept one time settlement of Rs.2.85,52,989/- sanctioned under the letter dated 31.03.2016 relating to which Rs.80 lakhs was paid by the petitioner and pass

IA NO: 1 OF 2018

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 interim direction of the corporation to immediately permit/ release the property bearing No. 9- 29-10A, Gokul Nivas, Balaji Nagar, CBM Compound, Siripuram Visakhapatnam, pending disposal of the writ petition and pass

IA NO: 2 OF 2018

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 interim stay of all further proceedings pursuant to the letters Ref. AFC/ VSP / 2017-18/306 dated 12.06.2018, and Ref AFC/

VSP / 2017-18/388 dated 28.06.2018, pending disposal of the above writ petition and pass

Counsel for the Petitioners: V SESA KUMARI

Counsel for the Respondents: G R SUDHAKAR

The Court made the following order:

APHC010745312015



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

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 13390 OF 2015

Between:

1. M/s.Esskay Shipping Private Ltd., Esskay House, D.No.25-40-40, Gangulavari Street, Visakhapatnam - 530 001, Rep.by its Rep.by its Joint Managing Director K.Mohan Nageswar.
2. Smt.Kukkala Krishna Kumari, W/o.late K.Nageswara Rao, Aged about 65 years, Occ: Household.
3. Kukkala Venkata Rama Vidya Sagar, S/o.late K.Nageswara Rao, Aged about 45 years, Occ: Business.
4. Kukkala Mohan Nageswar, S/o.late K.Nageswara Rao, Aged about 43 years, Occ: Business. R/o.D.No.9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam - 3.

...Petitioners

AND

1. Andhra Pradesh State Financial Corporation, 51-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad - 001, Rep.by its Managing Director.
2. The Managing Director, Andhra Pradesh State Financial Corporation, 5-9-194, Chirag Ali Lane, P.B.No.165, Hyderabad - 001.
3. Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam - 530 013, Rep.by its Branch Manager & Collector.
4. The Branch Manager Collector, Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam - 530 013.

...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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents 3 & 4 in initiating proceedings under Sec.29 of the Revenue Recovery Act, 1864 and thereby issuing Gazette Notification under Form-VI Rc.Nos.1010/2015/A9, dated 12.3.2015 published in Issue No.18/2015 in relation to the Petitioners properties, without following the procedure contemplated under Sec.25 of the A.P.Revenue Recovery Act, as illegal, arbitrary and without jurisdiction and set aside the same and pass such other order or orders as may deem fit and proper in the circumstances of the case.

IA NO: 1 OF 2015(WPMP 17596 OF 2015

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 interim stay of all further proceedings pursuant to the Gazette Notification under Form-VI Rc.Nos.1010/2015/A9, dated 12.3.2015 published in Issue No.18/2015 in relation to the Petitioners properties, pending disposal of the above writ petition and pass such other order or orders as may deem fit and proper in the circumstances of the case.

Counsel for the Petitioners: V SESA KUMARI

Counsel for the Respondents: G R SUDHAKAR

The Court made the following order:

APHC010444892015



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

TUESDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 6382 OF 2015

Between:

1. M/s Esskay Shipping Private Limited, Esskay House, D.No. 25-40-40, Gangulavari Street, Visakhapatnam-530 001. Rep. by its Rep. by its Joint Managing Director K. Mohan Nageswar.
2. Smt. K. Kukkala Krishna Kumari, W/o. Late K. Nageswara Rao, Aged about 65 years. Occ: House hold, Rio. D.No. 9-29-10A, Gokul Nivas, Balaji Nagar. Siripuram, Visakhapatnam-3.
3. Kukkala Venkata Rama Vidya Sagar, S/o. Late K. Nageswara Rao, Aged about 45 years. Occ: Business. R/o. D.No. 9-29-10A, Gokul Nivas, Balaji Nagar, Siripuram. Visakhapatnam-3.
4. Kukkala Mohan Nageswar, S/o. Late K. Nageswara Rao, Aged about 43 years, Occ: Business. D.No. 9-29-10A. Gokul Nivas, Balaji Nagar, Siripuram, Visakhapatnam-3.

...Petitioners

AND

1. The Andhra Pradesh State Financial Corporation, 5-9-194, Chirag All Lane, P.B. No. 165, Hyderabad-001, Rep. by its Managing Director.
2. The Managing Director, Andhra Pradesh State Financial Corporation, 5-9-194, Chirag All Lane, P.B. No.165, Hyderabad-001.
3. The Andhra Pradesh State Financial Corporation, Branch at 52-14-77/1, New Resapuvani Palem, Near Bullayya College, Visakhapatnam-530 013, Rep. by its Branch Manager & Collector.

...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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents 2 & 3 in issuing the sale Certificate and the consequent Demand Notices Ref.No.AFC/VSP/LGL/70876801/2014-2015, DATED: 27-11-2014 & Ref./AFC/VSP/Legal/2014-15, dated: 16-12-2014 under the provisions of section 32G of SFC Act, r/w. section 25 of A.P, Revenue Recovery Act, 1864, and the consequent Notice of Attachment Ref./AFC/SEC-32G & R R Act/2014-15, dated: 02-01-2015, as illegal, arbitrary, in violation of principles of natural justice and contrary to section 32-G of SFC Act and set aside the same and further direct the Respondents 1 & 2 to consider the one time settlement request made by the petitioners vide their representation

IA NO: 1 OF 2015(WPMP 8485 OF 2015)

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 interim suspension of the Notice of Attachment Ref./AFC/SEC-32G & R R Act/2014-15, dated: 02-01-2015, issued by the 3rd respondent, pending disposal of the writ petition

Counsel for the Petitioners: V SESHAKUMARI

Counsel for the Respondents: G R SUDHAKAR

The Court made the following order:

HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM
WRIT PETITION Nos.14613 & 24868 OF 2018 and 6382 & 13390
OF 2015

COMMON ORDER:

As the issues involved in all the Writ Petitions are one and same, these Writ Petitions are disposed of by way of this common order.

2. On 21.04.2026, after perusing the earlier docket orders, this Court directed to post these matters under the caption "for dismissal". As such, they are listed today i.e., 28.04.2026, under the caption "for dismissal"

3. Today when the matters are taken up for hearing, Smt. V.Sesha Kumari, learned counsel for the petitioners submits that inspite of her best efforts, she could not get any instructions from the petitioners and as such, she pleaded this Court to close the Writ Petitions granting liberty to the petitioners to pursue their remedies, in the manner known to the law.

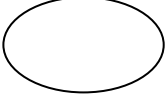
4. Sri G.R.Sudhakar, learned Standing Counsel for respondent corporation reported no objection for the same.

5. Accordingly, these Writ Petitions are closed, granting liberty to the petitioners to work out their remedies, in the manner known to the law, including filing of writ petition afresh. There shall be no order as to costs.

Interlocutory Applications pending, if any, shall stand closed.

MAHESWARA RAO KUNCHEAM, J

Date:28.04.2026
Rns



THE HON'BLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION Nos.14613 & 24868 OF 2018 and 6382 & 13390
OF 2015

Date: 28.04.2026

Rns