



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE THIRD DAY OF JULY,
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE
AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 16238 OF 2025

Between:

1. Vijaya Durga Vegetables Marchants, Rep by its Owner Prasad
Mekapothula, Shop No.168, Chandramouli Market, Chilakaluripet,
Guntur-522616.
2. Prasad Mekapothula, C/o Nagur, Aged 63 years, R/o D.No.25-251,
Gowdapalem, Chilakaluripet, Guntur-522616.
3. Mekapothula Narayana, S/o Prasad, Age 40 Years, R/o D.No.25-
251, Gowdapalem, Chilakaluripet, Guntur-522616.
4. Mekapothula Dhanalakshmi, D/o Prasad, Age 37 Years, R/o
D.No.25-251, Gowdapalem Chilakaluripet, Guntur-522616.
5. Mekapothula Mahesh Kumar, S/o Prasad, Age 37 Years, R/o
D.No.25-251, Gowdapalem, Chilakaluripet, Guntur-522616.

...Petitioners

AND

1. The Authorized Officer, Cholamandalam Investment and Finance
Company Ltd Having its registered office at Dare House, NSC Bose
Road, Chennai-600001, Chola Crest C54-55 and Super B-4, Thiru-
Vi-Ka Industrial Estate, Guindy, Chennai-600032.

2. The Branch Manager, Chola Mandalam Investment and Finance Company Ltd., Narasaraopet Branch, D.No.11-5, 9-1-57, No.9, Station Rd, above The Raymond shop, Arundelpet, Narasaraopeta, Andhra Pradesh 522601.

...Respondents

WHEREAS the Petitioners above named through their Advocate Sri RAVI TEJA GUDE presented this 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 any appropriate Writ, order or Direction preferably a Writ in the nature of Writ of Mandamus declaring the Demand notice issued by Respondent No.1 under Section 13(2) dated 13.10.2023, Sale notice dated 18.03.2025 and E-auction sale notice dated 20.06.2025 issued by Respondent No.1 under Section 13(8) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, pertaining to the property bearing D.No.25-251, Gowdapalem, Chilakaluripet, Guntur, Andhra Pradesh, and all consequential proceedings, as illegal, arbitrary, unjust, and violative of the fundamental rights guaranteed to the Petitioners under Articles 14 and 21 of the Constitution of India, and violative of the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and consequently to set aside the E-auction Sale Notice dated 20-06-2025 and all further proceedings initiated by Respondent No. 1 for the sale of the schedule property forthwith to direct the Respondent No.1 to issue fresh statutory notices under the SARFAESI Act to all the legal heirs of the deceased mortgagor, Smt. Ramana Mekapothula (Petitioners No. 3 to 5);

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Ravi Teja Gude, Advocate for the Petitioner, directed issue of notice to the

Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Authorized Officer, Cholamandalam Investment and Finance Company Ltd Having its registered office at Dare House, NSC Bose Road, Chennai-600001, Chola Crest C54-55 and Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai-600032.
2. The Branch Manager, Cholamandalam Investment and Finance Company Ltd., Narasaraopet Branch, D.No.11-5, 9-1-57, No.9, Station Rd, above The Raymond shop, Arundelpet, Narasaraopeta, Andhra Pradesh 522601.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted 28.08.2025 for which date the case stands posted for hearing;

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 writ petition, the High Court may be pleased to grant stay of all further proceedings, including the E-auction sale pursuant to the notice dated 20-06-2025, and any attempt to take physical possession of the property bearing D. No: 25-251, Gowdapalem, Chilakaluripet, Guntur in pursuant to the orders in CRLMP.No.740 of 2024, Andhra Pradesh, pending disposal of WP.No.16238 of 2025, on the file of the High Court.

ORDER:

“The case of the petitioners is that a loan was jointly taken by Prasad Mekapothula and Ramana Mekapothula who are wife and husband respectively. Property standing in the name of Ramana

Mekapothula was mortgaged with the bank. On account of the default, proceedings under the SARFAESI Act were initiated. Notice under Section 13(2) was issued jointly in the name of Prasad Mekapothula and Ramana Mekapothula. This was responded to by a legal notice served on behalf of Prasad Mekapothula, informing the bank, inter alia that Ramana Mekapothula had since passed away on 22.05.2021.

It is stated that in the ordinary course the notice ought to have been yet again issued in the name of all the legal heirs of Ramana Mekapothula who have a stake in the property which stood in the name of Ramana Mekapothula and was mortgaged.

It is thus stated that proceedings having been initiated against a dead person insofar as Ramana Mekapothula is concerned are non est in the eyes of law.

Issue notice to the respondents, returnable on 28.08.2025.

List on 28.08.2025.

In the meantime, the operation of the impugned proceedings is stayed.

The present order shall not prevent the respondents from issuing yet another notice in accordance with law to the concerned."

//TRUE COPY//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Authorized Officer, Cholamandalam Investment and Finance Company Ltd Having its registered office at Dare House, NSC Bose Road, Chennai-600001, Chola Crest C54-55 and Super B-4, Thiru-Vi-Ka Industrial Estate, Guindy, Chennai-600032.

2. The Branch Manager, Chola mandalam Investment and Finance Company Ltd., Narasaraopet Branch, D.No.11-5, 9-1-57, No.9, Station Rd, above The Raymond shop, Arundelpet, Narasaraopeta, Andhra Pradesh 522601. (Addressee Nos.1 & 2 by **RPAD**)
3. One CC to Sri. Ravi Teja Gude, Advocate [OPUC]
4. Two spare copies

MM

HIGH COURT

HC,J
&
RRR,J

DATED:03/07/2025

LIST ON 28.08.2025

ORDER

WP.No.16238 of 2025

STAY

