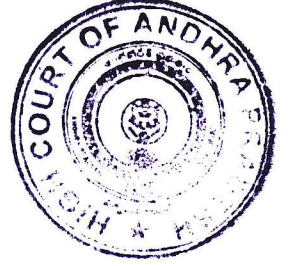


APHC010410002025

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI
(Special Original Jurisdiction)



THURSDAY, THE SEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR

AND

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 20923 OF 2025

Between:

Potharaju Srilakshmi, W/o: Potharaju Srinivasa Rao, aged 45, R/o: D.No.17-15-1, Sri Krishna Nilayam, A.S.R Stadium road, Eluru, West Godavari District.

...PETITIONER

AND

1. The Kotak Mahindra Bank Limited, Rep. by its Authorized Officer, Regd. Office: 27, BKC, C-27, G-Block, Bandra, Kurla Complex, Bandra (East), Mumbai.
2. The Authorised officer, Kotak Mahindra Bank, Legal Department, D.No.6-3-1109/1, 2nd floor, Navabharat chambers, Raj bhavan road, Somajiguda, Hyderabad.
3. The Authorised officer, Kotak Mahindra Bank, Regional office. Near BSNL Bhavan, above KFC Machavaram, Vijayawada, Andhra Pradesh.

4. The Debt Recovery Tribunal, Rep. by its Registrar, D.No.31-32-54, Chitralaya Road Near Leelamahal Road, Daba Gardens, Jagadamba Junction, Visakhapatnam, Andhra Pradesh -530 020.

5. The Collector & District Magistrate, Eluru District, Eluru.

6. The Tahsildar, Eluru Urban Mandal, Eluru District.

...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 4th Respondent in not deciding the I.A.No.2980 of 2025 and I.A. No. 0408250057903 (reference Number) in S.A.No.443 of 2025 which was filed challenging the action of the 1st Respondent Bank in issuing i. the pre sale notice dated 24-7-2025 ii. order dated 13-4-2025 passed under Sec 14 of the Act by 5th respondent as void ab initio ii. possession notice dt. 12-12-2024 u/s 13(4) of SARFAESI Act iii. Demand notice dt. 2-09-2024 u/s 13(2) of SARFAESI Act iv. pre-possession notice dated 11-11-2024 iv. classification of N.P.A of petitioner's account as contrary to law, arbitrary, against principles of natural justice and opposed to public policy and violative of Articles 14, 300-A of Constitution of India, and to consequently direct the 1st and 2 Respondent Bank not to take physical possession of the petitioner's property namely building admeasuring an extent of 844 sq. yds. situated at D.No.23A-6-66, in T.S No.385, W.P ward, Ramachandraraopeta, within the limits of Eluru Municipal Corporation, Eluru Mandal, Eluru District until disposal of I.A.No.2980 of 2025 and I.A. No. 0408250057903 (reference Number) in S.A.No.443 of 2025 before the Debts Recovery Tribunal, Visakhapatnam

IA NO: 1 OF 2025

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 direct the 1st Respondent Bank not to take physical Possession of Schedule property namely building admeasuring an extent of 844 sq. yds. situated at D.N0.23A-6-66, in T.S No.385, W.P ward, Ramachandraraoopeta, within the limits of Eluru Municipal Corporation, Eluru Mandal, Eluru District, pending disposal of the writ petition

IA NO: 2 OF 2025

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 order dated 13-4-2025 passed by 5th respondent in proceedings D.Dis.No.84701/ Coord.Sec(D5)/ 2025, pending disposal of the writ petition

Counsel for the Petitioner: P VIVEK

Counsel for the Respondents Nos.1 to 3: SRI M.BALA NAGA SRINIVAS

Counsel for the Respondents Nos.4: NONE APPEARED

Counsel for the Respondents Nos.5 & 6: GP FOR REVENUE

The Court made the following order:

APHC010410002025



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

Bench
Sr.No:-19
[3446]

Writ Petition No: 20923 of 2025

Potharaju Srilakshmi

...Petitioner

Vs.

The Kotak Mahindra Bank Limited and others

...Respondents

Advocate for Petitioner:

Mr. M. Srikanth appearing vice
Mr. P. Vivek

Advocate for Respondent:

Mr. M. Bala Naga Srinivas

**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE R. RAGHUNANDAN RAO**

DATE : 7th August, 2025.

P C :

The petitioner's case is that even when an S.A.No.443 of 2025 has been filed along with I.A.Nos.3058 and 2980 of 2025, the same were not considered and the matter has been fixed to 28.08.2025.

2. It is stated that even when the petitioner had a good case for grant of interim relief, no such consideration was granted.

3. In the meantime, it is stated that the respondents are likely to dispossess the petitioner from the property in question, which was a secured

asset with the respondent - Bank, rendering the proceedings before the Tribunal academic.

4. Be that as it may, we dispose of this writ petition with a direction to the respondent – Debts Recovery Tribunal, Visakhapatnam, to decide the Interlocutory Applications preferably within six weeks. Till then, *status quo* be maintained with regard to the possession of the petitioners over the schedule property.

No order as to costs. Pending miscellaneous applications, if any, in this petition, shall stand closed.

//TRUE COPY//

**Sd/- K TATA RAO
DEPUTY REGISTRAR**


SECTION OFFICER

To,

1. The Authorized Officer, Kotak Mahindra Bank Limited, Regd. Office 27, BKC, C-27, G-Block, Bandra, Kurla Complex, Bandra (East), Mumbai.
2. The Authorised officer, Kotak Mahindra Bank, Legal Department, D.No.6-3-1109/1,2nd floor, Navabharat chambers, Raj bhavan road, Somajiguda, Hyderabad.
3. The Authorised officer, Kotak Mahindra Bank, Regional office. Near BSNL Bhavan, above KFC Machavaram, Vijayawada, Andhra Pradesh.
4. The Debt Recovery Tribunal, Registrar, D.No.31-32-54, Chitralaya Road Near Leelamahal Road, Daba Gardens, Jagadamba Junction, Visakhapatnam, Andhra Pradesh -530 020.
5. The Collector and District Magistrate, Eluru District, Eluru.
6. The Tahsildar, Eluru Urban Mandal, Eluru District.
7. One CC to SRI P.VIVEK Advocate [OPUC]

8. One CC to SRI M.BALA NAGA SRINIVAS SC FOR KOTAK MAHINDRA BANK [OPUC]

9. Two CCs to GP for Revenue, High Court of Andhra Pradesh [OUT]

10. Two CD Copies

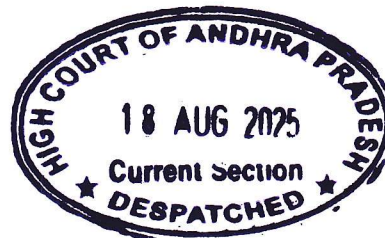
MBT

HIGH COURT

DATED:07/08/2025

ORDER

WP NO. 20923 OF 2025



DISPOSING THE W.P

WITHOUT COSTS