

APHC010421602025



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

[3558]

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 21468/2025

Between:

1. K SUMANTH KUMAR, S/O VC KALABANDALAPATI, AGED ABOUT 48 YEARS, R/O F.NO.102, JUBILEE ELITE, ROAD NO.2, KAKATIYA HILLS, MADHAPUR, HYDERABAD, TELANGANA

...PETITIONER

AND

1. THE UNION OF INDIA, REP BY ITS SECRETARY DEPARTMENT OF FINANCIAL SERVICES, MINISTRY OF FINANCE, 3RD FLOOR, JEEVANDEEP BUILDING, SANSAD MARG, NEW DELHI-110001.
2. THE RESERVE BANK OF INDIA, REP BY ITS GENERAL MANAGER, 6 SANSAD MARG, NEW DELHI-110001,
3. M/S L AND T FINANCIAL SERVICES LTD, REP BY ITS AUTHORISED OFFICER CUM GPA HOLDER, MR AJAY KUMAR TAPPETIA S/O T SAMBAIAH, HINDU AGED ABOUT 28 YEARS, D.NO. 15-1-422/A AND B, 3RD FLOOR, SVS LEGEND, SVP MAIN ROAD, WARRANGAL

...RESPONDENT(S):

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 topleased to issue an appropriate writ order or direction preferably a Writ in the nature of Mandamus for declaring the action of the 3rd

Respondent in attempting to take possession of the house property to an extent of 181.20 Sq Yards bearing Door No 7-695 situated in R.S.No.298, Kanuru Gram panchayath, Penamaluru mandal, Krishna District in pursuance of the Warrant dated 8.7.2025 in CRL.MP.No.1944/2025 in CF.No.5454/2025 on the file of the Court of the Chief Judicial Magistrate, Vijayawada appointing the Advocate Commissioner to take forceful possession of the property and declare the Warrant dated 8.7.2025 in CRL.MP.No.1944/2025 in CF.No.5454/2025 on the file of the Court of the Chief Judicial Magistrate, Vijayawada and Notice dated 7.8.2025 stating possession will be taken over on 13.8.2025 as illegal arbitrary and violative of principles of natural justice and contrary to Article 14 21 and 300A of the Constitution of India and set aside the same with a consequential direction to the Respondent not to take coercive steps to take possession of the house property to an extent of 181.20 Sq Yards bearing Door No 7-695 situated in R.S.No.298, Kanuru Gram panchayath, Penamaluru mandal, Krishna District

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 3rd Respondent not to take coercive steps to take possession of the house property to an extent of 181.20 Sq Yards bearing Door No 7-695 situated in R.S.No.298, Kanuru Gram panchayath, Penamaluru mandal, Krishna District

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 vacate the Interim Order dated 12.08.2025 in WP. No. 21468 OF 2025 and dismiss the WP and pass

Counsel for the Petitioner:

1.N BHARATH SIMHA REDDY

Counsel for the Respondent(S):

1.SAI SANJAY SURANENI

2.

The Court made the following:

ORDER:- (Per Hon'ble Sri Justice Cheekati Manavendranath Roy)

Heard Sri N.Bharath Simha Reddy, learned counsel for the petitioner and Sri Sai Sanjay Suraneni, learned counsel appearing for respondent No.3-financial institution.

2. The petitioner challenges the proceedings initiated under Section 14 of 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 by the 3rd respondent-financial institution on the ground that the notices under Sections 13(2) and 13(4) of the SARFAESI Act are not given.

3. The petitioner got an efficacious remedy of approaching the Debts Recovery Tribunal, Visakhapatnam, which is the appropriate forum constituted under the special enactment with special mechanism for redressal of his grievance on the ground alleged above. However, without approaching the Tribunal, he has invoked the writ jurisdiction of this Court. So, we are not inclined to interfere and entertain this writ petition.

4. Therefore, the Writ Petition is disposed of with a direction to the petitioner to approach the Debts Recovery Tribunal, Visakhapatnam, for redressal of his grievance. Since the interim order is in force in this writ petition granted by a coordinate Bench of this Court, it shall continue till the petitioner files his securitisation application before the Tribunal. Two (02) weeks time from the date of this order is granted to the petitioner to approach the Tribunal. If he fails to approach the Tribunal within the time stipulated above and obtain any interim order, the interim order granted in this writ petition stands vacated without any further reference to this Court. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 09.02.2026

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 21468/2025

Date: 09.02.2026

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