

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

MAIN CASE No.W.P.No.26472 of 2026

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
01	16.9.2026	<u>DEV,J & GTK,J</u> Notice before admission. Learned counsel for the petitioners is permitted to take out personal notice on respondent and file proof of service within two (02) weeks. Post on 05.10.2026 to enable the respondent to file its counter-affidavit. <u>I.A.No.1 of 2026</u> Mr. Jyothi Prasad, learned counsel for the petitioner, would submit that pursuant to the proceedings initiated against the petitioner under the SARFAESI Act, 2002, by the respondent-bank, the Chief Judicial (Metropolitan Magistrate, Visakhapatnam) in CrI.M.P.No.99 of 2026 by order dated 27.7.2026 issued warrant appointing the Advocate Commissioner with a direction to execute the	

		warrant and to submit report on or before 17.08.2026. Learned counsel further submits that the Advocate Commissioner did not execute the warrant within the time stipulated by the Judicial Magistrate. Only on 28.08.2026, issued notice for taking the possession of the scheduled property. In view of the same, learned counsel submits that as on the date of issuance of notice by the Advocate Commissioner i.e., on 28.08.2026, there is no warrant issued by the Competent Judicial Magistrate. The warrant issued on 27.07.2026 is neither extended or nor fresh warrant is issued. In view of the same, he submits that the possession notice issued by the Advocate Commissioner is not valid under law. Having considered the submissions of the learned counsel for the petitioner and on perusal of the warrant issued by the concerned Judicial Magistrate on 27.07.2026 and the notice issued by the Advocate Commissioner on 28.08.2026, in our <i>prima facie</i> view, there is sufficient ground for interference by this court	
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		at this stage. Accordingly, the respondent-bank is directed to maintain <i>status-quo</i> with regard to the subject property for a period of four (04) weeks. DEV, J GTK,J TJN/SZT	
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