

**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(Special Original Jurisdiction)**

**TUESDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FIVE**

: PRESENT:

**HONOURABLE THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
AND**

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 25042 OF 2025

Between:

1. N Vijaya Krishna, son of Mala Kondaiah, aged 66 years, residing at D.No.C-2, Lakshmi Residency, First Cross, Akshya Shetty Layout, Sadasiva Nagar, Bangalore, Karnataka State
2. N.Vijaya, wife of N.Vijaya Krishna, aged 56 years, residing at D.No.C-2, Lakshmi Residency, First Cross, Akshya Shetty Layout, Sadasiva Nagar, Bangalore, Karnataka State

Petitioners

AND

1. The Union of India, Rep. by its Secretary to Government of India Department of Finance, New Delhi.
2. The Authorized Officer, M/s Shri Ram Finance Limited, A company Registered under the Companies Act 1956 and having its registered office at 123, Angappa Naicken Street, Chennai- 600001.
3. The Branch Manager, M/s Shri Ram Finance Limited Branch Office at AK Nagar, Nellore District.

Respondents

WHEREAS the Petitioners above named through their Advocate
Sri Venkata Narayana Rao Vedula, presented this 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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents, particularly 3rd respondent in attempting to conduct sale and dispossess the petitioner from mortgaged property without registering the mortgaged property in CERSAI within stipulated time as per rule 5 of SECURITISATION AND RECONSTRUCTION OF FINANCIAL ASSETS AND ENFORCEMENT OF SECURITY INTEREST (CENTRAL REGISTRY) RULES, 2011 and in violation of Section 26D as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently set aside sale notices 07.08.2025 and order of appointment of Advocate Commissioner by CrI.MP.No.162/2024 of Hon'ble Chief Judicial Magistrate, Nellore

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Venkata Narayana Rao Vedula, Advocate for the Petitioner, and of Additional Solicitor General of India for Respondent No.1, 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 Secretary to Government of India, Union of India, Department of Finance, New Delhi
2. The Authorized Officer, M/s Shri Ram Finance Limited, A company Registered under the Companies Act 1956 and having its registered office at 123, Angappa Naicken Street, Chennai- 600001.
3. The Branch Manager, M/s Shri Ram Finance Limited Branch Office at AK Nagar, Nellore District.

are be and hereby directed to show cause on or before 14.10.2025 to which date the case stands posted 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.

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 suspend the sale notice Dt.07.08.2025 schedule to be held on 15.09.2025 and not to dispossess the petitioner from the mortgaged property, Pending disposal of WP No.25042 of 2025, on the file of the High Court.

The Court made the following: ORDER

The contention of the petitioners is that the proceedings initiated by the respondents under the provisions of the SARFAESI Act, 2002, are unsustainable in view of the fact that the secured asset, which is in possession of the petitioners as principal borrowers, had not been registered under Section 26D of the Act, which mandates registration of the secured asset with the Central Registry.

Notice.

Personal notice to respondent Nos.2 and 3 is also permitted.

List on 14.10.2025.

In the meantime, the proceedings initiated against the scheduled properties under the SARFAESI Act, 2002, shall remain stayed.

//TRUE COPY//

SD/- N.NAGAMMA
ASSISTANT REGISTRAR
SECTION OFFICER

TO

1. The Secretary to Government of India, Union of India, Department of Finance, New Delhi
2. The Authorized Officer, M/s Shri Ram Finance Limited, A company Registered under the Companies Act 1956 and having its registered office at 123, Angappa Naicken Street, Chennai- 600001.
3. The Branch Manager, M/s Shri Ram Finance Limited Branch Office at AK Nagar, Nellore District
4. One CC to Sri Venkata Narayana Rao Vedula, Advocate [OPUC]
5. One CC to Additional Solicitor General of India, High Court of AP [OPUC]
6. One spare copy

HIGH COURT

HC, J

&

RCJ

DATED: 16/09/2025

LIST ON 14.10.2025

NOTICE BEFORE ADMISSION

WP.No.25042 of 2025

INTERIM STAY

