



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

[3558]

WEDNESDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

**WRIT PETITION Nos.26875 of 2014, 26913 of 2014, 37272 of 2014,
32284 of 2015, 32291 of 2015 and 33389 of 2015**

WRIT PETITION No.26875/2014:

Between:

- 1.CHITTOORY PRADEETH SWAMY S/O CH.VISHWANADHA SWAMY, AGED ABOUT 18 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.
- 2.CHITTOORY NAGA SWETHA, D/O CH.VISHWANADHA SWAMY, AGED ABOUT 17 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.
- 3.CHITTOORY KRISHNA CHAITANYA S/O CH.VISHWANADHA SWAMY, AGED ABOUT 16 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.

(PETITIONER NOS.1 TO 3 ARE MINORS REPRESENTED BY THEIR GUARDIAN KANTHETI RANGANAYAKULU, S/O. K. LAKSHMI NARASIMHA PRASAD, OCC: BUSINESS, AGED ABOUT 40 YEARS, 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. STATE BANK OF INDIA, REP.BY ITS AUTHORISED OFFICER, JNTU ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA, EAST GODAVARI DISTRICT.
2. SMT GOKHAVARAPU SAMEERA W/O G NAGA TIMMARAJU, AGED ABOUT 41 YEARS, R/O. TEMPLE STREET, KAKINADA, EAST

GODAVARI DISTRICT.

3. PULAVARTHI LAXMAN SWAMY S/O P KRISHNANANDA RAO, AGED ABOUT 49 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
4. ANDEY SAMPATH KUMAR S/O A SUBBA RAO, AGED 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
5. MUTTA BHAGAWAN S/O M VEERABHADRA RAO, AGED ABOUT 47 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
6. PULAVARTHI AYYANNA S/O P KRISHNANANDA RAO, AGED ABOUT 52 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
7. MANDA BRAHMANANDA PHANI SEKHAR S/O M VEERABHADRA RAO, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
8. NOOLI POORNACHANDRA KUMAR S/O N SATYANARAYANA, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
9. CHAILA CHANDRA SEKHAR S/O CH RAMA RAO, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI. DISTRICT.
10. PENUMATSA KRISHNAM RAJU S/O P VENKATAPATHI RAJU, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
11. CHITTOORY VISWANADHA SWAMY S/O LATE CH SWAMY, AGED ABOUT 46 YEARS, OCC: BUSINESS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
12. CHITTOORY MANIKYAMBA (DIED)
13. RECOVERY OFFICER-II, DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. M R K CHAKRAVARTHY

Counsel for the Respondent(S):

1. K B RAMANNA DORA

WRIT PETITION NO: 26913/2014

Between:

1. CHITTOORY PRADEETH SWAMY, S/O CH. VISHWANADHA SWAMY, AGED ABOUT 18 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE

STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.

2.CHITTOORY NAGA SWETHA, D/O CH.VISHWANADHA SWAMY, AGED ABOUT 17 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.

3.CHITTOORY KRISHNA CHAITANYA, S/O CH.VISHWANADHA SWAMY, AGED ABOUT 16 YEARS, OCC: STUDENT, R/O 27-4-23, TEMPLE STREET (UPSTAIRS), KAKINADA, EAST GODAVARI DISTRICT.

(PETITIONER NOS.1 TO 3 ARE MINORS REPRESENTED BY THEIR GUARDIAN KANTHETI RANGANAYAKULU, S/O.K.LAKSHMI NARASIMHA PRASAD, OCC: BUSINESS, AGED ABOUT 40 YEARS, 27-4-23, TEMPLE STREET (UP STAIRS), KAKINADA, EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. STATE BANK OF INDIA, REP.BY ITS AUTHORISED OFFICER, JNTU ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA, EAST GODAVARI DISTRICT.

2. SMT GOKHAVARAPU SAMEERA W/O G NAGA TIMMARAJU, AGED ABOUT 41 YEARS, R/O. TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

3. PULAVARTHI LAXMAN SWAMY S/O P KRISHNANANDA RAO, AGED ABOUT 49 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

4. ANDEY SAMPATH KUMAR S/O A SUBBA RAO AGED 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

5. MUTTA BHAGAWAN S/O M VEERABHADRA RAO, AGED ABOUT 47 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

6. PULAVARTHI AYYANNA S/ O P KRISHNANANDA RAO, AGED ABOUT 52 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

7. MANDA BRAHMANANDA PHANI SEKHAR, S/O.M.VEERABHADRA RAO, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

8. NOOLI POORNACHANDRA KUMAR S/O N ATYANARAYANA, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

9. CHALLA CHANDRA SEKHAR SIO CH RAMA RAO, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

10.PENUMATSA KRISHNAM RAJU S/O P VENKATAPATHI RAJU, AGED ABOUT 51 YEARS, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

11.CHITTOORY VISWANADHA SWAMY, S/O.LATE CH.SWAMY, AGED ABOUT 46 YEARS, OCC:BUSINESS, RIO. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.

12.CHITTOORY MANIKYAMBA (DIED)

13.RECOVERY OFFICER-I. DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. M R K CHAKRAVARTHY

Counsel for the Respondent(S):

1. K B RAMANNA DORA

WRIT PETITION NO: 37272/2014

Between:

1. CHITTOORI VISWANADHA SWAMY, S/O.LATE CH.SWAMY, AGED ABOUT 52 YEARS, OCC:BUSINESS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
2. CHITTOORI MADHUMATHI,, W/O.CHITTOORI VISWANADHA SWAMY, HINDU SRIDHANA, AGED ABOUT 44 YEARS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
3. GOKHAVARAPU SAMEERA, W/O. NAGAVARAPU TIMMARAJU, HINDU, AGE: 40 YEARS, BEING REP. BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
4. ANDEY SAMPATH KUMAR, S/O.SUBBA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
5. MUTTA BHAGAWAN, S/O.VEERABHADRA RAO, HINDU, AGE: 46 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
6. PULAVARTHI AYYANNA, S/O.KRISHNANANDA RAO, HINDU, AGE: 51 YEARS, BEING REP. BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
7. MANDA BRAHMANANDA PHANI SEKHAR, S/O.VEERABHADRA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23,

TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.

8. NOOLI POORNACHANDRA KUMAR, S/O.SATYANARAYANA, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
9. PENUMATSA KRISHNAM RAJU, S/O.VENKATAPATHI RAJU, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
10. CHALLA CHANDRA SEKHAR, S/O.RAMA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. STATE BANK OF INDIA REP. BY ITS AUTHORIZED OFFICER, JNTU ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA. EAST GODAVARI DISTRICT.
2. RECOVERY OFFICER-I, DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM.
3. RECOVERY OFFICER-II DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM.
4. P VEERA VENKATA SATYANARAYANA, S/O VENKAT RAO, HINDU, BUSINESS, AGED 52 YEARS, D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
5. K SRINIVASA RAO, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 45 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
6. G AYYANNA, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 50 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
7. TUMMALAPALLI NOOKA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 40 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
8. T SHIVA KUMAR, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 35 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
9. T SOMA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 39 YEARS, D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.

10.RAVELLA SATYANARAYANA, S/O FATHER'S NAME NOT KNOWN
HINDU, BUSINESS, C/O STATE BANK OF INDIA, JNTU BRANCH,
KAKINADA.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.P RAJESH BABU

Counsel for the Respondent(S):

1.K B RAMANNA DORA

WRIT PETITION NO: 32284/2015

Between:

1.CHITTURI PRADEETH SWAMY, S/O CH.VISWANADHA SWAMY, 14
YEARS, STUDENT, D.NO.27-4-23; UPSTAIRS, TEMPLE STREET,
KAKINADA EAST GODAVARI DISTRICT.

2.CHITTURI NAGA SWETHA, D/O CH.VISWANADHA SWAMY, 12 YEARS,
STUDENT, D.NO.27-4-23; UPSTAIRS, TEMPLE STREET, KAKINADA EAST
GODAVARI DISTRICT

3.CHITTURI KRISHNA CHAITANYA, S/O CH.VISWANADHA SWAMY, 11
YEARS, STUDENT, D.NO.27-4-23; UPSTAIRS, TEMPLE STREET,
KAKINADA EAST GODAVARI DISTRICT

PETITIONERS 1 TO 3 BEING MINORS REPRESENTED BY THEIR
GUARDIAN KANTHETI RANGANAYAKULU, S/O KLN PRASAAD, HINDU,
BUSINESS, AGED 41 YEARS, PRESENTLY RESIDING AT KAKINADA.
(APPOINTED AS PER ORDERS IN I.A.NO.2189/2007, IN O.S.NO.37/2006,
DT.18-07-2008 PASSED BY THE IV ADDL. DISTRICT JUDGE, KAKINADA).

...PETITIONER(S)

AND

1. STATE BANK OF INDIA, REP.BY ITS AUTHORIZED OFFICER, JNTU
ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA. EAST
GODAVARI DISTRICT.

2. RECOVERY OFFICER-I, DEBTS RECOVERY TRIBUNAL,
VISAKHAPATNAM

3. RECOVERY OFFICER-II, DEBTS RECOVERY TRIBUNAL,
VISAKHAPATNAM.

4. P. VEERA VENKATA SATYANARAYANA, S/O VENKAT RAO, HINDU,
BUSINESS, AGED 52 YEARS, D.NO.43-1-48, MAIN ROAD, KAKINADA,
EAST GODAVARI DISTRICT.

5. K. SRINIVASA RAO, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 45 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
6. G AYYANNA, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 50 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT
7. TUMMALAPALLI NOOKA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 40 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
8. T SHIVA KUMAR, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 35 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
9. T SOMA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 39 YEARS, D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
10. RAVELLA SATYANARAYANA, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, C/O STATE BANK OF INDIA, JNTU BRANCH, KAKINADA.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. V VINOD K REDDY

Counsel for the Respondent(S):

1. VENKATESWARLU POSANI
2. K B RAMANNA DORA

WRIT PETITION NO: 32291/2015

Between:

1. MUTHA SUGUNA, W/O M.V.M.M.SARVARAYUDU, D/O PULAVARTHI KRISHNA RAO, HINDU, STRIDHANA, PERMANENT ADDRESS D.NO.27-6-7, TEMPLE STREET, VADDADI LANE, KAKINADA. EAST GODAVARI DISTRICT. PRESENTLY RESIDING AT MANI NAGAR, AHMEDABAD.

...PETITIONER

AND

1. STATE BANK OF INDIA, REP.BY ITS BRANCH MANAGER, JNTU ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA. EAST

GODAVARI DISTRICT.

2. PEPAKAYALA SATYANARAYANA, S/O VENKAT RAO, HINDU, BUSINESS, D.NO.43-1-48, MAIN ROAD, AKELLAVARI STREET, KAKINADA. EAST GODAVARI DISTRICT.
3. CHITTOORI VISWANADHA SWAMY, S/O.LATE CH. SWAMY, AGED ABOUT 52 YEARS, OCC:BUSINESS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
4. RECOVERY OFFICER-I, DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM.

...RESPONDENT(S):

Counsel for the Petitioner:

1. V VINOD K REDDY

Counsel for the Respondent(S):

1. K B RAMANNA DORA

WRIT PETITION No.33389/2015

Between:

1. CHITTOORI VISWANADHA SWAMY, S/O.LATE CH.SWAMY, AGED ABOUT 52 YEARS, OCC: BUSINESS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
2. CHITTOORI MADHUMATHI, W/O.CHITTOORI VISWANADHA SWAMY, HINDU SRIDHANA, AGED ABOUT 44 YEARS, R/O. D.NO.27-4-23, TEMPLE STREET, KAKINADA, EAST GODAVARI DISTRICT.
3. GOKHAVARAPU SAMEERA, W/ O. NAGAVARAPU TIMMARAJU, HINDU, AGE: 40 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/ O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
4. ANDEY SAMPATH KUMAR, S/O.SUBBA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
5. MUTTA BHAGAWAN, S/O.VEERABHADRA RAO, HINDU, AGE: 46 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/ O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
6. PULAVARTHI AYYANNA, S/O.KRISHNANANDA RAO, HINDU, AGE: 51 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET,

KAKINADA. EAST GODAVARI DISTRICT.

7. MANDA BRAHMANANDA PHANI SEKHAR, S/O.VEERABHADRA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
8. NOOLI POORNACHANDRA KUMAR, S/O.SATYANARAYANA, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
9. PENUMATSA KRISHNAM RAJU, S/O.VENKATAPATHI RAJU, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.
10. CHALLA CHANDRA SEKHAR, S/O.RAMA RAO, HINDU, AGE: 50 YEARS, BEING REP BY HIS GPA HOLDER SRI CHITTURI VISWANADHA SWAMY S/O LATE SWAMY, R/O H.NO.27-4-23, TEMPLE STREET, KAKINADA. EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

1. STATE BANK OF INDIA, REP. BY ITS AUTHORIZED OFFICER, JNTU ENGINEERING COLLEGE CAMPUS BRANCH, KAKINADA. EAST GODAVARI DISTRICT.
2. RECOVERY OFFICER-I, DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM
3. RECOVERY OFFICER-II, DEBTS RECOVERY TRIBUNAL, VISAKHAPATNAM.
4. P VEERA VENKATA SATYANARAYANA, S/O VENKAT RAO, HINDU, BUSINESS, AGED 52 YEARS, D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
5. K SRINIVASA RAO, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 45 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
6. G AYYANNA, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 50 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
7. TUMMALAPALLI NOOKA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 40 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.
8. T SHIVA KUMAR, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 35 YEARS D.NO.43-1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.

9. T SOMA RAJU, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, AGED 39 YEARS, D.NO.43- 1-48, MAIN ROAD, KAKINADA, EAST GODAVARI DISTRICT.

10.RAVELLA SATYANARAYANA, S/O FATHER'S NAME NOT KNOWN HINDU, BUSINESS, C/O STATE BANK OF INDIA, JNTU BRANCH, KAKINADA.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.P RAJESH BABU

Counsel for the Respondent(S):

1.VENKATESWARLU POSANI

2.K B RAMANNA DORA

The Court made the following:

**THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND**

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

**WRIT PETITION Nos.26875 of 2014, 26913 of 2014, 37272 of 2014,
32284 of 2015, 32291 of 2015 and 33389 of 2015**

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

As the principal issue raised in these writ petitions is in relation to the orders passed by the Recovery Officer in dismissing the claim petitions that were filed by the claim petitioners, who are third parties to the loan transaction, all these writ petitions are heard together and are being disposed of by this common order.

2. The petitioners in W.P.Nos.26875 of 2014, 26913 of 2014, 32284 of 2015 and 32291 of 2015 are the claim petitioners, who are third parties to the loan transaction. The petitioners in W.P.Nos.37272 of 2014 and 33389 of 2015 are the principal borrowers.

3. Heard learned counsel for the parties.

4. The principal borrowers availed loan from the State Bank of India and offered certain immovable properties as security for repayment of the loan amount. As the principal borrowers committed default in repayment of the loan amount, the bank has initiated measures under the Recovery of Debts Due to Banks and Financial

Institutions Act, 1993 (for short, 'the Act') by way of selling the secured assets in the auction.

5. The claim petitioners claimed to have right and title over the secured assets and challenging the very mortgage of the said secured assets by the principal borrowers, they have filed claim petitions before the Recovery Officer. The Recovery Officer dismissed the said claim petitions by the impugned orders on the ground that the claim petitioners are minors and no steps were taken to appoint a guardian to them to file any such claim petition before the Recovery Officer. The same being the main ground for dismissal of the claim petitions, the Recovery Officer dismissed the claim petitions on other grounds also by the impugned orders.

6. The writ petitions are opposed by the respondents mainly on the ground that an appeal lies under Section 30 of the Act against the impugned orders passed by the Recovery Officer.

7. Therefore, when a right of appeal is provided to the claim petitioners under Section 30 of the Act, they have to avail the said remedy and they cannot challenge the orders of the Recovery Officer by way of filing writ petitions before this Court under Article 226 of the Constitution of India.

8. Therefore, the writ petitions are disposed of with a direction to the claim petitioners to avail the said remedy of preferring an appeal

against the impugned orders of the Recovery Officer before the appellate authority under Section 30 of the Act. If the claim petitioners intend to prefer an appeal before the appellate authority, they shall prefer the appeal within four weeks from the date of this order. The petitioners can also seek condonation of the delay in filing the appeal on the grounds available to them under law, including under Section 14 of the Limitation Act, before the appellate authority. Further, the claim petitioners, if at all, intend to adduce any evidence in support of their claim, they can as well request the appellate authority either to permit them to adduce evidence before it or to remand the matter to the Recovery Officer to enable them to adduce evidence in support of their claim. If any such request, as is made before this Court, is made before the appellate authority, the appellate authority shall pass appropriate orders on it also. It is made clear that we are not expressing any opinion on the merits of the matter and it is for the appellate authority to decide the *lis* on merits according to law.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed. There shall be no order as to costs.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 03.12.2025
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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION Nos.26875 of 2014, 26913 of 2014, 37272 of 2014,
32284 of 2015, 32291 of 2015 and 33389 of 2015

Dt: 03.12.2025

IBL