



(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI DHIRAJ SINGH THAKUR, THE CHIEF JUSTICE
AND

HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 25755 OF 2024

Between:

M/s NSN Reddy Rice Industry, Rep by its Mg Partner, N.Bhimeswara Reddy, R/o D.No.2-34-6, Chintavari St, Perrajupeta, Bhanugudi, Kakinada District, (Erstwhile East Godavari District)

...Petitioner

AND

1. Union of India, rep by its Secretary, Ministry of Finance, New Delhi
2. Kotak Mahindra Bank Ltd, Represented by its President and Business Head (Agri Finance Division) Western Express Highway, General AK Vydy Mark, Dindashi Malad (East) Mumbai 400097
3. The Branch Manager, Kotak Mahindra Bank Ltd Sarpavaram Branch, Benda Vishu Complex, Kakinada 533003
4. The Recovery Officer cum Authorized Officer, Kotak Mahindra Bank Ltd (Agri Finance Division), Regional Office, Ground Floor, Sri Towers, Mg Road, Vijayawada 520010

...Respondents

WHEREAS the Petitioner above named through its Advocate Sri A.K.KISHORE REDDY 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 or order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the Respondents herein particularly Respondent No.2 to 4 in filing application vide Criminal M.P.No.417 of 2024 before The Principal District Sessions Judge- cum-Chief Judicial Magistrate, Rajamahendravaram, East Godavari District and obtaining an order on 27.09.2024 in appointment of an Advocate Commissioner to take physical possession of the Petition schedule property despite the E-auction of the same is stayed by this Honble Court vide order dated. 05.09.2023 in I.A.No.1 of 2023 in W.P.No.23239 of 2023 as nothing but illegal, arbitrary, malafide, high handed and violative of the procedure contemplated under The Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 (SARFAESI Act) and the rules made thereunder and consequently set aside the appointment of Advocate Commissioner order dated. 27.09.2024 in Criminal M.P.No.417 of 2024 issued by The Principal District Sessions Judge-cum-Chief Judicial Magistrate, Rajamahendravaram, East Godavari cum- District;

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri A.K.Kishore Reddy, Advocate for the Petitioner and Deputy Solicitor General for the 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, Union of India, Ministry of Finance, New Delhi
2. The President and Business Head, Kotak Mahindra Bank Ltd, (Agri Finance Division) Western Express Highway, General AK Vydy Mark, Dindashi Malad (East) Mumbai 400097
3. The Branch Manager, Kotak Mahindra Bank Ltd Sarpavaram Branch, Benda Vishu Complex, Kakinada 533003

4. The Recovery Officer cum Authorized Officer, Kotak Mahindra Bank Ltd (Agri Finance Division), Regional Office, Ground Floor, Sri Towers, Mg Road, Vijayawada 520010

are be and hereby directed to show cause either appearing in person or through an Advocate, 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 on or before 21.11.2024, on which date the case stands posted for hearing;

IA NO: 1 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of all further proceedings pursuant to the order dated 27.09.2024 made in Criminal M.P.No.417 of 2024 by The Principal District Sessions Judge-cum-Chief Judicial Magistrate, Rajamahendravaram, East Godavari District, pending disposal of WP No.25755 of 2024, on the file of the High Court.

The Court made the following:

ORDER:

"Issue notice to the respondents.

List on 21.11.2024 along with W.P.No.24840 of 2023.

In the meantime, *status quo* be maintained with regard to the property in question."

//TRUE COPY//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Secretary, Union of India, Ministry of Finance, New Delhi

2. The President and Business Head, Kotak Mahindra Bank Ltd, (Agri Finance Division) Western Express Highway, General AK Vydy Mark, Dindashi Malad (East) Mumbai 400097
3. The Branch Manager, Kotak Mahindra Bank Ltd Sarpavaram Branch, Benda Vishu Complex, Kakinada 533003
4. The Recovery Officer cum Authorized Officer, Kotak Mahindra Bank Ltd (Agri Finance Division), Regional Office, Ground Floor, Sri Towers, Mg Road, Vijayawada 520010 (Addressee Nos.1 to 4 by **SPEED POST**- along with a copy of petition and affidavit)
5. One CC to Sri. A.K.Kishore Reddy, Advocate [OPUC]
6. One CC to Sri. Pasala Ponna Rao, Deputy Solicitor General High Court of AP [OPUC]
7. Two spare copies

MM

HIGH COURT

HC,J

&

RRR,J

DATED:14/11/2024

LIST ON 21.11.2024 ALONG WITH WP.No.24840 OF 2023

NOTICE BEFORE ADMISSION

WP.No.25755 of 2024

STATUS QUO

