

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE TWENTY SECOND DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

: PRESENT:

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND
AND**

THE HONOURABLE SRI JUSTICE A.HARI HARANADHA SARMA

WRIT PETITION NO: 32727 OF 2025



Between:

1. M/s.Vijetha Super Market, (Unit: Hotel Vijetha Inn) TS No. 310/1 part AND 310/2, part, Hotel Vijetha Inn, Gorlevvari Street, Near Ramalayam, GT Road, Srikakulam-523001, Represented by its Managing Partner Kamineni Sankara Rao, S/o.Basavanadham
2. M/s. Vijetha Commercial Complex, S.No. 170/1, Opp. East Gate of Govt. Polytechnic College, Kusalapuram Village, Municipal Corporation limits, Etcherlamandal, Srikakulam, -532001, Represented by its Proprietor Kamineni Sankara Rao, S/o.Basavanadham
3. Kamineni Sankara Rao, S/o Basavanadham Aged 56 Years, R/o Hotel Vijetha Inn 5thFloor, Gorlevvari Street near Ramalayam, Srikakulam, 532001.
4. Kamineni Viswathi, W/o Sankara Rao, Aged 51 Years, R/o Hotel Vijetha Inn 5thFloor Gorlevvari Street near Ramalayam, Srikakulam, 532001.

...Petitioners

AND

1. Union Bank of India, Rep. by its Chief Manager, UFMB Branch, G.T Road, Srikakulam- 532001. Ubin0805131 @unionbankofindia.bank
2. The Authorised Officer, Union Bank of India, UFMB Branch, G.T Road, Srikakulam- 532001. Ubin0805131 @unionbankofindia.bank

3. The Regional Head, Union Bank of India, D.No.8, Venkatapuram Jn, New Bridge Road, Near Simhadwaram Srikakulam, Andhra Pradesh-532410
4. The Director, MSME-DFO (Micro, Small and Medium Enterprises Development and Facilitation Office) Office at Plot No. 6, Industrial Corridor-PudiAchutapuram, Vishakhapatnam, 531011.

...Respondents

Petition under Article 226 of the Constitution of India is filed, 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 that the action of the Respondent Bank in issuing Possession Notices dated. 15.11.2025 under Rule 8(1) of the Security Interest (Enforcement Rules), 2002, proposing to take physical possession of the Petitioners properties mentioned in Schedule of Properties, without awaiting the completion of the implementation of the Framework for revival and rehabilitation of MSMEs, as wholly illegal, arbitrary, unjust, untenable. Contrary to the provisions of The Securitisation And Reconstruction of Financial Assets and Enforcement Of Security Interest Act, 2002 (SARFAESI) Act, The Micro, Small and Medium Enterprises Development (MSMED) Act, 2006, Contrary to the Judgment of the Hon'ble Apex Court rendered in M/s.Pro Knits Vs The Board of Directors of Canara Bank 2024 10 SCO 292 and ShriShri Swami Samarth Construction and Finance Solution and Another Vs Board of Directors of NKGSB Co-op. Bank Ltd, 2025 SCC OnLine SC 1566, besides being violative of Article 14, 21 and 300-A of Constitution of India, 1950;

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 stay all further proceedings against the Petitioners herein under The Securitization And Reconstruction of Financial Assets and Enforcement Of Security Interest Act, 2002' (SARFAESI) Act, the completion of the

implementation of the 'Framework for revival and rehabilitation of MSME's, Pending disposal of WP 32727 of 2025, on the file of the High Court.

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 Respondents not to interfere with the physical possession of the properties mentioned in the 'Schedule of Properties', pursuant to the notice/s dated. 15.11.2025 issued by the 2nd Respondent, Pending disposal of WP 32727 of 2025, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court order dated 24.11.2025, 22.12.2025, 19.01.2026, 01.04.2026 & 15.04.2026 made herein and upon hearing the arguments of M/s.CKR Associates, Advocate for the Petitioners, Ms.V.Dyumani, Standing counsel for R1 to R3, the Court made the following;

ORDER:

It is represented by the learned counsel for the petitioners that they made a proposal for restructuring of the loan on 20.06.2026, and the same is pending with the Respondent-Bank.

Learned Standing Counsel for the Respondent-Bank requested four (04) weeks' time to report whether the proposal submitted by the petitioners has been considered or not and the learned Standing Counsel assured that she would advise the Respondent-Bank to look into the proposal of the petitioners as per MSME guidelines.

Accordingly, post on 20.07.2026.

Learned counsel for the petitioners submitted that the undertaking given in the interim order to deposit a sum of Rs.2.00 Crores has been complied with.

Interim order granted earlier shall stand extended till then.

**SD/-K.V.RAGHAVULU
ASSISTANT REGISTRAR**

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SECTION OFFICER

To,

1. One CC to M/s. CKR Associates, Advocate [OPUC]
2. One CC to M/s. V Dyumani Advocate [OPUC]
3. Two spare copies

HIGH COURT

DEV, J

&

AHHS, J

DATED: 22.06.2026

POST ON 20.07.2026

ORDER

WP.No.32727 of 2025

INTERIM ORDER EXTENDED

