

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

MONDAY, THE NINETEENTH DAY OF JANUARY,
TWO THOUSAND AND TWENTY SIX



:PRESENT:

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

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, Etcherla mandal, 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 5th Floor, Gorlevvari Street near Ramalayam, Srikakulam, 532001.
4. Kamineni Viswathi, W/o Sankara Rao, Aged 51 Years, R/o Hotel Vijetha Inn 5th Floor 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-Pudi Achutapuram, Vishakhapatnam, 531011.

...Respondents

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 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 Shri Shri 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 made herein and upon hearing the arguments of M/s.CKR ASSOCIATES Advocate for the Petitioners, Sri.K.Ranga Surya Prakash Rao, Standing counsel for R1 to R3, Mrs.V DYUMANI Advocate for the Respondent No.4, the Court made the following;

ORDER:

At request of learned counsel for the petitioners, for filing rejoinder, list the matter on 02.02.2026.

Interim order granted earlier is extended till then.

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

//TRUE COPY//

For .


SECTION OFFICER

To,

1. One CC to M/s. CKR ASSOCIATES, Advocate [OPUC]
2. One CC to Mrs. V DYUMANI Advocate [OPUC]
3. One CC to Sri.K.Ranga Surya Prakash Rao, Standing counsel [OPUC]
4. Two spare copies

HIGH COURT

CMR,J

&

GTK,J

DATED: 19/01/2026

LIST THE MATTER ON 02.02.2026

ORDER

WP.No.32727 of 2025

INTERIM ORDER EXTENDED

