



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

[3558]

**TUESDAY, THE SECOND 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 No.33459 of 2025

Between:

1. VIJAY CHANDRA BANOTHU, S/O SEETHARAMAIAH BANOTHU, AGED 44 YEARS, OCCUPATION: BUSINESS, RESIDING AT D.NO.20-21-19/4, VINAYAK NAGAR, RING ROAD, VIZIANAGARAM- 535002.
2. SUNITHA BANOTHU, C/O THVURYA BARMAVATH, AGED 40 YEARS. OCCUPATION: HOUSE-WIFE, RESIDING AT D.NO. 20-21-19/4, VINAYAK NAGAR, RING ROAD, VIZIANAGARAM-535002.
3. BANOTHU SEETHARAMAIAH, S/O. LATE BANOTHU VENKATARAMULU, AGED 77 YEARS. OCCUPATION: RETIRED EMPLOYEE, RESIDING AT D.NO.20-21-19/4, VINAYAK NAGAR, RING ROAD, VIZIANAGARAM-535002.
4. VINODINI BAI BANOTHU, W/O BANOTHU SEETHARAMAIAH, AGED 70 YEARS. OCCUPATION: D.NO. 20-21-19/4, VINAYAK NAGAR, RING ROAD, VIZIANAGARAM-535002.

...PETITIONER(S)

AND

1. THE DEBTS RECOVERY TRIBUNAL, REP. BY ITS CHAIRMAN, VISAKHAPATNAM.
2. THE CHOLAMANDALAM INVESTMENT AND FINANCE COMPANY LTD., REP BY ITS AUTHORISED OFFICER, 'CHOLA CREST' C54 755555555, SUPER B-4, THIRU VIKA INDUSTRIAL ESTATE, GUINDY, CHENNAI- 600032.
3. THE HON'BLE CHIEF JUDICIAL MAGISTRATE CUM PRINCIPAL SENIOR CIVIL JUDGE, VIZIANAGARAM, VIZIANAGARAM DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. P DURGA PRASAD

Counsel for the Respondent(S):

- 1.

The Court made the following:

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

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.33459 of 2025

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

Heard learned counsel for the petitioners.

2. Challenging the measures taken by the 2nd respondent-financial institution under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the Act'), for recovery of the loan amount from the petitioners, who are the principal borrower and guarantors, the petitioners have filed the present writ petition on the ground that certain violations were committed by the 2nd respondent in initiating the said measures under the Act.

3. The petitioners have got an efficacious remedy of approaching the appropriate forum, which is the Debts Recovery Tribunal, Visakhapatnam. But, it is stated that the Presiding Officer of the Debts Recovery Tribunal is not available and the said Tribunal is not functioning till 04.12.2025 and in the said circumstances, the petitioners are constrained to approach this Court by way of filing this writ petition.

4. Therefore, in the said facts and circumstances of the case, we are of the considered view that this writ petition can be disposed of with a direction to the petitioners to avail the remedy before the Debts Recovery Tribunal, Visakhapatnam, within a period of ten days from today.

5. Accordingly, the writ petition is disposed of with a direction to the petitioners to approach the Debts Recovery Tribunal, Visakhapatnam, and avail their remedy of filing a Securitisation Application before it within a period of ten days from today. Till such time the Securitisation Application is filed before the Debts Recovery Tribunal, there shall be stay of further proceedings pursuant to the order dated 17.10.2025 passed in Crl.M.P.No.45 of 2025 on the file of the Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Vizianagaram. If the petitioners fail to approach the Debts Recovery Tribunal within ten days from today as directed supra, the order of stay stands vacated without any further reference to the Court. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending, in this case shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 02.12.2025
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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

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Dt: 02.12.2025

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