

APHC010647572025



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

[3558]

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 33489/2025

Between:

1. MADDINENI VENKATA RATNAM, S/O THIRUPATAIAH, AGED ABOUT 50 YEARS, RESIDING AT ALLIPURAM WARD, VILLAGE, MAHARANIPETA MANDAL, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT, 530020.

...PETITIONER

AND

1. KANAKAMAHALAKSHMI COOPERATIVE REGISTERED BANK LTD, OFFICE, D.NO. 49-34-22, AKKAYYAPALEM, VISAKHAPATNAM-530016. REPRESENTED BY ITS AUTHORISED OFFICER PEDDU VEERABHADRA RAO, S/O LATE BHUJANGA RAO

2. M/S KNOCK INN, REP BY ITS PARTNERS SRI MADDALA BALAKRISHNA S/O (LATE) M. KASI RAO RESIDING AT D.NO 14-25-34, JAGADAMBA JUNCTION OPP MACCA MASJID ROAD MAHARANIPETA VISAKHAPATNAM-530002

3. M/S KNOCK INN, REP BY ITS PARTNERS SMT MADDALA CHANDRAKALA, W/O M BALAKRISHNA RESIDING AT D.NO. 14-25-34, JAGADAMBA JUNCTION OPP MACCA MASJID ROAD, MAHARANIPETA VISAKHAPATNAM-530002

4. MADDALA BALAKRISHNA, S/O (LATE) M. KASI RAO, RESIDING AT D NO 29-5-6/7, LALITHA COLONY, DABGARDENS

VISAKHAPATNAM-530020.

5.SMT MADDALA CHANDRAKALA, W/O M BALA KRISHNA, RESIDING AT D NO 29-5-6/7, LALITHA COLONY, DABGARDENS VISAKHAPATNAM-530020.

6.MADDALA GOUTHAM, S/O MADDALA BALA KRISHNA, RESIDING AT D.NO 9-42, MAIN ROAD, NAGULAPALLE VILLAGE, NEAR VINAYAKA TEMPLE MUNAGAPAKA MANDAL ANAKAPALLI DISTRICT-531001.

7.SRI KONATHALA KRISHNA, S/O K CHINNA RAO, RESIDING AT D.NO 5-58, TARAKARAMA COLONY, AKKIREDDIPALEM MAREDUPUDI ANAKAPALLI DISTRICT-531002

8.SRI PEYYALA SURYANARAYANA, S/O(LATE) P. VENKU NAIDU, RESIDING AT D.NO 2-46, CHEEMALAPALLI VILLAGE, KONDAKARLA, ATCHUTAPURAM, ANAKAPALLI DISTRICT-531033

...RESPONDENT(S):

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 toPleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondent cooperative bank in initiating proceedings under Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act, 2002 and in obtaining orders under section 14 of SARFAESI Act by filing petition in Crl.M.P.No.246/2025 on the file of the court of Honble Chief Judicial (Metropolitan) Magistrate, Visakhapatnam to appoint an Advocate Commission for taking physical possession of the immovable property i.e.,land and building built upon it situated at Visakhapatnam joint sub registrar office. Greater Visakhapatnam Municipal Corporation, Maharanipecta Ward, Covered by Clock No.34 1.Town Survey No. 177 part site an extent of 82.22 sq. yards or 68.744 sq.mts Old D.No. 11- 25-32, Present bearing D.No. 14-25-34, Old Ass.NO.12034, New Ass No. 1086153176, Present D.NO.14-25-34/1,Old Ass. No. 100001/91082, New Asst.No. 1085158508, D.No. No.14-25-34/2, Old No. 100001/91083 Ass.No. 1085158509,Ground Floor Measuring 737.sft First Floor Ass New measuring 737 sft, and 2nd floor measuring 737 sft 3rd floor 737 sft 4th floor 240 sft ,commercial building in the name of Knock Inn without considering the rights

of the petitioner as Lessee under Registered Lease which is in subsistence till 31.03.2028, as illegal, irregular, irrational and violation of the provisions of Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 besides violation of Principles of Natural Justice and to consequently direct the respondents not to take possession of the subject property till the completion of Lease Period of the Petitioner, in the interest of Justice and equity and to pass

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 Pleased to stay of all further proceedings pursuant to the orders in Crl.M.P.No.246/2025 on the file of the Honble Chief Judicial (Metropolitan) Magistrate, Visakhapatnam in respect of the immovable property i.e.. Land situated in Visakhapatnam joint sub registrar office, Greater Visakhapatnam Municipal Corporation ,MaharanipetaWard, Covered by Clock No.34 Town Survey No. 177 part site an extent of 82.22 sq. yards or 68.744 sq.mts Old D.No. 11- 25-32, Present bearing D.No. 14-25-34, Old Ass.NO. 12034, New Ass No. 1086153176, Present New Asst.No. 1085158508, No.100001/91083,D.NO.14-25-34/1, Old Ass. No. 100001/91082,No. 14-25-34/2,D.No. Old Ass New Ass.No. 1085158509,Ground Floor Measuring 737.sft First Floor measuring 737 sft, and 2nd floor measuring 737 sft 3rd floor 737 sft 4th floor 240 sft,commercial building in the name of Knock Inn, during the pendency of this writ petition, in the interest of justice and to pass

Counsel for the Petitioner:

1.P L NARASIMHA RAO

Counsel for the Respondent(S):

1.

The Court made the following:

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

Heard learned counsel for the petitioner.

2. On the premise that the principal borrower, which is the 2nd respondent firm, represented by respondents 4 and 5, which availed loan from the 1st respondent-bank, has committed default in repayment of the said loan amount, the bank has brought the secured asset for sale for realization of the loan amount.

3. The petitioner is a third party to the said loan transaction and he claims to be a tenant in respect of the secured asset under the 2nd respondent and running a hotel in it. It is his grievance that if the possession of the secured asset is taken pursuant to the measure initiated by the 1st respondent-bank for realization of the loan amount under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, he would put to irreparable loss. So, the petitioner has already approached the Debts Recovery Tribunal, Visakhapatnam and filed S.A.No.672 of 2025 for redressal of his grievance.

4. Now it is the grievance of the writ petitioner that even though the said S.A. was filed long back on 09.11.2025, that no order of stay is passed and the proceedings are adjourned to 29.12.2025 while ordering notices to the respondents therein. Therefore, in view of the urgency as the possession of the secured asset may be taken at any moment of time, the petitioner has approached this Court.

5. As the petitioner has already approached the Debts Recovery Tribunal, Visakhapatnam, which is an appropriate forum for redressal of his grievance, in the facts and circumstances of the case, we are not inclined to interfere in the matter and entertain the writ petition.

6. Therefore, the Writ Petition is disposed of with a direction to the petitioner to approach the Debts Recovery Tribunal, Visakhapatnam and pursue his petition which is filed therein along with interlocutory application seeking interim orders. However, as it is said that the S.A. and interim application were posted to 29.12.2025, there shall be interim stay of further proceedings pursuant to the order passed in Crl.M.P.No.246 of 2025 on the file of learned Judicial Magistrate of First Class, Visakhapatnam, in respect of the secured asset till 29.12.2025. The Debts Recovery Tribunal, Visakhapatnam shall take up the interlocutory application for hearing on 29.12.2025 and pass appropriate orders on it, according to law. If the petitioner fails to turn up for hearing on 29.12.2025 in his application filed seeking interim relief, the interim order granted in this writ petition shall stand vacated without any further reference to this Court. There shall be no order as to costs.

Miscellaneous petitions, if any pending, in the Writ Petition, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 01.12.2025

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

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Date: 01.12.2025

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