

APHC010651622025



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

[3418]

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

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE V.GOPALA KRISHNA RAO

WRIT PETITION NO: 33904/2025

Between:

1.M/S RADHA KRISHNA TRADERS, REPRESENTED BY ITS MANAGING PARTNER, T.DINESH REDDY, S/O. T. VENKATA KRISHNA, AGED ABOUT 35 YEARS, O/O.D.NO.36-3-142/1, KOMMULA PEDHIRAJU PLAZE, GROUND FLOOR, NO.1, SHRAM NAGAR, PYDIPARRU, TANUKU MANDAL, WEST GODAVARI DISTRICT.

...PETITIONER

AND

1.THE AUTHORIZED OFFICER, STATE BANK OF INDIA, D.NO.25-31-17/1, YERRAMILLI VARI STREET, MAIN ROAD, TANUKU, WEST GODAVARI DISTRICT.

2.THE BRANCH MANAGER, STATE BANK OF INDIA, D.NO.25-31-17/1, YERRAMILLI VARI STREET, MAIN ROAD, TANUKU, WEST GODAVARI DISTRICT.

3.THE UNION OF INDIA, FINANCE DEPARTMENT, ROOM NO. 129-A, NORTH BLOCK, NEW DELHI, REP. BY ITS SECRETARY.

...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 to issue writ of mandamus or any other appropriate writ, order or direction, questioning the action of the respondents in not considering the explanation submitted by the petitioner dated 11.11.2025 and without passing any order proceeded to take possession of the schedule property situated in RS.No.23/4, Door No.5-108 in Indrapalem, H/o. Suryaraopeta, Kakinada Rural Mandal, Kakinada District Erstwhile East Godavari District by way of possession notice dated 18.11.2025 is illegal, arbitrary and violative of principles of natural justice and 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 to direct the respondents to consider the explanation submitted by the petitioner dated 11.11.2025 in the meanwhile not to take any steps to proceed for taking physical possession of the schedule property situated in RS.No.23/4, Door No.5-108 in Indrapalem, H/o. Suryaraopeta, Kakinada Rural Mandal, Kakinada District Erstwhile East Godavari District, pending disposal of the writ petition and pass

Counsel for the Petitioner:

1.M K RAJ KUMAR

Counsel for the Respondent(S):

1.S SATYANARAYANA MOORTHY

The Court made the following:

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

Heard learned counsel for the petitioner and Sri S.Satyanarayana Moorthy, learned Standing Counsel for the 2nd respondent-bank, who is counsel for the caveat petitioner.

2. The petitioner is the principal borrower, who availed loan from the 2nd respondent-bank. Owing to the fact that the petitioner committed default in repayment of the loan amount, the 2nd respondent-bank initiated measures under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short "the SARFAESI Act") by issuing notice under Section 13(4) of the SARFAESI Act.

3. The petitioner appears to have submitted a representation dated 11.11.2025 to the bank for payment of the entire loan amount by requesting time for his payment. Alleging that the bank has not considered the said representation, the petitioner has approached this Court by way of filing this writ petition. So, he sought declaration that the measures initiated to take possession of the secured asset without considering his representation as illegal and arbitrary.

4. If the petitioner has submitted any such representation and the same is not considered, the measures taken by the bank by way of issuing notice under Section 13(4) of the SARFAESI Act for realization of the loan

amount, cannot be declared as illegal. Therefore, the very prayer sought by the petitioner is a strange prayer.

5. So, in the said facts and circumstances of the case, we do not see any valid legal ground warranting our interference in this writ petition to declare the measures initiated by the bank as illegal.

6. Therefore, the Writ Petition is dismissed. However, the bank shall consider the representation of the petitioner dated 11.11.2025 and pass appropriate orders on it within one week from the date of receipt of a copy of this order. 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 V. GOPALA KRISHNA RAO

Date: 08.12.2025

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THE HON'BLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

AND

THE HON'BLE SRI JUSTICE V. GOPALA KRISHNA RAO

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