



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

**[3558]**

WEDNESDAY, THE THIRD 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.33695 of 2025**

**Between:**

- 1.M/S. DD & COMPANY,, REP. BY ITS PROPRIETOR MR. DANTHINENI DINESH, D. NO. 4-2-12/13, FLAT NO. 401, NEW 7, KAMALESH GRAND, LAKSHMIPURAM, 4<sup>TH</sup> LINE, GUNTUR-522 007, A. P.
- 2.MRS. DONTNINENI DINESH, S/O. D. SUBBA RAO, AGED ABOUT 31 YEARS, R/O. FLAT NO.5A, JAYAPRADHA APARTMENTS, 6<sup>TH</sup> LINE, BRUNDAVAN GARDENS, GUNTUR - 522 006, A.P.
- 3.DONTNINENI MARUTHI KUMARI, W/O MR. SUBBA RAO, AGE 52 YEARS, R/O FLAT NO. 5A, JAYAPRADHA APARTMENTS, 6<sup>TH</sup> LINE, BRUNDAVAN GARDENS, GUNTUR - 522 006, A.P.

**...PETITIONER(S)**

**AND**

- 1.UNION OF INDIA, REP.BY ITS SECRETARY, MINISTRY OF FINANCE DEPARTMENT, NEW DELHI.
- 2.UNION BANK OF INDIA, REP BY ITS CHIEF MANAGER, PATTABHIPURAM BRANCH, D.NO.3-29-60A, 2<sup>ND</sup> LANE, KRISHNA NAGAR, GUNTUR.

3.TIRUPATI SOWJANYA, ADVOCATE COMMISSIONER, AGE MAJOR, R/O D.NO.1-145, ANKIREDDYPALEM, NEAR GANESH TEMPLE, GUNTUR, GUNTUR DISTRICT, AP - 522005.

4.THE SUPERINTENDENT OF POLICE, GUNTUR DISTRICT, GUNTUR, AP.

**...RESPONDENT(S):**

**Counsel for the Petitioner(S):**

1.V V LAKSHMI NARAYANA

**Counsel for the Respondent(S):**

1. A. RAVINDRA BABU, CENTRAL GOVERNMENT COUNSEL
2. V. DYUMANI,

**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.33695 of 2025**

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

Heard Mr. V.V. Lakshmi Narayana, learned counsel for the petitioners, Mr. A. Ravindra Babu, learned Central Government Counsel for respondent No.1, and Ms. V. Dyumani, learned Standing Counsel for respondent No.2-bank, who appeared on advance notice served on them.

2. Since we are disposing of this writ petition with a direction to the petitioners to pursue their remedy before the Debts Recovery Tribunal, where the Securitisation Application filed by them is already pending, notice to respondent Nos.3 and 4 is dispensed with.

3. The 1<sup>st</sup> petitioner, which is a proprietary concern, is the principal borrower who availed loan from the 2<sup>nd</sup> respondent-bank. The 2<sup>nd</sup> petitioner is the proprietor of the 1<sup>st</sup> petitioner and the 3<sup>rd</sup> petitioner is the mortgagor. On account of the default committed by them in repayment of the loan amount, the 2<sup>nd</sup> respondent-bank has initiated measures 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.

4. Learned Standing Counsel for the 2<sup>nd</sup> respondent-bank, on instructions, submits that challenging the said measures that are initiated by the 2<sup>nd</sup> respondent-bank, the petitioners have already approached the Debts Recovery Tribunal, Visakhapatnam, by way of filing S.A.No.486 of 2025 and the same is pending adjudication. According to her, the interlocutory application filed by the petitioners in the said S.A., seeking stay of the measures initiated by the bank, was also dismissed by the Tribunal and suppressing the said fact of dismissal of their stay application, the petitioners have filed the present writ petition.

5. We seriously deprecate the practice of approaching the writ Court by invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India, when the petitioners have already approached the Debts Recovery Tribunal, which is the appropriate forum, by way of filing a Securitisation Application for redressal of their grievance and seeking to maintain parallel proceedings before this Court and the Debts Recovery Tribunal, which is not permissible under law. Further, the petitioners have suppressed the material fact of filing a stay application before the Debts Recovery Tribunal and dismissal of the same by the Tribunal on merits.

6. Therefore, in the said facts and circumstances of the case, as the petitioners have already approached the Debts Recovery Tribunal,

Visakhapatnam, for redressal of their grievance and S.A.No.486 of 2025 filed by them is pending adjudication before it, we are not inclined to interfere in the matter and to entertain the writ petition. The Apex Court also, in the case of **Celir LLP v. Bafna Motors (Mumbai) Private Limited and others**<sup>1</sup>, clearly held, while dealing with the maintainability of the writ petition when alternative remedy is available, that the High Court was not justified in exercising its writ jurisdiction under Article 226 of the Constitution of India when the borrowers have already availed the alternative remedy available to them under Section 17 of the Act.

7. Therefore, the writ petition is disposed of with a direction to the petitioners to pursue their remedy before the Debts Recovery Tribunal, Visakhapatnam, in S.A.No.486 of 2025, which is pending adjudication. 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: 03.12.2025

IBL

---

<sup>1</sup> (2024) 2 SCC 1

**THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY**  
**AND**  
**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION No.33695 of 2025**

**Dt: 03.12.2025**

IBL