



**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**

**THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA**

**WRIT PETITION NO: 33653/2025**

**Between:**

1. NALLURI SUBBA RAO, S/O. SIVA RAMAIAH, AGED ABOUT 44 YEARS, R/O. FLAT NO. 416, 3RD FLOOR, SATYA CONNFORTS APARTMENTS, DWARAKA NAGAR, 9TH LINE, KORETIPADU, GUNTUR, GUNTUR DISTRICT.

**...PETITIONER**

**AND**

1. THE CANARA BANK, REP. BY ITS AUTHORIZED OFFICER, O/O. MAYURI HOMES, CHANDRA MOULI NAGAR, RING ROAD, GUNTUR, GUNTUR DISTRICT.

2. THE DEBT RECOVERY TRIBUNAL, REP. BY ITS REGISTRAR, 31-32-54, CHITRALAYA ROAD, NEAR LEELAMAHAL ROAD, DABA GARDENS, JAGADAMBA JUNCTION, VISAKHAPATNAM, ANDHRA PRADESH -530 020.

**...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 please issue a writ order or direction more particularly in the nature of writ of Mandamus or any Appropriate Writ by direction to the 2nd Respondent to decide IA.Nos.4654, 4653, 4652 and 4651 of 2025 in S.A.No.36 of 2025 pending the action of the Respondent Bank in making attempts to take over the Possession of Schedule properties i.e.. Residential

Building bearing D.No.SO/B, Door.No.1-74, Kondepadu Gram Panchayath, Parthipadu Mandal, Guntur measuring an extent of 121 1/2 Sq.yards and Residential Flat.No.416, 3rd Floor, Satya Comforts Apartments, Dwaraka Nagar, 9th Line, Koretipadu, Guntur measuring an extent of 39.804 Sq.Yards as per the orders in CrI.M.P.No.l014 of 2025, through the Advocate commissioner Notice dated 27.11.2025, indicating to take notice on 04.12.2025 at about 12.00 PM is illegal, contrary to Principles of Natural Justice, consequently to direct the 1st Respondent not to take Possession of the aforementioned property, till IA.No's.4654, 4653, 4652 and 4651 of 2025 in S.A.No.36 of 2025, before the Hon'ble DRT, Visakhapatnam are decided, 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 Pleaded to direct the 1st Respondent Bank not to take Physical Possession of the Schedule properties i.e., Residential Building bearing D.No.50/B, Door.No.1-74, Kondepadu Gram Panchayath, Parthipadu Mandal, Guntur measuring an extent of 121 1/4 Sq.yards and Residential Flat.No.416, 3rd Floor, Satya Comforts Apartments, Dwaraka Nagar, 9th Line, Koretipadu, Guntur measuring an extent of 39.804 Sq.Yards till the IA.No's.4654, 4653, 4652 and 4651 of 2025 in S.A.No.36 of 2025 before the Hon'ble DRT, Visakhapatnam are decided and to pass

**Counsel for the Petitioner:**

1.S DILIP JAYA RAM

**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. The petitioner is the principal borrower who availed loan from the 1<sup>st</sup> respondent-bank. Owing into the default committed by the petitioner in repayment of the loan amount, the bank has initiated measures under SARFAESI Act. The bank has already sold a part of the secured asset in the auction. The same was challenged by the petitioner by filing S.A.No.36 of 2025 before the Debts Recovery Tribunal, Visakhapatnam (hereinafter referred to as "the Tribunal). Pending adjudication of the said securitization application, the bank initiated measures to put the other part of the secured asset for sale for realization of the loan amount. On the ground that there are certain violations committed by the bank in initiating the said measures, the petitioner has filed certain Interlocutory Applications vide I.A.Nos.4654, 4653, 4652 and 4651 of 2025 challenging the said measures initiated for sale of the remaining part of the secured asset and seeking stay of further proceedings before the Tribunal.

3. Now, the grievance of the writ petitioner is that at present the Tribunal is not functioning as the Presiding Officer is not holding the Tribunal till 04.12.2025 and in the said circumstances, the petitioner is constrained to approach this Court seeking a direction to the Tribunal to consider the aforesaid Interlocutory Applications and to decide the same expeditiously including the stay application. The petitioner also prayed to pass interim orders staying the proceedings till the said applications are heard and decided by the Tribunal.

4. Therefore, in the said facts and circumstances of the case, as the petitioner has already approached the Tribunal by way of filing aforesaid Interlocutory Applications challenging the measures initiated by the bank for the sale of the remaining part of the secured asset and also sought stay of the further proceedings and as the Interlocutory Applications are pending before

the Tribunal, we are not inclined to interfere in the matter and entertain this writ petition.

5. Therefore, this Writ Petition is disposed of, with a direction to the 2<sup>nd</sup> respondent i.e., the Debts Recovery Tribunal, Visakhapatnam, to take up the hearing in I.A.Nos.4654, 4653, 4652 and 4651 of 2025 in S.A.No.36 of 2025 which are filed challenging the measures initiated by the 1<sup>st</sup> respondent-bank for the sale of the remaining part of the secured asset and seeking stay of the further proceedings expeditiously within a period of one (01) month from the date of receipt of this order and dispose of the same on merits according to law.

6. Till the said Interlocutory Applications are heard and disposed of according to law on merits, there shall be a direction to the 1<sup>st</sup> respondent-bank not to take physical possession of the residential building admeasuring 121 ½ Sq.yards, bearing D.No.50/B, Door No.1-74, Kondepadu Gram Panchayath, Prathipadu Mandal, Guntur, and the residential flat bearing No.416, Satya Comforts Apartments, Dwaraka Nagar 9<sup>th</sup> line, Koretipadu, Guntur, till the disposal of aforesaid Interlocutory Applications as ordered supra.

7. As a sequel, Miscellaneous Applications pending, if any, shall stand closed.

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**CHEEKATI MANAVENDRANATH ROY, J**

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**TUHIN KUMAR GEDELA, J**

Date : 02-12-2025

Note : Issue CC by 04.12.2025

B/o  
BMS