



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

[3558]

THURSDAY, THE FOURTH 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: 33892/2025

Between:

1. SMT. PANJA KAVITHA, W/O. SRINIVASA RAO, AGED 47 YEARS,
BUSINESS, R/O. 1-98, MAIN ROAD, PANJA VEMAVARAM VILLAGE,
VEERAVASARAM MANDAL, W G DIST.

...PETITIONER

AND

1. THE UNION OF INDIA, MINISTRY OF FINANCE, REP BY ITS
SECRETARY, SATRI BHAVAN, NEW DELHI.

2. THE STATE BANK OF INDIA, REP. BY ITS AUTHORIZED OFFICER
GUNUPUDI BRANCH, GUNUPUDI, WEST GODAVARI DISTRICT.

3. SMT CH SOUNDARY, W/O NOT KNOWN TO THIS PETITIONERS,
OCC-ADVOCATE - CUM - COMMISSIONER, AGE MAJOR, C/O
ADVOCATES BAR ASSOCIATION, PH 9014251616. ELURU, ELURU
GODAVARI DISTRICT.

4. THE STATION POLICE OFFICER, VEERAVASARAM POLICE
STATION, VEERAVASARAM WEST GODAVARI DISTRICT

...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 order or orders, direction or directions, writ or
writs, particularly the one in the writ of Certiorari to call for the records

partaining to CrI M.P.No 582 of 2025 on the file of Chief Judicial Magistrate Cum Principal Civil Jufge (Senior Division) Eluru, West Godavary district filed by the 2nd respondent under Sec.14 of the SARFAESI Act which is issued in violation of Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest (SARFAESI) Act., is Unlaawful, Violation of Natural Justice, beyond the Juristiction and powers and violative of Articles 14,19, 21 and 300A of the Constitution of India and quash the above orders passed by Chief Judicial Magistrate 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 dispance with the filing of certified copy of the orders passed under Sec 14 of the (SARFAESI) Act in CrI M.P.No 582 of 2025 Dt 08-10-2025 .by the Chief Judicial Magistrate Cum Principal Civil Jufge (Senior Division) Eluru, West Godavary district in the interest of Justice.

IA NO: 2 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 suspend the operation of order issued under Sec. 14 of the SARFAESI Act issued by the Chief Judicial Magistrate -cum- Principal Senor Civil Jufge Eluru in CrI M.P No 582/2025 Dt 08-10-2025, pending disposal of main writ petition and to pass

Counsel for the Petitioner:

1.K L N SWAMY

Counsel for the Respondent(S):

1.GP FOR HOME

2.

The Court made the following:

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

Heard learned counsel for the petitioner.

2. This writ petition has been filed by the petitioner, who is the principal borrower questioning the legal validity of the measures taken by the 2nd respondent – bank for realization of the loan amount under Section 14 of the SARFAESI Act on the ground that the measures initiated under Section 14 are in violation of Section 13(2) of the Act.

3. The petitioner has got an efficacious remedy of approaching the appropriate forum which is the Debts Recovery Tribunal (hereinafter referred to as “the Tribunal”) for redressal of her grievance. But without approaching the Tribunal, she has directly approached this Court by filing this writ petition. No explanation is offered as to why the petitioner did not approach the Tribunal and approached this Court directly. Therefore, in the said facts and circumstances of the case, we are not inclined to interfere in the matter and entertain the writ petition.

4. Therefore, this Writ Petition is disposed of, with a direction to the petitioner to approach the Debts Recovery Tribunal for redressal of her grievance. There shall be interim suspension of the order dated 08.10.2025 passed in CrI.M.P.No.582 of 2025 on the file of the learned Chief Judicial Magistrate-cum-Principal Senior Civil Judge, Eluru, till the petitioner approaches the Tribunal and files a Securitization Application. The petitioner

shall file the Securitization Application before the Tribunal within ten (10) days from the date of this order, failing which the aforesaid interim order stands vacated without any further reference to this Court. There shall be no order as to costs.

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

CHEEKATI MANAVENDRANATH ROY, J

TUHIN KUMAR GEDELA, J

Date : 04-12-2025
BMS