

Date of reserved for orders/judgment:

Date of pronouncement:

Date of uploading :

APHC010282272026



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

MONDAY, THE TWENTY SECOND DAY OF JUNE  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE BATTU DEVANAND**

**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**WRIT PETITION NO: 14662 OF 2026**

**Between:**

1. Bommidi Kesava Rao,, S/o Mahalakshmirao, residing at D.No.1-130, S.No.118/9/ , Muthyalapalli Village, Mogaltur Mandal, West Godavari District, Andhra Pradesh - 534282.
2. Bommidi Mahalakshmirao,, residing at D.No.1-130, S.No.118/9A, Muthyalapalli Village, Mogaltur Mandal, West Godavari District, Andhra Pradesh - 534282.
3. Bommidi Saraswathi,, residing at D.No.1-130, S.No.118/9A, Muthyalapalli Village, Mogaltur Mandal, West Godavari District, Andhra Pradesh - 534282.

**...Petitioners**

**AND**

1. M/s IIFL Home Finance Limited IIFL HFL, (Formerly Known as India Infoline Housing Finance Ltd..) rep by its Managing Director, Having its registered head office at IIFL House. Sun InfoTech Park, Road No. 16V, Plot No.B-23, Thane Industrial Area. Wagla Estate. Thane-400604.
2. Asset Reconstruction Company India Limited, acting in its capacity as trustee of Arcil - Trust -2026-015 having its registered office at The RUBY,

10th Floor, 29 Senapati Bapat Marg, Dadar (West) Mumbai - 400028 Being represented by its Authorized Officer, Ganta Sreeram, S/o. Sanyasi Raju, 52 years, R/o. Secunderabad, Ph 9849724797, Email.ganta.reeram@arcil.co.in

3. The Advocate Commissioner, appointed in Crl.M.P.No.231 of 2026 on the file of the Chief Judicial Magistrate, Eluru.

### **...Respondents**

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 may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the action of the respondents in proceeding to execute the warrant and take physical possession of the petitioners schedule property pursuant to the proceedings in Crl.M.P.No.231 of 2026 on the file of the Chief Judicial Magistrate, Eluru, despite pendency of S.A.No.308 of 2026 and I.A.No.2248 of 2026 on the file of the Honble Debts Recovery Tribunal at Visakhapatnam, as illegal, arbitrary, unconstitutional and violative of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners from the schedule property pending disposal of S.A.No.308 of 2026 and I.A.No.2248 of 2026 by the Honble Debts Recovery Tribunal, Visakhapatnam and pass such

### **IA NO: 1 OF 2026**

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 may be pleased to suspend all further proceedings pursuant to the warrant execution notice issued by the 3rd respondent Advocate Commissioner in Crl.M.P.No.231 of 2026 on the file of the Chief Judicial Magistrate, Eluru, including taking physical possession of the petitioners' schedule property scheduled on 19-05-2026 at 11:00 A.M., pending disposal of S.A.No.308 of

2026 and I.A.No.2248 of 2026 on the file of the Hon'ble Debts Recovery Tribunal at Visakhapatnam, in the interest of justice

**Counsel for the Petitioners: VENKATESH KOSARAJU**

**Counsel for the Respondents: HEMADRI V S S R R CHANDRAKANTH**

**The Court made the following order:**

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**  
**AND**  
**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

**WRIT PETITION No.14662 of 2026**

**ORDER:** *(Per Hon'ble Sri Justice A. Hari Haranadha Sarma)*

The grievance of the Writ Petitioners is that the Debts Recovery Tribunal at Visakhapatnam is not disposing the application vide I.A.No.2248 of 2026 in S.A.No.308 of 2026 and the respondents are proceeding with the taking of possession and hence the Writ Petitioners are aggrieved.

2. While addressing the objection of the respondents as to the availability of the alternative remedy in terms of Section 17(b) of the SARFAESI Act, learned counsel for the petitioners seek reasonable time for pursuing the remedy and for interim protection.

3. However, while granting liberty to the petitioners to pursue their remedy in terms of Section 17 or 18 of the SARFAESI Act, the Writ petition is disposed of directing the respondents to maintain *Status-quo* with regard to the subject property as on this day till 20.07.2026.

4. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE BATTU DEVANAND**

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**JUSTICE A.HARI HARANADHA SARMA**

Dated: 22.06.2026

PKR

Whether the order is:

Speaking

Reasoned

Reportable

Non-Reportable

**THE HON'BLE SRI JUSTICE BATTU DEVANAND**  
**&**  
**THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

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**WRIT PETITION No.14662 of 2026**

Dated: 22.06.2026  
PKR