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APHC010383762026



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

[3602]

TUESDAY, THE 28th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO: 20810/2026

Between:

- 1.M/S. KARTHIKEYA DAIRY FARM,, REPRESENTED BY ITS PROPRIETOR, SRI RAAVU KESAVANAG, S/O. SRI R. RAMAKOTESWARA RAO, AGED ABOUT 45 YEARS, D.NO.15-90, PRABHU NAGAR, PORANKI, PENAMALURU MANDAL, KRISHNA DISTRICT - 521137.
- 2.SRI RAAVU KESAVANAG,, S/O. SRI R. RAMAKOTESWARA RAO, AGED ABOUT 45 YEARS, D.NO.15-90, PRABHU NAGAR, PORANKI, PENAMALURU MANDAL, KRISHNA DISTRICT - 521137.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, ANDHRA PRADESH. 522237
- 2.BRANCH MANAGER, STATE BANK OF INDIA, RAILWAY WAGON WORKSHOP, GUNTUPALLI BRANCH, GUNTUPALLI, IBRAHIMPATNAM MANDAL, NTR DISTRICT - 521241
- 3.THE AUTHORIZED OFFICER, STATE BANK OF INDIA, RAILWAY WAGON WORKSHOP, GUNTUPALLI BRANCH, GUNTUPALLI,

IBRAHIMPATNAM MANDAL, NTR DISTRICT - 521241.

4. THE ADVOCATE COMMISSIONER, APPOINTED IN CRI.M.P. NO.883 OF 2026 IN CRLM.P. NO.5529 OF 2026, C. BEZWADA BAR ASSOCIATION VIJAYAWADA, NTR DISTRICT. 52000

...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 to 1. Issue a writ, order or direction, including a writ of Mandamus or any other appropriate writ, order or direction, declaring that the action of the Respondents in proceeding or attempting to proceed to take physical possession of the Petitioners schedule property pursuant to the notice dated 15.07.2026 issued by the 4th Respondent in connection with Crl.M.P. No.883 of 2026 in Crl.M.P. No.5529 of 2026, without disclosing and producing the complete statutory proceedings/orders under the SARFAESI Act and without properly considering the Petitioners' statutory representations and objections, is illegal, arbitrary, without jurisdiction and contrary to the provisions of the SARFAESI Act, 2002 and the Security Interest (Enforcement) Rules, 2002. 2. Issue an order restraining the Respondents, their servants, agents, representatives, Advocate Commissioner and/or anyone acting on their behalf from taking or attempting to take physical possession of the schedule property, removing movable articles, breaking open any locks, or taking police assistance for the purpose of dispossession, pending the final disposal of the writ petition and/or until full compliance with statutory requirements is established by the Bank and/or the orders of the DRT in S.A. No.338/2026. 3. Direct the 3rd Respondent (State Bank of India) to furnish to the Petitioners and file on record before this Hon'ble Court and/or the DRT a complete, itemized and audited statement of account relating to Loan Account No. 39196168450 showing principal outstanding, contractual interest, penal interest, other charges, payments received, appropriation of payments and the exact amount claimed to be recoverable as on the date of the impugned notice. 4. Pass

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 to please to: a) Stay and restrain the Respondents, their servants, agents, representatives, Advocate Commissioner and/or anyone acting on their behalf from taking any steps to dispossess the Petitioners from the schedule

property pursuant to the notice dated 15.07.2026 and from removing any movable articles or breaking open locks or taking police assistance for the purposes of dispossession, until the final disposal of this Writ Petition or until further orders of this Hon'ble Court. b) Direct that the Advocate Commissioner (4th Respondent) shall not take any steps to effect physical possession of the schedule property pending disposal of this petition and/or until the DRT disposes of S.A. No.338/2026 and the interim application therein. C) Direct the 3rd Respondent to maintain status quo in respect of the schedule property and not to take coercive steps for enforcement of security interest, until the DRT disposes of S.A. No.338/2026 or until this Hon'ble Court passes further orders. d. Grant

Counsel for the Petitioner(S):

1.DEVARAM SRIHARI

Counsel for the Respondent(S):

1.GP FOR HOME

2.RAJA SURESH VANNEMREDDY

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HON'BLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION No.20810 of 2026

ORDER: *(Per Hon'ble Sri Justice Battu Devanand)*

This writ petition filed by the borrowers who availed a term loan from the 2nd Respondent-Bank against the notice dated 15.07.2026, issued by the 4th Respondent as per orders passed by the Chief Judicial Magistrate, Vijayawada, in CrI.M.P. No. 883 of 2026, proceeding to take physical possession of the petition schedule property.

2. It is an admitted fact that Petitioner No.1 availed an agricultural loan from the 2nd Respondent-Bank for an amount of Rs.1.00 Crore and he created a mortgage over the subject properties and the mortgage deed was executed on 18.05.2020.

3. As the petitioner failed to discharge his burden to pay the instalments of the loan regularly, the 2nd Respondent-Bank classified the account as a Non-Performing Asset on 13.03.2026 and initiated proceedings under Section 13(2) of the SARFAESI Act, 2002, on 02.04.2026.

4. Thereafter, the petitioners approached the Debt Recovery Tribunal (DRT), Visakhapatnam, by filing S.A. No.388 of 2026 under Section 17 of the SARFAESI Act, 2002, challenging the Bank's action and also they filed an Interlocutory Application No.3253 of 2026.

5. The grievance of the petitioners is that as and when the proceedings are pending before the DRT, Visakhapatnam, the Respondent-Bank approached the concerned Judicial Magistrate seeking appointment of an Advocate Commissioner to take possession of the subject property by filing Crl.M.P. No. 883 of 2026, and pursuant to the orders passed by the concerned Judicial Magistrate, the Advocate Commissioner is taking steps to take physical possession of the subject property. Accordingly, the petitioners sought to protect their interests.

6. On the other hand, Mr. S. Satyanarayana Moorthy, learned Standing Counsel for the Respondent-Bank, who filed a caveat, would submit that an interlocutory application, which was filed by the petitioners in S.A. No.388 of 2026, is listed for hearing today before the DRT, Visakhapatnam.

7. As seen from the daily order of the DRT, Visakhapatnam, placed by the learned Standing Counsel for the Respondent-Bank before the Court, it appears that I.A. No.3253 of 2026, which is the stay application filed in S.A. No.388 of 2026, is posted to 28.07.2026 for filing counters. In view of the fact that the stay petition is coming up for consideration before the DRT, Visakhapatnam, on 28.07.2026, we expect that the DRT, Visakhapatnam, will pass appropriate orders in accordance with law as expeditiously as possible.

8. Considering the facts and circumstances of the case and in view of the fact that the proceedings are pending before the DRT, Visakhapatnam, we are not inclined to interfere with this issue at present and we are not

expressing any view on the merits of the case. However, to protect the interest of the petitioners, this writ petition can be disposed of with certain direction.

9. Accordingly, this Writ Petition is disposed of with a direction to the Respondent-Bank to maintain *status-quo* with respect to the subject property till disposal of I.A. No.3253 of 2026 in S.A. No.388 of 2026, on the file of the DRT, Visakhapatnam. It is needless to say that the DRT, Visakhapatnam, shall dispose of I.A. No.3253 of 2026 in accordance with law within a period of three (03) weeks from today.

10. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE SUNITHA GANDHAM

Date: 28.07.2026
SA

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

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THE HON'BLE SRI JUSTICE BATTU DEVANAND

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THE HON'BLE SMT JUSTICE SUNITHA GANDHAM

WRIT PETITION NO.20810 of 2026

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