

APHC010120482026



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

[3598]

FRIDAY, THE 17th DAY OF JULY 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

**THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA
KRISHNA RAO**

WRIT PETITION NO: 6638/2026

Between:

1. CANARA BANK, REGIONAL OFFICE, 2ND LANE, BHAGYANAGAR,
ONGOLE, A.P. - 523001 REP. BY ITS AUTHORIZED OFFICER.

...PETITIONER

AND

1. THE DEBT RECOVERY TRIBUNAL, REPRESENTED BY ITS
REGISTRAR O/O NARAYANA BHAVANAM, SAI BABA STREET
DABA GARDENS, VISAKHAPATNAM-530020

2. SMT PUTTA SUSHEELA BORROWER, W/O. PUTTA VENKATA RAO.
PRESENTLY RESIDEDING AT D NO.3-101/1 A,
CHELLEMMATHOTA, TANGATURU VILLAGE, MANDAL, PRAKASAM
DISTRICT, AP-523274.

3. MR PUTTA VENKATA RAO BORROWER, S/O. P SUBBA RAO,
AGED ABOUT 48 YEARS, R/O. D.NO 3-101/1 A,
CHELLEMMATHOTA, TANGUTUR VILLAGE AND MANDAL,
PRAKASAM DISTRICT, A.P. - 523274.

4. MR PUTTA SRINIVASA RAO AUCTION PURCHASER, S/O. PUTTA
VENKATA SUBBAIAH, TRUNK ROAD, TANGATURU, PRAKASAM
DISTRICT, ANDHRA PRADESH.

...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 topleased to issue an Order or Direction more particularly one in the Nature of a Writ of Certiorari or any other appropriate writ, calling for the records pertaining to the Order dt. 22.08.2025 in MA No. 128 of 2023 in S.A. No.423 of 2023 and quash the same as arbitrary, illegal. Violative of Principles of Natural Justice and against the Object of the Provisions laid down under SARFAESI Act and Consequently Set aside the Orders Passed by the Learned Respondent No.1 in MA No. 128 of 2024 in SA No.423 of 2023 and 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 Suspend the Orders Passed by the Learned Respondent No.I in MA No. 128 of 2024 in SA No.423 of 2023 and pass

Counsel for the Petitioner:

1.PRUDVI RAJU MUDUNURI

Counsel for the Respondent(S):

1.PURNA CHANDRA SAI K

2.

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

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THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

WRIT PETITION NO.6638 of 2026

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

This Writ Petition is filed by the Canara Bank against the order, dated 22.08.2025 passed in M.A.No.128 of 2024 in S.A.No.423 of 2023 on the file of Debts Recovery Tribunal, Visakhapatnam and seeking to quash the same as being illegal, arbitrary, violative of principles of natural justice and against to the object and provisions laid down under SARFAESI Act. Consequently, the petitioner prays to set aside the orders passed therein in the interest of justice.

2. Heard the learned counsel for the petitioner and the learned counsel appearing for respondents.

3. The 2nd respondent who is the borrower availed loan from the petitioner-bank and it was declared as NPA. Hence, the petitioner-bank initiated SARFAESI proceedings against him. Aggrieved by the same, the 2nd respondent filed S.A.No.423 of 2023 before the Debts Recovery Tribunal, Visakhapatnam. After service of proper notice and as there is no representation on behalf of the petitioner-bank, the Debts Recovery Tribunal, Visakhapatnam passed ex-parte order, dated 17.05.2024 allowing S.A.No.423 of 2023. Thereafter, the petitioner-bank filed an application seeking to set

aside the ex-parte order, dated 17.05.2024 passed in S.A.No.423 of 2023. Along with the said application, the petitioner-bank also filed an application *vide* M.A.No.128 of 2024 seeking to condone the delay of 142 days in filing the set-aside petition against the ex-parte order. After considering the material available on record, the Debts Recovery Tribunal, Visakhapatnam rejected the contention of the petitioner-bank and dismissed the M.A.No.128 of 2024 *vide* order, dated 22.08.2025. Aggrieved by the same, the present Writ Petition is filed.

4. Heard both sides. Perused the material available on record.

5. Admittedly, the facts are not in dispute. The 2nd respondent who is the borrower approached the Debts Recovery Tribunal by filing S.A.No.423 of 2023. On 05.09.2023, The Debts Recovery Tribunal issued notice to the petitioner-bank and directed to file counter with all documents by 06.10.2023. On 06.10.2023 one Smt K.Vedavathi, advocate offered to file vakalat on behalf of the petitioner-bank. Hence, for filing vakalat and to file counter, the case is posted to 09.11.2023. On 09.11.2023 at the request of the same advocate for filing counter it was adjourned to 12.01.2024. On 12.01.2024 in view of the resolution made by the members of the Visakhapatnam Bar Association to abstain from the Court work, the case is posted to 25.03.2024. On 25.03.2024 no one appeared on behalf of the petitioner-bank. The learned counsel who offered vakalat on behalf of the bank submitted that she has withdrawn the vakalat and she is no longer representing the petitioner-bank. No counter affidavit has been filed on behalf of the bank.

6. Accordingly, the Debts Recovery Tribunal debarred the petitioner-bank from filing counter and reply and posted to 19.04.2024 for final arguments. On 19.04.2024 after hearing the learned counsel for the applicant, as none appeared on behalf of the petitioner-bank, the matter is posted to 04.05.2024 'for orders'. On 04.05.2024 and 07.05.2024 as orders are not made ready, the matter is posted to 17.05.2024. On 17.05.2024, the Debts Recovery Tribunal allowed S.A.No.423 of 2023 ex-parte and recorded that the connected I.A's if any also stood disposed of.

7. Thereafter, the petitioner-bank filed an application seeking to set aside the ex-parte order, dated 17.05.2024. Along with the said application, the petitioner-bank also filed an application *vide* M.A.No.128 of 2024 seeking to condone the delay of 142 days in filing the set-aside petition against the ex-parte order. The said application has been dismissed *vide* order, dated 22.08.2025. While dismissing the same, the Debts Recovery Tribunal has opined that after giving sufficient time as there is no representation on behalf of the bank, the ex-parte order is passed. The Debts Recovery Tribunal further found that the long delay is not properly explained by the petitioner.

8. After considering the reasons assigned by the Debts Recovery Tribunal, Visakhapatnam while dismissing M.A.No.128 of 2024, wherein the petitioner-bank sought to condone the delay of 142 days, we are of the considered view that there is no infirmity or illegality in the order passed by the Debts Recovery Tribunal in view of the fact that the petitioner-bank has not shown any sufficient cause to condone the delay of 142 days sought in

M.A.No.128 of 2024. Besides this, the order of the Debts Recovery Tribunal can be assailed by filing an appeal before Debts Recovery Appellate Tribunal as per Section 18 of the SARFAESI Act and the petitioner can raise all his contentions before the Debts Recovery Appellate Tribunal. But without exhausting the alternative remedy of appeal provided under the statute, petitioner has filed the present Writ Petition by invoking Article 226 of the Constitution of India, which in our view is not maintainable.

9. For the aforesaid reasons, this Writ Petition fails and accordingly it is liable to be dismissed.

10. Accordingly, this Writ Petition is dismissed. It is open to the petitioner to avail remedies available under law to ventilate his grievance. There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

Dated: 17.07.2026

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THE HON'BLE SRI JUSTICE BATTU DEVANAND

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THE HONOURABLE SRI JUSTICE VENUTHURUMALLI GOPALA KRISHNA RAO

WRIT PETITION NO: 6638/2026

Dated: 17.07.2026

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