

Date of reserved for orders :

Date of pronouncement : 19.08.2026

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APHC010430402026



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

[3564]

WEDNESDAY, THE 19th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 23578/2026

Between:

1.YELISETTY KALYAN CHAKRAVARTHI, S/O. JAGANMOHANA RAO,
AGED ABOUT 42 YEARS, OCC BUSINESS, R/O. D.NO.29-10-15,
NARASIMHA RAO NAIDU STREET SURYARAOPETA, VIJAYAWADA
- 520002.

...PETITIONER

AND

1.THE DEBTS RECOVERY TRIBUNAL, REP BY ITS REGISTRAR 31-
31-21, SAI BABA STREET, NARAYAN BHAWAN, DABAGARDENS,
VISAKHAPATNAM- 530020

2.EQUITAS SMALL FINANCE BANK LIMITED, REPRESENTED BY ITS
AUTHORIZED OFFICER, 4TH FLOOR, PHASE-LL, SPENCER
PLAZA, NO.769, MOUNT ROAD, ANNA SALAI, CHENNAI - 600002.

3.M/S CHANDRA ARCADE, REPRESENTED BY ITS PROPRIETOR
SMT. BANDARU SIVA MALLESWARI, W/O. BANDARU SRINIVASA
RAO, R/O. D.NO.52-2-20, FLAT NO.207, ARUNA TOWERS, LOYOLA
COLLEGE ROAD, GUNADALA, VIJAYAWADA - 520008.

4.M/S SUNRISE CITY, REPRESENTED BY ITS MANAGING PARTNER
SRI BANDARU SRINIVASA RAO, D.NO.11-419, 11-418, KRISHNA
NAGAR, OLD CHECK POST CENTRE, KANURU, BANDAR ROAD,

VIJAYAWADA - 520007.

...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 a Writ, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the inaction of the 1st respondent in not disposing the S.A. No.630 of 2024 on the file of dept recovery tribunal, Visakhapatnam is illegal and arbitrary and contrary

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 direct the 1st respondent to dispose the S.A.No.630 of 2024 within a stipulated time which the court deems fit and consequently

Counsel for the Petitioner:

1.K V ADITYA CHOWDARY

Counsel for the Respondent(S):

1.

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.23578 of 2026

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

Heard learned counsel for the petitioner and perused the material available on record.

2. In view of the fact that we are going to dispose of this writ petition at the stage of admission with certain directions, which would not cause any prejudice to any of the respondents, we intend to dispense with notice to the respondents.

3. The petitioner herein is the auction purchaser of the secured property, which is the subject matter of S.A. No.630 of 2024 pending before the Debts Recovery Tribunal (DRT), Visakhapatnam.

4. The 2nd Respondent-Bank issued an E-Auction Sale Notice dated 25.02.2025 and conducted the auction on 18.03.2025, in which the petitioner emerged as the successful bidder for a total consideration of Rs.4,00,10,000/-.

5. Learned counsel for the petitioner submits that the petitioner is a bona fide auction purchaser of the commercial immovable property admeasuring 263.0 square yards situated in N.T.S. No.336, Revenue Ward No.9, Old Municipal Ward No.18, Present Municipal Ward No.23, Old Assessment No.2232, bearing Door Nos.27-19-47, 27-6-79 and 27-6-80, Governorpet, Vijayawada.

6. The petitioner remitted the entire sale consideration within the stipulated time to the 2nd Respondent-Bank. The sale was confirmed on

19.03.2025 and the Sale Certificate was issued on 02.04.2025 and the same was registered in favour of the petitioner on 23.04.2025. But, due to the pendency of S.A. No.630 of 2024 before the DRT, Visakhapatnam, filed by Respondent Nos.3 and 4 herein, possession of the property has not been handed over to the petitioner.

7. Learned counsel for the petitioner further contends that the petitioner filed interlocutory applications before the DRT, Visakhapatnam, in I.A. No.4586 of 2025, seeking appointment of Advocate Commissioner; I.A. No.4587 of 2025, seeking compensation/use and occupation charges on account of continued deprivation of the property; and I.A. No.4588 of 2025, seeking break-open and police aid for effective execution. All these interlocutory applications are also still pending before the DRT, Visakhapatnam.

8. Aggrieved by the inaction of the DRT, Visakhapatnam, in disposing of the interlocutory applications filed by the petitioner and also in keeping S.A. No.630 of 2024 pending for around two (02) years, the petitioner has approached this Court by filing the present writ petition.

9. The issue raised by the petitioner in this writ petition is no longer *res integra*. Already, this Court has, on several occasions, deprecated the delay in disposing the securitization applications, contrary to the time stipulated under the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

10. As per Section 17(5) of the SARFAESI Act, 2002, any application made under Section 17(1) shall be dealt with by the DRT as expeditiously as possible and disposed of within sixty (60) days from the date of such application. If, for any reason, the DRT is not in a position to dispose of the

application within sixty (60) days, the time may be extended by recording the reasons and in any case, the DRT shall dispose of the application within a period of four (04) months.

11. Admittedly, in the present case, the time stipulated under the Act has already expired long back. In view of the same, we intend to dispose of this writ petition at the stage of admission with a certain direction to the DRT, Visakhapatnam, to meet the ends of justice.

12. Accordingly, this writ petition is allowed with the following direction:

*“Respondent No.1, i.e., the DRT, Visakhapatnam,
shall dispose of S.A. No.630 of 2024 forthwith, by
following due process of law.”*

13. There shall be no order to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Date: 19.08.2026

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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
&
THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA**

WRIT PETITION No.23578 of 2026

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