Date of reserved for orders :
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Date of uploading :

APHC010492612026

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

SATURDAY, THE 19th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 26902 OF 2026

Between:

1. Sri Koti Babu Ramisetti,, occ Business S/o. Sambaiah Ramisetty, Aged about 52 years, residing at D.No.10/154-65-1-2, Rajendra Nagar, Gudivada Taluk, Krishna District, Andhra Pradesh -521301.

2. Smt. Vani Sree Ramisetti,, occ House wife W/o. Koti Babu Ramisetti Aged about 50 years, residing at D.No.10/154-65-1-2, Rajendra Nagar, Gudivada Taluk, Krishna District, Andhra Pradesh -521301.

3. Sai Jagath Ramisetti,, occ Student S/o. Koti Babu Ramisetti, Aged about 28 years, residing at D.No.10/154-65-1-2, Rajendra Nagar, Gudivada Taluk, Krishna District, Andhra Pradesh -521301.

...Petitioners

AND

1. HDFC BANK LIMITED, Regd. Office at, HDFC Bank House, Senapati Bapat Marg, Lower Parel West, Mumbai, Maharashtra -400013, Rep. by its Authorized Officer.

2. HDFC Bank Limited, Eluru Branch, IFSC HDFC0001641 Rep. by authorized Officer, Kranthi Kumar Reddy, office at D.No.25/11/1, Opp.

Mandal Office, Narasimha Rao Pet, Eluru, Eluru District, Andhra Pradesh - 534006.

...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 issue a writ order or direction, more particularly in the nature of Writ of Mandamus to declare the action of the 2nd Respondent herein in issuing a possession notice to the Petitioners, Ref.HDFC/8587123/13(4)/SEP-26, dated 09.09.2026 under section 13(4) r/w 8 of the SARFESI Act,2002 and trying to take physical possession of the Petitioners dwelling house property consisting of Ground plus Four Floors, admeasuring an extent of approximately 120.07 square yards, bearing Door No.10/62, situated in Survey No.253, Valivarthipadu Village, Gudivada Mandal, Krishna District, Andhra Pradesh, without considering the representation of the Petitioner as being irrational, illegal, arbitrary, in violation of Article 14 and 300-A of the Constitution of India, and in violation of the provisions of the SARFAESI Act, 2002 and Consequently set aside the possession notice dated 09.09.2026, Ref.HDFC/8587123/13(4)/SEP-26, issued by the 2nd Respondent

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 suspend the operation of possession Ref.HDFC/8587123/13(4)/SEP-26, notice, dated 09.09.2026, issued by the 2nd Respondent

Counsel for the Petitioners: RAVI KIRAN ARUKUTLA

Counsel for the Respondents:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO.26902 OF 2026

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

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

2. Learned counsel for the petitioners would submit that the 1st petitioner is the borrower and the 2nd petitioner is the co-borrower. They availed loan from the 2nd respondent-bank for acqaculture farming. The said loan account was declared as Non Performing Asset. Subsequently, the respondent-bank issued notice under Section 13(2) of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short 'the S.A.R.F.A.E.S.I Act'). The petitioners submitted representation within 60 days as stipulated under the provisions of the S.A.R.F.A.E.S.I Act on 03.08.2026.

3. The grievance of the petitioners is that without considering the said representation, the 2nd respondent-bank now issued possession notice under Section 13(4) of the S.A.R.F.A.E.S.I Act read with Rule 8 of the Security Interest (Enforcement) Rules, 2002 which is contrary to the provisions of the S.A.R.F.A.E.S.I Act and the rules therein.

4. Having examined the material available on record, this Court

prima-facie satisfied that the 2nd respondent-bank without taking any decision on the representation submitted by the petitioner on 03.08.2026 issued the impugned possession notice on 09.09.2026.

5. In view of the same, in our considered view, it is appropriate and desirable to dispose of this Writ Petition without going into the merits of the case, with a direction to the 2nd respondent-bank to consider the representation submitted by the petitioner on 03.08.2026, in accordance with law, and take appropriate decision within reasonable time to meet the interest of justice.

6. Accordingly, this Writ Petition is disposed of with a direction to the 2nd respondent-bank to consider the representation submitted by the petitioner on 03.08.2026 in reply to the notice issued under Section 13(2) of the S.A.R.F.A.E.S.I Act, as early as possible, preferably within a period of four (4) weeks from the date of receipt of a copy of this order. Till then, the 2nd respondent-bank shall maintain *status-quo* with regard to the secured asset(s). There shall be no order as to costs.

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

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Dated: 19.09.2026
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THE HONOURABLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO.26902 OF 2026

Dated: 19.09.2026
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