APHC010705022025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3564]**
(Special Original Jurisdiction)

WEDNESDAY, THE 14th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36236/2025

Between:

1. S VENKATA SAI MAHALAKSHMI, D/O. VARAPRASAD, AGED ABOUT 25 YEARS, R/O.D.NO.4-4-92, 2ND LANE, CHANDRAMOULI NAGAR, GUNTUR TOWN, GUNTUR DISTRICT, ANDHRA PRADESH - 522007

...PETITIONER

AND

1. THE STATE BANK OF INDIA, Rep. by its Authorized Officer, Gandhi Centre Branch, Sattenapalli, Palnadu District, Andhra Pradesh - 522403.

...RESPONDENT

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, direction or writ, more particularly one in the nature of Writ of Mandamus declaring the action of respondent bank in trying to sell through e-auction on 29.12.2025 our house property bearing Flat No.501, Sri Venkateswara Residency, of an extent 1185 Sq. feet situated in D.No.12 of Vaddavalli Village, 9th ward of Sattenapalli Municipality, for lesser value, without serving sale notice dated 24.11.2025 to me under Rule 8(6) of the Securitization Interest (Enforcement) Rules, 2002, without obtaining valuation of the auctioned property from an approved valuer as required under Rule 8(5) of the Securitization Interest (Enforcement) rules, 2002, without proper affixation.of sale notice on the subject property under Rule 8(7) of the Securitization Interest (Enforcement) Rules, 2002, without following due process and the inaction of the Debts Recovery Tribunal

(DRT),Visakhapatnam, in considering Securitization Application vide S.A.(IR) No. 770 of 2025 along with stay petitions, particularly in view of the imminent threat of creation of third-party interests through illegal auction as arbitrary, illegal, violative of provisions of the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI), violative of Securitization Interest (Enforcement) Rules, 2002, devoid of principles of natural justice and unconstitutional and consequently direct the respondent not to conduct sale through e-auction on 29.12.2025, until the disposal of S.A.(I.R) No. 770 of 2025 by DRT, Visakhapatnam and pass

IA NO: 1 OF 2025

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 pleased to stay all further proceedings pursuant to the sale notice dated 24.11.2025 of house property bearing Flat No.501, Sri Venkateswara Residency, of an extent 1185 Sq. feet situated in D.No.12 of Vaddavalli Village, 9th ward of Sattenapalli Municipality, pending disposal of writ petition and pass

Counsel for the Petitioner:

1. VINOD KUMAR PEMMASANI

Counsel for the Respondent:

1. C SUBODH

The Court made the following:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36236 OF 2025

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

Heard both sides.

2. Perused the record.

3. The Writ Petition is filed challenging the action of the respondent-Bank in taking steps to sell the secured asset through e-auction on 29.12.2025.

4. Learned counsel appearing for the respondent-Bank brought to the notice of the Court that, in the light of the interim orders passed by this Court on 24.12.2025, the auction proposed to be held on 29.12.2025 has been postponed. As such, no further adjudication is required with regard to the relief sought in this Writ Petition.

5. Learned counsel for the petitioner would submit that the petitioner approached the Debts Recovery Tribunal, Visakhapatnam, under Section 17(1) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, the "SARFAESI Act, 2002"), seeking to set aside all the measures, including the notices issued under Sections 13(2) and 13(4), read with Rules 8 and 9 of the SARFAESI Act, 2002, as being bad in law, and that the said S.A. is pending before the Debts Recovery Tribunal, Visakhapatnam.

6. Under these circumstances, we do not want to go into the further merits of the case.

7. Accordingly, the Writ Petition is disposed of with a direction to the Debts Recovery Tribunal, Visakhapatnam, to dispose of S.A.No.777 of 2025 as expeditiously as possible, by following the due process of law.

8. It is made clear that, during the pendency of the S.A., if the respondent-Bank proceeds to issue a fresh auction notice, it is open to the petitioner to ventilate their grievance before the Debts Recovery Tribunal, Visakhapatnam, if so advised.

9. There shall be no order as to costs.

As a sequel, all miscellaneous applications, if any, pending in this Writ Petition shall stand closed.

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BATTU DEVANAND, J

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TUHIN KUMAR GEDELA, J

Dated: 14.10.2026
MH/GSN

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THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36236 OF 2025

Dated: 14.10.2026

MH/GSN

HIGH COURT OF ANDHRA PRADESH : AT AMARAVATI

WRIT PETITION NO: 36236 OF 2025

PROCEEDING SHEET

SL. NO.	DATE	ORDER	OFFICE NOTE
	14.10.2026	**DEV, J & GTK, J** The Writ Petition is disposed of. (Vide Separate Order) **DEV, J** **GTK, J** MH/GSN	