APHC010526252026

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

THURSDAY, THE 15th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 28569 OF 2026

Between:

1. Vudutha Rajendra Prasad,, S/o. Late Mr. Vudutha Narasaiah, aged about 60 years, D.No.3-12-528/1, Yashaswi Heights, Flat No.5,S.V.N. Colony, Revenue Ward No.2, VTC-Guntur, Pattabhipuram, Guntur.

...Petitioner

AND

1. The Debts Recovery Tribunal, , Visakhapatnam. Rep. by its Registrar, Visakhapatnam.

2. Kotak Mahindra Bank Limited, Vijayawada Branch, D.No.29-4-19, Kodandaramireddy Street, Rehaman Park, Opp. Water Tank, Governorpet, Vijayawada - 520002, Rep. by its Authorised Officer

3. G Venkatappa Reddy, S/o. Venkateswara Reddy, Resident of Door No.52-1-8, Near Hanuman Towers, Veternary Colony. Gunadala, Vijayawada, NTR District-520008

...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 toissue an appropriate Writ, Order or Direction, more particularly a Writ of Certiorari, calling for the records relating to the order dated 22-09

2026 passed by the Debts Recovery Tribunal, Visakhapatnam in S.A.No.444 of 2026, and quash the said order insofar as the learned Tribunal rejected/dismissed the Joint Memo filed by the petitioner and the 2nd respondent secured creditor seeking withdrawal/cancellation of the auction proceedings/auction notice dated 19-06-2026 and directed continuation of the auction proceedings in favour of the auction purchaser, and consequently allow the the S.A. No.444 of 2026 as per the Joint memo dated 18-08-2026

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 dispense with the Certified Copy of the order dated 22-09-2026 passed by the Debts Recovery Tribunal, Visakhapatnam in S.A.No.444 of 2026

IA NO: 2 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 the order dated 22-09-2026 passed in S.A.No.444 of 2026 by the Debts Recovery Tribunal, Visakhapatnam pending disposal of the above writ petition

IA NO: 3 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 may be pleased to implead the implead Petitioner/ proposed Respondent No.4 herein as the Respondent No.4 in the above W.P. No. 28569 of 2026 and pass

Counsel for the Petitioner: KANADHI BHATLA SRINIVASA MURTHY

Counsel for the Respondents: PULLA REDDY Y Counsel for the Respondents:

The Court made the following order:

THE HON'BLE SRI JUSTICE BATTU DEVANAND

&

THE HON'BLE SRI JUSTICE TUHIN KUMAR GEDELA

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

This Writ petition is filed against the order dated 22.09.2026 passed by the Debts Recovery Tribunal, Visakhapatnam in S.A.No.444 of 2026.

2. Heard learned counsel for the petitioner and learned counsel for the 3rd respondent, who filed caveat.

3. Having heard the submissions of the learned counsel for the petitioner and the 3rd respondent and on careful perusal of the material available on record, it appears that the Debts Recovery Tribunal, Visakhapatnam passed an order dated 22.09.2026 in S.A.No.444 of 2026 basing on the joint memo dated 18.08.2026 filed by the petitioner and the 2nd respondent therein.

4. Section 18 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, reads as follows:

> **Section 18: Appeal to Appellate Tribunal:**
>
> Any person aggrieved, by any order made by the Debts Recovery Tribunal under section 17, may prefer an appeal along with such fee, as may be prescribed to the Appellate Tribunal within thirty days from the date of receipt of the order of Debts Recovery Tribunal."

5. Section 18 is not confined to appellant to prefer an appeal against final order passed by the Debts Recovery Tribunal in securitization proceedings. The language used in Section 18 clearly provides that any order made by the

order impugned in the present writ petition includes the language used in Section 18 “any order made by the Debts Recovery Tribunal”.

6. In view of the same, in our considered opinion, the order impugned in this writ petition is appealable order and the petitioner ought to have approached to the Debts Recovery Appellate Tribunal in accordance with law. The petitioner, without exhausting the alternate remedy of appeal, directly invoked the extraordinary jurisdiction of this court under Article 226 Constitution of India, which is not permissible as per the certain law.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

No orders is required in the implead petition.

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

JUSTICE BATTU DEVANAND

JUSTICE TUHIN KUMAR GEDELA

Dated: 15.10.2026

VBR/EV

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION No.28569 of 2026

Dated: 15.10.2026
VBR/EV