APHC010702912025

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

THURSDAY, THE 8th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36230 OF 2025

Between:

1. Nallagorla Srinivasa Rao,, S/o. Chennaiah, aged about 31 years, R/o D.No. 1-59/A, Old Tank 0pp. Road, Sivareddypalem, Guntur, Guntur District, Andhra Pradesh - 522509.

...Petitioner

AND

1. The Fedbank Financial Services Limited, Rep. by its Authorized Officer, Branch Office - 1-Town, Chitti Nagar, Upstairs of Alankar Bakery, 52001 Vijayawada, Andhra Pradesh.

2. The Debt Recovery Tribunal, Rep. by its registrar, Visakhapatnam, Andhra Pradesh-530020

...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 topleased to issue an order, direction or writ, more particularly one in the nature of Writ of Mandamus, declaring the action of the 1st respondent in initiating the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, proceedings under Section 14 by filing Crl.M.P. 768 of 2025 on the file of the Court of the Chief Judicial

Magistrate cum Principal Assistant Sessions Judge cum Principal Senior Civil Judge , Guntur without Section 13 (2) and (4) notices and inaction of the Debt Recovery Tribunals (DRT), Visakhapatnam, in considering I.A. No. 4441 of 2025 in Securitisation Application (SA) No.694 of 2025, particularly in view of the imminent threat of dispossession through illegal actions as arbitrary, illegal, capricious and violative of provisions of theSecuritization and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the Security Interest (Enforcement) Rules 2002, devoid of principles of natural justice and unconstitutional and consequently direct the respondent not to proceed further pursuant to the notice dated 07.11.2025 of the Advocate Commissioner as per the directions in Crl. M.P. No. 768 of 2025 of the Chief Judicial Magistrate, Guntur, till disposal of Interlocutory Application No. 4441 of 2025 in S.A.No.694 of 2025, 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 direct the respondent bank not to disposses or interfere with the peaceful possession of house property vide Door No.371, Municipal Assessment No.1021145071 situated in D.No. 1-59/A of Reddypalem Village, Guntur Municipal Corporation limits till disposal of Interlocutory Application No. 4441 of 2025 in S.A.No.694 of 2025, pending disposal of writ petition, 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 may be pleased to vacate the interim orders granted in I.A.No.1 of 2025 in WP.No.36230 of 2025 dated 24-12-2025 and dismiss the above referred writ petition and pass

Counsel for the Petitioner: VINOD KUMAR PEMMASANI

Counsel for the Respondents: VENKATA DURGA RAO ANANTHA

The Court made the following order:

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

&

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36230 OF 2025

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

Heard both sides. Perused the material available on record.

2. The petitioner availed a loan for an amount of Rs.20,90,001/- from respondent No.1-bank by depositing the title deeds of the immovable property belonging to his parents, who stood as guarantors. He paid the installments up to November, 2024. Due to loss, he could not pay the installments from November, 2024. The loan account was declared as Non-Performing Asset (NPA) on 04.01.2025. Thereafter, respondent No.1 initiated proceedings under Section 13(2) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for short, 'the S.A.R.F.A.E.S.I. Act').

3. The petitioner submitted his representation to consider his loan account for One Time Settlement (OTS) to discharge the entire debt. However, without considering the said representation, respondent No.1 issued notice under Section 13(4) dated 19.05.2025. Thereafter, respondent No.1-bank invoked Section 14 of the Act by filing Crl.M.P.No.768 of 2025 before the Court of the Chief Judicial Magistrate, Guntur. By order dated 05.11.2025, an Advocate

Commissioner was appointed. The Advocate Commissioner issued notice on 07.11.2025 to vacate the schedule property on or before 14.11.2025.

4. Thereafter, the petitioner approached the Debts Recovery Tribunal, Visakhapatnam, by filing S.A.No.694 of 2025. He also filed an interlocutory application *vide* I.A.No.4441 of 2025 seeking stay of further proceedings. The DRT, Visakhapatnam, without considering the said application, adjourned the matter. At that stage, respondent No.1-bank took steps to take possession of the property. Under those circumstances, the petitioner approached this Court by filing this writ petition.

5. Initially, this Court by order dated 24.12.2025, ordered interim stay of further proceedings including proceedings under Section 14 in Crl.M.P.No.768 of 2025 on the file of the Chief Judicial Magistrate-cum-Principal Assistant Sessions Judge-cum-Principal Senior Civil Judge, Guntur. The interim stay was extended from time to time till 17.07.2026. Thereafter, there is no extension of the interim stay at all.

6. Learned counsel for the respondent would submit that the petitioner, having approached the DRT, Visakhapatnam, by filing the Securitization Application, is not entitled to invoke Article 226 of the Constitution of India by filing this writ petition.

7. Learned counsel for the petitioner would submit that though the petitioner approached the DRT, at the first instance, along with the said

application, the DRT did not consider the said application and adjourned the matter from time to time. As and when the respondent-bank took steps to take possession of the property, and having been left with no other option, the petitioner approached this Court by filing this writ petition.

8. Having considered the facts and circumstances of the case, there is no dispute with regard to the facts of the case. Admittedly, the Securitization Application, i.e., S.A.No.694 of 2025, is pending before the DRT, Visakhapatnam, from the month of November, 2025. The said application filed by the petitioner is also pending without any orders. This Court, in several cases, ruled that the DRT, Visakhapatnam, has to dispose of the Securitization Applications in terms of the time stipulated under Section 17(5) of the SARFAESI Act, 2002.

9. Having considered the facts and circumstances of the case comprehensively, in our considered view, it is appropriate and desirable to dispose of this writ petition at this stage, without going into any further merits of the case, with a direction to the DRT, Visakhapatnam, to dispose of the Securitization Application pending on its file as expeditiously as possible, to meet the interests of both the parties.

10. For the aforesaid reasons, this writ petition is disposed of with the following directions:

i) The Debts Recovery Tribunal, Visakhapatnam, shall dispose of S.A.No.694 of 2025 as early as possible preferably within four (04) weeks from the date of receipt of a copy of this order.

ii) The petitioner and respondent shall cooperate for disposal of the said Securitization Application.

iii) Interim order granted by this Court on 24.12.2025 shall stand continued for a period of four (04) weeks from the date of receipt of this order by the DRT, Visakhapatnam.

11. There shall be no order as to costs.

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

BATTU DEVANAND, J

TUHIN KUMAR GEDELA, J

Dated:08.10.2026

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50

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT PETITION NO: 36230 OF 2025

Dated: 08.10.2026

TJN

HIGH COURT OF ANDHRA PRADESH::AT AMARAVATI

WRIT PETITION NO: 36230 OF 2025

PROCEEDING SHEET

Sl. No	DATE	ORDER	OFFICE NOTE
	08.10.2026	**DEV,J & GTK,J** This writ petition is disposed of. (Vide Separate Order) **DEV, J** **GTK,J** TJN	